



**Australian Government**

# **BSBLEG523 Apply legal principles in tort law matters**

**Release: 1**

## BSBLEG523 Apply legal principles in tort law matters

### 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 assess, analyse, and evaluate tort law matters, and apply the principles of the law of torts.

The unit applies to individuals who provide support in a range of legal service settings with a degree of responsibility to plan and complete investigations.

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. Prepare to apply principles of tort law       | 1.1 Identify task requirements<br>1.2 Identify key tort law elements for analysis according to task requirements<br>1.3 Identify key provisions of legislation and common law, policies or procedures according to task requirements  |
| 2. Apply principles of tort law                  | 2.1 Analyse legal matter for possible torts<br>2.2 Evaluate identified torts according to task requirements<br>2.3 Extract and document information relevant to task                                                                  |
| 3. Finalise application of tort law              | 3.1 Identify and document damages applicable for identified torts<br>3.2 Submit findings to designated person according to organisational policies and procedures<br>3.3 Analyse and amend findings with supervisor according to task |

| ELEMENT | PERFORMANCE CRITERIA |
|---------|----------------------|
|         | requirements         |

## 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                   | <ul style="list-style-type: none"><li>Identifies, reviews and interprets complex legal text from a range of sources and determines how content may be applied in application of torts law</li></ul>                                                                                                                                                                                           |
| Writing                   | <ul style="list-style-type: none"><li>Documents research findings, analyses and evaluations using format, language and structure suitable to audience and environment</li></ul>                                                                                                                                                                                                               |
| Oral Communication        | <ul style="list-style-type: none"><li>Uses questioning and listening techniques to elicit information</li><li>Presents factual information and recommendations using specific and relevant language and features</li></ul>                                                                                                                                                                    |
| Initiative and enterprise | <ul style="list-style-type: none"><li>Takes personal responsibility for following organisational policies and procedures</li></ul>                                                                                                                                                                                                                                                            |
| Teamwork                  | <ul style="list-style-type: none"><li>Selects appropriate form, channel and mode of communication for a specific purpose relevant to own role</li></ul>                                                                                                                                                                                                                                       |
| Planning and organising   | <ul style="list-style-type: none"><li>Plans, organises and implements tasks required to achieve organisational outcomes</li><li>Makes a range of critical and non-critical decisions in relatively complex situations, analysing a range of factors to inform decision-making</li><li>Uses formal analytical thinking techniques to identify issues and generate possible solutions</li></ul> |

## Unit Mapping Information

Supersedes and is equivalent to BSBLEG416 Apply the principles of the law of torts.

## 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 BSBLEG523 Apply legal principles in tort law matters

### Modification History

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

### 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:

- apply legal principles in tort law matters on at least three occasions.

### 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:

- commonly used legal terminology, institutions and main features of Australian legal system
- distinctions between tort and crime, breach of contract, and other legal obligations
- methods used to identify appropriate information about sources of Australian law
- torts relating to:
  - negligence
  - negligent misrepresentation
  - person, goods and land
- meaning of:
  - occupier's liability
  - vicarious liability
- law of defamation.

### 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:

- legislation and regulations relevant to tort law
- sources of information on tort law.

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>