**GREATER SYDNEY**

**Covid-19 Public Health Order Questions and Answers**

***Updated 22 July 2021***

1. *Am I required to close the office to members of the public?*

* Yes, the office door must be closed to members of the public.
* A member of the general public needs to have made an appointment prior to attending the office. For example, a tenant collecting or returning keys, a vendor providing or a purchaser collecting keys upon settlement, tradespeople collecting keys where the repair is urgent and a vendor or prospective purchaser to sign a contract for sale (where DocuSign is not available).
* You should comply with your office’s [COVID-19 Safety Plan](https://www.reinsw.com.au/web/News/Media_Releases/2021/06_June/COVID-19_Safety_Plan.aspx) when people enter the office, including using a Service NSW QR Code.
* Maintain social distancing requirements, hand sanitiser, masks, etc.

1. *Can real estate agents go into the office or do we need to work from home?*

*2.1 All of NSW*

* In NSW, generally, you must work from home or allow an employee to work from home, if it is reasonably practicable to do so.

*2.2 Greater Sydney (excluding Affected Areas)*

* You must work from home unless it is not reasonably practicable to do so. As agents, it is not reasonably practicable to perform all required duties from home and so you will need to visit the office, if it is not reasonably practicable to complete these tasks from home.

*2.3 Affected Areas (Fairfield/Liverpool/Canterbury-Bankstown LGAs)*

* If you live or are temporarily staying in, the Local Government Areas (“LGA”) of Fairfield, Liverpool or Canterbury-Bankstown or another LGA published on NSW Health website, you **must not** travel outside, or between, your LGA for work purposes. Real estate agents are **not** “authorised workers” exempt from this requirement.
* It is recommended that agencies either have minimal team members responsible for all in-office duties or implement a rotating pod system where each pod is assigned a work day in order to undertake work duties from the office.

*2.4 More than 50km outside of Greater Sydney*

* If you live, or are temporarily staying in, Greater Sydney (other than the Affected Areas) (“Greater Sydney Worker”) you must not attend a premises more than 50km outside of Greater Sydney for work, unless you have undertaken a COVID-19 test within the last 7 days and can provide proof of this test, if requested, to an employer, occupier of the premises or police officer.
* If you occupy a premises more than 50km outside of Greater Sydney you must not allow a Greater Sydney Worker to enter or stay at those premises unless they comply with these testing requirements.
* If you are a Greater Sydney Worker you must also carry, and upon request, show to a police officer, proof of your place of residence and that you have had a COVID-19 test within the last 7 days.

1. *Can an employer force an employee to go into the office if the employee does not want to go?*

* Employers must let employees work from home if it is reasonably practicable to do so. The answer to this question rests with the individuals concerned.
* However, if the employee lives or is temporarily staying in the LGA of Fairfield, Liverpool or Canterbury-Bankstown they are not allowed to go outside their LGA for work purposes. Real estate agents are not “authorised workers” exempt from this restriction.

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1. *Do people need to wear a mask while in the office?*

* Yes, everyone and at all times, unless an exemption applies, for example – medical reasons or a person is working alone in their office without anyone in the room.

1. *Do people need to wear a mask at open for inspections in Greater Sydney?*

* Yes, face masks are mandatory but note that there must be no open for inspections in Greater Sydney, only inspections by private appointment with only attendee.
* You must also wear a mask while on common property in a residential building.

1. *Do staff need to stay 1.5m away from each other in the office?*

* Yes.
* The maximum number of people permitted in the office is determined by allowing each person 4 square metres of space.

1. *Do I need a QR Code in my office?*

* Yes, it is mandatory for “office” and “business” premises to use a Service NSW QR Code.
* Persons entering these premises must register their details, or have another person register on their behalf, using this Service NSW QR Code, unless it is not possible to do so or if using their phone on the premises would be unsafe.
* You must take reasonable steps to make sure that persons entering the premises comply with these requirements and within 12 hours of being provided a person’s details you must electronically register them with Service NSW.
* You should already have a COVID-19 Safety Plan in place for your office which will likely require you to have a QR Code. If not, you will have to prepare such a plan and set up a Service NSW QR Code.
* You can only use or disclose these contact details for contract tracing purposes during the COVID-19 pandemic.

