



Australian Government

Department of Education, Employment and Workplace Relations

FNSCNV601A Identify and conduct searches

Revision Number: 1

FNSCNV601A Identify and conduct searches

Modification History

Not applicable.

Unit Descriptor

Unit descriptor	<p>This unit describes the functions associated with conducting searches, analysing and evaluating all relevant conveyancing data for the transaction following confirmation of initial instructions from the client.</p> <p>It encompasses identifying information needs, performing relevant document searches and investigations, evaluating issues arising with transactions, dealing with third parties and other professionals, and presenting information relevant to the transaction to the client.</p> <p>This unit may apply to job roles subject to licensing, legislative, regulatory or certification requirements so Commonwealth, State or Territory requirements should be confirmed with the relevant body.</p>
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Application of the Unit

Application of the unit	<p>The unit has application to job roles involving conveyancing transactions in real estate, business or personal assets.</p>
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Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Prerequisite units		

Employability Skills Information

Employability skills	This unit contains employability skills.
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Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.	Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the required skills and knowledge section and the range statement. Assessment of performance is to be consistent with the evidence guide.
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Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Identify information needs	1.1. Sources of information relevant to the transaction are identified 1.2. Documentation and titles are examined to confirm facts relating to transactions 1.3. Searches to be performed are defined and agreed with client prior to commencement 1.4. Required reports are identified and arranged with the appropriate bodies to meet agreed timelines 1.5. Applicable fees, taxes, other expenses and rebates are identified and clients are advised promptly and accurately
2. Perform relevant document searches and investigations	2.1. Searches are performed and completed accurately and thoroughly using appropriate methods 2.2. Legal positions are established and recorded in accordance with the practice's policy and procedures 2.3. All relevant reports required from third parties are obtained from the appropriate bodies
3. Evaluate issues arising with transaction	3.1. Legal issues and risks are identified, summarised and communicated to client clearly and promptly and in accordance with relevant legislation, regulations and the practice's policy and procedures 3.2. Client's rights within the transaction are defined and clarified for the client 3.3. Desired outcomes are established and strategies to achieve them are devised in consultation with client 3.4. Implications for professional indemnity insurance are assessed thoroughly and appropriate action is taken
4. Deal with third parties and other professionals	4.1. Relevant third parties and other professionals are identified 4.2. Information to be obtained from or provided to third parties and other professionals is identified 4.3. Appropriate consultation with third parties and other professionals occurs and authorities are obtained
5. Present information relevant to the transaction to the client	5.1. Documentation is presented clearly and promptly and in accordance with relevant legislation and regulations and the practice's policy and procedures 5.2. Information necessary for the transaction to proceed in a legally binding manner is recorded and documented in client files

ELEMENT	PERFORMANCE CRITERIA
	5.3. Client is advised of the implications of all information received from or forwarded to relevant parties

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

This section describes the skills and knowledge required for this unit.

Required skills

- analytical, evaluative and deductive reasoning to identify risk and solve problems related to searches
- communication skills to:
 - determine and confirm third party requirements
 - liaise with others, share information, listen and understand
 - use language and concepts appropriate to cultural differences
- IT skills for:
 - using computerised and manual trust account systems
 - accessing and presenting information, and using appropriate software such as spreadsheets, databases and using internet information
- literacy skills to read and interpret documentation from a variety of sources current computer and office technology skills
- numeracy skills to accurately analyse, record and store data in accordance with organisational requirements
- organisational skills, including the ability to plan and sequence work
- problem solving skills to address conveyancing issue that may arise
- record keeping skills with attention to detail to accurately maintain information on the transaction
- research and analysis skills for accessing, interpreting and managing complex information relevant to searches

Required knowledge

- business principles and law applicable to conveyancing transactions
- current legislative, regulatory and industry practices, procedures and services
- current procedures and practices of financial institutions
- insurance requirements relevant to a conveyancing transaction
- policies, procedures and business requirements of the practice
- professional and industry terminology
- registration and conversion procedures and strategies
- relevant consumer protection requirements
- relevant types of contract and other required documentation
- risk assessment and evaluation strategies
- types of document searches, including e-conveyancing systems, for personal, business or real estate conveyancing

