



Australian Government

Department of Education, Employment and Workplace Relations

BSBLEG510A Apply legal principles in family law matters

Revision Number: 1

BSBLEG510A Apply legal principles in family law matters

Modification History

Not applicable.

Unit Descriptor

Unit descriptor	<p>This unit describes the performance outcomes, skills and knowledge required to apply legal principles in family law matters. It is relevant to marriage dissolution; property settlement; maintenance, contact and residence; counselling and mediation; and the appeals process.</p> <p>A range of legislation, rules, regulations and codes of practice may apply to this unit at the time of endorsement, depending on job roles and jurisdictions.</p>
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Application of the Unit

Application of the unit	<p>This unit applies to individuals who apply knowledge of a range of principles in family law matters. Its application in the workplace will be determined by the job role of the individual and the legislation, rules, regulations and codes of practice relevant to different jurisdictions.</p>
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Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Prerequisite units		

Employability Skills Information

Employability skills	This unit contains employability skills.
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Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.	Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the required skills and knowledge section and the range statement. Assessment of performance is to be consistent with the evidence guide.
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Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Identify laws related to family law	1.1. Source <i>legislation, regulations and policies</i> relevant to family law 1.2. Interpret key legal principles as they apply to family law matters
2. Apply principles of family laws in relation to marriage dissolution, property settlement and dealing with minors	2.1. Identify and apply <i>steps involved in marriage dissolution</i> 2.2. Establish facts about proposed dissolution and <i>client</i> interests 2.3. Determine if agreement has been reached before filing on all issues regarding property, support and parenting
3. Identify and prepare appropriate costing documentation	3.1. Identify <i>legislative and regulatory requirements</i> for costing legal services 3.2. Determine types of costs that apply 3.3. Prepare relevant costing documentation according to <i>organisation's policies and procedures</i>
4. Prepare and despatch documentation	4.1. Organise self and others with respect to file documentation and administration in accordance with <i>organisation's policies and procedures</i> 4.2. Obtain and forward <i>relevant background documentation</i> to <i>designated person</i> for review 4.3. Prepare and present <i>relevant documents</i> to designated individual for review and sign-off

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

This section describes the skills and knowledge required for this unit.

Required skills

- communication skills to:
 - give and interpret instructions
 - obtain personal information from clients
 - explain legal procedures to clients
- literacy skills to:
 - follow complex legal procedures related to family law
 - complete relevant family law documentation
 - edit and proofread documentation for accuracy and consistency of information
- research skills to:
 - locate necessary information from external sources
 - identify and evaluate status of information
- interpersonal skills to participate in meetings between opposing parties in a legal matter
- organisational skills to:
 - make arrangements for meetings
 - receive and despatch documents
- numeracy skills to calculate maintenance obligations
- technology skills to operate office equipment and common software packages

Required knowledge

- scope of job role in the workplace
- relevant court processes, current legislation, legal processes and required documentation as they relate to family law
- organisation's required policies and procedures for the full range of tasks covered
- legal terminology, including that specific to family law
- family law as applicable to the scope of workplace responsibilities
- accepted codes of practice relevant to the workplace, including those relating to:
 - privacy and confidentiality
 - use of company property
 - duty of care
 - ethical behaviour
 - non-discriminatory practice
 - conflict of interest
 - compliance with reasonable direction

Evidence Guide

EVIDENCE GUIDE	
<p>The Evidence Guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.</p>	
Overview of assessment	
Critical aspects for assessment and evidence required to demonstrate competency in this unit	<p>Evidence of the ability to:</p> <ul style="list-style-type: none"> • apply knowledge of the legal and philosophical basis of family law in providing appropriate information and documentation to clients at appropriate stages of the legal process • apply relevant non-litigious solutions where appropriate • adhere to accepted codes of conduct, including those relating to maintaining confidentiality, use of company property, duty of care, ethical behaviour, privacy, non-discriminatory practice, conflict of interest, and compliance with reasonable direction.
Context of and specific resources for assessment	<p>Assessment must ensure access to:</p> <ul style="list-style-type: none"> • an actual workplace or simulated environment • appropriate legislation and regulations relevant to family law • workplace manuals and reference materials, such as company policies, procedural manuals, checklists, sources of documentation and sample forms • background information on courts, their jurisdiction and behavioural requirements • appropriate technology, such as computers with relevant software • appropriate texts and people with expert knowledge, such as legal practitioners • appropriate legislation and regulations relevant to common legal matters.
Method of assessment	<p>A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this units:</p> <ul style="list-style-type: none"> • analysis of responses to case studies and scenarios • direct questioning combined with review of portfolios of evidence and third-party workplace reports of on-the-job performance by the candidate • observation of role plays • review of marriage dissolution and other relevant documents prepared • evaluation of level of maintenance calculated

