



New South Wales

# Property and Stock Agents (Qualifications) Order 2019

under the

Property and Stock Agents Act 2002

I, Minister for Better Regulation and Innovation, in pursuance of section 15 of the *Property and Stock Agents Act 2002*, make the following Order.

Dated, this                      day of                      2019.

By Her Excellency's Command,

Minister for Better Regulation and Innovation

## Explanatory note

The objects of this Order are—

- (a) to repeal the *Property, Stock and Business Agents (Qualifications) Order 2009* and the *Property, Stock and Business Agents (Auctioneers Qualifications) Order 2009*, and
- (b) to update the qualifications required for the issue of licences and certificates of registration under the *Property and Stock Agents Act 2002*, and
- (c) to make provisions of a savings and transitional nature.

This Order is made under section 15 of the *Property and Stock Agents Act 2002*.

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## Property and Stock Agents (Qualifications) Order 2019

under the

Property and Stock Agents Act 2002

### Part 1 Preliminary

#### 1 Name of Order

This Order is the *Property and Stock Agents (Qualifications) Order 2019*.

#### 2 Commencement

This Order commences on 23 March 2020 and is required to be published on the NSW legislation website.

#### 3 Definitions

(1) In this Order—

**commencement day** means the day on which this Order commences.

**National Register** means the register referred to in section 216 of the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.

**registered training organisation** means a training organisation listed on the National Register as a registered training organisation.

**restriction condition** means one of the following conditions—

- (a) a condition that the holder exercise no real estate agent functions other than real estate sale or leasing functions or on-site residential property manager functions,
- (b) a condition that the holder exercise no real estate agent functions other than business agent functions,
- (c) a condition that the holder exercise no real estate agent functions other than on-site residential property manager functions.

**satisfactorily completed Certificate IV in Real Estate Practice** means completing Certificate IV in Real Estate Practice (CPP41419) with a registered training organisation demonstrating satisfactory completion of all of the following units—

- (a) 5 core units,
- (b) 5 units from Group A—Residential Property Sales,
- (c) 5 units from Group B—Residential Property Management,
- (d) 3 elective units.

**the Act** means the *Property and Stock Agents Act 2002*.

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.

(2) Notes included in this Order do not form part of this Order.

#### **4 Approval of qualifications**

For the purposes of section 15(1) of the Act, the qualifications set out in this Order are approved as the qualifications required for the issue of a licence or certificate of registration in the category to which they relate.

#### **5 Underpinning knowledge based on New South Wales law**

The underpinning knowledge for a unit of competency from the Property Services Training Package (CPP07) must be based on New South Wales law for the unit of competency to be included in a qualification approved by this Order.

#### **6 Holding an equivalent authorisation counts towards period for which authorisation held**

- (1) For the purposes of determining how long a person has held a particular licence or certificate of registration for the purposes of this Order, any period before the commencement day during which the person held an equivalent licence or certificate of registration is to be counted.
- (2) In this clause—  
***equivalent licence or certificate of registration*** means the following—
  - (a) for a class 2 real estate agent's licence subject to a condition that the holder exercise no real estate agent functions other than real estate sale or leasing functions or on-site residential property manager functions—a real estate agent's licence,
  - (b) for a class 2 real estate agent's licence subject to a condition that the holder exercise no real estate agent functions other than business agent functions—a business agent's licence,
  - (c) for a class 2 real estate agent's licence subject to a condition that the holder exercise no real estate agent functions other than on-site residential property manager functions—an on-site residential property manager's licence,
  - (d) for a class 2 stock and station agent's licence—a stock and station agent's licence,
  - (e) for a class 2 strata managing agent's licence—a strata managing agent's licence,
  - (f) for a certificate of registration as an assistant real estate agent subject to a condition that the holder exercise no real estate agent functions other than real estate sale or leasing functions or on-site residential property manager functions—a certificate of registration as a real estate salesperson,
  - (g) for a certificate of registration as an assistant real estate agent subject to a condition that the holder exercise no real estate agent functions other than business agent functions—a certificate of registration as a business salesperson,
  - (h) for a certificate of registration as an assistant real estate agent subject to a condition that the holder exercise no real estate agent functions other than on-site residential property manager functions—a certificate of registration as a registered manager held by a person who was employed by the holder of an on-site residential property manager's licence,
  - (i) for a certificate of registration as an assistant stock and station agent—a certificate of registration as a stock and station salesperson,
  - (j) for a certificate of registration as an assistant strata managing agent—a certificate of registration as a registered manager.

