

# **Supervised Traineeship Scheme**

# **DIARY**

Legal Practitioners Admissions Board  
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- 1. The trainee should complete his or her diary on a daily or weekly basis describing the tasks undertaken under each performance criteria.**
- 2. Each daily or weekly entry will have a sequential number ('Entry No').**
- 3. The Entry Number/s should be used to complete the reconciliation to assist supervisors to ensure each performance criteria has been completed.**

**For example: if tasks undertaken to satisfy Civil Litigation Practice Element 5(a) were entered in the diary as numbers 3, 4 and 8, then those numbers should be entered in the checklist column corresponding to the performance criteria.**

# Skills

# LAWYER'S SKILLS – Diary Entry Reconciliation

An entry-level lawyer should be able to demonstrate oral communication skills, legal interviewing skills, advocacy skills, negotiation and dispute resolution skills, and letter writing and legal drafting skills.

<p><b>Element 1</b> <b>Communicating effectively</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified the purpose of a proposed communication, the most effective way of making it, an appropriate communication strategy, and the content of the proposed communication;</li> <li>(b) presented thoughts, advice, and submissions in a logical, clear, succinct and persuasive manner, having regard to the circumstances and the person or forum to whom the communication is made;</li> <li>(c) identified and appropriately dealt with verbal, non-verbal and cross-cultural aspects of the proposed communication; and</li> <li>(d) taken any follow-up action in accordance with good practice.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 2</b> <b>Interviewing clients</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) prepared for the interview properly, having regard to relevant information available before the interview and the circumstances;</li> <li>(b) conducted the interview using communication techniques appropriate to both the client and the context;</li> <li>(c) ensured that the client and lawyer have both obtained all the information which they wanted from the interview in a timely, effective and efficient way, having regard to the circumstances;</li> <li>(d) ensured that the lawyer and client left the interview with a common understanding of the lawyer's instructions (if any) and any future action that the lawyer or client is to take;</li> <li>(e) made a record of the interview that satisfies the requirements of law and good practice; and</li> <li>(f) taken any follow-up action in a timely manner.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>

<p><b>Element 3</b> <b>Writing letters</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified the need for, and purpose of, the letter; and</li> <li>(b) written the letter in simple, straightforward English which conveys its purpose clearly and can be easily understood by the person to whom it is sent.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 4</b> <b>Drafting other documents</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified the need for, and purpose, of, the document;</li> <li>(b) devised an effected form and structure for the document having regard to the parties, the circumstances, good practice, principles of writing simple, straightforward English, and the relevant law;</li> <li>(c) drafted the document effectively having regard to the parties, the circumstances, good practice, principles of writing simple, straightforward English, and the relevant law;</li> <li>(d) considered whether the document should be settled by counsel; and</li> <li>(e) taken every action required to make the document effective and enforceable in a timely manner and according to law (such as execution by the parties, stamping, delivery and registration).</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 5</b> <b>Negotiating settlements and agreements</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) prepared the client's case properly having regard to the circumstances and good practice;</li> <li>(b) identified the strategy and tactics to be used in negotiations and discussed them with, and obtained approval from, the client;</li> <li>(c) carried out the negotiations effectively having regard to the strategy and tactics adopted, the circumstances of the case and good practice; and</li> <li>(d) documented the negotiation and any resolution as required by law or good practice and explained it to the client in a way the client can easily understand.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 6</b> <b>Facilitating early resolution of disputes</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified the advantages and disadvantages of available dispute</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>

	<p>resolution options and explained them to the client;</p> <p>(b) performed in the lawyer’s role in the dispute resolution process effectively, having regard to the circumstances; and</p> <p>(c) documented any resolution as required by law or good practice and explained it to the client in a way the client can easily understand.</p>	
<p><b>Element 7</b> <b>Representing a client in court</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <p>(a) observed the etiquette and procedures of the forum;</p> <p>(b) organized and resented in an effective, strategic way:</p> <p>(c) factual material;</p> <p>(d) analysis of relevant legal issues;</p> <p>(e) relevant decided cases</p> <p>(f) presented and tested evidence in accordance with the law and good practice; and</p> <p>(g) made submissions effectively and coherently in accordance with law and good practice.</p>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>

**Explanatory Note**

This competency standard applies to “composite” skills which require a lawyer to synthesise several generic skills and apply them in a specific legal context. Lawyers must be able to exercise such skills effectively.

Representation refers to advocacy on behalf of a client in a court, tribunal or other forum. It includes:

- an aspect of preliminary or pre-trial civil or criminal proceedings;
- an aspect of first instance trial advocacy in a simple matter; and
- leading evidence-in-chief, cross-examination, re-examination and making submissions.

Dispute resolution options include:

- negotiation;
- mediation;
- arbitration;
- litigation; and
- expert appraisal.

# Diary entries – Lawyer’s Skills

Please use this space to outline how you completed each of the elements and performance criteria of Lawyer’s Skills required to show that you are competent in this unit.

Entry No	Date	Element/ performance criteria e.g. 4 (c)	Brief description of task	How did the trainee satisfy the performance criteria?.
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(Please adjust width of rows to suit and continue to number entries sequentially)

# PROBLEM SOLVING – Diary Entry Reconciliation

An entry-level lawyer should be able to investigate and analyse facts and law, provide legal advice and solve legal problems.

