

REIQ JOURNAL

FOR MEMBERS OF THE REAL ESTATE INSTITUTE OF QUEENSLAND

SUMMIT IS BACK!



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A real estate conference with substance

Welcome to the Summit edition of REIQ Journal.

This edition of the Journal is showcasing some of the biggest and best elements of Summit 2016. We don't have room for everything, but we've put the highlights in here and we know you'll find something that sparks your interest.

Our speakers this year are not as well-known as some of the names we had on last year's stage or as some of the names you might see at other conferences and this is a deliberate strategy from the REIQ. We have scoured the world for new, innovative speakers who can bring actual substance to the stage, who can bring new ways of thinking about your job, new ways of tackling old problems.



Michael Crossland



Leigh Brown

We are not about following the crowd, we are not about putting people on stage who everyone has seen before. We want to give you unbeatable value and give you people you've never seen.

We have found new thinkers who will break you out of your rut. We have found people who will help you stand out from the crowd and we know that these people will make a real difference to your life – if you let them.

Buying tickets to a conference like Summit can sometimes feel like a risk. But we have built our business on almost a century of representing real estate practitioners throughout Queensland – we know you. We know better than any other organisation what challenges you face on a day-to-day basis and we know how to give you something that will benefit you,

your career and your personal life.

The feedback from last year's conference was spectacular – a thousand voices singing from the same song sheet. Our attendees came away inspired and educated, which means we achieved our goal.

Now we're letting you know that you can trust us again. The REIQ Summit is a conference like no other – it's not like AREC, it's not like ARPM,



Dr Diane Harner

it's not anything like any other real estate conference you've ever been to. This one is different and if you didn't come along last year, give it a go. You will be very glad you did.

Visit www.REIQSummit.com.au to get your tickets and find out what everyone is talking about.



Important Update:

REIQ members can now vote electronically in the upcoming Board Directors' election.

See story on page 12 for more information.

Contact Erin Gorton in Member Services to check your email address is up to date:
egorton@reiq.com.au.



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Be inspired and, crucially, be educated

A WORD FROM THE CHAIRMAN

If you've been in real estate for more than a few months you'll know what I'm talking about. The emails. The phone calls. Now I'm even getting texts and Facebook feed ads.

If you've been in real estate for more than a few months you'll know what I'm talking about. The emails. The phone calls. Now I'm even getting texts and Facebook feed ads.

Lots and lots of people want to flog me real estate training that will "transform my career" and make me into a "million-dollar fee machine". Apparently it's quite easy if I just pay their very reasonable fee. Some of them even seem fairly relaxed about whether I even attend the training and it's the payment that must magically transfer their wealth of knowledge to me.

Like me, you're rightly cynical about seminars and conferences. About that next real estate rock star who has the secret recipe for huge earnings while working a 40-hour week.

Like me, you're probably tired of being sold to, of being promised an "enlightened path", of being led to believe that your approach to real estate just isn't the right one. How much money is slipping between your fingers?!

So the REIQ has an alternative kind of conference to offer you – the 2016 Summit. One that promises to get you thinking and challenging yourself. But not one that will pump you up, only to let you down. No magic recipes. No hollow promises. Just solid info and genuine strategies from some of Australia and the world's sharpest minds.

In this edition of the Journal you'll read about some of them. The stories they'll share and the lessons you can learn. Last year's Summit was like a breath of fresh air in the training calendar for me and my team. We took everyone along from



sales, PM and admin, all there to soak up fresh ideas and question how we run our agency.

I cried. I laughed. I scratched my old head. And I learned new stuff. I really learned. And at no stage was I made to feel a failure because I don't write \$1m in sales commission every year. The speakers had content that inspired me and if I had that sort of financial goal then they had tips that would help me get there.

But they also had things I wanted more. Like strategies on managing my time and work/life balance so my kids can still remember my name. Insights into the human mind that have made it easier to handle difficult clients. Techniques to increase my commission and get sales across the line when I used to think I couldn't.

The REIQ Summit isn't some random dose of motivation or a fast-track to millions. It's real content that's designed to be useful to you every day in your real estate career.

I can be pretty slow on the up-take at times, but after 25 years selling property I have seen my share of fast-talking trainers come and go. I've paid good money to attend conferences and hear the latest recruit who's rocketed into the sales stratosphere. Only to fade into the horizon in a short time. So now I'll spend my time at a conference that I know will really deliver.

Make the time to come along to October's REIQ Summit. You won't be disappointed.

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A WORD FROM THE CEO

Most of us, regardless of our profession or trade, strive to be better in jobs and personal lives. Often the limitations that hold us back are self imposed.

At a recent professional development event I attended, we were shown a fascinating video of an experiment that involved fleas in a glass jar.

The jar filled with fleas was initially open, allowing the fleas to freely jump out of the jar.

A lid was then placed on the jar. Although the fleas kept jumping, the lid presented a barrier to the height of the jumps. After some time, the fleas adapted to their confined environment. They continued to jump but the jumps were smaller.

Days later when the lid was removed, the fleas continued to jump to the lower height even though the barrier was gone.

How many times do we allow imaginary barriers to hold us back? We all have goals. For some, it's about making more money. Others want to be better communicators and negotiators. Some of us are seeking better work/life balance or improved resilience.

That's why this year's Summit theme is 'Set your altitude'. Because there's no right or wrong measure of success.

Real estate agents across our vast state each want to achieve their goals, but everyone's dream is unique to them and we want to help every practitioner set their own altitude.

One of Australia's most incredible public speakers, **Matt Church** will share insights on thought leadership and how to make this something we all do every day.

Former lawyer in the British Army, **Rabia Siddique**, will share her tips



on resilience, who, after being taken hostage in Iraq and then suing the British Army for her rightful recognition, has plenty to share on the topic. **Read more about Rabia's incredible story in our one-on-one interview on page 17.**

John Wagner built his own airport and defied the doubters and the skeptics by completing the project in 19 months, and having three commercial airlines operating in and out of it within two years. **Read John's story on page 16.**

Straight-talking southern belle from the US, **Leigh Brown**, will get you fired up and ready to leap to the next level of your career.

Some of our speakers are not household names or celebrities. They've been selected because they're

experts in their field and are highly awarded and celebrated. This is an incredible opportunity to hear from some life-changing experts.

Our break-out sessions allow you to choose the content that's relevant and important to you. Whether you're looking to grow your rent roll, improve your leadership skills, learn more about QCAT or market your brand online, we have something for everyone in every sector.

We have also assembled an array of exhibitors who are there to show you the absolute latest products and services coming to market.

Each day the Summit ends with networking drinks. It's the perfect way to unwind and socialise with your peers – de-brief with others who are buzzing just like you!

For those of you travelling to Brisbane, you might want to think about extending your stay and going to Oktoberfest, which starts on 7 October at the RNA Showgrounds, right next door to our Summit event!

Make the time, invest in yourself and your team. Let us teach you how you can jump higher and achieve your full potential.

See you all at the REIQ Summit.

Best wishes,

Antonia

Tips to improve your real estate website

We know that our business website does the heavy lifting for many touchpoints of our professional lives. People visit our website first before they put in a call to us, before they decide to engage with us, so it's clear that the website must be good and perform the functions that we need it to in order for our business to thrive.

But what makes a good real estate website? There is a significant level of diversity in the marketplace, with some spectacular sites that look great, but offer poor user experience, while others seem very utilitarian and workmanlike, but deliver hot leads on a daily basis.

Realtor Mag, recently outlined areas where real estate websites typically fall down on the all-important user experience (called UX) and crucially, where websites fail to convert.

“When you work hard to attract qualified visitors to your website, the last thing you want is a high bounce rate or a low conversion rate,” Tony Mariotti said.

“The end goal is to create a lead-converting machine, not a brick wall.”

So here are some key areas where websites typically fall down and could improve:

- 1. Awful design:** For any of us who have created a new website, it can be a daunting task. Basic rules to live by include making sure your design is appealing to look at with complementary colours, visually appealing graphic elements and loads quickly. The golden rule – make it responsive!
- 2. Failure to orient the visitor:** When you arrive at the site, the structure and the message need to be immediately clear – where do

I click to find out more about you; your business products/services; or to purchase.

- 3. Auto-Play Video:** Be aware many do their research while at work and your potential clients don't appreciate your auto-play video blasting out an announcement that they're at their desks NOT working! Also, it makes the page slower to load. Just no.
- 4. No clear direction:** Let visitors know immediately what you do and how they can navigate your site to satisfy their research needs.
- 5. Poorly constructed call to action (CTA):** Be very clear – you are a real estate professional and you offer x, y, and z services. To access those sensational services the visitor must do a, b, or c. A clear CTA is vital for conversions.
- 6. Poor grammar, spelling errors:** Nothing says 'amateur' faster than poor grammar and typos in your content. Unless you have spent time as a professional wordsmith at some point in your career, you should outsource this to a professional. It is crucial.
- 7. No social proof:** A few positive testimonials, used sparingly, will boost the likelihood of

conversions. Include any media stories that you're quoted in, or link to any articles that mention you (in a positive light). Link to social media where people can see what others say about you.

- 8. No trust signals:** This is a tech issue, but SSL is pretty significant. It indicates the site is secure and uses encryption to protect data submitted over any lead-generation forms that you have on your site.

The best ways to make sure your site is funnelling people towards a solid conversion is to:

- Have a professional heavily involved in the design and construction of the site. This is not a time for penny-pinching.
- Test it heavily before you go live, asking friends and family to be your guinea pigs to make sure they satisfy all areas of weakness identified here.
- Be flexible and open to feedback!
- Be prepared to tweak and tweak and tweak. Your site may not hit its stride immediately but if you monitor bounce rates and conversions you should eventually get on the right track.



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How to post awesome panoramic shots to Facebook on an iPhone

WORDS BY JORDAN TINDAL

This new and impressive photograph feature that Facebook recently added will help increase engagement with your brand.

By snapping a panoramic picture and uploading to Facebook, viewers are now able to move their devices with the photo. Essentially this innovative technology means that viewers are able to interact further with visuals on social media.

Real estate agents can make good use of this interactive element by sharing panoramic views of listed homes (but make sure they have real ‘wow’

factor – don’t waste the magic on all 35 listings of your mid-range homes). By staying ahead of the game and keeping your Facebook feed exciting and interactive, your Facebook fans will have your posts at the top of their feeds. Not only is expanding your audience reach important but also keeping your fans engaged is a high priority in cyber space.

Step 1: Start

Open the camera on your iPhone

Step 2: Camera options

Select PANO: Slide the options from PHOTO, past SQUARE, to PANO.

Step 3: Take the shot

Follow the instructions on your iPhone screen – “Move iPhone continuously when taking a Panorama” making sure to follow the

direction of the arrow.

Step 4: Upload to Facebook

Close your camera and open your Facebook app. Click on the camera icon as though you were uploading a regular image. When looking at the photos in your photo library it will be the most recent photo, and also it will have a tiny white sphere icon in the bottom right corner. Tap it. Click Done. Write a comment that describes what people are seeing. No more than one line is best.

Step 5: Stand back for the magic!

Et Voila! Check your work by looking at your own Facebook page and prepare to be amazed! Let all the accolades roll in.

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How to write the perfect property description

The power of the property description is often overlooked because most people, including sales agents and property managers, focus on the photographs.

Sure, everyone knows that people look at the pictures first ... but then they read the words.

Buyers generally create a list of potential houses by scrolling through the pictures and making quick decisions.

A second pass is usually when they look at the description and use it to filter out those houses that don't meet their requirements – and this is when your words are the most important thing on the page.

realestateVIEW.com.au Marketing Manager Genie Kamvissis said the key to the perfect property description was to avoid the sales pitch.

"We have found that, easy-to-read and detail-oriented property descriptions have a higher chance of getting leads, as opposed to overwritten listings or those that lack key features," Ms Kamvissis said.

"Try to avoid clichéd calls-to-actions such as 'Once in a lifetime property opportunity' or 'hurry, this one will sell fast!'" she said.

"Also, the headline is critical. On realestateVIEW.com.au approximately 60% of people are only viewing the imagery without reading the description.

"To grab their attention, ensure the headline is enough to make them keep reading."

Property journalist Nick Moore, from Nick Moore Media, specialises in writing property descriptions for agents and said writing for the web was a highly specialised discipline that required expertise and experience.

