



Australian Government

Department of Education, Employment and Workplace Relations

LGACOM406A Investigate alleged breaches of legislation and prepare documentation

Revision Number: 2

LGACOM406A Investigate alleged breaches of legislation and prepare documentation

Modification History

LGACOM406A Release 2: Layout adjusted. No changes to content.

LGACOM406A Release 1: Primary release.

Unit Descriptor

This unit covers the administration of relevant legislation to ensure compliance.

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

Not applicable.

Employability Skills Information

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 Range Statement. Assessment of performance is to be consistent with the Evidence Guide.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Identify possible breaches	1.1. Possible breaches are identified through complaint or other means, recorded in accordance with legislative and council requirements and notified to more senior staff.
2. Investigate alleged breaches	2.1. Further information is obtained on possible breaches. 2.2. If inspection is authorised, the alleged offending party is notified and a time scheduled for an inspection that is conducted according to council procedures. 2.3. Available information from the inspection is assessed against relevant legislation to determine if a breach has occurred and relevant details are accurately recorded. 2.4. The complainant is advised of investigation outcomes in accordance with council policies and procedures. 2.5. All parties are informed of their rights according to legislation and within appropriate time frames.
3. Propose appropriate action to achieve compliance	3.1. Consultation with the alleged offending party is undertaken to facilitate resolution. 3.2. Options for action are identified to achieve compliance at the earliest date with the least inconvenience to all parties. 3.3. A practical action to achieve compliance is selected as a result of consultation and relevant authorities are notified, where required.
4. Undertake action to achieve compliance	4.1. Notices are issued to relevant parties that clearly document breaches and recommend appropriate action to achieve compliance. 4.2. A clear report recommending appropriate action is prepared and submitted to council. 4.3. Proceedings are instigated within the required time frame in terms of required legal procedure.

Required Skills and Knowledge

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

Required Skills

- negotiation, including providing supporting reasons, considering suggestions of others and responding appropriately
- investigation
- working to time lines
- inspection techniques for possible breaches
- communicating with public while adjusting communication to accommodate language and cultural differences
- selecting, reading and interpreting relevant legislation
- writing reports, including introducing the issues, arguments and supporting evidence and recommending actions

Required Knowledge

- council structure and services
- relevant legislation and controls
- forms of action
- types of notices
- administration

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	• Complaints are investigated • Alleged offender is consulted • Notices are issued • Reports are compiled
Context of assessment	On the job or in a simulated work environment.
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	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
Resource implications	Access to a workplace or simulated case study that provides the following resources: • computers • relevant legislation • Access to real parties in an action or simulated role-play

process

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.

- Breaches*** may include:
- parking offences
 - swimming pools
 - dog nuisances
 - general by-laws
 - litter
 - pollution
 - unauthorised buildings
 - businesses operating outside permitted hours
 - illegal land use
 - fires
 - off-road vehicles
 - illegal landfills
- Information*** may include:
- written and oral records
 - reports
 - instructions
 - directions from supervisor or management
 - formal and informal interviews
 - team meetings
 - reports from other services, agencies, specialists or experts
 - media
- Legislation*** may include:
- federal
 - state or territory
 - local controls
- Council policies and procedures*** may include:
- priority
 - bona fides of a complainant
- Relevant authorities*** may include:
- building surveyors
 - planners
 - utilities
 - water authorities
 - council
 - state government authorities
- Time frames*** may include:
- statute of limitations
 - state or territory specific

Unit Sector(s)

Regulatory Services.

Competency field

Not applicable.