



MILITARY LAW CENTRE
LEGAL OFFICER
TRAINING HANDBOOK
2009

AMENDMENT CERTIFICATE

Proposals for amendment to the Military Law Centre Legal Officer Training Handbook 2009 are to be forwarded to:

Military Law Centre
 Randwick Barracks (Building 100)
 Avoca Street
 RANDWICK NSW 2031

Email: mlc.admin@defence.gov.au

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The Military Law Centre internet site:

http://www.defence.gov.au/legal/mlc.html#mlc_links

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PREFACE

The most significant and important changes to the careers of legal officers' in the Australian Defence Force (ADF) occurred in 1999. The Defence Force Remuneration Tribunal approved a proposal to establish a specialist career and pay structure for ADF legal officers based on legal competency as well as rank.

These changes were important in giving formal recognition to the work of ADF legal officers as legal specialists. As a result, a professional development scheme was designed with built-in performance standards to maintain and encourage further development of legal expertise throughout an officer's career.

Defence Legal has secured the services of (initially) the Faculty of Law, University of Melbourne, and (currently) the ANU College of Law at the Australian National University (ANU) to develop training packages of a high standard. Under this partnership students who successfully complete the various levels of legal training will be eligible for postgraduate awards from ANU of a Graduate Diploma in Military Law and a Masters in Military Law or Graduate Diploma in Advanced Military Law.

Under the current regime, ADF legal officers attain levels of competency through academic training as well as an ongoing assessment by completing the required task journals. This handbook provides information on the required legal training and academic qualifications. Information on legal competency levels, task journals and non-legal training can be found from other sources.

The Military Law Centre has produced this Handbook to guide legal officers in their legal studies and the development of their careers in the ADF.

I trust that your continued postgraduate study of law provides meaningful intellectual challenges and rewards, and that you each contribute to the growing scholarship in the respective areas of law that we practice in.

Good luck in your endeavours.



I.S. HENDERSON
Wing Commander
Director Military Law Centre

Tel: (02) 9349 0337

27 November 2008

1.

OVERVIEW - LEGAL OFFICERS' SPECIALIST OFFICER CAREER STRUCTURE**Introduction**

1.1. ADF legal officers are generally part of the Legal Officers' Specialist Officer Career Structure (LOSOCS). LOSOCS is administered by the Legal Officers' Career and Professional Development Committee (LO CPDC), who grant legal competency levels (CL, formerly LL), ranging from CL 1 to CL 5,¹ based on an legal officer's legal experience and training. An ADF legal officer's pay is dependent upon rank, CL and salary increment.

1.2. A detailed description of the LOSOCS and role of the LO CPDC is provided in the document *Outline of the ADF Legal Officers' Specialist Officer Career Structure* of 30 May 08 available on the Career Management page of the Defence Legal website at <http://www.defence.gov.au/legal/cm.html>. A full list of LO CPDC policy decisions is also available at this website. All officers should read the LOSOCS outline and associated policy decisions to gain a detailed understanding of the LOSOCS before reading this Handbook.

1.3. This handbook is a guide to the current legal training requirements and course information for ADF legal officers as set out in LOSOCS.

Role of the Military Law Centre

1.4. The Military Law Centre (MLC) takes primary responsibility for the co-ordination, formulation and delivery of the legal training necessary for the professional development of legal officers in the ADF.

1.5. The MLC is located in Randwick Barracks, Sydney. Contact details are:

Email to: mlc.admin@defence.gov.au

Military Law Centre

Randwick Barracks (Building 100)
Avoca Street
RANDWICK NSW 2031

Telephone: +61 2 9349 0341

Facsimile: +61 2 9349 0757

1.6. This Handbook and other relevant material can be found on the MLC webpage as part of the Defence Legal Division websites:

- a. DRN web site: <http://intranet.defence.gov.au/dsg/sites/dld/> ; or
- b. internet site: <http://www.defence.gov.au/legal/mlc.html>

¹ Defence Force Remuneration Tribunal (DFRT) decision at a hearing on 23 Jun 04

Legal Officer Career Progression - Summary

1.7. Legal officers join the military as Specialist Officers at 0-2 or 0-3 rank and at CL1, although they may be given advanced rank or CL standing depending on their prior legal and military experience.

1.8. Table 1 below summarises the criteria for advancement through the legal CL. To progress to CL2-CL4 there is an academic requirement and all CL have a minimum rank requirement. There is also a competency requirement that is demonstrated by completion of legal task journals at either the competent (CL3), advanced (CL4-CL5) or specialist levels (CL4-CL5) in up to three areas of military law (operations, discipline and administrative law).

Table 1: Criteria for advancement in Competency Level

Legal Competency Level (CL)	Task Journal Level	Subject Areas of Law	Academic Requirements ²	Management of subordinates	Minimum Rank
CL2	N/A	N/A	LTM1	N/A	0-3
CL3	Competent	3	LTM2	N/A	0-3
CL4	Advanced	2	LTM3	Yes	0-4
Alternatively CL4	Advanced & Specialist	1	LTM3	Yes	0-4
CL5	Specialist	2	N/A	Yes	0-5

1.9. In addition to specialist training, legal officers are required to complete initial officer training and other single Service training and promotion courses as part of their development as ADF officers. Further details are available from the relevant single Service career management agency / personnel management agency (CMA/PMA).

1.10. It is each individual officer's responsibility to nominate for and satisfactorily complete appropriate courses and tasks to satisfy the various advancement criteria and single Service promotion requirements.

Legal Training Modules

1.11. Only legal officers who are members of the LOSOCS are eligible to undertake any Legal Training Modules.³

1.12. 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 the academic qualification for CL2.

