

Proclamation – Housing Legislation (Building Better Futures) Amendment Act 2017

Explanatory notes for Subordinate Legislation 2018 No. 136

made under the

Housing Legislation (Building Better Futures) Amendment Act 2017

General Outline

Short title

Proclamation to commence provisions of the *Housing Legislation (Building Better Futures) Amendment Act 2017*.

Authorising law

Section 2 of the *Housing Legislation (Building Better Futures) Amendment Act 2017*.

Policy objectives and the reasons for them

Section 2 of the *Housing Legislation (Building Better Futures) Amendment Act 2017* provides for the commencement of provisions of that Act which did not commence on assent, to commence on a day to be fixed by proclamation.

The purpose of the *Housing Legislation (Building Better Futures) Amendment Act 2017* (HLA Act) is to make amendments to the *Manufactured Homes (Residential Parks) Act 2003* (MHRP Act), the *Residential Services (Accreditation) Act 2002* (RSA Act), the *Retirement Villages Act 1999* (RV Act), the *Residential Tenancies and Rooming Accommodation Act 2008* (RTRA Act), the *Building Act 1975* and the *Housing Act 2003*. The policy objective of the amendments contained in the HLA Act are provided for in the explanatory notes accompanying that *Housing Legislation (Building Better Futures) Amendment Bill 2017* (HLA Bill 2017).

The overarching objectives of the HLA Act are to amend the MHRP Act, RSA Act, RTRA Act and the RV Act to ensure fairness and consumer protections for people who are either living in regulated accommodation or considering moving into these types of housing, while enabling the continued viability of these industries and sectors.

The implementation of the HLA Act is being commenced in stages to ensure important consumer protections are delivered as quickly as possible while allowing for broad stakeholder consultation and co-design in the development of processes, approved forms, notices and regulations arising out of the HLA Act.

The policy objective of this Proclamation is to commence certain provisions of the HLA Act relating to the RSA Act that are not yet in force. The HLA Act received Royal Assent on 10 November 2017.

Achievement of policy objectives

The policy objective of commencing provisions of the HLA Act not yet in force is achieved by providing for the proclamation of the following sections relevant to the RSA Act of the HLA Act on 1 September 2018:

- Sections 64, 65, 71, 75 and 76.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the objectives of the HLA Act.

Inconsistency with policy objectives of other legislation

The Proclamation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

Information about the benefits and costs of implementation was provided in the explanatory notes accompanying the HLA Act.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

There was general support from all stakeholders for the reforms in the HLA Act relating to the RSA Act that are to be commenced by the Proclamation.

In May 2018, the Department of Housing and Public Works sought feedback from peak bodies and community advocates on the development of supporting documents for the implementation of the HLA Act such as forms and notices. These stakeholders included Association of Residents of Queensland Retirement Villages; Community Legal Centres Queensland; COTA; Law Right; Leading Age Services Australia; Micah Projects; National Disability Services; National Seniors Australia; Property Council of Australia; Queensland Council of Social Services; Queensland Advocacy Incorporated; Queensland Alliance for Mental Health; Queensland Disability Network; Queensland Law Society; Supported Accommodation Providers Association; Tenants Queensland; and the Urban Development Institute of Australia.

The Office of Best Practice Regulation was not consulted as the Proclamation is of a machinery nature and falls within the agency assessed exclusion category (g) under the Queensland Government Guide to Better Regulation.