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# PURPOSE

The purpose of this paper is to consult on proposals arising from an internal review conducted by the Department of Mines, Industry Regulation and Safety (DMIRS) – Consumer Protection Division (Consumer Protection) of the Continuing Professional Development (CPD) Program (the CPD Program) in the real estate, business broking and settlement industries.

The review found:

1. The current model for the mandatory CPD Program as administered and funded by Consumer Protection is no longer financially sustainable.
2. There are significant costs associated with enforcing compliance with the current CPD requirements.
3. There may be other more cost effective options for achieving the objectives of the CPD Program.
4. Consultation should occur on two potential alternative options for CPD:
   1. Continue to make CPD a mandatory requirement under the legislation but consider amending the current requirements to remove Consumer Protection’s role in the administration and funding of the delivery of the CPD program.
   2. Cease to mandate CPD under the legislation and allow industry to continue the program on a voluntary basis.

This paper discusses the alternative options to the CPD Program for providing for professional currency in the property industries in Western Australia (WA).

# BACKGROUND

CPD is the process of maintaining the knowledge, skills and standards related to an occupational group or profession. It enables an industry participant’s technical and non-technical skills and knowledge to remain relevant and up to date and ensures that participants are informed of current standards, legislative changes and practices within an industry.

In WA, the mandatory CPD Program for real estate and business agents was first introduced by the Real Estate and Business Agent Supervisory Board (the REBA Board) in 2007. It was expanded in 2009 to include settlement agents.

The CPD Program was designed to increase consumer protection and promote consumer confidence in the real estate and settlement industries. The Board’s expectation was that by raising industry participants’ level of understanding of their legislative obligations, the CPD Program would result in fewer breaches of the Act and Code of Conduct thereby reducing the number of matters needing to be investigated by the Board.[[1]](#footnote-1)

There are currently over 12,000 individuals in WA required to complete CPD under the *Real Estate and Business Agents Act 1978* (REBA Act) and the *Settlement Agents Act 1981* (SA Act). The CPD Program is referenced in the legislation as ‘prescribed educational requirements’.

## The current CPD Program administered by DMIRS

Since 2011, DMIRS has administered and delivered the whole of the CPD Program as part of the licensing regime for the real estate and settlement industries as set out below in Table 1. An explanation of the [history of the CPD Program is in Appendix 1](#_APPENDIX_1_HISTORY).

Under section 40B and 50C of the REBA Act and section 41B of the SA Act, all real estate agents, business agents, sales representatives and settlement agents must complete the CPD Program each calendar year. Non-compliance attracts a penalty of up to $5,000[[2]](#footnote-2) or disciplinary proceedings commence in the State Administrative Tribunal to suspend or cancel a licence or certificate.

CPD requirements are points based and comprise a combination of activities designated as mandatory or elective. Generally one point is awarded for each hour of mandatory or elective activity as explained in [Appendix 2 CPD activity point requirements](#_Appendix_2_CPD). Real estate and settlement agents are required to complete 10 points and six points respectively which must include mandatory requirements. A full list of recent mandatory and prescribed CPD topics is in [Appendix 3 Mandatory and prescribed CPD subjects](#_APPENDIX_3_MANDATORY).

Table 1 - CPD Program administered by Department of Mines, Industry Regulation and Safety

|  |  |  |
| --- | --- | --- |
|  | Real Estate Agents | Settlement Agents |
| Points/hours | 10 points | 6 points |
| Period | 1 January – 31 December | 1 January – 31 December |
| Mandatory activities | 3 points | 4 points |
| Elective activities | 7 points  Topics and proposed activities and content for CPD Program approved by Consumer Protection Commissioner. | 2 points  Topics and proposed activities and content for CPD Program approved by Consumer Protection Commissioner. |
| Record keeping | Property agents retain records of completed CPD (4 years).  Training providers must notify Consumer Protection with attendance details. | Settlement agents retain records of completed CPD (4 years).  Approved providers must notify Consumer Protection with attendance details. |
| Funding | Government funded (mandatory activities only). | Government funded (mandatory activities and some prescribed electives). |
| Consequences for non-compliance | May result in infringement notice, penalty of up to $5,000 or disciplinary action to suspend or cancel licence or certificate. | May result in infringement notice, penalty of up to $5,000 or disciplinary action to suspend or cancel licence or certificate. |

## Funding of CPD by DMIRS

Since 2011, Consumer Protection has funded the mandatory units for real estate agents and the mandatory and prescribed elective units for settlement agents from the industry Education and General Purpose (E&GP) accounts created under the REBA and SA Acts.

There has been a significant drop in the amount of interest generated by the industry E&GP accounts since the 2019–2020 financial year, resulting in a subsequent drop in total revenue. This has put significant pressure on the funding of CPD. Consequently, an internal review of the CPD Program was undertaken as a priority in 2022.

## Other jurisdictions

### CPD Requirements across Australia and New Zealand

Ongoing professional development is considered an important part of maintaining continuing education and career training in any workforce.

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| *In most instances, CPD programs are not funded by government. This activity is generally funded and administered by professional associations and members of a profession.* |

The review looked at CPD requirements for Australia and New Zealand in the real estate and settlement agent industry as set out below in Table 2. In the real estate industry, the Australian Capital Territory (ACT), New South Wales (NSW), Tasmania (Tas) and New Zealand (NZ) currently have a mandatory CPD Program. Queensland (Qld) is currently considering introducing mandatory CPD. No other jurisdiction has a legislated CPD Program for settlement agents.

All jurisdictions that mandate CPD have licensing sanctions for failure to meet CPD requirements. WA and Tas are the only jurisdictions that impose a fine for failure to meet CPD requirements.

Further details are included in [Appendix 4 for the approaches to CPD requirements in the property industry in Australia and New Zealand](#_Appendix_2_Cost).

Table 2 - Australian and New Zealand Real Estate and Settlement Agent CPD Requirements

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | WA | NT | ACT/NSW | QLD/SA/VIC | TAS | NZ |
| Real Estate  Agent | Mandate | N/A | Mandate | N/A | Mandate | Mandate |
| Penalty | N/A | N/A | N/A | Penalty | N/A |
| Settlement Agent | Mandate | N/A | N/A | N/A | N/A | N/A |
| Penalty | N/A | N/A | N/A | N/A | N/A |

## Other industries

The review also looked at other professions in Australia that mandate CPD including legal, accounting, health, financial advising, building, and engineering professions. Under these arrangements CPD costs are borne by participants and regulators play little if any role in the development, delivery or funding of CPD activities.

Further details on CPD models in other Australian industries are included in [Appendix 5 Analysis of CPD requirements for other professions.](#_Appendix_5_Analysis_1)

## 

## The sector

### Training Providers

Under the current CPD model, Consumer Protection develops, administers and delivers the mandatory units for real estate and the mandatory and prescribed elective units for settlement agents.

DMIRS funds the mandatory units for real estate and the mandatory and prescribed elective units for settlement agents and each year awards contracts to training providers by way of an approval and procurement process.

