# REIQ JOURNALS

FOR MEMBERS OF THE REAL ESTATE INSTITUTE OF QUEENSE

QMM: Brisbane welcomes 15 \$1m-plus suburbs CoreLogic: Sydney home values up, Brisbane growth strong Business Brokers Forum: How to build your brand

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#### In this edition:

**Business Brokers Forum: How to build your business broker brand** By Ian Salter



#### Home value growth slowed in June: CoreLogic

#### **Commercial News**

Toowoomba's commercial market is being transformed

#### Research

Choosing the right ownership structure for your property

#### **Risk Management**

Avoiding liability for poor workmanship some best practice guidelines for appointing contractors

Case update - Chief Executive, Department of Justice and Attorney General v Peterson Management Services Pty Ltd

#### 18

#### Regular:

| Industry News               | 3  |
|-----------------------------|----|
| Social Snapshot             | 6  |
| What's New What's Hot       | 23 |
| Training                    | 24 |
| Zone Focus                  | 36 |
| What's On                   | 39 |
| REIQ Events                 | 40 |
| Member Benefit              | 42 |
| Advice From An Award Winner | 44 |
| How To Win The Listing      | 45 |
| Done Deal                   | 46 |
| Supplier Directory          | 47 |
| New Accredited Agencies     | 48 |
| Who's Who at the REIQ?      | 49 |



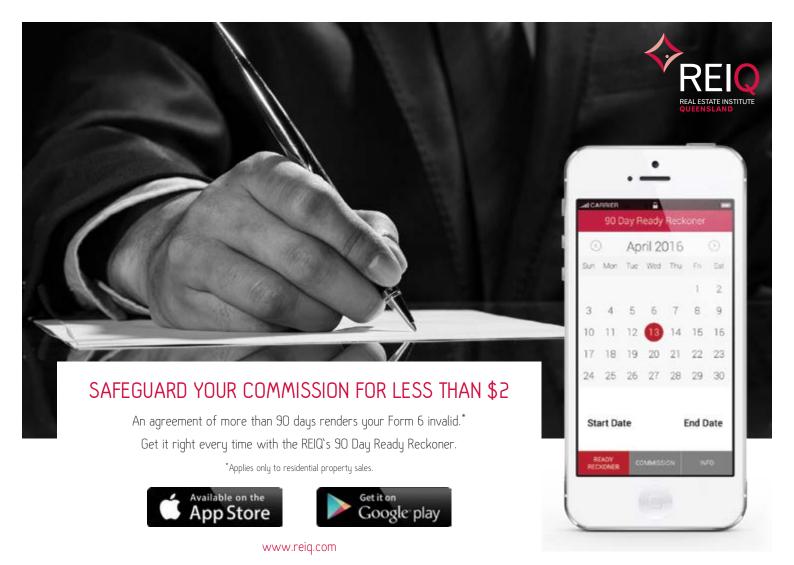
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## **REIQ Mission Statement**

To remain the State's peak real estate organisation, universally recognised for its leadership of the profession and its relevance to real estate practitioners, governments and the community.

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# See you at the next REIQ meeting

A WORD FROM THE CHAIRMAN

The regular get togethers of REIQ's Life Members are a great reminder to me of the genuine pleasure and camaraderie that can be shared by real estate agents. I had the pleasure of attending one of their recent lunches and there was a lot of laughter, a lot of shared experiences and, as you'd expect, plenty of war stories.

our REIQ helps bring members together. I'd like to encourage you to come along to the next event in your area to learn, to update your knowledge and skills, but also to just relax and chat and enjoy the company of others.

Yes I know one or two of them are the devil incarnate. They crossed you on a conjunction or bagged you to a seller or landlord. So don't sit next to that one! In my role as Chair I go to a member gathering in every zone across our state at least once a year – all 17 of them – as well as many of the chapter events. And here's what I've learned:

The vast majority of our REIQ members are great people. You're usually people people, interested in others and enjoy a chat. You're often remarkably prepared to share your experiences and lessons learned. There might be some who want to run solo, but many of you really enjoy the opportunity to hear what's happening and find common ground. To gain some confidence in what you're doing in our career and business, and to consider how you might change things.



Many are fierce competitors and I'm not suggesting you'll be best friends with every REIQ member you meet. But I wonder how many of us miss a chance to step back from the battle lines, if only for a short time, and enjoy eachothers' company. Property managers have always been great at this, witnessed by the 130 who turned up at the new REIQ HQ for breakfast in early June. I've seen really great sharing of ideas amongst our fledgling Buyer's Agents Chapter, it's common with our Auctioneers, and our Business Brokers Chapter always seem to be working closely to get things done in their part of our profession.

As with the wise heads at the Life Members' get togethers, there's mutual respect – not always agreement – but acknowledgment that you can have some fun and maybe learn a thing or two from breaking bread with others in our great profession.

If you're unsure who your local zone Chair or chapter Chair might be, turn to the last page of this Journal for all their contacts. Reach out to them, introduce yourself and ask about local events. There's always upcoming breakfasts and lunches and drinks with sexy European cars. Lots of events and lots of opportunities to meet.

I'll see you there.

Rob Honeycombe - Chairman E. RobH@beesnees.com.au

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# Red tape will slow property sales

A WORD FROM THE CEO

The Federal Government in its May Budget handed down a little-noticed change that will dramatically impact thousands and thousands of property transactions in Queensland.

argeting foreign residents, the ATO will now tax 12.5% of the property sale price for all transactions \$750,000 and above.

A common misconception with this changed tax law is that if the vendor is not a foreign person, then the agent and vendor don't need to worry about it.

Nothing could be further from the truth. This change affects everybody who sells property at that price bracket.

Our strong advice is that agents, when they are listing the property, urge their vendors to get onto the ATO website and begin that application process for a clearance certificate as soon as possible.

There is no way of knowing how well the ATO has tooled up for this change and as the volume of transactions swamps this organisation it's reasonable to expect that delays will lengthen.

#### Risks increase for sale-by-owner

These changes once again highlight the risks that sellers face if they choose to go it alone without the help of a professional sales agent to guide them through the process. Many sellers will not be aware of the clearance certificate requirement from the ATO. This is where an REIQ accredited agent, who has updated their professional knowledge, can



stand out from the crowd. You can tell your potential client that you have read the articles provided by your peak body, attended the sessions, and informed yourself of these significant changes.

#### Our communications

As this change has rolled out, the REIQ immediately began advising members of this change and the dramatic impact it would have on your professional lives.

We included our objections to this

in our Budget response the day the Budget was issued.

We included it in our regular fortnightly email to the membership.

We have created a short explainer video that outlines the changes and what agents need to do, and shared it across social media.

We have run free CPD sessions on these changes and how they should best be handled by agents.

But still we have agents calling us asking why we haven't notified them.

I can't stress this strongly enough – open your email newsletters, read your Journal magazine, check our social media channels, visit our blog, visit our website.

We communicate with our members every day, sharing information that we know will be helpful to you and important for your work.

Stay up to date:

- Fortnightly email newsletters
- REIQ.com
- blog.REIQ.com

• www.facebook.com/theREIQ Best wishes,

Antonia

# Social Snapshot for June

#### facebook

Noosa is the second-most expensive market with an annual media sale price of \$615,000. It was the top annual median performer with an annual growth of 9.2% compared with March 2016. Sign up to the QMM at **REIQ.com** for an in-depth analysis on the Queensland property market.



In 2018 we celebrate 100 years of representing Queensland real estate, kicking off with the REIQ Summit and Awards for Excellence! Combining two of our signature events this super-sized celebration will be a showstopper. Save the date - this is a party you won't want to miss! **#REIQEvents** 

Congratulations to the newest REIQ Fellow, Karen Ranie, who was presented with her Fellow certificate at yesterday's Cairns Zone Event by REIQ Board Director and Cairns local Deb Duffy!

#### twitter

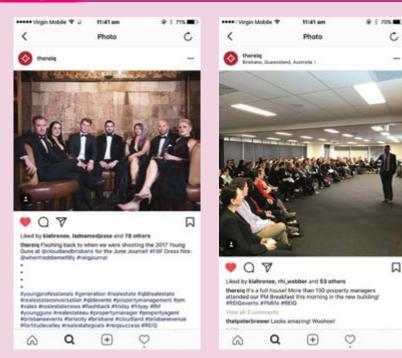


The REIQ @TheREIQ · Jun 14 "Brisbane offers investors some of the best rental yields of all capital cities." Cameron Kusher, @corelogicau

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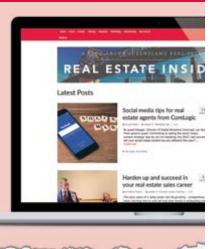
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The REIQ



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#### Latest posts:

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Why the real estate profession should adopt Compulsory **Professional Development** 

The REIQ is committed to the introduction of compulsory continuing professional development (CPD) for all real estate professionals in Queensland. This is why.

#### Market Outlook Breakfast Wrap

A sold-out event greeted the extraordinary line-up of speakers at the REIQ Market Outlook Breakfast, an event launching the new-look Queensland Market Monitor report.



# Brisbane welcomes record 15 \$1m suburbs

The March quarter Queensland Market Monitor revealed Teneriffe was Brisbane LGA's first \$2 million suburb and five new suburbs entered the milliondollar club (up from 10 in the December quarter).

The southeast corner of Queensland has become known for steady, sustainable capital growth and the March quarter was no exception to this trend.

House prices annually grew 4 per cent in Brisbane LGA, taking the annual median to \$650,000, a new high.

REIQ CEO Antonia Mercorella said the Brisbane house market had once again proven itself to be a solid performer.

"This market consistently performs well for property owners, while maintaining its affordable status," she said.

"This market is ideal for both the first-home buyer group and for those looking to build their personal wealth through a property portfolio," she said.

"Brisbane now has its first \$2 million suburb with Teneriffe, but compare this with Sydney, which has more than a dozen, possibly up to 14 suburbs with a median house price of \$2 million or more." Looking at the five-year trend, from March 2012 when the median house price was \$509,999, the Brisbane LGA median house price has grown 27.5 per cent. This represents an extended period of steady, sustainable growth.

The quarterly house price eased, with the median contracting 2.9 per cent to \$642,000.

"We know the quarterly price can be a little more volatile, so when looking at house price trends, the annual figure presents a much more reliable picture," Ms Mercorella said.

Brisbane LGA welcomed 15 suburbs to the million-dollar annual median suburb list in March quarter:

- Ascot (\$1,412,500)
- Bulimba (\$1,150,000)
- Chelmer (\$1,053,000)
- Clayfield (\$1,050,000)
- Fig Tree Pocket (\$1,050,000)
- Hamilton (\$1,165,000)
- Hawthorne (\$1,200,000)
- Highgate Hill (\$1,162,500)
- New Farm (\$1,615,000)
- Paddington (\$1,005,000)
- Robertson (\$1,077,000)
- St Lucia (\$1,185,000)
- Teneriffe (\$2,075,000)
- West End (\$1,080,000)
- Wilston (\$1,150,000)

#### Subscribe to the QMM at REIQ.com



# OFT launches bidder education campaign



WORDS BY BRIAN BAUER, EXECUTIVE DIRECTOR, OFFICE OF FAIR TRADING

The Office of Fair Trading (OFT) has launched a campaign to help educate buyers about the unique rules applying to auction sales.

The 'Come armed with more than just your poker face' campaign urges buyers to ensure they're buy-ready come auction day. The campaign was developed in response to research commissioned by Slater + Gordon lawyers that showed 42 percent of buyers did not know there were no cooling-off periods when buying at auction.

There is a real risk of financial detriment for people who blindly bid on a property without doing the appropriate research or obtaining finance, and for devastated sellers who may be left with a buyer who can't pay.

As agents, you are uniquely placed to get the right information to the

right people at the right time, and are therefore key to preventing such issues.

