



Australian Government

Department of Education, Employment and Workplace Relations

PSPLEGN501B Promote compliance with legislation in the public sector

Release 3

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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 promotion of compliance with legislation in the public sector. It includes modelling compliance with legislation and related public sector guidelines and procedures and encouraging and assisting others to comply.

In practice, promoting compliance with legislation is demonstrated in the context of other generalist or specialist work activities such as developing client services, coordinating financial resources, providing human resource services, conducting investigations, directing contracts etc.

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

- | | |
|---|--|
| <p>1. Model and encourage compliance with legislative requirements</p> | <p>1.1 Personal work practices are used to provide a consistent model of compliance with current public sector <i>legislation and guidelines</i>.</p> <p>1.2 Responses to staff enquiries about the legislative requirements of the workplace are provided in a timely, consistent and constructive manner.</p> <p>1.3 The <i>consequences of non-compliance</i> relating to a range of legislation are explained to staff using language and materials suited to their levels of experience, learning styles and individual needs.</p> <p>1.4 <i>Compliance strategies</i> are used to encourage compliance with legislation, policies and guidelines in accordance with the situation at hand.</p> |
| <p>2. Monitor compliance with legislative requirements</p> | <p>2.1 Compliance with legislative requirements is monitored in accordance with organisational procedures.</p> <p>2.2 Compliance issues are resolved or referred in accordance with organisational policy and procedures.</p> <p>2.3 <i>Inadequacies in workplace procedures</i> which may contribute to non-compliance are raised promptly and addressed in accordance with organisational procedures.</p> <p>2.4 Compliance with legislative requirements is reported on, in accordance with organisational policy and 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:

- applying research and evaluation
- assisting other people in areas such as conflict resolution, coaching, problem solving
- reading and explaining complex and formal documents such as legislation and codes of ethics and applying them to work practices
- communicating with others involving exchanges of complex oral and written information
- responding to diversity, including gender and disability
- using technology skills to access legislation and guidelines electronically
- applying environmental and occupational health and safety procedures and promoting their use by others

Knowledge requirements

Look for evidence that confirms knowledge and understanding of:

- legislation relating to the public sector (including occupational health and safety and environment)
- regulations, guidelines, policy, practices
- public sector codes of ethics/conduct
- government processes
- governance practices
- 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:
 - PSPETHC501B Promote the values and ethos of public service
 - PSPGOV502B Develop client services
 - PSPGOV503B Coordinate resource allocation and usage
 - PSPGOV507A Undertake negotiations
 - PSPGOV511A Provide leadership
 - PSPGOV519A Manage performance
 - PSPPM502B Manage complex projects
 - PSPPROC502A Establish contract management arrangements

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 promoted 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 promoting compliance with legislation

Where and how to assess evidence

Valid assessment of this unit requires:

- an environment that closely resembles normal work practice and replicates the range of conditions likely to be encountered when promoting compliance with legislation, including coping with difficulties, irregularities and apparently conflicting requirements

- compliance with legislation promoted 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 include:

- 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
- Consequences of non-compliance*** may include:
- for individuals:
 - counselling
 - disciplinary action
 - transfer
 - demotion
 - dismissal
 - legal liability
 - fine
 - external consequences, for example:
 - to clients
 - customer service
 - to the organisation's reputation
- Compliance strategies*** may include:
- education
 - mentoring
 - coaching
 - shadowing
 - supervision
 - taking disciplinary or legal action
- 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.