

**THE DEFENCE LEGAL SERVICE**  
**CAREER AND PROFESSIONAL DEVELOPMENT COMMITTEE**

**DECISION OF 10 JUN 04**

**COMMITTEE DECISION 93/04**

**Subject: Policy – Revised Legal Training Module 1**

**The Committee noted:**

1. The submission by the A/DMLC dated 3 Jun 04 proposing a restructure of Legal Training Module (LTM) 1 and the verbal submission by the Secretary identifying the need for training in the common law competencies as they are not suitable for inclusion in competency logs and are not covered in existing LTM courses.

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 and that newly recruited legal officers undertake LTM 1 within the first 12 months of their appointment. The training regime described in the Legal Officers Handbook:

*In the first 12 months of employment the officer will receive general single service training to equip him or her with basic military skills. This 12 month period will be devoted to the development of a service ethos and familiarisation combined with an assessment of the suitability of the individual for a service career. Newly recruited legal officers will have attained qualifications and admissions to practice as legal practitioners in a State or Territory. Legal training during this period therefore shall consist of informal on the job training and the provision of a substantial distance education package (Legal Training Module 1 or LTM1) to work through. This package will be managed internally by the MLC and will be fully assessed.*

3. Currently LTM 1 consists of a distance education package that is divided into the three core legal areas. Discipline law comprises an interactive CD learning package. It is self paced and externally assessed. Administrative law involves a number of basic texts, such as ADFP 202, on a CD. It is not interactive, and is not assessed. The operations law package is similar in form to administrative law.

4. While LTM 1, in its current form, provides newly appointed legal officers with an introduction into the core legal areas, A/DMLC considers that the distance education package has significant limitations. These limitations relate to the package being able to substantially contribute to the effective training of a legal officer in order that he/she may perform his/her duties within a short period of initial appointment, and as a preparatory step in undertaking LTM2.

5. A/DMLC identified a number of weaknesses in relation to the current LTM 1 structure. These include:

- a. The extant LTM 1 package does not provide a newly appointed legal officer with sufficient understanding of the three core areas to give considered advice. Currently, CO/XOs receive more legal training than the newly appointed legal officers who may have to advise them;
  - b. The LTM 1 distance education package does not link together the various aspects of the role of an ADF legal officer;
  - c. The knowledge gap between LTM 1 and LTM 2 is too wide;
  - d. The extant LTM 1 package is incomplete i.e. ethical considerations, command relationships;
  - e. Certain matters are best taught in a face to face environment, i.e. common errors, recent changes, ethics;
  - f. The LTM 1 provides no capacity for newly appointed officers to be exposed to the experience of more senior ADF legal officers;
  - g. The current package is seen as a ‘tick and flick’ exercise, with newly appointed legal officers wanting to be panelled on the LTM 2 modules without necessarily having the firm base of service, and service legal knowledge;
  - h. The current format does not afford the opportunity to build service networks; and
  - i. The following common law competencies are not being delivered in the LTM training continuum, but are appropriate to LTM 1, namely:
    - (1) PUADLT001A Provide Legal Advice
    - (2) PUADLC002A Interpret Law in a Defence Environment
    - (3) PUADLC003A Provide Legal Assistance
    - (4) PUADLC004A Conduct Interview of Inquiry
    - (5) PUADLC005A Provide Client Service
    - (6) PUADLC006A Conduct Legal Research
6. That A/DMLC proposed to divide LTM 1 into 3 phases. Phase 1 - distance education/pre-course reading; phase 2 - residential and phase 3 - assessment.
- a. Phase 1 – The existing distance education package would continue, less the external assessment component. The current package represents a good introduction into the three core areas from a pre course reading perspective. The planned future enhancement of the administrative law and operations law modules will increase the value of the package;
  - b. Phase 2 – A residential component be introduced. This package can leverage off the RAAF CO’s Course / RAN CO/XO Designate Course that is currently being redeveloped by the MLC. It is anticipated that the residential be conducted over three days. The first day introducing the legal officer into his/her role, as well as the common law competencies and a component on operations law. Followed by a day each on administrative law and discipline law, with a final segment on ethics;
  - c. Phase 3 – The assessment phase would cover each of the core legal areas. Assessment could be similar in nature to the take home exam format used by the University of Melbourne in the LTM 2 and LTM 3 modules. Alternatively, a multiple choice and short answer format could be utilised.

7. A/DMLC proposed that the package be delivered using small group training of up to 15 persons to facilitate a 'workshop' type environment, which is considered to be the ideal medium for imparting and growing knowledge and that it be delivered four times over the next 12 months to reduce the backlog and thereafter it be delivered on a 6 monthly cycle.

8. Additional costs associated with phase 2 will be kept to a minimum based on the following:

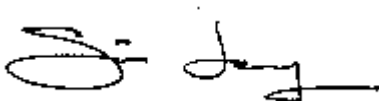
- a. Training will be conducted in established facilities at the MLC;
- b. Training will be conducted 'in house' by MLC staff and/or other service personnel; and
- c. Service accommodation will be utilised.

9. That in A/DMLC's view, the proposed changes to the LTM 1 package would achieve the following outcomes:

- a. Ensure that critical training was delivered within a reasonable time;
- b. Correct the content deficiencies of the extant LTM 1 course;
- c. Modified assessment will ensure competencies are achieved;
- d. Provide a level of knowledge commensurate to the legal officer's initial appointment;
- e. Acquire knowledge that would assist the legal officer to achieve a comfortable 'step-up' to LTM 2; and
- f. Reduce the pressure on enrolling in LTM 2 subjects.

**The Committee decided to:**

1. **Agree** that LTM 1 be restructured and delivered as outlined by A/DMLC.
2. **Agree** that any legal officer who has not commenced LTM 2 will be required to undertake the revised LTM 1 course before attending LTM 2 even if the officer has completed the original LTM 1 and has been advanced to LL2.



**S.J. HARVEY**  
AIRCDRE  
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