

BSBSMB401A Matrix Map

(Generated Friday, 06 May 2016)

ELEMENTS AND PERFORMANCE CRITERIA

| Element | Performance Criteria | Task / Question Map |
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| 1. Identify and implement business legal requirements | 1.1. Identify and research possible options for the business legal structure using appropriate sources | Business Legal Structures: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 Q9 Q10 Q11 Q12 Q13 Business structures - scenario: Q1 |
| | 1.2. Determine legislation and regulatory requirements affecting the operations of the business under its chosen structure | Business Legal Structures: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 Q9 Q10 Q11 Q12 Q13 Employment: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 Regulatory requirements - scenario: Q1 |
| | 1.3. Develop and implement procedures to ensure full compliance with relevant legislation and regulatory requirements | Business Legal Structures: Q5 Q6 Q7 Q8 Regulatory Requirements: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 Q9 Q10 Q11 Q12 Q13 |
| 2. Comply with legislation, codes and regulatory requirements | 2.1. Establish systems to ensure the legal rights and responsibilities of the business are identified and the business is adequately protected, specifically in relation to occupational health and safety (OHS), business registration and environmental requirements | Business Legal Structures: Q6 Regulatory Requirements: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 Q9 Q10 Q11 Q12 Q13 Consumer Legislation: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 The Law of Torts: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 The Business Environment: Q1 Q2 Q3 Record Keeping: Q6 Q7 Regulatory requirements - scenario: Q1 Employment - scenario: Q1 |
| | 2.2. Identify taxation principles and requirements relative to the business and follow procedures to ensure compliance | Record Keeping: Q1 Q2 Q3 Taxation: Q1 Q2 Q3 Q4 Q5 Regulatory requirements - scenario: Q1 |

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| | 2.3. Identify and carefully maintain legal documents and maintain and update relevant records to ensure their ongoing security and accessibility | Consumer Legislation: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 The Law of Torts: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Record Keeping: Q4 Q5 Law of contracts scenario: Q1 |
| | 2.4. Monitor the provision of products and services of the business to protect legal rights and to comply with legal responsibilities | Consumer Legislation: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 Employment - scenario: Q1 |
| | 2.5. Conduct investigations to identify areas of non-compliance with legal and regulatory requirements and take corrective action where necessary | Regulatory Requirements: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 Q9 Q10 Q11 Q12 Q13 Employment - scenario: Q1 |
| 3. Negotiate and arrange contracts | 3.1. Seek legal advice on contractual rights and obligations, if required, to clarify business liabilities | Business Legal Structures: Q6 The Law of Contracts: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 Q9 Q10 Q11 Employment: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 Employment - scenario: Q1 |
| | 3.2. Investigate and assess potential products/services to determine procurement rights and to ensure protection of business interests where applicable | Consumer Legislation: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 Employment: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 |
| | 3.3. Negotiate and secure contractual procurement rights for goods and services including contracts with relevant people, as required, in accordance with the business plan | Consumer Legislation: Q7 The Law of Contracts: Q7 Q8 Q9 Q10 Q11 |
| | 3.4. Identify insurance requirements and acquire adequate cover | Employment: Q7 Q8 The Business Environment: Q3 Q4 Q5 |
| | 3.5. Identify options for leasing/ownership of business premises and complete contractual arrangements in accordance with the business plan | |

REQUIRED SKILLS

| Required Skill | Task / Question Map |
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| <i>communication, reporting, record keeping and consultation skills to operate the business</i> | <i>Business structures - scenario: Q1 Regulatory requirements - scenario: Q1 Employment - scenario: Q1</i> |
| <i>literacy skills to interpret legal requirements, to develop policies and procedures and to analyse compliance information</i> | <i>Employment - scenario: Q1</i> |
| <i>research skills to investigate legal structures, and taxation and insurance requirements</i> | <i>Regulatory requirements - scenario: Q1 Employment - scenario: Q1</i> |
| <i>time management skills to prioritise tasks and to meet key dates.</i> | <i>Employment - scenario: Q1</i> |

