

ASSESSMENT GUIDELINES

Unit 2769

Demonstrate knowledge of the application of
law to arboriculture in New Zealand

Level 3, Credit 4, version 5

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Unit standard 2769

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Level of performance required for this unit standard

This is a level 3 unit standard. At this level trainees are expected to demonstrate the following abilities when completing assessment tasks:

- To work under general supervision, with some independence; with significant responsibility for the standard of the outcome achieved.
- To apply technical skills and knowledge to complete the task to the specified standard, in a familiar context.
- To interpret available information, and use discretion and judgment.

Workplace assessment:

For guidelines on Workplace Assessment, please refer to the NZHITO Workplace Assessors Manual, and for further information, please contact: NZHITO, PO Box 8638, Christchurch. Ph 03 9644 735, fax 03 9644 737, website www.hortito.org.nz

Special notes:

Legislation relevant to this unit standard includes the Accident Insurance Act 1998, Biosecurity Act 1993, Consumer Guarantees Act 1993, Employment Relations Act 2000, Fencing Act 1978, Forests Act, 1949, Forest and Rural Fires Act 1977, Hazardous Substances and New Organisms Act 1996, Health and Safety in Employment Act 1992, Health and Safety in Employment Regulations 1992 and 1995, Historic Places Act 1993, Native Plant Protection Act 1934, Noxious Plants Act 1978, Parental Leave and Employment Protection Act 1987, Privacy Act 1993, Property Law Act 1952, Reserves Act 1977, Resource Management Act 1991, Transport Act 1962, Treaty of Waitangi Act 1975, Trespass Act 1980, West Coast Accord 1986, local bylaws; and their subsequent amendments.

**Unit 2769: Demonstrate knowledge of the application of law to arboriculture
in New Zealand
(Apprentice copy)**

ELEMENT	Competent	Range of evidence an assessor should consider
Element 1 Describe the Resource Management Act 1991 (RMA).	Yes/No	<ul style="list-style-type: none"> ▪ Describe the objectives and content of the RMA in terms of how they affect arboriculture. ▪ Describe the provisions of the RMA in terms of how they affect arborists. Range: provisions – district plans, heritage orders, reserves, resource consents, riparian zones, subdivision of land, sustainable land management, tree protection, local authority planning functions.
Element 2 Describe law relating to employment in New Zealand.	Yes/No	<ul style="list-style-type: none"> ▪ Describe the main objectives and provisions of the Employment Relations Act 2000 in terms of how they affect arborists. Range: objectives – build productive employment relationships, good faith; provisions – freedom of association, bargaining, personal grievances (discrimination, sexual harassment, duress, procedures, remedies), disputes (procedures, penalties), strikes and lockouts. ▪ Describe the requirements of the Health and safety legislation as they affect employers and employees. ▪ Describe the Parental Leave and Employment Protection Act 1987 in terms of its main provisions. Range: maternity leave, paternity leave, extended leave, protection of employment. ▪ Describe the main provisions of the Accident Compensation legislation in terms of employer and employee responsibilities and protection offered. Range: definition of personal injury and work injury, cover, rehabilitation, compensation, premiums, claims, experience rating.
Element 3 Describe how trees are protected by law in New Zealand.	Yes/No	<ul style="list-style-type: none"> ▪ Identify groups with an interest in tree protection in terms of their roles. Range: must include but not limited to – Department of Conservation, local authorities, Ministry of Agriculture and Forestry, Royal New Zealand Institute of Horticulture (Inc), lobby groups such as Maruia Society and Royal Forest and Bird Protection Society, and regional trees organizations. ▪ Describe the provisions of the Forests Act 1949, Historic Places Act 1993, Native Plant Protection Act 1934 and RMA in terms of the protection they afford trees. ▪ List the powers of local authorities under District and Regional Plans where they relate to tree protection. ▪ Compare tree evaluation methods with reference to their optimum usage. Range: at least two of – Royal New Zealand Institute of Horticulture criteria for notable trees, Standard Tree Evaluation Methods, others.

<p>Element 4 Describe the application of law and by-laws to working with trees.</p>	<p>Yes/No</p>	<ul style="list-style-type: none"> ▪ Describe relevant statutes in terms of their application to arboricultural work. Range: Fencing Act 1978, Forest and Rural Fires Act 1977, Noxious Plants Act 1978, Reserves Act 1977, Transport Act 1962, Treaty of Waitangi Act 1975, Trespass Act 1980, Property Law Act 1952, Biosecurity Act 1993. ▪ Describe the applications of bylaws to arboricultural work using examples of bylaws promulgated by specific local authorities.
<p>Element 5 Describe the requirements of contract law in New Zealand.</p>	<p>Yes/No</p>	<ul style="list-style-type: none"> ▪ Describe a valid contract in terms of its requirements. Range: offer and acceptance, competent parties, lawful subject, proper consideration, genuine consent. ▪ Describe standard clauses in arboricultural contracts in terms of how they affect the contractor. Range: must include but is not limited to – insurance (public liability and private indemnity), health and safety, competent personnel, professional standards.
<p style="text-align: right;">_____ (Name of Apprentice)</p> <p>is Competent / Not yet competent in Unit Standard 2769 (version 5)</p> <p>Signed (Assessor): _____</p> <p>WPA Registration Number: _____ Date: _____</p>		

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<p>Element 4 Describe the application of law and by-laws to working with trees.</p>	<p>Yes/No</p>	<ul style="list-style-type: none"> ▪ Describe relevant statutes in terms of their application to arboricultural work. Range: Fencing Act 1978, Forest and Rural Fires Act 1977, Noxious Plants Act 1978, Reserves Act 1977, Transport Act 1962, Treaty of Waitangi Act 1975, Trespass Act 1980, Property Law Act 1952, Biosecurity Act 1993. ▪ Describe the applications of bylaws to arboricultural work using examples of bylaws promulgated by specific local authorities.
<p>Element 5 Describe the requirements of contract law in New Zealand.</p>	<p>Yes/No</p>	<ul style="list-style-type: none"> ▪ Describe a valid contract in terms of its requirements. Range: offer and acceptance, competent parties, lawful subject, proper consideration, genuine consent. ▪ Describe standard clauses in arboricultural contracts in terms of how they affect the contractor. Range: must include but is not limited to – insurance (public liability and private indemnity), health and safety, competent personnel, professional standards.
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Please send this page to your NZHITO Regional Manager, who will forward it to National Office to register the credits on your NZQA Record of Learning.

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(Name of Apprentice)

is Competent in Unit Standard 2769 (version 5)

Signed (Assessor):

WPA Registration Number: _____

Date: _____