

Title	Inform real estate licensees and employees about employment law and other compliance obligations		
Level	6	Credits	5

Purpose	<p>This unit standard is for people who intend to operate as branch managers or agents in the real estate industry.</p> <p>People credited with this unit standard are able to:</p> <ul style="list-style-type: none"> – analyse employment law as applied to a real estate business; – demonstrate and apply knowledge of licensee tax obligations in a real estate business; and – demonstrate knowledge of the Code of Conduct and the Real Estate Authority processes and decisions.
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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 and regulations relevant to this standard include:
 - Consumer Guarantees Act 1993;
 - Contract and Commercial Law Act 2017;
 - Employment Relations Act 2000;
 - Fair Trading Act 1986;
 - Health and Safety at Work Act 2015;
 - Holidays Act 2003;
 - Human Rights Act 1993;
 - Privacy Act 2020;
 - Real Estate Agents Act 2008;
 - Real Estate Agents Act (Professional Conduct and Client Care) Rules 2012;
 - and all subsequent amendments and replacements.

- 2 Definitions
 - CAC* refers to the Complaints Assessment Committees.
 - Disciplinary Tribunal* refers to the Disciplinary Tribunal established under section 100 of the Real Estate Agents Act 2008.
 - Employees* refers to staff who have an employment agreement with an agency.
 - Industry requirements* refer to all actions by licensees must comply with relevant professional standards, legislation, and rules made under the provision of applicable legislation.
 - IRD* refers to the Inland Revenue Department.

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.

3 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

Analyse employment law as applied to a real estate business.

Performance criteria

- 1.1 Compare the differences between a contract for service and a contract of service in a real estate context.
- 1.2 Analyse the obligations a real estate business has to an employee and licensee, consistent with employment law, consistent real estate business procedures and other applicable legislation.

Outcome 2

Demonstrate and apply knowledge of licensee tax obligations in a real estate business.

Performance criteria

- 2.1 Create and explain a buyer-created tax invoice to meet IRD requirements.
Range written explanation is required.
- 2.2 Explain taxation requirements to a licensee, consistent with applicable legislation.
Range written explanation is required of GST registration, personal tax planning, withholding tax, provisional tax, terminal tax, expenses.

Outcome 3

Demonstrate knowledge of the Code of Conduct and the Real Estate Authority processes and decisions.

Performance criteria

- 3.1 Evaluate how the Code of Conduct sets the expectations of a licensee's conduct within the real estate industry.
- Range must include the Duty of Care.
- 3.2 Investigate the Real Estate Authority disciplinary procedures and processes in the event of a complaint.
- 3.3 Analyse the powers of the CAC and the Disciplinary Tribunal if a licensee is found guilty of misconduct and guilty of unsatisfactory conduct.
- 3.4 Describe how precedent cases affect the real estate industry.

Replacement information	This unit standard replaced unit standard 4697.
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Planned review date	31 December 2026
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Status information and last date for assessment for superseded versions

Process	Version	Date	Last Date for Assessment
Registration	1	26 October 2017	31 December 2021
Review	2	29 July 2021	N/A

Consent and Moderation Requirements (CMR) reference	0003
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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.