



24 August 2017

Act review – The surrounds

The word surrounds refers to government departments such as the Residential Services Unit (RSU), the Queensland Civil and Administrative Tribunal (QCAT) - under the guise of the Department of Justice and the private - Parks and Villages information Link (PAVIL).

In light of the review, it is imperative that these outer links relative to the Act be discussed because all is not well and hereunder, we espouse why and the usefulness of each relative to the dispute regime. This too is very important to the review disputation referral.

RSU:

The Government department charged with the task of administering the Act, i.e. breaches of the Act by home owners and park operators, although the overwhelming trend relative to breaches of the Act lay with park operators. The main concern of home owners is that the RSU displays perhaps some interest at times to serious breaches of the Act by park operators but that interest soon becomes silence. Just silence.

There exist speculation that the silence following genuine complaints is associated with the Government's obsession to protect park operators. Thus silence is the best option.

If this sounds insulting to the Government, then the Government have created this impression themselves through the RSU and its obvious reluctance to pursue issue of breach by park operators. We should not have to demonstrate again the protection of park operators by government. Only government can fix this stated impression by letting the RSU do its Job.

QCAT:

What more can we say about this entity that has not already been said in our ARPQ 2012 review of the QCAT Act. At the end of our submission, we identified six cases where the QCAT members had openly abused their position and indirectly penalised home owners. The worst of these cases was the *Tamahori v Roofly Pty Ltd*. We do not intend to highlight this miscarriage of justice again, it is with the current Attorney General. In hindsight, Mrs Tamahori's life was ruined and she has never regained her own dignity and financial self-reliance. In practice, this government owes this lady \$155,000.00 in compensation.

It is of interest that the review of the QCAT Act has never surfaced, to the effect, that a further review took place in 2014 to which ARPQ contributed. In our submission of 2014 we emphasised the lack of discretionary powers exercised by QCAT members. When the QCAT Act states that members are not bound by the rules of evidence and can inform themselves as per section (28) of the Act, discretionary powers must be exercised.

PAVIL:

As far as home owners are concerned, the money gifted to Caxton's Legal Service is a total waste. No home owner has ever felt that PAVIL has been of any assistance. All home owners are told is consult a lawyer.

ARPQ Committee