

ANNUAL GENERAL MEETING

Please remember our Annual General Meeting is scheduled for 9 October in the Bethania Community Centre, 88-118 Station Road, Bethania QLD 4205.

The Community Centre is about 200 metres from Bethania railway station on the Beenleigh line for those not wishing to drive.

We will be starting with tea, coffee and biscuits from around 9.30am and the meeting will be followed by light refreshments.

Our guest speaker is the Honourable Mick de Brenni, Minister for Housing and Public Works, Digital Technology and Sport. He has been asked to speak on the governments 'right where you live' program and progress with commencing the amendments to the Manufactured Homes (Residential Parks) Act.

He is a busy man and it was not easy to get him, so a good turnout will be appreciated to make it worthwhile.

ERRATUM

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ERRATUM

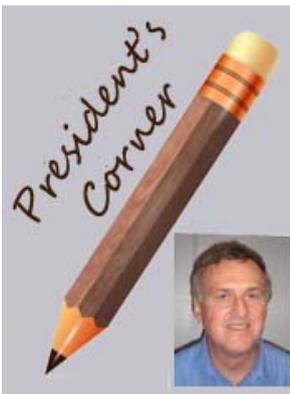
We have recently been informed that despite Minister de Brenni earlier accepting our invitation to speak at our AGM he has now advised that he is no longer able to attend.

Unfortunately he has offered no explanation nor suggested a replacement speaker.

We are obviously extremely disappointed at this development and have written to him accordingly.

Of course the main business of the meeting will be to elect next year's Management Committee. **If you can contribute** to what is expected to be a busy year, **please do not be shy in nominating!**

HOME OWNER COMMITTEES (HOC's)



Under the *Manufacture Homes (Residential Parks) Act* the (Act), all Home Owners are entitled to participate in the election of a Home Owners Committee (HOC) to give them a voice.

Park Owners are not allowed to participate in this process, nor interfere with it.

Because this right is included in the legislation, it can be safely assumed that those making the legislation thought it was necessary.

Home Owners Committees *Continued from page 1*

Consequently your Management Committee is amazed that a number of Residential Parks have chosen not to exercise this right and consequently do not have an effective HOC.

We have even heard it said that 'we don't need a HOC because we have such a wonderful 'Park Owner'.

In other Parks a HOC may be considered unnecessary because the Park Owner/ Manager has set up a 'home owner liaison group' (or such similar entity) and runs so called 'annual general meetings' which they chair.

It must be emphasised that *such meetings run by the Park Owner/Manager have no legal status under the Act.*

Further, any decision taken at such a meeting that a HOC is not needed is irrelevant and non binding on Home Owners.

A right under law cannot be removed by a decision of this nature, regardless of the size of the majority making that decision.

Even if only a handful of Home Owners in any Park want a HOC, they are entitled to elect one.

We believe every residential Park needs an effective HOC to give Home Owners an effective voice. Acting together united is always better than acting individually and divided.

If you do not have a HOC, want to form one and don't know how to go about it, please get in touch.

We can help.

AMENDMENTS TO THE ACT—UPDATE

After many frustrating months waiting for information on when the amendments to the *Manufacture Homes (Residential Parks) Act* the (*Act*) (*already passed through parliament*) would commence into law, there seems to be some progress.

We have been advised by the Department of Housing that having reviewed all the Statutory Forms and other documentation associated with the *Act* (a process we were involved in), they are on track to recommend to the government that the next round of amendments commence into law over the next couple of months.

Two of the more significant amendments that we expect to see commence relate to Varying Site Rent and Dispute Resolution, the provisions of which are summarised below.

VARYING SITE RENT

Varying Site Rent in accordance with a Site Agreement

Park Owners are required to ensure that Site Agreements clearly state the basis for working out the amount of an increase in Site Rent (also see provisions of the new Manufactured Homes Regulation relating to Site Rent). The Park Owner must not work out an increase using more than one basis at one time and must nominate the same day from when the new Site Rent is payable for all sites in the Park. This is achieved by the Park Owner issuing a **General Increase Notice** to all Home Owners stating;

The amount of the proposed increase and the basis on how it has been worked out;

The **General Increase Day** and the date the notice was issued to the Home Owner.

If a Market Review is to be proposed, the Park Owner must consult with the Home Owners Committee (HOC) on preparation of a market valuation for the Park, or if there is no HOC, 2 or 25% of all Home Owners whichever is the greater. Further when issued, the increase notice must be accompanied by a market valuation prepared by a registered independent valuer.

If a Home Owner (or group of Home Owners) dispute the proposed increase on the grounds that it is excessive, a Residential Park Dispute can be initiated (see below).

AMENDMENTS TO THE ACT—UPDATE.—continued from page 2

**VARYING SITE RENT
OUTSIDE OF THE SITE AGREEMENT
TO COVER SPECIAL COSTS**

Special Costs are those incurred by the Park Owner relating to operational matters, repairs and upgrades and the new provisions of the Act relating to these costs apply even if an existing Site Agreement provides for an increase to cover them. An increase is achieved by the Park Owner issuing a **Special Increase Notice** to all affected Home Owners stating:

The type and amount of the special cost and the purpose for which it has or is to be incurred;

The amount of the proposed increase, how it has been worked out, and for a repair or upgrade the period for which the increase will be payable.

