

NORTHERN TERRITORY OF AUSTRALIA

CARAVAN PARKS ACT

As in force at 1 July 1996

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 July 1996

CARAVAN PARKS ACT

An Act to regulate Caravan Parks and Camping Areas and the Use of Caravans and Tents on Residential Land

1 Short title

This Act may be cited as the *Caravan Parks Act*.

2 Application

- (1) The Minister may declare, by notice in the *Gazette*, that this Act applies in a specified part of the Northern Territory.
- (2) This Act applies in and only in those parts of the Northern Territory in relation to which a declaration has been made under subsection (1).

3 Definitions

In this Act, unless the contrary intention appears:

caravan means a habitable container designed to be towed, driven or carried by a vehicle, whether the container is fixed or mobile and whether or not it has wheels.

Chief Inspector means the Chief Inspector of Caravans appointed under this Act.

inspector means an inspector of caravan parks appointed under this Act, and includes the Chief Inspector and any Health Surveyor appointed under the *Public Health Act*.

4 Caravan parks or camping areas

- (1) Subject to this Act, a person is operating a caravan park or camping area for the purposes of this Act if he receives from another person payment as consideration for permitting that other person to erect or live in a tent or park or live in a caravan on land in which that first-mentioned person has an interest.

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- (2) A person is not operating a caravan park or camping area on land for the purposes of this Act if the number of tents erected and caravans parked on the land is less than 3.

5 Chief Inspector of Caravans

The Minister may appoint a person to be the Chief Inspector of Caravans.

6 Inspectors of caravans

The Minister may appoint persons to be inspectors of caravans.

7 Inspector may enter land

An inspector may enter upon any land on which a caravan is situated or a tent is erected to ascertain whether any person is living in that caravan or tent.

8 Powers of inspectors

- (1) Where a person is living on a piece or parcel of land in a caravan or a tent, an inspector may, at any reasonable time, enter upon the land and inspect:
- (a) the caravan or tent;
 - (b) all buildings and amenities that are available on that land for the use or benefit of that person; and
 - (c) all things on the land that are, or could be, a source of health, safety or fire hazard.
- (2) A person who occupies, is employed on or has an interest in land that is inspected under this Act shall give every reasonable assistance to the inspector.
- (3) Without limiting the generality of sub-section (2), a person who occupies, is employed on or has an interest in land that is inspected under this Act shall, if the inspector so requests, make available to the inspector such information or documents as that person has or has access to concerning the standards of construction, equipment, plumbing, drainage, sewerage disposal or treatment, lighting, ventilation and electrical installation of places inspected.

Penalty: \$500.

9 Inspector to consider certain matters

An inspector shall have particular regard to the matters listed in the Schedule.

10 Report on inspection

Where an inspector makes an inspection under this Act:

- (a) he shall make a written report on the inspection to the Chief Inspector; and
- (b) the Chief Inspector shall deliver or forward, by post or otherwise, to the person by whose permission the caravan or tent was on the land a written report itemizing the matters inspected and indicating, in relation to each matter, whether the Chief Inspector was satisfied with the results of the inspection.

11 Orders by Chief Inspector in respect of any land

Where a person is living in a caravan or tent, or is permitting another person to live in a caravan or tent, other than in a caravan park or camping area, the Chief Inspector may, if, in his opinion, such action is necessary to avoid or abate a health, safety or fire hazard, by notice in writing served on an owner or occupier of the land, order the person upon whom the notice is served:

- (a) that a caravan or tent be removed from the land either permanently or until specified action is carried out;
- (b) that the number of persons living in caravans and tents on that land not exceed a specified number;
- (c) that a caravan or tent be resited on the land;
- (d) that specified amenities, or further amenities, be provided on the land for the use or benefit of persons living on the land in caravans or tents;
- (e) that the standard of specified caravans or tents or the standard of specified amenities provided on the land for the use or benefit of persons living on the land in caravans or tents be improved in a specified manner; or
- (f) that any other specified action be taken to avoid or abate a health, safety or fire hazard on the land.

