



Australian Government

Department of Education, Employment and Workplace Relations

PSPREV402A Undertake legislative decision making

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 application of a legislative decision making process to make and justify legislatively-based decisions.

In practice, undertaking legislative decision making overlaps with other generalist or specialist work activities, such as acting ethically; applying statute law; dealing with legal entities, relationships and property; assessing applications for grants, subsidies or 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 are required to undertake legislative decision making that is consistent, defensible and well documented to provide grounds for assessment where decisions are subject to review and where disputes may arise. Typically, the decision making process is, or will become, integrated into work practices as a normal way of working when legislative decisions need to be made, even when those decisions do not require formal documentation. Staff must be able to use a legislative decision making process to undertake required research and make and record decisions that meet the public sector's requirements for consistency and legislative defensibility.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Elements are the essential outcomes of the 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 requirements for legislative decision making	1.1 Purpose and key elements of legislative decision making process are identified and clarified to ensure its consistent application in accordance with organisational and legislative requirements. 1.2 Record-keeping procedures relating to legislative decision making are identified in accordance with organisational procedures and legislative requirements.
2. Complete required research	2.1 Situation or event requiring a decision is identified and clearly outlined in accordance with organisational and legislative requirements. 2.2 Applicable statute law is determined and sections of the Acts that link to the decision are identified and recorded. 2.3 Relevant case law and other <i>extraneous material</i> are identified. 2.4 <i>Evidence</i> to support situation or event is recorded and analysed with respect to applicable law. 2.5 Conclusions are drawn as to whether required facts have been established by available evidence and are recorded. 2.6 Statute law is applied using precedents, <i>rulings</i>, <i>Commissioner's practices</i>, internal advice, other legislation and advice from senior and specialist staff when required.
3. Carry out the decision making phase	3.1 Delegation to make the decision is confirmed or decision is referred according to organisational delegation protocols. 3.2 Based on research outcomes and established facts, decision is made and supported by explanation and justification. 3.3 Decision is documented in accordance with organisational and legislative requirements. 3.4 <i>Actions</i> as a result of the decision are carried out and recorded in accordance with organisational and legislative requirements.

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:

- researching information and establishing relevant facts
- identifying and interpreting applicable statute law
- navigating complex and formal documents, such as legislation and related materials to use in legislative decision making
- analysing evidence to ensure it supports the situation or event being considered
- communicating with others involving exchanges of complex oral and written information
- using technology to conduct research, make enquiries, review available data, access legislative requirements and record outcomes
- responding to diversity, including gender and disability, when requesting information or notifying decisions
- applying environmental and occupational health and safety procedures to administrative work and when dealing with customers.

Required knowledge:

Look for evidence that confirms knowledge and understanding of:

- purpose and key elements of a legislative decision making process
- components and structure of statutes
- interpretation of statutes
- use of precedents, rulings and Commissioner's practices
- exercise of delegations in relation to undertaking legislative decision making.

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
- PSPREV401A Identify and apply statute law
- 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:

- legislative decision making process
- government legislation, regulations, rulings, Commissioner's practices and other applicable case law relating to legislative decision making
- organisational procedures and protocols relating to legislative decision making
- scenarios and case studies to capture the range of situations likely to be encountered when undertaking legislative decision making
- 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 undertaking legislative decision making, including coping with difficulties, irregularities and breakdowns in routine
- undertaking legislative decision making 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
- 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 ***bold italics*** in the Performance criteria is explained here.

Extraneous material may include:

- published practices
- circulars
- revenue circulars
- public rulings
- case transcripts
- regulations
- judicial decisions
- 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
- disallowable and notifiable instruments
- legislation register
- other relevant legislation

Evidence may include:

- documents received from the customer to support the situation or event, for example:
 - stamp duties:
 - offer and acceptance documents
 - property purchase applications or offers
 - contracts
 - mortgage documents
 - deeds
 - trust deeds
 - notices of acquisition
 - certificates of title
 - court orders

- statutory declarations
- financial statements
- minutes of directors' meetings
- written communication, e.g. forms, letters or emails
- payroll tax:
 - financial statements
 - written communication, e.g. forms, letters or emails
 - trust documents
 - partnership agreements
 - employment contracts
 - details of share ownership
 - group structure documents
 - constitutions
 - minutes of director's meetings
- land tax:
 - written communication, e.g. forms, letters or emails
 - tax enquiries
 - evidence of usage
 - certificates of title
 - constitutions
 - notices of acquisition
 - valuation details
 - evidence of ownership (e.g. trust deeds)
 - publications gazetted
- First Home Owner Grant:
 - offer and acceptance documents
 - property purchase applications or offers
 - contracts
 - certificates of title
 - financial statements
 - written correspondence, e.g. letters, forms or emails
 - applicant identification documents
 - evidence of residence
- fines:
 - statement of financial circumstances
 - medical reports
 - statutory declarations
 - written correspondence
 - resident or nationality status

- Rulings*** may include:
- proof of employment
 - tickets or receipts
 - 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
- Actions*** may include:
- notification to the customer of the decision, including reasons for the decision and any rights of review
 - issue or withdrawal of assessments
 - documents embossed or stamped
 - referral to another area for further information or advice
 - request for more information

Unit Sector(s)

Not applicable.

Competency field

Revenue Administration.