To help ensure your bidders are ready to buy come auction day, the OFT has produced a postcard-sized preauction checklist for you to hand out to potential buyers.

Selling to auction-smart bidders will help prevent any nasty surprises for you and your vendors after the hammer has fallen.

To order postcards for your agency, visit **www.qld.gov.au/fairtrading**.



# West End delivers strong growth in retail demand

Brisbane retail and commercial demand has been flat in the CBD, but inner suburb West End has garnered national attention for strong growth in retail rental returns, according to new commercial property portal, Commercial Property Guide.

Commercial Property Guide spokesperson Stephen Rose said typically Sydney suburb Newtown leads the nation for strong rental returns for retail landlords, however, West End's increasing rents had attracted attention.

"West End retail asking price for new leases are continuing an increasing upward trend and are now up 7.2% in three months. This compares to Sydney's Newtown asking retail rents that are up 7% in three months," Mr Rose said.

Ray White Commercial agent Richard Porter said: "Whenever we have anything available for lease in the area we receive high levels of enquiry almost instantly. West End is such a tightly held area and potential tenants are entirely aware of this."

First National commercial agent Anthony Conias, whose office is in West End, agreed West End was a rising star.

"Landlords have several applicants who are willing to take the lease. We can afford to look deeper into each potential lessee," he said. Mr Conias said the West End's vibrant daytime and nighttime economies were contributing factors to the area's popularity.

Commercial Property Guide's Stephen Rose said the precinct's unique personality was also a factor in its retail success. "Restaurants, coffee spots and service industries draw consumers to the precinct. Commercial retail here has not been subject to the doom and gloom of the media's reports with closing apparel chains and the threatening shadow of online," he said.

REIQ Fellow and West End Traders Association president, Leo Tsimpikas has a clear vision of the precinct's common purpose: "West End is more than pizza and pasta. It's a melting pot of quality restaurants mixed with a range of specialty shops such as a unique small business Asian fashion importer that comes to mind."

Mr Tsimpikis said: "West End is a great location that continues to focus on bringing people in. It complements shopping centres (not competes). We'd do even better if we had an anchor tenant closer by!"

The retail lease interest in the case of West End extends to the wider neighbourhood beyond Boundary Street. The whole 4101 postcode is seeing higher retail rents, according to Commercial Property Guide data.



Date: Wednesday 30 August 2017 Time: 9.30am – 4.00pm Venue: Brisbane Convention & Exhibition Centre Price: Members \$199 (inc GST) | Non-members \$249 (inc GST) Book now: REIQ.com/Realtech

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#### **Future Crunch**

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Don't miss this dynamic duo - book now, REIQ.com/Realtech

# REIQ streamlines membership and shop accounting

The REIQ is moving to align individual memberships with accredited agency memberships, making both renewable on a calendar year basis.

Individual memberships have been renewed on a financial year basis up until now and from 1 January 2018 this move will streamline all memberships.

To get ready for this, when you get your next renewal notice you will have the option to renew for either six months or 18 months.

For those taking an 18 month membership, a discount will apply.

REIQ CEO Antonia Mercorella said the shift to calendar year membership packages helped streamline the organisation.

"This will also bring membership into line with the CPD program, which will be very helpful to the administration of both parts of the business," she said.

"And from 1 January 2018 the REIQ will introduce more flexible payment options, such as pay by the month, which will give our members more choice when selecting the option that suits them best," she said.

Also, from 1 July 2017 the REIQ Shop would cease offering credit facilities for products and services.

"We recognise this may cause some inconvenience, but as an organisation our resources are better spent providing valuable proactive member benefits, rather than chasing unpaid accounts," she said.

The REIQ will continue to offer credit card and direct deposit facilities for all REIQ Shop transactions.

# Looking for great content? Look no further! REIQ Consumer Content Library is here!

#### WORDS BY FELICITY MOORE

The REIQ has collated an extensive group of consumer advice articles that members may download from the website to use in a range of ways.

REIQ Media and Communications Manager Felicity Moore said the library of articles was designed to be helpful advice pieces that member agents could use in their clientfacing communications.

"If you write a regular weekly blog, for example, it can be challenging to come up with content every week that is of interest to your customers, whether they are potential vendors or tenants.

"So we have identified a range of topics that we know consumers are seeking more information on and created some content that will answer those most-commonly asked questions," she said.

"This content can be used in blog posts, in newsletters, or even printed

and collated into a pre-listings kit. There's a variety of ways this content can be used."

The content library is a free service for members and will help those who use the articles to stand out from their competitors.

"Each of these articles has been written by a professional writer with key concepts explained clearly and concisely," Ms Moore said. "Our legal team has also ensured every piece is accurate in terms of complying with the appropriate legislation," she said.

"It's really a very valuable resource

that we're making available to our membership and there are enough topics to use one a week for more than a year."

Articles range from the basic real estate topics, such as how to choose a real estate agent, through to complex topics such as when email negotiations can form a legally binding contract, what happens if a storm flattens your house between contract and settlement, and many more.

The content library is available now. Members simply log in to the Member Area of REIQ.com and go to **"Logos, Tools and Links".** 



# REIQ seeks tenant

The REIQ is seeking a tenant for the ground floor of its new headquarters, 50 Southgate, Cannon Hill.

This site offers an exclusive groundfloor tenancy of between 400 -836m² with up to 20 on-site parking spaces in the highly sought-after Southgate Business Park, alongside neighbours such as Macquarie Radio Network (home to 4BC), Endeavour Foundation and Niclin Group.

The surrounding amenities include:

- Childcare centre
- Medical centre
- Coffee Club
- Tavern
- Cannon Hill Retail Centre (housing Kmart, Coles and other retailers)

• Homemaker City Cannon Hill (including Bunnings)

Cannon Hill is within 5kms of the Brisbane CBD. Southgate Business Park is in close proximity to the Gateway Bridge and Motorway, delivering easy access to the Port of Brisbane, Brisbane Airport and the Gold Coast.

For more information contact CEO Antonia Mercorella: **CEO@reiq.com.au**.



# For Lease!

The REIQ is looking for a tenant to lease its ground floor in the new Cannon Hill property.

50 Southgate Avenue offers an exclusive ground-floor tenancy of 400 - 836m<sup>2</sup> in the highly sought after Southgate Corporate Park precinct.

The tenancy has a functional fitout in place, as well as exclusive 18 car parks on site.

Staff will love the convenience of nearby amenities and services including:

- Child Care and Medical Centre
- Coffee Club and Colmslie Tavern
- Cannon Hill Retail Centre and K-Mart Plaza
- Homemaker City Cannon Hill
- Coles

To take advantage of this opportunity, please contact CEO Antonia Mercorella: CEO@reiq.com.au





# New withholding tax rules for \$750,000-plus properties

From 1 July 2017, the withholding tax rules that were introduced last July for properties \$2 million and above, will now apply to any property transaction where the market value of the property is \$750,000 and above.

Although the new laws are aimed at foreign residents, real estate agents must be aware that these new laws also impact Australian residents selling properties above this value.

#### Summary

The new laws require a purchaser to withhold 12.5% of the purchase price of real property valued at \$750,000 or more and to pay that amount to the Australian Taxation Office (ATO) on settlement *unless* the seller obtains a clearance certificate.

The new laws will start on 1 July 2017 and are aimed at vendors that are 'foreign persons'.

However, these laws will impact all property transactions valued \$750,000 and over, irrespective of whether the vendor is a foreign person or not. For any sale contract entered into on or after 1 July 2017 where the purchase price is \$750,000 or greater, the purchaser has a statutory obligation to withhold 12.5% of the purchase price at settlement from the vendor and pay that amount to the ATO.

Following settlement, the vendor applies for a tax credit in relation to the amount withheld by the ATO for the capital gains liability arising from the transaction.

This means that Australian resident vendors who are selling property with a market value of \$750,000 or above will need to apply for a clearance certificate from the ATO to ensure that their sale proceeds are not withheld.

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# WARBIRD AVIATION

#### How can your clients obtain a clearance certificate?

The ATO will only issue a clearance certificate to a vendor that is not a 'foreign person' for taxation purposes.

Any vendor that is not a foreign person can apply online for a clearance certificate from the ATO which remains valid for 12 months from the date of issue. The certificate may be used for multiple property sales within the 12 month period.

If a valid clearance certificate is provided to the purchaser prior to settlement, the purchaser is not entitled to withhold 12.5% of the purchase price at settlement and the full sale proceeds are to be released to the vendor.

#### How do Australian residents obtain a clearance certificate?

A vendor who is an Australian resident can obtain a clearance certificate by making an application to the ATO.

If the vendor is automatically assessed as an Australian resident. a clearance certificate will be issued within days of the application however, the process may take longer for more complex applications.

#### When does the clearance certificate have to be given?

Australian resident vendors must give the clearance certificate to the purchaser on ore **before** settlement occurs to avoid the purchaser withholding 12.5% of the purchase price.

#### What if my client is a foreign person?

Where the vendor is a 'foreign person', the purchaser must retain 12.5% of the purchase price and pay that to the ATO at settlement, unless the vendor provides a valid 'Variation Notice' in which case the purchaser must remit the amount stated in the notice.

#### When will the new laws apply?

The new laws will apply to sale contracts (for \$750,000 and above) entered into on or after 1 July 2017.

#### What types of properties do these rules apply?

All property including, vacant land, residential property, commercial property, strata title and community tiles schemes.

#### What does this mean for agents?

#### Australian resident vendor/s

- If you are appointed to sell a property and you consider its market value to be \$750,000 or more then you should advise your vendor to apply for a clearance certificate from the ATO as soon as practicable to avoid 12.5% of the purchase price being withheld at settlement.
- If you are unsure about the ultimate purchase price but there is some prospect that it may sell for \$750,000 or above (for example, it is being sold at auction and the purchase price is unknown or it is being sold by expression of interest etc) you should advise your vendor to apply for a clearance certificate from the ATO as soon as practicable to avoid 12.5% of the purchase price being withheld at settlement.

#### Foreign resident vendors

If the purchase price is \$750,000 or above and the vendor is a foreign resident, you should advise them that 12.5% of the purchase price will be withheld at settlement by the purchaser and provided to the ATO.

#### Will the REIQ amend its contracts?

Yes, all REIQ property sale contracts (residential and commercial) will be amended to include provisions which reflect the above new tax rules.

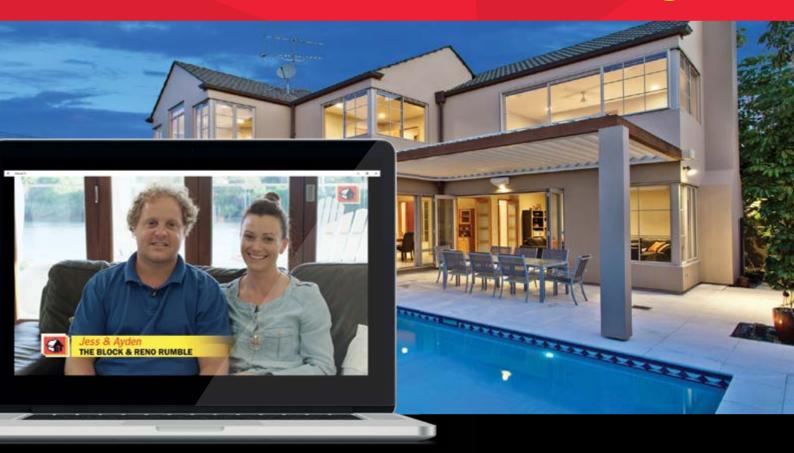
#### Where can I find more information?

