



Australian Government

SITXGLC002 Identify and manage legal risks and comply with law

Release: 1

SITXGLC002 Identify and manage legal risks and comply with law

Modification History

Not applicable.

Application

This unit describes the performance outcomes, skills and knowledge required to identify and manage legal risks and comply with laws applicable to specific business operations. It requires the ability to identify legal risks, access and interpret regulatory information, and determine action required to manage legal risks and to comply with applicable laws.

The unit applies to legal issues arising in day-to-day business operations in all tourism, travel, hospitality and event sectors.

It applies to senior personnel who operate with limited guidance from others and who are responsible for making a range of operational business and legal risk management decisions.

The skills in this unit must be applied in accordance with Commonwealth and State/Territory legislation, Australian/New Zealand standards and industry codes of practice.

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

Pre-requisite Unit

Nil

Competency Field

Governance and Legal Compliance

Unit Sector

Cross-Sector

Elements and Performance Criteria

ELEMENTS

Elements describe the essential outcomes

1. Identify legal risks and compliance needs.

PERFORMANCE CRITERIA

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

- 1.1. Evaluate areas of business operation for which legal risk management and compliance is required.
- 1.2. Identify legal risks and compliance requirements that arise

- in business operations.
2. Research information required for legal compliance.
 - 2.1. Identify sources of information for compliance with laws and licensing for business operations.
 - 2.2. Access regulatory and other legal information relevant to specific business operation.
 - 2.3. Identify risks, penalties and consequences of non-compliance.
 - 2.4. Assess and act on need for specialist legal advice.
 3. Consider legal risk management strategies and actions for legal compliance.
 - 3.1. Articulate legal risk management strategies and actions necessary to comply with laws.
 - 3.2. Develop practices for updating personnel to ensure they have current knowledge of roles and responsibilities for legal risk management and compliance.
 4. Ensure management of legal risks and compliance with legal requirements.
 - 4.1. Maintain business and occupational licences and check contractor contracts and conduct to avoid risk to business.
 - 4.2. Continuously evaluate business operations for non-compliance and implement modifications.
 5. Maintain personal and organisational knowledge of legal risk management strategies and compliance requirements.
 - 5.1. Identify and use opportunities to maintain knowledge of current legal risk management strategies and legal compliance requirements.
 - 5.2. Use organisational communication methods to share updated regulatory knowledge.

Foundation Skills

Foundation skills essential to performance in this unit, but not explicit in the performance criteria are listed here, along with a brief context statement.

SKILLS	DESCRIPTION
Reading skills to:	interpret unfamiliar and complex materials describing legal issues and risks and legal compliance requirements.
Writing skills to:	- document identification of legal risks and compliance needs - document legal risk management strategies and legal compliance actions.

Unit Mapping Information

Supersedes and is not equivalent to SITXGLC001 Research and comply with regulatory requirements.

Links

Companion Volume implementation guides are found in VETNet -

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

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

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

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