

## RULES OF CONDUCT FOR OPERATORS

### 1 Knowledge of Acts and regulations

An operator must have a knowledge and understanding of:

- (a) the legislation, which in these rules refers to:
  - (i) the *Residential (Land Lease) Communities Act 2013* and regulations under the Act, each as in force from time to time, and
  - (ii) 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
- (b) 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.

### 2 Honesty, fairness and professionalism

- (1) An operator must act honestly, fairly and professionally with all parties in a negotiation or transaction carried out as operator.
- (2) An operator must not mislead or deceive any parties in negotiations or a transaction carried out as operator.

### 3 Skill, care and diligence

An operator must exercise reasonable skill, care and diligence.

### 4 High pressure tactics, harassment or unconscionable conduct

An operator must not engage in high pressure tactics, harassment or harsh or unconscionable conduct.

### 5 Confidentiality

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.

### 6 Ensuring employees comply with the legislation

An operator must take reasonable steps to ensure persons employed in the operation of a residential community comply with the legislation.

### 7 Selling homes

An 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.

### 8 Soliciting through false or misleading advertisements or communications

An operator must not solicit prospective residents through advertisements or other communications that the operator knows or should know are false or misleading.

### 9 Insertion of material particulars in documents

An operator must not submit or tender to any person for signature a document, or cause or permit any document to be submitted or tendered to any person for signature, unless at the time of submission or tendering of the document all material particulars have been inserted in the document.

### 10 Representations about the legislation

- (1) An operator must not falsely represent to a person the nature or effect of a provision of the legislation.
- (2) An operator must not, either expressly or impliedly, falsely represent, whether in writing or otherwise, to a person that a particular form of agreement or any term of such an agreement is required by the legislation.