Australian Capital Territory

Agents (Qualifications and Experience for Licences) Declaration 2022 (No 1)

**Disallowable instrument DI2022–149**

made under the

Agents Act 2003, section 25 (Qualifications and experience for licences)

**1 Name of instrument**

This instrument is the *Agents (Qualifications and Experience for Licences) Declaration 2022 (No 1).*

**2 Commencement**

This instrument commences on 1 July 2022.

**3 Declaration for agents licences**

I declare, for an agents licence mentioned in schedule 1, column 2, in relation to the class of agent mentioned in column 3 for an item—

(a) the qualifications mentioned in column 4 for the item; and

(b) the experience mentioned in column 5 for the item.

**4 Declaration for renewal of agents licences**

I declare, for renewal of an agents licence mentioned in schedule 1, column 2, in relation to the class of agent mentioned in column 3 for an item—

(a) the qualifications mentioned in column 4 for the item; and

(b) the experience mentioned in column 5 for the item.

*Note* The Act includes transitional provisions for a person who is a licensed agent on 1 July 2022 (see pt 22).

**5** **Requirements if more than 1 qualification declared**

If 2 or more qualifications are declared under this instrument for a particular licence, or renewal of a particular licence, an applicant for the licence, or renewal of the licence, is only required to meet 1 of the declared qualifications for the licence.

**6 Relevant law for qualifications**

For a qualification mentioned in this instrument, the underpinning knowledge for a unit of competency mentioned must be based on the laws in force in the Territory.

**7 Definitions**

In this instrument:

***complete*** a VET course unit of competency—a person ***completes*** a unit of competency if a registered training organisation issues the person with a VET statement of attainment or qualification, confirming that the person has satisfied the requirements of the unit of competency.

***pre-amendment Act***means the Act, as in force immediately before 1 July 2022.

***registered training organisation***—see the *National Vocational Education and Training Regulator Act 2011*(Cwlth), section 3.

***VET course***—see the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

***VET statement of attainment***—see the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

Derise Cubin

Commissioner for Fair Trading

30 June 2022

**Schedule 1 Qualifications and experience for agents licence**

(see s 3 and s 4)

