



Australian Government

Department of Education, Employment and Workplace Relations

BSBLEG512A Apply legal principles in property law matters

Revision Number: 1

BSBLEG512A Apply legal principles in property law matters

Modification History

Not applicable.

Unit Descriptor

Unit descriptor	This unit describes the performance outcomes, skills and knowledge required in the conduct and administration of straightforward property law matters. A range of legislation, rules, regulations and codes of practice may apply to this unit at the time of endorsement, depending on job roles and jurisdictions.
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Application of the Unit

Application of the unit	This unit applies to individuals who apply knowledge of a range of principles in property law matters. Its application in the workplace will be determined by the job role of the individual and the legislation, rules, regulations and codes of practice relevant to different jurisdictions.
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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. Define nature of property law	1.1. Source legislation, regulations and policies relevant to property law 1.2. Outline difference between real and personal property and make distinctions about their method of transfer 1.3. Identify titles of ownership and their legal implications 1.4. Identify types of mortgages, their legal implications, processes for obtaining and discharging them, and the rights of mortgagees
2. Enhance professional practice through application of relevant principles of property law matters	2.1. Identify parties involved in buying and selling a property and their respective roles 2.2. Identify steps involved in buying and selling a property
3. Prepare documentation associated with property law matters, including costing	3.1. Obtain relevant documents from authorities and service providers 3.2. Ensure documentation associated with sale or purchase of property is prepared according to organisation's policies and procedures 3.3. Determine types of costs in accordance with legislative and regulatory requirements for costing legal services 3.4. Draft leases according to instructions 3.5. Identify the duties of lessor and lessee 3.6. Ensure documentation is reviewed and signed off by designated person
4. Facilitate file administration	4.1. Arrange meetings and conferences as appropriate 4.2. Register and lodge relevant documents with land titles and other relevant government agencies 4.3. Check documentation and maintain file according to organisation's policies and procedures 4.4. Attend to post-settlement procedures

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

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

Required skills

- communication skills to:
 - give and interpret instructions
 - provide clear and specific instructions about information required
- literacy skills to:
 - follow complex legal procedures
 - edit and proofread documents to ensure clarity of meaning and conformity to enterprise requirements
 - check for accuracy and consistency of information
- numeracy skills to:
 - record deposits
 - calculate stamp duties, outstanding mortgage payments and bank cheque amounts
- organisational skills to select and apply the procedures and strategies needed to perform a range of tasks within designated timelines
- research skills to:
 - locate necessary information from external sources
 - identify and evaluate the status of information
- technology skills to:
 - operate office equipment
 - use a range of common software packages
- time-management skills to prepare documentation within timelines

Required knowledge

- scope of job role in the context of legislation, regulations and codes of practice in relevant jurisdictions
- relevant court processes, current legislation, legal processes and required documentation
- property law as applicable to the scope of workplace responsibilities
- accepted codes of practice relevant to the workplace, including those relating to:
 - privacy and confidentiality
 - use of company property
 - duty of care
 - ethical behaviour
 - non-discriminatory practice
 - conflict of interest

REQUIRED SKILLS AND KNOWLEDGE

- compliance with reasonable direction
- organisation's required policies and procedures for the full range of tasks covered
- legal terminology, including that specific to property law

Evidence Guide

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.

Overview of assessment

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

Evidence of the ability to:

- prepare, give and obtain appropriate and accurate information and documents from the parties at the required stages of the legal process
- conduct duties according to accepted codes of conduct, including those relating to maintaining confidentiality, use of company property, duty of care, ethical behaviours, privacy, non-discriminatory practice, conflict of interest and compliance with reasonable direction
- apply the principles of property law in the buying and selling of property and preparation and execution of leases
- carry out the administrative activities associated with buying and selling property and preparing leasing contracts.

Context of and specific resources for assessment

Assessment must ensure access to:

- an actual workplace or simulated environment
- appropriate legislation and regulations relevant to property law
- workplace manuals and reference materials, such as company policies, procedural manuals and checklists
- list of relevant sources of documentation and sample forms
- background information on courts, their jurisdiction and behavioural requirements
- appropriate technology, such as computers with relevant software
- appropriate texts and people with expert knowledge, such as legal practitioners
- appropriate legislation and regulations relevant to common legal matters.

Method of assessment

A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this units:

- analysis of responses to case studies and scenarios
- direct questioning combined with review of portfolios of evidence and third-party workplace reports of on-the-job performance by the candidate

EVIDENCE GUIDE	
	• observation of role plays • review of draft residential and commercial leasing contract • review of draft contract of sale • review of pre-settlement and post-settlement documents • oral or written questioning to assess knowledge of legal terminology specific to property law.
Guidance information for assessment	Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended.

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.

<i>Legislation, regulations and policies</i> may include:	• commonwealth, state and territory legislation relevant to property law • government regulations and policies on property law.
<i>Titles of ownership</i> must include:	• 99 year lease • community • company • old system • qualified • strata title • torrens.
<i>Parties involved in buying and selling a property</i> may include:	• agent • first mortgagee's representative • purchaser • purchaser's representative • second mortgagee's representative • vendor • vendor's representative.
<i>Steps involved in buying and selling a property</i> may include:	• arranging deposit • arranging settlement meeting • calculating balance and to whom payment should be made • despatching documents to relevant parties • discharging vendor's mortgage/s • exchanging contracts • handling requisitions • invoicing client • preparing prescribed documents and contracts • registering documents at land titles office • securing finance • signing contracts • stamping documents • transferring title

RANGE STATEMENT	
	• updating files and titles book.
Relevant documents include:	• certificate of title • documents concerning easements and right of way • plan of land • plan of sewerage on property • town planning certificate.
Authorities and service providers include:	• land titles office • local government offices • water authorities.
Documentation may include:	• contract attachments • contract of sale • forward transfer • letter of confirmation of settlement • order of agent • settlement documents, including settlement sheet.
Organisation's policies and procedures may include:	• contingency management • individual procedures adopted by instructing legal practitioner • office procedural manuals • precedents for various property documents • protocol for accommodating specific client needs • recording information • requisition forms • security, confidentiality and privacy procedures • using electronic document exchange systems • using electronic funds transfer systems.
Designated person may include:	• barrister • government official • legal practitioner • person authorised by government to carry out identified property law matters • supervisor.

Unit Sector(s)

Unit sector	
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Competency field

Competency field	Administration - legal administration
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Co-requisite units

Co-requisite units		