MILITARY PERSONNEL POLICY MANUAL

Roxanne Kelley
Deputy Secretary Defence People
Department of Defence
CANBERRA ACT 2600
15 December 2017
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MILITARY PERSONNEL POLICY MANUAL

Date issued: 07 September 2017

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Policy domain: People Domain (Personnel Policy)

Accountable officer: Deputy Secretary Defence People

Policy owner: First Assistant Secretary People Policy and Culture

Policy contact: Directorate of Military People Policy

Definitions: Definitions that apply to this manual are at Annex 1A.
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CHAPTER 1
MILITARY PERSONNEL POLICY MANUAL

INTRODUCTION

1.1 Policy and procedures that govern the administration and management of Defence members are detailed in legislation (Acts and Regulations), Defence Instructions, manuals and many other documents. The Military Personnel Policy Manual (MILPERSMAN) is designed to provide Defence personnel - and where it is a term of their contract - contractors, consultants and outsourced service providers with a primary source document for non-financial personnel policy advice and guidance.

1.2 The breadth and complexity of conditions and policies under which Defence members serve are considerable. They are complicated further by the number of areas responsible for the development and maintenance of Australian Defence Force personnel policy. This manual will periodically direct the reader to other sources of supporting information and complementary advice.

POLICY STATEMENT

1.3 MILPERSMAN forms a key element of personnel policy for use by commanders and supervisors who should consider the guidance contained in this manual, together with the Defence Act 1903, Defence Regulation 2016, Defence Instructions, manuals and single Service policy documents to ensure their non-financial personnel policy understanding is complete.

SCOPE

1.4 This manual is an administrative policy framework document that applies to all Defence personnel - and where it is a term of their contract - contractors, consultants and outsourced service providers.

1.5 The Secretary and the Chief of the Defence Force require Defence personnel to comply with provisions in this manual unless the particular circumstances warrant departure from the provisions.

Some provisions in this manual may support Defence personnel to comply with obligations that exist in:

a. applicable laws

b. directives and determinations issued under the Defence Act 1903

c. Defence Instructions.

Defence personnel must not depart from the provisions in this manual in a way that would result in any breach of those obligations.
When considering a possible departure from this manual the Secretary and the CDF require Defence personnel to:

a. consider whether the proposed departure would be inconsistent with:
   
   (i) applicable laws
   
   (ii) directives and determinations issued or the *Defence Act 1903*

   or

   (iii) Defence Instructions.

If yes, the departure is not permitted;

b. consider whether a proposed departure is reasonable and justified in the circumstances and will produce a better outcome for Defence

c. consult their supervisor, wherever practicable, about a proposed departure – a properly informed decision also involves consulting the policy owner

d. be responsible and accountable for the consequences of departing from, or not adhering to, the content of this manual including where such departure or non-adherence results in a breach of applicable laws or leads to adverse outcomes for Defence.

Defence personnel may be subject to performance management, administrative action or, in some circumstances, disciplinary action where their decision to depart from provisions in this manual involves serious errors of judgement.

Failure to adhere to administrative policy may result in a breach of legislation or other legal requirement and sanctions under that legislation may apply.

Defence personnel who are authorised by the Secretary to execute contracts on behalf of the Commonwealth should consider whether there is a specific and documented reason to include in the terms of a contract the requirement to comply with the provisions of this manual and, if so, include such terms.

**DEFINITIONS**

1.6 MILPERSMAN, Part 1, Chapter 3—*Military Personnel Policy Manual* Glossary contains a glossary of common terms while subsequent parts and chapters may include specific definitions as required.

**MONITORING AND REPORTING**

1.7 Assistant Secretary People Policy and Employment Conditions (ASPPEC) has overall responsibility for monitoring, development and implementation of MILPERSMAN. Under the direction of ASPPEC, the Directorate of Military People Policy (DMPP) will develop and maintain MILPERSMAN policies.
RELATED LEGISLATION AND PUBLICATIONS

1.8 Parts and chapters of this manual will include links to related legislation and publications as necessary.

Sponsor: ASPPEC (DMPP)
CHAPTER 2
RESERVED
CHAPTER 3
MILITARY PERSONNEL POLICY MANUAL GLOSSARY

**Accountable officer** is a member of the Enterprise Business Committee, appointed by, and accountable to, the Secretary and the CDF for policies residing in their policy domain and the framework documents that explain those policies.

**Accredited laboratory** is a laboratory accredited by the National Association of Testing Authorities, Australia. It is an accredited authority for the purposes of *Part VIII A* of the *Defence Act 1903*.

**Active Reserve.** The *Defence Act 1903* creates the Permanent Forces and the Reserves. The Active Reserve is a pool of Reserve Force members who are available for, or are undertaking, training or duty. A member of the Active Reserve will be assigned to Service Category (SERCAT 3, 4 or 5) depending on the nature of their Reserve service.

**ADF Alcohol, Tobacco and Other Drugs Service (ATOD)** is the Australian Defence Force (ADF) provider of alcohol, tobacco and other drug (ATOD) health. The Program provides leading practice clinical guidance and support to Regional Mental Health Teams and other areas of Defence on stepped care approach policy, education, training and alcohol and drug issues.
### Table 3–1 Australian Defence Force ranks

<table>
<thead>
<tr>
<th>Level</th>
<th>Navy</th>
<th>Army</th>
<th>Air Force</th>
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<tbody>
<tr>
<td>E00</td>
<td>Recruit</td>
<td>Recruit</td>
<td>Aircraftman/Woman Recruit</td>
</tr>
<tr>
<td>E01</td>
<td>Seaman*</td>
<td>Private Trainee</td>
<td>Aircraftman/Woman Trainee</td>
</tr>
<tr>
<td>E02</td>
<td>Seaman</td>
<td>Private</td>
<td>Aircraftman/Woman</td>
</tr>
<tr>
<td>E03</td>
<td>Able Seamen</td>
<td>Private Proficient</td>
<td>Leading Aircraftman/Woman</td>
</tr>
<tr>
<td>E04</td>
<td>N/A</td>
<td>Lance Corporal</td>
<td>N/A</td>
</tr>
<tr>
<td>E05</td>
<td>Leading Seaman</td>
<td>Corporal</td>
<td>Corporal</td>
</tr>
<tr>
<td>E06</td>
<td>Petty Officer</td>
<td>Sergeant</td>
<td>Sergeant</td>
</tr>
<tr>
<td>E07</td>
<td>N/A</td>
<td>Staff Sergeant</td>
<td>N/A</td>
</tr>
<tr>
<td>E08</td>
<td>Chief Petty Officer</td>
<td>Warrant Officer Class 2</td>
<td>Flight Sergeant</td>
</tr>
<tr>
<td>E09</td>
<td>Warrant Officer</td>
<td>Warrant Officer Class 1</td>
<td>Warrant Officer</td>
</tr>
<tr>
<td>E10</td>
<td>Warrant Officer of the Navy</td>
<td>Regimental Sergeant Major-Army</td>
<td>Warrant Officer - Air Force</td>
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<tr>
<td>O00</td>
<td>Midshipman</td>
<td>Officer Cadet</td>
<td>Officer Cadet</td>
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<tr>
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<td>Acting Sub Lieutenant</td>
<td>Second Lieutenant</td>
<td>Pilot Officer</td>
</tr>
<tr>
<td>O02</td>
<td>Sub Lieutenant</td>
<td>Lieutenant</td>
<td>Flying Officer</td>
</tr>
<tr>
<td>O03</td>
<td>Lieutenant</td>
<td>Captain</td>
<td>Flight Lieutenant</td>
</tr>
<tr>
<td>O04</td>
<td>Lieutenant Commander</td>
<td>Major</td>
<td>Squadron Leader</td>
</tr>
<tr>
<td>O05</td>
<td>Commander</td>
<td>Lieutenant Colonel</td>
<td>Wing Commander</td>
</tr>
<tr>
<td>O06</td>
<td>Captain</td>
<td>Colonel</td>
<td>Group Captain</td>
</tr>
<tr>
<td>O07</td>
<td>Commodore</td>
<td>Brigadier</td>
<td>Air Commodore</td>
</tr>
<tr>
<td>O08</td>
<td>Rear Admiral</td>
<td>Major General</td>
<td>Air Vice-Marshals</td>
</tr>
<tr>
<td>O09</td>
<td>Vice Admiral</td>
<td>Lieutenant General</td>
<td>Air Marshal</td>
</tr>
<tr>
<td>O10</td>
<td>Admiral</td>
<td>General</td>
<td>Air Chief Marshal</td>
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**Administrative policy** is a term used to refer collectively to a class of documents that expresses the Defence senior leadership’s approach to organising and managing the organisation. It consists of principles and rules that mandate requirements of, or provisions for, members of the organisation (what must be done) and procedures to assist in their implementation (how it should be done). Administrative policy is contained in different document types according to the intended purpose.

**Adult classified products** refers to restricted or extra sale control materials, including, but not limited to, internet, literature, CDs, videos, posters and computer games.

**Adulterant** is a substance used to compromise, or attempt to compromise, the integrity of urine, oral fluids or hair sample taken for the purpose of the Prohibited Substances Testing Program.
**Advanced Medical Assistant (AMA).** The term AMA encompasses Advanced Medical Assistants, Medical Technicians, Medical Sailors and enrolled nurses.

**Aggrieved Person,** as it relates to Protection Orders, is a person seeking to be protected by a Protection Order against a respondent(s).

**Air and sea transit.** Temporary movement of ADF personnel for the purposes of conducting a specific task not related to the mode of transport. Air and sea transit represents a change in the Defence member’s employment environment and needs to be considered on an individual basis.

**Alcohol.** Alcohol is any substance used for human consumption which contains more than 0.5% ethyl alcohol.

**Alcohol and other Drug Program Adviser (ADPA).** An ADPA is a volunteer who has completed the Certificate (CERT) IV in Alcohol and Other Drugs/Mental Health work and provides preventative alcohol and other drug education and advice to a unit or ship’s company. An ADPA also conducts initial screening assessments, educative interventions, follow-up support and aftercare to Defence members who are assessed as being problematic users of alcohol or other drugs.

**Alcohol and other Drug Program Counsellors (ADPC) are Royal Australian Navy (RAN) counsellors in support of the RAN Alcohol and Drug Program. ADPC have a CERT IV in Alcohol and Other Drugs/Mental Health work and a Diploma of Counselling. An ADPC is responsible for developing, implementing and managing the Alcohol and Drug Program Training Program, including the development, programming and conduct of the Alcohol and Drug Awareness courses and the alcohol and other drug component of officer and sailor Leadership courses and ab-initio training. The primary role of the ADPCs is to provide one-on-one counselling for personnel seeking support for Alcohol and or Drug related issues, and to conduct the ADF Level 2 harm minimisation Outpatient Alcohol Treatment Program for Navy. ADPC also refer personnel requiring further intervention from Medical, Psychology or inpatient treatment for alcohol dependency. An ADPC referral to a Medical Officer (MO) includes the member’s alcohol and other drug history, current crisis, drinking pattern and information on the member’s willingness to participate in further intervention.

**Alcohol Dependence** is a cluster of behavioural, cognitive and physiological phenomena that may develop after repeated alcohol use. Typically, these phenomena include a strong desire to consume alcohol, impaired control over its use, persistent drinking despite harmful consequences, a higher priority given to drinking than to other activities and obligations, increased alcohol tolerance, and a physical withdrawal reaction when alcohol use is discontinued.

**Alcohol-related harm** is where adverse health and social harms result from the use of alcohol.

**Alcohol-related incident** is an incident where alcohol use has been directly or indirectly involved.

**Area of Operations** is the geographical area, usually defined by boundaries, assigned to a commander by a higher commander in which they have responsibility.
and authority to conduct military operations. This includes the area necessary for joint military operations and their administration.

**Australian citizen** means a person who is an Australian citizen within the meaning of the *Australian Citizenship Act 2007*.

**Australian citizenship** means the state of being an Australian citizen.

**Australian Defence Force Associated Activity**. An ADF associated activity is an activity not part of the normal duties undertaken by a member. Such activities include participation in events such as ANZAC or Remembrance Day marches and services when not part of a formed ADF body or events which support ADF-associated charity activities such as the sale of Legacy badges or Remembrance Day poppies.

**Australian Defence Force Health Facility** is a health facility established to provide health care to Defence members.

**Authorised decision maker (or Decision maker)** means those persons who act as CDF delegates for powers that are legislatively delegable and those designated as authorised persons for the purpose of exercising specific aspects of the command power to enact prescribed by policy. In practice, appointment holders will often have powers as both a delegate and an authorised person.

**Authorised officer** as defined in the *Defence Force Discipline Act 1982* means an officer or an officer included in a class of officers, authorised, in writing, by the CDF or a Service Chief for the purposes of the provision in which the expression occurs. See also Decision maker.

**Australian Public Service employee** means a person employed under the *Public Service Act 1999*.

**Blood alcohol concentration** refers to the amount of alcohol present in the bloodstream.

**Cadet** means a person who has been enrolled under the relevant Service Chief in the Australian Navy Cadets, Australian Army Cadets or the Australia Air Force Cadets in accordance with *Cadet Forces Regulation 2013*. They are not ADF members; rather they are volunteers whilst participating as a Cadet Force member.

**Call out** is compulsory for the part of the ADF Reserves to which the call-out order applies and is subject to the protections available under the *Defence Reserve Service (Protection) Act 2001*.

**Chain of Command** means a direct supervisory or direct reporting relationship.

**Chain-of-custody** as defined in *Australian/New Zealand Standards 4308:2008 - Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine* is a series of procedures to account for the integrity of each Prohibited Substance Testing Program (PSTP) sample by tracking its handling and storage from point of sample collection to final disposal of the sample.

**Chain-of-custody form** as defined in *Australian/New Zealand Standards 4308:2008* – is a form to be used from time of collection of the specimen to its receipt by the
laboratory as well as dispatch between laboratories. Thereafter, appropriate documentation accounts for the sample or aliquots within the laboratory. **Form AD 403—Prohibited Substance Chain of Custody and Accredited Laboratory Request** is used by the ADF to send the sample to the accredited laboratory.

**Chaperone** for the purpose of the ADF PSTP means a Defence member who provides reassurance and emotional support for the Test Member during the PSTP testing procedure.

**Civil conviction** is the proof of an offence, or a finding of guilt by a civil court. The following are not included in the definition of Civil Conviction:

a. payments with respect to administrative processes rather than court appearances, including ‘parking’ or ‘traffic’ offences contained in an infringement notice disposed of by payment of a fine

b. convictions or conditional releases that could have been dealt with by paying an administrative fine contained in an infringement notice had the convicted person either elected to do so or been aware of the administrative penalty.

**Clinical Manager (CM)** is a RAN Senior Medical Sailor who has completed the RAN Clinical Managers Course. The CM performs specialist clinical and emergency health care, including Advanced Cardiac Life Support under direct or indirect supervision of a Medical Officer.

**Commander** is an ADF officer, who by virtue of a delegation or instrument of appointment exercises authority and holds responsibility for assigned Defence personnel and includes an Administrative Commanding Officer.

**Commander and/or Manager** means Commanding Officers, Officers Commanding, Directors and supervisors responsible for the day-to-day management of Defence members. Commanders must be military members. Also see the definition for ‘Defence employees who are supervisors of Defence members’.

**Commanding Officer** means an officer performing the duties and functions of a commanding officer by virtue of:

a. an order, instruction or directive issued by, or under the authority of, the Chief of the Defence Force or a Service Chief; and

b. an officer whose instrument of appointment authorises the officer to exercise that power.

**Command Power** means the power of Defence members to command other Defence members. Command power is derived from the authority to command given to the CDF in Section 9 of the *Defence Act 1903* and is supported by the service offences of disobeying a lawful command and failing to comply with a general order.

**Competent, Credentialed and Authorised Health Professional** refers to any MO and a Nurse Practitioner who is appropriately accredited and authorised as competent by Commander Joint Health or delegate to perform specific extended roles. Also see the Defence Health Manual (DHM).
**Confirmatory test** as defined by [Australian/New Zealand Standards 4308:2008](https://www.nzstas.org.nz/) and [Australian Standard 4760:2006](https://www.nzstas.org.nz/)—Procedures for specimen collection and the detection and quantitation of drugs in oral fluid is an analytical procedure that uses mass spectrometry to unequivocally identify the presence of a specific drug (prohibited substance) and/or metabolite conducted by an accredited laboratory. A confirmatory test for hair is defined as the detection and quantitation of prohibited substances at cut-off levels determined by an Australian laboratory who is National Association of Testing Authorities (NATA) accredited to [ISO/IEC 17025:2005](https://www.iso.org/)—General requirements for the competence of testing and calibration laboratories for Forensic Science in the applications of Forensic Toxicology and Forensic Biology.

**Continuous Full-Time Service (CFTS)** means Defence service rendered by a Reserve member of a continuous nature whilst remaining a member of Service Category (SERCAT) 3, 4 or 5. CFTS is referred to as Service Option (SERVOP) C. A period of CFTS may be Protected CFTS or Unprotected CFTS, depending on the level of protection accorded to the service under the Defence Reserve Service (Protection) Act 2001. When serving a period of CFTS (unless otherwise specified in policy) a member is entitled to the same remuneration and conditions of service, and subject to the same obligations, laws, regulations and procedures as Permanent Force members.

**Consultant** means individuals, partnerships or corporations engaged to provide professional, independent and expert advice or services. It involves the application of expert professional skills to investigate or diagnose a defined issue or problem; carry out defined research, reviews or evaluations; or provide independent advice, information or creative solutions to assist in management decision making. Performance of the services is at the discretion and professional expertise of the consultant, with Defence providing oversight. The output reflects the independent views or findings of the individual or organisation and generally belongs to Defence.

**Contractor** means a person engaged by Defence under a contract for skills that would normally be maintained in the Australian Public Service (APS) or Australian Defence Force (ADF) workforce. The person is performing duties required on a temporary basis, or is engaged as a short term measure while more enduring arrangements are put in place such as recruiting an ADF member or APS employee. The person is engaged to perform day-to-day duties of Defence. The person works largely under the supervision of an APS employee or ADF member. Defence specifies how the work is to be undertaken. The resulting output is produced on behalf of Defence and is generally regarded as a Defence product. The person’s remuneration is based on the time worked, usually calculated on an hourly or daily rate. Defence generally provides the necessary equipment and supplies.

**Corrective Training** is training that a Defence member is directed to undertake in order to rectify unsatisfactory performance.

**Cut-off level or permitted level** is a set value above which a prohibited substance is deemed to be ‘detected’, and below which is deemed to be ‘not detected’ in accredited laboratory reporting. The permitted cut-off level for prohibited substances is specified in [Australian/New Zealand Standards 4308:2008](https://www.nzstas.org.nz/) and [Australian Standard 4760:2006](https://www.nzstas.org.nz/). For hair samples these levels are those that have been determined by an Australian NATA accredited laboratory who is accredited to [ISO/IEC 17025:2005](https://www.iso.org/) for Forensic Science in the applications of Forensic Toxicology and Forensic Biology.
Defence is the Department of Defence.

Defence Administrative Policy is a term used to refer collectively to a class of documents that expresses the Defence senior leadership’s approach to organising and managing the organisation. It consists of principles and rules that mandate requirements of, or provisions for, members of the organisation (what must be done) and procedures to assist in their implementation (how it should be done). Defence administrative policy is contained in different document types according to the intended purpose.

Defence civilian is defined in Section three of the Defence Force Discipline Act 1982 (DFDA), is a person (other than a Defence member) who:

a. with the authority of an authorised officer as defined in the DFDA, accompanies a part of the ADF that is outside Australia or on operations against the enemy, and

b. has consented, in writing, to subject themselves to ADF discipline while so accompanying that part of the ADF.

Defence Employment Offer (DEO) means the tangible and intangible benefits which Defence offers to potential and serving Defence members and Defence employees.

Defence locally engaged employee is any person engaged overseas by contract or under Section 74 of the Public Service Act 1999.

Defence member as defined in Section three of the Defence Force Discipline Act 1982 means:

a. a member of the Permanent Navy, the Regular Army or the Permanent Air Force, or

b. a member of the Reserves who:

(1) is rendering continuous full-time service, or

(2) is on duty or in uniform.

Defence personnel is all Australian Public Services employees in the Department of Defence, Defence locally engaged employees, Defence civilians, Defence members and the equivalents from other Defence organisations on exchange to Defence.

Defence premises means any of the following that is owned or occupied (whether permanently or temporarily) by the Commonwealth for use by Defence:

a. an area of land or any other place (whether or not it is enclosed or built on)

b. a building or other structure, in part or in whole

c. any platform, vehicle, air or seagoing vessel (excluding Navy ships), including any fixed or moveable ramp stairs or other means of access to, or exit from the platform, vehicle, vessel or aircraft
d. a prohibited area, within the meaning of the *Defence (Special Undertakings) Act 1952*.

**Defence service** means service, including training by a Reserve member, in a part of the Defence Force.

**Defence-sponsored passport** is a generic term used to refer to diplomatic, official or ordinary passports that are issued to Defence personnel (and their dependants) for official travel at public expense.

**Defence-wide administrative policy framework document** is a framework document that applies to Defence personnel in more than one Group or Service.

**Defensive Combat Duties** are duties in a combat environment designed to protect personnel, equipment or area locations from attack and include counter-attack actions.

**Delegate** means an individual or a person in a specified position, or person within a particular group of people, who has been delegated legislative power via an 'Instrument of Delegation'. Also see 'Authorised decision maker'.

**Deployable** means a Defence member classified with the functional capacity to perform the duties of their employment group and the capability of meeting the individual readiness requirements of the individual Service.

**Deployment** means warlike or non-warlike service overseas on ADF approved operations by members Force Assigned for duty. In the Maritime environment this includes both Force Assigned and non-Force Assigned seagoing activities.

**Designated single-Service Medical Officer** means the Fleet Medical Officer or delegate, Director Army Health or delegate, and the officer-in-charge Health Services Wing or delegate.

**Dietary supplements** are products defined as Complementary Medicines under the *Therapeutic Goods Regulations 1990* that are not intended for inhalation or use on the skin. They include products containing ingredients that are nutrients, such as multivitamin or fish oil products.

**Drink spiking** is the act whereby drugs and/or alcohol have been added to a drink (alcoholic or non-alcoholic) without the consent of the person consuming it.

**Drug analogue** is a synthetically created substance that has a similar chemical structure to or produces the same effect as another drug. The three types of analogues are:

a. structural analogues, which have similar chemical structures

b. direct analogues, which have similar chemical structures and similar pharmacological effects

c. functional analogues, which are chemically different compounds but display similar pharmacological properties.
Duty of care is the legal requirement for a person to exercise a reasonable standard of care to prevent reasonably foreseeable injury or harm to others.

Election refers to the act or process of choosing representatives by voters.

Electoral roll refers to the list of people entitled to vote in an election or referendum.

Elector refers to any person whose name appears on the Electoral Roll.

Electronic betting terminal means a commercial self-service machine that facilitates the act of gambling.

Emergency Contact refers to a person or persons who a Defence member has nominated to be contacted in the first instance by Defence in the event the Defence member is assigned a casualty status that necessitates notification action in accordance with the provisions of Defence Casualty and Bereavement Support Manual, Defence Casualty and Bereavement Support Manual, Chapter 1—Casualty Notification of Defence Members.

Employable means a Defence member classified with the functional capacity to perform the duties of their employment group in accordance with their Medical Employment Classification.

Employment environment is the combination of those conditions, circumstances, influences and characteristics in which a Defence member is expected to perform the duties of their employment group. The nature of the employment environment will be affected by the three elements of geographic locality, extent of tasks to be performed and access to support services.

Employment Category means a Service-specific job classification applied to a Defence member. An Employment Category may refer to a trade, specialisation, mustering, primary qualification, corps or skill.

Employment restrictions means limitations on the functional capacity of the Defence member to perform ADF tasks and/or be employed in specified geographic locations based on the Defence member's medical status or a pending or positive PSTP outcome.

Enlisted member means a Defence member other than an officer—that is, a sailor, soldier or airman of rank code E00 to E10. See also ‘ADF Ranks’.

External service provider means a contractor, consultant and/or professional service provider engaged by Defence.

Fair Hearing Rules are the rules used for the purposes of a Routine Inquiry which allow a respondent or potentially affected person to:

a. be informed of the substance of any allegations or complaint made against them

b. have adequate opportunity to respond to any allegation or complaint
c. have access to evidence upon which the Routine Inquiry Officer (RIO) may rely in formulating recommendations that affect them. The subject should be given all the documents that are to be relied upon. There will be exceptions, for example, where a witness provides information that, if disclosed, may constitute a threat to their safety. Where the RIO has reservations about disclosing the content of any document, a legal officer should be consulted

d. the right to have any information provided or any submission made by them considered by the RIO

e. expect that any information relating to them will be treated discreetly and to have their privacy respected

f. receive timely notification of any action or decision which affects them, arising from the allegation or complaint. Material, which is adverse to a party’s interest, ought to be disclosed to that party before a decision is made to enable such party to controvert it. A party who may be adversely affected by the finding of an inquiry should neither be ‘left in the dark’ as to the risk of the finding being made nor deprived of the opportunity to adduce additional material which might deter a RIO from making a recommendation

g. have sufficient opportunity to answer any decision or action that may affect them.

Field activities are activities conducted away from an established, permanent facility where there is a variation and consequent hardship in the following elements:

a. living conditions

b. working conditions

c. eating arrangements

d. leisure

e. facilities and services

f. hours of work.

Firearm means small arms weapon, which emits a projectile through a controlled explosion and includes a gun, pistol or rifle.

Fixed Period of Service means a finite period of service which is a specified or fixed period of appointment for officers or specified or fixed period of enlistment for enlisted members.

Fleet Medical Officer. Navy’s designated single-Service Medical Officer.

Flexible Service Determinations are the means by which the CDF determines hours of duty or periods of duty for a member of the Permanent Forces constituting flexible service.
Flexible Work Arrangements means a formal or informal working arrangement that may include variable working hours, home located work, alternate located work or remote overseas work for an individual.

Framework documents are administrative policy documents that are part of the administrative policy framework. They are: the Defence Instruction—Administrative policy, interim Defence Instructions, Defence accountable authority instructions, manuals, group/service-specific instructions.

Functional Commander in Army is a commander who is the appointed (usually two-star) commander of a functional element of Army—for example, Special Forces Command, Forces Command and 1st Division.

Gambling means to play at any game of chance for stakes or to stake or risk money, or anything of value, on the outcome of something involving chance. Gambling activities may include, but are not limited to, all forms of betting, gaming, wagering, lotteries, raffles, sweepstakes, bookmaking and acting as an agent for a bookmaker.

General postal voter refers to an elector who is registered to have postal ballot papers sent to them without having to apply for each election/referendum.

Government oversight body is a body established under an Australian law, including State and Territory laws, whose functions include or relate to child protection and promoting the interests of children.

Group-specific instruction. An instruction that applies only to Defence personnel working in the group of the issuing Group Head.

Health care provider is, in the context of alcohol and drug policy; an alcohol and other drug trained medical assistant, psychological examiner, alcohol and other drug program adviser, or an alcohol and other drug program coordinator. These members provide alcohol and other drug education, assessments and interventions to clients with alcohol and other drug issues within the limits of their training.

Health professional is a Medical Officer, psychologist, nursing officer, or a social worker. Their role is assessment, prevention and intervention. They have medical or behavioural science based tertiary qualifications that allow them to provide primary alcohol and other drug assessment and health care in the ADF. They provide specific interventions (screening, assessment, interventions and referral as required) using multidisciplinary teams where possible and supervise and/or support health care providers as required. See also the Defence Health Manual.

Health Support is the full range of health services available from the most basic first aid to the most advanced specialist level care. A Defence member’s employability needs to be matched to the level of health support available in all environments that they will be employed in, including on deployment.

High risk drinking levels are those at which there is substantial risk of serious harm from alcohol consumption, and above which risk continues to increase rapidly.

Immediate Family Member in relation to a Defence member or Defence civilian means:
a. parent, whether biological, legally recognised or step-parent
b. legal guardian, whether current or former
c. spouse, whether current or former
d. a Service-recognised interdependent partner, whether current or former
e. a bona fide de facto partner, whether current or former
f. a person with child-rearing responsibilities for the same child
g. child of any person described in subparagraph a. above, whether natural, adopted, ex-nuptial, step or foster
h. a sibling, meaning any child of a person described in this clause, whether natural, half, step, adopted or foster
i. a legal ward of a person listed in subparagraph a. above of the Defence member or Defence civilian.

**Impaired faculties** is a state of being in which a person’s mental processes of perception, memory or judgment are diminished to an extent where the person is unable to think and act in a way in which an ordinary prudent person in full possession of their faculties, and using reasonable care, would act in like circumstances.

**Indefinite Period of Service** means an open ended period of appointment for officers or an open ended period of enlistment for enlisted members that generally ceases on the member reaching Compulsory Retiring Age.

**Independent evidence** is evidence not derived, directly or indirectly, from any self-referral disclosure(s).

**Individual Readiness** means a prescribed standard of physical, medical and dental fitness used in conjunction with a member’s trade skill, weapons handling ability and availability, used to assess a Defence member’s suitability to deploy on operations.

**Initial Minimum Period of Service (IMPS)** means a period of service that Defence members must serve following enlistment or appointment. Also known as a Covered Period of Service.

**In-session Medical Employment Category Review Board (MECRB)** is where the MECRB membership collectively meets to discuss and consider an individual case.

**Instructor of Cadets** is defined as a person who has volunteered and been accepted by the Chief of the Defence Force as an instructor in the Australian Navy Cadets, Australian Army Cadets or Australian Air Force Cadets in accordance with the *Defence Act 1903*.

**Insufficient urine sample** means an amount of urine less than the ‘Minimum fill volume’ indicator of the Service provided prohibited substance testing program specimen cup.
Integrity testing defined in Australian/New Zealand Standards 4308:2008 is testing for substances that affect the detection or quantitation of prohibited substances or metabolites in a urine sample.

Intoxicated means a person whose, in accordance with the Defence Force Discipline Act 1982 faculties are so impaired, because of the person being under the influence of intoxicating liquor or a drug (other than a drug administered by, or taken in accordance with the directions of, a person lawfully authorised to administer the drug), that the person is unfit to be entrusted with the person’s duty or with any duty that the person may be called on to perform. For the purpose of the Military Personnel Policy Manual (MILPERSMAN) intoxicated also means that for:

a. non-safety critical areas a person has a blood alcohol concentration equal to or greater than 0.05%

b. safety critical areas has a blood alcohol concentration of equal to or greater than 0.02%.

Investigating officer as defined in the Defence Force Discipline Act 1982 means a police member; or an officer, warrant officer or non-commissioned officer (not being a police member) engaged in the investigation of a Service offence.

Involvement with prohibited substances is where a Defence person is in possession of a prohibited substance, or dealing in, or administering to others, or trafficking or selling any prohibited substance or drug or knowingly associating with individuals who use or are otherwise involved with prohibited substances.

Job-sharing is the performance of the duties of one position by two or more Defence members, where each Defence member completes only part of those duties on a part-time basis.

Land environment means an environment where the majority of activities are performed by land forces on land.

Limited Tender involves an agency approaching one or more potential suppliers to make submissions, where the process does not meet the rules for open tender or prequalified tender.

Long term harm, as it relates to alcohol policy, means the potential lifetime risk of alcohol related injury or disease as a result of drinking more than two standard drinks on any single occasion.

Low risk drinking means the possible risk of alcohol-related harm, including a range of chronic diseases and accidents and injury, which can occur on any occasion where a person is drinking or has resulted from use that has occurred over a lifetime. The guidelines for low risk drinking for both men and women are:

- to reduce the lifetime risk of harm by drinking no more than two standard drinks on any day
- to reduce the risk of alcohol-related injury arising from a single drinking occasion by drinking no more than four standard drinks.
Low risk drinking for women also includes not drinking when pregnant, planning a pregnancy or when breastfeeding.

**Manager** means Defence personnel or contractors, who direct a range of human and physical resources and their associated financial responsibilities to achieve corporate objectives. A manager may be a first-level supervisor or performs the role of a first-level supervisor where they have immediate subordinates, as well as the role of a second-level supervisor where they have Defence personnel supervised by those subordinates.

**Maritime environment** means either a land based Defence workplace in support of, or actual service aboard a seagoing Defence workplace. Sea going Defence workplaces may include surface vessels, aircraft operating from surface vessels, subsurface platforms or work that entails diving underwater or within hyperbaric chambers. It may also include contracted commercial enterprises that utilise Defence members, in support of these workplaces.

**Medical Officer** is a registered medical practitioner authorised to provide medical services to the ADF—civilian and military.

**Medically Unfit** is a Defence member who has been classified as not having the functional capacity to perform the duties of their employment group in accordance with their Medical Employment Classification.

**Member’s health statement** is a statement by a Defence member outlining their understanding and views on the effects of their medical condition on their ability to undertake their military duties, and any comments they may wish to make on their employability.

**Mental health professional** is a suitably qualified professional that Defence has engaged or contracted to provide mental health services to Defence members. Also see the [Defence Health Manual](#). They include:

a. Medical officers

b. Nurses

c. Psychologists, including provisionally registered psychologists, working under the direct supervision of a psychologist

d. Social workers.

**Misuse**, in the context of drug use, is the use of a substance for a purpose not consistent with legal or medical guidelines. Misuse has an effect on health or functioning of a person and may take the form of drug dependence, or be part of a wider spectrum of problematic or harmful behaviour.

**Negative Prohibited Substance Testing Program screening test result** occurs when an on-site screening test or confirmatory laboratory analysis does not detect the possible presence of prohibited substance(s), or their metabolites, in a sample.

**Next of Kin**, for Defence purposes, means a Defence member’s closest living relative, or a person who may ‘stand in the position of’ a Defence member’s closest
living relative. The priority order for determining who might be the closest living relative is:

a. the Defence member’s spouse, de facto or interdependent partner
b. the Defence member’s child, stepchild or a person who the Defence member believes stands in the position of their child
c. a parent or step-parent of the Defence member or a person who the Defence member believes stands in the position of their parent
d. a sibling or step-sibling of the Defence member
e. a grandparent or step-grandparent of the Defence member
f. an aunt or uncle or step-aunt or step-uncle of the Defence member.

Non-citizen means a person who is not an Australian citizen.

Non-deployable, in relation to a Defence member, means a Defence member who has been assessed at not having the functional capacity to perform the duties of their employment classification and who, due to a medical condition, is incapable of meeting the individual readiness requirements of the individual Service.

Non-effective on medical grounds means a Defence member who, due to illness or injury has been, or is likely to be, absent from duty for a period exceeding 28 days.

Nursing Officer is a qualified nurse registered in Australia who is a Defence member, or is recognised by any agreement, which may be in place between Defence and other parties.

Nurse Practitioner is a Registered Nurse who has completed specific advanced nursing training and education (Master’s degree) and is authorised to function autonomously and collaboratively in an advanced and extended clinical role.

Offensive combat duties are duties in a combat environment where ADF-initiated action against enemy combatants, equipment or facilities is expected, including close-quarter combat environments and remote combat environments.

Officer means an appointed Defence member who holds the rank of Midshipman or Officer Cadet, or higher (rank code of O00 to O10).

Officer of Cadets is a person who has volunteered and been accepted by the Chief of the Defence Force as an officer in the Australian Navy Cadets, Australian Army Cadets or Australian Air Force Cadets in accordance with the Defence Act 1903.

Official Passport is the generic term used to refer to ‘diplomatic’, ‘official’, or ‘ordinary’ passports which are issued to Defence personnel (and their families) for official travel at public expense.

On-site screening is a prohibited substances screening test carried out at a point of collection.
Open Tender is where there is an open approach to market inviting submissions for a tender.

Out-of-session Medical Employment Classification Review Board is the board membership individually considers a case and provides advice to the Chair outside the usual scheduled in-session board timings.

Outsourced service provider. Defence has made a decision that the function is to be performed by an external service provider on a long term or permanent basis. It involves skills or expertise that are not required to be maintained by APS or ADF in Defence. Performance of the services is left largely up to the discretion and professional expertise of the provider. Typically, service standards or performance indicators are agreed as part of the contracting process and monitored periodically. The resulting output is produced for Defence as a customer. Remuneration is paid when milestones are reached or a task is completed, or periodically for the provision of ongoing services such as maintenance, cleaning or travel bookings. The provider generally supplies their own equipment and supplies.

Overseas elector refers to an elector who is currently overseas or is proceeding overseas on posting for six years or less.

Over-the-counter medication is a medicine for self-treatment from pharmacies, with selected products also available in supermarkets, health food stores and other retailers. Examples include cough and cold remedies, anti-fungal treatments, sunscreens, non-prescription analgesics such as aspirin and paracetamol.

Parent is any person having parental responsibility or guardianship of a Defence member under 18 years of age, including legal guardians and specified next of kin.

Partner is a recognised person who, regardless of gender, is living in a common household with the member/employee in a bona fide, domestic partnership, although not legally married to the member/employee. A Partner may also include those people who are recognised on the basis that they are in an interdependent same sex partnership or an interdependent partnership where one or both parties do not exclusively identify as male or female.

Pending Prohibited Substance Testing Program screening test result means a screening test that detects the possible presence of prohibited substance(s) or their metabolites in a sample. The term is also used to describe a urine or hair sample that has not been screened onsite but rather sent directly to an accredited laboratory for analysis. The result is referred to as ‘pending’ as it is subject to confirmation by an accredited laboratory.

Period of effect is the period of time a framework document remains extant. Framework documents that reach the end of their period of effect will be cancelled. Framework documents can be assigned a new period of effect by being reviewed.

Permanent Defence Member means a member of the Permanent Navy, the Regular Army or the Permanent Air Force. See also ‘Defence Member’.

Permanent resident refers to an Australian permanent resident as defined under the Migration Act 1958 as a person who is the holder of a permanent visa, which allows
the holder to remain in Australia indefinitely. It also refers to a person who is an eligible New Zealand citizen under subsection 5(2) of the *Migration Act 1958*.

**Personal information** is defined in Section 6(1) of the *Privacy Act 1988* as:

a. information or an opinion about an identified individual, or an individual who is reasonably identifiable:

b. whether the information or opinion is true or not and
c. whether the information or opinion is recorded in a material form or not.’

**Poisons Standard** means the current Poisons Standard as defined by subsection 52A (1) of the *Therapeutic Goods Act 1989*.

**Policy domain.** Means administrative policies that have been grouped together under one accountable officer due to their related content or business function.

**Policy owner** is a person appointed by an accountable officer to be responsible to that accountable officer for achieving effective policy outcomes for their particular business function and for effectively implementing policies and procedures contained in framework documents.

**Political activity** means any activity other than voting carried out on behalf of, or in connection with:

a. elections to any Federal or State Parliament, Territory Legislature or Local Government body

b. any registered political party, or party intending to register as a political party

c. any group or organisation seeking to pursue their interests through political means such as lobbying, advocacy, public protest or other media attention.

**Positive PSTP test result** is confirmation by an accredited laboratory that there is a presence of a prohibited substance at a level above the cut off specified in *Australian/New Zealand Standards 4308:2008* or the levels defined by the laboratory in the PSTP test sample provided by a Defence person.

**Postal vote** refers to a vote cast by post because the voter cannot attend a polling place in their State or Territory.

**Prequalified Tender** is where there is an approach to the market inviting submissions from all potential suppliers on a:

a. shortlist of potential suppliers that responded to an initial open approach to market on AusTender

b. list of potential suppliers selected from a multi-use list established through an open approach to market
c. list of all potential suppliers that have been granted a specific licence or comply with a legal requirement, where the licence or compliance with the legal requirement is essential to the conduct of the procurement.

**Prescribed medication** is a medicine that requires a doctor’s prescription to buy it, or in the case of Defence pharmacy arrangements are dispensed to a member, or in the case of other authorised health care professionals or authorised Defence health care providers, are supplied to Defence members.

The **presumptions** in the *Family Law Act 1975* include a presumption arising from a court finding that a person is the child’s parent, and a presumption arising from a man executing an instrument under law acknowledging that he is the father of the child.

**Problematic drinker** is a person who consumes alcohol at levels which may cause short or long term harm and is starting to cause social or professional work problems for themselves and others.

**Problematic use of alcohol** is the use of alcohol at levels that are associated with short and long term harm that include:

a. family or social difficulties—for example, relationship, work, financial problems
b. non-fatal and fatal injuries—for example, as a result of accidents, falls, violence and road trauma
c. work-related performance issues or problems
d. mental health problems—for example, anxiety and depression
e. physical health problems—for example, ranging from nausea and headaches to stomach ulcers, liver or heart disease.

**Prohibited List** is the document of that name published by the World Anti-Doping Agency, as in force under the World Anti-Doping Code.

**Prohibited reason**, in relation to discrimination, means a decision on the grounds that a person is rendering, has rendered or might in the future render Defence service.

**Prohibited substance** for PSTP testing under the *Defence Act 1903* is any substance listed in the Chief of the Defence Force (Prohibited Substances) Determination.

**Prohibited substance related incident** is any event or occurrence precipitated by or associated with prohibited substance use or involvement with prohibited substances that may have an effect on Defence capability, operations, personnel, security, safety, reputation, property, premises, environment, legal and ethical obligations, obligations to youth, and foreign relations.

**Prohibited Substance Testing Program (PSTP) screening test** is the method used to exclude the presence of a drug or drug class of prohibited substance and to identify if the specimen integrity has been compromised.
Prohibited Substance Testing Program (PSTP) test is a urinalysis, oral fluids test or hair sample test conducted under the authority of the Defence Act 1903.

Protected Continuous Full-time Service (CFTS) means CFTS following a call-out and voluntary CFTS if a delegate has requested the Reserve member to undertake voluntary CFTS as protected service, under the provisions of the Defence Reserve Service (Protection) Act 2001 Section 12, and the Reserve member has undertaken to render the voluntary CFTS on a protected basis.

Protection Order (PO) is an order made by a Federal, State or Territory court, or Police Service, for the protection of one person against another. POs may also be called Domestic Violence Orders (DVO), Apprehended Violence Orders (AVO), Apprehended Domestic Violence Orders (ADVO), Apprehended Personnel Violence Orders (APVO), Intervention Orders (IO), Family Violence Intervention Orders (FVIO), Personel Safety Intervention Orders (PSIO), Violence Restraining Orders (VRO), Misconduct Restraining Orders (MRO), Personnel Protection Orders (PPO), Family Violence Order (FVO), Police Family Violence Orders (PFVO) or other similar terms. A PO includes an interim or provisional order. A PO also includes any voluntary undertakings (for example, to a court or to Police) given by a person which has similar restricting effect to that of a formally imposed PO. Orders can act as a restraint to the future conduct of a person, and standard conditions mandate that a person does not commit domestic violence, or refrains from committing family violence against an aggrieved person. Orders can also include the restriction of a person from contacting, or approaching the aggrieved person, and preventing a person from coming within a specified distance in relation to the victim’s home, place of employment, or the school of a child.

Provision is a condition or stipulation formally incorporated in a framework document.

Provisional in relation to appointment, enlistment or promotion indicates that a member must meet a stipulated condition or conditions within a specified time frame or face termination or rank reduction as appropriate.

Reasonable suspicion is where there is a suspicion, based on facts which, objectively seen by a reasonable person, is sufficient to give rise to an apprehension of the suspected matter.

Responsible third party is a person or body other than a parent who owes a duty of care, has supervisory responsibility, or otherwise has a role in protecting the interests or ensuring the welfare of a Defence member under 18. This may include charitable organisations.

Referendum refers to an event in which the Australian people at Federal or State and Territory level vote for or against a law that deals with a specific issue.

Redundancy means that Defence no longer requires the work or job to be performed by anyone because of changes in the requirements of Defence.

Referee sample in relation to a prohibited substances test, is a portion of the original sample which has been decanted or placed into a separate container, sealed at the
point of collection, subsequently transported and securely stored at the accredited laboratory for analysis in the event of any disputed result(s).

Rehabilitation is a key component for facilitating the return of a Defence member to full employability in their employment group as soon as is practicable after injury or illness.

Relevant Defence service, as it relates to citizenship, is a Defence member who, in accordance with the Australian Citizenship Act 2007, Section 23, is eligible for Australian citizenship if:

a. the person has undertaken a total of at least 90 days service in one or more of the Permanent Forces (whether or not that service was continuous); or

b. the person has undertaken a total of at least 90 days service on which he or she was required for, and attended and was entitled to be paid for, duty in one or more of the Reserves (whether or not that service was continuous); or

c. the person:

   (1) was discharged from service undertaken in one of the Permanent Forces or the Reserves as medically unfit for that service

   (2) became so unfit because of service undertaken in any of the Permanent Forces or the Reserves.

Religion is generally regarded as a set of beliefs and practices, usually involving acknowledgment of a divine or higher being or power, by which individuals and communities order the conduct of their lives both practically and in a moral sense.

Reserve Assistance Program (RAP) is a program that provides Reserve members and their families with professional counselling advice through a contracted service provider.

Reserve Member (Reservist) is a person who is a member of the Reserve Force, or Service Category (SERCAT) 2, 3, 4 or 5.

Reserve Service Days (RSD) means a day (or part-day) that a member of the Reserves is entitled to and paid a daily rate of salary. The service must be part of their authorised duty commitment.

Resignation means a member who has approval to voluntarily reduce their period of service and cease all form of service with the ADF.

Respondent, as it relates to Protection Orders, is the person named in a Protection Order whose actions are being restricted or limited. In some States or Territories a respondent may be referred to as the defendant.

Responsible Gambling means the provision of a gambling activity in a way that seeks to minimise harm to Defence personnel and the associated community. This includes being aware of the signs of problem gambling, and intervention and support services available to Defence personnel.
Return of Service Obligation (ROSO) means a period of service that a Defence member must serve as a consequence of receiving specified training, education, experience or undertaking special duties. Also known as a Covered Period of Service.

Safety Critical Area is a work environment assessed as having an increased risk to the physical safety of Defence members or members of the public or where decisions affecting safety or key operational decisions are made.

Sample for the purpose of the Prohibited Substance Testing Program means a portion or aliquot from the specimen, on which the test or assay is actually carried out.

Senior Non-commissioned Officer is an enlisted Defence member of the rank Sergeant (E) or above (rank code of E-06 to E-10). See also ‘Warrant Officer’ and ‘Service Warrant Officer’.

Sensitive information is defined in Section 6(1) of the Privacy Act 1988 as:

a. ‘information or an opinion about an individual’s:
   (1) racial or ethnic origin or
   (2) political opinions or
   (3) membership of a political association or
   (4) religious beliefs or affiliations or
   (5) philosophical beliefs or
   (6) membership of a professional or trade association or
   (7) membership of a trade union or
   (8) sexual preferences or practices or
   (9) criminal record or
   (10) that is also personal information or

b. health information about an individual or

c. genetic information about an individual that is not otherwise health information or

d. biometric information that is to be used for the purpose of automatic biometric verification or biometric identification or

e. biometric templates’.

Separation is an omnibus term that can mean either termination or resignation. It may also be used within a specific context such as transfer from the Permanent Force to the Reserves or another Service—that is, Permanent Force separation,
transfer within a category of the Reserves—that is, category separation rate or a transfer from an employment category—that is, employment category separation rate.

**Service Category (SERCAT)** groups members into like service arrangements that share mutual obligations and conditions of service. All members are categorised in a single SERCAT at all times, and a SERCAT may be combined with a Service Option (SERVOP).

**Service Chief** means the Chief of Navy, the Chief of Army, the Chief of Air Force.

**Service land** means land (including buildings or other structures) used or occupied by:

a. the ADF
b. an allied force or an institution of the ADF or of an allied force
c. Service land does not include a Service Residence.

**Service obligations** are used to collectively refer to either a ROSO or an IMPS.

**Service Option (SERVOP)** provides the Services with the means of grouping members who provide capabilities where differentiated arrangements are required. These differentiated arrangements could include entry standards, skill sets, remuneration, duty patterns or any other conditions that may be approved by a Service Chief, in addition to those invoked by the SERCAT. A SERVOP may be applicable to more than one SERCAT and must not be used in isolation of a SERCAT.

**Service property** means a vessel, vehicle, aircraft, land (including buildings or other structures) used or occupied by:

a. The ADF
b. an allied force or an institution of the ADF or of an allied force
c. Service property does not include an ADF Service Residence.

**Services** means the three arms within the ADF—Australian Navy, Australian Army and Australian Air Force.

**Service Residence** mean living accommodation situated within a Defence establishment or under the management of Defence Housing Authority and provide for the exclusive residential use of a Defence member or a Defence member and their family.

**Service Spectrum** comprises of full-time and a range of part-time service arrangements across the Permanent and Reserve components, as well as APS in direct support of ADF operations. The service arrangements are described in terms of SERCATs and SERVOPs.
Service Spectrum Options Generator (SSOG) is a tri-Service decision support tool designed to allow workforce managers to identify options for filling positions in order to meet their Service’s capability needs.

Service Warrant Officers

a. **Navy.** The Warrant Officer of the Navy (WO-N) is a Service Warrant Officer, E10, and a member of the Permanent Force (Royal Australian Navy). Generically, the Warrant Officer of the Navy is an enlisted member and a Warrant Officer where the term Warrant Officer is taken to include the Warrant Officer of the Navy (E10) and Warrant Officers (E09). For the purposes of policy and unless there is specific policy for a Service Warrant Officer, WO-N should be considered a Warrant Officer or enlisted member as appropriate.

b. **Army.** The Regimental Sergeant Major of the Army (RSM–A) is a Service Warrant Officer, E10, and a member of the Permanent Force (Australian Regular Army). Generically, RSM–A is an enlisted member and a Warrant Officer where the term Warrant Officer is taken to include the Regimental Sergeant Major of the Army (E10), Warrant Officer Class 1 (E09) and Warrant Officer Class 2 (E08). For the purposes of policy and unless there is specific policy for a Service Warrant Officer, RSM–A should be considered a Warrant Officer, a Warrant Officer Class 1, or enlisted member as appropriate.

c. **Air Force.** The Warrant Officer of the Air Force (WOFF–AF) is a Service Warrant Officer, E10, and a member of the Permanent Air Force. Generically, WOFF–AF is an enlisted member and a Warrant Officer where the term Warrant Officer is taken to include the WOFF–AF (E10) and Warrant Officers (E09). For the purposes of policy and unless there is specific policy for a Service Warrant Officer, WOFF–AF should simply be considered a Warrant Officer.

**Short-term harm,** as it relates to alcohol policy, means the risk or occurrence of alcohol related injury as a result of drinking more than four standard drinks on any single occasion.

**Single Service Defence Instruction.** An instruction that applies to Defence members under the command of the issuing Service Chief, regardless of which Group or Service they are working in and to Defence APS employees working in that Service. Amendments to the *Defence Act 1903*, that came into effect on 1 July 2016, removed the authority of the Service Chiefs to issue or amend single Service Defence Instructions. Existing Single Service Defence Instructions will cease to have effect on 31 December 2017.

**Social harm** means harm resulting from violence, vandalism, public disorder, family and other interpersonal problems, financial problems and educational difficulties.

**Sponsoring Authority** is the commander or manager responsible for both the request for a publicly funded passport and the confirmation of the identity of the applicant and their employment with Defence.
**Spouse** has the same meaning as Partner.

**Stands in the position of** has been used in the definitions of closest living relative and immediate family member to acknowledge that Defence members may have kin-like relationships representative of the parent-child/child-parent style relationship with an individual who may not necessarily be related to that person.

**Specimen** is a biological medium authorised by the CDF collected from the test member under authorisation of Form AD 400.

**Substantive rank** is the rank to which a member is appointed, enlisted, or promoted pursuant to subsections 12(1)(a), 12(1)(b) and 13(1)(a) of the Defence Regulation 2016. As such, the granting of honorary rank (Sections 31 and 32 of the Regulation) or a direction to act at a higher rank (subsection 13(1)(b)) does not alter a member’s substantive rank.

**Supervisor** means Defence personnel or contractors who have direct or line supervisory responsibilities for Defence personnel.

**Standby Reserve** (SERCAT 2) means a part of the Reserves comprising of members with prior ADF service who do not render service and have no service obligation.

**Termination of service** usually means the involuntary end of a period of service which has the effect of ending all forms of ADF service.

**Test member** means a Defence person who is to provide or has provided a sample to be assessed for the presence of prohibited substances or prohibited substance metabolites.

**Testing year** for the purpose of the ADF prohibited Substance Testing Program means the financial year.

**Trained force** comprises Defence members who have completed their initial recruit/officer training and initial employment training and are required to be ready in accordance with their respective single-Service individual readiness requirements.

**Tri-Service PSTP Coordinator** is the appointment, within the Directorate of Military Personnel Policy (DMPP), responsible for all PSTP policy issues relating to the ADF.

**Total Workforce Model (TWM)** means the tri-Service people management framework made up of several component parts including a structure, systems, and service offer. The structural component known as the Service Spectrum is at the core of the TWM.

**TWM Component** means those elements that support the TWM in operation. They include ForceNet (and enabling technologies), Transfer, Career Management and the Defence Employment Offer.

**Unprotected Continuous Fulltime Service (CFTS)** means voluntary CFTS rendered without the protections of the Defence Reserve Service (Protection) Act 2001, Section 12 because it has not been designated as protected service by the relevant Service Chief.
Urinalysis Program (UP) is a Navy program where periodic Prohibited Substance Testing is carried out on Defence personnel who have previously been involved with prohibited substance use but have been retained in Defence.

Use of prohibited substances is when a Defence person administers, or causes, or permits a prohibited substance to be administered.

Vessel means any RAN vessel or boat belonging to the Commonwealth of Australia.

Vessel under way means that a vessel is not at anchor, or made fast to the shore or aground.

Visa is official approval for entry into the country concerned and for a period and purpose subject to the conditions detailed in the visa.

Voluntary Unpaid Attendance (VUA) means approved attendance by a Reservist on an unpaid basis at an activity that does not directly contribute to ADF capability or objectives, and does not count as effective service.

Voluntary Unpaid Duty (VUD) means approved duty performed by a Reservist on an unpaid basis that may count as effective service.

Vulnerability, as it relates to youth policy, is a young person’s susceptibility to injury or attack, due to an inability to appreciate risk. Such injuries or attacks may take many forms, from physical to emotional and psychological. Vulnerability of Defence members under 18 may be related to the following factors:

a. Age—in general terms, the level of vulnerability reduces as age increases, with a Defence member under 18 representing the highest level of vulnerability.

b. Gender—a level of vulnerability will exist when the relative proportion of one gender within a group is significantly less than the other.

c. Life experience—life experience informs an individual’s ability to manage undesirable or potentially threatening situations. School leavers can generally have limited life experience and therefore have a higher level of vulnerability.

d. Rank—in general terms, the level of vulnerability reduces as rank increases.

Warrant Officer is an enlisted member of the rank of Warrant Officer and rank code E09 and E10 in each of the Services and includes ‘Service Warrant Officer’. In Army, the term Warrant Officer also includes Warrant Officer Class 2 (E08).

Weapon means an offensive or defensive instrument of combat used to destroy, injure, defeat or threaten persons and includes a firearm, ammunition, bomb, explosives or other dangerous goods.

Weapons Protection Order means a Protection Order that limits or restrains access to, possession or use of a weapon and includes cancellation, suspension or refusal of a weapon licence, permit, registration, or any similar authorisation, or orders the confiscation or disposal of a weapon.
Workplace Disability Report (WDR). The WDR is a statement by a Commanding Officer concerning a Defence member who is undergoing a MECRB. The WDR provides comment on the ability of the Defence member to perform their duties and provides recommendations in regard to future employment of the Defence member. For Defence members employed in non-Service programs the member’s Director or equivalent should complete the WDR.

Workforce Financial Decision Support Tool (WFDST) is a tool that provides an understanding of relative financial impact associated with implementing different workforce options identified by using the Service Spectrum Options Generator (SSOG).

Youth inappropriate materials refers to restricted or extra sale control materials, including, but not limited to, internet, literature, CDs, videos, posters and computer games. Items that contain content that is not appropriate for young people under the age of 18 and/or items which contain content which is illegal to provide or sell to young people under the age of 18.

Youth safety incident is any event or occurrence involving a disclosure, allegation, suspicion or observation of abuse or neglect perpetrated on either an individual Defence member under 18 or a group of Defence members under 18. It could be a disclosure from a Defence member under 18, an allegation from an adult and/or observed behaviour that may have breached the Defence youth safety framework or code of conduct in accordance with existing Defence procedures.
CHAPTER 4

MILITARY PERSONNEL POLICY MANUAL PRIVACY NOTICE

INTRODUCTION

4.1 Defence is subject to the Privacy Act 1988 and to the Australian Privacy Principles (APP) contained in the Privacy Act. The APP set out how APP entities should collect, store, use and disclose personal information and how people can access records containing their personal information.

POLICY STATEMENT

4.2 Defence is committed to protecting the privacy of Defence personnel.

DEFINITIONS

4.3 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout MILPERSMAN. The following definitions apply to this chapter:

a. Personal information is defined in subsection 6(1) of the Privacy Act 1988 as:

   ‘information or an opinion about an identified individual, or an individual who is reasonably identifiable:

   (1) whether the information or opinion is true or not and
   (2) whether the information or opinion is recorded in a material form or not.’

b. Sensitive information is defined in subsection 6(1) of the Privacy Act 1988 as:

   (1) ‘information or an opinion about an individual’s:

   (a) racial or ethnic origin or
   (b) political opinions or
   (c) membership of a political association or
   (d) religious beliefs or affiliations or
   (e) philosophical beliefs or
   (f) membership of a professional or trade association or
   (g) membership of a trade union or
   (h) sexual preferences or practices or
   (i) criminal record or
(j) that is also personal information or

(2) health information about an individual or

(3) genetic information about an individual that is not otherwise health information or

(4) biometric information that is to be used for the purpose of automatic biometric verification or biometric identification or

(5) biometric templates’.

c. Personal information that is ‘sensitive information’ attracts more stringent requirements for release in accordance with APP 6.2(a)(i).

SCOPE AND APPLICABILITY OF THIS CHAPTER

4.4 This Privacy statement explains the purpose for which Defence collects personal information about individual Defence members, individuals seeking to join Defence and former members, how the personal information is used and under what circumstances personal information is disclosed. It applies to all personal information provided to or collected by Defence in relation to the policies contained within this manual.

4.5 This Privacy statement does not affect the obligations of confidentiality applicable to Defence health professionals in their management of their patients’ health information.

4.6 This chapter is applicable to all Defence personnel - and where it is a term of their contract - contractors, consultants and outsourced service providers.

PRIVACY STATEMENT

COLLECTION AND USE OF PERSONAL INFORMATION

4.7 Defence collects personal information in relation to MILPERSMAN policies to assist in the recruitment of Defence members and then throughout their careers through to separation, for the purposes of administration, training and career management of Defence members. This information is primarily used for the purpose of management and administration of Defence members under the Defence Act 1903, Defence Reserve Service (Protection) Act 2001, Defence Force Discipline Act 1982 (DFDA), Public Interest Disclosure Act 2014, Defence Housing Act 1987, regulations made under those Acts, including the Defence Regulation 2016, and Defence Instructions (General) which are supplemented by relevant policies and Instructions.

4.8 The use of personal information includes, but is not limited to:

a. career management and operational decision making processes for enlistment and appointment, transfer, postings, exchanges, operations and separations

b. performance management and selection processes for promotion
c. training and recognition of prior training
d. management of warnings, censures and underperformance
e. administration of certain honours and awards
f. administration of identity tags, licences, passports, visas and access to weapons
g. consideration of medical information relating to career management and operational decision processes
h. workers’ compensation claims administration, rehabilitation management and/or case management of injured or ill Defence members pursuant to the Military Rehabilitation and Compensation Act 2004, Veterans Entitlement Act 1986 and Safety Rehabilitation and Compensation Act 1988.

4.9 Defence may also use and disclose the personal information it collects for the purpose of:

a. initiating and undertaking inquiries in accordance with Defence administrative procedures or the Defence (Inquiry) Regulations 1985, into matters associated with or coincidental to, decisions and actions taken or to be undertaken in accordance with the MILPERSMAN
b. reviewing decisions or actions under Defence Regulation 2016, Part 7—Redress of Grievances
c. maintaining military discipline under the DFDA
d. assessing suitability for security clearances and other requirements of the Defence Security Manual (DSM)
e. support to reviews such as the Defence Abuse Response Task Force, Royal Commissions etc.

4.10 Defence may collect personal information about Defence members in relation to policies contained in the MILPERSMAN over the telephone, from information provided by the Defence member on forms, via correspondence (whether by letter, fax or email), electronic means or in person. Defence also collects personal information about individuals from the member's chain of command and line management. There may be occasions when Defence seeks relevant personal information from a third party, for example:

a. other Government agencies (including Federal, State and Territory Agencies) including law enforcement agencies and
b. medical practitioners, hospitals or other health service providers.
DISCLOSURE OF PERSONAL INFORMATION

4.11 When appropriate, Defence may disclose personal information collected in connection with a decision made or action taken in relation to MILPERSMAN policies to:

a. Department of Veterans’ Affairs
b. Commonwealth Superannuation Corporation
c. Department of Foreign Affairs and Trade
d. Department of Immigration and Border Protection
e. Defence Reserve Association
f. Defence Housing Australia
g. contracted relocation service providers
h. contracted training providers, or
i. contracted recruiting agencies.

4.12 Where Defence engages contractors, consultants or outsourced service providers in support of administrative or personnel functions such as training, recruiting or removals, they may use the personal information relevant to the issue to provide the contracted service.

4.13 Access to personal information is restricted to personnel who have a need to access the information for purposes which are reasonably necessary for, or directly related to, Defence’s functions or activities.

4.14 Disclosures overseas. Defence may be required to disclose a Defence member’s personal information to foreign government departments and recipients outside of Australia for the purpose of facilitating overseas postings, exchanges, deployments and operational exercises and visits.

STORAGE OF PERSONAL INFORMATION

4.15 Where Defence collects personal information in connection with MILPERSMAN policies, it may store the personal information as hardcopy documents or as electronic data, including data that is stored on virtual servers (also known as Cloud storage).

4.16 Defence protects personal information in accordance with policy laid out in the DSM in order to protect it against loss, unauthorised access, use and disclosure, modification and misuse. Protective measures include password protections, access privileges, secured cabinets/containers and physical access restrictions.

4.17 Defence regularly conducts system audits and staff training to ensure that it adheres to its established protective and information security practices.
CONSEQUENCES FOR THE NON-PROVISION OF PERSONAL INFORMATION

4.18 If all relevant personal information is not provided when requested for the purpose of making a decision or taking an action in accordance with the MILPERSMAN, Defence may not be able to accurately assess the circumstances in order to make the best decision available. This may adversely affect the member’s career, safety and the safety of others, financial and non-financial conditions of service and Defence’s operational capability.

4.19 Providing false or misleading information may also result in administrative, disciplinary or criminal action being taken.

ACCESS AND SEEKING CORRECTION OF YOUR PERSONAL INFORMATION

4.20 Everyone has a right to request access, or seek correction to, their personal information (including that personal information collected in connection with MILPERSMAN policies) held by Defence that relates to them.

4.21 The Defence Privacy Policy provides the following:

a. information about how a Defence member can obtain personal information held by Defence

b. how that information can be accessed or corrected; and

c. how to submit a complaint if the Defence member is of the view that their privacy has been breached.

RELATED MANUAL CHAPTERS

4.22 MILPERSMAN Part 3, Chapter 5—Disclosure of Certain Personal Information to the Department of Veterans’ Affairs and Commonwealth Superannuation Corporation

RELATED LEGISLATION AND PUBLICATIONS

Privacy Act 1988

Public Interest Disclosure Act 2014

Australian Privacy Principles

Defence Privacy Policy

Defence Health Manual, Volume 1, Part 3, Chapter 1—Privacy of Health Information in Defence

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CHAPTER 5
DELEGATIONS

INTRODUCTION

5.1 Powers to make decisions affecting Defence members are vested with the Chief of Defence Force (CDF). CDF’s powers are derived either as command powers flowing from the *Defence Act 1903 (the Act)* or regulated powers under the *Defence Regulation 2016*. CDF may delegate his or her powers or functions to a member of the Defence Force or a Defence Australian Public Service employee in accordance with *the Act* or *Defence Regulation 2016* in order to give effect to decision making.

5.2 Delegations are revoked and re-issued as the need arises. There is no requirement to revoke and re-issue delegations on the change of an authority. The central management, promulgation and notification of changes to Instruments of Delegation are focused to achieve a consistent approach across the Services and ensure the legitimacy of decisions made by the person exercising their delegation.

POLICY STATEMENT

5.3 The CDF may delegate powers associated with the appointment, enlistment, promotion, transfer, change in the period of service and other regulations detailed in *Parts 3, 4 and 5 of the Defence Regulation 2016* and *Parts III and VIII A of the Defence Act 1903* to meet Service requirements and capability outcomes.

5.4 The CDF may also authorise powers in relation to other matters of personnel management that are not specifically regulated in *Defence Regulation 2016* under the *Part II Section 9 of the Defence Act 1903* as a command authority.

5.5 The power to establish subordinate decision makers is drawn from *Defence Act 1903, Defence Reserve Service (Protection) Act 2001, Defence Force Discipline Act 1982*, regulations made under those Acts including the *Defence Regulation 2016* and Defence Instructions. These are supplemented by the Defence or relevant single Service policy documents.

DEFINITIONS

5.6 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—*Military Personnel Policy Manual Glossary* contains terms and definitions used throughout this chapter.

PRECEDENCE OF LEGISLATION, REGULATIONS AND POLICY

5.7 The precedence of legislation and regulations in relation to personnel management of Defence members is as follows:

a. the *Defence Act 1903*

b. *Defence Regulation 2016*
c. Defence Instructions

d. Administrative policy manuals (eg MILPERSMAN, Defence Health Manual (DHM))

e. Service Chief directives

f. Service Manuals

g. Commanders’ directives and orders.

5.8 Where there is an inconsistency in a power or delegation made by the Defence Act 1903, the Defence Regulation 2016 and other instructions and policies, the Defence Act 1903, as primary legislation takes precedence. Where an inconsistency occurs, Defence People Group (Directorate of Military Personnel Policy (DMPP)) is to be made aware of the inconsistency and DMPP will initiate the appropriate corrective action.

MANAGEMENT OF DELEGATIONS

5.9 The management of personnel delegations is critical to ensure the legitimacy of decisions made by the person exercising their delegation. Instruments of Delegation may be raised or changed:

a. where a new policy is introduced that is not covered by the existing delegations

b. where the existing delegations are inadequate for the effective management of a Service or

c. when there is a change to the delegate’s position or an organisation change.

5.10 Defence People Group is responsible for initiating the formal process to change personnel delegations relating to Parts 3, 4 and 5 of Defence Regulation 2016 and Parts III and VIIA of the Defence Act 1903, and maintaining the associated delegation schedules.

DELEGATION SCHEDULES

5.11 Delegation Schedules detail the authority from where the power is drawn, the power, the decision maker(s) (generally given to an appointment vice a named individual), and any limitations to the delegation. Each Service is to advise DMPP of the currency of its schedules.

5.12 The CDF’s schedule of personnel-related delegations is located on the Pay and Conditions website.

GUIDANCE FOR DECISION MAKERS

5.13 In delegations made under the Defence Act 1903 and Defence Regulation 2016, mention of a person by designation of their office includes every person who, at any time, holds, occupies, or performs the duties of a specified office or position. This is to apply to any situation involving permanent or an acting
appointment. The scope of a decision maker’s power is determined by reference to the Instrument of Delegation and the legislation (the Defence Act 1903, Defence Regulation 2016).

LIMITATIONS AND RESTRICTIONS

5.14 The decision maker must exercise the power granted to them personally and cannot delegate the power to another person unless provided for by the legislation. The decision maker may seek advice (including legal advice) before making a decision but ultimately the decision must be their own. They should not act under a direction on how to decide a particular case and must exercise independent and impartial judgement in relation to any particular matter. The decision maker must make decisions within the power granted to them and for a proper purpose.

ARCHIVAL ACTION

5.15 Decision makers decisions are made at a point in time that relate to a person fulfilling the role of the decision makers position. Decisions made by decision makers may be considered many years after the decision was made. Under the Freedom of Information Act 1982, records relating to a delegate’s decision may be requested by individuals seeking to research a past decision. It is essential that records relating to Instruments of Delegation and personnel holding delegate positions are captured and maintained in accordance with Records Management Policy Manual.

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CHAPTER 1

INHERENT REQUIREMENTS OF SERVICE IN THE AUSTRALIAN DEFENCE FORCE

INTRODUCTION
1.1 Defence’s mission is to defend Australia and its national interests. This requires Defence to maintain an operationally capable force with high levels of fitness, commitment, efficiency and discipline among members of the Australian Defence Force (ADF).

POLICY STATEMENT
1.2 To enable Defence to maintain an operationally capable force, Defence members are required to meet and maintain certain inherent requirements of service.

SCOPE
1.3 This chapter is applicable to all Defence members.

DEFINITIONS
1.4 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this chapter.

ROLES AND RESPONSIBILITIES
1.5 The Defence Force Recruiting Centre, Area Managers and Commanders of training units are responsible for ensuring that candidates for enlistment or appointment and initial trainees are fully aware of the requirements of Defence service, as detailed in this chapter.

REQUIREMENTS OF SERVICE
1.6 Subsection 12(3) of the Defence Regulation 2016 requires that, before a person is appointed or enlisted, consideration must be given to whether the person is a fit and proper person. In addition to the requirements of this chapter, a Service Chief may prescribe additional requirements as they pertain to the skills, qualifications and experience necessary to render service in the employment category to which a person is to be appointed or enlisted. Further information on arrangements for service is provided in MILPERSMAN, Part 2, Chapter 3—Appointment and enlistment in the Australian Defence Force.

1.7 The requirements of service, as detailed in this chapter, address the following areas:

a. citizenship
b. service obligations
c. command and discipline
d. workplace behaviour
e. unrestricted service
f. regulation of lifestyle

g. dress and grooming standards

h. employment opportunity

i. individual readiness

j. medical and physical fitness

k. military and trade skills

l. postings and deployments

m. operational service

n. employment and voluntary activities in off-duty hours

o. political activities.

CITIZENSHIP

1.8 Defence policy requires individuals joining the ADF to be Australian citizens. This fundamental national identity represents the full and formal membership of the wider community and demonstrates an enduring commitment to, and long-term stake in, the future of Australia.

1.9 Permanent residents who are not Australian citizens may be eligible for provisional entry to the ADF either through being appointed or enlisted as overseas lateral recruit or where Defence is satisfied that the applicant clearly intends to become an Australian citizen. Non-citizens are required to satisfy the provisional entry requirements and selection criteria of the appropriate single-Service and all other eligibility requirements including educational, medical, psychological, and security clearances.

1.10 Defence members are required to maintain their Australian citizenship or their service may be terminated in accordance with the Defence Regulation 2016. The Defence member is responsible for notifying their relevant Career Management Agency if any circumstance arises whereby the member sees the need to relinquish, or intends to renounce, their Australian citizenship. Additional guidance is provided in MILPERSMAN, Part 2, Chapter 2—Citizenship Requirements for Entry to and Service in the Australian Defence Force.

SERVICE OBLIGATIONS

1.11 There are two different types of service obligation that may be imposed as a condition of appointment or enlistment by a delegate; an Initial Minimum Period of Service (IMPS) or a Return of Service Obligation (ROSO). Additional information in relation to IMPS and ROSO can be found in the Defence Regulation 2016, Section 25 and MILPERSMAN, Part 2, Chapter 4—Service Obligations.

1.12 Reserve obligation. Defence members are compulsorily transferred to the Reserves at the end of their period of service subject to the exceptions outlined in MILPERSMAN, Part 2, Chapter 3—Appointment and enlistment in the Australian Defence Force.

1.13 Defence members who wish to bring forward the end date for their period of service are to make an application in accordance with Defence Regulation 2016, Section 18 and MILPERSMAN, Part 10, Chapter 1—Permanent Defence Member’s Notification of Intention to Resign or Transfer to the Reserves.
COMMAND AND DISCIPLINE

1.14 Defence members are subject to the provisions of the Defence Act 1903, the Defence Force Discipline Act 1982 (DFDA) and the Defence Regulation 2016. The Chief of the Defence Force maintains command of the ADF in accordance with Section 9 of the Defence Act 1903. Command is a purely military concept which lies at the very heart of the military profession and is central to success in battle. It includes authority and responsibility for using available human and material resources, extending to the responsibility for health, welfare, morale and discipline. Accordingly, Defence members are bound to follow all lawful commands which may be given at any time and which could involve considerable risk to life.

Defence members are subject to military discipline law in addition to civilian law. The military discipline system has its own Service tribunals for the prosecution of offences under the DFDA. These processes are designed to deal with offences that substantially affect the maintenance of Service discipline in the ADF. Defence members are subject to civilian criminal law and remain liable to prosecution in civilian courts in respect of such offences. Criminal offences or other illegal activities may be referred to civil authorities, such as the police. Additional guidance on discipline law is provided in Australian Defence Force Publication 06.1.1—Discipline Law Manual, Volume 3—Summary Authority and Discipline Officer Proceedings.

1.15 Under the DFDA, failure to comply with any of the provisions contained in general orders is an offence and may be enforced with respect to the functioning or operation of a particular part or area of the ADF. Such orders could require members to live, work and operate anywhere in Australia or overseas at short notice.

1.16 Defence members whose posting or duties place them under the supervision of a Defence employee are required to comply with all lawful and reasonable directions given by their supervisor that relate to the carrying out of those functions and duties falling within the responsibility of that Defence employee in accordance with DI ADMINPOL Annex I, PPL1—Authority in an integrated Defence Workplace.

WORKPLACE BEHAVIOUR

1.17 Defence aims to be an inclusive and progressive organisation that maximises capability through capitalising on a diverse workforce. Workplace behaviour is a key element to achieving this aim. During their career, Defence members will, invariably, work in integrated and diverse environments that include members of other Defence Services, Defence employees, external service providers and the general community. Working in such an integrated and diverse environment places obligations on Defence members to conduct themselves appropriately. This obligation applies equally to all Defence employees. Everyone in Defence is to be treated with respect, fairness and without harassment.

1.18 The rule of law underpins the way Australian society is governed and acts as a shaping influence on workplace behaviour, in particular as a constraint upon unacceptable behaviour. Defence members are to comply with the rule of law, and are accountable for their actions, required to make rational decisions and protect human rights whether it is in support of operations or in a non-operational setting. Values also underpin and help shape relationships and behaviour. Together, such values-based behaviour, which is embodied and reinforced within individual Service cultural reform programs, requires everyone to accept personal responsibility and accountability and to think clearly about the consequences of their actions.
1.19 At its centre is a recognition and acceptance of Defence’s cultural intent which sets out the organisation’s enduring cultural aspirations and which describes how Defence members should think about their work and behaviour towards others. Defence members found to have engaged in, contributed to, ignored, assisted, or personally encouraged unacceptable behaviour will be held personally responsible. The policy on dealing with matters of unacceptable behaviour is contained in interim DI PERS 35–3—Required behaviours in Defence.

1.20 Appropriate workplace behaviour also extends to ensuring Defence members take all reasonable and practical steps to protect the health and safety of themselves and others in the workplace and behave responsibly and ethically in regard to the use of Commonwealth resources. Additional guidance can be found in the Defence Safety Manual (SafetyMan).

1.21 Mandatory annual awareness training. Defence members are required to complete mandatory annual awareness training to ensure that they are aware of and understand their workplace responsibilities which include developing and maintaining a safe and secure work environment and behaving ethically at all times. Mandatory awareness training may also form part of a member’s individual readiness requirements as determined by single-Service polices.

UNRESTRICTED SERVICE

1.22 Defence members may be required to work long hours, shift work, irregular hours or a combination of these. Defence members do not have penalty rates or overtime as a condition of service. The payment of Service Allowance is intended to compensate the majority of Defence members for the special demands and exigencies of Service life. Notwithstanding, Defence members may need to work long and irregular hours if required for a specific purpose.

REGULATION OF LIFESTYLE

1.23 Defence expects its members to maintain the appropriate standards of behaviour normally expected of a professional military organisation. Such behaviours and standards accord with the high public expectations that tend to shape and influence the personal conduct and behaviour of Defence members while both on and off-duty. Military standards of appropriate behaviour may be more stringent than contemporary practices deemed acceptable in the broader community or under civil law.

1.24 Therefore, Defence members should ensure they are aware of extant policies, rules and regulations informing activities such as the use of social media, use of alcohol, non-medical use of drugs, indebtedness or other inappropriate behaviour. Additionally, there are circumstances when relationships between members may be considered inappropriate, and may be contrary to the inherent requirements of ADF service. Additional guidance on the spectrum of response is contained in MILPERSMAN, Part 9, Chapter 2—Formal Warnings and Censures in the Australian Defence Force.

1.25 Social media. Social media is defined within the Defence context as ‘digital tools that enable communication and sharing across the internet and which allow for the creation of user-generated content.’ Whereas an individual may believe they are acting in privacy or anonymity, such acts by a Defence member may not eliminate a possible/apparent or identified connection with the Defence organisation. Members
should consider carefully whether they should identify themselves, or be reasonably identifiable, as a member of Defence in any social media forum or setting.

1.26 The use of social media in official communications for public engagement as well as in private activities that pose a reputational risk to Defence and certain behaviour within a social media environment may result in administrative sanctions or charges being laid under the DFDA. Policy guidance on the use of social media is provided in the Defence Communication Manual (DCM), Chapter 3—Digital and Social Media.

1.27 Public comment. During the course of a Defence member’s service they may be required to make public or media comment. Defence members are to distinguish carefully between personal and official views in order to avoid any mistaken perception that personal comment is in fact an official comment. Defence’s policy on public comment and dissemination of official information is contained in the DCM, Chapter 2—Media Engagement and Public Comment.

1.28 Use of prohibited substances and compulsory testing. The ADF has a zero tolerance principle for the unlawful or inappropriate use of prohibited substances. Prohibited substance use or involvement undermines discipline, morale, organisational cohesion and security and can adversely affect the public image and reputation of Defence. Detection of the use of prohibited substances will result in action being taken under the ADF prohibited substance policy framework, which includes the compulsory Prohibited Substance Testing Program (PSTP) in the ADF, in accordance with MILPERSMAN, Part 4, Chapter 3—Management of the Use or Involvement with Prohibited Substances in the Australian Defence Force. Detection outside the PSTP may result in possible disciplinary action under the DFDA, administrative sanction or civilian criminal proceedings.

1.29 Use of alcohol. The ADF Alcohol Behaviour Expectations Statement outlines the organisational expectation for Defence members to set the benchmark standard for the use of alcohol and behave in a responsible, safe and respectful manner at all times. Alcohol management in the ADF aims to minimise alcohol-related harm and deals with the supply, availability and use of alcohol, including authorised alcohol testing in accordance with MILPERSMAN, Part 4, Chapter 2—Alcohol Testing in the Australian Defence Force.

1.30 Drunkenness and alcohol abuse is taken very seriously and may result in disciplinary action under the DFDA. Policy guidance is provided in MILPERSMAN, Part 4, Chapter 1—Alcohol Management in the Australian Defence Force.

1.31 Personal searches. Defence has an obligation to provide and maintain a safe and secure environment for the protection of its workforce along with its information, capabilities and assets. Defence members may periodically be subjected to consensual and non-consensual personal searches by military police personnel or appropriate security staff during the course of their service. This level of physical security environment aims to minimise risks to the efficient and effective performance of Defence’s goals and objectives. Such actions also complement the application and enforcement of other protective security measures in place across the wider Defence organisation. For more information refer to the Defence Security Manual (DSM), Part 2:63—Identification, Search and Seizure Regime.

1.32 Personal information. The Privacy Act 1988 governs the collection, recording, use and disclosure of personal information in Defence. Defence collects and records a broad range of information, including health-related information, about
Defence members. Such information is used by Defence to make a variety of Service-related decisions (including decisions about individual deployability and employability) affecting, or otherwise relating to, Defence members.

**DRESS AND GROOMING STANDARDS**

1.33 To allow for identification of its members, Defence promulgates specific dress and grooming standards. By wearing the uniform of their Service and by having the same general style of appearance, Defence members develop a sense of belonging to an organisation with long standing and proud traditions. Such a sentiment develops the required cohesion and morale necessary for the proper functioning of Defence. Well groomed members of Defence also help to promote a sense of confidence and pride in Australia’s armed forces across the wider Australian community.

1.34 Military dress and grooming regulations may or may not reflect community trends. Not all fashions in clothing, accoutrements and appearance will, however, be permissible for Defence members when on duty or in uniform. Equally, specific rules may be introduced for certain groups or in special areas to allow for operational, hygiene and safety requirements. The single-Service documents on uniform and dress standards are listed in the Related Legislation, Policy and Publications section of this chapter.

**EMPLOYMENT OPPORTUNITY**

1.35 Competitive selection for all roles and employment categories within the ADF may be based on merit irrespective of gender, age, sexual orientation, religion or culture, provided that individuals are capable of meeting all necessary requirements for their chosen role or employment category.

**RELIGION**

1.36 Defence is committed to enabling and ensuring appropriate religious ministry is provided, where possible, to all Defence members. Defence accepts the significance of religious faith in some people’s lives and upholds the freedom of religious practice as provided for in the Commonwealth, State and Territory legislation. Defence members are encouraged to pursue their own religious beliefs and practices in the context of Defence operational requirements. Commanders at all levels are to make every effort to allow members of any faith group to practice their faith according to their own particular religious observances, including the right of individuals not to follow any faith. All Defence members are to remain cognisant of the inherent service conditions of Defence and the military exemptions required of particular faith groups.

**INDIVIDUAL READINESS**

1.37 An inherent requirement of ADF service is that all Defence members maintain a base level of individual preparedness and be ready and able to deploy at short notice on operations or exercises. Defence members of all ranks are to accept a high level of personal responsibility to meet Individual Readiness (IR) standards in accordance with MILPERSMAN, Part 3, Chapter 1—Australian Defence Force Policy on Individual Readiness and as detailed in single-Service instructions.

1.38 Within the ADF, IR comprises the six components of availability, employment, weapons, medical, dental and physical fitness. Defence members
should refer to single-Service documents for additional guidance on Service specific compliance standards and IR requirements.

MEDICAL AND PHYSICAL FITNESS

1.39 A prescribed level of medical and physical fitness is a fundamental requirement for entry to and retention in Defence, since all members may be called upon to perform operational service, often at short notice. Refer to the Defence Health Manual (DHM), Volume 2, Part 5—Health Standards and Assessments for Entry and Transfer and the single-Service physical fitness instructions for additional information.

1.40 To be able to fulfil their duties, Defence members are required to undertake, to varying degrees, arduous training during initial entry courses and on an ongoing basis throughout their career. Those who cannot meet the required medical and fitness standards may not be able to perform their duties safely in a deployed or operational setting, placing themselves and others at risk, such that the operation/mission may be compromised. For these reasons, any injury, illness or other health condition permanently affecting fitness for duty may ultimately result in the necessity to change the member’s role or trade or terminate the member’s service.

1.41 Further guidance on medical and physical fitness standards can be found in MILPERSMAN, Part 3, Chapter 2—Australian Defence Force Medical Employment Classification System, DHM, Volume 2, Part 13—Rehabilitation and MILPERSMAN, Part 10, Chapter 2—Termination of Service in the Australian Defence Force.

