



Australian Government

PMAOMIR449 Monitor legal compliance obligations during incidents

Release: 1

PMAOMIR449 Monitor legal compliance obligations during incidents

Modification History

Release 1. Supersedes and is equivalent to PMAOMIR449B Monitor legal compliance obligations during incidents

Application

This unit of competency covers the skills and knowledge required to oversee the operations of an incident management or crisis management team to ensure compliance with legislation and/or regulations.

An incident is an event which causes, or could have caused, injury or illness; damage to plant, material or the environment; disruption to production or public alarm.

An incident is an unintended event, or an unintended consequence of an intended event, such as:

- fire and explosion
- loss of containment
- excursions above/below acceptable limits for emissions or plant conditions
- excursions above occupational hygiene or biological exposure limits
- non-compliance with regulatory requirements
- security breaches
- failure to follow procedures
- complaints
- vehicle incidents
- on/off-site incidents.

This unit of competency applies to enterprise legal officers, environmental officers, safety officers or those in similar roles who are required to advise the management team on potential and actual breaches of legislation in the development of incident response plans, implement and evaluate incident response activities, submit organisational reports and prepare for legal proceedings on compliance issues.

This unit of competency applies to an individual working alone or as part of an incident management team and working in liaison with other members of the incident management team and the incident manager, as appropriate.

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

Pre-requisite Unit

Nil

Competency Field

Incident readiness and response

Unit Sector

Elements and Performance Criteria

Elements describe the essential outcomes.

Performance criteria describe the performance needed to demonstrate achievement of the element.

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| 1 | Conduct routine review of incident response plans | 1.1 | Identify legislation, regulation and licencing relevant to possible incident scenarios |
| | | 1.2 | Determine possible compliance issues with planned responses |
| | | 1.3 | Negotiate alternative response plans which do not raise compliance issues |
| | | 1.4 | Ensure plans, equipment and training are modified to reflect changed response plans |
| | | | |
| 2 | Oversee the operations of the incident management team during the incident | 2.1 | Ensure that the incident team is aware of legislation that needs to be complied with during the incident |
| | | 2.2 | Obtain information concerning legal ramifications as required in accordance with organisation's policies |
| | | 2.3 | Ensure accurate recording of all relevant details of all agreed actions |
| | | 2.4 | Assess actions taken and proposed against relevant legislation to determine compliance and possible impacts on the company |
| | | | |
| 3 | Advise appropriate action to facilitate compliance during the incident | 3.1 | Undertake consultations with regulatory authorities to facilitate minimal impact resolutions |
| | | 3.2 | Advise management of options that are available to remain compliant |
| | | 3.3 | Provide advice on actions to achieve compliance |

4	Monitor actions taken to achieve compliance during the incident	4.1	Monitor company actions to resolve incidents and achieve compliance or remain compliant
		4.2	Document actions taken by the organisation to remain compliant
		4.3	Prepare reports for management regarding outcomes from the incident and any material breaches of legislation that have occurred
		4.4	Prepare for possible legal proceedings within required timeframe
5	Seek improvements to incident responses post incident	5.1	Identify possible areas for improvement
		5.2	Develop improved responses in liaison with relevant people
		5.3	Ensure plans, equipment and training are modified to reflect improved response plans

Foundation Skills

This section describes those language, literacy, numeracy and employment skills that are essential to performance.

Foundation skills essential to performance are explicit in the performance criteria of this unit of competency.

Range of Conditions

This field allows for different work environments and conditions that may affect performance. Essential operating conditions that may be present (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) are included.

Regulatory framework	The latest version of all legislation, regulations, industry codes of practice and Australian/international standards, or the version specified by the local regulatory authority, must be used, and include one or more of the following: • legislative requirements, including work health and safety (WHS) • industry codes of practice and guidelines • environmental regulations and guidelines • Australian and other standards
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- licence and certification requirements

All operations to which this unit applies are subject to stringent health, safety and environment (HSE) requirements, which may be imposed through state/territory or federal legislation, and these must not be compromised at any time. Where there is an apparent conflict between performance criteria and HSE requirements, the HSE requirements take precedence.

Duty of care responsibilities under general work health and safety (WHS) Acts and regulations, and state/territory and national standards applying to hazardous substances, dangerous goods and major hazards must be met.

Procedures All operations must be performed in accordance with relevant procedures.

Procedures are written, verbal, visual, computer-based or in some other form, and include one or more of the following:

- emergency procedures
- work instructions
- standard operating procedures (SOPs)
- safe work method statements (SWMS)
- formulas/recipes
- batch sheets
- temporary instructions
- any similar instructions provided for the smooth running of the plant

Incident response

Incident response includes one or more of the following:

- deployment of site incident response personnel
- containing/controlling the incident at source and or its spread
- search and rescue operations
- engagement of external emergency services (such as fire, ambulance, rescue and military)
- liaison with other agencies (such as environmental, clean-up and specialised troubleshooters)
- evacuation
- hazard control

Incident response actions must:

- be in accordance with and relevant organisation procedures

- use appropriate response equipment, where required
- prioritise the safety and/or successful recovery of personnel and others affected by the incident response
- **not** inhibit effectiveness of the incident response or further contribute to the incident.