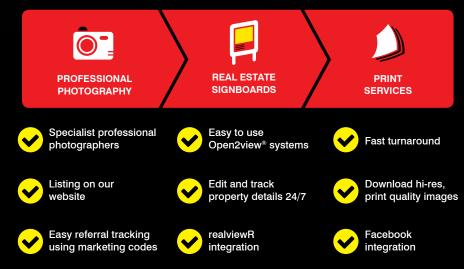
The REIO has released an information video, visit: http://bit.ly/2sWGSIS

Vendors can apply for a clearance certificate via the ATO website: http://bit.lv/2t6TPvx



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# Toowoomba's commercial market is being transformed

WORDS BY DANIEL BIGNOLD, CEO, COMMERCIALVIEW.COM.AU

The Toowoomba commercial market is undergoing rapid change, with a range of exciting and innovative projects propelling a bubbling sense of optimism and confidence in the sector's future economic fortunes.

The Mills Precinct project is transforming the 117-year-old former mill silos into apartment blocks with office suites, cafes, restaurants and retail outlets at base and podium levels. The development, which incorporates 8577sqm, will take place in five stages. The first stage opened mid-2016 complete with a car wash cafe.

The \$500 million QIC Grand Central redevelopment on the corner of Margaret and Dent streets is well under way. Woolworths, Big W and Kmart opened in March 2017, joining Myer, Target, and Coles and specialist shops will continue to open throughout the year. The redevelopment will double the floor area to around 90,000sqm and will deliver 140 specialist shops. Toowoomba is a hub for business, government and education services and population forecasts predict that 230,000 residents will be calling the garden city home by 2030, which will require additional infrastructure and public transport solutions.

The Interlink SQ is an intermodal terminal and industrial precinct, which is expected to transform transportation and logistics in southern Queensland. The multifaceted project, which is part of the \$10 billion Inland Rail project, will deliver freight and supply chain efficiencies and will offer huge opportunities for business in the region. Due for completion in 2020 the new, more direct, rail route will be up to 10 hours faster than the existing coastal rail network via Sydney. The project includes a technically complex section – Toowoomba to Kagaru (Brisbane) – and requires about 9km of tunnels through the Toowoomba Range.



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# Business Brokers Forum: Build your brand

WORDS BY IAN SALTER, SENIOR BROKER, BENCHMARK BUSINESS SALES & VALUATIONS

For almost 12 years I've worked as a professional business broker with Benchmark Business Sales & Valuations. Over the years I've come to learn that the general public (Buyers & Sellers) generally see us as salespeople, or negotiators – and that's fine.

### The question is; "how do you see yourself"?

It would be fair to say that most business brokers and real estate agents see themselves as the general public see them... as salespeople. 'So what's wrong with that?' I hear you say - Nothing really. Most agents and brokers would comfortably make around \$100 - \$150k + per annum (minimum) in gross sales – **so what's the problem?**  The problem is if you see yourself as a salesperson, you'll be paid by your clients like a salesperson. – With very little value, and no premium, or clients chasing you. So how do you add value? How do you get paid a "premium" to do your job?

The answer is to **invest in yourself** to build your "brand'.

#### Brand:

What is a "Brand?"

Do you see yourself as a brand? Or do you see yourself simply as a salesperson?

How do you promote yourself outside of the agency you work with?

How much money do you invest in yourself, and your brand per annum?



Many agents/brokers rely heavily upon their agency to feed them with leads, and buyers. I've witnessed many business brokers come and go over the years, and I was told two things whilst learning the ropes...

No1. If you can hang around in the industry for at least 12 months, you can expect to receive your first referral – that information turned out to be correct, and

No2. If I wasn't listing, I wasn't selling – again another true statement.

As agents we always expect Vendors to pay marketing fees to allow us to sell their business and as a rule-ofthumb this would be less than 1% of the sale price – if that! The reason for the Vendor paying the fee is to get their business noticed in the market place, and it's no different for you –"the agent". You need to spend/ invest money into yourself – your brand. Through education or on social media platforms, websites, and networking or with flyers, business cards, letters etc.

If you were to apply the same percentage as we expect from Vendors, then you're only talking around 1% - is that enough? Whatever you spend on building your brand you will recoup in listings, sales, and commissions.

Decide upon your point of difference... What is your (USP) Unique Selling Proposition? Why do you stand out from the crowd? Build your brand around your unique qualities.

#### Education:

There are so many training facilities available to Business Brokers & Real Estate Agents and yet I hear through training bodies, the trainers and other senior Business Brokers and Principles that numbers attending training sessions are poor. As a mentor, trainer and team-leader myself I have experienced (lately) that new agents/brokers <u>expect</u> a "quick fix" answer from me over the phone, instead of studying and learning the industry, or investing their own money into themselves and this fabulous and rewarding career.

#### Why wouldn't you want to learn and grow in an industry that offers an open ended income?

This industry is not a get rich quick scheme, if it was there would be more people doing it.

Why is there such a high "churn rate" of people coming in and out of the industry? I've heard things like, "Ian what am I doing wrong?" "How long did it take you to make money?" and "How do you get those good listings?" The real answer is that I worked bloody hard, sure I had my doubts that I couldn't do this in the early years – we all experienced that negative little voice in our heads, the trick is to turn that into a positive voice and rise above it. I attended training sessions, I spent my money and invested in me (as a brand).

There is an open-ended income in this profession for anyone who is prepared to do the work, learn and grow. Only then can you cross that line where everyone else seems to be. Sales is a science, it's structured, it's deliberate and if you are going to make it in this profession and be a stand out professional - then invest in yourself, grow your "brand", learn and grow within this industry and then reap the rewards along the way. You may not get rich quick, but you just might get rich.

Ian Salter will be presenting at the REIQ Business Brokers Forum on July 28. Get tickets at REIQ.com Decide upon your point of difference... What is your (USP) Unique Selling Proposition? Why do you stand out from the crowd? Build your brand around your unique qualities.

## Home value growth slowed in June: CoreLogic

Despite a seasonally strong result over the month of June, the CoreLogic Hedonic Home Value series shows that momentum of capital gains over the second quarter of 2017 is losing steam.

The Index recorded a recovery from the 1.1% fall in May, with a 1.8% rise in capital city dwelling values over the month of June.

CoreLogic head of research Tim Lawless said: "This stronger monthon-month reading can be partially explained by the seasonality in the monthly growth rates. Adjusting for this effect suggests an easing trend in housing value growth has persisted through the second quarter of 2017."

The June quarter results showed that capital city dwelling values were 0.8% higher across the combined capitals index; the slowest quarterly rate of growth since December 2015 when the combined capitals index fell by 1.4%.

#### Quarterly growth plunges

Mr Lawless said, "This trend towards lower capital gains across the combined capitals index is mostly attributable to softer conditions across the Sydney housing market, where quarter-on-quarter growth was recorded at 0.8% over the June quarter; down from 5.0% over the March quarter.

In contrast, the quarterly trend in Melbourne has been more resilient, with growth easing from 4.2% over the March quarter to 1.5% over the three months ending June."

#### YOU DON'T HAVE TO BE AN AUCTIONEER TO APPRECIATE A GREAT AUCTION COMP!

#### 2018 REIQ

#### **Auction Competition Series**

Join us for the excitement and theatre of the competition finale, preceded by informative sessions from some of Queensland's foremost agents and Auctioneers.

#### Auction Breakfast & Finals

Friday 28 July 2017 | 8.30am – 12.00pm | Brisbane Powerhouse Cost: Members \$50 | Non-members \$70 (prices inc GST) Join us for breakfast, presentation and watch the finals action live!

#### What do agents look for in an Auctioneer?

Background? Years of experience? Strategy? Consistency? References? Experienced agents Matt Lancashire (Ray White New Farm) & James Curtain (Place Bulimba) will share with the audience what they look for in an Auctioneer.

#### Performing at Peak Moments – Dane Atherton

Focus on the task, take control, adopt a pre-performance routine and positive attitude to ensure you get the most out of yourself as an Auctioneer at your auction. Experienced Auctioneer, Dane Atherton will provide his best tips for delivering results in the high pressure environment that is auctions.

#### Register to compete or attend an event at REIQ.com

AON

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#### Auction results weaken

Weaker auction results are further evidence of slowing housing market conditions. For Sydney, Mr Lawless said the more pronounced slowdown is supported by weaker auction clearance rates which have been tracking in the high 60% range across the city over the last three weeks of June, while in Melbourne, clearance rates have moderated but remained above 70%.

He said, "Both markets experienced auction clearance rates consistently in the high 70% to low 80% range over the March quarter."

Slower housing market conditions also reflected in the annual pace of capital gains. Across the combined capitals, the annual pace of capital gains has eased from 12.9% three months ago to 9.6% at the end of June 2017.

Sydney's annual growth rate has slowed to 12.2% over the twelve months ending June 2017, down from a recent high of 18.9% three months ago. Melbourne's annual growth rate is now the highest of any capital city, surpassing Sydney's annual rate of growth despite easing from 15.9% three months ago, to 13.7% over the twelve months ending June 2017.

#### Brisbane grows, Sydney slows

Outside of Sydney and Melbourne, housing market conditions remain diverse. Brisbane now has the third highest quarterly pace of capital gains with dwelling values 0.5% higher over the June quarter. Brisbane's growth is entirely attributable to a 0.8% rise in house values which offset a 2.4% fall in unit values over the quarter.

Dwelling values slipped lower across the remaining capital cities, except Perth, which posted virtually flat growth conditions (+0.1%) over the June quarter.

#### Rents up in NSW, Vic, down in Brisbane

While the pace of capital gains is slowing, rental growth has been rising, albeit from a low base.

Capital city rents pushed 2% higher over the past 12 months, a stark turnaround from the end of 2016 when rental growth was flat.

The change in rental growth conditions is most noticeable in Canberra and Hobart, where rents are respectively increasing at 8.4% and 6.2% per annum, however Sydney and Melbourne rental markets have also seen a turnaround in what was previously a sluggish rental market.

Rents in both cities are 4.5% and 4.1% higher over the past 12 months. The growth in rents can be attributed to the ongoing significant rate of net migration into New South Wales and Victoria.

Mr Lawless said, "While the rental growth turnaround will be welcomed by landlords looking to recover higher mortgage costs, the consequence is that renters are now facing renewed pressure as rents rise."

In Perth and Darwin, rental conditions remain subdued, falling by 8.3% and 5.4% respectively over the year, while Brisbane rents slipped 0.2% lower and Adelaide rents held reasonably firm, up 1.1%.

Despite the higher pace of rental growth in some cities, dwelling values rose at a faster pace over the year, resulting in a further compression of rental yields.

Gross rental yields are now 20 basis points lower than one year ago across the combined capital cities and tracking at a record-low in Melbourne, and close to record lows for Sydney.

Mr Lawless said, "It's likely that landlords will be seeking to recover some, or all, of their increased financing costs associated with higher interest rates on investment in interest only loans by progressively increasing weekly rents. With record low-wages growth and so much new housing supply coming to market, this remains to be seen."

#### Market slowing, not crashing

"Although growth conditions have lost momentum across the largest housing markets, we are yet to see any signs of a material downturn. The key drivers for a slowdown have been gradual," Mr Lawless said.

They include: mortgage rates pushing higher despite a steady cash rate, lender credit policies tightening up and housing affordability –which remains a significant barrier for many prospective buyers.

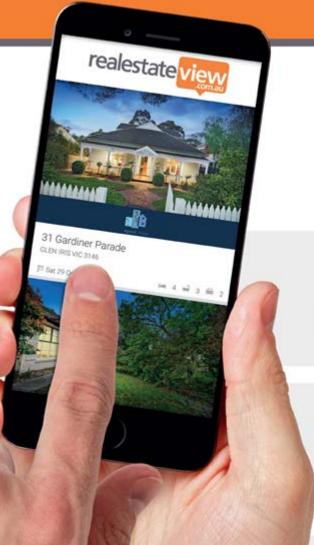
Additionally, higher supply levels in the unit market appear to be creating a drag on the performance of the unit sector in specific segments.

