



We endeavour to keep members informed with regular newsletters but as previously explained this year is special because of the revision of the Act and we devote much of our time to that venture. We have made a considerable contribution by way of submissions to the Department of Housing and Public Works (DHPW) and will continue to do so. We also intend to prepare a consultation paper to be distributed among our members with the intention of giving members a say in what they see as the main priorities for change. The result of which will be condensed and sent to the DHPW for their consideration in the revision instead of the government and park operators calling the shots every time.

Priorities

It is no exaggeration to say that if the present methodology pertaining to site fee increases is allowed to continue, the residential parks industry will be priced out of existence for the average person. The mythology surrounding the so called “*affordable alternative housing*” has long gone, assuming of course that it did ever exist after 2003. The main factors contributing to the current imbalance lay with the tribunal system that prevails backed by the *Manufactured Homes Residential Parks Act 2003* which openly regulates pensioner home owners in our so called “open market economy”.

The Tribunal

It is no secret that our submissions to the DHPW seeks to remove the Tribunal from making decisions that are 80% favourable to park operators at our last statistical analysis. The reason we advocate the removal of the Tribunal is because one lone lawyer presiding over the hearing is not qualified to make decisions that affect pensioner’s lives thereafter. These individuals are trained in the law and we argue that deciding a site fee increase is not a legal matter. Such matters exist in the realm of accountants, economists and residential experts. Interestingly, the QCAT Annual Report 2011 -2012 page 28 speaks of the tribunals “*Financial Assessment Team*” and yet leaves lone unqualified lawyers to make devastating assessments relative to site fee increases.

We have put forward a system of site fee increases for the future which forces park operators to negotiation first, followed by mediation if required and then to the *Residential Tenancies Authority* which is an existing statutory body geared for dispute resolution. This recommendation removes the unfair methodology of a twenty eight day notice for pensioners to pay up and argue about it later. The onus will fall to the initiator of the action, the park operator, to prove that the increase is necessary for the viability of the park.

Security of Tenure

We have also put forward a workable solution to the much argued security of tenure which has plagued the industry for far too long. We argue that when a park operator compares the park with a more upmarket park which they do under section 70 (3) of the Act to set the site rent, the lesser park places a false value on itself by comparing with a more up market park. What the lesser park is claiming is the same value of the older park with the newer park. This value established, if and when the lesser park seeks to redevelop and informs home owners that they must move out of the park, it is reasonable that the lesser park operator, based on the value of the lesser park, should compensate the home owners to the value that would see them able to purchase a home in the comparable park that has been used to increase the site rent. That would be fair and reasonable. The *Lands Acquisition Act* should always be the guide.

The National Body

As you will know the national body, the National Alliance of Residential Parks and Communities (NARPAC) is a reality, certain funding has taken place by way of grant and all the protocols are being put in place. By belonging to ARPQ, members have automatic membership of the national body. Our wish is for other Qld home owner associations to join NARPAC and get with the strength.

David Paton
Hon Sec