

# Continuing Professional Development (CPD)

## GOVERNANCE

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## CONTEXT AND BACKGROUND

The Property Agents Board (the Board), is the statutory authority responsible for property agents in Tasmania. Amongst other things, the functions of the Board are:

- to ensure acceptable standards of practice by property agents, and
- to regulate property agents and certain auction and real estate practices.

## OBJECTIVE

The objective of this policy is to provide advice to the property agents industry in understanding the Board's Continuing Professional Development (CPD) requirements and to reinforce the importance of CPD activities.

The policy specifically aims:

- to establish clear guidance to property agents to meet the Board's CPD requirements;
- to confirm the Board's process for seeking approval for CPD activities;
- to confirm the Board's process for seeking an exemption for CPD requirements;
- to reinforce the concept that CPD is not a compliance challenge but an opportunity to maintain personal and professional confidence and proficiency.

## SCOPE

This policy applies to **all** licensed property agents who are licensed under the *Property Agents and Land Transactions Act 2016* (the Act).

## POLICY PRINCIPLES

The Board may change policies relevant to CPD at any time. However, the property agents industry will be notified of all amended policies which will be published on the Board's website to ensure that property agents are aware of any changed requirements.

## AIM OF CPD

A commitment to CPD is critical in building and maintaining professionalism within the property agents industry. As a result, it increases levels of consumer protection and enhances public confidence and trust in property agents.

CPD is an integral part of the qualification framework which has been designed to enable property agents to continue to update their knowledge and skills in the areas of industry developments, legislative change, and work practices.

CPD provides a vehicle to maintain currency of technical knowledge and is a way of ensuring the property agents industry remains professional; it is also a way of growing new knowledge, expanding each property agent's abilities and giving them an opportunity to reflect upon their own professional practice.

## REQUIREMENTS

The Board imposes a CPD condition on all individual property agent licenses. The CPD condition is identified on the property agents' licence under the word "Conditions".

The Board imposes various CPD conditions, and it is imperative that a property agent is aware of the condition imposed on their own licence and that they ensure that the CPD undertaken satisfies their CPD condition.

From 1 July 2022 CPD requirements are changing and property agents will need to ensure CPD requirements are met by 30 April each year.

## TYPES OF CPD CONDITIONS

### Points CPD condition

The condition on the licence will indicate that the property agent must undertake a minimum number of CPD points within the period specified.

The condition will indicate how many industry specific CPD points must be undertaken, and of those, the minimum number of CPD points that must be provided by an external provider.

Example of condition on licence:

*The holder of this licence is required to undertake 12 CPD points by 30 April 2023. 8 CPD points must be industry specific and at least 4 of those industry specific points must be by an external provider.*

Therefore, the condition for that property agent is broken down to be -

12 points of CPD by 30 April; which consists of:

- 8 points (of the 12 points) industry specific CPD; and
- 4 points (of the industry specific CPD) need to be delivered by an external provider.

What would satisfy this requirement?

EP1579	Property Management online	Australian College of Professionals	Industry specific	12 points
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The property agent has undertaken 12 points of industry specific CPD provided by an external provider.

OR

EP3144	Hand Hygiene (e-learning)	One Care	Non-Industry specific	0.5 points
EP1381	Invoice Management Webinar	Property Me	Industry specific	0.5 points
EP1003	Accelerate your Sales Career today	REIT	Industry specific	7 points
EP1321	Our Role and Our Relationship with You	Tenants Union of Tasmania	Industry specific	1 point
IP3494	Nutrien Code of Ethics Annual Training	Roberts Limited	Industry specific	1 point
EP1220	Word – Intermediate	NDA Computing	Non-industry specific	2 points
IP2096	Prospecting	Petrusma Property	Industry specific	1 point

The property agent has undertaken 9.5 points of industry specific CPD by an external provider.

The term external provider means that the CPD Activity is delivered by a person external to the organisation by which the property agent is employed.

### CPP41419 Certificate IV in Real Estate CPD condition

The Board has determined that property representatives who are granted a licence on or after 1 August 2021 must complete the CPP41419 Certificate IV in Real Estate Practice.

The property representative will have not less than 3 years to complete the qualification.

