



MODULE 1 – UNIT STANDARD 26149 (V5)

**Explain licensing and the code of professional
conduct under the Real Estate Act 2008
(Level 4, Credits 4)**

Learner Assessment



| | | | |
|--|--|---------------------|--|
| Learner Name | | | |
| Student Number | | Phone Number | |
| Email | | | |
| Trainee to complete after assessment | | | |
| <input type="checkbox"/> By ticking this box, I confirm that all the evidence submitted against this assessment is my own work. | | | |
| Initial | | | |

| NZQA registered unit standard | | 26149 version 5 | |
|---|--|-----------------|----------|
| Title | Demonstrate knowledge of licensing and code of professional conduct under the Real Estate Agents Act 2008 | | |
| Level | 4 | Credits | 4 |
| Purpose | <p>This unit standard is for people preparing for enter, or who are currently working, in the real estate industry as licensees.</p> <p>People credited with this unit standard are able to:</p> <ul style="list-style-type: none"> • explain the standards of professional conduct expected of a real estate licensee. • explain the requirements to report unsatisfactory conduct and misconduct. • explain the obligations of a licensee to create awareness of the Act and Regulations. • explain the rules for client and customer care. • explain the requirements for licensing; – • explain of the requirements for supervision of licensees; and • explain the complaints procedure as they affect individual licensees. | | |
| <p>This Unit Standard 26149 has 4 parts:</p> <p>Part 1: The Real Estate Agents ACT and the Code of Professional Conduct and Client Care Rules 2012. (Commonly referred to “the Code” or “the Rules”)</p> <p>Part 2: Licensing Requirements and Supervision</p> <p>Part 3: Client and Customer Care</p> <p>Part 4: Duty to Report Unsatisfactory and Misconduct and Complaints</p> | | | |
| <p>You will need to complete and achieve all 4 parts of the Assessment</p> <p>Your Assessor will mark your work within 5 days of receiving it and make comments or reference where you need to reread sections of the Learner Guide. Any discussions held with a student will be recorded on the marking sheet.</p> <ul style="list-style-type: none"> • Assessments should be saved in word and pdf. The word version is so you can make corrections and the pdf version is sent to your Tutor • You need to complete and email assessments one at a time. • Use the same email thread for each submission and include its unit standard number in the subject line. • You have 3 opportunities to achieved competency. The first time you submit is considered your first submission and then you have two further chances to achieved competency. • Assessment corrections and results will be returned to the email address the assessment was submitted from. • You need to complete and email assessments one at a time and once marked and returned please make the corrections and resubmit before submitting new work <p>Once you have competently answered the questions you will receive your work back stating “Achieved” and a completed marking sheet.</p> | | | |
| <p>Each Assessment has supporting resources in the Portal.</p> <p>These include:</p> <ul style="list-style-type: none"> • A Learner Guide • A Learner Assessment • A Power Point • Video • References and Links to Acts | | | |

Introduction

Information about the content

This assessment is part of Module 1 for the New Zealand Certificate in Real Estate (Salesperson) (Level 4) programme.

This is the assessment for unit standard 26149 – Explain licensing and the code of professional conduct.

People credited with this unit standard are able to:

- explain the standards of professional conduct expected of a real estate licensee.
- explain the requirements to report unsatisfactory conduct and misconduct.
- explain the obligations of a licensee to create awareness of the Act and Regulations.
- explain the rules for client and customer care.
- explain the requirements for licensing; –
- explain of the requirements for supervision of licensees; and
- explain the complaints procedure as they affect individual licensees.

Information on completing the assessment

Download the material from the TAFE College website portal and saved it on your desktop.

In the Resources there are power points, videos, and links to the relevant Acts for this Assessment which you can refer to for further research.

This is an open book assessment. All answers must be in your own words, except when required to quote from official documents such as legislation and codes of practice.

Your answer must show an understanding of what you are explaining using paragraphs or bullet points as appropriate. Using examples is a good way to demonstrate understanding.

Copying directly from any learning resource is considered plagiarism and will lead to your assessment being invalid (not officially accepted).

