

Title	Demonstrate knowledge of laws related to consumer protection in a real estate context		
Level	4	Credits	4

Purpose	<p>This unit standard is for people preparing for entry into, or who are currently working in, the real estate industry.</p> <p>People credited with this unit standard are able to:</p> <ul style="list-style-type: none"> – explain the Fair Trading Act 1986 as it relates to real estate practice; – explain the Code as it relates to consumer protection; and – demonstrate knowledge of legal concepts and the implications of misrepresentation of the Contracts and Commercial Law Act 2017.
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Classification	Real Estate > Real Estate Practice and Law
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Available grade	Achieved
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Guidance Information

- 1 Legislation
 - Consumer Guarantees Act 1993;
 - Contract and Commercial Law Act 2017;
 - Fair Trading Act 1986;
 - Health and Safety at Work Act 2015;
 - Human Rights Act 1993;
 - Privacy Act 2020;
 - Real Estate Agents Act 2008;
 - Real Estate Agents Act (Professional Conduct and Client Care) Rules 2012;
 - Unit Titles Act 2010;
 - Unit Titles Regulations 2011;
 - and all subsequent amendments and replacements.

- 2 Definitions
 - Client* refers to the person on whose behalf an agent carries out real estate agency work.
 - The *Code* refers to the Real Estate Agents Act (Professional Conduct and Client Care) Rules 2012. Within the real estate industry, this may also be referred to as the Code of Conduct.
 - Customer* refers to a person who is a party or potential party to a transaction and excludes a prospective client and client.

Outcomes and performance criteria

Outcome 1

Explain the Fair Trading Act 1986 as it relates to real estate practice.

Performance criteria

- 1.1 Explain misleading and deceptive conduct, false representation, unfair practices, uninvited direct sales, and unsubstantiated representations as they relate to real estate practice.
- 1.2 Explain penalties for breaches of the Fair Trading Act 1986 in relation to misleading and deceptive conduct, false representations, unfair practices, uninvited direct sales, and unsubstantiated representations.

Outcome 2

Explain the Code as it relates to consumer protection.

Performance criteria

- 2.1 Explain misleading conduct, false information and withholding information disclosure as outlined in the Code.

Outcome 3

Demonstrate knowledge of legal concepts and the implications of misrepresentation of the Contracts and Commercial Law Act 2017.

Performance criteria

- 3.1 Identify and explain legal concepts of the Act applicable to real estate practice.
- 3.2 Explain the implications of misrepresentation in communications with real estate clients and customers in terms of the Act.

Replacement information	This unit standard, unit standard 23135, and unit standard 23141 replaced unit standard 4654 and unit standard 4665.
Planned review date	31 December 2025

Status information and last date for assessment for superseded versions

Process	Version	Date	Last Date for Assessment
Registration	1	18 December 2006	31 December 2012
Review	2	12 February 2010	31 December 2013
Rollover and Revision	3	16 August 2012	31 December 2019
Review	4	16 February 2017	31 December 2022
Review	5	28 January 2021	31 December 2022
Revision	6	28 October 2021	N/A

Consent and Moderation Requirements (CMR) reference

0003

This CMR can be accessed at <http://www.nzqa.govt.nz/framework/search/index.do>.

Comments on this unit standard

Please contact The Skills Organisation reviewcomments@skills.org.nz if you wish to suggest changes to the content of this unit standard.