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ISSUE 31

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CURRENT LEGISLATION

PROPERTY AGENTS AND LAND TRANSACTIONS ACT 2016
PROPERTY AGENTS AND LAND TRANSACTIONS REGULATIONS 2017
 CODE OF CONDUCT - VERSION 3



Fee units are automatically indexed every financial year and are \$1.65 for the 2021-2022 financial year.
 One Penalty unit is \$173.00 for the 2021-2022 financial year.



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The Board
together with its staff
wish you a
Merry Christmas

and a happy, healthy and prosperous 2022



Right now and coming up....

Last call - licence applications prior to Christmas Break

A complete licence application* that is received prior to 14 December 2021 will be assessed on or before 23 December 2021.

Incomplete licence applications or those received after 14 December 2021 will not be assessed until after 10 January 2022.

*Complete licence application means all information, documentation and fees have been received.

Christmas Closing

The Board Office will be closed from Friday 24 December 2021 until Monday 10 January 2022.

For matters which require urgent attention during this period, the Executive Officer may be contacted on 0412 608 459.

2022 Code of Conduct – Version 4

The new Code of Conduct comes into effect on 1 January 2022.

Listed below are the amended clauses. Click [here](#) to access the full Code of Conduct and advice notes.

All the amendments are detailed later in this bulletin.

Trust Account Report

If a property agent who conducts business holds money in trust the property agent is required to lodge with the Board by 31 January 2022 a Trust Account Report for the six months ended 31 December 2021.

A separate Report must be completed for each trust account held.

The Trust Account Report must be completed by the managing property agent named in the Board's Register.

Copies are available on the Board's website [here](#)

Warning – A fee of \$75.90 applies for late lodgement of each Trust Account Report.

Licence Renewal 2022

The licence renewal period for the 2022-2023 licence year will begin in mid-March 2022.

The Board will forward the necessary paperwork via email to licensed property agents that are eligible to apply to renew their licence.

The Application for Licence (Renewal) form for a company will be forwarded via email to the property agent nominated to manage the authorised place of business.

Property Agents are required to lodge the Application for Licence (Renewal) form, prescribed fees and any documents or information that the Board requires by **30 April 2022**.

The Board is currently developing a website interface which will allow property agents to lodge renewal forms and change of detail forms electronically. Watch this space.

Continuing Professional Development (CPD)

Not all CPD requirements are the same - check your licence to see the CPD requirements for you to complete and the date by which it is due.

Please, don't leave it to the last minute.

2022 Code of Conduct - Version 4

The new Code of Conduct comes into effect on 1 January 2022.

Listed below are the amended clauses and the rationale for the changes.

Click [here](#) to access the full Code of Conduct and advice notes.

Clause 1 - Definitions

protected title means “real estate agent”, “property manager”, “general auctioneer” and “property representative”;

Clause 6 - Supervision of Employees

(1) A real estate agent, property manager, or general auctioneer, who manages a property agent’s business –

(a) **must** diligently supervise the work of all other persons employed or engaged to work in that business and must ensure that they **and all persons employed or engaged to work in that business** understand and comply with the Act, the regulations and this Code of Conduct;

(2) **A property agent must notify the real estate agent, property manager or general auctioneer who manages the property agents’ business within 7 days of notification by the Board that a conduct complaint has been made against them.**

Rationale for change Clause 6 - Supervision of Employees

The property agent who manages a business must supervise the work of the people employed or engaged to work in that business and is to ensure that everyone understands and complies with the *Property Agents and Land Transactions Act 2016*, the *Property Agent and Land Transactions Regulations 2017* and the Code of Conduct.

The Act provides that the Board is to only notify “the property agent who is the subject of a conduct complaint”. The Act does not provide for the Board to make the managing property agent aware of conduct complaints against individual property agents.

As a real estate agent, property manager, or general auctioneer, who manages a property agent’s business is to diligently supervise the work of all other persons employed this clause in the Code of Conduct provides the mechanism for the supervising property agent to be made aware of a conduct complaint.

The property agent who is subject to a complaint should notify the property agent named in the Board’s Register as the person authorised to manage, this should not be confused with internal positions of a department manager or the like.

