

WESTERN AUSTRALIA

**CARAVAN PARKS AND CAMPING
GROUNDS ACT 1995**

(No. 34 of 1995)

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WESTERN AUSTRALIA

CARAVAN PARKS AND CAMPING GROUNDS ACT 1995

No. 34 of 1995

AN ACT to provide for the regulation of caravanning and camping, to control and license caravan parks and camping grounds, to provide for standards in respect of caravans, to amend certain Acts and for related purposes.

[Assented to 29 September 1995]

The Parliament of Western Australia enacts as follows:

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Caravan Parks and Camping Grounds Act 1995*.

Commencement

2. This Act comes into operation on such day as is, or days as are respectively, fixed by proclamation.

Application

3. (1) This Act does not apply to or in respect of a caravan park or camping ground operated by a public sector body, as defined in the *Public Sector Management Act 1994*.

(2) The Governor may by order in council, on the recommendation of the Minister, declare that caravan parks and camping grounds in any area of the State specified in the order are exempt from —

- (a) the application of this Act, or any provisions of this Act; or
- (b) any subsidiary legislation made under this Act, or any provisions of that subsidiary legislation,

specified in that order.

Objects

4. The objects of this Act are —

- (a) to provide for the licensing of caravan parks and camping grounds;
- (b) to regulate caravanning and camping;

- (c) to improve and promote caravanning and camping;
- (d) to ensure that the design and layout of land used for caravan parks and camping grounds and the provision and availability of amenities and services meet desirable standards; and
- (e) to ensure that the standards of caravans and annexes in caravan parks are adequate to protect the health and safety of the occupiers.

Interpretation

5. (1) In this Act, unless the contrary intention appears —

“annexe” means an attachment to a caravan, of a prescribed type or description, used as an extension of the habitable area of that caravan;

“authorized person” means an authorized person appointed under section 17;

“camp” means any portable shed or hut, tent, tent fly, awning, blind or other portable thing used as or capable of being used for habitation and includes a vehicle of a prescribed type or in prescribed circumstances;

“camping ground” means an area of land on which camps, but not caravans, are situated for habitation but does not include any land prescribed for the purposes of this definition;

“caravan” means a vehicle that is fitted or designed for habitation, and unless the contrary intention appears, includes an annexe;

“caravan park” means an area of land on which caravans, or caravans and camps, are situated for habitation;

“Committee” means the Caravan Parks and Camping Grounds Advisory Committee established under section 25;

“Department” means the department of the public service of the State principally assisting the Minister in the administration of the *Local Government Act 1960*;

“district” in relation to a local government, means the district of that local government within the meaning of the *Local Government Act 1960*;

“facility” means a caravan park or camping ground;

“licence” means a licence granted under section 7;

“local government” means a municipality within the meaning of the *Local Government Act 1960*;

“occupier” means a person who occupies a site in a caravan park or camping ground;

“operate” means to carry on the business of a caravan park or camping ground and includes causing, employing or engaging another person to carry on that business;

“park home” means a vehicle of a prescribed class or description that is fitted or designed for habitation;

“prescribed” means prescribed by regulation;

“site” means an area in a facility —

- (a) marked, or intended, for the use of one caravan or camp; or
- (b) for which the registered proprietor holds a title in fee simple under the *Strata Titles Act 1985*;

“vehicle” means a conveyance (other than a train, vessel or aircraft) capable of being propelled or drawn on wheels;

“works specification notice” means a works specification notice given under section 21 (3).

(2) Unless the contrary intention appears, in this Act, a reference to **“local government”** in relation to a facility is to be taken to be a reference to the local government of the district in which the facility is situated.

**PART 2 — REGULATION OF CARAVAN PARKS AND
CAMPING GROUNDS**

Division 1 — Licences

**Caravan park or camping ground not to be operated
without a licence**

6. (1) On and after the appointed day a person must not operate a facility, or a facility of a prescribed type, unless the person holds the appropriate licence under this Act in relation to that facility.

Penalty: \$5 000.

(2) In subsection (1) —

“**appointed day**” means such day as is fixed by the Minister by notice published in the *Government Gazette* to be the appointed day for the purpose of that subsection.

