



Newsletter

PARK HOME OWNERS ASSOCIATION of WA Inc

January 2025

parkhomeownerswa.com.au

email: phoawa@gmail.com

Electricity Supply Charge Update

Terry and Christine Hinchliffe (Cherokee Village), along with Simon Watt (Woodman Point) and Bob Munro (Serpentine) met with a team from Consumer Protection on 21 January to get an update and to discuss the next moves going forward.

It was hoped that the government would be able to make a definitive statement on the issue as regards repayment of fees wrongly charged before the commencement of "caretaker mode" leading up to the election. During care-taker mode, it is the convention that the government does not make any policy changes or decisions that may impact on the next government.

Unfortunately, no definitive decision or statement is available at this time. The issues surrounding repayment are very complex and require considerable consultation with affected parties.

After our discussions with Consumer Protection there are a number of clear points:

1. At the current time, the charging of an electricity supply charge is illegal and must stop.
2. Although the charge has not been legal as a charge additional to rent since 2006, there were some areas of law that required clarification. This was done in a review of regulations that came into effect on 31 January 2022. Any discussion of repayment needs to date back to that point.
3. Park operators may include a supply charge in rent structures but any change to existing rents must be done in line with existing lease arrangements.
4. It is possible that a future government may amend the regulations to permit the payment of a supply charge but this would only occur after full consultation and would not be back-dated.
5. A series of working parties is planned for further consultation to bring all parties together.

My Park Has Stopped Charging for Supply. What Now?

Your park should be congratulated for taking a responsible approach. Your park may want to up the rent to compensate for a loss of income. That is a matter for residents. The park must comply with the regulations surrounding rent increases and comply with the rent increase provisions in your lease.

My Park Still Charges For Supply. What Can I Do?

Consumer Protection wants to know about these parks. Ring them (number below) or let PHOAWA know the details. We want the amount and frequency of the charge. There are no excuses. One park is even claiming that they are privately owned so it doesn't apply to them. Some parks are saying it will be overturned soon and the payment is in the lease. Some residents on the old leases (prior to 2022) are being told that the old lease means they have to pay. None of the excuses are valid. The charge is illegal.

My Park Says The Charge Will Be Reinstated

It won't be reinstated because it was not suddenly banned. It has been illegal for a long time. However, a review of the Residential Parks (Long-stay Tenants) Act 2006 is scheduled for 2025. It may be that electricity supply charges are then included in the list of allowable charges. There are a lot of factors at play in that decision and parks are wrong to take the attitude that it is ok to charge because the law will change. We urged CP to write to all parks and make a clear statement that the charges must cease.

Contacts:

PHOAWA—phoawa@gmail.com

Web Site—<https://www.parkhomeownerswa.com.au/complaints>

Consumer Protection

Online Complaint Form—<https://www.consumerprotection.wa.gov.au/how-lodge-consumer-protection-complaint-form>

Phone—1300 30 40 54

Email—consumer@demirs.wa.gov.au

NEXT GENERAL MEETING

Wed 5th March 2024

Wilson Community Hall, 40 Braibrise St, Wilson

Starts at 11:00am

ZOOM MEETING AVAILABLE

Contact Ken Wilson on 0420208601 or email phoawa@gmail.com to book a ZOOM Meeting

Information on PLCs and Residents' Committees Needed

PHOAWA does not have an up to date list of contacts for Park Liaison Committees (PLCs) or Residents' Committees. We would appreciate getting an email contact for PLCs or Residents' Committees. Please send to:

PHOAWA@gmail.com

Where is the Featured Park?

Sorry. I have been flat out this year with travel and personal issues and have not had the time to visit a park for "Featured Park".

If you would like your park featured, drop me a note at PHOAWA@gmail.com and I'll make an arrangement. We do travel around the state a bit so out of metro parks are a possibility.

Terry

Code of Conduct for Park Managers

Work has slowed on this much needed reform due to the Electricity Supply Issue but it has not gone away. Poor conduct by park managers remains one of the biggest frustrations for some park residents. That is not to say all park managers are poor. It will be useful to get an overall picture of the issue so a simple 7 question survey has been set up to gather responses. Simply rate your park manager on 7 questions.

NO NAMES are asked for!

NO PARKS are identified in this survey.!

We need as many responses as we can get, both positive and negative, to create a solid picture of what is out there. Every park is different. As many residents as possible from each park should respond to broaden the view. Everyone may see things differently.

Here is the link: <https://forms.gle/2WhR4aSj4tSD9kqs6>

Or use the QR Code by pointing your phone camera at it and clicking the link that pops up.



Electricity Supply Survey

A huge thanks to those members who took the time and trouble to respond to the request for information about supply charges. It was very useful to be able to take some actual data into the meeting we had with DEMIRS. What the survey did show is that the level of compliance by parks in the requirement to stop charging is still far too low. It is frustrating for those residents of parks where management simply refuse to comply even when they are presented with evidence that shows they cannot levy the supply charge.

The survey results also showed a very disturbing number of parks that are not using the correct lease forms. The law is very clear. If a lease has been signed after 31st January 2022 it MUST be using the prescribed form. Long-stay residents must be given a lease.

It is time for all parks to update all old leases to the new format. Old leases that contain clauses that are in contravention of the 2022 Regulations are not valid.

Want to Make A Complaint?

There is Help on Our Web Site

We all have a complaint at one time or another. Sometimes we act, too quickly and strongly, masking the real issues with anger. Sometimes we hold back, stewing on it, forgetting the original problem and creating a new one in our own minds. We've all been there.

So, should you make a complaint? Most definitely, if there is a problem, complain. The important thing is how you make that complaint.

On the PHOAWA Web Site under Resources, there is a page on "Complaints". We advocate four steps:

1. Meet with Management
2. Involve the PLC
3. Contact Consumer Protection
4. State Administrative Tribunal

Further details of these steps are on our web site.

Also, there are three sample letters that you might like to adapt if you don't feel confident about writing a letter of complaint. Formal letters that stick to the facts are very valuable. They give the other party time to consider their response.

Check out the web page

<https://www.parkhomeownerswa.com.au/complaints>