



We're back!

Welcome to the new look *Outasite Lite*. So much has happened in the world of residential parks since issue 14 was published in December 2013.

As most of you will be aware the Park and Village Service (PAVS) is no longer funded as part of the Tenants Advice and Advocacy Program. Instead, the Tenants' Union of NSW (TU) now receives some funding to provide information to park residents.

The TU parks team has a mix of experience and new faces. Paul Smyth (Residential Parks Legal Officer) has been in position for over four years. Julie Lee (Residential Parks Worker) was the Resource and Information Worker at PAVS for two and a half years before joining the TU in January this year. Jemima Mowbray (Residential Parks Support Worker) is experienced in general tenancy but is new to parks and Glyn Mather (Residential Parks Project Officer) is also new to parks but brings a

wealth of community and project management experience to the team.

The parks team has been very busy this year working on new resources and picking up some of the previous operations of PAVS, for example, the NSW Residential Parks Forum. Paul has been very busy with matters in the Tribunal, the Supreme Court and the Land and Environment Court.

The Tenants' Union and the Combined Pensioners and Superannuants Association of NSW (CPSA), the previous auspice of PAVS, have reached an agreement that enables the TU to publish both *Outasite* and *Outasite Lite*.

The Tenants' Union would like to acknowledge the valuable work of PAVS and CPSA in establishing these publications and for putting out so many great issues over the years. The TU will continue the flow of independent information to park residents through *Outasite* and *Outasite Lite* and we hope you will come with us on our journey.

The Residential Parks Team, left to right: Paul Smyth, Jemima Mowbray, Julie Lee and Glyn Mather.

The Residential (Land Lease) Communities Act 2013

The *Residential (Land Lease) Communities Act 2013* was scheduled to commence on 1 July 2014 and while it's still possible, it now looks unlikely.

There have been two recent changes of Minister in the Fair Trading portfolio and it's our understanding that the regulations haven't yet been finalised.

The Tenants' Union (TU) met with the then Minister for Fair Trading Stuart Ayres on 30 April 2014 and he advised that the Regulations would be available for public consultation in late May/early June 2014. Minister Ayres confirmed that there would be full consultation on the Regulations.

The TU has since met with the new Minister, the Hon. Mathew Mason-Cox and he continued the commitment to keeping the TU informed on the progress of the Regulations.

Select Committee on Social, Public and Affordable Housing

This Inquiry is a Legislative Council inquiry conducted by the Social, Public and Affordable Housing Committee. This Select Committee was established on 13 November 2013 to inquire into and report on demand for social, public and affordable housing in NSW.

The Inquiry Terms of Reference include at (f) "the role of residential parks".

The Committee received 247 submissions with a small number of these being from park residents groups including Port Stephens Park Residents Association, Karalta Road Park Home Owners Inc. and the Independent Park Residents Action Group (IPRAG). IPRAG has also been invited to present evidence to the Select Committee. The final report from the Inquiry is due on 9 September 2014.

Spreading the word

The Tenants' Union is excited to announce that the Law and Justice Foundation of New South Wales has provided us with funding to support the provision of a new suite of resources and a community education outreach project on the *Residential (Land Lease) Communities Act 2013*.

The new legislation is due to commence this year and the Tenants' Union acknowledges the need for parks residents to be provided with accurate, up-to-date information setting out how the changes will affect you.

There are two parts to the project. One focus will be developing a series of fact sheets on various aspects the law. The fact sheets will be written in plain language and made available to all park residents. Many of you will be familiar with the fact sheets previously produced by PAVS - the new ones will be along similar lines. We will be consulting widely with residents' representatives and Tenant Advocates about the content and design of the fact sheets. We will also produce a special issue of *Outasite* which will feature a series of articles about the new Act and Regulations.

Lastly, we will be getting out and about and talking to residents across NSW, and providing information sessions on the new law in selected centres. There will be up to 20 workshops held, which will be widely advertised. We want anyone who wants to know about the new legislation to have access to information. We do not have dates for the outreach project yet but we will keep you up to date and let you know when and where the park visits and workshops will take place.

We look forward to meeting you.

