



Australian Government

BSBCNV611 Interpret a legal document and provide advice in a conveyancing transaction

Release: 1

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Modification History

Release	Comments
Release 1	This version first released with BSB Business Services Training Package Version 7.0.

Application

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

The unit applies to individuals who apply specialised knowledge and exercise attention to detail when interpreting, analysing and providing advice to others on complex legal documentation for a conveyancing transaction.

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

Unit Sector

Technical Skills – 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. Assess relevant legal principles	1.1 Identify and document statutory and common law principles governing legal document and its function in conveyancing transaction 1.2 Identify and document rules governing construction and interpretation of contracts and other legal documents 1.3 Identify and document rules for use of precedents, standard form contracts, and statutory forms 1.4 Conduct legal research, as required

ELEMENT	PERFORMANCE CRITERIA
2. Identify interests of client	2.1 Identify legal interests of the client in relation to subject matter of legal document 2.2 Identify terms essential to protect client's interests 2.3 Identify non-legal interests and other needs of the client in relation to the subject matter of the document
3. Evaluate document	3.1 Check parties, property, Certificate of Title/s, information and factual details are accurate and relevant 3.2 Check annexures to the document are accurate and relevant 3.3 Check legal document or an annexure for compliance if it is required to comply with a procedural or formal requirement 3.4 Check legal document or annexure for compliance with statutory and practice requirements if it comprises a statutory or prescribed form 3.5 Identify information to be obtained from or provided to third parties or other professionals in relation to legal document
4. Examine document	4.1 Examine legal document and interpret and analyse relevant legal principles and key terms 4.2 Identify and assess rights, responsibilities and liabilities of all parties, expressed or implied in legal document 4.3 Identify conformity with client's initial instructions and any gaps, lack of certainty or ambiguity in the language 4.4 Identify any non-compliance with legal requirements within legal document
5. Evaluate issues	5.1 Assess legal and non-legal issues and risks to the client arising from legal document 5.2 Interpret extent to which legal document does or does not protect interests of client 5.3 Interpret key terms or points for negotiation or referral with third parties or other professionals
6. Advise client	6.1 Summarise and communicate rights, responsibilities and liabilities of all parties to client, including specific rights of client 6.2 Summarise and communicate legal and non-legal issues and risks arising from legal document to client
7. Clarify instructions	7.1 Determine and discuss alternative courses of action with client where it is considered legal document does not adequately protect interests of client, or meet client's other requirements 7.2 Summarise and clearly communicate legal and non-legal consequences for each alternative to the client 7.3 Assist client in selecting a course of action

ELEMENT	PERFORMANCE CRITERIA
	7.4 Refer client to other professionals for advice on appropriate course of action, where required
8. Attend to signing legal document	8.1 Identify statutory and other rules governing signing and witnessing of legal documents 8.2 Apply relevant rules governing signing and witnessing of documents in the execution of legal document by client
9. Document advice	9.1 Prepare file note recording the substance and details of the advice given to client and instructions received 9.2 Despatch correspondence to client confirming advice given in relation to legal document and instructions received 9.3 Provide concise instructions on signing and witnessing legal document, where required

Foundation Skills

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

Skill	Description
Reading	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	- 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	- 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
Planning and organising	Plans, organises, and implements processes to complete required tasks efficiently and according to statutory and organisational requirements
Problem solving	Uses analytical thinking to anticipate potential problems and form contingency plans
Technology	Uses the main features and functions of digital tools to complete work tasks and to access information

Unit Mapping Information

Supersedes and is equivalent to BSBCNV502 Read and interpret a legal document and provide advice.

Links

Companion Volume Implementation Guide is found on VETNet -

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

Assessment Requirements for BSBCNV611 Interpret a legal document and provide advice in a conveyancing transaction

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Performance Evidence

The candidate must demonstrate the ability to complete the tasks outlined in the elements, performance criteria and foundation skills of this unit, including evidence of the ability to:

- review and interpret legal documents correctly and explain meanings and implications to clients on at least three occasions.

In the course of the above, the candidate must:

- compare legal requirements with client instructions
- prepare written or verbal advice for clients
- maintain accurate and thorough records.

Knowledge Evidence

The candidate must be able to demonstrate knowledge to complete the tasks outlined in the elements, performance criteria and foundation skills of this unit, including knowledge of:

- principles of law applicable to reading and interpreting legal documents and transactions
- nature of relevant legal documents
- key features of:
 - transactions for personal, business or real estate conveyancing
 - contracts for the sale or lease of land and other documents used in conveyancing
- current legislative, regulatory and industry practices, procedures and services
- insurance requirements relevant to a conveyancing transaction, including title insurance
- policies, procedures and business requirements of the practice
- relevant consumer protection compliance requirements
- rules and procedures related to:
 - precedents, templates and statutory forms
 - construction and interpretation of documents.

Assessment Conditions

Skills in this unit must be demonstrated in a workplace or simulated environment where the conditions are typical of those in a working environment in this industry.

This includes access to:

- assessment records showing the preparation of a variety of legal documents to support a conveyancing transaction.

Assessors of this unit must satisfy the requirements for assessors in applicable vocational education and training legislation, frameworks and/or standards.

Links

Companion Volume Implementation Guide is found on VETNet -

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