

RESIDENTIAL PARKS (LONG-STAY TENANTS) AMENDMENT BILL 2018

Discharge of Order and Referral to Standing Committee on Legislation — Motion

HON SUE ELLERY (South Metropolitan — Leader of the House) [5.35 pm] — without notice: I move —

- (1) That the Residential Parks (Long-stay Tenants) Amendment Bill 2018 be discharged and referred to the Standing Committee on Legislation for consideration and report by no later than 21 March 2019; and
- (2) that the committee has the power to inquire into and report on the policy of the bill.

I advise that this reflects discussion behind the Chair between the opposition and the government. I have also advised the other parties of the house. I understand that there will be support for this motion.

HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition) [5.36 pm]: I commend the government for taking this course and indicate the opposition's support for this course of action. The Residential Parks (Long-stay Tenants) Amendment Bill 2018 has had quite a history and I think it proper that I outline some of the reasons that we support this course of action. The genesis of this legislation was in August 2007. The legislation commenced in August 2007. After five years, there was a requirement for the legislation to be reviewed, and that commenced in August 2012 with the release of a discussion paper. Following that, a consultation regulatory impact statement was released in June 2014, with information received from not only government departments, but also various interest groups after canvassing individuals and representative bodies. The report was completed in December 2015 and tabled in February 2016. Following that, a decision regulatory impact statement was completed in March 2017, which coincided with the state election, so no further action could be taken at that time. Since then, the government has prepared this legislation. It has taken a significant amount of time to act on the review and to strike a bill that will meet the expectations of not only tenants, but also park operators and owners.

This bill was dealt with in a very short space of time in the other place and has come here for consideration. Now that it is here, it has become apparent that there are still concerns about elements of the bill by various interest groups, including tenants of residential parks and also owners and operators. It would be unfortunate, having had regard to the sorts of concerns that have been expressed, if we turmoiled through this bill by way of debate and Committee of the Whole House without some assessment of the merits of, in some instances, the competing points of view. The time of this house would be better and more fruitfully occupied were a committee to assess the various submissions that have been received by both members of this place and members representing electorates in the other house. If amendments are proposed, it would assist this house and, indeed, ultimately, the Parliament on where the balance ought to be struck in a significant piece of legislation that will probably not be reviewed as comprehensively as this for at least another five or more years. The opposition supports this course of action. We think it will save considerable time and debate down the track. We hope that the committee will have sufficient time to deal with it. I think 21 March is achievable. I do not think there will be a vast number of submissions that will need to be dealt with. There are a number of narrow points that are of concern and we wish the committee well in that regard.

HON SIMON O'BRIEN (South Metropolitan) [5.40 pm]: As usual, I shall be brief. This bill has been a very long time in the making. As Hon Michael Mischin has just indicated, there have been a number of representations made to members. I have certainly received a few and had a few meetings. In each of those cases, there has been a follow-up of further documentation. To get to the bottom of the considerations raised by those various interested parties, there will need to be some exploration of this bill and perhaps a committee inquiry is the most expeditious way to do it. I think a committee stage done on the floor of the house would be not only protracted, but ultimately unsatisfactory. Clearly, there are some matters that need to be worked through with interested parties that have not been worked through at this stage, which is a little disappointing given the gestation period this bill has had. I understand a reporting date of 37 days is proposed—I think that is right. The Standing Committee on Uniform Legislation and Statutes Review gets 45 days as a matter of course, so I am not sure why we have been given a relatively tight time frame to bring the bill to this stage, given the gestation period, which has been very, very protracted indeed. Nonetheless, the Standing Committee on Legislation is the appropriate body to deal with this matter, and, as a member of that committee, I look forward to getting the answers to some questions that have been raised with me by constituents and the wider industry.

HON NICK GOIRAN (South Metropolitan) [5.43 pm]: I rise following the remarks by Hon Simon O'Brien to indicate my concurrence with what he has just said. In particular, I think this is a useful opportunity for us to reconsider how we send bills to the Standing Committee on Legislation. As Hon Simon O'Brien has said, there is no question that the choice of the committee is the right one. There is no problem with the process that has been outlined by the Leader of the House. There has been consultation and the like. I do not dispute or complain about any of that. However, I think there would be merit for members in the future when they are looking to refer a bill

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to the legislation committee to use the Standing Committee on Uniform Legislation and Statutes Review's 45-day reporting period as a useful default position. We just had a debate on a bill moments ago in which I was told by the minister when asking about the significance of the science behind 28 days that that is a default position of Parliamentary Counsel. Perhaps the default position for the Legislative Council should be 45 days when sending matters to the legislation committee, because if 45 days is deemed the necessary period for the Standing Committee on Uniform Legislation and Statutes Review, which I note has very, very narrow terms of reference that are nowhere near the scope that the legislation committee has to look at bills, I would have thought that would be the starting point. That would be merely a starting point, a default position, and it would always be open to the government of the day or any member of the chamber to argue for a shorter time, but cogent, persuasive reasons would need to be provided to other members for why the legislation committee would need to act in a shorter time. That is not apparent to me in this particular instance. It is not apparent to me what the science is behind 37 days rather than 45 days. Nevertheless, that is obviously what has been agreed to and I do not dispute that. I simply take this opportunity to ask members to contemplate that with regard to any future bills that are referred to the legislation committee. The point might be made that it will always be open to the legislation committee under the chairmanship of Hon Sally Talbot to report to the house and request an extension of time. That would always be possible, and I know that the Standing Committee on Uniform Legislation and Statutes Review has done that from time to time, even with its 45-day period. I recall a time in a previous Parliament when the uniform legislation committee had only 30 days and it was determined by the house at the request of the committee that that was considered to be an inadequate time. Thank goodness this reporting period is not 30 days or less. It is indeed 37 days, as has been studiously calculated by Hon Simon O'Brien. I do not profess to have a great deal of knowledge on the Residential Parks (Long-stay Tenants) Amendment Bill 2018, but I am sure that, with Hon Sally Talbot, I soon will become quite expert on the bill over the next 37 days, and no doubt the committee will discharge its responsibilities and endeavour to report to the house by no later than 21 March this year.

Question put and passed.