



THE NSW  
**real estate**  
TRAINING COLLEGE

# Training News

Newsletter March 2012

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Testimonials:

My experience with your college was one of absolute satisfaction and success and after my course with you I feel confident that I am able to succeed in my chosen field - *Peter Burgess – QLD – Jan 2012*

The NSW Real Estate Training College course provides one with very useful information in building a strong foundation towards the future of becoming a successful real estate agent; the course aids one to have prime understanding on Real Estate. It accomplishes that through many techniques, for example, high quality study materials, helpful guidance and advice, etc. Due to finishing this course one will feel that he has excelled greatly in this area. - *Chin Moy - NSW - Dec 2011*

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## Flood times - what to do

With NSW and Queensland both having been affected by floods this summer agents in flood affected areas need to be aware of their rights and obligations to tenants when a property has been damaged or destroyed.

NSW Fair Trading Minister Anthony Roberts said unlicensed building repairs and tenancy issues were causing problems in Moree and had the potential to do so in other flooded parts of the state.

It should be noted If a home is destroyed or becomes totally or partly uninhabitable, this does not automatically end a tenancy.

Regular communication be-

tween tenant and agent should be maintained to work together for the best outcome for both parties.

Agents should be aware of the requirement of the new NSW tenancy law to advise prospective tenants must be told if premises affected by flood or bushfire in past 5 years.

See the full media release by



NSW Fair Trading minister [here](#) and more information about tenancy and natural



disasters in NSW [here](#).

In Queensland the Residential Tenancies Authority publish fact sheets about [If the premises becomes unliveable](#) and [Natural disasters](#) detailing the requirements in disaster situations.

**NSW Real Estate Training College offers training for Real Estate agents - licensing, registration and CPD - in NSW, Queensland, Western Australia and the ACT**

## National Licensing

A new national occupational licensing system commences from July 2012. This means that as a current licence holder, you will get a single national licence for your current occupation which will enable you to work anywhere in Australia without having to worry about applying or paying for different licences.

Transferring to a national licence requires no action. You

will be advised individually by your state/territory licensing authority, prior to commencement of the new system, of the licence to which you will transfer. The new system will be administered by the National Occupational Licensing Authority (NOLA) but you will still go to your state/territory licensing agency for all licensing matters, including renewals.

If you are currently training to become a property agent you can apply for a national licence once national licensing commences. If you complete your qualification before this time, you can apply for a state-based licence through your state/territory licensing agency.

More information can be found at [National Occupational Licensing Authority \(NOLA\)](#)

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## Resident Letting Agents in QLD: Compliance

A note from Queensland Fair Trading (Newsletter March 2012) reminds Resident Letting Agents in Queensland of the requirements when completing the PAMD Form 20A. When you are appointed as a Residential Letting Agent you must state on the PAMD Form 20A the amount of any commission or benefit you may receive in relation to all expenses incurred on behalf of the owner including:

- Repairs
- Maintenance
- Pay television
- Cleaning and Linen

The commission or benefit must be agreed to by the owner and expressed as a percentage or dollar value.

A reminder also that trust account monies are not available to creditors of the

licensee and must remain in the trust account until legally allowed to be paid out under the Act.



Course of the month

**Sales Fundamentals**

**Elective CPD Training**

**Special price of \$75**

*Research and everyday life demonstrates that having clear measurable goals are important. If we make sure these goals are kept at the core of any learning experience, the learning occurs more easily and rapidly.*

*This training will give*

*12 Cat 3 CPD points in NSW*

*4 Cat 2 CPD points in ACT*

## Pets and Rental Properties

Brisbane is pushing for more pet-friendly rental properties to be made available to encourage more families to adopt animals and stop the displacement of loved family members. According to the RSPCA, 30 per cent of pets surrendered to the organisation are from owners who cannot find adequate accommodation.

Agents should be aware of the requirements for tenants keeping pets.

In WA where you have a cat or dog, or both, an extra \$260 can be charged to meet the cost of fumigation that may be required at the end of the tenancy.



## Business Courses Available!

Macdonald Education has business courses available to complement your real estate operations.

