

Statutory Review: Residential (Land Lease) Communities Act 2013 NO 97 NSW

**Provided by : Tweed Residential Parks Homeowners
Association (TRPHA) P.O.Box 6260 Tweed Heads South
NSW 2486**

Introduction

We believe that the current Act lacks Transparency and Fairness for Homeowners.

At present the Homeowners feel quite frightened and intimidated with the fact that they are challenging Park Operators, Large Companies who have unlimited access to Solicitors and Barristers. Also the Park Operators have access to the Land Lease Caravan and Camping Industry Association which is very well resourced.

Chapter 2

(4) Is the ban on inducing a person to enter into an agreement through false and misleading or deceptive statements or promises working effectively.

MOST DEFINITELY NOT

(9) If an Operator of a community fails to provide a disclosure statement to a prospective home owner before entering into a site agreement with them a penalty will apply. Do you think the maximum penalty is appropriate?

MOST DEFINITELY NOT

(10) Are you aware of homeowners not being provided with the correct written site agreement.

YES, it still happens and has been happening for years in the Tweed area. Without any penalties from Fair Trading.

Chapter 3

(23) are the provisions governing site fees for new agreements fair and effective.

No

OPERATOR CONDUCT AND EDUCATION

(32)(33)(34)(35)(36)

All the above are not working

We believe that Mandatory Education for existing or new Park Operators and Management is essential.

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We believe there is a need for education updates on a regular basis.

We believe that Park Operators should be licenced.

We believe licences should be removed when proven with unconscionable and unlawful conduct.

Anyone can purchase a community of homeowners without any experience or knowledge .All they need is to have the Funds to Purchase a Community.

Chapter 7

(72)

Are there barriers to accessing mediation provided by Fair Trading

Yes, there are.

Should mediation continue to be provided by digital means after social distancing measures end

DEFINITELY NOT

Phone connections can be very poor, and you cannot hear everything clearly

Not everyone has access to a computer. Or internet

The Homeowners have every right to be present and be a part of mediation this digital age has taken all those rights of the vulnerable Homeowners away.

Chapter 8

(73) Are the Commissioners disciplinary powers adequate

MOST DEFINITELY NOT

(76) Are the powers of Fair Trading investigators appropriate

Most definitely not

(77) No we believe a community session should be face to face.

We believe that Homeowners who have purchased their own homes are very vulnerable, they deserve to be treated with respect .

To be protected against the unscrupulous Park Operators and the multi International companies .These companies and operators have a never ending support team of Legal Professionals and Financial Backing

The Homeowners have the support of volunteer Advocates may I say with no financial backing that usually are home owners that live in that community.

Where is the FAIRNESS, THERE IS NONE.

Homeowners do have limited Support from the wonderful team from Tenants Union

Fortunately, we were able to seek support from the Parks and Village Services in the past until the Government removed all their Funding.

Again, there needs to be more accountability against Park Operator who continue day after day to flaunt the law only to receive a slap on the wrist

We start at mediation then to the Tribunal then appeal to the Tribunal next thing we know we are in the Supreme Court and if they can try to take it to the High Court.

Lets get back to Face to Face mediation, Face to Face Tribunal cases A fair go for the vulnerable Homeowners

Heavier penalties for the Operators who break the law

Name and shame Offending Operators.

Education and Licencing for Operators and managers