Evidence Guide

EVIDENCE GUIDE	
<p>The Evidence Guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.</p>	
Overview of assessment	
Critical aspects for assessment and evidence required to demonstrate competency in this unit	<p>Evidence of the ability to:</p> <ul style="list-style-type: none"> • communicate effectively with a client and third parties to a transaction • accurately request relevant search information from authorities and third parties • apply practice's policy and procedures and relevant legislation to information searches • accurately identify and record search information • assess transaction risk and recommend strategies determined from information • present clear, concise and accurate information in relation to a transaction.
Context of and specific resources for assessment	<p>Assessment must ensure:</p> <ul style="list-style-type: none"> • competency is demonstrated in the context of the financial services work environment and conditions specified in the range statement either in a workplace or a closely simulated work environment • access to and use of a range of common office equipment, technology, software and consumables • suitable assessment records showing the conduct of conveyancing search.
Method of assessment	<p>A range of assessment methods should be used to assess practical skills and knowledge. The following examples, in combination, are appropriate for this unit:</p> <ul style="list-style-type: none"> • evaluating an integrated activity, which combines the elements of competency for the unit, or a cluster of related units of competency • verbal or written questioning on underpinning knowledge and skills which may include formal examinations • setting and reviewing workplace projects and business simulations or scenarios • evaluating samples of work • accessing and validating third party reports.

EVIDENCE GUIDE	
Guidance information for assessment	

Range Statement

RANGE STATEMENT

The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Bold italicised wording, if used in the performance criteria, is detailed below. Essential operating conditions that may be present with training and assessment (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) may also be included.

Sources may be in manual or electronic format and information requirements may include:

- insurance
- legal, official and professional
- licensing
- ministerial and other consent procedures
- planning
- searching, including prescribed requirements
- stamping and registration.

Titles may include:

- real property
 - caveats
 - dealings
 - exceptions to indefeasibility
 - indefeasibility of title
 - possessory title
 - priorities
 - register
 - unregistered interests
- limited title
- strata schemes
- company title
- Old System Title or common law
 - nature - legal and equitable interests
 - notice - actual, constructive, imputed
 - priorities
 - registration of deeds
- community title
- leasehold title
- crown land
- rural land
- co-ownership
 - creation of concurrent interests
 - determination of concurrent interests

RANGE STATEMENT	
	<ul style="list-style-type: none"> • joint tenants, tenancy in common • rights of co-owners among themselves.
<i>Transactions</i> may include:	<ul style="list-style-type: none"> • a range of dealings in real estate, business or personal property.
<i>Searches</i> may include:	<p>Real property searches and dealing references</p> <ul style="list-style-type: none"> • cautions and removals under recognised limits • caveats <ul style="list-style-type: none"> • unregistered mortgages • family law claims • prior interests • family Provisions Act claims • agreements for lease • covenants • easements, including rights of way • encumbrances and charges • Land Commission recording • mortgages • positive covenants • reservations and conditions • restrictions on transfer or other dealings • restrictions on user • resumptions • writs <p>Surveys</p> <ul style="list-style-type: none"> • access • distances from boundaries • easements and restrictions on use • encroachments • party walls • the nature of improvements • title reference <p>Plans of subdivision</p> <ul style="list-style-type: none"> • affectations notified by the Survey Certificate, as above • dedications • easements

RANGE STATEMENT

- exclusions
- restrictions on access
- restrictions on user
- right to possession
- section 88b instruments

Certificates and enquiries

- notification from certificates of currency
- notification from the building report
- notifications appearing on usual certificates from the relevant authorities
- notifications of owners corporation

Strata title plans and community title plans

- boundaries
- by-laws and schemes
- certificate of management
- lot included - area dimensions
- certificate and notices
- stage development notations
- unit entitlement

