

THE DEFENCE LEGAL SERVICE
CAREER AND PROFESSIONAL DEVELOPMENT COMMITTEE

DECISION OF 30 MAR 04

COMMITTEE DECISION 50/04

Subject: Policy – Revised Funding Priorities for Legal Training

The Committee noted:

1. The submission by the Secretary identifying the need for a revision of the existing policy concerning legal officer participation in legal training.
2. The professional development program for ADF legal officers was approved by the DFRT in its decision of Feb 00 concerning the Legal Officers' Specialist Career Structure. Under the professional development program attainment of academic qualifications is part of the criteria for advancement in legal competency levels (LL).
3. The academic element of the professional development program consists of various legal training courses such as Legal Training Module [LTM] 1 (the distance learning package), LTM 2 (resulting in a Graduate Diploma in Military Law) and LTM 3 (resulting in a Master of Military Law or Master of Law).
4. Funding for the professional development program is part of the TDLS funding arrangements. The budget process identified that funding for LTM 2 and LTM 3 was limited and approved \$285K for each course. Even though the same funding is given to LTM 3 courses, less legal officers will be able to complete the Master of Military Law because each is twice the cost of each LTM 2 course as there are double the number of subjects.
5. That in CPDC decision 31R/03 the Committee decided to:
 - a. **Agree** to the introduction of limitations of access to funding for legal training courses.
 - b. **Confirm** the current limitations, namely, that except with special approval of the CPDC:
 - (1) a legal officer at LL 1 will not be funded to undertake LTM 2 courses until that legal officer has completed LTM 1; and
 - (2) a legal officer at LL 2 will not be funded to undertake LTM 3 courses until that legal officer has attained LL 3 status.
 - c. **Agree** that legal officers in the Permanent Forces:
 - (1) are required to satisfactorily complete LTM 3 to satisfy the academic requirements for advancement to LL 4 status, unless an individual legal officer already holds a Masters degree [*in a legal discipline*], in which case the officer is required to satisfactorily complete only the core subjects of LTM 3;
 - (2) will be given priority over legal officers in the Reserves for the funding of LTM 3 subjects; and
 - (3) should be given priority for funding for LTM 3 in accordance with the timing of their expected advancement to LL 4.

- d. **Agree** that, from 24 Feb 03, legal officers in the Reserves:
 - (1) are required to hold a Master of Military Law or have equivalent status to satisfy the academic requirements for advancement to LL 4 status; and
 - (2) subject to sub paragraph 3b [*sub-sub-paragraph 5c(2)*], should be given priority for funding for the core subjects of LTM 3 in accordance with the timing of their expected advancement to LL 4.
- e. **Agree** that the CPDC will consider applications for recognition of status equivalent to a Master of Military Law, particularly if legal officers have not been provided with funding or opportunities to complete LTM 3 subjects.

6. The submission that legal officers undertaking the Advocacy for Military Lawyers (LTM 2) course need to have knowledge of Discipline law.

7. The submission that some Reserve legal officers will not be able to complete the academic requirements for advancement to LL 3 if all permanent legal officers are given priority over all reserve legal officers and that there should be a modification of the current policy.

The Committee decided to:

- 1. **Agree** that the policy on training priorities as set out in CPDC decision 31R/03 be amended, from 30 Mar 04, as follows:
 - a. A legal officer is not eligible to undertake Advocacy for Military Lawyers (LTM 2) unless the legal officer has completed the Discipline law (LTM 2) course intensive.
 - b. Legal officers in the permanent force will be given priority for funding LTM 2 subjects and core subjects of LTM 3 over legal officers in the Reserve except where that policy does not permit legal officers in the Reserve to complete the academic requirements in time for their expected advancement to the next LL, and in such circumstances;
 - (1) Legal officers will be given priority for funding in accordance with their expected date of advancement to the next LL, provided that;
 - (2) In circumstances where the expected advancement to the next LL is similar, legal officers in the permanent force will be given priority over legal officers in the Reserves.

S.J. HARVEY

AIRCDRE

Director General The Defence Legal Service

Chairman, Career and Professional Development Committee