AHCARB605 Legal Consultation Form

Prerequisite competency completion		
Not applicable. There are no prerequisite requirements.		

Required reports completion		
Has the candidate successfully completed the **required reports?**	Yes/No (Y/N)	Signed (Initialled)
Expert witness report		
Glossary of legal terminology		

Mandatory Equipment (as a minimum)		
Has each of the mandatory equipment items been used to gather evidence for assessment?	Yes/No (Y/N)	Signed (Initialled)
computer		
word processing software		
internet connection		

Knowledge Evidence		
Has the candidate successfully completed the **Knowledge Evidence** requirements by demonstrating knowledge of each of the line items below?	Yes/No (Y/N)	Signed (Initialled)
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		

	Yes/No (Y/N)	Signed (Initialled)
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		

Performance evidence		
Has the candidate successfully demonstrated the **Performance Evidence** requirements of the unit of competency AHCARB605 Provide consultation in a legal framework, **and as per listed line items below?**	**Yes/No (Y/N)**	**Signed (Initialled)**
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		

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		

Assessment conditions		
Assessment may be conducted in a simulated or real work environment; however, determination of competency requires the application of work practices under work conditions.	**Yes/No (Y/N)**	**Signed (Initialled)**
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?		

Assessor Declaration		
Assessors must satisfy current standards for RTOs in the assessment of arboriculture units of competency. Has assessment been conducted only by persons who have:	**Yes/No (Y/N)**	**Signed (Initialled)**
• **arboriculture vocational competencies at least to the level being assessed?**		
• **current arboriculture industry skills directly relevant to the unit of competency being assessed?**		

Assessor name	Assessor qualification	Year	Full Signature

Competency Determination	
This section determines the skills and knowledge required to provide consultation in a legal framework within an arboriculture context.	**Competent /Not yet competent**
The candidate is competent in providing consultation in a legal framework within an arboriculture context.	

Competency Assessment Completion

Assessor name	Date	Full Signature