



Australian Government

Department of Education, Employment and Workplace Relations

PSPREG408C Conduct search and seizure

Revision Number: 2

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Modification History

PSPREG408C Release 2: Layout adjusted. No changes to content.
PSPREG408C Release 1: Primary release.

Unit Descriptor

This unit covers the competency to conduct search and seizure activities. It includes preparing for search and seizure, implementing the search, conducting the seizure, completing post-search activities and debriefing.

In practice, conducted search and seizure may overlap with other generalist or specialist public sector work activities such as acting ethically, complying with legislation, applying government processes, exercising regulatory powers, assessing non-compliance, etc.

Application of the Unit

Not applicable.

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. Together, performance criteria specify the requirements for competent performance. Text in *bold italics* is explained in the Range Statement following.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Prepare for search and seizure	<p>1.1 The <i>purpose</i> of the search is identified and powers under legislation, policies and procedures relating to the search are confirmed.</p> <p>1.2 Assessment is made of where <i>items/property/evidence</i> might be <i>obtained</i> with and/or without the use of a search/seizure warrant.</p> <p>1.3 <i>Authority to search/seize</i> is verified/obtained and <i>intention to search</i> is advised in accordance with legislative requirements and organisational policy and procedures.</p> <p>1.4 <i>Operational planning</i> to address the range of requirements for a search/seizure is carried out in accordance with organisational guidelines.</p> <p>1.5 Risk assessment is undertaken to ensure the search/seizure can be conducted safely in accordance with organisational guidelines, and risk management strategies are included in operational planning.</p> <p>1.6 The need for <i>assistance</i> with the search and/or seizure is identified and organised in accordance with organisational policy and procedures.</p>
2. Implement search	<p>2.1 Search is conducted in accordance with <i>legislation, regulations, policies and guidelines</i>.</p> <p>2.2 Search is conducted according to standard operating procedures to ensure <i>thorough and systematic process</i> is used.</p> <p>2.3 <i>Equipment</i> and/or technology and other <i>resources</i> are used according to organisational guidelines.</p> <p>2.4 Where assistance is obtained, the search is undertaken in accordance with lead agency requirements.</p> <p>2.5 <i>Records</i> are made of the search process, items/evidence uncovered in the search, and subsequent action.</p>
3. Conduct seizure	<p>3.1 Alternatives to seizure are considered and subsequent action is recorded and justified against legislation, policy and regulations.</p> <p>3.2 Items/property/evidence and any related <i>information</i> are seized or otherwise <i>dealt with</i> in accordance with <i>legal requirements</i> and standard operating procedures.</p> <p>3.3 Items/property/evidence are appraised, seized, recorded and receipted in accordance with organisational procedures, legislative requirements and the rules of evidence.</p> <p>3.4 Items/evidence are removed, <i>secured</i> and, if required, disposed of, in accordance with organisational procedures, legislative requirements and the rules of evidence.</p>

ELEMENT	PERFORMANCE CRITERIA
	<p>3.5 <i>Safety</i> of self and others is protected in accordance with operational policy and procedures.</p> <p>3.6 Seizure process is conducted in accordance with organisational and legislative requirements and complies with the rules of evidence.</p>
4. Complete post-search activities	<p>4.1 Outcomes of search and seizure activities are recorded and disseminated to required personnel in accordance with organisational policy and procedures.</p> <p>4.2 Where required, follow-up actions are identified, recorded and undertaken.</p> <p>4.3 Where required, third party claims to title of seized items/property are dealt with in accordance with legislative requirements and organisational policy and procedures.</p> <p>4.4 Damage to property during the search is dealt with in accordance with legislative and procedural guidelines.</p>
5. Debrief search and seizure	<p>5.1 Feedback on own role in search/seizure is obtained regularly for continuous improvement.</p> <p>5.2 Search and seizure outcomes, processes and procedures are evaluated and improvements recommended and actioned.</p> <p>5.3 The value of assistance and/or joint operation relationships/teamwork is assessed and improvements are recommended and actioned in accordance with organisational policy and procedures.</p>

Required Skills and Knowledge

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

Skill requirements

Look for evidence that confirms skills in:

- undertaking analysis and observation
- completing records using formality of language and structure
- exchanging often complex oral information in a form to suit diverse audiences
- responding to diversity, including gender and disability
- applying public sector legislation such as occupational health and safety and environmental procedures in the context of search and seizure

Knowledge requirements

Look for evidence that confirms knowledge and understanding of:

- enabling legislation, regulations and guidelines
- search procedures
- organisational procedures including those dealing with physical evidence or obtaining a warrant, where relevant
- roles of expert/other personnel
- procedures for dealing with physical evidence
- rules of evidence
- use of equipment and resources
- public sector legislation and standards
- occupational health and safety and environmental considerations to ensure the safety of self and others

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

- *Pre-requisite* units that must be achieved prior to this unit: *Nil*
- *Co-requisite* units that must be assessed with this unit: *Nil*
- *Co-assessed units* that may be assessed with this unit to increase the efficiency and realism of the assessment process include, but are not limited to:

