

25. The criteria that must be satisfied to advance in LL after 31 Jan 13, apart from those seeking advancement under either of the transitional arrangements<sup>1</sup> outlined in paragraphs 26-35, are set out below.

a. Table 1 sets out the criteria for advancement to LL2.

**Table 1 – Criteria for advancement to LL2**

| <b>Legal level Component</b>                              | <b>Permanent Legal Officer recognition of legal level component</b>    | <b>Reserve Legal Officer recognition of legal level component</b> |
|---|--|---|
| Rank requirement  | Minimum rank of O03  | As for Permanent Legal Officer                                    |
| Service officer training requirement                      | Successful completion of initial officer training (appointment course) | As for Permanent Legal Officer                                    |
| Academic qualification (Military-Legal specific training) | Successful completion of LTM1 and LTM1 Consolidation Tasks             | As for Permanent Legal Officer                                    |

b. Table 2 sets out the criteria for advancement to LL3.

**Table 2 – Criteria for advancement to LL3**

| <b>Legal level Component</b>                              | <b>Permanent Legal Officer recognition of legal level component</b> | <b>Reserve Legal Officer recognition of legal level component</b> |
|---|---|---|
| Rank requirement  | Minimum rank of O03   | As for Permanent Legal Officer                                    |
| Academic qualification (Military-Legal specific training) | Successful completion of LTM2                                       | As for Permanent Legal Officer                                    |

<sup>1</sup> ADF LOs have until 31 Jan 14 to seek advancement under transitional arrangements.

c. Table 3 sets out the criteria for advancement to LL4.

**Table 3 – Criteria for advancement to LL4**

| <b>Legal level component</b>   | <b>Permanent Legal Officer recognition of legal level component</b>   | <b>Reserve Legal Officer recognition of legal level component</b>  |
|--|---|--|
| Rank requirement   | Minimum rank of O04   | As for Permanent Legal Officer   |
| Advanced legal expertise in a military context   | Selection for and posting to a designated LL4 position  | As for Permanent Legal Officer or, if not so posted, satisfactory observed performance of a range of military legal work normally carried out in a designated LL4 position (minimum 20 reserve days and 4 separate matters)  |
| Advanced critical legal skills: problem solving & analysis   | Satisfactory observed performance <sup>2</sup> as a LL3 legal officer in a designated LL3 role over a minimum period of four years <sup>3</sup> . | Satisfactory observed performance as a LL3 legal officer in a designated LL3 reserve role over a minimum period of 80 days (spread over a minimum of 4 years) and satisfactory reported performance of civilian legal work involving commensurate problem solving & analysis |
| Demonstrated skill supervising, mentoring and developing personnel (in a military or civilian environment) | Minimum four years (total) service reporting at satisfactory or above   | Minimum four years (total) satisfactory reported performance of civilian legal practice involving supervision of subordinates; or Minimum four years (total) service reporting at satisfactory or above.   |
| Academic qualification (Military-Legal specific training)  | Successful completion of LTM3 (as detailed in paragraphs 42-44)   | Successful completion of the three core subjects of LTM3 (as detailed in paragraphs 42-44)   |

<sup>2</sup> Satisfactory observed performance means no instance of providing below competent level legal advice. Should a member provide legal advice below a competent level that legal officer will not have achieved satisfactory observed performance until the officer establishes that he/she has provided competent level legal advice in a similar matter at a time subsequent to the below competent level legal advice.

<sup>3</sup> Only postings to a designated LL3 or LL4 legal officer billet or ACSC satisfy this requirement.

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d. Table 5 sets out the criteria for advancement to LL5.

