

2008

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

AGENTS AMENDMENT REGULATION 2008 (NO 1)

SL2008-32

EXPLANATORY STATEMENT

Circulated by authority of
Simon Corbell MLA
Attorney General

Outline

The *Agents Amendment Regulation 2008 (No 1)* prescribes the new educational qualifications an applicant must satisfy to become eligible for a real estate, stock and station and business agent's licence or certificate of registration. The new qualifications have been updated to accord with the new national Property Services Training Package (CPP07).

The *Agents Regulation 2003* currently prescribes units of competency for eligibility based on the Property Development and Management Training Package (PRD01), endorsed by the National Training Quality Council in May 2001. The PRD01 package comprised a set of units of competency, qualifications and assessment arrangements for the real estate and stock and station agency sectors. It was later extended to include the Spatial Information Services Sector, the Business Broking sector and the Property Operations and Development sector.

The Construction and Property Services Industry Council undertook a major review and redevelopment of the industry sectors within the PRD01 package. With the assistance of consultants from Learning Australia Pty Ltd the package was completely overhauled in consultation with a wide variety of stakeholders, including the industry, industry associations, representatives from Registered Training Organisations and State Training Authorities. The new Property Services Training Package (CPP07) was developed which includes the Property Development, Sales and Management sector and the Spatial Information Services sector. The new CPP07 package has been endorsed by the National Quality Council and signed off by the Ministerial Delegates for Vocational Education and Training representing the Ministers for Training in each of the States and Territories.

Currently, salespeople are required to undertake 15 units of competency to qualify for registration. Under the new qualification scheme, salespeople will be required to undertake five core units taken from the national training package to be registered as an agent. The new five core units incorporate subject matter taken from the existing 15 units embodying broader content within each unit.

The new training package will facilitate a pathway for salespeople to undertake entry level units of competency for registration who will then proceed to complete additional units set out in the Continuing Professional Development Guideline, which they are required to undertake after registration. Units of competency for licensed principals will remain largely the same and are based on completion of the Diploma of Property Services (Agency Management). Most if not all Australian jurisdictions are moving to the new qualification scheme based on the national training package, which should deliver long overdue consistency across jurisdictions.

NOTES ON CLAUSES

Clause 1 Name of regulation

Clause 1 states the title of the Regulation as the *Agents Amendment Regulation 2008 (No 1)*.

Clause 2 Commencement

Clause 2 sets out the commencement date for the Regulation. The Regulation will commence on the day after it is notified.

Clause 3 Legislation amended

Clause 3 provides that the Regulation amends the *Agents Regulation 2003*.

Clause 4 Section 6(1) to (3)

Section 6 of the *Agents Regulation 2003* sets out the educational qualifications an applicant must satisfy to become eligible for a real estate, stock and station and business agent's licence. Clause 4 amends section 6 by substituting new subsections (1) to (3) to refer to the new national training package – Property Services Training Package (CPP07).

New subsection (1) ensures that successful completion of the specified units of the old national training package – PRD01 or the new national training package - CPP07 will satisfy eligibility for a real estate, stock and station and business agent's licence.

Reference to the old national training package has been retained to ensure that people who have commenced, but have not completed training, under the old package, at the time of commencement of this Regulation, will continue to be able to complete their training and be eligible for a licence under the amended Regulation. Retaining the reference to the old package will also ensure that those who had previously completed training under the old package, and were therefore eligible for a licence, will continue to be eligible for a licence under the amended Regulation.

New subsection (1A) provides that the units required to be completed under the new national training package – CPP07 are:

- all of the six core units listed in schedule 1, part 1.1; and
- at least four of the common units listed in schedule 1, part 1.2; and
- at least eight of the elective units listed in schedule 1, part 1.3.

New subsection (2) replicates the content of the old subsection (2) and continues to ensure that an agent is deemed to have the qualifications for a real estate agent's licence if, immediately before the commencement of the *Agents Act 2003*, the person was eligible for the grant of a licence under the *Agents Act 1968*.

New subsection (3) ensures that successful completion of the relevant unit of competency for conducting auctions in the old or new national training package will satisfy eligibility for a real estate agents licence to only sell land by auction.

Clause 5 Section 7

Clause 5 substitutes existing section 7 to make it clear that the educational qualification for a real estate, stock and station and business agent's licence must be based on ACT law.

Clause 6 Section 8A(2)(b)

Section 8A allows a person to be registered under section 49 of the *Agents Act 2003* on condition that they are:

- enrolled in a course of study that would lead to qualification for registration as a salesperson; and
- employed by a licensed agent and working under the licensed agent's direct supervision.

Paragraph 8A(2)(b) provides that a person may be registered under section 8A on condition that the registration ends if any of the above circumstances change, and that the person can only be registered or have their registration renewed for a maximum period of two years.

Clause 6 amends paragraph 8A(2)(b) to replace the reference from two years to one year. Experience has shown that one year is considered an adequate time within which to have attained the education qualifications required for a certificate of registration.

Clause 7 Section 9

Section 9 sets out the educational qualifications a salesperson, including a property manager (where appropriate) must satisfy to become eligible for a real estate, stock and station and business agent's certificate of registration. Clause 7 substitutes new section 9 to refer to the new national training package – CPP07.

Reference to the old national training package has been retained to ensure that people who have commenced, but have not completed, training under the old package, at the time of commencement of this Regulation, will continue to be able to complete their training and be eligible for a certificate of registration under the Regulation. Retaining the reference to the old package will also ensure that those who had previously completed training under the old package, and were therefore eligible for a certificate of registration, will continue to be eligible for a certificate of registration under the amended Regulation.

Clause 8 New section 18A

Clause 8 inserts new section 18A to disapply subsection 47(6) of the *Legislation Act 1991* as a consequence of clause 11 which inserts a new definition of

approved into the Dictionary of the Regulation. The new definition includes a reference to the *Administrative Arrangements Order* (Cwlth) which would be taken to be a notified instrument if the operation of subsection 47(6) of the *Legislation Act 1991* is not disapplied.

Clause 9 Schedule 1

Clause 9 substitutes a new Schedule 1 into the Regulation to prescribe the competency units as set out in the new national training package – CPP07 which applicants for a real estate, stock and station and business agent's licence must complete in order to become eligible to be licensed.

Schedule 1 is split into three parts:

1. part 1.1 sets out the six core units of which all must be completed;
2. part 1.2 sets out 13 common units of which a minimum of four must be completed; and
3. part 1.3 sets out 43 elective units of which a minimum of eight units must be completed.

Clause 10 Schedule 2

Clause 10 substitutes a new Schedule 2 into the Regulation to prescribe the competency units as set out in the new national training package – CPP07 which applicants for a real estate, stock and station and business certificate of registration must complete to become eligible to be registered.

Clause 11 Dictionary, new definition of *approved*

Clause 11 inserts a new definition of approved into the dictionary of the Regulation.