



Australian Government

Department of Education, Employment and Workplace Relations

BSBLEG413A Identify and apply the legal framework

Revision Number: 1

BSBLEG413A Identify and apply the legal framework

Modification History

Not applicable.

Unit Descriptor

Unit descriptor	This unit describes the performance outcomes, skills and knowledge required to research legal systems and jurisdictions within Australia. A range of legislation, rules, regulations and codes of practice may apply to this unit at the time of endorsement, depending on job roles and jurisdictions.
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Application of the Unit

Application of the unit	This unit applies to individuals who research legal systems within Australia. Its application in the workplace will be determined by the job role of the individual and the legislation, rules, regulations and codes of practice relevant to different 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 sources of law	1.1. Identify the main institutions of government in Australia 1.2. Research sources of Australian law 1.3. Assess rules for resolving conflicts of laws
2. Identify and analyse relationships between the Australian federal government and the states and territories	2.1. Identify legislative powers of the Australian federal government and limits on that power 2.2. Analyse the legislative powers of the states and territories 2.3. Evaluate the relationship between the legislative powers of the Australian federal government and the states and territories
3. Differentiate between civil and criminal proceedings	3.1. Identify and examine the differences in law and procedures between civil and criminal proceedings 3.2. Analyse the findings and determine which court would hear particular cases
4. Examine elements of the adversary system of trial	4.1. Identify main features of the adversary system of trial 4.2. Evaluate these features and determine how they apply in the context of the legal environment
5. Examine elements of precedent	5.1. Identify the main features of the principles of precedent 5.2. Analyse how precedent is applied in the context of a legal environment 5.3. Examine and document the outcomes of precedent
6. Examine legislation	6.1. Examine principles for reading and interpreting legislation 6.2. Apply principles for reading and interpreting legislation in the context of a legal environment

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

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

Required skills

- computer skills to access and document information
- literacy skills to read and interpret written material
- research and data collection skills to identify the characteristics, similarities and differences of Australian institutions, types of proceedings and trial procedures
- analytical skills to investigate and compare legal institutions

Required knowledge

- institutions and main features of the Australian legal system
- legal terminology in relation to areas of the practice of the law and relevant legal processes
- methods used to identify appropriate information about sources of Australian law
- scope of responsibilities in the context of legal framework

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 ability to:

- explain the differences between Australian law making institutions
- identify appropriate institutions to hear civil versus criminal proceedings
- demonstrate how the adversarial system of trial operates
- demonstrate the application and outcomes of the principles of precedent
- read and interpret legislation.

Context of and specific resources for assessment

Assessment must ensure access to:

- an actual workplace or simulated environment
- appropriate legislation and regulations relevant to common legal matters
- relevant sources of documentation
- background information on courts, their jurisdiction and behavioural requirements
- appropriate technology, such as computers with relevant software
- appropriate resources and people with expert knowledge.

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:

- 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 about Australian legal institutions
- review of analysis of the legislative powers of the states and territories
- oral or written questioning to assess knowledge of the similarities and differences between Australian legal institutions, proceeding types and adversarial trial procedures
- case studies on principles of precedent
- case studies on reading and interpreting legislation.

EVIDENCE GUIDE**Guidance information for assessment**

Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended.

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.

Main institutions may include:

- commonwealth, state and territory constitutions
- courts
- federal system of government
- governments
- parliaments.

Sources may include:

- British law
- colonial laws
- common law
- customary law
- equity statutes
- native title.

Legislative powers may include:

- concurrent powers
- exclusive powers
- specific powers.

Unit Sector(s)

Unit sector

Competency field

Competency field	Administration - legal administration
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Co-requisite units

Co-requisite units		