Explain: This requires you to make an idea or situation clear to someone by describing it in detail and revealing the relevant facts as if you were explaining it to a customer

The questions in this assessment all relate to the outcomes and performance criteria of this unit standard and your answers will need to meet the program outcomes.

This assessment includes different types of questions as explained below.

SHORT ANSWER QUESTIONS

Question example 1

Question 1

In general terms what is the purpose the Professional Conduct and Client Care Rules (ER 1.1)

Start typing your answer at the beginning of the word “Enter” in the control box and the box will expand automatically for more space. It should be in your own words.

Enter Text here

Question example 2

Question 2

Explain what a Salesperson can do when they get their Licence. (ER 5.1 and 5.3)

Start typing your answer at the beginning of the word “Enter” in the control box and it will expand automatically for more space. It must be in your own words as if you were explaining it to a third party.

Enter text here

MULTI CHOICE QUESTIONS

For these questions you select answers from a list of options. For some questions you will be required to select a **specific number** of correct options and in other questions there is no guidance given but they will become obvious after reading the Learner Guide.

Question example 3

Which of the following are required to apply for your Real Estate Salespersons Licence? (ER 5.1 and 5.3)

Select all that apply from the following. **Type a cross in the box of the answer you want to select**

| | | |
|----------|----|---------------------------------------|
| X | A. | 18 Years |
| | B. | Experience in a Real Estate office |
| X | C. | NZ Certificate in Real Estate Level 4 |

(Note: This is an example when it asks you to only select one option.)

IDENTIFY or EXPLAIN the Rule or Section of the Act

Question example 4

Identify the Rule that covers your obligations when conducting Real Estate work.

You need to complete the order for the others

| | |
|-----------------|--|
| Rule 5.1 | Exercise skill care and competence |
| Rule 6.2 | Act in good faith with all parties |
| Rule 5.2 | Have a sound knowledge of the Act |
| Rule 6.4 | Must not mislead customers or clients |
| Rule 6.3 | Must not bring the industry into disrepute |

Feedback on this assessment material

TAFE College NZ Ltd values feedback so that we can continue to improve our assessment resources. We invite you to send us your feedback about any areas you found difficult to use in this assessment, or suggestions you have for changes and improvements.

Please send us your feedback by email to: admin@tafe.ac.nz

PART 1:

The Real Estate Agents Act and The Code of Professional Conduct and Client Care Rules 2012. (Commonly Referred To “The Code” or “The Rules”)

Section 14 of The Real Estate Agents Act 2008 states the requirement for ‘practice rules. The ‘practice rules’ are “The Real Estate Agents (Code of Professional Conduct and Client Care) Rules 2012.

Question 1:

Explain the purpose of the Act.

Question 2:

“The Real Estate Agents (Code of Professional Conduct and Client Care) Rules 2012 “have two practice rules that set out the objectives of the Rules and the possible consequences for breaches of these rules.

Explain these 2 rules and include the Rule numbers in your answer.

Question 3:

As a salesperson there are requirements that you must meet in relation to who you must give a copy of The Real Estate Agents Act (Professional Conduct and Client Care) Rules 2012 to.

Explain who this must be given to and include the rule from the “CODE”.

Question 4:

Identify the 2 Guides and explain your obligations as a Licensee, in relation to the Sections 127 and 133 of the [Real Estate Agents Act 2008](#) –

Using bullet points, include in your answer,

- the name of the guide,
- to whom and when you must give it
- what you need from the parties.

| Section | Explain your obligations in relation to Section 127 and Section 133. |
|-------------|--|
| Section 127 | |
| Section 133 | |

The Real Estate Agents Act (Professional Conduct and Client Care) Rules 2012 sets an overarching common law principle of duty and loyalty to the client as the basis of standards of professional conduct.

Question 5:

Explain the overarching common law principle of duty and loyalty to the **client** which forms the basis of standards of professional conduct. Include the rule that outlines this obligation?

PART 2:

REAL ESTATE LICENSING REQUIREMENTS and SUPERVISION

Question 6:

Explain the licensing requirements for applying for your Salesperson's licence.