The contracts for providing mandatory CPD training for the real estate and settlement industries are divided between five training providers to deliver training sessions on mandatory and prescribed elective topics for licence holders.

All elective CPD Program courses are assessed for approval by Consumer Protection staff on behalf of the Commissioner. This is to ensure the course focuses on one or more activities prescribed as relevant professional development subjects in the Regulations.[[3]](#footnote-3) In 2022, Consumer Protection assessed 247 CPD elective activity applications.

Elective CPD training for the real estate industry is provided by approximately 35 registered training providers. In 2021, nearly 90 per cent of the elective CPD courses attended were provided by seven training providers.

Training providers offer around 600 approved course options that can be attended to make up the seven hours of elective training required for 2,800 real estate agents and 6,800 real estate sales representatives.

This model requires real estate industry participants to attend 67,200 hours of elective training at an estimated cost of $2.8 million annually with the cost being met by industry participants.

The training providers for both the mandatory and elective CPD Program for the real estate and settlement industries are the main beneficiaries of the existing model and are likely to be financially impacted by proposed reforms to the current CPD Program model.

## Real estate industry

The Real Estate Institute of Western Australia (REIWA) promotes completion of CPD as a method for maintaining consistent industry standards and makes it a prerequisite for their members to gain REIWA accreditation.[[4]](#footnote-4)

REIWA also have a significant revenue stream through their training division that provides almost 50 per cent of all CPD training for the real estate profession in WA.

## Settlement industry

The Australian Institute of Conveyancers WA (AICWA) is the peak body representing the conveyancing industry in WA.[[5]](#footnote-5) AICWA delivers all mandatory CPD training for settlement agents and prescribed elective activities are delivered by Consumer Protection, AICWA and Revenue WA.

In 2021, all prescribed elective CPD training for settlement agents was delivered by AICWA and Revenue WA and there were no attendees for Consumer Protection courses.

# 1. REVIEW FINDING 1: THE CURRENT MODEL OF FUNDING OF THE CPD PROGRAM IS NOT SUSTAINABLE

The CPD Programs (mandatory units for real estate and settlement agents and prescribed elective units for settlement agents) are funded from the E&GP accounts created under the REBA and SA Acts.

One of the main purposes of the E&GP accounts is to fund expenditure on the administration and enforcement of the Acts.[[6]](#footnote-6) This includes funding costs incurred by Consumer Protection as administrator of the REBA and SA Acts. The annual cost to administer these Acts in 2021 was $8.7 million for the real estate industry and $588,000 for the settlement agent industry that included compliance, licensing, facilities, staffing and corporate services in addition to the CPD Program.

The E&GP accounts have relied heavily on income generated from interest. Low interest rates over an extended period has reduced the total annual income for these two accounts over the last four financial years from a combined $8.9 million in   
2018-19 to only $2.05 million in 2021-22 as shown in Table 3 below.

## Generated income for E&GP accounts

Table 3 shows that the income generated from licensing fees for the E&GP real estate and settlement accounts that are based upon prescribed fee requirements not subject to interest rate fluctuation have remained largely the same over the last four financial years.

Importantly, in this same period and due to low interest rates, income received from trust account and E&GP interest has declined significantly and this has impacted the overall income from these accounts.

Table 3 - Combined Real Estate and Settlement Industry Education and General Purpose (E&GP) Account 2018-2022

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Income Source | 2018-19 | 2019-20 | 2020-21 | 2021-22 |
| Fees | $1,773,939 | $1,927,544 | $1,476,331 | $1,704,305 |
| Trust Account Interest | $6,116,965 | $3,051,261 | $116,739 | $183,631 |
| E&GP Interest | $1,056,748 | $447,026 | $101,497 | $167,781 |
| Other | $6,909 | $3,729 | $7,267 | $1,123 |
| Combined E&GP Sub Total | **$8,954,561** | **$5,429,560** | **$1,701,834** | **$2,056,840** |

## Impact of low interest rates on E&GP accounts income

Although interest rates are now rising, it will be many years before the E&GP accounts increase to previous levels.

## Processes and costs of current mandatory CPD Program – government

In or about April each year, Consumer Protection undertakes a consultation process to identify possible topics for inclusion in the mandatory CPD Program for the real estate and settlement industries for the following year. Both internal and external stakeholders are invited to make suggestions.

A list of proposed topics is compiled for consideration by Consumer Protection officers and when agreed, the topics for the mandatory CPD Program are submitted to the Commissioner for approval. Once mandatory topics are approved Consumer Protection procures development of training resources by suitably qualified training organisations to deliver the face-to-face CPD training and online learning in both industries. Consumer Protection subsequently reviews the content to ensure it is legally sound, consistent with legislation and appropriate for adult learning. This is the most time consuming stage in developing the mandatory content.

Following finalisation of this process, the mandatory CPD topics are added to the Consumer Protection website.

Based on current contract costing, the total cost to develop, administer and deliver the mandatory CPD Program across the real estate and settlement industries is conservatively estimated at $1.85 million per year as set out below in Table 4.

Table 4 - Total annualised cost for providing mandatory CPD in 2021

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Industry | Total Contract Value | Contract Years | Annualised  Cost |
| Development of Mandatory CPD Training Materials | Real Estate Industry | $104k | 1.5 | $69k |
| Development of Mandatory and Prescribed Elective Training Materials | Settlement Industry | $57k | 1.5 | $38k |
| Face-to-Face Delivery of Mandatory CPD Sessions | Real Estate Industry | $8.68m | 5 | $1.74m |
| Settlement Industry |
| TOTAL ANNUALISED COST | | | | **$1.85m** |

It is clear from the figures in Table 4 that the cost of funding the CPD model alone exceeds the current annual income of the industry E&GP accounts.

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| *Continuing the CPD Program with its current funding model is not financially sustainable due to the costs involved for Consumer Protection to fund and administer the mandatory CPD units.* |

## Increasing licensing fees to cover the cost of CPD

As part of the review, Consumer Protection considered other ways of covering the cost of the CPD model including substantially increasing licensing and compliance fees. This option has not been investigated further at this stage.

## Costs of current mandatory CPD Program – licensees

Under the current CPD model, industry participants incur a number of costs to complete the mandatory CPD Program that include course costs (elective activities only), attendance and travel time and potential loss of income while undertaking CPD training. See below in Table 5.

Table 5 – Costs to licensees to complete mandatory CPD program

|  |  |  |
| --- | --- | --- |
|  | Real Estate Industry | Settlement Industry |
| Cost to attend CPD | $200 - $300 (average) cost to complete 7 elective units | No cost (except if completing non-prescribed elective activities - $100) |
| CPD attendance time  (includes mandatory and elective units) | 10 hours + travelling time | 6 hours + travelling time |
| Potential income loss | $ per hour for 10 hours attendance | $ per hour for 6 hours attendance |

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| *The mandatory CPD Program imposes costs on industry participants.* |

## Does mandatory CPD deliver benefits to the community?

In 2007 when the CPD was first introduced, the expectation by the REBA Board was that:

*‘by raising participants’ level of understanding of their legislative obligations, CPD will result in fewer breaches of the Act and Code of Conduct by agents and less matters needing to be investigated by the Board’.[[7]](#footnote-7)*

Tables 6 and 7 set out the complaint data for general compliance matters investigated in the real estate and settlement industries by the former REBA Board and Settlement Agents Supervisory Board (SASB), the former Department of Commerce and DMIRS below.