Legal compliance

Legal compliance during an incident involves monitoring all of:

- liquid leaving site (e.g. fire water, product and materials)
- smoke and vapour leaving site (e.g. from loss of containment (LOC) and fire)
- gas leaving site (e.g. from LOC)
- noise leaving site (e.g. from incident or incident response and alarms)

Identifying areas for improvement

Identifying areas for improvement includes addressing one or more of the following:

- difficulties tracking and identifying relevant legislation or amendments
- managing evidence for later investigations or enquiries
- interpersonal conflicts
- conflicts of interest
- failed compliance measures
- failure to comply with timeframes dictated by legislation or regulation

Unit Mapping Information

Release 1. Supersedes and is equivalent to PMAOMIR449B Monitor legal compliance obligations during incidents

Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=9fc2cf53-e570-4e9f-ad6a-b228ffdb6875>

Assessment Requirements for PMAOMIR449 Monitor legal compliance obligations during incidents

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Performance Evidence

Evidence required to demonstrate competence in this unit must be relevant to and satisfy the requirements of the elements and performance criteria, and include the ability to:

- identify potential compliance issues in incident response plans and compliance breaches in activities
- communicate effectively with team members, management and other stakeholders about compliance requirements, issues and solutions
- identify and provide advice on options for resolution of compliance issues and breaches
- document solutions and improvements to be implemented in training and procedures
- complete workplace documentation, write reports and prepare documentation for legal proceedings.

Knowledge Evidence

Evidence must be provided that demonstrates knowledge of:

- regulatory framework and specific compliance requirements that apply to the organisation
- allowable defences for apparent compliance breaches
- types of incidents that can arise in the work environment, typical responses and potential compliance issues
- organisational procedures, including those covering:
 - safety, hazards and hazard control
 - incident, fire and accident
 - environmental protection
 - risk assessment/risk management
 - relevant facility fire management and safety systems
 - communication systems
 - emergency response plans
 - release of information to external bodies
- constraints to negotiations that arise from organisation policies, procedures and corporate structures.

Assessment Conditions

- The unit should be assessed holistically and the judgement of competence based on a holistic assessment of the evidence.
- Element 1 is best assessed using a report and/or folio of evidence drawn from a single project which provides sufficient evidence of the requirements of all the performance criteria.
- The balance of the unit needs to be assessed off the job, and will occur as part of the response to a simulated incident.
- The collection of performance evidence:
 - should provide evidence of the ability to perform over the range of situations which might be expected to be encountered, including typical disruptions to normal, smooth work conditions
 - will typically include the use of appropriate tools, equipment and safety gear requiring demonstration of preparation, operation, completion and responding to problems.
- Off-the-job assessment must sufficiently reflect realistic operational workplace conditions that cover all aspects of workplace performance, including environment, task skills, task management skills, contingency management skills and job role environment skills.
- Assessment in a simulated environment should use evidence collected from one or more of:
 - demonstration of skills
 - industry-based case studies/scenarios
 - 'what ifs'.
- A third-party report, or similar, may be needed to testify to the work done by the individual, particularly when the project has been done as part of a project team.
- Knowledge evidence may be collected concurrently with performance evidence interviews (provided a record is kept) or through an independent process such as workbooks, written assessments or interviews (provided a record is kept).
- Assessment processes and techniques must be appropriate to the language, literacy and numeracy requirements of the work being performed and the needs of the candidate.
- Conditions for assessment must include access to all tools, equipment, materials and documentation required, including relevant workplace procedures, product and manufacturing specifications associated with this unit.
- Foundation skills are integral to competent performance of the unit and should not be assessed separately.
- Assessors must satisfy the assessor competency requirements that are in place at the time of the assessment as set by the VET regulator.
- In addition, the assessor or anyone acting in subject matter expert role in assessment must demonstrate both technical competency and currency. If the assessor cannot demonstrate technical competency and currency they must assess with a subject matter expert who does meet these requirements.
- Technical competence can be demonstrated through one or more of:
 - relevant VET or other qualification/Statement of Attainment
 - appropriate workplace experience undertaking the type of work being assessed under routine and non-routine conditions

- appropriate workplace experience supervising/evaluating the type of work being assessed under routine and non-routine conditions
- Currency can be demonstrated through one or more of:
 - being currently employed undertaking the type of work being assessed
 - being employed by the organisation undertaking the type of work being assessed and having maintained currency in accordance with that organisation's policies and procedures
 - having consulted/had contact with an organisation undertaking the type of work being assessed within the last twelve months, the consultation/contact being related to assessment
 - conducting on-the-job training/assessments of the type of work being assessed
 - being an active member of a relevant professional body and participating in activities relevant to the assessment of this type of work

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