12 Orders by Chief Inspector in respect of caravan parks or camping areas

Where a person is operating a caravan park or camping area on land, the Chief Inspector may, by notice in writing delivered, by post or otherwise, to that person, order:

- (a) that a caravan or tent be removed from the land either permanently or until specified action is carried out;
- (b) that a caravan or tent be resited on the land;
- (c) that the number of caravans or tents on the land or on an area of the land be limited to a specified number;
- (d) that caravans or tents be not placed on the land or on an area of the land except on specified sites or on specified parts of the land or area;
- (e) that specified buildings or amenities, or further buildings or amenities, be constructed or provided on the land or an area of the land for the use or benefit of persons living on the land in caravans or tents; or
- (f) that the standard of specified caravans or tents or the standard of specified amenities provided on the land for the use or benefit of persons living on the land in caravans or tents be improved in a specified manner; or
- (g) that specified action be taken to avoid or abate a health, safety or fire hazard on the land.

13 Order shall specify time, &c.

- (1) Where the Chief Inspector orders that an action be taken, the order shall specify the time within which the action must be taken.
- (2) In making an order that an action be taken that will involve the loss of money or the expenditure of money by the person in receipt of the order, the Chief Inspector shall have regard to economic considerations.

13A Appeals

- (1) A person against whom an order under section 11 or 12 is directed may, within 7 days of receipt of notice of the order, or within such further time as is allowed under subsection (2), appeal against a provision of the order to the Local Court.

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- (2) The Local Court may, on application made during or after the period of 7 days referred to in subsection (1), extend the time for lodging an appeal.
 - (3) An appeal under subsection (1) shall be by application and be subject to such directions as the Local Court may determine.
 - (4) The appellant shall annex to the application referred to in subsection (3) a copy of the order that is the subject of the appeal, and shall specify the provisions to which he objects and the reasons for his objection.
 - (5) Notice of an application under subsection (3) shall be served on the Chief Inspector and such other persons as the Local Court may determine.
 - (6) The Local Court may, after the filing of an application under subsection (3), on application direct the suspension of the order appealed against, or direct the suspension of a provision of the order, pending determination of the appeal.
 - (7) The Local Court, on the hearing of an appeal under subsection (1) may:
 - (a) uphold the order;
 - (b) order the Chief Inspector to amend the order; or
 - (c) set the order aside.
 - (8) Notwithstanding section 15, a person is not required to comply with a provision of an order of the Chief Inspector while it is suspended, or, where the order is set aside, after the order is set aside.

14 Chief Inspector may amend order

The Chief Inspector may at any time, by agreement with the person in receipt of an order under this Act, amend the order.

15 Person shall obey order

- (1) A person who receives an order from the Chief Inspector under this Act shall comply with the order, or the order as amended from time to time.

Penalty: \$2,000.

(2) Where a person is found guilty of an offence against subsection (1), the court may make any order that the Chief Inspector is empowered to make under this Act and an order so made by the court has effect as an order made by the Chief Minister.

(3) Where the court makes an order under subsection (2), the person against whom the order is made shall comply with the order.

Penalty: \$2,000.

(4) Where a person is found guilty of an offence against subsection (3), the court may authorize the Chief Inspector to take specified action in relation to the order or in relation to the land and, where it does so, the reasonable cost of taking that action is a debt due and payable by the person found guilty to the Chief Inspector.

16 Compliance with other laws

The Chief Inspector shall not make an order if compliance with the order would cause a contravention of any other law in force in the Northern Territory regulating the use of the land.

17 Obligations of operator of caravan park or camping area

A person who is operating a caravan park or camping area shall:

- (a) maintain the land in a clean and hygienic condition, free of fire, health and safety hazards and free of excessive vegetation;
- (b) cause all garbage receptacles on the land to be emptied at least twice each week;
- (c) cause all amenities buildings on the land to be cleaned at least once each day.

