

YOUR (DEFERRED) AGM

As you are no doubt well aware, Covid-19 has affected all of us.

With the State Government's approval, your committee deferred your AGM to 2nd February 2021, hoping that by then, Covid "would be over! - unfortunately what wishful thinking!

We were severely limited on numbers allowed in the Bethania Community Centre hall and we thank those of you who were able to attend.

Our longest serving member, Vice President Ian Morgan (who was on the Committee with founders, the late David Paton and the late Glen Franklin) did not seek re-election and we thank him for his service.

We have purchased computers for all Committee members and with the use of "Zoom" and "MSTeams" your committee has continued to function with online meetings.

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An additional big benefit with use of computers is that Committee members do not now have to travel to meetings and we can now have no restriction on committee members' location

As well, Covid has prevented Park visits, which we very much regret as personal "one-on one" meetings are still the best way for us to communicate and meet with you.

We look forward to continuing Park visits as soon as possible.

YOUR COMMITTEE

NEW COMMITTEE MEMBERS

CHANGES



Ian Morgan

Was on the Ruby Princess, contracted

COVID and didn't stand for re-election;

Committee member



Frans Hamer

Was elected Vice President



Mike Kenavan

Former Secretary

moved to the committee & has been replaced by Committee member



Noel Wright

who has been our Secretary before.

Noel, you really are a "Tiger for punishment". Thanks & welcome back!



Greg Pomroy

Greg is welcomed back onto the Committee.

He has served 15 years with the Australian Federal Police where he performed general duties at Airports including Canberra; and plain clothes and VIP protection duties in Qld. and interstate.

He always preferred an arrest as a last resort and always spoke TO people and not down to them; irrespective of which side of the fence they travelled. This gave him the opportunity to have the last word.

Otherwise, Greg has represented himself and other ARPQ members at Queensland Civil and Administrative Tribunal "QCAT" (and appeals).



Roger Marshall

Roger is a retired high school teacher, subsequently doing 10 years part time work as a tutor and lecturer at Griffith University.

At the same time he gained a Master of Education degree and a doctorate in school of Human Services and Social Work.

Roger holds a number of community leadership positions including Presidency of the Logan East Community Neighbourhood Association which runs the community centre in Springwood, and membership of the Leaders' Council of the Queensland Community Alliance.



Alex Douglas

Alex was involved in various property roles for more than 30 years, involving property, investment, management, major tenant leasing and project development, including a number of private clients and retired in 2012

After enjoying many delightful holidays at Mudjimba Beach, Alex and his wife Gail moved from Brisbane to the Sunshine Coast in 2019.

Their first granddaughter was born in November 2020.

Alex is currently Vice President of the Halcyon Landing's HOC



Membership — Size Matters

As you will see from other articles in this edition of the ARPQ Argus, we have over the last year or so been engaged in an intensive campaign to obtain improvements in Home Owner's protections as currently legislated in the Manufactured Homes (Residential Parks) Act (the **Act**). In addition to numerous written submissions (including our 'Issues Paper' which was circulated to all members last year), this has involved several meetings at both official and political level, on both sides of parliament.

Although not a consistent or recurring theme, the following questions have been raised on a few occasions:

- How representative is ARPQ of Home Owners across all Residential Parks in Queensland?
- How much noise are we prepared to make to achieve the change we desire?

Good questions that we could not immediately answer, which set us thinking how best to respond.

The first question was relatively easy to answer after a simple spread sheet exercise using our membership data base.

Through both direct Individual Memberships and indirectly through Association Memberships, ARPQ currently represents in the order of **7,400** homes in Residential Parks in Queensland which equates approximately to 37% of all homes in **42%** of all Parks.

This is gratifying after all the hard work we have put into building up our membership base, but raises the question how big is big enough? Any political lobbying exercise is at the end of the day all about the numbers, so the more members we have the better. Size does matter. Consequently, can I **ask all members to help us out with recruitment** by recommending membership of ARPQ to their friends and neighbours? Please refer them to our current **special offer** on membership which is **'join now for a low \$15 and pay no more until end of September 2022'**. Word of mouth works. Many thanks

The answer to the second question about how much noise we are prepared to make, is probably more than we have in the past, and again depends somewhat on how many are making that noise. We will be following up on this point in the very near future.

