



18 August 2017

As stated in our first submission dated 16 August 2017 our foremost requirement is obtaining the promised “fair balance of interest”. Nothing less will suffice. The residential parks industry has been fraught with problems from the very start purely because of the privileged considerations granted to park operators via the legislation. This privileged status has been the basis of all the problems reported by home owners in these parks and which the government is well aware of.

Before continuing, we would like to recall a conversation back in 2010 between the then Minister for the Office of Fair Trading, the department responsible for the administration of the “*Manufactured Homes Residential Parks Act*” at the time. The then minister was the Hon. Peter Lawler MP and the following is a part of a conversation between the Minister and an elderly lady at a park north of Brisbane. The lady in question has since passed on but she was complaining about what was happening in her park. She then asked the Minister, “*How would you like it if it was your mother*”? The Minister answered thus: “*Lady, I wouldn’t put my mother in one of these places*”. There is a moral to this story, think on it.

A fair balance of interest embraces the rights of individuals in a free society and no contractual agreement can lawfully remove those rights. Such issues embrace:  
*The selling of one’s own property, the lease agreements and complete compliance with the Fair trading Act.*

#### **Leasing a site in a residential park:**

There appears to be an attitude within the legislative processes that on the development of a residential park that near enough is good enough when it comes to identifying site boundaries and any special or irregular features of a site.

Section 28 of the Act “Written agreement” SS (4) (e) states: *precisely identify the site*. No park operator does this, they openly breach the Act and the administrators of the Act conveniently look the other way. Lessees are lucky just to get the site number which can and do cause problems among home owner (case details are available).

Identifying a site should not be a problem, Compliance with land identification applies to all leased and owned land. The wording of the Act as above must apply.

Subsection (4) (e) must be adhered to by the lessor. The word “*precisely*” means just that.

Example: *Precise - exactly defined, highly accurate and conforming strictly to a standard.*

A site therefore must give its true location in a park, its size in square metres, identifying pegs or fencing and any other extraordinary features of the site and the actual position of the home. This is standard practice for leasehold property. Just because the lessees are seniors/pensioners does not remove legal and standard practice.

Do it and get it right. No legislator would accept less than the required standard for themselves. Because we are seniors does not mean we are worthy of less consideration.

ARPQ Committee.