



Australian Government

Department of Education, Employment and Workplace Relations

PSPLAND404A Investigate tenure applications

Revision Number: 3

PSPLAND404A Investigate tenure applications

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 investigate tenure applications. It includes preparing a complex land tenure and ownership report, setting tenure conditions/covenants, determining rental, and providing advice on tenure administration.

In practice, investigating tenure applications 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
1. Prepare a complex land tenure/ownership report	1.1 The purpose of the <i>land tenure/ownership report</i> is established. 1.2 The extent of the area of the report is established. 1.3 The information required for the report is gathered. 1.4 Information gathered during the investigation is analysed and interpreted to determine the current land tenure/ ownership of the area. 1.5 The report and accompanying documentation is prepared in accordance to the <i>organisational procedures</i> .
2. Set tenure conditions/covenants	2.1 The need to impose <i>tenure conditions/covenants</i> is established. 2.2 <i>Conditions/covenants are prepared</i> in accordance with organisational policies and procedures. 2.3 Acceptance of conditions/covenants is successfully negotiated with affected parties. 2.4 Final documentation is directed to the appropriate personnel for action.
3. Determine rental	3.1 Information required to determine <i>rental</i> /rebate is gathered. 3.2 Rental determination is made, following organisational procedures. 3.3 Rental is negotiated with applicant in accordance with organisational policy and procedures. 3.4 The information is recorded in accordance with <i>legislation, policy and procedures</i> .
4. Advise on tenure administration	4.1 The scope and type of advice that needs to be provided is established. 4.2 <i>Organisational procedures or standards</i> associated with the advice are identified and explained. 4.3 <i>Advice</i> is supplied that is accurate, current and explained in a manner suited to the person requiring it.

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:

- interpreting legislation relating to Crown/State land administration and land management
- interpreting maps/plans/aerial photos
- preparing complex land tenure and ownership reports
- determining lease conditions/covenants
- determining rent
- advising staff and clients on tenure administration
- mediating/negotiating rent and/or conditions, covenants, disputes
- 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 tenure application investigations

Knowledge requirements

Look for evidence that confirms knowledge and understanding of:

- legislation, policies and procedures relating to Crown/State land administration and land management, including historical background
- the different types of organisational records that need to be noted or updated and in what circumstances
- regulations and policies relating to tenure administration
- land tenure and ownership
- departmental delegations
- public sector legislation including occupational health and safety and environment in the context of tenure application investigations

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)
- tenure application investigations 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 tenure application investigations
- case studies and workplace scenarios to capture the range of situations likely to be encountered when undertaking tenure application investigations

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 tenure application investigations, including coping with difficulties, irregularities and breakdowns in routine

- tenure application investigations 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
- 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.

Land tenure/ownership report may be for:

- land authorities/boards or equivalent structures
- land managers
- extinguishment of native title
- breach of conditions
- obtaining a legal opinion
- refusal/recommendation of an application
- determining the type of tenure

Organisational procedures may be specified in:

- procedures manual
- office practice guidelines
- workplace notices
- computer training manuals

Organisational procedures may include:

- regulatory requirements
- industry practices
- manual or electronic applications

Tenure conditions/covenants may include:

- access
- clearing
- community use
- conservation
- cultivation
- extraction
- grazing
- insurance indemnity
- lease and development conditions
- limitations of use
- multi use
- preservation
- rental
- royalties
- services
- sub-leasing
- subdivision
- term of tenure

Preparation of conditions/covenants may include:

- water access
- drafting
- setting by standard tenure documentation
- selecting additional conditions from a standard list
- having drafting completed by legal personnel
- site specific conditions
- compliance with legislation

Rental may be:

- calculated
- determined after referral to licensed valuer, Valuer General etc
- charitable organisations
- commercial
- community purposes
- concessional
- government-held tenures
- industrial
- non-commercial
- public utilities
- residential
- rural

Legislation, policy and procedures may include:

- legislation related to Crown land, State land or public land administration, in particular Commonwealth Native Title Act 1993, regulations, and Wik amendments
- public sector legislation such as equal employment opportunity, anti-discrimination, diversity, occupational health and safety
- 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

Organisational standards may include:

- industry standards
- land titles office standards

Advice on tenure administration may include:

- interpretation of legislation
- survey matters
- tenure conditions and covenants
- plan approval and registration
- departmental policy

- waiver of land assessment
- waiver of fees
- explanation of processes and policies
- royalty rates for extractive industries
- enclosure permits
- conversions
- lease/licence termination

Unit Sector(s)

Not applicable.

Competency field

Public Land Administration.