



**Australian Government**

**Department of Education, Employment and Workplace Relations**

# **BSBATSil413A Review and apply the constitution**

**Revision Number: 1**

## BSBATSIL413A Review and apply the constitution

### Modification History

Not applicable.

### Unit Descriptor

<b>Unit descriptor</b>	<p>This unit describes the performance outcomes, skills and knowledge required to ensure that the organisation's constitution is relevant and legal, that it is understood, and that it meets changing needs.</p> <p>Some aspects of governance activities may be subject to legislation, rules, regulations and codes of practice relevant to different job roles and jurisdictions.</p>
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### Application of the Unit

<b>Application of the unit</b>	<p>This unit applies to individuals responsible for monitoring, guiding and undertaking the decision-making activities of Aboriginal and Torres Strait Islander organisations.</p>
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### Licensing/Regulatory Information

Not applicable.

### Pre-Requisites

<b>Prerequisite units</b>		

## Employability Skills Information

<b>Employability skills</b>	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 essential components of the constitution	1.1.Explain key clauses to community members 1.2.Seek clarification of clauses from <i>experts</i> when required 1.3.Identify areas of activity of the organisation not covered by the constitution
2. Ensure the constitution is legal	2.1.Check the constitution to ensure it is consistent with <i>relevant law</i> with the support of experts where required 2.2.Check the constitution to ensure it is consistent with traditional lore
3. Apply the constitution	3.1.Follow <i>constitutional provisions</i> 3.2.Check <i>policies and programs</i> to ensure they conform to the constitution 3.3.Amend the constitution as required in consultation with members and according to relevant procedures 3.4.Ensure formal documentation of changes made is maintained

## Required Skills and Knowledge

### REQUIRED SKILLS AND KNOWLEDGE

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

#### Required skills

- analytical skills to understand and interpret provisions of the constitution and how they can be applied in a variety of circumstances
- communication and teamwork skills to work cooperatively with other board members, management and staff of the organisation, members, community and key stakeholders
- consultation and discussion skills to explain the constitution to others and workshop possible changes
- culturally appropriate communication skills to relate to people from diverse backgrounds and with diverse abilities
- evaluation and decision-making skills to review information presented to the board and enact decisions
- oral, diagrammatic or written literacy skills to be able to gather and share information

#### Required knowledge

- concept of community control of organisations and how it may impact on the provisions and application of the constitution
- cultural context in which Aboriginal and Torres Strait Islander boards operate, including their role in upholding traditional and cultural values, and how that may impact on content and application of the constitution
- federal, state or territory legislation and funding body requirements that can impact on the provisions of the constitution
- geographic, social, economic and political contexts in which particular organisations operate and how these may impact on the provisions and application of the constitution
- how to put provisions of the constitution into practice, in particular provisions about elections, membership, conduct of meetings (particularly annual general meetings) and reporting
- organisation's constitution provisions and processes
- provisions of the corporation law relevant to the organisation that directly relate to the content and development of the organisation's constitution
- sources of support to provide advice on legality and practical operations of aspects of the constitution

## Evidence Guide

<b>EVIDENCE GUIDE</b>	
<p>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.</p>	
<b>Overview of assessment</b>	
<b>Critical aspects for assessment and evidence required to demonstrate competency in this unit</b>	<p>Evidence of the ability to:</p> <ul style="list-style-type: none"> <li>interpret and apply provisions of the constitution</li> <li>obtain appropriate advice where necessary to ensure the constitution meets legal requirements</li> <li>follow the constitution when undertaking board duties.</li> </ul>
<b>Context of and specific resources for assessment</b>	<p>Assessment must ensure:</p> <ul style="list-style-type: none"> <li>participation on an actual or simulated board</li> <li>access to expert knowledge and resources relevant to constitution</li> <li>access to examples of constitutions used by Aboriginal and Torres Strait Islander organisations</li> <li>knowledge and performance to be assessed over time to confirm consistency in performance.</li> </ul>
<b>Method of assessment</b>	<p>A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this unit:</p> <ul style="list-style-type: none"> <li>observation of performance on a board or simulated board</li> <li>direct questioning combined with reflection of practical board performance by the candidate</li> <li>analysis of responses to case studies and scenarios</li> <li>demonstration of techniques</li> <li>observation of presentations and group discussions</li> <li>oral or written questioning to assess knowledge</li> <li>observation of performance in role plays.</li> </ul>
<b>Guidance information for assessment</b>	<p>Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended, for example:</p> <ul style="list-style-type: none"> <li>BSBATSIL408C Manage a board meeting</li> <li>BSBATSIL411A Undertake the roles and responsibilities of a board member.</li> </ul>

## Range Statement

<b>RANGE STATEMENT</b>	
<p>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.</p>	
<p><b><i>Experts</i></b> may include:</p>	<ul style="list-style-type: none"> <li>• accountants</li> <li>• Elders</li> <li>• federal or state registration bodies</li> <li>• managers</li> <li>• Office of the Registrar of Indigenous Corporations</li> <li>• solicitors</li> <li>• state registration bodies.</li> </ul>
<p><b><i>Relevant law</i></b> may include:</p>	<ul style="list-style-type: none"> <li>• Act or Acts under which the organisation operates</li> <li>• corporation law.</li> </ul>
<p><b><i>Constitutional provisions</i></b> may include:</p>	<ul style="list-style-type: none"> <li>• elections</li> <li>• financial and other reporting</li> <li>• meetings, including annual general meetings</li> <li>• membership</li> <li>• objectives.</li> </ul>
<p><b><i>Policies and programs</i></b> may include:</p>	<ul style="list-style-type: none"> <li>• commercial activities</li> <li>• eligibility for assistance</li> <li>• program objectives.</li> </ul>

## Unit Sector(s)

<b>Unit sector</b>	
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## Competency field

<b>Competency field</b>	Regulation, licensing and risk - ATSI governance
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## Co-requisite units

<b>Co-requisite units</b>		