Application for the grant or renewal of a licence

7. (1) An application for the grant or renewal of a licence for a facility is to be —

- (a) made to the local government in the appropriate prescribed form;
- (b) accompanied by the appropriate fee prescribed; and
- (c) accompanied by any information that the local government reasonably requires for a proper consideration of the application.

(2) An applicant is to provide the local government with any further information that the local government by notice in writing requires the applicant to provide in respect of an application.

(3) An applicant must, if required to do so by the local government, verify by statutory declaration any information contained in, or given in connection with, an application.

(4) Subject to this section, a local government may grant or renew a licence and at any time may impose conditions on that licence.

(5) Before granting a licence a local government must ensure that —

- (a) the applicant has complied with the requirements of this Act;
- (b) the applicant is the owner of the land on which the facility is situated, or is to be situated, or has the written approval of the owner of that land to apply for a licence.

(6) A local government may refuse to renew a licence if —

- (a) the licence holder has been convicted of an offence against this Act or any other written law relating to caravanning or camping which, in the opinion of the local government, renders the licence holder an unsuitable person to hold a licence;
- (b) a condition imposed on the licence has been contravened; or
- (c) the licence was obtained by fraud or misrepresentation.

(7) Where a local government refuses to grant or renew a licence it must give notice in writing of that decision to the applicant.

(8) Notice of a decision under this section is to state that the applicant or licence holder is entitled to appeal to the Minister.

Duration of licence

8. A licence remains in force for the prescribed period unless —

- (a) it is provided otherwise in the licence; or
- (b) it is cancelled.

Renewal after expiry

9. (1) If a person applies to the local government for the renewal of a licence for a facility within 28 days after the day on which it has expired, the licence may be renewed despite the fact that it has expired.

(2) If a licence is renewed as provided under subsection (1), the licence is to be taken —

- (a) to have been renewed from the day on which the renewal was effected;
- (b) to have been of no effect during the period from the day on which it expired until the day on which it was renewed; and
- (c) to be renewed for a period ending on the day on which the licence would have expired if it had been renewed on time.

(3) The regulations may prescribe an additional fee payable by way of penalty if a licence is renewed as provided under subsection (1).

Prohibition notice

10. (1) A local government may by notice in writing give to a licence holder a prohibition notice if, in the opinion of the local government, the licence holder is contravening —

- (a) this Act;
- (b) any conditions imposed on the licence; or
- (c) any other matter which may be prescribed for the purpose of this subsection.

(2) A prohibition notice is to —

- (a) specify the reason the notice is given; and
- (b) state that the licence holder is entitled to appeal to the Minister.

(3) A local government is to forward a copy of every prohibition notice given to a licence holder to the chief executive officer of the Department.

(4) A licence holder who is given a prohibition notice must ensure that the notice is clearly displayed in a conspicuous place —

- (a) at the office of the caravan park; or
- (b) at the camping ground,

to which the notice relates during the period it is in force.

Penalty: \$2 000.

Effect of prohibition notice

11. (1) The licence holder of a facility in respect of which a prohibition notice under section 10 is in force must not —

- (a) admit any new occupiers to the facility; or
- (b) collect from existing occupiers any rents, hirings or other similar charges that fall due during the period that the prohibition notice is in force,

until after the prohibition notice ceases to be in force.

Penalty: \$5 000.

(2) When a local government which gave a prohibition notice under section 10 is satisfied that the contravention specified in the notice is no longer continuing it must give written notice to the licence holder that the prohibition notice is no longer in force and at that time the notice ceases to be in force.

(3) Pending the decision of the Minister on appeal under section 27, a prohibition notice continues to have effect.

Cancellation of a licence

12. (1) Subject to this section, a local government may by notice in writing given to a licence holder cancel a licence for a facility on the grounds that —

- (a) the licence holder has been convicted of an offence against this Act or any other written law relating to caravanning or camping which, in the opinion of the local government, renders the licence holder an unsuitable person to hold the licence;
- (b) a condition imposed on the licence has been contravened; or

- (c) the licence was obtained by fraud or misrepresentation.

(2) Before a local government cancels a licence it must give the licence holder notice in writing of the proposal to cancel the licence and the reason why the cancellation is proposed.

(3) A notice given under subsection (2) is to state that within 14 days after the notice is given the person to whom it is given may make representations in writing to the local government concerning the matter, and the local government is not to cancel the licence without considering any representations received within that period.