Penalty: \$2,000.

17A Regulatory offences

An offence of contravening or failing to comply with section 8(3) or 17(b) or (c) is a regulatory offence.

18 Regulations

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and, in particular, prescribing matters for or in relation to:

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- (a) standards of equipment of recreation areas;
 - (b) standards of adequacy of hot and cold water supplies;
 - (c) standards of construction, equipment, plumbing, drainage, sewerage disposal or treatment, lighting, ventilation and electrical installation;
 - (d) standards of adequacy of fire fighting equipment; and
 - (e) standards for storage of explosive or inflammable substances.

Schedule

section 9

MATTERS FOR AN INSPECTOR TO CONSIDER

- 1 All caravans in a caravan park should be weatherproof and should be equipped with or have on site:
 - (a) adequate work benches for the preparation of food;
 - (b) adequate and safe cooking appliances, not being petrol or kerosene pressure appliances;
 - (c) adequate facilities for washing up; and
 - (d) removable and easily cleanable mattresses or cushions on each berth.
- 2 Each site should have a power point and should have easy access to a tap, drain and garbage receptacle.
- 3 A caravan park or camping area should be well drained and each site should be well drained. Each caravan site should have an annex area so drained that water that does not fall on it will not run through it and water that falls on it will run off quickly.
- 4 Each site should be at least 90 square metres. Where a camping area does not have individual sites, the area available for camping divided by the number of tents should give an average area per tent of 90 square metres.
- 5 No site or, if a camping area does not have individual sites, no part of the camping area should be closer than 7.5 metres to the frontage or 5 metres to the sides or rear of the land or 12 metres to a kitchen, fireplace or incinerator.
- 6 Each site should be adequately designated by a numbered sign or peg and at the corners of roads there should be adequate directional signs.
- 7 At least one boundary of each site should be well drained and graded or sealed all-weather road at least 6 metres wide.
- 8 No site or, if a camping area does not have individual sites, no part of the camping area should be situated more than 65 metres by road or well drained footway from the toilet block. The road or footway should be sealed or made of material that does not turn to mud and should be so drained that water that does not fall on it will

not run through it and water that falls on it will run off quickly.

- 9 A caravan park or camping area should be free of mud and dust nuisance, excessive vegetation, fire hazards and rubbish. It should have adequate trees, lawns, gardens, recreation areas and barbecue areas.
- 10 Recreation areas should be well equipped for toddlers, pre-school children, infants, primary school children, junior high school children, senior high school children and adults. Outdoor recreation areas should have shade trees. There should be wet weather recreation areas. The amount and variety of playground equipment should increase over the years.
- 11 The equipment in the amenities block should approximate the following scale:

No. of sites	No of male water closets	Length of Urinal	No. of female water closets	No. of showers for each sex	No. of hand basins for each sex	No. of Laundry tubs	Length of clothesline
Less than 6	1	0.6 m	1	1	1	2	15 metres
7 – 12	2	1.2 m	2	2	2	4	30 metres
13 – 20	3	1.8 m	3	3	3	6	50 metres
For each additional 10 or part thereof	1	0.6 m	1	1	1	2	25 metres

- 12 Each female toilet block should have one adequate disposal unit for sanitary napkins.
- 13 Each male ablutions area should have a number of power points that is not less than half the number of handbasins in that area. Each female ablutions area should have at least one power point.
- 14 Each handbasin in the ablutions block should have a mirror adjacent to it.
- 15 There should be adjacent to each set of 2 laundry tubs a washing machine, an ironing board, a work bench and a power point. Where it is not feasible to have a washing machine, a copper may be provided in its place, provided that, if the copper burns wood, it is situated not closer than 15 metres from the amenities block.

