

Precontractual disclosure waiver

Manufactured Homes (Residential Parks) Act 2003

ABN: 86 504 771 740

This form is effective from 1 September 2019

Important

This form should only be provided to a park owner if a prospective home owner has received legal advice from an independent and experienced Queensland lawyer about entering into a site agreement or accepting an assignment of an interest in a site agreement, for a residential park.

This form should be first completed by an independent and experienced Queensland lawyer before being signed by a prospective home owner.

This form must be used if a prospective home owner wishes to reduce the precontractual disclosure periods under sections 29 and sections 48A of the *Manufactured Homes (Residential Parks) Act 2003* from the default notice period to at least 7 days from receiving the documents from the park owner.

This form confirms that a prospective home owner has received legal advice from an independent and experienced Queensland lawyer about entering into the site agreement or accepting an assignment of an interest in the site agreement. A copy of this form must be:

- signed by the prospective home owner and the Queensland lawyer who provided the advice; and
- given to the park owner.

Important information for the prospective home owner

- It is very important to understand your rights and obligations before signing a site agreement or accepting an assignment of an interest in a site agreement.
- This form confirms that you have received legal advice about the site agreement or proposed assignment.
- The Queensland Law Society can help you find a qualified lawyer with expertise in manufactured home site agreements.

Important information for the park owner

A park owner must not enter into a site agreement with a person, or consent to the assignment of an interest in a site agreement, unless they have been given the necessary precontractual disclosure documents within the required timeframes.

Penalties and an extended cooling-off period apply if a park owner does not comply with these requirements.

Instructions

Please complete in BLOCK letters. If you need help completing the form, please contact the Department of Housing and Public Works on 13 QGOV (13 74 68).

Part 1 – To be completed by lawyer providing advice

1.1 Residential park and site details

Park name and address

.....
.....
Site location (e.g. site number or other description)

1.2 Lawyer details

Name
Legal practice name
ABN
Address
Suburb State Post Code
Phone
Email

1.3 Date legal advice was provided

..... DD / MM / YYYY

1.4 Signature and confirmation

By signing this waiver, you are confirming that:

- you are a qualified lawyer with a current Queensland practising certificate
- you acted solely on behalf of the person giving the waiver
- you have provided legal advice to the person giving the waiver about:
 - entering into the site agreement for the site listed in part 1.1.
 - accepting an assignment of an interest in the site agreement for the site listed in part 1.1
- you are satisfied that the person, in deciding whether to sign the precontractual disclosure waiver, acted freely and without compulsion
- you have not provided financial advice and have recommended that the person/s seek independent financial advice.

Signatory (print name)

Signature Date

DD / MM / YYYY

Part 2 – To be completed by prospective home owner

| | | |
|---|--|--|
| <p>2.1 Prospective home owner details</p> | <p>Person 1</p> <p>Preferred title Mr Mrs Ms Miss Other (specify)</p> <p>Full name</p> <p>Current Address</p> <p>Suburb State Post Code</p> <p>Phone</p> <p>Email</p> <p>Person 2</p> <p>Preferred title Mr Mrs Ms Miss Other (specify)</p> <p>Full name</p> <p>Current Address</p> <p>Suburb State Post Code</p> <p>Phone</p> <p>Email</p> | |
| <p>2.2 Due date for documents</p> | <p>Confirmation of documents received</p> <p>I confirm that I have received the following precontractual disclosure documents:</p> <p style="padding-left: 40px;">The <i>Initial disclosure document (form 1A)</i></p> <p style="padding-left: 40px;">The <i>Supplementary disclosure document (Form 1B)</i></p> <p style="padding-left: 40px;">Two copies of the proposed site agreement for the site (new site agreements only)</p> <p style="padding-left: 40px;">Copy of the existing site agreement for the site (assignment of site agreement only)</p> | <p><i>Dates Received</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p style="text-align: center;">DD / MM / YYYY</p> |
| <p>2.3 Agreement to shorten precontractual disclosure period</p> | <p>Documents subject to this waiver</p> <p>I confirm that I have received the precontractual disclosure documents listed in 2.2 and agree to reduce the notice period for these documents to at least 7 days before entering into the site agreement.</p> | |

2.4 Signature and confirmation

Person 1

I,
(print name), received independent legal advice from a Queensland lawyer about:

entering into the site agreement for the site

or

accepting an assignment of an interest in the site agreement for the site.

By completing this document, I waive my rights to receive the precontractual disclosure documents within the default precontractual disclosure period* provided for under the *Manufactured Homes (Residential Parks) Act 2003* and agree to receive them at least 7 days before entering into the site agreement or the park owner consenting to the proposed assignment (whichever is applicable).

Signatory (print name)

Signature Date

DD / MM / YYYY

Person 2 (if applicable)

I,
(print name), received independent legal advice from a Queensland lawyer about:

entering into the site agreement for the site

or

accepting an assignment of an interest in the site agreement for the site.

By completing this document, I waive my rights to receive the precontractual disclosure documents within the default precontractual disclosure period* provided for under the *Manufactured Homes (Residential Parks) Act 2003* and agree to receive them at least 7 days before entering into the site agreement or the park owner consenting to the proposed assignment (whichever is applicable).

Signatory (print name)

Signature Date

DD / MM / YYYY

***Precontractual disclosure periods**

- New site agreements: 21 days for initial disclosure documents, 14 days for supplementary disclosure documents and site agreements.
- Assignment of existing site agreements: 21 days for all documents.

Further information

If you would like more information, contact the Department of Housing and Public Works on 13 QGOV (13 74 68) or visit our website at www.hpw.qld.gov.au

Regulatory Services (Department of Housing and Public Works)

Regulatory Services administers the *Manufactured Homes (Residential Parks) Act 2003*. This includes investigating complaints and alleged breaches of the Act.

Department of Housing and Public Works

GPO Box 690, Brisbane, QLD 4001

Phone: 07 3008 3450

Email: regulatoryservices@hpw.qld.gov.au

Website: www.hpw.qld.gov.au/housing

Queensland Retirement Village and Park Advice Service (QRVPAS)

Specialist service providing free information and legal assistance for home owners and prospective home owners in residential parks in Queensland.

Caxton Legal Centre Inc.

1 Manning Street, South Brisbane, QLD 4101

Phone: 07 3214 6333

Email: caxton@caxton.org.au

Website: www.caxton.org.au

Seniors Legal and Support Services Centres

Provides free legal and support services for seniors concerned about elder abuse, mistreatment or financial exploitation.

Caxton Legal Centre Inc.

1 Manning Street, South Brisbane, QLD 4101

Phone: 07 3214 6333

Email: caxton@caxton.org.au

Website: www.caxton.org.au/sails_slass

Queensland Civil and Administrative Tribunal (QCAT)

This independent decision-making body helps resolve disputes and reviews administrative decisions by government.

GPO Box 1639, Brisbane, QLD 4001

Phone: 1300 753 228

Email: enquiries@qcat.qld.gov.au

Website: www.qcat.qld.gov.au

Queensland Law Society

Find a solicitor.

Law Society House

179 Ann Street, Brisbane, QLD 4000

Phone: 1300 367 757

Email: info@qls.com.au

Website: www.qls.com.au

Department of Justice and Attorney-General

Dispute Resolution Centres provide a free, confidential and impartial mediation service to the community.

Phone: 07 3006 2518

Toll free: 1800 017 288

Website: www.justice.qld.gov.au