REAL ESTATE TRAINING & SERVICES NSW

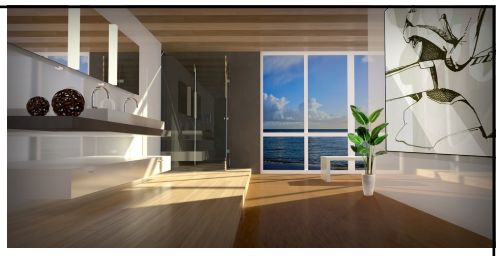
Residential Sales

Buyers Agents & Property Managers

Compulsory | Stock & Station – Strata – Commercial & additional topics

1

NSW GOVERNMENT **Fair Trading** Requirements



Sales & Buyers Agents

- Anti-Money Laundering & Counter Terrorism
- Privacy Law Reforms
- Mitigating Risk & Managing Psychosocial Hazards
- Residential Tenancy Reforms

Property Managers

- Navigating NCAT
- Privacy Law Reforms
- Mitigating Risk & Managing Psychosocial Hazards
- Residential Tenancy Reforms

**** Residential Sales – Buyers Agents - Property Managers - minimum 4 compulsory topics min 7 hours. PLUS Class 1 agents must complete 5 hours with NSWFT***

2

Fair Trading

S&S Requirements

Provider Options
ALPA Aust Livestock & Property Agents
https://alpa.net.au/
ACOP Aust College of Professionals
https://acop.edu.au/

Stock & Station Agents

- Anti-Money Laundering & Counter Terrorism
- Privacy Law Reforms
- Mitigating Risk & Managing Psychosocial Hazards
- Biosecurity, Disease Preparedness and Incident Response.

**** Stock & Station Agents - minimum 4 compulsory topics min 5 hours***
PLUS Class 1 agents must complete 5 hours with NSWFT

3

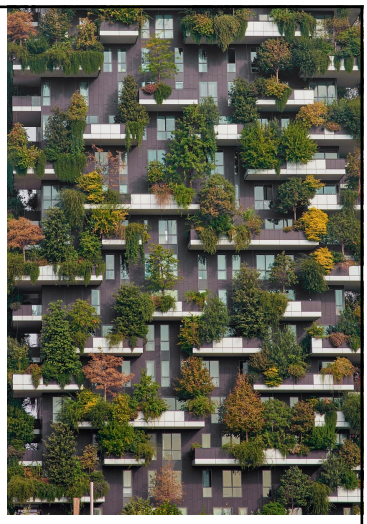
Fair Trading

Strata Requirements

Strata Agents

- Mitigating Risk & Managing Psychosocial Hazards
- Regulatory change in Strata 2025
- Contracts & Contracting

- TAFENSW Prescribed course – Commissions, disclosures and fiduciary duty (online course being developed)
  All Strata Managing Agents are required to complete the course by 30 June 2026 and will be notified when this course is available



**** Strata Agents - minimum 3 compulsory topics min 4 hours.***
PLUS 1 hour TAFENSW - PLUS Class 1 agents must complete 5 hours with NSWFT

Provider Options
RETS Real Estate Training & Strata
https://www.rets.com.au/

ACOP Aust College of Professionals
https://acop.edu.au/

4

NSW GOVERNMENT **Fair Trading**

Requirements

Commercial Agents

- Anti-Money Laundering & Counter Terrorism
- Privacy Law Reforms
- Mitigating Risk & Managing Psychosocial Hazards
- Retail & Commercial Leasing
  (incl Heads of Agreement)

**** Commercial Agents - minimum 4 compulsory topics min 5 hours.***
PLUS Class 1 agents must complete 5 hours with NSWFT

5

Anti-Money Laundering & Counter Terrorism

LEARNING OUTCOMES

By the end of this unit, you will be able to:

1. Understand the reforms to the Anti-Money Laundering and Counter-Terrorism Financing Act 2006
2. Recognise the obligations property agents have around AML/CTF
3. Apply effective compliance practices that align with AML/CTF obligations
4. Identify potential suspicious activities and how to carry out reporting obligations
5. Understand the penalties and potential consequences for non-compliance with AML/CTF laws

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MONEY LAUNDERING

Dealing in, disguising or concealing the origin of illicit funds to look like they come from a legitimate source.

TERRORISM FINANCING

Methods terrorist organisations use to finance activities that pose a threat to national and international security.

Criminals distorting financial systems buy funeling funds through real estate, luxury goods and complex structures. Undermines the integrity of market and costs Australia billions of dollars

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AUSTRAC

AUSTRAC is both the **AML/CTF regulator** and **Australia's Financial Intelligence Unit (FIU)**.

New powers strengthen AUSTRAC's ability to:

- **Examine** entities for enforcement and court proceedings
- **Request documents** to support intelligence and regulatory functions
- **Enable voluntary cooperation** without legal risk (e.g. Fintel Alliance)

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DESIGNATED SERVICES

The Amendment Act will extend AML/CTF regulation to **real estate professionals** that provide the following services:

Real estate agents and businesses that broker the sale, purchase, or transfer of property on behalf of clients, as part of their business operations.

Property developers and similar businesses selling or transferring real estate directly without using an independent agent.

The services will NOT capture:

- Residential tenancy agreements
- Property management
- Leasing of commercial real estate
- Auctioneer services

9

YOUR ROLE IN IDENTIFYING SUSPICIOUS TRANSACTIONS

1 | 2 | 3

IDENTIFY RED FLAGS

- Be alert to unusual patterns
- Look for behaviours that don't add up
- Question involvement of third parties
- Flag unusual payment methods

10

RED FLAG EXAMPLES

Real Estate Sector

- Use of complex loans or finance
- Manipulation of a property's valuation or appraisal
- Use of monetary instruments
- Use of investment schemes
- Properties being bought and sold in quick succession
- Customers selling for less than the market value
- Unusual involvement of third parties
- Lack of transparency regarding a company's structure in the public domain
- Unnecessarily complex transactions

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RED FLAG EXAMPLES

Clients/Customers

- Significant and unexplained geographical distance between your premises and the location of the client
- Customer purchases properties at significantly higher or lower prices than the market
- Unusual or complex business structures
- Difficulties in identifying the beneficial owners
- Customer is reluctant to provide all CDD information
- Client's access to funds does not match their profile
- Client shows little interest in price
- Sudden activity from a previously dormant client
- Client alters a transaction after being asked for further information
- Client appears nervous or defensive, especially when questioned
- Client refuses to identify the source of funds
- Client wishes to purchase property in someone else's name
- Client purchases property without viewing it

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YOUR ROLE IN IDENTIFYING SUSPICIOUS TRANSACTIONS

1 2 3

TAKE APPROPRIATE ACTION

- Record the details of the transaction and customer behaviour
- Report to your compliance officer or Money Laundering Reporting Officer (MLRO)
- Lodge a Suspicious Matter Report (SMR) with AUSTRAC

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AML/CTF RULES THAT APPLY TO THE PROPERTY INDUSTRY

- Allocate compliance officer — Part 8.5
- Create risk assessment process — Rules 8.1.4, 8.1.5
- Develop risk awareness program — Part 8.2
- Register with AUSTRAC — ss 51B, 51F, 76P
- Develop employee due diligence program — Part 8.3
- Collect and verify KYC information — ss 32, 35
- Perform ongoing CDD and transaction monitoring — Parts 15.2-15.11
- Keep records — Chapter 20
- Report to AUSTRAC — Part 8.9
- Conduct independent review — Part 8.6
- Respond to AUSTRAC — Part 8.7

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YOUR ROLE IN IDENTIFYING SUSPICIOUS TRANSACTIONS

1 2 3

DON'T TIP OFF

Do **not inform** the customer you're making a report - this is a criminal offence

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COMPLIANCE REQUIREMENTS FOR REAL ESTATE AGENTS

There are **6 key obligations** for reporting entities:

- Enrolment with AUSTRAC
- AML/CTF Program
- Initial Customer Due Diligence (CDD)
- Ongoing Customer Due Diligence
- Reporting
- Record Keeping

