

AUSTRALIAN DEFENCE FORCE LEGAL SERVICES
CAREER AND PROFESSIONAL DEVELOPMENT COMMITTEE

MEETING OF 29 NOV 06

COMMITTEE DECISION 157/06

Subject: Policy – Failure of Legal Training Module (LTM) subjects

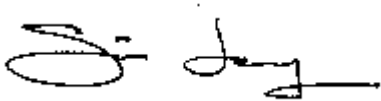
The Committee noted:

1. The professional development program for ADF Legal Officers approved in the DFRT Decisions on the Legal Officers' Specialist Officer Career Structure (LOSOCS) and that under the professional development program attainment of academic qualifications is part of the criteria for advancement in legal competency levels (CL formerly LL).
2. The submission by DMLC concerning the need to have CPDC endorsed policies concerning failure of Legal Training Module (LTM) subjects and that these policies need to be consistent with other similar Defence policies.
3. The material and drafts submitted by DMLC identified that the previous policy concerning self-funding for any repeat of a failed LTM subject should be modified and any officer involved in paying travel and accommodation in addition to the university fees should be able to seek a refund of the travel and accommodation costs.

The Committee decided to agree:

1. Legal Officers who fail the LTM 1 examination may be offered a supplementary examination at the discretion of the Director MLC.
2. In the event that the Legal Officer is not offered a supplementary examination or fails the supplementary examination the Legal Officer will be required to repeat the LTM 1 course within the following 18 months.
3. Legal Officers who do not repeat LTM 1 within the 18 month time frame or fail LTM 1 a second time are to have their appointment as a legal officer reviewed and the LO CPDC may recommend that the Legal Officer be issued with a termination notice.
4. Legal Officers who fail any LTM 2 or LTM 3 subject (including withdrawals that attract financial penalty or any other form of failure to pass) are liable to fully fund the university fees on any repeat or replacement subject.

5. If the Legal Officer considers there are extenuating circumstances (i.e. reasons beyond their control) that account for the 'failure' (as defined above) the Legal Officer is to:
- (1) make application through the University appeals system to state their case. If the extenuating circumstances relate to service reasons the MLC is available to provide input in support of such an application; and
 - (2) where the University does not agree to waive the fees for a repeat or replacement subject and the Legal Officer believes the extenuating circumstances to be service related the Legal Officer may make an application to the LO CPDC for funding and the LO CPDC will consider the application on its merits, taking into account the policy set out in paragraph 4 above.
6. Legal Officers who are unable to complete LTM 2 because of repeated failure in one or more subjects are to have their appointment as a legal officer reviewed and the LO CPDC may recommend that the Legal Officer be issued with a termination notice or that the Legal Officer's current appointment not be extended.
7. Legal Officers who, under the previous policy, self-funded travel and accommodation as well as university fees for any repeat subject may make a claim for re-imburement of the travel and accommodation component.



S. J. HARVEY

AIRCDRE

Director General Australian Defence Force Legal Services

Chairman, Career and Professional Development Committee