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**CONSUMER PROTECTION**

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CP301\*

Residential Parks (Long-stay Tenants) Act 2006

**Residential Parks (Long-stay Tenants)  
Amendment Regulations 2011**

Made by the Lieutenant-Governor and Administrator in Executive Council.

**1. Citation**

These regulations are the *Residential Parks (Long-stay Tenants) Amendment Regulations 2011*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 31 July 2011.

**3. Regulations amended**

These regulations amend the *Residential Parks (Long-stay Tenants) Regulations 2007*.

**4. Regulation 21 amended**

In regulation 21(3) delete “resident” and insert:

tenant

**5. Schedule 1 amended**

- (1) This regulation amends the periodic on-site home agreement form set out in Schedule 1.

- (2) In Division 1 opposite the heading “Notes to tenants” delete the 2 bullet points and insert:

- call the Consumer Protection Contact Centre: 1300 30 40 54
- visit the Department of Commerce’s website: [www.commerce.wa.gov.au](http://www.commerce.wa.gov.au)

- (3) Delete Division 1 clause 4 and insert:

<b>Clause 4 — Residential park and site details</b>	(1) Park name and address ..... ..... (2) Site location (e.g. site number or other description) ..... ..... (3) Area of site (e.g. Zm2 or X metres by Y metres).....
<b>Clause 4A — Number of residents allowed</b>	(1) Maximum number of persons who may use the on-site home as their principal place of residence ..... (2) Maximum number of additional persons who may reside on a temporary basis in the on-site home ..... ..... (3) Total number of persons who may reside in the on-site home at any one time (add the number of persons allowed under subclauses (1) and (2)) .....

- (4) Delete Division 2 clause 6(2) and insert:

- (2) An additional charge may apply (see clauses 4A and 14) if additional persons are residing on a temporary basis in the on-site home.

- (5) In Division 2 clause 14:

- (a) in subclause (1) delete “permanent residents specified in clause 4:” and insert:

persons who may use the on-site home as their principal place of residence, specified in clause 4A(1):

- (b) delete subclause (2) and insert:

- (2) Clause 1 of the information sheet set out in Division 8 gives information about who will be considered to be an additional person residing on the agreed premises.  
  
State any other provision applicable in relation to working out who will be considered to be an additional person residing on the agreed premises under this agreement.

- (6) In Division 4 clause 35 delete “Except as provided in clauses 33(1) and 36, neither” and insert:

Neither

**6. Schedule 2 amended**

- (1) This regulation amends the fixed term on-site home agreement form set out in Schedule 2.
- (2) In Division 1 opposite the heading “Notes to tenants” delete the 2 bullet points and insert:

- call the Consumer Protection Contact Centre: 1300 30 40 54
- visit the Department of Commerce’s website: [www.commerce.wa.gov.au](http://www.commerce.wa.gov.au)

- (3) Delete Division 1 clause 4 and insert:

<b>Clause 4 — Residential park and site details</b>	<p>(1) Park name and address .....</p> <p>.....</p> <p>(2) Site location (e.g. site number or other description)</p> <p>.....</p> <p>.....</p> <p>(3) Area of site (e.g. Zm2 or X metres by Y metres) .....</p>
<b>Clause 4A — Number of residents allowed</b>	<p>(1) Maximum number of persons who may use the on-site home as their principal place of residence .....</p> <p>(2) Maximum number of additional persons who may reside on a temporary basis in the on-site home .....</p> <p>(3) Total number of persons who may reside in the on-site home at any one time (add the number of persons allowed under subclauses (1) and (2)) .....</p>

- (4) Delete Division 2 clause 6(2) and insert:

- (2) An additional charge may apply (see clauses 4A and 14) if additional persons are residing on a temporary basis in the on-site home.

- (5) In Division 2 clause 14:

- (a) in subclause (1) delete “permanent residents specified in clause 6:” and insert:

persons who may use the on-site home as their principal place of residence, specified in clause 4A(1):

(b) delete subclause (2) and insert:

- (2) Clause 1 of the information sheet set out in Division 8 gives information about who will be considered to be an additional person residing on the agreed premises.

State any other provision applicable in relation to working out who will be considered to be an additional person residing on the agreed premises under this agreement.

