



Australian Government

Department of Education, Employment and Workplace Relations

LGAGOVA412A Prepare council for legal proceedings

Revision Number: 2

LGAGOVA412A Prepare council for legal proceedings

Modification History

LGAGOVA412A Release 2: Layout adjusted.
LGAGOVA4012A Release 1: Primary release.

Unit Descriptor

This unit covers preparing council for court hearings.

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 Prepare material for court hearings	1.1 Full and detailed evidence is collected and collated to ensure all aspects are covered. 1.2 Court proceedings and protocols are adhered to in accordance with jurisdiction involved. 1.3 A solicitor's brief is prepared, where required, that identifies all relevant facts, sections of appropriate legislation and detailed evidence. 1.4 A submission is prepared that supports and protects council's position and interests.
2 Prepare staff for court hearings	2.1 Briefings are held with solicitor and industrial officer as required. 2.2 Arrangements are made to ensure relevant employees are available for access and information. 2.3 Any negotiation parameters are clearly identified prior to court process. 2.4 Employees involved in the court process on council behalf are briefed.

Required Skills and Knowledge

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

Required Skills

- brief writing: coherent structure that shows connections between facts
- adapting spoken language to present a summary of facts and law points to employees, solicitor or industrial officer
- locating relevant sections and reading and interpreting legislation

Required Knowledge

- specialised legal terminology
- court proceedings and protocols
- relevant litigation
- relevant council procedures
- relevant legislation

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. Solicitor's brief is prepared. Employee briefing is conducted. Materials for court are prepared. Negotiation parameters are identified.
Context of assessment	On the job or in a simulated work 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 time across a range of variables.
Resource implications	Access to a workplace or simulated case study that provides the following resources: • information on court requirements and protocols • materials to be used for court • copies of relevant legislation governing the offences • resources to be used as evidence including reports, photos, surveys, minutes of meetings, relevant documents and examples of relevant solicitor's briefs

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.

- Litigation*** may include:
- breaches of parking
 - dog act
 - health
 - litter
 - fire prevention
 - planning and building
 - environmental
 - damages
 - summary offences
 - off-road vehicles
 - industrial
- Evidence*** may include:
- reports
 - photos
 - surveys
 - minutes of meetings
 - relevant documents
- Solicitor's brief*** may include:
- use by council or solicitor

Unit Sector(s)

Administration Units