



**GOVERNMENT OF
WESTERN AUSTRALIA**

Memorandum of Understanding

between

**the Department of Commerce, the Department of
Housing, the Department of Planning, and the
Department for Communities**

For Residential Park Closures in Western Australia

KEY ORGANISATIONS

ABBREVIATION

Department of Housing

Housing

Department of Planning

DoP

Department of Commerce

Commerce

Department for Communities

DfC

OTHER ORGANISATIONS

ABBREVIATION

Centrelink

Centrelink

Western Australian Local Government Association

WALGA

Caravan Industry Association of WA

CIAWA

Park Home Owners Association W. A. Incorporated

PHOA

FOREWORD

Recent closures of caravan parks and park homes have alarmed the WA Government to respond appropriately to aid displaced long-term park residents who are mostly elderly and low-income earners. Escalating land values and increasing operating costs have placed park owners in favourable position to sell their park to property developers. Often the long-term park residents have invested a significant portion of their asset into park living lifestyle, which deteriorates their financial capacity to relocate in alternative accommodation or park sites.

The main aim of the Memorandum of Understanding (MoU) is to provide coordinated government assistance to those residents facing the risk of becoming homeless. The parties to the MOU will provide necessary information and support to assist the resident in finding another accommodation.

The MOU acknowledges the agreement between the Department of Commerce (Commerce), the Department for Communities (DfC), the Department of Housing (Housing), and the Department of Planning (DoP): to work collaboratively towards a sharing of information relating to the closures of caravan parks; and to assist displaced residents due to park closure, timely and respectively in line with a whole of government approach to this matter.

The Caravan Park / Park Homes Interagency Working Group have developed the MoU in consultation with committee members that include representatives from Commerce, Housing, DoP, and DfC. The Working Group will consult on issues relating to park closures with Centrelink, the Western Australian Local Government Association (WALGA), the Caravan Industry Association of WA (CIAWA), and the Park Home Owners Association WA Incorporated (PHOA) for their insights and knowledge in welfare assistance, local governance, park industry and park tenancy respectively. This MoU has been designed to implement consistent criteria and standards across Western Australia in matters regarding the closure of caravan parks.

TABLE OF CONTENTS

1. RATIONALE FOR THE MEMORANDUM OF UNDERSTANDING	p. 1
2. MEMORANDUM OF UNDERSTANDING PARTNERS	p. 2
3. INDUSTRY AND GOVERNMENT REPRESENTATIVES	p. 3
4. DEFINITIONS.....	p. 4
5. THE AIMS OF THE MEMORANDUM OF UNDERSTANDING.....	p. 4
6. PRINCIPLES.....	p. 5
7. ROLES AND RESPONSIBILITIES.....	p. 5
8. AMENDMENTS	p. 6
9. SIGNATORIES	p. 6

1. RATIONALE FOR THE MEMORANDUM OF UNDERSTANDING

Strong co-ordination between Housing, DoP, Commerce, and DfC is required for both improving the quality of services provided to displaced caravan and park home residents and maximising outcomes for people needing those services.

Caravan parks and park homes have been providing affordable long-term housing to people as an option to mainstream private rental accommodation. Recent closures of caravan parks have placed long-term permanent residents at risk of becoming homeless. Under the current State legislations, the residents have no means to acquire their park site, nor the right to a secure tenancy over the long term. The majority of long-term residents are elderly and low-income earners and have signed periodic agreements with the park operators. Under the periodic agreement, the park operators have more control over ending the tenancy. This MoU will provide guidance to various agencies with the aim of establishing effective procedures to service the park residents in the event of park closure.

A collaborative relationship between the parties will ensure that the common issues and any overlap or gaps in agency response are dealt with in an efficient and effective manner to enhance the services received by clients. A commitment to effective collaboration and co-ordination is highly valuable at all levels including:

- ❖ Strategic policy and planning
- ❖ Service delivery and management

This MoU sets a foundation for the development of operational protocols between the parties at the service delivery level, which would provide a step-by-step process for how cases will be handled when the long-term park residents are given eviction notices. It ensures that common issues can be dealt with effectively to enhance the services received by clients.