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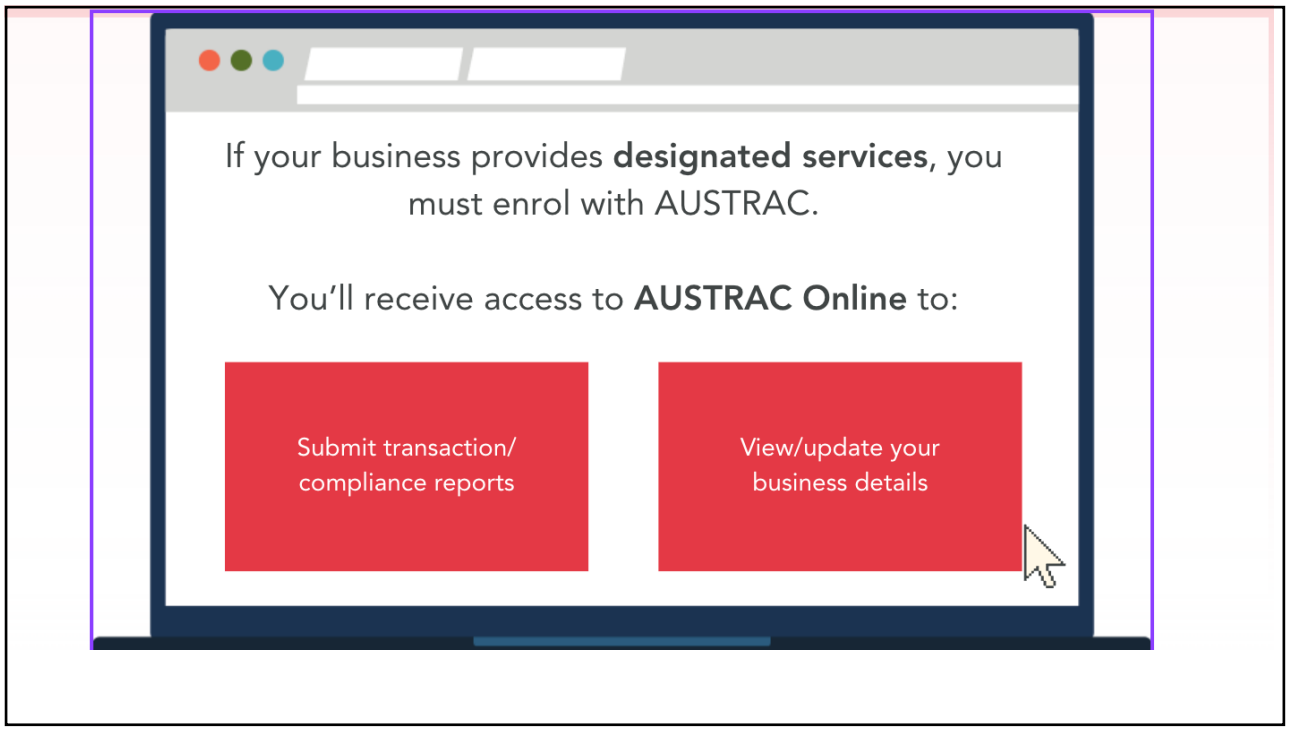
If your business provides **designated services**, you must enrol with AUSTRAC.
You'll receive access to **AUSTRAC Online** to:
Submit transaction/ compliance reports
View/update your business details

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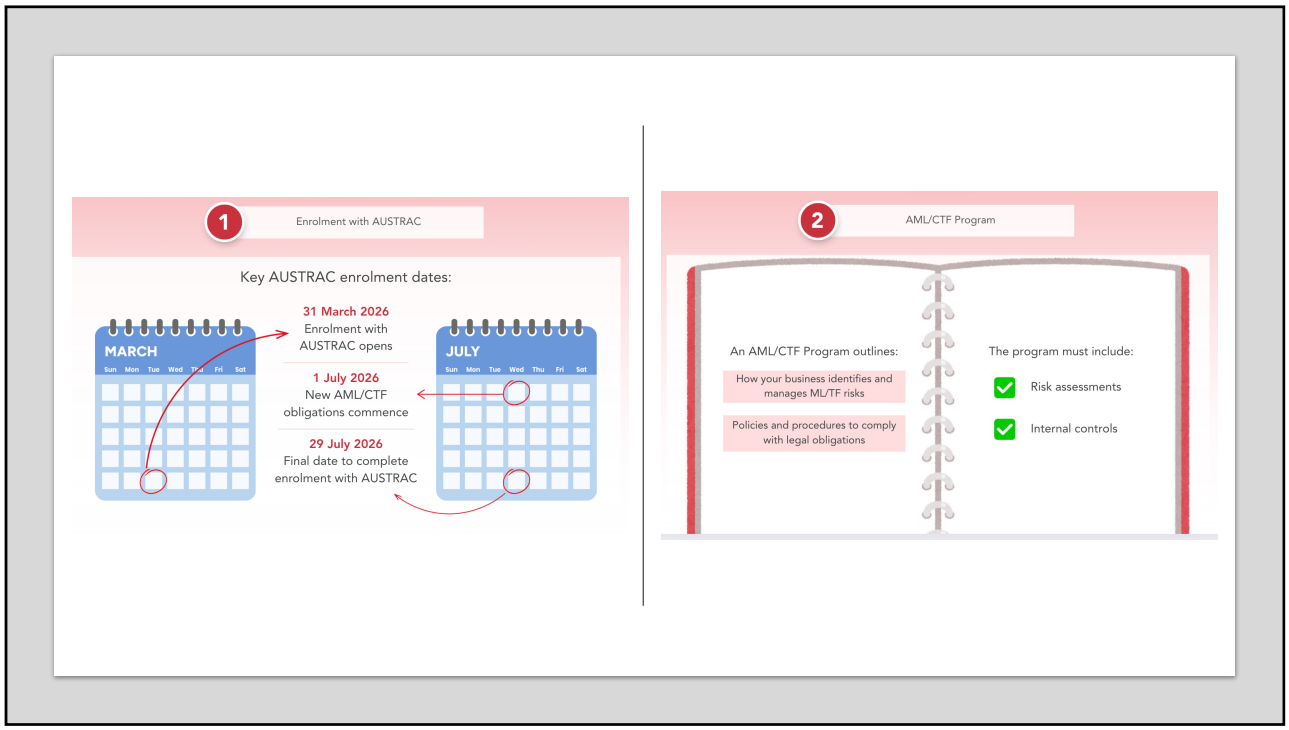
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Enrolment with AUSTRAC
Key AUSTRAC enrolment dates:
MARCH
JULY
31 March 2026
Enrolment with AUSTRAC opens
1 July 2026
New AML/CTF obligations commence
29 July 2026
Final date to complete enrolment with AUSTRAC
2
AML/CTF Program
An AML/CTF Program outlines:
How your business identifies and manages ML/TF risks
Policies and procedures to comply with legal obligations
The program must include:
Risk assessments
Internal controls

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3 Initial Customer Due Diligence (CDD)

Verify the identity of all customers **before providing services** by collecting **KYC (Know Your Customer)** information, such as:

Individuals Full name, DOB, Address

Businesses Company name, ABN, Directors/Shareholders

CDD and KYC help identify customers, assess risk, and prevent misuse of services for ML/TF. It must be applied **before and during** a business relationship, based on the **customer's risk level**.

