



Australian Government

Department of Education, Employment and Workplace Relations

BSBLEG301A Apply knowledge of the legal system to complete tasks

Revision Number: 1

BSBLEG301A Apply knowledge of the legal system to complete tasks

Modification History

Not applicable.

Unit Descriptor

Unit descriptor	This unit describes the performance outcomes, skills and knowledge required to complete a range of common legal administrative duties and the legal system that is required to carry them out. All aspects of legal practice may be subject to a range of legislation, rules, regulations and/or codes of practice relevant to different job roles and jurisdictions.
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Application of the Unit

Application of the unit	This unit applies to individuals who provide services to support legal practitioners, while under supervision. This unit underpins all units of competency in the Legal Services stream. All aspects of legal practice may be subject to a range of legislation, rules, regulations and/or codes of practice relevant to different job roles and jurisdictions.
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Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Prerequisite units		

Employability Skills Information

Employability skills	This unit contains employability skills.
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Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.	Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the required skills and knowledge section and the range statement. Assessment of performance is to be consistent with the evidence guide.
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Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Identify the main roles and responsibilities of key bodies in the legal system	1.1. Identify the functions of the <i>courts, regulatory bodies and other legal service providers</i> 1.2. Identify the roles of <i>key personnel in the legal industry</i> 1.3. Explain and apply practical implications of <i>relevant legal practice legislation</i> in regard to own activities 1.4. Research identified gaps in knowledge
2. Identify key personnel/sections within a legal firm and their functions, to complete routine administrative tasks	2.1. Ensure the <i>key functions of a firm</i> are identified and can be explained 2.2. Identify the <i>key functions of all personnel/sections</i> within a firm 2.3. Identify <i>personnel responsible for authorisation of specific matters</i> (eg. partner for authorising movement of funds in trust accounts) 2.4. Use the correct names of personnel/sections in administrative tasks according to <i>a firm's policies and procedures</i>
3. Produce and despatch legal documentation	3.1. Ensure purpose of <i>document/form</i> , and the stage of the legal process to which it relates, can be explained 3.2. Access relevant information from the client file 3.3. Access <i>precedent</i> from firm's <i>bank</i> of forms/routine documentation or draft document according to <i>firm's procedures</i> 3.4. Attach file/matter number to all relevant documentation 3.5. Self-check <i>document/form</i> for accuracy and present it to the legal practitioner, within agreed timelines 3.6. Organise self or other to despatch document in the <i>appropriate manner</i> 3.7. Document all activities, actions and outcomes and record time as required 3.8. File documentation correctly
4. Organise self or other to apply for certificates	4.1. Arrange, document/record timelines with designated person 4.2. Identify and locate <i>supplier of certificate</i> 4.3. Identify and advise applicable fees, taxes and rebates to client, if appropriate 4.4. Organise self or other to apply for <i>certificate</i> using

ELEMENT	PERFORMANCE CRITERIA
	appropriate application forms and processes 4.5. Obtain record of application as appropriate 4.6. Facilitate legal practitioner's review of self or other's work 4.7. Organise self or other to pursue appropriate follow-up action if certificates are not received on time or further information is required
5. Use court etiquette appropriate to the various courts	5.1. Use the appropriate manner of entering into and departing from the courts/tribunals 5.2. Use the appropriate manner of addressing the courts/tribunals 5.3. Use relevant legal language where appropriate 5.4. Identify and research gaps in knowledge of court etiquette

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

This section describes the skills and knowledge required for this unit.

Required skills

- literacy skills to read and interpret documents/forms; follow sequenced written instructions; use appropriate legal terminology and sentence structures; display awareness of purpose and context of documents
- organisational skills to select and apply the procedures and strategies needed to perform a range of tasks, eg. legal forms and enclosures; and to undertake tasks concurrently
- proofreading skills
- research skills to identify gaps in knowledge and search and assemble relevant information
- communication skills to listen and question to clarify information; explain legal terminology to others; modify language to meet audience requirements; and consult where necessary with team members and clients
- numeracy skills to use a combination of oral and written mathematical and general language for record keeping purposes
- technology skills to use a range of software applications, electronic mail and internet.

Required knowledge

- scope of legal practitioner/support role and own responsibilities and obligations to provide legal advice, complete or sign off on legal work and/or appear in court as described by relevant jurisdiction(s)
- firm's policies and procedures
- accepted codes of conduct including those relating to:
 - privacy and confidentiality
 - use of company property
 - duty of care
 - ethical behaviour
 - non-discriminatory practice
 - conflict of interest
 - compliance with reasonable direction
- legal terminology in relation to the area of law and the relevant legal process
- purpose of a range of certificates, documents and forms in relation to the area of law
- authorised 'signing parties'.

Evidence Guide

EVIDENCE GUIDE

The Evidence Guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.

Overview of assessment

Critical aspects for assessment and evidence required to demonstrate competency in this unit

Evidence of the following is essential:

- accurately explaining relevant legal terminology in simple terms and using it correctly where appropriate
- applying knowledge of the purpose of different types of documents/forms to read and interpret client's file and select appropriate information for inclusion
- correctly preparing a range of relevant documents/forms for lodgement or delivery in accordance with firm's procedures, relevant timelines and legislative requirements
- accurately referring to key personnel/sections of a firm according to their functions in all administrative tasks, written information and when responding to enquiries
- applying correct processes, as designated by supplier, for the lodgement and receipt of certificates.

