

On behalf of our members, ARPQ's Committee extends congratulations to the Honourable Leeanne Enoch MP on her appointment as the Minister responsible for the Manufactured Homes Act



Our New Minister The Honourable Leeanne Enoch MP

Leeanne has lived on Brisbane's south and in Logan for over 30 years and is a mother to two teenage sons.

As the first member of her family to graduate from university Leeanne developed a lifelong commitment to education early in her life.

She spent more than a decade as a high school teacher, working in a number of schools in South-East Queensland and in East London where her passion for community development and social justice grew stronger.

After leaving teaching, Leeanne held senior roles in local and state government leading the development and implementation of policies to support some of Queensland's most at risk families.

Leeanne worked for the Australian Red Cross for seven years in leadership roles at the state and national level guiding humanitarian policy and programs to improve the lives of Australia's most vulnerable.

She also worked with the QCU to bring justice and equity to all Queenslanders.

Leeanne is a proud Nunukul/Nughi woman from North Stradbroke Island.

She has a strong sense of social justice supported by her remarkable ability to listen to the needs of others and turn issues into positive actions.

Source:- www.queenslandlabor.org

Previous Minister De Brenni was:-

- Minister for Housing and Public Works;
- Minister for Digital Technology;
- Minister for Sport;

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New Minister Leanne Enoch is:-

- Minister for Communities and Housing,
- Minister for Digital Economy and
- Minister for the Arts

Her responsibilities include:-

- community care,
- community recovery,
- community services,
- social inclusion,
- homelessness,
- housing services,
- cyber security operations and management,
- digital economy,
- open data,
- government information and communication technology policy and planning,
- shared services systems, archives and the arts.

The end result is that the Manufactured Homes Act will now come under a NEW department—Department of Communities, Housing and Digital Economy.

(rather than the Department of Housing and Public Works).

The **still-to-be-formed** department is headed by Ms Clare O'Connor, Director-General

Your committee is urgently seeking a meeting with the new Minister to confirm that the action advised by the previous Minister will be taken with a "root and branch" review of the Manufactured Homes Act.

As per our previous submissions and ongoing discussions over the past **THREE** years, the areas of the **Act** which **must** be amended are primarily with regard to:-

- Rent Increases;
- Dispute Resolution;
- "Pre-loved" house sales;
- Age Discrimination.

Let us Hope (and pray) that it will not take another THREE years for justice to prevail!



OUR ANNUAL GENERAL MEETING

As you will see from the ‘Stop Press’ item on page 4 of this edition of the Argus, our delayed Annual General Meeting has been scheduled for Tuesday 2 February 2021, subject to no further tightening of the current COVID 19 restrictions on meetings.

However, due to those very restrictions this will not be a ‘normal’ AGM.

The **maximum capacity of the room** we have been allocated has been set at **66** to comply with Department of Health requirements. We have therefore decided to set a target for numbers attending the meeting in person of around **50**, including members of the Management Committee.

This is considered a reasonable compromise between running an effective meeting and satisfying Department of Health requirements covering personal safety.

To manage the numbers, **if you intend coming to the meeting** in person please let us know in advance.

Otherwise, please return the proxy form sent out with the notice of the meeting so that your voice may still be heard.

I look forward to seeing those who decide to attend.

I just wish it could be under circumstances that existed at previous meetings, Take care.

ASSIGNMENT OF SITE AGREEMENT

One of the contentious issues facing both owners and sellers and buyers of homes in parks is whether the site agreement should be assigned to the purchaser or whether there should be a new site agreement.

As everybody knows, the site agreement is the contract between the park owner and the home owner. What many of the sellers forget is that the site agreement can be assigned to the purchaser meaning that all the existing conditions remain in place.

Unfortunately we have been informed of instances where the park owner has not offered the assignment of the site agreement to the detriment of the buyer, and possibly the seller, and so contravening the Act.

Why would the seller (current home owner) want to give the buyer the incentive of an assignment?