(4) Notice of a decision to cancel a licence under subsection (1) is to state that the licence holder is entitled to appeal to the Minister.

Division 2 — Duties of licence holders

Duties of the licence holder

13. (1) A person licensed to operate a facility must ensure that —

- (a) a manager or other responsible person —
- (i) resides in or near the facility;
 - (ii) is responsible for the supervision of the facility;
 - (iii) is accessible at all times in case of an emergency;
and
 - (iv) where the facility is a caravan park, is available at the office of the caravan park during normal office hours;

- (b) a register of occupiers is maintained in the prescribed manner; and
- (c) copies of this Act, any subsidiary legislation made under this Act, facility rules (if any) made by the licence holder and any special conditions imposed on the licence are readily available for inspection by the occupiers of the facility.

Penalty: \$2 000.

(2) A person licenced to operate a facility must display the following at the facility in accordance with subsection (3) —

- (a) the licence issued in respect of the facility;
- (b) any special conditions imposed on the licence;
- (c) a plan of the facility;
- (d) a copy of the facility rules (if any) made by the licence holder; and
- (e) the name, address and telephone number of a person to be contacted in an emergency.

Penalty: \$1 000.

(3) The information referred to in subsection (2) must be displayed in a prominent position at a camping ground or in a prominent position at the office of a caravan park.

(4) In this section —

“special conditions” means conditions imposed on the relevant licence by the local government and specified on the licence as conditions to which this section applies.

Division 3 — Register

Register

14. (1) A local government is to keep a register of licences issued by it recording such details in respect of each licence as is prescribed.

(2) Any person may inspect the register during normal office hours and may request a copy of the details of any licence.

(3) A local government is to supply a copy of the details of any licence requested under subsection (2) and may charge a fee (other than to the Department) which does not exceed the cost of providing the copy.

(4) A local government must amend, add to and correct the register as is necessary to ensure that the register is an accurate record of the details it contains.

Division 4 — Local government operated facilities

Local government may operate a facility in its district without a licence

15. (1) Despite section 6, a local government is not required to hold a licence to operate a facility in its district but sections 13 and 31 and all subsidiary legislation made under this Act apply to a local government which operates a facility in its district as if it were the licence holder in respect of the facility.

(2) A local government must ensure that all facilities that it operates in its district are inspected in accordance with section 21 and that any works specification notice given under that section is complied with as soon as is practicable.

Minister may give directions to local government

16. (1) The Minister, in writing given to a local government, may direct the local government to —

- (a) operate specified caravan parks and camping grounds to a standard specified by the Minister;
- (b) comply with a provision of this Act in respect of any specified land; and
- (c) do any other specified thing which the Minister considers necessary for the effective operation of this Act.

(2) In subsection (1) —

“specified” means specified in the notice given under that subsection.

(3) A local government which contravenes a direction under subsection (1) commits an offence.

Penalty: \$5 000.

PART 3 — POWERS OF ENTRY AND INSPECTION

Appointment of authorized person

17. (1) The chief executive officer of the Department or a local government —

- (a) may appoint such persons to be authorized persons for the purposes of this Act as the chief executive officer or the local government considers necessary; and
- (b) must issue each person appointed under paragraph (a) with an identity card, in the prescribed form, certifying that the person is an authorized person under this Act.

(2) An authorized person is to produce the identity card referred to in subsection (1) (b) whenever required to do so by any person in respect of whom the authorized person has exercised, or is about to exercise, any of the powers of an authorized person under this Act.

(3) Production of an identity card referred to in subsection (1) (b) is *prima facie* evidence that the person to whom the identity card relates is an authorized person for the purposes of this Act.

(4) Every member of the Police Force is, if so requested by an authorized person, to aid and assist the authorized person enforcing compliance with this Act and has, while so aiding and assisting, all the powers and authorities of an authorized person.

