



Australian Government

Department of Education, Employment and Workplace Relations

DEFPL004B Provide advice on administrative law matters

Release: 1

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Modification History

Not applicable.

Unit Descriptor

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This unit covers the competency required to provide advice on *military administrative law* matters.

This competency includes analysing the circumstance surrounding the issue, 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 administrative law

- 1.1 *Circumstances that require the provision of advice on administrative law* are identified in accordance with *legal practices and procedures*
- 1.2 Circumstances are analysed and 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 administrative 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

- administrative law and related legislation
- applicable legal practices and procedures required in the full range of tasks covered
- codes of practice, ethical standards
- legal limits of own responsibility
- legal terminology
- legal terminology specific to administrative 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 military administrative law matters, and to research and analyse information in relation 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.

Military administrative law may include	Relevant state/territory/commonwealth legislation
Circumstances that require the provision of advice on administrative law may include	Complaint Event arising that may disclose a service activity Incidents arising or related to Australian Defence Force (ADF) service Legal inquiry Non-legal inquiry Seeking information Seeking referral
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	Civilian employees of the defence organisation Commanders Defence civilians Disciplinary appointees, including officers, warrant officers, non commissioned officers (NCOs)

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

Other members of the ADF

Outside agencies

Accommodating any communication difficulties

Clarification of request or problem by summarising and repeating summaries to ensure information gathered is reflective of the information 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

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

Relationship between the client and the Defence legal service (e.g. Privacy Act, secrecy laws, codes of practice, service requirements)

Information may include

Relevant state/territory/commonwealth legislation

Areas of law/practice the Defence legal service handles

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

Relevant state/territory/commonwealth legislation

Organisationally classified or caveated information

Resolution/action may include

Advising enquirer after researching the appropriate information

RANGE STATEMENT**Carrying out suggested action/resolution may include**

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

Alternate dispute resolution

Documenting and filing communication

Informing caller of resolution

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