A Guide to becoming an Agent’s Representative

Estate Agent’s Act 1980

Important information

Functions

An Agent’s Representative is an employee of an Estate Agent, who may perform any of the functions of an Estate Agent under the authority of that Estate Agent. An Agent’s Representative may be a sales person or a property manager but cannot operate a real estate business.

Starting Employment / Eligibility

To be eligible to be employed as an Agent’s Representative you must:

- be 18 years of age or over
- have a registered address in Victoria
- have successfully completed the three units of competency - CPPDSM4080A; CPPDSM4008A; and CPPDSM4007A prescribed for Agent’s Representatives or other courses prescribed under the Estate Agents (Education) Regulations 2008.
- within the last 10 years, not have been convicted or found guilty of any offence involving fraud, dishonesty, drug trafficking or violence which is punishable by imprisonment for three months or more (whether or not a sentence of imprisonment was imposed)
- not be the cause of a claim being made against the Victorian Property Fund
- not be insolvent under administration (a bankrupt or in administrative arrangement)
- not be a represented person under the Guardianship and Administrative Act 1986
- not be presently subject to a declaration by the Victorian Civil and Administrative Tribunal that you are ineligible to act as an Agent’s Representative
- not be the subject of any order by any regulatory body disqualifying them from acting as an Agent’s Representative.

If you have a disqualifying criminal record, are an insolvent under administration or are the cause of a claim being made against the Victorian Property Fund, you must apply to the Business Licensing Authority (BLA) for permission to be employed as an Agent’s Representative. If the BLA refuses to give you permission to be employed as an Agent’s Representative, you may appeal the decision to the Victorian Civil and Administrative Tribunal.

Permission application forms are available from www.bla.vic.gov.au. You cannot apply for permission online. This form is a word document which you can:

- save to your computer, fill in on your computer, print out and sign OR
- print out and fill in by hand.

Details on how to lodge the form are provided on the form. The relevant fee and supporting documentation must accompany your application.

Your employer must check that you meet the above criteria and give you written authority to act on his or her behalf before you can start work as an Agent’s Representative. A person who acts as an Agent’s Representative without being eligible to do so is liable to a fine of 500 penalty units. (One penalty unit = $119.45).

It is in your interest to make sure that your employer advises the BLA when you commence or cease employment as an Agent’s Representative. They are required to do this according to the Act. This will ensure that the information on the BLA’s public register contains your correct employment details.

Privacy

The Business Licensing Authority is committed to responsible and fair handling of personal information, consistent with the Information Privacy Act 2000 and its obligations under the Business Licensing Authority Act 1998. We may need to disclose your personal information to other State and Commonwealth agencies to check or confirm the information you have provided. You can request access to your personal information by contacting us. In exceptional circumstances, you may apply to have public access to your personal information restricted. Our privacy policy is available at www.bla.vic.gov.au or by contacting us.

(30/06/11)
Re-employment

Each time you seek re-employment as an Agent’s Representative your new employer must separately verify that you meet all of the eligibility criteria listed.

For your own personal use, you should retain a copy of your police records report in the event that you require a copy for future employment.

For your training to remain valid when you are seeking to be re-employed as an Agent’s Representative, you must have worked as an Agent’s Representative or an Estate Agent at some during the last ten years.

Continuing Employment

If you are working as an Agent’s Representative and become ineligible because you are found guilty of a disqualifying criminal offence, are the cause of a claim against the Victorian Property Fund or are insolvent, you may continue to work for up to 30 days but you must apply to the BLA for permission if you wish to work longer. If you do not lodge a Permission Application form within 30 days of becoming the subject of any of the above, you are no longer eligible to be employed, and must cease work immediately.

Prescribed Courses

The following courses are prescribed to meet the educational requirement for eligibility to be employed as an Agent’s Representative:

- three units of competency - CPPDSM4080A; CPPDSM4008A; and CPPDSM4007A
- Course in Property (Agent’s Representatives)
- Course in Real Estate for Agent’s Representatives
- Course in Sub-agency Practice
- Sub-agent’s Preliminary Education Course
- The six prescribed modules of the Certificate in Real Estate Operations

You are also eligible to be employed as an Agent’s Representative if you have completed any of the following courses:

- Certificate IV in Property Services (Real Estate)
- Certificate IV in Property (Real Estate Agency Practice)
- Certificate IV in Business (Estate Agency Practice)
- Bachelor of Business Property (Agency & Marketing stream)
- Advanced Certificate in Estate Agency
- Advanced Certificate in Real Estate
- Certificate in Business Studies (Real Estate)
- Estate Agency Certificate
- The 16 prescribed units of the Certificate of Business Studies (Real Estate) started before 1 January 1987.

Enquiries regarding the admission to training programs for Agent’s Representatives should be directed to the course co-ordinator at your local registered training organisation.