

STANDING COMMITTEE ON LEGISLATION

Thirty-ninth Report — “Residential Parks (Long-stay Tenants) Amendment Bill 2018” — Tabling

HON DR SALLY TALBOT (South West) [10.09 am]: I am directed to present the thirty-ninth report of the Standing Committee on Legislation, titled “Residential Parks (Long-stay Tenants) Amendment Bill 2018”.

[See paper 2510.]

Hon Dr SALLY TALBOT: The report that I have just tabled advises the house of the committee’s findings and recommendations regarding the Residential Parks (Long-stay Tenants) Amendment Bill 2018. The bill makes significant amendments to the Residential Parks (Long-stay Tenants) Act 2006. The amendments are intended to implement the recommendations of a statutory review of the act for the purpose of improving certainty of contract and fair dealings between park operators and existing and prospective long-stay tenants.

The bill introduces the following key amendments: improved disclosure obligations; the removal of without-grounds terminations of long-stay, site-only agreements; the introduction of specific grounds for termination; no termination of fixed-term agreements on the sale of a park; no automatic termination of a long-stay agreement if a park owner’s financier takes possession of a residential park; clearer rules for park operators, home owners and prospective tenants in the sale of homes; clearer obligations relating to the creation and enforcement of park rules; and a minimum set of core contractual terms applying to all long-stay agreements to ensure consistency with the Residential Tenancies Act 1987 when appropriate.

The committee was permitted to inquire into and report on the policy of the bill. Overall, the committee generally supports the policy of the bill and believes that the amendments strike a good balance between the interests of tenants and park operators. The committee is also of the view that the retrospective application of certain transitional provisions in the bill is justified.

The committee had concerns about Henry VIII clauses, broad regulation-making powers and selected clauses highlighted in submissions. It has made findings and recommendations seeking further information from the government, proposing amendments to some clauses it believes will further improve the legislation, and clarifying the operation of some provisions of the bill to address misunderstandings about their effect on tenants and park operators.

The committee recommends that the bill be passed subject to the recommendations it has made. I commend the report to the house.