



We apologise for missing the June/July newsletter but we have all been very busy making the appropriate contacts regarding the Act review and attending expos, the most recent one of which was at Runaway Bay on the Gold Coast with outstanding results due to our ARPQ committee members. Special thanks must go to Ms Beryl Dwyer, Secretary, Ms Judie Dewar, Treasurer and Ms Barbara Oudt, Media Officer, these ladies worked very hard at the expo and for the ARPQ committee. Thank you.

Community Cabinet Meeting

Mr Don Ehrlich, our president accompanied by our secretary Ms Beryl Dwyer attended a community cabinet meeting at Stretton State College on the 4 August, the invitation to attend was organised by Mr Linus Power MP, member for Logan. During the meeting, Don and Beryl held a very constructive discussion with the Honourable Ms Leeanne Enoch MP Minister for Housing and Public Works and Minister for Science and Innovation regarding the *Manufactured Homes Residential Parks Act* (MHRPA) review.

The minister did ask why ARPQ had discontinued attending the Ministerial Meetings and once Don and Beryl had explained in detail the reason why, the minister fully understood our reasoning and expressed the view that the meetings were taking a long time to be finalised. Never the less, we believe very important changes are required to inject a fair balance of interest between park operators and home owners. The notes given to the Minister during the meeting are available to any of our ARPQ members by contacting David Paton on 38887696.

A Misconception by Park Operators

We have had a number of complaints about park operators restricting entrance to residential parks when it comes to home owners wishing to sell their homes privately or through an outside real estate agent of choice. This is a very serious issue and we invite any park operator to qualify such an action under the MHRPA.

Our view of this type of very questionable behaviour has been made clear to Government on several occasions in the past and at no time have we been told that we are wrong so we see no reason why we should not inform our members likewise.

It is the park operators, who at considerable expense, invite the public to position a home on a site on the park operators land under a perpetual lease agreement. That lease agreement according to section 57A of the *Property Law Act 1974* gives the lessee control of the property but not in title. This is confirmed in the MHRPA section 94 (2) (a) when it is made clear that under normal circumstances, not including site maintenance or service, the park operator must seek permission of the occupant of the site to enter the site.

Further, because the land has been leased under a site agreement to members of the public proper, the park ceases to be the private domain of the land owner and is open to the public. Therefore, any person with lawful business intent or visitation can enter the park at any time to attend occupants of a site and finally, the title given under the MHRPA as "park owner" is incorrect. Ownership is a collective noun and the land owner does not own the homes positioned on sites in the park which usually consist of around 80% of the park therefor at best, the land owner is a park operator only, not a park owner.

Considering the above then, if a park operator interferes with a home owners right to carry out normal business practices with outside agents of any kind, the park operator is in breach of section 5 of the MHRPA which states quite clearly that the Act does not remove any right or remedy that any person would have outside of the Act. Secondly, interference with rights and liberties could lead to deprivation of liberty as per section 355 of the *Criminal Code 1899*.

All that is said here has been said publicly before and at no time have we been informed that we are wrong. So now is the time for recalcitrant park operators to put their case - if they can.

A Calculated Risk

Here's one for the Act Review. When a park operator seeks a review to market it is very noticeable that most park operators show a marked reluctance to show how they have calculated the increase as per section 69 (2) of the MHRPA and unfortunately, the Tribunal exercises great sympathy for park operators with this dilemma. However, one enterprising park operator has discovered a unique method of explaining his calculations which deserves to be shared with all home owners living in residential parks. Observe and learn but also consider how the Cambridge English Dictionary explains the words "Calculated Risk" – *"a risk that is worth taking because the result, if it be successful, will be so good"*. And we all know it will be successful.

The enterprising park operator in question decided the best way to show ones calculations for a market review is to start by quoting the first few lines of introduction to section 69 of the MHRPA and then goes straight to section 70 (3) (a) to (l) by comparing site fees in other parks. Now section 70 is all about the home owners making application to the Tribunal and what action the Tribunal might take, it has nothing to do with how to show the calculations leading up to the increase. Not to be daunted by the requirements of the Act, our enterprising park operator proceeded to list all those parks that he felt his own park compared favourably with, hence, a brand new way of showing how to calculate site fee increases.

It is just as well that park operators are not bound by the MHRPA because there is a penalty for non-compliance.

It is interesting to note that in 2012-3 one of the largest law companies in the world, on behalf of the home owners of a mixed park living in manufactured homes, sought to have a special hearing in the Tribunal based on section 69 and the method of the calculations required for the so called review to market. The Tribunal refused the request for such a hearing. It prefers to deal with pensioner home owners. We can all wonder why!

The Commonwealth Government Rent Subsidy

There has emerged some very interesting research and comment by a group of our ARPQ members regarding the rent subsidy received by pensioner home owners living in residential parks. It is becoming obvious that many home owners have well and truly reached the threshold of the rent subsidy due to the convenient methodology applied by park operators to send site fees spiralling out of control and inflating fees beyond the real worth.

In discussion with our interstate colleagues this practice is not confined to the Queensland residential parks industry although some States do not have a stand-alone residential parks Act but consist of a mish mash of "guess where you fit in" legislation. However we are working together and all states seem to be tinkering now with reviews just as we are although, credit where credit due, Queensland seems to have the more productive review processes followed by NSW which for the last three years have been locked in discussion with a sound resolution yet to be established.

We will keep our members informed about the rent subsidy issue pending our people tapping into more informed sources that assist us from time to time.

Over 50s Lifestyle Magazine

This is a worthwhile read for us over 50s. We encourage ARPQ members to join the LIVE WELL CLUB to receive a free copy of the "Australian over 50s & Lifestyle" magazine. Register on line at www.livewellclub.com.au or for those members without computers you can phone 0405137097.

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