<p><b>Element 1</b> <b>Analysing facts and identifying issues</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified and collected all relevant facts as far as is practicable;</li> <li>(b) analysed the facts to identify any existing or potential legal and other issues;</li> <li>(c) distinguished facts that might be used to prove a claim from other facts, if the matter so requires.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 2</b> <b>Analysing Law</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified any questions of law raised by the matter;</li> <li>(b) researched those questions of law properly, having regard to the circumstances;</li> <li>(c) identified and interpreted any relevant statutory provisions and applied them appropriately to the facts.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 3</b> <b>Providing legal advice</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) applied the law to the facts of the matter in an appropriate and defensible way;</li> <li>(b) given the client advice in a way which the client can easily understand;</li> <li>(c) kept up with any developments that might affect the accuracy of previous advice and told the client about the effect of those developments.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 4</b> <b>Generating solutions and strategies</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified the problem and the client's goals as fully as is practicable;</li> <li>(b) investigated the facts and legal and other issues as fully as is practicable;</li> <li>(c) developed creative options and strategies to meet the client's objectives;</li> <li>(d) identified the advantages and disadvantages of pursuing each option or strategy including costs and time factors;</li> <li>(e) assisted the client to choose between</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>



	<p>those options in a way consistent with good practice;</p> <p>(f) developed a plan to implement the client's preferred option;</p> <p>(g) acted to resolve the problem in accordance with the client's instructions and the lawyer's plan of action;</p> <p>(h) remained open to new information and ideas and updated advice to the client where necessary.</p>	
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### **Explanatory Note**

This competency standard applies to:

- analysing facts;
- analysing legal and practical issues;
- analysing law;
- interpreting statutes;
- giving advice; and
- solving problems in the context of legal practice.

Analysing law includes researching legal issues using:

- law libraries;
- on-line searches;
- electronic databases; and
- legal citators and digests.

It also includes applying principles of precedent.

Other issues include:

- risk management;
- public relations; and
- financial implications.

## Diary entries – Problem Solving

Please use this space to outline how you completed each of the elements and performance criteria of Problem Solving required to show that you are competent in this unit.

Entry No	Date	Element/ performance criteria e.g. 4 (c)	Brief description of task	How did the trainee satisfy the performance criteria?.
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(Please adjust width of rows to suit and continue to number entries sequentially)

# WORK MANAGEMENT & BUSINESS SKILLS – Diary Entry Reconciliation

An entry-level lawyer should be able to manage workload, work habits, and work practices in a way that ensures that clients' matters are dealt with in a timely and cost effective manner.

<p><b>Element 1</b> <b>Managing personal time</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) used a diary or other system to record time limits or deadlines and to assist in planning work;</li> <li>(b) identified conflicting priorities as they arise and managed the conflict effectively;</li> <li>(c) used available time effectively, to the benefit of the lawyer's clients and employer.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 2</b> <b>Managing risk</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) conducted each matter in a way that minimises any risk to the client, lawyer or firm arising from missed deadlines, negligence or failure to comply with the requirements of the law, a court or other body;</li> <li>(b) recognised the limits of the lawyer's expertise and experience and referred the client or matter to other lawyers, counsel or other professionals, as the circumstances require.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 3</b> <b>Managing files</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) used a file management system to ensure that work priorities are identified and managed; clients' documents are stored in an orderly and secure manner; and to alert the lawyer to any need to follow up a matter or give it other attention;</li> <li>(b) rendered timely bills, in accordance with law and any agreement between the lawyer and client, which set out the basis for calculating the lawyer's fees;</li> <li>(c) accurately recorded all communications and attendances, with details of dates and times.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 4</b> <b>Keeping client informed</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) communicated with the client during the course of the matter as frequently as circumstances and good practice require;</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>

	<ul style="list-style-type: none"> <li>(b) confirmed oral communications in writing when requested by the client or required by good practice;</li> <li>(c) dealt with the client's requests for information promptly;</li> <li>(d) informed the client fully of all important developments in the manner, in a way which the client can easily understand.</li> </ul>	
<b>Element 5</b> <b>Working cooperatively</b>	<b>Performance Criteria</b> The lawyer has competently: <ul style="list-style-type: none"> <li>(a) worked with support staff, colleagues, consultants and counsel in a professional and cost-effective manner.</li> </ul>	<b>Diary entry checklist</b> <b>(against each performance criteria)</b>

**Explanatory Note**

This competency standard applies to the exercise of good work habits in a legal practice to ensure that:

- (b) clients do not suffer loss or damage from a lawyer missing deadlines or neglecting matters;
- (c) clients are kept informed regularly and fully of the progress of their matters; and
- (d) clients' matters are dealt with in a cost-effective manner.

## Diary entries – Work Management and Business Skills

Please use this space to outline how you completed each of the elements and performance criteria of Work Management and Business Skills required to show that you are competent in this unit.

Entry No	Date	Element/ performance criteria e.g. 4 (c)	Brief description of task	How did the trainee satisfy the performance criteria?.
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(Please adjust width of rows to suit and continue to number entries sequentially)

# TRUST AND OFFICE ACCOUNTING – Diary Entry Reconciliation

An entry-level lawyer should have a sound general knowledge of the significance of, and the principles governing, trust and general accounting in legal practice and sufficient knowledge, skills and values to maintain trust and general account records according to law and good practice, to the extent usually permitted and expected of an employed solicitor.