"The impact of macro prudential measures announced by APRA at the end of March is still flowing through to mortgage rates and credit policies. We are likely to see further tightening and re-pricing around investment lending and interest only lending over the coming months," Mr Lawless said.

"Although growth conditions have lost momentum across the largest housing markets, we are yet to see any signs of a material downturn. The key drivers for a slowdown have been gradual."

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\*Google Analytics for realestateVIEW.com.au March 2017.



# WHAT'S NEW WHAT'S HOT

By Felicity Moore. Email your submissions to media@reiq.com.au



### westfield Chermside

There's nothing more fun than looking at new foodie outlets (or is that just me?) and there is a wealth of fashionable and delectable outlets at the stylish new Westfield Chermside dining precinct called North Eats, including Betty's Burgers, Café 63, Motto Motto, Pho Vietnamese, NYC Bagel Deli, Bin 931, San Churro, and The Bavarian. For those of us living on Brisbane's northside in the 10km ring, this is the entertainment precinct we've been waiting for. Nundah and Chermside are now viable alternatives to going into the city for a drink and a fun night out.



### 🔤 Facebook data improvement

Additional functionality for Facebook admins makes managing groups easier and better informed with more data insights. Track the number of members, who the top contributors are, the breakdown of members by age and gender, as well as location so you can tailor your content to drive greater engagement. By far the best feature is the questionnaire filter. New members who ask to join are automatically presented with questions that can help you decide who to let in and who to filter out. It makes life a \*lot\* easier! Have you joined the Queensland Real Estate Industry closed Facebook group? It's run by the REIQ and we regularly put tips and helpful information in the group to help our members.



SMOVE is a very handy smartphone stabiliser/gimbal and charger in one and will enable any novice videographer to shoot professional quality <u>steady</u> video with their smartphone. Affordably priced at around \$180 the SMOVE has some incredible benefits, including remote facefollowing functionality, for anyone looking to shoot video regularly with their smartphone camera. Visit **https://smove.video** for the really great video that explains what it does.



# TRAINING TO HELP YOU ACHIEVE YOUR BUSINESS AND PERSONAL GOALS

### JULY 2017

The newly released Specialised Courses Calendar for July – December 2017 should be hitting your mailboxes this week! Along with all the usual favourites, this calendar has a wealth of new courses and delivery options for REIQ members. The calendar features new online libraries for Technology, Sales, Commercial, Property Management, and Agency Ownership and Administration.

#### Featured courses include:

- The Practical Property Manager Feature Day (QCAT, RTRA Act and BCCM issues)
- The Business Development Day for Property Managers
- Snapshot sessions on Technology and Digital Marketing (LinkedIn, Facebook, Instagram, Twitter, Video and Pinterest for real estate)
- Presenting to Camera The Fundamentals with respected newsreader and journalist Jillian Whiting and TV Producer and voice coach Suzanne Stark
- Snapshot sessions for key documentation and compliance topics in sales and property management
- Introduction sessions for commercial transactions and buyers agency
- Personal safety and Workplace Health and Safety courses
- Realworks Inductions
- Career planning and job seeking skills for rookies

Whatever your role in real estate is, make sure you check out the calendar to find the right course to help you achieve your business and personal goals! July's Specialised Courses include:

#### PROPERTY MANAGEMENT SNAPSHOT – PO FORM 6 & GENERAL TENANCY AGREEMENT

This workshop is designed to give participants a solid understanding of the how to complete the key documentation that forms part of their role, which protects the agency's commission and asset. This session focuses on the Property Occupations Form 6 with Residential Property Management Schedule and the General Tenancy Agreement, and will also cover the key legislative provisions impacting on these documents.

#### Brisbane 25 July Gold Coast 11 August

#### **AUCTION MASTERCLASS**

During the masterclass, our team of leading auctioneers will take you through the key elements of a successful auction:

- The Pre-Auction Meeting
- Bidding Terms and Contract
- The Property Description
- Commencing Bidding
- Bidding Sequence/Pause –
   Negotiation/Resuming Auction
- Passing in or Sale
- Getting Auction Comp-Ready

#### Brisbane 10 July

#### SALES SNAPSHOT – COMPLETING THE CONTRACT FOR HOUSES AND RESIDENTIAL LAND

Perhaps the most important document to a residential real estate agent! Make sure you're completing the contract so that it is valid and enforceable.

Brisbane 27 July Gold Coast 7 September

#### TRUST ACCOUNTING FOR AGENCY MANAGERS

Use basic accounting skills coupled with knowledge of your real estate business to accurately manage the trust account records and eliminate the risk of trust account misappropriation and errors.

#### Brisbane 20 July

#### **COMMERCIAL SALES SERIES**

Commencing with the foundations of commercial sales and leasing, this series encompasses prospecting and networking, inspection skills, creating proposals and submissions, pricing, marketing, negotiation of lease documentation, contracts and client communication. Delivered in a total of four days in two parts (Part 1 and Part 2 are two days duration each).

#### **Brisbane Commences 27 July**

#### DIGITAL MARKETING MASTERCLASS

Join presenters Peter Brewer and Tara Christianson in this 3 hour Digital Media Masterclass. Peter and Tara will be fresh from the stage of the Inman Conference in New York and will be sharing the latest and greatest in Marketing Real Estate using Digital Media.

- Advanced Facebook Ads
- Online Lead Generation
- 360 and VR
- Micro Video
- and much, much more!

#### Cairns 17 July

#### Registration and Licensing Courses

#### July - August 2017

FAST 2 DAY REGISTRATION TUTORIAL

Training times for all sessions: 9am – 4.30pm

| BRISBANE       | 11 – 12 July       |
|----------------|--------------------|
|                | 31 July – 1 August |
|                | 21 – 22 August     |
| GOLD COAST     | 24 – 25 July       |
|                | 14 – 15 August     |
| SUNSHINE COAST | 17 – 18 July       |
|                | 21 – 22 August     |
| TOOWOOMBA      | 11 – 12 September  |
| MACKAY         | 18 – 19 September  |
| ROCKHAMPTON    | 6 – 7 September    |
| TOWNSVILLE     | 6 – 7 November     |
| CAIRNS         | 9 – 10 October     |

COMPREHENSIVE 4 DAY REGISTRATION CLASS

#### Training times for all sessions: 9am – 4.30pm

|                | 4 – 7 July               |
|----------------|--------------------------|
|                | 18 – 21 July             |
| BRISBANE       | 31 July – 3 August       |
|                | 8 – 11 August            |
|                | 29 Aug–1 Sep             |
| GOLD COAST     | 10 – 13 July             |
|                | 31 July – 3 August       |
|                | 15 – 18 August           |
|                | 28 – 31 August           |
|                | 25 – 28 July             |
| SUNSHINE COAST | 7 – 10 August            |
|                | 25 – 28 July             |
| TOOWOOMBA      | 22 -25 August            |
| MACKAY         | 22 – 25 July             |
| HERVEY BAY     | 19 – 22 September        |
| ROCKHAMPTON    | 8 – 11 August            |
| TOWNSVILLE     | 31 July – 3 August       |
|                | 17 – 20 July             |
| CAIRNS         | 29 August–1<br>September |

#### COMPREHENSIVE REGISTRATION EVENING CLASSES

Training times for sessions: 6 – 9pm (Mon & Tues)

| BRISBANE   | Commencing 12<br>June (8 evenings)                     |
|------------|--|
| GOLD COAST | Next course<br>commencing<br>9 October (8<br>evenings) |

#### Specialised Courses July - August 2017

PROPERTY MANAGEMENT Property Management Snapshots: BRISBANE: 25 July (9am - 11am) Completing the PO Form 6 for Residential GOLD COAST: 11 August (9am – 11am) PM and the \*General tenancy agreement SUNSHINE COAST: 23 August (9am – 11am) Difficult Ds Property Management Platinum BRISBANE: 30 August (9am - 4pm) SALES AND AUCTION Auction Masterclass BRISBANE: 10 Jul (12.30pm - 5.00pm) Sales Snapshots: Completing the Contract for House BRISBANE: 27 July (9am - 11am) and Residential Land Sales Snapshots: BRISBANE: 31 August (9am – 11am) Completing the PO Form 6 with Residential Sales Schedule GOLD COAST: 11 August (12pm - 2pm) Sales Success Evenings BRISBANE: 23 August (6.30pm - 8pm) Top Habits of Succesful Salespeople BRISBANE: 10 August (9am - 12.30pm) Defending your Fee and Effectively GOLD COAST: 9 August (9am - 12.30pm) Competing with Discount Commision Agents JOB SEEKERS Career Planning and Job Seeking BRISBANE: 2 August (9am – 11am) Skills for Rookies AGENCY MANAGEMENT AND ADMINISTRATION Trust Accounting for Agency BRISBANE: 20 July (9am - 12.30pm) Principals and Office Managers **COMMERCIAL & BUSINESS BROKING** Commercial Sales and Leasing Series: Part 1 BRISBANE: 27-28 July (9.00am – 4.30pm) Commercial Sales and Leasing Series: Part 2 BRISBANE: 22-23 August (9.00am - 4.30pm) TECHNOLOGY AND DIGITAL MEDIA Digital Media Marketing Masterclass CAIRNS: 17 July (1.30pm - 4.30pm) Tech Snapshots: BRISBANE: 12 July (9am - 10am) Getting started on Linkedin Tech Snapshots: BRISBANE: 26 July (9am – 10am) Building your database from Linkedin Tech Snapshots: BRISBANE: 1 August (3pm - 4pm) Linkedin recommendations and endorsements REALWORKS Realworks Induction for Sales BRISBANE: 24 August (1pm - 3pm) Realworks Induction for **Property Management** BRISBANE: 24 August (3pm - 5pm)

| Career Networking Events     |           |  |  |
|------------------------------|-----------|--|--|
| BRISBANE                     | 2 August  |  |  |
| LUNCH                        | 31 August |  |  |
| GOLD COAST<br>LUNCH          | 13 July   |  |  |
| SUNSHINE<br>COAST<br>EVENING | 1 August  |  |  |

# Confusion surrounding Section 299 repeated breaches by tenant

Section 299 of the RTRA Act has provision for the lessor/agent to apply to QCAT for a termination of tenancy on the grounds of repeated breaches, this is an urgent Application.

Where the confusion seems to start for Property Managers could be said to be in the wording of "Repeated Breaches", which effectively means Repeated Remedied Breaches.

To explain - A Notice to remedy breach (RTA Form 11) must have been issued for the same breach of the Act (ie rent arrears) and the breach must have been remedied by the expiry date and the same breach must have occurred more than twice in a 12 month period (s 25 RTRA Regulations).

When a third breach occurs the lessor/ agent may apply directly to QCAT to have the agreement ended on the grounds of repeated breaches if :-

- a Notice to Remedy Breach was given each time
- each breach was for the same problem and was rectified, and
- the problem is of a serious nature (if the breach is not serious, QCAT may not end the agreement)



Published QCAT decisions outline a case where an agent was unsuccessful in their application for termination of a tenancy under s 299 Application by lessor for termination for repeated breaches by tenant. The agent was subsequently also unsuccessful in their application for leave to appeal.

The QCAT member outlined that the Act is explicit about the operation of s 299. If the lessor gives two notices to remedy breach of the same provision, and the tenant remedies each breach within the allowed period, the tenant commits a further breach of the same provision and this all happens within the prescribed period, then the lessor can apply for termination.

There is a common misconception in the industry about the use of this section. Eight breach notices are not more deserving of action than two. The section is designed to be a "short sharp shock" to those tenants who are inclined to test the lessor. If, the lessor / agent allows the breach behaviour to continue past two breaches then the tenant may have a legitimate expectation that the lessor will conduct business this way and that the lessor will tolerate minor breaches.

