



Appointment of Judge Advocate Instrument 2020

I, ANGUS J. CAMPBELL, Chief of the Defence Force, make the following notifiable instrument for the purpose of section 196(6)(a) and (b) of the *Defence Force Discipline Act 1982*.

Dated 25 Aug 2020

Signed by

ANGUS J. CAMPBELL, AO, DSC
Chief of the Defence Force

Contents

1	Name	2
2	Commencement	2
3	Selection Criteria	2
4	Selection Process	6
5	Service Exigencies	6

1 Name

This instrument is the *Appointment of Judge Advocate Instrument 2020*.

2 Commencement

This instrument commences on 25 August 2020.

3 Selection Criteria

By this instrument I determine that the following criteria will apply to the selection of a person for appointment under s 196(2) of the *Defence Force Discipline Act 1982* to the Judge Advocates' panel (the panel) upon the nomination of the Judge Advocate General. To be successful in this role a candidate will need to meet the following selection criteria.

1. **Legal Knowledge and Experience.** A successful candidate will have:

- a. Substantial trial and preferably appellate advocacy experience, appearing before higher courts in serious and complex criminal casework (or judicial or other experience giving equivalent competence in the conduct of challenging criminal trials).
- b. Attained a high level of professional achievement and effectiveness in military law, criminal law, the law of evidence and the application of the *Defence Force Discipline Act 1982*, particularly the law and rules of procedure governing the conduct of courts martial and Defence Force magistrate (DFM) trials.
- c. Sound experience, knowledge and understanding of the law and its application in these fields, including sentencing principles, to a standard that befits a judicial officer discharging functions and duties equivalent to those of a County or District Court judge and a demonstrated ability to understand and apply standard trial directions.
- d. Demonstrated Service knowledge and an understanding of the requirement for maintaining discipline in the ADF.

2. **Skills and Abilities of a Judicial Officer.** A successful candidate will have demonstrated standards that befit a judicial officer discharging functions and duties equivalent to those of a County or District Court judge including:

- a. Intellectual and Analytical Ability.
 - The ability to concentrate for long periods, and to understand and assimilate facts and arguments, and the ability to recall evidence and information speedily and accurately.
 - The ability to identify the issues in question and analyse the facts relevant to those issues.
 - The ability to apply legal principles to particular facts and to determine from a large body of information those issues and facts which are relevant and legally important and those which are not.