### ***Can I get different QR codes for multiple business locations that are operating under the same ABN?***

* Yes, you can. Multiple business locations operating under the same ABN can all have unique QR codes
* To get different QR codes for each business location, you need to register each location as [COVID Safe](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nsw.gov.au%2Fcovid-19%2Fcovid-safe&data=04%7C01%7Clweston%40reinsw.com.au%7C7c0722e1d5e642be5b2308d93ab5ce7e%7C4e5e4167cc654bf981da4af10f68ae84%7C1%7C0%7C637605374822283838%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=QPZJH4GEPq7fQhOyd834VAGzX75hmmi0nExcSnLAxJU%3D&reserved=0). When registering the different locations, you must enter detailed business names and address details to define each business location. However, you can enter the same ABN for all locations if numerous locations operate under the one ABN
* Following your registration, your unique, location specific QR codes will be sent to you by email after confirming activation.

1. *How can I register bulk property addresses for QR Codes?*

* You can find instructions for this process on the NSW Government website as follows: <https://www.nsw.gov.au/register-your-business-as-covid-safe>.

1. *Which areas are captured by “Greater Sydney”?*

* The *Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* [NSW] defines “Greater Sydney” to include the local government areas within the boundary shown in this map: [Greater Sydney Commission Act 2015 No 57 - NSW Legislation](https://legislation.nsw.gov.au/view/html/inforce/current/act-2015-057#sch.1), as well as the local government areas of the Central Coast, the City of Shellharbour and the City of Wollongong.

1. Can you please confirm if outgoing inspections are permitted with the tenant present?

* Yes. However, only one tenant should be present and you must ensure that COVID-19 safe practices are followed.
* Agents living or temporarily staying in the Fairfield, Liverpool and Canterbury-Bankstown LGAs must not go outside their LGA for work purposes. They are not “authorised workers” exempt from this restriction.

1. *Where the property for sale is tenanted, how many inspections can take place each week?*

* Under 53(4) of the *Residential Tenancies Act 2010* (NSW) a tenant is only required to allow two inspections each week. Because inspections must be conducted on a one-on-one basis, you are limited to two inspections per week.
* However, this restriction only applies to properties for sale which are currently tenanted. This is not a general COVID-19 restriction under a Public Health Order.

1. *Are periodic inspections of tenancies allowed?*

* While periodic inspections form part of the work of real estate agents, they are not inspections for the purpose of allowing a prospective tenant or purchaser to view a property for sale or lease.
* Routine inspections should not be occurring and should be moved into a virtual environment, or rescheduled (ie. postponed) to a later date.

1. *What happens if a tenant refuses to allow a periodic inspection?*

* Periodic/routine inspections should not be occurring and should be moved into a virtual environment, or rescheduled (ie. postponed) to a later date.
* If the Tenant refuses to allow an inspection, the Agent doesn’t have many options and will need an Order from NCAT – but it is unlikely NCAT will issue the Order particularly if the Tenant claims to be fearful that the inspection will expose them to a risk of contracting COVID-19. However, if the lockdown continues past the date on which the public health order is repealed, then NCAT may have a different attitude.

1. *I am an agent and live outside of the Greater Sydney area, can I go into Greater Sydney to do an open or onsite auction?*

* No, auctions and opens cannot occur in Greater Sydney.
* Although private inspections may take place in Greater Sydney via appointment, we don’t recommend to do this because you will become an “affected person” under the public health order and will need to comply with the stay at home restrictions in that order for 14 days once you leave Greater Sydney.

1. *I am a tenant/buyer and live outside of the Greater Sydney area, can I go into Greater Sydney to attend an open or onsite auction?*

* No, auctions and opens cannot occur in Greater Sydney.
* Although private inspections may take place in Greater Sydney via appointment, we don’t recommend to do this because you will become an “affected person” under the public health order and will need to comply with the stay at home restrictions in that order for 14 days once you leave Greater Sydney.

1. *I am an agent and live in the Greater Sydney area, can I go into a regional area to do an open or onsite auction?*

* Yes, if this is your regular work. However, if you live in or are staying in the Fairfield, Liverpool or Canterbury-Bankstown LGAs (or another affected area list on NSW Health’s website) you **must not** travel outside your LGA.
* If you are residing or temporarily staying in Greater Sydney you may not enter a work premises more than 50km outside of Greater Sydney unless you have been tested for COVID-19 in the past 7 days and, if requested, can show an employer, occupier or police officer evidence of your test. You must also comply with the relevant mask wearing requirements and social distancing guidelines.
* Except for residential premises, occupiers must not allow you to enter or stay on their premises unless you have complied with the relevant testing requirements.
* Upon request by a police officer you must show them evidence of your residence and COVID-19 test and allow them to decide whether you are a worker in Greater Sydney and have complied with the requisite restrictions. You must provide them with true and accurate information.
* We recommend the use of local agents where possible, as regional communities are likely to be apprehensive about individuals arriving from a lockdown area.