- * The existing conditions may suit a buyer more so than the conditions of a new site agreement offered by the park owner;
- * The sale may proceed more smoothly if the conditions are simply assigned for which there can be no arguments, rather than the buyer having to negotiate a new agreement with a park owner;
- * It is likely that the rent will be increased in a new agreement;
- * The buyer may decide not to purchase the house due to unacceptable conditions or high rent in a new agreement, **not knowing the agreement can be assigned**, because the park

owner has not provided the required Disclosure Forms 1A and 1B in a timely manner as required by the Act, or not at all.

It is important that the seller of the home serves a completed “Form 7 - Notice of Proposed Sale and Assignment” to the park owner to ensure that the park owner gives a copy of the current Site Agreement to the purchaser and how it can be assigned.

Is it any wonder that a buyer of a home can end up totally overwhelmed by the process when it involves 100 or more pages?

Form 71	3 pages
Form 1A	6 pages
Form 1B	13 pages
Form 1 - Home owners information document	23 pages
Form 2 - Site agreement	24 pages
Village Handbook (at least)	35 pages plus attachments

So even when the park owner omits the first 3 forms dealing with the assignment (so that details of the previous 5 years rent and increases are not given), an average new owner will still feel overwhelmed and will tick all the boxes just to get it over with, not realising he doesn’t have the disclosure documents.

This has been part of some complaints received

Assignment of Site Agreement—Continued page 3

Many thanks to Logan Council’s Bethania Community Centre

For use of a meeting room during the year and the main Auditorium for our AGM.

Bethania Community Centre has rooms for hire,



Assignment of Site Agreement—Continued from page 2

Why would the buyer want an assignment?

- * It is far easier to discuss the existing site agreement with the selling home owner than negotiate a new one with the park owner;
- * The buyer can compare the conditions of the existing agreement with the new one being offered by the park owner;
- * The buyer will know the existing rent figure.
- * **In cases referred to us, a higher rent figure is stated in the new agreement**

without the current rent being divulged;

- * The buyer may consider the proposed rent in the new agreement too high and not proceed with the purchase because the buyer has not seen the existing agreement with the current rent.

Why would the park owner not offer an assignment and instead ask for a new agreement?

- * Many parks have different levels of rent being paid.

Assignment of Site Agreement—Continued page 4

WHAT IF THE SILENT DESTROYER STRIKES

If (and we fervently hope it never does) you have a fire and your house is lost or damaged, it will not be “silent”. A fire burning is not silent, neither are the associated Fire fighters/Police activities.

When your insurance company asks you to provide details of your fire safety provisions and have you followed the legislative requirements; that’s when your “silence” may be the destroyer!

Also please keep in mind that your Park Owner may refuse to process the sale of a house which does not comply with the Smoke Alarm Legislation.

We have mentioned this before, but please DO NOT IGNORE the Queensland Smoke Alarm Legislation.

For members selling their homes, a significant date (01/01/2022) is only a year away!

A summary of the Smoke Alarm Legislation is as follows (Source:- [www.qfes.qld.gov.au/smoke alarms](http://www.qfes.qld.gov.au/smoke%20alarms))

From 1 January 2017

- Existing smoke alarms **manufactured more than 10 years ago must be replaced with photoelectric smoke alarms** which comply with Australian Standards (AS) 3786-2014. (Note: the date should be stamped on the back)
- Smoke alarms that do not operate when tested must be replaced immediately.
- Existing hardwired smoke alarms that need replacement, must be replaced with a hardwired photoelectric smoke alarm.

When you have satisfied the Smoke Alarm regulations it is suggested you make a copy of the proof documents and store them away from your home (with other copies of your most important documents?),

Eg. With a relative, your Solicitor or a bank deposit box (if they still have them?)

From 1 January 2027

All existing private homes, townhouses and units will require specified interconnected smoke alarms; which must be installed in:-

- each bedroom
- hallways that connect bedrooms and the rest of the dwelling.

