

# Estate Agents (Education) Regulations

## Exposure Draft

### TABLE OF PROPOSALS

<i>Proposal</i>	<i>Page</i>
1 Objective	1
2 Authorising provision	1
3 Commencement	2
4 Revocation	2
5 Definition	2
6 Prescribed course for estate agent	2
7 Exemptions from estate agent course	3
8 Prescribed course for agent's representative	3
9 Exemptions from agent's representative course	4
<b>Schedule 1</b>	<b>6</b>
<b>Schedule 2</b>	<b>8</b>
<b>Schedule 3</b>	<b>10</b>
<b>Schedule 4</b>	<b>17</b>
<hr/> <hr/>	
<b>Endnotes</b>	<b>19</b>



**Victoria**

## **Estate Agents (Education) Regulations**

### **Exposure Draft**

#### **1 Objective**

The objectives of these Regulations are—

- (a) to prescribe the courses of instruction and examinations for the licensing of estate agents under section 14(1)(a)(i) of the **Estate Agents Act 1980**; and
- (b) to prescribe the courses of instruction and examinations for eligibility to be employed as an agent's representative under section 16(1)(b) of the **Estate Agents Act 1980**; and
- (c) to provide for certain exemptions under section 99(1)(c) of the **Estate Agents Act 1980**.

#### **2 Authorising provision**

These Regulations are made under section 99 of the **Estate Agents Act 1980**.

### 3 Commencement

These Regulations come into operation on 21 October 2020.

### 4 Revocation

The following regulations are **revoked**—

- (a) the Estate Agents (Education) Interim Regulations 2019<sup>1</sup>; and
- (b) the Estate Agents (Education) Amendment Regulations 2011<sup>2</sup>.

### 5 Definition

In these Regulations—

***the Act*** means the **Estate Agents Act 1980**.

### 6 Prescribed course for estate agent

- (1) The course of instruction described in Schedule 1 is prescribed for the purposes of section 14(1)(a)(i) of the Act.
- (2) For the purposes of Schedule 1, a person is only to be considered to have passed the course if the person has passed the course either—
  - (a) within the 5 years immediately preceding the date of the person's application for an estate agent's licence; or
  - (b) at any time and either—
    - (i) has held an estate agent's licence within the 10 years immediately preceding the date of the person's application for an estate agent's licence; or
    - (ii) was employed as an agent's representative for the equivalent of at least 2 years full time within the 10 years immediately preceding the

date of the person's application for an estate agent's licence.

## **7 Exemptions from estate agent course**

The following classes of persons are exempted from the operation of section 14(1)(a)(i) of the Act—

- (a) a person who has passed a course of instruction and the relevant examinations described in Schedule 3 within the 5 years immediately preceding the date of the person's application for an estate agent's licence; or
- (b) a person who has passed a course of instruction and the relevant examinations described in Schedule 3 at any time and, within the 10 years immediately preceding the date of their application for an estate agent's licence, either—
  - (i) has held an estate agent's licence; or
  - (ii) was employed as an agent's representative for the equivalent of at least 2 years full time.

## **8 Prescribed course for agent's representative**

- (1) The course of instruction described in Schedule 2 is prescribed for the purposes of section 16(1)(b) of the Act.
  - (2) For the purposes of Schedule 2, a person is only to be considered to have passed the course if the person has passed the course either—
    - (a) within the 5 years immediately preceding the date the person starts work as an agent's representative; or
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- (b) at any time and either—
  - (i) has held an estate agent's licence within the 10 years immediately preceding the date the person starts work as an agent's representative; or
  - (ii) was employed as an agent's representative within the 10 years immediately preceding the date the person starts work as an agent's representative.

### **9 Exemptions from agent's representative course**

The following classes of persons are exempted from section 16(1)(b) of the Act—

- (a) a person who has passed a course of instruction described in Schedule 1 or a course of instruction and the relevant examinations described in Schedule 3 or 4 at any time during the 5 years immediately preceding the date the person starts work as an agent's representative; or
  - (b) a person who has passed a course of instruction described in Schedule 1 or a course of instruction and the relevant examinations described in Schedule 3 or 4 at any time and, within the 10 years immediately preceding the date the person starts work as an agent's representative, either—
    - (i) has held an estate agent's licence; or
    - (ii) was employed as an agent's representative; or
  - (c) a person who has held an estate agent's licence at any time during the 5 years immediately before the date the person starts work as an agent's representative; or
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Estate Agents (Education) Regulations  
Exposure Draft

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- (d) a person who—
- (i) was a licensed sub-agent on 31 January 1990 and was licensed continuously from that date until 1 February 1995; and
  - (ii) was employed as an agent's representative at any time during the 10 years immediately preceding the date the person starts work as an agent's representative.

