



Australian Government

Department of Education, Employment and Workplace Relations

PSPREG412A Gather and manage evidence

Revision Number: 3

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Modification History

Release	TP Version	Comments
3	PSP12V1	Unit descriptor, evidence guide and range statement edited.
2	PSP04V4.2.	Layout adjusted. No changes to content.
1	PSP04V4.1	Primary release.

Unit Descriptor

This unit describes the performance outcomes, skills and knowledge required to undertake all activities involved in gathering and managing evidence. It includes planning and activating evidence collection, identifying persons of interest, collecting and storing evidence, and summarising and reporting on evidence.

Licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.

Application of the Unit

This unit applies to individuals in a range of regulatory work environments whose role includes gathering and managing physical or documentary evidence from a range of sources such as search and seizure activities, online research, interviews with persons of interest, audits

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. Plan and activate evidence collection	1.1 <i>Evidence</i> requirements are researched to establish the type and standard of evidence and <i>resources</i> required when the size of investigation and/or type of offence/s require this. 1.2 Approval to commence investigation is obtained in accordance with organisational policy and procedures. 1.3 Plan of action is agreed in accordance with organisational policy and procedures, and communication and review processes are established. 1.4 Evidence recording process is put in place in accordance with organisational guidelines and legislative requirements.
2. Identify persons of interest	2.1 Possible witnesses are identified, located and contacted to request that they provide information. 2.2 Particulars of witness/es are documented according to correct evidentiary procedures. 2.3 <i>Responsible parties</i> are identified, located and their <i>particulars</i> are recorded in accordance with correct evidentiary procedures. 2.4 Responsible parties are contacted for interview in accordance with organisational procedures and legislative requirements, and informed of the nature of the investigation, if required by law.
3. Collect and store evidence	3.1 <i>Authority to search</i> is obtained/verified, involving other organisations where necessary. 3.2 Evidence is identified, <i>collected, labelled</i> , recorded and preserved according to exhibit management principles for later use in proceedings. 3.3 Evidence is <i>managed</i> in accordance with the principles of continuity of possession, <i>legislation and standards</i> . 3.4 Corroboratory evidence is collected, documented and preserved. 3.5 <i>Expert</i> skills and knowledge are accessed when necessary to further assist staff in areas where they cannot or are not authorised to act. 3.6 Constant review is implemented during evidence collection to enable gaps and inadequacies to be addressed in accordance with organisational policy and procedures.
4. Summarise and report on evidence	4.1 Verbal and written summaries/ <i>reports</i> are made in accordance with legislative and organisational requirements. 4.2 Outcomes of investigation are entered into data management systems according to organisational guidelines.

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:

- organising and problem solving
- liaising and negotiating
- communicating with people from diverse backgrounds
- responding to diversity, including gender and disability
- making comparisons and exercising judgment about facts in written materials
- report writing using formal structures and language
- applying public sector standards and legislation such as occupational health and safety and environment in the context of gathering and managing evidence

Knowledge requirements

Look for evidence that confirms knowledge and understanding of:

- rules of evidence relevant to the jurisdiction
- evidence legislation relevant to the jurisdiction
- legislation which contains the offence/s under investigation
- document management systems
- exhibit management principles
- organisational policies, guidelines and regulations
- equal employment opportunity, equity and diversity principles
- public sector legislation such as occupational health and safety and environment relating to gathering and management of evidence

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.

Critical aspects for assessment and evidence required to demonstrate competency in this unit

In addition to integrated demonstration of the elements and their related performance criteria, look for evidence that confirms consistency of performance in gathering and managing evidence. This will include evidence of:

- planning for, collecting, storing and reporting on evidence (including through interview) for at least three actual or simulated situations on three separate occasions or for three different situations/contexts
- adhering to legal, ethical and organisational requirements relating to gathering and managing evidence.

Context of specific resources for assessment

Assessment must ensure access to a real or simulated workplace environment that closely resembles normal work practice and replicates the range of conditions likely to be encountered while gathering and managing evidence, including coping with difficulties, irregularities and breakdowns in routine.

Access is required to resources such as:

- applicable legislation, policies and procedures
- case studies and workplace scenarios to capture the range of requirements for situations likely to be encountered

Method of assessment

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

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

Guidance information for assessment

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

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.

Evidence may include:

- real, oral, computer data or documentary
- photographic or video
- new evidence which results in reopening an investigation
- requirements identified in an evidence guide or evidence matrix

Establishing resource requirements may require:

- an estimate of the costs of gathering evidence

Responsible parties may include:

- suspects
- alleged offenders
- obligation holders
- employers
- principal contractors
- owners
- operators

Particulars of responsible parties may include:

- personal details
- identification of assets and entitlements for criminal or civil recovery purposes

Authority to search 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
- referral to other agencies

Evidence collection may

- voluntary submission

include:

- acquisition through legislative powers
- following new lines of inquiry suggested during the process of gathering evidence
- cautions
- safeguards

Labelling of evidence

may include:

- date
- time
- location
- details of person/s giving the evidence
- person/s collecting the evidence

Evidence management

may include:

- systematic recording (such as dating and numbering)
- indexing and labelling system
- using written or electronic database systems
- referral to prosecution organisations at any stage
- constant reviews during an investigation
- restricting access to evidence
- and must follow the principals of chain of evidence/rules of evidence

Legislation and

standards may include:

- relevant Commonwealth/State/Territory legislation and guidelines
- ethical and conduct standards
- judicial standards which must be followed in evidence collection to ensure the continuity of possession and admissibility of the evidence
- organisational policies and procedures

Expert skills and

knowledge may include:

- police, other law enforcement agencies
- private provider
- standards setting organisation
- input such as:
 - search warrant
 - surveillance
 - scientific analysis

Reports may be:

- to finalise case
- to inform team members and management
- to refer to other sections or organisations
- to prepare for final summation in proceedings
- edited and security coded for a particular audience

Unit Sector(s)

Not applicable.

Competency field

Regulatory.