

## CPPDSM4080A Work in the real estate industry

<b>Unit descriptor</b>	<p>This unit of competency specifies the outcomes required to enable a new entrant to the industry to gain a basic understanding of the industry and work ethically and effectively in a real estate agency. This includes awareness of ethical and conduct standards, core functions of real estate agency operations, legislative and regulatory framework within which the industry operates and industry employment requirements.</p> <p>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.</p>
<b>Employability skills</b>	<p>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.</p>
<b>Prerequisite units</b>	Nil
<b>Application of the unit</b>	This unit of competency supports the work of licensed real estate agents and real estate representatives.
<b>Competency field</b>	Real estate
<b>Unit sector</b>	Property development, sales and management

### PERFORMANCE CRITERIA

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.

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| <b>1 Develop knowledge of estate agency operations.</b>                 | <p>1.1 Key features of the agency principal relationship are identified and interpreted according to <b><i>legislative requirements</i></b> and agency practice.</p> <p>1.2 <b><i>Roles and responsibilities of key personnel</i></b> involved in estate agencies are identified in line with legislative requirements and agency practice.</p> <p>1.3 Information on <b><i>key operations of estate agencies</i></b> is identified in the context of legislative and agency requirements.</p> <p>1.4 <b><i>Forms of business ownership, organisational structure</i></b> and <b><i>services</i></b> offered by estate agencies, including liabilities and responsibilities, are identified.</p> |
| <b>2 Interpret and comply with legislative and agency requirements.</b> | <p>2.1 <b><i>Approaches for sourcing and accessing legislation</i></b> relevant to agency operations are applied.</p> <p>2.2 <b><i>Legislation and ethical and conduct standards</i></b> relevant to estate agency operations, including legislative limitations on agency practice, are</p>   |

## PERFORMANCE CRITERIA

identified to ensure compliance with legislative and agency requirements.

- 2.3 ***Licensing and eligibility requirements*** for licensed real estate agents, real estate representatives and other employees, including offences and penalties, are identified to ensure compliance with legislative and agency requirements.
- 2.4 Key provisions of consumer protection and privacy legislation are identified in relation to agency practice.
- 2.5 Purpose of ***trust funds*** and the key legislative controls on trust funds relevant to authorised employees are identified to ensure compliance with legislative and agency requirements.
- 2.6 ***Roles and responsibilities of government agencies*** and industry bodies are identified in relation to agency practice.
- 2.7 Personal understanding of legislative requirements is assessed and verified with relevant people.
- 2.8 Situations in which ***specialist advice*** is required are identified and sources of appropriate advice are determined in line with agency practice.

### 3 Model ethical practice.

- 3.1 Ethical and conduct standards, including penalties for breaches, are identified and interpreted to ensure compliance with legislative requirements and industry and agency practice.
- 3.2 Agent's liability for breach of contract and negligence is identified in the context of legislative and agency requirements.
- 3.3 Personal understanding of ethics and conduct standards required for good agency practice is verified with relevant people to ensure compliance with legislative requirements and industry and agency practice.
- 3.4 Situations in which specialist advice is required are identified and sources of appropriate advice are determined in line with legislative and agency requirements.

### 4 Identify industry employment requirements.

- 4.1 Industry ***employment requirements*** are identified and interpreted to ensure compliance with legislative requirements and agency practice.
- 4.2 Employee and employer rights and responsibilities regarding conditions of employment are identified and interpreted to ensure compliance with legislative

## PERFORMANCE CRITERIA

- requirements and agency practice.
- 4.3 *Effective communication strategies* are employed to establish rapport with clients, determine client needs, and provide accurate advice and follow-up services in line with agency practice.
  - 4.4 Personal presentation and professional image are assessed for compliance with industry and agency norms.
  - 4.5 Personal knowledge and skills in providing real estate services are assessed against industry competency standards and other relevant benchmarks to determine continuing training needs and priorities.
  - 4.6 Opportunities for continuing training to maintain currency of competence and develop specialist and advanced skills and knowledge are identified, planned and applied in line with agency practice.