**Table 5 – Criteria for advancement to LL5**

| Legal level component   | Permanent Legal Officer recognition of legal level component   | Reserve Legal Officer recognition of legal level component  |
|---|--|---|
| Rank requirement  | Minimum rank of O05  | As for Permanent Legal Officer  |
| Legal Manager expertise in a military context   | Selection for and posting to a designated CL5 position   | As for Permanent Legal Officer or, if not so posted, satisfactory observed performance of a range of military legal work normally carried out in a designated LL5 position (minimum 20 reserve days and 4 separate instructions)  |
| Critical legal manager skills: strategic problem solving & analysis in a government context | <u>Satisfactory observed performance<sup>4</sup> in providing strategic-level advice to government (Commonwealth or State/Territory) on legal policy.</u> For permanent officers this would usually be satisfied through a posting (minimum 12 months), to a Directorate in Defence Legal Division, Canberra at O4 rank or above.  | (a) Satisfactory observed performance of military strategic-level legal policy advice over a minimum period of 20 reserve days; or<br><br>(b) Minimum 12 months demonstrated civilian strategic-level experience advising a government (Commonwealth or State/Territory) on legal policy. |
| Management of subordinates  | <u>Either</u><br><ul style="list-style-type: none"> <li>• Attainment of a management-related qualification (minimum 40 contact hours/ certificate level course – approved by CDF) <u>and</u></li> <li>• Demonstrated skill supervising, mentoring and developing personnel (not limited to supervision of legal officers) in a military or civilian environment, evidenced, through a minimum 8 years, in total, of satisfactory supervisory performance in service reporting or equivalent</li> </ul> <u>Or</u> | As for Permanent Legal Officer.   |

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<sup>4</sup> Satisfactory observed performance means no instance of providing below competent level legal advice. Should a member provide legal advice below a competent level that legal officer will not have achieved satisfactory observed performance until the officer establishes that he/she has provided competent legal advice in a similar matter at a time subsequent to the below competent level legal advice.

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|  | Equivalent experience in a management role (for example CO or XO of a unit, managing partner, Director-level public servant). |  |
|--|---|--|

**Advancement in LL under Transitional Arrangements A**

26. Until 31 Jan 14 under transitional arrangements A, Legal Officers who entered the LOSOCS before 01 Jul 04 may apply to the LO CPDC to advance from the LL held as at 30 Jun 04 to the next LL on satisfying the following criteria:

- a. for advancement to LL4 only, experience as a Legal Officer in the ADF (taking account of credit granted for prior experience) of ten years effective service;
- b. for advancement to LL4 only, completion of academic requirements (see Part C);
- c. the appropriate minimum rank<sup>5</sup> or a higher rank;
- d. posting to a position that has the requisite LL or a higher LL;
- e. for advancement to LL4 and LL5, demonstration of satisfactory observed performance of legal skill in one or more subject areas of law;
- f. for advancement to LL5 only, management of subordinates, particularly in relation to leadership, ethos and appraising the performance of subordinates (evidenced e.g. by PARs).

27. Table 6 summarises the criteria for advancement under Transitional Arrangements A.

**Table 6- Criteria for Advancement in LL under Transitional Arrangements A**

| To Advance to Legal Competency Level (LL) <sup>6</sup> | Skill in Areas of Law | Total Experience as a LO | Academic Requirements | Manag't of subordinates | Minimum Rank |
|--|-----------------------|--------------------------|-----------------------|-------------------------|--------------|
| LL4  | 2                     | 10 yrs                   | LTM3                  | N/A                     | O04          |
| LL5  | 3                     | N/A                      | N/A                   | Yes                     | O05          |

28 To demonstrate satisfactory observed performance of legal skill in an area of law under the transitional arrangements A, the Legal Officer must identify the area of military law in which the officer seeks to demonstrate skill and:

- a. detail in dot point form the legal tasks completed within the identified area of law and the number of times these tasks have been completed;

<sup>5</sup> For members of the Navy, Army and PAF it is substantive rank. For members of the RAAF SR it is substantive or temporary rank, whichever is the higher.

<sup>6</sup> The Legal Officer must be posted to a position that has this CL status or a higher CL status

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- b. provide at least two varying and substantial examples of written legal work which demonstrate legal skill in the identified area of law; and
- c. provide evidence of the Legal Officer's satisfactory observed performance<sup>7</sup> of legal duties in the identified area of law (e.g. PARs or a separate report from a supervising legal officer).

**Advancement in LL under Transitional Arrangements B**

29. Until 31 Jan 14 under transitional arrangements B, legal officers who entered the LOSOCS before 31 Jan 13 may apply to the LO CPDC to advance from their current LL to the next LL on satisfying the following criteria:

- a. for advancement to LL4 only, completion of academic requirements (see Part C);
- b. the appropriate minimum rank<sup>8</sup> or a higher rank;
- c. posting to a position that has the requisite LL or a higher LL;
- d. for advancement to LL4 and LL5 only, completion of the qualification requirements for one or more Legal Task Journals (see paragraphs 28 – 32) and no instance of providing below competent level legal advice<sup>9</sup>; and
- e. for advancement to LL4 and LL5 only, management of subordinates, particularly in relation to leadership, ethos and appraising the performance of subordinates (evidenced e.g. by Performance Appraisal Reports [PARs]).