Question 7:

Explain the process the Real Estate Authority follows to comply with the advertising requirement when they receive an application from a new licensee.

Question 8:

What restrictions are placed on a newly licensed salesperson?
Include the name of the Act that sets out this restriction.

Question 9:

Sections 48-51 of the Real Estate Agents Act 2008 along with Rules from Sections 5 & 8 of the Code of Conduct outline obligations and authorities of an agent, a branch manager and salesperson's.

| Select all that apply to what each party is authorised to do. | | | | |
|---|---|--------------------------|--------------------------|--------------------------|
| | | Agent | B/Manager | Salesperson |
| A | Is able to supervise salespeople | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| B | Authorises a licensee to carry out real estate work for or on behalf of an agent. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| C | To sell or to offer to sell land by auction without having to be registered as an auctioneer. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| D | Can employ salespeople as independent contractors | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| E | Is responsible for their education and keeping up to date with legislation | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| F | Authorises a licensee to carry out real estate work on their own account. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| G | Must be supervised | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Or type your answer here

Question 10:

Under Section 36 and Section 44 of the Real Estate Agents Act 2008 a real estate company must meet special provisions to be entitled to hold an Agents licence.

Explain two provisions to be met by a company to hold an Agents Licence

Question 11:

An Agent also has responsibilities to supervise their salespeople, so they carry out their role competently.

Explain these as outlined in the Real Estate Agents Act (Professional Conduct and Client Care) Rules 2012 and the Real Estate Agents Act 2008.

Include the Rule number and the Section of the Act in your answer

Question 12:

A licensee has a responsibility regarding keeping their licence current and available as outlined in the Real Estate Agents Act 2008.

| Select 3 licensee's responsibilities regarding keeping their licence current and available | | |
|---|----------|--|
| <input type="checkbox"/> | A | You must apply to renew your licence before it expires |
| <input type="checkbox"/> | B | You can renew your licence after it has expired if you have a good reason |
| <input type="checkbox"/> | C | You are responsible for renewing your licence every year |
| <input type="checkbox"/> | D | If you are late renewing your licence, then the registrar can cancel your licence without notifying you |
| <input type="checkbox"/> | E | All licences must be made available for inspection if requested |

Or type your answer here

PART 3:

CLIENT AND CUSTOMER CARE AS OUTLINED IN THE REAL ESTATE AGENTS ACT AND THE CODE OF PROFESSIONAL CONDUCT AND CLIENT CARE RULES 2012.

Scenario 1:

Vishal holds a salesperson licence. He is conducting an open home for his client. One of the customers visiting the property asks him to clarify whether the downstairs bedroom in the back corner of the garage is permitted.

When obtaining the agency agreement, Vishal was not aware that the bedroom was an alteration to the property and did not question the client about the legal status of the bedroom.

Question 13:

What must Vishal say to the customer?

Question 14:

Explain how Vishal's conduct at the time of obtaining the agency agreement has breached at least 2 Rules from the Code relating to standards of competence, conduct and the disclosure of defects.

Include at least 2 Rules.

Question 15:

Explain the process for disclosing possible defects that Vishal should follow?

Relate your answer to Scenario 1. Include in your answer the relevant steps and the Rule number.

Question 16:

If the client told Vishal the bedroom was not permitted, and not to tell any prospective customers, what are Vishal's obligations under the Rules.

Include the relevant rule number in your answer.

Scenario 2:

Ming is a salesperson, and she works for Edendale Realty Limited.

Mrs. Wood is an elderly lady who wants to sell the family home but has not sold a property for a long time. She met Ming when she was looking in the Office window at properties for sale and told her she was thinking of selling.

Ming asked if she could come and see her house so she could complete a market appraisal. She visited the house and then went away to prepare the appraisal in accordance with the Code. On her return visit, Ming presents the appraisal and gives Mrs. Wood copy of a marketing plan outlining all the options and processes involved in marketing a home. Mrs Wood is keen to start the process as she has been unwell.

The appraisal came in at \$850,000 but Mrs. Wood explains she needs \$920,000 to buy the property she is looking at. Ming explained how she came up with the appraisal.

