



Australian Government

Department of Education, Employment and Workplace Relations

DEFCM116C Provide advice on service discipline law

Release: 1

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Modification History

Not applicable.

Unit Descriptor

Unit Descriptor

This unit covers the competency required to provide advice to subordinates on the procedural aspects and practical application of service discipline law (SDL) as it relates to the Defence Force Discipline Act (DFDA) in 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

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

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

Employability Skills

This unit contains employability skills.

Pre-requisite Unit/s

Nil

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 for the provision of advice on service discipline law

- 1.1 *Circumstances* that require the provision of advice on service discipline law are identified in accordance with *standard procedures*
- 1.2 Circumstances are analysed and research is conducted within scope of own responsibility

2. Provide information on service discipline law

- 2.1 Words or actions constituting common service offences against the DFDA for which a service member may be charged and convicted by a service tribunal, are correctly identified as required
- 2.2 Privileges of witnesses are explained as required
- 2.3 Subordinates are *advised* of the judicial process, *documentation* requirements and the *legal rights* of a service member
- 2.4 *Procedures applying to offenders in custody* are explained to subordinates as required
- 2.5 *Professional standards* to be applied in the administration of a summary proceedings are explained to subordinates as required
- 2.6 *Post-tribunal procedures* are explained to subordinates as required
- 2.7 Subordinates are informed of the role and jurisdiction of a discipline officer, disciplinary infringements, punishments available to a discipline officer and the rights of an accused

ELEMENT**PERFORMANCE CRITERIA**

3. **Demonstrate procedural aspects related to the administration of a service tribunal**

- 3.1 Subordinates are shown how to prepare for proceedings including the preparation of personal statements
- 3.2 Duties of a recorder are explained and demonstrated to subordinates as required

Required Skills and Knowledge

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)
- undertake research

Required Knowledge

- ADF judicial policies and procedures for service tribunals
- application of DFDA to service members
- composition and content of the Defence Law Manual (DLM) and other relevant law including offences under the DFDA and the principles
- equity and diversity
- nature and limits of Defence jurisdiction
- occupational health and safety (OH&S)
- origin and structure of the Defence legal system
- risk management
- role, duties and powers of a discipline officer
- scales of punishment
- service tribunal procedures and processes

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, 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:

- to provide advice that is relevant and appropriate to the circumstances.

Consistency in performance

Competency should be demonstrated over time 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 conducting an inquiry.

Specific resources for assessment

There are no specific resource requirements for this unit.

EVIDENCE GUIDE

Method of assessment

In a public safety environment assessment is usually conducted via direct observation in a training environment or in the workplace via subject matter supervision and/or mentoring, which is typically recorded in a competency workbook.

Assessment is completed using appropriately qualified assessors who select the most appropriate method of assessment.

Assessment may occur in an operational environment or in an industry-approved simulated work environment.

Forms of assessment that are typically used include:

- direct observation
- interviewing the candidate
- journals and workplace documentation
- third party reports from supervisors
- written or oral questions.

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 in the Performance Criteria is detailed below.

Circumstances may include	<ul style="list-style-type: none"> Complaints Events arising that may disclose a service offence Periodic information briefings Seeking information Seeking referral
Standard procedures may include	<ul style="list-style-type: none"> Provisions of the Defence Act and the DFDA Regulations, orders and instructions made under the Defence Act and the DFDA Standard Operating Procedure Standing Orders
Advising subordinates may include	<ul style="list-style-type: none"> During summary proceedings When being charged When being questioned
Documentation may include	<ul style="list-style-type: none"> Investigating officer's reports Medical and other specialist reports Statutory declarations Witness statements
Legal rights may include procedures for	<ul style="list-style-type: none"> Arrest Custody Summons
Procedures applying to offenders in custody may include	<ul style="list-style-type: none"> Appearance Bearing Code of ethics Confidence Dress standards Impartiality Integrity

RANGE STATEMENT

Post-tribunal procedures may include

Language
Respect for people and office held
Appeal for review or redress
Implementation of tribunal orders such as custody or for
confiscation or destruction of property

Unit Sector(s)

Not applicable.