



Australian Government

PSPREG038 Give evidence

Release: 1

PSPREG038 Give evidence

Modification History

Supersedes and is not equivalent to PSPREG011 Give evidence.

Application

This unit describes the performance outcomes, skills and knowledge required to give evidence in a range of legal proceedings.

This unit applies to those working in regulatory roles.

The skills in this unit must be applied in accordance with Commonwealth and State or Territory legislation, Australian standards and industry codes of practice.

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

Pre-requisite Unit

Nil

Competency Field

Regulatory

Elements and Performance Criteria

ELEMENTS

Elements describe the essential outcomes

1. Prepare for proceedings.

PERFORMANCE CRITERIA

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

- 1.1. Confirm arrangements, role and involvement in proceedings.
- 1.2. Prepare documentation and exhibits in accordance with requirements.
- 1.3. Support witnesses to attend proceedings and give evidence.

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| 2. Present evidence. | 2.1. Adhere to protocols and rules of evidence relevant to the setting and the organisation involved. |
| | 2.2. Note and incorporate feedback from counsel or police, and comments by deciding authority. |
| | 2.3. Present evidence in a clear, concise and articulate manner. |
| | 2.4. Enhance the reputation and image of the organisation through the quality, standard and presentation of evidence. |
| | 2.5. Provide considered expert evidence on request consistent with qualifications and expertise. |
| 3. Follow up outcomes of proceedings. | 3.1. Note and file outcomes of proceedings and complete reports in accordance with organisational procedures. |
| | 3.2. Implement any required actions. |

Foundation Skills

Foundation skills essential to performance in this unit, but not explicit in the performance criteria are listed here, along with a brief context statement.

SKILLS

DESCRIPTION

Reading skills to:

- make comparisons and exercise judgment about facts in written materials.

Unit Mapping Information

Supersedes and is not equivalent to PSPREG011 Give evidence.

Links

Companion Volume implementation guides are found in VETNet -

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

Assessment Requirements for PSPREG038 Give evidence

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Performance Evidence

Evidence of the ability to complete tasks outlined in elements and performance criteria of this unit in the context of the job role, and on at least two occasions:

- present evidence clearly and concisely
- take notes on court proceedings
- communicate with people from diverse backgrounds
- write reports using formal structures and language.

Knowledge Evidence

Demonstrated knowledge required to complete the tasks outlined in elements and performance criteria of this unit:

- legislation applicable to giving evidence in legal proceedings
- organisational policies, procedures and guidelines for giving evidence
- court prosecution processes
- common law versus judicial precedent versus legislation
- specific powers of the organisation
- structures and related jurisdiction of:
 - court
 - tribunal
 - commission
- appeals systems
- role of legal personnel in judicial or quasi-judicial systems
- procedures and protocols in different judicial or quasi-judicial systems
- types of offences
- general principles of criminal liability
- exemptions and defences
- types of evidence admissible in judicial or quasi-judicial systems
- legislative requirements of presenting evidence
- use of notes in:
 - court
 - tribunal
 - commission.

Assessment Conditions

Skills must be demonstrated in the workplace or in a simulated environment that reflects workplace conditions.

Assessment must ensure access to:

- legislation applicable to giving evidence in legal proceedings
- organisational policies, procedures and guidelines for presentation of evidence
- information on relevant court proceedings
- resources and equipment of the court environment.

Assessors must satisfy the Standards for Registered Training Organisations' requirements for assessors.

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