



Australian Government

DEFPL023 Provide support in service discipline law matters

Release 1

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Modification History

Release	TP Version	Comments
2	DEF12V2	New unit.
1	DEF12V1	Primary release.

Unit Descriptor

This unit covers the competency required to analyse information and to prepare documents in service discipline law matters.

This unit includes researching case histories and assisting the instructing legal officer to prepare for trials and service discipline proceedings.

Application of the Unit

This unit applies to individuals who provide services to support legal practitioners in service discipline law matters, under supervision.

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

ELEMENTS

PERFORMANCE CRITERIA

- | | |
|--|---|
| 1. Plan and prepare for the provision of support in service discipline law | 1.1 <i>Instructions</i> that require the provision of support in <i>service discipline law</i> are received and acted upon
1.2 Circumstances are analysed and discipline issues are interpreted and clearly defined |
| 2. Prepare and process documents involved in service discipline law matters | 2.1 Documents are identified, prepared and processed in accordance with <i>legal practices and procedures</i>
2.2 Documents are despatched in accordance with legal practices and procedures
2.3 Incoming documents are checked for completeness and timely delivery, and sender is contacted where insufficient information or deadlines are not honoured
2.4 Requests for information are reviewed with instructing legal officer |
| 3. Perform research to support instructing legal officer | 3.1 Files are reviewed and search 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. Conduct administration after matter as required | 4.1 Post-matter administration is conducted as required |

Required Skills and Knowledge

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

Required Skills

- collate and review information
- communicate ideas, arguments and conclusions logically
- follow legal procedures
- follow written and oral instructions with regards to preparation of briefs
- prepare legal documents
- use appropriate legal terminology

Required Knowledge

- applicable legal practices and procedures required in the full range of tasks covered
- Defence Force Discipline Act (DFDA) and related legislation
- relationship between the different trials/tribunals
- relevant legal process, legislation and sections, and stages involved in the legal process
- relevant legal terminology
- service discipline proceedings
- summary hearing/court/tribunal process

Evidence Guide

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

Assessment must confirm the ability to:

- analyse information
- prepare documents in service discipline law matters
- research case histories
- assist the instructing legal officer to prepare for trials and service discipline proceedings

The candidate must at all times comply with legislative requirements, policy and standards, and demonstrate an awareness of access, equity and diversity principles and practices.

Consistency in performance

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

Context of and specific resources for assessment

Context of assessment

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

Specific resources for assessment

Access is required to appropriate documentation and resources normally found in the work environment.

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>Instructions</i> may include:	• charge sheet • conduct record • documentary material, exhibits and evidence • oral or written correspondence, including from the command structure, commanding officer or an individual • record of evidence • record of prior convictions • summary of matter • witness statements
<i>Service discipline law</i> may	• Common Law for NSW, Victoria and SA

include:	• DFDA which has jurisdiction over service personnel and incorporates the Commonwealth Crimes Act and Commonwealth Evidence Act
<i>Legal practices and procedures</i> may include:	• engaging/referral to experts • extent of legal assistance available • practice notes • protocol for accommodating specific client needs such as case manager, social worker, parole officer • protocol for contacting clients such as translator, interpreter • recording information • security/confidentiality/privacy procedures • verifying and authorising information
<i>Trials and service discipline proceedings</i> may include:	• general courts martial • magistrates/local trials • restricted courts martial • summary hearings (subordinate, commanding officer, superior)

Unit Sector(s)

Not applicable.