



Australian Government

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.

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>