

THE DEFENCE LEGAL SERVICE
CAREER AND PROFESSIONAL DEVELOPMENT COMMITTEE
MEETING OF 23 SEP 02
COMMITTEE DECISION 79/02

**Subject: Policy – Minimum Period of Service as a Legal Officer before
being Eligible to Advance to LL 3 and LL 4 on a Conditional Basis**

The Committee noted:

1. The DFRT Decision on the Legal Officers' Career Structure WEF 16 Mar 00, particularly the explanations within paragraph 26 of the Tribunal's decision wherein it was described that legal officers at Level Two would progress to Level Three 'after completion of these courses and **normally with four years service as an ADF Legal Officer**' and legal officers at Level Three would progress to Level Four 'after completion of this training and experience, and **having about 10 years service as a Legal Officer**'.
2. That the Committee, in previous decisions relating to the advancement of legal officers to LL 4, had agreed to grant LL 4 status on a provisional basis to some officers who had been or were to be promoted to LTCOL(E) rank (including acting rank) even though those officers may not have completed 10 years service as an ADF legal officer¹.
3. That the Committee, to date, had not agreed to grant LL 3 status on a provisional basis to officers who were promoted to MAJ(E) rank (including acting rank) unless the officer concerned had completed four years service as an ADF legal officer¹.
4. That the Committee, in Decision 31/02, had set out detailed criteria to enable applications for HDA to be considered in a consistent and uniform manner and, in a like manner, there was a need for the Committee to promulgate policy criteria to ensure that applications for early advancement of ADF legal officers were considered in a consistent and uniform manner.
5. That following agreement of this new policy criteria it would be necessary to reconsider prior decisions by the Committee concerning individual legal officers seeking advancement to LL 3 to ensure that they were consistent with this new policy criteria.

¹ Including any period of credit granted by the Committee in accordance with its policy decisions, such as CPDC Decisions 11/00, 32/01 and 4/02.

The Committee decided:

1. To **agree** that an ADF legal officer who is promoted in rank (including acting rank) may be advanced in legal competency level on a conditional basis even if the officer had not satisfied the full period of service as an ADF legal officer¹ normally required to be served before being eligible to advance in legal competency level².
2. To **agree** that in the above circumstances the minimum periods of service to be served as an ADF legal officer before becoming eligible to advance on a conditional basis are:
 - a. for advancement to LL 3 on a conditional basis, three and a half (3½) years service as an ADF legal officer¹; and
 - b. for advancement to LL 4 on a conditional basis, eight (8) years service as an ADF legal officer¹.
3. To **agree** that if the legal officer who had been granted a LL on such a conditional basis were to revert in rank before the legal officer had satisfied the full period of service as an ADF legal officer¹ normally required to be served before being eligible to advance in legal competency level² the legal officer would also cease to retain the conditional LL status.

M.F.J. SMITH
CDRE RAN
Director General The Defence Legal Service

Chairman, Career and Professional Development Committee

² This does not affect the requirement that the legal officer must also satisfy the academic and demonstrated skill requirements applicable to advancement in legal competency levels.