REQUIRED KNOWLEDGE

| Required Knowledge | Task / Question Map |
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| <i>business registration and licensing requirements</i> | <i>Business structures - scenario: Q1</i> <i>Employment - scenario: Q1</i> |
| <i>commonwealth, state/territory and local government legislative requirements relating to business operation, especially in regard to OHS and environmental issues, equal employment opportunity, industrial relations, anti-discrimination, taxation</i> | <i>Business Legal Structures: Q1 Q2</i> <i>Record Keeping: Q6 Q7</i> |
| <i>creation and termination of relevant legal contracts</i> | <i>Employment - scenario: Q1</i> |
| <i>cultural differences and legal implications</i> | <i>Employment: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8</i> <i>Employment - scenario: Q1</i> |
| <i>duty of care imposed by Law of Torts</i> | <i>The Law of Torts: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8</i> |
| <i>legal rights and obligations of alternative ownership structures</i> | <i>Business Legal Structures: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 Q9 Q10 Q11 Q12 Q13</i> <i>Employment - scenario: Q1</i> |
| <i>record keeping to meet minimum legal and taxation requirements</i> | <i>Taxation: Q1 Q2 Q3 Q4 Q5</i> |
| <i>relevant consumer legislation</i> | |
| <i>relevant industry codes of practice</i> | |
| <i>relevant insurance requirements and products.</i> | |

CRITICAL ASPECTS

| Critical Aspects | Task / Question Map |
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| Evidence of the following is essential: | |
| <i>implementation of a systematic approach to identifying, managing and meeting legal and business requirements within culturally appropriate contexts</i> | <i>The Law of Torts: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 Business structures - scenario: Q1 Employment - scenario: Q1</i> |
| <i>interpreting compliance data and formulating appropriate action</i> | |
| <i>knowledge of relevant legislation.</i> | <i>Business Legal Structures: Q1 Q2 The Law of Torts: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 Record Keeping: Q6 Q7 Business structures - scenario: Q1 Employment - scenario: Q1</i> |

RANGE STATEMENTS

| Range Statements | Task / Question Map | |
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| <i>Options for the business legal structure may include:</i> | <i>company</i> | |
| | <i>cooperative</i> | <i>Business Legal Structures: Q12</i> |
| | <i>corporation</i> | <i>Business Legal Structures: Q7 Q8</i> |
| | <i>government owned enterprise</i> | |
| | <i>partnership</i> | <i>Business Legal Structures: Q4 Q5 Q6</i> |
| | <i>profit or not-for-profit legal structure</i> | <i>Business Legal Structures: Q13</i> |
| | <i>sole trader</i> | <i>Business Legal Structures: Q1</i> |
| | <i>trust</i> | <i>Business Legal Structures: Q9 Q10</i> |
| <i>Options for the business legal structure may be influenced by:</i> | <i>confidentiality</i> | |
| | <i>contractual requirements</i> | |
| | <i>family/community/cultural expectations</i> | |
| | <i>ownership transfer</i> | |
| | <i>partnership considerations</i> | <i>Business Legal Structures: Q5 Q6 Q12</i> |
| | <i>preferences of owners/stakeholders</i> | <i>Business Legal Structures: Q6 Q7</i> |
| | <i>protection of stakeholders and assets</i> | <i>Business Legal Structures: Q1 Q6 Q7</i> |
| | <i>requirements of financial backers</i> | <i>Business Legal Structures: Q6</i> |
| | <i>superannuation</i> | |
| | <i>taxation</i> | <i>Taxation: Q1 Q2 Q3 Q4 Q5</i> |
| <i>Appropriate sources may include:</i> | <i>business advisers</i> | |
| | <i>financial planners</i> | |
| | <i>government agencies</i> | <i>Taxation: Q2 Q4 Q5</i> |
| | <i>industry/trade associations</i> | |
| | <i>mentors</i> | |
| | <i>professional advisers (e.g. solicitors, accountants)</i> | |