- (6) In Division 4 clause 35 delete “Except as provided in clauses 7(1) and 10, neither” and insert:

Neither

**7. Schedule 3 amended**

- (1) This regulation amends the periodic site-only agreement form set out in Schedule 3.
- (2) In Division 1 opposite the heading “Notes to tenants” delete the 2 bullet points and insert:

- call the Consumer Protection Contact Centre: 1300 30 40 54
- visit the Department of Commerce’s website: [www.commerce.wa.gov.au](http://www.commerce.wa.gov.au)

- (3) Delete Division 1 clause 4 and insert:

<b>Clause 4 — Residential park and site details</b>	(1) Park name and address.....
	(2) Site location (e.g. site number or other description) .....
	(3) Area of site (e.g. Zm <sup>2</sup> or X metres by Y metres).....
<b>Clause 4A — Number of residents allowed</b>	(1) Maximum number of persons who may use a relocatable home on the site as their principal place of residence .....
	(2) Maximum number of additional persons who may reside on a temporary basis in a relocatable home on the site .....
	(3) Total number of persons who may reside in a relocatable home on the site at any one time (add the number of persons allowed under subclauses (1) and (2)) .....

- (4) Delete Division 2 clause 6(2) and insert:

- (2) An additional charge may apply (see clauses 4A and 14) if additional persons are residing on a temporary basis in a relocatable home on the site.

(5) After Division 2 clause 11(1) delete Note 1 and insert:

Note 1: Schedule 1 clause 4 to the Act provides that a review of rent at intervals of less than 12 months is of no effect.

(6) In Division 2 clause 14:

- (a) in subclause (1) delete “permanent residents specified in clause 6:” and insert:

persons who may use a relocatable home on the site as their principal place of residence, specified in clause 4A(1):

- (b) delete subclause (2) and insert:

- (2) Clause 1 of the information sheet set out in Division 8 gives information about who will be considered to be an additional person residing on the agreed premises.

State any other provision applicable in relation to working out who will be considered to be an additional person residing on the agreed premises under this agreement.

(7) In Division 4 clause 36 delete “Except as provided in clauses 34(1) and 36, neither” and insert:

Neither

**8. Schedule 4 amended**

- (1) This regulation amends the fixed term site-only agreement form set out in Schedule 4.
- (2) In Division 1 opposite the heading “Notes to tenants” delete the 2 bullet points and insert:

- call the Consumer Protection Contact Centre: 1300 30 40 54
- visit the Department of Commerce’s website: [www.commerce.wa.gov.au](http://www.commerce.wa.gov.au)

(3) Delete Division 1 clause 4 and insert:

<b>Clause 4 — Residential park and site details</b>	(1) Park name and address.....
	(2) Site location (e.g. site number or other description)
	(3) Area of site (e.g. Zm <sup>2</sup> or X metres by Y metres).....

<b>Clause 4A — Number of residents allowed</b>	(1) Maximum number of persons who may use a relocatable home on the site as their principal place of residence .....
	(2) Maximum number of additional persons who may reside on a temporary basis in a relocatable home on the site .....
	(3) Total number of persons who may reside in a relocatable home on the site at any one time (add the number of persons allowed under subclauses (1) and (2)) .....

(4) Delete Division 2 clause 6 and insert:

<b>Clause 6 — Rent</b>	(1) Rent: \$ ..... per <input type="checkbox"/> week / <input type="checkbox"/> fortnight / <input type="checkbox"/> month (Please tick applicable period)
	(2) An additional charge may apply (see clauses 4A and 14) if additional persons are residing on a temporary basis in a relocatable home on the site.
	Note: Division 3 specifies what fees or charges for services and utilities are included in the rent, if any.

(5) In Division 2 clause 14:

(a) in subclause (1) delete “permanent residents specified in clause 6:” and insert:

persons who may use a relocatable home on the site as their principal place of residence, specified in clause 4A(1):

(b) delete subclause (2) and insert:

(2) Clause 1 of the information sheet set out in Division 8 gives information about who will be considered to be an additional person residing on the agreed premises.

State any other provision applicable in relation to working out who will be considered to be an additional person residing on the agreed premises under this agreement.

(6) In Division 4 clause 36 delete “Except as provided in clauses 13(1) and 15, neither” and insert:

Neither

**9. Schedule 6 amended**

Delete Schedule 6 clause 1 and insert:

**1. Additional persons residing on a temporary basis on the agreed premises**

(1) Are tenants required to pay charges for persons residing on a temporary basis on the agreed premises?  Yes  No

- (2) Tenants are not required to pay charges for additional persons residing on the agreed premises unless the number of persons residing on the agreed premises at a particular time exceeds the maximum number of persons who may use the agreed premises as their principal place of residence under the agreement.
- (3) If charges are payable under subclause (1) specify —
- (a) when a person is to be considered to be residing on the agreed premises for the purposes of the agreement;
- (b) any time of the year when the charges will not be payable;
- (c) whether charges for additional residents are payable only after a certain period of time.

