

UNIT CODE	PSPWPI003
UNIT TITLE	Investigate possible breaches of workplace legislation
APPLICATION	<p>This unit describes the performance outcomes, skills and knowledge required to conduct investigations into a range of workplace contexts specifically relating to work health and safety (WHS), workers compensation, injury management and/or workplace relations legislation.</p> <p>This unit applies to those working as investigators conducting workplace investigations into possible breaches of a range of workplace legislation.</p> <p>Those undertaking this unit would work independently performing complex tasks in a range of familiar contexts.</p> <p>The skills in this unit must be applied in accordance with Commonwealth and State or Territory legislation, Australian standards and industry codes of practice.</p> <p>No occupational licensing, certification or specific legislative or certificate requirements apply to this unit at the time of publication.</p>
PREREQUISITE UNIT	Nil
COMPETENCY FIELD	Workplace inspection
UNIT SECTOR	

ELEMENTS	PERFORMANCE CRITERIA
<i>Elements describe the essential outcomes</i>	<i>Performance criteria describe the performance needed to demonstrate achievement of the element.</i>
1. Conduct initial assessment of situation	1.1 Identify type of investigation or situation. 1.2 Assess situations with regard to personal safety and the safety of others and put safeguards in place. 1.3 Contact persons involved. 1.4 Establish and maintain integrity of situation.
2. Initiate and conduct investigations	2.1 Issue instructions to persons involved. 2.2 Identify and access resources required before conducting the investigation.

3. Examine the situation	<p>3.1 Record details of the situation and all those involved in possible breach.</p> <p>3.2 Locate, collect, package, record, label and store potential evidence to ensure preservation of integrity of evidence and for further examination in line with the rules of evidence.</p> <p>3.3 Document the reasons and justification if no breach has occurred or no action is to be taken.</p> <p>3.4 Recommend appropriate action if breach is confirmed, within the officer's discretion.</p> <p>3.5 Maintain record of evidence.</p>
4. Identify potential witnesses and record initial statements	<p>4.1 Identify potential witnesses and record their details.</p> <p>4.2 Take statements.</p>
5. Assess investigation material and gathered information	<p>5.1 Review information and evidence gathered against legislation and other relevant material.</p> <p>5.2 Evaluate information and evidence relevance and strength of proof.</p> <p>5.3 Identify, prioritise and schedule further proofs for action.</p> <p>5.4 Obtain further evidence when required.</p>
6. Conduct formal interviews	<p>6.1 Conduct interview.</p> <p>6.2 Review and clarify information to ensure its relevance and sufficiency prior to concluding the interview.</p> <p>6.3 Complete a record of the interview.</p>
7. Complete investigation report	<p>7.1 Compile report.</p> <p>7.2 Forward report to appropriate personnel for review and action.</p> <p>7.3 Gather and compile additional information and evidence identified in report.</p> <p>7.4 Forward final report through appropriate channels for processing.</p>

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:	<ul style="list-style-type: none"> ■ undertake legal research.
Problem-solving skills to:	<ul style="list-style-type: none"> ■ deal with conflict and conflicting information.
Planning and organising skills to:	<ul style="list-style-type: none"> ■ plan and organise to ensure a coordinated and thorough investigation of possible breaches of workplace legislation.

UNIT MAPPING INFORMATION	Release 1: Supersedes and is equivalent to PSPWPI003 Investigate possible breaches of workplace legislation.
LINKS	Companion Volume Implementation Guide

TITLE	Assessment Requirements for PSPWPI003 Investigate possible breaches of workplace legislation
PERFORMANCE EVIDENCE	<p>Evidence of the ability to complete tasks outlined in elements and performance criteria of this unit in the context of the job role, and provide evidence of performance on at least one occasion for each of the following:</p> <ul style="list-style-type: none"> ■ apply principles of natural justice and procedural fairness ■ apply legislative requirements and organisational policies and procedures in all investigations ■ apply risk management principles to investigative procedures, including personal safety ■ deal with conflict and conflicting information ■ interview and question ■ ensure due consideration of information and evidence ■ make decisions to reflect deliberation of the evidence and the risk assessment ■ undertake comprehensive planning of investigative responses ■ conduct detailed examination of potential or reported breaches ■ prepare resources required to conduct investigations ■ carry out diverse information-gathering activities to substantiate recommendations.

KNOWLEDGE EVIDENCE	<p>Demonstrated knowledge required to complete the tasks outlined in elements and performance criteria of this unit:</p> <ul style="list-style-type: none"> ■ federal and state workplace legislative framework applying to workplace inspections, including legislation relating to work health and safety and workplace relations ■ risk management principles relating to personal and workplace safety ■ common law principles applying to inspection of workplaces ■ powers of workplace inspectors under jurisdictional legislation ■ functions and roles of other professionals and experts who may be called in to advise on possible breaches or to act as witnesses ■ organisational investigation procedures ■ rules of evidence and evidence management.
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ASSESSMENT CONDITIONS	<p>Skills must be demonstrated in either:</p> <ul style="list-style-type: none">■ a workplace environment or■ a simulated environment. <p>Simulated assessment environments must simulate the real-life working environment where the skills and knowledge within this unit would be utilised, with all the relevant equipment and resources of that working environment.</p> <p>Assessment must ensure access to:</p> <ul style="list-style-type: none">■ legislation, policy, procedures and protocols relating to the investigation of possible breaches of workplace legislation. <p>Assessors must satisfy the Standards for Registered Training Organisations' requirements for assessors.</p>
LINKS	Companion Volume Implementation Guide