

Manufactured Homes (Residential Parks) Amendment (Postponement) Regulation 2025

Explanatory notes for Subordinate Legislation 2025 No. 31

made under the

Manufactured Homes (Residential Parks) Amendment Act 2024

General Outline

Short title

Manufactured Homes (Residential Parks) Amendment (Postponement) Regulation 2025 (the Postponement Regulation).

Authorising law

Section 15DA of the *Acts Interpretation Act 1954* (AI Act) provides that if a provision of an Act that does not commence on assent (postponed provision) has not commenced within one year of the assent day, it automatically commences on the next day (automatic commencement). Section 15DA(3) of the AI Act permits a regulation made within the year after assent, to extend commencement by up to two years from assent.

Part 2 of the *Manufactured Homes (Residential Parks) Amendment Act 2024* (the Amendment Act), which received assent on 6 June 2024, contains provisions scheduled to commence on 7 June 2025 if not commenced earlier by proclamation.

Policy objectives and the reasons for them

The policy objective of the Postponement Regulation is to provide additional time to prepare for implementation of the postponed provisions of the Amendment Act, including developing regulation and approved forms to support the reforms. These materials will be informed by stakeholder engagement.

Postponed provisions in Part 2 of the Amendment Act include:

- Amendments under clause 30 regarding residential park disputes.
- Amendments under clause 32 regarding requirements for residential park site agreements to be written and in the approved form.
- Amendments under clauses 33–45 regarding new requirements to streamline and simplify the sales process for manufactured homes and new site agreements between park owners and home buyers.
- Amendments under clause 46 regarding requirements for park owners to prepare and keep maintenance and capital replacement plans for each residential park, and give copies of these plans to home owners committees.

- Amendments under clauses 49–52 regarding replacement provisions in Schedule one, amendments to the dictionary and other matters.

These provisions contribute to achieving the objectives of the Amendment Act to provide for:

- Residential parks which are fair and transparent.
- A legislative framework which is contemporary and meets community expectations.
- Residential parks which are sustainable for home owners and park owners.

Achievement of policy objectives

The policy objectives of the Postponement Regulation are achieved by extending automatic commencement of postponed provisions for an additional 12 months to the end of 6 June 2026.

Consistency with policy objectives of authorising law

The Postponement Regulation is consistent with the objectives of the *Manufactured Homes (Residential Parks) Act 2003* and the Amendment Act as it does not result in a change to the policy objectives of the Amendment Act.

Inconsistency with policy objectives of other legislation

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

Alternative ways of achieving policy objectives

There is no alternative means of achieving the policy objective of extending the automatic commencement of postponed provisions under the Amendment Act by up to 12 months from the end of 6 June 2025.

Benefits and costs of implementation

The Postponement Regulation is not expected to result in any cost burden on the residential park sector, or on the capacity of government institutions. The Postponement Regulation provides additional time to develop and refine proposed regulatory reforms to streamline and simplify the manufactured homes sale process, improve the consistency of residential park site agreements and improve the transparency and accountability of residential parks regarding planned maintenance and capital replacement activity.

The Postponement Regulation is expected to contribute to consumer satisfaction and confidence and the transparency and accountability of the residential parks industry by allowing additional time for postponed reforms to be properly developed and implemented to ensure intended benefits are realised.

Consistency with fundamental legislative principles

The Postponement Regulation has been drafted considering the fundamental legislative principles outlined in section 4 of the *Legislative Standards Act 1992* and is consistent with these principles. Sufficient regard has been given to the rights and liberties of individuals and the institution of Parliament.

Consultation

The Department of Housing and Public Works has advised residential park stakeholders of the likely stages and timing for commencement of postponed Amendment Act provisions and will undertake further consultation with stakeholders on the regulations to be developed prior to the end of the extended commencement period.

The postponed reforms were the subject of previous detailed consultation through a Consultation Regulatory Impact Statement released for public feedback on 15 May 2023.

In response to the Consultation Regulatory Impact Statement, the department received over 2700 submissions, including more than 2650 submissions from home owners, 18 from park owners, 21 from consumer and industry representative groups and 24 others. Consultation workshops were also held across Queensland, including a forum for industry and its peak groups attended by 19 organisations, and 7 home owner workshops involving 226 participants.

Residential park consumer and industry representative groups include: the Alliance of Manufactured Home Owners, Queensland Manufactured Home Owners Association, Caravanning Industry Association of Australia, Caravanning Parks Association of Queensland, Council on the Ageing, National Seniors Australia, Property Council of Australia, Queensland Law Society, Queensland Retirement Village and Park Advice Service, and Urban Development Institute of Australia.