² In accordance with LO CPDC Meeting of 8 Mar 07 Committee Decision 20/07, for the purposes of advancement in CL a legal officer is considered to have completed a LTM on the day that the legal officer submits the completed final assessment for the final subject of the module, provided that examination or paper results in a pass in that subject.

³ LO CPDC Meeting of 21 May 08 Committee Decision 50/08,

This should be undertaken at the earliest possible opportunity, and may be undertaken even if initial officer training has not been completed

- b. Within the next two to three years, completion of Legal Training Module Two (LTM2), which consists of four subjects, leading to the award of a Graduate Diploma in Military Law, and is the academic qualification for CL3. Each of the four core subjects of LTM2 (Military Discipline Law, Military Operations Law, Military Administrative Law and Military Advocacy Law) are conducted each year.
- c. Within the next three to four years, completion of Legal Training Module Three (LTM3), which is the academic qualification for CL4:
 - (1) All legal officers (permanent and Reserve) are required to complete the three core subjects (Advanced Military Discipline Law, Advanced Military Operations Law and Advanced Military Administrative Law). Each of the three core subjects is conducted each odd numbered year.
 - (2) All permanent legal officers who do not have an existing Master of Laws qualification are also required to complete five elective subjects to make up a Masters of Military Law.
- d. No further courses are required for CL5.

1.13. All core subjects of the legal training modules are conducted in one-week residential intensive modules. Elective subjects for the Masters program have variable attendance requirements. Pre-course study and post-course assessment tasks are usually additional requirements.

1.14. Table 2 below shows an example timeline for the training undergone during a legal officer's career. This timeline is indicative of the expected advancement of an officer in the permanent forces and takes into account the required consolidation of training garnered through practical experience. It is anticipated that reserve officers would advance through the academic training programs at a lesser pace in accordance with their part time exposure to ADF legal officer duties.

Table 2: Example Legal Officer training progression

Year in Service	Legal Officer Specialist Training (mandatory for career progression)	Other Training (not all mandatory)
1	CL1: Legal Training Module One	Initial Entry Officer Training
2	CL2: Legal Training Module Two – two subjects	Single Service promotion prerequisite training
3	CL2: Legal Training Module Two – two subjects	
4	CL2: Any remaining subjects for Legal Training Module two not previously completed	
5	CL3: Begin Legal Training Module Three – two elective subjects (permanent officer)	Single Service promotion prerequisite training
6	CL3: Legal Training Module Three – two subjects	Joint warfare training
7	CL3: Legal Training Module Three – two subjects	
8	CL3: Legal Training Module Three – two subjects	

Decision to release Legal Officers for training

1.15. The decision to release legal officers for legal training lies with Commanders. In general, Commanders will take into account unit requirements and attendance at major exercises or on deployment which are equally critical for professional development and progression. Accordingly, legal officers may be released for more or less subjects per year than suggested in Table 2 above. However, completion of more than three legal training subjects in one year, whilst permissible, should not be considered the norm.

1.16. When applying to be released for courses, legal officers should also advise their Commanders of post-residential study and assessment requirements to ensure the Commander is fully aware of the scope of the commitment.

Withdrawal from training for Service reasons

1.17. 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 MLC 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.

2.

OUTLINE OF LEGAL TRAINING**Legal Training Module One (LTM1)**

2.1. **Course structure.** LTM1 is a one-week residential course conducted by MLC staff and visiting lectures.

2.2. **Pre-requisites.** Attendees must be members of the LOSOCS and should have completed single-service initial officer training.

2.3. **Objectives.** The objective of LTM1 is to familiarise students with the practice of law in the military. In particular:

- a. To introduce students to the Defence Legal Division, including the military law Directorates, basic structure, and professional development requirements.
- b. To introduce students to the role of the Defence legal officer and how to maintain professional ethics within the Command structure.
- c. To introduce students to applicable Defence legislation and policy in respect of discipline law and provide practical training to enable them to provide basic legal advice on discipline matters to Commanders and personnel at the summary level.
- d. To introduce students to legislation and policy applicable to Defence in respect of administrative law and enable them to provide basic legal advice on administrative matters to Commanders and personnel.
- e. To introduce students to the principles of international law with particular emphasis on the laws of armed conflict and the laws applicable to ADF operations.

2.4. Students also benefit from meeting and establishing networks with other permanent and reserve members from all Services, including senior permanent members from Defence Legal.

2.5. **Assessment.** Assessment is conducted in the form of an exam. This is normally conducted on the afternoon of the last day of the course.

2.6. **Qualification.** LTM1 is the academic pre-requisite for advancement to CL2 status. There are no formal civilian qualifications for this course.

2.7. **Course schedule.** Subject to student numbers, Table 3 below shows the scheduled dates for LTM1 courses to be conducted in 2009.

Table 3: LTM1 Courses in 2009

Course number	Course dates	Closing date for nominations
LTM1 1/2009	16 - 20 March 2009	19 January 2009
LTM1 2/2009	27 - 31 July 2009	1 June 2009
LTM1 3/2009	16 - 20 November 2009	21 September 2009

Legal Training Module Two

2.8. **Course structure.** LTM2 is a post-graduate tertiary education program conducted by the ANU and in conjunction with the MLC. The following four core subjects are generally offered annually and delivered as one-week intensive modules at the ANU, Canberra:

- a. Military Administrative Law;
- b. Military Discipline Law;
- c. Military Operations Law; and
- d. Advocacy for Military Lawyers.

