

Australian Capital Territory

Agents (Continuing Professional Development) Guideline 2008 (No 1)*

Notifiable instrument NI2008–91

made under the

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

1 Name of instrument

This instrument is the *Agents (Continuing Professional Development) Guideline 2008 (No 1)*.

2 The Guideline

I hereby make the Guideline for Continuing Professional Development for licensees and registered persons under sections 7A and 10A respectively of the Agents Regulation 2003. The Continuing Professional Development Guideline is set out in Schedule 1.

Brett Phillips
Commissioner for Fair Trading
31 March 2008

*Name amended under Legislation Act, s 60

SCHEDULE 1: Agents (Continuing Professional Development) Guideline 2008 (No 1)

The Agents (Continuing Professional Development) Guideline 2008 (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 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 (Consumer Affairs) Act 1973* 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 real estate salesperson's registration for an individual that:

- (1) the salesperson 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 (Consumer Affairs) Act 1973* 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 salesperson 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 salesperson 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 issues 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 Regulation 2003. 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 in 2009.

Licensees will be required to earn 12 points of continuing professional development from 1 April 2008 to 30 June 2009 to qualify for licence renewal. Thereafter, licensees will be required to complete their continuing professional development requirement within each licence year. For example, for renewal in 2010, a licensee will be required to obtain their continuing professional development points between 1 July 2009 and 30 June 2010.

Similarly, registered salespeople will be required to earn 12 points of continuing professional development from 1 August 2008 to 31 October 2009 to qualify for registration renewal. Thereafter, registered salespeople will be required to complete their continuing professional development requirement within each registration year. For example, for renewal in 2010, a registered salesperson will be required to obtain their continuing professional development points between 1 November 2009 and 31 October 2010.

Transitional arrangements

Any continuing professional development points earned prior to 1 April 2008 that complied with the Agents (Continuing Professional Development) Guideline 2005 and not yet used to satisfy the continuing professional development requirements for renewal, may be credited towards the satisfying of the continuing professional development requirements for renewal that fall due in 2009. Only a maximum of 11 points can be carried forward.

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