



Australian Government

PSPREG003 Apply regulatory powers

Release: 1

PSPREG003 Apply regulatory powers

Modification History

Release	Comments
1	This unit was released in PSP Public Sector Training Package release 1.0 and meets the Standards for Training Packages. This unit supersedes and is equivalent to PSPREG401C Exercise regulatory powers. • Unit code updated • Content and formatting updated to comply with new standards • All PC transitioned from passive to active voice

Application

This unit describes the skills required to cover the exercise of powers under the organisation's enabling legislation and other relevant legislation for regulation, monitoring, inspection and investigation.

This unit applies to those working in public sector roles conducting regulatory activities.

The skills and knowledge described in this unit must be applied within the legislative, regulatory and policy environment in which they are carried out. Organisational policies and procedures must be consulted and adhered to.

Those undertaking this unit would work independently as part of a team, performing routine tasks involving a range of familiar and unfamiliar contexts.

No licensing, legislative or certification requirements apply to unit at the time of publication.

Competency Field

Regulatory

Elements and Performance Criteria

ELEMENTS	PERFORMANCE CRITERIA
Elements describe the essential	Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used,

outcomes	further information is detailed in the range of conditions section.
1. Establish regulatory powers	1.1 Access and use current information relating to enabling legislation and regulations to maintain up-to-date knowledge of requirements. 1.2 Confirm powers provided under the legislation and the boundaries of those powers. 1.3 Identify and confirm compliance requirements of the legislation, related regulations, standards, codes of practice and policy. 1.4 Identify and confirm acts and omissions that comprise non-compliance or offences under the legislation.
2. Apply enabling legislation	2.1 Identify and analyse circumstances where regulatory powers will be exercised to determine response or measures to apply. 2.2 Identify circumstances requiring the exercise of regulatory powers that are outside own limits and refer to others. 2.3 Identify risks associated with the exercise of regulatory powers and strategies to manage risks. 2.4 Apply enabling legislation consistent with the boundaries and powers contained therein.
3. Utilise other legislation and standards	3.1 Identify other legislation and standards which impact on powers and confirm their requirements. 3.2 Resolve or refer apparently conflicting legislative directions.
4. Work with other organisations	4.1 Identify organisations that have jurisdictions which may overlap and establish and maintain relationships. 4.2 Identify organisations available to provide assistance and advice or take referrals and establish relationships for mutual benefit. 4.3 Follow organisational protocols and procedures when working with other organisations. 4.4 Refer compliance matters to other organisations for action when required. 4.5 Follow lead agency protocols and/or lines of authority during operations involving more than one organisation.

Foundation Skills

Foundation skills are embedded within the elements and performance criteria of this unit.

Unit Mapping Information

This unit supersedes and is equivalent to PSPREG401C Exercise regulatory powers.

Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=bebbece7-ff48-4d2c-8876-405679019623>

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Assessment Requirements for PSPREG003 Apply regulatory powers

Modification History

Release	Comments
1	These Assessment Requirements were released in PSP Public Sector Training Package release 1.0 and meet the Standards for Training Packages. • Assessment Requirements created drawing upon specified assessment information from superseded unit

Performance Evidence

Evidence required to demonstrate competence must satisfy all of the requirements of the elements and performance criteria. If not otherwise specified the candidate must demonstrate evidence of performance of the following on at least one occasion.

- undertaking research and analysis
- using information technology to access relevant legislation and procedures
- reading complex written materials and applying them to work practices
- using scanning techniques
- engaging in discussion involving exchanges of often complex oral information
- choosing regulatory responses and/or measures to fit the circumstances and justifying those responses against legislation, guidelines, policy and regulations

Knowledge Evidence

Evidence required to demonstrate competence must satisfy all of the requirements of the elements and performance criteria. If not otherwise specified the depth of knowledge demonstrated must be appropriate to the job context of the candidate.

- full range of regulatory powers and the limits to those powers
- enabling legislation
- offences under the legislation
- aspects of criminal law, administrative law, industrial law, contract law
- statutory time limits
- terminology used in legislation and procedures
- organisational policies, guidelines and regulations
- public sector legislation including, health and safety and environment relating to the exercise of regulatory powers

Assessment Conditions

This unit contains no specific industry-mandated assessment conditions. Guidance on suggested and recommended conditions and methods can be found in the Implementation Guide.

Assessors must satisfy the NVR/AQTF mandatory competency requirements for assessors.

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