2. MEMORANDUM OF UNDERSTANDING PARTNERS

Department of Commerce - Commerce

The Consumer Protection Division of Commerce promotes consumer protection and fair-trading in Western Australia by: providing information and advice to consumers and traders about their rights and responsibilities; helping consumers resolve disputes with traders; investigating complaints about unfair trading practices; prosecuting unscrupulous traders; regulating and licensing some business activities; and developing legislation that protects consumers.

Department of Planning - DoP

DoP is responsible for implementing the state's planning, infrastructure and transport policies. DoP is the lead agency, working in partnership with the Western Australian Planning Commission (WAPC), and as the policy body to the 'service' agencies of Main Roads Western Australia (MRWA), the Public Transport Authority (PTA), LandCorp and the State's various redevelopment and port authorities. DoP benefits the community in many ways through planning and regulation of licensing services, land accessibility planning, transport systems, tenure and development and the development of integrated land and transport policy.

Department for Communities - DfC

The Policy and Planning Division within DfC works in partnership with other government and non-government agencies to enhance the lifestyles of seniors by promoting positive ageing and encouraging the community to plan for its ageing population.

Department of Housing - Housing

Housing is an organisation representing all of the State Government's housing functions. Housing Management Services is the Department's rental accommodation division, managing approximately 39,000 tenancies across the State. Community Housing (rental housing managed by local government or non-government not-for-profit organisations) and Bond Assistance (interest-free loans to obtain accommodation in the private rental market) fall under this division, with close links to Aboriginal Housing. The department also has a strong focus on providing home ownership opportunities to public housing tenants.

3. INDUSTRY & GOVERNMENT REPRESENTATIVES

Other government agency and industry or non-government parties with an interest in the MoU will be invited to the Working Group discussions as the need arises. Following organisations have been identified as potential invitees for the Working Group.

Park Home Owners Association W. A. Incorporated- PHOA

Park Home Owners Association W. A. Incorporated (PHOA) is the only incorporated body looking after the interests of all permanent (long-term) residents in caravan parks and leisure or lifestyle villages in Western Australia. PHOA has a strong commitment to achieving outcomes that are acceptable to long-term residents and to the operators of parks in which they reside.

Caravan Industry Association WA - CIAWA

CIAWA represents caravan parks, dedicated residential lifestyle villages, caravan dealers and manufacturers, and service providers. Its aims are: to promote the caravan and camping lifestyle; to preserve its affordability for all West Australians; to advocate of behalf on members at Government level; to form links with industry bodies. CIAWA has 180 members in Western Australia, including 130 caravan parks, and is represented on the National Board of Caravan RV & Accommodation of Australia. The Association is very proactive, has representation on Government review bodies and is regularly consulted by government and industry.

Western Australian Local Government Association - WALGA

WALGA lobbies and negotiates on behalf of the 141 Local Governments in WA. Its Mission is: to provide strong representation for Local Government; to provide strong leadership for Local Government; to enhance the capacity of Local Government; and to build a positive public profile for Local Government.

Centrelink

Centrelink is the key service delivery agency for the Federal Government. Among the population, Centrelink is seen as the face of Government and is the first door that people access when seeking assistance, due to changing life circumstances. At Centrelink, service provision does not exclude any sector of the community, but does attempt to provide high-level support to those people who are facing significant disadvantage. People who are homeless, or are at risk of homelessness, are offered access to a range of service options, through access to Social Workers, Centrelink Community Officers, and other specialists who are located in every Centrelink Area.

4. DEFINITIONS

Term	Definition
Caravan	A 'Caravan' is a vehicle that is fitted or designed for habitation.
Park Home	A 'Park Home' is a caravan in respect of which a vehicle licence is not required, because it could not be drawn by another vehicle on a road due to its size. A park home, or where the park home is assembled from components, each component of the park home, is to have a chassis with an axle and wheel assembly, and a draw bar (usually hidden behind a skirt of wood lattice) attached at all times. A park home is to have only one storey.
Caravan Park	A 'Caravan Park' means an area of land on which caravans, or caravans and camps, are situated for habitation.
Long-term or permanent residents	For the purpose of this policy, a long-term or permanent resident means any person who: <ul style="list-style-type: none">• considers that their primary place of residence is a caravan park; or• has been continuously residing in a caravan park (s) for three or more months; or• intends to continuously reside in any caravan park (s) for three or more months

5. THE AIMS OF THE MEMORANDUM OF UNDERSTANDING

The aims of this MoU are: to assist park residents to attain alternative accommodation and minimise the risk of being homeless or losing access to support services or networks critical to their health and well-being in a timely and respectful way as a result of required/imminent relocation. This MoU outlines professional roles and responsibilities of each agency involved. It is aimed to establish standards for points of contact, methods of contact and purpose of contact between these agencies and to strengthen and clarify relationships between Caravan Park / Park Homes response agencies.