"Most agents wouldn't consider taking their own property photos these days and soon it will be the same for the words.

"Vendors will appreciate that the best person to write up their home is not a real estate agent, it's a professional writer," Mr Moore said.

"The reason lazy clichés are bad is because the property portals make it so easy to comparison browse, which means you want your listing to stand out from the mob.

"Cliches are stale and and they're in all the other write-ups, which means yours just blends in. Aim for fresh and special."

Bulleted lists are another trouble spot, said Mr Moore who worked in newspapers for 20 years including at The Age, Courier-Mail and Sunday Mail.

"Bullet points work great online but not a great long list of 20 of them without order or structure. A big slab of unorganised bullet points looks too intimidating for the reader to enter. It also screams "afterthought" and "least effort possible", which reflects poorly on the home for sale."

Mr Moore said that writing property descriptions was potentially a poor use of an agent's time.

"You really should be spending at least an hour writing up a client's property. Say your agency lists 10 properties a month - that's 10 hours that your agents are not chasing more listings or trying to find buyers.

"Surely they could be doing something more profitable in that time than writing so-so property profiles."

Additional tips:

- **The simpler the better**

Keep your listing description simple with bullet points and short paragraphs.

- **Go the extra mile**

Find key points of interest in the area and include the proximity to these locations in your listing. This will show potential buyers you have done your research on the area and this is a key factor in a buyer's decision-making process.

- **Include the finer detail**

The obvious inclusions such as number of bedrooms, bathrooms and carparks are essential. However, including fittings such as floorboards, carpets and appliances may be the smaller details that get you over the line.

- **Consider your audience**

Think about your target audience. Who would the house appeal to? What features would appeal to this particular audience? Make sure you write the property using language and features that will speak to that ideal buyer.



REIQ moves to electronic notices and voting in 2016

The REIQ is calling for nominations to fill two vacancies on its Board of Directors. This is an opportunity to get involved with the direction of the REIQ and help shape its agenda.

The REIQ recently made two significant changes to its Constitution, with one change allowing the REIQ to send notices to members via email and the second gives members the ability to vote on proposed resolutions directly.

This change is in accordance with Clause 14 of the Constitution, which allows voting via post, fax, email or any other electronic means approved by the Board.

This electronic voting and notification process enables the REIQ to streamline its processes, including director nominations and elections, issuing member notices and member voting. This will minimise the time and money spent on these processes. It will also allow the membership to participate in a more direct and efficient manner.

Earlier in the year, members received a membership update form asking

them to confirm and update their details. The form noted that where an email address has been provided to us, the REIQ will deem it to be the nominated electronic address.

To nominate, visit REIQ.com and download the appropriate forms, returning them to the REIQ by 4pm September 28. If members DO NOT wish to receive notices and other communications by email, they may notify the membership department of their preference for manual documents to be sent by post.

Contact Erin Gorton, Membership Coordinator: egorton@reiq.com.au or 3249 7313.

New test kits help PMs spot drug labs

For property managers, suspecting a drug lab is being conducted in a property you manage is a major problem that represents time, hassle, potentially a distressed landlord and likely lost earnings through an empty tenancy – or in worst case scenarios, the lost property as the investor sells the property.

Until recently, no simple, cheap and effective solution existed that would allow suspicions to be tested.

However, now there are several products coming to market that will solve these problems.

REIQ CEO Antonia Mercorella said the growing problem of clandestine meth labs in Queensland has led to a much-welcomed solution from the market.

“The property management

profession needs a simple, affordable solution to this problem and we now seeing those solutions become available with home test kits coming to the market,” she said.

Home testing kits create a step before we go to the expensive laboratory



tests to check for contamination.

New Zealand company Narcotect is one such business bringing these disposable swab kits to the real estate market.

For as little as \$19.95 per kit, a property manager could test a suspected contaminated area and have the results within five minutes.

“Our kits are simple to use without training and are highly effective in determining whether contamination is present, not only from the meth but several of the chemicals used in the manufacture of the drug,” Narcotect spokesperson Martin La Touche said.

Ms Mercorella said safety was the number-one priority and offered some signs to look out for.

“A tenant who owns pool chemicals when there’s no pool in the dwelling; a potential tenant trying to avoid background checks; or a potential tenant trying to pay cash in advance for a tenancy – these are all signs that something may not be right,” she said.

REIQ partners with market-leading Smoke Alarm Solutions

The REIQ has formed a new business partnership with Australia's largest smoke alarm maintenance and compliance service, Smoke Alarm Solutions.

REIQ CEO Antonia Mercorella said the partnership paired the REIQ with an established company that was well-known to Queensland real estate professionals.

"We are thrilled to welcome Smoke Alarm Solutions to our stable of preferred suppliers and to the REIQ family," she said.



"Smoke Alarm Solutions services more than 260,000 Australian properties and has more than 110 company-employed technicians.

Smoke Alarm Solutions National Sales and Marketing Director Julieanne Worchurst welcomed the partnership.

"Like the REIQ, we have considerable property expertise across our team, with most of our client service officers having a property management background and this helps with delivering practical solutions to those everyday problems that our clients face," Ms Worchurst said.

"We are looking forward to building a relationship with the REIQ membership and advising property managers on all matters of best-practice around smoke alarms and landlord duty of care," she said.

Obituary – Alan Guyder



Alan Guyder was passionate about real estate and built a career that spanned almost four decades.

He loved being an agent and a trainer and spent many years building his own professional qualifications, and

then the qualifications of others who wanted to embark on a career in real estate. He worked as a trainer for Ashby Allen Institute and the Australian Property College from 1998 until 2008.

Alan was an advocate for industry qualifications and believed that if were a part of the industry, you must become a member of the professional body.

Qualifications included:

- Associate of the Real Estate Institute of Australia (1984)
- Licensed General Auctioneer (1989)
- Accredited Property manager (1993)
- Accredited Business Broker (1994)
- Justice of the Peace (Qualified, 1995)
- Fellow of the Real Estate Institute of Australia (1996)
- Fellow of the Real Estate Institute of Queensland (1999)
- Certified Practising Business

Broker (2000)

- Queensland Civil and Administrative Tribunal JP Panel Member (Pilot Trial, 2013)

His knowledge and expertise on all areas of the profession were sought by many, from peers to former students, and he was routinely asked about technical property related issues.

He became a member of the Southern Suburbs Committee (later to become the Southern Suburbs/Logan Zone) in 1984 and acted as Treasurer before becoming President in 1988, serving until 1991.

He consulted to Jon McVinnie Realty for the last four years, and was also a member of QCAT.

For his contribution to the industry, Alan was made a Fellow of the REIQ in 1999. Alan served as the Southern Suburbs Zone Chair from 2010 until 2015, and remained a member of the zone until his death.

From politics to property

The REIQ congratulates former Logan Mayor Pam Parker on the completion of her REIQ Registration Course. Here she reveals what she gained from her studies:

WORDS BY PAM PARKER

I recently retired from full-time work, having spent the past 19 years as an elected representative in local government, and the past eight of those as the first female Mayor of Logan.

The REIQ Agents Course has been on my bucket list for many years because I have had an interest in real estate since my mid-20s, although family and career commitments were the priority at that time.

I thoroughly enjoyed the learnings of the REIQ course and it is something I wish I had done many years ago, as the information would have been useful in real estate acquisitions over the past 40 years!

It also gave me great insight as to what one should expect from a reputable and dedicated real estate agent.

I have always enjoyed attending open house inspections to keep abreast of market trends. I love renovating, decorating, and landscaping as hobbies. An interest in real estate, along with these interests, and a general understanding of town planning go hand in hand, in my book.

Once I have ticked off other items on my bucket list such as further study, travel, catching up with family



and friends, along with current Board commitments and speaking engagements, the next chapter I am sure will involve real estate in some capacity.

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Congratulations to our New Fellows

Mr Warren Hucker | Century 21 At the Village
Ms Amanda Boccalatta | LJ Hooker Cairns Edge Hill
Mr Norman Crisp | Crisp Real Estate
Mr Kevin Doodney | LJ Hooker Land Marketing
Mr David Garwood | Salt 4 Property Management
Mr Colin Jeffery | RE/MAX Colonial
Mr John Korkou | Hype Commercial
Ms Wendy Lenaghan | Harcourts Broadbeach - Mermaid Waters
Mr Keith Masotto | RE/MAX Real Estate Services
Ms Cornelia McKee
Mr Stephen McKeever | First National Real Estate Albany Creek
Ms Despina Moller | LJ Hooker Cairns Edge Hill
Mr Stacey Quaid | Colliers International (Cairns) Pty Ltd
Mrs Valmai Ryman | Little Real Estate Toowong
Mr Anthony Sprake | Sprake Real Estate
Mr Paul Steinhardt | Team Property Consultants
Mr Michael Stewart | LJ Hooker Toowoomba
Ms Victoria Stewart | Stewart & Associates Property
Mr Allan Szelpuk | Newmanor Realty
Mr Leo Tsimpikas | Leo Tsimpikas Real Estate
Mr Jeffrey Williams | RE/MAX Gold
Mrs Faye Wright | LJ Hooker Sarina



Runway success: Wagner's vision takes flight

Meet John Wagner

WORDS BY FELICITY MOORE

When talking about remarkable business achievements, surely funding and building your own privately funded greenfield commercial airport would have to rank as one of the most audacious of them all.

But to top that achievement with building your own \$40 million bulk freight port, well that is what sets the Wagner brothers apart and puts them in a class of their own.

“(Our port) will be completed towards the end of next year and it’s another piece of infrastructure that we can capitalise on and add to our business,” said family spokesperson John Wagner.

“We import a lot of products into our own business and we want to be able to not only do our own product but do other people’s products as well,” the Toowoomba local said.

The airport has been fully operational since November 2014 and three airlines now fly in and out of the inland town – Qantas (flying direct to Sydney), Rex (flying to Mount Isa) and AirNorth (flying direct to Melbourne and Cairns).

“It took 19 months and 11 days,” John Wagner said. “There were very few surprises; it was exactly what we thought it would be like (to build an airport),” he said.

The Brisbane West Wellcamp airport was built to service the Wagners’ fledgling business park at Wellcamp.

“We were getting questions from potential tenants, global companies, about why would we want to invest in

Toowoomba when there’s no connectivity, no airport,” John Wagner told the REIQ Journal.

There was an airport, but the problem was that it was little more than a potted bitumen strip that could only receive small, 30-passenger light aircraft.

“Toowoomba is the second largest inland city in Australia (after Canberra) and we get 1.3 million tourists every year, so it needed an airport,” he said.

The stroke of genius, among many, seems to be the decision to eschew government involvement.

“If we had asked for government assistance we would have needed report after report and reports on those reports and we would still be talking about it,” Mr Wagner said.

“So we opted to not ask for government assistance and to just get on and do the job ourselves. In hindsight, it was definitely the best way to go,” he said. Even though it cost about \$200 million.

Other obstacles included complications with nearby defence force-controlled airspace via Oakey and Amberley air force bases. And the media was filled with sceptical reports that doubted a large-scale privately funded commercial airport could be built a) on time, b) at all.

The Wagners weathered some heated public opinion.

“Yes, we were aware of it all, but we

remained true to our vision. We had total conviction in what we were doing because we saw it was the right thing for our region and right the thing for Australia.

“And that has proved very much to be the case,” he said.

The first public flights began in November 2014. The airport is the first new airport to be built in Australia in more than 44 years. It is ideally located beside the Second Range Crossing, and also near the proposed inland rail corridor, creating the nexus for a major transport hub to service the growing freight market.

“(Our business) is a generational asset; it’s a 40-50 year project to complete the business park, which is about 500 hectares (which is about 500 Suncorp Stadiums),” Mr Wagner said.

“We’re proud of (what we’ve done) and what I didn’t understand (at the start) was that when we committed to the investment it gave people in our region confidence to further invest in their own businesses,” he said.

“It’s been an incredible shot in the arm for our region and we’re really, really proud of that,” he said.

John Wagner will take the main stage at the REIQ Summit on October 6 to share his insights – how to spot big ideas, how to overcome challenges and how to stick to your vision when all around you are voicing doubts. Don’t miss out on seeing this legendary businessman live – get your tickets today at REIQSummit.com.au.

