




Speech By
Christopher Whiting

MEMBER FOR MURRUMBA

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HOUSING LEGISLATION (BUILDING BETTER FUTURES) AMENDMENT BILL

 **Mr WHITING** (Murrumba—ALP) (5.09 pm): It gives me great pleasure to rise to speak on this bill, which we know colloquially as the home parks and retirement villages bill. For a long time, this has been a very personal issue for me. I came across the issues relating primarily to home parks in 1999, when I first ran for council in the Caboolture area. I went to Bindawalla Gardens to talk to the residents about the issues that they had. I saw what we needed to do to make their lives better. In fact, I think that one of the things that brought me to this place was that drive to improve the quality of life of those residents. For me, resolving the many issues faced by those residents has been personal.

This bill aims to deliver protections and security for older Queenslanders who have invested a lot in parks and villages. People have told me that they regard themselves as co-investors in the parks, considering the amount of capital they have spent buying or renting houses and their rental fees. They are significant contributors to the capital. This bill ensures that they have a real say in determining things such as rental increases. It ensures that residents of retirement villages have a greater degree of consumer protection. The bill ensures that the setting of fees is transparent and that, at the end of the tenancies, they or their families face a fairer process to protect their investment in the retirement villages.

Having heard from many residents' associations at the hearings, it was clear to me that they thought that the bill was necessary and they liked where we are going with it. John Tucker from Halcyon Landing Home Owners Committee said—

In broad terms, we from our side are happy to see this amendment bill brought forward generally as it is.

Stanley Stutz from the Palm Lake Resort in Deception Bay in my own community said—

Firstly, I would like to commend your committee on the work done. It is very welcomed by residents ...

Ray Toomey, also from Palm Lake Resort, said, 'The document we now have is far superior to what we have been working with.'

I put on the record my very deep personal thanks to all of those hundreds of residents of home villages and retirement villages who have spoken to me about their lives not only over the course of this bill but also over many years. They know that their lives in the villages, their rights and investments could be better protected and they have looked to the government to help provide them with that protection. At the end of this debate, I hope to be able to tell them that we have delivered that.

However, this is not about only the residents; it is also about creating security for the industry. It is crucial that we create a stable environment for owners of home villages and retirement villages. The product that they supply to the housing market is critical for the housing mix that we have in Queensland. They provide affordable housing for many of our older Queenslanders. The owners told me that they cannot improve their villages unless they attract investment or get a bank to lend them money. To do that, they need security and stability. We recognise the importance of the industry and we want to create an attractive environment to deliver stability and security so that owners can reinvest in their villages and make them better for older Queenslanders.

I will look specifically at some of the reforms that the bill delivers. On the issue of disclosure, park owners must give new residents 21 days to examine the documents before they sign the agreement. If a new resident waives that right, still there must be 14 days and they must have a form from their lawyer saying that they know what they are doing. I foreshadow that some amendments will be moved on these issues.

I think the dispute resolution procedure for home parks is a great addition. It is now a three-step process. It has been taken from the retirement villages. The first step is sending a letter, the second step is getting a mediator from QCAT and the third step is going off to QCAT, which is a much better process than going straight to QCAT as happened previously. The bill contains more recognition of the home owners committees, which is a great addition. 'Park liaison committee' or 'interested entity' are recognised now in many parts of the bill, specifically in amended section 81 or amended section 69D. I think that is a great step forward for those bodies that represent the home owners.

We heard a lot about the issue of site rent increases. It has been a very vexed issue for many years. One of the greatest things that will be very much appreciated and welcomed by residents is that, under the bill, there will be only one site rental fee increase per year that must be based on either the CPI or a market review of the rent, but not both. How the rent is increased must be set out in a document. It includes all sites and it happens on the same day every year. The bill will clarify the process and make it so much fairer for many people.

We heard a bit about the issue of valuations. If a rent increase is done on the basis of a market review, the park owner or their valuer must consult with the interested entities 63 days before the increase. The park owner must give each home owner 35 days notice before any increase is made. The bill ensures that valuers are properly qualified and independently registered, which will help prevent inaccurate valuations and deliver some rigour to the process. Park owners have expressed concern that residents could keep asking for valuations if they are not satisfied. I believe that there is enough in section 70A to prevent that. A dispute would have to come before the tribunal, which would have to be satisfied that the increase is legitimate and fair. I note that park owners have pointed out that it is hard to get an experienced valuer who knows the parks. I recognise that just saying there has to be an independent valuer may not fix the problem. I do recognise their problems.

Charging an administrative fee for reading an electricity meter is prohibited. That is very welcomed by the residents of home parks. We will have a new code of behaviour between park owners and home owners. I think this is a great addition and it will be very much welcomed. People should look at that code of behaviour and see that they are protected.

For retirement villages we will be delivering a lot more transparency, especially in regard to financial matters. There will be more transparency for residents when they first sign up, and also in relation to what they will pay during their tenancy and what they will get at the end of their tenancy. I think we have dealt very well with the issue of reinstatement. A former resident must leave the home in the same condition as it was in when they started occupying it, apart from fair wear and tear. That will not apply to a current residential contract.

The bill contains a lot more new disclosure provisions relating to, for example, the funds that the scheme operator is required to keep, the retirement village facilities and whether the resident and the scheme operator are to share any capital gain or loss. All of those things will be set out in documents. I look forward to seeing those documents come forward. The bill also ensures that an exit fee must be paid within 18 months of the termination date. We have talked about the issue of buyback. I believe we have come to a good place on the issue of buyback. I note that, if an issue arises, the scheme operator can take it to QCAT. The bill also states that the home owners committee must give their assent to any redevelopment.

There is so much more that I want to talk about, but I will touch on just a few more issues before I finish. I want to rebut some of the things we have heard today. I clarify that we have not sat on our hands for two years. I acknowledge Minister LeeAnne Enoch, a former minister for housing, who made sure that the ministerial working party was on task. It took many months of negotiating the many issues, such as section 99A in relation to electricity, to come to the right place. I note that the ministerial working party was a continuation of the one that met for a number of years under the former government. Therefore, it is inaccurate to say that we have sat on our hands. I know that the ministerial working party has worked through the two acts to get to a position where industry and home owners can both agree.

We are clarifying taxation issues relating to mixed-use parks. As the minister said, we know that more works needs to be done on this issue and I know that it will be done in the future. We have talked about the issue of rental standards. This bill is not about imposing bureaucracy. Around half of all Queenslanders live in rental properties. It is incredible to think that, in this day and age, we have not set standards for the homes that people rent.

Finally, I say to the residents who will be listening to this debate that this is not the end of the road in terms of the reform process for this industry. In fact, it is the beginning of the process. There is a lot of review built into this bill. I thank the minister for all his tremendous work on this bill. He has pointed out that there will be more changes down the track for the regulatory systems because the industry is growing and evolving.

Different building products will come onto the market. Retirement villages and home villages will look increasingly the same. There will be new financial models and new operators. We will keep on with the process of delivering reform and making sure consumer protections are delivered to Queenslanders. It gives me great pleasure to see this bill debated in the House. I commend this bill to the House.