



Australian Government

Assessment Requirements for AHCARB610 Provide consultation in a legal framework

Release: 1

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Modification History

Release	Comments
Release 1	This version released with AHC Agriculture, Horticulture and Conservation and Land Management Training Package Version 5.0.

Performance Evidence

An individual demonstrating competency must satisfy all of the elements and performance criteria in this unit.

There must be evidence that the individual has, on at least two occasions, provided consultation in a legal framework, including:

- determined legislation and cases applying to trees within specialist consulting areas of work
- reviewed and analysed legislation, statutory regulations and planning instruments
- applied legal and ethical standards to professional practice
- recognised and used legal terminology in professional practice
- analysed jurisdiction of tree matters to specific cases
- recognised the legal framework and courts system when managing client legal needs
- sought and reviewed precedents in law and published arboriculture related case studies
- determined statutes and supporting precedent cases
- provided arboricultural information based on the legal context
- determined course of action and discussed with client
- provided advice within the context of statutes and precedent cases
- analysed and reviewed policy documents according to legislation and relevant cases
- prepared policy documents based on legislation and relevant cases
- determined areas of uncertainty in policy documents
- sought legal advice and amended policy documents
- identified gaps in own arboriculture knowledge and developed and implemented professional development for improvements
- implemented statutory framework when providing advice as an expert
- ensured observations and test results were recorded with precision
- declared and clarified assumptions underpinning policy documents
- substantiated reported opinions using external authorities
- prepared and provided a detailed evidentiary report
- confirmed status as provider of expert evidence

- read and complied with expert witness code of practice
- prepared presentation of evidence based on factual data, documented observations and results and complied with the rules of evidence
- delivered oral evidence and report to court according to legal proceedings, jurisdiction and client requirements
- assisted the court on matters relevant to expert testimony.

Knowledge Evidence

An individual must be able to demonstrate the knowledge required to perform the tasks outlined in the elements and performance criteria of this unit. This includes knowledge of:

- legislation, statutory regulations, including planning instruments in state, territory and federal jurisdictions affecting the arboriculture industry, including:
 - environmental planning and management
 - interactions with people and property
- court systems including common law, statute law, civil law, law of torts
- precedents to strategies
- management of client needs
- professional practice and legal and ethical standards, including:
 - processes and practices of preparing and presenting in court
 - responsibilities and constraints of legal presentations
 - developing areas of expertise
- precedents in law and working with published case studies for arboriculture testimony
- accessing and developing professional and arboricultural knowledge, including:
 - benefits of accessing legal and arboricultural professional bodies
 - accessing and studying legal cases
 - maintaining professional standards
 - building and developing expertise and specialised arboriculture knowledge
- legal terms associated with professional practice in arboriculture, their meaning and common use in discourse
- preparation of policy documents based on legislation and relevant cases
- preparation of detailed evidentiary reports
- oral presentation skills and presenting in court.

Assessment Conditions

Assessment of the skills in this unit of competency must take place under the following conditions:

- physical conditions:
 - courts and court system used for arboriculture cases, or an environment that accurately represents workplace conditions
- resources, equipment and materials:

- computer
- word processing software
- specifications:
 - procedures and processes used in the courts system
 - court case studies related to arboriculture
- relationships
 - client.

Assessors of this unit must satisfy the requirements for assessors in applicable vocational education and training legislation, frameworks and/or standards. In particular, assessors must 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

Companion Volumes, including Implementation Guides, are available at VETNet: -
<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=c6399549-9c62-4a5e-bf1a-524b2322cf72>