



Australian Government

CHCADV004 Represent organisation in court or tribunal

Release: 1

CHCADV004 Represent organisation in court or tribunal

Modification History

Release	Comments
Release 1	This version was released in <i>CHC Community Services Training Package release 2.0</i> and meets the requirements of the 2012 Standards for Training Packages. Significant changes to performance criteria. New evidence requirements for assessment including volume and frequency requirements. Significant changes to knowledge evidence.

Application

This unit describes the skills and knowledge required to undertake work as an advocate of a service or organisation in a court or tribunal.

This unit applies to workers typically in a leadership role in a community services or advocacy setting who are responsible for providing formal advocacy or representation.

The skills in this unit must be applied in accordance with Commonwealth and State/Territory legislation, Australian/New Zealand standards and industry codes of practice.

Elements and Performance Criteria

ELEMENT

PERFORMANCE CRITERIA

Elements define the essential outcomes

Performance criteria specify the performance needed to demonstrate achievement of the element

1. Prepare to represent organisation in court or tribunal

1.1 Follow appropriate court or tribunal preparation procedures and format in line with organisation requirements

1.2 Negotiate with client prior to court or tribunal appearance

1.3 Liaise with, and brief solicitor prior to court or tribunal appearance in accordance with role and organisation requirements

1.4 Prepare relevant paper work prior to court or tribunal appearance and ensure it is up to date

ELEMENT**PERFORMANCE CRITERIA**

Elements define the essential outcomes

Performance criteria specify the performance needed to demonstrate achievement of the element

1.5 Assess each case and determine whether the organisation can lodge an application for a hearing

1.6 Deliver relevant and appropriate legal notice/s with adequate time allowed prior to court or tribunal appearance

2. Represent organisation in court or tribunal

2.1 Observe appropriate court or tribunal dress, grooming and etiquette codes

2.2 Undertake additional briefing with solicitor as necessary

2.3 Finalise relevant documentation including procedures and protocols required to prepare case for presentation

2.4 Answer questions and articulate facts clearly, concisely, confidently and accurately

2.5 Maintain effective negotiations and briefing with the client and the solicitor throughout the court or tribunal process in accordance with role and organisation requirements

3. Follow up actions from court appearance or tribunal hearing

3.1 Prepare accurate records, reporting and file updates, as required and resulting from the court appearance or tribunal hearing

3.2 Undertake appropriate debriefing with colleagues, supervisor and solicitor

3.3 Establish a process for monitoring the action following the court or tribunal appearance

3.4 Notify appropriate stakeholders of any intention to withdraw, adjourn or relist case

4. Follow up actions resulting from the hearing

4.1 Carry out procedures within time limits

4.2 Follow appropriate steps after a legal order has been given

ELEMENT**PERFORMANCE CRITERIA**

Elements define the essential outcomes

Performance criteria specify the performance needed to demonstrate achievement of the element

5. Use the procedure for resolving specific issues

5.1 Investigate and document nuisance and annoyance claims

5.2 Negotiate with client to attempt a resolution, prior to a hearing

5.3 Ensure all required reports are completed accurately after a hearing and record follow up action/s

5.4 Make appropriate referrals to agencies

Foundation Skills

The Foundation Skills describe those required skills (language, literacy, numeracy and employment skills) that are essential to performance.

Foundation skills essential to performance are explicit in the performance criteria of this unit of competency.

Unit Mapping Information

No equivalent unit.

Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=5e0c25cc-3d9d-4b43-80d3-bd22cc4f1e53>

Assessment Requirements for CHCADV004 Represent organisation in court or tribunal

Modification History

Release	Comments
Release 1	This version was released in <i>CHC Community Services Training Package release 2.0</i> and meets the requirements of the 2012 Standards for Training Packages. Significant changes to performance criteria. New evidence requirements for assessment including volume and frequency requirements. Significant changes to knowledge evidence.

Performance Evidence

The candidate must show evidence of the ability to complete tasks outlined in elements and performance criteria of this unit, manage tasks and manage contingencies in the context of the job role. There must be demonstrated evidence that the candidate has:

- represented an organisation in court and/or tribunal on 1 occasion including preparing for, and following up on hearing.

Knowledge Evidence

The candidate must be able to demonstrate essential knowledge required to effectively do the task outlined in elements and performance criteria of this unit, manage the task and manage contingencies in the context of the work role. This includes knowledge of:

- relevant legislation, policies and organisation procedures
- relevance of legal system to service delivery policy
- knowledge of the processes and structure of the Australian legal system, including:
 - court and/or tribunal processes
 - role of different tribunals
 - knowledge of different court types and relevant procedures and etiquette
 - common law and statute law
- organisational and legal documentation, including:
 - briefs of evidence
 - court reports
 - affidavit

- police statements
- set questions
- file or case notes

Assessment Conditions

Skills must have been demonstrated in the workplace or in a simulated environment that reflects workplace conditions. The following conditions must be met for this unit:

- use of suitable facilities, equipment and resources
- modelling of industry operating conditions and contingencies, including:
 - case study of court and/or tribunal case
 - interactions with people
 - typical workplace reporting processes

Assessors must satisfy the Standards for Registered Training Organisations (RTOs) 2015/AQTF mandatory competency requirements for assessors.

Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=5e0c25cc-3d9d-4b43-80d3-bd22cc4f1e53>