



Australian Government

Department of Education, Employment and Workplace Relations

SITXGLC001A Develop and update legal knowledge required for business compliance

Revision Number: 1

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Modification History

Not applicable.

Unit Descriptor

Unit descriptor

This unit describes the performance outcomes, skills and knowledge required to ensure business compliance with legislation across a broad range of operational areas. Ability to research and apply relevant legal information to business operations is the key focus of the unit. This is combined with a general knowledge of the legal framework in which businesses in different contexts operate.

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

Application of the Unit

Application of the unit

This unit applies to senior personnel and operational managers responsible for ensuring overall business compliance with legislative and regulatory requirements.

The unit does not cover the specialist skills and knowledge required by legal experts or managers whose primary role relates to compliance.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Prerequisite units Nil

Employability Skills Information

Employability skills The required outcomes described in this unit of competency 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 Research the legal information required for business compliance.	<ul style="list-style-type: none">1.1 Identify <i>sources of relevant legal and licensing information</i> and advice.1.2 Determine compliance needs for the business by accessing, selecting and analysing all information on relevant <i>legal and licensing requirements</i>.1.3 Determine risks, penalties and consequences of non-compliance.

ELEMENT	PERFORMANCE CRITERIA
2 Ensure compliance with legal requirements.	<ul style="list-style-type: none">2.1 Assess the need for specialist legal advice and seek assistance where appropriate.2.2 Record and distribute relevant legal information to colleagues at appropriate times and in suitable formats for the intended audience.2.3 Organise information updates and training for colleagues and staff where appropriate.2.4 Establish and monitor <i>workplace systems and procedures</i>, including a risk management approach to ensure compliance with legal requirements.2.5 Identify aspects of operations that may infringe or potentially infringe laws and solicit advice on how to develop and implement modifications.
3 Update legal knowledge.	<ul style="list-style-type: none">3.1 Use formal and informal research to update the legal knowledge required for business compliance.3.2 Share updated knowledge with colleagues and incorporate into workplace planning and operations.

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:

- research skills to source and access legal information and advice
- critical thinking skills to evaluate and apply complex information to a particular operational context
- literacy skills to interpret complex information from varied sources.

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

- general knowledge of compliance provisions of legislation in the following areas to the level of depth required by an operational manager or owner-operator and in the specific context of a tourism, hospitality or events organisation:
 - legal responsibilities and liabilities of managers and directors within varying business structures
 - consumer protection and trade practices: key features of trade practices and fair trading legislation, its application in different States and Territories and key areas in which tourism and hospitality businesses must ensure compliance
 - licensing: licences needed by various businesses and individuals within those businesses; licence application procedures; ongoing requirements to maintain licence, auditing and inspection regimes; and reasons for cancellation of licences
 - contracts: differences between contracts; impacts of contract law on operators, including the specific terms and obligations of contract; methods of contractual agreement, exclusion clauses and termination of contracts
 - insurance: key business insurances required by different tourism and hospitality businesses, including public liability and workers' compensation
 - superannuation: employer responsibilities in relation to payment of superannuation for employees
 - industrial relations: rights and responsibilities of employees and employers under industrial relations legislation
 - taxation: overview of statutory reporting requirements for businesses
 - equal employment opportunity (EEO) and anti-discrimination: including key features, employer responsibilities and consequences of operating contrary to legislation
 - examples of specific legislation and local government regulations impacting on particular sectors or contexts: such as Responsible Service of Alcohol, local, state or territory, and federal food regulations and standards, Food Standards Australia New Zealand Act 1991, Responsible Conduct of Gaming, the Crimes (Child Sex Tourism) Amendment Act, European Economic Directive of Foreign Travel, Residential Tenancy Acts, Queensland Tourism Services Act (2003), Privacy Act and local

REQUIRED SKILLS AND KNOWLEDGE

- government regulations on building and waste disposal
- sources of legal information and advice in particular industry sectors.

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 this Training Package.

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

Evidence of the following is essential:

- general knowledge of the legislation that affects business operations in a particular industry sector
- knowledge of how to access and update the legal information required for business compliance or seek professional assistance on legal matters
- demonstrated application of legal knowledge to specific workplace situations and problems.

Context of and specific resources for assessment

Assessment must ensure:

- use of current legal information.

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:

- evaluation of reports prepared by the candidate detailing how legal issues were identified and addressed in the conduct of a particular project
- evaluation of industry projects conducted by the candidate to address the compliance requirements for different workplaces
- case studies that allow the candidate to address legal requirements for given situations
- review of portfolios of evidence and third-party workplace reports of on-the-job performance by the candidate.

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

- SITXMGT005A Manage business risk.

EVIDENCE GUIDE

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 with other relevant units that make up the skill set or qualification and in the context of the job role.

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.

Sources of relevant legal and licensing information may include:

- reference books
- media
- industry and employer associations
- industry journals
- internet
- customers and suppliers
- legal experts
- regulatory authorities
- local government officers
- state or territory government departments.

RANGE STATEMENT

Legal and licensing

requirements may relate to:

- liquor
- businesses preparing and selling food
- gaming
- sale of travel products
- security
- OHS
- industrial relations
- taxation
- EEO
- anti-discrimination
- trades
- access to protected areas.

Workplace systems and

procedures to ensure compliance with legislation may relate to:

- recruitment, termination and other human resource management issues
- food safety programs
- in-house policies to ensure responsible service of alcohol
- inspections and auditing
- risk assessments
- consumer complaint and dispute resolution processes
- training practices
- approval processes and protocols for various work activities
- general work practices and work organisation approaches
- workplace design
- distribution of information within the organisation
- signage.

Unit Sector(s)

Sector

Cross-Sector

Competency field

Competency field Governance and Legal Compliance