<p><b>Element 1</b> <b>Receiving money</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) dealt with money received from or on behalf of a client, as required by law and good practice;</li> <li>(b) where the law and good practice requires money to be deposited in a trust account, controlled or general account, recorded the deposit as required by law and good practice;</li> <li>(c) issued any receipt required by law and good practice.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 2</b> <b>Making outlays</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) made any outlay from the correct account, according to law and good practice;</li> <li>(a) recorded the outlay as required by law and good practice.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 3</b> <b>Rendering costs</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) calculated the costs in accordance with law, good practice and any agreement between the lawyer and client;</li> <li>(b) added to the bill all outlays made by the firm for which the client is responsible;</li> <li>(c) accounted to the client for any money received from the client on account of costs and outlays, as required by law and good practice;</li> <li>(b) drafted the bill and delivered it in accordance with law and good practice.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 4</b> <b>Maintaining trust account</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) maintained any trust account in accordance with specific statutory requirements, including any requirements relating to common fund deposits and auditing.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>

## Explanatory Note

This competency standard applies to trust and general accounting. It requires a general knowledge of bookkeeping and knowledge of the solicitor's trust account law and practice and auditing requirements in the lawyer's jurisdiction.

## Diary entries – Trust And Office Accounting

Please use this space to outline how you completed each of the elements and performance criteria of Trust and Office Accounting required to show that you are competent in this unit.

Entry No	Date	Element/ performance criteria e.g. 4 (c)	Brief description of task	How did the trainee satisfy the performance criteria?.
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# Values



# ETHICS AND PROFESSIONAL RESPONSIBILITY – Diary Entry Reconciliation

An entry-level lawyer should act ethically and demonstrate professional responsibility and professional courtesy in all dealings with clients, the courts, the community and other lawyers.

<p><b>Element 1</b> <b>Acting ethically</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified any relevant ethical dimension of a particular situation;</li> <li>(b) taken action which complies with professional ethical standards in that situation.</li> </ul>	<p><b>Diary entry checklist</b> (against each performance criteria)</p>
<p><b>Element 2</b> <b>Discharging the legal duties and obligations of legal practitioners</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified any duty or obligation imposed on the lawyer by law in a particular situation;</li> <li>(b) discharged that duty or obligation according to law and good practice.</li> </ul>	<p><b>Diary entry checklist</b> (against each performance criteria)</p>
<p><b>Element 3</b> <b>Complying with professional conduct rules</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified any applicable rules of professional conduct;</li> <li>(b) taken action which complies with those rules.</li> </ul>	<p><b>Diary entry checklist</b> (against each performance criteria)</p>
<p><b>Element 4</b> <b>Complying with fiduciary duties</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) recognised and complied with any fiduciary duty, according to law and good practice.</li> </ul>	<p><b>Diary entry checklist</b> (against each performance criteria)</p>
<p><b>Element 5</b> <b>Avoiding conflicts of interest</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(b) identified any potential or actual conflict, as soon as is reasonable in the circumstances;</li> <li>(c) taken effective action to avoid a potential conflict or, where a conflict has already arisen, dealt with in accordance with law and good practice;</li> <li>(d) taken appropriate action, where applicable, to prevent such a conflict arising in the future.</li> </ul>	<p><b>Diary entry checklist</b> (against each performance criteria)</p>
<p><b>Element 6</b> <b>Acting courteously</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) demonstrated professional courtesy in all dealings with others.</li> </ul>	<p><b>Diary entry checklist</b> (against each performance criteria)</p>

<p><b>Element 7</b> <b>Complying with rules relating to the charging of fees</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified any rules applying to charging professional fees;</li> <li>(b) complied with those rules, where they are relevant;</li> <li>(c) maintained records and accounts in accordance with law and good practice.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 8</b> <b>Reflecting on wider issues</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) reflected on that lawyer’s professional performance in particular situations;</li> <li>(b) brought to the attention of an employer or professional association any matters that require consideration or clarification;</li> <li>(c) recognised the importance of pro bono contributions to legal practice;</li> <li>(d) demonstrated an awareness that mismanagement of living and work practices can impair the lawyer’s skills, productivity, health and family life.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>

**Explanatory Note**

This competency standard applies to:

- ethics;
- statutes and general law relating to the duties and obligations of legal practitioners;
- written and unwritten rules of professional conduct; and
- written and unwritten rules or professional courtesy.

The duties and obligations imposed by law on legal practitioners include duties:

- of confidentiality;
- to act competently and to maintain competence;
- to act honestly;
- not to mislead the court; and
- not to pervert the course of justice or the due administration of justice.

Conflicts of interest commonly arise between:

- joint venture partners;
- directors and shareholders of a company;
- trustees and beneficiaries in a family trust; and
- parties to any transaction where their interests potentially differ.

# Diary entries – Ethics and Professional Responsibility

Please use this space to outline how you completed each of the elements and performance criteria of Ethics and Professional Responsibility required to show that you are competent in this unit.

Entry No	Date	Element/ performance criteria e.g. 4 (c)	Brief description of task	How did the trainee satisfy the performance criteria?.
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(Please adjust width of rows to suit and continue to number entries sequentially)

# **Practice Areas**

# CIVIL LITIGATION PRACTICE – Diary Entry Reconciliation

An entry-level lawyer should be able to conduct civil litigation in first instance matters in courts of general jurisdiction, in a timely and cost-effective manner.

