



***ECONOMICS AND INDUSTRY
STANDING COMMITTEE***

**RESPONSE TO HOUSE -
MATTER OF PARK HOME RESIDENTS**

**Report No. 10
in the 38th Parliament**

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Response to House - Matter of Park Home Residents

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MATTER OF PARK HOME RESIDENTS**

Report No. 10

Presented by:

Dr M.D. Nahan, MLA

Laid on the Table of the Legislative Assembly
on 20 October 2011

COMMITTEE MEMBERS

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	Mr D.A. Templeman, MLA Member for Mandurah (co-opted from 16 June 2011)

COMMITTEE STAFF

Principal Research Officer	Mr Tim Hughes, BA (Hons)
Research Officer	Mrs Kristy Bryden, BA, BCom

COMMITTEE ADDRESS

Economics and Industry Standing Committee
Legislative Assembly
Parliament House
Harvest Terrace
PERTH WA 6000

Tel: (08) 9222 7494
Fax: (08) 9222 7804
Email: laeisc@parliament.wa.gov.au
Website: www.parliament.wa.gov.au/eisc

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COMMITTEE'S FUNCTIONS AND POWERS

The functions of the Committee are to review and report to the Assembly on: -

- a) the outcomes and administration of the departments within the Committee's portfolio responsibilities;
- b) annual reports of government departments laid on the Table of the House;
- c) the adequacy of legislation and regulations within its jurisdiction; and
- d) any matters referred to it by the Assembly including a bill, motion, petition, vote or expenditure, other financial matter, report or paper.

At the commencement of each Parliament and as often thereafter as the Speaker considers necessary, the Speaker will determine and table a schedule showing the portfolio responsibilities for each committee. Annual reports of government departments and authorities tabled in the Assembly will stand referred to the relevant committee for any inquiry the committee may make.

Whenever a committee receives or determines for itself fresh or amended terms of reference, the committee will forward them to each standing and select committee of the Assembly and Joint Committee of the Assembly and Council. The Speaker will announce them to the Assembly at the next opportunity and arrange for them to be placed on the notice boards of the Assembly.

CHAIR'S FOREWORD

The primary aim of this report is to advise the House whether an investigation is warranted to determine both the number of long-stay caravan parks that have been closed since 2006 and whether the evictions that ensued were conducted in a manner compliant with the *Residential Parks (Long-stay) Tenants Act 2006*.


Another objective of this report is to follow up whether, and to what extent, the recommendations of the Committee's Report No. 2, entitled *Inquiry into the provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, were being pursued by the Government and its agencies.

The need for this follow-up was motivated to a large extent by the observation of many Members of the Legislative Assembly that caravan parks, and in particular long-stay places in caravan parks, were being lost and transferred to other uses. This, as Report No. 2 argued in detail, was having a seriously detrimental impact on the tourism sector and was having a serious impact on the many people living in caravan parks on a permanent basis.

The Committee called in the six relevant State Government Agencies - the Departments of Commerce, Planning, Local Government, Tourism, Environment and Conservation and Housing to gather information about park closures and evictions, and to ascertain their performance in pursuing and meeting the recommendations of Report No. 2. This was an original approach for the Committee, but judging by the result I believe it was a very useful exercise.

Importantly, the Committee found the Departments of Tourism, Environment and Conservation, Housing and Commerce to have taken on the task of addressing the issues raised in Report No 2 vigorously in general and in detail. I applaud them for their initiatives. On the other hand the Departments of Planning and Local Government have not taken on their tasks with adequate vigour.

I would like to formally thank the members of the Committee for their dedication and commitment to the work of the Committee. I would also like to express the Committee's appreciation of the work performed by the Committee's secretariat, Mr Tim Hughes (Principal Research Officer) and Mrs Kristy Bryden (Research Officer).



DR M.D. NAHAN, MLA
CHAIR

ABBREVIATIONS AND ACRONYMS

CEO	Chief Executive Officer
CPCG Act	<i>Caravan Parks and Camping Grounds Act 1995</i>
CPI	Consumer Price Index
DEC	Department of Environment and Conservation
DLG	Department of Local Government
DoC	Department of Commerce
DoH	Department of Housing
DoP	Department of Planning
EISC	Economics and Industry Standing Committee
EOI	Expression of Interest
IWG	Caravan Parks/Park Homes Interagency Working Group
MLA	Member of the Legislative Assembly (Western Australia)
NP	National Park
PHOA	Park Home Owners Association WA Inc
PLC	Park Liaison Committee
RPLT Act	<i>Residential Parks (Long-stay Tenants) Act 2006</i>
SPP	State Planning Policy
WAPC	Western Australian Planning Commission

EXECUTIVE SUMMARY

On 13 April 2011 the Economics and Industry Standing Committee was requested by the Legislative Assembly to ‘consider the appropriateness of undertaking an investigation into all park homes that have been closed or have collectively evicted long-stay tenants since 2006 to ensure compliance with all aspects of appropriate legislation’.¹

In response, the Committee conducted a series of public hearings where six government departments: Commerce; Environment and Conservation; Housing; Local Government; Planning; and Tourism, were asked to appear to answer a series of questions that were provided in advance. Most pertinent to the Committee’s referred task was the Department of Commerce, which oversees the *Residential Parks (Long-stay Tenants) Act 2006* (RPLT Act) and investigates complaints surrounding the eviction of long-stay tenants from caravan parks.

The Department of Commerce has confirmed that at least five caravan parks have closed since the RPLT Act has been in effect. Collectively, these parks account for up to 323 long-stay sites. The Committee acknowledges the impact that such closures may have had on affected evictees, but reports that no operator of these five parks was found to have contravened the relevant provisions of the RPLT Act.

While the Committee has identified some shortcomings with the current complaint handling and investigatory processes, the general level of compliance with the RPLT Act appears sufficient to negate the need for a broader investigation into park closures at this time.

It is important to note that the Committee was not asked to examine the adequacy of the RPLT Act itself. However, the Department of Commerce has advised that a review of the Act, originally scheduled for August 2012, has been brought forward in response to concerns expressed about the rights of long-stay tenants.

While conducting the task referred by the House, the Committee also asked the six departments to provide updates on actions taken in response to its 2009 *Inquiry into the Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*. The final chapter of this report provides a summary of those responses in areas that the Committee considers pivotal to improving the security of long-stay tenants and maintaining an appropriate supply of caravan parks for the ongoing benefit of residents and holiday makers.

The Committee is concerned that some departments are still not affording these issues due priority and has made a series of recommendations aimed at ensuring each department plays its part in what has to be a collaborative approach to the caravan park (and camping ground) sector.

¹ Hon. Troy Buswell, MLA, (Minister for Housing), Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), 13 April 2011, p. 3013.

FINDINGS

Page 12

Finding 1

The Department of Commerce has investigated the closure of five caravan parks since 2006 that resulted in the eviction of residents from up to 323 sites. From these investigations, no operator of these parks was found to have contravened the *Residential Parks (Long-stay Tenants) Act 2006*.

Page 12

Finding 2

The level of compliance surrounding park closures and general operations appears sufficient to negate the need for a broader investigation by the Committee at this time.

If the issue of compliance becomes more problematic, any such investigation should first be directed to the Commissioner for Consumer Protection, given the functions of that office under Section 85(a)-(b) of the *Residential Parks (Long-stay Tenants) Act 2006*.

Page 14

Finding 3

Data from a Department of Local Government survey indicates that four shires may have a total of five unnamed caravan parks at risk of closure: two in Broome and one each in Canning, Harvey and Kalamunda.

Page 15

Finding 4

Until the Department of Commerce completes its initial round of proactive compliance visits, a heightened risk remains that non-compliant evictions could occur in the absence of a complaint being lodged.

Page 15

Finding 5

It is unacceptable that the Department of Commerce, as part of its proactive compliance visit scheme, has to visit each local government office to obtain details on any caravan parks in the area.

Page 17

Finding 6

The Department of Commerce has brought forward the review of the *Residential Parks (Long-stay Tenants) Act 2006* from its scheduled date of August 2012.

The department has confirmed that it will increase its communication with the Park Home Owners Association (WA) Incorporated during the review process.

Page 20

Finding 7

Tourism WA has been charged with establishing a comprehensive caravan and camping strategy framework for Western Australia. As part of this process, Tourism WA intends completing by the end of 2011 an audit that will show where demand for caravan park infrastructure is greatest.

The Committee commends the Minister for Tourism and Tourism WA for recognising the importance of implementing a strategy that will encourage all relevant departments to work together to address problems in the caravan and camping industry.

Page 23

Finding 8

Tourism WA and the departments of Commerce, Environment and Conservation, and Local Government have all been involved in recent independent efforts to collect data on the number of caravanning and camping facilities in the state.

This level of duplication is inappropriate, particularly given the Committee's 2009 recommendation that the Department of Local Government should develop and maintain a comprehensive database of such facilities.

Page 26

Finding 9

The Committee commends the Department of Commerce for the initiatives it has taken to improve the level of pre-entry information for prospective long-stay tenants.

Most significant is the revised information provided in the department's publication *Information Booklet - Park Living* and the establishment of the Seniors' Housing Centre.

Page 28

Finding 10

The priority given by Department of Planning to completing the *State Planning Policy - Land Use for Tourism* has waned.

Page 30

Finding 11

Only five local governments: Albany; Bunbury; Busselton; Dandaragan; and Mandurah have completed local tourism planning strategies since 2007. This response rate is unsatisfactory. The lack of a local tourism planning strategy for Broome is especially concerning.

Page 34

Finding 12

The overall response by the Department of Planning to the Committee's earlier recommendations suggests that the department does not afford due priority to planning measures designed to improve the supply of caravan parks.

Page 39

Finding 13

The Department of Environment and Conservation is commended for the actions it is taking both to address issues raised in the Committee's 2009 report and to enhance the overall tourist caravanning and camping experiences on offer in Western Australia.

Page 41

Finding 14

The attitude and actions of the Department of Housing indicate that it is committed to addressing issues impacting the supply of long-stay caravan sites. Notable in this respect is:

- a commitment to acquire caravan parks that are listed for sale (at reasonably valued prices);
- the impending purchase of government land in Ascot and Whiteman for the development of over 150 long-stay sites;
- an ongoing commitment to work with Department of Planning to create similar projects in other locations; and
- a commitment to investigate joint-venture opportunities with developers of lifestyle villages.

Page 41

Finding 15

Department of Environment and Conservation, Tourism WA, Department of Commerce and Department of Housing have demonstrated a generally proactive approach to addressing issues raised in the Committee's 2009 report. By contrast, the Committee could not detect a similar level of commitment from the departments of Planning and Local Government.

RECOMMENDATIONS

Page 12

Recommendation 1

The Department of Commerce ensure that the initial round of visits under its proactive compliance visit scheme be completed as a matter of urgency. Following this, a rolling two-year audit of all relevant parks should be instituted.

Page 14

Recommendation 2

Department of Commerce immediately liaise with Department of Local Government to obtain the details of the five caravan parks at risk of closure in the shires of Broome, Canning, Harvey and Kalamunda.

The Department of Commerce should then ensure that any parks regulated under the *Residential Parks (Long-stay Tenants) Act 2006* receive a proactive compliance visit.

Page 16

Recommendation 3

The Department of Local Government compile the records held in each local government area and provide the Department of Commerce with the location and configuration of each caravan park registered under the *Caravan Parks and Camping Grounds Act 1995*.

Page 21

Recommendation 4

Tourism WA becomes a full-time member of the Caravan Parks/Parks Home Interagency Working Group.

Page 23

Recommendation 5

Data recently collected by the Tourism WA and the departments of Commerce, Environment and Conservation, and Local Government should be collated and used to establish a comprehensive database of all caravan parks and camping facilities in Western Australia. Responsibility for the creation and ongoing maintenance of the database should be vested with Department of Local Government.

The Caravan Parks/Park Homes Interagency Working Group (IWG) could be used as the forum through which these departments can cooperate to compile their respective data sources.

Page 24

Recommendation 6

The establishment and ongoing maintenance of a comprehensive database of all caravan parks and camping facilities in Western Australia be included as a stated objective of the Caravan Parks/Park Homes Interagency Working Group (IWG).

Page 26

Recommendation 7

The Department of Commerce organise a briefing for all members of parliament on the recently established Seniors' Housing Centre.

Page 28

Recommendation 8

The Department of Planning ensure that the *State Planning Policy - Land Use for Tourism* is completed.

Page 30

Recommendation 9

Tourism WA and Department of Planning ensure that the demand hot-spots identified in Tourism WA's current gap analysis audit receive urgent assistance in the development of local tourism planning strategies. The Shire of Broome should be given priority in this process.

Page 35

Recommendation 10

The Minister for Planning provide for lifestyle-type villages to be developed on rural zoned land, particularly on lands bordering larger towns in the Peel, Bunbury and broader South West regions.

Page 42

Recommendation 11

The Minister for Local Government ensures that a statutory review of the *Caravan Park and Camping Grounds Act 1995* is completed as a matter of high priority.

MINISTERIAL RESPONSE

In accordance with Standing Order 277(1) of the Standing Orders of the Legislative Assembly, the Economics and Industry Standing Committee directs that the Minister for Local Government, the Minister for Planning, the Minister for Tourism, and the Minister for Transport and Housing (representing the Minister for Commerce in the Legislative Assembly) report to the Assembly as to the action, if any, proposed to be taken by the Government with respect to the recommendations of the Committee.

CHAPTER 1 INTRODUCTION

1.1 Relevant earlier inquiry

1. On 15 October 2009, the Economics and Industry Standing Committee tabled its report on the *Inquiry into the Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia* (hereafter EISC Report No. 2).
2. This extensive investigation addressed many aspects of the caravan park industry including:
 - the supply of and demand for long and short-stay sites (including camping sites);
 - trends in the operating costs of caravan parks and camping grounds; and,
 - the conduct of caravan park and camping ground operators.
3. The Inquiry also examined the impact that relevant existing legislation had on maintaining a viable industry, protecting the rights of operators and users, and providing an adequate mix of long and short-stay facilities and sites.
4. The report found that caravan parks, once considered the preserve of tourists and holiday makers, were now ‘widely recognised as providing a legitimate form of residential accommodation’.² Moreover, demand for this form of “long-stay” accommodation was increasing due to an absence of other available and affordable alternatives.³ Problematically, this increased demand was putting pressure on the availability of short-term or tourist sites at a time when many parks were under threat due to a series of inter-related commercial factors.
5. Caravan parks have often been located in pristine coastal areas and / or close to major metropolitan centres. In recent years, the land value of these properties has increased sharply. While enjoying considerable unrealised capital gains, park owners are nonetheless facing increased operating and maintenance costs in a business traditionally aimed at low-budget clientele.
6. Consequently, park closures have become more common as owners are lured into selling their landholding for subdivision, or redeveloping it for resort-style tourist accommodation. The consequences of these park closures were particularly grave for long-term residents, as many had formed the erroneous assumption that their tenure was permanent and had little means by which to relocate. The Committee found that further caravan park closures were likely in this environment.

