

NORTHERN TERRITORY OF AUSTRALIA
AGENTS LICENSING AMENDMENT REGULATIONS 2007

Subordinate Legislation No. 31 of 2007

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 31 of 2007*

Agents Licensing Amendment Regulations 2007

I, EDWARD JOSEPH EGAN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Agents Licensing Act*.

Dated 18 September 2007.

E. J. EGAN
Administrator

By His Honour's Command

S. J. STIRLING
Minister for Justice and Attorney-General

* Notified in the *Northern Territory Government Gazette* on 26 September 2007.

1. Citation

These Regulations may be cited as the *Agents Licensing Amendment Regulations 2007*.

2. Regulations amended

These Regulations amend the *Agents Licensing Regulations*.

3. Repeal and substitution of regulation 3

Regulation 3

repeal, substitute

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*.

4. Repeal and substitution of Part II, Divisions 2 to 3A

Part II, Divisions 2 to 3A

repeal, substitute

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:

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- (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.

5. Amendment of regulation 14 (Audit where agent ceases to carry on business)

(1) Regulation 14(4)(b)

omit, substitute

- (b) was a branch manager, employee or partner of a firm that is a licensed agent;

(2) After regulation 14(4)

insert

- (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.

6. Amendment of regulation 15 (Disclosure of information by auditor)

Regulation 15(1), penalty provision

omit, substitute

Maximum penalty: 100 penalty units

7. Repeal and substitution of Part IIIA

Part IIIA

repeal, substitute

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.

8. Amendment of regulation 17 (Testimonials)

- (1) Regulation 17(1)(c)

omit

who is –

substitute

who is any of the following:

(2) Regulation 17(1)(c)(x) and (xi)

omit, substitute

- (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).

9. New regulation 17A

After regulation 17

insert

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.

10. Amendment of regulation 18 (Responsibility where licensed agent a company of firm)

Regulation 18(b)

omit

all the words from "or employee" to "constituted,"

substitute

, employee or partner of the firm;

11. Repeal and substitution of regulations 20 to 22

Regulations 20 to 22

repeal, substitute

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 or the Register of Licensed Business 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.

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' Representative:

- (a) the date on which the certificate of registration of the agent's representative was issued or last renewed;
- (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.

12. New Part V

After section 25

insert

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.

13. Amendment of Schedule 1

Schedule 1, Form 2A

omit, substitute

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)*:

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- (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>	
<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

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>	

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<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

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

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- (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>	

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<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

14. Repeal and substitution of Schedule 2

Schedule 2

repeal, substitute

SCHEDULE 2

Regulation 23

SCALE OF FEES

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)	300 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)	360 revenue units or 1/12th of that amount for each whole month for which the licence is granted

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3.	Grant of a real estate agent's licence or a business agent's licence	31(1)	300 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)	360 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)	540 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)	480 revenue units or 1/12th of that amount for each whole month for which the licence is granted
7.	Issue of a certificate of registration as an agent's representative	41(1)	60 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)	120 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)	300 revenue units
10.	Renewal of a conveyancing agent's licence	32(2)	480 revenue units

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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)	360 revenue units
12.	Renewal of a restricted real estate agent's or a business agent's licence	32(2)	540 revenue units
13.	Annual fee payable by a registered agent's representative who is:		
	(a) the holder of certificate of restricted registration	43A	120 revenue units
	(b) not the holder of certificate of restricted registration	43A	60 revenue units
14.	Copy of transcript of evidence at an inquiry held by the Board		
	per page	81(7)	\$7.00
	per disk	81(7)	30 revenue units
15.	Application to Board for an exemption from provisions of Act (other than as part of grant of restricted licence or certificate)	5A	200 revenue units

15. New Schedule 4A and 4B

After Schedule 4

insert

SCHEDULE 4A

Regulation 9

**QUALIFICATIONS FOR REAL ESTATE AGENT'S LICENCE AND
BUSINESS AGENT'S LICENCE**

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
PRD01 Units of Competency PRDRE30A	Implement personal marketing plan

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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

Regulation 9

QUALIFICATIONS FOR CONVEYANCING AGENT'S LICENCE

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):

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- (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;

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- (d) Property Project M;
 - (e) Property Law 1M;
 - (f) Property Law 2M.
6. Conveyancing Law and Practice Course, Macquarie University.
 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

16. Amendment of Schedule 5

- (1) Schedule 5, heading

omit

EDUCATIONAL

- (2) Part 1 of Schedule 5, heading

omit, substitute

Part 1 – Real estate agent's licence

Academic qualifications

- (3) Part 1 of Schedule 5, after "data base fundamentals"

insert

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

- (4) Part 2 of Schedule 5, heading

omit, substitute

Part 2 – Business agent's licence

Academic qualifications

- (5) Part 2 of Schedule 5, after "data base fundamentals"

insert

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

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

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

17. Repeal of Schedule 6

Schedule 6

repeal

18. Repeal and substitution of Schedule 7

Schedule 7

repeal, substitute

SCHEDULE 7

Regulation 10

EDUCATIONAL QUALIFICATIONS FOR AGENT'S REPRESENTATIVES

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

19. New Schedule 8

After Schedule 7

insert

SCHEDULE 8

Regulation 3, definitions "infringement offence" and "prescribed amount"

INFRINGEMENT OFFENCES AND PRESCRIBED AMOUNTS

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

20. Further amendments

The Schedule has effect.

SCHEDULE

Regulation 20

Provision	Amendment	
	omit	substitute
Regulations 14(1) and (2), 16(1) and 24(4)	he (all references)	he or she
	him	him or her
Regulations 14(1) and (2) and 16(1)	his (all references)	his or her
Regulation 22A	, 16C	
Regulation 24(1)	121B	108H
Schedule 1		
Forms 8 to 10	the...day of...,19...	
Forms 8, 9 and 12	that...of...	that...
Forms 8 to 12	this...day of...,19...	
Form 10	branch manager	business manager
Forms 13 and 14	121B	108H
Forms 13 and 14	199 .	