



New South Wales

Property and Stock Agents (Qualifications) Amendment Order 2021

under the

Property and Stock Agents Act 2002

I, the Minister for Better Regulation and Innovation, make the following Order under section 15 of the *Property and Stock Agents Act 2002*.

Dated 12 April 2021.

KEVIN ANDERSON, MP
Minister for Better Regulation and Innovation

Explanatory note

The objects of this Order are as follows—

- (a) to provide pathways for a person to obtain a class 1 dual licence as a real estate agent and stock and station agent,
- (b) to provide additional pathways for a person to obtain a class 2 dual licence as a real estate agent and stock and station agent,
- (c) to provide additional pathways for a person to be accredited as an auctioneer.

This Order is made under section 15 of the *Property and Stock Agents Act 2002*.

Property and Stock Agents (Qualifications) Amendment Order 2021

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Property and Stock Agents Act 2002

1 Name of Order

This Order is the *Property and Stock Agents (Qualifications) Amendment Order 2021*.

2 Commencement

This Order commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Property and Stock Agents (Qualifications) Order 2019

[1] Clause 3 Definitions

Omit the definition of *restriction condition* from clause 3(1). Insert in alphabetical order—

business agent restriction condition, in relation to a licence, means a condition that the holder of the licence exercise no real estate agent functions other than business agent functions.

on-site residential property manager restriction condition, in relation to a licence, means a condition that the holder of the licence exercise no real estate agent functions other than on-site residential property manager functions.

real estate agent restriction condition, in relation to a licence, means a condition that the holder of the licence exercise no real estate agent functions other than the following—

- (a) on-site residential property manager functions,
- (b) real estate sale or leasing functions.

restriction condition means—

- (a) a business agent restriction condition, or
- (b) an on-site residential property manager restriction condition, or
- (c) a real estate agent restriction condition.

[2] Clause 8A

Insert after clause 8—

8A Class 1 dual licence as a real estate agent and stock and station agent

- (1) A person has the qualifications required for the issue of both a class 1 real estate agent's licence and a class 1 stock and station agent's licence (a *class 1 dual licence*) if the person satisfies 1 of the pathways set out in this clause.

- (2) **Pathway 1—holders of both class 1 licences**

The person has held a class 1 real estate agent's licence and a class 1 stock and station agent's licence within 12 months before making the application for the class 1 dual licence.

- (3) **Pathway 2—holders of both class 2 licences**

The person has—

- (a) held both a class 2 real estate agent's licence and a class 2 stock and station agent's licence for at least 2 years, and
- (b) satisfactorily completed the class 1 work experience requirements during a 2 year period, and
- (c) been issued with a relevant diploma from a registered training organisation.

- (4) **Pathway 3—holders of class 1 real estate agent's licence**

The person has—

- (a) held a class 1 real estate agent's licence within 12 months before making the application for the class 1 dual licence, and
- (b) satisfactorily completed the following units of Certificate IV in Real Estate Practice (CPP41419) with a registered training organisation—

- (i) Confirm and market livestock for sale (CPPREP4301),
- (ii) Prepare livestock for sale (CPPREP4302),
- (iii) Establish vendor and buyer relationships in livestock sale (CPPREP4303),
- (iv) Complete the sales process—livestock (CPPREP4304),
- (v) Develop and maintain rural property market knowledge and intelligence (CPPREP5311).

(5) **Pathway 4—holders of class 1 stock and station agent’s licence**

The person has—

- (a) held a class 1 stock and station agent’s licence within 12 months before making the application for the class 1 dual licence, and
- (b) satisfactorily completed the following units of Certificate IV in Real Estate Practice (CPP41419) with a registered training organisation—
 - (i) Establish landlord relationships (CPPREP4121),
 - (ii) Manage tenant relationships (CPPREP4122),
 - (iii) End tenancy (CPPREP4124).

(6) In this clause—

class 1 real estate agent’s licence means a class 1 real estate agent’s licence—

- (a) without a restriction condition, or
- (b) with a real estate agent restriction condition.

class 2 real estate agent’s licence means a class 2 real estate agent’s licence—

- (a) without a restriction condition, or
- (b) with a real estate agent restriction condition.

