

Department of Treasury and Finance



Notes on Clauses

Modular Housing Finance Guarantee Bill 2026

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| Clause 1 | Short title. |
| Clause 2 | Provides for the Act to commence on the day on which it receives Royal Assent. |
| Clause 3 | Defines terms used in the Act, including <i>approved builder</i> , <i>eligible lender</i> , <i>eligible loan agreement</i> , <i>eligible purchaser</i> , <i>modular home</i> and <i>Secretary</i> . |
| Clause 4 (1) | Provides that an authorised deposit-taking institution is an eligible lender if it meets the prescribed eligibility criteria. |
| Clause 4 (2) | Clarifies that different eligibility criteria may be prescribed for different classes of eligible lenders. |
| Clause 5 | <p>Defines an eligible loan agreement as an agreement between an eligible lender and an eligible purchaser for the financing of a modular home that is to be constructed or assembled in Tasmania by an approved builder and used as residential premises in Tasmania.</p> <p>The clause also requires the agreement to relate to a contract between the eligible purchaser and approved builder that covers all stages of construction, complies with any prescribed requirements, and is in a form and contains content approved by the Minister.</p> |
| Clause 6 (1) | Empowers the Minister to approve a person as an approved builder if satisfied that the person is a building services provider within the meaning of the <i>Occupational Licensing Act 2005</i> or holds any prescribed qualification, authorisation or approval, and meets any prescribed eligibility criteria. |
| Clause 6 (2) | Allows the Minister to impose conditions on an approval granted under this section. |
| Clause 7 (1) | Provides the Minister with general powers for the administration of the Act, including the power to make guidelines, approve forms, deeds and other documents, and take actions necessary or convenient for administration of the Act. |
| Clause 7 (2) | Requires the Minister to publish a list of approved builders, together with a summary of any conditions applying to those approvals, on the Department's website. |
| Clause 8 (1) | Empowers the Treasurer, on behalf of the State, to guarantee the repayment of money borrowed by an eligible purchaser under an eligible loan agreement. |
| Clause 8 (2) | Provides that a guarantee may not apply to principal amounts exceeding the prescribed maximum amount for an individual eligible loan agreement and that the Treasurer must not guarantee principal amounts that would exceed any prescribed aggregate limit. |

- Clause 8 (3) Provides that, before a guarantee is given, an eligible purchaser may be required to execute deeds or other instruments required by the Treasurer.
- Clause 9 (1) Provides for the Minister to authorise the making of a payment to an eligible lender under a guarantee where the payment is required by the guarantee or regulations and the lender requests payment.
- Clause 9 (2) Provides that payments under a guarantee may be made without further authority and are to be paid from the Public Account, which is appropriated accordingly.
- Clause 10 (1) Allows the Treasurer or Minister to delegate functions and powers under the Act to the Secretary, other than the power of delegation.
- Clause 10 (2) Allows the Secretary to subdelegate functions and powers, including functions and powers delegated to the Secretary by the Treasurer or Minister.
- Clause 10 (3) Provides that any sub delegation must be exercised subject to the conditions and limitations applying to the original delegation and any additional conditions imposed through the sub delegation.
- Clause 11 (1) Allows the Governor to make regulations for the purposes of the Act.
- Clause 11 (2) Provides examples of matters that may be addressed by regulations, including circumstances in which guarantees lapse, expire or become void, administrative processes for guarantee applications, and administrative processes relating to approvals under the Act.
- Clause 11 (3) Allows regulations to apply differently according to specified matters, limitations or restrictions.
- Clause 11 (4) Allows regulations to authorise matters to be approved, determined, applied or regulated by the Treasurer, Minister or Secretary.
- Clause 12 Assigns administration of the Act to the Treasurer and the Department of Treasury and Finance, until a provision for the Act is made under section 4 of the *Administrative Arrangements Act 1990*.