



Australian Government

Department of Education, Employment and Workplace Relations

PSPCRT506B Perform quasi-judicial functions

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 competencies required to perform quasi-judicial functions as prescribed by legislation and Rules of Court. It includes advising on rules and legislation, settling court orders and presiding in prescribed matters.

In practice, performance of quasi-judicial functions may overlap with other generalist or specialist public sector work activities, such as acting ethically, complying with legislation, working with diversity and advising on policy.

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

Application of the Unit

The task of advising on legislation, settling court orders and presiding in prescribed matters will be undertaken by authorised court officials under specified rules, practices 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 range statement. Assessment of performance is to be consistent with the evidence guide.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Provide information and options on rules and legislation.	1.1. Interpretation of rules and legislation is provided in the context of specific and general practice and procedure. 1.2. Severity of urgent matters and course of procedure are assessed according to rules, legislation, organisational policy and procedures. 1.3. Intent of legislation is determined and advice is provided according to rules, practice and procedures.
2. Settle orders.	2.1. Draft <i>orders</i> provided are interpreted and amended according to record of outcome. 2.2. Liaison is undertaken with legal representatives, judicial officers and associates about discrepancies in interpretation of the orders made. 2.3. Final orders made at hearings are prepared. 2.4. Completed orders are signed and sealed according to practice and procedure. 2.5. Cases are settled in accordance with rules, legislation and <i>natural justice</i> .
3. Preside in prescribed matters.	3.1. Case flow requirements are assessed in accordance with legislation, rules, court load, natural justice and defined criteria to ensure that matters proceed in line with timeframes and guidelines of case flow management. 3.2. Discussion is facilitated to explain the reason for a hearing and to achieve settlement of the <i>matter</i> between the parties. 3.3. Issues are confirmed and options discussed in accordance with legislation, practice and procedure. 3.4. Direction and guidance are provided to the parties in accordance with legislation and rules. 3.5. Decisions or orders are made to settle the matter and ensure a fair and equitable outcome in accordance with the principles of natural justice. 3.6. For matters proceeding to further hearing, the expeditious listing and hearing of matters are provided for, according to legislation, rules, and organisational policy and procedures.

Required Skills and Knowledge

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

Required skills

- initiative and enterprise skills to:
 - interpret and apply legislation, rules, practice and procedures in the performance of quasi-judicial functions
 - apply procedures relating to public sector legislation, such as OHS and environment in the context of performing quasi-judicial functions
- interpersonal skills to facilitate informal but effective discussion between legal representatives and parties while maintaining impartiality
- problem-solving skills to deal with conflict to ensure efficient case flow
- communication skills to:
 - deal effectively with a diverse range of people, such as the judiciary, legal profession and litigants
 - liaise with parties
 - explain legislation
- interpersonal skills to respond to diversity, including gender and disability
- self-management skills to evaluate and make decisions that require integrity and fairness

Required knowledge

- alternative dispute resolution provisions and processes of courts
- courts administration structure
- equal employment opportunity principles
- equity and diversity principles
- legislation conferring jurisdiction on court
- legislation, rules, practice, procedures and precedents relating to the performance of quasi-judicial functions
- principles of judicial independence
- principles of natural justice
- public sector legislation, such as OHS and environment in the context of performing quasi-judicial functions
- structure, roles and functions of courts

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.

Overview of assessment Competency must be demonstrated in performing quasi-judicial functions as prescribed by legislation and Rules of Court.

Critical aspects for assessment and evidence required to demonstrate competency in this unit Assessment must confirm the ability to:

- provide interpretation of rules and legislation
- assess matters and affect their course of procedure
- provide information and options on intent of legislation
- apply natural justice to case settlements
- facilitate effective discussion with parties
- complete documentation
- manage effective case flow
- comply with legislative and organisational policies and procedures

Consistency in performance

Competency should be demonstrated by performing quasi-judicial functions 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 quasi-judicial functions, including coping with difficulties, irregularities and breakdowns in routine
- legislation, policy, procedures and protocols relating to quasi-judicial functions
- case studies and workplace scenarios to capture the range of situations likely to be encountered when performing quasi-judicial functions

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.

<i>Orders</i> may include:	<ul style="list-style-type: none"> • court orders • default judgements • consent orders • warrants • adjudications
<i>Natural justice:</i>	<ul style="list-style-type: none"> • refers to the concept of fairness encapsulated in the adage 'justice should be done, and be seen to be done' • means the judiciary acts fairly: <ul style="list-style-type: none"> • in good faith • without bias • in a 'judicial temper' • has two primary rules: <ul style="list-style-type: none"> • 'hear the other side': a person whose interests will be affected by the decision should be given a hearing before that decision is made • 'no-one shall be judged in his own case': the decision maker must be unbiased • encapsulates the rules of procedural fairness that flows from the two primary rules above and includes: <ul style="list-style-type: none"> • the right to be heard/put your case • the right to be informed of a complaint or case against you • the right to know reasons for decisions affecting you • the right to privacy • the right to advice • the right to representation • the right to silence • the right to an unbiased decision maker • reasonable time to prepare • no undue delay in hearing, etc
<i>Matters</i> may include:	<ul style="list-style-type: none"> • bail • care and protection matters • civil • criminal

	<ul style="list-style-type: none">• family• interlocutory• juvenile• probate• enforcement• taxation of costs• case appraisal• industrial
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Unit Sector(s)

Not applicable.

Competency field

Courts.