Rabia Siddique: Insights on resilience and fortitude

How being taken hostage in Iraq turned into a fight for equality and justice

WORDS BY FELICITY MOORE

Forcing change upon institutions like the army, institutions that are steeped in centuries of tradition, rules and discipline, is like trying to turn 180 degrees while steering a 40,000 bulk carrier steaming at 45 knots – it's slow and before you even start, the very idea seems ludicrous.

And when former a British Army Officer, Perth-born and raised Rabia Siddique, decided she would take the British Ministry of Defence to court for employment discrimination over its failure to recognise her valour in an Iraq war hostage negotiation and escape, the chances of success seemed equally ludicrous.

But for someone who has already been taken hostage by Iraqi troops when a hostage negotiation to free two SAS soldiers when disastrously wrong, staring down the British Army might, at first glance, have seemed less terrifying.

Ms Siddique was sent in to negotiate the release of two SAS soldiers, but at the last minute the compound where she was negotiating with an Iraqi judge was overrun by Shiites and Ms Siddique and the two SAS soldiers were held at gunpoint for nine hours. They were eventually busted out when the army sent a tank through the perimeter wall and Ms Siddique and the two soldiers made a run for it through a hail of gunfire.

In the subsequent months, the two SAS soldiers were fully debriefed and recognised for their bravery, while Ms Siddique's experience was dismissed without recognition.

"(Making the decision to file the lawsuit) was absolutely terrifying. It was probably the most frightening battle that I've ever fought (that wasn't health related) and I didn't take it lightly.

"It was a decision that was made when it was clear to me that all other

avenues were exhausted," she said.

"I knew I had a strong case, but I also knew all of their tactics and I knew that there would be intimidation, and there would be a slur campaign and I knew they would try everything they could to scare me out of it.

"But I also knew myself very well and I knew that I would always regret not holding them to account," she said.

The case settled in 2008 and Ms Siddique said she had seen evidence of permanent change taking place within the British Army within 12 months of her case.

"Part of the conditions of my case was that I insisted on there being an inquiry and that lessons would be learned, and that certainly happened within the year.

"I know for a fact that policies were changed regarding ethnic minorities and women, I know the dialogues and debate about the role of women on the frontline fundamentally shifted and the other thing that I know happened in the same year as my case being heard was that the first woman, the first of then a number of women, was recognised for bravery in the theatre of war by receiving a military cross," she said.

The ripple effect of actions like Ms Siddique's is that change is taking place in military forces elsewhere, including Australia.

Former Australian Army Chief David Morrison has made several high profile

statements, both while leading the Australian Army and since retirement, around issues of consent, of support for homosexuals in the military and for transgenders in the armed forces.

"It's interesting now that we see (these institutions) being more reflective of the community they serve and questioning the way we treat and view others, particularly our women, our ethnic minorities, our transgender soldiers, and we need to make room for them because if they are skilled enough and committed enough to serve, then we should make every effort to encourage them and include them," Ms Siddique said.

However, without the bravery of individuals willing to stand up and force change, regardless of the personal cost, change would not happen, especially in monoliths like the armed forces.

Ms Siddique will present her keynote presentation at the REIQ Summit this October, where she will share insights from her experience but where she will also talk about the importance of resilience and how to become more resilient in the face of overwhelming challenges.

Make sure you get your tickets today – REIQSummit.com.au.





Leigh Brown: Blunt, direct and high-energy

In a world of political correctness, southern belle Leigh Brown prides herself on being plain spoken and direct.

“I can’t wait to meet y’all,” the Charlotte, North Carolina native said to the REIQ Journal.

“I know I’m going to be able to get those butts up out of their seats and get people jumping around, excited to get to work,” she said.

Ms Brown’s entertaining style is showcased in a recent Facebook Live walk-through of a repossessed home that she had listed. (To see the post in full, search Leigh Thomas Brown on Facebook and scroll to July 6).

As she walked through the property, providing a running commentary, Leigh offered dry-witted gems such as:

Of a bathroom cupboard with no door: “Don’t miss this cupboard here – you could easily fit all of your linen in this cupboard and then you can easily see what you have.”

On the cupboard in the basement: “Over here we’ve got some storage and I know you people are all hoarders these days, it’s the American way.”

The REIQ is offering the opportunity to have dinner with Leigh – on us. Simply post a video of yourself to social media, saying in your best southern belle accent: “I’m doing my best to run an asshole-free business” and hash tag it #REIQSummit2016.

- FELICITY MOORE

“I’m doing my best to run an asshole free business,” is her mantra.

With a high-energy style, an entertaining turn of phrase and some market-tested success tips that will not only help you improve your listing and negotiation skills, but will leave you raring to get to work, Leigh’s presentation at the REIQ Summit is not to be missed.

Matt Church: What is thought leadership?

Thought leadership is a corporate buzz word that promotes a fuzzy concept of original thinking. Is thought leadership over?

The reality of thought leadership is that we need original thinkers and experts who challenge us, according to REIQ Summit keynote speaker Matt Church, an expert in thought leadership and a motivational speaker.

“We desperately need leaders who can lead,” Mr Church wrote in his book Amplifiers.

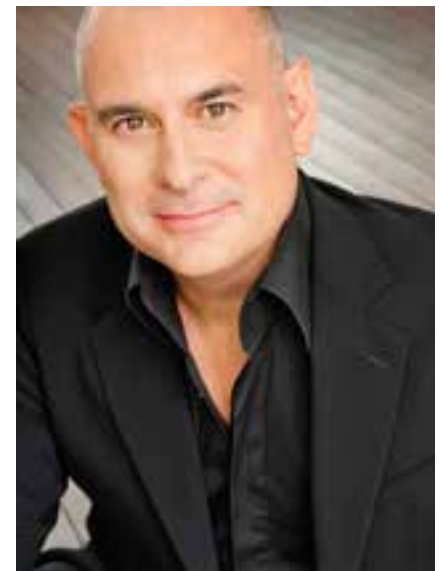
“We need... those leaders who can reduce fear and replace it with confidence, and reduce confusion and replace it with clarity, mobilising us all in pursuit of a better future,” he said.

Real estate practitioners who are looking

to take the next step in their own career, or principals who are looking to inspire great leadership in their team members, will not want to miss this speaker.

“(At Global Thought Leaders) we think that if each one of us expresses our thoughts fully the world becomes a better place, a rising tide lifts all ships. You’ll notice that the Thought Leaders’ logo is a ripple caused by a pebble on a pond and we believe that collectively, around the planet, if everybody stands up and delivers their idea into the pool of consciousness then everything starts to have a positive effect,” he said.

Come to the REIQ Summit to hear



Matt Church and get one step closer to your goals.

Matt Church has built a business on the idea that anyone can lead and that leaders are not born, they are made. He will share his insights on how we can all tap into our inner leader at the REIQ Summit, October 6-7. To get your tickets visit REIQSummit.com.au.

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Andrew May: Are you ready for your performance moment?

One of the biggest issues facing today's workforce is productivity and performance issues, with increasing pressures to achieve fiscal goals wearing down enthusiasm and energy in the team members.

Andrew May has been the physical performance manager for some of our most successful sporting teams, including the Australian Cricket Team and the Sydney Swans, and is now the founding director of the Performance Clinic, a business designed to improve workplace performance. The Performance Clinic was recently bought by KPMG.

Mr May says the business world should take more lessons from the

sporting world.

"Sport is a performance based culture and it can be ruthless, you either win and if you don't you are cut from teams," he recently told the ABC.

"In sport, we play hard and we recover; in the corporate world we try to squeeze in so many things without recovery that we end up flat," he said.

Mr May will share tips on how principals and team leaders can inspire greater productivity and

efficiency in their team while also improving their agency's performance.

"It's about identifying and being ready for the key performance moments," he said.

See Andrew May at the REIQ Summit, October 6-7 at the Brisbane Royal International Convention Centre. Buy tickets: www.REIQSummit.com.au.

- FELICITY MOORE

Marketing guru brings insights: John Berenyi

One of the world's leading marketers, John Berenyi, whose clients include Apple, Microsoft, Coca-Cola, YUM!, and Specsavers, will reveal how to be a spectacularly successful marketer at REIQ Summit.

Mr Berenyi's business, Bergent Research, is an industry leader in market research and is retained by large grocery chains, movie companies and government organisations to uncover customer behaviour and motivators.

Mr Berenyi is a marketing expert with a background in psychology, advertising, and research and statistics, a lethal combination when you're trying to influence human behaviour.

"Psychological techniques are critically important because without them, research can only uncover typical usage and attitude issues," Mr Berenyi said.

"To uncover how products might affect consumers in terms of how they see themselves or how they feel when they use the products, it is necessary to go beyond just asking the question.

"(We) uncover both the 'standard, obvious' reasons and the hidden, often more powerful, ones," he said.

"What we aim to do is help a client 'own' their market," he said.

The master of focus groups, Mr Berenyi has been providing audience focus groups and advising movie production companies on how to create movie trailers for more than 30 years.



"We do a fair bit of testing, both of the actual movie itself, to understand what it is that people are taking out of the movie and then also the trailer to see whether that trailer communicates what people took out of the movie," Mr Berenyi said.

- FELICITY MOORE

Michael Crossland: Measure success by the reaction you create

We use the word 'inspirational' often these days and while inspiration does come in many forms for many people, perhaps in the world of motivational speakers we could measure those truly inspirational ones by the standing ovations they receive.

If we did that, Michael Crossland would surely rank in this country's handful of top inspirational speakers, those who move you and make you want to take action.

He shares his story of surviving a terminal cancer prognosis and going on to build a life of exceptional achievements in a way that will leave you speechless.

A distinguished career in finance was given away for more personal goals,

including building an orphanage in Haiti that helps children following the earthquake that devastated much of the Caribbean island.

Mr Crossland dedicates considerable time and resources to these projects, which he fits around a demanding speaking schedule.

This presentation is not to be missed. Get your tickets at REIQSummit.com.au today.

- FELICITY MOORE



Mark McKeon: Get Into the Go Zone

Former VFL football player and Collingwood Football Club's high performance coach for 15 years, Mark McKeon is an expert getting into the zone and achieving great things.

The high-pressure world of AFL football demands resilience, strength under extreme pressure and the ability to deliver world-class results.

Through a decade and a half at one of the country's biggest sporting clubs, Mr McKeon helped elite athletes stand and deliver that success where it mattered, on the football field.

The author of four books, Mr McKeon is an expert in how to stress less and achieve more and how to improve your communication style to be more successful.

"I've developed the Go Zone to help people be more effective and create better structure and greater resilience," he said.

"I'll help you get important things

done, without excuses or distractions. I'll show you how to get more done while enjoying periods of lower intensity and total recovery," he said.

"It's much more than time management skills, it's work effectiveness, ageing well and getting every drop out of life," he said.

Mr McKeon will offer tips on how to get the most out of a team and how to be an effective leader.

"I'll help you communicate effectively with all types of people and personalities, whether they are dominant, interactive, steady or cautious types," he said.

Don't miss Mark McKeon on the Summit stage, October 6. Get your tickets at www.REIQSummit.com.au.

- FELICITY MOORE

How to get the most out of your Summit experience

You've got your tickets and you're ready to suck the marrow out of life – or at least, you want to make sure you get the most out of your once-a-year opportunity to soak up all the knowledge and expertise you can at the REIQ Summit.

But with so much going on, how can you be sure not to miss something vital? Nobody wants to be the one left out of the water cooler talk on Monday.

Luckily, we have a handy guide that will help you get the absolute most value out of your two days at the conference. So relax, read on and be prepared for two days of awesomeness that will give your career – and your life – a boost!

Download the app!

It will be made available on the iTunes app store from October 1 – search for REIQSummit.

You can connect with other attendees, view speaker and exhibitor information, plan your break-outs and organise your day.

You can also connect with our speakers on their social media platforms, which will be included in the app.

Check-in and grab your satchels of goodies!

When you arrive in the morning, make sure you check-in and grab our satchel of goodies. These bags will be filled with information about the day, about our speakers and will include how to win any free things that we're giving away – so don't miss out!

Plan your breaks and consult our experts

You will have three breaks during the day. Use them wisely. The exhibitor booth will be where the tea, coffee and food will be served. It's also where you'll find all the latest market-leading news and information from our carefully selected range of exhibitors.

This is not just a group of businesses trying to sell to you – it's an opportunity to talk to a room filled with market-leading experts about whatever issues or problems your business or career is facing. Get some free advice from someone who knows the answer!