## 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 documents such as legislation, regulations, employment contracts and licensing requirements

application of risk management strategies associated with advising clients on property sales and property management options

## **REQUIRED SKILLS AND KNOWLEDGE**

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 ethical requirements

literacy skills to access and interpret a variety of texts, including legislation, regulations and rules of ethics; prepare general information and papers; prepare formal and informal letters, reports and applications; and complete standard forms

negotiation skills to assist clients with property sales and property management matters

numeracy skills to calculate and interpret data, such as commissions and entitlements

planning, organising and scheduling skills to undertake work-related tasks such as inspecting properties

research skills to identify and locate documents and information relating to real estate operations

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:**

agency principal relationship

continued training needs for agents and agents' representatives

employee and employer rights and responsibilities

ethical and conduct standards

features of good agency practice

forms of business ownership, and organisational structure and services offered by estate agencies

key operations of estate agencies

key principles of consumer protection and privacy legislation

legislative limitations on agency practice

licensing requirements for estate agents

nature of trust funds and key legislative controls on trust funds

offences and penalties under the legislative framework

## REQUIRED SKILLS AND KNOWLEDGE

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
- financial services
- OHS
- privacy

risks and risk management strategies

roles and function of industry bodies

roles and functions of government regulatory agencies

roles and responsibilities of estate agency personnel

sources of specialist advice relating to real estate operations.

## 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.

<b><i>Legislative requirements</i></b> 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 financial services OHS privacy.
<b><i>Roles and responsibilities of key personnel</i></b> may include:	licensed real estate agent real estate representative support staff.
<b><i>Key operations of estate agencies</i></b> may include:	property management property sales.
<b><i>Forms of business ownership</i></b> may include:	corporation partnership sole trader.
<b><i>Organisational structure</i></b> of business may include:	franchise group independent agency marketing cooperative.
<b><i>Services</i></b> may include:	business broking

buyers advocacy or agent  
marketing, sale and leasing of a range of property types  
property management across a range of property types  
residential, commercial and industrial real estate.

***Approaches for sourcing and accessing legislation*** may include:

reading may include:  
    components of legislation  
    structure of legislation  
    legislative language  
sourcing may include:  
    online  
    hard copy.

***Legislation and ethical and conduct standards*** may include:

conflict of interest  
duty of care  
individual behaviour  
maintaining confidentiality  
non-discriminatory practices  
privacy.

***Licensing and eligibility requirements*** may include:

for employment as a real estate representative  
for licensing as a licensed real estate agent.

***Trust funds*** refer to:

all money received or held by an estate agent or any member of an estate agent's staff on behalf of any other person in the course of an estate agent's business  
deposits on sales, security deposits and residential bonds paid in cash and bonds in respect of commercial premises, rents and prepaid advertising.

***Roles and responsibilities of government agencies*** may include:

commonwealth government agencies, including:  
    Australian Competition and Consumer Commission  
    Australian Securities and Investment Commission  
    Equal Employment Opportunity Commission  
    Federal Privacy Commission  
state and territory government agencies relating to:  
    consumer protection and fair trading  
    employment and workplace relations  
    privacy  
    real estate licensing.

***Specialist advice*** may include:

architects  
bankers and financiers  
builders  
government officials  
industry practitioners and industry bodies

investment consultants  
mentors and coaches  
OHS representatives  
planners  
real estate agents  
solicitors  
subcontractors  
supervisors and colleagues  
technical experts  
valuers.

***Employment requirements*** may include:

employer's responsibilities  
federal and state employment agreements.

***Effective communication strategies*** may include:

active listening  
being non-judgemental  
exploring problems  
expressing an individual perspective  
providing sufficient time for questions and responses  
providing summarising and reflective responses in conflict situations  
using appropriate words, behaviour and posture  
using clarifying and summarising questions  
using clear and concise language  
using culturally appropriate communication  
using plain English  
using verbal and non-verbal communication.

## **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, practical exercises and questioning relating to the application of ethical and effective work practices, legal principles, federal and state or territory legislative and regulatory requirements and codes of practices affecting 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. 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:  
application and knowledge of the ethical and conduct standards relevant to licensed real estate agents, real

estate representatives and support staff

application and knowledge of the key operations of estate agencies and the roles and responsibilities of agency personnel

knowledge of legislation and the regulatory framework relevant to real estate agency, including the roles and functions of government regulatory agencies and industry bodies

application and knowledge of the key principles of consumer protection and privacy legislation

knowledge of the agency principal relationship

application and knowledge of employment requirements for estate agents, including the rights and responsibilities of employers and employees

application and knowledge of the licensing and eligibility requirements for estate agents and other employees, and penalties associated with related offences.

**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.