



Australian Government

BSBLEG421 Apply understanding of the Australian legal system

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 apply understanding of the Australian legal system. This includes understanding and applying knowledge of the Federal system, sources of law, and the trial system for resolving disputes.

The unit applies to individuals who are in legal assistant job roles, as well as those who are required to apply basic legal knowledge in a work environment.

No licensing, legislative or certification requirements apply to this unit at the time of publication.

Unit Sector

Technical Skills – Legal Services

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. Research sources of law	1.1 Identify sources of Australian law 1.2 Identify hierarchy of sources of law 1.3 Access sources of legislation according to organisational policies and procedures 1.4 Apply principles for reading and interpreting legislation
2. Identify and revise inconsistencies between laws	2.1 Resolve conflicts between pieces of statute law according to hierarchy of sources of law 2.2 Resolve conflicts between pieces of common law according to hierarchy of courts 2.3 Resolve conflicts between statute and common law according to hierarchy of sources of law

ELEMENT	PERFORMANCE CRITERIA
3. Research the trial system	3.1 Examine elements of the adversary trial system 3.2 Identify and examine differences in law and procedures between civil and criminal proceedings

Foundation Skills

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

Skill	Description
Writing	Records results of investigations using clear and comprehensible language and grammar to convey detailed information and capture different perspectives
Initiative and enterprise	Applies knowledge of legislation, regulations, jurisdictions and procedures relevant to role accurately and comprehensively
Planning and organising	Uses systematic, analytical processes in non-routine situations, gathering relevant information and identifying and evaluating options

Unit Mapping Information

Supersedes and is equivalent to BSBLEG413 Identify and apply the legal framework.

Supersedes but is not equivalent to BSBINT407 Prepare business advice on export Free-on-Board Value.

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 BSBLEG421 Apply understanding of the Australian legal system

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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:

- prepare one report or one presentation that covers the following:
 - Australian law
 - statute law
 - common law
 - elements of the adversary trial system
 - civil and criminal proceedings.

In the course of the above, the candidate must:

- explain differences between Australian law-making institutions, including courts and legislative bodies
- explain relationship between legislative powers of Federal Government and state/territory governments, including limitations on legislative authority
- identify appropriate bodies to hear civil versus criminal proceedings
- explain how adversarial system of trial operates
- explain application and outcomes of principles of precedent.

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:

- institutions and main features of the Australian legal system
- federal system
- sources of law
- trial systems for resolving disputes
- rules for resolving conflicts of laws
- legal terminology in relation to areas of practice of law and relevant legal processes

- methods used to identify and interpret appropriate information about sources of Australian law
- scope of own responsibilities in context of legal framework.

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:

- office equipment and resources for fulfilling performance criteria
- relevant legislation and regulations.

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

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