Modification history

Release	Comments
Release 2	This version released with AHC Agriculture, Horticulture, Conservation and Land Management Training Package Version 4.0.
Release 1	This version released with AHC Agriculture, Horticulture, Conservation and Land Management Training Package Version 1.0.

AHCARB605	Provide consultation in a legal framework
Application	This unit of competency describes the skills and knowledge to provide consultation in a legal framework within an arboriculture context. The unit applies to individuals with broad theoretical and technical knowledge of a specific area, or a broad field, of work and learning. They have a broad range of cognitive, technical and communication skills and demonstrate autonomy and judgement for defined area of responsibility, undertaking complex work with broad parameters to provide specialist advice and functions. No occupational licensing, legislative or certification requirements are known to apply to this unit at the time of publication.
Prerequisite Unit	Nil
Unit Sector	Arboriculture (ARB)

Elements	Performance Criteria
Elements describe the essential outcomes.	*Performance criteria describe the performance needed to demonstrate achievement of the element.*
1. Analyse the legal context	1.1 Determine legislation and cases within arboricultural specialist consulting area of work 1.2 Review and analyse state, territory and federal legislation, regulations and planning instruments pertaining to arboriculture 1.3 Apply legal and ethical standards to professional practice 1.4 Recognise and use legal terminology relevant to professional practice in arboriculture
2. Analyse precedent cases to determine advice outcomes	2.1 Analyse the jurisdiction of tree matters for specific cases 2.2 Recognise the legal framework and court system when preparing and implementing strategies for management of client legal needs 2.3 Seek and review precedents in law and published case studies for arboriculture related cases 2.4 Determine appropriate statutes and supporting precedent cases 2.5 Provide arboricultural information based on the legal context 2.6 Develop a course of action and discuss consequences with client 2.7 Provide advice within the context of statutes and precedent cases
3. Reviewing developing and applying policies	3.1 Analyse and review policy documents according to legislation and relevant cases 3.2 Prepare policy documents based on legislation and relevant cases 3.3 Determine areas of uncertain legal outcomes in policy documents 3.4 Seek legal advice and amend policy documents to comply with advice
4. Prepare expert report	4.1 Identify further research and supporting documentation required for matter under investigation 4.2 Follow statutory framework to give advice and work as an expert 4.3 Ensure all available observations and test results are recorded with precision in expert reports 4.4 Declare assumptions underpinning any discussion in report 4.5 Substantiate reported opinion with external authorities according to availability and case requirements 4.6 Prepare and provide a detailed evidentiary expert report according to client brief and statutory requirements

Elements	Performance Criteria
Elements describe the essential outcomes.	*Performance criteria describe the performance needed to demonstrate achievement of the element.*
5. Provide expert evidence	5.1 Determine any matter or conflict of interest that may impact on ability to provide impartial evidence 5.2 Read and comply with statutory requirements for an expert witness 5.3 Prepare presentation of evidence based on factual data, documented observations and results according to rules of evidence in legal proceedings 5.4 Deliver oral evidence and report according to legal proceedings, jurisdiction and client requirements 5.5 Assist the court on matters relevant to expert witness testimony and area of expertise 5.6 Seek and provide clarification on areas of uncertainty

Foundation Skills **(NB - To be completed following confirmation of PC's)**	
This section describes those language, literacy, numeracy and employment skills that are essential for performance in this unit of competency but are not explicit in the performance criteria.	
Skill	**Description**
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Unit Mapping Information			
Code and title current version	**Code and title previous version**	**Comments**	**Equivalence status**
AHCARB605 Provide consultation in a legal framework	AHCARB605 Provide consultation in a legal framework	Changes to Elements and Performance Criteria for clarity Updated Performance Evidence and Knowledge Evidence	Equivalent unit

Links	Companion Volumes, including Implementation Guides, are available at VETNet: https://vetnet.education.gov.au/Pages/TrainingDocs.aspx?q=c6399549-9c62-4a5e-bf1a-524b2322cf72

TITLE	Assessment requirements for AHCARB605 Provide consultation in a legal framework

Performance Evidence

An individual demonstrating competency must satisfy all of the elements and performance criteria in this unit.

There must be evidence that the individual has on at least two (2) occasions provided consultation in a legal framework and has:

- determined legislation and cases applying to trees within specialist consulting areas of work
- reviewed and analysed legislation, statutory regulations and planning instruments
- applied legal and ethical standards to professional practice
- recognised and used legal terminology in professional practice
- analysed jurisdiction of tree matters to specific cases
- recognised the legal framework and courts system when managing client legal needs
- sought and reviewed precedents in law and review published arboriculture related case studies
- determined statutes and supporting precedent cases
- provided arboricultural information based on the legal context
- determined course of action and discussed with client
- provided advice within the context of statutes and precedent cases
- analysed and reviewed policy documents accor5ding to legislation and relevant cases
- prepared policy documents based on legislation and relevant cases
- determined areas of uncertainty in policy documents
- sought legal advice and amended policy documents
- identified gaps in arboriculture knowledge and developed and implemented professional development for improvements
- implemented statutory framework when providing advice as an expert
- ensured observations and test results were recorded with precision
- declared and clarified assumptions underpinning policy documents
- substantiated reported opinions using external authorities
- prepared and provided a detailed evidentiary report
- confirmed status as provider of expert evidence
- read and complied with expert witness code of practice
- prepared presentation of evidence based on factual data, documented observations and results and complied with the rules of evidence
- delivered oral evidence and report to court according to legal proceedings, jurisdiction and client requirements
- assisted the court on matters relevant to expert testimony
- sought and provided clarification on areas of uncertainty.

Knowledge Evidence

An individual must be able to demonstrate the knowledge required to perform the tasks outlined in the elements and performance criteria of this unit. This includes knowledge of:

- legislation, statutory regulations including planning instruments in state, territory and federal jurisdictions affecting the arboriculture industry including:
  - environmental planning and management
  - interactions with people and property
- court systems, common law, statute law, civil law, law of torts, and precedents to strategies and management of client needs
- professional practice and legal and ethical standards including:
  - processes and practices of preparing and presenting in court
  - responsibilities and constraints of legal presentations
  - developing areas of expertise
- precedents in law and working with published case studies for arboriculture testimony
- accessing and developing professional and arboricultural knowledge including:

Knowledge Evidence

- • benefits of accessing legal and arboricultural professional bodies
  - • accessing and studying legal cases
  - • maintaining professional standards
  - • building and developing expertise and specialised arboriculture knowledge
- legal terms associated with professional practice in arboriculture their meaning and common use in discourse
- preparation of policy documents based on legislation and relevant cases
- preparation of detailed evidentiary reports
- oral presentation skills and presenting in court.

Assessment Conditions

Assessment of skills must take place under the following conditions:
- physical conditions:
  - • access to the courts and court system used for arboriculture cases or environment that accurately represents workplace conditions
- resources, equipment and materials:
  - • computer
  - • word processing software
  - • internet connection
- specifications:
  - • procedures and processes used in the courts system
  - • expert witness reports
  - • access to arboriculture court case studies
  - • glossary of legal terminology
- relationships
  - • client.

Assessors must satisfy current standards for RTOs in the assessment of arboriculture units of competency.

Assessment must be conducted only by persons who have:
- arboriculture vocational competencies at least to the level being assessed
- current arboriculture industry skills directly relevant to the unit of competency being assessed.

Links	Companion Volumes, including Implementation Guides, are available at VETNet: https://vetnet.education.gov.au/Pages/TrainingDocs.aspx?q=c6399549-9c62-4a5e-bf1a-524b2322cf72