² Economics and Industry Standing Committee, *Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, p. 250.

³ *ibid.*, p. 72.

In addition, the scarcity of appropriate land (due to urban encroachment), and higher start-up costs (attributable to higher land prices), were likely to impede the development of replacement parks.⁴

7. The Committee's report noted that state government agencies and local governments had expressed concern about the recent spate of caravan park closures.⁵ Despite this, the Committee found that the provision of caravan parks (and camping grounds) was not accorded a high priority by government. It was also clear that government agencies needed to begin working together to develop a comprehensive strategy to ensure that the supply of such facilities was consistent with current and future demands.⁶
8. The Committee made a total of 151 Findings and 65 Recommendations⁷ across ten government portfolios. These addressed a range of issues including:
 - The establishment of a reliable database of the number of caravan park sites from which an appropriate monitoring regime and policy framework can be implemented.
 - The acquisition of existing parks and identification of crown land on which restricted zoning could be established to protect the future of caravan parks and camping grounds.
 - Initiatives to remove the cost pressures facing incumbent operators.
 - Improving the level of pre-entry disclosure available to people considering a long-stay tenancy agreement with a caravan park operator.
9. In its consolidated response, tabled on 25 May 2010, the government fully accepted 30 of the recommendations. Of the remainder, 18 were noted, accepted in-principle, or accepted in-part, 15 were rejected, and three were cited as not applicable.⁸

1.2 Ongoing concern of park home residents

10. Within 11 months of the government's response, the matter of caravan park closures returned to the Legislative Assembly by way of an Opposition motion that emanated from ongoing concerns expressed by the Park Home Owners Association (PHOA).⁹

⁴ Economics and Industry Standing Committee, *Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, pp. 149-179, 185-188.

⁵ *ibid.*, p. 96.

⁶ *ibid.*, p. 402.

⁷ While 57 recommendations are listed in the Report, Recommendation 56 had nine separate sub-recommendations.

⁸ *Government Response to Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Parl. Paper 2134, Legislative Assembly of Western Australia, 25 May 2010.

⁹ The PHOA is an incorporated body of volunteers advocating the interests of permanent (long-stay) residents in caravan parks and lifestyle villages in Western Australia. See <http://parkhomeowners.com.au/>.

11. On 13 April 2011, Hon. Mark McGowan, MLA moved:

*That the house calls on the Barnett government to take urgent action to help permanent park home residents obtain greater certainty in relation to their living arrangements into the future.*¹⁰

12. In the three-hour debate that ensued, members of both major parties endorsed the gravity of the issue and the need for practical action. The Minister for Housing, Hon. Troy Buswell, MLA, responding on behalf of the government, observed that, '[t]his motion feels as though it is a bipartisan grievance in some ways, and that is probably a fair description'.¹¹
13. The legislation overseeing the rights and obligations of caravan park owners and long-stay tenants—the *Residential Parks (Long-stay) Tenants Act 2006* (RPLT Act)—drew criticism from both sides. Labor's Mr David Templeman, MLA, argued that the RPLT Act was not meeting its stated aim of 'balanc[ing] the needs of residential park residents for greater security of tenure while supporting the maintenance of existing, and the development of new, residential parks'.¹² Responding later in the debate, Minister Buswell conceded that the RPLT Act was 'not delivering on the outcomes that it was intended to deliver'.¹³
14. Several participants in the debate argued that a review of the current legislation should be brought forward. Issues to be considered included the eviction without reason powers; tenure arrangements (fixed-term versus periodic leases); imposing limits on rental increases and addressing park operators' first right of refusal when a resident is looking to sell a park home. Calls were also made to consider the adequacy of the current compensation regime for residents forced to relocate in the event of a park's closure.¹⁴
15. During the debate there was conjecture over the number of sites on government-owned land that had been identified for development as publicly or privately operated parks with long-stay accommodation.¹⁵ This process was being undertaken in response to an earlier recommendation

¹⁰ Hon. Mark McGowan, MLA, Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), 13 April 2011, p. 2988.

¹¹ Hon. Troy Buswell, MLA, (Minister for Housing), Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), 13 April 2011, p. 3010.

¹² Mr David Templeman, MLA, Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), 13 April 2011, p. 2996.

¹³ Hon. Troy Buswell, MLA, (Minister for Housing), Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), 13 April 2011, p. 3010.

¹⁴ See, Hon. Mark McGowan, MLA; Mr David Templeman, MLA; Ms Rita Saffioti, MLA; Hon. Fran Logan, MLA; Hon. Troy Buswell, MLA, (Minister for Housing), Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), 13 April 2011, pp. 2993-3011.

¹⁵ See, Hon. Mark McGowan, MLA; Ms Rita Saffioti, MLA; Mr Paul Miles, Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), 13 April 2011, pp. 2991-2992, 2998, 3004.

from the Committee. Minister Buswell confirmed one site in Whiteman Park where Department of Planning (DoP) was moving forward, but he conceded that the process was ‘taking too long’.¹⁶

16. In his concluding remarks, Minister Buswell listed a range of actions the government was considering in order to address the concerns of long-stay park home residents and alleviate the supply constraints attributable to continuing park closures. These included:
- bringing the review of the RPLT Act forward from 2012;
 - purchasing existing parks at risk of closure, applying strict zoning that ensures exclusive use as a caravan park before selling them back to the market (at a discounted price), or leasing to them a private operator or government agency; and
 - identifying more government-owned land for exclusive development as caravan parks.¹⁷
17. Mr Buswell argued that while the responses he outlined ‘were sensible’, they would not provide ‘an immediate short-term cure to those people who are being impacted’.¹⁸
18. As the debate neared its conclusion, Minister Buswell expressed concern that some parks may have been closed, and tenancies subsequently terminated, in contravention of the RPLT Act. Referring to reported park closures in Kununurra and Port Hedland, Minister Buswell said ‘[t]he act was very clear about what we expect or anticipate from park owners’.¹⁹ Citing his concern over these potential breaches, Minister Buswell moved an amendment, which was passed unanimously, adding to the original motion that:

*the Economics and Industry Standing Committee be requested to consider the appropriateness of undertaking an investigation into all park homes that have closed or have collectively evicted long-stay tenants since 2006 to ensure compliance with all aspects of appropriate legislation.*²⁰ [Emphasis added]

1.3 Task of Committee

19. The Committee’s primary task is to advise the House whether an investigation of the type proposed by the Minister for Housing is warranted at this time. To determine the merit of this proposal, the Committee requested six government departments to appear at public hearings held on 29 and 31 August 2011. Each department was provided with a set of relevant questions in advance.

¹⁶ Hon. Troy Buswell, MLA, (Minister for Housing), Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), 13 April 2011, p. 3012.

¹⁷ *ibid.*, pp. 3010-3012.

¹⁸ *ibid.*, p. 3013.

¹⁹ *ibid.*

²⁰ *ibid.*

20. Most relevant to the Committee's referred task was the Department of Commerce, which oversees the RPLT Act and investigates any claims of park closures and tenant evictions conducted in contravention of that act. The Committee also requested information from the departments of Planning; Housing; Local Government; Environment and Conservation; and Tourism. The Committee used this process as an opportunity to follow-up on several recommendations from its earlier report (see 1 above) that remain pertinent to the problems besetting long-stay park home residents and the caravan and camping industry in Western Australia. The chapters that follow provide a summary of the Committee's updated findings.
21. For the purpose of framing its response to the House, the Member for Mandurah, Mr David Templeman, MLA, was again co-opted to the Committee²¹, having performed a similar role for EISC Report No. 2. The Committee thanks Mr Templeman for his input and also acknowledges the contributions of the departments who were asked to provide information.

²¹ Under Standing Order 249(4) of the Legislative Assembly of Western Australia, co-opted members 'may not vote, move any motion or be counted for the purposes of a quorum, but...may ask questions of witnesses and participate in a deliberative meeting'.

CHAPTER 2 APPROPRIATENESS OF AN INVESTIGATION

2.1 Role of the Department of Commerce

22. The RPLT Act stipulates the rights and obligations of parties to long-stay tenancy agreements in caravan parks. The RPLT Act states, among other things, the information that prospective tenants must receive before entering into formal long-stay agreements, which are mandatory for tenancy terms of three months or longer.²² It also provides for a minimum period of notice to be given to tenants who are evicted without grounds (as can occur when a park is sold) and states the circumstances under which compensation is payable.²³ Periods of notice range from 60 days, for an ‘on-site home agreement’, to 180 days for a ‘site-only’ agreement.²⁴
23. The RPLT Act came into full effect on 1 August 2007 and is administered by the Department of Commerce (DoC). Under the RPLT Act, the Commissioner for Consumer Protection (hereafter “the Commissioner”), is given various important functions and powers. For example, the Commissioner can institute or take part in proceedings to enforce or protect the rights of parties to long-stay agreements. For this to occur, a complaint must be lodged with the Commissioner within three months of a long-stay agreement ending. The Commissioner must also receive consent from the Minister and be satisfied there is a cause of action and that it is in the public interest to take part in the proceeding. Proceedings for a contravention of the RPLT Act must commence within two years of the alleged offence taking place.²⁵
24. Under Section 85, the functions of the Commissioner include:
- a) the investigation of and conduct of research into matters relating to the interests of parties to long-stay agreements generally or any particular party or parties;
 - b) the publication of reports and the dissemination of information on matters relating to the interests of parties to long-stay agreements;
 - c) the giving of advice to persons on the provisions of this Act or any other law relating to or affecting the interests of parties to long-stay agreements;
 - d) the investigation, upon the complaint of a party to a long-stay agreement or otherwise, of an offence against this Act or of an infringement of a party’s rights arising out of any long-

²² Sections 10-11 and 17 *Residential Parks (Long-stay Tenants) Act 2006* (Western Australia).

²³ Tenants under a ‘fixed term’ long-stay agreement can receive compensation under a variety of circumstances where the agreement is terminated by the operator. However, tenants under a ‘periodic’ agreement do not have the same entitlements. This is an ongoing point of conjecture regarding the RPLT Act. Section 46 *Residential Parks (Long-stay Tenants) Act 2006* (Western Australia).

²⁴ Under on-site home agreements the park operator provides a relocatable home for tenancy. Site-only agreements enable the tenant to reside in the park in their own relocatable home. See Section 42 and Schedule 2 (Clause 2) *Residential Parks (Long-stay Tenants) Act 2006* (Western Australia).

²⁵ Sections 79 and 90 *Residential Parks (Long-stay Tenants) Act 2006* (Western Australia).

stay agreement and the taking of action by negotiation, prosecution of an offence or otherwise.²⁶

25. These investigatory and prosecutorial powers enable DoC, and the Commissioner, to confirm the number of park home closures and whether evictions of long-stay tenants therein were conducted as per the legislation.

2.2 Data on park closures and the eviction of long-stay residents

(a) Actual or potential closures and level of compliance

26. Prior to its appearance before the Committee, DoC was asked to collate data on how many parks had closed since 2006 resulting in evictions of long-stay tenants—and whether any evictions had contravened the RPLT Act.
27. The department initially confirmed that it was aware of four parks that had closed since 2006 resulting in the eviction of residents from 302 long-stay sites. The department later revised this figure to five parks totalling 323 long-stay sites, advising that an administrative error had resulted in its failure to include investigations conducted before the closure of Lucky Caravan Park in Mandurah. The breakdown of these figures is found in Table 1 below.

Table 1 Park closures (affecting long-stay tenants) since 2006 - Department of Commerce²⁷

Park Name	Location	Advised Closure/Eviction Date	No. of Long-Stay Sites
Aqua Caravan Park	Furnissdale, Mandurah	13 June 2011	102
Kingsway Tourist and Caravan Park	Madeley	19 October 2009	88
Lucky Caravan Park	Mandurah	31 August 2010	21
Miami Holiday Park	Falcon, Mandurah	30 September 2008	10
Springvale Caravan Park	Forrestfield	7 February 2011	102

28. It is noteworthy that the Miami (restricted long-stays)²⁸ and Kingsway (fully tourist) parks continue to operate, but no longer provide for continuous long-stay tenancy arrangements.

²⁶ Section 85(a)-(d) *Residential Parks (Long-stay Tenants) Act 2006* (Western Australia).

²⁷ Supplementary Item (B), Department of Commerce, *Transcript of Evidence*, 29 August 2011, pp. 1-2; Mr Stephen Meagher, Director Property Industries, Consumer Protection, Department of Commerce, Email, 7 October 2011; Mr Stephen Meagher, Director Property Industries, Consumer Protection, Department of Commerce, Email, 13 October 2011.

29. DoC received a number of complaints regarding these evictions, but its investigations did not uncover any park operator breaching the RPLT Act.²⁹ Based on the explanatory material provided by the department (see Appendix 1), the Committee has no reason to doubt the veracity of this claim.
30. Significantly, DoC conceded that there may have been other park closures affecting long-stay tenants:

*...and the residents [may] have been dealt with and never came to the authorities. So, that is quite possible, but these are the ones where we have had both physical complaints or we have had telephone calls from concerned residents.*³⁰

The Committee's concerns regarding the adequacy and availability of data on caravan park closures will be addressed in paragraphs 43 to 50.

31. DoC also confirmed that it was monitoring six parks deemed to be "at-risk" as a result of being either placed on the market or subject to ongoing speculation regarding future redevelopment. These parks, which are listed in Table 2 below, collectively account for 584 long-stay sites.