## **7 Repeals**

The *Property, Stock and Business Agents (Qualifications) Order 2009* and the *Property, Stock and Business Agents (Auctioneers Qualifications) Order 2009* are repealed.

## Part 2 Class 1 licences

### 8 Definitions

In this Part—

**class 1 work experience requirements** means the completion of experience to the satisfaction of the Secretary of—

- (a) all tasks listed in Part 1 of Schedule 1, and
- (b) at least 8 tasks listed in Part 2 of Schedule 1.

**relevant diploma** means—

- (a) Diploma of Property (Agency Management) (CPP51119), or
- (b) Diploma of Property Services (Agency Management) (CPP50307).

### 9 Class 1 real estate agent's licence without restriction condition

- (1) A person has the qualifications required for the issue of a class 1 real estate agent's licence (the **new licence**) without a restriction condition if the person satisfies one of the pathways set out in this clause.

- (2) **Pathway 1—holders of class 1 licence without restriction condition**

The person has held a class 1 real estate agent's licence without a restriction condition within 12 months before making the application for the new licence.

- (3) **Pathway 2—holders of class 1 licence with restriction condition**

The person has—

- (a) held a class 1 real estate agent's licence with a restriction condition within 12 months before making the application for the new licence, and
- (b) satisfactorily completed the class 1 work experience requirements during a 2 year period, and
- (c) satisfactorily completed Certificate IV in Real Estate Practice.

- (4) **Pathway 3—holders of class 2 licence without restriction condition**

The person has—

- (a) held a class 2 real estate agent's licence without a restriction condition for at least 2 years, and
- (b) satisfactorily completed the class 1 work experience requirements during a 2 year period, and
- (c) been issued with a relevant diploma from a registered training organisation.

- (5) **Pathway 4—holders of class 2 licence with restriction condition**

The person has—

- (a) held a class 2 real estate agent's licence for at least 2 years and the licence has been subject to a restriction condition during some or all of those 2 years, and
- (b) satisfactorily completed the class 1 work experience requirements during a 2 year period, and
- (c) been issued with a relevant diploma from a registered training organisation, and
- (d) satisfactorily completed Certificate IV in Real Estate Practice.

**10 Class 1 real estate agent's licence with real estate agent restriction condition**

- (1) A person has the qualifications required for the issue of a class 1 real estate agent's licence (the *new licence*) with a restriction condition that the holder exercise no real estate agent functions other than real estate sale or leasing functions or on-site residential property manager functions (the *relevant restriction condition*) if the person satisfies one of the pathways set out in this clause.
- (2) **Pathway 1—holders of class 1 licence with relevant restriction condition**  
The person has held a class 1 real estate agent's licence with the relevant restriction condition within 12 months before making the application for the new licence.
- (3) **Pathway 2—holders of class 2 licence with relevant restriction condition**  
The person has—
  - (a) held a class 2 real estate agent's licence with a relevant restriction condition for at least 2 years, and
  - (b) satisfactorily completed the class 1 work experience requirements during a 2 year period, and
  - (c) been issued with a relevant diploma from a registered training organisation.
- (4) **Pathway 3—transitional provision former licence holders**  
The person—
  - (a) holds a class 2 real estate agent's licence with the relevant restriction condition, and
  - (b) applies for the class 1 real estate agent's licence with the relevant restriction condition within 12 months after the commencement day, and
  - (c) immediately before the commencement day—
    - (i) held a real estate agent's licence for at least 2 years, or
    - (ii) held a real estate agent's licence and carried on business under the licence or was employed to be the person in charge of business carried on under a real estate agent's licence at a place of business.

