



Australian Government

Department of Education, Employment and Workplace Relations

BSALPP301A Apply knowledge of the legal system to complete tasks

Release: 1

Modification History

Not Available

INTRODUCTION

This Unit covers the completion of a range of common legal administrative duties and the knowledge of the legal system that is required to carry them out

This unit of competency underpins all units of competency in the Legal Services stream of the Administration Training Package.

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

Element of Competency

Performance Criteria

Identify the main roles and responsibilities of key bodies in the legal system

- The functions of the courts, regulatory bodies and other legal service providers are identified
- The roles of key personnel in the legal industry are identified
- Practical implications of relevant legal practice legislation are explained and applied in regard to own activities
- Identified gaps in knowledge are researched

Identify key personnel/sections within a legal firm and their functions, to complete routine administrative tasks

- The key functions of a firm are identified and can be explained
- The key functions of all personnel/sections within a firm are identified
- Personnel responsible for authorisation of specific matters are identified (eg. partner for authorising movement of funds in trust accounts)
- The correct names of personnel/sections are used in administrative tasks according to a firm's policies and procedures

Produce and despatch legal documentation

- Purpose of document/form, and the stage of the legal process to which it relates, can be explained
- Relevant information is accessed from the client file
- Precedent is accessed from firm's bank of forms/routine documentation or document drafted according to firm's procedures
- File/matter number is attached to all relevant documentation
- Documentation/form is self-checked for accuracy and presented to the legal practitioner,

- within agreed timelines
- Self or other is organised to despatch document in the appropriate manner
- Organise self or other to apply for certificates
- All activities, actions and outcomes are documented and time recorded as required
 - Documentation is filed correctly
 - Timelines are arranged with designated person and documented/recorded
 - Supplier of certificate is identified and located
 - Applicable fees, taxes and rebates are identified and advised to client, if appropriate
 - Self or other is organised to apply for certificate using appropriate application forms and processes
 - Record of application is obtained as appropriate
 - Legal practitioner's review of self or other's work is facilitated
 - Self or other is organised to pursue appropriate follow-up action if certificates are not received on time or further information is required
- Use court etiquette appropriate to the various courts
- The appropriate manner of entering into and departing from the courts/tribunals is used
 - The appropriate manner of addressing the courts/tribunals is used
 - Relevant legal language is used where appropriate
 - Gaps in knowledge of court etiquette are identified and researched

RANGE OF VARIABLES

Key bodies* in the legal system may include:

- County Court
- Federal Court
- Industrial Relations Court
- Family Court
- Supreme Court
- Magistrates Court
- Civil Registry Courts
- State and Commonwealth Administrative Appeals Tribunal
- Registrar of Probates
- Liquor Licensing Commission

*Note: names and functions of key bodies are subject to change

Key personnel in the legal industry may include:

- Barristers
- Coroners
- Crown Prosecutor
- Crown Solicitor
- Director of Public Prosecutions
- Judges
- Judges' associates
- Magistrates
- public defenders
- public solicitors
- solicitors
- solicitor for public prosecutions
- paralegals
- legal secretaries
- partner
- managing partner
- legal practice manager
- law clerk
- Queen's counsel
- Process server
- authorised signing parties

Key functions of a firm may include:

- services in a specific area of law such as:
- commercial law

- corporate law
- criminal law
- family law
- industrial relations/employment law
- 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

- a range of legal services in specific settings such as:
 - private law firms (large, medium and small)
 - legal departments in large businesses
 - Legal Aid Commissions
 - Community Legal Centres
 - Government Solicitor's offices
 - paralegal agencies (debt recovery, conveyancing)

Key functions of personnel/departments may include:

- specialised areas of law
- financial management
- accounts
- marketing
- human resources
- information technology
- library/information services
- mail room
- reception
- catering

Designated person may include:

- lawyer
- partner
- legal practice manager
- business manager
- supervisor
- work colleague
- teacher/trainer

Legislative requirements may

- Relevant State/Territory/Commonwealth legislation

relate to:

(eg. Legal Practice Act, The Judiciary Act)

- the client and a firm (eg. Consumer Credit Code, Privacy Act, secrecy laws, Codes of Practice)
- the area of law
- schedules of fees and duties payable
- trust accounting

A firm's policies and procedures may include:

- procedure manual
- information sources
- information specific to the firm
- telephone protocol
- initiation of files
- security/confidentiality procedures
- contingencies
- privacy
- verifying and authorising information
- recording information
- accessing files
- updating files
- emergency procedures
- checklists
- training guides
- on-line information manuals
- professional conduct code
- core values
- firm charter

Documents/forms may include:

- letters
- internal correspondence
- transcripts from supervisor's notes
- agreements
- opinion letters
- memorandums of law
- briefs
- pleadings
- precedents
- emails
- registered legal instruments

Requirements for documents/forms may include:

- correct margins
- correct line spacing
- dual column system
- presence/absence of a back sheet
- presence/absence of a cover sheet
- placing of headings
- usage of keycaps and font features
- paragraph numbering
- correct use of reference
- specific sign off clauses
- appropriate use of letterhead
- use of document footers
- list of enclosures

The precedent bank may be:

- in-house
- external
- on-line
- stored pre-printed forms

Precedents relevant to the particular area of law may include:

