



**GOVERNMENT OF
WESTERN AUSTRALIA**

**ASSISTANCE PROTOCOL FOR CARAVAN PARK
(RESIDENTIAL PARK) CLOSURES**

*A guide to agencies' responses in assisting long-stay
tenants during a caravan park closure in Western Australia*

Revised August 2011

This protocol is based on the Housing NSW "Assistance Protocol for Residential Park Closures September 2007" which can be found at:

<http://www.housing.nsw.gov.au/NR/rdonlyres/AD246A73-E124-40BA-ACF9-50C2B5B660EC/0/residentialparkclosures.pdf>

BACKGROUND

On 4 December 2008, a grievance motion was raised in the Parliament of Western Australia regarding the situation faced by tenants of the Kingsway Caravan Park. The park was to close and the long term tenants, mostly elderly, were required to vacate the park.

An interagency working group was convened to cover the portfolios of Housing, Commerce, and Planning (Caravan Park Closures - Interagency Working Group).

Other portfolios that may be, or are, involved from time to time in the interagency working group include Lands, Regional Development, Seniors, Tourism, and Local Government

The interagency working group has two objectives:

1. To identify sites that could potentially be utilised as caravan parks;
2. To establish and use a set of protocols to enable the government to better deal with similar situations as they arise.

This document, the Protocol, seeks to satisfy the second objective.

1. THE AIM OF THE PROTOCOL

The aim of the Protocol is to provide a framework to guide agencies with assisting long-stay tenants during a residential park closure, enabling tenants to access the services they require in a coordinated way during their relocation.

2. RESIDENTIAL PARKS AND LONG STAY TENANTS

Residential Parks are defined as caravan parks in which there are long-stay sites. These may include traditional mixed-use caravan parks, manufactured home estates and some lifestyle villages.

Long-stay tenants are defined in the legislation as individuals who reside on a residential park for a period of three months or longer. This does not include holiday makers for any length of time. Long-stay tenants include retirees and others attracted by the location and lifestyle of a residential park as well as individuals who may choose the *caravan-park-lifestyle* as a preferred form of housing tenure.

Long-stay tenants may rent both the relocatable home and site or have their own relocatable home and only rent the site from the park operator. Relocatable homes include manufactured or park homes and caravans with or without fixed annexes.

3. WHO IS HELPED AND WHEN THEY ARE HELPED

Under this protocol, only the following long-stay tenants will be assisted:

- those tenants who have resided at a park for longer than 3 months before a closure notice is issued; or
- those tenants who have a fixed term long-stay tenancy agreement in place of 3 months or longer before a closure notice is issued.

Note: The Department of Commerce has responsibility for administering the Residential Parks (Long-stay Tenants) Act 2006 (the Act). Under the Act, a long-stay agreement means a residential park tenancy agreement:

- i. for a fixed term of 3 months or longer; or*
- ii. for a periodic tenancy that continues for 3 months or longer.*

Possible Closure

A possible closure is where an owner is canvassing the possibility e.g. pursuing a sale or a development application. It may take a number of years before the closure occurs.

Closure

A closure is where an owner has issued a notice to long-stay tenants informing them of a closure as at a certain date and has provided a minimum of 180 days notice to residents or has entered into a contract for the sale of the park.

4. OPERATION OF THE PROTOCOL

The Protocol will operate as follows:

- **For possible closures**, any member of the Working Party informs other members as soon as possible.
- **For closures which are confirmed as proceeding**, any member of the Working Party informs other members as soon as possible
- The Department of Commerce will contact the park to verify the 'state of play' and inform members of the Working Party;
- The Department of Housing appoints an officer (the Appointed Officer) to liaise about the park closure;
- The Appointed Officer contacts the park owner to determine;
 - the number of long-stay tenants affected by the closure;
 - whether a park liaison committee is operating at the park;
 - the types of dwellings the long-stay tenants inhabit and whether the long-stay tenants own or lease the dwellings;

- the willingness of the park owner to cooperate in the closure process; and
 - the date the park is likely to close.
- The Department of Housing will establish if the owner and operator will work in good faith with the long-stay tenants and visiting agencies to resolve issues *e.g. owners/operators will notify anyone taking up a site of a possible closure or a closure which is proceeding; owners/operators will tell anyone occupying a site after notice has been given that housing assistance will not be provided to them.*
 - The Appointed Officer liaises with the Department of Commerce on the park closure;

The Department of Commerce will meet with the Owners and Residents and will review and investigate issues of compliance with the *Residential Parks (Long-stay Tenants) Act 2006* and organise the conciliation of disputes between long-stay tenants and the park operator where necessary;
 - The Appointed Officer identifies the housing needs of the long-stay tenants;
 - The Department of Housing will organise, as soon as practicable, a coordinated visit to the park to ensure that long-stay tenants can access relevant services; and
 - Where possible and appropriate, the Appointed Officer will form, or delegate to another agency, an ongoing coordinated response team to ensure that long-stay tenants receive appropriate advice and assistance to relocate or secure appropriate housing.

5. REVIEW OF THE PROTOCOL

The Protocol will be reviewed annually by officers from the Department of Housing and the Department of Commerce.

6. REPORT TO GOVERNMENT ON LESSONS LEARNT

The Caravan Park Closures - Interagency Working Group may report to the Department of Premier and Cabinet or others as required from time to time.

APPENDIX 1: FLOW CHART OF HOW THE PROTOCOL FOR CARAVAN
PARK (RESIDENTIAL PARK) CLOSURES OPERATES

