



Australian Government

Department of Education, Employment and Workplace Relations

PSPREV403A Manage information on legal entities, relationships and property

Revision Number: 3

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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 application of the legal principles that apply to legal entities, relationships and property.

In practice, dealing with legal entity, relationship and property issues overlaps with other generalist or specialist work activities, such as acting ethically; undertaking legislative decision making; assessing applications for grants, subsidies or rebates; and delivering client service. Co-assessment with units of competency addressing these other activities could be considered.

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

Application of the Unit

In the workplace, staff typically develop sound knowledge of the legal principles that apply to legal entities, relationships and property. They use this knowledge to map the property/assets and interrelationships of legal entities in order to make and justify decisions on liability and compliance.

They must be able to determine the legal entities involved in transactions, identify legal relationships and responsibilities, and determine ownership of property and assets and the interrelationships between property and asset owners.

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.

Performance criteria describe the required performance needed to demonstrate achievement of the element. Where ***bold italicised*** text is used, further information is detailed in the range statement. Assessment of performance is to be consistent with the evidence guide.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Determine legal entities	1.1 Types of legal entities are identified and features of each confirmed. 1.2 Transactions are analysed to determine the legal entities involved. 1.3 Liabilities of legal entities are determined in accordance with the particular transactions.
2. Identify and apply information relating to legal relationships	2.1 Formation, type and nature of the legal relationships involved in transactions are identified. 2.2 Interrelationships involved in transactions are mapped to guide decision making. 2.3 Legal responsibilities of particular relationships are identified in accordance with the particular transactions. 2.4 Decisions are made and liabilities determined in accordance with the interrelationships and responsibilities determined.
3. Identify and apply information relating to property and assets of legal entities	3.1 Nature and legal types of property, and the principles relating to them are clarified. 3.2 Principles relating to real and personal property, leases, licences and assignment of property are used to map the property and assets of legal entities. 3.3 Value of property and nature of ownership are identified. 3.4 Mortgages, easements, memorials, restrictive covenants and other relevant documents are identified and analysed for their effect on property ownership. 3.5 Property and assets of legal entities are mapped and their interrelationships examined and recorded. 3.6 Decisions are made and liabilities determined in accordance with the property and assets of, and relationships between, the legal entities.

Required Skills and Knowledge

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

Required skills:

Look for evidence that confirms skills in:

- reading and analysing complex and formal documents, such as contracts, legislation and related materials, to assist in decision making
- explaining differences between different legal entities and impact of those differences on the determination of a tax or duty liability
- communicating with others involving exchanges of complex information when determining legal entities, relationships and property ownership
- using technology to conduct research, make enquiries, review available data, access legislative requirements and record outcomes
- responding to diversity, including gender and disability
- applying environmental and occupational health and safety procedures to administrative work and when dealing with customers

Required knowledge:

Look for evidence that confirms knowledge and understanding of:

- general features and underlying principles of legal entities and legal relationships
- fundamental nature of property and principles relating to personal or real property, leases, licences and assignment of property
- mortgages, easements, charges, memorials and restrictive covenants
- sources of property law
- features of a partnership
- business processes

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

Co-assessed units that may be assessed with this unit to increase the efficiency and realism of the assessment process include:

- PSPETHC401A Uphold and support the values and principles of public service
- PSPREV401A Identify and apply statute law
- PSPREV402A Undertake legislative decision making
- PSPREV405A Assess applications for grants, subsidies and rebates
- PSPGOV402B Deliver and monitor service to clients

Overview of evidence requirements

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

- knowledge requirements of this unit
- skill requirements of this unit
- application of employability skills as they relate to this unit

Resources required to carry out assessment

These resources include:

- examples of legal entity, relationship and property issues
- government legislation, regulations, rulings, Commissioner's practices and other applicable case law that refer to legal entity, relationship and property issues
- organisational procedures and protocols
- scenarios and case studies to capture the range of situations likely to be encountered when dealing with legal entity, relationship and property issues
- access to relevant systems

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 legal entities, relationships and property, including coping with ambiguity, difficulties, irregularities and breakdowns in routine
- dealing with legal entities, relationships and property issues in a range of three or more contexts or occasions, over time

Assessment methods should reflect but not exceed workplace demands, such as literacy, and the needs of individuals who might be disadvantaged.

Assessment methods suitable for valid and reliable assessment of this unit must use authenticated evidence from the workplace and/or training courses and may include a combination of two or more of:

- case studies and scenarios
- portfolios
- questioning
- simulation or role plays

The assessment environment should not disadvantage the candidate and where the person has a disability the principle of reasonable adjustment should be applied during assessment.

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 *italics* in the Performance criteria is explained here.

Legal entities may include:

- the Crown
- corporations
- trustees
- incorporated associations
- cooperatives

Features of legal entities may include:

- natural persons:
 - ownership of property
 - liabilities
 - directors
 - shares
 - bankruptcy
 - role of executors and trustees
 - minors
- corporations:
 - nature
 - types
 - governing bodies
 - process of formation
 - liabilities
 - receivership
 - voluntary and involuntary wind-up

Transactions may include:

- purchases and sales of personal and real property
- voluntary dispositions
- transfers of real estate
- transfers of businesses
- transfers of statutory licences
- creation and dissolution of partnerships
- creation and variation to trust deeds
- financial transactions
- charges and discharges
- settlement undertakings
- payment of wages

Legal relationships may include:

- leases
- partnerships
- joint ventures
- associations
- trusts
- agencies
- sole traders
- employers and employees
- franchisors and franchisees
- principals and contractors
- lessors and lessees
- subsidiaries
- insolvency practitioners

Legal types of property may include:

- real property
- personal property
- leasehold land
- freehold land
- Crown land
- statutory licences
- intellectual property
- goodwill

Ownership may include:

- as an individual
- as a corporation
- as a beneficiary
- as trustee
- as joint tenant
- as tenant in common
- as lessee
- as partner
- legal, beneficial and equitable ownership
- life tenancy
- under a Crown lease

Unit Sector(s)

Not applicable.

Competency field

Revenue Administration.