- letter confirming client's instructions and rights
- court documents
- standard letters
- agreements
- leases
- mortgages
- contracts
- transfer of shares
- wills
- a firm's templates

Certificates may be requested:

- via fax
- on-line
- in person
- via telephone
- by letter

Documents may be despatched via:

- fax
- email
- post AUSDOC

- courier
 - hand delivery
 - pick up by client
- Certificates may include:
- birth
 - death
 - marriage
 - citizenship
 - title
 - incorporation
 - registration of business
 - rate and planning certificates
 - business names
 - trademark registration
- Supplier of certificates may include:
- State and Federal government agencies
 - Local government agencies
 - other law firms
 - clients
 - contracted supplier
- Documentation for application may include:
- application for reservation of a name
 - memorandum of association
 - articles of association
- Court and tribunal etiquette may include:
- acknowledging the Judge as he/she enters the court/tribunal at commencement of proceedings
 - remaining standing until the Judge is seated
 - not speaking in the court/tribunal unless required to do so
 - using the appropriate form of address for a Judge or a Magistrate
 - behaving appropriately when entering or leaving the court/tribunal during proceedings
 - acknowledging the Judge as he/she leaves the court/tribunal at the conclusion/adjournment of proceedings

EVIDENCE GUIDE

- Critical aspects:
- it is essential that the practical implications of the relevant state legislation in regard to own behaviour, legal practitioner behaviour and client rights are understood and applied
 - key personnel/sections of a firm and their functions are accurately referred to, in all administrative tasks, written information and in responding to enquiries
 - a firm's policies and procedures are understood and followed
 - work is undertaken within specified court deadlines
 - correct usage of different types of documents/forms is demonstrated
 - the purpose of different types of documents/forms can be articulated
 - selects and uses grammatical structures and vocabulary appropriate to the purpose of the document/form
 - varies written and spoken language to meet requirements of audience and purpose
 - reads and interprets client's file to select appropriate information for inclusion in document/form
 - documents/forms produced are correct
 - format requirements are correct
 - relevant enclosures are prepared and attached in the correct manner
 - documents/forms are correctly prepared for lodgement or delivery
 - where instructing others to carry out work, instructions provided are clear and provide sufficient background information and adequate explanations is given
 - clients or co-workers questions can be answered or are referred to a relevant person where knowledge gap or legal limitation exists
 - timelines set are realistic and take into account processing time
 - client's trust account monies can be accessed according to a firm's policies and procedures and used to pay fees
 - correct processes, as designated by supplier, are followed for the lodgement and receipt of certificates
 - all action is recorded in the file notes
 - time spent is recorded against the appropriate file for invoicing purposes as per firm's policies and procedures
 - purpose of certificates can be explained
 - 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 as specified by the relevant state legislation
 - where gaps in own knowledge become evident, independent research is pursued and legal practitioner is consulted to verify knowledge or assist

	<p>with research</p> <ul style="list-style-type: none">• legal terminology is used appropriately and can be explained clearly to persons without knowledge of such terms
Resource implications:	<p>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:</p> <ul style="list-style-type: none">• appropriate legislation and regulations relevant to common legal matters• workplace manuals and reference materials such as company policy, procedural manuals and checklists• list of relevant sources of certificates and sample application forms• background information on courts, their jurisdiction and behavioural requirements• appropriate technology such as computers with relevant software• appropriate texts and access to person's with expert knowledge such as legal practitioners
Consistency in performance:	<p>This unit of competency will require evidence to be collected across a range of events and over a period of time to ensure that situational variables are consistently met eg. dealing with different clients and/or client matters, creating a range of documents for various legal matters, exhibiting appropriate behaviour in different courts.</p>
Context of assessment:	<p>Evidence of competency can be met in different situations, including:</p> <ul style="list-style-type: none">• 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• Recognition of Prior Learning, Recognition of Current Competencies (in skill areas where there has been no significant change to work practice in recent times). <p>Evidence gathering methods may include:</p> <ul style="list-style-type: none">• demonstration• workplace performance• role-play• simulation• oral presentation• questioning

- written tests
- work based written tests
- third party reports

Underpinning
knowledge and
skills

Knowledge

- evidence of current knowledge of the Legal Practice Act, The Judiciary Act with regard to scope of legal practitioner and own responsibilities and obligations to client, dealing with monies, documentation requirements and confidentiality, security and privacy issues
- legal terminology is used correctly in conversation, discussions and documents
- relevant legal process and documentation
- application of a firm's policies and procedures required in the full range of tasks covered
- authorised 'signing parties'

Skills

- literacy: reads and interprets documents/forms; selects and applies the procedures and strategies needed to perform a range of tasks, eg. legal forms and enclosures; follows sequenced written instructions; uses appropriate legal terminology and sentence structures; displays awareness of purpose and context of documents
- proofreading: checks for accuracy
- research: identifies gaps in knowledge and searches and assembles relevant information
- communication: listens and questions to clarify information; explains legal terminology to others; modifies language to meet audience requirements; consults where necessary with team members and clients
- organisational: undertakes concurrent tasks
- numeracy: arranges monies to be paid from trust accounts; works within timelines; uses a combination of oral and written mathematical and general language for the record keeping process
- use of electronic mail and Internet
- use of firm's word processing and document management systems

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
1	1	1	1	1	1	1

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