

# **NORTHERN TERRITORY OF AUSTRALIA**

## **AGENTS LICENSING REGULATIONS**

As in force at 1 January 2011

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 January 2011

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## AGENTS LICENSING REGULATIONS

### Regulations under the *Agents Licensing Act*

#### Part I Preliminary

##### 1 Citation

These Regulations may be cited as the *Agents Licensing Regulations*.

##### 2 Commencement

These Regulations shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

##### 3 Definitions

In these Regulations:

***criminal history***, of a person, means the person's criminal record as defined in the *Criminal Records (Spent Convictions) Act*.

***infringement notice***, see regulation 26.

***infringement offence*** means an offence against a provision of the Act or these Regulations specified in Schedule 8, column 1.

***licence*** includes a provisional licence.

***name***, of a licensed agent, means:

- (a) if the licensed agent is an individual – the individual's name; or
- (b) if the licensed agent is a firm – the firm name; or
- (c) if the licensed agent is a company – the company name.

***office address***, for a licensed agent, means:

- (a) if the licensed agent conducts business from one registered office – the address of the registered office; or

- (b) if the licensed agent conducts business from more than one office – the address of the principal office.

**partner** means a member of a firm.

**prescribed amount**, for an infringement offence, means the amount specified in Schedule 8, column 2 opposite the offence provision.

**registered business name** means a name registered under the *Business Names Act*.

## **Part II                      Licensing and registration**

### **Division 1                Notice of intention to apply for registration as an agent's representative**

#### **5                          Notice of intending agent's representative**

A person who intends to apply for registration as an agent's representative shall cause to be published in a newspaper or newspapers nominated by the Board a notice in a form approved by the Board.

### **Division 2                Application for licence or registration**

#### **6                          Application for licence**

An application for a licence to carry on business as a real estate agent or business agent, or both, or as a conveyancing agent must be accompanied by the following documents:

- (a) for an application by an individual:
- (i) a testimonial in accordance with regulation 17 for the individual; and
  - (ii) a document evidencing the identity of the individual in accordance with regulation 17A; and
  - (iii) documentation showing the Commissioner of Police has been given authority to release to the Board details of the individual's criminal history;

- (b) for an application by a company:
  - (i) a testimonial in accordance with regulation 17 for each director of the company (other than a director who is a licensed agent or a registered agent's representative); and
  - (ii) a document evidencing the identity of each director mentioned in subparagraph (i) in accordance with regulation 17A; and
  - (iii) documentation showing the Commissioner of Police has been given authority to release to the Board details of the criminal history of each director mentioned in subparagraph (i);
- (c) for an application by a firm:
  - (i) a testimonial in accordance with regulation 17 for each partner of the firm (other than a partner who is a licensed agent or a registered agent's representative); and
  - (ii) a document evidencing the identity of each partner mentioned in subparagraph (i) in accordance with regulation 17A; and
  - (iii) documentation showing the Commissioner of Police has been given authority to release to the Board details of the criminal history of each partner mentioned in subparagraph (i);
- (d) a statutory declaration verifying all the statements contained in the application and in accompanying documents that is made by:
  - (i) if paragraph (a) applies – the individual making the application; or
  - (ii) if paragraph (b) applies – a director of the company making the application; or
  - (iii) if paragraph (c) applies – a partner of the firm making the application.

## **7                      Certificate of eligibility – section 22(2)**

- (1) The certificate in the prescribed form that must accompany an application for a licence to carry on business as a real estate agent is Form 1 in Schedule 1.

- (2) The certificate in the prescribed form that must accompany an application for a licence to carry on business as a business agent is Form 2 in Schedule 1.
- (3) The certificate in the prescribed form that must accompany an application for a licence to carry on business as a conveyancing agent is Form 3 in Schedule 1.
- (4) The certificate must be signed by the applicant's employer for the practical experience period for the licence.
- (5) If the applicant was not employed by the same employer for the whole of the practical experience period, certificates signed by each of the applicant's employers during the period must accompany the application.
- (6) In this section:

***practical experience period***, for a licence, means the period of practical experience specified in Schedule 5 for that licence.

## **8                      Application for registration**

An application for registration as an agent's representative must:

- (a) be lodged with the Registrar not earlier than 7 days and not later than 14 days after notice of the application is published in accordance with regulation 5; and
- (b) be accompanied by the following documents:
  - (i) a testimonial in accordance with regulation 17 for the applicant;
  - (ii) a document evidencing the identity of the applicant in accordance with regulation 17A;
  - (iii) documentation showing the Commissioner of Police has been given authority to release to the Board details of the applicant's criminal history;
  - (iv) a statutory declaration made by the applicant verifying all the statements contained in the application and accompanying documents.

## **Division 3                      Prescribed qualifications**

### **9                      Prescribed qualifications for agent**

- (1) For section 22(1)(c)(ii) of the Act, the prescribed qualifications are:
  - (a) for a licence to carry on business as a real estate agent or a business agent – completion of each of the modules and units of competency specified in Schedule 4A; and
  - (b) for a licence to carry on business as a conveyancing agent:
    - (i) completion of at least one of the qualifications specified in Schedule 4B, Part 1; and
    - (ii) the qualifications specified in Schedule 4B, Part 2.
- (2) The Board may exempt a person under section 5A of the Act from compliance with section 22(1)(c)(ii) of the Act for the qualifications prescribed by subregulation (1)(b) if it is satisfied that the person holds qualifications similar to those prescribed by that subregulation.
- (3) For section 22(1)(c)(iii) of the Act, the other prescribed qualifications and experience are:
  - (a) for a licence to carry on business as a real estate agent – the academic and practical qualifications and experience specified in Schedule 5, Part 1; and
  - (b) for a licence to carry on business as a business agent – the academic and practical qualifications and experience specified in Schedule 5, Part 2; and
  - (c) for a licence to carry on business as a conveyancing agent – either:
    - (i) the academic and practical qualifications and experience specified in Schedule 5, Part 3, Division 1; or
    - (ii) the practical qualifications and experience specified in Schedule 5, Part 3, Division 2.
- (4) However, subregulation (3) only applies if the qualifications and experience were completed within 5 years before the commencement of regulation 4 of the *Agents Licensing Amendment Regulations 2007*.



**10 Prescribed educational qualifications for representative – section 39**

- (1) The prescribed educational qualifications for registration as an agent's representative are:
  - (a) completion of the units of study specified in Schedule 7, Part 1; or
  - (b) completion of the modules and units of competency specified in Schedule 7, Part 2.
- (2) However, subregulation (1)(a) only applies if the qualifications were obtained within 3 years before the date of the application for the registration.

**Division 4 Form of licences and certificates of registration****11 Licence**

A licence to carry on business as a real estate agent, business agent or conveyancing agent or a renewal of such a licence shall be in accordance with Form 8, 9 or 10 of Schedule 1, as the case requires.

**12 Certificate of registration**

A certificate of registration as an agent's representative shall be in accordance with Form 12.

**Part III Audit of accounting records relating to trusts moneys****13 First audit**

Subject to regulation 14, where a person commences to carry on business as a licensed agent during the 3 months immediately preceding 30 June in any year, unless the Board otherwise directs, a reference to the ***prescribed period*** in Division 3 of Part V of the Act shall, for the purposes of the first audit of the licensed agent's accounting records relating to trust moneys, be read as a reference to the period commencing on the date when the licensed agent commenced to carry on business as a licensed agent and ending on 30 June in the next following year.

**14      Audit where agent ceases to carry on business**

- (1) Where a person ceases to carry on business as a licensed agent he or she shall, within 2 months after the date that he or she so ceases, cause to be audited his or her accounting records relating to trust moneys received and paid by him or her during the period commencing on the date to which those accounting records were last audited or, if they have not previously been audited, the date when the person commenced to carry on business as a licensed agent, and ending on the date when he or she ceased to carry on such business.

- (2) Where a person:

- (a) who carries on business as a licensed agent; or
- (b) who is required, pursuant to subregulation (1), to cause to be audited his or her accounting records relating to trust moneys but has not caused those accounting records to be audited,

dies, his or her personal representative shall, within 2 months after his or her death, cause to be audited that person's accounting records relating to trust moneys received and paid by him or her during the period commencing on the date to which those accounting records were last audited or, if they have not previously been audited, the date on which he or she commenced to carry on business as a licensed agent, and ending on the date when he or she died or ceased to carry on business as a licensed agent.

