

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 205

WEDNESDAY, 24 JUNE 2020

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### 1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

### 2. Ministerial Statement — State Barrier Fence and Cell Fence Works

The Minister for Regional Development made a Ministerial Statement with respect to an update on the 660 kilometre Esperance Fence Extension to the State Barrier Fence.

### 3. Order of Business

Ordered — That Orders of the Day Nos 1, *Eastern Metropolitan Regional Council Waste Facilities Local Law 2019 — Disallowance*, 2, *Shire of Coolgardie Parking Local Law 2019 — Disallowance*, 3, *Shire of Coolgardie Public Places and Local Government Property Local Law 2019 — Disallowance*, and 4, *Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2020 — Disallowance*, be taken after Order of the Day No. 29, *Family Violence Legislation Reform Bill 2019*. (Leader of the House).

### 4. Residential Parks (Long-stay Tenants) Amendment Bill 2018

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The President left the Chair.

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### In Committee

(Hon Simon O'Brien in the Chair)

Clause 6.

Debate resumed.

Clause agreed to.

Clause 7 agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clause 9 agreed to.

Clause 10.

Debate ensued.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 12, lines 13 to 19 — To delete the lines and insert:

**9A. Exemption from provision of Act by regulations**

- (1) Regulations may be made exempting any of the following from a provision of this Act —
  - (a) a long-stay agreement or class of long-stay agreement;
  - (b) a residential park or class of residential park.
- (2) The regulations may provide for conditions and restrictions subject to which an exemption is to apply.
- (3) However, regulations cannot be made under this section unless the Commissioner has consulted with, and invited submissions from, persons the Commissioner considers has an interest in —
  - (a) for regulations made in relation to a long-stay agreement or class of long-stay agreement — the agreement or class of agreement to be prescribed; or
  - (b) for regulations made in relation to a residential park or class of residential park — the residential park or class of residential park to be prescribed.

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 11 and 12 agreed to.

Clause 13.

Debate ensued.

Clause agreed to.

Clause 14 agreed to.

Clause 15.

Debate ensued.

Clause agreed to.

Clauses 16 to 18 agreed to.

Clause 19.

Debate ensued.

Hon Nick Goiran moved —

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

is reasonably likely to occur and

Debate ensued.

Amendment — put and passed.

Debate resumed.

Clause, as amended, agreed to.

Clause 20.

Debate ensued.

Clause agreed to.

Clauses 21 to 28 agreed to.

Clause 29.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 38, after line 27 — To insert:

- (4) When a charge of an offence under subsection (2) relates to a failure by the park operator to give the long-stay tenant a copy of a key to the premises, it is a defence to the charge to prove that —
  - (a) the copy of the key had been given to the park operator under section 32H(9)(b); and
  - (b) the tenant was a person to whom the park operator was instructed not to give the copy of the key under section 32H(9)(c)(ii).

Debate ensued.

Amendment — put and passed.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 40, after line 26 — To insert:

- (h) for the purpose of inspecting the agreed premises and assessing any damage after the termination of a tenant's interest under —
    - (i) section 33(2A) or (2B); or
    - (ii) section 74B.
- (4) It is a term of every long-stay agreement that the park operator may enter the agreed premises under subsection (3)(h)(i) —
  - (a) not more than 7 days after receiving notice of termination under section 45A(1) or 45B(4); and
  - (b) not less than 3 days after giving notice to the long-stay tenant of the park operator's intention to enter the agreed premises.
- (5) It is a term of every long-stay agreement that the park operator may enter the agreed premises under subsection (3)(h)(ii) —
  - (a) not more than 10 days before the hearing of the application under section 74B; and
  - (b) not less than 3 days after giving notice to each long-stay tenant of the park operator's intention to enter the agreed premises.

Amendment — put and passed.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 42, line 14 — To delete “It” and insert:

Except as provided in subsection (9), it

Amendment — put and passed.

