



Australian Government

Department of Education, Employment and Workplace Relations

PSPCRT501C Perform court duties

Revision Number: 2

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Modification History

PSPCRT501C Release 2: Layout adjusted. No changes to content.
PSPCRT501C Release 1: Primary release.

Unit Descriptor

This unit covers the ability to perform duties in a range of courts or jurisdictions. It includes confirming the requirements of the court, performing court duties, and completing court documentation.

In practice, performing court duties may overlap with other generalist or specialist public sector work activities, such as acting ethically, complying with legislation, working safely, working with diversity and managing jurors.

Court orderly functions are not included in this unit, but are addressed in detail in PSPCRT401C.

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

Application of the Unit

The duties associated with this unit may be carried out in a range of courts and tribunals by authorised court officials according to legislative and organisational policy and procedures.

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

Elements and Performance Criteria

ELEMENT

PERFORMANCE CRITERIA

1. Confirm court requirements.

- 1.1. *Court* or *jurisdiction* is identified, and its sittings are confirmed.
- 1.2. *Types of proceedings* and *matters* to be heard are identified and *special requirements* are confirmed with presiding official.
- 1.3. *Parties* to be in attendance are identified according to requirements specific to the court and the matters to be heard.
- 1.4. *Court layout* and *equipment and technology* requirements are identified according to the requirements of the court and legal practitioners.

2. Undertake activities as part of court duties.

- 2.1. *Court duties* are performed according to *general protocols and procedures*.
- 2.2. *Terminology* used in and about court precincts is applied in accordance with legislative requirements.
- 2.3. *Duties specific to court's jurisdiction* are performed in accordance with *legislation* and organisational policy and procedures.
- 2.4. Diaries are distributed to other centres in accordance with legislative requirements.

3. Complete court documentation.

- 3.1. *Records* required prior to court commencement and/or at conclusion are completed in accordance with legislative and organisational requirements.
- 3.2. *Documentary requirements* of court outcomes are identified and completed in accordance with legislative and organisational requirements.

Required Skills and Knowledge

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

Required skills

- initiative and enterprise skills to apply:
 - legislative requirements relating to performing court duties
 - procedures relating to public sector legislation, such as OHS procedures relating to working in a court environment
- communication skills to:
 - elicit information from persons attending court
 - announce persons in court
- interpersonal skills to respond to diversity, including gender and disability
- literacy skills to:
 - accurately complete court forms and documentation
 - complete statistical returns
- technology skills to operate court technology

Required knowledge

- legislation, regulations, policies, procedures and guidelines relating to court duties
- court hierarchy and jurisdictions
- relevant court proceedings and terminology
- court layout, procedures and protocols
- requirements of and offences under enabling legislation
- operational procedures
- equal employment opportunity principles
- equity and diversity principles
- working ethically
- public sector legislation, such as OHS and environment in the context of court duties

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:

- use information to identify and confirm requirements relevant to court, jurisdiction, parties and proceedings
- apply terminology in accordance with court protocol
- perform duties specific to court's jurisdiction
- identify and complete documentary requirements
- apply legislative and organisational policies, procedures and protocols.

Consistency in performance

Competency should be demonstrated by performing court duties on a range of occasions, 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 when performing court duties, including coping with difficulties, irregularities and breakdowns in routine
- legislation, policy, procedures and protocols relating to court duties
- case studies and workplace scenarios to capture the range of situations likely to be encountered when performing court duties.

Guidance information for assessment

The following assessment methods are suggested:

- oral questioning about relevant legislation, acting ethically, and applying processes
- observation of the candidate responding to 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

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.

Courts may include:

- local courts
- Magistrates' Court
- County Court
- District Court
- Supreme Court
- High Court
- Federal Court
- Family Court
- Coroner's Court
- tribunals
- Federal Magistrates Service.

Jurisdiction may include:

- for Magistrates' Court: civil jurisdiction, small claims, investigation summons, committals, call-over procedures, and trial court procedures
- for juvenile/youth courts: jurisdiction to deal with juvenile offences, adoptions, and care and protection
- for Coroner's Court: jurisdiction to deal with disappearances as well as deaths
- for Supreme and District Court: jurisdiction to deal with criminal trials, Basha inquiries, competency hearings, Dietrich applications, criminal court of appeal, and civil matters
- High Court
- Federal Court.

