

QUESTION!

How many Over 50's Residential Parks are there in Gold Coast, Queensland

(see answer on Page 3)

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Restricting entry to residential Parks to those "over 50" automatically means that Parks are discriminating against those under 50.

This has been the Practice for many years with many Parks advertising "Over 50's" resorts and completely ignoring the legal requirements re discrimination.

To correct this anomaly, Parks need to get approval under the Anti Discrimination Act but this approval does entail significant costs.

Did some Parks conclude the "industry" is basically controlling the Government and they don't have to worry or did they have a "nod & a wink" from "UNoHoo"

With the delay in review of the Manufactured Homes Act, we are beginning to wonder!

The Qld Anti Discrimination Commissioner is now involved in this matter, and it is noted that "over 50's" references are now being removed from Parks' advertising material.

According to the report, the Anti-Discrimination Commission has recently disallowed three applications for the special dispensation and be allowed to claim the status of an over 50s development.

The main concern for park operators now is that they **will not be allowed to discriminate against younger persons** entering a park as a resident.

In simple terms, the Government appoints the Ant-Discrimination Commissioner and the government wants to open up the cheaper housing market.

Existing home owners living in a residential park as a retirement venue, were never consulted; nor was ARPO!

This has always been the main theme of this industry.

The full report can be accessed on the ARPO website under "Latest Developments" top right hand side of front page.

OVER 50s- NO MORE!

Those home owners now living in claimed over 50s villages without special dispensation via the Anti-Discrimination Commissioner obtained by the park operator can no longer feel safe from new younger residents entering the park.

This information comes from a document headed up by ThomsonAdset, a leading

international architecture company and Knight Frank a national real estate company.

The document also mentions opinion by Hopgood Ganim lawyers representing residential park operators.

The story is that **park operators can only claim a park as over 50s if the park operator has made application to QCAT under the Anti-Discrimination Commission Qld.**

Many home owners living in residential parks will be aware of this but many will not.

***THE
L—O—N—G
AWAITED
ACT REVIEW...***

Latest Bulletin –

Labor MP **Shannon Fentiman**, *Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence* has taken our case on board and is speaking on our behalf to Caucus.

We have been promised by the Housing Department that our Act review will be presented this month (March) for discussion and following that to Parliament.

Mick de Brenni, *Minister for Housing and Public Works and Minister for Sport* is the Minister responsible for the Manufactured Homes Act but has been very quiet of late and March has been and gone!

We have not been quiet.

We have been pushing for the review any way we can. i.e. by lobbying:-

- Ministers
- The Labor Party hierarchy, and
- Public servants in the Housing Department.

Our efforts are ongoing; we will never give up!

We suggest you help us (and yourselves) by **contacting your local State Member** of Parliament

**PARK OPERATORS
DON'T WIN**

— ALL THE TIME! —

1. Park Operator fined for breach of Section 99A — charging of utilities

A long awaited case has come to fruition with the Residential Services Unit (Department of Housing) successfully prosecuting a park operator who had been overcharging for power.

This operator was fined \$15,000 plus reimbursement to homeowners of overcharges going back several years.

The operator did not appeal within the time allowed and this conviction now stands.

NB: It is noted that **one lone lady** homeowner came forward to push this case through with the Residential Services Unit, and as such, she will be the only Homeowner in her park to be reimbursed.

No one else in that park will be reimbursed as they were **NOT a party to the hearing** and court ruling.

She is to be congratulated for standing up to be counted.

This is not the first time that reimbursements (or adjustments) are restricted to the party/ Parties to the hearing and Court ruling.

THE LESSON: WE MUST ALL STICK TOGETHER TO ACHIEVE THE DESIRED RESULT!

2. Home owner allowed to rent home — as provided in Site Agreement

Another Homeowner had a win in Court in relation to renting out her home.

Despite this clause being in her Site Agreement, the Park Operator fought her before she finally prevailed. It took her 4 years of continually appealing and fighting, **BUT SHE WON!**

The person renting her home for a short period was also an ex homeowner in this same park and had no record of anything classed as obnoxious or unlawful, as claimed by the operator.

WE CONTINUE TO HELP OUR MEMBERS, BOTH INDIVIDUAL AND HOME OWNERS COMMITTEES (HOC'S)

Since the commencement of the New Year we have travelled to seven Parks between the Gold Coast and northern Sunshine Coast to promote ARPQ with information and to meet socially with members.

On two occasions we have assisted with the formation of new Home Owners Committees—HOC's

We also attended two meetings with Politicians.

More invitations have been received from HOC's and members for us to visit their parks and expand on the role of ARPQ.

We can attend a HOC meeting, or more informally on a separate occasion.

Talks to date have been quite fruitful for all concerned. At these meetings we can also troubleshoot and give advice on your rights or concerns.

Don't forget we can draft letters for you to be submitted to management or Park Owners.