**11 Class 1 real estate agent's licence with business agent restriction condition**

- (1) A person has the qualifications required for the issue of a class 1 real estate agent's licence (the *new licence*) with a restriction condition that the holder exercise no real estate agent functions other than business agent functions (the *relevant restriction condition*) if the person satisfies one of the pathways set out in this clause.
- (2) **Pathway 1—holders of class 1 licence with relevant restriction condition**  
The person has held a class 1 real estate agent's licence with the relevant restriction condition within 12 months before making the application for the new licence.
- (3) **Pathway 2—holders of class 2 licence with relevant restriction condition**  
The person has—
  - (a) held a class 2 real estate agent's licence with a relevant restriction condition for at least 2 years, and
  - (b) satisfactorily completed the class 1 work experience requirements during a 2 year period, and
  - (c) been issued with a relevant diploma from a registered training organisation.
- (4) **Pathway 3—transitional provision former licence holders**  
The person—

- (a) holds a class 2 real estate agent's licence with the relevant restriction condition, and
- (b) applies for the class 1 real estate agent's licence with the relevant restriction condition within 12 months after the commencement day, and
- (c) immediately before the commencement day—
  - (i) held a business agent's licence for at least 2 years, or
  - (ii) held a business agent's licence and carried on business under the licence or was employed to be the person in charge of business carried on under a business agent's licence at a place of business.

**12 Class 1 real estate agent's licence with on-site residential property manager restriction condition**

- (1) A person has the qualifications required for the issue of a class 1 real estate agent's licence (the *new licence*) with a restriction condition that the holder exercise no real estate agent functions other than on-site residential property manager functions (the *relevant restriction condition*) if the person satisfies one of the pathways set out in this clause.
- (2) **Pathway 1—holders of class 1 licence with relevant restriction condition**

The person has held a class 1 real estate agent's licence with the relevant restriction condition within 12 months before making the application for the new licence.
- (3) **Pathway 2—persons who do not hold a licence**

The person—

  - (a) has satisfactorily completed Certificate IV in Real Estate Practice, or
  - (b) had, immediately before the repeal of the *Property, Stock and Business Agents (Qualifications) Order 2009*, the qualifications required by clause 17 of that order for the issue of an on-site residential property manager's licence.
- (4) A requirement in this clause that a person have qualifications required by clause 17 of the *Property, Stock and Business Agents (Qualifications) Order 2009* immediately before the repeal of that order is satisfied if the person has the qualifications after that repeal but had completed at least 1 unit of the required qualifications before the repeal.
- (5) **Pathway 3—transitional provision former licence holders**

The person—

  - (a) holds a class 2 real estate agent's licence with the relevant restriction condition, and
  - (b) applies for the class 1 real estate agent's licence with the relevant restriction condition within 12 months after the commencement day, and
  - (c) immediately before the commencement day—
    - (i) held an on-site residential property manager's licence for at least 2 years, or
    - (ii) held an on-site residential property manager's licence and carried on business under the licence or was employed to be the person in charge of business carried on under an on-site residential property manager's licence at a place of business.



### 13 Class 1 stock and station agent's licence

- (1) A person has the qualifications required for the issue of a class 1 stock and station agent's licence (the *new licence*) if the person satisfies one of the pathways set out in this clause.
- (2) **Pathway 1—holders of class 1 licence**  
The person has held a class 1 stock and station agent's licence within 12 months before making the application for the new licence.
- (3) **Pathway 2—holders of class 2 licence**  
The person has—
  - (a) held a class 2 stock and station agent's licence for at least 2 years, and
  - (b) satisfactorily completed the class 1 work experience requirements during a 2 year period, and
  - (c) been issued with a relevant diploma from a registered training organisation.
- (4) **Pathway 3—transitional provision former licence holders**  
The person—
  - (a) holds a class 2 stock and station agent's licence, and
  - (b) applies for the class 1 stock and station agent's licence within 12 months after the commencement day, and
  - (c) immediately before the commencement day—
    - (i) held a stock and station agent's licence for at least 2 years, or
    - (ii) held a stock and station agent's licence and carried on business under the licence or was employed to be the person in charge of business carried on under a stock and station agent's licence at a place of business.

