



New South Wales

Boarding Houses Bill 2012

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to provide for a registration system for certain boarding houses (to be called *registrable boarding houses*), and
- (b) to provide for certain occupancy principles to be observed with respect to registrable boarding houses and for appropriate mechanisms for the enforcement of those principles, and
- (c) to replace the existing licensing and regulatory regime for residential centres for handicapped persons in the *Youth and Community Services Act 1973* with a new licensing and regulatory regime for certain boarding houses (to be called *assisted boarding houses*) and their staff, including providing for service and accommodation standards at such boarding houses, and
- (d) to repeal the *Youth and Community Services Act 1973* and related legislation, and
- (e) to make consequential and related amendments to certain other legislation.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 sets out the objects of the proposed Act.

Clause 4 defines certain words, terms and expressions used in the proposed Act, including the following.

The term *boarding premises* is defined to mean premises (or a complex of premises) that:

- (a) are wholly or partly a boarding house, rooming or common lodgings house, hostel or let in lodgings, and
- (b) provide boarders or lodgers with a principal place of residence, and
- (c) may have shared facilities (such as a communal living room, bathroom, kitchen or laundry) or services that are provided to boarders or lodgers by or on behalf of the proprietor, or both, and
- (d) have rooms (some or all of which may have private kitchen and bathroom facilities) that accommodate one or more boarders or lodgers.

The term *Commissioner* is defined to mean the Commissioner for Fair Trading, Department of Finance and Services or, if no such position exists, the Director-General of the Department of Finance and Services.

The term *Director-General* is defined to mean the Director-General of the Department of Family and Community Services.

The term *proprietor*, in relation to premises, is defined to mean:

- (a) in the case of premises that are leased—a tenant or sub-tenant who is entitled to immediate possession of the premises, or
- (b) in any other case—an owner of the premises.

Clause 5 defines the term *registrable boarding house* to mean any of the following:

- (a) boarding premises that provide beds, for a fee or reward, for use by 5 or more residents (not counting any residents who are proprietors or managers of the premises or relatives of the proprietors or managers), which are referred to in the proposed Act as a *general boarding house*,
- (b) an assisted boarding house that is required to be authorised under Part 4 for it to be lawfully used as such under that Part, which is referred to in the proposed Act as a *regulated assisted boarding house*.

The proposed section also excludes certain kinds of premises from the definition of a *general boarding house*.

Clause 6 provides that the proposed Act does not operate to limit any requirement imposed by or under the *Environmental Planning and Assessment Act 1979*, the *Food Act 2003*, the *Local Government Act 1993*, the *Public Health Act 2010* or any other Act or law with respect to the use, or the provision of services to residents, of boarding premises.

Part 2 Registration of boarding houses

Division 1 Introductory

Clause 7 defines certain words, terms and expressions used in the Part.

Clause 8 provides that a registrable boarding house is *registered* for the purposes of the Part if the particulars of the boarding house are currently included in the Register of Boarding Houses kept by the Commissioner under the Part.

Division 2 Provision of information about registrable boarding houses

Clause 9 requires a proprietor of boarding premises that are used as a registrable boarding house to notify the Commissioner of certain particulars about the boarding house for inclusion in the Register of Boarding Houses to be kept by the Commissioner.

A proprietor who contravenes the proposed section will be guilty of an offence. The maximum penalty for the offence if committed by a corporation will be 100 penalty units (currently, \$11,000) or 50 penalty units (currently, \$5,500) in any other case.

Clause 10 requires a proprietor of a registrable boarding house to notify the Commissioner of the changes (if any) in particulars about the boarding house as at the end of the annual return period of the boarding house.

A proprietor who contravenes the proposed section will be guilty of an offence. The maximum penalty for the offence if committed by a corporation will be 20 penalty units (currently, \$2,200) or 10 penalty units (currently, \$1,100) in any other case.

Clause 11 requires the proprietor of premises that have ceased to be used as a registrable boarding house to notify the Commissioner of that fact within 28 days of the cessation.

A proprietor who contravenes the proposed section will be guilty of an offence. The maximum penalty for the offence if committed by a corporation will be 20 penalty units (currently, \$2,200) or 10 penalty units (currently, \$1,100) in any other case.

Division 3 Register

Clause 12 requires the Commissioner to keep a Register of Boarding Houses (*the Register*).

