

Third Party Reports

The Third Party Report should be completed by a senior member of staff i.e. a supervisor or manager, where possible. The report should cover the points below, with a description to show that the tasks have been witnessed over time, while working with the learner. Examples, times, dates etc. should be included, if possible.

As this unit is about establishing legal and risk management requirements of small business, you will need to have witnessed the learner within a working or training environment:

1. Identifying and implementing business legal requirements

Though Jamie had not completed any business legal requirement for our business, I was aware of his previous role in another construction company. We discussed business requirements within a training methodology to which he showed competency in knowledge:

- Taxation
- BAS
- Licencing
- Business Structures – Company, Trusts, Sole-Trader
- Council Regulations
- State/Federal permits/regulations
- Identifying Risk/Hazards

2. Complying with legislation, codes and regulatory requirements

Jamie previously worked within our organisation prior to his commencement of work in the field of training and assessing carpentry students. Important legal requirements that are needed to be carried out in the construction industry are as follows:

- Compliance with Workplace Health and Safety Act 2011
- Compliance with the National Construction Code
- Compliance with the Fair Work Act 2009

On a previous project in 2016, Jamie carried out the role of our WHS delegate on an apartment building we undertook works in. He was required to understand our legal requirements of compliance and ensure that our employees & subcontractors were carrying these out. He enforced site rules, maintained safety equipment and worked with our younger guys to ensure they were complying with our safe work method statements.

Jamie is a qualified carpenter by trade, and has been providing training and assessing to carpentry students over the last few years. In his time on site as a carpenter, as well as his time training, it was critical for Jamie to understand the legal requirements of the NCC and the legislation governing the correct implantation of construction labour and materials to reach the desired result.

As an authoritative figure on site, Jamie had the influence of negotiation and resolving site conflicts that would arise from time to time. He was aware that under the act, he was to provide fair treatment to both parties and to also report any incidents back to his superiors. Through consultation and communication, Jamie was able to assist in the dispute resolution of any site conflicts.

3. Negotiating and arranging contracts

In Jamie's time working within our organisation, Jamie would be apart of the tendering process of our sub-contractors. He would be involved in the negotiating of pricing, scope, sub-contractor compliance, Safety prior to the signing of contracts. He was then part of a team that administered and supervised the works of the sub-contractors.

4. Identify and treat business risks.

We have a company wide risk management plan. As part of this risk management plan, we have key personal who are responsible for administering the performance of this plan, and identifying and changes/revisions that need to implemented into the plan. As Jamie fulfilled a WHS role, he was previously part of using the risk management plan in the area of safety compliance. He was not limited to this one area, as his experience on site was valuable in identifying risks in programming trades and its relation to quality control.

Ticking yes/no next to the tasks is required, as well as an accompanying report. Third Party Checklist

Candidate's Name	Jamie Hoffman	
Assessor or Observer's Name	Jake Boardman	
Unit of Competence (Code and Title)	BSBSMB401 Establish legal and risk management	
Date of Assessment	3/6/19	
Location	Capalaba	
Demonstration Tasks	Discussion + Questions/Answers	
Materials and Equipment	Blank BAS statement ATO website	
Tasks to be simulated if not witnessed over time:	Yes	No
1. Did the learner identify and research possible options for the business legal structure using appropriate sources?	✓	

2. Did the learner determine legislation and regulatory requirements affecting operations of the business under its chosen structure?	✓	
3. Did the learner develop and implement procedures to ensure full compliance with relevant legislation and regulatory requirements?	✓	
4. Did the learner establish systems to ensure the legal rights and responsibilities of the business are identified and the business is adequately protected, specifically in relation to work health and safety (WHS), business registration and environmental requirements?	✓	
5. Did the learner identify taxation principles and requirements relevant to the business, and follow procedures to ensure compliance?	✓	
6. Did the learner identify and carefully maintain legal documents and maintain and update relevant records to ensure their ongoing security and accessibility?	✓	
7. Did the learner monitor provision of products and services of the business to protect legal rights and to comply with legal responsibilities?	✓	
8. Did the learner conduct investigations to identify areas of non-compliance with legal and regulatory requirements, and take corrective action where necessary?	✓	
9. Did the learner seek legal advice on contractual rights and obligations, if required, to clarify business liabilities?	✓	
10. Did the learner investigate and assess potential products or services to determine procurement rights and ensure protection of business interests where applicable?	✓	
11. Did the learner negotiate and secure contractual procurement rights for goods and services including contracts with relevant people, as required, in accordance with the business plan?	✓	
12. Did the learner identify options for leasing or ownership of business premises and complete contractual arrangements in accordance with the business plan?	✓	
13. Did the learner identify potential internal and external risks to the business?	✓	
14. Did the learner assess the probability and impact of identified risks?	✓	
15. Did the learner prioritise risks for treatment?	✓	
16. Did the learner develop actions to mitigate risks including identifying insurance requirements and adequate cover?	✓	
The candidate's performance was:	Not Satisfactory	Satisfactory 
Further comments:		

Candidate's Signature	
Assessor/Observer's Signature	

Third Party Evidence

Name of Candidate	Jamie Hoffman	Confidential Information
RTO:	Construction Skills Training Centre	
Unit(s) of Competence	BSBSMB401	

As part of the assessment for the units of competency, we are seeking evidence to support a judgment about the candidate's competence. As part of the evidence of competence we are seeking reports from the supervisor and other people who work closely with the candidate.

Name of the supervisor:	Jake Boardman
Workplace:	Leckton Linings
Address:	19-21 Newman Rd Capetown
Phone:	0402 477 954

Do you understand which evidence/tasks the candidate has provided/performed that you are required to comment on?	Yes	No
As the assessor explains the purpose of the candidates assessment?	Yes	No
Are you aware that the candidate will see a copy of this form?	Yes	No
Are you willing to be contacted should further verification of this statement be required?	Yes	No

What is your relationship to the candidate?	Former Colleague
How long have you worked with the person being assessed?	4 years
How closely do you work with the candidate in the area being assessed?	Closely
What is your technical experience and/or qualification (s) in the area being assessed? (Include any assessment or training qualifications.)	Project Manager. - Job Title Certificate IV in small business management

Does the candidate:

Perform tasks to the industry standards?	☒ Yes	No
Managed job tasks effectively?	☒ Yes	No
Implement safe working practices?	☒ Yes	No
Solve problems on the job?	☒ Yes	No
Work well with others?	☒ Yes	No
Add that to new tasks?	☒ Yes	No
With unusual or non-routine situations?	Yes	No

Overall do you believe the candidate conforms to the standard required by the unit of competency on a consistent basis?

I agree.

Identify any training needs for the candidate:

Not applicable

Any other comments:

From my previous dealings with James, I have found him to be competent in establishing legal and risk management.