



Occupancy agreement

It is important that long term caravan park residents and operators understand their rights and obligations. This can occur by either:

- a written occupancy agreement that contains all of the conditions required under the *Caravan Parks Act 2012* (the Act), as well as any terms that have been agreed upon or
- relying on the default agreement

Residents and operators can choose which type of agreement they want to use.

Written agreement

There is no single required format for a written occupancy agreement - it just cannot exclude any of the rights and responsibilities set out in the Act. The written agreement must be signed by both parties to be legally binding.

The default agreement

The default agreement is the prescribed agreement approved under the Act, which contains all of the rights and responsibilities set out in the provisions of the Act.

The default agreement applies:

- if the written occupancy agreement is not signed by both parties, or is otherwise not legal
- where an operator has entered into a verbal agreement with a resident and no written occupancy agreement exists, both parties will be bound by the terms and conditions of the Act as set out in the default agreement. This may not suit either the operator or the resident's particular requirements but is legally binding

For example, in a situation where a security deposit has been paid, the operator must comply with the provisions of the Act and hold the security deposit in trust for the resident, despite verbal agreements to the contrary.

Also, residents and operators can use the default agreement as the basis for their own personalised occupancy agreement. The default agreement can be downloaded from the Consumer Affairs website, and both the resident and the operator should sign it.

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