Question 17:

The Rules set out Ming's obligations when appraising a property?

Identify the Rule relating to appraisal and explain 3 things from the scenario that she has complied with.

Question 18:

Explain the **two** requirements outlined in the Real Estate Agents Act (Professional Conduct and Client Care) Rules 2012 regarding how Ming must meet price expectations of Mrs Wood.

Include the Rule numbers.

“The Real Estate Agents (Code of Professional Conduct and Client Care) Rules 2012. sets out your obligations for completing an Agency Agreement.

Question 19:

Identify the Rule or Section of the Act that relates to your obligation when completing an Agency Agreement.

| ENTER THE RULE NUMBER OR SECTION of THE ACT | | |
|--|----------|--|
| Enter here | A | Giving, explaining, and getting a signed acknowledgement for the Approved Guide |
| Enter here | B | Explain the marketing budget and the obligation for additional marketing costs |
| Enter here | C | Tell them they have the right to cancel the Sole Agency Agreement up until 5pm of the next working day |
| Enter here | D | Explain to the client when an Agency Agreement ends |
| Enter here | E | Explain to the client the risk of paying commission to more than one agent |
| Enter here | F | Explain the conditions under which commission must be paid and how it is calculated |
| Enter here | G | Explain Disclose discounts, rebates, and commission |
| Enter here | H | Explain the right to cancel the sole agency agreement 90 days after the agreement is signed. |
| Enter here | I | They cannot advertise the property on terms different to those authorised by the client |
| Enter here | J | Recommend they seek legal advice and or technical advice. Allow time for this if required |
| Enter here | K | An agency agreement must not be submitted for signing before it has been fully completed |
| Enter here | L | A licensee must communicate regularly and in a timely manner and keep the client well informed of all relevant matters, unless otherwise instructed by the client interest. |

Or type your answer here

Scenario 3

Peter, who used to be a Financial Planner, is the Licensed Agent of Edendale Real Estate Agency and has an exceptionally good customer David, who buys old properties, renovates them, and then gives them back to Peter to resell. He has bought several off Edendale Real Estate Agency over the past two years.

Peter helps David by arranging finance for the deals.

Ming one of the salespeople from Edendale Real Estate Agency has listed a property belonging to an elderly lady. Her name is Mrs. Wood, she is a very private person and has not been well, so the family are moving her into a rest home.

David is interested in the property and through Peter writes up an offer and asks Ming to present this to her client. Peter also instructs her to inform the client (Mrs. Wood) that her house needs a lot of expensive renovations because the kitchen and bathrooms are old, and to make sure that Mrs. Wood understands this is the best offer she is likely to get. Peter even suggests putting pressure on her to accept, as his customer will not wait around.

He also tells her if she gets this one done, he will share the listing with her, when the property is relisted with him after renovation.

The offer is well below the advertised price and Ming does not know what to do.

Question 20:

Explain how Peter's involvement with David is a breach of the Code of Conduct. Include in your answer the relevant Rule number.

Question 21:

With regard for the rules under Client and customer care, identify and explain two rules Ming would breach if she follows Peter's instructions and why?

Scenario 4

Jayce holds a branch manager's licence and works for Newtown Realty.

Mary, one of the salespeople in the office, has listed a property that would suit investors. Jayce is interested in this property and wants to buy this property herself.

The owner of the house is Mrs Black, she is elderly and is moving into a retirement home. Jayce wants to offer a low price for this house and does not want to comply with the provisions of the Real Estate Agents Act 2008 regarding contracts for acquisition by a licensee or related person. (Sections 134 to 137) She knows that if she has to get an independent valuation it could mean she will have to pay more.

She decides to get around this by purchasing the property in a Company name that she has just set up.

To deceive the client, she instructs the salesperson to present an offer using the company name and not to mention her name

Questions 22 to 26 relate to Scenario 4

Question 22:

Should Mary present the offer in this situation? Give reasons to support your answer.

Question 23:

Explain 2 rules in relation to "**Standards of professional conduct**" that Mary breaches if she presents the offer to the client.