Table 2 Parks at-risk of closure (affecting long-stay tenants) - Department of Commerce³¹

Park Name	Location	Status	No. of Long-Stay Sites
Belvedere	Mandurah	Development plans lodged	148
Black Rock Tourist	South Hedland	Altered tenancy arrangements	150
Palm Beach Village	Rockingham	Currently for sale	160
Quinns Rocks Village	Quinns Rocks	Speculation around future	24
Timbertop	Mandurah	Possible council redevelopment	27
Waterloo	Outer Bunbury	Currently for sale	75

²⁸ The redevelopment at Miami included a mix of short and long-stay sites. However, the long-stay sites can only be used for a maximum of 120 days per year. Supplementary Item (B), Department of Commerce, *Transcript of Evidence*, 29 August 2011, p. 2.

²⁹ Mr David Hillyard, Director, Consumer Protection, Department of Commerce, *Transcript of Evidence*, 29 August 2011, p. 5; Mr Stephen Meagher, Director Property Industries, Consumer Protection, Department of Commerce, Email, 7 October 2011.

³⁰ Mr David Hillyard, Director, Consumer Protection, Department of Commerce, *Transcript of Evidence*, 29 August 2011, p. 6.

³¹ Supplementary Item (C), Department of Commerce, *Transcript of Evidence*, 29 August 2011, pp. 1-2.

32. The department provided the Committee with a detailed status report on the complaints it had received and investigations it had undertaken relating to these six parks. This is included in Appendix 2. While some corrective measures and follow-up audit visits have been required at the Black Rock and Waterloo Village Parks, all six parks currently appear to be compliant with the RPLT Act.
33. DoC again cautioned that this data could not be taken as definitive given that they are not currently ‘connected to every park in the state’³², and that some park operators are not forthcoming on any development plans that may be in the pipeline.

(b) General compliance - the Department of Commerce’s audit process

34. To ensure general observance of the RPLT Act, the Department of Commerce has instituted a proactive compliance visit scheme. The scheme also allows the department to distribute educative material to park operators regarding their responsibilities and provides a process whereby issues impacting long-stay tenants can be identified and monitored.³³
35. Through this audit process, an officer from DoC visits the park with a checklist that ‘considers everything that is required in the Act and whether it is being adhered to’.³⁴ Items on the checklist include whether all documents required under Sections 11 and 17 of the RPLT Act have been provided to long-stay tenants.³⁵ In addition, the DoC officer must ensure that a formal contract has been issued for each long-stay agreement and—in parks with 20 or more long-stay sites—that reasonable attempts have been made to establish a Park Liaison Committee (PLC).³⁶
36. The proactive compliance visit scheme commenced in 2010 and has audited approximately 90 different parks in each of the last two years.³⁷ Data provided indicates that 51 separate issues of non-compliance have been identified during this time, with some parks recording multiple breaches. The most common breach (26 instances) related to operators not passing on all the required information. In 11 instances formal contracts had not been completed, often due to the familiarity and friendship between the operator and resident. On four occasions a PLC had not

³² Mr David Hillyard, Director, Consumer Protection, Department of Commerce, *Transcript of Evidence*, 29 August 2011, p. 11. See also, Ms Anne Driscoll, Executive Director, Consumer Protection, Department of Commerce, *Transcript of Evidence*, 29 August 2011, p. 11.

³³ Mr Brian Bradley, Director General, Consumer Protection, Department of Commerce, *Transcript of Evidence*, 29 August 2011, p. 2.

³⁴ Ms Anne Driscoll, Executive Director, Consumer Protection, Department of Commerce, *Transcript of Evidence*, 29 August 2011, p. 9.

³⁵ Supplementary Item (D), Department of Commerce, *Transcript of Evidence*, 29 August 2011, pp. 1-3.

³⁶ The objective of a Park Liaison Committees is to help the park operator maintain and improve the lifestyle and well being of long-stay tenants. The PLC also works with the park operator to resolve disputes park residents have with each other or with the operator. Section 61 *Residential Parks (Long-stay Tenants) Act 2006* (Western Australia).

³⁷ Ms Anne Driscoll, Executive Director, Consumer Protection, Department of Commerce, *Transcript of Evidence*, 29 August 2011, p. 9.

been established, although this was generally attributed to a lack of interest from the tenants. In ten cases, operators showed insufficient knowledge of their responsibilities under the RPLT Act. In response to these issues, the department provided the required information and / or documentation to operators and, where appropriate, conducted monthly follow-ups until compliance was obtained.³⁸

37. The department advised that it would only seek to prosecute if breaches were flagrant. If breaches are of a technical nature, and the operator indicates a willingness to comply, the department prefers a collaborative and educative approach to resolving breaches. Based on its visits to date, the department concluded that, 'overall, compliance is reasonably high and improving'.³⁹
38. Outside of its audit process, DoC relies mainly on reactive methods to start a compliance investigation. Marketplace monitoring is conducted via the department's telephone advice system and tenancy network as well as media reporting. Media monitoring is believed to have been the trigger for the department's investigations of the six parks at risk of closure in Table 2 above. DoC also has an alert advice arrangement with the departments of Housing and Planning, where complaints or notices regarding potential park closures are flagged.⁴⁰

2.3 Committee's view on level of compliance and audit processes

39. As indicated at 29 above, the Committee is satisfied that the five park closures (and ensuing evictions) identified and investigated by DoC did not contravene the RPLT Act.
40. The Committee also commends the department for the proactive visit scheme and the generally high level of ongoing compliance this initiative is fostering. Given the extent of travelling required to conduct this process across the state, the Committee believes that the current visitation rate of 90 parks per year is adequate.
41. Recent estimates of the number of caravan parks in Western Australia range from 320 to 400.⁴¹ While an unknown number of these parks offer exclusively tourist accommodation—and are therefore not regulated under the RPLT Act—it can not be determined when the department will conclude its initial audit of all relevant parks. Still, it is imperative that this process is completed as quickly as possible. To ensure that DoC remains abreast of ongoing issues, and to keep new residents and operators familiar with their rights and obligations, a two-year rolling audit process should then be instituted.

³⁸ Supplementary Item (D), Department of Commerce, *Transcript of Evidence*, 29 August 2011, p. 4.

³⁹ Ms Anne Driscoll, Executive Director, Consumer Protection, Department of Commerce, *Transcript of Evidence*, 29 August 2011, p. 9.

⁴⁰ Mr David Hillyard, Director, Consumer Protection, Department of Commerce, *Transcript of Evidence*, 29 August 2011, pp. 5,12.

⁴¹ For lower estimate, see Supplementary Item (D), Department of Local Government, *Transcript of Evidence*, 29 August 2011. The higher estimate was cited in Economics and Industry Standing Committee, *Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, p. 144.

Finding 1

The Department of Commerce has investigated the closure of five caravan parks since 2006 that resulted in the eviction of residents from up to 323 sites. From these investigations, no operator of these parks was found to have contravened the *Residential Parks (Long-stay Tenants) Act 2006*.

Recommendation 1

The Department of Commerce ensure that the initial round of visits under its proactive compliance visit scheme be completed as a matter of urgency. Following this, a rolling two-year audit of all relevant parks should be instituted.

42. Based on the information obtained, the level of compliance relating to park closures (and ongoing operations) appears sufficient to negate the need for a broader investigation by the Committee at this time. If the issue of compliance becomes more problematic, any such investigation should first be directed to the Commissioner for Consumer Protection, given the functions of that office under Section 85(a)-(b) of the RPLT Act.

Finding 2

The level of compliance surrounding park closures and general operations appears sufficient to negate the need for a broader investigation by the Committee at this time.

If the issue of compliance becomes more problematic, any such investigation should first be directed to the Commissioner for Consumer Protection, given the functions of that office under Section 85(a)-(b) of the *Residential Parks (Long-stay Tenants) Act 2006*.

43. Notwithstanding these conclusions, the Committee still has several concerns regarding the adequacy of data surrounding closures and the mostly reactive nature of DoC's investigations.

(a) Lack of definitive data set

44. In order to gain a broader picture of problems in the sector, the Committee asked the Department of Local Government (DLG) to list all caravan parks (including tourist-only parks) that have closed since 2006 or that are earmarked for closure.
45. DLG was asked this question as it is the department responsible for administering the *Caravan Parks and Camping Grounds Act 1995* (CPCG Act) and the accompanying 1997 regulations. The CPCG Act oversees the licensing of caravan parks and camping grounds. Under Section 14(1),

each local government is required to keep a register of all licenses it issues to caravan park and camping ground operators. In addition, Regulation 50 stipulates that a local government endorse on each licence the number and type of sites at each licensed facility.

46. In its response DLG identified six park closures in addition to those cited by DoC, which had, or may have had, long-stay sites. These are listed in Table 3 below.

Table 3 Park closures (affecting long-stay tenants) since 2006 - Department of Local Government⁴²

Park Name and / or location	Closure Date	No. of sites (long-stay/short-stay)
Preston Beach, Rockingham	June 2006	60 long-stay / 10 camps
Kalbarri/Red Bluff	September 2006	53 short and long-stay / 11 cabins
Peppermint Grove, Capel	September 2006	Unknown
Yalgorup Eco Park	May 2007	22 'caravan' (tenure not stated) / 29 others
Doonbanks, Augusta ⁺	August 2008	4 long-stay / 92 others
Binningup	April 2011	2 long-stay / 54 others

⁺ Shire of Augusta/Margaret River endorsed a structure plan in June 2011 to have Doonbanks re-opened.

47. One factor might partly explain the disparity in data between DoC and DLG. The former was asked to confirm the number of park closures since 2006 it had investigated for evictions that may have occurred in contravention of the RPLT Act. As the legislation did not come into force until August 2007, the first four closures would not have attracted an investigation.
48. The reported closures at Doonbanks and Binningup are more worrying, as they occurred after the RPLT Act came into force. Given the number of long-stay sites at Doonbanks and Binningup is minimal, it is possible that they may have fallen into the category of long-stay sites exempted from the provisions of the RPLT Act. Examples include living quarters used for park employees.⁴³ Even so, this point was not clarified by DoC in its response. The fact that these closures were not identified by DoC underlines the point made by that department (see 30 above) that it may not have captured all relevant closures if complaints were not brought to its attention.
49. Similarly, DoC does not appear to have identified all parks that are at risk. Four local governments provided a response to a DLG survey claiming that a total of five unnamed parks were at risk of closure. These included two in the Broome shire and one each in Canning, Harvey and Kalamunda shires.⁴⁴ While these may be tourist-only parks, and therefore not subject to the RPLT Act, it is still critical that DoC investigates these sites to ensure compliance with due process where applicable.

⁴² Supplementary Item (G), Department of Local Government, *Transcript of Evidence*, 29 August 2011.

⁴³ Section 5(1)(d) *Residential Parks (Long-stay Tenants) Act 2006* (Western Australia).

⁴⁴ Supplementary Item (F), Department of Local Government, *Transcript of Evidence*, 29 August 2011, p. 1.

Finding 3

Data from a Department of Local Government survey indicates that four shires may have a total of five unnamed caravan parks at risk of closure: two in Broome and one each in Canning, Harvey and Kalamunda.

Recommendation 2

Department of Commerce immediately liaise with Department of Local Government to obtain the details of the five caravan parks at risk of closure in the shires of Broome, Canning, Harvey and Kalamunda.

The Department of Commerce should then ensure that any parks regulated under the *Residential Parks (Long-stay Tenants) Act 2006* receive a proactive compliance visit.

50. The Committee held some concerns that that the reconfiguration of existing parks may have led to long-stay tenants being illegally evicted. However, responses provided by DoC indicate that no instances of this have been detected.⁴⁵
51. While the Committee lauds the long-term value of DoC's proactive compliance visit scheme, until this initial audit is completed a heightened risk remains that non-compliant evictions could occur in the absence of a complaint being lodged. When the audit is complete a reliable database of all caravan parks can be established leading to a far more effective monitoring regime.⁴⁶
52. In the interim, the effectiveness of the proactive visit process and the Commissioner's investigatory powers will suffer in the absence of greater collaboration between DoC and DLG. Given the licensing provisions for caravan parks vested with local governments under the CPCG Act, the Committee felt that DLG could provide a source of pre-emptive information to DoC on planning changes that might flag a park becoming an eviction risk. When questioned on this point DoC's Mr Hillyard replied:

⁴⁵ Mr David Hillyard, Director, Consumer Protection, Department of Commerce, *Transcript of Evidence*, 29 August 2011, p. 5; Mr Stephen Meagher, Director Property Industries, Consumer Protection, Department of Commerce, Email, 7 October 2011.

⁴⁶ The importance of a universal, cross-agency database will be addressed in more detail in Chapter 3.

I guess we could say that we have made formal approaches to both the Department of Local Government and to the local councils to get information about parks and all of those issues affecting residential parks, and failed. We just do not get that information back. The Department of Local Government does not have a central source for all of those residential parks and getting responses from all of the individual councils is proving difficult as well....

Mr Hillyard went on to explain:

I do not know if they are reluctant; they just do not respond. They have probably got a lot of other things to do and we are probably just another agency asking a local government more questions about these matters. As we go around the country areas our proactive officer goes to visit the council and gets what details we can of what exists and then we are mapping out our own database.⁴⁷ [Emphasis Added]

53. It is inappropriate and unnecessary that DoC has to go to such lengths to seek out data that should be compiled and provided by DLG. The time it takes DoC to determine the locations of caravan parks in the state's 140 local government areas⁴⁸ is adding an unnecessary and unquantifiable delay to completing the department's initial audit. As a matter of urgency, DLG should compile the licensing records held with each local government and provide the location and configuration of each registered park to the Department of Commerce.

Finding 4

Until the Department of Commerce completes its initial round of proactive compliance visits, a heightened risk remains that non-compliant evictions could occur in the absence of a complaint being lodged.

Finding 5

It is unacceptable that the Department of Commerce, as part of its proactive compliance visit scheme, has to visit each local government office to obtain details on any caravan parks in the area.

⁴⁷ Mr David Hillyard, Director, Consumer Protection, Department of Commerce, *Transcript of Evidence*, 29 August 2011, p. 11.

⁴⁸ Figure of 140 local governments taken from Department of Local Government, 'Local Government', 1 July 2011. Available at: <http://www.dlg.wa.gov.au/Content/LG/Default.aspx>. Accessed on 29 September 2011.

Recommendation 3

The Department of Local Government compile the records held in each local government area and provide the Department of Commerce with the location and configuration of each caravan park registered under the *Caravan Parks and Camping Grounds Act 1995*.

