



Australian Government

PSPREG036 Act on non-compliance

Release: 1

PSPREG036 Act on non-compliance

Modification History

Supersedes and is not equivalent to PSPREG008 Act on non-compliance.

Application

This unit describes the performance outcomes, skills and knowledge required to issue advice, instructions, warnings, notices, fines and other actions in response to non-compliance situations.

This unit applies to those working in roles conducting regulatory activities. Those undertaking this unit work as part of a team under routine guidance, performing routine tasks in a range of mostly familiar 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

PERFORMANCE CRITERIA

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

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| 1. Attend situations where non-compliance is suspected or alleged. | <ul style="list-style-type: none">1.1. Follow organisational and legal requirements to carry out suspected non-compliance check.1.2. Maintain personal conduct in accordance with organisational procedures.1.3. Protect the safety of self and others.1.4. Make requests for assistance from other team members or external agencies in accordance with organisational procedures.1.5. Carry out activities and actions in accordance with rules of evidence. |
| 2. Take action on non-compliance. | <ul style="list-style-type: none">2.1. Identify and consider mitigating circumstances.2.2. Select action on non-compliance to match the seriousness of the offence.2.3. Inform representatives of the regulated entity of the action, justification for it, and their rights of appeal.2.4. Take action in accordance with legal requirements.2.5. Carry out personal actions and conduct in accordance with organisational protocols and protect the rights and responsibilities of regulated entity. |

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	DESCRIPTION
Writing skills to:	• write with accuracy of expression and formality in structure and format in accordance with organisational requirements.
Oral communication skills to:	• undertake negotiation and conflict resolution • exchange often complex information in a form to suit diverse audiences.
Initiative and enterprise skills to:	• apply risk management and self-preservation techniques.

Unit Mapping Information

Supersedes and is not equivalent to PSPREG008 Act on non-compliance.

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 PSPREG036 Act on non-compliance

Modification History

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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:

- attend two situations where non-compliance is suspected or alleged and for each of the situations:
 - undertake risk assessment prior to attending situation
 - apply appropriate legislation and regulatory tools to the situation
 - identify action required
 - write a report using standard format.

Knowledge Evidence

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

- legislation and regulation that applies to non-compliance for area of jurisdiction
- organisational policies, procedures and guidelines relating to suspected or alleged non-compliance visits
- organisational parameters for decision-making
- range of appropriate actions possible for different offences
- negotiation skills in the context of achieving compliance
- awareness of social and cultural issues.

Assessment Conditions

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

Assessment must ensure access to:

- legislation and regulation that applies to non-compliance for area of jurisdiction
- organisational policies, procedures and guidelines relating to suspected or alleged noncompliance visits
- range of actions appropriate for non-compliance under the legislation, regulations and standards for area of jurisdiction
- resources and equipment of the working environment.

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

Links

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