



Australian Government

Australian Public Service Commission

Candidate Skills Recognition Booklet

PSP40104 Certificate IV in Government

**PSPLEGN401A: Encourage compliance with
legislation in the public sector**



**NATIONALLY RECOGNISED
TRAINING**

**Candidate Name:
Department/Agency:
Telephone:
Email:**

Skills Recognition

This Booklet is designed for the recognition candidate to initially self-assess against each element within the unit of competency. It is, however, recommended that the supervisor is involved in supporting the Candidate through the assessment of their skills.

While this Booklet addresses each of these elements individually, they will be assessed together as a Unit of Competency or in conjunction with a number of Units.

This Booklet:

- ⇒ provides a framework to guide the Candidate in preparing a portfolio of evidence as a basis for recognition under the National Skills Framework for this Unit of Competency
- ⇒ breaks the unit down into its component elements and addresses these in order. While the recognition process itself will be more holistic, the Booklet allows Candidates to address each element either in isolation or in combination with other elements or Units
- ⇒ encourages the Candidate to identify evidence from within the workplace, if possible
- ⇒ contains a range statement that explains some of the terms in *italics* used in the Performance Criteria for each element
- ⇒ provides examples of evidence and optional work based activities
- ⇒ includes a third party report template and a feedback form.

Candidates should familiarise themselves with the information contained in the Candidates Information Guide that can be downloaded from the Australian Public Service Commission's website: <http://www.apsc.gov.au/rto/>

More information about the Unit of Competency contained in this booklet is available from the National Training Information Service. A link to the unit is included on page 3 of this booklet.

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

This Booklet can be downloaded from the Australian Public Service Commission website <http://www.apsc.gov.au/rto/> and printed for completion by hand or electronic means. If there is insufficient space to record your input, please insert or attach additional pages. A completed copy of this booklet (with appropriate supporting evidence) can be submitted for recognition which can lead to the awarding of a nationally recognised Statement of Attainment or a Qualification from the Australian Public Service Commission.

Encourage compliance with legislation

Introduction

This is a core unit of competency in the PSP40104 Certificate IV in Government and covers the competency to encourage others (colleagues or those supervised) in the workplace to comply with legislation.

Being competent in this unit means being able to:

- ✓ *Assist others to comply with legislation, and*
- ✓ *Act on non-compliance.*

There are other related competencies in the key area of legislation and compliance that deal with legislation. If you feel this unit: **Encourage compliance with legislation in the public sector** is not appropriate to your skill level, please consider one of the Units below as an alternative.

- PSPLEGN501B Promote compliance with legislation in the public sector

Useful links

Unit of Competency: PSPGOV401A Encourage compliance with legislation in the public sector

<http://www.ntis.gov.au/Default.aspx?/trainingpackage/PSP04/unit/PSPLEGN401A>

The National Training Information Service: <http://www.ntis.gov.au/>

APSC Legislation website: <http://www.apsc.gov.au/publications/legislation.htm>

The APSC Registered Training Organisation website: <http://www.apsc.gov.au/rto/>

Relationship to the Integrated Leadership System

This Unit of Competency underpins the following capabilities outlined in the Integrated Leadership System.

APS 6 Demonstrates public service professionalism and probity

- Adheres to the APS Values and Code of Conduct and consistently behaves in an honest, ethical and professional way
- Understands and complies with legislative policy and regulatory framework

For further information

Please consult the Commission's [Candidate Information Guide](#) for additional information on the recognition process and how to initiate formal assessment and recognition by the Australian Public Service Commission.

Information for supervisors

As a supervisor you play an important role in assisting the Candidate to develop their knowledge and skills. By undertaking this recognition activity, the Candidate will be assessed against competencies developed by Government Skills Australia, the Industry Skills Council with responsibility for the public sector. By having their skills recognised, the Candidate is contributing to the identification of your organisation's intellectual capital.

As every organisation is different, you may be able to assist the Candidate identify the work requirements, work practices and knowledge relevant to your environment.

The Candidate is encouraged to complete the self-assessment checklist and identify appropriate evidence, which is then recorded in the 'supporting evidence list' section. Sample work-based activities have been included in the Booklet for the candidate who is unable to identify sufficient evidence to address each competency and needs to produce further evidence of their skills and knowledge. The sample activities in the Booklet could be modified by the candidate and their supervisor to better suit workplace requirements and needs.