### 14 Class 1 strata managing agent's licence

- (1) A person has the qualifications required for the issue of a class 1 strata managing agent's licence (the *new licence*) if the person satisfies one of the pathways set out in this clause.
- (2) **Pathway 1—holders of class 1 licence**  
The person has held a class 1 strata managing agent's licence within 12 months before making the application for the new licence.
- (3) **Pathway 2—holders of class 2 licence**  
The person has—
  - (a) held a class 2 strata managing agent's licence for at least 2 years, and
  - (b) satisfactorily completed the class 1 work experience requirements during a 2 year period, and
  - (c) been issued with a relevant diploma from a registered training organisation.
- (4) **Pathway 3—transitional provision former licence holders**  
The person—
  - (a) holds a class 2 strata managing agent's licence, and
  - (b) applies for the class 1 strata managing agent's licence within 12 months after the commencement day, and
  - (c) immediately before the commencement day—

- (i) held a strata managing agent's licence for at least 2 years, or
- (ii) held a strata managing agent's licence and carried on business under the licence or was employed to be the person in charge of business carried on under a strata managing agent's licence at a place of business.

## Part 3 Class 2 licences

### 15 Definition

For the purposes of this Part—

**class 2 work experience requirements** means the completion of experience to the satisfaction of the Secretary of—

- (a) at least 9 tasks listed in Part 1 of Schedule 1, and
- (b) at least 5 tasks listed in Part 2 of Schedule 1.

### 16 Class 2 dual licence as a real estate agent and stock and station agent

- (1) A person has the qualifications required for the issue of both a class 2 real estate agent's licence and a class 2 stock and station agent's licence (a **dual licence**) if the person satisfies one of the pathways set out in this clause.

- (2) **Pathway 1—holders of both class 2 licences**

The person has held a class 2 real estate agent's licence and a class 2 stock and station agent's licence within 12 months before making the application for the dual licence.

- (3) **Pathway 2—holders of certificate of registration**

The person has—

- (a) held a certificate of registration as an assistant real estate agent or a certificate of registration as an assistant stock and station agent for at least 12 months, and
- (b) satisfactorily completed the class 2 work experience requirements during a 12 month period, and
- (c) completed 18 units of Certificate IV in Real Estate Practice (CPP41419) with a registered training organisation demonstrating satisfactory completion of all of the required training units.

- (4) For the purposes of this clause, the **required training units** are—

- (a) the following 5 core units—
  - (i) Prepare for professional practice in real estate (CPPREP4001),
  - (ii) Access and interpret ethical practice in real estate (CPPREP4002),
  - (iii) Access and interpret legislation in real estate (CPPREP4003),
  - (iv) Establish marketing and communication profiles in real estate (CPPREP4004),
  - (v) Prepare to work with real estate trust accounts (CPPREP4005), and
- (b) the following 4 units from Group B—Residential Property Management—
  - (i) Establish landlord relationships (CPPREP4121),
  - (ii) Manage tenant relationships (CPPREP4122),
  - (iii) Manage tenancy (CPPREP4123),
  - (iv) End tenancy (CPPREP4124), and
- (c) the following 4 units from Group J—Stock and Station (Stock)—
  - (i) Confirm and market livestock for sale (CPPREP4301),
  - (ii) Prepare livestock for sale (CPPREP4302),
  - (iii) Establish vendor and buyer relationships in livestock sale (CPPREP4303),
  - (iv) Complete the sales process—livestock (CPPREP4304), and
- (d) the following 5 units from Group K—Stock and Station (Station)—

- (i) Sell property (CPPREP4105),
- (ii) Transact in trust accounts (CPPREP4125),
- (iii) Develop and maintain rural property market knowledge and intelligence (CPPREP5311),
- (iv) Appraise property for sale or lease (CPPREP4101),
- (v) Market property (CPPREP4102).

