



Australian Government

Department of Education, Employment and Workplace Relations

LGAREGS402B Provide evidence in court

Release 2

LGAREGS402B Provide evidence in court

Modification History

LGAREGS402B Release 2: Layout adjusted.

LGAREGS402B Release 1: Primary release.

Unit Descriptor

This unit covers the skills and knowledge required to present evidence in a judicial or quasi-judicial environment. It requires the ability to prepare for legal proceedings, present evidence and follow up outcomes of proceedings. This work would be carried out under supervision and within council guidelines.

This unit is derived from and equivalent to PRSSO208A from the Asset Security Training Package and has been contextualised to local government requirements.

No licensing, legislative, regulatory or certification requirements apply to this unit at the time of publication.

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 for court proceedings | <ul style="list-style-type: none">1.1 <i>Court arrangements</i>, role and involvement in <i>proceedings</i> are verified with appropriate persons.1.2 <i>Documentation and exhibits</i> are prepared in accordance with <i>legislative and council requirements</i>.1.3 All material to be used or referred to in proceedings is thoroughly reviewed prior to presentation in court to ensure familiarity, completeness and availability.1.4 Personal presentation, manner and language are consistent with <i>court protocols</i> and council requirements. |
| 2 Present evidence | <ul style="list-style-type: none">2.1 <i>Rules of evidence</i>, procedures and protocols relevant to the jurisdiction involved are observed and adhered to throughout the proceedings.2.2 <i>Evidence</i> 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 when required.2.4 Specialist opinion within own level of qualification and expertise is provided on request in accordance with council policy. |
| 3 Implement relevant outcomes of proceedings | <ul style="list-style-type: none">3.1 Outcomes of the proceedings are obtained, noted and reports completed where required according to council requirements.3.2 Required actions are implemented in accordance with council policies and procedures.3.3 Relevant documentation is completed in accordance with professional obligations in the case and council requirements.3.4 <i>Feedback</i>, further information and clarification of issues associated with proceedings and outcomes are sought as required from appropriate persons. |

Required Skills and Knowledge

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

Required Skills

- reading and interpreting a range of information relevant to job/role, which may include legislation and its impact on council operations
- demonstrating clear, open communication and consultation with the community and stakeholders and managing stakeholder relationships using a range of communication techniques to assess their needs and expectations, which may involve participation in and facilitation of committees
- chain of custody requirements for validity of physical evidence
- collating and organising information
- preparing statements and writing reports
- relating to people from a range of social, cultural and ethnic backgrounds and physical and mental abilities
- achieving effective working relationships that demonstrate an ability to work collaboratively with people from diverse backgrounds
- problem solving and conflict management
- monitoring own work and adjusting to meet agreed standards and expectations
- engaging in activities that promote own ongoing learning requirements, which may include maintaining current knowledge of legislation and common law
- using technology relevant to the job/role, which may include the use of computers and other relevant office technology

Required Knowledge

- council's position on litigation
- relevant legislation, including 'rules of evidence' and 'continuity of evidence'
- procedures and protocols of judicial proceedings and contexts
- briefing and documentation requirements
- general principles regarding admissibility of evidence in courts
- preparation of legal documentation
- requirements for handling and managing evidential exhibits
- storage requirements for information that is susceptible to spoiling or damage (physical samples, film and computer tapes)

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 unit's skill and knowledge requirements 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

The demonstrated ability to:

- understand and comply with protocols and procedures required for attendance in a judicial or quasi-judicial environment
- present evidence in a clear and concise manner and, as required, provide specialist opinion within own level of qualification and expertise
- follow up outcomes of proceedings, review implications and determine appropriate action to be implemented
- prepare and complete documentation and maintain records and systems.

Context of assessment

- on the job or in a simulated work environment
- written or oral test
- role-play

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 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 collected over time across a range of variables.

Resource implications

Access to a workplace or simulated environment that provides:

- relevant legislation
- formal legal procedures
- a range of evidence

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.

Court may include:

- district
- local
- supreme
- federal
- tribunals
- magistrates
- criminal, coronial and civil.

Arrangements, role and involvement may include:

- confirmation of time, date and location of proceedings
- confirmation of evidence required to be presented.

Proceedings may include:

- nuisance assessment
- alleged breaches of planning and building controls
- damages
- summary offences
- compulsory acquisition
- property valuation
- legal challenges to council control plans
- equal employment opportunity commission
- compulsory conferences
- conciliation
- arbitration of formal hearings
- public assembly or crowd control by-laws
- parking
- Dog Act
- Health Acts
- Food Acts
- fire prevention regulations
- Environment Acts and policies.

Appropriate persons may include:

- council officers
- councillors
- supervisors
- legal representatives
- clients.

Documentation and exhibits may include:

- reports
- photographs
- items of evidence
- media footage

- reports of incidents
- radio and telephone records or logs.

Legislative and council requirements may include:

- relevant federal, state or territory, or local legislation:
 - occupational health and safety
 - environmental issues
 - equal employment opportunity
 - industrial relations
 - anti-discrimination and diversity
- licensing arrangements
- Australian standards, quality assurance and certification requirements
- applicable Crimes Acts and codes
- relevant industry codes of practice
- award and enterprise agreements
- trade practices
- privacy requirements
- freedom of information and confidentiality
- council requirements may relate to:
 - policy and procedures, including personnel practices and guidelines
 - goals, objectives, plans, systems and processes
 - legislation relevant to the operation, incident or response
 - employer and employee rights and responsibilities
 - policies and procedures relating to own role, responsibility and delegation
 - quality and continuous improvement processes and standards
 - client service standards
 - defined resource parameters
 - occupational health and safety policies, procedures and programs
 - duty of care, code of conduct and code of ethics
 - access and equity policy, principles and practice
 - records and information systems and processes
 - communication channels and reporting procedures

Court protocols may include:

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

Rules of evidence may

- admissibility

include:

- chain of custody of samples
- contemporaneousness

Evidence may include:

- facts
- testimony
- documents
- physical exhibits

Feedback may include:

- formal and informal performance appraisals
- comments from supervisors, colleagues or clients
- personal, reflective behaviour strategies
- workplace assessment

Unit Sector(s)

Regulatory Services