Australian Capital Territory

Agents (Continuing Professional Development) Guideline 2022

**Notifiable instrument NI2022 - 336**

made under the

Agents Regulation 2003, sections 7A (Licence conditions – professional development – Act s 34(1)(a)) and 10A (Registration conditions – professional development – Act s 58(1)(a))

**1 Name of instrument**

This instrument is the *Agents (Continuing Professional Development) Guideline 2022****.***

**2 Commencement**

This instrument commences on 1 July 2022.

**3 Guidelines**

I make the Continuing Professional Development Guideline for agents and assistance agents set out in Schedule 1.

**4 Revocation**

This instrument revokes:

1. *Agents (Continuing Professional Development) Guideline 2008 (No 1)* NI2008-91
2. *Agents (Continuing Professional Development) Guideline 2005 (No 1)* NI2005-139

Derise Cubin
Commissioner for Fair Trading

30 June 2022

SCHEDULE 1: Agents (Continuing Professional Development) Guideline 2022

The Agents (Continuing Professional Development) Guideline 2022 (No 1) sets out a comprehensive continuing education program for agents.

**1. Licence conditions**

It is a condition of a real estate agent’s licence (class 1 or class 2) for an individual that:

1. the agent completes 12 points of continuing professional development in the 12 month period prior to the renewal of the licence for each year; and
2. maintains a log and other records of continuing professional development in accordance with this Guideline; and
3. produces this information to the Commissioner for Fair Trading or investigators appointed under the *Fair Trading (Australian Consumer Law) Act 1992* within a reasonable time after a request that the information be produced;
4. real estate agents who hold a conditional licence to sell land by way of auction are not required to undertake continuing professional development under subparagraph (1) as a condition of their licence (refer paragraph 6).

***Note: It is a condition of a licence that the licensee satisfy the relevant requirements for continuing professional development as set out in this Guideline (Agents Regulation 2003, s 7A).***

**2. Registration conditions**

It is a condition of a assistant real estate agent’s registration for an individual that:

1. the assistant agent completes 12 points of continuing professional development in the 12 month period prior to the renewal of the registration for each year; and
2. maintains a log and other records of continuing professional development in accordance with this Guideline; and
3. produces this information to the Commissioner for Fair Trading or investigators appointed under the *Fair Trading (Australian Consumer Law) Act 1992* within a reasonable time after a request that the information be produced.

***Note: It is a condition of registration that the registered person satisfy the relevant requirements for continuing professional development as set out in this Guideline (Agents Regulation 2003, s 10A).***

**3. Continuing Professional Development Points**

1. There are three categories of learning in relation to which points may be obtained for continuing professional development.
2. Category 1 continuing professional development involves undertaking self-paced activity with a stated learning outcome. In relation to category 1:
	* 1. points for continuing professional development shall be calculated at the rate of half a point per hour of activity;
		2. a maximum of two points can be obtained from category 1 each 12 month period; and
		3. only the hours of the actual presentations may be counted for seminars or conferences.

***Note: Category 1 includes self-paced learning which does not require formal assessment and does not have to be delivered interactively. Typical examples of these types of activities include attending seminars, conferences and forums, watching videos, and on the job learning. The content of the learning must be related to the work activities of the licensee or registered assistant agent and provide an educational outcome. On the job learning for the purposes of fulfilling the continuing professional development requirements will only be accepted in the case where a person undertakes a new project and extends their competency base. Functions the individual routinely performs as part of his/her employment are not claimable.***

1. Category 2 continuing professional development involves undertaking an activity with a stated learning outcome without assessment. In relation to category 2:
	* 1. points for continuing professional development shall be calculated at the rate of one point per hour of the activity;
		2. the continuing professional development may only be considered category 2 where the person delivering the training is competent to deliver the training.

***Note: Category 2 includes activities which do not require formal assessment but must be delivered interactively. Typical examples of these activities include workshops, seminars, conferences, and forums where the learner is required to participate and the use of web-based tools and CD Roms where the learner is required to input responses. This category also includes workshops or seminars organised and delivered by professionally qualified people including, but not limited to, lawyers, accountants, auditors, valuers or other renowned experts in a relevant field.***

***A person competent to deliver the training would include an accredited trainer (for the purposes of category 3, below) or a person with significant industry knowledge such as an industry expert or a leading real estate trainer.***

1. Category 3 continuing professional development involves undertaking an activity with a stated learning outcome with assessment. This should be one or more units of competency which contribute to a recognised qualification or learning pathway relevant to the property industry. In relation to category 3:
	* 1. points for continuing professional development shall be calculated at the rate of eight points per unit of competency;
		2. the continuing professional development may only be considered category 3 where the person delivering the training is competent to deliver the training.

***Note: Category 3 includes units of competency which require formal assessment. The learner must be assessed as competent to be entitled to claim the relevant points from this category. Learners assessed as not yet competent will be entitled to claim the points relevant to learning category 2. The learning activities must be conducted by a Registered Training Organisation accredited to conduct training for the real estate sector.***

***Where applicable, training providers must have any required Commonwealth and ACT accreditation requirements under the Australian Quality Training Framework.***

1. Where a licensee or assistant agent is required to obtain 12 points of continuing professional development in a twelve month period, the person must obtain learning in any combination of at least two of the categories set out above, of which one must be category 3.

**4. Surplus points**

Surplus points may be carried forward for 12 months. As some continuing professional development must be completed each year, a maximum of 11 points may be carried forward.

