

Approved Participants Code of Conduct

In March 2019, the Australian Government made amendments to the National Rental Affordability Scheme Regulations 2008 (Regulations) to introduce a new compliance framework for approved participants. One element of that compliance framework is a new code of conduct for approved participants.

The new code of conduct is set out below and outlines Affordable Housing Consulting's obligations in relation to your NRAS rental property.

The approved participant for an approved rental dwelling:

- a) must comply with legal obligations relating to investors in a timely manner; and*
- b) must comply with the law of the Commonwealth and the States and Territories in relation to dealings with investors and tenants; and*
- c) must lodge an annual Statement of Compliance in relation to the dwelling; and*
- d) must respond to a communication from an investor within 30 days, unless the approved participant has a reasonable excuse; and*
- e) must have an internal or external dispute resolution mechanism for use by investors; and*
- f) must not enforce, seek to enforce or threaten to enforce an unfair contract; and*
- g) must not make a misrepresentation to an investor; and*
- h) must not engage in misleading or deceptive conduct in relation to an investor; and*
- i) must not threaten or coerce an investor to take an action the investor is not required to take under contract; and*
- j) must not prevent an investor from entering into a contract with a suitably qualified and experienced person in relation to the dwelling; and*
- k) must not threaten to take action that would result in an investor not receiving incentive to which the investor is entitled under law; and*

- l) *must not require an investor to enter into a contract with another person in relation to the dwelling, unless the contract relates to a property management service provider and the approved participant is able to ensure that the provider:*
- i. complies with the contract between the provider and the investor; and*
 - ii. complies with legal obligations relating to the investor in a timely manner; and*
 - iii. complies with the laws of the Commonwealth and the States and Territories in relation to dealings with investors and tenants; and*
 - iv. does not enforce, seek to enforce or threaten to enforce an unfair contract with an investor; and*
 - v. does not make a misrepresentation to an investor; and*
 - vi. does not engage in misleading or deceptive conduct in relation to an investor; and*
 - vii. does not threaten or coerce an investor to take action the investor is not required to take under contract; and*
- m) *if the approved participant requires the investor to enter into a contract as mentioned in paragraph (l)—ensures that the property management service provider acts in accordance with subparagraphs (l)(i) to (vii).*

Further information about the [code of conduct](#) is available.

What to do if you think that a breach has occurred

If you consider that Affordable Housing Consulting may have breached the code of conduct, other provisions of the Regulations or the conditions of allocation for the allocation covering your rental property, you should raise the issue with Affordable Housing Consulting in writing at compliance@nras.com.au, providing full details of your concerns.

If you are not satisfied with Affordable Housing Consulting's response after 90 days from the day when you first raised your concerns in writing, you may request the Department of Social Services to transfer the allocation covering your rental property. The Department will then assess whether there has been a breach of the code of conduct or other conduct justifying a breach determination. [More information about this process](#) is available at www.dss.gov.au/NRAS.