Table 6 – Real estate industry general compliance matters investigated

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Table 6 – Real estate industry general compliance matters investigated |  | Complaints investigated | Licence Numbers | Complaint percentage |
| REBA | 2003-2004 | 409 | 14,494 | 2.82% |
| 2004-2005 | 462 | 14,413 | 3.21% |
| 2005-2006 | 525 | 14,567[[8]](#footnote-8) | 3.60% |
| 2006-2007[[9]](#footnote-9) | 425 | 14,801 | 2.87% |
| 2007-2008 | 411 | 14,898 | 2.76% |
| 2008-2009 | 379 | 13,943 | 2.71% |
| 2009-2010 | 398 | 13,875 | 2.85% |
| 2010-2011 | 417 | 13,959 | 2.99% |
| Commerce | 2011-2012 | 619 | 13,827 | 4.48% |
| 2012-2013 | 577 | 13,914 | 4.15% |
| 2013-2014 | 513 | 15,041 | 3,41% |
| 2014-2015 | 662 | 15,908 | 4.16% |
| 2015-2016 | 752 | 16,536 | 4.55% |
| 2016-2017 | 472 | 16,585 | 2.85% |
| DMIRS | 2017-2018 | 436 | 16,231 | 2.69% |
| 2018-2019 | 754 | 14,126 | 5.34% |
| 2019-2020 | 628 | 13,557 | 4.63% |
| 2020-2021 | 2,771[[10]](#footnote-10) | 12,550 | 22.08% |
| 2021-2022 | 501 | 12,748 | 3.93% |

Based on the percentage data for complaint numbers and licence holders for the real estate industry, no significant difference is apparent in percentages during the three year period prior to CPD implementation compared to the present day. Complaint percentages have remained largely consistent, with only minor fluctuations during some years. No trends or special problems have been identified in recent annual reports.

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| *The introduction of mandatory CPD for the real estate industry does not appear to have significantly affected complaint numbers.* |

For the settlement industry, during the three years prior to the implementation of CPD, complaint percentages were nearly at 14 per cent. However, these numbers rapidly dropped in the following five year period to seven percent and in recent years have increased to more than eight percent. Trends in annual reports over the last three years note that complaints against settlement agents are largely due to trust account and qualified audit issues.

Table 7 – Settlement industry general compliance matters investigated

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  | Complaints investigated | Licence Numbers | Complaint Percentage |
| SASB | 2005-2006 | 51 | 368[[11]](#footnote-11) | 13.86% |
| 2006-2007 | 76 | 690 | 11.01% |
| 2007-2008 | 49 | 689 | 7.11% |
| 2008-2009[[12]](#footnote-12) | 37 | 711 | 5.20% |
| 2009-2010 | 42 | 711 | 5.91% |
| 2010-2011 | 55 | 699 | 7.87% |
| Commerce | 2011-2012 | 37 | 679 | 5.45% |
| 2012-2013 | 47 | 655 | 7.18% |
| 2013-2014 | 36 | 662 | 5.44% |
| 2014-2015 | 45 | 680 | 6.62% |
| 2015-2016 | 51 | 692 | 7.37% |
| 2016-2017 | 33 | 682 | 4.84% |
| DMIRS | 2017-2018 | 51 | 662 | 7.70% |
| 2018-2019 | 40 | 621 | 6.44% |
| 2019-2020 | 43 | 605 | 7.11% |
| 2020-2021 | 51 | 605 | 8.43% |
| 2021-2022 | 51 | 594 | 8.59% |

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| *The introduction of mandatory CPD for the settlement agent industry appears to have reduced complaint numbers.* |

# 

# 2. REVIEW FINDING 2: THERE ARE SIGNIFICANT COSTS ASSOCIATED WITH ENFORCING COMPLIANCE

Compliance mechanism **for CPD Program**

When the CPD Program was first introduced, CPD compliance was tested at licence renewal without incurring a penalty. Changes to the REBA and SA Acts in 2021, meant that property industry professionals who did not complete the CPD activity required each year were considered non-compliant and subject to being issued an infringement notice, prosecuted or have proceedings commenced in the State Administrative Tribunal to suspend or cancel their licence or certificate. Following the changes, all real estate agents, business agents, sales representatives and settlement agents must complete the CPD Program each calendar year. Non-compliance attracts a penalty of up to $5,000[[13]](#footnote-13) or the possibility of suspension or cancellation of a licence or certificate.

In 2020, Consumer Protection developed an enforcement plan for CPD non-compliance with the aim of enforcing changes to legislation following a lengthy educational rollout. The administration of CPD non-compliance was a significant project that utilised substantial numbers of Consumer Protection staff and resources.

**3. REVIEW FINDING 3: THERE MAY BE OTHER MORE COST EFFECTIVE OPTIONS FOR ACHIEVING THE OBJECTIVES OF THE CPD PROGRAM.**

The CPD Program seeks to achieve its objective of increasing the knowledge, skills and professionalism for real estate and settlement agents by delivering ongoing education on topics which are relevant and necessary. The aim of CPD is to ensure licensees are aware of their licence obligations, to increase the protection of consumers and to promote consumer confidence in the real estate and settlement agent industries.

The review found that there are other sources of information now available to licensees which may sufficiently deliver the benefits of the CPD program. If so, mandatory CPD may no longer be required.

## (i) Communication of regulator information by Consumer Protection

Consumer Protection communicates information with industry participants about legislative changes and educational and guidance activities throughout the year. Since 2017, Consumer Protection has issued around 20 e-bulletins each year to real estate agents and six e-bulletins to settlements agents annually. These e-bulletins are also available on the DMIRS website. Topics have included: cybersecurity, bond management, COVID-19, tenancies, scam prevention, licensing and audit reminders and updates to legislation.

Changes to technology have made it easier to communicate this information effectively and cheaply. An example being the introduction of the COVID-19 emergency period measures in early 2020 when these changes were successfully communicated using a combination of webinars, e-bulletins and emails as the face to face training model could not be used.

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| *When important information on relevant industry issues is made available to licence holders immediately through e-bulletins, there may be limited value in requiring participants to also attend mandatory training on the same subject in the next 12 month period.* |

In another example, in 2019 changes were made to tenancy laws to support victims of family and domestic violence. In that year, Consumer Protection sent 25 e-bulletins to all industry participants, with eight relating to family and domestic violence changes as well as conducting proactive compliance visits and producing online videos to explain the amendments.

One of the limitations of mandatory CPD is its capacity to deliver information required to be communicated quickly to the industry. This information could be far better delivered by Consumer Protection in regulator guidance.

