

CCI sub 41

Beckingham, Vanessa

From:

Sent: Thursday, 30 April 2009 4:58 PM

To: Committee, Economics & Industry Standing

Subject: Submission - Inquiry into the provision, Use & Regulation of Caravan Parks in Western Australia

Attachments: Submission - Mr Graeme Quirk.doc

Good afternoon

Please find attached a submission in relation to the approved Terms of Reference for the Inquiry into the Provision, Use and regulation of Caravan Parks (and camping grounds) in Western Australia.

A signed, hard copy has also been forwarded.

Regards

Inquiry into the Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia

Submission – Mr Graeme Quirk

Introduction

Given recent issues relating to long stay tenants at caravan parks within the Perth metropolitan area, I strongly urge the Committee to consider additional protection measures to be included within any future amendments to the *Residential Parks (Long Stay Tenants) Act 2006*. As a caravan park resident with a site-only agreement the current Act does not adequately provide any medium/long term security of tenure for residents. The history of caravan park style accommodation in Western Australia, the suitability of caravan park style accommodation for certain segments of the community, and the increasing need for affordable housing given the recent economic downturn necessitates the Act being amended to provide greater certainty for caravan park residents.

In particular, the following sections of the Act require investigation:

Part 3/Division 2/Sections 41 and 42

The Act currently allows the park operator to terminate a long-stay agreement if vacant possession is required on sale of the park. However, in reality most long-stay tenants do not have the financial means or capacity to find alternative accommodation options should the agreement be terminated due to the sale of the park.

Most alarmingly, Section 42 allows a park operator to give notice of termination to a long-stay tenant to terminate a long-stay agreement without grounds. The ability for a park operator to take such action without any grounds is a constant concern for tenants whereby through no fault of their own they can be left without a suitable accommodation option within a short space of time. This clause within the Act needs to be reviewed to remove the constant threat of having an agreement unjustly terminated.

The 60 day notice period for those with an on-site home agreement and 180 day notice period for those with a site-only agreement does not assist to any great degree as alternative caravan park options are limited. Fundamentally these issues raise serious questions regarding the supply and demand of caravan sites, and particularly long-stay sites, within Western Australia. If parks are continuously the subject of private sale there needs to be strategy to retain a certain number of long-stay and short-stay sites to meet both current demand and projected future demand. One option may be to consider the allocation of land for caravan park/transient within specified sub-divisions through specific town planning strategies and/or zonings.

Part 5/Division 1/Section 65

When determining the amount of compensation payable to a long-stay tenant the State Administrative Tribunal may have regard to the cost of removing a relocatable home, the cost of towing or carrying a relocatable home, the cost of re-erecting a relocatable home, and any prescribed matters. With the rapid urban growth through the Perth metropolitan area, and subsequent demands to subdivide land for residential development (houses as opposed to caravan

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parks) the key concern will be what compensation is payable when there are no suitable options to relocate to. Therefore, financial assistance in securing or purchasing an alternative site must be considered within the compensation payable to long-stay tenants.

Summary

The consideration of these matters are relevant under the Committee's Terms of Reference, specifically, the investigation of the impact of existing legislation and policies regulating caravan parks. I trust that the Committee will recommend appropriate actions to better regulate the relationship between the operators of residential caravan parks, and the tenants who live in such parks on a long-stay basis.

Yours sincerely

Mr Graeme Quirk
Resident of Wanneroo Caravan Park, Jacaranda Drive, Wanneroo

Postal Address:
PO Box 688
HILLARYS WA 6923