



Australian Government

Department of Education, Employment and Workplace Relations

FNSCNV503A Analyse and interpret legal requirements for a transaction

Revision Number: 1

FNSCNV503A Analyse and interpret legal requirements for a transaction

Modification History

Not applicable.

Unit Descriptor

Unit descriptor	This unit describes the performance outcomes, skills and knowledge required to analyse and interpret legal requirements for a conveyancing transaction within a range of contexts and environments. It encompasses identifying and applying statutory interpretation techniques, identifying and tracking changes to relevant legislation and codes of conduct and maintaining appropriate records. 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.
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Application of the Unit

Application of the unit	The unit has application to job roles involving conveyancing transactions in real estate, business or personal assets.
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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 legal principles and legislative requirements affecting conveyancing transactions.	1.1. Legal framework in which conveyancing practice is undertaken is identified 1.2. Components of statute law and their relationships are identified with respect to their application to conveyancing practice 1.3. Source documents for legislation and regulations relevant to the provision of conveyancing services are identified and accessed
2. Interpret legislative requirements affecting conveyancing transactions.	2.1. Structure of legislation and regulations and their interpretation are identified 2.2. Common interpretation problems are identified 2.3. Rules and techniques for interpreting legislation and regulations are identified and applied
3. Identify changes to legislation and regulations affecting agency operations	3.1. Processes that lead to changes in legislation and regulations are identified 3.2. Source documents for amendment legislation relevant to the provision of conveyancing services are identified and accessed 3.3. Techniques for tracking amendments to legislation and regulations are identified and applied 3.4. Implications of changes to legislative and regulatory requirements are identified and addressed in line with practice procedures 3.5. Strategies for identifying amendments to legislation and regulations are implemented 3.6. Changes to legislative and regulatory requirements are communicated to appropriate people in line with agency policy
4. Comply with relevant codes of conduct	4.1. Codes of conduct are sourced and accessed 4.2. Relationship between industry codes of conduct and legislative requirements are identified 4.3. Key principles and responsibilities of codes of conduct are interpreted and applied to own work in line with industry practice 4.4. Personal ethical behaviour complies with relevant codes of conduct
5. Maintain records of legislation and industry codes	5.1. Practice processes and the personnel responsible for monitoring and communicating changes to legislation and industry codes of conduct are identified

ELEMENT	PERFORMANCE CRITERIA
	5.2. Relevant records of legislation and codes of conduct are maintained

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

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

Required skills

- ability to communicate with and relate to a range of people from diverse social, economic and cultural backgrounds and with varying physical and mental abilities
- analytical skills to interpret documentation such as:
 - parliamentary document
 - legislation regulations
 - codes of conduct
- application of risk management strategies associated with compliance with legislation, regulations and codes of practice
- computing skills to:
 - access practice and resource databases
 - use standard software packages
 - send and receive emails
 - access the internet and web pages
 - complete and lodge standard documents online
- decision making and problem solving skills to analyse situations and make decisions consistent with legislative and regulatory requirements
- literacy skills to:
 - access and interpret a variety of texts, including legislation, regulations and codes of practice
 - prepare complex documents
 - prepare formal and informal letters, reports and applications
 - complete standard and statutory forms
- planning, organising and scheduling skills to maintain currency of conveyancer and practice, copies of legislation, regulations and codes of conduct
- research skills to identify and locate legislation, regulations and codes of conduct
- self-management skills to organise own work, deliver quality customer service and effectively manage competing demands

Required knowledge

- industry codes of conduct
- common problems associated with interpreting legislation
- principles of relevant legislation
- Commonwealth, and State or Territory legislation and local government regulations relating to:
 - anti-discrimination and equal employment opportunity

REQUIRED SKILLS AND KNOWLEDGE

- consumer protection, fair trading and trade practices
- employment and industrial relations

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:

- interpret legislation to identify legal principles affecting conveyancing
- monitor and record changes in legislation affecting conveyancing practice
- comply with industry and regulated codes of conduct.

Context of and specific resources for assessment

Assessment must ensure:

- competency is demonstrated in the context of the 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 preparation of a variety of legal documents to support a transaction.

Method of assessment

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

- 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.

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.

Legal framework may include:

- common law
- contract law
- equity law
- statute law.

Components of statute law may include:

- principal legislation, such as Acts
- subordinate legislation, such as:
 - approvals
 - determinations
 - guidelines
 - mandatory and non-mandatory administrative
 - orders
 - regulations.

Legislation and regulations may include:

- Commonwealth, and State or Territory legislation and local government regulations relating to:
 - anti-discrimination
 - consumer protection
 - conveyancing
 - employment and industrial relations
 - equal employment opportunity
 - fair trading
 - financial services
 - occupational health and safety (OHS)
 - privacy
 - trade practices.

Structure of legislation and regulations may include:

- endnotes, including:
 - explanatory notes
 - index
 - table of amendments
- section headings, margin notes and clause notes

RANGE STATEMENT	
	• parts, sections, subsections, paragraphs, regulations, • sub-regulations and clauses • types of provisions, including: • approvals • deeming provisions • definitions and interpretations • general penalties • objectives • offences • prescribed arrangements relating to regulations • orders.
<i>Common interpretation problems</i> may include:	• ambiguous words • broad phrases • need for words to be implied • printing and drafting errors • unforeseen developments, such as changes in technology or practice.
<i>Rules and techniques for interpreting legislation and regulations</i> may include:	• aids to the interpretation of legislation, including: • Hansard/parliamentary papers, legal dictionaries and judicial interpretations - precedent • external: interpretations of legislation, Acts • internal: objectives, legislation to be accessed as a whole, definitions and interpretation sections in legislation, headings, margin notes and punctuation • language conventions and expressions, including: • and, or • gender • hierarchy • includes • may, should and must • reading rules, including: • context • golden • literal

RANGE STATEMENT	
	• mischief • purposive • express mention of one thing to the exclusion of another • words interpreted through their connection with other words • words with the same meaning.
Processes may include:	• government agency approval • governor approval • minister approval • parliament.
Source documents may include:	• amendment Acts • amendment regulations • government Bills • consolidated or reprinted Acts.
Techniques for tracking amendments may include:	• government and industry newsletters and information sessions • use of margin notes and tables of amendments.

Unit Sector(s)

Unit sector	Conveyancing
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Competency field

Competency field	
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Co-requisite units

Co-requisite units		

