



Australian Government

Department of Education, Employment and Workplace Relations

CPPACC8006A Give evidence relating to access and use

Release: 1

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Modification History

New unit

Unit Descriptor

This unit of competency specifies the outcomes required to research and report to a court, tribunal or panel hearing on matters regarding access and use issues for people with disabilities. It covers application of the expert knowledge and understanding of the access consultant in matters of legislation, regulations, standards, codes and planning schemes; application of ergonomics and the human geometry of people with disabilities to access provision; and analysis of built environment issues with positive and negative impacts on people with sensory and cognitive impairments. It requires the clear preparation and presentation of technically accurate and unbiased information and an understanding of and respect for the duty of an expert witness to the court.

Application of the Unit

This unit of competency supports access consultants in the role of subject matter experts, providing accurate and objective evidence to a range of courts, tribunals or panel hearings regarding access and use matters for people with disabilities.

Licensing/Regulatory Information

No licensing, legislative, regulatory or certification requirements apply to this unit at the time of publication.

Pre-Requisites

Not applicable.

Employability Skills Information

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 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.

Elements and Performance Criteria

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| 1 | Determine and manage scope of required report and associated risk. | 1.1 | <i>Scope</i> of the expert advice to be provided to the <i>court, tribunal or panel</i> hearing is reviewed. |
| | | 1.2 | Own professional expertise is defined and capacity to conduct research and provide required report and evidence are determined by conducting a risk assessment. |
| | | 1.3 | Potential for conflict of interest with the matter being heard is assessed. |
| | | 1.4 | Ability to proceed with the hearing is determined according to legal requirements and with regard to professional ethics. |
| | | 1.5 | Timeframes and commercial arrangements to support the preparation and giving of evidence are negotiated with the client. |
| 2 | Research and prepare evidence. | 2.1 | Documentation relating to access and use issues is reviewed and facts are checked with <i>client</i> or other professionals as required. |
| | | 2.2 | Detailed compliance requirements relating to access and use issues are researched and interpreted from applicable <i>legislation, codes, standards</i> and premises owner or developer specifications. |
| | | 2.3 | Professional network of subject matter experts is consulted on technically accurate interpretations of requirements as necessary. |
| | | 2.4 | Gaps in, and conflicts and interactions between, applicable compliance requirements are analysed, and interpretations are considered and noted. |

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| 3 | Prepare for appearance. | 3.1 Arrangements for own role and involvement in proceedings are confirmed. |
| | | 3.2 Documentation and exhibits are prepared according to legislation and court or tribunal protocols, policies and procedures. |
| | | 3.3 Solutions that could resolve access and use compliance issues are prepared and documented. |
| 4 | Present evidence. | 4.1 Protocols and relevant rules of evidence are followed throughout proceedings. |
| | | 4.2 Feedback from counsel and/or court or tribunal officer and comments by deciding authority are noted and addressed. |
| | | 4.3 Evidence is presented in a clear, concise, objective and articulate manner in line with professional standards. |
| | | 4.4 Considered expert evidence consistent with qualifications and expertise is provided on request. |

Required Skills and Knowledge

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

Required skills

- communication skills to interpret non-verbal communication, such as facial signs indicating lack of understanding
- initiative and enterprise skills to:
 - apply knowledge of disabilities to access and use issues
 - conceptualise creative and practical access solutions
 - develop strategies for risk management
- language and literacy skills to:
 - exchange complex information with people from diverse backgrounds using relevant language and format, such as:
 - expert opinion on interpretation of standards
 - expert opinion reports
 - technical reports
 - interpret complex legal and technical documents regarding accessibility, for example:
 - Australian and international standards
 - National Construction Code (NCC)
 - legislation, including the Disability Discrimination Act
 - specifications for buildings
 - provide accurate, clear and high quality evidence to a court, tribunal or panel
- learning skills to:
 - maintain own knowledge base, including court, tribunal and panel protocols
 - participate in debate on interpretation of compliance requirements
 - undertake appropriate professional development
- planning and organising skills to:
 - develop and manage business processes relating to the provision of advice and evidence
 - ensure completeness of compliance requirement analysis, including organising diverse references
 - provide accurate and timely opinion
- self-management skills to:
 - apply diplomacy, professional judgement, empathy and patience to build and manage client relationships
 - manage the stress that may accompany participation in adversarial court, tribunal or panel hearings

- maintain task orientation and focus on complex access and use issues
- sustain objectivity when preparing and providing evidence
- technical skills to:
 - analyse provided documentation against requirements specified in documentation provided to courts, tribunals and panels
 - develop and describe design solutions

