



**Australian Government**

# **DEFLAW011 Perform the duties of a defending officer at service tribunals**

**Release: 1**

# DEFLAW011 Perform the duties of a defending officer at service tribunals

## Modification History

Release	Comments
1	<p>This unit was released in DEF Defence Training Package release 1.0 and meets the Standards for Training Packages.</p> <p>This unit supersedes and is equivalent to DEFCM130 Perform the duties of a defending officer at service tribunals.</p> <ul style="list-style-type: none"> <li>• Unit code updated</li> <li>• Content and formatting updated to comply with new standards</li> <li>• All PC transitioned from passive to active voice</li> <li>• Elements 1 and 2 revised</li> </ul>

## Application

This unit describes the skills required to act in the defence of an accused person for the purposes of legal trials and hearings as required under the provisions of the Defence Force Discipline Act (DFDA).

This unit applies to those defending an accused service member at summary trials under the Defence Force Disciplinary Act (DFDA).

The skills and knowledge described in this unit must be applied within the legislative, regulatory and policy environment in which they are carried out. Organisational policies and procedures must be consulted and adhered to.

Those undertaking this unit would work autonomously, while performing sophisticated tasks in a broad range of contexts, using discretion and judgement, and taking responsibility for the quality of their outputs.

No licensing, legislative or certification requirements apply to unit at the time of publication.

## Competency Field

Military Justice

## Elements and Performance Criteria

ELEMENTS	PERFORMANCE CRITERIA
Elements describe the essential outcomes	Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the range of conditions section.
<b>1. Prepare for the case</b>	1.1 Advise the accused of his/her rights to application and objection and of his/her legal options. 1.2 Prepare the case for the tribunal. 1.3 Prepare and dispatch pre-trial documentation. 1.4 Advise prosecution of the accused plea.
<b>2. Defend the accused</b>	2.1 Present the case for the defence in accordance with service discipline protocols, procedures and rules of evidence. 2.2 Articulate issues relating to the defence of the accused to the service tribunal's authority. 2.3 Cross-examine witnesses as required.
<b>3. Finalise the case</b>	3.1 Provide feedback on outcomes of the tribunal to the accused as required. 3.2 Finalise documentation.

## Foundation Skills

The foundation skills demands of this unit have been mapped for alignment with the Australian Core Skills Framework (ACSF). The following tables outline the performance levels indicated for successful attainment of the unit.

ACSF levels indicative of performance:

1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Learning					Reading					Writing					Oral communication					Numeracy N/A				

Performance variables:

1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Support					Context					Text complexity					Task complexity				

Further information on ACSF and the foundation skills underpinning this unit can be found in the Foundation Skills Guide on the GSA website.

## Unit Mapping Information

This unit supersedes and is equivalent to DEFCM130 Perform the duties of a defending officer at service tribunals.

## Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=6bdbab1e-11ed-4bc9-9cba-9e1a55d4e4a9>

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