



**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<br><br>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<br>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<br>2.2 Present prosecution submissions fluently, concisely and appropriately<br>2.3 Present allegations from prosecution brief fluently and concisely where a guilty plea has been entered<br>2.4 Present all available relevant information and admissible evidence<br>2.5 Respond to questions from bench with available information<br>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<br>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                    | <ul style="list-style-type: none"> <li>Reads and interprets briefs and legal information</li> <li>Researches information and law related to the alleged offence</li> </ul>                                                                                                                    |
| Writing                    | <ul style="list-style-type: none"> <li>Accurately completes legal forms and courtroom documents</li> </ul>                                                                                                                                                                                    |
| Navigate the world of work | <ul style="list-style-type: none"> <li>Applies knowledge of legislation and policies relevant to assess and accomplish compliance prosecution matters</li> <li>Recognises and responds to both explicit and implicit court and prosecution submission and administration protocols</li> </ul> |
| Interact with others       | <ul style="list-style-type: none"> <li>Uses modes of communication suitable to presentation of evidence, and makes adjustments to personal communication style</li> </ul>                                                                                                                     |

| Skill             | Description                                                                                                                                          |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
|                   | to accurately convey information                                                                                                                     |
| Get the work done | <ul style="list-style-type: none"><li>Makes critical decisions and solves familiar and unfamiliar problems relating to prosecution matters</li></ul> |

## Unit Mapping Information

| Code and title current version                                       | Code and title previous version                                        | Comments                                        | Equivalence status |
|----------------------------------------------------------------------|------------------------------------------------------------------------|-------------------------------------------------|--------------------|
| SFICPL407<br>Undertake prosecution procedures for magistrate's court | SFICOMP407C<br>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>