**17 Class 2 real estate agent's licence without restriction condition**

- (1) A person has the qualifications required for the issue of a class 2 real estate agent's licence (the *new licence*) without a restriction condition if the person satisfies one of the pathways set out in this clause.
- (2) **Pathway 1—holder of class 2 licence without restriction condition**  
The person has held a class 2 real estate agent's licence without a restriction condition within 12 months before making the application for the new licence.
- (3) **Pathway 2—holder of class 2 licence with restriction condition**  
The person has—
  - (a) held a class 2 real estate agent's licence with a restriction condition within 12 months before making the application for the new licence, and
  - (b) satisfactorily completed the class 2 work experience requirements during a 12 month period, and
  - (c) satisfactorily completed Certificate IV in Real Estate Practice.
- (4) **Pathway 3—holder of certificate of registration**  
The person has—
  - (a) held a certificate of registration as an assistant real estate agent for at least 12 months (with or without a restriction condition), and
  - (b) satisfactorily completed the class 2 work experience requirements during a 12 month period, and
  - (c) satisfactorily completed Certificate IV in Real Estate Practice.

**18 Class 2 real estate agent's licence with real estate agent restriction condition**

- (1) A person has the qualifications required for the issue of a class 2 real estate agent's licence (the *new licence*) with a restriction condition that the holder exercise no real estate agent functions other than real estate sale or leasing functions or on-site residential property manager functions (the *relevant restriction condition*) if the person satisfies one of the pathways set out in this clause.
- (2) **Pathway 1—holders of class 2 licence with relevant restriction condition**  
The person has held a class 2 real estate agent's licence with the relevant restriction condition within 12 months before making the application for the new licence.
- (3) **Pathway 2—holder of certificate of registration**  
The person has—
  - (a) held a certificate of registration as an assistant real estate agent for at least 12 months (with or without a restriction condition), and
  - (b) satisfactorily completed the class 2 work experience requirements during a 12 month period, and

- (c) immediately before the repeal of the *Property, Stock and Business Agents (Qualifications) Order 2009*, the qualifications required by clause 7 or 9 of that order for the issue of a real estate agent's licence.
- (4) A requirement in this clause that a person have qualifications required by clause 7 or 9 of the *Property, Stock and Business Agents (Qualifications) Order 2009* immediately before the repeal of that order is satisfied if the person has the qualifications after that repeal but had completed at least 1 unit of the required qualifications before the repeal.

**19 Class 2 real estate agent's licence with business agent restriction condition**

- (1) A person has the qualifications required for the issue of a class 2 real estate agent's licence (the *new licence*) with a restriction condition that the holder exercise no real estate agent functions other than business agent functions (the *relevant restriction condition*) if the person satisfies one of the pathways set out in this clause.
- (2) **Pathway 1—holders of class 2 licence with relevant restriction condition**  
The person has held a class 2 real estate agent's licence with the relevant restriction condition within 12 months before making the application for the new licence.
- (3) **Pathway 2—holder of certificate of registration**  
The person has—
  - (a) held a certificate of registration as an assistant real estate agent for at least 12 months (with or without a restriction condition), and
  - (b) satisfactorily completed the class 2 work experience requirements during a 12 month period, and
  - (c) immediately before the repeal of the *Property, Stock and Business Agents (Qualifications) Order 2009*, the qualifications required by clause 13 of that order for the issue of a business agent's licence.
- (4) A requirement in this clause that a person have qualifications required by clause 13 of the *Property, Stock and Business Agents (Qualifications) Order 2009* immediately before the repeal of that order is satisfied if the person has the qualifications after that repeal but had completed at least 1 unit of the required qualifications before the repeal.

