Legislation..........exciting times

It must be the time for new legislation and from our perspective that is always an exciting time. New South Wales Fair Trading have released another draft piece of legislation in the last month. This time we have been introduced to the Property, Stock and Business Agents Amendment (Property Reports and Exemption) Regulation 2016.

This amendment to the current regulations is only small and addresses three small topics or issues;

1. Property reports;
2. Commercial agents; and
3. Agency agreement requirements

So let's look at each one in turn.

**Property reports:**

The new regulation, if enacted in its current form, will require an agent to:

1. Keep a record of any report, being a physical inspection report (eg. building and pest) or a strata report, which the licensee is aware of. The record of the report must contain the following particulars:
   - the date on which the property or documents relating to the property were inspected for the purposes of the report;
   - whether the person who requested the report to be prepared is the client, a prospective purchaser of the property or the licensee;
   - the name, business address and telephone number of the person who prepared the report; and
   - whether the report is or is not available for re-purchase by any person requesting a copy of the contract for the sale of the property.
2. Disclose to any person requesting a Contract for the Sale of Land if there has been a report made on the property.

**Commercial Agents:**

For the purposes of definition and representation within the Property, Stock and Business Agents Act 2002, the Amendment proposes to
exclude commercial agents from the Act if they are:

a. managing any property on behalf of an affiliate of the agent, or
b. undertaking commercial property agency work in respect of any property that has:
   i. a market value of $40 million or more; or
   ii. a total gross floor area of 20,000 square metres or more

This means that if this piece of legislation is imposed in its current form, and you are an agent that deals exclusively with properties that are described above, you will no longer be required to be a licensed or certificated agent to deal with those properties. Keep in mind however that is only if you EXCLUSIVELY deal with only those properties. If you deal with any properties that fall short of the above definition as well, you will still be required to uphold your regular Property, Stock and Business Agents Act and Regulations compliance.

**Agency Agreements:**

The final proposed change is in fact not a change at all. It is simply putting back something that disappeared from the regulations in 2014, and that is the requirement for your agency agreement to state at what the price the property is to be offered. Many agents have not stopped addressing this item within their agency agreements, while some agents saw the exclusion of this clause from the 2014 regulations as an opportunity to be a little more “creative” with their agreements. This particular item will without a doubt be approved to make the cut on the amendments. So if you are one of the creative agents out there, get back to putting the price at which the property is to be offered on your agency agreements once again!

The consultation process for these amendments have just closed so there should be a very quick follow up within the next month within Fair Trading to have these amendments finalised. As always, as soon as we are aware of any changes or confirmations, we will let you know!

‘Til next time,
Wishing you every success in your business ventures,
Rosy Sullivan
NEWS FROM THE OFFICE

The last two weeks, in amongst the rain and weather mayhem of the east coast of NSW, has seen the College head out to the country to run annual CPD training for many of our returning students. George was thrilled with the fantastic number of Stock and Station agents attending our Mudgee CPD training and taking the opportunity to discuss all the latest changes and updates with others working in the industry. Our courses in Newcastle and Raymond Terrace also gave us the opportunity to see many of our returning students. Kristine also participated in an EAC training event in Wollongong where new legislative changes was the focus of the day – this was received really positively and a type of event that we will be definitely doing again.

Some of our students may be aware that our Manager of Government Funded Programs, Megan Sullivan, is quite the football fanatic. She even travelled to Brazil in 2014 to attend the World Cup. To facilitate her obsession, not that she needed any help, the College has this year sponsored her football team, Gosford City Women’s Premier League. Megan and her team celebrated a fantastic win last weekend, producing a 6-0 score line against their opposition. The Gosford City team currently sit at third on the ladder and hopefully can produce more results like last week to make their way to pole position.

Our Operations Manager, John Roberts, returned to the office this week after spending the last week in Bali for a friend's wedding. He had a fantastic time in the sun escaping from the cold and wet weather we’ve been experiencing in Sydney. He tried working on his tan while away but, being a redhead - sometimes you can only dream.

www.acop.edu.au
enquiries@acop.edu.au
Do you want a Real Estate or Strata Management Licence?

✔ Are you 15 years old or over?

✔ Are you no longer at school?

✔ Are you living or working in NSW?

✔ Are you an Australian citizen, Australian permanent resident, Australian permanent humanitarian visa holder or New Zealand citizen?

If you answered YES to the above questions, you will be eligible for government funding.

Free Assessment
Send us your resume & copies of any qualification transcripts you may have for a free and confidential preliminary RPL assessment.

Complete the Eligibility Survey