

Making a Complaint to Regulatory Services

THE REGULATORY SERVICES

The Regulatory Services unit is a government body within the Department of Housing and Public Works that is responsible for regulating providers of residential services in Queensland including manufactured parks and retirement villages.

What does Regulatory Services do?

The unit is responsible for investigating complaints and prosecuting alleged breaches of the *Manufactured Homes (Residential Parks) Act 2003* (Qld) (MH Act) and the *Retirement Villages Act 1999* (Qld) (RV Act).

In some circumstances, a park owner of a manufactured home park or village operator of a retirement village may be fined for breaching certain sections of the relevant Act.

After investigating a complaint, Regulatory Services can commence a prosecution or make the park owner or village operator enter into an agreement to rectify the issue.

WHO IS THE FACTSHEET FOR?

This factsheet is intended to assist:

- residents of manufactured home parks who believe the park owner may have breached the MH Act
- residents of retirement villages who believe the village operator may have breached the RV Act.

If you are unsure if the park owner or village operator has breached the relevant Act, you should get legal advice.

The Queensland Retirement Village and Park Advice Service (QRVPAS) can provide advice about whether the park owner's or village operator's conduct is in breach of a penalty section of the relevant Act, and whether your concerns would be

better dealt with through the dispute resolution processes or by making a complaint to Regulatory Services.

There are also a number of factsheets on the QRVPAS website, which set out the responsibilities of park owners and retirement village operators.

MAKING A COMPLAINT

If you are concerned that the park owner or village operator is breaching their obligations, you can make a complaint directly to Regulatory Services.

The contact details for Regulatory Services are:

GPO Box 690

Brisbane QLD 4001

Tel.: (07) 3008 3450

Fax: (07) 3008 5960

email: regulatoryservices@hpw.qld.gov.au

Regulatory Services prefer to receive complaints in writing and, at a minimum, your complaint should include:

- your name and contact details
- the name and address of the park you are complaining about
- all key facts (times/dates/places/incidents/who was involved)
- copies of relevant documents or evidence to support your complaint (e.g. your site agreement, residence contract photographs, letters)
- any action that you have taken so far to try and resolve the matter.

If you contact them by phone first, you should ensure you follow up by reiterating your request in writing so that there is a complete record of your communications.

Attached to this factsheet is a sample complaint letter based on a fictional complaint under the MH Act. You may wish to use it to help make your complaint to Regulatory Services.

Time Limits

If you wish to make a complaint to Regulatory Services, you should do so as soon as possible. This is because there are time limits under the RV Act and MH Act within which Regulatory Services must commence prosecution proceedings.

Generally, prosecution proceedings must be commenced within one year after the offence was committed. Alternatively, proceedings must be commenced within six months of the offence having come to your knowledge, but within two years of the offence being committed.

OTHER FORMS OF DISPUTE RESOLUTION

The Manufactured Home Park *Dispute Resolution* and Retirement Village *Dispute Resolution* factsheets set out additional forms of dispute resolution you may wish to use to try and resolve your complaint.

Caxton Legal Centre Inc.

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Know Your Rights! www.queenslandlawhandbook.org.au

This information is current at May 2019.

Disclaimer

This information is intended only as a guide. It is not a substitute for legal advice.

No responsibility is accepted for any loss, damage or injury, financial or otherwise, suffered by any person acting or relying on information contained in or omitted from this publication.

SAMPLE COMPLAINT TO REGULATORY SERVICES

3 May 2019

Regulatory Services
 Department of Housing and Public Works
 email: regulatoryservices@hpw.qld.gov.au

Dear Sir/Madam,

Complaint about Brisbane Mobile Village

I own a mobile home located at site 17 in the Brisbane Mobile Village. The park owner’s details are:

Peter Smith
 Owner
 Brisbane Mobile Village
 17 Dandelion Street
 Brisbane Qld 4001
 Tel.: 0423 123 123

In this paragraph, describe the manufactured home park or retirement village you are complaining about, and that you feel the owner is breaching the relevant Act. For a manufactured home park dispute, you should refer to the fact you feel the park owner is breaching the MH Act. For a retirement village dispute, you can state you feel the village operator is breaching the *Retirement Villages Act 1999* (Qld).

I am writing to make a complaint to Regulatory Services as is my view that the park owner of Brisbane Mobile Village is engaging in conduct that may breach the provisions of the *Manufactured Homes (Residential Parks) Act 2003* (Qld) (MH Act).

On 2 April 2019, I purchased what I believed was a manufactured home from Brisbane Mobile Village. The manufactured home is located on the site, and I was given an invoice that states I paid \$19 000 for a manufactured home. A copy of this invoice is enclosed.

In this paragraph, you should outline the basis for your complaint, giving a brief background of what prompted you to contact Regulatory Services.

On 3 April 2019, I requested that the park owner issue a site agreement. The park owner refused. He said that he preferred not to enter into a site agreement because he preferred less paperwork and so he could ‘kick out’ trouble makers.

I believe that the park owner may have breached section 25 of the MH Act which states that the owner must give me a written site agreement.

In this section you should refer to the sections of the relevant Act you feel the park owner or village operator may have breached, and why you think they may have breached the Act, with reference to the facts of what occurred. It is a good idea to get legal advice to make sure that your concerns are properly set out and referenced with sections of the relevant Act.

I have been given a receipt confirming I purchased a manufactured home, and I attached a report from a structural engineer I got to inspect the manufactured home before I purchased it, confirming it could be classified as a manufactured home under the MH Act. The park owner also confirmed this verbally. Given this, I believe I am entitled to have a site agreement.

I have since spoken to a number of residents at the Brisbane Mobile Park and been told that the park owner has refused to issue site agreements to many of them. I have attached a list of residents who are willing to be contacted by Regulatory Services to discuss similar complaints.

I am happy to provide Regulatory Services with further information or assistance in relation to this complaint.

My contact details are:

Frank Banks

Brisbane Mobile Village

17 Dandelion Street

Brisbane Qld 4001

Tel.: 0456 876 234

Yours sincerely

Frank Banks