



Real Estate Agents (Continuing Professional Development Rules) Notice 2018

Pursuant to section 15 of the Real Estate Agents Act 2008, the Real Estate Agents Authority gives notice of the following rules made by the Authority with the approval of the Minister of Justice and after consultation in accordance with section 16 of that Act.

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Notice

1 Title

This notice is the Real Estate Agents (Continuing Professional Development Rules) Notice 2018.

2 Commencement

This notice comes into force on 1 January 2019.

3 Interpretation

In this notice, unless the context otherwise requires,—

Act means the Real Estate Agents Act 2008

approved provider means a person approved by the Authority to deliver CPD

calendar year means the period beginning on 1 January and ending with the close of 31 December

CPD means 1 or more of the following types of continuing education or continuing professional development that relate to real estate agency work:

- (a) non-verifiable CPD:
- (b) refresher training:
- (c) verifiable CPD

CPD requirement means a requirement in this notice to complete 1 or more types of CPD

non-verifiable CPD—

- (a) means—
 - (i) structured CPD, including (but not limited to)—
 - (A) supervised professional development that is personalised to meet the needs of an individual licensee:
 - (B) in-house training that is not focused on agency-specific systems, policies, or procedures:
 - (C) attendance at a conference that relates to real estate agency work:

- (ii) unstructured CPD, including (but not limited to)—
 - (A) a mentoring discussion;
 - (B) reading a technical or professional article; but
- (b) excludes—
 - (i) a community education course that does not relate to real estate agency work;
 - (ii) induction training;
 - (iii) networking;
 - (iv) a social function

prescribed qualification means a qualification prescribed in regulation 12 of the Real Estate Agents (Licensing) Regulations 2009

refresher training means CPD that—

- (a) involves 1 or more topics specified by the Authority for the purpose of updating the knowledge or skill of a licensee who revives a licence after a period of suspension for 12 months or more; and
- (b) is delivered by an approved provider

verifiable CPD means CPD delivered by an approved provider—

- (a) on 1 or more mandatory topics for up to 10 hours as specified by the Authority; and
- (b) on 1 or more elective topics chosen by the licensee from the CPD library on an Internet site maintained by or on behalf of the Authority for the balance, if any, of the 10-hour period.

4 **Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

CPD requirements generally

5 **CPD requirements for licensees generally**

- (1) A licensee must complete the following CPD requirements for each calendar year:
 - (a) 10 hours of non-verifiable CPD; and
 - (b) 10 hours of verifiable CPD.
- (2) This clause does not apply to a person who revives a licence after a period of suspension.

Providing evidence of completion of CPD requirements

6 Providing evidence to Registrar of completion of CPD requirements

- (1) A licensee must be able to provide evidence to the Registrar of having completed non-verifiable CPD and verifiable CPD requirements for a calendar year by 1 January of the following year.
- (2) However, if a licensee revives a licence after a period of suspension, the licensee must be able to provide evidence to the Registrar of having completed non-verifiable CPD and verifiable CPD requirements for a calendar year by the later of the following dates:
 - (a) 1 January of the calendar year following the revival of the licence:
 - (b) a date that is within 8 weeks of the revival of the licence.
- (3) This clause does not apply to a licence that is revived the following calendar year after a period of suspension of less than 12 months (*see* clause 9).

Suspension for 12 months or more

7 Licences revived after suspension for 12 months or more

- (1) This clause applies to a person whose licence was suspended under section 58, 110(2)(c), or 115 of the Act for 12 months or more.
- (2) The licensee must complete the following CPD requirements for the calendar year in which the licence is revived:
 - (a) 10 hours of non-verifiable CPD; and
 - (b) 10 hours of verifiable CPD.
- (3) In addition, the licensee must complete 10 hours of refresher training within 3 months of the date on which the licence is revived.
- (4) The person is not required to complete CPD requirements—
 - (a) for the calendar year in which the licence is first suspended:
 - (b) for any subsequent calendar year during which the licence is suspended for the entire year.

Suspension for less than 12 months

8 Licences revived in same calendar year

- (1) This clause applies to a person whose licence was—
 - (a) suspended under section 58, 110(2)(c), or 115 of the Act for less than 12 months; and
 - (b) revived in the same calendar year.
- (2) The licensee must complete the following CPD requirements for the calendar year in which the licence is revived:

- (a) 10 hours of non-verifiable CPD; and
- (b) 10 hours of verifiable CPD.

9 Licences revived in following calendar year

- (1) This clause applies to a person whose licence was—
 - (a) suspended under section 58, 110(2)(c), or 115 of the Act for less than 12 months; and
 - (b) revived in the following calendar year.
- (2) The licensee must complete the following CPD requirements for each of the calendar years referred to in subclause (3):
 - (a) 10 hours of non-verifiable CPD; and
 - (b) 10 hours of verifiable CPD.
- (3) The calendar years are—
 - (a) the first calendar year, being the calendar year in which the licence is suspended; and
 - (b) the second calendar year, being the calendar year in which the licence is revived.
- (4) The licensee must be able to provide evidence to the Registrar of having completed the CPD requirements for the first calendar year within 8 weeks of reviving the licence.
- (5) In addition, the licensee must be able to provide evidence to the Registrar of having completed the CPD requirements for the second calendar year by the later of the following dates:
 - (a) 1 January of the year following the revival of the licence;
 - (b) a date that is within 8 weeks of the revival of the licence.