The repeated breaches provision can only be used if the breach was remedied during the Notice to Remedy Breach, Form 11 notice period. If a breach is not remedied by the expiry date of the RTA Form 11, agents need to urgently seek lessor instructions (preferably in writing). Lessors may either instruct the agent to issue a RTA Form 12 Notice to Leave and follow through with the termination of the tenancy, or they may wish to set aside the notice. In either case, it is sound risk management for the agent to seek the lessor instructions in writing.

If the lessor/agent had an opportunity to issue a RTA Form 12 Notice to Leave upon the expiry of the RTA Form 11 provided for the breach, the repeated breaches provision cannot be used.

There is a common misconception in the industry about the use of this section. Eight breach notices are not more deserving of action than two.

# Fast Facts: Repairs and maintenance

#### Can tenants just go and get work done at the property and expect the lessor to pay for the work?

In short the answer is YES – provided that the work is considered an emergency repair under Section 214 of the Residential Tenancies & Rooming Accommodation Act.

#### If the works required appear to be due to tenants not looking after the property or damaging it, who pays the bill?

Ultimately the best practice approach would be that the lessor pays the contractor as quickly as they can (to avoid your contractor getting upset) and then seeking compensation from the tenants, provided they have sufficient evidence that the works required were to due damage. The REIQ special terms (of a tenancy agreement) outline some items that the tenants acknowledge that you could use in these types of situations (e.g. the tenant acknowledges they cannot block any plumbing or drainage at the property).

#### What if the contractor demands payment from the tenant when the work is complete?

If the tenant chooses to pay the contractor direct they have the ability to seek reimbursement from the lessor, to the value of 2 weeks rent (for that tenancy). If the owner doesn't pay this amount the tenant could pursue this matter through the Tribunal.

#### Can the owner choose to not getting something fixed whilst the property is tenanted?

Unfortunately, as a property manager, we have to follow the clients instructions and if they decide to not getting something fixed (e.g replace a dishwasher) then we can't go ahead and get it done for them.

In saying that, it's important to educate the owner of section 185 of the Residential Tenancies & Rooming Accommodation Act and their obligation to maintain the property AND its inclusions throughout a tenancy.

The longer the owner leaves an issue unresolved, the more chance the tenant has of seeking compensation for loss of an inclusion, along with the need to address the actual issue on top of that.

WORDS BY NICK BROWN, PROPERTY MANAGEMENT SUPPORT SERVICE

# Fast Facts: Repeated breaches

At what stage can we lodge an application to QCAT for a termination order after the tenant has remedied 2 Notice to Remedy Breaches?

Provided that each time the Form 11 Notice to Remedy Breach was issued it was for the exact same reason, AND the tenant remedies the breach before it expires, you can lodge an application to QCAT under the provision of repeated breaches.

#### How long between breaches can pass by and still be able to lodge straight to QCAT?

As mentioned above, provided the breaches were for the same instance, it's important to understand that the 2 breaches would have had to had been issued within a 12 month period and then you would lodge to QCAT (within the 12 month period also from when you first issued a breach to the tenant).

### What allows QCAT to hear the matter on these grounds?

Section 299 of the Residential Tenancies & Rooming Accommodation Act allows QCAT to hear a matter based on repeated breaches. It's important to understand that the breaches MUST be remedied by the tenant before the expiry for you to be able to lodge an application to QCAT on these grounds.

WORDS BY NICK BROWN, PROPERTY MANAGEMENT SUPPORT SERVICE

AN' ANS

# Choosing the right ownership structure for your property

WORDS BY BDO PARTNER, EDDIE CHUNG

Before we get down to the detail, let me make one thing clear upfront – there is no one-size-fits-all solution when it comes to structuring for property ownership, whether it is structuring for property investment, property development, a business, or any other activities for that matter. This is because everyone's individual circumstances are different and we need to take into account those differences in coming up with a structure that is fit-for-purpose for the specific situation concerned.

By 'structuring', I am referring to the structure that you use to acquire and own a property. As a general proposition, the most common 'entities' that can be used to own property include an individual, a company, a trust (which includes a discretionary trust or a unit trust), a partnership, a self-managed superannuation fund, etc.

While it is possible to change the ownership structure of a property after it has been purchased at a later date, the subsequent 'restructure' of the ownership of the property could potentially give rise to capital gains tax and stamp duty, which is why getting the structure right from the start, wherever possible, is a much better approach.

#### Key issues to consider

The key issues that would normally need to be considered when you or your client are putting a structure together to acquire a property include the following:

 Asset protection – Whether we like it or not, life is full of potential liabilities. The more dealings you have with other parties, the higher is the probability that you might run into legal disputes with others, which might in turn expose your hard-earned assets to risk. Structuring property ownership needs to take into account and quarantine these potential liabilities from your assets to the maximum extent possible, eg, you may consider 'locking' your valuable assets in an entity that is difficult for creditors or the trustee in bankruptcy to make a claim against if you get sued.

2. Taxation – While taxation should never be the sole or dominant motivator in any structuring exercise. the failure to take into account taxation could cost you plenty. A tax-efficient structure ensures that the overall taxation position of your group is optimised. For instance, there is little point owning a negatively geared investment property in a discretionary trust that does not derive other income to take advantage of the negative gearing losses. Likewise, if your investment property is returning net taxable income each year and you have tax losses in another entity within your group, your structure should be set up in such a way that would allow the income to offset those tax losses to minimise your overall tax liability.

- 3. Multiple parties Structuring for a single family group is a very different exercise from structuring for multiple parties who come from different family groups. Multiple families may entail more complex dynamics and dealings that involve more commercial variables, which may dictate how the group should be structured to achieve the most efficient and fair outcomes. For example, using a discretionary trust to hold an investment property for two unrelated families may cause potential taxation issues such as the potential inability of the trust to recoup tax losses or distribute income to both families without incurring the Family Trust Distribution Tax.
- **4. Succession and exit strategy** As we obviously do not live forever, any structure you put together needs to take into account future succession in addition to present considerations. This line of inquiry will raise questions such as - how would you like people who come after you to inherit and manage your assets? A common structure people use is a testamentary trust, which is essentially a trust created upon your death by your will. The terms of the trust allow you to lock in who will control and benefit from the trust upon your passing, which may also provide certain ancillary taxation benefits. Similarly, if you have a reasonably clear exit strategy for your property, you will need to ensure that the structure you put together now will accommodate that eventuality without giving rise to any unintended adverse outcomes.
- 5. Costs and complexity I have seen plenty of 'Frankenstein structures' in my time. Sometimes a structure evolves as the underlying owners change over time while more entrepreneurial people tend to make snap decisions to get a deal done and they simply bolt on extra entities to an existing structure without giving much thought to streamlining it. While the size and complexity of a structure are virtually limitless, having a complex structure translates to higher upfront establishment and ongoing maintenance costs. Having more 'moving parts' may also introduce additional technical complexities under which more things could go wrong. To that end, I am a strong proponent of the 'KISS principle' when it comes to structuring keeping the structure relatively simple will save you both money and headache in the long run.

Having regard to the above, it should become apparent that tension may sometimes arise between the different features inherent in a structure. A common example pertains to control and ownership versus asset protection - you may want to have absolute control and ownership of an asset by owning it in your own name but if you are a director of a company and are therefore exposed to the directors' duties provisions in the Corporations Act, it may be better for you to not own the assets or at least only have partial ownership or control over the assets just in case you get sued.

#### Summary

In this day and age of the mighty Google, it is possible for one to set up a structure for a property acquisition without going through any professional adviser. However, given that a particular structure adopted may give rise to a number of potential features and outcomes, which may be positive or negative, it will be advisable to enlist the services of a trusted adviser to help you navigate these issues with the aim of coming up with an optimal structure that will best suit your specific needs.

Important disclaimer: No person should rely on the contents of this article without first obtaining advice from a qualified professional person. This article is provided on the terms and understanding that the author and BDO (QLD) Pty Ltd are not responsible for the results of any actions taken on the basis of information in this article, nor for any error in or omission from this article. The article is provided for general information only and the author and BDO (QLD) Pty Ltd are not engaged to render professional advice or services through this article. The author and BDO (QLD) Pty Ltd expressly disclaim all and any liability and responsibility to any person in respect of anything, and of the consequences of anything, done or omitted to be done by any such person in reliance, whether wholly or partially, upon the whole or any part of the contents of this article.

# Avoiding liability for poor workmanship - some best practice guidelines for appointing contractors

WORDS BY CARTER NEWELL PARTNER, MICHAEL GAPES

Property managers are often tasked with appointing contractors to effect repair and maintenance works on behalf of their lessor clients.



As the solicitors for the **REIQ Professional Indemnity Insurance Scheme (underwritten by QBE Australia and brokered by Aon Risk Solutions)**, we have seen a notable increase in claims involving poor or tardy workmanship by contractors resulting in financial loss, property damage and personal injury to tenants and visitors to rental properties.

So, how then, does a property manager best protect against claims of this nature?

The short answer is - by taking sufficient steps from the outset to place themselves in the best possible position to deflect liability back onto the contractor.

The REIQ Contractor Appointment Form EF017 (**CA Form**), available on *Realworks*, provides an excellent framework for property managers wishing to appoint a contractor to undertake maintenance or repair works at a rental property. However, simply having a completed CA Form will not, in itself, afford sufficient protection to property managers.

Rather, property managers ought to undertake a number of additional basic enquiries to satisfy themselves that certain fundamental requirements are met prior to engaging a contractor.

#### Vetting your contractors

While property managers are not expected to hold the requisite skill and expertise to assess the standard of a contractor's work, it can nevertheless be difficult for a property manager to avoid exposure to liability for poor workmanship unless he/she can demonstrate that they took all reasonable steps to protect against such an outcome.

That is, in order to avoid liability, the property manager will generally need to demonstrate that they have made appropriate enquiries to satisfy themselves that the contractor was suitably qualified, licensed and insured and that it practiced safe systems of work, such that there was a reasonable basis for the property manager to expect that the contractor could be relied upon to carry out the works to a sufficiently high standard.

For this reason, it is recommended that property managers require all new contractors to complete the CA Form and provide copies of all supporting documents demonstrating that they hold the requisite trade qualifications, current licences/ registration (where applicable), and adequate insurance cover.

Property managers should ensure that they personally sight the contractor's original documents in order to satisfy themselves that they have been provided with legitimate and unaltered copies of the same. They should also retain legible copies of each of these documents on the relevant property management file or on a central database.

Where the appointment of a contractor is intended to be ongoing, the property manager should implement an appropriate bring-up system with a view to updating their records pertaining to currency of licences and insurance policies on an annual basis. If a contractor holds an expired or restricted licence or registration, an alternative contractor should be retained.

It is important that property managers clarify precisely who will be conducting the relevant works. If, for example, it is intended that an apprentice will perform the works, it is imperative that he/she is adequately supervised and that the works are inspected and signed off by a licensed and qualified supervisor.

#### The property manager's role as dutyholder

By engaging a contractor to work on a property, a property manager is assuming a role as a dutyholder under the *Work Health and Safety Act 2011* (Qld) (**WHSA**). The WHSA duties cannot be contracted out of or delegated. Prior to the commencement of the works, the property manager should request copies of the contractor's Job Safety and Environment Assessment (often referred to as a **JSA** or **JSEA**) and Work Method Statement (**WMS**) for the work.

The JSEA provides an overview of the potential hazards and risks identified in the workplace vicinity (overhead power-lines, heights and risk of falling, traffic etc.) and identifies the WMS associated with each of the tasks to be undertaken. The WMS sets out how a particular task is to be undertaken and how specific hazards and risks relevant to the task are going to be eliminated or minimised.

#### Insurance requirements

Contractors are required to hold insurance policies which comply with their obligations under the Workers' *Compensation and Rehabilitation Act* 2003 (Qld) and the *Queensland Building Services Authority Act* 1991 (Qld).

