

# Housing Regulation 2015

Explanatory notes for SL 2015 No. 101

made under the

*Housing Act 2003*

## General Outline

### Short title

*Housing Regulation 2015*

### Authorising law

Section 101 of the *Housing Act 2003*

## Policy objectives and the reasons for them

The purpose of the *Housing Regulation 2015* (the Regulation) is to continue to give effect to the provisions under the *Housing Act 2003* (the Act) relating to the provision of funded housing services and the administration of loan products.

The *Housing Regulation 2015* supports administration of the Act and the achievement of the Act's objects by prescribing the desired policy and service outcomes for funded delivery. The Regulation also includes the requirements for the administration of the Department of Housing and Public Works' housing loan products, applicable fees for home loan applications and consents, fees for the contracts register and prescribing the standard interest rate policy. These provisions are necessary to enable the ongoing management of the department's loan portfolio and the delivery of home lending products to clients.

The Regulation is consistent with best practice regulation principles as it prescribes the policy, funding and delivery outcomes for the provision of housing services rather than prescriptive requirements.

## Achievement of policy objectives

The purpose of the Regulation is to remake the *Housing Regulation 2003*. The policy objective of the Regulation is to help give effect to provisions of the Act that allow for the development and undertaking of housing-related activities, programs such as social housing and ancillary services and products such as housing loans.

The Regulation supports a system for the provision of funded services and loan products that is accountable and transparent and which helps to achieve the main objects of the Act. The Regulation prescribes the requirements relating to the provision of housing services for which a provider receives funding such as how a funded provider conducts its operations, how those funded services are delivered to clients and how the outcomes of funded service delivery are reported to the chief executive.

The Regulation requires a provider to only use funding or receipts that the provider receives for a housing service in a way that complies with the funding agreement for the service. The Regulation requires the return of unspent receipts and where there is accumulated unspent receipts the Regulation enables the chief executive to require the provider to return the funds. These measures help ensure transparency, accountability and effective ongoing use of funds for housing services.

The Regulation also helps to give effect to the chief executive's power to make loans and investments including giving financial or other assistance to individuals to obtain housing. This may involve helping an individual to buy or lease a residence, or obtain housing in another way, or to modify or maintain a residence.

## **Consistency with policy objectives of authorising law**

The Regulation is consistent with the main objects in section 4 of the Act which are to improve the access of Queenslanders to safe, secure, appropriate and affordable housing; and to help build sustainable communities.

## **Inconsistency with policy objectives of other legislation**

The Regulation is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

No additional costs will be incurred with the implementation of the Regulation.

The Regulation is the most efficient form of regulation as it provides transparency and accountability of the department's funding relationship with housing providers and tenants. The Regulation is based on best practice regulation principles as it prescribes the policy, funding and delivery outcomes for the provision of housing services rather than prescriptive requirements. The Regulation provides a level playing field for housing providers to deliver services for the department in Queensland and ensures housing providers can operate in more than one jurisdiction.

## **Consistency with fundamental legislative principles**

The Regulation is consistent with fundamental legislative principles in accordance with section 4 of the *Legislative Standards Act 1992*.

## **Consultation**

Consultation has been undertaken with the Department of the Premier and Cabinet, Queensland Treasury, and the Office of Best Practice Regulation (OBPR). All agencies consulted agreed with the proposed amendments.

The OBPR was consulted regarding the Regulatory Impact Statement (RIS) process. The OBPR advised that a RIS is not necessary for this regulation as the department had met the sunset review requirements of the Treasurer's RIS guidelines.