2.9. Pre-requisites⁴.

- a. Attendees must have satisfactorily completed LTM1 and be of CL2 status IAW a LO CPDC decision specific to them.
- b. Legal Officers will not be empanelled on individual LTM2 subjects until they have completed designated pre-requisite tasks (from Legal Task Journals) at the competent level for that area of military law. These pre-requisite tasks are listed at Annex A of LO CPDC policy decision 50/08.
- c. Successful completion of Military Discipline Law is a pre-requisite for attendance on Advocacy for Military Lawyers.

2.10. Objectives.

- a. The objectives of the Discipline, Operations and Administrative Law modules are:
 - (1) To build upon the student's basic understanding of discipline, administrative and operations law and enable them to identify and analyse the legal basis grounding Defence policy and procedures.
 - (2) To build upon the student's basic understanding of discipline, administrative and operations law to enable them to critically analyse applicable international and domestic law.
- b. The objectives of the Advocacy for Military Lawyers module are:
 - (1) To introduce students to the principles of advocacy.
 - (2) To provide students with a practical understanding of the advocacy skills required of an ADF legal officer.

2.11. **Assessment.** Primary assessment for Discipline, Operations and Administrative law modules is a weekend take-home exam for each subject constituting 60-100% of the final assessment, with other assessment tasks as determined and advised prior to course commencement. Primary assessment for the Advocacy for Military Lawyers module is oral assessment conducted during the intensive module constituting 60-100% of the final assessment, with other assessment tasks as determined and advised prior to course commencement.

⁴ LO CPDC Meeting of 21 May 08 Committee Decision 50/08

2.12. **Qualification.** LTM2 is the academic pre-requisite for advancement to CL3 status. Satisfactory completion leads to the post-graduate award of a Graduate Diploma in Military Law.

2.13. **Course schedule.** Tables 4 and 5 below show the scheduled dates for LTM2 subjects to be conducted in 2009 and 2010. The scheduled dates for 2010 are subject to change.

Table 4: LTM2 Courses in 2009

Course number	Course description	Course dates	Closing date for nominations
LAWS8160	Military Discipline Law	30 Mar – 3 Apr 2009	2 February 2009
LAWS8162	Military Operations Law	15 – 19 June 2009	20 April 2009
LAWS8161	Military Advocacy Law	19 – 23 October 2009	24 August 2009
LAWS8163	Military Admin Law	30 Nov – 4 Dec 2009	5 October 2009

Table 5: LTM2 Courses in 2010

Course number	Course description	Course dates	Closing date for nominations
LAWS8162	Military Operations Law	1 – 5 March 2010	4 January 2010
LAWS8163	Military Admin Law	7 – 11 June 2010	12 April 2010
LAWS8160	Military Discipline Law	6 – 10 September 2010	12 July 2010
LAWS8161	Military Advocacy Law	15 – 19 November 2010	20 September 2010

Legal Training Module Three

2.14. **Course structure.** LTM3 is a post-graduate tertiary education program conducted by the ANU and in conjunction with the MLC. LTM3 requires the satisfactory completion of the following three core subjects, which are delivered as one-week intensive modules at ANU, Canberra, and are generally offered biennially (every odd numbered year):

- a. Advanced Military Administrative Law;
- b. Advanced Military Discipline Law; and
- c. Advanced Military Operations Law.

2.15. Legal officers in the permanent force without an existing Master of Laws degree must also satisfactorily complete five elective subjects from a list of elective subjects approved by the LO CPDC. Satisfactory completion of these eight subjects will lead to the grant of a Master of Military Law or, at the request of the member and approval by the university, a Master of Laws degree or other masters degree.

2.16. Legal officers in the permanent force who already hold a Master of Laws degree and all reserve legal officers are only required to undertake the three LTM3 core subjects. These officers may seek LO CPDC approval for funding to undertake one elective subject from the LO CPDC approved list, generally on the basis that the subject is essential in order for the officer to carry out required duties.⁵ Satisfactory completion of the three core subjects and one elective subject will lead to the grant of a Graduate Diploma of Advanced Military Law.

2.17. **Pre-requisites.** Attendees must have completed LTM2 and be of CL3 status.

2.18. **Objectives.** The objectives of LTM3 are:

- a. To build upon the student's competent understanding of discipline and administrative law, and international and domestic law applicable to ADF operations to enable them to critically analyse applicable laws, and to critique and defend views held.
- b. To enable students to analyse Defence discipline and administrative practice in the context of international 'best practice' and developing international law and societal changes that impact on the ADF discipline and administrative system.
- c. To enable students to critically analyse the laws applicable to the ADF operations (both domestic legislation, international treaty law and customary international law) in order to identify and resolve complex issues affecting ADF operations, including inconsistencies between domestic and international law, criminal implications of ADF members' actions on operations, and analysis of customary international law.
- d. To enable students to critique and defend legal positions relevant to operations law.

2.19. **Assessment.** Primary assessment for the core subjects is conducted in the form of an extended essay of up to 10000 words for each subject constituting between 60-100% of the final assessment, with other assessment tasks as determined and advised prior to course commencement. Assessment for elective subjects may vary and are determined solely by ANU.

⁵ TDLS CPDC Meeting of 28 Jun 04 Committee Decision 119/04 and *Outline of the ADF Legal Officers' Specialist Officer Career Structure* of 30 May 08.

2.20. **Qualification.** LTM3 is the academic pre-requisite for advancement to CL4 status. Satisfactory completion of three core and five elective subjects leads to the post-graduate award of a Masters in Military Law. Satisfactory completion of three core subjects and one elective subject leads to the post-graduate award of a Graduate Diploma in Advanced Military Law.

