



**Australian Government**

**Department of Education, Employment and Workplace Relations**

# **PSPREG410B Give evidence**

**Revision Number: 3**

## PSPREG410B Give evidence

### Modification History

| Release | TP Version | Comments                                |
|---------|------------|-----------------------------------------|
| 3       | PSP12V1    | Unit descriptor edited.                 |
| 2       | PSP04V4.2. | Layout adjusted. No changes to content. |
| 1       | PSP04V4.1  | Primary release.                        |

### Unit Descriptor

This unit covers the requirements of giving evidence in a range of legal proceedings. It includes preparing for proceedings, presenting evidence, and following up outcomes of proceedings.

In practice, giving evidence may overlap with other generalist or specialist public sector work activities such as acting ethically, complying with public sector legislation, applying government processes, working with interpreters.

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

### Application of the Unit

Not applicable.

### Licensing/Regulatory Information

Not applicable.

### Pre-Requisites

Not applicable.

### Employability Skills Information

This unit contains employability skills.

## Elements and Performance Criteria Pre-Content

Elements are the essential outcomes of the unit of competency. Together, performance criteria specify the requirements for competent performance. Text in ***bold italics*** is explained in the Range Statement following.

## Elements and Performance Criteria

| ELEMENT                              | PERFORMANCE CRITERIA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Prepare for proceedings           | <p>1.1 <b><i>Arrangements for, role and involvement</i></b> in <b><i>proceedings</i></b> are confirmed.</p> <p>1.2 <b><i>Documentation and exhibits</i></b> are prepared in accordance with <b><i>legislation, policy and procedures</i></b>.</p> <p>1.3 Any <b><i>witnesses</i></b> are supported as required, in accordance with organisational policy and procedures, to attend proceedings and give evidence.</p>                                                                                                                                                                                                                                                                                                                                                               |
| 2. Present evidence                  | <p>2.1 <b><i>Protocols</i></b> and <b><i>rules of evidence</i></b> relevant to the setting and the organisation involved are adhered to throughout proceedings.</p> <p>2.2 Feedback from counsel and/or police and comments by <b><i>deciding authority</i></b> are noted and incorporated.</p> <p>2.3 <b><i>Evidence</i></b> is presented in a clear, concise and articulate manner in accordance with organisational standards.</p> <p>2.4 Quality and <b><i>standard of evidence and presentation</i></b> enhance the reputation and image of the organisation with the public, legal profession and colleagues.</p> <p>2.5 Considered expert evidence is provided on request in accordance with the organisation's policy and consistent with qualifications and expertise.</p> |
| 3. Follow up outcomes of proceedings | <p>3.1 The outcomes of the proceedings are noted and filed, and reports are completed where required according to organisational requirements.</p> <p>3.2 Any <b><i>required actions</i></b> are implemented in accordance with organisational policies and procedures.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

## Required Skills and Knowledge

This section describes the essential skills and knowledge and their level, required for this unit.

### Skill requirements

Look for evidence that confirms skills in:

- presenting evidence clearly and concisely
- writing reports
- word processing
- taking notes
- communicating with people from diverse backgrounds
- responding to diversity, including gender and disability
- making comparisons and exercising judgment about facts in written materials
- report writing using formal structures and language
- applying public sector standards and legislation such as occupational health and safety and environment in the context of giving evidence

### Knowledge requirements

Look for evidence that confirms knowledge and understanding of:

- court prosecution processes
- common law versus judicial precedent versus legislation
- specific powers of the organisation
- court/tribunal/commission structures
- jurisdiction of each 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
- organisation policies and procedures relating to preparation of documents and evidence and providing expert opinion
- public sector legislation such as occupational health and safety and environment relating to the presentation of evidence

## Evidence Guide

The Evidence Guide specifies the evidence required to demonstrate achievement in the unit of competency as a whole. It must be read in conjunction with the Unit descriptor, Performance Criteria, the Range Statement and the Assessment Guidelines for the Public Sector Training Package.