Break-out sessions

Make sure you've got your break-out sessions planned. Do you know where each break-out session is being held and how to get between the sessions quickly? Check our handy site map published in this edition of the Journal to plan your route.

You have just 10 minutes between sessions, so you do have to hustle, especially if you're hoping to get to the loo.

Networking drinks

After a big day of motivated learning, join us for networking drinks and meet some of our speakers from the day. You may even be able to pick their brains and get more information and insights from these successful business leaders.

Social media

#REIQSummit2016 #Setyouraltitude

Facebook: The REIQ | Instagram: @thereiq | Twitter: @TheREIQ

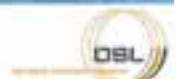
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HAVE YOU CHOSEN YOUR

DAY 1

BREAKOUT: 11.10AM



THE SALES A-TEAM

Learn what techniques three of our best sales superstars use to win in real estate. They will share their tips for success and reveal how they beat big obstacles to reach the Summit!



GREG DICKASON | Corelogic RP Data

Success rests with having the right tools and knowing how to use them. Equip yourself with the tools and information that you need to prospect, list and sell more, in this session with Executive General Manager Greg Dickason. Hear the latest market update from the king of the statisticians.



HAESLEY CUSH | Controlling the Controllables

Auctioneering great Haesley Cush will share how to make every auction the most successful it can be. What you can do to create the best conditions – how to prime the bidders, how to create buzz and how to get that all-important opening bid.



JOHN KNIGHT | Ready.Set.Grow

Identify what's important to create growth in your property management business and learn how to make those elements expand. Bring in more clients and build business success by knowing which parts of it you need to tweak and which you should ditch.

BREAKOUT: 12.10PM



NICK BOYD | Emotional Success

We all know what to do – But what stops us from doing it?

Working with salespeople from a diverse range of backgrounds, Performance Coach Nick Boyd offers a new perspective, a complete mind-shift and a fresh approach to creating lasting personal change. Understand yourself, unlock your potential and ride the ultimate performance wave.



FACILITATED BY KEVIN TURNER | The Great Debate: "Why franchising is dead!"

In what will surely be one of the most entertaining events of the conference, the REIQ Summit Great Debate will pit a team of three franchise groups against a team of three independents, as we all try to decide – is franchising dead?



SONIA MCDONALD | Business Leadership

Use neuroscience to give you a winning edge. Create a business structure that will open the doors to success. Sonia's innovative approach will give you the confidence to create winning strategies in your work and personal life.



TINA SANDER & MARK MCGILL | Getting Started as a Real Estate Professional

Tina Sander and Mark McGill will provide some practical tips and insights into getting started in real estate as well as the processes and procedures that they have implemented to ensure continued success in the profession.



OR BREAKOUT SESSIONS?

DAY 2

REIQ SUMMIT

BREAKOUT: 11.00AM



MEIRON LEES | Resilience & Behavioural Change

The number-one US bestselling self-development author, Meiron Lees will help you become more resilient and show you how to build trusting relationships and actually change your behaviour (for longer than two weeks!).



TARA BRADBURY | Property Management Business Development

Queensland property managers' favourite coach shares dynamic business development tips and rent roll growth training.

BREAKOUT: 12.00PM



TARA BRADBURY | Vacant Properties & Customer Service Culture

Don't risk having a vacant property on the books – use these great tools to avoid vacancies and improve the service culture in your property management team.



KELLY MANIATIS | Planning & Priority Management

Become highly skilled at prioritising and getting more out of every hour. Kelly Maniatis is a qualified organisational psychologist. She will provide you with the tools that will help you plan and prioritise to deliver what is really important. This is all about achieving results without burning out or missing opportunities.



REIQ LEGAL TEAM | Don't Be Caught Out With An Invalid Appointment!

This legal update will take you through the 'do's and don't's' of completing the Form 6 Appointment document. It will provide invaluable tips and advice to protect your commission and expenses recovery.

BREAKOUT: 3.10PM



CONNIE MCKEE & PETA STILGOE | QCAT & Legislative Update

A must for all property managers, these dynamic and entertaining speakers will share their many years of experience to help you understand your legal duties based on the latest legislation.



TARA CHRISTIANSON | Marketing Your Brand

It's estimated that we're exposed to around 4,000 marketing messages a day – everything from brand promises and slogans to Google and Facebook ads. So, how can real estate professionals stand out from the crowd and be heard and seen? This session will cover effective, proven global marketing strategies for business owners, sales agents and property managers. You will learn how to create effective direct marketing and advertising and how to establish a solid, lasting online presence



DR DIANE HARNER | Neuroscience for Better Business

Neuroscientist Dr Diane Harner will provide insight into how the mind works and how understanding this can help us improve our client interaction.

Your training plan for September!

In July and August some of REIQ's specialised sessions were fully booked – make sure you get in quick to secure your place at the great courses coming up in September! Visit www.reiq.com for full course details, session dates and booking forms or contact Jill McGuire on 3249 7373/ jmcguire@reiq.com.au for more information.

Sales and Auction Documentation and Legislation Refresher

Ensure you are completing the Property Occupations Form 6 with Residential Sales Schedule correctly, update your knowledge of the Contract for Houses and Residential Land, and check your understanding of auction procedures and the sales process. This course is a perfect refresher for experienced salespeople and sales administrators.

Dates: Brisbane 14 September, Gold Coast 28 November, Sunshine Coast 25 October, Toowoomba 19 September, Cairns 23 November, Townsville 26 October, Mackay 09 November, Rockhampton 21 September

How to write attention grabbing, highly effective adverts that sell

Discover what is now the single biggest asset in your online advertising arsenal • The key components you need to consider when writing a compelling advertisement. This session includes an advertising workshop and a whole lot more, including a blueprint / cheat sheet for future success.

Dates: Brisbane 17 October, Gold Coast 20 September, Sunshine Coast 22 November

Understanding Agency Growth

Growth should be your number one priority. With every employee of an agency responsible for contributing to this outcome, this workshop will guide you through the insights and ways you can turn your growth ideas and strategies into reality. If you're ready to make growth happen, this workshop is a must for every agency.

Dates: Brisbane 26 September, Sunshine Coast 30 September

Professional influence

What makes someone say “yes” to you? How many times a day do we work toward shaping the outcome of a customer's or client's decision? The ability to create impact and have a positive influence are both key ingredients of successful listing presentations. Your skill in building a strong foundation of influence and credibility is essential. This engaging workshop will change your thinking about how you conduct your listing presentation and show you how to:

- be positively memorable
- position yourself as a professional
- understand the 6 factors of influence
- embed the 6 factors of influence into your listing presentation.

Dates: Brisbane 26 September

Assessing and Listing Businesses

Guidelines on gaining a good listing and ensuring that the Appointment of agent is properly completed • How to interview and deal with the seller on the phone and in person • How to complete an on-site or on the phone 'Quick Profit' Assessment • How to complete an on-site or on the phone 'Quick Price' Assessment - special guidelines supplied to make the pricing a bit easier and more accurate.

Dates: Brisbane 21 September

Difficult Ds

Sing along with us... “It's as easy as ABC”. But once you get to D, things get a little more complex. We'll take you through dealing with all the difficult Ds in property management:

- Death or Divorce of a landlord – how to deal with your PO Form 6
- Death of a tenant (RTRA Act)
- Debt above the bond
- Database listings and complying with the new amendments
- Dogs (and other pets)
- Drains and gutters
- Domestic violence
- Disputes
- Dangerous situations – how to remove yourself

- Damage versus fair wear and tear
- Door keys and security
- Declining a rental application
- Difficult clients and customers
- Drugs

Dates: Brisbane 23 September, Gold Coast 14 October, Sunshine Coast 21 October, Toowoomba 24 October, Cairns 24 November, Townsville 27 October, Mackay 10 November, Rockhampton 22 September, Hervey Bay 26 September

Conflict Prevention and Resolution for Property Managers

A specialist workshop for property managers on identifying, preventing and resolving conflict. Focusing on day to day matters such as maintenance issues and bond claims and disputes, this is a highly practical session jam-packed with specific recommendations for positive action.

Dates: Brisbane 23 September, Gold Coast 14 October, Sunshine Coast 21 October, Toowoomba 21 November, Cairns 24 November, Townsville 27 October, Mackay 10 November, Rockhampton 22 September, Hervey Bay 26 September

Commercial sales and leasing 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 over two parts (Part 1 & Part 2 are two days duration each).

Dates: Brisbane Commences 28 September

Registration and Licensing Courses
September - October 2016

BRISBANE	
6 - 9 Sep	9.00am - 4.30pm
19 - 22 Sep	9.00am - 4.30pm
27 - 30 Sep	9.00am - 4.30pm
10 - 13 Oct	9.00am - 4.30pm
18 - 21 Oct	9.00am - 4.30pm
24 - 27 Oct	9.00am - 4.30pm
31 Oct - 3 Nov	9.00am - 4.30pm
31 October	Registration evening classes commence 8 evenings (6 - 9pm Mon and Tues)

GOLD COAST	
12 - 15 Sep	9.00am - 4.30pm
27 - 30 Sep	9.00am - 4.30pm
10 - 13 Oct	9.00am - 4.30pm
31 Oct - 3 Nov	9.00am - 4.30pm
21 Nov	Registration evening classes commence 8 evenings (6 - 9pm Mon and Tues)

SUNSHINE COAST	
20 - 23 Sep	9.00am - 4.30pm
17 - 20 Oct	9.00am - 4.30pm

HERVEY BAY	
27 - 30 Sep	9.00am - 4.30pm

TOOWOOMBA	
20 - 23 Sep	9.00am - 4.30pm
25 - 28 Oct	9.00am - 4.30pm

TOWNSVILLE	
13 - 16 Sep	9.00am - 4.30pm

CAIRNS	
20 - 23 Sep	9.00am - 4.30pm
31 Oct - 3 Nov	9.00am - 4.30pm

ROCKHAMPTON	
12 - 15 Sep	9.00am - 4.30pm

Resident Letting Agents Licence

BRISBANE	
31 Oct - 4 Nov	9.00am - 4.30pm

Career Networking Lunches

BRISBANE	
21 Sep	12.30 - 1.30pm
19 Oct	12.30 - 1.30pm

GOLD COAST	
12 Oct	12.30 - 1.30pm

Specialised Courses
September - October 2016

PROPERTY MANAGEMENT	
Job ready property management	BRISBANE: 26 - 27 Oct (9.00am - 4.00pm)
Property management webinars: Webinar #3	When things aren't straightforward: Early end of a fixed, change of shared tenancies, non-standard tenant requests for property use: 20 Sep (11.00am - 12.00pm)
Property management webinars: Webinar #4	Justifying property management fees and commissions: 25 Oct (11.00am - 12.00pm)
Property management Breakfasts	BRISBANE: 20 Oct (7.15am - 8.45am) GOLD COAST: 27 Oct (7.15am - 8.45am) TOOWOOMBA: 19 Oct (7.15am - 8.45am)
Property management IQ	BRISBANE: 5 Sep (9.00am - 4.00pm) SUNSHINE COAST: 7 Sep (9.00am - 4.00pm)
Difficult Ds	BRISBANE: 23 Sep (9.00am - 12.30pm) ROCKHAMPTON: 22 Sep (9.00am - 12.30pm) HERVEY BAY: 26 Sep (9.00am - 12.30pm) GOLD COAST: 14 Oct (9.00am - 12.30pm) SUNSHINE COAST: 21 Oct (9.00am - 12.30pm) TOOWOOMBA: 24 Oct (1.00pm - 4.30pm) TOWNSVILLE: 27 Oct (9.00am - 12.30pm)
Conflict prevention and resolution for property managers	BRISBANE: 23 Sep (1.00pm - 4.30pm) ROCKHAMPTON: 22 Sep (1.00pm - 4.30pm) HERVEY BAY: 26 Sep (1.00pm - 4.30pm) GOLD COAST: 14 Oct (1.00pm - 4.30pm) SUNSHINE COAST: 21 Oct (1.00pm - 4.30pm) TOWNSVILLE: 27 Oct (1.00pm - 4.30pm)
Property management thought leader growth	BRISBANE: 6 Sep (9.00am - 12.30pm) SUNSHINE COAST: 8 Sep (9.00am - 12.30pm)
Property management: the facts of life	BRISBANE: 9 Sep (9.00am - 12.30pm)

