



**Australian Government**

**Department of Education, Employment and Workplace Relations**

# **PSPLAND402A Undertake native title assessments**

**Revision Number: 3**

## PSPLAND402A Undertake native title assessments

### Modification History

| Release | TP Version | Comments                                |
|---------|------------|-----------------------------------------|
| 3       | PSP12V1    | Unit descriptor edited.                 |
| 2       | PSP04V4.2. | Layout adjusted. No changes to content. |
| 1       | PSP04V4.1  | Primary release.                        |

### Unit Descriptor

This unit covers the competency to undertake native title assessments under native title legislation. It includes gathering research information for assessment of public land, liaising with stakeholders, undertaking assessments, and recording and reporting assessment outcomes.

In practice, undertaking native title assessments may overlap with other generalist or specialist public sector work activities such as working ethically, complying with legislation, applying government processes, using resources, gathering and analysing information, working with diversity.

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

### Application of the Unit

Not applicable.

### Licensing/Regulatory Information

Not applicable.

### Pre-Requisites

Not applicable.

## Employability Skills Information

This unit contains employability skills.

## Elements and Performance Criteria Pre-Content

Elements are the essential outcomes of the unit of competency. Together, performance criteria specify the requirements for competent performance. Text in ***bold italics*** is explained in the Range Statement following.

## Elements and Performance Criteria

### ELEMENT

### PERFORMANCE CRITERIA

- |                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Gather research information for assessment of public land</b> | <ul style="list-style-type: none"><li>1.1 The <b><i>purpose</i></b> of the assessment is identified to determine the type and range of data required.</li><li>1.2 Land is identified, <b><i>data sources</i></b> are identified and all available <b><i>land records</i></b> related to the area are gathered in accordance with organisational and <b><i>best practice requirements</i></b>.</li><li>1.3 Evidence is obtained from current records to establish the status of the land.</li><li>1.4 Past use of the land is investigated from historical records and a land use history is compiled.</li><li>1.5 Tenure history investigation is carried out and a tenure history report is compiled.</li><li>1.6 Information gathered is checked for accuracy and relevance, corroborated if necessary and interpreted to provide <b><i>evidence</i></b> for native title assessment report/s in accordance with <b><i>legislation, policy and procedures</i></b>.</li></ul> |
| <b>2. Liaise with stakeholders</b>                                  | <ul style="list-style-type: none"><li>2.1 A wide range of <b><i>stakeholders</i></b> is consulted in accordance with legislation, policy and procedures.</li><li>2.2 <b><i>Expert advice</i></b> is obtained as required in accordance with organisational procedures.</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>3. Undertake assessment</b>                                      | <ul style="list-style-type: none"><li>3.1 Analysis is undertaken of the degree to which native title rights and interests may have been affected by land use and tenure.</li><li>3.2 Evidence is analysed to determine what extinguishment exists over the land in accordance with <b><i>native title legislation</i></b>, government instructions and guidelines.</li><li>3.3 Decisions and recommendations are made in accordance with evidence.</li><li>3.4 <b><i>Assessment</i></b> is undertaken in accordance with legislation, policy and procedures.</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>4. Record and report assessment outcomes</b>                     | <ul style="list-style-type: none"><li>4.1 A native title assessment <b><i>report</i></b> is prepared that is accurate, concise and sufficiently detailed to facilitate future act proposals or to assist in native title claim management.</li><li>4.2 Assessment outcomes are recorded in accordance with organisational policy and procedures.</li><li>4.3 Reasons for decisions/recommendations are provided in the report, are soundly based and supported by the evidence.</li><li>4.4 Information systems are updated to reflect information necessary to allow for future informed decisions to be made.</li></ul>                                                                                                                                                                                                                                                                                                                                                      |

## Required Skills and Knowledge

This section describes the essential skills and knowledge and their level, required for this unit.

### Skill requirements

Look for evidence that confirms skills in:

- finding information in systems, databases and other sources
- researching data repositories such as libraries, archives, etc
- interpreting legislation, instruments and organisational procedures
- interpreting tenure documents, correspondence, maps, plans, etc
- assessing issues and making reasoned judgments about facts
- writing reports requiring formality of language and structure; setting out facts in logical sequence; that are concise, but sufficiently detailed to meet assessment purpose
- consulting with Indigenous people and expert advisers
- responding to diversity, including gender and disability
- applying public sector legislation such as occupational health and safety, environment, anti-discrimination and diversity in the context of native title assessments

### Knowledge requirements

Look for evidence that confirms knowledge and understanding of:

- legislation, policies and procedures relating to Crown/State land and native title
- land tenure and land status
- land information systems
- cultural and heritage factors that might affect land use
- Aboriginal customs and culture related to native title assessment
- sources of historical records and ways to access them
- public sector legislation including occupational health and safety and environment in the context of native title assessments

## Evidence Guide

The Evidence Guide specifies the evidence required to demonstrate achievement in the unit of competency as a whole. It must be read in conjunction with the Unit descriptor, Performance Criteria, the Range Statement and the Assessment Guidelines for the Public Sector Training Package.

