



Associated Residential Parks Queensland Inc.

ABN 24 359 567 567

*Advice & Advocacy for home owners in
Residential (Manufactured Home) Parks*

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The Queensland Human Rights Commission
City East Post Shop
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BY EMAIL – adareview@qhrc.qld.gov.au

14th March 2022

Submission to the Review of Queensland's Anti-Discrimination Act 1991

Dear Sir/Madam,

We refer to the QHRC website with respect to the review of the Anti-Discrimination Act 1991 (the AD Act). We acknowledge that responses contributing to the review closed on 1 March 2022. We regret that we were unable to respond by the closing date and hope that you will accept our submission.

Associated Residential Parks Queensland (ARPQ) is widely recognised as the peak organisation in Queensland representing and protecting the interests of home owners in Residential and Mixed Dwelling Parks. We are a non-profit member funded volunteer organisation.

ARPQ provides a range of advocacy and advisory services to its members in their dealings with park owners and managers and government agencies. In this context we bring a balance of fairness between park owners and home owners under the Manufactured Homes (Residential Parks) Act, 2003. This is a casual mention of the Act. No need for 2003 – unless you also want to include the enactment date and more.

As part of our work advocating for the rights of home owners in Residential Parks, we assist and are contracted to the State Government, under the Building Consumer Confidence Initiative, which operates the “Right Where You Live” program. This program seeks to increase home owner understanding of the *Manufactured Homes (Residential Parks) Act 2003* and improving capacity for people to represent their interests to park owners and managers.

We have a substantial interest in the discrimination against aged persons through our work with the members of ARPQ. I believe we are and must be concerned about the discrimination against older persons i.e. elder abuse – which comes in many forms.

ARPQ has had recent discussions with Urban Development Institute of Australia, Queensland branch (the Institute). The Institute has kindly provided us with its letter to you of 1 March 2022 together with the submission – UDIA Queensland Submission – Review of Anti-Discrimination Act.

We fully endorse the UDIA's submission, particular in relation to the current requirements for the onerous exemption requirements under the AD Act, viz a viz, the provisions of the Retirement Villages Act 1999, which provides for "positive discrimination" on the basis of age. While the financial and legal framework under the Retirement Villages Act and the Manufactured Homes (Residential Parks) Act are quite different, the advantages and benefits in day to day living in villages and parks is almost identical in practical terms.

The demographic profiles of retirement village residents and manufactured home park residents are similar. This is a statement from PRD research. I don't believe it is offensive. It is accurate.

Comparing Retirement Villages and Manufactured Home Parks there are no major physical differences in housing size and standard and also no appreciable differences in the size and extent of community facilities. Villages and parks are both run by a management and maintenance teams. However, it still stands that the financial structure of Manufactured Home Parks is considered by many to be more attractive for prospective buyers.

There are more similarities than differences between Retirement Villages and Manufactured Home Parks, yet Retirement Villages have the comfort to its owner and its residents in having the right to positively discriminate on the age of residents whereas Manufactured Home Parks do not have that ability.

In addition to our support of the Institute's submission, we submit the following:

1. Manufactured Home Parks are commonly referred to as "over 50's" or "over 55's resorts" by the park owner/developers, the real estate industry, home owners and, in the following context, the Queensland Government Department of Housing –

a) Understanding manufactured homes and residential parks, Residential parks, Manufactured homes are found in various types of residential parks:

- *mixed-use ...*
- *purpose-built—these parks are made up of manufactured homes exclusively and are often targeted at the **over-50s age group**.*

Refer to-

<https://www.business.qld.gov.au/industries/service-industries-professionals/housing-accommodation/managing-manufactured-homes/understanding>

b) The Queensland Government Open Data Portal, Communities, Housing and Digital Economy – Residential Parks with Manufactured Homes recorded with the Department of Communities, Housing and Digital Economy, which includes the reference “*List of locations manufactured home parks, residential parks, mixed use parks, over 50’s living.*”

Refer to <https://www.data.qld.gov.au/dataset/residential-parks-manufactured-homes-department-of-communities-housing-and-digital-economy>