SALES AND AUCTION	
Professional influence	BRISBANE: 26 Sep (1.00pm - 4.30pm)
Sales and auction documentation and legislation refresher	BRISBANE: 14 Sep (1.00pm - 4.30pm) TOOWOOMBA: 19 Sep (1.00pm - 4.30pm) ROCKHAMPTON: 21 Sep (1.00pm - 4.30pm) SUNSHINE COAST: 25 Oct (9.00am - 12.30pm) TOWNSVILLE: 26 Oct (1.00pm - 4.30pm)
Job ready sales	BRISBANE: 24 & 25 Oct (9.00am - 4.00pm)
How to write attention grabbing, highly effective ad copy that sells	GOLD COAST: 20 Sep (9.00am - 12.30pm) BRISBANE: 17 Oct (1.00pm - 4.30pm)
Scripts and dialogues for building a robust prospecting pipeline	GOLD COAST: 20 Sep (1.00pm - 4.30pm)
From signing to sale - the complete auction	BRISBANE: 11 Oct (9.00am - 4.00pm)

AGENCY MANAGEMENT AND ADMINISTRATION	
Understanding agency growth	BRISBANE: 26 Sep (9.00am - 12.30pm) SUNSHINE COAST: 30 Sep (9.00am - 12.30pm)
Starting an agency	BRISBANE: 14 Oct (9.00am - 3.00pm)

COMMERCIAL AND BUSINESS BROKING	
Commercial webinar series #4	Working with a body corporate: 12 Sep (11.00am - 12.00pm)
Assessing and listing businesses	BRISBANE: 21 Sep (9.00am - 4.00pm)
Commercial sales series - Part 1	BRISBANE: 28 & 29 Sep (9.00am - 4.30pm)
Commercial sales series - Part 2	BRISBANE: 26 & 27 Oct (9.00am - 4.30pm)

Top 10 Fast Facts - The RTA Form 18a General Tenancy Agreement

WORDS BY CONNIE MCKEE, PROPERTY MANAGEMENT SUPPORT SERVICE

1. Item 1.1 - Include the full name of the lessor as identified on the Title for the property. The tenancy agreement is a legal document between the lessor and the tenant therefore the owner's full legal name needs to be included on the document.
2. Item 1.1 and 1.2 - address, if the lessor has engaged an Agent to act on their behalf the address for the Lessor is C/- of the agency therefore all agency details are included in these spaces. This means all communication related to the tenancy is directed to the Agent. The agent details also need to be included in Item 3.
3. Item 2.1 and 4.2 - Tenants - include the correct email address for each individual tenant as this Item 2.1 relates directly to Item 4.2 in relation to the tenants receiving notices via email. If Item 4.2 is ticked "yes" for tenants to be given notice by email the email address only needs to be inserted if it is different to item 2.1.
4. Item 5.2 - Inclusions provided. The RTA Form 1A Entry Condition Report should identify all inclusions provided with the premises together with their condition. Reference the RTA Form 1A Entry Condition Report with wording such as "As per RTA Form 1A Entry Condition Report".
5. Item 6.1, 6.2 and 6.3. There are two types of tenancy, either a fixed term or periodic. If the tenancy is fixed term the RTRA Act does not contain provisions as to the length of the tenancy. This is negotiated between the parties and the start and end date determine the period of the fixed term tenancy. If the tenancy is periodic there is no defined end date stated.
7. The RTRA Act has provision for a minor to enter into a Form 18a General Tenancy Agreement. This does not mean the agent/lessor does not have the same right to assess an applicant's ability to pay the rent or care for the property. What it means is you cannot state that a tenant must be 18 to legally sign a tenancy agreement.
8. The Form 18a General Tenancy Agreement is a regulated document which means the format of Items 1 to 18 and standard terms 1 to 44 cannot be altered. Special terms are additional negotiated terms which the parties have agreed to include as part of the obligations of the agreement. These special terms cannot contract out of the RTRA Act otherwise penalties can apply. Additionally these special terms could compromise the parties in the event of a dispute. The Legal Profession Act prohibits Real Estate Agents drafting special terms unless they are legally qualified to do so. For REIQ members, special terms which have been drafted by lawyers are available via Realworks. If a lessor or tenant provides a special term for inclusion in a Form 18a General Tenancy Agreement which has not been legally drafted it is recommended the Agent seeks independent legal advice prior to including the special term in the agreement.
9. Items 7, 8, 9 and 10 must be completed directing the tenant as to how much rent has to be paid and how they should pay it.
 - Rent can be paid in the following approved ways:
 - cash
 - cheque
 - deposit to a financial institution account nominated by the property manager/owner or provider
 - credit card
 - via EFTPOS
 - deduction from pay, a pension or other benefit payable to the tenant
 - another way agreed on by the property manager/owner or provider and tenant
 - The approved way of paying the rent must be stated in the tenancy agreement.
 - If an unapproved way (not listed above, e.g. money order or rent card) is preferred, the tenant must also be given a choice of at least two approved ways to pay rent.
 - The tenant must be told about any extra costs involved with a particular method of payment (e.g. joining fee, processing fee or service charges that is not part of the rent). (Source RTA website)
10. Item 12.2 relates to water usage NOT 12.1. If the tenant is to pay for water usage the premises must be individually metered and full water costs can only be passed on the tenant if the property meets the water efficiency requirements as contained in the Regulations to the RTRA Act. If the premises doesn't meet the water efficiency requirements the tenant can be charged for reasonable water usage with a special term included in the agreement indicating the water usage the tenant will be responsible to pay for.

Dealing with trust monies in dispute

A deposit is a payment as security for the performance of the contract by the buyer. It is the agreed amount between the parties to the sale in the event that the buyer defaults and does not complete the contract. It also forms part of the purchase money. The payment of a deposit is not necessary for the contract of sale to be enforceable. However, a deposit is normally paid in full or in part to the deposit stakeholder.

Failure to pay an agreed deposit takes effect as a breach of an essential term of the contract. The amount of deposit should not exceed 10% of the total purchase price. A deposit in excess of 10% would constitute an instalment contract.

In normal circumstances an agent must pay the balance of deposit monies to the seller within 14 days of notification. However, if the agent receives notification of a dispute, there is no requirement for payment to be made by the agent until further notice has been given advising the agent that the matter has been resolved and payment can now take place.

The agent cannot release the deposit until notification has been received from all parties to the contract. All contract notifications must be in writing.

Verbal notification is in breach of the terms of the contract. Notification is essential for the fulfilment of special conditions to the contract. Failure to notify can have serious implications under contract law.

If the licensee receives written notification from a party prior to the funds being paid out that ownership of all, or part, of the monies being held in trust are in dispute, the licensee must not pay out the amount in dispute unless they have received written notice:

- From all parties to the transaction stating the person who is entitled to the amount in dispute OR
- A legal proceeding has been started in a court to decide who is entitled to the amount in dispute OR
- Paying the amount pursuant to s28(3) of the AFAA

This means that if the licensee receives written notification that monies are in dispute then they must continue to hold the deposit in trust.

The agent should then notify both parties that the money will be held in trust for 30 days pending notification of the commencement of legal proceedings.

If the agent receives notification of court proceedings then the money should be paid into the court. If they do not receive a direction as to payment within 30 days, the licensee is required (within seven days after the end of the 30 day period), to give all parties to the transaction a written notice that:

- 30 days after the notice is given, the licensee will pay the amount in dispute to a stated person who the licensee believes is entitled to receive it if the licensee has not received a notice under section 26 of the Agents Financial Administration Act OR
- The licensee cannot decide who is entitled to the amount and is keeping it in the licensee's trust account until the licensee receives notice under section 26 of the Agents Financial Administration Act.



“My favourite thing to do on Father’s Day is...”

Some dads in real estate share their special day...



Damien Keyes – Keyes & Co

Together with family of course! I love nothing more than being with my wife, Kirsty and the kids, either relaxing in our little piece of paradise on the beach, or fishing and mud crabbing all day. Then when the sun goes down we cook fresh seafood on the barbecue and toast marshmallows by the open fire and tell tall stories until the kids fall asleep. No iPads, no phones just us...that’s the perfect Father’s Day for me. Being the typical hoarder I keep all the little gifts each of my kids has made me over the years and love looking back on them each year. It’s very cute and reminds you the simplest things in life are free and how lucky I am to be a dad.

HAVE YOU GOT THE BIG PICTURE ON QUEENSLAND’S RESIDENTIAL PROPERTY MARKET?

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Haesley Cush –
Living Here Cush Partners

For me waking up to three happy, healthy, well-slept little faces is as good as it gets! But I'm sure we will head out somewhere as a family in the arvo followed by an early dinner at Beccofino's. And look, if I get five minutes for a quiet coffee and quick read of 'Hammer Time' (in the Sunday Mail) that'd be great too!



Matt Lancashire –
Ray White New Farm

This year I'm taking my dad and (my son) Monty to the Gold Coast for a lunch at Rick Shores, then hopefully a surf with Dad if there is a wave around!



Rob Honeycombe –
Bees Nees Realty

This year we have friends coming over for a casual brunch. I've decided my daughters are old enough to cook me a towering bacon and egg burger that'll drip runny yolk and barbecue sauce all over me. If I can get them to walk up to the local shops for a real coffee that'd pretty much complete the perfect day for me.

The Games brings gold rush of medals to Gold Coast property market

WORDS BY KARINA SALAS, REIQ RESEARCH ANALYST

Amid uncertainty throughout most of regional Queensland, the Gold Coast property market is thriving. The Gold Coast is a modern city that offers residents an outstanding healthcare facility, first-rate education system and increasing employment opportunities for its growing population.

The Gold Coast is one of the strongest residential property markets in Queensland. Its performance has been cyclical over the past decade, showing peaks in 2008 and 2010 and currently following an upward trend which started in 2012 for houses and 2013 for units.

The house annual median sale price sat at a record high of \$570,000 in March 2016, which represented an increase of about 9.6 per cent from the price peak in 2008. The performance of the units market has been different, primarily due to a large level of new stock. The unit annual median sale price was about \$374,000 in March 2016, which was still about 2.9 per cent below the peak median sale price of \$385,000 reached in 2010.

Days on market

Current market indicators show a clear upward trend in the residential property market. Days on market for houses have reduced by nearly 50 days from 117 days in 2012 to 68 days in March 2016. Similar performances have been noted in the unit market as days-on-market reduced from 131 days in 2012 to 87 days in March 2016.

Vendor discounting

The average vendor discount for houses reached its peak of 10.9 per cent in 2012 and it has dropped to 5.3 per cent in March 2016. This discount is actually lower than the Brisbane market average vendor discount and similar to the Sydney market average vendor discount. The average vendor discount for units reached its peak of about 12 per cent in 2012, dropping to 5.7 per cent in March 2016.

There is no doubt the current market indicators demonstrate positive activity in the market with moderate to strong demand. The question now is whether the demand is sustainable in the long run to support market stability.

Population and employment growth key factors influencing on the property prices

The increase in property prices has been substantially driven by a solid increase in population in the Gold Coast region as well as an increase in employment opportunities.

The ABS estimated a population increase of 121,018 people or the equivalent of 27 per cent over a 10-year period from financial year 2005 to financial year 2015. This increase has positioned the Gold Coast as the Queensland region reporting the largest increase in the estimated regional population over a 10-year period.

The Gold Coast has also been a popular destination for internal migration in Australia, primarily from New South Wales and Victoria. In the 2015 financial year, the Gold Coast recorded the largest net internal migration in Queensland with a net increase in population of 4,610 people.

