



Defence Force Remuneration Tribunal

STATEMENT

Defence Act 1903

s.58H—Functions and powers of Tribunal

AUSTRALIAN DEFENCE FORCE: TRI-SERVICE LEGAL OFFICERS SPECIALIST OFFICER CAREER STRUCTURE – TRAINING CHANGES

(Matter 18 of 2020)

MS I. ASBURY, PRESIDENT

MR A. MORRIS, MEMBER

CANBERRA, 27 JANUARY 2021

[1] This statement arises from a listing application¹ made by the Australian Defence Force (ADF) under Section 58B of the *Defence Act 1903* advising of intended modifications to the training continuum for ADF Tri-Service Legal Officers.

Background

[2] The Legal Officers Specialist Officer Career Structure was introduced in 2000 to provide a career and salary structure for legal officers in the ADF.² There are five levels in the structure - Legal Level 1 (LL1) through to LL5 – with training, service and promotion requirements associated with advancement through the levels.

[3] ADF Legal Officers are required to undertake academic education and vocational training to meet the criteria for advancement through the legal levels. The current requirements for each legal level were set out in Matter 6 of 2012 – *Legal Officer Specialist Career Structure*.³

Submissions

[4] The ADF submits it is making adjustments to some legal training subjects and will now “*have these courses delivered by the Military Law Centre instead of an academic contracted provider*”.⁴

[5] In particular the ADF states it is:

- a. replacing the Legal Training Module 2 subjects and that a legal officer will no longer receive a Graduate Certificate in Military Law (which has been awarded on completion of Legal Training Module 2); and
- b. enhancing and improving the Legal Training Module 3 subjects so that the outcome better prepares a legal officer for strategic and policy development roles.⁵

[6] The Commonwealth acknowledges and supports the proposed changes.⁶

Consideration

[7] We considered the submissions with regard to the fact that these training changes have no impact on the determined rates of salary or pay placements for ADF Legal Officers.

[8] We note that the prerequisite for advancement from LL2 to LL3 will continue to be the successful completion of Legal Training Module 2 (albeit with adjustments to course aims and learning outcomes) without the awarding of the previous Graduate Certificate. We accept that the adjustments will also maintain the current education and training standards required for LL4.

[9] We note that some elements of the amended training impact the prerequisites for advancement in legal levels and are therefore aligned to the salary structure while having no impact on pay placements.

Conclusion

[10] We accept that the training and education of ADF legal officers requires restructure and that this will impact eligibility for advancements within the determined salary structure. We recognise that the changes are intended to provide ADF legal officers with enhanced practical experience while building core vocational skills.

[11] We appreciate the ADF advising us of these training changes despite the fact they have no impact on the career structure or pay placements attached to the current legal levels.

MS I. ASBURY, PRESIDENT
MR A. MORRIS, MEMBER

¹ DMR/OUT/2020/34 2020/BN22298786 Listing Application – Tri-Service – Legal Officers’ Career Structure – Training Changes dated 30 October 2020.

² <https://www.dfrt.gov.au/sites/default/files/Decision-Legal-Officers-Specialist-Structure.pdf>

³ <https://www.dfrt.gov.au/sites/default/files/Decision-LOSOCS-and-Post-Graduate-Legal-Officer-Trainees-18-Apr-2013-.pdf>

⁴ ADF submission *Legal Officer Specialist Officer Career Structure – Report back on training changes* undated page 2 paragraph 3.

⁵ ADF submission page 2 paragraphs 3 and 4.

⁶ Commonwealth letter dated 8 December 2020.