3 Initial Customer Due Diligence (CDD)

Assess risk level and apply:

Standard CDD
(most common)

Enhanced CDD
(for high-risk customers)

Apply when:
- There's a high ML/TF risk
- Suspicion of identity fraud or criminal activity
- Customer is a politically exposed person (PEP)
- Customer is from a high-risk jurisdiction
- Nested services are involved

Simplified CDD
(for low-risk customers)

Apply when:
- The customer poses a low ML/TF risk
- No triggers for enhanced CDD apply

May include:
- Fewer ID verification documents
- Not asking about business relationship purpose
- Less frequent KYC updates

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5 Reporting

Report to AUSTRAC via AUSTRAC Online when:

A Threshold Transaction involves $10,000 or more in cash

There are reasonable grounds for suspicion (e.g. fake identity, criminal activity)

These reports include SMRs and TTRs

4 Ongoing Customer Due Diligence (CDD)

- Monitor customers continuously for suspicious or unusual activity
- Keep **KYC information updated** and respond to changes in customer risk
- Level of monitoring should match the level of risk
- Helps detect potential criminal misuse over time

SMR suspicious matter report - **TTR** transfer of physical currency (cash) of A$10,000 or more

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6 Record Keeping

- Keep clear records of:
  - Customer ID and due diligence
  - Services provided
  - Steps taken to meet AML/CTF obligations
- No need to keep copies of ID documents - just record the **information used**
- Must comply with **Privacy Act 1988** when storing customer data

FURTHER GUIDANCE AND RESOURCES

where further guidance and training about new obligations on real estate agents in relation to AML/CTF can be found

The Attorney-General's Department website - ag.gov.au

AUSTRAC's official website - austrac.gov.au

AUSTRAC's eLearning platform - elearn.austrac.gov.au

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APPLYING A RISK-BASED APPROACH TO ML/TF RISKS

23

INTERNAL AML/CTF POLICIES AND PROCEDURES

1. Appoint a Compliance Officer

- Must be a **fit and proper person** at management level
- Must have access to staff, systems, and authority to manage AML/CTF compliance
- Sole traders may seek advice but remain responsible for compliance

2. Identify Verification Procedures

- Follow **NSW Supervision Guidelines** to meet AML/CTF CDD obligations
- Verify identity using:
  - 1 Primary document (e.g. driver's licence)
  - 2 Secondary documents (e.g. medicare)
- Verification can be done in person, electronically, or via video call

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RECORD-KEEPING AND ONGOING COMPLIANCE

You must keep accurate records of:

- Transactions
- Customer identification (KYC/CDD)
- Your AML/CTF program

Proper record-keeping helps prove compliance and supports investigations if criminal activity occurs

Storage Requirements

- Records must be secure, retrievable and auditable
- Can be kept electronically or in hard copy, on-site or off-site

Timeframes

- Records must be kept for 7 years
- Remitters and digital currency exchanges must retain records until deregistration

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SHARED COMPLIANCE
VIA GROUP AML/CTF PROGRAMS

Real estate franchises and related businesses can form a **Designated Business Group (DBG)** to share AML/CTF compliance responsibilities.

Benefits of a DBG

- Share costs and admin for AML/CTF programs, record-keeping, and compliance tasks.
- A lead reporting entity can manage obligations on behalf of the group.

Eligibility Examples

- Joint ventures
- Related companies
- Franchise networks
- Certain legal or accounting practices

Setup Requirements

- Must agree in writing
- Appoint a nominated contact officer
- Submit Form 1 (for each member) and Form 2 (to form the DBG) via AUSTRAC Online

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SUSPICIOUS MATTER REPORTS

If you detect a suspicious transaction or activity that may relate to crime, you must submit a suspicious matter report (SMR) in accordance to section 41 of the AML/CTF Act.

You must submit an SMR to AUSTRAC within:

- **24 hours** if your suspicion is related to terrorism financing
- **3 business days** if your suspicion is related to anything other than terrorism financing (such as money laundering or tax evasion)

SUSPICIOUS MATTER REPORTS

SMRs must include:

- Whether the individual is a customer of your business
- Whether they have asked you to provide a service that you normally provide
- Whether they enquired if you would be prepared to provide that service
- Whether you have commenced providing, or plan to provide, that service
- A description of the suspicious matter with reference to section 41 of the act
- A description of the service to which the suspicious matter relates
- A description of the grounds for suspicion
- Retain a copy of your AML/CTF program for seven years after it has ceased to have effect - this includes where an old program has been superseded

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SUSPICIOUS MATTER REPORTS

If you have submitted an SMR, or are required to do so, you must not disclose this information to anyone (except an AUSTRAC-entrusted person) or disclose information that could determine that you have submitted an SMR.

Exceptions to this include:

- Providing legal or financial advise to a client
- Sharing information within a designated business group
- Engaging with law enforcement and regulatory agencies
- Disclosing to a court or tribunal for proceedings brought under the AML/CTF Act

THRESHOLD TRANSACTION REPORTS

You must submit a Threshold transaction report (TTR) to AUSTRAC if you have provided, or plan to provide a service to a customer that involves a threshold transaction.

Threshold transaction involves the transfer of **$10,000 or more** in physical currency.

The report must be sent to AUSTRAC **within 10 days** of receiving the funds.

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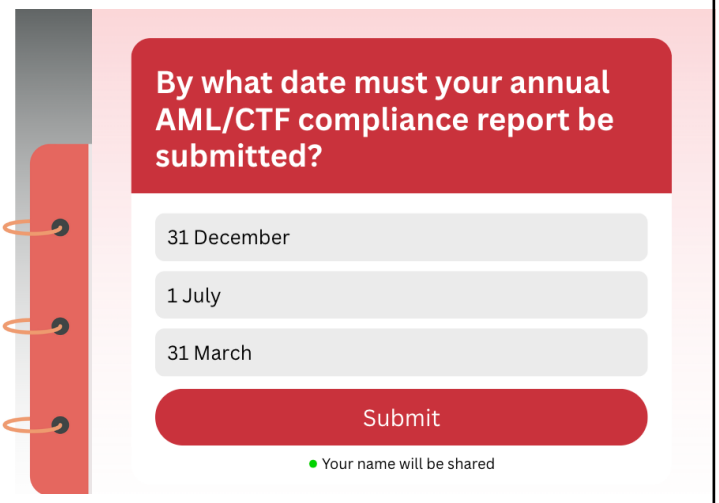
ANNUAL REPORTING OBLIGATIONS

In accordance with section 47 of the AML/CTF Act, you must lodge a report with AUSTRAC relating to your compliance.

Only **listed administrators** of your business can submit the reports. The annual compliance report must:

- Demonstrate that you are **meeting your obligations**
- Be lodged by **31 March** for the prior 12-month period of 1 January to 31 December



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POTENTIAL CONSEQUENCES OF NON-COMPLIANCE WITH AML/CTF LAWS

If you don't meet your obligations under AML/CTF law, AUSTRAC can take steps to enforce your compliance and/or seek a penalty.

Enforcement actions available to AUSTRAC are:

- Civil penalty orders - up to 20,000 penalty units, or up to 100,000 penalty units for a body corporate
- Enforceable undertakings
- Infringement notices
- Remedial directions

AUSTRAC can also issue a **written notice** requiring you to appoint an external auditor or to undertake a ML/TF financing risk assessment.

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LEARNING OUTCOMES

By the end of this unit, you will be able to:

1. Describe the amendments to the Privacy Act 1988 and their implications for the strata and property services sector.
2. Identify and recognise the Australian Privacy Principles (APPs) and agency obligations around the use of personal and sensitive information.
3. Apply strategies to protect personal information and ensure compliance with updated breach notification requirements.
4. Recognise specific privacy obligations and apply appropriate disclosure procedures when handling personal information.
5. Understand data breach reporting requirements and review agency policies to ensure ongoing compliance with privacy laws.

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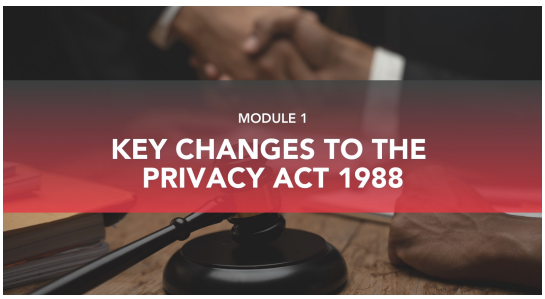

WHAT ARE THE CHANGES?

1. **Cross-border disclosure of personal information**
   New regulations to identify other countries privacy policies around data.
2. **Eligible data breaches**
   The criteria for an eligible data breach has been updated.
3. **Automated decisions**
   New transparency obligations when using automated decisions.
4. **Civil penalties for serious interference with privacy**
   New statutory tort providing broader range of serious invasion of privacy that individuals can take action against.

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CROSS-BORDER DISCLOSURE OF PERSONAL INFORMATION

A property manager in NSW is managing a rental property for a landlord who lives in the UK. The landlord requests that copies of tenant applications, lease agreements, and maintenance reports be emailed directly to them for approval.

Steps to take to ensure privacy:

- Explaining the Australian privacy obligations to the landlord
- Written agreement that the landlord understands their responsibilities

CROSS-BORDER DISCLOSURE OF PERSONAL INFORMATION

This new regulation will identify if another country has similar protections for data as the Australian Privacy Principles (APPs) and if effective enforcements exist.

This recognises that the laws of a country may vary in relation to certain entities or information

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ELIGIBLE DATA BREACHES

The definition of a data breach now includes clearer criteria on what constitutes serious harm to individuals.

