

MODULE EA103 – Small Electrical Business and the Law

MODULE DETAILS

Name Small Electrical Business and the Law

Nominal Duration 40 Hours

Codes

AQF Levels Level 4 and above

Discipline Code

MODULE PURPOSE

The aim of this module is to provide the learner with the knowledge necessary to apply State and Legislative requirements, to the operations of an electrical contracting business.

PREREQUISITES

Competencies or modules required for entry into this module:

- Nil

RELATIONSHIP TO COMPETENCY STANDARDS

Supports NES618	Develop and apply electrotechnology contracting business plans
Supports NES619	Apply electrotechnology contracting business practices
Supports NES620	Apply electrotechnology contracting technical operations practices

CONTENT

In achieving the learning outcomes, the following topics should be addressed:

- 1 Legal structures
 - 1.1 Sole trader
 - 1.2 Partnerships
 - 1.3 Corporations
 - 1.4 Trusts

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2. Implications of employing an apprentice or electrical worker
 - 2.1 Legal consequences of non-compliance to the following legislation:
 - workplace health and safety
 - workcover
 - anti-discrimination
 - equal opportunity
 - industrial relations
 - superannuation
 - employment
 - 2.2 Recruitment practices including job/competency profiles
 - 2.3 Ethics
- 3 Contracts
 - 3.1 Essential features of a contract including:
 - intention to create legal relationships
 - offer and acceptance
 - form and consideration
 - capacity
 - genuine consent
 - legal object
 - 3.2 Letters and diaries including:
 - formal structure
 - without prejudice
 - evidence making
 - 3.3 Relationships between various contracts, estimates, tenders, and related documents including the Australian Standards.
 - 3.4 Industry contract terms and conditions
- 4 Principles relating to the law of tort
 - 4.1 The components which imply negligence
 - 4.2 Features of a public liability policy
- 5 Recovery of small debts
 - 5.1 Small Debt court
 - 5.2 Small claims tribunal
- 6 Electricity Act
 - 6.1 Standard of workmanship expected of an electrical contractor

ASSESSMENT STRATEGY

Assessment Method

Multi-choice test
 Written Short answers
 Matching Answers
 Assignment
 Project

Wherever possible the assessment instruments must focus on assessing application rather than assessing knowledge eg. In lieu of asking a learner to “**state**” information, the learner should be asked to display **where, how, and why** that information is used.

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Holistic testing by testing a number of assessment criteria together within one or more sizeable tests is the preferred method. This assessment may be achieved by utilising simulated project work or actual project work in progress.

Conditions of Assessment

Appropriate facilities will be provided.

LEARNING OUTCOME DETAILS

Learning Outcome 1	Analyse the differences between the various legal structures that a contracting business may incorporate into its formation.
Assessment Criteria	<ol style="list-style-type: none"> 1.1 Identify those factors which are advantages and disadvantages of the various legal structures. 1.2 Identify the responsibilities of the sole trader, partners and directors of an electrical contracting business. 1.3 Discuss the copyright law to business names.
Learning Outcome 2	Analyse the implications of employing an apprentice or electrical worker.
Assessment Criteria	<ol style="list-style-type: none"> 2.1 Evaluate methods of recruitment, tenure, induction, training, awards, enterprise bargaining and industrial issues. 2.2 List legislative responsibilities of employers. 2.3 List legislative responsibilities of employees 2.4 Describe the legal consequences of non-compliance to Legislation by employees as outlined in the following legislation. <ul style="list-style-type: none"> • Occupational/Workplace Health and Safety. • Workcover • Anti-Discrimination • Equal Opportunity • Industrial Relations • Superannuation • Employment 2.5 Describe the intent of applicable Codes of Practice.
Learning Outcome 3	Analyse contractual obligations, and the significance of various contractual documents.
Assessment Criteria	<ol style="list-style-type: none"> 3.1 Explain the essential components which imply the existence of a contract. 3.2 List common documents, which embody contractual obligations. 3.3 Interpret common contractual terms and conditions, and consequential implications.

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	3.4	Describe the contractual relationships between the principal, head contractor, sub-contractors, nominated sub-contractors and sub-letting.
	3.5	Compare contractual conditions between standard forms of contract.
	3.6	Compare contractual conditions between forms of contract & companion sub-contract documentation.
	3.7	List all essential items to be included in a client proposal/submission.
Learning Outcome 4		Demonstrate an understanding of selected principles of the law of tort and apply those principles to an electrical contractor.
Assessment Criteria	4.1	Explain the essential components which imply negligence.
	4.2	Describe the features of a public liability policy.
	4.3	List and evaluate both the compulsory and non-compulsory insurances applicable to a contracting business.
Learning Outcome 5		Investigate the procedure to follow when attempting to recover monies owing to an electrical contracting business.
Assessment Criteria	5.1	Investigate the operations of the Small Debt Court.
	5.2	Investigate the operations of the Small Claims Tribunal.
Learning Outcome 6		Investigate the obligations under the Electricity Act for the standard of workmanship expected of an electrical contractor or an endorsee.
Assessment Criteria	6.1	List the ways in which the licensing authority may ask an electrical contractor to show cause.
	6.2	Discuss the preparation required when an electrical contractor has been asked to show cause.

DELIVERY OF THE MODULE

Delivery Strategy

This module provides for delivery by off-the-job training in a variety of modes.

Strategies should be selected to reflect the nature of the learning outcomes and the needs of the learner.

SUGGESTED MODES with Adult Learning Focus

- Distance education
- Self pacing
- Open learning
- Full or part-time
- Off-the-job training supported by project work

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SUGGESTED STRATAGIES

- Individual research
- Individual activities
- Open discussion
- Group discussion
- Group activities
- Demonstration
- Guest speaker
- Relevant Computer Software
- CAL and CML
- Analysis of case studies
- Application to own business situation

Some areas of content may be common to more than one learning outcome and therefore integration may be appropriate. It is expected that learners will undertake private research to assist in the achievement of competency.

Resource Requirements

The following minimum human and physical resources must be available for the delivery of this module:

HUMAN RESOURCES

Those chosen to be involved in the instructional process must possess the following pre-service and/or in-service competencies and knowledge:

Pre-service - content related

possess competencies and knowledge relevant to the module which are at a level equivalent to or higher than the module of instruction to be presented.

Pre-service - experience

possess a level of varied and relevant application such as would be attained in five years of quality industry experience and which is commensurate with the module taught;

Pre-service - instructional

possess competencies and knowledge relating to the development, presentation, assessment and evaluation of the module;

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In-service

maintain and enhance professional competencies and knowledge relevant to both the content of the module being presented and the methodologies of preparation and assessment of material for this module.

PHYSICAL RESOURCES

The learner will be provided with:

- access to a library of relevant reference material.

The learner will provide:

- nil.

Workplace Health and Safety Requirements

Learners must be made aware of relevant workplace health and safety issues in all situations and are required to demonstrate safe working practices at all times.

The work area must comply with current workplace health and safety legislation.