6. PRINCIPLES

The principles underpinning this MoU are:

- ❖ Promoting positive outcomes and readily access to social and housing services for displaced long-term residential park residents are the primary focuses of the development and implementation of this MoU.
- ❖ The agreement within this MoU should be implemented in a flexible responsive manner to ensure that the needs of all affected parties are considered.
- ❖ This MoU intends to promote mutual co-operation, professional respect and goodwill between the committee members.
- ❖ Displaced long-term park residents are the mutual clients of the Parties to this MoU, who have a shared responsibility to ensure that those residents eligible for social housing are provided with the necessary support.

7. ROLES AND RESPONSIBILITIES

The Parties agree to pursue the intent of this MoU in a spirit of cooperation and to maintain regular contact to promote its effective implementation. In order to assist the displaced long stay residential park residents in an effective and efficient manner, all parties to this MoU are committed to the following roles and responsibilities:

- ❖ DoP will be responsible for providing suitable crown land reserves for development of Caravan Park or Park Homes to support the relocation of displaced park residents. DoP will investigate and provide reports on the suitability of potential sites and transfer the land to a suitable agency or organisation to develop.
- ❖ DoP will be responsible for reviewing the current zoning issues regarding Caravan Parks and Park Homes. Introducing special purpose zoning or conditions for caravan and park homes could prevent the sale and closures of existing parks. Above proposal could face major opposition from land developers and investors.
- ❖ Parks residents are carrying substantial risks in choosing caravans and park homes as their long-term residency. Commerce will be responsible for handing out information sheets to caravan park residents advising their vulnerability to residential and commercial redevelopment.
- ❖ Housing will be responsible for initial assessment of displaced park residents requiring public housing, and advise them of social housing options and conditions.

- ❖ DfC supports increasing information dissemination and awareness-raising of the risks seniors and pre-seniors are taking in choosing caravan/park homes lifestyles prior to making that choice. DfC will be responsible for encouraging additional means of information dissemination other than 'information sheets'.

8. AMENDMENTS

This Memorandum of Understanding may be amended only by a written agreement signed by the Parties.

9. SIGNATORIES

The listed Parties below acknowledge and agree to fulfil its role and responsibilities as identified under this Memorandum of Understanding.

Signed..... Date: Title: Department of Housing	Signed..... Date: Title: Department of Planning
Signed..... Date: Title: Department of Commerce Date.....	Signed..... Date: Title: Department for Communities Date.....



**GOVERNMENT OF
WESTERN AUSTRALIA**

**ASSISTANCE PROTOCOL FOR RESIDENTIAL PARK
CLOSURES**

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

TABLE OF CONTENTS

1. BACKGROUND	3
2. THE AIM OF THE PROTOCOL	3
3. RESIDENTIAL PARKS AND LONG STAY TENANTS.....	3
4. OPERATION OF THE PROTOCOL.....	4
6. REVIEW OF THE EFFECTIVENESS OF AGENCIES IN FACILITATING THE PROTOCOL.....	5
6. SIGNATORIES	5

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1. 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.

In part, the Hon Troy Buswell MLA BEc, Minister for Housing and Works responded that the government would do a couple of things, largely in response to the issues that were raised.

A working group was convened with representatives from the then Department of Housing and Works, the then Department of Consumer and Employment Protection, the Department for Planning and Infrastructure (DPI) and the Office for Seniors Interests.

The working group had two objectives. The first objective, led by DPI, was to identify sites that could potentially be utilised as caravan parks within 12 months.

The second objective was to establish a set of protocols to enable the government to better deal with similar situations as they arise in the future.

