



CERTIFICATE IV IN PROPERTY (REAL ESTATE AGENCY PRACTICE) – 21525VIC PRDRE18A Lease property

EXAMINER REPORT (May 2007)

1. OVERVIEW

The examination comprises multiple-choice questions (10 marks), short-answer questions (50 marks) and case studies (20 marks), totalling 80 marks. To pass the examination, a candidate must achieve a score of 48 or more marks out of 80.

This examination is one and a half hours in duration (plus 15 minutes reading time). No Acts, books or other material are permitted in the examination.

<div style="display: flex; justify-content: space-between; align-items: center;">   </div> <div style="margin-top: 10px;"> <table border="1" style="width: 100px; height: 20px; border-collapse: collapse;"> <tr> <td style="font-size: 8px;">Version Number</td> <td style="width: 40px;"></td> </tr> </table> </div> <div style="margin-top: 10px;"> Candidate Name: _____ Candidate Number: _____ RTO: _____ Date of examination: _____ </div> <div style="text-align: center; margin-top: 20px;"> <p>Certificate IV in Property (Real Estate Agency Practice) - 21525VIC</p> <p>PRDRE18A Lease property</p> <p><small>Instructions to Candidates</small></p> <ul style="list-style-type: none"> Complete the candidate information in the spaces provided above. Do not start writing until told to do so. Time allowed: <ul style="list-style-type: none"> - Reading Time: 15 minutes - Writing Time: 1 hour 30 minutes To pass this examination a candidate must achieve a score of 48 or more marks out of 80. <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th colspan="3" style="font-size: 0.8em;">Mark Allocation (Examiner's Use Only)</th> </tr> <tr> <th style="width: 30%;">Part</th> <th style="width: 30%;">Possible Marks</th> <th style="width: 40%;">Actual Marks</th> </tr> </thead> <tbody> <tr> <td>Part 1: Multiple-choice</td> <td style="text-align: center;">10</td> <td></td> </tr> <tr> <td>Part 2: Short-answer</td> <td style="text-align: center;">50</td> <td></td> </tr> <tr> <td>Part 3: Case Studies</td> <td style="text-align: center;">20</td> <td></td> </tr> <tr> <td>Total possible marks</td> <td style="text-align: center;">80</td> <td></td> </tr> </tbody> </table> <p style="font-size: 0.7em; margin-top: 5px;">Certificate IV in Property (Real Estate Agency Practice) – 21525VIC Page 1 of 5</p> </div>	Version Number		Mark Allocation (Examiner's Use Only)			Part	Possible Marks	Actual Marks	Part 1: Multiple-choice	10		Part 2: Short-answer	50		Part 3: Case Studies	20		Total possible marks	80		<p style="font-size: 0.8em; margin-bottom: 10px;">PRDRE18A Examination</p> <h3 style="text-align: center; margin-bottom: 10px;">INSTRUCTIONS TO CANDIDATES</h3> <ol style="list-style-type: none"> 1. You should attempt ALL questions in the SPACES provided in this booklet. 2. You are NOT permitted to bring a mobile phone and/or any other electronic device into the examination room. 3. You are NOT permitted to bring any legislation, reference books or written notes into the examination room. 4. During reading time you may study the questions. You must NOT begin to write on or mark your examination paper in any way until you are told to commence writing. 5. Do NOT use pencil. Papers submitted in pencil will NOT be accepted for marking. 6. Do NOT remove any part of this question booklet from the examination room. 7. Do NOT remove staples - the question booklet must remain intact. 8. At the end of the examination return your completed question booklet to the supervisor. <p style="font-size: 0.7em; margin-top: 10px; text-align: center;">Certificate IV in Property (Real Estate Agency Practice) – 21525VIC Page 1 of 5</p>
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2. COMMENTS ON QUESTION TYPES

2.1 Multiple-choice questions

In the majority of cases, a candidate's performance in this section is an indication of what their result will be for the whole exam.

The average mark is 7 out of a possible 10 marks. There is no doubt that the majority of candidates have a better understanding and knowledge of the questions on residential tenancies than those on retail tenancies.

Some candidates tend to rush this section with the result that the occasional question is either left unanswered or two answers are given.

Candidates seem to have most difficulty with questions on the general provisions of the Retail Leases Act including the type of business/property to which the act applies, unconscionable terms, retail leases and options.

Candidates need to give very careful consideration when changing an answer as experience has shown that when a candidate changes an answer, in the majority of cases, the original answer was correct.

2.2 Short-answer questions

The average score for this section is in the region of 33 out of a possible 50 marks and as with the multiple-choice questions candidates display a better knowledge and understanding of the *Residential Tenancies Act* than the other Acts that they are required to study.

When answering questions, it appears that a number of candidates fail to read the question fully and do not provide sufficient information, particularly where details of the relevant legislation are required.

Candidates often provide a statement of fact or outcome, but do not adequately explain the statement and/or omit the relevant legislation reference.

2.3 Case study questions

The average mark for this section is 13 out of a possible 20 marks.

Overall, candidates obtain a better mark for the case study question on residential tenancy than the question on retail tenancy.

A number of candidates fail to refer to the relevant legislation, when

required to do so.

