



Australian Government

DEFPL024 Provide support in 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 analyse information and to prepare documents in criminal law matters.

This unit includes researching case histories and assisting the instructing legal officer to prepare for criminal law matters and service discipline proceedings.

Application of the Unit

This unit applies to individuals who provide services to support legal practitioners in criminal law matters, under supervision.

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 support in criminal law	1.1 <i>Instructions</i> that require the provision of support in <i>criminal law</i> are received and acted upon 1.2 Circumstances are analysed and discipline issues are interpreted and clearly defined
2. Prepare and process documents involved in criminal law matters	2.1 Documents are identified, prepared and processed in accordance with <i>legal practices and procedures</i> 2.2 Documents are despatched 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. Perform research to support instructing legal officer	3.1 Files are reviewed and research requirements are determined in conjunction with instructing legal officer 3.2 Relevant documents and exhibits 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. Assist instructing legal officer to prepare for trial or service discipline proceedings	4.1 Relevant trial/tribunal 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 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. Conduct trial/tribunal and post trial/tribunal administration**
- 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

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
- criminal law matters and service discipline proceedings
- Defence Force Discipline Act (DFDA) and related legislation
- relationship between the different trials/tribunals
- relevant legal process, legislation and sections, and stages involved in the legal process
- relevant legal terminology
- summary hearing/court/tribunal process

Evidence Guide

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

Assessment must confirm the ability to:

- analyse information
- prepare documents in criminal law matters
- research case histories
- assist the instructing legal officer to prepare for trials and service discipline proceedings

The candidate must at all times comply 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 is required 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>Instructions</i> may include:	<ul style="list-style-type: none"> • charge sheet • conduct record • documentary material, exhibits and evidence • oral or written correspondence, including from the command structure, commanding officer or an individual • record of evidence • record of prior convictions • summary of matter • witness statements
<i>Criminal law</i> may include:	<ul style="list-style-type: none"> • DFDA which has jurisdiction over service personnel and incorporates the Commonwealth Crimes Act

	<p>and Commonwealth Evidence Act</p> <ul style="list-style-type: none"> • relevant state/territory criminal law including: <ul style="list-style-type: none"> • Common Law for NSW, Victoria and SA • Criminal Codes (Queensland, WA) • Criminal Code (Tasmania) • Crimes Act 1900 (ACT, NSW) • Crimes Act 1958 (Victoria) • Criminal Law Consolidation Act 1935 (SA)
Documents may include:	<ul style="list-style-type: none"> • account • adjournment letters • affidavit court/tribunal forms • confirming/reporting letters to client outlining results of court/tribunal hearing • court/tribunal reminder letters • summons/orders
Legal practices and procedures may include:	<ul style="list-style-type: none"> • engaging experts • 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
Trials and service discipline proceedings may include:	<ul style="list-style-type: none"> • general courts martial • magistrates/local trials • restricted courts martial • summary hearings (subordinate, commanding officer, superior)
Relevant documents and exhibits may include:	<ul style="list-style-type: none"> • artefacts • briefs • clinical reports • charge sheet (form) • conduct record (form) • defendant's statement of claims • expert reports • further and better particulars • hospital discharge summaries • medical reports

	<ul style="list-style-type: none"> • photographs/videos • plaintiff's statement of claims • pleading documents • service history • witness statements/affidavits • writ of summons
<i>Trial/tribunal</i> may include:	<ul style="list-style-type: none"> • courts or tribunals • criminal jurisdictions • criminal matters such as: <ul style="list-style-type: none"> • assault • homicide • manslaughter • property offences (theft, larceny) • service discipline offences • sexual assault • defences such as: <ul style="list-style-type: none"> • automatism • denial • duress • ignorance of the law • insanity • intoxication • irresistible impulse • mistake of fact • necessity • self defence • superior orders • hearings such as: <ul style="list-style-type: none"> • defence force magistrate • general courts martial • restricted courts martial • summary (subordinate, commanding officer, superior)
<i>Critical dates</i> may include:	<ul style="list-style-type: none"> • appointments • arrest conditions • meeting bail conditions • summary hearings/court/tribunal dates
<i>Relevant details</i> may include:	<ul style="list-style-type: none"> • date • time • venue

Unit Sector(s)

Not applicable.