



Australian Government

Department of Education, Employment and Workplace Relations

PSPLEGN401A Encourage compliance with legislation in the public sector

Revision Number: 2

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Modification History

PSPLEGN401A Release 2: Layout adjusted. No changes to content.

PSPLEGN401A Release 1: Primary release.

Unit Descriptor

This unit covers the competency to encourage others (colleagues or those supervised) in the workplace to comply with legislation. It includes assisting others to comply with legislative requirements, and taking action on non-compliance.

In practice, encouraging compliance with legislation is demonstrated in the context of other generalist or specialist work activities such as using government processes, delivering and monitoring client services, using resources, preparing quotations, conducting interviews, awarding contracts etc.

Application of the Unit

Not applicable.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Elements are the essential outcomes of the unit of competency. Together, performance criteria specify the requirements for competent performance. Text in *bold italics* is explained in the Range Statement following.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Assist others to comply with legislative requirements	<p>1.1 Knowledge of the range of <i>legislation and guidelines</i> relating to the public sector workplace is regularly updated to ensure currency.</p> <p>1.2 The way various pieces of legislation are integrated to provide a legislative framework for public sector work and the key requirements of each piece of legislation are confirmed and conveyed to <i>others</i> using language and examples suited to their individual needs.</p> <p>1.3 Own work practices and procedures are used to provide a consistent model of compliance with legislative requirements relating to the public sector work environment.</p> <p>1.4 The <i>consequences of non-compliance</i> with public sector legislation are identified and conveyed to others using language and examples suited to individual needs.</p> <p>1.5 Others are assisted to locate and access current information on legislation and guidelines.</p> <p>1.6 Others are encouraged to identify and obtain advice on apparently <i>conflicting legislative requirements</i> in accordance with organisational policy and procedures.</p>
2. Act on non-compliance	<p>2.1 Actions that might constitute breaches of legislation are identified and discussed with others in accordance with organisational requirements.</p> <p>2.2 Possible breaches of legislation are acted upon or referred promptly to an authorised person/body in accordance with organisational procedures.</p> <p>2.3 <i>Inadequacies in workplace procedures</i> which may contribute to non-compliance are reported and addressed in accordance with organisational procedures.</p>

Required Skills and Knowledge

This section describes the essential skills and knowledge and their level, required for this unit.

Skill requirements

Look for evidence that confirms skills in:

- accessing and reading complex and formal documents such as legislation and related materials
- assisting others to apply legislation to work practices and to identify inappropriate conduct
- using guidelines to effectively administer legislative requirements
- exercising discretion in accordance with legislation and guidelines
- communicating with others involving exchanges of complex oral/written information
- using technology to access legislative requirements
- responding to diversity, including gender and disability
- applying environmental and occupational health and safety procedures and encouraging others in their application

Knowledge requirements

Look for evidence that confirms knowledge and understanding of:

- the range of legislation relating to the public sector (including occupational health and safety, and specific enabling legislation relating to the business) and the key requirements of each
- public sector codes of ethics/conduct
- consequences of non-compliance
- procedures for acting on and reporting possible breaches of legislation
- equal employment opportunity, equity and diversity principles

Evidence Guide

The Evidence Guide specifies the evidence required to demonstrate achievement in the unit of competency as a whole. It must be read in conjunction with the Unit descriptor, Performance Criteria, the Range Statement and the Assessment Guidelines for the Public Sector Training Package.

