



**Australian Government**

**Department of Education, Employment and Workplace Relations**

# **CPPDSM4020A Present at tribunals**

**Release: 1**

## **CPPDSM4020A Present at tribunals**

### **Modification History**

Not Applicable

### **Unit Descriptor**

#### **Unit descriptor**

This unit of competency specifies the outcomes required to appear effectively before a tribunal. It includes preparing for tribunal hearings, using appropriate tribunal etiquette, acting as a witness, participating in conciliation hearings and presenting a case.

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 real estate representatives involved in preparing and presenting cases at tribunals relating to 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
<b>1 Prepare for tribunal.</b>	<p>1.1 Process for making an application to the relevant tribunal or court is followed.</p> <p>1.2 Documentation required for application to the relevant tribunal is accurately completed.</p> <p>1.3 Evidence and other documentation required for tribunal or court are prepared and reviewed in line with agency practice.</p> <p>1.4 Advice from appropriate <i>assisting professionals</i> is sought in preparing for tribunal hearing, as required, in line with agency practice.</p> <p>1.5 Pre-tribunal briefings are participated in as appropriate and required.</p> <p>1.6 Procedure to follow where a matter has been settled prior to the hearing is implemented in line with agency and <i>legislative requirements</i>.</p>
<b>2 Participate in conciliation processes for grievances and disputes.</b>	<p>2.1 <i>Purpose and role of conciliation</i> is clarified within particular tribunal and case context.</p> <p>2.2 Opportunities are explored to resolve grievances and disputes through conciliation.</p> <p>2.3 Conciliators are provided with complete and accurate information regarding the grievance or dispute.</p> <p>2.4 Clear and concise formal case statements are prepared and provided for the conciliator.</p> <p>2.5 Opportunities are taken to obtain relevant information from other parties during the conciliation process.</p> <p>2.6 Realistic assessments are made of conciliated offers against the likely outcome of continuing with the conciliation process and any subsequent rulings from the adjudicating body.</p>
<b>3 Use appropriate tribunal etiquette.</b>	<p>3.1 Appropriate manner of entering and departing the tribunal room is used.</p> <p>3.2 Appropriate manner of addressing the tribunal is used.</p> <p>3.3 Relevant legal and industry language is used where appropriate.</p>
<b>4 Present case before tribunal.</b>	<p>4.1 Rules and procedures of the tribunal are applied.</p> <p>4.2 Case is outlined in a clear and concise manner to the tribunal.</p> <p>4.3 <i>Evidence</i> is given and routine <i>examination of witnesses</i> is undertaken appropriately.</p> <p>4.4 Relevant decisions and precedents are referred to</p>

<b>ELEMENT</b>	<b>PERFORMANCE CRITERIA</b>
	appropriately.
	4.5 Respondent submissions are responded to appropriately.
	4.6 Questions and directions from the tribunal are responded to appropriately.
	4.7 Statement of reasons for tribunal decision is requested in line with tribunal and agency practice.
<b>5 Act as a witness.</b>	5.1 <i>Pre and post-tribunal briefings and debriefings</i> are participated in as appropriate and required.
	5.2 Evidence provided reflects questions and directions asked by tribunal or legal representatives.
	5.3 Evidence is provided using factual descriptions and presented clearly and concisely.
	5.4 Conduct is according to requirements of tribunal processes and proceedings.
	5.5 Liaison with appropriate legal representatives is maintained.
	5.6 Appropriate and required documentation and reporting are undertaken and stored according to agency practice.

## 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 documents such as legislation, regulations, leases and contracts
- application of risk management strategies associated with resolving disputes through recourse to a tribunal or court
- computing skills to access agency databases, send and receive emails and complete standard forms 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, leases and contracts; prepare general information, papers, formal

## REQUIRED SKILLS AND KNOWLEDGE

letters, reports and applications; and complete standard forms

- planning, organising and scheduling skills to prepare a case for a tribunal
- research skills to identify and locate documents and information relating to tribunal powers and procedures.

### Required knowledge and understanding:

- acting as a witness
- purpose and role of conciliation
- 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 issues
  - financial services
  - franchises and business structure
  - leases
  - OHS
  - privacy
  - property sales and management
- risks and risk management strategies
- role and jurisdiction of tribunal and courts that hear matters relating to real estate operations
- rules of evidence
- tribunal powers and role
- tribunal procedures, including:
  - documentation required for applications to tribunal
  - procedure for presenting a case to a tribunal or court
  - procedure to be followed where a matter has been settled prior to hearing
  - process for making an application to a tribunal or court
  - role of witnesses
  - tribunal etiquette.

## 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 preparing and presenting a case at a tribunal. 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:

- acting as a witness at a tribunal
- knowledge of the role and jurisdiction of tribunals and courts that hear matters relating to real estate operations
- participating in conciliation processes for grievances and disputes
- preparing a case for a tribunal
- preparing and lodging applications for a tribunal
- presenting a case at a tribunal.

**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.

***Assisting professionals***  
may include:

- accountants
- advocates
- auditors
- building and property consultants
- solicitors.

***Legislative requirements***  
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 issues



- financial services
  - franchises and business structure
  - leases
  - OHS
  - privacy
  - property sales and management.
- Purpose and role of conciliation*** gives the parties:
- chance to settle a matter on their terms
  - opportunity to hold a frank discussion about the complaint in an attempt to resolve the matter through negotiation.
- Evidence*** is:
- descriptive
  - devoid of assumptions or judgemental statements
  - represents details and facts of the evidence that are pertinent to the case.
- Examination of witnesses*** may involve:
- cross-examination of respondent witnesses
  - questioning of own witnesses
  - re-examination of own or respondent witnesses.
- Pre and post-tribunal briefings and debriefings*** may include:
- details of the case
  - outcomes and consequences of tribunal decisions
  - presentation of evidence
  - rules of evidence
  - tribunal protocol.

## Unit Sector(s)

**Unit sector** Property development, sales and management

## Competency field

**Competency field** Real estate