MILITARY TRADE AND SKILLS

1.42 Throughout their career, Defence members are required to develop and maintain military skills as well as trade skills and professional qualifications applicable to their employment. Military skills include competency with weapons, combat proficiencies and drill and ceremonial procedures. Further information may be obtained from the relevant single-Service category/trade/mustering sponsors, or in the career management documents listed in the Related Legislation, Policy and Publications section of this chapter.

POSTINGS AND DEPLOYMENTS

1.43 Defence posts its members in order to fill vacancies and to rotate members through operational, staff and training appointments to develop their skills and experience. Such postings are not always possible within the same geographic area or an area or role of the member’s choosing. Accordingly, Defence members, and their families will normally experience numerous moves between different localities during their career. Such relocations can have a disruptive effect on family life, particularly in regard to a child’s education and the employment/career prospects for spouses/partners. Similarly, members of the Navy, Ship’s Army Detachments and members of the Amphibious Response Element will from time to time, be obliged to serve at sea, which can also have an effect on career, personal and family circumstances. For further information refer to MILPERSMAN, Part 6, Chapter 1—Australian Defence Force postings of Defence members and MILPERSMAN, Part 6, Chapter 2—Posting of Inter-service Couples in the Australian Defence Force.

1.44 Deployments of Defence members within Australia and overseas occur on a regular basis as part of Defence’s preparedness requirements to posture Defence for
a sustainable capacity to efficiently prepare and provide effective military options to meet Government's requirements. Such options include deployments in support of operational and peacekeeping missions, military exercises and wider Defence responses to humanitarian assistance and disaster relief activities. In many cases, members are required to move at short notice to areas that can only provide basic amenities. Such deployments can separate members from their families for long periods.

OPERATIONAL SERVICE

1.45 The defence of Australia means that all Defence members face the possibility of deploying to or near combat zones should hostilities occur.

1.46 As well as facing the possibility of service in hostile areas, Defence members participate in other forms of operational activities where a degree of personal risk still exists. Such duties include, but are not limited to, major exercises, search and rescue missions, regional disaster relief and humanitarian assistance activities.

1.47 While the degree of exposure to combat situations depends on a number of factors, Defence members may be called upon to engage in direct action against enemy forces. During peacetime, Defence is often called upon to deploy to unstable and unpredictable areas where the risk of violence is high. In such cases, Defence members may be required to engage in action to protect themselves and others. Defence members may also be called upon to operationally deploy as part of a multinational force under the auspices of the United Nations and not under direct command of Defence.

1.48 Further information on the employment of under age members is detailed in MILPERSMAN, Part 7, Chapter 2—Management and Administration of Australian Defence Members Under 18 Years of Age.

EMPLOYMENT AND VOLUNTARY ACTIVITIES IN OFF-DUTY HOURS

1.49 Defence members in the Permanent Forces are legally bound to render continuous full-time service. Defence members are therefore restricted in engaging in employment or voluntary activities in off-duty hours without prior approval from the appropriate authority in accordance with MILPERSMAN, Part 7, Chapter 4—Employment and Voluntary Activities of Australian Defence Force Members in Off Duty Hours. This restriction reinforces the primacy of the ADF’s right to the services of Defence members in the Permanent Forces. It is also designed to ensure that there is no actual or perceived conflict with their official duties or their performance as a Defence member.

1.50 Both the approver and the member seeking approval should be guided by the restrictions outlined in MILPERSMAN, Part 7, Chapter 4 as well as DI PERS 25–6—Conflicts of Interest and Declarations of Interests. The member is responsible for reporting to the appropriate authority any change in circumstances which might breach these restrictions.

POLITICAL ACTIVITIES

1.51 Defence members have a right to participate in the political life of Australia within acceptable limits of engagement in particular political activities. Restrictions on Defence members’ participation in political activities are necessary to ensure the
political neutrality of Defence and the ongoing ability of its members to properly serve
the Government of the day in the performance of their official duties.

1.52 Defence members are, without the permission of the appropriate authority, precluded from being nominated for election to a local Government body or accept an office in a local government body. Defence members who wish to contest an election are to apply to their Service Chief to resign or transfer to the Standby Reserve (Service Category 2) as applicable. Further information on political activities can be found in MILPERSMAN, Part 7, Chapter 5—Political Activities of Defence Personnel.

RELATED MANUAL CHAPTERS

MILPERSMAN, Part 1, Chapter 5—Military Personnel Policy Delegations

MILPERSMAN, Part 2, Chapter 2—Citizenship Requirements for Entry to and Service in the Australian Defence Force

MILPERSMAN, Part 2, Chapter 3—Engagement of Members of the Australian Defence Force Reserves to Render Continuous Full-Time Service

MILPERSMAN, Part 2, Chapter 4—Service Obligations

MILPERSMAN, Part 2, Chapter 5—ADF Total Workforce Model Service Spectrum

MILPERSMAN, Part 2, Chapter 7—Engagement of Members of the Australian Defence Force Reserves to Render Continuous Full-time Service

MILPERSMAN, Part 3, Chapter 1—Australian Defence Force Policy on Individual Readiness

MILPERSMAN, Part 3, Chapter 2—Australian Defence Force Medical Employment Classification System

MILPERSMAN, Part 4, Chapter 1—Alcohol Management in the Australian Defence Force

MILPERSMAN, Part 4, Chapter 2—Alcohol Testing in the Australian Defence Force

MILPERSMAN, Part 4, Chapter 3—Management of the Use or Involvement with Prohibited Substances in the Australian Defence Force

MILPERSMAN, Part 5, Chapter 3—Promotion, Acting Rank and Honorary Rank in the Australian Defence Force

MILPERSMAN, Part 6, Chapter 1—Australian Defence Force Posting of Defence Members

MILPERSMAN, Part 6, Chapter 2—Posting of Inter-Service Couples in the Australian Defence Force

MILPERSMAN, Part 6, Chapter 3—Employment of Immediate Family Members in the Same Chain of Command and/or Working Environment
MILPERSMAN, Part 6, Chapter 4—Transfer of Personnel Across the Service Spectrum

MILPERSMAN, Part 7, Chapter 2—Management and Administration of Australian Defence Force Members Under 18 Years of Age

MILPERSMAN, Part 7, Chapter 4—Employment and Voluntary Activities of Australian Defence Force Members in Off-duty Hours

MILPERSMAN, Part 7, Chapter 5—Political Activities of Defence Personnel

MILPERSMAN, Part 9, Chapter 2—Formal Warnings and Censures in the Australian Defence Force

MILPERSMAN, Part 9, Chapter 7—Reporting, Recording and Dealing with Civil Offences, Service and Civil Convictions and Diversionary Programs

MILPERSMAN, Part 10, Chapter 1—Permanent Defence Member’s Notification or Intention to Resign or Transfer to the Reserves

MILPERSMAN, Part 10, Chapter 2—Termination of Service in the Australian Defence Force

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Defense Act 1903

Defence Force Discipline Act 1982

Privacy Act 1988

Work Health and Safety Act 2011

Defence Regulation 2016

DI ADMINPOL Annex I, PPL1—Authority in an integrated Defence Workplace

Interim Defence Instruction ADMIN 45–2—Incident Reporting and Management

Defence Instruction PERS 25–6—Conflicts of Interest and Declarations of Interest

Interim Defence Instruction PERS 35–3—Required behaviours in Defence

Defence Instruction PERS 35–4—Reporting and Management of Sexual Misconduct Including Sexual Offences

Army Standing Instruction (Personnel)

ADF Pay and Conditions Manual

Army Dress Manual

Defence Communication Manual
 Defence Health Manual
 Defence Security Manual
 Defence Safety Manual (SafetyMan)
 Australian Air Publication 5135.003—Manual of Dress
 Australian Navy Publication 2110—RAN Career Management
 Australian Defence Force Publication 06.1.1—Discipline Law Manual, Volume 3—Summary Authority and Discipline Officer Proceedings

Sponsor: ASPPEC (DMPP)
CHAPTER 2

CITIZENSHIP REQUIREMENTS FOR ENTRY TO, AND SERVICE IN, THE AUSTRALIAN DEFENCE FORCE

INTRODUCTION

2.1 The Parliament of Australia recognises through the Australian Citizenship Act 2007, that Australian citizenship represents full and formal membership of the community of the Commonwealth of Australia. Australian citizenship is a common bond, involving reciprocal rights and obligations, uniting all Australians, while respecting their diversity. The Parliament recognises that persons conferred Australian citizenship enjoy these rights and undertake to accept the obligations below:

a. pledging loyalty to Australia and its people
b. sharing Australia’s democratic beliefs
c. respecting their rights and liberties
d. upholding and obeying the laws.

SCOPE

2.2 This chapter is applicable to all Defence members and sets out the process for persons, particularly non-Australian citizens, who wish to join the Australian Defence Force (ADF) stating the citizenship requirements for entry to and service in the ADF. It includes provisional entry requirements for specific cases.

POLICY STATEMENT

2.3 The Australian Government considers it appropriate for Defence members to be Australian citizens as a demonstration of their commitment to, and long-term stake in, the future of Australia.

DEFINITIONS

2.4 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this chapter.

ROLES AND RESPONSIBILITIES

2.5 The following individuals or organisations are responsible for Australian citizenship legislation, policy and citizenship requirements for entry to and service in the permanent and reserve elements of the ADF:

a. Department of Immigration and Border Protection (DIBP). DIBP is responsible for the administration of the Australian Citizenship Act 2007 which governs the conferral of Australian citizenship.
b. **Directorate of Military People Policy (DMPP)**. DMPP is responsible for developing and maintaining policy on the Australian citizenship requirements for entry to and service in the ADF.

c. **Defence Force Recruiting (DFR)**. For applications made through DFR, DFR is responsible for ensuring applicants meet the required permanent residency requirements prior to enlistment or appointment in the ADF.

   (1) **DFR applications made by non-citizens**. Where applicants are not Australian citizens at the time of appointment or enlistment and the Service Career Management Agency (CMA) agrees that the application should proceed (paragraph 2.5.d(1) refers) DFR is to:

      (a) ensure applicants are fully informed of the Australian citizenship requirements for service in the ADF before appointment or enlistment, and

      (b) ensure individual applicants complete Annex 2A.

   (2) **DFR approvals**. Where responsible for approving appointment or enlistment, DFR is responsible for:

      (a) confirming the relevant CMA is willing to accept the appointment of a non-citizen, and

      (b) ensuring that the instrument of appointment or enlistment stipulates that appointment/enlistment is conditional upon applying for Australian citizenship as prescribed in paragraph 2.11 and in Annex 2A.

d. **Career management agencies (CMA)**. For applications made directly to the Service CMA, CMAs are responsible for ensuring applicants meet the required permanent residency requirements prior to appointment or enlistment:

   (1) **CMA applications made by non-citizens**. Where applicants will not be Australian citizens at the time of appointment or enlistment, CMAs are to:

      (a) ensure applicants are fully informed of the Australian citizenship requirements for service in the ADF before appointment or enlistment, and

      (b) ensure applicants complete and submit Annex 2A.

   (2) **CMA approvals**. Where responsible for approving appointment or enlistment, CMAs are responsible for:

      (a) ensuring that the instrument of appointment or enlistment stipulates that appointment/enlistment is conditional upon applying for Australian citizenship as prescribed in paragraph 2.11 and in Annex 2A, and
(b) ensuring compliance with the conditions of the appointment/enlistment and initiating action where citizenship requirements are not met.

e. **Individual applicants/members.** Non-citizen applicants are to complete Annex 2A, to acknowledge their obligation to apply for Australian citizenship and possible effect of non-acceptance. After meeting the eligibility requirements, members must apply for Australian citizenship and provide the subsequent citizenship documentation, or evidence of a refused application, through their Commanding Officer (CO) to their CMA. Members must also report any subsequent changes to their citizenship status as required by paragraph 2.16.

f. **Commanding officers (COs).** COs are to ensure they notify the CMA of any changes to the citizenship status of Defence members under their command.

### AUSTRALIAN CITIZENSHIP LEGISLATION AND POLICY REFERENCES

2.6 *Part 2, Division 2* of the [Australian Citizenship Act 2007](https://www.legislation.gov.au/FDSView/AustLII/pga/2007/27/whole) details the eligibility requirements for a person to obtain Australian citizenship by conferral, including residency requirements and the pledge of commitment.

2.7 Further information relating to eligibility for Australian citizenship, residency and visa requirements (including the New Zealand special category visa) can be found on the [DIBP](https://www.dipt.gov.au/) website or by contacting DIBP on 131 881.

### AUSTRALIAN DEFENCE FORCE CITIZENSHIP POLICY REQUIREMENTS

2.8 Australian citizenship is a requirement for entry to and service in the ADF. Under certain circumstances non-citizens may be appointed or enlisted on a provisional basis as detailed in paragraphs 2.9 to 2.11. Failure to be granted, hold or to accept citizenship may result in the member’s service being terminated under [Defence Regulation 2016, subsection 24(d)](https://www.defence.gov.au/regulations/Defence-Regulation-2016).

2.9 **Provisional entry into the ADF.** Non-citizens may be appointed or enlisted provisionally into the ADF either as an overseas lateral applicant sponsored by Defence under a [Labour Agreement](https://www.dipt.gov.au/) with DIBP, or when the service CMA is satisfied that the applicant clearly intends to become an Australian citizen and the requirement for pre-existing Australian citizenship would unduly restrict the ADF’s ability to address a shortfall of potential applicants with particular skills.

2.10 A non-citizen who wishes to join the ADF must satisfy all eligibility requirements including educational, medical, psychological and security clearances. Some lateral applicants recruited under the [Labour Agreement](https://www.dipt.gov.au/) may not be able to satisfy the requirement to provide a declaration by someone who has known them for 12 months; however, in this case, DIBP have agreed to identity declarations being completed where the applicant has been known for at least three months.
2.11 Non-citizens seeking to enter the ADF must be permanent residents of Australia immediately prior to enlistment/appointment; and satisfy the individual provisional entry requirements and selection criteria of the applicable single-Service. Service in the ADF for non-citizens follows the provisions below:

a. Applicants who are non-citizens and not yet eligible to apply for citizenship may be enlisted or appointed provisionally, if they apply for citizenship as soon as they are eligible to do so. Applicants are to complete the form of undertaking and acknowledgement in Annex 2A, including option ‘A’. Failure to meet this condition and to subsequently gain Australian citizenship may result in the member’s service being terminated under Defence Regulation 2016, subsection 24(d).

b. Applicants who are non-citizens and who are eligible to apply for citizenship must do so before they become Defence members. Applicants must complete the form of acknowledgement in Annex 2A, including option B, and supply citizenship application evidence to DFR. Failure to gain Australian citizenship may result in the member’s service being terminated under the Defence Regulation 2016, subsection 24(d).

c. CMA is not to offer further service to serving Defence members beyond the expiration of their current period of service, unless they are Australian citizens.

2.12 Dual citizenship requirements. Dual citizenship, when held, must be declared on entry and recorded in PMKeyS. Dual citizenship applicants are also subject to the security clearance process as applied to all other personnel. Security clearances granted to non-citizens may be subject to restrictions on the level of information the member can access. Further information is available from the Defence Security Manual.

2.13 Evidence of permanent residency. The preferred method of confirming a visa status is by using the Visa Entitlement Verification Online (VEVO) system. VEVO allows organisations to verify the visa entitlement and status information of individuals. Permanent residency may be demonstrated by way of a visa or entry permit placed into a valid passport. The appearance of visa labels and entry permits can vary considerably. If there is any doubt as to the authenticity or nature of the stamp, DFR or CMAs are to obtain confirmation from a DIBP state or territory office via the Australian citizenship information line on 131 880.

2.14 Exemptions to the general residence requirement. The Australian Citizenship Act 2007 provides exemptions for Defence members (and recognised members of their family unit) from the general residence requirement and allows:

a. the conferral of citizenship to be brought forward if a member has completed ‘relevant Defence service’ (Section 23 of the Australian Citizenship Act 2007)

b. members of the Permanent Forces are to perform at least 90 days service before becoming eligible to apply for citizenship (subsection 23(4)(a) of the Australian Citizenship Act 2007)
c. Reservists to have undertaken a total of at least 90 days service on which he or she was required for, and attended and was entitled to be paid for, duty in one or more of the reserves (whether or not that service was continuous), before becoming eligible to apply for citizenship (subsection 23(4)(b) of the Australian Citizenship Act 2007).

2.15 Attendance is recorded and retained by the Military Pay Administration Centres who must provide confirmation to DIBP on request. Applications for citizenship should be made, at the latest, within three months of becoming eligible, and citizenship must be accepted when offered.

2.16 Maintenance of Australian citizenship. Defence members are to maintain their Australian citizenship. Should a member renounce or cease their Australian citizenship, the relevant Service CMA must be notified through the member’s CO. Failure to maintain Australian citizenship, or becoming a permanent resident in a country other than Australia, may result in the member’s service being terminated, under Defence Regulation 2016, subsection 24(d).

RELATED MANUAL CHAPTERS

MILPERSMAN, Part 2, Chapter 3—Appointment and Enlistment into the Australian Defence Force

MILPERSMAN, Part 6, Chapter 5—Transfer of personnel between the Services

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Australian Citizenship Act 2007

Migration Act 1958

Australian Book of Reference 10 – Chapter 20—Re-entry and lateral recruits

Australian Book of Reference 6289 – Chapter 4—Conditions or entry/transfer and service for officers

ADF Labour Agreement

Defence Instruction (Navy) PERS 61–7—Lateral recruitment in the Royal Australian Navy

Air Force Personnel Standing Instructions

ADFRI001 Citizenship identification requirement for entry into the ADF

ADFRI019 Enlistment and appointment

ADFRI031 Enquiries and applications from Australians living overseas, non-Australians, and people serving in military forces other than the ADF
ADF Pay and Conditions Manual (PACMAN)—14.3.13—Benefits if enlisted overseas

Defence Security Manual (DSM)

Annex:
2A  Form of undertaking and acknowledgement for non-citizens

Sponsor: ASPPEC (DMPP)
FORM OF UNDERTAKING AND ACKNOWLEDGEMENT FOR NON-CITIZENS

1. Under Section 23 of the Australian Citizenship Act 2007, a person who has completed at least 90 days service in one or more of the Permanent Forces is eligible to apply for Australian citizenship. In the case of reservists, a person is eligible to apply for Australian citizenship if they have undertaken at least 90 days service (whether continuous or not) on which they were required for, and attended and were entitled to be paid for, duty in one or more of the Reserves (subsection 23(4)(b) of the Australian Citizenship Act 2007). Complete option A or B below and sign all sections, as appropriate.

PRIVACY NOTICE

2. Defence collects your personal information for the purpose of making decisions related to your career/personnel management in the case that you do not apply for, or obtain Australian citizenship when required to do so. While providing the information on this form is voluntary, your application to become a Defence member may not proceed if you do not complete the form. Information about your application for citizenship or relevant defence service may be collected from and disclosed to the Department of Immigration and Border Protection for these purposes. Defence does not anticipate that information collected for these purposes will be provided to an overseas recipient. In the event that you are granted Australian citizenship, that you are Australian citizen may be provided to recipients in countries where you may be deployed, posted (including exchange postings), or otherwise travel for official purposes.

3. If you wish to seek access to personal information about you that Defence holds you should contact the Defence Privacy Officer or if you have any concerns about how Defence has handed your personal information, you may submit a complaint to the Defence Privacy Officer by emailing defence.privacy@defence.gov.au. The Defence Privacy Policy provides additional information in this regard and can be accessed via the Complaint Resolution website or, by contacting the Defence Privacy Officer at defence.privacy@defence.gov.au.
Option A

I _______________________________________________________________

Full Name: _______________________________________________________

hereby undertake to apply for Australian citizenship as soon as I am eligible to do so. I
acknowledge that if I fail to apply for Australian citizenship within three months of
becoming eligible, or if my application is not approved, or if I do not accept an offer of
Australian citizenship, my service in the Australian Defence Force may be
terminated.

Option B

I _______________________________________________________________

Full Name: _______________________________________________________

acknowledge that I have applied for Australian citizenship. Should my application for
Australian citizenship not be approved or if I do not accept the offer of Australian
citizenship when made, my service in the Australian Defence Force may be
terminated

Applicant's signature: _________________________________________________

Date: ______________________________________________________________

Witness (Full name): _________________________________________________

Appointment: _______________________________________________________

Contact details: ______________________________________________________

Date: ______________________________________________________________

Appointment/Enlistment Officer's name: _________________________________

Date: ______________________________________________________________
CHAPTER 3

APPOINTMENT AND ENLISTMENT INTO THE AUSTRALIAN DEFENCE FORCE

INTRODUCTION

3.1 The Australian Defence Force (ADF) expends considerable resources in the recruitment, entry, training and skills development of Defence members. The increasing complexity of the military environment requires highly trained and experienced members who, once trained, represent a significant investment in training time and are an asset that is difficult to replace.

POLICY STATEMENT

3.2 Defence recognises the importance of ensuring that all Defence members understand their conditions of service and the obligations associated with their appointment or enlistment in the ADF. These conditions and obligations include extensions of service, retirement ages and subsequent service in the Reserves at the end of permanent service.

DEFINITIONS

3.3 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this chapter.

AUTHORITY

3.4 Defence Regulation 2016 empowers delegates to specify appointment and enlistment conditions for Defence members, and to specify other conditions of service including changes to periods of service, and transfers.

ROLES AND RESPONSIBILITIES

3.5 The following key stakeholders have major roles and responsibilities in relation to the management and effective implementation of this chapter:

a. Delegates. Delegates are responsible for making decisions on arrangements for service in the ADF (including appointment and enlistment) and detailing the associated conditions clearly to applicants and Defence members.

b. Career Management Agencies (CMA) and Defence Force Recruiting (DFR). The CMAs and DFR are jointly responsible for ensuring that all Defence members understand their conditions of service and the obligations associated with their appointment or enlistment. This responsibility is apportioned on the basis of which agency has approved the person’s appointment or enlistment.
3.6 **Eligibility.** Subsection 12(3) of *Defence Regulation 2016* requires that, before a person is appointed or enlisted, consideration must be given to whether the person is a fit and proper person to perform duties as such an officer or enlisted member. In addition to the following considerations, when determining whether a person is a fit and proper person to be appointed to or enlisted in the ADF, delegates are to have regard to any Service-specific requirements as amended from time to time:

a. **Character.** A person must be of good character. This assessment will be undertaken as decided by the relevant delegate through a combination of personal interviews and consideration of referee reports, declarations made by the applicant, and results of their National Police History Check.

b. **Age.** A person must be at least 17 years of age and no older than the age that would allow them to serve an Initial Minimum Period of Service before reaching Compulsory Retirement Age.

c. **Physical fitness.** A person must successfully complete the applicable pre-entry fitness assessment.

d. **Health standards.** A person must meet the entry health standard applicable to the service and employment category in which they are to be appointed or enlisted.

e. **Citizenship status.** The citizenship eligibility requirements are outlined in MILPERSMAN, Part 2, Chapter 2—*Citizenship requirements for entry to and service in the Australian Defence Force*.

3.7 **Period of service.** Defence members may be appointed or enlisted for a period of service (as specified at the time of the appointment or enlistment) or for an indefinite period. The period of appointment or enlistment in the Service includes any period of appointment or enlistment subject to a provisional or probationary period.

3.8 **Appointment/enlistment.** A delegate must specify in the appointment or enlistment:

a. the period of service (see paragraph 3.7)

b. the arm of the ADF in which the Defence member will serve

c. whether the Defence member will commence service in the Permanent or Reserve Force, and the associated service category

d. the Defence member’s employment category

e. the Defence member’s rank and seniority on appointment/enlistment; and

f. any conditions applicable to the Defence member’s appointment/enlistment (*subsection 12(4) of *Defence Regulation 2016*) which may include but not be limited to:
(1) the period of covered service (under subsection 25(3) of Defence Regulation 2016)

(2) the initial obligation amount (under subsection 25(3) of Defence Regulation 2016)

(3) the service debt calculation method (under subsection 25(4) of Defence Regulation 2016)

(4) whether the appointment/enlistment is provisional (see paragraph 3.12); and

(5) whether the appointment/enlistment is subject to a period of probation (see paragraph 3.13).

3.9 Further guidance concerning appointment and enlistment conditions may be found in single-Service instructions.

3.10 A person being appointed/enlisted is required to take an oath or make an affirmation at the time of appointment/enlistment.

3.11 Australia is party to the Optional Protocol on the Involvement of Children in Armed Conflict (2002), which provides that recruitment of people under 18 into the ADF is carried out with the informed consent of the person’s parents or legal guardians. This consent does not include authority for Defence to disclose personal information about the person to the parents or legal guardians once the person is appointed or enlisted.

3.12 **Provisional appointment/enlistment.** A delegate may appoint or enlist a person provisionally, subject to compliance by the member with a specified condition or conditions. Such conditions may be purely time-based (eg six months) or may be directly linked to the Defence member completing a particular course or courses of training within a certain period of their appointment or enlistment. Under Section 24 of Defence Regulation 2016, a delegate may terminate a member’s service in the ADF at any time during the period of provisional appointment or enlistment if the member fails to meet a condition. The delegate may extend the Defence member’s period of provisional appointment/enlistment under subsection 12(4) of Defence Regulation 2016. Extensions for provisional appointments or enlistments are subject to the member having been notified prior to appointment or enlistment that:

a. an extension is possible

b. the possible grounds for extension; and

c. the maximum length of the provisional appointment or enlistment.

3.13 **Probationary appointment/enlistment.** An appointment/enlistment may include a period of probation as specified by the delegate under subsection 12(4) of Defence Regulation 2016. Probation may be purely time-based (eg six months) or may be directly linked to the Defence member completing a particular course or courses of training within a certain period of their appointment or enlistment. At any time during the period of probation, the delegate may, under Section 24 of Defence Regulation 2016, terminate a member’s service in the ADF. The delegate
may extend the Defence member’s period of probation under subsection 12(4) of Defence Regulation 2016. Extensions for probation are subject to the member having been notified prior to appointment or enlistment that:

a. an extension is possible
b. the possible grounds for extension; and
c. the maximum length of the probationary period.

VOLUNTARY CHANGE OF A PERIOD OF SERVICE

3.14 Section 18 of Defence Regulation 2016 provides that a Defence member may apply to, or may agree to:

a. extend their period of service
b. reduce their period of service
c. convert a fixed period of service to an indefinite period of service
d. convert an indefinite period of service to a fixed period of service.

RELATED MANUAL CHAPTERS

MILPERSMAN, Part 2, Chapter 1—Inherent Requirements of Service in the Australian Defence Force

MILPERSMAN, Part 2, Chapter 4—Service Obligations

MILPERSMAN, Part 2, Chapter 6—Australian Defence Force Gap Year

MILPERSMAN, Part 5, Chapter 3—Promotion, Acting Rank and Honorary Rank in the Australian Defence Force

MILPERSMAN, Part 6, Chapter 4—Voluntary Transfer of Personnel across the Service Spectrum

MILPERSMAN, Part 6, Chapter 5—Transfer of Personnel between the Services

MILPERSMAN, Part 7, Chapter 1—Flexible Work arrangements for Members of the Australian Defence Force

MILPERSMAN, Part 10, Chapter 1—Permanent Defence Members Notification of Intention to Resign or Transfer to the Reserves

MILPERSMAN, Part 10, Chapter 2—Termination of service in the Australian Defence Force

MILPERSMAN, Part 10, Chapter 3—Resignation and transfer to the Reserve

MILPERSMAN, Part 10, Chapter 5—Management of ADF Standby Reserve
RELATED LEGISLATION, POLICY AND PUBLICATIONS

Defence Act 1903

Defence Force Discipline Act 1982

Defence Regulation 2016


Army Standing Instruction (Personnel)

Air Force Personnel Standing Instructions

Australian Book of Reference 10—Sailors’ Career Management Manual


Australian Defence Force Recruiting Instruction 002 Age limits for recruitment

Sponsor: ASPPEC (DMPP)
CHAPTER 4

SERVICE OBLIGATIONS

INTRODUCTION

4.1 Defence recognises the importance of ensuring that all Defence members and all potential Defence members understand the obligations associated with appointment, enlistment and service in the Australian Defence Force (ADF), including the requirement to complete an Initial Minimum Period of Service (IMPS) and any Return of Service Obligations (ROSO).

POLICY STATEMENT

4.2 Permanent Defence members may be liable to complete a service obligation period on their enlistment, appointment, or at other stages of their career. The applicable IMPS and ROSO is detailed in the respective single-Service determination and schedule.

4.3 Members liable for a service obligation period may also be liable for a service obligation debt. Where applicable, this debt may be imposed where a member is approved to bring forward the end of their period of service to a date within their service obligation period. The method of calculating the service obligation debt, such that it is equal to, or less than, the initial obligation amount advised before the member commenced the event that attracted the service obligation period, is detailed in the Defence (Chief of the Defence Force) (Service Obligation Debts) Determination.

DEFINITIONS

4.4 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this chapter. The terms ‘service obligation period’ and ‘covered service’ may be used interchangeably.

KEY ROLES, FUNCTIONS AND RESPONSIBILITIES

4.5 Service Director-Generals Personnel. The Service Director-Generals Personnel (or equivalents) are responsible for the coordination of single-Service determinations and schedules for IMPS and ROSO for consideration by their respective Service delegate.

4.6 Career Management Agencies (CMA) and Defence Force Recruiting (DFR). CMAs are responsible for the application, management and administration of service obligations and service obligation debts within their respective Service. CMAs share responsibility with DFR for the notification of a service obligation to ab initio applicants on the basis of who raises the instrument of appointment/enlistment.

4.7 Defence People Group (Directorate of Military People Policy (DMPP)). DMPP is responsible for coordination of the CDF Determination on service obligation debts including its associated policy.
SERVICE OBLIGATION PERIODS

4.8 Service obligation periods in the form of an IMPS or a ROSO are intended to provide the ADF with surety of service for a period of time, thereby:

a. preserving a minimum level of knowledge, experience and skill within the relevant Service in order to sustain the wide range of capabilities required within the relevant Service; and

b. making the most efficient use of limited training resources and providing a fair return on investment to the ADF, in the form of service rendered, from those who benefit from the expenditure of those resources.

4.9 A service obligation period in the form of an IMPS may be applied where the ADF invests resources in the recruitment, appointment, enlistment and initial training of new Defence members.

4.10 A service obligation period, in the form of a ROSO, may be applied where Defence members acquire knowledge, skills and experience in service which:

a. are achieved through a lengthy or expensive course of education or training

b. are achieved through infrequently delivered training or education

c. makes them highly marketable

d. are linked to a specified operational capability or

e. are gained through a specific posting or attachment.

4.11 Notification and acknowledgement. Before becoming liable for a service obligation, new applicants or Defence members are to be notified of, and acknowledge, their service obligation period, the initial obligation amount (if any) and the service debt calculation method (if applicable).

4.12 Common service obligations. Wherever possible, Defence members in similar occupational groups or undertaking similar events should have similar service obligation periods and initial obligation amounts on appointment or enlistment. A Service delegate may vary any of these aspects where there is a specific Service requirement.

DETERMINING THE LENGTH OF SERVICE OBLIGATION PERIODS

4.13 The relevant Service delegate will consider the following factors in making decisions concerning service obligations:

a. the duration and cost of a Defence member’s initial training, including ab initio training and subsequent initial employment training (IMPS)

b. the duration and cost of on-the-job training or experience required to bring a Defence member to a reasonable level of competency (IMPS and ROSO)
c. the difficulty in retaining Defence members with those skills and their attractiveness to civil industry (IMPS and ROSO)

d. the difficulty in, and cost of, recruiting Defence members (IMPS and ROSO)

e. the effect on other Services (IMPS and ROSO)

f. the effect on other trades/occupations (IMPS and ROSO)

g. the cost, length and frequency of in-service training (ROSO), and

h. the effect of the separation of a Defence member with those skills (IMPS and ROSO).

4.14 The following guiding principles with respect to establishing the length of service obligation periods also apply.

a. The length of a service obligation period will generally be equal to the length of the event attracting the obligation, plus the length of the event (course or posting), plus one year (or two times the length of event plus one year).

b. When the event attracting the service obligation period is conducted at an academic institution, the period for the purpose of calculating the obligation is to be for the duration of the posting for training.

c. Unless determined otherwise by a delegate, an event of six (6) months or less duration, will not normally attract a service obligation period.

4.15 On-the-job training and experience. On-the-job training or experience associated with a course may also be included in the period for the calculation of the obligation period. If the length of the on-the-job training or experience varies, a nominal period may be specified so that all Defence members will have the same service obligation (and the length of the service obligation period will be known in advance). For some training or experience, especially professional training, a service obligation period considerably longer than the period of training or experience may be necessary to preserve force capability and sustainability. Conversely, some training or experience may warrant a shorter obligation or no obligation at all.

4.16 Lateral and qualified recruits. Defence members recruited into the ADF with existing qualifications and skills or experience gained through prior military service (ADF or foreign) or civilian trade employment will be subject to an IMPS. The IMPS in each case is to be based on the considerations outlined in paragraph 4.13 and may be waived in whole or in part by a delegate.

4.17 Inter-Service transfers. Defence members who transfer between Services will have the conditions determined by the gaining Service. However, where a Defence member is subject to a service obligation in relation to the Defence member's losing Service, the Defence member must, after the transfer takes effect, continue to comply with the service obligation as if the delegate of the gaining Service had imposed it, unless the gaining Service delegate determines otherwise. In practice, the terms and conditions of transfer may include a service obligation greater than the service obligation carried over from the losing Service. If both an extant ROSO and IMPS remain in force, they shall be served concurrently.
4.18 **Multiple periods of obligated service.** Unless a delegate directs otherwise, Defence members liable for more than one ROSO or IMPS acquit those service obligations concurrently.

4.19 **Obligations and undertakings.** The *Military Superannuation and Benefits Act 1991* legislates that an obligated period of service takes precedence over an undertaking for further service. This means that a ROSO and an undertaking for further service are served consecutively.

**LIABILITY FOR A SERVICE OBLIGATION**

4.20 A Defence member becomes liable for a service obligation as described in the following paragraphs:

a. **IMPS.** Liability for an IMPS commences on date of appointment or enlistment. A delegate may make decisions with respect to any waivers for IMPS, including any period where a new member’s liability for a service obligation period is not enforced.

b. **ROSO.** Liability for a ROSO commences on the start date of a course, posting or special duty for which a ROSO is applied. ROSO related to a course of training is applicable regardless of whether the member completes the training, but may be waived in whole or in part by a delegate.

**CHANGES TO A SERVICE OBLIGATION**

4.21 If a Defence member is applying to bring forward the end of their period of service (see Section 18 of the *Defence Regulation 2016*) such that a service obligation period of service will not be completed, a delegate, in deciding whether to grant or deny the application, should have regard to any remaining service obligation period applicable to the member and should consider the factors in paragraph 4.13 and any other relevant considerations. Changes, including waivers, are to be made in writing and acknowledged by the affected member (if the change is not acknowledged the end of the period of service should not be brought forward).

4.22 **Extension of a period of service to cover a service obligation.** Where a service obligation period exceeds a previously agreed period of service, such as a fixed period of service, a delegate may extend the period of service to ensure that it covers the service obligation period. However, the Defence member must agree, in writing, to extend their period of service sufficient to cover a service obligation prior to becoming liable for it.

4.23 **Course withdrawal.** A member remains liable for a service obligation when they fail or otherwise withdraw from a course for which a service obligation was relevant. A delegate may waive all or part of the obligation (see subsection 25(6) of the *Defence Regulation 2016*) and should have regard to the reasons for the failure or withdrawal, including whether the member is in a grace period. A Delegate may also consider whether the Defence member gained substantial benefits in the form of skills or knowledge; the cost of the course; and the length of time the Defence member spent on the course.
APPLICATIONS TO RESIGN OR TRANSFER

4.24 **Refusal of an application.** A delegate may refuse a Defence member’s application to change or end their period of service (resign or transfer) if the member has not completed their service obligation (see Section 18 of the *Defence Regulation 2016*).

4.25 **Compassionate or compelling circumstances.** A delegate may approve an application to change or end a period of service when appropriate compassionate or compelling circumstances prevail. An offer of civilian employment or civilian training opportunities would not ordinarily be a sufficient basis for considering an application to separate from the ADF.

ACQUITTAL OF A SERVICE OBLIGATION

4.26 **Effective service.** A service obligation must be acquitted from the day a member becomes liable for a service obligation by rendering effective service. Only service in the Permanent Force is effective service for the purpose of acquitting a service obligation and it shall not include periods of absence without leave, detention, custody, imprisonment imposed by a civil authority, whilst in civil custody, or suspension from duty imposed under the *Defence Force Discipline Act 1982* or *Defence Regulation 2016*.

4.27 **Extending an end date.** The end date of a member’s period of service may be extended to ensure that sufficient effective service can be rendered to complete the service obligation. The end of a period of service (covered period) should not be specified as a particular date, but should require the rendering of a number of days of effective service detailed in the service obligation determination.

4.28 **Leave without pay and leave without pay accompanying a serving Defence member.** Periods of leave without pay, of not more than 21 consecutive days, are effective service for the acquittal of a service obligation. A period of longer than 21 consecutive days is non-effective service for the acquittal of a service obligation.

4.29 **SERCAT 6 and part-time leave without pay.** Effective service for Defence members rendering service under a flexible service determination (SERCAT 6) or on part-time leave without pay is defined in *Defence (Chief of the Defence Force) (Service Obligation Debts) Determination 2016*. A delegate may consider any outstanding service obligation in approving SERCAT 6 or part-time leave without pay.

4.30 **Long service leave.** Long service leave is effective service for the acquittal of a service obligation. Any period of long service leave granted at half-pay is regarded as effective service on a pro-rata basis; that is, only half the period of leave will be counted for acquittal of service obligations.

4.31 **Maternity leave.** The period of paid maternity leave is effective service for the acquittal of a service obligation. Any period of maternity leave granted at half-pay is regarded as effective service on a pro-rata basis; that is, only half the period of leave will be counted for acquittal of a service obligation. A period of unpaid maternity leave is not effective service for the acquittal of a service obligation.
4.32 **Parental leave.** A period of paid parental leave is effective service for the acquittal of a service obligation. Any period of parental leave granted at half-pay is regarded as effective service on a pro-rata basis; that is, only half the period of leave will be counted for acquittal of a service obligation. A period of unpaid parental leave is not effective service for the acquittal of a service obligation. It should be noted that this Defence parental leave is separate from the Government’s Paid Parental Leave Scheme.

**POLICY GUIDANCE ON SERVICE OBLIGATION DEBTS**

4.33 A member liable for a service obligation may also be liable for a service obligation debt should they not complete their service obligation period. The service obligation debt is directly associated with the service obligation period itself. Subsequently, any changes to a service obligation period may be reflected in changes to the accrual or acquittal of a service obligation debt. A member must be notified of the initial obligation amount and the service debt calculation method before the period of covered service (the service obligation) begins.

4.34 A service obligation debt is calculated in accordance with the [Defence (Chief of the Defence Force) (Service Obligation Debts) Determination 2016](https://www.defence.gov.au) on the service debt calculation method. The debt is calculated differently depending on a member’s progress through the service obligation period (covered service) which may include one or more of the following: a grace period, an accrual period, a hiatus period and an acquittal period.

a. **Grace period.** A grace period is an initial period within a covered period of service where, despite accrual of a service obligation debt, a member would normally be approved to bring forward the end of their period of service and without imposition of a service obligation debt.

b. **Debt accrual period.** A debt accrual period is a period of service commencing from when the member becomes liable for a service obligation and ending when the event (such as a course, posting or special duty) to which the service obligation was applied is completed.

c. **Hiatus period.** A hiatus period is the period within a covered period of service where a service obligation debt neither accrues nor acquits. Typically, this might apply to periods of residency, internship, or on the job training or experience where a member is employed external to Defence for the purposes of consolidating academic studies.

d. **Debt acquittal period.** A debt acquittal period is the remaining period of a service obligation commencing after an accrual period and ending at the completion of the service obligation. A delegate may decide that the acquittal period commences immediately after the event (such as a course, posting or special duty) to which the service obligation was applied, or on commencement of the posting immediately after the course, posting or special duty. Alternatively, debt acquittal may commence on date of posting immediately following a hiatus period.

4.35 **Initial obligation amount.** The initial obligation amount is the quantum associated with a particular event for which there is an accrual and acquittal period.
The amount is specified in the single-Service IMPS and ROSO determinations and will be fully accrued at the completion of a relevant event. Initial obligation amounts are pro-rated on the length of the course. An initial obligation amount might also be solely based upon initial recruitment costs with acquittal commencing from date of appointment or enlistment as described in paragraph 4.36.

4.36 **Non-application of an accrual period.** In some circumstances a delegate may decide that a member is immediately liable for the full initial obligation amount. This may occur, for example, when a member is removed to Australia at Commonwealth expense as a benefit of recruitment, or when other up-front costs are incurred by Defence. The member, applicant or candidate is to be informed of this amount prior to becoming liable for the initial obligation amount.

4.37 **Effective service and service obligation debts.** A service obligation debt, like a service obligation period itself, can only be acquitted by rendering effective service in the Permanent Force. Calculation of a service obligation debt may consider any periods of non-effective service and extend both the debt acquittal period, and the end date for a period of service accordingly.

4.38 **Waivers and waiver period.** The service obligation debt may be reduced or waived by a delegate, in whole or in part. Also, as detailed in paragraph 4.34.a, a delegate may make decisions with respect to any period of grace during which a service obligation debt may be waived. This period may be applied uniformly to any member(s) commencing a course of training, or specifically to an individual member for specific circumstances.

4.39 **Concurrency.** A service obligation debt is specific to an event. A member, who becomes liable for another service obligation, whilst still serving a service obligation for another event, will be liable for all service obligation debts even though some or all of the service obligation period may be served concurrently.

**SERVICE OBLIGATION DEBT CALCULATION METHOD**

4.40 Figures 4–1 and 4–2 show the general relationship between the accrual and acquittal periods and a service obligation debt. Figure 4–2 shows the accrual period where a service obligation has been waived for a period.
Figure 4–1 Relationship between accrual and acquittal period and a service obligation debt (without a grace period)

Figure 4–2 Relationship between accrual and acquittal period and a service obligation debt (with a grace period)

4.41 **Service obligation debt during the debt accrual period.** A service obligation debt incurred during the debt accrual period is only applicable during that period and will be accrued on a pro-rata basis from the commencement date. If a member completes the associated event then they will not accrue any further debt and will commence the acquittal period subject to any gaps between the accrual and acquittal period.
Figure 4–3 Formula for calculating the service obligation debt during the debt accrual period

\[
\text{Debt during accrual} = \frac{\text{Effective service}}{\text{Debt accrual period}} \times \text{initial obligation amount}
\]

4.42 **Service obligation debt between an accrual and acquittal period.** There may be a period of time between when a service obligation debt has been fully accrued (and is equal to the initial obligation amount) and when a delegate has decided that the acquittal period commences. During this period the service obligation debt plateaus and is equal to the initial obligation amount.

4.43 **Service obligation debt during the debt acquittal period.** A service obligation debt is acquitted during the acquittal period on a pro rata basis based on effective service. The debt is considered to be fully acquitted if the service obligation period is completed.

Figure 4–4 Formula for calculating the service obligation debt during the debt acquittal period

\[
\text{Debt during acquittal} = \text{initial obligation amount} - \frac{\text{Effective service}}{\text{Service obligation period}} \times \text{initial obligation amount}
\]

4.44 Service obligations imposed on a member prior to 01 October 2016 remain extant. A single-Service delegate may apply the calculation method for service obligation debts that applied at the time a member became liable for the service obligation. Where no calculation method is detailed a delegate may choose to use the method detailed in this policy.

**RELATED MANUAL CHAPTERS**

MILPERSMAN, Part 2, Chapter 3—*Appointment and Enlistment into the Australian Defence Force*

**RELATED LEGISLATION, POLICY AND PUBLICATIONS**

*Defence Force Discipline Act 1982*

*Defence Regulation 2016*

*Military Superannuation and Benefits Act 1991*

*Defence (Chief of the Defence Force) (Service Obligation Debts) Determination 2016*

**Sponsor:** ASPPEC (DMPP)
CHAPTER 5
AUSTRALIAN DEFENCE FORCE TOTAL WORKFORCE MODEL – SERVICE SPECTRUM

INTRODUCTION

5.1 An operationally capable workforce enables Defence to meet its mission of defending Australia and its national interests. The Australian Defence Force Total Workforce Model (TWM) provides organisational flexibility enabling Service Chiefs to draw on a diverse personnel pool to effectively deliver Defence capability outcomes. The Service Spectrum, as a core component of the TWM, is the structural mechanism that defines the Service Categories (SERCATs) and Service Options (SERVOPs) under which Defence members may serve. The Service Spectrum supports the attraction and retention of members as their personal circumstances change and enhances Defence’s reputation as an employer of choice.

POLICY STATEMENT

5.2 Defence members and employees may serve in a range of SERCATs that correspond to a spectrum of reserve to full-time service. SERVOPs are also available to members, which supplement a SERCAT by applying differentiated arrangements for groups of members who provide specific capability requirements (e.g. continuous full-time service for Reservists).

SCOPE

5.3 This chapter applies to Defence members and Defence Australian Public Service employees who are force assigned.

DEFINITIONS

5.4 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this Annex. For the purpose of this Chapter, the following specific definition applies:

5.5 Transfer. Indicates any move from one SERCAT to another. It may include a transfer between a Permanent and a Reserve SERCAT conducted under the relevant Defence regulation, a transfer between Reserve SERCAT conducted administratively, or a transfer to Flexible Service in the Permanent Force conducted under Section 23 of the Defence Act 1903. Other common terms and definitions used throughout this Chapter can be found in the Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary.
SERVICE SPECTRUM

5.6 The Service Spectrum comprises a range of service arrangements across the Permanent and Reserve Forces, as well as Defence APS employees who are force assigned. The Service Spectrum comprises seven SERCATs and three SERVOPs and is illustrated in Figure 5-1 below.

5.7 Further information about the purpose, component parts and governance of the TWM can be found in Parts 1, 2 and 4 of the ADF Total Workforce Model User Guide (TWM User Guide).

**Figure 5–1 ADF Total Workforce Model**

SERVICE CATEGORY

5.8 A SERCAT groups members into like service arrangements that share mutual obligations and conditions of service. Each member is categorised in a single SERCAT at all times (with exception of force assigned Defence civilian (SERCAT 1 who may also be a Reservist (SERCAT 2–5) at the time of deployment). A SERCAT may be combined with a SERVOP as outlined in paragraph 5.10.
5.9 Each SERCAT reflects distinct service commitments, remuneration, conditions of service, career management, transfer eligibility and selection criteria considerations. SERCATs are defined and described in Table 5–1 below.

### Table 5–1 Definitions and descriptions of SERCATs

<table>
<thead>
<tr>
<th>SERCAT</th>
<th>Definition</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>SERCAT 1</td>
<td>Employees of the APS who are force assigned.</td>
<td>SERCAT 1 consists of employees of the Defence APS who have been seconded or attached to the ADF and are force assigned.</td>
</tr>
<tr>
<td>SERCAT 2</td>
<td>Members of the Reserve Forces who do not render service and have no service obligation. They are liable for call out.</td>
<td>Members in SERCAT 2 represent the standby component of the ADF and do not render service. SERCAT 2 members represent a latent capability that the Service Chiefs can call upon as required to provide voluntary Service. Members in SERCAT 2 are subject to call out provisions.</td>
</tr>
<tr>
<td>SERCAT 3</td>
<td>Members of the Reserves who provide a contingent contribution to capability by indicating their availability to serve, or who are rendering service to meet a specified task within a financial year.</td>
<td>Members in SERCAT 3 have indicated their availability to serve, or are rendering service to meet a specified task, generally within a financial year. Individual Readiness (IR) requirements and associated conditions of service may be applied at a Service’s discretion. Members in SERCAT 3 may be afforded career management oversight (e.g. receive performance appraisals, career development and training) and may be posted to fill an established position.</td>
</tr>
<tr>
<td>SERCAT 4</td>
<td>Members of the Reserves who provide a contingent capability at short notice, with their notice to move defined by their Service.</td>
<td>The nature of service in SERCAT 4 is primarily characterised by the provision of capability at short notice, typically through Continuous Full-Time Service (CFTS), with the length of that notice and the duration of service defined by the individual Services. Service in SERCAT 4 imposes additional obligations on members (e.g. IR compliance, higher training commitment), and in turn attracts commensurate remuneration. Members in SERCAT 4 may be afforded career management oversight (e.g. receive performance appraisals, career development and training) and are normally posted to fill an established position.</td>
</tr>
<tr>
<td>SERCAT</td>
<td>Definition</td>
<td>Description</td>
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<tr>
<td>SERCAT 5</td>
<td>Members of the Reserves who provide a contribution to capability that extends across financial years and who have security of tenure for the duration of their approved commitment to serve.</td>
<td>The nature of service in SERCAT 5 is characterised by having stability in terms of a specific pattern of service and the number of days to be served, in return for a commensurate commitment from the member to render that service. IR requirements and associated conditions of service may be applied at a Service’s discretion. Members in SERCAT 5 are afforded career management oversight (e.g. receive performance appraisals, career development and training) and are normally posted to fill an established position.</td>
</tr>
<tr>
<td>SERCAT 6</td>
<td>Members of the Permanent Forces rendering a pattern of service other than full-time, who are subject to the same service obligations as SERCAT 7.</td>
<td>The nature of service in SERCAT 6 is characterised by the provision of a flexible service arrangement by members of the Permanent Forces. A flexible service arrangement is defined as anything other than full-time service, and approved under a Flexible Service Determination (FSD). The period or pattern of service may vary depending on the needs of the Service and the member (e.g. days per fortnight, weeks per month or months per year or any combination). Members in SERCAT 6 are subject to the same service obligations as other members of the Permanent Force, including the inherent liability to serve on a full-time basis if required to do so. Remuneration and some conditions of service may be pro-rated for SERCAT 6. Members in SERCAT 6 are afforded career management oversight (e.g. receive performance appraisals, career development and training) and are posted to fill an established position.</td>
</tr>
<tr>
<td>SERCAT 7</td>
<td>Members of the Permanent Forces rendering full-time service.</td>
<td>The nature of service in SERCAT 7 is characterised by the rendering of full-time service by members of the Permanent Forces. SERCAT 7 represents the maximum service obligation and in return, members in this category receive commensurate conditions of service. Members in SERCAT 7 are afforded career management oversight (e.g. receive performance appraisals, career development and training) and are posted to fill an established position.</td>
</tr>
</tbody>
</table>
5.10 SERVOPs provide the Services with the means of grouping members who provide capabilities where differentiated arrangements are required. These differentiated arrangements could include entry standards, skill sets, remuneration, duty patterns or any other conditions as approved by the CDF, in addition to those determined by the baseline SERCAT. As shown in Figure 5–1, a SERVOP may be applicable to more than one SERCAT and cannot be used in isolation of a SERCAT. SERVOPs are defined and described in Table 5–2 below.

<table>
<thead>
<tr>
<th>SERVOP</th>
<th>Definition</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service Option CFTS (SERVOP C)</td>
<td>Members of the Reserve Forces rendering Continuous Full-Time Service (CFTS).</td>
<td>The nature of service in SERVOP C is characterised by the rendering of CFTS by members of the Reserve Forces, for a defined period of time. Members in SERVOP C are generally afforded the same conditions of service to those provided to members in SERCAT 7, dependent on the period of service. SERVOP C may be applied to members serving in SERCATs 3, 4 or 5. SERVOP C may also apply to members serving under SERCAT 3 or 5 in a SERVOP G arrangement.</td>
</tr>
<tr>
<td>Service Option Dual Employment (SERVOP D)</td>
<td>Members of the Permanent or Reserve Forces who are rendering service to Defence and working for a civilian employer under a formal shared service/employment agreement.</td>
<td>The skills and experience of a member rendering service in SERVOP D are shared between the member’s Service and an industry partner. The Defence and civilian employer (industry partner) arrangement is set out in an agreement between the Service/s and that industry partner. SERVOP D may only be applied to members serving in SERCATs 5 and 6.</td>
</tr>
<tr>
<td>Service Option Gap Year (SERVOP G)</td>
<td>Members of the Permanent or Reserve Forces rendering CFTS in the ADF Gap Year program.</td>
<td>The nature of service in SERVOP G is characterised by the undertaking of the ADF Gap Year program by members aged between 17 – 24 years for a period of up to 12 months. Members in SERVOP G are afforded conditions of service similar to those available to members in SERCAT 7. SERVOP G conditions of employment preclude operational deployment, however, members may participate in domestic exercise programs and Defence Assistance to the Civil Community (DACC) tasks. SERVOP G is only available to new members of the Permanent or Reserve Forces who may serve in SERCATs 3, 5 or 7.</td>
</tr>
</tbody>
</table>
CONDITIONS OF SERVICE

5.11 Conditions of service are set out in the ADF Pay and Conditions Manual (PACMAN). SERCAT 6 attracts specific conditions of service outlined in Annex 5A.

APPLICATIONS

5.12 SERCAT Transfer. Members can apply to their Career Management Agency (CMA) for transfer between Reserve and Permanent SERCATs by completing web Form AC853—Application to Transfer Within or Separate from the ADF. If approved, the member will be transferred to the relevant SERCAT. An AC853 is not required for a transfer between SERCAT 7 and SERCAT 6, or to transfer within the Reserve to or from SERCAT 4.

5.13 If the member is requesting a transfer into SERCAT 4 or 6 they are required to complete Form AE427—Service Category (SERCAT) form. Further detail is contained in MILPERSMAN, Part 6, Chapter 4—Transfer of Personnel across the Service Spectrum.

5.14 SERCAT Form. SERCAT Form, Form AE427, is the mechanism by which a member and Defence acknowledge a specified pattern and period of service, as well as remuneration and conditions of service and other relevant information specific to the member's SERCAT. An approved SERCAT Form is required for transfer to SERCATs 4 or 6 or to render service in SERVOP D, and may also be required to render service in other SERCATs, subject to the requirements of each Service.

5.15 SERCAT 6 Application. As part of the application process for transfer from SERCAT 7 to SERCAT 6, the case for undertaking flexible service should be developed in conjunction with the member’s supervisor/commanding officer and CMA. The member may include personal circumstances and professional motivations that are relevant to their request for SERCAT 6 (e.g. carer responsibilities, children, study, running a civilian business). When a SERCAT Form (AE427) is approved by the CDF or delegate, a Flexible Service Determination (FSD) is generated prescribing the member’s pattern of service and subsequent start and end date.

5.16 SERVOP C. Applications for SERVOP C for SERCAT 3, 4 or 5 members are detailed in MILPERSMAN, Part 2, Chapter 7—Engagement of members of the Australian Defence Force Reserves to render continuous full-time service. Part 3 of the ADF Total Workforce Model User Guide also provides guidance.

5.17 SERVOP D. Applications for SERVOP D for SERCAT 5 or 6 members require a Memorandum of Understanding and a Form AE427—Service Category (SERCAT) Form. Further details on these are provided in Annex 5B.

5.18 SERVOP G. Current serving members are not eligible to apply to render service in SERVOP G. SERVOP G members may however apply for a transfer to another SERCAT (and out of SERVOP G), in any Service, at any point during their SERVOP G service. For further information see MILPERSMAN, Part 2, Chapter 6 — Australian Defence Force Gap Year.
MEMBER CONSIDERATIONS FOR TRANSFER TO SERCAT 6

5.19 A member’s access to a SERCAT 6 arrangement is at the Service’s discretion. A member cannot be compulsorily transferred from SERCAT 7 to SERCAT 6. There are specific requirements and considerations for a SERCAT 6 transfer.

5.20 **Individual requirements.** Members applying for SERCAT 6 are required to maintain individual readiness requirements, including but not limited to medical and dental classification and security clearance. Service Chiefs can waive individual requirements at their discretion. For further information on individual requirements see the [ADF Total Workforce Model User Guide](#).

   a. **Impact on service obligations.** Members who have entered into a Return of Service Obligation (ROSO), Initial Minimum Period of Service (IMPS) or Undertaking for Further Service (UFFS) prior to transferring to SERCAT 6 are still required to meet their obligation as set out in the relevant regulation or legislative instrument.

   b. **SERCAT 6 Service in conjunction with a SERVOP.** Permanent members may combine their SERCAT 6 service with a SERVOP D undertaking. This is subject to approval (see Annex 5B—SERVOP D). SERCAT 6 members cannot undertake service in SERVOP C (CFTS) or SERVOP G.

   c. **SERCAT 6 and Flexible Work Arrangements.** SERCAT 6 members remain eligible for access to flexible working arrangements in Defence, for example variable working hours or alternative work location. Relevant policy is contained in MILPERSMAN, Part 7, Chapter 1—Flexible Work Arrangements for Members of the Australian Defence Force.

CONSIDERATIONS TO UNDERTAKE SERVICE IN SERVOP D

5.21 A member must be SERCAT 5 or 6 to access SERVOP D. There are specific requirements and considerations for a SERVOP D arrangement.

5.22 **Specific requirements.** Members applying to undertake a SERVOP D arrangement are required to meet specific requirements. Access to SERVOP D will be determined by the member’s skills and the potential to apply those skills in an industry partner role. The member must also meet the baseline requirements of their relevant SERCAT. For further information on individual requirements, please see the [ADF Total Workforce Model User Guide](#).

   a. **Competitive selection.** While a member may satisfy all relevant criteria for a SERVOP D role, the member may be subject to a competitive selection process by Defence and the industry partner to determine their suitability for the role.

   b. **Pending administrative action.** A SERVOP D arrangement is not permitted while a member is subject to adverse administrative action in accordance with Defence or Single Service policies or subject to disciplinary action pursuant to the Defence Force Discipline Act 1982. If a member is subject to
adverse administrative or disciplinary action during a SERVOP D placement, the arrangement may be suspended, pending a review by the Service Chief.

c. **Additional requirements.** SERVOP D applicants may be required to provide supporting documentation to either Defence and/or the industry partner such as a curriculum vitae, references, qualifications, clearance status and location preferences during the selection process.

### APPROVING AUTHORITY CONSIDERATIONS FOR SERCAT TRANSFERS AND SERVOP ARRANGEMENTS

5.23 Approving authorities are to consider all applications for SERCAT transfers and SERVOP arrangements, taking into account operational priorities, capability commitments, budget, workforce and employment category health, employment category sustainment, and resourcing. Considerations may include:

a. **Operational priorities.** Consideration should be given to any impact on effectiveness or productivity and any broader impact on other personnel working in the unit.

b. **Capability commitments.** Capability should not be compromised by approval for a SERCAT transfer unless necessary mitigation and contingency strategies can be identified.

c. **Retention priority.** The retention of a member, who may otherwise separate from the ADF and who the Service considers to be a high performer, leader, or significant contributor to capability may be considered as a factor when approving an application.

d. **Return on investment.** Members should be able to provide an economic return of service for training received before reaching any legislated retirement age (including any Service Obligations).

e. **Position availability.** In general, a position should be suitable, or able to be made suitable to enable a SERCAT transfer or SERVOP arrangement. Where this is not the case a Form AE427—Service Category (SERCAT) should still be progressed in anticipation of a position becoming available, or created, at the discretion of the Service.

f. **Commanding Officer’s recommendation.** In assessing suitability, consideration should be given to the Commanding Officer’s recommendation, including their assessment of the member’s ability to provide efficient and effective service in the prospective SERCAT.

g. **SERVOP requirement.** Consideration should be given as to whether a transfer between SERCATs is required in order to enable a SERVOP arrangement. Where a member has been targeted by the Service for a specific SERVOP arrangement, the transfer may be prioritised.

h. **Job share.** When considering job sharing options as part of SERCAT 6, the member’s Commanding Officer(s) should consider a range of options for the
achievement of tasks associated with the position, with the view to facilitating effective job sharing.

ROLES AND RESPONSIBILITIES

DEFENCE PERSONNEL

5.24 **SERCAT 1 members.** Defence employees should refer to the Defence Enterprise Agreement (DEA), the APS People Policy, ADF Pay and Conditions Manual (PACMAN) and Chief of Joint Operations Standing Orders for information on becoming force assigned.

5.25 **SERCAT 2–7 members.** Members should refer to the ADF Total Workforce Model User Guide to understand in further detail the application of the Service Spectrum and the service arrangements available to them throughout their Defence career. Remuneration and conditions of service in each SERCAT and SERVOP are set out in PACMAN. Further information pertaining to transfer between SERCATs is contained in MILPERSMAN, Part 6, Chapter 4—Transfer of Personnel across the Service Spectrum.

COMMANDERS, MANAGERS AND SUPERVISORS

5.26 Commanders, Managers and Supervisors should understand the Service Spectrum and be able to advise members on the service arrangements available and support them in accessing these as required. Guidance about the application of the Service Spectrum can be found in Part 3, ADF Total Workforce Model User Guide.

CAREER MANAGEMENT AGENCIES

5.27 CMA’s should have an in-depth understanding of the Service Spectrum and its application to support the delivery of organisational capability and enable flexibility for members. This understanding extends to being able to advise members on the service arrangements available and to support members in accessing these as required.

RELATED MANUAL CHAPTERS

MILPERSMAN, Part 2, Chapter 1—*Inherent requirements of service in the Australian Defence Force*

MILPERSMAN, Part 2, Chapter 7—*Engagement of members of the Australian Defence Force Reserves to render continuous full-time service*

MILPERSMAN, Part 2, Chapter 6 —*Australian Defence Force Gap Year*

MILPERSMAN, Part 3, Chapter 1—*Australian Defence Force Policy on Individual Readiness*

MILPERSMAN, Part 6, Chapter 4—*Transfer of Service Personnel across the Service Spectrum*

MILPERSMAN, Part 7, Chapter 1—*Flexible Work Arrangements for Members of the Australian Defence Force*
MILPERSMAN, Part 10, Chapter 5—Management of Australian Defence Force Standby Reserves

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Defence Act 1903

ADF Pay and Conditions Manual (PACMAN)

Australian Defence Force Total Workforce Model User Guide

CJOPS Directive 09/12—Pre-Deployment Certification of Civilians accompanying the ADF on Operations

DI(G) PERS 57–1—Management and administration of civilians supporting the Australian Defence Force in an Area of Operations

Defence Enterprise Agreement (DEA)

APS People Policy

Annexes:

5A   Service Category 6
5B   Service Option D

Sponsor: ASPPEC (DMPP)
SERVICE CATEGORY 6

1. The ability to render flexible service enables members of the Permanent Force to meet their inherent full-time service liability while balancing the demands of the service and their personal needs. Service Category (SERCAT) 6 provides members of the Permanent Forces with a form of flexible service that continues their contribution to the generation and sustainment of the Australian Defence Force (ADF) capability.

2. The authority for members to work under SERCAT 6 is given by a Flexible Service Determination (FSD), pursuant to subsection 23(2) of the Defence Act 1903.

DEFINITIONS

3. Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this Annex. In relation to this Annex, the following specific definitions apply:

a. **Revocation.** Revocation is the cancellation of the SERCAT 6 member’s FSD for reasons outlined in paragraphs 9, 10 and 18, prior to the end date previously agreed to in the member’s FSD.

b. **Variation.** The FSD is amended to reflect either a temporary change to the SERCAT 6 member’s pattern of service for a defined period, an enduring change to the member’s pattern of service, or a change to the end date of the FSD.

POLICY GUIDANCE

4. **Member obligations.** SERCAT 6 members are subject to the same service obligations and commitments as members serving in SERCAT 7, including a liability to serve continuous full-time when required. SERCAT 6 members are taken to be rendering continuous full-time service for the purposes of the Defence Force Discipline Act 1982.

5. **Service obligation.** Extant service obligations continue to apply when a member of the Permanent Force transfers to SERCAT 6 including; Initial Minimum Period of Service, Return of Service Obligation and Individual Readiness requirements, consistent with full-time service. Refer to MILPERSMAN, Part 2, Chapter 4—Service Obligations.

6. **Service commitments.** Services are expected to honour an FSD and should only seek to revoke or vary an FSD for operational, capability, disciplinary or other unforeseen Service requirements. Decision making considerations for revocations and variations of an FSD are detailed in paragraphs 9-15 and 18.

7. **Patterns of service.** SERCAT 6 allows members of the Permanent Forces the opportunity to undertake different patterns of service, subject to Chief of Defence
Force (CDF) or delegate approval via the FSD. Patterns of service that may be undertaken include:

a. a days per fortnight pattern, where a member can nominate to work a minimum of one day, and a maximum of nine days in a fortnight.

b. a weeks per month pattern, where a member can nominate to work certain weeks in a one month period. A month is defined as a 28-day cycle, for example:
   (1) 1 week on, 3 weeks off
   (2) 2 weeks on, 2 weeks off
   (3) 3 weeks on, 1 week off.

c. A months per year pattern, where a member can nominate to work certain months in a one year period. A month is defined as a 28-day cycle, for example:
   (1) 1 month on, 2 months off
   (2) 2 months on, 4 months off
   (3) 6 months on, 6 months off.

d. A customised pattern, which may include a combination of the above patterns of service.

8. Duration. The minimum period for an FSD is three months with the agreed maximum specified by the CDF or delegate. The duration of an FSD cannot exceed the SERCAT 6 member’s planned post out date. A member cannot be compelled to remain in SERCAT 6 beyond the period of service specified in their FSD. A member may request to end their FSD early or extend their FSD period. This is subject to the approval by CDF or delegate.

9. Revocation of an FSD. A SERCAT 6 member is expected to complete the full period prescribed in their FSD. However, the CDF or delegate may revoke an FSD at any time and transfer the member to another SERCAT. Refer to the guidance provided at paragraphs 18 to 20.

10. As set out in the FSD instrument, circumstances in which an FSD is revoked includes, when the SERCAT 6 member:

a. is held in custody, placed in detention or imprisoned;

b. is posted out of their current position;

c. is transferred to another SERCAT; or

d. commences a period of maternity leave. A member who applies to resume a SERCAT 6 arrangement following maternity leave, must submit a
Form AE427—Service Category (SERCAT) Form with their application to resume duty.

11. **Variation of an FSD.** The CDF or delegate may approve a variation to an FSD to reflect an enduring change to the SERCAT 6 member's pattern of service, a temporary change to the member's pattern of service for a defined period or an extension to the end date of the FSD. A variation to an FSD is enabled through the submission of a SERCAT Form. This creates a varied FSD.

12. **Temporary variation of an FSD.** A temporary variation is one that temporarily displaces the enduring pattern of service with a differentiated pattern of service. On conclusion of the period of variation, the member reverts to their enduring pattern of service.

13. As set out in the FSD instrument, an FSD is temporarily varied in the following circumstances:

   a. **Hospitalisation.** When a SERCAT 6 member is hospitalised or on medical absence related to the hospitalisation, they are considered to be on duty while remaining in SERCAT 6. On completion of the period of hospitalisation or medical absence following and related to the hospitalisation, the member's enduring pattern of service continues to apply. The member's unit is required to notify the relevant Career Management Agency when the member is hospitalised or on medical absence related to the hospitalisation.

   b. **Long Service Leave.** When a SERCAT 6 member is on long service leave, they remain in SERCAT 6 and are considered to be on duty for the period of long service leave. On completion of the period of long service leave, the member’s enduring pattern of service continues to apply.

14. A SERCAT 6 member may be directed to perform additional duty via a temporary variation to their pattern of service. Such direction should only be for operational, capability, disciplinary or unforeseen Service requirements. Wherever possible, the member should be given sufficient notice of any change.

15. In accordance with the conditions set out in the FSD, the Commanding Officer may authorise one of the following temporary variations to a member's pattern of service:

   a. The temporary substitution of a period within the member's pattern of service for another period of equal duration (i.e. non-working period).

   b. Where substitution is not appropriate an additional period of duty.

16. **Member initiated variation.** A SERCAT 6 member may request a variation to their FSD including end date or a change to their pattern of service. A change to their pattern of service may be enduring or temporary. The considerations at paragraph 18 apply.

17. **Effects of a temporary variation.** When the temporary variation is affected through the substitution of another period of equal duration, there is no effect on salary. If substitution is not appropriate, salary is payable for each full day of duty in
the fortnight or partial days of duty in the fortnight that add up to eight hours (refer to ADF Pay and Conditions Manual (PACMAN)).

18. **Guidance on revoking or varying an FSD.** In determining whether to revoke or vary an FSD, the CDF or delegate, in consultation with the commander, supervisor and SERCAT 6 member, is to consider:
   a. any relevant information provided by the member and/or commander to have the FSD revoked or varied
   b. the Service’s requirements to meet an operational need or to otherwise maintain capability
   c. if a change to the pattern of service does not apply for the duration of the FSD, specify the period of variation within the existing FSD start and end dates
   d. whether a significant change has occurred in the circumstances that the CDF or delegate relied on to approve a member’s FSD
   e. the impact of revocation or variation (including welfare, morale and discipline) on the member and/or the unit.

19. A variation or revocation may alter benefits thereby putting the member in a debit or credit situation. Before a variation or revocation is authorised, the member should confirm they are fully aware of any consequential effects.

20. **FSD Ceases.** When an FSD ceases the SERCAT 6 member will automatically transfer to SERCAT 7 unless one of the following occurs:
   a. the member applies for and has a subsequent FSD approved that commences immediately on conclusion of the former FSD
   b. the member transfers to SERCAT 2, 3, 4 or 5
   c. the member’s service is terminated.

21. **Flexible Work Arrangements.** A SERCAT 6 member may be approved for a flexible work arrangement (FWA) at the same time they are in a SERCAT 6 arrangement. This includes access to variable working hours, home located work, alternate located work and remote overseas work. Relevant policy is contained in MILPERSMAN, Part 7, Chapter 1—Flexible Work Arrangements for Members of the Australian Defence Force.

22. A SERCAT 6 member and supervisor may agree to exchange a working day and non-working day. The exchange should not result in any increase in working hours for the member. A corporate record of the exchange of days is to be maintained.

23. **Conditions of service.** SERCAT 6 members are taken to be rendering continuous full-time service for remuneration and conditions of service benefits payable, in accordance with subsections 58B and 58H of the Defence Act 1903.
Salary, salary related allowances and some conditions of service are pro-rated under SERCAT 6.

24. For specific information on the pro-rated remuneration and conditions of service benefits for SERCAT 6, refer to the ADF Pay and Conditions Manual (PACMAN). An overview of the general application of SERCAT 6, including conditions of service is provided below:

a. **Salary and salary related allowances.** Salary and salary related allowances are paid to a SERCAT 6 member for each full day of duty in the fortnight, and each combination of part days of duty in the fortnight, that add up to 8 hours. A loading of 0.4 is applied to the daily rate of salary for the enduring liability to render continuous full time service and any additional directed period of duty that does not alter the member’s salary and related allowance entitlements as described in the previous sentence.

b. **Other allowances.** Non-salary related allowances may be pro-rated. Allowances that are paid on-occurrence are not pro-rated.

c. **Reimbursements.** Allowances paid as reimbursements are not pro-rated.

d. **Housing.** A SERCAT 6 member may be required to make additional contributions towards their Defence Housing entitlement depending upon their pattern of service. For further information see Chapter 7 in PACMAN.

e. **Leave.** The accrual of recreation leave, additional recreation leave and long service leave is pro-rated.

f. **Medical and dental.** SERCAT 6 members are entitled to the same range of medical and dental treatment as Defence members in SERCAT 7.

25. **Transfer.** For detailed information on transfers between SERCATs, refer to the MILPERSMAN, Part 6, Chapter 4—Transfer of Personnel across the Service Spectrum.
SERVICE OPTION D

INTRODUCTION

1. Service Option D (SERVOP D) represents the potential for Defence and industry to work in partnership to share and enhance the high value, in-demand and limited talent pool from which they both draw. SERVOP D arrangements provide a mechanism to meet both Service and industry needs for specific capability and provide members with unique opportunities for professional development.

2. The partnership between Defence and the industry partner, formalised by a Memorandum of Understanding (MOU), seeks to share both the costs and benefits of developing and retaining individuals with high value or in-demand skill sets and to formalise flexible career opportunities for members between Defence and defence industry.

3. SERVOP D is designed for the Services to secure the high value or in demand skills of members, which may include but is not limited to:
   a. those that are expensive or take a long time to develop
   b. those which are required for strategic management of peaks in workload
   c. skill groups where demand exceeds supply
   d. new skills that both Defence and industry are seeking to develop for the future.

4. Further information is contained in Part 2, Section 4.2 of the Total Workforce Model User Guide.

POLICY GUIDANCE

5. There are two components of a SERVOP D arrangement:
   a. an MOU outlining the partnership between Defence and the relevant organisation
   b. a Service Category (SERCAT) Form stipulating the conditions of the placement of a member in that organisation.

6. Memorandum of Understanding. Agreement terms for partnership MOUs will utilise a template provided by Defence People Group. Any negotiated amendments should be cleared by Defence Legal to ensure the allocation of liability remains appropriate, depending on the scope, timing and risk of the proposed partnership.

7. SERCAT Form. Members are to complete Form AE 427—Service Category (SERCAT) form to initiate consideration for a SERVOP D placement. Individual SERCAT 5 or 6 Forms will stipulate the conditions of the placement.
8. **Duration.** A minimum service period of six months will be applied to all SERVOP D placements. Exceptions to this rule are subject to Service Chief and industry partner approval.

9. **Member obligations.** Members undertaking a SERVOP D placement are subject to the service obligations and commitments of the baseline SERCAT, as well as any placement specific obligations outlined in the SERCAT Form.

10. **Defence and industry obligations.** Defence and industry should honour the agreement that has been established between Defence, the industry partner and the member. Specific industry obligations will be detailed in the MOU.

11. **Conditions of Service.** Members working in Defence are subject to the same remuneration and conditions of service set in the baseline SERCAT.

12. **Civilian employment conditions.** For the period the member is working for the civilian employer they are an employee and subject to the industry partner’s employment policy and conditions. This includes remuneration arrangements and leave entitlements.

13. **Service obligations.** SERCAT 6 members who have an existing service obligation may apply for SERVOP D. Members may not use their time in industry under a SERVOP D placement as a means to acquit their service obligation. For members electing to undertake a SERVOP D placement, Return of Service Obligation may be applied at the Chief of the Defence Force’s discretion.
CHAPTER 6
AUSTRALIAN DEFENCE FORCE GAP YEAR

INTRODUCTION

6.1 The Australian Defence Force Gap Year (ADFGY) is an opportunity for young Australians to experience military training, service and lifestyle through a Gap Year program of up to 12 months service, with no further obligation on a participant to continue to serve. It targets those members of the Australian community between 17 and 24 years of age who may not otherwise have considered career options in Defence.

6.2 The aim of the ADFGY is to provide young Australians with a meaningful experience to gain a better understanding of the opportunities available to them in Defence, and to facilitate their potential selection for ongoing Permanent or Reserve service. The ADFGY program will enhance Defence capability while providing a positive experience for young members of the Australian community as they are exposed to military training and employment.

SCOPE

6.3 This chapter describes those conditions and requirements of service specific to ADFGY participants. Each Service has developed a Service-specific program for ADFGY participants. Explanations of these programs are in Annexes 6A to 6C. The chapter also addresses legacy administration for Gap Year 2007–2012 re-entrants.

DEFINITIONS

6.4 Common terms and definitions used throughout this chapter can be found in Military Personnel Policy Manual (MILPERSMAN), Part, 1 Chapter 3—Military Personnel Policy Manual Glossary. For the purpose of this Chapter a 'year' is a generic term used within the title of the scheme, which, depending on the Service program, may or may not equate to a calendar year.

PRIVACY NOTICE

6.5 MILPERSMAN, Part 1, Chapter 4—MILPERSMAN Privacy Notice explains the purpose for which Defence collects personal information, how that information is used, and under what circumstances it is disclosed. The statement applies to all personal information provided to, or collected by Defence and external service providers in relation to the policies contained within MILPERSMAN and augments the Defence Privacy Policy. The privacy notice in MILPERSMAN, Part 1, Chapter 4 does not affect the obligations of confidentiality applicable to Defence health professionals in their management of their patients’ health information.
RECRUITMENT OF AUSTRALIAN DEFENCE FORCE GAP YEAR PARTICIPANTS

ELIGIBILITY

6.6 To be eligible to apply for participation in the ADFGY an applicant must:

a. be aged between 17 and 24 years of age at the time of their enlistment or appointment and be at least 18 years of age on or before:

   (1) completion of the Navy Recruit course in the Navy program

   (2) 31 May for participation in the Army program

   (3) the scheduled graduation date of the relevant recruit training course in the Air Force program.

b. be a direct entry candidate through a Defence Force Recruiting (DFR) Centre

c. not have previously served in Defence in either the Permanent or Reserve Forces, although the Services may offer ADFGY placements to individuals who have been exposed to other Defence engagement or development programs

d. not have previously participated in a gap year program, other than in exceptional circumstances (see paragraph 6.13)
e. for the Army program, have completed Year 12 (or equivalent) education prior to commencing the program.

6.7 Prospective participants must pass all current recruitment standards for the employment type for which they have applied including aptitude, education, medical, dental, citizenship, physical and psychological assessments unless waived by Service delegates. ADFGY participants, who are subsequently offered or apply for an ongoing form of service, may be required to meet additional selection requirements.

ADMINISTRATION OF AUSTRALIAN DEFENCE FORCE GAP YEAR PARTICIPANTS

CONDITIONS OF SERVICE

6.8 ADFGY participants are enlisted or appointed as Defence members and have the same or similar entitlements and requirements as all other Permanent or Reserve Defence members.

6.9 Appointment and enlistment. ADFGY participants will be appointed or enlisted to the Permanent Forces or as members of the Reserves rendering continuous full-time service according to single-Service program parameters.

6.10 Return of Service Obligation (ROSO) and Initial Minimum Period of Service (IMPS). The ADFGY program does not attract any form of ROSO or impose an IMPS on participants.
6.11 **Employer Support Payment Scheme (ESPS).** ADFGY service is not eligible service for the purposes of the ESPS.

6.12 **Requirements of service.** ADFGY participants must meet the same standards as all Defence members in either training or operational units. They must conform to the requirements of Defence in accordance with MILPERSMAN, Part 2, Chapter 1—*Inherent Requirements of Service in the Australian Defence Force.* Any training or duty limits imposed on ADFGY participants by their parent Service are described in Annexes 6A to 6C.

6.13 **Period of service.** Other than in exceptional circumstances, ADFGY participants will only be eligible to complete one ADFGY period of service with one of the Navy, Army or Air Force. Subject to delegate discretion, exceptional circumstances may include situations where a gap year participant resigned for compelling or compassionate reasons.

6.14 **Extension of service.** The Services may approve an extension of ADFGY service beyond a year for an individual ADFGY member under any of the following circumstances:

a. pending transition of medical care from Defence to the Department of Veterans’ Affairs, where members have not recovered from injury or illness caused by their service
b. to allow completion of Army Recruit Course, General Services Duty Recruit course or Initial Military Training where training has commenced and delay in completion was beyond a member’s control
c. to allow completion of Initial Employment Training or ADFGY–N Basic Seamanship Course where training has commenced and the delay was beyond the member’s control.

6.15 **Resignation.** ADFGY participants may elect to resign at any time during the ADFGY program year. Participants are expected to provide a minimum period of 21 days notice to resign. However, the Services will aim to expedite resignation applications and process as quickly as possible.

6.16 **Termination.** ADFGY participants who have their service compulsorily terminated for disciplinary or involuntary administrative reasons will generally not be considered for future ADFGY service. Information related to compulsory termination of service for disciplinary or administrative reasons may also be considered in deciding on any application by the individual for further service in the Permanent or Reserve Forces.

6.17 **Transfer between ADFGY programs.** Due to the variations in timing of recruit training and employment placements, ADFGY participants will not be able to transfer between Service ADFGY programs during their ADFGY period.

6.18 **Transition administration.** Personnel administering ADFGY resignations, terminations and transfers are to ensure that appropriate human resource system termination codes are applied. Consistent application of codes across the three Services programs is important to enable accurate program analysis and evaluation.
ADFGY participants are to be transitioned out of the ADFGY Program by the ADF Transition Centres.

6.19 **Termination administration.** ADFGY participants will be terminated using current Service termination processes, during or at the end of their ADFGY participation if they do not apply to continue in the ADF, or if they are unsuccessful in their application for ongoing service. ADFGY participants are exempt from the requirements for notification of post-separation employment upon notification of termination, as detailed in DI PERS 25–4—Notification of Post Separation Employment. However, ADFGY participants are not exempt from the legal requirements of Defence personnel referenced in that chapter.

6.20 **Salary.** An ADFGY participant will be paid salary according to his or her status as a Permanent Force member or Reserve Force member on continuous full time service. Pay entitlements are set out in the relevant service annex.

6.21 **Security clearance.** ADFGY participants must hold and maintain a baseline security clearance, which is the standard security clearance for all new Defence members.

**MANAGEMENT OF PARTICIPANTS UNDER 18 YEARS OF AGE**

6.22 The requirements of MILPERSMAN, Part 7, Chapter 2—Management and Administration of Defence Members Under 18 Years of Age are to be applied to the development and conduct of single-Service gap year programs.

**HEALTH SERVICES**

6.23 The delivery of health care to ADFGY participants is consistent with the health care services and standards provided to Defence members through the Defence Health Manual, Volume 1, Part 4, Chapter 1—Provision of Health care to Defence Members. Where applicable, the single-Service annexes to this chapter describe administrative and procedural health services activities that align with the conduct of the respective Service gap year program of activities.

6.24 Pre-separation medical and dental examinations are to be conducted as required or from three months prior to the conclusion of the gap year program for ADFGY participants separating from Defence, transferring to the Reserve Forces or on ceasing continuous full-time service, as applicable.

**APPLICATION FOR ONGOING SERVICE**

6.25 **Ability to transfer.** ADFGY participants will be able to apply for transfer to an ongoing form of service in any of the three Services at any time during the ADFGY. The success and time line of the application to transfer will be subject to available recruiting targets, vacancies, and normal selection processes specific to the employment category and Service, where applicable. A participant’s status as an ADFGY participant will cease upon transfer to an ongoing form of service.

6.26 **Effective service.** A participant’s service in the ADFGY program may count as effective service for the purposes of meeting any post-ADFGY initial minimum
period of service requirement, subject to the applicability of a relevant Chief of Service Determination.

6.27 **Australian Defence Medal (ADM).** Service in the ADFGY program counts towards the four-year eligibility criteria for the award of the ADM in addition to a successful transfer or subsequent re-entry to an ongoing form of Permanent or Reserve service. Participation in the ADFGY only, with no ongoing Permanent or Reserve service, will not be sufficient for the award of the ADM, unless an ADFGY participant otherwise meets the qualifying conditions specified in the Defence Honours and Awards Manual, *Volume 1, Chapter 32—Australian Defence Medal.* For example, a member who dies or whose service is terminated medically unfit due to a compensable impairment during a period of ADFGY service is eligible for the award of the ADM in accordance with the applicable regulations.

TRANSFER TO THE RESERVES AFTER COMPLETION OF PROGRAM

6.28 ADFGY participants will not automatically be transferred to the Active or Standby Reserves following their completion of the ADFGY program. However, should they choose to do so, ADFGY participants may apply to transfer subject to individual Service Reserve requirements.

