



Australian Government

Department of Education, Employment and Workplace Relations

PSPREV401A Identify and apply statute law

Revision Number: 3

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Modification History

Release	TP Version	Comments
3	PSP12V1	Unit descriptor edited.
2	PSP04V4.2.	Layout adjusted. No changes to content.
1	PSP04V4.1	Primary release.

Unit Descriptor

This unit covers the identification of statute law and how it applies to a range of situations affecting customers.

In practice, applying statute law overlaps with other generalist or specialist work activities, such as acting ethically; undertaking legislative decision making; dealing with legal entities, relationships and property; assessing applications for grants, subsidies and rebates; and delivering client service. Co-assessment with units of competency addressing these other activities could be considered.

No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.

Application of the Unit

In the workplace, staff must be able to identify and apply the statute law applicable to a range of situations affecting customers. Staff may develop a good understanding of the way laws are created, enacted, amended and interpreted within parliament and the courts in order to apply them to their work.

Knowing the structure and purpose of the different components of an Act allows staff to navigate efficiently to find the specific information they require. In complex situations they must be able to use explanatory statements to determine the intent of parliament with regard to the interpretation of particular statutes. The principles governing the interpretation of statutes are important, as are the use of precedents, rulings, Commissioner's practices and the relevant Interpretation Act.

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 applicable statute law

- 1.1 ***Principal rules*** governing the interpretation of statutes are applied.
- 1.2 Statutes are analysed to identify ***components*** applicable to the ***situation*** at hand.

2. Apply statute law

- 2.1 Information on the creation, amendment and interpretation of laws is used to assist in identifying applicable bills, Acts and subordinate legislation.
- 2.2 Interpretation Act is used in accordance with its purpose.
- 2.3 Statutes are interpreted and applied in accordance with precedents, ***rulings*** and ***Commissioner's practices***.
- 2.4 ***Explanatory statements*** are used to assist in determining the intent of Parliament when interpreting complex statutes that apply to particular situations.
- 2.5 Reference is made to relevant case law and other ***extraneous material*** as required.
- 2.6 Records that cite applicable statute law are completed using ***commonly accepted practices*** and ***abbreviations*** in accordance with organisational policy and procedures.

Required Skills and Knowledge

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

Required skills:

Look for evidence that confirms skills in:

- searching for and identifying applicable statute laws, rulings, precedents and Commissioner's practices
- reading, analysing and interpreting complex, formal documents, such as legislation, regulations, explanatory statements, rulings and Commissioner's practices and applying them to work situations
- recording references to statutes using commonly accepted practices and abbreviations
- communicating with others involving exchanges of complex oral and written information
- responding to diversity, including gender and disability
- using technology to access applicable statutes and record outcomes
- applying environmental, sustainability and occupational health and safety procedures to administrative and IT-related work

Required knowledge:

Look for evidence that confirms knowledge and understanding of:

- law-making processes in Australia
- structure and components of an Act
- primary and secondary sources of law
- principal rules governing the interpretation of statute law
- the doctrine of precedent
- purpose and use of Interpretation Act
- abbreviations and commonly accepted practices used in citing statute law

Evidence Guide

The Evidence Guide specifies the evidence required to demonstrate achievement in the unit of competency as a whole. It must be read in conjunction with the unit descriptor, performance criteria, The range statement and the Assessment Guidelines for the Public Sector Training Package.

Units to be assessed together	Co-assessed units that may be assessed with this unit to increase the efficiency and realism of the assessment process include: • PSPETHC401A Uphold and support the values and principles of public service • PSPREV402A Undertake legislative decision making • PSPREV403A Manage information on legal entities, relationships and property • PSPREV405A Assess applications for grants, subsidies and rebates • PSPGOV402B Deliver and monitor service to clients.
Overview of evidence requirements	In addition to integrated demonstration of the elements and their related performance criteria, look for evidence that confirms: • knowledge requirements of this unit • skill requirements of this unit • application of employability skills as they relate to this unit.
Resources required to carry out assessment	Resources essential for assessment include: • government legislation, regulations, rulings, Commissioner's practices and other applicable case law • organisational procedures and protocols relating to the application of statute law • scenarios and case studies to capture the range of situations likely to be encountered when applying statute law • access to relevant systems.
Where and how to assess evidence	Valid assessment of this unit requires: • a workplace environment or one that closely resembles normal work practice and replicates the range of conditions likely to be encountered when applying statute law, including coping with difficulties, irregularities and breakdowns in routine • applying statute law in a range of three or more contexts or occasions, over time. Assessment methods should reflect but not exceed workplace demands, such as literacy, and the needs of individuals who might be disadvantaged. Assessment methods suitable for valid and reliable assessment of

this unit must use authenticated evidence from the workplace and/or training courses and may include a combination of two or more of:

- workplace projects
- simulation or role plays
- case studies and scenarios
- observation
- portfolios

The assessment environment should not disadvantage the candidate and where the person has a disability the principle of reasonable adjustment should be applied during assessment.

For consistency of assessment

Evidence must be gathered over time in a range of contexts to ensure the person can achieve the unit outcome and apply the competency in different situations or environments.

Range Statement

The range statement provides information about the context in which the unit of competency is carried out. The variables cater for differences between States and Territories and the Commonwealth, and between organisations and workplaces. They allow for different work requirements, work practices and knowledge. The range statement also provides a focus for assessment. It relates to the unit as a whole. Text in *italics* in the Performance criteria is explained here.

Components of statutes may include:

- long and short titles
- commencement date
- end date
- preambles
- definitions
- head notes and headings
- parts
- divisions
- chapters
- sections
- subsections
- paragraphs
- subparagraphs
- historical notes
- clause notes
- editorial and explanatory notes
- schedules
- statutory regulations
- amendment information
- amending Acts
- version or reprint number
- nexus

Situations may include:

- assessment of applications for grants, subsidies or rebates
- assessment of tax liability
- issue and enforcement of fines
- legislative decision making
- providing customers with information and assistance

Principal rules may include:

- literal
- golden
- mischief
- spirit (intent) of the legislation

- Interpretation Act:***
- will be the relevant legislation in the applicant's jurisdiction and will be the Commonwealth Act or the state or territory Act
- Rulings*** may include:
- revenue rulings
 - tax rulings
 - public rulings
 - circulars
 - Commissioner's determinations
- Commissioner's practices*** may include:
- practices designated by Commissioner of Revenue or Australian Taxation Commissioner
 - Commissioner's Guidelines and Circulars
 - Practice Directions
 - public guidelines
 - public practices
 - Treasurer's directions
 - business rules
 - circulars
 - operating policies
 - technical and procedural instructions
- Explanatory statements*** may include:
- explanatory memoranda
 - clause notes
 - explanatory notes
- Extraneous materials*** may include:
- rulings
 - published practices
 - circulars
 - revenue circulars
 - public rulings
 - case transcripts
 - regulations
 - precedent databases
 - technical and procedural instructions
 - operating policies and procedures
 - internal procedures
 - forms and brochures
 - fact sheets
 - organisational alerts
 - training materials
 - readings in Parliament
 - subordinate legislation

Commonly accepted practices use:

- disallowable and notifiable instruments
- legislation register
- other relevant legislation
- consecutive numbering for sections of an Act - no brackets
- consecutive numbering in brackets for subsections
- lower case alphabetical order in brackets for paragraphs
- consecutive numbering using lower case Roman numerals in brackets for subparagraphs

Abbreviations may include:

- sec., s. and s for section
- subsec., ss. and ss for subsection
- para for paragraph

Unit Sector(s)

Not applicable.

Competency field

Revenue Administration.