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Our ref: [SS:EL]

Email: policy@qls.com.au

Ms Ange Wright
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Policy, Performance and First Nations
Department of Housing and Public Works
Level 21
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By email: [REDACTED]

Dear Ms Wright

Maintenance and Capital Replacement Plans in Queensland Residential Parks

Thank you for the opportunity to attend the recent stakeholder roundtable and provide feedback on the Regulatory Requirements Discussion paper regarding maintenance and capital replacement plans in Queensland residential parks (**Discussion Paper**). The Queensland Law Society (**QLS**) appreciates being consulted on these important aspects of implementation of amendments to the *Manufactured Homes (Residential Parks) Act 2003* (Qld).

The Discussion Paper has been referred to the QLS Elder Law Committee, whose members have substantial expertise in this area. However, as many of our volunteer committee members are on leave at this time of year, we have received limited feedback from our committee members on this occasion. The absence of comments on particular proposals in the Discussion Paper should not be taken as our endorsement of those proposals.

We would welcome the opportunity to provide further feedback after the Regulation has been drafted.

Approved form

QLS agrees that publishing a prescribed form of Maintenance and Capital Replacement Plan (**MCRP**) may be too prescriptive and inflexible given the differences between residential parks. However, we would support the Department publishing an optional template MCRP to help park owners prepare their MCRP.

If a prescribed form is not published, we suggest the Department conduct a review after two years to determine if the lack of consistency in MCRPs between parks is obscuring transparency to the detriment of park residents and proposed home buyers.

Proposed information

QLS supports requiring all MCRPs to contain standard information as set out in the Discussion Paper.

As the term “significant assets/facilities” could lead to disputes about what is “significant”, we suggest the Regulation includes the list of assets/facilities outlined in the Discussion Paper as examples of assets/facilities that would usually be considered significant.

In particular, QLS supports requiring park owners to provide an indication of the parks’ gross annual income from site rent and how much of this money was spent on maintenance and capital replacement works. This will provide residents with greater transparency over the proportion of their site rent is spent on park upkeep and facilities.

Frequency of revisions

QLS supports requiring a park owner to revise the MCRP within two months after the end of each financial year for that particular park.

Procedures and other requirements

QLS supports requiring the costs of capital works to be based on advice from an expert, such as a quantity surveyor. This will direct the park owner toward adequately budgeting for future capital expenses and provide greater transparency for home owners.

However, we appreciate the concerns raised at the stakeholder roundtable that engaging a quantity surveyor may be costly and there are a limited number of quantity surveyors available to attend parks outside of major metropolitan areas. To balance these concerns, one option could be for the park owner to engage a quantity surveyor before the initial MCRP is prepared and then again at five or 10-yearly intervals.

Reasonable steps for complying with the MCRP

QLS supports the Regulation providing guidance as to what constitutes “reasonable steps” to comply with the MCRP as set out in the Discussion Paper.

In addition to including an explanation as to why work in the MCRP was not completed in a given year, we suggest the next annual revision of the MCRP include a proposed work plan to complete the work (if the work is still required).

Limit on the cost for providing copies of the MCRP on request

QLS supports the proposal to limit the cost park owners charge home owners for a copy of the MCRP.

The fee charged for providing a printed copy of the MCRP must be reasonable. We also suggest requiring the park owner to keep a copy of the MCRP available at the park office for home owners to view without charge.

It is not clear whether a potential home buyer can request a copy of the MCRP from a park owner. If they can request a copy, we suggest limiting the fees park owners charge to a reasonable amount.

Additional comments

The differing views and interests of residents and park owners raised at the stakeholder roundtable highlight the need for improved dispute resolution mechanisms to resolve residential park disputes. QLS would welcome the opportunity to meet with the Department to discuss this urgent reform issue.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on [REDACTED] [REDACTED].

Yours faithfully



Genevieve Dee
President