



**Australian Government**

# **POLPRO004 Utilise the Rules of Evidence**

**Release: 1**

---

## POLPRO004 Utilise the Rules of Evidence

### Modification History

| Release | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1       | <p>This unit was released in POL Police Training Package release 1.0 and meets the Standards for Training Packages.</p> <p>This unit supersedes and is equivalent to PUAPOLPR001A Utilise the Rules of Evidence.</p> <ul style="list-style-type: none"><li>• Content and formatting updated to comply with new standards</li><li>• Unit recoded POL</li><li>• Elements 1 and 2 merged</li><li>• Elements 3 and 4 merged</li><li>• PC. 2.1 and 2.4 merged</li><li>• PC 2.3 and 4.1 removed</li></ul> |

### Application

This unit describes the skills required to categorise and analyse evidence and adduce evidence. This includes performing prosecution duties in a professional, ethical and accountable manner that ensures public confidence in the police.

This unit applies to police prosecutors applying Rules of Evidence when reviewing briefs and cases.

The skills and knowledge described in this unit must be applied within the 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 laws of evidence.

Those undertaking this unit would generally work autonomously within a court/justice system environment but may be required to work under supervision at times. They will be required to while perform sophisticated tasks and demonstrate adaptability across a broad range of contexts.

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

### Competency Field

Prosecution

## 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.                                                                                                                                              |
| <b>1. Analyse evidence</b>               | 1.1 Identify elements of the offence.<br>1.2 Identify evidence that supports elements of offence.<br>1.3 Categorise supporting evidence in relation to each element of the offence/s.<br>1.4 Identify applicable evidentiary law to categorised evidence.<br>1.5 Examine evidence to determine relevance and admissibility.                          |
| <b>2. Adduce evidence</b>                | 2.1 Determine methods for adducing evidence.<br>2.2 Apply determined methods to adduce evidence.<br>2.3 Re-evaluate inadmissible evidence to determine alternative methods for adducing evidence.<br>2.4 Conduct legal research to support alternative methods for adducing evidence.<br>2.5 Deliver submissions to elicit decisions from the court. |

## 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 NA |   |   |   |   |

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

This unit supersedes and is equivalent to PUAPOLPR001A Utilise the Rules of Evidence.

## Links

Companion Volume implementation guides are found in VETNet -

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

Companion Volume implementation guides are found in VETNet -

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

Companion Volume implementation guides are found in VETNet -

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

# Assessment Requirements for POLPRO004 Utilise the Rules of Evidence

## Modification History

| Release | Comments                                                                                                                                                                                                                                                                                         |
|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1       | <p>These Assessment Requirements were released in POL Police Training Package release 1.0 and meet the Standards for Training Packages.</p> <ul style="list-style-type: none"><li>• Assessment Requirements created drawing upon specified assessment information from superseded unit</li></ul> |

## 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 evidentiary requirements
- analysing evidence
- conducting research to support evidence findings
- citing and presenting 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.

- current Commonwealth, national, state or territory legislation, jurisdictional policies and procedures that regulate the Rules of Evidence
- jurisdictional information management systems and legal databases
- current Commonwealth, national, state or territory legislation, jurisdictional policies and procedures which regulate the judicial process
- legal ethics
- legal research methodologies

## 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.

Consideration must be given to holistic assessment for this unit. Refer to advice in the companion volumes.

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

## **Links**

Companion Volume implementation guides are found in VETNet -

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

Companion Volume implementation guides are found in VETNet -

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

Companion Volume implementation guides are found in VETNet -

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