



Australian Government

DEFCM115B Apply service discipline law

Release: 2

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Modification History

Release	TP Version	Comments
2	DEF12V2	Layout adjusted. No changes to content.
1	DEF12V1	Primary release.

Unit Descriptor

This unit covers the competency required to apply service discipline and the provisions of the Defence Force Discipline Act (DFDA).

It is designed to meet the level of responsibility of a supervisor in the Australian Defence Force (ADF) and is a level below the duties of a prosecutor and defending officer.

Application of the Unit

As agreed in the creation of this Training Package, applications for units transferred from the PUA00 Public Safety Training Package will be developed as part of continuous improvement plans, and taking into account the change in Unit of Competency format as detailed in templates for Streamlined Training Packages.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a Unit of Competency.

Performance Criteria describe the required performance needed to demonstrate achievement of the element. Where ***bold italicised*** text is used, further information is detailed in the Required Skills and Knowledge and/or the Range Statement. Assessment of performance is to be consistent with the Evidence Guide.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Provide advice on service discipline law	1.1 Words or actions constituting common service offences against the DFDA for which a service member may be charged and convicted by a service tribunal are correctly identified as required. 1.2 Privileges of witnesses are explained as required. 1.3 Subordinates are advised of the judicial process, documentation requirements and the legal rights of a service member. 1.4 Procedures applying to offenders in custody are explained to subordinates as required. 1.5 Professional standards to be applied in the administration of a summary proceedings are explained to subordinates as required. 1.6 Post-tribunal procedures are explained to subordinates as required in accordance with standard procedures. 1.7 Subordinates are informed 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 Subordinates are shown how to prepare for proceedings including the preparation of personal statements. 1.9 Duties of a recorder are explained and demonstrated to subordinates as required.
2. Perform the duties of a relevant officer	2.1 Documentation is administered to the defendant in accordance with standard procedures. 2.2 Advice on the outcome of sub-unit disciplinary matters is provided to the defendant in accordance with standard procedures.
3. Arrest members of the ADF who commit an offence/s	3.1 Offenders are arrested without warrants, using the necessary force and are placed in custody in accordance with standard procedures. 3.2 Rights of a person under arrest are protected in accordance with standard procedures.

Required Skills and Knowledge

This describes the essential skills and knowledge and their level, required for this unit.

Required Skills

- communication skills (briefing, responding to questioning, listening, reflecting, establishing rapport, negotiation, conflict resolution)
- decision making and problem solving skills
- prepare statements and complete documentation

Required Knowledge

- 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
- Work health and safety (WHS)
- origin and structure of the Defence legal system
- risk management
- role, duties and powers of a discipline officer
- scales of punishment
- service tribunal procedures and processes

Evidence Guide

Critical aspects for assessment and evidence required to demonstrate competency in this unit

Assessment must confirm the ability to analyse and synthesise information.

Consistency in performance

Competency should be demonstrated over time in a range of situations that could be expected in the workplace.

Context of and specific resources for assessment

Context of assessment

Competency should be assessed in the workplace or in a simulated workplace environment.

Specific resources for assessment

There are no special resource requirements for this unit.

Range Statement

The Range Statement relates to the Unit of Competency as a whole. It allows for different work environments and situations that may affect performance. ***Bold italicised*** wording in the Performance Criteria is detailed below.

<i>Subordinates are advised</i>	• during summary proceedings • when being charged • when being questioned
<i>Documentation</i> may include:	• form numbers PD 103, 104, 105, 108 • investigating officer's reports • medical and other specialist reports • statutory declarations • witness statements
<i>Legal rights include</i>	• arrest • custody • procedures for summons
<i>Procedures applying to offenders in custody</i> may include:	• attendance checks • effect on pay • effects on the performance of duty • reporting conditions • rights of persons
<i>Professional standards</i> may include:	• appearance • bearing • code of ethics • confidence • dress standard • impartiality • integrity • language • respect for people and office held
<i>Standard procedures</i> may include:	• provisions of the Defence Act and the DFDA • regulations, orders and instructions made under the Defence Act and DFDA • Standing Operating Procedures • Standing Orders

Unit Sector(s)

Not applicable.