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|---|-------------------------|--------------------------------|
| <b>Prerequisite competency completion</b>   |                         |                                |
| Not applicable. There are no prerequisite requirements.   |                         |                                |
| <b>Required reports completion</b>  |                         |                                |
| Has the candidate successfully completed the <b>required reports</b> ?  | <b>Yes/No<br/>(Y/N)</b> | <b>Signed<br/>(Initialled)</b> |
| Expert witness report   |                         |                                |
| Glossary of legal terminology   |                         |                                |
| <b>Mandatory Equipment (as a minimum)</b>   |                         |                                |
| Has each of the mandatory equipment items been used to gather evidence for assessment?  | <b>Yes/No<br/>(Y/N)</b> | <b>Signed<br/>(Initialled)</b> |
| computer  |                         |                                |
| word processing software  |                         |                                |
| internet connection   |                         |                                |
| <b>Knowledge Evidence</b>   |                         |                                |
| Has the candidate successfully completed the <b>Knowledge Evidence</b> requirements by demonstrating knowledge of each of the line items below? | <b>Yes/No<br/>(Y/N)</b> | <b>Signed<br/>(Initialled)</b> |
| relevant legislation in relation to pertaining to trees and interactions with people, property, environment and the arboriculture industry      |                         |                                |
| statutory regulations   |                         |                                |
| environmental planning instruments  |                         |                                |
| state, territory and federal jurisdictions  |                         |                                |
| legal entities  |                         |                                |
| court systems   |                         |                                |
| common law  |                         |                                |
| statute law   |                         |                                |
| civil law   |                         |                                |
| law of torts  |                         |                                |
| legal matters   |                         |                                |
| legal precedents  |                         |                                |
| relevant precedents in law  |                         |                                |
| supporting precedent cases  |                         |                                |
| published case studies  |                         |                                |
| appropriate statutes  |                         |                                |

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| strategies and management of client needs  |                     |                           |
| legal and ethical standards  |                     |                           |
| legal processes and practices  |                     |                           |
| legal responsibilities   |                     |                           |
| legal constraints and issues relating to own professional practice   |                     |                           |
| provision of legal advice  |                     |                           |
| seeking appropriate legal advice   |                     |                           |
| arboricultural information based on the legal context  |                     |                           |
| expertise and specialised knowledge in arboriculture   |                     |                           |
| common legal terms associated with the consultants' area of practice with a clear understanding of their meaning and implications  |                     |                           |
| preparation of policy documents based on legislation and relevant cases  |                     |                           |
| substantiation of opinions by external authorities   |                     |                           |
| preparation of detailed evidentiary reports  |                     |                           |
| statutory framework to give advice and work as an expert   |                     |                           |
| mandatory court requirements of specifications for content of expert reports   |                     |                           |
| expert witness code of conduct   |                     |                           |
| independent and unbiased provider of expert evidence   |                     |                           |
| compliance with the rules of evidence  |                     |                           |
| provision of oral evidence   |                     |                           |
| impartial evidence   |                     |                           |
| impartial assistance to the court  |                     |                           |
| expert witness's area of expertise   |                     |                           |
| <b>Performance evidence</b>  |                     |                           |
| Has the candidate successfully demonstrated the <b>Performance Evidence</b> requirements of the unit of competency AHCARB605 Provide consultation in a legal framework, and as per listed line items below?  | <b>Yes/No (Y/N)</b> | <b>Signed (Initialed)</b> |
| determining legislation and relevant cases applying to trees within specialist consulting areas of work  |                     |                           |
| reviewing and analysing the relevant legislation, statutory regulations, environmental planning instruments in state, territory and federal jurisdictions in relation to entities pertaining to trees and interactions with people, property, environment and the arboriculture industry |                     |                           |

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| applying detailed knowledge of legal and ethical standards, processes and practices, responsibilities, constraints and issues relating to own professional practice |  |  |
| using common legal terms associated within the consultant’s area of practice with a clear understanding of their meaning and implications                           |  |  |
| analysing the jurisdiction of tree matters relevant to specific cases   |  |  |
| applying knowledge of relevant court systems, common law, statute law, civil law, law of torts, and precedents to strategies and management of client needs         |  |  |
| seeking and reviewing relevant precedents in law and review published case studies  |  |  |
| determining appropriate statutes and supporting precedent cases   |  |  |
| providing arboricultural information based on the legal context   |  |  |
| determining alternative courses of action, and legal and non-legal consequences, and discuss with client  |  |  |
| providing advice within the context of statutes and precedent cases   |  |  |
| analyzing and reviewing policy documents in light of legislation and relevant cases   |  |  |
| preparing policy documents based on legislation and relevant cases  |  |  |
| determining areas of uncertainty in policy documents  |  |  |
| seeking appropriate legal advice  |  |  |
| developing expertise and specialised knowledge in arboriculture   |  |  |
| following statutory framework to give advice as an expert   |  |  |
| confirming status as independent and unbiased provider of expert evidence within witness code of conduct programs   |  |  |
| recording all observations and test results with precision  |  |  |
| stating assumptions underpinning policy documents   |  |  |
| substantiating opinions using external authorities where possible   |  |  |
| preparing and providing a detailed evidentiary report   |  |  |
| preparing for the particular jurisdiction and matter at hand  |  |  |
| preparing evidence based on factual data, documented observations and results and complying with the rules of evidence  |  |  |
| providing oral evidence and respond to questions impartially  |  |  |
| seeking and providing clarification on areas of uncertainty   |  |  |

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| <b>Assessment conditions</b>  |                               |                            |                                     |
|---|-------------------------------|----------------------------|-------------------------------------|
| Assessment may be conducted in a simulated or real work environment; however, determination of competency requires the application of work practices under work conditions. | <b>Yes/No (Y/N)</b>           | <b>Signed (Initialled)</b> |                                     |
| Have assessments been demonstrated consistently over time?  |                               |                            |                                     |
| Have assessments been demonstrated in a suitable range of contexts?   |                               |                            |                                     |
| Have assessments been demonstrated with a productivity-based outcome?   |                               |                            |                                     |
| Have assessments been demonstrated with multiple assessment events and reports?   |                               |                            |                                     |
| <b>Assessor Declaration</b>   |                               |                            |                                     |
| <b>Assessors must satisfy current standards for RTOs in the assessment of arboriculture units of competency.</b>  | <b>Yes/No (Y/N)</b>           | <b>Signed (Initialled)</b> |                                     |
| <b>Has assessment been conducted only by persons who have:</b>  |                               |                            |                                     |
| <ul style="list-style-type: none"> <li>• arboriculture vocational competencies at least to the level being assessed?</li> </ul>   |                               |                            |                                     |
| <ul style="list-style-type: none"> <li>• current arboriculture industry skills directly relevant to the unit of competency being assessed?</li> </ul>                       |                               |                            |                                     |
| <b>Assessor name</b>  | <b>Assessor qualification</b> | <b>Year</b>                | <b>Full Signature</b>               |
|   |                               |                            |                                     |
| <b>Competency Determination</b>   |                               |                            |                                     |
| This section determines the skills and knowledge required to provide consultation in a legal framework within an arboriculture context.                                     |                               |                            | <b>Competent /Not yet competent</b> |
| <b>The candidate is competent in providing consultation in a legal framework within an arboriculture context.</b>   |                               |                            |                                     |
| <b>Competency Assessment Completion</b>   |                               |                            |                                     |
| <b>Assessor name</b>  | <b>Date</b>                   | <b>Full Signature</b>      |                                     |
|   |                               |                            |                                     |

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