



Well the snap election has been and gone and we all know the result but basically, nothing has changed regarding Act review, we home owners living in residential parks are not important in the scheme of things. It has recently come to our attention that the ministerial meetings are not expected to deliver the fair balance of interest we asked for, the game of politics is to prevail.

Unfortunately, the calling of the election stopped the registration process of the Mature Age Party so candidates could not officially stand but now the other States have also taken up the banner, just watch the mid-term senate elections, we want representation on the floor of parliament, State and Federal.

Members will be aware of the farcical QCAT demand for home owners seeking to avoid uncontrolled hefty site fee increases to employ the services of a valuer as do the park operators. It is noteworthy that nowhere in either the *Manufactured Homes Residential Parks Act* or the *QCAT Act* is there a requirement for the services of a valuer. This whole fanciful requirement is a whim of QCAT because tribunal members know nothing of the rental industry, they are just run of the mill lawyers seeking a lazy way of getting another case out of the way in preparation for the Presidents Annual Report. "We gotta look good".

The good news for home owners is that one enterprising home owners association for a residential park or "resort haven" met the challenge, probably to the surprise of QCAT, employed the services of a valuer. They did this by all home owners making a monetary contribution to a fund to employ the services of a valuer and we must point out that the valuer was not one of the usual hacks employed by the park operators. This valuer is genuinely interested in the rorts that affect pensioner home owners living in residential parks and has real knowledge of the rental industry. Any of our members can get the details of the valuer by phoning David on 38887696.

From what we can glean from the information thus far gathered is that the cost to each home owner amounted to about one week's site rent so you see, it can be done. Of course the case in question has not yet come before the Tribunal and will be a new experience for this questionable regime. We will keep our members informed as to the outcome.

We have made the point before that once the home owners facing a market review under section 69 of the Act have complied with the questionable 28 days and payed the increase even though they intend to challenge the increase in the Tribunal. The actual amount of increase in question is not a legal issue. It is an issue for experts in the rental industry, accountants and economists not lawyers who lack such knowledge. We have made this point to the past LNP Government and we imagine that the government sat there with glazed eyes in wonderment.

To emphasise our point on this issue we know of one case in the Tribunal where the Tribunal member was actually a QC (Queens Counsel) and a home owner was explaining the "economies of scale" to the member who replied, "I'm a lawyer not an accountant", hence the home owner evidence was cut short and that's our point. Lawyers do not have the knowledge to understand accounting principles in any depth and have no

understanding of the rental market and therefore have no right to determine a site fee. This is another issue that needs attention. The Tribunal has far too wide discretionary powers for it to be an honest broker and is subject to less than honest intrusions.

Here is another issue that has come to light very recently. As home owners should know, that from the 1 December 2014 the LNP Government in its wisdom deregulated the real estate agents fees under the *Property Agents and Motor Dealers Act 2000* (PAMDA) this means that real estate agents are required to negotiate their commission with the vendor when listing the home for sale. **This amendment to PAMDA does not apply to park operators who sell homes in residential parks, the old real estate formula still applies and is clearly written on the front of form 9 “Selling authority”.**

We contacted the Department of Housing and Public Works and received back from Mr Damien Sammon, Director, Manufactured Homes (Residential Parks) Policy and Performance, confirmation that the deregulation of agent commission does not apply to manufactured home parks. Thank you Damien.

During this last week we received a complaint from one of our members that one park operator had told a living alone lady (prime target) that he could charge whatever he likes in commission for selling her home and his rate was 4% commission. It is noteworthy that licensed real estate agents are charging only around 3% commission so what we are seeing here is the same old story of misinformation by park operators to rip off aged pensioners which is a common practice in the residential parks industry.

The formula to be applied for park operators is:

### **61 Maximum fee under selling authority**

The park owner for a residential park must not, under a selling authority, charge a home owner a fee for the agency that is more than the amount, if any, prescribed under a regulation. Maximum penalty—100 penalty units.

The formula:

### **3 Maximum fee under selling authority—Act, s 61**

For section 61 of the Act, the prescribed amount is—

- (a) if the sale price of the manufactured home is not more than \$18000—5% of the sale price; or
- (b) if the sale price of the manufactured home is more than \$18000—\$900 plus 2.5% of the part of the sale price over \$18000.

It is heresy that the offending park operator blocked out the formula on the Form 9, copied the document and gave the copy to the home owner.

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