Serious harm is understood to include:

- Identity fraud
- Reputational damage
- Blackmail
- Significant financial loss
- Emotional distress

ELIGIBLE DATA BREACHES

A rental application including a tenant's passport and bank details is mistakenly emailed to the wrong landlord.

AUTOMATED DECISIONS

New transparency obligations require organisations to update their privacy policies to disclose when decisions are made using automated processes.

This change comes as AI technology becomes more prevalent causing more privacy concerns.

AUTOMATED DECISIONS

A real estate agency uses a property management platform that automatically scores and ranks tenant applications based on income, rental history, and background checks. This then determines if the application is approved or rejected.

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AUTOMATED DECISIONS

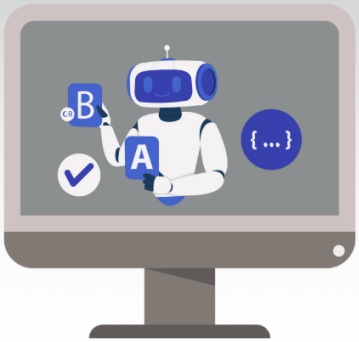
Does your agency currently use any form of automated decision-making?

- Yes
- No
- Not sure

Your name will be shared | 0 votes

Examples:

- Digital ID verification and background checks
- CRM emailing
- Tenant application scoring
- AI chatbots



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CIVIL PENALTY PROVISIONS FOR SERIOUS INTERFERENCE WITH PRIVACY OF AN INDIVIDUAL

An agent shares a tenants personal information including their mobile number and lease agreement with a plumber doing non-urgent repairs, without informing the tenant or getting their permission.

The plumber later contacts the tenant directly and uses their personal details for unrelated marketing.

CIVIL PENALTY PROVISIONS FOR SERIOUS INTERFERENCE WITH PRIVACY OF AN INDIVIDUAL

The new statutory tort will allow individuals to take action against others for a broader range of serious invasions of privacy, including physical privacy and misuse of information.

Maximum penalties include:

- For an individual:
  - $2,500,000
- For a body corporate:
- $50,000,000; or
- three times the value of the benefit obtained by the body corporate that is reasonably attributable to the conduct; or
- 30% of the body corporate's adjusted turnover

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THE AUSTRALIAN PRIVACY PRINCIPLES (APPS)

There are 13 Australian Privacy Principles and they govern standards, rights and obligations around:

- The collection, use and disclosure of personal information
- An organisation or agency's governance and accountability
- Integrity and correction of personal information
- The rights of individuals to access their personal information

The APPs give organisations and agencies flexibility to tailor their personal information handling practices to their business models and the diverse needs of individuals.

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THE AUSTRALIAN PRIVACY PRINCIPLES (APPS)

APP 01 Open and transparent management of personal information.

APP 02 Anonymity and pseudonymity

APP 03 Collection of solicited personal information

APP 04 Dealing with unsolicited personal information

APP 05 Notification of the collection of personal information

APP 06 Use or disclosure of personal information

APP 07 Direct marketing

APP 08 Cross-border disclosure of personal information

APP 09 Adoption, use or disclosure of government related identifiers

APP 10 Quality of personal information

APP 11 Security of personal information

APP 12 Access to personal information

APP 13 Correction of personal information

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HANDLING INFORMATION ABOUT CUSTOMERS

Agencies deal with a great deal of Client Information (Data) on a day-to-day basis. This includes:

- Tenant application information
- Agency agreements
- Contracts for sale
- Residential tenancy agreements
- Other lease agreements such as retail leases
- Id check information
- Customer marketing data
- Tenant data such as tenant history

Agencies must utilise data only relevant to business transactions and business processes that are being carried out according to Client instructions and the APPs.

For example:

USING CONTACT INFORMATION TO CONTACT THEIR CLIENTS

USING FINANCIAL INFORMATION TO MANAGE THEIR CLIENT'S DEPOSITS AND PAYMENTS

USING CLIENT PREFERENCE AND PROFILES TO IDENTIFY PROPERTIES

USING CLIENT INFORMATION TO COMPLETE AGENCY AGREEMENTS OR LEASE DOCUMENTS

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APP 11: Security of personal information

An agency stores tenancy applications in a secure cloud-based system with restricted user access and automatic backups, instead of in unlocking filing cabinets.

APP 3: Personal information must only be collected by lawful and fair means

A property manager collects a tenant's employment history and proof of income when processing a rental application but does not request unnecessary personal details like the applicants relationship status or religion.

APP 6: Use of disclosure of personal information

An agent receives a tenant's contact number during their lease and does not share it with third-party tradespeople unless the tenant agrees or it is required to complete urgent repairs.

An acknowledgement in the lease stating that the number can be provided will counteract this.

APP 5: Notification of the collection of personal information

A sales agent provides a Privacy Collection Notice on the open home sign-in sheet, letting potential buyers know that their contact details will be used for follow-up marketing and will be stored securely.

An agent also must not use or disclose confidential information (including personal information) unless the client or customer authorises this use, or it is otherwise required by law.

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BEST PRACTICES FOR DATA PROTECTION AND SECURITY

DATA BREACH NOTIFICATION REQUIREMENTS

A data breach occurs when personal information is accessed, disclosed without authorisation, or is lost. When this happens an organisation or agency must tell the OAIC of the breach and notify the affected individuals.

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THE ACTIONS TAKEN FOLLOWING A DATA BREACH SHOULD FOLLOW THESE FOUR KEY STEPS:

Contain	Assess	Notify	Review
the breach to prevent any further compromise of personal information.	the data breach by gathering the facts and evaluating the risks.	individuals and the Commissioner if required.	the incident and consider what actions can be taken to prevent future breaches

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PRIVACY IN DAILY OPERATIONS

PRIVACY CONSIDERATIONS FOR SPECIFIC AGENCY TYPES

! Not limited to these considerations

Residential Real Estate Salepeople	Residential Real Estate Buyers Agents
Must not disclose sensitive client information unless authorised or legally required.	Must maintain strict confidentiality around the buyer's financial capacity, urgency, or motivations.
Must notify vendors and buyers of how their personal information is collected, stored and shared.	Inform clients of how their information will be used and stored.
Must not use personal data for marketing beyond that original purpose unless the individual has given consent or has an option to opt-out.	Must lawfully collect information about sellers, listings, and market prospects. Any third-party data must be obtained using fair and non-intrusive means.
Personal information used in listing, promoting, and negotiating sales must be accurate and up-to-date.	If buyer info is shared with mortgage brokers, conveyancers, or builders, disclosure must be authorised or legally permitted.

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PRIVACY CONSIDERATIONS FOR SPECIFIC AGENCY TYPES

! Not limited to these considerations

Residential Property Managers	Commercial Real Estate Agents
Handle large volumes of tenant personal information which must be stored securely and limit access to authorised personnel only.	Often manage transactions involving business clients which must be handled confidentially.
Must inform tenants and landlords how their personal data will be used and for how long it well be kept.	Must ensure fair collection of business leads and avoid using intrusive methods or misusing third-party data lists.
Any sharing of data with third parties must be disclosed and limited to what is necessary.	If client info is collected during property enquiries, agents must notify clients how their data will be used
Must have data destruction protocols once tenancy ends and data is no longer needed.	Must ensure that personal or business contact data is kept secure, especially when handled by a team or via a CRM system

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DISCLOSURE AND CONSENT PROCEDURES

APP 5 | APP 6 | Consent

Notification of collection of personal information

The matters that agents must notify individuals of include:

- The purposes of collection
- Who the information may be disclosed to
- How the individual can access and correct the information or complain about a breach

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Use or disclosure of personal information

Reasons why agents collect personal information may include:

- To provide clients with the best possible experiences
- To enable statutory information to be collected
- To enable the accurate processing of any monies that are held on the client's behalf
- To ensure that properties are legitimately owned
- To identify parties to transactions accurately to remove the risk of fraud

What is Consent?

