



**Australian Government**

# **DEFCM128A Make a Defence administrative decision**

**Release: 2**

## DEF128A Make a Defence administrative decision

### Modification History

Release	TP Version	Comments
2	DEF12V2	Layout adjusted. No changes to content.
1	DEF12V1	Primary release.

### Unit Descriptor

This unit covers the competency required to manage quick assessment (QA) inquiries and to make administrative decisions in accordance with administrative law, policies and procedures. In the context of this unit, administrative decisions are those that may adversely affect member's rights, interests and expectations and that are within the discretion of the commanding officer (CO) to make.

### Application of the Unit

This unit applies normally to Defence members who have been given command, either as an automatic consequence of appointment, or by an instrument of appointment, as a CO or as an administrative CO; in some circumstances it is by rank only, irrespective of the position held.

### 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. <b>Prepare for an administrative decision</b>	<p>1.1 <b><i>Initial action</i></b> is determined following an <b><i>initiator</i></b>.</p> <p>1.2 <b><i>Organisational policies</i></b> and procedures are complied with.</p> <p>1.3 Quick assessment is <b><i>instigated</i></b>.</p> <p>1.4 Administrative sanction is <b><i>initiated</i></b>.</p>
2. <b>Make an administrative decision</b>	<p>2.1 <b><i>Factors</i></b> are considered.</p> <p>2.2 Administrative decision is made in accordance with <b><i>decision making criteria</i></b> and policies.</p> <p>2.3 Stakeholders are informed of the decision and its reasons.</p> <p>2.4 Documentation is completed in accordance with organisational policies.</p>

## **Required Skills and Knowledge**

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

### **Required Skills**

- apply criteria and principles
- communicate effectively in writing
- communicate effectively orally
- conduct interviews
- interpret quick assessment and inquiry reports
- interpret relevant policies
- lead individuals and groups
- make sound judgements
- manage work effectively
- undertake research

### **Required Knowledge**

- administrative sanctions
- closed inquiry (not public and results given to appointing commanding officer only)
- complaints and redress of grievance (ROG)
- evidence
- imposing authority
- initiating authority
- inquiry instigation
- inquiry monitoring
- inquiry planning
- relevant Australian Defence Force (ADF) policies
- QAs
- recommendation implementation
- reports
- tracking
- witnesses and potentially affected persons

## 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:

- locate and interpret appropriate guidance in relevant documents
- apply administrative decision making criteria to an ROG of sufficient complexity for which QA and routine inquiry reports are available

### 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.

### ***Initial actions*** may include:

- determining decision is not within power (jurisdiction) to make
- determining whether the initiation has occurred within policy timeframes (for example, rog for termination notice is submitted within fourteen days of notice issue, without exception)
- making a decision on a simple issue for which sufficient information has been supplied (resolution by the CO)
- making further examination of the issue
- offering alternative dispute resolution processes
- referring the matter to adfis and/or service police
- referring the matter to a superior authority
- taking no further action

<b><i>Initiator</i></b> may include:	<ul style="list-style-type: none"> <li>• complaint or ROG being made</li> <li>• incident occurring (for instance, an accident)</li> <li>• request being made</li> <li>• request for a review of a previous decision</li> <li>• request for a decision as an imposing authority is received from an initiating authority</li> </ul>
<b><i>Organisational policies</i></b> may include:	<ul style="list-style-type: none"> <li>• ADF publications</li> <li>• Defence Instructions</li> </ul>
<b><i>Instigating a QA</i></b> may include:	<ul style="list-style-type: none"> <li>• confirming issue is connected with the scope of the CO's command</li> <li>• determining need for a QA</li> <li>• selecting and briefing a QA officer</li> <li>• monitoring timeliness of assessment</li> <li>• considering next action upon receipt of QA brief</li> </ul>
<b><i>Initiating administrative sanctions</i></b> may include:	<ul style="list-style-type: none"> <li>• issuing a Notice to Show Cause as the initiating authority</li> <li>• gathering evidence</li> <li>• gathering specialist and required reports</li> <li>• gathering statement of reasons from member</li> <li>• considering response in determining next action</li> <li>• monitoring timeliness of process</li> <li>• referring collated material to an imposing authority for a decision</li> </ul>
<b><i>Factors</i></b> may include:	<ul style="list-style-type: none"> <li>• considering inquiry reports:</li> <li>• confirming terms of reference are satisfied and scope is not exceeded</li> <li>• confirming evidence supports the findings</li> <li>• accepting or rejecting the findings</li> <li>• evidence/facts provided in performance appraisal reports, records of conversation, other official documentation</li> <li>• matters raised in the member's response</li> <li>• policy relied upon</li> <li>• recommendations from subordinates/superiors</li> <li>• specialist advice (legal, psychological, medical)</li> </ul>
<b><i>Administrative decisions</i></b> may include:	<ul style="list-style-type: none"> <li>• applying administrative sanctions as an imposing authority (from a request and submission from an initiating authority)</li> <li>• approval to live beyond 30 km from position</li> <li>• dealing with a complaint or ROG</li> <li>• eligibility for higher duties allowance</li> <li>• granting leave (such as short-term, carer, parental,</li> </ul>

	<p>maternity, compassionate, long service, leave without pay, leave with holiday pay)</p> <ul style="list-style-type: none"><li>• imposing a formal warning</li><li>• member with dependents (unaccompanied)</li><li>• recognising Interdependent relationships</li></ul>
<p><b><i>Decision making criteria</i></b> may include:</p>	<ul style="list-style-type: none"><li>• applying policy but not inflexibly or without proper regard to the merits and circumstances of the matter</li><li>• decision being reasonable</li><li>• decision maker having the proper authority and jurisdiction (power)</li><li>• decision maker not being biased (perceived and actual)</li><li>• disregarding irrelevant factors while taking relevant considerations into account</li><li>• making decision after a fair hearing</li><li>• making decision while not under orders or dictation</li><li>• sufficient evidence (balance of probabilities [briginshaw v briginshaw])</li><li>• seeking legal advice where necessary</li></ul>

## Unit Sector(s)

Not applicable.