



Australian Government

Department of Education, Employment and Workplace Relations

DEFPL013B Provide advice on civil claims

Release: 1

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Modification History

Not applicable.

Unit Descriptor

Unit Descriptor

This unit covers the competency required to provide advice on *civil claims and litigation processes* in the Defence environment.

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 civil claims	1.1 <i>Circumstances</i> that require the provision of advice on civil claims and litigation 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 <i>Enquirer's</i> needs are identified, analysed and clarified in accordance with legal practices and procedures 2.2 Legal limits of individual 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 on civil claims and litigation	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 discussed with legal officer in accordance with legal practices and procedures 4.2 Issues are communicated to legal officer and resolution/action is discussed in accordance with legal practices and procedures 4.3 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
- commonwealth government and Defence insurance processes
- legal limits of own responsibility
- legal process, legislation and sections, and stages involved in the claims and litigation process
- legal terminology
- legal terminology specific to claims and litigation

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 civil claims and litigation processes, 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 provide the advice and information within the legal limits of the individual's responsibility.

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.

Civil claims and litigation processes may include

Administrative law
Commercial law
Criminal law
Defence Force Discipline Act
Environmental law
Family law Industrial relations/employment law
International humanitarian law
International law
Litigation
Operations law
Property law
Wills and probate

Circumstances that require the provision of advice on civil claims and litigation may include

Complaint
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

RANGE STATEMENT

	Recording information
	Security/confidentiality/privacy procedures
	Telephone protocol
	Verifying and authorising information
Enquirer may include	Civilian employees of the Defence organisation
	Commanders
	Defence civilians
	Other members of the Australian Defence Force (ADF)
	Outside agencies
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 information gathered is reflective of the information enquirer wishes to communicate
	Sensitivity to enquirer's emotional/physical state, cultural and service background
	And may include the requirement to communicate:
	• in writing • in person • verbally • via third party • electronically
Legal limits of individual responsibility may include those covered by	Client and the Defence legal service
	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
	Claim against a third party
	Claim against the department
	Claim by the Defence organisation
	Complaint
	Correct contact in the Defence legal service
	Insurance cover

RANGE STATEMENT

	Indemnity
	Legal inquiry
	Liability
	Non-legal inquiry
	Risk
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 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 suggested action/resolution may include	Alternate dispute resolution processes
	Documenting and filing communication
	Informing enquirer 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