

PARK RULES

WHAT IS PERMITTED?

and

WHAT ISN'T!

We are constantly amazed by some of the draconian Park Rules that Park Owners have or try to introduce to their Parks, to the extent that in many cases they attempt to override the rights of Home Owners.

We are also amazed by Park Owners failing to follow the laid down procedures for the amendment of Park Rules.

Under Part 13, Section 77 (2) of the *Manufactured Homes (Residential Parks) Act (the Act)*, a Park Owner may make rules about the use, enjoyment, control and management of the Park. However, such Park Rules can **only** be made about:

- (a) the use and operation of the communal facilities; and
- (b) the making and abatement of noise; and
- (c) the carrying on of sporting and other recreational activities; and
- (d) the speed limits for motor vehicles; and
- (e) the parking of motor vehicles; and
- (f) the disposal of refuse; and
- (g) the keeping of pets; and
- (h) other things prescribed under a regulation.

Other than as permitted above, Park Rules cannot be made about the use of individual Home Sites or about Home Owners' behaviour.

In this issue:-

◆ Park Rules—what is permitted?	1
◆ New Committee member	1
◆ President's Corner	2
◆ Building a better ARPQ	2
◆ Shortfalls in the new Act	3
◆ Our AGM	4
◆ Electricity Account Relief	4

In particular, the Park Owner has no authority to restrict the access, number, frequency or length of stay of visitors (including house sitters) and we believe has no legal authority to charge additional fees for visitors.

Park Rules may be amended from time to time as long as the process for changing Park Rules as outlined in Part 13, Sections 77 – 85 of the Act is strictly followed.

If not, any proposed changes have no effect and cannot be enforced by the Park Owner as made clear in Part 13, Section 85 of the Act.

Where a Park Rule:-

exceeds or contravenes the provisions of the Act, or:-

seeks to undermine the rights and protections of Home Owners under the Act or any other legislation,

We believe the legislation takes precedence and the Rule is considered to have no effect and cannot be enforced by the Park Owner.

In conclusion, it is worth mentioning that under the amendments to the Act that are currently awaiting commencement, a Park Owner is required to display the current Park Rules on the park notice board or indicate how a copy can be obtained.

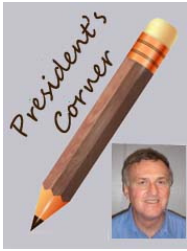


One member has answered our call — ARPQ welcomes new Committee member, **GEOFFREY HALL**

Geoffrey was born and educated in Canberra, spending over 23 years in the Commonwealth Public Service, mainly with Customs.

He moved to Brisbane in 1977 in private enterprise in various capacities.

He moved to Bremer Waters, Moores Pocket in 2006 and subsequently became involved with village life, including MHA, Site Agreements and has represented their HOC at QCAT hearings.



SALE OF PRE-LOVED MANUFACTURED HOMES

The commonest complaint we receive from members is that Park sales staff have no incentive to sell pre-loved homes and therefore put little effort in trying to do so especially when they are also selling new homes in their Park for which they get greater financial reward.

When faced with this situation, the first thing to bear in mind is that although under the Manufactured Homes (Residential Parks) Act, you **may** appoint the Park sales staff as your sales agent, they must be properly authorised to act on your behalf (not the Park Owners) via signing the Form 9 as issued by the Department of Housing and Public Works.

What's important about this Form is that unlike most agreements for selling conventional real estate, this

authority is non-exclusive and the Park sales staff can only demand payment of commission if they are the person **directly responsible for bringing about the sale of your house**.

Consequently, you can also approach others such as real estate agents to try to sell the house, if you can find one that is prepared to do so. You might also want to consider Dennis Ring at www.over50sresorts.com.au or list yourself on 'Gumtree', or in the real estate section of your local newspaper.

Selling Manufactured Homes is never easy and we believe it is important to have 'as many irons in the fire as possible'. You can do this as long as you make sure all agreements you sign are as per the Form 9 (ie non-exclusive or 'open listings').

PULLING TOGETHER to BUILD A BIGGER AND BETTER A.R.P.Q.

I think everyone will agree that there is an urgent need to develop the strongest possible Home Owners advisory and advocacy service to try to match the power and strength of Residential Park Owners, most of whom are 'hard-nosed' profit driven commercial entities.

This is the only way to redress the many imbalances that currently exist in the Residential Parks sector. As the current peak organisation providing such services to current and prospective Home Owners in Residential Parks across Queensland, ARPQ is the only organisation that can fill this role.

However, we are currently limited by circumstance in what we can do. As per our Constitution, ARPQ is managed by a Management Committee of seven volunteers (one position currently vacant) elected annually in accordance with the requirements of the Associations Incorporation Act.



ARPQ NEEDS YOU!

We have no other staff and all work is currently performed by the member volunteers who make up the Committee.

Even with a full complement of seven, there is plenty to do to keep everyone busy.

However, we are now faced with the extra work involved in being a member of the Governments BCC initiative.

