



Australian Government

Department of Education, Employment and Workplace Relations

RIIGOV501A Identify, implement and maintain legal compliance requirements

Release: 1

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Modification History

Not applicable.

Unit Descriptor

This unit covers the identification, implementation and maintenance of legal compliance requirements in the resources and infrastructure industries. It includes providing information about the scope, implementation, management, prioritisation and training for legal compliance requirements. It also provides information about implementing and monitoring procedures for maintaining legal records and for dealing with non-compliance events. Licensing, legislative, regulatory and certification requirements that apply to this unit can vary between states, territories, and industry sectors. Relevant information must be sourced prior to application of the unit.

Application of the Unit

This unit is appropriate for those working in a management or supervisory role at worksites within:

- Civil construction
- Coal mining
- Drilling
- Extractive industries
- Metalliferous mining

Licensing/Regulatory Information

Refer to Unit Descriptor.

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

ELEMENT	PERFORMANCE CRITERIA
<p>1. Provide information about the scope of legal and organisational compliance procedures</p>	<p>1.1. Access, interpret and apply compliance documentation relevant to the work activity</p> <p>1.2. Explain relevant provisions of legislation and code of practice relevant to the workplace and how they impact on business arrangements</p> <p>1.3. Provide information on the organisation's policies, procedures, programs and business arrangements within the legal compliance context</p> <p>1.4. Evaluate, provide information and documentation to the work group regarding legal compliance</p> <p>1.5. Obtain approval of plans from relevant personnel</p>
<p>2. Implement and monitor organisation's procedures for the management of legal compliance</p>	<p>2.1. Implement and monitor legal compliance management systems and procedures to maximise compliance opportunities</p> <p>2.2. Search for, identify, review and report on legal compliance requirements regularly so issues may be raised and dealt with in a prompt and appropriate manner</p> <p>2.3. Identify and periodically review if adequate resources have been allocated to implement legal compliance and inform appropriate parties promptly</p> <p>2.4. Ensure all members of the workgroup have the opportunity to contribute to issues on legal compliance and ensure information is stored and reviewed within the organisation</p>
<p>3. Implement, monitor and prioritise compliance requirements within organisational procedures</p>	<p>3.1. Collect and review information on legal compliance and report any existing or potential non-compliance issues so they can be addressed appropriately</p> <p>3.2. Evaluate and clarify compliance information to all relevant personnel</p> <p>3.3. Identify implications of non-compliance</p> <p>3.4. Group legal compliance requirements into critical, important and incidental classifications so that non-compliance issues can be prioritised and appropriate measures implemented to prevent or minimise reoccurrence of non-compliance</p>

<p>4. Implement, monitor and document procedures and training for compliance requirements</p>	<p>4.1. Identify, implement, monitor and provide documentation on training needs and workplace procedures to ensure compliance</p> <p>4.2. Monitor and report to relevant personnel legal compliance measures to ensure legal compliance is part of the organisation's general training program</p> <p>4.3. Implement appropriate legal compliance training programs in consultation with relevant personnel</p> <p>4.4. Identify and report inadequacies in existing legal compliance measures and resource allocation to management</p>
<p>5. Implement and monitor procedures for maintaining legal records and for dealing with non-compliance events</p>	<p>5.1. Implement workplace procedures to deal with non-compliance events in a timely manner while keeping accurate legal records</p> <p>5.2. Identify and investigate the cause of non-compliance events using the work areas records in accordance with investigation procedures</p> <p>5.3. Minimise recurrence of non-compliance by using systems for reporting maintenance of legal compliance</p>

Required Skills and Knowledge

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

Required skills

Specific skills are required to achieve the Performance Criteria of this unit, particularly for its application in the various circumstances in which this unit may be used. This includes the ability to carry out the following as required to identify, implement and maintain legal compliance including:

- apply legislative, organisation and site requirements and procedures for identification, implementation and maintenance of legal compliance requirements
- maintain legal and organisational compliance procedures and policies
- use effective consultative mechanisms to negotiate compliance processes and procedures appropriate to statutory/legal requirements
- explain complex compliance information to relevant personnel
- provide coaching and mentoring support to encourage compliance
- read, interpret and apply compliance legislation
- relate to people from a range of social, cultural and ethnic backgrounds
- source information on compliance requirements
- organise and review information on compliance requirements

Required knowledge

Specific knowledge is required to achieve the Performance Criteria of this unit, particularly for its application in the various circumstances in which this unit may be used. This includes knowledge of the following, implementation and maintenance legal compliance requirements including:

- legal compliance rights
- environmental compliance requirements
- compliance insurance requirements
- contractual rights and responsibilities
- record-keeping systems required for compliance management
- complaints handling systems
- continuous improvement processes for compliance including:
 - monitoring
 - reporting
 - evaluation
 - review
- relevant Australian and international standards including but not limited to:
 - AS 3806: Compliance Programs
 - AS 4269: Complaints Handling
 - A/NZS 4360: Risk Management
 - AS ISO 15489: Records Management

- relevant organisation policies and procedures including:
 - policies in various compliance areas
 - organisational standards for operations and ethics