EDUCATION BONUS FOR GAP YEAR 2007–2012 ENTRANTS

6.29 This section relates to the administration of the education bonus applicable only to individual members who participated in an ADF gap year between 2007 and 2012. As an incentive to rejoin the ADF full-time after completion of previous ADFGY service, an educational bonus of $10 000 will be paid to those ADFGY participants who meet all of the following conditions:

a. They have been assessed by an appropriate Defence authority to have successfully completed their ADFGY service prior to 01 January 2013.

b. They are re-enlisted or reappointed to full-time service in the ADF. ADFGY participants have a period of five years from the date they completed their ADFGY service to re-enlist in or be appointed to the Permanent Forces.

c. They have completed an appropriate civilian trade or tertiary qualification and are assessed as suitable for re-enlistment or reappointment. The appropriateness of the trade or qualification will be determined by DFR in consultation with the relevant Service at the time of re-enlistment or reappointment.

6.30 The bonuses are authorised through the *ADF Pay and Conditions Manual* (PACMAN), Chapter 3, Part 5, Division 6. The services are responsible for the management of the ADFGY educational bonus, which does not attract a ROSO.

6.31 Those ADFGY participants who transferred to the Reserves after the ADFGY and continue to be in the Reserves while undertaking their trade or tertiary qualification are also eligible for the educational bonus. However, their eligibility is dependent on successfully completing all of the criteria in paragraph 6.29 including transferring to full-time service in the ADF, having transferred within five years from the date they completed their ADFGY service.
6.32 **Payment.** The educational bonus will be paid to the ADFGY participant upon their re-enlistment, reappointment, or transfer from the Reserves, following their successful completion of all criteria in paragraph 6.29. The Services are responsible for administering these bonus payments.

**RELATED MANUAL CHAPTERS**

MILPERSMAN, Part 1, Chapter 4—*MILPERSMAN Privacy Notice*

MILPERSMAN, **Part 2, Chapter 1**—*Inherent Requirements of Service in the Australian Defence Force*

MILPERSMAN, **Part 2, Chapter 3**—*Appointment and enlistment into the Australian Defence Force*

MILPERSMAN, **Part 2, Chapter 7**—*Engagement of Members of the Australian Defence Force Reserves to Render Continuous Full–time Service*

MILPERSMAN, **Part 6, Chapter 5**—*Transfer of Personnel Between the Services*

MILPERSMAN, **Part 7, Chapter 2**—*Management and Administration of Defence Members Under 18 Years of Age*

MILPERSMAN, **Part 7, Chapter 8**—*Defence Reserve Service (Protection) Act 2001—Policy and Procedures for Complaint Resolution*

MILPERSMAN, **Part 10, Chapter 1**—*Permanent Defence Members Notification of Intention to Resign or Transfer to the Reserves*

**RELATED LEGISLATION, POLICY AND PUBLICATIONS**

*Defence Reserve Service (Protection) Act 2001*

*Australian Defence Force Transition Manual*

*ADF Pay and Conditions Manual*

*Defence Assistance to the Civil Community Manual*

*Defence Health Manual*

*Defence Honours and Awards Manual*

*Defence Instruction Personnel 25–4—Notification of Post Separation Employment*

**Annexes:**

6A  [Australian Defence Force Gap Year—Navy](#)

6B  [Australian Defence Force Gap Year—Army](#)

6C  [Australian Defence Force Gap Year—Air Force](#)

**Sponsor:** ASPPEC (DMPP)
AUSTRALIAN DEFENCE FORCE GAP YEAR—NAVY

INTRODUCTION

1. The Australian Defence Force Gap Year—Navy (ADFGY–N) is a training and employment program that is aimed at enticing participants to consider Navy service as a career by providing them with a better understanding of the opportunities available to them in the Royal Australian Navy. The program allows members to experience Navy life as a ‘try before you buy’ scheme for a period of up to 12 months, during which time opportunity will be given to participants to apply for transfer to Permanent Navy (PN) workforce categories, subject to suitability and vacancies.

2. The goals of the ADFGY–N are to:
   a. provide ADFGY–N participants with a fulfilling and challenging program that presents a credible experience of Service life in the Navy
   b. encourage ADFGY–N participants to consider a future career in the Navy
   c. realise high female, indigenous and CALD participation rates in the Navy.

3. The ADFGY–N is embedded within extant Navy resources and these goals are to be achieved without adversely impacting Navy’s recruit training program, base support roles and sea training requirements.

AIM

4. The aim of this annex is to detail the administrative and management arrangements specific to ADFGY–N participants and the ADFGY–N program.

SCOPE

5. This annex formalises the processes and procedures associated with the management of the ADFGY–N program, and details extant Defence and Navy personnel policies as they apply to ADFGY–N participants regarding terms and conditions of employment.

6. This annex consists of the following:
   a. Part 1—Australian Defence Force Gap Year—Navy program
   b. Part 2—Terms of Employment and Administration for Australian Defence Force Gap Year—Navy members
   c. Part 3—Management and Supervision of Australian Defence Force Gap Year—Navy members
PART 1—AUSTRALIAN DEFENCE FORCE GAP YEAR–NAVY PROGRAM

7. The ADFGY–N program comprises dedicated intakes of 25 trainees over a 12 month period. All ADFGY–N participants undertake the following program elements during the course of their 12-month tenure:

a. General Services Duty Recruit course
b. ADFGY–N Basic Seamanship course
c. shore establishment tour
d. sea training
e. shore employment in establishments
f. separation activity.

8. All ADFGY–N members undertake the standard PN Recruit course (General Services Duty Recruit course) at HMAS Cerberus. This is followed by a tailored, ADFGY–N Basic Seamanship course held at the Bosuns’ Faculty also at HMAS Cerberus that is designed to develop seamanship skills necessary for ADFGY–N participants to work safely within Navy units, therein meeting Navy and the Australian Defence Force (ADF) duty of care responsibilities.

9. Following the ADFGY–N Basic Seamanship course, a programmed visit to various shore establishments is conducted to expose ADFGY–N participants to a range of RAN establishments including those specific areas involved with officer training (HMAS Creswell) and submarine service opportunities (HMAS Stirling).

10. The intent of the Sea training element is for ADFGY–N members to participate in life at sea as part of their gap year experience and the opportunity to make a more informed decision on whether or not to seek extension of Naval service during their ADFGY–N service period. Consequently, ADFGY–N members are posted to seagoing units that are sailing and/or alongside. A key feature of this component is its fluidity with respect to timings. Since this element can be conducted as the opportunity arises to fit in with the availability of bunks in ships, it can be taken up at the conclusion of the shore establishment tour or at any time during employment in the shore establishments.

11. The largest component of the ADFGY–N member’s period of service is that assigned to shore establishments. During this phase ADFGY–N personnel are posted to designated bases and undertake meaningful employment that befits their level of training. During this phase of the program ADFGY–N members are given every opportunity to be loaned to departments within the base/unit for experience in areas of vocational interest, noting that security clearances may inhibit the work experience opportunities available and limit exposure to critical categories.

12. The final component of the ADFGY–N program, separation activity, is transitioning the ADFGY–N participants out of the scheme in a seamless,
professional manner. This phase brings together the ADFGY–N members at the end of their enlistment period to share experiences, provide exit interviews, undergo formal ADFGY surveys, resolve any outstanding issues that might have arisen during their enlistment period, and facilitate discharge.

PART 2—TERMS OF EMPLOYMENT AND ADMINISTRATION FOR AUSTRALIAN DEFENCE FORCE GAP YEAR–NAVY MEMBERS

13. General conditions of service applicable to all ADFGY participants are detailed in the main body of this chapter. Terms of employment specific to the ADFGY–N program are described below.

ELIGIBILITY

14. The ADFGY–N is open to applicants who are assessed by Defence Force Recruiting as meeting the Navy enlistment standards, provided they are between the ages of 17 and 24 inclusive at time of enlistment, and will reach the minimum age of 18 by the time they complete their Recruit training. All other aspects regarding eligibility are in accordance with those stipulated under paragraphs 6.6 and 6.7 of this chapter.

RANK AND CATEGORY

15. ADFGY–N participants enlist for a term of 12 months. Following completion of the General Services Duty Recruit course they are promoted to SMN* (General Experience) and remain in this rank for the duration of their ADFGY–N enlistment period.

16. ADFGY–N differs from normal PN enlistments in that ADFGY–N recruits have access to restricted employment options compared with normal Navy recruits who undertake full Primary Qualification training.

17. All extant allowances and conditions of service for normal-entry PN sailors apply to ADFGY–N participants as applicable to their phase of employment (eg maritime disabilities allowance for postings to seagoing units).

CATEGORY AND EMPLOYMENT

18. As SMN*, ADFGY–N members are employed as General Experience sailors and are fully integrated members of ships and shore establishments/FSUs. Irrespective of the areas in which they are placed, the expectation is that ADFGY–N members’ duties will contribute to the operation of the ship or unit.

19. ADFGY–N participants should not be deployed on operations or to ships deploying due to the time within the 12 months required for training, and the short length of service remaining in the gap year employment period to cover any full operational deployment cycle.

LEAVE

20. The discharge of accrued leave is to be factored into the shore establishment employment phase to ensure ADFGY–N members who do not continue on in PN
service expend their leave entitlements prior to the expiration of their enlistment period.

**VOLUNTARY SEPARATION**

21. A feature of the ADFGY program is that participants can elect to resign at any time provided 21 days notice is given (paragraph 6.15 of this chapter refers). ADFGY–N members who seek early resignation will not be considered for future ADFGY–N programs, but may be considered for PN or NR enlistment through Navy’s normal recruitment selection processes.

**DEFERRAL OF SERVICE AND WAIVERS FOR DEFERRED SERVICE**

22. In exceptional circumstances, an ADFGY–N member may be granted a period of deferred service within their 12-month period of service. Examples of such circumstances include serious injury or illness. Deferral may be approved for a period of up to 24 months providing the member meets all eligibility criteria in accordance with paragraphs 6.6 and 6.7 of this chapter. ADFGY–N participants granted deferral will be assessed for competency to determine at what point they rejoin the ADFGY–N program.

23. Waivers may be granted for deferring the commencement of ADFGY–N service as a result of unforeseen circumstances beyond the applicant’s control, such as injury or illness. If however, on the nominated date of commencement of service the individual no longer meets the eligibility requirements as stipulated in paragraphs 6.6 and 6.7 of this chapter, no waiver provisions will apply and the enlistee will no longer be permitted to undertake the ADFGY–N program.

24. The approval authority for waivers and deferral of service is Director Navy People Career Management Agency (NPCMA).

**TRANSITION TO PERMANENT NAVY OR OTHER SERVICES**

25. ADFGY–N participants are able to apply for transfer to normal PN categories or other Services in accordance with the conditions stipulated in paragraph 6.25 of this chapter.

**CONFIRMATION OF SEPARATION NOTIFICATION**

26. NPCMA and other authorities are to be advised of all ADFGY–N separations to shore in accordance with paragraph 22.32 of *Chapter 22, Australian Book of Reference (ABR) 10—Sailors’ Career Management Manual.*

**CERTIFICATES OF SERVICE/STATEMENT OF SERVICE**

27. Certificates or statements of Service are to be raised for all ADFGY–N personnel in accordance with the guidance laid down in paragraph 22.32 of *Chapter 22, ABR 10*, and presented to ADFGY–N members during their separation activity phase.
PART 3—MANAGEMENT AND SUPERVISION OF AUSTRALIAN DEFENCE FORCE GAP YEAR–NAVY MEMBERS

28. Close attention to mentoring ADFGY–N members is critical to the program’s success. To ensure the requisite level of managerial support is provided, Training Authority–Initial Training Leadership and Management (TA–ITLM) will manage the program on behalf of COMTRAIN and is the point of contact regarding all ADFGY–N management including the welfare of members and course program.

29. During the shore employment phase, local ADFGY–N Liaison Officers (ADFGY–N LO) are to be nominated in those establishments/units where the ADFGY–N members are assigned. ADFGY–N LO are to liaise closely with TA–ITLM regarding management aspects of ADFGY–N participants.

30. TA–ITLM responsibilities include, but are not limited to:
   a. Liaison with Director-General Maritime Operations and the Deputy Director Individual Training in planning and staffing the ADFGY–N Sea training phase.
   b. Management and coordination of the establishment visits component.
   c. Liaison with establishments/FSUs in finding shore placements for the shore employment phase, and acting as the ongoing main focal point for unit/base appointed ADFGY–N LO including the reporting on ADFGY–N members.
   d. Coordination and conduct of the separation activity phase, including all separation action, and liaison with Director-General Naval People regarding those ADFGY–N members who express a desire to transfer to a normal PN category.
   e. Through-life-of-program administrative support and management.

REPORTING ON AUSTRALIAN DEFENCE FORCE GAP YEAR–NAVY MEMBERS

31. All ADFGY–N members are to have a Form AD 648—Sailor Performance Appraisal Report (SPAR) raised to cover their ADFGY–N service. Under normal circumstances this would be given to them during the separation activity, signifying the end of their enlistment period. Where periods of service are less than the programmed 12 months, SPARs are still required to be raised, provided a minimum period of 4 months has been observed. Normal conditions apply when raising the SPAR in accordance with Military Personnel Policy Manual (MILPERSMAN), Part 5 Chapter 2—Personnel performance reporting up to O-5 rank in the Australian Defence Force.

32. If the period of observation is less than the requisite time for the raising of a SPAR, Form AC 833–30—Navy Performance Appraisal Supplementary Report is to be raised for ADFGY–N members. Notwithstanding the ability to utilise Form AC 833–30 as a mechanism for reporting, the expectation is that a SPAR will be raised during the ADFGY–N members’ term of enlistment given that at some stage during their employment they will be observed for the minimum requisite period of time.
33. When raising ADFGY–N SPARs, TA–ITLM is to coordinate ‘senior assessor’ and ‘assessor’ input from areas as appropriate according to the posting profile of the ADFGY–N member during their tenure of enlistment following the General Services Duty Recruit course and the ADFGY–N Basic Seamanship course at HMAS Cerberus.

PART 4—REPORTING OF AUSTRALIAN DEFENCE FORCE GAP YEAR–NAVY PROGRAM PERFORMANCE

34. Defence People Group is responsible for the ongoing monitoring and reporting of ADFGY performance to Government at set intervals throughout the year in accordance with the requirements of the ADF Gap Year program.
INTRODUCTION

1. The Australian Defence Force Gap Year—Army program (ADFGY–A) aims to provide young Australians with the opportunity to gain experience as a member of the Australian Army for up to one year. Currently, the Australian Army offers this experience at the soldier level only.

INTENT

2. ADFGY–A is about the Army being an employer of choice by providing training and lifestyle experiences for young people. It provides a contemporary pathway into the Australian Army and is designed to increase the pool of potentially-willing applicants who will extend their commitment to the Army after or during their period of service.

3. ADFGY–A participants are fully-integrated into the Army by undertaking the Army Recruit Course (ARC) and Initial Employment Training (IET) at the appropriate school before being posted to a Forces Command (FORCOMD) unit.

4. ADFGY–A members have no obligation to remain as part of the Army following the expiration date of their Gap Year (GY), nor do they have to transfer to other forms of Defence service, including Standby Reserves (SR), after the agreed period of employment, unless they wish to do so.

AIM

5. This annex details Army’s management policies for ADFGY–A.

SCOPE

6. This annex consists of the following parts:
   a. Part 1—General principles
   b. Part 2—Management framework
   c. Part 3—Processes and procedures
   d. Part 4—Administration
   e. Part 5—Conditions of service
   f. Part 6—Training policy.
PART 1—GENERAL PRINCIPLES

ARMY’S OBJECTIVE

7. Army’s objective is to recruit applicants through the ADFGY–A and provide them with an interesting and challenging work experience to promote retention in the Australian Regular Army (ARA) or Army Reserves (ARES) on completion of their obligation.

ELIGIBILITY

8. Eligibility criteria for participation in ADFGY–A is stipulated in paragraphs 6.6 and 6.7 of this chapter.

ONGOING SERVICE

9. Ongoing service’ denotes a stream of ARA service that may attract a service obligation (as in the Military Personnel Policy Manual, Part 2, Chapter 3—Appointment and Enlistment in the Australian Defence Force). Whether or not an ongoing service attracts a service obligation will depend on the ongoing service the member elects. Examples of ongoing service are:

a. acceptance into officer training at the Royal Military College
b. acceptance into study at the Australian Defence Force Academy
c. entry into different trade training
d. extension of service through corps transfer
e. transfer out of the Gap Year Program in the same trade before the end of the program.

10. ADFGY–A members may apply for on-going service in the ARA and ARES in the employment category for which they have been trained. Suitable applicants will be guaranteed a placement. Transfer to a different trade will depend upon vacancies and other criteria as normally applied within the ARA.

11. Members are to discuss the potential attraction of a service obligation with their chain of command in consultation with the Directorate of Soldier Career Management – Army (DSCM–A) prior to accepting an ongoing service undertaking within Army.

PART 2—MANAGEMENT FRAMEWORK

RESPONSIBILITIES

12. General. The functions and division of responsibilities for ADFGY–A members is consistent with current policies and procedures for the management of ARA members. Any deviation from current policy is set out in this annex or through Chief of Army (CA) direction.
13. **Army Headquarters (AHQ).** The relevant branches within AHQ are responsible for the implementation and sustainment of ADFGY–A. Specific responsibilities and tasks relating to this annex are described in the following paragraphs.

14. **Director-General Personnel – Army (DGPERS–A).** DGPERS–A is the ADFGY–A project coordinator/manager and is responsible to CA for planning, reporting and ongoing management of the ADFGY–A. DGPERS–A has raised the Army Gap Year Team (through Directorate of Workforce Management) to deal with the ongoing daily management of this program. Specific responsibilities include:

   a. developing the ADFGY–A implementation strategy
   b. coordinating development of the ADFGY–A retention and transition plan in collaboration with other key stakeholders
   c. drafting the CA Directive for implementation of ADFGY–A
   d. communicating Army’s plans for GY internally to Army personnel and externally as appropriate
   e. establishing ADFGY–A annual trade targets in consultation with Defence Force Recruiting and FORCOMD
   f. with the Director Military Personnel Policy, developing conditions of service applying to ADFGY–A members
   g. with Defence People Group, developing measures for assessing the effectiveness of ADFGY–A
   h. drafting and maintaining this annex
   i. developing an ongoing resource strategy for staffing ADFGY–A.

15. **Director-General Career Management – Army (DGCM–A).** DGCM–A is responsible for coordinating the member’s posting and transitional arrangements for ADFGY–A service, including:

   a. technical guidance on transfers into and out of the ADFGY–A scheme
   b. posting the member against the paid pool positions within a posted unit for the duration of the GY
   c. transitioning members from ADFGY–A through either an extension in current employment into the ARA, into another employment category in the ARA, to the AR in their current (or another) employment category, or discharge.

16. **FORCOMD** is responsible for the command, management and training of ADFGY–A members posted to FORCOMD units. The aim is to provide ADFGY–A members with a meaningful experience in order to gain a better understanding of the opportunities available to them in the Army and to facilitate their potential selection for ongoing ARA or ARES service.
17. **Units.** Units with ADFGY–A members posted to their pool positions will be responsible for:

a. all administration as per the extant management policy of ARA members

b. career management guidance, in conjunction with the Trade Transfer and Retention Warrant Officers (TTRWO), SO2 Gap Year Implementation, the DSCM–A and Directorate of Officer Career Management – Army (DOCM–A)

c. delivery of the normal range of welfare support to families

d. coordinating the formal aspects of the ADFGY–A transfer process, including:
   1. organising final medical and dental examinations prior to completion of GY and discharge
   2. finalising all administrative matters pertaining to housing, removal, pay and entitlements
   3. managing the pre-separation interview.

**PART 3—PROCESSES AND PROCEDURES**

**AUSTRALIAN DEFENCE FORCE GAP YEAR—ARMY PROCESS**

18. ADFGY–A members will enlist and serve for up to 12 months. This period of service consists of the ARC, an IET course of approximately three months duration, and a period of approximately six months on-the-job experience (OJE) in a FORCOMD unit. Throughout the period of service, ADFGY–A members will be offered opportunities to commence ongoing service. Before the end of their ADFGY–A service, members will have a range of options to continue service in either a full-time or part-time capacity.

19. Members who wish to conduct administration associated with university (or other study), and/or take up a university place or other civilian employment, towards the end of their GY are to be afforded the time and flexibility to do so through the granting of appropriate leave by their unit. However, all costs associated with these endeavours will be borne by the member.

**RECRUITMENT AND INITIAL EMPLOYMENT TRAINING**

20. ADFGY–A candidates must be 17 to 24 years old (and be at least 18 years old by 31 May of the intake year), have a minimum education level of Year 12 and meet the educational standards of the relevant Employment Category to which candidates are recruited. As a consequence, all ADFGY–A members will be adults after finishing their IET course, and no members under 18 years of age will be posted to the units providing OJE.

21. ADFGY–A applicants follow the normal recruitment and induction process. The only exception is that each applicant undertakes trade and officer aptitude testing. The outcomes of the aptitude tests are currently held by Defence Force Recruiting.
22. ADFGY–A applicants are to be offered the opportunity to select their employment category from the range of available Employment Category Numbers during the recruitment process.

23. All training is undertaken in a fully-integrated ARA/ADFGY–A environment.

24. Physical Fitness Assessment (PFA). ADFGY–A members who enlist but are subsequently unable to attain to the Army PFA standard may be discharged and returned to their home location as per extant ARA policy Army Standing Instruction (Personnel), Part 2, Chapter 1—Army Induction Management Process.

ON-THE-JOB EXPERIENCE

25. ADFGY–A members are to be posted to units to undertake OJE at the completion of their IET course. They have the same conditions of service as ARA members with commensurate time in service.

26. ADFGY-A members are able to deploy on operations with the specific approval of DLAND at AHQ. DLAND is to consider the Service needs, the nature of the deployment, the member's period of service and the personal circumstances of the ADFGY-A member when making decisions on the deployment of ADFGY-A members.

PRE-SEPARATION

27. A general principle of the ADFGY program is that participants can voluntarily leave the program at any stage with an expectation that they provide 21 days notice. ADFGY–A members who seek early discharge will generally not be considered for future ADFGY–A programs but may be considered for normal ARA or AR enlistment by Army’s normal recruitment selection processes.

28. For all other ADFGY–A members, the WO1 Gap Year Coordination and TTRWOs will provide individual ‘career choices’ counselling, including information about options within the ARA, the AR and the SR.

SEPARATION

29. ADFGY participants transition from the annual program by the second Friday in December to ensure administrative tasks are finalised prior to the Christmas stand-down period. ADFGY participants who have not completed training serials for reasons beyond their control may apply to DGPERS–A and the Career Management Agency to extend their ADFGY–A services beyond the December transition date.

30. ADFGY–A members who elect not to undertake ongoing service will be separated in accordance with policy and process detailed in the ADF Transition Manual.

31. Members undertaking ADFGY–A service may be involuntarily separated from the ADFGY–A in accordance with Army’s normal separation procedures.

32. It is not compulsory for ADFGY members to transfer to the SR at the end of their GY service.
RE-ENGAGEMENT

33. ADFGY–A members who apply to re-join the ARA or to join the AR after separating from ADFGY–A are to be processed in accordance with Army’s normal recruitment selection processes.

DISCIPLINARY ACTION

34. ADFGY–A members who are subject to disciplinary action which may carry beyond completion of their GY are to be administered in accordance with current procedures, where the member’s separation may be held in abeyance until all disciplinary matters are concluded.

35. Any period of time spent in ‘detention’ is not classified as effective service; therefore a member’s GY end date may be altered to accommodate the non-effective service.

OFFICER SELECTION

36. If an ADFGY–A member requests or is recommended for officer selection and training, they are to apply through extant procedures. Selection and appearance at an Officer selection board will be managed by DOCM–A.

PART 4—ADMINISTRATION

OFFERS FOR ONGOING SERVICE

37. ADFGY–A members will have access to ‘career choices’ information through the Stay Army web page, chain-of-command and face-to-face interviews with the SO2 Gap Year Implementation and WO1 Gap Year Coordination at the following times:

a. completion of ARC; and

b. twice during OJE.

38. An individual career plan record is to be maintained for each ADFGY–A member by the WO1 Gap Year Coordination. A member’s decision about ongoing service or discharge is to be recorded by 30 September of each year and processed by the unit prior to forwarding to DSCM–A for appropriate administrative action before the ADFGY–A termination date.

APPLICATION FOR ONGOING SERVICE

39. At any point during their ADFGY, members may apply to transfer to a type of Service other than the ADFGY–A program. However, they need to be aware their decision to transfer will incur an Initial Minimum Period of Service obligation.

40. If the member is simply transferring to ongoing service ‘in-trade’, the member is to immediately complete a Form AC 853—Application to Transfer Within or Separate from the ADF. If the member is transferring to ongoing service ‘out of trade’, the member is to complete a Form PE166–2—Application for Reposting, Retention or
COPAS – Army. The member’s unit is to process the applicable form and forward to DSCM–A for final action.

POSTINGS

41. The Army Gap Year Team will collaborate with HQFORCOMD to determine the annual unit allocation for the program. The information will be forwarded to DSCM–A for postings and DGSP–A to raise the pool positions against unit establishments.

42. ADFGY–A members should not be posted to units preparing for a known deployment. If the unit is deployed, ADFGY–A members will not deploy and the member’s OJE will be adjusted in response to unit deployment.

ARMY INDIVIDUAL READINESS NOTIFICATION

43. ADFGY–A members are to maintain compliance against all components of the Army Individual Readiness Notification (AIRN) requirements, less ‘Individual Availability’ (as they are non-deployable). ADFGY–A members are exempt from this requirement and units are to ensure that this is appropriately reflected in the AIRN section of the human resource management system. ADFGY–A members are not entitled to wear the AIRN badge.

EMPLOYMENT AT UNITS

44. ADFGY–A members will participate in all unit activities, performing the same duties as any other ARA member with commensurate time in service.

DEFERRAL OF SERVICE

45. An ADFGY–A member may be approved a period of deferred service within the 12-month GY in exceptional circumstances. Examples of such circumstances include, but are not limited to, serious injury or illness.

46. Deferral may be approved for a period of up to 24 months, with the caveat that the member must meet all eligibility criteria on re-enlistment/resumption of service. All ADFGY–A personnel granted deferral will be assessed for competency in each phase of training to ascertain at what point they rejoin the ADFGY calendar. The approving authority for deferral of service is DSCMA–A.

INVOLUNTARY SEPARATION CRITERIA

47. Members undertaking ADFGY–A service may be involuntarily separated from the ADFGY–A in accordance with Army’s normal separation procedures.

WAIVERS

48. If an ADFGY–A member defers service, either voluntarily or due to injury or illness, and on the nominated resumption date they no longer meet the eligibility criteria, including age, there will be no waiver granted in order to allow them to continue with the ADFGY–A.
PART 5—CONDITIONS OF SERVICE

GENERAL

49. ADFGY–A members are subject and entitled to the same conditions of service as ARA members other than stated below.

LEAVE

50. Leave may be granted at the discretion of the unit Commanding Officer. ADFGY–A members are to be encouraged to clear recreational leave prior to the completion of their GY unless the member transfers to a form of full-time ongoing service.

51. If ADFGY–A members are unable to clear their leave, they are entitled to have it paid out in their final discharge payment.

HEALTH SERVICES

52. ADFGY–A members are entitled to the same clinical health services as ARA members through their supporting Australian Defence Force health facility.

53. ADFGY–A members will undergo a full medical assessment on enlistment and will not be required to have an ‘annual health assessment’ during their GY period of service. ADFGY–A members who will complete Army service with their GY service and those who will transfer to the AR are to complete a Separation Health Examination (SHE) and Separation Dental Examination (SDE) within the three months prior to completion of the GY. Members who separate from Army for non-medical reasons before completing six months service will not require a full discharge medical or dental, but will receive separation health advice on discharge.

54. A member’s supporting Australian Defence Force health facility is to be advised no later than 30 September of each year of the need for SHE and SDE.

55. Members who are injured or become ill during their GY service may, on their recovery, be discharged by extant procedures if there is insufficient time left in the GY for them to complete suitable training or OJE. Members who have not recovered from injury or illness caused by their Army service by the scheduled end of their GY service will not be discharged from Army until their care is transitioned to Department of Veterans’ Affairs.

56. **Vaccinations.** ADFGY–A members are to be provided with ‘routine vaccinations’ in accordance with the [Defence Health Manual](#), Volume 2, Part 8, Chapter 12—*Vaccinations* are to be provided by the member’s supporting Australian Defence Force health facility.

57. **Medical and dental files.** ADFGY–A member’s medical documents are to be maintained by supporting ADF facilities as for all other ADF personnel. During courses, or periods of mandated training with a supported unit, the file will be sent to the school or supported unit for the duration of the attachment.
REMOVALS

58. GY participants are entitled to receive a removal for postings under six months duration. They are also eligible for the same entitlements as other ARA members. If an ADFGY–A participant withdraws from the GY program giving 21 days notice, a removal will be effected on a ‘best endeavours’ basis and not necessarily within 21 days.

PART 6—TRAINING POLICY

TRADE AND PROMOTION TRAINING

59. As a general rule, ADFGY–A members are not eligible for further trade or promotion training during the GY due to their requirement to complete a period of OJE in FORCOMD in accordance with the standard training continuum applied to ARA soldiers.

PROMOTION AND DEVELOPMENT TRAINING

60. ADFGY–A members are not eligible for promotion training as their time in rank is too short and they have not achieved the rank of Private (Proficient). If a unit is conducting development training, ADFGY–A members are to be considered on merit alongside any other ARA member with commensurate time in service.

MEMBERS SUBJECT TO BOARD OF STUDY AND/OR BACK-SQUAD

61. ADFGY–A members are subject to the same training policy and administrative procedures as ARA members and may be subject to back-squad for training deficiencies or injuries.

62. Where a participant is unable to complete their ARC or IET due to reasons beyond their control (eg injury or illness), DGPERS–A may approve an extension to the ADFGY–A program to allow completion of the ARC or IET.

CONCLUSION

63. The ADFGY–A presents Defence with a significant and valuable opportunity to contribute to the Australian community by providing young Australians with a unique employment experience. Conversely, ADFGY–A members provide the Australian Army with potential for growth and an opportunity to maximise recruiting and retention initiatives. All Defence members are strongly encouraged to embrace this mutually beneficial initiative and seize the opportunity to provide innovative solutions to any challenges presented.
ANNEX 6C

AUSTRALIAN DEFENCE FORCE GAP YEAR—AIR FORCE

INTRODUCTION

1. The Australian Defence Force Gap Year—Air Force (ADFGY–AF) is a capability driven program designed principally to meet the intent of the Government Gap Year initiative and to grow the Air Force Reserve capability.

2. The ADFGY–AF program is designed to recruit young people for a period up to 12 months and to train them to a level that allows them to be utilised as a fully trained member of their enlisted mustering.

3. Subject to ongoing suitability and performance, on application, participants of the ADFGY–AF program will normally be offered ongoing service in the Reserves once they complete the program. There may also be limited Permanent Air Force (PAF) opportunities available at the conclusion of the year however, it should be understood the principal focus of post ADFGY–AF opportunities is to grow the pool of Reservists who can undertake further Reserve service.

4. Consistent with the intent of the scheme as described above, the ADFGY–AF program will be adapted as required to meet Air Force requirements. For example, the current program is characterised by short term enlistment into the PAF but future iterations might also utilise officer appointment and/or recruitment to the Air Force Reserve. Where change is implemented, this annex will be updated accordingly.

SCOPE

5. This annex details the processes and procedures associated with ADFGY–AF and provides guidance and consistency in:

a. respect of transfers from the ADFGY–AF and

b. the interpretation of extant Defence and Air Force personnel policies.

GENERAL INFORMATION

6. Related policies and instructions. This annex should be read in conjunction with the parent chapter, Military Personnel Policy Manual (MILPERSMAN), Part 2, Chapter 6—Australian Defence Force Gap Year, and any other policies referenced therein.

7. Eligibility. The ADFGY–AF is open to applicants who are assessed by Defence Force Recruiting (DFR) as meeting all of the following criteria:

a. the applicable Air Force mustering enlistment entry standards

b. be between the ages of 17 and 24 inclusive at time of enlistment, and

c. reach the age of 18 by the graduation date of the relevant recruit course.
8. The Directorate of Personnel – Air Force will advise DFR of the cut off date for the upcoming year in advance of the associated advertising campaign.

9. **Enlistment conditions.** Each ADFGY–AF participant will be enlisted for a fixed period of service no greater than 12 months.

10. **Reclassification and regrading.** During this time, ADFGY–AF participants will be reclassified within rank as described below and remunerated as a recruit, trainee and finally as a trained member within their parent mustering (as detailed in the relevant employment profile):
   
a. On enlistment, ADFGY–AF participants will commence service as an Aircraftman Recruit (ACR) or Aircraftwoman Recruit (ACWR). They will remain as ACRs and ACWRs until they graduate from No 1 Recruit Training Unit (1RTU).
   
b. On graduation and posting from 1RTU ADFGY–AF participants will be reclassified to trainee (AC(T) and ACW(T)). They will remain as AC(T)s and ACW(T)s until they successfully complete their initial employment training (IET). Incremental salary progression will apply where training exceeds six months.
   
c. On successful completion of IET, ADFGY–AF participants will be reclassified to AC or ACW and will receive service allowance and the salary applicable to the entry pay grade for their mustering.

11. **Training.** ADFGY–AF participants must undertake an Air Force Gap Year course that consists of the following training modules and related work experience:

   a. **Phase 1.** During phase 1, all participants will undertake the full ab—initio course at 1RTU.
   
b. **Phase 2.** During phase 2, participants will undertake IET at the training school applicable to their parent mustering.
   
c. **Phase 3.** Upon completion of both recruit training and IET, participants will then undertake work placement at an Air Force unit or squadron for the remainder of the Gap Year period.

12. **No further service obligation.** Upon separation from the ADFGY–AF program, participants have no further service obligation and are not required to transfer to the RAAF Standby Reserve in accordance with MILPERSMAN, Part 2, Chapter 3—*Appointment and enlistment in the Australian Defence Force*.

13. **Suitability assessment.** ADFGY–AF participants who meet all behavioural and performance expectations can expect to serve for the full ADFGY–AF tenure and beyond in some capacity should they wish to do so. Where a participant does not meet expectations, their suitability to continue serving will be reviewed.

14. **Future intentions.** At completion of IET, participants will be asked to indicate their post—gap year intentions. If their intent is not to apply to undertake Reserve service in their current mustering, possible alternate options are described in paragraph 15.
15. The general preference is for ADFGY–AF participants to complete all training as scheduled and subsequently apply to undertake further Reserve service within their enlisted mustering, in a mutually agreed work pattern. Notwithstanding this preference, possible alternate options, which may be explored by participants at any time during the ADFGY–AF program using extant processes, are detailed in the following paragraphs:

a. **Remain in the Permanent Air Force (PAF) in current mustering.** Retention in the PAF is dependent upon available targets and subject to competitive selection processes. Continuing within current mustering is generally preferred given the training already undertaken. Capability priorities and an individual’s aptitude will be taken into consideration.

b. **Remain in the PAF in an alternate mustering.** Such transfers are predicated on competitive selection against limited targets and upon first completing IET applicable to the new mustering. Such transfers are not common as they are generally not available to other PAF members until they have completed two years in mustering following completion of IET.

c. **Transfer to the Active Reserve in an alternate mustering.** Such transfers are predicated on competitive selection against limited targets and upon first completing IET applicable to the new mustering. Given limited Reserve training options and an inability to compel ongoing Reserve service post training, such transfers are not common.

d. **Remain in the PAF concurrent with appointment as an officer.** Any application to be appointed as an officer is predicated upon available targets and merit based selection against all other eligible applicants.

e. **Voluntary transfer to the Royal Australian Air Force Standby Reserve (RAAFStR).** Subject to satisfactory performance and behaviour ADFGY–AF participants will normally be allowed to apply for transfer to the RAAFStR. This category of the Reserves has no associated obligations other than those that may be applied by the Governor General on callout of the Reserves.

f. **Transfer to Army or Navy.** ADFGY–AF participants may apply for a transfer to another Service at any time during the ADFGY–AF year. MILPERSMAN, Part 6, Chapter 5—*Transfer of Personnel between the Services* details the process for transfer to Army or Navy.

g. **Resignation.** ADFGY–AF participants may apply to resign at any time during the ADFGY–AF program and are only required to provide 21 days notice. Applications for resignation will be expedited without delay. Resignation ceases all association with the Australian Defence Force.

16. Importantly, ongoing service in any form will rely upon the participant’s observed performance and behaviour and capability requirements. For some transition options, vacancies may be limited, therefore selection is competitive.
17. The transition processes outlined above are only relevant for ADFGY–AF participants during their ADFGY–AF appointment. Should a participant resign at the end of their ADFGY–AF then normal re–enlistment conditions apply.

MANAGEMENT FRAMEWORK

RESPONSIBILITIES

18. **Director—General Personnel – Air Force (DGPERS–AF).** DGPERS–AF is the ADFGY–AF program coordinator/manager and is responsible to Chief of Air Force for planning, reporting and ongoing management of the ADFGY–AF. DGPERS–AF has raised the Air Force Gap Year Flight within Personnel Branch–Air Force (PERSBR–AF) to deal with the ongoing daily management of this program. Specific ADFGY–AF responsibilities, through the relevant PERSBR–AF Directors, include:

a. developing the ADFGY–AF implementation strategy
b. coordinating development of the ADFGY–AF recruitment and retention strategy plan
c. maintaining and updating the Concept of Operations for implementation of ADFGY–AF
d. communicating Air Forces plans for ADFGY–AF internally to ADF personnel and externally as appropriate
e. establishing ADFGY–AF annual targets in consultation with DFR and Air Force Headquarters
f. with the Assistant Secretary People Policy and Employment Conditions, developing conditions of service for ADFGY–AF participants
g. with Defence People Group, developing measures for assessing the effectiveness of ADFGY–AF
h. maintaining this annex
i. developing an ongoing targeting/resource strategy for staffing ADFGY–AF
j. providing technical guidance on enlistments and transfers from the ADFGY–AF scheme
k. posting ADFGY–AF participants against paid pool positions within a posted unit for the duration of the gap year program
l. transitioning participants from ADFGY–AF via one of the avenues described in paragraph 15.

19. **Air Force Training Group (AFTG).** AFTG is responsible for the command, management and training of ADFGY–AF participants at Air Force training units in accordance with extant policy and guidance, noting those conditions specific to ADFGY–AF.
20. **Force Element Groups (FEGs).** FEGs are responsible for the command, management and training of ADFGY–AF participants at their units in accordance with extant policy and guidance, noting those conditions specific to ADFGY–AF.

21. **Individual Units/Squadrons.** Units/Squadrons with ADFGY–AF participants posted to their pool positions will be responsible for:

   a. all administration as per the extant management policy of the participants

   b. delivery of the normal range of welfare support to families

   c. providing ADFGY–AF participants with a meaningful experience in order to gain a better understanding of the opportunities available to them in the Air Force and to facilitate their potential selection for ongoing Reserve or PAF service

   d. coordinating the formal aspects of the ADFGY–AF transfer process, including:

      (1) organising final medical and dental examinations prior to completion of the ADFGY–AF program and transfer/separation

      (2) finalising all administrative matters pertaining to housing, removal, pay and entitlements

      (3) managing the pre—separation interview.

**CONTACT DETAILS**

22. **Contact details.** Comments/inquiries concerning the content of this annex are to be directed to:

Deputy Director Selection, Enlistment Appointment and Transition in the Directorate of Personnel—Air Force

BP 29–1–51, Air Force Headquarters

CANBERRA ACT 2600

Telephone 02 6144 7380
CHAPTER 7

ENGAGEMENT OF MEMBERS OF THE AUSTRALIAN DEFENCE FORCE RESERVE TO RENDER CONTINUOUS FULL–TIME SERVICE

INTRODUCTION

7.1 Australian Defence Force (ADF) Reserve members serving in Service Category (SERCAT) 3-5 may render periods of Continuous Full-time Service (CFTS), also known as Service Option C, as authorised under the Defence Act 1903.

POLICY STATEMENT

7.2 Reserve members may be required to render CFTS by call-out order by the Governor General, or voluntarily to support Defence capability.

7.3 The Defence Reserve Service (Protection) Act 2001 provides various protections for Reserve members rendering Defence service.

SCOPE

7.4 This chapter applies to Reserve members who render CFTS and those who manage them.

DEFINITIONS

7.5 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this chapter.

GUIDING PRINCIPLES

7.6 A delegate may authorise a Reserve member to undertake voluntary CFTS under section 26 of the Defence Act 1903. Voluntary CFTS requires an undertaking between the Reserve member and a delegate. It is normally limited by time and relates to the fulfilment of a specific Service need in keeping with the Reserve member's skills, capabilities and qualifications.

7.7 Under section 28 of the Defence Act 1903, the Governor General may call-out all or part of the ADF Reserves for CFTS in specific circumstances. Reserve members serving in SERCAT 2 are liable for call out.

7.8 While rendering CFTS, a Reserve member is generally entitled to the same remuneration and conditions of service, and subject to the same service requirements, laws, regulations and procedures as a Permanent Force member, unless a specific exclusion applies.

7.9 All CFTS is protected Defence service under the Defence Reserve Service (Protection) Act 2001. See Annex 8A to MILPERSMAN Part 7, Chapter 8—Defence

7.10 Defence members are to refer to their relevant Service instructions for information about the Service-specific conditions of service and administration of CFTS, including voluntary and involuntary cessation. See Related Documents for links.

**ENGAGEMENT TO RENDER CONTINUOUS FULL-TIME SERVICE**

7.11 Reserve members engaged to render CFTS are required to fulfil the standards for readiness and deployability applicable to their rank and employment category, except where a single-Service policy provides otherwise.

7.12 **Income tax and superannuation.** In accordance with the Income Tax Assessment Act 1997, the salary (pay and salary related allowances) received by a Reserve member undertaking CFTS is subject to taxation as income. If a Reserve member commencing CFTS has a preserved employer benefit in the Military Superannuation and Benefits Scheme (MilitarySuper), they will automatically rejoin that scheme. They can then choose to transfer to ADF Super. If a Reserve member commencing CFTS has taken their Military Superannuation and Benefits Scheme (MilitarySuper) benefit as a lump sum or a pension, or they are a member of the Defence Force Retirement and Death Benefits scheme, they will automatically join ADF Super. Members are encouraged to seek independent financial advice regarding their superannuation options. Reserve members should refer to the Commonwealth Superannuation Corporation for more information.

7.13 A Reserve member rendering CFTS should be made aware of Defence Reserves Support and the Employer Support Payment Scheme (ESPS). The ESPS provides financial assistance to eligible employers of Reserve members and self-employed Reserve members, when the Reserve member is absent from their civilian workplace on eligible periods of Defence service.

7.14 **Transfer to the Permanent Forces.** If a Reserve member transfers to the Permanent Force, that member is no longer entitled to the protections and benefits associated with CFTS. In addition, the Reserve member’s civil employer will cease to have any protection obligations and will not be entitled to any further payments under the ESPS.

7.15 **CFTS following receipt of a financial or special benefit.** Defence members who have received payment of a financial or special benefit under the provisions of ADF Pay and Conditions Manual (PACMAN), Chapter 2, Part 3, Division 1 or Division 3 should refer to the relevant Division prior to beginning a period of CFTS.

**CONTINUOUS FULL-TIME SERVICE FOLLOWING A CALL-OUT**

7.16 The Governor General may, by publishing a written order in the Commonwealth of Australia Gazette, call-out some or all of the ADF Reserves for CFTS. Following a call-out, CFTS is compulsory for the Reserve members to which the call-out order applies.
7.17 Once the Governor General has issued the call-out order, the CDF or delegate is to:

a. identify the period of CFTS to be rendered by the Reserve member(s)

b. notify the relevant member(s) of the call-out

c. notify any affected third party of the call-out order and the protections and obligations that apply. For the sake of this chapter, third party means a Reserve member’s civilian employer, business partner(s) or Australian educational institution in which they are enrolled.

7.18 CFTS following a call-out is subject to the protections available under the *Defence Reserve Service (Protection) Act 2001*.

7.19 The ESPS is not applicable to employers of members subject to a call-out order, except for CFTS rendered:

a. as a result of an order under subsections 51A, 51B or 51C of the *Defence Act 1903*; or

b. by a member of the Reserve Response Force or in relation to a civil emergency, as a result of an order under Section 28 of the *Defence Act 1903*.

### VOLUNTARY CONTINUOUS FULL-TIME SERVICE

7.20 Voluntary CFTS can be initiated by a delegate or a Reserve member. Reserve members are to refer to their relevant Service Instructions for the administrative process and conditions of service requirements for CFTS. A flow diagram setting out the procedure to be followed for a member to undertake voluntary CFTS is provided in annex 7A.

### THIRD PARTIES

7.21 Where applicable, Reserve members are to be encouraged to discuss their intention to undertake CFTS with interested third parties (eg. civilian employees) at the earliest opportunity. Early discussions with third parties can simplify administration and minimise the likelihood of conflict between the Service, the Reserve member and third parties later in the process. Until a formal request has been made by the delegate, it should be made clear to all parties that the proposal to undertake voluntary CFTS is only tentative and is not binding.

7.22 Third parties are to be given the opportunity to make a submission or raise objections to the delegate, whenever the Service need allows, prior to the authorising of voluntary CFTS.

7.23 **Third party objections.** In the event of a third party raising an objection to a Reserve member undertaking CFTS, a delegate is to consider the objection in deciding whether or not to proceed with engaging the member onto CFTS. When no objection is raised, or following consideration of any objection that has been raised, a delegate is to advise the Reserve member and the third party that:
a. the delegate is not proceeding with the engagement of the member to render CFTS, or

b. the delegate is proceeding with the engagement of the member to render CFTS, and

(1) that the decision will be legally binding

(2) the protections that must be afforded to the Reserve member by the third party

(3) if the third party is an employer or business partner, the employer or firm should consider making an application for financial support under the ESPS (if applicable)

(4) the employer has the opportunity to make a representation to the Office of Reserve Service Protection or the Defence Ombudsman.

7.24 When applicable, should the Reserve member subsequently decline the formal request of engagement to render CFTS, the delegate is also to inform the third party of this outcome.

7.25 In exceptional circumstances the urgency of the Service need may not permit time for the third parties to raise objections. These circumstances are most likely to arise for Service Category (SERCAT) 4 members. SERCAT 4 members are to ensure their employer is aware that they may be required to deploy at short notice. Even if no opportunity can be given to the third party to raise objections, the third party is nonetheless to be informed of a decision to accept an undertaking to render CFTS.

7.26 Problems with third parties. Under the Defence Reserve Service (Protection) Act 2001, it is unlawful for an employer or business partner to hinder their employee or fellow partner from rendering Defence service.

7.27 Should an employer or third party refuse to release or otherwise seek to prevent a Reserve member from undertaking CFTS, the Reserve member should, in the first instance, attempt to resolve the situation through their own efforts with the employer or third party. Further detail on resolving issues relating to possible breaches of the Defence Reserve Service (Protection) Act 2001 is contained in MILPERSMAN Part 7, Chapter 8.

7.28 Form letters. To assist with notification, templated form letters to third parties are available on PeopleConnect. The form letters contain the minimum information that should be provided to a third party. Where applicable, units or mounting headquarters should customise the standard letter to suit the particular circumstance. For example, a mounting headquarters seeking a large number of Reserve members for an overseas deployment might include additional information on the proposed deployment and the vital contribution that the Reserve members, through involvement in the deployment, will make to the national interest.
7.29 Templates of the following letters are on PeopleConnect:

a. form letter to a third party advising of the intention to engage a Reserve member to render CFTS

b. form letter to a third party advising of the decision to engage a Reserve member to render CFTS without providing an opportunity for the third party to raise objections

c. form letter to a third party advising of a final decision to engage a Reserve member to render CFTS

d. form letter to a third party advising of a final decision not to proceed with a proposed engagement of a Reserve member to render a period of CFTS.

FORMAL REQUEST

7.30 The period of CFTS is not to commence until the delegate has made a formal request to the Defence member to render CFTS. Following this, the member is to be engaged and render service in accordance with the undertaking.

7.31 The period of CFTS is to begin on the date specified on the agreement, which should be a future date. It is recommended agreements are signed at least seven days prior to the period of CFTS commencing to provide time for delegates to complete the required administrative processes. Agreements to render CFTS are not to be signed retrospectively or back-dated. If a member has already commenced work which is intended for them during their period of CFTS, they will be remunerated as a Reserve member rendering service other than CFTS until their period of CFTS begins. Relevant documentation is to be raised when necessary.

7.32 Unless there is an urgent requirement, a delegate should not formally request a Reserve member to render voluntary CFTS until the administrative process has been completed and all relevant factors, including third party objections, have been considered.

7.33 When the voluntary CFTS starts, the relevant third party is to provide the protections and benefits set out in the Defence Reserve Service (Protection) Act 2001.

CONFLICT OF INTEREST AND POST-SEPARATION EMPLOYMENT

7.34 Conflict of interest. Reserve members on CFTS are subject to the requirements of Defence Instruction (General) Personnel (Di(G) PERS) 25-6 – Conflict of interest and declarations of interests, which details the responsibilities of Defence members in relation to their disclosure of conflicts of interest. Where a Group Head or Service Chief has identified that a member will be occupying a position which requires them to be particularly transparent about their financial and personal interests, the member is to complete and submit a Form AE877–Statement of Private and Financial Interests of Australian Defence Force Personnel detailing their financial and other interests.
7.35 The recommending and approving authorities are to assess whether an actual, potential or perceived conflict of interest exists and make a determination on the member’s suitability for employment.

7.36 **Post-Separation Employment.** Reserve members on cessation of CFTS are subject to the requirements of DI(G) PERS 25–4—Notification of Post-separation Employment.

**ADMINISTRATION**

7.37 The administrative arrangements and Service-specific requirements relating to the engagement to render CFTS are to be promulgated in separate Service instructions. The flow diagram in annex 7A provides the outline for administrative procedures.

**RELATED MANUAL CHAPTERS**

MILPERSMAN, Part 2, Chapter 5—Australian Defence Force Total Workforce Model - Service Spectrum

MILPERSMAN, Part 7, Chapter 8—Defence Reserve Service (Protection) Act 2001—Policy and Procedures for Complaint Resolution

MILPERSMAN, Part 10, Chapter 1—Permanent Defence Members Notification of Intention to Resign or Transfer to the Reserves

MILPERSMAN, Part 10, Chapter 2—Termination of Service in the Australian Defence Force

**RELATED LEGISLATION AND PUBLICATIONS**

*Defence Act 1903*

*Australian Navy Publication 2110*

*Army Standing Instruction (Personnel)*

*Air Force Personnel Standing Instructions* (Chapter 15)

**Annex:**

7A *Flow diagram for voluntary continuous full–time service applications*

Sponsor: ASPPEC (DMPP)
PROTECTIONS AVAILABLE IN RELATION TO AUSTRALIAN DEFENCE FORCE RESERVES

PROTECTION

1. The *Defence Reserve Service (Protection) Act 2001* provides a range of protections to Reservists to ensure the re-entry of a Reservist into civilian employment, partnership or course of education following a period of protected service.

2. Table 7A–1 outlines the various types of protection and benefits available and the corresponding type of service for which they apply.

<table>
<thead>
<tr>
<th>Type of protection and benefits</th>
<th>Types of service for which respective protection or benefit applies</th>
</tr>
</thead>
<tbody>
<tr>
<td>All kinds of Defence Reserve service</td>
<td>All kinds of Defence service except for unprotected voluntary CFTS.</td>
</tr>
<tr>
<td>Employment protection</td>
<td>All kinds of Defence service except for unprotected voluntary CFTS.</td>
</tr>
<tr>
<td>Partnership protection</td>
<td>All kinds of Defence Reserve service except for unprotected voluntary CFTS.</td>
</tr>
<tr>
<td>Education protection</td>
<td>Protected voluntary CFTS and CFTS following a call-out.</td>
</tr>
<tr>
<td>Bankruptcy protection</td>
<td>CFTS following a call-out.</td>
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<tr>
<td>Financial liability protection</td>
<td>CFTS following a call-out.</td>
</tr>
<tr>
<td>Loans and guarantees</td>
<td>CFTS following a call-out.</td>
</tr>
</tbody>
</table>

3. **Discrimination.** Discrimination relates to employment, partnerships, commission agents, contractors and includes:

   a. The refusal to give work to a person for any prohibited reason (as defined in the *Defence Reserve Service (Protection) Act 2001*) or for reasons that include a prohibited reason.

   b. The dismissal of an employee, the changing of the terms and conditions of employment for an employee or the discrimination in the terms and conditions of employment for an employee for any prohibited reason or for reasons that include a prohibited reason.

   c. The refusal to offer, form or invite a partnership for a prohibited reason or for reasons that include a prohibited reason.
d. The refusal or failure to engage a person as a commission agent or a contractor for any prohibited reason or for reasons that include a prohibited reason.

e. The threat or termination of a contract for any prohibited reason or for reasons that include a prohibited reason.

f. The hindering or preventing of an employee, partner, commission agent or contractor from volunteering to or rendering Defence service (of any kind).

4. **Employment.** For the purposes of protection, employment includes:

a. appointment or employment by the Commonwealth, a State or Territory

b. appointment or employment by an authority of the Commonwealth or of a State or Territory (including a local Government body)

c. an apprenticeship

d. a trainee arrangement

e. full-time, part-time and casual work, but does not include

f. work under a contract for services or

g. work as a commission agent.

5. **Eligibility.** The protections, benefits and Defence service (continuous and non-continuous) detailed in Table 7A–1 only apply to members of the Australian Defence Force Reserves and in some cases the dependants of those members.
CHAPTER 8

FLEXIBLE SERVICE ARRANGEMENTS

INTRODUCTION

8.1 The policy on Flexible Service Arrangements is currently under development and will be published in this Chapter of the Military Personnel Policy Manual in due course.
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CHAPTER 1

AUSTRALIAN DEFENCE FORCE POLICY ON INDIVIDUAL READINESS

INTRODUCTION

1.1 Members of the Australian Defence Force (ADF) must be able to contribute fully to the delivery of decisive combat capability. This means Defence members must be trained and equipped for service appropriate to their likely operational tasks and be ready and able to deploy at short notice on operations or exercises. Individual Readiness (IR) is fundamental to a Defence member’s ability to contribute to capability.

POLICY STATEMENT

1.2 Defence members are required to achieve and maintain the IR standards set by their respective Service. The six categories of IR are availability, employment competency, weapons proficiency, medical status, dental status and physical fitness.

DEFINITIONS

1.3 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this Chapter.

ROLES AND RESPONSIBILITIES

1.4 Defence members. Defence members must accept a high-level of personal responsibility for their own readiness. It is an individual’s responsibility to ensure component testing is booked and in normal circumstances can be undertaken in adequate time prior to expiry.

1.5 Commanders, managers and supervisors. Commanders, managers and supervisors are required to ensure Defence members are afforded the opportunities and resources to maintain IR compliance. This includes releasing Defence members to prepare for and undertake component assessments. Commanders, managers and supervisors are also required to ensure accurate and timely reporting of IR compliance and manage Defence members who are not IR compliant.

1.6 Service Chiefs. Service Chiefs are responsible for implementing service specific procedures to establish, maintain, monitor and report on IR.

POLICY GUIDELINES

1.7 Availability. All trained force members are to affirm their availability to deploy on operations or exercises for extended periods either prior to or on arrival at their first unit. In making this affirmation, members are stating that their personal circumstances do not preclude their meeting this obligation. This affirmation should be made using the dedicated declaration obtained through Personnel Management
Key Solution (PMKeyS) Self Service (PSS) and reportable to PMKeyS. In exceptional circumstances, or if PSS is unavailable for a protracted period, Web Form AD366 may be used. This does not apply to Navy members, as the Availability section within PMKeyS is automatically set to ‘available’. Where members wish to be considered unavailable for deployment for a temporary period due to compassionate or personal circumstances, they are to advise their chain of command by revising their statement of availability to reflect the period of unavailability, stating these reasons. The member’s Commanding Officer (CO) should acknowledge compelling circumstances of a compassionate or personal nature. However, any long term reduction in Availability for Deployment may cause the member’s further service in the ADF to be re-examined.

1.8 **Employment.** The employment component of readiness relates to the skills and proficiency of members in carrying out particular tasks related to their rank and employment category. Employment proficiency indicates that the member has completed initial employment training and is not subject to an administrative formal warning or censure imposed in the previous 12 months. If a Defence member receives the lowest rating for job competence in their annual performance review, an assessment of ‘Not Ready’ for Employment is to be applied.

1.9 **Weapons.** Members who are required to use individual weapons are required to maintain the standards of proficiency applicable to their employment category set by their Service.

1.10 **Medical.** The ADF requires its members to be physically and mentally healthy in order to undertake their operational duties. A member is medically ready if they are Medical Employment Category (MEC) 1 or MEC 2, and:

a. their MEC status has been confirmed via a Periodic Health Examination (PHE) or Periodic Health Examination – Specialist Employment Personnel (PHE–SPEC) completed in accordance with the age and occupation based PHE schedules outlined in the Defence Health Manual (DHM) Volume 2, *Part 6, Chapter 5*—ADF Periodic Health Examinations

b. at the time of the PHE or PHE – SPEC, they are current in all routine immunisations as detailed in the DHM Volume 2, *Part 8, Chapter 12*—Service Vaccinations Manual

c. where appropriate, they have satisfied all post operational mental health screening requirements in accordance with DHM Volume 1, *Part 10, Chapter 2*—Operational Mental Health Screening.

1.11 **Dental.** A member is dental–ready if they are Dental Fitness Classification (DFC), DFC 1 or DFC 2 and have undergone dental examinations in accordance with DHM Volume 1, *Part 11, Chapter 1*—Dental Classification System and DHM Volume 2, *Part 11, Chapter 1*—Dental examination of ADF members. In accordance with DHM Volume 2, *Part 3, Chapter 13*—Australian Defence Force Locality Restriction for Dental Treatment, a Dental Locality Restriction should not restrict a member from being available for any detached duty, field exercise or deployment. However, members are required to have a dental examination and preparation prior to undertaking any field or sea duty.
1.12 **Physical fitness.** Members are required to maintain the minimum fitness standards set by their Service appropriate to their employment category.

1.13 **Exemptions.** Defence members may be exempted from IR requirements where, due to Service mandated requirements, they are unable to be assessed in the IR components. Typical examples include pregnancy, overseas posting, full-time industry placements, and protracted periods of leave such as leave without pay, long service leave or maternity leave. Other situations designated in single Service IR instructions, such as deployment may be valid circumstances for exemptions.

1.14 **Component waivers.** COs may grant waivers for components of IR to members who are unable to comply due to temporary reasons beyond their control. In issuing a waiver, a CO is acknowledging that the member has not been given a reasonable opportunity to comply with the IR component. The waiver is an administrative indicator that the CO has recognised and is managing the IR component gap.

1.15 **Reporting.** It is essential that units and administrative support staff keep all Defence members’ IR data up to date within PMKeyS to ensure accurate reporting and data extracts. ADF-wide reports on IR are prepared by VCDF Group for COSC consideration with the Services contributing specific comments or explanations as necessary. Regular reporting serves to remind commanders and members of their obligation to maintain the minimum readiness standards as stipulated by the individual Service Chiefs.

**INABILITY TO MAINTAIN INDIVIDUAL READINESS**

1.16 Members who cannot maintain the appropriate level of readiness should be given reasonable opportunity to reach an acceptable standard of readiness.

1.17 If members are assessed as permanently or indefinitely unable to maintain an acceptable level of readiness, for reasons beyond their control, the member’s continued service is to be evaluated. For example, if the reason for not being able to maintain readiness is due to medical issues, then evaluation of continued service is to be in accordance with MILPERSMAN, Part 3, Chapter 2—*Australian Defence Force Medical Employment Classification System*.

1.18 Members who fail to maintain an acceptable standard of individual readiness for reasons within their control are to be formally counselled that their continuing non-compliance may result in the termination of their service. Should members continue to fail to maintain the required standards they may be placed on a formal warning or censure under MILPERSMAN, Part 9, Chapter 2—*Formal Warnings and Censures in the Australian Defence Force*, or they may be given notice, under Section 30 of *Defence Regulation 2016*, of a proposed termination under Section 24 of *Defence Regulation 2016*.

**RELATED MANUAL CHAPTERS**

MILPERSMAN, Part 2, Chapter 1—*Inherent Requirements of Service in the Australian Defence Force*
MILPERSMAN, Part 3, Chapter 2—*Australian Defence Force Medical Employment Classification System*

MILPERSMAN, Part 9, Chapter 2—*Formal Warnings and Censures in the Australian Defence Force*

**RELATED LEGISLATION, POLICY AND PUBLICATIONS**

*Defence Regulation 2016*

*Defence Instruction (Navy) PERS 31–46*—*Royal Australian Navy policy on Individual Readiness*

*Defence Health Manual*

*Army Standing Instruction (Personnel)*

**Sponsor:** ASPPEC (DMPP)
CHAPTER 2

AUSTRALIAN DEFENCE FORCE MEDICAL EMPLOYMENT CLASSIFICATION SYSTEM

INTRODUCTION

2.1 The Medical Employment Classification (MEC) system provides a consistent tri-Service approach to the application of medical fitness standards for Defence members.

2.2 The safe employment of Defence members through the application of MEC and associated restrictions is a critical component of military capability. The MEC system is a flexible framework to ensure that Defence members are employed to their maximum potential to the best advantage of both the Defence member and the Australian Defence Force (ADF).

2.3 The MEC system is an integral part of a workforce management construct which emphasises the inherent physical requirements and functional capacity to perform specific tasks necessary for employment in different operating environments.

2.4 The separate categories of MEC focus on deployability, employability and rehabilitation. They are designed to provide flexibility for workforce managers to match Defence members against specific employment criteria in differing environments.

POLICY STATEMENT

2.5 The ADF is committed to providing appropriate employment opportunities and rehabilitation for Defence members where the Defence member’s MEC is downgraded during their service. Where a Defence member is no longer fully employable as a result of their medical condition, the ADF is committed to providing appropriate assistance and support during their transition to civilian life.

SCOPE

2.6 The purpose of this Chapter is to specify employment policy for the ADF MEC system and to ensure that all Defence members are employed appropriately in accordance with this Chapter.

2.7 This Chapter is applicable to all Defence members and Defence personnel who manage/supervise Defence members.

DEFINITIONS

2.8 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this Chapter. Annex 2A provides a list of definitions and abbreviations that apply to this Chapter.
ROLES AND RESPONSIBILITIES

2.9 Service Chiefs and Group Heads are to ensure that internal procedures and practices for the management of MEC and the conduct of Medical Employment Classification Review Boards (MECRB) are conducted in accordance with this Chapter.

2.10 Commander Joint Health is responsible for developing health policy and procedures to support the MEC system.

2.11 Competent, Credentialed and Authorised Health Professionals (CCAHP) are responsible for undertaking Medical Employment Classification Reviews (MECR) in accordance with this Chapter and the Defence Health Manual (DHM), Volume 2, Part 6, Chapter 5—ADF Periodic Health Examinations.

2.12 Health Unit administrators are responsible for:
   a. raising and distributing Form PM 532—Medical Employment Classification (MEC) Advice (available on the Defence Web Form System) in accordance with DHM, Volume 2, Part 6.
   b. entering the electronic record of MEC in PMKeyS.

2.13 Career Management Agencies (CMAs) are responsible for ensuring:
   a. Defence members are posted to positions/locations that are compatible with the member’s MEC and restrictions (Note: this may not result in a posting, require movement to a safe job—for example, pregnancy)
   b. the electronic record of MEC in PMKeyS is an accurate record of the Defence member’s most recent Form PM 532.

2.14 Commanders are to be proactive in the MEC management of Defence members under their command and are responsible for ensuring that they are employed within the limitations of their MEC restrictions. Commanders are to ensure they have sighted Form PM 532 for all Defence members with a MEC 2, 3, 4 or 5 and that they are aware of the relevant employment restrictions.

2.15 Defence members with medical and related employment restrictions are responsible for:
   a. having readily available a copy of the most recent Form PM 532 outlining the nature of their restrictions
   b. advising Commanders/supervisors/managers when proposed tasks may be contrary to their employment restrictions outlined in Form PM 532
   c. ensuring their PMKeyS records correctly indicate their MEC subsequent to any outcomes of a MEC Review
   d. initiating a MEC review as required, in line with an earlier MECRB determination or periodically in accordance with DHM, Volume 2, Part 6, Chapter 5—ADF Periodic Health Examinations.
MEDICAL EMPLOYMENT CLASSIFICATIONS

2.16 The allocation of MEC has implications beyond simply determining medical fitness for a deployed environment. Medical fitness will impact on decisions involving postings, training, rehabilitation, compulsory and voluntary transfers between employment groups or to the Reserves, payment of specialist allowances, employment group skill grades, rate of salary and retention in the ADF.

2.17 A MEC is determined according to each Defence member’s primary military occupation. This assessment is made with consideration of the employment environment in which that occupation is performed. The allocation and management of MEC will therefore differ depending on the employment environment.

PRIMACY OF MEDICAL EMPLOYMENT CLASSIFICATION

2.18 While Service specific requirements for the allocation of MEC apply, all single-Service documents with procedural or policy references to medical fitness are subordinate to this Chapter. This Chapter will prevail to the extent of any inconsistency.

2.19 Form PM 532 is the official and authoritative source of a Defence member’s MEC. The MEC allocation and accompanying employment restrictions detailed on Form PM 532 should take precedence over any other references to a Defence member’s MEC status and subsequent functional capacity to perform specific tasks. Form PM 532 should clearly state the nature of any employment restrictions in full. Paragraph 2.72 provides specific guidance concerning the primacy of medical restrictions where additional information or a deterioration of health occurs post determination by the MECRB.

2.20 In addition to the allocated MEC, a Defence member may also require additional short-term medical restrictions. Temporary employment restrictions imposed on a Defence member through Form PM 101—Medical or Dental Fitness Advice are to be applied together with any extant MEC restrictions.

PRIVACY

2.21 Commanders/ supervisors/managers only require access to details of a Defence member’s medical condition pertaining to the impact that this condition has on the Defence member’s employability and/or deployability.

2.22 Disclosure of health information to Commanders/ supervisors/ managers, or to Defence Units who administer a Defence member, is permitted for the purpose of personnel management. However, authorised personnel in ADF Health Facilities may only provide sufficient information to permit unit personnel to administer the Defence member appropriately and for Commanders to employ the Defence member without risk of further injury or exacerbation of their medical condition. This may include the location of the Defence member, expected time off work, likely changes to employability or deployability and occupational restrictions. Information disclosed should not include the diagnosis unless there are public health or public safety issues, and/or personal safety issues such as potential self-harm including any operational consequences. If medical information is released to
Commanders/supervisors/managers for these purposes, the Defence member is to be informed of the disclosure.

2.23 The Defence member has the right for their Sensitive: Personal information to be managed in accordance with applicable legislation DHM, Volume 1, Part 3, Chapter 1—Privacy of Health Information of Defence Members and Defence Candidates. If a Defence member wishes to release Sensitive: Personal information to someone outside the Defence Health Service, then Form PM 609—Consent to Release Medical Information Relating to a Medical Employment Classification Review Board authorising the extent of release of the information, is to be signed by the Defence member.

2.24 All other documentation associated with the MEC system will be handled under the caveat of FOR OFFICIAL USE ONLY.

MEDICAL EMPLOYMENT CLASSIFICATION GROUPS AND SUB-CLASSIFICATIONS

2.25 The MEC system has five levels. The five levels are defined within clearly delineated deployable and non-deployable categories as follows:

a. MEC 1: Fully Employable and Deployable.

b. MEC 2: Employable and Deployable with Restrictions.

c. MEC 3: Rehabilitation.

d. MEC 4: Employment Transition.

e. MEC 5: Separation.

2.26 MEC are further defined environmentally as Joint, Maritime and Land. An outline description of the MEC sub-classifications is indicated below. Descriptions of each MEC with career/personnel management guidance are contained in Annex 2B.

MEDICAL EMPLOYMENT CLASSIFICATION 1—FULLY EMPLOYABLE AND DEPLOYABLE

2.27 MEC 1 is for those Defence members who are classified as medically fit to participate across the full spectrum of military duties in both a deployed and non-deployed environment. Defence members who are classified as MEC 1 are eligible for the full range of posting and employment opportunities within the ADF. The MEC 1 sub-classifications are:


b. MEC J12. Fully Employable and Deployable with an Identified Requirement for Limited Materiel Re-supply and/or minimal health surveillance/monitoring as defined.
MEDICAL EMPLOYMENT CLASSIFICATION 2—EMPLOYABLE AND DEPLOYABLE WITH RESTRICTIONS

2.28 MEC 2 addresses the employability of Defence members who are not able to perform the full range of military duties, but who may be able to undertake limited duties, dependent on the materiel and health support availability and physical requirements inherent in differing employment environments.

2.29 Defence members who are classified as MEC 2 are eligible for a range of posting and employment opportunities applicable to their employment group subject to specific employment restrictions as detailed in the Defence member’s Form PM 532.

2.30 Individual deployments for land or maritime environments may have specific physical requirements that preclude certain medical restrictions normally accommodated within the MEC 2 level. These requirements and precluded medical restrictions will be detailed in the relevant Health Support Order and Plan by Headquarters Joint Operations Command (HQJOC). Deployment of a Defence member with a MEC 2 in these circumstances will be at the discretion of HQJOC J07. For non-Force Assigned elements on deployable environmental service—for example, at sea, deployment will be at the discretion of the relevant environmental command.

2.31 Joint. The first four sub-classifications are Joint classifications. They render a Defence member fit for employment across a range of military duties with defined limitations and/or required materiel support and/or defined access to prescribed health support:


b. MEC J22. Restricted Deployment—Defined Limitations and/or Required Materiel Support.

c. MEC J23. Restricted Deployment—Defined Limitations and/or Required Materiel Support and/or Access to Health Support up to Medical Officer Support—reviewed at Unit Medical Employment Classification Review (UMECR) at least every two years.

d. MEC J29. Limited Deployment—MECRB assigned only—Defined Limitations and/or Required Materiel Support and Defined Access to Role 2E Health Service.

2.32 Maritime. The next three sub-classifications are applicable to the Maritime environment. All are fit for employment within a wide range of military duties within the Maritime environment but with varying limitations as defined and/or with a requirement for specific materiel support and/or with defined access to a prescribed health support:

a. MEC M24. Maritime Environment—Defined Limitations and/or Required Materiel Support and/or Access to Health Support—minimum of Advanced Medical Assistant or Nursing Officer support.
b. **MEC M25.** Maritime Environment—Defined Limitations and/or Required Materiel Support and/or Access to Health Support—minimum of Clinical Manager.

c. **MEC M26.** Maritime Environment—Defined Limitations and/or Required Materiel Support and/or Access to Health Support—minimum of Nurse Practitioner, Physician Assistant or Medical Officer Support (Fleet Medical Officer endorsed only).

2.33 **Land.** MEC L27 and MEC L28 are Land Environment classifications which will be applied for specific operational requirements. These requirements are determined by the level of combat duties that a Defence member may be required to engage in:

a. **MEC L27.** Land Environment—Restricted Deployment—MECRB assigned only—Capable of performing limited offensive and full combat defence duties.

b. **MEC L28.** Land Environment—Limited Deployment—MECRB assigned only—Capable of performing combat defensive duties only.

2.34 When making recommendations to the MECRB career/personnel managers will need to consider MEC J29, L27 and L28 in terms of whether:

a. the Defence member possesses a skill/trade that has been identified by the CMA as highly desirable, or has reached a rank within an occupation that has been identified as difficult to replace and/or under strength

b. the Defence member’s medical condition does not place the Commonwealth under an unreasonably increased risk of liability should they continue to be employed

c. there is a suitable position or project for the Defence member to be employed in

d. the retention of the Defence member does not materially affect the required level of Service preparedness and capability.

MEDICAL EMPLOYMENT CLASSIFICATION 3—REHABILITATION

2.35 All MEC 3 sub-classifications are defined as not fit for operational deployment. MEC 3 is for those medical conditions or injuries that are considered temporary and for which there is a reasonable expectation that the Defence member will return to a deployable status following a period of rehabilitation and recovery. Defence members allocated MEC 3 may be fit for specified field activities and for seagoing activities in accordance with individual rehabilitation programs as defined by the designated single-Service Medical Officer (MO), or delegate, in accordance with relevant health policy.

2.36 The MEC 3 sub-classifications are as follows:

a. **MEC J31.** Rehabilitation—defined period up to 12 months.
b. **MEC J32.** Extended Rehabilitation—**MECRB assigned only**—defined period up to 24 months.

c. **MEC J33.** Pregnancy—defined period of up to 24 months.

d. **MEC J34.** Temporarily Non-effective—defined period between 28 days and four months.

2.37 Defence members who are classified MEC 3 will receive active medical management and rehabilitation, if required. Career/personnel managers may take posting action in the following instances:

a. on advice from the Defence member’s treating CCAHP to provide the Defence member with access to active medical management and rehabilitation

b. on request by the Defence member’s Commanding Officer (CO) for preparedness for operational reasons

c. on request by the Defence member’s CO when access to active medical management and rehabilitation is a critical consideration and is not available in current posted location. Prior to any posting request for this reason the CO must consult with the Director, Defence Clinical Services (DDCS) Joint Health Command (JHC) or representative to ensure that appropriate active medical management and rehabilitation is provided

d. when it is deemed appropriate for career/personnel management purposes. CMAs must ensure that the Defence member has access to active medical management and rehabilitation in their new posting. Any posting for this reason must be done in consultation with the DDCS or representative to ensure that appropriate active medical management and rehabilitation is provided.

MEDICAL EMPLOYMENT CLASSIFICATION 4—EMPLOYMENT TRANSITION

2.38 MEC 4 is designated as an employment transition category that provides several options for the medium-term employment of Defence members who are no longer fully employable in their current employment group. Individual placement will be determined primarily by workforce planning and management considerations. A placement in a MEC 4 may result in:

a. transition to a deployable MEC

b. transition to an alternate employment group

c. a period of limited employment, based on Service requirements, prior to transition from the ADF.

2.39 A confirmed MEC allocation by the Central Medical Employment Classification Review (CMECR) of MEC J40 indicates that career/personnel management action through the MECRB is required. All MEC 4 sub-classifications render a Defence member unfit for operational deployment and joint exercises.
Defence members may be fit for limited field and seagoing activities at the discretion of the designated single-Service MO in accordance with relevant health policy.

2.40 The MEC 4 sub-classifications are:

a. MEC J40. Holding Temporary—Confirmation and allocation of suitable MEC classification pending MECRB determination.

b. MEC J41. Alternate Employment—MECRB assigned only.

c. MEC J42. Employment at Service Discretion—MECRB assigned only—Duration up to five years at any one time.

d. MEC J43. Extended Transition—MECRB assigned only—Duration up to three years to support transition from the ADF.

e. MEC J44. Extended Non-effective—MECRB assigned only—Not fit for work for a defined period between four and 12 months.

2.41 When making MEC J41, J42 and J43 recommendations to the MECRB career/personnel managers will need to consider whether:

a. the Defence member possesses a skill/trade that has been identified by the CMA as highly desirable, or has reached a rank within an occupation that has been identified as difficult to replace and/or under strength

b. the Defence member’s medical condition does not place the Commonwealth under an unreasonably increased risk of liability should they continue to be employed

c. there is a suitable position or project for the Defence member to be employed in

d. the retention of the Defence member does not materially affect the required level of Service preparedness and capability.

MEDICAL EMPLOYMENT CLASSIFICATION 5—MEDICALLY UNFIT FOR FURTHER SERVICE

2.42 If a Defence member is not deemed suitable for employment within the MEC system then, under the *Defence Regulation 2016*, Section 24, the Chief of the Defence Force (CDF) will make a decision on whether to issue a termination notice to the Defence member on the basis that the Defence member is medically unfit.

2.43 Assignment of a MEC 5 is an administrative function. A Defence member will be automatically categorised as MEC 5 when the MECRB Chair decides to issue a termination notice on the basis that the Defence member is medically unfit.

2.44 The MEC 5 sub-classifications are:

a. MEC J51. Not Employable on Medical Grounds—Medically unfit and not employable other than within applicable restrictions in the period leading up to termination—MECRB assigned only.
b. **MEC J52.** Not Employable on Medical Grounds—Non-effective and unable to be employed in the period leading up to termination—**MECRB assigned only.**

**SPECIALIST EMPLOYMENT CLASSIFICATION**

2.45 In addition to the MEC, a Specialist Employment Classification (SPEC) is required to amplify employment restrictions for specialist employment stream Defence members in the employment categories of Aircrew (A), Joint Battlefield Airspace Controller (JBAC) (C), Diver (D), Parachutist (P) and Submariner (S).

2.46 All specialist employment stream Defence members will have a SPEC classification in addition to their MEC; for example, MEC J11 A1. The SPEC and associated restrictions are defined in Annex 2C.

**AUSTRALIAN DEFENCE FORCE INDIVIDUAL READINESS**

2.47 A Defence member’s MEC will impact on the certification of individual readiness (IR) (prescribed standard of physical, medical and dental fitness in accordance with MILPERSMAN, Part 3, Chapter 1—Australian Defence Force Policy on Individual Readiness. ‘Commanders seeking the status of a member’s MEC and employment restrictions, in relation to the medical component of IR, should refer to the latest Form PM 532. When in doubt, a CCAHP should be consulted.

**AIR AND SEA TRANSIT**

2.48 For non-aircrew Defence members, any conditions which have the effect of rendering them temporarily medically unfit for flying as a passenger are to be covered by annotating such restrictions on a Form PM 101.

2.49 For Defence members not posted to a seagoing unit but identified for transit in Her Majesty’s Australian Ships, any conditions which have the effect of rendering them temporarily medically unfit for transit by sea are to be covered by annotating such restrictions on Form PM 101.

2.50 All Defence members must be assessed for air and sea transit activities in accordance with subparagraphs 2.87a.—2.87d. and paragraphs 2.92—2.94 of this Chapter.

**ALLOCATION AND REVIEW OF MEDICAL EMPLOYMENT CLASSIFICATION**

**ALLOCATION**

2.51 **Initial entry.** On entry to the ADF, Defence members will be allocated a MEC applicable to their respective employment environment, and, where applicable employment group. In general, Defence members who are enlisted or appointed to the ADF should be MEC 1. However, MEC 2 entrants may be accepted at the discretion of the relevant single-Service.

2.52 **Trainees.** As a general principle, recruits and officer cadets/Midshipmen under either initial military training or initial employment training are required to
maintain a MEC 1 status throughout their training. Suitability for waivers to continue training when downgraded to MEC 2 or MEC 3 with applicable employment restrictions is a command decision.

2.53 If a trainee sustains an injury or illness that results in MEC downgrade to a classification that will preclude the trainee from completing training within the prescribed time frame, where the CO of the training facility considers the Defence member no longer suitable for continued service, the trainee is to be managed in accordance with the separation guidelines contained in this Chapter.

2.54 Employment group transfers. Defence members with employment restrictions may transfer to another employment group subject to Service need and an assessment by a CCAHP against the demands of the intended occupation.

2.55 Inter-Service transferees. Defence members should usually be a minimum standard of MEC 2 to be considered for inter-Service transfer in the ADF. The decision to allow an inter-Service transfer is to be made by the relevant delegate of CDF or delegate.

2.56 Transfer to Reserve Forces. Typically, a condition of transferring from the permanent to the Reserve Forces is that a Defence member be MEC 1 or MEC 2. Any transfer under a non-deployable or transitional MEC is to be considered by CMA in accordance with single-Service requirements.

MEDICAL EMPLOYMENT CLASSIFICATION REVIEW

2.57 As a general principle, the MEC and any associated employment restrictions of Defence members is to be assessed as part of their ongoing health care. For example, whenever a Defence member presents to an ADF Health Facility or is hospitalised, ADF Health Facility personnel should assess the appropriateness of the Defence member’s existing MEC. Specific classification review procedures apply to specialist employment streams in accordance with DHM, Volume 2, Part 6—Health Standards and Assessments – Serving Members.

2.58 CCAHP must initiate, or cause to be initiated, timely MECR action, when required. MECR action shall not be delayed or postponed until the next scheduled health assessment or a review of the current MEC is due.

2.59 A MECR is conducted by a CCAHP to determine the Defence member’s medical status with respect to employability and deployability. There are two types of MECR:

a. UMECR. A UMECR is conducted and confirmed locally, and is only performed where a Defence member’s long-term fitness for employment and deployment are not in doubt. UMECR is to be conducted in accordance with the procedures outlined in the DHM, Volume 2, Part 6.

b. CMECR. A CMECR is to be conducted in circumstances where longer term fitness for employment and deployment are in doubt. A CMECR is to be convened in accordance with DHM, Volume 3. The purpose of a CMECR is to provide a full assessment of the Defence member’s capabilities and disabilities so that the Chair of the MECRB can make a determination on the
Defence member’s employment suitability. It is the responsibility of the ADF Health Facility conducting the CMECR to collect the documentation required for a MECRB, including, but not limited to:

1. **Form PM 101** — Medical or Dental Fitness Advice
2. **Form PM 609** — Consent to Release Medical Information Relating to a Medical Employment Classification Review Board
3. **Form PM 518** — Medical Employment Classification Review Record subject to authorisation in paragraph 2.59b.(2)
4. **Form AD 524** — Member’s Health Statement (MHS)
5. **Form AD 523** — Workplace Disability Report (WDR).

2.60 Provision of the CMECR documentation should be submitted within 14 days to the Staff Officer Grade 1 Medical Services JHC. However, failure through action or inaction to submit the required supporting documentation will not delay provision of the CMECR to the MECRB. This time period may be varied by the Chair of the MECRB.

2.61 Commanders can refer a Defence member to a CCAHP at any time for consideration or assessment of MEC where there are doubts concerning the appropriateness of the Defence member’s current MEC or fitness for deployment or employment. Members may also initiate a MECR through their CCAHP where they wish their MEC to be reviewed—for example, for an upgrade following rehabilitation.

**MEDICAL EMPLOYMENT CLASSIFICATION REVIEW BOARD**

2.62 The purpose of the MECRB is to enable an employment review to be conducted that properly informs the MECRB Chair of the relevant matters to be considered in:

a. assessing the employability of the Defence member
b. endorsing, amending or allocating a MEC as required
c. endorsing, amending or allocating employment restrictions appropriate to the Defence member’s MEC
d. circumstances where the MECRB Chair, as the CDF’s delegate makes a decision on whether to issue a termination notice on the basis that the Defence member is no longer employable on medical grounds under [Defence Regulation 2016](#).

2.63 A flow-chart depicting the process for the conduct and review by a MECRB is contained in Annex 2D.

2.64 **Primacy of MECRB Determinations.** Confirmation of a MEC placement by a MECRB is a personnel management decision based on medical recommendations and determined by workforce planning and management considerations. These decisions provide the basis for occupational training and rehabilitation, career
management, postings or termination. The decisions are informed by medical advice concerning the Defence member’s functional capacity for continued employment in the ADF. The employment caveats imposed by a MECRB are not to be overridden by commanders or a CCAHP and can only be varied by further determination of the Board.

2.65 Notwithstanding paragraph 2.64, Chief of Joint Operations HQJOC may consider the granting of waivers in order to deploy Defence members assigned MEC 3 or MEC 4, being non-deployable classifications, to meet specific operational requirements, in exceptional circumstances where there is an almost certain likelihood that safety, security, personnel or mission accomplishment would be catastrophically impacted otherwise.

