

Australian Capital Territory

Agents (Continuing Professional Development for Owners Corporation Managing Agents) Guideline 2009 (No 1)

Notifiable instrument NI2009–318

made under the

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

1 Name of instrument

This instrument is the *Agents (Continuing Professional Development for Owners Corporation Managing Agents) Guideline 2009 (No 1)*.

2 The Guideline

I hereby make the Guideline for Continuing Professional Development for individuals who hold a real estate agents conditional licence to act as manager of an owners corporation for a units plan under sections 7A of the Agents Regulation 2003. The Continuing Professional Development Guideline is set out in Schedule 1.

Danielle Krajina
Commissioner for Fair Trading
30 June 2009

SCHEDULE 1: Agents (Continuing Professional Development for Owners Corporation Managing Agents) Guideline 2009 (No 1)

The Agents (Continuing Professional Development for Owners Corporation Managing Agents) Guideline 2009 (No 1) sets out a comprehensive continuing education program for real estate agents who hold a conditional licence to act as manager of an owners corporation for a units plan.

1. Licence conditions

It is a condition for an individual who holds a real estate agents conditional licence to act as manager of an owners corporation for a units plan that they:

- (1) complete 8 points of continuing professional development in the 12 month period prior to the renewal of the licence for each year; and
- (2) maintain a log and other records of continuing professional development in accordance with this Guideline; and
- (3) produce 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 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. 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.

3. Surplus points

Surplus points may be carried forward for 12 months. As some continuing professional development must be completed each year, a maximum of 7 points may be carried forward.

4. 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.

5. 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.

6. Continuing Professional Development commencement

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.

New applications for licences or registrations

New applicants for licences will be required to complete continuing professional development on a pro-rata basis.

7. Areas of Learning for owners corporation managing agents

Training for managers of an owners corporation may be based on, but is not limited to, the following areas:

Property maintenance/building/construction

Obligations under the *Agents Act 2003*

Requirements in the *Unit Titles Act 2001*

Conflict resolution

Budgeting

Developing sinking fund plans

Fiduciary obligations

Meeting structure and procedures

Minute taking

Financial reporting

Records management

Communication skills

Negotiation skills

Collecting levies

Liaison with owners and stakeholders

Management of defects