
INDUSTRY REGULATION

IS301

Real Estate and Business Agents Act 1978

**Real Estate and Business Agents (General)
Amendment Regulations 2020**

SL 2020/209

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Real Estate and Business Agents (General) Amendment Regulations 2020*.

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:
 - (a) delete “In these regulations,” and insert:
 - (1) In these regulations,
 - (b) insert in alphabetical order:

restricted certificate (property management) means a certificate of registration that is subject to a special

condition restricting the sales representative to property management transactions only;

restricted certificate (sales) means a certificate of registration that is subject to a special condition restricting the sales representative to sales transactions only;

unrestricted certificate means a certificate of registration that is neither a restricted certificate (property management) nor a restricted certificate (sales);

(2) At the end of regulation 2 insert:

- (2) In these regulations a reference to the examinations required to be passed for the conferral of a particular degree or qualification is a reference to the examinations that are or were required to be passed for the conferral of that degree or qualification at any time when it is or was conferred.
- (3) In these regulations a reference to a registered qualification, a training package or a module of a training package is a reference to a registered qualification, training package or module of a training package that is —
 - (a) recorded on the National Register on Vocational Education and Training managed by the Department of Education, Skills and Employment of the Commonwealth; and
 - (b) provided by a registered training provider.

5. Regulations 6 and 6A replaced

Delete regulations 6 and 6A and insert:

6. Prescribed examinations for licence applicants (Act Sch. 1 cl. 1(a))

- (1) The prescribed examinations for the purposes of Schedule 1 clause 1(a) of the Act are —
 - (a) the examinations required to be passed for the conferral by Curtin University of any of the following degrees or diplomas —
 - (i) Bachelor of Commerce (Property and Marketing);
 - (ii) Bachelor of Commerce (Property);
 - (iii) Bachelor of Commerce (Property and Finance);

- (iv) Bachelor of Commerce (Property Development and Valuation);
 - (v) Bachelor of Commerce (Property Valuation);
 - (vi) Master of Property;
 - (vii) Graduate Diploma in Property;
- or
- (b) the examinations required to be passed for the conferral of a Diploma of Property Services (Agency Management) registered qualification CPP50307; or
 - (c) the examinations required to be passed for the conferral of a Diploma of Property (Agency Management) registered qualification CPP51119, together with any additional examinations prescribed for the applicant under subregulation (2); or
 - (d) for an applicant who was a licensee and who ceased to be licensed under section 30(2a) of the Act, the examinations which were prescribed under regulation 6 of these regulations immediately before the commencement of the *Real Estate and Business Agents (General) Amendment Regulations 2003*.
- (2) Additional examinations are prescribed for an applicant mentioned in subregulation (1)(c) as shown in the Tables to this regulation according to the certificate of registration that the applicant holds.

Table 1 — Additional prescribed examinations

Kind of certificate held	Additional prescribed examinations
Unrestricted certificate acquired by completing the qualification prescribed in regulation 6A(3)(a)	No additional examinations
Any other unrestricted certificate	<p>Either:</p> <ol style="list-style-type: none"> 1. the examinations required to be passed for successful completion of modules from the CPP Property Services Training Package listed in Table 2 to this regulation as follows — <ul style="list-style-type: none"> (a) each of the modules indicated as mandatory in Column 1;

Kind of certificate held	Additional prescribed examinations
	<p>(b) any 3 of the modules indicated as elective in Column 1;</p> <p>or</p> <p>2. the examinations required to be passed for the conferral of a Certificate IV in Property Services (Real Estate) registered qualification CPP40307.</p>
Restricted certificate (property management)	<p>Either:</p> <p>1. the examinations required to be passed for successful completion of modules from the CPP Property Services Training Package listed in Table 2 to this regulation as follows —</p> <p>(a) each of the modules indicated as mandatory in Column 2;</p> <p>(b) any 3 of the modules indicated as elective in Column 2;</p> <p>or</p> <p>2. the examinations required to be passed for the conferral of a Certificate IV in Property Services (Real Estate) registered qualification CPP40307.</p>
Restricted certificate (sales)	<p>Either:</p> <p>1. the examinations required to be passed for successful completion of modules from the CPP Property Services Training Package which would be the prescribed qualification under regulation 6A(3)(a) if the applicant were applying for an unrestricted certificate;</p> <p>or</p> <p>2. the examinations required to be passed for the conferral of a Certificate IV in Property Services (Real Estate) registered qualification CPP40307.</p>

Kind of certificate held	Additional prescribed examinations
No certificate of registration	The examinations required to be passed for successful completion of modules from the CPP Property Services Training Package which would be the prescribed qualification under regulation 6A(3)(a) if the applicant were applying for an unrestricted certificate.