Required knowledge

- access and use compliance requirements, including but not restricted to:
 - codes
 - guidelines
 - legislation
 - local authority policies
 - protocols
 - regulations
 - standards
- accessibility requirements relating to equipment used by people with disabilities, such as:
 - assistance animals
 - audio frequency induction loops
 - braille and tactile signage
 - long white canes
 - TTY telephones
 - walking frames
 - wheelchairs
- advocacy, legislative and regulatory frameworks relating to access to and use of the built environment
- building and construction industry processes, roles and terminology
- court principles and practices relating to providing evidence
- legal requirements for providing evidence, including accurate and fair data
- gaps and trends in, interrelation of, and conflict between compliance requirements
- principles of access to and use of the built environment, including:
 - adaptable design
 - best practice solutions to access and use requirements
- principles of ergonomics and human geometry
- principles of risk management and strategies for the management of risk associated with giving compliance advice
- requirements of people with different disabilities, and the aids and solutions available to meet them, such as:
 - audio frequency induction loop systems to enhance communication for people with hearing impairment

- passenger lifts for vertical access for people with mobility impairment
- tactile ground surface indicators for vision orientation
- scope of functions of the human body, including:
 - auditory and visual processing
 - cognitive functions
 - mobility
 - psychiatric conditions
- types of disabilities and combinations of disabilities and related range of functional limitations, including:
 - auditory
 - cognitive
 - mobility
 - muscle wasting and weakness
 - psychiatric
 - vision

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.

<p>Critical aspects for assessment and evidence required to demonstrate competency in this unit</p>	<p>A person who demonstrates competency in this unit must be able to provide evidence of the required skills and knowledge specified in this unit.</p> <p>In particular, the person should demonstrate the ability to:</p> <ul style="list-style-type: none"> • identify level of professional expertise and its relevance to the scope of operations of the court, tribunal or panel hearing • conduct a risk assessment to determine whether the level and type of professional expertise are appropriate to participate in the court, tribunal or panel hearing • conduct research into two different cases, including: <ul style="list-style-type: none"> • analyse documentation relating to the case • analyse applicable legislation, regulations, codes and standards • check facts • prepare for and appear in court, tribunal or panel hearings relating to two different cases.
<p>Context of and specific</p>	<p>Assessment of essential underpinning knowledge may be conducted in an off-site context and is to comply with regulatory</p>

resources for assessment	<p>and Australian standards' requirements.</p> <p>Resource implications for assessment include access to:</p> <ul style="list-style-type: none"> • relevant legislation, codes, standards and guidelines • case information to support appearances at two different court, tribunal or panel hearings • two different court, tribunal or panel hearings.
Method of assessment	<p>Assessment methods must:</p> <ul style="list-style-type: none"> • satisfy the endorsed Assessment Guidelines of the CPP07 Property Services Training Package • include direct observation of tasks in real or simulated work conditions, with questioning to confirm the ability to consistently identify and correctly interpret the essential underpinning knowledge required for practical application • reinforce the integration of employability skills with workplace tasks and job roles • confirm that competency is verified and able to be transferred to other circumstances and environments.
Guidance information for assessment	<p>This unit could be assessed on its own or in combination with other units relevant to the job function.</p> <p>Reasonable adjustments for people with disabilities must be made to assessment processes where required. This could include access to modified equipment and other physical resources, and the provision of appropriate assessment support.</p> <p>Assessment processes and techniques should, as far as is practical, take into account the language, literacy and numeracy capacity of the candidate in relation to the competency being assessed.</p>

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.

Scope of the matters addressed by the court, tribunal or panel may include:	<ul style="list-style-type: none"> • applications for exemptions to provide access and use based on hardship • difficult or inaccessible access to and use of premises • employment discrimination • lack of accessible and appropriate facilities
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	<ul style="list-style-type: none"> • less favourable treatment of people with disabilities in a venue or by a service provider.
<i>Court, tribunal or panel</i> may include:	<ul style="list-style-type: none"> • Australian Human Rights Commission (AHRC) conciliations • AHRC hearings • local government appeals forums • state or territory government agencies • state-based administrative appeal tribunals • state-based anti-discrimination tribunals • federal court hearings.
<i>Clients</i> may include:	<ul style="list-style-type: none"> • architects • builders • building designers • building surveyors • court or tribunal • developers • individuals seeking personal redress • lawyers • owners • planners • policy makers • users of premises, infrastructure or facilities • welfare rights and advocacy groups.
<i>Legislation, codes and standards</i> may include:	<ul style="list-style-type: none"> • Australian and international standards • NCC • Disability (Access to Premises – Buildings) Standards, known as the Premises Standards (PS) • Disability Discrimination Act and regulations and amendments • Disability Standards for Accessible Public Transport (DSAPT) • Disability Standards for Education • state and territory Acts covering provision of evidence to courts • state, territory and local authority legislation, regulations and planning requirements.

Unit Sector(s)

Access consulting

Custom Content Section

Not applicable.