



Australian Government

Department of Education, Employment and Workplace Relations

BSALC401A Interact with other parties

Release: 1

Modification History

Not Available

INTRODUCTION

This Unit covers organising information to facilitate action, contacting relevant parties on behalf of the instructing legal practitioner and coordinating information exchange between parties

Note: It may be illegal for a person without a current legal practice certificate to provide legal advice, to sign off on legal work and to receive trust monies. It is also illegal for persons to misrepresent their qualifications (ie. claiming to be a lawyer/conveyancer or acting as a lawyer/conveyancer when they are not qualified to do so). Accordingly, persons without a current practice certificate must make their status clear to the other party and must act under the instructions of a qualified legal practitioner. The legal practitioner must be kept up to date with the file's progress. Further, problems of a legal nature must not be resolved without consulting the instructing legal practitioner and resolutions which emerge from such discussions must be complied with.

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

Element of Competency

Performance Criteria

Prepare for liaison	• Work activities are planned and prioritised • Required background information is obtained and relevant documents are prepared and checked by instructing legal practitioner • Review of background information and relevant documents is arranged with designated person • Plan of action is developed with instructing legal practitioner • Required background reading/research is undertaken to ensure readiness for liaison • Third party liaison takes place, where appropriate
Organise self or other to arrange appointment	• Appointment between parties is arranged, where appropriate • Critical venues and dates are documented according to a firm's policies and procedures • Appointments are verified in advance and verification is documented
Undertake liaison	• Liaison is undertaken in line with a firm's confidentiality and security policies and procedures • Requests from other parties for information are fulfilled as planned with instructing legal practitioner • Information is exchanged where appropriate as planned with instructing legal practitioner • Non-disclosable information is not communicated and where

any doubt exists as to the information's status, it is not communicated

- Unexpected problems of a legal nature are referred to the instructing legal practitioner

RANGE STATEMENT

Other/third parties may include:

- clients
- clients' representatives
- regulatory bodies
- lawyers for opposing party
- medico/legal consultants
- barristers
- interpreters

Appropriate method of contact and procedures associated with liaison may include:

- telephone
- email
- letter
- internet
- fax
- meeting

Required background information may include:

- current file
- reports from experts
- relevant legislation
- previous dealings with client or relevant third party

Non-disclosable information may relate to:

- names of clients, witnesses or staff
- addresses of clients, witnesses or staff
- personal details of clients, witnesses or staff
- dates
- telephone numbers
- a firm's other clients
- client's medical condition
- client's personal history
- whereabouts of client/witnesses
- financial information
- details about firm itself
- passwords or security procedures
- nature of client's legal matter
- fact that the client has consulted the firm

Information exchange may relate to:

- expert reports
- clarification of deadlines
- certificates
- affidavits
- assessment of financial circumstance
- progress of matter

A firm's policies and procedures may include:

- options for progress with matter
- briefs
- information sources
- time recording procedures
- security/confidentiality/privacy procedures
- management of legal contingencies
- documenting activities planned and undertaken
- protocol for accommodating special client needs, eg. case manager, social worker, parole officer
- protocol for contacting clients, eg. translator, interpreter
- appropriate meeting venue
- room booking procedure

The area of law may include: *

- 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.

Legislative requirements may relate to:

- relevant State/Territory/Commonwealth legislation
- the client and a firm (eg. Consumer Credit Code, Privacy Act, secrecy laws, Codes of Practice)
- the area of law
- schedule of fees and duties payable
- Freedom of Information legislation

EVIDENCE GUIDE

- Critical aspects:
- no uninstructed legal activities are undertaken
 - all actions are verified by instructing legal practitioner
 - legal status of self is clearly communicated to other party
 - plan of action is developed with instructing legal practitioner prior to meeting
 - evidence that plan of action is adhered to
 - understanding of the importance of, and demonstration of confidentiality and discretion in legal matters is demonstrated
 - purpose of liaison is understood
 - all information is entered into relevant files and or databases
 - work is carried out within agreed timelines
 - a firm's policies and procedures are understood and followed
 - unclear instructions or missing information is checked with instructing legal practitioner
 - non-legal aspects of problems are identified/resolved discretely and efficiently and instructing legal practitioner is informed of outcome where appropriate
 - legal problems are referred to instructing legal practitioner promptly and comprehensively
 - where instructing others, instructions are clear with adequate explanation to allow the task/s to be completed
 - assistance and/or advice is provided to others
 - where instructing others, supervision is provided throughout to ensure that:
 - work is completed within timelines
 - problems are resolved discretely and efficiently
 - confidentiality and security of information is maintained throughout
 - accurate and comprehensive file notes are made
 - file/matter number is recorded on new and/or relevant documents and such documents are filed appropriately
 - documentation of activities, actions, outcomes and information are presented to instructing legal practitioner within agreed timelines
 - any necessary follow-up action is carried out
 - files notes are updated according to a firm's policies and procedures and time is recorded
 - all activities, actions and outcomes are documented and time is recorded
 - 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:	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 assisting clients • workplace manuals and reference materials such as legal dictionary, company policy, procedural manuals and checklists
Consistency in performance:	This unit of competency will require evidence to be collected across a range of events, eg. dealing with different client matters and liaison requirements, and 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 • 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 • role-play • simulation • oral presentation • skills portfolio • third party reports
Underpinning knowledge and skills	Knowledge • disclosable/non-disclosable information • relevant legal process • security • confidentiality • legal terminology in relation to the applicable area of law • application of a firm's policies and procedures required in the full range of tasks covered

- range of responsibility

Skills

- literacy: follows a firm's policies and procedures; understands purpose of liaison; researches and prepares information as required; identifies gaps in information
- negotiation; engages in complex oral negotiations, such as reconciling points of view or bargaining; participates in small group discussion to negotiate tasks; coordinates own work schedule with others
- communication: listens to and elicits appropriate information; ability to interpret and convey a firm's policies to a third party; clarifies defined purposes and objectives to be achieved by working with others; provides clear oral sequenced instructions to others
- numeracy: accurate record/file keeping; adheres to designated timelines
- problem solving: draws on experience and relevant examples to resolve unexpected problems and rectify gaps in information

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
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Performance levels:

Level 1	Level 2	Level 3
- carries out established processes - makes judgements of quality using given criteria	- manages processes - selects the criteria for the evaluation process	- establishes principles and processes - evaluates and reshapes processes - establishes criteria for evaluation of processes