Table 2 — Modules of CPP Property Services Training Package

	Column 1	Column 2
CPPREP4005	Mandatory	Mandatory
CPPREP4103	Not accepted	Mandatory
CPPREP4104	Not accepted	Mandatory
CPPREP4105	Not accepted	Mandatory
CPPREP4121	Mandatory	Not accepted
CPPREP4122	Mandatory	Not accepted
CPPREP4123	Mandatory	Not accepted
CPPREP4124	Mandatory	Not accepted
CPPREP4125	Mandatory	Mandatory
CPPREP4102	Elective	Elective
CPPREP4201	Elective	Elective
CPPREP4202	Elective	Elective
CPPREP4203	Elective	Elective
CPPREP4204	Elective	Elective
CPPREP5201	Elective	Elective

**6A. Prescribed qualifications for certificate applicants
(Act s. 47(2))**

- (1) For a person who applies for a restricted certificate (property management), the prescribed qualification for the purposes of section 47(2) of the Act is —
 - (a) if the application is made on or before 30 September 2021, the successful completion of each of the modules from the CPP07 Property Services Training Package indicated as mandatory in Column 1 of Table 1 to this regulation; or
 - (b) the successful completion of each of the modules from the CPP Property Services Training Package indicated as mandatory in Column 2 of Table 2 to this regulation.
- (2) For a person who applies for a restricted certificate (sales), the prescribed qualification for the purposes of section 47(2) of the Act is the successful completion of modules from the CPP Property Services Training Package listed in Table 2 to this regulation as follows —
 - (a) each of the modules indicated as mandatory in Column 1;
 - (b) any 3 of the modules indicated as elective in Column 1.
- (3) For a person who applies for an unrestricted certificate, the prescribed qualification for the purposes of section 47(2) of the Act is the successful completion of —
 - (a) modules from the CPP Property Services Training Package listed in Table 2 to this regulation as follows —
 - (i) each of the modules indicated as mandatory in Column 3;
 - (ii) any 3 of the modules indicated as elective in Column 3;

or

 - (b) if the application is made on or before 30 September 2021 — each of the modules from the CPP07 Property Services Training Package indicated as mandatory in Column 2 of Table 1 to this regulation.

Table 1 — Modules of CPP07 Property Services Training Package

	Column 1 Applicants for restricted certificate (property management)	Column 2 Applicants for unrestricted certificate
CPPDSM4003A	Not accepted	Mandatory
CPPDSM4007A	Mandatory	Mandatory
CPPDSM4008A	Not accepted	Mandatory
CPPDSM4010A	Mandatory	Not accepted
CPPDSM4011A	Mandatory	Not accepted
CPPDSM4012A	Not accepted	Mandatory
CPPDSM4013A	Mandatory	Not accepted
CPPDSM4014A	Not accepted	Mandatory
CPPDSM4016A	Mandatory	Not accepted
CPPDSM4022A	Not accepted	Mandatory
CPPDSM4080A	Mandatory	Mandatory

Table 2 — Modules of CPP Property Services Training Package

	Column 1 Applicants for restricted certificate (sales)	Column 2 Applicants for restricted certificate (property management)	Column 3 Applicants for unrestricted certificate
CPPREP4001	Mandatory	Mandatory	Mandatory
CPPREP4002	Mandatory	Mandatory	Mandatory
CPPREP4003	Mandatory	Mandatory	Mandatory
CPPREP4004	Mandatory	Mandatory	Mandatory
CPPREP4005	Mandatory	Mandatory	Mandatory
CPPREP4101	Mandatory	Mandatory	Mandatory
CPPREP4102	Mandatory	Mandatory	Mandatory

	Column 1 Applicants for restricted certificate (sales)	Column 2 Applicants for restricted certificate (property management)	Column 3 Applicants for unrestricted certificate
CPPREP4103	Mandatory	Not accepted	Mandatory
CPPREP4104	Mandatory	Not accepted	Mandatory
CPPREP4105	Mandatory	Not accepted	Mandatory
CPPREP4121	Not accepted	Mandatory	Mandatory
CPPREP4122	Not accepted	Mandatory	Mandatory
CPPREP4123	Not accepted	Mandatory	Mandatory
CPPREP4124	Not accepted	Mandatory	Mandatory
CPPREP4125	Not accepted	Mandatory	Mandatory
CPPREP4201	Elective	Not accepted	Elective
CPPREP4202	Elective	Not accepted	Elective
CPPREP4203	Elective	Not accepted	Elective
CPPREP4204	Elective	Not accepted	Elective
CPPREP5201	Elective	Not accepted	Elective

6. Regulation 6B amended

In regulation 6B:

(a) in paragraph (a) delete “one year” and insert:

3 years

(b) delete paragraph (c) and insert:

(c) who has passed the examinations prescribed by regulation 6 to qualify for the grant of a licence;
or

V. MOLAN, Clerk of the Executive Council.