Prior to appointing a contractor, it is appropriate to request documentary evidence that the contractor has in place a current workers compensation insurance policy which provides cover in respect of injuries which may be sustained by the contractor or their employees in the event that they are exposed to unsafe systems of work. Contractors must also hold a current public liability insurance policy, which will respond to injuries sustained by tenants and visitors to a rental property resulting from the negligence of the contractor in carrying out (or failing to carry out) the works.

When considering the policy documents, property managers should give consideration to whether the limits of indemnity available under each policy are adequate when having regard to the nature and extent of the works to be carried out by the contractor. By ensuring that the contractors are comprehensively insured, property managers are more likely to deflect liability for any claims for defective work onto the contractor.

#### Contractual terms

The CA Form includes warranty and indemnity clauses in favour of the property manager and its lessor client.

By signing the CA Form, the contractor provides certain warranties as to the standard of their work and agrees to indemnify the property manager and the lessor against liability arising directly or indirectly from the contractor's performance or non-performance of the work (provided the liability does not arise as a result of any conduct on the part of the property manager or lessor client).

The warranty and indemnity clauses may therefore be relied upon by the property manager to deflect claims arising out of defective work onto contractors who have failed to carry out the work to an appropriate or safe standard.

#### The performance of works

Property managers should use the Contractor Work Order EF017a (**CWO**), available on *Realworks*, when instructing a contractor to perform works at a rental property. To minimize any disputes arising as to the scope or methodology of the works, property managers should complete the section entitled "*Directions to Contractor*" in detail, setting out exactly what is required of the contractor. Further, contractors should be required to provide a written quotation for any works and must refrain from undertaking any works until so authorised in writing by the property manager or lessor client.

Where domestic building works are anticipated to exceed \$3,300, the contractor must provide a Work Order in the approved form.

Upon receiving written approval to commence work, the contractor is required to perform the works in a timely manner, and according to all applicable laws and to the standard expected of a reasonably competent contractor.

Property managers should request a detailed invoice from the contractor and retain the same on file as evidence of the nature, extent and cost of the works. In some circumstances, it may be appropriate to inspect the works following completion and also take photographs prior to, and following, completion of the works and preserve these on file.

The contractor is obliged to remedy any defects or omissions in the workmanship at no cost to the property manager or the lessor. It should also be noted that the CA Form states that liability for payment of the contractor's charges rests solely with the lessor.

#### Conclusion

Property managers should ensure that all contractors appointed by them are appropriately qualified, licensed and insured and are able to carry out the works to an appropriate standard. The CA Form should always be used when appointing contractors, as it contains some valuable protections in deflecting liability onto the contractor for any damage, injury or substandard works. Property managers should request a detailed invoice from the contractor and retain the same on file as evidence of the nature, extent and cost of the works.

# Case update – Chief Executive, Department of Justice and Attorney General v Peterson Management Services Pty Ltd

#### WORDS BY CARTER NEWELL SENIOR ASSOCIATE, ANDREW PERSIJN

In the February 2017 issue of the REIQ Journal, we considered the initial decision in *Chief Executive*, *Department of Justice and Attorney General v Peterson Management Services Pty Ltd* [2015] QCAT 473 as well as the appeal decision.<sup>1</sup> The decisions considered the operation of the following sections of the former *Property Agents and Motor Dealers Act 2000* (Qld) (**PAMD Act**):

- Section 133 (appointment of real estate agent – general);
- Section 139 (commission may be claimed only in relation to actual amounts);
- Section 140 (restriction on recovery of reward or expense – no proper authorisation); and
- Section 141 (restriction on recovery of reward or expense above amount allowed.<sup>2</sup>

#### Background

The Department of Justice and Attorney General (**Department**) commenced disciplinary proceedings against Peterson Management Services Pty Ltd (**Peterson**), the letting agent at a resort located at Currumbin Beach. Peterson held signed PAMD Form 20a's (Appointment of agent – letting and property management) for each property in the letting pool. Annexed to each PAMD 20a was a schedule outlining the agreed charges for a number of services (**schedule**).

The Department submitted the following four grounds for instituting disciplinary proceedings against Peterson:

- General cleaning services Peterson breached section 141(6) of the PAMD Act by charging unit owners an amount above that allowed (**Ground One**).
- Window cleaning services Peterson breached section 140(2) of the PAMD Act by retaining a charge for window cleaning where it was not properly authorised to do so (Ground Two).
- Foxtel services Peterson breached section 141(6) of the PAMD Act by charging unit owners an amount above that allowed (Ground Three).
- Wotif bookings Peterson breached section 139(2) of the PAMD Act by charging commission on the amount Wotif received from guests and not the amount Peterson received, after Wotif had taken its commission (Ground Four).

In relation to Ground Two, Peterson conceded that it was not properly authorised, as required by section 140(1)(c) of the PAMD Act, to charge what it did for the window cleaning. Accordingly, the Queensland Civil and Administrative Tribunal (**Tribunal**) found a breach of section 140(2) by Peterson for raising a charge for that work.

In order to determine Grounds One and Three, consideration also needed to be given to the proper interpretation of section 133 of the PAMD Act.

#### The Tribunal and Appeal Tribunal decision

The Tribunal found that a disciplinary ground had been established as to Ground Two only (window cleaning services). The Tribunal held that the remaining three breaches were not established. The Department appealed the Tribunal's decision.

The Appeal Tribunal reversed the Tribunal's decision and held that the Tribunal's dismissal of the charges relating to general cleaning services, Foxtel service and the commission on Wotif bookings was erroneous as a matter of law.

In arriving at its conclusion, the Appeal Tribunal respectfully criticised the approach of the Tribunal member in relation to section 133 of the PAMD Act and stated "its context, policy and a sense of fairness appear to be surer guides to its meaning than exquisite semantic dissection."<sup>3</sup>

The Appeal Tribunal found that the global sums set out in the PAMD Form 20a and the schedule should have been particularised to show the "fees, charges and commission" on one hand and the expenses incurred in providing the subject services on the other. This was required in order for the consumer to be fully aware of the nature and amount of the charges, with the "nature" of the charges being more than a bald total price; a distinct separation between the expense paid to the third party service provider and the amounts received as a personal payment to the agent was required.<sup>4</sup>

It was clear, in the view of the Appeal Tribunal, that the consumer protection policy of the PAMD Act extends to the separate disclosure of the agent's fees for their services, as distinct from payments to a third party.<sup>5</sup> Peterson subsequently appealed the Appeal Tribunal's decision.

#### The Court of Appeal decision

In May 2017, the Court of Appeal allowed the appeal from Peterson and set aside the orders made by the Appeal Tribunal: Peterson Management Services Pty Ltd v Chief Executive, Department of Justice and Attorney-General [2017] QCA 89.

Peterson's appeal concerned two issues:

- The proper interpretation of section 133 of the PAMD Act; and
- The failure of the Appeal Tribunal to give any adequate reasons concerning Ground Four under section 139(2) of the PAMD Act. The Department did not contest this point and conceded that an error of law was made by the Appeal Tribunal.

Peterson submitted that the Appeal Tribunal erred in law by misconstruing section 133 of the PAMD Act, and that the *"expenses"* referred to in section 133(3)(c)(ii) are expenses which the agent is authorised to incur in connection with the performance of the relevant service.<sup>6</sup>

The Department submitted that section 133(3)(c)(ii) required disclosure of any expenses actually incurred in connection with the provision of services to an owner.<sup>7</sup>

The Court of Appeal viewed the Department's characterisation as *"inviting confusion"* and criticised the Appeal Tribunal for not having paid close attention to the text of section 133(3)(c)(ii). The Appeal Tribunal re-characterised the reward (i.e. the fee or charge for the general cleaning service or Foxtel service) as an expense, attempted to separate out some of the costs associated with providing the service (i.e. a payment to a third party), and then characterised the balance of the amount as a reward requiring separate disclosure.<sup>8</sup>

However the Court of Appeal did not uphold this analysis and reinforced that section 133(3)(c)(ii) is concerned with expenses the agent is authorised to incur in connection with the performance of a service, not all the expenses *actually incurred*.<sup>9</sup> The Court of Appeal held that:

"The essential fact in this case is that the client received the service it contracted for at a price it contracted to pay, being the fee or charge stated in the schedule to the appointment form for the "clean and service" of a unit and the monthly Foxtel services. The applicant [Peterson] did not seek to recover or retain more than the reward stated in the appointment form for providing those services."<sup>10</sup>

The Court of Appeal stated that it was not necessary for the Appeal Tribunal to analyse the terms of the relevant provisions with "exquisite semantic dissection,"<sup>11</sup> rather a conventional approach to statutory interpretation was all that was required. Accordingly, the Court of Appeal found that the Appeal Tribunal "did not properly interpret the statutory provision which was to be construed."<sup>12</sup>

The Court of Appeal concluded that the Appeal Tribunal misconstrued section 133 PAMD Act, amounting to an error in law.

#### Conclusion

One of the key findings of the Court of Appeal was that:

"...subsections 133(3)(c)(i) and (ii) enable a client to know the fees. charges and any commission payable for a service. They also enable to client to know the expenses, if any, which the agent is authorised to incur and which the agent will seek to recover from the client...In this case the agent did not charge the client, and recover from the client, the expenses it incurred in performing the required services, such as the expense of the cleaning contractor. The reward which the applicant was to receive by way of fees or charges was stated in the appointment form. As a result there was no breach of s 140 or s 141."<sup>13</sup> (our emphasis added).

The Court of Appeal viewed the Department's characterisation as "inviting confusion" and criticised the Appeal Tribunal for not having paid close attention to the text of section 133(3) (c) (ii).

As this matter demonstrates, the appointment agreement between an agent and a client (the Property Occupations Form 6) is paramount in demonstrating an agent's compliance with the Property Occupations Act 2014 (Qld), in particular section 104. Agents should always ensure that they obtain a valid appointment including clear written instructions regarding not only the fees, charges and any commission payable for the service being provided, and when those fees, charges and any commissions become payable, but also the expenses, if any, the agent is authorised to incur in connection with the performance of each service or category of service.

Agents should also ensure that they keep appropriate written records, such as files notes of meetings and telephone conversations, and copies of all emails and letters, and make sure that those materials are readily available, if later required, to evidence the agent's role in the performance of any service agreed by the parties.

- <sup>1</sup> Chief Executive, Department of Justice and Attorney General v The Respondent Services Pty Ltd [2016] QCATA 163.
- <sup>2</sup> See sections 88, 89, 90 and 104 of the *Property Occupations Act 2014* (Qld).
- <sup>3</sup> Department of Justice and Attorney General v Peterson Management Services Pty Ltd [2016] QCATA 163, [15].
- <sup>4</sup> Ibid [18].
- <sup>5</sup> Ibid [14].
- <sup>6</sup> Peterson Management Services Pty Ltd v Chief Executive, Department of Justice and Attorney-General [2017] QCA 89, [23].
- 7 Ibid [24]
- <sup>8</sup> Ibid [37].
- <sup>9</sup> Ibid [40].
- 10 Ibid [39].
- <sup>11</sup> Department of Justice and Attorney General v Peterson Management Services Pty Ltd [2016] QCATA 163, [15].
- <sup>12</sup> Peterson Management Services Pty Ltd v Department of Justice and Attorney-General [2017] QCA 89, [43]-[45].
- <sup>13</sup> Ibid [51] and [52]

## Moreton Bay, a region topping the list for resilience, sustainability and affordable housing

WORDS BY REIQ RESEARCH ANALYST, KARINA SALAS

The Moreton Bay Region offers a unique community lifestyle in Greater Brisbane without the capital city price tag. The outlook is promising, with the proposed Mills Priority Development Area expected to attract about \$1 billion in economic benefits to the region.

About 9 per cent of Queensland's population lives in the Moreton Bay region, positioning it as the third-largest population centre in the State (behind Brisbane and the Gold Coast). The Moreton Bay region has also recorded the third-largest population increase in Queensland over the past decade. The population is expected to follow an upward trend from about 435,000 residents in 2016 to 622,000 in 2036.

