



RULES OF CONDUCT FOR COMMUNITY OPERATORS



fact sheet

Home owners in New South Wales have rights under the *Residential (Land Lease) Communities Act 2013* and the *Residential (Land Lease) Communities Regulation 2015*. This fact sheet sets out the rules of conduct that community owners and operators must abide by in order to comply with the law.

Rules of conduct for community operators

Community operators must have a knowledge and understanding of the following acts and regulations:

The *Residential (Land Lease) Communities Act 2013* and Regulations under the Act, each as in force from time to time, and the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* or its replacement, as in force from time to time, and such other laws relevant to the management of a community, including laws relating to residential tenancy, fair trading, trade practices, anti-discrimination, and privacy, as may be necessary to enable the operator to exercise his or her functions as operator lawfully.

A community operator must act honestly, fairly and professionally with all parties in a negotiation or transaction carried out as operator and an operator must not mislead or deceive any parties in negotiations or a transaction carried out as operator.

A community operator must exercise reasonable skill, care and diligence, and not engage in high pressure tactics, harassment, or harsh or unconscionable conduct. An operator must not, at any time, use or disclose any confidential information obtained while acting on behalf of a resident which, in this rule, includes a prospective resident or former

resident, or dealing with a resident, unless:

- a) the resident authorises disclosure, or
- b) the operator is permitted or compelled by law to disclose.

A community operator must take reasonable steps to ensure persons employed in the operation of a residential community comply with the legislation. A community operator, when acting as a selling agent for more than one home in a community, must act fairly and advise prospective home owners of the details of all available homes in the community, and a community operator must not solicit prospective residents through advertisements or other communications that the operator knows or should know are false or misleading.

For further advice and information on the rules of conduct for community operators, please contact your local affiliate or contact ARPRA on **1300 798 399**. More advice is also available from NSW Fair Trading on **133 220**.

www.arpra.org.au

www.fairtrading.nsw.gov.au

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