

CPPDSM4007A Identify legal and ethical requirements of property management to complete agency work

Unit descriptor	<p>This unit of competency specifies the outcomes required to meet the core legal and ethical requirements associated with property management. This includes awareness of the legislation dealing with the leasing and management of property, the role and responsibility of agency personnel in property management, the recording of property management transactions and the completion of property management documentation.</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>
Employability skills	<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>
Prerequisite units	<p>Nil</p>
Application of the unit	<p>This unit of competency supports the work of licensed real estate agents and real estate representatives. It addresses the requirements for licensed real estate agents and real estate representatives to be able to identify and explain relevant legislation, roles, responsibilities and documentation.</p>
Competency field	<p>Real estate</p>
Unit sector	<p>Property development, sales and management</p>

ELEMENT

Elements describe the essential outcomes of a unit of competency.

1 Apply knowledge of property management.

PERFORMANCE CRITERIA

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.

- 1.1 Purpose of property management and relationship with asset management are identified in line with agency practice.
- 1.2 Roles and responsibilities of ***government agencies*** regulating the lease and management of property are identified in relation to agency practice.

ELEMENT

PERFORMANCE CRITERIA

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| <p>2 Develop knowledge of property management process.</p> | <p>1.3 Legislation regulating the lease and management of properties is identified in the context of agency practice.</p> <p>1.4 Types of tenancies are identified in line with legislation.</p> <p>1.5 Principles of property management are identified in the context of legislative requirements and agency practice.</p> <p>1.6 Ethical and conduct standards and key principles of consumer protection, equal employment opportunity and privacy legislation in relation to property management are identified in the context of legislative requirements and agency practice.</p> <p>2.1 Need for demonstrating effective communication strategies in establishing rapport with clients, determining client needs, providing accurate advice, addressing client concerns and dealing with conflict is identified in line with agency practice.</p> <p>2.2 Listing opportunities are identified and assessed in the context of legislative requirements and agency practice.</p> <p>2.3 Authority documents and other agency documents for property management are identified in line with legislative requirements and agency practice.</p> <p>2.4 Strategies for marketing property are identified and assessed in the context of legislative requirements and agency practice.</p> <p>2.5 Property leasing process is identified in the context of legislative requirements and agency practice.</p> <p>2.6 Statutory and agency leasing documents are identified, completed and stored in line with legislative requirements and agency practice.</p> <p>2.7 Procedures for managing leased properties are identified and assessed in line with legislative requirements and agency practice.</p> <p>2.8 Procedures for terminating leases and vacating leased properties are identified in line with legislative requirements and agency practice.</p> |
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ELEMENT	PERFORMANCE CRITERIA
	2.9 <i>Statutory and agency documents to terminate a tenancy</i> are identified, completed and stored in line with legislative requirements and agency practice.
3 Handle moneys.	3.1 Processes for receiving, recording, lodging and releasing bonds or security deposits are identified in line with legislative requirements and agency practice.
	3.2 Processes for receiving, recording, processing and disbursing trust monies are identified in line with legislative requirements and agency practice.
	3.3 Processes for preparing and forwarding financial statements to landlord are identified in the context of legislative requirements and agency practice.
4 Identify roles and responsibilities of agency personnel in property management.	4.1 <i>Roles and responsibilities of agents in leasing and managing property</i> are identified in line with legislative requirements and agency practice.
	4.2 Agent commission and management fees are identified and calculated in compliance with legislative requirements and agency practice.
	4.3 <i>Strategies for resolving disputes</i> between landlord and tenant are identified and evaluated in line with legislative requirements and agency practice.
	4.4 Effective communication strategies for managing conflicts involving clients are identified and evaluated in line with legislative requirements and agency practice.
5 Use key register.	5.1 <i>Key register</i> system is accessed and maintained in line with agency practice.
	5.2 Security of register and keys is maintained 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, leases and authority forms

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 associated with the leasing and management of property
- literacy skills to access and interpret a variety of texts, including leases; prepare general information and papers; prepare formal and informal letters, reports and applications; and complete prescribed forms
- negotiation and conflict resolution skills to resolve disputes with tenants and landlords
- numeracy skills to calculate and interpret data, such as deposits, bonds and fees
- 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 property management
- risk management strategies associated with advising clients on property management options
- 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:

