



New South Wales

Residential Parks Amendment (Register) Act 2011 No 39

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New South Wales

Residential Parks Amendment (Register) Act 2011 No 39

Act No 39, 2011

An Act to amend the *Residential Parks Act 1998* to provide for the establishment of a register of residential parks and related matters. [Assented to 13 September 2011]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Residential Parks Amendment (Register) Act 2011*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Residential Parks Act 1998 No 142

[1] Section 3 Definitions

Omit the definitions of *Department* and *Director-General* from section 3 (1).

Insert instead:

Department means the Department of Finance and Services.

Director-General means:

- (a) the Commissioner for Fair Trading, Department of Finance and Services, or
- (b) if there is no such position in the Department, the Director-General of the Department.

[2] Section 3 (1)

Insert in alphabetical order:

park land owner, in relation to a residential park, means any person who jointly or severally, whether at law or in equity, is entitled to the land comprising the residential park for any estate of freehold in possession.

[3] Part 13A

Insert after Part 13:

Part 13A Residential parks register

142A Direction to provide registrable information

- (1) The Director-General may, by notice in writing to the park owner or park manager of a residential park, require the park owner or park manager to provide to the Director-General registrable information about the residential park within a period specified in the notice.
- (2) The period specified must be a minimum of 30 days from the date the notice is given to the park owner or park manager.
- (3) The information is to be given in a form approved by the Director-General.
- (4) Information is not duly provided unless all particulars relating to the registrable information required by the form are provided.

- (5) A person must not fail to comply with a requirement made of the person under this section.
Maximum penalty: 5 penalty units.
- (6) For the purposes of this section, the following information is **registrable information** about a residential park:
- (a) the trading name, address and contact details of the residential park,
 - (b) the name and contact details of the park owner or owners and, if not the same person or persons, the name and contact details of the park land owner or owners,
 - (c) the name and contact details of the park manager (if any),
 - (d) information relating to any relevant training, qualifications or experience of the park owner and the park manager (if any),
 - (e) whether the residential park has a residents committee and, if so, the name and site number of at least one member of the residents committee,
 - (f) whether the residential park has a Park Liaison Committee and, if so, the name and site number of at least one resident member of the Park Liaison Committee,
 - (g) information relating to the occupation and use of sites located on the residential park,
 - (h) information relating to the commencement of operation of the residential park,
 - (i) information relating to the residential park's membership of any industry association,
 - (j) whether the residential park is located within a Crown reserve or land that is reserved or dedicated under the *National Parks and Wildlife Act 1974*.

142B Park owner must notify registrable events

- (1) The park owner of a residential park must give the Director-General notice of any registrable event for the residential park within 30 days after becoming aware that the event has occurred.
Maximum penalty: 5 penalty units.
- (2) The notice is to be given in a form approved by the Director-General.
- (3) Notice is not duly given unless all particulars relating to the registrable event required by the form are given.

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- (4) A notice under this section may be provided by the park manager of a residential park on behalf of the park owner.
 - (5) For the purposes of this section, each of the following events is a **registrable event** for a residential park:
 - (a) a change in the trading name of the residential park,
 - (b) a change in park owner or owners or park land owner or owners,
 - (c) a change in park manager or the contact details of the park manager,
 - (d) the closure of the residential park,
 - (e) the opening of the residential park,
 - (f) a significant change in the number of sites used for permanent occupancy (**permanent occupancy sites**) at the residential park.
 - (6) A requirement under this section to notify the closure of a residential park applies to any person who was the park owner of the residential park immediately before the closure occurred.
 - (7) For the purposes of this section, there is a **significant change** in the number of permanent occupancy sites at a residential park if the number of permanent occupancy sites increases or decreases by 10% or 10 during any calendar year (whichever is the greater number).
 - (8) To determine whether a significant change has occurred, the increase or decrease in the number of permanent occupancy sites is to be calculated by reference to the number of permanent occupancy sites at the residential park as last notified to the Director-General by the park owner or park manager under this Part.

142C False or misleading information

A person must not, in purported compliance with any requirement made by or under this Part, provide to the Director-General any information that the person knows is false or misleading in a material particular.

Maximum penalty: 20 penalty units.

142D Register of residential parks

- (1) The Director-General is to establish and maintain a register of residential parks.

- (2) The Director-General is to enter in the register all information about residential parks provided to the Director-General under this Part.
- (3) The following information entered in the register is to be made available to the public:
 - (a) the trading name of a residential park,
 - (b) the address of a residential park,
 - (c) the contact details for a residential park.
- (4) The Director-General may alter or remove any information entered in the register for the purpose of correcting an error or omission or updating its contents.

[4] Schedule 1 Savings and transitional provisions

Insert at the end of clause 1 (1):

Residential Parks Amendment (Register) Act 2011

[5] Schedule 1, Part 5

Insert after Part 4:

**Part 5 Provisions consequent on enactment of
Residential Parks Amendment (Register)
Act 2011**

27 Register of park information

Section 142B, as inserted by the *Residential Parks Amendment (Register) Act 2011*, applies only to an event that occurs after the commencement of that section.

Schedule 2 Amendment of Residential Parks Regulation 2006

Schedule 8 Penalty notice offences

Insert in appropriate order in Columns 1 and 2, respectively:

Section 142A (5)	\$220
Section 142B (1)	\$220

[Agreement in principle speech made in Legislative Assembly on 11 August 2011
Second reading speech made in Legislative Council on 6 September 2011]

BY AUTHORITY