

4 December 2012

Residential Parks Review
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Dear Committee Secretary,

Response to the Consultation Discussion Paper: Statutory Review of the *Residential Parks (Long-Stay Tenants) Act 2006 (WA)*

National Seniors Australia welcomes the opportunity to submit comments to the statutory review of the *Residential Parks (Long-Stay Tenants) Act 2006 (WA)* (the Parks Act) Consultation Discussion Paper.

National Seniors Australia is the country's largest organisation representing the interests of those aged 50 and over, with 200,000 individual members nationally. National Seniors provides a well informed and representative voice on behalf of its members and contributes to public education, debate and community consultation on issues of direct relevance to older Australians.

National Seniors believes that older people on low or fixed incomes who reside within rental accommodation such as residential parks are more vulnerable to housing stress. Given the demographic trends within Australia, projections by AHURI suggest that by the year 2045, older people will account for 25 per cent of those who experience housing stress, compared to 9 per cent in 2008. For these reasons, National Seniors believes it is imperative to review housing policies to prevent further vulnerability.

Security of Tenure and Disclosure

Security of tenure remains a concern for many residents who own their dwelling but rent the site from the park owner. The major worry is the potential to lose their home if the park is redeveloped or is sold for use other than as a residential park.

The discussion paper acknowledges that some park operators are offering 89 day rolling contracts to tenants. As a result, park residency rights are not protected as they would be under the Parks Act. The provision of short-stay contracts decreases a park operator's regulatory responsibilities, allows for greater flexibility of contract termination and lowers compensatory costs. This type of contract unfairly benefits the park operator and generates uncertainty for a tenant.

National Seniors supports the application of the Parks Act to all non-holiday stays within residential parks to allow those tenants access to long term contracts where needed. To successfully achieve this, National Seniors believes that the terms 'holiday' and 'short-stay' need to be specifically defined and outlined within the Parks Act. This will allow for an effective distinction to be made between a short and long-term stay on the basis of a person's intention to reside within a residential park.

Furthermore, those people who enquire about a contract within a residential park need to be made aware of the Parks Act and their rights and responsibilities under it. National Seniors believes that those people who are made aware of the rules governing the park operator and tenant relationship will be able to make a more informed decision regarding the terms set out within their contract. A copy of the Act, or a revised version of tenant rights under the Parks Act, should be provided on enquiry into tenancy within the residential park, including a list of fees and charges.

National Seniors believes that fixed, long term agreements are essential to those who have sold the family home and who have paid a substantial amount to purchase a home and rent a site within a residential park for retirement living. Many retirees living in residential parks are pensioners or on fixed incomes. Decisions to move into a retirement living setting is often based on a person's level of income and their anticipated needs during the rest of their lives.

Therefore, National Seniors believes that consideration needs to be given to these factors to ensure the protection of vulnerable older Australians within residential park agreements, especially with regard to short term contracts and large costs of moving a home to a new site.

National Seniors advocates for mandatory residential park reviews. Reviews of contracts and intentions behind tenancy within the park should be considered to enhance accountability of the park operator for their actions under the Parks Act. A member of National Seniors has suggested that contracts entered into should be reviewed by government to ensure that rights and responsibilities have been met as outlined within the Parks Act.

Compensation and Fees and Charges

Compensation given is dependent upon the type of contract that has been entered into, whether periodic or fixed term, and if the tenants have been presented with the option to renew their contract. The system assumes that a resident will relocate to another residential park. In many cases this is not a viable option due to the costs involved in relocating a home and whether compensation has been given to cover the costs of moving. Relocating a home is also dependent upon availability of sites in other residential parks. In recognising these difficulties, National Seniors advocates for the following:

- The Parks Act should specifically stipulate the conditions under which a tenant will be compensated. For example: where a resident is expecting compensation for improvements they have personally made to a site. Compensation should also take into consideration the costs of the home and include costs for inconvenience to tenants and for social disruption.
- A clause should be inserted into the Parks Act to restrict the forced movement of owner-renters to a new site within the park and/ or ensure appropriate compensation is given to owner-renters required to relocate their homes to other sites within the park.
- A park operator should enhance transparency by corresponding with the owner-renter three months before the end of the lease regarding the future prospects of the park and options for contract renewal.
- In the event that the park is sold and the land is required to be vacated for new developers, a period of one month should be added to the current 180 days that a tenant has to relocate. National Seniors understands that an increase in time for relocation by one month may not be sufficient to locate a new, vacant site. However, this increase in time may account for any difficulties faced within the process of finding a new site to relocate to.
- Entry contracts should state the amount of compensation payable or set out the method of calculating compensation in the case of home relocation. This would allow the parties to know up front where they stand financially. Alternatively, it could be based upon the value of the home, as assessed by an agreed valuer named within the agreement, prior to the decision being made to change the use of or close the park.

Further to financial factors of residing within a residential park, National Seniors advocates for the termination of over-night fees for visitors, especially with regard to those owner-renters who do not require use of shared park facilities. This is especially significant for those older residents on low incomes who may require an over-night stay of a relative or carer frequently.

We hope you find these recommendations helpful. Should you have any queries please do not hesitate to contact the chair of National Seniors' Western Australian Policy Advisory Group, June MacDonald, at camju@bigpond.com or on 0416 208 154.

Yours sincerely

Michael O'Neill
Chief Executive Officer