



Australian Government

Assessment Requirements for SFICPL407 Undertake prosecution procedures for magistrate's court

Release: 1

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Modification History

Release	Comments
Release 1	This version released with SFI Seafood Industry Training Package Version 1.0.

Performance Evidence

An individual demonstrating competency must satisfy all of the elements and performance criteria in this unit.

There must be evidence that the individual has undertaken prosecution procedures relating to fishery offences for at least one proceeding for the magistrate's court, including:

- assessing the brief based on facts, law and completion of documentation
- researching prior convictions and current bonds pertaining to charged offender
- presenting allegations and prosecution information from the prosecution brief to the court according to courtroom procedures
- following through on matters arising from court proceedings.

Knowledge Evidence

An individual must be able to demonstrate the knowledge required to perform the tasks outlined in the elements and performance criteria of this unit. This includes knowledge of:

- magistrate's courtroom etiquette
- magistrate's courtroom procedures relevant to:
- roles and responsibilities of officers of the court
- addressing the bench
- estreating bonds
- negotiating in pre-trial hearings
- opposing or supporting bail
- opposing, supporting or requesting adjournment
- office procedures for undertaking prosecution procedures, including:
- adjudicating of briefs
- completing and serving summonses
- preparing applications
- process for responding to questions from the bench and other parties
- prosecuting authority's policies on adjudication of briefs.

- methods for identifying proofs of an offence
- types of documentation and exhibits that may be presented as evidence in court
- basic research techniques that can be used to gather information and evidence
- purpose of the Evidence Act
- evidence management principles
 - methods for preserving, maintaining, storing and transporting evidence and exhibits that may be used in court
- rules of evidence in a legal proceeding
 - requirements for recording information that is factual and can be used as evidence in court
 - requirements for taking statements from witnesses
- types of law:
 - civil
 - common
 - criminal
 - statute.

Assessment Conditions

Assessment of skills must take place under the following conditions:

- physical conditions:
 - skills must be demonstrated in general court setting or an environment that accurately represents workplace conditions
- resources, equipment and materials:
 - resources required for undertaking prosecution procedures for magistrate's court in the area of fisheries compliance
 - brief
 - legal and internal documentation
- specifications:
 - agency procedures for adjudicating a brief and undertaking prosecution in a magistrate's court
 - access to courtroom procedures and office policies and procedures
- relationships:
 - evidence of interactions with legal personnel.

Assessors of this unit must satisfy the requirements for assessors in applicable vocational education and training legislation, frameworks and/or standards.

Links

Companion Volumes, including Implementation Guides, are available at VETNet: - <https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=e31d8c6b-1608-4d77-9f71-9ee749456273>