Powers of entry

18. (1) An authorized person may, at all reasonable times, for the purposes of this Act —

- (a) enter and inspect a facility, other than a building in a facility that is used as a residence;

- (b) enter and inspect any caravan or camp which is not in a facility;
 - (c) after serving reasonable notice or with the consent of the occupier, enter and inspect a building in a facility that is used as a residence;
 - (d) stop, enter, inspect or detain any vehicle in a caravan park or camping ground;
 - (e) conduct such examinations and inquiries as the authorized person considers necessary to ascertain whether there has been compliance with this Act or any condition imposed under this Act;
 - (f) require any person to state his or her name and principal place of residence; and
 - (g) exercise such other powers as are prescribed for the purposes of this Act.
- (2) For the purposes of subsection (1) —

“reasonable notice” means notice given at least 24 hours before the time at which entry is sought.

Obstruction

- 19.** (1) A person must not —
- (a) without reasonable excuse, obstruct, hinder, or interfere with an authorized person lawfully acting under this Act;
 - (b) fail, without reasonable excuse, to answer any question put to that person for the purposes of this Act by an authorized person or give a false or misleading answer to any such question, or refuse to

make a statutory declaration that the person is required under this Act to make;

- (c) use any threat to an authorized person lawfully acting under this Act; or
- (d) fail, without reasonable excuse, to comply in any respect with a lawful request, requirement or direction given by an authorized person.

Penalty: \$5 000.

(2) A statement made in response to a requirement made under this Act is not admissible in evidence in a prosecution against the person for an offence, other than an offence under this section, if the person making the statement objected to doing so at the time he or she made the statement on the ground that it might tend to incriminate that person.

Entry of an occupied caravan or camp

20. (1) An authorized person, or a person licensed to operate a facility, or a person appointed in writing as his or her agent for the purpose of this section, may enter a caravan or camp in a facility in which an occupier is residing if —

- (a) the occupier agrees at the time entry is sought;
- (b) there is an emergency and immediate entry is necessary to save life or property; or
- (c) the entry is at a reasonable time, for a prescribed purpose and written notice has been served in accordance with subsections (4) and (5).

(2) The owner of a caravan or camp occupied by another person, or a person appointed in writing as the agent of the owner for the purpose of this section, may enter that caravan or camp if the occupier agrees at the time entry is sought.

(3) The owner of a caravan or camp occupied by another person, or a person appointed in writing as the agent of the owner for the purpose of this section, may enter the caravan or camp for a prescribed purpose if the person seeking entry has served written notice on the occupier, in accordance with subsections (4) and (5).

(4) A written notice must specify the date and a reasonable time at which entry of a caravan or camp is sought and in any event must be given at least 24 hours before the time at which entry is sought.

(5) Service of a written notice is effected if it is —

- (a) given to the occupier;
- (b) left with a person who appears to be over 16 years of age and to reside at the caravan or camp; or
- (c) affixed to a conspicuous part of the caravan or camp.

(6) A person authorized under subsection (1) to enter a caravan or camp may enter that caravan or camp whether or not the occupier is in occupation at the time.

Inspections and works specifications notices

21. (1) Within one year after the commencement of this section and periodically after that time, so that a period of not more than 12 months elapses between inspections, a local government is to inspect each facility in its district.

(2) Notwithstanding subsection (1), a local government may inspect a facility in its district at any time.

(3) After inspecting a facility, a local government may give the person licenced to operate the facility a works specification notice specifying —

- (a) work required to be carried out by the person on the facility so that this Act or a condition imposed on a licence is complied with; and
- (b) the period within which that work is to be carried out.

(4) A licence holder may, within 14 days of receiving the notice referred to in subsection (3), lodge an objection to all or any of the works or to the time period specified in the notice, with the local government.

(5) After considering an objection lodged under subsection (4) the local government may —

- (a) amend or cancel the works specification notice; or
- (b) refuse to amend the works specification notice,

and must give notice in writing of that decision to the licence holder.

(6) A works specification notice and notice of a decision under subsection (5) is to state that the licence holder is entitled to appeal to the Minister.

(7) Subject to this section, a person is to carry out the works specified in a notice given under subsection (3) as approved by the local government within the time specified in that notice.

Penalty: \$5 000.

PART 4 — ENFORCEMENT**Legal proceedings to be taken by authorized person**

22. (1) Every proceeding for an offence under this Act may be taken by an authorized person.

(2) An authorized person is not personally responsible for any costs incurred by or awarded against an authorized person in connection with any proceeding for an offence under this Act.

