

Legislative Council
Hansard
Thursday 16 April 2026

The President, **Mr Farrell**, took the chair at 10.00 a.m., acknowledged the Traditional People and read Prayers.

[excerpt...]

RESIDENTIAL PARKS BILL 2026 (No. 2)

Second Reading

[4.32 p.m.]

Ms WEBB (Nelson) - Mr President, I rise to speak on the Residential Parks Bill 2026, and it will be a start because I am not entirely ready to give a considered contribution on the bill as yet. We did have the benefit of an excellent briefing earlier today, and I thank the department staff for providing that. I do feel now I am able to begin some remarks about it and share some thoughts on my views on the bill. It is such an interesting topic. I have not delved into this area and this rather unique housing type in great detail before. It has brought things to my attention that I was not previously fully aware of. Clearly what we have got here is potentially a very complex set of circumstances around this form of housing.

I would definitely start by saying that I am a firm believer, and many here would have heard me speak before in different contexts, on my firm support for human rights and protecting the human rights of Tasmanians via a human rights act. One of the key human rights that would be enshrined in such an act would be a right to housing, because housing is fundamental. It is absolutely foundational to a good life. Everything else that you might need to be participating in or having as aspects of your life, whether it is family life, whether it is health and wellbeing, whether it is employment, education, whatever, it all has to have a foundation of a safe and secure home. So, housing tenures are critical to whether we are delivering on that human right in our state. This is an interesting circumstance, because from some perspectives, there will be cases where the housing tenure we're talking about here, where we've got a permanent-ish dwelling in a caravan park environment, for some that is a long-term, safe, secure housing opportunity, and for others it's a more temporary housing opportunity that isn't necessarily secure and able to be contemplated as a long-term option. It's potentially quite a highly vulnerable housing tenure to be in for Tasmanians.

I think it's quite fascinating, as we've learnt through considering this bill - and from discussions in our briefings and the like, and from what's been said here - it's quite fascinating that we haven't really had a clear line of sight on exactly how many Tasmanians might live in these circumstances. We get some information through census data that's not necessarily fully reflective of what might be the reality out there across our state in different communities, and that tells us something, too. When we don't fully know the circumstances around something that's very fundamental, like a particular housing tenure, it's likely we might not be fully aware of what's required there in terms of not just rules and regulations and that sort of strict side of it, but also perhaps support and services that might be needed in those spaces as well.

This is, I think, really valuable on a few fronts. It's a valuable bill because, as the leader mentioned in the government's second reading speech, we've had quite a tapestry of arrangements and some uncertainty around how those knit together. What we're tackling here is trying to put in place something much clearer and more comprehensive, something that's

much fairer and more reasonable, which provides protections but also provides confidence for everybody involved, and that's really valuable. It is surprising it's taken us this long, in a way.

Here we are. What I'm gathering as I've been contemplating and grappling with this bill - because it's a quite lengthy bill and quite complex, as the member for Mersey mentioned; it's got a lot of legalese, I think that was the term he used at some stage - is that there's a lot of detail in the bill, but it does come to provide for us something that's at least consistent and clear as a framework and that will better protect everybody involved. It will better protect those people who are residing in this form of housing tenure, ensuring their rights are respected and at least clear. It will better protect the park owners and the people who are offering these agreements for the land on which the dwellings are located. I think from all sides it should be a win-win.

Of course my interest is always going to be: are we also better supporting and protecting the people in any given circumstance who might be in the more powerless situation? For me, that's probably always going to be tenants or people who are not the asset owners. In this case, we've got a funny mix of asset owning, don't we? We've got the land on which the dwelling exists, with the park owner owning that, and then we've got the person who has a dwelling on it, which is sort of temporary, but also becoming more permanent and long-term as bits are added to it. That's an asset to own, too. You've got assets owned on both sides, but in some ways the person who owns the land is always going to be in the more powerful position.

This helps to clarify and ensure that that interplay of power doesn't get unbalanced or go in the wrong direction. I'm quite pleased about that. Certainly the protections around having to have agreements in writing, that's a really basic, straightforward requirement, and arrangements around how agreements might be terminated between the two parties are a really important set of structures to put in place to provide protections.