Clause 7 - Dispute Resolution

A property agent must have **available** in the property agent’s authorised place of business a written **or electronic** document outlining –

- (a) the manner in which a customer or a client may make a complaint against –
 - (i) the conduct of a property agent; or
 - (ii) the operation of the property agent’s business; and
- (b) the procedure that will be undertaken by the property agent to resolve the complaint.

Rationale for change Clause 7 - Dispute Resolution

From time to time customers or clients of a real estate agency business may wish to make a complaint.

A complaint can be against an individual working in the business or it can be about a policy or procedure adopted by the business.

A property agent business must have a document which explains the complaint procedure.

There is also a requirement for the property agent to make all reasonable efforts to resolve a complaint and within a reasonable timeframe.

Clause 9 - Information Disclosure

(1) A property agent –

(a) must not disclose information relating to the affairs of a client obtained while acting for the client **(and that obligation continues after the completion of the transaction)** unless the client consents in writing to the disclosure or the property agent is required by law to make the disclosure; and

(2) A property agent –

(a) must not disclose information relating to the affairs of a customer obtained in the course of the property agent’s business that the customer requests to keep confidential **(and that obligation continues after the completion of the transaction)**; and

Rationale for change Clause 9 - Information Disclosure

The information disclosure clause in the Code of Conduct relates to the interaction between the property agent, the client and the customer and what, when and how information is disclosed.

The Code provides that a property agent should not disclose information relating to the client or customer unless the consent is provided or unless it is required by law.

The information disclosure provisions also highlight the manner in which a person behaves (conduct) because it is not always what a person says that provides meaning, it can be the way in which something is said or even certain gestures.

The information disclosure provisions relate to when a property agent is working for the client and interacting with the customer **and** after the interaction has been finalised.

A property agent can promote themselves or the listings/sale etc achieved however it is important to de-identify information of a client or customer.

Clause 12 – Conflict of interest, rights and responsibilities

(11) A property agent must not initially advertise a property at a price lower than the property agent knows the client will consider as an acceptable offer.

(12) When a property agent receives more than one offer on a property, the property agent then should commence the multiple offer process, unless the client instructs otherwise. The process is as follows -

- (a) When a second offer is made on a property for sale, that second offeror must be advised that there is already an offer on the property and that the terms and/or conditions that the second offeror is submitting should be their best terms and conditions, this process should be duplicated for any subsequent offer received.
- (b) The first offeror should then be advised that another offer has been made on the property and be given the opportunity to amend the price offered and or conditions of their initial offer to purchase.
- (c) The property agent should advise the offerors when the offers are going to be presented to the client, and that it will be the client's decision whether they accept an offer or make a counteroffer to any or all of the purchasers or reject them all.

(13) A property agent must disclose to a customer or client that the property agent or the property agent's business has an interest in a service/contractor business that is going to be used by the customer or client.

It is called
2022 CODE OF CONDUCT – VERSION 4
And it comes into effect
1 January 2022

Rationale for change Clause 12 – Conflict of interest, rights and responsibilities

(11) relates to the advertising price of a property when it is initially advertised for sale. This clause is designed to ensure that the property agent will not “underquote” the property.

The initial advertised price should be within a range that the client considers as an acceptable offer.

Anecdotally a vendor will initially say, “I won't sell for anything less than X dollars” or “I can't sell unless I get X dollars”, and depending on whether it is a buoyant market where properties sell easily or a soft market where properties are slower to sell this position may change.

There is a difference between the price that a vendor will accept and the price that a vendor wants on a property. This amount can change depending on the vendor's priorities. This clause is designed to ensure that the initial advertised price on the property is set around a level which can commence negotiations between the vendor and potential purchasers regardless of a soft or buoyant market.

(12) describes the multiple offer process used in Tasmania. In a buoyant market there can be considerable competition between purchasers to secure ownership of a property. The multiple offer process has been developed by the property industry in Tasmania to deal with multiple purchasers competing for the same property.

The multiple offer process is not designed to stop the counter offer process between a vendor and purchasers but it is designed to ensure that all parties are aware that they are in competition and that they may or may not get another opportunity to amend the offer made.