2. Manufactured Home Park owners invariably refer to their parks in marketing and advertising as “over 50s resort” or “over 50s lifestyle communities”. The following are examples only (including web page addresses):

a) ***Welcome to Stockland Halcyon over 50s Communities.***

https://www.stockland.com.au/residential/qld/aura/for-sale-at-aura/over-50s-living?utm_source=Google&utm_medium=SEM&utm_campaign=LLC_QLD_Aura-Thrive_FY21-Q2_LAM&utm_content=Generic_Exact&utm_term=over_50s_living

b) Thyme Lifestyle Resort Hervey Bay - ***A modern lifestyle resort for fun-loving over 50s.***

https://herveybay.thyme.com.au/?gclid=CjwKCAiAg6yRBhBNEiwAeVyL0F69M1rD2YRo-eVUo-HMhtY28oof7FIk-oWdPrR_FjnQZDzul6f2hxoCp-4QAvD_BwE

c) Solana 1770/Agnes Water - ***Over 50's Lifestyle Resort.***

https://www.solana-1770.com.au/?utm_source=google_search&utm_medium=ppc&utm_id=brochure&campaignid=16046782743&adgroupid=135540678409&gclid=CjwKCAiAg6yRBhBNEiwAeVyL0Nqnm9GChX4FcqOk9mAL4yhsRSjLV5RZ0WbBIL09loF4WorDxuLNeBoCnikQAvD_BwE

d) Ingenia - Welcome to Freshwater at Burpengary East, ***Over 50s lifestyle community.***

https://freshwater.ingenialifestyle.com.au/?gclid=CjwKCAiAg6yRBhBNEiwAeVyL0A0vapzr9eZDv3Ld5UIXEO8ZcTJwdnLM5BHBi71auKh0Ed9gmpSqmhocm9sQAvD_BwE

e) ***GemLife is luxury resort living for the over-50s.***

<https://www.gemlife.com.au/>

f) Hometown Australia Communities - ***Find your ideal over 50's* communities in Australia. *Hometown Australia has a range of communities for over 50's and over 55's.***

<https://hometownaustralia.com.au/communities/>

It is our understanding that very few, if any, park owners currently have an exemption under the AD Act to positively discriminate on an age basis.

3. We would speculate that the vast majority of home owners in residential parks are unaware of the requirements of the AD Act and its potential effect on their Manufactured Home Park if strictly implemented. The vast majority, if not all, home owners are over 50 and either self-funded retirees or dependant on a Government pension or some other form of assistance. In the main, they are retired, vulnerable and elderly people seeking a safe and stress-free environment in which to live and recreate.

4. It is incongruous that compliance with the AD Act would demand that Manufactured Home Parks be opened up to persons under 50 or 55 years of age when it is the stated policy of the Queensland Government to promote the growth of Manufactured Home Parks for older Queensland. We refer to the Manufactured Homes (Residential Parks) Act 2003, Division 2 Objects of the Act and relationship with FTI Act, section 4 - **Objects of Act**, which states, in part:

(3) The following are also important objects of this Act—

(a) encouraging the continued growth and viability of the residential park industry in the State;

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Manufactured Home Park site rents have spiralled over the last 10 years or so and this is likely to be exacerbated by the influx of younger persons with their greater earning potential. This greater income will have a detrimental effect on the range of site rents payable to the disadvantage of pensioners or self-funded retirees. Agree to change.. The relevance is that we are already suffering from excessive increases in rent and this will be exacerbated. There is currently a high demand for manufactured homes in parks in Queensland from seniors looking to downsize and join a community of like-minded people.

The future for these vulnerable home owners would become even more clouded if younger persons started to inhabit Manufactured Home Parks, as they are currently entitled to. Presently, very few parks have the protection of an exemption from the AD Act to disallow younger persons to live in Manufactured Home Parks. It is a major concern of our members that with the incursion of a younger demographic, fewer seniors will look to buy into these parks with a resultant collapse of home prices.

If we might borrow from QCAT Member Dr Bridget Cullen in Caloundra Gardens Village Body Corporate Committee [2012] QCAT 98:

The trouble with teenagers

[7] There is a further reason that the Caloundra Gardens residents desire to restrict occupation to those over 50. The residents submit that the absence of younger persons, and teenagers in particular, will positively impact residents aged 50 years or older should the exemption [to the AD Act] be granted. They complain of noise, the overtaking of the pool and recreational areas to the exclusion of the over-50s, and less careful use of common equipment leading to more frequent repairs.

[8] I dare to suggest that there are many areas of life where the teenage combination of raging hormones, modern fashion and unfathomable music is such as unwelcome. This, I am reasonably certain, is the reason that some shopping centre managers play classical music, as a deterrent.

It is not a good mix!

Our members and other home owners chose to live in a manufactured home park because they are able to socialise with people of a similar age. That is not surprising given that they are likely to have shared interests and common perceptions of life in retirement. It would be a travesty if younger persons were to intrude on our retirement plans.

It is for these reasons that we implore the Queensland Human Rights Commission to support an inclusion such as Section 26 of the Retirement Villages Act 1999 (Qld) that allows park owners to positively discriminate on the basis of age.

We are impressed by the good work of the Queensland Human Rights Commission. We believe communities can also benefit from positive discrimination, particularly if this is to the benefit [Already fixed] of older Queenslanders.

Yours faithfully,

Dr Roger Marshall, Ph.D, M.Ed.

President