Infringement notices

23. (1) A reference in subsection (2), (3), (5) or (7) to an “**authorized person**” is a reference to a person appointed under subsection (11) to be an authorized person for the purposes of the subsection in which the term is used.

(2) An authorized person who has reason to believe that a person has committed a prescribed offence against this Act may, within 21 days after the alleged offence is believed to have been committed, give an infringement notice to the alleged offender.

(3) An infringement notice is to be in the prescribed form and is in every case —

- (a) to contain a description of the alleged offence;
- (b) to advise that if the alleged offender does not wish to have a complaint of the alleged offence heard and determined by a court, the amount of money as specified in the notice as being the modified penalty for the offence may be paid to an authorized person within a period of 28 days after the giving of the notice; and

- (c) to inform the alleged offender as to who are authorized persons for the purpose of receiving payment of modified penalties.
- (4) In an infringement notice the amount specified as being the modified penalty for the offence referred to in the notice is to be the amount that was the prescribed modified penalty at the time the alleged offence was believed to have been committed.
- (5) An authorized person may, in a particular case, extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed.
- (6) If the modified penalty specified in an infringement notice has been paid within 28 days or such further time as is allowed and the notice has not been withdrawn, the bringing of proceedings and the imposition of penalties are prevented to the same extent as they would be if the alleged offender had been convicted by a court of, and punished for, the alleged offence.
- (7) An authorized person may, whether or not the modified penalty has been paid, withdraw an infringement notice by sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn.
- (8) If an infringement notice is withdrawn after the modified penalty has been paid, the amount is to be refunded.
- (9) The amount of any modified penalty paid pursuant to an infringement notice must, subject to subsection (8), be dealt with as if it were a fine imposed by a court as a penalty for an offence.
- (10) Payment of a modified penalty is not to be regarded as an admission for the purposes of any proceedings, whether civil or criminal.
- (11) A local government may, in writing, appoint persons or classes of persons to be authorized persons for the purposes of subsection (2), (3), (5) or (7) or for the purposes of 2 or more of

those subsections, but a person who is authorized to give infringement notices under subsection (2) is not eligible to be an authorized person for the purposes of any of the other subsections.

(12) A local government is to issue to each person who is authorized to give infringement notices under this section a certificate stating that the person is so authorized, and the authorized person is to produce the certificate whenever required to do so by a person to whom he or she has given or is about to give an infringement notice.

Continuing offences

24. (1) Where an offence is committed by a person by reason of the contravention of a provision of this Act under which the person is required or directed to do any act or thing, or to refrain from doing any act or thing, that offence is taken to continue so long as the act or thing so required or directed remains undone, or continues to be done, as the case may be.

(2) Where an offence is taken to continue, the person who committed the offence, whether by act or omission, commits an additional offence on each day during which the offence is taken to continue after notice of the offence has been given by or on behalf of an authorized person to the offender, and is liable to a fine not exceeding \$500 for every day on which the offence is so continued.

PART 5 — MISCELLANEOUS

**Caravan Parks and Camping Grounds Advisory
Committee**

25. (1) A body by the name of the Caravan Parks and Camping Grounds Advisory Committee is established.

(2) The Committee is to comprise —

(a) such number of persons as the Minister determines, appointed by the Minister to represent —

(i) the Western Australian Municipal Association, incorporated under section 733A of the *Local Government Act 1960*;

(ii) the caravan industry;

(iii) consumers;

(iv) that part of the Public Sector, as defined in the *Public Sector Management Act 1994*, with an interest in caravanning and camping; and

(v) such other interests as the Minister considers appropriate;

and

(b) an employee of the Department nominated by the chief executive officer.

(3) The person appointed under subsection (2) (b) is to be the executive officer of the Committee.

(4) The functions of the Committee are —

(a) to provide advice to —

(i) the Minister;

- (ii) the Department;
 - (iii) public sector bodies, as defined in the *Public Sector Management Act 1994*;
 - (iv) local governments;
 - (v) members of the public; and
 - (vi) such other persons as the Minister directs,
- with respect to caravanning or camping; and
- (b) to recommend to the Minister, or such other persons as the Minister directs, ways to improve, promote and regulate caravanning and camping throughout the State.
- (5) The Committee may do all things that are necessary or convenient to be done for or in connection with the performance of its functions.
- (6) Schedule 1 has effect with respect to the Committee.

