



Australian Government

DEFDPL014 Address complex legal and ethical issues in a Defence environment

Release: 1

DEFDPL014 Address complex legal and ethical issues in a Defence environment

Modification History

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

Application

This unit describes the skills required to effectively manage complex legal and ethical issues in a Defence environment. This unit applies to those working within a Defence legal environment, where they are required to manage complex legal and ethical issues.

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 mostly independently whilst part of a team, performing routine and complex tasks. They would work with limited supervision, with identified approval authorities. They apply solutions to a variety of predictable and complex problems, in both familiar and unfamiliar contexts.

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.

PERFORMANCE CRITERIA

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

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| 1 Perform within legal and ethical parameters of a Defence environment | 1.1 Apply a clear understanding of required guidelines and legislation as they impact on a Defence legal environment |
| | 1.2 Address the implications of guidelines and legislation |
| | 1.3 Handle client complaints sensitively and in accordance with identified guidelines |
| | 1.4 Handle all requests for client information in accordance with identified guidelines |
| 2 Apply an understanding of the legal framework | 2.1 Work with an understanding of how the law operates in a Defence environment with regard to legal processes, principles and penalties |
| | 2.2 Accurately apply concepts of negligence, duty of care and vicarious liability to a Defence environment |
| | 2.3 Apply a clear understanding of the requirement to obtain consent for treatment |
| | 2.4 Accurately use common legal terms associated with a Defence legal environment |
| | 2.5 Apply the legal requirements and expectations in relation to documented records and reports in a Defence environment |
| | 2.6 Apply mandatory reporting processes in line with jurisdictional requirements |
| | 2.7 Accurately apply client privacy and confidentiality practices |
| 3 Identify legal principles | 3.1 Interpret sources of law to facilitate critical analysis |
| | 3.2 Analyse sources of law critically to 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 |
| | 3.5 Develop and implement strategies to resolve ethical issues within a Defence environment |
| | 3.6 Take responsibility for addressing ethical issues and legal requirements in line with own work |

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| | 3.7 | Complete all documentation in accordance with identified guidelines |
| | 3.8 | Monitor compliance with legal obligations and requirements |
| 4 | Support the rights, interests and needs of clients | |
| | 4.1 | Comply with legal responsibilities and duty of care in all interactions with clients |
| | 4.2 | Support client rights, interests and decisions |
| | 4.3 | Encourage the client to exercise their rights to make informed decisions regarding their care |
| | 4.4 | Demonstrate respect and support for the dignity of clients |
| | 4.5 | Act as an advocate for client in line with identified guidelines and practices within a Defence environment |

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 DEFDPL014 Address complex legal and ethical issues in a Defence environment

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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:

- applying ethical principles to a Defence environment, including the accurate use of
 - theoretical concepts informing ethical conduct
 - distinction between ethical and legal problems
- applying problem-solving skills including negotiation and mediation skills, to resolve problems of a difficult nature in a Defence legal environment
- contributing to resolving and dealing with legal and ethical issues arising in the workplace
- demonstrating the identification of common legal issues relevant to the Defence environment
- providing information as required to enhance the application of legal and ethical work practices in Defence
- using appropriate systems for documentation and management of legal records.

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:

- applying a knowledge of legal and ethical standards, responsibilities and issues relevant to a Defence legal environment
- 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 principles of confidentiality and privacy responsibilities.

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.

Links

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