IF YOUR ARE SELLING YOUR HOME:-

From 1 January 2017

Requirements are as for existing dwellings and you must lodge a Form 24 with the Queensland Land Registry Office stating the requirements of the smoke alarm legislation have been met.

From 1 January 2022 (Now just on 1 year away!)

Specified interconnected smoke alarms must be installed in:-

- each bedroom
- hallways that connect bedrooms and the rest of the dwelling.

For complete smoke alarm details see your local fire station or their website:- qfes.qld.gov.au

IF YOU DO NOT HAVE ACCESS TO A COMPUTER
Our contact details are:-

Address: A.R.P.Q. Inc, PO Box 1124
Park Ridge QLD 4125 **Phone:** (07) 3040 2344

Assignment of Site Agreement—Continued from page 3

Much of this stems from the park owner convincing the buyer to sign a new agreement at a **higher rent level**;

- * The new agreement can delete services to the new owner;
- * Many park owners are offering fixed rent increases such as 3.5% or 5% annual increase instead of CPI and market reviews. Over the last 5 years this would have meant paying rent at 2.2 times or 3.2 times CPI respectively.
- * This may be good for the park owner's profitability but a buyer doing the calculations may well walk away from the purchase.

Why is all this important?

The Act states **BOTH** that park owners **MUST** advise the buyer:

“how a home owner’s interest in a site agreement may be assigned”

We are currently looking for Assistance and have advertised the following position If you know anyone who might be interested, please let them know

**ADMINISTRATION/PROJECT MANAGER
OUR ORGANISATION**

Associated Residential Parks Queensland Inc. (ARPQ) is a member driven, not for profit organisation, being the peak body representing the interests of home owners living in Manufactured Homes Parks in Queensland.

Our role is to provide support and advice to these home owners in their interactions with park owners. In addition, ARPQ advocate to Government on behalf of members in relation to current legislation (The Manufactured Homes (Residential Parks) Act 2003) and advocate for necessary amendments to this Act to ensure necessary protections are provided to residents.

THE ROLE

Administration/Project Manager

ARPQ are seeking a suitably qualified person for a short term (6 months) contract (20 hours per week) to develop and operate a secretariat to assist the Association's Management Committee in carrying out their functions.

RESPONSIBILITIES

- Create data base of Residential Parks in Queensland
- Arrange contacts in these parks
- Promote membership
- Organise bulk postage
- Develop and maintain a register of issues and advocacy
- Develop a social media presence
- Prepare digital seminars for distribution
- Develop instructional handbooks
- Monitor Government statements and releases
- Assist in preparation of submissions to Government
- Any other matter as deemed necessary

STOP PRESS

2020 ANNUAL GENERAL MEETING

Due to Coronavirus, your AGM has been rescheduled from Tuesday, October 6, to Tuesday February 2, 2021.

This change has approval from The Office of Fair Trading. but subject to COVID legislation

NO BANK REFERENCE WHEN PAYING FEES

In Some cases fee payment to our bank account is without appropriate reference.

If you have NOT received a receipt for your payment, please contact Membership Secretary Dawn

AND

“must not unreasonably refuse to consent to the assignment

We have been advised by new home owners that this in some cases this is not occurring, in **contravention to the Act.**

YOUR PROFILE

The successful applicant will have strong written and verbal communication skills with the ability to:-

- Work from home using own equipment.
- Meeting designated results and guidelines within a timeframe.
- Have a positive work ethic with written reports being completed.
- Suitable computer skills are essential particularly Excel and data programs, Powerpoint and Access
- A comprehensive understanding of social media platforms and digital technology will be a prime requirement.
- Experience with the Manufactured Homes Legislation and interaction with Government would be highly regarded.

REMUNERATION

As this is a contract position an attractive hourly rate will be negotiated dependent on experience.

APPLICATIONS

Applications should be forwarded to The Secretary, ARPQ by email to secretary@arpq.org.au



To all our members from your ARPQ Committee