



ATTORNEY GENERAL; MINISTER FOR COMMERCE

Your Ref: Petition No 39

Our Ref: 44-11399

Hon. Simon O'Brien MLC
Chairman
Standing Committee on Environment and Public Affairs
Parliament House
PERTH WA 6000

Dear Chairman O'Brien

PETITION NUMBER 39 – LICENSING OF STRATA/CARAVAN PARK MANAGERS

Thank you for your letter of 26 June 2014. As you may be aware, a Consultation Regulatory Impact Statement (C-RIS) titled *Licensing of Strata Managers in Western Australia* was released by the Consumer Protection Division of the Department of Commerce (the Department) on 31 October 2011. Consultations on that paper closed in February 2012 but submissions were received through to May 2012.

The Department completed its analysis of submissions in late 2012 and provided a draft Decision Regulatory Impact Statement (D-RIS) for assessment by the Regulatory Gatekeeping Unit (RGU) at that time.

Following its preliminary assessment, the RGU advised the Department that it did not support the draft recommendation and sought further advice from the Department in this regard. The Department did not progress the matter at that time due to the Government being in caretaker mode because of the then impending election.

Due to the uncertainty of the future of the National Occupational Licensing System (NOLS), elements of which placed significant constraints on the type of licensing scheme that could be implemented if licensing was to go ahead, further consideration of the issue was deferred. In December 2013, members of the Council of Australian Governments (COAG) agreed to abandon the NOLS.

In late 2013, representatives of Landgate met with senior officers from the Department to advise that it had been instructed to undertake reform to the *Strata Titles Act 1985* on a fast-track basis and that it had already circulated a discussion paper on tenure reform. Landgate said that it was working concurrently on management reforms to support the management of new types of strata and layered strata schemes.

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As many of the reforms being considered by Landgate would, if implemented, substantially address the risks identified by the Department in its C-RIS, the two agencies are now collaborating with a view to determining the best way forward on this issue.

With regard to the statutory review of the "Parks Act", I can advise you that a review of the *Residential Parks (Long-stay Tenants) Act 2006* (RPLT Act) commenced in 2012 and a discussion paper was released for public comment in August 2012.

The Department received approximately 800 responses to the paper including survey forms and submissions. The feedback was analysed and used to formulate options for reform for inclusion in a C-RIS. Lack of security of tenure for home owners in the event of park operator insolvency or on the sale of a park was identified as a key area of concern.

The C-RIS forms the next round of public consultation in the review and was released in June 2014. The closing date for submissions is 12 September 2014.

It is noted that the petition tabled by the Hon. Dr Sally Talbot MLC, calls for the licensing of caravan park managers, however, this is not an issue under consideration in the review of the RPLT Act. The Department does not regulate the operation of caravan parks *per se* and I wonder whether there is some confusion with the current review of the *Caravan Parks and Camping Grounds Act 1995*.

A consultation paper titled *Proposal for Caravan Parks and Camping Grounds Legislation* was released by the Department of Local Government and Communities in June 2014 and I understand that a proposal to review categories of caravan park licences is an issue under consideration in that consultation.

If you or your committee officers have any further queries, please contact Mr Gerald Milford at the Department on 9282 0682.

Yours sincerely

Hon. Michael Mischin MLC
ATTORNEY GENERAL; MINISTER FOR COMMERCE

31 JUL 2014