



Queensland

Property Agents and Motor Dealers Amendment Regulation (No. 1) 2008

Subordinate Legislation 2008 No. 354

made under the

Property Agents and Motor Dealers Act 2000

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[s 1]

1 Short title

This regulation may be cited as the *Property Agents and Motor Dealers Amendment Regulation (No. 1) 2008*.

2 Regulation amended

This regulation amends the *Property Agents and Motor Dealers Regulation 2001*.

3 Amendment of s 7 (Educational or other qualifications for licence—Act, ss 35, 36, 41 and 44)

Section 7, ‘restricted’—

omit, insert—

‘resident’.

4 Amendment of pt 4 (Restricted letting agents, real estate agents and pastoral houses)

Part 4, heading, ‘Restricted’—

omit, insert—

‘Resident’.

5 Amendment of s 17 (Appointment of restricted letting agent, real estate agent or pastoral house)

Section 17, heading, ‘restricted’—

omit, insert—

‘resident’.

6 Amendment of s 54 (Transfer of trust accounts)

Section 54(4)(c), ‘Trust’—

omit, insert—

‘Trusts’.

7 Amendment of s 55 (Limits on recovery from fund)

Section 55(2), ‘section 492(3)’—

omit, insert—

‘section 492(4)’.

8 Amendment of sch 2 (Qualifications for particular licences and registration certificates)

(1) Schedule 2, section 1A, heading, ‘Definition’—

omit, insert—

‘Definitions’.

(2) Schedule 2, section 1A—

insert—

‘National Quality Council has the meaning given by the Skilling Australia’s Workforce Act 2005 (Cwlth), section 3.’.

(3) Schedule 2, section 1—

omit, insert—

‘1 Resident letting agent

‘The prescribed educational qualifications for a resident letting agent’s licence are the successful completion at, or the assessment of competency by, a registered training organisation of—

(a) the following units from the Property Development and Management Training Package—PRD01 approved under the repealed *Australian National Training Authority Act 1992* (Cwlth)—

- PRDRE10A (Manage agency risk)
- PRDRE18A (Lease property)
- PRDRE19A (Provide property management services)
- PRDRE28A (Maintain trust account)
- PRDRE37A (Perform and record property management activities and transactions)

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- PRDRE39A (Prepare and execute documentation);
or
- (b) the following units from the Property Services Training Package—CPP07 endorsed by the National Quality Council—
 - BSBSBM406A (Manage finances)
 - CPPDSM4006A (Establish and manage agency trust accounts)
 - CPPDSM4007A (Identify legal and ethical requirements of property management to complete agency work)
 - CPPDSM4010A (Lease property)
 - CPPDSM4015A (Minimise agency and consumer risk)
 - CPPDSM4016A (Monitor and manage lease or tenancy agreement).’.
- (4) Schedule 2, section 2(1), from ‘organisation’—
omit, insert—
‘organisation of—
 - (a) the following units from the Property Development and Management Training Package—PRD01 approved under the repealed *Australian National Training Authority Act 1992* (Cwlth)—
 - PRDRE09A (Implement and monitor financial systems)
 - PRDRE10A (Manage agency risk)
 - PRDRE11A (Provide property appraisal)
 - PRDRE12A (Establish and expand client base)
 - PRDRE13A (Obtain property listings)
 - PRDRE14A (Market property)
 - PRDRE15A (Undertake property sale by private treaty)

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- PRDRE16A (Monitor sales process)
 - PRDRE18A (Lease property)
 - PRDRE19A (Provide property management services)
 - PRDRE22A (Present and explain property reports)
 - PRDRE26A (Conduct property sale by auction)
 - PRDRE28A (Maintain trust account)
 - PRDRE30A (Implement personal marketing plan)
 - PRDRE37A (Perform and record property management activities and transactions)
 - PRDRE39A (Prepare and execute documentation)
 - PRDPOD62A (Clarify and confirm property information requirements); or
- (b) the following units from the Property Services Training Package—CPP07 endorsed by the National Quality Council—
- BSBSBM406A (Manage finances)
 - CPPDSM4003A (Appraise property)
 - 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)
 - CPPDSM4009A (Interpret legislation to complete agency work)
 - CPPDSM4010A (Lease property)
 - CPPDSM4011A (List property for lease)

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- 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)
 - CPPDSM4022A (Sell and finalise the sale of property by private treaty)
 - CPPDSM4046A (Manage tenancy disputes)
 - CPPDSM4080A (Work in the real estate industry).’.
- (5) Schedule 2, section 2(2), from ‘organisation’—
omit, insert—
‘organisation of—
- (a) the following units from the Property Development and Management Training Package—PRD01 approved under the repealed *Australian National Training Authority Act 1992* (Cwlth)—
- PRDRE13A (Obtain property listings)
 - PRDRE15A (Undertake property sale by private treaty)
 - PRDRE18A (Lease property)
 - PRDRE39A (Prepare and execute documentation);
or
- (b) the following units from the Property Services Training Package—CPP07 endorsed by the National Quality Council—

