



Australian Government

Department of Education, Employment and Workplace Relations

BSBLEG416A Apply the principles of the law of torts

Revision Number: 1

BSBLEG416A Apply the principles of the law of torts

Modification History

Not applicable.

Unit Descriptor

Unit descriptor	This unit describes the performance outcomes, skills and knowledge required to enable a person to apply the principles of the law of torts in a legal environment. 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 apply knowledge of a range of principles of the law of torts. 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. Define nature and meaning of law of torts	1.1. Access <i>sources of legal information</i> on the nature and meaning of law of torts 1.2. Distinguish tort from crime, breach of contract, or other legal obligations
2. Identify principles of the law of torts	2.1. Define legal principles in the <i>application of the law of torts</i> 2.2. Determine key elements of law of torts matters
3. Apply relevant elements of tort	3.1. Assess legal matters relevant to possible torts 3.2. Analyse and evaluate information 3.3. Extract and document information relevant to particular matter
4. Identify remedies for breaches of law of torts	4.1. Identify circumstances giving rise to liability in law of torts 4.2. Identify and document remedies applicable to breach 4.3. Submit findings to <i>designated person</i> according to organisational policies and procedures

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 written material
- research and data collection skills to identify:
 - characteristics, similarities and differences of Australian institutions
 - types of proceedings and trial procedures
- analytical skills to investigate and compare legal institutions

Required knowledge

- commonly used legal terminology, institutions and main features of the Australian legal system
- methods used to identify appropriate information about sources of Australian law
- nature and meaning of law of torts
- torts relating to:
 - negligence
 - negligent misrepresentation
 - person, goods and land
- meaning of:
 - occupier's liability
 - vicarious liability
- law of defamation

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:

- demonstrate knowledge of the principles of the law of torts
- demonstrate knowledge of the application of the law of torts
- demonstrate knowledge of liability of burden in the law of torts
- apply the principles of the law of torts.

Context of and specific resources for assessment

Assessment must ensure access to:

- legislation and regulations relevant to the law of torts
- texts and background sources of information on the law of torts in Australia
- case studies involving a range of legal matters relevant to the law of torts
- personnel with expert knowledge of the law of torts.

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 in a range of contexts involving the law of torts
- tests of knowledge of relevant legislation, rules, regulations and research sources
- direct questioning combined with portfolios of evidence
- review of authenticated documents from the workplace.

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.

<i>Sources of legal information</i> may include:	• court library • online information services and websites • organisation's library • precedent bank • specialist texts.
<i>Application of the law of torts</i> may include:	• defamation • negligence • protection of interests in goods • protection of interests in land • trespass to the person.
<i>Designated persons</i> may include:	• barrister • legal practice manager • legal practitioner • supervisor.

Unit Sector(s)

Unit sector	
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Competency field

Competency field	Administration - legal administration
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Co-requisite units

Co-requisite units		