One of the things I was quite pleased to hear about in a bit more detail in the briefing was the fact that the process to develop this bill has been quite comprehensive. I think we're all aware that there were a few things that have been occurring in certain communities and in certain particular caravan park environments that have prompted us having to go down the path of getting this sorted out, but the process has been quite comprehensive by the look of things. We've had a look at other jurisdictions and identified South Australia as a model that had a lot of useful elements to build on, taken that and adapted it to circumstances here. The exposure draft has gone out. There's been a lot of engagement with that and worthwhile engagement because we've also heard that changes and improvements were made as a result of that consultation.

What we've arrived at now even in this place, having come through the other place and having some more amendments made, is a bill that has gone through a fairly rigorous process and come here for us to contemplate. That's why it does quite well to get the balance right and to get those protections in place.

As it goes through this place, if and when down the track we get to the Committee stage, I think there are even further amendments to consider, not from me but by the sound of it, from the government and perhaps others. We will have an opportunity to consider some nuances and some potential improvements, and that's even better.

As I was saying, the particular strengths here that make my ears prick up, or catch my eye as I'm going through, relate to protections on termination. We know that people who entered into agreements about the place where they live, whether that's under the *Residential Tenancy Act* or whether it's under agreements that are detailed in this bill, are quite vulnerable, particularly at the time if there isn't clarity around grounds on which they can be terminated under that agreement.

To see here laid out quite clearly and quite reasonably circumstances under which that can happen, and most importantly, to see included in the bill the appeal facility to go to TASCAT and have disputes resolved or have an appeal level provides administrative justice to people involved so that not only do they have clarity in what will be the rules on this, but they have somewhere to take that if they dispute what's being done in their circumstance. That's a really positive development, too.

I do note the government indicates it certainly was the aim that this bill wouldn't introduce measures that were too burdensome for park owners. That's a reasonable aim to have with this bill. I found it quite interesting to hear the member for Mersey, in his contribution, talk about his family member who is a park owner and operates in this area, and in fact has a large community of permanent residents in different types of dwellings on his property.

That was really interesting to hear about, particularly what sounds like the lengths that that he and his family go to to ensure that community is a safe and supportive community, one that engages with each other in a really positive way and supports each other. What that shows is, and it's probably not an uncommon story, that there would be a lot of very well-intentioned and very responsible and caring park owners. But, of course, we can't legislate on the basis of assuming everybody is going to be like the member for Mersey's family member.

What we do need to have is circumstances that somewhat assume the opposite might be the case and we might have to protect against it.

Mr Gaffney - Sometimes they are not really nice.

Ms WEBB - This is the world we live in.

Mr Gaffney - It's not my brother I'm talking about.

Ms WEBB - We're not reflecting on your brother in any negative way. What we need to see is that we're not imposing things that are too burdensome and assuming everybody is going to be terrible, but we have to accommodate the fact there will need to be relatively clear and relatively easily enforceable rules on protections. As I said, the power dynamic is an important factor there for sure.

I do note again too - and this is very positive from both sides - more structured arrangements on what we would call a bond, but I think in here it's called a security deposit. Formalising the fact that now needs to be collected but lodged in a central way through CBOS, like we do under the *Residential Tenancy Act* for market rental arrangements. It makes a great deal of sense to have that more formalised at arm's length from the park owner, and a very clear set of rules on the basis on which you might have some security deposit withheld. The circumstances that can apply to, of course, can't be exactly like we have under the *Residential Tenancy Act* because the dynamic is a little different, but the bill spells out quite clearly those

elements that can come into play when somebody wants to retain some security deposit for certain matters. Certainly, if people have left a great deal of detritus around the dwelling when they've come to the end of the agreement and have moved on, that's going to be problematic. Anything within the dwelling or for the dwelling itself, of course, is the responsibility of the owner of the dwelling. If somebody has sold their dwelling that's on the new owner, but if they've left the lease agreement at a time that they've left a total mess around it on the property on the land, then that's going to be something, for example, that's a basis on which to withhold some security deposit, I gather from the bill.

