

LEGAL OFFICER CAREER AND PROFESSIONAL DEVELOPMENT COMMITTEE

OUT-OF-SESSION DECISION OF 21 AUG 07 COMMITTEE DECISION 57/07

Subject: Policy – Guidance for Commanders on Legal Training

The Committee noted:

1. That following expressions of concern by Heads of Category, DMLC agreed to develop a Commanders' Guide on Legal Training.
2. The DFRT Decisions on the Legal Officers' Specialist Officer Career Structure (LOSCS) and the Outline of the LOSOCS dated 21 Mar 07.
3. The drafts of the Guide considered at the Committee's meetings of 5 Jun 07 and 7 Aug 07 and further considered and approved out-of-session by the career managers.

The Committee decided to:

1. **Agree** to approve the amended Information for Commanders on ADF Legal Officer Training attached hereto.
2. **Agree** that DGADFLS should promulgate the guidance widely.



V.M. McCONACHIE
CDRE RAN
DGADFLS
Chair, LO CPDC / CDF Delegate

ADF LEGAL OFFICER TRAINING—INFORMATION FOR COMMANDERS

Introduction

1. The purpose of this brief is to advise Commanders of the professional legal training requirements for ADF legal officers in order to inform the decision as to whether a legal officer should be released to undertake professional legal officer training. The intention is to achieve a balance between career progression requirements, members' desires and operational requirements.
2. The decision to release legal officers for legal training should take into account unit requirements and attendance at major exercises or deployments, which are equally critical for professional development and progression. Legal officers are also required to complete initial officer training and other single Service training and promotion courses as part of their development as an officer.
3. Accordingly, legal officers may need to complete more or less subjects per year than suggested in the guidance below. However, completion of more than three legal training subjects in one year, whilst permissible, should not be considered the norm.

Legal Competency Progression

4. ADF Legal Officers are part of the Legal Officers' Specialist Officer Career Structure (LOSOCS) under which they are assessed at a legal competency level (CL) ranging from CL 1 to CL 5. An ADF Legal Officer's pay is dependent upon rank, CL and salary increment. New legal officers normally start at CL 1, although they may be given advanced standing depending on their civilian and military experience.
5. Table 1 below summarises the criteria for advancement through the legal competency levels. With the exception of CL5, there is an academic requirement attached to each CL. There is a minimum rank requirement attached to each CL. There is also a competency requirement that is demonstrated by completion of legal task journals at either the competent, advanced or specialist levels in up to three areas of military law (operations, discipline and administrative law).

Table 1 - Criteria for Advancement in CL

| Legal Competency Level (CL) | Task Journal Level | Subject Areas of Law | Academic Requirements | Management of subordinates | Minimum Rank |
|------------------------------------|---------------------------|-----------------------------|------------------------------|-----------------------------------|---------------------|
| CL2 | N/A | N/A | LTM 1 | N/A | 0-3 |
| CL3 | Competent | 3 | LTM 2 | N/A | 0-3 |
| CL4 | Advanced | 2 | LTM 3 | Yes | 0-4 |
| Alternatively CL4 | Advanced & Specialist | 1 | LTM 3 | Yes | 0-4 |
| CL5 | Specialist | 2 | N/A | Yes | 0-5 |

Legal Training

6. The specialist legal training requirements are summarised as follows:
 - a. Within the first year of commission, completion of Legal Training Module One (LTM1), which consists of one module and is part of the qualification for advancement to CL2.
 - b. Within the next two to three years, completion of Legal Training Module Two (LTM2), which consists of four modules making up a Graduate Diploma in Military Law, and is part of the qualification for advancement to CL3. Each of the four core subjects of LTM 2 are generally offered annually.
 - c. Within the next three to four years, completion of Legal Training Module Three (LTM3), which consists of eight modules making up a Masters of Military Law or LLM, and is part of the qualification for advancement to CL4. However, legal officers with an existing master of laws degree or in the reserve are only required to complete the three core subjects of LTM3 (Advanced Military Discipline Law, Advanced Military Operations Law and Advanced Military Administrative Law). Each of the core subjects are generally offered biennially (every odd numbered year).
 - d. No further courses are required for advancement to CL5.
7. All core subjects for legal training modules are conducted in one-week residential intensive modules. Elective subjects for the Masters program have variable attendance requirements.
8. Pre-course study and post-course assessment tasks are usual additional requirements. Commanders should take into account study and assessment requirements when determining whether legal officers can be released to attend subjects.
9. The Legal Officer Career and Professional Development Committee (LO CPDC) has authorized legal officers in the reserve to claim up to three days per module for study and the undertaking of the examination or completion of paper.
10. Legal Officers in the permanent force will need to seek approval for study leave. If a commander seeks guidance on the amount of short leave to be approved, the LO CPDC considers that short leave of three days per module is reasonable.
11. Where a legal officer is released to attend training, and is then subsequently withdrawn due to service reasons, it is requested that the chain-of-command advise the Director Military Law Centre via email: mlc.admin@defence.gov.au. This email may be used as evidence to support a later request for priority on legal training courses, or a request for payment of a 'repeat' subject at Commonwealth expense.

12. Table 2 below shows an example timeline for legal officer training progression.

Table 2 - Example Legal Officer Training Progression

| Year in Service | Legal Officer Specialist Training | Military Skills/Promotion Training (not all mandatory) |
|------------------------|--|---|
| 1 | Legal Training Module One | Initial Entry Officer Training |
| 2 | CL2: Legal Training Module Two – two subjects | Single Service promotion prerequisite training Joint warfare training |
| 3 | CL2: Legal Training Module Two – two subjects | |
| 4 | CL2: Any remaining subjects for Legal Training Module Two not previously completed CL3: Commence Legal Training Module Three subjects | |
| 5 | CL3: Legal Training Module Three – two subjects | Single Service promotion prerequisite training Command and Staff college Joint warfare training |
| 6 | CL3: Legal Training Module Three – two subjects | |
| 7 | CL3: Legal Training Module Three – two subjects | |
| 8 | CL3: Legal Training Module Three – two subjects | |