### Units to be assessed together

- *Pre-requisite* units that must be achieved prior to this unit: Nil
- *Co-requisite* units that must be assessed with this unit: Nil
- *Co-assessed units* that may be assessed with this unit to increase the efficiency and realism of the assessment process include, but are not limited to:
  - PSPETHC401A Uphold and support the values and principles of public service
  - PSPLEGN401A Encourage compliance with legislation in the public sector
  - PSPGOV408A Value diversity
  - PSPGOV419A Work with interpreters
  - PSPGOV422A Apply government processes
  - PSPREG401C Exercise regulatory powers

### Overview of evidence requirements

In addition to integrated demonstration of the elements and their related performance criteria, look for evidence that confirms:

- the knowledge requirements of this unit
- the skill requirements of this unit
- application of the Employability Skills as they relate to this unit (see Employability Summaries in Qualifications Framework)
- giving evidence in a range of (3 or more) contexts (or occasions, over time)

### Resources required to carry out assessment

These resources include:

- legislation, policy, procedures and protocols relating to presentation of evidence
- case studies and workplace scenarios to capture the range of likely offences for which evidence needs to be presented

### Where and how to assess evidence

Valid assessment of this unit requires:

- a workplace environment or one that closely resembles normal work practice and replicates the range of conditions likely to be encountered when giving evidence, including coping with difficulties, irregularities and breakdowns in routine
- giving evidence in a range of (3 or more) contexts (or

occasions, over time)

Assessment methods should reflect workplace demands, such as literacy, and the needs of particular groups, such as:

- people with disabilities
- people from culturally and linguistically diverse backgrounds
- Aboriginal and Torres Strait Islander people
- women
- young people
- older people
- people in rural and remote locations

Assessment methods suitable for valid and reliable assessment of this competency may include, but are not limited to, a combination of 2 or more of:

- case studies
- demonstration
- observation
- questioning
- scenarios
- simulation or role plays
- authenticated evidence from the workplace and/or training courses

**For consistency of assessment**

Evidence must be gathered over time in a range of contexts to ensure the person can achieve the unit outcome and apply the competency in different situations or environments

## Range Statement

The Range Statement provides information about the context in which the unit of competency is carried out. The variables cater for differences between States and Territories and the Commonwealth, and between organisations and workplaces. They allow for different work requirements, work practices and knowledge. The Range Statement also provides a focus for assessment. It relates to the unit as a whole. Text in ***bold italics*** in the Performance Criteria is explained here.

***Arrangements for, role and involvement*** may include:

- confirmation of time, date and location of proceedings
- confirmation of evidence required to be presented
- working with/briefing legal counsel

***Proceedings*** may include:

- criminal, coronial and civil courts
- defence tribunals
- industrial relations commissions
- State industrial tribunals
- workers compensation tribunals
- human rights commissions
- equal opportunity commissions
- land and environment courts
- royal commissions
- disciplinary hearings
- administrative reviews
- Parliamentary hearings

***Documentation and exhibits*** may include:

- reports
- photographs
- items of evidence
- media footage
- reports of incidents
- files, correspondence, meeting notes
- radio/telephone record logs

***Legislation, policy and procedures*** may include:

- legislation relevant to proceedings
- legislation relevant to the organisation
- operational performance standards
- organisational personnel practices and guidelines
- organisational quality standards

***Witnesses*** may include:

- those directly involved
- bystanders
- experts
- organisational personnel
- distressed or unwilling witnesses

- Protocols** may include:
- complainants
  - rules of court
  - correct mode of address for judges, magistrates and other court users, in and out of court
  - procedures for entering and leaving a courtroom
  - complying with security procedures
  - file handling procedures
  - procedures for handling exhibits
- Rules of evidence** include:
- admissibility
  - contemporaneousness
- Deciding authority** may include:
- magistrate
  - judge
- Evidence** may include:
- different aspects in chief, cross-examination and re-examination
- Standards for giving evidence** may include:
- voice clarity
  - language
  - impartiality
  - respect for people and offices held
  - standards of dress
  - forms of address
- Required action** may include:
- follow-up action with legal authorities
  - re-listing for conciliation conference or arbitration
  - dealing with evidence, which may include disposal
  - preparing agreed orders
  - updating files
  - closing files

## Unit Sector(s)

Not applicable.

## Competency field

Regulatory.