Home Owners must agree to the proposed increase and if they do not they are taken to have disputed it. Further, for an upgrade cost, the proposed increase must be agreed to by 75% of affected Home Owners.

FREQUENCY OF SITE RENT INCREASES

Regardless of which method and basis is used by the Park Owner to vary Site Rent, only one increase is allowed per year.

DISPUTE RESOLUTION

Complaints are always best put in writing to the Park Owner/Manager, but then satisfactorily resolved by **reconciliation** before becoming disputes.

INITIATION OF DISPUTE

Most disputes arise out of failure to resolve an initial complaint. A Residential Park Dispute can be initiated by providing the Park Owner/Manager with notice of a dispute in the following form:

The facts of the situation;

Which section of the Act and/or Site Agreement has been breached;

Copies of relevant documents or evidence to support the complaint (eg initial complaint letter);

A statement that a full and complete response is expected within 21 days in accordance with Section 104(2)(f) of the Act.

NEGOTIATION

If matters remain unresolved, a party to a dispute may give the other party a **Dispute Negotiation Notice** stating the matters in dispute and nominating a time and place where the parties are to meet to negotiate a

resolution to the dispute. The parties must meet and try to resolve the dispute by negotiation.

MEDIATION

If a dispute is not resolved through negotiation, either party can apply to the registrar at the Queensland Civil and Administrative Tribunal (QCAT) to refer the dispute for independent mediation. Mediation conferences are held in private and if agreement is reached, a **Mediation Agreement** signed by both parties.

ARBITRATION

If a dispute is not resolved through mediation, an application can be made to QCAT for an order to resolve the dispute. QCAT will hold a hearing(s) where both parties are allowed to state their case before making an order. These orders are binding and enforceable. The general rule regarding representation at QCAT is that parties represent themselves unless it would be contrary to the interests of justice.

PROPERTY COUNCIL OF AUSTRALIA – RETIREMENT LIVING CODE OF CONDUCT

Earlier in the year, the Property Council of Australia issued a draft 'Retiring Living Code of Conduct' covering minimum behavioural standards and operational practices for Developers, Operators and Owners of Retirement Villages and Residential Parks across the whole Country. Through our involvement in the 'right where you live' program we were asked to comment.

Although we were generally happy that this was a step in the right direction, we had a number of concerns about the draft document particularly that any final code of conduct will be voluntary and the proposed dispute resolution process lacked rigour and independence.

Our views were shared by others in the program and so a joint submission was prepared by PAVIL and countersigned by ARPQ, ARQRV and Tenants Queensland.

Hopefully this is the first step in the journey towards a mandatory accreditation scheme for Park Owners, including the training of Park Managers, which is one of our long term objectives.

STOP PRESS**DON'T FORGET YOUR AGM**

Michael Hart MP, Member for Burleigh and Shadow Minister for Housing & Public Works has indicated he is most willing to speak to you, our members at any time.

We have extended him an invitation to speak at our AGM as Mick de Brenni has let us down.

At this stage we are uncertain if he is available on the 9th October as it is very short notice.

All we can say is **"come along and find out!"**

**Right where you live**

Better rights for home owners in residential parks

In July of last year in an article in the Courier Mail, the Premier and Minister of Housing and Public Works stated that 'about \$1 million would be spent over two years to boost the resources of peak representative bodies to ensure **seniors** have a voice'.

Following the passing of housing legislation amendments through Parliament late last year, earlier this year, the Queensland Government launched this funding initiative by creating the 'Right where you live' program (www.rightwhereyoulive.orgt.au).

ARPQ and four other organisations have received funding under the program. The others are:

- Association of Residents of Queensland Retirement Villages (ARQRV);
- Tenants Queensland (TQ);
- Council on the Aged (COTA);
- National Seniors Australia (NSA).

The overall program is supported by the Park and Village Information Link (PAVIL) from Caxton Legal Centre under a separate government funding initiative. Although the Government retains oversight, the program is managed on a day to day basis by a Steering Committee of which we are a member;

The overall program covers all living arrangements for seniors, however ARPQ's objectives are restricted to assisting current and prospective Manufactured Home Owners to:

- Understand changes to the *Manufactured Homes (Residential Parks) Act* (the Act);
- Build their capacity to represent their own interests in dealings with Park Owners and Park Managers;

These program objectives closely reflect those already in our Constitution and so regardless of whether we received government funding or not, we are obliged to undertake a communication and community education program in an attempt try and achieve them. The funding will simply enable us to do more of what we needed to do anyway, especially in assisting with travel and other costs associated with visiting the remote areas of Queensland.

The program kicked off with an intensive three month planning and information resource development phase, which is currently nearing completion. This is to be followed over the next year by an 'outreach' phase involving a wide range of Information dissemination and community education activities, including visits to Residential Parks, regional seminars and various other briefing sessions.

If you would like a briefing session in your Park, please let us know.

**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



**ARPQ
NEEDS
YOU!**