**20 Class 2 real estate agent's licence with on-site residential property manager restriction condition**

- (1) A person has the qualifications required for the issue of a class 2 real estate agent's licence (the *new licence*) with a restriction condition that the holder exercise no real estate agent functions other than on-site residential property manager functions (the *relevant restriction condition*) if the person satisfies one of the pathways set out in this clause.
- (2) **Pathway 1—holders of class 2 licence with relevant restriction condition**  
The person has held a class 2 real estate agent's licence with the relevant restriction condition within 12 months before making the application for the new licence.
- (3) **Pathway 2—holder of certificate of registration**  
The person has—
  - (a) held a certificate of registration as an assistant real estate agent for at least 12 months (with or without a restriction condition), and
  - (b) satisfactorily completed the class 2 work experience requirements during a 12 month period, and

- (c) immediately before the repeal of the *Property, Stock and Business Agents (Qualifications) Order 2009*, the qualifications required by clause 17 of that order for the issue of an on-site residential property manager's licence.
- (4) A requirement in this clause that a person have qualifications required by clause 17 of the *Property, Stock and Business Agents (Qualifications) Order 2009* immediately before the repeal of that order is satisfied if the person has the qualifications after that repeal but had completed at least 1 unit of the required qualifications before the repeal.

## **21 Class 2 stock and station agent's licence**

- (1) A person has the qualifications required for the issue of a class 2 stock and station agent's licence (the *new licence*) if the person satisfies one of the pathways set out in this clause.
- (2) **Pathway 1—holders of class 2 licence**  
The person has held a class 2 stock and station agent's licence within 12 months before making the application for the new licence.
- (3) **Pathway 2—holder of certificate of registration**  
The person—
  - (a) has held a certificate of registration as an assistant stock and station agent for at least 12 months, and
  - (b) has completed the class 2 work experience requirements during a 12 month period, and
  - (c) has satisfactorily completed Certificate IV—stock and station or, immediately before the repeal of the *Property, Stock and Business Agents (Qualifications) Order 2009*, has the qualifications required by clause 11 of that order for the issue of a stock and station agent's licence.
- (4) A requirement in this clause that a person have qualifications required by clause 11 of the *Property, Stock and Business Agents (Qualifications) Order 2009* immediately before the repeal of that order is satisfied if the person has the qualifications after that repeal but had completed at least 1 unit of the required qualifications before the repeal.
- (5) In this clause—  
***satisfactorily completed Certificate IV—stock and station*** means completing Certificate IV in Real Estate Practice (CPP41419) with a registered training organisation demonstrating satisfactory completion of all of the following units—
  - (a) 5 core units,
  - (b) 8 units from Group K—Stock and Station (Station),
  - (c) 4 units from Group J—Stock and Station (Stock),
  - (d) 1 elective unit.

## **22 Class 2 strata managing agent's licence**

- (1) A person has the qualifications required for the issue of a class 2 strata managing agent's licence (the *new licence*) if the person satisfies one of the pathways set out in this clause.
- (2) **Pathway 1—holders of class 2 licence**  
The person held a class 2 strata managing agent's licence within 12 months before making the application for the new licence.

(3) **Pathway 2—holder of certificate of registration**

The person—

- (a) has held a certificate of registration as an assistant strata managing agent for at least 12 months, and
  - (b) has completed the class 2 work experience requirements during a 12 month period, and
  - (c) has satisfactorily completed Certificate IV in Strata Community Management or, immediately before the repeal of the *Property, Stock and Business Agents (Qualifications) Order 2009*, has the qualifications required by clause 15(3)(a) of that order.
- (4) A requirement in this clause that a person have qualifications required by clause 15(3)(a) of the *Property, Stock and Business Agents (Qualifications) Order 2009* immediately before the repeal of that order is satisfied if the person has the qualifications after that repeal but had completed at least 1 unit of the required qualifications before the repeal.
- (5) In this clause—  
***satisfactorily completed Certificate IV in Strata Community Management*** means completing Certificate IV in Strata Community Management (CPP40516) with a registered training organisation.

