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| Title | **Demonstrate knowledge of legislation as applied to real estate licensees** | | |
| Level | **5** | **Credits** | **4** |

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| Purpose | This unit standard is for people preparing for entry into, or who are currently working in, the real estate industry.  People credited with this unit standard are able to demonstrate knowledge of legislation as applied to real estate licensees. |

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| Classification | Real Estate > Real Estate Practice and Law |

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| Available grade | Achieved |

**Guidance information**

1 Legislation

Anti-Money Laundering and Countering Financing of Terrorism Act 2009;

Consumer Guarantees Act 1993;

Fencing Act 1978;

Fencing of Swimming Pools Act 1987;

Health and Safety at Work Act 2015;

Human Rights Act 1993;

Overseas Investment Act 2005;

Real Estate Agents Act 2008;

Residential Tenancies Act 1986;

Secret Commissions Act 1910;

and all subsequent amendments and replacements.

2 Definitions

*Industry requirements* – all actions by licensees must comply with relevant professional standards, legislation, and rules made under the provision of applicable legislation.

*Licensee* – an agent, branch manager, or salesperson.

**Outcomes and performance criteria**

**Outcome 1**

Demonstrate knowledge of legislation as applied to real estate licensees.

**Performance criteria**

* 1. Explain the legal implications of legislation as they affect a licensee.

Range includes but is not limited to –. Consumer Guarantees Act 1993, Fencing Act 1978, Human Rights Act 1993, Privacy Act 1993, Secret Commissions Act 1910, Anti-Money Laundering and Countering Financing of Terrorism Act 2009, Overseas Investment Act 2005.

1.2 Explain the risks and legal implications of the Health and Safety at Work Act 2015 as they affect a licensee.

Range includes but is not limited to – client disclosure at time of listing, showing property including open homes, vehicle use, reporting of incidents.

1.3 Identify, record, and manage potential hazards at places of work as a licensee in accordance with the Health and Safety at Work Act 2015.

Range includes but is not limited to – reporting of incidents, showing property including open homes, vehicle use.

1.4 Explain the rights of entry for a licensee in accordance with the Residential Tenancies Act 1986.

1.5 Explain the key provisions of the Residential Tenancies Act 1986 in accordance with industry requirements.

Range provisions include but are not limited to – types of tenancies, landlord and tenant responsibilities, tenancy termination, rent reviews.

1.6 Explain a licensee’s legal obligations regarding personal taxation.

Range includes but is not limited to – commission, income tax, GST.

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| Replacement information | This unit standard, unit standard 23135, and unit standard 23136 replaced unit standard 4654 and unit standard 4665. |

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| 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 | 18 December 2006 | 31 December 2013 |
| Review | 2 | 12 February 2010 | 31 December 2013 |
| Rollover and Revision | 3 | 16 August 2012 | 31 December 2019 |
| Review | 4 | 16 February 2017 | N/A |
| Review | 5 |  | N/A |

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| 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](mailto:reviewcomments@skills.org.nz) if you wish to suggest changes to the content of this unit standard.