



Minister for Communities and Housing
Minister for Digital Economy
Minister for the Arts

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Our reference: MN05965-2021

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30 SEP 2021

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
tableoffice@parliament.qld.gov.au

Dear Mr Laurie

I refer to Petition No.3509-21 titled 'Protection amendments required for residents living under the Queensland Manufactured Homes Act', tabled in the Legislative Assembly on 31 August 2021. I acknowledge the petitioners' requests and reasons for the requests.

I note the petitioners' first two concerns – to enforce residents rights to enhanced protections from any form of financial abuse by park owners and remove market rent reviews from the *Manufactured Homes (Residential Parks) Act 2003* (the Act) and to replace with Consumer Price Index increases only. The Queensland Government delivered reforms under the *Queensland Housing Strategy 2017–2027* aimed at providing better protection for consumers, including owners of manufactured homes living in residential parks. The reforms involved amendments to the Act and the *Manufactured Homes (Residential Parks) Regulation 2017*, which included:

- improved pre-contractual disclosure processes and documents
- universal cooling-off periods
- staged dispute resolution processes
- behavioural standards for park owners and home owners
- prohibition of particular unfair special terms in site agreements
- limiting site rent increases to once a year, using only a single method
- improved transparency for market reviews of site rent.

The Government has received feedback from home owners in some residential parks who are concerned about increases arising from market reviews of site rent, problems caused by unsold manufactured homes and the dispute resolution process in residential parks. On 15 June 2021, the Government released the *Queensland Housing and Homelessness Action Plan 2021–2025* (the Action Plan). The Action Plan seeks to address concerns regarding these issues.

In addition to this, in order to identify and embed best-practice residential park operations in priority areas such as the undertaking of site rent increases, the work of home-owner committees and selling manufactured homes, the Department of Communities, Housing and Digital Economy has initiated a Residential Parks Industry Best Practice Working Group comprised of industry and home owner representatives. This group meets regularly to develop timely and practical improvements to how the Act is implemented.

The petitioner's third request does not specify which 2019 amendment to the Act it contends provides a power imbalance in favour of park owners. However, it is noted that amendments to the Act made by the *Housing Legislation (Building Better Futures) Amendment Act 2017*, which commenced in 2019, included: a new staged pre-contractual disclosure process for new site agreements; application of a universal seven-day cooling off period to all new site agreements; and new requirements on a park owner to prepare and maintain emergency plans for the park, including communication and evacuation procedures, medical treatment and assistance.

With regards to the fourth request about amendments in response to COVID-19, the *COVID-19 Emergency Response Act 2020* and the *Manufactured Homes (Residential Parks) (COVID-19 Emergency Response) Regulation 2020* temporarily modified site rent increase processes in response to the COVID-19 pandemic. Three rounds of consultation took place with peak home-owner, community and park owner groups before the *Manufactured Homes (Residential Parks) (COVID-19 Emergency Response) Regulation 2020* was made, to ensure a response to COVID-19 that was fair, balanced and proportionate to the health restrictions in place. In addition, I am advised that on 21 July 2020, representatives of the department met with members of the Hometown Alliance, which is a Collective that includes Ironbark Aspley, to discuss this issue.

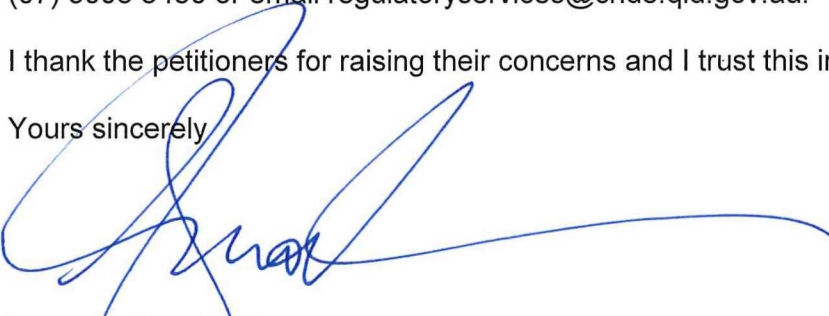
With respect to the fifth request regarding dedicated legislation and appointment of Queensland Civil and Administrative Tribunal (QCAT) members to hear matters under the Act; and the sixth request regarding the establishment of an independent Ombudsman, the Action Plan review of dispute resolution process that is underway will seek to address the concerns that manufactured home owners have regarding the suitability of current processes.

The final request is that Caxton lawyers be fully funded to represent home owners at QCAT hearings. The department funds the Caxton Legal Service to provide free legal information and advice to manufactured home owners through the Queensland Retirement Village and Park Advice Service (QRVPAS). QRVPAS will represent home owners in hearings in circumstances such as when the home owner is particularly vulnerable or when complicated legal arguments are presented. QRVPAS is designed to support as many clients as possible with information and advice so that they can represent themselves, with the enabling of self-representation contributing to cost efficiencies. QRVPAS also provides helpful fact sheets and legal information videos about issues that may arise in residential parks on its website at www.caxton.org.au/how-we-can-help/qrvpas.

If petitioners believe the owner of a residential park is in breach of the Act, they may contact the Manager, Regulatory Operations, Regulatory Services, Housing and Homelessness Services on (07) 3008 3450 or email regulatoryservices@chde.qld.gov.au.

I thank the petitioners for raising their concerns and I trust this information is of assistance.

Yours sincerely



Leeanne Enoch MP
Minister for Communities and Housing
Minister for Digital Economy and Minister for the Arts