It is the vendor who decides whether they wish to use a multiple offer process and if they wish to negotiate with one or more purchasers. It is important to remember that other purchaser's offers will not be disclosed to another purchaser.

When the property agent's client is the vendor, the property agent's duty is to obtain the best price and conditions possible for their client. At the same time the property agent must act in a fair, honest and reasonable manner towards the customers (in this scenario, purchasers).

(13) provides that a property agent must disclose to a customer or a client that the property agent or the property agent's business has an interest in a service or contract that is going to be used by the customer or client. An example of this would be that an owner of a property management business is also an owner of a maintenance business which is used by the property management business.

There is no suggestion that the rates charged by the maintenance business would not be on commercial terms, but the disclosure provides for full transparency.

Clause 14 – Records access and transfer

(1) This clause applies if a property agent –

.....

(b) is advised by the client that another property agent is, or will be, managing the property or business for the client;
or

(c) is advised by the client that the client or if having been sold, the new property owner is, or will be, managing the property or business.

(2) If a new property agent is engaged by a client to manage the client's property or business or if the client or new property owner is to take over management of the property or business, the current property agent must ensure that all records relating to the management of the property or business by the property agent are shared with the new property agent, client or new property owner to facilitate the transfer of the management of the property or business to the new property agent, client or property owner.

Rationale for change Clause 14 – Records access and transfer

Records access and transfer allows movement of property management records from the existing property agent managing the property or business to another property agent, the existing owner or if the property or business has been sold the new property owner.

Clause 16 – Unsatisfactory professional conduct

Examples of behaviour that might constitute unsatisfactory professional conduct include, but are not limited to –

(h) a property agent unreasonably delaying the undertaking or completion of work for a customer.

Rationale for change Clause 16 – Unsatisfactory professional conduct

This addition is to indicate that unsatisfactory professional conduct can also relate to the interaction that a property agent has with a customer.

Clause 19 – Professionalism in the Property Agents Industry

(1) A property agent must at all times –

(m) report to the Board in writing within one-month detail of any matter which occurs and may affect their ability to work as a property agent or maintain a property agent licence.

(2) A property agent –

(a) must not refer to themselves by using a protected title or a name that is not shown on their licence; and

(b) must not hold themselves out to have a licence they do not have; and

(c) must not represent in any way to someone else anything that the property agent knows is false or misleading in relation to prospecting for business.

Rationale for change Clause 19 – Professionalism in the Property Agents Industry

Property Agents have a responsibility to report to the Board conduct that could be reasonably believed to constitute unethical, professional misconduct or unprofessional conduct.

There is a requirement for a property agent to report to the Board in writing any matter that may affect their ability to work as a property agent or to maintain a property agent licence.

The matters that may affect the ability to work or maintain a property agent licence include but are not limited to drug offences, bankruptcy or entering a composition or arrangement with creditors (commonly known as a Part IX Debt agreement, Fraud or Dishonesty, offences related to persons or property.

The industry uses many different names to describe different roles. The clauses in 19 (2) of the Code of Conduct are designed to ensure that a property agent is not holding themselves out as being licensed at a category of licence that the person does not have.

As well as the protected title, a property agent should not use a title such as Estate Agent if that person only holds a property representative licence. The term Estate Agent is not a protected title in Tasmania however it does represent a certain level of licence which would be equal to that of a real estate agent.

The Board's preferred position is the title used by the licence holder is the one that is printed on that person's licence, ie real estate agent, property manager, general auctioneer or property representative, or alternatively the generic term, Property Agent.

It is also important for a property agent to remember that when they are promoting themselves or their business that the advertisement doesn't create a false or misleading impression.

As an example, if a property agent advertised that 550 properties had sold in their area in the last 6 months in a manner that suggested that their agency sold all 550 properties (when in fact the 550 properties were sold by 10 different property agency businesses) then that could be considered as false and misleading.

Another example is when a property agent changes agencies and advertises properties sold under the new agency banner (when they were actually sold while employed by their previous employer).

