



Australian Government

Department of Education, Employment and Workplace Relations

PSPCRT414A Administer court legislation

Revision Number: 3

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Modification History

Release	TP Version	Comments
3	PSP12V1	Elements and performance criteria pre-content edited.
2	PSP04V4.2	Layout adjusted. No changes to content.
1	PSP04V4.1	Primary release.

Unit Descriptor

This unit covers the ability to implement and administer legislation in a court, tribunal and justice workplace.

In practice, this is the workplace primarily responsible for the administration and enforcement of legislation pursuant to technical statutory rules, protocols and procedures.

In the workplace, staff must be able to apply legislation to the conduct of court activities in different jurisdictions, ensuring that changes to legislation are applied within required timeframes. They must be able to understand and communicate legislative information within the limits of their own legal responsibility.

No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.

Application of the Unit

This unit applies to those who, within the limits of their responsibilities, apply and interpret legislation and are providing information about that as well as about legal jurisdictions, consequences of non-compliance, and legal accountability.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.

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 statement. Assessment of performance is to be consistent with the evidence guide.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Access and identify applicable legal framework.	1.1. Identify applicable <i>jurisdiction</i> and access current legislation, regulations, organisational procedures, standards and codes of practice in both <i>hard and soft formats</i>. 1.2. Monitor <i>sources</i> of information for changes to the legal framework. 1.3. Apply <i>common rules of statutory interpretation</i> to legislation and regulations. 1.4. Interpret delegated legislation consistently with enabling Act.
2. Apply knowledge of legal framework to the workplace.	2.1. Determine legal accountability obligations from legislation, regulations, organisational procedures, standards and codes of practice. 2.2. Identify <i>consequences of non-compliance</i> with legislation, regulations, organisational procedures, standards and codes of practice. 2.3. Recognise limits of own expertise and legal accountability obligations, and access appropriate sources of expertise as required. 2.4. Ensure that work is undertaken in a legally compliant manner.
3. Communicate knowledge of legal framework.	3.1. Clearly outline legal limits of own responsibility before any information is provided. 3.2. Clearly explain source of legislative authority for decision making to a range of both <i>internal and external clients</i>. 3.3. Use appropriate <i>legal terminology</i> in both written and oral communication with both internal and external clients. 3.4. Ensure questions relating to legal terminology can be answered and terms are defined. 3.5. Provide information to others on the legal accountability obligations arising from legislation, regulations, organisational procedures, standards and codes of practice. 3.6. Provide information to others on the consequences of non-compliance with legislation, regulations, organisational procedures, standards and codes of practice.

Required Skills and Knowledge

This section describes the skills and knowledge required for this unit.

Required skills

- literacy skills to:
 - read and interpret complex legal material
 - apply legal terminology correctly
- communication and interpersonal skills to:
 - provide explanations to others
 - promote understanding of legislation, regulations, organisational procedures and codes of practice, in particular lodging of applications
- research skills to:
 - locate relevant legislation, rules, regulations and codes of practice
 - clarify intended meaning of relevant legislation, rules, regulations and codes of practice
- initiative and enterprise skills to apply legislation, rules, regulations and codes of practice

Required knowledge

- distinction between legal and procedural information
- jurisdictional limitations
- general rules of statutory interpretation
- identification of the currency of legislation, regulations, organisational procedures and codes of practice
- principles of effective client service delivery
- legal accountability obligations
- consequences of non-compliance with legislation, regulations, organisational procedures, standards and codes of practice
- personal limitation of legislative responsibilities and appropriate sources of expertise

Evidence Guide

The Evidence Guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.

Critical aspects for assessment and evidence required to demonstrate competency in this unit

Assessment must confirm the ability to:

- identify, access and apply legislation in different jurisdictions
- research, identify and apply changes to relevant legislation
- conduct research and obtain professional advice as appropriate to ensure that work is conducted in compliance with relevant legislation
- understand personal limitation of legislative responsibilities
- communicate information about legislation applying to legislative workplaces

Consistency in performance

Competency should be demonstrated by interpreting applying legislation in a range of settings over time.

Context of and specific resources for assessment

Assessment must comply with:

- applicable regulations and codes
- workplace procedures and protocols.

Access may be required to:

- a workplace environment or one that closely resembles normal work practices and replicates the range of conditions likely to be encountered when working in a:
 - court or tribunal
 - minimum of two jurisdictions
- relevant legislation, protocols, procedures and policy for each jurisdiction
- scenarios and/or case studies to capture the range of situations and issues likely to be encountered
- relevant communication, information and reporting systems

Guidance information for assessment

The following assessment methods are suggested:

- oral questioning about relevant programs, roles of stakeholders, and eligibility criteria
- observation of the candidate providing services in a range of contexts to ensure achievement of the unit outcomes
- feedback from peers and/or supervisor that the candidate consistently applies relevant workplace procedures
- review of records completed by candidate or reports of performance

In all cases, practical assessment should be supported by questions

to assess underpinning knowledge and those aspects of competency that are difficult to assess directly. Questioning techniques should suit the language and literacy levels of the candidate.

Range Statement

The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. ***Bold italicised*** wording, if used in the performance criteria, is detailed below. Essential operating conditions that may be present with training and assessment (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) may also be included.

<i>Jurisdiction</i> may include:	• authority of a judicial officer or administrator to hear and decide a type of matter determined by: • geographical area • monetary value • legislation • choice of parties
<i>Hard and soft formats</i> may include:	• electronic databases • loose leaf legislation services • government legislation publications
<i>Sources</i> may include:	• practice directions • electronic databases • government legislation updates
<i>Common rules of statutory interpretation</i> may include:	• golden rule • mischief rule • plain meaning or literal rule • purposive rule
<i>Consequences of non-compliance</i> may include:	• fines • commission of an offence • costs • matter being struck out • misconduct proceedings • under-performance proceedings
<i>Internal and external clients</i> may include:	• court users • legal practitioners • presiding officials • colleagues • senior managers • service providers
<i>Legal terminology</i> may include:	• statutory definitions • procedural terms • documentation terms • forms of address • acronyms • Latin terms

Unit Sector(s)

Not applicable.

Competency field

Courts.