Protection from liability

26. A person is not liable in civil proceedings on account of any thing done, or omitted to be done, or purported to be so done or omitted, in good faith in the course of carrying out any provision of this Act.

Appeals

27. (1) A person who is aggrieved by a decision of a local government under section 7, 10, 12, or 21 may within one month after the day specified in the notice (which is not to be earlier in time than the day on which the notice is given) appeal against that decision to the Minister in the prescribed manner.

(2) The Minister may modify or set aside or refuse to modify or set aside the decision against which the appeal has been made.

(3) The Minister may, before exercising the power conferred by subsection (2), require the person referred to in subsection (1), or the local government concerned, to furnish the Minister with such information in addition to that prescribed under subsection (1) as the Minister thinks desirable to enable the Minister to consider the appeal.

(4) A decision of the Minister made under this section is conclusive and binding on all parties to the appeal concerned.

Regulations

28. (1) The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Act.

(2) Without limiting subsection (1), regulations may —

- (a) regulate caravan parks and camping grounds and caravanning and camping generally throughout the State;
- (b) provide for standards of design, construction, installation and maintenance of caravans and annexes;
- (c) provide health and safety standards and standards for services and amenities for facilities;
- (d) regulate pedestrian and vehicular traffic;
- (e) provide that signs may be displayed, erected or marked for the purpose of any regulation;

- (f) provide that the licence holder of a facility may give reasonable directions to any person in the facility regarding any motor vehicle or animal that the person has apparent control over and require that person to obey such directions;
- (g) provide for different types of caravan parks and camping grounds;
- (h) provide a procedure for appeals under section 27;
- (i) provide for procedures to be followed by a local government relating to prohibition notices under section 10;
- (j) prescribe forms and fees and for information to be provided in respect of licences and applications for licences (including differential or periodic fees or that a fee is to be calculated in a particular manner);
- (k) provide for different types of licences in relation to different types of caravan parks and camping grounds;
- (l) prescribe the conditions under which a particular type of licence may be granted, renewed or transferred and the obligations and rights of licence holders; and
- (m) prescribe offences and a modified penalty (or different modified penalties according to the circumstances of the offence) in respect of each offence for the purposes of section 23, but so that no modified penalty exceeds \$500.

(3) The regulations may adopt, either wholly or in part and either specifically or by reference, any standard, rule, code or specification —

- (a) as at the time the regulations are made, or at any time before then; or

(b) as amended from time to time.

(4) Regulations made under this Act may provide that contravention of a regulation constitutes an offence and provide for penalties not exceeding \$5 000 and if the offence is a continuing one a further penalty not exceeding \$500 for each day or part of a day during which the offence continues after notice of the offence has been given by or on behalf of an authorized person to the offender.

By-laws

29. (1) Subject to this section, a local government may make by-laws for its district under Part VIII of the *Local Government Act 1960* for any purpose set out in section 28 (2) (a), (b), (c), (d), (e) and (f) as if that purpose were a purpose for which by-laws could be made under that Act.

(2) Where there is conflict or inconsistency between a regulation made under this Act and a by-law referred to in subsection (1), the regulation, to the extent of the conflict or inconsistency, prevails.

(3) By-laws referred to in subsection (1) may provide that contravention of a by-law constitutes an offence and provide for penalties not exceeding \$5 000 and if the offence is a continuing one a further penalty not exceeding \$500 for each day or part of a day during which the offence continues after notice of the offence has been given by or on behalf of an authorized person to the offender.

Revocation of by-laws

30. (1) Where subsidiary legislation has been —

(a) made by a local government under any written law; or

- (b) prepared or adopted by a local government under the *Town Planning and Development Act 1928*,

and that subsidiary legislation, or the manner in which it is administered, is in the opinion of the Governor unduly oppressive, repugnant to or inconsistent with this Act the Governor may by notice published in the *Gazette* revoke that part of the subsidiary legislation that in the opinion of the Governor is unduly oppressive, repugnant to or inconsistent with this Act.

(2) Effect is to be given to the revocation under subsection (1) but without affecting the validity, or curing the invalidity of any thing done, or of the omission of any thing, before the revocation.

