



Australian Government

DEFLAW006 Conduct summary authority proceedings

Release: 1

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Modification History

Release	Comments
1	This unit was released in DEF Defence Training Package release 1.0 and meets the Standards for Training Packages. This unit supersedes and is equivalent to DEFCM125A Conduct summary authority proceedings. • Unit code updated • Content and formatting updated to comply with new standards • All PC transitioned from passive to active voice • PC 1.1 removed

Application

This unit describes the skills required to conduct service summary trials under the Defence Force Discipline Act (DFDA). These proceedings may include subordinate summary, summary, superior summary.

This unit applies to those working as Defence members who are summary authorities either as an automatic consequence of appointment (such as command) or by an instrument of appointment.

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 autonomously with legal support, while performing sophisticated 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 essential outcomes	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.
1. Conduct summary trials	1.1 Determine jurisdiction. 1.2 Make a determination by assessing applications and objections. 1.3 Conduct trial proceedings. 1.4 Assess evidence, examine trial documentation and seek clarification. 1.5 Determine guilt or innocence and give a judgement. 1.6 Listen to, interpret and determine validity of plea/s. 1.7 Listen to and interpret prosecutorial advice and mitigation. 1.8 Impose punishment/s and provide reasons.
2. Complete post-trial requirements	2.1 Conduct post-trial procedures. 2.2 Complete, process and store post-trial documentation.

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
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 DEFCM125A Conduct summary authority proceedings.

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 DEFLAW006 Conduct summary authority proceedings

Modification History

Release	Comments
1	These Assessment Requirements were released in DEF Defence Training Package release 1.0 and meet the Standards for Training Packages. • Assessment Requirements created drawing upon specified assessment information from superseded unit

Performance Evidence

Evidence required to demonstrate competence must satisfy all of the requirements of the elements and performance criteria. If not otherwise specified the candidate must demonstrate evidence of performance of the following on at least one occasion.

- communicating in writing and orally
- completing post-trial documentation
- questioning and responding to questioning
- conducting interviews
- deciding the admissibility of evidence
- deciding the guilt of an accused (considering the evidence)
- interpreting relevant Australian Defence Force (ADF) policies
- selecting a punishment for the convicted (considering the circumstances and law)
- undertaking research
- providing advice that is relevant and appropriate to the circumstances
- dealing with evidence

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.

- types of charges and their proofs
- types of punishments
- relevant references for locating relevant information
- who can issue summonses
- who can issue warrants

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

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