



Australian Government

AHCCSW312 Apply knowledge of relevant legislation to Aboriginal and/or Torres Strait Islander sites work

Release: 1

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Modification History

Release	Comments
Release 1	This version released with Agriculture, Horticulture and Conservation and Land Management Training Package Version 9.0.

Application

This unit of competency describes the skills and knowledge required to work within the constructs of relevant legislation when working with Aboriginal and/or Torres Strait Islander sites, cultural materials and cultural landscapes. On Country refers to the land, sea and waterways.

This unit applies to Aboriginal and/or Torres Strait Islander sites workers working on Country or in other cultural and heritage contexts where legislative requirements are in place. The unit applies to working either as an autonomous sites worker or under the appropriate supervision and Cultural Authority of Traditional Owners or Elders for specific Country.

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

Pre-requisite Unit

Nil

Unit Sector

Cultural Sites Work (CSW)

Elements and Performance Criteria

Elements	Performance Criteria
<i>Elements describe the essential outcomes.</i>	<i>Performance criteria describe the performance needed to demonstrate achievement of the element.</i>
1. Research the relevant legislation	1.1 Identify and record the legislative requirements that relate to Aboriginal and/or Torres Strait Islander cultural sites work 1.2 Identify and record the purpose of legislation requirements that apply to own work context

Elements	Performance Criteria
<i>Elements describe the essential outcomes.</i>	<i>Performance criteria describe the performance needed to demonstrate achievement of the element.</i>
2. Identify relevant legislative provisions	2.1 Identify and record the laws that protect Aboriginal and/or Torres Strait Islander cultural sites 2.2 Clarify compliance requirements with supervisor to confirm understanding and to ensure consistency of application across the organisation 2.3 Consult with experts and Cultural Authorities to address any competing interests arising from diverse pieces of legislation with jurisdiction over a local Aboriginal and/or Torres Strait Islander cultural site, landscape or material
3. Identify stakeholder requirements	3.1 Communicate with clients and stakeholders to identify their needs in relation to relevant legislation 3.2 Provide referrals for stakeholders to expert advisors or advisory organisations 3.3 Recognise own limitations and professional boundaries 3.4 Prepare a plan to conduct Aboriginal and/or Torres Strait Islander sites work in accordance with legislative requirements and following cultural protocols

Foundation Skills

This section describes those language, literacy, numeracy and employment skills that are essential for performance in this unit of competency but are not explicit in the performance criteria.

Skill	Description
Reading	Interpret key information from a range of sources
Oral communication	Use culturally appropriate verbal and non-verbal communication

Unit Mapping Information

Code and title current version	Code and title previous version	Comments	Equivalence status

Code and title current version	Code and title previous version	Comments	Equivalence status
AHCCSW312 Apply knowledge of relevant legislation to Aboriginal and/or Torres Strait Islander sites work	AHCASW313 Apply knowledge of relevant legislation to Aboriginal sites work	Title updated Application updated Elements and Performance Criteria revised for clarity Foundation Skills added Performance Evidence, Knowledge Evidence and Assessment Conditions updated	Not equivalent

Links

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

Assessment Requirements for AHCCSW312 Apply knowledge of relevant legislation to Aboriginal and/or Torres Strait Islander sites work

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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 applied knowledge of relevant legislation to at least one Aboriginal and/or Torres Strait Islander site and has:

- developed a plan to undertake sites work according to legislation and cultural protocols
- worked within the constructs of relevant legislation when working with Aboriginal and/or Torres Strait Islander sites, cultural materials and cultural landscapes
- identified and applied relevant legislation to the circumstances appropriately and accurately
- identified and applied relevant compliance requirements affecting Aboriginal and/or Torres Strait Islander sites work in a specified jurisdiction
- used referral options and other expertise to assist in interpreting and applying legislative requirements
- communicated basic legal concepts and legislative language to Aboriginal and/or Torres Strait Islander clients and stakeholders in a culturally appropriate manner.

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:

- key principles of legislation that may impact Aboriginal and/or Torres Strait Islander sites work including:
 - Cultural and Heritage legislation
 - National Parks and Wildlife Service legislation
 - Native Title legislation
 - Land Rights laws in all states and territories bar Western Australia
 - environmental and sustainability legislation

- relationships between legislation, regulations and standards
- clients and stakeholders, including:
 - corporations
 - organisations
 - local Communities
 - government departments
- organisations to which appropriate referrals can be made, including:
 - Aboriginal Land Councils (ALCs)
 - Local Aboriginal Land Councils (LALCs)
 - Northern Peninsula Area Regional Council (NPARC)
 - Prescribed Bodies Corporate (PBCs)
 - Torres Strait Regional Authority (TSRA).

Assessment Conditions

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

- physical conditions:
 - skills must be demonstrated on Country and/or within an Aboriginal and/or Torres Strait Islander Community or an environment that accurately represents workplace conditions
- specifications:
 - access to specific legislation/codes of practice relevant to working on Aboriginal and/or Torres Strait Islander sites, materials and cultural landscapes
- relationships:
 - local Community Elders and/or Custodians.

Assessors of this unit must satisfy the requirements for assessors in applicable vocational education and training legislation, frameworks and/or standards. In addition, the following specific assessor requirements apply to this unit:

- Assessment must be undertaken by a workplace assessor who has expertise in this unit of competency and who is:

an Aboriginal and/or Torres Strait Islander Elder and/or Custodian or:

- accompanied by, and/or in communication with, an Aboriginal and/or Torres Strait Islander person who is a recognised member of the community with experience and knowledge of local cultural protocols.

Links

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