[3] **Clauses 10(1) and 18(1)**

Omit “a restriction condition that the holder exercise no real estate agent functions other than real estate sale or leasing functions or on-site residential property manager functions (the **relevant restriction condition**)” wherever occurring.

Insert instead “a real estate agent restriction condition”.

[4] **Clauses 10(2) and (3) and 18(2)**

Omit “**relevant restriction condition**” wherever occurring.

Insert instead “**real estate agent restriction condition**”.

[5] **Clauses 10(2)–(4) and 18(2)**

Omit “the relevant restriction condition” and “a relevant restriction condition” wherever occurring.

Insert instead “a real estate agent restriction condition”.

[6] **Clauses 11(1) and 19(1)**

Omit “a restriction condition that the holder exercise no real estate agent functions other than business agent functions (the **relevant restriction condition**)” wherever occurring.

Insert instead “a business agent restriction condition”.

[7] **Clauses 11(2) and (3) and 19(2)**

Omit “**relevant restriction condition**” wherever occurring.

Insert instead “**business agent restriction condition**”.

[8] Clause 11(2)–(4) and 19(2)

Omit “the relevant restriction condition” and “a relevant restriction condition” wherever occurring.

Insert instead “a business agent restriction condition”.

[9] Clauses 12(1) and 20(1)

Omit “a restriction condition that the holder exercise no real estate agent functions other than on-site residential property manager functions (the *relevant restriction condition*)” wherever occurring.

Insert instead “an on-site residential property manager restriction condition”.

[10] Clauses 12(2) and 20(2)

Omit “**relevant restriction condition**” wherever occurring.

Insert instead “**on-site residential property manager restriction condition**”.

[11] Clauses 12(2) and (5) and 20(2)

Omit “the relevant restriction condition” wherever occurring.

Insert instead “an on-site residential property manager restriction condition”.

[12] Clause 16 Class 2 dual licence as a real estate agent and stock and station agent

Omit “*dual licence*” and “dual licence” wherever occurring in clause 16(1) and (2).

Insert instead “*class 2 dual licence*” and “class 2 dual licence”, respectively.

[13] Clause 16(3A) and (3B)

Insert after clause 16(3)—

(3A) Pathway 3—holders of class 2 real estate agent’s licence

The person has—

- (a) held a class 2 real estate agent’s licence within 12 months before making the application for the class 2 dual licence, and
- (b) satisfactorily completed the following units of Certificate IV in Real Estate Practice (CPP41419) with a registered training organisation—
 - (i) Confirm and market livestock for sale (CPPREP4301),
 - (ii) Prepare livestock for sale (CPPREP4302),
 - (iii) Establish vendor and buyer relationships in livestock sale (CPPREP4303),
 - (iv) Complete the sales process—livestock (CPPREP4304),
 - (v) Develop and maintain rural property market knowledge and intelligence (CPPREP5311).

(3B) Pathway 4—holders of class 2 stock and station agent’s licence

The person has—

- (a) held a class 2 stock and station agent’s licence within 12 months before making the application for the class 2 dual licence, and
- (b) satisfactorily completed the following units of Certificate IV in Real Estate Practice (CPP41419) with a registered training organisation—

- (i) Establish landlord relationships (CPPREP4121),
- (ii) Manage tenant relationships (CPPREP4122),
- (iii) End tenancy (CPPREP4124).

[14] Clause 16(4)

Omit “this clause”. Insert instead “subclause (3)(c)”.

[15] Clause 16(5)

Insert after clause 16(4)—

- (5) In this clause—
class 2 real estate agent’s licence means a class 2 real estate agent’s licence—
 - (a) without a restriction condition, or
 - (b) with a real estate agent restriction condition.

[16] Clause 28 Auctioneers

Insert at the end of clause 28(b)—

- , or
- (c) the person holds a class 1 real estate agent’s licence, or a class 2 real estate agent’s licence, and has satisfactorily completed both of the following units of competency before 30 September 2021—
 - (i) Conduct auction (CPPDSM4004A),
 - (ii) Prepare for auction and complete sale (CPPDSM4019A), or
- (d) the person holds a class 1 stock and station agent’s licence, or a class 2 stock and station agent’s licence, and has satisfactorily completed both of the following units of competency before 30 September 2021—
 - (i) Conduct livestock sale by auction (CPPDSM4039A),
 - (ii) Conduct auction of rural property (CPPDSM4037A).