



Australian Government

CHCADV004 Represent organisation in court or tribunal

Release: 1

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Modification History

Release	Comments
Release 1	<p>This version was released in <i>CHC Community Services Training Package release 2.0</i> and meets the requirements of the 2012 Standards for Training Packages.</p> <p>Significant changes to performance criteria. New evidence requirements for assessment including volume and frequency requirements. Significant changes to knowledge evidence.</p>

Application

This unit describes the skills and knowledge required to undertake work as an advocate of a service or organisation in a court or tribunal.

This unit applies to workers typically in a leadership role in a community services or advocacy setting who are responsible for providing formal advocacy or representation.

The skills in this unit must be applied in accordance with Commonwealth and State/Territory legislation, Australian/New Zealand standards and industry codes of practice.

Elements and Performance Criteria

ELEMENT

PERFORMANCE CRITERIA

Elements define the essential outcomes

Performance criteria specify the performance needed to demonstrate achievement of the element

1. Prepare to represent organisation in court or tribunal

1.1 Follow appropriate court or tribunal preparation procedures and format in line with organisation requirements

1.2 Negotiate with client prior to court or tribunal appearance

1.3 Liaise with, and brief solicitor prior to court or tribunal appearance in accordance with role and organisation requirements

1.4 Prepare relevant paper work prior to court or tribunal appearance and ensure it is up to date

ELEMENT**PERFORMANCE CRITERIA**

Elements define the essential outcomes

Performance criteria specify the performance needed to demonstrate achievement of the element

	<p>1.5 Assess each case and determine whether the organisation can lodge an application for a hearing</p> <p>1.6 Deliver relevant and appropriate legal notice/s with adequate time allowed prior to court or tribunal appearance</p>
<p>2. Represent organisation in court or tribunal</p>	<p>2.1 Observe appropriate court or tribunal dress, grooming and etiquette codes</p> <p>2.2 Undertake additional briefing with solicitor as necessary</p> <p>2.3 Finalise relevant documentation including procedures and protocols required to prepare case for presentation</p> <p>2.4 Answer questions and articulate facts clearly, concisely, confidently and accurately</p> <p>2.5 Maintain effective negotiations and briefing with the client and the solicitor throughout the court or tribunal process in accordance with role and organisation requirements</p>
<p>3. Follow up actions from court appearance or tribunal hearing</p>	<p>3.1 Prepare accurate records, reporting and file updates, as required and resulting from the court appearance or tribunal hearing</p> <p>3.2 Undertake appropriate debriefing with colleagues, supervisor and solicitor</p> <p>3.3 Establish a process for monitoring the action following the court or tribunal appearance</p> <p>3.4 Notify appropriate stakeholders of any intention to withdraw, adjourn or relist case</p>
<p>4. Follow up actions resulting from the hearing</p>	<p>4.1 Carry out procedures within time limits</p> <p>4.2 Follow appropriate steps after a legal order has been given</p>

ELEMENT**PERFORMANCE CRITERIA**

Elements define the essential outcomes

Performance criteria specify the performance needed to demonstrate achievement of the element

5. Use the procedure for resolving specific issues

5.1 Investigate and document nuisance and annoyance claims

5.2 Negotiate with client to attempt a resolution, prior to a hearing

5.3 Ensure all required reports are completed accurately after a hearing and record follow up action/s

5.4 Make appropriate referrals to agencies

Foundation Skills

The Foundation Skills describe those required skills (language, literacy, numeracy and employment skills) that are essential to performance.

Foundation skills essential to performance are explicit in the performance criteria of this unit of competency.

Unit Mapping Information

No equivalent unit.

Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=5e0c25cc-3d9d-4b43-80d3-bd22cc4f1e53>