Third party reports

At the end of the booklet is a blank Third Party Report template. In some cases the candidate may require a corroborating statement from a third party. Supervisors, or other third parties, can complete these reports, where appropriate, which Candidates can add to their portfolio of evidence.

On completing their portfolio of evidence, Candidates can submit a copy of it to the Australian Public Service Commission for recognition, which will lead to a Statement of Attainment that can contribute to the awarding of a Certificate IV in Government qualification.

Benefits for Supervisors

The self assessment process will enable you and your staff to identify current skill levels and assists you in determining if your staff are ready to undertake recognition or whether they may require additional training and/or development. Formal training can be an expensive option, especially if the Candidate can already demonstrate their existing skills and have them recognised.

Additionally, the assistance you provide the Candidate can be used as evidence for recognition of your skills against the *PSPGOV416A Monitor performance and provide feedback* and *PSPGOV510A Undertake and promote career management* units of competency.

Further information

If you have any questions, you can contact the National Recognition Coordinator on 02 6202 3787 or email your query to rto@apsc.gov.au.

Feedback

Finally, a feedback form template is included at the end of this Booklet. As we seek to continuously improve our processes, procedures and resource materials, we would appreciate your feedback as a supervisor. You can use a copy this template to detail your comments. If you provide feedback, consider keeping a copy of your submission as it supports *PSPGOV405B Provide Input to change processes*.

1 Assist others to comply with legislative requirements

This element requires:

- Knowledge of the range of **legislation** and **guidelines** relating to the public sector workplace is regularly updated to ensure currency
- The way various pieces of legislation are integrated to provide a legislative framework for public sector work and the key requirements of each piece of legislation are confirmed and conveyed to **others** using language and examples suited to their individual needs
- Own work practices and procedures are used to provide a consistent model of compliance with legislative requirements relating to the public sector work environment
- The **consequences of non-compliance** with public sector legislation are identified and conveyed to others using language and examples suited to individual needs
- **Others** are assisted to locate and access current information on legislation and guidelines
- Others are encouraged to identify and obtain advice on apparently **conflicting legislative requirements** in accordance with organisational policy and procedures

Text in *italics* is explained in the Range Statement on page <> of the Booklet.



Self assessment

Answering the following questions will help you assess the level of your current skills and help you identify appropriate evidence for your portfolio.

As yourself the following questions and indicate your response accordingly.	Yes	No	?	If you answer Yes , list examples of evidence you can provide
Do I regularly update my knowledge of the range of legislation and guidelines relating to the public sector workplace to ensure currency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Do I confirm and convey to others using language and examples suited to their individual needs the way various pieces of legislation are integrated to provide a legislative framework for public sector work and the key requirements of each piece of legislation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Do I use your work practices and procedures to provide a consistent model of compliance with legislative requirements relating to the public sector work environment?

Do I identify and convey to others using language and examples suited to individual needs the **consequences of non-compliance** with public sector legislation?

Do I assist **others** to locate and access current information on legislation and guidelines?

Do I encourage others to identify and obtain advice on apparently **conflicting legislative requirements** in accordance with organisational policy and procedures?



Examples of evidence

The following list may provide guidance in identifying suitable evidence of your knowledge and skills.

- A summary of two pieces of legislation relevant to your organisation along with an overview of the policies your organisation has developed to support them. Provide six practical examples (three for each Act) of how your behaviour complies with these requirements.
- Records from two meetings where government legislation and its application to your workforce were discussed (e.g. OH&S). The records should demonstrate that you:
 - played a key role in each of these discussions
 - helped clarify misunderstandings
 - directed your colleagues to appropriate guidelines or materials (e.g. websites, onsite documents etc)
 - provided practical examples or case studies to aid understanding.
- A minimum of three documents you've written – for clients, colleagues or new employees – explaining key legislation affecting the operation of your workplace (e.g. a note to staff working in road maintenance informing them about new OH&S requirements and the organisation's sun protection policy).
- A performance appraisal indicating your knowledge of current legislation, your integration of those principles into your work practice and your ability to explain the importance of the legislation (and compliance) to others.
- A letter from a committee chairperson or relevant staff representative (eg diversity or OH&S representative) verifying your knowledge of current legislation and describing actions you've taken to promote the underpinning principles throughout the organisation.



Confirm self-assessment with supervisor

Discuss your self assessment with your supervisor or other support person. If you have answered **Yes** to a question you should be able to identify potential examples of evidence to support this. List details of the evidence that you can enclose in a portfolio to submit with this booklet.