## Schedule 1

Regulations 6 and 9

The course of instruction required for the award of CPP41419 Certificate IV in Real Estate Practice and the award of CPP51119 Diploma of Property (Agency Management) from the Property Services Training Package, Release 8.0, or if superseded its equivalent, and comprising the following units of competency, or if any unit is superseded the equivalent of that unit (based on Victorian estate agency law, practice and procedure)—

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
CPPREP4101	Appraise property for sale or lease
CPPREP4102	Market property
CPPREP4103	Establish vendor relationships
CPPREP4104	Establish buyer relationships
CPPREP4105	Sell property
CPPREP4121	Establish landlord relationships
CPPREP4122	Manage tenant relationships
CPPREP4123	Manage tenancy
CPPREP4124	End tenancy
CPPREP4125	Transact in trust accounts
CPPREP4161	Undertake pre-auction processes

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Estate Agents (Education) Regulations  
Exposure Draft  
Schedule 1

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CPPREP4162	Conduct and complete sale by auction
CPPREP4163	Complete post-auction process and contract execution
BSBDIV301	Work effectively with diversity
CPPREP4501	Prepare to complete the sales process – off the plan properties
CPPREP4503	Present at hearings in real estate
CPPREP4504	Deliver presentations to clients in real estate
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
CPPREP5004	Manage a safe workplace in the property industry
CPPREP5005	Manage teams in the property industry
CPPREP5006	Manage operational finances in the property industry
CPPREP5007	Develop a strategic business plan in the property industry

Any 5 elective units from CPP51119

**Note**

See the National Register of VET at <https://training.gov.au> (or the Internet site of a subsequent equivalent Commonwealth service).



## Schedule 2

Regulation 8

The course of instruction required for the award of CPP41419 Certificate IV in Real Estate Practice from the Property Services Training Package, Release 8.0, or if superseded its equivalent, and comprising the following units of competency, or if any unit is superseded the equivalent of that unit (based on Victorian estate agency law, practice and procedure)—

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
CPPREP4101	Appraise property for sale or lease
CPPREP4102	Market property
CPPREP4103	Establish vendor relationships
CPPREP4104	Establish buyer relationships
CPPREP4105	Sell property
CPPREP4121	Establish landlord relationships
CPPREP4122	Manage tenant relationships
CPPREP4123	Manage tenancy
CPPREP4124	End tenancy
CPPREP4125	Transact in trust accounts
CPPREP4161	Undertake pre-auction processes

Estate Agents (Education) Regulations  
Exposure Draft  
Schedule 2

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BSBDIV301	Work effectively with diversity
CPPREP4503	Present at hearings in real estate

**Note**

See the National Register of VET at <https://training.gov.au> (or the Internet site of a subsequent equivalent Commonwealth service).

## Schedule 3

Regulations 7 and 9

- 1 The course of instruction required for the award of a Certificate IV in Property (Real Estate Agency Practice) and including a pass in the relevant written examinations administered by Vocational Education and Training Assessment Services (VETASSESS), or its successors in law, as the managing agent for the State-wide external examinations for the Office of Training and Tertiary Education, or its successor in law, for each of the following units of competency—

PRDRE11A	Provide property appraisal
PRDRE15A	Undertake property sale by private treaty
PRDRE16A	Monitor sales process
PRDRE18A	Lease property
PRDRE19A	Provide property management services
PRDRE23A	Maintain agency–client relationship
PRDRE26A	Conduct property sale by auction
PRDRE28A	Maintain trust account

conducted by the registered education and training organisations approved by the Director under section 10A of the Act as in force immediately before its repeal.

OR

- 2 The course of instruction and examination required for the award of a Bachelor of Business Property (Agency and Marketing stream) by or under the authority of the Royal Melbourne Institute of Technology and started before 1 January 2000.