I find the government has been quite responsive in terms of tweaks made, amendments made in the other place that related to a staged commencement of bringing into play and implementing these rules on security deposits. That's sensible because we do need to set up admin systems in order to appropriately implement what's in the bill. I understand why that's put in as not being switched on straightaway on royal assent but will come in as a staged commencement. I think we've given ourselves six months to do that potentially, or the intention is for it to be that period of time.

Another interesting aspect of the bill, because again it's quite unique to these sorts of circumstances and isn't mirrored in the *Residential Tenancy Act*, was on the matters in the bill that relate to residents committees. That's quite a fascinating situation with residents' committees that the bill establishes not only that they can exist, but there are sort of some expectations that the park owner must take measures to encourage and support them to exist and can be penalised for not doing that. It must take all reasonable measures to ensure that if there are more than five agreements relating to these residences on their property, that a residents' committee can be established. It's an interesting thing to have a penalty in a bill for somebody to have to take steps to ensure a committee comes about they themselves aren't going to be a member of. They can't go and obviously twist arms and tell people they must be a committee member, but they must at least take steps to encourage that to happen and to facilitate it to happen.

Ms Rattray - All reasonable steps.

Ms WEBB - All reasonable steps, practical things like having a meeting room sufficient for people to meet in as a committee, making sure that information about a committee is available to all relevant residents. I assume there's probably a short list of other things that might be regarded as reasonable steps as specified in the bill. It does make sense that residents committees would be a valuable aspect of this sort of arrangement. I can imagine in the larger sort of parks, such as the one the member for Mersey spoke about with his brother, where there was, he mentioned 70 or 80 residences there, then you could have a very substantial, very vocal residents committee, no doubt with a serious bit of heft behind it when you bring potentially 50 different residents' voices together. Providing a meeting space for them would be an interesting challenge in and of itself. But it does mean that matters can be considered by a group then, concerns can be addressed and brought forward by a group, which is interesting. In that dynamic between the park owner and the residents who are entered into agreements for these dwellings, we can see that would have a lot of benefits.

I do note that in the bill, it establishes in clause 91 that park rules can be made, and it suggests some areas that park rules could be made in. Let me just bring that to my mind so I can make a couple of comments about that.

What I'm imagining, and I think this is true of a lot of the bill, to some extent the bill is likely to be codifying what many well-intentioned, reasonable, competent park owners and residents are doing already in these arrangements between them. Of course, it doesn't hurt to codify it and it doesn't hurt to make sure that there are avenues of recourse if things go astray. We know in the dynamics between groups of people there is always the possibility for things to go astray.

I think the provision for the park owner to make rules for the use, enjoyment, control and management of their park is a good thing to have stated and codified here. It does, however, then limit the list of things that the rules may be able to be made about. I think that's useful too, because sometimes - I don't know what it's like in your house, Mr President, but sometimes it can be handy, especially when children are younger, to make up rules to suit you as a parent as you go along to help manage behaviour. So a rule that did not exist yesterday might come into play. Sometimes, if you are in a position of power and you are able to make up the rules a little bit as you go along, that can be inappropriately punitive. It can be a way of actually forcing people out, or it could be a way of making people's lives very difficult, so that they feel they need to go. That is the sort of behaviour I presume we are trying to address here by outlining the areas that rules can be made on.

One that jumped out and got a little bit of discussion in the briefing was around the keeping of pets. It's worth noting here that, unlike what we have recently done under our *Residential Tenancy Act* - very laudably and finally in keeping with other jurisdictions, we have now in our private rental market under our *Residential Tenancy Act* made it so that the presumption is you can have a pet in a private rental lease, unless there are certain circumstances where that may not be allowed, and those are fairly closely prescribed circumstances. Here, there is not going to be an onus that there must be a presumption that there can be pets accommodated in these dwellings as part of these agreements. However, the park may set its rules around that and then it may be individually, park by park, something that parks allow. I think that's sensible.

