



**Australian Government**

**Department of Education, Employment and Workplace Relations**

# **PSPREG420A Plan and implement recovery action**

**Revision Number: 3**

## PSPREG420A Plan and implement recovery action

### Modification History

Release	TP Version	Comments
3	PSP12V1	Unit descriptor edited.
2	PSP04V4.2.	Layout adjusted. No changes to content.
1	PSP04V4.1	Primary release.

### Unit Descriptor

This unit covers recovery actions as a result of a successful investigation/prosecution. It includes assessing the potential for recovery action, gaining approvals and implementing the action.

In practice, planning and implementing a recovery action may overlap with other generalist or specialist public sector work activities such as acting ethically, complying with legislation, applying government processes, advising on and finalising investigations.

No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.

### 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

- |   |  |
|---|--|
| <p><b>1. Assess potential for recovery action</b></p> | <p>1.1 Information is collected and analysed to determine the potential for recovery action.</p> <p>1.2 <i>Assets or proceeds of crime</i> are identified and values are estimated in accordance with organisational policy and procedures.</p> <p>1.3 Financial circumstances are reviewed and debt recovery procedures are instigated in accordance with organisational policy and procedures.</p> <p>1.4 <i>Liaison</i> is undertaken with respect to recovery action in accordance with legislation, policy and procedures.</p> <p>1.5 Approval/decision to proceed with recovery action is obtained/made in accordance with organisational policy and procedures.</p> |
| <p><b>2. Implement recovery action</b></p>            | <p>2.1 <i>Recovery action</i> is implemented in accordance with legal and organisational requirements.</p> <p>2.2 Where relevant, affidavits are sought restraining action.</p> <p>2.3 Recovery action is <i>referred</i> for decision and execution in accordance with <i>legislation, organisational policy and procedures</i>.</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 research and analysis with regard to recovery actions
- engaging in negotiation requiring exchanges of sometimes complex oral information
- determining the value of assets or proceeds of crime and comparing to debt/s and charges raised
- responding to diversity, including gender and disability
- referring recovery action for decision requiring clarity, accuracy and formality of structure and language
- recording of actions/agreements made, in relevant recording systems
- applying public sector standards and legislation such as occupational health and safety and environment relating to recovery actions

### Knowledge requirements

Look for evidence that confirms knowledge and understanding of:

- legislation relating recovery actions
- organisational guidelines and procedures for recovery
- legal and organisational requirements for liaison and referral
- ethical standards
- equal employment opportunity, equity and diversity principles
- public sector legislation such as occupational health and safety and environment relating to the recovery actions

## 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
  - PSPLEGN401A Encourage compliance with legislation in the public sector
  - PSPGOV406B Gather and analyse information
  - PSPGOV422A Apply government processes
  - PSPREG401C Exercise regulatory powers
  - PSPREG418A Advise on progress of investigations
  - PSPREG419A Finalise and report on investigations

### 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)
- planning and implementation of recovery actions in a range of (3 or more) contexts (or occasions, over time)

### Resources required to carry out assessment

These resources include:

- legislation, policy, procedures and protocols relating to recovery actions
- case studies and workplace scenarios to capture the range of situations likely to be encountered when planning and implementing recovery actions

### 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 planning and implementing recovery actions, including coping with difficulties,

irregularities and breakdowns in routine

- planning and implementation of recovery actions 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
- projects
- questioning
- scenarios
- simulation or role plays
- authenticated evidence from the workplace (subject to complying with privacy requirements) 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.

- Assets or proceeds of crime*** may include:
- physical/actual property
  - anything derived from/used in an illegal activity, such as:
    - money
    - property
    - vehicles
    - other assets
- Liaison*** may occur with:
- legal counsel
  - director of public prosecutions
- Recovery action*** may include:
- forfeiture
  - pecuniary penalty
  - debts
  - charges
- Referral*** may be to:
- director of public prosecutions
  - Australian Federal Police
- Legislation, policy and procedures*** may include:
- proceeds of crime legislation
  - public service Acts
  - administrative decisions (judicial review) Acts
  - Crimes Act 1914 and Criminal Code Act 1995
  - criminal code
  - case law
  - administrative law
  - public sector standards
  - organisational policy and procedures

## Unit Sector(s)

Not applicable.

## **Competency field**

Regulatory.