



Australian Government

CPPREP4003 Access and interpret legislation in real estate

Release: 1

CPPREP4003 Access and interpret legislation in real estate

Modification History

Release 1 This version first released with CPP Property Services Training Package Release 8.0.

Supersedes and is equivalent to CPPDSM4002A Apply knowledge of state or territory legislative and regulatory framework to complete agency work.

Updated to the Standards for Training Packages.

Application

This unit specifies the skills and knowledge required to identify, access and interpret legislation relevant to work in real estate.

It includes developing an understanding of the legislative framework, its structure and the impact of legislation on work in real estate.

This unit applies to people currently working in or seeking to work in real estate.

The unit is particularly relevant when people seek to relocate and resume practice in a different state or territory or to offer different real estate industry services.

State or territory licensing requirements may apply to this unit.

Pre-requisite Unit

Nil

Unit Sector

Real estate

Elements and Performance Criteria

Elements describe the essential outcomes.

Performance criteria describe the performance needed to demonstrate achievement of the element.

1 Interpret legislation.

1.1 Identify and explain common problems with interpreting legislation and consequences for misinterpreting legislation.

1.2 Identify and interpret guidance material to support interpretation of legislation.

		1.3	Identify and analyse legislation relevant to real estate activities.
		1.4	Explain the role of regulators in relation to the legislation.
2	Maintain knowledge of current legislation.	2.1	Identify own responsibility to access, read, interpret and apply legislation to real estate operations.
		2.2	Identify and apply techniques to access current and point-in-time versions of legislation.
		2.3	Identify and apply techniques for tracking changes and amendments to legislation.
3	Identify processes to resolve concerns.	3.1	Examine and record processes to investigate discrepancies in application of legislation.
		3.2	Examine and record processes to respond to discrepancies between personal or agency practice and current legislation.

Foundation Skills

Foundation skills essential to performance are explicit in the performance criteria of this unit of competency.

Unit Mapping Information

Supersedes and is equivalent to CPPDSM4002A Apply knowledge of state or territory legislative and regulatory framework to complete agency work.

Links

Companion volumes to this training package are available at the VETNet website - <https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=6f3f9672-30e8-4835-b348-205dfcf13d9b>

Assessment Requirements for CPPREP4003 Access and interpret legislation in real estate

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Performance Evidence

To demonstrate competency in this unit, a person must:

- access and analyse at least two pieces of legislation that apply to real estate in the state or territory of operation and provide a report to include:
 - full titles of legislation
 - the purpose of each of the pieces of chosen legislation
 - the key components of the pieces of chosen legislation
 - two breaches specified within the legislation and the penalties for each breach
 - how to identify the currency of the chosen legislation
- explain the process for addressing discrepancies in the application of legislation for personal or agency practice.

In doing this, the person must meet the performance criteria for this unit.

Knowledge Evidence

To be competent in this unit, a person must demonstrate knowledge of:

- sources of legislation applying to real estate operations in the state or territory of operation
- legal framework in Australia and the state or territory of operation:
 - common law
 - contract law
 - equity law
 - statute law
- key components of legislation:
 - Acts
 - regulations
 - amendments
 - mandatory codes of practice

- schedules
- appendices
- structure of legislation:
 - long title
 - short title
 - commencement
 - application
 - contents
 - definitions
 - headings
 - parts
 - divisions and subdivisions
 - clauses and subclauses
 - schedules and appendices
- legislation relevant to real estate in the state or territory of operation and roles, including Commonwealth and state or territory legislation:
 - real estate agents, licensing and conduct
 - property sales and management
 - privacy
 - fair trading and consumer protection
 - anti-discrimination and equal opportunity
 - work health and safety/occupational health and safety
 - environmental (sustainability)
 - employment and industrial relations
 - planning and zoning
 - foreign investment
 - secret commissions
- interrelationship between pieces of legislation
- key principles for reading and interpreting legislation:
 - aids to interpret legislation:
 - 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:
 - and/or
 - gender
 - hierarchy
 - includes
 - may, should and must

- reading rules:
 - 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
- regulators relevant to real estate in the state or territory of operation and their role
- breaches of legislation and penalties in the state or territory of operation
- value of penalty units in the state or territory of operation
- relationship between real estate codes of practice and codes of conduct and legislation applying to real estate operations
- responsibility of persons working in real estate to maintain current knowledge of legislation
- techniques to identify and track changes to legislation, including point-in-time versions and current versions
- sources of advice about legislation applying to real estate in the state or territory of operation
- processes to respond to concerns, conflicts and discrepancies relating to applying legislation to real estate activities in the state or territory of operation
- communication strategies for responding to client complaints.

Assessment Conditions

Assessors must satisfy the requirements for assessors listed in the Standards for Registered Training Organisations.

Assessment must be conducted in the workplace or in a simulated workplace environment.

Assessors are responsible for ensuring that the person demonstrating competency has access to:

- online databases for legislation relevant to real estate in the state or territory of operation
- websites and online databases for regulators relevant to real estate activities in the state or territory of operation

current legislation and legislation guidance material relevant to real estate in the state or territory of operation, including legislation for consumer protection.

Links

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