



Australian Government

Department of Education, Employment and Workplace Relations

PUALAW004B Represent the organisation in a judicial or quasi-judicial setting

Revision Number: 2

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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, statements and submissions, select and arrange witnesses and brief counsel.

Application of the Unit

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

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 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 <i>Proceedings</i> and <i>protocols</i> are adhered to in preparing evidence in accordance with the jurisdiction involved. 1.5 Precedents relevant to the procedures are identified. 1.6 A <i>legal brief</i> is prepared where required that identifies all relevant facts, sections of appropriate legislation, precedents, and provides detailed evidence and advice. 1.7 Submission is prepared that supports the organisation's position and protects the organisation's interests.
2. Prepare personnel 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 Any 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.
4. Monitor rulings	4.1 Outcomes of proceedings are reviewed to ensure knowledge of trends and precedents is current. 4.2 Changes to organisation's policy and procedures arising from rulings and decisions are formulated.

Required Skills and Knowledge

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

Required Skills

- briefing counsel and witnesses
- collating evidence
- preparing statements
- researching and identifying precedents
- writing reports

Required Knowledge

- burden of proof
- conduct and operation of hearings
- Coroners Act
- Criminal Code
- exemptions and defences
- Hearsay Rule
- how to prepare legal brief
- how to prepare submissions
- points of proof
- procedures and protocols in different judicial or quasi-judicial settings
- qualifications and experience required of expert witness
- range of crimes/offences that can be committed
- relevant sections of Evidence Act
- relevant sections of legislation
- roles of lay and expert witness
- rules of evidence in different judicial or quasi-judicial settings
- types of evidence
- use of notes

Evidence Guide

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

Full and detailed evidence to hand.
Comprehensive and accurate legal brief.

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 work environment.

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.

Court protocols may include:

- standards of attire
- forms of address

Court proceedings may include:

- rules of court
- judicial and quasi judicial tribunals

Legal brief may include:

- All documentation relevant to the preparation for legal proceedings such as precedents
- witness statements
- records of evidence
- investigator's reports
- media footage
- log books

Unit Sector(s)

Not applicable.