



Australian Government

CPPDSM4020 Present at tribunals

Release: 1

CPPDSM4020 Present at tribunals

Modification History

Release 1.

Replaces superseded equivalent CPPDSM4020A Present at tribunals.

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

Application

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

The unit supports the work of property industry professionals, including licensed real estate agents, stock and station agents, strata managers and their authorised representatives involved in preparing and presenting cases at tribunals relating to property industry 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. Prepare for tribunal. | 1.1. Process for making an application to relevant tribunal is followed. |
| | 1.2. Documentation required for application to relevant tribunal is accurately completed. |

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

appropriately.

- 4.5. Respondent submissions are responded to appropriately.
- 4.6. Questions and directions from tribunal are responded to appropriately.
- 4.7. Statement of reasons for tribunal decision is requested in line with tribunal and agency practice.
5. Act as a witness.
 - 5.1. ***Pre- and post-tribunal briefings and debriefings*** are participated in as required.
 - 5.2. Evidence is provided clearly and concisely using factual descriptions that reflect questions and directions asked by tribunal or legal representatives.
 - 5.3. Requirements of tribunal processes and proceedings are observed while acting as witness.
 - 5.4. Liaison with appropriate legal representatives is maintained.
 - 5.5. Appropriate and required documentation and reporting are completed and stored according to agency practice.

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:	maintain current knowledge of tribunal procedures.
Numeracy skills to:	interpret graphical and statistical material that is provided as evidence.
Oral communication skills to:	- ask questions to clarify procedures used in conciliation and tribunal processes - provide verbal testimony and respond to questions in tribunal hearings; reiterating, summarising and clarifying as required.
Reading skills to:	access and interpret sometimes complex written text on tribunal rules and procedures.
Writing skills to:	prepare summaries and take notes on information presented in pre- and post-hearing tribunal briefings and debriefings.

Technology skills to: • access online information when preparing for tribunal hearings.

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.

Purpose and role of conciliation must include: • giving parties a chance to settle a matter on their terms
• giving parties the opportunity to hold a frank discussion about the complaint in an attempt to resolve the matter through negotiation.

Evidence must include information that: • is descriptive
• is devoid of assumptions or judgemental statements
• represents details and facts of evidence pertinent to the case.

Examination of witnesses must include: • cross-examining respondent witnesses
• questioning own witnesses
• re-examining own or respondent witnesses.

Pre- and post-tribunal briefings and debriefings must include: • details of the case
• outcomes and consequences of tribunal decisions
• presentation of evidence
• rules of evidence
• tribunal protocol.

Unit Mapping Information

CPPDSM4020A Present at tribunals

Links

Companion Volume implementation guides are found in VETNet -

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

Assessment Requirements for CPPDSM4020 Present at tribunals

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Performance Evidence

A person demonstrating competency in this unit must satisfy all of the elements, performance criteria, foundation skills and range of conditions of this unit.

The person must also appear effectively before a tribunal on three separate occasions as follows:

- prepare and present a case before a tribunal on a property-related matter
- participate in a conciliation process to resolve a property-related grievance or dispute
- act as a witness at a tribunal on a property-related matter.

In doing the above, the person must:

- apply knowledge of the role and jurisdiction of tribunals that hear matters relating to property operations
- prepare and lodge applications for a tribunal
- complete and store documentation relating to the above matters according to agency or organisation requirements.

Knowledge Evidence

A person demonstrating competency in this unit must demonstrate knowledge of:

- protocols to follow when acting as a witness
- purpose and role of conciliation in the property industry
- key requirements of federal, and state or territory legislation and local government regulations relating to:
 - anti-discrimination and equal employment opportunity
 - consumer protection and trade practices
 - employment and industrial relations
 - environmental issues
 - financial services
 - franchises and business structure
 - leases
 - privacy
 - property sales and management

- work health and safety (WHS)
- role and jurisdiction of tribunal that hear matters relating to property operations
- key features of the rules of evidence
- powers and role of tribunals in property-related hearings
- tribunal procedures, including:
 - documentation required for applications to tribunal
 - procedure to be followed for presenting a case to a tribunal
 - procedure to be followed where a matter has been settled prior to hearing
 - process for making an application to a tribunal
 - role of witnesses
 - tribunal etiquette.

Assessment Conditions

The following must be present and available to learners during assessment activities:

- equipment:
 - computer system with internet, email and printing facilities
 - tribunal environment
- specifications:
 - checklist for identifying tasks to be completed in preparing for a hearing
 - guides for acting as a witness, tribunal processes, and presenting a case at a tribunal
 - federal, and state or territory legislation and local government regulations relating to property operations
- relationship with team members and supervisor:
 - member of a work team in a property industry context.

Assessor requirements

As a minimum, assessors must satisfy the assessor requirements in the *Standards for Registered Training Organisations* (RTOs) current at the time of assessment.

Links

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