**23 Transitional provision—former equivalent licences**

- (1) A person has the qualifications required for the issue of a class 2 licence if the person held—
  - (a) an equivalent licence under the Act for a period of 2 or more years before the commencement of the amending Act, and
  - (b) the equivalent licence did not expire more than 5 years before the commencement of the amending Act.
- (2) In this clause—  
***amending Act*** means the *Property, Stock and Business Agents Amendment (Property Industry Reform) Act 2018*.  
***equivalent licence*** means a licence that, in the opinion of the Secretary, is equivalent to the licence to which the application relates.

## Part 4 Certificates of registration

### 24 Assistant real estate agents

A person may be issued with a certificate of registration as an assistant real estate agent if the person has satisfactorily completed all of the following core units of Certificate IV in Real Estate Practice (CPP41419) with a registered training organisation—

- (a) Prepare for professional practice in real estate (CPPREP4001),
- (b) Access and interpret ethical practice in real estate (CPPREP4002),
- (c) Access and interpret legislation in real estate (CPPREP4003),
- (d) Establish marketing and communication profiles in real estate (CPPREP4004),
- (e) Prepare to work with real estate trust accounts (CPPREP4005).

### 25 Assistant stock and station agent

A person may be issued with a certificate of registration as an assistant stock and station agent if the person has satisfactorily completed all of the following core units of Certificate IV in Real Estate Practice (CPP41419) with a registered training organisation—

- (a) Prepare for professional practice in real estate (CPPREP4001),
- (b) Access and interpret ethical practice in real estate (CPPREP4002),
- (c) Access and interpret legislation in real estate (CPPREP4003),
- (d) Establish marketing and communication profiles in real estate (CPPREP4004),
- (e) Prepare to work with real estate trust accounts (CPPREP4005).

### 26 Assistant strata managing agent

A person may be issued with a certificate of registration as an assistant strata managing agent if the person has satisfactorily completed all of the following units of CPP40516 Certificate IV in Strata Community Management with a registered training organisation—

- (a) Work in the property industry (CPPDSM3016),
- (b) Implement customer service strategies in the property industry (CPPDSM4048),
- (c) Communicate effectively to support customer service in real estate (CPPREP3002) or Communicate with clients in the property industry (CPPDSM3019),
- (d) Identify and analyse risks and opportunities in the property industry (CPPDSM4028),
- (e) Work in the strata community management sector (CPPDSM3017),
- (f) Monitor a safe workplace in the property industry (CPPDSM4057),
- (g) Manage conflicts and disputes in the property industry (CPPDSM4056).

### 27 Recognition of former qualifications

- (1) Despite clauses 24–26, a person who held any of the following certificates of registration within 12 months before the commencement of this Order may be issued with a certificate of registration—



- (a) a person who held a certificate of registration as a real estate salesperson may be issued with a certificate of registration as an assistant real estate agent subject to restriction condition that the holder exercise no real estate agent functions other than real estate sale or leasing functions or on-site residential property manager functions,
  - (b) a person who held a certificate of registration as a business salesperson may be issued with a certificate of registration as an assistant real estate agent that is subject to a restriction condition that the holder exercise no real estate agent functions other than business agent functions,
  - (c) a person who, as a registered on-site residential property manager, held a certificate of registration as a registered manager may be issued with a certificate of registration as an assistant real estate agent that is subject to a restriction condition that the holder exercise no real estate agent functions other than on-site residential property manager functions,
  - (d) a person who held a certificate of registration as a stock and station salesperson may be issued with a certificate of registration as an assistant stock and station agent,
  - (e) a person who, as a registered strata manager, held a certificate of registration as a registered manager may be issued with a certificate of registration as an assistant strata managing agent.
- (2) This clause is repealed 12 months after the commencement of this clause.

## **Part 5 Miscellaneous**

### **28 Auctioneers**

A person may be accredited as an auctioneer if—

- (a) the person was accredited as an auctioneer in the 12 months preceding the making of an application for the accreditation, or
- (b) the person has satisfactorily completed at least 3 units from Group D—Auctioneering for Certificate IV in Real Estate Practice (CPP41419) and the person holds one of the following licences—
  - (i) class 1 real estate agent's licence,
  - (ii) class 1 stock and station agent's licence,
  - (iii) class 2 real estate agent's licence,
  - (iv) class 2 stock and station agent's licence.