1. *I am a buyer/tenant and live in the Greater Sydney area, can I go into a regional area to attend an open or onsite auction?*

* Yes but only if it would be for a place of residence.
* A reasonable excuse to leave home includes inspecting a potential new home. If that home is outside of Greater Sydney, then opens and auctions may still be conducted and there does not appear to be any prohibition in the public health order preventing you from attending.
* However, you must comply with the relevant mask wearing requirements, social distancing guidelines and limits on gatherings.
* You must also carry evidence of your home address or temporary accommodation to show to a police officer, if requested.
* You should only travel directly to and from the potential new home by the most practicable direct route and not use it as a pretext for additional activities.
* However, notwithstanding the above, a real estate agent in a regional area may exclude a buyer or tenant who lives in the Greater Sydney area from attending an open or onsite auction under their Work Health and Safety Policy or COVID-19 Safety Plan and so we suggest contacting the agent in advance to ensure access will be granted. A virtual inspection would be a preferred option.

1. *I am a buyer in Greater Sydney where auctions cannot occur. What do I do?*

* You will need to participate online.

1. *I am a buyer in Greater Sydney and am unable to attend an auction outside Greater Sydney. What do I do?*

* You may be able to participate online if the agent has the facility.
* Alternatively, you could arrange for someone to bid on your behalf who does not reside in Greater Sydney (including, for example, a buyers’ agent) or request to bid over the telephone (however, you will need to have arrangements in place to execute the contract for sale in the event you are the successful bidder).
* Accordingly, in these circumstances there is no need to go into the regional area.

1. *Can I move to a new place of residence, including a business moving to new premises, or between different places of residence of the person?*

* Yes, you can move to a new place of residence or business.

1. *Can I look for an investment property to buy?*

* No. A reasonable excuse to leave your home or temporary accommodation is to inspect a potential new place of residence.

1. *If I live in the Greater Sydney area, can I go to my rental property in the Regional area to undertake an inspection or repairs?*

* No. You must stay home unless you have a reasonable excuse to leave. Unless there is an emergency or you are fulfilling legal obligations, inspections and repairs to your rental property are not “reasonable excuses” to leave home.

1. *What happens with strata meetings?*

* If possible, postpone the meeting. If not, then provided the owners corporation permits it, make arrangements to hold the meeting online.

1. *Can an employer insist on a team member having a COVID-19 test when they appear to have symptoms consistent with COVID-19?*

* An employer has a duty to provide a safe workplace for their employees.
* Rather than insisting on the employee getting a COVID-19 test, ask them to go to their doctor and get a medical certificate stating that they are fit for work.
* However, you must refuse to let an employee who lives or temporarily stays in Greater Sydney (“Greater Sydney Worker”) enter or stay on premises located 50km outside of Greater Sydney if they have not undertaken a COVID-19 test within the past 7 days and has proof of this.

1. *If you have a tenant or a purchaser that wants to move into their property, are they allowed to move to a new house?*

* Yes.

1. *If you have a previous open home organised and know the people that are attending, can they each wait in their cars and show them one at a time?*

* You can only take 1 person at a time into the home. That person must have also made an appointment with you prior to attending the property.
* What processes you deploy to comply with these two requirements are a matter for you.
* We note that, unless it is not reasonably practicable, only one person from each household should leave the house each day to obtain essential services.

1. *For sales inspections, does a private appointment have to be limited to one person in the property at one time or can a couple come through at the same time or a family group if they all live in the one household*?

* No. Only one person at a time regardless of the relationship those people are in.

1. *Is it okay to go to somebody's home and do a market appraisal?*

* No, as this is considered non-essential.

1. *Can we refuse entry to a client to go into a property or into our office if they do not have a mask and are refusing to wear one?*

* The obligation to wear a mask is a personal one. You are not the police for the rules. However, as an employer you have a duty to provide a safe workplace, so someone not wearing a mask exposes your team to a risk and they should be prohibited from entry.

1. *What reassurance or proof can we give a purchaser that needs to come to inspect a property that they won't get into trouble for being out of their home?*

* Compliance with that is on the individual and not on the agent.
* A reasonable excuse to leave their home is to inspect a potential new home under the public health order (namely, the [*Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021* [NSW]).](https://legislation.nsw.gov.au/file/Public%20Health%20(COVID-19%20Temporary%20Movement%20and%20Gathering%20Restrictions)%20Order%202021_210622.pdf)
* However, we strongly advise against any agent advising members of the general public that they are able to inspect a property.

1. *Do we need to wear masks when completing open for inspections in regional NSW?*

* Yes, face masks are mandatory.