<p><b>Element 1</b> <b>Assessing the merits of a case and identifying the dispute resolution alternatives</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) assessed the strengths and weaknesses of both the client’s and opponent’s cases;</li> <li>(b) identified the facts and evidence required to support the client’s case;</li> <li>(c) advised the client of relevant rights and remedies in a way which the client can easily understand;</li> <li>(d) identified all means of resolving the case having regard to the client’s circumstances;</li> <li>(e) where possible, confirmed in writing any instructions given by the client in response to initial advise;</li> <li>(f) identified and complied with the relevant limitation period.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 2</b> <b>Initiating and responding to claims</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified an appropriate claim or defence;</li> <li>(b) identified a court of appropriate jurisdiction;</li> <li>(c) identified the elements of the claim or defence, according to law;</li> <li>(d) followed procedures for bringing the claim or making the defence in accordance with the court’s rules and in a timely manner;</li> <li>(e) drafted all necessary documents in accordance with those procedures.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 3</b> <b>Taking and responding to interlocutory and default proceedings</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified any need for interlocutory steps or default proceedings, according to the court’s rules;</li> <li>(b) followed procedures for taking those steps or proceedings in accordance with the court’s rules and in a timely manner;</li> <li>(c) drafted all necessary documents in accordance with those procedures ad rules.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>

<p><b>Element 4</b> <b>Gathering and presenting evidence</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified issues likely to arise at the hearing;</li> <li>(b) identified evidence needed to prove the client’s case or disprove the opponent’s case, according to the rules of evidence;</li> <li>(c) gathered the necessary evidence;</li> <li>(d) presented that evidence according to law and the court’s rules.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 5</b> <b>Negotiating settlements</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) conducted settlement negotiations in accordance with specified principles;</li> <li>(b) identified any revenue and statutory refund implications;</li> <li>(c) properly documented any settlement reached.</li> </ul>	
<p><b>Element 6</b> <b>Taking action to enforce orders and settlement agreements</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified procedures for enforcing the order or settlement according to law and the court’s rules;</li> <li>(b) followed those procedures in a timely manner.</li> </ul>	

**Explanatory Note**

This competency standard applies to first instance civil litigation in a local lower and local higher court of an Australian State or Territory, having general jurisdiction, and in the Federal Court.

Means by which a dispute might be resolved include, but are not limited to:

- negotiation;
- mediation;
- arbitration;
- litigation; and
- expert appraisal.

Means by which evidence might be gathered include:

- statements from witness;
- notices to admit;
- discovery;
- subpoena;
- expert reports; and
- certified official records, banker’s books etc.

Means by which evidence might be presented include:

- orally on oath;
- affidavits; and
- video or telephone link.

Means of enforcement include:

- execution process including attachment of debts;
- taxation or assessment of costs; and
- oral examination.

# Diary entries – Civil Litigation Practice

Please use this space to outline how you completed each of the elements and performance criteria of Civil Litigation Practice required to show that you are competent in this unit.

Entry No	Date	Element/ performance criteria e.g. 4 (c)	Brief description of task	How did the trainee satisfy the performance criteria?.
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# COMMERICAL AND CORPORATE PRACTICE – Diary Entry Reconciliation

An entry-level lawyer should be able to conduct commercial transactions such as the sale or purchase of a small business. The lawyer should be able to set up standard business structures using entities such as companies, trusts, and partnerships; provide basic advise on finance and securities and the obligations of companies and their officers; and appreciate the type of advice needed to assess the revenue implications of standard commercial transactions.

<p><b>Element 1</b> <b>Conducting commercial transactions</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified the nature of the transaction properly;</li> <li>(b) undertaken sufficient searches and inquiries to investigate any relevant issues of title to real or personal property;</li> <li>(c) drafted documents, had them executed, and (if necessary) certified, stamped and registered them, according to law and good practice;</li> <li>(d) obtained or given any necessary consents to, or notifications of, the transaction required by law.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 2</b> <b>Setting up commercial structures</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) selected a structure that will achieve the client’s objectives;</li> <li>(b) drafted all documents required to set up the structure (including establishing any discrete entities that will form part of the structure) had them executed and (if necessary) certified, stamped and registered them, according to law and good practice;</li> <li>(c) informed the client of any continuing obligations in relation to the structure, and where the structure involves a corporation, the continuing obligations of the company and its officers.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 3</b> <b>Dealing with loans and securities</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified the various appropriate types of financial arrangements and securities available to the borrower and lender;</li> <li>(b) informed the borrower and lender of their immediate, continuing, and potential liabilities under any proposed financing and security arrangements;</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>

	<p>(c) drafted loan or security documents which reflect the agreement between lender and borrower;</p> <p>(d) had the loan or security documents executed, and (if necessary) stamped and registered them according to law.</p>	
<p><b>Element 4</b> <b>Advising on revenue law and practice</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <p>(a) identified the possible general revenue implications of the client's proposed commercial venture or arrangement;</p> <p>(b) referred the client to experts for more comprehensive or detailed advice, where appropriate.</p>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>

### Explanatory Note

This competency standard applies to commercial and corporate practice. It includes:

- some common commercial transactions, such as the sale or purchase of a small business;
- setting up standard business structures and entities, including companies;
- advising on the legal obligations of corporations and their officers;
- advising on due diligence investigations;
- identifying in a general way the possible revenue implications of standard commercial dealings and structures; and
- drafting standard loan agreements and securities.

