



Australian Government

Department of Education, Employment and Workplace Relations

PSPREG501B Conduct prosecutions

Revision Number: 3

PSPREG501B Conduct prosecutions

Modification History

Release	TP Version	Comments
3	PSP12V1	Unit descriptor, application of unit, evidence guide and range statement edited.
2	PSP04V4.2.	Layout adjusted. No changes to content.
1	PSP04V4.1	Primary release.

Unit Descriptor

This unit describes the performance outcomes, skills and knowledge required to review a brief of evidence and prosecute offences while acting as the prosecutor in court.

No licensing, legislative, regulatory or certification requirements are applicable to this unit at the time of publication.

Application of the Unit

This unit applies to individuals in a range of non-police regulatory work environments who prosecute offenders under the enabling legislation.

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. 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

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

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.

Critical aspects for assessment and evidence required to demonstrate competency in this unit

In addition to integrated demonstration of the elements and their related performance criteria, look for evidence that confirms consistency of performance in conducting prosecutions. This will include evidence of:

- Conducting at least three actual or simulated prosecutions on three separate occasions or for three different situations/contexts.
- adhering to legal, ethical and organisational requirements relating to prosecutions

Context of and specific resources for assessment

Assessment must ensure access to a real or simulated workplace environment that closely resembles normal work practice and replicates the range of conditions likely to be encountered while conducting prosecutions, including coping with difficulties, irregularities and breakdowns in routine.

Access is required to resources such as:

- applicable legislation, policies and procedures
- case studies and workplace scenarios to capture the range of requirements for situations likely to be encountered
- mock court

Method of assessment

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

- case studies
- demonstration
- observation
- written or oral questions
- scenarios
- simulation or role plays
- authenticated evidence from the workplace and/or training courses

Guidance information for assessment

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

For consistency of assessment

- women
- young people
- older people
- people in rural and remote locations
- 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.

Briefs may include:

- charges
- exhibits
- exhibit list
- evidence records
- investigators' reports
- witness list
- witness statements
- precedents
- forfeiture orders
- extracts
- prior convictions
- informant's unsuitable dates for attendance
- recommended actions

Proceedings may include:

- court hearings
- tribunals
- trials
- pre-trial conferences

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

Regulatory.