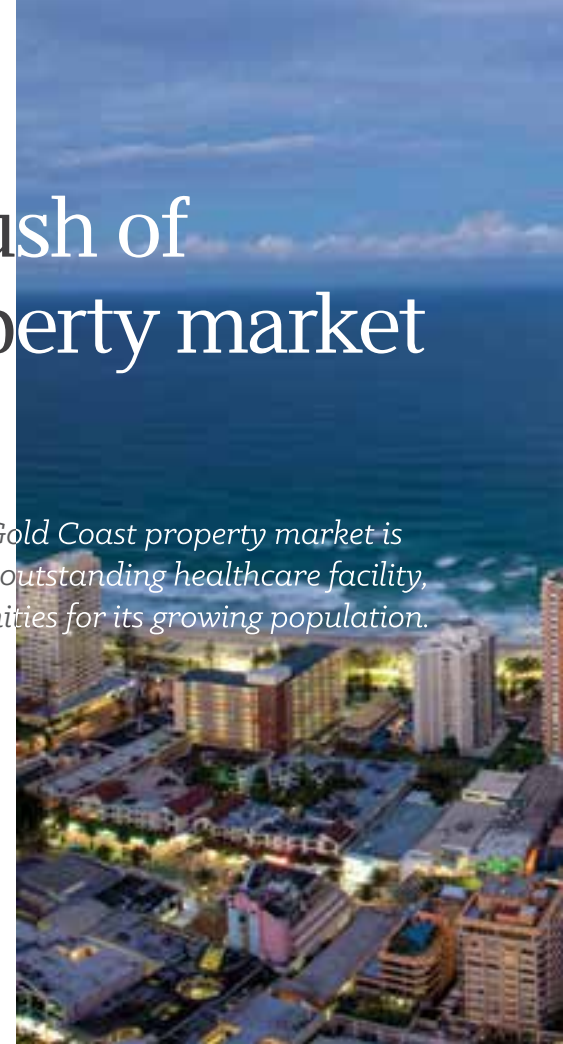
Data from the National Institute of Economic Research from .id population reveals that Gold Coast jobs increased by 33,600 or the equivalent of 16.4 per cent over 10 years to 2015.

The legacy of the Commonwealth Games to the property market

The large-scale infrastructure underway on the Gold Coast has, not surprisingly, benefited the property market enormously.

The multiplier effect on the economy is estimated to be around \$2 billion with the creation of about 30,000 full-time equivalent jobs. There is also a large number of non-quantifiable economic and social benefits that will benefit the region, including:

- the exposure of a generation of kids to an international sporting event and the impact it may have on their daily activities and lifestyle in the future,
- the reduction in commuting time and quality life improvements following the extension of the Gold Coast tram and other road infrastructure investment,
- the exposure of the Gold Coast, Queensland and Australia to the world and its impact on tourism and business opportunities, etc. The list could be extensive and probably a topic for another article.





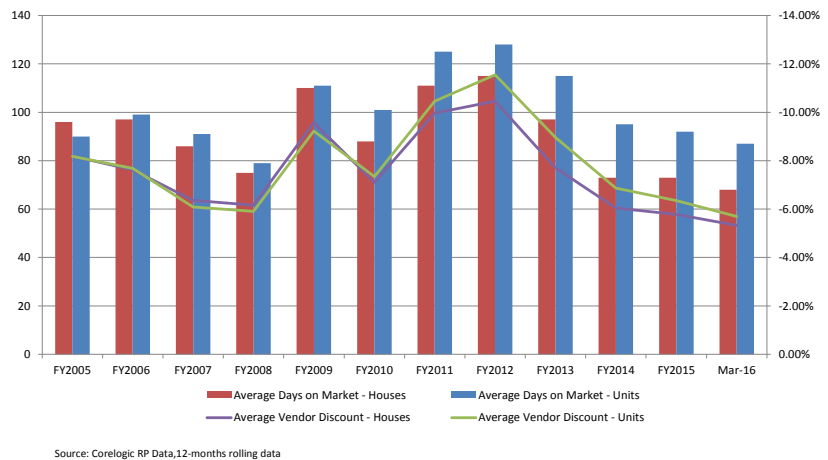
What are the prospects of the region and the housing market?

Population growth, quality lifestyle, good infrastructure and healthcare support a positive outlook for the residential property market in the Gold Coast beyond the Commonwealth Games.

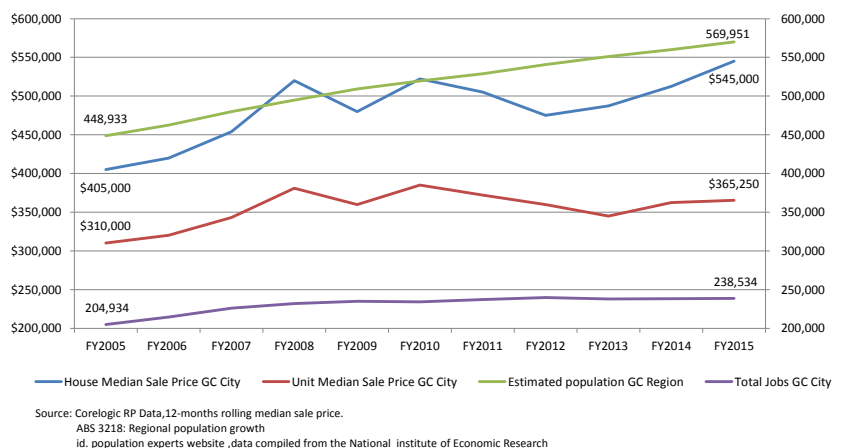
However, there are also some other latent negative factors. These include increased lending requirements from financial institutions, additional scrutiny with regards to foreign investments in the property market and potentially an excessive increase in supply, which could offset any increase in housing demand driven by population growth.

Without a crystal ball it's impossible to predict the future of the property market on the Gold Coast. The property market follows cycles shaped by economic fundamentals. In the post-Games period the property market would benefit from concerted efforts from all levels of government to ensure a jobs program is in place, to ensure continued economic growth and prosperity.

Gold Coast on market indicators showing market strength



Population and employment growth driving the strength of the property market





Disputed trust money – what you need to know

WORDS BY MICHAEL GAPES, PARTNER, CARTER NEWELL LAWYERS

As solicitors for the REIQ Professional Indemnity Scheme (underwritten by QBE Insurance (Australia) and brokered by Aon Risk Solutions), we are increasingly encountering instances where a contract of sale has been terminated and the agent is holding the deposit monies in its trust account, with both the buyer and seller claiming an entitlement to the monies.

These conflicting demands often create a dilemma for the agent, who is usually under considerable pressure from both parties (and their solicitors) to disburse the deposit monies to them.

Under the *Agents Financial Administration Act 2014* (Qld) (**the Act**), trust money is deemed to be in dispute if and when the agent “becomes aware of a dispute, or considers a dispute may arise, between the parties to the transaction about entitlements to the transaction fund or part of the fund”.¹ Awareness of a dispute immediately binds the agent to certain requirements in regards to the handling and disbursement of the trust money.

A failure to comply with the Act can result in an agent receiving a fine of up to \$24,380.00 or 2 years imprisonment,² as well as being exposed to potential civil action by the disaffected party or parties. For this reason, it is critical that agents (and in fact anyone handling trust monies) understand and comply with the requirements for dealing with disputed trust money set out in the Act.

In this article, we examine the options available for agents when dealing with disputed trust money. It should be noted that this process differs significantly from the previous procedure contained in the (now repealed) *Property Agents and Motor Dealers Act 2000* (Qld).

When an amount in dispute may be paid by an agent

If the agent considers that a party involved in a transaction is entitled to the amount in dispute, the agent may give written notice (**the notice**), pursuant to section 26 of the Act, to all parties to the transaction that:

- (a) The agent considers that a stated party is entitled to the disputed amount;³
- (b) The agent is authorised, under the Act, to pay the amount in dispute to the stated party on or after a stated date (which is at least 60 days after the date of the notice);⁴ unless
- (c) A proceeding disputing the stated party’s entitlement to the amount in dispute is started and the agent is advised of the commencement of the proceeding;⁵ or
- (d) All parties to the transaction authorise payment of the disputed amount to the stated party before the nominated date.⁶

If the agent is unaware of the commencement of any proceedings in relation to the disputed amount, it can disburse the disputed amount to the stated party after the date nominated in the notice, or earlier if it is authorised by all parties to the transaction to pay the disputed amount to the nominated party.⁷

If all parties to the transaction agree to the payment of the amount in dispute to the stated party before the nominated date, it is a requirement that such consent be in writing. We recommend that the agent retains these documents on file.

As noted above, an agent must not disburse the trust money if it is advised of the commencement of a proceeding disputing the agent's determination as to the stated party's entitlement.⁸

Under section 26(4) of the Act, the agent will not be liable civilly or under an administrative process in relation to the payment of an amount in dispute to a stated party, if it is subsequently found that the stated party was not entitled to that sum. For the sake of clarity, section 26(5) of the Act goes even further, by stating that this section of the Act does not decide the legal entitlement to the amount in dispute or prevent the correct party from recovering the trust money from the party to whom it was paid.

It is important to note, however, that an agent can elect not to give notice to the parties to a dispute and instead retain the amount in dispute until payment of that amount is authorised by all parties or the entitlement to the amount in dispute is decided by a Court.⁹

When an agent retains the amount in dispute

Where an agent elects not to give notice to the parties and chooses to retain the amount in dispute in its trust account, section 27 of the Act will apply. Section 27(2) of the Act states that in these situations, the amount in dispute must not be paid unless a written notice is received either from all parties to the transaction expressly nominating the person entitled to receive the trust money or a proceeding has been instigated in a Court to determine which party to the transaction is entitled to the amount.

In the event that the agent receives written notice from all parties stating the person to who is entitled to the amount, it is required to disburse the amount in dispute immediately.¹⁰

It is important to note, however, that an agent can elect not to give notice to the parties to a dispute and instead retain the amount in dispute until payment of that amount is authorised by all parties or the entitlement to the amount in dispute is decided by a Court.⁹

Similarly, in the event that a Court proceeding is started to determine the entitlement to the amount in dispute, the agent is required to immediately pay the amount into the Court in which the proceeding was instigated.¹¹ The Court will then make a declaration as to the parties' alleged entitlement to the trust money.

Conclusion

Agents must remain vigilant when dealing with trust money and recognise that trust money is deemed to be in dispute if and when it becomes aware of a dispute or considers that a dispute may arise.¹² In such circumstances, agents are then required to comply with the procedures set out in sections 25-28 of the Act. Essentially, an agent has two options as to how to proceed. Firstly, an agent is able to give notice to all parties to the transaction that it intends to pay the amount in dispute to a stated party at the expiration of the nominated date.¹³ In the event that the agent elects to proceed on that basis, it can do so without fear of any civil or administrative sanction if it is subsequently determined that the stated party was not entitled to the amount.¹⁴ Alternatively, an agent can elect to do nothing and instead retain the amount in trust¹⁵ until payment is authorised in writing by all parties to the transaction or a Court proceeding is commenced to decide which party is entitled to the amount.¹⁶

¹ Section 25 (1)(b) Agents Financial Administration Act 2014 (Qld).

² Section 27(2).

³ Section 26(2)(a).

⁴ Section 26(2)(b).

⁵ Section 26(2)(c)(i).

⁶ Section 26(2)(c)(ii).

⁷ Section 26(3).

⁸ Section 26(2)(b)(i).

⁹ Section 26(6).

¹⁰ Section 28(2)(a).

¹¹ Section 28(2).

¹² Section 25(1)(b).

¹³ Section 26(2).

¹⁴ Section 26(4).

¹⁵ Section 27.

¹⁶ Section 28.

Lease or licence to occupy

WORDS BY ANDREW PERSIJN, SENIOR ASSOCIATE, CARTER NEWELL LAWYERS

The introduction of online home sharing platforms, such as AirBnB, has resulted in increasing uncertainty regarding whether tenants utilising such platforms are entering into a sub-lease arrangement with their guests or simply granting the guests a licence to occupy the property.

Property managers will be aware that pursuant to section 283(2) of the *Residential Tenancies and Rooming Accommodation Act 2008* (Qld) (**RTRA Act**), a tenant may transfer all or a part of their interest under their tenancy agreement, or sublet a property, only if the lessor agrees in writing or the transfer or subletting is made under an order of a tribunal.

In the recent decision of *Swan v Uecker* [2016] VSC 313, the Supreme Court of Victoria, in its appellate jurisdiction, considered whether a listing on AirBnB was a lease or a licence to occupy.

Facts

Ms Swan (**the Applicant**) is the owner of a two-bedroom apartment in St Kilda, which she leased to Ms Uecker and Mr Greaves (**the Respondents**) pursuant to a residential tenancy agreement for a term from 20 August 2015 to 19 August 2016 (**Lease**). Shortly after the Lease was entered into, the Applicant discovered that the Respondents had made the apartment available for guests to hire through AirBnB.