Reference number	Details of documents or other evidence that demonstrates your knowledge, skills and abilities.

If you have answered **No** to any of the above questions, or are unsure, or have been unable to identify sufficient suitable evidence, you could consider whether training, a work based activity or some other form of development would assist you in developing these skills.

The following work-based activity may assist in generating evidence for inclusion above.



Work-based activity: Assist others to comply with legislative requirements

The following suggestion for a work-based activity may be of use in demonstrating your ability to meet the competency requirements of this unit. Answering these questions will prompt you to reflect on your skills and help identify appropriate evidence for your portfolio.

As an experienced public employee you are expected to comply with government legislation. To do so, however, requires an understanding of the various Acts, a willingness to keep up to date with legislative changes and an ability to recognise how these laws impact on your work.

Use the checklist below to review two pieces of legislation relevant to your organisation that apply to the APS, or specifically your department or agency. Provide an overview of the policies your organisation has developed to support them. Using the pieces of legislation that you have identified as affecting you in your workplace, explain the effect each may have on you.

Alternatively, use the checklist below to outline how you encourage colleagues with whom you work to also adopt appropriate practices.



Activity checklist

Which particular government Acts are relevant to your workplace?	
How are they reflected in your organisation's policies and procedures?	
How is your day-to-day work influenced by government legislation?	

How do you stay up to date with the relevant legislation and workplace guidelines?	
How do you support your colleagues in understanding their legal obligations?	
How does your behaviour model compliance with the legislation?	
When – and why – have you provided information about this legislation to others?	
What steps have you taken to ensure staff have understood?	
When – and why – have you discussed issues of non-compliance?	
What impact does this legislation have on workplace behaviour?	

2 Act on non-compliance

This element requires:

- Actions that might constitute breaches of legislation are identified and discussed with others in accordance with organisational requirements
- Possible breaches of legislation are acted upon or referred promptly to an authorised person/body in accordance with organisational procedures
- Inadequacies in workplace procedures which may contribute to non-compliance are reported and addressed in accordance with organisational procedures



Self assessment

Answering the following questions will help you assess the level of your current skills and help you identify appropriate evidence for your portfolio.

Answer the following questions and indicate your response accordingly. **Yes No ?** If you answer **Yes**, list examples of evidence you can provide

Do I Identify and discuss with others actions that might constitute breaches of legislation in accordance with organisational requirements?

Do I act upon or refer promptly possible breaches of legislation to an authorised person/body in accordance with organisational procedures?

Do I report and address in accordance with organisational procedures inadequacies in workplace procedures which may contribute to non-compliance?



Examples of evidence

- Minutes of meetings where government legislation has been discussed and you have:
 - explained the consequences of non-compliance for the individual and the workgroup
 - directed staff to current information relating to the legislation under discussion.



Confirm self-assessment with supervisor

Discuss your self assessment with your supervisor or other support person. If you have answered **Yes** to a question you should be able to identify potential examples of evidence to support this. List details of the evidence that you can enclose in a portfolio to submit with this Booklet.

Reference number	Details of documents or other evidence that demonstrates your knowledge, skills and abilities.

If you have answered **No** to any of the above questions, or are unsure, or have been unable to identify sufficient suitable evidence, you could consider whether training, a work based activity or some other form of development would assist you in developing these skills.

The following work-based activity may assist in generating evidence for inclusion above.



Work-based activity: Act on non-compliance

Use the following checklist to identify how you have assisted or would assist others in complying with legislative requirements and act on non compliance.

Alternatively, review three possible causes of non-compliance with legislative requirements in your current or previous workplace and describe the process for investigation of non-compliance within your workplace. Explain the role of internal and external investigation groups.



Activity checklist

Detail the circumstances and nature of the non-compliance with legislation?	
What are your organisation's procedures for acting on non-compliance?	
How did/would you respond if you suspect that someone's actions are in breach of the legislation?	
What steps did/would you take if workplace procedures are/were unclear or may lead to breaches of government legislation?	
How did/would you encourage colleagues and others with whom you work to also adopt appropriate practices to comply with the legislation?	
How did/would you explain the legislation in ways people understand and recognise and make clear the consequences – for the individual and the workplace – if these standards aren't met?	
How did/would you resolve issues of non-compliance in your workgroup?	
Have a third party confirm your analysis	Third party confirmation: Signature: Date:.....

Range statement


The following information is taken from the Unit of Competency as outlined in the Public Sector Training Package (PSP04).

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.


