



**Australian Government**

**Department of Education, Employment and Workplace Relations**

# **PMAOMIR449B Monitor legal compliance obligations during incidents**

**Revision Number: 1**

## PMAOMIR449B Monitor legal compliance obligations during incidents

### Modification History

Not applicable.

### Unit Descriptor

<b>Unit descriptor</b>	In a typical scenario, a person oversights the operations of an incident or a crisis management team to preclude possible breaches of legislation and regulations during incidents on sites administered by the organisation and advises on compliance issues.
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### Application of the Unit

<b>Application of the unit</b>	<p>Typically this person may be a company legal officer, environmental officer or a site/facility safety officer.</p> <p>Such incidents might include:</p> <ul style="list-style-type: none"> <li>• loss of containment such as spills or gas/vapour release</li> <li>• fire</li> <li>• environmental incident or damage occurring through actions taken to resolve an incident</li> <li>• catastrophic failure of plant, assets or equipment</li> <li>• loss of life or occurrence of serious injury</li> </ul> <p>The individual would:</p> <ul style="list-style-type: none"> <li>• advise the management team concerning potential breaches of legislation</li> <li>• monitor the organisations efforts during recovery to maintain compliance</li> <li>• negotiate controls for restoration and clean up activities or other actions</li> <li>• submit organisational reports and prepare for legal proceedings</li> </ul> <p>Generally the individual would be part of a crisis management team during any incident however may work independently in some circumstances. At all times they would be liaising and cooperating with other members of the crisis management team.</p>
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## Licensing/Regulatory Information

Not applicable.

## Pre-Requisites

<b>Prerequisite units</b>		
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## Employability Skills Information

<b>Employability skills</b>	This unit contains employability skills.
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## 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.
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## Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Review incident response plans	1.1. Identify legislation and regulations relevant to possible incident scenarios 1.2. Determine possible compliance issues with planned responses 1.3. Negotiate alternative response plans which do not raise compliance issues 1.4. Ensure plans, equipment and training are modified to reflect changed response plans.
2. Oversee the operations of the incident management team	2.1. Ensure that the incident team is aware of legislation that needs to be complied with during the incident 2.2. Obtain information concerning legal ramifications as required in accordance with organisation's policies 2.3. Ensure accurate recording of all relevant details of all agreed actions 2.4. Assess actions taken and proposed against relevant legislation to determine compliance and possible impacts on the company
3. Advise appropriate action to facilitate compliance	3.1. Undertake consultations with regulatory authorities to facilitate minimal impact resolutions 3.2. Advise management of options that are available to remain compliant 3.3. Provide advice on actions to achieve compliance
4. Monitor actions taken to achieve compliance	4.1. Monitor company actions to resolve incidents and achieve compliance or remain compliant 4.2. Document actions taken by the organisation to remain compliant 4.3. Prepare reports for management regarding outcomes from the incident and any material breaches of legislation that have occurred 4.4. Prepare for possible legal proceedings within required timeframe
5. Seek improvements to incident responses	5.1. Identify possible areas for improvement 5.2. Develop improved responses in liaison with relevant people 5.3. Ensure plans, equipment and training are modified to reflect improved response plans.

## Required Skills and Knowledge

### REQUIRED SKILLS AND KNOWLEDGE

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

#### Required skills

Competence includes the ability to isolate the causes of issues within the incident response system and to be able to distinguish between causes of issues indicated by:

- failed compliance measures
- inability to locate relevant legislation
- failure to comply with timeframes dictated by legislation or regulation.

#### Required knowledge

The knowledge referred to in the Evidence Guide for this unit includes:

- relevant legislation and regulations
- allowable defences for apparent compliance breaches
- organisational policies and procedures
- organisational policy and procedures concerning release of information to external bodies
- the limits imposed by the organisation's negotiating parameters.

## 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 Guidelines for the Training Package.

#### Overview of assessment

Assessment for this unit of competency will be by way of simulation or under incident conditions. The unit will be assessed in as holistic a manner as is practical and may be integrated with the assessment of other relevant units of competency.

