



Australian Government

PSPREG033 Apply regulatory powers

Release: 1

PSPREG033 Apply regulatory powers

Modification History

Supersedes and is not equivalent to PSPREG003 Apply regulatory powers.

Application

This unit describes the performance outcomes, skills and knowledge required when exercising regulation, monitoring, inspection and investigation powers under the organisation's enabling and other applicable legislation.

This unit applies to those working in roles conducting regulatory activities. Those undertaking this unit work independently as part of a team, performing routine tasks involving a range of familiar and unfamiliar contexts.

The skills in this unit must be applied in accordance with Commonwealth and State or Territory legislation, Australian standards and industry codes of practice.

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

Pre-requisite Unit

Nil

Competency Field

Regulatory

Elements and Performance Criteria

ELEMENTS

Elements describe the essential outcomes

1. Determine regulatory powers.

PERFORMANCE CRITERIA

Performance criteria describe the performance needed to demonstrate achievement of the element.

- 1.1. Access and use current information relating to enabling legislation and regulations.
- 1.2. Confirm powers provided under legislation and jurisdictional parameters of those powers.
- 1.3. Identify and confirm compliance requirements of 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.

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| 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 outside own limits and refer to others in accordance with organisation policies and procedures.
2.3. Identify risks associated with exercise of regulatory powers and strategies to manage risks.
2.4. Apply enabling legislation consistent with defined jurisdictional parameters. |
| 3. Identify other applicable legislation and standards. | 3.1. Identify other legislation and standards which impact on regulatory powers and confirm their application and requirements.
3.2. Resolve or refer apparently conflicting legislative directions. |
| 4. Work collaboratively with other organisations. | 4.1. Identify organisations that have jurisdictions which overlap and establish and maintain relationships.
4.2. Identify organisations available to provide assistance and advice 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 lines of authority during operations involving more than one organisation. |

Foundation Skills

Foundation skills essential to performance in this unit, but not explicit in the performance criteria are listed here, along with a brief context statement.

SKILLS

Reading skills to:

DESCRIPTION

- identify requirements in legislation, guidelines and policy documents
- interpret complex written materials and apply them to work practices.

Oral communication skills to:

- engage in discussion involving exchanges of often complex information.

Writing skills to:

- complete research and analysis reports with routine information related to the work role.

Unit Mapping Information

Supersedes and is not equivalent to PSPREG003 Apply regulatory powers.

Links

Companion Volume implementation guides are found in VETNet -

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

Assessment Requirements for PSPREG033 Apply regulatory powers

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Performance Evidence

Evidence of the ability to complete tasks outlined in elements and performance criteria of this unit in the context of the job role, and:

- identify regulatory responses and measures to address three different circumstances and justify each response against legislation, regulations, guidelines and policies.

Knowledge Evidence

Demonstrated knowledge required to complete the tasks outlined in elements and performance criteria of this unit:

- legislation and jurisdictional laws relating to the exercise of regulatory powers including the following aspects:
 - 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 applicable to regulatory compliance
 - statutory time limits
 - terminology used in legislation and procedures
- organisational policies, procedures and guidelines including referral and reporting processes
- principles of evidence-based decision-making including:
 - the nature of evidence
 - methods of collection.

Assessment Conditions

Skills must be demonstrated in the workplace or in a simulated environment that reflects workplace conditions.

Assessment must ensure access to:

- legislation, jurisdictional laws and regulations relating to regulatory powers
- organisational, policies, procedures and guidelines
- resources and equipment of the working environment

- assessors must satisfy the Standards for Registered Training Organisations' requirements for assessors.

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