

CE301\*

Real Estate and Business Agents Act 1978

## **Real Estate and Business Agents (General) Amendment Regulations 2009**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Real Estate and Business Agents (General) Amendment Regulations 2009*.

### **2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

### **3. Regulations amended**

These regulations amend the *Real Estate and Business Agents (General) Regulations 1979*.

### **4. Regulation 2 amended**

- (1) In regulation 2 delete the definitions of:  
*approved educational activity*  
*mandatory professional development subject points*  
*previous regulations*

- (2) In regulation 2 insert in alphabetical order:

*calendar year* means a period of 12 months beginning on 1 January;

**CPD activity** means —

- (a) in relation to the calendar year 2009 or any subsequent calendar year, an educational activity approved for that calendar year in accordance with regulation 4AA(1); and
- (b) in relation to either of the calendar years 2007 and 2008, an educational activity approved for that calendar year in accordance with regulations in force at the time of approval;

**CPD subject** means a subject listed in Schedule 1A;

**educational activity** means —

- (a) attendance, including by means of audiolink or videolink, at a specific training course provided by a specific body or person and successful completion of any assessment requirements for that course; or
- (b) attendance, including by means of audiolink or videolink, at a specific seminar presented by a specific body or person and successful completion of any assessment requirements for that seminar; or
- (c) viewing of a specific recording, and successful completion of any assessment requirements for that viewing; or
- (d) participation in a specific course of study, or a specific component of a course of study, and successful completion of any assessment requirements for that course or component;

**mandatory CPD activity**, in relation to the calendar year 2009 or any subsequent calendar year, means a CPD activity for that year which the Board has specified as a mandatory CPD activity for that year in accordance with regulation 4AA(3)(b);

**mandatory CPD subject**, in relation to either of the calendar years 2007 and 2008, means a CPD subject which is a mandatory subject for that calendar year under or in accordance with regulations in force with respect to that calendar year;

**point value** means —

- (a) in relation to a CPD activity approved for the calendar year 2009 or any subsequent calendar year, the point value specified under regulation 4AA(1)(b); and
- (b) in relation to a CPD activity approved for either of the calendar years 2007 or 2008, the point value specified or determined in accordance with regulations in force at the time of approval;

*relevant day*, for a calendar year, means —

- (a) for the calendar year 2009, the day which is 14 days after the day on which regulation 5 of the *Real Estate and Business Agents (General) Amendment Regulations 2009* comes into operation; and
- (b) for the calendar year 2010 and each subsequent calendar year, 1 January in that calendar year;

*regulated person* means a licensee to whom regulation 4AB applies or a sales representative to whom regulation 4AC applies;

## 5. Regulations 4AA, 4AB and 4AC replaced

Delete regulations 4AA, 4AB and 4AC and insert:

### 4AA. CPD activities

- (1) For each calendar year the Board is to approve educational activities in accordance with this regulation.
- (2) In approving an educational activity under subregulation (1) —
  - (a) the Board is to specify a point value for the educational activity, and may specify different point values in relation to different regulated persons or classes of regulated persons; and
  - (b) the Board is to specify the CPD subject or CPD subjects in relation to which the educational activity is approved; and
  - (c) the Board may approve the educational activity in relation only to specified regulated persons or a specified class of regulated persons.
- (3) Before the relevant day for each calendar year, in relation to each regulated person —
  - (a) the Board is to approve educational activities for that calendar year under subregulation (1) which have an aggregate point value of at least 10; and
  - (b) the Board may specify one or more CPD activities for that calendar year as mandatory CPD activities for that calendar year.
- (4) At any time after the relevant day for each calendar year the Board may approve further educational activities for that calendar year under subregulation (1).

- (5) Throughout each calendar year the Board is to maintain on its website an up-to-date notice setting out —
- (a) sufficient details to identify each CPD activity for that calendar year for each regulated person; and
  - (b) in relation to each CPD activity —
    - (i) the CPD subject to which it relates; and
    - (ii) its point value;and
  - (c) if the Board has specified mandatory CPD activities for that year in accordance with subregulation (3)(b), sufficient details to identify the mandatory CPD activities for each regulated person.

**4AB. Prescribed educational requirement — section 31(3)(b)**

- (1) This regulation applies to a licensee —
- (a) who is a natural person; and
  - (b) whose triennial certificate is due to expire during the calendar year 2009 or a subsequent calendar year.
- (2) It is an educational requirement for the purposes of section 31(3)(b) that, subject to subregulation (3), during each of the 3 calendar years preceding the calendar year in which a triennial certificate expires the licensee has undertaken CPD activities approved for that calendar year in relation to the licensee —
- (a) which have an aggregate point value of at least 10; and
  - (b) which —
    - (i) in respect of any calendar year before the calendar year 2009, include at least one CPD activity approved in respect of each mandatory CPD subject for that calendar year; and
    - (ii) in respect of the calendar year 2009 or any subsequent calendar year, include any mandatory CPD activities in relation to that licensee for that calendar year.
- (3) Where a triennial certificate —
- (a) expires during the calendar year 2009; or
  - (b) expires for the first time after it was granted,

the requirement to have undertaken CPD activities set out in subregulation (2) applies only in respect of the 2 calendar years preceding the year in which the certificate expires.

**4AC. Prescribed educational requirement — section 48(5)(b)**

- (1) This regulation applies to a sales representative whose certificate of registration is due to expire during the calendar year 2010 or a subsequent calendar year.
- (2) It is an educational requirement for the purposes of section 48(5)(b) that, subject to subregulation (3), during each of the 3 calendar years preceding the calendar year in which a certificate of registration expires the sales representative has undertaken CPD activities approved for that calendar year in relation to the sales representative —
  - (a) which have an aggregate point value of at least 10; and
  - (b) which, in respect of the calendar year 2009 or any subsequent calendar year, include any mandatory CPD activities in relation to that sales representative for that calendar year.
- (3) Where a certificate of registration expires for the first time after it was granted, the requirement to have undertaken CPD activities set out in subregulation (2) applies only in respect of the 2 calendar years preceding the year in which the certificate expires.

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

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