

Australian Capital Territory

Agents (Continuing Professional Development) Guideline 2022 (No 2)

Notifiable instrument NI2022–443

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 (No 2)*.

2 Commencement

This instrument commences on the day after it is notified.

3 Guidelines

I make the Continuing Professional Development Guideline for agents and assistance agents set out in Schedule 1.

4 Revocation

This instrument revokes *Agents (Continuing Professional Development) Guideline 2022 NI2022-336*.

Derise Cubin
Commissioner for Fair Trading

15 August 2022

SCHEDULE 1: Agents (Continuing Professional Development) Guideline 2022

The Agents (Continuing Professional Development) Guideline 2022 (No 2) 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 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 (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:

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
CPPREP4101	Appraise property for sale or lease
CPPREP4102	Market property
CPPREP4103	Establish vendor relationships
CPPREP4104	Establish buyer relationships
CPPREP4105	Sell property
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
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
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
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
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
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