A Memorandum of Understanding has been put in place to establish the working relationships between the Department of Housing and Works (now the Department for Housing), the Department of Consumer and Employment Protection (now the Department for Commerce), the Department for Planning and Infrastructure and the Office for Seniors Interests (now the Office for Seniors Interests and Carers).

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

2. 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.

3. 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 as individuals who reside on a residential park with a fixed-term agreement of three months or longer, or with a periodic tenancy that continues for 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 caravan park living 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.

4. OPERATION OF THE PROTOCOL

The Protocol will operate as follows:

- As the lead agency to the Protocol, the Department of Housing is made aware of a park closure;
- The Department of Housing appoints an officer (the Appointed Officer) to enquire about the park closure;
- The Appointed Officer contacts the park owner to determine;
 - the number of residents affected by the closure;
 - whether a park liaison committee is operating at the park;
 - the types of dwelling the residents inhabit and whether the residents 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 Appointed Officer contacts the Department of Commerce to advise of the park closure;
- The Department of Commerce may 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 needs of the long-stay tenants and contacts the relevant agencies to coordinate a community response team. Agencies which may be recruited to the community response team include;
 - The Department for Commerce;
 - Centrelink;
 - The Office for Seniors Interests and Carers;
 - The Department for Corrective Services; and
 - The Department for Health.
- The Community Response team will organise, as soon as practicable, a coordinated visit to the park to ensure that residents can access each agencies services. Relevant agencies will conduct interviews with tenants to determine, where appropriate;
 - the tenants' housing needs;
 - any health or disability services that the tenants may require;
 - any probation or correctional services that the tenants may need to access;
 - any additional assistance that children and young people may require;
 - any other services that may be best met by other agencies.

- The Appointed Officer will continue to liaise with the community response team to ensure that long-stay tenants receive appropriate advice and assistance in order to relocate.

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5. ENDORSEMENT

The Protocol had been endorsed by:

- The Department of Housing
- The Department of Commerce
- The Department for Planning and Infrastructure
- The Department for Communities – Office of Senior's Interests and Carers
- The Department for Child Protection
- Centrelink
- The Caravan Industry Association of Western Australia
- The Park Home Owners Association of WA Inc

6. REVIEW OF THE EFFECTIVENESS OF AGENCIES IN FACILITATING THE PROTOCOL

The Protocol will be reviewed by officers from the Department of Housing one year after implementation. The review will establish whether the Protocol has met the service requirements of displaced long-stay tenants by examining the manner in which the responses to past residential park closures have been implemented.

Proposed amendments to the Protocol will be circulated for comment to the agencies that have endorsed the Protocol for feedback prior to any amendments being made to the Protocol.

It is acknowledged that the New South Wales *Assistance Protocol for Residential Park Closures* has provided assistance and guidance in the development of this Protocol.

6. SIGNATORIES

The listed Parties below acknowledge and agree to fulfil its role and responsibilities as identified under this Protocol.

Signed..... Date: Title: Department of Housing	Signed..... Date: Title: Department of Commerce
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Signed..... Date: Title: Centrelink	
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KEY ORGANISATIONS

