

Property Developers (Relevant Property Developer) Code of Practice 2025

Disallowable instrument DI2025–248

made under the

Property Developers Act 2024, s 117 (Codes of practice)

1 Name of instrument

This instrument is the *Property Developers (Relevant Property Developer) Code of Practice 2025*.

2 Commencement

This instrument commences on 1 October 2026.

3 Approval

I approve the code of practice for a relevant property developer as set out in schedule 1.

Chris Steel MLA
Minister for Planning and Sustainable Development
4 September 2025

Schedule 1

(see s 3)

Code of Practice for Relevant Property Developers

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Introduction

This Code of Practice for Relevant Property Developers (the Code) is made under section 117 of the *Property Developers Act 2024* (the Act). The Construction Occupations Registrar (the Registrar) is responsible for administering this Code.

This Code applies to a relevant property developer - all licensed property developers and those prescribed by regulation. Failure to comply with this Code is an offence under section 95 of the Act and may result in regulatory action being taken by the Registrar under section 33 of the Act.

Licensed property developers must comply with this Code to meet their obligations under section 19 of the Act.

Action for non-compliance with this Code will be proportionate to the nature, seriousness, and frequency of any breaches of this Code.

Purpose of this Code

The purpose of this Code is to set standards of conduct for relevant property developers. This supports a primary objective of the Act, which is to promote public confidence in the standard of residential development activities undertaken by property developers.

Dictionary

A term used in this Code has the same meaning as the term has in the Act (for example, “key person” and “associated entity” is defined in the Act).

In this Code –

confidential information means any information that is:

- a. acquired by, or provided to, property developer in the course of undertaking activities covered by this Act or other relevant legislation; and
- b. agreed or understood by the property developer and another person be confidential, or that may reasonably be expected to be considered as confidential to that person.

influence means where a property developer, an associated entity of a property developer, or a key person for a property developer may have:

- a. influence over, or perceived influence over, an individual or entity; or
- b. be influenced by, or may reasonably be perceived to be influenced by, an individual or entity.

property development activity means any activity, undertaking, or work performed, in relation to regulated residential buildings under the Act.

Professional conduct obligations for relevant property developers

1. Comply with the law

A relevant property developer must comply with:

- a. the Act and any applicable subordinate legislation under the Act; and
- b. any other laws relevant to their work, conduct and organisation.

2. Act in professional manner and meet a standard reasonably expected of a relevant property developer

A relevant property developer must:

- a. act with honesty, integrity, and in a professional manner;
- b. act in good faith and fairly (for example, fair contracting practices);
- c. not unreasonably discriminate against a person or organisation;
- d. provide commercially reasonable terms and conditions, and not engage in collusive or anti-competitive business practices;
- e. use transparent and ethical sales practices;
- f. not knowingly act, or engage in conduct that could bring, the profession of property development, or perceptions of the quality of buildings in the ACT, into disrepute; and
- g. promptly notify the relevant government authority where in the course of their work they become aware of, or hold a reasonable suspicion of, unlawful activity, or a matter that creates an immediate or imminent risk to health and safety.

3. Act within licence

A relevant property developer must not undertake regulated residential property development activities that do not fall within their licence requirements, including any conditions on their licence.

4. Maintain professional competency

A licensed property developer must maintain their professional competency requirements, as determined by the Minister under section 118 of the Act.

5. Must not falsify, misrepresent, or exaggerate qualifications and experience

A relevant property developer must not falsify, misrepresent, or exaggerate their qualifications or experience.

6. Maintain adequate capacity

A relevant property developer must take reasonable steps to maintain adequate resourcing to ensure there is capacity to deliver the residential building work they undertake.

7. Insurance

A licensed property developer must obtain appropriate insurance for the regulated residential building projects they undertake. Licensed property developers should give consideration to obtaining latent defect insurance to cover the work required to rectify serious defects, or possible serious defects, for these projects.

8. Quality assurance and risk management

A relevant property developer must:

- a. have appropriate systems that provide for quality assurance and risk management relevant to the nature and scale of their development activities; and
- b. cooperate with an independent review of any aspect of the property development activity if requested by the Registrar, or as instructed by an authority under any other relevant law.

9. Oversight

A relevant property developer must take all reasonable steps to ensure that any person engaged to perform services or works in relation to a property development project is appropriately skilled and qualified, and holds appropriate licences, registrations, and insurances.

A relevant property developer must maintain continuing oversight throughout the lifecycle of a development project.

10. Duty not to misinform or mislead

A relevant property developer must not misinform, mislead, or deceive, any parties in connection with the provision of property development activities.

11. Inform and communicate with clients and contractors

A relevant property developer must:

- a. take reasonable steps to ensure that all relevant people, including professionals and subcontractors engaged by the property developer are kept informed of decisions that affect them or their work in relation to regulated residential building projects;
- b. take reasonable steps to ensure that off-the-plan purchasers of regulated residential developments remain informed of decisions, updates on or changes to timeframes, or material changes to a project; and
- c. respond within a reasonable time to reasonable requests from professionals and subcontractors they have engaged, such as the Registrar, other ACT Government regulators, a Commonwealth agency such as ASIC, or off-the-plan purchasers, for information or other communications.

12. Manage conflicts of interest

A relevant property developer must:

- a. implement an adequate conflict management system to manage conflicts of interests that may arise in connection with property development activities;
- b. determine, on an ongoing basis, the appropriate arrangements for the size and complexity of their organisation to ensure conflicts are identified, recorded, and managed effectively; and
- c. take all reasonable steps to avoid engaging in activity where a reasonable person would conclude their conduct or decision-making could be influenced by an actual, perceived, or potential, conflict of interest.

13. Influence, coercion, and bias

A relevant property developer must not engage in behaviour that influences, coerces, or biases the action or decision of another party involved in regulated residential building activity where the outcome of that action or decision made by that party results in, or has the potential to result in, unfair outcomes for purchasers, owners, or occupiers, or to result in a contravention of:

- a. the Act;
- b. a direction given from the Registrar; or
- c. a relevant law.

14. Disclose benefits in relation to appointment of a strata manager

A relevant property developer must disclose to an off-the-plan purchaser, or to the Registrar if requested, if a strata management company has been engaged to provide the strata management services for a regulated residential building, and the property developer (or associated entity or key person) is receiving a financial benefit or any other benefit as part of this arrangement.

15. Maintain confidentiality

A relevant property developer must not disclose confidential information obtained, except where the relevant person has granted consent, or there is a legal or professional duty to disclose the confidential information.

16. Manage complaints

A relevant property developer must take reasonable steps to minimise and resolve complaints or disputes that arise in relation to property development activities, including:

- a. having appropriate processes for managing and responding to enquiries and complaints in a fair and timely manner;
- b. where complaints are made, advising complainants about the complaints process;
- c. documenting decisions in relation to complaints; and
- d. retaining documentation that sets out decisions in relation to complaints.

17. Retain and provide records

A relevant property developer must retain records for a period of 10 years in relation to:

- a. the property developer licence under the Act. Records must include applications for registration and renewal of a licence, rating reports, and information on regulated residential development projects carried out under the licence; and
- b. information prescribed in this Code of Practice (for example, in relation to disclosures of benefits in relation to a strata manager).

A property developer must comply with any request from the Registrar to provide information about and/or copies of records relating to regulated residential building work they have undertaken while licensed under the Act.