



## CPD COURSES

### Castle Hill

Sales & Prop Mgmt

**Fri 9th Mar**

### Gosford

Sales & Prop Mgmt

**Fri 16th Mar**

### Wagga Wagga

Sales & Property Mgmt

**Tue 20th Mar**

### Wagga Wagga

Stock & Station

**Tue 20th Mar**

### Sydney

Real Estate Sales

**Thu 22nd Mar**

### Sydney

Property Management

**Thu 22nd Mar**

### Taree

Sales & Prop Mgmt

**Thu 22nd Mar**

### Sydney

Strata Management

**Fri 23rd Mar**

### Newcastle

Sales & Property Mgmt

**Fri 23rd Mar**

### Orange

Sales & Property Mgmt

**Tue 27 Mar**

## Federal Diversity Jurisdiction

In 2017 a case that had nothing to do with property, Burns v Corbett, which was heard in NCAT, among other jurisdictions, has made an impact on how property managers will be able to deal with issues like rental arrears within the tribunal system.

In February 2017 the Court of Appeal handed down a decision (Burns v Corbett; Gaynor v Burns [2017] NSWCA 3) that indicates that NCAT may not be able to determine matters between residents of different States. These matters are sometimes said to be within 'federal diversity jurisdiction'.

It is a complicated issue for this diversity jurisdiction to be considered - generally there must be two natural people involved and at the time of lodging one must be a permanent resident of one State and the opposing party must be a resident of a different State. There is no 'diversity jurisdiction' problem if one of the parties is a corporation, a NSW government agency, a resident of a territory, or a non-permanent resident of a different State. In addition, there is no problem if the matter does not involve the Tribunal exercising judicial power, for example, because it is an administrative review matter in the Administrative and Equal Opportunity or Occupational Divisions.

Federal diversity jurisdiction is now an issue that property managers and landlords will have to take into consideration when deciding what action to take against a tenant for a breach of their lease, should any of the parties reside in a different State, for example if the property being managed is located in NSW, the tenant and property manager are in NSW but the landlord resides in Victoria. In this instance, there may be an issue regarding federal diversity jurisdiction, which means that NCAT may not be able to hear and determine your matter.

The matter will still be applied for within NCAT, however that application will only support a negotiation/conciliation process. Should the parties not negotiate or settle their matter the case will not be able to be heard through the tribunal, the tribunal member will have to formally dismiss the matter to another court jurisdiction and, depending on the dollar amount of the claim, will be heard in the local court (for claims up to \$100,000) or district courts (for claims from \$100,000 through to \$750,000).

# CPD 2 HOUR SEMINARS

(8am - 10am unless otherwise specified)  
Pre-reading required.

**Full 12 points!!**

**Sydney**  
(5-7pm)

Sales & Prop Mgmt  
**Thu 27th Feb**

**Sydney**

Sales & Prop Mgmt  
**Fri 2nd Mar**

**Sydney**

Sales & Prop Mgmt  
**Mon 12th Mar**

**Liverpool**

Sales & Prop Mgmt  
**Wed 14th Mar**

**Castle Hill**

Sales & Prop Mgmt  
**Mon 26th Mar**

**Parramatta**

Sales & Prop Mgmt  
**Thu 29th Mar**

**Wollongong**

Sales & Prop Mgmt  
**Thu 5th Apr**

**Bankstown**

Sales & Prop Mgmt  
**Wed 11th Apr**

**Gosford**

Sales & Prop Mgmt  
**Fri 13th Apr**

**Coffs Harbour**

(130-330pm)

Strata

**Thu 19th Apr**

Within property management and the services provided to landlords, should an agent be faced with a matter that has federal diversity jurisdiction issues, the property manager will not be the person representing the interests of the landlord. Matters that are taken through the court systems are obviously more costly and time consuming as well as procedurally very different to those matters heard within the tribunal systems, and well outside of the skill set of property managers.

It is important for the property manager to be able to identify when this may be an issue for an agency and their landlord and ensure there is a plan in place in advance should they be representing the interests of interstate landlords. This plan should include consultation with a solicitor with experience in the property industry. And remember, that if your agency is a member of the Estate Agents Co-operative (EAC), that your monthly membership fee entitles you to initial legal advice from Jemmeson & Fisher Solicitors – this way you can determine a way to move forward with your matter and ensure that you are identifying the correct issues in your primary application.

'Til next time,

Wishing you every success in your business ventures,

**Rosy**

## **Diploma of Leadership and Management**

BSB51915

Units taken from nationally accredited training qualifications from the BSB Business Services Training Package.

