



Australian Government

BSBCNV502 Read and interpret a legal document and provide advice

Release: 1

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Modification History

Release	Comments
Release 1	This version first released with BSB Business Services Training Package Version 1.0.

Application

This unit describes the skills and knowledge required to read and interpret a legal document and provide advice to a conveyancing client within a range of contexts and environments. It encompasses defining the nature and function of the document in the transaction and advising the client about their rights, obligations and alternative courses of action, if required.

It applies to individuals who apply specialised knowledge and pay close attention to detail when interpreting and analysing complex legal documentation and providing advice to others.

Work functions in the occupational areas where this unit may be used are subject to regulatory requirements. Refer to the BSB Implementation Guide Companion Volume or the relevant regulator for specific guidance on requirements.

Unit Sector

Conveyancing

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
<i>Elements describe the essential outcomes.</i>	<i>Performance criteria describe the performance needed to demonstrate achievement of the element.</i>
1 Define nature of document	1.1 Define the nature of the legal document 1.2 Identify the function and significance of the document in the conveyancing transaction
2 Identify relevant legal principles	2.1 Identify statutory and general law principles governing the document and its function in the conveyancing transaction 2.2 Identify rules governing construction and interpretation of contracts and other legal documents 2.3 Identify rules for use of precedents, standard form contracts,

ELEMENT	PERFORMANCE CRITERIA
	and statutory forms 2.4 Conduct appropriate legal research, as required
3 Identify interests of client	3.1 Identify legal interests of the client in relation to the subject matter of the document 3.2 Identify terms essential to protect the client's interests 3.3 Identify non-legal interests and other needs of the client in relation to the subject matter of the document
4 Check document for accuracy	4.1 Check parties, property, information and factual details for accuracy and relevance 4.2 Check annexures to the document for accuracy and relevance 4.3 Check the document or an annexure for compliance if it is required to comply with a procedural or formal requirement 4.4 Check the document or annexure for compliance with statutory and practice requirements if it comprises a statutory or prescribed form 4.5 Identify information to be obtained from or provided to third parties or other professionals in relation to the document
5 Examine document	5.1 Closely examine the document and interpret and analyse relevant legal principles and key terms 5.2 Identify and assess rights, responsibilities and liabilities of all parties, expressed or implied in the document 5.3 Identify any lack of conformity with client's initial instructions and any gaps, lack of certainty or ambiguity in the language 5.4 Identify any non-compliance with legal principles within the document
6 Evaluate issues	6.1 Assess legal and non-legal issues and risks to the client arising from the document 6.2 Interpret extent to which the document does or does not protect the interests of the client 6.3 Interpret key terms or points for negotiation with third parties or other professionals
7 Advise client	7.1 Summarise and clearly communicate rights, responsibilities and liabilities of all parties to the client, including specific rights of the client 7.2 Summarise and clearly communicate legal and non-legal issues and risks arising from the document to the client

ELEMENT	PERFORMANCE CRITERIA
8 Clarify instructions	8.1 Determine and discuss alternative courses of action with the client where it is considered the document does not adequately protect the interests of the client, or meet the client's other needs 8.2 Summarise and clearly communicate legal and non-legal consequences for each alternative to the client 8.3 Assist client in selecting a course of action
9 Attending to signing the document	9.1 Identify statutory and other rules governing signing and witnessing of documents, including deeds 9.2 Apply relevant rules governing signing and witnessing of documents in the execution of the document by the client
10 Document advice	10.1 Prepare a file note recording the substance and details of the advice given to the client and the instructions received 10.2 Despatch correspondence to client confirming the advice given in relation to the document and instructions received 10.3 If the document is not signed in the conveyancer's office, include, in correspondence dispatched to client, clear and concise instructions on signing and witnessing the document

Foundation Skills

This section describes language, literacy, numeracy and employment skills incorporated in the performance criteria that are required for competent performance.

