



Australian Government

PSPWPI010 Investigate possible breaches of workplace legislation

Release: 1

PSPWPI010 Investigate possible breaches of workplace legislation

Modification History

Supersedes and is equivalent to PSPWPI003 Investigate possible breaches of workplace legislation.

Application

This unit describes the performance outcomes, skills and knowledge required to conduct investigations into a range of workplace contexts specifically relating to work health and safety (WHS) legislation.

This unit applies to those working as investigators conducting workplace investigations into possible breaches of a range of WHS legislation. Those undertaking this unit work independently, performing complex tasks in a range of familiar contexts.

The skills in this unit must be applied in accordance with Commonwealth and State or Territory legislation, Australian standards and industry codes of practice.

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

Pre-requisite Unit

Nil

Competency Field

Workplace inspection

Elements and Performance Criteria

ELEMENTS

Elements describe the essential outcomes

1. Conduct initial assessment of situation.

PERFORMANCE CRITERIA

Performance criteria describe the performance needed to demonstrate achievement of the element.

- 1.1. Identify type of investigation or situation.
- 1.2. Assess situations with regard to personal safety and safety of others and put safeguards in place.
- 1.3. Contact persons involved.
- 1.4. Establish and maintain integrity of area under investigation.

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| 2. Initiate and conduct investigations. | 2.1. Issue instructions to persons involved.
2.2. Identify and access resources required before conducting investigation. |
| 3. Examine situation. | 3.1. Record details of 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 accordance with the rules of evidence.
3.3. Document 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 officer's discretion.
3.5. Maintain accurate and complete record of evidence. |
| 4. Identify potential witnesses and record initial statements. | 4.1. Identify potential witnesses and record their details.
4.2. Take statements in accordance with rules of evidence. |
| 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 in accordance with rules of evidence.
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 report. | 7.1. Compile report that reflects outcomes of investigation.
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 essential to performance in this unit, but not explicit in the performance criteria are listed here, along with a brief context statement.

SKILLS	DESCRIPTION
Problem-solving skills to:	• deal with conflict and conflicting information.
Planning and organising skills to:	• ensure a coordinated and thorough investigation of possible breaches of workplace legislation.

Unit Mapping Information

Supersedes and is equivalent to PSPWPI003 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>

Assessment Requirements for PSPWPI010 Investigate possible breaches of workplace legislation

Modification History

Supersedes and is equivalent to PSPWPI003 Investigate possible breaches of workplace legislation.

Performance Evidence

Evidence of the ability to complete tasks outlined in elements and performance criteria of this unit in the context of the job role, and on at least one occasion:

- apply principles of natural justice and procedural fairness
- apply legislative requirements and jurisdictional policies and procedures in investigation
- undertake comprehensive planning of investigative responses
- conduct detailed examination of potential or reported breaches
- prepare resources required to conduct investigations
- make decisions to reflect deliberation of the evidence and the risk assessment
- apply risk management principles to investigative procedures, including personal safety
- use interview and questioning techniques
- ensure due consideration of information and evidence
- carry out diverse information gathering activities to substantiate recommendations.

Knowledge Evidence

Demonstrated knowledge required to complete the tasks outlined in elements and performance criteria of this unit:

- federal and state workplace legislative framework for workplace inspections, including WHS legislation and risk management principles for personal and workplace safety
- legal, procedural and ethical principles for workplace inspections
- 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
- jurisdictional policies and procedures
- rules of evidence and evidence management.

Assessment Conditions

Skills must be demonstrated in the workplace or in a simulated environment that reflects workplace conditions.

Assessment must ensure access to:

- federal and state workplace legislative framework for workplace inspections relating to WHS and risk management

- jurisdictional policies and procedures relating to the investigation of possible breaches of workplace legislation
- resources and equipment of the working environment.

Assessors must satisfy the Standards for Registered Training Organisations' requirements for assessors.

Links

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