Debate ensued.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 43, after line 6 — To insert:

- (6A) A park operator who alters, removes or adds a lock or similar device to the shared premises other than in accordance with subsection (4) —
  - (a) does not breach the term referred to in subsection (4) if the park operator alters, removes or adds the lock or device for the health and safety of persons who may use the shared premises; and
  - (b) does not commit an offence under subsection (6) related to a breach of the term referred to in subsection (4) if the park operator alters, removes or adds the lock or device for the health and safety of persons who may use the shared premises.

Debate ensued.

Amendment — put and passed.

Debate resumed.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 43, after line 24 — To insert:

- (9) It is a term of every on-site home agreement —
  - (a) that a long-stay tenant may alter or add any lock or similar device to the agreed premises —
    - (i) after the termination of an excluded tenant's interest in a long-stay agreement under section 74B; or
    - (ii) in any event, if it is necessary to prevent the commission of family violence that the tenant suspects, on reasonable grounds, is likely to be committed against the tenant or a dependant of the tenant;
  - and
  - (b) that the tenant must give to the park operator a copy of the key to any lock or similar device altered or added under paragraph (a) as soon as practicable, and in any event within 7 days, after the lock or similar device has been altered or added; and
  - (c) that the park operator must not give a copy of a key referred to in paragraph (b) —
    - (i) to an excluded tenant whose interest in the long-stay agreement has been terminated under section 74B; or
    - (ii) in any event, to a person who the tenant has instructed the park operator in writing not to give the copy of the key.
- (10) A long-stay tenant who breaches a term referred to in subsection (9)(b) without reasonable excuse, in addition to any civil liability that the tenant might incur, commits an offence.  
Penalty for this subsection: a fine of \$5 000.
- (11) Subsection (9)(b) does not apply if the park operator is a person reasonably suspected of being likely to commit the family violence referred to in subsection (9)(a)(ii).

- (12) A park operator who breaches a term referred to in subsection (9)(c) without reasonable excuse, in addition to any civil liability that the park operator might incur, commits an offence.

Penalty for this subsection: a fine of \$20 000.

Debate ensued.

Amendment — put and passed.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 43, after line 25 — To insert:

(1AA) In this section —

*disability* means a disability —

- (a) which is attributable to an intellectual, psychiatric, cognitive, neurological, sensory, or physical impairment or a combination of those impairments; and
- (b) which is permanent or likely to be permanent; and
- (c) which may or may not be of a chronic or episodic nature; and
- (d) which results in a substantially reduced capacity of the person for communication, social interaction, learning or mobility.

Debate ensued.

Amendment — put and passed.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 43, line 26 — To delete “A” and insert:

Subject to subsection (1A) and except as provided in subsection (5), a

Amendment — put and passed.

Debate resumed.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 44, after line 3 — To insert:

(1A) It is a term of an on-site home agreement that —

- (a) a long-stay tenant may affix either or both of the following items to a wall of the on-site home the subject of the agreement for the purpose of ensuring the safety of a child or a person with a disability, but only with the park operator’s consent —
  - (i) furniture;
  - (ii) a thing to affix the furniture to the wall;
 and
- (b) the park operator may only refuse consent —
  - (i) if affixing the item to the wall would disturb material containing asbestos; or
  - (ii) for a prescribed reason;
 and

- (c) unless the park operator agrees otherwise in writing, the tenant must remove the item from the wall when the tenant vacates the on-site home and either —
    - (i) restore the wall to its original condition; or
    - (ii) compensate the park operator for any reasonable expenses incurred by the park operator in doing that restoration;
 and
  - (d) the cost of affixing the item to the wall, removing it and restoring the wall to its original condition must be borne by the tenant; and
  - (e) if the tenant causes damage to the on-site home when affixing or removing the item or restoring the wall to its original condition —
    - (i) the tenant must notify the park operator in writing that damage has been caused to the on-site home; and
    - (ii) the park operator may require the tenant to repair the damage and restore the on-site home to its original condition or compensate the park operator for the reasonable expenses incurred in doing the repair and restoration.
- (1B) The park operator is taken to have consented to affixing the furniture or thing to the wall of the on-site home under subsection (1A)(a) if, and only if —
- (a) the long-stay tenant has given the park operator a request, in the approved form, seeking the park operator's consent to affix the item to the wall; and
  - (b) the park operator has not refused consent under subsection (1A)(b) within 14 days after the day on which the park operator receives the request.