## **Resilient Property Market**

The residential property market has proven resilient to interest rate movements with property prices following a steady upward trajectory for decades. The balance between economic growth, population growth and housing construction growth underpins this region's residential property market prices.

Over the decade, from FY 2006 to FY 2016, Moreton Bay's economy grew 36.3 per cent or the equivalent of 3.1 per cent per year, from \$9.5 billion to \$12.9 billion gross regional product. This increase was driven by population growth of 31.1 per cent over the same period or the equivalent of 2.7 per cent per year. Similarly, the median housing and unit price grew, by about 42.8 per cent and 41.4 per cent respectively.

The Moreton Bay Regional Council estimates that the population will grow to more than 622,000 residents by 2036, a growth spurt of 43 per cent over the next 20 years, or approximately 1.8 per cent per year. In the 2016 financial year, Moreton Bay grew by 9,276 residents, the third-largest growth of any region in Queensland, following Brisbane (18,128 residents) and the Gold Coast (12,056 residents).

## Employment Opportunities on the Rise

The former Pine Rivers Shire area is the heart of employment and economic development within the Moreton Bay Region Council area.

Big box retailers Costco and Ikea have added about 630 jobs to the region. Amazon is scoping the area for a base also.

The job market in Moreton Bay Region is stronger than the Queensland and Australian averages. The unemployment rate has fallen, contracting from 7.3 per cent for September 2014 to 5.4 per cent for December 2016. This compares to a December unemployment rate in Queensland and Australia of 6.2 per cent and 5.7 per cent respectively.

The largest industries generating employment are retail trade, health care, education, manufacturing and construction, representing nearly 60 per cent of jobs in the region.

### Affordability

Moreton Bay sales and rental markets are more affordable than Brisbane LGA.

The Moreton Bay Region to Brisbane LGA median house price ratio reduced from a top of 82 per cent in 2006 to less than 68 per cent in 2017. A similar trend was noted in the unit market with the Moreton Bay Region to Brisbane LGA median unit price ratio sitting at about 77 per cent in 2017 down from a top of 89 per cent in 2009. In January 2017, a typical house in Brisbane LGA had an annual median sale price of \$653,000 compared to the annual median sale price of a typical house in the Moreton Bay Region of \$440,000. A family buying in the Moreton Bay Region instead of Brisbane LGA could have saved about \$213,000.

Comparing unit prices, Moreton Bay's annual median was \$344,975, which was about \$101,000 cheaper than Brisbane LGA's annual median of \$445,900.

The March 2017 weekly median rent for three-bedroom houses in Moreton Bay was \$350 compared to \$440 in Brisbane LGA. Renting a three-bedroom house in the Moreton Bay Region instead of Brisbane LGA would have saved the tenants about \$90 per week or \$4680 per annum.

### Market Trend Indicators

Market trend indicators confirm the house market is becoming more competitive and generally favours sellers. Average days on market and vendor discounting for houses have trended downwards since 2012, reaching 70 days and 5.1 per cent in January 2017.

The unit market has also shown signs of improvement since 2012. However, the past 12 months have been challenging for the unit market throughout Queensland, with the number of annual unit listings in the Moreton Bay Region increasing to 2673 in January 2017 from 1764 in January 2016.

Average days on market for units fell to 99 days in January 2017 compared to a peak of 138 days reached in 2012.



Similarly, average vendor discounting fell to 5.5 per cent in January 2017 compared to a peak of 10.8 per cent in 2012.

Similar to the behaviour of owners of properties located in other southeast corner regions, vendors are holding properties longer with the average hold period for houses increasing from 7.6 years in December 2012 to 8.8 years in January 2017 and for units from 7.2 years in December 2012 to 8.3 years in January 2017.

### Significant Projects on the Horizon

In light of a solid historical and estimated population growth, Moreton Bay is a growing region with significant infrastructure projects on the horizon, investment commitments exceeding \$150 million and potential economic benefits of over \$1 billion. Projects in the pipeline include:

- The Mill at Moreton Bay Priority Development Area (PDA)
- The University of Sunshine Coast (USC) Moreton Bay Campus
- Rothwell Intersection Upgrade
- Bruce Highway Boundary Road interchange
- Caboolture River Bridge Replacement
- Petrie Water Supply Zone Upgrade
- Caboolture to Wamuran Rail Trail

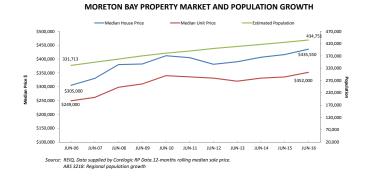
#### Looking Ahead

Supply of houses was weak in 2016, however it may increase slightly in 2017 as higher property prices attract more vendors into the market. The unit market prognosis in 2017 is weaker compared to the house market due to a larger supply of new medium-to-high density dwellings potentially hitting the market. The proposed Moreton Bay University Campus will bring the desired tertiary education services to the region, complementing and improving the education system and the lifestyle offered to residents. It is estimated that the university will provide education services to about 10,000 students significantly reducing the commute time for these students who would have had to commute to Brisbane or the Sunshine Coast.

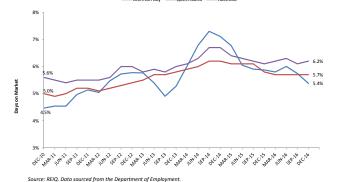
The relative better housing affordability of the Moreton Bay Region compared to Brisbane LGA is of paramount importance and supports market resilience in the long term.

In light of the future normalisation of interest rates, the outlook of the Moreton Bay Region's residential property market remains positive considering population growth, employment opportunities and the historical resilience of property prices.

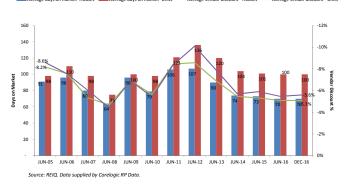
No market is immune to volatility but having solid economic drivers supporting historical market growth supports pricing sustainability.



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## What's on at the REIQ



Date: 10 July - 28 July

## **Event: Queensland Auction Series**

**About:** Let's get ready to rumble! The 2017 Queensland Auction Series is coming this July.

#### Details:

Date: Monday 10th July Location: REIQ Cannon Hill Event: Auction draw and masterclass

Date: Tuesday 11th July Location: REIQ Cannon Hill Event: Auction heats

Date: Friday 28th July Location: Brisbane Powerhouse Event: Auction breakfast and finals



Date: 30 August

### Event: REAL TECH 2017

**About:** This is a new REIQ event and it is set to feature some of the hottest names in technology, including Facebook, Enablo and more! Come along to REIQ'S REAL TECH 2017 day and make sure that the next big thing in technology works for you and your real estate business.

#### Details:

Date: Wednesday 30th August

**Location:** Brisbane Convention & Exhibition Centre

**Time:** 9.30am – 4.00pm

**Cost:** Member \$199 (inc GST) Non-members \$249 (inc GST)



Date: 8 September

#### Event: 2017 Women in Real Estate Lunch

**About:** The annual Women in Real Estate Lunch celebrates the success of women in our profession and provides an opportunity for women to come together to learn, network and grow. Guest speaker to be announced soon.

#### Details:

Date: Friday 8th September Location: Victoria Park, Herston Time: 11.30am – 2.00pm Cost: Members \$125 (inc GST) Non-members \$150 (inc GST)

## CPD and zone breakfasts/lunch dates for July - August

**CPD Subject:** What to expect / do when the OFT comes calling

| Date      | Zone           | Breakfast/Lunch | CPD              | Venue  |
|-----------|----------------|-----------------|------------------|--|
| 12 July   | Atherton       | 12.00 – 1.30pm  | 2.00pm – 3.30pm  | International Club                             |
| 19 July   | Gold Coast     | 12.00 – 1.30pm  | 2.00pm – 3.30pm  | Currumbin RSL                                  |
| 20 July   | Western        | 12.00 – 1.30pm  | 2.00pm – 3.30pm  | Jindalee Hotel                                 |
| 26 July   | Northern       | 12.00 – 1.30pm  | 2.00pm – 3.30pm  | Arana Leagues Club                             |
| 27 July   | Sunshine Coast | 12.00 – 1.30pm  | 2.00pm – 3.30pm  | Sunshine Coast Function Centre – Caloundra RSL |
| 3 August  | Ipswich        | 9.30 – 11.30am  | Combined         | Brothers League Club                           |
| 9 August  | Mackay         | 9.30 - 11.30am  | Combined         | Magpies Sporting Club                          |
| 16 August | Rockhampton    | 9.30 – 11.30am  | Combined         | Rockhampton                                    |
| 17 August | Gladstone      | 9.30 – 11.30am  | Combined         | The Oaks – Grand Hotel                         |
| 23 August | Toowoomba      | 9.30 – 11.30am  | Combined         | Picnic Point Events Centre                     |
| 24 August | Eastern        | 9.30 – 11.30am  | Combined         | REIQ – Cannon Hill                             |
| 29 August | Brisbane       | CPD ONLY        | 9.30am – 11.00am | REIQ – Cannon Hill                             |

## **REIQ** Events

### REIQ Aon Real Estate Luncheon

The bearded economist, Tom Piotrowski, delivered his witty take on the economy at the REIQ Aon Real Estate Lunch at Victoria Park last month.

One of the nation's most recognisable finance expert entertained more than 170 guests at one of real estate's key events on the calendar.

"The Australian economy has enjoyed the longest period without recession, in the world," he said. "The impact of Donald Trump in the White House has been less dramatic on world markets than expected," he added.

Looking at Queensland, Mr Piotrowski shared insights on Queensland's economy, growth forecasts around demand and how the housing market will be impacted by changing factors.

REIQ CEO Antonia Mercorella said the feedback from the lunch had been outstanding.

"This speaker has clearly resonated with the audience at the REIQ Aon Real Estate Luncheon because the feedback has been stellar," she said.

"He was entertaining, insightful and absolutely fascinating."

### Market Outlook Breakfast launching Queensland Market Monitor for 2017

A sold-out event greeted the extraordinary line-up of speakers at the REIQ Market Outlook Breakfast, an event launching the new-look Queensland Market Monitor report.

Expert speakers covered every facet of the Queensland housing market, including median sale prices, rental data, investor opportunities and how the Government infrastructure program is supporting growth.

St George chief economist Janu Chan, CoreLogic head of research Cameron Kusher, Residential Tenancies Authority CEO Darren Barlow and Propertyology director Simon Pressley shared a massive wealth of information with almost 100 guests.

REIQ Event Coordinator Lauren Greene said early indications had been very strong that the next event would also sell out.

"We've started a waiting list and have almost a dozen names already. This is an intimate event that offers only around 80 – 100 seats, which allows our guests to ask questions of our speakers and really get the most out of this event," she said.

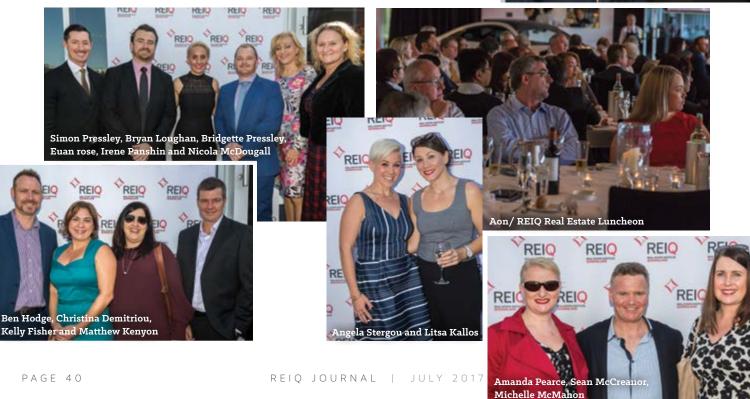
### Young Real Estate Professionals – Cars and Careers!