2.66 **MECRB Determinations Principles.** MECRB determinations should be made according to the following principles:

a. **Individual consideration.** Each case is to be considered on its merits having regard to the direct impact of the Defence member’s medical condition on their employability.

b. **Classification by employment group.** In addition to the considerations in Paragraph 2.66a, the MEC is determined according to the Defence member’s current military employment group. This assessment should also be cognisant of the employment environment in which that occupation may be performed and of the additional tasks which an individual could reasonably be expected to perform as part of their duties.

c. **Primacy of the MECRB.** The final decision of a Defence member’s MEC in each case rests with the Chair of the MECRB, and is a career/personnel management decision, rather than a medical decision. The Chair may use their discretion in the weighting of medical advice provided against the exigencies of the Service (a documented risk management decision).

d. **Service requirements.** The ADF has a finite workforce that must be capable of meeting Service requirements to achieve its mission both domestically and operationally. In recognition that Defence members who cannot be fully employed may still provide a level of service to the ADF it is possible to retain a Defence member where a Service need exists. Such consideration should be made with due consideration that employment of the Defence member can be reasonably accommodated within the imposed employment restrictions of a defined MEC.

e. **Procedural fairness.** An adherence to the principles of procedural fairness.

f. **Rights of representation.** A Defence member has the right of representation against a MECRB decision within 28 days of notification of the MECRB assigned classification.
REFERRAL TO A MEDICAL EMPLOYMENT CLASSIFICATION REVIEW BOARD

2.67 MECRB decision is required to endorse the sub-classifications of MEC J29, MEC L27, MEC L28, and MEC J32, MEC J41 and MEC J42.

2.68 Where a Defence member has been MEC J31 for greater than 12 months or MEC J34 for greater than four months, a CCAHP should initiate a CMECR in order to have the member's MEC and employability assessed via a MECRB.

2.69 In addition to the requirement for MEC sub-classifications outlined above, individual Defence members may be referred to a MECRB as required by the CMA.

2.70 Units and Defence members do not have the authority via action or inaction to delay or cease progress of referral of a Defence member's MEC to the MECRB.

2.71 If, after a CMECR has been forwarded for MECRB determination, the Defence member's health status changes, a supplementary MECR is to be raised and referred for MECRB determination. Unit CCAHP do not have the authority to formally amend a MEC once CMECR paperwork has been submitted for MECRB consideration or alter a MECRB decision. The provisional MEC is not to be entered on PMKeyS.

2.72 Where a Defence member develops a new condition necessitating additional restrictions or MEC 3, and it is anticipated that the Defence member will return to their previous MEC within the allocated time frame, then MECRB referral is not mandatory. MECRB referral in these circumstances may be initiated at the discretion of the treating CCAHP and/or confirming authority.

MEDICAL EMPLOYMENT CLASSIFICATION REVIEW BOARD MEMBERSHIP

2.73 The following will comprise the membership of the MECRB:

a. Chairperson. The Chair of the MECRB is appointed by the Director-General Personnel/Career Management within the respective single-Service headquarters. The Chair is the final decision-maker of all MECRB considerations including the classification of a Defence member in the MEC 1 to MEC 4 levels or to issue the Defence member with a termination notice. In order to issue this notice the Chair must hold the relevant CDF delegations.

b. Medical. Authorised JHC representative (MO only).

c. CMA. Authorised CMA representative.

d. Secretary. The Chair will appoint a Secretary who is responsible for the administration of the MECRB processes and communicating the outcomes of the MECRB decision.

e. Other Defence members as deemed relevant by the Chair.
CONDUCT OF A MEDICAL EMPLOYMENT CLASSIFICATION REVIEW BOARD

2.74 MECRBs may be conducted in-session or out-of-session. When the documentary evidence has been collated by the MECRB Secretary the case should be presented to the Chair to determine the conduct of the MECRB as appropriate to the Defence member’s individual circumstances and in accordance with single-Service requirements.

2.75 In accordance with the principles of natural justice and procedural fairness, a Defence member has the right to access the WDR and CMECR advice that is being provided at the MECRB so they can address specific considerations in their MHS to the MECRB. The MECRB must ensure that the Defence member has the opportunity to respond to any additional information, including opinions and recommendations provided to the MECRB after the Defence member has submitted their MHS.

2.76 Information for consideration. The Chair of the MECRB must consider all relevant information. Annex 2E describes that information generally considered relevant to the MECRB decision making process.

2.77 Notification. A MECRB decision, and the right of representation in relation to that decision, should be communicated to the Defence member within 14 days of the decision being made. The notification should provide a summary of what was considered in the MECRB deliberations.

2.78 MECRB Determinations. The MECRB Chair can:

a. allocate a MEC between MEC 1 to MEC 4

b. as a delegate of the CDF, issue a termination notice in accordance with Defence Regulation 2016 and MILPERSMAN, Part 10, Chapter 2—Termination of Service in the Australian Defence Force refers. A Defence member will be allocated an administrative MEC 5 as a consequence of this action.

2.79 If the terminating authority decides not to proceed with a Defence member’s termination, the Defence member will be retained and assigned a suitable MEC for ongoing employment by a MECRB or delegate.

MEDICAL EMPLOYMENT CLASSIFICATION REVIEW BOARD REVIEW

2.80 All Defence members who have been allocated a MECRB-only assigned MEC must be reviewed prior to the expiration of their assigned MEC or when their employability significantly changes to ensure that their MEC remains an accurate assessment of their employment restrictions. These Defence members will also be reviewed by a CCAHP as required for management of their medical condition.

2.81 MECRB review of specialists. Referral to a MECRB required for specialist employment streams is in accordance with single-Service procedures and the DHM, Volume 2, Part 6.
COMMUNICATION

2.82 CMAs are to ensure that formal MECRB determination is provided in writing to the:

a. Defence member
b. CO
c. Unit Medical Record (through the CMECR confirming authority)
d. JHC.

2.83 In addition, CMAs are to communicate the MECRB determination, as required, to the:

a. designated single-Service MO
b. Specialist Advisor where these personnel are in the advice chain for specialist employment stream MECRBs
c. Defence Transition Agency.

2.84 When informed of the MECRB decision, the Defence member’s Commander/manager/supervisor is to ensure that:

a. the Defence member is counselled on the implications for their employment and career. For Defence members determined to be MEC 4, this is to be done by the CO
b. the Defence member is employed in accordance with the specified employment restrictions
c. appropriate personnel management and other administrative action is taken—for example, Individual Welfare Boards.

PERSONNEL MANAGEMENT

2.85 The routine employment of Defence members is a command function. Commanders are to actively manage the employment of their Defence members within their command in terms of their MEC and associated employment restrictions.

2.86 In addition to the MEC system, all employment of Defence members is subject to ADF policy on Work Health and Safety, as detailed in the Defence Work Health and Safety Manual and the relevant single-Service policies.

CHANGE IN EMPLOYMENT ENVIRONMENT

2.87 Commanders should give due consideration to the functional capacity of individual Defence members with employment restrictions to perform specific tasks and duties whenever there is a change in the Defence member’s employment environment. Changes to the employment environment may include, but are not limited to, circumstances such as:
a. an operational deployment

b. a posting to a new geographic locality that differs appreciably from current posted location in terms of climatic conditions and/or access to support services

c. participation in an activity in a different Service environment—for example, an infantry soldier participating in a sea transit activity

d. involvement in a planned Defence endorsed activity or course.

EMPLOYMENT RESTRICTIONS

2.88 Employment restrictions imposed on a Defence member at a MEC review provide advice to the Defence member, the Defence member’s commander/manager/supervisor and CMAs, to assist with the employment decisions pertinent to the Defence member. Employment restrictions are limitations imposed on a Defence member as a consequence of a medical condition. Employment restrictions are defined in DHM, Volume 2, Part 6 and recorded on a Defence member’s Form PM 532.

2.89 These restrictions are a critical component in ensuring the safe employment of Defence members. Commanders/managers/supervisors are to ensure that Defence members are not employed, or participate in Defence endorsed activities, in a manner beyond the scope and limitation of their employment restrictions.

2.90 Commanders are to ensure that Defence members within their command;

a. are actively managed in terms of their MEC, especially during the transition from MEC 4 to MEC 5

b. are individually counselled on all aspects of the MEC review process and its consequent likely impact on the Defence member’s career

c. are given appropriate assistance and provided with copies of all relevant documentation in the submission of an appeal against a MECR or MECRB decision

d. receive advice from a Service legal officer, if necessary

e. are advised to make appropriate military compensation claims with Commonwealth Superannuation Corporation and/or Veterans’ entitlements claims with the Department of Veterans’ Affairs (DVA) if the Defence member considers the medical condition attributable to ADF service.

RISK MANAGEMENT

2.91 A risk management approach is to be applied at all levels of the MEC system when making employment decisions, with particular emphasis on the potential for deterioration of a Defence member’s functional capacity and the associated consequences.
2.92 The decision on the employment of Defence members is ultimately a command responsibility based, in part, on professional medical advice. When a decision to employ a Defence member beyond the scope of their employment restrictions is made, commanders/managers/supervisors are to ensure that a suitable risk assessment is conducted in accordance with single-Service procedures and recorded in writing. Such a risk assessment must include reference to the CCAHP’s advice in relation to the risk to health and safety that may arise where the Defence member performs tasks beyond the scope of their employment restrictions.

2.93 In circumstances where commanders are unsure of the medical fitness of a Defence member to undertake a particular activity, or where there has been a significant change to the employment environment, they should seek advice from a CCAHP as to whether the Defence member is medically fit to participate in such activities. A formal medical risk assessment may be requested as part of this process in accordance with relevant health policy.

2.94 For any activities supported by a written medical plan, commanders are to ensure the plan is consistent with the overall risk assessment, and that all critical assumptions regarding the level of available health support are confirmed, with appropriate detail included to facilitate access to that health support.

SEPARATION

2.95 As the CDF’s delegate, the MECRB Chair can initiate separation where they consider the Defence member to be medically unfit for further service, in accordance with Defence Regulation 2016, Section 24. Termination procedures are to accord with Defence Regulation 2016 and with MILPERSMAN, Part 10, Chapter 2. The terminating authority, who makes the final decision on termination, must be a different person from the MECRB Chair, and should not have been involved in the MECRB decision.

2.96 Trainees. If a training establishment considers a recruit/initial employment trainee/officer trainee unsuitable for further training as a result of injury or illness, then the CCAHP should conduct a UMECR, assign an appropriate MEC and consideration given to terminating the member in accordance with Defence Regulation. This procedure can be followed without referral to a MECRB.

2.97 However, where medical advice indicates that, as a result of the injury or illness sustained during training, the Defence member is likely to suffer some degree of permanent impairment or incapacity, then the Defence member must be referred to MECRB with a recommendation for termination as medically unfit.

2.98 Other considerations. Where separation results from the MECRB process the Services should make all reasonable efforts to ensure that the Defence member’s separation administration is completed prior to separation date.

2.99 Where a Defence member allocated MEC 4 by the MECRB requests early separation and the relevant delegate issues a termination notice then the Defence member will be administratively moved to MEC 5, if required as determined by the Service CMA.
2.100 Separation assistance. ADF Transition Centres are responsible for assisting all separating Defence members to access information relevant to their needs as well as transition administration. ADF Transition Centres:

a. provide information on, and link Defence members into, Defence and other government support services, such as the ADF Rehabilitation Program, Defence Community Organisation, DVA, ComSuper and Centrelink

b. advise on Defence procedures, such as choosing separation dates

c. assist and ensure that Defence requirements, such as Separation Health Examinations are completed prior to the Defence member’s date of separation

d. assist the Defence member and their family with becoming separation ready.

REPRESENTATION

2.101 There are three opportunities to either represent against the medical decision of a MEC or against the employability decision of a MECRB during the MEC process. These are:

a. UMECR/CMECR—representation

b. MECRB—representation

c. Redress of Grievance (ROG)—Complaints and Alternative Resolutions Manual (CARM), Chapter 6 refers.

2.102 Defence member representation—UMECR. A Defence member may represent against the decision of a UMECR. Intent of such a representation must be notified in accordance with the procedures outlined in DHM, Volume 2, Part 6.

2.103 Defence member representation—CMECR/MECRB. A Defence member may represent against a CMECR/MECRB decision. This representation must be made, in writing, within 28 days of the decision being notified to the Defence member. This time frame may only be varied by the Chair. For Defence members administratively allocated a MEC 5 see paragraph 2.108.

2.104 CO’s representation—UMECR/CMECR. A CO may represent against the decision of a UMECR/CMECR. Such a representation should be notified to the Senior MO or Senior Health Officer, as appropriate, in accordance with the procedures outlined in DHM, Volume 2, Part 6.

2.105 CO’s representation—MECRB. A CO may represent against the decision of a MECRB.

2.106 Rights of representation. The following principles should be applied as part of the representation process:

a. a representation must be submitted within 28 days of being notified of the MEC decision
b. all documentation relevant to the decision must be made available to the Defence member when the decision is notified to them in order for them to make their representation

c. representations against MECRB determinations and a decision made by the Chair of the MECRB are to be heard by a MECRB

d. extensions to lodge a representation may be granted by the Chair of the MECRB upon application where reasonable circumstances exist.

2.107 ROG. A Defence member who disagrees with a MEC decision that applies to them should, in the first instance, submit a representation against the decision in accordance with this Chapter. Nevertheless, a Defence member may submit a ROG to their CO, in accordance with CARM if they are dissatisfied with a decision to classify a Defence member as MEC 1, 2, 3 or 4. A ROG cannot be submitted against a termination notice, as issued by the MECRB Chair, but can be submitted against a final termination decision.

2.108 Separation. Where the MECRB Chair’s decision is to issue a termination notice and allocate administratively a MEC 5, a Defence member may provide a statement of reasons as to why their service should not be terminated, as provided for in Defence Regulation 2016 and MILPERSMAN, Part 10, Chapter 4—Command-Initiated Transfer to the Reserves.

RELATED MANUAL CHAPTERS

MILPERSMAN, Part 3, Chapter 1—Australian Defence Force Policy on Individual Readiness

MILPERSMAN, Part 10, Chapter 2—Termination of Service in the Australian Defence Force

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Work Health and Safety Act 2011

Defence Regulation 2016

Australian Air Publication 6730.001—Air Force Safety Manual

Australian Air Publication 8000-011—Defence Aviation Safety Regulations


Complaints and Alternative Resolutions Manual

Defence Health Manual

Defence Work Health and Safety Manual
Army Standing Instruction (Personnel), Part 8, Chapter 3—The Application of the Medical Employment Classification System and PULHEEMS Employment Standards in the Australian Army

Annexes:
2A Definitions
2B Medical Employment Classification—Descriptions, Employment and Career Management Considerations
2C Specialist Employment Classification Table
2D Medical Employment Classification Review Board Conduct and Review Flow Chart
2E Medical Employment Classification Review Board Conduct—Consideration of Information

Sponsor: ASPPEC (DMPP)
ANNEX 2A

DEFINITIONS

1. For the purposes of this chapter, the following definitions apply:
   a. **Advanced Medical Assistant (AMA).** For the purposes of this policy the term AMA is applicable to Advanced Medical Assistants, Medical Technicians, Medical Sailors, and enrolled nurses.
   b. **Air and sea transit.** Temporary movement of Australian Defence Force (ADF) personnel for the purposes of conducting a specific task not related to the mode of transport. Air and sea transit represents a change in the Defence member’s employment environment and needs to be considered on an individual basis.
   c. **Australian Defence Force Health Facility.** An ADF Health Facility is a health facility established to provide health care to Defence members.
   d. **Central Medical Employment Classification Review.** Conducted by a Medical Officer where Medical Employment Classification Review Board (MECRB) determination is required.
   e. **Clinical Manager (CM).** A CM is a Royal Australian Navy (RAN) Senior Medical Sailor who has completed the RAN Clinical Managers Course. The CM performs specialist clinical and emergency health care, including Advanced Cardiac Life Support under direct or indirect supervision of a Medical Officer.
   f. **Competent, Credentialed and Authorised Health Professional.** The term Competent, Credentialed and Authorised Health Professional refers to:
      (1) any Medical Officer (as defined in paragraph 1.t)
      (2) a Nurse Practitioner (as defined in paragraph 1.x) who is appropriately accredited and authorised as competent by Commander Joint Health or delegate to perform specific extended roles.
   g. **Defensive Combat Duties.** Duties in a combat environment designed to protect personnel, equipment, or area locations from attack. Includes counter-attack actions.
   h. **Designated single-Service Medical Officer.** Fleet Medical Officer or delegate; Director Army Health or delegate; officer-in-charge Health Services Wing or delegate.
   i. **Employable.** A Defence member with the functional capacity to perform the duties of their employment group in accordance with their Medical Employment Classification (MEC).
   j. **Employment environment.** The combination of those conditions, circumstances, influences, and characteristics in which a Defence member is
expected to perform the duties of their employment group. The nature of the employment environment will be affected by the three elements of geographic locality, extent of tasks to be performed and access to support services.

k. Employment group. Service specific job classifications applied to a Defence member. Employment group incorporates the following terminology and relates to: trade, specialisations, category, mustering, primary qualification and skills.

l. Employment restrictions. Employment restrictions are those limitations on the functional capacity of the Defence member to perform ADF tasks and/or be employed in varying geographical locations. These restrictions are informed by the Defence member’s medical status.

m. Field activities. Activities conducted away from an established, permanent facility where there is a variation and consequent hardship in the following elements:

(1) living conditions
(2) working conditions
(3) eating arrangements
(4) leisure
(5) facilities/services
(6) hours of work.

n. Fleet Medical Officer. Navy’s designated single-Service Medical Officer.

o. Health Support. Defined as the full range of health services available from the most basic first aid to the most advanced specialist level care. A Defence member’s employability needs to be matched to the level of health support available in all environments that they will be employed in, including on deployment.

p. In-session MECRB. An in-session MECRB is where the MECRB membership collectively meets to discuss and consider an individual case.

q. Land environment. An environment where the majority of activities are performed by land forces on land.

r. Maritime environment. For the purpose of the chapter, the term ‘maritime environment’ refers to either a land based Defence workplace in support of, or actual service aboard a seagoing Defence workplace. Sea going Defence workplaces may include surface vessels, aircraft operating from surface vessels, subsurface platforms or work that entails diving underwater or within hyperbaric chambers. It may also include contracted commercial enterprises that utilise Defence members, in support of these workplaces. The general principles for determining the MEC status of ADF personnel who work in a

s. **Materiel support.** Defined as any pharmaceutical, consumable, equipment or device that supports, controls or manages a Defence member’s medical condition.

t. **Medical Officer.** A registered medical practitioner authorised to provide medical services to the ADF—civilian and military.

u. **Medically Unfit.** A Defence member who no longer has the functional capacity to perform the duties of their employment group in accordance with their MEC.

v. **Member’s health statement.** A statement by the Defence member outlining their understanding and views on the effects of their medical condition on their ability to undertake their military duties, and any comments they may wish to make on their medical, administrative management and employability.

w. **Nursing Officer.** A qualified nurse registered in Australia who is a Defence member, or is recognised by any agreement, which may be in place between Defence and other parties.

x. **Nurse Practitioner (NP).** A NP is a Registered Nurse who has completed specific advanced nursing training and education (Masters Degree) and is authorised to function autonomously and collaboratively in an advanced and extended clinical role. NP are registered as a NP with the relevant registration authority.

y. **Non-deployable.** A Defence member who no longer has the functional capacity to perform the duties of their employment group and who due to a medical condition is incapable of meeting the individual readiness requirements of the individual Service.

z. **Non-effective on medical grounds.** When a Defence member, due to illness or injury has been, or is likely to be, absent from duty for a period exceeding 28 days, the Defence member is to be classified as non-effective on medical grounds.

aa. **Offensive combat duties.** Duties in a combat environment where ADF—initiated action against enemy combatant, equipment or facilities is expected. Includes close-quarter combat environments and remote combat environments.

bb. **Out-of-session MECRB.** Where the MECRB membership individually considers a case and provides advice to the MECRB Chair. Consideration to conduct an out-of-session MECRB is made by the MECRB Chair.
cc. **Rehabilitation.** Rehabilitation is a key component for facilitating the return of a Defence member to full employability in their employment group as soon as is practicable after injury or illness, where possible. Guidance with respect to the ADF policy on rehabilitation is contained in the Defence Health Manual (DHM), Volume 1, Part 13, Chapter 1—*Australian Defence Force Rehabilitation Program.*

dd. **Seagoing service.** Any permanent, long and short-term postings, local area movements and sea-riding on any platform that is designed for voyages on the sea. MEC guidance with respect to seagoing service is in ABR 1991, Volume 1, Chapter 8. Seagoing service does not include sea transit.

e. **Workplace Disability Report (WDR).** The WDR is a statement by the Commanding Officer concerning a Defence member who is undergoing a MECRB. The WDR provides comment on the ability of the Defence member to perform their duties and provides recommendations in regard to future employment of the Defence member. For Defence members employed in non-Service programs the Director or equivalent should complete the WDR.
## MEDICAL EMPLOYMENT CLASSIFICATION—DESCRIPTIONS, EMPLOYMENT AND CAREER MANAGEMENT CONSIDERATIONS

### MEDICAL EMPLOYMENT CLASSIFICATION 1—FULLY EMPLOYABLE AND DEPLOYABLE

#### MEDICAL EMPLOYMENT CLASSIFICATION J11—FULLY EMPLOYABLE AND DEPLOYABLE—NO RESTRICTION/NO REQUIREMENT

<table>
<thead>
<tr>
<th>Employment Considerations</th>
<th>Career Management Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fit for employment across the full range of military duties in current employment group within employed service environment.</td>
<td>No specific career management implications.</td>
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</table>

#### MEDICAL EMPLOYMENT CLASSIFICATION J12—FULLY EMPLOYABLE AND DEPLOYABLE—NO RESTRICTION/SOME REQUIREMENT

<table>
<thead>
<tr>
<th>Employment Considerations</th>
<th>Career Management Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fit for employment across the full range of military duties in current employment group within employed service environment.</td>
<td>No specific career management implications.</td>
</tr>
<tr>
<td>An identified requirement for limited material resupply that is not considered time critical and does not degrade the Defence member’s ability to perform designated tasks.</td>
<td></td>
</tr>
<tr>
<td>An example of material resupply items in this classification includes prescription eyewear.</td>
<td></td>
</tr>
<tr>
<td>An identified requirement for minimal health surveillance/monitoring as defined.</td>
<td></td>
</tr>
<tr>
<td>An example of minimal health surveillance/monitoring is the requirement for annual skin check with no other ongoing treatment requirements.</td>
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### MEDICAL EMPLOYMENT CLASSIFICATION 2—EMPLOYABLE AND DEPLOYABLE WITH RESTRICTIONS

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UNCLASSIFIED
### MEDICAL EMPLOYMENT CLASSIFICATION J21—REstricted DEPLOYMENT—DEFINED LIMITATIONS

<table>
<thead>
<tr>
<th>Employment Considerations</th>
<th>Fit for employment across a wide range of military duties in current employment group within the employed service environment, but with limitations on the range of duties able to be performed, as detailed in the Defence member’s <a href="#">Form PM 532</a>—Medical Employment Classification (MEC) Advice available on the Defence Web Forms System.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Career Management Considerations</td>
<td>Generic career management guidance is provided in accordance with paragraphs 2.28–2.30 of this Chapter.</td>
</tr>
</tbody>
</table>

### MEDICAL EMPLOYMENT CLASSIFICATION J22—REstricted DEPLOYMENT—DEFINED LIMITATIONS AND/OR REQUIRED MATERIEL SUPPORT

| Employment Considerations | • Fit for employment across a wide range of military duties in current employment group within the employed service environment, but with limitations on the range of duties able to be performed, as detailed in the member’s [Form PM 532](#).  
• And/or required materiel support, as detailed in the member’s [Form PM 532](#). |
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<tbody>
<tr>
<td>Career Management Considerations</td>
<td>• Generic career management guidance is provided in accordance with paragraphs 2.28–2.30 of this Chapter.</td>
</tr>
</tbody>
</table>

### MEDICAL EMPLOYMENT CLASSIFICATION J23—REstricted DEPLOYMENT—DEFINED LIMITATIONS AND/OR REQUIRED MATERIEL SUPPORT AND DEFINED ACCESS TO HEALTH FACILITY

| Employment Considerations | • Fit for employment across a wide range of military duties in current employment group within the employed service environment, but with limitations on the range of duties able to be performed, as detailed in the Defence member’s [Form PM 532](#).  
• And/or required materiel support, as detailed in the Defence member’s [Form PM 532](#).  
• And/or access to Health Support up to Medical Officer support.  
• Reviewed at Unit Medical Employment Classification Review at least every two years. |
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<tbody>
<tr>
<td>Career Management Considerations</td>
<td>• Generic career management guidance is provided in accordance with paragraphs 2.28–2.30 of this chapter.</td>
</tr>
</tbody>
</table>
### Employment Considerations
- Fit for employment across a limited range of military duties in current employment group within the employed service environment, but with limitations on the range of duties able to be performed, as detailed in the Defence member’s [Form PM 532](#).
- And/or required materiel support, as detailed in the Defence member’s [Form PM 532](#).
- Fit for duty in regional, overseas or health supported operating base localities with access to role 2E health support.

### Career Management Considerations
- This is a joint classification allocated to personnel with identified medical requirements that restrict full employment in their current employment group, but who are deemed fit for duty in regional, overseas or health supported operating base localities with access to a role 2E health facility. J29 is applied as a restricted deployable classification to locations outside a specified area of operations not covered by land or maritime environment classifications.
- Generic career management guidance is provided in accordance with paragraphs 2.28–2.30 and subparagraphs 2.34a.–2.34d. of this Chapter.
### MEDICAL EMPLOYMENT CLASSIFICATION M24—MARITIME ENVIRONMENT—DEFINED LIMITATIONS AND/OR REQUIRED MATERIEL SUPPORT

| Employment Considerations | • Fit for employment across a wide range of military duties in current employment group within the maritime environment, but with limitations on the range of duties able to be performed, as detailed in the Defence member’s Form PM 532.  
• And/or required materiel support, as detailed in the Defence member’s Form PM 532.  
• Fit for seagoing service with access to Advanced Medical Assistant or Nursing Officer support. |
| Career Management Considerations | • Generic career management guidance is provided in accordance with paragraphs 2.28–2.30 of this Chapter. |

### MEDICAL EMPLOYMENT CLASSIFICATION M25—MARITIME ENVIRONMENT—DEFINED LIMITATIONS AND/OR REQUIRED MATERIEL SUPPORT AND/OR ACCESS TO HEALTH SUPPORT

| Employment Considerations | • Fit for employment across a wide range of military duties in current employment group within the maritime environment, but with limitations on the range of duties able to be performed, as detailed in the Defence member’s Form PM 532.  
• And/or required material support as detailed in the Defence member’s Form PM 532.  
• Fit for seagoing service with access to role 1 health facility with minimum of Clinical Manager. |
| Career Management Considerations | • Generic career management guidance is provided in accordance with paragraphs 2.28–2.30 of this Chapter. |
MEDICAL EMPLOYMENT CLASSIFICATION M26—MARITIME ENVIRONMENT—DEFINED LIMITATIONS AND/OR REQUIRED MATERIEL SUPPORT AND/OR ACCESS TO HEALTH SUPPORT (FLEET MEDICAL OFFICER ENDORSED ONLY)

| Employment Considerations | • Fit for employment across a wide range of military duties in current employment group within the maritime environment, but with limitations on the range of duties able to be performed, as detailed in the Defence member's Form PM 532.  
  • And/or required material support as detailed in the Defence member’s Form PM 532.  
  • Fit for seagoing service with access to role 1 health facility with minimum of Nurse Practitioner, Physician Assistant or Medical Officer support.  
  • Only applies to Defence members who would otherwise be considered unfit for sea, but for whom a critical requirement has been identified for a specific skill set in a defined environment for a finite time period not exceeding 12 months.  
  • Must be endorsed by the Fleet Medical Officer (FMO). |
| Career Management Considerations | • M26 is applied only for the duration of the service being undertaken, ie for a specific deployment, not exceeding 12 months.  
  • Generic career management guidance is provided in accordance with paragraphs 2.28–2.30 of this Chapter. |
### MEDICAL EMPLOYMENT CLASSIFICATION L27—LAND ENVIRONMENT—LIMITED DEPLOYMENT—MEDICAL EMPLOYMENT CLASSIFICATION REVIEW BOARD ASSIGNED ONLY

<table>
<thead>
<tr>
<th>Employment Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Fit for employment across a wide range of military duties in current employment group within the land environment.</td>
</tr>
<tr>
<td>• Fit for restricted operational deployment and field exercises as follows:</td>
</tr>
<tr>
<td>─ Employable in limited offensive combat duties as required.</td>
</tr>
<tr>
<td>─ Employable in full defensive combat duties.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Career Management Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Defence members must be capable of performing limited offensive and full combat defensive duties. Fit for employment across a wide range of military duties in current employment within the land environment.</td>
</tr>
<tr>
<td>• Generic career management guidance is provided in accordance with paragraphs 2.28–2.30 and subparagraphs 2.34a.–2.34d. of this Chapter.</td>
</tr>
</tbody>
</table>

### MEDICAL EMPLOYMENT CLASSIFICATION L28—LAND ENVIRONMENT—LIMITED DEPLOYMENT—MEDICAL EMPLOYMENT CLASSIFICATION REVIEW BOARD ASSIGNED ONLY

<table>
<thead>
<tr>
<th>Employment Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Fit for employment across a limited range of military duties in current employment group within the land environment.</td>
</tr>
<tr>
<td>• Fit for restricted operational deployment and field exercises as follows:</td>
</tr>
<tr>
<td>─ Not employable in offensive combat duties.</td>
</tr>
<tr>
<td>─ Employable in limited defensive combat duties as required.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Career Management Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Defence members would not be required to perform offensive combat duties but must be capable of performing combat defensive duties.</td>
</tr>
<tr>
<td>• Generic career management guidance is provided in accordance with paragraphs 2.28–2.30 and subparagraphs 2.34a.–2.34d. of this Chapter.</td>
</tr>
</tbody>
</table>

### MEDICAL EMPLOYMENT CLASSIFICATION 3—REHABILITATION

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UNCLASSIFIED
**MEDICAL EMPLOYMENT CLASSIFICATION J31—REHABILITATION**

| Employment Considerations | • Temporarily not fit for employment across the full range of military duties in current employment group for a defined period up to 12 months.  
• Fit for employment across a limited range of military duties in current employment group within the employed service environment, within restrictions as detailed in the Defence member’s Form PM 532.  
• May be fit for defined field activities in accordance with designated single-Service Medical Officer (MO), or delegate, endorsed limitations.  
• May be fit for defined seagoing service in accordance with FMO, or delegate, endorsed limitations.  
• Not fit for operational deployment. |
| Career Management Considerations | • Active medical management and rehabilitation programs are to have priority over other employment. During the period of rehabilitation a progressive return to full duties can be anticipated.  
• The career/personnel manager will seek medical opinion when there is doubt about the medical fitness of a Defence member to proceed on posting to, or remain in, a specific posting locality.  
• Where unusual circumstances exist and a Defence member is being considered for a non-operational posting outside of Australia or an overseas training serial, the career/personnel manager must seek medical advice from Director, Defence Clinical Services (DDCS) for a risk assessment.  
• Generic career management guidance is provided in accordance with paragraph 2.35 and subparagraphs 2.37a.–2.37d. of this Chapter. |
## Medical Employment Classification J32—Extended Rehabilitation—Medical Employment Classification Review Board Assigned Only

### Employment Considerations
- Temporarily not fit for employment across the full range of military duties in current employment group for a defined period up to 24 months.
- Fit for employment within a formal rehabilitation program across a limited range of military duties in current employment group within the employed service environment, within restrictions, as detailed in the Defence member’s Form PM 532.
- May be fit for defined field activities in accordance with designated single-Service MO, or delegate, endorsed limitations.
- May be fit for defined seagoing service in accordance with FMO, or delegate, endorsed limitations.
- Not fit for operational deployment.

### Career Management Considerations
- MEC J32 is provided to satisfy extended rehabilitation requirements for serious injuries or illnesses as defined in relevant health policy documents.
- Active medical management and rehabilitation programs are to have priority over other employment. Career/Personnel managers must consider this requirement as a priority in all career/personnel management decisions for the Defence member. An extended rehabilitation period streamlines administrative processes and provides a greater level of assurance for injured personnel, allowing them to focus solely on rehabilitation and recovery. An extended rehabilitation period also ensures sufficient time to enable diagnosis of an injury or illness to determine the Defence member’s future employability.
- Where unusual circumstances exist and a Defence member is being considered for a non-operational posting outside of Australia or an overseas training serial, the career/personnel manager must seek medical advice from DDCS for a risk assessment.
- Generic career management guidance is provided in accordance with paragraph 2.35 and subparagraphs 2.37a.–2.37d. of this Chapter.
### MEDICAL EMPLOYMENT CLASSIFICATION J33—PREGNANCY

#### Employment Considerations
- Temporarily not fit for employment across the full range of military duties in current employment group for a defined period up to 24 months.
- Fit for employment across a wide range of military duties in current employment group within the employed service environment, within restrictions as detailed in the Defence member’s [Form PM 532](#).
- May be fit for defined field activities in accordance with designated single-Service MO, or delegate, endorsed limitations.
- May be fit for defined field activities in accordance with designated single-Service MO, or delegate, endorsed limitations.
- Not fit for seagoing service.
- Not fit for operational deployment.

#### Career Management Considerations
- **Privacy.** The collection and storage of information relating to MEC J33 is to be handled under the caveat of Sensitive: Personal and may only be used by authorised personnel for the purposes of:
  - ensuring that the Defence member is employed safely in accordance with respective occupational health and safety policies and procedures relevant to the Defence members employment environment
  - approving the Defence member’s access to entitlements and conditions of service in accordance with the [ADF Pay and Conditions Manual (PACMAN)](#)
  - providing information to assist with relevant career/personnel management agency decisions
**Career Management Considerations (continued)**

<table>
<thead>
<tr>
<th>Employment Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Temporarily not fit for work for a defined period between 28 days and four months.</td>
</tr>
<tr>
<td>• This classification is designed to enable a Defence member to recover from a short term illness or injury away from the workplace within a specified limited period of time.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Career Management Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A temporary holding classification allocated to Defence members with a short-term illness or injury to recover away from the workplace. No career management action should be taken pending the return of the Defence member to the workplace; or the availability of additional information related to long-term prognosis.</td>
</tr>
</tbody>
</table>
MEDICAL EMPLOYMENT CLASSIFICATION 4—EMPLOYMENT TRANSITION

MEDICAL EMPLOYMENT CLASSIFICATION J40—HOLDING

| Employment Considerations | • Temporarily not employable across the full range of military duties in current employment group within the employed service environment.  
• Not fit for operational deployment, field activities and seagoing service.  
• Confirmation and allocation of suitable MEC 4 classification pending Medical Employment Classification Review Board (MECRB) determination. |
| Career Management Considerations | • A temporary holding classification allocated to personnel with a diagnosed long term medical condition or injury that precludes them from operational deployment and limits their future employability within their current employment group.  
• Defence members are held temporarily in this category pending MECRB determination.  
• No career management action should be taken prior to a Defence member being allocated a MEC at MECRB. |
### Employment Considerations
- Employable in a limited range of military duties in current employment group within the employed service environment.
- Not fit for operational deployment, field activities and seagoing service.
- May be suitable for the allocation of a deployable classification in an alternative employment group or service environment.

### Career Management Considerations
- If a Defence member has been deemed medically unfit for deployment in their current employment group they may be suitable for a deployment profile in an alternative employment group. Any transfer to another employment group may be offered only after MECRB consideration.
- The Defence member’s change in employment group can only be approved by the appropriate Career Management Agency/Personnel Management Agency.
- If a Defence member does not accept the offer of employment group transfer, the MECRB is to re-allocate the MEC appropriate for their current employment group.
- Generic career management guidance is provided in accordance with subparagraphs 2.38a.–2.38c., paragraph 2.39 and subparagraphs 2.41a.–2.41d. of this Chapter.
### MEDICAL EMPLOYMENT CLASSIFICATION J42—EMPLOYMENT AT SERVICE DISCRETION—MEDICAL EMPLOYMENT CLASSIFICATION REVIEW BOARD ASSIGNED ONLY—DURATION UP TO FIVE YEARS AT ANY ONE TIME

| Employment Considerations | • Employable in a limited range of military duties in current employment group within employed service environment.  
• Not fit for operational deployment, field activities and seagoing service. |
| Career Management Considerations | • Limited tenure employment based on Service need and workforce vacancy for a defined period up to five years at any one time.  
• Generic career management guidance is provided in accordance with subparagraphs 2.38a.–2.38c., paragraph 2.39 and subparagraphs 2.41a.–2.41d. of this Chapter. |

### MEDICAL EMPLOYMENT CLASSIFICATION J43—EXTENDED TRANSITION—MEDICAL EMPLOYMENT CLASSIFICATION REVIEW BOARD ASSIGNED ONLY—DURATION UP TO THREE YEARS

| Employment Considerations | • Employable in a limited range of military duties in current employment group within employed service environment.  
• Not fit for operational deployment, field activities and seagoing service. |
| Career Management Considerations | • Limited tenure employment for a defined period up to three years to support transition from the ADF.  
• Generic career management guidance is provided in accordance with subparagraphs 2.38a.–2.38c., paragraph 2.39 and subparagraphs 2.41a.–2.41d. of this Chapter. |
### Medical Employment Classification J44—Extended Non-Effective—Medical Employment Classification Review Board Assigned Only—Not Fit for Work for a Defined Period

<table>
<thead>
<tr>
<th>Employment Considerations</th>
<th>• Not fit for work for a defined period between four and 12 months.</th>
</tr>
</thead>
</table>
| Career Management Considerations | • This is a classification designed to enable a Defence member to recover from a more serious illness or injury away from the workplace.  
• General career management considerations should be on hold pending either a return of the Defence member to the workplace or the availability of additional information related to long-term prognosis. |

### Medical Employment Classification 5—Medically Unfit for Further Service

| Employment Considerations | • Not employable on medical grounds.  
• Not employable other than within applicable restrictions in the period leading up to termination. |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Career Management Considerations</td>
<td>• MEC J51 indicates that the Defence member has been issued with a termination notice for medical reasons in accordance with <a href="#">Defence Regulation 2016</a>, and is either awaiting a final decision on termination or a final decision has been made to terminate the Defence member’s service.</td>
</tr>
</tbody>
</table>

### Medical Employment Classification J52—Not Employable on Medical Grounds—Non-Effective

| Employment Considerations | • Not effective on medical grounds.  
• Unable to be employed in the period leading up to termination. |
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Career Management Considerations</td>
<td>• MEC J52 indicates that the Defence member has been issued with a termination notice for medical reasons in accordance with <a href="#">Defence Regulation 2016</a> and is either awaiting a final decision on termination or a final decision has been made to terminate the Defence member’s service.</td>
</tr>
</tbody>
</table>
## SPECIALIST EMPLOYMENT CLASSIFICATION

### Table 2C–1 Specialist employment classification table

<table>
<thead>
<tr>
<th>Specialist Employment Classification</th>
<th>MEC 1</th>
<th>MEC 2</th>
<th>MEC 3</th>
<th>MEC 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aircrew (A) (refers to specialist role, not passenger status unless specifically stated in Medical Employment Classification Review text).</td>
<td>Fit for specialist duties unrestricted.</td>
<td>Fit for specialist duties with some restrictions.</td>
<td>Temporarily unfit (up to 12 months) for specialist duties.</td>
<td>Permanently unfit (longer than 12 months) for specialist duties.</td>
</tr>
<tr>
<td>Joint Battlefield Airspace Controller (JBAC) (C)</td>
<td>Fit for all JBAC duties unrestricted.</td>
<td>Fit for JBAC duties with some restrictions.</td>
<td>Temporarily unfit (up to 12 months) for JBAC duties.</td>
<td>Permanently unfit (longer than 12 months) for JBAC duties.</td>
</tr>
<tr>
<td>Diver (D)</td>
<td>Fit to dive unrestricted.</td>
<td>Fit for diving duties with some restrictions.</td>
<td>Temporarily unfit (up to 12 months) to dive.</td>
<td>Permanently unfit (longer than 12 months) to dive.</td>
</tr>
<tr>
<td>Parachutist (P)</td>
<td>Fit for parachuting unrestricted.</td>
<td>Fit for parachuting with some restrictions.</td>
<td>Temporarily unfit (up to 12 months) for parachuting.</td>
<td>Permanently unfit (longer than 12 months) for parachuting.</td>
</tr>
<tr>
<td>Submariner (S)</td>
<td>Fit for all submarine service unrestricted.</td>
<td>Fit for submariner duties with some restrictions.</td>
<td>Temporarily unfit (up to 12 months) for submarine service.</td>
<td>Permanently unfit (longer than 12 months) for submarine service.</td>
</tr>
</tbody>
</table>

### Notes:

(a) Specialist Employment Stream Groups are further defined in relevant single-Service policy.
Figure 2D–1 Medical Employment Classification Review Board conduct and review
ANNEX 2E

MEDICAL EMPLOYMENT CLASSIFICATION REVIEW
BOARD CONDUCT—CONSIDERATION OF INFORMATION

1. The following is a non-exhaustive list of information that may be considered by the Chair of a Medical Employment Classification Review Board (MECRB) when making a determination:

a. medical advice provided through Joint Health Command. Procedures for the provision of medical advice to the MECRB are provided in the Defence Health Manual (DHM), Volume 2, Part 6, Chapter 5—ADF Periodic Health Examinations

b. information provided by the Defence member through the Member’s Health Statement (MHS) or an alternate format. Procedures for completion are contained within Form AD 524—Member’s Health Statement. The MHS may be important to the deliberations of the MECRB and Defence members are strongly encouraged to make a statement

c. Defence member’s authorisation to release medical information in accordance with paragraph 2.23 of this chapter. A Defence member must acknowledge consent or non-consent to release of medical information to non-health professionals

d. information from the Defence member’s Commanding Officer through a Workplace Disability Report. Procedures for completion are contained within Form AD 523—Workplace Disability Report

e. workforce implications provided through the Career Management Agency including:

(1) workplace and Service personnel capability requirements

(2) the Defence member’s personnel employment history.

f. advice on compensation and superannuation entitlements, the applicability for veterans’ disability pension benefits, and any other issues relating to career transition to the civilian environment

g. for aircrew members, medical advice from the RAAF Institute of Aviation Medicine

h. other advice where additional information is required to make a workforce decision.
CHAPTER 3

SPORT IN DEFENCE

INTRODUCTION

3.1 Sport aids in the development of team and individual skills and qualities that are beneficial to Defence. It provides a medium for interaction between the services, forces of other countries and the civilian community. Sport can also provide important strategic opportunities for engagement, for commemoration and to support the veteran community and the recovery of wounded, injured and ill ADF personnel.

POLICY STATEMENT

3.2 Participation in sport by Defence members is encouraged and supported. The approach to Australian Defence Force (ADF) sport is sport for all, not for a few. Defence provides its members with a range of opportunities to participate in sport that caters for all levels of sporting ability.

DEFINITIONS


CATEGORIES OF SPORT

3.4 There are three forms of sport in Defence:

a. **Local-level sport** is sport played at the base, unit or ship level.

b. **Single-Service sport** is sport approved by a Service headquarters and managed, conducted and governed solely by an individual service. Single-Service sport includes:
   
   (1) intra and inter-unit sport activities and events
   
   (2) single-Service representative sport in national or international competitions.

c. **Australian Defence Force (ADF) Sport** is a sport that is approved for conduct in Defence through the Australian Defence Force Sports Council (ADFSC). ADF sport covers sporting codes recognised by the ADFSC through an approved ADF Sport Association. Any reference to ‘ADF sport’ in this chapter uses the meaning in this sub paragraph. The levels of ADF sport are:
   
   (1) **Inter-Service sport**. Sport played between teams or competitors from different Services.
(2) **National ADF sport.** Sport played between representative teams or competitors from different Services or between regional combined service teams at a national carnival.

(3) **Combined Service sport.** Sport played between representative ADF combined service teams or competitors and non-ADF teams or competitors.

(4) **International sport.** Overseas tours by ADF representative combined Service teams and competitors, or the hosting of overseas teams and competitors in Australia.

**ELIGIBILITY**

3.5 Participation in ‘Local level sport’ is subject to the protocols and authority of commanders and managers within the Services. Participation in ‘single-Service sport’ is subject to the guidelines and policies of the single-Services.

3.6 Eligibility to participate in ADF sport is determined by the ADFSC based on six participation categories. These are:

a. **Competitor.** A Defence member may play sport as a member of a team or as an individual participant.

b. **Coaching and specialist support.** Defence members with appropriate skills, qualifications or accreditation unique to an approved ADF Sport may coach, train or provide specialist support to ADF Sport.

c. **On or off-field match, competition or tournament officials.** Defence members with appropriate skills, qualifications or accreditation may umpire, referee or control matches, competitions and tournaments under established sporting codes, rules and regulations.

d. **Non-Specialist support functions.** Defence members who are tasked or volunteer to provide generic support functions to ADF sport in their qualified capacity participate to the extent required to deliver that support. Examples include; medical and allied health professionals, catering, logistics and personnel support, transport staff and physical training instructors.

e. **ADF Sport Association administration and governance.** Defence members who volunteer or are elected to an approved ADF Sport Association, Committee or subcommittee may participate in these roles as extra-regimental or secondary duties.

f. **The ADF Adaptive Sports Program (ADFASP).** ADF wounded, injured or ill (WII) members with a Medical Employment Classification (MEC) 3, 4 or 5 may be eligible to participate in ADFASP events (not including MEC J33). Members in the ADFASP will be managed by the chain of command, ADF rehabilitation programs, respective ADF sport association and/or adaptive sports event committee in accordance with extant policies.

3.7 Subject to accreditation or qualification requirements, Permanent Forces members Service Category (SERCAT 7 and SERCAT 6) and members of the
Reserves in SERCAT 3, 4 or 5 and on Service Option (SERVOP) C (continuous full-time service) may apply to participate in:

a. all three forms of sport in Defence (paragraph 3.4)

b. all five participation categories (paragraph 3.6)

c. ADF Sport for up to four weeks per year for participation categories one to five. There is no restriction for participation category six.

3.8 Members of the Reserves in SERCAT 2, 3, 4 or 5 may apply, subject to the provisions of MILPERSMAN Part 7, Chapter 3—Unpaid duty or attendance by members of the Australian Defence Force Reserves to participate in:

a. all three forms of sport in Defence (paragraph 3.4)

b. all six participation categories (paragraph 3.6)

c. ADF Sport for up to two weeks per year for participation categories one to five. There is no restriction for participation category six.

3.9 Participation in ADF sport by members of the Reserves, other than those involved in the ADFASP, should only be approved if:

a. it is effective service and compatible with single-Service capability and resourcing priorities and

b. appropriately accredited or qualified members of the Permanent Forces are not available and

c. participation as a member of the Reserves is consistent with the provisions of MILPERSMAN Part 7, Chapter 3—Unpaid duty or attendance by members of the Australian Defence Force Reserves.

3.10 **Permanent Forces members.** Members participate in ADF sport as an ‘on duty’ activity and receive salary. Salary-related allowances may or may not be payable in accordance standard operating procedures (SOP) of ADF Sport published under the authority of the ADFSC.

3.11 **Defence Australian Public Service (APS) employees.** Participation in sport in the ADF is limited to ‘local level sport’ and is to be undertaken in an employee’s own time. APS employees are not eligible to participate in or represent Defence in regional, state, national or international events or at the single-Service, inter-Service or combined Service Defence levels. APS employees who are also members of the Reserves may participate in sport in the ADF only when on duty as a reservist and then only in the participation categories permitted by their type of Reserve service.

3.12 Other civilians and contractors may only act in coaching and competitor support, on-field official and competition support functions (subparagraphs 3.6b.–3.6d.), where no suitable Service personnel can fulfil these roles and only when such activities are permitted by their terms of engagement or employment.
ROLES AND RESPONSIBILITIES

CHIEF OF JOINT CAPABILITIES (CJC)

3.13 CJC is responsible for the governance of ADF sport and allocation of funding for ADF sport at the national inter-Service and combined Service level for national and international events through the ADFSC.

SERVICE CHIEFS

3.14 Service Chiefs are responsible for:

a. governance, management and resourcing of all single-Service sport and of local-level sport occurring on ships, bases or establishments under their command or management

b. sporting activities conducted within or sponsored by their Service

c. funding single-Service sporting activities, state inter-service and combined service events and state-level sporting activities that contribute to a combined ADF sport activity such as National inter-service carnivals and championships.

COMMANDERS AND MANAGERS

3.15 Commanders and managers (at O5 (E) / EL1 level or above) are responsible for authorising individuals to participate in all Defence sport activities. In approving such participation commanders and managers should consider the risks of the activity and the impact of the member’s absence from the workplace against the potential benefits.

ADFSC

3.16 The ADFSC governs the activities of ADF sport through approved ADF sport associations on behalf of CJC. The ADFSC Terms of Reference are at Annex 3A. The ADFSC Chair is responsible for:

a. developing and implementing ADF sport administrative processes and rules

b. allocating ADF sport funding to approved ADF sport associations and national and international sporting competitions

c. considering funding requests that benefit an ADF sport including funding coaching, referees and other support staff

d. administering ADF Sport association sponsorship arrangements

e. approving national inter-Service and combined Service events

f. approving of international combined Service competition

g. recognising ADF sport associations
h. ensuring ADF sport associations actively maintain Sports Risk Management Plans (SRMP).

**ADF SPORT ASSOCIATIONS**

3.17 ADF sport associations are required to:

a. ensure all ADFSC approved activities managed by the association are:
   
   (1) approved by an officer authorising the activity
   
   (2) under the control of an officer conducting the activity and
   
   (3) these officers are not to be the same delegate (the roles and responsibilities of these officers are described in an ADF Sport SOP).

b. maintain an ADFSC–endorsed Sports Risk Management Plan (SRMP) that addresses as a minimum:
   
   (1) all foreseeable risk sources
   
   (2) activities affected or impacted by participation in sport
   
   (3) management strategies and actions to control risks

c. consider and where appropriate incorporate the safety management guidance and templates of the national peak governing body of their sport as a benchmark standard

d. conduct risk management planning for each sport activity

e. understand Comcover requirements and obligations or seek guidance as required from the Defence Insurance Office

f. understand and observe the legal requirements of the Public Governance Performance and Accountability Act 2013 and the Public Governance, Performance and Accountability Rules

g. complete an ADFSC Annual Bid each year

h. comply with ADF sport SOP

i. publish an authorised administrative instruction for each ADF sport activity and provide a copy to the ADFSC together with a completed Post Activity Report

j. maintain a register of equipment and property and manage assets in accordance with Defence asset management policy and the guidance detailed on the ADFSC intranet site

k. ensure participants in sport activities are ‘fit to play’ in accordance with extant health directives, single-Service requirements and prescribed standards stipulated in SRMP or administrative instructions of activities
l. seek ADFSC approval for contractors and other civilians to participate in ADF sport as officials, coaches or administrators.

m. incorporate a component of adaptive sports as follows:

(1) ADF sports aligned with the Invictus Games series, and selected ADF sports that can sustain a comprehensive adaptive sports program, will be required to develop an adaptive sport component as part of their regular sporting program, in line with para 7-4c above. This is to include participation with external adaptive sports clubs or events and reflected in the association Constitution, Annual Funding Bid and ADF Sports Annual Return.

(2) All other ADF and single-Service sports associations are required to promote adaptive sports as part of their respective sport program. This may include an adaptive sport component to events described at para 7-4 above, or participation with external clubs or events. This should be incorporated into the Constitution and where applicable, the Annual Funding Bid and ADF Sports Annual Return.

(3) Local-level sports as described at para 7-4a are encouraged to increase participation in team and individual sports activities by actively promoting and providing opportunities for all ADF members, including WII athletes.

DEFENCE HOUSING AUSTRALIA (DHA) AND ESTATE AND INFRASTRUCTURE GROUP (E&IG)

3.18 DHA and E&IG are responsible for providing facilities and garrison support for authorised sporting activities conducted on or supported by a Defence establishment. ADF Sport activities approved by the ADFSC and recorded on the ADF Sport program of events, may be supported by DHA and E&IG for base provisioning services without cost recovery or cost recovery waivers.

STRATEGIC POLICY AND INTELLIGENCE GROUP (SP&I)

3.19 SP&I is responsible for advising the ADFSC on priorities for international engagement through sport and certifying that proposed international sporting tours comply with the current policy on Defence engagement with the nations selected.

POLICY GUIDANCE

WORK HEALTH AND SAFETY MANAGEMENT

3.20 All personnel authorising, conducting, managing, participating in or providing equipment and facilities for ADF sport have obligations under the Work Health and Safety Act 2011. Participants in ADF sport and personnel responsible for sporting activities are to report all sporting injuries through Sentinel.

3.21 Accountable officers or approving authorities should only approve participation in events conducted outside full Defence control if satisfied the risks are
effectively managed by the event organisers. Any safety risk management conditions of approval should be documented.

INDIVIDUAL PARTICIPATION IN SPORT

3.22 Participation in sport activities. Individual participation in Defence sport events and activities is subject to health and fitness standards screening by the relevant ADF sport association or single-Service authority. Defence members injured while attending or participating in authorised sport may be covered by the Military Rehabilitation and Compensation Act 2004. Defence members who believe they may be entitled to compensation or rehabilitation are advised to submit a claim to the Department of Veterans’ Affairs who will assess their eligibility.

3.23 Participation in civilian sporting activities. Permanent Defence members and Reserve members on continuous full time service are required to seek commander or manager approval before participating in civilian sporting activities. Members participating in civilian competitions or sport not endorsed by the ADFSC should ensure the sporting activity has appropriate public liability and personal injury insurance cover.

3.24 Voluntary or remunerated work in sport outside of Defence. Defence members seeking to undertake voluntary or remunerated work associated with a sport activity outside of Defence in off duty hours, are to comply with MILPERSMAN, Part 7, Chapter 4—Employment and Voluntary Activities of Australian Defence Force Members in Off-duty Hours.

3.25 Participation in non-endorsed ADF sport. A member’s Commander may authorise participation in events and sporting activities that are not supported by the ADFSC and the relevant ADF sport association. This includes events and sporting activities conducted at the single-Service level.

3.26 Cost of treatment for injury. Defence members participating in sport have access to medical and dental treatment as a condition of service. However, if a Defence member is participating in civilian sport or a sport not endorsed by the ADFSC, Defence may recover the costs of treatment from a member if the Delegate determines that the Defence member may have an enforceable claim or be covered by the external sporting association’s insurance. One of the means by which Defence may recover the treatment costs is by deducting an amount from the member’s salary and allowances.

3.27 Provisions for elite sport participation. It may benefit Defence to support an individual participating at the elite level nationally or internationally and these activities are always a single-Service sport. Defence members may apply for recognition as an ‘elite sports participant’ through their parent Service chain of command. Recognition should only be afforded to outstanding participants competing in high profile sports at the national and international level. Any support or conditions are at the discretion of the Service Chief. The cost of supporting the member is the responsibility of the member’s parent service. The member’s commander is responsible for approving the member’s specific activities. This approval must address training, risk management and all personnel administration.
3.28  **Adaptive sports participation.** The ADFASP assists WII members in the development of the skills and confidence needed to enjoy sports and enhance a ‘quality of life’. The ADFASP aims to motivate and encourage participation in sports at both the recreational and competitive levels. In collaboration with the ADF sport associations, chain of command and single-Service rehabilitation programs, the ADFASP offers unique opportunities to enhance recovery in an environment that fosters courage, teamwork and success. Participation in international, national, regional and unit-based adaptive sport as part of a rehabilitation program can assist in improving the overall health and well-being of ADF WII members.

**SINGLE SERVICE SPORTS**

3.29  A Service headquarters may approve and support sports other than approved ADF sport codes. The criteria and processes for endorsement of an ADF sport should be considered when approving a sport as a single-Service sport. The Service Headquarters is responsible for management and governance arrangements for the safe conduct of that sport once approved as a single-Service sport.

**INTERNATIONAL COMPETITIONS**

3.30  Approval of all international sport competition is subject to relevant country clearance from SP&I following application by ADFSC on behalf of the relevant sport association or in consultation with a Service Headquarters. Priority will be given to international sporting competitions that are:

a.  international military competitions

b.  involved in high profile international events that represent a significant public relations opportunity for Defence

c.  directed international engagement activities.

3.31  Each endorsed ‘ADF sport’ association may seek approval from the ADFSC to undertake an international tour once every three years. Where an association has a separate men’s and women’s team, approval for a tour by each team once every three years may be sought. Reciprocal visits conducted by ‘ADF sport’ associations with international military teams must also be approved by the ADFSC. Requirements and processes for combined Service level events and international competitions are detailed on the ADFSC intranet site.

3.32  A Service headquarters may arrange a single-Service international competition as a form of single-Service sport if that activity contributes to specified international engagement objectives. All Service arranged international sport must be coordinated with SP&I and de-conflicted from ADFSC approved ADF sport international competitions.

**ADF SPORT ASSOCIATIONS**

3.33  Any Defence member may establish an ADF sport association and seek endorsement of the sport from the ADFSC. Criteria and processes for endorsement are detailed on the ADFSC intranet site.
3.34 Requirements and processes for sport associations funding by the ADFSC are detailed on the ADFSC intranet site. ADF sport associations, clubs, teams or competitors may seek, or be offered, commercial sponsorship towards the cost of their activities. Sponsorship as non-monetary assistance ('In kind') is preferred. A sponsorship agreement must comply with Defence Instruction (General) PERS 25–7—Gifts, Hospitality and Sponsorship and be approved by the ADFSC or higher delegates. Sponsorship arrangements are detailed on the ADFSC intranet site.

LIABILITY

3.35 Commonwealth will not be liable for any injury, loss or damage caused by a Defence member to another party or property in the course of, or from the activities of a Defence member participating in sport that is not approved by Defence while on leave or during off duty hours.

RELATED MANUAL CHAPTERS

MILPERSMAN, Part 2, Chapter 5—Australian Defence Force Total Workforce Model – Service Spectrum

MILPERSMAN, Part 7, Chapter 3—Unpaid Duty or Attendance by Members of the Australian Defence Force Reserves

MILPERSMAN, Part 7, Chapter 4—Employment and Voluntary Activities of Australian Defence Force Members in Off-duty Hours

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Military Rehabilitation and Compensation Act 2004

Work Health and Safety Act 2011

Defence Regulation 2016

DI(G) PERS 25–7—Gifts, hospitality and sponsorship

Annex:

3A Australian Defence Force Sports Council Terms of Reference

Sponsor: ADFSC Chair (Commander Australian Defence College)
AUSTRALIAN DEFENCE FORCE SPORTS COUNCIL TERMS OF REFERENCE

ROLE

1. The Australian Defence Force Sports Council (ADFSC) ensures the efficient and effective functioning of ADF sport on behalf of the Chief Joint Capabilities (CJC).

2. The ADFSC is responsible for ADF sports administrative processes and rules, including:
   a. recognition of ADF sport associations
   b. management and allocation of ADF sport funding to ADF sport associations and national and international sporting competitions
   c. approval of national inter-service and combined Service competitions and of international events
   d. consideration of ADF sport sponsorship proposals
   e. approval of national inter-Service and combined Service events
   f. approval of international combined Service competition, and
   g. stewardship of ADF adaptive sport.

3. Members of the ADFSC must understand and observe the legal requirements of the Public Governance, Performance and Accountability Act 2013 and the Public Governance, Performance and Accountability Rules.

4. Members are also expected to:
   a. act in the best interests of Defence as a whole
   b. contribute the time needed to study and understand the papers provided
   c. apply good analytical skills, objectivity and good judgement
   d. express opinions constructively and openly raise issues that relate to the ADFSC’s responsibilities.

AUTHORITY

5. CJC is responsible for the conduct of ADF sport by ensuring proper governance and funding oversight. CJC has delegated responsibility for the conduct of Defence Sport to Commander Australian Defence College, who is the Chair of the ADFSC. The responsibilities of the ADFSC may be revised or expanded as requested by the CJC.
MEMBERSHIP

6. Permanent members of the ADFSC include:
   a. Commander Australian Defence College (Chair)
   b. Commandant, Australian Command and Staff College (Deputy Chair)
   c. Navy representative
   d. Army representative
   e. Air Force representative.

7. The Director ADF Sport and Director ADFASP are permanently invited members. The Deputy Director ADF Sport is the ADFSC Secretariat and is to attend all ADFSC meetings in that capacity.

8. The Service representative will be a suitably qualified and experienced O7 ranked officer nominated by their respective Service Chief. Members are expected to arrange their work accordingly to ensure they are available for ADFSC meetings. When members are unable to attend consideration should be given to sending an appropriate representative who has similar authority to the permanent member.

9. Any conflict of interest, real or perceived, is to be proactively declared by members to ensure the Chair is able to consider and address any concerns relating to the member’s association with ADF Sport, including specific sporting codes, associations, sponsors or events.

10. ADFSC members should not hold a position on any Sport Association committee. However, ADFSC members may be appointed as a patron of a Sport Association provided potential conflicts are declared.

MEETING SCHEDULES

11. The ADFSC will meet no less than twice a year to consider summary reports on achievements and developments in the preceding period and issues passed to it by the broader Defence organisation. With the agreement of the Chair, other meetings may be convened to consider urgent or important new issues affecting ADF Sport.

REPORTING

12. The Chair will report annually to CJC on:
   a. activities and participation levels in ADF sport
   b. costs and benefits to Defence
   c. resource and policy issues
   d. recommendations for policy change.
SECRETARIAT SUPPORT AND BUSINESS RULES

13. All ADFSC activities are coordinated by the ADF Sports Secretariat.

14. A Forward Work Program for the ADFSC, including meeting dates, shall be agreed by members each year. The program shall demonstrate how and when the ADFSC will fulfil its Terms of Reference.

15. The Secretariat will call for agenda items at least six weeks prior to the scheduled meeting. The Chair will approve the agenda for promulgation at least four weeks in advance of the meeting to enable papers to be developed and promulgated.

16. Papers are to be provided to the Secretariat no less than 15 working days prior to the ADFSC meeting. Papers received after this time will only be accepted in exceptional circumstances and with the Chair’s agreement.

17. The Secretariat is responsible for circulating meeting papers to ADFSC members not less than 10 working days prior to the ADFSC meeting.

18. The Chair may determine that extraordinary matters be considered by the ADFSC out-of-session. The Secretariat will be responsible for coordinating the management of out-of-session matters.

19. The Secretariat will draft outcomes, incorporating actions that clearly identify the responsible officer/s for the matter and timeframe for action. The draft outcomes will be passed to members and advisors for clearance within 10 working days of the meeting before signature by the Chair and Secretary.

20. The Secretariat will maintain a list of outstanding actions, which is to be managed proactively between meetings. The list of outstanding actions will be considered at each meeting. Action officers should advise the Secretariat when an action is complete so the register of actions can be updated.
CHAPTER 4

AFTER HOURS FITNESS

INTRODUCTION

4.1 The policy on after hours fitness is under development and will be incorporated into this chapter of the Military Personnel Policy Manual in due course.
CHAPTER 5

CANCELLED

5.1 The policy from MILPERSMAN Part 3 Chapter 5 has been moved to MILPERSMAN Part 7, Chapter 9 in AL3.
CHAPTER 6
WELFARE BOARDS

INTRODUCTION

6.1 Welfare boards are conducted to ensure Defence members and their families are provided the welfare support appropriate for their circumstances. Welfare boards can focus on an individual member or the broader needs of a group of members within a unit.

POLICY STATEMENT

6.2 Defence convenes welfare boards to plan for and coordinate the delivery of relevant support to address the welfare requirements of Defence members and their families.

SCOPE

6.3 This chapter applies to Defence members, their commanders and managers, and any Defence personnel invited by the convening commander, or manager, to be members of a welfare board.

DEFINITIONS

6.4 Welfare boards include Unit Welfare Boards (Army), Command Focus Groups (Navy and Air Force) and Individual Welfare Boards (All Services).

6.5 Military Personnel Policy Manual (MILPERSMAN) Part 1, Chapter 3—'Military Personnel Policy Manual Glossary' contains terms and definitions used throughout this chapter.

ROLES AND RESPONSIBILITIES

6.6 Services Chiefs. Services Chiefs are to develop procedures and processes for the formal conduct of welfare boards.

6.7 Commanders and Managers. Commanders and managers play a pivotal role in the health and wellbeing of all personnel within their workplace and must show a balanced commitment to the organisation's needs, personnel management, rehabilitation, return to work or transition of wounded, injured and ill personnel under their command or management. Commanders and managers are responsible for:

a. determining the type(s) of welfare board required

b. convening the boards at a frequency that ensures the delivery of effective support but not less than quarterly

c. ensuring subject members are aware of the intent and process relating to the conduct of Welfare Boards
d. specifying the membership of the boards

e. taking reasonable steps to ensure that all appropriate board members are present, or represented, at meetings

f. ensuring the attendance of the subject Defence member, or a representative designated by the subject member (or, if the member is incapable of nominating a representative, a suitable member of the Defence member’s family) at an Individual Welfare Board

g. encouraging the member, or the member's representative where relevant, to invite family or other support persons to the Individual Welfare Board

h. compiling a Welfare Plan for each member under consideration

i. ensuring that records relating to the conduct and outcomes of the Welfare Board are produced and appropriately managed including privacy considerations for the member's medical information as detailed in Defence Health Manual (DHM) Volume 1, Part 3, Chapter 1—'Privacy of health information of Defence members and Defence candidates'.

6.8 **Defence members.** Defence members who are the subject of a welfare board are responsible for:

a. contributing to considerations of any Welfare Board of which they are the subject

b. arranging for suitable personal support or representation at an Individual Welfare Board where they decide that it is necessary

c. submitting, where possible, a written request to their Commanding Officer or manager to forego attendance or representation at an Individual Welfare Board should the member desire not to attend or be represented

d. submitting Defence Veterans Affairs (DVA) claims relating to any medical condition, as soon as practicable, and informing their commander or managers upon receipt of the DVA determinations

**TYPES OF WELFARE BOARDS**

6.9 Welfare Boards are designed to ensure all the support and welfare needs of members and their families are considered and appropriately addressed in a formal and considered manner. They are key to assisting commanders and managers in meeting their responsibility for managing the wellbeing of personnel under their command.

6.10 Welfare boards may be convened for a range of matters deemed appropriate by the commander or manager, including complex case management for members. Specifically:

a. Unit Welfare Boards (Army) or Command Focus Groups (Navy and Air Force) consider the support requirements for all members within a unit or formation who are dealing with serious health or complex personal issues.
b. Individual Welfare Boards are convened by a Defence member’s commander or manager to consider all relevant information regarding the support to a specific individual member and their family.

**PRINCIPLES OF WELFARE BOARDS**

6.11 The Welfare Board process is designed to provide subject matter expert advice to the chain of command to ensure that the most appropriate support is made available in order to assist in achieving the best possible outcome for the member and their family. Referral to a Welfare Board should be seen as a positive step, not an adverse action.

6.12 Welfare Boards may be convened for Defence members who are categorised with a Medical Employment Category of J3, J4, or J5 or mental health issues. They may also be convened for members with significant personal issues or who have been injured or become ill and the commander believes the injury could have a serious impact on the ability of the member to return to work in the short term or for other welfare matters as deemed appropriate by the commander or manager.

6.13 An Individual Welfare Board must be convened for any member assessed to be at medium or high risk of self-harm or suicide. At the discretion of a commander or manager, a welfare board may be considered for members at lower risk of self-harm or suicide. Refer to the DHM, Volume 1, Part 10, Chapter 1—'Management of a Defence member at risk of suicide for further guidance'.

6.14 The following principles should be applied to the conduct of all Welfare Boards.

a. Focus should remain on the welfare needs of the Defence member(s) and their family(ies).

b. Outcomes should be sympathetic to the welfare circumstances of the member and compliant with Defence policy.

c. In the case of Individual Welfare Boards:

   (1) Other than in circumstances where the member has formally declined to attend or provide a representative, the Defence member or their nominated representative should be present at all boards. If reasonably practicable, consideration is to be given to rescheduling the board to facilitate such attendance.

   (2) The Defence member should be encouraged to invite a family member or another personal support person, to:

      (a) provide for their individual emotional needs during the board

      (b) ensure the needs of their family are also properly considered and

      (c) ensure the family is aware of details within the resultant Welfare Plan.
6.15 Under some circumstances, administrative action may arise from information obtained during an Individual Welfare Board; however, the principle remains that the focus of an Individual Welfare Board should be on the welfare of the Defence member and their family. Any adverse administrative or disciplinary actions against the member should be considered in a forum outside the welfare board.

6.16 The outcomes of welfare boards are not to be used in termination decisions.

WELFARE BOARD MEMBERSHIP

6.17 The membership of welfare boards should be tailored to the circumstances of the subject Defence member(s); however, as a minimum they should comprise:

a. member's commander or manager (as chair)

b. secretary - generally the member responsible for personnel welfare matters within the Unit or formation, otherwise, as determined by the commander or manager.

c. Defence member, or their nominated representative, in the case of individual welfare boards

6.18 Additional people that may be invited to a welfare board as deemed appropriate by the commander or manager and dependant on the individual circumstances of the member include:

a. Senior enlisted member

b. Medical Officer

c. other appropriate members of the treating health care team as recommended by the Health Centre Manager

d. counsellor or psychologist

e. ADF rehabilitation coordinator.

f. Member Support Coordinator (if appointed)

g. family member or other person in support of the Defence member

h. representative from the Department of Veterans' Affairs

i. representative from the Defence Community Organisation

j. representative of an ex-service organisation involved in the support of the member and their family

k. Chaplain (if requested by the member)

l. Legal Officer

m. Physical Training Instructor
WELFARE PLAN

6.19 A welfare plan must be tailored to the circumstances of the Defence member but at a minimum must comprise:

a. intended course/s of action

b. if applicable, an appropriate rehabilitation/recovery plan with provision for return to work through meaningful employment or supported transition as appropriate.

6.20 Any welfare plan must include structured activities and objectives. Wherever practicable, it is to be developed in collaboration with the member and/or their family, and any relevant support agencies and approved by the commander or manager. The commander or manager must communicate the plan to the member and, where appropriate, their family.

6.21 The outcome of any Welfare Board does not negate the need for ongoing contact between the member and their commander or manager to confirm the health, welfare and morale of the member, as well as the effectiveness of any support services provided. There are shared responsibilities to realise the welfare plan intent and comply with appropriate direction and specialist advice.

PRIVACY

6.22 Privacy consideration for all medical information relating to a Defence member who is the subject of a Welfare Board is to be in accordance with DHM Volume 1, Part 3, Chapter 1—'Privacy of health information of Defence members and Defence candidates'. Prior to the conduct of a Welfare Board consent must be obtained from the member in accordance with the DHM. If consent is not granted, the commander or manager is to formally note this in the Board record and ensure that the Welfare Board complies with any specified restrictions and limits discussion to health conditions in general terms. Any decisions by the board must be made solely on an assessment of the functional impact on the employability of the member.

RECORD KEEPING

6.23 The conduct of and outcomes from all Defence facilitated Welfare Boards are to be recorded on the member's electronic service record and, for Command Focus Group, in Unit Corporate files. Any relevant records of interview are to be included in the member's virtual personnel file.

RELATED PUBLICATIONS AND DOCUMENTS

Archives Act 1983

Privacy Act 1988

Defence Instruction (General) PERS 11-3—'Member support coordination'

Army Standing Instruction (Personnel) Part 8, Chapter 8—'Delivery of Support to Wounded, Injured and Ill Members of Australian Army'

Defence Health Manual Volume 1, Part 3, Chapter 1—'Privacy of health information of Defence members and Defence candidates'

Defence Health Manual, Volume 1, Part 10, Chapter 1—'Management of a Defence member at risk of suicide for further guidance'

Defence Records Management Policy Manual

RAAF – Command Focus Groups

RAAF – Individual Welfare Boards
CHAPTER 7

MEMBER SUPPORT COORDINATION

THIS CHAPTER

7.1 This chapter describes the overall coordination effort required to support a member in complex circumstances that result from being seriously injured or diagnosed with a serious illness. These events can significantly disrupt a member’s career and may require the member to engage with a range of service providers, internal and external to Defence. They may also require management skills and resources beyond the capabilities, or capacity, of the member’s unit.

POLICY STATEMENT

7.2 Defence is committed to supporting members and their families experiencing complex circumstances throughout a member's recovery, rehabilitation and return to duty in, or transition from, the Australian Defence Force (ADF).

DEFINITIONS


POLICY – CORE ELEMENTS

MEMBER SUPPORT COORDINATION

7.4 Member Support Coordination is designed to ensure that:

a. the member:

   (1) remains the focus of support

   (2) is supported effectively

   (3) has, in the Member Support Coordinator (MSC), as far as practicable, a single point of contact for assistance, support and guidance

   (4) understands the support and services available to them and members of their immediate family

   (5) receives coherent and coordinated support tailored to their needs

   (6) understands their obligations during the period of support

   (7) is provided with all the information and specialist advice needed to make informed decisions.

b. the member’s commander:
(1) is provided with access to the skills and resources required to provide the appropriate level of support

(2) takes reasonable steps to ensure that the pressing needs of the member and, where appropriate, immediate family members, are being addressed

(3) where appropriate, seeks assistance from the Defence Community Organisation.

7.5 Member Support Coordination is established to support individual cases where there are complex circumstances and is developed in consultation with:

a. the member and, where appropriate, their immediate family

b. the member’s commander, who remains responsible to the relevant Service Chief for the continued support and wellbeing of the member

c. an MSC

d. a Healthcare Coordinator (HCC)

e. agencies and service providers internal and external to Defence who are engaged with, or support, the member and/or their immediate family.

7.6 Individual Welfare Board. Member Support Coordination will include the convening of an Individual Welfare Board (IWB) to consider all relevant information regarding a member's care. An IWB is specific to an individual member and is designed to ensure that the member's and their family's support and welfare needs are appropriately addressed.

7.7 Individual Welfare Plan. Member Support Coordination will include the development and implementation of an Individual Welfare Plan (IWP). The IWP encompasses and ensures the coherency of all administrative and healthcare aspects of the planned support arrangements for the specific case. The authority to approve the IWP rests with the member’s commander.

7.8 Consistency of Member Support Coordination arrangements. Member Support Coordination arrangements should not normally change during the period of support. However, where there are valid reasons to change the coordination, for example, where the supported member is posted to a new locality in order to maintain and access the appropriate level of support, there should be a formal transfer of responsibilities and the member and their commander should be informed.

KEY ROLES, FUNCTIONS AND RESPONSIBILITIES

SERVICE CHIEFS

7.9 The welfare of members is a command responsibility which ultimately rests with the relevant Service Chief regardless of the member's posted organisation. Service Chiefs execute this responsibility through their respective chains of command.
7.10 Service Chiefs are responsible for promulgating how Member Support Coordination is to be delivered within their respective Service. This includes the procedures for the appointment of suitable MSCs to individual cases.

COMMANDERS

7.11 Commanders are responsible for the support and welfare of the members within their command at all times.

7.12 Once aware that a member within their command has been seriously injured, or diagnosed with a serious illness, the commander is responsible for determining the complexity of the circumstances involved. In making such a determination, commanders should consider:

a. the member’s circumstances

b. the advice provided from relevant supporting agencies

c. resources that the commander has available to provide the necessary support.

7.13 If the commander determines that the situation is significantly complex, the commander should implement Member Support Coordination in accordance with single Service arrangements.

7.14 If there is doubt as to the complexity involved, commanders should consider implementing Member Support Coordination and review the decision once the situation has stabilised.

7.15 Commanders retain overall control and management of Member Support Coordination and are to remain actively and personally involved in the care and support of members in complex circumstances.

7.16 Following the appointment of an MSC, the commander should take all reasonable steps to ensure that the requirements of Member Support Coordination detailed in paragraphs 1.23 through 1.25 are adhered to.

MEMBER SUPPORT COORDINATORS

7.17 The MSC is the Defence member appointed to a specific case to act on behalf of the supported member’s commander to coordinate all aspects of member support.

7.18 An MSC may be used to meet the Service Chief’s obligation, under section 64 of the Military Rehabilitation and Compensation Act 2004, to ensure that a Transition Case Manager has been appointed.

7.19 MSCs are appointed to specific cases in accordance with single Service instructions. The responsibility for assigning an MSC rests with the Chief of the supported member’s service (through the chain of command), regardless of the service or group to which the member’s posted unit or directorate belongs.
7.20 If possible, an MSC should be located in the same geographic region to ensure the effective delivery of support.

7.21 To ensure the most effective use of limited resources, Service Chiefs have agreed that MSCs from any Service may be appointed to support members from any other Service. In such cases, coordination and support must be delivered in accordance with the single Service arrangements of the Service of the supported member.

7.22 The criteria a member must satisfy before being eligible to be selected or appointed as a MSC are detailed in Annex 6A.

7.23 **General responsibilities.** An MSC should:

a. facilitate and coordinate support to a member and their immediate family in accordance with their needs and entitlements

b. ensure that the member is provided with access to the relevant subject matter experts

c. ensure that, wherever clinically feasible, the member understands the IWP

d. advise the member and the member’s commander immediately if there is a conflict of interest between their role and the interests of the member, the member’s immediate family or Defence

e. understand the range of services, internal and external to Defence, that are available to support a member and the policies under which such services are provided

f. establish and maintain a network of contacts amongst the key support agencies and organisations which can be used in support of a specific case.

7.24 **Case specific responsibilities.** Once appointed to a specific case, the MSC should:

a. establish communications with the member, the member’s commander and the HCC

b. explain to the member the scope of the MSC roles and responsibilities; particularly regarding the collection, use and disclosure of the member’s personal information

c. seek, using [Form AE 375—Consent to the Disclosure and Use of Specified Personal Information](#), the member’s consent to use or disclose relevant personal information about the member to other agencies and bodies. Such consent will allow the MSC to oversee the progress of the member’s applications, claims and requests. The member’s personal information should only be used or disclosed if it is:

   (1) in the interests of the member, or their immediate family, for the purposes of coordinating and providing access to necessary support programs or services
(2) necessary to effect the required level of support

(3) legitimately required by those agencies (for example, where DVA may need the member’s personal information to verify a claim to be actioned by DVA).

d. on behalf of the member’s commander:

(1) identify the various support service providers required to be involved in the case and implement appropriate coordination and communication mechanisms

(2) ensure the individual needs of the member, including the implications on their civilian employment for a member of the Reserve Forces, and their immediate family are assessed by appropriate agencies

(3) monitor, review and recommend adjustments to the IWP to ensure it continues to meet the agreed intent.

e. where directed by a member’s commander, facilitate the conduct of the initial and subsequent IWB

f. participate in the IWB

g. contribute to the development of the IWP

h. under the direction of the member’s commander, coordinate the implementation of the IWP and progressively evaluate its outcomes

i. engage with and facilitate the member’s access to specialist services and subject matter experts

j. where appropriate, and with the consent of the member, ensure that the member’s compensation claim has been submitted to DVA for assessment

k. report, on an agreed basis, the status of the case to the member’s commander

l. once support is no longer required, conduct case closure in accordance with single Service arrangements.

7.25 A MSC should not:

a. represent themselves as the member’s attorney or guardian or in any manner that suggests that they are responsible for making decisions on behalf of the member

b. assess the specific needs or access to entitlements for a member or their immediate family as they are not qualified subject matter experts

c. make any legal or financial decisions on behalf of the member or enter into any binding agreement on behalf of the member
d. benefit from any decision or action taken in relation to the member.

HEALTHCARE COORDINATOR

7.26 The HCC is responsible for coordinating the health and psychosocial services involved in the care of the member. The HCC should be appointed by the Commanding Officer of the relevant Joint Health Unit, and is the single health point of contact for the MSC and the member’s commander.

7.27 Once Member Support Coordination commences, the HCC should support the member’s commander in achieving coherency of command and healthcare planning by:

a. acting as a conduit for all healthcare planning, services and provider queries or recommendations

b. providing healthcare input into the development of the IWP and, where dictated by the clinical needs of the member, attending IWB and other case conferences

c. supporting the relevant health professional in the facilitation of planning for key transitions in healthcare and informing the MSC of such transitions.

7.28 The Surgeon General ADF is responsible for promulgating the policy and procedures related to the functioning of the HCC.

ALL DEFENCE PERSONNEL

7.29 All Defence personnel involved in Member Support Coordination are required to:

a. handle and store all personal information in accordance with the Defence Security Manual, including ensuring all personal information carries the appropriate security classification

b. only use and disclose personal information collected for the purpose of providing support to a member in complex circumstances:

   (1) for the purpose for which it was collected

   (2) for any other purpose to which the member has consented to the use or disclosure of that information

   (3) for any other purpose as permitted by the Privacy Act 1998.

FUNDING

7.30 Funding to support the activities of a MSC is the responsibility of the relevant Service Chief.

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Defence Family Support Manual
Defence Casualty and Bereavement Support Manual
Defence Health Manual
Privacy Act 1988
Military Rehabilitation and Compensation Act 2004
Defence Privacy Policy

Annex:

7A  Member Support Coordinator skills and competencies

Sponsor:
MEMBER SUPPORT COORDINATOR SKILLS AND COMPETENCIES

INTRODUCTION

1. Members functioning in the role of a Member Support Coordinator (MSC) require specific knowledge, skills and competencies to ensure that they are able to effectively meet their responsibilities. They also require significant life experience, high emotional and social intelligence, well developed interpersonal skills, sound judgement, a strong sense of discretion and an ability to work independently and cooperatively with agencies within and external to Defence.

2. Selection criteria. While the selection of members for assignment as a MSC is a single Service responsibility, there are specific criteria that should be considered during such selection. These are:
   a. Experience. Members should have broad Service experience to establish credibility with the member and their family and to ensure that they are well placed to understand the circumstances impacting the member.
   b. Competencies:
      (1) Mandatory competencies:
         (a) well developed interpersonal skills
         (b) strong oral and written communications skills
         (c) a strong understanding of the support systems within Defence.
      (2) Desirable competencies:
         (a) A working level understanding of the services provided by external agencies including the Commonwealth Superannuation Corporation (CSC), Defence Housing Authority, Department of Veterans’ Affairs (DVA), Toll Transitions and key ex-Service organisations.

3. Post-selection training. Members selected as a MSC should be provided training in the following areas:
   a. Initial training. The following training should be completed prior to undertaking the duties of a MSC:
      (1) conflict management training
      (2) mediation training
      (3) facilitation training
      (4) negotiation skills
      (5) Working with Privacy Campus course.
   b. Consolidation training. To consolidate and build their skills and competencies as a MSC, members should complete the following training within 12 months of being appointed in the role:
      (1) Equity Adviser training
(2) DVA Welfare Officers course (two days)
(3) Applied Suicide Interventions Skills Training
(4) CSC familiarisation (package under development within CSC for delivery to ADF)
(5) Keep Your Mates Safe—Mentor Program (this program will include an overview of the ADF Medical Employment Classification system).
PART 4: ALCOHOL AND PROHIBITED SUBSTANCES
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CHAPTER 1

ALCOHOL MANAGEMENT IN THE AUSTRALIAN DEFENCE FORCE

INTRODUCTION

1.1 The Chief of the Defence Force has endorsed the Australian Defence Force Alcohol Management Strategy and Plan 2014–2017 and has issued an ADF Alcohol Behaviour Expectations Statement that embraces the need to adopt an approach of proactive cultural change with regard to reducing risky drinking and alcohol related harm within the Australian Defence Force (ADF). The intent of this Chapter of the Military Personnel Policy Manual (MILPERSMAN) is to provide:

a. policy support for the minimisation of alcohol related harm within the ADF
b. direction and advice to ADF leaders, managers and supervisors at all levels on alcohol management within the ADF
c. guidance to ADF leaders, managers and supervisors on their responsibilities regarding problematic use of alcohol by ADF members.

