



**Australian Government**

**Department of Education, Employment and Workplace Relations**

# **BSBLEG302A Carry out search of the public record**

**Revision Number: 1**

## BSBLEG302A Carry out search of the public record

### Modification History

Not applicable.

### Unit Descriptor

|                        |                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Unit descriptor</b> | <p>This unit describes the performance outcomes, skills and knowledge required to complete a search of the public record. This involves planning and conducting the search, and obtaining and delivering the information according to instructions.</p> <p>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.</p> |
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### Application of the Unit

|                                |                                                                                                                                                                                                                                                                                                                                                                        |
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| <b>Application of the unit</b> | <p>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.</p> |
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### Licensing/Regulatory Information

Not applicable.

### Pre-Requisites

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|---------------------------|--|--|
| <b>Prerequisite units</b> |  |  |
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|---------------------------|--|--|
| <b>Prerequisite units</b> |  |  |
|                           |  |  |

## Employability Skills Information

|                             |                                          |
|-----------------------------|------------------------------------------|
| <b>Employability skills</b> | This unit contains employability skills. |
|-----------------------------|------------------------------------------|

## 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. |
|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Elements and Performance Criteria

| ELEMENT                      | PERFORMANCE CRITERIA                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Plan search               | <ul style="list-style-type: none"><li>1.1. Arrange <b>timelines</b> for completing search and plan work</li><li>1.2. Identify appropriate <b>information sources</b> for completing the search and identify procedure for obtaining information from sources and clarify if necessary</li></ul>                                                                                                                            |
| 2. Conduct search            | <ul style="list-style-type: none"><li>2.1. Access and complete appropriate <b>search request</b> form accurately</li><li>2.2. Prepare monies to pay for search if necessary</li><li>2.3. Organise self or other to lodge <b>search request</b> appropriate person/official at correct <b>search location</b></li><li>2.4. Obtain <b>record of lodgement</b></li></ul>                                                      |
| 3. Receive outcome of search | <ul style="list-style-type: none"><li>3.1. Arrange process of obtaining information with the appropriate person/official</li><li>3.2. Organise self or other to collect information from external agency in the arranged manner</li><li>3.3. File all records of expense</li><li>3.4. Check information to see that it meets identified needs and take appropriate follow-up action with assistance if necessary</li></ul> |
| 4. Deliver information       | <ul style="list-style-type: none"><li>4.1. Deliver information intact to <b>designated person</b></li><li>4.2. Identify and resolve <b>difficulties</b> within timelines</li><li>4.3. Document all activities, actions and outcomes and record time</li></ul>                                                                                                                                                              |

## Required Skills and Knowledge

### REQUIRED SKILLS AND KNOWLEDGE

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

#### Required skills

- communication skills to listen and question to clarify information; explain legal terminology to others; and consult where necessary with team members and clients
- literacy skills to follow legal procedures; follow sequenced written instructions involving legal terminology; lodge requests and provide clear and specific written instructions about information required
- research skills to conduct searches such as matching, key word searches, and locate specific information from a range of sources such as libraries, internet, government information services
- numeracy skills to use a combination of oral and written mathematical and general language record keeping purposes and in relation to search fees
- organisational skills to select and apply the procedures and strategies needed to perform a range of tasks; and to manage tasks within specified timelines
- technology skills to use a range of software, on-line applications and organisational information systems.

#### 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
- location and appropriate search procedures of relevant search sources, including on-line information locations
- standard problems and resolutions in the sourcing and delivery of information
- roles and responsibilities of internal and relevant external individuals/authorities.

## 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 searching and appropriately accessing a variety of information sources to meet identified needs
- giving clear and sufficient instruction to others and providing adequate explanation where necessary
- maintaining detailed file notes at each step of the search process, including a record of lodgement
- proactively consulting the legal practitioner or supervisor where difficulties can not be resolved through standard procedures
- preparing monies to pay for searches if necessary and maintaining records of all activities, actions, outcomes, time and costs in accordance with firm's policies and procedures.

