

DEFENCE LEGAL OFFICE
CAREER AND PROFESSIONAL DEVELOPMENT COMMITTEE
MEETING OF 30 MAY 00
COMMITTEE DECISION 23/00

Subject: Permanent ADF Legal Officers to act as Prosecuting Officers

The Committee noted that it is critical to the successful implementation of the new LO career structure that permanent ADF LOs acquire skills in each of the DLO's core competencies, including advocacy work and the DFDA, and that the DLO make significant savings through greater efficiencies in managing resources.

The Committee decided that:

1. Whenever feasible, Permanent ADF LOs, are to act as prosecuting officers at courts-martial and Defence Force magistrate (DFM) hearings.
2. The permanent ADF LO is to make suitable arrangements, in consultation with Command Legal Officers and Commanders, to ensure adequate legal support to Commanders while the LO is acting as prosecuting officer.
3. If a qualified permanent LO cannot be found in the site chosen for the trial, the DLO Canberra is to be requested to locate a qualified permanent or Reserve LO to perform the duty.
4. Reserve LOs may be appointed as prosecuting officers when no suitably qualified permanent LO is available in Australia.
5. When the services of a Reserve LO must be used, training day rates are to be the preferred basis of payment. When it is proposed that Sessional fees be paid, the reasons for doing so are to be recorded by DLO Canberra and kept on file.
6. Until the DLPP is formed, DDL is responsible for implementation of this decision.
7. The command chain and all ADF LOs are to be informed of the elements of this Decision.

G.J. EARLEY
CDRE RAN

Director General Defence Legal Office

Chairman, Career and Professional Development Committee