



Australian Government

DEFDPL013 Conduct legal research

Release: 1

DEFDPL013 Conduct legal research

Modification History

Release 1. This is the first release of this unit of competency in the DEF Defence Training Package.

Application

This unit applies to Defence personnel who are required to provide paralegal support services.

The skills and knowledge described in this unit must be applied within the legislative, regulatory and policy environment in which they are carried out. Organisational policies and procedures must be consulted and adhered to.

Those undertaking this unit would work both independently and as part of a team while performing routine tasks. They would work with direct supervision and apply known solutions to a variety of predictable problems.

No licensing, legislative or certification requirements apply to this unit at the time of publication.

Pre-requisite Unit

Not applicable.

Competency Field

Defence Paralegal Operations

Unit Sector

Not applicable.

Elements and Performance Criteria

ELEMENTS

Elements describe the essential outcomes.

1 Define legal issues

PERFORMANCE CRITERIA

Performance criteria describe the performance needed to demonstrate achievement of the element.

1.1 Analyse information to determine factual situation

1.2 Evaluate information to identify legal issues requiring research

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|------------------------------------|--|
| 2 Undertake research | 2.1 Define search parameters to narrow the scope of enquiry |
| | 2.2 Identify sources of law to address the identified legal issue |
| | 2.3 Develop research strategies based on subject, case, legislation, instrument and other relevant search terms |
| | 2.4 Implement research strategies to locate sources of law |
| 3 Identify legal principles | 3.1 Interpret sources of law to facilitate critical analysis |
| | 3.2 Analyse sources of law to critically determine the legal precedent and determine application to the legal issue |
| | 3.3 Formulate response to the legal issue based on research |
| | 3.4 Communicate responses to inform stakeholders |

Foundation Skills

Foundation skills essential to performance are explicit in the performance criteria of this unit of competency.

Range of Conditions

Range is restricted to essential operating conditions and any other variables essential to the work environment.

Non-essential conditions may be found in the Companion Volume Implementation Guide.

Unit Mapping Information

No equivalent unit.

Links

Companion Volume implementation guides are found in VETNet - <https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=6bdbab1e-11ed-4bc9-9cba-9e1a55d4e4a9>

Assessment Requirements for DEFDPL013 Conduct legal research

Modification History

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Performance Evidence

Evidence required to demonstrate competence in this unit must be relevant to and satisfy all of the requirements of the elements and performance criteria on at least one occasion and include:

- analysing information to determine status and reliability
- assisting instructing legal officer to prepare for trial and service discipline proceedings
- communicating effectively and logically on legal matters
- effectively following written and oral instructions in the preparation of briefs
- planning and preparing for the provision of support in criminal law matters
- preparing and processing documents involved in criminal law matters
- preparing legal documents in accordance with identified processes
- preparing summaries of cases in accordance with identified processes undertaking trial/tribunal and post-trial/tribunal administration
- undertaking research to support instructing legal officer.

Knowledge Evidence

Evidence required to demonstrate competence in this unit must be relevant to and satisfy all of the requirements of the elements and performance criteria and include knowledge of:

- criminal law matters and service discipline proceedings
- relationship between trials and tribunals and their impacts
- relevant legal practices and procedures
- relevant legal process, documents and exhibits, legislation and sections, and stages involved in the legal process
- relevant legal terminology and its use in accordance with organisation procedures
- relevant legislation and policies, which must include one or more of the following:
 - Defence Force Discipline Act (DFDA) and related legislation
 - Defence Security Manual (DSM)
 - Privacy Act
 - Archives Act
 - Defence Records Management Policy Manual (POLMAN)
 - work health safety (WHS) legislation
 - Public Governance and Accountability (PGPA) legislation

- the Australian Public Service values and code of conduct
- the summary hearing/court/tribunal process
- trials and service discipline proceedings.

Assessment Conditions

As a minimum, assessors must satisfy applicable regulatory requirements, which include requirements in the Standards for Registered Training Organisations, current at the time of assessment.

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Assessment must occur in workplace operational situations where it is appropriate to do so; where this is not appropriate, assessment must occur in simulated workplace operational situations that replicate workplace conditions.

Assessment processes and techniques must be appropriate to the language, literacy and numeracy requirements of the work being performed and the needs of the candidate.

Resources for assessment must include access to:

- a range of relevant exercises, case studies and/or other simulations
- relevant and appropriate materials, tools, equipment and personal protective equipment (PPE) currently used in industry
- applicable documentation, including workplace procedures, regulations, codes of practice and operation manuals
- acceptable means of simulated assessment.

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