

~~We have long recognised the invaluable contribution of all carers who provide ongoing care and assistance to those in need. The Queensland carers act recognises the selfless support of unpaid carers who provide ongoing care to a person because of disability, frailty, chronic illness or pain in the Queensland Carers Charter. The act also establishes the Carers Advisory Council to advance the interests of carers.~~

~~Today, through these new amendments we will further strengthen the carers act. The proposed amendments will ensure that strong legislative recognition of grandparent carers is established in Queensland and that there is a practical application of their interests as part of government decision making. As well as the initiatives proposed for grandparents through our seniors strategy, the government's bill represents a tangible and clear legal framework through which to provide grandparent carers with the recognition they well deserve.~~

~~Debate, on motion of Mr Hobbs, adjourned.~~

MANUFACTURED HOMES (RESIDENTIAL PARKS) AMENDMENT BILL

First Reading

Hon. PJ LAWLOR (Southport—ALP) (Minister for Tourism and Fair Trading) (12.53 pm): I present a bill for an act to amend the Manufactured Homes (Residential Parks) Act 2003. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Tabled paper: Manufactured Homes (Residential Parks) Amendment Bill.

Tabled paper: Manufactured Homes (Residential Parks) Amendment Bill, explanatory notes.

Second Reading

Hon. PJ LAWLOR (Southport—ALP) (Minister for Tourism and Fair Trading) (12.54 pm): I move—

That the bill be now read a second time.

I am pleased to introduce the Manufactured Homes (Residential Parks) Amendment Bill 2010, which delivers on the government's commitment to a fair go for Queenslanders who live in manufactured homes.

Honourable members of this parliament have long recognised the need for strong laws to protect people who live in manufactured homes, many of whom are older members of our community and who need security and certainty when it comes to where they live. It has also been recognised that residential parks play an important role in addressing the housing and accommodation challenges facing our rapidly growing state.

The bill is an important milestone in striking the right balance between protecting manufactured home owners and encouraging the viability and growth of an innovative, vibrant residential parks industry. The Manufactured Homes (Residential Parks) Act applies when a person owns their manufactured home but rents the site it is located on from a residential park owner.

A review has been undertaken to ensure that the act is meeting community expectations and that its provisions remain appropriate. The review benefited from an extensive public consultation process involving manufactured home owners, residential park owners, and community and industry representatives. There were also considerable representations made to me by my parliamentary colleagues on behalf of their constituents for which I thank them. I must say that I am grateful to the hundreds of Queenslanders who have shared their experiences and expertise during this consultation process.

This bill proposes important amendments to strengthen provisions of the act that protect the interests of manufactured home owners. Once positioned in a residential park, moving a manufactured home can be an expensive and difficult exercise. After having moved into a park, the opportunity for a homeowner to change providers and get a better deal for themselves is very limited. For this reason, the act needs to provide strong consumer protection. This emphasis will now be made clearer by changing the objects of the act to confirm that protecting the interests of manufactured home owners is its main purpose.

Amendments will also make things clearer for consumers contemplating entering a residential park. For instance, the bill includes amendments to improve the presentation and content of site agreements. This will be achieved through a requirement for site agreements to be clearly expressed in

plain language, which will help homeowners better understand their rights and responsibilities. In addition, the bill proposes a power for particular special terms in site agreements to be prohibited by regulation. This will ensure homeowners are not exploited by special terms that are unreasonable and unnecessarily onerous.

Amendments in the bill will also provide homeowners with more confidence and certainty regarding site rent increases by substantially limiting the grounds on which a park owner may seek an increase in rent outside the terms of a site agreement. A 'market review' of site rent will not be permitted unless it is specifically provided for in the site agreement. This will protect, for example, residents who have entered site agreements which state that the rent will only increase in accordance with the consumer price index.

The bill also strengthens provisions of the act prohibiting park owners from engaging in threatening, intimidating or coercive conduct regarding site rent issues. The act aims to ensure homeowners have a high degree of certainty and security in their right to reside in a park, consistent with the fact that the park land is owned by someone else. Among other things, the act limits the grounds on which site agreements may be terminated and provides for compensation to be payable to homeowners in certain circumstances.

The bill expands the types of orders the Queensland Civil and Administrative Tribunal can make to assist a homeowner facing termination of their site agreement because the park owner has decided to use the land for another purpose. The amendments allow the tribunal to order the park owner to offer another comparable site to the homeowner, if one is available, for the re-positioning of their home. The tribunal may also postpone the termination date for up to 12 months to provide the homeowner with more time to secure an alternative site or accommodation.

The bill also specifically prohibits the establishment of fixed-term site agreements between homeowners and park owners. Fixed-term site agreements are not consistent with the policy intention of the act. They disadvantage homeowners by excluding their entitlement to compensation if the park owner decides to end the homeowner's right to reside in the park because the park owner wishes to use their land for another purpose.

The bill also clarifies the operation of the act with respect to 'converted caravans'. The act is not intended to apply to caravans positioned in residential parks. In fact, the definition of a 'manufactured home' under the act specifically excludes caravans. There is currently uncertainty and apprehension in the industry about the potential for a park owner to be compelled to enter into a manufactured home agreement with a caravan owner who has made significant structural modifications or alterations to their caravan without the park owner's agreement. The bill clarifies the issue by specifically providing that a converted caravan is not a manufactured home under the act.

However, the bill also provides flexibility by allowing converted caravan owners and park owners to enter into a site agreement under the act if that is their agreed preference. The bill will protect the interests of existing converted caravan owners by providing them with a three-year period to seek an order for a site agreement if the person considers their structure meets the current definition of a manufactured home.

The review has highlighted the need for better data about residential parks offering sites for manufactured homes. As a result, the bill includes amendments to allow the chief executive to establish a record of residential parks. The bill also includes a range of minor amendments to improve the operation of the act. I commend the bill to the House.

Debate, on motion of Mr Hobbs, adjourned.

Sitting suspended from 12.59 pm to 2.30 pm.

~~APPROPRIATION (PARLIAMENT) BILL~~

~~Message from Governor~~

~~Hon. AP FRASER (Mount Coot-tha ALP) (Treasurer and Minister for Employment and Economic Development) (2.30 pm): I present a message from Her Excellency the Governor.~~

~~The Speaker read the following message—~~

~~MESSAGE~~

~~APPROPRIATION (PARLIAMENT) BILL 2010~~

~~Constitution of Queensland 2001, section 68~~

~~I, PENELOPE ANNE WENSLEY, Governor, recommend to the Legislative Assembly a Bill intituled—~~

~~A Bill for an Act authorising the Treasurer to pay amounts from the consolidated fund for the Legislative Assembly and parliamentary service for the financial years starting 1 July 2010 and 1 July 2011.~~

(sgd)