



We open this newsletter by saying G'day, a good old Aussie greeting because we seem to be losing our Aussie identity thanks to the economic and social vandals that have run our country for the last decade.

### The Ministerial Meetings

In our last newsletter we stated that we had not heard what was happening about the Ministerial Meetings and as would be expected, just after the release of the last newsletter, ARPQ received an email from the Department of Housing and Public Works (DHPW) informing us that the meetings would re-commence and that we were invited to participate. We discussed the invitation at committee meeting level and consulted some of our better informed members and it was decided to politely abstain from further meetings on the basis that we considered that the Government had more than enough information about the residential parks industry to complete the review of the Act.

This decision was based on the fact that both sides of parliament were more than familiar with the sad history of this industry, ARPQ had held regular meetings with the DHPW for about two years prior to the ministerial meeting, ARPQ had carried out our own survey the results of which was passed on the DHPW and the DHPW had carried out its own a very in-depth survey of the industry in 2013. We believe that it is pointless sitting around a table going over and over what was already known.

We are told that the government will be issuing a Consultation Regulatory Impact Statement (C-RIS) later this year.

### Site Agreements

We have received a number of complaints from members recently regarding the basic requirement relating to all the parties to an agreement actually signing the agreement. This problem occurs when a park operator sells off the interest of a park to another party. Home owners in one park report having three different companies claiming ownership of the park in the last nine years but the last two companies claiming ownership of the park have never been signatories to the original site agreements, meaning that only home owners must sign. Research indicates that such a situation renders the agreement null and void because only one party has signed the agreement and under common law of contract, great emphasis is placed on the importance of all parties to the agreement to sign.

It is true to say that contract law is very complex but there seems no reason not to apply basic requirements.

The answer to this situation rests in section 27 of the Act which states:

*"A successor in title of the park owner under a site agreement obtains the benefits, and is subject to the obligations, of the park owner in relation to the agreement".* A cosy little arrangement meaning that park operators (which is what they are) can come and go and just imagine the conglomeration of site agreements that must exist over time as new home owners move into a park. This is why this Act is a total shambles and favouring park operators.

We at ARPQ have come up with a solution to this anomaly by inserting another section into the Act for when a home owner sells their home positioned on a site in a residential park to another person or persons, it would read as follows:

*"The successor to a home legally owned by the vendor situated on a site in the park by binding agreement here and after called the site agreement, obtains all the benefits and is subject to the obligations of the previous home owner in relation to the agreement"*

How easy is that? Given a fair balance of interest between the parties, a new home owner purchasing an established home in a park is not subject to signing the agreement just the same as a new park operator.

Of course, the suggestion is rather silly but the Act for the most part as a legislative document is just a silly piece of nonsense, whether this was down to incompetence on the part of the legislators or deliberately contrived to favour park operators is for others to answer.

### Regulation

Regulation pertaining to an Act provides for a lot of detail within the statutory structure (Act) or framework and should give more detail of the Act and is enforceable. The *Manufactured Homes Residential Parks Act 2003* lacks such regulation. So when the act talks of "Standard Terms under Regulation" as per section 20 of the Act in relation to the site agreement and the standard terms it is wrong, there is no standard terms under regulation, otherwise the regulations would contain such information and they don't.

How do we know this is true? Because we have a letter to that effect from a large law company based in Eagle Street in Brisbane and also, confirmation of the Act having no standard terms under regulation as per a case heard in the Brisbane District Court of Appeal in May 2008. This really means that no standard terms exist in the Act so all we have really is a set of guidelines and the site agreement consists of special terms only and special terms can be contested under section 22 of the Act.

More importantly, the Tribunal must have known this all the time but its "Administrative" requirements must comply with government policy. We have all been stitched up.

### Broadening our Base

We are aware that many of our members do not wish to be involved with politics but remember that our whole lives are dominated by politics and not always for the better so we can all sit back and cop it sweet or at least try to fight back.

It is with this in mind that ARPQ is having talks with another seven seniors associations with the intention of forming a grand alliance to mutually protect our interests, such a group of aligned association gives us pensioners a very large and strong voice. We are all aware that big investment companies are taking over the residential parks industry based only on the money to be made off the backs of pensioners, they have the potential to destroy the residential parks industry and it will be home owners that will be the losers.

The residential parks industry is a great concept and regulated properly has the potential to bring much satisfaction to us all, we don't want to be treated like inmates and fools, all we seek is a contented lifestyle after a lifetime of work so we need to protect ourselves as much as possible. Our only weapon is our vote, hence the alignment with other seniors groups. Politicians do not like losing their seats and way of life. Our attempts to form a grand alliance is just the beginning.

### A Message from our ARPQ President Don Ehrlich

It is essential that all residential parks and villages have a strong home owners committee (HOC) and work for the home owners, that's your role. If you have difficulties in your park, join us at ARPQ, we are the largest residential parks home owners association in Queensland not funded by government, we carry no unwanted baggage and owe our allegiance to our members, not government. All it will cost you is \$10.00 per annum and we will keep you informed and with advocacy.

Our much valued treasurer Judie will be standing down at the end of this year but will remain on the committee. Judie runs her own bookkeeping business and is also studying to further her qualifications. We are seeking a replacement for Judie to take over the treasurer's job. We are looking for someone with a bookkeeping background and availability to a computer. Keep the brain active, it's good for you, contact Judie on 0417220747.

You're ARPQ Committee