

RESIDENTIAL PARKS BILL 2026 (No. 2)

Second Reading

[12.08 pm]

Mr BARNETT (Lyons - Attorney-General) - Before I speak to the second reading, I'd like to acknowledge Sherryl Smith in the Chamber today, president of the Beauty Point Residents Association, and say how glad I am Sherryl is here on behalf of the association and so many others and I acknowledge the incredible advocacy of Sherryl and her committee and so many others from that wonderful part of Tasmania.

Mr Bayley - Hear, hear.

Mr BARNETT - Honourable Speaker, I move -

That the bill now be read a second time.

The rules affecting long-term caravan park residents are complicated, spanning multiple areas including planning regulations, building codes and other legislation. Several different laws might apply to both park owners and residents, including contract law, the Australian consumer law and various codes of practice.

I'm very pleased to be bringing this bill to the parliament on behalf of the government. I too acknowledge the efforts of all those who have contributed to the development of this important reform, particularly those park residents who have campaigned for this reform and worked so constructively with us to deliver it. This is an important reform which will improve the lives of many Tasmanians as well as making the rules simpler and clearer for park operators.

The bill establishes a range of rights and obligations on park owners as well as residents in these parks. The bill applies to site agreements where the site is or will be the residents' principle place of residence, and the right to occupy is 90 days or longer. It will also apply where multiple agreements of shorter than 90 days cumulatively exceed 90 days. If a resident occupies a site for 90 days or more, the legislation is taken to apply unless proven otherwise.

This does not, however, mean that an agreement arises where a person refuses or fails to leave as agreed at the end of an agreement, or where someone has stayed on a site without authority to stay there.

The legislation will not apply to, holiday stays, non-principal residences, normal residential tenancies under the *Residential Tenancy Act 1997*; hotels; motels; education or healthcare accommodation, retirement villages, boarding, lodging, mortgages, certain land sale contracts with temporary occupation rights or other prescribed agreements. The scheme focuses on long-term site agreements where the resident owns their dwelling. The scheme does not apply to the rental of onsite vans or cabins that are owned by the park operator.

The bill has also been drafted to recognise the legitimate rights, obligations and expectations of both park owners and long-term residents in the park. Under the bill, a residential park agreement must be in writing and the agreement, alongside various other key pieces of information, must be provided to a prospective resident before they enter into the agreement.

The bill includes a range of terms that must form part of a residential park agreement. These include: right to access; right to quiet enjoyment; prevention from causing a nuisance to other residents; if water and power are provided to the site, reasonable unimpeded access to these amenities is required throughout the agreement. The bill provides that a register of residential parks is maintained by Consumer Building and Occupational Services (CBOS), within the Department of Justice. CBOS will be able to add parks as well as remove parks from the register where they no longer have residents under such an agreement. A park that has one or more residential park agreement is legally required to register with CBOS.

The bill sets out when and how a resident, or a park owner, can terminate a residential park agreement. There is no provision for no-grounds termination of agreements. This is in line with the protections already afforded tenants under the residential tenancy agreements in this state. The bill also provides clarity for park owners and residents about the transfer of agreements, and about the right to sell a dwelling or structure owned by the resident. The bill provides clarity as to what charges can be demanded by a park owner.

A bond is allowed; however, this cannot be more than four weeks rent. It also cannot be retained when a resident leaves, other than for unpaid rent, reasonable cost for replacement of lost or unreturned keys or security devices, or for the reasonable cost of removal of rubbish or abandoned goods on the site. A resident can only be charged for water or electricity where there is separate metering that identifies the use of the specific resident.

If a park has an embedded electricity network and a resident is required to pay for electricity, they must be provided with an account specifying how much the resident is being charged and how that amount was calculated. If the provision of water and electricity forms part of the agreement, the park owner must take all reasonable steps to maintain the relevant services while the agreement is in force.

The bill provides a clear process for dealing with property or goods that have been abandoned by a resident after they move out of the park. There are separate provisions depending on the nature of the goods. For example, there are different requirements for the handling of abandoned property that is low-value or perishable, dealing with abandoned goods that are personal documents, and dealing with an abandoned dwelling or an item of property over a prescribed value. These provisions balance the rights of park owners to manage their park with protecting the interests of residents.

The bill provides that where a park has a number of long-term residents, they may form a residents committee to discuss and advocate for their interests in the park. A resident committee can be elected to comprise of residents from at least five different occupied sites in the park. A park owner cannot unreasonably interfere with residents' rights to form committees, and must take all reasonable steps to provide somewhere for such a committee to meet. A park owner must also consider representations made by a committee and must provide a written response to the committee. Where there are a number of long-term residents in a park, a resident committee provides a practical process for communication between a park owner and residents. There is nothing in the bill preventing a committee from receiving assistance, support, and advice from experts or advocates who are not residents; however, these individuals cannot be voting members of the committee.