### Units to be assessed together

- *Pre-requisite* units that must be achieved prior to this unit: *Nil*
- *Co-requisite* units that must be assessed with this unit: *Nil*
- *Co-assessed units* that may be assessed with this unit to increase the efficiency and realism of the assessment process include, but are not limited to:
  - PSPETHC401A Uphold and support the values and principles of public service
  - PSPGOV403B Use resources to achieve work unit goals
  - PSPGOV406B Gather and analyse information
  - PSPGOV408A Value diversity
  - PSPGOV422A Apply government processes
  - PSPLEGN401A Encourage compliance with legislation in the public sector

### Overview of evidence requirements

In addition to integrated demonstration of the elements and their related performance criteria, look for evidence that confirms:

- the knowledge requirements of this unit
- the skill requirements of this unit
- application of the Employability Skills as they relate to this unit (see Employability Summaries in Qualifications Framework)
- native title assessment undertaken in a range of (3 or more) contexts (or occasions, over time)

### Resources required to carry out assessment

These resources include:

- legislation, policy, procedures and protocols relating to native title assessment
- case studies and workplace scenarios to capture the range of situations likely to be encountered when undertaking native title assessments

### Where and how to assess evidence

Valid assessment of this unit requires:

- a workplace environment or one that closely resembles normal work practice and replicates the range of conditions likely to be encountered when undertaking native title assessments, including coping with difficulties, irregularities and breakdowns in routine

- native title assessment undertaken in a range of (3 or more) contexts (or occasions, over time)

Assessment methods should reflect workplace demands, such as literacy, and the needs of particular groups, such as:

- people with disabilities
- people from culturally and linguistically diverse backgrounds
- Aboriginal and Torres Strait Islander people
- women
- young people
- older people
- people in rural and remote locations

Assessment methods suitable for valid and reliable assessment of this competency may include, but are not limited to, a combination of 2 or more of:

- case studies
- demonstration
- portfolios
- questioning
- scenarios
- simulation or role plays
- authenticated evidence from the workplace and/or training courses

**For consistency of assessment**

Evidence must be gathered over time in a range of contexts to ensure the person can achieve the unit outcome and apply the competency in different situations or environments

## Range Statement

The Range Statement provides information about the context in which the unit of competency is carried out. The variables cater for differences between States and Territories and the Commonwealth, and between organisations and workplaces. They allow for different work requirements, work practices and knowledge. The Range Statement also provides a focus for assessment. It relates to the unit as a whole. Text in ***bold italics*** in the Performance Criteria is explained here.

***Purpose of native title assessment*** may include:

- claim management
- future act regime
- proposed dealing with public land

***Data sources*** may include:

- archives
- cancelled maps
- cancelled public plans
- central or regional government offices
- central plan (survey) registries
- correspondence files
- Crown allotments
- Crown leases
- Crown surveys
- databases
- deeds registers
- departmental systems
- files
- gazettes
- information storage
- land titles office/s
- legal precedents
- Local Government council offices
- maps
- newspapers
- public libraries or other public institutions
- public registers including those maintained by academic institutions
- reserve plans
- resumption plans
- State/Territory and Federal Government registers

***Land records*** may include:

- aerial photography
- cadastral records, current and historic
- certified plans

- correspondence
- Crown grants
- deeds
- electronic records
- field reports
- file records, current and archived
- freehold certificates of title
- government gazette notices
- government infrastructure records
- historical records
- historical survey data
- land accounts
- leasehold titles
- legislation and executive orders
- municipal building approvals
- original plans
- plans
- records of land transfer or tenure
- reserve development plans
- tenure cards
- tenure documents
- titles

**Land records** may be held:

- spatially
- digitally
- microfiched
- electronically
- in original hard copy format

**Best practice requirements** may include:

- quality client service
- quality system documentation

**Evidence** may include:

- application material
- cadastral records
- government gazettes
- aerial photography
- maps
- development plans

**Legislation, policy and procedures** may include:

- legislation related to Crown land, State land or public land administration
- public sector legislation such as equal employment opportunity, anti-discrimination, diversity, occupational health and safety, environment and sustainability
- privacy legislation and freedom of information
- public sector standards
- organisational standards
- quality standards
- jurisdictional and organisational code/s of practice and code/s of ethics

**Stakeholders** may include:

- traditional owners
- native title applicants
- legal representatives
- Aboriginal people with an interest in an area
- representative bodies
- State governments
- private developers
- national Native Title Tribunal
- community interest groups
- Local Governments

**Expert advice** may be obtained from:

- national Native Title Tribunal
- State indigenous land services
- land boards
- source/s of advice on Aboriginal heritage issues

- Native title legislation*** may include:
- other expert sources
  - Commonwealth Native Title Act 1993
  - regulations
  - Wik amendments to the Native Title Act 1993
- Assessment*** may:
- vary in complexity, for example, unallocated Crown land compared to land where there has been a grant of exclusive tenure
- Reports*** may be:
- extinguishment reports

## **Unit Sector(s)**

Not applicable.

## **Competency field**

Public Land Administration.