

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
AMENDMENTS AND SCHEDULES
Supplementary Notice Paper No. 99
Issue No. 2
MONDAY, 1 APRIL 2019

RESIDENTIAL PARKS (LONG-STAY TENANTS) AMENDMENT BILL 2018
[99-1]

When in committee on the *Residential Parks (Long-stay Tenants) Amendment Bill 2018*:

Clause 10

Committee Recommendation: To move —

2/10 Page 12, lines 10 to 19 — To oppose the clause.

Clause 19

Committee Recommendation: To move —

3/19 Page 24, line 26 — To insert after “that”:

is reasonably likely to occur and

Clause 66

Committee Recommendation: To move —

4/66 Page 102, line 23 to page 103, line 28 — To delete the lines and insert:

71A. Orders to terminate agreement for repeated interference with quiet enjoyment or threats or abuse

(1) In this section, a long-stay tenant, or the tenant’s guest, engages in *serious misconduct* when the tenant or the tenant’s guest —

(a) repeatedly interferes, or has repeatedly interfered, with another tenant’s quiet enjoyment of the residential park; or

- (b) seriously or persistently threatens or abuses, or has seriously or persistently threatened or abused, the park operator or the park operator's employee.
- (2) A park operator may apply to the State Administrative Tribunal to terminate a long-stay agreement because the long-stay tenant, or the tenant's guest, has engaged in serious misconduct.
- (3) The State Administrative Tribunal may make an order terminating the long-stay agreement if the tribunal is satisfied of all of the following —
 - (a) the long-stay tenant, or the tenant's guest, has engaged in serious misconduct;
 - (b) the park operator has given a notice to the long-stay tenant in an approved form that asks the tenant, or the tenant's guest, to stop engaging in the serious misconduct;
 - (c) despite being asked to stop engaging in the serious misconduct, the long-stay tenant or the tenant's guest has not stopped engaging in the serious misconduct;
 - (d) terminating the agreement is justified in all the circumstances.
- (4) However, the State Administrative Tribunal may refuse to make an order if satisfied that the park operator was wholly or partly motivated to give the notice by the fact that the long-stay tenant had complained to a public authority about the park operator's conduct in relation to the long-stay agreement, or taken steps to secure or enforce the tenant's rights under the agreement.
- (5) If the State Administrative Tribunal makes the order, it must also order the long-stay tenant to give vacant possession of the agreed premises to the park operator when the tribunal orders.

Clause 81

Hon Alison Xamon: To move —

1/81 Page 119, after line 10 — To insert:

114A. Application of s. 62A to harsh or unreasonable term in pre-commencement long-stay agreement

- (1) Subsection (2) applies to a pre-commencement long-stay agreement, including an agreement that has been assigned (whether or not it was assigned before or after commencement day).
- (2) Without limiting section 62A and despite another provision of this Act, a party or former party to a pre-commencement long-stay agreement may apply to the State Administrative Tribunal under that section in relation to a term in the agreement that is harsh or unreasonable.

Committee Recommendation: To move —

5/81 Page 119, lines 20 to 24 — To delete the lines.

Committee Recommendation: To move —

6/81 Page 119, line 25 — To delete “(1) or (2)” and insert:

(1)

