

Title	Apply knowledge of ethics and industry best practice principles to real estate agency work		
Level	5	Credits	5

Purpose	<p>This unit standard is for people preparing for entry into, or who are currently working in the real estate industry, or who intend to operate as a branch manager.</p> <p>People credited with this unit standard are able to:</p> <ul style="list-style-type: none"> – demonstrate knowledge of ethics as they apply to the responsibilities of licensees; – demonstrate and apply knowledge of conflict and complaint resolution in agency work; and – explain the complaints and disputes process as set out in the Real Estate Agents Act 2008 and the Code of Conduct.
----------------	---

Classification	Real Estate > Real Estate Practice and Law
-----------------------	--

Available grade	Achieved
------------------------	----------

Guidance Information

- 1 Legislation and regulations relevant to this standard include:
 - Anti-Money Laundering and Countering Financing of Terrorism Act 2009;
 - Consumer Guarantees Act 1993;
 - Contract and Commercial Law Act 2017;
 - Employment Relations Act 2004;
 - Fair Trading Act 1986;
 - Health and Safety at Work Act 2015;
 - Human Rights Act 1993;
 - Illegal Contracts Act 1970;
 - Privacy Act 1993;
 - Property Law Act 2007;
 - Real Estate Agents Act 2008;
 - Real Estate Agents Act (Professional Conduct and Client Care) Rules 2012;
 - and all subsequent amendments and replacements.
- 2 References
 - The Real Estate Authority Code of Conduct, available at <https://www.rea.govt.nz/real-estate-professionals/education-and-obligations/the-code-of-conduct/>
 - The Real Estate Institute of New Zealand Codes of Practice, available at <https://reinz.co.nz/code-of-practice>.

3 Definitions

Agency work refers to any work done, or services provided, in trade, on behalf of another person for the purpose of bringing about a transaction as defined in the Real Estate Agents Act 2008.

Best practice principles refer to industry recognised processes and procedures that are accepted as most effective.

CAC refers to the Complaints Assessment Committee.

Disciplinary Tribunal refers to the Disciplinary Tribunal established under section 100 of the Real Estate Agents Act 2008.

Employee refers to staff who have an employment agreement with an agency.

Ethics proposes that a behaviour should be judged by the standard of benefit it brings to the greatest number of people, balanced against any deficit to others, when compared against alternative courses of action. The action that brings the most benefit with the least harm is considered the most ethical. (Utilitarian).

Industry requirements refer to all actions by licensees and employees which must comply with relevant professional standards, legislation, and rules made under the provision of applicable legislation.

Licensee refers to a salesperson, branch manager, or agent, based on the meeting of individual qualifications and licensing requirements of the Real Estate Agents (Licensing) Regulations 2009.

Participants may refer to but are not limited to clients, customers, licensees, other stakeholders, or members of the public.

Real estate business procedures are the specific procedures used in real estate agencies and may vary from business to business. All procedures must comply with relevant New Zealand legislation.

The *Code of Conduct* refers to the Real Estate Agents Act (Professional Conduct and Client Care) Rules 2012.

4 Assessment

Evidence provided for assessment against this unit standard must be derived from a real or a simulated workplace situation, provided the simulation reflects industry requirements and requires performance that replicates a real working environment.

Outcomes and performance criteria

Outcome 1

Demonstrate knowledge of ethics as they apply to the responsibilities of licensees.

Performance criteria

1.1 Analyse real estate dilemmas in terms of ethical principles.

Range evidence is required of two dilemmas which may include but are not limited to – non-disclosure to client or customer, duty of care to potential customer, duty of care of documentation in real estate practice, handling of privileged information, impartiality in negotiation procedures, on-selling, purchase by licensees or related persons;
ethical principles may include but are not limited to – fiduciary duty, duty of care, fairness, personal conduct, disclosure, impartiality, consistency;
each explanation must identify a different ethical principle.

1.2 Analyse the implications of unethical behaviour in terms of industry requirements.

Range evidence of a minimum of five implications is required.

1.3 Examine the effect of undue influence and duress in relation to ethical behaviour.

Outcome 2

Demonstrate and apply knowledge of conflict and complaint resolution in agency work.

Performance criteria

2.1 Analyse potential conflicts in real estate practice.

Range evidence of two potential areas or situations is required and may include but is not limited to – between licensee and client or customer, between employees, between employers and employees, between licensees, misrepresentation, non-disclosure by a licensee, commission dispute.

2.2 Research participant roles and responsibilities in resolving conflict/s in relation to the described areas of conflict.

2.3 Resolve a conflict and a complaint by applying best practice principles in accordance with industry requirements.

Range evidence of five best practice principles for each is required.

Outcome 3

Explain the complaints and disputes process as set out in the Real Estate Agents Act 2008 and the Code of Conduct.

Performance criteria

3.1 Explain own organisations complaints and dispute resolution process, consistent with real estate business procedures.

- 3.2 Explain the licensee's responsibility in dealing with a complaint that has been referred to the CAC or Real Estate Agents Disciplinary Tribunal.

Planned review date	31 December 2026
----------------------------	------------------

Status information and last date for assessment for superseded versions

Process	Version	Date	Last Date for Assessment
Registration	1	12 February 2010	31 December 2013
Rollover and Revision	2	16 August 2012	31 December 2019
Review	3	26 October 2017	30 June 2023
Review	4	29 July 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.co.nz if you wish to suggest changes to the content of this unit standard.