



Australian Government

PSPCART023 Perform quasi-judicial functions

Release: 1

PSPCART023 Perform quasi-judicial functions

Modification History

Release	Comments
1	This unit was released in PSP Public Sector Training Package release 1.0 and meets the Standards for Training Packages. This unit supersedes and is equivalent to PSPCART506B Perform quasi-judicial functions. • Unit code updated • Content and formatting updated to comply with new standards • All PC transitioned from passive to active voice • PC 2.4 and 2.5, PC 3.3 and 3.4 merged

Application

This unit describes the skills required to perform quasi-judicial functions as prescribed by legislation and Rules of Court. It includes advising on rules and legislation, settling court orders and presiding in prescribed matters under specified court rules and practice.

This unit applies to those working as court officials within the court system operating under procedures set by the court.

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 set by the court.

Those undertaking this unit would generally work independently with supervisory responsibilities. They would perform complex tasks in a range of familiar and unfamiliar contexts.

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

Competency Field

Courts

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. Provide information and options on rules and legislation	1.1 Provide interpretation of rules and legislation in the context of specific and general practice and procedure. 1.2 Assess severity of urgent matters and determine course of procedure. 1.3 Determine intent of legislation and provide advice.
2. Settle orders	2.1 Interpret and amend draft orders according to record of outcome. 2.2 Liaise with legal representatives, judicial officers and associates regarding discrepancies in interpretation of the orders made. 2.3 Prepare final orders made at hearings. 2.4 Sign and seal completed orders and settle cases.
3. Preside in prescribed matters	3.1 Assess case flow requirements in accordance with legislation, rules, court load, natural justice and defined criteria to ensure that matters proceed in line with timeframes and guidelines of case-flow management. 3.2 Facilitate discussion to explain the reason for a hearing and to achieve settlement of the matter between the parties. 3.3 Confirm issues and discuss options providing direction and guidance to the parties. 3.4 Make decisions or orders to settle the matter and ensure a fair and equitable outcome in accordance with the principles of natural justice. 3.5 Expedite listing and hearing for matters proceeding to further hearing.

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					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

This unit supersedes and is equivalent to PSPCRT506B Perform quasi-judicial functions.

Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=bebbece7-ff48-4d2c-8876-405679019623>

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Assessment Requirements for PSPCRT023 Perform quasi-judicial functions

Modification History

Release	Comments
1	These Assessment Requirements were released in PSP Public Sector 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.

- interpreting and applying legislation, rules, practice and procedures in the performance of quasi-judicial functions
- following procedures relating to public sector legislation, including WHS and environment, in the context of performing quasi-judicial functions
- facilitating informal discussion between legal representatives and parties while maintaining impartiality
- dealing with conflict to ensure efficient case flow
- dealing with different people, including the judiciary, legal profession and litigants
- responding to diversity
- evaluating circumstances and making decisions with integrity and fairness

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.

- alternative dispute resolution provisions and processes of courts
- courts administration structure
- legislation conferring jurisdiction on court
- legislation, rules, practice, procedures and precedents relating to the performance of quasi-judicial functions
- judicial independence
- natural justice

- structure, roles and functions of courts

Assessment Conditions

Assessment of this unit requires a workplace environment or one that closely resembles normal work practice and replicates the diverse conditions likely to be encountered when performing quasi-judicial functions.

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

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