Context of and specific resources for assessment

Assessment must ensure:

- wherever possible the context is a real or simulated workplace
- access to workplace manuals and reference materials such as company policy, procedural manuals and checklists
- access to list of relevant sources of documentation and sample forms
- access to background information on courts, their jurisdiction and behavioural requirements
- access to appropriate technology such as computers with relevant software
- access to appropriate texts and access to person's with expert knowledge such as legal practitioners
- access to appropriate legislation and regulations relevant to common legal matters, such as that accessible via:
 - <http://www.law.gov.au>
 - <http://www.ag.gov.au>

EVIDENCE GUIDE	
	• http://www.austlii.edu.au/ • http://www.australia.gov.au/states-territories • http://www.act.gov.au • http://www.nsw.gov.au • http://www.nt.gov.au • http://www.qld.gov.au • http://www.sa.gov.au • http://www.tas.gov.au • http://www.vic.gov.au • http://www.wa.gov.au
Method of assessment	A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this unit: • analysis of responses to case studies and scenarios • assessment of written reports • direct questioning combined with review of portfolios of evidence and third party workplace reports of on-the-job performance by the candidate • observation of presentations • questioning (oral or written) • review of testimony from team members, colleagues, supervisors or managers • tests of knowledge on relevant legislation, rules, regulations, codes of practice and research resources.
Guidance information for assessment	Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended, for example: • other legal services administration or general administration units.

Range Statement

RANGE STATEMENT

The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Bold italicised wording, if used in the performance criteria, is detailed below. Essential operating conditions that may be present with training and assessment (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) may also be included.

Courts, regulatory bodies and other legal service providers may include:

- County Court
- Federal Court
- Industrial Relations Court
- Family Court
- Supreme Court
- Magistrates Court
- Civil Registry Courts
- State and Commonwealth Administrative Appeals Tribunal
- Registrar of Probates
- Liquor Licensing Commission
- others not included in this listing

Key personnel in the legal industry may include:

- Barristers
- Coroners
- Crown Prosecutor
- Crown Solicitor
- Director of Public Prosecutions
- Judges
- Judges' associates
- Magistrates
- public defenders
- public solicitors
- solicitors
- solicitor for public prosecutions
- paralegals
- legal secretaries
- partner
- managing partner
- legal practice manager
- law clerk
- Queen's counsel
- process server
- authorised signing parties

RANGE STATEMENT	
	• other key personal in the legal industry not included in this listing.
<i>Relevant legal practice legislation requirements</i> may relate to:	• relevant State/Territory/Commonwealth legislation (eg. Legal Practice Act, The Judiciary Act) • schedules of fees and duties payable • the area of law • the client and a firm (eg. Consumer Credit Code, Privacy Act, secrecy laws, Codes of Practice) • trust accounting • other Commonwealth, state/territory and/or local legislations, rules, regulations and/or codes of practice not included in this listing.
<i>Key functions of a firm</i> may include:	• commercial law • corporate law • criminal law • family law • industrial relations/employment law • litigation • property law • services in a specific area of law such as: • tax law • wills and probate • a range of legal services in specific settings such as: • Community Legal Centres • Government Solicitor's offices • Legal Aid Commissions • legal departments in large businesses • paralegal agencies (debt recovery, conveyancing) • private law firms (large, medium and small) • other areas of law not included in this listing
<i>Key functions of personnel/departments</i> may include:	• accounts • catering • financial management • human resources • information technology • library/information services • mail room

RANGE STATEMENT	
	• marketing • reception • specialised areas of law.
<i>Personnel responsible for authorisation of specific matters</i> may include:	• business manager • lawyer • legal practice manager • partner • supervisor • teacher/trainer • work colleague • other personnel not included in this listing.
<i>A firm's policies and procedures</i> may include:	• accessing files • checklists • contingencies • core values • emergency procedures • firm charter • information sources • information specific to the firm • initiation of files • on-line information manuals • privacy • procedure manual • professional conduct code • recording information • security/confidentiality procedures • telephone protocol • training guides • updating files • verifying and authorising information.
<i>Documents/forms</i> may include:	• agreements • briefs • emails • internal correspondence • letters • memorandums of law • opinion letters • pleadings • precedents • registered legal instruments

RANGE STATEMENT	
	transcripts from supervisor's notes.
Requirements for documents/forms may include:	- appropriate use of letterhead - correct line spacing - correct margins - correct use of reference - dual column system - list of enclosures - paragraph numbering - placing of headings - presence/absence of a back sheet - presence/absence of a cover sheet - specific sign off clauses - usage of keycaps and font features - use of document footers.
Precedents relevant to the particular area of law may include:	- a firm's templates - agreements - contracts - court documents - leases - letter confirming client's instructions and rights - mortgages - standard letters - transfer of shares - wills - other precedents not included in this listing.
The precedent bank may be:	- external - in-house - on-line - stored pre-printed forms.
Documents may be despatched via:	- courier - email - fax - hand delivery - pick up by client - post AUSDOC.
Supplier of certificates may include:	- clients - contracted supplier - local government agencies

RANGE STATEMENT	
	• other law firms • State and Federal government agencies.
<i>Certificates</i> may include:	• birth • business names • citizenship • death • incorporation • marriage • rate and planning certificates • registration of business • title • trademark registration.
<i>Certificates</i> may be requested:	• by letter • in person • on-line • via fax • via telephone.
Documentation for <i>application</i> may include:	• application for reservation of a name • articles of association • memorandum of association.
<i>Court etiquette</i> may include:	• acknowledging the Judge as he/she enters the court/tribunal at commencement of proceedings • acknowledging the Judge as he/she leaves the court/tribunal at the conclusion/adjournment of proceedings • behaving appropriately when entering or leaving the court/tribunal during proceedings • not speaking in the court/tribunal unless required to do so • remaining standing until the Judge is seated • using the appropriate form of address for a Judge or a Magistrate.

Unit Sector(s)

Unit sector	
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Competency field

Competency field	Administration - Legal Services Administration
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Co-requisite units

Co-requisite units		