2.4 Residential Parks (Long-stay Tenants) Act 2006 - Review underway

54. While the Committee's referred task was to respond to the House regarding the level of compliance with the RPLT Act, many park home residents remain aggrieved by the Act itself and are calling for amendments.
55. The lead voice in this quest is the Park Home Owners Association (PHOA) who argue that '[t]he current legislation provides no protection to our members, their chosen lifestyle or affordable recourse to legal adjudication'.⁴⁹ The PHOA are pursuing a range of issues including the introduction of mandatory five-year fixed-term leases; CPI-linked rental increase limits; adequate relocation compensation in the event of eviction; and the ability to sell their own homes independently. The group is also seeking to have the eviction without grounds clause (s42) removed.⁵⁰
56. As noted in 14 above, several participants in the 13 April 2011 parliamentary debate echoed the concerns of the PHOA and endorsed calls for the review of the RPLT Act to be brought forward from its scheduled August 2012 date.
57. It is not within the scope of the direction given to the Committee to comment on the concerns of the PHOA, although these issues were examined in the Committee's 2009 report.⁵¹ However, it is worth noting that DoC has commenced the preliminary stage of its review in response to the ongoing concerns surrounding the legislation.
58. DoC told the Committee that while there is not likely to be 'any easy answers to some of the issues that present themselves....we will be considering every aspect of the legislation'.⁵² The

⁴⁹ Park Home Owners Association (PHOA) WA Inc, Email Correspondence, 22 July 2011.

⁵⁰ Park Home Owners Association, (PHOA) WA Inc, 'August 2011 Newsletter', 22 August 2011. Available at: <http://parkhomeowners.com.au/Newsletters/PHOA%20Newsletter%20August%202011.pdf>. Accessed on 29 September 2011.

⁵¹ Economics and Industry Standing Committee, Provision, *Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, (at Section 9.5), pp. 325-345.

⁵² Ms Anne Driscoll, Executive Director, Consumer Protection, Department of Commerce, *Transcript of Evidence*, 29 August 2011, p. 4.

department is establishing an eight-member consumers' advisory committee as part of its stakeholder input process. As to input from the PHOA, 'communication will clearly increase with that group in particular as the primary association support network for people who are residents of park homes'.⁵³

Finding 6

The Department of Commerce has brought forward the review of the *Residential Parks (Long-stay Tenants) Act 2006* from its scheduled date of August 2012.

The department has confirmed that it will increase its communication with the Park Home Owners Association (WA) Incorporated during the review process.

⁵³ Ms Anne Driscoll, Executive Director, Consumer Protection, Department of Commerce, *Transcript of Evidence*, 29 August 2011, p. 10.

CHAPTER 3 FOLLOW-UP ON EISC REPORT NO. 2

59. While conducting the task referred by the House, the Committee took the opportunity to request an update from six departments on actions taken following the 2009 *Inquiry into the Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia* (EISC Report No. 2).
60. The purpose of this final chapter is to examine departmental responses to recommendations that the Committee had considered pivotal to both improving the security of long-stay tenants and maintaining low-cost holiday options in Western Australia.

3.1 Strategic Focus: An integrated caravan and camping framework

It is...clear that government agencies often operate as discrete entities rather than working together to develop a comprehensive strategy to tackle the issues associated with ensuring the supply of caravan parks and camping grounds meets current and future demands....this situation needs to be remedied. [EISC Report No. 2, p. 402]

61. In 2009, the Committee argued that the relevant government agencies needed to develop a coordinated and comprehensive strategy to address the supply crisis affecting the caravan park sector. Recommendations 52 and 53 urged Tourism WA to undertake the lead role in this initiative, but were rejected by the government.⁵⁴
62. It was pleasing to hear that under the stewardship of a new Minister and Chief Executive Officer, this issue is now being addressed. Tourism WA's new CEO, Ms Stephanie Buckland, confirmed that the Minister has recently directed the department to 'play a leadership role in regard to establishing a caravan and camping strategy framework for the state'.⁵⁵ The framework will inform planning across the state and identify the locations where the need for caravan park infrastructure is most pressing. In this respect, Tourism WA is currently conducting a gap analysis audit to identify demand "hot-spots" and the roles that government agencies will need to play to close the gaps in these locations.⁵⁶ The department is aiming to complete its audit by the end of 2011 for use in the preparation of a business case for the 2012 budget process.
63. The Committee believes that while this development is of fundamental importance, intransigence from other departments might stifle the initiative being taken by Tourism WA. When asked

⁵⁴ *Government Response to Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Parl. Paper 2134, Legislative Assembly of Western Australia, 25 May 2010, pp. 13-14.

⁵⁵ Ms Stephanie Buckland, Chief Executive Officer, Tourism WA, *Transcript of Evidence*, 31 August 2011, p. 2.

⁵⁶ *ibid.*

whether other departments were supportive, Ms Buckland replied that ‘I have had many discussions with my counterparts at other agencies and I think there is a lot of goodwill’.⁵⁷

64. A uniform caravan park and camping strategy will enhance the initial collaboration that was encouraged via the Caravan Parks/Park Homes Interagency Working Group (IWG). The IWG was established in 2008 in response to the closure of the Kingsway Tourist Park. The group has twin objectives of identifying suitable Crown land to develop into new caravan parks (within twelve months) and establishing an Assistance Protocol⁵⁸ to coordinate departmental assistance to long-stay tenants when parks close.⁵⁹
65. The Committee previously endorsed the concept of the IWG and recommended the body be retained.⁶⁰ Currently, the IWG covers the portfolios of Housing, Commerce and Planning with occasional involvement from other agencies—including Tourism (and Local Government).⁶¹ Tourism WA should now become a full-time member of the IWG, given the department’s new role in developing a state-wide caravan park strategy and identifying locations lacking sufficient infrastructure.

Finding 7

Tourism WA has been charged with establishing a comprehensive caravan and camping strategy framework for Western Australia. As part of this process, Tourism WA intends completing by the end of 2011 an audit that will show where demand for caravan park infrastructure is greatest.

The Committee commends the Minister for Tourism and Tourism WA for recognising the importance of implementing a strategy that will encourage all relevant departments to work together to address problems in the caravan and camping industry.

⁵⁷ Ms Stephanie Buckland, Chief Executive Officer, Tourism WA, *Transcript of Evidence*, 31 August 2011, p. 2.

⁵⁸ A flowchart of the Assistance Protocol is provided in Appendix 3. The Assistance Protocol is managed by Department of Housing in conjunction with DoC. It has been used thus far to relocate 45 income and asset-eligible families from the Aqua, Kingsway, and Springvale caravan parks into public housing within an average time of 2.4 months (inside the 180-day notice period). Community Housing accommodation was provided to a further 12 evictees and Act of Grace payments to assist in relocation were made to another 41 singles and couples. Supplementary Information Item (A), Department of Housing, *Transcript of Evidence*, 29 August 2011.

⁵⁹ Economics and Industry Standing Committee, *Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, p. 282.

⁶⁰ *ibid.*, pp. 282-286.

⁶¹ Supplementary Item (A), Department of Commerce, *Transcript of Evidence*, 29 August 2011, p. 1.

Recommendation 4

Tourism WA becomes a full-time member of the Caravan Parks/Parks Home Interagency Working Group.

3.2 Improving data collection and collation

...a common theme found by the Committee [was] that available data on the industry is neither adequate nor, in some cases, accurate, making analysis and decision-making difficult, if not impossible. [EISC Report No. 2, p. 93]

66. The Committee maintains its 2009 view that accurate data, recording the number and capacity of caravan parks, is vital to shaping an effective policy response to the closure of long-stay facilities. Moreover, such a database would expedite DoC's current efforts to visit all parks to educate parties to long-stay agreements and to monitor the compliance of park operators (see 53 above). It could also be used to flag impending closures that would enable the departments of Housing and Commerce to implement the IWG's Assistance Protocol program in a timely manner.
67. In its initial report, the Committee found that estimates of the number of caravan parks in the state varied markedly. The Committee conceded that its own calculation of almost 400 could not be considered definitive.⁶² A recommendation urged DLG to develop and maintain a database of all caravan parks in Western Australia, including those that were not licensed by local government areas. The response was underwhelming. While the government recognised the desirability of maintaining a comprehensive database, the responsibility of its oversight was not seen as an appropriate function of DLG.⁶³
68. Consequently, the quality of data surrounding caravan parks (and camping grounds) continues to suffer. DLG told the Committee that it was not aware of any further progress regarding the development of a database. However, the department had commissioned a voluntary survey of caravan parks facilities in 2009 and advised that it was happy to share this data with other agencies 'who perhaps have a greater stake in the issue'.⁶⁴
69. The DLG survey is a helpful addition in that it provides a recent estimate and enjoyed a high response rate. However, there are gaps in the data due to several important local governments

⁶² Economics and Industry Standing Committee, *Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, pp. 87-88.

⁶³ *Government Response to Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Parl. Paper 2134, Legislative Assembly of Western Australia, 25 May 2010, p. 1.

⁶⁴ Mr Brad Jolly, Executive Director, Governance and Legislation, Department of Local Government, *Transcript of Evidence*, 29 August 2011, p. 8.

(e.g. Albany) not responding and others (Augusta-Margaret River) understating the actual number of parks.⁶⁵

70. Notwithstanding these limitations, the DLG survey provided an estimate of 321 caravan park facilities with 20,777 sites, 4,613 of which were classified as either permanent; semi-permanent residential; or long-stay.⁶⁶ When comparisons are made against figures provided by other departments, it becomes obvious that a universally acceptable figure remains elusive.
71. Tourism WA advised that the DLG survey identified 5,600 permanent residential sites across 110 facilities.⁶⁷ However, the data provided in support of this estimate only lists 104 facilities, with 5,357 permanent sites. This lower figure then needs to be reduced to 5,152 because 195 permanent sites are attributed to Miami (118) and Springvale (87) caravan parks, facilities which no longer offer permanent long-stay tenancies.⁶⁸
72. Alternatively, DoC offered a broad updated estimate of 10,000 long-term sites, a figure which included sites based in lifestyle villages.⁶⁹
73. The Committee reiterates that this disparity needs to be rectified and that a database needs to be established urgently. Tourism WA's upcoming strategy for caravanning and camping should be leveraged to ensure that a reliable database is established. The department concurred that part of its strategy would have to involve identifying what data is currently available and how it can be collected on an ongoing basis. Throughout its series of hearings, the Committee has established that DLG (survey), DoC (audit) and Department of Environment and Conservation (DEC) have also been engaged recently in collecting data on the number of caravanning and camping facilities in the state. DEC and DLG both confirmed their willingness to provide this data to other agencies.⁷⁰
74. The Caravan Parks/Park Homes Interagency Working Group is the ideal forum through which these agencies should cooperate to compile their respective data sources into a uniform database.

⁶⁵ Ms Stephanie Buckland, Chief Executive Officer, Tourism WA, *Transcript of Evidence*, 31 August 2011, p. 8.

⁶⁶ Supplementary Item (D), Department of Local Government, *Transcript of Evidence*, 29 August 2011. The total figure on the table provided by DLG was 361, but this included 40 facilities comprising Camping Grounds; Nature Based Parks; Overflow Facilities; and Transit Camps.

⁶⁷ Ms Stephanie Buckland, Chief Executive Officer, Tourism WA, *Transcript of Evidence*, 31 August 2011, p. 8.

⁶⁸ Supplementary Item (A), Tourism WA, *Transcript of Evidence*, 31 August 2011, pp. 3-4.

⁶⁹ Mr Brian Bradley, Director General, Department of Commerce, *Transcript of Evidence*, 29 August 2011, p. 2; Ms Anne Driscoll, Executive Director, Consumer Protection, Department of Commerce, *Transcript of Evidence*, 29 August 2011, p. 14.

⁷⁰ Mr Peter Sharp, Director, Park and Visitors Services Division, Department of Environment and Conservation, *Transcript of Evidence*, 31 August 2011, p. 4; Mr Brad Jolly, Executive Director, Governance and Legislation, Department of Local Government, *Transcript of Evidence*, 29 August 2011, p. 8.

The issue of establishing a reliable database is of such importance that it should be included as a third stated objective of the IWG with the ongoing management of the database vested with DLG.

75. As stated at 45 above, DLG is responsible for administering the *Caravan Parks and Camping Grounds Act 1995* (CPCG Act) under which local governments are required to keep a register of all caravan and camping facilities in their area. This licensing process offers the best way by which updated information on the status of these facilities can be sourced. DLG argues that it is only responsible for administering the CPCG Act 'at a much higher level'.⁷¹ The Committee does not see how this should preclude DLG from taking responsibility for collecting and updating information on caravan parks and camp grounds kept by each local government area. Once such a process is established, it is difficult to see how it would create a significant impost on DLG resources.

Finding 8

Tourism WA and the departments of Commerce, Environment and Conservation, and Local Government have all been involved in recent independent efforts to collect data on the number of caravanning and camping facilities in the state.

This level of duplication is inappropriate, particularly given the Committee's 2009 recommendation that the Department of Local Government should develop and maintain a comprehensive database of such facilities.

Recommendation 5

Data recently collected by the Tourism WA and the departments of Commerce, Environment and Conservation, and Local Government should be collated and used to establish a comprehensive database of all caravan parks and camping facilities in Western Australia. Responsibility for the creation and ongoing maintenance of the database should be vested with Department of Local Government.

The Caravan Parks/Park Homes Interagency Working Group (IWG) could be used as the forum through which these departments can cooperate to compile their respective data sources.

⁷¹ Mr Brad Jolly, Executive Director, Governance and Legislation, Department of Local Government, *Transcript of Evidence*, 29 August 2011, p. 9.

Recommendation 6

The establishment and ongoing maintenance of a comprehensive database of all caravan parks and camping facilities in Western Australia be included as a stated objective of the Caravan Parks/Park Homes Interagency Working Group (IWG).