Clause 13 requires the Commissioner to record in the Register in relation to each registrable boarding house the particulars notified to the Commissioner under this

Part and Part 4 about the boarding house. It also enables the Commissioner to include other information in the Register.

Clause 14 requires the Commissioner to arrange for certain limited information about registrable boarding houses recorded in the Register to be made available to the public.

Clause 15 provides that the Register is evidence of any particulars recorded in it and enables the Commissioner and certain other persons to give certificates that are admissible in legal proceedings about certain matters recorded in the Register.

Division 4 Initial compliance investigations for registered boarding houses

Clause 16 requires the local council for the local government area in which a registered boarding house is located to arrange for an initial compliance investigation of the boarding house to be conducted within the period of 12 months after it is first registered or re-registered in the Register or after there is a change in the proprietors of the boarding house. A *registered boarding house* is a registrable boarding house that is registered for the purposes of the Part.

An *initial compliance investigation* is defined to mean an investigation into whether the registered boarding house complies with requirements imposed by or under the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979* with respect to the use of the boarding house, including (but not limited to):

- (a) requirements in relation to building and fire safety, and
- (b) relevant standards or requirements for places of shared accommodation for the purposes of Order No 5 (d) in the Table to section 124 of the *Local Government Act 1993*.

Clause 17 confers a power of entry on employees and other persons authorised by a local council (an *authorised person*) to enter premises of a registered boarding house for the purpose of conducting an initial compliance investigation.

Clause 18 enables an authorised person to exercise certain inspection and investigation powers on entering the premises of such a boarding house.

Clause 19 requires an authorised person to give written notice of the intention to enter premises, subject to certain limited exceptions.

Clause 20 enables an authorised person to use reasonable force to enter premises if authorised to do so by the council.

Clause 21 requires an authorised person to notify the council of an entry without notice or the exercise of reasonable force to gain entry. The council is then required to notify appropriate authorities of the entry.

Clause 22 requires an authorised person to do as little damage as possible when entering premises and to take certain other precautionary measures.

Clause 23 enables a council to charge and recover an approved fee under section 608 (Council fees for services) of the *Local Government Act 1993* for the conduct of an initial compliance investigation.

Clause 24 requires the council to pay compensation for damage caused by an inspection except if the inspection reveals a contravention of the proposed Act or any other Act.

Clause 25 requires the council to issue an authorised person with a written authorisation to enter premises. A power conferred by the Division may not be exercised without such an authority.

Clause 26 provides that nothing in the Division limits the exercise of powers or other functions by councils under the *Local Government Act 1993* or any other Act.

Part 3 Occupancy agreements and principles for registrable boarding houses

Division 1 Introductory

Clause 27 defines certain words, terms and expressions used in the Part and provides for certain other interpretive provisions applicable to the Part.

The term *occupancy agreement*, in relation to a registrable boarding house, is defined to mean a written or unwritten agreement:

- (a) that is between the proprietor of the boarding house (or a person acting on behalf of the proprietor) and a resident of the house (or a person acting as an authorised representative of the resident), and
- (b) under which the resident is granted the right to occupy, for a fee or reward, one or more rooms in the boarding house as a resident of the house,

but does not include a rental agreement between a proprietor and resident of a registrable boarding house (or any persons acting on their behalf).

The term *occupancy fee* is defined to mean an amount payable by or for a resident of a registrable boarding house for the right to occupy one or more rooms in the boarding house as a resident of the house during the term of an occupancy agreement.

Division 2 Occupancy agreements

Clause 28 requires the proprietor of a registrable boarding house to ensure that occupancy agreements entered into by the proprietor are in writing.

Clause 29 enables the Commissioner to approve standard forms of occupancy agreements.

Division 3 Occupancy principles

Clause 30 provides that the *occupancy principles* in relation to registrable boarding houses are those set out in Schedule 1.

The occupancy principles will apply for the purposes of the Division only in relation to residents of registrable boarding houses under occupancy agreements. The principles will not apply to a resident who is entitled to reside in a registrable boarding house under a rental agreement because rental agreements are excluded from the definition of *occupancy agreement* in proposed section 27.

The proposed section also enables the regulations to make provision for or with respect to:

- (a) what constitutes, or what does not constitute, compliance with the occupancy principles for the purposes of the Part, and
- (b) the issuing of guidelines for that purpose.

