

AICNT Newsletter

January 2011

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*National Licensing not
far away.*

Message from the President

Hi Everyone

I hope you have all had a good Christmas and New Year. Following the National AIC meeting in October and the AGM for AICNT in November, I thought it time for another update.

The *Occupational Licensing National Law Act 2010* lodged in Victoria received Royal Assent on 28 September 2010, This sets the framework for all other states to consider and pass the template in the Victorian Act with such variations as the deem appropriate. General regulations will be adopted followed by industry specific regulations.

COAG have set up a conduct harmonisation project "to harmonise the industry specific regulations covering such items as trust accounts, agency commissions, standards and behavior, management & supervision. More difficult to harmonise, but identified for potential harmonisation is education, insurance, complaints and dispute resolution. Consideration of the compensation fund has been deferred by the harmonization committee at this stage. Between this national move and the introduction of e-conveyancing, it is clear to the National Council that we must start to align the way we work on a state by state basis to a more national outlook.

We have been requested to make a submission to the Property Law Reform Committee on our preferred position regarding the process of conveyancing and parties involved. It became very clear during our meeting that each state have different regulations and opinions regarding cooling off, conditional contracts, disclosure and warranties. Finding consensus was an interesting process as each state's representatives believed their process was best.

Change can be frightening, but it is coming and we need to prepare for it and reduce the risk to our profession as much as possible. The best way to do this is for a strong national presence pushing conveyancers forward on a professional level.

As part of this process, the AIC National wish to have a National CPC program, new modernized logo and a national code of conduct. Please see more on this later in the issue.

Sonia Roberts
President

*Vendor disclosure may
be implemented
1 April 2011*

Vendor Disclosure

The start date for Vendor Disclosure has been delayed until possibly as late as 1 April 2011 while a new contract is being drafted and the regulations finalised.

New Contract

Cridlands MB have now finished the second draft of the contract and the Department of Justice has now taken over to finalise the contract.

The Law Society and ourselves have put in comments for the second draft. Our main issue was the removal of reports to effectively make a blanket 10 day cooling off period and that the auction contracts and commercial contracts used differing terminology and clauses. We have asked that they all be based on the one contract. The Department of Justice will then collate all comments and make a determination on each point and send out a final draft for review. Once that has been approved by all parties, they will go to the Agent's Licensing Board for approval. The problem at the moment is that Robert Chamberlain has now left the state and we are endeavoring to find out who has control of the contract now and legislation now.

One of the items introduced in the new contract is 2 dates for a prior sale. One for the buyer to sign a contract for the sale of their property and one for the settlement. This means that if the buyer cannot sell their property, the seller does not have to wait for the completion date to rescind the contract if the buyer refuses to do so. Subject to some minor changes, overall, we are happy with the base contract.

AGM

Our AGM was held on 18 November 2011. I am proud to advise that I have been re-elected as President for another year. Our only other change was Naomi Irvine resigned as secretary due to work commitments and newly licensed Nicole Burnett has taken on the role. Congratulations on both counts, Nicole. I would also like to thank Naomi for her efforts and contribution during the year. A list of councilors and their contact details are shown on Page 4 of this newsletter.

New Secretary

Due to the national CPC program and the upcoming vendor disclosure legislation and accompanying roadshow, we have set up an Education Committee. This consists of:

Naomi Wilson
Sonia Roberts
Trish McIntyre and
Kerry McPhee

If you have any comments or suggestions regarding Education or CPC do not hesitate to contact one of the above members.

National CPC Program

It has been decided by National Council that:

1. Minimum 2 years working experience
2. Ongoing education as decided and provided by individual states

It was also decided that having two logos is impractical and it is better to simply use letters after our name. We will also use the slogan:

"Think property ... Think CPC"

An Education committee (including your President) has been set up and part of their directive is to decide how best to assist the Northern Territory and Tasmania with education including technology to tap into the other states programmes where appropriate.

We would like any information or assistance any of you can provide regarding suitable systems and the types of education you would like to see.

The committee has met twice by webinar (GotoMeeting) which has worked well. Our objectives are to firstly organise access for NT, Tasmania and country conveyancers (or others as required) to access education from other states that may be applicable. We will identify topics and each state will work towards running these as webinars to earn points towards CPC. Attendees would have to answer questions during the seminar to ensure their attentiveness and reach a certain % of responsiveness in order to earn the points. Attendees can ask questions by chat or voice.

SA has run their first webinar on their CATS programme and received good feedback. Obviously, there will be a charge for these seminars. AICNT will attempt to gain funding for ongoing education from the Agents Fidelity Fund where possible.

Our ongoing goals are as follows. Firstly, to put recommendations to the National AIC on how the national CPC should work given that each state has different licensing and education requirements. Secondly, review the new FNS10 Financial Services Diploma and Advanced Diploma and work on a national education standard and transition process that can be recommended to government for the Nationalisation standards. Obviously both are huge tasks.

*Ongoing Education
required to earn letters
after your name*

Darwin Life & Home Expo 2011

The Darwin Life and Home Expo 2011 is held on the 9th & 10th April 2011.

Kerry McPhee has offered to co-ordinate a booth if several conveyancers would like to combine and share expenses and time on a booth. There is an early bird special for cheaper attendance if you register before 1 February 2011. (Sorry about the small amount of notice). Please contact Kerry if you are interested.

*Want to promote your
business?*

Seminars

Funding has been approved for Ward Keller to run a programme to cover:

- The new contract
- Vendor disclosure and
- Unit Titles Schemes Act from a conveyancers perspective

We are also looking into having a business seminar that will assist us to make our businesses more profitable given the current downturn in the market and the additional work we are taking on with vendor disclosure.

*Seminar funding
approved*

AICNT Committee Members

President	Sonia Jarrad Arafura Conveyancing Pty Ltd sonia@arafuraconveyancing.com.au 8927 4441
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Feedback

Help us make our Association and voice strong.

It is important that we get your feedback on how you would like your Association to run, the benefits you would like to receive and the future direction of the profession,

Please let us know how we can best be of service to you and your business.