



**Australian Government**

# **DEFLAW001 Provide advice on service discipline law**

**Release: 1**

## DEFLAW001 Provide advice on service discipline law

### Modification History

| Release | Comments                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1       | <p>This unit was released in DEF Defence Training Package release 1.0 and meets the Standards for Training Packages.</p> <p>This unit supersedes and is equivalent to DEFCM116C Provide advice on service discipline law.</p> <ul style="list-style-type: none"><li>• Unit code updated</li><li>• Content and formatting updated to comply with new standards</li><li>• All PC transitioned from passive to active voice</li></ul> |

### Application

This unit describes the skills required to provide advice to subordinates on the procedural aspects and practical application of service discipline law (SDL) as it relates to the Defence Force Discipline Act (DFDA) in the Australian Defence Force (ADF).

This unit applies to those working as members of the ADF.

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 must have authority to act independently, have or will have responsibility for subordinates, and would work under the commander's direction, while performing complex tasks in a broad range of contexts.

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

### Competency Field

Military Justice

### Elements and Performance Criteria

| ELEMENTS              | PERFORMANCE CRITERIA                                                |
|-----------------------|---------------------------------------------------------------------|
| Elements describe the | Performance criteria describe the performance needed to demonstrate |

|                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| essential outcomes                                                                           | achievement of the element. Where bold italicised text is used, further information is detailed in the range of conditions section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>1. Plan and prepare for the provision of advice on service discipline law</b>             | <p>1.1 Identify circumstances that require the provision of advice on service discipline law.</p> <p>1.2 Analyse circumstances and conduct research within scope of own responsibility.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>2. Provide information on service discipline law</b>                                      | <p>2.1 Identify words or actions constituting common service offences against the DFDA for which a service member may be charged and convicted by a service tribunal.</p> <p>2.2 Explain privileges of witnesses.</p> <p>2.3 Advise subordinates of the judicial process, documentation requirements and the legal rights of a service member.</p> <p>2.4 Explain procedures applying to offenders in custody to subordinates.</p> <p>2.5 Explain professional standards to be applied in the administration of a summary proceeding to subordinates.</p> <p>2.6 Explain post-tribunal procedures to subordinates.</p> <p>2.7 Inform subordinates of the role and jurisdiction of a discipline officer, disciplinary infringements and/or punishments available to a discipline officer and the rights of an accused.</p> |
| <b>3. Demonstrate procedural aspects related to the administration of a service tribunal</b> | <p>3.1 Show subordinates how to prepare for proceedings including the preparation of personal statements.</p> <p>3.2 Explain and demonstrate duties of a recorder to subordinates.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

## Foundation Skills

The foundation skills demands of this unit have been mapped for alignment with the Australian Core Skills Framework (ACSF). The following tables outline the performance levels indicated for successful attainment of the unit.

ACSF levels indicative of performance:

|                       |   |   |   |   |         |   |   |   |   |                 |   |   |   |   |                    |   |   |   |   |              |   |   |   |   |
|-----------------------|---|---|---|---|---------|---|---|---|---|-----------------|---|---|---|---|--------------------|---|---|---|---|--------------|---|---|---|---|
| 1                     | 2 | 3 | 4 | 5 | 1       | 2 | 3 | 4 | 5 | 1               | 2 | 3 | 4 | 5 | 1                  | 2 | 3 | 4 | 5 | 1            | 2 | 3 | 4 | 5 |
| Learning N/A          |   |   |   |   | Reading |   |   |   |   | Writing         |   |   |   |   | Oral communication |   |   |   |   | Numeracy N/A |   |   |   |   |
| Performance variables |   |   |   |   |         |   |   |   |   |                 |   |   |   |   |                    |   |   |   |   |              |   |   |   |   |
| 1                     | 2 | 3 | 4 | 5 | 1       | 2 | 3 | 4 | 5 | 1               | 2 | 3 | 4 | 5 | 1                  | 2 | 3 | 4 | 5 | 1            | 2 | 3 | 4 | 5 |
| Support               |   |   |   |   | Context |   |   |   |   | Text complexity |   |   |   |   | Task complexity    |   |   |   |   |              |   |   |   |   |

Further information on ACSF and the foundation skills underpinning this unit can be found in the Foundation Skills Guide on the GSA website.

## Unit Mapping Information

This unit supersedes and is equivalent to DEFCM116C Provide advice on service discipline law.

## Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=6bdbab1e-11ed-4bc9-9cba-9e1a55d4e4a9>

Companion Volume implementation guides are found in VETNet -

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## Assessment Requirements for DEFLAW001 Provide advice on service discipline law

### Modification History

| Release | Comments                                                                                                                                                                                                                                                                                          |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1       | <p>These Assessment Requirements were released in DEF Defence Training Package release 1.0 and meet the Standards for Training Packages.</p> <ul style="list-style-type: none"><li>• Assessment Requirements created drawing upon specified assessment information from superseded unit</li></ul> |

### Performance Evidence

Evidence required to demonstrate competence must satisfy all of the requirements of the elements and performance criteria. The candidate must demonstrate evidence of performance of the following on at least one occasion.

- communicating orally
- conducting briefings
- responding to questioning
- listening
- reflecting
- undertaking research
- providing advice that is relevant and appropriate to the circumstances

### Knowledge Evidence

Evidence required to demonstrate competence must satisfy all of the requirements of the elements and performance criteria. If not otherwise specified the depth of knowledge demonstrated must be appropriate to the job context of the candidate.

- ADF judicial policies and procedures for service tribunals
- application of DFDA to service members
- composition and content of the Defence Law Manual (DLM) and other relevant law including offences under the DFDA and the principles
- equity and diversity principles
- nature and limits of Defence jurisdiction
- origin and structure of the Defence legal system
- role, duties and powers of a discipline officer
- scales of punishment

- service tribunal procedures and processes

## Assessment Conditions

Competency should be assessed in an actual workplace or in a simulated environment, with access to equipment and infrastructure appropriate to the outcome. Competency should be demonstrated over time to ensure the candidate is assessed across a variety of situations.

Assessors must satisfy the NVR/AQTF mandatory competency requirements for assessors.

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