Business structures include:

- trusts;
- private companies;
- partnerships;
- joint ventures; and
- franchise arrangements.

Securities include:

- bills of sale;
- chattel leases;
- loans agreements; and
- guarantees, including guarantees from spouses.

Revenue implications include:

- stamp duties;
- income tax;
- capital gains tax;
- GST;
- fringe benefits tax; and
- land and property taxes.

## Diary entries – Commercial and Corporate Practice

Please use this space to outline how you completed each of the elements and performance criteria of Commercial and Corporate Practice required to show that you are competent in this unit.

Entry No	Date	Element/ performance criteria e.g. 4 (c)	Brief description of task	How did the trainee satisfy the performance criteria?.
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# PROPERTY LAW PRACTICE – Diary Entry Reconciliation

An entry-level lawyer should be able to convey, lease and mortgage real property. The lawyer should also be able to provide general advice on standard matters arising under legislation relating to land use in the State or Territory.

<p><b>Element 1</b> <b>Transferring title</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified the nature of the interest being dealt with properly, having regard to the applicable title system;</li> <li>(b) prepared, commented on and advised on an appropriate contract of sale or other type of agreement and had it executed according to law and good practice;</li> <li>(c) undertaken sufficient searches and inquiries to investigate title, any issues about land use and responsibility for outgoings;</li> <li>(d) drafted an appropriate instrument of transfer or conveyance and had it executed and (if necessary) stamped and registered, according to law;</li> <li>(e) obtained or given any consents to, or notifications of, the transfer or conveyance according to law.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 2</b> <b>Creating leases</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) made and obtained all searches and consents required by law and good practice;</li> <li>(b) drafted, commented on and advised on a lease in a form allowed by law, reflecting the agreement between lessor and lessee and protecting their respective interests;</li> <li>(c) arranged for the lease to be executed and (if necessary) stamped and registered, according to law.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>

<p><b>Element 3</b> <b>Creating and releasing securities</b></p>	<p><b>Performance Criteria</b></p> <p>The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) made and obtained all searches and consents required by law and good practice;</li> <li>(b) drafted, commented on and advised on an effective instrument to create or release the security, reflecting the agreement between the grantor and grantee and protecting their respective interests;</li> <li>(c) arranged for the instrument to be executed and (if necessary) stamped and registered, as required by law.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 4</b> <b>Advising on land use</b></p>	<p><b>Performance Criteria</b></p> <p>The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified any legislative scheme regulating the relevant use;</li> <li>(b) advised the client generally about processes to be followed to obtain permission for, or to object to the use, as the case requires.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 5</b> <b>Advising on revenue implications</b></p>	<p><b>Performance Criteria</b></p> <p>The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified the revenue implications of any transaction and advised the client accordingly.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>

### Explanatory Notes

This competency standard applies to dealings with interests in real and leasehold property, land use and securities. It must include:

- contracts for sale of land including special conditions;
- transferring title (or equivalent interest under the scheme of land title that exists in the particular State or Territory);
- creating standard commercial leases;
- creating standard residential tenancies or leases;
- creating and releasing of mortgages; and
- some aspect of land use.

The competency standard includes dealings under the main system of land title operating in the jurisdiction in which the lawyer practices. For example, in Queensland it would include dealings in respect of freehold title under the *Land Title Act 1994*.

Aspects of land use might involve issues arising out of:

- town planning schemes;
- local government by-laws;
- environment and heritage legislation; and
- revenue and tax legislation.

This competency standard is limited to:

- the main system of land title operating in a State or Territory; and
- transactions which an entry-level lawyer would be expected to perform.

# Diary entries – Property Law Practice

Please use this space to outline how you completed each of the elements and performance criteria of Property Law Practice required to show that you are competent in this unit.

Entry No	Date	Element/ performance criteria e.g. 4 (c)	Brief description of task	How did the trainee satisfy the performance criteria?.
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# ADMINISTRATIVE LAW PRACTICE – Diary Entry

## Reconciliation

An entry-level lawyer who practices in administrative law should be able to obtain information for clients under freedom of information legislation and otherwise, seek review of administrative decisions, and represent parties before courts and administrative tribunals.

<p><b>Element 1</b> <b>Obtaining Information</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified whether freedom of information legislation applies to the situation;</li> <li>(b) identified the specific legislation under which the information may be obtained;</li> <li>(c) taken the steps required under that legislation;</li> <li>(d) identified and taken any other practical steps required to obtain the information.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 2</b> <b>Obtaining review of administrative decisions</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) concluded correctly that the decision may be reviewed;</li> <li>(b) identified and discussed with the client alternative means of obtaining a review;</li> <li>(c) completed all preparation required by law, good practice and the circumstances of the matter;</li> <li>(d) represented the client effectively at any mediation, hearing or other review forum, where this is appropriate and permitted.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 3</b> <b>Representing a client</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified all alternative means of obtaining redress and discussed them with the client;</li> <li>(b) completed all preparation required by law, good practice and the circumstances of the matter;</li> <li>(c) represented the client effectively at any mediation, hearing or other forum.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>

**Explanatory Note**

This competency standard applies to State and Federal administrative law and practice and proceedings before both State and Federal courts and tribunals.

For an entry-level lawyer administrative law practice may be either an area of specialized practice or an ancillary part of general practice.