3.3 Disclosure provisions for long-stay tenants

It is imperative that people who consider purchasing an on-site van or a park home are better informed about their rights and responsibilities as tenants of caravan parks, specifically about their tenure arrangements. [EISC Report No. 2, p. 286]

76. It is critical that people contemplating entry into a site-only or on-site long-stay arrangement have access to a sufficient level of educative material to enable them to make a fully informed decision.
77. The Committee previously found that the decision of many residents to buy into such arrangements had been based on unrealistic expectations, misconceptions about ownership rights, and, in some instances, misinformation.⁷² The reality is that long-stay tenants, in particular those that purchase or bring in their own relocatable home, have no title over the land in which they reside. Therefore, their only possession in the arrangement, the relocatable home, is likely to be a depreciating asset. In addition, their tenure is not a guaranteed permanent arrangement and eviction can occur (with up to 180 days notice) if the park is sold or redeveloped.
78. Several of the Committee's recommendations were aimed at correcting these misconceptions so that prospective tenants are better placed to make an informed decision. It is pleasing to see that DoC, to whom these recommendations were directed, has taken prompt action.
79. In the first instance, DoC followed the recommendation of the Committee⁷³ that called for the term "permanent resident" to be removed from the RPLT Act and replaced with "long-term tenant". The glossary of the RPLT Act now reflects this amendment.
80. More significant are the changes DoC has made to its publication, *Information Booklet - Park Living*. The Committee recommended that this document be 'urgently revised to contain a clear and explicit notification of the limits to a long-stay caravan park tenancy agreement'.⁷⁴ In

⁷² Economics and Industry Standing Committee, *Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, p. 285.

⁷³ Recommendation No. 40. Economics and Industry Standing Committee, *Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, p. 250.

⁷⁴ Recommendation No. 51. Economics and Industry Standing Committee, *Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, p. 344.

response, DoC has released a revised version of this document with a shaded box highlighting important information to be read and understood. Included among its key warnings are the following:

- *Before buying a caravan or park home or signing an agreement to live in a park, be aware that although you may own the caravan or park home outright, you are only renting the site on which it is located.*
- *This means you do not have any rights over the land in the park where your caravan or park home is located, except where this is provided for in a long-stay tenancy agreement and the Residential Parks (Long-stay) Tenants Act 2006.*
- *Prospective tenants should be aware that park living **may not be** a permanent living arrangement and depends on the type of agreement you enter into.*
- *Selling your home and moving into a residential park is a big step - it is recommended that you seek independent advice, including financial advice before you sign an agreement.*⁷⁵

The full content of this series of warnings is included at Appendix 4.

81. DoC is also taking these booklets out on its proactive compliance visits and ensuring that park operators are aware that fines can be levied for failing to supply them to prospective long-term tenants.⁷⁶
82. Another commendable initiative of DoC is its recently established Seniors' Housing Centre. This resource is designed as a repository of information for those over 55 years of age considering their future housing options. Located in Department of Commerce's St George's Terrace offices, the Seniors' Housing Centre also has an extensive website with a range of important links, including one to the park living information booklet.⁷⁷
83. The intent of the centre is to ensure that those aged 55 and over are aware of the pros and cons across the full range of available accommodation options. A goal of DoC is to use the data gathered on its current park visitation process to create a database for seniors showing all park home, lifestyle village and retirement village locations throughout the state.⁷⁸

⁷⁵ Department of Commerce, 'Information booklet park living' June 2011. Available at: http://www.commerce.wa.gov.au/consumerprotection/PDF/Publications/Park_LivingJune_2011_Online.pdf. Accessed on 29 September 2011.

⁷⁶ Mr David Hillyard, Director, Consumer Protection, Department of Commerce, *Transcript of Evidence*, 29 August 2011, p. 8.

⁷⁷ Department of Commerce, 'Information on Seniors' Housing', 27 September 2011. Available at: http://www.commerce.wa.gov.au/consumerprotection/content/Property_renting/Over_55index.html. Accessed on 2 October 2011.

⁷⁸ Ms Anne Driscoll, Executive Director, Consumer Protection, Department of Commerce, *Transcript of Evidence*, 29 August 2011, pp. 8,11.

Finding 9

The Committee commends the Department of Commerce for the initiatives it has taken to improve the level of pre-entry information for prospective long-stay tenants.

Most significant is the revised information provided in the department's publication *Information Booklet - Park Living* and the establishment of the Seniors' Housing Centre.

Recommendation 7

The Department of Commerce organise a briefing for all members of parliament on the recently established Seniors' Housing Centre.

3.4 The provision of land to develop new facilities

Urban encroachment and increasing land values have the added consequence of increasing the scarcity of land available for the development of new or replacement caravan parks and camping grounds. [EISC Report No. 2, p. 188]

84. The Department of Local Government's (DLG) recent survey confirmed that 192 of the state's caravan parks are on freehold land.⁷⁹ With many of these parks located in highly sought after metropolitan and coastal areas, it is inevitable that more closures or redevelopments for higher value land uses will occur.
85. To counter this trend, the Committee made a series of recommendations urging the government to ensure that an appropriate amount of alternative land, zoned exclusively for caravan parks and camping grounds, was made available. Subsequent responses suggest that some departments, in particular the Department of Planning/Western Australian Planning Commission (DoP/WAPC), are still not affording this issue due priority.

(a) Policy planning framework - statewide

The Minister for Planning ensures that the implementation of the State Planning Policy - Land Use Planning for Tourism be finalised as a matter of priority. [EISC Report No. 2, Recommendation 24, p. 198]

86. The Committee reported in 2009 that the idea of a State Planning Policy (SPP) addressing land use for tourism had been endorsed by the WAPC in December 2007. SPPs represent the highest order

⁷⁹ Data extracted from Supplementary Item (G), Department of Local Government, *Transcript of Evidence*, 31 August 2011, Table 3. Data did not include a breakdown of mixed-use or tourist only parks.

of planning policy and are made under the *Planning and Development Act 2005*.⁸⁰ They are broad level strategic documents that provide guidelines that local governments must consider when preparing local planning schemes.

87. The *State Planning Policy - Land Use Planning for Tourism* was endorsed after the 2006 *Tourism Planning Taskforce Report* (Taskforce Report) recognised that ‘a significantly greater emphasis is required to be given to land use policy for tourism in Western Australia’.⁸¹ The SPP was seen as the most effective mechanism by which the Tourism Planning Taskforce’s recommendations could be implemented. (The “Taskforce” had been established in 2002 to investigate how well planning rules catered for the tourism industry).⁸² The Committee expected this policy to ‘provide guidance on tourism in Western Australia, including land use planning for caravan parks’.⁸³
88. The draft SPP that was endorsed in 2007 stalled after concerns were raised by industry stakeholders.⁸⁴ In response to Committee Recommendation No. 24 (see text box above), it was agreed that WAPC would finalise the policy document ‘as a priority’.⁸⁵ When asked for an updated status report, DoP’s representative, Mr Timothy Hillyard, told the Committee, ‘[i]t was committed as a priority to be completed, but it simply has not been as yet’.⁸⁶
89. A follow-up response suggests that WAPC is reconsidering whether the SPP needs to be formally prepared or whether *Planning Bulletin 83/2011 - Planning for Tourism*—revised in July following a review—will achieve the Taskforce’s objectives.⁸⁷ Planning Bulletins are less formal documents that ‘canvass proposed policy changes or highlight information about Western Australian Planning Commission and Department of Planning practices on a variety of planning matters’.⁸⁸ The

⁸⁰ Economics and Industry Standing Committee, *Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, p. 197; Department of Planning, ‘Tourism Planning Taskforce Report’, January 2006. Available at: http://www.planning.wa.gov.au/dop_pub_pdf/planning_tourismplanning200609.pdf. Accessed on 3 October 2011, p. 64.

⁸¹ Department of Planning, ‘Tourism Planning Taskforce Report’, January 2006. Available at: http://www.planning.wa.gov.au/dop_pub_pdf/planning_tourismplanning200609.pdf. Accessed on 3 October 2011, p. 63.

⁸² *ibid.*, pp. i,viii.

⁸³ Economics and Industry Standing Committee, *Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, p. 198.

⁸⁴ *ibid.*, p. 198.

⁸⁵ *Government Response to Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Parl. Paper 2134, Legislative Assembly of Western Australia, 25 May 2010, p. 7.

⁸⁶ Mr Timothy Hillyard, Property Services Manager, Western Australian Planning Commission, *Transcript of Evidence*, 29 August 2011, p. 13.

⁸⁷ Supplementary Item (A), Department of Planning, *Transcript of Evidence*, 29 August 2011, pp. 1-2.

⁸⁸ Department of Planning, ‘Planning Bulletins’, 19 July 2011. Available at: <http://www.planning.wa.gov.au/5125.asp>. Accessed on 3 October 2011.

original *Planning Bulletin 83/2009* was designed as an interim policy document to implement the Taskforce's recommendations.⁸⁹

90. The approach of DoP towards the completion of a State Planning Policy indicates that the priority once afforded by the department to this issue has waned. The Committee reiterates its position that planning guidelines surrounding land use for tourism be recognised in a formal SPP.

Finding 10

The priority given by Department of Planning to completing the *State Planning Policy - Land Use for Tourism* has waned.

Recommendation 8

The Department of Planning ensure that the *State Planning Policy - Land Use for Tourism* is completed.

(b) Policy planning framework - local

The Minister for Local Government and the Minister for Planning ensure that Local Government Authorities expedite the drafting of local tourism planning strategies in line with Recommendation 2 of the 2006 Tourism Planning Taskforce Report.

The Minister for Local Government and the Minister for Planning ensure that each local tourism planning strategy address the provision of the appropriate mix of long- and short-stay sites in caravan parks, allowing for the development of new facilities which can be included in town planning schemes. [EISC Report No. 2, Recommendations 25 and 32, pp. 206,223].

91. The preparation of "local planning strategies" became a prerequisite of Town Planning Schemes under the *Town Planning Amendment Regulations 1999* (WA). Local planning strategies identify the long-term planning directions of a local government, apply relevant state and regional planning policies, and provide the rationale behind zoning provisions.⁹⁰ The 2006 Taskforce Report urged that "local tourism planning strategies" should be adopted at local government level

⁸⁹ Department of Planning, *Planning Bulletin 83/2009 - Planning for Tourism*, WAPC, Perth, June 2009, p. 1.

⁹⁰ Economics and Industry Standing Committee, *Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, p. 201; Department of Planning, 'Tourism Planning Taskforce Report', January 2006. Available at: http://www.planning.wa.gov.au/dop_pub_pdf/planning_tourismplanning200609.pdf. Accessed on 3 October 2011, p. 65.

to guarantee that tourism accommodation needs were taken into account in the preparation of Town Planning Schemes.⁹¹

92. In 2009, the Committee endorsed the concept of local tourism planning strategies as a way of ensuring that future developments allowed for the continuation of caravan parks as an accommodation option.⁹² A series of recommendations (including numbers 25 and 32 cited above) urged the expeditious drafting of these strategies and called for them to allocate the majority of sites in strategic tourism locations for short-stay accommodation. The government supported both recommendations in-part and advised that Tourism WA and DoP would work together to assist local governments using the interim guidelines established under *Planning Bulletin 83/2009*. The government added that DLG did not have a role in this process.⁹³
93. While the Committee had previously acknowledged the complexity of the process of establishing local tourism planning strategies,⁹⁴ it is nonetheless disappointed with the lack of progress in this regard. Tourism WA advised that only five local governments had completed a tourism planning strategy since 2007: Albany; Bunbury; Busselton; Dandaragan; and Mandurah.⁹⁵
94. Of the two departments responsible for encouraging the implementation of these strategies, it appears that Tourism WA's new leadership is more driven to address this issue. Tourism WA's Chief Executive Officer, Ms Stephanie Buckland, said that her preliminary discussions had indicated that some local governments were keen 'to be part of the solution' for addressing the gaps in caravan park accommodation:
- ...and in other local governments perhaps—not that there is not a will—there does not appear to be the capability to drive things forward, so they may need more support and assistance in that regard.*⁹⁶
95. Tourism WA confirmed that it had provided input to the strategies completed thus far, including the identification of sites for caravan parks and camping grounds. In addition, zoning arrangements in identified sites were confirmed and 'the importance of those sites from a tourism perspective'⁹⁷ was emphasised. This approach needs to be maintained going forward.

⁹¹ Department of Planning, 'Tourism Planning Taskforce Report', January 2006. Available at: http://www.planning.wa.gov.au/dop_pub_pdf/planning_tourismplanning200609.pdf. Accessed on 3 October 2011, pp. 65-66.

⁹² Economics and Industry Standing Committee, Provision, *Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, p. 206.

⁹³ *Government Response to Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Parl. Paper 2134, Legislative Assembly of Western Australia, 25 May 2010, pp. 7-8.

⁹⁴ Economics and Industry Standing Committee, Provision, *Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, p. 205.

⁹⁵ Mr Campbell Fletcher, Policy Manager, Tourism WA, *Transcript of Evidence*, 31 August 2011, p. 3.

⁹⁶ Ms Stephanie Buckland, Chief Executive Officer, Tourism WA, *Transcript of Evidence*, 31 August 2011, p. 3.

⁹⁷ Mr Campbell Fletcher, Policy Manager, Tourism WA, *Transcript of Evidence*, 31 August 2011, p. 4.

96. In 2009, the Committee argued that the development of local tourism planning strategies in areas where caravan parks were under threat was ‘now urgent’.⁹⁸ While some local governments in vulnerable areas (Albany, Bunbury, Busselton, and Mandurah) have been pro-active, the low response rate is worrying. Tourism WA should ensure that the demand hot-spots identified in its gap analysis audit (see paragraph 62 above), receive urgent assistance in the development of local tourism planning strategies.
97. Broome is an area of particular interest and priority for the Committee. Broome is increasingly important as a regional caravanning hub, given its traditional appeal to holiday makers and the ongoing decline of similar facilities in the Pilbara region. However, as noted earlier (see Finding 3 above), caravan parks in Broome are also facing substantial pressures with at least two caravan parks under threat of redevelopment. It is important that a local tourism planning strategy is developed in Broome that takes into account the importance of maintaining caravan park facilities as an accessible form of tourist accommodation.

Finding 11

Only five local governments: Albany; Bunbury; Busselton; Dandaragan; and Mandurah have completed local tourism planning strategies since 2007. This response rate is unsatisfactory. The lack of a local tourism planning strategy for Broome is especially concerning.

Recommendation 9

Tourism WA and Department of Planning ensure that the demand hot-spots identified in Tourism WA’s current gap analysis audit receive urgent assistance in the development of local tourism planning strategies. The Shire of Broome should be given priority in this process.