- (3) The provisions of Division 3 of Part V of the Act, with such alterations or additions as the circumstances may require, apply to and in relation to an audit conducted in pursuance of this regulation.
- (4) This regulation does not apply to or in relation to a person who was a licensed agent and who:
- (a) was a branch manager, employee or director of a company that is a licensed agent; or
  - (b) was a branch manager, employee or partner of a firm that is a licensed agent;

where the company or firm has continued to carry on business as a licensed agent after the person ceased to carry on business as a licensed agent or died.

- (5) Also, this regulation does not apply to a person if:
- (a) the person's business as a licensed agent is taken over by another person; and

- (b) that other person, in complying with Part V, Division 3 of the Act, has an audit of the business accounting records conducted for the period to which this regulation would otherwise apply.
- (6) In this regulation, a reference to ceasing to carry on business as a licensed agent extends to ceasing to carry on a part of the business of a licensed agent.

## **15 Disclosure of information by auditor**

- (1) Subject to this regulation, an auditor shall not disclose or give to any other person any information obtained in conducting an audit in pursuance of the Act or these Regulations.

Maximum penalty: 100 penalty units

- (2) Subregulation (1) does not apply to or in relation to any information disclosed:
  - (a) by means of any report made pursuant to the Act or these Regulations;
  - (b) in or for the purpose of any legal proceedings arising out of such a report or instituted in connection with a trust account of the licensed agent to whom the information relates;
  - (c) to the Board or a member of the Board; or
  - (d) with the consent of the person to whom the information relates.

## **16 Exemption from audit requirements**

- (1) Where, during any period in respect of which a licensed agent is required by a provision of the Act or these Regulations to cause to be audited his or her accounting records relating to trust moneys received and paid by him or her during that period, that provision does not apply to the licensed agent if he or she did not, at any time during the period, receive or hold any trust moneys and the licensed agent, within 2 months after the end of that period makes and delivers to the Board a statutory declaration to that effect.
- (2) For the purposes of subregulation (1), **licensed agent** includes the personal representative of a licensed agent.

### **16A Exemption for trust money of corporation manager**

For the purposes of the exemption afforded by section 5B of the Act, the scheme set out in Schedule 3 is a prescribed scheme.

**Part IIIA            Indemnity insurance****16B            Exemption from requirement to hold indemnity insurance – section 108B**

An agent who is an employee of another agent is, for as long as that employment continues, exempt from the requirement to be insured under section 108B(2) of the Act.

**Part IV            Miscellaneous****17            Testimonials**

- (1) For the purposes of these Regulations, a testimonial is to be in the form approved by the Board and shall be signed by a person:
  - (a) who has known the person to whom the testimonial relates for a period of not less than 12 months; and
  - (b) who is not a relation of that second-mentioned person; and
  - (c) who is any of the following:
    - (i) a person authorized by the *Oaths Act* to administer an oath for any purpose;
    - (ii) a Justice of the Peace;
    - (iii) a commissioner for declarations appointed by the Attorney-General of the Commonwealth under the *Statutory Declaration Act 1959* of the Commonwealth;
    - (iv) a legal practitioner;
    - (v) a member of the Northern Territory Police Force;
    - (vi) a bank manager;
    - (vii) a judge;
    - (viii) a magistrate;
    - (ix) a notary public;
    - (x) a Registrar appointed under the *Local Court Act*;
    - (xi) a master appointed under the *Supreme Court Act*;
    - (xii) a commissioner for taking affidavits, oaths or declarations in the Supreme Court of a State or Territory;

- (xiii) a licensed agent;
- (xiv) a person registered or enrolled under the *Health Practitioners Act*;
- (xv) a person registered as a teacher under the *Teachers Registration (Northern Territory) Act*;
- (xvi) a person who holds an office, appointment or authority in a State or Territory equivalent to any of those specified in subparagraphs (i) to (xv).

(2) For the purposes of subregulation (1), **relation** means:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece or adopted child of that person or of a spouse or de facto partner of that person; or
- (b) a spouse or de facto partner of that person or of any other person specified in paragraph (a).

#### **17A Evidence of identity**

For these Regulations, a document evidencing a person's identity is any of the following:

- (a) an Australian or overseas passport of the person which is current or expired within 2 years before the date of application;
- (b) an Australian photographic driver's licence of the person which is current or expired within 2 years before the date of application;
- (c) other documentation the Board considers to be satisfactory evidence of the person's identity.

#### **18 Responsibility where licensed agent a company or firm**

A provision of Part V or XII of the Act or these Regulations that requires a licensed agent to do, or to refrain from doing, an act or to carry out an obligation shall, in the case of a licensed agent which is a company or firm, be read as imposing jointly and severally on:

- (a) in the case of a company which is a licensed agent – a licensed agent who is a branch manager, employee or director of the company; or
- (b) in the case of a firm which is a licensed agent – a licensed agent who is a branch manager, employee or partner of the firm;

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a like requirement to do, or to refrain from doing, the act or to carry out the obligation, as the case may be, in relation to the business of the licensed agent.

## **19 Disclosure of information by Board**

(1) On request by any person, the Board, if it is satisfied that:

- (a) the person has a sufficient interest in any moneys or securities; and
- (b) the moneys or securities are held or ought to be held or have been received by an agent,

may disclose to the person such portion of any report of an auditor, or any statutory declaration, statement or other document delivered to the Board or the Registrar under the Act or these Regulations or in the course of doing anything under the Act or these Regulations as affects or may affect the person.

(2) The Board may, if it thinks fit, permit an auditor engaged by a licensed agent to inspect and make copies of statutory declarations, statements or other documents delivered to the Board or the Registrar under the Act or these Regulations or in the course of doing anything under the Act or these Regulations.

## **20 Prescribed particulars for registers of agents – section 109**

The following are prescribed particulars about a licensed agent for recording in the Register of Licensed Real Estate Agents, the Register of Licensed Business Agents or the Register of Conveyancing Agents:

- (a) the date on which the agent's licence was granted or last renewed;
- (b) if the name of the licensed agent is not the name under which the licensed agent carries on business as an agent – the name under which the licensed agent carries on business;
- (c) the contact address of the licensed agent;
- (d) if the licensed agent is a company or firm – the name of each business manager of the company or firm;
- (e) if the licensed agent is a company – the name of each director of the company;
- (f) if the licensed agent is a firm – the name of each partner of the firm.

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**21 Prescribed particulars for Register of Agents' Representatives – section 109**

The following are prescribed particulars about a registered agent's representative for recording in the Register of Agents' Representatives:

- (a) the date on which the certificate of registration of the agent's representative was issued;
- (b) the contact address of the registered agent's representative;
- (c) the following details about the licensed agent by whom the registered agent's representative is employed:
  - (i) the name of the licensed agent;
  - (ii) if the name of the licensed agent is not the name under which the licensed agent carries on business as an agent – the name under which the licensed agent carries on business;
  - (iii) the office address of the licensed agent.

**22 Notification of change in particulars**

- (1) If either of the following events happen in relation to a licensed agent, the licensed agent must give written notice about the event to the Registrar within the 14 days after the event happens:
  - (a) the name of the licensed agent changes;
  - (b) a change occurs in any of the prescribed particulars mentioned in regulation 20(b), (c), (e) or (f).

Maximum penalty: 10 penalty units.

- (2) If either of the following events happen in relation to a registered agent's representative, the registered agent's representative must give written notice about the event to the Registrar within the 14 days after the event happens:
  - (a) the registered agent's representative's name changes;
  - (b) a change occurs in any of the prescribed particulars mentioned in regulation 21(b) or (c).

Maximum penalty: 10 penalty units.