A considerable effort will need to go into not only preparing and distributing written material, but also in running meetings for Home Owners in individual parks or at regional centres for groups of Parks across the whole State. We therefore need additional help and are specifically looking for volunteers in the following areas:

- **Membership of the Management Committee** – As mentioned our website, we currently have one vacancy on our committee and would welcome approaches from interested persons to assist with the general administration of our association, and/or Home Owners advocacy;

Continued page 3

**PLEASE NOTE:- ALL PAYMENTS NOW TO BENDIGO BANK,
BSB—633 000 ACCOUNT— 158853051**

PULLING TOGETHER TO BUILD A BIGGER AND BETTER A.R.P.Q.—*continued from page 2*

- **Assistance with preparation of Information Resources and Community Education** – Under the BCC initiative, we need help in the preparation of resources, its printing, collating and distribution as well as in spreading the word by facilitating and/or participating in such activities as seminars, briefing sessions and peer led education and discussion sessions;
- **Regional Coordination Officers** – Your Management Committee is in the early stages of a process of trying to establish regional coordinators/sub-committees to assist with the communication and coordination tasks in remoter and regional areas of Queensland, however we cannot take that further without the names of those prepared to carry out the role;
- **Additional Park Liaison Officers** – Finally, in some Parks, especially those where there is large ratio of members who for some reason do not have access to email and internet. Park Liaison Officers have been appointed to help with membership coordination and information dissemination. We undoubtedly need more.

If you are interested in helping us to help you more, or in growing our organisation to what it can and should be, please contact one of the Management Committee (refer our 'Contacts' webpage).

As I have said before — and will probably say again,
“please do not be backward in coming forward!”

GET INVOLVED IN IMPLEMENTING THE HOUSING LEGISLATION (BUILDING BETTER FUTURES) AMENDMENT ACT 2017

As you may know, the Queensland Government is working to improve consumer confidence in regulated accommodation through changes to the Manufactured Homes (Residential Parks) Act 2003, Residential Services (Accreditation) Act 2002 and the Retirement Villages Act 1999.

Our organisation has been invited by the Department of Housing Public Works to be a member of the Consultative Group for the Housing Legislation (Building Better Futures) Amendment Act 2017.

We attended a meeting recently and received a progress update from staff from the Department of Housing and Public works.

Attending this meeting and participating in this group continues our involvement in the consultation process on the new legislation.

Soon we will be asked to comment on materials that are required to implement the new legislation. This will include notices, forms, operational policies and regulations.

This is also your opportunity to have your say. In order to represent your views, we will need your feedback on the practical application of these materials.

As a group we discussed the need for stakeholders including organisations such as ours to have adequate time to circulate these materials, balanced with the department working to strict deadlines to meet to progress implementation of the legislation.

The department has published a timeline which outlines the program of works required to change the legislation at www.hpw.qld.gov.au/housingstrategy

The consultative group was also briefed on the Departments' funding of five organisations to conduct consumer advocacy and support activities.

This will ensure that residents of regulated accommodation, including retirement villages, residential (manufactured home) parks and residential services, understand their rights and can represent their interests to village operators, service providers and park owners, and to government.

We will continue to update you on the consultative process and we look forward to you taking an active role in ensuring the new legislation meets the practical needs of our members.



**ARPQ
NEEDS
YOU!**

YOUR ANNUAL GENERAL MEETING

We are pleased to advise that the Hon. Michael (Mick) de Brenni, Minister for Housing and Public Works; Minister for Digital Technology and Minister for Sport has accepted our invitation to speak at our Annual General Meeting (AGM).

You will note (see stop press) that the date has been changed as he was unavailable on our originally selected date.

This your chance to hear the LATEST update on the implementation of the "new" Manufactured Homes Act, which governs our Life. An official notice of meeting and invitation will follow in due course, BUT

MAKE A NOTE IN YOUR DIARY NOW!

STOP PRESS

CHANGE OF DATE

Please Note

Our 2018 AGM will now be on **Tuesday, 9th October**, 9.30am in the Bethania Community Centre, Station Road, Bethania (same Place as last year). For those not wishing to drive the Centre is approximately 400m from the Bethania railway station (Beenleigh line).

Memo to ARPQ members and residents in Manufactured Homes Parks **ELECTRICITY ACCOUNT RELIEF**

On the 29th April 2018, The Minister for Natural Resources, Mines & Energy, Hon. Dr. Anthony Lynham, issued a press release relating to the State Government's **Affordable Energy Plan**, *precis of which follows:-*

In October 2017, as part of the Affordable Energy Plan, we committed to delivering a direct \$50 Asset Ownership Dividend to all households over the next two years. This will provide a total of \$100 (in 2018 and 2019) to assist Queensland households with their energy costs.

Customers do not need to apply for the \$50 credit - it will be automatically applied to all open residential electricity accounts as at 30 April 2018. The credit will appear on customers' next electricity bill after this date, with timing dependent on individual billing cycles.

Households that do not receive an electricity bill directly from a retailer, such as in an

**Many thanks to Logan Council's
Bethania Community Centre**

For use of a meeting room during the year and the main Auditorium for our AGM.

Bethania Community Centre has rooms for hire, just contact Chris on (07) 3805 2687



energy on-supply situation where electricity is supplied and sold by an exempt seller (e.g. a Body Corporate, residential park or retirement village) and communities using a Card Operated Meter for their energy supply will also receive the Electricity Asset Ownership Dividend. However, implementation for these customers will differ slightly.

Exempt sellers have been requested to identify their eligible households with their retailer to ensure that the retailer provides them with a bulk credit as at 30 April 2018. The exempt seller, or exempt seller's billing service provider, will then be responsible for providing the \$50 dividend to each resident on their next bill.

Card Operated Meter customers will be provided a \$50 power card credit from Ergon Energy through their rechargeable power card. This process will happen as part of the scheduled meter upgrade occurring in these communities through to June 2018, with those communities that already have a new meter to receive the credit through their next recharge after 30 April 2018. Remaining communities will receive the credit after their new meter is installed.

What to do:-

If you are in an "on supply" situation and have not received the \$50 dividend, contact your Park Owner/manager, confirm your home is listed as an "Eligible Household", and request payment.