MEETINGS WITH MINISTER and SHADOW MINISTER

The main priority for ARPQ in 2021 is to ensure that **action** is taken by the **Queensland Government** to bring about reforms to the Residential Parks industry to **ensure that the interests of Home Owners are better protected**.

We recently took part in two significant meetings in pursuit of this goal.

The first of these was with the Minister for Communities, Housing, Digital Economy and the Arts, the Hon. Leanne Enoch MP; the Minister's Senior Policy Adviser and the Executive Director, Regulatory Services within the Department of Housing.

Also present was Policy Advisor to the Attorney General the Hon Shannon Fentiman MP; who had helped to arrange the meeting.

ARPQ's aim for the meeting was to ensure that the Minister had a clear understanding of the depth of the anxiety, frustration and anger being experienced by many Home Owners in respect to their relationship with Park Owners

and the failure of the current legislation to protect their interests.

Most importantly we wanted to gain commitments from the Minister that a base line review of the Manufactured Homes (Residential Parks) Act (the **Act**) will be included in the Qld Housing Strategy Action Plan (2021-24) currently under preparation and that the voice of Home Owners will be heard in this process through the involvement of ARPQ. We believe these goals were achieved.

The Minister informed us that action in respect to the Residential Parks sector will be included in the Plan.

However, she identified two competing issues:

- Urgent short-term action particularly in respect to site rent increases, and
- A longer more extensive review of the **Act**.

It was noted that ARPQ was already involved in any discussions on these matters and was assured that its involvement would continue.

ARTICLE submitted for inclusion “THE SENIOR”, MAY 2021

Residential Parks built specifically for older people under the Manufactured Homes (Residential Parks) Act (the **Act**), often marketed as over 50/55s lifestyle resorts, are a great concept. That is why over 35,000 Queenslanders have chosen to live in them.

However, all is not as it seems.

According to Associated Residential Parks Queensland (ARPQ), who represent the interests of a significant number of home owners in these parks, the **Act** is a flawed and somewhat biased piece of legislation that strangely seems out of step with other common place laws covering such things as consumer protection, real-estate, land lease and retirement living.

It has also failed to keep pace with the rapidly changing nature of the Residential Park industry, which is increasingly dominated by corporate investors, some international, attracted by the highly lucrative nature of the business.

This has resulted in an imbalance of power in favour of park owners to the detriment of home owners, many of whom are vulnerable seniors.

ARPQ President, Graham Marriott, explained that ARPQ is strongly lobbying the State Government for changes to the **Act** to ensure that it can deliver on its main object which is to ‘*protect home owners from unfair business practices*’. Their representatives had recently met with the Minister for Communities, Housing and the Digital Economy, the Honourable Leanne Enoch MP, and received assurances that the concerns of home owners have been heard and that action will be taken to address deficiencies in the **Act**.

Mr Marriott also advised that ARPQ were represented on various Government committees considering ways to address any imbalance of power, unacceptable rent increases and the currently dysfunctional dispute resolution processes.

Mr Marriott confirmed that he and his committee will continue their dialogue with Minister Enoch and her Department Officials and look forward to a speedy resolution to all concerns.

SALE OF HOMES AND ASSIGNMENT OF SITE AGREEMENTS

Either we, as home owners, or our families, will eventually need to sell our homes and it is important to understand the processes involved as laid down in the Manufactured Homes Act.

This brief article will not attempt to go into the finer detail of these transactions but give a general overview of the procedures involved.

Let us assume that you have appointed the park owner as the selling agent. The most common form of sale or transfer currently in use is for the park owner to arrange the sale and require the buyer to sign a new agreement.

This new agreement will invariably contain conditions which are not included in the seller's existing site agreement. These conditions could include more disadvantageous terms such as substantially increased site rent, inclusion of utility charges and other matters.

An **alternative** approach is for the **seller and buyer to agree to assign (transfer) the seller's interest in the existing site agreement to the buyer**. This means that the buyer will have a contract with exactly the

same terms and conditions as the seller's contract (i.e. same site rent, same utility arrangements, same conditions throughout).

