

Property Industry Continuing Professional Development 2024-25

Compulsory Topic Outline

Topic: Introduction to work health and safety for commercial real estate agents

This compulsory topic outline is for approved providers of NSW property industry continuing professional development under the *Property and Stock Agents Act 2002* and Regulations.

This compulsory unit is applicable to: Commercial Real Estate Agents

Topic Description

This topic covers work health and safety obligations of commercial real estate agents in New South Wales and how they must be applied in practice.

Delivery

This topic must be delivered in:

- a face-to-face interactive training environment with a maximum of 40 attendees, or
- an interactive online webinar with a maximum of 25 attendees.

Duration

Providers may deliver this training as a standalone subject or combined with other compulsory units. It is the responsibility of the approved provider to determine the appropriate length of training required to meet the required learning outcomes.

Learning Outcomes

Upon successful completion of this compulsory CPD topic, participants will be able to:

Module	Learning Outcome
Module 1: Work Health and Safety for Commercial Real Estate Agents	<p>1.1 Demonstrate understanding of the objects of the <i>Work Health and Safety Act 2011</i> (the Act) and <i>Work Health and Safety Regulation 2017</i> as they relate to commercial real estate agents.</p> <p>1.2 Demonstrate an understanding that the Act applies to any place where a business or undertaking is carried out.</p> <p>1.3 Identify potential workplace hazards and risks present within commercial real estate properties, including office buildings, retail spaces, and industrial sites, and including both physical and psychosocial hazards encountered during an agent's work.</p> <p>1.4 Identify key elements of effective strategies to mitigate risks and create a safe working environment for residents, visitors, and contractors including ensuring tradespeople provide a Safe Work Method Statement and a copy of their insurance prior to work being approved.</p> <p>1.5 Define what a "notifiable incident" is and outline the associated reporting process.</p> <p>1.6 Explain what a Mandatory Injury Register is and what information is required.</p> <p>1.7 Demonstrate an understanding of what is "reasonably practicable" in ensuring health and safety.</p> <p>1.8 Identify where more information can be found about work health and safety in commercial real estate agencies, including:</p> <ul style="list-style-type: none">• https://www.safework.nsw.gov.au/your-industry/rental,-hiring-and-real-estate-services• https://www.safework.nsw.gov.au/your-industry/construction

Module 2: Duties of a Commercial Real Estate Agent	<p>2.1 Identify the duties of a commercial real estate agent under the Act.</p> <p>2.2 Define PCBU and how it applies to commercial real estate agents.</p> <p>2.3 Demonstrate an understanding of the WHS obligations of both employers and employees in a commercial real estate agency.</p> <p>2.4 Identify the various categories of offences and penalties that can apply to a business, an employer and a worker.</p>
Module 3: Case Study: Agent sued for fall on slippery driveway at open home inspection	<p>3.1 Discuss as an in-class exercise, the following case study by first reading the two articles below, which approved CPD providers may adapt to a commercial agency setting:</p> <ul style="list-style-type: none"> • https://bnlaw.com.au/knowledge-hub/insights/enter-at-your-own-risk-slippery-driveways-at-open-home-inspections/ • https://www.reiq.com/articles/agency-practice/open-home-visitor-receives-damages-after-fall <p>3.2 Identify, as per the findings of the court:</p> <ul style="list-style-type: none"> • Key facts of the incident • Key failings of the property owners and agent <p>3.3 List the actions that the agent should have taken before the incident to mitigate the risk of accident or injury</p> <p>3.4 List the actions that the agent, including the licensee in charge of the business, should take in the aftermath of the incident occurring.</p>

Assessment

Overview of Assessment	Completion of this compulsory CPD topic is to be assessed through demonstration of knowledge of requirements that are applicable to the class and type of licence held by the participant. A written assessment must be undertaken to assess the participant's knowledge and provide supporting evidence of competence.
Critical aspects for assessment	<p>A person who demonstrates competency in this unit will have introductory knowledge of:</p> <ul style="list-style-type: none"> • the legal work health and safety obligations of commercial real estate agents • how to identify potential hazards and risks in commercial real estate properties • where to find more information about work health and safety in commercial real estate agencies

Property and Stock Agents Continuing Professional Development 2024-25

Compulsory Topic Outline

Topic: New Supervision Guidelines 2024 – Commercial Real Estate Agents

This compulsory topic outline is for approved providers of NSW property industry continuing professional development under the *Property and Stock Agents Act 2002* and Regulations.

This compulsory unit is applicable to: Commercial Real Estate Agents

Topic Description

This topic covers the responsibilities and obligations under the new Supervision Guidelines.

Delivery

This topic must be delivered in:

- a face-to-face interactive training environment with a maximum of 40 attendees, or
- an interactive online webinar with a maximum of 25 attendees.

