

Learner Assessment Pack

Establish Legal and Risk Management Requirements of Small Business

BSBSMB401



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BSBSMB401
Establish Legal and Risk Management
Requirements of Small Business

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Learner Assessment Pack Assessment Delivery



Learner Information

Each Learner Assessment Pack is made up of three parts:

Assessment Delivery

- Learner Information
- Steps for Learners
- Assessment Agreement

Assessment

- Tasks
- Context
- Assessor Feedback

Recording

- Record of Assessment

Before you commence your Assessment, ensure that you have good knowledge of the subject, have thoroughly read your Learner Resource, and clearly understand the Assessment requirements and the expectations of the Assessor.

You may be required to demonstrate knowledge and skills which may be difficult for the Assessor to witness. If so, an Evidence Record is supplied which will allow the knowledge or skill to be verified by at least one third party, and preferably two or more. These witnesses would usually be current or recent supervisors or your Assessor.

Explanations are given for each Task. If you have any questions, consult with your Assessor.

To contextualise this Assessment to your industry, you must complete a few additional tasks based on your employer's industry. These will be provided by your Assessor.

The assessment tasks may be answered using your business, the simulated business or a mixture of both as instructed by your Assessor.

Records must be kept of all aspects of the Assessment in your Learner Pack.

The record of assessment is a **legal document** and must be signed, dated, and a copy stored as required by your Registered Training Organisation (RTO).

Steps for Learners

1. Receive your Learner Assessment Pack and discuss with your Assessor the expectations of this Assessment. You may also need to supply contact details of one or two work referees who can confirm your skills in the industry. Discuss with your Assessor if you intend to undertake the tasks based on your employing organisation or using the simulated business, Bounce Fitness or a mix of both.
2. Your Learner Assessment Pack is where you will get the Task information. Complete the Tasks as instructed, using either the simulated business, Bounce Fitness, or your employing organisation and include in the Learner Assessment Pack for your Assessor.
3. After you complete your Assessment, gather and return your evidence documents, as detailed in the Task(s) in the timeframe agreed with your Assessor.

Assessment Agreement

Have you signed off:



Delivery Method

- Classroom
- Small Group
- One-on-One
- Online
- Other (please describe)



Assessment Method

- Learner's Organisation –
Pre-assessment meeting conducted
- Simulated Business



Assessment Conditions

Assessment must be conducted in a safe environment where evidence gathered demonstrates consistent performance of typical activities experienced in the Management and Leadership – Small and Micro Business field of work and include access to:

- Office equipment and resources
- Business technology including internet access
- Specialist software for analysis of data
- Relevant legislation, regulations, standards and codes
- Relevant workplace documentation and resources
- Case studies, or where possible, real situations
- Interaction with others.

Assessors must satisfy NVR/AQTF assessor requirements.

I confirm that the activities and assessment completed as part of this unit are my own work and comply with all relevant copyright and plagiarism rules. I understand that if there is any doubt of the authenticity of any piece of my assessment I can be orally examined and the signatory of evidence records may be contacted.

Learner Name _____

Learner Signature _____ Date _____

Assessor Name _____

Assessor Signature _____ Date _____

Learner Assessment Pack

Assessment



Tasks

You are required to complete all tasks as instructed.

Context

Your Assessor will advise you of the tasks that you must complete related to your industry.

