



Australian Government

Department of Education, Employment and Workplace Relations

SIRXGLC001A Monitor compliance with legal and legislative requirements affecting business operations

Release: 1

SIRXGLC001A Monitor compliance with legal and legislative requirements affecting business operations

Modification History

Not applicable.

Unit Descriptor

Unit descriptor This unit describes the performance outcomes, skills and knowledge required to investigate and comply with the legal and administrative requirements for establishing and maintaining a wholesale businesses.

Application of the Unit

Application of the unit This unit involves identifying and understanding relevant legislation, establishing a legal structure for a business, complying with statutory requirements, minimising risks and securing rights to products and services.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Prerequisite units Nil

Employability Skills Information

Employability skills The required outcomes described in this unit contain applicable facets of employability skills. The Employability Skills Summary of the qualification in which this unit is packaged will assist in identifying employability skills requirements.

Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency. Performance criteria describe the required performance needed to demonstrate achievement of the element. Where ***bold italicised*** text is used, further information is detailed in the required skills and knowledge and/or the range statement. Assessment of performance is to be consistent with the evidence guide.

Elements and Performance Criteria

| ELEMENT | PERFORMANCE CRITERIA |
|--|---|
| 1 Determine legal structure of the business. | 1.1 Examine legal options for the most suitable type of <i>business structure</i> . 1.2 Investigate legal rights and responsibilities of the business to ensure business is adequately protected under <i>legal and legislative provisions</i> . |
| 2 Monitor compliance with statutory and regulatory requirements. | 2.1 Confirm statutory requirements affecting the structure of the wholesale business and take steps to ensure full compliance. 2.2 Confirm <i>statutory and regulatory requirements</i> affecting the operations of the business and take appropriate steps to ensure full compliance. 2.3 Determine <i>insurance requirements</i> and acquire adequate cover to ensure risk minimisation. 2.4 Secure registration of wholesale business according to owner/operator preferences and legal requirements. 2.5 Maintain and update legal documents and relevant <i>records</i> |

ELEMENT

PERFORMANCE CRITERIA

according to security and access requirements.

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|---|--|-----|---|
| 3 | Establish rights to wholesale products and services. | 3.1 | Secure information on any purchase rights and ensure full understanding of their implications. |
| | | 3.2 | Establish conditions applying to production and supply of wholesale products and services to ensure compliance with legal and contractual requirements. |
| | | 3.3 | Establish cost of procurement rights to wholesale products and services, including ongoing financial planning. |
| | | 3.4 | Confirm rights and responsibilities applying to the use of wholesale products and services to ensure accurate information is communicated to customers. |
| | | 3.5 | Secure legal advice on contractual rights and obligations , if required, to clarify wholesale business liabilities. |
| | | | |
| 4 | Secure rights to products and services. | 4.1 | Ensure production rights secured are based on an informed assessment of all available information. |
| | | 4.2 | Determine brand ownership and protection rights. |
| | | 4.3 | Secure contractual procurement rights to provide optimal conditions for production of wholesale products and services. |

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

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

The following skills must be assessed as part of this unit:

- literacy and numerical skills in order to:
 - interpret basic documents of a statutory, legal and contractual nature within a business context
 - determine the costs and consequences of non-compliance with key legal obligations and requirements affecting wholesale transactions
 - recording, storing and transferring information
- researching, planning, analysing and organising information
- interpersonal communication skills.

The following knowledge must be assessed as part of this unit:

- legal structures of businesses
- legal rights and responsibilities of different business structures
- relevant consumer law, commercial law and legislation within the context of the business and work outcome
- financial reporting and accounting
- service and consumer rights and business obligations
- key regulatory organisations and bodies
- community and consumer representative groups
- sources of legal and technical expertise and advice
- approval processes
- confidentiality and security requirements
- information sources on product and supply arrangements for customers
- concepts of ownership (products, concepts, technology, ideas, etc.)
- business policy and procedures affecting job role or function
- OHS aspects of job.

Evidence Guide

EVIDENCE GUIDE

The evidence guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, the range statement and the Assessment

EVIDENCE GUIDE

Guidelines for this Training Package.

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

Evidence of the following is essential:

- identifies, analyses and describes a range of basic business structures
- accesses and interprets a range of relevant legal and technical advice on operational matters
- determines and formally details the compliance of existing business operations with legal and legislative requirements
- confirms and describes the rights of consumers, covering a range of service and product delivery scenarios for a business
- utilises relevant legal and statutory rights to protect the business brand and intellectual property.

Context of and specific resources for assessment

Assessment must ensure access to:

- relevant documentation, such as:
 - legislation and statutory requirements
 - information on the internal and external operating environment
 - business policy and procedures manuals
- information on:
 - business operations
 - markets
 - competitors
 - products and services
 - suppliers.

EVIDENCE GUIDE

Methods of assessment

A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this unit:

- observation of performance in the workplace
- third-party reports from a supervisor
- review of portfolios of evidence
- written or verbal questioning to assess knowledge and understanding.

Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended.

Assessing employability skills

Employability skills are integral to effective performance in the workplace and are broadly consistent across industry sectors. How these skills are applied varies between occupations and qualifications due to the different work functions and contexts.

Employability skills embedded in this unit should be assessed holistically in the context of the job role and with other relevant units that make up the skill set or qualification.

Range Statement

RANGE STATEMENT

The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. ***Bold italicised*** wording in the performance criteria is detailed below.

Suitability of ***business structure*** may vary according to:

- preferences of owners
- requirements of funding bodies
- confidentiality considerations
- taxation considerations
- superannuation considerations.

RANGE STATEMENT

- Legal and legislative provisions*** may include:
- OHS
 - workplace relations
 - workers' compensation
 - industry codes of practice
 - licence, patent or copyright arrangements
 - environmental protection legislation
 - equal employment opportunity (EEO) and anti-discrimination law
 - emergency procedures
 - transport, storage and handling of goods
 - contract law
 - Australian Competition and Consumer Commission provisions
 - Trade Practices and Fair Trading Acts.
- Statutory and regulatory requirements*** may vary in relation to:
- types of products and services provided
 - size, type and location of business
 - business merchandise range
 - characteristics of specific products or services
 - varying levels of staff training
 - worksite-specific context, variations and environments.
- Insurance requirements*** vary according to:
- types of products and services provided
 - intended use of products or services
 - location of market.
- Records*** may be:
- manual
 - electronic.

RANGE STATEMENT

Sources of *information* may be:

- verbal communication, including face-to-face, telephone and radio
- written instructions and communication such as data exchange, letters, emails
- non-verbal communication
- feedback
- direct or indirect
- electronic or hard copy.

Rights and obligations may be determined by consulting internal or external experts in areas such as:

- law
- finance
- trade
- insurance
- economics
- technical and scientific
- probity.

Brand may encompass:

- product brands
- company brands
- supplier brands
- registered trade marks
- registered brands
- intellectual property.

Unit Sector(s)

Sector Cross-Sector

Competency field

Competency field Governance and Legal Compliance