Question 24:

Identify 1 Rule under "*Client and Customer Care General*" Mary would have breached if she presented the offer and explain why you think she breached it.

Question 25:

Explain **one** action Mary **must** take in this situation in terms of her duty to report misconduct or unsatisfactory conduct. Explain why she must take this action.

When a client, enters an agency relationship, the licensee gains access to ‘confidential personal information’, the Rules set out your obligations.

Question 26:

When can you disclose “confidential personal information”?

| Select 4 that apply to when a licensee may disclose “confidential personal information” | | |
|---|----------|--|
| <input type="checkbox"/> | A | If the client consents in writing |
| <input type="checkbox"/> | B | If it is necessary to answer or defend any complaint, claim or allegation |
| <input type="checkbox"/> | C | If you are required to by law. |
| <input type="checkbox"/> | D | Once a property is sold and the settlement has occurred |
| <input type="checkbox"/> | E | If the disclosure is consistent with the information privacy principles in Section 6 of the Privacy Act 1993. |

Or type your answer here

When a client enters an agency relationship, the licensee has a fiduciary obligation to put the client's interest ahead of the customers.

Scenario 5

Peter lists Mr. and Mrs. Jones's property for sale, he knows they are in financial difficulty and need a quick sale. He immediately informs his investor friend, John, who has bought 7 properties from him over the past 18 months. John carries out minor work on the properties and then gives back to Peter to sell.

Even before the first open home Peter presents an unconditional offer from John. Mr. and Mrs. Jones, although disappointed in the price, reluctantly accept the offer.

Question 27:

Explain the conflict of interest in this scenario and identify 2 rules of the code and 1 Section of the Real Estate Agents Act 2008 that Peter has breached.

PART 4:

COMPLAINTS AND THE COMPLAINT PROCEDURE

Question 28:

Explain the obligations under the Real Estate Agents Act (Professional Conduct and Client Care) Rules 2012 in terms of informing the client and creating an awareness of the provisions regarding complaints.

OBLIGATIONS FOR REPORTING UNSATISFACTORY AND MISCONDUCT.

Question 29:

Rule 7.1 explains your duty to report unsatisfactory conduct and is defined in the [Real Estate Agents Act 2008](#)

| Select 4 that apply to Section 72 - Unsatisfactory conduct | | |
|---|----------|--|
| <input type="checkbox"/> | A | falls short of the standard that a reasonable member of the public is entitled to expect from a reasonably competent licensee |
| <input type="checkbox"/> | B | contravenes a provision of this Act or of any regulations or rules made under this Act |
| <input type="checkbox"/> | C | consists of a wilful or reckless contravention of this Act |
| <input type="checkbox"/> | D | is incompetent or negligent |
| <input type="checkbox"/> | E | would reasonably be regarded by agents of good standing as being unacceptable |
| <input type="checkbox"/> | F | would reasonably be regarded by agents of good standing, or reasonable members of the public, as disgraceful |

Or type your answer here

Question 30:

Rule 7.2 explains your duty to report misconduct and is defined in the [Real Estate Agents Act 2008](#)

| Select 4 that apply to Section 73 - Misconduct | | |
|---|----------|--|
| <input type="checkbox"/> | A | constitutes seriously incompetent or seriously negligent real estate agency work |
| <input type="checkbox"/> | B | constitutes an offence for which the licensee has been convicted, being an offence that reflects adversely on the licensee's fitness to be a licensee |
| <input type="checkbox"/> | C | consists of a wilful or reckless contravention of this Act |
| <input type="checkbox"/> | D | is incompetent or negligent |
| <input type="checkbox"/> | E | would reasonably be regarded by agents of good standing as being unacceptable |
| <input type="checkbox"/> | F | would reasonably be regarded by agents of good standing, or reasonable members of the public, as disgraceful |

Or type your answer here

Question 31:

Identify the Rule that applies and your duty to report these incidents.

