



Australian Government

PSPWPI003 Investigate possible breaches of workplace legislation

Release: 1

PSPWPI003 Investigate possible breaches of workplace legislation

Modification History

Release	Comments
1	This unit was released in PSP Public Sector Training Package release 1.0 and meets the Standards for Training Packages. This unit supersedes and is equivalent to PSPWPI503C Investigate possible breaches of workplace legislation. • Unit code updated • Content and formatting updated to comply with new standards • All PC transitioned from passive to active voice

Application

This unit describes the skills 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. It includes conducting an initial assessment of the situation, examining the available evidence, identifying potential witnesses, recording initial statements, assessing investigation material and information gathered, conducting formal interviews, and completing an investigation report.

This unit applies to those working as investigators conducting workplace investigations into possible breaches of a range of workplace legislation, which may arise as a result of complaints, incidents or targeted campaigns.

The skills and knowledge described in this unit must be applied within the legislative, regulatory and policy environment in which they are carried out. Organisational policies and procedures must be consulted and adhered to.

Those undertaking this unit would work independently performing complex tasks in a range of familiar contexts.

No licensing, legislative or certification requirements apply to unit at the time of publication.

Competency Field

Workplace inspection

Elements and Performance Criteria

ELEMENTS	PERFORMANCE CRITERIA
Elements describe the essential outcomes	Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the range of conditions section.
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	3.1 Record details of the situation and all those involved in possible breach. 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. 3.3 Document the reasons and justification if no breach has occurred or no action is to be taken. 3.4 Recommend appropriate action if breach is confirmed, within the officer's discretion. 3.5 Maintain record of evidence.
4. Identify potential witnesses and record initial statements	4.1 Identify potential witnesses and record their details. 4.2 Take statements.
5. Assess investigation material and gathered information	5.1 Review information and evidence gathered against legislation and other relevant material. 5.2 Evaluate information and evidence relevance and strength of proof. 5.3 Identify, prioritise and schedule further proofs for action. 5.4 Obtain further evidence when required.
6. Conduct formal interviews	6.1 Conduct interview. 6.2 Review and clarify information to ensure its relevance and sufficiency prior to concluding the interview. 6.3 Complete a record of the interview.
7. Complete investigation	7.1 Compile report.

report	7.2 Forward report to appropriate personnel for review and action. 7.3 Gather and compile additional information and evidence identified in report. 7.4 Forward final report through appropriate channels for processing.
---------------	---

Foundation Skills

Foundation skills are embedded within the elements and performance criteria of this unit.

Unit Mapping Information

This unit supersedes and is equivalent to PSPWPI503C Investigate possible breaches of workplace legislation.

Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=bebbece7-ff48-4d2c-8876-405679019623>

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=bebbece7-ff48-4d2c-8876-405679019623>

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=bebbece7-ff48-4d2c-8876-405679019623>

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=bebbece7-ff48-4d2c-8876-405679019623>

Assessment Requirements for PSPWPI003 Investigate possible breaches of workplace legislation

Modification History

Release	Comments
1	These Assessment Requirements were released in PSP Public Sector Training Package release 1.0 and meet the Standards for Training Packages. • Assessment Requirements created drawing upon specified assessment information from superseded unit

Performance Evidence

Evidence required to demonstrate competence must satisfy all of the requirements of the elements and performance criteria. If not otherwise specified the candidate must demonstrate evidence of performance of the following on at least one occasion.

- undertaking legal research
- evaluating information in investigating breaches
- applying principles of natural justice and procedural fairness
- applying legislative requirements and organisational policies and procedures in all investigations
- applying risk management principles to investigative procedures, including personal safety
- negotiating
- dealing with conflicting information
- dealing with conflict
- interviewing and questioning
- ensuring due consideration of information and evidence
- planning and organising skills to ensure the coordinated and thorough investigation of possible breaches of workplace legislation
- decision-making to reflect deliberation of the evidence and the risk assessment
- undertaking comprehensive planning of investigative responses
- conducting detailed examination of potential or reported breaches
- preparing resources required to conduct investigations
- carrying out diverse information-gathering activities to substantiate recommendations

Knowledge Evidence

Evidence required to demonstrate competence must satisfy all of the requirements of the elements and performance criteria. If not otherwise specified the depth of knowledge demonstrated must be appropriate to the job context of the candidate.

- 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

Assessment Conditions

This unit contains no specific industry-mandated assessment conditions. Guidance on suggested and recommended conditions and methods can be found in the Implementation Guide.

Assessors must satisfy the NVR/AQTF mandatory competency requirements for assessors.

Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=bebbece7-ff48-4d2c-8876-405679019623>

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=bebbece7-ff48-4d2c-8876-405679019623>

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=bebbece7-ff48-4d2c-8876-405679019623>