

Submission: Residential Parks Regulations 2026

1. Overview

COTA Tasmania broadly supports the proposed regulatory framework and particularly welcomes measures intended to provide residents and park owners with clearer and more consistent expectations.

Our principal concern is that the regulations should operate from the recognition that a residential park is first and foremost **someone's home**. Rules and enforcement mechanisms should therefore be proportionate, transparent, easily understood and applied in a way that protects residents against arbitrary or unreasonable decision-making.

This is particularly important for older residents, who may have substantial financial, personal and social investment in remaining in their home and community and may have limited practical alternatives if disputes arise.

COTA Tasmania's recent involvement in a separate matter concerning a retirement village reinforced the importance of clear statutory protections when complex contractual and financial arrangements affect older residents. In that matter COTA sought clarification from CBOS about protections applying when village ownership changed, including the treatment of resident-funded monies. Our concern was that older residents can be in a position of limited bargaining power when ownership, contractual or financial arrangements change around them.

Although that matter concerned the *Retirement Villages Act 2004* rather than residential parks, the underlying consumer-protection principle is equally relevant here: residents should be able to understand their rights and obligations without needing specialist legal knowledge, and there should be effective safeguards where there is a significant imbalance of power between residents and operators.

2. About COTA Tasmania

COTA Tasmania is the leading advocacy organisation for older Tasmanians. We work to ensure that the voices, interests and rights of older people are reflected in public policy and decision-making across Tasmania.

Housing security, affordability, consumer protection and the ability of older people to remain connected with their communities are central concerns for COTA Tasmania. Residential parks can provide an important and comparatively affordable housing option, including for older Tasmanians, but residents may also face significant vulnerability where their home, tenure and financial interests are subject to contractual arrangements and decisions made by park operators.

COTA Tasmania therefore welcomes the opportunity to comment on the proposed Residential Parks Regulations 2026, supporting implementation of the new *Residential Parks Act 2026*.

3. Recommendations

COTA Tasmania recommends that the Tasmanian Government:

1. Adopt the Model Residential Park Rules subject to a clear overarching requirement that rules and their enforcement be reasonable and proportionate.
2. Require park-specific rules and rule changes to be provided in plain language and accompanied by meaningful resident consultation.
3. Amend the pet provisions to align, as far as practicable, with the recently introduced pet provisions in the Residential Tenancy Act 1997, including a requirement that consent not be unreasonably withheld and that any conditions imposed be reasonable.
4. Ensure maintenance provisions focus primarily on safety, cleanliness and genuine amenity impacts rather than subjective cosmetic standards.
5. Retain the proposed infringement notices for key disclosure, financial, ownership-change and residents-committee obligations.
6. Review offences currently excluded from the infringement scheme, particularly those concerning improper entry, restriction of resident access and destruction of abandoned personal documents.
7. Prescribe an abandoned-property threshold of \$500, indexed periodically to CPI.
8. Provide guidance encouraging additional care before disposal of items likely to have significant personal or sentimental value.
9. Actively support residents committees as an important mechanism for resident participation and collective advocacy.
10. Accompany implementation with accessible, plain-English information and both digital and non-digital pathways for information, advice and complaints.

4. Detailed Comments

4.1 Model Residential Park Rules

COTA Tasmania supports the development of model rules as a useful mechanism for creating consistency and reducing uncertainty across residential parks.

The proposed rules cover common areas, noise, recreational activities, vehicles and parking, waste, pets, maintenance and visitors. Park owners may either adopt the model rules or implement park-specific rules, provided those rules are consistent with the Act and do not diminish residents' statutory rights. Residents may seek review where they consider a rule unreasonable.

We support that framework but recommend several refinements.

4.2 Rules should be reasonable, proportionate and accessible

The model rules should expressly state a general principle that rules and their enforcement must be reasonable and proportionate to the legitimate objective being pursued.

Some of the proposed provisions leave considerable discretion with the park owner - for example, operating hours for facilities, approval for storage in common areas, approval for organised activities and requirements governing pets.

That discretion may be necessary, but residents should not be dependent upon an operator exercising it benevolently. Park-specific requirements should be objectively reasonable and should not unnecessarily interfere with residents' ordinary enjoyment of their home.

