



Australian Government

Department of Education, Employment and Workplace Relations

PSPREG501B Conduct prosecutions

Revision Number: 1

PSPREG501B Conduct prosecutions

Modification History

Not applicable.

Unit Descriptor

Unit descriptor

This unit covers review of a brief of evidence and prosecution of offences (while acting as the prosecutor in court). It includes preparing for a prosecution, and conducting the prosecution.

In practice, conducting a prosecution may overlap with other public sector work activities such as promoting ethical practice and compliance with legislation, undertaking research and analysis, etc.

This unit replaces and is equivalent to *PSPREG501A Conduct prosecutions*.

Application of the Unit

Not applicable.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

Employability skills 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. Prepare for prosecution

- 1.1 *Brief* of evidence is reviewed and clarified with the apprehending officer, where necessary, prior to court proceedings
- 1.2 Precedents are identified as relevant
- 1.3 Questions are prepared to address the facts of the brief
- 1.4 Personnel involved are fully briefed in accordance with legal and organisational requirements
- 1.5 Parameters for negotiating out of court are agreed prior to prosecution with authorised organisational personnel

2. Conduct a prosecution

- 2.1 *Evidentiary procedures* are followed and prosecution is conducted according to court processes, *protocols* and organisational instructions
- 2.2 Personal presentation is maintained in accordance with organisational requirements
- 2.3 File endorsements are completed in accordance with legislative and organisational requirements
- 2.4 *Matters* arising from proceedings are followed up/completed in accordance with legislative and organisational requirements
- 2.5 The outcome of the prosecution is reviewed to provide timely input/recommendations for handling future *cases*

Required Skills and Knowledge

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:

- making presentations including participating in complex oral exchanges in briefing sessions and in court
- reading complex, lengthy documents to ascertain key elements
- undertaking research to identify precedents
- compiling and putting questions
- responding to diversity, including gender and disability
- applying procedures relating to occupational health and safety and environment in the context of prosecuting duties

Knowledge requirements

Look for evidence that confirms knowledge and understanding of:

- court prosecution process, procedures and protocols
- court conduct
- enabling legislation and offences
- sections of the Evidence Act
- types of evidence
- rules of evidence
- possible defences
- burden of proof
- role of expert witnesses
- hearsay
- equal employment opportunity, equity and diversity principles
- public sector legislation relating to occupational health and safety and environment in the context of conducting prosecutions

Evidence Guide

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:

PSPETHC501B Promote the values and ethos of public service

PSPGOV504B Undertake research and analysis

PSPGOV505A Promote diversity

PSPGOV507A Undertake negotiations

PSPGOV512A Use complex workplace communication strategies

PSPLEGN501B Promote compliance with legislation in the public sector

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)
- conduct of prosecutions in a range of (3 or more) contexts

Resources required to carry out assessment

These resources include:

- legislation, policy, procedures and protocols relating to prosecution of offences
- the organisation's enabling legislation and offences
- case studies and workplace scenarios to capture the range of prosecution situations likely to be encountered

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 conducting prosecutions, including coping with difficulties, irregularities and breakdowns in routine
- conduct of prosecutions in a range of (3 or more) contexts

Assessment methods should reflect workplace demands, such as

EVIDENCE GUIDE

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
- demonstration
- observation
- questioning
- scenarios
- simulation or role plays
- 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

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 *italics* in the Performance Criteria is explained here.

Briefs may include

- evidence records
- investigators' reports
- witness statements
- precedents
- recommended actions

Proceedings may include

- court hearings
- tribunals
- trials

Evidentiary procedures may include

- aspects of evidence in chief, cross-examination and re-examination

Protocols may include

- court proceedings
- standards of dress
- forms of address

Matters arising may include

- completing documentation/reports
- dealing with exhibits
- notifying outcomes
- arranging for witness fees
- appeal proceedings

Cases may include

- ex parte
- plea of guilty
- argued matters

Unit Sector(s)

Not applicable.

Competency field

Competency field Regulatory