



Australian Government

Department of Education, Employment and Workplace Relations

CPPSEC3009A Prepare and present evidence in court

Release: 1

CPPSEC3009A Prepare and present evidence in court

Modification History

Not Applicable

Unit Descriptor

Unit descriptor

This unit of competency specifies the outcomes required to prepare and present information which may be used in a judicial or quasi-judicial environment as evidence. It requires the ability to gather and manage information, prepare and give evidence in court, store evidence and complete documentation.

This unit may form part of the licensing requirements for persons engaging in security operations in those states and territories where these are regulated activities.

Application of the Unit

Application of the unit

This unit of competency has wide application in the security industry in those roles involving operational activities. Competency requires legal and operational knowledge applicable to relevant sectors of the security industry. The knowledge and skills described in this unit are to be applied within relevant legislative and organisational guidelines.

Licensing/Regulatory Information

Refer to Unit Descriptor

Pre-Requisites

Not Applicable

Employability Skills Information

Employability skills 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 required skills and knowledge section and/or the range statement. Assessment of performance is to be consistent with the evidence guide.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1 Gather and organise evidence.	<p>1.1 Applicable provisions of <i>legislative</i> and <i>organisational requirements</i> relevant to the preparation and presentation of <i>evidence</i> are identified and complied with.</p> <p>1.2 A summary of the case history and other <i>relevant information</i> is gathered and organised.</p> <p>1.3 Information to be used as evidence is confirmed for reliability and relevance in accordance with organisational procedures.</p> <p>1.4 Evidence is organised in accordance with <i>evidence management</i> principles.</p>
2 Prepare for court proceedings.	<p>2.1 Briefing sessions are held with relevant persons to confirm <i>court arrangements</i>, role and involvement.</p> <p>2.2 Information to be presented as evidence and negotiation parameters is discussed with <i>relevant persons</i>.</p> <p>2.3 Briefs of evidence are submitted in a logical sequence appropriate to jurisdictional requirements and comply with the relevant rules of evidence.</p> <p>2.4 Material to be used or referred to in court proceedings is thoroughly reviewed prior to presentation in court to ensure familiarity, completeness and availability.</p> <p>2.5 <i>Documentation and exhibits</i> are prepared to ensure their acceptability for use in court in accordance with procedural requirements.</p>
3 Present evidence.	<p>3.1 <i>Rules of evidence</i>, procedures and <i>protocols</i> relevant to the jurisdiction involved are observed and adhered to throughout proceedings.</p> <p>3.2 Personal presentation, manner and language are consistent with court protocols.</p> <p>3.3 Evidence is admissible and presented in a clear, concise and unambiguous manner and complies with rules of evidence.</p> <p>3.4 Specialist opinion within own level of qualification and expertise is provided on request in accordance with organisational procedures.</p> <p>3.5 Outcomes of proceedings and associated documentation and evidence are noted, filed and stored in accordance with legislative requirements.</p>

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

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

Required skills

- adhere to court protocols and procedures
- check and review documentation for accuracy, spelling and grammar
- communicate effectively with people from different social, cultural and ethnic backgrounds and of varying physical and mental abilities
- communicate verbally and non-verbally in a clear and concise manner
- identify and comply with applicable legal and procedural requirements, including licensing requirements
- identify relevant and valid information as admissible evidence
- maintain, store and preserve evidence
- prepare documentation using appropriate structure and language
- read, analyse and interpret information
- record and accurately report information
- research, select and organise information
- select and use information technology appropriate to task
- store and preserve evidence
- use a range of business equipment and technology appropriate to meet task requirements.
- verify validity of information
- write reports using formal structure and language.

Required knowledge

- briefing, documentation and preparation requirements
- court protocols and procedures relevant to the jurisdiction
- document and evidence management systems
- evidence preparation and presentation requirements
- general principles regarding the admissibility of evidence in courts
- organisation policies and procedures relating to own role and responsibilities and providing specialist opinion
- principles of effective communication
- privacy and confidentiality requirements
- procedures for handling and managing evidential exhibits
- relevant industry codes of practice and legislation including 'rules of evidence' and 'continuity of evidence'
- requirements for handling and managing evidential exhibits
- storage requirements for information that is susceptible to spoil or damage (film, computer tapes)
- techniques to verify and validate information.

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, range statement and the Assessment Guidelines for the Training Package.

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

A person who demonstrates competency in this unit must be able to provide evidence of:

- sourcing, organising and confirming validity of information
- following up outcomes of proceedings and feedback, reviewing implications as the basis for appropriate actions to be implemented
- managing and storing evidence and material to ensure its preservation, and completing relevant documentation in compliance with applicable legislation and licensing requirements
- presenting evidence in a clear, concise and unambiguous manner and, as required, providing specialist opinion within own level of qualification and expertise
- researching and selecting information that is determined relevant and valid for use as admissible evidence in a judicial or quasi-judicial environment
- understanding and complying with court protocols, legislative and procedural requirements including appropriate use of communication and language.

