



Australian Government

Department of Education, Employment and Workplace Relations

AHCWRK508A Interpret legislation

Release: 1

AHCWRK508A Interpret legislation

Modification History

Not Applicable

Unit Descriptor

Unit descriptor	This unit covers the process of interpreting legislation and defines the standard required to: determine legislation&legal framework applicable to task; research, interpret and apply appropriate legislation; promote compliance with relevant legislation; assess situations which may potentially present legal problems/issues; maintain knowledge of legal framework and relevant legislation.
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Application of the Unit

Application of the unit	This unit applies to the process of interpretation&application of legislation and the preparation of relevant documentation. This standard requires the ability to determine the application of legal knowledge combined with horticultural expertise.
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Licensing/Regulatory Information

Not Applicable

Pre-Requisites

Prerequisite units		

Employability Skills Information

Employability skills	This unit contains employability skills.
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Elements and Performance Criteria Pre-Content

Not Applicable

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA

ELEMENT	PERFORMANCE CRITERIA
1. Determine applicable legal framework	1.1. Identify and access current legislation, regulations, organisational procedures, standards and/or codes of practice affecting the workplace, industry, occupation or client. 1.2. Determine legal accountability obligations in relation to workplace, industry, occupation or client. 1.3. Identify consequences of non-compliance with legislation, regulations, organisational procedures, standards and/or codes of practice.
2. Research, interpret and apply appropriate legislation	2.1. Monitor sources of information for changes to the legal framework. 2.2. Regularly update and communicate information and changes to legal framework components which impact on work activities.
3. Promote compliance with relevant legislation	3.1. Access current information about the range of legislation & other legally binding policies & protocols relating to own work. 3.2. Clarify compliance requirements to confirm understanding and ensure consistency of interpretation and application. 3.3. Obtain advice to assist in applying relevant legislation to own work and identifying compliance requirements. 3.4. Identify areas of uncertainty in own work related to compliance requirements and take action to clarify issues. 3.5. Identify possible implications of non-compliance and use these to guide own work practices.
4. Assess situations which may potentially present legal problems/issues	4.1. Identify and document details of suspected or actual incidences of illegal conduct by self or others in the workplace. 4.2. Contribute to ongoing monitoring and compliance with legal framework. 4.3. Ensure that work is undertaken in a legally compliant manner. 4.4. Recognise limits of own expertise, legal accountability obligations and access appropriate sources of expertise as required. 4.5. Assess conduct of self and others in the workplace against specific components of the legal framework applicable to the workplace. 4.6. Take appropriate actions to resolve/report illegal

ELEMENT	PERFORMANCE CRITERIA
	conduct, as required by applicable legislation, regulations, organisational procedures, standards and/or codes of practice.
5. Maintain knowledge of legal framework & relevant legislation	5.1. Monitor sources of information for changes to the legal framework. 5.2. Regularly update and communicate information and changes to legal framework components which impact on work activities.

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

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

Required skills

- identify compliance requirements
- address compliance issues
- develop and implement strategies to manage compliance with appropriate legislation
- provide advice & documentation regarding applicable legislation, regulations, organisational procedures and/or codes of practice
- maintain knowledge of changes to compliance legislation and requirements
- use literacy skills to fulfil job roles as required by the organisation. The level of skill may range from reading and understanding documentation to completion of written reports
- use oral communication skills/language competence to fulfil the job role as specified by the organisation including questioning, active listening, asking for clarification, negotiating solutions and responding to a range of views
- use numeracy skills to estimate, calculate and record complex workplace measures
- use interpersonal skills to work with others and relate to people from a range of cultural, social and religious backgrounds and with a range of physical and mental abilities.

Required knowledge

- understanding and overview of the provisions contained in key relevant legislation, & other legally binding legal policies & protocols from all levels of government that affect the relevant industry.
- relevant Australian Standards
- organisational policies and procedures relating to legislation in organisation's

REQUIRED SKILLS AND KNOWLEDGE

functional area

- penalties for non-compliance with legislative requirements
- auditing requirements
- Occupational Health and Safety (OHS) requirements applicable to own work and functional area.
- scope of legal practitioner/support role and own responsibilities and obligations to provide legal advice, complete or sign off on legal work and/or appear in court as described by relevant jurisdiction/s
- encourage and support own compliance and that of others in the workplace
- relevant conventions, treaties, agreements, guidelines, declarations, recommendations, laws and rules.
- identification and access legislation, regulations, organisational procedures, standards and/or codes of practice
- application of legal information to the workplace
- monitoring compliance and identification of illegal conduct
- referral to appropriate sources of information and specialist personnel when limits of own expertise are reached in determining applicable legislation
- maintenance of ongoing knowledge of legal framework by monitoring changes from appropriate information sources
- Accepted codes of practice relevant to the workplace including those relating to:
 - Privacy and confidentiality
 - Use of company property
 - Duty of care
 - Ethical behaviour
 - Non-discriminatory practice
 - Conflict of interest
 - Compliance with reasonable direction
 - Relevant general legal terminology.

Evidence Guide

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>	
Overview of assessment	
Critical aspects for assessment and evidence required to demonstrate competency in this unit	<p>The evidence required to demonstrate competency in this unit must be relevant to workplace operations and satisfy holistically all of the requirements of the performance criteria and required skills and knowledge and include achievement of the following:</p> <ul style="list-style-type: none"> • determine legislation&legal framework applicable to task • research, interpret and apply appropriate legislation; promote compliance with relevant legislation • assess situations which may potentially present legal problems/issues • maintain knowledge of legal framework&relevant legislation.
Context of and specific resources for assessment	<p>Competency requires the application of work practices under work conditions. Selection and use of resources for some worksites may differ due to the regional or enterprise circumstances.</p> <p>Resources required are the relevant legislations regulations and policies covering Federal Acts, State Acts and local government regulations. State based legislation covers but is not limited to relevant Acts, regulations and policies in state and local jurisdictions, for example, such as in NSW:</p> <ul style="list-style-type: none"> • Heritage Act(NSW) • Environmental Planning and Assessment Act (NSW) 1979 • Native Vegetation Act (NSW) 2003 • Threatened Species Conservation Act (NSW) 1995 • Nature Conservation Trust Act (NSW) 2001 • Noxious Weeds Act (NSW) 1993 • Dividing Fences Act • Civil Liability Act 2002 (NSW) • Rural Fires Act • Protection of the Environment Operations Act

EVIDENCE GUIDE

	<ul style="list-style-type: none"> • Civil procedures Act 2005 (NSW) • Inclosed Lands Act 1901 • Tree Preservation Orders • Development Control Plan(s) • Local Environment Plan(s) • Landscape Policy • State Environmental Planning Policies (SEPP) • Regional Environment Plans (REP) • Contract law.
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Range Statement**RANGE STATEMENT**

The range statement relates to the unit of competency as a whole.

Legislation may include:

- Federal, State and Territory laws
- local government and statutory authority regulations relevant to the area
- worksite or job role.

Unit Sector(s)

Unit sector	Work
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Co-requisite units

Co-requisite units	

Competency field

Competency field	
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