



Australian Government

DEFPL015 Provide high-level support on criminal law matters

Release 1

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Modification History

Release	TP Version	Comments
2	DEF12V2	New unit.
1	DEF12V1	Primary release.

Unit Descriptor

This unit covers the competency required to provide high level support on criminal law matters.

This unit includes analysing the circumstances surrounding the matter, conducting research, consulting legal officers and providing information.

The high level support provided in this unit must be within the legal limit of the individual's responsibility.

No licensing, legislative, regulatory or certification requirements apply to this unit at the time of publication. In a Defence context, this means that there is no civilian need to hold this unit in order to meet licensing, legislative, regulatory or certification requirements.

Application of the Unit

This unit applies to individuals who provide high-level support services to legal practitioners in criminal law matters.

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 for the provision of high-level support on criminal law matters	<p>1.1 <i>Circumstances that require the provision of high level support on criminal law</i> are identified.</p> <p>1.2 Circumstances are analysed and the discipline issues are interpreted and clearly defined.</p>
2. Receive enquiry	<p>2.1 <i>Enquirer's</i> needs are <i>identified, analysed and clarified</i> in accordance with legal practices and procedures.</p> <p>2.2 <i>Legal limits of own responsibility</i> are clearly outlined to enquirer before any <i>information</i> is imparted.</p> <p>2.3 Enquiries outside one's area of responsibility are identified and assistance is sought or enquiry is referred on to a legal officer where appropriate.</p>
3. Provide information in criminal law	<p>3.1 Enquirer's or event details and problem/s are recorded in accordance with <i>legal practices and procedures</i>.</p> <p>3.2 Information is relayed where available and appropriate..</p> <p>3.3 Research is conducted within the scope of own responsibility.</p> <p>3.4 <i>Non-disclosable information</i> is not communicated.</p>
4. Consult legal officer to resolve issues	<p>4.1 Issues are communicated to legal officer and <i>resolution/action</i> is discussed.</p> <p>4.2 Suggested action/resolution is <i>carried out</i>.</p>

Required Skills and Knowledge

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

Required Skills

- analyse information
- communicate ideas logically
- conduct research
- identify and evaluate status of information
- prepare legal documents
- use appropriate legal terminology

Required Knowledge

- applicable legal practices and procedures required in the full range of tasks covered
- codes of practice, ethical standards
- Defence Force Discipline Act (DFDA) and related legislation
- legal limits of own responsibility
- relevant legal terminology
- relevant legal process, legislation and sections, and stages involved in the legal process

Evidence Guide

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

Assessment must confirm the ability to:

- provide high level support on criminal law matters
- analyse the circumstances surrounding the matter
- conduct research
- consult legal officers
- provide information

while at all times complying with legislative requirements, policy and standards, and demonstrate an awareness of access, equity and diversity principles and practices.

Consistency in performance

Competency should be demonstrated in a range of actual or simulated workplace contexts.

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

Access to appropriate documentation and resources normally found in the work environment.

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 that require the provision of advice on service discipline and criminal law</i> may include:	<ul style="list-style-type: none"> • Complaint • Events arising that may disclose a service offence • Legal inquiry • Non-legal inquiry • Seeking information • Seeking referral • Someone seeking disclosable information
<i>Criminal law</i> may include:	DFDA which has jurisdiction over service personnel and incorporates the Commonwealth Crimes Act and Commonwealth Evidence Act

	<p>state criminal law including the following:</p> <p>Criminal Codes (Queensland, WA)</p> <p>Criminal Code (Tasmania)</p> <p>Crimes Act 1900 (ACT, NSW)</p> <p>Crimes Act 1958 (Victoria)</p> <p>Criminal Law Consolidation Act 1935 (SA)</p> <p>Common Law for NSW, Victoria and SA</p>
Enquirer may include:	<ul style="list-style-type: none"> • Commanders • Civilian employees of the defence organisation • Defence civilians • Disciplinary appointees, including officers, warrant officers, non-commissioned officers • Other members of the Australian Defence Force (ADF) • outside agencies
Identification, analysis and clarification of enquirer's needs may include:	<ul style="list-style-type: none"> • Accommodating any communication difficulties • Clarification of request or problem by summarising and repeating summaries to ensure that information gathered is reflective of the information that the enquirer wishes to communicate • And may include the requirement to communicate: <ul style="list-style-type: none"> • in writing • in person • verbally • via third party • electronically • Sensitivity to enquirer's emotional/physical state, cultural and service background
Legal limits of own responsibility may include:	<ul style="list-style-type: none"> • Client and the Defence legal service (e.g. Privacy Act, secrecy laws, ethical practices, codes of practice) • Provision of legal advice by a person who is not a qualified legal officer as defined by the Legal Practice Act • Relevant state/territory/commonwealth legislation
Information may include:	<ul style="list-style-type: none"> • Areas of the Defence legal service law/practice • Charges and review process • Correct contact in the Defence legal service • Disciplinary process • Jurisdiction

	<ul style="list-style-type: none"> • Non-disciplinary process • Punishments and orders
<i>Legal practices and procedures</i> may include::	<ul style="list-style-type: none"> • emergency procedures • handling contingencies • information sources • information specific to the Defence legal service • interviewing process • protocol for accommodating specific client needs such as case manager, social worker, parole officer, translator, interpreter, service requirement • protocol for handling enquiries • providing disclaimers • recording information • security/confidentiality/privacy procedures • telephone protocol • verifying and authorising information
<i>Non-disclosable information</i> may include:	<ul style="list-style-type: none"> • Legally privileged information • Organisationally classified or caveated information • Relevant state/territory/commonwealth legislation
<i>Resolution/action</i> may include:	<ul style="list-style-type: none"> • Advising the enquirer after researching the appropriate information • Not pursuing the matter • Referring enquirer to another legal officer or practitioner • Referring enquirer to supervisor or appropriate authority • Referring enquirer to the appropriate government department
<i>Carrying out resolution/action</i> may include:	<ul style="list-style-type: none"> • Alternate dispute resolution processes • Documenting and filing communication • Informing caller of resolution • Notifying relevant department of enquiry • Promptly contacting enquirer where appropriate • Providing written or oral advice • Recording contact on database

Unit Sector(s)

Not applicable.