- (3) A notification of a change of name under this regulation must be accompanied by evidence of the change of name in accordance with subregulation (4).
- (4) Evidence of a change of name is:
  - (a) for a change of an individual's name:
    - (i) for a change of name as a result of marriage – a marriage certificate issued by the Registrar of Births, Deaths and Marriages showing the new name; or
    - (ii) in any other case – a certificate of change of name issued by the Registrar of Births, Deaths and Marriages; or
    - (iii) other documentation the Board considers to be satisfactory evidence of the change of name; or
  - (b) for a change of a company name – a certificate of registration issued by ASIC showing the new name; or
  - (c) for a change of a registered business name – a certificate of registration issued by the Commissioner of Consumer Affairs showing the new name; or
  - (d) in any other case – documentation the Board considers to be satisfactory evidence of the change of name.
- (5) If a notification under subregulation (1)(b) relates to a new director of a company, the notification must be accompanied by the documents specified in regulation 6(b) for the director.
- (6) If a notification under subregulation (1)(b) relates to a new partner of a firm, the notification must be accompanied by the documents specified in regulation 6(c) for the partner.
- (7) Subregulations (5) and (6) do not apply if the director or partner is a licensed agent or registered agent's representative.

## **22A Regulatory offences**

An offence of contravening or failing to comply with regulation 15 or 22 is a regulatory offence.

## **23 Prescribed fees**

The fees set out in Schedule 2 are prescribed fees for the purposes of the Act.



**24 Disclosure of intention to purchase or sell, &c.**

- (1) A disclosure pursuant to section 108H of the Act shall be in accordance with Form 13 or 14.
- (2) A disclosure referred to in subregulation (1) shall:
  - (a) be made to each person who is purchasing or selling the land or business; and
  - (b) be made at the same time as, or immediately after, the agreement to purchase and sell the land or business is made.
- (3) A person to whom a disclosure is made shall, before the expiry of a 7 day cooling off period commencing on the day on which disclosure is made:
  - (a) elect to affirm the agreement for the sale and purchase of the land or business; or
  - (b) elect to avoid the agreement.
- (4) Where a person to whom disclosure is made elects to avoid the agreement for sale and purchase of the land or business, then where the person is the vendor, the person shall repay to the licensed agent, registered agent's representative or employee the amount of money he or she received in relation to the agreement less an amount representing any cost or expenses incurred by him or her in relation to the agreement, but where the amount of money received does not cover the costs or expenses, the licensed agent, agent's representatives or employee shall pay to the person the balance of the costs and expenses.

**24A Persons and organisations to be consulted regarding proposed rules of conduct**

The following persons and organisations are prescribed for section 64A(1)(a) of the Act:

- (a) the Australian Competition and Consumer Commission established under the *Competition and Consumer Act 2010* (Cth);
- (b) the Australian Securities and Investments Commission continued in existence by the *Australian Securities and Investments Commission Act 2001* of the Commonwealth;
- (d) the Law Society Northern Territory established by the *Legal Profession Act*;

- (e) the Australian Institute of Conveyancers;
- (f) Chamber of Commerce Northern Territory.

## **25                      Rules of conduct**

- (1) For the purposes of sections 65(n) and 127(j) of the Act, the general rules of conduct applicable to all agents are set out in Part 1 of Schedule 4 and additional rules for conveyancing agents are set out in Part 2 of that Schedule.
- (2) The Rules of Conduct set out in Schedule 4 are in addition to the rules of conduct set out in section 65 of the Act.

## **Part V                      Infringement notices**

### **26                      Service of infringement notice for infringement offence**

If an inspector reasonably believes a person has committed an infringement offence, the inspector may serve a notice (an ***infringement notice***) on the person.

### **27                      Contents of infringement notice**

- (1) The infringement notice must state the following particulars:
  - (a) the name and address of the alleged offender, if known;
  - (b) the date of the infringement notice;
  - (c) the date, time and place of the infringement offence;
  - (d) a description of the infringement offence and the prescribed amount payable for the offence;
  - (e) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act*, to whom the prescribed amount is payable.
- (2) The infringement notice must include a statement to the effect of the following:
  - (a) the alleged offender may expiate the infringement offence and avoid further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after service of the notice;
  - (b) the alleged offender may elect under section 21 of the *Fines and Penalties (Recovery) Act* to have the matter dealt with by a court instead of under that Act by completing a statement of election and serving it on the specified enforcement agency;

- (c) if the alleged offender does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act* including (but not limited to) action for the following:
  - (i) suspension of the alleged offender's licence to drive;
  - (ii) seizure of personal property of the alleged offender;
  - (iii) deduction of an amount from the alleged offender's wages or salary;
  - (iv) registration of a statutory charge on land owned by the alleged offender;
  - (v) making of a community work order for the alleged offender which may result in imprisonment for the alleged offender if the alleged offender breaches the order.
- (3) Also, the infringement notice must include the statement of election mentioned in subregulation (2)(b).

## **28 Payment by cheque**

If the alleged offender tenders a cheque in payment of the prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on first presentation.

## **29 Withdrawal of infringement notice**

- (1) The Registrar may withdraw the infringement notice by written notice served on the alleged offender.
- (2) The notice must be served within 28 days after service of the infringement notice but before payment of the prescribed amount.

## **30 Application of Part**

- (1) This Part does not prejudice or affect the start or continuing of proceedings for an infringement offence unless the offence is expiated.
- (2) Also, this Part does not prevent more than one infringement notice for the same infringement offence being served on an alleged offender and, to expiate the offence, it is sufficient for the alleged offender to pay the prescribed amount in accordance with any of the notices.

- (3) In addition, this Part does not:
- (a) require an infringement notice to be served; and
  - (b) affect the liability of a person to be prosecuted in a court for an infringement offence for which an infringement notice has not been served.

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## Schedule 1

### FORM 1

regulation 7(1)

#### NORTHERN TERRITORY OF AUSTRALIA

#### *Agents Licensing Act*

section 22(2)

#### CERTIFICATE OF QUALIFICATIONS AND EXPERIENCE

Application for licence to carry on business as real estate agent

I, *(full name of certifier)* certify that *(name of applicant)*:

- (a) was employed by me during the period *(period of applicant's employment)*; and
- (b) during that period, was capable, to my knowledge, of performing the functions specified in section 5(2)(a) of the Act in the following manner *(briefly indicate applicant's experience and ability in relation to each of the following that are relevant)*:
  - (i) acting as an agent in respect of the sale, purchase, exchange, leasing, letting or other dealings with, or the disposition of, land;
  - (ii) acting as an agent in respect of negotiations for the sale, purchase, exchange, leasing, letting or other dealings with, or the disposition of, land; and
- (c) has obtained the following theoretical knowledge *(certifier must complete the following)*:

Understanding of the following current legislation or area of the law	Basis of understanding <i>(certifier must set out how they know that the applicant has a good understanding of the legislation or area of the law)</i> .
Contract law	
Consumer protection	
<i>Land Title Act</i>	
<i>Law of Property Act</i>	

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<i>Residential Tenancies Act</i>	
<i>Business Tenancies (Fair Dealing) Act</i>	
<i>Taxation Administration Act</i>	
<i>Stamp Duty Act</i>	
<i>Swimming Pool Safety Act</i>	
<i>Agents Licensing Act</i>	
<i>Unit Titles Act</i>	
<i>Unit Title Schemes Act</i>	
<i>Crown Lands Act</i>	

Dated

Signature

## FORM 2

regulation 7(2)

## NORTHERN TERRITORY OF AUSTRALIA

*Agents Licensing Act*

section 22(2)

## CERTIFICATE OF QUALIFICATIONS AND EXPERIENCE

Application for licence to carry on business as business agent

I, *(full name of certifier)* certify that *(name of applicant)*:

- (a) was employed by me during the period *(period of applicant's employment)*; and
- (b) during that period, was capable, to my knowledge, of performing the functions specified in section 5(2)(b) of the Act in the following manner *(briefly indicate applicant's experience and ability in relation to each of the following that are relevant)*:
  - (i) acting as an agent in respect of the sale, purchase, exchange, leasing, letting or other dealings with, or the disposition of, a business or any share or interest in a business or the goodwill or stock-in-trade of a business;
  - (ii) acting as an agent in respect of negotiations for the sale, purchase, exchange, leasing, letting or other dealings with, or the disposition of, a business or any share or interest in a business or the goodwill or stock-in-trade of a business; and
- (c) has obtained the following theoretical knowledge *(certifier must complete the following)*:

