

LEGISLATIVE COUNCIL

CONSUMER LEGISLATION AMENDMENT BILL 2026

(Amendments to be proposed in Committee by MELINA BATH)

1. Clause 62, line 22, omit "equal to the higher" and insert "one".
2. Clause 62, line 28, omit 'Division.'" and insert "Division.".
3. Clause 62, after line 28 insert—
 - "(1A) Before recommending to the Governor in Council that regulations are made that prescribe a rate referred to in subsection (1)(a)(ii), the Minister must—
 - (a) consult with representatives of—
 - (i) a group or organisation that represents the interests of residents; and
 - (ii) a group or organisation that represents interests in relation to industry or parks; and
 - (b) require the preparation and publication of a regulatory impact assessment in relation to the rate to be prescribed.
 - (1B) The requirements set out in subsection (1A) are in addition to, and do not derogate from, the requirements and operation of the **Subordinate Legislation Act 1994** in relation to statutory rules.
 - (1C) The Minister must cause a review of the operation of any regulations made for the purposes of subsection (1)(a)(ii) to be commenced after the second anniversary of the day on which the regulations are made.
 - (1D) The review must be completed no later than 3 months after the review commences.
 - (1E) The Minister must cause a copy of the review to be laid before each House of the Parliament no later than 14 sitting days after receiving it.".
4. Clause 63, page 76, after line 12 insert—
 - "(2A) Rent under a site agreement must not be increased unless—
 - (a) the increase is proportionate to the reason for the proposed rent increase specified under subsection (3); and
 - (b) the increase is payable for a period that is no longer than—
 - (i) the period required to recover any expense or cost incurred for that reason; and
 - (ii) a period of 12 months; and

- (c) if the increase is greater than the prescribed amount, the Director has verified that the increase is proportionate for the purposes of paragraph (a).
- (2B) If rent under a site agreement is increased under subsection (1) and the amount recovered by the site owner from the increase exceeds the amount of any expense or cost incurred because of the reason for the increase, the site owner must pay the excess amount to each site tenant—
 - (a) that has paid the increased rent; and
 - (b) is a site tenant at the end of the period of the increased rent; and
 - (c) in proportion to the rent paid by each tenant; and
 - (d) using the same payment method used by the tenant to pay rent."
- 5. Clause 63, page 80, after line 15 insert—
 - "(4) Despite subsection (1), a site owner may apply to the Tribunal before the end of the proposal period for an order requiring one or more, or all of the, site tenants in a Part 4A park to pay a special rent increase specified in a proposal notice if the site owner proposes the rent increase to fund the payment of urgent expenses incurred by the site owner to operate the Part 4A park."
- 6. Clause 63, page 80, line 17, "omit "206SH," and insert "206SH(1),".
- 7. Clause 63, page 80, line 32, omit "(1)" and insert "(1)(a)".
- 8. Clause 63, page 81, line 1, omit "(1)" and insert "(1)(a)".
- 9. Clause 63, page 81, line 6, "omit "206SH," and insert "206SH(1),".
- 10. Clause 63, page 81, after line 24 insert—
 - "(ca) any amount received or reasonably expected to be received by the site owner by way of insurance, grant, warranty, compensation or other third-party recovery in respect of an expense, repair or improvement that is a subject of the application; and
 - (cb) the extent to which money reserved or allocated for a specific expense, repair or improvement that is a subject of the application is reasonably available to meet the cost; and
 - (cc) any reasonably available alternative to a proposed expense, repair or improvement that is a subject of the application, including an alternative scope, time or source of funding, and its comparative cost and effectiveness; and
 - (cd) any benefit received by each site tenant as a consequence of the reason for the special rent increase; and
 - (ce) whether any site tenant will experience hardship as a result of the special rent increase and, if so, the nature and extent of that hardship; and

- (cf) the likely effect of approving, varying or refusing the special rent increase on the site owner's financial capacity to continue to—
 - (i) lawfully operate the Part 4A park; and the provision of essential facilities and services; and
 - (ii) maintain essential services and common facilities; and
 - (iii) meet immediate safety and compliance obligations; and
 - (iv) avoid the park falling into serious disrepair."

11. Clause 63, page 81, after line 25 insert—

- "(4A) An amount referred to in subsection (4)(cb) does not include—
- (a) the site owner's general working capital; and
 - (b) amounts reserved for unrelated purposes; and
 - (c) amounts legally or contractually required for another purpose."