Duration

Providers may deliver this training as a standalone subject or combined with other compulsory units. It is the responsibility of the approved provider to determine the appropriate length of training required to meet the required learning outcomes.

Learning Outcomes

Upon successful completion of this compulsory CPD topic, participants will be able to:

Module	Learning Outcome
Module 1: Goals and purpose of the Supervision Guidelines	1.1 Explain the goals and purpose of the new Supervision Guidelines, as set out in the Strata and Property Services Commissioner's introduction and at other points throughout the document
Module 2: People Leadership	2.1 Demonstrate an understanding of the obligations of Supervision Requirement 1 – People Leadership as they relate to the participant's class of licence, including but not limited to: 2.1.1 the requirement that all parts of the business must be under the supervision of a licensee in charge 2.1.2 the requirement to properly supervise persons engaged in the business 2.2 Identify the new guidance and requirements under Supervision Requirement 1 as compared to the previous Supervision Guidelines that were in force from March 2023 to June 2024. 2.3 Conduct an initial check of their own agency's compliance with the Requirements of Supervision Requirement 1 and identify matters that need immediate attention.
Module 3: Legal Compliance	3.1 Identify obligations of the Supervision Requirement 2 – Legal Compliance as they relate to the participant's class of licence, including: 3.1.1 the requirement to establish procedures designed to ensure that the provisions of this Act and any other laws relevant to the conduct of that business are complied with 3.1.2 the components of the required procedures

	<p>3.2 Identify the new guidance and requirements under Supervision Requirement 2 as compared to the previous Supervision Guidelines that were in force from March 2023 to June 2024.</p> <p>3.3 Conduct an initial check of their own agency’s compliance with the Requirements of Supervision Requirement 2 and identify matters that need immediate attention.</p>
Module 4: Monitoring Business Conduct	<p>4.1 Identify obligations of the Supervision Requirement 3 – Monitoring Business Conduct as they relate to both class 1 licensees and other licensees and certificate holders, including but not limited to:</p> <p>4.1.1 the requirement to monitor the conduct of business in a manner that will, as far as practicable, ensure the operational procedures required under Supervision Requirement 2 are complied with</p> <p>4.2. Identify the new guidance and requirements under Supervision Requirement 3 as compared to the previous Supervision Guidelines that were in force from March 2023 to June 2024</p> <p>4.3. Conduct an initial check of their own agency’s compliance with the Requirements of Supervision Requirement 3 and identify matters that need immediate attention.</p>
Module 5: Case Study	<p>5.1 Discuss as an in-class exercise the case study below (based on real events in 2023) as a possible failure of supervision and how compliance with clauses 3.1.2 and 2.4.2 of the new Supervision Guidelines could have helped avoid the lot owners’ loss and resulting dispute.</p> <p>CASE STUDY</p> <p><i>Amelia and Siva are owner-occupiers of a residential unit in a strata scheme in Sydney’s southeastern suburbs, which is managed by Sensation Strata. Their lot includes a residential unit on the third floor of the building, a car parking space, and a storage unit in the basement carpark. The storage units are marked with letters A, B, C etc. and are not numbered according to the unit address. Amelia and Siva’s storage unit is full of expensive furniture and other personal items. Reliable Realty is a leasing agent for some of the units in the scheme and is arranging for a new tenant to move into one of the units. Jason Jamb is an assistant real estate agent with Reliable Realty and is the property manager for the new tenancy. Jason has been given a copy of the strata plan for the scheme so he can help the tenants move their belongings into the storage unit that comes with their unit lease. Jason opens the storage unit he has located using the strata plan and finds it full of expensive-looking furniture and other personal items. Jason curses the previous tenant for not moving out their belongings and promises the new tenants the unit will be empty by the end of the weekend so they can store their belongings there, which goes ahead. Jason arranges for a removalist at the landlord’s expense to dispose of the previous tenant’s belongings, as it is known they have moved overseas permanently. Amelia and Siva go to their storage unit some days later and find their belongings gone and replaced with items they don’t recognise. Amelia complains to the strata manager who contacts the leasing agent and finds out Jason Jamb has no training in strata and has misread the strata plan, disposing of Amelia and Siva’s possessions. A dispute ensues and Reliable Realty refuses to acknowledge their error. Amelia and Siva file NCAT proceedings for a compensation order.</i></p>

	<p>5.2 Identify the ways in which the case study could be seen as a failure of supervision within Reliable Realty</p> <p>5.3 Explain the steps that Reliable Realty’s management, and Jason Jamb, could have taken to avoid the incident where the owner-occupiers’ possessions were wrongly disposed of</p> <p>5.4 Explain the steps that Sensation Strata and Reliable Realty should take after the incident to minimise the risk of it happening again</p>
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Assessment