Evidence Guide

<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>	
<p>Overview of assessment</p>	
<p>Critical aspects for assessment and evidence required to demonstrate competency in this unit</p>	<p>The evidence required to demonstrate competency in this unit must be relevant to worksite operations and satisfy all of the requirements of the performance criteria, required skills and knowledge and the range statement of this unit and include evidence of the following:</p> <ul style="list-style-type: none"> • knowledge of the requirements, procedures and instructions for identifying, implementing and maintaining legal compliance requirements • implementation of procedures and techniques for the safe, effective and efficient identification, implementation and maintenance of legal compliance requirements • the identification of the relevant information and scope of the work required to meet the required outcomes • the identification of viable options and the selection of legal compliance requirements that best meet the required outcomes • working with other to undertake and complete the identification, implementation and maintenance of legal compliance requirements • consistent successful identification, implementation and maintenance of legal compliance requirements
<p>Context of and specific resources for assessment</p>	<ul style="list-style-type: none"> • This unit must be assessed in the context of the work environment. Where personal safety or environmental damage are limiting factors, assessment may occur in a simulated environment provided it is realistic and sufficiently rigorous to cover all aspects of workplace performance, including task skills, task management skills, contingency management skills and job role environment skills. • Assessment of this competency requires typical resources normally used in a resources and infrastructure sector environment. Selection and use of resources for particular worksites

	<p>may differ due to the site circumstances.</p> <ul style="list-style-type: none">• The assessment environment should not disadvantage the participant. For example, language, literacy and numeracy demands of assessment should not be greater than those required on the job.• Customisation of assessment and delivery environment to sensitively accommodate cultural diversity.• Aboriginal people and other people from a non English speaking background may have second language issues.• Where applicable, physical resources should include equipment modified for people with disabilities. Access must be provided to appropriate learning and/or assessment support when required.
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<p>Method of assessment</p>	<p>This unit may be assessed in a holistic way with other units of competency. The assessment strategy for this unit must verify required knowledge and skill and practical application using more than one of the following assessment methods:</p> <ul style="list-style-type: none"> • written and/or oral assessment of the candidate's required knowledge in undertaking the identification, implementation and maintenance of legal compliance requirements • observed, documented and/or first hand testimonial evidence of the candidate's: <ul style="list-style-type: none"> • implementation of appropriate requirements, procedures and techniques for the safe, effective and efficient achievement of required outcomes • identification of the relevant information and scope of the work required to meet the required outcomes • identification of viable options and the selection of legal compliance requirements that best meet the required outcomes • consistent achievement of required outcomes • first hand testimonial evidence of the candidate's: <ul style="list-style-type: none"> • working with others to undertake and complete the identification, implementation and maintenance of legal compliance requirements • provision of clear and timely required support and advice on the legal compliance requirements
<p>Guidance information for assessment</p>	<p>Consult the SkillsDMC User Guide for further information on assessment including access and equity issues.</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.

<p>Compliance documentation may include:</p>	<ul style="list-style-type: none"> • organisation and site requirements and procedures • manufacturer's guidelines and specifications • Australian standards • award and enterprise agreements and relevant industrial instruments • relevant legislation from all levels of government that affects business operation, especially in regard to: <ul style="list-style-type: none"> • OHS • environmental issues • equal opportunity • industrial relations • anti-discrimination • relevant industry code of practice • Employment and workplace relations legislation • Equal Employment Opportunity and Disability Discrimination legislation
<p>Legal compliance may include:</p>	<ul style="list-style-type: none"> • waterways • workers compensation/work cover • planning and assessment • local government • licensing requirements • duty of care • environmental • industrial relations • navigation • EHS Management System • policy • standards • procedures • databases • decision making • reviews

	<ul style="list-style-type: none">• conventions• making permanent changes• maintenance of records of legal breaches• provision of information and training• regulations and code of practice relating to legal compliance• site representatives and committees• issue resolution• business registration• license to practice• industrial• fire• superannuation• partnership agreement• insurance• constitution documents• Acts• tender documents• financial documentation• development and implementation of compliance training measures
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<p>Documentation may include:</p>	<ul style="list-style-type: none"> • legislation • code of practice • organisation's policies/procedures • statutory and regulatory requirements • legal compliance
<p>Legal compliance management systems may include:</p>	<ul style="list-style-type: none"> • work schedules - shift work and varying hours of duty • environments from simple to complex and diverse • appropriate policies, guidelines and processes • autonomy, from limited to substantial • quality and continuous improvement processes and standards • business plans • performance plans • ethical standards established by the organisation • productivity and profitability objectives and targets • best practice and benchmarking principles • legislation, codes and practices • resource parameters which may be defined or negotiated • training and development principles and practices • human resource policies and practices including: <ul style="list-style-type: none"> • interviewing • counselling • dispute resolution • discipline • financial accountability including: <ul style="list-style-type: none"> • profit and loss statements • enterprise/industrial agreements/awards • operations of a particular section or organisational unit • full range of operations of an organisation at a particular site • full range of operations of an organisation distributed across multiple sites • full range of operations of an organisation including mobile units such as the following: <ul style="list-style-type: none"> • vehicles

	<ul style="list-style-type: none"> • railway trains • maritime vessels • aircraft
Resources may include:	<ul style="list-style-type: none"> • Acts • legislation/regulations • information • Common Law • the community
Legal compliance measures may include:	<ul style="list-style-type: none"> • development of training programs • implementation of training programs
Consultation may include with:	<ul style="list-style-type: none"> • regulatory authorities • tenderers • project managers • contractors • employees • community • customers • suppliers
Management may include:	<ul style="list-style-type: none"> • leader/coach • facilitator • mentor • participant • director • trainer • assessor
Accurate legal records may include:	<ul style="list-style-type: none"> • statutory/legal records • training needs • resource allocation • OHS • financial • personnel • taxation

Unit Sector(s)

Governance and Compliance

Competency field

Refer to Unit Sector(s).

Co-requisite units

Not applicable.