- agent fees
- contract law in the real estate industry, including agent liability for breach of contract and negligence
- ethical and conduct standards relevant to licensed real estate agents and real estate representatives
- key principles of consumer protection, equal employment opportunity and privacy legislation
- key register
- process of leasing and managing property, including prospecting, obtaining listings, gaining authorities to lease and manage property, advertising, managing tenancy applications and agreements, preparing property condition reports, conducting inspections, handling terminations and vacations and maintaining property

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
 - environmental issues
 - OHS
 - privacy
 - property management
 - trade practices
- risks and risk management strategies
- roles and responsibilities of estate agency personnel in relation to property management
- roles and responsibilities of government agencies regulating the lease and management of property
- types of tenancies
- trust funds and legislative controls on trust funds.

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.

- Government agencies*** may include:
- federal agencies, such as:
 - Australian Competition and Consumer Commission
 - Federal Privacy Commission
 - Human Rights and Equal Opportunity Commission
 - state and territory agencies, such as:
 - business licensing
 - consumer protection
 - fair trading
 - small business.

Legislation may include:

- relevant federal, and state or territory legislation and local government regulations relating to:
 - anti-discrimination and equal employment opportunity
 - consumer protection
 - environmental issues
 - franchises and business structure
 - OHS
 - privacy
 - property management.

Types of tenancies may include:

- commercial lease
- industrial lease
- residential lease
- retail lease.

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.

Listings may include:

- acquisition of the rent roll
- advertising
- builders and property developers
- callers to the office
- promoting investment property

- recommendations
 - service.
- Authority documents* may include:
- exclusive leasing or managing authority
 - general leasing or managing authority
 - sole agency leasing or managing authority.
- Property leasing process* may include:
- assigning or subletting premises
 - bonds
 - entry by the landlord or agent
 - guarantees
 - looking after the premises
 - property insurance
 - rents
 - repairs
 - running expenses.
- Statutory and agency leasing documents* may include:
- bond claim form
 - bond lodgement form
 - bond transfer form
 - condition report
 - notice of rent increase
 - rent receipts
 - tenancy agreement
 - tenancy application form.
- Managing leased properties* may include:
- landlord insurance
 - quiet enjoyment
 - rent reviews
 - repairs and maintenance
 - routine inspections
 - termination.

Procedures for terminating leases and vacating leased properties may include:

- bonds and security deposits
- ending a tenancy agreement early
- notice time
- process for serving notice
- written notice.

Statutory and agency documents to terminate a tenancy may include:

- agency documentation
- ‘giving notice for breach of duty’ form
- ‘giving notice to the tenant’ form
- ‘giving notice to vacate’ form.

Roles and responsibilities of agents in leasing and managing property may include:

- advertising
- agreement to let and manage the property
- assignment of lease
- communicating regularly with the landlord
- inspections
- listing
- maintenance of property
- preparing the tenancy agreement
- processing tenancy applications
- property condition report
- prospecting for properties
- renewal and termination of lease
- reviewing the tenancy with the landlord.

Strategies for resolving disputes may include:

- conciliation
- mediation
- negotiation
- referral to court
- referral to tribunal.

Key register may refer to:

- access to keys
- coding of keys
- entry of key in register
- non-return of keys

- records
- security and storage procedures.

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, demonstrations and targeted written (including alternative formats where necessary) or verbal questioning relating to the legal and ethical requirements of property management. The case studies, 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:

- ability to communicate effectively and accurately with clients
- accurately completing statutory and agency residential tenancy documentation, including authority, leasing and termination documents
- knowledge of ethical and conduct standards and key principles of consumer protection, equal employment opportunity and privacy in relation to the leasing and management of property
- knowledge of the process of leasing and managing property
- knowledge of legislation and the regulatory framework relevant to the leasing and management of property
- knowledge of the role, rights and responsibilities of the agent and tenant
- using and maintaining a key register.

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.