



**Australian Government**

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

# **PUAPOL031B Confiscate assets**

**Revision Number: 2**

## **PUAPOL031B Confiscate assets**

### **Modification History**

PUAPOL031B Release 2: Layout adjusted. No changes to content.  
PUAPOL031B Release 1: Primary release.

### **Unit Descriptor**

This unit describes the planning and implementation of an assets confiscation operation, and includes the identification, seizure and disposal of property and assets involved in criminal activity.

### **Application of the Unit**

The application of this unit in the workplace - the environments, complexities and situations involved - will be written during Phase II of the Review of the PUA00 Public Safety Training Package.

This text will be useful for the purposes of job descriptions, recruitment advice or job analysis; where possible, it will not be too job specific to allow other industries to import it into other Training Packages, where feasible.

### **Licensing/Regulatory Information**

Not applicable.

### **Pre-Requisites**

Not applicable.

### **Employability Skills Information**

This unit contains employability skills.

## Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a Unit of Competency.

Performance Criteria describe the required performance needed to demonstrate achievement of the element. Where ***bold italicised*** text is used, further information is detailed in the Range Statement. Assessment of performance is to be consistent with the Evidence Guide.

## Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
<b>1. Plan a confiscation of assets operation</b>	<p>1.1 An appraisal is conducted to identify opportunities and limitations for asset forfeiture that is consistent with <i>overall operational objectives</i></p> <p>1.2 A <i>plan</i> is developed to confiscate assets in accordance with organisational policy, procedures, and <i>legislation</i></p> <p>1.3 Provisions for <i>safe storage and maintenance</i> of confiscated assets are made and incorporated into the plan</p> <p>1.4 <i>Relevant personnel</i> are consulted/informed of the plan of action and the plan is modified/confirmed as required to ensure it is consistent with the overall investigation</p>
<b>2. Confiscate assets</b>	<p>2.1 Collect, collate, and analyse information that identifies assets owned by target(s)</p> <p>2.2 <i>Documentation</i> is prepared in accordance with organisational policy, procedures, and legislation to <i>locate and quantify assets</i></p> <p>2.3 Material that identifies and quantifies assets is seized in accordance with organisational policy, procedures, and legislation</p> <p>2.4 Documentation is prepared in accordance with organisational policy, procedures, and legislation to <i>seize or restrain assets</i></p> <p>2.5 Operatives are briefed on their duties and involvement in the operation so that they clearly comprehended the message</p> <p>2.6 Assets are seized or restrained in accordance with organisational policy, procedures, and legislation</p>
<b>3. Dispose of assets</b>	<p>3.1 Documentation is prepared for disposal of assets in accordance with organisational policy, procedures, and legislation</p> <p>3.2 Seized material is disposed of in accordance with organisational policy, procedures, and legislation</p> <p>3.3 Relevant personnel are advised of the outcomes of the criminal assets investigation</p>

## Required Skills and Knowledge

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

### Required Skills

- written and oral communication skills (listening, negotiation, conflict resolution)
- planning
- coordination and leadership skills to lead a multi-agency personnel response
- presentation skills
- eliciting skills
- debriefing
- interpreting skills to interpret intelligence information
- logic and reasoning
- decision making and problem solving

### Required Knowledge

- case officer's role
- operations in general
- organisational operational procedures and guidelines
- relevant legislation
- correct interpretation of all applicable laws, policy and procedures
- planning (appreciation) process
- written communication
- problem solving techniques
- unit and equipment capabilities and their application to a plan
- briefing techniques
- information management systems
- government and policy environments within which operations will be conducted
- available resources which may need to be deployed to support the operation, eg. security issues and classifications
- court procedures and evidentiary requirements in provision of briefs of evidence for use by the prosecution

## Evidence Guide

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

Competence in this unit must be established through the practical demonstration of skills in confiscating assets in accordance with organisational policy and legislation, and storing assets securely.

#### **Consistency in performance**

Evidence of competency in this unit needs to be gathered over time and in a range of confiscation of assets contexts.

### **Context of and specific resources for assessment**

#### **Context of assessment**

Evidence should be gathered over a period of time in a range of actual or simulated workplace environments.

#### **Specific resources for assessment**

Access to storage facilities for confiscated assets.

## Range Statement

The Range Statement relates to the Unit of Competency as a whole. It allows for different work environments and situations that may affect performance. ***Bold italicised*** wording in the Performance Criteria is detailed below.

- The term overall operational objectives*** relates to:
- an investigation or operation into a substantive offence/a part, of which involves an operation to seize or restrain assets
- The ***plan*** would include:
- avenues of inquiry to be pursued
  - timings
  - investigative tools to be utilised such as search warrants
  - production orders and should cover pre and post interdiction as well as the execution phase of the operation
- The legislation relating to confiscation of assets*** include:
- The Proceeds of Crime Act 1987 and the Customs Act 1901
- Safe storage and maintenance provisions*** include:
- the provision for vehicles
  - vessels and other personal property
  - valuables such as jewellery and currency
  - maintenance of seized equipment or property
  - maintenance of premises
- Relevant personnel to be informed of the plan*** include:
- the team leader of the overall investigation
  - other agencies involved in the investigation
  - Department of Public Prosecutions
  - ITSA
- The documentation required to locate and quantify assets*** include:
- monitoring orders, production orders and search warrants pursuant to the Proceeds of Crime Act 1987
- The documentation required to seize or restrain assets*** include:
- search warrants pursuant to the Proceeds of Crime Act 1987
  - seizure warrants pursuant to the Customs Act 1901
  - restraining orders pursuant to the Proceeds of Crime Act 1987
- A briefing should contain elements*** such as:
- evidence of the existence of a search/seizure warrant or details of the target
  - types of documents/assets to be seized
  - details of the target site
  - equipment required
  - rehearsals
  - timings of the operation

- tasks to be completed prior to, during and after the operation
  - procedures of the securing of documentation/assets
- Seized assets* include:
- assets seized pursuant to the Proceeds of Crime Act 1987
  - Customs Act 1901 or other appropriate legislation
- Restrained assets* include:
- assets include assets restrained pursuant to the Proceeds of Crime Act 1987 whether they are physically seized or not
- The documentation required to dispose of assets* include:
- correspondence with DPP and ITSA, confiscation and forfeiture orders pursuant to the Proceeds of Crime ACT 1987

## **Unit Sector(s)**

Not applicable.