



Australian College
of Professionals

College Chronicle

Protect your staff from
unforeseen dangers

July 26, 2019



RTO 91513

Agency Principals are legally responsible to ensure the safety of their employees, and any other person that may be affected by the agency's work activities.

Real Estate Agents are often working away from the office and their workplace becomes the vehicle they use, a venue, or a client's property where they are often working alone conducting inspections, or meeting with prospective buyers or tenants. These out-of-office activities can leave agency staff particularly vulnerable to the risk of injury.

The following case is an example of an instance where things can go horribly wrong for a property manager simply doing her job.

This recent case involved a real estate agent who was savagely mauled by two bull mastiff dogs inside a rented house in Umina Beach NSW when she was conducting a pre-booked routine inspection. As she let herself in, the two dogs launched into an unrelenting attack, which stopped only when neighbours came to assist her. She was then tended to by paramedics before being airlifted to Royal North Shore Hospital. She sustained a compound fracture to her arm and a laceration to her leg, arriving at hospital in a serious but stable condition. The tenant returned home after hearing what happened and surrendered his dogs to the council rangers who had earlier been called to the scene. Both dogs were euthanised.

When we look at the safety of people whilst doing their jobs, we need to consider the definition of "aggression". Aggression can take the form of physical violence, intimidation or threatening behaviour by people or in this case their animals. Therefore, employers must have suitable processes and procedures in place to minimise the risk of aggression and other health and safety risks. Employers are responsible for providing training and mechanisms to advise staff about what processes to follow to prevent, or if they are subjected to, this kind of behaviour.

Section 55 of the Residential Tenancies Act 2010 (NSW) outlines the circumstances in which a landlord, the landlord's agent, or any other person authorised by the landlord may enter the residential premises during a residential tenancy agreement:

55 Access generally by landlord to residential premises without consent

- (1) A landlord, the landlord's agent or any other person authorised by the landlord may enter residential premises during a residential tenancy agreement without the consent of the tenant, and without giving notice to the tenant, only in the following circumstances:
 - (a) in an emergency,
 - (b) to carry out urgent repairs,
 - (c) if the landlord, landlord's agent or person has made a reasonable attempt to obtain entry with consent and has reasonable cause for serious concern about the health or safety of the tenant or any other person that the landlord, landlord's agent or person believes is on the residential premises,
 - (d) if the landlord forms a reasonable belief that the residential premises have been abandoned,
 - (e) in accordance with an order of the Tribunal.
- (2) A landlord, the landlord's agent or any other person authorised by the landlord may enter residential premises during a residential tenancy agreement without the consent of the tenant, after giving notice to the tenant, only in the following circumstances:
 - (a) to inspect the residential premises, not more than 4 times in any period of 12 months, if the tenant has been given not less than 7 days written notice each time,

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- (b) to carry out or assess the need for necessary repairs (other than urgent repairs) to, or maintenance of, the residential premises, if the tenant has been given not less than 2 days' notice each time,
 - (c) to carry out, inspect or assess the need for work for the purpose of compliance with the landlord's statutory obligations relating to the health or safety of the residential premises, if the tenant has been given not less than 2 days' notice each time,
 - (d) to value the property, not more than once in any period of 12 months, if the tenant is given not less than 7 days' notice each time,
 - (e) to show the premises to prospective tenants, a reasonable number of times during the period of 14 days preceding the termination of the agreement, if the tenant is given reasonable notice each time,
 - (f) if the landlord and tenant fail to agree under section 53 to show the premises to prospective purchasers, not more than twice in any period of a week, if the tenant is given not less than 48 hours' notice each time.
- (3) This section does not apply to any part of premises to which the tenant does not have the right of exclusive occupation.
- (4) This section is a term of every residential tenancy agreement.

Agents must exercise due care and diligence when organising and conducting routine inspections. Even though the Act says that all you have to do is give the tenant a minimum of seven (7) days' written notice to access the rented premises, it is recommended that as part of your WHS Manual, you outline a process for all staff to follow to ensure their personal safety.

Firstly, your agency must have records of which tenants have been authorised to have pets, the type of pet/s, and number of pets. After you serve a tenant with a written notice to conduct a routine inspection, whether they have pets or not, it is good practice that you contact the tenant prior to the inspection to find out whether or not they will be home for the inspection, or they will require you to gain entry by use of the spare set of keys you have in your agency. If they will not be home, exercise caution and request that the tenants remove or restrain pets during an inspection (even if you're a dog lover, things can still go wrong).

When a tenant is not home, always enter the property with caution, as a minority of tenants may have pets at the rented property without seeking the landlord's permission, therefore without the agent's knowledge.

Developing a culture within the Agency where personal safety is front-of-mind is critical, and will play a big part in reducing your Agency risk.