2.21. **Course schedule.** Table 6 below shows the scheduled dates for LTM3 subjects to be conducted in 2009. The current ANU timetable for the delivery of elective subjects can be found at <http://law.anu.edu.au/Postgraduate/Timetable.asp>.

Table 6: LTM3 Courses in 2009

Course number	Course description	Course dates	Closing date for nominations
LAWS8166	Advanced Military Operations Law	2 – 6 March 2009	5 January 2009
LAWS8165	Advanced Military Administrative Law	13 - 17 July 2009	18 May 2009
LAWS8164	Advanced Military Discipline Law	31 August – 4 September 2009	6 July 2009

2.22. **ANU College of Law Approved Electives.** The list of ANU College of Law subjects approved by the LO CPDC as elective subjects for 2009 is set out in Table 7 below. Students wishing to do subjects marked with an asterisk (*) as part of LTM3 must apply for Defence Legal approval. Information regarding these subjects may be obtained from the ANU College of Law at <http://law.anu.edu.au/Postgraduate/Courses.asp>.

Non-ANU College of Law electives.

2.23. In order to qualify for the award of a Masters in Military Law, ANU policy allows for completion of no more than two subjects outside of the ANU postgraduate law program.

2.24. The LO CPDC approved subjects offered in the Graduate Studies in Strategy and Defence (GSSD) program listed in Table 8 below and the Leadership and Management subjects listed in Table 9 below are outside the ANU postgraduate law program.

2.25. Students may also be given approval to complete relevant cross-institutional subjects at universities other than ANU. Completion of these subjects will be subject to approval from the LO CPDC and the applicable ANU College of Law rules and procedures.

2.26. Students are limited to a combined total of two subjects from cross-institutional studies, approved GSSD and approved Leadership and Management subjects. Under CPDC policy students may only undertake one Leadership and Management subject.

Table 7: LTM3 LO CPDC Approved Elective Subjects

*LAWS8218	Advanced Contracts
*LAWS8132	Advocacy (only for those who did not complete Grad Dip Advocacy)
LAWS8139	Australian Constitutional Law
LAWS8240	Australian Human Rights and Discrimination Law
LAWS8175	Citizenship Law in Context

LAWS8156	Commonwealth Compensation Law
LAWS8144	Conflict of Laws
LAWS8271	Contemporary Issues in Administrative Law
LAWS8128	Contemporary Issues in Constitutional Law
LAWS8263	Contemporary Problems of International Law
LAWS8565	Democracy and International Law
LAWS8116	Dispute Management
LAWS8278	Environmental Dispute Management
LAWS8150	Evidence under the Uniform Act, Principles of
LAWS8241	Executive Power
LAWS8143	Federal Litigation
LAWS8117	Federalism and the Environment
LAWS8243	Freedom of Information and Privacy
LAWS8242	Gender and International Law
*LAWS8301	Graduate Research Unit (with LO CPDC topic approval)
LAWS8304	Graduate Research Unit (Int Law)
LAWS8246	High Court of Australia
LAWS8155	Human Rights Litigation
LAWS8152	Indigenous Peoples and Environmental Law
LAWS8273	Information Technology and the Law
LAWS8107	International Air and Space Law
LAWS8566	International Criminal Law
LAWS8567	International Dispute Resolution
LAWS8234	International Human Rights Law
LAWS8268	International Humanitarian Law
LAWS8178	International Law & Use of Armed Force
LAWS8264	International Law of the Environment A
LAWS8564	International Law of the Environment B
LAWS6258	International Organisations (Geneva)
LAWS8252	International Refugee Law
LAWS8179	International Security Law
LAWS8174	Investigations, Inquiries & Inquisitorial Processes
LAWS8141	Judicial Review of Government Action
LAWS8253	Law of the Sea
LAWS8104	Legislation and Legislative Drafting
LAWS8129	Marine and Coastal Law
LAWS8172	Media and Communications Law
LAWS8274	Native Title

Table 7: LTM3 LO CPDC Approved Elective Subjects (continued)

LAWS8256	Principles of International Law
*LAWS8522	Public Sector Employment Law
LAWS8147	Special Topics in Govt and Com Law: Comparative US/AUST Admin Law
LAWS8122	Special Topics in International Law: Law, Violence and International Order
LAWS8157	Special Topics in Legal Practice: Negotiation
LAWS8290	Special Topics in International Law 2: Transnational Criminal Law
LAWS8149	Themes in Administrative Law
*LAWS8236	Tribunals and Government

Table 8: LTM3 LO CPDC Approved GSSD Subjects

STST8021	Intelligence and Security
STST8017	Special Topic: Terrorism
STST8016	Transnational Security
STST8004	Australian Strategic and Defence Policy
STST8019	Weapons of Mass Destruction: Proliferation or Control?
STST8022	Terrorism: Violence and Identity
STST8020	Security in Business and Government

Table 9: LTM3 LO CPDC Approved Leadership and Management Subjects

MGMT6059	Leadership Skills
MGMT6059	Leadership in Organisations
MGMT6059	Management and Organisations
MGMT6059	Leadership Perspectives and Challenges
MGMT6059	Knowledge Management
HAND8011	Inclusive Cultural Leadership

3.

LEGAL TRAINING POLICY

3.1. The LO CPDC is responsible for determining policy in relation to legal training. This section summarises the extant policy.

Panelling Criteria for LTM Courses⁶

3.2. DMLC is the Panelling Authority for all LTM courses. Authority for funding approval for Legal Officers seeking to undertake an elective subject in order to complete the Graduate Diploma in Advanced Military Law remains with DGADFLS (with CPDC advice).