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| Legislation and regulatory requirements may include: | local, state/territory, commonwealth and international legislation, regulations and codes of practice affecting business operations such as: | |
| | <i>relevant Acts and regulations</i> | <i>Regulatory Requirements: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 Q9 Q10 Q11 Q12 Q13</i> <i>The Law of Contracts: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 Q9 Q10 Q11</i> |
| | <i>industry and OHS codes of practice</i> | <i>Record Keeping: Q6 Q7</i> |
| | <i>business registrations and licences</i> | <i>Regulatory Requirements: Q1 Q2 Q3 Q4 Q5</i> |
| | <i>planning and other permissions</i> | <i>The Law of Contracts: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 Q9 Q10 Q11</i> |
| | <i>environmental legislation</i> | <i>Regulatory Requirements: Q11 Q12</i> |
| | <i>industrial law, agency law, property law, consumer legislation and standards, Torts Law and duty of care</i> | <i>The Law of Torts: Q1 Q2 Q3 Q4 Q5 Q6 Q7</i> <i>The Law of Contracts: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 Q9 Q10 Q11</i> |
| | <i>equal employment opportunity (EEO) and anti-discrimination legislation, anti-competition regulations</i> | <i>Employment: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8</i> |
| <i>Legal rights and responsibilities may include:</i> | <i>culturally appropriate processes and protocols</i> | |
| | <i>marketing the business in accordance with consumer legislation</i> | |
| | <i>obligations imposed by choice of business structure</i> | <i>Business Legal Structures: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8 Q9 Q10 Q11 Q12 Q13</i> |
| | <i>operating the business with a duty of care (Law of Torts)</i> | <i>The Law of Torts: Q1 Q2 Q3 Q4 Q5 Q6 Q7 Q8</i> |
| <i>Occupational health and safety and requirements must include:</i> | <i>complying with relevant OHS codes of practice</i> | |
| | <i>establishing and maintaining a system for managing OHS</i> | |
| | <i>establishing hazard management arrangements to assess and control the risks associated with workplace hazards including development of written safe operating procedures</i> | |

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| | <i>establishing OHS record keeping arrangements in accordance with regulatory requirements</i> | |
| | <i>OHS duty of care responsibilities</i> | |
| | <i>registering with state/territory workers compensation authority if applicable</i> | |
| <i>Taxation principles and requirements may include:</i> | <i>relevant taxation requirements/obligations for business</i> | <i>Taxation: Q1 Q2 Q3 Q4 Q5</i> |
| | <i>tax file number, Australian Business number, goods and services tax registration, PAYG and withholding arrangements</i> | <i>Taxation: Q1 Q2 Q3 Q4 Q5</i> |
| <i>Legal documents may include:</i> | <i>appropriate software for financial records</i> | |
| | <i>certificate of incorporation</i> | |
| | <i>constitution documents</i> | |
| | <i>franchise agreements and financial documentation</i> | |
| | <i>partnership agreements</i> | <i>Business Legal Structures: Q4 Q5</i> |
| | <i>statutory books for companies (register of members, register of directors and minute books)</i> | |
| <i>Records may include:</i> | <i>environmental</i> | |
| | <i>financial</i> | <i>Record Keeping: Q2</i> |
| | <i>OHS</i> | |
| | <i>personnel</i> | <i>Record Keeping: Q3</i> |
| | <i>taxation</i> | <i>Taxation: Q1 Q2 Q3 Q4 Q5</i> |
| <i>OHS records may include:</i> | <i>accident reports and investigations</i> | |
| | <i>first aid and medical</i> | |
| | <i>hazardous substances register</i> | |
| | <i>instruction and training</i> | |
| | <i>manufacturers' and suppliers' information</i> | |
| | <i>material safety data sheets</i> | |
| | <i>OHS audits and inspections</i> | |

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| | <i>plant maintenance and testing</i> | |
| | <i>workers compensation and rehabilitation</i> | <i>Employment: Q7</i> |
| <i>Procurement rights to products and services may include:</i> | <i>any form of licensing</i> | |
| | <i>royalties, copyright, patents, trademarks, registered design and applications, intellectual property, software licenses, franchises, agencies</i> | |
| <i>Contracts with relevant people may include:</i> | <i>any person with whom the business has, or seeks to have, a performance-based relationship</i> | |
| | <i>owners, suppliers, employees, landlords, agents, distributors, customers</i> | <i>Employment: Q1 Q2</i> |
| <i>Insurance requirements may include:</i> | <i>comprehensive insurance for vehicles/property</i> | |
| | <i>professional indemnity insurance</i> | |
| | <i>public liability insurance</i> | |
| | <i>third party insurance on motor vehicles</i> | |
| | <i>workers compensation</i> | <i>Employment: Q7</i> |
| | <i>other insurance cover as required by state/territory or commonwealth legislation, contractual obligations or as recommended for the industry/type of business</i> | <i>Employment: Q8</i> |