Preparing to represent a client in a court or tribunal may include drafting written submissions.



# Diary entries – Administrative Law Practice

Please use this space to outline how you completed each of the elements and performance criteria of Administrative Law Practice required to show that you are competent in this unit.

Entry No	Date	Element/ performance criteria e.g. 4 (c)	Brief description of task	How did the trainee satisfy the performance criteria?.
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# CRIMINAL LAW PRACTICE – Diary Entry Reconciliation

An entry-level lawyer who practices in criminal law should be able to advise clients before arrest, seek bail, make pleas, participate in minor contested hearings and assist in preparing cases for trial.

<p><b>Element 1</b> <b>Providing advice</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified the client’s legal rights and legal powers of the police or other prosecutors or investigators in the situation;</li> <li>(b) informed the client of those rights and powers in a way which the client can easily understand;</li> <li>(c) identified the legal elements of any offence with which the client is charged;</li> <li>(d) where possible, confirmed in writing any instructions given by the client in response to initial advice;</li> <li>(e) implemented the client’s instructions when it is appropriate in the circumstances to do so.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 2</b> <b>Applying for bail</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified the client’s options and communicated them to the client in a way the client can easily understand;</li> <li>(b) helped the client to make an informed decision about which option to select;</li> <li>(c) fully advised the client of any bail conditions.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 3</b> <b>Making Pleas</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified the client’s options and communicated them to the client in a way the client can easily understand;</li> <li>(b) identified and gathered all material useful to the plea according to law and good practice;</li> <li>(c) presented the plea in an effective and persuasive manner, having regard to the circumstances of the case;</li> <li>(d) advise the client fully of the outcome in a way the client can easily understand.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>

<p><b>Element 4</b> <b>Representing a client in minor matters</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) completed all preparation required by law, good practice and the circumstances of the case;</li> <li>(b) represented the client effectively at a contested and uncontested hearing.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 5</b> <b>Assisting to prepare cases for trial</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified and gathered the evidence needed to support the client's case;</li> <li>(b) identified and briefed appropriate experts (including counsel) having regard to good practice and the requirements of the case.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>

**Explanatory Note**

This competency standard applies to criminal law practice. It includes:

- advising clients before and after arrest;
- making a simple bail application on behalf of an accused person;
- making a plea in mitigation of penalty in a simple matter;
- some aspects of preparing a matter for hearing, such as briefing counsel; and
- participating in a minor contested hearing.

Criminal matters include:

- traffic offences;
- domestic violence and apprehended violence orders;
- drink driving; and
- drug offences.

## Diary entries – Criminal Law Practice

Please use this space to outline how you completed each of the elements and performance criteria of Criminal Law Practice required to show that you are competent in this unit.

Entry No	Date	Element/ performance criteria e.g. 4 (c)	Brief description of task	How did the trainee satisfy the performance criteria?.
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# FAMILY LAW PRACTICE – Diary Entry Reconciliation

An entry-level lawyer who practices in family law should be able to apply for dissolution of marriage, and advise and take action in relation to parenting matters, property settlements, spouse maintenance and child support problems.

<p><b>Element 1</b> <b>Applying for dissolution of marriage</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) obtained instructions reflecting the client’s informed wishes;</li> <li>(b) prepared an application complying with the relevant court rules;</li> <li>(c) filed and served the application in accordance with those rules;</li> <li>(d) proved service in accordance with those rules;</li> <li>(e) presented the clients application to the court effectively.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 2</b> <b>Acting in relation to ancillary matters</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) informed the client of all options, having regard to the circumstances of the case, in a way which the client can easily understand;</li> <li>(b) fully prepared the client’s case having regard to the client’s circumstances, the dispute resolution process the client has decided to pursue and good practice;</li> <li>(c) pursued the case in accordance with good practice for the chosen dispute resolution process;</li> <li>(d) identified and explained to the client the revenue implications of any proposed settlement;</li> <li>(e) documented and acted upon any results of the chosen dispute resolution process, as required by law and good practice.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>

## **Explanatory Note**

This competency standard applies to dissolution of marriage and ancillary matters arising from the breakdown of marriages or other domestic relationships. It includes:

- applying for dissolution of marriage; and
- managing an ancillary matter in a family court up to the first directions hearing.

Ancillary matters include:

- parenting matters;
- property settlements;
- spouse maintenance;
- child support;
- domestic violence orders;
- injunctions and sole use orders; and
- de facto proceedings.

Acting includes:

- participating in primary dispute resolution processes;
- informal negotiation; and
- initiating or responding to court proceedings for urgent, interim or final relief.

# Diary entries – Family Law Practice

Please use this space to outline how you completed each of the elements and performance criteria of Family Law Practice required to show that you are competent in this unit.

Entry No	Date	Element/ performance criteria e.g. 4 (c)	Brief description of task	How did the trainee satisfy the performance criteria?.
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# CONSUMER LAW PRACTICE – Diary Entry Reconciliation

An entry-level lawyer who practices in consumer law should be able to advise clients on the procedures and remedies available in relation to summer complaints and to represent the client in any related negotiations or proceedings.