Assessment will occur over a range of situations which can include a variety of incident circumstances.

Simulations must, as closely as possible, approximate actual incident conditions and should be based on the actual facility. Assessments should include walk-throughs of the relevant competency components and may include the use of case studies/scenarios and role plays.

This unit of competency requires a significant body of knowledge which will be assessed through questioning and the use of 'what-if' scenarios both in the facility (during demonstration of normal operations and walk-throughs of abnormal operations) and off the site.

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

Competence must be demonstrated in the ability to correctly respond to incident situations and in implementing appropriate action. The emphasis should be on the ability to stay ahead of the problem rather than to have to take drastic action in order to recover the situation. In particular look to see that:

- incident response plans are compliant and training and procedures reflect those plans
- incidents are monitored and advice obtained where required and given to minimise/ prevent non-compliance
- the safety and/or successful recovery of the individual and others affected by the incident response is afforded priority in the actions taken
- actions taken do not inhibit incident response effectiveness or further contribute to the incident

<b>EVIDENCE GUIDE</b>	
	<ul style="list-style-type: none"> <li>appropriate documentation including reports, journal entries, logs and/or clearances are completed in accordance with procedures</li> </ul> <p>These aspects may be best assessed using a range of scenarios/case studies/what-ifs as the stimulus with a walk through forming part of the response. These assessment activities should include a range of problems, including new, unusual and improbable situations which may have been generated from the past incident history of the plant, incidents on similar plants around the world, hazard analysis activities and similar sources.</p>
<b>Context of and specific resources for assessment</b>	Assessment will require (1) access to an accurately simulated environment in the absence of an on-site incident environment, or (2) a suitable method of gathering evidence of responding ability over a range of situations. A bank of scenarios/case studies/what-ifs will be required as will a bank of questions which will be used to probe the reasoning behind the observable actions.
<b>Method of assessment</b>	In all workplace environments it may be appropriate to assess this unit concurrently with other relevant units.
<b>Guidance information for assessment</b>	Assessment processes and techniques must be culturally appropriate and appropriate to the oracy, language and literacy capacity of the assessee and the work being performed.

## Range Statement

<b>RANGE STATEMENT</b>	
<p>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. Add any 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.</p>	
<b>Codes of practice/ standards</b>	Where reference is made to industry codes of practice, and/or Australian/international standards, the latest version must be used.
<b>Context</b>	<p>This unit of competency includes all such items of equipment and unit operations which form part of the incident response system. In your facility this may include (select relevant items):</p> <ul style="list-style-type: none"> <li>• computers</li> <li>• recording equipment</li> <li>• legislation and regulations</li> </ul> <p>Typical problems for your facility may include:</p> <ul style="list-style-type: none"> <li>• difficulties tracking and identifying relevant legislation or amendments</li> <li>• managing evidence for later investigations or enquiries</li> <li>• interpersonal conflicts</li> <li>• conflicts of interest</li> </ul>
<b>Health, safety and environment (HSE)</b>	All operations to which this unit applies are subject to stringent health, safety and environment requirements, which may be imposed through State or Federal legislation, and these must not be compromised at any time. Where there is an apparent conflict between Performance Criteria and HSE requirements, the HSE requirements take precedence.
<b>Relationship to Major Hazard Facility Legislation</b>	<p>Organisations within the Chemical, Hydrocarbons and Oil Refining industries may find themselves falling under the provisions of various Major Hazard Facilities legislation. In developing this unit consideration has been given to the requirements of Sections 8 and 9 of the National Standard for the Control of Major Hazard Facilities [NOHSC:1014(2002)] and the National Code of Practice for the Control of Major Hazard Facilities [NOHSC:2016(1996)].</p> <p>This unit will assist individuals to meet some of their obligations under the relevant State or Territory legislation. Responsibility for appropriate contextualisation and application of the unit to ensure compliance however, remains with the individual organisation.</p>



## Unit Sector(s)

Unit sector	Support/generic
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## Competency field

Competency field	
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## Co-requisite units

Co-requisite units		
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