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- CPPDSM4010A (Lease property)
 - CPPDSM4011A (List property for lease)
 - CPPDSM4013A (Market property for lease)
 - CPPDSM4016A (Monitor and manage lease or tenancy agreement).’.
- (6) Schedule 2, section 2(2B), from ‘organisation’—
omit, insert—
‘organisation of—
- (a) the following units from the Property Development and Management Training Package—PRD01 approved under the repealed *Australian National Training Authority Act 1992* (Cwlth)—
- PRDRE28A (Maintain trust account)
 - PRDRE37A (Perform and record property management activities and transactions); or
- (b) the following units from the Property Services Training Package—CPP07 endorsed by the National Quality Council—
- CPPDSM3008A (Maintain and protect condition of managed properties)
 - CPPDSM4006A (Establish and manage agency trust accounts)
 - CPPDSM4016A (Monitor and manage lease or tenancy agreement).’.
- (7) Schedule 2, section 2(2B) to (4)—
renumber as section 2(3) to (5).
- (8) Schedule 2, section 3—
omit, insert—

‘3 Auctioneer

‘The prescribed qualifications for an auctioneer’s licence are—

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- (a) the successful completion at, or the assessment of competency by, a registered training organisation of—
- (i) the following units from the Property Development and Management Training Package—PRD01 approved under the repealed *Australian National Training Authority Act 1992* (Cwlth)—
- PRDRE09A (Implement and monitor financial systems)
 - PRDRE14A (Market property)
 - PRDRE26A (Conduct property sale by auction) or PRDSSA24A (Conduct chattel auction/clearing sale)
 - PRDRE28A (Maintain trust account)
 - PRDRE39A (Prepare and execute documentation); or
- (ii) the following units from the Property Services Training Package—CPP07 endorsed by the National Quality Council—
- BSBSBM406A (Manage finances)
 - CPPDSM4004A (Conduct auction)
 - CPPDSM4006A (Establish and manage agency trust accounts)
 - CPPDSM4014A (Market property for sale)
 - CPPDSM4019A (Prepare for auction and complete sale) or CPPDSM4038A (Conduct goods, chattels or equipment clearing sale or auction); and
- (b) the conducting of 5 auctions when employed as a trainee auctioneer under the supervision of an auctioneer.’.
- (9) Schedule 2, section 5, from ‘organisation’—
omit, insert—
‘organisation of—

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- (a) the following units from the Property Development and Management Training Package—PRD01 approved under the repealed *Australian National Training Authority Act 1992* (Cwlth)—
- PRDRE13A (Obtain property listings)
 - PRDRE15A (Undertake property sale by private treaty)
 - PRDRE18A (Lease property)
 - PRDRE39A (Prepare and execute documentation);
or
- (b) the following units from the Property Services Training Package—CPP07 endorsed by the National Quality Council—
- CPPDSM4008A (Identify legal and ethical requirements of property sales to complete agency work)
 - CPPDSM4009A (Interpret legislation to complete agency work)
 - CPPDSM4010A (Lease property)
 - CPPDSM4012A (List property for sale)
 - CPPDSM4015A (Minimise agency and consumer risk)
 - CPPDSM4022A (Sell and finalise the sale of property by private treaty)
 - CPPDSM4080A (Work in the real estate industry).’.
- (10) Schedule 2, section 6, from ‘organisation’—
omit, insert—
‘organisation of—
- (a) the following units from the Property Development and Management Training Package—PRD01 approved under the repealed *Australian National Training Authority Act 1992* (Cwlth)—

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- PRDRE14A (Market property)
 - PRDRE39A (Prepare and execute documentation);
or
 - (b) the following units from the Property Services Training Package—CPP07 endorsed by the National Quality Council—
 - CPPDSM4004A (Conduct auction)
 - CPPDSM4014A (Market property for sale).’.
- (11) Schedule 2, section 7, from ‘organisation’—
omit, insert—
‘organisation of—
- (a) the following units from the Property Development and Management Training Package—PRD01 approved under the repealed *Australian National Training Authority Act 1992* (Cwlth)—
 - PRDRE13A (Obtain property listings)
 - PRDRE15A (Undertake property sale by private treaty)
 - PRDRE18A (Lease property)
 - PRDRE39A (Prepare and execute documentation);
or
 - (b) the following units from the Property Services Training Package—CPP07 endorsed by the National Quality Council—
 - CPPDSM4008A (Identify legal and ethical requirements of property sales to complete agency work)
 - CPPDSM4009A (Interpret legislation to complete agency work)
 - CPPDSM4010A (Lease property)
 - CPPDSM4012A (List property for sale)

- CPPDSM4015A (Minimise agency and consumer risk)
 - CPPDSM4022A (Sell and finalise the sale of property by private treaty)
 - CPPDSM4080A (Work in the real estate industry).’.
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ENDNOTES

- 1 Made by the Governor in Council on 23 October 2008.
- 2 Notified in the gazette on 24 October 2008.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.

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