



College Chronicle

Disclosures when selling

July 12, 2019



RTO 91513

What disclosures do you need to make when selling your own property?

In this College Chronicle and the next few Chronicles, we will be discussing agent disclosures from all aspects. As agents, you should have a pretty clear understanding about the disclosures that get made on behalf of the vendor when advertising their property – what we all refer to as “material fact” – for example, has it been the scene of a violent crime? Recent fire or flood or perhaps listed on the loose fill asbestos register?

We ask the vendor the questions to ensure that potential buyers are aware of what they may be purchasing. However, many agents forget that there are disclosures that they may need to make about their own involvement in the selling and purchasing of property.

Section 50 of the Property, Stock and Business Agents Act 2002 states that if you as the agent have an interest in a property that is being sold by you or your agency, there are disclosures that have to be made:

50 Advertisements to include information about licensee

- (2) A licensee who has a relevant interest in the sale of real or personal property must not in the course of carrying on business as an agent on the sale publish or cause to be published an advertisement relating to or in connection with the proposed sale of the property unless the relevant interest is disclosed in the advertisement.
- (3) A licensee has a “relevant interest” in the sale of real or personal property if:
 - (a) the licensee has an interest in the property as an owner of the property, or
 - (b) the licensee is a corporation and a director of the corporation is an owner of the property, or
 - (c) the licensee is a director of a corporation and the corporation is an owner of the property.

Whilst the definitions within the Act detailed above are quite clear, what is not necessarily clear is what constitutes advertising in this regard and how should the agent disclose.

It is not uncommon for an agent to have the words “Agent’s Interest” or “Agent’s Interest Disclosed” in the online or newspaper advertising and this is quite acceptable.

The question is should the disclosure be placed anywhere else? YES it should definitely be a disclosure within the Contract for the Sale and Purchase of Land and on any other form of marketing used by the agency, including but not limited to any brochures, floorplans, Facebook or Instagram and website advertisements.

This part of the legislation, like many sections before and after it, is all about ensuring that the consumer is protected and that there is transparency within the sales process. Should you not make the disclosure, are investigated and found to have failed to make that disclosure, the potential fine can reach 100 penalty units which equates to \$11,000. Much simpler to disclose I think.

‘Til next time, wishing you every success in your business ventures,

Rosy Sullivan | College Director & Principal



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4 HOUR CPD SEMINARS

THU 18TH JUL	SYDNEY CBD Real Estate Sales	WED 7TH AUG	DEE WHY Sales & Prop Mgmt
THU 18TH JUL	SYDNEY CBD Property Management	FRI 9TH AUG	GOSFORD Sales & Prop Mgmt
MON 22ND JUL	SYDNEY CBD Strata	MON 12TH AUG	BALLINA Sales & Prop Mgmt
THUR 25TH JUL	NEWCASTLE Sales & Prop Mgmt	TUE 13TH AUG	TWEED HEADS Sales & Prop Mgmt
THUR 1ST AUG	CASTLE HILL Sales & Prop Mgmt	THU 15TH AUG	SYDNEY CBD Real Estate Sales

2 HOUR CPD SEMINARS (8am - 10am unless specified otherwise). Pre-reading required

Full 12 points!!

MON 22ND JUL	CASTLE HILL Sales & Prop Mgmt	TUE 6TH AUG	SYDNEY CBD - (EVENING SEMINAR) Sales & Prop Mgmt
FRI 26TH JUL	SYDNEY CBD Sales & Prop Mgmt	THU 8TH AUG	PARRAMATTA Sales & Prop Mgmt
MON 29TH JUL	PARRAMATTA Sales & Prop Mgmt	FRI 16TH AUG	SYDNEY CBD Strata Management



From the office

And there we have it, the first fortnight of the new financial year – how time flies when you’re having fun and providing entertainment and learning. With the cold setting in over Sydney, we have kept our trainers warm and running to various places throughout New South Wales to deliver seminars this past fortnight. We kick started the fortnight with our trainers visiting the lively landscapes of Goulburn offering our morning CPD Stock and Station Seminar and a Property Management Seminar. If that wasn’t enough to please even the biggest road trip fans our trainers darted from location to location making their way to a few other areas closer to home including Castle Hill, Cremorne and Sydney CBD before setting into their last stop to what was a great fortnight – the beautiful terrain of Bathurst.

Or trainers in our Sydney head office have been just as busy. The College was buzzing with students last week as we had a great turn out for the Strata Management Agency Practices Course as well as the Strata Trust Accounting and Insurance program. For a few of these students, it was their last module to obtain their Certificate IV in Strata Community Management so we wish them well on your future pathways into the world of Strata Management. To the students who remain, we can’t wait to see you back in the College just as ecstatic to commence your next module or see you active on our online courses.

If you keep up with our College Chronicle you may have heard that George (one of our very accomplished and experienced trainers) was on annual leave. George had embarked on a well-deserved holiday by trading in Sydney’s replica weather of an ice age for the warm sunny beaches of Hawaii. I shouldn’t have to continue because I’m sure that those reading this can close their eyes and imagine exactly what those beaches offer. In replacement of our creative minds, whilst he was away George sent the team some snaps of his holiday – because who doesn’t like to share a little happiness. Whilst we wore layers upon layers shivering through the streets of Sydney it was impossible to wipe our smiles when George finally returned with a perfectly golden tan and a gift for the ACOP travel shelf. Welcome back George.

CERTIFICATE OF REGISTRATION COURSES

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

MON 29TH WED 30TH JUL	CASTLE HILL
MON 12TH WED 14TH AUG	SYDNEY CBD
MON 26TH WED 28TH AUG	PORT MACQUARIE
MON 26TH WED 28TH AUG	PARRAMATTA

FINANCE & MORTGAGE BROKING COURSES

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

MON 26TH WED 28TH AUG	SYDNEY CBD Certificate IV in Finance & Mortgage Broking
26TH-28TH AUG & 2ND-3RD SEP	SYDNEY CBD Diploma of Finance & Mortgage Broking Management <i>(Upgrade Program - Must hold Certificate IV in Finance & Mortgage Broking)</i>

PROPERTY LICENCE COURSES

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

24 TH - 25 TH JUL	Staff Management SYDNEY CBD	22 ND - 23 RD JUL	Financial Management SYDNEY CBD
19 TH - 22 ND AUG	Sales for Real Estate SYDNEY CBD	FRI 27 TH SEP	Trust Accounting + Insurance (Strata) SYDNEY CBD
29 TH JUL - 2 ND AUG	Stock & Station Agency Practices SYDNEY CBD	5 TH - 7 TH AUG	Trust Accounting SYDNEY CBD
23 RD - 26 TH SEP	Strata Management Agency Practices SYDNEY CBD	18 TH - 19 TH JUL 8 TH - 9 TH AUG	Property Management PARRAMATTA SYDNEY CBD
FRI 23 RD AUG	Real Estate Auctioneer Accreditation SYDNEY CBD	8 TH - 9 TH AUG	Business Broking Agency Practices SYDNEY CBD

View our course calendar for all course details.

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