



Australian College  
of Professionals

# College Chronicle

## Inclusions in Contracts

November 29, 2019



RTO 91513

It is not uncommon for an agent to be provided with a Contract for the Sale and Purchase of Land and to trust that the contract provided has all of the necessary documentation contained within. Unfortunately this may not always be the case.

It is an offence under section 63 of the Property, Stock and Business Agents Act 2002 for an Agent to advertise property for sale without a complete contract. While it may pose an issue for your agency with NSW Fair Trading, it can also call into question the validity of the Contract agreed to by the purchaser and could potentially lead to a rescission of that Contract.

To be certain you have done all that you can to ensure the purchase and sale are a smooth and binding transaction, it is most definitely best practice to go through the Contract prior to advertising and make sure that all documents are where they are supposed to be.

The Conveyancing (Sale of Land) Regulations 2017, schedule 1, sets out the documents that are required:

1. A planning certificate for the land (unless the land is not within a local government area) commonly referred to as the 10.7 certificate
2. Diagrams from a recognised sewerage authority (if available from the authority in the ordinary course of administration) that purport to show the following:
  - (a) the location of any sewer lines on the land upstream of the point of connection to the authority's sewer main (including the point of connection),
  - (b) the location of the authority's sewerage infrastructure for the property downstream of the point of connection to the authority's sewer main (including the point of connection).

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3. If the Contract relates to land:
  - (a) a property certificate, and
  - (b) a copy of a plan for the land issued by the Registrar-General (except in the case of land that is the subject of a limited folio).
4. Copies of all deeds, dealings and other instruments that are lodged with the Registrar-General:
  - (a) easements
  - (b) profits à prendre (a right to take from the land owned by another person part of the natural produce grown on that land or part of the soil, earth or rock comprising the land)
  - (c) restrictions on the use of land
  - (d) positive covenants imposed under Division 4 of Part 6 of the Conveyancing Act 1919

When dealing with land that is strata, community title or leasehold property, there is an additional list of documents that also need to be added to the Contract. As you can see, it is not a very long list of documents that need to be added and not at all outside of the knowledge base of the agent to be able to check their inclusion.

Double checking your contracts could mean the difference between a valid sale and a valid rescission.

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

Rosy Sullivan | [College Director & Principal](#)

## 4 HOUR CPD SEMINARS Full 12 points

<b>THU</b> <b>12<sup>TH</sup></b> DEC	SYDNEY CBD Real Estate Sales	<b>FRI</b> <b>17<sup>TH</sup></b> JAN	SYDNEY CBD Strata Management
<b>THU</b> <b>12<sup>TH</sup></b> DEC	SYDNEY CBD Property Management	<b>FRI</b> <b>24<sup>TH</sup></b> JAN	GOSFORD Sales & Prop Mgmt
<b>FRI</b> <b>13<sup>TH</sup></b> DEC	CASTLE HILL Sales & Prop Mgmt	<b>THU</b> <b>6<sup>TH</sup></b> FEB	SYDNEY CBD Real Estate Sales
<b>THU</b> <b>16<sup>TH</sup></b> JAN	SYDNEY CBD Real Estate Sales	<b>THU</b> <b>6<sup>TH</sup></b> FEB	SYDNEY CBD Property Management
<b>THU</b> <b>16<sup>TH</sup></b> JAN	SYDNEY CBD Property Management	<b>MON</b> <b>10<sup>TH</sup></b> FEB	GOULBURN Sales & Prop Mgmt/Stock & Station

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

<b>WED</b> <b>4<sup>TH</sup></b> DEC	PARRAMATTA Sales & Prop Mgmt	<b>TUE</b> <b>28<sup>TH</sup></b> JAN	CASTLE HILL Sales & Prop Mgmt
<b>WED</b> <b>6<sup>TH</sup></b> DEC	SYDNEY CBD Strata Management	<b>FRI</b> <b>31<sup>ST</sup></b> JAN	SYDNEY CBD Sales & Prop Mgmt
<b>TUE</b> <b>21<sup>ST</sup></b> JAN	PARRAMATTA Sales & Prop Mgmt	<b>MON</b> <b>3<sup>RD</sup></b> FEB	NEWCASTLE Sales & Prop Mgmt



