



Speech by

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MANUFACTURED HOMES (RESIDENTIAL PARKS) BILL

Mr SEENEY (Callide—NPA) (Deputy Leader of the Opposition) (4.07 p.m.): It is my pleasure to make a contribution to the debate on the Manufactured Homes (Residential Parks) Bill 2003. This is a bill that I do not believe is controversial. It is one that, although there are a few matters of detail we can probably explore during consideration in the parliament this afternoon, generally will be receiving the support of the opposition.

The Manufactured Homes (Residential Parks) Bill sets out to put in place a regulatory process to control the interrelationship between people who own manufactured homes and the people who provide sites for those homes to be situated on. This is something of an emerging industry. I noted some of the figures that were given in the explanatory notes. I was quite surprised at the size of the industry and the number of people who will be affected by this legislation. The explanatory notes that accompany the bill state that some 10,000 people reside in this type of manufactured home, in some 160 different parks across Queensland. That is quite a surprising figure. I think to most people it would come as a surprise to know that that many people live in these types of situations and will be affected by this legislation. It indicates the rising popularity of this type of arrangement. It probably is also reflective of the rising cost of traditional type housing, and that rising cost is reflected in the numbers of people who find this alternative a better one for them.

It is distinctly different from the situation that exists with caravan parks and caravan park owners. I guess the main difference is the mobility that is associated with caravans that owners of manufactured homes do not have. While they were traditionally referred to as mobile homes—and I note that the previous act was called the Mobile Homes Act and referred to them in that way, which gives the idea that they are somehow mobile—a very different situation in terms of mobility confronts owners of these manufactured homes. They do not have the option of moving on anywhere near as readily as the owners of caravans or a more mobile type of accommodation unit. That in itself lends the situation to areas of conflict that cannot be resolved simply by moving somewhere else.

If the owner of a caravan or a more mobile unit has a situation of conflict with the owner of the site where they are living, they can very quickly move. That is an option that is open to them. It may or may not be an acceptable option, but at least it is an option. That option certainly does not exist anywhere near to that the extent for owners of these manufactured homes. It certainly puts a different perspective on the rules that govern the interrelationship with the site owner and how all of those issues that are involved need to be resolved.

This bill sets out to define some of those processes that should be involved to ensure that there is a balance between the rights of the manufactured home owner and the site owner. In that sort of situation I would be bold enough to suggest that we can never please everybody when we try to put in place a process that seeks to control what in a great many cases are competing rights. We can never please everyone with the controls we put in place. What has been arrived at in this bill before the House this afternoon is pretty much a fair compromise in most of the situations that it covers. This bill covers a whole range of situations that have to be decided between the owners of the manufactured homes and the owners of the land that constitutes the site on which those homes are placed. They are listed in the first part of the bill in clause 4.

Clause 4 deals with the areas that the bill sets out to cover. The first thing that the bill does is declare particular rights and obligations of the park owner and the home owner. So it establishes what the rights and the obligations of both parties are. Obviously with the range of people who are involved, the range of enterprises and also the range of manufactured homes—and what constitutes a manufactured home varies widely and we used to refer to them as mobile homes—each of those people quite possibly sees that their particular rights and obligations vary differently. This bill sets out to declare just what those particular rights and obligations are in an attempt to avoid some of the conflicts that can and have arisen.

The bill also facilitates information disclosure about the residential park to prospective home buyers—the types of information that needs to be disclosed about what is required and what is intended. It also regulates the making, the content, the assignment and the ending of site agreements. It is those site agreements that are the basis of the relationship between the owner of the manufactured home and the park owner. Under this piece of legislation those site agreements will take something of a more formal format. Their content will be set by regulation. That will hopefully avoid some of the potential for disagreement and conflict.

The bill also regulates the sale of an abandoned home and what the park owner's rights are in those particular cases. The area that is potentially the cause of most conflict is the variation of site rent. The bill sets out to put a process in place that is to be followed in the case of the variation of site rent. It is that variation of site rent that can quite clearly be the cause of some disagreement between the owner of a manufactured home and the owner of the park. To a very real extent, the owner of a manufactured home already existing on a site is very much at a disadvantage when it comes to negotiating the site rent. As I referred to at the beginning of the consideration of the legislation, the option to move on or to move their home to some other site is severely restricted, especially with the bigger and more complex units that are involved.

The bill also facilitates participation by home owners in the affairs of the residential park and it provides means for resolving disputes. It sets out to encourage continued growth in the industry in recognition of the fact that this industry and the opportunities that it provides are required by an increasingly large number of Queenslanders. Finally, the bill provides a clear regulatory framework to ensure certainty for the industry in planning for future expansion.

They are a range of areas that are difficult to regulate. They are a range of areas in which it is difficult to meet the conflicting requirements or expectations of the parties in the relationship. That, I would suggest, is something that is common to a number of pieces of legislation in this area of consumer affairs. Balancing the consumer's right with the right of the business owner that provides the service or whatever is never going to be easy. It is always a difficult task. There are not too many areas where it is more difficult than in this area of manufactured homes and park owners.

The bill before the House addresses all of the issues that are likely to arise in a satisfactory and appropriate way. A number of issues have been raised with me by a small number of people in the manufactured homes association. We will deal with those in the detail of the clauses. I will be seeking some clarification on a number of those clauses as we go through. However, I think those issues are of minor detail. I think the overall thrust of the bill—the overall approach that has been taken by the drafters of this legislation—is one that should be commended. I think the House can confidently consider this legislation this afternoon. I commend the bill to the House.