Another issue is the six months lead in time required for Consumer Protection to develop mandatory CPD material as this lacks the agility required to communicate rapid and unplanned legislation change in a timely manner. This was evident in 2018 and 2019 when the recently introduced family and domestic violence provisions in the *Residential Tenancies Act 1987* made up half of the mandatory CPD hours, resulting in duplication of CPD content.

In addition, the experience with COVID-19 has demonstrated that the current CPD model with courses developed and administered by Consumer Protection, did not have the capacity to enable fast, flexible responses to unforeseen events or circumstances. This lessens the value of mandatory CPD in addressing the objectives of the legislation.

## (ii) Delivery of CPD by industry associations / private sector

Following a consultation process, course content for mandatory CPD subjects in the real estate and settlement industry is determined by Consumer Protection officers. Topics are generally based upon regulator information such as legislative changes and Code of Conduct issues affecting the property industry.

Although elective CPD activities are required to meet the list of approved subjects in the REBA and SA Regulations, the information provided on application forms for assessment and approval is limited in scope, meaning training providers do not have to provide the full course content. Once approved, these courses are not attended by Consumer Protection representatives and therefore the quality of these courses is not reviewed or monitored for appropriateness, effectiveness or accuracy of content.

Generally training providers do not develop proposed CPD elective activity courses unless they receive approval for CPD points and interest from attendees.

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| *In 2021, a review was conducted of more than 600 courses offered as elective activities for the CPD Program. These elective activities were assessed and approved by Consumer Protection. It was found that a third of these courses had no attendance, indicating a possible lack of relevance to the property industry sector.* |

CPD training is likely to be better targeted to the needs of participants if it is initiated and developed by industry bodies and private training providers. Professional bodies and training providers are able to access market research and industry networks and quickly adapt to any changes in market expectations and issues affecting the industry that require further education.

As Consumer Protection commissions rather than delivers CPD training, it is limited in its capacity to make the delivery of training more efficient and to develop alternative course delivery platforms such as self-paced online learning. In addition, costs involved in the delivery of CPD training by professional associations and private training providers are likely to be lower as training is a core activity of these organisations.

# PROPOSALS FOR DISCUSSION

## Options to address CPD

In response to the issues identified, the review recommended that consultation occur on three options discussed below. Tables 8 and 9 compare the costs and benefits of the options.

### Option A - Status quo – Retain the current mandatory CPD model

Under this option there would be no change to the current CPD Program. In light of the finding of the Review that the current model is not financially sustainable, retention of this model would require a consideration of alternative funding options, including industry funding.

### Option B – Retain CPD as a mandatory statutory requirement with prescribed requirements, but remove Consumer Protection’s role in funding the CPD Program with a transition period. Option B includes consideration of whether to retain the current required number of units, or reduce the number of units for both real estate and settlement agents.

Under this option, CPD is retained as a mandatory requirement however Consumer Protection’s role in funding the program is removed. Consumer Protection would also retain responsibility for approving CPD training providers and setting up reporting systems for the purpose of checking compliance.

[Appendix 6](#_APPENDIX_6_–) is a table showing the comparison of the requirements of options A and B. Industry participants would still be required to complete a specified number of elective activities that follow prescribed general categories such as ethical and professional behaviour, risk awareness and business skills. Having prescribed topics allows industry to ensure participants are completing courses that are relevant.

CPD activities would continue to be developed and delivered by peak industry bodies and individual training providers however licensees would fund all of the CPD activities. Consumer Protection would continue to administer and monitor CPD compliance and to bear the costs associated with enforcement.

### **Option C** - Remove mandatory CPD as a legislative requirement with transition period

Under this option mandatory CPD would cease on a specified date, with no further requirement under the Acts for licensees to undertake CPD activities. Licensees would be responsible for their own professional development and regulation of industry standards would rely on responding to complaints.

This option removes Consumer Protection’s role in funding the CPD Program, saves industry costs in both fees and attendance time and provides government with significant savings in costs associated with administration and enforcement.

Industry could retain CPD obligations as a condition of membership of REIWA or AICWA. Professional associations would also have the flexibility to decide what and how CPD is provided. This option would allow industry to better meet the professional development interests of members.

For example, the REIWA accreditation program link to CPD shows they are already heavily invested in the ongoing education and development of the industry. As a peak body and training provider, REIWA could continue to use their accreditation process to support CPD objectives and encourage ongoing training attendance.

Other registered training organisations could continue to offer CPD but it would no longer be compulsory for industry members to undertake training as a statutory requirement.

**Transition period for options B and C**

A key issue for implementing options B or C will be transition arrangements that allow a sufficient lead in time to conclude government contract arrangements and for current contracted training providers to make preparations to start offering other property industry training courses.

A purpose of the consultation is to enable the impacts on this sector to be better understood so that possible arrangements can be put in place to minimise the impacts.

**Summary of costs and benefits identified by the Review**

Table 8 – Summary of costs and benefits identified by the Review

|  |  |  |  |
| --- | --- | --- | --- |
|  | Option A – Status quo | Option B – Retain mandatory CPD but industry funded | Option C – Remove mandatory CPD – voluntary only |
| Costs | Direct costs of delivery of the programs estimated to be in excess of $2.5m p/a.  Costs to agents for attendance and travel time and associated potential loss of income.  Costs of course development and marketing.  Compliance costs. | Significant program delivery costs continue to apply under option B. Potential for some reduction through the removal of the requirement for Consumer Protection’s content approval.  Costs to agents of attendance and travel time and associated potential loss of income (equivalent to option A).  Potential loss of income for training providers who currently rely on government funding.  Increased costs of course development and marketing with removal of guaranteed market.  Compliance costs (equivalent to option A).  Under option B2 (reduced number of units required) costs would be reduced in each of the above categories, largely in proportion to the reduction in number of units required. | Loss of Consumer Protection control over course content.  Potential fall in professional standards through reduced training and resulting consumer detriment.  Potential for increased number of consumer complaints and associated additional compliance costs.  Loss of income for training providers (equivalent to option B).  Additional costs for industry in monitoring professional standards and making provision for training.  Costs associated with course development, delivery, agent attendance are anticipated to be less than options A or B. Cost will depend on the extent to which agents choose to participate and/or industry bodies mandate training. |
| Benefits | All industry participants engage in regular training.  Consumer Protection is able to control training content to ensure that it addresses identified high risk issues.  Promotes consumer confidence and potentially improves consumer service.  Potential to maintain a low rate of complaints and associated compliance requirements.  Provides certainty for training providers as to training content and demand. | All industry participants engage in regular training.  Consumer Protection is able to manage training provider approval process and training topics.  Training providers have greater flexibility in development of training packages in comparison to option A.  Promotes consumer confidence and potentially improves consumer service.  Provides certainty for training providers as to subject requirements.  Opportunity for costs to be reduced through reduction in number of units required. | Voluntary participation provides for greater flexibility for industry in planning professional development activities that meet industry requirements and minimise costs for participants.  Potential benefits for consumers from training that can be delivered in a timely manner in response to specific issues.  Training providers have flexibility to develop activities in accordance with industry demand.  Provides greater flexibility and responsiveness in development of course content.  Peak bodies have increased control over training requirements.  Removes CPD monitoring and enforcement costs for government. |

**Questions for stakeholders**

In light of the findings of the Review, and the preliminary assessment of costs and benefits of options for providing for professional development in the real estate and settlement industries described above, Consumer Protection is seeking feedback from stakeholders on the following matters:

**Licensees**

* Is the CPD program beneficial to the licensees?
* Should the CPD Program remain as a legislative requirement?
* What should the CPD Program entail?
* How should the CPD Program be delivered? and
* If the CPD Program is removed as a legislative requirement, how will the industry keep itself up to date with relevant information?