The four key elements of consent are:

- The individual is adequately informed before giving consent
- The individual gives consent voluntarily
- The consent is current and specific
- The individual has the capacity to understand and communicate their consent

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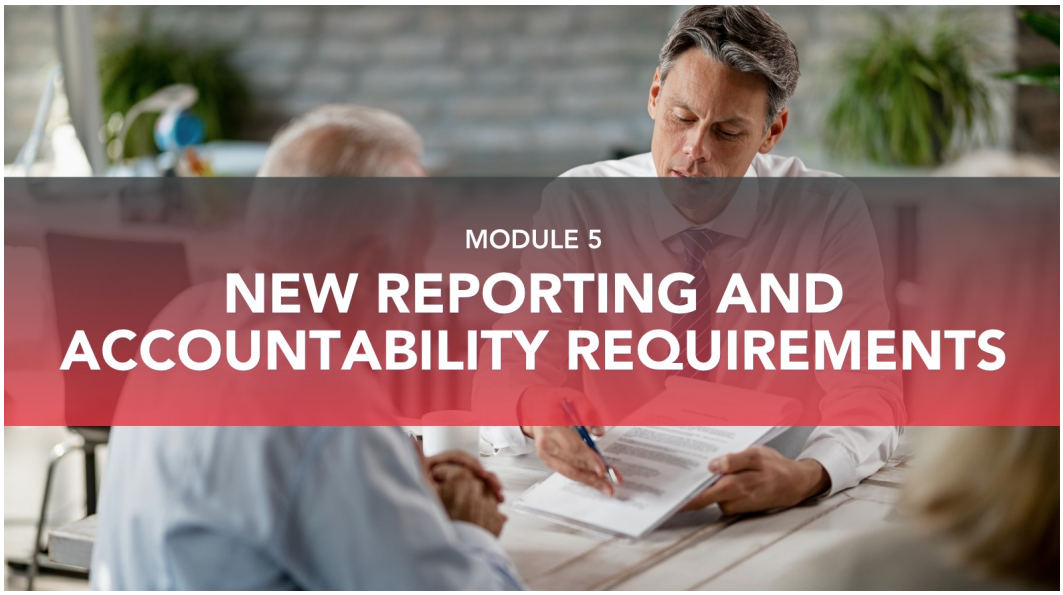

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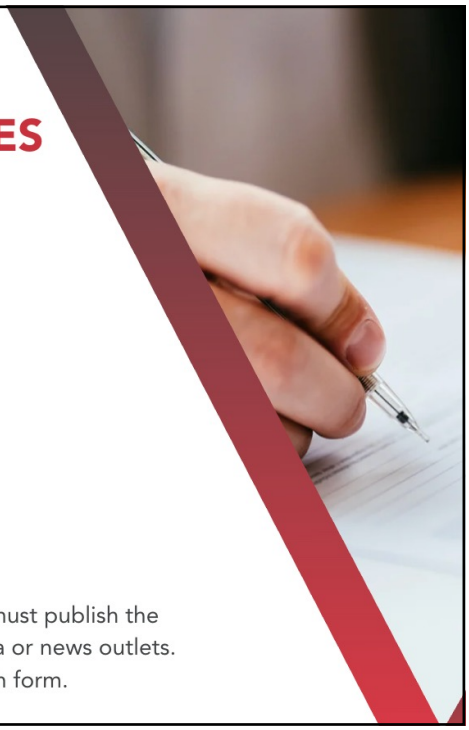
MANDATORY REPORTING OBLIGATIONS FOR DATA BREACHES

If an agency has detected a data breach, then it must inform the individual concerned via email, telephone or text message.

The notification should include:

- The organisation or agency's name and contact details
- The kinds of personal information involved in the breach
- A description of the data breach
- Recommendations for the steps you can take in response

If an agency can't directly contact affected individuals about a breach, it must publish the notification on its website and actively promote it, such as via social media or news outlets. The breach should be reported to the OAIC using their online data breach form.



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OAIC DATA BREACH FORM

About part one

The information that you provide to the OAIC in part one of this form must also be included in your notification to individuals (if notification is required).

Organisation/agency details

You must complete this section

Organisation/agency name *

Phone * Email *

Address Line 1 *

Address Line 2

Suburb * State * Postcode *

Other contact details

Description of the eligible data breach

You must complete this section

A description of the eligible data breach: *

Information involved in the data breach

You must complete this section

Kind or kinds of personal information involved in the data breach: *

In addition, please select any categories that apply:

- Financial details
- Tax File Number (TFN)
- Identity information (e.g. Centrelink Reference Number, passport number, driver license number)
- Contact information (e.g. home address, phone number, email address)
- Health information
- Other sensitive information (e.g. sexual orientation, political or religious views)

Recommended steps

You must complete this section

Steps your organisation/agency recommends that individuals take to reduce the risk that they experience serious harm as a result of this data breach: *

Other entities affected

This section is optional

If the data breach described above was also a data breach of another organisation/agency, you may provide their identity and contact details to further assist individuals.

Was another organisation/agency affected?

Yes No

Please provide contact details for the organisation/agency:

Organisation/agency name

Phone Email

Address Line 1

Address Line 2

Suburb State Postcode

Other contact details

Part two - Additional information

About part two

The OAIC encourages entities to provide additional information to assist us in understanding the eligible data breach. Part two of the form is optional, but the OAIC may need to contact you to seek further information if you do not complete this part of the form. The OAIC recommends you complete as many questions as possible, but you may leave a field blank if the answer is not known.

The information that you provide on part two of the form does not need to be included in your notification to individuals, and you may request that it be held in confidence by the OAIC.

Your contact details

Title

First Name Last Name

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REVIEWING POLICIES AND PROCEDURES TO MAINTAIN COMPLIANCE WITH EVOLVING PRIVACY LAWS

Entities are encouraged to regularly review and update their privacy policies, internal practices, and training programs.

The OAIC has an Interactive Privacy Management Plan that agencies can use to ensure this obligation occurs.

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Interactive Privacy Management Plan

OAIC

Evaluating Privacy to Enhance Trust

Introduction

The Interactive Privacy Management Plan (**PMP**) has been developed by the Office of the Australian Information Commissioner (**OAIC**) to assist public sector agencies to comply with the requirements of the Australian Government Agencies Privacy Code 2018 (**Code**) and Australian Privacy Principle 1.2, and to focus on the improvements which will deliver the most value to them.

A PMP identifies specific, measurable privacy goals and targets and sets out how an agency will meet its compliance obligations. By completing the steps in this interactive template, your agency is meeting its obligations to have a PMP and annually measure and document your performance against it.

How to use

Before you begin

The OAIC has developed a guide called *Interactive PMP Explained* , which is designed to guide to help agencies navigate the Interactive PMP. It is assumed that you have read *Interactive PMP Explained* and completed any preliminary steps that it recommends prior to starting with the Interactive PMP.

Interactive PMP Explained can be downloaded from the OAIC website.

https://www.oaic.gov.au/

If your agency has an existing PMP

Before you start the Interactive PMP, you should revisit your agency's previous PMP and assess its progress against the actions that were set in that PMP. At a minimum, you should determine whether each action was met. You may also wish to document how the agency went about meeting each action, and whether the agency simply met or managed to exceed each action.

The outcomes of your agency's previous PMP will be relevant to Step 1 of the Interactive PMP, because in that step you will complete a privacy maturity assessment for your agency. By understanding your agency's progress against its past privacy actions, you will be in a better position to assess its current maturity levels and to determine realistic target maturity levels.

You will need to ensure that any actions from your agency's previous PMP that weren't achieved are carried forward to the Interactive PMP, if they are still relevant to your agency's target maturity levels.

OAIC Plan explained

https://www.oaic.gov.au/__data/assets/pdf_file/0005/1301/interactive-pmp-explained.pdf

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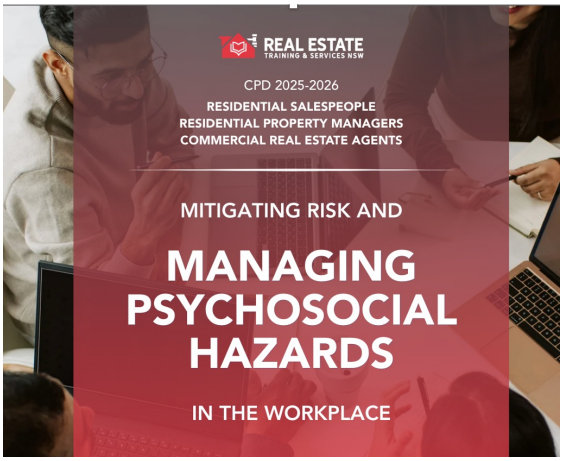

LEARNING OUTCOMES

By the end of this unit, you will be able to:

1. Understand legal responsibilities and guidance
2. Recognise and assess psychosocial hazards
3. Apply risk management processes to psychosocial hazards
4. Promote a mentally healthy and respectful workplace

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LEGISLATIVE DUTIES

What is a Psychosocial Hazard?