Skill	Performance Criteria	Description
Reading	1.1, 1.2, 2.1-2.4, 3.1-3.3, 4.1-4.5, 5.1-5.4	Accesses and interprets complex legal documentation from a variety of sources using detailed criteria to closely examine, analyse and check for accuracy, completeness and relevance
Writing	7.1, 7.2, 8.1-8.3, 10.1-10.3	- Records and synthesises information accurately using correct writing mechanics and organisational formats - Prepares files and correspondence using logical structure and language and concepts appropriate for purpose and audience
Oral Communication	7.1, 7.2, 8.1-8.3	- Uses questioning and active listening to determine and confirm requirements and understanding - Presents complex information using vocabulary, tone

		and pace appropriate for the audience and purpose
Numeracy	4.1-4.5	Effectively analyses, records and consolidates financial information and numerical data
Navigate the world of work	2.1-2.4, 4.3, 4.4, 9.1, 9.2	- Interprets and follows relevant legislative requirements explicit and implicit protocols, policies and procedures and meets expectations associated with own role - Ensures knowledge of legislation and regulations relevant to role is accurate, comprehensive and current
Interact with others	7.1, 7.2, 8.1-8.3	- Selects and uses appropriate conventions and protocols to gain and provide information of a legal nature - Uses collaborative techniques, language and concepts appropriate to audience when negotiating with and interviewing
Get the work done	3.1-3.3, 4.1-4.5, 5.2, 6.1-6.3, 8.1-8.3, 9.1, 9.2	- Plans, organises, and implements processes to complete required tasks efficiently and according to statutory and organisational requirements - Systematically gathers and analyses all relevant information and evaluates options to solve problems or make decisions that could have legal consequences - Uses analytical thinking to anticipate potential problems and form contingency plans - Uses the main features and functions of digital tools to complete work tasks and to access information

Unit Mapping Information

Code and title current version	Code and title previous version	Comments	Equivalence status
BSBCNV502 Read and interpret a legal document and provide advice	FNSCNV502A Read and interpret a legal document and provide advice	Updated to meet Standards for Training Packages. Minor edits with some PCs combined in elements 5, 6 and 7. Moved from Financial Services Training Package to Business Services Training	Equivalent unit

Code and title current version	Code and title previous version	Comments	Equivalence status
		Package.	

Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=11ef6853-ceed-4ba7-9d87-4da407e23c10>

Assessment Requirements for BSBCNV502 Read and interpret a legal document and provide advice

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Performance Evidence

Evidence of the ability to:

- review and interpret legal documents correctly and explain meanings and implications to clients
- compare legal requirements with client instructions
- prepare relevant, accurate and timely written and/or verbal advice to clients
- oversee a legal document signing
- maintain accurate and thorough records.

Note: If a specific volume or frequency is not stated, then evidence must be provided at least once.

Knowledge Evidence

To complete the unit requirements safely and effectively, the individual must:

- identify and explain key business principles and law applicable to reading and interpreting legal documents and transactions, including legislative and general law (common law and equity) principles
- identify and explain types of:
 - transactions for personal, business or real estate conveyancing
 - contracts and other documents used in conveyancing
- identify and explain key current legislative, regulatory and industry practices, procedures and services
- identify and describe key insurance requirements relevant to a conveyancing transaction
- explain, using simple vocabulary, a range of:
 - words, phrases and terms of conditions
 - professional and industry terminology
 - particular words or terms that could cause problems (e.g. shall/may/must/will)
- identify and describe key policies, procedures and business requirements of the practice

- identify and apply relevant consumer protection compliance
- identify, describe and apply rules and procedures:
 - precedents and statutory forms
 - construction and interpretation of documents.

Assessment Conditions

Assessment must be conducted in a safe environment where evidence gathered demonstrates consistent performance of typical activities experienced in the conveyancing field of work and include access to:

- common office equipment, technology, software and consumables
- suitable assessment records showing the preparation of a variety of legal documents to support a conveyancing transaction.

Assessors must satisfy NVR/AQTF assessor requirements.

Links

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