3.3. DMLC does not guarantee placement on any LTM core or elective subject. Students will be panelled on courses in accordance with the panelling criteria outlined below. The panelling criteria are based upon the following principles:

- a. Funding available for legal training is not unlimited;
- b. Panelling of LTM courses should achieve equity between nominating Legal Officers;
- c. Legal Officers should be adequately prepared to attend LTM subjects as active participants; and
- d. Legal Officers who have completed their Task Journals at the relevant level should not be delayed for progression through CL levels.

3.4. DGADFLS reserves the right, in exceptional circumstances, to direct the Panelling Authority in respect of panelling decisions. In this regard, DGADFLS may impose decisions on the Panelling Authority that do not comply with the following criteria.

LTM Courses

3.5. The following panelling criteria apply generally

- a. Only Legal Officers who are members of the LOSOCS are eligible for empanelment on LTM 1.
 - (1) **Except**, where an applicant is the subject of a CPDC decision regarding admission to the LOSOCS but where the admission to the LOSOCS is not yet effective, DGADFLS may approve empanelment on LTM 1 if there is a vacancy on the course.
- b. Unless and a Legal Officer in the Standby reserve has a current undertaking for service under section 50 of the *Defence Act 1903* that officer is not eligible for empanelment on any LTM course.
- c. Reserve Legal Officers, while on continuous full-time service (CFTS), are entitled to the same funding priority as Legal Officers in the permanent force.

⁶ LO CPDC Meeting of 21 May 08 Committee Decision 50/08

LTM 1

3.6. The following panelling criteria apply to LTM 1:

- a. Permanent Legal Officers will be given priority over Reserve Legal Officers for empanelment on LTM 1.
 - (1) This panelling criterion applies irrespective of CL (ie, a permanent Legal Officer at CL1 will remain a priority over a Reserve Legal Officer at CL2).
- b. Legal Officers who have completed initial officer training will be given priority over Legal Officers who have not completed initial officer training.

LTM 2

3.7. The following criteria apply to LTM 2:

- a. Only Legal Officers who have satisfactorily completed LTM 1 and have progressed to CL2 IAW a LO CPDC decision specific to them are eligible for empanelment on LTM 2 subjects.
 - (1) Legal Officers who are admitted to the LOSOCS at CL2 are still required to complete LTM 1.
- b. Legal Officers will not be eligible for empanelment on LTM 2 subjects until they have completed the designated pre-requisite tasks⁷ in the task journal for that area of military law at the competent level.
- c. Legal Officers are not eligible to undertake the Advocacy for Military Lawyers subject until the Military Discipline Law subject has been satisfactorily completed.
- d. Eligible Legal Officers will be prioritised for empanelment on LTM 2 subjects in accordance with their relative seniority at CL2.
 - (1) **Except**, Permanent Legal officers will be given priority over Reserve Legal Officers where the Permanent Legal Officer holds seniority at CL2 of greater than twelve months more than the Reserve Legal Officer.
- e. Legal Officers will not normally be panelled on more than two LTM 2 subjects in any one calendar year unless they have at least two years' seniority at CL2.
 - (1) Discretion will be used when applying this criterion. Legal Officers who have completed the Task Journal for the relevant area of military law at the Competent Level should not be disadvantaged in the panelling process.

LTM 3

3.8. The following criteria apply to LTM 3:

- a. Only Legal Officers who have satisfactorily completed LTM 2 and have progressed to CL3 IAW a LO CPDC decision specific to them are eligible for empanelment on LTM 3 subjects.

⁷ Pre-requisite tasks listed at Annex A of LO CPDC Committee Decision 50/08

- b. Eligible Legal Officers will be prioritised for empanelment on LTM 3 subjects in accordance with their relative seniority at CL3.
 - (1) **Except**, Permanent Legal officers will be given priority over Reserve Legal Officers where the Permanent Legal Officer holds seniority at CL3 of greater than twelve months more than the Reserve Legal Officer.
- c. Legal Officers will not normally be panelled on more than two core subjects for LTM 3 in any one calendar year unless they have at least two years' seniority at CL3.
 - (1) Discretion will be used when applying this criterion. Legal Officers who have completed the Task Journal requirements for progression to CL4 should not be disadvantaged in the panelling process.
- d. Empanelment on LTM 3 elective subjects will be supported where possible, subject to funding constraints and equitable treatment of Legal Officers.
 - (1) Where funding constraints mandate limits to elective subject approvals, the factors considered by DMLC will include the number of subjects each Legal Officer is seeking to undertake and the respective seniority in CL.

Textbooks

3.9. Study materials will be provided for all LTM subjects.⁸

3.10. Defence Legal will purchase the prescribed textbooks for all LTM subjects, including electives, for issue to students from the MLC Legal Library. Students should join the Defence Library Service to access the MLC Legal Library throughout their professional development. This can be done on:

- a. The intranet on <http://library.defence.gov.au>; or
- b. The internet on <mailto:http://www.defence.gov.au/library/> (click on 'register' button in lower left corner)

3.11. In the event that the prescribed textbook is not held in the MLC Legal Library, the MLC will arrange for reimbursement of the cost incurred by individual legal officers if:

- a. the student has sought the prescribed textbook from the MLC;
- b. the MLC has advised the student that the textbook is not held in the MLC library and authorised the student to purchase the required textbook; and
- c. the legal officer returns the unmarked textbook to the MLC Legal Library with relevant receipts when the subject is completed.

3.12. The MLC will only purchase prescribed texts. If students wish to purchase additional texts that are recommended but not prescribed, the cost of such texts is to be borne by the student.