The glitz and glamour of luxury cars and up-and-coming real estate superstars delivered a fun, informal networking event for Queensland real estate's young practitioners at two high-octane events – one at the BMW showrooms on the Gold Coast and one at the Mercedes Benz showrooms in Brisbane.

More than 140 lean-and-keen agents and property managers learned new skills from organisational psychologist Kelly Maniatis, who shared tips for building resilience and being more organised.



Matthew Christie and Lisa Nichols





Market Outlook Breakfast



Young Real Estate Professionals at Mercedes Benz Brisbane



Our lucky winners of driving BMW and







Market Outlook Breakfast

Propertyology director Simon Pressley



St George chief economist Janu Chan

## REIQ offers outstanding benefits in membership program

Member Benefit - Mercedes-Benz:

REIQ members have access to an extensive suite of benefits in our carefully curated Corporate Membership Program.

This month the REIQ is sharing the details of one of those Member Benefits – Mercedez-Benz.

The REIQ's partnership with this luxury motor vehicle brand delivers members compelling reasons to consider a Mercedes-Benz. The benefits could add up to thousands of dollars saved in the first three years: REIQ members can receive:

- Reduced dealer delivery fee
- Complimentary carpet floor mats
- Complimentary scheduled servicing at an authorised participating Mercedes-Benz dealership for up to 3 years or 75,000km
- Complimentary pick-up and drop-off, or access to a loan vehicle when your Mercedes-Benz is being serviced
- 4 years complimentary Mercedes-Benz Road Care nationwide
- Competitive rates and tailored

financial service solutions, including our Agility program, are made available by Mercedes-Benz Financial Services Australia Pty Ltd ("MBFSAu"),

- Special rates for valet parking provided by Mercedes-Benz Airport Express Melbourne
- Access to the Corporate Program vehicle evaluation fleet and
- Access to your own Corporate Sales Consultant.

To access these benefits, simply identify yourself as an REIQ member by showing your membership card.



## Are you taking full advantage of your **REIQ MEMBERSHIP?** 2016 - 2017 Statistics



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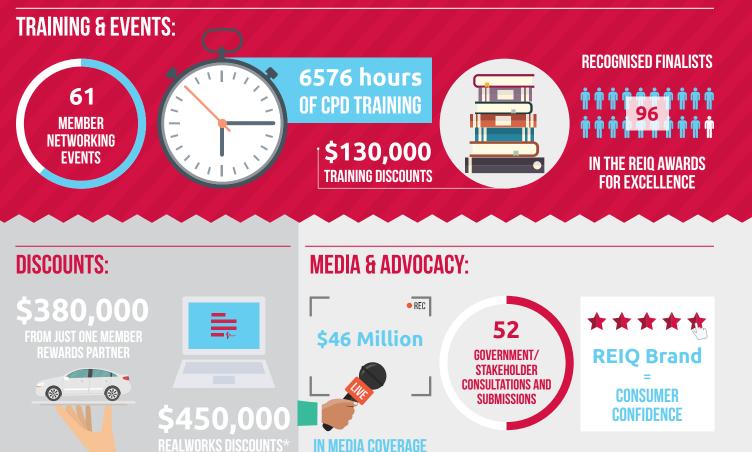
5,000

## **ADVICE & SUPPORT:**

PROPERTY MANAGEMENT SUPPORT SERVICE CALLS Reiq Agency advice line calls







\*applies to Accredited Agencies only

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## REIQ Award Winner: Rachael Byrne, Residential Property Manager of the Year

Name: Rachael Byrne Award: Residential Property Manager of the Year Agency: Jean Brown Properties

Rachael Byrne is the senior property manager at Jean Brown Properties and the current REIQ Property Manager of the Year. With six years' experience on the front line, Rachael leads a team of five property management professionals and oversees more than 400 residential managements. Rachael's positive and proactive approach to Property Management is innovative and fresh, she epitomises a new breed of young agents who are raising the bar and changing the face of the industry.

### Why did you enter the awards?

I knew it would be a huge honour to be recognised among my peers and being named Property Manager of the Year would be a fantastic accolade that I could carry with me throughout my career.

I have been to many REIQ events and have had the opportunity to hear past winners speak. The depth of knowledge and experience they possess is something that I wanted to strive to achieve. With the support of my principal I committed myself to increasing my skills and knowledge and I capitalised on every opportunity that arose for professional development. Some of these opportunities included mentoring groups and networking sessions where I could gain as much knowledge from industry professionals as I could. It was with this belief in myself then I was able to gain the confidence to apply for this award.

## What did you learn from the process? How can others improve their chance for success?

Self-belief and confidence has been an important part of the process for me.



Nominating for the award gave me the opportunity to step back and really re-evaluate what I do as a property manager and what I love about the industry. I would suggest that those who are considering applying for the REIQ awards for Excellence first ask yourself why you are in this industry. What do you do to stand out? What makes you extraordinary? What are your greatest achievements? Really reflect first on the success you have already created and have confidence and belief in what you do.

## What are your three tips to someone who has entered and not yet succeeded?

Have a vision and a desire and create it, keep your vision clear at all times.

Deliver more than expected, always push yourself to be better than your best.

Believe in what you do and that you can succeed, don't find excuses for not being your best.

## For those who have not yet entered, why should they do it?

We never know the outcome of our efforts unless we actually do it, do not be scared of failure. This is a great opportunity to get yourself out there and be recognised for the great work you do.

### Share some of your thoughts about the Awards gala dinner. What does it mean to be in a room of your peers?

Who doesn't love an opportunity to get dressed up and rub shoulders with the industry's finest? This is the biggest night of the year for real estate in Queensland and one of the few chances we have to engage with our peers.

# How to win the listing: Be different – what is your unique selling point?

WORDS BY TRISTAN ROWLAND

Tristan Rowland has been in real estate more than 11 years and is now the principal at Place Aspley. With a background in business management and marketing, Tristan transitioned into real estate because he could see how his business skills, such as negotiating and marketing, could be applied to real estate.

A consistent finalist and awardwinner within the Place franchise and on the REIQ stage, Tristan is well placed to share his secrets behind landing more listings in a month than some agents put together in a quarter.

Here, he shares his tips with the Journal:

Having been the top lister in Place for more than nine years this is something I get asked all the time by new agents both within Place and across the country.

Whilst most agents think I roll out the "#1 in Place" card or "REIQ finalist" card to win the listings, the reality is that vendors really don't care about who you are; they care about what you do. I truly believe a rookie can dismantle the seasoned veterans if they understand how the listing process works.

Chris Winkler from my office is the shining example, just three months into working for me he has disrupted 30-year veterans and has claimed market share in Chermside.

These days agents don't think for themselves. They get told to put it on real estate.com.au, put a sign out, smile at an open home, get an offer, negotiate and then sell it. They don't understand the process.

When I teach agents how to win listings, the first thing I do is get them to do a presentation to me.

The typical things I hear them say are, "I'm a great communicator, I provide great service".

I ask them: "Do you think the other agents said, 'Look, I'm a poor communicator, but my service goes alright'?"

Of course they're not saying that! So this means everyone is saying the same thing!

So here is where the key lies. What are you doing or offering that is unique? And more than that, how have you demonstrated that you are going to deliver on these things?

If you said you were going to do the exact same thing as the other agent, offer the same level of excellent communication, the same level of outstanding service, what other deciding factor is the vendor left with other than using commission or who pays for the marketing? If you can explain how you are going to run the process better, how you negotiate better, what professional development you have done to ensure you are at the top of your game, and, shown that seller how not only will you pay for yourself but actually warrant them investing and trusting in you, then commission will never come up (or at most rarely).

One of Chris's biggest competitors has been selling for more than 30 years, has more than \$200 million in sales, but hasn't been to an REIQ course in decades.

We don't bag the competition to vendors. We simply explain to a vendor that we invest a lot in keeping our knowledge current because if we make a mistake it could cost them thousands.

The comments we get back often include: "You guys actually cared about me, you took the time to tell me the truth so I wasn't at risk and more importantly you actually explained the importance of x, y or z so I could get the best price".

So remember, focus on process and the vendor and you will land more listings than you know what to do with.

## Done Deal

## 24 / 40 Cotlew Street East Southport

## Agency:

Lambert Willcox

### Agent:

Jesse Willcox and Mitchell Lambert

**Sale price:** \$1,153,000

Sale type: Auction

Where is the house? Surfers Waters, Southport



### Tell us about the property:

Surfers Waters is a gated and secure community in the heart of the Gold Coast, featuring luxury facilities such as a pool, tennis court and golf course.

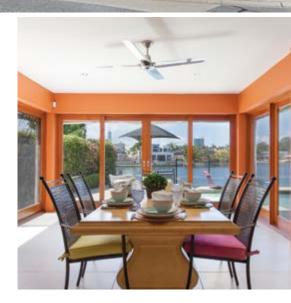
This waterfront masterpiece is designed over two levels and features a plethora of living spaces, large kitchen, and generous master bedroom with separate study/walk-in wardrobe, open fireplace, and pool. Positioned on a large 818m2 block with views of the Gold Coast skyline and is within walking distance of The Southport School, Ferry Road Markets and public transport.

This home is ideal for a large family who loves an outdoor lifestyle.

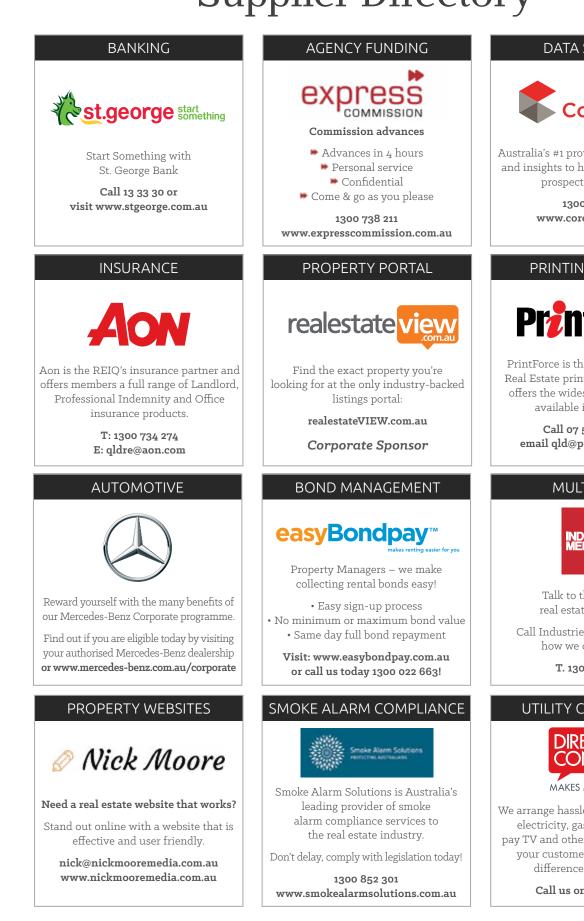
How did you secure the listing? We have an ongoing personal relationship with the vendor.

What were the marketing strategies used? Our marketing strategies were through both print and online. We created a personalised and unique video showcasing the property's features which were published to our website.

Tag us on Facebook or Instagram to have your amazing sale featured in Done Deal. Facebook: TheREIQ, Instagram: @TheREIQ.



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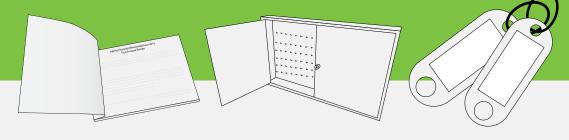


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| JMO Property Group            | PARADISE POINT 4216 | Jennifer Oliver |
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| Pristine Management           | DAYBORO 4521        | Helen Rhue      |
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| Straddie Sales & Rentals      | AMITY POINT 4183    | Karen Garrett   |
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|                               |                     |                 |

## Who's Who at the REIQ?

## Zone Chairs

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Media and Communications Manager Felicity Moore media@reiq.com.au

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