



New South Wales

Residential Parks Amendment (Register) Bill 2011

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to provide for the establishment of a register of residential parks, which is to contain certain information about residential parks, and
- (b) to require park owners or park managers to provide information about residential parks for entry in the register.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Residential Parks Act 1998 No 142

Schedule 1 [2] inserts a new Part into the *Residential Parks Act 1998* (the *Act*) which relates to the creation of a residential parks register and the processes by which information to be entered into the register are obtained.

Proposed section 142A gives the Director-General of the Department of Finance and Services the power to require a park owner or park manager to provide registrable information about the residential park within the period specified in the notice. Failure to comply with this requirement attracts a maximum penalty of 5 penalty units. Information which constitutes registrable information includes the trading name, address and contact details of a residential park and the name and contact details of any park owner or park manager.

Proposed section 142B imposes an obligation on the park owner to give the Director-General notice of a *registrable event* within 30 days of the park owner becoming aware that the event has occurred. Failure to comply with this requirement attracts a maximum penalty of 5 penalty units. Events which constitute registrable events include a change in the trading name of the park, a change in park owner or manager, the closure or opening of a park or a significant change in the number of sites in the residential park used for permanent occupancy.

Proposed section 142C prohibits a person from providing false or misleading information. The maximum penalty that may be imposed for such conduct is 20 penalty units.

Proposed section 142D requires the Director-General to establish and maintain a register of residential parks, in which the Director-General must enter all information provided to the Director-General under the proposed Part. The trading name, address and contact details for residential parks may be made available to the public for inspection.

Schedule 1 [1] updates the definitions of *Department* and *Director-General*. The amendment enables the Director-General's functions to be exercised by the Commissioner for Fair Trading in the Department of Finance and Services.

Schedule 1 [3] allows for provisions of a savings and transitional nature in relation to the amendments to be made in the regulations.

Schedule 1 [4] provides that the obligation imposed on a park owner to give the Director-General notice of a registrable event only applies to an event that occurs after the commencement of proposed section 142B.

Schedule 2 Amendment of Residential Parks Regulation 2006

Schedule 2 makes a consequential amendment to the *Residential Parks Regulation 2006* by prescribing the offences created by proposed sections 142A and 142B of the Act as penalty notice offences which may be dealt with under section 149 of the Act. In such cases, the amount of the penalty for those offences is \$220.

First print



New South Wales

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New South Wales

Residential Parks Amendment (Register) Bill 2011

No. , 2011

A Bill for

An Act to amend the *Residential Parks Act 1998* to provide for the establishment of a register of residential parks and related matters.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Residential Parks Amendment (Register) Act 2011</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5

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] **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,

(c)	the name and contact details of the park manager (if any),	1
(d)	information relating to any relevant training, qualifications or experience of the park owner and the park manager (if any),	2 3 4
(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,	5 6 7
(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,	8 9 10
(g)	information relating to the occupation and use of sites located on the residential park,	11 12
(h)	information relating to the commencement of operation of the residential park,	13 14
(i)	information relating to the residential park's membership of any industry association,	15 16
(j)	whether the residential park is located within a Crown reserve or land that is reserved or dedicated under the <i>National Parks and Wildlife Act 1974</i> .	17 18 19
142B	Park owner must notify registrable events	20
(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.	21 22 23 24
	Maximum penalty: 5 penalty units.	25
(2)	The notice is to be given in a form approved by the Director-General.	26 27
(3)	Notice is not duly given unless all particulars relating to the registrable event required by the form are given.	28 29
(4)	A notice under this section may be provided by the park manager of a residential park on behalf of the park owner.	30 31
(5)	For the purposes of this section, each of the following events is a <i>registrable event</i> for a residential park:	32 33
(a)	a change in the trading name of the residential park,	34
(b)	a change in park owner or owners,	35
(c)	a change in park manager,	36
(d)	the closure of the residential park,	37

(e)	the opening of the residential park,	1
(f)	a significant change in the number of sites used for permanent occupancy (<i>permanent occupancy sites</i>) at the residential park.	2 3 4
(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.	5 6 7
(7)	For the purposes of this section, there is a <i>significant change</i> 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 (whichever is the greater number).	8 9 10 11
(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.	12 13 14 15 16 17
142C	False or misleading information	18
	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.	19 20 21 22
	Maximum penalty: 20 penalty units.	23
142D	Register of residential parks	24
(1)	The Director-General is to establish and maintain a register of residential parks.	25 26
(2)	The Director-General is to enter in the register all information about residential parks provided to the Director-General under this Part.	27 28 29
(3)	The following information entered in the register may be made available to the public:	30 31
(a)	the trading name of a residential park,	32
(b)	the address of a residential park,	33
(c)	the contact details for a residential park.	34
(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.	35 36 37

[3] Schedule 1 Savings and transitional provisions	1
Insert at the end of clause 1 (1):	2
<i>Residential Parks Amendment (Register) Act 2011</i>	3
[4] Schedule 1, Part 5	4
Insert after Part 4:	5
Part 5 Provisions consequent on enactment of Residential Parks Amendment (Register) Act 2011	6
	7
	8
27 Register of park information	9
Section 142B, as inserted by the <i>Residential Parks Amendment (Register) Act 2011</i> , applies only to an event that occurs after the commencement of that section.	10
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	12

**Schedule 2 Amendment of Residential Parks
Regulation 2006**

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Schedule 8 Penalty notice offences

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

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