



Australian Government

Department of Education, Employment and Workplace Relations

LGAREGS304A Apply regulatory powers

Revision Number: 1

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Modification History

Not applicable.

Unit Descriptor

Unit Descriptor This unit examines the application of regulatory powers conferred by legislation or regulation, including local laws.

Application of the Unit

Application of the Unit This unit supports the attainment of skills and knowledge required for competent workplace performance in councils of all sizes. Knowledge of the legislation and regulations within which councils must operate is essential. The unique nature of councils, as a tier of government directed by elected members and reflecting the needs of local communities, must be appropriately reflected.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Prerequisite Unit/s

Employability Skills Information

Employability Skills This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a Unit of Competency

Performance criteria describe the required performance needed to demonstrate achievement of the element. Where ***bold italicised*** text is used, further information is detailed in the Required Skills and Knowledge and/or the Range Statement. Assessment of performance is to be consistent with the Evidence Guide.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
<p>1. Apply enabling legislation or regulation</p>	<p>1.1. Current version of the legislation or regulation is accessed, used and maintained.</p> <p>1.2. Powers conferred under the legislation and associated boundaries are identified and confirmed.</p> <p>1.3. Compliance requirements of the legislation, related regulations, codes of practice and operating policy are identified and confirmed.</p> <p>1.4. Acts and omissions that comprise offences or non-compliance under the legislation are identified and confirmed.</p> <p>1.5. Application of the legislation is consistent with the boundaries and powers contained therein.</p> <p>1.6. Changes in legislation are monitored for further application.</p>
<p>2. Access and use complementary legislation</p>	<p>2.1. Other legislation or precedents that impact on powers are identified and applied.</p> <p>2.2. Apparent conflict in legislative directions is resolved in accordance with council or authority policies and procedures.</p> <p>2.3. Legislation is considered during development of procedural response.</p>
<p>3. Work with other organisations or departments</p>	<p>3.1. Organisational protocols and procedures are agreed upon and followed when working with other organisations in joint or overlapping jurisdictions.</p> <p>3.2. Agreement as to the lead agency in joint operations or defined breaches is reached and protocols are developed and followed.</p> <p>3.3. Networks and contacts with other agencies are developed to remain up to date on issues of joint concern.</p>
<p>4. Educate staff in legislative and regulatory requirements</p>	<p>4.1. Information needs are determined to educate supporting, operational and seconded staff.</p> <p>4.2. Procedures and programs are developed to ensure staff members are informed and updated.</p> <p>4.3. Feedback from staff is sought to improve education and procedures.</p>
<p>5. Maintain records</p>	<p>5.1. Appropriate records reflecting the application of legislation are maintained in accordance with legislative and organisational requirements.</p>

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Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

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

Required Skills

- scanning techniques to locate information
- negotiating strategies to clarify understanding
- communication and teamwork
- cross-cultural competency
- analytical
- research
- information technology
- using an Internet web browser
- working with others in a team
- reading complex written materials such as legislation, regulations, codes of practice and legal precedents and applying them to work practices and discussion involving complex exchanges of oral information.

Required Knowledge

- aspects of criminal law, administrative law, industrial law and contract law
- organisational protocols and procedures
- equal employment opportunity and equity and diversity principles.

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Evidence Guide

EVIDENCE GUIDE

Overview of assessment requirements

A person who demonstrates competency in this unit will be able to perform the outcomes described in the Elements to the required performance level detailed in the Performance Criteria. The knowledge and skill requirements described in the Range Statement must also be demonstrated. For example, knowledge of the legislative framework and safe work practices that underpin the performance of the unit are also required to be demonstrated.

Critical aspects of evidence to be considered

Knowledge of principles affecting legislation, regulations and codes of conduct.

Demonstrated capacity to reflect the application of the intent of the legislation and regulations as bound by interpretation, precedent and feedback in meeting community expectations.

Strategic skills to update and educate other staff in the application and implementation of legislation and regulations.

Context of assessment

On the job or in a simulated work environment.

Written or oral test.

Role-play.

Relationship to other units(prerequisite or co-requisite units)

Prerequisite units: nil.

Co-requisite units: nil.

Method of assessment

The following assessment methods are suggested:

- observation of the learner performing a range of workplace tasks over sufficient time to demonstrate handling of a range of contingencies
- written and/or oral questioning to assess knowledge and understanding
- completion of workplace documentation
- third-party reports from experienced practitioners
- completion of self-paced learning materials including personal reflection and feedback from trainer, coach or supervisor.

Evidence required for demonstration of consistent performance

Evidence will need to be collected over time across a range of variables.

Resource implications

Access to a workplace or simulated environment with access

EVIDENCE GUIDE

to:

- compliance issues
- legislation
- procedures.

Range Statement

RANGE STATEMENT

The Range Statement relates to the Unit of Competency as a whole. It allows for different work environments and situations that may affect performance. ***Bold italicised*** wording in the Performance Criteria is detailed below.

Legislation , including complementary legislation, may include:

- state or territory and commonwealth legislation
- local laws
- other legislation including aspects of:
 - common law
 - contract law
 - administrative law
 - animal welfare
 - animal and feral animal control
 - food legislation
 - health
 - vector and pest control
 - immunisation
 - industrial relations law
 - land management
 - water and wastewater
 - conservation
 - coastal management
 - environmental protection
 - planning
 - privacy
 - construction
 - transport
 - traffic
 - education
 - children's services
 - electoral act
 - emergency response
 - employment and vocational education and training
 - financial audit act
 - equal employment opportunity and anti-discrimination
 - workers compensation
 - occupational safety and health
 - workplace relations.
- commonwealth, state or territory and local government instrumentalities
- other departments within council or authority.

Other organisations or departments may

RANGE STATEMENT

include:

Other personnel may include:

- state or territory police and special units
- federal police
- military police
- local government law enforcement officers from another council or authority
- fire and rescue
- emergency services
- state, territory or commonwealth prosecution agencies
- coroner's office
- administrative appeals tribunals.

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Unit Sector(s)

Unit Sector Regulatory Services Units

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Competency field

Competency Field

co-requisite unit/s

Co-requisite Unit/s