



New South Wales

# Property and Stock Agents (Qualifications) Order 2019

under the

Property and Stock Agents Act 2002

*[The following enacting formula will be included if the Order is made:]*

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.

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**Drafting note 2.1** *The Property, Stock and Business Agents Amendment (Property Industry Reform) Act 2018 is proposed to commence on 23 March 2020.*

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#### 3 Definitions

(1) In this Order—

**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.

**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 Repeals

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(Qualifications) Order 2009* and *Property, Stock and Business Agents (Auctioneers Qualifications) Order 2009* are repealed.

## Part 2 Class 1 licences

### 7 Definitions

In this Part—

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

- (a) at least 15 tasks listed in Part 1 of Schedule 1, and
- (b) at least 8 tasks listed in Part 2 of Schedule 1.

### 8 Class 1—real estate agent's licence

A person has the qualifications required for the issue of a class 1 real estate agent's licence if—

- (a) the person held a class 1 real estate agent's licence in the 12 months preceding the making of an application for the licence, or
- (b) the person has—
  - (i) been issued with one of the following diplomas from a registered training organisation—
    - (A) Diploma of Property (Agency Management) (CPP51119),
    - (B) Diploma of Property Services (Agency Management) (CPP50307), and
  - (ii) held a class 2 real estate agent's licence for at least 2 years, and
  - (iii) satisfactorily completed the class 1 work experience requirements during a 2 year period.

### 9 Class 1—stock and station agent's licence

A person has the qualifications required for the issue of a class 1 stock and station agent's licence if—

- (a) the person held a class 1 stock and station agent's licence in the 12 months preceding the making of an application for the licence, or
- (b) the person has—
  - (i) been issued with one of the following diplomas from a registered training organisation—
    - (A) Diploma of Property (Agency Management) (CPP51119),
    - (B) Diploma of Property Services (Agency Management) (CPP50307), and
  - (ii) held a class 2 stock and station agent's licence for at least 2 years, and
  - (iii) satisfactorily completed the class 1 work experience requirements during a 2 year period.

### 10 Class 1—strata managing agent's licence

A person has the qualifications required for the issue of a class 1 strata managing agent's licence if—

- (a) the person has held a class 1 strata managing agent's licence in the 12 months preceding the making of an application for the licence, or
- (b) the person has—
  - (i) been issued with one of the following diplomas from a registered training organisation—
    - (A) Diploma of Property (Agency Management) (CPP51119),

- (B) Diploma of Property Services (Agency Management) (CPP50307), and
- (ii) held a class 2 strata managing agent's licence for at least 2 years, and
- (iii) satisfactorily completed the class 1 work experience requirements during a 2 year period.

## 11 Class 1 licences—persons in charge

- (1) Despite clause 8, a person has the qualifications required for the issue of a class 1 real estate agent's licence if the person, immediately before the amendment of section 31 of the Act by the amending Act—
  - (a) held a real estate agent's licence, and
  - (b) was employed to be the person in charge of business under that section.
- (2) Despite clause 9, a person has the qualifications required for the issue of a class 1 stock and station agent's licence if the person, immediately before the amendment of section 31 of the Act by the amending Act—
  - (a) held a stock and station agent's licence, and
  - (b) was employed to be the person in charge of business under that section.
- (3) Despite clause 10, a person has the qualifications required for the issue of a class 1 strata managing agent's licence if the person, immediately before the amendment of section 31 of the Act by the amending Act—
  - (a) held a strata managing agent's licence, and
  - (b) was employed to be the person in charge of business under that section.
- (4) In this clause, **amending Act** means the *Property, Stock and Business Agents Amendment (Property Industry Reform) Act 2018*.
- (5) This clause ceases to have effect 12 months after the commencement of this clause.

## Part 3 Class 2 licences

### 12 Definitions

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.

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

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 if the person has—

- (a) satisfactorily completed the class 2 work experience requirements during a 12 month period, and
- (b) completed 18 units of a Certificate IV in Real Estate Practice (CPP41419) with a registered training organisation demonstrating satisfactory completion of all of the following units—
  - (i) the following 5 core units—
    - (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),
  - (ii) the following 4 units from Group B—Residential Property Management—
    - (A) Establish landlord relationships (CPPREP4121),
    - (B) Manage tenant relationships (CPPREP4122),
    - (C) Manage tenancy (CPPREP4123),
    - (D) End tenancy (CPPREP4124),
  - (iii) the following 4 units from Group J—Stock and Station (Stock)—
    - (A) Confirm and market livestock for sale (CPPREP4301),
    - (B) Prepare livestock for sale (CPPREP4302),
    - (C) Establish vendor and buyer relationships in livestock sale (CPPREP4303),
    - (D) Complete sales process—livestock (CPPREP4304),
  - (iv) the following 5 units from Group K—Stock and Station (Station)—
    - (A) Sell property (CPPREP4105),
    - (B) Transact in trust accounts (CPPREP4125),
    - (C) Develop and maintain rural property market knowledge and intelligence (CPPREP5311),
    - (D) Appraise property for sale or lease (CPPREP4101),
    - (E) Market property (CPPREP4102).

## 14 Class 2—real estate agent's licence

A person has the qualifications required for the issue of a class 2 real estate agent's licence if—

- (a) the person has held a class 2 real estate agent's licence in the 12 months preceding the making of an application for the licence, or
- (b) the person has—
  - (i) been issued with one of the following certificates from a registered training organisation—
    - (A) Certificate IV in Real Estate Practice (CPP41419) demonstrating satisfactory completion of all of the following units—
      - (I) 5 core units,
      - (II) 5 units from Group A—Residential Property Sales,
      - (III) 5 units from Group B—Residential Property Management,
      - (IV) 3 elective units,
    - (B) Certificate IV in Property Services (Real Estate) (CPP40307) demonstrating satisfactory completion of the units described in clause 7 of the *Property, Stock and Business Agents (Qualifications) Order 2009* immediately before the repeal of that Order, and
  - (ii) held a certificate of registration as an assistant real estate agent for at least 12 months, and
  - (iii) satisfactorily completed the class 2 work experience requirements during a 12 month period.