Understanding of the following current legislation or area of the law	Basis of understanding <i>(certifier must set out how they know that the applicant has a good understanding of the legislation or area of the law)</i> .
Contract law	
Consumer protection	
<i>Land Title Act</i>	
<i>Law of Property Act</i>	

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<i>Residential Tenancies Act</i>	
<i>Business Tenancies (Fair Dealing) Act</i>	
<i>Taxation Administration Act</i>	
<i>Stamp Duty Act</i>	
<i>Swimming Pool Safety Act</i>	
<i>Agents Licensing Act</i>	
<i>Unit Titles Act</i>	
<i>Unit Title Schemes Act</i>	
<i>Crown Lands Act</i>	

Dated

Signature



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FORM 3

regulation 7(3)

NORTHERN TERRITORY OF AUSTRALIA

*Agents Licensing Act*

section 22(2)

CERTIFICATE OF QUALIFICATIONS AND EXPERIENCE

Application for licence to carry on business as conveyancing agent

I, *(full name of certifier)* certify that *(name of applicant)*:

- (a) was employed by me during the period *(period of applicant's employment)*; and
- (b) during that period, was capable, to my knowledge, of performing the functions specified in the Schedule to the Act in the following manner *(briefly indicate applicant's experience and ability in relation to each of the following that are relevant)*:
  - (i) searching land titles including caveats;
  - (ii) searching at Government offices and offices of statutory authorities and municipalities, obtaining certificates relating to the transaction involved, and making inquiries with respect to adjustment of rates, taxes and other outgoings relating to the transaction involved;
  - (iii) preparation and execution of contracts of sale;
  - (iv) attendance at settlements;
  - (v) lodging and uplifting documents;
  - (vi) completing powers of attorney;
  - (vii) drawing and arranging execution of documents;
  - (viii) making progress reports; and
- (c) has obtained the following theoretical knowledge *(certifier must complete the following)*:

Understanding of the following legislation or area of the law	Basis of understanding ( <i>certifier must set out how they know that the applicant has a good understanding of the legislation or area of the law</i> ).
Contract law	
Consumer protection principles	
<i>Land Title Act</i>	
<i>Law of Property Act</i>	
<i>Residential Tenancies Act</i>	
<i>Business Tenancies (Fair Dealing) Act</i>	
<i>Taxation Administration Act</i>	
<i>Stamp Duty Act</i>	
<i>Swimming Pool Safety Act</i>	
<i>Agents Licensing Act</i>	
<i>Unit Titles Act</i>	
<i>Crown Lands Act</i>	

Dated

Signature

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FORM 8

regulation 11

NORTHERN TERRITORY OF AUSTRALIA

*Agents Licensing Act*

PROVISIONAL LICENCE OF REAL ESTATE AGENT, BUSINESS AGENT  
OR CONVEYANCING AGENT

The Agents Licensing Board of the Northern Territory hereby certifies that  
..... carrying on business at .....  
and having undertaken to obtain .....  
(description of prescribed educational qualifications)  
on or before ..... is the holder of PROVISIONAL LICENCE,  
NUMBER ..... to carry on business as a REAL ESTATE, BUSINESS  
AGENT OR CONVEYANCING AGENT in accordance with the provisions of  
the *Agents Licensing Act*.

Unless sooner revoked or suspended, this provisional licence continues in  
force until

Dated

.....  
For and on behalf of the Agents  
Licensing Board of the  
Northern Territory

---

FORM 9

regulation 11

NORTHERN TERRITORY OF AUSTRALIA

*Agents Licensing Act*

LICENCE OF REAL ESTATE AGENT, BUSINESS AGENT OR  
CONVEYANCING AGENT

The Agents Licensing Board of the Northern Territory hereby certifies that  
..... carrying on business at .....  
is the holder of LICENCE, NUMBER ..... to carry on business as a REAL  
ESTATE AGENT, BUSINESS AGENT OR CONVEYANCING AGENT in  
accordance with the provisions of the *Agents Licensing Act*.

Unless sooner revoked or suspended, this licence continues in force until

Dated

.....  
For and on behalf of the Agents  
Licensing Board of the  
Northern Territory

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FORM 10

regulation 11

NORTHERN TERRITORY OF AUSTRALIA

*Agents Licensing Act*

LICENCE OF REAL ESTATE AGENT, BUSINESS AGENT OR  
CONVEYANCING AGENT OF COMPANY OR FIRM

The Agents Licensing Board of the Northern Territory hereby certifies that  
..... whose registered (principal) office is situated at  
..... and carrying on business under  
the supervision and control of .....

(insert name(s) of business manager)

at .....  
(insert "that office" or address(es) of branch offices as applicable)

is the holder of LICENCE, NUMBER ..... to carry on business as a REAL  
ESTATE AGENT and/or BUSINESS AGENT in accordance with the  
provisions of the *Agents Licensing Act*.

Unless sooner revoked or suspended, this licence continues in force until

Dated

.....  
For and on behalf of the Agents  
Licensing Board of the  
Northern Territory

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FORM 12

regulation 12

NORTHERN TERRITORY OF AUSTRALIA

*Agents Licensing Act*

CERTIFICATE OF REGISTRATION AS AN AGENT'S REPRESENTATIVE

The Agents Licensing Board of the Northern Territory hereby certifies that  
..... is REGISTERED AS AN AGENT'S  
REPRESENTATIVE in accordance with the provisions of the *Agents  
Licensing Act*.

Dated

.....  
For and on behalf of the Agents  
Licensing Board of the  
Northern Territory

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FORM 13

NORTHERN TERRITORY OF AUSTRALIA

section 108H

*Agents Licensing Act*

regulation 8

DISCLOSURE OF INTEREST IN PURCHASE OF LAND/BUSINESS BY  
AGENT, &c. TO PERSON WHO IS SELLING THAT LAND/BUSINESS.

TO<sup>1</sup>: .....

FROM<sup>2</sup>: .....

Section 108H of the *Agents Licensing Act* requires me to give notice to you of the following information because my position with<sup>3</sup> ..... may have allowed me to gain information that may have given me an advantage over you in respect of the sale of your land/business<sup>4</sup> .....

Full details of my interest in the purchase of that land/business are<sup>5</sup>:  
.....  
.....

Dated

.....  
(Signature)

1. Insert name and address of vendor of land/business
2. Insert name and address of licensed agent, agent's representative or employee of a licensed agent who is purchasing the land/business or has a beneficial interest in the purchase of the land/business.
3. Insert name of real estate agent or firm.
4. Insert details of land/business including business name, if any.
5. Include full details of the intention to purchase or the beneficial interest in the purchase. If there is insufficient space provided attach separate sheet setting out the details.

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FORM 14

NORTHERN TERRITORY OF AUSTRALIA

section 108H

*Agents Licensing Act*

regulation 8

DISCLOSURE OF INTEREST IN SALE OF LAND/BUSINESS BY AGENT,  
&c., TO PERSON WHO IS PURCHASING THE LAND/BUSINESS.

TO<sup>1</sup>: .....

FROM<sup>2</sup> .....

Section 108H of the *Agents Licensing Act* requires me to give notice to you of the following information because my position with<sup>3</sup> ..... may have allowed me to gain information that may give me an advantage over you in respect of your purchase of the land/business<sup>4</sup> .....

Full details of my interest in the sale of that land/ business are<sup>5</sup>:  
.....  
.....

Dated

.....  
(Signature)

1. Insert name and address of purchaser of land/business
2. Insert name and address of licensed agent, agent's representative or employee of a licensed agent who is selling the land/business or has a beneficial interest in the sale of the land/business.
3. Insert name of real estate agent or firm.
4. Insert details of land/business including business name, if any.
5. Include full details of the intention to sell or the beneficial interest. If there is insufficient space provided attach separate sheet setting out the details.



