

THE DEFENCE LEGAL SERVICE
CAREER AND PROFESSIONAL DEVELOPMENT COMMITTEE

MEETING OF 21 MAY 02

COMMITTEE DECISION 31/02 (Revised)

(This policy only applies to periods of HDA prior to the amendment of the HDA Determination on 30 Mar 04)

Subject: Policy – HDA Criteria and Procedures for Approval

The Committee noted:

1. The DFRT Decision on the Legal Officers' Career Structure WEF 16 Mar 00, the Higher Duties Allowance Determination, the DGTDLs Directive No. 2002/1 – Higher Duties Allowance (HDA) for ADF Legal Officers and the e-mail from SA to DGTDLs dated 14 May 02 concerning HDA claims.
2. That from 14 May 02 the DGTDLs, or his delegate, the National Practice Manager, was the directing authority for all HDA for ADF legal officers.
3. That there was a need for this Committee to promulgate criteria and procedures to ensure that applications for HDA for ADF legal officers were considered in a consistent and uniform manner.

The Committee decided:

1. To **agree** that an ADF legal officer will only be directed to undertake the full performance of higher duties where the DGTDLs (or his delegate) considers that the legal officer has the **academic¹ and professional capacity and experience** to carry out those duties having regard to:
 - a. the nature and level of complexity of the duties the member will perform;
 - b. the responsibilities involved in performing the duties;
 - c. the legal competency level appropriate to the higher duty position;
 - d. the member's current legal competency level;
 - e. the Legal Training Module courses that the member has completed¹;
 - f. the member's performance and experience;
 - g. the expected duration of the duties;
 - h. the recommendation, if any, of the member's supervisor;
 - i. where the member's supervisor is not a legal officer, the recommendation, if any, of a superior legal officer in the legal chain of command; and

¹ Inserted following CPDC meeting of 6 Aug 02.

- j. any other factor relevant to the member's performance of the duties.
2. To **agree** that the DGTDLs (or his delegate) may give a direction or directions to perform higher duties for a period or periods of up to 12 months before the circumstances are again reviewed by this Committee.
 3. To **agree** to consider applications for HDA at any time, including at the commencement of a member's posting.

M.F.J. SMITH
CDRE RAN
Director General The Defence Legal Service

Chairman, Career and Professional Development Committee