

NORTHERN TERRITORY OF AUSTRALIA

CARAVAN PARKS REGULATIONS

Subordinate Legislation No. 16 of 2012

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 16 of 2012*

Caravan Parks Regulations

I, Sally Gordon Thomas, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Caravan Parks Act*.

Dated 17 April 2012

S. G. THOMAS
Administrator

By Her Honour's Command

K. VATSKALIS
Minister for Health
acting for
Minister for Justice and Attorney-General

* Notified in the *Northern Territory Government Gazette* on 25 April 2012.

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Caravan Parks Regulations*.

2 Commencement

These Regulations commence on 1 May 2012.

3 Definitions

In these Regulations:

infringement notice, see regulation 5.

infringement notice offence, see regulation 4(1).

prescribed amount, see regulation 4(2).

Part 2 Infringement notice offences

4 Infringement notice offence and prescribed amount payable

- (1) An ***infringement notice offence*** is an offence against a provision specified in the Schedule.
- (2) The ***prescribed amount*** for an infringement notice offence is the amount equal to the monetary value of the number of penalty units specified for the offence in the Schedule.

5 When infringement notice may be given

If the Commissioner reasonably believes a person has committed an infringement notice offence, the Commissioner may give a notice (an ***infringement notice***) to the person.

6 Contents of infringement notice

- (1) The infringement notice must specify the following:
 - (a) the name and address of the person, if known;
 - (b) the date the infringement notice is given to the person;
 - (c) the date, time and place of the infringement notice offence;
 - (d) a description of the offence;

- (e) the prescribed amount payable for the offence;
 - (f) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act*, to whom the prescribed amount is payable.
- (2) The infringement notice must include a statement to the effect of the following:
- (a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after the notice is given;
 - (b) the person may elect under section 21 of the *Fines and Penalties (Recovery) Act* to have the matter dealt with by a court instead of under that Act by completing a statement of election and giving it to the specified enforcement agency;
 - (c) if the person does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act*, including (but not limited to) action for the following:
 - (i) suspending the person's licence to drive;
 - (ii) seizing personal property of the person;
 - (iii) deducting an amount from the person's wages or salary;
 - (iv) registering a statutory charge on land owned by the person;
 - (v) making a community work order for the person and imprisonment of the person if the person breaches the order.
- (3) Also, the infringement notice must include an appropriate form for making the statement of election mentioned in subregulation (2)(b).

7 Payment by cheque

If the person tenders a cheque in payment of the prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on first presentation.

8 Withdrawal of infringement notice

- (1) The Commissioner may withdraw the infringement notice by written notice given to the person.

(2) The notice must be given:

- (a) within 28 days after the infringement notice is given to the person; and
- (b) before payment of the prescribed amount.

9 Application of Part

(1) This Part does not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice has been given unless the offence is expiated.

(2) Also, this Part does not:

- (a) require an infringement notice to be given; or
- (b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been given; or
- (c) prevent more than one infringement notice for the same offence being given to a person.

(3) If more than one infringement notice for the same offence has been given to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

Part 3 Miscellaneous matters

10 Prescribed information in notice of intention to terminate agreement for failing to pay rent

A notice under section 108 of the Act must include the following information, in addition to any other information required by that section:

- (a) the date the obligation to pay rent commenced;
- (b) the current rent payable;
- (c) the frequency that rent is payable;
- (d) the date on which rent was last paid;
- (e) the amount of rent that was last paid;
- (f) the date on which rent will next be payable after the breach is remedied.

11 Modification of section 129 of the Act

- (1) This regulation applies in relation to a class of caravan park agreements mentioned in section 26 of the Act.
- (2) Section 129 of the Act is modified to the extent that, unless the caravan park agreement provides otherwise, the interest that accrues in relation to the security deposit is distributed to the operator.

Note for regulation 11

This regulation modifies the operation of section 129 of the Act in relation to a class of caravan park agreements, as provided by section 184(2)(b) of the Act.

Schedule Infringement notice offences and prescribed amounts

regulation 4

| Provision | Prescribed amount in penalty units |
|-----------------------------------|------------------------------------|
| section 11(2) of Act | 1 |
| section 25(2) and (3) of Act | 2 |
| section 31(1) of Act | 2 |
| section 40(1) and (4) of Act | 2 |
| section 42(1) and (2) of Act | 2 |
| section 46(1) and (6) of Act | 2 |
| section 47(1), (2) and (3) of Act | 2 |
| section 49(1) of Act | 2 |
| section 54(2) of Act | 2 |
| section 55(1) of Act | 2 |
| section 63(1) of Act | 4 |
| section 65(2) of Act | 4 |
| section 66(2) of Act | 2 |
| section 101(5) of Act | 2 |
| section 127(2) of Act | 2 |
| section 132(1) of Act | 2 |
| section 133(2) of Act | 2 |
| section 139(2) of Act | 1 |
| section 182(1) and (2) of Act | 2 |