



**Australian Government**

# **DEFPL016 Provide high-level support on administrative law matters**

**Release 1**

## **DEFPL016 Provide high-level support on administrative law matters**

### **Modification History**

<b>Release</b>	<b>TP Version</b>	<b>Comments</b>
2	DEF12V2	New unit.
1	DEF12V1	Primary release.

### **Unit Descriptor**

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

This unit includes analysing the circumstances surrounding the issue, 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 Para Legal Officers within Defence who provide high-level support services to legal practitioners on military administrative law matters, but is applicable to all individuals who work in this field.

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

- administrative law and related legislation
- applicable legal practices and procedures required in the full range of tasks covered
- codes of practice, ethical standards
- 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 military administrative law matters
- analyse the circumstances surrounding the issue
- 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.

<b><i>Circumstances that require the provision of high-level support on administrative law</i></b> may include:	<ul style="list-style-type: none"> <li>• complaint</li> <li>• events arising that may disclose a service activity</li> <li>• legal inquiry</li> <li>• non-legal inquiry</li> <li>• seeking information</li> <li>• seeking referral</li> </ul>
<b><i>Enquirer</i></b> may include:	<ul style="list-style-type: none"> <li>• commanders</li> <li>• civilian employees of the Defence organisation</li> <li>• Defence civilians</li> <li>• disciplinary appointees, including officers, warrant</li> </ul>

	<p>officers, non commissioned officers</p> <ul style="list-style-type: none"> <li>• other members of the Australian Defence Force</li> <li>• outside agencies</li> </ul>
<b><i>Identification, analysis and clarification of enquirer's needs</i></b> may include:	<ul style="list-style-type: none"> <li>• accommodating any communication difficulties</li> <li>• 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</li> <li>• sensitivity to enquirer's emotional/physical state, cultural and service background</li> <li>• and may include the requirement to communicate: <ul style="list-style-type: none"> <li>• in writing</li> <li>• in person</li> <li>• verbally</li> <li>• via third party</li> <li>• electronically</li> </ul> </li> </ul>
<b><i>Legal limits of own responsibility</i></b> may include:	<ul style="list-style-type: none"> <li>• provision of legal advice by a person who is not a qualified legal officer as defined by the Legal Practice Act</li> <li>• relationship between the client and the Defence legal service (e.g. Privacy Act, secrecy laws, codes of practice, service requirements)</li> <li>• relevant state/territory/commonwealth legislation</li> </ul>
<b><i>Information</i></b> may include:	<ul style="list-style-type: none"> <li>• areas of the Defence legal service law/practice</li> <li>• charges and review process</li> <li>• correct contact in the Defence legal service</li> <li>• disciplinary process</li> <li>• jurisdiction</li> <li>• non-disciplinary process</li> <li>• punishments and orders</li> </ul>
<b><i>Legal practices and procedures</i></b> may include:	<ul style="list-style-type: none"> <li>• emergency procedures</li> <li>• handling contingencies</li> <li>• information sources</li> <li>• information specific to the Defence legal service</li> <li>• interviewing process</li> <li>• protocol for accommodating specific client needs e.g. case manager, social worker, parole officer, translator, interpreter, service requirement</li> <li>• protocol for handling enquiries</li> <li>• providing disclaimers</li> <li>• recording information</li> <li>• security/confidentiality/privacy procedures</li> </ul>

	<ul style="list-style-type: none"><li>• telephone protocol</li><li>• verifying and authorising information</li></ul>
<b><i>Non-disclosable information</i></b> may include:	<ul style="list-style-type: none"><li>• legally privileged information</li><li>• organisationally classified or caveated information</li><li>• relevant state/territory/commonwealth legislation</li></ul>
<b><i>Resolution/action</i></b> may include:	<ul style="list-style-type: none"><li>• advising the enquirer after researching the appropriate information</li><li>• not pursuing the matter</li><li>• referring enquirer to another legal officer or practitioner</li><li>• referring enquirer to supervisor or appropriate authority</li><li>• referring enquirer to the appropriate government department</li></ul>
<b><i>Carrying out resolution/action</i></b> may include:	<ul style="list-style-type: none"><li>• alternative dispute resolution processes</li><li>• documenting and filing communication</li><li>• informing caller of resolution</li><li>• notifying relevant department of enquiry</li><li>• promptly contacting enquirer where appropriate</li><li>• providing written or oral advice</li><li>• recording contact on database</li></ul>

## Unit Sector(s)

Not applicable.

## Custom Content Section

Not applicable.