



Australian Government

Department of Education, Employment and Workplace Relations

CPPSEC2009A Give evidence in court

Release: 1

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Modification History

Not Applicable

Unit Descriptor

Unit descriptor This unit of competency specifies the outcomes required to prepare and present evidence in a judicial or quasi-judicial environment. It requires the ability to prepare admissible, accurate and professionally prepared evidence and follow up outcomes of proceedings.

This unit may form part of the licensing requirements for persons engaged in security operations in those states and territories where these are regulated activities.

Application of the Unit

Application of the unit This unit of competency has wide application in the security industry in those roles involving operational activities. Competency requires legal and operational knowledge applicable to relevant sectors of the security industry. The knowledge and skills described in this unit are to be applied within relevant legislative and organisational guidelines.

Licensing/Regulatory Information

Refer to Unit Descriptor

Pre-Requisites

Not Applicable

Employability Skills Information

Employability skills 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 required performance needed to demonstrate achievement of the element. Where <i>bold italicised</i> text is used, further information is detailed in the required skills and knowledge section and/or the range statement. Assessment of performance is to be consistent with the evidence guide.
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Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1 Prepare for court proceedings.	1.1 Applicable provisions of legislative and organisational requirements relevant to presenting evidence in court are identified and complied with. 1.2 Court and proceedings arrangements are verified with relevant persons. 1.3 Documentation and exhibits are prepared in accordance with organisational procedures. 1.4 All material to be used or referred to in proceedings is reviewed thoroughly prior to presentation in court to ensure familiarity, completeness and availability. 1.5 Personal presentation, manner and language are consistent with court protocols.
2 Present evidence.	2.1 Rules of evidence, procedures and protocols relevant to the jurisdiction involved are observed and adhered to throughout the proceedings. 2.2 Evidence is based on fact and is presented in a clear, concise and unambiguous manner and complies with the rules of evidence. 2.3 All evidence required during court proceedings is available in an original form as required. 2.4 Specialist opinion within own level of qualification and expertise is provided on request in accordance with organisational procedures.
3 Implement relevant outcomes of proceedings.	3.1 Outcomes of the proceedings are obtained, noted and reports completed where required in accordance with organisational procedures. 3.2 Any required actions relevant to proceedings outcomes are implemented in accordance with organisational procedures. 3.3 Feedback, further information and clarification of issues associated with proceedings and outcomes is sought as required. 3.4 Relevant documentation is completed and securely maintained with due regard to confidentiality in accordance with organisational procedures.

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

REQUIRED SKILLS AND KNOWLEDGE

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

Required skills

- apply effective communication techniques including active listening and questioning
- check and review documentation for accuracy, spelling and grammar
- collate and organise information
- communicate in a clear and concise manner
- comply with court protocols and procedures
- identify relevant and valid information as admissible evidence
- maintain, store and preserve evidence
- organise resource and equipment requirements
- prepare documentation using appropriate structure and language
- record and accurately report information
- relate to people from a range of social, cultural and ethnic backgrounds and physical and mental abilities
- seek clarification and feedback as required
- use a range of business equipment and technology appropriate to meet task requirements.

Required knowledge

- court protocols and procedures relevant to the jurisdiction
- document and evidence management systems
- evidence preparation and presentation requirements
- features and functions of business equipment and technology
- general principles regarding the admissibility of evidence in courts
- principles of effective communication
- privacy and confidentiality requirements
- procedures for handling and managing evidential exhibits
- relevant industry codes of practice and legislation including 'rules of evidence' and 'continuity of evidence'
- techniques to verify and validate information.

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, range statement and the Assessment

Guidelines for the Training Package.

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

A person who demonstrates competency in this unit must be able to provide evidence of:

- following up outcomes of proceedings, reviewing implications and identifying appropriate actions to be implemented
- interpreting and complying with court protocols and procedural guidelines
- maintaining and preserving evidence and exhibits
- preparing documentation and maintaining records and systems
- preparing and presenting evidence in an accurate, clear and concise manner
- providing specialist opinion within own level of competence and expertise as required.

