



QMHOA

QUEENSLAND MANUFACTURED HOME OWNERS ASSOCIATION INC.

QMHOA HOC INFORMATION SHEET v6 May 2026

Can a Home Owners Committee (HOC) Incorporate?

Following consultation with the Office of Fair Trading (OFT), QMHOA wishes to inform its members of the following.

A Home Owners' Committee (HOC) is a body that is formed and operates under sections 100 to 103 of the *Manufactured Homes (Residential Parks) Act 2003* ('MH Act'). Its affairs and functions are therefore considered by the OFT to be regulated by the MH Act.

The MH Act is classed as a 'Special Act' of Parliament.

Under the *Associations Incorporation Act 1981* (Qld) ('AIA'), an association regulated by a Special Act is not eligible for incorporation. Specifically, section 5(1)(d)(iii) of the AIA excludes associations, such as HOCs, that are already regulated by a Special Act.

Therefore, a Home Owners' Committee is not regarded as eligible for incorporation under the AIA.

Why Incorporation Is Not Necessary for an HOC

Most groups choose to incorporate so they can obtain liability insurance. This protects their committee members, including executives, in the event of legal action arising from negligence or harm caused to others.

However, HOCs are not responsible for activities or decisions that typically involve financial transactions, contracts, or public events. Their role is limited to the functions set out in the MH Act, such as representing homeowners when liaising with the park owner about the day-to-day running of the park, and about complaints or proposals of homeowners, as envisaged under section 102 of the Act.



QMHOA

QUEENSLAND MANUFACTURED HOME OWNERS ASSOCIATION INC.

As a result, HOCs are unlikely to be exposed to legal liability or to the kinds of risks that require insurance protection through incorporation.

What About Other Associations in the Park?

Some parks have other resident groups, such as social clubs or general residents' associations, which organise events or manage money. These groups may be eligible to incorporate under the AIA and may consider doing so if their activities could expose them to liability risks.

If a multi-functional incorporated association exists in a park, for example one that carries out social activities and also performs HOC-type functions, it should take every step to ensure that its specific HOC functions and duties under the MH Act are carried out conscientiously and diligently. It should also ensure that its operation, and any relevant negotiations, are not compromised by its other roles.

If this is not possible, establishing a separate HOC should be considered.

Recommendation

Based on the advice received and the matters outlined above, QMHOA believes it is advantageous for every Home Owners' Committee to remain a separate, unincorporated group, distinct from any other association in the park. This will help ensure that HOCs can rely on the protections provided under the MH Act with confidence.

QMHOA is aware that, in some parks, existing incorporated associations have operated for some time, carrying out a range of roles in their community, including HOC-type functions as outlined in the MH Act, without facing significant problems. The Office of Fair Trading (OFT) has advised that "in such a circumstance there is no inconsistency with the 'special Act' principle".



QMHOA

QUEENSLAND MANUFACTURED HOME OWNERS ASSOCIATION INC.

However, we believe that, although it has not happened to date, it is possible that at some time in the future these incorporated associations may not be able to rely on the protections in Part 15, sections 100, 102 and 103, of the MH Act if they are deemed not to have been formed as a HOC under the MH Act. The Associations Incorporation Act, under which they are considered to have been formed, does not provide these protections.

We acknowledge that residents in parks where HOC functions have been carried out by a multi-function incorporated association without problems may choose not to make changes until they consider it necessary, depending on their circumstances at the time.

Whichever model the residents of a park choose to adopt, those responsible for carrying out the functions of the HOC, as outlined in Part 15, section 102, must ensure that the integrity of the HOC's legislated role is maintained.

Note: This conclusion is based on the current wording of the MH Act and the AIA. It reflects QMHOA's general understanding of the relevant Queensland legislation and has been confirmed with the Office of Fair Trading.

However, if a HOC's activities materially change, for example by holding property, entering into commercial contracts, or managing significant funds, its legal status may need to be reviewed.
