

## **ADMINISTERING THE CODE OF CONDUCT**

HLO makes the following recommendations with regard to the role and responsibilities of property managers, including standards, practices and procedures for implementation of this Code of Conduct.

### **2.1 Role and Responsibilities of Managers**

- a. Managers are required to comply with this Code of Conduct as a condition of membership of a Participating Organisation or of listing their Property with a Participating Organisation as the case may be.
- b. Managers must also comply with any request made by a Participating Organisation under the Sanction provisions of this Code of Conduct.
- c. Managers must use their best endeavours to ensure that Property under their management used for Holiday Rental complies with this Code of Conduct generally including in particular the standards, practices and procedures under this Part.
- d. Managers must outline to Guests (and Visitors) the consequences of not complying with any Terms and Conditions.
- e. Managers are to provide information to neighbouring properties on the relevant authority to contact in the event of a contravention of the Terms and Conditions. This can include the provision of a telephone number to contact in this event.

### **2.2 Property Management generally**

#### **2.2.1 Managers should:**

- a. Act with integrity, professionalism, courtesy and consideration when dealing with guests,
- b. Neighbours, owners corporations and other community stakeholders; and
- c. Cooperate with other stakeholders including industry associations, tourism bodies, local
- d. Councils and other government authorities to enhance the image, standards and contribution of holiday rental to the economy.

#### **2.2.2 The Property must not be offered, described, or advertised:**

- a. In a false or misleading manner;
- b. For a purpose inconsistent with this Code of Conduct; or
- c. For more than the maximum number of guests or visitors determined in accordance with this Code of Conduct or in any relevant environmental planning instrument.

### 2.2.3 The Property offered must:

- a. Be offered in a clean, safe and habitable state of repair; and
- b. Comply with relevant planning, building and fire safety and health regulations.

### 2.2.4 Managers should:

- a. Provide general, after hours and emergency telephone numbers to Guests and neighbours; and
- b. Have a local representative to manage guests and property issues.

## 2.3 Terms, Conditions and House Rules

### 2.3.1 Managers must ensure that:

- a. The Terms and Conditions upon which the Property is offered, booked and occupied for
- b. Holiday Rental must adequately cover and be consistent with this Code of Conduct and the
- c. Terms and Conditions specified in Part 3.

These Terms and Conditions must be incorporated into the contract between the Owner and the Guest.

### 2.3.2 Managers must:

- a. Provide and have displayed prominently in the Property, the House Rules;
- b. Provide a Guest & Visitor Information Folder containing other information including a copy of this Code of Conduct and information promoting good neighbourly behaviour;
- c. The House Rules upon which Guests and Visitors are permitted to enter and remain upon the Property must be consistent with this Code of Conduct and must be consistent with and adequately cover the issues in the House Rules specified in Part 4 and must cover any other any key issue relating to the particular Property; and
- d. The Terms and Conditions and House Rules must not offend the unfair contract terms and other provisions of the Australian Consumer Law.

## 2.4 Number of Guests and Visitors

- a. The maximum number of Guests permitted at a Property must not exceed a maximum of 2 adults per bedroom; and
- b. The number of Visitors permitted at a Property must not be such as may conflict with residential amenity and must comply with all the other requirements of this Code of Conduct including the Terms and Conditions and House Rules.

## 2.5 Functions and parties

- a. Properties located in residential areas must not host commercial catering or functions unless they have local council permission to do so.
- b. So-called "party houses" conflict with residential amenity, are damaging to the Holiday Rental industry and are not permitted.
- c. Any gathering, celebration or entertainment permitted at a Property must not conflict with residential amenity and must comply with all the other

requirements of this Code of Conduct including the Terms and Conditions (Part 3) and House Rules (Part 4) and any other relevant planning approvals.

## **2.6 Access and Parking**

Managers must provide information to Guests prior to arrival regarding access or parking restrictions to ensure ease of access with minimum disturbance to other residents or neighbouring properties.

## **2.7 Recycling and Garbage**

2.7.1. Managers must:

Inform Guests of the garbage disposal or recycling usual practices at the Property including: the allocated bins and how excess rubbish should be managed and not left in public or common areas.

Managers must:

- a. Provide details of local council garbage and recycling collection days; and
- b. any special requirements relating to the disposal of garbage or waste minimisation.
- c. Make arrangements for the removal of any excess garbage left by Guests / Visitors

## **2.8 Insurance**

Owners and Managers should hold appropriate insurance, including comprehensive landlords' and public liability insurance (as appropriate.)

## **2.9 Complaints handling**

2.9.1 Managers must:

- a. Have a policy, setting out how to deal with disputes or complaints;
- b. Retain a log of related communication and actions taken;
- c. Respond to complaints professionally and take effective action to stop any problems; and
- d. Cooperate and participate in any complaint handling, response or resolution system implemented by their relevant Participating Organisation or local council.

2.9.2 Managers must also make and maintain a record of the following particulars of each complaint:

- a. Date and time received;
- b. Name and designation (e.g. Guest, neighbour, council, police etc) of the complainant
- c. Contact details of complainant;
- d. Nature of complaint;
- e. Action taken (by whom and when); and
- f. Outcome and/or further action required (e.g. community consultation, meet with council, meet with local police, review management systems or issue resolved.)

2.9.3 Participating Organisations and Managers should encourage and facilitate complaint handling and dispute resolution through the following stages:

- a. Initially by the Manager;
- b. If not resolved in (a) then through the relevant Participating Organisation; and
- c. If not resolved in (b) then through the relevant state or territory Fair Trading or other authority.

## **2.10 Consequences of not meeting this Code of Conduct**

Where required to ensure compliance, Managers must make Owners, Guests and Visitors aware that:

- a. Depending on the Terms and Conditions of the contract between the Guest and Owner, the consequences of not meeting the requirements of this Code of Conduct can include enforcement action from:
  - the Owner and its agents including Manager and security services;
  - local councils or; and
  - in some instances, the Police.
- b. Enforcement action is subject to the Australian Consumer Law and other relevant legislation.
- c. Such enforcement action could result in termination of permission to occupy the Property,
- d. Eviction, loss of rental paid, deductions from security deposits and extra charges.

It is therefore important for all Guests to be aware of their obligations and of their responsibilities to make any Visitors to the Property aware of these requirements to maintain the amenity of the Property and its neighbourhood.