



2002/17217/1

DGTDLS Directive No 2/2003

Legal Officer Appointments for Boards of Inquiry (BOI)

1. The following directive applies to the appointment of Permanent Legal Officers (PLOs), Reserve Legal Officers (RLOs) and civilian TDLS legal officers to BOIs.

Board Member

2. Legal officers are not normally appointed as a Board member. DGTDLS will approve RLO appointments as a Board member in accordance with existing R1/R2 procedures.

Counsel Assisting

3. DGTDLS will approve RLO appointments as counsel assisting a BOI in accordance with existing R1/R2 procedures.

Counsel Representing

4. Although a person may be authorised to appear before a BOI, there is no right to legal representation without approval of the President of the Board or the Appointing Authority. An ADF member or other person, who is an affected person and has approval to have legal representation, has no right to representation by a particular legal officer. DGTDLS is to approve RLO appointments for counsel representing affected persons in accordance with existing R1/R2 procedures.

Factors To Be Taken into Account for Approvals for Legal Officer Appointments for Counsel Assisting and Counsel Representing Duties

5. Counsel representing. There are several important factors to be taken into account when approving a legal officer to represent an affected person, they are:

- a. the interests of the affected person,
- b. the availability of the legal officer, and
- c. the exigencies or interests of the service.

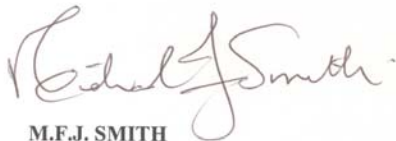
6. Counsel assisting. Factors in sub-paragraphs 5 b. and c. are relevant to the appointment of a legal officer as counsel assisting. A further factor is the ability of the legal officer to manage the

conduct of the BOI in accordance with its terms of reference and in a timely and cost efficient manner.

7. The exigencies or interests of the service includes the following factors:
 - a. equitable distribution of opportunities to undertake BOI duties,
 - b. potential impact on the timeliness and conduct of the BOI,
 - c. complexity of issues before the BOI,
 - d. professional development,
 - e. career progression,
 - f. experience, and
 - g. operational implications.

Sessional Fees for RLO

8. If the duty for a RLO in a BOI exceeds 5 days, then DGTDLs will set the rate of the sessional fee in accordance with the Legal Officer Sessional Fee Determination.
9. This Directive takes immediate effect and any previous TDLS instruction which is inconsistent with this instruction, is of no effect to the extent it is inconsistent.



M.F.J. SMITH
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