



Queensland

Manufactured Homes (Residential Parks) Act 2003

Manufactured Homes (Residential Parks) Regulation 2017

Current as at 1 October 2017



Queensland

Manufactured Homes (Residential Parks) Regulation 2017

Contents

		Page
1	Short title	3
2	Commencement	3
3	Particular types of special terms prohibited in site agreements—Act, s 25B	3
4	Maximum fee under selling authority—Act, s 61	5
5	Manufactured Homes (Residential Parks) Regulation 2003 references	5

Manufactured Homes (Residential Parks) Regulation 2017

1 Short title

This regulation may be cited as the *Manufactured Homes (Residential Parks) Regulation 2017*.

2 Commencement

- (1) This regulation, other than section 3, commences on 1 September 2017.
- (2) Section 3 commences on 1 October 2017.

3 Particular types of special terms prohibited in site agreements—Act, s 25B

For section 25B(1)(a) of the Act, the types of special terms that are prohibited are special terms that—

- (a) calculate site rent increases in a misleading way; or

Example—

a special term that states that a rental increase is calculated in accordance with the consumer price index, but the rental increase includes an additional charge

- (b) require a home owner to pay other charges but does not fully explain the charges; or
- (c) require a home owner to gain the consent of the park owner before the home owner complies with a requirement under law; or
- (d) state that if the seller assigns the seller's interest in a site agreement to a buyer, the site agreement between the seller and the park owner does not end until the buyer enters into a site agreement with the park owner; or
- (e) require the home owner to give a current building inspection certificate to the park owner; or

- (f) restrict or prohibit an alteration to the home that is not visible from the outside of the home; or
- (g) allow the park owner to consent to the alteration to the exterior of a home or addition to the home in a way that is contrary to section 98 of the Act; or
- (h) require the home owner to indemnify the park owner and the park owner's employees, contractors or agents for loss that was not caused by the home owner, a guest of a home owner, or a home owner's contractors or agents; or
- (i) give the park owner either of the following rights, however described—
 - (i) a right to buy a home before another person may be offered the home;
 - (ii) a right to make a final offer to buy a home after all other offers have been made to buy the home; or
- (j) state site rent will not be reduced if there is a decrease or reduction in the standards, amenity or community facilities or services, including if—
 - (i) there is a decrease in amenity or standard of the residential park's common areas and communal facilities mentioned in section 72(1)(a) of the Act; or
 - (ii) a communal facility or services mentioned in section 72(1)(b) of the Act has been withdrawn; or
 - (iii) a communal facility or services mentioned in section 72(1)(c) of the Act has not been provided; or
- (k) state that the park owner does not warrant that the site is suitable for use as the site of a manufactured home; or
- (l) state that the park owner may exclude a person from the residential park without having reasonable grounds for the exclusion; or
- (m) appoint, or require the home owner to appoint, the park owner as an attorney for the home owner; or

-
- (n) state that the seller is liable for the actions of a buyer after the seller assigns the seller's interest to the buyer; or
 - (o) state that referring to the site agreement is a sufficient way to explain how an increase in site rent is calculated for the Act; or
 - (p) purport to exclude legislation from affecting the site agreement, unless the legislation provides that it may be excluded; or
 - (q) impose a monetary penalty on a home owner if the home owner breaches the site agreement; or
 - (r) remove a park owner's liability for negligence or a breach of a contractual duty of care if the negligence or breach is caused by an act or omission of the park owner or the park owner's employees, contractors or agents; or
 - (s) prohibit or prevent the park owner from reducing the site rent for any reason.

4 Maximum fee under selling authority—Act, s 61

For section 61 of the Act, the prescribed amount is—

- (a) if the sale price of the manufactured home is not more than \$18,000—5% of the sale price; or
- (b) if the sale price of the manufactured home is more than \$18,000—\$900 plus 2.5% of the part of the sale price over \$18,000.

5 Manufactured Homes (Residential Parks) Regulation 2003 references

A reference in any document to the *Manufactured Homes (Residential Parks) Regulation 2003* may, if the context permits, be taken to be a reference to this regulation.

1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation

2 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section
o in	= order in council	sch	= schedule
c			

Key	Explanation	Key	Explanation
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnu	= unnumbered
		m	
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Current as at	Amendments included	Notes
1 September 2017	none	
1 October 2017	none	s 3 commenced

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Manufactured Homes (Residential Parks) Regulation 2017 SL No. 181

made by the Governor in Council on 31 August 2017

notfd <www.legislation.qld.gov.au> 1 September 2017

ss 1–2 commenced on date of notification

s 3 commenced 1 October 2017 (see s 2(2))

ss 4–5 commenced 1 September 2017 (see s 2(1))

exp 1 September 2027 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

© State of Queensland 2017