Overview of Assessment	Completion of this compulsory CPD topic is to be assessed through demonstration of knowledge of requirements that are applicable to the class and type of licence held by the participant. A written assessment must be undertaken to assess the participant’s knowledge and provide supporting evidence of competence.
Critical aspects for assessment	<p>A person who demonstrates competency in this unit will have knowledge of:</p> <ul style="list-style-type: none"> • the goals and purpose of the new Supervision Guidelines 2024 as set out in the Strata and Property Services Commissioner’s introduction and at other points throughout the document • the obligations and responsibilities under the new Supervision Guidelines of persons responsible for proper supervision of the business of a licensee • the obligations and responsibilities under the new Supervision Guidelines of persons engaged in the business of a licensee

Property and Stock Agents Continuing Professional Development 2024-25

Compulsory Topic Outline

Topic: Strata Law Reforms 2023-24

This compulsory topic outline is for approved providers of NSW property industry continuing professional development under the *Property and Stock Agents Act 2002* and Regulations.

This compulsory unit is applicable to: Commercial Real Estate Agents

Topic Description

This unit covers changes to strata laws that were legislated in late 2023 under the *Strata Legislation Amendment Act 2023* and *Building Legislation Amendment Act 2023*.

Delivery

This topic must be delivered in:

- a face-to-face interactive training environment with a maximum of 40 attendees, or
- an interactive online webinar with a maximum of 25 attendees.

Duration

Providers may deliver this training as a standalone subject or combined with other compulsory units. It is the responsibility of the approved provider to determine the appropriate length of training required to meet the required learning outcomes.

Learning Outcomes

Upon successful completion of this compulsory CPD topic, participants will be able to:

Module	Learning Outcome
Module 1: Strata Legislation Amendment Act 2023 – changes to the Strata Schemes Management Act and Community Land Management Act 2021	<ol style="list-style-type: none">1.1. Demonstrate an understanding of the amendments relating to companion and assistance animals in strata, including by-laws about bonds, fees and charges, and performance of assistance animals' duties, and provision of evidence of assistance animals' status.1.2. Identify the amendments regarding meetings including, but not limited to, the AGM notice period, restrictions on how many owners a power of attorney or company nominees can represent, and conflicts of interest held by strata committee members.1.3. Explain how to apply the amendments relating to finances and notices including, but not limited to:<ol style="list-style-type: none">1.3.1. Rules on repayment of money transferred between the administrative and capital works funds1.3.2. The requirement to obtain at least two independent quotes for proposed expenditure over \$30,0001.3.3. The requirement to keep new records in electronic form from 11 June 20241.3.4. the appropriate notice period before the expiry date of the strata manager's contract with an owners corporation or association.1.4. Explain how to apply the amendments relating to two-lot schemes.1.5. Explain the new voting threshold for an owners corporation to vote to remove a whole strata committee, or certain members of the committee, and the consequences of such removal
Module 2: Strata Legislation Amendment Act 2023 - changes to the Strata	<ol style="list-style-type: none">2.1. Explain how the legislated changes to the strata renewal process apply where owners corporations want to pursue the collective sale or redevelopment of the strata scheme, including:<ol style="list-style-type: none">2.1.1. Establishment of a strata renewal committee

Schemes Development Act	<p>2.1.2. The requirement for owners to disclose interests at key decision points</p> <p>2.1.3. The types of ‘relevant interests’ that must be disclosed</p> <p>2.1.4. Changes to the Land and Environment Court’s powers in relation to strata renewal proceedings, including the awarding of costs and the criteria for approval of plans even where procedural errors have been made along the way.</p>
Module 3: Changes to the Strata Building Bond and Inspection Scheme and Decennial Liability Insurance – Building Legislation Amendment Act 2023	<p>3.1 Identify the changes to the amount of the strata building bond including the prescribed percentages and the date on which they apply</p> <p>3.2 Explain the key changes to decennial liability insurance (DLI), including:</p> <p>3.2.1 Definitions</p> <p>3.2.2 Exemption from building bond and inspection provisions and other statutory insurance requirements if DLI is obtained</p> <p>3.2.3 Information decennial insurers may be required to give to the Secretary</p> <p>3.2.4 Tribunal powers in relation to DLI</p> <p>3.2.5 Evidentiary requirements for DLI before building certificates can be given</p> <p>3.2.6 Penalties that apply for breaches of Part 11 of the Strata Schemes Management Act 2015</p> <p>3.2.7 Matters prescribed by the Strata Schemes Management Regulation 2016</p>

Assessment

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Critical aspects for assessment	<p>A person who demonstrates competency in this unit will have knowledge of:</p> <ul style="list-style-type: none"> • the key changes from the Strata Legislation Amendment Bill Act 2023 in the <i>Strata Schemes Management Act 2015</i> and the <i>Strata Schemes Development Act 2015</i>, and the application of those changes to the <i>Community Land Development Act 2021</i>, and the <i>Community Land Management Act 2021</i> • the key changes from the Building Legislation Amendment Act 2023 to the <i>Strata Schemes Management Act 2015</i>

Property and Stock Agents Continuing Professional Development 2024-25

Compulsory Topic Outline

Topic: Introduction to strata for commercial real estate agents

This compulsory topic outline is for approved providers of NSW property industry continuing professional development under the *Property and Stock Agents Act 2002* and Regulations.