**Training Providers**

* What will be the likely impact on training providers if the CPD Program was to change or be removed.

# 4. NEXT STEPS

You are invited to make a submission to the consultation. There is no specified format for submissions. You are welcome to:

* send an email or write a letter outlining your views;
* respond to questions included in this paper; or
* complete a short survey (which can be found online by visiting <https://consultation.dmirs.wa.gov.au/consumer-protection/pidcpd>).

**The closing date for submissions is: 15 March 2023**

Submissions can be mailed to:

Review of Property Industries Continuing Professional Development Program

Department of Mines, Industry Regulation and Safety

Consumer Protection Division

Locked Bag 100

EAST PERTH WA 6892

Or emailed to: [consultations@dmirs.wa.gov.au](mailto:consultations@dmirs.wa.gov.au)

Or made online at: [www.commerce.wa.gov.au/consultations](http://www.commerce.wa.gov.au/consultations)

# APPENDIX 1 HISTORY OF THE CPD PROGRAM

In order to provide guidance to training providers wishing to conduct CPD courses, the REBA Board first prescribed industry training in an education policy in 1998. The list of approved subject areas in Schedule 1A of the Real Estate and Business Agents (General) Regulations 1979 (the REBA Regulations) and Schedule 1A of the Settlement Agents Regulations 1982 (the SA Regulations) remains largely unchanged. Previously, compliance was tested at licence renewal of triennial certificate of registration under fit and proper person provisions every three years.

Changes to the REBA Act and the SA Act came into effect in 2019 with amendments to the REBA Regulations and the SA Regulations, prescribing an infringement penalty of $5,000. The amendments made it clear that failure to complete the required CPD obligations each calendar year was an offence.

The penalty was introduced to address licence holders that failed to meet the prescribed education requirements at the time of licence renewal because discontinuing a licence for not meeting CPD requirements was seen as disproportionate to the nature of the offence.

**APPENDIX 2 CPD ACTIVITY POINTS REQUIREMENTS**

## Mandatory Activities

A mandatory CPD activity is an activity that Consumer Protection requires licensed agents, sales representatives, property managers and settlement agents to complete for CPD purposes. Refer to Table 9 for current mandatory CPD point requirements.

The mandatory activities are prescribed by the Commissioner for Consumer Protection (the Commissioner) annually and are usually based on recent legislative changes that may impact the industry, emerging issues or identified risks. The list of mandatory activities has to be settled prior to the commencement of each calendar year.

Training providers contracted to develop and deliver training materials that comprise the mandatory activities are listed on the DMIRS website each calendar year.

COVID restrictions in early 2020 prompted changes to training provider contracts to allow for online delivery of mandatory CPD courses as an alternative to face to face training.

## Elective activities

The balance of points required for each CPD Program are made up of activities where points can only be obtained by attending elective activities approved by the Commissioner each calendar year. Refer to Table 9 for a list of elective CPD point’s requirements for real estate and settlement agent participants.

Elective activities for the real estate industry and any non-prescribed elective activities for the settlement industry are funded by training providers and participants. Non-prescribed electives for settlement agents are also able to be used for CPD points, however there is generally minimal attendance for these activities.

It should be noted that the current split between mandatory and elective activities for the real estate industry is part of the contract with the training providers and not prescribed. Under the current REBA Regulations, the Commissioner could prescribe between zero and ten point’s worth of mandatory and elective activities. There has not however been the need to do so given contractual arrangements.

Table 9 - CPD points requirements for property industry professionals in Western Australia

|  |  |  |  |
| --- | --- | --- | --- |
|  | Mandatory[[14]](#footnote-14) Activities  (Government funded) | Elective Activities | Total CPD Points required |
| Real Estate Industry  (Includes all Agents and Sales Representatives) | 3 points | 7 points  Self-funded | 10 points |
| Settlement Industry | 4 points | 2 points (either  Government funded for prescribed; self-funded if non-prescribed) | 6 points |

# APPENDIX 3 MANDATORY AND PRESCRIBED CPD SUBJECTS

Table 10 - Mandatory CPD subjects from 2017-2021 for the Real Estate and Business Agent Industry

