



Australian Government

Department of Education, Employment and Workplace Relations

PSPREG409B Prepare a brief of evidence

Revision Number: 2

PSPREG409B Prepare a brief of evidence

Modification History

PSPREG409B Release 2: Layout adjusted. No changes to content.
PSPREG409B Release 1: Primary release.

Unit Descriptor

This unit covers the competency to prepare a brief of evidence. It includes analysing evidence, preparing and reviewing admissible evidence, developing a brief of evidence and coordinating witnesses.

In practice, preparing a brief of evidence may overlap with other generalist or specialist public sector work activities such as acting ethically, complying with public sector legislation, applying government processes, gathering and analysing information, etc.

This unit replaces and is equivalent to *PSPREG409A Prepare evidence*.

Application of the Unit

Not applicable.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Elements are the essential outcomes of the unit of competency. Together, performance criteria specify the requirements for competent performance. Text in ***bold italics*** is explained in the Range Statement following.

Elements and Performance Criteria

ELEMENT

PERFORMANCE CRITERIA

1. Analyse evidence

- 1.1 All related information is considered, whether likely to be admissible as evidence, or not.
- 1.2 Information is cross-checked to confirm origin, authenticity and reliability, and to anticipate challenge/s that may occur.
- 1.3 Gaps and inadequacies are identified and assessed to allow further collection of evidence where possible.
- 1.4 Information is handled and stored in accordance with legislative requirements and organisational policy and procedures.

2. Prepare and review admissible evidence

- 2.1 Witness and expert statements are prepared in accordance with legislative requirements and organisational policy and procedures.
- 2.2 **Evidence** is prepared in accordance with legislative requirements and organisational policy and procedures.
- 2.3 All evidence is included in the brief that is likely to be admissible by the court.
- 2.4 Non-admissible evidence is separated and retained.
- 2.5 Similar proofs are identified and reviewed to confirm that evidence is sufficient to proceed to prosecution.
- 2.6 Security, recording and continuity of evidence are maintained in accordance with legislative requirements and organisational policy and procedures.

3. Develop a brief of evidence

- 3.1 Brief of evidence is planned and prepared according to **standards** required by the **prosecution**.
- 3.2 All **required information** is included in the brief and meets all legal requirements.
- 3.3 Brief is provided to prosecution and other parties as required by law and organisational requirements.
- 3.4 When required, counsel is briefed on the case and any circumstances that may affect the progress and outcomes.

4. Coordinate witnesses

- 4.1 When required, expert witnesses are identified, familiarised with the evidence, and utilised in accordance with organisational policy and procedures.
- 4.2 When required, witness summonses are organised in accordance with legal and organisational requirements.
- 4.3 Contact is maintained with **witnesses** to ensure cooperation, communication and attendance at **proceedings**.

Required Skills and Knowledge

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

Skill requirements

Look for evidence that confirms skills in:

- undertaking analysis and research
- undertaking collation and compilation
- writing complex documents - reflecting key points of oral statements in written form in witness statements and in the brief of evidence
- report writing using formal structures and language
- making comparisons and exercising judgment about facts in written materials
- communicating with witnesses from diverse backgrounds
- responding to diversity, including gender and disability

Knowledge requirements

Look for evidence that confirms knowledge and understanding of:

- sections of Evidence Act, Justice Act relating to preparation of a brief of evidence
- admissible evidence
- burden of proof
- court hearing procedures
- rules of evidence
- requirements of brief of evidence
- principles of disclosure
- anti-discrimination law
- organisational policies, guidelines and regulations
- equity and diversity principles
- public sector legislation such as occupational health and safety and environment relating to the preparation of a brief of evidence

Evidence Guide

The Evidence Guide specifies the evidence required to demonstrate achievement in the unit of competency as a whole. It must be read in conjunction with the Unit descriptor, Performance Criteria, the Range Statement and the Assessment Guidelines for the Public Sector Training Package.

Units to be assessed together

- *Pre-requisite* units that must be achieved prior to this unit: *Nil*
- *Co-requisite* units that must be assessed with this unit: *Nil*
- *Co-assessed units* that may be assessed with this unit to increase the efficiency and realism of the assessment process include, but are not limited to:

PSPETHC401A Uphold and support the values and principles of public service

PSPLEGN401A Encourage compliance with legislation in the public sector

PSPGOV422A Apply government processes

PSPREG401C Exercise regulatory powers

PSPREG407B Produce formal record of interview

PSPREG411A Gather information through interviews

PSPREG412A Gather and manage evidence

Overview of evidence requirements

In addition to integrated demonstration of the elements and their related performance criteria, look for evidence that confirms:

- the knowledge requirements of this unit
- the skill requirements of this unit
- application of the Employability Skills as they relate to this unit (see Employability Summaries in Qualifications Framework)
- preparing a brief of evidence in a range of (3 or more) contexts (or occasions, over time)

Resources required to carry out assessment

These resources include:

- legislation, regulations, policy, guidelines and standards
- public sector values and codes of conduct
- case studies and workplace scenarios to capture the range of situations likely to be encountered when preparing a brief of evidence

Where and how to assess evidence

Valid assessment of this unit requires:

- a workplace environment or one that closely resembles normal work practice and replicates the range of conditions likely to be encountered when preparing a brief of evidence, including coping with difficulties, irregularities and breakdowns in routine

- preparing a brief of evidence in a range of (3 or more) contexts (or occasions, over time)

Assessment methods should reflect workplace demands, such as literacy, and the needs of particular groups, such as:

- people with disabilities
- people from culturally and linguistically diverse backgrounds
- Aboriginal and Torres Strait Islander people
- women
- young people
- older people
- people in rural and remote locations

Assessment methods suitable for valid and reliable assessment of this competency may include, but are not limited to, a combination of 2 or more of:

- case studies
- portfolios
- projects
- questioning
- scenarios
- authenticated evidence from the workplace and/or training courses

For consistency of assessment

Evidence must be gathered over time in a range of contexts to ensure the person can achieve the unit outcome and apply the competency in different situations or environments

Range Statement

The Range Statement provides information about the context in which the unit of competency is carried out. The variables cater for differences between States and Territories and the Commonwealth, and between organisations and workplaces. They allow for different work requirements, work practices and knowledge. The Range Statement also provides a focus for assessment. It relates to the unit as a whole. Text in ***bold italics*** in the Performance Criteria is explained here.

- Evidence*** may include:
- documentary, real and oral evidence
 - statements
 - interviews
 - exhibits
- Required standards*** may include:
- having the brief reviewed by a legal authority to ensure completeness, accuracy, whether a prima facie case exists, and the likelihood of success
 - correlating witness statements to exhibits
- Prosecution*** may include:
- organisation's prosecutor or prosecuting team
 - State/Territory/Commonwealth government prosecution authority
 - Crown solicitor
- Information required in a brief of evidence*** may include:
- precedents
 - relevant sections of legislation
 - witness statements
 - records of interview
 - admissible evidence
 - other evidence
- Witnesses*** may include:
- organisational personnel
 - professionals/experts
 - those with specific needs such as:
 - distressed persons
 - hostile witnesses
 - minors
 - complainants
- Proceedings*** may include:
- courts
 - tribunals

Unit Sector(s)

Not applicable.

Competency field

Regulatory.