**Schedule 2      Scale of fees**

regulation 23

Item	Description of fee or charge	Section of Act	Prescribed fee
1	Grant of a provisional real estate agent's licence or business agent's licence	31(1)	345 revenue units or 1/12th of that amount for each whole month for which the licence is granted
2	Grant of both a provisional real estate agent's licence and a provisional business agent's licence	31(1)	410 revenue units or 1/12th of that amount for each whole month for which the licence is granted
3	Grant of a real estate agent's licence or a business agent's licence	31(1)	345 revenue units or 1/12th of that amount for each whole month for which the licence is granted
4	Grant of both a real estate agent's licence and business agent's licence	31(1)	410 revenue units or 1/12th of that amount for each whole month for which the licence is granted
5	Grant of restricted real estate agent's licence or business agent's licence	31(1)	620 revenue units or 1/12th of that amount for each whole month for which the licence is granted
6	Grant of a conveyancing agent's licence	31(1)	550 revenue units or 1/12th of that amount for each whole month for which the licence is granted

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7	Issue of a certificate of registration as an agent's representative	41(1)	65 revenue units or 1/12th of that amount for each whole month for which the certificate is issued
8	Issue of a certificate of restricted registration as an agent's representative	41A(1)	135 revenue units or 1/12th of that amount for each whole month for which the certificate is issued
9	Renewal of a provisional real estate agent's licence, provisional business agent's licence, real estate agent's licence or business agent's licence	32(2)	345 revenue units
10	Renewal of a conveyancing agent's licence	32(2)	550 revenue units
11	Renewal of both a provisional real estate agent's licence and a provisional business agent's licence or both a real estate agent's licence and business agent's licence	32(2)	410 revenue units
12	Renewal of a restricted real estate agent's or a business agent's licence	32(2)	620 revenue units
13	Annual fee payable by a registered agent's representative who is:		
	(a) the holder of certificate of restricted registration	43A	135 revenue units
	(b) not the holder of certificate of restricted registration	43A	65 revenue units

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14	Copy of transcript of evidence at an inquiry held by the Board	81(7)	\$8 per page; or 34 revenue units per Disk
15	Application to Board for an exemption from provisions of Act (other than as part of grant of restricted licence or certificate)	5A	230 revenue units

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### **Schedule 3      Scheme relating to trust money of corporation manager or body corporate manager**

regulation 16A

1.      In this Schedule:

***body corporate*** means:

- (a)    a corporation under the *Unit Titles Act*; or
- (b)    a body corporate under the *Unit Title Schemes Act*.

***body corporate manager*** means:

- (a)    a corporation manager under the *Unit Titles Act*; or
- (b)    a body corporate manager under the *Unit Title Schemes Act*.

2.      Notwithstanding section 50 of the Act, section 35(1) of the *Unit Titles Act* or the management module under the *Unit Title Schemes Act*, a body corporate manager may open an account at an ADI in the Territory for the purpose of dealing with trust money received in respect of each corporation that has agreed that its money can be dealt with under Scheme 1 or Scheme 2.

#### **SCHEME 1**

3.      An account opened pursuant to Scheme 1:
- (a)    shall only contain money of corporations;
  - (b)    shall be operated so that, on any one day, a notional credit or deficit for each corporation may be readily ascertained;
  - (c)    shall be operated so that, in respect of each corporation, the crediting or paying of interest in accordance with the instructions of the corporation can be readily checked by the Board; and
  - (d)    shall be operated under a name approved by the Board.
4.      An account opened pursuant to Scheme 1 shall first be audited one month after it is opened and then at intervals of not more than 6 months or such longer periods as may be authorized by the Board.
5.      Surplus money in an account opened pursuant to Scheme 1 may be invested in such manner as trust funds may be invested under the *Trustee Act*.

## SCHEME 2

6.      An account opened pursuant to Scheme 2 shall be operated so that on any one day, a notional credit for each corporation may be readily ascertained.

7.      Interest from an account opened pursuant to Scheme 2 shall be paid to the Fund.

## **Schedule 4 Rules of conduct**

regulation 25

### **Part 1 – General Rules**

1. An agent shall not advise his or her client on matters in which the agent is not trained or qualified.
2. An agent shall advise his or her client to seek advice from a solicitor who specialises in conveyancing concerning the appropriate course of action where, in a transaction, there are substantial legal complexities.
3. An agent shall not give an undertaking without the approval of his or her client and shall fulfil all conditions of an undertaking given in the course of a transaction to another agent or to a solicitor.
4. An agent shall, in the investigation of a matter that may be grounds for revocation of a licence under section 68 of the Act or that may be the subject of an inquiry to be held by the Board, co-operate with the Board, the Registrar, an inspector and the Commissioner of Police.
5. Subject to any other specific rules of conduct, a real estate or business agent shall have due regard to and comply with:
  - (a) rules of real estate practice published or approved by the Real Estate Institute of the Northern Territory; and
  - (b) guidelines concerning fair trading practices issued by the Trade Practices Commission.
6. In a transaction for the purchase and sale of land, an agent shall not act in the capacity of conveyancer for the buyer of the land, whether or not for reward, if:
  - (a) the agent acted for the seller of the land in the capacity of a real estate agent; or
  - (b) the agent has a financial connection with the real estate agent involved in the transaction.
7. An agent shall ensure that he or she has a thorough knowledge of the practices and procedures of government offices relevant to transactions in which he or she may be involved with a client, in addition to a knowledge of the Act, the regulations, these rules and other relevant legislation as in force from time to time.

## Part 2 – Additional Rules applicable to Conveyancing Agents

1. A conveyancing agent shall strictly observe promises and duties in relation to the interest of his or her client and shall be aware that the agent's obligation to his or her client is one of the utmost good faith that requires the agent not to put his or her duty to the client in conflict or in likelihood of conflict with his or her own interests or the interests of any other person.
2. A conveyancing agent shall perform his or her duties in a diligent and conscientious manner with proper regard to the relationship of principal and agent due to his or her client.
3. A conveyancing agent may advertise his or her professional qualifications and services but shall not compete for business with another agent or solicitor so that the client may become liable for 2 fees in respect of the same matter.
4. Subject to any other specific rules of conduct, a conveyancing agent shall have due regard to and comply with:
  - (a) guidelines as to good conveyancing practices issued from time to time by the Board;
  - (b) professional conduct rules as they relate to good conveyancing practice issued by the Law Society Northern Territory.
5. A conveyancing agent shall not carry on a business of a finance broker, being a person who, as agent and in the course of the agent's business, negotiates or arranges a loan of money for or on behalf of another person.
6. A conveyancing agent shall, at the same time as the agent presents to the client a form of appointment for signature in accordance with clause 1(1) of Part 2 of the Schedule to the Act, provide a bona fide quote of the cost of the services to be rendered in respect of the particular transaction for which the appointment is to be made. The amount of the cost shall be based on a fair and reasonable fee for the service at the prevailing rate in the Territory.
7. A conveyancing agent shall ensure that the agent, or a partner or employee of a firm of which the agent is a member does not act for 2 or more parties with conflicting interests in a transaction unless the agent has given notice in writing to all parties to a transaction that the agent is acting for more than one party and that their interests may not be the same. Where a conflict arises between the parties for whom the agent is acting, the agent has an obligation to cease to act for either of them and shall give advice that the parties obtain alternative advice. The agent is entitled to charge a proportional fee until the time when he or she ceased to act for the parties.

8. A conveyancing agent shall, in the interest of a client, co-operate with and, where possible, assist, other persons involved in a transaction. In this rule:

**assist** includes reporting progress under item 1(a) in Part 1 of the Schedule to the Act and advising the parties and other persons involved of delays or requirements that are incidental to the functions of a conveyancing agent set out in that Part.

**other persons involved in a transaction** includes surveyors and engineers, real estate agents, government officers, solicitors, financial advisers and other conveyancing agents.

9. A conveyancing agent shall be responsible for the supervision and control of the persons, whether or not licensed conveyancing agents, engaged in the conduct of the agent's business and for that purpose:

- (a) where the licensee of the business is a natural person – the conveyancing agent; or
- (b) where the licensee of the business is a firm or a body corporate – the principals or the directors who are conveyancing agents,

shall spend sufficient time at the office where the business is transacted:

- (c) to enable supervision of a person conducting the business; and
- (d) to ensure satisfactory completion of each transaction.



