

15 August 2025

NSW Law Reform Commission
Locked Bag 5000
Parramatta NSW 2124 Australia

By email: adareview@dcj.nsw.gov.au

Dear Sir/Madam

**CCIA NSW SUBMISSION ON REVIEW OF THE ANTI-DISCRIMINATION ACT 1977 (NSW)
UNLAWFUL CONDUCT CONSULTATION PAPER, MAY 2025**

The Caravan, Camping & Touring Industry & Manufactured Housing Industry Association of NSW Ltd (CCIA NSW) is the State's peak industry body representing the interests of over 500 holiday parks and residential land lease communities (residential parks, including caravan parks and manufactured home estates).

We also represent over 200 manufacturers, retailers and repairers of recreational vehicles (RVs, including caravans, campervans, motorhomes, camper trailers, tent trailers, fifth wheelers and slide-ons), camping equipment suppliers, manufactured home builders and service providers to these businesses.

These businesses operate across urban and regional areas of NSW, providing essential accommodation, lifestyle, tourism, and recreational services to a wide demographic, including families, retirees, tourists and people seeking affordable housing options.

Holiday parks and caravan parks offer short-term accommodation where guests can stay in cabins, RVs, or tents on powered and unpowered sites. Operators provide amenities such as communal kitchens, bathrooms and recreational facilities like pools, spas, playgrounds, etc. These businesses cater to domestic and international tourists, long-term casual occupants¹ and seasonal workers.

Residential land lease communities (which can be caravan parks or manufactured home estates under the *Residential (Land Lease) Communities Act 2013* (RLLC Act)) provide housing options where home owners own their manufactured home but lease the land on which their home is situated. Residents who are tenants lease the home and the site from the operator.

Residential land lease communities offer high-quality, low-maintenance housing, an array of lifestyle amenities and facilities, such as clubhouses, BBQ areas and community halls, and the benefits of community living, including safety and social connection. There are around 500 land lease communities in NSW, accommodating about 34,000 residents.

¹ An occupant under an occupation agreement to which the *Holiday Parks (Long-term Casual Occupation) Act 2002* applies.

They are particularly popular among and often marketed to and occupied by older people, with many communities applying age-restriction community rules (commonly 50+ or 55+) under the RLLC Act to foster a peaceful, retirement-style lifestyle.

Meanwhile, RV manufacturers, dealers and repairers design, build, sell and/or maintain RVs. Manufactured home builders construct manufactured homes and relocatable homes for installation in holiday parks, residential land lease communities or on private land. They often work closely with park operators and residents to deliver tailored housing solutions.

With a diverse membership base, we welcome the opportunity to provide feedback on the Law Reform Commission's *Review of the Anti-Discrimination Act 1977 (NSW) Unlawful Conduct Consultation Paper, May 2025* (Consultation Paper).

As duty bearers under the *Anti-Discrimination Act 1977* (ADA), our members are committed to promoting equality and inclusion. As the peak industry body, we support the modernisation and simplification of the ADA to better reflect contemporary community standards and promote the equal enjoyment of rights.

We welcome reforms that foster diversity and inclusion, provided they are evidence-based, proportionate, clear and practical and sensitive to the regulatory burden placed on businesses, particularly SMEs. This is because expanding protected attributes and introducing positive duties under the ADA to promote equality will have practical implications for industry operations.

We do not support additional regulation that increases complexity or costs for industry without demonstrable benefit. Positive duties must be proportionate, aligned with existing obligations (e.g. under Work Health and Safety legislation), and not duplicative or conflicting. This is particularly important given the already complex web of discrimination and workplace laws that operators must manage.

Operators, their employees, customers, guests, residents and visitors would all benefit from simplification of the law. Compliance with the ADA should be made easier through improved accessibility and understanding. Reforms should aim to improve clarity, and implementation of changes should be supported by detailed guidance and accessible resources to help operators understand their obligations and comply confidently and consistently.

Accordingly, definitions within the legislation must be clear to avoid confusion and we recommend against adopting non-exhaustive lists of protected attributes or unlawful conduct, as this will likely create uncertainty and hinder compliance.

Expanding protected attributes and obligations must also be balanced with appropriate exceptions, such as unjustifiable hardship and acts done under statutory authority, to preserve the operation of other legislation and ensure operators can continue to meet their responsibilities effectively. It is also important to maintain distinctions between different aspects of our members' activities and allow them to run their businesses efficiently and confidently.

For example, holiday park and caravan park operators must be able to adopt reasonable policies, procedures and park rules that govern day-to-day operations and conduct within the park. These rules form part of occupation agreements and are essential for maintaining safety, order and enjoyment for all guests.

Separately, operators of residential land lease communities must be able to continue managing their communities in accordance with their rights and obligations under the RLLC Act. These obligations include maintaining common areas, ensuring safety and security and

complying with site agreements and community rules. Community rules are vital to ensuring a harmonious environment for residents (home owners and tenants), though they must be fair and reasonable, clearly expressed, uniformly applied, consistently enforced and not conflict with the RLLC Act or other laws.

Many residential land lease communities have age-restriction rules for occupancy. These are subject to section 44(5) of the RLLC Act, which provides automatic occupancy rights to a home owner's spouse, de facto partner, or carer without requiring operator consent.

While some have questioned the validity of age-restriction community rules, the Appeal Panel decision in the recent case of *YBOS Pty Ltd t/as BIG4 Tweed Billabong Holiday Park v Creek [2020] NSWCATAP 284* confirmed the age-restriction community rule was lawful under the RLLC Act and did not require an exemption under the ADA. This decision is a positive and important one for residential land lease communities, affirming the intention of the Parliament in enacting the RLLC Act and the rights of operators and residents in age-restricted communities.

Under section 107(4) the RLLC Act, operators may also decline to enter into site agreements with prospective homeowners on 'reasonable grounds.' These grounds include unfavourable information from residential tenancy databases (excluding those under section 210 of the *Residential Tenancies Act 2010*) or prior eviction from a community within the past five years for breach of a site agreement.

These provisions support responsible community management and must be preserved. To ensure the continued viability of this important housing model and lifestyle, the ADA must retain the exception for acts done under statutory authority. This is essential to preserve the operation of the RLLC Act and other relevant legislation that governs our members' businesses.

In relation to other reforms that could help businesses, we echo the sentiments expressed by other stakeholders and support the removal of the requirement for prior exemption or certification of special measures designed to benefit specific groups and promote equality. Provided such measures meet appropriate criteria and cease once their purpose is achieved, businesses should be empowered to implement positive programs, services or facilities with minimal administrative burden. This is especially relevant in addressing labour shortages in regional NSW, where most of our members are located.

We also support a move toward nationally consistent anti-discrimination laws, similar to employment law. Many of our members operate across state and territory borders and would welcome consistency in policies, procedures, staff training and complaint resolution. Reforms that promote consistency and provide greater certainty for duty bearers are strongly supported.

Thank you for considering our feedback on the Consultation Paper. We appreciate the opportunity to contribute and welcome continued engagement in this important review. Should you have any questions, please make contact at

Kind regards,

Shannon Lakic
Head of Policy & Engagement
Company Secretary