| Read the scenario and use the drop-down boxes to identify the Rule, whether it is unsatisfactory conduct or misconduct and your obligation to report it. | | |
|--|---|---|
| | Scenarios | Select your answer from the drop-down boxes |
| A | Grace overhears Decan a licensee talking to a potential customer about a property she had listed. The customer mentions the second toilet would come in handy for their family. Decan did not correct the customer because he had not read the Agency Agreement and didn't know the toilet being unconsented. | Choose an item. |
| | | Choose an item. |
| | | Choose an item. |
| B | Grace approaches Decan and tells him he should have disclosed that the toilet was non-compliant. Decan says it is no big deal and walks away. Grace then threatens to complain to the REA unless Decan shares some of the commission. | Choose an item. |
| | | Choose an item. |
| | | Choose an item. |
| C | A colleague in the office asks you to send him a copy of the rental appraisal for the property you are selling. Once he receives it, you see him alter the address to make it appear that it is for the property he is now selling. | Choose an item. |
| | | Choose an item. |
| | | Choose an item. |
| D | John (a licensee) had the same vendor approach him on three separate occasions to sell a property that they had recently purchased. The sale was to a close friend for a profit that was more than it was worth. John did not have to do an appraisal or any marketing, but he did receive a \$12,000 flat fee commission for drawing up the Sale and Purchase Agreement. There was a complaint made against him and the Disciplinary Tribunal heard the case and called it mortgage fraud. The Licensee admitted this was an unusual way to sell a house, but he did not think it was fraud. | Choose an item. |
| | | Choose an item. |
| | | Choose an item. |
| E | A licensee misrepresented the property she was selling when she failed to disclose to prospective purchasers that the conservatory was not consented. | Choose an item. |
| | | Choose an item. |
| | | Choose an item. |

THE REAA COMPLAINT PROCESS

Question 32:

Explain the 8 functions of the Committee and the process they follow under the [Real Estate Agents Act 2008](#) - Section 78. (PC 7.1)

Once the REA receive a complaint, they must refer it to a committee and at the same time notify the person named in the complaint.

| Select 7 functions that the Committee will follow before they publish their decisions: | | |
|--|---|--|
| <input type="checkbox"/> | A | to promote, in appropriate cases, the resolution of complaints by negotiation, conciliation, or mediation |
| <input type="checkbox"/> | B | on its own initiative, to inquire into and investigate allegations about any licensee |
| <input type="checkbox"/> | C | to hear and determine any charge against a licensee brought by the Committee |
| <input type="checkbox"/> | D | in appropriate cases, to refer the complaint to another agency |
| <input type="checkbox"/> | E | to inquire into and investigate complaints made under section 74 |
| <input type="checkbox"/> | F | to conduct any review, of a decision of the Registrar |
| <input type="checkbox"/> | G | to make final determinations in relation to complaints, inquiries, or investigations |
| <input type="checkbox"/> | H | to lay, and prosecute, charges before the Disciplinary Tribunal |
| <input type="checkbox"/> | I | to inform the complainant and the person complained about of its decision, reasons for the decision, and appeal rights |

Or type your answer here

Question 33:

The Complaints Assessment Committees deals with complaints and allegations about licensees. Each Committee consists of 3 members.

The Authority must designate one of the members as the chairperson of the Committee, and another member as the deputy chairperson.

Explain the knowledge and experience required of CAC members as outlined in Section 76 of the [Real Estate Agents Act 2008](#) –

Once the committee receives a complaint, they determine whether, or not it alleges unsatisfactory conduct or misconduct. Then, they determine what action if any to take.

Question 34:

Explain when the Committee may direct people to negotiate, conciliate and mediate to resolve the complaint.

Question 34 a)

Question 34 b)

If the parties can agree on a resolution for the complaint explain 2 steps the Real Estate Authority may take.

Question 35:

According to the Act, if you wanted to complain to the Authority about the conduct of a licensee, how may you do this?

Include the process outlined in [Real Estate Agents Act 2008](#) - Section 74.