Department of Housing
 Department of Commerce
 Centrelink

ABBREVIATION

Housing
 Commerce
 Centrelink

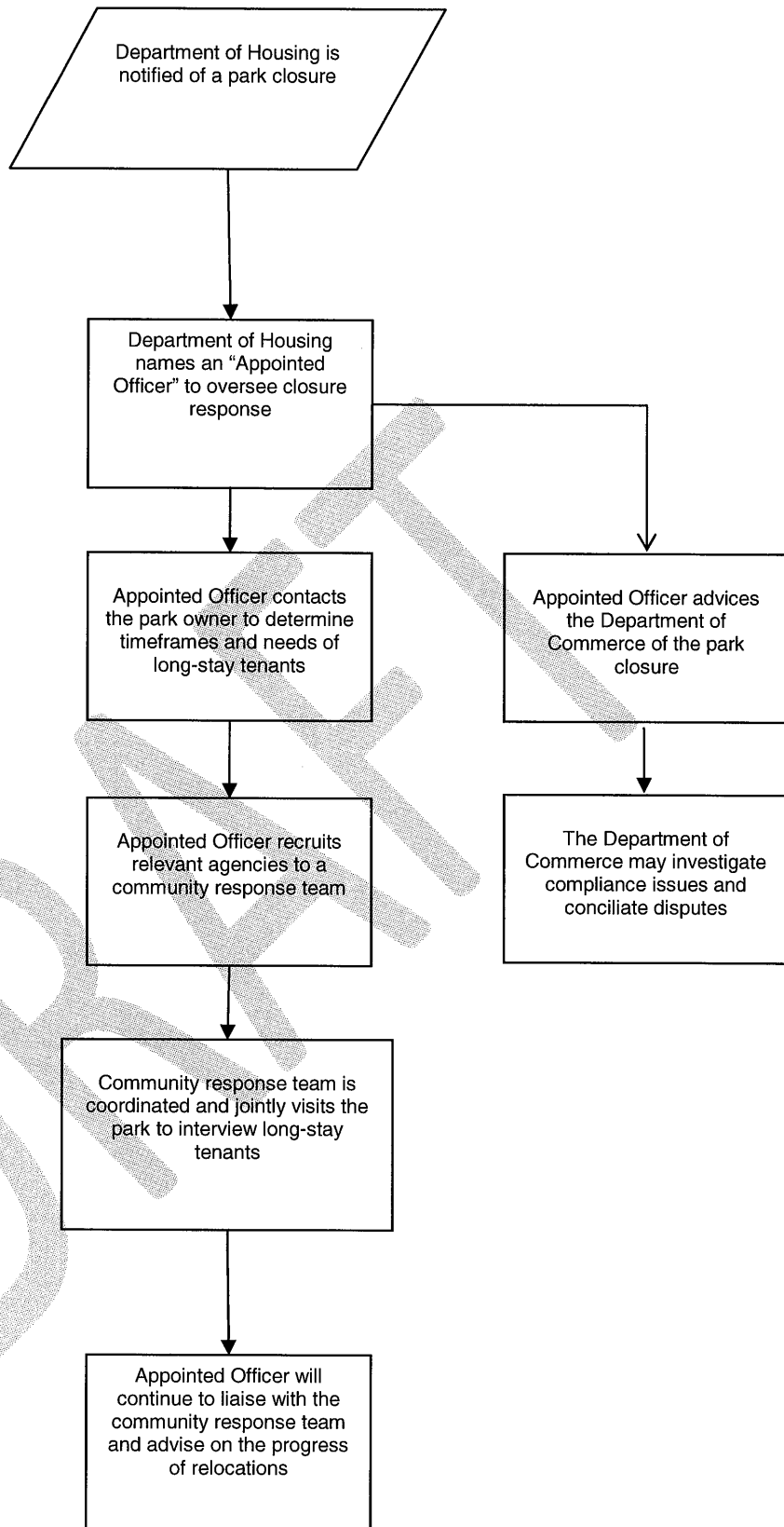
OTHER ORGANISATIONS

Department for Planning and Infrastructure
 Department for Communities
 Western Australian Local Government Association
 Caravan Industry Association of WA
 Park Home Owners Association W. A. Incorporated

DPI
 DfC
 WALGA
 CIAWA
 PHOA

APPENDIX 1 FLOW CHART: PROTOCOL FOR RESIDENTIAL PARK CLOSURES

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DEPARTMENT OF HOUSING

THE OUTCOMES OF THE KINGSWAY CARAVAN PARK RESIDENTS

Correct as at 15 July 2009

- Ten (10) residents have agreed with the Shire of Moora to relocate to the proposed "**Moora Gardens**" Lifestyle Village which is due for completion in October 2009. Four (4) residents declined to move to Moora due to medical reasons.
- Twenty-five (25) residents are willing to relocate to the Cherokee Caravan Park, Kingsley and are negotiating with the park owner.
- Eighteen (18) Residents have been placed on the Department of Housing's priority waiting list.
- Two (2) residents have been housed by the Department of Housing.
- One (1) resident has passed away.
- One (1) resident has been approved of the Department of Housing's Bond Assistance.
- One (1) resident was housed on the Department of Housing on 9 May 2009, but subsequently vacated on 14 May 2009.
- Nine (9) residents have already relocated or secured places in private rental.
- Two (2) residents exceeded the Departments income limits
- Three (3) residents on the Departments waiting list have declined offers of accommodation.
- Four (4) residents have not informed of their intentions at this stage.