

**Modification history**

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

SFICPL407	Undertake prosecution procedures for magistrate's court
<b>Application</b>	<p>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.</p> <p>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 completing all associated administrative tasks including responding to defence applications and submissions. Fisheries compliance officers may not undertake prosecution duties in some states and territories.</p> <p>Regulatory requirements apply to this unit. Users are required to check with the relevant jurisdiction for current requirements.</p>
<b>Prerequisite Unit</b>	Nil
<b>Unit Sector</b>	Compliance (CPL)

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 the alleged offence 1.2 Make a decision regarding prosecution based on available facts, the law, within the limitations of time, and in accordance with the prosecuting authority's policies 1.3 Complete and forward all relevant documentation following prosecution submission and administration protocols. 1.4 Enquire into the existence of bonds applying to the charged 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 as appropriate 2.3 Present the allegations from the 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 the bench with available information 2.6 Ensure courtroom conduct and dress is in accordance with accepted court etiquette
3. Complete administrative tasks	3.1 Complete file endorsements accurately and in a timely manner 3.2 Follow matters arising from the general court attendance

<b>Foundation Skills</b>	
<i>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.</i>	
<b>Skill</b>	<b>Description</b>
Reading	<ul style="list-style-type: none"> <li>• Read and interpret briefs and legal information</li> <li>• Research information and law related to the alleged offence</li> </ul>
Writing	<ul style="list-style-type: none"> <li>• Accurately complete legal forms and courtroom documents</li> </ul>
Navigate the world of work	<ul style="list-style-type: none"> <li>• Apply knowledge of legislation and policies relevant to assess and accomplish compliance prosecution matters</li> <li>• Recognise and respond to both explicit and implicit court and prosecution submission and administration protocols</li> </ul>
Interact with others	<ul style="list-style-type: none"> <li>• Use modes of communication suitable to presentation of evidence and make adjustments to personal communication style to accurately convey information</li> </ul>
Get the work done	<ul style="list-style-type: none"> <li>• Make critical decisions and solve familiar and unfamiliar problems relating to prosecution matters</li> </ul>

<b>Unit Mapping Information</b>			
<b>Code and title current version</b>	<b>Code and title previous version</b>	<b>Comments</b>	<b>Equivalence status</b>
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

<b>Links</b>	Companion Volumes, including Implementation Guides, are available at VETNet: <a href="https://vetnet.education.gov.au/Pages/TrainingDocs.aspx?q=e31d8c6b-1608-4d77-9f71-9ee749456273">https://vetnet.education.gov.au/Pages/TrainingDocs.aspx?q=e31d8c6b-1608-4d77-9f71-9ee749456273</a>
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<b>TITLE</b>	<b>Assessment requirements for SFICPL407 Undertake prosecution procedures for magistrate's court</b>
<b>Performance Evidence</b>	
<p>An individual demonstrating competency must satisfy all the elements and performance criteria of this unit. There must be evidence that the individual has undertaken prosecution procedures relating to fishery offences for the magistrate's court for at least one proceeding including:</p> <ul style="list-style-type: none"> <li>• adjudicating a brief</li> <li>• presenting allegations and prosecution information from the prosecution brief to the court according to courtroom procedures</li> <li>• researching law relevant to the case</li> <li>• researching prior convictions and current bonds pertaining to charged offender.</li> <li>• applying appropriate courtroom conduct and dress</li> <li>• completing file endorsements and following up on matters arising from court appearance.</li> </ul>	
<b>Knowledge Evidence</b>	
<p>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:</p> <ul style="list-style-type: none"> <li>• magistrate's courtroom etiquette</li> <li>• magistrate's courtroom procedures relevant to: <ul style="list-style-type: none"> <li>• estreating bonds</li> <li>• negotiating in pre-trial hearings</li> <li>• opposing or supporting bail</li> <li>• opposing, supporting or requesting adjournment</li> </ul> </li> <li>• office procedures for undertaking prosecution procedures, including: <ul style="list-style-type: none"> <li>• addressing the bench</li> <li>• adjudicating of briefs</li> <li>• completing and serving summonses</li> <li>• preparing applications</li> </ul> </li> <li>• process for responding to questions from the bench and other parties</li> <li>• prosecuting authority's policies on adjudication of briefs.</li> </ul>	
<b>Assessment Conditions</b>	
<p>Assessment of this unit of competency must take place under the following conditions:</p> <ul style="list-style-type: none"> <li>• physical conditions: <ul style="list-style-type: none"> <li>• skills must be demonstrated in general court setting or an environment that accurately represents workplace conditions</li> </ul> </li> <li>• resources, equipment and materials: <ul style="list-style-type: none"> <li>• resources required for undertaking prosecution procedures for magistrate's court in the area of fisheries compliance</li> <li>• brief</li> <li>• legal and internal documentation</li> </ul> </li> <li>• specifications: <ul style="list-style-type: none"> <li>• agency procedures for adjudicating a brief and undertaking prosecution in a magistrate's court</li> <li>• access to courtroom procedures and office policies and procedures</li> </ul> </li> <li>• relationships: <ul style="list-style-type: none"> <li>• interactions with legal personnel.</li> </ul> </li> </ul> <p>Assessors of this unit must satisfy the requirements for assessors in applicable vocational education and training legislation, frameworks and/or standards.</p>	
<b>Links</b>	Companion Volumes, including Implementation Guides, are available at VETNet: <a href="https://vetnet.education.gov.au/Pages/TrainingDocs.aspx?q=e31d8c6b-1608-4d77-9f71-9ee749456273">https://vetnet.education.gov.au/Pages/TrainingDocs.aspx?q=e31d8c6b-1608-4d77-9f71-9ee749456273</a>