Clause 31 makes it a term of every occupancy agreement that:

- (a) a resident must be provided with accommodation in compliance with the occupancy principles, and
- (b) a resident must be given the notices, receipts or other information required by the occupancy principles, and
- (c) any notice, receipt or other information to be given to a resident under the occupancy principles must also be given to the authorised representative of the resident if the resident is a person with additional needs who has an authorised representative, and
- (d) the proprietor must exercise the proprietor's rights or powers under the occupancy agreement (including in relation to the collection, payment, retention and repayment of money) subject to any requirements of the occupancy principles.

Division 4 Enforcement

Clause 32 enables a resident or former resident of a registrable boarding house (or an authorised representative of a resident or former resident) or a proprietor or former proprietor of such a boarding house to apply to the Consumer, Trader and Tenancy Tribunal for orders to resolve a dispute about the application of the occupancy principles to the resident or former resident under an occupancy agreement.

Clause 33 enables a resident of a registrable boarding house to apply to the Consumer, Trader and Tenancy Tribunal for an order that the proprietor of the boarding house prepare and enter into a written occupancy agreement with the resident.

Part 4 Assisted boarding houses

Division 1 Introductory

Clause 34 sets out the objects of the Part.

Clause 35 defines certain words, terms and expressions used in the Part, including the following.

The term *authorised boarding house* is defined to mean an assisted boarding house with respect to which a boarding house authorisation is in force.

The term *authorised operator* of an authorised boarding house is defined to mean:

- (a) if the boarding house is a licensed boarding house—the licensee, and
- (b) if an interim permit is in force with respect to the boarding house—the interim permit holder.

The term *boarding house authorisation* is defined to mean a boarding house licence or interim permit granted under the Part.

Clause 36 defines a person to be a *person with additional needs* if:

- (a) the person has any one or more of the following conditions:
 - (i) an age related frailty,
 - (ii) a mental illness within the meaning of the *Mental Health Act 2007*,
 - (iii) a disability (however arising and whether or not of a chronic episodic nature) that is attributable to an intellectual, psychiatric, sensory, physical or like impairment or to a combination of such impairments, and
- (b) the condition is permanent or likely to be permanent, and
- (c) the condition results in the need for care or support services (whether or not of an ongoing nature) involving assistance with, or supervision of, daily tasks and personal care such as (but not limited to) showering or bathing, the preparation of meals and the management of medication.

Clause 37 defines an *assisted boarding house* to mean any of the following:

- (a) boarding premises that provide beds, for a fee or reward, for use by 2 or more residents who are persons with additional needs (not counting any persons with additional needs who reside there with their competent relatives),
- (b) boarding premises that are declared to be an assisted boarding house by a notice in force under proposed section 39.

The proposed section also excludes certain kinds of premises from the definition of an *assisted boarding house*.

Clause 38 defines who is a *close associate* of an applicant or authorised operator for the purposes of the Part.

Clause 39 enables the Director-General in certain circumstances to declare, by notice served on the relevant operator of boarding premises, that the premises to be an assisted boarding house.

Clause 40 enables the Director-General, by notice, to exempt premises and persons from the operation of some or all of the provisions of the Part or the regulations (whether conditionally or unconditionally).

Division 2 Authorisation of assisted boarding houses

Subdivision 1 Requirement for assisted boarding houses to be authorised

Clause 41 makes it an offence for a proprietor of boarding premises to use (or permit the use of) the premises as an assisted boarding house unless the premises are used in accordance with the authority conferred by a boarding house authorisation for the premises.

The proposed section also makes it an offence for a person to act as the manager of boarding premises that are being used as an assisted boarding house unless the person is an individual who is:

- (a) an authorised operator of the boarding house, or
- (b) an approved manager of the boarding house appointed by the authorised operator of the boarding house.

The maximum penalty for any such offence will be:

- (a) in the case of a corporation—120 penalty units (currently, \$13,200) and in addition, for a continuing offence, 20 penalty units (currently, \$2,200) for each day the offence continues, and
- (b) in any other case—60 penalty units (currently, \$6,600) and in addition, for a continuing offence, 10 penalty units (currently, \$1,100) for each day the offence continues.

Clause 42 provides for the use of boarding premises as an assisted boarding house to be authorised by the grant of either a boarding house licence or interim permit for the premises under the Part.

Clause 43 provides that a boarding house authorisation is subject to the following conditions:

- (a) any condition imposed on the authorisation by the proposed Act or prescribed by the regulations,
- (b) any condition imposed on the authorisation by the Director-General under the proposed Act.