PSPETHC401A Uphold and support the values and principles of public service

PSPGOV408A Value diversity

PSPGOV422A Apply government processes

PSPLEGN401A Encourage compliance with legislation in the public sector

PSPREG401C Exercise regulatory powers

PSPREG403B Assess compliance

PSPREG405B Act on non-compliance

Overview of evidence requirements

In addition to integrated demonstration of the elements and their related performance criteria, look for evidence that confirms:

- the knowledge requirements of this unit
- the skill requirements of this unit
- application of the Employability Skills as they relate to this unit (see Employability Summaries in Qualifications Framework)
- search and seizure conducted in a range of (3 or more) contexts (or occasions, over time)

Resources required to carry out assessment

These resources include:

- legislation, regulations, policy, guidelines and standards related to search and seizure
- public sector values and codes of conduct
- search support resources
- case studies and workplace scenarios to capture the range of situations likely to be encountered when conducting search and seizure activities

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 conducting search and seizure, including

coping with difficulties, irregularities and breakdowns in routine

- search and seizure conducted in a range of (3 or more) contexts (or occasions, over time)

Assessment methods should reflect workplace demands, such as literacy, and the needs of particular groups, such as:

- people with disabilities
- people from culturally and linguistically diverse backgrounds
- Aboriginal and Torres Strait Islander people
- women
- young people
- older people
- people in rural and remote locations

Assessment methods suitable for valid and reliable assessment of this competency may include, but are not limited to, a combination of 2 or more of:

- case studies
- demonstration
- observation
- questioning
- scenarios
- simulation or role plays
- authenticated evidence from the workplace and/or training courses

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.

Purpose of the search may include:

- illicit items
- goods to be possessed under court order
- physical evidence relating to an offence

Items may include:

- personal property, furniture and electrical equipment not excluded from seizure under legislation
- documents
- financial information
- computer equipment
- vehicles
- illicit items
- drugs
- plants
- wildlife
- currency

Evidence may include:

- documents
- information/data
- paper-based or technology-based documents/information
- photographs
- video
- dangerous goods
- wildlife
- prohibited substances
- illicit items
- any assets or property seized under State/Territory or Commonwealth laws enabling the enforcement of penalties, judgments and orders

Items/property/evidence might be obtained from:

- field search - land/sea/air/waterways
- premises - private, government or business
- vehicles
- vessels
- aircraft
- cargo
- cargo containers
- baggage - accompanied or unaccompanied

- Authority to search/seize*** may include:
- warrant already issued
 - no requirement for search warrant under powers of enabling legislation
 - affidavit
 - confirming the legal basis for the search and seizure
 - appropriate information to ground a warrant
 - requirement to obtain search/seizure warrant before proceeding
 - organisational approval/s to undertake search and seizure
 - completion/submission of organisational documents relating to planned search and seizure
 - the need for assistance from other agencies/jurisdictions
 - referrals to other agencies
- Intention to search*** may be advised to:
- supervisor
 - colleagues
 - person being searched
 - owner
 - occupier
 - operator
 - passengers
 - crew
 - legal representatives
 - other organisations or jurisdictions
- Operational planning*** may include:
- planning, with particular reference to own role in the search
 - authorisation
 - equipment
 - personnel
 - search methods
 - risk assessment
 - safety requirements
 - meeting legislative requirements e.g. not infringing the rights of individuals
- Assistance*** may include:
- other officers
 - other organisations
 - other jurisdictions
 - specialist advice
 - police
- Legislation, regulations, policies and guidelines*** may include:
- enabling/principal legislation
 - other legislation impacting on search and seizure
 - regulations
 - organisational policy and guidelines
 - standard operating procedures
 - rules of evidence

- public sector standards
- codes of practice
- privacy legislation
- rights of individuals and organisations who are subjects of the search

Thorough and systematic process means search includes:

- contents
- outside packages, packing and containers
- consideration of methods of concealment
- potential hides
- consideration of contents against information/reasonable grounds that gave rise to the search
- consideration of the potential for items to be used for information/intelligence

Equipment and resources may include:

- search support equipment such as:
 - X-ray
 - trace particle detectors (e.g. Ionscan)
 - forklift scales
 - fibroscope
 - boroscope and buster
- cameras
- video cameras
- tools
- safety equipment
- personal protective equipment
- means to secure evidence/samples/assets seized
- detector dogs
- specialist staff
- photographer/s

Records may include:

- organisational records
- receipts
- notebooks
- video footage
- audiotapes
- photographs
- contemporaneous notes

Information may include:

- addresses
- telephone numbers
- email contacts
- web site addresses
- record of anything observed at the scene that is not physical evidence, but may later be relevant

Dealing with items as an alternative to physical seizure may include:

- labelling items for later seizure
- securing items for later seizure
- securing the location of items/evidence
- seizing alternative items to the same value
- isolating items/locations for safety reasons
- changing the locks on seized premises
- sign-posting seized property/vessels
- managing chain of continuity of evidence

Legal requirements may include:

Securing items/evidence may include:

- restricting/controlling access
- security classifying information
- ensuring continuity of possession of documents and other physical evidence

Safety equipment may include:

- gas testers
- personal protective equipment, such as protective suits, masks, gloves, self-contained breathing apparatus
- communication devices
- remote location equipment

Unit Sector(s)

Not applicable.

Competency field

Regulatory.