



**Australian Government**

**Department of Education, Employment and Workplace Relations**

# **SFICOMP503C Undertake the prosecution in a trial**

**Release: 1**

## SFICOMP503C Undertake the prosecution in a trial

### Modification History

Not Applicable

### Unit Descriptor

<b>Unit descriptor</b>	<p>This unit of competency involves undertaking the prosecution function in a trial.</p> <p>No licensing, legislative, regulatory or certification requirements apply to this unit at the time of publication.</p>
------------------------	--

### Application of the Unit

<b>Application of the unit</b>	<p>This competency does not have application in all states and territories.</p>
--------------------------------	---

### Licensing/Regulatory Information

Refer to Unit Descriptor

### Pre-Requisites

<b>Prerequisite units</b>		

## Employability Skills Information

<b>Employability skills</b>	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. Prepare for the trial	<p>1.1. All <i>information required for the trial</i> is gathered, collated and confirmed as available for the duration of the trial.</p> <p>1.2. Further enquiries are initiated, if necessary, for the prosecution case.</p> <p>1.3. Witnesses' credibility and reliability are assessed prior to the trial.</p> <p>1.4. Witnesses are notified of trial dates.</p> <p>1.5. Witnesses are interviewed before trial and inducted in courtroom processes.</p> <p>1.6. Unfavourable witness information is disclosed, where appropriate.</p> <p>1.7. Pre-trial hearings or negotiations are arranged and conducted, if required</p> <p>1.8. Any alteration to charges is processed according to courtroom procedures and applicable law.</p> <p>1.9. Prosecution argument is prepared in advance.</p>
2. Undertake prosecution role in trial	<p>2.1. Opening address is effectively presented giving an overview of the prosecution case.</p> <p>2.2. Prosecution witness is examined and, if necessary, re-examined, and defence witness cross-examined, as required, to prove elements beyond reasonable doubt.</p> <p>2.3. Questions asked of witness are selected and sequenced to cover all elements and to clarify issues.</p> <p>2.4. Questions are worded in such a way as to minimise opportunity for defence to propose <i>objections</i>.</p> <p>2.5. Objections from defence are responded to during examination-in-chief of prosecution witness and during cross-examination of defence witness.</p> <p>2.6. Objections are proposed during defence cross-examination of prosecution witness and defence examination-in-chief.</p> <p>2.7. Argument is presented based on fact, law and evidence and in a manner that is decisive, composed and credible.</p> <p>2.8. The prosecution submissions are presented in such a way that strengthens the prosecution case, minimises the prosecution's weaknesses and minimises the strengths in the defence case.</p> <p>2.9. Witness support is provided during the trial.</p>

ELEMENT	PERFORMANCE CRITERIA
	2.10. <i>Advocacy technique</i> is enhanced through effective <i>public speaking</i> and respect for <i>courtroom etiquette</i> .
3. Complete post-trial administrative tasks	3.1. File endorsements are accurately completed in a timely manner. 3.2. <i>Matters</i> arising from the trial are followed up.

## Required Skills and Knowledge

### REQUIRED SKILLS AND KNOWLEDGE

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

#### Required skills

- acting in an advocacy role
- directing the case for the prosecution
- planning and organising case materials/arguments
- presenting argument for the prosecution
- researching case materials and notes.

#### Literacy skills used for:

- completing trial related documents/reports
- reading and interpreting statements and courtroom documents
- researching legal information.

#### Numeracy skills used for:

- calculating additional penalties.

#### Required knowledge

- advocacy techniques that contribute to successful presentation of prosecution case
- courtroom etiquette
- courtroom procedures for:
  - addressing the bench and opposing counsel
  - proposing and responding to objections
- trial processes.

## Evidence Guide

<b>EVIDENCE GUIDE</b>	
<p>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.</p>	
<b>Overview of assessment</b>	
<b>Critical aspects for assessment evidence required to demonstrate competence in this unit</b>	<p>Assessment must confirm the ability to:</p> <ul style="list-style-type: none"> <li>• effectively present the prosecution case.</li> </ul> <p>Assessment must confirm knowledge of:</p> <ul style="list-style-type: none"> <li>• trial processes</li> <li>• advocacy techniques that contribute to successful presentation of prosecution case</li> <li>• courtroom procedures for:               <ul style="list-style-type: none"> <li>• addressing the bench and opposing counsel</li> <li>• proposing and responding to objections</li> </ul> </li> <li>• courtroom etiquette</li> <li>• law relevant to case and court procedure.</li> </ul>
<b>Context of and specific resources for assessment</b>	<p>Assessment is to be conducted at the workplace or in a simulated work environment.</p> <p>Resources may include:</p> <ul style="list-style-type: none"> <li>• case studies to use for role-plays</li> <li>• simulated environment, including court, court staff, defence counsel, witnesses and exhibits.</li> </ul>
<b>Method of assessment</b>	<p>The following assessment methods are suggested:</p> <ul style="list-style-type: none"> <li>• questions</li> <li>• role-plays</li> <li>• demonstration of courtroom skills.</li> </ul>
<b>Guidance information for assessment</b>	<p>This unit may be assessed holistically with other units within a qualification.</p>

## Range Statement

<b>RANGE STATEMENT</b>	
<p>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.</p>	
<p><b><i>Information required for the trial</i></b> may include:</p>	<ul style="list-style-type: none"> <li>• aids to proof</li> <li>• aspects of law related to the trial</li> <li>• certificates/reports, such as accuracy of measuring devices</li> <li>• criminal records (up to time of trial)</li> <li>• exhibits (location, relevance to allegations)</li> <li>• full briefs/statements.</li> </ul>
<p><b><i>Objections</i></b> may be proposed when questions are:</p>	<ul style="list-style-type: none"> <li>• ambiguous</li> <li>• complex</li> <li>• duplicitous</li> <li>• intimidating</li> <li>• leading</li> <li>• poorly phrased</li> <li>• lacking relevance</li> <li>• repetitive.</li> </ul>
<p><b><i>Advocacy techniques</i></b> may include:</p>	<ul style="list-style-type: none"> <li>• courtroom etiquette</li> <li>• deportment</li> <li>• developing and presenting a logical and concise argument supported in fact, law and evidence</li> <li>• effectively highlighting strengths in the prosecution case</li> <li>• effectively minimising strengths in the defence case</li> <li>• public speaking skills</li> <li>• utilising prosecution and defence witness effectively to obtain supporting evidence.</li> </ul>
<p><b><i>Public speaking</i></b> may incorporate:</p>	<ul style="list-style-type: none"> <li>• manner of presentation appropriate to the task being performed</li> <li>• personal appearance</li> <li>• tone and volume of speech</li> <li>• use of appropriate language.</li> </ul>
<p><b><i>Courtroom etiquette</i></b> may include:</p>	<ul style="list-style-type: none"> <li>• courtesy when dealing with court staff</li> <li>• respect for bench and opposing counsel.</li> </ul>



**RANGE STATEMENT***Matters* may include:

- arranging witness fees
- clearing exhibits
- completing documentation/reports as required
- instituting appeal proceedings
- notifying witness and any other appropriate parties of court outcomes.

**Unit Sector(s)**

<b>Unit sector</b>	Fisheries compliance
--------------------	----------------------

**Co-requisite units**

<b>Co-requisite units</b>		

**Competency field**

<b>Competency field</b>	
-------------------------	--