Exemptions and exclusions from CPD requirements

10 Interpretation: exemption clauses

In clauses 11, 12 and 13, **some or all of the CPD requirements for the calendar year** means—

- (a) up to 10 hours of non-verifiable CPD for the calendar year required under clauses 5, 7, 8, and 9;
- (b) up to 10 hours of verifiable CPD for the calendar year required under clauses 5, 7, 8, and 9;
- (c) a requirement for refresher training for the calendar year in which a licence is revived after a period of suspension for 12 months or more (*see* clause 7).

11 Exemptions for prescribed qualification or completion of paper

- (1) If a licensee provides evidence to the Registrar of having attained a prescribed qualification, the Registrar may exempt the licensee from some or all of the CPD requirements—
 - (a) for the calendar year in which the licensee attains the prescribed qualification; and
 - (b) for the following calendar year.
- (2) If a licensee provides evidence to the Registrar of having completed a paper towards the New Zealand Certificate in Real Estate (Specialist) (Level 5) or a prescribed qualification, the Registrar may exempt the licensee from some or all of the CPD requirements for the calendar year in which the licensee completes the paper.

12 Exemption for certain licensees registered with another professional body

- (1) This clause applies to a licensee who—
 - (a) works solely in one of the following areas of work:
 - (i) commercial real estate agency work (including, but not limited to, commercial letting and leasing); or
 - (ii) business broking; and
 - (b) is a registered member of another professional body that is approved by the Registrar; and
 - (c) is subject to the continuing education or professional development requirements of that other approved professional body, and those requirements relate to real estate agency work.
- (2) The Registrar may exempt the licensee from some or all of the CPD requirements for the calendar year.
- (3) The licensee must, by 30 June of the calendar year for which the exemption is sought,—
 - (a) notify the Registrar that the licensee seeks an exemption from some or all of the CPD requirements for the calendar year; and
 - (b) provide evidence to the Registrar of any requirements under subclause (1)(c) relating to real estate agency work that have been completed to date in the calendar year; and
 - (c) notify the Registrar of any requirements under subclause (1)(c) relating to real estate agency work that are anticipated to be completed in the remainder of the calendar year.
- (4) The Registrar must advise the licensee within 20 working days of the notification whether the licensee is exempted from some or all of the CPD requirements for the calendar year.

- (5) A licensee who is exempted under this clause from some or all of the CPD requirements for the calendar year must provide evidence to the Registrar of having completed the requirements referred to in subclause (3)(c) (if any) by 1 January of the following year.

13 Exemptions or deferrals in exceptional circumstances

- (1) The Registrar may exempt a person from some or all of the CPD requirements for the calendar year in exceptional circumstances.
- (2) The Registrar may defer some or all of the CPD requirements for a licensee for the calendar year in exceptional circumstances.
- (3) The Authority may develop and make available guidelines for applications for an exemption or deferral in exceptional circumstances.

14 Exclusions

Any education undertaken by a licensee as a result of a direction made by a Complaints Assessment Committee, the Real Estate Agents Disciplinary Tribunal, or a court is not eligible to be counted towards CPD requirements.

Approved providers

15 Delivery of CPD by approved provider

- (1) Only an approved provider may deliver—
 - (a) refresher training; or
 - (b) verifiable CPD.
- (2) A person may apply to the Authority to be an approved provider.
- (3) The Authority may approve, in writing, an application if the person meets the criteria for being an approved provider.
- (4) The Authority may revoke the approval of a person as an approved provider.
- (5) The Authority must publish on an Internet site maintained by or on behalf of the Authority—
 - (a) the criteria for being an approved provider; and
 - (b) the criteria to revoke the approval of a person as an approved provider; and
 - (c) the list of approved providers.

16 Evidence of having completed CPD delivered by approved provider

The Authority may review the records provided by approved providers to verify participation under these rules in—

- (a) verifiable CPD;
- (b) refresher training.

*Revocation***17 Revocation**

The Real Estate Agents Act (Continuing Education) Practice Rules 2011 (SR 2012/272) are revoked.

**Schedule 1
Transitional, savings, and related provisions**

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**Part 1
Provisions relating to this notice as made****1 Revival of licence after suspension**

This notice applies to a licensee whose licence was suspended before 1 January 2019 and revived on or after 1 January 2019.

Dated at Wellington this 27th day of November 2018.

Mr John Auld,
Chairperson.

Approved by the Minister of Justice on the 28th day of November 2018.

Hon Aupito William Sio,
Associate Minister of Justice.

Explanatory note

This note is not part of the notice, but is intended to indicate its general effect.

This notice, which comes into force on 1 January 2019, is given under the Real Estate Agents Act 2008. The notice sets out revised rules for the continuing professional development (**CPD**) of real estate agents, branch managers, and salespersons under that Act. Changes to the rules include—

- greater flexibility in verifiable CPD:

- the time within which a licensee must be able to provide evidence to the Registrar of having completed CPD requirements:
- provisions for suspensions for less than 12 months:
- additional exemptions.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 30 November 2018.

This notice is administered by the Real Estate Agents Authority.