This compulsory unit is applicable to: Commercial Real Estate Agents

Topic Description

This topic introduces all types of real estate agents to some of the fundamentals of strata law in NSW, with a focus on residential strata schemes. Understanding the nature of the property form that is strata title is vital for today's real estate agents, including in the sale and lease of strata titled properties. This topic gives an overview of developer, vendor and agent obligations in relation to new and existing strata properties, governance arrangements and finally touches on part-strata developments.

Delivery

This topic must be delivered in:

- a face-to-face interactive training environment with a maximum of 40 attendees, or
- an interactive online webinar with a maximum of 25 attendees.

Duration

Providers may deliver this training as a standalone subject or combined with other compulsory units. It is the responsibility of the approved provider to determine the appropriate length of training required to meet the required learning outcomes.

Learning Outcomes

Upon successful completion of this compulsory CPD topic, participants will be able to:

Module	Learning Outcome
Module 1: Strata basics	<ol style="list-style-type: none">1.1 Differentiate between common property and individual lots within a strata scheme1.2 Define a strata scheme and an owners corporation, including the functions of an owners corporation1.3 Summarise the operation of 'unit entitlement' and how it affects financial matters and voting within strata schemes1.4 Define a strata committee and identify restrictions on eligibility of persons to be elected to serve on a strata committee1.5 Differentiate the decisions of owners corporations that can be delegated to the strata committee and managing agent, versus those that must be made by the owners corporation in a general meeting1.6 Summarise the role and functions of a strata managing agent and their key accountabilities to owners corporations1.7 Explain the obligations of owners and occupiers in terms of the use of their lot and the use of common property1.8 Explain the purpose of strata scheme by-laws, to whom they apply, how the model by-laws apply and the restrictions on by-laws imposed by the <i>Strata Schemes Management Act 2015</i>1.9 Summarise the process for enforcement of strata by-laws where a breach is alleged
Module 2: Information disclosure at point of sale	<ol style="list-style-type: none">2.1 Identify information about a strata property which must be disclosed to a prospective purchaser at point of sale in both off-the-plan sales AND existing strata property sales in terms of:<ol style="list-style-type: none">2.1.1 the contract for sale (vendor disclosure)

	<p>2.1.2 obligations on selling agents (agent disclosure)</p> <p>2.2 Summarise further information that prospective purchasers can obtain when doing due diligence before exchanging contracts on a strata property, how to obtain that information and the costs involved</p>
Module 3: Settlement and first AGMs	<p>3.1 Explain the consequences of registration of a strata plan in a new development and its implications for settlement of off-the-plan property sales</p> <p>3.2 Identify the obligations of developers (original owners) in terms of convening the first annual general meeting (AGM), including:</p> <p>3.2.1 timing</p> <p>3.2.2 notification</p> <p>3.2.3 documents and records to be handed over to the lot owners</p> <p>3.2.4 agenda, resolutions and elections required at the first AGM</p> <p>3.3 Explain the financial obligations of lot owners established at the first AGM and subsequent general meetings, including:</p> <p>3.3.1 contributions to the administrative fund and its purpose</p> <p>3.3.2 contributions to the capital works fund and its purpose</p> <p>3.3.3 reasons for potentially unforeseen expenditure by owners corporations and the options for owners corporations to finance them, including special levies, increases in levies and strata loans.</p>
Module 4: Part-strata developments: role of the strata management statement and building management committee	<p>4.1 Identify what types of developments require a Strata Management Statement and the purpose of the Strata Management Statement</p> <p>4.2 Summarise the functions and membership of a Building Management Committee</p>

Assessment

Overview of Assessment	Completion of this compulsory CPD topic is to be assessed through demonstration of knowledge of requirements that are applicable to the class and type of licence held by the participant. A written assessment must be undertaken to assess the participant's knowledge and provide supporting evidence of competence.
Critical aspects for assessment	<p>A person who demonstrates competency in this unit will have knowledge of:</p> <ul style="list-style-type: none"> • the roles and responsibilities of the owners corporation, strata committee and strata managing agent • the role of the strata management statement and building management committee • professional and vendor disclosure requirements at point of sale • the purpose, application and enforcement of by-laws • part-strata developments