| column 1  item | column 2  kind of agents licence | column 3  class of property agent | column 4  qualifications | column 5  experience |
| --- | --- | --- | --- | --- |
|  | business | class 1 | CPP51122 or CPP51119 Diploma of Property (Agency Management) | experience as 1 or both of the following for a continuous period of, or for periods that cumulatively total, at least 2 years in the 5 years before applying for the licence:  (a) a licensed property agent under the Act;  (b) a licensed business agent, real estate agent or stock and station agent under the pre‑amendment Act |
|  | real estate |
|  | real estate—conditional to only act as owners corporation managing agent |
|  | stock and station |
|  | business | class 2 | Qualification requirement 1  CPP41419 Certificate IV in Real Estate Practice, including completion of the following VET course units of competency:  (a) the 5 core units mentioned in schedule 2, table 2.1, items 1 to 5;  (b) 13 elective units mentioned in schedule 2, table 2.2, consisting of units mentioned in—  (i) item 7 (Group G—Commercial Sales and Leasing); and  (ii) item 8 (Group H—Commercial and Property Management); and  (iii) item 9 (Group I—Business Broking)  Qualification requirement 2  completion of either of the qualifications mentioned in the *Agents Regulation 2003*, section 6, as in force immediately before the commencement of the *Fair Trading and Other Justice Legislation Amendment Act 2022*, part 2  Qualification requirement 3  holds the qualifications required under the *Agents Act 1968*, as in force immediately before its repeal, or is a prescribed person under that Act, section 20 | experience as 1 or both of the following for a continuous period of, or for periods that cumulatively total, at least 12 months in the 5 years before applying for a licence as a business agent:  (a) a registered assistant business agent under the Act;  (b) a registered business salesperson under the pre‑amendment Act |
|  | real estate | class 2 | Qualification requirement 1  CPP41419 Certificate IV in Real Estate Practice, including completion of the following VET course units of competency:  (a) the 5 core units mentioned in schedule 2, table 2.1, items 1 to 5;  (b) 13 elective units mentioned in schedule 2, table 2.2, consisting of—  (i) all units mentioned in item 1 (Group A —Residential Property Sales); and  (ii) all units mentioned in item 2 (Group B—Residential Property Management); and  (iii) additional units mentioned in items 3 to 13  Qualification requirement 2  completion of either of the qualifications mentioned in the *Agents Regulation 2003*, section 6, as in force immediately before the commencement of the *Fair Trading and Other Justice Legislation Amendment Act 2022*, part 2  Qualification requirement 3  holds the qualifications required under the *Agents Act 1968*, as in force immediately before its repeal, or is a prescribed person under that Act, section 20 | experience as 1 or both of the following for continuous period of, or for periods that cumulatively total, at least 12 months in the 5 years before applying for a licence as a real estate agent:  (a) a registered assistant real estate agent under the Act;  (b) a registered real estate salesperson under the pre‑amendment Act |
|  | stock and station | class 2 | Qualification requirement 1  CPP41419 Certificate IV in Real Estate Practice, including completion of the following VET course units of competency:  (a) the 5 core units mentioned in schedule 2, table 2.1, items 1 to 5;  (b) 13 elective units mentioned in schedule 2, table 2.2, consisting of—  (i) all units mentioned in item 10 (Group J —Stock and Station, Stock); and  (ii) all units mentioned in item 11 (Group K —Stock and Station, Station); and  (iii) additional units mentioned in items 1 to 9, 12 and 13  Qualification requirement 2  completion of either of the qualifications mentioned in the *Agents Regulation 2003*, section 6, as in force immediately before the commencement of the *Fair Trading and Other Justice Legislation Amendment Act 2022*, part 2  Qualification requirement 3  holds the qualifications required under the *Agents Act 1968*, as in force immediately before its repeal, or is a prescribed person under that Act, section 20 | experience as 1 or both of the following for a continuous period of, or for periods that cumulatively total, at least 12 months in the 5 years before applying for a licence as a stock and station agent:  (a) a registered assistant stock and station agent under the Act;  (b) a registered stock and station salesperson under the pre‑amendment Act |
|  | real estate—conditional to only act as owners corporation managing agent | class 2 | skills and knowledge appropriate for acting as an owners corporation managing agent | experience appropriate for acting as an owners corporation managing agent |
|  | land auctioneer | - | Qualification 1  (a) satisfy the qualifications required for a class 1 or class 2 property agent licence, as mentioned in items 1 to 7 above; and  (b) completion of the 3 elective VET course units of competency from CPP41419 Certificate IV in Real Estate Practice mentioned in schedule 2, table 2.2, item 4 (Group D—Auctioneering)  Qualification 2  completion of the qualifications mentioned in the *Agents Regulation 2003*, section 6 (4), as in force immediately before the commencement of the *Fair Trading and Other Justice Legislation Amendment Act 2022*, part 2 | satisfy the experience required for a class 1 or class 2 property agent licence, as mentioned in items 1 to 7 above  or  experience as a real estate agent licenced to sell land only by auction under the pre‑amendment Act for a continuous period of, or for periods that cumulatively total, at least 12 months in the 5 years before applying for renewal of a licence as a land auctioneer. |

**Schedule 2 Units of competency from CPP41419 Certificate IV in Real Estate Practice**

(see sch 1)

Table 2.1 Core units

| column 1  item | column 2  unit code | column 3  core unit title |
| --- | --- | --- |
|  | CPPREP4001 | Prepare for professional practice in real estate |
|  | CPPREP4002 | Access and interpret ethical practice in real estate |
|  | CPPREP4003 | Access and interpret legislation in real estate |
|  | CPPREP4004 | Establish marketing and communication profiles in real estate |
|  | CPPREP4005 | Prepare to work with real estate trust accounts |

