



Australian Government

Department of Education, Employment and Workplace Relations

DEFPL002B Provide advice on service discipline and criminal law matters

Release: 1

DEFPL002B Provide advice on service discipline and criminal law matters

Modification History

Not applicable.

Unit Descriptor

Unit Descriptor

This unit covers the competency required to provide advice on ***service discipline and criminal law*** matters. This competency includes analysing the circumstances surrounding the matter, conducting research, consulting legal officers and providing information. The advice provided in this competency must be within the legal limit of the individual's responsibility.

Application of the Unit

Application of the Unit

The application of this unit in the workplace - the environments, complexities and situations involved - will be written during Phase II of the Review of the PUA00 Public Safety Training Package. This text will be useful for the purposes of job descriptions, recruitment advice or job analysis; where possible, it will not be too job specific to allow other industries to import it into other Training Packages, where feasible.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Prerequisite Unit/s

Nil

Employability Skills Information

Employability Skills

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. Plan and prepare for the provision of advice on service discipline and criminal law	1.1 <i>Circumstances that require the provision of advice on service discipline and criminal law</i> are identified in accordance with legal practices and procedures 1.2 Circumstances are analysed and the discipline issues are interpreted and clearly defined
2. Receive enquiry	2.1 Enquirer's needs are identified, analysed and clarified in accordance with legal practices and procedures 2.2 Legal limits of own responsibility are clearly outlined to enquirer before any information is imparted, in accordance with legal practices and procedures 2.3 Enquiries outside one's area of responsibility are identified and assistance is sought or enquiry is referred on to a legal officer where appropriate
3. Provide information in service discipline and criminal law	3.1 Enquirer's or event details and problem/s are recorded in accordance with legal practices and procedures 3.2 Information is relayed where available and appropriate in accordance with legal practices and procedures 3.3 Research is conducted within the scope of own responsibility 3.4 Non-disclosable information is not communicated and where any doubt exists as to the information's status it is not disclosed in accordance with legal practices and procedures
4. Consult legal officer to resolve issues	4.1 Issues are communicated to legal officer and resolution/action is discussed in accordance with legal practices and procedures 4.2 Suggested action/resolution is carried out in accordance with legal practices and procedures

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

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

Required Skills

- analyse information
- apply complex legal procedures
- apply legal practices and procedures
- communicate ideas, arguments and conclusions logically
- conduct research
- identify and evaluate status of information
- prepare complex legal documents
- use appropriate legal terminology

Required Knowledge

- applicable legal practices and procedures required in the full range of tasks covered
- codes of practice, ethical standards
- DFDA and related legislation
- legal limits of own responsibility
- legal terminology
- legal terminology specific to service discipline and criminal law
- relevant legal process, legislation and sections, and stages involved in the legal process

Evidence Guide

EVIDENCE GUIDE

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

Assessment must confirm the ability to identify the issues surrounding the provision of advice on service discipline and criminal law matters, and to research and analyse information relating to these issues; to provide advice and information within the legal limits of own responsibility; to comply with professional codes of practice and ethical standards at all times; and to implement access, equity and diversity principles and practices.

Consistency in performance

Competency should be demonstrated providing a range of advice and information over time.

Context of and specific resources for assessment

Context of assessment

Competency should be assessed in the workplace or in a simulated workplace environment providing a range of advice and information that could be expected in the workplace.

Specific resources for assessment

Access to appropriate documentation and resources normally found in the work environment and required for the job or task to be properly performed.

Range Statement

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.

Service discipline and criminal law may include

Defence Force Discipline Act (DFDA) which has jurisdiction over service personnel and incorporates the Commonwealth Crimes Act and Commonwealth Evidence Act

State criminal law including the following:

- Criminal Codes (Queensland, WA)
- Criminal Code (Tasmania)
- Crimes Act 1900 (NSW & ACT)
- Crimes Act 1958 (Victoria)
- Criminal Law Consolidation Act 1935 (SA)
- Common Law for NSW, Victoria and SA

Circumstances that require the provision of advice on service discipline and criminal law may include

Complaint
Events arising that may disclose a service offence
Legal inquiry
Non-legal inquiry
Seeking information
Seeking referral
Someone seeking disclosable information

Legal practices and procedures may include

Emergency procedures
Handling contingencies
Information sources
Information specific to the defence legal service
Interviewing process
Protocol for accommodating special client needs e.g. case manager, social worker, parole officer, translator, interpreter, service requirement
Protocol for handling enquiries
Providing disclaimers
Recording information
Security/confidentiality/privacy procedures
Telephone protocol
Verifying and authorising information

Enquirer may include

Commanders
Civilian employees of the defence organisation
Defence civilians
Disciplinary appointees, including officers, warrant officers, non commissioned officers

RANGE STATEMENT

Other members of the Australian Defence Force (ADF)
outside agencies

RANGE STATEMENT**Identification, analysis and clarification of enquirer's needs may include**

Accommodating any communication difficulties
 Clarification of request or problem by summarising and repeating summaries to ensure that information gathered is reflective of the information that the enquirer wishes to communicate

And may include the requirement to communicate:

- in writing
- in person
- verbally
- via third party
- electronically

Sensitivity to enquirer's emotional/physical state, cultural and service background

Legal limits of own responsibility may include those covered by

Client and the Defence legal service (e.g. Privacy Act, secrecy laws, ethical practices, codes of practice)

Provision of legal advice by a person who is not a qualified legal officer as defined by the Legal Practice Act

Relevant state/territory/commonwealth legislation

Information may include

Areas of the Defence legal service law/practice

Charges and review process

Correct contact in the Defence legal service

Disciplinary process

Jurisdiction

Non-disciplinary process

Punishments and orders

Non-disclosable information may include that covered by

Legally privileged information

Organisationally classified or caveated information

Relevant state/territory/commonwealth legislation

Resolution/action may include

Advising the enquirer after researching the appropriate information

Not pursuing the matter

Referring enquirer to another legal officer or practitioner

Referring enquirer to supervisor or appropriate authority

Referring enquirer to the appropriate government department

Carrying out resolution/action may include

Alternate dispute resolution processes

Documenting and filing communication

Informing caller of resolution

RANGE STATEMENT

Notifying relevant department of enquiry Promptly contacting enquirer where appropriate Providing written or oral advice Recording contact on database

Unit Sector(s)

Not applicable.

Corequisite Unit/s

Co-requisite Unit/s	Nil
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