



Australian Government

Department of Education, Employment and Workplace Relations

BSALPP302A Carry out search of the public record

Release: 1

Modification History

Not Available

INTRODUCTION

This Unit covers completing a search of the public record. This involves planning and conducting the search, and obtaining and delivering the information according to instructions.

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
Plan search	<ul style="list-style-type: none">• Timelines for completing search are arranged and work is planned• Appropriate information sources for completing the search are identified and procedure for obtaining information from sources is identified and clarified if necessary
Conduct search	<ul style="list-style-type: none">• Appropriate search request form is accessed and completed accurately• Monies to pay for search are prepared if necessary• Self or other is organised to lodge search request appropriate person/official at correct search location• Record of lodgement is obtained
Receive outcome of search	<ul style="list-style-type: none">• Process of obtaining information is arranged with the appropriate person/official• Self or other is organised to collect information from external agency in the arranged manner• All records of expense are filed• Information is checked to see that it meets identified needs and appropriate follow-up action is taken with assistance if necessary
Deliver information	<ul style="list-style-type: none">• Information is delivered intact to designated person• Difficulties are identified and resolved within timelines• All activities, actions and outcomes are documented and time is recorded

RANGE OF VARIABLES

Location of information sources may include:

- Local/Regional/State/Federal government departments
- Statutory bodies
- Titles Office
- Australian Securities Commission
- Court/Institutional library

Timelines may be contingent upon:

- court deadlines
- legal practitioner's workload
- case issues
- client needs
- changes in legislation
- significant dates such as new year, end of financial year

Sources may include:

- Australian Securities Commission information
- Business Licence Centre
- Commonwealth and State Freedom of Information Acts
- Consumer Affairs records
- credit files (in accordance with Privacy Act)
- databases
- electoral rolls
- motor vehicle registrations
- public telephone directories
- rates searches
- State and Supreme Courts libraries
- Titles Office/council records

The information source may be:

- on-line
- external agency
- other law firm

Information documented from on-line information sources may include:

- on-line services
- at agency
- land data
- law point

The search request may vary according to:

- the search location
- the information required before the search can be carried out
- whether specific form is required
- whether information can be requested by e-mail or fax or on-line

Record of lodgement may include:

- receipt
- email confirmation
- copy of request
- stamped copy of request
- number

A firm's policies and procedures may include:

- office procedure manual
- information sources
- recording information
- security/confidentiality/ privacy procedures
- contingencies in terms of inadequate monies, unavailable information
- handling monies
- charging of search expenses

Designated person may include:

- external client
- external official
- lawyer
- partner
- legal practice manager
- supervisor
- work colleague

Legislative requirements may relate to:

- Legal Practice Act, The Judiciary Act
- Relevant State/Territory/Commonwealth legislation
- the client and a firm (eg. Consumer Credit Code, Privacy Act, secrecy laws, Codes of Practice)
- schedule of fees and duties payable
- accessing information under the Freedom of Information Act

Difficulties in meeting timelines

- available resources

may relate to:

- client needs
- liaising with others
- technical difficulties
- alterations to instructions
- backlog at supplier's end

EVIDENCE GUIDE

Critical aspects:	<ul style="list-style-type: none">• it is essential that practical implications of the Freedom of Information Act in relation to accessing information on the public record is understood and that anomalies can be identified• importance of adhering to timelines can be explained• where instructing others instructions are clear and sufficient and adequate explanation is given• the purpose of the search can be explained• the appropriate information sources for obtaining the required information are correctly identified• on-line information locations are accurately utilised where appropriate• evidence of using a variety of information sources appropriately• trust account monies are accessed according to a firm's procedure and used to pay search fee where appropriate• record of lodgement is filed and detailed file notes are kept at each step of the search process• evidence of knowledge of standard problems and resolutions is demonstrated• where difficulties can not be resolved through standard procedures, the legal practitioner or supervisor is consulted• matter identification is attached to appropriate documentation and such documentation is filed correctly• 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:	<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 assisting clients, conducting searches and using trust account money• workplace manuals and reference materials such as company policy, procedural manuals and checklists• sample search forms from a variety of agencies• appropriate technology such as computers with relevant software and connections
Consistency in performance:	<p>This unit of competency will require evidence to be collected for a range of information requirements and from a range of information sources and over a period of time to ensure that situational variables are consistently achieved.</p>

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
- 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
- simulation
- projects/assignments
- written tests
- portfolio of completed searches
- third party reports

Underpinning knowledge and skills**Knowledge**

- objectives of search
- relevant search sources
- location and appropriate search procedures of search sources
- legal terminology
- roles and responsibilities of internal and relevant external individuals/authorities

Skills

- literacy: follows legal procedures; follows written and oral sequenced instructions involving legal terminology; conducts a search such as matching, key word searches, locates specific information, familiarity with organisation information systems; lodges requests such as providing clear and specific instructions about information required;
- communication: listens to clear sequenced instructions of several steps to complete task; accurate pronunciation of legal terminology; uses strategies to confirm, repair or clarify understanding of terms and context
- numeracy: uses mathematical knowledge in relation to search fees
- research: sources information using libraries, internet, government

information services

- organisational: manages own and other's tasks within specified timelines
- record keeping

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