



**Australian Government**

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

# **PUALAW003B Give evidence in a judicial or quasi-judicial setting**

**Revision Number: 2**

## PUALAW003B Give evidence in a judicial or quasi-judicial setting

### Modification History

| Release | TP version | Comments                              |
|---------|------------|---------------------------------------|
| 2       | PUA12 V1   | Layout adjusted. Application revised. |
| 1       | PUA00 V8.1 | Primary release on TGA.               |

### Unit Descriptor

This unit covers the competency to prepare evidence, present evidence and follow up on the outcomes of proceedings.

### Application of the Unit

This unit applies to workers who are called to present evidence as an expert witness in relation to specific incidents. This may include detailing incident events in relation to operational and organisational procedures. It does not apply to workers who have a specific and ongoing role in regards to the presentation of evidence.

### 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 required 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. Prepare for proceedings           | 1.1 <b><i>Arrangements, role and involvement</i></b> in proceedings are confirmed.<br>1.2 <b><i>Documentation and exhibits</i></b> are prepared in accordance with legislative requirements and <b><i>organisation's policies and procedures</i></b> .                                                                                                                                                                                       |
| 2. Present evidence                  | 2.1 <b><i>Proceedings</i></b> and <b><i>protocols</i></b> relevant to the jurisdiction involved are adhered to throughout the proceedings.<br>2.2 Rules of evidence relevant to the jurisdiction are adhered to.<br>2.3 Evidence is presented in a clear, concise and articulate manner.<br>2.4 Considered expert evidence is provided on request in accordance with organisation's policy and consistent with qualifications and expertise. |
| 3. Follow up outcomes of proceedings | 3.1 The outcomes of the proceedings are noted and filed, and reports completed where required according to organisation requirements.<br>3.2 Any required actions are implemented in accordance with organisation policies and procedures.                                                                                                                                                                                                   |

## Required Skills and Knowledge

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

### Required Skills

- presenting evidence clearly and concisely
- taking notes
- word-processing
- writing reports

### Required Knowledge

- appeals systems
- exemptions and defences
- general principles of criminal liability
- legislative requirements of presenting evidence
- organisation policies and procedures relating to preparation of documents and evidence and providing expert opinion
- procedures and protocols in different judicial/quasi-judicial systems
- role of legal personnel in judicial/quasi-judicial systems
- types of evidence admissible in judicial/quasi-judicial systems
- types of offences
- use of notes in court/tribunal/commission

## Evidence Guide

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

All documentation and evidence at hand.  
Accurate and articulate presentation of evidence.

### Consistency in performance

Evidence should be gathered over a period of time in a range of actual or simulated workplace environments.

### Context of and specific resources for assessment

#### Context of assessment

On the job or in a simulated environment. Written or verbal tests may be used as supporting evidence.

#### Specific resources for assessment

No special requirements.

## 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 in the Performance Criteria is detailed below.

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

- reports
- photographs
- items of evidence
- media footage
- reports of incidents
- radio/telephone records
- logs

***Witnesses*** may include:

- those directly involved
- bystanders and experts

***Court protocols:***

- voice clarity
- language
- impartiality
- respect for people and offices held
- standards of dress
- forms of address

***Organisation's policy and procedures*** may vary between sectors and organisations and may include:

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

***Proceeding*** may include:

- rules of court
- judicial and quasi judicial tribunals

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

- confirmation of time
- date and location of proceedings
- confirmation of evidence required to be presented

## Unit Sector(s)

Not applicable.