## 15 Class 2—stock and station agent's licence

A person has the qualifications required for the issue of a class 2 stock and station agent's licence if—

- (a) the person held a class 2 stock and station agent's licence in the 12 months preceding the making of an application for the licence, or
- (b) the person has—
  - (i) been issued with one of the following certificates from a registered training organisation—
    - (A) Certificate IV in Real Estate Practice (CPP41419) demonstrating satisfactory completion of all of the following units—
      - (I) 5 core units,
      - (II) 8 units from Group K—Stock and Station (Station),
      - (III) 4 units from Group J—Stock and Station (Stock),
      - (IV) 1 elective unit,
    - (B) CPP40407 Certificate IV in Property Services (Stock and Station Agency) demonstrating satisfactory completion of the units described in clause 11 of the *Property, Stock and Business Agents (Qualifications) Order 2009* immediately before the repeal of that Order, and
  - (ii) held a certificate of registration as an assistant stock and station agent for at least 12 months, and
  - (iii) completed the class 2 work experience requirements during a 12 month period.

## 16 Class 2—strata managing agent’s licence

A person has the qualifications required for the issue of a class 2 strata managing agent’s licence if—

- (a) the person held a class 2 strata managing agent’s licence in the 12 months preceding the making of an application for the licence, or
- (b) the person has—
  - (i) been issued with one of the following certificates from a registered training organisation—
    - (A) Certificate IV in Strata Community Management (CPP40516),
    - (B) Certificate IV in Property Services (Operations) (CPP40611) demonstrating satisfactory completion of the units described in clause 15(3)(a) of the *Property, Stock and Business Agents (Qualifications) Order 2009* immediately before the repeal of that Order, and
  - (ii) held a certificate of registration as an assistant strata managing agent for at least 12 months, and
  - (iii) completed the class 2 work experience requirements during a 12 month period.



## Part 4 Certificates of registration

### 17 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).

### 18 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).

### 19 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),
- (d) Identify and analyse risk 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).

### 20 Recognition of former qualifications

- (1) Despite clause 17, a person may be issued with a certificate of registration as an assistant real estate agent if the person, within 12 months before the commencement of this Order, held a certificate of registration as a real estate salesperson.
- (2) Despite clause 18, a person may be issued with a certificate of registration as an assistant stock and station agent if the person, within 12 months before the

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# public consultation draft

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Part 4 Certificates of registration

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commencement of this Order, held a certificate of registration as a stock and station salesperson.

- (3) Despite clause 19, a person may be issued with a certificate of registration as an assistant strata managing agent if the person, within 12 months before the commencement of this Order, held a certificate of registration as a registered manager.
- (4) This clause ceases to have effect 12 months after the commencement of this clause.

## **Part 5 Miscellaneous**

### **21 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 three 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 7 and 12

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

#### **General**

Access and interpret property legislation in real estate

Apply ethical practice in property

Conduct listing appointment for residential, commercial, industrial or retail property

Prepare or check advertising for accuracy and compliance with legislative responsibilities

Prepare comparable market analysis, provide market opinion or prepare a business appraisal report

Develop and prepare a prospecting plan for property sale, lease or management

Identify the policies and procedures required to be followed within an agency

Review and adhere to the rules of conduct required to be followed by an agent

Detail the agency's complaints policy and procedure

Appropriately deal with privacy and personal information in accordance with legislative requirements

Demonstrate effective skills in the management of client relationships

Prepare and manage the preparation of trust account transactions in accordance with legislative responsibilities

Manage, supervise and lead agency staff

Demonstrate effective dispute management and conflict resolution skills

Demonstrate leadership and modelling of ethical practice in property

### **Part 2 Sales, Leasing and Property Management work experience requirements**

#### **Sales**

Prepare a marketing plan

Obtain, interpret and confirm vendor or client instructions, undertake due diligence on ownership and execute listing agreement in accordance with legislative requirements

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

Provide information to solicitors about settlement requirements

Complete final post-settlement activities

Demonstrate and apply knowledge in rural property market

Prepare and complete livestock sales in accordance with legislative requirements

#### **Leasing**

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

Complete a Residential Tenancy Agreement and ingoing condition report

Prepare and execute a Residential Tenancy Agreement in accordance with legislative requirements

Deal with the payment and lodgement of a rental bond

Conduct property inspections and prepare reports for the landlord

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

Complete a rent review in accordance with legislative requirements

Deal with rental arrears in accordance with legislative requirements

Deal with termination of a tenancy agreement in accordance with legislative requirements

Deal with end of a tenancy agreement, including completing an outgoing condition report

Prepare for appearance at, and appear before, the Tribunal

## **Property Management**

Prepare a marketing campaign for short term holiday letting

Display the ability to read plans, drawings and specifications for residential buildings

Negotiate and implement a management agreement in accordance with legislative requirements

Co-ordinate maintenance and repairs of property and facilities

Facilitate meetings of the owners corporation

Select, appoint and manage a contractor on behalf of the owners corporation

Arrange to administer insurance for a strata community

Handle strata community funds held in trust in accordance with legislative requirements

Prepare financial reports for the owners corporation or individual owners

Prepare for appearance at, and appear before, the Tribunal

Develop and maintain an asset management plan or system

Develop and maintain a procurement process