Question 36:

The Committee has powers to discipline licensees when a complaint is upheld.

| Select 4 that apply to the orders the committee has the power to make. | | |
|--|---|---|
| <input type="checkbox"/> | A | make an order censuring or reprimanding the licensee |
| <input type="checkbox"/> | B | order that the licensee to pay fine, not exceeding \$20,000 |
| <input type="checkbox"/> | C | order that the licensee apologise to the complainant |
| <input type="checkbox"/> | D | order that the licensee undergo training or education |
| <input type="checkbox"/> | E | issue a warning to the licensee not to do this again |
| <input type="checkbox"/> | F | order the licensee to reduce, cancel, or refund fees charged for work where that work is the subject of the complaint |

Or type your answer here

Question 37:

What are the functions of the Tribunal?

| Select 4 functions of the Tribunal: | | |
|-------------------------------------|---|---|
| <input type="checkbox"/> | A | the production of papers, documents, records, or things to the Committee |
| <input type="checkbox"/> | B | to hear any appeal against a determination by the Committee (including a determination to take no action): |
| <input type="checkbox"/> | C | the giving of evidence to, or the answering of questions put by, the Committee |
| <input type="checkbox"/> | D | to hear and determine any application made by a Complaints Assessment Committee for the suspension of the licence of a licensee pending the determination of a charge that the Committee has laid against the licensee: |
| <input type="checkbox"/> | E | to hear and determine any charge against a licensee brought by the Committee: |
| <input type="checkbox"/> | F | to conduct any review, of a decision of the Registrar: |

Or type your answer here

When the Disciplinary Tribunal, after hearing any charge against a licensee, is satisfied that it has been proved on the balance of probabilities that the licensee has been guilty of misconduct.

Question 38:

The Real Estate Agents Act 2008 sets out the charges and orders the Tribunal can make.

| Select 7 that may apply for the determination of charges and orders that may be ordered by the Disciplinary Tribunal: | | |
|--|----------|---|
| <input type="checkbox"/> | A | cancel the licence of the licensee |
| <input type="checkbox"/> | B | cancel the licence of any officer of the company |
| <input type="checkbox"/> | C | suspend the licence of the licensee for 5 years |
| <input type="checkbox"/> | D | order that a licensee who is an individual pay a fine not exceeding \$15,000 |
| <input type="checkbox"/> | E | suspend the licence of a company/officer of that company for a period not exceeding 24 months |
| <input type="checkbox"/> | F | order that a licensee not perform any supervisory functions |
| <input type="checkbox"/> | G | order that the licensee pay to that person a sum by way of compensation, being a sum not exceeding \$100,000 |
| <input type="checkbox"/> | H | order a licensee that is a company pay a fine not exceeding \$30,000 |
| <input type="checkbox"/> | I | in the case of a licensee who is an employee or independent contractor, be terminated from their employment and not be able to engage in any real estate work. They can work for a different real estate company though. |

Or type your answer here

“The Real Estate Agents (Code of Professional Conduct and Client Care) Rules 2012.” sets out your obligations for acting both competently and ethically, including keeping accurate records, while performing real estate agency work

Question 39:

Identify a Rule that relates to your obligation when completing or performing real estate agency work.

| RULE | | |
|-------------------|----------|---|
| Enter here | A | Informing the client of the number of people through open homes |
| Enter here | B | A licensee must keep up to date with changes to legislation relating to real estate |
| Enter here | C | A licensee must act impartially when presenting offers to the client |
| Enter here | D | A licensee must present all written offers to the client |
| Enter here | E | A licensee must exercise competence by answering all customers questions or following up once information has been obtained and verified. |
| Enter here | F | A licensee must provide the Agent with a copy of all offers submitted to the client |
| Enter here | G | A licensee must inform the Agent employing them within 10 working days of any complaint against them made to the REA |
| Enter here | H | A licensee must report a licensee they suspect to be guilty of misconduct |
| Enter here | I | Licensees must undertake continuing education required by the Authority |
| Enter here | J | When an Agency ends a licensee must give the client a list of all customers for whom they would seek to claim a commission if they were to conclude a transaction with the client. |

Please make sure you have completed the front page with all your details.

Save this copy as a Word document and a PDF.

Send the PDF version to assessments@tafe.ac.nz for marking