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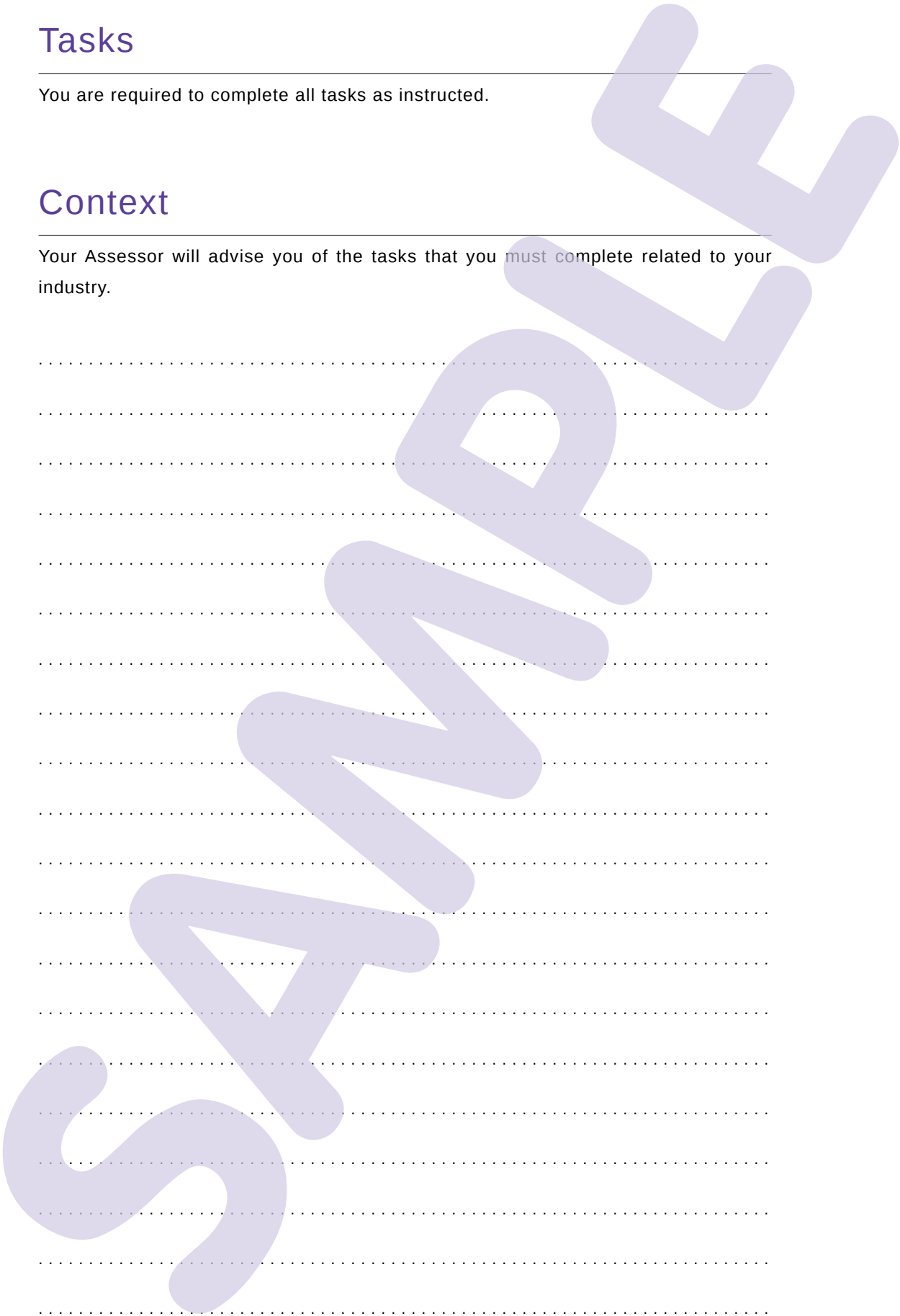
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To be assessed for this competency, you must demonstrate your ability to:

- Ensure compliance, by:
 - Following taxation and industrial relations principles
 - Updating and maintaining legal documents
 - Investigating areas of non-compliance
 - Monitoring provision of products and services
 - Taking corrective action where necessary.
- Negotiate and arrange contracts, including:
 - Seeking legal advice
 - Investigating procurement rights
 - Identifying options of leasing or ownership of business premises.
- Identify, assess and treat risks specific to the business including
 - Prioritising risks with highest probability of occurrence and greatest negative impact on the business
 - Identifying insurance requirements.