The AirBnB listing for the apartment offered an option for guests to utilise the entire apartment at a rate of \$200 per night, with a minimum stay of three nights and a maximum stay of five. Alternatively, guests could use one bedroom only at a rate of \$102 per night. For the purpose of the appeal, only the AirBnB agreement for the use of the entire apartment is relevant. The AirBnB listing for the entire Apartment included the following:

“Guest Access

You will have use of the entire 2 bedroom apartment, its bathroom, kitchen lounge room and balcony...

House Rules

Since this is my home and I am leaving to allow you to have it all to yourself, I simply ask that you observe the normal courtesies such as being considerate about noise for the neighbour's [sic] sake and being careful with my TV, stereo and kitchen amenities”¹

In mid-January 2016, the Applicant served a Notice to Vacate on the Respondents on the basis that they had assigned or sublet or purported to assign or sublet the whole or any part of the apartment without the Applicant's consent in breach of section 253(1) *Residential Tenancies Act 1997* (Vic) (**the Act**).

The Respondents failed to vacate the apartment and the Applicant applied to the Victorian Civil and Administrative Tribunal (**the Tribunal**) for a possession order.

The Tribunal's decision

The Applicant argued before the Tribunal that the effect of the agreement between the Respondents and AirBnB guests was to grant those individuals “exclusive possession” of the apartment in circumstances where the guests took the whole apartment for their occupancy. The Respondents denied the Applicant's allegation and maintained that the agreement between them and AirBnB guests for the whole apartment did not mean that the guests were granted “exclusive possession” of the apartment.

The Tribunal considered the following provisions of the AirBnB agreement listed on the AirBnB website:

*“Guests agree that a confirmed reservation is **merely a licence** granted by the Host to the Guest*

to enter and use the listing for the limited duration of the confirmed reservation and in accordance with the Guest's agreement with the Host. Guests further agree to leave the Accommodation no later than the checkout time that the Host specifies in the Listing or such other time as mutually agreed upon between the Host and Guest. If a Guest stays past the agreed checkout time without the Host's consent, they no longer have a license to stay in the Listing and the Host is entitled to make the Guest leave”²

Taking into account the express use of the word ‘licence’ in the AirBnB agreement, the short term stays by guests, the online payment platform through the AirBnB website, the terms of arrival and departure and use of the apartment, the Respondents' retention of the apartment as their principal residence, and the ability of the Respondents to access the apartment during each AirBnB stay, the Tribunal determined that the AirBnB guests did not have “exclusive possession” of the apartment.

Accordingly, the Tribunal was satisfied that the nature of the legal relationship between the Respondents and AirBnB guests was not a lease but a licence to occupy.

The Applicant subsequently appealed the decision of the Tribunal to the Supreme Court of Victoria.

The Appeal

The Applicant contended that the Tribunal erred in respect of three questions of law.

1. Whether there was evidence or other material to support the finding that the Respondents were able to access the apartment

during each AirBnB stay.

2. In determining whether a person has exclusive possession of a premises, whether it is relevant to consider whether that person can be made to leave the premises if they overstay the agreed period of stay.
3. In determining whether a person has exclusive possession of a premises, whether it is relevant to consider whether the premises is a person's principal place of residence.

Did the AirBnB guests have “exclusive possession” of the Apartment?

The Court considered a number of authorities regarding the characterisation of leases and licences and stated that it is well accepted that, as a matter of law, the test to apply to distinguish between a lease and a licence is whether “exclusive possession” has been granted.³

In *Lewis v Bell*⁴, Mahoney JA said:⁵

“But there are cases in which it is not clear from the terms of the grant, construed in the light of the agreement and its context, what it is being granted by them. In such cases, it is necessary to determine what is granted by looking at other aspects of the transaction...”

In deciding, in such cases, whether what has been granted is the right to exclusive possession, the court, in the process of construction, has in practice looked, inter alia, to two things: the nature of the rights which, in terms, have been granted; and the intention of the parties.”

The Court stated that the intention of the parties is to be determined objectively on the basis of the terms of the particular agreement being considered and having regard to surrounding circumstances.⁶

The Respondents submitted, amongst other things, that guests did not have “exclusive possession” of the apartment and that the arrangement was analogous to a hotel stay where the host retains responsibility and stays are for a relatively short time.

The Court stated that this method of characterisation was misconceived and “the characterisation of an agreement such as the AirBnB agreement as a

lease or a licence depends upon the proper construction of that agreement – looking to substance and not form – and having regard to relevant surrounding circumstances”.⁷

Croft J added:

“I am of the view that the hotel room analogy is not appropriate in the present circumstances. The evidence and the provisions of the AirBnB Agreement indicate, in my view, that although the occupancy granted to the AirBnB guests was, in this case, for a relatively short time, the quality of that occupancy is not akin to that of a “lodger” or an hotel guest. Rather, it was the possession – exclusive possession – that would be expected of residential accommodation generally. In the present circumstances, it is no different from the nature of the occupancy – the exclusive possession – granted to the tenants, the Respondents, under the Lease from the Applicant. They have, by means of the AirBnB Agreement, effectively and practically passed that occupation, with all its qualities, to their AirBnB guests for the agreed period under the AirBnB Agreement”.⁸

The questions of law

As to question 1, the Court decided there was no evidence or other material to support the Tribunal's finding that the Respondents were able to access the apartment during each AirBnB stay. The Court found that it would be entirely inconsistent with the nature and purpose of the AirBnB agreement if the Respondents were able to access the apartment.

As to question 2, the Court decided that whether the Respondents were able to make an overstaying guest leave the apartment was not relevant to the question of whether the AirBnB guests were in exclusive possession of the apartment during their stay. The Respondents submission that the language used in the AirBnB agreement as to the host's power to make guests leave is consistent with the right of a licensor, and not a lessor, was not accepted.

As to question 3, the Court found that whether the Respondents retain the apartment as their

principal residence is irrelevant to determining whether the AirBnB guests had exclusive possession. The Respondents submission that the fact they retained the apartment as their principal residence prevented the AirBnB guests from excluding them from the apartment was not accepted.

The Court concluded that the AirBnB agreement for occupation of the entire apartment is properly characterised as a lease between the Respondents and the AirBnB guests and that entering into the AirBnB agreement is, having regard to the Lease, a sub-lease.

Accordingly, the Court allowed the Applicant's appeal, set aside the order of the Tribunal and granted the Applicant a possession order in accordance with the Act.

Conclusion

It is not yet clear what implications this decision by the Supreme Court of Victoria will have in Queensland.

It is important to remember that a tenant entering into a home sharing agreement, such as those offered by AirBnB, will not automatically amount to the creation of a sub-lease arrangement. As stated in the decision, “the characterisation of an agreement such as the AirBnB agreement as a lease or a licence depends upon the proper construction of that agreement – looking to substance and not form – and having regard to relevant surrounding circumstances”.

If a PM becomes aware that a tenant has listed a property on AirBnB, without the approval of their lessor client, they should immediately notify the lessor client.

Further, if PM are concerned they should ask the REIQ Property Management Support Service, on 07 3249 7312.

¹ [2016] VSC 313 at [20].

² *Swan v Uecker (Residential Tenancies)* [2016] VCAT 483 (24 March 2016) [41] – [46] (Tribunal's emphasis).

³ *Radaich v Smith* (1959) 101 CLR 209; *KJRR Pty Ltd v Commissioner of State Revenue* [1999] VSCA 2; *Lewis v Bell* (1985) 1 NSWLR 731; *Rental Bond Board v Bayman Development Pty Ltd* (1985) BDR [97237]. See also *Janusauskas v Director of Housing* [2014] VSC 650, referred to in *Swan v Uecker (Residential Tenancies)* [2016] VCAT 483 (24 March 2016) [37] – [38].

⁴ (1985) 1 NSWLR 731.

⁵ (1985) 1 NSWLR 731 at 734-5.

⁶ See *National Outdoor Advertising Pty Ltd v Wavon Pty Ltd* (1988) 4 BPR 97,322.

⁷ [2016] VSC 313 at [40].

⁸ [2016] VSC 313 at [46].



Pitching to Win: The questions to ask to get the inside line on winning commercial property appointments *Part Two*

WORDS BY GREG WOODS, ASSOCIATE DIRECTOR OF COMMERCIAL SALES FOR SAVILLS AUSTRALIA

In the first part of the two part series on winning commercial property appointments (published in May Journal), we looked at Understanding the Brief and Understanding the Client. Part two now focuses on Understanding the Property and Understanding the Market. As highlighted in Part one, asking questions is critical to diagnosing the best way to maximise the return to the vendor.

Understanding the Property

Broadly speaking, there are generally two components to a property; the land (which appreciates in value) and the improvements (which depreciates in value).

A prospective marketing agents initial enquiries regarding the land component should include checks based on the Current Title Search and Survey Plan. The Current Title Search will confirm ownership entity and will list any Easements, Encumbrances and Interests.

The agent should be cross checking any leases registered on title

correspond to the actual tenancies in occupation and copies of leases the seller has provided. All too often owners do not remove expired leases from the title and invariably the incoming owner and/or their financier will require these removed from title before settlement, so it is advisable to address this prior to the campaign.

Is the site affected by any Easements or Encumbrances? The Current Title Search will reveal any easements or encumbrance's which can affect usage, development prospects or access which will have a material effect on the sale price. The title

search will also reveal if there are any unpaid statutory charges for example, Land tax, or whether the land is listed on the Environmental Management Register (EMR) or Contaminated Land Register (CLR).

Commercial owners often have identification surveys done and it is worth asking the question during your inspection. An identification survey will locate the building onsite and will reveal whether there are any encroachments. This can also be crosschecked with the Certificate of Classification to confirm buildings onsite.

Is there a town planning report for the property? A town planning report will confirm the designated zoning classification and whether the current use is a permitted use under the relevant planning instrument. It should also highlight any planning overlays which may restrict usage or future development prospects, for example if a zoning classification has changed since the building was constructed.

The enquiries regarding the built form improvements should include initial checks and questions such as, Is there a Certificate of Classification for the improvements? Does the property fall under the NABERS (National Australian Built Environment Rating System) regime if so what rating has it achieved? Are the improvements compliant with the DDA (Disability Discrimination Act) legislation? What is the net lettable area and does it correspond with the lease area plan? Are there any service or maintenance agreements in place for items such as air conditioning, lifts, fire service, security, gardening or automatic door maintenance which an incoming owner is bound by? Has an Asbestos Report been prepared for the property? Is there an Asset register for the property?

These are just some of the questions you should be asking to ensure you have a thorough understanding of the asset and how best to advise on the disposal on behalf of the owner.

Understanding the Market

Understanding the market can be more accurately defined as understanding the buyer profile of the assets you are pitching on and in which sub-sector of the commercial property market i.e. Retail, Industrial or Office market.

Buyer profiles for Commercial assets vary and can include private individuals, family offices, listed and unlisted syndicates, property funds, corporations to name a few. Each of these buyers have their own risk profile and will be seeking different outcomes from their purchases.

Understanding the market can be more accurately defined as understanding the buyer profile of the assets you are pitching on and in which sub-sector of the commercial property market i.e. Retail, Industrial or Office market.

For example private individuals and syndicates often seek properties that have a twist or value-add upside which sits higher on the risk curve often referred to as opportunistic or core plus assets, whereas generational wealth invested through family offices often seek low risk, passive investments referred to as core grade assets.

To give yourself the best chance of winning the appointment and illustrating your knowledge, your proposal to market and sell the asset should nominate the assets profile in the market and to reinforce and illustrate your competency I suggest nominating groups or buyers who would be the first targets of the campaign.

Submitting a proposal to market and sell a commercial property can be very competitive, but also very rewarding. Simply by understanding the right questions to ask before your proposal is submitted can ensure your final recommendations clearly illustrate your understanding of the asset and competency in the sector. Good luck!



CPD top earners and learners



Name: Phil Costello

Agency: Brothers Real Estate



Why is CPD important to you?

It helps me to learn new skills and as this industry in constantly evolving learning becomes a must to keep both relevant in the field and to display the most professional outlook to clients.

It assists in keeping me up to date with current legislation. There is nothing more embarrassing than to have a landlord or tenant or even a vendor state recent changes to the law to you and ask "Didn't you know?".

It makes my job of dealing with owners, tenants and vendors much easier.

What do you value most about CPD?

As the name suggests it is all about my professional development, and as a principal this is vastly important, so that not only do I have the knowledge required, but I am able to pass this

skill or information onto staff in our office, and also to all of our clients should it affect them.