The condition will be implemented in two distinct phases. That is, the licence holder will be required to successfully complete the 5 core units within one specified time period and then the remaining units within another specified time period. The timeframes in which the person 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. The timeframe for completion will depend on when in the licence year the licence is granted.

Therefore, if the licence was granted on 1 November 2021 the CPD condition would be:

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

Given the commitment and cost of these units, the Board determined that this CPD would satisfy the CPD requirements for up to 24 months after completion.

### **Mutual recognition/knowledge and experience CPD condition**

The Board has determined that the licence of a property agent who applied under mutual recognition (MR), or who has been granted a licence on the basis that the Board was satisfied that the person had sufficient knowledge and experience of the functions of a property agent or to carry on that business, will include a condition that the property agent is to undertake four (4) CPD points on Tasmanian Legislation relating to the conduct of property agents.

The Board has determined that the CPD requirement for a person who applies for a licence under MR and has been granted a Division 2 licence (real estate agents, property managers, general auctioneers) is the Compliance and Ethics Cluster Diploma units within the CPP51119 Diploma of Property (Agency Management):

- CPPREP5001 Manage compliance in the property industry
- CPPREP5002 Establish and monitor property industry trust account management practices
- CPPREP5003 Manage ethical practice in the property industry

The units studied for these CPD requirements must be approved by the Board as being focused on Tasmanian legislation.

Given the commitment and cost of these units, the Board has determined that this CPD would satisfy the CPD requirement for a two-year period.

If the Division 2 licence holder has already completed the three units, then the Acts and Regulations unit of study (Board approved CPD Code EP5240) studied as part of the property representative exam preparation course would be sufficient to satisfy 4 points of CPD on Tasmanian Legislation relating to the conduct of property agents.

### **WHAT IS A CPD ACTIVITY?**

CPD may take several forms such as:

- training courses, workshops or symposiums;
- distance professional developmental/education programs;
- multimedia or website-based programs;
- a conference or seminar including webinars; or
- other training types as approved by the Board.

## TYPES OF CPD ACTIVITY

### Industry specific or non-industry specific

The Board has placed an emphasis on industry specific CPD activity as it assists property agents to be more effective and aware of industry developments, legislative changes and work practices. The Board requires some CPD undertaken to be directly related (industry specific) to the property agents industry.

A CPD activity is characterised as industry specific if the CPD activity

- (a) covers property agents industry topics or covers topics which (although more general in nature) provide examples/case studies relevant to the property agents industry; and
- (b) is an activity that has been created or is organised for the property agents industry.

However, the Board appreciates that there are CPD opportunities of a non-industry nature which will provide valuable professional development to a property agent. As such, the Board will continue to approve CPD activities:

- (a) if the CPD activity has relevance to the property industry;
- (b) has a significant intellectual or practical content; and
- (c) provides a professional developmental outcome to the activity.

A property agent can undertake some CPD activity of a more general nature (non-industry specific) that is not necessarily directly connected to the property agents industry. It should be noted that CPD activities that are characterised as non-industry specific will only be allocated a maximum of 2 points regardless of the activity's duration.

### Mandatory CPD activity

The Board from time to time may require all property agents to undertake a CPD activity relating to a specific topic/issue. This type of training will be called a mandatory CPD activity. If the Board requires a mandatory CPD activity, it will specify what training is required and when it must be completed.

### Internal Training or External Provider

The Board has determined that each property agent must undertake some CPD activity from a training provider/trainer external to their organisation. The CPD point coding will display the prefix 'EP' eg EP1234. A CPD activity conducted internally will be coded with the prefix 'IP' e.g. IP1234.

## APPROVING A CPD ACTIVITY

All CPD activities that a property agent seeks to count towards the CPD requirement must be approved by the Board.

The Board assesses a CPD activity according to how it fits with desired outcomes for CPD.

## How to obtain approval

Either a participant in an upcoming training activity or the training provider can request that future training activity be approved by the Board by using a *Request for CPD Activity Approval form* available on the Board's website.

## Factors considered when assessing approval

The Board considers activities for approval by taking such factors as:

- how relevant is the CPD activity to the property industry?
- does the CPD activity have significant intellectual or practical content?
- is there a professional developmental outcome to the activity?