## **Schedule 1 Work experience requirements**

Clauses 8 and 15

### **Part 1 General work experience requirements**

#### **1 General**

- (1) Access and interpret property legislation in real estate.
- (2) Apply ethical practice in property.
- (3) Conduct listing appointment for residential, commercial, industrial or retail property.
- (4) Prepare or check advertising for accuracy and compliance with legislative requirements.
- (5) Prepare comparable market analysis, provide market opinion or prepare a business appraisal report.
- (6) Develop and prepare a prospecting plan for property sale, lease or management.
- (7) Identify the policies and procedures required to be followed within an agency.
- (8) Review and adhere to the rules of conduct required to be followed by an agent.
- (9) Detail the agency's complaints policy and procedure.
- (10) Appropriately manage privacy and personal information in accordance with legislative requirements.
- (11) Demonstrate effective management of client relationships.
- (12) Prepare and manage the preparation of trust account transactions in accordance with legislative requirements.
- (13) Manage, supervise and lead agency staff.
- (14) Demonstrate effective dispute management and conflict resolution skills.
- (15) Demonstrate leadership and modelling of ethical practice in property.

### **Part 2 Sales, leasing and property management work experience requirements**

#### **2 Sales**

- (1) Prepare a marketing plan.
- (2) Obtain, interpret and confirm vendor or client instructions, undertake due diligence on ownership and execute listing agreement in accordance with legislative requirements.
- (3) Conduct a marketing campaign for sale of a property. Activities must include—
  - (a) conducting open homes or inspections with prospective buyers, and
  - (b) undertaking negotiations with buyers and extracting offers, and
  - (c) submitting offers to vendors, and
  - (d) executing agreements and documents in accordance with legislative requirements.
- (4) Provide information to solicitors about settlement requirements.
- (5) Complete final post-settlement activities.

- (6) Demonstrate and apply knowledge in rural property market.
- (7) Prepare and complete livestock sales in accordance with legislative requirements.

### **3 Leasing**

- (1) Conduct marketing campaign for a property. Activities must include—
  - (a) acceptance and checking of applications, and
  - (b) provision of advice and recommendations to the landlord, and
  - (c) advising successful and unsuccessful applicants.
- (2) Complete a Residential Tenancy Agreement and ingoing condition report.
- (3) Prepare and execute a Residential Tenancy Agreement in accordance with legislative requirements.
- (4) Handle the receipt and lodgment of a rental bond.
- (5) Conduct property inspections and prepare reports for the landlord.
- (6) Respond to requests for repairs or maintenance. Activities must include—
  - (a) appropriate handling of notification from the landlord or tenant, and
  - (b) engagement of tradesperson in accordance with landlord authorisations and agency practice, and
  - (c) ensuring repairs are complete and invoices paid.
- (7) Complete a rent review in accordance with legislative requirements.
- (8) Manage rental arrears in accordance with legislative requirements.
- (9) Manage the termination of a tenancy agreement in accordance with legislative requirements.
- (10) Manage the end of a tenancy agreement, including completing an outgoing condition report.
- (11) Prepare for appearance at, and appear before, the Tribunal.

### **4 Property and strata management**

- (1) Prepare a marketing campaign for short term holiday letting.
- (2) Display the ability to read plans, drawings and specifications for residential buildings.
- (3) Negotiate and implement a management agreement in accordance with legislative requirements.
- (4) Co-ordinate maintenance and repairs of property and facilities.
- (5) Facilitate meetings of the owners corporation.
- (6) Select, appoint and manage a contractor on behalf of the owners corporation.
- (7) Arrange to administer insurance for a strata community.
- (8) Handle strata community funds held in trust in accordance with legislative requirements.
- (9) Prepare financial reports for the owners corporation or individual owners.
- (10) Prepare for appearance at, and appear before, the Tribunal.
- (11) Develop and maintain an asset management plan or system.

- (12) Develop and maintain a procurement process.