



Australian Government

Department of Education, Employment and Workplace Relations

PUADEFPL012B Assess civil claims

Revision Number: 1

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Modification History

Not applicable.

Unit Descriptor

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This unit covers the competency required to assess *civil claims and litigation processes* in the Defence environment.

This competency includes comprehending and analysing civil related claims (including claims against indemnities and certificates of insurance), assessing liability, preparing for litigation and, if appropriate, determining the amount in settlement of any claim.

The claims assessment in this competency must be within the legal limit of the individual's responsibility.

Application of the Unit

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The application of this unit in the workplace - the environments, complexities and situations involved - will be written during Phase II of the Review of the PUA00 Public Safety Training Package.

This text will be useful for the purposes of job descriptions, recruitment advice or job analysis; where possible, it will not be too job specific to allow other industries to import it into other Training Packages, where feasible.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Prerequisite Unit/s Nil

Employability Skills Information

Employability Skills 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 required performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the Required Skills and Knowledge and/or the Range Statement. Assessment of performance is to be consistent with the Evidence Guide.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Prepare to assess civil claims	1.1 Claimant's needs are identified, analysed and clarified in accordance with legal practices and procedures 1.2 Legal limits of own responsibility are clearly outlined to claimant before any information is imparted 1.3 Claims outside one's area of responsibility are identified and assistance is sought or enquiry is referred on to a legal officer where appropriate
2. Provide information on civil claims issues	2.1 Claim details and problems are recorded in accordance with legal practices and procedures 2.2 Non-legal information is relayed where available and appropriate in accordance with legal practices and procedures 2.3 Research within legislative requirements and scope of own responsibility is pursued in accordance with legal practices and procedures 2.4 Non-disclosable information is not communicated and where any doubt exists as to the information's status it is not disclosed
3. Consult legal officer to resolve issues	3.1 Legal officer is contacted to discuss claimant's needs in accordance with legal practices and procedures 3.2 Claimant's needs are communicated to legal officer and resolution/action is discussed 3.3 Precedent and case law are retrieved, researched and reviewed and summaries are made where appropriate 3.4 Suggested action/resolution is carried out in accordance with legal practices and procedures

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

This describes the essential skills and knowledge and their level, required for this unit.

Required Skills

- communicate ideas, arguments and conclusions logically
- conduct research
- follow complex legal procedures
- follow written and oral instructions with regards to preparation of briefs
- identify and evaluate status of information
- prepare complex legal documents
- prepare summaries of cases
- use appropriate legal terminology

Required Knowledge

- applicable legal practices and procedures required in the full range of tasks covered
- commonwealth government and Defence insurance processes
- legal terminology
- legal terminology specific to claims and litigation
- relevant legal process, legislation and sections, and stages involved in the claims and litigation process

Evidence Guide

EVIDENCE GUIDE

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EVIDENCE GUIDE

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

Assessment must confirm the ability to identify the issues surrounding the assessment of civil claims, and to research and analyse information in relation to these issues; to comply with professional codes of practice and ethical standards at all times; and to implement access, equity and diversity principles and practices.

Assessment must also confirm the ability to support the legal officer or senior paralegal to prepare for claims and litigation proceedings.

Consistency in performance

Competency should be demonstrated delivering a range of claims assessment and litigation processes over time.

Context of and specific resources for assessment

Context of assessment

Competency should be assessed in the workplace or in a simulated workplace environment assessing a range of claims and support litigation processes that could be expected in the workplace.

Specific resources for assessment

Access to appropriate documentation and resources normally found in the work environment and required for the job or task to be properly performed.

Guidance information for assessment

Information that will assist or guide assessment will be written during Phase II of the Review of the PUA00 Public Safety Training Package.

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 in the Performance Criteria is detailed below.

Civil claims and litigation processes may include

Administrative law
Commercial law
Criminal law
Defence force discipline act (DFDA)
Environmental law
Family law
Industrial relations/employment law
International law
International humanitarian law
Litigation
Operations law
Property law
Wills and probate

Identification, analysis and clarification of claimant's needs may include

Accommodating any communication difficulties
Clarification of request or problem by summarising and repeating summaries to ensure information gathered is reflective of the information enquirer wishes to communicate
Sensitivity to enquirer's emotional/physical state, cultural and service background
And may include the requirement to communicate:

- in writing
- in person
- verbally
- via third party
- electronically

Legal practices and procedures may include

Engaging experts
Equity
Instructing legal officer practitioner supervisory procedures

RANGE STATEMENT

	Practice notes
	Protocol for accommodating special client needs e.g. case manager, social worker, parole officer
	Protocol for contacting clients e.g. translator, interpreter
	Recording information
	Security/confidentiality/privacy procedures
	Verifying and authorising information
Legal limits of own responsibility may include those covered by	Client and the Defence legal service
	Provision of legal advice by a person who is not a qualified legal officer as defined by the Legal Practice Act
	Relevant state/territory/commonwealth legislation
Non-disclosable information may include that covered by	Legally privileged information
	Organisationally classified or caveated information
	Relevant state/territory/commonwealth legislation
Resolution/action may include	Advising enquirer after researching the appropriate information
	Not pursuing the matter
	Referring enquirer to another legal officer or practitioner
	Referring enquirer to supervisor or appropriate authority
	Referring enquirer to the appropriate government department
Carrying out suggested resolution/action may include	Alternate dispute resolution
	Documenting and filing communication
	Informing enquirer of resolution
	Notifying relevant department of enquiry
	Promptly contacting enquirer where appropriate
	Providing written or oral advice
	Recording contact on database

Unit Sector(s)

Not applicable.

Corequisite Unit/s

Co-requisite Unit/s Nil