SCOPE

1.2 This Chapter of the MILPERSMAN contains information regarding Defence’s policies, guidance, and recommendations associated with alcohol use by Defence members. It is divided into Annexes 1A to 1M which address the:

a. roles and responsibilities of primary stakeholders
b. Service and Group specific responsibilities for the implementation of alcohol-related policy
c. underpinning principles, criteria and conditions that apply to the availability, and use and storage of alcohol by Defence members.

1.3 It also links to information regarding Joint Health Command initiatives—for example, the Australian Defence Force Leaders Guide to Alcohol Management, that are based on harm minimisation principles and the ADF Alcohol Management Strategy.

DEFINITIONS

1.4 MILPERSMAN, Part 1, Chapter 3 – Military Personnel Policy Manual Glossary contains terms and definitions used throughout this Chapter. Definitions specific to this chapter are contained in Annex 1N.

POLICY STATEMENT

1.5 The mandatory requirements of Defence Instructions (General) constitute a general order to Defence members for the purposes of the Defence Force Discipline.
Act 1982 (DFDA). This chapter of the MILPERSMAN is endorsed by Defence Instructions (General) (DI(G)) PERS 15–1—Australian Defence Force Alcohol Policy. Hence, all Defence personnel and external service providers, whose compliance is a term of their engagement, must comply with DI(G) PERS 15–1 and this Chapter of the MILPERSMAN.

1.6 Non-compliance with any mandatory requirement of DI(G) PERS 15–1 and this Chapter of the MILPERSMAN may result in disciplinary action being taken in accordance with the DFDA and/or administrative action in accordance with single Service policies and other relevant Defence Instructions and policies.

1.7 This chapter of the MILPERSMAN must be read in conjunction with DI(G) PERS 15–1.

### STATE AND TERRITORY LIQUOR LICENSING/ADMINISTRATION AGENCIES

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<td>Justice Liquor &amp; Gaming NSW</td>
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<td>Department of Treasury and Finance, Liquor and Gaming</td>
<td>03 6166 4040</td>
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<td>Victoria</td>
<td>Victoria Commission for Gambling and Liquor Regulation</td>
<td>1300 182 457</td>
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<td>Western Australia</td>
<td>Department of Racing Gaming and Liquor</td>
<td>1800 634 541</td>
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### RELATED MANUAL CHAPTERS

MILPERSMAN, Part 2, Chapter 1—Inherent Requirements of Service in the Australian Defence Force
RELATED LEGISLATION, POLICY AND PUBLICATIONS

Defence Act 1903

Defence Force Discipline Act 1982

Work Health and Safety Act 2011

Privacy Act 1988

Cadet Forces Regulation 2013

Chief of Navy Instrument of Determination under Section 123A of the Defence Act 1903

Defence Instruction (General) PERS 35–3—Management and Reporting of Unacceptable Behaviour

Defence Instruction (General) PERS 55–4—Reporting, Recording and Dealing with Civil Offences, Service and Civil Convictions and Diversionary Programs

Australian Air Publication 3631.001—RAAF Manual of Air Movements, Part 4, Section 1, Chapter 1—Carriage of Passengers in Service Aircraft

Australian Air Publication 6734.001—Defence Aviation Safety Manual, Section 3, Chapter 7, Annex G

Australian Defence Force Publication 06.1.1—Discipline Law Manual, Volume 3, Chapter 4—Management of Alleged Breaches of Discipline and Investigation of Service Offences

ADF Alcohol Behaviour Expectations Statement

ADF Leaders Guide to Alcohol Management

Australian Defence Force Alcohol Management Strategy and Plan 2014–2017

Good Decision-Making in Defence—A guide for decision-makers and those who brief them
Decision-Maker’s Handbook for Personnel-related Decisions

Defence Road Transport Manual

Defence Health Manual, Volume 1, Part 3, Chapter 1—Privacy of Health Information of Defence Members and Defence Candidates

Defence Health Manual, Volume 1, Part 13, Chapter 1—ADF Rehabilitation Program

Records Management Policy Manual

Youth Policy Manual

Joint Health Command

AUSTRALIAN DEFENCE FORCE POLICIES AND DOCUMENTS RELATING TO TERMINATION OF APPOINTMENT OR ENLISTMENT

Defence Regulation 2016

Australian Book of Reference 10—Sailors’ Career Management Manual

Australian Book of Reference 6289—RAN Officer’s Career Management Manual

Chief of Air Force Directive 09/16—Improved Administrative Systems for Addressing Sub-standard Performance and Conduct

MILPERSMAN, Part 10, Chapter 2—Termination of Service in the Australian Defence Force

Annexes:

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1C Disciplinary action or referral for investigation
1D Promotion of responsible drinking
1E Behaviour, safety, availability and storage
1F Minimisation of excessive alcohol use
1G Management of alcohol related problems
1H Royal Australian Navy policy on alcohol use
1I Australian Army policy on alcohol
1J Australian Army policy on the employment of drivers deprived of civil driving licences
1K Royal Australian Air Force policy on alcohol
1L Signs of possible problematic use of alcohol
1M Interview guidelines for Commanders, Managers or Delegates
1N Definitions

Sponsor: ASPPEC (DMPP)
ROLES AND RESPONSIBILITIES

CHIEF OF THE DEFENCE FORCE

1. In accordance with subsection 123A of the Defence Act 1903 the Chief of the Defence Force (CDF) determines the conditions for members to have in their possession, sell or supply intoxicating liquor. CDF has the overall strategic responsibility to ensure the right support mechanisms are in place to maintain the welfare of the Australian Defence Force (ADF), managing alcohol use in the ADF to reduce alcohol related harm and support positive cultural change. Under subsection 120A of the Defence Act 1903, CDF delegates his powers to the Service Chiefs and Commander Joint Health (CJHLTH) for the development of health programs, policies and procedures for alcohol management across the ADF.

SERVICE CHIEFS

2. In accordance with subsection 123A of the Defence Act 1903, the CDF determines the conditions for Defence members to have in their possession sell or supply intoxicating liquor. Service Chiefs are responsible for developing policies, processes and procedures for the single-Services under the umbrella of the Australian Defence Force Alcohol Management Strategy and Plan 2014–2017. This includes the overall implementation of alcohol-related policies and specific Instructions for responding to alcohol-related incidents involving members of their respective Service.

DEPUTY SECRETARY DEFENCE PEOPLE

3. Deputy Secretary Defence People is responsible for the development of personnel policy that supports Defence Instruction (General) (Dl(G)) PERS 15–1 — Australian Defence Force Alcohol Policy.

GROUP HEADS

4. Group Heads are responsible for ensuring the implementation of alcohol-related policies in their respective groups.

COMMANDER JOINT HEALTH/SURGEON GENERAL AUSTRALIAN DEFENCE FORCE

5. CJHLTH/Surgeon General Australian Defence Force (SGADF) is responsible for the provision of health care to members of the ADF and, from the health perspective, the preparedness of the ADF for operations. CJHLTH is also responsible for preparing Joint Health Command (JHC) for deployment in support of ADF operations and for the technical control, specified program management requirements and certain administrative support functions of the JHC. These responsibilities involve the provision of advice and the development of policy on a range of health issues.
6. CJHLTH/SGADF has overall responsibility for the provision of health support to Defence members and is the authority for the health response to problematic alcohol and other drug (AOD) use by Defence members. The 2011 Australian Defence Force Mental Health and Wellbeing Strategy provides an appropriate mental health service for the ADF. The Alcohol, Tobacco and Other Drugs (ATOD) Program is a key initiative within the ADF Mental Health Strategy that deals specifically with the health response to alcohol and other drug use by Defence members.

DEFENCE MEDICAL OFFICER

7. The treating Defence Medical Officer (MO) in all instances remains the Defence authorised clinical case manager.

DIRECTOR-GENERAL GARRISON HEALTH OPERATIONS

8. Director-General Garrison Health Operations is primarily responsible for the delivery and management of quality, safe, efficient and effective health care (including the management of alcohol related health issues) to Defence members within Australia and on non-operational postings overseas.

REGIONAL MENTAL HEALTH TEAM/ALCOHOL TOBACCO AND OTHER DRUG COORDINATOR

9. A Regional Mental Health Team is staffed by a Coordinator, Senior Mental Health Professional, ATOD Coordinator and a Mental Health Promotions Officer who facilitate professional and command networks, provide advice to command and coordinate health promotion activities, delivery of member training and clinical up-skilling of mental health professionals.

10. ATOD Coordinators are mental health professionals with specific alcohol and other drug expertise who coordinate and deliver a range of health promotion and early intervention services, including the Outpatient Alcohol Treatment Program and Keep Your Mate Safe—Alcohol. They also provide advice to multi-disciplinary team members and Commanders related to alcohol and other drug treatment, intervention or rehabilitation.

MENTAL HEALTH PROFESSIONALS

11. Mental health professionals are Defence engaged or contracted, suitably qualified individuals, who provide mental health services to Defence members. They include:

a. Medical officers

b. Nurses

c. Psychologists, including provisionally registered psychologists working under direct supervision of a psychologist

d. Social workers.
12. Mental health professionals have a responsibility to provide a multidisciplinary response to ensure Defence members at risk receive appropriate and timely assessment and support. Health services are required to coordinate treatment planning and management and consult with both the Defence member and command to ensure a comprehensive treatment approach.

DIRECTOR MENTAL HEALTH, CLINICAL STANDARDS AND PRACTICE

13. The Director Mental Health, Clinical Standards and Practice (DMHCSP) is primarily responsible for the development and delivery of mental health policy, clinical standards and governance and the oversight of training resources for the ATOD Program.

ASSISTANT DIRECTOR ALCOHOL, TOBACCO AND OTHER DRUGS PROGRAM

14. Provides subject matter expertise and strategic advice to the DMHCSP on ATOD policy, workplace education, evidence based clinical interventions and clinical up-skilling of the mental health workforce.

BASE SUPPORT MANAGERS

15. Base Support Managers are responsible for ensuring that base support management and services comply with the alcohol-related policies and that proper measures are in place to ensure Base Instructions applicable to Defence personnel and contractors on the base, including hospitality management and training standards.

SENIOR AUSTRALIAN DEFENCE FORCE OFFICERS

16. Senior Australian Defence Force Officers are responsible for providing broad leadership on base and coordinating designated ADF-wide matters such as alcohol policy implementation and to ensure that such implementation meets the requirements of the ADF Alcohol Behaviour Expectations Statement. Community engagement and reputation management are coupled with the shared responsibility of base support and management services.

COMMANDING OFFICERS AND SUPERVISORS

17. Commanding Officers (CO) and supervisors of Defence members, at all levels, are responsible for the implementation of measures to assist Defence to identify work health and safety issues, including procedures to manage problematic use of alcohol, commensurate with their level of responsibility and accountability.

18. COs and supervisors are to be mindful of the requirements stated in the ADF Alcohol Behaviour Expectations Statement.

19. COs and supervisors of Defence members are expected and required to take reasonable precautions to identify workplace situations, methods or conditions that may contribute to alcohol-related harm, and to take appropriate action to prevent, reduce and manage instances of harm wherever and whenever they occur.
The ADF Leaders Guide for Alcohol Management is a useful resource and provides ADF leaders with information that they can use to:

a. influence occasions, locations and situations to prevent or reduce the likelihood of alcohol-related harm

b. respond to alcohol-related incidents affecting the Defence workplace.

20. As part of their approach to alcohol management, COs should consider the implementation of MILPERSMAN, Part 11, Chapter 1—Policy for Placing Civilian Premises Out of Bounds or Off-limits which authorises COs to place civilian premises out of bounds or off-limits provided they are satisfied that there is a Service requirement for such action connected with the maintenance of discipline.

21. COs and supervisors must:

a. comply with the direction of DI(G) PERS 15–1 and any determination made under subsection 123A of the Defence Act 1903

b. ensure all Defence members under their command/supervision are annually reminded of the content of MILPERSMAN, Part 4, Chapter 1—Alcohol Management in the Australian Defence Force

c. demonstrate a commitment to the management and responsible use of alcohol when consumed on Defence establishments, ships or Commonwealth land

d. ensure all Defence members under their command/supervision attend ATOD awareness brief on an annual basis, or complete their proficiency via the Campus course

e. determine in what specific circumstances use of alcohol is allowed while members are on duty and authorise each specific circumstance prior to alcohol being consumed

f. identify Defence members engaging in problematic alcohol use and offer them mental health support and assistance in seeking treatment for their alcohol use. The commander or manager must refer the Defence member for assessment to a mental health professional by completing Form PM 008—Referral for a Mental Health/Psychological Assessment and Management Advice or Minute (Navy). The referral must outline the circumstances of the referral

g. remove from the workplace those Defence members suspected of being under the influence of alcohol

h. monitor problematic drinkers

i. where possible assist problematic drinkers in accessing their treatment options if consent is given to do so
take appropriate administrative and/or disciplinary action as required in response to problematic use of alcohol and any related unacceptable behaviour in accordance with Annex 1C of this chapter.

22. CO’s must:

a. provide local policy guidance (consistent with the provisions of this Manual and guidance/requirements of higher command) on the use and storage of alcohol on Service property (including living-in accommodation) and local policy governing the use of alcohol in Mess, club and canteen facilities

b. interview Defence members who are suspected of, or who have identified themselves as having alcohol use issues

c. offer counselling and assistance to Defence members requiring/seeking treatment for their alcohol use. The commander or manager must refer the Defence member to a mental health professional for assessment by completing Form PM 008 or Minute (Navy)

d. refer Defence members who they reasonably expect may be problematic drinkers or who have an Alcohol Related Incident to a mental health professional for a clinical assessment as outlined in paragraph 22c.

e. ensure Defence members are offered appropriate assistance following treatment and if necessary, they are referred to a unit rehabilitation liaison officer for ongoing support and monitoring.

23. Discretionary powers of a Commanding Officer. The consumption of alcohol by Defence members when at sea or at anchor and at less than 8 hours notice for sea is to be in accordance with Australian Fleet Tactical Publication 1(C)—Australian Fleet General Orders, Part 3, Chapter 305—Personnel Administration. At all other times a CO may approve the use of alcohol by Defence members who are on duty. Meal and other breaks are covered by the term ‘duty’. A CO has discretionary powers, and with due regard to conditions prescribed by higher command/commanders, may approve the use of alcohol whilst personnel under their command are on duty. Following the activity Defence members who consumed alcohol must not return to work until the commencement of the next working day, at which time they are not to be intoxicated (see Annex 1N of this Chapter).

24. The mental health professional must provide a report to the referring commander or manager on Form PS 006—Mental Health/Psychological Report or in a Minute (Navy). Where the Defence member has consented to the use or disclosure of their health information, the report will include relevant health information.

25. Where informed consent is not provided by the Defence member, information provided to commanders or managers will be limited to acknowledgement that the assessment has occurred and where necessary, the Defence member has been referred to a Defence MO for follow up and/or an Individual Welfare Board (IWB) is required.

26. Alcohol and other Drug Program Adviser (ADPA). An ADPA provides preventative alcohol and other drug education and advice to a ship’s company.
ADPAs also conduct educative follow-up support and aftercare to Defence members who are assessed as being problematic users of alcohol.

27. Alcohol and other Drug Program Coordinator (ADPC). An ADPC is responsible for developing and managing the Alcohol and Drug Program Training Program, including the development, programming and conduct of the Alcohol and Drug Awareness courses that are carried out by Alcohol and Drug Program staff. ADPCs also provide one-on-one alcohol and drug services.

DEFENCE MEMBERS

28. Specific individual responsibilities include:
   a. undertaking the mandatory alcohol awareness presentations or maintaining proficiency via the Campus course
   b. notifying their CO/supervisor if they believe that they, or another Defence member, is affected by alcohol while on duty or reporting for duty
   c. contacting 1800 IMSICK (1800 467 425) for after hours support or for additional support or advice call the All Hours Support Line (1800 628 036)
   d. seeking treatment if they believe that they are a problematic drinker
   e. complying with the lawful orders or directions of a CO or supervisor, a superior officer, a qualified alcohol assessor, a health professional or a health care provider in regards to undertaking an assessment of their use of alcohol.

HEALTH PROFESSIONALS

29. Health professionals provide screening, assessment, interventions and referral as required for Defence members who have alcohol use related issues.

HEALTH CARE PROVIDER

30. A health care provider is an AOD trained medical assistant, psychological examiner, ADPC or an ADPA. These members provide AOD education, assessments and interventions to clients with AOD issues within the limits of their training.

INDIVIDUAL WELFARE BOARDS

31. IWB are convened:
   a. to ensure that the support and welfare needs of a member who has been assessed as drinking at high risk or dependent levels who requires ongoing treatment, support and monitoring
   b. at the discretion on the commander or manager in consultation with the Defence medical officer.

32. If the Defence member’s treatment is managed through off base hospital, detoxification or alcohol treatment facility, admission, an IWB must be convened as part of inpatient discharge planning as required.
PRIVACY AND DATA COLLECTION

1. The Pathway to Change: Evolving Defence Culture endorses the requirement for alcohol-related data collection and subsequent reporting. Such activities assist in assessing the extent of problematic alcohol usage in the Australian Defence Force, identifying emerging trends and, if necessary, reviewing the effectiveness of current policies and whether new or additional management strategies are warranted.

2. The collection, reporting, management, use and disclosure of personal information, including health information is governed by the Privacy Act 1988. The collection, use and disclosure of health information to a third party and the management of patient privacy must be in accordance with the Defence Health Manual, Volume 1, Part 3, Chapter 1—Privacy of Health Information in Defence.

3. As data collection and reporting requirements relating to alcohol testing and alcohol related incidents are subject to change, individual Services and Joint Health Command (JHC) will retain responsibility for determining alcohol data collection policy and procedures to best fit the needs of the single-Service and/or JHC.
DISCIPLINARY ACTION OR REFERRAL FOR INVESTIGATION

1. In accordance with the ADF Alcohol Behaviour Expectations Statement the Australian Defence Force (ADF) expects Defence members to maintain the high standards that are expected of a professional military in line with very high public expectations of the personal conduct and behaviour of Defence members both on and off-duty. In addition to work health and safety obligations, Defence members are subject to the Defence Act 1903 and the Defence Force Discipline Act 1982 (DFDA). General orders detailing the rules and procedures are created under the DFDA and may include Defence Instructions, policy Manuals or any other order, Instruction or Directive issued by or under the authority of the Chief of the Defence Force, a Service Chief or a general, standing, routine or daily order in force with respect to a part of the ADF.

2. Under the DFDA, Section 29—Failing to comply with a General Order, it is an offence not to comply with any of the provisions contained in general orders. Senior Australian Defence Force Officers, Commanding Officers (CO) and Managers of Defence members should ensure that all Defence members are aware of general orders relevant to use of alcohol given that it is a possible defence if a Defence member proves that they did not know, nor could reasonably be expected to have known, of the order.

3. There are a range of possible disciplinary actions available, depending on the circumstances and the determination of the CO, including:

   a. Administrative Action in which a CO may choose to review the incident/behaviour and address the matter at their own discretion

   b. Disciplinary Action under the DFDA: a CO may choose to review the incident/behaviour and determine the appropriate disciplinary action. This option is available in the case of summary—that is, minor, offences

   c. Referral: a CO may choose to refer the matter to the single service policing units or the Australian Defence Force Investigative Service. This option is available for offences that the CO determines to be of a more serious character.

4. The military discipline system is designed to deal with offences that substantially affect the maintenance and ability to enforce Service discipline in the ADF, including offences that are uniquely military and those that are not, but that occur in a military environment. This system includes processes for the investigation of alleged offence, preferring of charges and conduct of fair and reasonable trials. Criminal offences or other illegal are referred to civil authorities, such as the police.

5. Policy guidance regarding the prosecution of offences under the DFDA is provided in Interim Defence Instruction ADMIN 45–2—Incident Reporting and Management. Additional guidance on discipline law is provided in Australian Defence Force Publication (ADFP) 6.1.1, Volume 3—Discipline Law Manual.
DEFENCE ACT 1903

6. In accordance with the Defence Act 1903 Defence members are subject to the provisions of subsection 123A—Intoxicating liquor and subsection 123AA—Intoxicating liquor not to be supplied to cadets.

DEFENCE FORCE DISCIPLINE ACT 1982

7. Under the DFDA the sections directly relating to alcohol are:

a. Section 32—Person on guard or on watch: A Defence member is guilty of an offence if the member is on guard duty or on watch and the member is intoxicated (maximum punishment: imprisonment for 12 months)

b. Section 37—Intoxicated while on duty, etc: A Defence member is guilty of an offence if the member is on duty, or reports or should report for duty; and, the member is intoxicated (maximum punishment: imprisonment for six months). (For the purposes of Sections 32 and 37, a person is intoxicated if, and only if, the person’s faculties are, because of the person being under the influence of intoxicating liquor or a drug (other than a drug administered by, or taken in accordance with the directions of, a person lawfully authorised to administer the drug), so affected that the person is unfit to be entrusted with the person’s duty or with any duty that the person may be called on to perform)

c. Section 40—Driving while intoxicated: A person who is a Defence member or a Defence civilian is guilty of an offence if:

(1) the person drives a Service vehicle in any place, whether a public place or not

(2) the person is under the influence of intoxicating liquor or a drug to such and extent as to be incapable of having proper control of the vehicle (maximum punishment: imprisonment for 12 months).

UNACCEPTABLE BEHAVIOUR

8. Where a Defence member’s behaviour amounts to unacceptable behaviour in accordance with Di(G) PERS 35–3—Management and Reporting of Unacceptable Behaviour, they may be subject to disciplinary action. The six categories of unacceptable behaviour are harassment, sexual harassment, workplace bullying, discrimination, abuse of power, inappropriate workplace relationships and conflict of interest. Accordingly, a Defence member who abuses, threatens or intimidates a staff member because they, or another person, have been refused service due to intoxication, including intimidation of peers and subordinates who have refused service to an individual may be subject to disciplinary and/or administrative action. Further guidance on sexual offences or other criminal offences such as assault or threats of violence is provided in Di(G) PERS 35–4—Management and Reporting of Sexual Offences or Interim Defence Instruction ADMIN 45–2.

DRINK SPIKING
9. Defence members are not to engage in drink spiking and those found engaging in such practice will be subject to administrative and/or disciplinary action and/or civil charges.

10. Defence members who suspect their drink has been spiked are to:
   a. seek medical assistance as soon as possible
   b. inform the CO or Duty Officer.

ADMINISTRATIVE SANCTIONS

11. Defence members should note that regardless of the outcome of any DFDA proceedings or civilian criminal trial, a member may still be subject to an administrative sanction in accordance with the Military Personnel Policy Manual (MILPERSMAN), Part 9, Chapter 2—Formal Warnings and Censures in the ADF.

DUTY TO REPORT CIVILIAN CONVICTIONS

12. Defence members are required to report any civilian charges and convictions for alcohol-related offences to their CO in accordance with Di(G) PERS 55–4—Reporting, Recording and Dealing with Civil Offences, Service and Civilian Convictions and Diversionary Programs.

REFERRAL FOR INVESTIGATION

DEFENCE FORCE DISCIPLINE ACT 1982 INVESTIGATION OF ALLEGED SERVICE OFFENCES

13. The specific purpose of the DFDA is the maintenance and enforcement of service discipline and a distinction must be made between the powers and functions of civilian police and investigators and Defence Force Discipline Act investigation of alleged service offences. Additional guidance for Defence members required to investigate alleged service offences or individuals who may make decisions to authorise or approve certain investigative action under the Defence Force Discipline Act is provided in the ADFP 6.1.1, Volume 3, Chapter 4—Management of Alleged Breaches of Discipline and Investigation of Service Offences.

REPORTING AND MANAGEMENT OF NOTIFIABLE INCIDENTS

14. The definition of a notifiable incident and how such an incident is to be managed is to be in accordance with Interim Defence Instruction ADMIN 45–2 and the Incident Reporting and Management Manual (IRMMAN).

ADVICE TO MEMBERS WHEN A MATTER IS REFERRED TO CIVILIAN AUTHORITIES FOR INVESTIGATION

15. In accordance with the Discipline Law Manual referred to above, COs are not obliged to notify Defence members when a matter has been referred to civilian authorities or to inform them of their alleged involvement in matters that have been referred. It is particularly important that members are not alerted as to the nature of any allegations that have been made against them as this could prejudice the...
investigation and any subsequent prosecution. Accordingly, COs must avoid making any comments which may jeopardise or prejudice the future investigation or prosecution.

16. However, where a Defence member has been advised that a matter has been referred to civilian authorities or otherwise becomes aware that this has occurred, the relevant civilian authorities should be told that the Defence member is aware that the matter has been referred to them.
ANNEX 1D

PROMOTION OF RESPONSIBLE DRINKING

1. The promotion of a safe and responsible attitude to the use of alcohol is a key element in the reduction of any associated harm for Defence members.

ADVERTISING AND PROMOTION OF ALCOHOLIC DRINKS

2. To reduce the effects of advertising and promotion of alcoholic drinks on bases, Senior Australian Defence Force Officers (SADFO), Commanding Officers (CO) and Base Support Managers should:
   a. ensure there is no material promoting risky use of alcohol which may include ‘happy hour’ activities, extreme discounts, free drink promotions, ‘two for one’ deals, ‘all you can drink’ promotions
   b. ensure there is no alcohol marketing or promotional material displayed in Defence workplaces
   c. eliminate alcohol companies’ sponsorship of Defence functions including Defence sporting and social functions.

MEASURES TO MINIMISE EXCESSIVE USE OF ALCOHOL ON DEFENCE ESTABLISHMENTS

3. SADFOs, COs or Base Support Managers are to ensure that all messes, bars, or clubs on Defence establishments or ships, where there is the sale and/or supply/service of alcohol:
   a. have glasses or jugs of water available free of charge for their customers and that procedures are in place to ensure that bar staff work practices include the requirement to keep the water fresh, available and in a prominent position for easy access
   b. have non-alcoholic drinks available at all functions or venues where alcohol is served
   c. have food available at reasonable prices to encourage customers not to drink alcohol on an empty stomach
   d. discourage the practice of drinking games and activities in which the rapid consumption of alcohol is a feature
   e. minimise the potential excessive use of alcohol through the promotion of low alcohol and alcohol free drinks.

4. SADFOs, COs and Base Support Managers must implement measures that support and promote the responsible sale and use of alcohol. These measures should include:
   a. promoting low risk drinking
b. actively supporting Defence members who choose not to consume alcohol

c. enforcing strict limits on the hours that messes, clubs and canteens may serve alcohol, including promulgating the procedures by which normal trading hours may be extended

d. ensuring mess, club or canteen committee members and bar staff adhere to their State or Territory’s responsible service of alcohol protocols

e. encouraging individuals not to drink and drive at functions or venues where alcohol may be served

f. encouraging messes to offer free non-alcoholic beverages to ‘designated drivers’

g. promote and encourage alcohol-free events.

5. The ADF Leaders’ Guide to Alcohol Management draws on sound, contemporary evidence relating to prevention and management of alcohol-related harm to support leaders to fulfil their responsibility to take reasonable precautions to identify workplace situations, methods or conditions that may contribute to alcohol related harm, and to take appropriate action to prevent, reduce and manage instances of harm wherever and whenever they occur. Information within the Leaders’ Guide to Alcohol Management should be used to supplement these Instructions and to provide standard, ADF-wide guidance on good-decision making process and assist ADF leaders with decision-making in relation to:

a. influencing occasions, locations and situations to prevent or reduce the likelihood of alcohol-related harm

b. responding to alcohol-related incidents affecting the Defence workplace.
BEHAVIOUR, SAFETY, AVAILABILITY AND STORAGE

BEHAVIOUR ON DEFENCE ESTABLISHMENTS

1. Abusive, threatening or intimidating behaviour towards a Defence member or a bar staff person because they or another person have been refused service due to intoxication is contrary to Chief of the Defence Force’s ADF Alcohol Behaviour Expectations Statement and amounts to unacceptable behaviour in accordance with Defence Instruction (General) PERS 35–3—Management and Reporting of Unacceptable Behaviour. Such behaviour may constitute an act of bullying and as such may be managed in accordance with the provisions stated in the Military Personnel Policy Manual (MILPERSMAN), Part 9, Chapter 2—Formal Warnings and Censures in the Australian Defence Force.

SAFETY

2. The Work Health and Safety Act 2011 imposes an obligation on employers to develop, with their employees, measures to ensure the employees’ health, safety and welfare at work. To reduce the risk of harm to patrons and personnel who are selling or serving alcohol Senior Australian Defence Force Officers, Commanding Officers (CO) and Base Support Managers are to ensure that appropriate measures/procedures which meet the requirements of the Work Health and Safety Act are in place at all:

a. Defence messes, clubs, bars
b. any other alcohol outlets on Defence establishments or ships.

POSSESSION/SALE OF ALCOHOL

3. On Defence establishments and ships, a Defence member may only be in possession of alcohol:

a. in areas authorised for its use or storage
b. if the Defence member is conveying the alcohol to a civilian destination or place of authorised use or storage.

4. Alcohol is not to be sold, supplied to, or purchased on behalf of any person on a Defence establishment or ship who is under 18 years of age as prescribed by State and Territory law or to any person who is intoxicated.

5. Policy regarding the sale and use of alcohol by Australian Navy Cadets, Australian Army Cadets or Australian Air Force Cadets is described in Youth Policy Manual (YOUTHPOLMAN).
STORAGE AND USE OF ALCOHOL IN LIVING-IN QUARTERS

6. COs are to determine the arrangements and restrictions for the storage and use of alcohol in the living-in private quarters or barracks. Alcohol is not to be stored or consumed in the living-in private quarters or barracks of a minor or a member of the Australian Navy Cadets, Australian Army Cadets or Australian Air Force Cadets, regardless of age.

USE OF ALCOHOL ON DUTY

7. A CO may approve the use of alcohol for people under their command whilst they are on duty. Annex 1A, paragraph 21 of this Chapter refers.

USE AND CARRIAGE OF ALCOHOL IN SERVICE VEHICLES AND AIRCRAFT

8. The list of Defence policies governing the use and carriage of alcohol prior to the operation of, or in, Service aircraft or vehicles is in Australian Air Publication (AAP) 3631.001—RAAF Manual of Air Movements, Part 4, Section 1, Chapter 1—Carriage of Passengers and the Defence Road Transport Manual.

USE OF ALCOHOL BY DEFENCE AIRCREW

9. Additional restrictions concerning the use of alcohol are imposed on aircrew. These restrictions are detailed in AAP 6734.001—Defence Aviation Safety Manual.

USE OF ALCOHOL ONBOARD A NAVY SHIP/ESTABLISHMENT

10. Sale, possession and use of alcohol on board Royal Australian Navy ships and establishments is contained in Annex 1H of this Chapter.

USE OF ALCOHOL BY OFFICERS OF CADETS, INSTRUCTORS OF CADETS AND CADETS

11. Guidance for the use of alcohol by Officers of Cadets, Instructors of Cadets and Cadets is contained in the Defence YOUTHPOLMAN.

DRivers OF SERVICE MOTOR VEHICLES

12. In accordance with Defence Road Transport Instructions, drivers of Defence vehicles:

a. are not to consume alcohol whilst operating a Defence vehicle

b. are to maintain a zero blood alcohol concentration if operating a Defence vehicle

c. are not to operate a vehicle if they are intoxicated

d. are not to enter a licensed premise whilst on duty except in the performance of duty or to obtain meals.
DRIVERS OF RENTAL MOTOR VEHICLES FOR DUTY PURPOSES

13. Drivers of rental vehicles for duty purposes are to maintain a zero blood alcohol concentration level whilst operating the rental vehicle.

DRIVERS OF PRIVATE OR RENTAL MOTOR VEHICLES

14. It is an offence under subsection 40(2) of the Defence Force Discipline Act 1982 and under the applicable State or Territory laws to drive private vehicles on Service land whilst intoxicated.

TESTING FOR ALCOHOL USE IN WORKPLACE SAFETY CRITICAL AREAS

15. The policy and procedures for testing for alcohol use in Safety Critical Areas is addressed separately in DI(G) PERS 15–4—Alcohol Testing in the Australian Defence Force.
MINIMISATION OF EXCESSIVE ALCOHOL USE

1. Senior Australian Defence Force Officers, Commanding Officers and Base Support Managers have an obligation to adopt measures to minimise excessive alcohol use. These include:

   a. limiting the quantities of packaged alcoholic beverages that may be purchased by individuals or groups, and the circumstances in which packaged alcohol can be purchased from base outlets

   b. ensuring messes, clubs and canteens have local rules which refer to acceptable practices regarding alcohol use by Defence members which are based on responsible service of alcohol protocols

   c. eliminate discounts or subsidies on alcoholic beverages

   d. discouraging the consumption of alcohol at sporting events for participants and spectators until after the game

   e. discouraging fundraising by messes, clubs and canteens through the sale or promotion of alcoholic products.
MANAGEMENT OF ALCOHOL RELATED PROBLEMS

ALCOHOL EDUCATION

1. Commanding Officers (CO) must ensure that the alcohol education program that is provided by the Defence Alcohol Tobacco and Other Drug Program or in the case of Navy the Royal Australian Navy Alcohol and Other Drugs Program by an Alcohol and Other Drug Program Adviser (ADPA)/Alcohol and Other Drug Program Coordinator (ADPC), is conducted annually for Defence members under their command. Chiefs and Commander Joint Health is responsible for the development of all health education and educational products associated with the reduction of alcohol-related harm. Joint Health Command, Directorate of Mental Health Clinical Standards and Practice, Alcohol Tobacco and Other Drugs (ATOD) Program intranet site.

MANAGEMENT OF A DEFENCE MEMBER WHO APPEARS TO BE AFFECTED BY ALCOHOL IN THE WORKPLACE

2. If possible, a Medical Officer (MO) or a health professional should see all cases of suspected intoxication for assessment. If none of these alcohol assessment trained personnel are readily available, the Defence member is to be kept under close and constant observation until they are coherent and alert or have been reviewed by a MO or health professional and no longer need to be observed.

3. If a Defence member is suspected of being affected by alcohol in the workplace, that Defence member is to be removed from the workplace and assessed as soon as possible by a health professional to determine if clinical treatment and/or observation is required. This includes Defence members who voluntarily request assistance.

4. Navy members who are deemed to have been under the influence of alcohol in the workplace are considered to have had an Alcohol Related Incident (ARI) and must be referred to the RAN alcohol and other drug (AOD) program (an ADPA or ADPC) for evaluation and intervention within three weeks of the incident. Army and Air Force members who have had an ARI should be referred to a Medical Health Professional for review to determine whether or not AOD intervention is required.

5. If intoxicated, but not held and cared for in a medical facility, the Defence member must be stood down from duty, placed in a safe environment and observed until they are coherent, alert and no longer affected by alcohol.

6. Under no circumstances is a supervisor permitted to allow or direct a Defence member to conduct strenuous physical activity where that Defence member is intoxicated or, appears to be ill as a result of the use of alcohol.

7. It is important to note that members appearing to be affected by alcohol require clinical assessment by a health professional in that they may:
a. not be intoxicated, but are suffering the effects of a head injury, or a physical, chemical (toxins, drugs or chemicals), or biological (encephalitis) assault on the brain

b. be intoxicated, but are also suffering from a head injury or the effects of other diseases; such as diabetes

c. be intoxicated and subsequently susceptible to a later loss of consciousness with possible complications due to vomiting

d. have a drug or alcohol dependence and require detoxification under medical supervision.

8. Head injury should be suspected if:

a. there is a history or evidence of facial or scalp wounds

b. the person appears or complains of being photophobic (intolerance to light)

c. the person has an altered level of consciousness

d. the person has been or is fitting.

9. A neglected head injury or inhalation of vomit by an unconscious person can lead to death and this must be constantly borne in mind by all those dealing with such situations. If head injury is suspected an assessment by medical personnel should be sought as soon as possible.

10. For Defence members who have been assessed by a mental health professional as having been affected by alcohol, follow-up administrative/disciplinary action by the CO or a person authorised by the CO must occur at the earliest practicable time. When the member returns to duty, the CO or delegate must interview any Defence member suspected of displaying any of the patterns of behaviour listed in Annex 1L of this Chapter. For Navy, this delegate is an ADPA. (See Annex 1M of this Chapter for guidelines when interviewing the Defence member).

11. Prior to the interview being conducted, the CO or delegate must examine the Defence member’s personal file and determine whether there is a history of problematic use of alcohol. The CO or delegate may seek advice from the Defence member’s supporting health facility regarding any previous instances of alcohol-related problems. A record of the interview must be retained on the Defence member’s personal file.

**REVIEW OF MEDICAL EMPLOYMENT CLASSIFICATION**

12. If the CO or MO has concern about the appropriateness of a Defence member’s existing Medical Employment Classification (MEC), they must initiate, or cause to be initiated, timely MEC review action in accordance with Military Personnel Policy Manual (MILPERSMAN) and the Defence Health Manual (DHM), Volume 2, Part 13, Chapter 2—Health Procedures for the Delivery of the Australian Defence Force Rehabilitation Program.
13. Treatment for alcohol-related problems in the Australian Defence Force (ADF) is conducted through Garrison Health Operations and follows a stepped care approach. A stepped care approach involves beginning with the interventions and treatment methods that are the least intensive but that are also likely to be effective. After a period of monitoring the interventions are either ‘stepped up’ or ‘stepped down’ in intensity depending on the needs of the member.

14. The scope of treatment, medical management and employment restrictions of Defence members who have been identified as requiring treatment of their alcohol use is to be determined by Joint Health Command personnel in accordance with the DHM. For Navy, the ADPA will provide Brief Intervention/Motivational education to Level 1 clients. For Level 2 clients, the ADPC will provide one-on-one intervention and/or referral to a mental health professional for assessment, intervention and treatment planning which may include a Joint Health Command Outpatient Alcohol Treatment Program. The ADPC will refer Level 3 clients to a mental health professional who will determine the most appropriate treatment intervention for the member and provide feedback to the ADPC with the Defence member’s consent for ongoing management of the Defence member.

WITHDRAWAL FROM TREATMENT

15. In the event that the Defence member withdraws from treatment at any time, the responsible health professional or health care provider must assess the Defence member and offer alternative treatment options where possible (based on the member’s needs and their motivation to participate in treatment). A review of the Defence member’s MEC in accordance with MILPERSMAN should also be considered. If the Defence member’s behaviour, performance and/or standards are unacceptable, as a result of the continued use of alcohol, a CO may consider initiating disciplinary and or administrative action.

16. The CO must ensure that the Defence member has access to any relevant assistance, including the opportunity to attend further counselling and support group meetings. This can be achieved through the Defence rehabilitation program in accordance with DHM, Volume 1, Part 13, Chapter 1—ADF Rehabilitation Program and Volume 2, Part 13, Chapter 2—Health Procedures for Delivery of the ADF Rehabilitation Program.

TERMINATION OF SERVICE

17. Defence members normally have a 12-month period after completion of their treatment to demonstrate performance and behavioural improvement. If a Defence member fails to adhere to the guidance provided, modify their alcohol related behaviours and effectively perform their duties, the CO is to consider the initiation of further administrative action which may lead to termination of service.

19. Policy and procedures relating to termination of service and pre-requisite administrative action by the Services are in Annex 1Q of this Chapter.
ROYAL AUSTRALIAN NAVY POLICY ON ALCOHOL USE

INTRODUCTION

1. Commanders at all levels are to monitor practices in messes, clubs and canteens and prohibit those which exert pressures on individuals to consume alcohol.

2. Commanding Officers (CO) are to ensure that the consumption of alcohol is not the principle purpose or focus of any activity conducted under Navy auspices.

CONSUMPTION OF ALCOHOL ONBOARD A NAVY SHIP OR ESTABLISHMENT

3. The use of alcohol in Navy is governed by the Chief of Navy (CN) in his Instrument of Determination under subsection 123A of the Defence Act 1903 (the Act).

4. Alcohol may only be consumed on Service land within that area of a mess, canteen or club set aside for the consumption of alcohol, or at places authorised by the CO. A Navy member may only be in possession of alcohol in areas authorised for its consumption or storage, or if the Navy member is conveying the alcohol to a civilian destination or place of authorised consumption or storage. For the purposes of this instruction, Married Quarters are considered to be private residences.

SALE AND CONSUMPTION OF ALCOHOL AT SEA

5. Officers and senior sailors in command or charge positions are not to drink in a vessel under way. The detailed conditions for the operations of bars and the sale of alcohol in HMA Ships, including additional conditions concerning quantities of alcohol to be sold and the duration and frequency of bar opening hours in vessels at anchor or in harbour, must be specified by Commander Australian Fleet and included in individual ship’s orders and must be in accordance with the CN’s Instrument of Determination under subsection 123A of the Act.

SALE OF ALCOHOL ON SERVICE LAND

6. On Service land alcohol may only be sold or supplied in:
   a. an officers’ or senior sailors’ mess
   b. an authorised club or canteen
   c. other places approved by the CO.

SUPPLY OF ALCOHOL ON SERVICE LAND

7. On Service land alcohol may only be sold or supplied to a person who is a:
   a. member of the Australian Defence Force or a civilian employee of the Department of Defence, except that any limitation imposed separately by
Australian Regular Army or Royal Australian Air Force authorities is to be observed

b. civilian member of the officers’ or senior sailors’ mess or unit club

c. bona fide personal guest of a Defence Member of a mess, club or canteen.

8. COs are responsible for the detailed guidelines governing the use of these facilities by guests.

ROYAL AUSTRALIAN NAVY ALCOHOL AND OTHER DRUGS PROGRAM

9. The Royal Australian Navy Alcohol and Other Drugs Program (RANAODP) has been established for the prevention and proactive identification and management of problematic alcohol consumption amongst Navy members. The RANAODP consists of a volunteer network of peer-support intake and assessment officers known in the workplace as Alcohol and Drug Program Advisers (ADPAs) and a permanent network of peer-support alcohol and other drug (AOD) counsellors known as Alcohol and Drug Program Coordinators (ADPCs). Information about the levels of RANAODP staff, their locations, responsibilities and contact details can be found on the Royal Australian Navy Alcohol and Other Drugs Program website.

ROYAL AUSTRALIAN NAVY ALCOHOL AND OTHER DRUGS PROGRAM (QUALIFICATIONS)

10. RANAODP staff, hold formal qualifications in the management of alcohol and other drugs. ADPAs complete a Certificate IV (CERT IV) in Alcohol and Other Drugs, and counsellors complete a Diploma of Counselling in addition to the CERT IV. The RANAODP ADPAs and ADPCs provide:

a. preventative education and advice to ship’s company

b. assessment, education, counselling and follow-up support to Navy members experiencing problems with alcohol

c. referral to Defence Health Service personnel for members experiencing problems with alcohol and other dual diagnosis issues

d. when required, aftercare support for Navy members returning from treatment

e. advice to Command about alcohol and drug policy.

SELECTION OF PERSONNEL FOR ALCOHOL AND DRUG PROGRAM OFFICE BILLETS

11. Volunteers for vacancies in AODP offices will be called for from time to time, when vacancies are known to be occurring. Prerequisites for these positions are previous completion of an ADPA course and performance of the duties of an ADPA. Final selection of personnel for ADPC and Substance Abuse Adviser positions will be made by a board consisting of:

a. Director Navy Alcohol and Other Drugs (DNAODS)
b. the ADPC of the office involved

c. a Psychologist.

12. The calling for volunteers and arranging the selection board is the responsibility of DNAODS.

**PROVISION OF ALCOHOL AND DRUG PROGRAM ADVISER SUPPORT TO SHIPS AND ESTABLISHMENTS**

13. Every ship’s company is to include at least one qualified ADPA to provide:

a. preventative education and advice to ship’s company

b. assessment, educative counselling and follow up support to personnel experiencing problems with alcohol misuse and/or abuse

c. aftercare support and follow-up for rehabilitated personnel

d. advice to Command on appropriate AOD policies.

14. Except in training establishments, additional ADPAs should be trained at the rate of one for each 150 personnel. In training establishments additional ADPAs should be trained and utilised at the rate of one per 100 trainees. These additional ADPAs should be on the staff of the training divisions.

15. ADPA duties are collateral to normal billet duties; therefore ADPAs require the active support of the CO and Heads of Department to ensure that adequate time is made available for them to complete their ADPA duties.

**TRAINING COURSE FOR MANAGEMENT OF ALCOHOL AND DRUG ABUSE**

**ALCOHOL AND DRUG AWARENESS COURSE (ADAC) — COURSE NO. 102889**

16. A two-day course conducted by ADPCs that is designed to acquaint Divisional Officers, all members Leading Seaman and above and other key personnel with the problems associated with alcohol and drug misuse. Civilian personnel may attend this course. Personnel who have had an alcohol/drug related incident within the preceding two years are ineligible for the ADAC. The RAN Course Program gives details of dates and venues for the ADAC.

**ALCOHOL AND DRUG PROGRAM ADVISERS (ADPA) COURSE— COURSE NO. 209024**

17. Personnel are required to complete Course No 102889 (ADAC) prior to volunteering for the two-week ADPA course. The ADPA course is designed to develop skills in alcohol and drug abuse prevention, education, assessment, interviewing skills and referral of members with alcohol or drug challenges. Personnel who have had an alcohol/drug related incident in the preceding two years are ineligible for the ADPA Course. On completion of the course, an ADPA, collateral to
their normal duties, will assist their Command in establishing and maintaining a local Alcohol and Drug Abuse Prevention Program by:

a. assisting the Command and Divisional Officers in assessment, educative counselling and referral of personnel experiencing issues with alcohol and/or drugs

b. monitoring and supporting personnel returning to duty following treatment

c. advising on training for supervisory personnel

d. providing assistance in the delivery of alcohol and drug abuse prevention education to ship’s company personnel at divisional meetings, divisional staff seminars or other appropriate situations.

18. ADPA training is contracted to an external training provider. Members successfully completing the course are awarded a Cert IV in Alcohol and Other Drugs.

DIPLOMA IN COMMUNITY SERVICES (ALCOHOL, DRUG AND MENTAL HEALTH)

19. Personnel are required to complete Course No 209024 (ADPA) prior to nominating for this course. This course is a billet prerequisite for members posted to any of the ADPC/SAC billets. Recovering personnel are to have three years of unbroken sobriety before nominating for this course.

ALCOHOL EDUCATION

20. The Director-General Navy People (DGNP), through the Director Navy Alcohol and Other Drugs Services is responsible for disseminating alcohol education information to commands and Navy members using Service publications and specially prepared items. Commands and Units are to reinforce alcohol education to Navy members through the Divisional system, meetings presentations, mandatory training, officer and sailor training, the publication of notices in routine and other orders; and by the counselling and timely administration of members who problematically use alcohol. Alcohol education should be facilitated through a qualified unit ADPA or ADPC.

MANAGEMENT OF ALCOHOL MISUSE

RESPONSIBILITIES OF COMMANDERS AND SUPERVISORS

21. Commanders at all levels must promote responsible drinking by those who consume alcohol and the acceptance of those Navy members who choose not to consume alcohol. Commanders should consider taking disciplinary and/or administrative action against their subordinate commanders and supervisors who fail in their responsibilities to promote and enforce responsible drinking. This includes commanders and supervisors not actively stopping excessive drinking practices, bad or inappropriate behaviour, or failing to take appropriate action against members who misuse alcohol.
MANAGEMENT PRINCIPLES

22. The management of members who misuse alcohol is based on the following principles.

   a. Successful management of alcohol misuse requires the early identification and recognition by the member and their supervisory staff that a problem exists.

   b. Members who are identified with, or who self-identify a problem, are to be assessed, appropriately counselled and provided with specific assistance and treatment.

   c. Members who cannot efficiently perform their duties due to the regular misuse of alcohol, or those who refuse treatment, or fail to complete an alcohol counselling or rehabilitation program, may be subject to discharge proceedings under the authority of Defence Regulation 2016, Part 3, Division 5, Section 24—Early Termination of Service.

IDENTIFICATION, ASSESSMENT AND TREATMENT OF MEMBERS WHO MISUSE ALCOHOL

23. The identification, assessment and treatment of members who misuse alcohol has four phases.

   a. Phase 1. Identification or self-identification of alcohol misuse by a member. This may include interviews by the member’s supervisor or a medical practitioner during a medical review. Identification may also arise as a result of a positive Random or Targeted Breath Test (RBT or TBT) or Prohibited Substance Testing Program, or another alcohol related incident. Navy members who are identified must be referred to an ADPA within three weeks of the incident occurring.

   b. Phase 2. Initial assessment should be conducted by an ADPA/ADPC (or Alcohol Tobacco and Other Drug Program (ATOD) coordinator or Medical Officer (MO). Where neither an ADPA nor an ADPC is available, the ATOD coordinator must provide a report of the assessment to the Navy Regional ADPC). The member will be assessed as Level 1, 2 or 3. (Note. ADPAs will assess the member as Level 1 or Above Level 1). Above Level 1 clients will be referred to an ADPC for more comprehensive assessment and will be assessed as Level 1, 2 or 3. Where a client has dual diagnosis issues, the ADPC will recommend that Command refer the member to the appropriate health support agency. Note that ADPA assessments are reviewed by ADPCs and, depending on diagnostics/data, may be reassessed as Above Level 1 and then assessed in accordance with Phase 2 procedures.

   c. Phase 3. Intervention/treatment. Intervention and/or treatment will be tailored to meet the client’s needs. Interventions will range from brief intervention education, motivational interviewing, one-on-one counselling and attendance at the Outpatient Alcohol Treatment Program, or referral to a MO for an outpatient alcohol counselling service or rehabilitation program.
d. **Phase 4.** Support and monitoring. Support and monitoring at unit level following counselling or a rehabilitation program.

24. Identification, assessment and treatment is an essential employer support tool and is separate to punitive action for alcohol misuse and associated behaviour. Disciplinary and/or administrative action may occur as a consequence of alcohol misuse and associated behaviour. However, it is to be considered separate to any professional assistance provided to the member.

25. **Assessment levels.** There are three main assessment levels in the Navy.

   a. **Level 1.** A member has had a one-off minor incident with alcohol and does not normally drink above low risk levels, or levels which may cause short or long term harm. Where available, members are to be referred to an ADPA. The ADPA will refer all serious cases and those assessed above Level 1 to an ADPC for further assessment and intervention.

   b. **Level 2.** A member is drinking above levels which may cause short or long term harm and this is starting to cause problems for themselves and others. Navy members are to be referred to an ADPC or MO for full assessment and treatment.

   c. **Level 3.** A member meets the diagnostic criteria for alcohol dependency, or self refers for dependency, and requires review by a MO for assessment and treatment options.

**ACTION UNDER PHASE 1**

26. **Action by COs.** COs are to ensure that any cases or incidents involving alcohol misuse (for example: alcohol-related equity incidents, assaults, inappropriate behaviour and driving under the influence (DUI)), whether resulting in disciplinary and/or administrative action or not, the member(s) involved are referred to the respective ADPA for initial assessment of the member’s misuse of alcohol within three weeks of the incident occurring.

27. **Action by MOs or medical staff.** MO or medical staff treating members who indicate signs of alcohol misuse or abuse of alcohol are to (where medical in confidence regulations permit) refer the member to an ADPA for workplace support. If a member meets the criteria for alcohol dependence, the MO should arrange appropriate treatment, medical classification of the member and may engage the support of the ADPC to facilitate post-rehabilitation aftercare programs.

28. **Action by supervisor.** Members who have a decline in job performance or lapses of behaviour or discipline which appear attributable to alcohol misuse are to be interviewed by their direct supervisor and confronted with their behavioural/performance problems only. A Record of Conversation should be completed at this time and maintained by the supervisor. Upon completion of the interview, the supervisor should refer the member to an ADPA for assessment of whether the behavioural/performance issues are being caused or exacerbated by alcohol misuse.
29. **Voluntary referral.** A member who requests help for alcohol abuse is to be referred immediately to an ADPA or MO as appropriate. Strict privacy is to be maintained and COs and Officers in Charge are to facilitate the member’s attendance at treatment and counselling sessions.

**ACTION UNDER PHASE 2**

30. **Action by ADPA.** An ADPA will conduct an initial assessment of the member to determine the extent of alcohol misuse/abuse. From this assessment and based on the determined Assessment Level, the ADPA will make a recommendation for appropriate action to the CO. This will include brief intervention and education by the ADPA and/or referral to an ADPC for further assessment and treatment.

31. **Referral to ADPC.** Members assessed above Level 1 by an ADPA are referred to an ADPC for further assessment and formal treatment planning. Additionally, members involved in all cases of a more serious nature, such as alcohol-related equity incidents, assaults, unacceptable behaviour and DUI, are to be referred directly to an ADPC for assessment. The ADPC will interview the referred member and, depending on the extent of alcohol misuse/abuse, will advise a course of intervention. Identification/treatment of any predisposing medical condition is important at this stage and the ADPC may recommend the member’s Command refer them to a MO and/or Psychologist for additional support/treatment.

32. **Refusal of treatment/intervention.** The member has a right to refuse treatment. Whilst attendance at an initial referral appointment is considered a place of duty, a member may refuse to participate. The member will be required to sign a Refusal of Intervention Form. The ADPC will inform the member of the consequences of refusal of treatment, which may include a recommendation for termination of service should they continue to experience further incidents. In the event the member continues to refuse treatment for alcohol abuse and alcohol-related problems continue, then the member’s suitability for retention is to be assessed by the CO.

**ACTION UNDER PHASE 3**

33. Subject to the result of the initial assessment by the ADPA/ATOD coordinator, ADPC or MO, and consultation with the member, the counsellor will recommend the most suitable intervention/treatment option to meet the member’s individual needs.

34. **Treatment plan.** The treatment plan selected may take the form of:

   a. education and monitoring by the ADPA (for a Level 1 member only)

   b. referral to Service counselling services—for example, ADPC, ATOD coordinator, Psychologist and/or other specialist agency

   c. attendance on the Outpatient Alcohol Treatment Program, with periodic review/support from the ADPC

   d. regular attendance at Alcoholics Anonymous (AA) or other appropriate self help groups with periodic review/support by the ADPC/ADPA
e. referral to an approved civilian agency

f. a combination of the above that is most suitable for the individual.

35. If the Navy member is assessed as requiring treatment, the member’s CO is to be informed by the counsellor or member’s health facility regarding whether the Navy member is to be counselled as an outpatient or treated as an in-patient at a rehabilitation or health facility. Any member who refuses to commence or fails to complete treatment is to be referred to their CO. If the member has further behavioural/performance issues relating to alcohol, the CO is to consider administrative action to initiate discharge proceedings under the authority of the Defence Regulation 2016, Part 3, Division 5, Section 24—Early Termination of Service.

ACTION UNDER PHASE 4

36. Navy members who commence in-patient treatment should be medically downgraded for the duration of treatment and aftercare. Consideration should be given to adding the member to the Command Focus Group meeting list. This ensures that the member is provided with the appropriate administrative support for completion of treatment and return to work in a supported environment that enables the member to access post-rehabilitation aftercare programs; or posting to a Personnel Support Unit (PSU). On completion of treatment, the treatment coordinator should provide the following information in support of ongoing management of the member:

a. the nature and results of the treatment

b. the cooperation of the member during treatment

c. recommendations regarding a requirement for aftercare support and follow-up review.

POST REHABILITATION OR TREATMENT

37. Following rehabilitation or treatment, the member’s CO is to ensure that opportunities are available for the member to attend further counselling and support groups. This may be facilitated through the MO or an ADPA or ADPC where available. The CO should also consider:

a. aftercare requirements

b. any restrictions recommended or imposed by a MO

c. any special considerations which will be allowed by the CO for a defined period, which may include:

(1) excusing the member from former responsibilities associated with alcohol (eg bar member or social member of a mess or club)

(2) excusing the member from social and other functions where alcohol is prominent
(3) an action plan to assist the member, which may include:

(a) encouraging contact with peers who have successfully rehabilitated

(b) ensuring that the member is able to attend regular support group meetings such as AA

(c) monitoring and influencing the peer group pressure which is applied to the member.

RELAPSE TREATMENT

38. Relapse treatment may be offered for those Navy members who have successfully completed in-patient treatment, but continue to experience problems with alcohol. If the Navy member is still unable to address their alcohol problems following relapse treatment, a recommendation for discharge Retention Not in the Interest of the Navy should be considered.

REMOTE LOCALITY POSTINGS

39. Generally, Navy members are not to be recommended for a remote locality posting immediately following alcohol in-patient treatment. This must be managed on a case-by-case basis taking into consideration the support mechanisms available to the member in the posting locality—that is, access to ADPC, external support services and peer/family support networks.

ADMINISTRATIVE ACTION

40. COs are to consider disciplinary action and/or administrative sanction after each and every alcohol-related incident. The list below is intended to provide guidance. COs may increase or decrease the level of administrative action based on the nature of the incident and the risk associated with the associated behaviours and performance deficiencies.

41. As a minimum COs should consider the following action:

a. **First incident.** If a member has a ‘first-time’ alcohol related incident (ARI) such as testing positive to alcohol whilst on duty and/or in a safety critical area (SCA); being involved in an incident of unacceptable alcohol-related behaviour, or demonstrating inferior performance as a result of alcohol misuse/abuse, the member should be referred to an ADPA for assessment and intervention. The member should be provided with performance counselling and given an opportunity to change their behaviour. A record of intervention should be maintained on the member’s Unit Personnel Record.

b. **Second incident.** Where a member has a second ARI or positive RBT or TBT and has previously been afforded the opportunity to undertake intervention/treatment, the member should be given a Notice to Show Cause (NTSC) for formal warning/censure for alcohol misuse. Members convicted of an alcohol misuse offence under the *Defence Force Discipline Act 1982* should also be issued a NTSC for formal warning for alcohol misuse.
c. **Third incident.** If a member tests positive to alcohol whilst on duty and/or in a SCA, or is involved in an incident of unacceptable alcohol-related behaviour for a third time, COs should consider issuing a NTSC for reduction in rank or censure.

d. **Fourth incident.** If a member tests positive to alcohol whilst on duty and/or in a SCA, or is involved in an incident of unacceptable alcohol-related behaviour for a third time, COs should consider issuing a NTSC for termination.

42. Where circumstances warrant, COs may escalate the level of administrative action taken. Circumstances that may warrant escalated administrative action include but are not limited to the member if they:

   a. are an officer or hold a position of authority

   b. have been involved in a serious incident, or have a history of disciplinary problems related to alcohol misuse

   c. record a positive RBT or DUI result of 0.15% blood alcohol concentration (BAC) or above.

**MANAGEMENT OF DRIVING UNDER THE INFLUENCE OF ALCOHOL**

43. DUI is a serious offence and must not be tolerated. Administrative action for members found guilty of DUI should be considered separate to the options available for alcohol related incidents outlined above. In the event of a DUI, COs should consider the following:

   a. **Low range DUI.** COs should consider formal warning for any member who is charged by state or territory police for low range DUI (first offence). Low range DUI applies to drivers with a BAC of between 0.05 and 0.079 g/100 ml.

   b. **Medium range DUI.** COs should consider reduction in rank/seniority and a formal warning for members who are charged with a first offence of medium range DUI. Medium range DUI applies to drivers with a BAC of between 0.08 and 0.149 g/100 ml.

   c. **High range DUI.** COs should consider termination action for any member who is charged by state or territory police for high range DUI (first offence). High range DUI applies to drivers with a BAC over 0.150 g/100 ml. For any second DUI offence, COs should consider termination action.

   d. **Refusal to provide sample.** Where a member refuses to participate in a RBT or TBT, COs should consider termination action.
AUSTRALIAN ARMY POLICY ON ALCOHOL

INTRODUCTION

1. Commanders at all levels are to monitor practices in messes, clubs and canteens and prohibit those who exert pressure on individuals to consume alcohol.

2. Commanding Officers (CO) are to ensure that the use of alcohol is not the principle purpose or focus of any activity conducted under Army auspices.

3. Alcohol may only be consumed on Service land within that area of a mess, canteen or club set aside for the consumption of alcohol, or at places authorised by a CO. An Army member may only be in possession of alcohol in areas authorised for its consumption or storage, or if the Army member is conveying the alcohol to a civilian destination or place of authorised consumption or storage.

SALE OR SUPPLY OF ALCOHOL ON SERVICE LAND

4. On Service land alcohol may only be sold or supplied in:
   a. an officers’ or sergeants’ mess
   b. an authorised club or canteen
   c. other places approved by a CO.

5. On Service land alcohol may only be sold or supplied to a person who is a:
   a. member of the Australian Defence Force or a civilian employee of the Department of Defence, except that any limitation imposed separately by Royal Australian Navy or Royal Australian Air Force authorities is to be observed
   b. civilian member of an officer’s or sergeant’s mess or unit clubs
   c. bona fide personal guest of a Defence member of a mess, club or canteen. COs are responsible for the detailed guidelines governing the use of these facilities by guests.

ARMY ALCOHOL AND OTHER DRUGS PROGRAM

6. The Army Alcohol and Other Drugs Program (AADP) is being established for the prevention and proactive identification and management of problematic alcohol consumption amongst Army members. The AADP involves staff who hold formal qualifications in the management of alcohol and its related issues. Qualified staff may include Navy Alcohol and other Drug Program Advisers (where applicable) and civilian Alcohol, Tobacco and Other Drugs (ATOD) coordinators who will provide:
   a. preventative education and advice to units and unit commanders
b. assessment, education counselling, and follow-up support to Army members experiencing problems with alcohol

c. when required, aftercare support for Army members returning from treatment.

7. Information regarding the levels of AADP staff, their locations, responsibilities and contact details can be found on the Force Protection Alcohol intranet site.

ALCOHOL EDUCATION

8. Director-General Personnel—Army is responsible for disseminating alcohol education information to commands and Army members using Service publications and specially prepared items. Commands and Units are to reinforce alcohol education to Army members through COs' hours, presentations, mandatory training, officer and Non-commissioned Officer training, the publication of notices in routine and other orders, and by the counselling and timely administration of members who problematically use alcohol. Alcohol education should be delivered through annual Force Preservation Training, throughout the Army All-Corps Officer Training Continuum and the All-Corps Soldier Training Continuum and may also be facilitated by an ATOD coordinator (where available). Alcohol education may also be facilitated through the Joint Health Command Keep Your Mates Safe program.

RESPONSIBILITIES OF COMMANDERS AND SUPERVISORS

9. Commanders at all levels must promote responsible drinking by those who consume alcohol and the acceptance of those Army members who choose not to consume alcohol. Commanders should consider taking disciplinary and/or administrative action against their subordinate commanders and supervisors who fail in their responsibilities to promote and enforce responsible drinking. This includes commanders and supervisors not actively stopping excessive drinking practices, bad or inappropriate behaviour, or failing to take appropriate action against members who misuse alcohol.

MANAGEMENT OF PROBLEMATIC USE OF ALCOHOL

10. Management principles. The management of problematic use of alcohol by members is based on the following principles:

a. successful management of problematic use of alcohol requires the early identification and recognition by the member and their supervisory staff that a problem exists

b. members who are identified or who self-identify a problematic use of alcohol are to be assessed, appropriately counselled and provided with specific assistance and treatment

c. members who cannot efficiently perform their duties through the regular problematic use of alcohol, or those who refuse treatment or fail to complete an alcohol counselling or rehabilitation program may be subject to discharge proceedings under the authority of Defence Regulation 2016, Part 3, Division 5, Section 24—Early Termination of Service.
IDENTIFICATION, ASSESSMENT AND TREATMENT OF MEMBERS WHO MISUSE ALCOHOL

11. The identification, assessment and treatment of members who misuse alcohol has four phases:

a. **Phase 1.** Identification or self-identification of alcohol misuse by a member. This may include interviews by the member’s supervisor or a medical practitioner (during a medical review). Commanders should take active steps to influence behaviour and attitudes around alcohol consumption when engaging with members who have misused alcohol. Where available the member may be referred to an ATOD coordinator for assessment.

b. **Phase 2.** Initial assessment should be conducted by ATOD coordinator where available. This phase may include also referral to a Medical Officer (MO) or psychologist for assessment. The MO may be able to exclude any previously undiagnosed medical factors and may also refer the member to other support facilities such as the Australian Defence Force Outpatient Alcohol Treatment Program.

c. **Phase 3.** Referral to an outpatient alcohol counselling service or rehabilitation program.

d. **Phase 4.** Support and monitoring at unit level following counselling or a rehabilitation program.

12. Identification, assessment and treatment is an essential employer support tool and is separate to punitive action for alcohol misuse and associated behaviour. Disciplinary and/or administrative action may occur as a consequence of alcohol misuse and associated behaviour, however, it is to be considered separate to any professional assistance provided for the member.

ASSESSMENT LEVELS

13. There are three main assessment levels in the Army:

a. **Level 1.** A member has had a one-off minor incident with alcohol and does not normally drink above low risk levels, or levels which may cause short or long term harm. This may not require further assessment by medical practitioners and may be dealt with appropriately by the Chain of Command.

b. **Level 2.** A member is drinking above levels which may cause short or long term harm and this is starting to cause problems for themselves and others. Where available, Army members are to be referred to an ATOD coordinator, psychologist or MO for full assessment and treatment.

c. **Level 3.** A member is alcohol dependent and requires review by a MO for assessment and treatment.
14. Identification, assessment and treatment is an essential employer support tool and is separate to punitive action for alcohol misuse and associated behaviour. Disciplinary and/or administrative action may occur during any of the four phases as consequence of alcohol misuse and associated behaviour. However, it is to be considered separate to any professional assistance provided for the member.

ACTION UNDER PHASE 1

15. **Action by COs.** COs are to ensure that any cases or incidents involving alcohol misuse (particularly alcohol-related equity incidents, assaults, inappropriate behaviour and Driving under the Influence (DUI)), whether resulting in disciplinary and/or administrative action or not, the member(s) involved should be referred to an ATOD coordinator, MO and/or psychologist for assessment.

16. **Action by MOs or medical staff.** MO or medical staff treating members who indicate signs of alcohol misuse or dependence on alcohol should inform the member’s unit commander and refer the member to an ATOD coordinator if available.

17. **Action by supervisor.** Members who have a decline in job performance, lapses of behaviour or discipline which appear attributable to alcohol misuse, are to be interviewed by their direct supervisor and confronted with their behavioural/performance problems only. A Record of Conversation (ROC) should be completed at this time and maintained by the supervisor in a Platoon Commanders Notebook (PCNB) or similar. Prior to the interview, the supervisor should examine the member’s personal file and liaise with the member’s health facility to determine whether there is any record of a previous interview or counselling for alcohol misuse. Upon completion of the interview, the supervisor may refer the member to an ATOD coordinator, MO and/or psychologist for assessment.

18. **Voluntary referral.** A member who requests help for alcohol abuse is to be referred immediately to an ATOD coordinator, MO and/or psychologist. Strict confidentiality is to be maintained and CO’s and Officers Commanding (OC) are to facilitate the member’s attendance at treatment and counselling sessions.

ACTION UNDER PHASE 2

19. **Referral to ATOD coordinator.** Members should be referred to an ATOD coordinator (where available) for assessment and formal treatment planning (if required). Members involved in all cases of a more serious nature, such as alcohol-related equity incidents, assaults, unacceptable behaviour and DUIs, are to be referred directly to one of the ATOD coordinators for assessment. The ATOD coordinator will interview the referred member and, depending on the evidence of alcohol abuse, will advise a course of treatment. Identification/treatment of any predisposing medical condition is important at this stage, before treatment for alcohol abuse commences.

20. **Refusal of treatment.** The member has a right to refuse treatment and is to sign a Refusal of Treatment Form (held by the ATOD coordinator or Navy Alcohol and Drug Program Counsellors (ADPC)) should this occur. The ATOD coordinator or Navy ADPC is to inform the member of the consequences of refusal of treatment, which may include a recommendation for termination action to be taken in
accompany with Military Personnel Policy Manual (MILPERSMAN). In the event the member continues to refuse treatment for alcohol abuse and alcohol-related problems continue, then the member’s suitability for retention is to be assessed by the CO.

ACTION UNDER PHASE 3

21. Subject to the result of the initial assessment by an ATOD coordinator, MO or psychologist, the medical practitioner will recommend the most suitable agency, ie Service or civilian, and a treatment plan is chosen to meet the member’s individual needs.

22. Treatment plan. The treatment plan selected may take the form of:
   a. education and monitoring by the Chain of Command and ATOD coordinator
   b. referral to Service counselling eg Psychologist/other Specialist agency
   c. regular attendance at Alcoholics Anonymous (AA) or other appropriate self help groups with periodic review by the ATOD coordinator
   d. referral to an approved civilian agency when Service facilities are not available. This is subject to approval of the member’s CO and Joint Health Command
   e. a combination of the above that is most suitable for the individual.

23. If the Army member is assessed as a problematic drinker and requires treatment, the member’s CO is be informed by the counsellor or member’s health facility regarding whether the Army member is to be counselled as an outpatient or treated as an in-patient at a rehabilitation facility or health facility. Any member who refuses to commence, or fails to complete treatment is to be referred to their CO who is to initiate discharge proceedings under the authority of Defence Regulation 2016 Part 3.

ACTION UNDER PHASE 4

24. Army members who commence in-patient treatment are to undergo a welfare board in accordance with Army Standing Instructions (Personnel), Part 9—Welfare Support, Chapter 2—Support and Management of Wounded, Injured and Ill Personnel on completion of their treatment and are to have a report raised by a MO for the CO which details:
   a. the nature and results of the treatment
   b. the cooperation of the member during treatment
   c. instructions given to the Army member regarding future alcohol consumption
   d. recommendations regarding a requirement for review.

25. Upon receipt of the results of the welfare board and the MO report, the CO is to make a recommendation (for soldiers) to the Directorate of Soldier Career
Management—Army or (for officers) to the Directorate of Officer Career Management—Army or (for reservists) to the managers of the Army Reserve members regarding the future service of the Army member. In some cases, it may not be appropriate to return the member to the same unit or location. Such cases are to be addressed on their merits and decided in consultation with the CO and relevant career management agency.

POST REHABILITATION OR TREATMENT

26. Following rehabilitation or treatment, the Army member’s CO is to ensure that opportunities are available for the Army member to attend further counselling and support groups. This may be facilitated through the Chain of Command and/or ATOD coordinator where available. When a Army member returns to the unit following in-patient treatment the member must be interviewed by their CO or OC to discuss:

a. aftercare

b. the results of the treatment (referring to the results of the medical board and any other special reports)

c. any restrictions on the Army member recommended or imposed by the MO

d. any special considerations which will be allowed by the CO for a defined period, which may include:

(1) excusing the Army member from former responsibilities associated with alcohol (eg bar member or social member of a mess or club)

(2) excusing the Army member from social and other functions where alcohol is prominent (eg regimental dinners)

(3) an action plan to assist the Army member, which may include:

(a) encouraging contact with another unit member who has successfully rehabilitated

(b) ensuring that the Army member is able to attend regular support group meetings such as AA

(c) monitoring and influencing the peer group pressure which is applied to the Army member.

27. A record of the interview must be raised following this interview which details the proposed action plan and any restrictions imposed on the Army member. The record of interview is to be signed by the Army member and passed to the MO for retention on the member’s Form PM 004—Unit Medical Record.

MANAGEMENT OF ALCOHOL RELATED INCIDENTS

28. Administrative action. CO’s are to consider disciplinary action and/or administrative sanction after each and every alcohol-related incident.
29. The list of action in the following paragraph is intended to provide guidance. COs may increase the level of administrative action based on the nature of the incident and the risk associated with the associated behaviours and performance deficiencies.

30. As a minimum CO’s are to consider the following action:

a. **First incident.** If a member tests positive to alcohol whilst on duty and/or in a Safety Critical Area (SCA), or is involved in an incident of unacceptable alcohol-related behaviour for the first time, the member will receive performance counselling with a ROC maintained in the members PCNB or equivalent. The member may however, be given a Notice to Show Cause (NTSC) for formal warning for alcohol misuse if the circumstances of the first incident warrant. *Defence Force Discipline Act 1982 (DFDA)* action may also be considered. Members convicted of an alcohol misuse offence under the DFDA may be issued a NTSC for formal warning for alcohol misuse if the circumstances warrant. If issued, the consequence of a formal warning or censure, should be that the member is recorded as not individually ready for the duration of the formal warning, or censure. If a member tests positive to alcohol whilst on duty or in a SCA and has a Blood Alcohol Concentration (BAC) of between 0.02 and 0.05 g/ml and it is a first time offence, after removing them from the workplace until they are deemed safe to return, COs may consider performance counselling without taking further administrative action.

b. **Second incident.** If a member tests positive to alcohol whilst on duty and/or in a SCA, or is involved in an incident of unacceptable alcohol-related behaviour for a second time, COs should issue a NTSC for formal warning, or reduction in rank or censure.

c. **Third incident.** If a member tests positive to alcohol whilst on duty and/or in a SCA, or is involved in an incident of unacceptable alcohol-related behaviour for a third time, COs are to issue a NTSC for termination.

31. Where circumstances warrant, COs are to escalate the level of administrative action taken. Circumstances that warrant escalated administrative action include but are not limited to:

a. the member is an Officer, Senior Non Commissioned Officer or Warrant Officer

b. the member has been referred to an ATOD coordinator, MO or other health professional and has refused treatment

c. the member has been involved in a serious alcohol related incident, and/or has a history of disciplinary problems (or administrative action taken against them) related to alcohol misuse. Serious alcohol related incidents include but are not limited to; assault, rape and/or sexual assault, and accidents causing physical harm to others as a result of DUI.
MANAGEMENT OF DRIVING UNDER THE INFLUENCE

32. DUI is a serious offence and must not be tolerated. Administrative action for members found guilty of DUI in a civil court should be considered separate to the options available for alcohol related incidents outlined above. In the event of a member being found guilty of DUI in a civil court, CO’s are to initiate the following:

a. **Officers and Other Ranks.** COs should consider the BAC when assessing what action to take. The higher the BAC, the higher likelihood of an accident occurring, thus the more serious the offence, and consequences:

   (1) **Low range DUI.** COs are to initiate a NTSC for formal warning for any Army member charged by state or territory police and/or found guilty in a civil court for a first offence of low range DUI. Low range DUI applies to drivers with a BAC of between 0.05 and 0.079 g/100 ml. Any subsequent offence of DUI irrespective of the time between offences, are to result in automatic NTSC for termination initiated by the CO.

   (2) **Medium range DUI.** COs are to initiate a NTSC for reduction in rank or seniority, or censure for any Army member charged by state or territory police and/or found guilty in a civil court for a first offence of medium range DUI. Medium range DUI applies to drivers with a BAC of between 0.08 and 0.149 g/100 ml. Any subsequent offence of DUI irrespective of the time between offences, are to result in automatic NTSC for termination initiated by the CO.

   (3) **High range DUI.** COs are to initiate a NTSC for termination for any Army member charged by state or territory police and/or found guilty in a civil court for high range DUI. High range DUI applies to drivers with a BAC over 0.150 g/100 ml.

REPORTING

33. COs are to detail all disciplinary and/or administrative action taken against members for alcohol misuse to their higher commander upon completion of action taken. This is to be complete via the Army Incident Management System.
AUSTRALIAN ARMY POLICY ON THE EMPLOYMENT OF DRIVERS DEPRIVED OF CIVIL DRIVING LICENSES

INTRODUCTION

1. A member of the Army is not required under Territory or State laws to obtain or have a civilian licence to drive military vehicles when performing military duties. However, the Army requires its members to conform to Territory or State laws in performing their military duties unless the needs of the Service clearly dictate otherwise.

2. A driver includes Employment Category Number 109 and other employments for which driving skills is an essential element of the employment—for example, transport supervisor, plant operator, armoured fighting vehicle driver, and recovery mechanic, and for those Army members for whom driving forms an essential or a related part of their employment.

ARMY’S POLICY REGARDING CIVILIAN DRIVING LICENCE

3. The Army’s policy regarding civilian driving licence is that:

a. civil driving offences must be reported to unit administrative staff

b. when an Army member forfeits their civilian driving licence, their military licence also should be withdrawn for the period that they are deprived of their civilian licence

c. in certain Territory or State jurisdictions there exists the power to cancel or suspend a licence for all purposes other than those in which the offender must engage in the course of their employment. An Army member who is charged with a civilian driving offence should approach the court to ascertain if such a special finding is available in their particular case. If such a finding is made, the loss of the member’s authority to drive for non-military purposes will have no bearing upon the Army and the provisions of this section will not be applicable. They will, however, apply when the terms of the cancellation or suspension allow the member to drive only to and from place of employment at the commencement and cessation of normal duty

d. whilst acknowledging that all Army members should be represented in civil courts, Army members in particular should be accompanied by an officer who, when called upon, is able to inform the court of the Army’s policy on the employment of a Army member deprived of their civilian driving licence

e. when an Army member is deprived of their civilian driving licence for a period of up to six months, the Army member should be restricted from driving duties but continue to be employed by the unit on other duties without affecting their trade pay. The unit Commanding Officer (CO) may consider whether a recommendation to Directorate of Soldier Career Management—Army (DSCM–A) with regard to retraining, reallocation or discharge is warranted
f. when a Army member is deprived of their civil driving licence for a period in excess of six months, a unit CO is to make a recommendation to DSCM–A with reference to retraining, reallocation or discharge

g. when driving duties are performed only in the field, a unit CO is empowered to decide that the needs of the Service dictate that an Army member be permitted to continue to drive a military vehicle notwithstanding that the member has been deprived of their civil driving licence. A factor of this nature should be taken into account when a unit CO makes a recommendation in accordance with subparagraphs 3e. and 3f. above

h. some driving offences of a dangerous and serious nature may require a unit CO to exercise their discretion of withdrawing a military licence regardless of the period that the member is deprived of their civil driving licence

i. when a Army member is charged with a driving offence which could result in the deprivation of their civil licence, no military action should be taken until the Army member is convicted of the offence in a civil court and their civil licence is suspended. A unit CO may exercise discretion in withdrawing a military licence if they consider the charge to be of a dangerous or serious nature.

4. The advice of a legal officer should be sought in any case where a unit CO is doubtful of the consequences of an Army member’s loss of a civilian driving licence.
ROYAL AUSTRALIAN AIR FORCE POLICY ON ALCOHOL

INTRODUCTION

1. Commanding Officers (CO) at all levels are to monitor practices in messes, clubs and canteens and prohibit those which overtly or indirectly exert pressures on individuals to consume alcohol.

2. COs are to ensure that the consumption of alcohol is not the principle purpose or focus of any activity conducted under Air Force auspices.

CONSUMPTION OF ALCOHOL ON SERVICE LAND

3. Alcohol may only be consumed on Service land within that area of a mess, canteen or club set aside for the consumption of alcohol, or at places authorised by a CO. An Air Force member may only be in possession of alcohol in areas authorised for its consumption or storage and when they are conveying the alcohol to a civilian destination or place of authorised consumption or storage. For the purposes of this instruction, Service Residences are considered to be private residences.

CONSUMPTION OF ALCOHOL IN SERVICE AIRCRAFT

4. Additional restrictions concerning the consumption of alcohol are imposed on aircrew and those flying in Service Aircraft. Restrictions regarding the consumption and carriage of alcohol in, or prior to the operation of, Service aircraft are detailed in Australian Air Publication (AAP) 6734.001—Defence Aviation Safety Manual and AAP 3631.001(AM1)—RAAF Manual of Air Movements, Part 4, Section 1, Chapter 1—Carriage of Passengers in Service Aircraft.

SALE OR SUPPLY OF ALCOHOL ON SERVICE LAND

5. On Service land alcohol may only be sold or supplied in:

   a. an officers’ or sergeants’ mess
   b. an authorised club or canteen
   c. other places approved by the CO.

6. On Service land alcohol may only be sold or supplied to a person who is a:

   a. member of the Australian Defence Force or a civilian employee of the Department of Defence, subject to any limitations imposed separately by a Service authority
   b. civilian member of an officer’s or sergeants mess or unit club
   c. bona fide personal guest of a Defence Member of a mess, club or canteen. Australian Defence Force Officers/CO’s are responsible for issuing guidance governing the use of these facilities by guests.
ALCOHOL EDUCATION

7. Commands and Units are to reinforce alcohol education to Air Force members through presentations, mandatory training, officer and airmen training, the publication of notices in routine and other instructions, and by the counselling and timely administration of members who problematically use alcohol.

RESPONSIBILITIES OF COMMANDERS AND SUPERVISORS

8. COs at all levels must promote responsible drinking by those who consume alcohol and the acceptance of those Air Force members who choose not to consume alcohol. COs should consider taking disciplinary and/or administrative action against their subordinate commanders and supervisors who fail in their responsibilities to promote and enforce responsible drinking. This includes commanders and supervisors not actively stopping excessive drinking practices, bad or inappropriate behaviour, or failing to take appropriate action against members who misuse alcohol.

MANAGEMENT OF ALCOHOL MISUSE

9. Management principles. The management of members who misuse alcohol is based on the following principles:

a. Successful management of alcohol misuse requires the early identification and recognition by the member and their supervisory staff that a problem exists.

b. Members who are identified with, or who self-identify a problem are to be assessed, appropriately counselled and provided with all reasonable assistance and treatment.

c. Members who cannot efficiently perform their duties through the regular misuse of alcohol, or those who refuse treatment or fail to complete an alcohol counselling or rehabilitation program may be subject to termination action.

IDENTIFICATION, ASSESSMENT AND TREATMENT OF MEMBERS WHO MISUSE ALCOHOL

10. The identification, assessment and treatment of members who misuse alcohol has four phases:

a. Phase 1. Identification or self-identification of alcohol misuse by a member. This may include interviews by the member’s supervisor or a medical practitioner (during a medical review). Identification may also arise as a result of a positive Random Breath Testing or Prohibited Substances Testing Program, or other Alcohol Related Incident. Air Force members who are identified as misusing alcohol must be formally counselled by their Supervisor.

b. Phase 2. Initial assessment should be conducted by an Alcohol, Tobacco and Other Drugs (ATOD) coordinator or Medical Officer (MO) where an ATOD coordinator is not available. The ATOD coordinator must provide a
c. **Phase 3.** Intervention/treatment. Intervention and/or treatment will be tailored to meet the needs of the client. Interventions will range from Brief intervention education, motivational interviewing, one-on-one counselling, and attendance at the Outpatient Alcohol Treatment Program (OATP) or Referral to a MO for an outpatient alcohol counselling service or rehabilitation program.

d. **Phase 4.** Support and monitoring. Support and monitoring at unit level following counselling or a rehabilitation program.

11. Identification, assessment and treatment is an essential support tool and must be considered separately to related administrative or disciplinary action for alcohol misuse and associated behaviour.

**ACTION UNDER PHASE 1**

12. **Action by CO’s.** CO’s are to ensure that members involved in any incident involving alcohol misuse (such as: alcohol-related equity incidents, assaults, inappropriate behaviour and Driving under the Influence (DUI)), whether resulting in disciplinary and/or administrative action or not, are referred to an ATOD coordinator or MO for initial assessment of the member’s misuse of alcohol.

