



**Australian Government**

**Department of Education, Employment and Workplace Relations**

# **DEFPL001B Provide support in service discipline and criminal law matters**

**Release: 1**

## DEFPL001B Provide support in service discipline and criminal law matters

### Modification History

Not applicable.

### Unit Descriptor

#### Unit Descriptor

This unit covers the competency required to analyse information and prepare documents in service discipline and criminal law matters.

This competency includes researching case histories and assisting the instructing legal officer or senior paralegal to prepare for *trials and service discipline proceedings*.

### Application of the Unit

#### Application of the Unit

The application of this unit in the workplace - the environments, complexities and situations involved - will be written during Phase II of the Review of the PUA00 Public Safety Training Package.

This text will be useful for the purposes of job descriptions, recruitment advice or job analysis; where possible, it will not be too job specific to allow other industries to import it into other Training Packages, where feasible.

### Licensing/Regulatory Information

Not applicable.

### Pre-Requisites

#### Prerequisite Unit/s

Nil

## Employability Skills Information

### Employability Skills

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>Plan and prepare for the provision of support in service discipline and criminal law</b>	1.1 <i>Instructions</i> that require the provision of support in <i>service discipline and criminal law</i> are received and acted upon 1.2 Circumstances are analysed and discipline issues are interpreted and clearly defined
2. <b>Prepare and process documents involved in service discipline and criminal law matters</b>	2.1 Documents are identified, prepared and processed in accordance with <i>legal practices and procedures</i> 2.2 Documents are despatched/served in accordance with legal practices and procedures 2.3 Incoming documents are checked for completeness and timely delivery, and sender is contacted where insufficient information or deadlines are not honoured 2.4 Requests for information are reviewed with instructing legal officer and identified documents are retrieved, copied and despatched in accordance with legal practices and procedures
3. <b>Perform research to support instructing legal officer</b>	3.1 Files are reviewed and research requirements are determined in conjunction with instructing legal officer 3.2 <i>Relevant documents and exhibits</i> are retrieved and processed 3.3 Precedent and case law are retrieved, researched and reviewed, and summaries are made where appropriate 3.4 Summaries are forwarded to instructing legal officer and explanations are presented where necessary
4. <b>Assist instructing legal officer to prepare for trial or service discipline proceedings</b>	4.1 Relevant <i>trial/tribunal</i> is identified and appropriate files are prepared 4.2 Communications from client, police and other authorities and details of client's charge and bail status are communicated to instructing legal officer 4.3 File is discussed with instructing legal officer, and work is planned and diarised 4.4 Availability of legal officers is canvassed and details are forwarded to instructing legal officer to facilitate engagement 4.5 Opposing party's legal representative is contacted on behalf of instructing legal officer and relevant information is exchanged

5. **Conduct trial/tribunal and post trial/tribunal administration**

- 4.6 Briefs for legal officers are prepared in conjunction with instructing legal officer and delivered
- 4.7 Liaison and communication between instructing legal officer and other parties is facilitated
- 4.8 Reminders of pending *critical dates* are forwarded to relevant persons
- 5.1 Relevant trial/tribunal administrative instruction is prepared/processed
- 5.2 Trial/tribunal participants are notified of *relevant details*
- 5.3 Court/tribunal personnel are notified
- 5.4 Post trial/tribunal, all documents are collected and archived as appropriate, outcomes are processed, accounts are prepared and relevant reviewing authority is notified

## **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 ideas, arguments and conclusions logically
- conduct research
- follow complex legal procedures
- follow written and oral instructions with regards to preparation of briefs
- identify and evaluate status of information
- prepare complex legal documents
- prepare summaries of cases
- use appropriate legal terminology

#### **Required Knowledge**

- applicable legal practices and procedures required in the full range of tasks covered
- DFDA and related legislation
- legal terminology
- legal terminology specific to service discipline and criminal law
- relationship between the different trials/tribunals
- relevant legal process, legislation and sections, and stages involved in the legal process
- summary hearing/court/tribunal process

# Evidence Guide

## EVIDENCE GUIDE

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

Assessment must confirm the ability to identify the issues surrounding the provision of support in service discipline and criminal law matters, and to research and analyse information relating to these issues; to comply with professional codes of practice and ethical standards at all times; and to implement access, equity and diversity principles and practices.

