



Australian Government

Department of Education, Employment and Workplace Relations

DEFCM114C Perform the duties of a prosecuting officer

Release: 1

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Modification History

Not applicable.

Unit Descriptor

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This unit covers the competency required to prosecute an accused service member at summary trials under the Defence Force Disciplinary Act (DFDA).

Application of the Unit

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This unit only applies to Defence members who may be selected to prosecute an accused service member at a service summary trial.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

Employability Skills

This unit contains employability skills.

Pre-requisite Unit/s

Nil

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 Required Skills and Knowledge and/or the Range Statement. Assessment of performance is to be consistent with the Evidence Guide.

Elements and Performance Criteria

ELEMENT

PERFORMANCE CRITERIA

1. Prepare prosecution case

- 1.1 *Pre-trial documentation* is prepared and confirmed correct in accordance with *organisational policies*
- 1.2 Prosecution case is *developed* in accordance with organisational policies
- 1.3 Copy of all evidence is provided to the accused in accordance with organisational policies
- 1.4 Statement of agreed facts is prepared in accordance with organisational policies

2. Prosecute the accused

- 2.1 Prosecution case is *presented* in accordance with service proceeding protocols, procedures and organisational policies
- 2.2 Evidence is admitted in accordance with organisational policies
- 2.3 *Examinations* of witnesses are conducted in accordance with organisational policies

3. Deal with post-trial requirements

- 3.1 *Post-trial documentation* is completed in accordance with organisational policies
- 3.2 Documentation is forwarded to appropriate authority for concurrence and signature

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

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

Required Skills

- communicate effectively in writing
- communicate effectively orally (question, conduct briefings, respond to questioning, listen, reflect)
- interpret charges
- interpret relevant Australian Defence Force (ADF) policies
- locate relevant information in relevant references
- manage work effectively
- make sound judgements
- undertake research

Required Knowledge

- ADF publications
- charges and their proofs
- Defence Force Discipline Rules (consequences of punishment)
- Defence Instructions (General) - Personnel
- evidence
- jurisdiction
- petitions
- procedures
- punishments
- reviews
- Summary Authority Rules
- witnesses

Evidence Guide

EVIDENCE GUIDE

The evidence guide provides advice on assessment and must be read in conjunction with the Performance Criteria, Required Skills and Knowledge, the Range Statement and the Assessment Guidelines for this Training Package.

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

Assessment must confirm the ability to:

- present a case in accordance with Australian Defence Force policy and procedures.

Consistency in performance

Competency should be demonstrated in a range of situations that could be expected in the workplace.

Context of and specific resources for assessment

Context of assessment

Competency should be assessed in the workplace or in a simulated workplace environment.

Specific resources for assessment

There are no specific resource requirements for this unit.

Method of assessment

In a public safety environment assessment is usually conducted via direct observation in a training environment or in the workplace via subject matter supervision and/or mentoring, which is typically recorded in a competency workbook.

Assessment is completed using appropriately qualified assessors who select the most appropriate method of assessment.

Assessment may occur in an operational environment or in an industry-approved simulated work environment.

Forms of assessment that are typically used include:

- direct observation
- interviewing the candidate
- journals and workplace documentation
- third party reports from supervisors
- written or oral questions.

Range Statement

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.

Pre-trial documentation may include

Charge Sheet and Action Report Form
 Conduct record
 Investigating officer's reports
 Medical and other specialist reports
 Pre-sentence report
 Statement of agreed facts
 Statutory declarations
 Witness statements

Organisational policies may include

ADF publications
 Defence Force Discipline Rules (consequences of punishment)
 Defence Instructions (General) - Personnel
 Summary Authority Rules

Developing the prosecution case may include

Admissibility of evidence
 Anticipating defences
 Anticipating objections
 Examining charges
 Judging the weight of evidence against each element of a charge
 Obtaining evidence legally:

- obtaining statements under a caution
- determining which evidence forms a proof, or part, for elements of the charge
- confirming that all elements have facts that sufficiently prove the offence to have good prospects for a conviction

 Preparing applications
 Preparing opening and closing remarks
 Preparing questions for examination, cross-examination and re-examination

RANGE STATEMENT

	Preparing submission on sentence Preparing witnesses: <ul style="list-style-type: none"> • selecting witnesses to be called and in what order • informing witnesses of rights and obligations, penalties for false evidence • briefing witnesses concerning procedures Reviewing evidence relevant to the offence
Presenting the prosecution case may include	Disproving defences Giving opening and closing remarks Handling objections Making applications: <ul style="list-style-type: none"> • different commanding officer • separate trial for each offence when charged with a number of offences • separate trial for the member if charged with co-accused • for legal representation • any other reason
Examinations may include	Making submission concerning the sentence Examination-in-chief Cross-examination Re-examination
Post-trial documentation may include	Charge Sheet and Action Report Form Conduct record Record of evidence

Unit Sector(s)

Not applicable.