



Australian Government

AHCARB605 Provide consultation in a legal framework

Release: 1

AHCARB605 Provide consultation in a legal framework

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

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>

Assessment Requirements for AHCARB605 Provide consultation in a legal framework

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Performance Evidence

The candidate must be assessed on their ability to integrate and apply the performance requirements of this unit in a workplace setting. Performance must be demonstrated consistently over time and in a suitable range of contexts.

The candidate must provide evidence for and demonstrate:

- determining legislation and relevant cases applying to trees within specialist consulting areas of work
- reviewing and analysing the relevant legislation, statutory regulations, environmental planning instruments in state, territory and federal jurisdictions in relation to entities pertaining to trees and interactions with people, property, environment and the arboriculture industry
- applying detailed knowledge of legal and ethical standards, processes and practices, responsibilities, constraints and issues relating to own professional practice
- using common legal terms associated within the consultant's area of practice with a clear understanding of their meaning and implications
- analysing the jurisdiction of tree matters relevant to specific cases
- applying knowledge of relevant court systems, common law, statute law, civil law, law of torts, and precedents to strategies and management of client needs
- seeking and reviewing relevant precedents in law and review published case studies
- determining appropriate statutes and supporting precedent cases
- providing arboricultural information based on the legal context
- determining alternative courses of action, and legal and non-legal consequences, and discuss with client
- providing advice within the context of statutes and precedent cases
- analyzing and reviewing policy documents in light of legislation and relevant cases
- preparing policy documents based on legislation and relevant cases
- determining areas of uncertainty in policy documents
- seeking appropriate legal advice
- developing expertise and specialised knowledge in arboriculture
- following statutory framework to give advice as an expert

- confirming status as independent and unbiased provider of expert evidence within witness code of conduct programs
- recording all observations and test results with precision
- stating assumptions underpinning policy documents
- substantiating opinions using external authorities where possible
- preparing and providing a detailed evidentiary report
- preparing for the particular jurisdiction and matter at hand
- preparing evidence based on factual data, documented observations and results and complying with the rules of evidence
- providing oral evidence and respond to questions impartially
- seeking and providing clarification on areas of uncertainty.

Knowledge Evidence

The candidate must demonstrate knowledge of:

- relevant legislation, statutory regulations, environmental planning instruments in state, territory and federal jurisdictions in relation to entities pertaining to trees and interactions with people, property, environment and the arboriculture industry
- court systems, common law, statute law, civil law, law of torts, and precedents to strategies and management of client needs
- detailed knowledge of legal and ethical standards, processes and practices, responsibilities, constraints and issues relating to own professional practice
- relevant precedents in law and published case studies
- arboricultural information based on the legal context
- expertise and specialised knowledge in arboriculture
- common legal terms associated with within the consultants area of practice with a clear understanding of their meaning and implications
- preparation of policy documents based on legislation and relevant cases
- preparation of detailed evidentiary reports.

Assessment Conditions

Assessment must be demonstrated consistently over time in a suitable range of contexts and have a productivity-based outcome. No single assessment event or report is sufficient to achieve competency in this unit.

Assessment may be conducted in a simulated or real work environment, however determination of competency requires the application of work practices under work conditions.

The mandatory equipment and materials used to gather evidence for assessment include:

- equipment:
 - computer
 - word processing software
 - internet connection

- materials:
 - expert witness report
 - glossary of legal terminology

Assessors must satisfy current standards for RTOs in the assessment of arboriculture units of competency.

Assessment must be conducted only by persons who have:

- arboriculture vocational competencies at least to the level being assessed
- current arboriculture industry skills directly relevant to the unit of competency being assessed

Links

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