

Sessional Fee or Training Rate Type of Duty Matrix

Notes:

1. A Sessional Fee is payable for duty undertaken between 0900-1700 Monday –Friday only if a legal officer's personal eligibility for sessional fees has been approved by DGADFLS
2. The Sessional Fee Determination is in PACMAN VOL 1, Chap 2, Part 7, Division 1
3. If the duty exceeds 5 days there is no sessional rate until a rate is determined by DGADFLS

1. Military Duty as a JA or DFM in a disciplinary proceeding:-

a.	Sitting as a JA or DFM	Sessional
b.	Directions Hearing	Sessional
c.	Travel to and from trial location	Training Rate
d.	Preparation ¹	Included in Sitting Fee
e.	Adjournment during which JA or DFM considers decision at location of trial	Sessional
f.	Adjournment during which JA or DFM considers decision away from location of trial	Sessional
g.	Reviewing of Transcript ²	Sessional and/or Training Rate
h.	Other military duty associated with trial	Training Rate

2. Military Duty appearing before a Court Martial or Defence Force Magistrate as a **Prosecutor** or **Defending Officer**:-

a.	Appearing before a JA or DFM ³	Sessional
b.	Directions Hearing	Sessional
c.	Travel to and from trial location	Training Rate
d.	Preparation ⁴	Included in Appearance Fee
e.	Other military duty associated with trial ⁵	Training Rate

3. Military Duty appearing before a Court Martial or Defence Force Magistrate as an **Assistant Prosecutor** or **Assistant Defending Officer**⁶:-

a.	Appearing before a JA or DFM ⁷	Sessional
b.	Directions Hearing	Sessional
c.	Travel to and from trial location	Training Rate
d.	Preparation ⁸	Included in Appearance Fee
e.	Other military duty associated with trial ⁹	Training Rate

¹ The Determination refers to 'preparation for the duty'. This is regarded as **normal barrister type** preparation such as reading of papers, research of the law, etc.

² Authorisation for payment at sessional rates must be because of a Defence requirement for urgency and must include the detail of the requirement.

³ Appearance includes periods during which the Prosecutor and Defending Officer are not released while the JA or DFM considers decision at location of trial.

⁴ See footnote 1.

⁵ Duty that is not normal barrister type preparation, such as proofing of witnesses, consultation with Military Police, etc.

⁶ Must take an active role in appearing before a court martial or Defence Force Magistrate, otherwise the legal officer will be paid the Training Rate.

⁷ See footnote 2.

⁸ See footnote 1.

⁹ See footnote 4.

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4. Military Duty appearing before a Summary Authority as a **Prosecutor** or **Defending Officer**:-

a.	Appearing before Summary Authority ¹⁰	½ Sessional
b.	Directions Hearing	½ Sessional
c.	Travel to and from trial location	Training Rate
d.	Preparation ¹¹	Included in Appearance Fee
e.	Other military duty associated with trial ¹²	Training Rate

5. Military Duty appearing before a Summary Authority as an **Assistant Prosecutor** or **Assistant Defending Officer**¹³:-

a.	Appearing before Summary Authority ¹⁴	½ Sessional
b.	Directions Hearing	½ Sessional
c.	Travel to and from trial location	Training Rate
d.	Preparation ¹⁵	Included in Appearance Fee
e.	Other military duty associated with trial ¹⁶	Training Rate

6. Military Duty as a legal officer **assisting** a **Court or Board of Inquiry**:-

a.	Assisting a Court or Board of Inquiry ¹⁷	Sessional
b.	Preparation ¹⁸	Included in Assisting Fee
c.	Travel to and from Court or Board location	Training Rate
d.	Adjournments for periods that do not allow return to home location (eg weekends)	Training Rate

¹⁰ Appearance includes periods during which the Prosecutor and Defending Officer are not released while the summary authority considers decision at location of trial.

¹¹ See footnote 1.

¹² See footnote 4.