Some recent problems that have been addressed at various parks are:-

- ◆ The usual site fee increases CPI and Market Value.
- ◆ Park Rules as per the Act.
- ◆ Validity of a Home Owners Committee within the Act.
- ◆ Purpose of a Social Committee.
- ◆ On Site Managers responsibilities.
- ◆ Tree intrusion upon your site.
- ◆ Setting up a Homeowners Committee as per the Act.
- ◆ Underground water issues.
- ◆ Homeowner's rights to sell their home as they wish.
- ◆ Entry to Parks by visitors/agents.
An appointed agent cannot be denied entry to a Park to carry out an inspection or sell a home.

We have noticed several matters concerning sale of homes in residential parks, and would make the following comments:-

- ◆ The current site fee can be mentioned in the advertising for the home by the appointed agent.
- ◆ Upon selling a home the MHA Act does provide for the current site agreement (with the current site fee) to be assigned to the new home owner(s). However this is subject to the consent of the park owner (which is rarely given), as they insist on a "new" agreement, generally at more dollars.
- ◆ The park managers or marketing sales people in a park cannot automatically just put up the site fee **(but they do!)**.
- ◆ Not all homeowners are paying the same as many parks have a range of site fees.
- ◆ You are not selling real estate as there is no land content and therefore normal Real Estate forms or conditions do not apply

Answer to question:- "How many Over 50's Residential Parks are there in South East Queensland" = 1 (one)

WHAT Not to do when You sell your home

When listing your home with the park office or an outside agent **do not sign an EXCLUSIVE LISTING Form 9** is the listing form that applies to our homes as per the Act.
 If you sign an exclusive listing and **YOU find the buyer**
YOU WILL be asked to pay a full commission to the listing agent or park office.

Advertising

We have noticed that new villages are springing up in the Toowoomba and Sunshine Coast areas.

To let Home owners in these areas know about us, we are placing the advertisement below in the Crossword page of the Seniors Newspapers in these areas

YOU NEED US!

- ✓ Over 50?
- ✓ Empty Nesters?
- ✓ Downsizing?
- ✓ Are you living in or considering buying into an Over 50's Lifestyle Village or Manufactured Home Park?
- ✓ Having problems or concerns with owners or management?

Protect your lifestyle and rights. Member benefits include advocacy with Government Departments and Village owners managers. Membership from \$10 per annum.

ARPQ - Associated Residential Parks Queensland.
Your Voice Your Rights
 A non profit, volunteer, Incorporated Association.

www.arpq.org.au Phone : Beryl - 3297 1413 | David 02 66728335 | Barbara - 3802 1863

STOP PRESS

We at ARPQ are aware that some Park Operators are telling Homeowners to contact their Insurance companies (house and contents) and record that the Park has an interest in your insurance; and refer to a new insurance requirement

We have contacted **MHIA insurance agency** (who provide insurance for a large number of Home Owners) **AND** the **Insurance Council of Australia**.

MHIA advise that they have received some calls from Home Owners but are unaware of any new insurance requirement to this effect. Likewise the **ICA** were unable to advise any new requirements

We will continue to investigate this matter but at the moment **we do not consider that Park Operators have any interest in a Home Owners House and contents insurance policy.**

Exciting times! - A brand new Home Owners' Committee Is born!

On 13th. March last, President Beryl Dwyer, Membership Officer Barbara Oudt, Secretary David Paton and Treasurer Ian Morgan conducted the elections for the formation of Natures Edge Forest Glen Home Owners Committee.

This is the second Committee we have helped form this year, and already, we have been asked to assist with the formation of another two Committees



Just a Reminder that we have

CHANGED BANKS

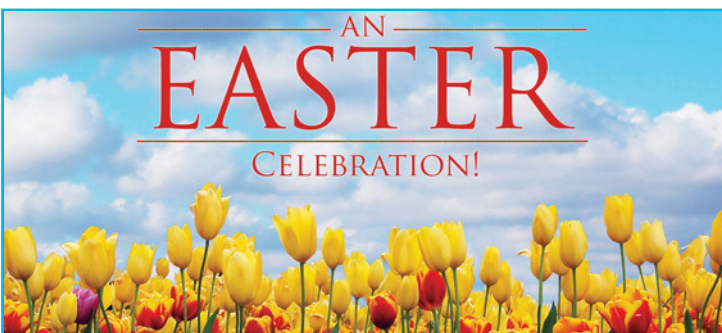
Please direct all payments to:-

BANK: Bendigo Bank

BSB:- 633-000

ACCT No:- 158853051

Picture right: Natures Edge Forest Glen Homeowners relax after establishing their Committee



The Easter break is upon us again, all too soon as the year rolls on.

Whichever way you choose to spend this special time, we trust you will do it safely.

Best wishes from your ARPQ Committee for an enjoyable and peaceful time