

What you should know about the Caravan Parks Act 2012

The *Caravan Park Act 2012* (the Act) only applies to caravan park operators and long term residents of caravan parks within the Northern Territory.

If the park is a resort, tourist or holiday park then the Act does not apply. The only exception to this is for residents who have resided in any of the above parks for a period of five years or more.

What are the laws?

The legislation scheme comprises:

- *Caravan Parks Act 2012*
- Caravan Parks Regulations 2012
- Prescribed agreement approved under section 27 of the Act

You can access these online at:

<http://www.consumeraffairs.nt.gov.au/Legislation/Pages/default.aspx>

When did the legislation commence?

The legislation commenced on 1 May 2012.

How does the legislation affect long term residents?

People who, through a number of continuous short term park occupancies, have paid rent for a period of 5 years or more will have the benefits and obligations set out in Part 16 of the Act, which include extended termination provisions.

What are the termination provisions for long term residents?

Part 16 of the Act provides for minimum periods of notice for termination of long term occupancies. These are:

- Three months for a termination of a periodic occupancy (i.e. a week to week, month to month etc arrangement) that is not based on a breach of the occupancy arrangements
- 42 days before the end of a fixed period arrangement for terminations not based on breaches of an agreement
- other periods for emergency situations which are defined in Part 10 of the Act.

How does the legislation affect occupants who commence occupancy after the 1 May 2012?

People who commence occupation on or after 1 May 2012 will only be affected by the legislation if they enter into an occupancy that is agreed as being intended to last for 12 or more months.

However, for new occupants who do not come under the Act, operators must ensure that the new occupant is aware that they do not have the benefits of the Act. This can be done orally, by signage or by written information provided to the resident at the time they commence occupancy.

Is there a requirement for a formal agreement between operators and residents for occupancies of 12 months or more?

No – there is no need for a formal agreement. The Act will provide for standard terms and conditions. However, occupants and operators should ensure that they document key information such as:

- rent
- how to pay rent
- if there are to be rent increases, details of how this will occur
- period of the occupancy
- names of the resident and the operator
- any special conditions or arrangements (but these cannot be contrary to the provisions of the Act).

The default agreement sets out the terms and conditions that are provided for by the Act and the regulations under the Act. You can access the default agreement on the Consumer Affairs website: <http://www.consumeraffairs.nt.gov.au/ForConsumers/CaravanParksLegislation/Pages/default.aspx>.

What are the special provisions concerning holiday and tourist accommodation?

If you reside in a park which is not solely as a caravan park (e.g. it is advertised as a holiday or tourist Park) the Act does not apply.

The exception to this is for residents who are or become long term residents.

The Act does allow owners and residents to be bound by the Act by agreement, regardless of what type of park they reside in. In making this agreement, the protections of the Act apply for both parties.

Other obligations

See fact sheets titled 'Rights and Responsibilities of Residents/Operators' for more information.

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