



Australian Government

Department of Education, Employment and Workplace Relations

SFICOMP407C Undertake prosecution procedures for magistrate's court

Release: 1

SFICOMP407C Undertake prosecution procedures for magistrate's court

Modification History

Not Applicable

Unit Descriptor

Unit descriptor	This unit of competency involves carrying out preliminary prosecution work up to the stage of a plea being entered. It includes adjudicating a brief to determine if charges are to be laid, attending magistrate's court and completing all associated administrative tasks. No licensing, legislative, regulatory or certification requirements apply to this unit at the time of publication.
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Application of the Unit

Application of the unit	Fisheries compliance officers in some states and territories may not undertake prosecution duties.
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Licensing/Regulatory Information

Refer to Unit Descriptor

Pre-Requisites

Prerequisite units		

Employability Skills Information

Employability skills	This unit contains employability skills.
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Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.	Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the required skills and knowledge section and the range statement. Assessment of performance is to be consistent with the evidence guide.
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Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Adjudicate brief	1.1. Brief is assessed to ensure it contains all required documentation relevant to the alleged offence. 1.2. A decision is made based on available facts, the law, within the limitations of time, and in accordance with the prosecuting authority's policies. 1.3. Documentation is accurately completed and forwarded. 1.4. Enquiries are made into the existence of bonds applying to the charged offender and, if necessary, a decision made on estreatment.
2. Attend general court	2.1. Defence applications and submissions are responded to, as appropriate. 2.2. Prosecution submissions are presented fluently, concisely and as appropriate. 2.3. The allegations from the prosecution brief are presented fluently and concisely where a guilty plea has been entered. 2.4. All available relevant information and admissible evidence is presented. 2.5. Questions from the bench are responded to with available information. 2.6. Courtroom conduct and dress is in accordance with accepted court etiquette.
3. Complete administrative tasks	3.1. File endorsements are completed accurately and in a timely manner. 3.2. Matters arising from the general court attendance are followed up.

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

This section describes the skills and knowledge required for this unit.

Required skills

- following courtroom procedures
- presenting allegations from the prosecution brief to the court
- researching law relevant to the case
- researching prior convictions and current bonds as pertaining to charged offender.

Literacy skills used for:

- accurately completing legal forms and courtroom documents
- reading and interpreting briefs and legal information
- researching.

Numeracy skills used for:

- calculating additional penalties.

Required knowledge

- courtroom etiquette
- courtroom procedures:
 - estreating bonds
 - negotiating in pre-trial hearings
 - to oppose or support bail
 - to oppose, support or request adjournment
- office procedures:
 - addressing the bench
 - adjudicating of briefs
 - completing and serving summonses
 - preparing applications
 - responding to questions from the bench and other parties
- prosecuting authority's policies on adjudication of briefs.

Evidence Guide

EVIDENCE GUIDE	
The evidence guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.	
Overview of assessment	
Critical aspects for assessment evidence required to demonstrate competence in this unit	Assessment must confirm ability to: • adjudicate a brief and prosecute in general court. Assessment must confirm knowledge of: • courtroom procedures • applicable law, office policies and procedures.
Context of and specific resources for assessment	Assessment is to be conducted at the workplace or in a simulated work environment. Resources may include: • brief (completed) • courtroom procedures • legal and internal documentation • mock general court • office policies and procedures.
Method of assessment	The following assessment methods are suggested: • questions • demonstration of courtroom skills.
Guidance information for assessment	This unit may be assessed holistically with other units within a qualification.

Range Statement

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, if used in the performance criteria, is detailed below. Essential operating conditions that may be present with training and assessment (depending on the work

RANGE STATEMENT	
situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) may also be included.	
Adjudicate means to:	determine whether an offence has been committed, and if so, what charges will be laid. Adjudication may be the responsibility of a prosecution unit within the compliance agency, or it may be the responsibility of the Crown.
Documentation includes both:	- where charge is to be laid: - legal document (complaint and summons) prepared, signed by relevant authority and forwarded to appropriate section to be served on the alleged offender - where no charge is laid: - an internal document is completed and filed in accordance with policy.
Accurately completed includes:	- correct at law - free of clerical error.
Available relevant information may include:	- adjournment applications - applications for court orders - bail applications - estreated bonds - guilty pleas - pre-trial hearings - prior convictions - prosecuting allegations.
Matters may include:	- any necessary enquiries are conducted - clearing exhibits - completing documentation/reports as required - instituting appeal proceedings - notifying appropriate parties of magistrate's court outcomes.

Unit Sector(s)

Unit sector	Fisheries compliance
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Co-requisite units

Co-requisite units		

Competency field

Competency field	
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