

**Review of Manufactured Homes Residential Parks Act 2003 (the Act)****16 August 2017****Overview:**

Over the years we have been able to glean exactly how government works. We went through the long drawn out process of the original 2007 review that was sanctioned by parliament in 2010 and passed into law in March 2011. The current review which should have been started in 2010, will, hopefully be law by the end of 2017 just in time for the State Election to follow. We are aware of government procedure.

We have taken what we consider the most important sections of the Act that government unfairly gloss over in favour of park operators. The role and economic contribution made by seniors to the residential parks industry is completely put aside as unimportant by this government. For the last four years of talking with government representatives and ministers, all we have asked for is a fair balance of interest between land owner and home owner and we have constantly been assured that this balance of interest would be a main feature of this review. It would now seem that we have been deliberately misled by this government. The Premiers bold statement that appeared in the Sunday Mail on 9 July about **New laws to protect seniors** now casts doubt over the Premiers personal credibility which flows to the credibility of the whole of this State Labor Government.

Further, the combining of the whole retirement and rental industry under the one banner of **Housing Legislation (Building Better Futures) Amendment Bill** may seem a little optimistic pending an election and possible change of government. We can but live in hope. This legislation has always been Labor Party legislation.

**Objects of the Act – Section (4)**

We choose to start with the objects of the Act for two reasons:

1. Further to the Premiers bold statement of the 9 July 2017 which appeared in the Sunday Mail as **“New laws to protect seniors”** and which went on to proclaim greater protection for home owners living in residential parks. We would point out that the objects of the Act since 2004 has always contained protection and indeed fair trading for home owners. Unfortunately, these protections in actual practice have never been applied. Government would know this if it has been paying any real attention to the residential parks industry. The Premier and the Government would do well to exercise care in their public statements.
2. What is really required in the objects of the Act is the complete adherence to the “Fair Trading Act” which includes “Unfair Contracts” this would give some credibility to the Act and curb the appalling behaviour of park operators. Home owners then could take unfair behaviour to the ACCC thus removing QCAT for obvious reasons and would indeed give greater protection for home owners.
3. The Office of Parliamentary Counsel which is responsible for drafting Australian government legislation has noted that: *“Objects provisions give a general understanding of the purpose of the legislation. Other objects provisions set out general aims or principles that help the reader to interpret the detailed provisions of the legislation”*. Food for thought, let’s do things properly shall we?