

Utility Charges

In some residential parks, home owners purchase their utilities direct from a supplier in the same way as other residential customers, whilst in others they are purchased from the Park Owner under terms laid down in the *Manufactured Homes (Residential Parks) Act 2003* (the Act).

This fact sheet only relates to the latter situation (where they are purchased from the Park Owner).

What is a Utility?

The following services are defined as utilities under the Act:

- Electricity
- Gas
- Sewerage
- Water

When Utility Supply IS NOT Separately Metered

If supply of a utility is not separately metered at a home site, the Park Owner must not charge a separate charge for use of the utility. Instead, the cost of utility supply may be incorporated into the site rent.

When Utility Supply IS Separately Metered

The provisions of Section 99 and section 99A of the Act govern separate utility charges. They apply to manufactured homes which satisfy the following requirements:

- The home is subject to a site agreement between the home owner and Park Owner
- The service is classified as a utility under the Act
- The supply of the utility is separately metered at the site

In these cases, Park Owners may charge home owners separately for the cost of the supply of the utility to the premises. However, they must not charge an amount, or arrange for a home owner to be charged an amount, which is more than the amount that they pay to the supplier.

In addition, they must not charge an additional fee for supply or on-supply, for example a service fee, an administration fee, a meter reading fee, or an amount relating to obtaining any state government concessions or rebate for the home owner.

In order to ensure that home owners are not being overcharged, they should ask the Park Owner to keep a copy of the utility supply bill at the park office for home owners to inspect and display a copy on the park notice board.

Amendments to the *Manufactured Homes (Residential Parks) Act 2003* (QLD)

There have recently been some changes to the *Manufactured Homes (Residential Parks) Act 2003* (QLD). 'The Act' for short.

You may be affected by its recent amendments.

Funded by



Fact Sheet 10: Utility Charges



Right where you live

Better rights for home owners in residential parks

Overcharging

The Act provides for dispute resolution between Park Owners and home owners (For more information, see 'Fact Sheet 11: Dispute Resolution'). Home owners who suspect they are being overcharged should first discuss the matter with the Park Owner.

If they are unable to resolve the dispute through a mediation process, they can access free dispute resolution services through the Department of Justice and Attorney General.

If this is unsuccessful, home owners can apply to the Queensland Civil and Administrative Tribunal (QCAT) for a ruling on the matter.



Right Where You Live

Right Where You Live is an initiative to assist home owners in residential parks to understand and access new consumer protections, by providing information, support and referrals to organisations who can help you.

Rightwhereyoulive.org.au
info@rightwhereyoulive.org.au

Please contact Associated Residential Parks

Queensland (ARPQ) for more information

Phone: (07) 3040 2344

www.arpq.org.au

Queensland Retirement Village and Parks

Advice Service

QRVPAS (formerly PAVIL), situated at Caxton Legal Centre, provides information, advice and assistance on the law relating to manufactured homes

Phone: 07 3214 6333

Do you have a hearing or speech impairment?

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service. For more information, visit:

www.relayservice.gov.au

Do you speak a language other than English?

If you need an interpreter, please contact the Translating and Interpreting Service (TIS) on **131 450** and provide them with the number you want to call

Disclaimer: This fact sheet provides information only and is not intended to provide legal advice