



**Australian Government**

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

# **BSALF301A Maintain records for time and disbursements in a legal practice**

**Release: 1**

## Modification History

Not Available

## INTRODUCTION

This Unit covers demonstrating an understanding of maintaining time records and entering disbursements incurred.

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
Record fee-earner time	<ul style="list-style-type: none"> <li>• Time sheets are accessed</li> <li>• Self or other is organised to enter time recording onto the accounting system against the relevant client or client matter file, or other relevant codes eg. training, marketing</li> <li>• Irregularities and/or uncertainties are noted and standard resolution procedures are followed</li> <li>• Entries are made within agreed timelines</li> </ul>
Enter disbursements incurred	<ul style="list-style-type: none"> <li>• Details of disbursements are recorded accurately against the relevant client or client master file according to a firm's policies and procedures</li> <li>• Irregularities and/or uncertainties are noted and standard resolution procedures are followed</li> <li>• File/master number is attached to all relevant documentation and such documentation is filed appropriately</li> </ul>

## RANGE OF VARIABLES

Time sheets may be:

- paper-based
- electronic

Fee-earners may include:

- qualified legal practitioner
- paralegal
- conveyancer
- accountant
- law clerk

Disbursements may include:\*

- filing fees
  - photocopying
  - postage
  - courier fees
  - search fees
  - cost of duty stamps
  - court costs
  - telephone charges
- \*according to relevant state definitions

Methods for maintaining records for time and disbursements may include:

- timesheet
- standard books of account – trust account receipt book, cash book, cheque book, ledger, bank deposit book
- specialised electronic software packages eg. LAW 2000, BillBack, LawLedger

All activities and outcomes may include:

- exchange of information
- public search of record
- financial transaction
- verbal communication with external parties

A firm's policies and procedures may include:

- office procedure manual
- time recording procedures
- definition of disbursement and amount to charge
- detailing disbursements
- accessing accounting system
- availability of information
- information specific to the firm
- security/confidentiality/privacy procedures
- verifying and authorising information
- recording information
- liaising with financial institutions

The area of law may include:\*

- commercial law
- corporate law
- criminal law
- family law
- industrial relations
- 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

Designated person may include:

- supervisor
- lawyer
- partner
- legal practice manager
- business manager
- accountant
- teacher/trainer

Legislative requirements may relate to:

- relevant State/Territory/Commonwealth legislation
- Governing Legal Practice Acts in each State/Territory
- Trust accounting regulations in each State/Territory
- Law Society/Institute procedures in each State/Territory
- Court scales 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
- definition of a disbursement

Relevant State/Territory/Commonwealth legislation may include:

- Income Tax Assessment Act
- Trade Practices Act
- Bankruptcy Act
- Partnership Act

## EVIDENCE GUIDE

### Critical aspects:

- a firm's policies regarding trust accounts are understood and followed
- documentation is presented to designated person for approval, within agreed timelines
- legislative requirements regarding trust account operations are met
- non-disclosable information is not communicated and where any doubt exists as to the information's status it is not disclosed
- 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
- main purpose of trust accounting is understood and can be explained
- procedural differences between trust and general accounting are understood
- legal and financial consequences of mishandling a trust account are understood
- own work and work of others is checked for accuracy and any errors, irregularities or uncertainties are amended
- disbursements can be identified
- entries made are accurate

### 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 maintaining trust accounts
- governing Legal Practice Acts in each State/Territory
- trust accounting regulations in each State/Territory
- Law Society/Institute procedures in each State/Territory
- workplace manuals and reference materials such as company policy, procedural manuals and checklists
- standard books of account – trust account receipt book, cash book, cheque book, ledger, bank

- deposit book.
- appropriate technology such as computers with relevant software, calculators, adding machines and imprinters

Consistency in performance:

This unit of competency will require evidence to be collected across a range of events, eg. dealing with different financial tasks and different clients 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:

- questioning
- workplace performance
- work based written tests
- third party reports

Underpinning knowledge and skills

Knowledge

- authorised 'signing parties'
- legislation and regulation in regard to the handling of trust accounts and handling trust monies
- penalties for non-compliance with legislation
- ability to access the account precedents
- security/confidentiality/privacy
- a firm's policies and procedures regarding costing schedules, the evaluation and recording of billable hours and recording of disbursements
- bank procedures and policies/requirements
- simple accounting principles

- a firm's administrative systems
- definition of disbursement

#### Skills

- literacy: follows a firm's legal procedures; selects and applies the procedures and strategies needed to perform a range of tasks; follows sequenced written instructions
- numeracy: uses knowledge of mathematical concepts; records time and disbursement; maintains deadlines; files documents; uses a combination of oral and written mathematical and general language for the record keeping process
- communication: listens to clear sequenced instructions; clarifies information by questioning as necessary; consults where necessary with team members and clients
- bookkeeping
- keyboarding

## 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	2	1	1	2	1	2

### Performance levels:

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