



Australian Government

DEFCM122A Provide advice on service administrative law

Release: 2

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Modification History

Release	TP Version	Comments
2	DEF12V2	Minor change to Range Statement Removed generic Method of Assessment statement
1	DEF12V1	Primary release.

Unit Descriptor

This unit covers the competency required to provide advice to subordinates on the procedural aspects and practical application of service administrative law as it relates to the Australian Defence Force (ADF).

While advisors will be under the commander's direction, they must have authority to act independently.

Application of the Unit

This unit only applies to members of the ADF who have or will have responsibility for subordinates.

This is to assist supervisors in the following situations:

- reviewing administrative sanctions
- reviewing the Notice to Show Cause process
- drafting a regress of grievance
- listing common administrative law references
- reviewing administrative law principles
- outlining how administrative law processes apply to common ADF policies such as illicit drugs, equity and diversity, harassment and bullying, sexual harassment, alcohol abuse

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a Unit of Competency.

Performance Criteria describe the required performance needed to demonstrate achievement of the element. Where ***bold italicised*** text is used, further information is detailed in the Required Skills and Knowledge and/or the Range Statement. Assessment of performance is to be consistent with the Evidence Guide.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Plan and prepare to provide advice on service administrative law	<p>1.1 <i>Circumstances</i> that require the provision of advice on service administrative law are identified in accordance with <i>organisational policies</i>.</p> <p>1.2 Circumstances are analysed and research is conducted within the scope of own responsibility.</p> <p>1.3 Appropriate guidance is located in relevant administrative law organisational policy documents and is interpreted.</p>
2. Provide information on service administrative law	<p>2.1 Policy references on common administrative law issues are identified and explained to subordinates in accordance with organisational policies.</p> <p>2.2 Procedures on common administrative law issues are explained to subordinates in accordance with organisational policies.</p> <p>2.3 Administrative law principles are explained to subordinates.</p> <p>2.4 Assistance is provided to subordinates in preparing common administrative law documents.</p>

Required Skills and Knowledge

This describes the essential skills and knowledge and their level, required for this unit.

Required Skills

- communicate effectively orally (conduct briefings, respond to questioning, listen, reflect)
- interpret relevant policies
- undertake research

Required Knowledge

- ADF administrative policies and procedures for sanctions
- ADF drug and alcohol policies
- equity and diversity
- work health and safety
- origin and structure of the Defence administrative system
- risk management
- role, duties and powers of administrative decision makers

Evidence Guide

The evidence guide provides advice on assessment and must be read in conjunction with the Performance Criteria, Required Skills and Knowledge, the Range Statement and the Assessment Guidelines for this Training Package.

Critical aspects for assessment and evidence required to demonstrate competency in this unit

Assessment must confirm the ability to:

- provide advice that is relevant and appropriate to the circumstances

Consistency in performance

Competency should be demonstrated in a range of situations that could be expected in the workplace.

Context of and specific resources for assessment

Context of assessment

Competency should be assessed in the workplace or in a simulated workplace environment.

Specific resources for assessment

There are no specific resource requirements for this unit.

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 in the Performance Criteria is detailed below.

<i>Circumstances</i> may include:	<ul style="list-style-type: none"> • consequence of an administrative notice/determination • periodic information briefings • sanctions • seeking information • seeking referral
<i>Organisational policies</i> may include:	<ul style="list-style-type: none"> • regulations, orders and instructions made under the Defence Act • standing operating procedures • standing orders

Unit Sector(s)

Not applicable.