



Australian Government

SFICPL503 Undertake the prosecution in a trial

Release: 1

SFICPL503 Undertake the prosecution in a trial

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 undertake the prosecution in a trial for a fisheries management breach. It requires the ability to collect information, carry out enquiries, manage witnesses, arrange and conduct pre-trial hearings, examine prosecution witnesses, present arguments and undertake post-trial tasks.

The unit applies to individuals who work as senior fisheries compliance officers and act in an advocacy role to undertake prosecution functions in a trial. Fisheries compliance officers may not undertake prosecution duties in some states and territories.

Regulatory requirements may apply to this unit. Users are required to check with the relevant jurisdictions 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. Prepare for the trial	1.1 Gather, collate and confirm all information required for trial as available for duration of trial 1.2 Initiate further enquiries for prosecution case as required 1.3 Arrange and conduct pre-trial hearings or negotiations as required 1.4 Process any alteration to charges according to courtroom

Elements	Performance Criteria
<i>Elements describe the essential outcomes.</i>	<i>Performance criteria describe the performance needed to demonstrate achievement of the element.</i>
	procedures and relevant jurisdictional policies and legislation 1.5 Prepare prosecution argument to meet deadlines for trial-related dates
2. Assess and manage witnesses	2.1 Assess witness credibility and reliability before trial 2.2 Notify witnesses of trial dates, confirming their understanding 2.3 Interview witnesses before trial and induct them in courtroom processes 2.4 Disclose unfavourable witness information as appropriate 2.5 Provide witness support during trial
3. Undertake prosecution role in trial	3.1 Present opening address, providing an overview of prosecution case 3.2 Examine prosecution witness and, if necessary, re-examine and cross-examine defence witness, as required, to prove elements beyond reasonable doubt 3.3 Select, sequence and word questions for witness to cover all elements, clarify issues and minimise opportunity for defence to propose objections 3.4 Respond to objections from defence during examination-in-chief of prosecution witness and during cross-examination of defence witness 3.5 Propose objections during defence examination-in-chief and during defence cross-examination of prosecution witness 3.6 Present argument based on fact, law and evidence in a manner that is decisive, composed and credible 3.7 Present prosecution submissions in such a way that strengthens the prosecution case, minimises the prosecution weaknesses and minimises strengths in the defence case
4. Complete post-trial administrative tasks	4.1 Complete file endorsements accurately in a timely manner 4.2 Follow up matters arising from the trial

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
Numeracy	Calculates additional penalties
Reading	- Analyses and evaluates statements and courtroom documents - Researches, analyses and evaluates legal information, case materials and notes
Writing	Completes detailed, structured and technical court documents
Navigate the world of work	- Applies detailed knowledge of legislation and policies to prosecute compliance matters - Recognises and responds to both explicit and implicit court and prosecution protocols
Interact with others	Uses modes of communication suitable to presentation of evidence, and makes adjustments to communication style to effectively prosecute in a trial
Get the work done	Uses a mix of intuitive and formal processes to identify and consider key case information and issues, evaluate alternative strategies, anticipate consequences and consider contingencies

Unit Mapping Information

Code and title current version	Code and title previous version	Comments	Equivalence status
SFICPL503 Undertake the prosecution in a trial	SFICOMP503C Undertake the prosecution in a trial	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 SFICPL503 Undertake the prosecution in a trial

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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 the prosecution in a trial for a fisheries management breach on at least one occasion, including:

- planning and organising case materials and arguments before the trial
- evaluating, managing and supporting witnesses before the trial
- directing the case and presenting the argument for the prosecution
- finalising post-trial administrative tasks and/or issues
- applying courtroom procedures and relevant jurisdictional policies and legislation throughout the prosecution process.

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:

- relevant national, state and territory fisheries management legislation
- advocacy techniques that contribute to successful presentation of prosecution case
- courtroom etiquette
- standard operating procedures and workplace policies that ensure compliance with legislative and regulatory requirements when preparing and presenting evidence in court
- basic research techniques that can be used to gather information and evidence
- evidence management principles
- appropriate treatment of persons being interviewed
- types of documentation and exhibits that may be presented as evidence in court
- courtroom procedures for:
 - addressing the bench and opposing counsel
 - proposing and responding to objections
- trial processes.

Assessment Conditions

Assessment of skills must take place under the following conditions:

- physical conditions:
 - skills must be demonstrated in a court setting or an environment that accurately represents workplace conditions
- resources, equipment and materials:
 - resources required for undertaking the prosecution in a trial, including court staff, defence counsel, witnesses and exhibits
- specifications:
 - access to courtroom procedures and relevant jurisdictional policies and legislation
- relationships:
 - evidence of interactions with witnesses and 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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