A **psychosocial hazard** is anything at work that could harm someone's **mental health**.

These hazards often lead to **stress**, which can cause:

- **Psychological** harm
- **Physical** harm

Stress itself is not an injury. But if workers are stressed often, over a long time, or the level of stress is high, it can cause harm.

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LEGAL DUTIES UNDER THE WHS ACT 2011

PCBU | **Officer** | **Workers**

Section 19 – Primary Duty of Care

PCBU duties include:

- Identify foreseeable hazards
- Eliminate or minimise psychosocial risks
- Maintain and review controls
- Consider all relevant workplace factors

PCBU- Person Conducting a Business or Undertaking. - replacing the term "employer"

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PCBU | Officer | Workers

Section 27 – Duty of Officers

Officer duties include:

- Keep up-to-date with WHS matters
- Understand business operations and risks
- Ensure proper systems and resources are in place
- Monitor and verify effectiveness of controls

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PCBU | Officer | Workers

Section 28 – Duty of Workers

While at work, a worker must:

- Take care of own and others' health and safety
- Follow WHS instructions and procedures
- Report issues and cooperate with policies

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CODE OF PRACTICE

The Code of Practice provides practical guidance on managing psychosocial hazards at work and is approved under **section 274** of the **Work Health and Safety Act 2011**.

What harm can psychosocial hazards cause?
Psychosocial hazards can cause psychological and physical harm.

Why are psychosocial injuries a major concern?
On average, work-related psychological injuries have longer recovery times, higher costs, and require more time away from work.

Why should we manage psychosocial risks?
Managing these risks not only protects workers, it also decreases the disruption associated with staff turnover and absenteeism, and may improve organisational performance and productivity.

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RECOGNISING PSYCHOSOCIAL HAZARDS IN THE WORKPLACE

Psychosocial vs Other WHS Risks

While, psychosocial risks primarily affect mental and emotional wellbeing, other WHS risks involve **physical harm**.

Common WHS hazards that involve physical harm include:

Physical Hazards	Slips, trips, and falls. Machinery and equipment
Chemical Hazards	Exposure to toxic substances and proper handling and storage
Ergonomic Hazards	Poor workstation setup and repetitive strain injuries

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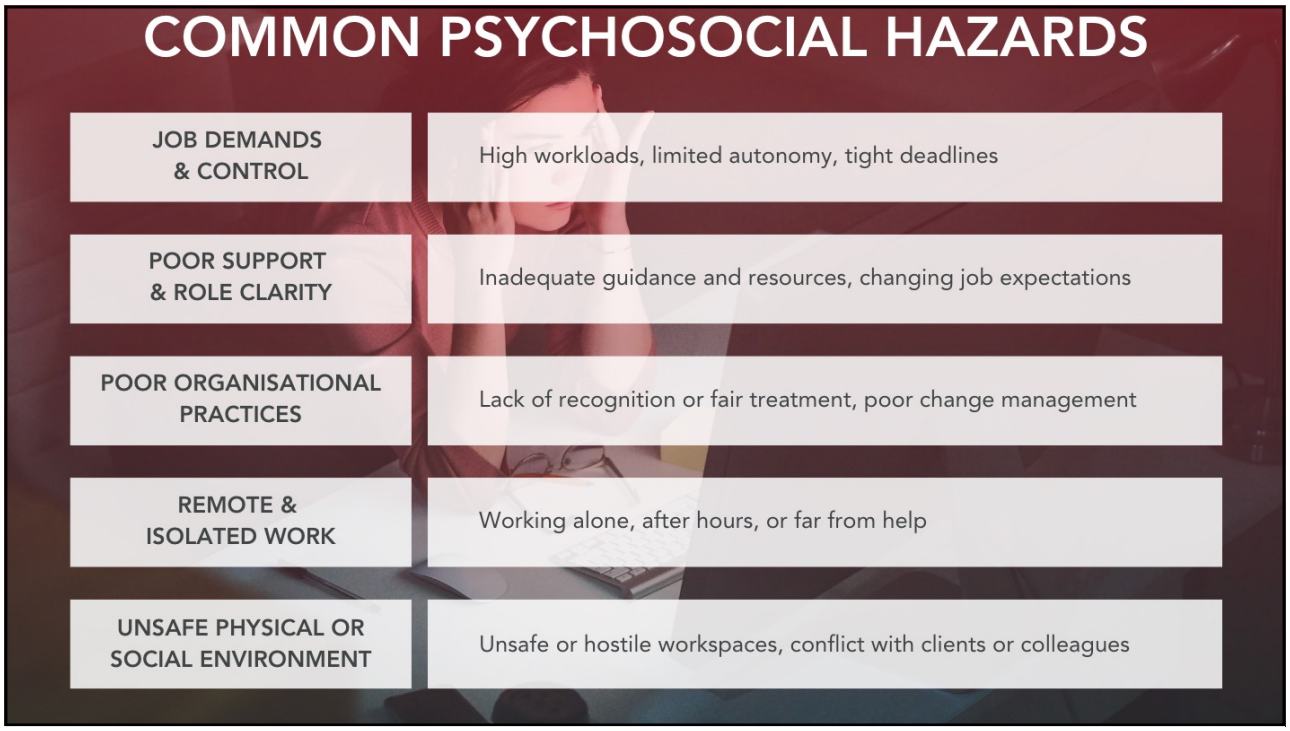
COMMON PSYCHOSOCIAL HAZARDS
JOB DEMANDS & CONTROL
High workloads, limited autonomy, tight deadlines
POOR SUPPORT & ROLE CLARITY
Inadequate guidance and resources, changing job expectations
POOR ORGANISATIONAL PRACTICES
Lack of recognition or fair treatment, poor change management
REMOTE & ISOLATED WORK
Working alone, after hours, or far from help
UNSAFE PHYSICAL OR SOCIAL ENVIRONMENT
Unsafe or hostile workspaces, conflict with clients or colleagues

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HOW THESE HAZARDS SHOW UP IN AGENCY PRACTICE
CLIENT AGGRESSION
Tenants yelling at property managers during evictions
ISOLATED WORK
Agents conducting open homes alone or at night
HIGH JOB DEMANDS
Sales agents managing multiple listings under tight deadlines
ROLE AMBIGUITY
New staff unsure who handles repairs vs. lease renewals
POOR WORKPLACE CULTURE
Gossip, exclusion, or unresolved team tension
HARASSMENT
Unwanted comments from clients during inspections

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RISK MANAGEMENT PROCESS

THE RISK MANAGEMENT PROCESS INVOLVES FOUR STEPS:

Identify	Assess	Control	Review
Fine out what could cause harm	Understand the nature of the harm the hazard could cause	Implement the most effective control measures	Ensure control measures are working as planned