**Courses available:**

**BSB51107** Diploma of Management

**BSB41307** Certificate IV in Marketing

**BSB40407** Certificate IV in Small Business Management

**BSB40807** Certificate IV in Frontline Management

**BSB40207** Certificate IV in Business

**For more information contact:**

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# Swimming pool safety



## A Case Study:

One morning a tenant of a rental property found his three year old daughter playing near the swimming pool, inside the pool fence. The child had managed to open a side gate on the fence. A safety check indicated that the pool fence failed to meet 10 out of 11 requirements, and soon after the tenant gave notice to end the tenancy. The Consumer, Trader and Tenancy Tribunal ruled that the landlord's failure to maintain the pool fence was a breach of the lease agreement, especially as landlord knew that the fence was defective before the tenant and his family moved in. The Tribunal made an order terminating the tenancy. *\*Taken from the NSW Fair Trading website Newsletter Feb 2012*

If you are a landlord or manage a property with a swimming pool you need to ensure the fencing and gates around the swimming pool are safe and well maintained.

**Swimming Pool Fencing: The Rules** - Proper and well-maintained pool fencing and gates are a key safety measure. The fence should be strong and secure, at least 1.2 metres high, and should not be easy for young children to climb over. The gate should open outwards away from the pool, have a child resistant lock and be self-closing. The gate should never be propped open. Lightweight furniture or other objects that could be easily moved by children and used to help them climb a pool fence should be kept away from the pool area. In rental properties, landlords are legally required to comply with all relevant health and safety laws. This includes the requirements for pool fences under the Swimming Pools Act 1992 and Swimming Pools Regulation 2008.

Before a tenant moves in, check

that the pool fence is in good repair and the gate is working correctly. If a tenant notifies you that part of the fence or gate is broken this is an urgent repair. Further information can be downloaded from the NSW Division of Local Government's website.

**Also see The Residential Tenancies Act 2010 NSW: Section 52** provides that a landlord must comply with a landlord's statutory obligations relating to the health or safety of the residential premises. Section 52 includes the following note: "Note. Such obligations include obligations relating to swimming pools under the Swimming Pools Act 1992."

## Swimming pool safety - Queensland

Pool safety inspections: From 1 December 2010, pool safety certificates have been required in QLD when selling or leasing a property with a pool. Pool safety certificates must be obtained from a licensed pool safety inspector. The QLD Government introduced new pool safety laws with the aim of reducing the incidences of drowning and serious immersion injuries of young children in swimming pools. These laws affect new and existing pools. Pool owners have until 30 November 2015 to comply with the new pool safety laws, or earlier if they sell or lease their property before this time.

Agents should be aware that before entering into a Contract a seller must either give the purchaser a pool safety certificate or give a notice of no pool safety certificate (Form 36). The Form 36 advises that the pool may not comply with the pool safety standard and the steps that must be taken to comply. The Form 36 is intended to help prospective buy-

ers make a more informed decision about purchasing the property.

Before settlement the seller must either give the purchaser a pool safety certificate or ensure the purchaser has a Form 36 and provide a copy of the Form 36 to the department. After settlement, if the purchaser has not been given a valid pool safety certificate before the settlement date, they must obtain one within 90 days of settlement. There is no legislative ability to extend this 90-day period.

When leasing property with a swimming pool, a valid pool safety certificate must be in effect before the tenant signs the new lease agreement. This is regardless of when the tenant starts residing at the property. For example, a lease may be signed on one day, but not start for another two weeks. In this case, it is the date that the agreement is formed that is relevant to the pool safety laws.

A copy of the certificate does not need to be given to the tenant. NOTE: If a property agent collects commissions in connection with a lease or other accommodation agreement where no pool safety certificate has been obtained for a non-shared pool, they may be liable for disciplinary proceedings under the Property Agents and Motor Dealers Act 2000.

*\*Agents and Property managers in QLD wanting further information should consult the published guidelines:*

<http://dlgp.qld.gov.au/resources/guideline/pool-safety/guideline-for-pool-owners-and-property-agents.pdf>

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