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

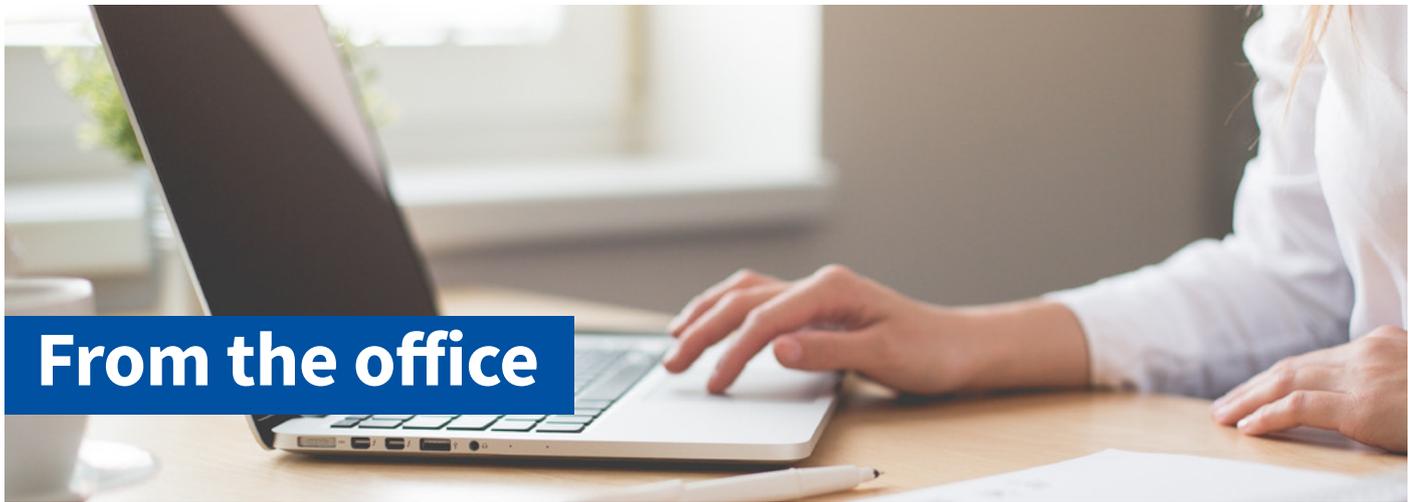
Rosy Sullivan | College Director & Principal

4 HOUR CPD SEMINARS Full 12 points

THUR 1ST AUG	CASTLE HILL Sales & Prop Mgmt	TUE 13TH AUG	TWEED HEADS Sales & Prop Mgmt
WED 7TH AUG	DEE WHY Sales & Prop Mgmt	THU 15TH AUG	SYDNEY CBD Real Estate Sales
FRI 9TH AUG	GOSFORD Sales & Prop Mgmt	THU 15TH AUG	SYDNEY CBD Property Management
MON 12TH AUG	BALLINA Sales & Prop Mgmt	MON 26TH AUG	ALBURY Sales & Prop Mgmt

2 HOUR CPD SEMINARS (8am - 10am unless specified otherwise). Full 12 points, Pre-reading required

TUE 6TH AUG	SYDNEY CBD - (EVENING SEMINAR) Sales & Prop Mgmt	TUE 20TH AUG	PARRAMATTA Sales & Prop Mgmt
THU 8TH AUG	BANKSTOWN Sales & Prop Mgmt	FRI 6TH SEP	CASTLE HILL Sales & Prop Mgmt
FRI 16TH AUG	SYDNEY CBD Strata Management	FRI 13TH SEP	PENRITH Sales & Prop Mgmt



From the office

There we have it, another fortnight that has come and gone here at ACOP. It's been a roller coaster of events these past two weeks and we are excited to share where the journey started. Our trainers set out on their way to provide our CPD seminars in a few closer areas to home such as Liverpool and Baulkham Hills. The energy was definitely felt here at ACOP HQ as well, as we ran classes back to back. We kick started the fortnight with our Certificate of Registration class with students attending not only for Real Estate but also for Strata Management as we took the opportunity to meet and get to know the fresh faces so eager to start their new career path. The classes were jam packed with new and returning students looking to complete their licence studies as they attended the Financial Management module as well as the Staff Management module. Alongside all of the College hype we also had the pleasure of running our first evening class for the Diploma of Leadership and Management where we had a great turn out of students eager to learn and grow in their current roles and build on their leadership skills.

Last week we also had a high attendance of students come along to our CPD seminar, where once a month we run a double session back to back. This is usually a day that we all have a skip in our step as many students are coming and going but that day was a little more special. There will be no words to describe the following so I will lead your thoughts with NAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAANTS IN-GON-YA-MA and yes, as you may have guessed it, it's the opening line to the Lion King in which many of us that work here at ACOP enjoy. So what better way to enjoy this debut of a stroll down memory lane than to go to Gold Class as a team after work. Yes there were tears, laughter and moments of utter joy as we reminisced our childhood and teenage memories but they were soon pushed aside as we made room to carefully choose our goodies from the Gold class menu ending a great night with the delectable goldfish bowl sundaes before departing ways.

To end a great fortnight here at ACOP we would like to welcome back Michelle, who had left the team to embark on a well-deserved holiday. Like George, she also has great taste in destination holidays choosing to spend quality time with her family amongst the white sandy beaches of Hawaii. Although it went quickly, we do hope she enjoyed the days of sunshine that overlooked the beautifully rugged terrain with the soothing sounds of the ukulele.

CERTIFICATE OF REGISTRATION COURSES

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

MON 12TH WED 14TH AUG	SYDNEY CBD
MON 26TH WED 28TH AUG	PORT MACQUARIE
MON 26TH WED 28TH AUG	PARRAMATTA
MON 9TH WED 11TH SEP	SYDNEY CBD

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.

18 TH - 19 TH SEP	Staff Management SYDNEY CBD	16 TH - 17 TH SEP	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	8 TH - 9 TH AUG	Property Management 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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