



Australian Government

Department of Education, Employment and Workplace Relations

PSPREG405B Act on non-compliance

Release 3

PSPREG405B Act on non-compliance

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 the competency to issue advice, instructions, warnings, notices, fines and other actions in response to non-compliance situations. It includes attending situations where non-compliance is suspected/alleged, and taking action on non-compliance.

In practice, acting on non-compliance may overlap with other generalist or specialist public sector work activities such as acting ethically, exercising regulatory powers, promoting compliance, assessing non-compliance.

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

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. Attend situations where non-compliance is suspected/alleged</p> | <p>1.1 Procedure is followed in accordance with legal requirements and organisational policy and procedures.</p> <p>1.2 Personal conduct is maintained in accordance with organisational guidelines and protocols.</p> <p>1.3 Safety of self and others is protected in accordance with operational policy and procedures.</p> <p>1.4 When <i>assistance</i> is required, requests are timely and in accordance with <i>legislation, policy and procedures</i>.</p> <p>1.5 Activities and actions are carried out in accordance with legislation, organisational policy and procedures and the rules of evidence.</p> |
| <p>2. Take action on non-compliance</p> | <p>2.1 Mitigating circumstances are considered, where appropriate, in accordance with organisational policy and procedures.</p> <p>2.2 <i>Action on non-compliance</i> is selected to match the seriousness of the offence.</p> <p>2.3 <i>Clients</i> are informed of the action, justification for it and their rights of appeal in accordance with legislation, organisational policy and procedures.</p> <p>2.4 Action is taken in accordance with legal requirements and organisational guidelines.</p> <p>2.5 Personal actions/conduct are carried out in accordance with organisational guidelines and protocols and protect the rights and responsibilities of clients.</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 negotiation and conflict resolution
- applying risk management and self preservation techniques
- using judgment and decision making
- exchanging often complex oral information in a form to suit diverse audiences
- responding to diversity, including gender and disability
- writing requiring accuracy of expression and formality in structure and format
- applying public sector legislation such as occupational health and safety and environmental procedures in the context of actions on non-compliance

Knowledge requirements

Look for evidence that confirms knowledge and understanding of:

- legislation, organisational procedures and guidelines
- organisational parameters for decision making
- range of appropriate actions possible for different offences
- negotiation in the context of achieving compliance
- awareness of social and cultural issues (demographics)
- public sector legislation and standards
- occupational health and safety and environmental considerations to ensure the safety of self and others

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
 - PSPGOV408A Value diversity
 - PSPGOV422A Apply government processes
 - PSPLEGN401A Encourage compliance with legislation in the public sector
 - PSPREG401C Exercise regulatory powers
 - PSPREG402C Promote client compliance
 - PSPREG403B Assess compliance

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 the Employability Skills as they relate to this unit (see Employability Summaries in Qualifications Framework)
- action on non-compliance in a range of (3 or more) contexts (or occasions, over time)

Resources required to carry out assessment

These resources include:

- legislation, regulations, policy, guidelines and standards
- public sector values and codes of conduct
- range of actions appropriate for non-compliance under the legislation/regulations/standards
- case studies and workplace scenarios to capture the range of situations likely to be encountered when acting on non-compliance

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 acting on non-compliance, including coping with difficulties, irregularities and breakdowns in routine

- action on non-compliance 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
- 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.

Assistance may include:

- other officers
- other jurisdictions
- other organisations
- police

Legislation, policy and procedures may include:

- enabling legislation
- organisational processes
- codes of conduct
- equal employment opportunity and anti-discrimination law

Action on non-compliance may include:

- oral or written instructions
- warnings
- seizure
- infringement notices
- expiation
- cautions
- fines
- summons
- notice of legal action
- negotiation to achieve compliance if legally possible, and in accordance with organisational policy and procedures, undertaken when exercising prosecutorial discretion (sufficiency of evidence, public interest, reasonable prospect of success)

Clients may include:

- people from all age groups, cultural and linguistic backgrounds
- other public sector or private sector organisations
- people with weapons
- people affected by alcohol or drugs

Unit Sector(s)

Not applicable.

Competency field

Regulatory.