COTA recommends that the regulations or accompanying guidance make clear that:

- park-specific rules should be written in plain language and provided in accessible formats;
- residents should be consulted before substantive changes are made;
- operators should provide reasons where approval required under a rule is refused; and
- rules should not impose disproportionate restrictions on residents because of age, disability or other circumstances where reasonable adjustment could address the issue.

4.3 Pets

COTA Tasmania considers that the proposed model rule relating to pets should be amended to align with the approach recently adopted by the Tasmanian Parliament for residential tenancies.

The proposed rule currently provides that:

“A resident may keep a pet only in accordance with any requirements specified by the park owner.”

While the remaining model rules appropriately address matters such as effective control, excessive noise, aggressive behaviour, pet waste, and responsibility for damage, this introductory provision gives park owners a very broad discretion over whether and on what terms a resident may keep a companion animal.

This is difficult to reconcile with the policy approach recently adopted under the *Residential Tenancy Act 1997*. Amendments which commenced in March 2026 provide that residential tenants may request permission to keep a pet and that property owners must not unreasonably refuse consent.

Conditions attached to consent must also be reasonable in the circumstances. The legislation establishes a transparent process for refusal, including reasons and access to TASCAT review.

COTA Tasmania sees no compelling policy reason why people whose homes are in residential parks should receive materially weaker protection in relation to companion animals than people renting under the *Residential Tenancy Act*.

Indeed, for many residential park residents - particularly older people - the importance of companion animals may be especially significant. Pets can contribute to companionship, routine, social connection and wellbeing, and the loss of a pet can become an unintended consequence of housing rules where owner discretion is too broad.

COTA therefore recommends that the model residential park rules adopt the same underlying principles as the residential tenancy framework:

- residents may seek consent to keep a pet;
- consent must not be unreasonably withheld;
- any conditions imposed must be reasonable and related to legitimate issues such as safety, nuisance, animal welfare or damage;
- reasons should be provided where consent is refused; and
- residents should have access to an independent review mechanism where a refusal is disputed.

The existing proposed requirements relating to control of animals, nuisance, waste and responsibility for damage provide appropriate safeguards for other residents and park owners.

4.4 Maintenance and appearance

COTA supports reasonable obligations requiring residents to maintain dwellings and sites safely and appropriately.

However, subjective requirements such as the external appearance of a dwelling not “detracting from the general amenity of the park” warrant care.

Such provisions should not become a mechanism for imposing unnecessary cosmetic standards or costs, particularly on residents with limited incomes or restricted capacity to undertake physical maintenance.

We recommend retaining an objective focus on safety, cleanliness, and substantial impacts on neighbouring residents, rather than aesthetic preferences alone.

Where age, disability or temporary incapacity affects a resident’s ability to maintain a site, operators should also be encouraged to work constructively with the resident before taking enforcement action.

4.5 Infringement notice scheme

COTA Tasmania supports the use of infringement notices where they provide an efficient and proportionate alternative to prosecution.

We particularly support making infringement notices available for operator failures involving matters central to transparency and resident protection, including:

- failure to provide prospective residents with the proposed agreement;
- failure to provide executed agreements;
- entering into a non-compliant agreement;
- failure to notify residents about changes to park rules;
- failures concerning review and reissue of agreements;
- prohibited payments and excessive security deposits;
- failures relating to rent records and receipts;
- interference with residents committees; and
- failure by a new park owner to notify residents of a change of ownership.

The inclusion of the ownership-change offence is particularly welcome.

COTA's recent work concerning a retirement village demonstrated the uncertainty and anxiety that can arise when ownership changes and residents are unclear about their rights and the arrangements applying to their home.

Some serious resident-protection offences should also be considered for infringement notices.

COTA notes that a number of offences attracting substantial maximum penalties are not proposed to be infringement-notice offences, including:

- unlawfully refusing access to a park or site;
- improper entry into a resident's dwelling;
- unreasonably restricting resident access;
- giving a notice to leave without reasonable grounds;
- premature destruction of abandoned personal documents; and
- unlawful repossession of rented property.

