



Australian Government

Department of Education, Employment and Workplace Relations

BSALPL501A Cost complex files

Release: 1

Modification History

Not Available

INTRODUCTION

This Unit covers the preparation and despatch of invoices for files where there is no fixed quote.

Note: It may be illegal for a person without a current legal practice certificate to provide legal advice, to sign off on legal work and receive trust account monies. The use of trust account monies is subject to legislative control. Accordingly work carried out in regard to trust account monies occurs under the instruction of a legal practitioner and is of a complex but specified nature.

This unit can be assessed alone or in combination with other units making up a job role.

Element of Competency

Performance Criteria

Prepare documentation

- Type of invoice for preparation is determined
- Meeting is arranged with instructing legal practitioner to discuss costing of the file
- Relevant information sources are accessed
- Relevant costs and disbursement information is integrated and checked
- Incomplete costs and disbursement information is checked with instructing legal practitioner and relevant amendments are made
- Costs and disbursements to be invoiced are assessed according to a firm's policies and procedures and legislative/regulatory requirements
- Any discrepancies/irregularities between information sources and costs and disbursement data are checked and rectified
- File is prepared for external cost consultant, where appropriate
- Invoice is checked against file and legislative/ regulatory requirements for accuracy and presented to instructing legal practitioner for approval within agreed timelines

Legal invoice is despatched

- Details of invoice are recorded on accounting system and/or the file within agreed timelines
- File/matter number is attached to all relevant documentation and such documentation is filed appropriately
- Invoice is approved in line with the firm's policies and procedures
- Client's file is updated to reflect despatch of invoice
- Invoice is despatched within designated timelines and according to a firm's policies and procedures

RANGE OF VARIABLES

Types of costs/bill to be assessed may include:

- solicitor/client
- party/party
- solicitor/own client

Relevant information sources may include:

- client files
- data
- internal staff
- accounting system
- time records
- financial documentation

Competency must be demonstrated in the preparation of at least two (2) of the following.

Type of invoice may include:

- interim bill
- bill in taxable form
- bill based on scale

Disbursement data may include*:

- filing fees
- photocopying
- postage
- cost of duty stamps
- court costs
- search fees
- certificate fees
- telephone charges

*according to relevant state definitions

A firm's invoicing procedures may include:

- scale of costs
- no fee no win
- billable hours
- fixed quote
- tender rates
- special rates
- pro bono
- legal aid requirements

Financial documentation for clients may include:

- statement of accounts
- calculation of fees

- listing of disbursements
 - barrister's fees
 - any duties payable
- A firm's accounting system may include:
- paper-based
 - cash books
 - journals
 - ledgers
 - timesheets
 - electronic
 - commercial software package
 - customised software package
- Requirements for despatch may include:
- timelines
 - format (eg. hard copy or disk copy)
 - number of copies
 - accompanying documentation
 - place for delivery
- Method of despatch may include:
- fax
 - post
 - AUSDOC
 - courier
 - hand delivery
- A firm's policies and procedures may include:
- invoicing and despatching of invoices
 - costing disbursements
 - using external cost consultants
 - security/confidentiality/privacy procedures
 - time recording procedures
 - verifying and authorising information
 - recording information
 - liaising with financial institutions
 - a firm's credit policy
 - protocol for invoicing and collection enquiries
 - legal bookkeeping
- The area of law may include*:
- commercial law
 - corporate law

- criminal law
- family law
- industrial relations/employment laws
- property law
- tax law
- litigation
- wills and probate
- * These are nine common areas of law. The area of law is not restricted to this list; other areas of law may be applicable.

