



Australian Government

POLGEN045 Apply legislation and judicial processes in policing

Release: 1

POLGEN045 Apply legislation and judicial processes in policing

Modification History

Release	Comments
1	This unit was released in POL Police Training Package release 8.0

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. It applies to candidates 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. Candidates 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	PERFORMANCE CRITERIA
Elements describe the essential outcomes of the unit	Performance criteria describe the performance needed to demonstrate achievement of the element.

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

Foundation Skills

This section describes those language, literacy, numeracy and employment skills that are essential to performance. Foundation skills essential to performance in this unit, but not explicit in the performance criteria are listed in the table below.

The ability to interpret messages and text, record observations and evidence, communicate with purpose to different communities and audiences, plan and schedule tasks according to estimated timeframes, continuously seek to learn through on-the-job observations, solve problems, work with others in a team, plan and organise activities and self-manage behaviour are core foundation skills relevant to the policing context.

Skill	Description
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Reading	Read and apply current Commonwealth, national, state or territory legislation which outlines powers and responsibilities applicable to policing. Read and comply with Rules of Evidence. Read and categorise legislation according to fitness for purpose. Read and review judicial documents for compliance purposes. Read and adhere to the timeframes and governance structures of judicial documents.
Writing	Develop written briefs of evidence in accordance with the Rules of Evidence. Use written means to communicate with stakeholders.
Oral communication	Communicate orally with stakeholders as part of policing responses and judicial processes. Interact orally to prepare persons for their involvement in the judicial processes. Liaise with persons involved in the judicial process for care/custody, support and referral requirements. Provide oral information to relevant parties of court results.
Numeracy	Manage timeframes and schedules.

Range of Conditions

Not Applicable

Unit Mapping Information

This unit supersedes and is equivalent to *POLGEN032 Apply legislation and judicial processes in policing*.

Links

Companion Volume Implementation Guides can be found on VETNet - <https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=98c3984e-2cf1-48a8-8ed1-85e4b92e7351>

Assessment Requirements for POLGEN045 Apply legislation and judicial processes in policing

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Performance Evidence

The candidate must provide evidence on at least one occasion that they have met the elements and performance criteria and have demonstrated the ability to:

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

Knowledge Evidence

The candidate must provide demonstrated evidence that they have 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

Assessment must occur in operational workplace situations or, where this is not available, in simulated situations that replicate workplace conditions. Assessors of this unit must satisfy relevant vocational education and training legislation, frameworks and/or standards.

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