<p><b>Element 1</b> <b>Obtaining information</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified the situation as one to which consumer protection legislation applies;</li> <li>(b) identified the relevant legislation and any applicable case law;</li> <li>(c) identified any possible common law remedies.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 2</b> <b>Drafting documents</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) drafted any documents required, in accordance with the client’s instructions and the relevant legislation.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 3</b> <b>Initiating and responding to claims</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(b) identified the appropriate forum for initiating or responding to a claim;</li> <li>(c) initiated a claim or taken action to oppose a claim in accordance with the rules and procedures of the relevant court or tribunal, in a timely manner;</li> <li>(d) obtained all necessary evidence and drafted all necessary documents in accordance with those rules.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 4</b> <b>Representing the client</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified all possible means of resolving the dispute to the satisfaction of the client and discussed them with the client;</li> <li>(b) completed all necessary preparation in accordance with the law, good practice and the circumstances of the matter;</li> <li>(c) represented the client effectively at any negotiation, hearing or other forum.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>



<b>Element 5</b> <b>Taking action to implement outcomes</b>	<b>Performance Criteria</b> The lawyer has competently: <ul style="list-style-type: none"> <li>(a) documented any order or settlement properly and explained it to the client in a way which the client can easily understand;</li> <li>(b) identified any procedures necessary to enforce the order or settlement and carried them out in a timely manner.</li> </ul>	<b>Diary entry checklist</b> <b>(against each performance criteria)</b>
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**Explanatory Note**

This competency standard applies to the practice of consumer law. It includes both State and Federal consumer protection legislation and codes.

Consumer protection legislation includes State and Federal legislation and codes dealing with:

- trade practices;
- misleading and deceptive conduct;
- motor car traders;
- domestic building contracts;
- consumer credit; and
- residential tenancies.

A consumer protection dispute includes disputes relating to:

- trade practices;
- misleading and deceptive conduct;
- motor car traders;
- domestic building contracts;
- consumer credit;
- guarantees; and
- residential tenancies.

A court or tribunal includes:

- Federal Courts;
- State Courts;
- statutory tribunals;
- industry complaint panels; and
- industry Ombudsmen.

# Diary entries – Consumer Law Practice

Please use this space to outline how you completed each of the elements and performance criteria of Consumer Law Practice required to show that you are competent in this unit.

Entry No	Date	Element/ performance criteria e.g. 4 (c)	Brief description of task	How did the trainee satisfy the performance criteria?.
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# EMPLOYMENT AND INDUSTRIAL RELATIONS PRACTICE – Diary Entry Reconciliation

An entry-level lawyer who practices in the area of employment and industrial relations should be able to advise clients on the relevant law and procedures, represent clients in negotiations and initiate and respond to applications in relevant State and Federal courts and tribunals.

<p><b>Element 1</b> <b>Assessing the merits of the dispute and identifying the dispute resolution alternatives</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified the relevant facts;</li> <li>(b) assessed the strengths and weaknesses of the dispute according to the relevant law;</li> <li>(c) identified all means of resolving the dispute, having regard to the client’s circumstances.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 2</b> <b>Advising client on procedures</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) advised the client of means to avoid a dispute, where appropriate;</li> <li>(b) advised the client of available steps to strengthen the client’s position.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 3</b> <b>Commencing negotiations</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) explored all opportunities for a negotiated settlement, subject to the client’s instructions;</li> <li>(b) represented the client effectively at any negotiations.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 4</b> <b>Initiating and responding to proceedings</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified the appropriate jurisdiction;</li> <li>(b) initiated or opposed a claim in accordance with the rules of the relevant court or tribunal, in a timely manner;</li> <li>(c) obtained all necessary evidence and drafted all necessary documents in accordance with those rules.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 5</b> <b>Representing the client</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) completed all preparation required by law, good practice and the circumstances;</li> <li>(b) represented the client effectively at any mediation, hearing or other forum.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>

<p><b>Element 6</b> <b>Taking action to implement outcomes</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) properly documented any order or settlement and explained it to the client in a way which the client can understand;</li> <li>(b) identified and carried out any procedures required to enforce the order or settlement.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
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**Explanatory Notes**

This competency standard applies to the practice of employment and industrial relations law at both State and Federal levels.

A dispute may involve:

- award negotiations;
- an industrial dispute relating to an individual employee or to a workplace or industry;
- an equal employment opportunity or anti-discrimination claim; and
- a claim for unfair dismissal.

The means by which a dispute might be resolved include, but are not limited to:

- negotiation;
- mediation;
- conciliation;
- arbitration; and
- litigation.

Steps available to a client to avoid a dispute or to strengthen the client’s position include:

- altering internal employment practices and procedures;
- drafting and revising employment contracts;
- entering or revising enterprise bargaining agreements;
- altering individual employment contracts;
- taking disciplinary proceedings; and
- allowing industrial representation.

# Diary entries – Employment and Industrial Relations Practice

Please use this space to outline how you completed each of the elements and performance criteria of Employment and Industrial relations Practice required to show that you are competent in this unit.

Entry No	Date	Element/ performance criteria e.g. 4 (c)	Brief description of task	How did the trainee satisfy the performance criteria?.
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# PLANNING AND ENVIRONMENTAL LAW PRACTICE – Diary Entry Reconciliation

An entry-level lawyer who practises in planning and environmental law should be able to advise clients on the relevant law, generally assist them in the planning process; initiate or oppose applications in, and obtain and present relevant evidence before, appropriate courts or tribunals; and represent clients in various forums.