(c) Identifying land for development of new caravan parks

Land availability for the future provision of caravan and camping grounds in Western Australia, particularly in the South West, Peel and Pilbara Regions, can be best met from government owned land, particularly land held under the jurisdiction of the Department of Environment and Conservation and the Western Australian Planning Commission.
[EISC Report No. 2, p. 191]

⁹⁸ Economics and Industry Standing Committee, *Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, p. 207.

(i) Land for caravan parks and camping grounds

98. It remains feasible for the government to release some of its landholdings with zoning restricted to development of mixed-use and tourist only caravan parks. While the government would forego higher income by selling land with such restrictions, the lower land value would encourage new park operators into the market. Moreover, these zoning restrictions remove the risk of the land being sold off for other development purposes.
99. In this respect, the Committee recommended that WAPC and DEC audit their portfolios to identify land suitable for use as caravan parks (and camping grounds). Particular emphasis was given to the Peel, South West, Kimberley and Pilbara regions. It was also recommended that land specifically identified for regional parks within the Peel and Greater Bunbury regional schemes be referred to DEC for evaluation of its caravan and camping potential.⁹⁹
100. DEC's overall response to the Committee is considered in greater detail in section 3.4(c)(iv) below. However, the response from WAPC—coupled with the Director General's inability to avail himself to the Committee—suggests that the Department of Planning is either unable or unwilling to give the issue adequate priority.
101. The government's response to the recommendation for an audit of landholdings confirmed that WAPC only had allocations within the Metropolitan, Peel and Greater Bunbury regional schemes. Within these areas, it was agreed that WAPC and DoP would 'review surplus land for this purpose'.¹⁰⁰ Progress in the metropolitan area will be reviewed at 3.4(c)(iii) below. In the Peel and Bunbury schemes, results have been underwhelming.
102. In the Peel region, WAPC confirmed that one new site had just been approved in the Shire of Murray for a caravan park, while a number of other government-owned landholdings were being reviewed. DEC confirmed that it had provided input into the suitability of a range of areas that had been identified by WAPC and expected that some sites would emanate from that process.¹⁰¹ For Bunbury, the Committee did not receive confirmation of any sites being approved.¹⁰²
103. With the regional parks planned for the Peel and Greater Bunbury schemes, the government had previously confirmed that land identified in these areas would not be considered by DEC for its caravan park and camping potential until the parks were established.¹⁰³ The role of identifying the

⁹⁹ Recommendation Nos. 20-22. Economics and Industry Standing Committee, *Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, p. 192.

¹⁰⁰ *Government Response to Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Parl. Paper 2134, Legislative Assembly of Western Australia, 25 May 2010, p. 5.

¹⁰¹ Mr James Sharp, Deputy Director General, Parks and Conservation, Department of Environment and Conservation, *Transcript of Evidence*. 31 August 2011, p. 12.

¹⁰² Mr Timothy Hillyard, Property Services Manager, Western Australian Planning Commission, *Transcript of Evidence*, 29 August 2011, pp. 7,12.

¹⁰³ *Government Response to Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Parl. Paper 2134, Legislative Assembly of Western Australia, 25 May 2010, p. 6.

boundaries of the regional parks rests with WAPC. DEC advised that neither the Peel nor the Preston to Ocean Regional Park in Bunbury had been established at this point.¹⁰⁴ WAPC confirmed that the boundaries for Preston to Ocean Regional Park had been established, but there were still issues to resolve with council about forming the park. While the prospects for a tourist-park site being established in the Peel Regional Park looked the most likely, WAPC could provide little detail ‘because it is still being contemplated or canvassed’.¹⁰⁵

104. Following WAPC’s appearance, the Committee was left with the general impression that the provision of future caravan parks and camping grounds in planning schemes was not a high priority of the commission. A discussion around the Cockburn Coast District Structure Plan is illustrative of this point. When asked where the priority of provisioning for park homes was in the department/commission’s thinking, Mr Timothy Hillyard, WAPC’s Property Services Manager, replied:

*I think it would be wrong to try to put any one [issue] as a particular priority. That is the nature of planning.*¹⁰⁶

105. Mr Hillyard expressed confidence that the Cockburn plan would deliver shops, businesses and residential options, but could not say that the process would deliver a caravan park. Even though WAPC-owned land in the area might become surplus, when asked if the department was giving caravan park construction a high priority in that area, Mr Hillyard replied:

*I could not answer that, no, and I do not think it would be—well, I could not say.*¹⁰⁷

106. Both DEC and Tourism WA acknowledged the challenges WAPC faces in managing the various and often conflicting priorities associated with major planning schemes.¹⁰⁸ Tourism WA’s Stephanie Buckland was under the impression that sites with specific zoning were in the process of being set aside. While Ms Buckland was ‘not 100 per cent confident’ that DoP/WAPC would have the same priority for caravan parks as Tourism WA under the latter’s new strategy, she suggested that a greater onus should fall on her department to promote the issue:

¹⁰⁴ Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 31 August 2011, p. 11.

¹⁰⁵ Mr Timothy Hillyard, Property Services Manager, Western Australian Planning Commission, *Transcript of Evidence*, 29 August 2011, pp. 11-12.

¹⁰⁶ *ibid.*, p. 4.

¹⁰⁷ Mr Timothy Hillyard, Property Services Manager, Western Australian Planning Commission, *Transcript of Evidence*, 29 August 2011, pp. 6-7.

¹⁰⁸ Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 31 August 2011, p. 12; Ms Stephanie Buckland, Chief Executive Officer, Tourism WA, *Transcript of Evidence*, 31 August 2011, pp. 10-11.

I also think that it would be our responsibility through that audit that I spoke of to be quite specific and say that we need....I believe if we are quite specific, that is something they can help us deliver....I do not think we can expect them to start at ground zero and do all the research to say how many caravan sites are required, how many hotels, how many caravan parks et cetera. I think that is our responsibility and it is then their responsibility to make sure that the planning strategies have the sites provided for.¹⁰⁹

107. The Committee also acknowledges that planning requires the need to cater for a range of competing objectives and priorities. Nonetheless, it is disappointed that more government land has not been identified for caravanning and camping in areas that are facing increasing pressures for mixed-use low-budget accommodation options—particularly in the Peel Region where \$2 million of Royalties for Regions funding has been allocated for the further development of caravan and camping facilities.¹¹⁰
108. The attitude of Tourism WA towards prioritising the planning for new caravan parks is refreshing. This reiterates the importance of having Tourism WA as a permanent member of the IWG, a group which has a stated objective of identifying sites that could be used for caravan parks.

(ii) Use of rural zoned land for lifestyle villages

109. WAPC's steadfast opposition to the use of rural zoned land for the development of lifestyle villages reinforces the Committee's view that the Planning department is not giving sufficient priority to initiatives that support the continued existence of caravan parks.
110. In its previous report the Committee identified the growth of "lifestyle villages" marketed to over 45 year-olds and retirees as a 'recent, and perhaps unintended, phenomenon within the caravan park industry'.¹¹¹ Such facilities, also known as residential parks, were being developed by park operators looking to provide a superior and higher-yielding form of accommodation. The Committee saw merit in lifestyle villages as a satisfactory form of housing for the over 45 age group, but was keen to ensure that such developments did not threaten the future supply of traditional caravan parks.
111. Hence it was recommended that the Minister for Planning allow for lifestyle villages to be developed on rural zoned land.¹¹² It was thought that the cheaper land value associated with rural

¹⁰⁹ Ms Stephanie Buckland, Chief Executive Officer, Tourism WA, *Transcript of Evidence*, 31 August 2011, pp. 10-11.

¹¹⁰ Supplementary Item (A), Department of Environment and Conservation, *Transcript of Evidence*, 31 August 2011, p. 2.

¹¹¹ Economics and Industry Standing Committee, *Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, p. 223.

¹¹² Recommendation No. 33. Economics and Industry Standing Committee, *Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, p. 228.

zoning should entice lifestyle village developers (through lower start-up costs) to establish new facilities. This would alleviate one pressure point currently facing the supply-side of the caravan park industry.

112. The government rejected the Committee's recommendation arguing that it was inconsistent with WAPC policy statements that deemed the best use of such land to be for agricultural purposes. The logistics of the sewerage and reticulation requirements for such facilities were also cited as a concern.¹¹³ In addition, DoP had ongoing reservations about the proximity of essential services to cater for the requirements of lifestyle village residents in rural zoned areas.¹¹⁴
113. WAPC's Mr Hillyard maintained the department's resistance to this option when he appeared before the Committee.¹¹⁵ Interestingly, another department offered qualified support for the Committee's earlier recommendation. While DoH echoed the views of DoP regarding the importance of proximity to amenities, it saw no reason why lifestyle villages could not be on the fringes of country towns: 'provided the amenity was such to support the extra people et cetera, which we would be very focused on'.¹¹⁶
114. The Committee maintains its view on the merit of using rural zoned land to entice the development of lifestyle villages. While the issue of proximity is acknowledged as a factor in more remote areas, this should not preclude more populous regions—Peel, Bunbury and the broader South West in particular—from being considered for this purpose. The costs associated with constructing the required infrastructure need not impact public spending, as they could be factored in by prospective lifestyle village developers who would acquire rural land at lower values relative to urban areas. Unfortunately, the seemingly intractable position of DoP is preventing this avenue of opportunity from being explored.

Finding 12

The overall response by the Department of Planning to the Committee's earlier recommendations suggests that the department does not afford due priority to planning measures designed to improve the supply of caravan parks.

¹¹³ *Government Response to Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Parl. Paper 2134, Legislative Assembly of Western Australia, 25 May 2010, p. 9.

¹¹⁴ Ms Anne Hill, Executive Director, Regional Planning and Strategy, Department of Planning, *Transcript of Evidence*, 27 June 2009, p. 13.

¹¹⁵ Mr Timothy Hillyard, Property Services Manager, Western Australian Planning Commission, *Transcript of Evidence*, 29 August 2011, pp. 8-9.

¹¹⁶ Mr Grahame Searle, Director General, Department of Housing, *Transcript of Evidence*, 29 August 2011, pp. 8-9.

Recommendation 10

The Minister for Planning provide for lifestyle-type villages to be developed on rural zoned land, particularly on lands bordering larger towns in the Peel, Bunbury and broader South West regions.

(iii) Land for long-stay caravan parks

The government identify land suitable for the development of long-stay caravan parks and vest this land in local government authorities, either in perpetuity or on a 50+ year lease.
[EISC Report No. 2, Recommendation 41, p. 286]

115. It remains the position of the Committee that the government should identify suitable land, restrict its zoning for long-stay caravan use and vest the land with shires to operate or to contract out to private sector operators. As noted at 98 above, exclusive restriction on lands will impact government revenue, but it is among the most feasible options for maintaining a supply of sites for aspiring park home residents.
116. The government accepted this recommendation from the Committee and vested responsibility for the process of identifying land to the departments of Regional Development and Lands; WAPC and DoP.¹¹⁷ The Committee asked DoP to provide information around the number of sites (including capacity) that had been identified for this purpose in the metropolitan area and the likely timetable for any developments. Table 4 below illustrates the actions of the department to date. The locations referred to are WAPC-owned sites unless otherwise indicated.

¹¹⁷ *Government Response to Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Parl. Paper 2134, Legislative Assembly of Western Australia, 25 May 2010, pp. 4-5,11.

Table 4 Status of sites identified by WAPC for long-stay caravan park developments¹¹⁸

Location/Proposed site type and Capacity	Current Status
Ascot (near Garvey Park) 44 park homes - Small expansion possible	Under active investigation: DoH now conducting feasibility study on developing the site (including proposed ownership/management structure). Report back to IWG is imminent. Local government supportive. Any development could take up to 18 months.
Whiteman (Marshall Rd) 108 park homes / 72 tourist van sites	Under active investigation: DoH now conducting feasibility study on developing the site (including proposed ownership/management structure). Report back to IWG is imminent. Local government supportive. Any development could take up to 18 months.
Kenwick (Lots 9 and 11 Rimmer Lane) Park home and caravan park. Capacity not stated.	Unlikely: Highly prospective site, notwithstanding some contamination issues that need to be addressed. DoH-owned land that WAPC was to acquire. LGA opposed (proposal was inconsistent with 'substantial planning' that had already taken place). DoH agreed with local government's position.
Huntingdale (Lot 100 Balfour Street) Park home. Capacity not stated.	Unlikely: Highly prospective site. Local government opposed. Not consistent with planning already undertaken.
Bellevue (Lots 61 and 401 Henkin Street) Known as Omex site. Park home and caravan park. Capacity not stated.	Unlikely: Contaminated site since cleaned up by government using 'considerable sums'. Local government opposed. Not consistent with changes recently made to the town planning scheme.
Whiteman (96 Barrambie Way) Park home and caravan park. Capacity not stated.	Unlikely: Extremely prospective but falls within a groundwater protection area (Gnangara).
Whiteman (95 Lord Street) Site type and capacity not stated.	Longer term prospect: Nearby services not likely to be available for up to six years.
City of Belmont Site type and capacity not stated	Possibility: WAPC will look at some additional properties.

¹¹⁸ Mr Timothy Hillyard, Property Services Manager, Western Australian Planning Commission, *Transcript of Evidence*, 29 August 2011, pp. 1-4.

117. The developments at Ascot and Marshall Road, Whiteman Park, are promising. DoH confirmed it was intending to buy the two sites with a view to leasing them to an operator on a long-term basis.¹¹⁹ The addition of over 150 permanent sites in the next eighteen months will be welcome, but even the Minister for Housing conceded that the process 'is taking too long'.¹²⁰
118. With the exception of the site in Whiteman that falls within a groundwater protection area, the majority of other sites have fallen through in the face of opposition from the relevant local government. Based on the testimony of DoH, there could be a couple of factors that have contributed to this issue. Firstly, the focus of relevant departments (including DoH) on the need for caravan parks in urban environments has only been renewed in the aftermath of the Committee's earlier report. Secondly, DoH thought that local governments 'are a little concerned about what caravan parks mean and the creation of ghettos or trailer parks'.¹²¹
119. The Committee shares the view expressed by DoH that all relevant departments need 'to be on the same page'¹²² when it comes to the importance of establishing long-stay parks on government-owned land within the Metropolitan Region Scheme. This point needs to be stressed repeatedly to local government representatives who attend meetings of the WAPC and the IWG.
120. If a local government's negative preconceptions are the only factor preventing the development of an urban long-stay caravan park, WAPC should consider utilising its powers to retain or regain development control over local planning schemes where appropriate.¹²³

(iv) Land for tourist/short-stay sites

121. Much of the impetus for the Committee's 2009 report was driven by the need to highlight the importance of sustaining low-cost holiday options in Western Australia. In this respect, several recommendations urged DEC to identify land in its portfolio that could be used for general purpose and nature-based caravanning and camping.¹²⁴
122. The government accepted the recommendations, advising that DEC then had 202 designated camping areas on lands it managed, 54 of which had caravan access. It added that the Landbank

¹¹⁹ Mr Grahame Searle, Director General, Department of Housing, *Transcript of Evidence*, 29 August 2011, p. 5.

