

FAIR TRADING ACT 1987—REGULATION

(Relating to premiums for on-site sales of movable dwellings)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Fair Trading Act 1987, has been pleased to make the Regulation set forth hereunder.

Wendy Machin
Minister for Consumer Affairs.

Commencement

1. This Regulation commences on 21 October 1994.

Amendment

2. The Caravan and Relocatable Home Park Industry Code of Practice Regulation 1992 is amended:

- (a) by omitting from the matter relating to **“Management’s general obligations”** in Part 3 of Schedule 1 the words **“Where a premium for sale on-site of a movable dwelling is payable by a resident the relevant requirements of the Code and the Premium, or the basis for its determination, must be clearly set out in the agreement.”**;
- (b) by omitting from the matter relating to **“Premium for sale on-site”** in Part 3 of Schedule 1 the following words:

If a premium for sale of the unit on-site is payable by a resident to the park owner, the premium or the basis for its determination must be clearly set out in the agreement. If a premium for sale on-site is payable, the park owner must allow the caravan/relocatable home to remain on-site, subject to the park owner approving the purchaser. Where the park owner does not approve a purchaser keeping the home on the site no

premium is payable by the purchaser or the former resident. Where a premium for sale on-site is payable under an agreement a park owner must not charge any commission for acting as a selling agent.

and by inserting instead the following words:

No premium for the on-site sale of a movable dwelling is payable by the purchaser or former resident, but this does not prevent a park owner from charging a commission for acting as a selling agent at the request of the former resident.

- (c) by omitting from item 7 of Schedule A to the Code of Practice set out in Schedule 1 the words “If a premium is payable for sale on-site, what is the amount of the premium or the basis for its determination?”.

EXPLANATORY NOTE

The object of this Regulation is to amend the Caravan and Relocatable Home Park Industry Code of Practice (set out in Schedule 1 to the Caravan and Relocatable Home Park Industry Code of Practice Regulation 1992) so as to prohibit the charging of premium for the on-site sale of movable dwellings situated within caravan and relocatable home parks.

This Regulation is made under the Fair Trading Act 1987, including section 92 (the general regulation making power) and section 75A.