The following Assessment Tasks must be completed by you to enable you to demonstrate these skills. These must be conducted:

Using the simulated business Bounce Fitness

or

In your own workplace if you are able to access all the documents and conduct all of the activities.

Ensure that you gain the approval of your choice with your Assessor before commencing.

If you are using the simulated business, you will need to access <http://bounce.precisiongroup.com.au>.

You may also need to conduct further research.

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Information Regarding the Assessment

Using the business you have or will establish or the simulated business *Bounce Fitness*, complete the following Tasks.

If you are using your own small business, you will need to have the Third Party Evidence Record, Task 2 completed and signed by one of your business advisors. This will provide evidence that you completed the necessary requirements accurately on your small business.

If you are using the simulated business, you will need to print copies of any documentation to which you refer or used as evidence to support your information.

Task 1 – Project: Establish Legal and Risk Management Requirements of Small Business

This Task requires you to plan for the legal and risk management of your small business. To do this you must address the following in an essay for your Assessor.

- 1a Decide on the business structure that you would use if you owned one of the Bounce Fitness Centres as an independent entity. If you are using your business, what structure would you use? Discuss the legal implications and risks associated with this decision for your chosen business.
- 1b What licences are necessary to operate one of the Bounce Fitness Centres or your business? What steps do you need to take to apply for these licences? Do you need to register your business name or apply for trade mark registration? What insurance will be necessary to protect your business?
- 1c Prepare a summary of the laws that apply to the business you have chosen to work with for this assessment.
- 1d Outline the systems you will use to make sure you are complying with these laws, including risks with a high probability of occurring.
- 1e Prepare a record keeping system to support your compliance with laws that apply to your business (e.g. taxation, employment, WorkCover/workers compensation). If you already have a business in operation, present some examples of these documents.
- 1f Identify the contracts, rights and obligations that are involved in your chosen business.
- 1g Where will you operate this business? What contractual arrangements have been or will be made to secure this? If there were any changes that you negotiated to the contract, describe how this was undertaken and the result.

Include copies of any documents to which you refer for your Assessor.

Assessor Feedback

Key Points and Suggested Answers

Assessor feedback is recorded here. The Assessor will record what they saw or heard, how it related to the performance criteria, their judgement and why they made that judgement.

Assessing Notes

There are too many possible scenarios to include specific details for assessing guidelines. It is the responsibility of the Assessor to check the credibility of the answer of the Learner.

The Assessor will need to undertake considerable research on their own if the Learner has used their own business. However, the parameters of quantity and quality of information provided by the Learner is indicated in each answer.

In areas where there is a question remaining about the appropriateness and usefulness of any answer, question the Learner to ensure their skills and knowledge.

It may also be useful to refer to your Trainer Manual for further information or discuss answers with the advisor to the Learner who signed the Third Party Evidence Record.

Task 1 – Project: Establish Legal and Risk Management Requirements of Small Business

SAMPLE

Task 2 – Evidence Record

Large empty rectangular box for recording evidence.

Tasks Sign-Off Sheet

Learner Name

Assessor Name

Learner Signature

Assessor Signature

Date

Date

Learner Assessment Pack Recording



Record of Assessment

Learner Details	Assessor Details
Name	Name
Course Code	Site and Date
Unit Code BSBSMB401	Unit Name Establish Legal and Risk Management Requirements of Small Business

Performance Criteria Mapping			
Assessment Activity	PC Mapping	Satisfactory	Needs More Evidence
Task 1 – Project: Establish Legal and Risk Management Requirements of Small Business	1.1, 1.2, 1.3 2.1, 2.2, 2.3, 2.4, 2.5 3.1, 3.2, 3.3, 3.4, 3.5	<input type="checkbox"/>	<input type="checkbox"/>
Task 2 – Evidence Record	1.1, 1.2, 1.3 2.1, 2.2, 2.3, 2.4, 2.5 3.1, 3.2, 3.3, 3.4, 3.5	<input type="checkbox"/>	<input type="checkbox"/>