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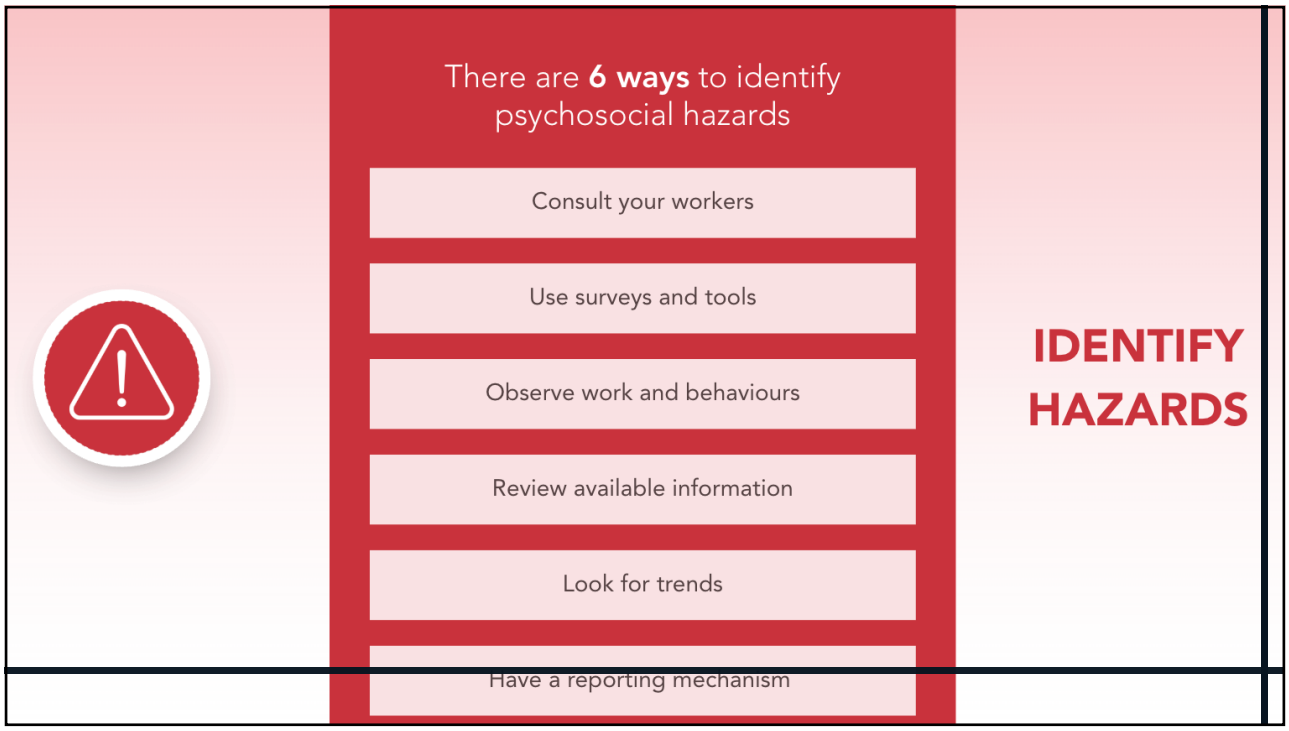
There are **6 ways** to identify psychosocial hazards
Consult your workers
Use surveys and tools
Observe work and behaviours
Review available information
Look for trends
Have a reporting mechanism
IDENTIFY HAZARDS

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Consult your workers
Your workers may use **different terms** to describe exposure to psychosocial hazards. For example, they might say they feel:
STRESSED OR BURNT-OUT
or emotionally exhausted about their workload
ANXIOUS OR SCARED
about talking to or dealing with an aggressive person
HUMILIATED OR DEGRADED
or undermined by sexual harassment or discrimination
ANGRY
about policies being applied unfairly
CONFUSED
about what their role involves or 'feeling like a failure' for not meeting unrealistic expectations
DISTRESSED OR TRAUMATISED
by exposure to traumatic situations or content

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Use surveys and tools
You can use surveys to gather information from workers, HSRs, supervisors and managers. Surveys are particularly useful when:
ANONYMITY IS IMPORTANT
anonymous surveys or tools protect workers from stigma when reporting hazards or concerns
WORKERS ARE DISPERSED
For example, they work across multiples sites or shifts - you need to consult with a large number of workers
WORKERS NEED TIME
workers need time to consider your questions and their response
WORKERS MAY STRUGGLE
workers may struggle to understand or otherwise participate in other forms of consultation

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Review available information
Review relevant information and records which may include:
injury or incident records
worker complaints or investigations
inspection reports
staffing decisions
work systems and policies
performance agreements
records of hours worked
absenteeism and turnover data
HSC meeting records
previous psychosocial risk assessment

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Have a reporting mechanism

It is important for hazards reported by workers be **taken seriously**.
Workers can be encouraged to report hazards by:

- treating all reports of psychosocial hazards **seriously** and **appropriately**
- using **agreed mechanisms**, such as HSRs who can raise safety concerns for workers anonymously
- **regularly discussing** psychosocial hazards at team meetings
- providing workers with a **range of accessible** and **user-friendly ways** to make a report
- making it clear that victimising those who make reports will **not be tolerated**
- **training key workers** (e.g. supervisors, managers, contact persons and HSRs)
- ensuring processes and systems for **reporting** and **responding to complaints**
- acting decisively to **control the risks** your workers identify

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Have a reporting mechanism

Workers **might not report** psychosocial hazards because they:

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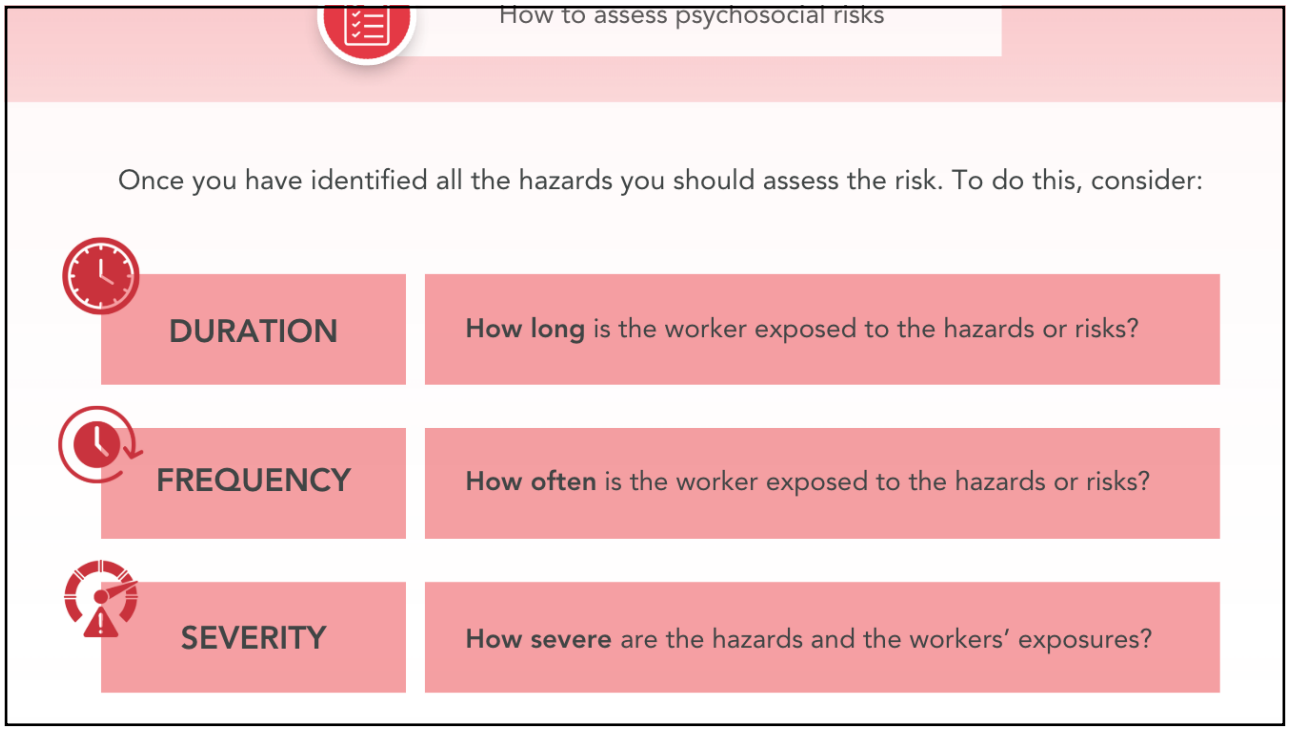
How to assess psychosocial risks
Once you have identified all the hazards you should assess the risk. To do this, consider:
DURATION
How long is the worker exposed to the hazards or risks?
FREQUENCY
How often is the worker exposed to the hazards or risks?
SEVERITY
How severe are the hazards and the workers' exposures?

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The best combination of control measures will be tailored to your organisation's size, type and work activities to manage risks during both everyday operations and emergencies.
To determine what is reasonably practicable to manage psychosocial risks:
Identify as many control measures as you can
Consider which controls are most effective
Consider which controls are reasonably practicable
CONTROL HAZARDS

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Identify control measures

To identify what can be done you should, in consultation with your workers, identify as many possible control measures as you can.

This gives you the greatest scope to choose and apply the most effective control measures to eliminate or minimise risks.

Consultation with workers will assist you to identify control measures you might not otherwise think of.