Tales from the Illawarra



Photo credit: NSW Dept of Environment and Climate Change, [flickr.com/photos/48722974@N07](https://www.flickr.com/photos/48722974@N07/)

The Illawarra region on the South Coast of NSW is home to nine residential parks providing accommodation to over 2,000 long term residents. Many are located in an enviable position between the Illawarra escarpment and the ocean. Earlier this month, Julie and Jemima from the Tenants' Union Residential Parks Team travelled to this beautiful region.

We started the day meeting with representatives of the Affiliated Residential Parks Residents Association (ARPRA) - Illawarra. They took us on a tour of two parks - Surfrider Caravan Park at Barrack Point and Oaklands (Gateway Lifestyle) at Windang. They were able to give us a valuable update on current issues facing park residents across the Illawarra.

Our last stop for the day was a visit with workers at the Illawarra and South Coast Tenants Service based at Warrawong.

One of the key issues that is coming up in the area at the moment is compliance with local government regulations. Residents in a number of parks across the Illawarra have been formally requested by park owners to make changes to their homes, some of them quite significant - for example moving stairs, and removing associated structures. Park owners are asking for these changes on the basis that the residents' dwellings do not comply with the required local government regulations.

Whether or not something complies with local government regulations can be a tricky issue to unravel. It is a term of every residential site agreement that residents ensure their dwelling complies with any regulations under the *Local Government Act 1993* with which it is required to comply. So, which are the required regulations?

Local government regulations have gone through a number of significant updates and variations since they were first introduced at the end of 1986 (via Ordinance No. 71). The regulations that a resident needs to comply with are those in force when their home was installed on site, and when any subsequent changes were made.

There are also a number of other factors that come into play when a park owner is making this kind of request; for example, has the park owner been instructed by the local council to ensure dwellings are compliant, and did the park owner approve the installation or any subsequent changes?

If you're having a problem with compliance and local government regulations it's a good idea to give your local Tenants Advice and Advocacy Service a call (see last page for contact details). They provide free advice and advocacy to permanent residents of caravan parks and manufactured home estates, and are able to look at your specific circumstances and help you decide on your best course of action.

Electricity: charges and changes

On 1 July 2013 new rules governing the sale of electricity and gas to residential and small business energy customers came into force in NSW. The rules are part of the National Energy Customer Framework (NECF), which is a national customer protection framework and its implementation involved the transfer of state and territory legislation into a single set of national Laws, Regulations and Rules.

The supply of electricity in residential parks falls under the national framework and park owners are able to on-sell electricity as 'exempt suppliers'.

This is a little confusing for NSW park residents because currently the *Residential Parks Act 1998* requires park owners to comply with "the relevant code" when charging for electricity. This code is the 'Customer Service Standards for the Supply of Electricity to Permanent Residents of Residential Parks', which can be found on the NSW Fair Trading website.

Because the Customer Service Standards is the code prescribed in the Residential Parks Regulation 2006, where there is a conflict between it and the national guideline, the CSS code wins and should be followed.

Once the *Residential (Land Lease) Communities Act 2013* becomes law the old code is likely to fall away and only the new rules will apply. Where the national guideline and *Residential (Land Lease) Communities Act 2013* are in conflict the Act will prevail and should be followed.

The Tenants' Union will be publishing a fact sheet on electricity supply and charges for park residents once the Regulation has been finalised.

Get advice from your local service:

NSW Tenants Advice and Advocacy Services

Eastern Sydney	9386 9147
Inner Sydney	9698 5975
Inner Western Sydney	9559 2899
Northern Sydney	8198 8650
Southern Sydney	9787 4679
South Western Sydney	4628 1678
Western Sydney	8833 0933
Blue Mountains	4782 4155
Central Coast	4353 5515
Hunter	4969 7666
Illawarra South Coast	4274 3475
Mid North Coast	6583 9866
Northern Rivers	6621 1022
North Western NSW	1800 836 268
South Western NSW	1800 642 609

Aboriginal services

Greater Sydney	9698 0873
Western NSW	6884 0969
Southern NSW	1800 672 185
Northern NSW	1800 248 913

Tenants NSW website

www.tenants.org.au

CPSA Factsheets

www.cpsa.org.au/pavsfactsheets

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We invite contributions to Outasite.

The Tenants' Union of NSW is:

- A community legal centre specialising in NSW residential tenancies law.
- Peak resourcing body for the NSW Tenants Advice and Advocacy Program.

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OF NEW SOUTH WALES

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