



Australian Government

Department of Education, Employment and Workplace Relations

LGACOM408A Represent council at legal proceedings

Release 2

LGACOM408A Represent council at legal proceedings

Modification History

LGACOM408A Release 2: Layout adjusted. No changes to content.
LGACOM408A Release 1: Primary release.

Unit Descriptor

This unit covers representing council at legal proceedings.

Application of the Unit

This unit supports the attainment of skills and knowledge required for competent workplace performance in councils of all sizes. Knowledge of the legislation and regulations within which councils must operate is essential. The unique nature of councils, as a tier of government directed by elected members and reflecting the needs of local communities, must be appropriately reflected.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

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 ***bold italicised*** text is used, further information is detailed in the Range Statement. Assessment of performance is to be consistent with the Evidence Guide.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Represent council at legal proceedings	1.1. Court proceedings are attended. 1.2. <i>Court proceeding protocols</i> are adhered to in accordance with the jurisdiction involved. 1.3. Information is factual and presented clearly and accurately. 1.4. Any negotiation held in conference with the opposing parties is in accordance with agreed negotiation parameters.
2. Follow up outcomes of legal proceedings	2.1. A report that clearly indicates the outcomes of the proceedings is prepared for council. 2.2. The outcomes of the legal proceedings are noted, filed and any required action is implemented in accordance with council requirements. 2.3. Documentation of the outcomes of legal proceedings is in accordance with professional obligations in the case.

Required Skills and Knowledge

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

Required Skills

- report writing
- verbal communication in a legal setting
- giving evidence
- interpreting outcomes of legal hearings
- maintaining records of proceedings
- briefing others
- analytical
- judgement
- time management

Required Knowledge

- court protocols
- council's position on litigation
- industrial awards and agreements
- record handling
- council policies and procedures, including sustainability practices

Evidence Guide

Overview of assessment requirements	A person who demonstrates competency in this unit will be able to perform the outcomes described in the Elements to the required performance level detailed in the Performance Criteria. The knowledge and skill requirements described in the Range Statement must also be demonstrated. For example, knowledge of the legislative framework and safe work practices that underpin the performance of the unit are also required to be demonstrated.
Critical aspects of evidence to be considered	• Court protocols are adhered to • Council is represented in court • Report on outcomes is prepared for council
Context of assessment	On the job assessment and/or simulated work/court environment.
Method of assessment	The following assessment methods are suggested: • observation of the learner performing a range of workplace tasks over sufficient time to demonstrate handling of a range of contingencies • written and/or oral questioning to assess knowledge and understanding • completion of workplace documentation • third-party reports from experienced practitioners • completion of self-paced learning materials including personal reflection and feedback from trainer, coach or supervisor.
Evidence required for demonstration of consistent performance	Evidence will need to be gathered over a range of variables.
Resource implications	Access to: • real or mock court proceedings • copies of relevant documentation, including awards and agreements, court documents, evidence, policies and procedures

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 in the Performance Criteria is detailed below.

Legal proceedings may include:

- breaches of:
 - alleged breach of planning and building controls
 - damages
 - summary offences
 - compulsory acquisition
 - property valuation
 - legal challenge to council decisions
 - legal challenges to council control plans, such as S94 plan
 - industrial court
 - workers compensation court
 - equal employment opportunity commission
 - compulsory conferences
 - conciliation
 - arbitration or formal hearings
- parking
- dog act
- health acts
- litter
- fire prevention regulations
- provided by relevant court

Court proceeding protocols may be:

Solicitor's brief may include:

- use by council or solicitor

Unit Sector(s)

Regulatory Services.

Competency field

Not applicable.