Table 2.2 Elective units

| column 1  item | column 2  group | column 3  unit code | column 4  elective unit title |
| --- | --- | --- | --- |
|  | Group A—Residential Property Sales | CPPREP4101 | Appraise property for sale or lease |
| CPPREP4102 | Market property |
| CPPREP4103 | Establish vendor relationships |
| CPPREP4104 | Establish buyer relationships |
| CPPREP4105 | Sell property |
|  | Group B—Residential Property Management | CPPREP4101 | Appraise property for sale or lease |
| CPPREP4102 | Market property |
| CPPREP4121 | Establish landlord relationships |
| CPPREP4122 | Manage tenant relationships |
| CPPREP4123 | Manage tenancy |
| CPPREP4124 | End tenancy |
| CPPREP4125 | Transact in trust account |
|  | Group C—Property Management Business Development | CPPREP4101 | Appraise property for sale or lease |
| CPPREP4141 | Establish and maintain property management portfolio |
| CPPREP4142 | Promote property management products and services |
|  | Group D—Auctioneering | CPPREP4161 | Undertake pre-auction processes |
| CPPREP4162 | Conduct and complete sale by auction |
| CPPREP4163 | Complete post-auction process and contract execution |
|  | Group E—Buyer’s Agent | CPPREP4101 | Appraise property for sale or lease |
| CPPREP4171 | Represent buyer in sales process |
| CPPREP4172 | Develop and promote property industry knowledge—buyer’s agent |
| CPPREP4173 | Complete purchase of property as buyer’s agent |
|  | Group F—Onsite Property Manager | CPPREP4181 | Manage onsite residential property |
|  | Group G—Commercial Sales and Leasing | CPPREP4102 | Market property |
| CPPREP4201 | Appraise commercial property |
| CPPREP4202 | Establish and maintain vendor and lessor relationships and networks |
| CPPREP4203 | Complete commercial property sale |
| CPPREP4204 | Establish commercial property lease |
| CPPREP5201 | Develop and maintain commercial property market intelligence |
|  | Group H—Commercial and Property Management | CPPREP4231 | Manage commercial property maintenance |
| CPPREP4232 | Manage commercial property financial reports |
| CPPREP4233 | Manage lessee relationships—commercial |
| CPPREP4234 | Manage lessor relationships—commercial |
| CPPREP4235 | End commercial property lease |
|  | Group I—Business Broking | CPPREP4261 | Appraise business for sale |
| CPPREP4262 | Establish vendor relationships in business broking |
| CPPREP4263 | Manage buyer relationships in business broking |
| CPPREP4264 | Manage buyer relationships in business broking |
|  | Group J—Stock and Station, Stock | CPPREP4301 | Confirm and market livestock for sale |
| CPPREP4302 | Prepare livestock for sale |
| CPPREP4303 | Establish vendor and buyer relationships in livestock sale |
| CPPREP4304 | Complete the sales process—livestock |
|  | Group K—Stock and Station, Station | CPPREP4101 | Appraise property for sale or lease |
| CPPREP4102 | Market property |
| CPPREP4103 | Establish vendor relationships |
| CPPREP4104 | Establish buyer relationships |
| CPPREP4105 | Sell property |
| CPPREP4123 | Manage tenancy |
| CPPREP4125 | Transact in trust accounts |
| CPPREP5311 | Develop and maintain rural property market knowledge and intelligence |
|  | Group L—Administrative Management/ Office Support | BSBHRM415 | Coordinate recruitment and onboarding |
| SIRXMGT001 | Supervise and support frontline team members |
|  | General Elective Units | BSBTWK301 | Use of inclusive work practices |
| CPPREP4501 | Prepare to complete the sales process—off the plan properties |
| CPPREP4502 | Support providers of social and community housing |
| CPPREP4503 | Present at hearings in real estate |
| CPPREP4504 | Deliver presentations to clients in real estate |
| CPPREP4505 | Value goods, chattels, plant and equipment |
| CPPREP4506 | Manage offsite and lone worker safety in real estate |
| CPPREP4507 | Provide property sustainability information in real estate |
| CPPREP4508 | Conduct livestock auctions |
| CPPREP4509 | Auction goods, chattels and equipment |
| CPPREP4510 | Manage short‑term or holiday letting |