<p><b>Element 1</b> <b>Assessing the merits of the matter and advising the client</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) obtained full instructions from the client;</li> <li>(b) analysed the facts in accordance with the relevant law;</li> <li>(c) obtained and clarified any relevant technical information;</li> <li>(d) advised the client of any rights and obligations of the client and potential penalties if obligations are not observed;</li> <li>(e) identified all options and developed a plan of action in accordance with the client’s instructions;</li> <li>(f) examined the commercial, political and public relations implications of any proposed action and explained them to the client.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 2</b> <b>Preparing applications</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified and analysed the relevant provisions of the relevant planning scheme;</li> <li>(b) prepared an application for development approval and submitted it to the relevant authority;</li> <li>(c) obtained any necessary plans;</li> <li>(d) identified potential grounds of objection.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 3</b> <b>Initiating and responding to claims</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified the appropriate forum for initiating or responding to a claim;</li> <li>(b) initiated or opposed a claim in accordance with the rules of the relevant court or tribunal, in a timely manner;</li> <li>(c) obtained all necessary evidence and drafted all necessary documents in accordance with those rules.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>

<p><b>Element 4</b> <b>Representing the client</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified all available means of resolving the matter to the satisfaction of the client and discussed them with the client;</li> <li>(b) completed all preparation required by law, good practice and the circumstances;</li> <li>(c) represented the client effectively in any negotiation, mediation, hearing or other forum.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 5</b> <b>Implementing outcomes</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) properly documented any order or settlement and explained it to the client in a way which the client can easily understand;</li> <li>(b) identified and carried out any procedures to enforce the order or settlement in a timely manner.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>

**Explanatory Note**

This competency standard applies to the practice of planning and environmental law under both State and Federal legislation.

The client's rights and obligations include rights and obligations under statute and at common law.

A claim or dispute may include:

- an application for or exemption from a permit, licence, approval or other authority;
- an objection to or appeal or application for review in relation to such an application;
- a prosecution for breach of relevant legislation; and
- civil action relating to either or both of planning and environmental issues.

Reference to a court or tribunal includes a body exercising statutory powers.

Preparation for providing representation in a court or tribunal may include:

- drafting written submissions; and
- briefing counsel.

# Diary entries – Planning and Environment Law Practice

Please use this space to outline how you completed each of the elements and performance criteria of Planning and Environment Law Practice required to show that you are competent in this unit.

Entry No	Date	Element/ performance criteria e.g. 4 (c)	Brief description of task	How did the trainee satisfy the performance criteria?.
1				
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3				
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(Please adjust width of rows to suit and continue to number entries sequentially)



# WILLS AND ESTATES PRACTICE – Diary Entry Reconciliation

An entry-level lawyer who practises in wills and estates should be able to draft wills, administer deceased estates and take action to solve problems about wills and estates.

<p><b>Element 1</b> <b>Drafting wills</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) advised the client of issues, options and potential problems that might arise in respect of the client’s testamentary intentions;</li> <li>(b) obtained instructions reflecting the client’s informed and independent wishes, which can be effectively implemented;</li> <li>(c) drafted a will reflecting the client’s instructions;</li> <li>(d) identified any issues of testamentary capacity and resolved them in accordance with law and good practice;</li> <li>(e) ensured that the client executed the will in accordance with law;</li> <li>(f) given any necessary follow-up advice to the client.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 2</b> <b>Administering deceased estates</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) obtained a grant of probate or letters of administration where required;</li> <li>(b) identified the debts and assets of the estate;</li> <li>(c) gathered in the estate or transferred or transmitted assets directly to beneficiaries, as appropriate, having regards to the law, good practice, and the circumstances;</li> <li>(d) discharged the estate’s debts, distributed specific gifts and the residue and ensured that the executors have been released of their obligations in a timely fashion.</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>
<p><b>Element 3</b> <b>Taking action to resolve wills and estates problems</b></p>	<p><b>Performance Criteria</b> The lawyer has competently:</p> <ul style="list-style-type: none"> <li>(a) identified the nature of the problem properly, having regard to the law of the jurisdiction;</li> <li>(b) identified the client’s options for dealing with the problem, having regard to the law of the particular jurisdiction and the client’s circumstances;</li> </ul>	<p><b>Diary entry checklist</b> <b>(against each performance criteria)</b></p>

	(c) explained the options to the client in a way the client can easily understand; (d) taken action to resolve the problem in accordance with the client's instructions.	
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### **Explanatory Notes**

This competency standard applies to wills and deceased estate practice. It must include:

- drawing and advising on standard wills;
- obtaining an uncontested grant of letters of administration on an intestacy or probate where a will exists;
- administering a standard deceased estate;
- helping solve at least one common type of will or estate problem.

Wills and estates problems include:

- testamentary capacity;
- construction;
- validity of the will;
- validity of gifts;
- assets outside the jurisdiction;
- revenue issues;
- family provision;
- mutual wills;
- trusts;
- informal wills; and
- testamentary directions.

Follow-up advice required may include:

- the effects of marriage on a will;
- the effects of divorce on a will;
- storage options;
- revocation;
- modification; and
- availability of associated documents such as enduring powers of attorney.

## Diary entries – Wills and Estates Practice

Please use this space to outline how you completed each of the elements and performance criteria of Wills and Estate Practice required to show that you are competent in this unit.

Entry No	Date	Element/ performance criteria e.g. 4 (c)	Brief description of task	How did the trainee satisfy the performance criteria?.
1				
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(Please adjust width of rows to suit and continue to number entries sequentially)