## Allocation of points

The Board may not allocate the same number of points to a CPD activity as the actual duration of the CPD activity.

For example, the Board does not consider that meal and other breaks and social or networking functions or sessions of a more general, sponsorship or induction nature form part of a CPD activity.

## Approval should be sought in advance

A CPD activity must be approved by the Board before the attendance will attract CPD points. The Board can exercise its discretion to approve courses retrospectively. The Board has determined that this discretion will be exercised sparingly and only where the CPD activity directly relates to the property agents industry.

A training provider and/or a property agent who retrospectively seeks a CPD activity to be approved will need to complete the *Request for Retrospective CPD Activity Approval form* that is available on the Board's website.

Training providers and property agents should check in advance as to whether the training activity is already on the *List of Approved CPD Activities* to ensure that participants can claim the training activity points without further application requirements.

## Sessional or ongoing

The Board may approve CPD activities on a sessional (it is only held on a specific date) or on an ongoing basis (the CPD activity is held at different times during the year). Ongoing approval for courses may be approved for a period of three years, at which time it will be reviewed. Further, if the format/presentation of any approved training activity varies, the training provider must notify the Board, so it can be re-assessed.

## Publication of approvals

Each approved CPD activity will be published on the Board's *List of Approved CPD Activities* with a unique CPD reference number, the name of the CPD activity, the training provider, and the number of CPD points it attracts.

The *List of Approved CPD Activities* is updated regularly and published on the Board's website. An extract of the *List of Approved CPD Activities* is detailed below.

CPD Code	Name of CPD Activity	Provider	Classification	Activity Date	Points
EP3466	The Amending Regulations and Extensions of the Commercial Tenancy Relief Scheme (e-learning)	Greens List Barristers	Industry Specific	8/10/2020	2
EP3731	Grow 100 Plus Online Workshop	Grow 100 Plus	Industry Specific	8/04/2021	6.5
EP1109	Knight Frank Tas Leadership Program	Consulting & Coaching	Industry Specific	ongoing	12
EP3449	AFSL Awareness (webinar)	Hall and Wilcox	Non industry specific	19/08/2020	1.5
EP1121	Managing Distractions	Happy Ground	specific	ongoing	1
EP3474	Harcourts Australia Sales Webinar Get Real About Video (online)	Harcourts Australia	Industry Specific	21/10/2020	1

## EXEMPTIONS FROM CPD DUE TO EXTENUATING CIRCUMSTANCES

The Board considers the range of approved CPD activities, and the time frame provided to meet the CPD requirements is broad and flexible enough for all property agents to meet the requirements. The Board does however appreciate that there are times when extenuating circumstances may make this difficult.

A property agent wishing to be excused from part or all of their CPD requirement or by requesting an extension of time can apply in writing to the Board.

In making an application for a CPD exemption or a CPD extension a property agent may need to include some supporting documentation such as:

- a letter from their employer confirming a leave of absence from work (including dates); and/or
- a medical certificate stating their condition, dates, and how the condition affected their ability to complete CPD; and/or
- other appropriate information.

The **extenuating circumstances** for exemption will be limited, and exemptions will only be considered where there is compelling evidence that the circumstances have created a significant obstacle to the property agent completing their CPD points.

As a general principle, financial hardship, workload, age or remote location are not adequate grounds for an exemption as there are sufficient approved CPD activities in a range of formats available to overcome these obstacles.

Each case for extenuating circumstances is considered on its merits and depending on the circumstances, the Board may decide –

- (a) to grant a full or partial exemption;
- (b) to extend the time to comply with continuing education requirements; or
- (c) that the circumstances do not warrant any exemption at all.

Evidence of a strong prior commitment in undertaking CPD activities will be considered by the Board when assessing applications for exemption.

## COMPLIANCE

### Repeating CPD activities

All CPD undertaken is allocated to each individual property agent's file with the Board approved CPD codes. The Board acknowledges that a property agent may wish to repeat a previous CPD activity undertaken to reinforce their knowledge but as the concept of CPD is to broaden your knowledge of the property agents industry, the Board does not accept a property agent repeating a CPD activity to meet their CPD requirements on their licence.



