



Economics and Industry Standing Committee

Clarification of issue from Committee Report No. 10

Report No. 12
March 2012

Legislative Assembly
Parliament of Western Australia

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Presented by

Dr Mike Nahan, MLA

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Chapter 1

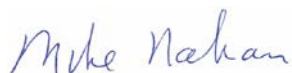
Clarification of Issue from Report No. 10

On 20 October 2011, the Chair of the Economic and Industry Standing Committee (**the Committee**) tabled report No. 10 entitled *Response to House - Matter of Park Home Residents (the Report)* in the Legislative Assembly.

On 22 November 2011, the Committee received an email from Ms Anne Driscoll, the Commissioner for Consumer Protection, advising of an error at paragraph 79 of the Report. The error pertained to the Committee's reporting of amendments made to the *Residential Parks (Long-Stay Tenants) Act 2006*.

The Committee considered Ms Driscoll's email over the end of year recess and on Monday, 20 February 2012, resolved to table an extract from this email in order to clarify this matter.

The relevant extract is set out in Appendix One to this report.



Dr M.D. Nahan
CHAIR

Appendix One

Extract of correspondence from the Commissioner for Consumer Protection

The following is an extract from an email received by the Committee from Ms Anne Driscoll, Commissioner for Consumer Protection, on 22 November 2011:

"I wish to raise a matter in regard to Paragraph 79 of the EISC's report No.10, *Response to House - Matter of Park Home Residents* tabled in the Assembly on 20 October 2011.

Paragraph 79 refers to amendments to the *Residential Parks (Long-stay Tenants) Act 2006* (RPLT Act) to replace the term 'permanent resident' with the term 'long-term tenant'.

I wish to advise that the RPLT Act has not been amended as described. There may have been some confusion with the recent amendments made to the Residential Parks (Long-Stay Tenants) Regulations 2007 (the Regulations) in response to Recommendation 40 contained in the EISC's 2009 report, *Provision, Use and Regulation of Caravan Parks in Western Australia*.

Recommendation 40 recommended that the term 'permanent resident' be removed from the Regulations and replaced with 'long-term tenant'.

I can confirm that in response to Recommendation 40, amendments to the Regulations have been made via the Residential Parks (Long-stay Tenants) Amendment Regulations 2011 (the Amendment Regulations) which commenced on 31 July 2011.

Please note, however, that during the drafting of the amendments, Parliamentary Counsel advised that the term "long-term tenant" as proposed by the Committee was not an appropriate replacement for the term "permanent resident".

The Amendment Regulations still gave effect to the intent of the Committee's recommendation by removing the term "permanent resident" and replacing it with the term "persons who may use the on-site home/relocatable home on the site as their principal place of residence".

The reason Parliamentary Counsel advised against the use of the term "long-term tenant" was that it would not enable necessary distinctions to be made between the long-stay tenant named on the lease and other persons who may from time to time reside with the tenant for a certain period (for the purpose of calculating rent and other charges). The Amendment Regulations were drafted in consultation with key stakeholders, including the Park Home Owners' Association who represent the

interests of tenants, and the Caravan Industry Association who represent park operators, both of whom supported the amendments.”