Old system, qualified and limited (common law) title

- crown grant
- matters affected by good chain of title
- matters affected by good root of title
- matters affected by perpetuities
- metes and bounds description
- notification in deposited deeds
- operative words
- the effect of registration
- words of limitation

Conveyances and other deeds and documents of title

- Conveyancing Act implications
- covenants
- operative words

RANGE STATEMENT

- recitals
- sufficiency of execution

Crown land and other searches

- account search
- deeds register notification
- Department of Lands notification
- native title
- rights of resumption
- tenure search
- Water Access Licence (WAL)

Constitution in respect of company title

- amount paid up on shares
- ASIC as to the company
 - date of incorporation
 - registered office
 - unsatisfied charges
 - appointment of receiver
 - resolution of winding up
- ASIC disclosure requirements
- compulsory sale of shares of a group who fails to comply with obligations imposed under the articles
- defined areas of liability for maintenance of the building as to the company and shareholders
- directors' right to decline to register any transfer of shares
- directors' determination of total outgoings
- division of shares into groups
- power to amend regulations governing use of common areas of the building
- restriction on the right to transfer share groups
- the attachment of each of the respective share groups of the right subject to conditions specified, to exclusive use to a unit, garage or other area of the relevant building and the use of common areas
- the election of directors
- the payment by group holders of a proportion of outgoings unspecified in specified ratios

RANGE STATEMENT	
	<ul style="list-style-type: none"> • the right to let the unit • usual searches as to title of building with issued enquiries, including survey report and building certificates. • constitution and any special resolution amending.
<i>Practice policy and procedures</i> may include:	<ul style="list-style-type: none"> • clerical and administrative procedures • client management practices and principles • disputes and complaints resolution procedures • financial and IT systems • management and supervisory practices • professional codes of practice • professional development requirements.
<i>Relevant or required reports</i> may include:	<ul style="list-style-type: none"> • inspection reports • land/soil contamination reports • reports from third parties or other professionals • structural and building reports.
<i>Third parties</i> may include:	<ul style="list-style-type: none"> • accounting or taxation: <ul style="list-style-type: none"> • accountants • auditors • liquidators • tax consultants • legal: <ul style="list-style-type: none"> • attorneys • barristers and solicitors • mediators • staff from legal offices • tribunals • trustees • real estate: <ul style="list-style-type: none"> • auctioneers • owner's corporation managers • landlords • managing agents or staff • owners corporations • real estate agents or staff • strata and community managers • tenants • valuers • building and construction:

RANGE STATEMENT	
	<ul style="list-style-type: none"> • architects • building inspectors • engineers • professional associations • surveyors, quantity surveyors and planning consultants • business or commercial: <ul style="list-style-type: none"> • company directors and managers • joint venturers • other conveyancers and their staff • financial institutions: <ul style="list-style-type: none"> • finance brokers and providers • financial advisers and consultants • insurance brokers and providers • loss adjusters and assessors • government departments and agencies: <ul style="list-style-type: none"> • consumer protection authorities • land titles offices • licensing authorities • municipal offices • rating authorities • town planners • beneficiaries • licensees • mortgagees and encumbrances • nominees • other parties to the transaction • timber pest inspectors.
Risks apply to both the client and conveyancer and may include:	<ul style="list-style-type: none"> • business, professional and personal reputation • financial or economic • legal, regulatory or licensing • personal.
Relevant legislation and regulations may include	<ul style="list-style-type: none"> • Commonwealth • Local government • State • Territory.
Client files may be:	<ul style="list-style-type: none"> • new or existing or files transferred from other practices or organisations.

RANGE STATEMENT	
Documentation may include:	<ul style="list-style-type: none"> • documents dealing with real or personal property • electronic documents or messages • interview records • legal, government, professional and other documents • meeting notes • minutes • official, general and other correspondence • records of telephone conversations • reference to all instructions, evidence or information gathered or considered • reports, correspondence and advice from other professionals or third parties • the basis on which decisions were determined • time sheets.

Unit Sector(s)

Unit sector	Conveyancing
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Competency field

Competency field	
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Co-requisite units

Co-requisite units		