### **Inability to carry forward points into a new licence year**

If a property agent has a CPD points condition imposed on their licence this means that the minimum amount of CPD that must be undertaken during the periods specified.

This means that the Board does not allow for property agents to carry forward excess points from one licence year to another or to be in debit for a licence year and to undertake to do additional CPD in the next licence year.

### **Declaring compliance and implications of non compliance**

The Board as the Regulator does not receive information from training providers. It is the responsibility of each property agent to keep a record of their CPD undertaken in a licence year. As such, the Board recommends that a property agent keep an electronic and/or hard copy of CPD that they have undertaken during the licence year including the date, so all information is to hand when it comes to renewal time. A property agent may declare completed CPD through the online portal at anytime during the year.

Compliance with CPD is enforced when a property agent applies to renew their licence. A property agent must declare CPD undertaken as part of the renewal process. All property agents must ensure that they adhere to the CPD condition on their licence, and failure to comply with this CPD condition may ultimately result in:

- the property agent not being re-licensed; or
- additional conditions being imposed on their licence; or
- them not receiving their renewal documents for the following licence year and having to re-apply for their licence.

Failure to supply evidence of CPD or submitting incorrect or incomplete records relating to CPD will be considered as non-compliance with meeting a condition on the licence. The provision of false information may result in the Board commencing disciplinary proceedings or suspending the property agent's licence.

### **Audit procedure**

The Board conducts audits each year by seeking random samples of CPD records of property agents from all types of licence categories. If audited, property agents will be required to produce any or all of the following:

- Evidence of records of attendance;
- Statement of attainment certificates or record of completion;
- Transcripts of results;
- Copies of training activity handouts or materials provided;
- Any other evidence to demonstrate attendance and participation in the training activity.

## ATTACHMENT A - SUMMARY OF REQUIREMENTS

The following table summarises the key CPD requirements of the Board.

CPD conditions	<p>Due to specific circumstances of each property agent and implementation of Board policy, there are a variety of CPD conditions that can be imposed on a property agent's licence.</p> <p>It is imperative that the property agent is aware of all conditions on their licence and what they must do to comply with that condition</p>
CPD points	<p>A points condition will identify:</p> <ul style="list-style-type: none"> <li>• the number of points of CPD activity to be undertaken;</li> <li>• the number of points of CPD activity that must directly relate to the property agents industry;</li> <li>• the maximum number of points of CPD activity that can be more of a general nature (but still must be relevant to the property agents industry);</li> <li>• the minimum number of points of CPD activity that must be provided by an external provider (delivered by a person external to the organisation);</li> </ul> <p>From time to time the Board may require property agents to undertake mandatory CPD in a specific area or topic.</p>
Completing CPD	<p>CPD requirements are different for different licence holders. The CPD condition on the licence will identify the timeframe in which the licence holder has to complete their CPD requirement.</p> <p>e.g. <i>The holder of this licence is required to undertake 10 CPD points by 30 April 2023. 8 CPD points must be industry specific and a minimum of 4 industry specific points must be by an external provider.</i></p> <p>The CPD requirement is expressed as a condition of the individual's licence.</p>
CPD Exemption and CPD Extensions	<p>If a property agent cannot meet their CPD condition they may apply to the Board in writing to seek a discretionary exemption in whole or in part from CPD requirements due to extenuating circumstances, or to obtain an extension to meet their CPD requirements.</p>
Approval of CPD activity	<p>The Board takes certain criteria into account in determining whether a CPD activity should be approved as either directly related or general in nature. Training activities that are not approved by the Board cannot be claimed as an approved CPD activity.</p> <p>For a CPD activity to be approved, it must be sought in advance using the Board's form <i>Request for CPD activity approval</i>.</p>
Record keeping and Declaration	<p>CPD activities can be declared through the online portal at any time throughout the year, or CPD activities can be noted on the CPD declaration form during the licence renewal period. Evidence such as statements of attainment or records of attendance should be retained for at least 2 years.</p>
Audit	<p>Property Agents may be selected for a random audit and must comply with any audit requests by the Board by providing evidence of their attendance and participation in approved CPD activities.</p>