¹²⁰ Hon. Troy Buswell, MLA, Minister for Housing, Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), 13 April 2011, p. 3012.

¹²¹ Mr Greg Cash, Director, Affordable Housing Policy, Department of Housing, *Transcript of Evidence*, 29 August 2011, p. 10.

¹²² *ibid.*

¹²³ For more information on the operation of the planning system in Western Australia, see, Department for Planning and Infrastructure, 'An Introduction to the Western Australian Planning System', October 2007. Available at: http://www.planning.wa.gov.au/dop_pub_pdf/Intro_WA_Planning.pdf. Accessed on 4 October 2011, pp. 6-7.

¹²⁴ Recommendations Nos. 19 and 21. Economics and Industry Standing Committee, *Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, pp. 191-192. Recommendation No. 18 also urged the government to identify land primarily targeting short-stay tourism.

(Tourism WA) and Naturebank (Tourism WA/DEC) programs would identify and release land for general and nature-based developments. Naturebank, in particular, was aimed at finding sites that could provide alternative short-stay experiences in non-urban environments. Royalties for Regions funding of \$20 million over four years would also be allocated to 'improve access to low cost caravan and camping opportunities in natural areas'.¹²⁵

123. Progress in respect of these recommendations has been generally positive. DEC confirmed that it now has 330 camping sites on lands under its management with caravan access to 76. While the increased numbers were attributable mainly to improved record keeping processes, some 'on-ground improvements' have also contributed.¹²⁶
124. Landbank's progress has been muted, with only two areas identified: one in Broome North (that has been under negotiation for over two years); the other in Lancelin where the proposal is in an earlier stage.¹²⁷ The Committee is not surprised at this outcome. It had previously questioned the prospects of Landbank, given Tourism WA's inability to expedite site development and planning.¹²⁸
125. The Naturebank program looks more promising. An injection of \$5.1 million of Royalties for Regions funding (out to 2013/2014) has led to site investigations in six national parks (NPs) across a variety of the state's regions: Purnululu; Francois Peron; Cape Le Grand; Windjana Gorge; Wharncliffe Mill in Bramley NP; and Mt Hart Wilderness Lodge in King Leopold Ranges NP. Of these, the latter is most advanced with Expressions of Interest (EOI) for a commercial operator having closed on 16 August 2011. An EOI for Wharncliffe Mill is due for release in October 2011.¹²⁹
126. DEC advised of several other instances of actual or likely additions to tourist sites on land under its management emanating from:
- The managers of Woodman Point Holiday Park considering the addition of a further 112 sites to this 253 site facility.
 - The Mabel Downs pastoral station receiving approval for a 75-site caravan park.

¹²⁵ *Government Response to Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Parl. Paper 2134, Legislative Assembly of Western Australia, 25 May 2010, p. 6; See also p. 5.

¹²⁶ Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 31 August 2011, p. 3.

¹²⁷ Ms Stephanie Buckland, Chief Executive Officer, Tourism WA, *Transcript of Evidence*, 31 August 2011, p. 8.

¹²⁸ Economics and Industry Standing Committee, *Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, pp. 187-188.

¹²⁹ Supplementary Information Item (A), Department of Environment and Conservation, *Transcript of Evidence*, 31 August 2011, p. 3. For more information on Naturebank, see <http://www.dec.wa.gov.au/content/view/6471/2377/>.

- The expansion of camping grounds including Baden Powell camping area in Lane Poole Reserve (82 new sites) and Kurrajong campground at Cape Range NP (20 new sites).
- A review of tourist-only caravan and campground opportunities in the Swan Region, which is due to be completed by the end of November.¹³⁰

127. Other initiatives that DEC has implemented or commenced demonstrate the seriousness with which the department has responded to issues pertaining to tourist caravanning and camping that were raised in the 2009 report. For example, DEC has started to improve access in remote regions for off-road caravans and camp trailers, while simultaneously increasing camping and caravanning options on its former pastoral leases. The department is also developing a comprehensive campground website where an online booking system is being trialled and plans are afoot to introduce complementary smart phone technology.¹³¹

Finding 13

The Department of Environment and Conservation is commended for the actions it is taking both to address issues raised in the Committee's 2009 report and to enhance the overall tourist caravanning and camping experiences on offer in Western Australia.

(d) Government purchases of caravan parks

...the state government should identify and purchase caravan parks and camping grounds that are at risk, and vest these in the LGA to either operate or lease to private operators on a long-term basis. [EISC Report No. 2, p. 411]

128. The Committee's previous report ended with a list of key actions it urged the government to take in order for Western Australia 'to maintain its caravan parks and camping grounds, and provide facilities that are in demand by today's caravanners and campers'.¹³² The recommendation calling for the government to purchase parks at risk of closure was arguably among the most contentious and was not accepted.

¹³⁰ Supplementary Information Item (A), Department of Environment and Conservation, *Transcript of Evidence*, 31 August 2011, p. 7; Mr Keiran McNamara, Director General, Department of Environment and Conservation, *Transcript of Evidence*, 31 August 2011, p. 8. Mr Peter Sharp, Director, Parks and Visitor Services Division, Department of Environment and Conservation, *Transcript of Evidence*, 31 August 2011, p. 2.

¹³¹ Mr Kieran McNamara, Director General; Mr Peter Sharp, Director, Parks and Visitor Services Division; Mr James Sharp, Deputy Director General, Parks and Conservation, Department of Environment and Conservation, *Transcript of Evidence*, 31 August 2011, pp. 5-8.

¹³² Economics and Industry Standing Committee, *Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, p. 411.

129. It is interesting to note that the position of the government on this issue has now changed.¹³³ Despite this, the logistics behind such purchases remain problematic. During the 13 April 2011 parliamentary debate, the Minister for Housing, Hon. Troy Buswell, MLA said that DoH would now look to acquire some caravan parks with a view to applying a restricted zoning, and putting them back onto the market (or operating them through a government agency). The caveat the Minister placed on this policy shift was that the properties 'had to represent reasonable value to the taxpayer'.¹³⁴ The Minister added that the department had looked at the Palm Beach Caravan Park (see Table 2 above), but found that it was too expensive.
130. DoH verified this account when it appeared before the Committee. Director General, Mr Grahame Searle, said that the park had an operating value of \$4 to \$5 million, against an asking price of \$11.8 million: 'We did not proceed with that discussion very far, as you could imagine'.¹³⁵ Mr Searle confirmed the suspicions of the Committee that the inflated value was mainly attributable to the broad zoning classification assigned to the land. He said that the department will continue to scour the market for opportunities to acquire parks that were appropriately priced.¹³⁶
131. While inflated land values may preclude the viability of many purchases, the Committee was still impressed by the attitude and approach of DoH towards addressing the supply crisis affecting long-stay tenants.
132. The department's decision to buy the WAPC lands at Ascot and Whiteman for the development of over 150 long-stay sites (see 0 above) indicates a pragmatic approach to the pressures impacting the caravan park sector. While the committee urges the expeditious completion of these two developments, it is encouraged by DoH's intention to work with DoP 'to make those sorts of things a reality in other locations'.¹³⁷ In addition, DoH's plans to enter into joint-venture operations with lifestyle village developers¹³⁸ will be an important factor in reducing the pressure on long-stay sites in caravan parks.

¹³³ Hon. Troy Buswell, MLA, Minister for Housing, Western Australia, Legislative Assembly, *Parliamentary Debates* (Hansard), 13 April 2011, pp. 3010-3012.

¹³⁴ *ibid.*, pp. 3011-3012.

¹³⁵ Mr Grahame Searle, Director General, Department of Housing, *Transcript of Evidence*, 29 August 2011, p. 5.

¹³⁶ *ibid.*, p. 6.

¹³⁷ Mr Greg Cash, Director, Affordable Housing Policy, Department of Housing, *Transcript of Evidence*, 29 August 2011, p. 12.

¹³⁸ Mr Grahame Searle, Director General, Department of Housing, *Transcript of Evidence*, 29 August 2011, p. 11.

Finding 14

The attitude and actions of the Department of Housing indicate that it is committed to addressing issues impacting the supply of long-stay caravan sites. Notable in this respect is:

- a commitment to acquire caravan parks that are listed for sale (at reasonably valued prices);
- the impending purchase of government land in Ascot and Whiteman for the development of over 150 long-stay sites;
- an ongoing commitment to work with Department of Planning to create similar projects in other locations; and
- a commitment to investigate joint-venture opportunities with developers of lifestyle villages.

3.5 Concluding remarks

133. Throughout the process of this follow-up investigation, it became apparent that the level of commitment to addressing the issues identified in the Committee's 2009 report varied across departments. While areas for improvement have been noted throughout the last two chapters, the Committee would argue that DEC, Tourism WA, and the departments of Commerce and Housing have demonstrated a generally proactive approach. By contrast, the Committee has been left with the perception that the issues raised have not been afforded similar priority by DoP/WAPC and DLG—departments with an equally important role to play in supporting the caravan park and camping ground sector.

Finding 15

Department of Environment and Conservation, Tourism WA, Department of Commerce and Department of Housing have demonstrated a generally proactive approach to addressing issues raised in the Committee's 2009 report. By contrast, the Committee could not detect a similar level of commitment from the departments of Planning and Local Government.

134. The Committee's concerns regarding the overall commitment of DoP/WAPC were discussed in sections 3.4(a)-3.4(c) above. As with DoP it was disappointing that the Director General of DLG was not able to avail herself to appear before the Committee having been given two months notice.

135. The Committee's perception of DLG's lack of commitment was also influenced by the fact that a review of the *Caravan Park and Camping Grounds Act 1995* is yet to be completed. The Committee found that a review had commenced in 2005 and a range of amendments had been proposed. However, a proposed amendment Bill had not been progressed. The Committee called on DLG to complete the statutory review process as a matter of priority because the terminology in the legislation was difficult to understand and was outdated.¹³⁹
136. The initial response to the Committee accepted the need for a major review of the Act, but advised that 'this will necessitate a considerable body of work which is unable to be given priority at this time'.¹⁴⁰ In its most recent response to the Committee, DLG maintains its acceptance of the need for a review, but advises that it has not been progressed citing the government's previous reluctance to prioritise the issue.¹⁴¹
137. The response by the majority of departments who have contributed to this follow-up suggests that the government is now recognising the importance of addressing many of the issues raised by the Committee in its previous report.
138. The Committee strongly urges the Minister for Local Government to ensure that a similar level of commitment emanates from his department. An urgent effort to complete the long overdue statutory review of the CPCG Act would be a positive indication.

Recommendation 11

The Minister for Local Government ensures that a statutory review of the *Caravan Park and Camping Grounds Act 1995* is completed as a matter of high priority.

¹³⁹ Recommendation No. 45. Economics and Industry Standing Committee, *Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Legislative Assembly of Western Australia, Perth, 15 October 2009, p. 294. See also pp. 293-296.

¹⁴⁰ *Government Response to Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia*, Parl. Paper 2134, Legislative Assembly of Western Australia, 25 May 2010, p. 12.

¹⁴¹ Supplementary Information Item (G), Department of Local Government, *Transcript of Evidence*, 29 August 2011, p. 3.

APPENDIX ONE

PARK CLOSURE (AFFECTING LONG-STAY TENANTS) INVESTIGATIONS SINCE 2006 - Department of Commerce. Source: Supplementary Item (B), Department of Commerce, *Transcript of Evidence*, 29 August 2011; Mr Stephen Meagher, Director Property Industries, Consumer Protection, Department of Commerce, Email, 7 October 2011.

Park Name	Eviction Process	Complaints Received / Department's Response
Aqua	This park has been vacated by all long-stay tenants. In December 2010, residents were given the required notice to leave the park on or before 13 June 2011. Matters have been resolved by the residents moving to other locations or alternative housing.	The Department dealt with five complaints in 2011 generally from tenants who purchased park homes not long before termination notices were given. All complaints were resolved and no breaches of legislation were found. The caretakers were not aware that park was closing until owners made a decision on terms of proposed sale.
Kingsway	This park has been vacated by all long-stay tenants. In October 2008 the park operator began serving termination notices. The tenants were required to vacate their sites by 19 October 2009 (a period of 377 days, twice the required minimum of 180 days). Matters have been resolved by the residents moving to other locations or alternative housing.	The Department has dealt with 13 complaints about the closure of Kingsway, with residents reporting the difficulty in relocating and relocation costs. The majority of complaints alleged incorrect bond lodgement or delays in return of the bond. There was another individual complaint conciliated about access/security to a gate. Whilst there were potential breaches of the Act in relation to bond lodgement, these problems were rectified and the bonds lodged appropriately.
Miami	On 16 March 2008 the operator issued notices of termination to 10 long-stay tenants requiring them to vacate their sites by 30 September 2008 (a period of 198 days) due to redevelopment of the park being part of the Falcon Village Plan. The redevelopment plan included a mix of short-stay and long-stay sites, however the permanent long-stay sites are allowed to be used a maximum of 120 days per year (i.e., unlikely to be long term tenants).	The Department received three formal complaints regarding issues such as the termination notice issued, requests for compensation and concerns about security of tenure. The notices were found to be legal, no compensation was required and all tenants moved on. As the park no longer has long term tenants it does not fall under the Parks Act and there have been no proactive compliance visits to the site.
Springvale	On 21 July 2009 several members of the Springvale Caravan Park Liaison Committee met with the park owner and were advised that he had submitted development plans to the Western Australian Planning Commission. Residents were given the required notice to quit the park by 7 February 2011. Tenants were also made aware of the potential closure of the park before the 180 day notice required by the Act. This park has been vacated by all other locations or alternative housing.	The Department has dealt with three complaints. One was regarding alleged breaches of sections 11 and 18 of Act (Section 11 information for prospective long-stay tenants, Section 18 cooling off period), which was not sustained. One complaint relating to a tenancy was a request the owner pay uplift costs for moving a park home, but this was withdrawn. The third complaint was from 2007, regarding incorrect bond lodgement, and a formal warning was issued.