Units to be assessed together

- *Pre-requisite* units that must be achieved prior to this unit: *Nil*
- *Co-requisite* units that must be assessed with this unit: *Nil*
- *Co-assessed units* that may be assessed with this unit to increase the efficiency and realism of the assessment process include, but are not limited to:

PSPETHC401A Uphold and support the values and principles of public service

PSPGOV402B Deliver and monitor service to clients

PSPGOV403B Use resources to achieve work unit goals

PSPGOV407B Provide a quotation

PSPGOV422A Apply government processes

PSPPROC409A Receive and select offers

PSPREG407B Produce formal record of interview

Overview of evidence requirements

In addition to integrated demonstration of the elements and their related performance criteria, look for evidence that confirms:

- the knowledge requirements of this unit
- the skill requirements of this unit
- application of Employability Skills as they relate to this unit
- compliance with legislation encouraged in a range of (3 or more) contexts (or occasions, over time)

Resources required to carry out assessment

These resources include:

- public sector legislation, regulations and guidelines
- procedures and protocols
- scenarios and case studies to capture the range of situations likely to be encountered when assisting others to comply with legislation

Where and how to assess evidence

Valid assessment of this unit requires:

- a workplace environment, or one that closely resembles normal work practice and replicates the range of conditions likely to be encountered when encouraging compliance with legislation in the public sector, including coping with difficulties, irregularities and apparently conflicting legislative requirements
- compliance with legislation encouraged in a range of (3 or more) contexts (or occasions, over time).

Assessment methods should reflect workplace demands, such as literacy, and the needs of particular groups, such as:

- people with disabilities
- people from culturally and linguistically diverse backgrounds
- Aboriginal and Torres Strait Islander people
- women
- young people
- older people
- people in rural and remote locations.

Assessment methods suitable for valid and reliable assessment of this competency may include, but are not limited to, a combination of 2 or more of:

- case studies
- portfolios
- questioning
- scenarios
- simulation or role plays
- authenticated evidence from the workplace and/or training courses

For consistency of assessment

Evidence must be gathered over time in a range of contexts to ensure the person can achieve the unit outcome and apply the competency in different situations or environments

Range Statement

The Range Statement provides information about the context in which the unit of competency is carried out. The variables cater for differences between States and Territories and the Commonwealth, and between organisations and workplaces. They allow for different work requirements, work practices and knowledge. The Range Statement also provides a focus for assessment. It relates to the unit as a whole. Text in *bold italics* in the Performance Criteria is explained here.

Legislation and

guidelines may relate to:

- public sector standards:
 - codes of conduct/ethics
 - guarantee of service
 - legislated standards
 - State/Territory/Commonwealth/organisational standards
 - technical/industrial standards
 - professional standards
 - industry competency standards
 - anti-corruption legislation
 - whistleblowers' protection
- public sector employment:
 - employee relations
 - chief executive officer's instructions
 - Commissioner's instructions
 - public sector notices
- workplace environment:
 - equal employment opportunity
 - affirmative action
 - workplace diversity
 - anti-discrimination
 - workplace harassment
 - occupational health and safety
 - duty of care
 - security, storage, handling and classification of documents
- financial management and accountability:
 - Treasurer's instructions
 - contractual obligations
- transparency:
 - freedom of information
 - professional reporting
 - accountability
 - fair trading
- business and community:

- privacy
 - trade practices
 - competition
 - road transport legislation
 - information and records management standards and legislation
 - the organisation's enabling legislation, regulations
 - aspects of common law, criminal law, contract law, employment law and administrative law, including judges' rules
 - international legislation/codes of behaviour
- Others* may include:
- colleagues
 - supervised staff
 - contractors
 - for individuals:
 - counselling
 - disciplinary action
 - transfer, demotion, dismissal
 - legal liability
 - fine
 - external consequences, for example:
 - to clients
 - to the organisation's reputation
- Consequences of non-compliance* may include:
- Conflicting legislative requirements* may include:
- apparent contradiction between statutes
 - apparent conflict between statutes and policy requirements
 - contradictions between different policy requirements
 - contradictions within a single piece of legislation
- Inadequacies in workplace procedures* may include:
- insufficient financial/other controls
 - insecure Internet/fax access
 - non-auditable records processes
 - ambiguous guidelines
 - no guidelines
 - unnecessary complexity
 - use of non-current legislation

Unit Sector(s)

Not applicable.

Competency field

Legislation and Compliance