

Proclamation - *Manufactured Homes (Residential Parks) Amendment Act 2024* (commencing certain provisions)

Explanatory notes for Subordinate Legislation 2024 No. 118

made under the

Manufactured Homes (Residential Parks) Amendment Act 2024

General Outline

Short title

Proclamation commencing certain provisions of the *Manufactured Homes (Residential Parks) Amendment Act 2024*.

Authorising law

Section 2(2) of the *Manufactured Homes (Residential Parks) Amendment Act 2024* (Amendment Act) provides that part 2, division 4 and schedule 1 of the Amendment Act commence on a day fixed by proclamation.

Policy objectives and the reasons for them

The Amendment Act amends the *Manufactured Homes (Residential Parks) Act 2003* (MHRP Act). The Amendment Act was passed by Parliament on 23 May 2024 and received assent on 6 June 2024.

The Proclamation commences the following provisions of the Amendment Act:

- Section 30, which amends section 14A of the MHRP Act making consequential amendments to residential park disputes to reflect changes to the site agreement assignment process in the Act.
- Section 32, which amends section 25 of the MHRP Act to require site agreements to be in an approved form.
- Section 33, which replaces part 5, division 2 of the MHRP act with new sections 29-31M, introducing the simplified sales process.
- Section 33A, which amends section 34 of the MHRP Act to revise how sale agreements can be automatically terminated when site agreements are terminated, as part of the simplified sale process.
- Section 34, which removes part 7 of the MHRP Act containing the former provisions related to assignment of site agreements.

- Section 35, which inserts new section 55A of the MHRP Act, providing new definitions for buyer and seller.
- Section 36, which inserts new sections 56A-56C of the MHRP Act, establishing new requirements for sales, sale agreements and notice of sales, except to the extent that it commences s56B(1)(a) requiring sales agreements to be in an approved form.
- Sections 37-41, which amend sections 58, 62B, 62N, 62P and omits section 62O of the MHRP Act, to make consequential amendments that facilitate the staged implementation of reforms.
- Section 43, which amends section 69A of the MHRP Act to require new site agreements to use prescribed bases for increasing site rent.
- Section 44, which inserts new part 11, division 2A of the MHRP Act, requiring park owners to declare site rents for new site agreements in the Residential Park Comparison Document.
- Section 49, which inserts new sections 199-202 of the MHRP Act which are transitional provisions.
- Section 50, which replaces schedule 1 of the MHRP Act and establishes requirements for the disclosure document, including a head of power for additional information requirements to be prescribed by regulation.
- Section 51, which updates the dictionary of the MHRP Act.
- Schedule 1, which make consequential amendments to the *Fire and Emergency Services Act 1990* to reflect changes to the sales process.

Achievement of policy objectives

The policy objective is achieved by prescribing 6 December 2025 as the commencement date for the above provisions of the Amendment Act.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the objectives of the MHRP Act and Amendment Act.

Inconsistency with policy objectives of other legislation

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

Alternative ways of achieving policy objectives

There are no alternative means to achieve the policy objectives.

Benefits and costs of implementation

The reforms to commence by Proclamation are not expected to result in a significant cost burden on the residential park sector or on the capacity of government institutions. The amendments are expected to have a positive impact through simplifying the sales

process, reducing complexity and making it easier for home owners to understand their rights and obligations when purchasing a manufactured home.

This proposal is machinery in nature, as it is a Proclamation fixing 6 December 2025 for the commencement of certain provisions of the *Manufactured Homes (Residential Parks) Amendment Act 2024*. This proposal of itself does not result in a change to policy or new impacts on business, government or the community.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

On 19 February 2025 and 14 May 2025 the department wrote to key stakeholders, including peak bodies representing home owners, industry groups representing park owners, and legal advocacy groups, seeking feedback on the proposed timing for commencement of the relevant provisions.

Stakeholders were also provided with draft standard site agreement and sales agreement forms, a precontractual information disclosure document, and a consultation paper outlining proposed requirements to be prescribed in regulation supporting the commencement of the new requirements.

Key stakeholders consulted include the Alliance of Manufactured Home Owners, Queensland Manufactured Home Owners Association, Caravanning Industry Association of Australia, Caravan Parks Association of Queensland, Council on the Ageing, National Seniors Australia, Property Council of Australia, Queensland Law Society, Queensland Retirement Village and Park Advisory Service, and Urban Development Institute of Australia.

Stakeholder feedback on the required time to transition to the new requirements was diverse. Industry stakeholders mostly preferred a six-month transition period between proclamation and commencement whereas consumer stakeholders preferred a faster commencement.

The commencement date of 6 December 2025 will allow approximately 3 months preparation time from the date of proclamation, noting that the reforms being implemented through the Amendment Regulation will require less time and resources to implement due to deferral of the requirement for an approved form sales contract, than the reforms initially proposed.