Debate ensued.

Amendment — put and passed.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 44, line 4 — To delete “A” and insert:

Except as provided in subsection (5), a

Debate ensued.

Amendment — put and passed.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 45, after line 10 — To insert:

- (5) It is a term of every long-stay agreement that a long-stay tenant may affix any prescribed fixture, or make any prescribed renovation, alteration or addition to the agreed premises (the *prescribed alterations*), necessary to prevent entry onto the agreed premises of a person —
  - (a) if the person is an excluded tenant whose interest in a long-stay agreement has been terminated under section 74B; or
  - (b) in any event, if it is necessary to prevent the commission of family violence that the tenant suspects, on reasonable grounds, is likely to be committed by the person against the tenant or a dependant of the tenant.

- (6) For the purposes of subsection (5) —
- (a) the cost of making the prescribed alterations must be borne by the long-stay tenant; and
  - (b) the long-stay tenant must give written notice to the park operator of the tenant's intention to make the prescribed alterations; and
  - (c) work on the prescribed alterations must be undertaken by a qualified tradesperson, a copy of whose invoice the long-stay tenant must provide to the park operator within 14 days of the alterations being completed; and
  - (d) the prescribed alterations must be effected having regard to the age and character of the property and any applicable strata company by-laws; and
  - (e) the long-stay tenant must restore the agreed premises to their original condition at the end of the long-stay agreement if the park operator requires the tenant to do so and, where restoration work has been undertaken by a tradesperson, must provide to the park operator a copy of that tradesperson's invoice within 14 days of that work being performed.

Amendment — put and passed.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 49, line 6 — To delete “It” and insert:

- (1) It

Debate ensued.

Amendment — put and passed.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 49, lines 8 to 10 — To delete the lines and insert:

- (a) if a contribution is levied under the *Strata Titles Act 1985* or the *Community Titles Act 2018* — the contribution; and

Debate ensued.

Amendment — put and passed.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 49, after line 18 — To insert:

- (2) Despite subsection (1), a term of a long-stay agreement or another written contract, agreement, scheme, deed or other written arrangement between a long-stay tenant and the park operator may provide that the long-stay tenant indirectly pays, as a component of rent paid under the long-stay agreement, a prescribed charge as defined in the *Rates and Charges (Rebates and Deferments) Act 1992* section 3(1).

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 30.

Debate ensued.

Clause agreed to.

Clause 31.

Debate ensued.

Clause agreed to.

Clauses 32 to 34 agreed to.

Clause 35.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 54, line 14 — To delete “section 38:” and insert:

section 38(1):

Debate ensued.

The Minister for Regional Development representing the Minister for Commerce moved to postpone further consideration of clause 35 until after Clause 85.

Question — put and passed.

Clauses 36 to 40 agreed to.

Clause 41.

Debate ensued.

Clause agreed to.

Clauses 42 to 51 agreed to.

Clause 52.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 73, after line 15 — To insert:

**54E. Modification of provision of Division by regulations**

The regulations may prescribe that a provision of this Division does not apply to, or applies in a modified way to, a residential park subdivided under the *Strata Titles Act 1985* or the *Community Titles Act 2018*.

Debate ensued.

The Minister for Regional Development representing the Minister for Commerce moved to postpone further consideration of clauses 52 and 58 until after Clause 85.

Question — put and passed.

Clause 53 agreed to.

Clause 54.

Debate ensued.

Clause agreed to.

Clauses 55 to 57 be agreed to.

Clause 59.

Debate ensued.

Clause agreed to.

Clause 60.

Debate ensued.

Clause agreed to.

Clauses 61 to 64 agreed to.