If yes, specify the period:

.....

- (d) whether charges for additional residents are payable if the agreed premises have their own bathroom and toilet?

Yes  No

## 10. Schedule 7 amended

Delete Schedule 7 clause 1 and insert:

### 1. Additional persons residing on a temporary basis on the agreed premises

- (1) Are tenants required to pay charges for persons residing on a temporary basis on the agreed premises?  Yes  No
- (2) Tenants are not required to pay charges for additional persons residing on the agreed premises unless the number of persons residing on the agreed premises at a particular time exceeds the maximum number of persons who may use the agreed premises as their principal place of residence under the agreement.
- (3) If charges are payable under subclause (1) specify —
- (a) when a person is to be considered to be residing on the agreed premises for the purposes of the agreement;
- (b) any time of the year when the charges will not be payable;

- (c) whether charges for additional residents are payable only after a certain period of time.

If yes, specify the period:

.....

- (d) whether charges for additional residents are payable if the agreed premises have their own bathroom and toilet?  Yes  No

**11. Schedule 8 amended**

Delete Schedule 8 item 1 and insert:

- 1. Charges for persons residing on a temporary basis on the agreed premises, if the number of persons residing on the agreed premises at a particular time exceeds the maximum number of persons who may use the agreed premises as their principal place of residence under the agreement.

**12. Schedule 9 amended**

- (1) This regulation amends the default notice form set out in Schedule 9.
- (2) In Division 1:
  - (a) opposite the heading “**Note to park operator / managing real estate agent**” delete “Consumer Protection” and insert:  
  
Commerce
  - (b) opposite the heading “**Note to tenant**” delete “Consumer Protection” and insert:  
  
Commerce
- (3) In Division 2:
  - (a) opposite the heading “**Note to park operator / managing real estate agent**” delete “Consumer Protection” and insert:  
  
Commerce
  - (b) opposite the heading “**Note to tenant**” delete “Consumer Protection” and insert:  
  
Commerce



**13. Schedule 10 amended**

(1) This regulation amends the notice of termination form set out in Schedule 10.

(2) In Division 1 Subdivision 1:

(a) opposite the heading “**Note to park operator / managing real estate agent**” delete “Consumer Protection” and insert:

Commerce

(b) opposite the heading “**Note to tenant**” delete “Consumer Protection” and insert:

Commerce

(c) opposite the heading “**Key dates**” delete Note 1 and insert:

Note 1: This notice of termination may be issued if a default notice has previously been given to the tenant requiring payment of outstanding rent, and the rent is not paid in full on or before the date specified in the default notice.

(3) In Division 1 Subdivision 2:

(a) opposite the heading “**Note to park operator / managing real estate agent**” delete “Consumer Protection” and insert:

Commerce

(b) opposite the heading “**Note to tenant**” delete “Consumer Protection” and insert:

Commerce

(4) In Division 1 Subdivision 3:

(a) opposite the heading “**Note to park operator / managing real estate agent**” delete “Consumer Protection” and insert:

Commerce

(b) opposite the heading “**Note to tenant**” delete “Consumer Protection” and insert:

Commerce

(c) opposite the heading “**Key dates**” delete Note 1 and insert:

Note 1: This notice of termination may be issued if a default notice has previously been given to the tenant stating the nature of the breach, and the breach has not been remedied on or before the date specified in the default notice.

- (5) In Division 1 Subdivision 4:
- (a) opposite the heading “**Note to park operator / managing real estate agent**” delete “Consumer Protection” and insert:
- Commerce
- (b) opposite the heading “**Note to tenant**” delete “Consumer Protection” and insert:
- Commerce
- (6) In Division 1 Subdivision 5:
- (a) opposite the heading “**Note to park operator / managing real estate agent**” delete “Consumer Protection” and insert:
- Commerce
- (b) opposite the heading “**Note to tenant**” delete “Consumer Protection” and insert:
- Commerce
- (7) In Division 2 opposite the heading “**Note to tenant**” delete “Consumer Protection” (each occurrence) and insert:
- Commerce
- (8) In Division 3:
- (a) opposite the heading “**Note to person issuing notice**” delete “Consumer Protection” (each occurrence) and insert:
- commerce
- (b) opposite the heading “**Note to tenant**” delete “Consumer Protection” and insert:
- Commerce

By Command of the Lieutenant-Governor and Administrator,

PETER CONRAN, Clerk of the Executive Council.