12. Clause 63, page 82, line 17, omit 'matter.' and insert "matter."

13. Clause 63, page 82, after line 17 insert—

- "(6) If an order is made under section 206SIA(1)(a), and the amount of special rent increase specified in that order exceeds the amount of special rent increase to be specified in an order to be made under subsection (1)(a), an order under subsection (1)(a) must require the site owner to refund each site tenant who paid the excess amount of special rent increase within the period specified in the order.

206SIA Tribunal orders—special rent increases—interim orders

- (1) On an application under section 206SH(4), the Tribunal may—
 - (a) make an order—
 - (i) requiring all site tenants to whom the proposal notice was given to pay the site owner the amount of special rent increase specified in the proposal notice or a varied amount; or
 - (ii) requiring site tenants to whom the proposal notice was given to pay an amount of special rent increase that varies according to site tenant or class of site tenant; or
 - (b) dismiss the application.
- (2) An order under subsection (1)(a) must specify the date from which the rent is increased under a site agreement.
- (3) An order under subsection (1)(a) must not require site tenants to pay an amount of special rent increase that—
 - (a) exceeds the cost of the urgent expenses; or
 - (b) is subject to the CPI percentage rate (within the meaning of section 206SA(6)) from time to time.

- (4) An order under subsection (1)(a) must not be made unless the Tribunal is satisfied that the special rent increase is urgently required to—
 - (a) prevent or address a serious risk to health or safety of any person; or
 - (b) restore or maintain an essential service; or
 - (c) undertake urgent repairs arising from a natural disaster, malicious damage or comparable event; or
 - (d) comply with an Act, law or a regulatory requirement.
- (5) The term of an order under subsection (1)(a) ends on the earlier of—
 - (a) the making of an order under section 206SI(1)(a); or
 - (b) the withdrawal or dismissal of an application under section 206SH(1); or
 - (c) another date specified in the order.
- (6) In determining an application under section 206SH(4), the Tribunal must have regard to—
 - (a) whether the proposed expenditure is for a reason referred to in section 206SC(3); and
 - (b) whether the expenses are necessary and genuinely urgent; and
 - (c) whether waiting for an order under section 206SI(1)(a) would give rise to a material risk relating to safety, service provision or regulatory compliance; and
 - (d) whether the expense is supported by quotes, invoices or equivalent evidence; and
 - (e) whether any other available source of funds have been taken into account; and
 - (f) whether the amount and allocation between site tenants are reasonable and equitable."

14. Clause 65, line 31, before "as" insert "subject to subsection (1A),".

15. Clause 65, page 83, after line 13 insert—

"(1A) The percentage of the purchase price referred to in subsection (1)(a) must not exceed—

- (a) 4% for each year during which the site tenant occupies the Part 4A site, calculated on a pro rata basis for any incomplete year; and
- (b) in aggregate, 20% over the total period of the site tenant's occupation.

(1B) A site owner must not require or receive payment more than once in respect of the same fee, cost, service or liability, whether as part of a deferred management charge or under another description.

Penalty: 60 penalty units for a natural person;

Penalty: 300 penalty units for a body corporate."

16. Clause 67, page 89, after line 16 insert—

"(3) Before preparing a draft Code of Practice in accordance with subsection (1), the Minister must consult with persons or bodies who represent the interests of—

- (a) site tenants of Part 4A parks; and
- (b) site owners; and
- (c) Part 4A park operators.

(4) The requirement set out in subsection (3) is in addition to, and does not derogate from, the requirement and operation of the **Subordinate Legislation Act 1994** in relation to statutory rules."

17. Clause 67, page 94, lines 22 to 25, omit all words and expressions on those lines and insert—

"containing—

(a) a reasonable estimate of the balance of a site tenant's liabilities and entitlements—

- (i) at one, 5, 10, 15 and 20 years after the day on which the site agreement is entered into; and
- (ii) on the day on which the site tenant's Part 4A dwelling on the Part 4A site is sold; and

(b) the maximum amount of the site tenant's liabilities and entitlements that would be payable on the sale of the site tenant's Part 4A dwelling on the Part 4A site; and

(c) an additional reasonable estimate of the balance of the site tenant's liabilities and entitlements on the day on which the site tenant's Part 4A dwelling on the Part 4A site is sold that does not include the deferred management charge; and

(d) the deferred management charge expressed as a dollar amount."

18. Clause 67, page 94, line 26, omit "The" and insert "An".

19. Clause 74, lines 21 and 22, omit "206SH and 206SI" and insert "206SH, 206SI and 206SIA".