Study Leave

3.13. **Reserve officers.** The LO CPDC has authorised Reserve legal officers to claim up to one day for LTM1 and three days for LTM2/3 (per subject) in addition to course attendance for study

⁸ ADFLS CPDC Meetings of 28 Jun 04 and 9 Nov 04 Committee Decision 149/04

and the undertaking of the examination or completion of paper.⁹ All attendance diaries must be submitted to MLC for authorisation.

3.14. **Permanent officers.** Legal officers in the permanent force will need to seek approval for study leave through their chain of command. 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 subject is reasonable.

Failure of Legal Training Module Subjects¹⁰

3.15. **LTM1.** The following policy applies to failures of LTM1:

- a. Legal officers who fail the LTM1 examination may be offered a supplementary examination at the discretion of the Director MLC;
- b. In the event that the legal officer is not offered a supplementary examination or fails the supplementary examination the legal officer will be required to repeat the LTM1 course within the following 18 months.
- c. Legal officers who do not repeat LTM1 within the 18 month time frame or fail LTM1 a second time are to have their appointment as a legal officer reviewed and the LO CPDC may recommend that the legal officer be issued with a termination notice.

3.16. **LTM2 and 3.** The following policy applies to failures of LTM2 and 3 subjects:

- a. Legal officers who fail any LTM2 or LTM3 subject (including withdrawals that attract financial penalty or any other form of failure to pass) are liable to fully fund the university fees on any repeat or replacement subject.
- b. If the legal officer considers there are extenuating circumstances (i.e. reasons beyond their control) that account for the failure the legal officer is to:
 - (1) make application through the University appeals system to state their case. If the extenuating circumstances relate to service reasons the MLC is available to provide input in support of such an application; and
 - (2) where the University does not agree to waive the fees for a repeat or replacement subject and the legal officer believes the extenuating circumstances to be service related the legal officer may make an application to the LO CPDC for funding and the LO CPDC will consider the application on its merits, taking into account the policy set out above.
- c. Legal officers who are unable to complete LTM2 because of repeated failure in one or more subjects are to have their appointment as a legal officer reviewed and the LO CPDC may recommend that the legal officer be issued with a termination notice or that the legal officer's current appointment not be extended.

⁹ LO CPDC Meeting of 11 Dec 03 Committee Decision 194/03

¹⁰ LO CPDC Meeting of 29 Nov 06 Committee Decision 157/06

3.17. Integrity related breaches of training standards. The ANU and the ADF treat all integrity-related breaches of training standards, such as plagiarism, very seriously. Legal officers are reminded that they remain ADF members when undertaking LTM subjects and any integrity related breaches of university standards may be subject to disciplinary action and/or military administrative action in addition to university action.

4.

ENROLMENT PROCEDURES

4.1. All applications for enrolment or changes to enrolment including associated paperwork must be submitted through the MLC.

4.2. To request enrolment in LTM1, 2 and 3 courses (including elective subjects for which funding by Defence Legal is sought), an initial request should be sent by email to mlc.admin@defence.gov.au. Once an initial request is received, formal enrolment papers will be provided electronically.

4.3. **LTM2 and LTM3.** Legal officers are responsible for complying with all applicable ANU enrolment requirements. Officers are required to provide the following documents with their initial enrolment application:

- a. **Certified true copies** of all tertiary academic transcripts;
- b. **Certified true copy** of transcript for Admission to Practice Certificate (for those who do not have an LLB);
- c. **Certified true copy** of proof of name change (if applicable); and
- d. **Certified true copy** of citizenship certificates (if applicable).

4.4. Any costs associated with obtaining replacement transcripts or other required certificates are to be met by the ADF Legal Officer.

4.5. Failure to supply the above documentation will result in the officer being ineligible for admission to the relevant ANU program and unable to complete academic requirements for advancement in CL.

4.6. All requests for enrolment in core subjects at ANU will be treated as nominations. MLC will assess all nominations and finalise the course panel approximately eight weeks prior to the commencement of the intensive courses. Students may be placed on a reserve list and only offered a position on the course in the event of a withdrawal.

4.7. Where a student has nominated for a subject and has not been paneled on that subject, the MLC will not automatically assume that the student seeks nomination on the subject in the following year. Students are required to re-enroll when enrolments commence for the following year.

4.8. **Program leave.** Once enrolled in either the Graduate Diploma or Masters program at ANU officers are required to submit program leave forms if they are unable to undertake any subjects in a particular semester.

4.9. Contact details for the MLC are:

Email to: mlc.admin@defence.gov.au

Military Law Centre

Randwick Barracks (Building 100)

Avoca Street

RANDWICK NSW 2031

Telephone: +61 2 9349 0628

Facsimile: +61 2 9349 0757

4.10. The enrolment and administration of ADF legal officers at ANU is managed by the Legal Workshop within the ANU College of Law. **All** queries regards enrolment or any other administrative matter at ANU is to be directed specifically to the Legal Workshop (not general student admin). Contact details for the Legal Workshop are:

Email to: defence@law.anu.edu.au

Legal Workshop

College of Law

The Australian National University

CANBERRA ACT 0200

Telephone: +61 2 6125 4645

Facsimile: +61 2 6125 3518

5.

GENERAL INFORMATION FOR STUDENTS**Contact Details**

5.1. Officers are to ensure that both the MLC and ANU (if applicable) are informed of any changes to their contact details.

Joining instructions

5.2. A joining instruction in electronic form will be sent to all students paneled on a course. Any required forms will be attached. Hard copies will not be sent unless specifically requested.

