



**Australian Government**

**Department of Education, Employment and Workplace Relations**

# **PSPLEGN301B Comply with legislation in the public sector**

**Release 3**

## PSPLEGN301B Comply with legislation in the public sector

### Modification History

Release	TP Version	Comments
3	PSP12V1	Unit descriptor edited.
2	PSP04V4.2	Layout adjusted. No changes to content.
1	PSP04V4.1	Primary release.

### Unit Descriptor

This unit covers compliance with legislation and related public sector policy guidelines and procedures. It includes identifying and complying with legislative requirements and reporting incidents of non-compliance.

In practice, complying with legislation is demonstrated in the context of other generalist or specialist work activities such as delivering client services, using financial resources, procuring goods or services

No licensing, legislative, regulatory or certification requirements apply to this unit at the time of publication

### 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. <b>Identify legislative requirements</b>	<p>1.1 Information is accessed that covers the range of <i>legislation and guidelines</i> relating to the workplace and is current and comprehensive.</p> <p>1.2 Key requirements of relevant pieces of legislation are identified and confirmed with senior staff.</p> <p>1.3 Requirements of legislation are clarified to confirm understanding and ensure consistency of interpretation and application.</p> <p>1.4 Clarification is obtained of the way various pieces of legislation are integrated to provide a legislative framework for public sector work.</p> <p>1.5 Advice is obtained when apparently <i>conflicting legislative directives</i> are found.</p>
2. <b>Comply with legislative requirements</b>	<p>2.1 Work practices are carried out in accordance with the requirements of legislation relating to the work environment.</p> <p>2.2 Own conduct is reviewed and feedback from others is used to confirm continuing compliance with legislative requirements.</p>
3. <b>Report incidents of non-compliance</b>	<p>3.1 Possible breaches of legislation are raised promptly with an authorised person/body in accordance with organisational procedures.</p> <p>3.2 <i>Inadequacies in workplace procedures</i> which may contribute to non-compliance are raised 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:

- undertaking research and evaluation
- undertaking self-assessment
- reading complex and formal documents such as legislation and related materials to apply them to work practices and to identify inappropriate conduct
- communicating with others involving exchanges of complex oral and written information
- using technology to access legislative requirements
- responding to diversity, including gender and disability
- applying environmental and occupational health and safety procedures

### 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 environment) and the key requirements of each
- public sector codes of ethics/conduct
- equal employment opportunity, equity and diversity principles
- organisational processes/procedures for responding to legislative issues

## 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:
  - PSPETHC301B Uphold the values and principles of public service
  - PSPGOV305B Access and use resources and financial systems
  - PSPGOV307B Organise workplace information
  - PSPIM301A Process claims
  - PSPPROC302A Undertake basic procurement
  - PSPSEC301A Secure government assets

### 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 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 complying with public sector 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 complying with legislation in the public sector, including coping with difficulties, irregularities and apparently conflicting legislative requirements
- compliance with legislation 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
- apparent contradiction between statutes
- apparent conflict between statutes and policy requirements
- insufficient financial/other controls
- insecure Internet/fax access
- non-auditable records processes
- ambiguous guidelines
- no guidelines
- unnecessary complexity
- use of non-current legislation

***Conflicting legislative directives*** may include:

***Inadequacies in workplace procedures*** may include:

## **Unit Sector(s)**

Not applicable.

## **Competency field**

Legislation and Compliance.