Every second Wednesday night  
5.30pm - 8.30pm

## **NEW Skills Course for 2018**

### **NCAT (The Reality of Tribunal)**

A one (1) day skills workshop facilitated by Lisa Jemmeson, Senior Associate, Litigation, Jemmeson & Fisher and Rosy Sullivan, College Principal, ACOP

The workshop will focus on the practical skills and knowledge required to present matters at the NSW Civil and Administrative Tribunal.

## CERTIFICATE OF REGISTRATION COURSES

Units taken from nationally accredited training qualifications from the CPP07 Property Services Training Package.

### Castle Hill

Mon 5th – Wed 7th Mar

### Sydney

Mon 19th – Wed 21st Mar

### Wagga Wagga

(Dist Ed + 1 day workshop)

Mon 19th Mar

### Orange

(Dist Ed + 1 day workshop)

Mon 26th Mar

### Tamworth

(Dist Ed + 1 day workshop)

Fri 6th Apr

### Newcastle

(Dist Ed + 1 day workshop)

Fri 20th Apr

## FINANCE AND MORTGAGE BROKING COURSES

Units taken from nationally accredited training qualifications from the FNS Financial Services Training Package.

### Cert IV in Finance & Mortgage Broking Sydney

Mon 30th Apr- Wed 2nd May

### Dip of Finance & Mort Broking Mgmt Upgrade for existing

Cert IV holders

### Sydney

Thu 3rd - Fri 4th May

# From the Office

Well it's been another busy fortnight for the College, with not a spare day in our training rooms in the CBD, and our trainers out on the road running CPD and Certificate of Registration Courses in Parramatta, Bankstown, Castle Hill, Baulkham Hills, Rouse Hill (that's a lot of Hills), Newcastle, Bathurst, Orange, Ballina, Tweed Heads, Port Macquarie, Goulburn. And all of this training happening whilst we are celebrating Valentine's Day, our trainer George's birthday (with a cake of course), and Rachelle has been on holidays in the Philippines for a couple of weeks enjoying the island hopping and the cocktails (we are all so jealous).

Of great importance and much excitement, this last fortnight brought the arrival (on Valentine's Day eve) of beautiful little Harrison Hunter Andrew TODD, a gorgeous little bundle of baby boy to Linh, who is a past staff member and a current marketing consultant to the College. HUGE congratulations to Linh and Stephen and it can be said that Rosy is beside herself with happiness at the cuddles she is getting from our most recent addition to the ACOP family.

Back to reality in the office, last weekend saw the building of a purpose built media room, so we now have high tech facilities for conducting webinars, online tutorials and interactive training sessions with students all over the state. Just today, we have conducted a CPD session for Stock and Station agents from all over New South Wales, and they still had the opportunity to speak "live" with each other and the trainer. It was a fabulous session and we will be conducting many more of these sessions, giving agents in remote areas the ability to attend face-to-face sessions without the tyranny of distance.

## CPD Courses

ACOP offers CPD courses in different formats

Workshops

Distance Education

Online

# acop.edu.au

## Enrol Now

Click on the enrol now button to go to the College online enrolment forms (pdf versions of

## Property Licence Courses

Units taken from nationally accredited training qualifications from the CPP07 Property Services Training Package.

**Financial Management**  
Sydney CBD  
Mon 26th - Tue 27th Mar

**Staff Management**  
Sydney CBD  
Wed 28th - Thu 29th Mar

**Stock & Station Agency Practices**  
Sydney CBD  
Mon 16th - Fri 20th Apr

**Strata Management Agency Practices**  
Sydney CBD  
Mon 12th - Thu 15th Mar

**Sales for Real Estate**  
Sydney CBD  
Tue 3rd - Fri 6th April

**Auctioneer Accreditation**  
Sydney CBD  
Fri 16th Feb

**Trust Accounting + Insurance (Strata)**  
Sydney CBD  
Fri 16th Mar

**Trust Accounting**  
Sydney CBD  
Mon 5th - Wed 7th Mar

**Property Management**  
Sydney CBD  
Thu 8th - Fri 9th Mar

## FNS40815 Certificate IV in Finance and Mortgage Broking

Monday 30th April- Wednesday 2nd May

## FNS50315 Diploma of Finance and Mortgage Broking Management

Thursday 3rd - Friday 4th May

## MAKE 2018 YOUR YEAR

With proposed reforms coming for the real estate and property industry, make 2018 the year that you get the qualification and obtain a full property licence

ACOP provides licensing training programs, and will recognise your prior learning and experience, for the following licence categories:

- ★ real estate agent's licence
- ★ strata manager's licence
- ★ business agent's licence
- ★ stock and station agent's licence
- ★ buyer's agent's licence
- ★ on-site residential property manager's licence

If you are seeking Recognition of Prior Learning (RPL) or Recognition of Current Competence (RCC), talk to us about the types of evidence that you will need to provide to seek these exemptions from training.

## Social Media