(3) The Minister is to cause a copy of any notice published under subsection (1) to be laid before each House of Parliament within 6 sitting days of that House next following the publication.

(4) If either House of Parliament passes a resolution of which notice has been given within the first 14 sitting days of that House after the copy of a notice under subsection (1) has been laid before that House that the notice be disallowed, the notice ceases to have effect, but the disallowance of the notice does not affect or invalidate any thing done in good faith before the passing of the resolution.

Minister may vary, modify or grant exemptions from subsidiary legislation

31. (1) The holder of a licence to operate a facility may apply to the Minister in the prescribed manner for an exemption from, or a modification or variation of, any regulation or by-law made under this Act as it applies to that facility.

(2) If the Minister is satisfied that in the particular circumstances the regulation or by-law is inappropriate or might reasonably be modified or varied without detriment to the public

interest, the Minister may grant the exemption or determine that the regulation or by-law is to apply with such modifications or variations as the Minister thinks fit.

(3) Subject to subsections (4) and (5), an exemption, modification or variation remains in force for the period specified in the notice granting the exemption, modification or variation.

(4) On application from the licence holder in the prescribed manner the Minister may extend the period referred to in subsection (3).

(5) If the Minister is notified by the local government that, in the opinion of the local government, an exemption, modification or variation which is granted with respect to a facility should no longer apply to the facility because the facility has been substantially extended or redeveloped, and the Minister agrees, the Minister must notify the licence holder and the local government in writing that the exemption, modification or variation ceases to apply.

Review of the Act

32. (1) The Minister is to carry out a review of the operation and effectiveness of this Act as soon as is practicable after the expiration of 5 years from the commencement of section 6, and in the course of that review the Minister is to consider and have regard to —

- (a) such matters as appear to be relevant to the operation of this Act; and
- (b) the effectiveness of the Committee.

(2) The Minister is to prepare a report based on the review made under subsection (1) and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

Consequential amendments

33. The Acts referred to in the first column of Schedule 2 are amended in the manner set out in the second column of that Schedule.

Transitional provision relating to existing caravan parks and camping grounds

34. (1) Notwithstanding the repeal of section 200 of the *Local Government Act 1960* by this Act, by-laws made under that section by a local government and in force immediately before the commencement of this section remain in force in relation to any existing facility in the district of that local government.

(2) Existing facilities are exempt from the operation of those provisions of the regulations referred to in the regulations as not applying to existing facilities.

(3) An existing facility ceases to be an existing facility if, in the opinion of the local government, it has been substantially extended or redeveloped and the local government has given notice to that effect to the licence holder.

(4) A person who is aggrieved by a decision of a local government under subsection (3), may appeal against that decision to the Minister as if the decision was a decision to which section 27 applied.

(5) In this section —

“existing facility” means a facility that is in operation at the commencement of this section and in respect of which notice has not been given by the local government under subsection (3).

- (6) Regulations may be made providing for any matter if —
- (a) this section does not make provision or sufficient provision in respect of the matter; and
 - (b) it is necessary or convenient to do so to facilitate the transition to the provisions of this Act.

SCHEDULE 1

[Section 25 (6)]

**PROVISIONS APPLICABLE TO THE CARAVAN PARKS AND
CAMPING GROUNDS ADVISORY COMMITTEE****Interpretation**

1. In this Schedule —

“**executive officer**” means the person appointed under section 25 (2) (b);

“**member**” means a member of the Committee.

Tenure of office

2. (1) Subject to clause 4, a member, other than the executive officer —

- (a) holds office for such term not exceeding 3 years as is specified in the member’s instrument of appointment;
- (b) may be reappointed for a further term but is not to hold office for more than 2 consecutive terms; and
- (c) may resign from office by notice in writing delivered to the Minister.

(2) The executive officer holds office until —

- (a) his or her appointment is cancelled by the chief executive officer; or
- (b) he or she ceases to be employed in the Department.

(3) A member whose term of office expires due to the effluxion of time continues in office until he or she is reappointed or a successor comes into office, as the case may be.

Deputy members

3. (1) The Minister may appoint a person to be the deputy of a member and may revoke the appointment of a person as a deputy.

(2) A person who is the deputy of a member has, at any meeting of the Committee at which the member is not present, all the powers and duties of the member.

