TERMS OF REFERENCE

On 8 December 2004, the Parliamentary Joint Committee on Corporations and Financial Services resolved to inquire into the regulation of the timeshare industry in Australia, with specific reference to:

- the effectiveness of the current regulatory arrangements for the timeshare industry under the *Corporations Act 2001*, including:
 - whether the current regulatory arrangements are confusing to consumers and inhibit the development of industry;
 - whether the current regulatory arrangements place an undue compliance cost on industry;
 - whether the current regulatory arrangements are effective in protecting consumers of timeshare products.
- advantages and disadvantages of possible models for reform of the regulatory arrangements applying to the timeshare industry, including:
 - self-regulation of the industry on a national basis;
 - alternatives to coverage under the *Corporations Act 2001*, either by separate Commonwealth legislation or state and territory legislation.

Table of Contents

MEMBERS OF THE COMMITTEE	iii
DUTIES OF THE COMMITTEE	v
TERMS OF REFERENCE	vii
List of acronyms	xi
Recommendations	xiii
Chapter 1	
Background to the inquiry	1
Conduct of the inquiry	1
Inquiry report	2
Chapter 2	
Regulation of timeshare schemes	5
Industry definition and profile	5
Corporations Act reforms and the timeshare industry	9
ASIC's regulation of timeshare schemes	13
Conclusions	18
Chapter 3	
Timeshare as a managed investment	19
Background to the current approach	19
Some advantages	20
And some disadvantages	23
International regulatory approaches	27
Conclusions	31
Chapter 4	
Regulatory options	33
Alternative statutory approaches	36
Conclusions	39
Regulation under the Corporations Act	40

Issues for regulation	43	
The price of timeshare	43	
Sales and marketing	47	
Training and licensing	55 57 60 63	
Cooling-off periods		
Disclosure		
Exiting timeshare and reselling interests		
Conclusions	65	
Chapter 6		
Fully sold schemes	67	
Regulatory exemptions	68	
Resales	69	
Delinquent members	70	
Management issues	72	
APPENDIX 1		
SUBMISSIONS RECEIVED	75	
APPENDIX 2		
PUBLIC HEARINGS AND SITE VISITS	77	
APPENDIX 3		
MAJOR TIMESHARE INDUSTRY PARTICIPANTS		