

South Australia

# **Land Agents (Registration of Property Managers) Variation Regulations 2018**

under the *Land Agents Act 1994*

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## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

### **Part 2—Variation of *Land Agents Regulations 2010***

- 4 Insertion of regulation 4A
  - 4A Definition of property manager
- 5 Substitution of regulation 5
  - 5 Registration as sales representative subject to conditions relating to training and supervision
- 6 Insertion of regulation 5A
  - 5A Registration as property manager subject to conditions relating to training and supervision
- 7 Variation of regulation 7—Notification of change in circumstances
- 8 Variation of regulation 12—Exemptions
- 9 Variation of regulation 27—Indemnity fund
- 10 Variation of Schedule 1

### **Schedule 1—Transitional provision**

- 1 Transitional provision
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Land Agents (Registration of Property Managers) Variation Regulations 2018*.

### **2—Commencement**

- (1) Subject to subregulation (2), these regulations will come into operation on the day on which section 5(1) of the *Land Agents (Registration of Property Managers and Other Matters) Amendment Act 2017* comes into operation.
- (2) Regulations 6, 7, 8 and 10 will come into operation on the day on which section 7 of the *Land Agents (Registration of Property Managers and Other Matters) Amendment Act 2017* comes into operation.

### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Land Agents Regulations 2010*

### 4—Insertion of regulation 4A

Before regulation 5 insert:

#### 4A—Definition of property manager

Pursuant to paragraph (d) of the definition of *property manager* in section 3 of the Act, the function of conducting inspections of a property for the purposes of a residential tenancy agreement is prescribed.

### 5—Substitution of regulation 5

Regulation 5—delete regulation 5 and substitute:

#### 5—Registration as sales representative subject to conditions relating to training and supervision

For the purposes of section 8B(4) of the Act, a sales representative will not be taken to be properly supervised unless the sales representative is under the direct supervision of a person who is—

- (a) a registered agent; or
- (b) a registered sales representative (other than a sales representative registered under section 8B of the Act) who has been a sales representative (other than a sales representative registered under section 8B of the Act) for an agent, for at least 2 years or a total of at least 2 years.

### 6—Insertion of regulation 5A

After regulation 5 (as substituted by these regulations) insert:

#### 5A—Registration as property manager subject to conditions relating to training and supervision

For the purposes of section 8BB(4) of the Act, a property manager will not be taken to be properly supervised unless the property manager is under the direct supervision of a person who is—

- (a) a registered agent; or
- (b) a registered property manager (other than a property manager registered under section 8BB of the Act) who has been a property manager (other than a property manager registered under section 8BB of the Act) for an agent, for at least 2 years or a total of at least 2 years; or
- (c) a registered sales representative (other than a sales representative registered under section 8B of the Act) who—

- (i) is additionally registered as a property manager (other than a property manager registered under section 8BB of the Act); and
- (ii) has been a sales representative (other than a sales representative registered under section 8B of the Act) for an agent, for at least 2 years or a total of at least 2 years.

### **7—Variation of regulation 7—Notification of change in circumstances**

- (1) Regulation 7(2)—after "registered sales representative" insert:  
or registered property manager
- (2) Regulation 7(2)—after "sales representative" second occurring insert:  
or property manager

### **8—Variation of regulation 12—Exemptions**

Regulation 12—after subregulation (4) insert:

- (5) A person who acts as a property manager for an agent is exempt from the operation of section 6AB(1) of the Act if—
  - (a) the agent is a community housing provider registered under the *Community Housing Providers National Law*; and
  - (b) the person is an employee engaged by the agent under a contract of service; and
  - (c) the person performs the functions of a property manager for or on behalf of the agent in relation to land—
    - (i) owned by the agent; or
    - (ii) held by or on behalf of a Minister, agency or instrumentality of the Crown or a council.
- (6) An agent is exempt from the operation of section 6AB(3) of the Act in respect of the engagement of another person to perform the functions of a property manager in the course of the agent's business if—
  - (a) the agent is a community housing provider registered under the *Community Housing Providers National Law*; and
  - (b) the other person is engaged to perform those functions as an employee under a contract of service; and
  - (c) the land in relation to which the other person performs those functions is—
    - (i) owned by the agent; or
    - (ii) held by or on behalf of a Minister, agency or instrumentality of the Crown or a council.
- (7) In this regulation—  
***council*** means a council under the *Local Government Act 1999*.

## 9—Variation of regulation 27—Indemnity fund

- (1) Regulation 27(2)(a)—delete "and sales representatives" and substitute:  
    , sales representatives and property managers
- (2) Regulation 27(2)—after paragraph (e) insert:
  - (f) the education program relating to the provisions contained in the *Land Agents (Registration of Property Managers and Other Matters) Amendment Act 2017* conducted by or on behalf of the Commissioner for the benefit of agents, sales representatives, property managers and members of the public.

## 10—Variation of Schedule 1

- (1) Schedule 1, item 1—after paragraph (d) insert:

(da)	as a sales representative and property manager	\$284.00
(db)	as a sales representative, auctioneer and property manager	\$284.00
(dc)	as a property manager	\$284.00
(dd)	as a property manager and the applicant holds registration as a sales representative	\$119.00
- (2) Schedule 1, item 2—after paragraph (c) insert:

(d)	for a sales representative and a property manager	\$222.00
(e)	for a property manager	\$200.00
- (3) Schedule 1—after item 3 insert:

3a	Application for variation or revocation of condition of registration (section 8BB of Act)	\$119.00
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- (4) Schedule 1, item 4—after paragraph (c) insert:

(d)	for a sales representative who is also registered as a property manager	\$222.00
(e)	for a property manager	\$200.00

## Schedule 1—Transitional provision

### 1—Transitional provision

Despite section 6AB of the Act, a person is not required to comply with the provisions of that section until 28 September 2019.

#### Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 6 February 2018

No 27 of 2018

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