

Training Newsletter

Off the plan protection secured

The NSW Government introduced new laws in November, to make developers justify any sunset clause termination of an off the plan sale. If a purchaser does not give their consent, then a developer will be required to apply to the Supreme Court.

These changes have occurred as a result of some NSW consumers reportedly having their contracts rescinded by a developer using the sunset clause, only for the land or apartment to be sold the same day for a higher price.

Minister for Innovation and Better Regulation Victor Dominello said “The NSW Government is putting developers on notice that if they use a sunset clause for no other reason than to reap a windfall profit at the expense of the purchaser – then they do so at their own peril.”

The legislation applies not only to contracts made after the laws come into effect, but also applies to contracts that were still in operation.

Underquoting Laws

A reminder that new underquoting laws came into force on 1 January 2016. Agents must now provide their reasonable

evidence based estimated selling price to a vendor, update this estimate if it is no longer reasonable and not advertise or make representations to buyers that are less than this estimate.

If found to be in breach of the underquoting laws an agent could face fines of up to \$22,000 and risk losing their commission.

The changes have been introduced to provide certainty and protection for buyers, for vendors and real estate agents.

Review of training

NSW Fair Trading has released a consultation paper ‘Review of training for licensed occupations in the NSW property services industry’. This paper covered issues including:

- Entry level standards for the licensed property services industry
- Ongoing training requirements
- How initial and ongoing training is provided
- How competency is assessed

Responses to this closed on the 15th January. What changes will it bring? [Read more.](#)



QLD Pool Fences Must Comply

In 2010 QLD householders were given 5 years to meet with [pool safety laws](#). Local councils began policing pool fencing from 1 December 2015, and owners who do not comply face on the spot fines starting at \$800. More information on pool safety laws can also be found [here](#).



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Drones

Some agents are now using drones to photograph and video properties for sale. Agents should be aware of the laws which relate to their line of work and the same applies when it comes to using drones. Visit the [Civil Aviation Safety Authority](#) website for more information.

Have your say on the Residential Tenancies Act 2010

The Residential Tenancies Act is being reviewed to consider if the laws it implemented are working as intended and how they could be improved and updated in the light of the changing market. To have your say, visit [Review of tenancy laws page](#). Comments close 29 January 2016.

Rental Bonds Online

NSW Fair Trading has launched a new service 'Rental Bonds Online' which allows tenants, agents and private landlords to lodge and refund bond money quickly and securely over the internet. SMS and email updates let everyone know what is happening with a bond and refunds can be agreed to and paid into bank accounts quickly. For more information visit the [Rental Bonds Online](#) page.

Tenancy Database Reforms

Queenslanders are being urged to have their say on proposed changes to tenancy

database laws before Parliament this month.

A tenancy database holds information on a tenant's rental history and is a legitimate tool used by owners or their agents to assess the risk of a proposed tenant renting a home. However, unfair listings can occur and prevent a tenant a chance of securing a rental home.

The public have until the 28th January 2016 to comment on the proposed changes. For more information on the propose changes [Read more](#).

Agency Fined After Holding An Open House without the Tenant's Written Consent

A QLD agency has been fined \$4,500 after holding an open house without the tenant's written consent. The tenant had given notice to leave but, instead of obtaining consent the agency issued an Entry Notice stating they would be entering the property for a different purpose.

The tenant then saw an online advertisement showing the property was open for inspection. [Read more](#).

Make Sure NSW Fair Trading Have Your Contact Details

On a number of occasions we have had property professionals contact us saying that they were not aware that it was time to renew their Certificate of Registration or Licence as the renewal notice had been sent to an ex employer. To avoid this situation make sure that NSW Fair Trading are aware of your personal email address and postal address. If you have not provided these in the past you can complete a [change of address form](#).

Five Year Ban For Providing False Information

A WA real estate agent has had his licence and triennial certificate cancelled and is banned from holding a licence for five years after providing false information in his original application. This false information included:-

- A forged employment reference letter
- False statements regarding the dates of previous employment and experience
- False representations relating to the number of real estate transactions that the agent had carried out

Acting Commissioner for Consumer Protection David Hillyard said the basis of the licensing system was to ensure that only fit and proper people work in the real estate industry. "False information in applications is always likely to be discovered. Such deceptive conduct won't be tolerated and appropriate disciplinary action will be taken."