EVIDENCE GUIDE	
	<ul style="list-style-type: none">• oral or written questioning to assess knowledge of legal terminology specific to family law.
Guidance information for assessment	Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended.

Range Statement

RANGE STATEMENT	
<p>The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Bold italicised wording, if used in the performance criteria, is detailed below. Essential operating conditions that may be present with training and assessment (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) may also be included.</p>	
<p><i>Legislation, regulations and policies</i> may include:</p>	<ul style="list-style-type: none"> • commonwealth, state and territory legislation and regulations relating to: <ul style="list-style-type: none"> • family law, including marriage dissolution, property settlement, family violence and custody of children • taxation.
<p><i>Steps involved in marriage dissolution</i> may include:</p>	<ul style="list-style-type: none"> • period of twelve month separation • court ordered mediation • addressing issues arising from family violence • acknowledging service • applying to Family Court for dissolution of marriage • assessing spouse's respective assets and personal input into marriage • court counselling and mediation • court hearings • granting of decree nisi • determining maintenance arrangements • one month after granting of decree nisi, granting of decree absolute • determining residence and contact • serving dissolution documents • serving subpoena to give evidence at court • settling on property • three month cohabitation where possible • where children are involved, settling on custody arrangements • possible appeal rights.
<p><i>Client</i> may include:</p>	<ul style="list-style-type: none"> • applicant for marriage dissolution (person seeking a divorce) • grandparent or guardian • husband • wife.
<p><i>Legislative and regulatory requirements</i></p>	<ul style="list-style-type: none"> • client and organisation, such as consumer protection policies

RANGE STATEMENT	
may relate to:	<ul style="list-style-type: none"> • establishing a trust account • government legal practice Acts in state or territory • legislation and regulations governing family law and associated matters.
Organisation's policies and procedures relating to costing documentation may relate to:	<ul style="list-style-type: none"> • credit policy • protocol for costing, including: <ul style="list-style-type: none"> • billable hours • fixed quote • legal aid requirements • no fee no win • <i>pro bono</i> • scale of costs • special rates • tender rates • recording information • security, confidentiality and privacy procedures • using external cost consultants • verifying and authorising information.
Organisation's policies and procedures relating to file documentation and administration may include:	<ul style="list-style-type: none"> • accessing files • code of conduct • conflict of interest check • contingency management • fee structure • individual procedures adopted by instructing legal practitioner • information sources • initiation of files • interviewing • office procedural manual • protocol for accommodating specific client needs, e.g. case manager or social worker • protocol for contacting clients, e.g. translator or interpreter • recording information • telephone protocol • time-recording procedures.
Relevant background documentation may include:	<ul style="list-style-type: none"> • affidavits concerning personal input into marriage • application for final orders • bank statements • certificates

RANGE STATEMENT	
	<ul style="list-style-type: none"> • documentation concerning school fees and expenses • expert reports • land title documents • letters • mortgage documents • other financial statements • salary documents • statement of shares • taxation documents.
<i>Designated person</i> may include:	<ul style="list-style-type: none"> • barrister • legal practice manager • legal practitioner • supervisor.
<i>Relevant documents</i> may include:	<ul style="list-style-type: none"> • acknowledgement of service • affidavits on various matters • application for dissolution of marriage • counselling certificate • letter confirming the granting of a decree nisi • letters to clients • marriage certificate.

Unit Sector(s)

Unit sector	
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Competency field

Competency field	Administration - legal administration
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Co-requisite units

Co-requisite units		

Co-requisite units		