

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

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Sam O'Connor, Minister for Housing and Public Works and Minister for Youth provide this human rights certificate with respect to the Proclamation of certain provisions made under the *Manufactured Homes (Residential Parks) Amendment Act 2024*.

In my opinion, the Proclamation, as tabled in the Legislative Assembly, is compatible with human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

On 6 June 2024, the *Manufactured Homes (Residential Parks) Amendment Act 2024* (Amendment Act) received assent. The Proclamation will commence certain provisions of the Amendment Act on 6 December 2025. The provisions to be commenced are:

- Section 30, which amends section 14A of the *Manufactured Homes (Residential Parks) Act 2003* (MHRP Act) making consequential amendments to residential park disputes to reflect changes to the 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 Pt 5, Div 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 Pt 7 of the MHRP Act containing 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) of the MHRP Act requiring sales agreements to be in an approved form and include information prescribed by regulation.
- Sections 37-41, which amend sections 58, 62B, 62N, 62P and omits section 62O of the MHRP Act, to make consequential amendments which 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 Pt 11, Div 2A of the MHRP Act, requiring park owners to declare site rents for new site agreements in the Residential Park Comparison Document
- Section 49, inserting new section 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 makes consequential amendments to the *Fire and Emergency Services Act 1990* to reflect changes to the sales process.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 HR Act)

The Statement of Compatibility which accompanied the Amendment Act concluded that the Amendment Act is compatible with human rights under the *Human Rights Act 2019* because it limits human rights only to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

This Proclamation does not engage or limit human rights.

Conclusion

I consider that this Proclamation to commence certain provisions of the *Manufactured Homes (Residential Parks) Amendment Act 2024* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

THE HONOURABLE SAM O’CONNOR MP
MINISTER FOR HOUSING AND PUBLIC WORKS
MINISTER FOR YOUTH