- Legislative requirements may relate to:
- relevant State/Territory/Commonwealth legislation
 - Governing Legal Practice Acts in each State/Territory
 - the client and a firm (eg. Consumer Credit Code, Privacy Act, secrecy laws, Codes of Practice, common law and Statutory Duties of Care involving financial relationships)
 - the area of law
 - schedules of fees and duties payable
 - establishing a trust account
 - taxation and banking requirements
 - tort, equity and statute law
 - Australian Taxation Office regulations
 - regulations and orders, eg. Solicitors Remuneration order

Relevant State/Territory/Commonwealth legislation may include:

- costing legislation in each State/Territory, eg. Legal Practice Act (Vic) 1996
- regulations and orders in each State/Territory, eg. Solicitor's Remuneration Order

Timelines for completion of documents may be affected by:

- client needs
- availability of information resources
- legal or procedural requirements
- operator's workload

EVIDENCE GUIDE

- Critical aspects:
- the purpose and preparation of different types of invoices are understood and can be explained
 - costs and disbursements are calculated and allocated correctly
 - irregularities and/or uncertainties are noted and corrected, or referred to instructing legal practitioner for rectification if outside scope of own responsibility
 - legislative requirements regarding account operations can be identified, explained and complied with
 - company credit policy is understood and implemented
 - principles of accounting are applied in all account operations
 - client's file is updated correctly
 - agreed timelines are met
 - financial documentation is prepared on a regular basis and forwarded to clients where appropriate
 - non-disclosable information is not communicated and where any doubt exists as to the information's status it is not disclosed
 - activities, actions and outcomes are documented and time is recorded
 - honesty and integrity are demonstrated in all financial dealings
 - all work is conducted within 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 interests and compliance with reasonable direction

Resource implications: The assessor must have access to appropriate documentation and resources normally found in the work environment and required to allow the job or task to be properly performed. These may include:

- appropriate legislation and regulations relevant to assisting clients, maintaining trust accounts and using trust account monies
- workplace manuals and reference materials such as company policy, procedural manuals and checklists
- appropriate technology such as computers with relevant software

Consistency in performance: This unit of competency will require evidence to be collected across a range of events, eg. dealing with different invoicing requirements, and over a period of time to ensure that situational variables are consistently achieved.

Context of assessment: Evidence of competency can be met in different situations, including:

- on the job assessment

- off the job assessment
- placement in an enterprise
- participation in a New Apprenticeship (traineeship) arrangement
- use of a Practice Firm or simulated work environment
- flexible delivery methods used by training providers to cater for distance education students
- Recognition of Prior Learning, Recognition of Current Competencies (in skill areas where there has been no significant change to work practice in recent times).

Evidence gathering methods may include:

- demonstration
- questioning
- workplace performance
- role-play
- simulation
- projects/assignments
- written tests
- skills portfolio
- third party reports

Underpinning
knowledge and
skills

Knowledge

- a firm's invoicing policies and procedures
- relevant legal process, the costing steps in the legal process and relevant current legislation
- privacy/security/confidentiality procedures
- legal terminology in general, trust account terminology in particular and terminology relevant to the matter and area of law
- application of a firm's policies and procedures required in the full range of tasks covered
- a firm's accounting system
- accounting principles and terminology
- a firm's administrative systems, eg. Accessing pro formas, invoices, bills; despatching of documents

Skills

- literacy: follows complex legal procedures; reads and interprets legal documents and financial documents; follows and writes detailed instructions organised sequentially;
- communication: participates in sustained and complex oral transactions; answers questions and provides information
- numeracy: application of mathematical and accounting principles; accurate financial costings and timely record keeping; adheres to

- designated timelines
- proofreading: checks invoice against financial procedures and regulatory requirements

KEY COMPETENCIES

Utilisation of the Key Competencies required in the performance of this unit

| | | | | | | |
|-------------------------------------|--|------------------------------------|-------------------------------|---|------------------|------------------|
| Communicating ideas and information | Collecting, analysing and organising information | Planning and organising activities | Working with others in a team | Using mathematical ideas and techniques | Solving problems | Using technology |
| 2 | 2 | 2 | 1 | 2 | 2 | 2 |

Performance levels:

| Level 1 | Level 2 | Level 3 |
|---|--|--|
| <ul style="list-style-type: none"> • carries out established processes • makes judgements of quality using given criteria | <ul style="list-style-type: none"> • manages processes • selects the criteria for the evaluation process | <ul style="list-style-type: none"> • establishes principles and processes • evaluates and reshapes processes • establishes criteria for evaluation of processes |