



Australian Capital Territory

Agents Amendment Regulations 2004 (No 1)

Subordinate Law SL2004-49

The Australian Capital Territory Executive makes the following regulations under the *Agents Act 2003*.

Dated 9 September 2004.

JON STANHOPE
Minister

SIMON CORBELL
Minister



Australian Capital Territory

Agents Amendment Regulations 2004 (No 1)

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made under the
Agents Act 2003

1 Name of regulations

These regulations are the *Agents Amendment Regulations 2004 (No 1)*.

2 Commencement

These regulations commence on the day after their notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

These regulations amend the *Agents Regulations 2003*.

2004 077S

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

4 New regulation 7A

insert

7A Licence conditions, Act s 34 (1) (a)

- (1) It is a condition of a licence that the licensee satisfy the relevant requirements for continuing professional development set out in the guidelines under subregulation (2).
- (2) The commissioner for fair trading may, in writing, make guidelines for continuing professional development for licensees.
- (3) A guideline under subregulation (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

5 New regulation 8A

in part 3, insert

8A Eligibility for registration, Act s 49 (2)—unqualified real estate salespeople

- (1) This regulation applies to an unqualified real estate salesperson who—
 - (a) works under the direct supervision of a licensed real estate agent; and
 - (b) is enrolled in a course of study that leads to the issue of a statement of attainment, or qualification, mentioned in regulation 9 (1) for registration as a real estate salesperson.
- (2) The commissioner for fair trading may register the person as a real estate salesperson on condition that—
 - (a) the registration ends if any of the circumstances mentioned in subregulation (1) change; and

- (b) if the person's registration is renewed—the period of renewal, and the earlier period or periods of registration, would not be more than 2 years in total.

Note Registration is for a period of no more than 1 year (see Act, s 59).

- (3) This regulation does not apply to a person to whom any of the following provisions apply:
- (a) the Act, section 185 (Employees need not have qualifications for 2 years);
 - (b) regulation 19 (Eligibility for registration, Act s 49—unregistered employees before commencement day);
 - (c) regulation 20 (Eligibility for registration, Act s 49—new employees on and after commencement day).

6 Regulation 9 (1)

omit

- (1) A person has the qualifications for a position mentioned in subregulation (2)

substitute

A person has the qualifications for a position as a salesperson

7 Regulation 9 (2)

omit

8 New regulation 10A

insert

10A Registration conditions, Act s 58 (1) (a)

- (1) It is a condition of registration that a registered person satisfy the relevant requirements for continuing professional development set out in the guidelines under subregulation (2).

- (2) The commissioner for fair trading may, in writing, make guidelines for continuing professional development for registered people.
- (3) A guideline under subregulation (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

9 New regulation 20A

insert

20A Eligibility for registration, Act s 49 (2)—certain unqualified real estate salespeople

- (1) This regulation applies to an unqualified real estate salesperson if—
 - (a) the person is employed by a licensed real estate agent to provide commercial real estate agent services to a single customer; and
 - (b) the employer carries on business as a real estate agent only for the customer; and
 - (c) both the employer and the customer are corporations; and
 - (d) the employer is, under the Corporations Act—
 - (i) a subsidiary of the customer; or
 - (ii) related to the customer; or
 - (iii) an entity associated with the customer.
- (2) The commissioner for fair trading may register the person as a real estate salesperson on condition that the registration ends on the earlier of the following:
 - (a) when any of the circumstances mentioned in subregulation (1) change;
 - (b) 31 May 2005.

- (3) This regulation does not apply to a person to whom any of the following provisions apply:
- (a) the Act, section 185 (Employees need not have qualifications for 2 years);
 - (b) regulation 8A (Eligibility for registration, Act s 49 (2)—unqualified real estate salespeople);
 - (c) regulation 19 (Eligibility for registration, Act s 49—unregistered employees before commencement day);
 - (d) regulation 20 (Eligibility for registration, Act s 49—new employees on and after commencement day).
- (4) In this regulation:

commercial real estate agent service means a real estate agent service that does not relate to residential property.

residential property—see the *Civil Law (Sale of Residential Property) Act 2003*, section 8.

10 Dictionary, new definition of *unqualified real estate salesperson*

insert

unqualified real estate salesperson means a person—

- (a) to whom the Act, section 49 (1) (a) and (c) applies; and
- (b) who does not have the qualifications prescribed under the Act, section 50.

Note Regulation 9 prescribes qualifications for registration as a salesperson.

Endnotes

1 Notification

Notified under the Legislation Act on 13 September 2004.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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