



Australian Government

Department of Education, Employment and Workplace Relations

CPPDSM4009B Interpret legislation to complete agency work

Release: 1

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Modification History

Not Applicable

Unit Descriptor

Unit descriptor

This unit of competency specifies the outcomes required to source and interpret legislation affecting real estate operations. It includes identifying and applying statutory interpretation techniques, identifying and tracking changes to relevant real estate legislation and industry codes of conduct and maintaining appropriate records.

The unit may form part of the licensing requirements for persons engaged in real estate activities in those States and Territories where these are regulated activities.

Application of the Unit

Application of the unit

This unit of competency supports the work of licensed real estate agents and authorised representatives and the requirements for them to identify, interpret and apply legislation and industry codes of conduct affecting real estate operations.

Licensing/Regulatory Information

Refer to Unit Descriptor

Pre-Requisites

Prerequisite units Nil

Employability Skills Information

Employability skills The required outcomes described in this unit of competency contain applicable facets of employability skills. The Employability Skills Summary of the qualification in which this unit of competency is packaged, will assist in identifying employability skills requirements.

Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.

Performance criteria describe the required performance needed to demonstrate achievement of the element. Where ***bold italicised*** text is used, further information is detailed in the required skills and knowledge and/or the range statement. Assessment of performance is to be consistent with the evidence guide.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1 Identify legal principles and legislative requirements affecting real estate operations.	1.1 <i>Legal framework</i> in which real estate agencies operate is identified. 1.2 <i>Components of statute law</i> and their relationships are identified with respect to their application to real estate practice. 1.3 Source documents for <i>legislation and regulations</i> relevant to the provision of real estate agency services are identified and accessed.
2 Interpret legislative requirements affecting real estate operations.	2.1 <i>Structure of real estate legislation and regulations</i> and the effect on their interpretation are identified. 2.2 <i>Common interpretation problems</i> with real estate legislation and regulations are identified. 2.3 <i>Rules and techniques for interpreting real estate legislation and regulations</i> are identified and applied.
3 Identify changes to legislation and regulations affecting agency operations.	3.1 <i>Processes</i> that lead to changes in real estate legislation and regulations are identified. 3.2 <i>Source documents</i> for amendment legislation relevant to the provision of real estate agency services are identified and accessed. 3.3 <i>Techniques for tracking amendments</i> to real estate legislation and regulations are identified and applied. 3.4 Implications of changes to legislative and regulatory requirements are identified and addressed in line with agency practice. 3.5 Strategies for identifying amendments to legislation and regulations are implemented. 3.6 Changes to legislative and regulatory requirements are communicated to <i>appropriate people</i> in line with agency policy.
4 Comply with relevant industry codes.	4.1 <i>Industry codes of conduct</i> are sourced and accessed. 4.2 Relationship between industry codes of conduct and legislative requirements are identified. 4.3 Key principles and responsibilities of industry codes of conduct are interpreted and applied to own work in line with agency practice. 4.4 Personal ethical behaviour demonstrates a commitment to comply with industry codes of conduct.
5 Maintain records of legislation and industry	5.1 Agency processes and the personnel responsible for monitoring and communicating changes to legislation

ELEMENT**codes.****PERFORMANCE CRITERIA**

and industry codes of conduct are identified.

5.2 *Relevant records* of legislation and industry codes of conduct are maintained.

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

This section describes the essential skills and knowledge and their level, required for this unit.

Required skills:

- ability to communicate with and relate to a range of people from diverse social, economic and cultural backgrounds and with varying physical and mental abilities
- analytical skills to interpret documentation such as parliamentary documents, legislation, regulations and codes of conduct
- application of risk management strategies associated with compliance with legislation, regulations and codes of practice
- computing skills to access agency and resource databases, use standard software packages, send and receive emails, access the internet and web pages, and complete and lodge standard documents online
- decision making and problem solving skills to analyse situations and make decisions consistent with legislative and regulatory requirements
- literacy skills to access and interpret a variety of texts, including legislation, regulations and codes of practice; prepare general information and papers; prepare formal and informal letters, reports and applications; and complete standard and statutory forms
- planning, organising and scheduling skills to maintain currency of agent and agency copies of legislation, regulations and codes of conduct
- research skills to identify and locate legislation, regulations and codes of conduct
- self-management skills to organise own work, deliver quality customer service and effectively manage competing demands
- teamwork skills to work effectively in and promote communication between sales, property management and administrative teams in an agency environment.

Required knowledge and understanding:

- codes of conduct
- common problems associated with interpreting legislation
- principles of legislation
- relevant federal, and state or territory legislation and local government regulations relating to:

REQUIRED SKILLS AND KNOWLEDGE

- anti-discrimination and equal employment opportunity
- consumer protection, fair trading and trade practices
- employment and industrial relations
- environment and sustainability
- financial services
- leases
- OHS
- privacy
- property sales and management.

Evidence Guide

EVIDENCE GUIDE

The evidence guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, the range statement and the Assessment Guidelines for this Training Package.