3. **AREAS OF STRENGTHS AND WEAKNESSES DISPLAYED BY CANDIDATES**

Generally, candidates' knowledge and understanding of the *Residential Tenancies Act* is more comprehensive than the other acts that they are required to study.

Candidates should ensure that they study and understand all legislation that applies to leasing of property in Victoria

4. **GENERAL COMMENTS**

In view of the fact that in the majority of cases, candidates' knowledge and understanding of the *Residential Tenancies Act* is far superior to that of other Acts that they are required to study, it is recommended that greater emphasis be placed on studying and revising the appropriate sections of the following Acts:-

- *Estate Agents Act 1980 and Regulations*
- *Residential Tenancies Act 1997 and Regulations*
- *Retail Leases Act 2003 and Regulations*
- *Landlord and Tenant Act 1958*
- *Victorian Civil and Administrative Tribunal Act 1998 and Rules*
- *Property Law Act 1958*
- *Equal Opportunity Act 1995*
- *Human Rights and Equal Opportunities Commission Act 1986*
- *Privacy Act 1988 (Commonwealth)*
- *Trade Practices Act 1974 (Commonwealth)*
- *Fair Trading Act 1999*

Particular attention should be paid to the sections of the various Acts noted in the Learner Guide PRDRE 18A.

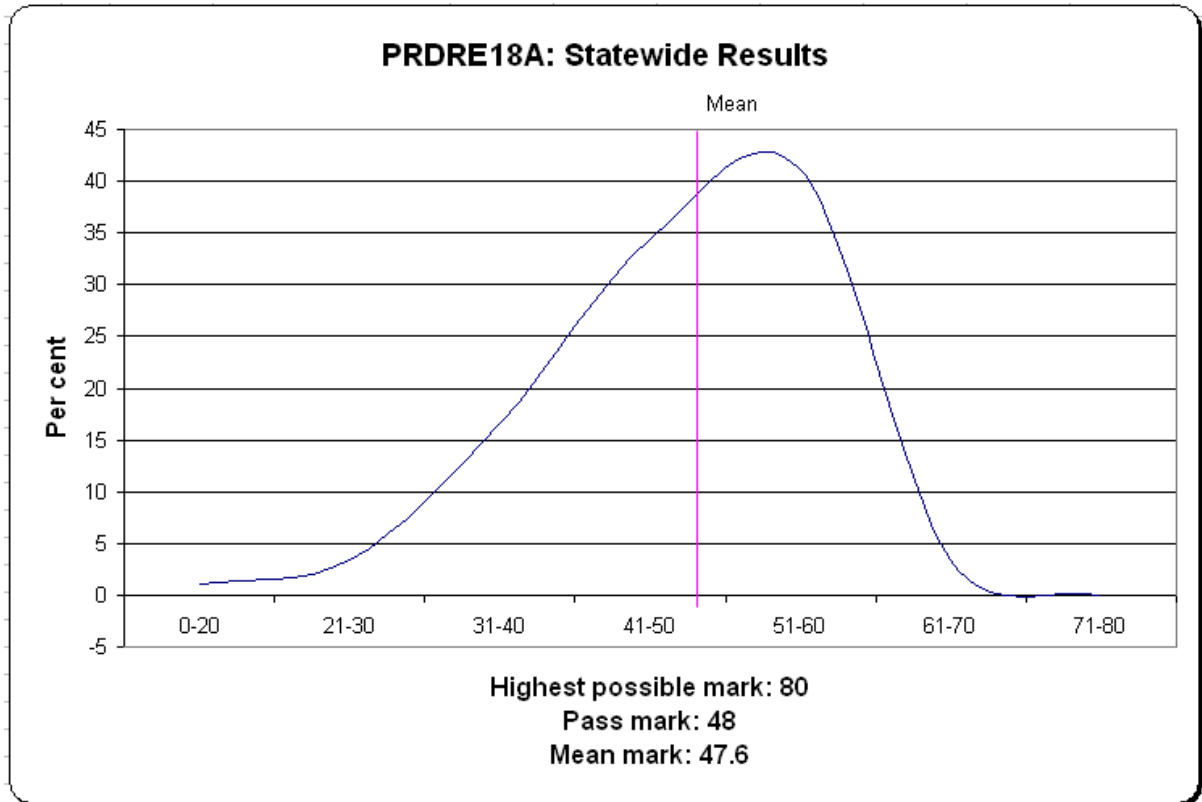
On occasions, it is evident from answers given, that some candidates are using 'out of date' versions of the Acts (particularly the *Residential Tenancies Act*). Up to date versions are available on the internet and candidates are encouraged to maintain the latest version.

A high percentage of candidates appear to be confused with the following:-

- The definition of an invalid term per the Residential Tenancies Act 1997 as compared with the definition of a harsh or unconscionable term
- The difference between "an invitation to treat" and an "offer"
- The application of the Retail Leases Act 2003 with regard to multi storey buildings.
- The lease conditions and procedures for both residential and commercial properties as they relate to the length of the lease, termination or extension of the lease and the legislation which applies when a property is used for both residential and commercial purposes.

Great difficulty can be experienced when marking some examination scripts due to the poor handwriting. Printing answers may help to overcome this problem.

5. CANDIDATE RESULTS



PASS/FAIL RATES	
Pass	62.87%
Fail	37.13%