



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.

* Amended in committee—see table at end of volume.

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.