Examinations

Examinations numbers 2020-2021

The Property Agents Board conducts examinations for the qualification of property representatives.

The property representative examination is an entry level examination which is designed to touch on a wide range of information.

The examination is designed for the candidate to demonstrate a basic level of knowledge and understanding of the property industry, as the expectation is that the person will build on this knowledge once working in the industry.

330 property representative examinations were attempted in 2020-2021 and overall, 78% of candidates were successful on their first attempt.

New Exam Coordinator

Welcome Jackie! The position of Exam Coordinator has been taken on by Jackie O'Brien. Jackie has extensive administrative and previous property industry experience. This makes her the perfect person to carry on the role from Cathryn Harrison.

Documentation permitted in examination

- *Property Agents and Land Transactions Act 2016*
- *Property Agents and Land Transaction Regulations 2017*
- Code of Conduct
- *Residential Tenancy Act 1997*

These documents can be only be highlighted there **must not** be any handwriting or other markings.

Supervisor discretion

The Examination Supervisor has discretion to remove any documents from an examination candidate if the Examination Supervisor considers there is handwriting or other markings on the permitted documentation.

Registering for an Examination

Examination candidates must register through the booking form on the Board's website no later than 7 days prior to the examination.

Candidates will receive an e-mail to confirm their exam booking. The examination fee invoice will be attached, and the email will contain further relevant information regarding the examination.

The examination must be paid for prior to the examination date.

Non-attendance at an Examination

An Examination candidate will forfeit the examination fee if they do not advise the Board Office at least 1 day before the examination is due to commence.

Examination Results

Every effort is made to provide exam results as soon as practicable. Candidates are advised (via email) the date they can expect their results (the result date).

The result date is determined by considering where the examination has been held (do the papers need to be couriered) and how many examination papers are to be marked.

Please note that examination results will not be provided before the result date.

Special Examination Provisions

The Board offers special provisions to candidates who have a pre-existing condition which impacts their ability to undertake the examination.

Board staff work with the candidate to understand and respond to the needs of that candidate, such as providing additional time, technology or alternative exam delivery.

Licensing

Licensing

During 2020-2021 the Board received and granted 273 new applications for licence.

The Board also received 1,772 applications for licence renewal in July 2020 (the renewal period being delayed due to COVID-19).

1900 application for licence renewal documents were sent in April 2021 with 1,734 licenses renewed for the 2021-2022 licence year.

There were 42 individual licensed property agents who were not invited to apply to renew their licence in April 2021 as those property agents had failed to comply with the CPD condition on their licence for the prior (2019-2020) licence year.

Processing an application for licence

When you submit an application for licence you will receive an acknowledgement email. Then within a couple of business days you will be sent a letter (via email) advising you the date that your licence application will be assessed (the assessment date).

Board staff set an assessment date based on current workloads and the number of applications to be processed.

If anything is missing from your application you will be advised, and if there is something missing you have until the assessment date to provide it.

On the assessment date you will be advised whether your licence has been granted or the application refused.

Your details in the Register

It does not cost you anything to keep your details in the Board’s Register up to date. Just complete the simple change detail form to update your name, address, phone number, email, etc.

If these details aren’t up to date, then you might miss out on important information.

Licence movement compared to previous period



“Holding yourself out” – it means what?

The Act in various sections makes the following type of statements **“a person must not, by any means, hold himself or herself out”** “unless the person.....”

What does this mean in a practical sense?

A person CANNOT represent themselves in any way that would indicate that the person can do something unless they have satisfied a specific requirement. For example Section 38(3) of the Act provides for employment of property representatives and states –

“(3) A person must not, by any means, hold himself or herself out as being a property representative employed or contracted by a real estate agent named in Part 1(1) of the Register or a property manager named in Part 2(1) of the Register, or by a body corporate, unless the person is so employed or contracted.

Penalty: Fine not exceeding 100 penalty units.

Turn that statement around it can also read as.....

If a person implies that they are employed as a property representative when they are not, then the person is breaking the law and they could be fined up to \$17,300.

Or another example - Section 43 states -

A person must not perform the functions of a property representative unless the person is a property representative. Penalty: Fine not exceeding 500 penalty units.