**5. Records**

1. A person shall maintain a log of continuing professional development which includes the following information:
2. date;
3. type of activity;
4. activity title which also identifies the broad learning area being covered;
5. type of assessment (if applicable);
6. training provided;
7. name of the trainer and training organisation;
8. venue;
9. continuing professional development points earned;
10. duration of activity.
11. A person shall maintain evidence of the activity (eg, receipts or other records verifying attendance at a seminar, or certificate of qualification issues by a Registered Training Organisation). The following evidence is acceptable:
12. Category 1: proof of attendance and detail of learning outcome;
13. Category 2: proof of learner interaction and detail of learning outcome;
14. Category 3: Statement of attainment from a registered training organisation.

**6. Conditional licences to sell land by way of auction only**

Where a conditional licence is granted or renewed subject to the condition that a person sell land by way of auction only, it is a condition of the licence that the person must demonstrate competence in the unit of competency set out in the *Agents (Qualification and Experience for Licences) Declaration 2022 (No 1).* The underpinning knowledge must include the auction provisions of the *Civil Law (Sale of Residential Property) Act 2003*.

**7. Discretion**

Where a condition is imposed on a licence or registration under the guideline, it is a further condition that, where the Commissioner for Fair Trading believes that extenuating circumstances have been shown (eg, serious illness or misadventure), the Commissioner may, by notice in writing, waive the requirement to complete continuing professional development for a given month or months.

**8. Continuing Professional Development commencement**

The continuing professional development requirement for licence and registration renewals under this Guideline will take effect on 1 July 2022.

##### New applications for licences or registrations

New applicants for licences or registrations will be required to complete continuing professional development on a pro-rata basis of one point per month until the end of the continuing professional development completion period, when they come to renew their licences or registrations. For example, if a licence is granted in October 2008, the licensee will be required to earn eight points of continuing professional development between the period commencing on the date the licence was granted and 30 June 2009 to be eligible for renewal of their licence on 1 July 2009.

**9. Areas of Learning**

Training may be based on, but is not limited to, the following units of competency from the Property Services Training Package:

CPPDSM3008A – Maintain and protect condition of managed properties

CPPDSM3017A – Work in the strata/community management sector

CPPDSM4001A – Act as a buyer’s agent

CPPDSM4002A – Apply knowledge of state or territory legislative and regulatory framework to complete agency work

CPPDSM4003A – Appraise property

CPPDSM4004A – Conduct auction

CPPDSM4005A – Establish and build client-agency relationships

CPPDSM4006A – Establish and manage agency trust accounts

CPPDSM4010A – Lease property

CPPDSM4011A – List property for lease

CPPDSM4012A – List property for sale

CPPDSM4013A – Market property for lease

CPPDSM4014A – Market property for sale

CPPDSM4016A – Monitor and manage lease or tenancy agreement

CPPDSM4017A – Negotiate effectively in property transactions

CPPDSM4018A – Prepare and present property reports

CPPDSM4019A – Prepare for auction and complete sale

CPPDSM4020A – Present at tribunals

CPPDSM4021A – Sell and finalise sale of rural property by private treaty

CPPDSM4022A – Sell and finalise the sale of property by private treaty

CPPDSM4023A – Act as a tenant’s agent

CPPDSM4029A – Appraise business

CPPDSM4030A – Appraise rural property

CPPDSM4033A – Assess and value goods, chattels, plant and equipment

CPPDSM4034A – Assess and implement strata/community management agreement

CPPDSM4036A – Broker sale of industrial, commercial and retail property

CPPDSM4038A – Conduct goods, chattels or equipment clearing sale or auction

CPPDSM4040A – Contribute to life cycle maintenance strategy

CPPDSM4041A – Contribute to development of a tenancy mix strategy

CPPDSM4043A – Coordinate fit-out of property and facilities

CPPDSM4045A – Facilitate meetings in the property industry

CPPDSM4046A – Manage tenancy disputes

CPPDSM4049A – Implement maintenance plan for managed properties

CPPDSM4050A – Lease industrial, commercial and retail property

CPPDSM4051A – Lease rural property

CPPDSM4053A – List business for sale

CPPDSM4056A – Manage conflict and disputes in the property industry

CPPDSM4057A – Monitor a safe workplace in the property industry

CPPDSM4058A – Monitor service requirements in the property industry

CPPDSM4059A – Monitor space use in the property industry

CPPDSM4060A – Negotiate sale and manage sale to completion or settlement

CPPDSM4061A – Obtain prospects for listing

CPPDSM4062A – Occupy space

CPPDSM4069A – Promote and market listed business

CPPDSM4074A – Select and appoint contractors in the property industry

CPPDSM4078A – Sell rural property by tender

CPPDSM4079A – Work in the business broking sector

CPPDSM5009A – Coordinate risk management system in the property industry

CPPDSM5012A – Develop a strategic business plan in the real estate industry

CPPDSM5018A – Ensure a safe workplace in the property industry

CPPDSM5020A – Manage and monitor effective client service in the real estate industry

CPPDSM5030A – Manage projects in the property industry

CPPDSM5032A – Market the agency

CPPDSM5036A – Prepare tender documentation in the property industry

Training may be based on, but is not limited to, the following units of competency from the Business Services Training Package:

BSBLED401A – Develop teams and individuals

BSBBITS401A – Maintain business technology

BSBWOR402A – Promote team effectiveness

BSBMGT515A – Manage operational plan

BSBMGT502B – Manage people performance

 BSBFIM501A – Manage budgets and financial plans

BSBHRM402A – Recruit, select and induct staff

BSBMGT605B – Provide leadership across the organisation

BSBCMM401A – Make a presentation

BSBRKG304B – Maintain business records
BSBSMB404A – Undertake small business planning

BSBSMB406A – Manage small business finances