| Year | Licenced Agents (Commercial and Residential) | Agents / Sales Representatives (Commercial and Residential) | Property Managers – Residential | Property Manager - Commercial |
| --- | --- | --- | --- | --- |
| 2021 | * Acting in the best interest of the client * What is a material fact and when should it be communicated * How to resolve conflict and maintaining effective communication * Strata Title Changes (including Community Titles) | * Acting in the best interest of the client * What is a material fact and when should it be communicated * How to resolve conflict and maintaining effective communication * Strata Title Changes (including Community Titles) | * Rights and Responsibilities of tenants and owners and property managers role in this relationship * What is a material fact and when should it be communicated * Retention and security of documentation virtually (e.g. Cloud based systems – how to ensure necessary records are retained in terms of statutory requirements) | * Rights and Responsibilities of tenants and owners and property managers role in this relationship * What is a material fact and when should it be communicated * Retention and security of documentation virtually (e.g. Cloud based systems – how to ensure necessary records are retained in terms of statutory requirements) |
| 2020 |  | Part 1: Duties and Obligations (1hr)  (Appointment to Act; Duty of Disclosure; Privacy: Collection, Retention and Sharing of Data; Trust Account Requirements)  Part 2: Responsibilities and Restrictions (1hr)  (Identification Requirements;  Anti-Money Laundering Basics; Special Conditions: Is this Legal Work / Advice? Bond Lodgement Basics)  Part 3: Strata Reform: Amendments to the *Strata Titles Act 1985* (1hr)  (Strata Title Basics;  What's Different? What's New?) |  |  |
| 2019 | Managing Risk in your Agency (3hrs)   * Part A: New family and domestic violence provisions in the *Residential Tenancies Act 1987* – (1.5hrs) * Part B: Business management practices for licensees – (1.5hrs) | Review of the sign up to settlement process aimed at minimising potential disputes – (3hrs) | Managing risk for residential property managers – (3hrs):   * Part A: Practical application of new family and domestic violence amendments in the *Residential Tenancies Act 1987* – (1.5hrs) * Part B: Review of legislative requirements for disposal and storage of abandoned goods in residential tenancies – (1.5hrs) | Managing risk for residential property managers – (3hrs):   * Part A: Practical application of new family and domestic violence amendments in the *Residential Tenancies Act 1987* – (1.5hrs) * Part B: Review of legislative requirements for disposal and storage of abandoned goods in residential tenancies – (1.5hrs) |
| 2018 | Module 1:  Review of Australian Consumer Law provisions for real estate agents and sales representatives  Module 2:   * Writing Special Conditions in Residential Contracts of Sale; or * Writing Special Conditions in Commercial Contracts of Sale | Module 1:  Review of Australian Consumer Law provisions for real estate agents and sales representatives  Module 2:   * Writing Special Conditions in Residential Contracts of Sale; or * Writing Special Conditions in Commercial Contracts of Sale | Identifying and managing potentially unlawful activities in residential tenancies:   * New family violence provisions in the *Residential Tenancies Act 1987*\* * How to approach management of a residential tenancy where drug manufacturing is suspected | Module 1:  Review of Australian Consumer Law provisions for the commercial and retail property industries (including business brokers)  Module 2:   * Managing Agency Risk – Case studies and compliance exercises * Landlord’s operating expenses in commercial and retail property transactions. * Rent review issues in commercial and retail property transactions. |
| 2017 | Module 1:   * Proposed amendments to the *Strata Titles Act 1985* for real estate agents and sales representatives – residential focus (120 mins)   Module 2:   * Managing the risk of legislative change – residential focus (60 min) or commercial focus * Foreign resident capital gains tax withholding regime * Amendments to the *Sale of Land Act 1970* in relation to off-the-plan sales   Or  Module 1:   * Proposed amendments to the *Strata Titles Act 1985* for real estate agents and sales representatives – commercial focus (120 mins)   Module 2:   * Managing the risk of legislative change – commercial focus (60 min) * Foreign resident capital gains tax withholding regime * Amendments to the *Sale of Land Act 1970* in relation to off-the-plan sales | Module 1:   * Proposed amendments to the *Strata Titles Act 1985* for real estate agents and sales representatives – residential focus (120 mins)   Module 2:   * Managing the risk of legislative change – residential focus (60 min) or commercial focus * Foreign resident capital gains tax withholding regime * Amendments to the *Sale of Land Act 1970* in relation to off-the-plan sales   Or  Module 1:   * Proposed amendments to the *Strata Titles Act 1985* for real estate agents and sales representatives – commercial focus (120 mins)   Module 2:   * Managing the risk of legislative change – commercial focus (60 min) * Foreign resident capital gains tax withholding regime * Amendments to the *Sale of Land Act 1970* in relation to off-the-plan sales | Effective complaint management and customer service in property management to resolve disputes | Module 1:   * Overview of the obligations and responsibilities of tenants and landlords in commercial and retail leases (90 mins)   Module 2:   * Effective complaint management and dispute resolution in commercial / retail leasing (90 mins) |

Table 11 - Core and prescribed elective CPD requirements for Settlement Agents 2017- 2021

| Year | Core CPD (4 points must be completed) | Prescribed Electives (2 points must be completed) |
| --- | --- | --- |
| 2021 | Managing Agency Risk for Licensed Settlement Agents (2hrs):   * Retention and security of documentation virtually e.g. Cloud based systems – how to ensure necessary records are retained in terms of statutory requirements * Contract for Sale of Land or Strata Title by Offer and Acceptance * Costs Disclosure * Preparation and Lodgment of caveats   Amendments to Strata Titles Legislation (2hrs):   * Strata Title Changes (including Community Titles) | Reconciliation of Trust Accounts (2hrs):   * Updated in 2019 to account for e-conveyancing   Various CPD sessions to be delivered by the Office of State Revenue (2hrs each):   * Deceased Estates Transactions and Transfer Duty * Transfer Duty Overview * The First Home Owners Grant for Professionals * Overview of Land Tax   Changes to the Model Participation rules and Preparing Notices (2hrs face to face) |
| 2020 | Duties and Obligations (2hrs):   * Appointment to Act * Duty of Disclosure * Privacy: Collection, Retention and Sharing of Data * Trust Accounts Requirements * Identification Requirements * Anti-Money Laundering Basics * Understanding the Contract of Sale   Buyer Education and Advocacy (1hr):   * Sellers Disclosure Requirements * Inspection Entitlements * Inspection Reports * Title Insurance   Strata Reform: Amendments to the *Strata Titles Act 1985* (1hr):   * Strata Title Basics * What’s Different? * What’s New? | Reconciliation of Trust Accounts (2hrs):   * updated in 2019 to account for e-conveyancing   Various CPD sessions to be delivered by the Office of State Revenue (2hrs each):   * Deceased Estates Transactions and Transfer Duty * Transfer Duty Overview * The First Home Owners Grant for Professionals * Overview of Land Tax |
| 2019 | Business Management Practices for licensed settlement agents (2hrs)  Managing Agency Risk for licensed settlement agents (2hrs):   * Key changes to the Joint Form of General Conditions * Undertaking settlements involving subdivisions | Understanding Structural and Building Reports as they apply to settlements (2hrs)  Reconciliation of Trust Accounts (2hrs):   * Updated for the 2019 CPD Program to account for e-conveyancing   Various CPD sessions to be delivered by the Office of State Revenue (2hrs each):   * Deceased Estates Transactions and Transfer Duty * Transfer Duty Overview * Revenue Online – Duties * The First Home Owners Grant for Professionals * Overview of Land Tax |
| 2018 | Review of Australian Consumer Law provisions for licensed settlement agents  Managing agency risk in electronic settlement transactions:   * Preventing cybercrime and identity fraud in settlements * Overview of changes to the Joint Form of General Conditions | Online Document Lodgment with Landgate  Risk Management: Professional Indemnity and Fidelity Insurance  Claims  - to be delivered by JLT, Vero Insurance and DLA Piper  Sessions to be offered by the Office of State Revenue:   * Deceased Estate Transactions and Transfer Duty * Transfer Duty Overview * Revenue Online -Duties * The First Home Owners Grant for Professionals and Land Tax Overview   Reconciliation of trust accounts  AICWA 2018 State Conference - attendance will attract 2 CPD points |
| 2017 | Proposed amendments to the *Strata Titles Act 1985*for licensed settlement agents  Managing risk in relation to legislative changes:   * Foreign resident capital gains tax withholding regime. * Amendments to the *Sale of Land Act 1970* in relation to off-the-plans sales | Overview of Landgate documentation preparation  Sessions to be offered by the Office of State Revenue:   * Deceased Estate Transactions and Transfer Duty * Transfer Duty Overview * Using Revenue Online (Online Duties) * The First Home Owners Grant for Professionals and Land Tax Overview   Reconciliation of trust accounts |

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# APPENDIX 4 CPD REQUIREMENTS FOR AUSTRALIA AND NEW ZEALAND

The Northern Territory, Queensland, South Australia and Victoria do not mandate CPD for the real estate industry, however as part of the 2020 election commitment, the Queensland Government may introduce a mandatory CPD Program.