This means a person must not do sales or property management work unless the person holds a valid property representative licence otherwise they are breaking the law and could be fined up to \$86,500.

Case Study – Professional Misconduct (Tribunal decision)

Background

This matter was referred by the Property Agents Board (the Board) to the Property Agents Tribunal (the Tribunal) as it was considered that the Property Agent's conduct amounted to more than minor misconduct.

Grounds of referral

The Board in the referral to the Tribunal alleged that the Property Agent's conduct had breached the *Property Agents and Land Transactions Act 2016*.

The Board considered that in each of the complaints the Property Agent was guilty of professional misconduct or unsatisfactory professional conduct as defined in section 83 of the Act. The complaints were referred to the Tribunal as follows:

Complaint 1: *The Respondent provided appraisals to a mortgage broker that contained over valued weekly rental incomes*

The Property Agent deliberately provided at least two rental appraisals to a mortgage broker in circumstances that he knew that those valuations were over-valued and therefore incorrect, and that he did this in order to improperly gain for him and/or others a financial advantage.

Complaint 2: *Unauthorised Access and Use of the Agency's IT System – use of an email account (1)*

The Property Agent without authorisation or permission, accessed the email account of the business owner and further that he sent an email from that account to the Agency's IT Help Desk purporting to be the business owner. Further, by sending that email, the Property Agent improperly gained for himself an unauthorised level of access to the agency's IT System.

Complaint 3: *Breach of Section 54 of the Property Agents and Land Transactions Act 2016*

The Property Agent without authorisation or permission, instructed a magazine to publish advertising material in terms that was contrary of section 54 of the Act. That is that it did not contain the name or the authorised place of business of the real estate agency business.

Complaint 4: *Unauthorised Access and Use of the Agency's IT System – use of email account (2)*

The Property Agent without authorisation or permission, accessed the email account of the personal assistant to the business owner.

Further, on the same date, the Property Agent accessed an email to the personal assistant sent from a media outlet without authorisation or permission and sent a response back to that media outlet.

Complaint 5: *Unauthorised Access and Use of the Agency's IT System in order to improperly obtain a financial advantage*

The Property Agent without authorisation or permission, used the "Access Code" of a former employee of the Agency to improperly gain access to the property management system. Further, the Property Agent used that access to improperly obtain for himself a financial advantage by attempting to gain for himself two week's free rent over a property he was renting at the time.

Discussion and findings of the Tribunal

The Property Agent admitted the facts alleged in each of the Complaints and entered a plea of guilty to each Complaint.

The following matters were uncontested and were accepted by the Tribunal.

1. The Property Agent was 22 to 24 years of age at the times relevant to the Complaints and had between one- and three-years' experience as a Property Agent;
2. He was providing property valuations 'in line with' the directions of his employer (as to Complaint 1); and as to Complaint 3, in the manner directed by his employer
3. The loss of his employment in the Real Estate industry has led to a loss of his regular income; he has since been employed outside the real estate industry.
4. While he has since found casual employment, his earnings are potentially less reliable, and if hours are unavailable, or he is unable to work them due to illness, he has no regular source of income. He had limited means to meet any significant fine.

5. He acknowledged that his conduct fell short of the required professional standard and expressed remorse for his conduct.
6. He had entered early pleas of guilty to each count.
7. His relatively young age and inexperience during the period when the offences took place were also relevant.

The Board and the Property Agent jointly submitted to the Tribunal details of what the parties considered would be appropriate sanctions to be imposed.

The Tribunal considered that the action to be taken was a matter for the Tribunal and not one simply for agreement between the parties, however on this occasion the Tribunal considered the proposed sanctions were appropriate when taking into account other factors.

Previous Tribunal Decision

In November 2020, the Property Agent was found guilty by the Tribunal of dishonestly accessing a computer system and attempting to obtain a financial advantage. The Tribunal ordered that Property Agent be prohibited from working as a property agent for a period of 5 years and fined him \$10,000, with an order to pay the Board's costs. On 17 June 2021 those costs were ordered to be paid in the sum of \$15,000.

