



Australian Government

Assessment Requirements for DEFLAW115

Apply service discipline law

Release: 1

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Modification History

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

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:

- advising subordinates including:
 - during summary proceedings
 - when being charged
 - when being questioned
- applying relevant organisational policies and procedures
- applying safety, legislative and statutory requirements relevant to the risk assessment
- arresting members of the Australian Defence Force (ADF) who commit an offence/s
- applying communication skills including:
 - briefing
 - responding to questioning
 - listening
 - reflecting
 - establishing rapport
 - negotiation
 - conflict resolution
- applying decisionmaking and problemsolving skills
- identifying, interpreting and analysing risk assessment requirements relevant to applying service discipline law
- performing the duties of a relevant officer
- preparing statements and completing documentation
- providing advice on service discipline law.

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:

- ADF judicial policies and procedures for service tribunals
- application of Defence Force Discipline Act (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
- legal rights must include:
 - arrest
 - common law privilege against self-incrimination
 - custody
 - procedures for summons
- nature and limits of Defence jurisdiction
- necessary force as defined in organisational policies and procedures
- organisational procedures applying to offenders in custody
- origin and structure of the Defence legal system
- professional standards
- records management and required documentation
- relevant organisational policies and procedures
- risk management organisational procedures
- role, duties and powers of a discipline officer and relevant officer
- scales of punishment
- service tribunal procedures and processes.

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 and equipment currently used in industry
- applicable documentation including organisational procedures, regulations, codes of practice and operation manuals.

Links

Companion Volume implementation guides are found in VETNet -

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

