



Queensland

Manufactured Homes (Residential Parks) Act 2003

Manufactured Homes (Residential Parks) Regulation 2017

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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 Prescribed matter for emergency plans—Act, s 86A

For section 86A(1)(d) of the Act, the matter prescribed is the place to which home owners and other residents of the park must evacuate if there is an emergency.

6 Written records of emergency procedure tests

- (1) The park owner for a residential park must ensure a written record of each emergency procedure test for the park is kept at the park.

Maximum penalty—20 penalty units.

- (2) In this section—

emergency procedure test, for a residential park, means a test of an emergency procedure provided for in the emergency plan for the park.

7 Emergency plan to be displayed on notice board—Act, s 89

For section 89(3) of the Act—

- (a) the prescribed type of information is the emergency plan for the residential park; and
- (b) the prescribed period is any period for which a home owner for the park, or a tenant of a home owner for the park, resides in the park.

8 Information for initial disclosure documents—Act, sch 1

For schedule 1, item 1(d) of the Act, the following information about site rent that is, or is to be, payable for the site is prescribed—

- (a) the basis for working out the amount of each increase in the site rent;
- (b) how often the site rent is to be increased.

9 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.