

Title	Analyse information, and make and report decisions, in relation to complex regulatory investigations		
Level	6	Credits	14

Purpose	<p>This unit standard is for people currently employed as regulatory investigators.</p> <p>People credited with this unit standard are able to:</p> <ul style="list-style-type: none"> – analyse information gathered during complex regulatory investigations to identify breaches and potential offences, and potential defences; – analyse information during complex regulatory investigations to determine appropriate investigation outcomes; and – make and report compliance decisions and/or recommendations for compliance cases.
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Classification	Public Sector Compliance > Public Sector Compliance Investigations
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Available grade	Achieved
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Guidance Information

1 Definitions

Complex regulatory investigations refer to high potential risk, consequences, or liability; high public interest; complex or multiple legal or jurisdictional aspects; multiple or hidden entities; complex relationships; unclear circumstances; uncooperative subjects; or that are protracted, requiring management of risks relating to lengthy investigations.

Organisational requirements refer to instructions to staff on policies, procedures, and methodologies which are documented and are available in the workplace. This includes an organisation's obligations under Te Tiriti o Waitangi/The Treaty of Waitangi.

2 The Regulatory sector has a number of terms with specific usage. For current definitions visit [Programme Guidance-Skills](#).

3 References include but are not limited to:

Evidence Act 2006;

Guidelines issued by tribunals or commissions;

New Zealand Bill of Rights Act 1990;

Search and Surveillance Act 2012;

Solicitor-General's Prosecution Guidelines, available from [Crown Law/Te Tari Ture o te Karauna](#);

Te Tiriti o Waitangi/The Treaty of Waitangi;
 Victims' Rights Act 2002;
 Specific legislation mandating the powers and duties of a specific organisation with respect to its regulatory role and/or any other legislation applicable to a particular regulatory situation (e.g. Fisheries Act 1996, Resource Management Act 1991);
 and any subsequent amendments and replacements.

4 Range

Demonstration of knowledge and skills must be consistent with any applicable code or codes of conduct such as the New Zealand State Services Code of Conduct, *Standards of Integrity and Conduct* (available from <http://publicservice.govt.nz>) and/or any other agency specific code or codes of conduct and/or ethics.

Outcomes and performance criteria

Outcome 1

Analyse information gathered during complex regulatory investigations to identify breaches and potential offences, and potential defences.

Performance criteria

1.1 Produce outlines of the facts relating to the breaches and/or offences in accordance with organisational requirements.

Range may include but is not limited to – background to breaches and/or offences, documentation, enquiries and interviews conducted, participants, synopsis or summary timeline, brief statement of the issue.

1.2 Identify all breaches and/or offences relevant to the facts, and within jurisdictional scope in accordance with organisational requirements.

Range includes but is not limited to – breach and/or offence or breaches and/or offences against legislation and/or bylaws, jurisdiction (summary and/or indictable), suspects, statutory restrictions, maximum penalty or penalties for each breach and/or offence.

1.3 Classify all the breaches and/or offences, as applicable, in terms of mens rea and strict liability.

1.4 Make decisions on breaches and/or offences to pursue, based on full consideration of relevant factors.

Range relevant factors include mens rea and/or strict liability classification; and may include but are not limited to – the organisation's compliance policies, priorities, and directions; remoteness of a breach and/or offence; time factors; resource availability; peer guidance; other organisation's legal interest in the case.

- 1.5 Define and establish all elements of breaches and/or offences being pursued in terms of ingredients for specifically cited legislation.
- 1.6 Relate all elements of offences being pursued to the facts in terms of probative value to determine any further investigation required.
- 1.7 Identify justifications and/or excuses that could reasonably be used in defence and/or mitigation for the breaches and/or offences being pursued.
- Range justifications and/or excuses include common law defence; and may include but are not limited to – statutory defence, mitigating factors raised in Solicitor-General’s Prosecution Guidelines, case law particular to legislation.

Outcome 2

Analyse information gathered during complex regulatory investigations to determine appropriate investigation outcomes.

Performance criteria

- 2.1 Analyse information, within jurisdictional scope, to determine appropriate investigations outcomes, consistent with evidential, organisational requirements.
- Range information may include but is not limited to – case law, previous cases, evidence gathered, good practice; outcomes may include but are not limited to – no further action, educative approach, best practice recommendation, change of operating model, development or revision of code of practice, sanctioning, warning, infringement, prosecution.

Outcome 3

Make and report compliance decisions and/or recommendations for compliance cases.

Performance criteria

- 3.1 Make decisions and/or recommendations based on analysis of breaches and/or offences, consistent with its compliance model and in accordance with delegated authority and/or authorisation.

Range decisions and/or recommendations identify – elements of breaches and/or offences, any statutory defences, seriousness of breaches/offences, degree of culpability, prioritised range of compliance options, likelihood of success of compliance options, evidential and public interest factors as outlined in the Solicitor-General’s Prosecution Guidelines or similar related organisation-approved guidelines; considerations behind the decisions and/or recommendations, and which may be reflected in the decisions and/or recommendations, may include but are not limited to – age of the breaches/offences, obscurity of the law, prevalence of the breaches and/or offences and need for specific and general deterrence, victim and complainant attitudes to the breaches and/or offences, cooperation of the offender, likely consequences for the offender.

- 3.2 Specify the breaches and/or offences, evidential sufficiency, and any problems seen in pursuing prosecution or other actions to gain compliance in accordance with organisational requirements.

- 3.3 Highlight any issues that may assist a future reader in accordance with organisational requirements.

Range examples of issues – root causes for non-compliance, witness problems, special help for witnesses, relevant previous breaches and/or offences, evidence of propensity, existence and status of possible co-offenders.

- 3.4 Report decisions and/or recommendations in the required format and file them in accordance with organisational requirements.

Planned review date	31 December 2026
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Status information and last date for assessment for superseded versions

Process	Version	Date	Last Date for Assessment
Registration	1	18 February 2016	31 December 2023
Review	2	28 October 2021	N/A

Consent and Moderation Requirements (CMR) reference	0121
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This CMR can be accessed at <http://www.nzqa.govt.nz/framework/search/index.do>.

Comments on this unit standard

Please contact The Skills Organisation reviewcomments@skills.org.nz if you wish to suggest changes to the content of this unit standard.