It must be pointed out that this assignment requires the consent of the park owner within set time constraints and the Act sets out the forms required to be completed and the processes involved. The Act also provides that the **park owner must not unreasonably refuse this consent** and penalties can be imposed for breaches of this section.

One can immediately see the substantial advantages in completing the sale by way of assignment in that the seller has more attractive terms to offer and the buyer also benefits by way of, for example, a lesser rent.

This article is included in this issue of “The Argus” as a reminder to members that this option to assign the seller's interest in the site agreement is available and should be employed whenever practicable.

For further, more detailed information, contact us at advisory@arpq.org.au or check out the fact sheets on our web site www.arpq.org.au

MEETING WITH MINISTER & SHADOW MINISTER — *Cont. from P2*

In addition, we met with Mr Tim Mander MP, Shadow Minister for Housing, and discussed the many issues affecting homeowners in Residential Parks.

Although acknowledging the difficulties they face in effecting change from Opposition, he advised that the LNP was well aware of the deficiencies in the **Act** and was actively seeking ways in which it could support the necessary changes.

Members are assured that the ARPQ will, in the weeks and months ahead, continue to advocate strongly for reforms which will assure better protection of the interests of homeowners.

STOP PRESS

PARK VISITS

Due to COVID, our visit and presentation program was cancelled

From this June/July we are planning visits to most regions of the State.

If you would like a visit to your Park please contact our Administrative Assistant, Maggi Wayne at admin@arpq.org.au, or mobile 0407 570 691.

“Right Where You Live” Funding Date
We thank the State Government for their consideration and advice that our funding date is extended 1 year to 30 June 2022.

MEMBERSHIP

As we are a non-profit largely member funded volunteer organisation, once again this year we are presently conducting our

SPECIAL ANNUAL MEMBERSHIP PROGRAM

— until 30 September 2022 —

Whereby:-

Residents in Manufactured Home parks can join us as an individual member for **\$15.00 each**, Or

Your village Home Owners’ or Residents’ Group as an association member for **\$75.00**

Your subscription is not payable again until **30 September 2022**.

Membership forms for both categories are available on our website www.arpq.org.au

It is only through payment of membership fees can we continue with our endeavours to protect the interests of home owners in villages.

Advisory Sub-Committee Activities

Since the last edition of the ARPQ Argus, we have provided advice and assistance to 34 members from 22 parks.

A wide variety of topics was covered but the following issues continue to arise:

- Assignment of site agreements;
 - Rent increases;
 - Not opening facilities when Covid-19 restrictions were lifted;
 - Park owners changing site agreements containing higher rent;
 - Selling “pre loved houses” and commissions;
- The Residential Services Unit attended our recent Committee, with the following discussions:
- The differing use of Breach Notices, Dispute Notices and complaint forms;
 - The role of the new government Best Practices Working Group-ARPQ is a member;
 - Action being progressed regarding a particular park referred to RSU by ARPQ;
 - ARPQ’s ability to refer park owners to RSU for specific cases.

Assignment of Site Agreements

Following the article in the Nov-Dec 20 issue of our newsletter, The Argus, we have been advised by the Regulatory Services Unit of the Department of Communities, Housing and Digital Economy that they have concerns about the wording of the article and for your information include hereunder an excerpt from their communication.

“Following consideration of the article we wish to clarify Part 7 Assignment of home owner’s interest in site agreement, specifically Division 2 Requirement for assignment of seller’s interest”. Whilst it may be considered reasonable to assume the park owner would/should offer advice as to how the seller’s interest may be assigned, the Act does not place an obligation on the park owner to actively promote the assignment of a site agreement. The assignment of a site agreement is primarily initiated through an agreement between the seller and the buyer and Section 45A of the Act only requires the park owner to provide disclosure documents

subsequent to an agreement being reached between the seller and the buyer”

This article is included in the interests of clarification of section 45A of the Act. Your committee still believe that there are substantial advantages for both buyer and seller in assigning site agreements and urge all members to investigate this option if considering selling your home.

See a further article elsewhere in this newsletter on this subject.

Many thanks to Logan Council's Bethania Community Centre

For use of a meeting room during the year and the Auditorium for our AGM. Bethania Community Centre has rooms for hire. Just contact them on (07) 3805 2687