Overview of assessment This unit of competency could be assessed through case studies and practical demonstration of applying legal principles, legislative and regulatory requirements and codes of practice to real estate operations. Targeted written (including alternative formats where necessary) or verbal questioning to assess the candidate's underpinning knowledge would provide additional supporting evidence of competence. The demonstration and questioning would include collecting evidence of the candidate's knowledge and application of ethical standards and relevant federal, and state or territory legislation and regulations. This assessment may be carried out in a simulated or workplace environment.

Critical aspects for assessment and evidence required to demonstrate competency in this unit A person who demonstrates competency in this unit must be able to provide evidence of:

- applying rules and techniques to interpret appropriately legislative provisions affecting real estate operations
- applying techniques to track amendments to legislation in a timely manner
- applying strategies to communicating legislative requirements and amendments to appropriate people in the agency in a timely manner
- identifying changes to legislation and industry codes of

- conduct affecting agency operations
- knowledge of general principles of legislation, regulations and industry codes of conduct affecting real estate operations
- maintaining appropriate and up-to-date records of legislation and industry codes of conduct.

Context of and specific resources for assessment

Resource implications for assessment include:

- access to suitable simulated or real opportunities and resources to demonstrate competence
- assessment instruments that may include personal planner and assessment record book
- access to a registered provider of assessment services.

Where applicable, physical resources should include equipment modified for people with disabilities.

Access must be provided to appropriate learning and/or assessment support when required.

Assessment processes and techniques must be culturally appropriate, and appropriate to the language and literacy capacity of the candidate and the work being performed.

Validity and sufficiency of evidence require that:

- competency will need to be demonstrated over a period of time reflecting the scope of the role and the practical requirements of the workplace
- where the assessment is part of a structured learning experience the evidence collected must relate to a number of performances assessed at different points in time and separated by further learning and practice with a decision of competence only taken at the point when the assessor has complete confidence in the person's competence
- all assessment that is part of a structured learning experience must include a combination of direct, indirect and supplementary evidence
- where assessment is for the purpose of recognition (RCC/RPL), the evidence provided will need to be current and show that it represents competency demonstrated over a period of time
- assessment can be through simulated project-based activity and must include evidence relating to each of the elements in this unit.

In all cases where practical assessment is used it will be combined with targeted questioning to assess the underpinning knowledge. Questioning will be undertaken in

such a manner as is appropriate to the language and literacy levels of the candidate and any cultural issues that may affect responses to the questions, and will reflect the requirements of the competency and the work being performed.

Range Statement

RANGE STATEMENT

The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. ***Bold italicised*** wording in the performance criteria is detailed below. Add any essential operating conditions that may be present with training and assessment depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts.

Legal framework may include:

- common law
- contract law
- equity law
- statute law.

Components of statute law may include:

- principal legislation, such as Acts
- subordinate legislation, such as:
 - approvals
 - determinations
 - mandatory and non-mandatory administrative guidelines
 - orders
 - regulations.

Legislation and regulations may include:

- relevant federal, and state or territory legislation and local government regulations relating to:
- anti-discrimination and equal employment opportunity
- consumer protection, fair trading and trade practices
- employment and industrial relations
- environmental and zoning laws affecting:
 - access security
 - access and property use
 - energy efficiency
- financial services
- leases
- OHS
- privacy
- property sales and management.

Structure of real estate legislation and regulations may include:

- endnotes, including:
 - explanatory notes
 - index
 - table of amendments

- section headings, margin notes and clause notes
- parts, sections, subsections, paragraphs, regulations, sub-regulations and clauses
- types of provisions, including:
 - approvals
 - deeming provisions
 - definitions and interpretations
 - general penalties
 - objectives
 - offences
 - prescribed arrangements relating to regulations and orders.

Common interpretation problems may include:

- ambiguous words
- broad phrases
- need for words to be implied
- printing and drafting errors
- unforeseen developments, such as changes in technology or practice.

Rules and techniques for interpreting real estate legislation and regulations may include:

- aids to the interpretation of legislation, including:
 - external: interpretations of legislation, Acts, Hansard/parliamentary papers, legal dictionaries and judicial interpretations - precedent
 - internal: objectives, legislation to be accessed as a whole, definitions and interpretation sections in legislation, headings, margin notes and punctuation
- language conventions and expressions, including:
 - and, or
 - gender
 - hierarchy
 - includes
 - may, should and must
- reading rules, including:
 - context
 - golden
 - literal
 - mischief
 - purposive
- express mention of one thing to the exclusion of another
- words interpreted through their connection with other words
- words with the same meaning.

- Processes** may include:
- government agency approval
 - governor approval
 - minister approval
 - parliament.
- Source documents** may include:
- amendment Acts
 - amendment regulations
 - Bills
 - consolidated or reprinted Acts.
- Techniques for tracking amendments** may include:
- government and industry newsletters and information sessions
 - use of margin notes and tables of amendments.
- Appropriate people** may include:
- agency principal
 - authorised representatives
 - bookkeepers, accountants and auditors
 - licensed real estate agents
 - property managers
 - sales people.
- Industry codes of conduct** may relate to:
- ethical behaviour
 - general business operations
 - property sales and management.
- Relevant records** may relate to:
- agency administration
 - property management
 - property sales.

Unit Sector(s)

Unit sector Property development, sales and management

Competency field

Competency field Real estate