

COMMON PROPERTY

Newsletter for professionals in the
Facilities Management Sector.



Bringing in the Sharks



Edition: 3rd June 2011

As a solicitor, I thank the gods that people cannot get along. On my knees, I also give thanks to the Lord that the NSW Government has seen fit to put people from all different backgrounds into one little building. Because of the NSW Government all these people find good reason to argue with each other.

When disputes occur, and there is no ability to resolve the issue between mediation and negotiation, the Owners Corporation and lot owners bring in the sharks. Those human sharks dressed in penguin suits who normally reside around the areas of Philip and Macquarie Streets Sydney, are referred to as solicitors and barristers. Costly to home, costly to keep and usually unpalatable to all parties. Nevertheless, if people could find a way to get on, the sharks disguised as penguins would not be needed.

The Strata Schemes Management Act 1996 (SSMA) set up some guidelines for the appointment of solicitors. We thought it might be useful at this time to set out the steps which must be taken by a strata manager when appointing a solicitor.

Section 80D of the SSMA establishes two criteria when appointing a solicitor:

1. Legal proceedings which would normally be below \$10,000; and
2. Legal proceedings which exceed \$10,000.

The concept of “normally be above” is a protection under the Act to ensure that solicitors do not issue a monthly bill which is below \$10,000. The SSMA requires the Owners Corporation to consider a particular issue as one action, and if that single action exceeds \$10,000 certain steps must be taken.

Where an action is below \$10,000 the following steps must be taken:

- A cost agreement and Cost Disclosure must be obtained from the prospective solicitor who would be appointed to handle the action or give advice;
- The executive committee may appoint the solicitor by executing the cost agreement and returning it to the solicitor; and

CPD

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**Wed 8th June 11**

**Commercial Leasing**

**CASTLE HILL \$199**

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Friday 10th June 11

Sales (AM)

Topic: 'Getting the Deal Done!'

OR

Prop Management (PM)

Topic: 'New RTA'

CASTLE HILL \$199

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**Wed 15th June 11**

**Commercial Leasing**

**CENTRAL COAST \$199**

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Wed 15th June 11

Real Estate Sales

CENTRAL COAST \$199

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**Fri 17th June 11**

**Sales & Prop Mgmt**

**PORT MACQUARIE \$199**

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Fri 17th June 11

Strata

PORT MACQUARIE \$199

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**Monday 20th June 11**

**Sales (AM)**

**Topic: 'Getting the Deal Done!'**

**OR**

**Prop Management (PM)**

**Topic: 'New RTA'**

**DEE WHY \$199**

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**Download our July to
December 2011 Course
Calendar**

- Pursuant to Section 230A of the SSMA the Cost Disclosure must be circulated to all Lot owners.

For actions above \$10,000 the following steps must be taken:

- A Cost Agreement and Cost Disclosure must be obtained from a prospective solicitor;
- Notice must be given of an EGM moving the following motions:
“It is resolved that the Owners Corporation take action and appoint solicitors to undertake the action”
- The EGM must be convened and resolve by ordinary resolution that the solicitor must be appointed;
- The Owners Corporation must execute the Cost Agreement and return it to the solicitor; and
- The Cost Disclosure must be circulated to all lot owners.

The Act is very clear in relation to the circulation of the disclosure document. It is not sufficient for this Cost Disclosure to be merely placed on a notice board. It is absolutely vital that it is circulated to all owners. This can be done by mail or email. This exemplifies why keeping email addresses of all Lot owners is absolutely paramount as a means of saving costs.

We plead for all Owners Corporations to get on, and if they cannot get on, mediate and conciliate. If you cannot get on and need a fight, Leverage Australia is always willing to assist!

Cheers,
Bailey Compton and The team at ACP/Leverage!

