



Australian Government

POLGEN023 Apply legislation and judicial processes in policing

Release: 1

POLGEN023 Apply legislation and judicial processes in policing

Modification History

Release	Comments
1	This unit was released in POL Police Training Package release 1.0 and meets the Standards for Training Packages.

Application

This unit describes the skills required to apply current legislation and undertake policing activities within judicial processes. This includes interpreting and applying legislation for policing responses, exercising police powers, preparing judicial documents, collaborating with stakeholders and participating in judicial processes.

This unit applies to those working in a policing environment, typically in a general duties role.

The skills and knowledge described in this unit must be applied within the current legislative, regulatory and policy environment in which they are carried out. Organisational policies and procedures must be consulted and adhered to, particularly those related to police powers, court processes and procedures, and proofs of evidence.

Those undertaking this unit would primarily work autonomously or under limited supervision, while completing complex tasks in a broad range of contexts. They would be required to apply decision making and problem solving skills to interpret behaviours and develop solutions.

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

Competency Field

General

Elements and Performance Criteria

ELEMENTS	PERFORMANCE CRITERIA
Elements describe the essential outcomes	Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the range of conditions section.
1. Apply legislation for policing purposes	1.1 Identify sources of legislation for use within policing. 1.2 Demonstrate the connection between legislation and police powers.

	1.3 Categorise legislation according to fitness for purpose. 1.4 Apply the Rules of Evidence to the delivery of policing services. 1.5 Differentiate between categories of offences/crimes in terms of their respective elements.
2. Apply legislation related to offences	2.1 Assess incident/situation to establish whether an offence has been committed. 2.2 Identify relevant sections of legislation applicable to incident/situation to inform policing response. 2.3 Identify potential evidence of offences for charging purposes.
3. Apply legislative powers and cautions	3.1 Identify legislative sources of police powers to inform policing responses. 3.2 Identify factors that may impact on policing response. 3.3 Exercise police powers in accordance with jurisdictional policies and procedures. 3.4 Deliver relevant cautions and rights in line with police powers, jurisdictional requirements and case law.
4. Prepare judicial documents	4.1 Assess and document proof of evidence. 4.2 Review judicial documents for compliance purposes. 4.3 Develop briefs of evidence in accordance with the Rules of Evidence.
5. Prepare and work with persons involved in judicial process	5.1 Determine roles and responsibilities of persons identified to be involved in the judicial process. 5.2 Prepare persons for their involvement in the judicial processes. 5.3 Adhere to the timeframes and governance structures of judicial documents. 5.4 Monitor transport, accommodation and security requirements to facilitate court appearances. 5.5 Identify liaison, care/custody, support and referral requirements of persons involved in the judicial process.
6. Undertake court procedures	6.1 Dispose of property and exhibits in accordance with legislation and jurisdictional requirements. 6.2 Inform relevant parties of court results.

Foundation Skills

The foundation skills demands of this unit have been mapped for alignment with the Australian Core Skills Framework (ACSF). The following tables outline the performance levels indicated for successful attainment of the unit.

ACSF levels indicative of performance:

1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Learning NA					Reading					Writing					Oral communication					Numeracy				

Performance variables:

1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Support					Context					Text complexity					Task complexity				

Further information on ACSF and the foundation skills underpinning this unit can be found in the Foundation Skills Guide on the GSA website.

Unit Mapping Information

No equivalent unit.

Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=98c3984e-2cf1-48a8-8ed1-85e4b92e7351>

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Assessment Requirements for POLGEN023 Apply legislation and judicial processes in policing

Modification History

Release	Comments
1	These Assessment Requirements were released in POL Police Training Package release 1.0 and meet the Standards for Training Packages.

Performance Evidence

Evidence required to demonstrate competence must satisfy all of the requirements of the elements and performance criteria. If not otherwise specified the candidate must demonstrate evidence of performance of the following on at least one occasion.

- identifying sources of legislation which relate to policing
- applying legislation to scenarios to inform the use of police powers
- enforcing common law principles and current legislation
- establishing whether an offence has been committed, relevant and sufficient evidence has been gathered, and suspects have been charged with the correct offence
- communicating with stakeholders as part of policing responses and judicial processes
- developing briefs of evidence which comply with judicial policies and current legislation
- facilitating court processes by providing services to witnesses/victims/offenders
- describing the Rules of Evidence

Knowledge Evidence

Evidence required to demonstrate competence must satisfy all of the requirements of the elements and performance criteria. If not otherwise specified the depth of knowledge demonstrated must be appropriate to the job context of the candidate.

- hierarchy of Australian court system in relation to police processes
- current Commonwealth, national, state or territory legislation which outlines powers and responsibilities applicable to policing
- offences and the elements which constitute such offences
- Rules of Evidence
- current and relevant case law and legal precedents, as determined by police jurisdictions
- capabilities, powers and authorities of services external to policing
- court and bail procedures and processes
- professional standards

Assessment Conditions

This unit contains no specific industry-mandated assessment conditions. Guidance on suggested and recommended conditions and methods can be found in the Implementation Guide.

Assessors must satisfy the NVR/AQTF mandatory competency requirements for assessors.

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