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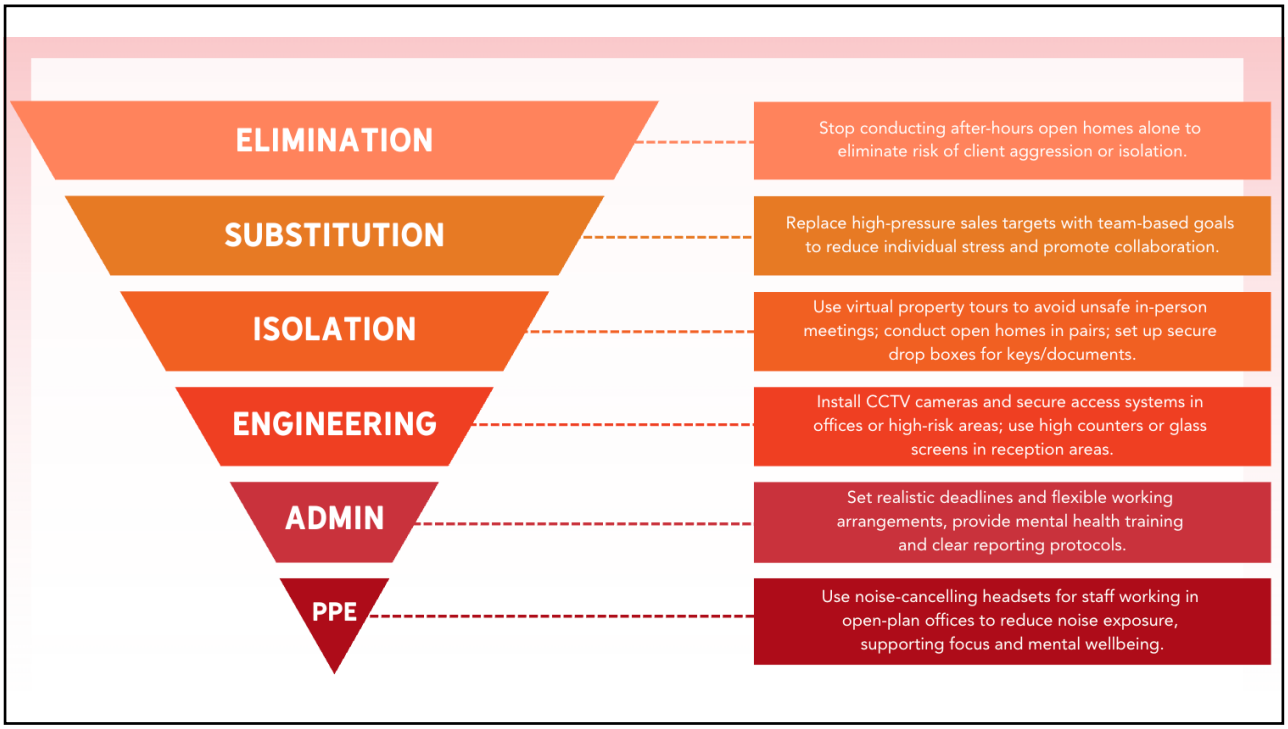

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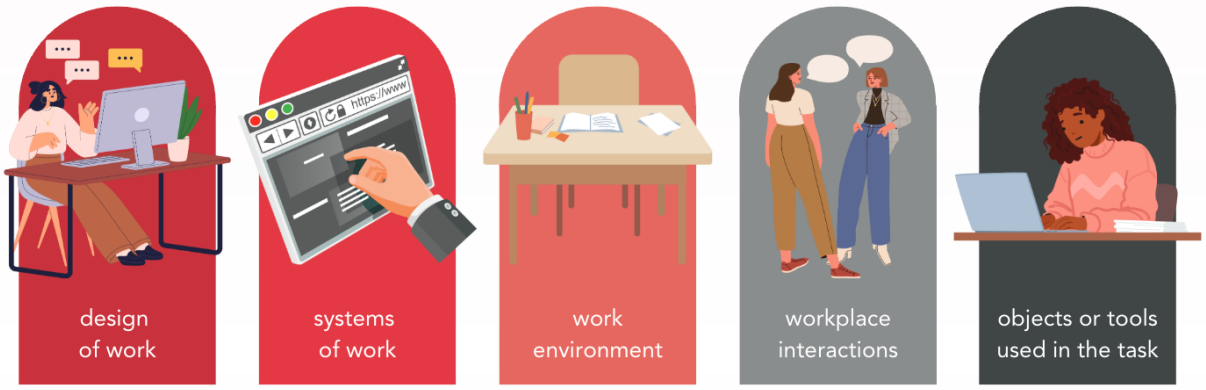
Eliminating the risks

Minimising the risks can be achieved by changing the:



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Reviewing control measures should be **done regularly** and is required:

- when the control measure is not eliminating or minimising the risks
- before a change at the workplace that is likely to give rise to new health and safety risks
- if a new hazard or risk is identified
- if the results of consultation indicate a review is necessary
- if an HSR requests a review

REVIEW HAZARDS

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Common review methods include:

Inspecting
the workplace

Consultation

Analysing
records and data

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REDUCING RISK EXPOSURE
PHYSICAL WORK ENVIRONMENT AND SECURITY

- Security guards, video surveillance, alarms
- Well-maintained vehicles with safety features
- Controlled access
- Good lighting and visibility
- Safe layouts preventing entrapment; secure objects

REDUCING RISK EXPOSURE
INFORMATION, TRAINING AND POLICIES

- Train workers in conflict resolution, de-escalation and reporting
- Clear behaviour standards, zero tolerance policies
- Support for workers making reports; consistent handling of incidents
- Foster positive culture, address power imbalances and diversity

REDUCING RISK EXPOSURE
SAFE WORK SYSTEMS AND PROCEDURES

- **Communication** - regular check-ins and clear client conduct policies
- **Procedures** - Ban/limit poorly behaved clients
- Avoid lone work where possible; provide supervision and support
- Incident reporting, escalation protocols, risk assessments

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SET THE STANDARD

WORKPLACE BEHAVIOURS

Set Clear Behaviour Standards
Define acceptable conduct through a Code of Conduct or policy; apply to all work-related actions.

Implement Bullying Policy
Written, worker-consulted policy with bullying definition, reporting process, and consequences.

Good Management Practices
Train leaders, support staff, encourage teamwork, clearly communicate expectations, and act promptly on issues.

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TECHNIQUES FOR INITIATING SUPPORTIVE CONVERSATIONS

- **A** Approach, assess and assist
- **L** Listen and communicate
- **G** Give support and information
- **E** Encourage professional help
- **E** Encourage other supports

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ALGEE METHOD
SCENARIO

Sophie is a property manager at a busy real estate agency. Lately, her colleague Daniel has seemed **withdrawn**, **easily irritated**, and has started **missing deadlines**, which is something very out of character for him.

A **Approach, Assess and Assist**

Sophie checks in privately - *"Are you okay? You seem a bit off lately."*

L **Listen and Communicate**

Daniel shares he's overwhelmed. Sophie listens calmly, without judgement.

G **Give Support and Information**

Sophie reassures him and shares that help is available.

E **Encourage Professional Help**

Suggests speaking to the EAP or a GP for support.

E **Encourage Other Supports**

Asks if he has trusted people to talk to and offers help with workload.

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REPORTING PSYCHOSOCIAL HAZARDS
WHS STEPS

1

Confirm the Issue

Check if behaviour meets the definition of a psychosocial hazard

(refer to NSW Code of Practice)

2

Try to Resolve Internally

- Speak to supervisor, manager, HSR or Union Rep
- Use your workplace's reporting procedures
- Report early

3

If Unresolved, Escalate

- Contact SafeWork NSW if the issue isn't resolved
- Submit a Request for Service Form (online or by phone)

4

Provide Clear Evidence

Include behaviours, dates, locations, witnesses, and documents

(e.g. emails, diary entries)

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safe work australia

FURTHER GUIDANCE AND RESOURCES

Psychosocial Hazards

https://www.safeworkaustralia.gov.au/safety-topic/managing-health-and-safety/mental-health/psychosocial-hazards

Managing Psychosocial Risks at Work

https://www.safeworkaustralia.gov.au/media-centre/news/managing-psychosocial-risks-work

Mental Health Resources

https://www.safeworkaustralia.gov.au/safety-topic/managing-health-and-safety/mental-health/resources

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Residential Tenancy Reforms and Navigating NCAT coming up

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