13. **Action by MO’s or medical staff.** MO or medical staff treating members who show signs of alcohol misuse or abuse are to (where medical-in-confidence regulations permit) refer the member to their CO for workplace support. If a member also meets the criteria for alcohol dependence, the MO should arrange appropriate treatment, Medical Employment Classification review of the member, and may engage the support of the ATOD resources to facilitate post-rehabilitation aftercare programs.

14. **Action by supervisors.** Members who exhibit a decline in job performance or lapses of behaviour or discipline which appear attributable to alcohol misuse, are to be interviewed by their direct supervisor and confronted with their behavioural/performance problems only. A Record of Conversation should be completed at this time and maintained by the supervisor. Upon completion of the interview, the supervisor should refer the member to an MO for assessment if the behavioural/performance issues are being caused or exacerbated by alcohol misuse.

15. **Voluntary referral.** A member who requests help for alcohol abuse is to be referred immediately to an ATOD coordinator (or MO as appropriate). Strict privacy is to be maintained and CO’s and supervisors are to facilitate the member’s attendance at treatment and counselling sessions.

**ACTION UNDER PHASE 2**

16. **Action by ATOD Coordinator or MO.** An ATOD coordinator or MO will conduct an initial assessment of the member to determine the existence of alcohol
misuse/abuse. From this assessment the coordinator will make a recommendation for appropriate action to the CO. This will include brief intervention and education by the ATOD coordinator, and/or referral to an MO for further assessment and treatment.

17. **Refusal of treatment/intervention.** The member has a right to refuse treatment. Whilst attendance at an initial referral appointment is considered a place of duty, a member may refuse to participate. The member will be required to sign a Refusal of Intervention Form. The ATOD coordinator or MO will inform the member of the consequences of refusal of treatment, which may include a recommendation for termination action to be taken in accordance with MILPERSMAN should they continue to experience further incidents. In the event the member continues to refuse treatment for alcohol abuse and alcohol-related problems continue, then the member’s suitability for retention is to be assessed by the CO.

**ACTION UNDER PHASE 3**

18. Subject to the result of the initial assessment by the ATOD coordinator or MO, and consultation with the member, the counsellor will recommend the most suitable intervention/treatment option to meet the member’s individual needs.

19. **Treatment plan.** The treatment plan selected may take the form of:

a. education and monitoring by the ATOD coordinator

b. referral to Service counselling services, eg ATOD coordinator, MO, Psychologist and or other Specialist agency

c. attendance on the Outpatient Alcohol Treatment Program, with periodic review/support from the Alcohol and other Drug Program Coordinator

d. regular attendance at Alcoholics Anonymous (AA) or other appropriate self help groups with periodic review/support by the ATOD coordinator

e. referral to an approved civilian agency

f. a combination of the above that is most suitable for the individual.

20. If an Air Force member is assessed as requiring treatment, the member’s CO is be informed by the counsellor or member’s health facility whether the member is to be counselled as an outpatient or treated as an in-patient at a rehabilitation or health facility. Any member who refuses to commence, or fails to complete treatment is to be referred to their CO. If the member has further behavioural/performance issues relating to alcohol, the CO is to consider recommending the initiation of termination of Service proceedings.

**ACTION UNDER PHASE 4**

21. Air Force members who commence in-patient treatment should be medically downgraded for the duration of treatment and aftercare. The CO should consider convening an Individual Welfare Board to establish that the supporting, enabling and administrative processes are in place to best support the member to complete treatment and return to work in a supported environment. On completion of their
treatment the MO should provide the following information in support of ongoing management of the member:

a. the nature and results of the treatment
b. the cooperation of the member during treatment
c. the recommendations regarding a requirement for aftercare support and follow-up review.

POST REHABILITATION OR TREATMENT

22. Following rehabilitation or treatment, the member’s CO is to ensure that opportunities are available for the member to attend further counselling and support groups. This may be facilitated through the MO or an ATOD coordinator where available. The CO should also consider:

a. aftercare requirements
b. any restrictions recommended or imposed by the MO
c. any special considerations which will be allowed by the CO for a defined period, which may include:
   (1) excusing the member from former responsibilities associated with alcohol—for example, bar member or social member of a mess or club
   (2) excusing the member from social and other functions where alcohol is prominent
   (3) an action plan to assist the member, which may include:
      (a) encouraging contact with peers who have successfully rehabilitated
      (b) ensuring that the member is able to attend regular support group meetings such as AA
      (c) monitoring and influencing the peer group pressure which is applied to the member.

RELAPSE TREATMENT

23. Relapse treatment may be offered for those Air Force members who have successfully completed in-patient treatment, but continue to experience problems with alcohol. If the Air Force member is still unable to address their alcohol problems following relapse treatment, a recommendation for termination of service should be considered.

POSTING ACTION

24. In the period immediately following alcohol in-patient treatment, subject to service exigencies, posting action may be delayed until the next posting cycle or
brought forward to the upcoming posting cycle where supporting evidence indicates it is clearly beneficial to the member’s ongoing rehabilitation. Such decisions will be considered by Directorate of Personnel—Air Force on a case-by-case basis taking into consideration the support mechanisms available to the member in relevant posting localities—that is, external support services and peer/family support networks) and the impact upon capability and other members.

**ADMINISTRATIVE ACTION**

25. As a minimum, COs are to ensure members who come to attention for inappropriate or illegal behaviour as a consequence of the misuse of alcohol are formally counselled and referred to an MO for assessment as described in paragraph 12. A record of this counselling must be retained on the member’s unit personnel file for future reference. The nature of administrative sanction proposed (counselling, warning, censure, rank reduction or termination) will be influenced by the member’s previous record, their rank, and the gravity of the alcohol related incident.

26. **Duties affected by alcohol.** Where a member’s duties are affected by alcohol, in addition to appropriate administrative and/or disciplinary action, COs should consider the safety implications associated with the member continuing their current duties, particularly in safety critical areas. COs should also consider whether there are any potential safety implications associated with work undertaken by the member before they came to attention as working whilst affected by alcohol.

27. **Unacceptable behaviour.** In addition to the considerations detailed in paragraph 25, administrative and/or disciplinary action taken in relation to alcohol related unacceptable behaviour will depend upon the member’s behaviour and the impact of this behaviour upon others. COs and members should note that repeat offences of unacceptable behaviour are not compatible with ongoing retention in the Air Force.

28. **Management of instances of DUI.** DUI is a serious offence and will not be tolerated. Other than in exceptional circumstances, a member found guilty of a DUI offence should anticipate they will be formally warned or censured as a minimum. Repeat offenders should anticipate they may be reduced in rank or have their service terminated on the basis they have failed to exhibit expected behaviours and comply with Australian Defence Force and Air Force values.

**REPORTING**

29. CO’s are to provide a statement of reasons to substantiate all disciplinary and/or administrative action taken against members for alcohol misuse to their higher commander upon completion of action taken.

**Sponsor:** DGPERS–AF (DPERSPOL–AF)
SIGN OF POSSIBLE PROBLEMATIC USE OF ALCOHOL

1. The following can help identify/indicate if a Defence member is engaging in problematic use of alcohol:

a. Alcohol related charges:
   (1) Recording a positive alcohol test result through random or targeted alcohol testing, as described in Defence Instruction (General) PERS 15–4—Alcohol Testing in the Australian Defence Force
   (2) Incurring alcohol-related military or civil convictions
   (3) Being involved in an alcohol-related incident.

b. Work performance disorders:
   (1) Generally lowered work performance or productivity
   (2) Spasmodic work pace often reaching capacity output, followed by a severe slump
   (3) Rapid deterioration of concentration and quality of work
   (4) Carelessness, increased mistakes, and errors in judgment
   (5) Fatigue becoming more apparent
   (6) Lies and excuses becoming a habit.

c. Poor attendance:
   (1) Increased frequency of days or half-days off work
   (2) Repeated absence on Mondays or Fridays
   (3) Increased minor illnesses
   (4) Frequent lateness for work
   (5) Leaving work early
   (6) Extended lunch periods
   (7) Unexplained disappearances from the job.

d. Lack of reliability:
   (1) An inclination to put things off
   (2) Neglect of details or sloppy handling of tasks
(3) Tendency to blame others for shortcomings
(4) Desire for a different job assignment
(5) Repeatedly seeking monetary loans from friends or colleagues.

e. **Changes in normal attitudes and habits:**
   (1) Sensitivity about references to drinking
   (2) Avoidance of superiors or associates
   (3) Intolerance and suspicion of fellow workers
   (4) Loud talk, or conversely, dullness and tiredness during working hours.

f. **Changes in normal physical appearance:**
   (1) Noticeable changes, such as increased nervousness
   (2) Irritability
   (3) Hand tremors
   (4) Swelling or flushing of the face
   (5) Red or bleary eyes
   (6) Neat individuals may become slovenly; casual people may become deliberately concerned with dress and appearance.

g. **Hazards to health and safety:**
   (1) Frequent injuries and lost time owing to accidents on and off the job
   (2) Careless handling and maintenance of equipment or machinery leading to accidents and breakdowns
   (3) Risk taking following periods of low achievement
   (4) Lack of safety awareness becoming a threat to fellow members.

h. **Domestic problem:**
   (1) These include impending marital break-up, domestic violence, separation or divorce and delinquent behaviour by dependant children.

2. Note that while the above signs may be indicators of problematic use of alcohol, they may also be indicators of other issues and as such referral to a health professional should be considered.
INTERVIEW GUIDELINES FOR COMMANDERS, MANAGERS OR DELEGATES

THE AIM OF THE INTERVIEW

1. The Commanding Officer (CO), manager or delegate must interview the Defence member at the earliest opportunity. The aim of the interview is to inform the Defence member of the seriousness with which the Australian Defence Force (ADF) views the problematic use of alcohol and to determine a course of action to overcome the problem.

2. For Navy, a member who has had an Alcohol Related Incident must, in addition to performance counselling by the supervisor, be referred to an Alcohol and other Drug Program Adviser (ADPA) for assessment and intervention/treatment/referral.

PRIOR TO INITIATING THE INTERVIEW

3. Prior to the interview the CO, manager or delegate must:
   a. consider if the member should be issued with a formal warning so that any evidence that the member provides at the interview will be admissible in Defence Force Discipline Act 1982 proceedings. Guidance regarding the management of allegations of misconduct amounting to breaches of discipline can be found in Australian Defence Force Publication (ADFP) 06.1.1—Discipline Law Manual, Volume 3, Chapter 4—Management of Alleged Breaches of Discipline and Investigation of Service Offences.
   b. consider and prepare a range of options for assisting the Defence member in addressing their problematic use of alcohol before the interview
   c. familiarise themselves with their obligations regarding privacy as stated in Annex 1B.
   d. provide the member with two copies of the Privacy Notice Covering Information Relating to Members Alcohol Use (Form AE 490—Privacy Notice Covering Information Relating to Members Alcohol Use which has been signed by the CO, manager or delegate (one for the member’s interview record and one for the member to keep) in order to meet their obligation with regard to the Australian Privacy Principles within the Privacy Act 1988. The Defence member should be asked to read and sign the notices acknowledging that they have read and understood what the notice says. If the member does not sign the notice, annotate on the copy to be retained that the member has been given a copy of the form
   e. arrange for a suitable venue to conduct the interview that is both quiet and private and advise the member of the date, time, place and purpose of the interview
f. advise the member that they are permitted to have a supporting person who is a Defence member but not a Service legal officer, to be present during the interview and that although the supporting person can attend the interview they are not entitled to answer questions on behalf of the member.

PROCEDURAL FAIRNESS

4. In accordance with the Good Decision-Making In Defence: A guide for Decision-Makers and those who brief them ‘a Defence member is entitled to procedural fairness for administrative decisions that may prejudice the Defence member’s rights, interests or legitimate expectations’. The interviewer must adhere to the principles of procedural fairness procedural fairness described in The Good Decision-Making In Defence Manual, Chapter 2 when making an administrative decision adverse to a member as a breach of procedural fairness can result in the administrative decision being invalidated.

5. The Decision-Maker's Handbook for Personnel-related Decisions provides decision-makers with information on personnel-related decision for Defence members and may assist the interviewer in preparing for the interview and ensuring procedural fairness.

INITIATING THE INTERVIEW

6. The interviewer should refrain from any statement to the Defence member which might be construed as an allegation that the Defence member is alcohol dependent and must clearly state that, in their opinion, the Defence member's problematic use of alcohol and its subsequent impact on the member's behaviour and/or performance has led to the interview.

CONDUCT OF THE INTERVIEW

7. The interviewer must first establish whether other problems that were not previously evident have contributed to the Defence member’s behaviour, conduct or performance coming to their attention. If the interviewer accepts that there are other more significant reasons, they may choose to deal with these issues first.

8. If the Defence member admits to having problems with alcohol use, or if the interviewer is convinced that this is the case, they must state that, in their opinion, the problematic use of alcohol has contributed to the Defence member’s unsatisfactory performance or conduct.

9. In conducting the interview the interviewer must maintain the initiative. A checklist for conduction the interview can be found on pages 26 and 27 of the ADF Leaders Guide to Alcohol Management. Further basic interview techniques are outlined in the following paragraphs.

10. Prepare a fact sheet. The interview must concentrate on facts relating to:

    a. previous counselling (if any) for the problematic use of alcohol
    b. job performance which includes reliability, leadership, appearance, bearing, and attitude
c. safety

d. health and fitness

e. conduct, including social and family aspects.

11. **Keep to the subject.** The Defence member may look for inconsistencies, and may try to divert the discussion to other subjects. The problematic use of alcohol must remain the issue to be discussed.

12. **Offer assistance.** The interviewer must impress upon the Defence member that the aim of the interview is to find a solution, and be firm in pointing out that the Defence member's deficiencies have put their career in jeopardy. The interviewer must ensure that the Defence member realises that the:

   a. interviewer’s first responsibility is to the ADF

   b. Defence policy is that if the member’s behaviour, performance and/or standards are unacceptable and fall below that which would be expected of a member of the ADF as a result of the continued use of alcohol, the interviewer may have to consider initiating administrative action which might include termination of service.

13. **Do not sympathise.** Undue sympathy or understanding must not be used to excuse unsatisfactory performance or the problematic use of alcohol.

14. **Be positive.** When a decision on appropriate action has been reached, the interviewer should discuss the action plan in a positive manner and then assure the Defence member that you will provide them with the opportunity to achieve success.

15. **Support services.** The interviewer must ensure that all support services, including but not limited to medical, psychological, legal and welfare, are made available to all Defence members who are issued with a Notice to Show Cause or who face disciplinary action.

16. **Closing the interview.** The interview must close with a clear understanding by the Defence member of the agreed course of action, and an acknowledgment that a future report to the interviewer of the problematic use of alcohol by the Defence member will lead to further administrative action. The interviewer must ensure that:

   a. there is an action plan (including referral to an ADPA for Navy members)

   b. the Defence member understands that any future problematic use of alcohol will be dealt with firmly

   c. there is a plan to review or follow-up the action plan at a pre-determined time

   d. there is a record of conversation which details what was discussed during the interview, the goals of the action plan and the follow-up process.

17. **Follow-up the Interview.** The interviewer must ensure that there is an agreed time line to review the action plan.
18. **Supplementary and Supporting Information.** Supplementary and supporting information on interview guidelines can be found in Annex 1C. Decision Making Considerations for Responding to Alcohol-Related Incidents to the ADF Leaders Guide to Alcohol Management.
DEFINITIONS

**Alcohol.** For the purpose of this of this chapter of the Military Personnel Policy Manual (MILPERSMAN) alcohol is any substance intended for human consumption which contains more than 0.5% ethyl alcohol.

**Alcohol and Other Drug Program Adviser (ADPA).** An ADPA is a volunteer who has completed the Certificate (CERT) IV in Alcohol and Other Drugs/Mental Health work and provides preventative alcohol and other drug education and advice to a unit or ship’s company. ADPAs also conduct initial screening assessments, educative interventions, follow-up support and aftercare to Australian Defence Force (ADF) personnel who are assessed as being problematic users of alcohol.

**Alcohol and Other Drug Program Counsellors (ADPC).** The Royal Australian Navy (RAN) employs six full time and two reserve counsellors in support of the RAN Alcohol and Drug Program. These counsellors have completed the CERT IV in Alcohol and Other Drugs/Mental Health work and a Diploma of Counselling. An ADPC is responsible for developing, implementing and managing the Alcohol and Drug Program Training Program, including the development, programming and conduct of the Alcohol and Drug Awareness courses and the alcohol and other drug (AOD) component of officer and sailor Leadership courses and ab initio training packages. The primary role of the ADPCs is to provide one-on-one counselling for personnel seeking support for Alcohol and or Drug related issues, and to conduct the ADF Level 2 harm minimisation Outpatient Alcohol Treatment Program for Navy. They also make referrals to medical for personnel requiring further intervention from Medical, Psychology or inpatient treatment for alcohol dependency. The ADPC referral to the Medical Officer (MO) will describe the member’s alcohol and other drug history, current crisis, drinking pattern and to provide information regarding the member’s willingness to participate in further intervention.

**Alcohol dependence.** Alcohol dependence is a cluster of behavioural, cognitive, and physiological phenomena that may develop after repeated alcohol use. Typically, these phenomena include a strong desire to consume alcohol, impaired control over its use, persistent drinking despite harmful consequences, a higher priority given to drinking than to other activities and obligations, increased alcohol tolerance, and a physical withdrawal reaction when alcohol use is discontinued.

**Alcohol-related harm.** Alcohol-related harm is where adverse health and social harms result from the use of alcohol.

**Alcohol-related incident.** Alcohol-related incident is any incident where alcohol use has been directly or indirectly involved.

**ADF Alcohol, Tobacco and Other Drugs Service (ATODS).** The ADF ATODS is the ADF’s primary provider of alcohol, tobacco and other drug (ATOD) health services and resides within the Directorate of Mental Health, Clinical Standards and Practice (DMHCS). The Program provides best practice clinical guidance and support to Regional Mental Health Teams and all other areas of Defence in relation to stepped care approach policy, education, training and alcohol and drug issues.
Alcohol, Tobacco and Other Drug coordinator. An ATOD coordinator:

a. coordinates the provision of an integrated Alcohol, ATOD service to meet the requirements of their region

b. provides clinical support and advice to Mental Health Psychology Section in the management of clients presenting with complex alcohol and/or other drug-related issues

c. delivers Mental Health Psychology and Rehabilitation Branch endorsed programs eg Keep Your Mates Safe—Alcohol and the Outpatient Alcohol Treatment Program

d. provides advice to Commanders on regional ATOD issues, and provide feedback to National ATOD Coordinator on regional ATOD issues

e. collects and manages regional ATOD statistics.

Blood alcohol concentration. Blood alcohol concentration refers to the amount of alcohol present in the bloodstream.

Cadet. Cadet means a person who has been enrolled under the relevant Service Chief in the Australian Navy Cadets, Australian Army Cadets or the Australia Air Force Cadets in accordance with Cadet Forces Regulation 2013. They are not ADF members rather they are volunteers whilst participating as a Cadet Force member.

Commanding Officer. Where reference is made to a Commanding Officer (CO) in this Instruction, the terminology includes an Officer Commanding of an independent unit (not below the rank of O–4), a CO (not below the rank of O–4), a CO of a Naval vessel and an Officer-in-Charge of a Defence establishment/unit.

Drink spiking. Drink spiking is the act whereby drugs and/or alcohol have been added to a drink (alcoholic or non-alcoholic) without the consent of the person consuming it.

Garrison Health Operations Branch. Garrison Health Operations Branch resides within Joint Health Command Organisation and is primarily responsible for the delivery and management of quality, safe, efficient and effective health care to ADF personnel within Australia and on non-operational postings overseas.

Health professional. For the purpose of this chapter of the MILPERSMAN a health professional is a MO, psychologist, nursing officer, or a social worker. Their role is assessment, prevention and intervention. They have medical or behavioural science based tertiary qualifications that allow them to provide primary alcohol and other drug assessment and health care in the ADF. They provide specific interventions (screening, assessment, interventions and referral as required) using multidisciplinary teams where possible and supervise and/or support health care providers as required.

Mental health professional. Mental health professionals are Defence engaged or contracted, suitably qualified individuals, who provide mental health services to Defence members. They include:
a. Medical officers

b. Nurses

c. Psychologists, including provisionally registered psychologists, working under the direct supervision of a psychologist.

d. Social workers.

Health care provider. For the purpose of this chapter of the MILPERSMAN a health care provider is an AOD trained medical assistant, psychological examiner, ADPC or an ADPA. These members provide AOD education, assessments and interventions to clients with AOD issues within the limits of their training.

High risk drinking. High risk drinking levels are those at which there is substantial risk of serious harm from alcohol consumption, and above which risk continues to increase rapidly.

Instructor of Cadets. An Instructor of Cadets is defined as an adult who is appointed to the Australian Navy Cadets, Australian Army Cadets or the Australia Air Force Cadets under the authority of the appropriate Service Chief in accordance with the Cadet Forces Regulation.

Impaired faculties. For the purpose of this chapter of the MILPERSMAN impaired faculties is a state of being in which a person's mental processes of perception, memory, judgment are diminished to an extent where the person’s ability to think and act in a way in which an ordinary prudent person in full possession of his or her faculties, and using reasonable care, would act in like circumstances.

Intoxicated. In accordance with the Defence Force Discipline Act 1982, a person is intoxicated if, and only if, the person's faculties are so impaired, because of the person being under the influence of intoxicating liquor or a drug (other than a drug administered by, or taken in accordance with the directions of, a person lawfully authorised to administer the drug), that the person is unfit to be entrusted with the person’s duty or with any duty that the person may be called on to perform. For the purpose of this chapter of the MILPERSMAN intoxicated also means that for:

a. non-safety critical areas a person has a blood alcohol concentration equal to or greater than 0.05%

b. safety critical areas has a blood alcohol concentration of equal to or greater than 0.02%.

Long term harm. Long term harm means the potential lifetime risk of alcohol related injury or disease as a result of drinking more than two standard drinks on any single occasion.

Low risk drinking. There is no absolute safe level of drinking so alcohol use is viewed from a point risk of alcohol-related harm, including a range of chronic diseases and accidents and injury that can occur on any occasion where a person is drinking or has resulted from use that has occurred over a lifetime. The guidelines for low risk drinking for both men and women are:
a. to reduce the lifetime risk of harm drinking no more than two standard drinks on any day

b. to reduce the risk of alcohol-related injury arising from a single drinking occasion, drinking no more than four standard drinks.

Low risk drinking for women also includes no drinking when they are pregnant or planning a pregnancy, or when breastfeeding.

**Married quarters.** Married quarters mean living accommodation situated within a Defence establishment or under the management of Defence Housing Authority and provide for the exclusive residential use of a Defence member or a Defence member and their family.

**Mental Health Psychology and Rehabilitation Branch.** Mental Health, Psychology and Rehabilitation Branch is one of four Branches within Joint Health Command. It is comprised of four Directorates, one of which is the DMHCSP. DMHCSP is primarily responsible for the development and delivery of mental health policy, clinical standards and governance and the oversight of training resources for the Alcohol, Tobacco and Other Drugs Program.

**Minor.** A minor is a person under the age of 18 years.

**Minor incident.** A minor incident is an event that has not resulted in injury of the member or others, *Defence Force Discipline Act 1982* action, civil action, or bringing the Service into disrepute.

**Officer of Cadets.** An Officer of Cadets is defined as an adult who is appointed to the Australian Navy Cadets, Australian Army Cadets or the Australia Air Force Cadets under the authority of the appropriate Service Chief in accordance with *Cadet Forces Regulation*.

**Problematic drinker.** A problematic drinker is a person who consumes alcohol at levels which may cause short or long term harm and is starting to cause social and/or professional work problems for themselves and others.

**Problematic use of alcohol.** Problematic use of alcohol is the use of alcohol at levels that are associated with short and/or long term harm that include:

- family or social difficulties—for example, relationship, work, financial problems
- non-fatal and fatal injuries—for example, as a result of accidents, falls, violence and road trauma
- work-related performance issues or problems
- mental health problems—for example, anxiety and depression
- physical health problems—for example, ranging from nausea and headaches to stomach ulcers, liver or heart disease.
Regional Mental Health Teams. Regional Mental Health Teams (RMHT) are staffed by a Coordinator, Senior Mental Health Professional, ATOD Coordinator and a Mental Health Promotions Officer. The role of the RMHT is to facilitate the development of mental health support at a regional level across the ADF. Broadly, the RMHT functions to:

a. endorse and promote the strategic and policy framework for the management of mental health in the ADF

b. ensure the viability of and enhance regional mental health initiatives in the region

c. assist regional command(s) to ensure compliance with all legislative and policy obligations relevant to managing mental health in the ADF context.

Safety Critical Area. A Safety Critical Area is a work environment assessed as having an increased risk to the physical safety of Defence members or members of the public or where decisions affecting safety or key operational decisions are made.

Service land. Service land means land (including buildings or other structures) used or occupied by:

a. the ADF

b. an allied force or an institution of the ADF or of an allied force.

For the purposes of this chapter of the MILPERSMAN, Service land does not include an ADF Married Quarter.

Service property. Service property means a vessel, vehicle, aircraft, land (including buildings or other structures) used or occupied by:

c. the ADF

d. an allied force or an institution of the ADF or of an allied force.

For the purposes of this chapter of the MILPERSMAN, Service property does not include an ADF married quarter.

Short term harm. Short term harm means the risk or occurrence of alcohol related injury as a result of drinking more than four standard drinks on any single occasion.

Social harm. Social harm means harm resulting from violence, vandalism, public disorder, family and other interpersonal problems, financial problems and educational difficulties.

Under the influence of alcohol or under the influence of intoxicating liquor. For the purposes of this chapter of the MILPERSMAN, under the influence of alcohol or under the influence of intoxicating liquor means intoxicated.

Vessel. Vessel means any RAN vessel or boat belonging to the Commonwealth of Australia.
Vessel under way. Vessel under way means that a vessel is not at anchor, or made fast to the shore or aground.
CHAPTER 2
ALCOHOL TESTING IN THE AUSTRALIAN DEFENCE FORCE

INTRODUCTION

2.1 The Department of Defence has a duty of care to maintain a safe workplace under the Work Health and Safety Act 2011. All individuals share in that responsibility as the workplace performance of Defence personnel under the influence of alcohol is incompatible with a safe environment.

2.2 Alcohol testing within the Australian Defence Force (ADF) has been established to assist in the promotion of a healthy and safe workplace and to deter Defence members from the irresponsible use of alcohol. It also aids in the identification of individuals with problematic or dependant use of alcohol so that appropriate management, intervention and health referrals can be initiated.

POLICY FRAMEWORK

2.3 Defence Instruction Administrative Policy PPL 3 15 – Alcohol testing in the Australian Defence Force complements this chapter.

POLICY STATEMENT

2.4 Defence conducts alcohol testing in safety critical areas (SCAs) in order to reduce hazards associated with Defence members being on duty in these areas whilst under the influence of alcohol, thereby fostering a safe and healthy workplace.

SCOPE

2.5 Provision of this chapter of the Military Personnel Policy Manual (MILPERSMAN) applies to all Defence members. It provides administrative guidance on the approach to alcohol testing in SCAs and the administrative management of Defence members who return a positive alcohol reading.

2.6 The provisions of this chapter also apply to members of foreign Defence forces serving with the ADF. Members of foreign Defence forces are only included for the purposes of this policy where alcohol testing is permitted within the applicable memorandum of understanding (MOU), or other international agreement or arrangement, between the ADF and the foreign Defence force. Actions taken as a result of alcohol related incidents by members of other foreign Defence forces must be handled in accordance with their MOU, or other international agreement or arrangement that the foreign Defence force has with the ADF.

2.7 Defence Australian Public Service (APS) employees are not subject to alcohol testing in accordance with the provisions contained herein.
DEFINITIONS

2.8 MILPERSMAN Part 1, Chapter 3—Military Personnel Policy Manual Glossary lists definitions and terms that apply to this chapter. Reference in this chapter to a ‘tested member’ includes uniformed Defence members, members of a foreign Defence force or a Defence civilian (Note - definition does not include Defence Australian Public Service employees).

COMPLIANCE

2.9 Under the provisions of the Work Health and Safety Act 2011 (Applications to Defence activities and Defence members) Declaration 2012 and Part 2, Division 2, Section 19, Defence has a primary duty of care obligation. Additionally, section 19(2) requires that Defence must ensure that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking, so far as is reasonably practicable.

2.10 Part 99 of the Civil Aviation Safety Regulations 1998 (CASR) requires aviation organisations and individuals to develop an alcohol management program and subpart 99B requires those organisations to have in place a regime of no-notice alcohol testing of all individuals who perform safety sensitive aviation activities. The application of the information contained in this chapter and the requirements stated in AAP 6734.001—Defence Aviation Safety Manual meets CASR requirements.

2.11 Members testing positive to alcohol whilst on duty must be stood down from duty and will be subject to follow on administrative action, unless alcohol consumption within that SCA has been authorised at the time by the commander as outlined in paragraph 2.51.

2.12 A minimum of ten percent of ADF members working in a Unit's SCAs are to be tested each year. Testing may be random or targeted.

2.13 The mandatory and prohibitive requirements of this chapter are identified through the use of the words must and must not which are drawn from the People Domain Provisions within the Defence Instruction Administrative Policy. These mandatory and prohibitive requirements constitute a general order to Defence members for the purposes of the DFDA. Non-compliance with any mandatory requirement may result in disciplinary or administrative action being taken in accordance with the Defence Act 1903, DFDA, related legislative instruments or other Defence Instructions and policies.

2.14 Subject to the discretionary authority contained in paragraph 2.51 and the constraints specified in paragraph 2.54, Defence members must have a zero Blood Alcohol Concentration (BAC) whilst on duty in or visiting an SCA.

2.15 Administrative action arising from a positive alcohol test is to be managed in accordance with this MILPERSMAN Chapter and MILPERSMAN Part 4, Chapter 1—Alcohol Management in the Australian Defence Force.
SAFETY CRITICAL AREAS

2.16 A SCA is a working environment assessed with a heightened risk to the physical safety of Defence personnel or members of the public, or where key operational decisions are made.

2.17 A SCA is to be a defined area (not classifying the entire base for example) promulgated in Unit Routine Instructions by commanders and should include, but is not limited to, the following:

a. all areas in which aircraft, ships, submarines, vehicles, equipment or ordnance are inspected
b. all areas in which live firing is conducted
c. all areas in which safety equipment is inspected
d. all areas in which explosive ordnance or weapons are stored
e. all areas in which air traffic control functions are performed
f. all areas in which safety sensitive aviation activities are undertaken
g. all areas in which health services are delivered
h. all areas where refuelling operations are performed
i. all aircraft movement areas
j. all areas in which unmanned air vehicles are commanded or controlled
k. all areas in which the loading or unloading of ships, aircraft, submarines or vehicles is being conducted
l. all areas in which gases, volatile liquids or chemicals are stored
m. operational areas and combat zones as defined in ADF operational orders and instructions
n. kitchens and galleys
o. Government vehicles
p. construction sites
q. in ships/boats/small craft/submarines as designated in Class Standing Orders, Ship Standing Orders and/or Establishment Standing Orders
r. personnel in aircraft in accordance with Service policy eg AAP3631.001 (AMI) RAAF Manual of Air Movements Part 4, Section 1, Chapter 1
s. all water based activities
t. all areas in which training is occurring
u. all areas where and when physical training activities are conducted
v. all areas where diving operations are being conducted
w. Defence command and intelligence centres
x. other areas and activities that can be reasonably justified for reasons of safety.

2.18 A commander may declare an area a SCA that is not promulgated as a ‘standing’ SCA. This could be for a specified activity or period of time when there is an increased or heightened safety risk to Defence personnel.

ROLES AND RESPONSIBILITIES

2.19 Defence personnel have a responsibility to maintain a safe workplace in accordance with the Work Health and Safety Act 2011. Defence members have further responsibilities relating to alcohol testing in SCAs.

Commanding Officer (CO) responsibilities

2.20 COs are the alcohol testing authorising officers within SCAs and are to:

a. demonstrate a commitment to the maintenance of an alcohol-free workplace
b. understand this policy and how it applies to their workplace
c. ensure, so far as is reasonably practicable, that all Defence personnel under their command are aware of the contents of this policy
d. review, define and promulgate SCAs within the ship/establishment/unit under their command
e. appoint alcohol testing supervisor(s) and alcohol tester(s)
f. develop, authorise and implement a plan for the conduct of alcohol testing of applicable members under their command
g. authorise random and/or targeted alcohol testing of Defence members under their command
h. provide testing staff with access to a nominal roll from which Defence members may be selected for alcohol testing or give guidance and direction on who is to be tested
i. identify and authorise Defence personnel to act as alcohol testing assistants
j. take reasonable steps to ensure the results of testing are recorded in accordance with this Chapter
k. ensure the privacy and dignity of all tested members is respected and maintained, especially where Defence members are removed from the workplace for exceeding the prescribed BAC
l. ensure a member who returns a BAC reading of 0.02 percent or higher is temporarily stood down from duty until their BAC is less than 0.02 percent

m. ensure, so far as is reasonably practical, Defence members who return a positive test result are given access to appropriate support services and healthcare providers and single service support procedures are adhered to

n. comply with Annex 2B following a positive BAC reading

o. ensure all Defence personnel under their command undertake annual alcohol awareness education

p. ensure evasive responses to tests are minimised - the period of time between notification of testing and the conduct of the test is to be no greater than thirty minutes.

**Subordinate commander/supervisor responsibilities**

2.21 All subordinate commanders, managers, and workplace supervisors are to:

a. demonstrate a commitment to the maintenance of an alcohol-free workplace

b. be conversant with this policy and how it applies to their workplace and subordinates

c. ensure, so far as is reasonably practical, all Defence personnel under their command or supervision are aware of the information contained in this policy

d. ensure, so far as is reasonably practical, that their subordinates have a zero BAC when on duty in or transiting an SCA

e. take lawful action to remove Defence members who appear to be under the influence of alcohol from the workplace

f. ensure Defence members are temporarily stood down from duty until their BAC reading is less than 0.02 percent

g. assist COs in identifying areas and Defence members for targeted testing

h. refer Defence members to the health professionals, healthcare providers or single-Service providers if problematic alcohol use is suspected.

**Alcohol testing supervisor responsibilities**

2.22 Alcohol testing supervisors are to:

a. maintain their alcohol testing supervisor qualification and ensure the relevant single service proficiency is recorded on the Personnel Management Key Solution (PMKeyS) system

b. confirm they and the authorised testers are trained and authorised before conducting alcohol testing

c. coordinate the testing program for their ship/unit/establishment
d. select Defence members for random alcohol testing as authorised by their testing authorising officer

e. confirm the testing is correctly authorised on form AD 508—Test for Alcohol Use in Safety Critical Areas Authorisation, Nominal Roll and Report

f. confirm the identity of all members to be tested, using their Defence identification card

g. brief the members who are to be tested on the alcohol testing procedures and positive test result process

h. observe the testing and record the results in accordance with this chapter

i. ensure privacy considerations are adhered to in handling of reports and the conduct of testing

j. advise members who test positive to alcohol that they may request confirmatory testing, in accordance with Annex 2B

k. ensure, so far as is reasonably practical, tested members whose alcohol test result is equal to or above 0.02 percent do not return to their place of employment until their supervisor is advised of the test result

l. complete form AD 509—Alcohol Positive Test Advice for each Defence member who returns a positive test result, ensuring all instructions on the form are adhered to

m. confirm, at the completion of the testing, that all associated forms are signed by the alcohol tester, prior to countersigning and processed in accordance with this chapter

n. report all test results to the testing authorising officer and any positive results to the member’s direct supervisor

o. ensure the test results are entered into PMKeyS in accordance with the PMKeyS Online Library Instructions and this chapter.

**Alcohol tester responsibilities**

2.23 Alcohol testers are to:

a. be trained and current in the operation of in-service alcohol testing equipment before using it

b. maintain their alcohol tester qualification and ensure the relevant single service proficiency is recorded in PMKeyS

c. check that the alcohol testing equipment is functional and within calibration date before using it

d. set up the test site
e. conduct the alcohol breath test in accordance with the procedures outlined in Annex 2A

f. confirm, at the completion of the test, that form AD 508—Test for Alcohol Use in Safety Critical Areas Authorisation, Nominal Roll and Report is completed correctly, members have signed the form and it has been countersigned by the alcohol testing supervisor

g. confirm that, following a positive test result, they have completed and signed the AD 509 – Alcohol Positive Test Advice

h. ensure privacy considerations are adhered to in the handling of reports and the conduct of testing.

Alcohol testing assistant

2.24 Alcohol testing assistants do not require formal training in alcohol testing as their function is to assist in the coordination of members waiting testing or re-testing. Alcohol testing assistants are not mandatory and the testing authorising officer in consultation with the alcohol tester and the alcohol testing supervisor is to determine the requirement.

Defence members

2.25 All Defence members have a responsibility to maintain a zero BAC whilst on duty. Defence members must:

a. know the designated SCAs within their workplace

b. when entering or being directed to work in a SCA, verbally notify their supervisor if they believe their BAC may exceed zero

c. verbally notify their supervisor if they believe other Defence personnel in the SCA may be in excess of the BAC

d. report for testing with a valid Defence identification card when directed

e. comply with directions given by the alcohol testing supervisor, alcohol tester and alcohol testing assistant when subject to alcohol testing in accordance with this policy.

2.26 Defence members are also expected to:

a. understand the applicable policies, orders and instructions regarding alcohol consumption

b. be aware of the physical effects of alcohol consumption on an individual and the impairment caused by an increased BAC

c. be aware that in the event of refusal or failure to provide a sufficient sample in accordance with Defence Instruction Administrative Policy People Domain Provision 3, consideration will be given to taking disciplinary action under section 29 - Failing to Comply with a Lawful General Order of the DFDA.
EDUCATION AND AWARENESS TRAINING

2.27 A general education policy in relation to responsible drinking among Defence members is contained in MILPERSMAN Part 4, Chapter 1, Annex 1G.

2.28 Education and mandatory training specific to alcohol testing for all Defence members includes annual Alcohol, Tobacco and Other Drugs in the ADF Campus course (0008891).

PRIVACY AND DATA COLLECTION

2.29 Defence’s collection, use and disclosure of personal and sensitive information for alcohol testing is authorised in Defence Instruction Administrative Policy PPL3 – Alcohol testing in the Australian Defence Force.

2.30 The use and disclosure of health information to a third party and the management of patient confidentially must be handled in accordance with the Defence Health Manual, Volume 1, Part 3, Chapter 1—Privacy of Health Information of Defence Members and Defence Candidates.


2.32 The use or disclosure of testing information for statistical purposes is to be identified before being released.

Duty of non-disclosure

2.33 Any person who has access to alcohol testing information about an individual has a responsibility to safeguard the privacy of tested members. Defence personnel (other than the tested member) may only use and disclose information revealed by the alcohol test in accordance with the Privacy Act 1988, Chapter 4 of Part 1 of MILPERSMAN and the authorised disclosures in paragraph 2.35 of this Chapter.

Authorised collection, use and disclosure

2.34 Use and disclosure of alcohol test results is authorised for a number of purposes as specified in Defence Instruction Administrative Policy PPL3.

Consequences of unauthorised disclosure

2.35 The unauthorised disclosure of alcohol testing information may:

a. constitute an offence under Volume 2, Part VI, Section 70 of the Crimes Act 1914

b. constitute a breach of the Privacy Act 1988
c. result in administrative action being taken against a Defence member as authorised by an appropriate decision maker. This may include administrative action under MILPERSMAN Part 9 Chapter 1—Formal Warnings and Censures in the Australian Defence Force

d. result in sanctions may be imposed against a public servant under the Australian Public Service (APS) Code of Conduct provided in the Public Service Act 1999

e. result in the affected party taking legal action against the offending party.

GENERAL INFORMATION

Single Service alcohol programs

2.36 Alcohol testing is primarily conducted by the single Services. Despite each having Service specific command and control arrangements, alcohol programs, procedures and guidelines, they are to comply with the alcohol testing policy outlined in this Chapter.

Random and targeted testing

2.37 Initiation of a random or targeted test may be, but is not limited to:

a. CO’s discretion (to suit local conditions)

b. Service needs as directed

c. retesting of Defence members who had previously returned inconclusive results

d. a result of a workplace accident or incident.

Testing of Defence members who are under 18 years of age

2.38 Defence members who are under 18 are expected to meet the same behavioural standards as their adult colleagues. They are also subject to the same conditions of service and employment policies including the DFDA and administrative action.

2.39 Alcohol testing of Defence members under 18 years or age is permissible, however, in addition to this policy the provisions of MILPERSMAN Part 7, Chapter 2—Management and Administration of Defence Members Under 18 Years of Age apply.

2.40 No provisions are to be made for persons under 18 years of age to consume alcohol.

Testing of Defence Australian Public Servants

2.41 Defence APS are not subject to alcohol testing under this policy. However, all Defence APS at or near a workplace (including SCAs) are duty holders under the Work Health and Safety Act 2011 and are obliged to follow instructions and abstain
from doing anything that increases the risk to the health and safety of themselves or of others.

Testing of Defence contractors

2.42 Defence contractors are not subject to alcohol testing under this policy. However, they are duty holders under the *Work Health and Safety Act 2011* and are obliged to follow instructions and to not do anything that increases the risk to the health and safety of themselves or of others. Defence contractors who are under the influence of alcohol or who are suspected as being intoxicated in the workplace are to leave or be refused entry to Defence SCAs and Defence units/establishments. They are to be managed in accordance with their contractual arrangements.

Testing of non-Defence members

2.43 Visiting non-Defence members are not subject to alcohol testing under this policy. However, they are prohibited from entry to and are to be escorted from SCAs if they are suspected of being intoxicated. Should the non-Defence member refuse to vacate the SCA or Defence unit/establishment when asked to do so, the local Service police should be contacted who in turn will notify the civilian police for assistance in removing/escorting that person from the SCA/unit/establishment. Depending on the circumstances, the person may be arrested under section 72P of the *Defence Act 1903—Unauthorised Entry on Defence Premises or Defence Accommodation*.

2.44 If a Defence member arrests a person under section 72P, they must, as soon as practicable after the arrest, deliver the person into the custody of a member or special member of the Australian Federal Police or a member of the relevant State or Territory police force.

Testing in joint and non-Service groups

2.45 The following appointments may be authorised by the Chief of the Defence Force (CDF) to exercise the powers and responsibility of the CO for the purposes of testing, as detailed in this policy:

a. all joint Service units
b. non-Service groups
c. units assigned to Commander Joint Operations
d. units assigned to all operational commanders
e. units assigned to officers not below the rank of O-5
f. the commander of an independent unit not below the rank of O-4
g. any superior authority in accordance with extant standing orders.

2.46 An alcohol testing authorising officer can arrange for alcohol testers and alcohol testing supervisors from any Service to conduct testing of any Defence member assigned, attached or visiting their unit (eg Army members on board a ship
may be tested by a Navy testing team). Test results must be passed to the designated single Service administrative commander and the member’s parent unit for follow-up action.

**Lodger units**

2.47 Services are to make arrangements to test Defence members who are posted to lodger units located within establishments commanded by another Service where the lodger unit or its workplaces are classified as a SCA.

**Testing limited to safety critical areas**

2.48 Alcohol testing in SCAs is limited to Defence members on duty within or visiting a SCA. Testing can be conducted at any time and can be conducted as part of a random testing regime, targeted regime or a combination of both on specifically identified areas and Defence members.

2.49 COs must promulgate those areas designated as SCAs in local/unit routine orders/instructions (including exercise/operation instructions for the duration of deployments). Guidance on the areas (not exhaustive) that may be deemed a SCA is contained in paragraph 2.17. Areas need not necessarily be defined geographically but can be stated generally, for example, ‘any area in which refuelling operations are conducted’ or ‘any aircraft movement areas’ or ‘the firing range’.

**Discretionary authority**

2.50 A commander may allow the consumption of alcohol on duty in specific circumstances. For example, a CO may authorise a particular SCA to be exempt from testing and/or for alcohol to be consumed for a specific period. This is to allow for official entertainment, representational duties or attendance at social occasions or special events, for example, training dinners, unit social and formal functions or post activity functions. Following the activity’s conclusion or at any other time, Defence members who have consumed alcohol are not to return to work until they have a zero BAC.

**Management of intoxicated Defence personnel**

2.51 Independent of any testing, if a Commander suspects that a Defence person is incapable of performing their duties for reasons relating to alcohol consumption, action is to be taken to remove the member from the workplace. The commander should be aware:

a. of their obligations under the [Work Health and Safety Act 2011](https://workhealthsafety.gov.au/laws-and-regulations/work-health-safety-act-2011) to provide and maintain a safe working environment

b. that they have an obligation under the [Work Health and Safety Act 2011](https://workhealthsafety.gov.au/laws-and-regulations/work-health-safety-act-2011) to ensure that Defence personnel under their command are not to be affected by alcohol in a way that may put themselves or others at risk

c. that they have a duty of care obligation to Defence personnel under the influence of alcohol and should not allow them to be exposed to unnecessary risks (such as driving a vehicle)
d. that a medical review of all suspected intoxicated Defence members should normally be sought

e. that administrative action may be considered as appropriate for Defence members.

2.52 If a member is suspected of having committed a Service offence, alcohol testing cannot be used as a contrivance to avoid a commander's obligation and responsibility to an accused under the DFDA. This situation is different to that where Defence members test positive as a result of a random or targeted alcohol test. Members who are found to have exceeded the prescribed BAC during random or targeted alcohol tests do not fall under DFDA provisions. Importantly, members having DFDA action taken against them for reason of intoxication are not to be tested.

TESTING EQUIPMENT AND PROCEDURES

Test equipment and standards

2.53 Alcohol testing is conducted by breathalyser, which is an instrument for measuring the amount of alcohol in the breath of the person being tested. As a minimum, testing equipment must meet the Australian Standard (AS) 3547-1997 — Breath Alcohol Testing Devices for Personal Use requirements and must be maintained in accordance with the manufacturer's instructions and calibration requirements.

2.54 The approved breathalysers to be used by Defence for alcohol testing are consistent with Australian Standard (AS) 3547-1997 — Breath Alcohol Testing Devices for Personal Use and are accurate to within +/- ten percent of a given BAC level. Consequently, BAC readings below 0.02 percent are to be considered a zero BAC. This is to ensure that the limitations of the breathalyser and readings resulting from the legitimate use of medications and other legal sources are not misinterpreted as a positive result.

Reciprocal arrangements between the Services

2.55 Reciprocal testing arrangements exist among the Services. For those areas which do not have a dedicated alcohol testing breathalyser machine, the officer in charge should contact their nearest establishment or unit that possesses a dedicated alcohol testing machine to carry out testing. All other responsibilities outlined in this policy, such as defining a SCA, reporting of test results and appropriate follow up actions, are the responsibility of the requesting unit.

Recall to duty

2.56 Defence members reporting for duty are responsible for ensuring that they are not affected by alcohol, including suffering ill-effects from excessive alcohol consumption that has occurred prior to commencing duty. When a Defence member is unexpectedly recalled to duty and the Defence member has been consuming alcohol and believes they have a BAC greater than zero and are likely to be affected by alcohol, the Defence member must inform their CO, either directly, through the chain of command or through the duty officer. The Defence member must not
assume duties and must await further direction. The CO, supervisor or duty officer, must decide if and when the Defence member is to commence their assigned duties.

Alcohol testing procedures

2.57 The alcohol testing team consists of a testing supervisor and alcohol tester, and if required, an alcohol testing assistant.

2.58 The procedures for alcohol testing are detailed in Annex 2A.

DOCUMENTATION

2.59 The following web forms apply to alcohol testing in SCAs and must be completed and reported as indicated on the forms and in accordance with this chapter:

a. form AD 508—Test for Alcohol Use in Safety Critical Areas, Authorisation, Nominal Roll and Report

b. form AD 509—Alcohol Test Positive Result.

Testing of different units

2.60 When Defence members from different units are tested, for example, at the base rifle range, a separate form AD 508 is to be sent to each unit CO for completion. Under no circumstances are Defence members from different units to be included on the same form.

Data recording and action

2.61 The alcohol testing supervisor is to ensure that:

a. the number of tests conducted and the number of positive and negative results are recorded on form AD 508

b. in the case of a positive test result, form AD 509 is completed and a copy of the relevant section (as shown on the AD 509) is:

  (1) provided to the tested member's CO

  (2) provided to the tested member's supervisor if deemed appropriate by the CO

  (3) provided to the tested member

  (4) provided to the tested member's medical unit for retention on their medical file

  (5) provided to the tested member's career management agency for retention on their personnel file.

c. a copy of form AD 508 is delivered to the commander who authorised the testing
d. a copy of form AD 508 is retained for permanent record on the tested member's personnel objective file

e. following completion of testing, the test data is entered into PMKeyS in accordance with the PMKeyS Online Library Instructions and this Chapter.

Post testing action

2.62 If a tested member records a negative result of under 0.02 percent, other than recording and reporting the result as outlined above, no further action is necessary. If a tested member records a positive result they are to be managed in accordance with Annex 2B.

2.63 Should a member request a confirmatory test, the member is to be stood down from duty and undertake a confirmatory test in accordance with Annex 2A.

2.64 If the confirmatory test provides a BAC of less than 0.02 percent then the member is to return to duty and no administrative action is to be taken.

POST CRITICAL INCIDENT TESTING

2.65 In order to assess if alcohol is a contributory factor in a critical incident, targeted testing of Defence members involved in an incident may be carried out. Following incidents where there is loss of life, injury, property damage or a negative impact on a Service’s reputation, targeted testing of the Defence members working in the same environment or performing the same tasks that resulted in the critical incident should be considered by the alcohol testing authorising officer. Results from this type of targeted testing may be used as evidence in any subsequent inquiry, however, DFDA action will not be taken solely as a result of a positive test. The alcohol testing authorising officer must make an informed decision after an incident, whether alcohol testing is warranted, weighing up the need to ascertain whether alcohol was a factor, against the need to charge those involved under the DFDA.

RELATED ACTS, POLICIES AND DOCUMENTS

Australian Government Personnel security guidelines - Agency personnel security responsibilities

Australian Privacy Principles

Australian Standard (AS) 3547-1997

Defence Act 1903

Defence Force Discipline Act 1982

Privacy Act 1988

Work Health and Safety Act 2011

Civil Aviation Safety Regulations 1998

AAP 3631.001—Part 4, Section 1, Chapter 1, RAAF Manual of Air Movements.
AAP 6734.001—Defence Aviation Safety Manual

ADFP 0.6.1.1—Discipline Law Manual – Volume 3

Defence Road Transport Manual (DRTM)


Defence Health Manual, Volume 1, Part 3, Chapter 1—Privacy of Health Information of Defence Members and Defence Candidates

Defence Health Manual Volume 1, Part 13, Chapter 1—Australian Defence Force Rehabilitation Program

Defence Health Manual Volume 2, Part 7, Chapter 8—Health Surveillance in the Australian Defence Force

MILPERSMAN Part 2, Chapter 1—Inherent Requirements of Service in the Australian Defence Force

MILPERSMAN Part 3, Chapter 2—Australian Defence Force Medical Employment Classification System

MILPERSMAN Part 4, Chapter 1—Alcohol Management in the Australian Defence Force

MILPERSMAN Part 7, Chapter 5—Management and Administration of Defence Members Under 18 Years of Age

MILPERSMAN Part 9, Chapter 1—Formal Warnings and Censures in the Australian Defence Force

MILPERSMAN Part 10, Chapter 4—Termination of Service in the Australian Defence Force

Records Management Policy Manual (RECMAN)

Annexes:
2A Alcohol Testing Procedures
2B Management of a Positive Alcohol Testing Result

Sponsor: DEPSEC DP (PPEC DMPP)
ALCOHOL TESTING PROCEDURES

Alcohol testing quota

1. Alcohol testing within a SCA is to be conducted on a progressive basis each year and a minimum of 10 percent of Defence members are to be tested annually. Service Chiefs may require a larger proportion be tested.

2. The selection of Defence members to be tested may be on a random or targeted basis.

Testing exemptions

3. Defence members are exempted from testing when:
   a. not on duty and not within a SCA at the time of testing
   b. on approved leave and not within a SCA at the time of testing
   c. on duty but not within an SCA
   d. a Reserve member who was not on duty and not within a SCA at the time of the testing and is not to be called to duty specifically for that purpose.

Testing authorisation

4. Testing must be directed by an alcohol testing authorising officer (normally the CO) may direct testing for alcohol to take place at any time.

Notice for testing

5. Defence members should receive minimal notice prior to testing and testing should be conducted within 30 minutes of the testing advice.

Testing staff

6. Testing staff should consist of an alcohol testing supervisor, alcohol tester and, if required, an alcohol testing assistant. All testing staff except the alcohol testing assistant must be trained and authorised and must comply with paragraphs 2.22 and 2.23 of this Chapter.

Defence members selected for testing

7. All Defence members regardless of rank or position, who have been identified for testing as authorised by the alcohol testing authorising officer, must comply with the directions of the alcohol tester and alcohol testing supervisor and responsibilities detailed in paragraphs 2.25 and 2.26 of this Chapter.
Provision of adequate sample

8. Defence members being tested are to provide an adequate breath sample in accordance with the testing equipment operating requirements. If a test subject fails to provide an adequate sample when directed by the alcohol tester, then the alcohol testing supervisor is to record the wording ‘failed to provide adequate sample’ against the Defence member’s name on form AD 508—Test for Alcohol Use in Safety Critical Areas Authorisation, Nominal Roll and Report. If possible, the member should be referred to a medical officer (MO) to ascertain if the member has a medical condition that would limit the member’s ability to provide an adequate breath sample for the BAC test. If the member has a medical condition that would prevent the member from providing an adequate breath sample they are to provide the member with a PM 101—Medical/Dental Fitness Advice stating that their medical condition is the reason they could not provide an adequate sample.

9. On receipt of the PM 101 the alcohol testing supervisor is to ensure that the PM 101 and the form AD 508 are provided to the alcohol testing authorising officer who authorised the testing noting that no further action is required.

Test refusal

10. If a Defence member refuses to provide a sample when directed by the alcohol tester, then the alcohol testing supervisor is to record the wording ‘refused to provide sample’ against the Defence member’s name on form AD 508. The Defence member must then be referred to their CO who will determine any further disciplinary action under the DFDA.

Positive results

11. If a Defence member returns a positive reading equal to, or greater than a BAC of 0.02 percent, the authorised tester is to direct the test subject to remain in the vicinity under the supervision of the alcohol testing team. They are not to perform any further duties and are to be retested not less than ten minutes and no longer than thirty minutes after the first test. If the second test provides a reading less than a BAC of 0.02 percent the first result is to be considered as negative. If the second test returns a positive reading equal to, or greater than a BAC of 0.02 percent, the result is to be considered as a confirmed positive and managed in accordance with Annex 2B.

Confirmatory BAC analysis

12. If a Defence member wishes to challenge a positive reading (being equal to, or greater than a BAC of 0.02 percent), the Defence member may make arrangements where practical (eg on board a ship it may not be practical given the limitation to get ashore for a test), for a separate confirmatory blood alcohol test to be conducted with a blood sample being taken within two hours of the first test. The Defence member may elect to have the confirmatory blood alcohol testing conducted at a civilian testing facility approved and registered with the Commonwealth Government, State or Territory Governments, or through a Defence medical facility.

13. On production of laboratory documentation which confirms that the Defence member’s confirmatory blood alcohol test is below 0.02 percent the original positive
result is to be considered as negative and the recording of the initial positive result is to be amended to reflect a negative result.

14. If a Defence member requests confirmatory testing the letter ‘P’ is to be handwritten in the margin to the right of the ‘second test result’ column of form AD 508.

15. Should the member choose to have a confirmatory blood alcohol test conducted at a civilian testing facility, such testing will be at the member’s expense. In the event a confirmatory test conducted in accordance paragraph 12 validates the member’s confirmatory blood alcohol test as zero, the member is to be reimbursed reasonable expenses incurred through this process.
ANNEX 2B

MANAGEMENT OF A POSITIVE ALCOHOL TESTING RESULT

Defence members

1. If a Defence member returns a confirmed positive test for alcohol result, the member is to be:
   a. removed from the SCA
   b. interviewed by the Defence member’s CO or supervisor
   c. interviewed by a health professional or healthcare provider or RANAODP (Navy).

2. Interview guidelines for the Defence member’s CO or supervisor are in MILPERSMAN Part 4, Chapter 1, Annex 1M.

   (Note: MILPERSMAN paragraph 4.1.M.3.a. does not apply for members who were tested under this policy).

3. Prior to the interview the CO or supervisor must:
   a. consider the options available for assisting the Defence member in addressing their use of alcohol
   b. familiarise themselves with their obligations regarding privacy of the member
   c. provide the member with two copies of the Privacy Notice Covering Information Relating to Members Alcohol Use (AE 490) which have been signed by the CO, manager or delegate (one for the member’s interview record and one for the member to keep) in order to meet their obligation with regard to the Australian Privacy Principles contained in the Privacy Act 1988. The Defence member should be asked to read and sign the notices acknowledging that they have read and understood what the notice says. If the member does not sign the notice, annotate on the copy to be retained that the member has been given a copy of the form and refused to sign.

Foreign Defence members

4. Foreign Defence members returning a positive test result are to be managed in accordance with their specific MOU or international agreement or arrangement.

Management of Defence members

5. A Defence member who tests positive to a BAC of 0.02 percent or higher may be referred to an appropriately qualified health professional or health provider, or RANAODP (Navy) for assessment and/or management for potential alcohol misuse, abuse or dependency. Management options are varied and are to be tailored to the needs of the member and their family as required. Further information on
management options and outcomes can be found in MILPERSMAN Part 4, Chapter 1, Annex 1G.

6. Following an assessment, it is the responsibility of the treating health provider to determine if any intervention or treatment is required. COs are to ensure that if any further management is required, it is supported in accordance with MILPERSMAN Part 4, Chapter 1.

Administrative action against Defence members

7. Although every effort is made to assist Defence members with alcohol related problems, administrative action including (but not limited to) formal warnings and termination of service may be initiated against a Defence member whose behaviour, performance or standards involving the use of alcohol falls below that expected of a serving member. Administrative action options for Defence members are further addressed in MILPERSMAN Part 4, Chapter 1, Annex 1C.

8. Disciplinary action is not to be taken against any Defence member as a result of a positive alcohol test result conducted pursuant to this policy.

Security aspects

9. Once granted a security clearance, Defence members must inform the Australian Government Security Vetting Agency1 (AGSVA), either through their security officer or direct to the AGSVA, any changes to their personal circumstances. This is done by completing a SVA003—Change of Circumstance Notification Form.

10. A list of the circumstances that should be reported is at paragraph 226 of the Australian Government Personnel Security Guidelines Agency Personnel Security Responsibilities2. This list is not exhaustive and if personnel are uncertain whether the information is relevant, they should report it to their security officer or direct to the AGSVA.

Instructions for recording alcohol testing results on PMKeyS

11. All alcohol tests and the actions taken against those Defence members who return a positive test result or who refuse to undertake an alcohol test are to be entered into PMKeyS in accordance with the PMKeyS Online Library Instructions.


CHAPTER 3
MANAGEMENT OF THE USE OF PROHIBITED SUBSTANCES IN THE AUSTRALIAN DEFENCE FORCE

INTRODUCTION

3.1 The use or involvement with prohibited substances by Defence members is incompatible with an effective and efficient Australian Defence Force (ADF). It leads to reduced performance, health impairment and workplace health and safety risks. Prohibited substance use or involvement undermines discipline, morale, organisational cohesion and security. It can also adversely affect the public image and the reputation of the ADF.

3.2 The ADF Prohibited Substance Testing Program (PSTP) has been established to deter Defence members from using prohibited substances with testing conducted both on a random and a targeted basis. The types of samples that may be collected and used for prohibited substance testing are at the discretion of the Chief of the Defence Force (CDF).

AUTHORITY

3.3 The detection, and subsequent management of prohibited substance used through the PSTP, is mandated by the *Defence Act 1903* Part VIIA—'Testing for prohibited substances'. Defence Instruction Administrative Policy (DI ADMINPOL), Annex I, PPL4 - 'The Defence prohibited substance testing program' is the authority for this Chapter.

POLICY STATEMENT

3.4 Defence does not tolerate the inappropriate use of or involvement with prohibited substances, including the misuse of prescribed or over-the-counter medications, by Defence members. Administrative or disciplinary action will be taken against those members found to have inappropriately used or been involved with prohibited substances.

SCOPE

3.5 This Chapter of the Military Personnel Policy Manual (MILPERSMAN) applies to all Defence personnel. Testing under the PSTP is limited to Defence members and Defence civilians.

DEFINITIONS

3.6 MILPERSMAN Part 1, Chapter 3—'Military Personnel Policy Manual Glossary' lists definitions and terms that apply to this Chapter and DI ADMINPOL Annex I, PPL4. Reference in this Chapter to a ‘tested member’ includes Defence members and Defence civilians.
COMPLIANCE

3.7 Under the authority of DI ADMINPOL, Annex I, PPL4 this MILPERSMAN Chapter enables Defence to comply with the Defence Act 1903, Part VIIIA—‘Testing for prohibited substances’ and related legislation. Defence personnel must comply with the mandatory requirements of this Chapter and must not depart from provisions in this Chapter in a way that would result in a breach of legislation or applicable laws.

3.8 The mandatory requirements of this Chapter are identified through the use of the word 'must'. These mandatory requirements constitute a general order to Defence members for the purposes of the Defence Force Discipline Act 1982. Noncompliance with any mandatory requirement may result in disciplinary or administrative action being taken in accordance with the Defence Act 1903, the Defence Force Discipline Act 1982, the Public Service Act 1999 and related legislative instruments, Defence Instructions and policies.

3.9 Administrative action arising from use of a prohibited substance detected through the PSTP, as provided for in Part VIIIA of the Defence Act 1903, is managed under the Defence Act 1903 or with the authority of Defence Regulation 2016.

PROHIBITED SUBSTANCE TESTING PROGRAM GOVERNANCE OVERVIEW

3.10 Governance arrangements for the PSTP are enabled by Part VIIIA of the Defence Act 1903 or through administrative policy arrangements and are specifically addressed in the Roles and Responsibilities section below. An overview of the arrangements enabled by the Defence Act 1903 is described here:

a. CDF may determine ‘Authorised Persons’ under section 93A or delegate that power to a Defence member of O–7 rank or above. Delegated members in each Service and Joint Operations Command (JOC) may undertake the responsibilities of a PSTP Coordinator.

b. In exercising a CDF delegated power a delegate may appoint, under section 93A, a member:

(1) as a authorised person for the purposes of the provision of Part VIIIA of the Defence Act 1903

(2) referred to as a PSTP Authorising Officer, to require Defence personnel to undergo a prohibited substance test under section 94

(3) referred to as a PSTP Supervisor, to supervise the conduct of PSTP testing under section 95

(4) to decide to disregard a positive test result under section 98(2).
3.11 In addition to the roles and responsibilities of principal Defence appointments, governance arrangements enabled through administrative policy include:

a. Prohibited Substance Testing (PST) Coordinators, who are responsible to the PSTP Coordinators for detailed program delivery and management functions in each of the Services

b. PSTP Staff Officer, who are responsible for managing PSTP policy content

c. PSTP Testers, who are responsible to a PSTP Supervisor for collecting and, when required, conducting on-site screening of collected specimens.

ROLE AND RESPONSIBILITIES

3.12 Defence Personnel. Defence personnel must:

a. not misuse legal prohibited substances that have been prescribed or dispensed to them by a person authorised to do under Australian law or ADF policy

b. not unlawfully use prohibited substances

c. not misuse over-the-counter or prescription medications that contain prohibited substances

d. submit to PSTP testing and provide a sample for such testing when lawfully required.

3.13 Chief of the Defence Force. The CDF, in accordance with the Defence Act 1903, Part VIII A:

a. section 93A —may, by written instrument, determine that a person is an authorised person for the purposes of the Defence Act 1903, Part VIII A

b. 93B(1)—may determine by legislative instrument that a substance, or substance in a class of substances, is a prohibited substance

c. 93B(2)—may determine by legislative instrument that a test, or test in a class of tests, is a prohibited substance test

d. is the Authorised Person for the purpose of the Defence Act 1903, Part VIII A, sections 100 and 101,

e. may delegate powers under the Defence Act 1903, Part VIII A, section 93A to:

(1) the Vice-Chief of the Defence Force

(2) the Chief of Joint Operations (CJOPS) in respect of Defence members under Theatre Command or posted to JOC

(3) a Defence member of O–7 rank, or above, in respect of Defence members of the same Service
(4) a Defence member of O–7 rank, or above, who is a commander of a joint task force in respect to Defence members under their command.

3.14 Under the authority of 116M(1) and 120A(3D)e of the *Defence Act 1903*, CDF has delegated his powers for matters relating to Defence personnel below the rank of Major General (E) to a Defence member of O-5 rank or above who are listed in the Chief of the Defence Force Delegations and Authorisations 2016.

3.15 CDF may determine the minimum annual percentage of each of the Services to be tested under the PSTP.

3.16 **Service Chiefs.** Service Chiefs are responsible for:

a. implementing Service-specific strategies and guidance to ensure testing under the PSTP meets the requirements of the CDF Determinations and direction

b. in consultation with Group Heads, ensuring their respective Service Defence members within Non Service Groups (NSG) are tested under the PSTP

c. implementing random or targeted testing in accordance with the requirements set out in paragraphs 3.48 - 3.59 of this chapter

d. directing that a Defence member of their Service delegated the power to appoint an authorised person by CDF at Section 93A of the *Defence Act 1903*, be a Service PSTP Coordinator.

3.17 **Chief of Joint Operations.** Chief of Joint Operations (CJOPS), for members under their command within JOC and forces under Theatre Command, is responsible for:

a. developing and managing the testing of members under Theatre Command and within JOC

b. appointing Defence PSTP trained members under command to:

   (1) be a PSTP Authorising Officer (section 94 of the *Defence Act 1903*) within JOC and in–theatre

   (2) be a PSTP Supervisor (section 95 of the *Defence Act 1903*) within JOC and in–theatre

   (3) whilst in-theatre, in consultation with PSTPC, determine if a laboratory confirmed positive test result is to be disregarded in accordance with DI-ADMINPOL, Annex I, PPL4

c. the staffing and currency of Defence PSTP qualified Supervisors and Testers to carry out the duties associated with those positions complying with single-Service data management requirements

d. coordinating management of tested members who return a positive test result with appropriate single-Service PSTP Coordination
e. exercising a CDF delegated authority as an authorised person with respect to sections 100 and 101 of the *Defence Act 1903*, if a person to whom a notice is given under section 100 is a Defence civilian.

3.18 **Deputy Secretary Defence People.** Deputy Secretary Defence People (DEPSEC DP), is responsible for:

a. drafting instruments under the *Defence Act 1903*, Part VIII A for the CDF as required

b. managing and updating PSTP policy content

c. monitoring the Services PSTP testing data

d. reporting and briefing on PSTP tri-Service data to the Secretary and CDF and preparing responses to Ministerial and parliamentary correspondence as required

e. coordinating and providing Defence responses to requests for PSTP information from the media and those made under the *Freedom of Information Act 1982*

f. managing the contracts relating to PSTP screening, testing and accredited laboratories

g. obtaining and managing prohibited substance specimen import permits on behalf of Defence.

3.19 **Group Heads.** Group Heads are responsible for supporting Service Chiefs by ensuring Defence members within NSGs participate in PSTP testing conducted by their respective Services.

3.20 **Single-Service PSTP Coordinators.** As an Authorised Person, the single Service PSTP Coordinators may appoint selected Defence members as authorised persons within their respective single-Services for the purpose of:

a. section 94 of the *Defence Act 1903* 'Requirement to undergo a prohibited substance'. An authorised person for the purpose of section 94 is referred to as PSTP Authorising Officer in this Chapter.

b. section 95 of the *Defence Act 1903* 'Supervise the conduct of PSTP testing'. An authorised person for the purpose of section 95 is referred to as PSTP Supervisor in this Chapter.

c. section 98(2) of the *Defence Act 1903* 'Disregard a positive test result'.

3.21 PSTP Coordinators are also responsible for:

a. implementing Service-specific strategies and guidance on behalf of their Service Chief to ensure testing under the PSTP meets the requirements of CDF Determinations and direction
b. ensuring that testing results of tested members under command and control arrangements of JOC or Theatre Command are managed in accordance with the requirements of their Service and CJOPS

c. collecting and managing the PSTP data resulting from conducting prohibited substance testing in their Service under the PSTP.

3.22 The single-Service PST Coordinators. The single-Service PST Coordinators are responsible to the PSTP Coordinator for the detailed management of the PSTP within each Service and are to:

a. as guided by Service personnel policy staff, provide PSTP policy advice and interpretation

b. receive notification of all PSTP testing conducted

c. receive all confirmatory test results from accredited laboratories

d. advise the PSTP Authorising Officer, or the nominated unit representative, of confirmed positive laboratory results for individuals tested for prohibited substances

e. maintain a record of PSTP testing of Defence members who have tested positive for prohibited substances and have been retained in Service

f. provide Service responses to requests for PSTP information

g. undertake ongoing development and control of the PSTP

h. liaise with the accredited laboratories on matters relevant to the PSTP

i. liaise with contract service providers engaged in the conduct of the PSTP

j. liaise with other agencies as required to ensure that PSTP equipment remains available for units to manage and replenish their authorised holdings of PSTP test kits

k. provide de-identified PSTP statistical data to the DMPP PSTP Staff Officer as required

l. provide their Service Chief and DEPSEC DP, through the DMPP PSTP Staff Officer, statistical and other information on the outcomes of PST in their Service.

3.23 Commanders. For all Defence members under their command, commanders are responsible for ensuring:

a. their unit testing regime is developed and conducted to achieve the primary deterrent and safety effects of the PSTP by meeting the directed requirements at paragraphs 3.50 – 3.51

b. annual prohibited substance education is provided and includes understanding of this policy and DI ADMINPOL, Annex I, PPL4
they undertake the command and managerial responsibilities at paragraph 3.127 for Defence members who claim food or drink spiking

d. the Australian Government Security Vetting Agency (AGSVA) is advised of a positive test result within two working days of receiving advice of the laboratory confirmed positive test result

e. Defence members who are retained after a positive PSTP test result, which has not been disregarded under section 98(2) of the Defence Act 1903, are subsequently tested in accordance with single-Service requirements

f. Navy members under their command who return a positive test result for prohibited substances are referred to the Royal Australian Navy Alcohol and Other Drugs Program (RANAODP).

3.24 PSTP Authorising Officer. A PSTP Authorising Officer is empowered to direct a Defence member or Defence civilian to undergo PSTP testing. This is to be accomplished using Form AD400—‘Prohibited Substance Test Authorisation and Report to Service Coordinator’.

3.25 PSTP Authorising Officers must control and coordinate the PSTP process over which they have responsibility by ensuring that:

a. PSTP testing is conducted in accordance with the Defence Act 1903, DI ADMINPOL Annex I, PPL4 and this chapter

b. PSTP tests are correctly authorised before being conducted

c. PSTP testing is inclusive of all ranks

d. PSTP testing is generally conducted at irregular intervals and on a random basis

e. when selecting the PSTP Supervisor and PSTP Tester to conduct PSTP testing, there is no actual or perceived conflict of interest between the PSTP Supervisor, the PSTP Tester(s) and the tested members

f. PSTP Supervisors, and PSTP Testers within their authority, are qualified and included in the annual testing regime

3.26 testing for steroid use is conducted by authorising a targeted PSTP test in consultation with the respective single-Service PST Coordinator

a. Form AD404—‘Employment Restriction Assessment’ is completed as soon as practicable after a tested member returns a pending PSTP screening test result or when a member has been target tested and that the tested member is placed on appropriate employment restrictions

b. tested members are advised of the outcome of a pending PSTP screening test result in writing (with the confirmed accredited laboratory result) as soon as practicable.
3.27 **PSTP Team.** A PSTP Team consists of a PSTP Supervisor and a PSTP Tester who must be prohibited substance testing trained. The team may also include an additional Defence member of any rank as a Testing Assistant to assist in the control of tested members. If no trained PSTP Supervisor or Tester exists within a unit a trained PSTP Supervisor or Tester from another unit or establishment may perform the required PSTP functions.

3.28 A single Defence member cannot concurrently perform the roles of the PSTP Supervisor and PSTP Tester. A PSTP Supervisor, Tester or Assistant cannot be a tested member while undertaking the supervisor, tester or assistant roles.

3.29 **Prohibited Substance Testing Program Supervisor.** A PSTP Supervisor is responsible for the conduct and integrity of the PSTP testing process (including the briefing of PSTP Testers and, where required, Testing Assistants).

3.30 **Prohibited Substance Testing Program Tester.** A PSTP Tester is responsible for collecting and screening specimens from tested members.

Contracted collectors performing the functions of a PSTP Tester are to be trained and competent in accordance with contract requirements. A Defence PSTP Supervisor must supervise a contracted collector.

3.31 **Authorised Person.** For the purposes of Part VIII A of the *Defence Act 1903* where a Defence member or Defence civilian has tested positive the authorised person is to:

a. under section 100, serve the Defence member or Defence civilian who returns a positive PSTP test result with a written Notice of Positive Test Result (NPTR)

b. under subsection 101, terminate the service of a Defence member or the arrangement under which the person is a Defence civilian.

3.32 Should, on the balance of the facts and factors associated with the positive prohibited substance test result, the authorised person decide not to terminate the Defence member's service under the *Defence Act 1903*, or impose penalties under *Defence Regulation 2016* section 14 or section 28, the authorised person may issue the Defence member with a formal warning or censure.

3.33 Information on these forms of administrative sanctions can be found in MILPERSMAN Part 9 Chapter 2–'Formal Warnings and Censures in the Australian Defence Force'.

3.34 Where a Defence member or Defence civilian has tested positive the authorised person must issue a NPTR under section 100 of the *Defence Act 1903*, unless an authorised person has determined that the positive test result should be disregarded in accordance with DI ADMINPOL, Annex I, PPL4.

3.35 **Joint Health Command.** Commander Joint Health is responsible for the development and delivery of health policy and the oversight of training resources for the Alcohol, Tobacco and Other Drugs (ATOD) Program.
3.36 The Health Facilities Manager of a medical facility in conjunction with PSTP Authorising Officers and PST Coordinators may have PSTP related responsibilities that include, but are not limited to:

a. ensuring that adequate urine PSTP test materiel remains available

b. ensuring that equipment is kept in a tamper proof area or container and is available for PSTP testing.

3.37 **Defence Force Recruiting.** Prior to appointment or enlistment, the Director—General Defence Force Recruiting is responsible for providing each individual candidate with a written warning AD 304—‘Acknowledgement of the Requirements of Service in the Royal Australian Navy, Australian Army or Royal Australian Air Force’. Each candidate must sign the form which is then to be retained on the tested member’s personnel record to enable the use of this information in the future by Defence as evidence that they are aware of Defence’s stance on prohibited substance use or involvement.

### PROHIBITED SUBSTANCE EDUCATION

3.38 Defence aims to raise awareness and increase understanding of prohibited substances through education. Accordingly, all Defence personnel should receive annual prohibited substance education. The aims of prohibited substance education in Defence are to:

a. assist Commanders, managers and supervisors in identifying prohibited substance use or legal substance misuse

b. educate Defence personnel about the immediate to long-term harmful effects and dangers of prohibited substance use including the misuse of prescribed and over-the-counter medications

c. inform Defence personnel of Defence policy about the use of prohibited substances including the misuse of prescribed and over-the-counter medications

d. educate commanders, managers and supervisors of their responsibilities in managing Defence personnel who have been identified as having used a prohibited substance or misused prescribed or over-the-counter medications.

### ALCOHOL, TOBACCO AND OTHER DRUGS PROGRAM

3.39 Prohibited substance education, information and support for Defence members are provided through the ATOD Program. The ATOD Program provides a health promotion campaign continuum that supports, and replicates where possible, the Australian Government Department of Health and Ageing National Drug Strategy. Baseline prohibited substance awareness presentations and information brochures on a range of prohibited substances and education and treatment services can be accessed on the [Joint Health Command ATOD website](#).
ALCOHOL, TOBACCO AND OTHER DRUGS PROGRAM COORDINATORS ON NATIONAL AND REGIONAL LEVELS

3.40 The ATOD Program Coordinators are responsible for:

a. providing expert and technical advice in the review and development of prohibited substance policy

b. facilitating the delivery of multi-level evidence based education and awareness and intervention training programs by reviewing and making available contemporary education and training programs

c. providing technical advice to Commanders, managers, supervisors and health professionals on contemporary, evidence-based strategies to minimise the risks to the individual and the community arising from prohibited substance use or misuse of prescribed or over-the-counter medications

d. offering a range of accessible, evidence-based clinical interventions for those Defence members who are using or have used prohibited substances, or who are misusing prescribed or over-the-counter medications.

3.41 **RANAODP.** The functions of the national and regional ATOD Program Coordinators are delivered to Navy through the RANAODP.

**PRIVACY**

3.42 **Personal privacy during PSTP testing.** The PSTP test must be conducted in circumstances which afford reasonable personal privacy to tested members. Nevertheless, all PSTP testing must be conducted in the presence of the PSTP Supervisor and the PSTP Tester.

3.43 All tested members have the right to request a chaperone be present for the PSTP specimen collection procedure. When requested, the PSTP Supervisor is to make a reasonable effort to provide an appropriate chaperone. Tested members are required to comply with the direction of a PSTP Authorising Officer regardless of the availability or otherwise of a chaperone.

3.44 A Defence member undertaking a urinalysis screening test must not be directly watched whilst providing a specimen. The PSTP test must not involve the removal of more clothing or more visual inspection than is necessary for the purposes of conducting the test. The PSTP Supervisor and the PSTP Tester are to act with tact and discretion at all times.

3.45 **Information privacy.** A person who has been advised that they are to be subject to prohibited substance testing under the PSTP is to read and sign Form AD401—‘Prohibited Substance Test Members Information Brief and Acknowledgement’ prior to the PSTP test. If the member refuses to read or sign the form then this refusal is to be annotated on the form and signed by the PSTP Supervisor and Tester. In either circumstance the form is then to be retained on the member’s personnel record.
3.46 Defence prohibited substance use related data may be collected, stored, used and disclosed in order to:

a. assess the extent of Defence personnel involvement with prohibited substances

b. identify emerging trends in prohibited substance use within the Defence member population

c. review the effectiveness of current Defence prohibited substance policies and strategies.

d. enable research on prohibited substance use related issues approved by the Australian Defence Human Research Ethics Committee

e. enable development of policy and conduct of research relating to members’ prohibited substance use

f. compile statistics on the use of prohibited substance within the ADF.

3.47 A Defence member's or Defence civilian's individual prohibited substance testing related data may be used:

a. for making career or personnel management decisions about a member who has returned a laboratory confirmed positive test result

b. for managing the member's health and welfare in relation to prohibited substance use

c. for promoting the safety of Defence personnel and safe systems of work within Defence and to address Defence's obligations that fall under the Work Health and Safety Act 2011 (Cth)

d. for determining member entitlements under the Military Rehabilitation and Compensation Act 2004

e. for determining the members suitability to hold or maintain an Australian government security clearance

3.48 Duty of non-disclosure. Defence personnel or any other person with access to PSTP information have a responsibility to safeguard the privacy of tested members. Defence personnel (other than the tested member who provided the specimen or sample) may only disclose information revealed by a PSTP test in accordance with the Privacy Act 1988, the Defence Privacy Policy and the following paragraph.

3.49 Authorised disclosure. Disclosure of PSTP results is authorised for purposes which are:

a. necessary for administration of testing—including disclosure to authorised laboratories where required
b. necessary to carry out any administrative or personnel management action following the testing—which may include disclosure to Commanders and personnel agencies

c. necessary for management and recording of PSTP results—for example, for recording in PMKeyS

d. of de-identified results—for statistical purposes

e. necessary for the purposes of medical treatment or rehabilitation—following consultation with the Defence personnel concerned

f. otherwise necessary to carry out the functions specified in the Defence Act 1903, other legislation or in this Chapter.

3.50 Consequences of unauthorised disclosure. The unauthorised disclosure of PSTP information may:

a. constitute an offence under section 70 of the Crimes Act 1914

b. constitute a breach of the Privacy Act 1988

c. constitute a failure to comply with a lawful general order under section 29 of the Defence Force Discipline Act 1982

d. result in administrative action being taken against a Defence member including action under MILPERSMAN Part 9, Chapter 2—'Formal Warnings and Censures in the Australian Defence Force'

e. result in disciplinary action being taken against a public servant under the APS Code of Conduct provided in the Public Service Act 1999

f. result in the affected party taking legal action against the offending party.

PROHIBITED SUBSTANCE TESTING PROGRAM TESTING

3.51 Under the Defence Act 1903 urine or other testing mediums determined under subsection 93B(2) may be used for prohibited substances testing under the ADF PSTP. There are no restrictions on when, where or why Defence personnel and Defence civilians may be tested.

3.52 PSTP sample collection and screening tests may be random or targeted and must be conducted by authorised Defence personnel or persons authorised to do so under contract with Defence. The procedural requirements relating to urine prohibited substance testing are at Annex 3A and the list of the required associated testing equipment list is at Annex 3B. In addition to the procedures at Annex 3A the Navy, Army and Air Force have Service specific requirements which are described in Annexes 3C, 3D and 3E respectively.

3.53 Annual urine testing requirements. Unless otherwise directed by CDF the annual urine prohibited substance testing requirements for each Service are:
a. a number of tests in a year equal to or greater than twenty five per cent of the number of members in the Army and Air Force and thirty five per cent of the number of members in the Navy.

b. for synthetic cannabinoids:

(1) a number of members equal to or greater than ten per cent of the annual urinalysis screening requirement of each Service

(2) conducted as random or targeted testing using either the population already selected for prohibited substance testing or other personnel.

3.54 There is no quota on testing for steroid use and such testing is to be conducted on a targeted basis using urinalysis as the testing method.

3.55 **Initiation of prohibited substance testing.** The PSTP Authorising Officer must sign Form AD400 to authorise a PSTP testing activity. The PSTP Authorising Officer does not need to be in the chain of command of the tested members. Reasons for PSTP testing may include:

a. random PSTP testing

b. targeted PSTP testing, including intelligence lead, steroid testing or after an incident that could have been caused by prohibited substance use

c. testing as a Service requirement, including testing of retained members, annual testing of PSTP staff, and testing during the conduct of PSTP courses.

3.56 If at any point during the PSTP testing process a tested member disclose information about their self or others in relation to prohibited substance use, drink or food spiking, unintended ingestion of a prohibited substance or prohibited substance related criminal activity:

a. the PSTP test is to continue

b. the tested member is be formally cautioned under the *Defence Force Discipline Act 1982* and advised that the disclosed information will be reported to a Defence investigative authority

c. the tested member’s commander is to comply with IDI (ADMIN) 45–2 'Incident reporting and management'.