## **Schedule 4A Qualifications for real estate agent's licence and business agent's licence**

regulation 9

### *Module or unit of competency*

Northern Territory Module ABH500	Real estate industry overview
PRD01 Units of Competency PRDRE10A	Manage agency risk
PRD01 Units of Competency PRDRE11A	Provide property appraisal
PRD01 Units of Competency PRDRE12A	Establish and expand client base
PRD01 Units of Competency PRDRE13A	Obtain property listings
PRD01 Units of Competency PRDRE14A	Market property
PRD01 Units of Competency PRDRE15A	Undertake property sale by private treaty
PRD01 Units of Competency PRDRE17A	Effectively manage property and account to landlord
PRD01 Units of Competency PRDRE18A	Lease property
PRD01 Units of Competency PRDRE19A	Provide property management services
PRD01 Units of Competency PRDRE20A	Provide strata management services
PRD01 Units of Competency PRDRE21A	Provide property development and marketing services
PRD01 Units of Competency PRDRE22A	Present and explain property reports
PRD01 Units of Competency PRDRE26A	Conduct property sale by auction
PRD01 Units of Competency PRDRE28A	Maintain trust account

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PRD01 Units of Competency PRDRE30A	Implement personal marketing plan
PRD01 Units of Competency PRDRE31A	Negotiate effectively with landlords and tenants
PRD01 Units of Competency PRDRE32A	Maintain and protect conditions of rented properties
PRD01 Units of Competency PRDRE37A	Perform and record property management activities and transactions
PRD01 Units of Competency PRDRE39A	Prepare and execute documentation
PRD01 Units of Competency PRDPOD62A	Clarify and confirm property information requirements
PRD01 Units of Competency PRDRE01A	Develop a strategic business plan
PRD01 Units of Competency PRDRE02A	Manage agency performance
PRD01 Units of Competency PRDRE03A	Develop and implement client service strategies
PRD01 Units of Competency PRDRE04A	Manage and monitor effective client service
PRD01 Units of Competency PRDRE05A	Market agency
PRD01 Units of Competency PRDRE06A	Manage human resources
PRD01 Units of Competency PRDRE08A	Manage efficient financial systems
PRD01 Units of Competency PRDRE09A	Implement and monitor financial management systems
PRD01 Units of Competency BSAFIN501B	Manage payroll records for employee salaries and statutory record keeping purposes

PRD01 Units of Competency BSAFIN502B	Monitor and control disbursements within a given budget
PRD01 Units of Competency BSXFM1504A	Participate in, lead and facilitate work teams (at level 5)
PRD01 Units of Competency BSXFM511A	Contribute to the development of a workplace learning environment

## **Schedule 4B Qualifications for conveyancing agent's licence**

regulation 9

### **Part 1 – Academic qualifications**

1. Land Broking Certificate conferred by the South Australian Department for Employment, Training and Further Education.
2. Satisfactory completion of (or status granted in) the following subjects forming part of the Certificate IV in Conveyancing conferred by the South Australian Department for Employment, Training and Further Education:
  - (a) Introduction to Conveyancing;
  - (b) Contract Law;
  - (c) Commercial Law Principles;
  - (d) Consumer Law (Conveyancing);
  - (e) Property Law (Conveyancing) 1;
  - (f) Property Law (Conveyancing) 2;
  - (g) Mortgages;
  - (h) Lands Titles Office Procedures;
  - (i) Technical Principles;
  - (j) Settlements 1;
  - (k) Accounting for Non-accountants together with satisfactory completion of (or status granted in) the following subjects (forming part of the Advanced Diploma of Conveyancing conferred by the South Australian Department for Employment, Training and Further Education):
    - (i) Contract Law (Conveyancing) 1;
    - (ii) Legal Entities;
    - (iii) Trusts and Transmissions;
    - (iv) Taxation Law (Property);
    - (v) Legal Drafting;

- (vi) Contract Law (Conveyancing) 2;
  - (vii) Technical Drafting;
  - (viii) Commercial Leases;
  - (ix) Settlements 2;
  - (x) Conveyancing Conduct and Practice.
3. Bachelor of Business (Property), University of South Australia including satisfactory completion of (or status granted in) the following subjects:
- (a) Law of Property;
  - (b) Conveyancing 1EF;
  - (c) Conveyancing 2EF;
  - (d) Conveyancing Law EF.
4. Bachelor of Business in Property, University of South Australia including satisfactory completion of (or status granted in) the following subjects:
- (a) Law of Property;
  - (b) Conveyancing 1;
  - (c) Conveyancing 2;
  - (d) Conveyancing Law.
5. Graduate Diploma in Property, University of South Australia including satisfactory completion of (or status granted in) the following subjects:
- (a) Conveyancing 1G;
  - (b) Conveyancing 2G;
  - (c) Conveyancing Law G;
  - (d) Property Project M;
  - (e) Property Law 1M;
  - (f) Property Law 2M.
6. Conveyancing Law and Practice Course, Macquarie University.

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7. Advanced Diploma of Conveyancing, TAFE New South Wales, Sydney Institute.
  8. Associate Degree in Law (Paralegal Studies), Southern Cross University.
  9. Advanced Diploma of Conveyancing, Douglas Mawson Institute of TAFE.
  10. Advanced Diploma of Financial Services (Conveyancing) FNS60304 delivered or assessed by a person registered by a State or Territory Training Authority to deliver training or conduct assessments and issue qualifications in accordance with the Australian Quality Training.

#### Part 2 – Practical qualifications

1. Practical conveyancing experience of at least 2 years full time (gained in the Territory or elsewhere in Australia), or equivalent, undertaken in a licensed conveyancer's office, legal practitioner's office, or any business or government department where conveyancing work is regularly carried out. (Experience may be obtained before, during or after obtaining the academic qualification.)
2. Demonstrated working knowledge of Territory laws applicable to conveyancing, including the following:

*Land Title Act*  
*Law of Property Act*  
*Residential Tenancies Act*  
*Business Tenancies (Fair Dealing) Act*  
*Taxation Administration Act*  
*Stamp Duty Act*  
*Swimming Pool Safety Act*  
*Agents Licensing Act*  
*Crown Lands Act*  
*Unit Titles Act*

## Schedule 5 Qualifications for agents' licences

regulation 9

### Part 1 – Real estate agent's licence

#### Academic qualifications

ABH500	–	real estate industry overview
ABH501	–	introduction to sales
ABH502	–	introduction to property management
ABH503	–	real estate computing
ABH504	–	real estate accounting
ABH505	–	real estate computer accounting
ABH507	–	property research and analysis
ABH508	–	real estate consumer protection
ABH509	–	property advertising and promotion
ABH510	–	contract law
ABH511	–	property law
ABH512	–	residential tenancies
ABH513	–	common building styles &c.
ABH514	–	property management listings
ABH515	–	renting residential properties
ABH516	–	servicing managed properties
ABH517	–	introduction to specialised property management
ABH518	–	body corporate legal requirements
ABH519	–	body corporate management
ABH522	–	contracts for the sale of land
ABH521	–	introduction to specialised body corporate management
ABH523	–	methods of sale
ABH524	–	property appraisal
ABH525	–	listings
ABH526	–	property selling
ABH527	–	selling by auction
ABH528	–	introduction to specialised property sales
ABH530	–	selling businesses
ABH533	–	real estate office operations
NAP750	–	general commercial law principles
NCS009	–	negotiation skills
NCS011	–	client interaction
NOS015	–	presenting reports
NOS143	–	computer operations – fundamentals
NOS215	–	data base fundamentals

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Practical qualifications and experience

1. Practical real estate agency experience of at least 2 years full time (gained in the Territory or elsewhere in Australia), or equivalent, undertaken in a licensed real estate agent's office. (Experience may be obtained before, during or after obtaining the academic qualifications.)
2. Demonstrated working knowledge of Territory laws applicable to real estate agency, including the following:

*Land Title Act*  
*Law of Property Act*  
*Residential Tenancies Act*  
*Business Tenancies (Fair Dealing) Act*  
*Taxation Administration Act*  
*Stamp Duty Act*  
*Swimming Pool Safety Act*  
*Agents Licensing Act*  
*Crown Lands Act*  
*Unit Titles Act*  
*Unit Title Schemes Act*

