



## HOUSE OF ASSEMBLY

TUESDAY 31<sup>ST</sup> OCTOBER 2017

### RESIDENTIAL PARKS (MISCELLANEOUS) AMENDMENT BILL

#### *Second Reading*

Adjourned debate on second reading.

(Continued from 28 September 2017).

**Mr PEDERICK (Hammond) (20:48):** I rise to speak to the Residential Parks (Miscellaneous) Amendment Bill 2017. I note that the bill was introduced by the Minister for Consumer and Business Services on 28 September this year and that it goes about amending the Residential Parks Act 2007.

It was back in March 2016 that the government released a discussion paper aiming to increase the long-term security in residential parks for those on low incomes and retirees. From what we are told, residential parks accommodate approximately 2,600 residents in South Australia, some in dedicated facilities and others in a portion of the area such as caravan parks. Tenancy arrangements are regulated by the act. The accommodation ranges from caravans with annexes to manufactured homes.

Certainly, as far as we can understand with advice from the minister's office, the full list of residential parks in South Australia include Seachange Village, which is at Gardiner Street Goolwa, in my electorate; Rosetta Village, Maude Street, Victor Harbor, which is just outside my electorate; the Northern Community Residential Village, Andrews Road, Penfield; The Palms, Supple Road, Waterloo Corner, Virginia; Hillier Park, Hillier Road, Hillier; Lakeside Goolwa, Banfield Road, Goolwa North—and I will have some more debate about Lakeside and some of the history there, obviously in my electorate. We also have Waikerie Lifestyle Village at Waikerie; the Bridge Village, Murray Bridge, which I understand started off with eight homes; and Beachside Village at Normanville.

There are somewhere around 200 caravan and tourist parks throughout South Australia and, from what we understand, about 20 of these have other dedicated residential park living. However, there may be other long-term residents in many more caravan parks throughout the state.

Before the Holdfast Bay episode, which received a lot of media attention—and I will go back to the summer of 2009-10—Goolwa was coming into my electorate out of Finnis with a redistribution. I went down there with my family and we had a holiday. Where Lakeside Goolwa is now was the Goolwa North caravan

park. There were a lot of sites there where you could have your camper trailer (which we had) or a caravan, and that is fine.

There were also a lot of what you would call semipermanent sites—some of them looked fairly permanent—which essentially were a caravan next to an annexe that looked like a reasonably permanent structure, and the tyres on the caravan probably needed renewing before you could tow it away. So they had been there a long time. There were some quite reasonable structures there. They were all on land and they had agreements with the owner as far as staying there on long-term leases.

I saw some of the sites a few years ago. Back then some of these sites had quite tidy set-ups, with handy annexes built that were almost like a room that you might build onto a house. Some of these sites were on the market back then for something like \$20,000 or \$30,000. I thought that was interesting because essentially you were buying into something that just gave you the right of tenure, as long as you had a lease arrangement with the owner of the property.

The person who now owns where Lakeside Goolwa is purchased the property from the previous owners only a year or two after that, I believe. That was when I was contacted by many people. A lot of people from Adelaide had semipermanent vans down there with some fairly permanent looking structures tacked onto the caravans. I met with them and we went through the process and I said, 'Right, I will talk to the person who has bought this property and we'll see if we can get a resolution.'

I went down there and met with them and with the owner of the property, and he said, 'Yes, I've bought this as a legal arrangement. I own the freehold. I can essentially do what I like.' He was not quite as blunt as that, but that is essentially how it stood. I said, 'Well, that's how the law stands at the day.' He has actually turned it into Lakeside Goolwa. There are a lot of people from further afield in my electorate—I know there are some people from the Mallee and from Peake—who have gone to live there and they are having a marvellous time.

However, it did create a lot of issues where people thought they had some sort of longer term tenancy, but it was only as good as the agreement because they did not own the soil under their van and their annex. No matter how solid the structure that was built, it was not freehold. It was some sort of leasehold rental arrangement with the owner of the property.

I did my best to negotiate an outcome through all the parties' understanding, and to me it was black and white: the business owner bought a property and wanted to develop it. From everything I could see, he had the legal right to do so, but there were some issues about relocating. I worked with some of these people on where else they could go in Goolwa or Victor Harbor or other places around the Fleurieu. Some just wanted to retire their vans once they got them off the site, because they obviously had to remove the vans and the annexes. It was a difficult process. There was some interesting media about it, but there always is when there is a lot of passion in the conversation.

I could not see where the people leasing the sites had much of a leg to stand on when it came to the rule of the law. This is where some of this legislation is helping to fix some of that. However, at the time the owner was perfectly within his rights to do what he was doing. He is developing a magnificent site, and I must say that it is providing some great homes for people in their latter years and a great lifestyle choice down at Goolwa.

