



Building Defects of Off-the-Plan Developments

College Chronicle
Newsletter

August 20, 2021



Australian College
of Professionals

RTO 91513

Building Defects of Off-the-Plan Developments

The Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 (RAB) has been designed to reduce the risk of major defects for purchasers buying into off-the-plan purchases.

Under the RAB Act, the NSW Building Commissioner and authorised officers, in relation to buildings under construction, have the powers to:

- gather information
- enter premises
- take actions against non-compliant developers and serious defects identified in residential buildings
- investigate and order the rectification of work or prohibit building work from being completed, for example, stop work orders and building work rectification orders
- operate proactively while buildings are under construction to prevent defects from being inherited by future owners
- take action against defects identified in existing buildings that have been

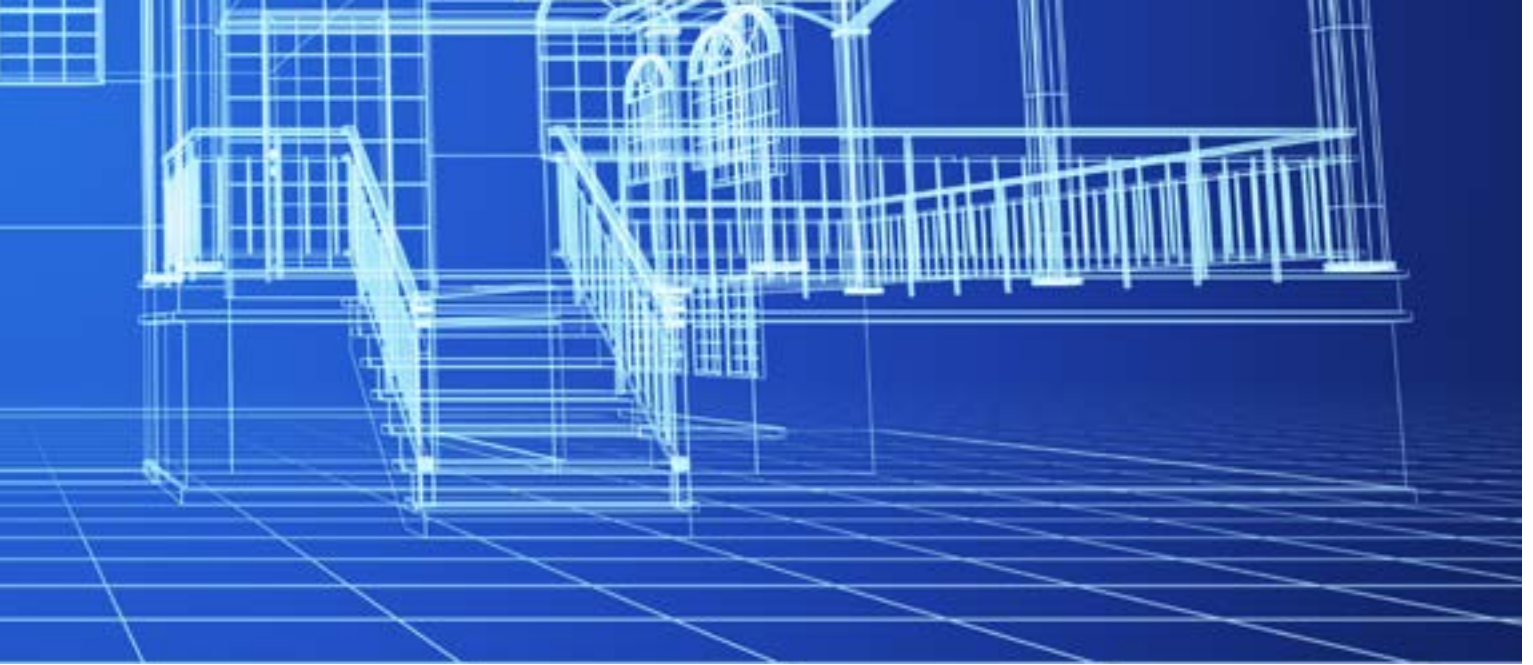
completed within six years of the issue of the occupation certificate and, in extreme cases, up to 10 years.

The RAB Act applies retrospectively for buildings up to 10 years old.

- Homeowners and residents can report building defects or make a complaint to NSW Fair Trading.
- Individual strata and community lot owners can report issues or make a complaint to NSW Fair Trading.
- Each complaint will be reviewed and assessed to identify the appropriate response. It is important to note that not every complaint will result in an investigation.

What does this mean for you as a Sales Agent? You have a duty to disclose if the property may be subject to significant health or safety risk. And whilst not considered a material fact, to not disclose defects that the agent is aware of or should reasonably be aware of, would constitute misleading and deceptive conduct.

And remember - NSW Fair Trading states that agents and assistant agents must be open and honest with clients and customers.



If information is known to the agent, they must not conceal or suppress information about a property if there is a reasonable expectation that the information will be of concern and is not readily apparent to a buyer or seller.

So how does an agent know if the property/development they are contracted to sell is subject to RAB Act compliance or enforcement orders?

You can check the register, which sets out not only the address of the properties that are under enforcement orders but also what the defects are and who the developer is, on the NSW Fair Trading website. Use the link [Residential Apartment Buildings \(Compliance and Enforcement Powers\) Act orders register | NSW Fair Trading](#)

Rosy Sullivan
Director | College Principal

From the office

And another fortnight of lockdown has passed with no end in sight. The ACOP team are continuing to work from home, with Rosy and John in the office most days making everything happen from that perspective. Some of the trainers are going to the office so they can use the large screens and our media

room for the webinars and some trainers are running their webinars from their homes. However, we are staying connected with our morning team meetings every day - sometimes we chat more than we talk work and other days it all about work. But we definitely all need the chatting - we are all missing our team mates.

We are continuing to run webinars in all of the CPD Compulsory, Elective and Business Skills topics and our trainers are connecting with their students in new and fun ways through the zoom webinars.

During the month of August, we have been offering our lockdown learning special, so students can book and pay now in August and study later. This is meaning that we are getting great opportunities to connect with people when they are calling in. This contact with our students is keeping us all connected.

Last fortnight we announced that Rachelle had welcomed little Taj into the world and we thought that this fortnight we would be announcing the arrival of Megan's little bundle of joy. But Megan's bundle is taking the lockdown rules extremely seriously, and at this stage "is staying inside". We are all very keen to meet the new addition to the ACOP family, as of course are Megan and Matt.

**Premium Educators
Premium Training
Premium Outcomes**



Contact us

1300 88 48 10
(02) 9264 5505
enquiries@acop.edu.au

Visit us

Level 2, St Andrews House
464 Kent St, Sydney NSW 2000

Mail us

PO Box Q289
QVB Sydney NSW 1230

Connect with us

acop.edu.au



Australian College of Professionals Pty Ltd ABN 32 105 687 910
Registered Training Organisation Number 91513

Property Training

Finance Training

Strata Management Training

Management Training

Government Funded Training

Compliance Checks

Consumer Education

Value yourself
Value your future.

acop.edu.au