



Australian Government

Department of Education, Employment and Workplace Relations

CHCAD506A Represent the organisation in a court or tribunal

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 service in a court or tribunal

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

Not Applicable

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

1. Undertake adequate preparation to represent the organisation in *court or tribunal*

PERFORMANCE CRITERIA

- 1.1 Demonstrate correct knowledge of the different types of *court or tribunal* and relevant procedures and etiquette
- 1.2 Follow appropriate court or tribunal preparation procedures and format in line with organisation requirements
- 1.3 Ensure negotiations with the client occur prior to court or tribunal appearance
- 1.4 Ensure liaison with, and appropriate briefing of, solicitor occurs prior to court or tribunal appearance where appropriate
- 1.5 Where appropriate, ensure appropriate briefing is provided by legal team of the organisation
- 1.6 Access and organise appropriate files and *relevant paper work* prior to court or tribunal appearance
- 1.7 Check appropriate files and relevant paper work and update for accuracy prior to court or tribunal appearance
- 1.8 Deliver relevant and appropriate legal notice/s with adequate time allowed prior to court or tribunal appearance

ELEMENT	PERFORMANCE CRITERIA
2. Follow appropriate processes and organisation policies for successful representation of the organisation in court or tribunal	2.1 Observe appropriate dress and grooming codes 2.2 Demonstrate knowledge of and observe appropriate court or tribunal etiquette 2.3 Allocate adequate time for court or tribunal appearance 2.4 Undertake additional briefing with solicitor if necessary and 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 2.8 Maintain effective negotiations and briefing with the client and the solicitor throughout the court or tribunal process, if appropriate
3. Carry out appropriate procedures for reporting, debriefing and <i>follow up actions</i> 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 Follow procedures for ensuring <i>follow up action/s</i> arising from court or tribunal appearance 3.4 Establish a process for monitoring the action following the court or tribunal appearance
4. Determine whether the organisation can lodge an application for a hearing	4.1 Understand and act upon circumstances under which the organisation can lodge an application for a hearing 4.2 Assess each case to determine if an application can be lodged

ELEMENT**PERFORMANCE CRITERIA****5. Follow procedures and protocol of the hearing**

- 5.1 Understand and follow processes, procedures and protocols required in order to lodge an application
- 5.2 Prepare recommendation to proceed to a hearing
- 5.3 Complete necessary administrative duties and lodge an application
- 5.4 Notify appropriate persons/organisations of any intention to withdraw/adjourn/relist case
- 5.5 Carry out procedures within time limits, if applicable
- 5.6 Prepare submission seeking to evict
- 5.7 Lodge application for Warrant of Possession with Sheriff; arrange officer's attendance at eviction and organise removalist van if necessary
- 5.8 Understand and follow eviction proceedings
- 5.9 Follow appropriate steps after a legal order has been given

6. Prepare case for presentation at hearing

- 6.1 Prepare relevant documentation and make it available for presentation of case
- 6.2 Prepare action sheet

7. Use the procedure for resolving specific issues

- 7.1 Investigate and document nuisance and annoyance claims
- 7.2 Negotiate with client to attempt a resolution, prior to a hearing
- 7.3 Ensure all required *reports* are completed accurately after a hearing and record *follow up action/s*
- 7.4 Make appropriate referrals to agencies

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

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

Essential knowledge:

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 identified work role

These include knowledge of:

- Relevance of legal system to service delivery policy
- Theories of delivery for the specific sector of work
- Relevant organisation policies and guidelines as they relate to application of legislation

Essential skills:

It is critical that the candidate demonstrate the ability to:

- Effectively represent the organisation 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

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 organisation in court or tribunal

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.

Court or tribunal may include:

- Local, District and Supreme Court
- Tenancy tribunals

Court requirements may include current details such as:

- Accounts, occupancy, property maintenance, cleaning undertaken, fraud details related to tenancy

RANGE STATEMENT

Relevant paper work may include:

- Preparation of set questions
- Briefs of evidence
- Court reports
- Affidavit
- Police statements
- Relevant organisation files

Reports completed after a hearing may include:

- File notes

Follow up action/s and procedures from court or tribunal 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 are 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