Context of and specific resources for assessment

Context of assessment includes:

- a setting in the workplace or environment that simulates the conditions of performance described in the elements, performance criteria and range statement.

Resource implications for assessment include:

- access to plain English version of relevant statutes and procedures
- access to a registered provider of assessment services
- access to a suitable venue and equipment
- assessment instruments including personal planner and assessment record book
- work schedules, organisational policies and duty statements.

Reasonable adjustments must be made to assessment processes where required for people with disabilities. This could include

access to modified equipment and other physical resources, and the provision of appropriate assessment support.

Method of assessment This unit of competency could be assessed using the following methods of assessment:

- observation of processes and procedures
- questioning of underpinning knowledge and skills.

Guidance information for assessment Assessment processes and techniques must be culturally appropriate and suitable to the language, literacy and numeracy capacity of the candidate and the competency being assessed. In all cases where practical assessment is used, it should be combined with targeted questioning to assess the underpinning knowledge.

Oral questioning or written assessment may be used to assess underpinning knowledge. In assessment situations where the candidate is offered a choice between oral questioning and written assessment, questions are to be identical.

Supplementary evidence may be obtained from relevant authenticated correspondence from existing supervisors, team leaders or specialist training staff.

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, if used in the performance criteria, is detailed below. Essential operating conditions that may be present with training and assessment (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) may also be included.

Legislative requirements may relate to:

- apprehension and powers of arrest
- Australian standards and quality assurance requirements
- counter-terrorism
- crowd control and control of persons under the influence of intoxicating substances
- force continuum, use of force guidelines
- general 'duty of care' responsibilities
- inspection of people and property, and search and seizure of goods
- licensing or certification requirements
- privacy and confidentiality

- relevant commonwealth, state, territory legislation, codes and national standards for:
 - anti-discrimination
 - cultural and ethnic diversity
 - environmental issues
 - equal employment opportunity
 - industrial relations
 - Occupational Health and Safety (OHS)
- relevant industry codes of practice
- trespass and the removal of persons
- use of restraints and weapons:
 - batons
 - firearms
 - handcuffs
 - spray.

Organisational requirements may relate to:

- access and equity policies, principles and practices
- business and performance plans
- client service standards
- code of conduct, code of ethics
- communication and reporting procedures
- complaint and dispute resolution procedures
- emergency and evacuation procedures
- employer and employee rights and responsibilities
- OHS policies, procedures and programs
- own role, responsibility and authority
- personal and professional development
- privacy and confidentiality of information
- quality assurance and continuous improvement processes and standards
- resource parameters and procedures
- roles, functions and responsibilities of security personnel
- storage and disposal of information.

Evidence may include:

- audio or video recordings
- charts
- documents
- drawings
- facts
- photographs or images
- physical items (eg specimens, samples)
- statements
- testimonies.

- Relevant information may relate to:***
- admissible evidence
 - computer-based information
 - data
 - original and back-up video or audio tapes
 - original, copy or negative film or photographs
 - physical items
 - precedents
 - records of interview
 - reports or documentation
 - specimens and samples
 - tape recordings
 - witness statements.
- Evidence management may involve:***
- constant reviews during an investigation
 - continuity of possession
 - labelling
 - protection and storing of evidence
 - referral to prosecution organisations at any stage
 - systematic recording such as dating and numbering
 - using written or electronic database systems.
- Courts may include:***
- criminal, coronial and civil
 - district
 - federal
 - Human Rights and Equal Opportunity Commission
 - Industrial Relations Commission
 - Land and Environment Court
 - local
 - magistrates
 - Royal Commissions
 - supreme
 - tribunals.
- Court arrangements may relate to:***
- confirmation of evidence requirements
 - date, location and time of proceedings
 - documentation requirements.
- Relevant persons may include:***
- clients
 - colleagues
 - judicial representatives
 - legal representatives
 - police
 - supervisor.
- Documentation and exhibits may relate to:***
- affidavits
 - items of evidence

- media footage
 - photographs
 - radio and telephone records or logs
 - reports
 - reports of incidents
 - transcripts of conversation.
- Rules of evidence may involve:**
- admissibility
 - contemporaneousness.
- Court protocols may relate to:**
- examination and cross-examination procedures
 - forms of address
 - general demeanour
 - impartiality
 - punctuality
 - readiness of self and evidence
 - respect for people and offices held
 - standards of dress, physical appearance
 - voice clarity and language.

Unit Sector(s)

Unit sector Security

Competency field

Competency field Operations