Quite often changes to the law requires real estate agents to be aware of these changes and notify persons also affected by the changes and this helps to prevent issues/problems at some later time.

Do you prefer face-to-face, webinars or a combination of both?

Due to my geographic location it is not often possible for me to attend face

to face sessions, therefore for myself I prefer the online webinar sessions. I am able to view these sessions at a time that suits my other commitments and am able to sit back and enjoy the session without trying to rush into it or cancel at the last minute.

Most of the face to face sessions are held in either Brisbane or over on the Coast and it would be wonderful to attend if they were ever held in perhaps, Kingaroy, so that I could network with other agents.

CPD and zone breakfasts/lunch dates for September 2016

Date	Zone	Breakfast/Lunch	CPD	Venue
1 September	Townsville	12.00 – 1.30pm	1.45 – 3.30pm	Townsville RSL
14 September	Gold Coast	7.30-9.00am	9.15- 11.00am	Sharks Event Centre
15 September	Mackay	7.30-9.00am	9.15- 11.00am	Harrup Park Country Club



“Where the Form is it?”

WORDS BY ANITA O’CONNOR, THE FORMS GURU

*So many folders... Where is it?
Random names... Where did they put it??
Sooo frustrating!*

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The search tool works best when you use consistent naming conventions. In our experience, the street address is the simplest and most unique method of storing your forms. (After all, is there really going to be more

than one 21 Turbo Drive?).

And, by using the address as a naming convention, the evolution of a property (within your agency) will be documented. For example, 21 Turbo Drive is sold to a person who uses the property as a rental (and they want your agency to manage the property). So, you’ve gone from a POA Form 6 to Contract to Property Management Agreement to Tenancy Agreement to Routine Inspections.

Wildcards

For those of you who don’t mind getting a little geekier, there are a couple of wildcards you can use while searching:

Underscore (_) can be used as a single

character search replacement. For example, searching for “T_rbo” will show results for forms named Turbo, Tirbo, Torbo, Tyrbo (but not Trbo).

Percentage (%) can be used as a multi character search replacement. For example, searching for “T%o” will show results for forms that have the letter “T” appearing before the letter ‘o’ anywhere in the name. (Ideal for those of us who think we may have early Alzheimer’s.

Further information can be found in our help guide here: <http://help.realworks.com.au/#searching-for-forms>

Enjoy!

Anita O’Connor, The Forms Guru

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It is essential to ensure that anyone involved in real estate can and is seen as an industry professional who has the most up to date knowledge and experience.



Zone chair profiles



Name: Le-Anne Allan

Zone: Bundaberg

Agency: Richardson & Wrench Bargara Beach

How long have you been in real estate?

More than 30 years.

How did you get your start in real estate and what led you to this point?

I started my career in real estate over 30 years ago in Bargara. In those days, property management accounting was on a Kalamazoo system, which was interesting and our sales listings were written on a three-page listing form (remember – press hard for the third copy!) Blue for houses, pink for units and green for land!

What professional organisations do you belong to?

I have been a member of the Zonta Club of Bundaberg for about 10 years. Zonta is an international organisation dedicated to empowering women through service and advocacy. I firmly believe in supporting women where I can, particularly, those young women starting out on their adult journey. It is important to be educated. This does not necessarily mean going to university, but to have an expectation they will achieve the best they possibly can and to remain inquisitive and in search of knowledge at all times.

Why did you choose to nominate for a zone chair role?

Being an active member of a local real estate agency and an REIQ accredited agent, I felt the need to ensure the REIQ brand was recognised as an industry body who is more than just a place for the public to complain to.

The Continuing Professional Development accreditation that the REIQ offers is particularly important to our profession. It is essential to ensure that anyone involved in real estate can and is seen as an industry professional who has the most up to date knowledge and experience.

I was also recommended for the role by local agents and I thank them for this opportunity to strengthen the REIQ and real estate profession.

What are your hobbies?

I love listening to music and particularly going to major concerts. Music is the language of life. Living on the coast, I enjoy our local beaches – swimming and walking is a magical way to enjoy time away from the office.

Tell us about your family:

In business and life I am joined by my husband Glen who, like me, has had many life experiences and all these skills allow us to work as a strong team in the day to day management and operation of the agency. Our son Benjamin has achieved an REIQ Traineeship through our agency and this level of education has set the platform for him to continue his university studies as well as giving him some broad life and business skills. I'm also lucky enough to have Mum, Dad, and my brother and niece all living in the area while two other nieces out exploring the world.

Tell us about your pets:

We have a fabulous cattle/kelpie cross called Driva, named by our son who was an avid golfer.

If you could host a dinner party with four famous – dead – celebrities, who would you invite?

Elvis Presley, Michael Hutchence, Marilyn Monroe, Whitney Houston



Name: Joshua Kindred
Zone: Redcliffe
Agency: Kindred Property Group

How long have you been in real estate?
 12 years

How did you get your start in real estate and what led you to this point?
 I was offered a job at age 17 with Les Freeman Real Estate in Cairns, just prior to finishing high school. I completed my full traineeship under the guidance of some excellent mentors, then went on to open my own independent office at age 21.

This business has grown to include a rent roll of almost 400 properties and a strong sales team.

After 12 years I am still here and still loving every day in real estate because of those special mentors, hard work, and an undying passion to deliver the best real estate culture, environment and results.

What professional organisations do you belong to?
 The REIQ

Why did you choose to nominate for a zone chair role?
 I have a goal to increase the training and entry standards for our industry, and unite those in our industry to encourage higher standards.

What are your hobbies?
 Wake Boarding/Skiing, running, surfing, traveling, learning.

I have a goal to increase the training and entry standards for our industry, and unite those in our industry to encourage higher standards.

Tell us about your family:
 I am fourth generation Redcliffe local and my beautiful three-year-old daughter is the fifth generation.

Do you have any pets and if so, what type and what are their names?
 Ollie the abandoned cat from an empty rental property.

If you could host a dinner party with four famous – dead – celebrities, who would you invite?
 Steve Jobs, Nelson Mandela, Napoleon Bonaparte, Sun Tzu



Our Members



Name: Jason Chandler

Membership: Individual member

with all rules and regulations and we adhere to a code of conduct as befitting a professional in our community. We are not fly-by-night cowboys!

Can you name someone who has had tremendous impact on you in your career?

My first and best mentor was Greg Booker, Ljj Hooker Kallangar/ Northlakes. I learned from him how to mentor my team.

What is one characteristic that you believe every leader should possess?

A fantastic leader must not expect someone to do something they would not do themselves, and also, be humble.

What do you consider your greatest achievement?

Creating a culture that is passed down to staff who then teach new staff the way they were taught.

What do you love most about the profession?

Being able to give back to the community and helping clients achieve their goals and new lifestyles.

Favourite song?

Arms Wide Open - Creed

Favourite food?

Pizza

Pet's name?

I have a blue staffy named Chevy

How long have you been in real estate?

I have been in real estate for 21 years.

What does REIQ Membership mean to you?

I enjoy being part of the peak body of the profession that I work in. It lets my clients know that my team is up-to-date



Name: Mal Dunn

Membership: Student member

How long have you been in the real estate profession for?

For the whole duration of my working life I have been in the construction industry. I have only just begun my Real Estate career and am looking forward to seeing where this thrilling ride will take me.

What does REIQ Membership mean to you?

Being an REIQ Member provides me with the support, help and advice that I need to excel in this new adventure. I also like the being a member also allows me to connect with a diverse range of other industry professionals.

Can you name a person who has had tremendous impact on you in your career?

My father has had the biggest impact on both my professional and personal life. He is someone that has always been there for me.

What is one characteristic that you believe every leader should possess?

I think that to be a leader it is important that you treat everyone how you wish to be treated. I also think that having the ability to reflect upon ourselves is a necessary characteristic to boast.

What do you consider your greatest achievement?

I have won the Outstanding Business Achiever Award 6 times. This Award is a great reflection to have based on the hard work that I believe I put in.

What do you love most about the profession?

Now, this is where the construction background comes out in me. This career allows me to view a vast range of properties! I love having the ability to see the different opportunities each property presents.

Favourite song?

Jack Johnson, Banana Pancakes

Favourite food?

Ice Cream



Second win is even more rewarding than the first



Name: Mark McGill

Membership: Individual member

The 2016 REIQ Salesperson of the Year award was won by Mark McGill, his second time winning this trophy (following his first win in 2014). Mark offers some advice for anyone considering entering and explains what it can do for your professional life.

Winning the award for the second time was probably more important to me than the first time. I felt that maybe I got lucky the first time, having been in the industry for only four years at the time and being up against some of the biggest named agents. I felt like I was still finding my feet when, in reality, I didn't really have any benchmarks to compare to.

In 2016 it was really humbling to know that I was able to improve my results and stay at the forefront of my profession, and it offered validation that I had earned my stripes after my seventh year in real estate. An ever bigger thrill was training two rookies who both made finalists for REIQ Rookie of the Year in consecutive years – it was a rewarding team effort.

The awards process has definitely helped accelerate my career. I treat it as an annual review. It's a great way to reflect on your achievements, see if you have achieved what you set out to do in the previous year, and a great way to get some valuable feedback from well respected judges.

Attending the awards night and meeting some of the other nominees is

probably one of the biggest advantages of the process. It's good to meet a group of people performing at the top of their game and willing to share. I regularly bounce ideas with these people now, each offering a different perspective from a different market place.

For those who don't know my background, I was an architect working 70 hours a week, on half pay (\$35k) in my final year as a result of the GFC and the poor market conditions on the Sunshine Coast. I had to make real estate work – there was no back-up plan.

So, in order to get good fast I learned from the best. I believe that this accelerated my career and saved me years of mistakes. I was fortunate to have a great mentor in Amber Werchon, and attended a number of REIQ training workshops early in my career, and attended many sales training seminars.

Attending the awards night and meeting some of the other nominees is probably one of the biggest advantages of the process.

My biggest advice to agents is to give the awards a go. I submitted entries for three years in a row with no success, but each time my business improved. While the accolades are fantastic and a big help to my career, the most important thing is continual improvement and a balanced lifestyle.

This industry excites me, we earn professional incomes (much more than architects with six years of university training!) and it is inspiring to see the standard of professionalism rising. While we keep raising the bar, we have no need to fear the DIYs and the portals, because I believe our professional knowledge can add so much more value to our clients than a website.



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Done Deal

3/21 Clearview Court, Buderim

Agency

Amber Werchon Property

Agent

Mark McGill

Sale price

\$1,158,000

Sale type

Private Treaty

Where is the house?

3/21 Clearview Court, Buderim

Tell us about the property:

Perched in an elevated position with a north-east aspect, this beautiful family home showcases one of Buderim's most spectacular views. From Alexandra Headland through to Mount Coolum, this expansive view is breathtaking.

The house is pristine with a homely, welcoming ambience. The large glass-and-timber front door opens into the open-plan living/dining/kitchen

with high ceilings and immaculately presented timber flooring.

The home features four bedrooms – all with ocean views – two bathrooms, open-plan living and dining, gracious formal lounge, large timber deck, and high ceilings. The kitchen includes stainless steel appliances, stone benchtop, upstairs secondary living with kitchenette, ducted zoned air-conditioning and heating, plus a four-car lock up garage with additional under house storage, on a low maintenance 3319m² block landscaped with native plants.

How did you secure the listing?

It was a referral from a past client who had both sold and purchased through me.

What were the marketing strategies used?

The house was unique, and larger than others in the street. The matterport 3D best showcased the size of the home. The eventual buyer was from out of town and we drove them around in the car and showed them five properties in a day. They chose this one and negotiated into the night before an agreement was reached.

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Nest Property Noosa	NOOSA HEADS 4567	Christopher Leach
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LJ Hooker Palm Beach	PALM BEACH 4221	Daniel Alexander

Who's Who at the REIQ?

Zone Chairs

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CAIRNS	Thomas Quaid	Quaid Real Estate Pty Ltd	Thomas.quaid@quaid.com.au
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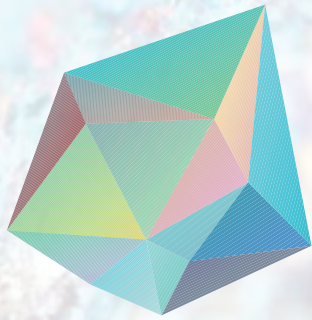
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