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Park Name	Eviction Process	Complaints Received / Department's Response
Lucky	This park was closed by August 2010. Eviction notices were served in November 2009.	<p>The department investigated two complaints it received in March 2010 from tenants who had been served eviction notices. One complainant had purchased a van 14 months earlier and claimed that the operator had given an undertaking that they would not be selling the park. The other complainant had been in the park since 1998.</p> <p>Both complainants received an eviction notice in November 2009 requiring them to vacate the park in June 2010.</p> <p>The Park Operator disputed the first complainant's claim regarding an undertaking not to sell the park.</p> <p>Both complainants were given a two month extension to vacate the premises by 31 August 2010.</p> <p>On 10 August 2010, DoC visited the park and found it closed with no vans on site.</p>

APPENDIX TWO

PARKS AT RISK OF CLOSURE (AFFECTING LONG-STAY TENANTS) COMPLIANCE STATUS - Department of Commerce

Source: Supplementary Item (C), Department of Commerce, *Transcript of Evidence*, 29 August 2011.

Park Name	Status	Complaints Received / Department's Response
Belvedere	No notice has been given to vacate the park as yet. The park is the subject of planning and development approvals by the City of Mandurah. It is evident that if these planning changes are approved the park is likely to close and the residents will be displaced. A decision on closure has not occurred as yet, however, tenants have been informed by the park owners of their redevelopment intentions. The owners have vacant land in an adjoining shire and have proposed relocating some residents there.	No complaints have been received regarding this park and its potential closure. A pro-active audit advising parties of their rights and obligations and ensuring the park operator's compliance with the act was last conducted on 23 September 2010.
Black Rock	In late 2010, the park issued termination notices to a group of long-term residents who were allegedly causing ongoing problems at the park - in particular alcohol and drug related anti-social behaviour and at times, violence. However, the notices were given under the provisions of the Residential Tenancies Act 1987. After action was taken in the SAT in March 2011, it was determined that tenants were long-stay tenants under Residential Parks (Long-stay Tenants) Act 2006, and they were entitled to the full 180 days notice under that Act. Following the SAT orders, the park operator reissued termination notices to most long-term residents, believed to be in the region of 150 residents. However, there is no intention for the park to close; instead, the operators are now offering 3-month tenancy contracts. It is the Department's belief that if the tenancy agreements exist beyond the 3-months, the tenants will come under the Parks Act, however this has not yet been tested. The park operator expects that 70-80% of the current residents may be "resettled" in the park, with new agreements. The local Police and the Shire are aware and supportive of his actions and supportive of actions which are aimed at making the park a more comfortable place to live. It would appear that the majority of the residents will not be eligible for any form of housing assistance due to their income levels.	From December 2010 to February 2011 the Department received four complaints that arose because the park operator attempted to evict tenants with a breach notice without giving the 180 days notice required by the Residential Parks (Long-stay Tenants) Act 2006 (Parks Act). The park gave notice of termination to residents of the park under the provisions of the Residential Tenancies Act 1987. The Department attempted to conciliate these matters and, from the information provided, found that the Park did not have written tenancy agreements with its long-stay tenants. The Department was of the view that the complainants were long-stay tenants under the Parks Act. On 9 December 2010 Mr Martin Butler, Project Officer at the Park, advised that the Park would start negotiating agreements pursuant to the Act. When the Department followed this up with the operators in February 2011, it was apparent that this had not occurred, and that the operators were still relying on the belief they did not fall within the Parks Act. The Department re-commenced negotiation to ensure the Park operators acted as they should under the Park Act, and this was resolved on 3 March 2011, following an application by a park tenant to the SAT. The SAT informed the park operator that the Park does fall within the provisions of the Parks Act and that the park tenant was deemed a long-stay tenant under the Parks Act. On 21 March the park operators agreed and re-issued notices correctly, giving the residents 180 days to vacate. The Dept recontacted the operators on 30 May, who advised they intended to offer new agreements from the end of August.

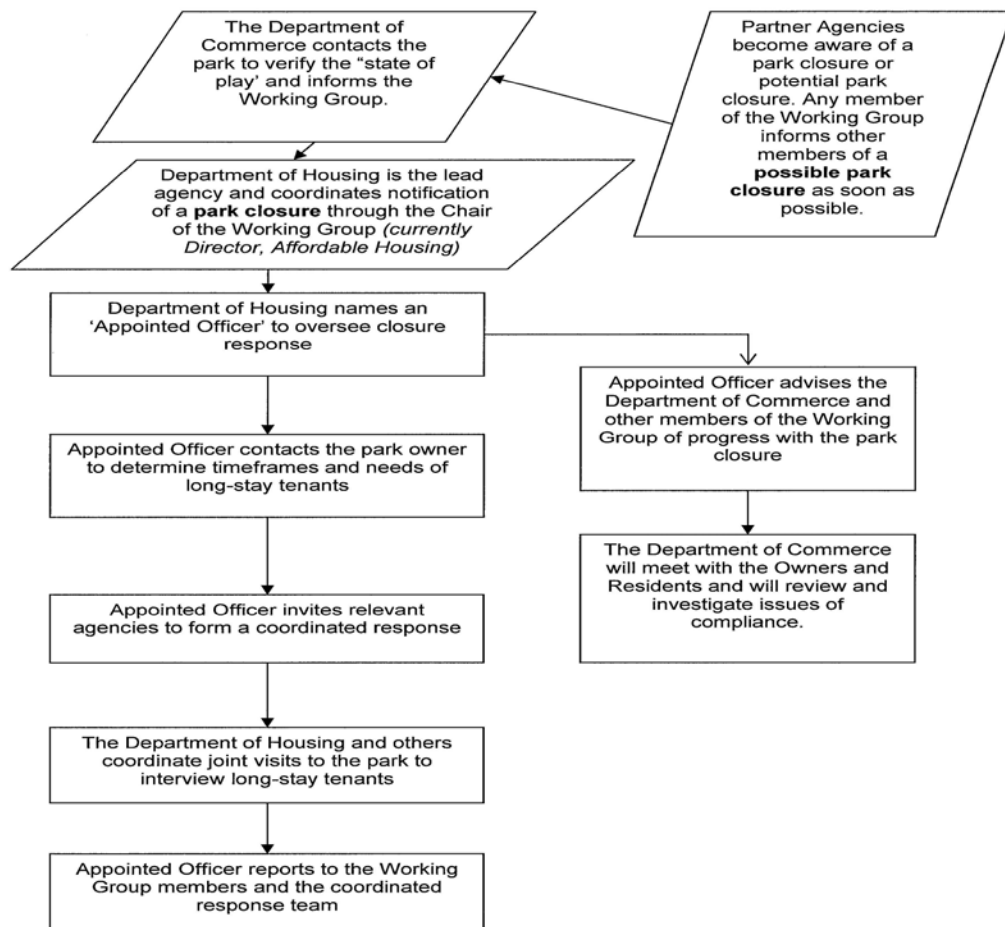
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Park Name	Status	Complaints Received / Department's Response
Palm Beach	No notice has been given to vacate the park as yet. On 28 January 2011 it was reported that the park will be put up for sale on 1 February 2011. The owner hopes it will be sold as a going concern as a caravan park, however if development occurs he anticipates it will take approximately three years before anything happens.	No complaints have been received regarding this park. A proactive visit [17 Feb 2010] confirmed that all prospective tenants have been advised that the park may be sold and no guarantee [sic] that it will continue to operate as a caravan park. However, this possibility has existed for some time and there do not appear to be any immediate plans to sell.
Quinns Rocks	No notice has been given to vacate the park as of yet. The park is owned by the City of Wanneroo and the operators under contract to manage it as [sic] looking to extend their lease. There are 20 residents on 10-yr leases that expire August 2012: 2 on long-stay agreements and 2 semi-permanent residents.	The Department met with the City of Wanneroo in August 2011. They advise there is no imminent risk of closure and no action will be taken before November 2011. The City believes that 4-5 residents may be affected if a decision is made to close the park. A pro-active audit advising parties of their rights and obligations and ensuring the park operator's compliance with the act was last conducted on 2 August 2011.
Timbertop	No notice has been given to vacate the park as yet. The park owners received notice from the Council that a section running through the middle of the park is to be resumed for a road, however the Council have advised the resumption is not imminent but is noted for future planning. All tenants have been or are advised of this and are therefore aware their stay is not indefinite.	No complaints have been received by the Department. A pro-active audit advising parties of their rights and obligations and ensuring the park operator's compliance with the act was last conducted on 4 August 2010.
Waterloo Village	No notice has been given to vacate the park as yet. The park owners verbally advised the residents of the Waterloo Caravan Park that it was listed for sale on 2 October 2009. As at July 2011, no termination notices had been issued to the park residents and the park is still for sale. The park is being sold as an ongoing concern and lists earnings from leased sites in sale advertisements. Residents will be entitled to a minimum of 180 days notice to move out in the event that the park is sold and vacant possession is required.	The Department has examined matters regarding: allegations that the park had been listed for sale contrary to verbal promises that had been made by the owners that the park would always stay in the family; the provision of long-stay tenancy agreements following the introduction of the Parks Act; and the late establishment of a Park Liaison Committee in early November 2009. In early October 2009, the park owners provided written periodic agreements to most residents. Whilst the Department found that the park owners had arguably breached sections 7 and 59 of the Parks Act by not issuing complying periodic agreements within five months of the introduction of the Act and not forming a PLC for more than two years after the introduction of the Act, the Department did not consider that the owner deliberately or flagrantly breached the Act and does not intend on pursuing this matter further. At a proactive compliance visit in November 2010 the park was compliant with the Parks Act.

APPENDIX THREE

FLOW CHART OF ASSISTANCE PROTOCOL¹⁴²

APPENDIX 1: FLOW CHART OF HOW THE PROTOCOL FOR CARAVAN PARK (RESIDENTIAL PARK) CLOSURES OPERATES



Supp Info - Dept of Commerce (A) - 29 Aug 2011

¹⁴²

Supplementary Item (A), Department of Commerce, *Transcript of Evidence*, 29 August 2011, p. 5.

APPENDIX FOUR

EXTRACT FROM DEPARTMENT OF COMMERCE'S INFORMATION BOOKLET - PARK LIVING¹⁴³

IMPORTANT: please make sure you read and understand the information in this section

- Before buying a caravan or park home or signing an agreement to live in a park, be aware that although you may own the caravan or park home outright, you are only renting the site on which it is located.
- This means you do not have any rights over the land in the park where your caravan or park home is located, except where this is provided for in a long-stay tenancy agreement and the *Residential Parks (Long-stay) Tenants Act 2006*.
- Prospective tenants should be aware that park living **may not be** a permanent living arrangement and depends on the type of agreement you enter into.
- Depending on your agreement, if you have to move, it may be at your own expense (as this is the case for a periodic agreement). If you have a fixed term agreement the park operator may have to pay compensation in certain circumstances (for more information see the section titled: *Ending a tenancy - Compensation of a tenant*).
- If you want to move before the end of the fixed term you may have to pay compensation to the park operator. For more information see the section titled: *Ending a tenancy - Compensation of a park operator*.
- With either fixed term or periodic agreements, there may be restrictions on the alterations or additions you can make to the site where the caravan or park home is located, or to the caravan park or home, even if you own the caravan park or home outright.

When considering a move to a residential park, remember that parks provide a place for a number of people to live reasonably close together which can provide residents with a feeling of safety and a sense of belonging to a community. Harmonious park living may require a fair amount of compromise and good communication.

¹⁴³ Department of Commerce, 'Information booklet park living' June 2011. Available at: http://www.commerce.wa.gov.au/consumerprotection/PDF/Publications/Park_LivingJune_2011_Online.pdf. Accessed on 29 September 2011, pp. 2-3.

Important considerations when making a decision about park living.

Make sure you understand:

- the difference between the two types of tenancy agreements, fixed term and periodic (for more information, see the section of this booklet titled *Thinking about park living*);
- you are still a tenant, whether you are renting the site and the park home or caravan, or just the site for your own park home or caravan; and
- occupancy beyond the term of your agreement may not be possible.

Selling your home and moving into a residential park is a big step - it is recommended that you seek independent advice, including financial advice before you sign an agreement.

APPENDIX FIVE

LEGISLATION

List of Legislation (or other relevant information) used in the Inquiry.

Legislation	State (or Country)
Caravan Parks and Camping Grounds Act 1995	Western Australia
Caravan Parks and Camping Grounds Regulations 1997	Western Australia
Planning and Development Act 2005	Western Australia
Residential Parks (Long-stay Tenants) Act 2006	Western Australia
Residential Parks (Long-stay Tenants) Regulations 2007	Western Australia
Town Planning Amendment Regulations 1999	Western Australia

APPENDIX SIX

HEARINGS

Date	Name	Position	Organisation
29 August 2011	Mr Brian Bradley	Director General	Department of Commerce
	Ms Anne Driscoll	Executive Director, Consumer Protection	Department of Commerce
	Mr David Hillyard	Director, Consumer Protection	Department of Commerce
	Mr Tom Filov	Acting Director, Legislation and Policy	Department of Commerce
	Mr Timothy Hillyard	Property Services Manager	Western Australian Planning Commission
	Mr Grahame Searle	Director General	Department of Housing
	Mr Greg Cash	Director, Affordable Housing Policy	Department of Housing
	Mr Paul Whyte	General Manager, Commercial and Business Operations	Department of Housing
	Mr Brad Jolly	Executive Director, Governance and Legislation	Department of Local Government
	Ms Mary Adam	Manager, Legislation	Department of Local Government
	Mr Walter Arrow	Acting Principal Policy Officer	Department of Local Government
	Miss Joanne Proctor	Research and Policy Officer	Department of Local Government
31 August 2011	Ms Stephanie Buckland	Chief Executive Officer	Tourism WA
	Mr Campbell Fletcher	Policy Manager	Tourism WA
	Mr Keiran McNamara	Director General	Department of Environment and Conservation

ECONOMICS AND INDUSTRY STANDING COMMITTEE

	Mr James Sharp	Deputy Director General, Parks and Conservation	Department of Environment and Conservation
	Mr Peter Sharp	Director, Parks and Visitor Services Division	Department of Environment and Conservation