Clause 65.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 102, lines 3 to 5 — To delete the lines and insert:

- (2) If the State Administrative Tribunal is satisfied that the long-stay tenant has abandoned the agreed premises, the tribunal —

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 66.

Debate ensued.

Hon Nick Goiran moved —

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.

Debate ensued.

Amendment — put and passed.

Debate resumed.

Clause, as amended, agreed to.

Clauses 67 to 78 agreed to.

Clause 79.

Debate ensued.

Hon Nick Goiran moved —

Page 110, line 6 — To delete “prepared.” and insert:

prepared, but not later than 12 months after the 5<sup>th</sup> anniversary.

Amendment — put and passed.

Hon Nick Goiran moved —

Page 110 after line 6 — To insert:

- (3) The Minister must transmit a copy of the report to the Clerk of a House of Parliament if —
  - (a) the report has been prepared; and
  - (b) the Minister is of the opinion that the House will not sit during the period of 21 days after the finalisation of the report.
- (4) A copy of the report transmitted to the Clerk of a House is taken to have been laid before that House.
- (5) The laying of a copy of a report that is taken to have occurred under subsection (4) must be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 80 agreed to.

New Clause 80A.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 110, after line 14 — To insert:

**80A. Section 98 deleted**

Delete section 98.

Debate ensued.

New Clause agreed to.

New Clause 80B.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 110, after line 14 — To insert:

**80B. Part 7 Division 1A inserted**

After section 97 insert:

**Division 1A — Transitional provisions about residential parks — *Residential Parks (Long-stay Tenants) Amendment Act 2018***

**98. Places before commencement day taken to be residential parks and lifestyle villages**

(1) In this section —

*application period* means the period beginning on 3 August 2007 and ending on the day before commencement day;

*caravan* has the meaning given in *Caravan Parks and Camping Grounds Act 1995* section 5(1);

*commencement day* means the day on which the *Residential Parks (Long-stay Tenants) Amendment Act 2018* section 80B comes into operation.

(2) For the purposes of an act or omission under this Act before, on or after commencement day —

(a) a place is taken to have been a residential park on each day during the application period that the place —

(i) had long-stay sites; and

(ii) did not have caravans situated for habitation; and

(iii) had relocatable homes other than caravans situated for habitation; and

(iv) was held out as a residential park or a place that had long-stay sites; and

(b) a place, or a part of a place, is taken to have been a lifestyle village on each day that —

(i) the place is taken to have been a residential park under paragraph (a); and

(ii) the place, or part of the place, included long-stay sites that were occupied, or intended to be occupied, solely or principally by individuals having a particular interest or quality in common.

(3) However, a place is not taken to have been a residential park if the regulations provide that the place is not a residential park.

Debate ensued.

## 5. Questions Without Notice

Questions without notice were taken.

The Minister for Regional Development representing the Minister for Forestry, by leave, incorporated into *Hansard* information in tabular form in relation to details of pine contracts, in response to a question without notice asked by Hon Diane Evers.

The Minister for Environment tabled a document entitled *Department of Water and Environmental Regulation, Container Deposit Scheme consultation summary (May 2019)*, in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 3997).

## 6. Residential Parks (Long-stay Tenants) Amendment Bill 2018

Resumption of consideration of this Bill in Committee of the Whole House (*see item 4 above*).

The President left the Chair.

### In Committee

(Hon Simon O'Brien in the Chair)

New Clause 80B.

Debate resumed on the amendment of the Minister for Regional Development representing the Minister for Commerce as follows —

Page 110, after line 14 — To insert:

### 80B. Part 7 Division 1A inserted

After section 97 insert:

### Division 1A — Transitional provisions about residential parks — *Residential Parks (Long-stay Tenants) Amendment Act 2018*

#### 98. Places before commencement day taken to be residential parks and lifestyle villages

(1) In this section —

*application period* means the period beginning on 3 August 2007 and ending on the day before commencement day;

*caravan* has the meaning given in *Caravan Parks and Camping Grounds Act 1995* section 5(1);

*commencement day* means the day on which the *Residential Parks (Long-stay Tenants) Amendment Act 2018* section 80B comes into operation.