5.3. Joining instructions will normally be sent at least three weeks prior to course commencement. Students who have not received a joining instruction within three weeks of course commencement should contact the MLC by email to mlc.admin@defence.gov.au.

Course Facilities - LTM1

5.4. LTM1 is usually conducted in Sydney at the Randwick Barracks Function Centre.

5.5. **Accommodation.** Students attending LTM1 will be booked into Service accommodation for the duration of the course. Requests to live out for the duration of the course will be considered on a case-by-case basis, however, will only be granted in exceptional circumstances. Requests to live out are to be submitted by email to mlc.admin@defence.gov.au.

5.6. **Car parking.** Student parking is available at Randwick Barracks.

5.7. **Dress standards.** Students are required to comply with the Randwick Barracks Officers Mess Constitution and Rules, including dress standards. Dress of the day for the course is appropriate seasonal uniform; however, DPCU and Tropical Dress are not acceptable. Students are not required to be in uniform after hours. However, students are always expected to dress appropriately as an officer and as such neat, clean attire is expected. Torn clothing or clothing with offensive slogans is not acceptable at any time.

5.8. **Defence Restricted Network (DRN) Access.** Students should ensure that they have active DRN accounts before attending courses. The creation of such accounts is the individual officers' responsibility with assistance available through their posted unit. Students may access the DRN in the MLC Conference Room at Randwick Barracks or the Computer laboratory at DPTC.

5.9. **Laptop use.** Personal laptops may be brought to the course however wireless internet access will not be available.

5.10. **Other facilities.** Telephone, facsimile and photocopying facilities are available.

Course Facilities – LTM2 and LTM3

5.11. LTM2 and LTM3 subjects are usually conducted at the Canberra Campus of the ANU. Lectures are generally conducted in the Sparke Helmore Theatre. A campus map can be found at <http://campusmap.anu.edu.au/>.

5.12. **Accommodation.** Students travelling from outside Canberra will be booked into campus accommodation either in Liversidge Court Apartments (share apartments) or University House (individual rooms).

5.13. **Car parking.** On-campus parking forms part of the accommodation package for inter-State students. Canberra-based students may request parking vouchers by contacting the MLC on mlc.admin@defence.gov.au.

5.14. **Dress.** Dress is to be neat, clean civilian attire such as would be appropriate in an Officers Mess. Students represent the ADF and must ensure that their dress and bearing reflects well upon the ADF at all times.

5.15. **ANU Student identification cards.** Students should carry their ANU student identification card at all times while on campus. Students can visit the Student Administration centre on campus while on course and obtain their identification card in person (this is a five minute process). Alternatively, students can complete the application form contained within their enrolment pack and mail the completed form with two passport sized photos to ANU for processing.

5.16. **ANU User-Id.** Students should receive logon information when they receive their enrolment pack from ANU. This user id will provide access to the ANU IT network and an ANU email account. Students can also use their user id to access the ANU library databases remotely. Library computers are available for student use. Students should ensure that they bring their ANU User-Id and password details with them when attending courses at ANU.

5.17. **Laptop use.** Students are encouraged to bring personal laptops to the course. The Sparke Helmore Theatre is set up to cater for laptop use and provides a power point and Ethernet cable connection point at each student station. Students may access the internet, including the ANU network, in the Sparke Helmore Theatre and accommodation blocks, and should bring their own Ethernet cables to use these facilities. Alternatively, Ethernet cables may be hired from the ANU accommodation office at a minimal cost.

5.18. **Other facilities.** Limited facsimile and photocopying facilities are available on a ‘user pays’ basis (unless directly related to the course).

ANU Student Policies

5.19. ANU College of Law policies, guidelines and forms are available from the ANU College of Law website at <http://law.anu.edu.au/Postgraduate/Policies.asp>.

5.20. Students should ensure they are familiar with the content of the following policies:

- a. Attendance Policy
- b. Extension Policy
- c. Default Penalties for Exceeding Word length on Assignments

5.21. Students should also be aware of the following guidelines:

- a. Supervision, Examination and Marking of Graduate Research Units
- b. Marking Guidelines
- c. Review of Results Procedure
- d. Working Rules
- e. Graduate School Coursework Guide

f. Certification of Documents

5.22. The following forms can also be accessed from the above website:

- a. Assessment Cover Sheet
- b. Request for Extension of Time to Submit Assessment
- c. Graduate Research Unit - appointment of supervisor
- d. Student Administration Services Forms - eg Leave of Absence, Program Transfer

Inquiries

5.23. All LTM1 course enquiries should be directed to (02) 9349 0341 or mlc.admin@defence.gov.au.

5.24. All LTM2 or 3 course enquiries should be directed as follows:

- a. Military aspects to Mr Ian Martin on (02) 9349 0628 or mlc.admin@defence.gov.au.
- b. ANU aspects to Ms Maggie Rozanski on (02) 6125 4645 or defence@law.anu.edu.au.

6.**STUDENT TRAVEL BOOKING INSTRUCTIONS**

6.1. The MLC will administer the travel arrangements for students attending LTM1. A travel request form and instructions will be provided with the course joining instruction.

6.2. Students attending LTM2 and LTM3 subjects will be required to administer their own travel arrangements in accordance with the below details.

Booking your travel (LTM2/3)

6.3. The MLC will send all students a *Domestic Travel Budget Calculator & Authority* in electronic form (Excel spreadsheet) as an attachment to the joining instruction. Students should complete all relevant worksheets and submit an electronic copy to mlc.admin@defence.gov.au for approval.

