



Australian Government

DEFCM127A Conduct a Defence administrative inquiry

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 conduct administrative inquiries under the inherent authority of commanders and under the Defence (Inquiry) Regulations.

Application of the Unit

This unit has application to warrant officers and officers of the Australian Defence Force (ADF), and some civilian staff of the Australian Defence Organisation. Staff may be appointed to conduct administrative inquiries to determine the facts and circumstances surrounding an incident or situation so that an informed decision may be taken about the action required including, where appropriate, action to avoid a recurrence. The type of inquiry conducted will be dependent on the level of authority, rank or position.

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. Prepare to conduct an inquiry	1.1 Appointment as <i>inquiry</i> officer is received from <i>appointing authority</i> and is acknowledged in accordance with <i>organisational policies and procedures</i>. 1.2 Inquiry circumstances are analysed and discussed, if necessary, with the appointing authority. 1.3 <i>Independence</i> is confirmed and acknowledged in accordance with organisational policy. 1.4 <i>Appropriate Defence publications</i> are referred to, to determine the appropriate course of action.
2. Plan an inquiry	2.1 Inquiry Terms of Reference are identified, analysed and clarified in accordance with organisational policies and procedures. 2.2 <i>Inquiry plan</i> is developed in accordance with organisational policies and procedures. 2.3 <i>Advice is sought</i>, where appropriate, in accordance with organisational policies and procedures.
3. Gather and analyse evidence	3.1 Evidence is identified and acquired in accordance with organisational policies and procedures. 3.2 <i>Interviews</i> are conducted in accordance with organisational policies and procedures. 3.3 Evidence is confirmed and analysed in accordance with organisational policies and procedures. 3.4 Progress reports are provided in accordance with the Terms of Reference and appointing authority requirements. 3.5 Inquiry is suspended (in the particular area) and appointing authority is notified when Defence Force Discipline Act (DFDA) offence or other notifiable incident is suspected, in accordance with organisational policies.
4. Present inquiry findings	4.1 <i>Conclusions and recommendations</i> are made on the basis of the analysis of the evidence. 4.2 <i>Inquiry findings</i> are presented in accordance with the Terms of Reference and appointing authority requirements.

Required Skills and Knowledge

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

Required Skills

- analyse evidence
- communicate ideas, arguments and conclusions logically
- conduct interviews
- interpret policies
- prepare complex documents
- undertake required tasks with objectivity and impartiality
- use appropriate legal terminology

Required Knowledge

- Defence (Inquiry) Regulations
- inquiry processes
- interview techniques
- relevant Defence publications
- relevant legislation
- relevant organisational policies and procedures
- scope of authority of an investigating officer undertaking an administrative inquiry

Evidence Guide

The evidence guide provides advice on assessment and must be read in conjunction with the Performance Criteria, Required Skills and Knowledge, the Range Statement and the Assessment Guidelines for this Training Package.

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

Assessment must confirm the ability to:

- identify the issues surrounding the inquiry
- adhere to the Terms of Reference
- analyse evidence to form conclusions and recommendations

Consistency in performance

Competency should be demonstrated in a range of actual or simulated inquiry contexts.

Context of and specific resources for assessment

Context of assessment

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

Specific resources for assessment

Access is required to:

- documentation and resources normally found in the work environment and required to allow the inquiry to be properly performed

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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>Inquiry</i> may include:	• CDF Commission/Board of inquiry • General court of inquiry • IG-ADF inquiry • Inquiry officer inquiry • Routine inquiry
<i>Appointing authority</i> may include:	• commanders • commanding officers
<i>Organisational policies and procedures</i> may include:	• conventions including those covered by: • ADFP 06.1.4

	• Defence Act, Naval Defence Act, Air Force Act • DFDA • Defence (Inquiry) Regulations • legislation
<i>Independence</i> may include:	• confirming lack of bias or declaring bias • confirming lack of conflict of interest or declaring conflict of interest
<i>Appropriate Defence publications</i> may include:	• Australian Defence Force Publication 06.1.4
<i>Inquiry plan</i> may include:	• allegations • chronology of events • itinerary • list of evidence considered relevant • list of issues requiring resolution • list of preliminary questions for key witnesses • list of witnesses to be interviewed
<i>Advice is sought</i> from:	• Complaint Resolution Agency • Defence Equity Organisation • Defence legal service legal officer • specialist personnel with experience relevant to the topic of investigation
<i>Interviews</i> may include:	• advising witnesses of their rights and obligations • advising witnesses that no guarantee of confidentiality can be given and that disclosure may occur (but not in contravention of the privacy act) • applying fair hearing rules and no bias rule • producing written transcripts and inquiry officer notes • recording interviews by audio or visual means
<i>Conclusions and recommendations</i> only include those:	• based on the evidence gathered • within the boundaries of the terms of reference
<i>Inquiry findings</i> may:	• be in the form of a written report • have time constraints imposed

Unit Sector(s)

Not applicable.