The Australian Capital Territory is aligned to the Australian Qualifications Framework and requires self-certification and Tasmania has no CPD requirement for sales representatives.

No other jurisdiction has a mandatory CPD Program for settlement agents.

In jurisdictions where CPD is voluntary, it is common for both the real estate and settlement agent peak bodies to have established their own CPD membership requirements. The peak real estate industry bodies in Queensland, South Australia and Victoria have specific point requirements for members. For example in Victoria members have to obtain 48 points over a three year period. Peak settlement agent industry bodies in the Northern Territory, South Australia, Victoria and New Zealand follow the same annual point requirements as peak real estate industry bodies.

Tasmania is the only jurisdiction to also impose penalties to real estate industry participants for failure to comply with CPD requirements.

Table 12 - Australian and New Zealand Real Estate Industry CPD Requirements

| Jurisdiction  *(estimated size, 2016 census)*  *(IBISWorld for New Zealand)* | | CPD Requirements | Mandatory Components | Specified Subject Matter | Certification |
| --- | --- | --- | --- | --- | --- |
| ACT  *(est. 3,600)* | Agent | 12 points annually | Yes | Competencies from CPP[[15]](#footnote-15) | Self / Audit |
| Sales Representative | 12 points annually | Yes | Competencies from CPP | Self / Audit |
| Property Manager | 12 points annually | Yes | Competencies from CPP | Self / Audit |
| NSW[[16]](#footnote-16)  *(est. 30,000)* | Agent  *(Class 1 Agent licence in real estate)* | 9 hours  3hrs compulsory topics  3hrs elective topics  3hr business skills topics | Yes | Yes | Submit evidence to Regulator |
| Sales Representative  *(Class 2 Agent in real estate – sales and leasing)* | 6 hours  3hrs compulsory topics  3hrs elective topics | Yes | Yes | Submit evidence to Regulator |
| Property Manager  *(Class 1 Agent licence in real estate - sales and leasing and onsite residential property manager)* | 9 hours  3hrs compulsory topics  3hrs elective topics  3hr business skills topics | Yes | Yes | Submit evidence to Regulator |
| NT  *(est. 3,800)* | Agent | N/A | N/A | N/A | N/A |
| Sales Representative |
| Property Manager |
| QLD  *(est. 44,700)* | Agent | N/A | N/A | N/A | N/A |
| Sales Representative |
| Property Manager |
| SA  *(est. 7,400)* | Agent | N/A | N/A | N/A | N/A |
| Sales Representative |
| Property Manager |
| TAS  *(est. 1,900)* | Agent | 12 points annually | Yes | Yes | Submit CPD Register |
| Sales Representative | N/A | N/A | N/A | N/A |
| Property Manager | 12 points annually | Yes | Yes | Submit CPD Register |
| VIC  *(est. 30,500)* | Agent | N/A | N/A | N/A | N/A |
| Sales Representative |
| Property Manager |
| NZ  *(est. 16,500)* | Agent | 20 hours annually  *10 hours verifiable education (5 hours mandatory and 5 hours elective topics). 10 hours non-verifiable education (other topics and types of learning)* | Yes | Yes | *By training provider*  *CPD Register* |
| Sales Representative | 20 hours annually  *10 hours verifiable education (5 hours mandatory and 5 hours elective topics). 10 hours non-verifiable education (other topics and types of learning)* | Yes | Yes | *By training provider*  *CPD Register* |
| Property Manager | 20 hours annually  *10 hours verifiable education (5 hours mandatory and 5 hours elective topics). 10 hours non-verifiable education (other topics and types of learning)* | Yes | Yes | *By training provider*  *CPD Register* |

Table 13 - Australian and New Zealand Settlement Industry CPD Requirements

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Jurisdiction | | CPD Requirements | Mandatory Components | Minimal Education Requirement | Certification |
| ACT/  QLD | N/A | N/A | N/A | N/A | N/A |
| NSW/  NT/  SA/  TAS/  VIC | Conveyancer | None | No | BSB61115 Advanced Diploma of Conveyancing | No |
| NZ | Conveyancer | None | No | Diploma of Conveyancing | No |

Table 14 - Real Estate Industry Body CPD Requirements

|  |  |  |
| --- | --- | --- |
|  | Industry Body | CPD Requirements |
| ACT | Real Estate Institute ACT (REIACT) | N/A |
| NSW | Real Estate Institute NSW (REINSW) | N/A |
| NT | Real Estate Institute NT (REINT) | N/A |
| QLD | Real Estate Institute Queensland (REIQ) | 100 points annually |
| SA | Real Estate Institute SA (REISA) | 10 points annually |
| TAS | Real Estate Institute Tasmania (REITAS) | N/A |
| VIC | Real Estate Institute Victoria (REIV) | 48 CPD points over three years  (minimum 12 points of REIV activity) |
| WA | Real Estate Institute WA (REIWA) | 10 points annually |
| NZ | Real Estate Institute NZ (REINZ) | 10 points annually |

Table 15 - Settlement Industry Body CPD requirements

|  | Industry Body | CPD Requirements |
| --- | --- | --- |
| ACT/  QLD | N/A | N/A |
| NSW | Australian Institute of Conveyancers NSW (AICNSW) | N/A |
| NT | Australian Institute of Conveyancers NT (AICNT) | 100 points (10 hours) annually |
| SA | Australian Institute of Conveyancers SA (AICSA) | 100 points annually |
| TAS | Australian Institute of Conveyancers Tasmania (AICTAS) | N/A |
| VIC | Australian Institute of Conveyancers Victoria (AICVIC) | 10 points annually |
| WA | Australian Institute of Conveyancers WA (AICWA) | 6 points annually |
| NZ | New Zealand Society of Conveyancers (NZSOC) | 10 points annually |

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# APPENDIX 5 ANALYSIS OF CPD REQUIREMENTS FOR OTHER PROFESSIONS

Certified Practising Accountants (CPA) in Australia is an internationally recognised qualification for finance accounting and business professionals. Members of CPA Australia have to meet stringent educational and work requirements to gain the qualification. They then are required to complete a minimum of 20 hours of CPD a year and a total mandatory 120 hours over a three year period. When a CPA renews their membership each year they make a declaration that the CPD requirements have been met. Members must keep a record of the nature of CPD undertaken, topics covered and date and duration and produce for inspection if required.

The regulation of legal practitioners is administered by the Legal Practice Board of WA (the Board). The Board has the statutory responsibility to regulate competence and behaviour and impose a statutory condition that CPD activities are undertaken for the purposes of earning ten CPD points a year. In each CPD year, legal practitioners are required to complete at least one point in each of the four prescribed categories. The content of the CPD activity will determine allocation to a particular category. CPD activities are self-funded and uploaded by training providers to the CPD Management System (CPDMS) managed by the Board and accessible to legal practitioners.