Removal from office

4. (1) A member may be removed from office by the Minister —
- (a) for mental or physical disability, incompetence, neglect of duty or misconduct that impairs the performance of the member's duties;
 - (b) if the member is an insolvent under administration, as that expression is defined in the *Corporations Law*;
 - (c) if the member is absent without leave from 2 consecutive meetings of the Committee of which the member has had notice;
 - (d) for any other act or omission that in the Minister's opinion may adversely affect the functioning of the Committee.
- (2) A member must be removed from office by the Minister if the member ceases to hold any position or qualification by virtue of which he or she was appointed.

Chairperson

5. (1) The Minister is to appoint one of the members to be the chairperson.
- (2) The Committee is to choose one of the members to be the deputy chairperson.
- (3) The deputy chairperson is to perform the functions of the chairperson when the chairperson is unable to do so by reason of illness, absence or other cause, or when the office of chairperson is vacant.

Meetings

6. (1) The Committee is to determine the procedure for convening and conducting its meetings.
- (2) At a meeting of the Committee —
- (a) the chairperson, or in his or her absence the deputy chairperson, is to preside; or
 - (b) in the absence of both those members, a member chosen by the members present is to preside.
- (3) The Committee is to record and maintain minutes of its meetings.

Remuneration

7. (1) Subject to subclause (2), a member (or his or her deputy when so acting) is entitled to such remuneration and allowances in respect of the performance of his or her functions under this Act as the Minister from time to time determines on the recommendation of the Minister for Public Sector Management.

(2) Subclause (1) does not apply to a person employed in the Public Service of the State.

SCHEDULE 2

[Section 33]

CONSEQUENTIAL AMENDMENTS

- | <i>Short title of Act</i> | <i>Amendment</i> |
|--|--|
| 1. <i>Constitution Acts
Amendment Act
1899</i> | In Part 3 of Schedule V insert in the appropriate alphabetical position the following —

“ The Caravan Parks and Camping Grounds Advisory Committee established under the <i>Caravan Parks and Camping Grounds Act 1995</i> . ”. |
| 2. <i>Health Act 1911</i> | Section 343 (6) is repealed. |
| 3. <i>Home Building
Contracts Act 1991</i> | In the definition of “dwelling” in section 3 (1), insert after “residence” the following —

“ , but does not include a park home, as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> ”. |
| 4. <i>Local Government
Act 1960</i> | Section 200 is repealed.

In section 373 —

(a) in subsection (1) delete “and (3)” and insert the following —

“ , (3) and (3a) ”;

(b) insert after subsection (3) the following subsection —

“ (3a) This Part does not apply to a park home or an annexe, as those terms are defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> . ”;

and

(c) in subsection (4) delete “and (3)” and substitute the following —

“ , (3) and (3a) ”. |

5. *Parliamentary Commissioner Act 1971* In the Schedule insert in the appropriate alphabetical position the following —
- “ The Caravan Parks and Camping Grounds Advisory Committee established under the *Caravan Parks and Camping Grounds Act 1995*. ”.
6. *Residential Tenancies Act 1987* After section 5 (4) insert the following subsection —
- “ (5) This Act applies to a site at a caravan park, within the meaning of the *Caravan Parks and Camping Grounds Act 1995* (whether or not a caravan, within the meaning of that Act, is situated on that site) as if the site was residential premises for the purposes of this Act. ”.
7. *Strata Titles Act 1985* Insert after section 123 the following section —
- “
- Caravan and camping areas not to be subdivided**
- 123A.** (1) Land in respect of which —
- (a) a licence is held under the *Caravan Parks and Camping Grounds Act 1995*; or
- (b) it is proposed to establish a caravan park or a camping ground,
- is not to be subdivided or re-subdivided under this Act where that subdivision or re-subdivision would result in there being a caravan park on more than one lot, a camping ground on more than one lot or a caravan park and

camping ground on more than one lot.

(2) Despite subsection (1), land referred to in subsection (1) (a) may be re-subdivided where that re-subdivision would not result in the land being re-subdivided into more lots used or proposed to be used as, or as part of, a caravan park or camping ground.

(3) In this section "caravan park" and "camping ground" have the same meaning as they have for the purposes of the *Caravan Parks and Camping Grounds Act 1995*.

”
