



Australian Government

CPPDSM4009 Interpret legislation to complete work in the property industry

Release: 1

CPPDSM4009 Interpret legislation to complete work in the property industry

Modification History

Release 1.

Replaces superseded equivalent CPPDSM4009B Interpret legislation to complete agency work.

This version first released with CPP Property Services Training Package Version 5.

Application

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

The unit supports the work of professionals in the property industry, including licensed real estate and stock and station agents, strata managers and their authorised representatives, with regard to identifying, interpreting and applying legislation and industry codes of conduct affecting property operations.

Licensing, legislative, regulatory or certification requirements apply to this unit in some States and Territories. Relevant state and territory regulatory authorities should be consulted to confirm those requirements.

Pre-requisite Unit

Nil

Competency Field

Strata community management

Unit Sector

Property services

Elements and Performance Criteria

Elements describe the essential outcomes.

Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the range of conditions.

1. Identify legal
 - 1.1. ***Legal framework*** in which property organisations

- principles and legislative requirements affecting property operations.
- 1.2. *Components of statute law* and their relationships are identified with respect to their application to practice in the property industry.
- 1.3. Source documents for legislation and regulations relating to provision of property services are identified and accessed.
2. Interpret legislative requirements affecting property operations.
- 2.1. *Structure of property legislation and regulations* are identified.
- 2.2. *Common interpretation problems* with property legislation and regulations are identified.
- 2.3. *Rules and techniques for interpreting property legislation and regulations* are identified and applied.
3. Identify changes to legislation and regulations affecting agency or organisation operations.
- 3.1. *Processes* that lead to changes in property legislation and regulations are identified.
- 3.2. *Source documents* for amendment legislation relevant to the provision of agency or organisation services are identified and accessed.
- 3.3. *Techniques for tracking amendments* to property 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 or organisation practice.
- 3.5. Strategies for identifying amendments to legislation and regulations are implemented.
- 3.6. Changes to legislative and regulatory requirements are communicated to *appropriate people*.
4. Comply with relevant industry codes.
- 4.1. *Industry codes of conduct* 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.
- 4.4. Commitment to complying with industry codes of conduct is demonstrated through own ethical behaviour.

5. Maintain records of legislation and industry codes.
- 5.1. Agency or organisation processes for maintaining records of changes to legislation and industry codes are identified.
- 5.2. **Records** of changes to legislation and industry codes are maintained.

Foundation Skills

This section describes the language, literacy, numeracy and employment skills essential to performance in this unit but not explicit in the performance criteria.

Skill	Performance feature
Learning skills to:	<ul style="list-style-type: none"> • maintain current knowledge of legislative requirements and amendments affecting work in the property industry.
Oral communication skills to:	<ul style="list-style-type: none"> • ask questions to clarify legislative requirements affecting operations relating to the sale, lease and management of residential property.
Reading skills to:	<ul style="list-style-type: none"> • read and extract information from legislation, regulations and code of conduct.
Writing skills to:	<ul style="list-style-type: none"> • prepare briefing notes, reports and letters to communicate with other industry professionals about changes to legislation, regulations and code of conduct affecting operations in the property industry.
Technology skills to:	<ul style="list-style-type: none"> • use business technology to access complex online databases and other sources of information on legislation relevant to the property industry.

Range of Conditions

This section specifies work environments and conditions that may affect performance. Essential operating conditions that may be present (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) are included. Bold italicised wording, if used in the performance criteria, is detailed below.

- Legal framework*** must include:
- common law
 - contract law
 - equity law
 - statute law.
- Components of statute***
- principal legislation, such as Acts
 - subordinate legislation, such as:

law must include:

- approvals
- determinations
- mandatory and non-mandatory administrative guidelines
- orders
- regulations.

Structure of property legislation and regulations must 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 must 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 property legislation and regulations must include:

- aids to interpreting legislation, including:
 - external: interpretations of legislation, Acts, Hansard/parliamentary papers, legal dictionaries and previous judicial interpretations
 - internal: objectives, legislation to be accessed as a whole, definitions and interpretation sections in legislation, headings, and margin notes
- 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** must include:
- government agency approval
 - governor approval
 - minister approval
 - parliament.
- Source documents** must include:
- amendment Acts
 - amendment regulations
 - Bills
 - consolidated or reprinted Acts.
- Techniques for tracking amendments** must include:
- government and industry newsletters and information sessions
 - use of margin notes and tables of amendments.
- Appropriate people** must include:
- agency or organisation principal
 - authorised representatives
 - bookkeepers, accountants and auditors
 - licensed real estate agents
 - property managers
 - sales people.
- Industry codes of conduct** must address at least two of the following:
- ethical behaviour
 - general business operations
 - property sales and management
 - strata community management.
- Records** must include at least two of the following:
- agency administration
 - property management
 - property sales
 - strata scheme administration.

Unit Mapping Information

CPPDSM4009B Interpret legislation to complete agency work

Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=6f3f9672-30e8-4835-b348-205dfcf13d9b>