



Fair
Trading

Residential Parks Act 1998

Guidelines on individual mail facilities

Preamble

The *Residential Parks Act* provides that a majority of a park's residents under residential tenancy agreements may choose to have individual mail boxes installed. The park owner must then obtain and install the facilities but may charge residents a reasonable amount to cover the cost. The mail facilities must comply with any requirements of Australia Post and must be constructed in such a way as to permit the attachment of separate locking devices. It is an offence for park owners to access or interfere with individual mail facilities without the prior consent of the resident.

NB: These are guidelines only and may need to be varied to suit individual circumstances. The guidelines cannot override provisions of the Residential Parks Act and Regulations.

Guidelines

- (1) When any resident or group of residents (ie residents subject to a residential tenancy under the *Residential Parks Act* with the park owner, or successors of such residents), wish to request that individual mail facilities be provided, or the park owner wishes to install individual mail facilities, the issue should first be referred to the park liaison committee for discussion. Other occupants of the dwelling or site involved, casual park occupants, tourists or holidaymakers can not take part in this process.
- (2) If, after consideration of matter, the park liaison committee believes that the installation of individual mail facilities is a worthwhile initiative, a meeting of all permanent residents or a vote in writing should be arranged so that the matter can be decided. If it so wishes, the liaison committee may make a recommendation to residents about the installation of private mail facilities.

- (3) Notice of at least 14 days should be given to all residents under residential tenancy agreements (ie those referred to in clause(1)) for any meeting called to discuss individual mail facilities. The meeting should be chaired by the Chairperson of the liaison committee.
- (4) Both residents and management should be given opportunity at such a meeting to present arguments in favour of and against the proposal if they so wish. Where possible, the approximate cost per resident for the installation of mail facilities should be advised at the meeting. Any requirements or conditions of Australia Post or its contractor should be checked beforehand and be made clear to the meeting.
- (5) At least half of the residents under residential tenancy agreements (ie those referred to in clause (1)) must be present for a vote or take part in the process regarding a decision to request the installation of individual mail facilities. Otherwise the meeting or process must not go ahead.
- (6) In the case of a meeting, voting may be by secret ballot or by a show of hands depending on the wishes of the majority attending the meeting.
- (7) Two residents (from different sites) should be appointed by the meeting to count the votes cast.
- (8) If a meeting is not the method used, all residents (ie residents referred to in clause (1)), could be given an opportunity to vote in writing on the proposal. If this method is adopted, all eligible residents must be provided with details of the proposal and given at least 14 days to respond.
- (9) A resolution to request the installation of individual mail facilities is successful if more than half of the residents (those referred to in clause (1)) are in favour of the proposal. This means a majority of the total number of residents with residential tenancy agreements with the park owner not just a majority of those at the meeting. For instance, if there were 100 residents in the park under residential tenancy agreements, at least 51 would have to vote in favour of the proposal. If only 55, 60 or 70 attended the meeting or took part in the written vote, 51 would still have to vote in favour of the proposal for it to go ahead. A majority decision is binding on all other residents under residential tenancy agreements.
- (10) The result of the meeting or vote in writing should be advised by the placing of a notice on the notice board within 24 hours of the decision being made.

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