(2) For the purposes of an act or omission under this Act before, on or after commencement day —

(a) a place is taken to have been a residential park on each day during the application period that the place —

(i) had long-stay sites; and

(ii) did not have caravans situated for habitation; and

(iii) had relocatable homes other than caravans situated for habitation; and

(iv) was held out as a residential park or a place that had long-stay sites; and

- (b) a place, or a part of a place, is taken to have been a lifestyle village on each day that —
  - (i) the place is taken to have been a residential park under paragraph (a); and
  - (ii) the place, or part of the place, included long-stay sites that were occupied, or intended to be occupied, solely or principally by individuals having a particular interest or quality in common.
- (3) However, a place is not taken to have been a residential park if the regulations provide that the place is not a residential park.

New Clause agreed to.

Clause 81.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 110, line 16 — To delete “section 97” and insert:

section 98

Amendment — put and passed.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 118, lines 9 to 13 — To delete the lines and insert:

**111. Site-only agreements entered into before commencement day cannot be terminated without grounds**

A site-only agreement entered into before commencement day cannot be terminated under former section 42 after commencement day.

Debate ensued.

Amendment — put and passed.

Debate resumed.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 119, after line 10 — To insert:

**114A. Validation of voluntary sharing arrangements entered into before commencement day**

Despite section 13A, if a pre-commencement long-stay agreement includes a voluntary sharing arrangement, the arrangement continues to have effect even if the park operator, the long-stay agreement or the voluntary sharing arrangement fails to comply with the requirements of section 13A.

Debate ensued.

Amendment — put and passed.

The Chair of Committees, by leave, moved two committee recommendations —

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

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

(1)

Debate ensued.

Amendments — put.

The Committee divided.

#### Ayes (20)

Hon Martin Aldridge  
Hon Jacqui Boydell  
Hon Robin Chapple  
Hon Jim Chown  
Hon Tim Clifford  
Hon Peter Collier  
Hon Colin de Grussa  
Hon Diane Evers  
Hon Donna Faragher  
Hon Nick Goiran

Hon Rick Mazza  
Hon Michael Mischin  
Hon Simon O’Brien  
Hon Robin Scott  
Hon Tjorn Sibma  
Hon Charles Smith  
Hon Aaron Stonehouse  
Hon Dr Steve Thomas  
Hon Alison Xamon  
Hon Ken Baston (*Teller*)

#### Noes (12)

Hon Alanna Clohesy  
Hon Stephen Dawson  
Hon Sue Ellery  
Hon Adele Farina  
Hon Laurie Graham  
Hon Alannah MacTiernan

Hon Kyle McGinn  
Hon Martin Pritchard  
Hon Matthew Swinbourn  
Hon Dr Sally Talbot  
Hon Darren West  
Hon Pierre Yang (*Teller*)

Amendments thus passed.

Clause, as amended, agreed to.

Clause 82 agreed to.

New Clause 82A.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 120, after line 16 — To insert:

#### 82A. Glossary amended

- (1) In the Glossary clause 1 delete the definition of *residential park* and insert:

*residential park* has the meaning given in section 5B;

- (2) In the Glossary clause 1:

- (a) in the definition of *caravan park* delete “park (including a lifestyle village) —” and insert:

park —

- (b) in the definition of *lifestyle village* delete “a caravan park, or an area within a caravan park,” and insert:

a residential park, or an area within a residential park,

Debate ensued.

New Clause agreed to.

Clauses 83 to 85 agreed to.

New Part 4.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 121, after line 12 — To insert:

**Part 4 — *Residential Tenancies (COVID-19 Response) Act 2020* amended**

**86. Act amended**

This Part amends the *Residential Tenancies (COVID-19 Response) Act 2020*.

**87. Section 8 amended**

In section 8(1) in the definition of *notice of increase of rent* delete paragraph (b) and insert:

- (b) for a long-stay agreement — a written notice given under the *Residential Parks (Long-stay Tenants) Act 2006* section 30 or 107.