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30. Table 7 summarises the criteria for advancement under Transitional Arrangements B.

**Table 7- Criteria for Advancement under Transitional Arrangements B**

| To Advance to Legal Competency Level (LL) <sup>10</sup> | Legal Task Journals   |              | Academic Requirements | Manag't of subordinates | Minimum Rank |
|---|-----------------------|--------------|-----------------------|-------------------------|--------------|
|   | Level                 | Areas of Law |                       |                         |              |
| LL4   | Advanced              | 2            | LTM3                  | Yes                     | O04          |
| Alternatively LL4                                       | Advanced & Specialist | 1            | LTM3                  | Yes                     | O04          |
| LL5   | Specialist            | 2            | N/A                   | Yes                     | O05          |

<sup>7</sup> Satisfactory observed performance means no instance of providing below competent level legal advice. Should a member provide legal advice below a competent level that legal officer will not have achieved satisfactory observed performance until the officer establishes that he/she has provided competent legal advice in a similar matter at a time subsequent to the below competent level legal advice.

<sup>8</sup> For members of the Navy, Army and PAF it is substantive rank. For members of the RAAF/SR it is substantive or temporary rank, whichever is the higher.

<sup>9</sup> Should a member provide legal advice below a competent level that legal officer will not be advanced until the officer establishes that he/she has provided competent legal advice in a similar matter at a time subsequent to the below competent level legal advice.

<sup>10</sup> The Legal Officer must be posted to a position that has this CL status or a higher CL status.

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31. LL4 may be achieved by satisfactory completion of Task Journals at the Advanced level in two of the three main areas of military law or, alternatively, by completing both the Advanced and Specialist level Task Journals in one area of law. If advanced to LL4 by the alternative means, subsequent advancement to LL5 requires satisfactory completion of the qualification requirements of both the Advanced and Specialist level Task Journals in another area of military law.

#### **Legal Task Journals and Areas of Law**

32. Legal Task Journals are effective from 01 Jul 04 until 31 Jan 14. Task Journals have been developed reflecting the tasks normally undertaken by ADF Legal Officers. The Task Journals are in the military law subject areas of Administrative Law, Discipline Law and Operations Law at Competent, Advanced and Specialist levels. These levels accurately reflect the required progression of Legal Officers throughout their career and provide an appropriate basis for matching each Legal Officer with ADF capability requirements.

33. The Task Journal qualification requirements to advance in LL are set out in the Task Journal Assessment Policy on the Defence Legal web sites, at either the Legal Task Journal link of the Career Management page of the intranet site (<http://intranet.defence.gov.au/dsg/DLD/>) or the internet site <http://www.defence.gov.au/legal/cm.html>.

34. These qualification requirements have been modified for Legal Officers who advanced to LL4 under the previous transitional arrangements and who now choose to complete Legal Task Journal qualification requirements to advance further. Under these special arrangements the requirement set out in the Task Journal Assessment Policy is modified so that the Legal Officer is required only to complete the qualification requirements for two Task Journals at the Specialist level and are not required to complete the qualification requirements at the Advanced level.

35. In accordance with the Task Journal Assessment Policy, assessment for Advanced and Specialist levels is to be by self-assessment, assessment by an assessor of each completed task and a further assessment of a limited number of such assessed tasks by a senior assessor. The LO CPDC will monitor the assessment process and results.

#### **Judge Advocates/Defence Force magistrates**

36. Legal Officers who are Judge Advocates or Defence Force magistrates will not be assessed on the performance of their judicial functions.

#### **Promotion in rank**

37. Rank promotion will be in accordance with extant single Service policies. As distinct from LL advancement, LOSOCS officers are subject to single Service promotion requirements including time in rank, minimum periods of service, number of PARs and completion of general officer courses, to be eligible for rank promotion. The attainment of a particular legal competency level, linked with satisfactory military performance, may be a core selection criterion within promotion board deliberations.

38. As well as meeting single Service promotion requirements, to be eligible for selective promotion Legal Officers who are administered, advanced and paid within the LOSOCS need to have met the minimum LL requirements as follows:

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- a. for promotion to O04, Legal Officers must be at least LL2;
- b. for promotion to O05, Legal Officers must be at least LL3;
- c. for promotion to O06, Legal Officers must be at least LL4: and
- d. for promotion to O07, Legal Officers must be at least LL5.

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