#### 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>

| <b>EVIDENCE GUIDE</b>                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                            | <ul style="list-style-type: none"> <li>• <a href="http://www.austlii.edu.au/">http://www.austlii.edu.au/</a></li> <li>• <a href="http://www.australia.gov.au/states-territories">http://www.australia.gov.au/states-territories</a></li> <li>• <a href="http://www.act.gov.au">http://www.act.gov.au</a></li> <li>• <a href="http://www.nsw.gov.au">http://www.nsw.gov.au</a></li> <li>• <a href="http://www.nt.gov.au">http://www.nt.gov.au</a></li> <li>• <a href="http://www.qld.gov.au">http://www.qld.gov.au</a></li> <li>• <a href="http://www.sa.gov.au">http://www.sa.gov.au</a></li> <li>• <a href="http://www.tas.gov.au">http://www.tas.gov.au</a></li> <li>• <a href="http://www.vic.gov.au">http://www.vic.gov.au</a></li> <li>• <a href="http://www.wa.gov.au">http://www.wa.gov.au</a></li> </ul>                        |
| <b>Method of assessment</b>                | <p>A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this unit:</p> <ul style="list-style-type: none"> <li>• analysis of responses to case studies and scenarios</li> <li>• 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</li> <li>• observation of presentations</li> <li>• questioning (oral or written)</li> <li>• review of authenticated documents from the workplace or training environment</li> <li>• review of testimony from team members, colleagues, supervisors or managers</li> <li>• tests of knowledge on relevant legislation, rules, regulations, codes of practice and research resources.</li> </ul> |
| <b>Guidance information for assessment</b> | <p>Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended, for example:</p> <ul style="list-style-type: none"> <li>• BSBLEG301A Apply knowledge of the legal system to complete tasks</li> <li>• other legal services administration or general administration units.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

## 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.

***Timelines*** may be contingent upon:

- case issues
- changes in legislation
- client needs
- court deadlines
- legal practitioner's workload
- significant dates such as new year, end of financial year.

The ***information source*** may be:

- external agency
- on-line, including:
- at agency
- land data
- law point
- on-line services
- another law firm.

***Information sources*** may include:

- Australian Securities Commission information
- Business Licence Centre
- Commonwealth and State Freedom of Information Acts
- Consumer Affairs records
- credit files (in accordance with Privacy Act)
- databases
- electoral rolls
- motor vehicle registrations
- public telephone directories
- rates searches
- State and Supreme Courts libraries
- Titles Office/council records
- other sources not included in this listing.

The ***search request*** may vary according to:

- the information required before the search can be carried out
- the search location
- whether information can be requested by email or fax or on-line

| <b>RANGE STATEMENT</b>                                         |                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                | <ul style="list-style-type: none"> <li>• whether specific form is required.</li> </ul>                                                                                                                                                                                                                                                                 |
| <b><i>Search location</i></b> may include:                     | <ul style="list-style-type: none"> <li>• Australian Securities Commission</li> <li>• Court/Institutional library</li> <li>• Local/Regional/State/Federal government departments</li> <li>• Statutory bodies</li> <li>• Titles Office.</li> </ul>                                                                                                       |
| <b><i>Record of lodgement</i></b> may include:                 | <ul style="list-style-type: none"> <li>• copy of request</li> <li>• email confirmation</li> <li>• number</li> <li>• receipt</li> <li>• stamped copy of request.</li> </ul>                                                                                                                                                                             |
| <b><i>Designated person</i></b> may include:                   | <ul style="list-style-type: none"> <li>• external client</li> <li>• external official</li> <li>• lawyer</li> <li>• legal practice manager</li> <li>• partner</li> <li>• supervisor</li> <li>• work colleague.</li> </ul>                                                                                                                               |
| <b><i>Difficulties</i></b> in meeting timelines may relate to: | <ul style="list-style-type: none"> <li>• alterations to instructions</li> <li>• available resources</li> <li>• backlog at supplier's end</li> <li>• client needs</li> <li>• liaising with others</li> <li>• technical difficulties.</li> </ul>                                                                                                         |
| <b><i>A firm's policies and procedures</i></b> may include:    | <ul style="list-style-type: none"> <li>• charging of search expenses</li> <li>• contingencies in terms of inadequate monies, unavailable information</li> <li>• handling monies</li> <li>• information sources</li> <li>• office procedure manual</li> <li>• recording information</li> <li>• security/confidentiality/ privacy procedures.</li> </ul> |
| Legislative requirements may relate to:                        | <ul style="list-style-type: none"> <li>• Legal Practice Act, The Judiciary Act</li> <li>• relevant State/Territory/Commonwealth legislation</li> <li>• the client and a firm (eg. Consumer Credit Code, Privacy Act, secrecy laws, Codes of Practice)</li> <li>• schedule of fees and duties payable</li> </ul>                                        |

**RANGE STATEMENT**

|  |                                                                                                                                                                                                                                                                 |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <ul style="list-style-type: none"><li>• accessing information under the Freedom of Information Act</li><li>• other Commonwealth, state/territory and/or local legislations, rules, regulations and/or codes of practice not included in this listing.</li></ul> |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Unit Sector(s)**

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| <b>Unit sector</b> |  |
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**Competency field**

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|-------------------------|------------------------------------------------|
| <b>Competency field</b> | Administration - Legal Services Administration |
|-------------------------|------------------------------------------------|

**Co-requisite units**

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|---------------------------|--|--|
| <b>Co-requisite units</b> |  |  |
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