



Australian Government

Department of Education, Employment and Workplace Relations

PSPCRT504C Carry out possessions and evictions

Revision Number: 2

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Modification History

PSPCRT504C Release 2: Layout adjusted. No changes to content.
PSPCRT504C Release 1: Primary release.

Unit Descriptor

This unit covers the ability to carry out possessions and evictions under writs and warrants. It includes completing preliminary requirements, carrying out possessions and evictions, and completing administrative requirements.

In practice, carrying out possessions and evictions may overlap with other generalist or specialist public sector work activities, such as acting ethically, complying with legislation, working safely, working with diversity and executing process.

No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.

Application of the Unit

The task of carrying out possessions and evictions may be performed in a range of locations and will be undertaken by authorised court officials under strictly specified procedures.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

This unit contains employability skills.

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.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
<p>1. Complete preliminary requirements prior to carrying out possessions and evictions.</p>	<p>1.1. Writs/warrants are checked prior to execution to confirm their <i>validity</i>, expiry date and detailed requirements.</p> <p>1.2. Where relevant, notices to vacate are prepared and delivered and possession/eviction dates and times are confirmed with the occupant, where possible, in accordance with legislative requirements and timeframes.</p> <p>1.3. Possession/eviction dates and times are confirmed with other personnel to be present, and their <i>responsibilities</i> are outlined in accordance with legislative requirements.</p> <p>1.4. Risk assessments are conducted to identify potential safety issues, and <i>assistance</i> is arranged according to the level of identified risk, organisational policy and procedures and legislative requirements.</p> <p>1.5. Arrangements are made for payment of possession/eviction fees according to organisational policy and procedures.</p>
<p>2. Use relevant protocols to conduct possessions and evictions.</p>	<p>2.1. If the plaintiffs or their representatives are unable to attend, the possession/eviction is rescheduled in accordance with legislative requirements and timeframes.</p> <p>2.2. All persons on the premises without right are requested to leave in accordance with legislative requirements and organisational policy and procedures.</p> <p>2.3. If relevant <i>occupants</i> refuse to leave they are forcibly removed in accordance with legislative powers, and <i>contingencies</i> are dealt with using standard operating procedures.</p> <p>2.4. Where assistance is required to remove occupants, this is obtained according to organisational policy and procedures.</p> <p>2.5. Once all required persons, goods and chattels are outside the property line, possession is given to plaintiffs or their representatives in accordance with conditions of writ or warrant.</p>
<p>3. Complete administrative requirements.</p>	<p>3.1. Signatures of plaintiffs or their representatives are obtained on a receipt of possession, which is retained with the writ/warrant in accordance with legislative and organisational requirements.</p> <p>3.2. <i>Payment of possession/eviction fees</i> is receipted</p>

according to organisational policy and procedures.

- 3.3. Organisational records are completed and **reporting requirements** are met according to organisational policy, procedures and timeframes.

Required Skills and Knowledge

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

Required skills

- initiative and enterprise skills to apply:
 - legislation, rules, practice and procedures relating to carrying out possessions and evictions
 - risk assessment relating to persons occupying property
 - procedures in relation to public sector legislation, such as OHS procedures relating to maintaining operational safety while conducting possessions and evictions
- communication skills to:
 - coordinate possession or eviction
 - deal effectively with difficult occupants
- interpersonal skills to respond to diversity, including gender and disability
- literacy and numeracy skills to:
 - interpret writs and warrants
 - complete and maintain accurate records
 - process required fee payments

Required knowledge

- legislation relating to possessions, evictions and execution of process
- organisational policy and procedures relating to possessions and evictions
- operational safety procedures
- equal employment opportunity principles
- equity and diversity principles

Evidence Guide

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.

Critical aspects for assessment and evidence required to demonstrate competency in this unit

Assessment must confirm the ability to:

- confirm validity and requirements of warrant/writ
- apply appropriate risk-management procedures to ensure safety in the workplace
- apply effective communication
- apply scope of authority to remove occupants if necessary
- apply contingencies when appropriate
- handle and process payments accurately
- meet recording and reporting requirements
- apply legislative and organisational policies and procedures.

Consistency in performance

Competency should be demonstrated by carrying out possessions and evictions on a range of occasions, over time.

Context of and specific resources for assessment

Assessment must comply with:

- applicable regulations and codes
- workplace procedures and protocols.

Access may be required to:

- a workplace environment or one that closely resembles normal work practices and replicates the range of conditions likely to be encountered when carrying out possessions and evictions, including coping with difficulties, irregularities and breakdowns in routine
- legislation, policy, procedures and protocols relating to evictions and possessions
- case studies and workplace scenarios to capture the range of situations likely to be encountered when carrying out possessions and evictions.

Guidance information for assessment

The following assessment methods are suggested:

- oral questioning about relevant legislation, acting ethically, and applying processes
- observation of the candidate responding to a range of contexts to ensure achievement of the unit outcomes
- feedback from peers and/or supervisor that the candidate consistently applies relevant workplace procedures
- review of records completed by candidate or reports of

performance.

In all cases, practical assessment should be supported by questions to assess underpinning knowledge and those aspects of competency that are difficult to assess directly. Questioning techniques should suit the language and literacy levels of the candidate.

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.

- Validity*** may include:
- 12 months from date of issue for writs of possession
 - 28 days from date of issue for residential tribunal warrants.
- Responsibilities*** of plaintiffs may relate to:
- providing a locksmith to gain access and secure premises
 - paying possession/eviction fees
 - negotiating removal of occupants' belongings after possession or eviction
 - signing receipt for possession.
- Assistance*** may include:
- additional sheriff's officers
 - police
 - manual labour.
- Occupants*** may include:
- defendants identified as having to vacate
 - occupants who are allowed to remain even though others have been identified as needing to be evicted.
- Contingencies*** may include:
- use of defendant interaction techniques
 - disengaging
 - calling the police.
- Payment of possession/eviction fees*** may include:
- by plaintiff
 - by landlord
 - part-payment, with the balance subsidised.
- Reporting requirements*** may include details of:
- warrant number
 - file number
 - date of issue
 - date received
 - date executed
 - amount owing
 - time taken to execute.

Unit Sector(s)

Not applicable.

Competency field

Courts.

Co-requisite units

Not applicable.