

AUSTRALIAN DEFENCE FORCE LEGAL SERVICES
CAREER AND PROFESSIONAL DEVELOPMENT COMMITTEE

MEETING OF 28 MAR 06

COMMITTEE DECISION 54/06

**Subject: Policy – Provisional Advancement in LL by Legal Officers absent when
LTM 2 or 3 subjects are conducted**

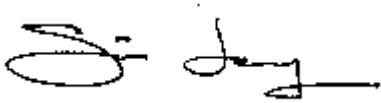
The Committee noted:

1. The e-mail request by **8296884 FLTLT Michael Colin Lowe, PAF** dated 20 Mar 06 to consider the feasibility of provisional advancement in LL if a Legal Officer is absent when LTM 2 or 3 subjects are conducted.
2. The DFRT Decisions on the Legal Officers' Specialist Career Structure (LOSCS) WEF 16 Mar 00 and 1 Jul 04, Committee's Policy Decisions 11/00 in relation to applications for LL 3 by legal officers with prior experience and 43/00, 58/00 and 32/01 in relation to applications for LL 4 by legal officers and the LOSCS Outline dated 1 Dec 05.
3. That the DFRT Decisions, the Committee's Policy Decisions 11/00, 43/00, 58/00 and 32/01 and the LOSCS Outline all envisage that one of the criterion for advancement to LL3 is satisfactory completion of LTM 2 or 3, unless the legal officer has recognition of prior learning approved in accordance with paragraph 38 of the LOSCS Outline.
4. That in his submission FLTLT Lowe identifies that for exigencies of the service, such as overseas deployment, a legal officer may be absent when LTM courses are conducted and, therefore, will not be eligible to advance in accordance with current criteria.
5. That in his submission FLTLT Lowe asks about the possibility of granting provisional LL advancement on the condition that the remaining LTM subject(s) be completed at the first available opportunity.
6. That in discussing the issue the Committee recognised the similarity between the proposed concept and provisional promotion where an officer has failed to complete an academic course, such as the RAAF's SQNLDR and WGCDR courses, which must be completed within two years of promotion otherwise the officer will revert in rank.
7. That the RAAF career managers argued that, notwithstanding that similarity, there is a major distinction between the two because advancement under the LOSCS requires completion of critical skills, academic knowledge of the law and demonstration of that knowledge whereas completion of the SQNLDR and WGCDR courses does not give officer skills critical for employment.

8. That the Committee acknowledged that because attainment of academic knowledge of the law is such a critical skill the granting of provisional advancement would be a matter that would have to be considered by the DFRT before it was approved and, the services would not support such a submission to the DFRT.

The Committee decided to:

1. **Not agree** to support the concept of the granting of provisional advancement in LL even when a legal officer is absent for exigencies of the service when LTM courses are being conducted.

A handwritten signature in black ink, appearing to read 'S. J. Harvey', with a stylized flourish at the end.

S. J. HARVEY

AIRCDRE

Director General Australian Defence Force Legal Services

Chairman, Career and Professional Development Committee