3.57 **Requirement to provide written notice.** The PSTP Supervisor must advise individuals selected for PSTP testing of their responsibilities and the PSTP process prior to the commencement of the PSTP test. Form AD401 is utilised for this purpose and must be signed by the tested member in the presence of the PSTP Supervisor and counter–signed by the PSTP Supervisor. It also includes a privacy notice outlining possible disclosure of the PSTP results. A member’s declared medications and food supplements, including the brand name(s), must be recorded on the AD 401 before commencing any PSTP testing.
3.58 Refusing to provide a sufficient specimen or sample, or refusing to have a prohibited substance screening test. Tested members are required to comply with the direction of a PSTP Authorising Officer but cannot be physically compelled to provide a urine sample or undergo a screening test. If a tested member refuses to provide a sufficient amount of urine for a screening test or to undergo a screening test they are to be warned that the tested member may:

a. be guilty of an offence under section 106 (failure to provide a sample) of the [Defence Act 1903](#)

b. be guilty of an offence under section 29 (failure to comply with a general order) of the [Defence Force Discipline Act 1982](#)

c. if they are a Defence member, under the [Defence Act 1903](#) or the [Defence Regulation 2016](#), have their service terminated in accordance with MILPERSMAN Part 10, Chapter 2—'Termination of Service in the Australian Defence Force'.

3.59 If the tested member further refuses to provide a sufficient sample the refusal is to be recorded on Form AD400, Form AD581—'Prohibited Substance Testing Program Refusal to Provide a Sample' and Form AD404 and are to be raised and signed by the PSTP Supervisor and the tested member who has refused to provide a sufficient sample. Should the tested member refuse to sign Form AD404 and or Form AD581 the PSTP Supervisor is to write on the Forms that 'the tested member has refused to sign'.

3.60 The Form AD404 is forwarded to the tested member’s supervisor to commence an 'employment restriction assessment interview process'. The member’s commander should also be notified of any refusal prior to the Defence member or Defence civilian departing the testing area.

3.61 Testing for synthetic cannabinoids. Testing for synthetic cannabinoid use can be conducted on a random or targeted basis using urinalysis. Collected specimens must be integrity tested on site in accordance with Annex 3A (temperature, visual and adulteration). Urine samples must then be sent directly to an accredited laboratory for analysis as there is no on-site screening test available for synthetic cannabinoids.

3.62 Testing for steroid use. Testing is done on urine samples on a targeted basis and predicated on reported or suspected steroid use. PSTP Authorising Officers must consult with their single-Service PST Coordinator before authorising a PSTP test for steroid use. Collected specimens must be integrity tested on site in accordance with Annex 3A. Urine samples must then be sent directly to the specific accredited laboratory for analysis as there is no on-site screening test available for steroids.

RESULTS

3.63 Individual screening test result brief. At the completion of the screening test each tested member must be informed of the result of their test. The tested member’s privacy must be maintained. The tested person must not be briefed about their PSTP screening test result in the presence of any other person other than the
PSTP Authorising Officer, PSTP Supervisor or the PSTP Tester. Unless requested by the tested member, chaperones must not attend the briefing or be told of the tested member’s screening test result by the PSTP Authorising Officer, PSTP Supervisor or the PSTP Tester. The briefings must:

a. be factual and non-judgemental noting that a pending result may be due to:
   (1) prohibited substance use—either deliberate or inadvertent
   (2) use, or misuse, of prescription or over-the-counter medication
   (3) consumption of certain foodstuffs or drinks
   (4) non-disclosed medication or dietary supplements

b. advise the tested member of the processes following the pending test result.

3.64 **Management of pending test results.** The PSTP Supervisor must inform the PSTP Authorising Officer and the tested member’s commander (if they are not the same) of the results of the screening test and initiate Form AD404 for all members who have:

a. refused to undergo a prohibited substance test
b. been target–tested
c. recorded a pending result.

3.65 **Confirmatory testing of pending PSTP screening tests.** All pending PSTP screening tests must be forwarded to a Defence-endorsed or contracted laboratory which must be accredited against Australian standards.

3.66 On receiving the prohibited substance test results from the laboratory the Service PSTP Coordinator must inform the PSTP Authorising Officer and the tested member’s commander (if they are not the same) of the results of the confirmatory test.

3.67 **Employment Restrictions Assessment.** The Employment Restrictions Assessment interview is normally undertaken by a Defence member who is superior in rank and in the same chain of command of the tested member undergoing the PSTP process. The outcomes from the interview must be referred to the tested member’s commander to decide on employment restrictions. The interviewer:

a. must not question the tested member about any alleged or actual illicit or unlawful prohibited substance use or involvement prior to confirmation of a positive or negative PSTP test result from the accredited laboratory
b. must treat PSTP screening test results in strict confidence and only communicate to others on a need-to-know basis and in accordance with the privacy requirements stated in this chapter
c. must provide the commander with an assessment of the interview and recommendations
d. should obtain proof of any medication declared by the tested member who returned a pending PSTP screening test result

e. should, when required, contact the relevant single-Service PST Coordinator for information or advice

f. may counsel the tested member as required and advise on:

(1) the screening results

(2) further testing procedures

(3) possible effects of the employment restrictions assessment.

3.68 Commanders may impose employment restrictions on tested members who return a pending PSTP test result in order to ensure Defence safety and security requirements are met. However, commanders may only impose employment restrictions after giving the tested member an opportunity to provide reasons why such restrictions should not be imposed—for example, commanders may:

a. prevent tested members from flying Service aircraft, diving, parachuting, driving Service vehicles, operating Service equipment or handling weapons or handling classified material. Each case must be considered on its own merit. A record of all decisions must be written on the Form AD404

b. decide to temporarily relieve the tested member of supervisory, decision making, health care or instructional responsibilities until the accredited laboratory confirms the test result

c. prevent the tested member from operating privately owned vehicles and equipment on Service land.

3.69 **Opiates (MOR) and Benzodiazepines (BZO).** When a screening test returns a pending result for MOR and/or BZO the member’s commander may, in consultation with the single-Service PSTP Coordinator, decide not to impose any restrictions where all of the following occur:

a. a tested member's commander has no reason to doubt the tested member's:

   (1) declaration of having taking medication that may account for the pending PSTP screening test result

   (2) evidence provided of over–the–counter medication or a current prescription that may explain the pending result

b. a tested member has been cleared by a Defence employed or Defence endorsed medical officer

3.70 Formal administrative action under the *Defence Act 1903* or *Defence Regulation 2016* must not be taken until the results of the accredited laboratory analysis have confirmed prohibited substance use.
3.71 **Support to tested members returning a pending PSTP screening test result.** The period between the pending PSTP screening test result and the accredited laboratory test result may be a stressful time for the affected member. The member’s commander is to ensure the tested member is made aware of available support services, including medical, psychological and pastoral care as applicable during the Employment Restrictions Assessment process, and is to monitor and support the affected member with access to professional assistance as required.

3.72 **Area of Operations (AO).** A tested member deployed on operations who returns a pending PSTP screening test result will normally be retained within the AO until the sample is tested by an accredited laboratory in Australia. If the laboratory testing confirms the tested member has used a prohibited substance that has not been disregarded in accordance with DI ADMINPOL, Annex I, PPL4 repatriation should commence as soon as practicable. However, when compelling circumstances exist, or the tested member becomes a danger to themselves or others, the senior ADF commander should immediately remove the tested member from the AO.

3.73 **Defence civilians in an AO.** The PSTP Authorising Officer in the AO who authorises the PSTP test is to manage the PSTP process of a Defence civilian in accordance with the PSTP Authorising Officer’s Service requirements.

**ACCREDITED LABORATORY RESULTS**

3.74 **Accredited laboratory notification.** Confirmatory test results are reported in writing by the accredited laboratory to the relevant single-Service PST Coordinator. The single-Service PSTP Coordination Cells are the sole points of contact with the accredited laboratory staff. Defence personnel are not to contact laboratories directly to obtain results or other information unless authorised to do so by the relevant single-Service PST Coordinator.

3.75 **Negative PSTP test result.** As soon as possible following receipt of a negative confirmatory test result:

a. the relevant single-Service PSTP Coordination Cell is to notify the tested member’s commander or nominated unit representative and PSTP Authorising Officer

b. the tested member’s commander is to

   (1) advise the tested member concerned

   (2) lift any employment restrictions

   (3) ensure the tested member’s personnel system record is updated to reflect a negative test result.

3.76 **Confirmatory analysis for target testing.** If a member is selected for targeted testing and a negative result is recorded during the screening test, the specimen may be sent to the Defence-endorsed or contracted laboratory for confirmatory analysis.
3.77 Positive PSTP test result. If a confirmatory PSTP test result is positive:

a. the relevant PSTP single-Service Coordination Cell is to:
   (1) notify the tested member’s commander or nominated unit representative and the relevant PSTP Authorising Officer (if not the tested member’s commander) as soon as possible
   (2) update PMKeyS to record a positive prohibited substance test result

b. the tested member’s commander is to:
   (1) advise the tested member concerned of their result as soon as possible
   (2) review or initiate employment restrictions
   (3) ensure the tested member is made aware of all available support services including medical, psychological and pastoral care as applicable.

3.78 Disregarding a positive result. In accordance with DI ADMINPOL, Annex I, PPL4 an authorised person must disregard any positive test result if satisfied that the presence of any prohibited substance revealed by testing was attributable to something done by the person tested in accordance with the directions or recommendations of a legally qualified medical practitioner. In such cases the authorised person must ensure that the recorded positive result is amended to reflect that it was a negative result.

3.79 PSTP cost. The cost of the initial accredited laboratory analysis is a single Service responsibility. Units are responsible for any shipping and handling costs to an accredited laboratory.

3.80 PSTP data management. PMKeyS entry processes for each Service are outlined in single-Service Annexes 3C, 3D and 3E.

MANAGEMENT OF POSITIVE PSTP RESULT

ACTIONS FOLLOWING A POSITIVE PSTP TESTING RESULT

3.81 Notice of a Positive Test Result (NPTR). Tested members who return a positive PSTP test result must be issued with a NPTR signed by an authorised person in accordance with section 100 of the Defence Act 1903. The tested member must acknowledge receipt of the NPTR by signing and dating the document. If a tested member refuses to acknowledge receipt of the NPTR the refusal must be record separately and must specify the date and method of delivery of the NPTR. The NPTR must specify that the tested member has a period of not less than 28 days from receipt of the NPTR (unless the member states in writing, that he or she does not intend to provide a written response to the NPTR) to provide a written Statement of Reasons (SOR) addressing where applicable:

a. why their service as a Defence member should not be terminated
b. why the arrangement, under which the Defence civilian is employed, should not be terminated

c. why other administrative sanctions under Defence Regulation 2016 should not be applied.

3.82 **Procedural fairness.** The tested member must be provided with:

a. an NPTR that specifies any information that may be relied upon when making a decision regarding the termination of the tested member’s service or employment including the tested member’s individual circumstances and particular aspects of the member’s service record or previous history with prohibited substances that may be relevant

b. the opportunity to comment on any new or additional relevant information before the delegates final decision is made and the delegate provides them with their termination or discharge.

3.83 **Suspension from duty.** A Defence member who has been given a notice under section 100 of the Defence Act 1903 may be suspended from duty with pay, without pay or on part pay under section 28 of Defence Regulation 2016 pending a decision on whether their service will be terminated.

**STATEMENT OF REASONS**

3.84 **Review of SOR.** If the tested member provides an SOR within the period specified by the Authorised Person (the specified period being no less than 28 days) of receiving the NPTR, the authorised person must consider the SOR and all relevant information available to them. The authorised person must decide whether the tested member should have their service terminated or, if a Defence civilian, have their employment arrangement terminated.

3.85 **Material that must be considered when reviewing an SOR.** In reaching a decision the authorised person should consider:

a. the NPTR

b. the PSTP test analysis report(s)

c. the tested member’s SOR in response to the NPTR

d. any additional material submitted in response to, or as a consequence of, the NPTR

e. any previous warnings given to the tested member under section 104 of the Defence Act 1903

f. the tested member’s Service and conduct history, as applicable

g. the age and rank of the tested member at present and at the time of involvement
h. the security clearance requirements of the tested member’s occupational group
i. any Navy—Alcohol and Drug Program Counsellor Report(s).

3.86 **Additional material.** The authorised person may also consider other available information, such as:

a. evidence of involvement with prohibited substances including, but not limited to:
   
   (1) the type and quantity of prohibited substance involved
   
   (2) the frequency, period and level of use
   
   (3) the nature of the involvement.

b. the likelihood of repetition, including consideration of whether the member:
   
   (1) ceased use voluntarily or after detection
   
   (2) displayed contrition
   
   (3) cooperated during the investigation.

c. any voluntary admission of use or intention to cease use
d. the individual’s character and work performance
e. social worker or counsellor report(s) (as applicable)
f. a psychological assessment (as applicable)
g. any other relevant material provided by the tested member.

3.87 The authorised person should exercise judgement by considering the decision-making principles and guidance contained in the publication ‘Good decision making in Defence: A guide for decision-makers and those who brief them’.

3.88 **Discussion with member on return of a positive PSTP test result.** Following the return of a positive test result, any discussion relating to the NPTR with the tested member should be confined to gathering information relevant to considering what administrative action must be taken. The tested member must be told of the purpose of the discussion and of the potential use of any information gathered. In this context questions must only relate to the tested member’s health, security or occupational health and safety issues surrounding the tested member’s duties. Information provided relating to criminal or disciplinary action must be managed in accordance with paragraph 3.53b.

3.89 **Challenges to a positive PSTP test result.** Tested members have the right to challenge a positive PSTP test result by having their referee sample sent to an accredited laboratory (within Australia) as soon as possible. Referee samples for use in challenges of a PTSP test results are held by Defence’s contracted accredited
laboratory for 12 months from the date of receipt of the sample. For B sample testing the laboratory need only detect the drug of interest. The laboratory used to screen the B sample must test and report to the same threshold as the A sample. Units are to contact the relevant single-Service PSTP Coordination Cell to request a B sample test. Units must not make direct contact with the laboratory.

3.90 The tested member is responsible for all costs relating to the referee sample/s being tested. If the referee sample of the initial sample that produced the laboratory positive test result is confirmed as negative by an accredited laboratory the:

a. initial positive PSTP test result must be disregarded
b. relevant single-Service PSTP Coordination Cell is to notify the tested member’s commander or nominated unit representative and PSTP Authorising Officer (if not the member’s commander) of the result and that the result is now deemed to be negative
c. tested member is to be reimbursed any costs, on submission of receipts, associated with the testing of their referee sample
d. member’s PMKeyS record is to be updated to reflect a negative test result
e. NPTR process is to cease.

SECURITY ASPECTS

3.91 For the purposes of the Australian Government Security Vetting Agency a positive prohibited substance test is treated as a security incident. Changes to a tested member’s security clearance must be dealt with in accordance with the Defence Security Manual. The commander or manager of the tested member who tests positive must:

a. advise the Defence Security and Vetting Service Security Incident Centre (DS&VS SIC) within two working days of the result of a positive prohibited substance test in order for them to conduct an assessment regarding the tested member’s security clearance
b. electronically submit Form XP188—'Security Incident Report'
c. advise DS&VS SIC—if a positive prohibited substance test result is subsequently disregarded under section 98(2) of the Defence Act 1903.

DEFENCE MEMBERS

3.92 Termination decision when the Defence member provides an SOR. If the Defence member provides an SOR and, having considered the SOR, the authorised person decides that the Defence member is to have their service terminated, the authorised person must issue a Prohibited Substance Testing Program Termination Decision under the Defence Act 1903 Part VIII A, section 101(2) (for officers not below the rank of Major General (E) the Governor-General is to issue the Termination Decision). The Defence member must provide a signed and dated acknowledgment.
If the Defence member refuses to acknowledge receipt of the decision an alternate record must be kept of the date and method of delivery.

3.93 **Termination decision when the Defence member does not provide a SOR.** If the Defence member does not provide an SOR within the period specified in the NPTR, the authorised person (or Governor General for officers not below the rank of Major General (E)) must issue a Prohibited Substance Testing Program Termination of Service Decision. The Defence member must provide a signed and dated acknowledgement of the decision. If the Defence member refuses to acknowledge receipt of the decision, an alternate record must be kept of the date and method of delivery.

3.94 **Date of termination.** The termination decision notice must be provided to the member in writing and must specify a date of effect. The date must not be earlier than the date the decision is notified to the Defence member and not more than three months after the date the member was provided with written notification of the decision. The termination is to take effect on the date specified in the decision.

3.95 **Retention decision.** If the authorised person decides to retain a Defence member following a positive PSTP test result, not otherwise disregarded in accordance with DI ADMINPOL, Annex I, PPL4, the authorised person:

a. may reduce the Defence member in rank under section 14 of Defence Regulation 2016
b. may issue a notice containing a warning or censure in accordance with MILPERSMAN Part 9 Chapter 2—*Formal Warnings and Censures in the Australian Defence Force*
c. should refer the Defence member to an appropriate health care professional for intervention.

3.96 **Reduction in rank.** An authorised person taking action under section 14 of Defence Regulation 2016 to reduce a Defence member in rank must:

a. inform the Defence member in writing of the decision
b. only reduce the Defence member to the next lower rank
c. effect the reduction in rank in writing, specifying the day on which the reduction in rank is to take effect, and provide a copy of the document to the Defence member.

3.97 **Notice of warning or censure.** An authorised person taking action under MILPERSMAN Part 9 Chapter 2—*Formal Warnings and Censures in the Australian Defence Force* is to issue a formal warning or censure to the tested member stating:

a. the duration of the formal warning/censure
b. the precise nature of the expected behaviours and standards they are required to adhere to including compliance with this policy
c. reasons/evidence used in informing the formal warning/censure

d. (in the case of a formal warning), the precise remedial improvement/corrective action required and notice that failure to achieve the required improvement and/or corrective action within the stated period may result in the initiation of further action

e. if a subsequent prohibited substance test in respect of the member returns a positive test result the Defence member may:

   (1) have their service terminated

   (2) be reduced, or further reduced, in rank.

3.98 A Defence member who is retained is to sign a written acknowledgement via Form AD629—'Involvement with a prohibited substance acknowledgement by a retained member' wherein the Defence member acknowledges:

a. the increased likelihood of being subjected to a PSTP test under the Defence Act 1903

b. the requirement undertake such prohibited substance education and intervention the Service authority directs

c. that any further involvement with or use of prohibited substances may result in termination.

3.99 Suspension from duty. The suspension from duty of a Defence member who has been given a Notice under section 100 of the Defence Act 1903 and suspended from duty with pay, without pay or on part pay ends under section 28 of Defence Regulation 2016 when they are informed they will not be terminated.

3.100 Other administrative action. Section 110 of the Defence Act 1903 allows other lawful administrative action to be taken in relation to a Defence member as if Part VIIIA of the Defence Act 1903 had not been enacted.

3.101 Personnel management actions affecting a Defence member such as suspension of posting, promotion action or course participation may also be initiated at the discretion of the Defence member's career management agency in consultation with the Defence member's chain of command.

3.102 Individual readiness. Defence members subject to formal warning or censure cease to meet individual readiness requirements for 12 months from the imposition of the warning or censure (MILPERSMAN Part 3, Chapter 1—'Australian Defence Force Policy on Individual Readiness'). The Defence member's readiness status is to be amended in accordance with single-Service instructions.

3.103 Record of administrative action. A record of administrative action against a Defence member must be kept by the relevant career management agency.

3.98 PSTP testing after retention. Defence members retained after returning a positive PSTP test result are to be tested in accordance with single-Service
requirements. The single-Service PSTP Coordination Cell is to maintain a record of testing of retained Defence members.

3.104 Redress of Grievance (ROG)—Defence members. Should a Defence member disagree with administrative action taken on the basis of a positive PSTP result the Defence member may submit a ROG in accordance with the Complaints and Alternative Resolutions Manual Chapter 6—‘Redress of Grievance’. Despite the submission of an ROG, the date effecting termination cannot be extended beyond three months of the date that the member receives notification of their termination. Notwithstanding, the ROG process will continue unless the Defence member withdraws the ROG.

DEFENCE CIVILIANS

3.105 Defence civilians where a breach of the Australian Public Service code of conduct is suspected. Defence civilians who are also Defence APS employees may be subject to disciplinary action for breach of the APS Code of Conduct. The matter may be referred to the Code of Conduct Delegate and managed in accordance with the Australian Public Service People Policy.

3.106 Defence Australian Public Service code of conduct procedures. Defence APS generally have the right to seek review in relation to actions arising through the application of the Code of Conduct procedures. Review of actions procedures are described in the Australian Public Service People Policy.

3.107 Defence civilian's right of review regarding a termination of arrangement decision under section 101 of the Defence Act 1903. Defence civilians have no right to administrative review through the ROG process but may be able to seek external review by other means. They should obtain independent legal advice if they wish to seek a review of a decision.

MEMBERS OF FOREIGN DEFENCE FORCES SERVING WITH THE ADF

3.108 Members of foreign Defence Forces serving with the ADF, where prohibited substance testing is permitted within the applicable Memorandum of Understanding (MOU) or similar document, may be tested under the auspices of the ADF PSTP. Actions taken as a result of prohibited substance use or involvement by members of other Defence Forces must be handled in accordance with the MOU or similar document and not under the authority of the Defence Act 1903.

VOLUNTARY SELF-REFERRAL FOR PROHIBITED SUBSTANCE USE INTERVENTION

3.109 Defence members who knowingly and intentionally use or have used prohibited substances, or misuse prescribed or over-the-counter medications, and who are seeking health intervention are strongly encouraged to voluntarily self-refer for assessment and treatment. Defence members are able to self-refer for prohibited substance use intervention through:

a. their commander or manager
b. the RANAODP—for Navy members
c. the Defence health system.

3.110 Regardless of the self-referral method the member’s request for substance use intervention is to be managed as a health issue. Members may voluntarily self-refer only once through their commander or manager for prohibited substance use intervention. There is no restriction to the number of times a member may seek intervention through the Defence health system.

SELF-REFERRAL THROUGH A MEMBER’S COMMANDER OR MANAGER

3.111 Defence members may request referral for prohibited substance use intervention through their commander or manager. When a member self-refers the commander or manager should immediately:

a. raise a Form PM008—‘Referral for a Mental Health/Psychological Assessment and Management Advice’ and request:
   1. urgent assessment—which also requires a follow-up phone call
   2. a prohibited substance test be conducted outside the scope of the PSTP and results advised
   3. an assessment of suitability for retention in Defence
   4. advice to inform safety and security related workplace decisions.

b. ensure the member is escorted to the nearest suitable healthcare facility for assessment and case management. If that facility is Defence managed make contact ahead of the member’s anticipated arrival and notify of the need for urgent medical review

c. conduct an initial workplace safety assessment and consider immediate employment restrictions, if required, using Form AD404 as a guide or in consultation with the mental health professional

d. Navy members are to be referred directly to the regional Alcohol and Drug Program Coordinator for review.

3.112 If the Defence member identifies themselves as having a prohibited substance dependency, including a dependency on prescribed or over the counter medication, and self-refers seeking intervention to address such substance use issues the commander or manager should also:

a. conduct an Individual Welfare Board in accordance with MILPERSMAN Part 3 Chapter 6—‘Welfare Boards’ procedures and manage support to the member through that process

b. comply with the security assessment requirements at paragraph 3.87

c. consider health professional advice provided:
   1. via Form PM600—‘Periodic Health Examination (PHE) and Medical Employment Classification Review (MECR)
(2) via Form PM101 — ‘Medical or Dental Fitness Advice’
(3) via Form PM532 — ‘Medical Employment Classification (MEC) Advice’
(4) verbally.

3.113 A Defence member who believes they have prohibited substance use issues may self-refer seeking intervention to address an instance of prohibited substance use. In this circumstance the commander or manager should undertake the immediate response actions at paragraph 3.109 – 3.110 and either:

a. seek the member’s voluntary agreement to provide a urine specimen for prohibited substances testing outside the scope of the PSTP and the member’s consent for Defence use of the testing result data or

b. arrange for the member to be tested under the PSTP and advise the member that they will be managed in accordance with PSTP administrative processes.

SELF-REFERRAL THROUGH THE DEFENCE HEALTH SYSTEM

3.114 Defence members may request referral for prohibited substance use intervention from a medical officer, psychologist, a Joint Health Command ATOD Coordinator or a Navy Alcohol and Drug Program Adviser or Coordinator.

3.115 The use and disclosure of the member’s health information, associated with a prohibited substance use intervention through the Defence health system, to commanders and managers must comply with the Privacy Act 1988 and with the Defence Health Manual Volume 2, Part 3, Chapter 1— ‘Collection, use and disclosure of health information by Defence health personnel’.

3.116 A Defence member who requests assistance to address prohibited substance use through the health system is encouraged to provide consent for a health professional to advise their commander or manager. Otherwise, the Defence member may be selected for PSTP testing and would be subject to the PSTP process.

SELF-REFERRAL FOR PROHIBITED SUBSTANCE USE AFTER PSTP SELECTION

3.117 After being verbally informed of selection for PSTP testing on Form AD400 Defence members will not be considered as having self-referred and are subject to the PSTP process. However, members will be supported to access treatment or intervention as appropriate.

ADMINISTRATIVE CONSIDERATIONS ASSOCIATED WITH SELF-REFERRAL

3.118 Defence members who request assistance to address prohibited substance use under the self-referral program through their commander or manager, before being notified that they have been identified for PSTP testing, may be eligible for
protection from administrative sanction or disciplinary action under the *Defence Force Discipline Act 1982* if they have not:

a. had a Service or civil conviction for a prohibited substance related offence other than a civil conviction that has been recorded as a spent conviction under applicable State or Territory legislation

b. previously been subject to administrative sanction in relation to involvement with or use of any prohibited substance

c. previously reported involvement with prohibited substances including voluntarily self-referring for prohibited substance use intervention

d. been notified that they are currently under investigation for prohibited substance involvement.

3.119 Subject to the preceding paragraph, information on a Defence member's use of prohibited substances obtained directly or indirectly from self-referral must not be used to initiate disciplinary action against the Defence member. The provision not to use information derived from self-referral for disciplinary action under the *Defence Force Discipline Act 1982* against the Defence member does not preclude the initiation of disciplinary action for involvement with prohibited substances occurring before or after self-referral, if the disciplinary action is based upon other evidence.

3.120 A request for self-referral does not prevent a Service authority from deciding to administratively terminate a Defence members service in accordance with MILPERSMAN Part 10, Chapter 2 if the Defence member:

a. is assessed as prohibited substance use dependent

b. fails to demonstrate abstinence from use of or involvement with prohibited substances.

3.121 A Defence member who undertakes a prohibited substance use intervention program must complete Form AE 347—'Defence Member Undertaking Following a Request for Self-Referral'. The member is required to:

a. provide a specimen for prohibited substances testing on an as required basis once cleared by a Defence medical officer

b. undertake prohibited substances use education or intervention as the Service authority directs

c. acknowledge that any further involvement with prohibited substances may result in termination of their service.

UNINTENDED INGESTION OF A PROHIBITED SUBSTANCE

3.122 A Defence member who believes they have unintentionally ingested a prohibited substance not associated with an incident of food or drink spiking should, as soon as possible:
3.123 The commander or manager should, once informed by a Defence member who believes they have unintentionally ingested a prohibited substance, undertake the immediate response actions described in paragraph 3.129.

3.124 No adverse administrative or disciplinary action should be taken against a Defence member who, for the first time:

a. declares unintended ingestion of a prohibited substance prior to PSTP selection, and

b. returns a positive test result consistent with the unintended ingestion from a test conducted on request through Form PM008 and outside the scope of the PSTP.

3.125 A Defence member who declares unintended ingestion of a prohibited substance on a subsequent occasion, prior to PSTP selection, may be directed by a PSTP Authorising Officer to undergo a prohibited substance test under section 94 of the Defence Act 1903. A member so directed is to be managed in accordance with the PSTP administrative process.

3.126 A Defence member who has reported the unintended ingestion of a prohibited substance should expect to be target tested in accordance with single Service requirements.

3.127 **Claims made after PSTP selection.** Tested members who declare unintended ingestion of a prohibited substance after being notified, verbally or in writing, of their selection for a PSTP test are still to be subject to the PSTP process.

**FOOD OR DRINK SPIKING WITH A PROHIBITED SUBSTANCE**

3.128 In the context of the PSTP, food and drink spiking is different from the unintended ingestion of a prohibited substance. Food or drink spiking occurs when a person deliberately adds alcohol or a drug without the knowledge and consent of the person consuming that food or drink. Such spiking is illegal in all Australian states and territories and an offence may be committed even if the person does not consume the spiked food or drink or is not harmed by the consumption. Alcohol is the most commonly used substance in drink spiking, either through substitution or adding additional alcohol.

**CLAIMS OF UNTENDED INGESTION OF A PROHIBITED SUBSTANCE AS A RESULT OF FOOD OR DRINK SPIKING MADE PRIOR TO PSTP SELECTION**

3.129 Defence member who believes that their food or drink has been spiked with a drug or alcohol should, as soon as possible:

a. seek medical assistance

b. inform their commander, manager or duty officer
c. report the incident to the civilian police (if in Australia) if they believe their food or drink has been spiked outside a Defence establishment or to Service police if the spiking is believed to have occurred on a Defence establishment

d. request health or command authorities conduct a prohibited substance urine test. Such testing is conducted as a health initiative and is not done under the ADF PSTP. The use of PSTP related forms are not to be used

e. voluntarily report or authorise the disclosure of the outcome of the prohibited substance test to their Defence health facility, commander or manager and single-Service PST Coordinator as appropriate.

3.130 The member’s commander or manager should, in addition to actioning any other command or managerial responsibilities, on behalf of the member or Defence:

a. ensure the member is escorted to the nearest suitable healthcare facility for assessment and case management if medical assistance has not previously been provided. If that facility is Defence managed, make contact ahead of the member’s anticipated arrival and notify them of the need for urgent medical review

b. raise Form PM008 and request:
   (1) urgent assessment—which also requires a follow-up phone call
   (2) a prohibited substance test be conducted outside the scope of the PSTP and results advised
   (3) advice to inform safety and security related workplace decisions.

c. For Navy, refer the member to an Alcohol and Drugs Program Advisor or regional Alcohol and Drugs Program Coordinator for review

d. conduct an initial workplace safety assessment and apply immediate employment restrictions, if required, using Form AD404 as a guide

e. conduct an Individual Welfare Board in accordance with MILPERSMAN Part 3 Chapter 6—‘Welfare Boards’ and manage support to the member through that process

f. report any incident consequent or subsequent to alleged spiking in accordance with IDI (ADMIN) 45–2—'Incident reporting and management'.

3.131 No adverse administrative action should be taken against a Defence member who:

a. having complied with the actions at paragraph 3.129 reports an incident of food or drink spiking of a prohibited substance for the first time

b. returns a positive test result that is consistent with the reported unintended ingestion of a prohibited substance. Nevertheless, a Defence member who has reported food or drink spiking of a prohibited substance may be target tested at a later date.
CLAIMS OF UNINTENDED INGESTION OF A PROHIBITED SUBSTANCE AS A RESULT OF FOOD OR DRINK SPIKING MADE AFTER PSTP SELECTION

3.132 Tested members who declare food or drink spiking with a prohibited substance, after being notified, verbally or in writing, of their selection for a PSTP test, are still subject to the PSTP process. Information relating to the declaration is to be included in their SOR should they return a positive prohibited substance test result.

AUSTRALIAN DEFENCE FORCE ENTRANTS

3.133 Candidates for appointment or enlistment into any part of the ADF must be advised that the use or involvement with prohibited substances by Defence members is not tolerated. Prior to appointment or enlistment, Defence Force Recruiting must provide all candidates with a written warning Form AD 304—‘Acknowledgement of the Requirements of Service in the Royal Australian Navy, Australian Army or Royal Australian Air Force’ which each candidate must sign. By doing so, the candidate acknowledges that:

a. after appointment or enlistment, any suspected involvement with prohibited substances may be subject to investigation by military or civil police

b. they may be tested for prohibited substance use at any time under the PSTP

c. any use of, or involvement with, prohibited substances can result in disciplinary or administrative action being taken against them, which may lead to termination of their service.

3.134 The requirements for appointment or enlistment into the ADF are outlined in MILPERSMAN Part 2, Chapter 3—‘Appointment and Enlistment into the Australian Defence Force’. In addition to these requirements and, being mindful of the need that the person needs to be a fit and proper person, the Service authorities may exercise discretion in the appointment or enlistment of an applicant who has admitted to prior minor, non-habitual use of prohibited substances, who no longer uses prohibited substances and who is considered unlikely to use or, be involved with, prohibited substances again.

REPORTING AND MANAGEMENT

3.135 Reporting and management. On completion of a PSTP test the PSTP Supervisor must advise the relevant single-Service PSTP Coordination Cell of the results in accordance with the single-Service requirements described in Annexes 3C, 3D and 3E.

3.136 For Defence civilians, the PSTP Authorising Officer in the Area of Operations (AO) who authorises the PSTP test must manage the PSTP documentation and complete reporting actions in accordance with the PSTP Authorising Officer’s Service requirements.
RELATED FORMS

3.137 Relevant Forms are available on Web Forms for the management and conduct of the PSTP. They include:

a. Form AD 304—‘Acknowledgement of the Requirements of Service in the Royal Australian Navy, Australian Army or Royal Australian Air Force’

b. Form AD 400—‘Prohibited Substance Test Authorisation and Report to Service Coordinator’

c. Form AD401—‘Prohibited Substance Test Members Information Brief and Acknowledgement’

d. Form AD403—‘Prohibited Substance Chain of Custody and Accredited Laboratory Request’

e. Form AD404—‘Employment Restriction Assessment’

f. Form AD581—‘Prohibited Substance Testing Program Refusal to Provide a Sample’

g. Form AD629—‘Involvement with a Prohibited Substance Acknowledgement by a Retained Member’

h. Form AE347—‘Defence Member Undertaking Following a Request for Self-Referral’

i. Form AE386—‘Prohibited Substance Testing Program Termination/Discharge Decision’

j. Form PM008—‘Referral for a Mental Health/Psychological Assessment and Management Advice’

k. Form XP188—‘Security Incident Report’.

RELATED LEGISLATION, POLICY AND PUBLICATIONS

*Crimes Act 1914*

*Defence Act 1903*

*Defence Force Discipline Act 1982*

*Freedom of Information Act 1982*

*Privacy Act 1988*

*Public Service Act 1999*

*Military Rehabilitation and Compensation Act 2004*
Work Health and Safety Act 2011

Defence Regulation 2016

Chief of the Defence Force Delegations and Authorisations 2016

Australian Standard/New Zealand Standard 4308:2001 — 'Procedures for the collection, detection and quantitation of drugs of abuse in urine'

Australian Standard ISO/IEC 17025:2005 — 'General requirements for the competence of testing and calibration laboratories'

Interim Defence Instruction (Administration) 45–2 — 'Incident Reporting and Management'

Defence Instruction (General) Personnel 55–4 — 'Reporting, recording and dealing with Civil Offences, Service and Civil Convictions and Diversionary Programs'

Australian Public Service People Policy

Administrative Inquires Manual

Complaints and Alternative Resolutions Manual

Defence Health Manual

Defence Procurement Policy Manual

Defence Security Manual

Military Personnel Policy Manual Part 3 Chapter 3 — 'Appointment and Enlistment into the Australian Defence Force'


Military Personnel Policy Manual Part 3 Chapter 6 — 'Welfare Boards'


Military Personnel Policy Manual Part 10, Chapter 2 — 'Termination of Service in the Australian Defence Force'

Annexes:

3A Prohibited substance Testing Program urine test
3B Prohibited Substance Testing Program urine testing equipment
3C Navy Specific Processes
3D Army Specific Processes
3E Air Force Specific Processes
PROHIBITED SUBSTANCE TESTING PROGRAM URINE TEST

1. The purpose of this Annex is to outline the procedural requirements of prohibited substance testing where urine is the medium that is to be tested.

PRE-TEST

LOGISTICS

2. The Prohibited Substance Testing Program (PSTP) Tester prepares the testing area with testing equipment including (as a minimum):

a. underpad (Bluey)
b. examination gloves
c. safety glasses
d. ‘Integrated E-Z Split Key Cup II’ (test kit cup)—minimum five per Test Member with at least one adulteration strip colour chart.
e. sealed plastic specimen jar and lid—minimum five per Test Member
f. security seal—specimen jar seal
g. security seal—lab mailer box
h. sab mailer box—including International Air Transport Association (IATA) 650 compliant mailer and absorbent pad
i. waste bags
j. antiseptic hand wash
k. toilet colouring agent—for bowl
l. red and white Australian Post bag.

3. Additional equipment may include:

a. AE442—‘Prohibited Substance Testing Program Specimen Container’ label
b. human exempt specimen labels
c. disinfectant solution
d. masking tape.
PREPARATION

4. The PSTP Tester and PSTP Supervisor prepare the toilet and hand wash areas, identify the cubicle to be used and seal the remaining cubicle doors. The Test Member must not be taken to the test area until it is ready.

5. Precautions shall be taken to ensure that a urine specimen is not adulterated, substituted or diluted during the collection procedure.

TESTING

RESPONSIBILITIES

6. **PSTP Supervisor.** The PSTP Supervisor is to:
   
   a. arrange for a Defence member (Testing Assistant) to supervise Test Members who are waiting to undergo the PSTP tests
   
   b. oversee the PSTP testing process
   
   c. prior to testing:
      
      (1) ensure that the Test Members are informed in writing that they have been selected for PSTP testing and their details are recorded on the Form AD400—‘Prohibited Substance Test Authorisation and Report to Service Coordinator’
      
      (2) ensure Test Members are informed of their rights and responsibilities through reading and signing Form AD401—‘Prohibited Substance Test Member’s Information Brief and Acknowledgement’.
      
   d. verify the Test Member’s personal details from their ADF Identity Card before conducting the PSTP test
   
   e. ensure that reasonable privacy is afforded to the Test Member
   
   f. ensure that the urine specimen provided remains in the presence of the Test Member and PSTP Tester and is secure at all times until the urine samples have been packaged for dispatch to the accredited laboratory
   
   g. ensure that the correct test documentation is available prior to the PSTP test and completed at the end of the PSTP test, note:
      
      (1) the completed Form AD400—‘Prohibited Substance Test Authorisation and Report to Service Coordinator’ must be forwarded to the respective PST Coordinator in accordance with single-Service requirements
      
      (2) prior to the PSTP test commencing, the PSTP Supervisor must complete and deliver Form AD401 and advise the Test Members of the PSTP test, their responsibilities, the PSTP process and ensure that the Test member signs the form
(3) when required, fill out Form AD403—'Prohibited Substance Chain of Custody and Accredited Laboratory Request Record' where facilities avail, make a copy of the Form and retain at the dispatching Unit ensuring that the original accompanies the packaged urine samples to the accredited laboratory

(4) when required, Part 1 of Form AD404—'Employment Restriction Assessment, must be completed prior to passing control of the Test Member back to their chain of command

(5) when required, any refusal to provide a specimen is indicated on Form AD400 and Form AD581—'Prohibited Substance Testing Program Refusal to Provide a Sample' is to be completed.

7. **PSTP Tester.** The PSTP Tester is to:
   a. ensure date compliance of the Test kit cup
   b. ensure the collection and checking of sufficient Test Members urine specimen including correct operation of the PSTP testing equipment
   c. adhere to PSTP test procedures
   d. ask the Test Member to flush the toilet after the PSTP screening test provided that a negative screening test result is obtained or the urine samples have been prepared for dispatch to the accredited laboratory
   e. refurbish the facility where the PSTP test was conducted.

8. **Test Member.** The Test Member is to:
   a. acknowledge through signature Form AD401 in the presence of the PSTP Supervisor
   b. remain in the presence of the PTSP Supervisor and PSTP Tester from the point of signing Form AD401 until the sample has been packaged for dispatch to the accredited laboratory
   c. provide a urine specimen in the Test kit cup, ensuring that it exceeds the minimum fill volume, as directed by the PSTP Tester
   d. not flush the toilet until asked to do so by the PSTP tester
   e. maintain visual contact with the urine specimen at all times until the urine samples have been packaged for dispatch to the accredited laboratory
   f. provide proof of declared medication to the Single Service Prohibited Substance Testing Cell as soon as possible.

**ON SITE TESTING PROCEDURES**

9. **Testing procedures.** This section sets out procedures for PSTP Supervisors and PSTP Testers for the collection, storage, handling and dispatch of a urine
specimen for testing by the accredited laboratory. In accordance with section 109(2) of the Defence Act 1903, strict compliance in respect of procedures relating to the following matters are required:

a. ensuring that a sample is not interfered with

b. ensuring that a sample is securely contained and identified.

10. To ensure the integrity of the test compliance is required in respect of all procedures.

11. To protect the PSTP Supervisor and PSTP Tester from any allegations of interference, they should, where possible, maintain visual contact with one another throughout the conduct of PSTP test, until the urine sample is securely contained and identified.

12. **Urine specimen integrity.** The integrity of the urine specimen is vital and care must be taken to ensure that there is no contamination of urine specimens.

13. **Privacy.** Procedures for collecting urine specimens from Test Member shall allow for individual privacy and Test Members are not to be observed while providing the urine specimen. This does not infer that the collection environment is uncontrolled. While respecting the Test Member's right to produce the urine specimen unobserved the PSTP Tester provides a 'listening watch'.

14. A sign indicating 'testing in progress' must be posted on or near the facility where the PSTP test is conducted.

15. **Chaperone.** The chaperone’s main role is to provide reassurance and emotional support for the Test Member who may find the PSTP testing procedures embarrassing, uncomfortable or that the procedure goes against their personal cultural or societal norms. Where chaperones are present they should be informed that they are not to take an active part in the assessment and are only to provide a 'listening watch' whilst the member is providing the urine specimen.

16. **Security.** Packaged Urine samples must be kept in a secure area under control of the PSTP Supervisor until they are sent to an accredited laboratory.

17. **Access.** Access to the facility where the PSTP test is conducted, or the portion of the facility which is used for the PSTP test, is to be controlled during collection. Unauthorised persons are not permitted to be in any part of the facility when urine specimen is being collected, tested or packaged for transportation.

18. Test Members must leave any personal items outside the immediate facility (collection and packaging environment) where the PSTP test is being conducted to maintain the integrity of the PSTP test.

19. **Chain-of-custody.** Form AD403 shall be properly completed by the PSTP Supervisor. Handling and transportation of the urine samples from one individual or place to another shall always be accomplished through chain-of-custody procedures. Every effort shall be made to minimise the number of persons handling specimens.
ON ARRIVAL AT A FACILITY WHERE THE PSTP TEST WILL BE CONDUCTED

20. The PSTP Supervisor must ensure that the Test Member has read Form AD401. The PSTP Supervisor is to ensure that the Test Members details are complete and verified against the Test Members ADF Identity Card.

21. The PSTP Supervisor now gets approval from the Test Member to continue the test by asking:

"You have read the ‘Prohibited Substance Test Member’s Information Brief and Acknowledgement’ do you have any questions? Do you agree to proceed with the PSTP test and provide a urine specimen?"

22. If the Test Member refuses to provide a urine specimen, the PSTP Supervisor is to undertake actions specified at paragraphs 3.55 – 3.57 in this chapter.

23. If the Test member agrees to provide a urine specimen, the PSTP Supervisor requests the Test Member to acknowledge the brief by signing Form AD401 and then the PSTP Supervisor countersigns the same document.

DECLARATION

24. The PSTP Tester invites the Test Member to disclose any medication they may be taking. The Test Member should be prompted to disclose any prescription, over-the-counter, food/dietary supplements or products. Those items declared must be entered on Form AD401. The Test Member is to provide proof of declared medication as soon as possible, if they return a pending screening test result.

TEST KIT CUP

25. The PSTP Tester directs the Test Member to wash their hands. From this point the Test Member must stay in the presence of the PSTP Tester and have no access to any water fountain, tap, soap dispenser, cleaning agent or any other materials that could be used to compromise the integrity of the urine specimen.

26. The PSTP Tester directs the Test Member to:
   a. select one of a minimum of five Test kit cups
   b. check the outer bag of the Test kit cup for damage or imperfections and discard it if invalid and then select another Test kit cup
   c. check the expiry date of the Test kit cup and discard it if invalid, select another Test kit cup and recommence the process
   d. open the bag, remove the Test kit cup from the package, and check the Test kit cup for damage or imperfections. Discard the cup if damaged or has imperfections, select another test kit cup and recommence the process.
PROVISION OF URINE SPECIMEN

27. The Test Member provides the urine specimen in an area such that individual privacy is maintained.

28. The PSTP Tester directs the Test Member to:
   a. open the lid of the Test kit cup
   b. provide a sufficient urine specimen, ensuring that it exceeds the minimum fill volume—80ml is required for confirmatory testing of Steroids specific
   c. seal the cap onto the Test kit cup
   d. not to flush the toilet
   e. only wash their hands when they have been told to by the PSTP Supervisor
   f. enter the cubicle and urinate into the Test kit cup to the minimum fill line of the Test kit cup—or 80ml for Steroids, and close the lid on the cup. The PSTP Tester must maintain a ‘listening watch’ while the Test Member provides the urine specimen.
   g. as soon as the collection procedure is finished, adjust their clothing, exit the cubicle and hand the Test kit cup containing the urine specimen to the PSTP Tester to ensure that the temperature integrity of the sample is maintained.

29. The PSTP Supervisor is to note the time that the urine specimen is handed to the PSTP Tester. At this stage the local time is noted and is now referred to as the ‘Time specimen was provided’ throughout this test.

30. The PSTP Supervisor must ensure that the urine specimen remains in the presence of the Test Member and PSTP Tester throughout the testing procedure until packaged for transportation to the accredited laboratory, if required.

INSUFFICIENT URINE SAMPLE

31. If the urine specimen is insufficient—less than the minimum fill line of the test kit cup or 80 ml for steroid testing, Form AD400 and Form AD401 is to be marked indicating the ‘time the specimen was provided’ and ‘insufficient urine specimen. If there are concerns with the integrity of this urine specimen it should be sent to the accredited laboratory for further testing.

32. The Test Member is to be advised that they:
   a. are required to provide another urine specimen
   b. may consume water to assist them in being able to provide another urine specimen
   c. must continue to be supervised until they provide a sufficient urine specimen, refuse to provide a urine specimen or provide a medical verified reason for not being able to provide a sufficient urine specimen.
33. If there is no medical reason for their inability to provide a sufficient urine specimen or a time period of two hours has passed the Test Member is to be treated as refusing to provide a urine specimen.

INABILITY TO PROVIDE A SUFFICIENT URINE SAMPLE

34. If a Test Member is not able to provide a sufficient urine sample to conduct the PSTP test they may consume enough water to provide a sufficient urine specimen without causing unnecessary discomfort.

35. Test Members are exempted from this provision if they have a medically verified reason for not being able to provide a sufficient urine sample.

INTERFERING WITH A URINE SAMPLE

36. Any person who interferes with a urine sample, or otherwise deals with the urine sample, and is not authorised to do so by the PSTP Supervisor or PSTP Tester, may be charged with an offence under section 107 of the Defence Act 1903, as applicable.

37. Examples of interference include, but are not limited to, tampering with:
   a. the urine sample itself
   b. the urine sample labelling
   c. containers
   d. documentation.

38. Where the PSTP Supervisor and or the PSTP Tester suspect that urine sample may have been interfered with the PSTP Supervisor must advise the Test Member of their concerns and that it is an offence to tamper with the urine sample or any other aspect of the PSTP process.

39. The PSTP Supervisor is to direct the Test Member to provide a further urine specimen. Both the original and further urine specimens should be screen tested and forwarded to an accredited laboratory for analysis even if they do not return a pending result. Urine specimens must be individually prepared (see paragraphs 50–56 in this Annex), uniquely labelled and sent to the accredited laboratory accompanied by individual Form AD403 with any abnormalities noted.

40. A Defence Incident Record (DIR) via Form AE530—'Defence Incident Record' is to be raised if it is suspected that a urine specimen or sample has been interfered with. The DIR may be used to assist Commanders with reporting the situation as a ‘Notifiable Incident’ (Type 2) in accordance with Interim Defence Instruction Administration 45-2—'Incident Reporting and Management'.

INTEGRITY TESTING

41. The integrity of a urine specimen cannot be established then it should be screen tested and forwarded to an accredited laboratory for analysis even if it does
not return a pending result. The Test Member is to provide another urine specimen and both the original and further urine specimens must be individually prepared (see paragraphs 50-56 in this Annex), uniquely labelled and sent to the accredited laboratory accompanied by Form AD403 with any abnormalities noted.

42. **Integrity check by measuring temperature.** The PSTP Tester must check the temperature label within four minutes after urine specimen collection to ensure that the specimen is between 33°C to 38°C. A urine specimen outside of this temperature is not acceptable and the Test Members Form AD400 and Form AD401 must be marked ‘invalid’. The Test Member is to be made aware of the abnormality and directed to provide a further urine specimen.

43. **Integrity check by visual inspection.** The PSTP Tester makes a visual inspection of the colour of urine or lack thereof in the Test kit cup. Form AD401 is to be marked to indicate the result of the visual inspection.

44. Colourless urine may indicate excessive hydration. If the urine is colourless or any other colour abnormality is noted during visual inspection the PSTP Tester may use discretion to accept the colour or lack of colour of the urine specimen. If the PSTP Tester accepts the urine specimen, Form AD401 is to be marked to indicate the colour abnormality.

**RELEASING THE URINE SPECIMEN**

45. The PSTP Tester places the Test kit cup on a flat surface and pushes the key into the socket of the Test kit cup to begin the screening process.

46. **Integrity check by adulteration test.** The PSTP Tester removes the peel-off label covering the test results. The PSTP Tester must read the adulteration strip between one and five minutes after the key is inserted by comparing the adulteration strips to the adulteration strip colour chart provided in the PSTP kit:

   a. if the result indicates the presence of an adulterant:

      (1) Form AD401 is to be marked to indicate the result and detail any abnormalities.

      (2) the PSTP screen test results are to be interpreted.

      (3) the Test Member is to be made aware of the abnormality and directed to provide a further urine specimen

   b. if doubt continues to exist:

      (1) both the original and further urine specimens should be screen tested and forwarded to an accredited laboratory for analysis, even if they do not return a pending result.

      (2) urine specimens must be individually prepared (see paragraphs 47-49 in this Annex), uniquely labelled and sent to the accredited laboratory accompanied by Form AD403 with any abnormalities noted.
TEST RESULTS

47. The PSTP screening test will return either an invalid, negative or pending result. The PSTP strip results will become visible between one to five minutes and remain stable for up to 60 minutes.

48. **Invalid Result.** If no coloured lines appear in the control line region '(C)' the result is deemed invalid even if a line appears against the prohibited substance type. Insufficient specimen volume or incorrect procedural techniques are the most likely reasons for control line failure. Review the procedure and repeat the PSTP test using a different Test kit cup. If the problem persists discontinue using the Test kit cups and contact the single-Service PST Coordinator.

49. **Negative Result.** A coloured line in the control line region '(C)' and a coloured line in the test line region '(T)' for a specific drug type indicate a negative result. The PSTP Tester is to direct the Test Member to empty the Test kit cup into the toilet and flush and dispose of the used Test kit cup into a contaminated waste bag. The PSTP Supervisor and PSTP Tester must ensure all documents are complete. The PSTP test process is then concluded and the Test Member must be advised accordingly and is free to return to duty.

50. **Pending Result.** A coloured line in the control line region '(C)' but no line in the test line region '(T)' for a specific drug indicates a pending result. A pending result occurs when the screening test detects the possible presence of prohibited substance(s) or their metabolites in a urine specimen. The result is referred to as ‘pending’ subject to confirmation by an accredited laboratory.

**ACTIONS FOLLOWING A PENDING PSTP URINE SCREENING TEST RESULT**

**DISPATCHING OF THE PENDING PSTP SCREENING TEST URINE SAMPLE**

51. Pending PSTP screening test urine samples and their referee urine samples must be sent to an accredited laboratory for confirmatory testing under the cover of Form AD403 by the PSTP Supervisor.

**HANDLING AND POSTAGE REQUIREMENTS FOR PENDING URINE SAMPLES**

52. **Urine sample preparation.** For all pending urine specimens, including urine samples being sent for testing of Synthetic Cannabis and Steroids, the urine sample must be forwarded to an accredited laboratory for analysis ensuring the chain-of-custody is maintained. The PSTP Tester shall ensure that each container is labelled in such a manner that it can be traceable to the Test Member and the Form AD403.

53. The PSTP Tester must prepare the urine samples in the presence of the Test Member for dispatch to the laboratory.
54. The PSTP Supervisor prepares Form AD403 using the following as the sequence for actions:

a. the PSTP Tester directs the Test Member to select two plastic specimen jars from at least five.

b. the PSTP Tester must complete the details of the Test Member on each of the plastic specimen jars, selected by the Test Member. Form AE442—'Prohibited Substance Testing Program Specimen Container Label' may be used. The second plastic specimen jar, which will contain half of the urine sample of the Test Member—called the referee urine sample after decanting, must have the same identification details recorded upon it (except for the ‘Seal/serial number’).

c. the PSTP Tester decants equal amounts from the original Test kit cup into the plastic specimen jars.

d. one sample jar is to be labelled and identified by the Rest Member's PMKeyS number followed by an 'A' with the second sample jar (referee sample) is to be labelled and identified by the Test member's PMKeyS number followed by a "B".

e. the PSTP Tester must complete the details on the custody seals and have the Test Member (Donor) sign/initial these seals. The seal numbers must be entered on Form AD403 by the PSTP Supervisor.

f. the urine samples must be sealed so that the details on the labels are clearly visible.

g. the expiry date and the batch number of the Test kit cup (taken from the original packaging) must be entered on Form AD403 by the PSTP Supervisor.

h. all identification information on the sample jars and the Form AD403 must be identical in order to ensure the maintenance of the chain of custody.

i. Form AD403 must be signed and dated by the Test Member, PSTP Tester and PSTP Supervisor.

j. the two sealed plastic specimen jars must be placed inside an IATA compliant mailer—that is, Specimen Transport bag, separated by the absorbent pad. The sealed bag is to be shown to the Test Member as secure.

k. Form AD403 must be sealed in a plastic pouch or the outer sleeve of the Specimen Transport bag and must accompany the urine samples at all times.

l. the Specimen Transport bag and Form AD403 must be placed in the lab mailer box and sealed with a security seal.

m. the sealed lab mailer box is enclosed in a red and white Australian Post bag - that is, a heavy duty paper Australian Post Tough Bag or its plastic satchel equivalent.
n. the Australian Post bag/satchel is to be labelled 'EXEMPT HUMAN SPECIMEN' which is to be positioned on the front right hand side of the Australian Post bag/satchel.

o. the Australian Post bag/satchel is to be addressed to the accredited laboratory for further analysis of the urine samples and the senders detail—PSTP Supervisor's Name, address and contact number—are to be written on the back of the bag/satchel. If the urine samples are not despatched immediately they must be stored in a secure environment.

POSTAGE FROM OVERSEAS LOCATION – AUSTRALIAN DEPARTMENT OF AGRICULTURE AND WATER RESOURCES IMPORT REQUIREMENTS

55. The Australian Department of Agriculture and Water Resources (DAWR) aims to protect Australia’s agriculture, food, fisheries and forestry industries by providing quarantine and inspection services and export certification that maintains Australia’s favourable pest and disease status.

56. Even though the PSTP urine samples are packaged and transported in accordance with Australia Post requirements (as stated above) DAWR has determined that all urine samples from overseas locations require a DAWR import permit (Permit to import conditionally non-prohibited goods) and an associated Import Declaration.

57. The permit is granted for the purpose of the Biosecurity Act 2015 of the Commonwealth of Australia and as such the conditions listed on the Permit to import conditionally non-prohibited goods MUST be followed.

58. The Permit to import conditionally non-prohibited goods is valid for only two years and the Directorate of Military People Policy is to ensure that the ADF Permit to Import Quarantine Material is current and an electronic copy of the current permit is retained on file within DMPP, provided to each of the PSTP Service Coordinators and to Headquarters Joint Operations Command (HQJOC.Pers@defence.gov.au).

HYGIENE PRECAUTIONS

59. Urine specimens must be regarded as being potentially infectious hence effective hand hygiene practices must be carried out and the following precautions must be followed for collection, handling and the cleaning of spillages:

a. gloves should be worn when handling urine specimens or any object, material or surface that has been exposed to such urine specimen. They should be carefully removed and changed when they are visibly contaminated.

b. if the outside of the container appears contaminated with urine the container should be cleaned with a suitable disinfectant, such as a freshly prepared 1:10 dilution of five per cent sodium hypochlorite in water.

c. all spills and contaminated equipment must be cleaned promptly with a disinfectant such as sodium hypochlorite solution.
d. the handling of potentially infectious urine should be done in a manner that minimises the creation of droplets and aerosols.

e. hands should be washed after removing protective gloves.

f. persons with cuts or abrasions on their hands and arms should not handle urine specimens.

DISINFECTING SPILLS

60. In the event of a spill the following procedures should be followed:

a. wear disposable gloves and use absorbent material to contain and remove the bulk of the spill and place the waste into a leak-proof plastic garbage bag

b. wipe down the spill site with disposable towels soaked in a disinfectant solution, such as:

(1) freshly prepared 1:10 dilution of five per cent sodium hypochlorite in water or

(2) commercial laundry bleach containing approximately five percent available chlorine and diluted one in 10 with tap water.

c. clean the spill site thoroughly using a detergent solution

d. dispose of all contaminated waste material—including the disposable gloves, in a contaminated waste bag.

DISINFECTING EQUIPMENT

61. Instruments and equipment should be used in a manner that minimises surface contamination or the production of droplets (aerosols). Spillage should be immediately cleaned.

62. Equipment surfaces exposed to potential contamination should be disinfected daily. If necessary, the equipment manufacturer’s advice should be sought regarding compatibility of disinfectants with surfaces or functions. All instruments and equipment that require service or repair should be cleaned and disinfected before leaving the test area.

63. Precautions shall be taken to ensure that a urine specimen is not adulterated, substituted or diluted during the collection procedure.
ANNEX 3B

PROHIBITED SUBSTANCE TESTING PROGRAM
URINE TESTING EQUIPMENT

1. Prohibited Substance Testing Program (PSTP) test equipment must be secured in tamper proof conditions. For Navy, PSTP test kits are to be retained in the custody of the nominated PSTP Supervisor or PSTP Tester and to be held in secure storage within each ship or establishment.

2. **PSTP Test kit supply list.** Where space does not allow the carriage of a complete kit a smaller kit may be used, provided all essential components are available.

**Table 3B–1 Mandatory Urine Test Kit Items**

<table>
<thead>
<tr>
<th>National stock number</th>
<th>Item</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>66 138 9523</td>
<td>Shipping box Medium</td>
<td>Each (Ea), as required for storing PSTP equipment</td>
</tr>
<tr>
<td>TBA (Q-store)</td>
<td>Padlock (keyed alike)</td>
<td>Ea</td>
</tr>
<tr>
<td>66 046 6114</td>
<td>Pad, Bed Linen Protective Underpads (Bluey)</td>
<td>Military Integrated Logistic Information System (MILIS) issue a box of 250</td>
</tr>
<tr>
<td>66 145 3262</td>
<td>Large examination gloves (Nitrile)</td>
<td>Box of 150</td>
</tr>
<tr>
<td>66 145 3261</td>
<td>Medium examination gloves (Nitrile)</td>
<td>Box of 200</td>
</tr>
<tr>
<td>66 130 0204</td>
<td>Safety glasses</td>
<td>Pair (Pr)</td>
</tr>
<tr>
<td>01594 5098</td>
<td>Screen test kit (Integrated E-Z split Key® Cup II)</td>
<td>Box of 25</td>
</tr>
<tr>
<td>66 030 7006</td>
<td>Lid—Plastic, Sterile, Disposable, Labelled, W/Yellow</td>
<td>Ea (minimum of 100)</td>
</tr>
<tr>
<td>66 158 4134</td>
<td>Cup—Specimen, Plastic, Sterile, Disposable, Individually wrapped</td>
<td>Box of 100 (Approved for use until existing stocks are exhausted)</td>
</tr>
<tr>
<td>01 578 5073</td>
<td>Custody seals</td>
<td>Box of 100</td>
</tr>
</tbody>
</table>
3. The following items are not mandatory within the urine test kit, but may be required to conduct a PSTP test.

**Table 3B–2 Not Mandatory urine test kit items**

<table>
<thead>
<tr>
<th>National stock number</th>
<th>Item</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>01 532 1224</td>
<td>Lab mailer box—also includes International Air Transport Association 650 compliant mailer and absorbent pad</td>
<td>Ea (minimum of 10 required)</td>
</tr>
<tr>
<td>No national stock number—or 66 144 3434</td>
<td>General purpose plastic garbage bags—or Contaminated waste bag—that is, 75L yellow clinical waste bags with ties</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Toilet blue—for bowl</td>
<td>Ea</td>
</tr>
<tr>
<td></td>
<td>Red and white Australian Post Bag—that is, a heavy duty paper, Australian Post Tough Bag or its plastic satchel equivalent</td>
<td>Ea (minimum of 10 required)</td>
</tr>
<tr>
<td>Nil</td>
<td>WebForm AE442— 'Prohibited Substance Testing Program Specimen Container Label'</td>
<td>Ea—minimum of 2 sheets required</td>
</tr>
<tr>
<td>Nil</td>
<td>Sheet of &quot;NON-INFECTIOUS SUBSTANCE&quot; labels</td>
<td>Ea—minimum of 2 sheets (the template for the labels is located on each of the Services PSTP websites)</td>
</tr>
<tr>
<td>661172828</td>
<td>Antiseptic hand wash—500mL</td>
<td>Bottle</td>
</tr>
<tr>
<td></td>
<td>Disinfectant solution—such as freshly prepared 1:10 dilution of five per cent sodium hypochlorite in water.</td>
<td></td>
</tr>
<tr>
<td>66 040 0902</td>
<td>Masking tape</td>
<td>Roll</td>
</tr>
</tbody>
</table>

4. Navy test kits are held by all commissioned RAN units and auxiliaries:
ARMY

5. The provisioning of Army test kits can be obtained from the following:

<table>
<thead>
<tr>
<th><strong>Table 3B–3 Army Locations</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ADFA</strong></td>
</tr>
<tr>
<td>RSM</td>
</tr>
<tr>
<td>Northcott Dve</td>
</tr>
<tr>
<td>CANBERRA ACT 2600</td>
</tr>
<tr>
<td>Telephone: (02) 6268 8505</td>
</tr>
<tr>
<td><strong>CAMU (2 kits)</strong></td>
</tr>
<tr>
<td>CO CAMU</td>
</tr>
<tr>
<td>Morshead Drive</td>
</tr>
<tr>
<td>CANBERRA ACT 2612</td>
</tr>
<tr>
<td>Telephone: (02) 6265 9413</td>
</tr>
<tr>
<td>Health Services Wing—3 kits, for training purposes only.</td>
</tr>
<tr>
<td>OC HSW School Admin and Health</td>
</tr>
<tr>
<td>Latchford Barracks</td>
</tr>
<tr>
<td>Murray Valley Highway</td>
</tr>
<tr>
<td>BONEGILLA VIC 3693</td>
</tr>
<tr>
<td>Telephone: (02) 6055 4045</td>
</tr>
<tr>
<td>Anglesea Barracks—1 kit</td>
</tr>
<tr>
<td>Medical Supervisor</td>
</tr>
<tr>
<td>Area Health Service</td>
</tr>
<tr>
<td>Davey Street</td>
</tr>
<tr>
<td>HOBART TAS 7000</td>
</tr>
<tr>
<td>Telephone: (03) 6237 7180</td>
</tr>
<tr>
<td>Robertson Barracks—7 kits</td>
</tr>
<tr>
<td>Pharmacist</td>
</tr>
<tr>
<td>RBMC</td>
</tr>
<tr>
<td>PALMERSTON NT 0830</td>
</tr>
<tr>
<td>Telephone: (08) 8935 2730</td>
</tr>
<tr>
<td>Location</td>
</tr>
<tr>
<td>----------</td>
</tr>
<tr>
<td>Enoggera/2HSB</td>
</tr>
<tr>
<td>51 FNQR</td>
</tr>
<tr>
<td>SCMA</td>
</tr>
<tr>
<td>Kapooka Medical Centre</td>
</tr>
<tr>
<td>Keswick Barracks</td>
</tr>
</tbody>
</table>
AIR FORCE

6. The provisioning of Air Force test kits can be obtained from the following:

<table>
<thead>
<tr>
<th>Joint Health Command - Butterworth—1 kit</th>
<th>3EHS DET DAR—1 kit</th>
</tr>
</thead>
<tbody>
<tr>
<td>OIC Butterworth Clinic</td>
<td>OIC</td>
</tr>
<tr>
<td>RMAF Base Butterworth</td>
<td>Stuart Highway</td>
</tr>
<tr>
<td>MALAYSIA 12990</td>
<td>WINNELIE NT 0820</td>
</tr>
<tr>
<td>Telephone: (02) 6224 2192</td>
<td>Telephone: (08) 8923 5447</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2EHS DET TDL—1kit</th>
<th>1EHS DET TVL—1 kit</th>
</tr>
</thead>
<tbody>
<tr>
<td>OIC</td>
<td>OIC</td>
</tr>
<tr>
<td>Stuart Highway</td>
<td>Ingham Road</td>
</tr>
<tr>
<td>KATHERINE NT 0853</td>
<td>TOWNSVILLE QLD 4810</td>
</tr>
<tr>
<td>Telephone: (08) 8973 6100</td>
<td>Telephone: (07) 4752 1401</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1EHS—1 kit CO</th>
<th>2EHS—1 kit CO</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Amberley Road</td>
<td>Medowie Road</td>
</tr>
<tr>
<td>AMBERLEY QLD 4306</td>
<td>WILLIAMTOWN NSW 2314</td>
</tr>
<tr>
<td>Telephone: (07) 5461 2113</td>
<td>Telephone: (02) 4964 7400</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3EHS—1 kit CO</th>
<th>DGPERS-AF—1 KIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percival Street</td>
<td>PSTP Coordination Cell</td>
</tr>
<tr>
<td>RICHMOND NSW 2755</td>
<td>BP29-01-035</td>
</tr>
<tr>
<td>Telephone: (02) 4587 3000</td>
<td>BRINDABELLA BUSINESS PARK</td>
</tr>
<tr>
<td></td>
<td>ACT 2610</td>
</tr>
<tr>
<td></td>
<td>Mob: 0414 437 296</td>
</tr>
<tr>
<td>Location</td>
<td>Equipment Type</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>ADF BFT</td>
<td>1 kit</td>
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<tr>
<td>SNCO Medical Section</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>4EHS DET WAG</td>
<td>1 kit</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>4EHS ESL</td>
<td>1 kit OIC</td>
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NAVY SPECIFIC PROCESSES

COMMAND AND CONTROL

PROHIBITED SUBSTANCE TESTING PROGRAM COORDINATOR – NAVY (PSTPC-N)

1. The Director General Navy People (DGNP) is the PSTPC-N and is responsible to the Chief of Navy (CN) for the Navy PSTP.

DIRECTOR NAVY ALCOHOL AND OTHER DRUGS SERVICE (DNAODS)

2. DNAODS is responsible for:
   a. supervision of the Navy PSTP Cell
   b. development, research and maintenance of Navy specific prohibited substance policy
   c. operation of the Royal Australian Navy Alcohol and Other Drugs Program (RAN AODP)
   d. promotion of drug awareness through the RAN AODP.

PROHIBITED SUBSTANCE TESTING COORDINATOR – NAVY (PSTC – N)

3. The PSTC-N is responsible, through the Director Navy Alcohol and Other Drugs Service (DNAODS), to DGNP for the management of the PSTP within Navy.

4. PSTC-N is employed within DGNP and can be contacted at:

   Navy PSTP Coordination Cell
   BP 29-1-203
   Brindabella Business Park
   PO Box 7980
   CANBERRA ACT 2610
   Telephone: (02) 6144 7218
   Email: PSTPC.Navy@defence.gov.au

5. In addition to the roles and responsibilities detailed in this Chapter the PSTCN is to:
   a. provide specialist policy and technical advice on the PSTP
b. contribute to the development, research and maintenance of Navy specific prohibited substance policy

c. enter all data related to PSTP testing into PMKeYS

d. compile and provide PSTP statistics

e. advise Authorising Officers of PSTP result outcomes following confirmatory testing or other administrative processes.

COMMANDER AUSTRALIAN FLEET

6. Commander Australian Fleet is authorised to request testing within Fleet Units. Authorisation for Commander Australian Fleet initiated PSTP testing will be by signal to the Unit/ship/establishment containing details of the group or individual to be PSTP tested.

COMMANDING OFFICERS OF SHIPS/ESTABLISHMENTS AND UNITS

7. In addition to the roles and responsibilities detailed in this instruction as PSTP Authorising Officers, Navy Commanding Officers (CO) are to:

a. ensure adequate numbers of trained PSTP Supervisors and PSTP Testers are borne within their Unit to meet the minimum PSTP requirements

b. liaise with PSTC-N on testing requirements within their area(s) of responsibility

c. ensure all test results are recorded correctly on Form AD400—'Prohibited Substance Test Authorisation and Report to Service Coordinator', Form AD401—'Prohibited Substance Test Members Information Brief and Acknowledgement' and Form AD403—'Prohibited Substance Chain of Custody and Accredited Laboratory Request Record' and distributed in accordance with this Chapter

d. ensure that PSTP activities are conducted as a phased process or rolling program over the whole of the reporting period, rather than a once off event to enhance the deterrence aspect of the program

e. refer any Navy member involved with prohibited substances to the RAN AODP.

TESTING STAFF

8. Any trained and authorised Defence member may act as a PSTP Supervisor. In Navy this activity will ordinarily be undertaken by, although not restricted to, a member of the Naval Police Coxswain category.

9. A Testing Team normally consists of one PSTP Supervisor and one PSTP Tester. PSTP supervisors are not permitted to supervise more than one tester at a time. The testing team may also include a Testing Assistant if required.
10. If no trained PSTP Supervisors or Testers are available within a Unit a suitably qualified and authorised PSTP Supervisor or Tester from another Unit/ship/establishment, including one from another Service, may be used.

11. In addition to the roles and responsibilities detailed in this Chapter the PSTP Supervisor is to determine in consultation with the PSTP Authorising Officer which Defence members are selected for random or targeted prohibited substance testing, in accordance with local procedures, and ensure that all testing is authorised by the PSTP Authorising Officer prior to commencing testing.

12. **PSTP Supervisor and PSTP Tester training.** PSTP Supervisor and Tester training is delivered through the ADF School of Policing (ADFSP) at Holsworthy Barracks.

13. In consultation with ADFSP and PSTPC-N COs may request that local Authorised Testers, who are also workplace assessors, be approved to provide PSTP Supervisor and PSTP Tester training. On completion of any local training the trainer is to inform PSTC-N and update PMKeyS with the relevant proficiencies.

**REPORTING OF PSTP RESULTS**

14. **Documentation.** All PSTP testing documentation is to be scanned and retained at Unit level for audit purposes.

15. The following documentation is to be scanned and emailed to the PSTC-N within 24 hours of the conclusion of each PSTP test:

   a. completed Form AD400
   b. where there is a pending result—including Synthetic Cannabis and Steroid tests, Form AD401 and Form AD403.

16. PSTC-N is responsible for signalling the laboratory results and for updating PMKeyS following receipt of the accredited laboratory report.

**MANAGEMENT OF PERSONNEL AWAITING CONFIRMATORY LABORATORY ANALYSIS**

17. COs must conduct a risk assessment to determine the appropriateness of members returning to work following a pending screening test result for Amphetamines (AMP), Methamphetamines (MET) and Cocaine (COC). This must be done on a case by case basis taking into account the recommendations of the Form AD404—‘Employment Restriction Assessment’.

18. No restrictions are required to be imposed for personnel selected to undergo random synthetic cannabis testing.

**ACTIONS FOLLOWING RECEIPT OF A LABORATORY ANALYSIS**

19. On receipt of a confirmed PSTP test result from the laboratory the PSTPC-N will investigate in consultation with DNAODS and the designated Navy Health Representative whether the positive test result can be disregarded by the authorised delegate, PSTPC-N. To be disregarded the authorised decision maker must be
satisfied that the positive test resulted from the member following the advice of a legally qualified medical practitioner and that the laboratory has confirmed that the result was consistent with the declared medication.

**ACTIONS ON CONFIRMING A NEGATIVE TEST RESULT OR DISREGARDING A POSITIVE TEST RESULT**

20. PSTC-N will advise the CO that the test has been confirmed negative or disregarded. The CO must ensure that the member is advised of the result and that any work restrictions are removed without delay. PSTC-N will update PMKeyS and statistical data to reflect a negative result.

**ACTIONS FOLLOWING A CONFIRMED POSITIVE TEST RESULT**

21. PSTC-N will advise the CO and Fleet Personnel by signal of the confirmed positive result. On receipt of the signal the following actions must occur:

a. Fleet is to issue a Notice of Positive Test Result (NPTR) signed by an authorised person from Fleet Command under section 100 of the *Defence Act 1903*. The member has a minimum of 28 days to respond as to why their service should not to be terminated—the member should be made aware that if they do not respond there is no option for the delegate but to terminate the member's service.

b. The CO must ensure that any member who has a confirmed positive PSTP test result is managed within the limits of their work restrictions until all administrative processes are completed. The following actions are to commence immediately:

   (1) command is to engage any necessary specialist services which may include legal, medical, psychology and chaplaincy.

   (2) the member is to be referred to a regional RAN AODP Counsellor for assessment and recommendations.

**CHALLENGE OF POSITIVE TEST RESULT**

22. Should a member dispute the confirmed positive result the member may request their referee sample (‘B’ sample) be tested. This testing is normally done at a different laboratory holding a National Association of Testing Authorities Australia (NATA) accreditation. COs are to contact the PSTPC-N who will advise of the procedures required. The member will be required to pay the cost of both the courier charges and the laboratory analysis. If the referee sample is confirmed as negative the initial positive PSTP test result must be disregarded. The NPTR process ceases at this point and the member is reimbursed any costs associated with the testing of their referee sample.

**DIRECTED COMPLIANCE REQUIREMENTS**

23. **Annual Testing Percentages.** The Deputy Chief of Navy (DCN) will set quotas for random and targeted testing, if required by this instruction.
24. COs are responsible for planning and executing prohibited substance testing within their Units in accordance with this Chapter. There are no restrictions on when, where, why or how many personnel may be tested at any one time.

25. Targeted testing of individual’s remains at the discretion of COs and need not be conducted in conjunction with routine random testing. There is no limit on the number of targeted tests a CO may authorise. If a suspicion of steroid use exists COs are to request approval to test for steroids through PSTPC-N

26. **New entry Testing Percentages.** DCN will set the quota for trainee testing at the Royal Australian Naval College and the Royal Australian Navy Recruit School.

**PSTP TEST EQUIPMENT**

27. PSTP test equipment is listed on the RAN AODP Intranet site. PSTP Test kits must be retained in the custody of the nominated PSTP Supervisor or PSTP Tester and held in secure storage within each Unit, ship or establishment. PSTP test equipment must be stored and used strictly in accordance with the manufacturer’s instructions.

**TESTING ONBOARD HMA SHIPS**

28. On board HMA Ships the intent and integrity of the PSTP procedures and individual’s rights to privacy must not be compromised. In the event that the transport of the urine sample to an accredited laboratory is delayed the sample must be stored in a secure storage, ideally refrigerated—in the range of 2-8 degrees Celsius.

**ROYAL AUSTRALIAN NAVY ALCOHOL AND OTHER DRUGS PROGRAM**

29. Prohibited substance awareness and education is to be provided through the RAN AODP. Activities include:

a. initial assessment of self presented or referred Navy members through the Alcohol Drugs Program Advisers

b. detailed assessment of navy members identified as having substance issues through the Alcohol Drugs program coordinators (ADPC) or Substance Abuse Counsellors

c. referral of members for further health assessment and/or treatment as required

d. recommendations to COs on administrative action and/or disciplinary action

e. delivery of the ADF Outpatient Alcohol Treatment Program

f. the ongoing drug education training for all Navy members including:

   (1) initial awareness education

   (2) mandatory annual awareness education (JHC Alcohol Tobacco and Other Drugs presentation)
(3) leadership training courses

(4) CO/XO Designate training

(5) Alcohol and Drug Awareness Course for Managers and Supervisors.
ARMY SPECIFIC PROCESSES

COMMAND AND CONTROL

1. The command and control of prohibited substance testing within Army rests with the Chief of Army (CA), and all activities associated with prohibited substance testing within Army is conducted under Chief of Defence Force’s authority.

PROHIBITED SUBSTANCE TESTING PROGRAM COORDINATOR DETAILS

2. Director-General Career Management—Army (DGCM-A) is the Prohibited Substance Testing Program (PSTP) Coordinator for Army (PSTPC-A) and is responsible to the CA for the conduct of Army’s PSTP.

PROHIBITED SUBSTANCE TESTING PROGRAM COORDINATOR – ARMY

3. The PSTPC-A is directly responsible to DGCM-A for the management of the PSTP within Army.

4. The PSTPC-A is employed within Career Management – Army (CM-A) and can be contacted at:

   Prohibited Substance Testing Coordinator – Army
   BP 29-4-172
   Brindabella Business Park
   PO Box 7980
   Canberra ACT 2610
   Phone: (02) 6144 7891
   Email: pstpc.army@defence.gov.au

PROHIBITED SUBSTANCE TESTING PROGRAM

5. DGCM-A under section 93A of the Defence Act 1903 Part VIII, by written instrument, has authorised Army members to exercise the powers under the Defence Act. The written instruments, held by the PSTPC-A, are available on the Army PSTP webpage along with additional information specific to the PSTP within Army.

TESTING STAFF

6. The minimum rank for an Army PSTP Supervisor is SGT. PSTP Testers can be any rank.
7. If no trained and authorised Army members are available a trained and authorised PSTP Supervisor and or PSTP Tester from another Service can be employed in the PSTP team. The rank stipulation in the above paragraph is extended to those Defence members.

PSTP TRAINING

8. Commander Defence Command Support Training Centre (DCSTC) is the Training Advisor (TA) for PSTP training within the Army. The Commander DCSTC is responsible for the development and delivery of the PSTP Training Management Package (TMP). The TMP is an exportable course that is delivered by Units authorised by DSCTC. The course qualifies Army members to undertake both PSTP Supervisor and Tester roles (depending on rank).

9. Defence members are to have their qualifications recorded on PMKeyS prior to being employed as a PSTP Supervisor or Tester. The current authorised proficiencies for Army PSTP Supervisors and PSTP Testers are located on the Army PSTP webpage.

10. Units can request the PSTP TMP through the Defence Force School of Policing Operations Cell

REPORTING

11. PMKeyS. Army Units are responsible for entering the results of the PSTP testing conducted within their Unit into PMKeyS. This is to occur within 5 working days of testing.

12. Units are responsible for updating PMKeyS when confirmation of pending results are received from the PSTPC-A, pending to negative. PSTPC-A will update PMKeyS reflecting all confirmed positive test result from the accredited laboratory.

13. Documentation. Units must ensure that Form AD400—'Prohibited Substance Test Authorisation and Report to Service Coordinator' is emailed or faxed to the PSTPC-A within 24 hours of testing.

14. For pending screening tests all other PSTP documentation—Forms AD401—'Prohibited Substance Test Members Information Brief and Acknowledgement', copies of Form AD403—'Prohibited Substance Chain of Custody and Accredited Laboratory Request Record' and Form AD404—'Employment Restriction Assessment' are to be retained at Unit level pending confirmation from accredited laboratory. Form AD401 or Form AD404 are NOT to be sent to the accredited laboratory.

15. After the results are entered into PMKeyS there is no requirement for Units to retain copies of original documents relating to negative test results.

DIRECTED COMPLIENCY REQUIREMENTS

16. Establishment Figures. To meet the directed requirement for annual testing percentages Units posted strength as at 01 February each year is to be used.
17. Commanders (including Administrative Commanding Officers within Non-Service Groups) are responsible for developing a testing regime for Army members within their Units.

PROGRAM COSTS

18. The following are the financial responsibilities for the conduct of the Army PSTP:

   a. CM-A—laboratory costs associated with confirmatory testing

   b. CM-A—reimbursements for hair follicle testing and any other challenge to a positive PSTP test result as considered on a case by case basis

   c. FORCOMD—costs associated with the development and delivery of PSTP training

   d. Units—costs associated with packaging and freight of PSTP confirmatory testing.

MANAGEMENT OF PERSONNEL AWAITING CONFIRMATORY LABORATORY ANALYSIS

19. Defence members who return a pending screening test result for Amphetamines (AMP), Methamphetamines (MET), Cannabis (THC) and Cocaine (COC) must be employed in a non-safety or non-security related area or role only. These members are specifically forbidden from driving Service vehicles—including hire cars, aircraft, boats or other similar equipment, handling weapons, ammunition or explosives.

20. Commanders should assess whether the individual is capable of operating privately owned vehicles and equipment as part of the employment restriction assessment.
AIR FORCE SPECIFIC PROCESSES

COMMAND AND CONTROL

1. The authority for command and control of prohibited substance testing in Air Force rests with the Chief of Air Force (CAF) and all activities associated with prohibited substance testing in Air Force are done so under CAF’s authority.

2. The CAF, under section 93A of the Defence Act 1903, by written instrument, delegates the powers of the following sections of the Defence Act:
   a. sections 94, 95, and 98
   b. sections 100 and 101.

PROHIBITED SUBSTANCE TESTING PROGRAM COORDINATOR – AIR FORCE

3. The Prohibited Substance Testing Program Coordinator for Air Force (PSTPC-AF) is Director-General Personnel—Air Force (DGPERS-AF).

4. In addition to the roles and responsibilities detailed in this Chapter DGPERSAF is to:
   a. maintain responsibility for the Air Force PSTP as part of the PSTP Coordination Cell – Air Force (PSTPCC-AF)
   b. maintain oversight responsibility of the PSTPCC-AF PSTP on behalf of CAF
   c. sponsor specific instructions and programs on prohibited substance policies as required.

PROHIBITED SUBSTANCE TESTING PROGRAM COORDINATING CELL

5. The PSTPCC-AF is located in Canberra and can be contacted at:
   Air Force PSTP Coordination Cell
   BP 29-1-038
   Brindabella Business Park
   PO Box 7980
   Canberra ACT 2610
   Phone: (02) 6144 7466
   Email: pstpc.airforce@defence.gov.au
6. Prohibited Substance Testing Coordinator for Air Force (PSTC-AF) is filled by the incumbent member posted into PMKeyS position 511519 and maintains command and control over the PSTPCC-AF.

7. In addition to the roles and responsibilities detailed in this Chapter the PSTCAF is to:
   a. act as the Air Force point of contact for the PSTP
   b. promulgate the Air Force prohibited substance testing training schedule
   c. train in accordance with the schedule and issue the relevant Personnel Management Key Solution (PMKeyS) proficiencies
   d. provide guidance to Unit Commanders (CO) on the PSTP and policy
   e. contribute to the development, research and maintenance of Air Force specific prohibited substance policy
   f. amend data entered on PMKeyS as required following confirmatory testing or other administrative processes.

8. Additional information relating specific to the PSTP within Air Force can be found on the PSTP Air Force Intranet Site.

COMMANDING OFFICERS

9. In addition to the roles and responsibilities detailed in this Chapter COs are to:
   a. liaise with PSTPCC-AF on testing requirements within their area(s) of responsibility
   b. ensure all test results are recorded correctly on Form AD400—'Prohibited Substance Test Authorisation and Report to Service Coordinator', Form AD401—'Prohibited Substance Test Members Information Brief and Acknowledgement' and Form AD403—'Prohibited Substance Chain of Custody and Accredited Laboratory Request Record', recorded in PMKeyS and distributed in accordance with this Chapter.