Context of and specific resources for assessment

Context of assessment includes:

- a setting in the workplace or environment that simulates the conditions of performance described in the elements, performance criteria and range statement.

Resource implications for assessment include:

- access to a registered provider of assessment services
- access to a suitable venue and equipment
- access to plain English version of relevant statutes and procedures
- assessment instruments including personal planner and assessment record book
- work schedules, organisational policies and duty statements.

Reasonable adjustments must be made to assessment processes where required for people with disabilities. This could include access to modified equipment and other physical resources, and the provision of appropriate assessment support.

Method of assessment

This unit of competency could be assessed using the following methods of assessment:

- observation of processes and procedures
- questioning of underpinning knowledge and skills.

Guidance information for assessment

Assessment processes and techniques must be culturally appropriate and suitable to the language, literacy and numeracy capacity of the candidate and the competency being assessed. In all cases where practical assessment is used, it should be combined with targeted questioning to assess the underpinning knowledge.

Oral questioning or written assessment may be used to assess underpinning knowledge. In assessment situations where the candidate is offered a choice between oral questioning and written

assessment, questions are to be identical.

Supplementary evidence may be obtained from relevant authenticated correspondence from existing supervisors, team leaders or specialist training staff.

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. 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.

Legislative requirements may relate to:

- apprehension and powers of arrest
- Australian Standards and quality assurance requirements
- counter-terrorism
- crowd control and control of persons under the influence of intoxicating substances
- force continuum, use of force guidelines
- general 'duty of care' responsibilities
- inspection of people and property, and search and seizure of goods
- licensing or certification requirements
- privacy and confidentiality
- relevant commonwealth, state or territory legislation, codes and national standards for:
 - anti-discrimination
 - cultural and ethnic diversity
 - environmental issues
 - equal employment opportunity
 - industrial relations
 - Occupational Health and Safety (OHS)
- relevant industry codes of practice
- trespass and the removal of persons
- use of restraints and weapons:
 - batons
 - firearms
 - handcuffs

- spray.
- Organisational requirements may relate to:***
 - access and equity policies, principles and practices
 - business and performance plans
 - client service standards
 - code of conduct, code of ethics
 - communication and reporting procedures
 - complaint and dispute resolution procedures
 - emergency and evacuation procedures
 - employer and employee rights and responsibilities
 - OHS policies, procedures and programs
 - own role, responsibility and authority
 - personal and professional development
 - privacy and confidentiality of information
 - quality assurance and continuous improvement processes and standards
 - resource parameters and procedures
 - roles, functions and responsibilities of security personnel
 - storage and disposal of information.
- Courts may be:***
 - criminal, coronial and civil
 - district
 - federal
 - local
 - magistrates
 - supreme
 - tribunals.
- Arrangements may relate to:***
 - confirmation of evidence requirements
 - confirmation of time
 - date and location of proceedings
 - documentation requirements.
- Relevant persons may include:***
 - clients
 - colleagues
 - legal representatives
 - supervisor.
- Documentation and exhibits may include:***
 - affidavits
 - incident reports
 - items of evidence
 - media footage
 - photographs
 - radio and telephone records
 - reports
 - transcripts of conversation.

Court protocols may relate to:

- examination and cross-examination procedures
- forms of address
- general demeanour
- impartiality
- punctuality
- readiness of self and evidence
- respect for people and offices held
- standards of dress, physical appearance
- voice clarity and language.

Rules of evidence may relate to:

- admissibility
- contemporaneousness.

Evidence may include:

- documents
- facts
- physical exhibits
- testimony.

Feedback may be sought from:

- clients, colleagues or supervisor
- documentation and reports
- legal representatives
- personal reflection.

Unit Sector(s)

Unit sector Security

Competency field

Competency field Operations