



**Australian Government**

# **POLGEN032 Apply legislation and judicial processes in policing**

**Release: 1**

# **POLGEN032 Apply legislation and judicial processes in policing**

## **Modification History**

Release 1. This is the first release of this unit of competency in the POL Police Training Package.

## **Application**

This unit describes the skills required to apply current legislation and undertake policing activities within judicial processes. This includes applying legislation related to offences, applying legislative powers, preparing judicial documents and participating in court proceedings.

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.

## **Pre-requisite Unit**

Not applicable.

## **Competency Field**

General

## **Unit Sector**

Not applicable.

## **Elements and Performance Criteria**

### **ELEMENTS**

Elements describe the essential outcomes.

### **PERFORMANCE CRITERIA**

Performance criteria describe the performance needed to demonstrate achievement of the element.

- |                                                |                                                                                                                   |
|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>1 Apply legislation related to offences</b> | <b>1.1</b> Differentiate between categories of offences/crimes in terms of their respective elements              |
|                                                | <b>1.2</b> Assess incident/situation to establish whether an offence has been committed                           |
|                                                | <b>1.3</b> Identify relevant sections of legislation applicable to incident/situation to inform policing response |
|                                                | <b>1.4</b> Identify potential evidence of offences for prosecution purposes                                       |
| <b>2 Apply legislative powers and cautions</b> | <b>2.1</b> Identify police powers to inform policing responses                                                    |
|                                                | <b>2.2</b> Exercise police powers lawfully                                                                        |
|                                                | <b>2.3</b> Assess alternative prosecution options to determine an appropriate response                            |
|                                                | <b>2.4</b> Apply alternative prosecution options in accordance with the incident/situation                        |
| <b>3 Prepare judicial documents</b>            | <b>3.1</b> Identify judicial documentation required for the proceeding                                            |
|                                                | <b>3.2</b> Complete judicial documentation in accordance with the Rules of Evidence                               |
|                                                | <b>3.3</b> Submit judicial documentation in accordance with reporting requirements                                |
|                                                | <b>3.4</b> Adhere to the timeframes and governance structures of judicial documents                               |
| <b>4 Participate in court proceedings</b>      | <b>4.1</b> Engage with victims, witnesses and court officials to support court process                            |
|                                                | <b>4.2</b> Give oral testimony in accordance with the rules of the court                                          |
|                                                | <b>4.3</b> Manage exhibits throughout court proceedings                                                           |

## Foundation Skills

Foundation skills essential to performance are explicit in the performance criteria of this unit of

competency.

## **Range of Conditions**

Range is restricted to essential operating conditions and any other variables essential to the work environment.

Non-essential conditions may be found in the POL Police Training Package Companion Volume Implementation Guide.

## **Unit Mapping Information**

This unit replaces but is not equivalent to POLGEN023 Apply legislation and judicial processes in policing

## **Links**

Companion Volume Implementation Guides are found in VETNet -

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

# Assessment Requirements for POLGEN032 Apply legislation and judicial processes in policing

## Modification History

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## Performance Evidence

Evidence required to demonstrate competence in this unit must be relevant to and satisfy all of the requirements of the elements and performance criteria on at least one occasion and include:

- applying legislation to scenarios to inform the use of police powers
- applying the Rules of Evidence
- communicating with stakeholders as part of policing responses and judicial processes
- developing judicial documentation which complies with policies and legislation
- establishing whether an offence has been committed, relevant and sufficient evidence has been gathered, and suspects have been charged with the appropriate offence
- facilitating court processes by providing services to witnesses, victims or offenders
- identifying sources of legislation which relate to policing.

## Knowledge Evidence

Evidence required to demonstrate competence in this unit must be relevant to and satisfy all of the requirements of the elements and performance criteria and include knowledge of:

- Commonwealth, state or territory legislation which outlines powers and responsibilities applicable to policing
- court, bail and warrant procedures and processes
- offences and the elements which constitute such offences
- relevant case law and legal precedents
- Rules of Evidence.

## Assessment Conditions

As a minimum, assessors must satisfy applicable regulatory requirements, which include requirements in the Standards for Registered Training Organisations current at the time of assessment.

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Assessment processes and techniques must be appropriate to the language, literacy and numeracy

requirements of the work being performed and the needs of the candidate.

Assessment must occur in workplace operational situations or, where this is not available, in simulated workplace operational situations that replicate workplace conditions.

Resources for assessment must include access to:

- a range of relevant exercises, case studies and/or other simulations
- relevant and appropriate materials, tools, equipment and personal protective equipment (PPE) currently used in industry
- applicable documentation, including workplace procedures, regulations, codes of practice and operation manuals
- acceptable means of simulated assessment.

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