

RESIDENTIAL PARKS (LONG-STAY TENANTS) AMENDMENT BILL 2018

Committee

Resumed from an earlier stage of the sitting. The Deputy Chair of Committees (Hon Adele Farina) in the chair; Hon Alannah MacTiernan (Minister for Regional Development) in charge of the bill.

Clause 1: Short title —

Committee was interrupted after the clause had been partly considered.

Hon NICK GOIRAN: Prior to the interruption for the taking of questions without notice, we were looking at clause 1 of the bill before us. I asked the minister what the situation was with a prospective meeting between the government and the Caravan Industry Association of Western Australia. The minister kindly confirmed that a meeting took place on 1 April 2019, and indicated that the government was working to resolve the issue. The minister kindly confirmed that the issue was, in the view of parliamentary counsel and the clerks, outside the scope of this bill and so, regrettably, the government was unable to address the request by the Caravan Industry Association of Western Australia regarding the Caravan Parks and Camping Grounds Act 1995, but it is committed to doing something about it. Prior to the interruption for the taking of questions without notice, I was simply making the point to the minister that I think that, given it is now more than 13 months since this meeting took place, if we are to show some sense of courtesy as lawmakers to the Caravan Industry Association of Western Australia, after all this time it is really entitled to something a bit better than “the government is working to resolve the issue”. I think there should be something precise, some kind of aspirational deadline or some type of goal indicating that the government is looking to do something perhaps before the winter recess or perhaps in this term of government—just some kind of commitment. The government should give the association something concrete and tangible. I think that is the least we can do for it, given that it has been a long time since this meeting on 1 April 2019. I encourage the minister to take that on board and pass it on to the Minister for Commerce, and hopefully someone can be good enough to update the Caravan Industry Association of Western Australia.

Hon RICK MAZZA: In the minister’s second reading reply she said in answer to the question I asked about whether the Residential Tenancies Act would apply to park homes when the operator owned both the dwelling and the land that no, the Residential Parks (Long-stay Tenants) Act would apply. It would seem to me that when a park operator owns both the dwelling and the land, much of the act does not apply to them because there would not be a requirement for disclosure and many of the other things within the act—and the bill, which will amend that act—in relation to those park homes. Could the minister give a reason why it was decided not to apply the Residential Tenancies Act to park homes when park operators own both the land and the dwelling?

Hon ALANNAH MacTIERNAN: As I explained before, when the legislation was developed in 2006, that decision was made. As I understand, it was looked at during the review that commenced in 2012. As I explained, it was felt that because within any one site generally there is mixture of those people who both rent the land and the unit as well as those who rent the land and own their unit, it was better to have them under the one jurisdiction. I make it very clear that that is not something that has been decided by the bill before us. That decision was made in 2006. As I understand it, it was looked at during the review and it was determined not to change it. That is not covered by this bill. It is as per the 2006 legislation.

Hon RICK MAZZA: Just to confirm and have it on the record, in a case in which the park operator owns the dwelling and the land, there would be no requirement for a disclosure document prior to entering into any lease or other agreement, and there may be other aspects of the act that would not be required when the park operator owns the land and the dwelling. Can I take it that in those circumstances, those aspects of the act and this bill would not apply to those tenants?

Hon ALANNAH MacTIERNAN: The legislation makes the distinction between the renter–renters and renter–owners. It is also important to understand that the provisions, particularly for the renter–renters, are analogous to those that have been harmonised with the residential tenancy style of legislation. There is a distinction between the requirements for the renter–renters and the renter–owners but, of course, they share common facilities and that is another reason they needed to be brought within the one provision. That is not something that people have been seeking to change, because they understand that it would be very dysfunctional to have two different pieces of legislation applying to the one park.

Clause put and passed.

Clause 2: Commencement —

Hon NICK GOIRAN: I refer to the explanatory memorandum and, in particular, its commentary about clause 2 at paragraph 2. Which clauses in the bill are impacted by the necessity to amend the Residential Parks (Long-stay Tenants) Regulations 2007?

Hon ALANNAH MacTIERNAN: The majority of provisions do require regulations. What we have here is quite a complex chart that shows those that require regulations. I have a chart here that indicates this. There will be a prescribed form for the long-stay agreement, which has yet to be finalised. That will be incorporated by regulation. This chart shows all those provisions that will impact on the long-stay accommodation and on the disclosure accommodation and general provision of information. It is probably easier if I just table that document for the member.

[See paper [3872](#).]

Progress reported and leave granted to sit again, pursuant to standing orders.