



Australian Government

Department of Education, Employment and Workplace Relations

PSPCRT402C Manage witnesses

Revision Number: 3

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Modification History

Release	TP Version	Comments
3	PSP12V1	Elements and performance criteria pre-content edited.
2	PSP04V4.2	Layout adjusted. No changes to content.
1	PSP04V4.1	Primary release.

Unit Descriptor

This unit covers the ability to manage witnesses attending court to give evidence face-to-face or via closed-circuit television. It includes facilitating witness court appearances and maintaining the integrity of court proceedings in a remote witness room.

In practice, managing witnesses may overlap with other generalist or specialist public sector work activities, such as acting ethically, complying with legislation, delivering client services and applying government processes.

No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.

Application of the Unit

The task of managing witnesses may be performed in a court, remote witness room or via closed-circuit television and will be undertaken by authorised court officials.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

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 performance needed to demonstrate achievement of the element. Where ***bold italicised*** text is used, further information is detailed in the range statement. Assessment of performance is to be consistent with the evidence guide.

Elements and Performance Criteria

ELEMENT

PERFORMANCE CRITERIA

1. Facilitate court appearances of witnesses.

- 1.1. Presence of witnesses in the courtroom is permitted in accordance with legislative and organisational requirements for the type of proceedings.
- 1.2. Witnesses are identified, and their *details provided* to the court and recorded according to organisational policy and practices and legislative requirements.
- 1.3. Non-appearance of witnesses is reported to the court according to court procedures.
- 1.4. Witnesses are called, escorted to witness box and *swearing in* takes place, if required, in accordance with legislative and organisational requirements for the type of proceedings.
- 1.5. Witnesses who are apprehensive of giving evidence in front of an accused are provided with appropriate *screening* or videolink where this is available, at the direction of the presiding official and according to organisational procedures.
- 1.6. *Administrative duties* relating to witness appearances are completed according to organisational policy, procedures and timelines.

2. Maintain the integrity of court proceedings in a remote witness room.

- 2.1. *Witness room* is prepared and equipment checked to ensure it is fully operational.
- 2.2. Witness and *other personnel* authorised to be present are positioned according to organisational procedures so they are visible to the court, and those permitted to speak can be clearly heard.
- 2.3. Security of witnesses, witness rooms and exhibits is maintained at all times and any attempted security breach is immediately reported to the court according to standard operating procedures.
- 2.4. Functions in the witness room are performed according to *set role*, standard operating procedures and legislative requirements.
- 2.5. At the end of the evidence and examination, witnesses are delivered into the care of a responsible person and exhibits are returned in accordance with standard operating procedures and legislative requirements.

Required Skills and Knowledge

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

Required skills

- initiative and enterprise skills to apply:
 - legislation, rules, practices and procedures relating to working in a court environment
 - procedures relating to public sector legislation, such as OHS procedures relating to working in a court environment
- communication skills to:
 - make oral presentations to call witnesses and administer oaths and affirmations when required
 - elicit witness information
 - deal effectively with legal representatives and judge's associates
- interpersonal skills to respond to diversity, including gender and disability
- literacy and numeracy skills to complete:
 - court forms and documentation
 - statistical returns
 - technology skills to operate court technology in witness and conference rooms

Required knowledge

- types of proceedings
- role and function of sheriff's officer or court officer in relation to witnesses giving evidence face-to-face and via closed-circuit television
- legislative requirements of witnesses
- court procedures and protocols relating to witnesses
- standard operating procedures relating to witnesses
- documentary and administrative requirements relating to witnesses appearing in court
- equal employment opportunity principles
- equity and diversity principles
- working ethically
- public sector legislation, such as OHS and environment in the context of witness management

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

Assessment must confirm the ability to:

- facilitate witness court appearances in compliance with legislative and organisational requirements appropriate to the type of proceedings
- complete administrative duties appropriate to witness appearances
- apply appropriate communication with witnesses to ensure integrity of court
- apply organisational procedures and legislative requirements to maintain integrity of court in remote witness room
- provide and maintain appropriate security for witnesses, witness rooms and exhibits.

Consistency in performance

Competency should be demonstrated by managing witnesses in a range of settings over time.

Context of and specific resources for assessment

Assessment must comply with:

- applicable regulations and codes
- workplace procedures and protocols.

Access may be required to:

- a workplace environment or one that closely resembles normal work practices and replicates the range of conditions likely to be encountered managing witnesses, including coping with difficulties, irregularities and breakdowns in routine
- legislation, policy, procedures and protocols relating to witnesses
- case studies and workplace scenarios to capture the range of situations likely to be encountered when managing witnesses.

Guidance information for assessment

The following assessment methods are suggested:

- oral questioning about relevant legislation, acting ethically, and applying processes
- observation of the candidate in a range of contexts to ensure achievement of the unit outcomes
- feedback from peers and/or supervisor that the candidate consistently applies relevant workplace procedures
- review of records completed by candidate or reports of performance.

In all cases, practical assessment should be supported by questions to

assess underpinning knowledge and those aspects of competency that are difficult to assess directly. Questioning techniques should suit the language and literacy levels of the candidate.

Range Statement

<p>The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. <i>Bold italicised</i> 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.</p>	
<p><i>Witness details provided</i> may be:</p>	<ul style="list-style-type: none"> • prior to witness being called to give evidence • at an adjournment or break in proceedings • as witness enters court to give evidence
<p><i>Swearing in</i> may include:</p>	<ul style="list-style-type: none"> • checking identification and swearing in interpreter first • using religious oaths or affirmations in line with witness wishes • using interpreter's oath or affirmation
<p><i>Screening</i> may include:</p>	<ul style="list-style-type: none"> • one-way mirror screen • partition
<p><i>Administrative duties</i> may include:</p>	<ul style="list-style-type: none"> • determining eligibility of prosecution witnesses for payment of witness fees • organising sign-off and payment of witness fees • recording information, for example in witness book
<p><i>Witness room</i> may include:</p>	<ul style="list-style-type: none"> • conference room where vulnerable witnesses give evidence via closed-circuit television
<p><i>Other personnel in witness room</i> may include:</p>	<ul style="list-style-type: none"> • court companion • support person • interpreter
<p><i>Set role</i> may include:</p>	<ul style="list-style-type: none"> • sheriff's officer or court officer maintaining integrity of court proceedings and ensuring that witnesses follow direction of the presiding official • security, ensuring that: <ul style="list-style-type: none"> • no unauthorised person enters the room • witness does not leave the room without the authorisation of the presiding official • remaining with witnesses at all times especially in the event of interrupted transmissions or equipment failure • not taking on a 'support person' role, for example not comforting a distraught witness or requesting adjournment • not interrupting, intervening, coaching or intimidating witnesses • not offering explanations, interpretation or guidance to

	<p>witnesses</p> <ul style="list-style-type: none">• not speaking to witnesses about the case or their evidence
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Unit Sector(s)

Not applicable.

Competency field

Courts.