



Australian Government

Department of Education, Employment and Workplace Relations

BSBATSil402B Use the constitution

Release: 1

BSBATSIL402B Use the constitution

Modification History

Unit Descriptor

This unit covers ensuring that the organisations constitution is relevant and legal, that it is understood, and that it meets changing needs.

Some aspects of governance activities may be subject to legislation, rules, regulations and/or codes of practice relevant to different job roles and jurisdictions.

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Application of the Unit

This unit applies to individuals with a broad knowledge of the business or core functions of organisations who contribute their skills and knowledge to monitoring and guiding the activities of organisations in the Indigenous community.

Indigenous community boards are upholders of traditional and cultural values.

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Licensing/Regulatory Information

Pre-Requisites

Employability Skills Information

This unit contains employability skills.

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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.

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Elements and Performance Criteria

Elements and Performance Criteria

Element	Performance Criteria
1 Understand the constitution	1.1 Explain key clauses to community members 1.2 Seek clarification of clauses from experts 1.3 Identify and document areas of the organisation not covered by the constitution
2 Ensure constitution is legal	2.1 Check the constitution to ensure it is consistent with relevant law 2.2 Check the constitution to ensure it is consistent with Traditional law
3 Apply constitution	3.1 Follow constitutional provisions 3.2 Check policy and programs to ensure they conform to the constitution
4 Amend the constitution	4.1 Workshop suggested changes with the members 4.2 Reach a clear decision as to amendments 4.3 Use relevant procedures to make the required changes 4.4 Ensure formal documentation of changes are made

Required Skills and Knowledge

This section describes the skills and knowledge required for this unit.

Required skills

Written and oral communication

Consultation and discussion

Evaluation and revision

Networking

Required knowledge

Cultural context - Boards are upholders of traditional and cultural values. Relevant aspects of culture may include: cultural protocols, language (both Traditional and Aboriginal English), cultural business, family and community responsibilities and Aboriginal learning styles

Community control - community participation and control in decision-making are central to organisations and the role of Boards is to support the community in these processes

Location and resources - organisations operate in diverse locations where cultural, social, economic and political conditions may vary widely. Also, acute resource shortages may also determine the options available

Legal requirements - organisations operate under provisions of federal, state or territory legislation as legal entities and funding recipients which influence decision-making

Community history

Organisation constitution and processes

Corporations Law

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

Evidence of the following is essential:

Integrated demonstration of all elements of competency and their performance criteria; and

Appropriate use of the constitution

Context of and specific resources for assessment

Assessment must ensure:

This unit of competency should be assessed through the performance of Board duties, but in the event that there is no opportunity to observe such a performance a simulated environment can be used but such simulation must replicate Board conditions in terms of: performing the task; managing a number of different tasks; coping with irregularities and breakdowns in routine; dealing with the responsibilities and expectations of the Board, including working with others; and transferring competency to other situations

Knowledge and performance to be assessed over time to confirm consistency in performance

Method of assessment

The following assessment method is appropriate for this unit:

Performance of Board duties, or through an accurate simulation of Board duties

Guidance information for assessment

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.

Experts may include:

Registrar of Aboriginal and Torres Strait
Islander Corporations
solicitors
accountants
managers
Elders

Constitutional provisions may include:

elections
membership
objects
meetings
financial reporting

Policies and programs may include:

program objectives
commercial activities
eligibility for assistance

Relevant law may include:

the Act under which the organisation
operates
Corporations Law

Unit Sector(s)

empty
empt

Competency field

Regulation, Licensing and Risk - ATSI Governance
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