## From the office

So in our lead up to Christmas and with the date now set for the implementation of the Property Services Reforms for 23 March 2020, there are so many people wanting to finalise their training programs. For CPD in the past fortnight, our trainers have travelled to Ballina, Brisbane, Boolaroo, Newcastle, Castle Hill, Dee Why, Gosford, Drummoyne and in the CBD we've had programs for sales, property management, strata management and business broking. Wow – and if that's not enough, our licensing programs have included a Certificate of Registration class, Financial Management and Staff Management modules, Sales for Real Estate, the face-to-face tutorials for the Diploma of Property Services (Agency Management) upgrade qualification and of course the regular fortnightly evening sessions for the Diploma of Leadership and Management. What a wild couple of weeks, and we are predicting that it will get a little busier still as we lead up to Christmas and students rush to have their assessments completed and marked.

At the office, we are still missing Chanelle who is on the road to recovery from her back surgery – we can't wait for her return in the next couple of weeks – and that day will of course warrant celebrations with a cake of magnitude. Naturally, we have all spent some serious time “christmasifying” the office. There are hundreds of red and gold baubles hanging from the ceiling, a flashing Christmas tree at the front door full of beautiful ornaments (yes, including the hand-made Michael Buble ornaments made by Rosy a few years ago). There has been some talk of WHS issues as people have used the step-ladder to install the decorations, but then again...Rosy started it one evening and just got carried away. The rest of us just had to continue in the same spirit – so much fun.

On a more serious note, we are speaking daily with our regional and rural clients who are doing it tough in the drought stricken and fire threatened areas. We have spoken with many of our regional students who are members of the Rural Fire Service and we wish them safety on a daily basis as they fight to save and protect people's homes and livelihoods. We salute you.

## CERTIFICATE OF REGISTRATION COURSES

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

MON 9 <sup>TH</sup> WED 11 <sup>TH</sup> DEC	SYDNEY CBD
MON 17 <sup>TH</sup> WED 19 <sup>TH</sup> FEB	CASTLE HILL

## FINANCE & MORTGAGE BROKING COURSES

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

MON 9 <sup>TH</sup> WED 11 <sup>TH</sup> DEC	SYDNEY CBD Certificate IV in Finance & Mortgage Broking
9 <sup>TH</sup> -11 <sup>TH</sup> DEC & 12 <sup>TH</sup> -13 <sup>TH</sup> DEC	SYDNEY CBD Diploma of Finance & Mortgage Broking Management <i>(Upgrade Program - Must hold Certificate IV in Finance &amp; Mortgage Broking)</i>

# PROPERTY LICENCE COURSES

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

<b>12<sup>TH</sup> - 13<sup>TH</sup> FEB</b>	<b>Staff Management</b> SYDNEY CBD	<b>10<sup>TH</sup> - 11<sup>TH</sup> FEB</b>	<b>Financial Management</b> SYDNEY CBD
<b>20<sup>TH</sup> - 23<sup>RD</sup> JAN</b>	<b>Sales for Real Estate</b> SYDNEY CBD	<b>FRI 28<sup>TH</sup> FEB</b>	<b>Trust Accounting + Insurance (Strata)</b> SYDNEY CBD
<b>3<sup>RD</sup> - 7<sup>TH</sup> FEB</b>	<b>Stock &amp; Station Agency Practices</b> SYDNEY CBD	<b>17<sup>TH</sup> - 19<sup>TH</sup> FEB</b>	<b>Trust Accounting</b> SYDNEY CBD
<b>24<sup>TH</sup> - 27<sup>TH</sup> FEB</b>	<b>Strata Management Agency Practices</b> SYDNEY CBD	<b>5<sup>TH</sup> - 6<sup>TH</sup> DEC</b>	<b>Property Management</b> SYDNEY CBD
<b>FRI 14<sup>TH</sup> FEB</b>	<b>Real Estate Auctioneer Accreditation</b> SYDNEY CBD		

View our course calendar for all course details.

## DIPLOMA OF PROPERTY SERVICES (AGENCY MANAGEMENT) CPP50307

SYDNEY

**MODULE 1**

20th - 21st February

**MODULE 2**

12th - 13th March

PROPERTY SERVICES

# CONSUMER GUIDES

THESE 9 GUIDES WERE CREATED TO HELP YOU WORK MORE EFFECTIVELY WITH YOUR AGENT

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