

Title	Pursue an administrative remedy for non-compliance		
Level	5	Credits	6

Purpose	This unit standard is for people who work, or intend to work as compliance inspectors or enforcement officers. People credited with this unit standard are able to decide on remedial action to take in response to non-compliance, and prepare and serve a summons or notice.
----------------	--

Classification	Compliance and Law Enforcement > Compliance and Regulatory Control
-----------------------	--

Available grade	Achieved
------------------------	----------

Guidance Information

- 1 Assessment will be in relation to those laws, regulations, bylaws, activities, procedures, and policies defined by the compliance and/or regulatory organisation relevant to the performance context. These include sections 24 to 30 of the Summary Proceedings Act 1957.
- 2 *Organisational requirements* refer to instructions to staff on policy and procedures which are documented in memo or manual format and are available in the workplace. These include the application of legislation.

Outcomes and performance criteria

Outcome 1

Decide on remedial action to take in response to non-compliance.

Performance criteria

- 1.1 Discretionary decision-making powers are identified with respect to specific non-compliance.
- 1.2 Decision is based on assessment of factors bearing on the non-compliance.

Range	severity, organisational policy, legislative obligation; may include – past compliance performance of client, case law precedence, past treatment of similar incident or situation.
-------	---
- 1.3 Recommendation for remedial action is provided with full description of non-compliance and reasons for recommendation.

1.4 Decision meets organisational requirements for approval.

Outcome 2

Prepare and serve a summons or notice.

Range one of – summons, compliance notice, fine notice, notice to seize property.

Performance criteria

- 2.1 Summons or notice is completed to specification.
- 2.2 Method of delivery for summons or notice is legal and is chosen to suit the circumstances.
- 2.3 Summons or notice is delivered to the correct person.
- 2.4 The recipient is advised of the purpose of the summons or notice, obligations under the summons or notice, consequences of not responding to requirements of the summons or notice, and rights in relation to the summons or notice.
- 2.5 Intent of the summons or notice is clearly conveyed and the recipient's understanding is checked and confirmed.
- 2.6 Issue of document is legal and is recorded in accordance with organisational requirements.

This unit standard is expiring. Assessment against the standard must take place by the last date for assessment set out below.

Status information and last date for assessment for superseded versions

Process	Version	Date	Last Date for Assessment
Registration	1	27 April 1995	31 December 2023
Revision	2	25 November 1997	31 December 2023
Revision	3	17 July 2002	31 December 2023
Revision	4	19 May 2004	31 December 2023
Review	5	25 July 2007	31 December 2023
Review	6	23 May 2019	31 December 2023

Consent and Moderation Requirements (CMR) reference	0046
--	------

This CMR can be accessed at <http://www.nzqa.govt.nz/framework/search/index.do>.