



Australian Government

Department of Education, Employment and Workplace Relations

PSPLEGN601B Manage compliance with legislation in the public sector

Revision Number: 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 management of compliance with public sector legislative requirements. It includes assuring legislative compliance, interpreting legislation and evaluating compliance outcomes.

In practice, managing compliance with legislation is demonstrated in the context of other generalist or specialist work activities such as managing client services, managing financial resources, providing strategic human resource services, managing regulatory compliance, directing the management of 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. Assure legislative compliance</p> | <p>1.1 Personal conduct is used to demonstrate a commitment to compliance with legislation, policy and guidelines.</p> <p>1.2 Staff are encouraged to discuss, clarify and meet legislative requirements.</p> <p>1.3 Staff understanding of <i>legislation and guidelines</i> is confirmed and action to address professional development needs is timely.</p> <p>1.4 Risk assessment planning relating to legislative compliance is undertaken to establish the risk of non-compliance and develop/implement mitigation strategies in accordance with organisational policy and procedures.</p> <p>1.5 Workplace occurrences of compliance and non-compliance are used as learning situations for staff, without compromising privacy and confidentiality considerations.</p> |
| <p>2. Interpret legislation relating to public sector work</p> | <p>2.1 Currency is maintained in knowledge of legislation and related legal opinions.</p> <p>2.2 Interpretation of legislative requirements is provided in a timely manner, is substantiated, and falls within the limits of authority, or is referred for advice.</p> |
| <p>3. Evaluate compliance outcomes</p> | <p>3.1 Analysis of compliance outcomes is conducted to provide comprehensive and valid conclusions that are supported by evidence.</p> <p>3.2 Analysis is used to identify trends, possible reasons and potential mitigation strategies for improving outcomes in accordance with government policy and resource constraints.</p> <p>3.3 <i>Inadequacies in procedures</i> which allow breaches of legislation to occur are confirmed and addressed promptly in accordance with organisational procedures.</p> <p>3.4 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:

- analysing and explaining complex and formal documents such as legislation, regulations and instructions/directives and applying them to work practices
- applying critical analysis to identify political issues
- dealing with people in such areas as conflict resolution, coaching, problem solving
- responding to diversity, including gender and disability
- providing advice and discussion involving exchanges of complex oral and written information
- using mathematical techniques to interpret data and draw conclusions about compliance issues
- using qualitative data and analysis
- preparing written advice and reports requiring precision of expression
- using technology to access legislation and guidelines
- managing staff to implement environmental and occupational health and safety procedures

Knowledge requirements

Look for evidence that confirms knowledge and understanding of:

- legislation, regulations, guidelines relating to the public sector (including occupational health and safety and environment)
- public sector codes of ethics/conduct
- equal employment opportunity, equity and diversity principles
- government processes
- governance practices

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:
 - PSPETHC601B Maintain and enhance confidence in public service
 - PSPGOV601B Apply government systems
 - PSPGOV602B Establish and maintain strategic networks
 - PSPMNGT605B Manage diversity
 - PSPMNGT606B Manage quality client service
 - PSPMNGT608B Manage risk
 - PSPPM601B Direct complex project activities
 - PSPPROC602B Direct the management of contracts
 - PSPSEC602A Manage security awareness.

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
- consistent interpretation of information to suit the level of understanding of audience
- compliance with legislation managed 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 managing compliance with legislation in the public sector

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 managing compliance with

legislation, including coping with ambiguity, difficulties and irregularities

- compliance managed 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
- 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

Inadequacies in procedures may include:

- 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
- 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