



Australian Government

Department of Education, Employment and Workplace Relations

BSBLEG511A Apply legal principles in criminal law matters

Revision Number: 1

BSBLEG511A Apply legal principles in criminal law matters

Modification History

Not applicable.

Unit Descriptor

Unit descriptor	This unit describes the performance outcomes, skills and knowledge required to apply legal principles and carry out administrative tasks associated with criminal law matters. 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 in criminal law matters. 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 laws related to criminal law	1.1. Source <i>legislation, regulations and policies</i> relevant to criminal law 1.2. Interpret key legal principles as they apply to criminal law matters
2. Enhance professional practice through application of relevant principles of criminal law	2.1. Identify <i>different criminal matters, defences, types of hearings</i> , criminal <i>jurisdictions</i> and types of <i>courts</i> and explain relationships between them 2.2. Receive call from <i>client</i> or police and communicate details of client charge and bail status to legal practitioner
3. Draft and process documents involved in criminal law matters	3.1. Prepare letters and other <i>documents</i> for legal practitioner for review and sign-off according to <i>organisation's policies and procedures</i> 3.2. Determine types of costs in accordance with legislative and regulatory requirements for costing legal services 3.3. Ensure documents are <i>despatched</i> according to instructions 3.4. Facilitate liaison and communication between the parties 3.5. Maintain files, noting critical dates and reminders

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

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

Required skills

- communication skills to:
 - give and interpret instructions
 - clarify discussions
 - provide required information
- literacy skills to:
 - follow complex legal procedures
 - complete documentation
 - summarise cases
 - edit and proofread documentation for accuracy and consistency of information
- research skills to:
 - locate necessary information from external sources
 - identify and evaluate status of information
- organisational skills to make arrangements and appointments
- technology skills to:
 - operate office equipment
 - use a range of common software packages

Required knowledge

- scope of job role in the context of legislation, regulations and codes of practice in relevant jurisdictions
- relevant court processes, current legislation, legal processes and required documentation
- organisation's required policies and procedures for the full range of tasks covered
- legal terminology, including that specific to criminal law
- criminal law as applicable to the scope of workplace responsibilities
- accepted codes of practice relevant to the workplace, 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
- legislative requirements, which may relate to:

REQUIRED SKILLS AND KNOWLEDGE

- client and firm (e.g. Consumer Credit Code, Privacy Act and secrecy laws)
- criminal law
- relevant commonwealth, state or territory legislation
- schedules of fees and duties payable
- tort, equity and statute law
- trust accounts

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:

- prepare appropriate documentation and information according to organisation's policies and procedures and provide to clients at the appropriate time
- treat clients in a sensitive, discreet and professional manner
- conduct work within accepted codes of conduct, including those relating to maintaining confidentiality, use of company property, duty of care, ethical behaviours, privacy, non-discriminatory practice, conflict of interests and compliance with reasonable direction
- demonstrate knowledge of criminal law as applicable to the scope of workplace responsibilities.

Context of and specific resources for assessment

Assessment must ensure access to:

- an actual workplace or simulated environment
- workplace manuals and reference materials, such as company policies, procedural manuals, checklists, documentation and sample forms
- background information on courts, their jurisdiction and behavioural requirements
- appropriate technology, such as computers with relevant software
- appropriate texts and people with expert knowledge, such as legal practitioners
- appropriate legislation and regulations relevant to common legal matters.

Method of assessment

A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this units:

- analysis of responses to case studies and scenarios
- direct questioning combined with review of portfolios of evidence and third-party workplace reports of on-the-job performance by the candidate
- observation of role plays
- review of summaries made of common law cases

EVIDENCE GUIDE	
	• review of possible barristers' details forwarded to instructing legal practitioners • review of briefs prepared for barrister in conjunction with instructing legal practitioner • oral or written questioning to assess knowledge of legal terminology specific to criminal law.
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.

Legislation, regulations and policies may include:	• criminal law • government regulations and policies relating to criminal law matters • relevant commonwealth, state or territory legislation.
Different criminal matters may relate to:	• assault • excusable homicide • homicide • manslaughter • murder • property offences, including theft and larceny • unlawful sexual intercourse.
Defences may relate to:	• automatism • denial • duress • ignorance of the law • infancy • insanity • intoxication • irresistible impulse or provocation • mistake of fact • necessity • self-defence.
Types of hearings may include:	• committal • indictable, for example felonies/crimes and misdemeanours • summary.
Jurisdiction over criminal matters may include variances between:	• Australian government • local law • states and territories.
State courts in which criminal cases are heard:	• county/district • magistrates

RANGE STATEMENT	
	• supreme.
Client may include:	• defendant • prosecutor • victim.
Documents may include:	• account • adjournment letters • affidavits • artefacts • briefs • clinical reports • confirming/reporting letter to client outlining results of court hearing • court forms • court reminder letters • expert reports • hospital discharge summaries • letters • medical reports • photographs • pleading documents • records of prior convictions • subpoena • summary of matter • videos • witness statements • writs.
Organisation's policies and procedures may include:	• engaging barristers • engaging experts • individual procedures adopted by instructing legal practitioner • protocol for accommodating specific client needs, e.g. case manager, social worker or parole officer • protocol for contacting clients, e.g. translator or interpreter • recording information • security, confidentiality and privacy procedures • verifying and authorising information.
Documents may be despatched to the following:	• Attorney General's office • client • court

RANGE STATEMENT

	• Crown • Crown Solicitor's office • Department of Public Prosecutions • government organisation • opposing party • opposing party's legal representative • police • service agency • sheriff.
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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		