I am a big proponent of the fact that people should be able to have pets where they are living if it is appropriate for them to have pets and they dearly wish to. It's a very positive health and wellbeing measure for households to have pets as part of their family. We all know that a lot of good can come of that. But, given that what we are doing here is a bit of a first step towards addressing this strange tapestry of things and trying to make it into a cohesive set of rules and approaches, this is probably a step one. Once we get this in place, see that it's working well, find out what we do not know and haven't done yet to formalise it appropriately, and get it straightened out, the issue of perhaps a presumptive obligation to allow pets might come down the track, when we can get a better line of sight on what that might best look like or how best to frame that in this context. I would still be hopeful that we might end up at a place that wherever possible, Tasmanians living in whatever housing tenure they live in can have a right to have a pet as part of their home, as long as we've accommodated the exceptions that need to be there in different circumstances as well. That might come.

It will be interesting to see - and I don't know that it came up in the briefings, perhaps because I've had a fairly cursory look at the bill so far. I might have missed it and this could be a question that can be answered later when we finally get to a summing up one day on this bill: is there intended to be some form of review or assessment of this legislation a certain distance into the future? It might not be something that is a legislative review formalised in the bill, but perhaps the government can indicate whether there is an intention. How will we know how this

is going as we implement it? How will we make an assessment at an appropriate distance in the future on whether it has successfully achieved what we would want it to achieve, what the stated goals were? Is that something that's planned and if so, how might it happen? That would be useful to hear back about in the Leader's summing-up down the track.

There's some really practical things in this bill. I'll point to one that I really like, again, because it's a protection of potentially vulnerable people in these circumstances. That is, that the bill formalises things like the fact that there can't be extra charges laid on additional things and brought in down the track unexpectedly for people, or used to be punitive, or to try to drive somebody out by adding extra costs to things. That's really good. For example, they can't just decide to start charging extra because you happen to have visitors arriving at different times, or if you want to have a tradesperson come in and do work in your house, or whatever it might be. That can't happen under this bill and I think those sorts of practical protections are important.

The other thing I was pleased to hear - and it did get some discussion and the member for Mersey pointed to it very clearly and it was raised in the briefings - is that because this is a fairly substantial piece of legislation with a lot of complexity to it, it will have to be brought into the real world and understood and utilised by at least the two groups of people directly impacted: the park owners and residents or potential residents in these dwellings. We will need to have very good resources, accessible plain-language resources, in different formats for people to be able to understand their rights and obligations, and how things will work.

I note that there's going to be a range of standard materials developed flowing from this bill. There'll be some standard agreements available and accessible for people to utilise if they wish to do so, so that not everyone has to figure out if what they've drawn up aligns with the requirements of the act. There will be something that CBOS can provide to people as the stock-standard that they can adapt if they need to but that meets the requirements of the act. Other sorts of fact sheets, other sorts of information provided, whether that's via little videos or social media - I believe there's an intention for there to be some sort of advice line or phone number that can be called for people if they have questions - all of that's really useful and important.

It will be very interesting down the track if we are assessing how this is tracking and whether it's achieving its aims. I'll be particularly interested to hear what feedback has come back from both those key stakeholder groups, the park owners and also the residents in these circumstances. Although we did have in recent years examples where there were certain contentious things going on that prompted this to come about, what we hope is that, once it's in place, it not only helps things work well but it's preventive in not having contentious situations arise again. I'll be interested to see whether both sides of the equation feel that the bill is achieving those ends as we get further down the track with it being in place.

There's no doubt that there might be other things I'd like to say on this bill, but I have not yet quite formulated them because I haven't had a fully comprehensive look. It certainly is a bill that, to my mind, because of its complexity and size, will take us a bit of time in the Committee stage, should it go through to the Committee stage, as I expect it will. It will be a valuable service that this Chamber does in our Committee stage on this bill to get the right amount of clarity and the right amount of information on the parliamentary record as we go through the bill clause by clause. I'll be pleased certainly to have more time available to prepare for that process.

With that, for today, I've finished my remarks and so, given that we're at a stage where no other members are quite ready yet to do their contributions, Mr President, I move -

That the debate stand adjourned.

Debate adjourned.