We recognise that some offences may be omitted because their seriousness or evidentiary complexity makes prosecution more appropriate. However, COTA recommends that CBOS review these exclusions to ensure they do not inadvertently make resident-facing protections harder to enforce than administrative obligations imposed on residents or operators.

In particular, improper entry, unreasonable restriction of access, and premature destruction of personal documents appear capable, at least in appropriate circumstances, of being addressed through an infringement notice.

The overriding test should be whether the enforcement framework provides a credible, timely, and accessible deterrent.

Rights that exist on paper but are difficult to enforce are of limited protection to residents.

4.6 Abandoned property threshold

COTA Tasmania favours a cautious threshold at the lower end of the proposed range.

The Act provides additional protection for certain abandoned property, including property of a value or kind prescribed by regulation. The consultation proposes possible monetary thresholds ranging from \$500 through \$1,000–\$2,000 to \$5,000.

COTA recommends a threshold of \$500, subject to periodic indexation.

A lower threshold means that a broader range of property of meaningful value will receive the additional procedural protections provided by the Act. The consequence of setting the threshold too low is principally additional administrative responsibility for the operator. The consequence of setting it too high may be the irreversible destruction or disposal of property of genuine financial or personal significance to the former resident.

For people living on modest incomes, \$1,000 or \$2,000 worth of possessions is significant. A \$5,000 threshold would, in COTA's view, leave property with substantial value outside this additional protection.

There is also an important distinction between market value and value to the resident.

Older people may leave behind possessions with modest resale value but considerable personal or practical significance.

We therefore support a conservative monetary threshold.

4.7 Personal and sentimental property

COTA welcomes the separate statutory protection applying to personal documents. However, monetary value alone is an imperfect basis for determining whether property can safely be discarded.

We recommend that guidance make clear that operators should exercise particular caution where items appear likely to have significant personal or sentimental value - for example photographs, medals, family memorabilia or similar possessions - even where their resale value falls below the prescribed threshold.

A simple good-faith attempt to contact the former resident or their nominated contact before disposal would be appropriate wherever reasonably practicable.

4.8 Indexation

The threshold should be indexed so that its real value does not progressively erode.

COTA would favour CPI-based indexation with the amount rounded to a practical figure and reviewed periodically. We would not favour linking the threshold to penalty units, as penalty units serve a different policy purpose and may produce movements unrelated to the appropriate value of abandoned property.

4.9 Residents committees and participation

COTA strongly supports the provisions underpinning residents committees.

The infringement scheme appropriately includes offences for unreasonable interference with committee rights, failure to take reasonable steps to ensure a committee exists, failure to provide meeting space, and failure to respond to committee representations.

These provisions recognise an important principle: residents should not simply be passive recipients of decisions about the community in which they live.

COTA recommends that CBOS actively promote residents committees and ensure residents receive accessible and straightforward information about their rights to establish and participate in them.

This may be particularly important for older residents who are uncomfortable pursuing an individual dispute with an operator, but may be more confident raising systemic concerns collectively.

4.10 Implementation, education and enforcement

The effectiveness of the new framework will depend not only on the wording of the regulations but on residents knowing that the protections exist and being able to use them.

COTA recommends that implementation of the *Residential Parks Act 2026* and Regulations be accompanied by:

- a plain-English residents' guide explaining key rights and obligations;
- information about how park rules may be challenged as unreasonable;
- clear information about complaints, CBOS enforcement and Tribunal processes;

- non-digital avenues for residents who are unable or unwilling to access information online; and
- targeted education for park owners and managers about their new obligations.

The availability of a telephone and paper-based pathway is particularly important for older Tasmanians who may experience digital exclusion.

5. Conclusion

COTA Tasmania welcomes the new residential parks framework and the stronger emphasis on clarity, accountability and enforceable resident protections.

Residential parks are not simply commercial enterprises or accommodation arrangements: for residents they are their homes and, often, the communities in which they expect to remain for many years.

The regulatory framework should therefore be designed around security, fairness and transparency, recognising that residents and park operators do not necessarily enter disputes with equal bargaining power.

COTA Tasmania would welcome continued engagement with CBOS as the new framework is implemented and reviewed.