

# Continuing Professional Development (CPD)

## GOVERNANCE

Reference	CPD Program
Document Category: Board/Legislative/Operational	Legislative
Document Type: Rule/Policy/Procedure/Reference	Policy
Responsible: Board/Executive Officer	Board
Publication Status: Public/Private	Public
Board Approval:	September 2020 This replaces the previous Continuing Education Program Policy
Next review date	September 2021
Version	3
Commencement date	9 September 2020

## CONTENTS

CONTEXT AND BACKGROUND.....	3
OBJECTIVE .....	3
SCOPE.....	3
POLICY PRINCIPLES.....	3
AIM OF CPD.....	3
REQUIREMENTS .....	3
WHAT IS A CPD ACTIVITY? .....	4
TYPES OF CPD ACTIVITY .....	4
SPECIFIC TO THE PROPERTY AGENTS INDUSTRY OR GENERAL IN NATURE .....	4
MANDATORY OR ELECTIVE .....	4
LICENCES GRANTED UNDER MUTUAL RECOGNITION/LICENCE GRANTS ON KNOWLEDGE AND EXPERIENCE....	4
INTERNAL TRAINING OR EXTERNAL PROVIDER.....	5
APPROVING A CPD ACTIVITY.....	5
HOW TO OBTAIN APPROVAL .....	5
FACTORS CONSIDERED WHEN ASSESSING APPROVAL .....	5
ALLOCATION OF POINTS .....	5
APPROVAL SHOULD BE SOUGHT IN ADVANCE .....	6
SESSIONAL OR ONGOING.....	6
PUBLICATION OF APPROVALS.....	6
EXEMPTIONS FROM CPD DUE TO EXTENUATING CIRCUMSTANCES .....	6
COMPLIANCE.....	7
LICENCE CONDITION .....	7
DECLARING COMPLIANCE.....	6
AUDIT PROCEDURE .....	7
ATTACHMENT A - SUMMARY OF REQUIREMENTS .....	8

## 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).

However, if a property agent has been granted a licence after 1 April in any year, the requirement of CPD will be waived for the rest of that licence year.

## 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 ensuring the property agents industry remains professional; it is also a way of growing new knowledge, expanding each property agent's abilities and to reflect upon his or her own professional practice.

## REQUIREMENTS

A property agent must undertake a **minimum of 8 points of Board approved CPD** in each licence year (1 July to 30 June). An approved CPD activity can only be claimed once.

At least 6 of the 8 points of CPD must be directly related to the property agents industry and the property agent may have up to 2 points of approved CPD of a more general nature that is not necessarily directly connected to the property agents industry.

Further, a minimum of 2 points of CPD must be provided by an external provider. The term external provider means that the CPD Activity is delivered by a person external to the organisation.

### 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 specifically 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 that at least 6 of the 8 points of approved CPD activities must be directly related (industry specific) to the property agents industry.

A CPD activity is characterised as industry specific if the CPD activity 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 is an activity that has been created or is organised for the property agents industry only.

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

A property agent may use up to 2 points of the minimum 8 points of approved 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 or elective

CPD activity is categorised by the Board as either mandatory or elective.

The Board from time to time may require all property agents to undertake a CPD activity in a specific topic/issue for an allocated number of points. 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.

#### *Licences granted under mutual recognition and knowledge and experience*

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

#### Property Representatives

The Board has determined that a person who applies under MR to become a property representative, or to be granted a licence under the Act based on sufficient knowledge and experience, must complete the Legislation and Trust Cluster units within the CPP41419 Certificate IV in Real Estate Practice:

- CPPREP4003 Access and interpret legislation in real estate; and
- CPPREP4005 Prepare to work in real estate trust accounts

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.

Real Estate Agents, Property Manager and General Auctioneers

The Board has determined that the CPD requirement for a person who applies for 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 EP2074) 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.

#### **Internal Training or External Provider**

The Board has determined that each property agent must undertake at least 2 points of CPD activity from a training provider/trainer external to their organisation. The CPD point coding will display the prefix 'EP'. Internal Training will be coded with the prefix 'IP'.

#### **APPROVING A CPD ACTIVITY**

All CPD activities that a property agent seeks to count towards the 8 points of required CPD, 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 the 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 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	Activity Date	No of Points
IP 1697	Property Management State Training	Harcourts Tasmania	24/07/2019	4
EP 1528	Dealing across Cultures for Property Agents	Real Estate Training Solutions	ongoing	4
EP 1047	CPR – First Aid Course	Red Cross	ongoing	2
EP 1473	Buyer's Agent Excellence	REINSW	ongoing	4
EP 1002	Accelerate your Sales Career Today	REIT	ongoing	7

### 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 excluded from part or all of his or her CPD points or requesting an extension of time can apply in writing to the Board.

A property agent may need to include some supporting documentation such as:

- a letter from his or her employer confirming a leave of absence from work (including dates); and/or
- a medical certificate stating his or her condition, dates, and how the condition affected the property agent's 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 his or her 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 to grant a full or partial exemption, to extend the time to comply with continuing education requirements or that the circumstances do not warrant any exemption at all. Evidence of a strong commitment in undertaking CPD activities will be considered by the Board when assessing applications for exemption.

## COMPLIANCE

### Licence condition

Adherence to meeting the **8 points** of CPD is a condition of a property agent's licence. Failure to comply with this condition may ultimately result in the property agent not being re-licensed, or to further conditions being imposed on his or her licence.

### Declaring 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.

Compliance with CPD is enforced when property agents apply to renew his or her licence before 30 June each year. At renewal, the property agent will be required to complete a declaration on the *Application for Licence (Renewal) form* detailing the approved training activities that he or she has undertaken or intends to complete prior to 30 June.

Failure to supply evidence of CPD or submitting incorrect or incomplete records relating to professional development will be considered as non-compliance with meeting the CPD points requirements. The provision of false information at renewal 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.

<b>CPD activity points required per licence period</b>	<p><b>8 points</b> in total</p> <p>If a property agent obtained his or her license from 1 April onwards, the requirement to comply with the CPD program requirements is waived for the remainder of that licence year ending 30 June.</p>
<b>Approval of CPD activity</b>	<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>
<b>Exceptions</b>	<p>A new property agent who has been licensed from 1 April onwards will be automatically excluded from the requirement to do 8 points of CPD for the remainder of that licence year.</p> <p>In all other circumstances a property agent may apply to the Board in writing to seek a discretionary exemption in whole or in part from CPD requirements due to extenuating circumstances.</p>
<b>Content Requirements</b>	<p><b>6 points</b> of CPD must be <b>directly related</b> to the property agents industry.</p> <p><b>2 Points</b> of CPD activity can be more of a <b>general nature</b> but still must be relevant to the property agents industry.</p> <p>Further, a minimum of 2 points of CPD must be provided by an external provider – delivered by a person external to the organisation.</p> <p>From time to time the Board may require property agents to undertake mandatory CPD in a specific area or topic.</p>
<b>Record keeping</b>	<p>CPD activities must be noted on the Application for licence (renewal) form. Evidence such as statements of attainment or records of attendance should be retained for at least 2 years.</p>
<b>Declaration</b>	<p>Each property agent declares on his or her <i>Application for Licence (Renewal) form</i> that they have satisfied the CPD requirements set by the Board by providing details of CPD activities undertaken.</p>
<b>Audit</b>	<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>