



Australian Government

DEFLAW011 Perform the duties of a defending officer at service tribunals

Release: 1

DEFLAW011 Perform the duties of a defending officer at service tribunals

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 DEFCM130 Perform the duties of a defending officer at service tribunals. • Unit code updated • Content and formatting updated to comply with new standards • All PC transitioned from passive to active voice • Elements 1 and 2 revised

Application

This unit describes the skills required to act in the defence of an accused person for the purposes of legal trials and hearings as required under the provisions of the Defence Force Discipline Act (DFDA).

This unit applies to those defending an accused service member at summary trials under the Defence Force Disciplinary Act (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 autonomously, while performing sophisticated tasks in a broad range of contexts, using discretion and judgement, and taking responsibility for the quality of their outputs.

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. Prepare for the case	1.1 Advise the accused of his/her rights to application and objection and of his/her legal options. 1.2 Prepare the case for the tribunal. 1.3 Prepare and dispatch pre-trial documentation. 1.4 Advise prosecution of the accused plea.
2. Defend the accused	2.1 Present the case for the defence in accordance with service discipline protocols, procedures and rules of evidence. 2.2 Articulate issues relating to the defence of the accused to the service tribunal's authority. 2.3 Cross-examine witnesses as required.
3. Finalise the case	3.1 Provide feedback on outcomes of the tribunal to the accused as required. 3.2 Finalise 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					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 DEFCM130 Perform the duties of a defending officer at service tribunals.

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 DEFLAW011 Perform the duties of a defending officer at service tribunals

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. The candidate must demonstrate evidence of performance of the following on at least one occasion.

- briefing
- responding to questioning
- listening
- reflecting
- establishing rapport
- negotiating
- resolving conflicts
- preparing statements and completing documentation
- analysing and synthesising information

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 rules of evidence, equity and diversity
- 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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