Part 2 – Business agent's licence

Academic qualifications

ABH500	–	real estate industry overview
ABH501	–	introduction to sales
ABH502	–	introduction to property management
ABH503	–	real estate computing
ABH504	–	real estate accounting
ABH505	–	real estate computer accounting
ABH507	–	property research and analysis
ABH508	–	real estate consumer protection
ABH509	–	property advertising and promotion
ABH510	–	contract law
ABH511	–	property law
ABH514	–	property management listings
ABH516	–	servicing managed properties
ABH523	–	methods of sale
ABH524	–	property appraisal
ABH525	–	listings
ABH526	–	property selling
ABH527	–	selling by auction
ABH529	–	selling commercial and industrial property
ABH530	–	selling businesses
ABH533	–	real estate office operations
NAP750	–	general commercial law principles
NCS009	–	negotiation skills



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NCS011	–	client interaction
NOS143	–	computer operations – fundamentals
NOS215	–	data base fundamentals

Practical qualifications and experience

1. Practical business agency experience of at least 2 years full time (gained in the Territory or elsewhere in Australia), or equivalent, undertaken in a licensed business agent's office. (Experience may be obtained before, during or after obtaining the academic qualifications.)
2. Demonstrated working knowledge of Territory laws applicable to business agency, including the following:

*Land Title Act*

*Law of Property Act*

*Residential Tenancies Act*

*Business Tenancies (Fair Dealing) Act*

*Taxation Administration Act*

*Stamp Duty Act*

*Swimming Pool Safety Act*

*Agents Licensing Act*

*Crown Lands Act*

*Unit Titles Act*

*Unit Title Schemes Act*

Part 3 – Conveyancing agent's licence

Division 1

Academic qualifications

A Certificate in Conveyancing as accredited by the Northern Territory Employment and Training Authority under section 55 of the *Northern Territory Employment and Training Authority Act* as in force immediately before the commencement of the *Northern Territory Employment and Training Authority Act 1999*, or an equivalent conveyancing qualification under a law of a State or Territory.

Practical qualifications and experience

1. Practical conveyancing experience of at least 2 years full-time (gained in the Territory or elsewhere in Australia), or equivalent, undertaken in a licensed conveyancer's office, legal practitioner's office, or any business or government department where conveyancing work is regularly carried out. (Experience may be obtained before, during or after obtaining the academic qualification.)

2. Demonstrated working knowledge of Territory laws applicable to conveyancing, including the following:

*Land Title Act*  
*Law of Property Act*  
*Residential Tenancies Act*  
*Business Tenancies (Fair Dealing) Act*  
*Taxation Administration Act*  
*Stamp Duty Act*  
*Swimming Pool Safety Act*  
*Agents Licensing Act*  
*Crown Lands Act*  
*Unit Titles Act*  
*Unit Title Schemes Act*

## Division 2

### Practical qualifications and experience

1. Practical conveyancing experience of at least 3 years full-time (gained in the Territory or elsewhere in Australia), or equivalent, undertaken in a licensed conveyancer's office, legal practitioner's office, or any business or government department where conveyancing work is regularly carried out. (Experience may be obtained before, during or after obtaining the academic qualification.)
2. Demonstrated working knowledge of Territory laws applicable to conveyancing, including the following:

*Land Title Act*  
*Law of Property Act*  
*Residential Tenancies Act*  
*Business Tenancies (Fair Dealing) Act*  
*Taxation Administration Act*  
*Stamp Duty Act*  
*Swimming Pool Safety Act*  
*Agents Licensing Act*  
*Crown Lands Act*  
*Unit Titles Act*  
*Unit Title Schemes Act*

## **Schedule 7 Educational qualifications for agent's representatives**

regulation 10

### **Part 1**

ABH500	Real estate industry overview
ABH501	Introduction to sales
ABH502	Introduction to property management
ABH508	Real estate consumer protection
ABH510	Contract law
ABH511	Property law
ABH512	Residential tenancies
ABH513	Common building styles etc.
ABH514	Property management listings
ABH515	Renting residential properties
ABH516	Servicing managed properties
ABH521	Introduction to specialised body corporate management
ABH522	Contracts for the sale of land
ABH523	Methods of sale
ABH524	Property appraisal
ABH525	Listings
ABH530	Selling businesses
NCS009	Negotiation skills
NCS011	Client interaction
NOS215	Data base fundamentals

### **Part 2**

ABH500	Real estate industry overview
PRDRE10A	Manage agency risk
PRDRE11A	Provide property appraisal
PRDRE12A	Establish and expand client base
PRDRE13A	Obtain property listings
PRDRE14A	Market property
PRDRE15A	Undertake property sale by private treaty
PRDRE17A	Effectively manage property and account to landlord
PRDRE18A	Lease property
PRDRE19A	Provide property management services
PRDRE20A	Provide strata management services
PRDRE21A	Provide property development and marketing services
PRDRE22A	Present and explain property reports
PRDRE26A	Conduct property sale by auction
PRDRE28A	Maintain trust account
PRDRE30A	Implement personal marketing plan
PRDRE31A	Negotiate effectively with landlords and tenants
PRDRE32A	Maintain and protect conditions of rented properties

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PRDRE37A	Perform and record property management activities and transactions
PRDRE39A	Prepare and execute documentation
PRDPOD62A	Clarify and confirm property information requirements

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**Schedule 8      Infringement offences and prescribed amounts**

regulation 3, definitions ***infringement offence*** and ***prescribed amount***

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<b>Column 1</b>	<b>Column 2</b>
<b>Offence provision</b>	<b>Prescribed amount</b>
<hr/> <b>Part A – Offences against Act</b> <hr/>	
Sections 47, 48, 51, 56, 119, 120 and 125	1 penalty unit
Sections 65E(5) and 121A	2 penalty units
<hr/> <b>Part B – Offences against Regulations</b> <hr/>	
Regulation 22	1 penalty unit

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## ENDNOTES

### 1 KEY

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

### 2 LIST OF LEGISLATION

***Land and Business Agents Regulations (SL No. 29, 1979)***

Notified	2 November 1979
Commenced	9 November 1979 ( <i>Gaz</i> G45, 9 November 1979, p 2)

***Amendment of the Land and Business Agents Regulations (SL No. 25, 1980)***

Notified	11 July 1980
Commenced	11 July 1980

***Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)***

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), <i>Gaz</i> G46, 18 November 1983, p 11 and <i>Gaz</i> G8, 26 February 1986, p 5)

***Amendment of the Land and Business Agents Regulations (SL No. 4, 1984)***

Notified	14 March 1984
Commenced	14 March 1984

***Statute Law Revision Act 1991 (Act No. 31, 1991)***

Assent date	25 June 1991
Commenced	25 June 1991

***Amendments of the Land and Business Agents Regulations (SL No. 36, 1991)***

Notified	10 July 1991
Commenced	1 January 1992 (r 2, s 2 <i>Land and Business Agents Amendment Act 1990</i> (Act No. 44, 1990) and <i>Gaz</i> G44, 6 November 1991, p 3)

***Amendments of Land and Business Agents Regulations (SL No. 41, 1992)***

Notified	5 August 1992
Commenced	10 August 1992 (r 2, s 2 <i>Land and Business Agents Amendment Act 1991</i> (Act No. 79, 1991) and <i>Gaz</i> S43, 5 August 1992)

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***Amendments of Agents Licensing Regulations (SL No. 69, 1992)***

Notified	9 December 1992
Commenced	1 February 1993 (r 1, s 2 <i>Land and Business Agents Amendment Act 1992</i> (Act No. 33, 1992) and Gaz G49, 9 December 1992, p 7)

***Local Government (Consequential Amendments) Act 1993 (Act No. 84, 1993)***

Assent date	31 December 1993
Commenced	1 June 1994 (s 2, s 2 <i>Local Government Act 1993</i> (Act No. 83, 1993) and Gaz S35, 20 May 1994)