Health professions that are part of the National Registration and Accreditation scheme are represented by a National Board. For example Nursing and Midwifery is represented by the Nursing and Midwifery Board of Australia. A registered nurse is required to complete a minimum of 20 hours of CPD each year. These CPD activities are self-funded, self-recorded and evidence of CPD records are required to be produced if they are selected for an audit. CPD can include formal and informal activities, but must be relevant to the area of professional practice and have clear aims and objectives that meet self-assessed criteria.

Further analysis of CPD models in other industries is included in Table 16 Other Industry CPD requirements below.

Table 16 - Other Industry CPD Requirements

| Industry | | Minimum Educational Requirement | CPD Requirements | Mandatory Components | Specified Subject Matter | Regulated by[[17]](#footnote-17) |
| --- | --- | --- | --- | --- | --- | --- |
| Accounting | CPA / CA / IPA | Undergraduate Degree and Professional Qualifications | 120 hours every 3 years  *(Min. 20 hours a year)* | No | Yes | Industry |
| Financial Planning | Financial Planner | Undergraduate Degree | 40 hours every year | No | Yes | FASEA |
| Certified Financial Planner | Undergraduate Degree and Professional Qualifications | 120 hours every 3 years  *(Min. 35 hours a year)* | No | Yes | Industry |
| Legal | Legal Practitioner | Undergraduate Degree and Practical Legal Training | 10 points (1 hour = 1 point) | Yes | Yes  *(must complete at least one point in each of the specified categories)* | Legal Practice Board of WA |
| Medicine | Trainee | Undergraduate Degree | Must be enrolled in an approved training program | Yes | Yes | MBA, AHPRA |
| General | Postgraduate Qualifications | 50 hours | No | No[[18]](#footnote-18) | MBA, AHPRA, Medical Colleges |
| Specialist | Postgraduate Qualifications | Varies by specialty  *(GP - 130 hours every 3 years)* | Varies by specialty | Varies by specialty | MBA, AHPRA, Medical Colleges |
| Nursing | Enrolled Nurse | Diploma | 20 hours | No | No\* | NMB, AHPRA |
| Registered Nurse | Undergraduate Degree | 20 hours | No | No\* | NMB, AHPRA |
| Registered Midwife | Undergraduate Degree | 20 hours | No | No\* | NMB, AHPRA |
| Registered Nurse & Midwife | Undergraduate Degree | 20 hours Nurse  20 hours Midwife | No  No | No\*  No\* | NMB, AHPRA |
| Nurse Practitioner | Postgraduate Qualifications | 30 hours | Yes  *(for 10 hours)* | Yes  *(for 10 hours)* | NMB, AHPRA |
| Special Endorsements | Postgraduate Qualifications | + 10 hours per endorsement | Yes | Yes | NMB, AHPRA |

# APPENDIX 6 – COMPARISONS OF OPTIONS A AND B

|  |  |  |  |
| --- | --- | --- | --- |
| Issue | Current | Option B (Part 1) | Option B (Part 2) |
| Real Estate Industry  *Includes Agents and Sales Representatives (residential and commercial)* | 10 points  Government funded (Mandatory component only – 3 points) | 10 points  Self-funded elective points | 5 points  Self-funded elective points |
| Comprising prescribed mandatory and elective activities | Prescribed general categories | Prescribed general categories |
| Settlement Industry | 6 points  Government funded (Mandatory – 4 points - and prescribed electives) | 6 points  Self-funded elective points | 3 points  Self-funded elective points |
| Comprising prescribed mandatory and elective activities | Prescribed general categories | Prescribed general categories |
| Funding CPD Program | Consumer Protection | Licensee | Licensee |
| Approval of CPD training providers | Consumer Protection | No change | No change |
| Development of training model | Consumer Protection | Training providers | Training providers |
| Delivery of CPD training | Peak industry bodies and training providers | No change | No change |
| CPD Reporting | Training provider sends record to Government | No change | No change |



1. *Real Estate and Business Agents Supervisory Board Annual Report 2006 – 2007, page 19.* [↑](#footnote-ref-1)
2. *Real Estate and Business Agents Act 1978* *(WA), section 40B*. [↑](#footnote-ref-2)
3. *Schedule 1A of the Real Estate and Business Agents Regulations 1979 (REBA Regulations) and Schedule 1A of the Settlement Agents Regulations 1982 (SA Regulations).* [↑](#footnote-ref-3)
4. *Real estate professionals wishing to be an accredited REIWA member must have a current licence or registration, have attained the legislated CPD requirements for the last three years and have five years’ experience in their specialisation.* [↑](#footnote-ref-4)
5. *AICWA have established their own CPD membership requirements for any person who holds a Settlement Agents Licence or Business Settlement Agents Licence.* [↑](#footnote-ref-5)
6. *Real estate and Business Agent Act 1978* s.124C *Settlement Agents Act 1981* s.102C. [↑](#footnote-ref-6)
7. *Real Estate and Business Agents Supervisory Board Annual Report 2006 – 2007, page 19.* [↑](#footnote-ref-7)
8. *Licence numbers for 2003 – 2006 are based on estimated data due to no quantitative data being available.* [↑](#footnote-ref-8)
9. *Mandatory CPD commenced for the real estate industry commences.* [↑](#footnote-ref-9)
10. *Increase in numbers following changes to REBA and SA Act in 2020 for CPD non-compliance, resulting in a significant increase in general CPD compliance investigations that also increased the complaint percentage.* [↑](#footnote-ref-10)
11. *Licence numbers for 2005 – 2006 are based on estimated data due to no quantitative data being available.* [↑](#footnote-ref-11)
12. *Mandatory CPD for the settlement industry commences.* [↑](#footnote-ref-12)
13. *Real Estate and Business Agents Act 1978* *(WA), section 40B.* [↑](#footnote-ref-13)
14. *Mandatory activities are referred to as ‘Core’ activities for Settlement Agents.* [↑](#footnote-ref-14)
15. *The ACT has aligned the required subjects in their real estate CPD Program to competencies from the Property Services Training Package CPP. These represent skill sets defined as Units of Competency which meet an identified need or industry competency under the Australian Qualifications Framework which is a national standard.* [↑](#footnote-ref-15)
16. *NSW implemented major reforms to its real estate and property industry licensing in March 2020. All real estate, business agent and property management licenses were rolled into one real estate agent licence category. There are 3 licence levels within this category determined by a person’s qualifications and time within the industry. A person may hold a certificate of registration as an assistant agent, a class 2 licence as a licensed agent or a class 1 licence as licensed agent or licensee in charge of a business.*  [↑](#footnote-ref-16)
17. *AHPRA - Australian Health Practitioner Regulation Agency, ASIC - Australian Securities and Investments Commission, FASEA -Financial Adviser Standards and Ethics Authority, MBA - Medical Board of Australia, NMB – Nursing and Midwifery Board of Australia.* [↑](#footnote-ref-17)
18. *While not specified, content still needs to be related to scope of practice.* [↑](#footnote-ref-18)