It is interesting, because down the track (it was only a few years ago) this one got a lot of publicity and there was a lot more controversy around the Holdfast Bay council, which advised 40 residents of the Brighton Caravan Park that they had to leave. That was in January 2013. From what I understand, the residents were offered \$8,000 each, which is probably a fairly reasonable amount, to help them relocate. Some of the residents took legal action. Nick Xenophon got involved, supporting them in the Supreme Court, and got a lot of media out of it, but essentially the proceedings went nowhere and fell apart.

As I said, the council had offered residents compensation, and I understand it was in the field of around \$8,000 a site. Ultimately, there were some settlements agreed, but I understand from information I have received only today that that settlement was only in the manner of \$1,000 to \$2,000 a site. Essentially, with Nick Xenophon getting involved, these people lost \$6,000 or \$7000 a site, from the information that has been given to me.

It is an issue that got a lot of media but it did not get a good outcome. It certainly highlighted, though, the lack of security for people on these long-term sites. It also shows that you need to be careful of what you wish for and be careful of what people promise they can do because, if they do not follow through, you get an outcome that could have been a lot better. There was obviously this issue around the insecurity of tenure and the inadequacy of legislative requirements on disclosure of information and safety in parks, and the payment of compensation was also brought up.

In regard to key aspects of the bill, there is an obligation to disclose information in establishing residential park agreements, machinery provisions, including them being in writing, the provision of a signed copy, and the written park rules being provided to the resident, and there are penalties that apply for any default.

There is security of tenure at the end of a fixed term agreement. Currently, this continues for a periodic tenancy only. It can be terminated on no specific grounds with 90 days' notice. Residents of more than five years are entitled to renew terms at expiration unless there are statutory grounds not to do so. Park owners also have to give 90 days' notice prior to expiry of any changes or terms proposed. I know there have been some issues raised as far as some as the park owners are concerned, in relation to whether things have gone too far one way, but I think a lot of that has been addressed in the bill.

Other aspects of the bill include mandated residents' committees for parks with more than 20 long-term residents and obligations on the park owner to facilitate meetings and respond to any issues raised. There are also improved safety measures, including mandating safety evacuation plans, with copies to be provided to residents and reviewed annually. The government have indicated

that they have developed the bill in consultation with the South Australian Residential Parks Residents Association, SA Parks, state government agencies and park residents. Consumer and Business Services will advise and provide consultation services. No extra staff are proposed, and they have undertaken to update information material for both parties to be available on the website.

Because people directly involved in these parks are in my electorate or in the neighbouring electorate of Finniss, I was involved in some meetings along the way. On 10 June 2014, there was a meeting at Seachange Village in Goolwa, which was quite heavily attended by residents not just from Goolwa but also from Victor Harbor. On 18 September 2015, another meeting was held at Rosetta Village in Victor Harbor.

I must acknowledge that the minister sent several departmental staff to consult with residents of Goolwa and Victor Harbor at those meetings. I was made to feel more than welcome and was invited to sit up the front with them, which I appreciated, and the departmental staff answered questions from residents and interested parties. Certainly, from what I saw, there was consultation in my area, and people had ample opportunity to explore the changes that were going to happen under this bill.

I think it is a good lesson in law. As I indicated, because this occurred in my electorate I was fully involved. Sometimes I bore the brunt of some negative comments, but on the face of it, when I looked at the rule of law as it stood at the time, I thought, 'Well, the owner of this village wants to change the living arrangements.' Most of the work has been done. It is a very beautiful lakeside retirement village and many people are enjoying their retirement in Goolwa.

It is not hard to see why people thought they had longer term tenure. There were some vans and annexes and a number of quite substantial buildings that had been there for not just a few years but for decades. There was a similar issue at Brighton Caravan Park in Holdfast Bay. I think some people took legal action, which would have cost them a lot of money. I think they got a lot less out of it, and this was on the advice of Nick Xenophon, who managed to get some headlines but did not get the result. I think you have to be careful what you wish for.

This legislation appears to quell a lot of the issues that were brought up not just with the consultation but also the dramatic lifestyle changes, as was the case with both these parks that I have discussed here today. Yes, it did cause an upset, but there is a simple fact in life: if you are only a tenant, you do not own the land under your feet. You have to have full ownership to be able to do exactly what you like. From what I understand, this bill will offset a lot of those issues. Let's hope that it works well into the future and that we can have beneficial retirement living.

It worries me that I am eligible to enter these parks now; it is a bit of a concern. I am not planning to go there too soon if I have my way. Let's see how it pans out, and hopefully we can get better outcomes for the citizens of this state into the future.