6.4. The MLC will allocate a File Reference number, authorise student travel and return the *Domestic Travel Budget Calculator & Authority* complete with all necessary finance codes. Students are to acknowledge that they understand their travel budget by signing the 'Members Signature' section on front page and return to the MLC by fax (02 9349 0757).

6.5. **Flights.** Students must book their own flights directly with Qantas Business Travel (QBT) preferably via telephone (13 11 57). Students are to book their travel using their QBT Traveller Profile Number, which is linked to their Defence Travel Card (DTC). If students do not know their QBT, Qantas can obtain it from their PMKeyS number.

QANTAS Defence Travel -Domestic

Telephone: 13 11 57

Fax General: (03) 9658 5690

Email: defence_notes@qantas.com.au

6.6. **Own means travel.** Students are not automatically entitled to travel using their private motor vehicle. Students wishing to travel using their private motor vehicle should contact the DL Travel Officer for assistance with completing a Cost Comparison - Duty Travel/Leave (PY010) form. Own means travel will normally only be approved where the cost comparison is favourable.

Post-travel administration

6.7. Students must complete the After Travel Certification section of the Domestic Travel Budget Calculator to declare that the journey has been undertaken in accordance with the approved budget. The completed After Travel Certification is to be forwarded, with receipts, to the appropriate Card Management System (CMS) supervisor.

6.8. **Reserve members.** The CMS Supervisor for all Reserve Legal Officers is the Defence Legal Travel Officer. The completed After Travel Certification and receipts for all card transactions, including cash withdrawal receipts, must be forwarded to the Defence Legal Travel Officer as soon as possible after completion of travel.

6.9. **Permanent Force members.** Permanent legal officers are generally responsible for verifying their transactions on-line in CMS, subject to individual unit procedures. When verifying transactions, legal officers are to ensure that they input correct financial codes and follow any other direction from the MLC regarding the format of required trip descriptor information. When all transactions have appeared on the system, they should generate and sign

an Expense Summary Report for that Expense Group using the 'Document Control' tab. Comprehensive guidance on how to generate an Expense Summary Report is contained in the Account Holder Task Card available from the Directorate of Travel DRN web site at <http://intranet.defence.gov.au/dsg/sites/travel/default.asp> under the 'Travel Reference Material' heading. The Expense Summary Report, After Travel Certification and all receipts, including cash withdrawal receipts if available, are to be forwarded to the members' CMS supervisor for action.

Changing travel arrangements

6.10. Students must obtain verbal approval from the MLC to make changes to their travel arrangements. On return to their unit, they must re-calculate a new travel budget for submission to MLC.

6.11. If verbal approval is not obtained, MLC may not approve the revised travel arrangements.

Inquiries

6.12. More information on travel, including applying for a DTC, is available from the Defence Travel Management site at <http://intranet.defence.gov.au/dsg/sites/Travel/default.asp> or by contacting the DL Travel Officer by telephone on (02) 6266 2349, by fax on (02) 6266 4795 or e-mail on TDLS.travel@defence.gov.au.

7.

FURTHER INFORMATION FOR RESERVE LEGAL OFFICERS

7.1. The MLC will administer and authorise the salaries and allowances for all students panelled on Legal Training Modules.

Training approval

7.2. The MLC will complete Reserve Legal Officer Duty Authorisation (R1) forms for all students and forward to Defence Legal for processing. All travelling time and legal training will be paid at training day rates.

7.3. Normally a total of seven training days for LTM1 and nine training days for LTM2/3 are authorised for each intensive course:

- a. five days for the course;
- b. one day for travel on the Sunday preceding the course; and
- c. one day (LTM1) and three days (LTM2/3) for study and assessment tasks¹¹.

7.4. This can be extended in certain circumstances, such as the non-availability of flights on the day prior to or the last day of the course.

7.5. Processed R1 forms are held on MLC student files. They are not returned to students, but copies can be provided on request.

Attendance diaries

7.6. Reserve officers are responsible for completion and submission of attendance diaries. The following forms are to be used:

- a. RANR students should complete the Reserve Attendance Diary (AB157) form. All fields must be completed. The correct codes can be obtained from WO Mary-Ann Wall in the Directorate of Legal Reserve Management on (02) 6266 8980 or by e-mail to maryanne.wall@defence.gov.au.
- b. GRes and RAAFSR students should complete the Attendance Record – Reserve Forces (AD264) form. Personal details need only be entered on the first line. Unit ID number, cost centre codes and activity codes are not required.

7.7. Diaries should be submitted by the due date for the final assessment task in that subject or shortly thereafter.

7.8. Diaries should clearly indicate in the ‘Activity Details’ or ‘Details of Duty’ section both the module, course attended and specific activity (eg. LTM2 Admin Law – Travel, LTM3 Discip Law – Course, LTM2 Ops Law – Study/Assessment).

7.9. Students are not entitled to attendance allowance if they are paid travel allowance and incidentals for their attendance. In effect, only students who are posted in the vicinity and do not require accommodation will be entitled to attendance allowance.

¹¹ TDLS CPDC Meeting of 11 Dec 03 Committee Decision 194/03

7.10. Diaries should only contain details of course-related training. MLC cannot authorise payment for any other duties. Students can submit more than one diary for payment if desired: for instance, a claim for travel and course attendance initially, followed by a claim for study once the assessment is submitted.

7.11. Each student must complete and sign their own diary and forward it to the MLC by fax to (02) 9349 0757 or (for scanned copies) by e-mail to mlc.admin@defence.gov.au. MLC will certify attendances and forward documentation to Defence Legal for processing.

7.12. Processed diaries are held on MLC student files. They are not returned to students, but copies can be provided on request.