¹³ Must take an active role in appearing before the summary authority, otherwise the legal officer will be paid the Training Rate.

¹⁴ See footnote 9.

¹⁵ See footnote 1.

¹⁶ See footnote 4.

¹⁷ Assisting includes scoping, the taking of witness statements, consultation with the President and members before, during and after the hearing phase of a court or board, a view, consultation with counsel presenting a member, and the like as well as duty during the hearing phase of a court or board.

¹⁸ See footnote 1.

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7. Military Duty representing a member before such a Court or Board:-

a.	Appearing before Court or Board of Inquiry	Sessional
b.	Preparation ¹⁹	Included in Appearance Fee
c.	Travel to and from Court or Board location	Training Rate
d.	Other military duty associated with Court or Board ²⁰	Training Rate
e.	Adjournments for periods that do not allow return to home location (eg weekends)	Training Rate

8. Military Duty as an **Examining Officer** under an appointment made under the **DFDA** or to **represent a member** in proceedings **before** an examining officer

Sessional

9. Military duty giving **urgent**²¹ legal advice to an **ADF Commander** (not Command) on matters relating to performance of military duties:-

a.	s154 Reviewing Officer	Sessional or/and Training Rate
b.	Advice on Personnel Matters (ROG, NTSC etc)	Sessional or/and Training Rate
c.	Advice on IO Report	Sessional or/and Training Rate
d.	Advice on Evidence	Sessional or/and Training Rate
e.	Advice to a Convening Authority	Sessional or/and Training Rate
f.	Review of Summary Proceedings Report	Sessional or/and Training Rate
g.	Advice on Contracts	Sessional or/and Training Rate

10. Military duty giving legal advice to a member with the approval of CDF²²:-

a.	Advice on Personnel Matters (ROG, NTSC etc)	½ Sessional or/and Trg Rate
b.	Legal Advice to an Investigating Officer	½ Sessional or/and Trg Rate
c.	Professional Misconduct Investigations	½ Sessional or/and Trg Rate
d.	Legal Assistance ²³	½ Sessional or/and Trg Rate

¹⁹ See footnote 1.

²⁰ Duty that is not normal barrister type preparation, such as interviewing witnesses, taking instructions, settling agreed facts, reading of transcripts, preparation of submissions, etc.

²¹ PLO, after consultation with the Commander, determines whether the advice is urgent or not, taking account of the time when the advice must be completed. After consultation with RLO, PLO determines period that the RLO has to put aside private work during 0900-1700 Monday to Friday, this is authorised as urgent and paid at sessional rate. The balance of the time required is authorised at Training Rate.

²² PLO assesses the urgency and the practicalities associated with receiving instructions and the giving of the required advice. After consultation with RLO, PLO determines period that the RLO has to put aside private work during 0900-1700 Monday to Friday, this is authorised at ½ sessional rate. The balance of the time required is authorised at Training Rate. For example for a response to a NTSC a PLO may authorise 3 hours at ½ sessional rate for a RLO to take instructions and clear the draft and the remainder of time in preparing the response or submission is authorised at Training Rate.

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11.	Attending and giving legal assistance at the request of a member being questioned in accordance with a caution issued under the DFDA	Sessional
12.	Duty when Appointed as an Investigating Officer or an Inquiry Assistant	Training Rate
13.	Relief Manning	Training Rate
14.	Provision of Legal Training	Training Rate
15.	Undertaking of Legal Training	Training Rate
16.	Attendance at Reserve Training Nights/Parades	Training Rate
17.	Administrative Support Tasks	Training Rate
18.	General Legal Advice	Training Rate

Abbreviations

JA	Judge Advocate
DFM	Defence Force Magistrate
DFDA	Defence Force Discipline Act
ADF	Australian Defence Force
ROG	Redress of Grievance
NTSC	Notice to Show Cause
IO	Investigating Officer

²³ Legal Assistance should be paid at Training Rate, however, there may be circumstances where footnote 21 will apply.