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- 16 No kiosk, kitchen, barbecue, wood copper or fireplace should be situated closer than 15 metres to the amenities block.
- 17 A caravan park or camping area should have an adequate hot and cold water supply, capable of providing full supplies at peak periods.
- 18 Water that is not fit for human consumption should not be used in an area where there is a plentiful supply of water that is fit for human consumption. All water that is likely to be used for human consumption must be fit for human consumption. The water supply system, including reservoirs, pipelines, wells, pumping equipment, purification works, mains and service pipes must be free from sanitary defects.
- 19 Where water that is not fit for human consumption is used in a caravan park or camping area:
- (a) adequate precautions must be taken to prevent that water from being mixed with water that is likely to be used for human consumption;
 - (b) taps should have adequate signs advising whether their water is fit for human consumption; and
 - (c) the design and layout of the water installations for the supply of the water that is not fit for human consumption should be such as to minimise the danger that that water will be used for human consumption.
- 20 The standards of construction, equipment, plumbing, drainage, sewerage disposal or treatment, lighting, ventilation and electrical installation of all permanent buildings on the land should be adequate for the purposes for which the buildings are likely to be used, having regard to the area in which the land is situated.
- 21 Where a septic tank system is used, sufficient area should be provided for extensions to the ground soakage system in case it should become defective or a nuisance or a health threat.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Caravan Parks Ordinance 1975 (Act No. 3, 1975)

Assent date	12 March 1975
Commenced	12 March 1975

Caravan Parks Ordinance (No. 2) 1975 (Act No. 9, 1975)

Assent date	24 March 1975
Commenced	24 March 1975

Transfer of Powers (Further Provisions) Ordinance 1977 (Act No. 51, 1977)

Assent date	9 December 1977
Commenced	1 January 1978 s 2

Transfer of Powers (Self-Government) Ordinance 1978 (Act No. 54, 1978)

Assent date	1 July 1978
Commenced	1 July 1978 s 8

Statute Law Revision Act 1978 (Act No. 95, 1978)

Assent date	5 September 1978
Commenced	5 September 1978

Statute Law Revision Act 1980 (Act No. 6, 1981)

Assent date	9 January 1981
Commenced	9 January 1981

Caravan Parks Amendment Act 1981 (Act No. 105, 1981)

Assent date	21 December 1981
Commenced	1 May 1982 (s 2, s 2 <i>Public Health Amendment Act 1981</i> (Act No. 103, 1981) and <i>Gaz G17</i> , 30 April 1982, p 10)

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983) and <i>Gaz G46</i> , 18 November 1983, p 11)

Local Court (Consequential Amendments) Act 1989 (Act No. 14, 1989)

Assent date 5 June 1989
Commenced s 6: 5 June 1989 rem: 1 January 1991

Fire and Emergency (Consequential Amendments) Act 1996 (Act No. 15, 1996)

Assent date 19 April 1996
Commenced 1 May 1996 (s 2, s 2 *Fire and Emergency Act 1996* (Act No. 14, 1996) and Gaz S10, 1 may 1996)

Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)

Assent date 19 April 1996
Commenced 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and Gaz S15, 13 June 1996)

3 LIST OF AMENDMENTS

lt	amd No. 6, 1981, s 4
s 1	amd No. 6, 1981, s 4
s 2	amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 6, 1981, s 4
s 3	amd No. 6, 1981, s 4; No. 105, 1981, s 3
s 4	amd No. 6, 1981, s 4
s 5	amd No. 54, 1978, s 4
s 6	amd No. 51, 1977, s 3; No. 54, 1978, s 3
s 8	amd No. 6, 1981, s 4
s 10	amd No. 6, 1981, s 4
s 13A	ins No. 9, 1973, s 3
	amd No. 6, 1981, s 4; No. 14, 1989, s. 7
s 14	amd No. 6, 1981, s 4
s 15	amd No. 6, 1981, s 4; No. 17, 1996, s. 6
s 17	amd No. 6, 1981, s 4
s 17A	ins No. 68, 1983, s 42
s 18	amd No. 95, 1978, s. 14; No. 6, 1981, s 4
sch	amd No. 15, 1996, s 4