



Australian Government

Department of Education, Employment and Workplace Relations

DEFPL003B Provide support in administrative law matters

Release: 1

DEFPL003B Provide support in administrative law matters

Modification History

Not applicable.

Unit Descriptor

Unit Descriptor

This unit covers the competency required to research and prepare documents in administrative law matters.

This competency includes researching case history and assisting the instructing legal officer or senior paralegal to prepare for Boards of Inquiry/Investigation and other investigation processes.

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 support in administrative law	1.1 Instructions that require the provision of support in administrative law are received and acted upon 1.2 Circumstances are analysed and the issues are interpreted and clearly defined
2. Prepare and process documents involved in administrative law matters	2.1 Documents are identified, prepared and processed in accordance with legal practices and procedures 2.2 Letters and other documents are prepared and forwarded to the instructing legal officer 2.3 Documents for Boards and/or other processes are identified, prepared and processed 2.4 Incoming documents are checked for completeness and timely delivery and sender is contacted where insufficient information is provided or deadlines are not honoured 2.5 Requests for information are reviewed with instructing legal officer and identified documents are retrieved, copied and despatched in accordance with legal practices and procedures
3. Perform research to support instructing legal officer	3.1 Files are reviewed and research requirements are determined in conjunction with instructing legal officer 3.2 Relevant documents and exhibits are retrieved and processed 3.3 Precedent and case law are retrieved, researched and reviewed, and summaries are made where appropriate 3.4 Summaries are forwarded to instructing legal officer and explanations are presented where necessary
4. Assist instructing legal officer to prepare for Boards or investigation proceedings	4.1 Different Boards of Inquiry/Investigation and other investigations are identified and appropriate files are prepared 4.2 File is discussed with instructing legal officer and work is planned and diarised 4.3 Availability of legal officers is canvassed and details are forwarded to instructing legal officer to facilitate engagement 4.4 Opposing party's legal representative is contacted on behalf of instructing legal officer and relevant

ELEMENT

PERFORMANCE CRITERIA

1. Plan and prepare for the provision of support in administrative law

- 1.1 **Instructions** that require the provision of support in **administrative law** are received and acted upon
- 1.2 Circumstances are analysed and the issues are interpreted and clearly defined
information is exchanged
- 4.5 Briefs for legal officers are prepared and delivered in conjunction with instructing legal officer
- 4.6 Liaison and communication between instructing legal officer and other parties is facilitated
- 4.7 Reminders of pending **critical dates** are forwarded to relevant persons

5. Conduct Board of Inquiry/Investigation and post board/investigation administration

- 5.1 Relevant Board of Inquiry/Investigation administrative instruction is prepared/processed
- 5.2 Board of Inquiry/Investigation participants are notified of relevant details, including date, time and venue
- 5.3 Board of Inquiry/Investigation personnel are notified
- 5.4 Post Board of Inquiry/Investigation all documents are collected and archived as appropriate, outcomes are processed, accounts are prepared and relevant reviewing authority is notified

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

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

Required Skills

- communicate ideas, arguments and conclusions logically
- conduct research
- follow complex legal procedures
- follow written and oral instructions with regards to preparation of briefs
- identify and evaluate status of information
- prepare complex legal documents
- prepare summaries of cases
- use appropriate legal terminology

Required Knowledge

- applicable legal practices and procedures required in the full range of tasks covered
- board of inquiry/investigation process
- legal terminology
- legal terminology specific to administrative law
- relationships between the different boards of inquiry/investigation and other investigations
- relevant legal process, legislation and sections, and stages involved in the legal process
- relevant state/territory/commonwealth legislation

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 support in administrative law matters, and to research and analyse information in relation to these issues; to comply with professional codes of practice and ethical standards at all times; and to implement access, equity and diversity principles and practices.

Assessment must also confirm the ability to support the instructing legal officer or senior paralegal to prepare for Boards of Inquiry/Investigation and other investigation proceedings.

Consistency in performance

Competency should be demonstrated providing a range of support services 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 support services 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.

Instructions may include	Documentary material, exhibits and evidence Oral or written correspondence, including from the command structure, commanding officer or an individual Summary of matter Witness statements
Administrative law may include	Any relevant administrative legislation that impacts on the Defence Organisation
Documents may include	Adjournment letters Board of inquiry/investigation forms Board of inquiry/investigation reminder letters Confirming/reporting letters outlining results of board of inquiry/investigation Summons/orders
Legal practices and procedures may include	Engaging experts Equity Instructing legal officer practitioner supervisory procedures Practice notes Protocol for accommodating special client needs e.g. Case manager, social worker, parole officer Protocol for contacting clients e.g. Translator, interpreter Recording information Security/confidentiality/privacy procedures Verifying and authorising information
Relevant documents and exhibits may include	Artefacts Briefs Clinical reports

RANGE STATEMENT**Boards of Inquiry/Investigation and other investigations may include**

Expert reports
 Further and better particulars
 Hospital discharge summaries
 Letters
 Medical reports
 Photographs/videos
 Service history
 Witness statements/affidavits

Boards of Inquiry
 Censures
 Freedom of Information (FOI)
 Human Rights and Equal Opportunity Commission (HREOC)
 Investigating officer
 Privacy
 Redress
 Return of service obligation
 Show cause

Appointments
 Board of inquiry/investigation dates
 Other investigation milestones
 Summary hearings/court/tribunal dates

Critical dates may include**Unit Sector(s)**

Not applicable.

Corequisite Unit/s**Co-requisite Unit/s**

Nil