The bill has been developed to support a positive and constructive relationship between park owners and residents. However, it is recognised that conflict can occur. Therefore, the bill

also makes provision for the Tasmanian Civil and Administrative Tribunal (TASCAT) to receive and consider applications on a range of matters. Examples of these include: an application seeking a declaration that a rent increase is excessive; an application seeking a declaration that a park rule or park rules are unreasonable; an application to rescind a harsh or unconscionable term of an agreement; an application to appeal a refusal to transfer a residential park agreement; an application for an order of possession; and an urgent application to terminate an agreement where a notice to vacate has been issued for violence.

The bill also enables TASCAT to acknowledge that a notice to terminate, or a notice for possession, were issued solely, or in part, as retaliation for a resident seeking to enforce a right or making a complaint in relation to their residency. In such a case, TASCAT has the power to refuse such an application by a park owner and make an order reinstating the residential park agreement with any conditions considered appropriate in the circumstances.

The bill provides for the making of transitional regulations. This power has been included so that specific provision can be made for certain identified agreements, where there are legacy issues in relation to planning and building approval, to be exempt from those requirements for a transitional period of up to five years. This will enable the specific issues facing those individuals to be addressed during the initial five years of operation of the act. These transitional regulations can only be made on the advice of the Director of Building Control and/or the department responsible for the administration of the *Land Use Planning and Approvals Act 1993*, depending on which act or acts the regulations relate to.

In addition to any transitional regulations, the bill provides for a range of matters to be included in ordinary regulations. These include: the setting out of reasonable grounds for refusing to transfer an agreement; offences for which an infringement notice can be issued; making provision for the form or content of any document referred to in the bill; record-keeping requirements; a requirement that certain information must be provided to residents making provision for, and in respect of, the election, term of office, functions, and procedures of resident committees; authorising any matter to be determined, applied, or regulated by a person or entity specified in the regulations; the regulations may exempt a person, class of persons, matter, or other thing from the operation of this act or any specified provision of the act or the regulations, including, but not limited to, an exemption from any fee, charge, or levy payable under the act; making provision for model park rules that may be adapted, whether with or without amendment by a park owner.

Such model park rules, and any other regulations, are being refined at present to ensure they're ready for the commencement of the act. The bill also provides that the Director of Consumer Affairs can prepare and publish a model residential park agreement. This may then be used by park owners in full or adapted. This model park agreement is also being prepared at present. Both the model park agreement and the model park rules will be consulted on prior to finalisation.

The bill provides that certain forms must be in the approved form. This means that these documents must use the form as approved by the Director of Consumer Affairs. Examples of these are: a warning notice which advises a person entering into an agreement that the park owner does not intend to extend the agreement beyond the initial term identified; information identifying each charge and any services provided to a resident under an agreement at or prior to signing the agreement; a notice advising a resident of abandoned goods; a notice to leave for a serious act of violence and a notice of termination. This ensures that such forms and notices

contain and require all the appropriate information. Having an approved form rather than a prescribed form enables flexibility, with the Director of Consumer Affairs able to adapt or add to a form where an issue is identified.

The Director of Consumer Affairs is identified as a key regulator in the bill. The director will maintain a register of all parks that are residential parks. There is the capacity to update this register regularly and park owners are required under the bill to register when they have residential parks agreements on foot. The Director of Consumer Affairs will ensure that the register is publicly available online. The director has the power under the bill to determine a dispute as to whether the act applies to a certain agreement. There is then an avenue of appeal to TASCAT. The director also has the role of approving various forms, as mentioned previously, and seeking to make and then amend when required model rules and the model park agreement to ensure it remains fit for purpose.

The bill will commence on proclamation, thereby ensuring that the relevant regulations and approved forms are made and in place and that all affected individuals are aware of the changes.

A consultation draft of the bill was released for public consultation on 18 December 2025, with the consultation period concluding on 8 February 2026. During this time CBOS conducted a number of face-to-face sessions with interested stakeholders. The consultation yielded 58 written submissions from a wide range of interested individuals and groups, including past and current members of parks, park owners and representative groups of industry related to caravan parks caravans in general, community advocacy and legal groups, state government departments and authorities, local government and interested members of the community.

I thank everyone who took the time to provide feedback. My department has considered the wide variety of views and all the specific and detailed feedback on the bill. Written submissions, along with feedback provided at the face-to-face sessions has been invaluable to the refining of the bill.

A number of amendments were made to the consultation draft of the bill following the consultation period and in summary these include the removal of the ability to terminate residential park agreements without grounds and insertion of a requirement that if electricity and or water services are provided as part of the agreement, these services are required to be maintained during the agreement.

Several specific timeframes have been inserted in the bill to ensure action required under the bill is undertaken in a reasonable timeframe. There are amendments to ensure that a right to sell a dwelling or structure is facilitated even where a person is no longer able to live at the park; amendments to provisions relating to access to ensure that residents are entitled to have guests or other people, such as healthcare providers, tradespeople or delivery persons access the park; and limited grounds for retaining a bond at the end of an agreement.

I'd like to reiterate on behalf of my department that supporting materials will be available to assist residents and ensure park owners are fully informed of how the new bill will apply to them.

I would like to particularly note the contribution of current and former residents of the Beauty Point Tourist Park for providing invaluable insight into their experiences and detailed feedback on the draft bill. I commend the bill to the House.

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