



Australian Government

DEFLAW115 Apply service discipline law

Release: 1

DEFLAW115 Apply service discipline law

Modification History

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

Application

This unit specifies the skills and knowledge required to apply service discipline and the provisions of the Defence Force Discipline Act (DFDA).

It includes providing advice about service discipline law and performing the duties of a relevant officer. It also includes arresting members of the Australian Defence Force (ADF) who have committed an offence.

This unit is designed to meet the level of responsibility of a supervisor in the ADF but not the duties of a prosecutor or Defence Force defending officer.

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.

Typically, persons undertaking this unit work independently or as part of a team under direct and/or indirect supervision, use discretion and judgement, and take responsibility for the quality of their outputs.

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

Pre-requisite Unit

Not applicable

Competency Field

Military Justice

Unit Sector

Not applicable.

Elements and Performance Criteria

ELEMENTS

PERFORMANCE CRITERIA

Elements describe the essential outcomes.

Performance criteria describe the performance needed to demonstrate achievement of the element.

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| 1 Provide advice on service discipline law | 1.1 Identify and interpret words or actions constituting common service offences against the DFDA for which a service member may be charged and convicted by a service tribunal

1.2 Explain privileges of witnesses in accordance with common law privilege against self-incrimination

1.3 Advise subordinates of the judicial process, documentation requirements and the legal rights of a service member

1.4 Explain procedures applying to offenders in custody to subordinates in accordance with legal requirements

1.5 Explain professional standards that will be applied in the administration of a summary proceedings, to subordinates

1.6 Explain post-tribunal procedures to subordinates in accordance with organisational procedures

1.7 Inform subordinates of the role and jurisdiction of a discipline officer, disciplinary infringements, punishments available to a discipline officer and the rights of an accused

1.8 Show subordinates how to prepare for proceedings and how to prepare personal statements in accordance with legal guidelines

1.9 Explain and demonstrate duties of a recorder to subordinates to meet task requirements |
| 2 Perform the duties of a relevant officer | 2.1 Administer documentation to the defendant in accordance with organisational procedures

2.2 Provide advice on the outcome of sub-unit disciplinary matters to the defendant in accordance with legal guidelines |
| 3 Arrest members of the ADF who commit an offence/s | 3.1 Arrest offenders without warrants using necessary force and place arrested offenders in custody in accordance with organisational procedures

3.2 Protect the rights of a person under arrest in accordance |

with organisational procedures and legal requirements

Foundation Skills

Foundation skills essential to performance are explicit in the performance criteria of this unit of competency.

Range of Conditions

Range is restricted to essential operating conditions and any other variables essential to the work environment.

Non-essential conditions may be found in the Companion Volume Implementation Guide.

Unit Mapping Information

This unit replaces and is equivalent to DEFCM115B Apply 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>

Assessment Requirements for DEFLAW115 Apply service discipline law

Modification History

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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.

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