



Australian Government

BSBWHS601A Apply legislative frameworks for WHS

Release 1

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Modification History

Release	Comments
Release 1	This Unit first released with <i>BSB07 Business Training Package version 7.0</i> .

Unit Descriptor

This unit describes the performance outcomes, skills and knowledge required to assist with providing advice about the legislative duties, rights and obligations of individuals and parties prescribed in work health and safety (WHS) laws and other laws relevant to WHS.

Application of the Unit

This unit applies to individuals who assist with providing advice about the legislative duties, rights and obligations of individuals and parties prescribed in WHS laws and other laws relevant to WHS.

NOTE: The terms Occupational Health and Safety (OHS) and Work Health and Safety (WHS) are equivalent and generally either can be used in the workplace. In jurisdictions where the National Model WHS Legislation has not been implemented RTOs are advised to contextualise the unit of competency by referring to the existing State/Territory OHS legislative requirements.

Licensing/Regulatory Information

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

Pre-Requisites

Not applicable.

Employability Skills Information

This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Element	Performance Criteria
<i>Elements describe the essential outcomes of a unit of competency.</i>	<i>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.</i>

Elements and Performance Criteria

<p>1. Assist with providing appropriate advice about legal frameworks relevant to WHS</p>	<p>1.1 Ensure assistance provided is appropriate to own job responsibilities and functions</p> <p>1.2 Understand own limits of skills, knowledge and competence when providing assistance</p> <p>1.3 Identify situations where it is necessary to seek advice from or refer matters to <i>legal advisors and others</i> and seek or refer accordingly</p>
<p>2. Assist with determining legal frameworks relevant to WHS</p>	<p>2.1 Monitor current <i>WHS legislation and other legislation, related documentation and other sources</i> relevant to the organisation and its operations</p> <p>2.2 Identify changes, amendments and emerging issues in legislation relevant to the organisation</p> <p>2.3 Assist with determining current and future legal requirements relevant to WHS in the workplace</p> <p>2.4 Assist with identifying, confirming, reviewing and updating the duties, rights and obligations of individuals and parties as specified in legislation</p> <p>2.5 Communicate changes, amendments and emerging issues in legislation to individuals and parties</p> <p>2.6 Seek advice from legal advisors and other sources where necessary</p>
<p>3. Assist with providing advice on compliance with legal frameworks relevant to WHS</p>	<p>3.1 Assist with providing advice to individuals and parties about their compliance with legal duties, rights and obligations under WHS legislation and other legislation relevant to WHS</p> <p>3.2 Assist with providing advice to individuals and parties about the functions and powers of WHS and other relevant regulators, and how they are exercised</p>
<p>4. Assist with evaluating and implementing measures to comply with legal frameworks relevant to WHS</p>	<p>4.1 Assist with assessing how the workplace complies with WHS and other relevant legislation</p> <p>4.2 Assist with identifying the training needs of individuals and parties about duties, rights and obligations</p> <p>4.3 Assist with developing, delivering and evaluating training to meet identified training needs and any legal requirements for training</p> <p>4.4 Assist with developing, implementing and evaluating changes to <i>workplace procedures, activities, processes, policies and systems</i> that will achieve compliance</p>

Required Skills and Knowledge

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

Required skills

- analytical skills to:
 - read and understand WHS-related legislation and information
 - identify, analyse and address training needs
- communication skills to:
 - communicate with and advise people from a range of backgrounds and with a range of abilities
 - work with legal advisors and others
- literacy skills to prepare reports for a range of target groups, including health and safety committees, health and safety representatives, managers, supervisors, and persons conducting businesses or undertakings (PCBUs) or their officers.

Required knowledge

- duties, rights and obligations of individuals and parties as specified in relevant WHS legislation and where this information is located in WHS legislation
- effective consultation and participation processes
- existing work health and safety information system (WHSIS) or other workplace information systems
- functions and powers of WHS regulator, and how they are exercised
- limits of own skills, knowledge and competence when providing assistance
- objectives and principles underpinning WHS legislation and related legislation
- relationship between the WHS Act, regulations, codes of practice, standards and guidance material, and other legislation relevant to WHS
- relevant sections of commonwealth and state or territory WHS Acts, regulations, codes of practice, standards, guidance material and other instruments
- sources of information about WHS legislation and related legislation
- systematic approaches to managing and complying with WHS legislation
- workplace policies, procedures, activities, processes and systems that will achieve compliance with WHS legislation and related legislation.