Assessment must also confirm the ability to support the instructing legal officer or senior paralegal to prepare for trials and service discipline proceedings.

#### **Consistency in performance**

Competency should be demonstrated providing a range of support services over time.

### **Context of and specific resources for assessment**

#### **Context of assessment**

Competency should be assessed in the workplace or in a simulated workplace environment providing a range of support services that could be expected in the workplace.

#### **Specific resources for assessment**

Access to appropriate documentation and resources normally found in the work environment and required for the job or task to be properly performed.

## 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.

<b>Trials and service discipline proceedings may include</b>	County/district court trials Defence force magistrate General courts martial Magistrates/local trials Restricted courts martial Summary hearings (subordinate, commanding officer, superior) Supreme court trials
<b>Instructions may include</b>	Charge sheet (PD105) Conduct record (PD103) Documentary material, exhibits and evidence Oral or written correspondence, including from the command structure, commanding officer or an individual Record of prior convictions Summary of matter Witness statements
<b>Service discipline and criminal law may include</b>	Defence Force Discipline Act (DFDA) which has jurisdiction over service personnel and incorporates the Commonwealth Crimes Act and Commonwealth Evidence Act Relevant state/territory criminal law including: <ul style="list-style-type: none"> <li>• Criminal Codes (Queensland, WA)</li> <li>• Criminal Code (Tasmania)</li> <li>• Crimes Act 1900 (NSW &amp; ACT)</li> <li>• Crimes Act 1958 (Victoria)</li> <li>• Criminal Law Consolidation Act 1935 (SA)</li> <li>• Common Law for NSW, Victoria and SA</li> </ul>
<b>Documents may include</b>	Account Adjournment letters Affidavit court/tribunal forms Confirming/reporting letters to client outlining results of court/tribunal hearing Court/tribunal reminder letters Summons/orders
<b>Legal practices and</b>	Engaging experts



**RANGE STATEMENT****procedures may include**

Equity  
Instructing legal officer supervisory procedures  
Practice notes  
Protocol for accommodating special client needs e.g.  
Case manager, social worker, parole officer  
Protocol for contacting clients e.g. Translator,  
interpreter  
Recording information  
Security/confidentiality/privacy procedures  
Verifying and authorising information

**RANGE STATEMENT****Relevant documents and exhibits may include**

Artefacts  
Briefs  
Clinical reports  
Charge sheet (PD105)  
Conduct record (PD103)  
Defendant's statement of claims  
Expert reports  
Further and better particulars  
Hospital discharge summaries  
Medical reports  
Photographs/videos  
Plaintiff's statement of claims  
Pleading documents  
Service history  
Witness statements/affidavits  
Writ of summons

**Trial/tribunal may include**

Courts or tribunals  
Criminal jurisdictions  
Criminal matters such as:

- assault
- homicide
- manslaughter
- property offences (theft, larceny)
- service discipline offences
- sexual assault

Defences such as:

- automatism
- denial
- duress
- ignorance of the law
- insanity
- intoxication
- irresistible impulse
- mistake of fact
- necessity
- self defence
- superior orders

Hearings such as:

- defence force magistrate
- general courts martial

**RANGE STATEMENT**

	<ul style="list-style-type: none"><li>• restricted courts martial</li><li>• summary (subordinate, commanding officer, superior)</li></ul>
<b>Critical dates may include</b>	Appointments Arrest conditions Meeting bail conditions Summary hearings/court/tribunal dates
<b>Relevant details may include</b>	Date Time Venue

**Unit Sector(s)**

Not applicable.

**Corequisite Unit/s**

**Co-requisite Unit/s** Nil