

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:

- a. *Agents (Continuing Professional Development) Guideline 2008 (No 1)* NI2008-91
- b. *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:
 - (a) points for continuing professional development shall be calculated at the rate of half a point per hour of activity;
 - (b) a maximum of two points can be obtained from category 1 each 12 month period; and
 - (c) 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.

- (3) Category 2 continuing professional development involves undertaking an activity with a stated learning outcome without assessment. In relation to category 2:
 - (a) points for continuing professional development shall be calculated at the rate of one point per hour of the activity;
 - (b) 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.

- (4) 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:
- (a) points for continuing professional development shall be calculated at the rate of eight points per unit of competency;
 - (b) 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.

- (5) 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:
- (a) date;
 - (b) type of activity;
 - (c) activity title which also identifies the broad learning area being covered;
 - (d) type of assessment (if applicable);

- (e) training provided;
- (f) name of the trainer and training organisation;
- (g) venue;
- (h) continuing professional development points earned;
- (i) duration of activity.

(2) A person shall maintain evidence of the activity (eg, receipts or other records verifying attendance at a seminar, or certificate of qualification issued by a Registered Training Organisation). The following evidence is acceptable:

- (a) Category 1: proof of attendance and detail of learning outcome;
- (b) Category 2: proof of learner interaction and detail of learning outcome;
- (c) 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