



THE NSW
realestate
TRAINING COLLEGE

Training News

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Fair Trading moving to new homes in Parramatta

NSW Fair Trading is moving its staff to two new tenancies in Parramatta later this year. The Department has been located in Parramatta since 1989 but is moving from its current premises in Fitzwilliam St to the Barrington Building at 10 Smith St and the Eclipse Building at 60 Station Street. A number of staff from the city office will relocate to Parramatta.



National Licensing and New Trust Audit Rules

The COAG National Licensing Steering Committee released its Decision Regulation Impact Statement in July. The 231 page document proposes that the CPP40307 Certificate IV in Property Services (Real Estate) will be the qualification requirement for the Real Estate Licence.

This is different to the current requirements in Queensland, Western Australia, South Australia, Tasmania, the ACT and the Northern Territory. The new qualifications do not impact on current licensees and will only be required by new applicants.

Under the proposals, mandatory CPD will no longer be

required. However, it is proposed that the Licensing Authority will have the ability to impose skills maintenance on an as needs basis i.e., if there is a change in legislation. For example, NSW Fair Trading could decide that all Licence holders must continue to complete 12 points of CPD in order to renew their Licence.

The State and Territory Governments will be asked to approve this model later this year and the NSW Government is inviting public comment only the policies detailed in the Decision RIS by 12 August.

To link through the NSW Department of Fair Trading to

comment [click here](#)

NEW TRUST AUDIT RULES

From 1 July 2013 licensees' responsibilities have changed in respect of the way they hold or receive trust money. To see changes [click here](#)

Tax Time - Crackdown on Landlords

It's tax time and Landlords are being reminded to check that their claims are correct.

Property has been an attractive option to investors as they can take advantage of the negative gearing. In Australia almost 1.3 million

people an investment property and two thirds of these reported a loss.

However, The Australian Tax office is now targeting 110,000 investment property owners who have been identified through last years tax

returns as having made incorrect claims. Investors need to make sure they are only claiming for expenses incurred when the property is rented and not whilst the investor has been living there.

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Homes with a history

Laws exist which require agents to disclose any “material facts” relating to house when they sell it i.e. if there was a suspicious death at a house. However, these do not extend to disclosing whether a home has been used for drug manufacturing and there are concerns that buyers or renters may be at risk of suffering chemical contamination from harmful residues that might have been left behind.

Common complaints from second-hand methamphetamine exposure include respiratory irritation, appetite suppression, irritable eyes and sleep problems

There is a lack of regulation on the clean up of such properties with many owners just using household cleaning products which, may not be suitable.

Grant Arbuthnot, principal solicitor of the Tenants’

Union of NSW has stated that a landlord is legally required to provide and maintain premises in a reasonable condition. If the Landlord knew that the premises was a former meth lab and did nothing about it the would be in breach of the tenancy regulations and subject to a penalty.

Noisy Unit Occupiers

Sometimes landlords can suffer as their tenants don't renew leases because of noisy neighbours. What action can be taken?

The usual route for such strata disputes is through the Consumer Trader and Tenancy Tribunal (CTTT). This would be an action against the noisy neighbours, not their Land-

lords. An order from the CTTT forcing the tenant to comply with by laws could mean heavy fines for the rowdy tenants if they are breached.

In a case involving partying backpackers the original person named on the lease was long gone by the time complaints were made via Fair Trading. Neighbours

went to their District Court for a noise abatement order against the flats owner and, won. This was a more serious action than anything taken under strata law as breaching a court order is a crime. If an order is made and it is breached, the police can be called and arrests made. To read more [click here](#).

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