



Factsheet 5. Home Owners' Committee

Queensland Manufactured Home Owners Association Inc.

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• QMHOA RIGHT WHERE YOU LIVE FACT SHEET SERIES

Home Owners' Committees

Home owners in a residential park have a right to establish a Home Owners Committee (HOC). To do so, they must do the following:

1. Members of the HOC must be elected at a general meeting of home owners
2. Only one HOC can be established in each residential park
3. HOC members cannot hold office for more than one year, but may be re-elected
4. HOC members can be removed at any time by a 'special resolution' at a general meeting of home owners
5. Park owners (or their representatives) cannot interfere with, or be involved in, the establishment and operation of a HOC, and can only attend HOC meetings if invited
6. Park owners (or their representative) cannot place restrictions on home owners participating in a HOC or establishing one. Nor can they restrict the HOC or its members from carrying out their functions.

With the above in mind, any committee formed by or involving a Park Owner, cannot be regarded as a HOC, and has no legal status.

Role of the Home Owners' Committee

A Home Owners' Committee is a way for home owners to represent themselves and their wishes, to the park owner and park management concerning:

- The day-to-day running of the park
- Any complaints or proposals about the operation of the park raised by home owners

Constitution and Operating Procedures

A HOC may be governed by a constitution, adopted at a general meeting of home owners. This constitution can govern its performance, operations and the roles of any officers, however:

- It cannot be inconsistent with the *Manufactured Homes (Residential Parks) Act 2003 (the Act)*
- It cannot be inconsistent with the *Manufactured Homes (Residential Parks) Regulation 2017*
- It is binding on all members
- It can only be amended by a 'special resolution' at a general meeting of home owners

The HOC may be subject to any constitution adopted by the home owners of a residential park, deciding its own procedures and form subcommittees.



The Role of Social Committees

Under the *Manufactured Homes (Residential Parks) Act 2003 (the Act)*, social committees do not have a legal or official standing, unlike Home Owners' Committees and are therefore not under the supervision of the Regulatory Services Unit (RSU) (the MH Act regulator). It is not uncommon for such committees or associations to choose to incorporate through the Office of Fair Trading to protect its members from liability in carrying out its roles.

It may be that a majority of home owners in the park may decide that a general Residents' Association ('RA') would, in addition to other roles e.g. the organising of social or recreational events, take on the role of liaising with the park owner on behalf of home owners.

This HOC-type arrangement may not be deemed the equivalent of an HOC formed under the MH Act specifically for the functions prescribed in section 102. While it has not happened to the present, it could be, in that case, that at a future time, various protections in sections 100-103 of the Act, may not be considered to apply.

QMHOA believes that separated committees (HOCs specifically formed under the Act and Social) are preferable for confidence in accessing protection and enforcement under the Act.

Whichever model is adopted by the residents of a park, those responsible for performing the functions of the HOC as outlined in Part 15 section 102 of the Act or equivalent functions within a multifunctional incorporated association, must ensure the role is performed diligently and integrity maintained.



Right where you live

Better rights for home owners in residential parks

For further information:

QMHOA Website: www.qmhoa.org.au

Phone enquiries: 0468 458 625

Not a member, please join us:

<https://qmhoa.org.au/register/>

Queensland Retirement Village and Parks Advice Service (QRVPAS): Phone 07 3214 6388

Caxton Legal website: <https://caxton.org.au/>

Phone Caxton Legal: 07 3214 6333

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