***Amendments of Agents Licensing Regulations (SL No. 61, 1996)***

Notified	19 December 1996
Commenced	19 December 1996

***Northern Territory Employment and Training Authority (Consequential Amendments) Act 1999 (Act No. 52, 1999)***

Assent date	30 November 1999
Commenced	30 November 1999

***Amendments of Agents Licensing Regulations (SL No. 53, 2000)***

Notified	15 November 2000
Commenced	15 November 2000

***Amendment of Agents Licensing Regulations (SL No. 1, 2002)***

Notified	10 April 2002
Commenced	10 April 2002

***Statute Law Revision Act 2002 (Act No. 18, 2002)***

Assent date	7 June 2002
Commenced	7 June 2002

***Statute Law Revision (Financial Provisions) Act 2002 (Act No. 38, 2002)***

Assent date	13 September 2002
Commenced	30 October 2002 (Gaz G43, 30 October 2002, p 3)

***Northern Territory Employment and Training Authority (Consequential Amendments) Act 2002 (Act No. 47, 2002)***

Assent date	13 September 2002
Commenced	6 November 2002 (s 2, s 2 <i>Northern Territory Employment and Training Authority Amendment Act 2002</i> (Act No. 46, 2002) and Gaz G44, 6 November 2002, p 2)

***Law Reform (Gender, Sexuality and De Facto Relationships) Act 2003 (Act No. 1, 2004)***

Assent date	7 January 2004
Commenced	17 March 2004 (Gaz G11, 17 March 2004, p 8)

***Amendment of Agents Licensing Regulations (SL No. 6, 2005)***

Notified	23 March 2005
Commenced	23 March 2005

***Statute Law Revision Act 2005 (Act No. 44, 2005)***

Assent date	14 December 2005
Commenced	14 December 2005

***Legal Profession (Consequential Amendments) Act 2007 (Act No. 7, 2007)***

Assent date 17 May 2007  
 Commenced s 10: 1 July 2007; rem: 17 May 2007 (Gaz G26, 27 June 2007, p 3)

***Agents Licensing Amendment Regulations 2007 (SL No. 31, 2007)***

Notified 26 September 2007  
 Commenced 26 September 2007

***Statute Law Revision Act 2008 (Act No. 6, 2008)***

Assent date 11 March 2008  
 Commenced 11 March 2008

***Revenue Law Reform (Budget Initiatives) Act 2008 (Act No. 23, 2008)***

Assent date 30 June 2008  
 Commenced pt 1, ss 3, 12(1), 18 and 19: 1 January 2008;  
 ss 7, 10 and 11(1): 6 May 2008; rem: 1 July 2008 (s 2)

***Unit Title Schemes Act 2009 (Act No. 14, 2009)***

Assent date 26 May 2009  
 Commenced pt 2.3, div 3, s dv 4 and s 135 (to ext ins s 54C):  
 1 January 2010; s 111: 1 July 2010; rem: 1 July 2009 (s 2,  
 Gaz S30, 26 June 2009, p 1, s 2 *Land Title and Related  
 Legislation Amendment Act 2008* (Act No. 3, 2008) and Gaz  
 S30, 26 June 2009, p 1)

***Fees and Charges Amendment Regulations 2009 (SL No. 34, 2009)***

Notified 14 December 2009  
 Commenced 1 January 2010 (r 2)

***Consumer Affairs and Fair Trading Amendment (National Uniform Legislation) Act 2010 (Act No. 41, 2010)***

Assent date 8 December 2010  
 Commenced 1 January 2011 (Gaz S71, 20 December 2010)

**3 SAVINGS AND TRANSITIONAL PROVISIONS**

r 13 *Amendments of Agents Licensing Regulations* (SL No. 69, 1992)

**4 LIST OF AMENDMENTS**

r 1 sub No. 41, 1992, r 3  
 r 3 amd No. 69, 1992, r 3  
 sub No. 31, 2007, r 3  
 pt II  
 div 1 hdg amd No. 53, 2000, r 1  
 r 4 amd No. 41, 1992, r 11  
 rep No. 53, 2000, r 2  
 r 5 amd No. 53, 2000, r 3  
 pt II  
 div 2 hdg sub No. 31, 2007, r 4  
 r 6 amd No. 41, 1992, r 11; No. 53, 2000, r 4  
 sub No. 31, 2007, r 4



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r 6A	ins No. 41, 1992, r 4 amd No. 69, 1992, r 4 rep No. 31, 2007, r 4
r 7	rep No. 53, 2000, r 5 ins No. 31, 2007, r 4
r 8	sub No. 53, 2000, r 5; No. 31, 2007, r 4
pt II	
div 3 hdg	sub No. 31, 2007, r 4
r 9	amd No. 25, 1980; No. 41, 1992, rr 5 and 11; No. 61, 1996, r 2; Act No. 52, 1999, s 5 sub No. 31, 2007, r 4
rr 9A – 9C	ins No. 61, 1996, r 3 rep No. 31, 2007, r 4
r 10	amd No. 41, 1992, r 11; No. 61, 1996, r 4 sub No. 31, 2007, r 4
rr 10AA – 10AB	ins No. 61, 1996, r 6 rep No. 31, 2007, r 4
r 10AC	ins No. 61, 1996, r 6 amd Act No. 47, 2002, s 6 rep No. 31, 2007, r 4
pt II	
div 3A hdg	ins No. 36, 1991, r 3 rep No. 31, 2007, r 4
r 10A	ins No. 36, 1991, r 3 amd No. 1, 2002 rep No. 31, 2007, r 4
r 11	amd No. 41, 1992, r 11
r 12	amd No. 69, 1992, r 5
r 14	amd No. 69, 1992, r 6; No. 31, 2007, rr 5 and 20
r 15	amd No. 31, 2007, r 6
r 16	amd No. 31, 2007, r 20
r 16A	amd No. 36, 1991, r 4
pt IIIA hdg	ins No. 36, 1991, r 5 sub No. 31, 2007, r 7
r 16B	ins No. 36, 1991, r 5 sub No. 31, 2007, r 7
r 16C	ins No. 36, 1991, r 5 amd No. 69, 1992, r 7 rep No. 31, 2007, r 7
r 16D	ins No. 36, 1991, r 5 rep No. 31, 2007, r 7
r 17	amd No. 53, 2000, r 6; Act No. 1, 2004, s 63; Act No. 44, 2005, s 35; Act No. 7, 2007, s 16; No. 31, 2007, r 8
r 17A	ins No. 31, 2007, r 9
r 18	amd No. 69, 1992, r 8; No. 31, 2007, r 10
r 20	amd No. 41, 1992, r 11 sub No. 31, 2007, r 11 amd Act No. 6, 2008, s 4
r 21	sub No. 31, 2007, r 11 amd Act No. 6, 2008, s 4
r 22	sub No. 31, 2007, r 11
r 22A	ins Act No. 68, 1983, s 140 amd No. 69, 1992, r 9; No. 31, 2007, r 20
r 24	sub No. 69, 1992, r 10 amd No. 31, 2007, r 20
r 24A	ins No. 6, 2005 amd Act No. 7, 2007, s 16; Act No. 41, 2010, s 30

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r 25	rep Act No. 31, 1991, s 15
	ins No. 41, 1992, r 6
pt V hdg	ins No. 31, 2007, r 12
rr 26 – 30	ins No. 31, 2007, r 12
sch 1	amd No. 41, 1992, rr 7 and 11; No. 69, 1992, r 11; Act No. 84, 1993, s 6; No. 53, 2000, r 7; No. 31, 2007, rr 13 and 20; Act No. 23, 2008, s 21; Act No. 14, 2009, s 180
sch 2	amd No. 4, 1984
	sub No. 36, 1991, r 6
	amd No. 41, 1992, r 8
	sub No. 69, 1992, r 12; No. 31, 2007, r 14; No. 34, 2009, r 4
sch 3	ins No. 36, 1991, r 7
	amd No. 41, 1992, rr 9 and 11; Act No. 38, 2002, s 7; Act No. 14, 2009, s 181
sch 4	ins No. 41, 1992, r 10
	amd Act No. 18, 2002, s 7
sch 4A	ins No. 31, 2007, r 15
sch 4B	ins No. 31, 2007, r 15
	amd Act No. 23, 2008, s 21
sch 5	ins No. 61, 1996, r 6
	amd No. 31, 2007, r 16; Act No. 23, 2008, s 21; Act No. 14, 2009, s 182
sch 6	rep No. 31, 2007, r 17
sch 7	ins No. 61, 1996, r 6
	sub No. 31, 2007, r 18
sch 8	ins No. 31, 2007, r 19