

## **IMPORTANT INFORMATION**

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The manual should be used as follows to ensure best practice, compliance with the all current Legislation, Fair Trading requirements and office protocols:

1. The principal/licencee-in-charge should read the text and make whatever changes necessary to ensure that the amended edition for the office is exactly what they require.
2. Staff such as the sales and property managers should assist in providing input to changes and additional information.
3. Staff should then be required to read the procedures/sections that impact on their work and seek clarity and understanding on all issues by exchange of questions and answers. They will then need to "sign off" on the sections of the manual that affect them. This will work to achieve their commitment to complying with the procedures, and also to reduce the risk of litigation and fines, etc to the office if they act outside their stipulated procedures. A Form similar to the one at Form 27 should be used and a copy retained by the office and the staff member.
4. Policies and procedures need to be in constant review and not only changed when there are amendments to legislation or new laws impacting on the industry. There should be a review done every twelve months, six monthly preferably, and for each revision a "revision date" recorded at page 1 to show Fair Trading auditors that adequate supervision of the offices systems, policies and procedures is being done.
5. It is fine to have documented policies and procedures that staff have read, but it is just as important for them to be monitored to ensure staff are carrying out their duties

as specified. This “supervision” monitoring needs also to be documented in the form of minutes in records of meetings - see Forms Section for Meeting Agendas.

**Note: The following is for NSW Agents only.**

6. To comply with the NSW Fair Trading Supervision Guidelines (Supervision Guideline No: 6) a licensee must also be able to produce information in the form of written records such as procedures in manuals, minutes of meetings, diary entries and file notes demonstrating the regular use and maintenance of the specified documentation by the office.

7. The licensee must also ensure that staff are adequately trained in all aspects of their job(s), as without same they cannot be expected to comply with policies and procedures adequately – again a requirement of Supervision Guideline No:6.

8. These NSW Fair Trading **enforceable guidelines** require licensees to have:

1. written procedures around banking practices – see Section 1.8.7
2. written procedures around the requirement for a licensee to conduct a review of trust account cash flow on a monthly basis - see Section 1.2.3
3. written procedures setting out steps relevant staff must take to substantiate selling price estimates – see Section 2.2.1 “Underquoting and Selling Price Estimates Guidelines”
4. the ability to demonstrate that employees use a property sales process checklist, including requirements around advertising material, conflicts of interest, and restrictions on obtaining a beneficial interest in the property -see Section 2.5
5. documented complaint handling procedures (1.4.2)
6. a review system of the documents required by the guidelines – you will need to implement this to occur no less than annually.

## **INTRODUCTION**

This Manual outlines our Policies and Procedures to inform staff about our office protocols and should be used as an important reference tool.

The purpose of the Manual is to provide work operational guidelines for employees to follow

The Policies and Procedures in this Manual are to be adhered to at all times, and it is each employee's responsibility to ensure their compliance. Employees will be notified of changes that are made to the Manual when this occurs.

Management invites your comments and feedback on the Manual and its contents which are always welcome.

The content of this Manual forms part of the conditions of all staffs' employment, and the consequence of breaching a company policy or procedure will be treated seriously and action may include the termination of employment.

All staff are required to sign Forms 27 and 28 – refer Forms Section of the Manual.

The contents of the Manual are confidential. Employees are not to disclose it to or discuss it with any person other than those they work with.

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