Personal Circumstances

In the circumstances, including the Property Agent's personal circumstances, it was proper to adopt an approach that did not impose a crushing burden on the Property Agent in respect of the similar series of offences (the "Totality Principle"), while at the same time ensuring the protection of the public.

Seriousness of Complaints

The Tribunal emphasised that had it not been for the extent of the previous orders, the Tribunal in the present instance would have imposed a much larger fine, and also ordered that the Property Agent pay the entirety of the Board's costs.

It was, for instance, a very serious matter that the Property Agent used his position as a property agent to dishonestly gain a financial advantage for himself (Complaint 5).

Overall Findings of the Tribunal

The Tribunal found that the Property Agent was guilty of Professional Misconduct as defined in s.83(1) of the Act in relation to each of the 5 Complaints before the Tribunal; and

1. Directed that the Property Agents Board be prohibited from licensing the Property Agent without the approval of the Tribunal in accordance with s.110(1)(b) of the Act;
2. Ordered that the Property Agent be prohibited from conducting all or any part of a real estate agency business, property management business or general auctioneering business for a period of 5 years from the date of this decision, in accordance with s.110(1)(c) of the Act;
3. Fined the Property Agent the sum of \$5,000, such sum to be paid within 18 months of the date of the Tribunal's decision in accordance with s.110(1)(d) and s.110(2) of the Act;
4. Ordered that the Property Agent pay a contribution towards the Board's costs in the sum of \$5,000 in accordance with s.111 of the Act,
5. Ordered that if the Property Agent defaulted in a payment of the \$15,000 he was ordered to pay in instalments to the Board in accordance with the costs order made by the Tribunal on 17 June 2021, or defaulted in a payment of the \$5,000 he was ordered to pay the Board in accordance with this costs order, then the sum of \$5,000 (or outstanding balance) became immediately due and payable.

Board comment

Rental appraisals that contained over-valued weekly rental incomes

By providing over-valued rental appraisals the Property Agent potentially secured business for himself and/or the mortgage broker which would provide a financial advantage to them.

The potential ramification if a loan is approved on the basis of an overstated income assessment is that the purchaser may be unable to service the loan which in turn would place the purchaser at risk of mortgage default.

Further, depending on the lending criteria of the financial institution, a loan that is approved on the basis of false information (over-valued weekly rental income) exposes that financial institution to financial risk.

Advice Notes

The Board on its website publishes Advice Notes and Guidelines. The Board publishes a policy, advice note or guideline to ensure that the industry and other stakeholders understand the legislative framework and the Board's position,

Currently there are 16 different publications which have been designed to provide information or guidance in relation to the property industry. These are updated or added to periodically.

Recent additions include Code of Conduct clauses, Certificate IV in Real Estate Practice and Publication of Board and Tribunal Decisions.

Here is an example:

Advice Note

Publication of Board and Tribunal Decisions

The Property Agents Board (the Board) acts as the regulatory authority for property agents in Tasmania.

This advice note is provided to advise property agents how the Board will publish its decisions as well as decisions made by the Property Agents Tribunal (the Tribunal). Further information can be obtained from the Board's Policy - Publication of Board and Tribunal Decisions – Version 2 effective September 2021 which is available on the Board's website.

Please note the following information is intended only to provide a general overview and may be subject to change.

Publication of Board Decisions

The Board has determined that when it makes a decision which it considers could educate the industry and/or stakeholders, then a short de-identified case study will be published.

However, if it is in the public interest, the Board may publish a full decision or in a hybrid format other than a case summary.

Publication of Tribunal Decisions

The Board in consultation with the Tribunal has determined that it will publish Tribunal decisions verbatim effective from 15 September 2021.

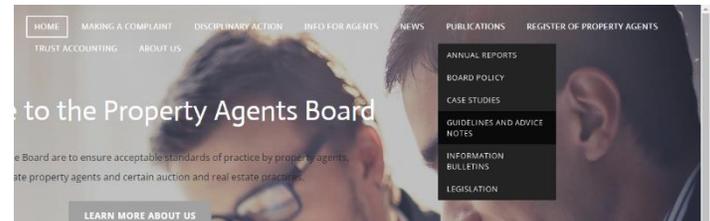
However, the Board exercises the right to publish a decision with redactions or in a hybrid format. In these circumstances it will be clearly indicated that it is an abridged copy.

