



Australian Government

PUALAW004 Represent the organisation in a judicial or quasi-judicial setting

Release: 2

PUALAW004 Represent the organisation in a judicial or quasi-judicial setting

Modification History

Release 2.0 This is the second release of this unit of competency in the PUA Public Safety Training Package.

Editorial adjustments and clarification of text in Assessment Conditions.

Release 1.0 This is the first release of this unit of competency in the PUA Public Safety Training Package.

Application

This unit involves the skills and knowledge required to prepare evidence, statements and submissions, select and arrange witnesses and brief counsel.

The unit applies to personnel with responsibility for managing organisational response for a judicial or quasi-judicial setting. It is not applicable to personnel with a legal representation role or who are presenting evidence in defence of organisational procedures.

The fire sector is those sections of government departments, statutory authorities or organisations that have responsibility under jurisdictional arrangements for the delivery of firefighting and fire management services.

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

Pre-requisite Unit

Not applicable.

Competency Field

Fire

Unit Sector

Fire

Elements and Performance Criteria

ELEMENTS

PERFORMANCE CRITERIA

Elements describe the essential Performance criteria describe the performance needed to

outcomes.

demonstrate achievement of the element.

1 Prepare evidence and other material for proceedings

- 1.1** Detailed evidence is collected and collated
- 1.2** Witnesses are selected, correctly notified and their attendance arranged
- 1.3** Witness statements are prepared, in accordance with the requirements of the jurisdiction involved
- 1.4** Proceedings and protocols are adhered to in preparing evidence, in accordance with the jurisdiction involved
- 1.5** Legal brief is prepared, as required, that identifies relevant facts and provides detailed evidence and advice

2 Prepare for proceedings

- 2.1** Briefings are held with counsel as required
- 2.2** Personnel involved in the proceedings are briefed

3 Negotiate with opposing parties where required

- 3.1** Negotiation parameters are clearly identified prior to the court process
- 3.2** Negotiations held in conference with the opposing parties are in accordance with agreed negotiation parameters of the organisation represented, as required

4 Monitor rulings

- 4.1** Outcomes of proceedings are reviewed to ensure knowledge of trends and precedents is current
- 4.2** Changes to organisational policies and procedures arising from rulings and decisions are formulated

Foundation Skills

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

Range of Conditions

Range is restricted to essential operating conditions and any other variables essential to the work environment.

Non-essential conditions may be found in the Companion Volume Implementation Guide.

Unit Mapping Information

This unit replaces and is equivalent to PUALAW004B Represent the organisation in a judicial or quasi-judicial setting.

Links

Companion Volume Implementation Guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=3eca5672-6d5a-410b-8942-810d0ba05bbf>

Assessment Requirements for PUALAW004 Represent the organisation in a judicial or quasi-judicial setting

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Performance Evidence

Evidence required to demonstrate competence in this unit must be relevant to and satisfy all the requirements of the elements and performance criteria on at least one occasion and includes

- applying Work, Health and Safety (WHS)/Occupational Health and Safety (OHS) organisational requirements
- briefing counsel and witnesses
- collating evidence
- monitoring rulings
- negotiating with opposing parties where required
- preparing comprehensive and accurate legal briefs
- preparing evidence and other material for proceedings
- preparing personnel for proceedings preparing statements
- writing reports

Knowledge Evidence

Evidence required to demonstrate competence in this unit must be relevant to and satisfy all the requirements of the elements and performance criteria and includes knowledge of

- burden of proof
- conduct and operation of hearings
- court protocols and proceedings including for different judicial or quasi-judicial settings
- exemptions and defences
- hearsay rule
- how to prepare legal briefs and submissions
- organisational documentation, policies and procedures
- points of proof
- qualifications and experience required of expert witness
- range of crimes and/or offences that can be committed

- relevant sections of Coroners Act, Criminal Code, Evidence Act and legislation
- role of lay and expert witnesses
- rules of evidence in different judicial or quasi-judicial settings
- types of evidence
- use of notes
- Work, Health and Safety (WHS)/Occupational Health and Safety (OHS) organisational requirements

Assessment Conditions

Assessors must hold credentials specified within the Standards for Registered Training Organisations current at the time of assessment.

Assessment must satisfy the Principles of Assessment and Rules of Evidence and all regulatory requirements included within the Standards for Registered Training Organisations current at the time of assessment.

Assessment must occur in operational situations or in simulated operational training situations that reflect workplace conditions.

Assessment processes and techniques must be appropriate to the language, literacy and numeracy requirements of the work being performed and the needs of the candidate.

Resources for assessment must include access to

- a range of relevant exercises, case studies and/or simulations
- appropriate materials, equipment, tools and personal protective clothing and equipment currently used in industry
- applicable documentation including organisational procedures, industry standards, equipment specifications, regulations, codes of practice and operation manuals.

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