



Australian Government

AHCASW311A Apply relevant legislation in Aboriginal-sites work

Release 1

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Modification History

Release	TP Version	Comments
1	AHC10v5	Initial release

Unit Descriptor

This unit describes the knowledge and skills required by the Aboriginal-sites worker to work within the constructs of relevant legislation in their work with Aboriginal-sites, cultural materials and cultural landscapes.

Application of the Unit

This unit applies to Aboriginal-sites workers working on Country or in other culture and heritage contexts where there are legislative requirements in place.

Licensing/Regulatory Information

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

Pre-Requisites

Nil

Employability Skills Information

This unit contains employability skills

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.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Research the relevant legislation	1.1 The scope and coverage of legislation for the relevant jurisdiction is identified 1.2 An understanding of the purpose of legislation and amendments that comply with environmental and sustainability requirements is applied over time 1.3 Roles and influences of key stakeholders as outlined in the applicable legislation are defined
2. Identify and interpret relevant legislative provisions	2.1 The provisions of the relevant and applicable legislation and case law precedents are identified and determined 2.2 Compliance requirements are clarified to confirm understanding and to ensure consistency of interpretation and application 2.3 Any competing interests arising from different pieces of legislation with jurisdiction over the one Aboriginal cultural site, landscape or material are interpreted 2.4 Social justice principles are incorporated into interpretation of legislative provisions 2.5 Terms and definitions in the legislation are interpreted correctly
3. Identify stakeholder requirements	3.1 Needs of clients and stakeholders in relation to relevant legislation are identified 3.2 Client and stakeholder situation is analysed and legislative provisions that apply to the circumstances are identified 3.3 Own Aboriginal-sites work is conducted in accordance with legislative requirements and following Aboriginal cultural protocols and values 3.4 Own limitations and professional boundaries are recognised 3.5 The need for assistance is recognised and referrals to expert advisors or advisory organisations are provided
4. Identify strategies in response to the client's needs	4.1 Strategies to apply legislative provisions to the factual circumstances of the case are identified and provided 4.2 A range of legal and non-legal strategies is determined according to the needs of the client and stakeholders and taking into consideration all applicable legislative provisions and regulations 4.3 Key concepts and understandings of legislative requirements are related to stakeholders in culturally appropriate ways 4.4 Compliance requirements are communicated to clients and stakeholders 4.5 Options and possible outcomes to clients and stakeholders are

ELEMENT**PERFORMANCE CRITERIA**

communicated clearly in culturally appropriate ways

4.6 Clients and stakeholders are supported to achieve appropriate 'best possible' outcomes

Required Skills and Knowledge

Required skills include:

Ability to:

- read and interpret legislation and legal documents
- communicate legal concepts and legislative language
- provide stakeholders with an understanding of legislative requirements
- advise clients and stakeholders of compliance requirements
- demonstrate understanding of and adherence to own work role and responsibilities
- follow organisation policies, protocols and procedures
- work collaboratively with colleagues, Community services professionals and other services
- respect cultural diversity and sensitivity to social, cultural and professional values and beliefs
- use technology to access written, oral or visual source material
- research library and internet
- comprehend and evaluate written, oral or visual source material
- interpret written, oral or visual source material
- listen effectively
- use oral communication skills
- relate to people from a range of social, cultural and ethnic backgrounds and physical and mental abilities
- exercise discretion and confidentiality

Required knowledge includes:

Knowledge of:

- Aboriginal history, cultural values and interpersonal and Community protocols
- Cultural and Heritage Legislation or relevant NPWS legislation
- interpretation of legislation including case law precedents
- social justice principles
- organisations to which appropriate referrals can be made
- other legislation that may impact on the situation
- legal system of common law and statute law
- legal structures involving tribunals, local court, district court, supreme court etc.
- sustainable environmental practices

Evidence Guide

The evidence guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.

Overview of assessment	
Critical aspects for assessment and evidence required to demonstrate competency in this unit	The delivery and assessment of this unit must comply with Community protocols and be carried out in consultation with Traditional Owners and/or Elders and custodians of the Country in question. Candidates must demonstrate evidence of the ability to: • identify appropriate and relevant legislation and knowledge of relevant compliance requirements affecting Aboriginal-sites work in a specified jurisdiction • apply the relevant legislation to the circumstances appropriately and accurately • use referral options and other expertise to assist in interpreting and applying legislative requirements • communicate legal concepts and legislative language to Aboriginal clients and stakeholders in culturally appropriate way
Context of and specific resources for assessment	Assessment events must be contextualised to meet the needs of the particular group, including: • a Community, educational or workplace setting • involvement of people approved by cultural authorities and/or Traditional Owners of the relevant local Community • relevant organisational policy, protocols and procedures • relevant legislation • candidates who have gained relevant knowledge and skills through their life experience
Method of assessment	A range of assessment methods should be used to assess competency in applying relevant legislation in Aboriginal-sites work. The following examples are appropriate for this unit: • observation of the candidate relating to and engaging Aboriginal persons and Aboriginal Community on Country • direct questioning combined with third-party

	workplace reports of on-the-job performance • verbal or written questioning • observation of participation in applying relevant legislation in Aboriginal-sites work related to the knowledge and skills outlined in this unit Assessment methods should closely reflect workplace demands and the needs of particular client groups (consider the requirements of different age groups, clients with English as a second language, clients with disabilities, remote library users, etc.).
Guidance information for assessment	This unit can be assessed independently; however holistic assessment practice with other Indigenous Land Management and Aboriginal-sites worker units of competency is encouraged. Assessment for this unit should comprise a combination of theory and practical application. Both aspects of assessment are best conducted on Country for this unit.

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, if used in the performance criteria, is detailed below. 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) may also be included.

<i>Compliance</i> may include:	• meeting relevant laws, by laws and regulations or best practice or codes of practice to support compliance in environmental performance and sustainability at each level as required (such as Environmental Protection or Biodiversity Conservation Act): • international • commonwealth • state/territory • industry • organisation
<i>Competing interests</i> may include:	• application of rights under Native Title legislation versus rights under Aboriginal Land Rights legislation
<i>Social justice principles</i> may include:	• access • equity • participation • fairness
<i>Clients and stakeholders</i> may refer to:	• sites workers • Aboriginal Land Councils • Traditional Owners • Cultural managers • Aboriginal communities • other culture and heritage providers
<i>Aboriginal-sites</i> may include	• shelters with deposits • open camp site • midden • shelter with midden • shelter with art • isolated find • undefined sites • axe grinding grooves • bora/ceremonial ring • burial site • rock engraving • scarred tree • carved tree

	• natural mythological site • restricted site • quarry • ochre quarry • fish trap • stone arrangement • mound (oven) • mia mia • waterhole (well) • contact/mission • abraded grooves • Aboriginal Place (declared under NPW Act) • Aboriginal Area (declared under NPW Act) • protected archaeological site • Conservation agreement • massacre • reserve
Aboriginal cultural protocols may include:	• gender roles in relation to knowledge and cultural practices • information sensitivity and access • appropriate information transfer • negotiations with local Aboriginal Community about information transfer • cultural diversity • natural resources and their importance for economy, religion, spirituality, art, environment, values, beliefs and lore/law • rights and responsibilities associated with cultural knowledge, story, song, Site, and ceremony • interpersonal ways of relating • the talking of Community politics • repatriation of artefacts • issues of ownership (clans/nations) • ownership of intellectual property • acknowledging participation and ownership • communicating about cultural material • displaying cultural material • handling cultural material • identifying appropriate people to be consulted • occasions when consultation is required • ways in which consultations should be conducted

Unit Sector(s)

Aboriginal-sites work