Definition of publication

The definition of publication for the purpose of this Advice Note is to disseminate content or information or provide access to the public or a section of the public of that content or information by any means.

The forms of publication include, a decision, media releases, Information Bulletins, correspondence and documents that can be accessed on the Board's website www.propertyagentsboard.com.au.

The link is [here](#) to access Guidelines and Advice Notes on the website or from the home page click publications and use the drop down box.



Certificate IV in Real Estate Practice - CPP41419

A key change to CPD requirements for property representatives is that all new property representatives with licenses granted on or after 1 August 2021 are to successfully complete the CPP41419 Certificate IV in Real Estate Practice.

This means once a property representative has a licence they will have a condition on their licence to complete the CPP41419 Certificate IV in Real Estate Practice.

The condition is imposed in two distinct phases.

The property representative will be required to successfully complete the 5 core units within a specified time period as noted on their licence.

Then the remaining units to complete the Cert IV within another specified time period again which will be noted on their licence.

The timeframes in which the property representative will be required to complete the two phases will depend on when the licence is granted.

The 5 core units will be required to be completed in no less than a 12-month period and the remaining units within a period of no less than a 24-month period.

The condition on the licence will clearly set out the requirements for that licence holder.

The condition will be placed on a property representative's licence at the time the licence is granted. Here is an example:

The holder of this licence is required to successfully complete the 5 core units of CPP41419 Certificate IV in Real Estate Practice by 30 June 2023.

The core units are

*CPPREP4001 Prepare for professional practice in real estate;
CPPREP4002 Access and interpret ethical practice in real estate;
CPPREP4003 Access and interpret legislation in real estate;
CPPREP4004 Establish marketing and communication profiles in real estate;
CPPREP4005 Prepare to work with real estate trust accounts.*

Property representatives who complete the CPP41419 Certificate IV in Real Estate Practice will not be required to undertake CPD for up to 24 months after completion.

Please note the CPP41419 Certificate IV in Real Estate Practice compulsory qualification requirement **only applies after the person obtains their licence** and only for property representatives who have not been licensed in Tasmania before 1 August 2021 or who have not held a property representative licence for a period over two years.

For further information about the National Training Package click [here](#)

To achieve the qualification. Competency must be demonstrated in 18 units of competency.

The Property Agents Board requires the following to be undertaken:

- Core Units;
- Group A – Residential Property Sales;
- Group B – Residential Property Management;
- 3 elective units of your choice.

Core units

CPPREP4001	Prepare for professional practice in real estate
CPPREP4002	Access and interpret ethical practice in real estate
CPPREP4003	Access and interpret legislation in real estate
CPPREP4004	Establish marketing and communication profiles in real estate
CPPREP4005	Prepare to work with real estate trust accounts

Elective units

Group A - Residential Property Sales

CPPREP4101	Appraise property for sale or lease
CPPREP4102	Market property
CPPREP4103	Establish vendor relationships
CPPREP4104	Establish buyer relationships
CPPREP4105	Sell property

Group B - Residential Property Management

CPPREP4101	Appraise property for sale or lease
CPPREP4102	Market property
CPPREP4121	Establish landlord relationships
CPPREP4122	Manage tenant relationships
CPPREP4123	Manage tenancy
CPPREP4124	End tenancy
CPPREP4125	Transact in trust accounts

To find details of other elective units click [here](#).

Property Agents Board

The full list of duties of the Board are set out in Section 6 of the Act. They include:

- to administer the licensing system for property agents established by this Act and maintaining the Register;
- to ensure that property agents comply with the requirements of this Act to take appropriate action, including disciplinary action, to protect the public and to discourage such conduct;
- to ensure that people do not act as property agents unless they are permitted to do so under this Act;
- to receive, investigate and determine complaints against property agents;
- to supervise the trust accounts of property agents;
- to advise property agents on appropriate standards of conduct

The Board

There are five members of the Board appointed by the Governor.