Estate Agents (Education) Regulations  
Exposure Draft

Schedule 3

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OR

- 3 The course of instruction required for the award of a Certificate IV in Business (Estate Agency Practice) and including a pass in the written examinations administered by the Office of Training and Further Education's Examinations Branch, or its successors in law, for each of the following—

Module ABH504	Real Estate Accounting
Module ABH508	Real Estate Consumer Protection
Module ABH510	Contract Law for Real Estate
Module ABH511	Property Law
Module ABH512	Residential Tenancies
Module ABH522	Contracts for the Sale of Land
Module ABH524	Property Appraisal

conducted by or under the authority of any of the following educational institutions or their successors in law—

Barton Institute of TAFE  
Bendigo Regional Institute of TAFE  
Box Hill Institute of TAFE  
Casey Institute of TAFE  
Central Gippsland Institute of TAFE  
East Gippsland Institute of TAFE  
Gordon Institute of TAFE  
Goulburn Valley Institute of TAFE  
Holmesglen Institute of TAFE  
Kangan Institute of TAFE  
Northern Melbourne Institute of TAFE  
Outer Eastern College of TAFE  
Peninsula Institute of TAFE

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Estate Agents (Education) Regulations  
Exposure Draft

Schedule 3

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Royal Melbourne Institute of Technology  
South West Institute of TAFE  
Sunraysia Institute of TAFE  
Swinburne University of Technology  
The School of Mines and Industries Ballarat Limited  
Victoria University of Technology  
Wangaratta College of TAFE  
Western Melbourne Institute of TAFE  
Wimmera Institute of TAFE  
Wodonga Institute of TAFE

OR

- 4 The courses of instruction and examination required for the award of—

an Advanced Certificate in Estate Agency; or  
an Advanced Certificate in Real Estate; or  
a Certificate of Business Studies (Real Estate); or  
the Estate Agency Certificate

conducted by or under the authority of any of the educational institutions listed in clause 3 or their predecessors or successors in law.

OR

- 5 The following 16 units, or equivalent units, of the Certificate of Business Studies (Real Estate) started before 1 January 1987—

Accounting 1  
Accounting 2  
Accounting for Real Estate A  
Accounting for Real Estate B  
Real Estate Valuations A

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Estate Agents (Education) Regulations  
Exposure Draft

Schedule 3

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Real Estate Valuations B  
Introduction to Law 1A  
Introduction to Law 1B  
Real Estate Law A  
Real Estate Law B  
Real Estate Building Techniques A  
Real Estate Building Techniques B  
Real Estate Practice A  
Real Estate Practice B  
Middle Level English 1A  
Middle Level English 1B

conducted by or under the authority of the educational institutions listed in clause 3 or their predecessors or successors in law.

OR

- 6 The course of instruction required for the award of CPP40307 Certificate IV in Property Services (Real Estate) from the Property Services Training Package, Code CPP07, and comprising the following units of competency, or equivalent units (based on Victorian estate agency law, practice and procedure), and started before 22 October 2019—

CPPDSM4001A	Act as a buyer's agent
CPPDSM4003A	Appraise property
CPPDSM4004A	Conduct auction
CPPDSM4005A	Establish and build client–agency relationships
CPPDSM4006A	Establish and manage agency trust accounts

Estate Agents (Education) Regulations  
Exposure Draft

Schedule 3

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CPPDSM4007A	Identify legal and ethical requirements of property management to complete agency work
CPPDSM4008A	Identify legal and ethical requirements of property sales to complete agency work
CPPDSM4009A	Interpret legislation to complete agency work
CPPDSM4010A	Lease property
CPPDSM4011A	List property for lease
CPPDSM4012A	List property for sale
CPPDSM4013A	Market property for lease
CPPDSM4014A	Market property for sale
CPPDSM4015A	Minimise agency and consumer risk
CPPDSM4016A	Monitor and manage lease or tenancy agreement
CPPDSM4018A	Prepare and present property reports
CPPDSM4019A	Prepare for auction and complete sale
CPPDSM4020A	Present at tribunals
CPPDSM4022A	Sell and finalise the sale of property by private treaty
CPPDSM4049A	Implement maintenance plan for managed properties
CPPDSM4056A	Manage conflict and disputes in the property industry
CPPDSM4080A	Work in the real estate industry

