

THE DEFENCE LEGAL SERVICE

RESERVE LEGAL OFFICERS: DUTY AUTHORISATION

FORM R1

See instructions reverse side

To: Name: Rank: QC/SC Service Number: Unit:

\*PART A: SESSIONAL RATE - only for professional legal duties performed between 0900 - 1700hrs Monday to Friday workdays for eligible Reserve LOs.

I, give approval (Rank, Name, Position of permanent legal officer)

pursuant to sub clause of Division 1 of Part 4 of Determination 2000/1, for the above Reserve Legal Officer to perform the following legal function(s):

JA/DFM Prosecuting Officer Defending Officer Counsel Assisting Representing Affected Person Legal Adviser

in relation to

CM DFM Summary Authority BOI Urgent legal advice to a Commander Legal advice to an ADF member

Involving for a maximum (hours/days/weeks).

\*PART B: TRAINING DAY RATE for: Case Preparation; Legal Aid; Weekend and Out of Hours Duties; Travel; other work for which LO not entitled to claim sessional rate.

I, approve the above Reserve legal officer (Rank, Name, Position of permanent legal officer)

to provide the following legal service(s) (Type(s) of Legal Duty)

Involving (Name and Rank of Member or Name of Unit)

in relation to (Matter)

The legal officer is approved to perform the duty to a maximum of (hours/days) at the Training Day rate of pay.

Signed: Phone: Name, rank and position: Date:

\* Complete A and/or B as appropriate Please fax the completed side of the form to the Finance Section, TDLS Canberra: (02) 6266 8893

## Form R1 - Reverse Side:

This form is not to be completed for a Reserve LO attending normal unit/headquarters parades or exercises.

The form is addressed to a Reserve LO by a permanent LO.

A separate form is to be used to authorise work for each matter. However, more than one legal function or type of work may be authorised for a legal officer in connection with any one matter. Similarly, work at Sessional Rates and at Training Day rates may be authorised using the same form.

For example, if the authorising officer is aware of the requirement, she/he may use a single form to authorise a Reserve LO to: advise member (training day rate, unless performed in urgent cases during working hours); case preparation other than usual barrister preparation (training day rate); and Defending Officer (sessional rate, if performed during working hours and before the tribunal).

In a second example, a JA or DFM could be authorised to travel (time at training day rate); prepare a case other than the usual barrister preparation (training day rate); and act before or as the tribunal (sessional rate).

Part A: Depending on the circumstances, the work authorised under Part A may or may not be payable at the Sessional rate. Thus:

- a. Duty as a JA/DFM, or appearances before a CM, DFM, Summary authority or a BOI (representational duty) is paid at the sessional rate for the time at appearances as or before the tribunal only and only for such duties when they are performed during usual working hours. See Determination 2000/1, 2.4.2 (1)(a) & (1)(b).
- b. Duty as a legal officer assisting a BOI is paid at the sessional rate only for such duties when they are performed during usual working hours. See Determination 2000/1, 2.4.2 (1)(a) & (1)(b)(ii).
- c. Case preparation duty (other than usual barrister preparation – which is covered by the sessional fee) is payable only at training day rate. See Determination 2000/1, 2.4.2. (3).
- d. The taking of statements when performing duty as an Investigating Officer in an inquiry is paid only at the training day rate.
- e. Claims for urgent legal advice to a Commander are payable at the sessional rate for duty performed during working hours only at the hourly rate up to 6 hours or at the daily rate for over 6 hours. See Determination 2000/1, 2.4.2. (1)(a) & (1)(b)(iv) & 2.4.2.

**Except in urgent cases**, Reserve legal officers should only provide legal aid to ADF members at the training day rate of pay (even if this means undertaking duty outside working hours). In urgent cases, the circumstances should be described in sufficient detail by the Authorising Officer and attached to this Form R1.

“Outside working hours” means before 0900 hrs and after 1700 hrs Mon – Fri and all day Sat and Sun, and public holidays.

Representational work is payable at an hourly rate for under 3 hours or at the daily rate for over 3 hours. See Determination 2000/1, sub-clause 6 (a)(b) & (c).

**Fax the completed form ASAP to the Finance Section, TDLS Canberra: (02) 6266 8893**