



Australian Government

POLPRO005 Conduct hearings

Release: 1

POLPRO005 Conduct hearings

Modification History

Release	Comments
1	This unit was released in POL Police Training Package release 1.0 and meets the Standards for Training Packages. This unit supersedes and is equivalent to PUAPOLPR006A Conduct a hearing. • Content and formatting updated to comply with new standards • Unit recoded POL • Title updated • Element 2 reworded • Element 4 removed • New element added • PC 1.3 and 1.4 reordered • PC 2.3 and 5.2 removed • All PC in Element 3 revised • New PC added to Element 5 • Element 6 and 7 merged and all PC reordered and revised

Application

This unit describes the skills required to review evidence, prepare a case concept, present a prosecution case, examine defence witnesses, make submissions and objections, and finalise a case. It includes performing prosecution duties in a professional, ethical and accountable manner that ensures public confidence in the police. It also includes reviewing evidence relating to the case and participating in court proceedings.

This unit applies to police prosecutors participating in court hearings.

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 codes of ethics, codes of conduct, court proceedings and prosecution guidelines.

Those undertaking this unit would generally work autonomously within a court/justice system environment. They will be required to 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.
1. Review evidence	1.1 Evaluate brief critically to determine applicable rules of evidence. 1.2 Evaluate witness testimony prior to the hearing to determine evidence to be presented. 1.3 Verify evidence is admissible and available for hearing. 1.4 Communicate with stakeholders prior to the hearing to evaluate issues.
2. Prepare case concepts	2.1 Develop case concept utilising the information contained in the brief of evidence. 2.2 Determine presentation of prosecution case in accordance with case concept. 2.3 Identify legal principles to support the case concept.
3. Present prosecution cases	3.1 Present preliminary information to commence hearing. 3.2 Call witnesses to provide evidence to court. 3.3 Elicit evidence in chief from witnesses to cover elements of the offences. 3.4 Tender exhibits to provide evidence to court. 3.5 Record evidence presented by cross-examined witnesses for reference purposes. 3.6 Evaluate evidence presented by cross-examined witnesses critically to determine necessity of re-examination and submissions. 3.7 Re-examine witnesses to clarify witness responses in cross-examination.
4. Examine defence witnesses	4.1 Record evidence provided by defence witnesses for reference purposes. 4.2 Evaluate witness evidence critically to develop cross examination strategy. 4.3 Cross-examine defence witnesses to test credibility of witness and reliability of evidence.
5. Make submissions and	5.1 Prepare submissions utilising relevant facts, legislation and case law.

objections	5.2 Evaluate evidence and/or questions critically to determine relevance and admissibility. 5.3 Deliver submissions and objections throughout the hearing.
6. Finalise cases	6.1 Analyse circumstances of the case to determine need for applications. 6.2 Submit applications to obtain court orders. 6.3 Record issues and court outcomes for future reference. 6.4 Process briefs for administrative purposes. 6.5 Communicate with stakeholders to inform them of outcomes. 6.6 Analyse conduct of prosecution case critically to identify areas for improvement. 6.7 Develop recommendations to inform continuous improvement.

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 PUAPOLPR006A Conduct a hearing.

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 POLPRO005 Conduct hearings

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. • Assessment Requirements created drawing upon specified assessment information from superseded unit

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.

- reviewing, analysing and managing briefs and evidence
- ensuring completeness of briefs and evidence prior to hearings
- communicating with stakeholders
- developing strategies to build argument, including sequencing and targeting of information
- identifying relevant law and legal precedent
- detailing and presenting case for the prosecution
- presenting evidence to the court
- examining evidence and witnesses
- preparing and delivering persuasive and judicial submissions
- making objections when appropriate
- recording actions and outcomes for future reference
- analysing court outcomes to inform future recommendations
- developing recommendations for continuous improvement
- completing administrative tasks associated with finalising briefs

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 sentencing practices and principles
- legislation relating to sentencing
- cross examination of hostile/unfavourable and defence witnesses

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 practical assessment for this unit. Refer to advice in the companion volumes.

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

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