Performance Evidence Mapping		Satisfactory	Needs More Evidence	
PE1	Demonstrate a systematic approach to identifying, managing and meeting legal and regulatory requirements, specifically in regard to WHS, business registration and environmental requirements Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>	
PE2	Ensure compliance, by:			
	• Following taxation and industrial relations principles	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
	• Updating and maintaining legal documents	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
	• Investigating areas of non-compliance	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
	• Monitoring provision of products and services	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
	• Taking corrective action where necessary	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>

Performance Evidence Mapping			Satisfactory	Needs More Evidence
PE3	Negotiate and arrange contracts, including:			
	<ul style="list-style-type: none"> Seeking legal advice 	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> Investigating procurement rights 	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
PE4	Identify, assess and treat risks specific to the business including:			
	<ul style="list-style-type: none"> Prioritising risks with highest probability of occurrence and greatest negative impact on the business 	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> Identifying insurance requirements 	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>

Knowledge Evidence Mapping			Satisfactory	Needs More Evidence
KE1	Outline business registration and licensing requirements	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
KE2	Identify all government legislative requirements relating to the specific business operation	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
KE3	Explain creation and termination of relevant legal contracts	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
KE4	Summarise relevant cultural differences and legal implications	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
KE5	Describe legal rights and obligations of alternative ownership structures	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
KE6	Outline necessary record keeping to meet minimum legal and taxation requirements	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
KE7	Summarise relevant consumer legislation and industry codes of practice	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
KE8	Outline the key steps in the risk management process	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
KE9	Explain relevant insurance requirements and products.	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>

Context Mapping	PC Mapping	Satisfactory	Needs More Evidence
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

Foundation Skills Mapping					
Skill	Description	ACSF Level	Mapping	Satisfactory	Needs More Evidence
Reading	Identifies, analyses and evaluates a range of complex text to determine legislative, regulatory and related business requirements	4	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
Writing	Prepares written reports and workplace documentation that communicate complex information clearly and effectively	4	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
Oral Communication	Uses specific and relevant language to clearly articulate legal issues, and uses questioning and listening techniques to clarify solutions	4	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
	Participates in verbal negotiations using tone and language suitable to audience	4	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
Numeracy	Reviews, analyses, compares and contrasts numerical data which may be embedded in documents	4	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
	Calculates business insurance costs and compares costing options	4	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
Navigate the world of work	Monitors adherence to organisational policies and legislative responsibilities and considers own role in terms of its contribution to broader goals of work environment	4	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
Interact with others	Plays a lead role in situations requiring effective collaboration, demonstrating high-level influencing skills, focusing and shaping awareness, and engaging and motivating others	4	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
Get the work done	Takes responsibility for planning and organising own workload, identifying ways of sequencing and combining elements for greater efficiency	4	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
	Implements actions as per plan, making adjustments if necessary and addressing unexpected issues	4	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
	Understands importance of secure information and privacy in relation to own work and takes personal responsibility for identifying and managing risk factors	4	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>
	Makes a range of critical and non-critical decisions in complex situations, taking a range of constraints into account	4	Tasks 1 and 2	<input type="checkbox"/>	<input type="checkbox"/>

(please tick appropriate box)	Yes	No
Comments and future action noted in Learner Assessment Pack	<input type="checkbox"/>	<input type="checkbox"/>
Results discussed and agreed to You have the right to appeal the outcome of your assessment.	<input type="checkbox"/>	<input type="checkbox"/>
The Learner is	Competent <input type="checkbox"/>	Not Yet Competent <input type="checkbox"/>

Learner Comments

Assessor Comments

Details of further evidence required

After reassessment the Learner is	Competent <input type="checkbox"/>	Not Yet Competent <input type="checkbox"/>
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Assessor Signature **Date**

The signature confirms that I have submitted all my own work and agree with the assessment decision and feedback.

Learner Signature **Date**

