



Australian Government

Assessment Requirements for SITXGLC002 Identify and manage legal risks and comply with law

Release: 1

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Modification History

Not applicable.

Performance Evidence

Evidence of the ability to complete tasks outlined in elements and performance criteria of this unit in the context of the job role, and:

- identify six different legal risks requiring risk management and legal compliance for the operations of a specific tourism, travel, hospitality or events business
- develop risk management strategies and legal compliance actions for each of the six legal areas above
- integrate the risk management strategies and legal compliance actions into operational planning activities for each of the six legal areas above
- identify sources of information and advice on risk management and legal compliance for each of the six legal areas above.

Knowledge Evidence

Demonstrated knowledge required to complete the tasks outlined in elements and performance criteria of this unit:

- legal advantages and disadvantages, risks and benefits of different business operation structures:
 - sole trader
 - partnership
 - company
- sources of information and advice on legal risk management and compliance:
 - local, state, territory or Commonwealth government departments or regulatory agencies
 - plain English documentation that explains the operational requirements of legislation
 - computer data
 - the internet
 - discussions with experienced industry personnel
 - industry:
 - accreditation operators
 - associations and organisations
 - developers of codes of conduct or ethics
 - journals
 - seminars

- lawyers
- libraries
- personal observations and experience
- reference books
- training courses
- functions of regulatory authorities relevant to the tourism, travel, hospitality and events industries
- methods of receiving updated information on managing legal risks and compliance requirements
- strategies for managing legal risks and legal compliance
- primary components of legal principles and of local, state, territory and Commonwealth government laws to which all types of businesses must comply:
 - anti-discrimination, including provisions for equal employment opportunity (EEO) and harassment
 - anti-trust laws (“restrictive trade practices”), including the prohibitions on anti-cartel, resale price maintenance and third line forcing
 - Australian Consumer Law (ACL), including provisions for refunds, exchanges and cancellations, terms and conditions of quotations and consumer contracts
 - contract formation and content
 - copyright law
 - duty of care and negligence
 - e-commerce and social media
 - employer superannuation contributions
 - Fair Work Act 2009, including provisions for National Employment Standards (NES)
 - insurance, including public liability and professional indemnity insurance
 - privacy law
 - trade mark law
 - work health and safety
 - workers’ compensation, including provisions for injury reporting and occupational rehabilitation
- laws, codes, standards and licensing requirements that impact on specific operators in the tourism, travel, hospitality and event industries and are applicable to the individual’s context:
 - Criminal Code Act 1995 as it relates to child sex offences outside Australia
 - European Economic Directive of Foreign Travel
 - food safety
 - Food Standards Australia New Zealand Act 1991
 - liquor licensing, including responsible service of alcohol
 - Queensland Tourism Services Act 2003
 - Residential Tenancy Act
 - responsible conduct of gaming regulation

- for each relevant law, code, standard and licensing requirement listed above:
 - objectives and primary components
 - key practices and legal risks that need to be managed
 - key actions needed to manage the legal risks and comply with the law
 - main consequences of failure to manage the legal risks or non-compliance with the law
 - requirements for record keeping and acceptable record keeping mechanisms
- opportunities to maintain knowledge of legal risks and legal risk management and compliance requirements:
 - participating in industry seminars
 - membership of professional industry associations
 - participating in training courses.

Assessment Conditions

Skills must be demonstrated in an operational tourism, travel, hospitality or events business operation. This can be:

- an industry workplace; or
- a simulated industry environment set up for the purposes of assessment.

Assessment must ensure access to:

- computers, software programs, printers and communication technology used to source information on legal risk management and compliance
- current legislation
- current materials displayed or published by government regulators
- information issued by industry associations or commercial publishers.

Assessors must satisfy the Standards for Registered Training Organisations' requirements for assessors.

Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=68c40a93-e51d-4e0f-bc06-899dff092694>