



Australian Government

Department of Education, Employment and Workplace Relations

CHCAD505A Represent clients in court

Release: 1

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Modification History

Not Applicable

Unit Descriptor

Descriptor

This unit describes the knowledge and skills required by the worker to undertake work as an advocate of a client in court

Application of the Unit

Application

This unit may apply to work undertaken across a range of sectors involved in delivery of community services

Licensing/Regulatory Information

Not Applicable

Pre-Requisites

Pre-requisite

This unit must be assessed after achievement of related unit:

- CHCLEG411A Use relevant legislation in response to client needs

Employability Skills Information

Employability Skills

This unit contains Employability Skills

Elements and Performance Criteria Pre-Content

Elements define the essential outcomes of a unit of competency.

The Performance Criteria specify the level of performance required to demonstrate achievement of the Element. Terms in italics are elaborated in the Range Statement.

Elements and Performance Criteria

ELEMENT

PERFORMANCE CRITERIA

1. Undertake adequate preparation to represent the client in *court*

- 1.1 Demonstrate correct knowledge of the different *court* types and relevant procedures and etiquette
- 1.2 Follow appropriate court preparation procedures and format in line with organisation requirements
- 1.3 Ensure negotiations with the client have occurred prior to court appearance
- 1.4 Ensure liaison with, and appropriate briefing of, solicitor occurs prior to court appearance where appropriate
- 1.5 Check appropriate files and *relevant paperwork* and update for accuracy prior to court appearance
- 1.6 Deliver relevant and appropriate legal notice/s with adequate time allowed prior to court appearance

ELEMENT**PERFORMANCE CRITERIA**

2. Follow appropriate processes and organisation policies for successful representation of the client in court

- 2.1 Observe appropriate court dress and grooming codes
- 2.2 Demonstrate knowledge of and observe appropriate court etiquette
- 2.3 Allocate adequate time for court appearance
- 2.4 Undertake additional briefing with solicitor where appropriate
- 2.5 Maintain personal composure and professional attitude
- 2.6 Ensure *relevant paperwork*, files and documentation are up to date, errors corrected and well organised
- 2.7 Answer questions and present facts clearly, concisely, confidently and accurately

3. Carry out appropriate procedures for reporting, debriefing and *follow up action/s* from court appearance

- 3.1 Prepare accurate records, reporting and file updates, as required and resulting from the court appearance
- 3.2 Undertake appropriate debriefing with colleagues, supervisor and/or solicitor
- 3.3 Establish with solicitor and/or supervisor / colleagues, a process for monitoring the action, during the period of adjustment following the court appearance

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

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

Essential knowledge:

It is critical that the candidate demonstrate knowledge of:

- The relevance of the legal system to the work area
- Relevant organisation policies and guidelines
- Court / tribunal processes
- Relevant legislation

Essential skills:

It is critical that the candidate demonstrate the ability to:

- Effectively represent client in court including appropriate application of organisation procedures and relevant legislation

In addition, the candidate must be able 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 identified work role

These include the ability to:

- Provide examples of application of legislation in service/program delivery
- Adapt organisation policy to ensure application of legislation
- Provide relevant and regularly updated information to workers and service users about relevant legislation

Evidence Guide

EVIDENCE GUIDE

EVIDENCE GUIDE

The evidence guide provides advice on assessment and must be read in conjunction with the Performance Criteria, Required Skills and Knowledge, the Range Statement and the Assessment Guidelines for this Training Package.

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

- The individual being assessed must provide evidence of specified essential knowledge as well as skills
- This unit is to be assessed in the workplace
- Consistency in performance should consider requirements of the workplace for effective representation of the client in court

Access and equity considerations:

- All workers in community services should be aware of access, equity and human rights issues in relation to their own area of work
- All workers should develop their ability to work in a culturally diverse environment
- In recognition of particular issues facing Aboriginal and Torres Strait Islander communities, workers should be aware of cultural, historical and current issues impacting on Aboriginal and Torres Strait Islander people
- Assessors and trainers must take into account relevant access and equity issues, in particular relating to factors impacting on Aboriginal and/or Torres Strait Islander clients and communities

Context of and specific resources for assessment:

- This unit can be assessed independently, however holistic assessment practice with other community services units of competency is encouraged
- Resources required for assessment include access to appropriate workplace where assessment can take place

EVIDENCE GUIDE

Method of assessment:

- In cases where the learner does not have the opportunity to cover all relevant aspects in the work environment, the remainder should be assessed through realistic simulations, projects, previous relevant experience or oral questioning on 'What if?' scenarios
- Assessment of this unit of competence will usually include observation of processes and procedures, oral and/or written questioning on Essential knowledge and skills and consideration of required attitudes
- Where performance is not directly observed and/or is required to be demonstrated over a 'period of time' and/or in a 'number of locations', any evidence should be authenticated by colleagues, supervisors, clients or other appropriate persons

Range Statement

RANGE STATEMENT

The Range Statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Add any 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.

Courts may include:

- Local, District and Supreme Court
- Residential Tenancies Tribunals

Court requirements may include current details such as:

- Accounts, occupancy, property maintenance, cleaning undertaken, fraud details in relation to tenancy details
- Client records

RANGE STATEMENT

- Relevant paperwork may include:*
- Preparation of set questions
 - Briefs of evidence
 - Court reports
 - Affidavit
 - Police statements
 - Relevant organisation files
- Follow up action/s and procedures from court appearance may include:*
- Organisation requirements and regulations
 - Changing status of account
 - Monitoring a bench order
 - Follow up costs/follow up debt recovery
 - Payment of application fees from advance account will be arranged and voucher prepared
 - Relevant agencies advised and coordinated as required
- Relevant legislation may include, where it exists:*
- Residential Tenancies Act or equivalent
 - Access and equity legislation
 - Anti-discrimination legislation
 - Consumer affairs legislation
- Information about legislation will include:*
- Copies of actual legislation documentation
 - Information brochures
 - Analysis discussion material prepared by relevant community organisations, advocacy groups, policy groups, peak bodies or academics
 - Internally generated documents

Unit Sector(s)

Not Applicable