



Australian Government

# **DEFLAW005 Conduct a unit level investigation and prefer charges**

Release: 1

# DEFLAW005 Conduct a unit level investigation and prefer charges

## 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 DEFCM124A Conduct a unit level investigation and prefer charges.</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><li>• PC 3.1 and 3.2; 3.3 and 3.4 merged</li></ul> |

## Application

This unit describes the skills required to conduct investigation and to prefer charges in accordance with the Defence Force Discipline Act (DFDA) performing the duty of an investigating officer.

This unit applies to those working as investigating officers who operate within the Australian Defence Force and prefer charges in accordance with the DFDA.

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 under supervision, while performing complex tasks in a broad range of contexts. If doubt exists concerning the authority or complexity to investigate a service offence then the Defence Investigative Authority (DIA) is to be contacted for advice. The DIA may deem it appropriate to conduct the investigation or may refer back to the commanding officer to deal with the matter.

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                                                                                                                                                                                                               |
|-------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Elements describe the essential outcomes</b>                         | Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the range of conditions section.                            |
| <b>1. Prepare for the investigation</b>                                 | 1.1 Receive and acknowledge tasking as investigating officer.<br>1.2 Confirm and acknowledge independence.<br>1.3 Develop investigation plan.                                                                                      |
| <b>2. Collect and analyse information relevant to the investigation</b> | 2.1 Seek and collect information relevant to the Defence issue.<br>2.2 Seek, collect and record complete and accurate evidence.<br>2.3 Take decision to search and conduct search within lawful authority.                         |
| <b>3. Conduct the interview</b>                                         | 3.1 Seek and take statements.<br>3.2 Conduct interviews relevant to the matter being investigated ensuring interviewees are afforded their legal rights and treated fairly and equitably.<br>3.3 Prepare and submit documentation. |
| <b>4. Prefer charges</b>                                                | 4.1 Assess evidence against the proofs of the charge and establish a prima facie case.<br>4.2 Prefer charge.<br>4.3 Produce charge sheet.                                                                                          |

## 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 |   |   |   |   | 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 |
| 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 DEFCM124A Conduct a unit level investigation and prefer charges.

## **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 DEFLAW005 Conduct a unit level investigation and prefer charges

## 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 in writing and orally
- questioning and responding to questioning
- conducting briefings
- listening
- displaying empathy and building rapport with colleagues and stakeholders
- interpreting policies and instructions
- making decisions
- showing sound judgement
- undertaking research
- providing advice that is relevant and appropriate to the circumstances
- developing an Investigation plan
- identifying avenues of inquiry
- identifying conduct or allegation
- identifying the framework (applicable law and policies)

## 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.

- charging under the DFDA

- discipline law and administrative law policy documents
- discipline officer scheme
- interview techniques
- relevant policies and procedures
- relevant legislation
- investigation powers and limitations

## 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.

## Links

Companion Volume implementation guides are found in VETNet -

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