



Australian Government

AHCARB605 Provide consultation in a legal framework

Release: 1

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Modification History

Release	TP Version	Comment
1	AHCv1.0	Initial release

Application

This unit of competency describes the skills and knowledge required to provide consultation in a legal framework within an arboriculture context.

This unit applies to individuals with broad theoretical and technical knowledge of a specific area or a broad field of work and learning and cognitive, technical and communication skills to demonstrate autonomy, judgement and defined responsibility in undertaking complex work within broad parameters to provide specialist advice and functions.

The role involves the self-directed application of specialised knowledge in arboriculture with substantial depth in areas such as legislation, legal systems and processes and expert witness requirements.

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

Pre-requisite Unit

Nil.

Unit Sector

Arboriculture (ARB)

Elements and Performance Criteria

Element	Performance criteria
Elements describe the essential outcomes.	Performance criteria describe the performance needed to demonstrate achievement of the element.
1. Analyse the legal context	1.1 Determine legislation and relevant cases applying to trees within specialist consulting areas of work 1.2 Review and analyse the relevant legislation, statutory regulations, environmental planning instruments in state, territory and federal jurisdictions in relation to entities pertaining to trees and

Element	Performance criteria
	<p>interactions with people, property, environment and the arboriculture industry</p> <p>1.3 Apply detailed knowledge of legal and ethical standards, processes and practices, responsibilities, constraints and issues relating to own professional practice</p> <p>1.4 Use common legal terms associated within the consultant's area of practice with a clear understanding of their meaning and implications</p>
2. Analyse precedent cases to determine advice outcomes	<p>2.1 Analyse the jurisdiction of tree matters relevant to specific cases</p> <p>2.2 Apply knowledge of relevant court systems, common law, statute law, civil law, law of torts, and precedents to strategies and management of client needs</p> <p>2.3 Seek and review relevant precedents in law and published case studies</p> <p>2.4 Determine appropriate statutes and supporting precedent cases</p> <p>2.5 Provide arboricultural information based on the legal context</p> <p>2.6 Determine alternative courses of action, and legal and non-legal consequences, and discuss with client</p> <p>2.7 Provide advice within the context of statutes and precedent cases</p>
3. Reviewing developing and applying policy knowledge	<p>3.1 Analyse and review policy documents in light of legislation and relevant cases</p> <p>3.2 Prepare policy documents based on legislation and relevant cases</p> <p>3.3 Determine areas of uncertainty in policy documents</p> <p>3.4 Seek appropriate legal advice</p>
4. Prepare expert report	<p>4.1 Develop expertise and specialised knowledge in arboriculture</p> <p>4.2 Follow statutory framework to give advice and work as an expert</p> <p>4.3 Complete mandatory court requirements of specifications for content of expert reports</p> <p>4.4 Record all observations and test results with precision</p> <p>4.5 State assumptions underpinning policy documents</p> <p>4.6 Substantiate all opinions using external authorities where possible</p> <p>4.7 Prepare and provide a detailed evidentiary expert report</p>
5. Provide expert evidence	<p>5.1 Confirm status as independent and unbiased provider of expert evidence consistent with professional practice</p> <p>5.2 Read and comply with expert witness code of conduct</p> <p>5.3 Prepare for the particular jurisdiction and matter at hand</p> <p>5.4 Prepare evidence based on factual data, documented observations and results and complying with the rules of evidence</p> <p>5.5 Provide oral evidence and documented report as required</p>

Element	Performance criteria
	5.6 Assist the court impartially on matters relevant to the expert witness's area of expertise 5.7 Seek and provide clarification on areas of uncertainty

Foundation Skills

Foundation Skills essential to performance are explicit in the performance criteria of this unit of competency.

Range of Conditions

Unit Mapping Information

New unit - no equivalent.

Links

Companion Volume implementation guides are found in VETNet - <https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=c6399549-9c62-4a5e-bf1a-524b2322cf72>