



Australian Government

PSPREG044 Conduct prosecutions

Release: 1

PSPREG044 Conduct prosecutions

Modification History

Supersedes and is not equivalent to PSPREG020 Conduct prosecutions.

Application

This unit describes the performance outcomes, skills and knowledge required to review a brief of evidence and prosecute offences while acting as the prosecutor in court.

This unit applies to those working in public sector roles conducting regulatory activities. Those undertaking this unit work autonomously, performing complex tasks in a range of familiar and unfamiliar contexts.

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 prosecution.

2. Conduct a prosecution.

PERFORMANCE CRITERIA

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

- 1.1. Review and clarify brief of evidence with the authorised officer prior to court proceedings.
- 1.2. Identify relevant precedents.
- 1.3. Prepare questions to address the facts of the brief.
- 1.4. Brief personnel involved.
- 1.5. Agree upon parameters for negotiating out of court prior to prosecution with authorised organisational personnel.
- 2.1. Follow evidentiary procedures and conduct prosecution according to court processes, protocols, rules of evidence and organisational instructions.

- 2.2. Maintain personal presentation to meet organisational standards.
- 2.3. Complete file endorsements in accordance with required procedures.
- 2.4. Follow up or complete matters arising from proceedings.
- 2.5. Review the outcome of the prosecution to provide input or recommendations for handling future cases.

Foundation Skills

Foundation skills essential to performance are explicit in the performance criteria of this unit of competency.

Unit Mapping Information

Supersedes and is not equivalent to PSPREG020 Conduct prosecutions.

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 PSPREG044 Conduct prosecutions

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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:

- make presentations, including participating in complex oral exchanges, in two briefing sessions and in two court proceedings and:
- on at least two occasions:
 - read complex, lengthy documents to ascertain key elements
 - undertake research to identify precedents.

Knowledge Evidence

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

- court prosecution process, procedures and protocols
- court conduct
- enabling legislation and offences
- sections of the Evidence Act relating to:
 - types of evidence
 - rules of evidence
 - possible defences
 - burden of proof
 - role of expert witnesses
 - hearsay
- legislation in the context of conducting prosecutions.

Assessment Conditions

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

Assessment must ensure access to:

- legislation, court procedures and protocols in the context of conducting prosecutions
- resources and equipment of the working environment.

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

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