Certificate of Registration

(Be able to list, sell & manage property under a licensee in charge)

Strata Management

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**Mon 20<sup>th</sup> & Tues 21<sup>st</sup> June**  
**Only 2 Days**  
**SYDNEY**  
**\$595**

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Real Estate
Tues 14th to Thurs 16th June 2011
Only 3 Days
SYDNEY
\$595

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**Real Estate**  
**Thurs 16<sup>th</sup> June**  
**1 Day + Self Study**  
**PORT MACQUARIE**  
**\$595**

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Real Estate
Sat 18th & Sun 19th June
2 Day + Self Study
WEEKEND COURSE
CENTRAL COAST
\$475

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**The above courses are Centrelink approved**

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 Visit our website
www.collegeaus.com or
 Call our friendly staff for more course dates.

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 Visit our website  
[www.collegeaus.com](http://www.collegeaus.com) or  
 call our friendly staff for more course dates.

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**ASK ABOUT OUR SELF STUDY COURSES!**

**A FIRM FOUNDATION IN COMPLIANCE WILL SECURE YOUR SUCCESS**


**THE AUSTRALIAN COLLEGE OF PROFESSIONALS: YOUR COMPLIANCE MASTER**

As a real estate agent, you work in an ever changing legal environment. New tenancy rules, the introduction of credit licences and national regulations in the property industry are just a few of the changes that confront you.

It is important that you and your team have a firm foundation in compliance to secure your success. Many agents have lost their commission and their licence for simple mistakes.

ACP's training programs ensure compliance practices in a financially effective environment. ACP is the only college that uses solicitors and real estate practitioners who have a proven track record. Don't risk your income and licence to anyone but the Compliance Masters.

**WARNING:** The new real estate regulation due in 2012 will change licensing. Secure your licence now whilst you know how hard it is to get!! ACP's licence program is designed so that people can complete the program without unnecessary impact on their business. Take the step now while it is achievable.



**LEVERAGE AUSTRALIA**  
AUSTRALIAN COLLEGE OF PROFESSIONALS

**FREE**  
 Property Industry LICENSING INFORMATION SEMINARS

**REGISTER TODAY FOR THE DATES BELOW**

**THURSDAY 2nd JUNE**  
 Level 10, 99 York St, SYDNEY


**THURSDAY 16th JUNE**  
 Level 1, 299 Old Northern Rd, CASTLE HILL

**THURSDAY 7th JULY**  
 Level 10, 99 York St, SYDNEY

**THURSDAY 21st JULY**  
 Level 1, 299 Old Northern Rd, CASTLE HILL

**THURSDAY 4th AUGUST**  
 Level 10, 99 York St, SYDNEY

**THURSDAY 18th AUGUST**  
 Level 1, 299 Old Northern Rd, CASTLE HILL



***In the last budget, government funding for upskilling our workforce was announced. Ask us how you can get your hands on this government funding!***

The Australian College of Professionals delivers courses that are informative, relevant and have direct benefits for both you and your employees. Our conscientious staff will stay with you every step of the way to help you and your employee complete all the training.

Some of these key benefits are:

- *Increased efficiency and productivity of business operations*
- *Job satisfaction in employees resulting in a motivated workforce*

**Traineeship Courses Available include:**

- ✓ Certificate III in Property Services (Agency)
- ✓ Certificate III in Property Services (Operations)
- ✓ Certificate III in Business Administration
- ✓ Certificate IV in Business Administration
- ✓ Certificate IV in Frontline Management
- ✓ Certificate IV in Business
- ✓ Certificate IV in Property Services (Real Estate)
- ✓ Certificate IV in Property Services (Stock & Station Agency)
- ✓ Certificate IV in Property Services (Business Broking)
- ✓ Certificate IV in Property Services (Operations)
- ✓ Certificate IV in Finance and Mortgage Broking
- ✓ Certificate IV in Accounting

*There is also additional funding for workers who are over 50 years of age and would like to complete a qualification.*

***Ask Belinda how on 1300 88 48 10***



***For more Common Property News or to make a comment you can [Visit our Blog](#)***

***We specialise in all aspects of Strata, On-Site, Facilities and Property Management!***

***Call our friendly staff today to find a course near you!***

***1300 88 48 10***

***YOU  
Asked  
for it***

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Courses  
&  
Night  
Courses***

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find a  
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