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Estate Agents (Education) Regulations  
Exposure Draft

Schedule 3

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BSBSMB406A Manage small business finances

BSBRKG304B Maintain business records

OR

- 7 The course of instruction required for the award of CPP40307 Certificate IV in Property Services (Real Estate) from the Property Services Training Package, Code CPP07, and comprising the following units of competency (based on Victorian estate agency law, practice and procedure) and started before 20 October 2020—

CPPDSM4001A Act as a buyer's agent

CPPDSM4003A Appraise property

CPPDSM4004A Conduct auction

CPPDSM4005A Establish and build client–agency relationships

CPPDSM4006A Establish and manage agency trust accounts

CPPDSM4007A Identify legal and ethical requirements of property management to complete agency work

CPPDSM4008A Identify legal and ethical requirements of property sales to complete agency work

CPPDSM4009B Interpret legislation to complete agency work

CPPDSM4010A Lease property

CPPDSM4011A List property for lease

CPPDSM4012A List property for sale

CPPDSM4013A Market property for lease

CPPDSM4014A Market property for sale

CPPDSM4015B Minimise agency and consumer risk

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Estate Agents (Education) Regulations  
Exposure Draft

Schedule 3

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CPPDSM4016A	Monitor and manage lease or tenancy agreement
CPPDSM4018A	Prepare and present property reports
CPPDSM4019A	Prepare for auction and complete sale
CPPDSM4020A	Present at tribunals
CPPDSM4022A	Sell and finalise the sale of property by private treaty
CPPDSM4049A	Implement maintenance plan for managed properties
CPPDSM4056A	Manage conflict and disputes in the property industry
CPPDSM4080A	Work in the real estate industry
BSBSMB406A	Manage small business finances
BSBRKG304B	Maintain business records

## Schedule 4

Regulation 9

- 1 The course of instruction and examinations required for the award of a Statement of Attainment for the Course in Property (Agents' Representatives) and including a pass in the relevant written examinations administered by Vocational Education and Training Assessment Services (VETASSESS), or its successors in law, as the managing agent for the State-wide external examinations for the Office of Training and Tertiary Education, or its successor in law, for each of the following units of competency—

- VBN723 Work effectively in the real estate industry
- VBN724 Address legal and ethical requirements of property sales
- VBN725 Address legal and ethical requirements of property management

conducted by the registered education and training organisations approved by the Director under section 10A of the Act as in force immediately before its repeal.

OR

- 2 The course of instruction and examination required for the award of a Statement of Attainment for the—

- Course in Real Estate for Agents' Representatives; or
- Course in Sub-agency Practice

conducted by or under the authority of any of the educational institutions listed in clause 3 of Schedule 3 or their predecessors or successors in law.

OR

- 3 The following 6 modules of the Certificate in Real Estate Operations—

- Module 101 Real Estate Industry Overview
- Module 211 Introduction to Property Management

Estate Agents (Education) Regulations  
Exposure Draft  
Schedule 4

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Module 221	Introduction to Property Sales Consulting
Module 311	Tenancy Documentation
Module 321	Sales Documentation
Module 322	Sales Transactions

conducted by or under the authority of any of the educational institutions listed in clause 3 of Schedule 3 or their predecessors or successors in law or conducted by the Real Estate Institute of Victoria Limited.

OR

- 4 The course of instruction and examination required for the award of a Sub-Agents Preliminary Education Course Certificate conducted by or under the authority of any of the educational institutions listed in clause 3 of Schedule 3 or their predecessors or successors in law.

OR

- 5 The course of instruction required for the award of a Statement of Attainment for the following units of competency (based on Victorian estate agency law, practice and procedure) from the Property Services Training Package, Code CPP07—

CPPDSM4007A	Identify legal and ethical requirements of property management to complete agency work
CPPDSM4008A	Identify legal and ethical requirements of property sales to complete agency work
CPPDSM4080A	Work in the real estate industry

## **Endnotes**

<sup>1</sup> Reg. 4(a): S.R. No. 98/2019.

<sup>2</sup> Reg. 4(b): S.R. No. 84/2011.