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.

Overview of assessment	
Critical aspects for assessment and evidence required to demonstrate competency in this unit	<p>Evidence of the following is essential:</p> <ul style="list-style-type: none"> • assisting with determining current and future legal frameworks relevant to WHS in the workplace • assisting with providing advice about legal and regulatory frameworks for WHS legislation • providing advice on WHS-related legal compliance issues, including training needs analyses, talks, briefings, training sessions, and paper-based or electronic materials • seeking timely and relevant advice from legal advisors and others • using this advice to ensure legislative compliance.
Context of and specific resources for assessment	<p>Assessment must ensure access to:</p> <ul style="list-style-type: none"> • relevant Acts, regulations, codes of practice, standards and guidance material • other appropriate workplace documentation • reports from other parties consulted in ensuring compliance with WHS-related legislation.
Method of assessment	<p>A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this unit:</p> <ul style="list-style-type: none"> • direct questioning combined with review of portfolios of evidence and third-party workplace reports of on-the-job performance by the candidate • demonstration of activities used to assist with compliance with WHS legislation and related legislation • oral or written questioning to assess knowledge of how advice was provided in the workplace, interpreting and applying legislation, and reporting requirements of legislation • review of WHS action plans, documented WHS

	<p>training needs and associated documents, and recording processes undertaken to ensure WHS-related compliance</p> <ul style="list-style-type: none">• simulated project-based activities, scenarios, case studies, role plays or actual activities associated with applying legislative frameworks for WHS.
Guidance information for assessment	<p>Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended, for example:</p> <ul style="list-style-type: none">• BSBWHS602A Facilitate WHS activities• BSBWHS603A Implement WHS risk management• BSBWHS604A Evaluate the WHS performance organisations.

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><i>Legal advisors and others</i> may include:</p>	<ul style="list-style-type: none"> • lawyers • WHS inspectors • WHS regulators • other regulators • WHS specialists.
<p><i>WHS legislation and other legislation, related documentation and other sources</i> may include:</p>	<ul style="list-style-type: none"> • common law relevant to WHS • consumer protection • current applicable commonwealth and state or territory WHS Acts, regulations and codes of practice • current applicable commonwealth and state or territory: <ul style="list-style-type: none"> • workers' compensation legislation • equal opportunity legislation • food safety legislation • health legislation • privacy legislation • trade practices legislation • other documents, such as policies, standards, guidance material and publications, alerts and prosecutions information issued by regulators • regulator websites.
<p><i>Individuals and parties</i> may include:</p>	<ul style="list-style-type: none"> • contractors and subcontractors • customers • duty holders as specified in WHS Acts: <ul style="list-style-type: none"> • PCBUs or their officers • workers • other persons at a workplace • suppliers • health and safety committees • health and safety representatives • unions • WHS entry permit holders • WHS inspectors

	<ul style="list-style-type: none"> • WHS regulators • Workers.
<p><i>Workplace procedures, activities, processes, policies and systems</i> may include:</p>	<ul style="list-style-type: none"> • human resources and other management systems • risk-management systems and processes • WHS management systems and processes • WHS-related planning and design activities and processes, such as: <ul style="list-style-type: none"> • information technology systems • jobs and tasks • maintenance processes and procedures • physical and psychosocial work environments • plant, equipment and tools, including their specification and acquisition • shift work and general work rosters • specification and acquisition of services • work and workplace systems • work processes, policies, structures and procedures • workplace communications systems and processes • workstations and work areas • work processes and activities • workers' compensation, claims management and return-to-work systems and processes • WHSIS and processes.

Unit Sector(s)

Regulation, Licensing and Risk – Work Health and Safety