



Australian Government

Department of Education, Employment and Workplace Relations

BSBLEG515A Apply legal principles in wills and probate matters

Revision Number: 1

BSBLEG515A Apply legal principles in wills and probate 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 wills and probate matters, including preparing wills, powers of attorney and deceased estate documentation.</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 legal principles in wills and probate matters when preparing documentation. 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 and principles of wills and probate law	1.1. Source legislation, regulations and policies relevant to wills, probate and administration 1.2. Interpret key principles as they apply to wills, probate and administration matters
2. Enhance professional practice through application of relevant principles of wills and probate law	2.1. Establish relevant information in the context of the particular matter 2.2. Ensuring client's needs are met, obtain testamentary, solicitor, deceased estate instructions and other details
3. Prepare and execute documentation	3.1. Draft documentation according to instructions of designated individual 3.2. Forward documentation to designated individual for review and sign off in accordance with organisation's policies and procedures
4. Process documentation	4.1. Ensure documents are despatched to appropriate agencies according to instructions 4.2. Determine types of costs in accordance with legislative and regulatory requirements for costing legal services 4.3. Facilitate liaison and communication with the parties 4.4. Maintain files, noting critical dates and reminders

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
 - clarify discussions
 - provide required information
- literacy skills to:
 - follow complex legal procedures
 - complete documentation
- research skills to:
 - locate necessary information from external sources
 - identify and evaluate status of information
- organisational skills to make arrangements and appointments
- technology skills to:
 - operate office equipment
 - use a range of software packages and precedent bank

Required knowledge

- scope of job role in the context of legislation, regulations and codes of practice in relevant jurisdictions
- relevant court or tribunal processes, current legislation, legal processes and required documentation
- organisation's required policies and procedures for the full range of tasks covered
- legal terminology, including that specific to wills and probate law
- accepted codes of practice relevant to the workplace including those relation to:
 - privacy and confidentiality
 - use of company property
 - duty of care
 - ethical behaviour
 - non-discriminatory practice
 - conflict of interest
 - compliance with reasonable direction
- legislative requirements, which may relate to:
 - professional practice limitations
 - relevant commonwealth, state or territory legislation
 - schedule of fees and duties payable

REQUIRED SKILLS AND KNOWLEDGE

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| <ul style="list-style-type: none">• trust accounts |
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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"> • treat clients in a sensitive, discreet and professional manner • conduct all work within accepted codes of conduct that apply to the legal profession • apply the law and its consideration as it relates to wills and probate • prepare appropriate documentation, including wills and probate matters.
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 wills and probate matters • workplace manuals and reference materials, such as company policies, procedural manuals, checklists and sample forms • background information on relevant courts and tribunals, 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 legal matters concerning wills and probate.
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 unit:</p> <ul style="list-style-type: none"> • review of forms, documents and annexures related to wills and probate prepared for designated individuals for sign-off • oral and written questioning to assess knowledge of legal terminology and practice.
Guidance information for assessment	<p>Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended.</p>

Range Statement

RANGE STATEMENT

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><i>Legislation, regulations and policies</i> relevant to will and probates may include:</p>	<ul style="list-style-type: none"> • commonwealth, state or territory legislation • government regulations and policies.
<p><i>Relevant information</i> may include:</p>	<ul style="list-style-type: none"> • fees to be charged • information on available options • legislative requirements • organisational policies and procedures • roles and responsibilities of parties involved, e.g. solicitor, client, and personal trust officer • taxation issues.
<p><i>Client's needs</i> may include:</p>	<ul style="list-style-type: none"> • appointment of executor • custody and guardianship of minor children • details concerning assets and liabilities • details of beneficiaries • information held by notaries • legal and medical opinion • testamentary capacity.
<p><i>Documentation</i> may include:</p>	<ul style="list-style-type: none"> • letters of administration documentation • powers of attorney • probate documentation • wills.
<p><i>Designated individual</i> may include:</p>	<ul style="list-style-type: none"> • government representative or other individual charged with legal responsibilities related to wills and probate • legal manager • practice manager • qualified legal practitioner • registrar of the Supreme Court (probate division) • supervisor.
<p><i>Organisation's policies and procedures</i> may include:</p>	<ul style="list-style-type: none"> • individual procedures adopted by instructing legal practitioner • protocol for accommodating client's needs, e.g. social

RANGE STATEMENT	
	worker or interpreter <ul style="list-style-type: none"> • recording information • security, confidentiality and privacy procedures • use of precedent bank • verifying and authorising information.
<i>Appropriate agencies</i> may include:	<ul style="list-style-type: none"> • client • government organisations • other legal representatives • Supreme Court (probate division) • trust corporations.

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		