



QUEENSLAND MANUFACTURED HOME OWNERS ASSOCIATION INC.

QMHOA SUBMISSION on the REVIEW of the QCAT ACT Executive Summary of the QMHOA Submission

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EXECUTIVE SUMMARY

The Qld Government has called for submissions from interested stakeholders for a statutory Review of the QCAT Act. [aka QCAT Statutory Review 2025-26].

The Review is mandatory every 5 years to ensure that the QCAT Act meets the needs of Queenslanders, and that it remains fair, efficient, informal and accessible.

The Review is being led by the Honourable David Thomas, retired judge of the Federal Court of Australia, former Justice of the Supreme Court of Queensland, former President of the Administrative Appeals Tribunal and former President of the Queensland Civil and Administrative Tribunal. Mr Thomas is examining QCAT's efficiency and accessibility.

QMHOA has sent a submission to the Honourable David Thomas.

QMHOA submission is in 2 parts:

Part 1 addresses “consultation questions (Issues Paper No. 3-Part 2)” which raised questions about the overarching issue of delays in the process.

Part 2 addresses 4 fundamental issues, namely Fairness, Informality, Timeliness and whether Legal representation should be “as of right” in QCAT disputes.

QMHOA presented Manufactured Homes Act cases as examples of the conclusions arrived at and they formed the basis of the recommendations to QCAT for reform of the Act.

QMHOA made the following conclusions:

- The present QCAT Dispute Resolution, aka DR, system fails conspicuously and convincingly to provide the necessary means of accessing justice for Manufactured Home Owners.
- There is no system of accountability for delays which undermines confidence in QCAT's ability to provide adequate access to justice.
- There is no transparent means of identifying reasons for long delays.
- Generally, the provisions of the Act are adequate, however, QMHOA believes systemic and operational shortcomings deny fair access to justice when there are long delays in the process.

Summary of QMHOA Submission to the QCAT ACT Review

- These deficiencies have generated a sense of abandonment of Manufactured Home Owners by QCAT.
- Mediation is often futile where the matters concern interpretation of laws and when internal negotiations and dispute resolution process fail.
- Mediation in the above circumstances extends the time for dispute resolution.
- QCAT Act does not allow Orders to be made that are sufficiently wide.

QMHOA made the following recommendations:

Fairness

- That the basic principle of fairness be applied in practice.
- That the Tribunal's discretionary powers be applied more consistently and fairly where there is evidence of non-compliance.

Informality

- That QCAT's principle of informality and minimal technicality be given greater importance.

Timeliness

- QMHOA preference is for a transfer of jurisdiction to a new tribunal established within the Magistrates Court to address lengthy delays.
- Alternatively, that an arbitrator with suitable expertise and knowledge of the Manufactured Homes industry be made an alternative to QCAT proceedings.
- That increased transparency and accountability be implemented.
- That cases should retain their 'queued position' and be granted fair priority.
- That projected hearing lists be published.

Legal Representation 'as of right'

- That self-representation remains in the Act as a primary principle.