The proposed section also makes it an offence for an authorised operator of an assisted boarding house to contravene a condition of the boarding house authorisation for the boarding house. The maximum penalty for such an offence will be:

- (a) in the case of a corporation—40 penalty units (currently, \$4,400) and in addition, for a continuing offence, 10 penalty units (currently, \$1,100) for each day the offence continues, and
- (b) in any other case—20 penalty units (currently, \$2,200) and in addition, for a continuing offence, 5 penalty units (currently, \$550) for each day the offence continues.

Subdivision 2 Boarding house licences

Clause 44 provides for applications for boarding house licences to be made to the Director-General.

Clause 45 enables the Director-General to carry out such investigations and inquiries in relation to a licence application as the Director-General considers necessary for a proper consideration of the application. These investigations and inquiries will include the conduct (or arranging for the conduct) of certain probity checks concerning the applicant, the applicant's close associates and proposed staff members.

Clause 46 provides for the circumstances in which the Director-General may (or may not) grant an application for a boarding house licence.

Clause 47 enables the Director-General to vary a boarding house licence (including any conditions imposed on the licence by the Director-General).

Clause 48 enables the Director-General to appoint a substitute licensee in certain circumstances.

Clause 49 provides for the circumstances in which the Director-General may (or must) cancel or suspend a boarding house licence.

Clause 50 enables a licensee voluntarily to surrender a boarding house licence. The proposed section also requires a licensee to surrender a licence if licensed premises cease to be used as (or ceases to be) an assisted boarding house. A failure to comply with the requirement will constitute an offence punishable by a maximum penalty of 20 penalty units (currently, \$2,200).

Clause 51 provides that a boarding house licence may be granted for a fixed term or for no fixed term and specifies when it ceases to be in force in either case.

Clause 52 provides that a boarding house licence is to be in the form approved by the Director-General.

Clause 53 requires the licensee of a licensed boarding house to ensure that a copy of the boarding house licence is displayed in a conspicuous position at the boarding house. A failure to comply with this requirement will be an offence punishable by a

maximum penalty of 10 penalty units (\$1,100) in the case of a corporation or 5 penalty units (currently, \$550) in any other case.

Subdivision 3 Interim permits

Clause 54 enables the Director-General to grant an interim permit to a person to use or continue to use specified boarding premises as an assisted boarding house on a short-term basis, including pending the determination of an application for a boarding house licence.

Clause 55 provides for the period for which an interim permit may be granted.

Clause 56 enables the Director-General to vary an interim permit (including any conditions imposed on the permit by the Director-General).

Clause 57 provides for the circumstances in which the Director-General may revoke an interim permit.

Clause 58 enables a permit holder voluntarily to surrender an interim permit. The proposed section also requires a permit holder to surrender an interim permit if the premises to which the permit relates cease to be used as (or ceases to be) an assisted boarding house. A failure to comply with the requirement will constitute an offence punishable by a maximum penalty of 20 penalty units (currently, \$2,200).

Subdivision 4 Approval of managers of assisted boarding houses

Clause 59 makes it a condition of a boarding house authorisation that the authorised operator must ensure that at least one approved manager is appointed by the operator to act as the manager of the assisted boarding house to which the authorisation relates if:

- (a) the operator is a corporation, body politic or trustee or holds the authorisation on behalf of an unincorporated body, or
- (b) the operator is an individual who is not acting (or does not intend to act) as the manager of the boarding house.

Clause 60 enables the Director-General to grant an approval (a *manager approval*) that authorises the person to act as the manager of a specified assisted boarding house.

Clause 61 provides for the circumstances in which the Director-General may grant (or refuse to grant) a manager approval.

Clause 62 provides that a manager approval may be granted for a fixed term or for no fixed term and specifies when it ceases to be in force in either case.

Clause 63 provides that a manager approval is subject to the following conditions:

- (a) any conditions imposed by the proposed Act or prescribed by the regulations,
- (b) any conditions imposed by the Director-General under the proposed Act.

Clause 64 enables the Director-General to vary a manager approval (including any conditions imposed on the approval by the Director-General).

Clause 65 provides for the circumstances in which the Director-General may suspend or revoke a manager approval.

Division 3 Compliance and enforcement

Subdivision 1 Enforcement officers

Clause 66 enables the Director-General to appoint enforcement officers for the purposes of the Part.

Clause 67 requires the Director-General to issue identification cards to the enforcement officers appointed by the Director-General.