1. *If a property needs cleaning before photos are taken, are we able to do that?*

* Yes provided that the home is unoccupied and the cleaning is necessary for the sale or lease.

1. *Can repairs, maintenance, alterations, additions or other work be carried out to a property?*

* No unless the work is:

1. urgently required to ensure the health, safety or security of the home or household;
2. because of an emergency;
3. for the installation, maintenance or repair of an essential utility (including a water, gas, electricity, internet, television or telecommunications service);
4. for fire protection and safety; or
5. is for repairs or maintenance at an unoccupied home where it is necessary for the sale or lease of the property.
6. *Can an Agent do letterbox drops?*

* Yes, if you live in the Greater Sydney area (excluding the LGAs of Fairfield, Liverpool and Canterbury-Bankstown) as this is a task that cannot be performed from home. If you live in the LGAs of Fairfield, Liverpool and Canterbury-Bankstown, you must stay at home.

1. *Is door knocking allowed for sales prospecting?*

* This is not in the spirit of the Public Health Order and we suggest you steer clear of it at the present time.
* Whilst you may be doing your job, you need to think about the reaction you may get from people under the current circumstances and whether you would be complying with the Public Health Order. Practically, it may not give you good publicity in your community.

1. *Is there any relief for residential tenants?*

* Yes, the *Residential Tenancies (COVID-19 Pandemic Emergency Response) Amendment Regulation 2021* (NSW) commenced on 14 July 2021.
* These regulations provide protections to COVID-19 impacted tenants during the moratorium period.
* Please refer to REINSW’s FAQs on these regulations for more information.

1. *Is there any financial support for residential landlords?*

* Where residential landlords have reduced rent because a tenant is COVID-19 impacted, they may claim financial support up to a sum of $1,500 per tenancy.
* This sum amount will be capped at the reduction passed onto the tenants or $1,500 – whichever amount is lower.

1. *Will landlords be required to give commercial tenants relief during lockdown?*

* Yes. The *Retail and Other Commercial Leases (COVID-19) Regulation 2021* (NSW) commenced on 14 July 2021 and provides protections to COVID-19 impacted lessees during the moratorium period.
* Please refer to REINSW’s FAQs on these regulations for more information.

1. *Are photography/SWAT bookings still allowed?*

* No, we recommend against carrying out these activities.
* Visits to a home by third parties which are not for emergencies or urgent health, safety and security reasons should not occur and should be delayed to a later date as much as possible.

1. *If a tenant refuses to provide us with access to the property to conduct a final inspection, what next steps should we take if this will delay settlement of the property?*

* Contact the vendor’s solicitor/conveyancer to discuss a way forward.
* If a solution cannot be reached, obtain an order for access by applying to NCAT.

1. *Is real estate an essential service?*

* [The Public Health (COVID-19 Temporary Movement and Gathering Restrictions) Order 2021](https://legislation.nsw.gov.au/file/Public%20Health%20(COVID-19%20Temporary%20Movement%20and%20Gathering%20Restrictions)%20Order%202021_210622.pdf) [NSW] doesn’t include a definition of “essential service”.
* However, we consider any person employed to be essential. It is a reasonable excuse to leave home to inspect a potential new residence and it is part of the role of a real estate agent to facilitate this process.

1. *How many single person inspections can an agent complete in a property in a 24-hour period?*

* There is no maximum limit under the public health order, however, agents are recommended to take a sensible approach. They should ensure that all inspection attendees are screened using the [REINSW COVID-19 Application for Private Inspections](https://www.reinsw.com.au/web/News/Media_Releases/2021/06_June/COVID-19_Application_for_Private_Inspection_Form.aspx) in Greater Sydney form. Attendees will need to complete and return that form prior to attending the property.
* However, if a property for sale is tenanted, s53(4) of the *Residential Tenancies Act 2010* (NSW) only requires a tenant to allow two inspections each week. Because inspections must be conducted on a one-on-one basis, you would be limited to two inspections per week.

1. *Can more than one agent be present at a vendor meeting during this period?*

* Only if it is absolutely necessary and provided social distancing requirements, masks, hand sanitiser, etc are observed.
* We recommend that you consider having one agent physically present at the meeting with any other agents attending virtually.

1. *Can more than one party come to the office to discuss business with an agent or agents?*

* Although the Minister has directed that agents can attend a private inspection with one buyer/tenant, the public health order isn’t specific on this and it doesn’t appear to be a reasonable excuse to leave home, noting that, unless it is not reasonably practicable, only one person from a household should leave the house each day to obtain essential services.
* We recommend against doing this.