The Chair must be a legal practitioner of at least five years' standing and who has legal experience in areas of law relevant to the position. Two members must be property agents who have at least five years' experience as property agents. Two members of the Board must not be property agents.

The Board membership is:

Ann Cunningham	Chair
Adrian Kelly	Property Agent Board Member
Andrew Wright	Property Agent Board Member
Belinda Webster	Non-Property Agent Board Member
Liz Rodd	Non-Property Agent Board Member

The Board meets monthly (except January) and the procedure in which a meeting is conducted is set out in Schedule 1 of the Act.

A meeting of the Board is not open to the public, but the Board may allow a person to attend a meeting if it is satisfied that it is appropriate to do so.

Board Staff

The Property Agents Board is supported by a team of six staff:

- a Business and Operations Manager (currently vacant)
- a Complaints Officer – Cheryl McCulloch;
- an Examination Coordinator – Jackie O'Brien;
- the Executive Officer – Alicia Hutton;
- a Licensing Coordinator – Cathryn Harrison;
- an Office Administrator – Catherine Reading.

The Board engages a Board Inspector on a casual basis to conduct inspections of property agent's trust accounts.

A Complaints investigator is also engaged on a casual basis to assist with complaint handling.

The Board also retains the services of external lawyers and counsel, as required and when prosecuting matters in either the Tribunal or Magistrates Court.

Contact Hours

The Board has recently changed its public contact hours to 9:00am – 4:00pm.

Contact us

There are different ways to contact the Board staff.

Email – board@propertyagentsboard.com.au

Telephone – 6281 3480

Website - www.propertyagentsboard.com.au – contact us

Property Agents Tribunal

The Tribunal has responsibility for hearing and determining:

- an appeal against a decision by the Property Agents Board (the Board) to refuse to grant or renew a licence;
- an appeal against a Board decision relating to a conduct complaint; or
- a referral by the Board for a conduct disciplinary matter. In accordance with Section 101(7)(c) of the Act, a conduct disciplinary matter must be referred when the Board decides that a complaint about the conduct of a property agent involves more than minor misconduct.

Matters considered by the Tribunal during 2020-2021

Three conduct referrals including a joint referral were determined and in all cases the Property Agent admitted professional misconduct.

In the joint referral one of the property agents appealed to the Magistrates Court – Administrative Appeals Division in relation to the orders made.

The Magistrate upheld the Tribunal's decision and dismissed the appeal.

The Tribunal also determined a taxation of costs against one of the property agents in the joint referral.

One appeal from a decision of the Board upon a complaint was brought forward from a previous reporting period. The decision of the Board was upheld by the Tribunal on appeal. However, the Tribunal's decision in this matter was appealed to the Magistrates Court – Administrative Appeals Division; this is yet to be determined by the Magistrates Court.

A licensing appeal was withdrawn by an Appellant before a Tribunal panel was constituted.

Penalties imposed by the Tribunal

Matter 1

The Property Agent was reprimanded;

The property Agent was prohibited from conducting all or any part of a real estate agency business, property management business or general auctioneering business for 3 years except that he is entitled to apply to be a property representative with the condition that he not be responsible directly or indirectly for the administration of a trust account;

The property agent was fined the sum of \$40,000 of which \$25,000 was suspended for a period of 5 years on the basis that the property agent commits no breaches of the Act;

The Property Agent was ordered to pay the sum of \$10,000 towards the Board's costs.

Matter 2

Property Agent 1 – was prohibited from conducting all or any part of a real estate agency business, property management business or general auctioneering business for 5 years without the approval of the Tribunal;

Property Agent 1 was fined \$30,000.

Property Agent 1 was ordered to pay costs of the Board.

Property Agent 2 was fined \$10,000

Property Agent 2 was ordered to pay costs of the Board.

Matter 3

The Board is prohibited from licensing the Property Agent without the approval of the Tribunal;

The Property Agent was prohibited from conducting all or any part of a real estate agency business, property management business or general auctioneering business for 5 years;

The Property Agent was fined \$5,000.

The Property Agent was ordered to pay the sum of \$5,000 towards the Board's costs.