



Australian Government

SFICPL407 Undertake prosecution procedures for magistrate's court

Release: 1

SFICPL407 Undertake prosecution procedures for magistrate's court

Modification History

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

Application

This unit of competency describes the skills and knowledge required to carry out prosecution procedures for a magistrate's court up to the stage of a plea being entered.

The unit applies to individuals who work as fisheries compliance officers and adjudicate a brief to determine if charges are to be laid, attend the magistrate's court and complete all associated administrative tasks, including responding to defence applications and submissions. Fisheries compliance officers may not undertake prosecution duties in some states and territories.

Regulatory requirements apply to this unit. Users are required to check with the relevant jurisdiction for current requirements.

Pre-requisite Unit

Nil

Unit Sector

Compliance (CPL)

Elements and Performance Criteria

Elements	Performance Criteria
<i>Elements describe the essential outcomes.</i>	<i>Performance criteria describe the performance needed to demonstrate achievement of the element.</i>
1. Adjudicate brief	1.1 Assess brief to ensure it contains all required documentation relevant to alleged offence 1.2 Make recommendation regarding prosecution based on elements of proof, available facts, the law, within limitations of time, and in accordance with prosecuting authority policies

Elements	Performance Criteria
<i>Elements describe the essential outcomes.</i>	<i>Performance criteria describe the performance needed to demonstrate achievement of the element.</i>
	1.3 Complete and forward relevant documentation following prosecution submission and administration protocols 1.4 Enquire into existence of bonds applying to alleged offender and, if necessary, decide on estreatment
2. Attend general court	2.1 Respond appropriately to defence applications and submissions according to courtroom procedures 2.2 Present prosecution submissions fluently, concisely and appropriately 2.3 Present allegations from prosecution brief fluently and concisely where a guilty plea has been entered 2.4 Present all available relevant information and admissible evidence 2.5 Respond to questions from bench with available information 2.6 Ensure courtroom conduct and dress is in accordance with court etiquette
3. Complete administrative tasks	3.1 Complete file endorsements accurately and in a timely manner 3.2 Follow matters arising from general court attendance

Foundation Skills

This section describes those language, literacy, numeracy and employment skills that are essential for performance in this unit of competency but are not explicit in the performance criteria.

Skill	Description
Reading	- Reads and interprets briefs and legal information - Researches information and law related to the alleged offence
Writing	Accurately completes legal forms and courtroom documents
Navigate the world of work	- Applies knowledge of legislation and policies relevant to assess and accomplish compliance prosecution matters - Recognises and responds to both explicit and implicit court and prosecution submission and administration protocols
Interact with others	Uses modes of communication suitable to presentation of evidence, and makes adjustments to personal communication style

Skill	Description
	to accurately convey information
Get the work done	Makes critical decisions and solves familiar and unfamiliar problems relating to prosecution matters

Unit Mapping Information

Code and title current version	Code and title previous version	Comments	Equivalence status
SFICPL407 Undertake prosecution procedures for magistrate's court	SFICOMP407C Undertake prosecution procedures for magistrate's court	Updated to meet Standards for Training Packages	Equivalent unit

Links

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

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

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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.

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