



Australian Government

SISXIND402 Analyse legal knowledge for organisation governance

Release: 1

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Modification History

The release details of this endorsed unit of competency set are in the table below. The latest information is at the top.

Release	Comments
1	New unit.

Unit Descriptor

This unit describes the performance outcomes, skills and knowledge required to develop and update legal knowledge to ensure compliance with legislation across sport, fitness and recreation organisations. Ability to research and apply relevant legal information to organisation governance is the key focus of the unit. This is combined with a general knowledge of the legal framework in which organisations in different sport, fitness and recreation contexts operate.

Application of the Unit

This unit applies to committee and board members and senior personnel, for ensuring overall organisation compliance with legislative and regulatory requirements in the sport, fitness and recreation industries.

The unit does not cover the specialist skills and knowledge required by legal experts or managers whose primary role relates to compliance.

Licensing/Regulatory Information

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

Pre-Requisites

Not applicable.

Employability Skills Information

This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
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.
1. Research the legal information required for organisation compliance.	1.1 Identify <i>sources of relevant legal and licensing information</i> and advice. 1.2 Determine compliance needs for the organisation by accessing, selecting and analysing all information on <i>legal and licensing requirements</i> relevant to the <i>legal framework</i> under which the organisation operates. 1.3 Determine risks, penalties and consequences of non-compliance.
2. Ensure compliance with legal requirements.	2.1 Assess the need for specialist legal advice and seek assistance where appropriate. 2.2 Record and distribute relevant legal information to colleagues, employees and volunteers at appropriate times and in suitable formats for the intended audience. 2.3 Organise information updates and training for colleagues, employees and volunteers where appropriate. 2.4 Establish and monitor <i>workplace systems and procedures</i>, including a risk management approach to ensure compliance with legal requirements. 2.5 Identify aspects of operations that may infringe or potentially infringe laws and solicit advice on how to develop and implement modifications.
3. Update legal knowledge.	3.1 Use formal and informal research to update the legal knowledge required for organisation compliance. 3.2 Share updated knowledge with colleagues, employees and volunteers and incorporate into organisation planning and operations.

Required Skills and Knowledge

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

Required skills

- research skills to source and access legal information and advice
- critical thinking skills to evaluate and apply complex information to a particular organisation operational context
- literacy skills to interpret complex information from varied sources.

Required knowledge

- general knowledge of compliance provisions of legislation in the following areas to the level of depth required by an operational manager or committee or board member and in the specific context of a sport, fitness or recreation organisation:
 - legal responsibilities and liabilities of managers and board members within varying organisation structures under Corporation law and Associations Acts
 - consumer protection and trade practices: key features of trade practices and fair trading legislation, its application in different States and Territories and key areas in which sport, fitness or recreation organisations must ensure compliance
 - duty of care, including child protection, member protection, voluntary assumption of risk and negligence
 - privacy
 - Occupational Health and Safety (OHS) or Work Health and Safety (WHS) Act
 - sport and administrative tribunals and the application of principles of natural justice and the role of Court of Arbitration for Sport
- licensing: licences needed by various organisations; licence application procedures; ongoing requirements to maintain licence, auditing and inspection regimes; and reasons for cancellation of licences
- contracts: differences between contracts; impacts of contract law on operators, including the specific terms and obligations of contract; methods of contractual agreement, exclusion clauses and termination of contracts
- insurance: key organisation insurances required by different sport, fitness or recreation organisations, including public liability, directors and officers liability, personal accident, professional indemnity, building and contents, event liability, contingency and workers' compensation
- superannuation: employer responsibilities in relation to payment of superannuation for employees
- industrial relations: rights and responsibilities of employees and employers under industrial relations legislation
- taxation: overview of statutory reporting requirements and obligations for businesses and non-profit organisations including GST, PAYG, Income Tax and Fringe Benefits Tax
- intellectual property including copyright and trade marks
- Equal Employment Opportunity (EEO) and anti-discrimination (race, gender, sexuality and disability): including key features, employer responsibilities and consequences of operating contrary to legislation

- examples of specific legislation and regulations impacting on particular sectors or contexts such as:
 - Sporting Organisations Award 2010, Australian Sports Anti-Doping Authority Act 2006 (ASADA Act) and Australian Sports Anti-Doping Regulations 2006 (ASADA Regulations), NSW Combat Sports Act 2008, NSW Motor Vehicle Sports (Public Safety) Act 1985, Sporting Organisations Award 2010, Olympic Insignia Protection Act 1987 (CTH), Volunteer Protection Act 2001 (SA), Fitness Services (Pre-Paid Fees) Act 2000 (NSW), Sporting Injuries Insurance Act 1978 (NSW), Recreation Grounds Rates and Taxes Exemptions Act 1981 (SA), Children's Protection Act 1993 (SA), Responsible Service of Alcohol and local, state or territory, and federal food regulations and standards
- sources of legal information and advice relevant to particular industry sectors.

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 ability to:

- identify the legislation that affects organisation operations in a particular industry sector and legal framework
- access and update the legal information required for organisation compliance or seek professional assistance on legal matters
- demonstrate application of legal knowledge to specific sport, fitness or recreation situations and problems.

Context of and specific resources for assessment

Assessment must ensure access to:

- use of current legal information.

Method of assessment

A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this unit:

- evaluation of reports prepared by the individual detailing how legal issues were identified and addressed in the conduct of a particular project
- evaluation of industry projects conducted by the individual to address the compliance requirements for a specific sport, fitness or recreation organisation
- case studies that allow the individual to address legal requirements for given situations
- review of portfolios of evidence and third-party workplace reports of on-the-job performance by the individual.

Guidance information for assessment

Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended, for example:

- BSBGOV401A Implement Board member responsibilities
- BSBMGT616A Develop and implement strategic plans
- SITXHRM005A Lead and manage people.

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 individual, accessibility of the item, and local industry and regional contexts) may also be included.

Sources of relevant legal and licensing information may include:

- reference books
- media
- industry and employer associations
- industry journals
- internet
- customers and suppliers
- legal experts
- regulatory authorities
- state, national or international peak bodies
- local government officers

Legal and licensing requirements may include:

- liquor
- facilities preparing and selling food
- gaming
- sale of memberships
- security
- work health and safety
- industrial relations
- intellectual property
- taxation
- EEO
- anti-discrimination
- child protection
- duty of care
- trade practices
- privacy
- volunteers.

Legal framework may include:

- non-incorporated group
- incorporated association
- company
- company limited by guarantee
- trust.

Workplace systems and procedures to ensure compliance with legislation may relate to:

- recruitment, termination and other human resource management issues
- food safety programs
- policies to ensure responsible service of

alcohol

- drug testing regimes
- inspections and auditing
- risk assessments
- member complaint and dispute resolution processes
- training practices
- approval processes and protocols for various activities
- general work practices and work organisation approaches
- facility or venue design
- equipment maintenance
- wearing of personal protective equipment
- activity or sport rules and regulations
- distribution of information within the organisation
- signage.

Unit Sector(s)

Cross-Sector

Competency field

Working in industry