Types of proceedings may include:

- call-over procedures
- pre-trial conferences
- committal procedures
- small claims
- investigation and examination summonses
- jury trials
- judge-only trials.

Matters may include:

- adoptions
- appeals
- arraignments
- bail applications

- breach of bail hearings
- breach of security hearings
- care and protection matters
- civil matters
- committal hearings
- competency hearings
- contempt hearings
- criminal trials
- directions hearings
- failure to appear
- family court matters
- in camera hearings
- inquests
- interlocutory proceedings
- interpleaders
- juvenile offences
- parole applications
- rescue
- voir dire.
- legislative conditions relating to those present
- closed court
- whether note taking is permitted
- use of tape recorders in court
- vulnerable witnesses
- special furniture or equipment
- juries to be sworn separately or as a whole.
- presiding official
- judge's associate
- officer of the court
- parties to the proceedings
- prosecutor
- legal representative
- court reporter
- jury panel
- witness
- corrective services personnel
- police
- parent
- guardian
- social worker
- family and community services personnel
- interpreter

Special requirements
may include:

Parties may include:

- victim of crime
 - counsel assisting the coroner
 - coronial services officer.
- Court layout*** may include:
- catering for:
 - multiple defendants and their legal representatives
 - juveniles
 - vulnerable witnesses
 - use of technology
 - potentially dangerous defendants.
- Equipment and technology*** may include:
- whiteboard, including electronic whiteboard
 - electronic equipment for slides, videos, etc.
 - remote viewing equipment
 - video-conferencing equipment
 - overhead projectors
 - computers
 - document readers
 - tape recorders for electronic recording of interviews.
- Court duties*** may include:
- court orderly duties
 - proclamations for opening and closing court, and end of day
 - court security
 - responsibility for exhibits
 - set up and correct functioning of court technology
 - execution of process.
- General protocols and procedures*** may include:
- correct mode of address in and out of court for judge, magistrate and other court users
 - procedures for entering and leaving a courtroom, and escorting presiding officer, complainant, witnesses and juries
 - standard operating procedures for dealing with disorderly conduct in court
 - security procedures
 - procedures for recording information
 - file handling procedures
 - procedures for handling juries, witnesses and exhibits
 - procedures for dealing with vulnerable witnesses
 - protocols relating to the public.
- Terminology*** may include:
- action
 - adjournment
 - affidavit
 - affirmation
 - associate

- bail
 - bar table
 - bench
 - cause list
 - claim
 - closed court
 - complaint
 - court
 - court monitor
 - Crown
 - defendant
 - deposition
 - dock
 - duty
 - estreatment
 - ex parte
 - information
 - jury box
 - judge, justice and magistrate
 - nolle prosequi
 - oath
 - precinct
 - process
 - prosecutor
 - recognisance
 - remand
 - sheriff
 - sine die
 - statement
 - summons
 - tipstaff
 - under oath
 - voir dire
 - warrant
 - witness
 - witness box.
- Duties specific to court's jurisdiction* may include:
- placing a person in custody when ordered by the court
 - receiving driving licences after disqualification
 - making appointments for drug assessment, driving assessment, etc.
 - dealing with emotionally distressed people
 - attending inquests

- ensuring only relevant people are admitted to the courtroom, especially in juvenile courts
- working with private security guards or escort services for defendants in custody.

Legislation may include:

- state, territory and commonwealth Acts relating to:
 - admiralty
 - bail
 - bankruptcy
 - child protection
- coroners
- courts
- crime
- fines
- family law
- juvenile offenders
- residential tenancies.

Records may include:

- cause lists
- client information sheets
- statistical data forms
- witness details
- exhibit lists
- claim forms for witnesses and jurors
- payment forms
- cover sheets for declarations
- inquest logs.

Documentary requirements may include:

- paperwork for release on bail or community service orders
- guarantor's details and documents to be signed
- remand and adjournment slips
- small claims proformas
- notice of payment forms
- care and protection forms
- adoption forms
- warrants.

Unit Sector(s)

Not applicable.

Competency field

Courts.

Co-requisite units

Not applicable.