**88. Section 11 amended**

- (1) In section 11(1) in the definition of *maintenance term* delete paragraph (b) and insert:

- (b) for a long-stay agreement — the term referred to in the *Residential Parks (Long-stay Tenants) Act 2006* section 32L(1)(c).

- (2) Delete section 11(3)(b) and insert:

- (b) for a long-stay agreement — the term referred to in the *Residential Parks (Long-stay Tenants) Act 2006* section 32M.

**89. Other provisions amended**

Amend the provisions listed in the Table as set out in the Table.

**Table**

Provision	Delete	Insert
s. 3(1) def. of <i>tenant</i> par. (a)	Glossary clause 1	section 3
s. 13(1)(b)	section 33(3)(c)	section 109

Provision	Delete	Insert
s. 21(2)(b)	section 33(3)(d) or (e)	section 33(3)(e) or 44B
s. 72(3)	section 33(3)(c)	section 109

Debate ensued.

New Part agreed to.

Postponed Clause 35.

Debate resumed on the amendment of the Minister for Regional Development representing the Minister for Commerce as follows —

Page 54, line 14 — To delete “section 38:” and insert:

section 38(1):

Amendment — put and passed.

Clause, as amended, agreed to.

Postponed Clause 52.

Debate resumed on the amendment of the Minister for Regional Development representing the Minister for Commerce as follows —

Page 73, after line 15 — To insert:

#### **54E. Modification of provision of Division by regulations**

The regulations may prescribe that a provision of this Division does not apply to, or applies in a modified way to, a residential park subdivided under the *Strata Titles Act 1985* or the *Community Titles Act 2018*.

Debate ensued.

Amendment — put and negatived.

Question, That the clause stand as printed — put and passed.

Postponed Clause 58.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 83, after line 2 — To insert:

#### **61B. Modification of provision of Division by regulations**

The regulations may prescribe that a provision of this Division does not apply to, or applies in a modified way to, a residential park subdivided under the *Strata Titles Act 1985* or the *Community Titles Act 2018*.

Amendment — put and negatived.

Question, That the clause stand as printed — put and passed.

Long Title.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 1 — To delete “**2006 and the *Residential Tenancies Act 1987*.**” and insert:

***2006, the Residential Tenancies Act 1987 and the Residential Tenancies (COVID-19 Response) Act 2020.***

Amendment — put and passed.

Title, as amended, agreed to.

The Acting President resumed the Chair.

Bill reported with amendments, and an amendment to the long title.

The Minister for Regional Development representing the Minister for Commerce, by leave, moved, That the report be adopted.

Report adopted.

The Minister for Regional Development representing the Minister for Commerce moved, without notice —

That so much of Standing Orders be suspended so as to enable the *Residential Parks (Long-stay Tenants) Amendment Bill 2018* to be read a third time.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question — put.

The Acting President having counted the Council, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

The Minister for Regional Development representing the Minister for Commerce moved, That the Bill be read a third time.

The Acting President announced that the Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed.

## **7. Road Traffic Amendment (Impaired Driving and Penalties) Bill 2019**

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate ensued.

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

### **In Committee**

(Hon Martin Aldridge in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2.

Debate ensued.

*Interruption pursuant to order.*

The President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again.

Ordered — That the Committee of the Whole House sit again.

## **8. Members' Statements**

Statements were taken.

## **9. Planning and Development Amendment Bill 2020**

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 202

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Planning and Development Amendment Bill 2020*.

Ms S.E. Winton

Acting Speaker

Legislative Assembly Chamber

Perth, 24 June 2020

## **10. Adjournment**

The Council adjourned at 9.54pm until Thursday, 25 June 2020 at 9.00am.

### **Members present during the day's proceedings**

Attendance: Present all Members except Hon Colin Holt.

**NIGEL PRATT**

Clerk of the Legislative Council

**HON KATE DOUST MLC**

President of the Legislative Council