



INFORMATION SHEET No 1

Manufactured Homes (Residential Parks) Amendment Bill, 2024

OBJECTS OF THE ACT

These changes take effect from 6 June 2024. They are in effect now.

This Amendment Bill makes changes to sections of the Manufactured Homes (Residential Parks) Act 2003 including to section 4 (Objects of Act). This section sets out the overarching aims of the legislation in general terms and is being amended by adding to clause 4(2)(d) and including 2 new clauses being 4(2)(f) & (g).

The current Act provides that the main object of the Act is to regulate and promote fair trading practices in the operation of residential parks, and in:

Clause 4(1)(a) - to protect home owners from unfair business practices, and

Clause 4(1)(b) - to enable home owners, and prospective home owners, to make informed choices by being fully aware of their rights and responsibilities in their relationship with park owners.

The Act goes on to explain in clauses 4(2)(a) to (f) how these Objects will be achieved, and they are:

Clause 4(2)(a) declaring particular rights and obligations of the park owner, and home owners, for a residential park; and

Clause 4(2)(b) facilitating the disclosure of information about a residential park, and this Act, to a prospective home owner for a site; and

Clause 4(2)(c) regulating –

- (i) the making, content, assignment and ending of a site agreement; and
- (ii) (ii) the sale of an abandoned manufactured home positioned on a site in a residential park; and
- (iii) (iii) the variation of site rent

Clause 4(2)(d) facilitating participation by home owners for a residential park in the affairs of the park; and

Clause 4(2)(e) providing ways of resolving a residential park dispute.

Clause (4)(3) The following are also important objects of this Act -

Clause 4(3)(a) encouraging the continued growth and viability of the residential park industry in the State; and



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Clause 4(3)(b) providing a clear regulatory framework to ensure certainty for the residential park industry in planning for future expansion.

The Amendment Bill adds 2 new clauses to these being:

Clause 4(2)(f) protecting home owners from unfair or excessive increases in site rent; and

Clause 4(2)(g) preserving the safety and security of tenure of home owners.

The Government have attempted to achieve the first of these new Objects by the prohibition of market rent reviews, by the capping of site rent increases and a new definition of the Consumer Price Index (CPI).

The second new Object has received some attention with changes to the procedure following termination of a site agreement by the Queensland Civil and Administrative Tribunal (QCAT) and to some extent with the inclusion of the Buy Back Scheme.

In addition to the above, the Bill amends the wording of clause 4(2)(d) above by adding the words “maintenance and operation” and the clause will now read:

Facilitating participation by home owners for a residential park in the affairs, **maintenance and operation** of the park.

The inclusion of these words would indicate a desire by Government that home owners should have a greater say in the operation of their park. Unfortunately, the Amendment Bill does not appear to make any provision for this involvement. It may be possible to have something included in regulations which are yet to be drafted.

QMHOA will be making suggestions to Government along these lines in coming months.

This becomes more relevant when we consider that the Amendment Bill will require park owners to publish Comparison Documents and Maintenance and Capital Replacement Plans.

See subsequent Information Sheets regarding these plans and the Buy Back Scheme.

Any questions on the above should be emailed to secretary@qmhoa.org.au

Note: This information sheet outlines QMHOA’s understanding of the Manufactured Homes (Residential Parks) Amendment Bill, 2024, the Explanatory Notes that accompanied it and briefings from the Department of Housing, Local Government, Planning and Public Works.