



Australian Government

PSPWPI008 Evaluate and report on workplace legislative compliance

Release: 1

PSPWPI008 Evaluate and report on workplace legislative compliance

Modification History

Supersedes and is not equivalent to PSPWPI001 Evaluate workplace legislative compliance.

Application

This unit describes the performance outcomes, skills and knowledge required to identify work health and safety (WHS) issues, assess workplaces for compliance, advise on control measures and report on compliance activities. This includes acting to minimise risks to workers, the public and the work environment, and recording outcomes of compliance activities.

This unit applies to individuals working independently to inspect and evaluate workplaces for compliance with their jurisdictional requirements.

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

Workplace inspection

Elements and Performance Criteria

ELEMENTS

Elements describe the essential outcomes

1. Determine jurisdictional parameters.

PERFORMANCE CRITERIA

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

- 1.1 Identify and confirm jurisdictional boundaries according to legislation.
- 1.2 Identify and confirm regulator powers according to legislation.
- 1.3 Identify and confirm own powers according to legislation and jurisdictional policies and procedures.

2. Evaluate allegation of non-compliance.
 - 2.1. Assess preliminary information provided.
 - 2.2. Conduct background checks and research into alleged issues raised.
 - 2.3. Identify potential risks and strategies to minimise those risks associated with the exercise of regulatory powers.
 - 2.4. Determine procedures, timeframes, resources and equipment requirements for self and others.
 - 2.5. Identify and confirm compliance requirements of the legislation, standards, codes of practice and relevant policy and procedures for situations raised in allegations of non-compliance.
 - 2.6. Identify and refer issues outside jurisdiction in accordance with policies and procedures.
 - 2.7. Maintain records in accordance with jurisdictional requirements and policies and procedures, including security and confidentiality requirements.
3. Assess and determine compliance.
 - 3.1. Identify self and explain reasons for visit to relevant persons at the workplace.
 - 3.2. Determine and prioritise compliance issues relating to duty holders, workers and others in the work environment.
 - 3.3. Identify and make evidence-based decisions to determine compliance or non-compliance with the elements of relevant legislation.
 - 3.4. Select safe evidence collection methods in accordance with jurisdictional policies and procedures.
 - 3.5. Determine a reasonably practicable solution to achieve compliance.
 - 3.6. Negotiate compliance timeframes where appropriate.
4. Implement and record compliance activity.
 - 4.1. Compile appropriate compliance notices in accordance with jurisdictional and legislative requirements.
 - 4.2. Issue and explain rights and obligations of notices to relevant persons.
 - 4.3. Compile reports that address all issues raised in accordance with jurisdictional policies and procedures.

5. Evaluate effectiveness of selected compliance activity.
 - 5.1. Conduct follow up of implemented compliance activity in accordance with jurisdictional policies and procedures.
 - 5.2. Identify and make evidence-based decisions to confirm compliance or non-compliance against the selected compliance activity.
 - 5.3. Record outcome of compliance activity in accordance with jurisdictional policies and procedures.

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
Reading skills to:	interpret and analyse complex and formal documents, including legislation, and their application.
Oral communication skills to:	explain complex and formal documents, including legislation, and their application to workplace situations.
Planning and organising skills to:	- sequence and schedule a range of routine and complex activities within legislative parameters - systematically analyse information to decide on appropriate compliance actions.
Technology skills to:	access legislation and apply related systems which apply to legislative compliance systems and processes.

Unit Mapping Information

Supersedes and is not equivalent to PSPWPI001 Evaluate workplace legislative 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 PSPWPI008 Evaluate and report on workplace legislative compliance

Modification History

Supersedes and is not equivalent to PSPWPI001 Evaluate workplace legislative compliance.

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:

- on at least one occasion:
 - undertake compliance activities in accordance with legislative and jurisdictional policies and procedures
 - engage in communication to provide advice on legislation relevant to compliance, using complex exchanges of oral information
 - use mediation or negotiation skills as applicable
 - undertake conflict resolution
 - use equipment and technology in accordance with jurisdictional policies and procedures
- evaluate workplace legislative compliance in three or more contexts or on three or more occasions.

Knowledge Evidence

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

- principal legislation applicable to inspector powers
- jurisdictional policies, procedures, guidelines and protocols
- impact of hazards and risks
- strengths and weaknesses of possible control measures and the reasons for choosing a reasonably practicable solution
- principles of evidence-based decision making, including:
 - the nature of evidence
 - safe methods of evidence collection
 - assessment and evaluation of relevance of evidence collected
 - application of compliance decisions
- principles of WHS risk management, including:
 - hierarchy of controls prior to conducting a workplace assessment and
 - when assisting with workplace compliance
- technical aspects associated with hazards and potential risks relative to jurisdictional issues.

Assessment Conditions

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

Assessment must ensure access to:

- principal legislation applicable to inspector powers,
- jurisdictional policies, procedures, guidelines and protocols relating to workplace legislative compliance
- resources and equipment of the working environment.

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

Links

Companion Volume implementation guides are found in VETNet -

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