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Special
points of
interest:

- Flood Times
- Professional Indemnity
- Recent Agent Breaches
- Mould Issues
- Government Funded Courses

New employees who require training?

See page 2 for the Government Funded Training we can offer.

Natural Disasters

Once again a spate of natural disasters hit Queensland and NSW at the start of the year.

This is a major issue for landlords, tenants and real estate agents and agents need to ensure they are up to date with their obligations to the tenant when a property is destroyed, becomes partly uninhabitable or, urgent repairs are required.

With regard to any future lettings, agents must also ensure they disclose to any new tenants if a property has been subject to bushfire or flooding in the last 5 years.

A further consequence of these disasters has been for warnings to be issued in both

NSW and Queensland to be on the look out for unlicensed trades people hoping to benefit from others misfortunes.



Recent flooding

To read the NSW Department of Fair Trading requirements for those undertaking emergency repair [click here](#)

or to read the media release by the Attorney-General and Minister for Justice in Queensland [click here](#)

The NSW Department of Fair Trading has produced a fact sheet on what to do if a property is affected by a Natural Disaster. To view [click here](#)

To read the Queensland RTA fact sheet on natural disasters [click here.](#)



Mandatory Professional Indemnity Insurance in NSW

A reminder to real estate agents in NSW that Professional Indemnity Insurance is now mandatory .

Professional Indemnity Insurance protects real estate agents from claims made by third parties as a result of the conduct of an agent's business that has caused

an alleged loss or damage. Examples include a breach of contract, breach of duty of care or cases of misrepresentation.

This differs from public liability insurance which protects an agent from costs that arise from an incident on your property.

The Property Stock and Business Agents Amendment (Professional Indemnity Insurance) Regulation 2012 makes professional indemnity insurance mandatory from 1 January 2013. To see full requirements [click here](#)

The Queensland RTA is introducing online bond lodgement. By April 2013 clients will be able to lodge single bonds online using BPAY.

WA Real Estate Licence now available online.

CPD training available for NSW ACT and WA elective.

Call us on 02 9987 2322 for more information.

Comply with the law— Some Recent Agent Breaches

A Department of Fair Trading spot check has led to a Gold Coast property salesman and his company being fined for \$50,000.

The salesman was fined for illegally taking the money from a trust account and the company's director was fined for allowing the transactions to take place and failing to comply with the trust account provisions of the Property Agents and Motor Dealers Act 2000.

In total \$237,000 was withdrawn from the trust account. Fair Trading investigators were told that this was used to pay wages and operating costs.

A Sunshine Coast agent has been fined \$2,000 after pleading guilty to unlawful entry after he showed a potential purchaser around a property without the tenant's permission. The agent was found to have had a 'complete disregard

to the tenants wishes". To read article [click here](#)

A residential letting agent has been permanently banned from holding a real estate licence and fined for taking bond money from a trust account. The agent had said she was entitled to the money because she had refunded tenants bonds from her own pocket. [Click here.](#)

Landlords: Attend to Mould and Dampness Issues Early

A recent case highlights the need for landlords to treat mould and dampness issues seriously. In the case of [Timms & Simpson v Adams \[2012\]](#), decided in the NSW CTTT (Consumer, Trader and Tenancy Tribunal) a landlord was ordered to pay over \$5,000.00 to provide adequate ventilation, remove mould and compensate for damage to tenant's property.

If the recommended repairs had been carried out earlier in the tenancy, when indicated by the tenant and tradesman, this repair bill could have been reduced to under \$1,000.00.

The mould and dampness in the bathroom ceiling had been noted in the ingoing condition report and the tenant had advised the landlord as it got worse.

Property managers need to ensure landlords understand their obligations regarding mould and dampness in properties. Cases such as this should encourage landlords to take early action, fix the problem and save costly bills in the future.

See the Tenants NSW Fact-sheet on Mould [click here](#)

Government Funded Courses

Macdonald Education is now able to offer Government Funded Certificate IV courses that employers can offer existing and new employees. This training is funded by the

NSW Government in partnership with the Commonwealth Government. Courses available:

CPP40307 Certificate IV in Property Services (Real Estate) (NSW Real Estate Agents Licence)

CPP40407 Certificate IV In Property Services (Stock and Station Agency)

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

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