Clause 68 makes it an offence for a person to hinder or obstruct an enforcement officer in the exercise of the officer's functions or to fail to comply with a requirement made by the officer under the Part. The maximum penalty for such an offence will be 100 penalty units (currently, \$11,000) in the case of a corporation and 50 penalty units (currently, \$5,500) in any other case.

Subdivision 2 Investigation powers

Clause 69 defines the expression *person involved in the management of an authorised boarding house*.

Clause 70 enables the Director-General to require a person involved in management of authorised boarding house to provide certain relevant documents concerning the boarding house.

Clause 71 enables the Director-General to require a person involved in the management of an authorised boarding house to answer questions about any matters in respect of which information is required for the administration or enforcement of the Part.

Clause 72 enables functions under the Subdivision to be exercised outside the State.

Clause 73 makes it an offence for a person, without reasonable excuse, to fail to comply with a requirement made of the person under the Subdivision. The maximum penalty for the offence will be:

- (a) in the case of a corporation—40 penalty units (currently, \$4,400) and in addition, for a continuing offence, 10 penalty units (currently, \$1,100) for each day the offence continues, and
- (b) in any other case—20 penalty units (currently, \$2,200) and in addition, for a continuing offence, 5 penalty units (currently, \$550) for each day the offence continues.

Clause 74 provides that self-incrimination is not an excuse for a failure to comply with a requirement under the Subdivision. However, information provided on

objection cannot be used in criminal proceedings against the person (except for providing false or misleading information).

Clause 75 provides that the Subdivision does not affect any functions conferred by any other provision of the proposed Act or by any other Act.

Subdivision 3 Powers of entry

Clause 76 enables an enforcement officer (and an assistant such as a medical practitioner) to enter and inspect any of the following premises for certain enforcement purposes without the need for a search warrant:

- (a) an authorised boarding house,
- (b) premises that are the subject of an application for a boarding house authorisation.

Clause 77 enables an authorised service provider, at any reasonable time and subject to the conditions of the authorisation, to:

- (a) enter an authorised boarding house for the purpose of conferring with any resident of the boarding house to determine whether the resident wishes to access the services provided by the provider or the organisation to which the provider belongs, and
- (b) provide such services, or arrange for the organisation to provide such services, if a resident wishes to access the services.

An *authorised service provider* is a person authorised by the Director-General for the purposes of the section on the basis that the Director-General is of the opinion that the person is able to provide relevant information or advice to residents of such boarding houses about support services, financial services, legal services or advocacy services provided by the person or the organisation to which the person belongs.

Clause 78 enables an enforcement officer (with the written consent of the Director-General) to apply for a search warrant for premises if the enforcement officer has reasonable grounds for believing that a provision of the Part or the regulations for the Part has been or is being contravened at the premises.

Subdivision 4 Compliance notices

Clause 79 enables the Director-General, if of the opinion that a person is contravening a provision of the Part or the regulations for the Part, to serve the person with a notice (a *compliance notice*) requiring the person to remedy the contravention within the period specified in the notice.

Clause 80 makes it an offence for a person, without reasonable excuse, to fail to comply with a compliance notice. The maximum penalty for the offence will be:

- (a) in the case of a corporation—40 penalty units (currently, \$4,400) and in addition, for a continuing offence, 10 penalty units (currently, \$1,100) for each day the offence continues, and

- (b) in any other case—20 penalty units (currently, \$2,200) and in addition, for a continuing offence, 5 penalty units (currently, \$550) for each day the offence continues.

Clause 81 provides that the issue, variation or revocation of a compliance notice does not affect any proceedings for an offence against the proposed Act or the regulations in connection with any matter in respect of which the notice was issued.

Subdivision 5 Operation of assisted boarding houses

Clause 82 makes it a condition of a boarding house authorisation for the authorised operator to ensure that the requirements of the proposed section concerning records are complied with.

Clause 83 requires the manager of an authorised boarding house, as soon as is reasonably possible after becoming aware of the following incidents, to report the incident to the Director-General:

- (a) the death of a resident of the boarding house,
- (b) the sexual assault (or the making of an allegation of sexual assault) of a resident of the boarding house,
- (c) the absence of a resident of the boarding house for a period of more than 24 hours if the resident has not informed the manager of his or her whereabouts,
- (d) such other incidents involving residents as may be prescribed by the regulations.

The manager must also report a death (or the sexual assault or the making of an allegation of sexual assault) of a resident to a police officer as soon as reasonably practicable after becoming aware of the incident concerned.