Legislation and guidelines may relate to	<ul style="list-style-type: none"> • public sector standards: <ul style="list-style-type: none"> ○ codes of conduct/ethics ○ guarantee of service ○ legislated standards ○ State/Territory/Commonwealth/organisational standards ○ technical/industrial standards ○ professional standards ○ industry competency standards ○ anti-corruption legislation ○ whistleblowers' protection
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	<ul style="list-style-type: none"> • public sector employment: <ul style="list-style-type: none"> ○ employee relations ○ chief executive officer's instructions ○ Commissioner's instructions ○ public sector notices • workplace environment: <ul style="list-style-type: none"> ○ equal employment opportunity ○ affirmative action ○ workplace diversity ○ anti-discrimination ○ workplace harassment ○ occupational health and safety ○ duty of care ○ security, storage, handling and classification of documents • financial management and accountability <ul style="list-style-type: none"> ○ Treasurer's instructions ○ contractual obligations • transparency: <ul style="list-style-type: none"> ○ freedom of information ○ professional reporting ○ accountability ○ fair trading • business and community: <ul style="list-style-type: none"> ○ privacy ○ trade practices ○ competition ○ road transport legislation • information and records management standards and legislation • the organisation's enabling legislation, regulations • aspects of common law, criminal law, contract law, employment law and administrative law, including judges' rules • International legislation/codes of behaviour
<p>Others may include</p>	<ul style="list-style-type: none"> • colleagues • supervised staff • contractors

<p>Consequences of non-compliance may include</p>	<ul style="list-style-type: none"> • for individuals: <ul style="list-style-type: none"> ○ counselling ○ disciplinary action ○ transfer, demotion, dismissal ○ legal liability ○ fine • External consequences, for example: <ul style="list-style-type: none"> ○ to clients ○ to the organisation's reputation
<p>Conflicting legislative requirements may include</p>	<ul style="list-style-type: none"> • apparent contradiction between statutes • apparent conflict between statutes and policy requirements • contradictions between different policy requirements • contradictions within a single piece of legislation
<p>Inadequacies in workplace procedures may include</p>	<ul style="list-style-type: none"> • insufficient financial/other controls • insecure Internet/fax access • unauditable records processes • ambiguous guidelines • no guidelines • unnecessary complexity • use of non-current legislation

 **Do you have any questions?**

A list of Frequently Asked Questions is published in the Candidate Information Guide and also available via the Australian Public Service Commission's RTO website.
<http://www.apsc.gov.au/rto/faq.html>

 **Third party report**

Third party reports provide supplementary evidence to support the recognition of your skills. Completed Third Party Reports can be referenced in your booklet and a copy placed in your portfolio of evidence. Copy this form if you require additional Reports. An electronic version in Microsoft Word format can be downloaded from <http://www.apsc.gov.au/rto/downloads.html>.

 **Candidate to complete:**

Dear <insert name of third party>,

In support of my seeking skills recognition I am requesting a third party report for the following Unit of Competency element.

<Candidate to write in element name>

I would appreciate your comments in relation to myself against the above criteria I would appreciate your return of the report to me on completion

Portfolio reference: _____

Candidate Name:.....Signature:.....

 **Third Party to complete:**

It would be appreciated if you could provide comments relating to the above-named Candidate for recognition against the criteria they have selected

Please provide your appraisal on the Candidate in the context of observed performance. Where possible please refer to relevant situations and examples of which you have observed or are aware.

Name:	Signature:
Position:	Date:
Relationship to Candidate: Indicate one (eg supervisor, manager, peer, other)	Duration: for months

If you have any queries about this process, please email the rto@apsc.gov.au
Additional information is available on the Australian Public Service Commission's RTO website:
<http://www.apsc.gov.au/rto/>

Feedback

The Australian Public Service Commission welcomes for comments, feedback and suggestions for improvement.

We hope you have had the opportunity to review this booklet and would especially appreciate your thoughts.

Please forward completed forms to:

National Recognition Coordinator
Level 5, 16 Furzer Street
PHILLIP ACT 2606
Facsimile: 02 6202 3799
Email: rto@apsc.gov.au

Please Note:

If you provide feedback, keep a copy for your evidence portfolio as it supports *PSPGOV405B Provide Input to change processes*.

Please tick / circle your answers

1. I found this Skill Recognition Booklet to be?

Difficult to use 1 2 3 4 5 Easy to use

2. What suggestions do you have to improve this Skills Recognition Booklet?

- 3 Other comments