A failure to report such incidents will constitute an offence punishable by a maximum penalty of 50 penalty units (currently, \$5,500).

Clause 84 makes it a condition of a boarding house authorisation that the authorised operator must ensure that the requirements of the proposed section concerning the conduct and use of probity and criminal record checks on staff members are complied with.

Subdivision 6 Removal of persons with additional needs from unauthorised boarding houses

Clause 85 enables an officer or employee of the Department of Family and Community Services to require a parent or guardian of a person with additional needs under 18 years of age who is a resident in an unauthorised boarding house to remove him or her from the boarding house.

Clause 86 enables removal costs for persons with additional needs to be recovered from persons who have been convicted of using (or permitting the use of) unauthorised boarding houses.

Division 4 Review of authorisation, approval and enforcement decisions

Clause 87 enables applications to be made to the Administrative Decisions Tribunal for reviews of certain decisions made under the Part (including decisions refusing authorisations or approval and decisions to suspend, cancel or revoke authorisations or approvals).

Division 5 General

Clause 88 enables evidentiary certificates about certain matters concerning assisted boarding houses to be issued for use in legal proceedings.

Clause 89 enables the Director-General to require further information to be provided in connection with an application under the Part.

Clause 90 sets out general provisions concerning the making and effect of notices issued by the Director-General or an enforcement officer under the Part.

Clause 91 sets out regulation-making powers relating to assisted boarding houses.

Part 5 Miscellaneous

Clause 92 provides that the proposed Act binds the Crown.

Clause 93 enables a Minister administering the whole or any part of the proposed Act, the Director-General and the Commissioner (an *Act administrator*) to delegate their functions under the proposed Act.

Clause 94 permits the exchange of certain information between an Act administrator and certain government agencies in connection with the administration of the proposed Act.

Clause 95 makes it an offence for a person to provide any document or information or do any other thing in purported compliance with a requirement made by or under the proposed Act knowing that it is false or misleading in a material particular. The maximum penalty for the offence will be 100 penalty units (currently, \$11,000) in the case of corporations and 50 penalty units (currently, \$5,500) in any other case.

Clause 96 enables an Act administrator to apply to the Land and Environment Court for an order to remedy or restrain a contravention of a provision of the proposed Act or the regulations.

Clause 97 sets out general provisions with respect to the determination of liability for continuing offences under the proposed Act.

Clause 98 enables certain authorised officers to issue penalty notices for offences under the proposed Act and the regulations that have been prescribed as penalty notice offences under the regulations.

Clause 99 provides for offences under the proposed Act and the regulations to be dealt with summarily before the Local Court or the Land and Environment Court. The proposed section also provides for the time within which proceedings must be

commenced and requires Ministerial consent in most cases for the commencement of proceedings.

Clause 100 allows the use of circumstantial evidence in certain proceedings to find that particular premises are a general boarding house or assisted boarding house.

Clause 101 provides for the methods for giving or serving documents under the proposed Act.

Clause 102 provides for how documents are to be served, or given to or lodged with an Act administrator for the purposes of the proposed Act.

Clause 103 enables the Governor to make regulations for the purposes of the proposed Act.

Clause 104 repeals:

- (a) the *Youth and Community Services Act 1973*, and
- (b) the *Youth and Community Services Regulation 2010*, and
- (c) the *Miscellaneous Acts (Disability Services and Guardianship) Repeal and Amendment Act 1987* (which contains an uncommenced provision to repeal the *Youth and Community Services Act 1973*).

Clause 105 provides for the review of the proposed Act in 5 years.

Schedule 1 Occupancy principles

Schedule 1 sets out the occupancy principles applicable to registrable boarding houses that house residents under occupancy agreements.

Schedule 2 Savings, transitional and other provisions

Schedule 2 contains savings, transitional and other provisions consequent on the enactment of the proposed Act. In particular, the Schedule contains provisions to convert existing licences and permits under the *Youth and Community Services Act 1973* into authorisations and approvals under Part 4 of the proposed Act.

Schedule 3 Amendment of legislation

Schedule 3 amends the legislation specified in the Schedule consequent on, or related to, the enactment of the proposed Act.

In particular, **Schedule 3.6** amends the *Local Government (General) Regulation 2005* to apply the accommodation standards for certain places of shared accommodation set out in Part 1 of Schedule 2 to that Regulation to general boarding houses under the proposed Act.