PROHIBITED SUBSTANCE TESTING PROGRAM

TESTING STAFF

10. Unless medical personnel, or exemptions have been granted by the PSTCAF, Air Force prohibited substance testing staff must be SNCO or above. A testing team comprises of a PSTP Supervisor, a PSTP Tester and, if required, a contracted collector and a Testing Assistant (any military ranked member).

11. The roles of authorised PSTP Supervisor and authorised PSTP Tester cannot be conducted concurrently.
12. If no qualified PSTP Supervisors or Testers exist within a Unit any authorised PSTP Supervisor or Tester from another Unit/establishment may be used to supervise testing. PSTP Supervisors or Testers may be used to test Defence personnel in any Service or Non-Service Group.

13. In addition to the roles and responsibilities detailed in this Chapter a PSTP Supervisor is to:

a. select Defence members for random or targeted prohibited substance testing in accordance with local procedures authorised by the PSTP Authorising Officer

b. ensure all Prohibited Substance Testing Assistants are briefed on their roles and responsibilities.

TRAINING

14. Air Force is to maintain an ongoing training regime, including:

a. initial awareness education— for Air Force members

b. annual awareness education

c. CO training

d. PSTP Supervisor and PSTP Tester training.

15. **Initial awareness education.** Initial PSTP awareness education is provided to all Air Force members at the Australian Defence Force Academy, Officer Training School and 1 Recruit Training Unit as part of induction training. There is no requirement to record the completion of initial awareness education as it is a component of induction training.

16. **Annual awareness education.** Awareness training is to be provided annually and is provided through an Alcohol, Tobacco and Other Drugs (ATOD) awareness brief or via CAMPUS online training. This training is recordable.

17. **CO training.** Unit COs receive training on PSTP testing during the Air Force COs’ course. There is no requirement to record the completion of this training as it is a component of the course.

18. **PSTP Supervisor and PSTP Tester training.** It is the responsibility of COs to ensure they maintain adequate numbers of trained PSTP Supervisors and PSTP Testers within their Unit to ensure they meet the minimum prohibited substance testing requirements.

19. The PSTC-AF is responsible for coordinating and promulgating the PSTP Supervisor and PSTP Tester Training program, ensuring all major bases have an opportunity to access training for their personnel. If a Unit requires training outside of the promulgated PSTP Training program they may request the training through the PSTPCC-AF.

20. Following training PSTC-AF will record student results on PMKeyS. PSTP
Supervisors and PSTP Testers will remain proficient for five years or until the Training Management Package is significantly amended within the five year period.

21. In consultation with PSTC-AF COs may request that local Authorised Testers, who are also workplace assessors (trained at TAA40104 or TAE40110 level), be approved to provide PSTP Supervisor and PSTP Testing training at the Unit. At the completion of training the trainer is to forward the assessment documentation to PSTPC-AF who will update the proficiency on PMKeyS.

REPORTING

22. **PMKeyS.** All Air Force Units are responsible for entering the results of the Prohibited Substance Tests, conducted at their Unit, into PMKeyS. This is to occur within 24 hours of any tests.

23. The PSTPC-AF will update PMKeyS reflecting a positive or negative test result after receiving the relevant PSTP test report from the accredited laboratory.

24. See PMKeyS on-line reporting instructions at PMKeyS OLL Module - Alcohol / Drug Test Results Report Task.

25. **Documentation.** All PSTP testing documentation is to be scanned and retained at Unit level for audit purposes.

26. The following documentation is to be scanned and emailed to the PSTPCCAF within 24 hours of the conclusion of each PSTP test:
   a. A completed [Form AD400](#)
   b. Where there is a pending result (including Synthetic Cannabis and Steroid tests) [Form AD401](#) and [Form AD403](#).

DIRECTED COMPLIANCE REQUIREMENTS

27. **Annual Testing Percentages.** CAF will set quotas for random, and targeted testing if more than the minimum direction from COSC is required. Currently COSC directs each Service to undertake random screening tests for a minimum of twenty five per cent of personnel using urinalysis annually. A minimum of ten per cent of these random screening tests are to be forwarded to an accredited laboratory for synthetic cannabis analysis. The quotas, as directed by COSC, will be set for a calendar year.

28. All Air Force COs are responsible for planning and executing prohibited substance testing within their Units in accordance with this Chapter. There are no restrictions on when, where or how many personnel may be tested at any one time.

29. **Rolling Program.** COs are to ensure a rolling program for PSTP tests occur throughout the year rather than a once off event, to enhance the deterrence aspect of the program.

30. Targeted testing of individual’s remains at the discretion of COs and need not be conducted in conjunction with routine random testing. There is no limit on the number of targeted tests a CO may authorise.
31. If a suspicion of steroid use exists COs are to consult with the PSTPC-AF prior to authorising the test for steroids.

32. **Establishment Figures.** To meet the COSC requirement for annual testing percentages the total Permanent Establishment as of 01 February each year will be used.

33. **Testing of PSTP Testing Staff.** COs are to ensure that all staff filling a promulgated Unit PSTP Coordinator, PSTP Supervisor and PSTP Tester role are target tested at least once per year and are also subject to routine random testing.

34. **Post Positive PSTP results Notice of Positive Test Result Management.** The administrative management of Air Force members with a post positive PSTP result is to be carried out in accordance with this Chapter.
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CHAPTER 1

APPRAISAL AND DEVELOPMENT REPORTING OF SENIOR OFFICERS IN THE AUSTRALIAN DEFENCE FORCE

INTRODUCTION

1.1 The Australian Defence Force (ADF) senior officers’ appraisal system is comprised of a policy Chapter and performance appraisal instruments. The administrative and information technology processes undertaken in conjunction with ADF members, their supervisors and Defence organisations are detailed in this Chapter.

SCOPE

1.2 This Chapter applies to all permanent and active/specialist Reserve officers of substantive rank of O–6 (Colonel (E)), O–7 (Brigadier (E)) and O–8 (Major General (E)) in the ADF who meet the requirements as described in paragraph 1.20 of this Chapter.

DEFINITIONS

1.3 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this Chapter.

1.4 For the purpose of this Chapter, Senior Officer means an appointed Defence member who holds the officer rank of:

a. Major General (E) – O–8

b. Brigadier (E) – O–7

c. Colonel (E) – O–6.

PURPOSE OF APPRAISAL AND DEVELOPMENT REPORTING

1.5 The purpose of appraisal and development reporting is to provide frank and constructive feedback to senior officers in the ADF concerning their performance, developmental needs and potential, and to provide the respective Service Chief and where applicable, Chief of the Defence Force (CDF) with information to assess the officer’s suitability and selection for the more senior appointments.

RESPONSIBILITIES FOR APPRAISAL AND DEVELOPMENT REPORTING

1.6 The responsibilities associated with the conduct and management of appraisal and development reporting of senior officers in the ADF is detailed in Annex 1A.
APPRAISAL AND DEVELOPMENT REPORT FORMAT

1.7 **Form AC740**—Senior Officer Appraisal and Development Report is to be used for O–6 to O–8 officers and Form **AC740–1**—Senior Officer and Development Report – Assessment Insert for Colonel (E) is to be used for O–6 officers only.

1.8 Navy exceptions occur for those officers holding temporary O–6 rank. **Form AD 645**—Navy Officer Performance Appraisal Report is to be used.

1.9 **Forms AC 740** and **AC740–1** are designed with the Adobe SmartForms functionality and can be accessed through the Defence Web Forms System.

FORM AC 740 – SENIOR OFFICER APPRAISAL AND DEVELOPMENT REPORT

1.10 Comprehensive guidelines for the completion of **Form AC 740** (Parts 1 to 6) are incorporated in the report. Apart from an assessment insert (**Form AC 740–1**) for O–6 officers, Form AC 740 is a narrative report consisting of:

a. Part 1 – Objectives for year and achievement of objectives
b. Part 2 – Performance achieved
c. Part 3 – Desirable ongoing development
d. Part 4 – Potential
e. Parts 5 and 6 – Comments by senior reporting officers (O–8 officers, Service Chiefs or CDF as appropriate).

FORM AC 740–1 – SENIOR OFFICER APPRAISAL AND DEVELOPMENT REPORT – ASSESSMENT INSERT FOR COLONEL (E) OFFICERS

1.11 **Form AC 740–1** (Part 4A) is a rated assessment insert and is to be used for O–6 officers only. The assessment insert has a six-point scale for each of four performance areas plus a 10-point overall opinion scale. This allows for finer discrimination between O–6 officers by using the individual performance area ratings in conjunction with the overall opinion rating. The **Form AC 740–1** is automatically included in **Form AC 740** when the subject officer O–6 officer rank is selected.

REPORTING REQUIREMENTS AND ADMINISTRATION

APPRAISAL AND DEVELOPMENT REPORT CYCLE

1.12 At the beginning of the reporting cycle, the subject officer and the assessing officer are to develop a set of main objectives. These objectives can be varied throughout the reporting cycle if necessary.

1.13 The assessing officer should provide regular formal performance feedback to the subject officer and preferably midway through the reporting cycle. A discussion is to be part of the assessment process to ensure full understanding of comments, assessments concerning performance, career development and prospects. Sighting
of the completed report is not to be the first occasion when the subject officer becomes aware of the assessing officer’s performance appraisal evaluation.

1.14 The feedback provided should be honest and respectful, focusing on Defence outcomes and demonstration of Defence Leadership Behaviours. It should highlight accountability for actions undertaken during the reporting period and allow for reflection on the performance of the subject officer and their team.

1.15 Subject officers are encouraged to ask their superiors about their performance or career progression at any time. The appraisal and development report can be used for discussion and counselling purposes.

1.16 At the end of the reporting cycle, using the agreed objectives, the assessing officer completes Form AC 740 (Parts 1 to 4) for O–6 to O–8 officers, including Form AC 740–1 (Part 4A) for O–6 officers. The subject officer is given the opportunity to read the report, discuss it with the assessing officer and make representation in the event of a disagreement with any part of the assessment.

1.17 Once Part 4 of the report is completed, signed by the subject officer and any representation completed, the report is staffed through the appropriate Part 5 and Part 6 senior assessing officers. The last action of the report is the acknowledgement by the subject officer of the senior assessing officer’s comments.

1.18 When finalised, the report is forwarded to the appropriate Service Senior Officer Management (SOM) Agency as follows:

a. Director Navy Senior Officer Management (DNSOM)

b. Senior Officer Manager Army

c. Director Senior Officer Management – Air Force.

SERVICE SENIOR OFFICER MANAGEMENT ADMINISTRATION

1.19 The forms and procedures for reporting the job appraisal, performance and employment potential for O–6 to O–8 officers are common for all three Services. The administration of the reporting system is a single-Service responsibility. The Service SOM is responsible for custody and in-Service handling of completed reports as follows.

a. For O-6 officers, once Part 4 and Part 5 of the report has been completed, it is to be forwarded to the relevant Service SOM. The Service SOM will then forward the report to the Service Chief for Part 6 comment and signature.

b. For O–7 officers, the report completed to Part 4 is to be forwarded to the relevant Service SOM. The Service SOM will forward the report to the Service Chief for completion of Part 5 for O–7 officers with greater than two years seniority, or completion of Part 6 for first and second year O–7 officers. The report should then be returned to the Service SOM. Where the Part 4 assessing officer is also the respective Service Chief, Part 5 of the report should be completed concurrently by the Service Chief and then returned to the relevant Service SOM. Reports of O–7 officers with a minimum of two
years seniority are to be forwarded to Directorate of Senior Officer Management (DSOM) in order to obtain CDF comments.

c. For O–8 officers, the procedure depends on whether the subject officer is from a Service or non-Service group. After Part 4 has been completed, the report is to be forwarded to the relevant Service SOM.

(1) Where the assessing officer is within the Service group (i.e., the Service Chief), the Service SOM will then forward the report to DSOM for CDF comments.

(2) Where the assessing officer is within a non-Service group, the Service SOM will forward the report to the Service Chief for comment and signature. The report is then returned to the Service SOM for subsequent on-forwarding to DSOM in order to obtain CDF comments.

PERIOD OF OBSERVATION

1.20 An assessing officer must have observed the subject officer’s performance for a period of time that is sufficient to allow the assessing officer to form an accurate and informed view about the subject officer’s performance (a minimum period of observation). The minimum period of observation applicable to each Service and type of service is as follows:

a. four months effective service for permanent force officers in the Navy, Army and Air Force rendering full-time duty and four months elapsed time for permanent force officers undertaking part-time duty

b. four months effective service for Reserve officers rendering continuous full-time duty

c. for Reserve officers:

(1) Navy part-time duty – after serving a minimum of 20 Reserve Service Days (RSDs)

(2) Army part-time duty – after providing effective service in a training year which fulfills the necessary undertaking to render military service for the prescribed minimum number of 20 RSDs for most, but seven RSDs for some designated specialist senior officers

(3) Air Force part-time duty – after serving a minimum of 20 RSDs.

1.21 The reporting date can be varied if the minimum period of observation cannot be met. The relevant Service SOM should be consulted if there are any concerns, and this may be alleviated by raising a Form AC 833–30—Navy Performance Appraisal Supplementary Report.
REPORTING DATES

1.22 Normally only one report is raised in any 12 month period as follows:

a. O–8 officers (Navy and Air Force) – raised 01 November, finalised and submitted to the relevant Service SOM by 01 December

b. O–8 officers (Army) – raised 01 October, finalised and submitted to SOM–A by 01 November

c. O–7 officers (Navy and Air Force) – raised 01 December, finalised and submitted to the relevant Service SOM by 01 February

d. O–7 officers (Army) – raised 01 October, finalised and submitted to SOM–A by 01 November

e. O–6 officers (Navy) – raised 01 December, finalised and submitted to DNSOM by 01 February

f. O–6 officers (Army) – raised 01 October, finalised and submitted to SOM–A by 01 November

g. O–6 officers (Air Force) – raised 01 October, finalised and submitted to DSOM–AF by 01 December.

POSTING OF OFFICERS

1.23 Each officer’s work performance is to be comprehensively reported without major gaps to the greatest possible extent. However, because of the occasional ‘out of sequence’ movement of subject officers and their assessors, some flexibility will be required in reporting dates.

1.24 If there is a changeover of the assessing officer, or an officer is posted during the annual reporting cycle, a decision should be made about who is better placed to complete the report. Consideration should be given to which of the assessing officers is best placed to raise a comprehensive report covering the minimum period of observation. The assessment would normally be guided by the relative anticipated period of observation each assessing officer is likely to have, and might also be influenced by the timing of key performance deliverables, or whether a short delay is appropriate to facilitate the minimum observation requirements.

1.25 The Service SOM may direct an assessing officer to raise an appraisal and development report at times other than those set out in paragraph 1.22 of this Chapter. The Service SOM is to keep DSOM informed of any changes to the reporting dates for star rank officers.

REPORTING EXEMPTIONS

1.26 The appropriate Service Chief or Service SOM may grant exemptions from reporting for officers. Unless specifically requested, appraisal and development reporting is not required to be raised for officers in the following circumstances:

a. officers who have been provisionally selected for promotion
b. officers undertaking long term formal schooling or development/higher Defence courses

c. officers who are on maternity leave, long service leave or leave without pay

d. officers compulsorily transferring to the Reserves under Command-Initiated Transfer to the Reserves provisions or those electing to resign.

REPRESENTATIONS

1.27 The appraisal and development report is an open report that is sighted and signed by the subject officer after completion by the assessing officer and again after comments from the respective Service Chief, or CDF as appropriate. To make representation to a higher authority concerning any aspect of the report by the assessing officer, the subject officer is to do so within seven days of completion of Part 4 of the report or a period deemed necessary in the circumstances.

1.28 The representation is to be in the form of a letter through the assessing officer to:

a. the respective Part 5 assessing officer for O–6 officers

b. the respective Service Chief for O–7 officers

c. CDF for O–8 officers.

PROCEDURAL FAIRNESS

1.29 The aim of procedural fairness is to ensure the lawful exercise of administrative authority. It applies to all decisions where a person’s rights, interests or legitimate expectations may be affected by the decision. This includes decisions in relation to performance appraisal and development reports. Procedural fairness obligates a decision maker to comply with two main legal principles: the hearing rule and the bias rule. Essentially, a decision maker must make a fair, impartial and professional decision, which can be substantiated with evidence and is without bias.

1.30 A subject officer whose rights, interests or legitimate expectations have been affected by a decision is entitled to request reasons supporting that decision, and assessing officers must be able to justify their decision in accordance with these principles. Procedural fairness does not remove the requirement for maintaining a person’s privacy or the confidentiality of any information relied upon when making a decision. Appraisal data is not to be used for purposes for which it was not designed (or of which the subject officer is not aware). Refer to the Defence Manual – Good Decision Making in Defence: A Guide for Decision-Makers and those who Brief them which provides further information regarding procedural fairness.

PRIVACY

1.31 Performance appraisal and development reports are ‘Sensitive: Personal’ between the assessed officer, the assessing officer, the senior assessing officer, the reviewing officer (where applicable), the CMA/SOM and DSOM. When data is provided for requested review and evaluation by Work Planning Branch it is not to
include information that could reasonably identify any individual (either independently or in connection with other associated information), such as Service number/Employer ID, name, or initials. Other biographical information (eg rank, employment category, etc) may be provided if the research question posed warrants its inclusion. For additional information, refer to MILPERSMAN, Part 1, Chapter 4—Privacy Notice and the Defence Privacy Policy.

1.32 Assessing officers are not to retain copies of any report once it has been finalised, signed by the subject officer and despatched to the appropriate Service SOM. Subject officers may copy and retain reports raised on them.

Annex:
Responsibilities for appraisal and development reporting of senior officers in the Australian Defence Force

Sponsor: ASPECC (DMPP)
ANNEX 1A

RESPONSIBILITIES FOR APPRAISAL AND DEVELOPMENT REPORTING OF SENIOR OFFICERS IN THE AUSTRALIAN DEFENCE FORCE

1. Responsibilities associated with the conduct and management of appraisal and development reporting for senior officers in the Australian Defence Force are as follows:

   a. **Directorate of Senior Officer Management (DSOM).** On behalf of Chief of the Defence Force (CDF), DSOM is responsible for the following elements of senior officer appraisal and development report administration:

      (1) sponsoring the suite of appraisal and development reports
      (2) developing, promulgating and reviewing policy in relation to performance appraisal in consultation with relevant organisations
      (3) providing policy support for the education and training of users of the performance appraisal system
      (4) advising the Service Senior Officer Management (SOMs) of assessing officers for those cases in the non-Service groups where functional command relationships are unclear
      (5) advising the Service SOMs of any requirements by CDF to change the reporting period for any O–8 rank officer
      (6) returning all completed original reports to the appropriate Service SOM after consideration and comment by CDF.

   b. **Service Senior Officer Management.** Service SOMs are responsible for the following elements of senior officer appraisal and development reports administration:

      (1) custody and in-Service handling and processing of reports
      (2) forwarding all reports for O–7 and O–8 rank officers to DSOM for CDF comment based on Service requirements
      (3) processing of appraisal and development reports (Navy only).

   c. **Service Career Management Agency (CMA).** Service CMAs are responsible for:

      (1) processing of appraisal and development reports
      (2) reviewing single Service performance appraisal policy and practices, in conjunction with Service units/formations/commands/personnel policy agencies
(3) providing Service specific performance appraisal and development information to Commanders/Directors/Units/Courses and individuals within the bounds imposed by the Privacy Act 1988

(4) records management of completed appraisal and development reports.

d. **Director-General Workforce Planning (DGWP).** DGWP, through the Workforce Planning Branch is responsible for:

(1) providing technical performance appraisal advice to and/or through the Service CMA on request

(2) general performance appraisal review, research and evaluation on request.

e. **Director-General People Service (DGPS).** DGPS is responsible for recording, maintaining and providing performance appraisal and development data in a form suitable for performance appraisal and development processing and analysis.

f. **Subject Officer.** The subject officer is responsible, with their assessing officer, for the initiation of the performance appraisal cycle and subsequent conduct of initial counselling and reviews. The timely initiation of the appraisal and development report is also a shared responsibility between the subject officer and their assessing officer and senior assessing officer. The subject officer should also:

(1) request from their assessing officer a clear statement of what is expected of them during the observation period

(2) seek regular feedback from their assessing officer

(3) if desired, represent against an appraisal and development report.

g. **Assessing Officer.** The assessing officer is to be designated at the beginning of the reporting period in accordance with the chain of command or direction from DSOM. This is important to ensure objectives are set early in the reporting cycle. The assessing officer is to:

(1) be aware of their responsibilities as an assessing officer promulgated in this Chapter and the relevant single-Service instructions

(2) be familiar with the performance dimensions on which subject officers are assessed

(3) meet minimum period of observation requirements as specified in this Chapter

(4) provide regular counselling and performance feedback to subject officers.
h. **A functional superior** may be an officer of another nation’s forces or a civilian. For those cases where functional command relationships are unclear, advice should be sought from the appropriate Service SOM.

i. **Senior Assessor Officer.** The senior assessing officer is to:

   (1) be familiar with the performance dimensions on which subject officers are assessed
   
   (2) meet the minimum period of observation requirements as specified in this Chapter
   
   (3) provide performance feedback to subject and/or assessing officers
   
   (4) assess a subject officer’s suitability for the next rank
   
   (5) assess representations
   
   (6) mentor subordinate assessing officers.

j. **Reviewing Officer.** Reviewing officers are responsible for making determinations on representations. In undertaking this task the reviewing officer is to:

   (1) ensure that the principles of procedural fairness are adhered to, including addressing any issues of bias (whether real or apprehended) on the part of the reviewing officer
   
   (2) consider the written material comprising the representation, and take into account the appraisal and development report and all the records or other evidence/information upon which the initial assessment was based, when reaching a decision
   
   (3) ensure that the decision is supported by evidence
   
   (4) ensure that the subject officer is given a personal copy of the findings on the representation
   
   (5) mentor subordinate assessing officers.
CHAPTER 2

PERSONNEL PERFORMANCE REPORTING UP TO O-5 RANK IN THE AUSTRALIAN DEFENCE FORCE

INTRODUCTION

2.1 Personnel performance reporting provides Defence with the ability to review and evaluate ongoing work performance and future employment suitability of Defence members up to the rank of O–5.

POLICY STATEMENT

2.2 Each Service is to employ a performance reporting system suitable to their individual needs consistent with minimum Defence performance reporting requirements outlined in this chapter. Personnel performance reporting is designed to assess competency in rank and posted position in order to identify potential eligibility for promotion and future career aspirations.

DEFINITIONS

2.3 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this Chapter.

PURPOSE OF PERFORMANCE REPORTING

2.4 The purpose of performance reporting on Defence members is to:

a. truthfully record the work performance of the member within their assigned position, role, and rank for the given reporting period
b. identify the member’s strengths and weaknesses
c. provide honest feedback to the member on performance and development needs
d. identify their suitability for promotion, courses, and selective postings
e. provide information which will assist in further career management and employability
f. monitor performance levels to ensure that required standards of effective performance are maintained.

SINGLE-SERVICE POLICY REQUIREMENTS

REPORTING CYCLE

2.5 Performance reporting of members is to be conducted annually and should provide a complete picture of the member’s performance throughout the reporting
period. The performance reporting process should include the following key elements:

a. initial goal setting
b. performance review
c. final performance reporting.

2.6 The performance of members is to be assessed based on a minimum period of observation that allows sufficient coverage of the member’s primary duties and responsibilities. Performance reporting systems should include methods of reporting on members when the minimum observation period cannot be met. Individual Service requirements for performance reporting dates, minimum observation periods, and reporting timelines are to be defined in single-Service guidance.

PERFORMANCE REPORTING ROLES

2.7 Single-Service performance reporting systems should, as a minimum, include the roles and responsibilities of the following personnel within the reporting chain:

a. Assessed member
b. Assessor
c. Senior assessor
d. Reviewing officer
e. Commanders
f. Career Management Agencies (CMA).

2.8 Performance reporting interviews should be conducted face-to-face with the assessed member, assessor or senior assessor (as appropriate) during each stage of the performance reporting process. Where this is not possible, single-Service policies should define acceptable alternative methods of briefing the assessed member. Alternative briefing methods can only be used in consultation with the assessed member.

2.9 Assessors should discuss the report with assessed members to ensure they fully understand all reporting comments, assessments concerning performance, career development and future prospects. Sighting of the completed report should not be the first occasion an assessed member becomes aware of the assessors performance evaluation of them.

2.10 Feedback provided to assessed members should be honest and respectful. It should highlight alignment with Defence values and behaviours throughout the reporting period and provide reflection on the subject member’s performance.

2.11 Any additional individual service performance reporting roles and responsibilities should be defined in single service policies.
POLICY GUIDANCE

2.12 Development of single-service policies is guided by the following principles:

a. Single-service policies should define when it is applicable to conduct performance reporting on members and which members do not require an annual performance report.

b. Reporting should be truthful, honest and accurate.

c. Assessments are to be based on the member’s performance of their assigned duties and roles and responsibilities of their rank and position.

d. Assessors are to consider how well the member displays Defence and single-Service values.

e. Assessors must not use performance reporting as a method of administrative or disciplinary action against an assessed member.

f. Policies must have a process for the management and support of members with unsatisfactory performance.

g. Processes are required for the management of performance reporting of members on exchange, secondment or who are otherwise working outside of the reporting chain.

h. Compliance with ‘Australian Privacy Principles’ contained within the Privacy Act 1988 is required, including storage and approval for disclosure of performance reporting documents. For additional information, refer to the MILPERSMAN, Part 1, Chapter 4—Privacy Notice and the Defence Privacy Policy.

i. Performance reporting documentation contains sensitive information about the assessed member and must be marked and handled in accordance with the requirements of the Defence Security Manual (DSM).

2.13 Supervisors and managers within non-Service groups are to ensure performance of subordinate members is assessed in accordance with the member’s parent service performance reporting policy.

2.14 Assessed members must have the opportunity to review and make representation against any assessment made in their performance reporting report; single-Service performance reporting systems must facilitate this. Single-Service policies must also include a process for managing unresolved representations.

2.15 Members may submit a Redress of Grievance (RoG) complaint if they have reason to believe their Personnel Performance Report was not completed in accordance with this policy or the relevant single-Service policy. Defence Regulation 2016 prevents members from submitting a RoG concerning a decision to give, or not give, a particular assessment, grade or rating as the result of a performance assessment process. The performance appraisal process has an inbuilt representation system for these assessments to be reconsidered on appeal by the member.
PERFORMANCE REPORTING FORMS

2.16 Each Service is responsible for the maintenance of individual performance reporting forms. Single-Service policies are to detail applicable forms for each stage of the process and provide guidance on how to correctly complete performance reporting forms.

2.17 Single-Service policies should define which position within the reporting chain is responsible for the submission of completed performance reporting reports to the relevant CMA.

RELATED MANUAL CHAPTERS

Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 4—Privacy Notice

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Privacy Act 1988

Defence Regulation 2016

Complaints and Alternative Resolutions Manual

Defence Security Manual

Army Standing Instruction (Personnel), Part 4, Chapter 3—Performance Appraisal Reporting

Australian Navy Publication 2110—RAN Career Management


Sponsor: ASPPEC (DMPP)
CHAPTER 3

PROMOTION, ACTING RANK AND HONORARY RANK IN
THE AUSTRALIAN DEFENCE FORCE

INTRODUCTION

3.1 The promotion of Defence members is an important and necessary component of the Australian Defence Force (ADF) workforce systems that ensures the maintenance of capability through promotion of personnel into leadership positions. The conditions for promotion of Defence members are determined in accordance with Defence Regulation 2016.

POLICY STATEMENT

3.2 The Chief of the Defence Force (CDF) or delegate can promote Defence members in order to provide for the capability requirements of the ADF. A promotion may be effected with or without specified conditions.

SCOPE AND APPLICABILITY

3.3 This chapter applies to all Defence members.

DEFINITIONS

3.4 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains common terms and definitions used throughout this Chapter.

AUTHORITY

3.5 Legislative authority for the policy contained in this Chapter is derived from the Defence Regulation 2016 as follows:

a. Promotion: Defence Regulation 2016, Section 13

b. Promotion with conditions: Defence Regulation 2016, subsections 13(1)(a) and 13(2)

c. Direction to act in a higher rank: Defence Regulation 2016, subsections 13(1)(b) and 13(2)

d. Honorary rank: Defence Regulation 2016, Sections 31 and 32.

DELEGATION OF POWER TO PROMOTE

3.6 The CDF has the power to promote a Defence member. The CDF's powers under Defence Regulation 2016, Section 13 are delegated as described in MILPERSMAN, Part 1, Chapter 5—Delegations.
CONSIDERATIONS FOR PROMOTION

3.7 Before a member is promoted to a higher rank, consideration must be given to whether the member is a fit and proper person to perform duties at the higher rank. When determining whether a person is fit and proper, delegates are to have regard to any Service-specific promotion prerequisites as amended from time to time.

3.8 Service Chiefs are to determine the administrative processes for the conduct of promotion boards including the eligibility requirements that must be met before a member can be considered for promotion.

PROMOTIONS

3.9 There are four types of promotion available to Defence members:

a. promotion without conditions
b. promotion with conditions
c. direction to act in a higher rank
d. honorary rank.

PROMOTION WITHOUT CONDITIONS

3.10 The CDF or delegate can promote a Defence member to a higher rank under Defence Regulation 2016, subsection 13(1)(a). The Defence member holds that rank, wears the rank insignia and attracts all the conditions of service of the worn rank.

PROMOTION WITH CONDITIONS

3.11 When promoting a Defence member pursuant to Defence Regulation 2016, subsection 13(1)(a), the CDF or delegate can specify any conditions in an instrument of promotion pursuant to subsection 13(2). Conditions may include, but are not limited to, one or more of the following:

a. a specific duration
b. a specific posting or appointment
c. a period of probation
d. achievement of specific proficiencies
e. achievement of specific course or training requirements
f. achievement of specific performance measures
g. adherence to specific behaviour requirements.

3.12 Time-based promotion conditions. The CDF or delegate may promote a member subject to certain time-based conditions, such as a promotion for a specified period of time or for the duration of a specific posting or appointment. Where this
occurs, the promotion instrument is to specify what is to occur at the end of the period of time, posting or appointment.

3.13 **Actions if promotion with conditions are not met.** If a Defence member fails to meet one or more of the conditions in the instrument of promotion, the CDF or delegate may reduce the Defence member’s current rank to their previous rank under *Defence Regulation 2016*, subsection 14(1)(c).

**DIRECTION TO ACT IN A HIGHER RANK**

3.14 **Direction to act versus direction to perform.** A direction to act in a higher rank is not to be confused with a direction to perform higher duties specified in the *ADF Pay and Conditions Manual (PACMAN)*. The delegation required for a direction to act in a higher rank is specified in the *Defence (Chief of the Defence Force) Delegations and Authorisations (No. 1) 2017* and is generally different (and higher) than that required for the direction to perform higher duties.

3.15 Under *Defence Regulation 2016*, subsection 13(1)(b), a Defence member may be directed to act in a higher rank for a specified period in order for the member to carry out the duties of a position established at a higher rank. A direction to act in a higher rank will be effected by a posting order or instrument issued by the CDF or delegate specifying the direction under subsection 13(1)(b). The instrument is to specify the conditions of the direction to act in a higher rank under subsection 13(2) which may include conditions listed in paragraph 3.11, or other conditions as set by the CDF or delegate.

3.16 **General principles for a direction to act in a higher rank.** The following principles are to be considered when making a direction to act in a higher rank:

a. **Command.** A direction to act in a higher rank may be granted for the purpose of command of formations or units.

b. **Status.** Although military rank confers status, the mere assumption of a position in the Defence organisation by a Defence member, regardless of their rank, also confers on the incumbent the inherent status of the position. Accordingly, a direction to act in a higher rank for the purpose of status will normally be confined to incumbents of positions with the ADF/single Service higher organisation at Director/Branch Head level or above, incumbents of positions with the tri-Service environment, or incumbents of positions involving significant representational or training responsibilities.

c. **Discipline.** A direction to act in a higher rank may be granted for the purpose of discipline where the Defence member assuming the higher position is:

   (1) Lower in rank than the incumbents of positions subordinate to the higher position, or

   (2) In the case of officers, lower in seniority order, if the same rank.

3.17 The following should also be considered when directing Defence members to act in a higher rank:
a. A direction to act in a higher rank should be limited to one rank higher than the rank held by the Defence member prior to the direction to act.

b. The Defence member being considered to act in a higher rank should be appropriately professionally qualified for the position.

c. A Defence member directed to act in a higher rank holds all the authority, responsibility and delegations associated with the position of which they were directed to act, unless restrictions are specified as a condition.

3.18 A direction to act in a higher rank that does not fill a vacant position should only be considered if the Defence member is to hold authority associated with the higher rank to enable proper engagement and tasking of subordinate personnel.

3.19 **Financial considerations.** Defence members should be cognisant that direction to act in a higher rank may be temporary in nature, and there may be financial repercussions if the direction is revoked and benefits have already been provided. Defence members should refer to the PACMAN to determine the possible impact of being directed to act in a higher rank. The recognition of a higher salary for superannuation purposes is subject to the rules of a member’s superannuation scheme.

3.20 **Seniority.** The effective date of the acting rank is the date authorised by the CDF or delegate. At the end of a period of acting rank, if the CDF or delegate decides that a member is to be promoted to that rank pursuant to *Defence Regulation 2016,* subsection 13(1)(a), the CDF or delegate may also make a decision with respect to the seniority for career management purposes. Pay seniority for that rank will continue to reflect the date from which acting rank was granted.

3.21 Where a Defence member reverts to the lower rank following acting rank but is later promoted or granted a further period of acting rank, provisions for salary as they relate to pay increments may differ. Refer to PACMAN, Chapter 3, Part 2—Administration of Salaries for further guidance.

3.22 **End of a direction to act in a higher rank.** A direction to act in a higher rank ceases under the following circumstances.

a. A Defence member is posted from the position for which the acting rank was granted.

b. The Defence member is promoted under *Defence Regulation 2016,* subsection 13(1)(a).

c. The established position for which the acting rank was granted is reduced to a rank lower than the acting rank held by the incumbent.

d. A condition of the direction to act in a higher rank specified under *Defence Regulation 2016,* subsection 13(2) is not met.

e. For any other reason (eg unsatisfactory performance) it is decided that the Defence member should no longer retain the acting rank.
Continuation of a direction to act in a higher rank. A direction to act in a higher rank may remain in place when:

a. A Defence member is deployed, attached for a course of instruction not exceeding three months or becomes non-effective in their position by reason of temporary duty or leave, and it is reasonably intended that the Defence member will return to the position.

b. A Defence member ceases to perform the duties associated with the direction to act in a higher rank due to medical reasons (whether or not attributable to ADF service, provided the condition is not due to negligence or misconduct on the Defence member’s behalf) for a period not exceeding three months. Where a Defence member is unable to perform the duties necessary of the higher rank for a period exceeding three months, the matter is to be referred to the relevant delegate to determine whether or not acting rank under these circumstances is to be retained or relinquished.

c. A Defence member is reported missing, captured or interned.

HONORARY RANK

A person, either serving or non-serving, may be appointed to a rank that is to be held as an honorary rank. Such appointments do not confer or imply a right to command unless expressly granted by the Governor-General, the CDF or a delegate. Honorary rank may be used where representational duties or specifically directed duties, such as cultural interactions, warrant higher rank, but acting rank is not appropriate.

Appointment or enlistment to Honorary rank under Defence Regulation 2016, Sections 31 and 32 does not constitute a promotion as described by Defence Regulation 2016, Section 13, and should therefore not normally be entered into Defence One as a promotion that might otherwise attract specific salary or allowances associated with a Defence Regulation 2016, Section 13 promotion. Except for Chaplains, Honorary rank does not attract salary at the rank level to which a member is appointed.

RELATED PUBLICATIONS AND LEGISLATION

ADF Pay and Conditions Manual (PACMAN)
Australian Naval Publication (ANP) 2110—RAN Career Management
Air Force Personnel Standing Instructions
Army Standing Instruction (Personnel)

Sponsor: ASPPEC (DMPP)
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CHAPTER 1
AUSTRALIAN DEFENCE FORCE POSTING OF DEFENCE MEMBERS

INTRODUCTION

1.1 Defence members are posted in order to ensure the provision of capability in accordance with the requirements of the Chief of Defence Force (CDF) and Service Chiefs. When posting Defence members, a number of factors are considered, including the requirement to fill positions necessary to provide capability, the need to rotate members through operational, staff and training appointments to develop their skills and experience, and to provide for specific needs of individuals. Defence members may be posted within or outside Australia or to a position in or outside their individual Service.

POLICY STATEMENT

1.2 Defence members are posted depending on the needs of the Australian Defence Force, their member’s Service, career development and personal preference.

DEFINITIONS

1.3 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this Chapter.

KEY ROLES AND FUNCTIONS

1.4 Powers to make decisions affecting Defence members are vested with the CDF. CDF’s powers are derived either as command powers or regulated powers under the Defence Act 1903 and Defence Regulation 2016.

1.5 The authority of a Service Chief to post Defence members is derived from command powers vested in the Service Chiefs by the CDF. Service Chiefs may further authorise Defence personnel to issue posting orders. Posting orders are a lawful general order that is enforceable under the Defence Force Discipline Act 1982.

POLICY GUIDANCE

POSTING PRIORITIES

1.6 MILPERSMAN, Part 2, Chapter 1—Inherent Requirements of Service in the Australian Defence Force, details considerations affecting Defence members on appointment/enlistment and during their service. Defence members are expected to offer unrestricted service. It is an inherent requirement of service that Defence members can reasonably expect to be posted regularly throughout their careers. This may include postings to localities that may not be professionally or personally
desirable. In general terms, each Service will post its members to meet and balance, as far as possible, the following priorities:

a. **ADF and Service requirement.** The primary requirement to satisfy the capability needs of the Service by filling positions with suitably qualified Defence members at the appropriate time.

b. **Career development.** The provision of a range of courses and postings that broaden a Defence member’s experience and enhance employability and promotion prospects.

c. **Personal preference.** A Defence member’s preference for the type, locality and timing of the posting to suit personal aspirations and family circumstances.

1.7 Guidance with respect to compassionate postings, posting of dual-serving couples, attachments and temporary duty is detailed in single-Service policies. Guidance with respect to Inter-Service couples is detailed in MILPERSMAN, Part 6, Chapter 2—**Posting of Inter-Service Couples in the Australian Defence Force.**

**FIXED TENURE APPOINTMENTS**

1.8 Under Section 18 of *Defence Regulation 2016*, a delegate may offer to change the member’s period of service. The delegate may offer to post such a member to a particular position if they agree to the change to their period of service. Pursuant to Section 21 of *Defence Regulation 2016*, when the member’s changed period of service ends, they will transfer to SERCAT 2 (formerly the Standby Reserve) unless agreed otherwise.

1.9 Before an arrangement described at paragraph 1.8 is effected, the Defence member concerned must be advised in writing and must acknowledge the conditions under which the associated posting is to be made. Transfer to the Reserve at the end of a Fixed Tenure Appointment does not attract an offer of special financial benefit.

**RELATED MANUAL CHAPTERS**

MILPERSMAN, Part 2, Chapter 1—*Inherent Requirements of Service in the Australian Defence Force*

MILPERSMAN, Part 6, Chapter 2—**Posting of Inter-Service Couples in the ADF**

**RELATED LEGISLATION, POLICY AND PUBLICATIONS**

*Defence Act 1903*

*Defence Force Discipline Act 1982*

*Defence Regulation 2016*

*ABR 6289—Royal Australian Navy Officers’ Career Management Manual*

*ABR 10—Sailors’ Career Management Manual*
Army Standing Instruction (Personnel)

Air Force Personnel Standing Instructions

Sponsor: ASPPEC (DMPP)
CHAPTER 2

POSTING OF INTER-SERVICE COUPLES IN THE AUSTRALIAN DEFENCE FORCE

POLICY STATEMENT

2.1 Defence acknowledges Inter-Service couples have the same career management and collocation expectations as other serving spouses and interdependent couples. The Services' Career Management Agencies (CMA) collaborate to best manage collocation options for Inter-Service couples on posting.

POLICY GUIDANCE

2.2 An ‘Inter-Service couple’ is two Permanent Defence Force members belonging to different Services who are recognised by their Services as spouses or interdependent partners.

2.3 Inter-Service couples are required to advise their respective CMAs of their relationship and should provide timely, mutually consistent advice to both CMAs concerning employment and location preferences. They may nominate one member as the preferred priority for career progression purposes but where conflict arises, a bi-service agreement concerning relative capability priorities would likely prevail over personal preferences.

2.4 Inter-Service couples are to ensure their categorisation for conditions of service purposes is correctly recorded by their respective Services. Member categorisation is described in the ADF Pay and Conditions Manual (PACMAN), Chapter 1, Part 3, Division 2.

2.5 When the posting of one member of an Inter-Service couple is proposed, the CMA of that member is to consult with the relevant CMA to assess the feasibility of collocation. The two CMAs will collaborate to best manage respective Service requirements having regard for the Inter-Service couple’s expectations and available posting options.

2.6 Options that may be considered when CMAs are unable to collocate Inter-Service couples in one of their preferred locations include:

a. Co-located postings to non-preferred locations

b. Posting to separate locations

c. Flexible Work Arrangements (FWA) options. The Military Personnel Policy Manual (MILPERSMAN), Part 7, Chapter 1—Flexible Work Arrangements for Members of the ADF describes FWA options

d. Long term leave arrangements on either Long Service Leave (LSL) or Leave Without Pay (LWOP). The policies on LSL and LWOP are located at PACMAN, Chapter 5, Part 5 and Part 10, respectively.
2.7 The extent to which a CMA can assist the member explore flexible work options with a gaining Commanding Officer or manager should be established by an Inter-Service couple early in the posting deliberation process. All reasonable FWA should be considered before proceeding with long term LWOP arrangements.

2.8 An application for LWOP submitted by a Defence member who cannot be collocated on posting with their spouse or interdependent partner is to be considered against the criteria in PACMAN, Chapter 5, Part 10, Division 1—Leave Without Pay.

2.9 This policy does not override the requirements for Defence members of all Services to be available for deployment, temporary duty and operational service, and to undertake training commitments.

RELATED MANUAL CHAPTERS

MILPERSMAN, Part 2, Chapter 1—*Inherent Requirements of Service in the Australian Defence Force*

MILPERSMAN, Part 2, Chapter 3—*Appointment and Enlistment in the Australian Defence Force*

MILPERSMAN, Part 6, Chapter 3—*Employment of Members in the Same Area of Operation, Chain of Command or Workplace*

MILPERSMAN, Part 7, Chapter 1—*Flexible Work Arrangements for Members of the Australian Defence Force*

RELATED LEGISLATION, POLICY AND PUBLICATIONS

*Defence Regulations 2016*

*Marriage Act 1961*

*Family Law Act 1975*

*Defence Instruction (Air Force) PERS 3–1—Posting, Attachment and Temporary Duty – Permanent Air Force*

*Defence Instruction (Air Force) PERS 3–9—Airman Career Management System – Management of Postings*

*Army Standing Instruction (Personnel), Part 4, Chapter 1—Career Management of Soldiers in the Australian Regular Army and Army Reserve*

*Australian Book of Reference 10—Sailors’ Career Management Manual*

*Australian Book of Reference 6289—Royal Australian Navy Officers’ Career Management Manual*

*ADF Pay and Conditions Manual*, Chapter 1, Part 3, Division 1, clause 1.3.55—Posting Location – Within Australia

*ADF Pay and Conditions Manual*, Chapter 1, Part 3, Division 2—Dependents
ADF Pay and Conditions Manual, Chapter 2, Division 2—Recognition of Interdependent Partnerships

ADF Pay and Conditions Manual, Chapter 4, Part 2(B), Division B.3—Separation Allowance

ADF Pay and Conditions Manual, Chapter 5, Part 10, Division 1—Leave Without Pay

ADF Pay and Conditions Manual, Chapter 8, Part 1—Categories of Member

Sponsor: ASPPEC (DMPP)
CHAPTER 3
EMPLOYMENT OF IMMEDIATE FAMILY MEMBERS IN THE SAME AREA OF OPERATION, CHAIN OF COMMAND OR WORKPLACE

INTRODUCTION

3.1 Occasions may exist where immediate family members are deployed to the same Area of Operation (AO). These incidences may present an unnecessary risk of multiple family members being seriously injured or killed in the same environment. They also present risks to capability through conflict of interest or bias in decision making. To reduce these risks, where possible, Defence avoids deploying immediate family members to the same AO except under limited circumstances as approved by Chief of Joint Operations (CJOPS).

3.2 Defence also recognises that occasions may exist where immediate family members may be posted or employed within the same chain of command or workplace in non-operational environments. Whilst Defence takes measures to avoid this, in exceptional circumstances where this does occur, commanders and managers are to take reasonable steps to manage any actual or perceived conflicts of interest and maintain operational effectiveness and morale.

DEFINITIONS

3.3 Definitions of common terms used in this chapter are contained in the Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary.

3.4 The definition of who is considered a Defence Recognised Dependent is detailed in ADF Pay and Conditions Manual (PACMAN), Chapter 1, Part 3, Division 2.

POLICY STATEMENT

3.5 The deployment, placement or employment of immediate family members in the same AO, chain of command or workplace should be avoided, unless exceptional circumstances exist.

OPERATIONAL AND NON-OPERATIONAL ENVIRONMENTS

3.6 Operational environments. In order to minimise the risk of multiple casualties from the same family occurring at the same time, immediate family members should not be deployed on the same Operation or in the same AO. Exceptional circumstances may exist where this is unavoidable, such as to meet operational imperatives. Where such circumstances exist, prior CJOPS approval is required and immediate family members should not operate from the same physical location.
3.7 **Non-operational environments.** Defence should avoid the placement of immediate family members in the same chain of command or workplace, except where exceptional circumstances exist. Any actual or perceived conflicts of interest arising from immediate family members employed in the same chain of command or workplace must be managed to ensure that operational effectiveness and workplace morale are maintained.

### ROLES AND RESPONSIBILITIES

3.8 **Defence personnel.** Defence personnel are responsible for informing their commander or manager in writing if they are in a close family-like relationship with any other personnel in the same AO, chain of command, or workplace. This includes any Defence recognised relationship or any non-Defence recognised relationship that could be considered equivalent to being an immediate family member as per the definitions in paragraph 3.18.

3.9 Career Management Agencies (CMAs), Deployment Authorities, commanders and managers, and Defence personnel have various roles and responsibilities in order to meet the intent of this policy. However, these roles and responsibilities differ between the operational and non-operational environments.

### OPERATIONAL ENVIRONMENTS

3.10 **CMAs and Deployment Authorities.** CMAs and Deployment Authorities are to avoid deploying immediate family members to the same AO unless a specific operational need exists and approval is given by CJOPS.

3.11 **Commanders and managers.** Where applicable, commanders or managers are to avoid deploying immediate family members to the same AO unless a specific operational need exists and approval is given by CJOPS.

3.12 If commanders or managers become aware of immediate family members operating in the same AO, they are to:

a. immediately inform Headquarters Joint Operations Command

b. submit a Decision Brief to CJOPS if an operational need exists for both/all of the affected immediate family members to be deployed in the same AO

c. ensure that immediate family members are not employed in the same chain of command or workplace pending a decision by CJOPS

d. ensure that the immediate family members are not assigned to the same physical location in the AO, pending a decision by CJOPS.

3.13 In circumstances where immediate family members have been approved to operate in the same AO, commanders and managers are to ensure affected members are not placed in positions where conflicts of interest could occur. This includes not placing them in the same performance reporting chain or in any position that may compromise their integrity or judgement.
3.14 **Defence personnel.** Defence personnel must inform their commander or manager in writing immediately if they believe a conflict of interest exists by operating in the same AO as an immediate family member.

**NON-OPERATIONAL ENVIRONMENTS**

3.15 **Career Management Agencies.** CMAs should avoid posting immediate family members into the same chain of command or workplace, except under exceptional circumstances. If exceptional circumstances exist then CMAs must consult with the affected personnel and their prospective commander or manager.

3.16 **Commanders and managers.** If commanders or managers become aware of immediate family members working within the same chain of command or workplace, then they are to assess the extent and manageability of any actual or perceived conflicts of interest. If an immediate family relationship can be managed within the same chain of command or workplace, commanders or managers must ensure there is a definite separation in performance reporting chains. Where the immediate family relationship cannot be managed internally, commanders or managers are to request CMA posting action of either of the affected members.

3.17 **Defence personnel.** If Defence personnel believe a conflict of interest exists from working in the same chain of command or workplace with immediate family members, they are to immediately inform their commander or manager in writing.

**ADDITIONAL GUIDANCE**

3.18 An immediate family member includes:

a. Defence personnel who have a relationship with another member where:
   
   (1) one is a recognised dependent of the other
   
   (2) one member is the child of the other member, either natural, adopted, ex-nuptial, step or foster but, is not recognised as a dependent
   
   (3) the two members are siblings, either natural, half, step, adopted or foster
   
   (4) one member, as a child, was raised by the other member but, is not recognised as their dependent

b. Defence personnel with a close family-like relationship which, they consider as being equivalent to immediate family members, and

c. Any Defence personnel determined by the commander or manager as having a special or close family-like relationship with other members, that could be considered as being equivalent to being immediate family members.

3.19 The same workplace includes, but is not limited to, the physical area associated with:

a. for the Navy: seagoing vessel, crew, squadron, aircraft, defence section, shore-based unit, or directorate
b. for the Army: a unit, sub-unit, defence section or directorate

c. for the Air Force: an aircraft, section, flight, detachment, or formation headquarters, and

d. for an Area of Operation: the same mission, flight, patrol, or forward operating base.

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Defence Instructions (General) PERS 25–6—Conflicts of Interest and Declarations of Interest

Defence Pay and Conditions—Recognition of Relationships and Dependants

ADF Pay and Conditions Manual, Chapter 2, Division 2—Recognition of Interdependent Partnerships


Australian Book of Reference 10—Sailors Career Management Manual

Army Standing Instruction (Personnel), Part 4, Chapter 1—Career Management of Soldiers in the Australian Regular Army and Army Reserve

Defence Instructions (Air Force) PERS 3–1—Posting, Attachment and Temporary Duty – Permanent Air Force

Sponsor: ASPPEC (DMPP)
CHAPTER 4
TRANSFER OF PERSONNEL ACROSS THE SERVICE SPECTRUM

POLICY STATEMENT

4.1 The transfer of personnel between Service Categories (SERCATs) assists in the generation and sustainment of Defence capability and provides Defence members with flexible career options. Members may apply to voluntarily transfer between SERCATs 2, 3, 4, 5, 6 and 7 of the Service Spectrum. Where it is necessary for the maintenance of capability or for reasons described in Defence Regulation 2016 CDF may compulsorily transfer a member between some SERCATs. A transfer from SERCAT 7 to SERCAT 6 can only be undertaken voluntarily.

DEFINITIONS

4.2 For the purpose of this chapter, a transfer is any move from one SERCAT to another. It may include a transfer between a Permanent and a Reserve SERCAT conducted under the relevant Defence regulation, a transfer between Reserve SERCAT conducted administratively, or a transfer to Flexible Service in the Permanent Force conducted under Section 23 of the Defence Act 1903. Other common terms and definitions used throughout this chapter can be found in the Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary.

POLICY GUIDANCE

DELEGATIONS AND AUTHORISATIONS

4.3 Authorised decision makers include those persons who act as CDF delegates under the Defence Regulation 2016 for those actions prescribed by regulation and those who act as authorised persons for those actions prescribed by policy. In practice, appointment holders will often have powers as both a delegate and an authorised person. Authorised decision makers are prescribed by CDF in the Defence Regulation 2016 Instrument of Delegations and Authorisations, located on the Pay and Conditions website.

4.4 In the context of transfers across the Service Spectrum, a transfer between a Permanent SERCAT (SERCAT 6 or 7) and a Reserve SERCAT (SERCAT 2, 3, 4 or 5) requires a decision by a CDF delegate as detailed in the Defence Regulation 2016, a transfer within the Reserves (ie between SERCATs 2, 3, 4, and 5) requires a decision by an authorised decision maker under the authority of the MILPERSMAN, and a transfer within the Permanent Force (ie from SERCATs 7 to 6) requires a decision by a CDF delegate as detailed in Section 23 of the Defence Act 1903.
PERSONNEL

4.5 A range of transition support arrangements may be provided for approved transfers between Permanent (6/7) and Reserve (2/3/4/5) SERCATs. These arrangements and their eligibility requirements are set out in the Australian Defence Force Transition Manual and the ADF Pay and Conditions Manual (PACMAN).

4.6 As a minimum, members contemplating transfer between SERCATs should understand the options available to them and seek guidance on:

a. service arrangements and obligations in their current and future SERCAT and/or Service Option (SERVOP) (refer to MILPERSMAN, Part 2, Chapter 5—Australian Defence Force Total Workforce Model—Service Spectrum, the ADF Total Workforce Model User Guide and single Service guidance for further information)

b. required periods of notification for transfer (refer to MILPERSMAN, Part 10, Chapter 1—Permanent Defence members notification of intention to resign or transfer to the Reserves and single Service guidance)

c. requirements for transfer (refer to single Service policy, the ADF Total Workforce Model User Guide and MILPERSMAN, Part 3, Chapter 1—Australian Defence Force policy on Individual Readiness)

d. conditions of service and remuneration of the prospective SERCAT (refer to ADF Pay and Conditions Manual).

FORMS

4.7 A member may apply to transfer between SERCATs by completing Form AC853—Application to Transfer Within or Separate from the ADF. Form AC853 is not required for a transfer from SERCAT 7 to SERCAT 6. Transfers to SERCATs 4, 6 or SERVOP D require a completed Form AE427—Service Category (SERCAT).

COMMANDERS, MANAGERS OR SUPERVISORS

4.8 Commanders, Managers or Supervisors of members seeking to transfer are to provide advice and assistance to members through the transfer process. Commanders, Managers or Supervisors of members assess and provide a recommendation on a transfer application before forwarding to the relevant Service Career Management Agency (CMA) for consideration and approval/non-approval by the authorised decision maker.

4.9 When assessing the merits of a transfer application, the authorised decision maker should seek to balance service requirements with the personal needs and aspirations of the member and be consistent with the factors prescribed below.

AUTHORISED DECISION MAKERS

4.10 Authorised decision makers should consider the member’s suitability for the SERCAT and/or position against any relevant selection criteria (refer to Part 3 of the ADF Total Workforce Model User Guide to support decision making).
4.11 Authorised decision makers, Commanders, Supervisors and Managers may consider the following factors:

a. operational or capability requirements of the affected unit or Service

b. unit or Service constraints (such as budget and impact), or restrictions on the establishment

c. the effect on the retention of corporate knowledge within the unit or Service affected by the member’s transfer, and

d. personal or mitigating circumstances relating to the member which may affect the transfer.

4.12 When approving a member’s transfer to SERCAT 6, the authorised decision maker must issue a flexible service determination, in accordance with subsection 23(2) of the Defence Act 1903.

COMPULSORY TRANSFERS

4.13 CDF may compulsorily transfer a member to another SERCAT (excluding SERCAT 6) in accordance with the provisions of the Defence Act 1903, the Defence Regulation 2016 or for any other reason.

ADDITIONAL POLICIES

4.14 Additional policies provide direction and guidance on specific circumstances:

a. When a member seeks to render service under a Service Option (SERVOP) refer to MILPERSMAN, Part 2, Chapter 5—Australian Defence Force Total Workforce Model – Service Spectrum.

b. If a member is posted to another position within the same SERCAT refer to single Service policy or the relevant CMA.

c. If a member seeks a flexible work arrangement refer to MILPERSMAN, Part 7, Chapter 1—Flexible work arrangements for members of the Australian Defence Force.

d. When a member voluntarily ceases all forms of ADF service or transfers from the Permanent Forces to the Reserves refer to MILPERSMAN, Part 10, Chapter 1—Permanent Defence members notification of intention to resign or transfer to the Reserves where voluntary or MILPERSMAN, Part 10, Chapter 2—Termination of service in the Australian Defence Force where compulsory.

e. When a member requests a transfer from one Service to another (refer to MILPERSMAN, Part 6, Chapter 5—Transfer of personnel between the Services.
RELATED MANUAL CHAPTERS

MILPERSMAN, Part 2, Chapter 3—Appointment and Enlistment in the Australian Defence Force

MILPERSMAN, Part 2, Chapter 5—Australian Defence Force Total Workforce Model - Service Spectrum

MILPERSMAN, Part 2, Chapter 7—Engagement of members of the Australian Defence Force Reserves to render continuous full-time service

MILPERSMAN, Part 6, Chapter 5—Transfer of personnel between the Services

MILPERSMAN, Part 7, Chapter 1—Flexible work arrangements for members of the Australian Defence Force

MILPERSMAN, Part 10, Chapter 1—Permanent Defence members notification of intention to resign or transfer to the Reserves

MILPERSMAN, Part 10, Chapter 2—Termination of service in the Australian Defence Force

MILPERSMAN Part 10, Chapter 5—Australian Defence Force Standby Reserve

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Defence Act 1903

Defence Regulation 2016

ADF Pay and Conditions Manual

Australian Defence Force Total Workforce Model User Guide

Australian Defence Force Transition Manual

Decision-Maker's Handbook

Sponsor: (DGWP)
CHAPTER 5
TRANSFER OF PERSONNEL BETWEEN THE SERVICES

INTRODUCTION

5.1 Transfer of Defence members may occur between the arms of the Australian Defence Force (ADF) in accordance with Defence Regulation 2016, Division 3—Transfer. All transfers are subject to conditions specified by the Chief of the Defence Force (CDF).

5.2 A voluntary transfer by a Defence member may be approved when an application is made and a vacancy exists in the gaining Service. Such transfers should be of benefit to the ADF for facilitating the retention of trained and experienced personnel.

5.3 The CDF may compulsorily transfer members between the Services under Section 15 of the Defence Regulation 2016.

POLICY STATEMENT

5.4 Defence members may be transferred between the Services. A member may voluntarily apply or the CDF may compulsorily transfer a member to another Service.

SCOPE

5.5 This Chapter applies to all Defence members.

DEFINITIONS

5.6 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this Chapter.

ROLES AND RESPONSIBILITIES

5.7 Defence member. When applying for a voluntary transfer, the Defence member is responsible for:

a. submitting Form AC 853—Application to Transfer Within or Separate from the ADF through their chain of command to their Service Career Management Agency (CMA)

b. advising their CMA when they become aware of any change in circumstances that may affect their suitability for transfer—for example, civil convictions or loss of driving licence

c. complying with any directions given by the gaining Service if the Defence member’s application for transfer is successful and a posting authority has been promulgated
d. contacting the Commonwealth Superannuation Corporation to discuss any implications a Service Transfer may have on their Defence Force Retirement and Death Benefits Scheme, Military Superannuation and Benefits Scheme or ADF Superannuation Scheme entitlements before accepting a Service transfer.

5.8 **Commanding Officer**. The Commanding Officer of the Defence member submitting an application should:

a. make a recommendation on the Defence member’s suitability for transfer

b. ensure advice and guidance is provided to the Defence member on the transfer process.

5.9 **Gaining Service**. The gaining Service is responsible for:

a. involving Defence Force Recruiting where there are competitive selection processing requirements

b. deciding on and specifying the transfer conditions, including making decisions with respect to any remaining service obligation

c. informing the member of any conditions prior to the transfer, providing a letter of offer and undertaking administrative arrangements.

5.10 **Losing Service**. The losing Service is responsible for:

a. formally advising the gaining Service CMA of the application when the losing Service agrees in principle to the transfer of a Defence member

b. providing advice to the gaining CMA on any administrative or disciplinary actions, unacceptable behaviour outcomes, security clearance downgrades or changes in the member’s health status.

**POLICY GUIDELINES**

**COMPULSORY TRANSFER**

5.11 The CDF may compulsorily transfer one or more Defence members from one service to another to facilitate the effective and efficient operation of the Defence Force or to enhance the ability to deliver capability and preparedness outcomes. A Defence member does not need to consent to the transfer.

**VOLUNTARY TRANSFER**

5.12 **Entitlement to transfer**. Voluntary transfer of a Defence member between the Services is not a right. When considering if and when to release a member for transfer to another Service, the delegate of the losing Service should apply the same considerations and require the same notification period as it is applicable when a member applies to resign or transfer from the Permanent Force (MILPERSMAN, Part 10, Chapter 1—Permanent Defence Members Notification of Intention to Resign or Transfer to the Reserves).
5.13 A voluntary application to transfer may be withdrawn by the Defence member at any time before the transfer date (indicated in the letter of offer) takes effect.

5.14 **Continuity of service.** A Defence member transferring does not experience any break in continuity of service and, consequently, has no entitlement to separation benefits.

5.15 **Preservation of conditions of service.** The period of service in the losing Service is recognised as effective service in the gaining Service for matters such as leave entitlements, awards and other conditions linked to time in service.

5.16 **Periods of obligated service.** An application to transfer may be rejected by the losing Service if the member has an outstanding service obligation. However, if an application is approved by the losing Service, the gaining Service will determine if the member will continue to be liable for any outstanding service obligation on transfer. Defence members should also be aware that they may be liable for an additional return of service obligation (ROSO). For a service obligation to be applied the gaining Service must inform the Defence member of the period of obligated service, the associated service obligation debt and the accrual/acquittal method before the transfer takes effect. Additional policy guidance on service obligations is contained in MILPERSMAN, Part 2, Chapter 4—*Service Obligations*.

5.17 **Period of service.** Except where members are already trained to perform duties in the relevant employment group, the gaining service should consider the member’s compulsory retirement age or remaining period of service as part of the decision-making process.

5.18 **Psychological/psychometric assessment.** A psychological assessment may be required as part of the application by a Defence member to transfer between the Services. The gaining Service may request a review of that Defence member’s AR 213—*Psychological Documents Folder* by the Defence member’s servicing mental health or psychology section, via Form PM 008—*Referral for a Mental Health/Psychological Assessment and Management Advice* (the referral minute). The psychology element will advise the gaining Service of any requirement for further psychological assessment. Any decision to act upon this advice rests with the gaining Service.

5.19 **Health requirements.** The health assessment of a Defence member applying for transfer between the Services is to be arranged by the losing Service and be conducted at the Defence member’s nearest ADF health facility. The Defence member should have a minimum standard Medical Employment Classification (MEC) of MEC2 or a Specialist Employment Classification (SPEC) of SPEC2 appropriate to the gaining Service and occupation. Defence members transferring between the Services must meet the medical requirements of the Defence Health Manual (DHM), Volume 2, Part 5, Chapter 4—*Entry of Candidates with Previous Military Service*.

5.20 **Responsibility for expenses.** The gaining CMA is responsible for meeting any administrative and travel expenses associated with the Defence member applying to transfer between the Services. Expenses may include medical examinations, psychological or psychometric assessments and attending interviews or selection boards.
5.21 **Offer of transfer.** If the gaining CMA accepts the Defence member’s application to transfer between the Services a formal letter of offer of transfer is to be provided to the Defence member, through the losing Service. The letter of offer is to advise the conditions of service and, if applicable, any training that must be undertaken by the Defence member.

5.22 **Letter of offer.** The letter of offer includes the transfer conditions for the Defence member applying to transfer between the Services. The letter of offer should specify:

a. the date the transfer takes effect

b. any training requirements

c. the period of service for which the Defence member is transferring

d. the Service Category to which the Defence member is transferring

e. the Employment Category to which the Defence member is transferring

f. the rank and seniority the Defence member is to hold in that Service

g. if applicable, the period of outstanding ROSO or initial minimum period of service to be served and any new ROSO that might apply

h. salary and any applicable salary-related allowances and financial conditions

i. any other considerations or special conditions.

**RELATED MANUAL CHAPTERS**

MILPERSMAN, Part 1, Chapter 5—*Delegations*

MILPERSMAN, Part 2, Chapter 3—*Appointment and enlistment in the Australian Defence Force*

MILPERSMAN, Part 2, Chapter 4—*Service Obligations*

MILPERSMAN, Part 2, Chapter 5—*Australian Defence Force Total Workforce Model—Service spectrums*

MILPERSMAN, Part 3, Chapter 1—*Australian Defence Force Policy on Individual Readiness*

MILPERSMAN, Part 3, Chapter 2—*Australian Defence Force Medical Employment Classification System*

MILPERSMAN, Part 6, Chapter 4—*Transfer of personnel across the Service Spectrum*

MILPERSMAN, Part 10 Chapter 1—*Permanent Defence Members Notification of Intention to Resign or Transfer to the Reserves*
RELATED LEGISLATION, POLICY AND PUBLICATIONS

*Defence Act 1903*

*Defence Regulation 2016*

*Australian Book of Reference 6289*—*Royal Australian Navy Officers’ Career Management Manual*

*Australian Book of Reference 10*—*Sailors’ Career Management Manual*

*ADF Pay and Conditions Manual*

*Air Force Standing Instructions—Personnel*

*Army Standing Instruction (Personnel)*

*Defence Health Manual*, Volume 2, Part 5—*Health Standards and Procedures for Entry and Transfer*

**Sponsor:** ASPPEC (DMPP)
CHAPTER 6
EXCHANGE AND SECONDMENT OF DEFENCE MEMBERS WITH NON–DEFENCE ORGANISATIONS

INTRODUCTION

6.1 It is crucial for Defence members to have appropriate knowledge, skills and experience to enhance and maintain operational capability. Where particular skills, knowledge or experience that are critical in enabling Defence to perform its mission are not readily available within the organisation, there may be opportunities to exchange or second Defence members with Non-Defence organisations (NDOs).

6.2 For the individual, exchanges and secondments can facilitate the interchange of ideas as well as the development of new skills, practices and knowledge. For the organisations they offer a catalyst to foster greater understanding between Defence, Industry, Government and the wider community. Exchanges and secondments may also serve as retention initiatives for the Services.

POLICY STATEMENT

6.3 Defence may provide opportunities to Defence members for exchanges and secondments with NDOs.

SCOPE

6.4 This chapter applies to all Defence members except those on exchange, posted (or seconded) to the United Nations.

DEFINITIONS

6.5 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout MILPERSMAN. For the purposes of this Chapter a Non-Defence Organisation (NDO) is any overseas, Commonwealth, State or Territory department, authority, agency or commission including local government authorities that is not part of the Australian Government Department of Defence. It also includes any civil company, firm, industrial, not-for-profit or commercial organisation. For the purposes of this policy the United Nations is not considered a NDO.

APPROVING AUTHORITY

6.6 Exchanges may be approved by a one-star or SES Band 1 within the chain of-command in Defence, and, where posting and attachment action is required, with the concurrence of the relevant single Service Career Management Agency (CMA). An exchange to an overseas NDO can only be approved by the relevant Service Chief.

6.7 Secondments may be approved by a Defence appointment or agency authorised to approve a posting, attachment, temporary duty, local area move or loan
in accordance with single Service policies. A secondment to an overseas NDO can only be approved by the relevant Service Chief after consideration of any constraints, such as funding or caps on overseas positions.

6.8 If it is considered that an exchange or secondment should become a permanent arrangement, formal establishment action is to be taken in accordance with single Service policies.

**APPROVAL PROCESS**

6.9 An exchange or secondment can be instigated by a voluntary proposal from a NDO, or by managers or supervisors of Defence members soliciting an expression of interest from a NDO (in consultation with the individual member).

6.10 The NDO must confirm in writing to the managers or supervisors of Defence members their willingness to participate in an exchange or secondment. This confirmation is to include details of the activity to be pursued, and in the case of exchanges, clearly articulate the perceived benefits to both parties.

6.11 For secondments undertaken as Clinical Placements, Joint Health Command has a number of standing arrangements with various Health Service Providers. Details are available on the Clinical Placements page. The conduct of such secondments is set out in the terms of the Clinical Placement Deed, and the details of individual secondments are to be set out in the Schedule attached to the Deed (for the purpose of this Chapter, a Clinical Placement Deed constitutes a Memorandum of Understanding (MOU)). Each party is to retain a copy of the Schedule for each individual placement and this negates the requirement for additional correspondence in writing as set out in this chapter.

6.12 On receipt of the NDO’s confirmation, a proposal is to be drafted by the managers or supervisors of Defence members, in the form of a brief. The proposal is then sent to the relevant Approving Authority for consideration. If formal posting, attachment, temporary duty or loan action is required, concurrence must also be sought from the relevant Service CMA.

6.13 When assessing the proposal, the Approving Authority should consider a number of important issues prior to making a decision. These include:

   a. **Need for an exchange or secondment.** A need, that is, a capability shortfall amongst Defence members that cannot be readily satisfied by Defence, must exist before an exchange or secondment can be initiated.

   b. **Keeping the position vacant.** A seconded Defence member’s posted position will normally remain vacant throughout the duration of the secondment.

   c. **Funding.** Funding for Defence members participating in an exchange or secondment is the responsibility of the participating Group or Service. Funding for a NDO employee participating in an exchange, including additional expenses incurred in the performance of duties required by an exchange (eg travel expenses or removal at the request of the NDO), remains the responsibility of the NDO, unless otherwise stipulated in the
MOU (see paragraph 6.15 and Annex 6A). In the case of a secondment, any fees charged by the NDO for any proposed training or experience, including additional expenses such as rations and quarters charges, are to be met from Approving Authority funds.

d. **Maintaining probity.** The individuals and organisations participating in an exchange or secondment are to adhere to relevant codes of conduct and values.

e. **Conflict of interest (perceived or actual).** Defence members are to adhere to the principles outlined in Defence Instruction (General) (DI(G)) PERS 25-6—Conflicts of interest and declarations of interest.

f. **Commercial confidentiality.** Suitable arrangements must be agreed on regarding access to commercially sensitive and confidential information.

g. **Intellectual property.** Suitable arrangements must be agreed on regarding the use of proprietary knowledge.

h. **Political sensitivities.** An exchange or secondment is not to impinge upon political issues and sensitivities.

i. **Security clearance.** If access is required to classified information during an exchange or secondment, the Defence member or NDO employee is to have a security clearance at the appropriate level prior to commencement of duty. Any requirement for access to classified information is to be stipulated in the MOU. The exchange sponsor (from Defence) or secondment sponsor (from a NDO) is responsible for submitting a request for any security level upgrade required for the successful candidate.

j. **Salary and allowances.** While participating in an exchange or secondment, Defence members are to receive their normal Service salary and, where policy allows, any allowances applicable to the position vacated. No salary should be paid by the NDO to the Defence member. A Defence member’s normal conditions of employment entitlements eg removals, housing and accommodation assistance or associated allowances, continue as appropriate. Remuneration for the NDO employee, and the payment of any special allowances for removals, housing etc, remain the responsibility of the NDO. Any special arrangements for the NDO member are to be outlined in the MOU.

k. **Work health and safety.** All Defence members and NDO employees participating in an exchange or secondment must comply with, and be protected by, relevant work health and safety legislation and codes of practice. This includes the Work Health and Safety Act 2011, Work Health and Safety Regulations 2011, and other policies applicable within each organisation (eg random alcohol and prohibited substance testing within Defence, as outlined in DI(G) PERS 15–4—Alcohol testing in the Australian Defence Force and DI(G) PERS 15–5—Management of the use or involvement with prohibited substances in the Australian Defence Force.
6.14 Where concerns about any of the above issues cannot be resolved, the proposal for the exchange or secondment should not be approved.

6.15 For exchanges or secondments within Australia, following in principle approval of a proposal, a MOU with the host agency is to be negotiated and the final draft is to be cleared by a Defence Legal (DL) Officer. A template for a MOU can be obtained from DL, at DL.GeneralCounsel@defence.gov.au, and should be adapted using the guidelines in Annex 6A to suit the exchange or secondment situation. No exchange or secondment is to commence until negotiations have satisfactorily concluded.

6.16 For overseas exchanges or secondments, DI(G) ADMIN 48–1—International Government Agreements and Arrangements must be followed. Additionally, after in principle approval of a proposal has been obtained for either an exchange or a secondment, a MOU with the host country agency is to be drafted, in consultation with the Directorate of International Government Agreements and Arrangements (DIGAA) in DL. This is then negotiated and the final draft is to be cleared by DIGAA. No exchange or secondment is to commence until negotiations have satisfactorily concluded.

**OTHER ADMINISTRATIVE CONSIDERATIONS**

6.17 Other administrative factors relating to exchanges and secondments which should be considered by the Approving Authority include:

a. **Indemnities.** Where a NDO requires a form of indemnity, a DL Officer should be consulted to progress any preliminary legal issues. The office of the Chief Finance Officer is to be consulted on the form of the indemnity and a DL Officer’s clearance of the indemnity is required prior to the MOU being signed.

b. **Leave.** Defence members participating in an exchange or secondment retain access to normal leave entitlements, except in relation to recreation leave in the circumstances specified in the ADF Pay and Conditions Manual (PACMAN), Chapter 5, Part 4, Division 7, subclause 5.4.38.

c. **Public holidays.** Defence members on an exchange or secondment are expected to observe the public holidays applicable to the location of the NDO, rather than those applicable to Defence. However, if the holidays observed by the NDO extend over a period of more than five consecutive days, consideration is to be given to returning the member to their parent unit. Alternatively, if deemed appropriate, rather than returning to duty the Defence member may use recreation leave.

d. **Stand downs.** Any ‘stand downs’ observed by the NDO should be administered on PMKeyS as ‘short leave absence not required for duty’. However, if the ‘stand downs’ observed by the NDO extend over a period of more than five consecutive days, consideration is to be given to returning the member to their parent unit. Alternatively, if deemed appropriate, rather than returning to duty the Defence member may use recreation leave.
e. **Discipline.** For the duration of an exchange or secondment, Defence members remain subject to the requirements of the *Defence Force Discipline Act 1982*.

f. Where applicable, Defence members will also be bound by legislation relevant to the NDO—for example, Defence members within the Australian Border Force are bound by the *Australian Border Force Act 2015*.

g. **Wearing of uniform.** Only in exceptional circumstances should Defence members wear uniform during an exchange or secondment—that is, if Defence members are required to be clearly identifiable and distinguishable from NDO employees, particularly in operational environments, such as in the Australian Border Force. Otherwise, Defence members should wear attire appropriate to the NDO workplace. Defence members should be advised that no clothing allowance is payable with regard to any civilian clothing they may purchase. The provision and purchase of any specialist clothing which is not supplied by the NDO is to be authorised by the Approving Authority.

h. **Professional associations and trade unions.** Defence members are not required to join any professional associations or trade unions as a prerequisite to an exchange or secondment. Accordingly, should an industrial dispute occur during an exchange or secondment, the member is to advise the Approving Authority immediately and return to their parent organisation or military unit, or determine an alternative work arrangement. The Approving Authority will then decide whether the exchange or secondment should continue.

i. **Administration of members.** Defence members on exchange or secondment are to be administered in accordance with normal single Service practices, through the Approving Authority.

j. **Graduate Medical Scheme.** Members undertaking professional residency programs are considered to be seconded to a NDO for the purpose of this policy.

k. **Directives for members.** As deemed appropriate, according to the length of the exchange or secondment, the Approving Authority should issue individual Defence members with a Directive which expressly states the requirements and expectations placed upon them during an exchange or secondment—for example, reporting times, duties etc.

l. **Performance evaluation.** Defence members should be assessed by their NDO managers or supervisors using the appropriate single Service performance appraisal report, in consultation with the respective career management agency. If Defence members cannot complete the electronic performance appraisal report, the respective career management agency must send a PDF version of the report to the member. Defence members are then to print and complete this report by hand, in consultation with their NDO manager or supervisors. MOU are to include an agreed format for individual performance evaluation.
m. **Feedback and reporting.** The Approving Authorities should ensure that the maximum benefit is achieved from each exchange or secondment. This may be accomplished by the submission of a formal report, presentations to the wider Defence organisation, or training/briefing sessions for local Unit or section personnel, as considered appropriate.

n. Defence members undertaking a long-term exchange (greater than 12 months) are to submit a mid-term 'exchange report' to their Approving Authority and/or the respective Service career management agency. A further report is to be rendered at the conclusion of the exchange. The report should detail the member's employment, experience, knowledge and/or skills obtained or enhanced, and their opinion of the value of the exchange in terms of the aims of the scheme. More frequent informal reviews may be required during the exchange at the discretion of the Approving Authority.

o. **Return of Service Obligation (ROSO).** ROSOs will be applied consistent with single Service ROSO Determinations.

p. **Other conditions of service issues.** The period of the exchange or secondment continues to be recognised as effective service for the purposes of superannuation, accrual of seniority for pay and rank, Defence Force medals, recreation and long service leave and post-promotion tenure. During this period, the Australian Defence Force (ADF) member:

   1. continues to contribute to their normal superannuation scheme
   2. is covered under the provisions of the applicable Defence compensation legislation, and
   3. is to comply with the single Service individual readiness and recall to duty requirements.

q. An application to separate from the ADF or transfer to the Reserves will not normally be accepted from members while they are participating in an exchange or secondment. Defence members wishing to separate or transfer are to notify the Approving Authority immediately and return to their parent organisation. Normal Initial Minimum Period of Service/ROSO requirements, and resignation/transfer notification periods, will apply.

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**RELATED MANUAL CHAPTERS**

MILPERSMAN, Part 3, Chapter 1—*Australian Defence Force Policy on Individual Readiness*

MILPERSMAN, Part 7, Chapter 5—*Political activities of Defence Members*

MILPERSMAN, Part 8, Chapter 1—*Graduate Medical Scheme*

MILPERSMAN, Part 10, Chapter 1—*Permanent Defence Members notification of intention to resign or transfer to the Reserves*
RELATED LEGISLATION, POLICY AND PUBLICATIONS

*Defence Force Discipline Act 1982*

*Work Health and Safety Act 2011*

*Work Health and Safety Regulations 2011*

*Defence Instruction (General) ADMIN 48–1—International Government Agreements and Arrangements*

*Defence Instruction (General) PERS 15–4—Alcohol testing in the Australian Defence Force*

*Defence Instruction (General) PERS 15–5—Management of the use or involvement with prohibited substances in the Australian Defence Force*

*Defence Instruction (General) PERS 25–6—Conflicts of interest and declarations of interest*

*ADF Pay and Conditions Manual (PACMAN)*

Defence Health Manual, *Volume 3, Part 17, Chapter 1—Clinical Placement Deeds of Agreement for ADF health care personnel in civilian facilities*

**Annex:**
6A  **Guidelines for Memorandum of Understanding**

**Sponsor:** ASPPEC (DMPP)
1. The following is not an exhaustive listing of topics for inclusion in an exchange or secondment Memorandum of Understanding, but provides guidance on issues to be considered:

TERMS AND CONDITIONS

– Exchange/Secondment Background
– Definitions
– Period of the Exchange/Secondment
– Command and Administrative Control
– Selection Criteria
– Professional Qualifications Required
– Duties Involved
– Financial Arrangements
– Security Clearance
– Training Obligation
– Conflict of Interest (Consider any restriction of duties, confidentiality, intellectual property rights, and security issues)
– Privileges and Exemptions
– Office of Accommodation and Services
– Claims
– Briefings
– Dispute Resolution
– Commencement, Amendment, Review and Termination
– 'Non-Recruitment of Exchange/Seconed Personnel' Agreement
– Indemnity
– Termination of the Exchange/Secondment
AUSTRALIAN DEFENCE FORCE CONDITIONS OF SERVICE REQUIREMENTS

– Discipline
– Reports and Evaluations
– Uniform and Specialist Clothing
– Individual Readiness
– Leave
– Compensation
– Housing and Accommodation
– Prohibited Substance and Alcohol Testing
– Recall to Duty
CHAPTER 7

CONDUCT OF BILATERAL PERSONNEL ACTIVITY BETWEEN THE AUSTRALIAN DEFENCE FORCE AND THE NEW ZEALAND DEFENCE FORCE

INTRODUCTION

7.1 Bilateral Personnel Activity (BPA) between the Australian Defence Force (ADF) and the New Zealand Defence Force (NZDF) assists in fostering closer Defence relations and broadens the experience and professional knowledge of the personnel involved. BPA provides both the ADF and NZDF with the opportunity to advance common interests and promote interoperability through the sharing of cultures and exposure to differing defence force procedures and equipment. Through BPA, members from the ADF and NZDF undertake official duties with the Navy, Army or Air Force of the other defence force. Military Personnel Policy Manual (MILPERSMAN), Part 8, Chapter 4—Tasman Scheme provides more information for ADF JNCO Reservists.

POLICY STATEMENT

7.2 The ADF values its relationship with the NZDF through the development and implementation of BPA. The principles governing the conduct of BPA are set out in the Memorandum of Arrangement between Australian Defence Force and New Zealand Defence Force relating to the conduct of Bilateral Personnel Activity, which came into effect on 20 February 2016 (MOA). The status of Participating Personnel is set out in the Agreement between the Government of Australia and the Government of New Zealand Concerning the Status of their Forces which entered into force on 27 May 2005 (SOFA).

SCOPE

7.3 This Chapter applies to all BPA between the ADF and NZDF.

7.4 This Chapter does not apply to Visitors as defined in the MOA.

DEFINITIONS

7.5 MILPERSMAN, Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains common terms and definitions used throughout this Chapter.

ROLES AND RESPONSIBILITIES

7.6 The appointments within Defence and the Service Headquarters responsible for the management of BPA are:

a. Navy – Director General Navy People (DGNP)
b. Army – Director General Career Management— Army (DGCM–A)
c. Air Force – Director General Strategy and Planning—Air Force (DGSP–AF)
d. Defence People Group— Director Military People Policy (DMPP)
e. Australia-New Zealand Defence Coordinating Group (ANZDCG) – (Co-Chairs)
f. Australian Defence Adviser, Wellington (DA(W))
g. Vice Chief of the Defence Force – Head Reserve and Youth Division.

7.7 DGNP, DGCM-A and DGSP-AF are responsible for coordinating and managing all single Service BPA positions as listed in the MOA, in consultation with NZDF career management authorities. Any agreed changes to the list of positions, or changes to the details of any listed positions, are to be reported through the standing bi-lateral arrangements in place under the ANZDCG.

DEFENCE PEOPLE GROUP—DIRECTOR OF MILITARY PEOPLE POLICY

7.8 DMPP is the Australian Co-Chair of the Australia—New Zealand Personnel Working Group (ANZPWG). The ANZPWG is responsible for the monitoring and coordination of bilateral personnel programs and policies between the ADF and NZDF under the umbrella of the ANZDCG.

AUSTRALIA-NEW ZEALAND DEFENCE COORDINATING GROUP

7.9 ANZDCG is responsible for the management of a program of Closer Defence Relationship activities through five subordinate Working Groups, including the ANZPWG, to give effect to Ministerial and Australia—New Zealand Senior Executive, and Group of Four direction.

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7.10 The Chief of the Defence Force (CDF) has given DA(W) various disciplinary powers in relation to ADF members serving in the NZDF. See CDF Instruments of Appointment.

7.11 DA(W) is also a participating member of the ANZDCG.

OVERALL COORDINATION

7.12 The ANZPWG, acting in accordance with its terms of reference and operating under the auspices of the ANZDCG, provide a coordination and monitoring function to ensure the overarching objectives of the ADF and NZDF are being met and to recommend changes if necessary. It will meet at least biannually and routinely report through the ANZDCG.

JURISDICTIONAL ARRANGEMENTS

7.13 CDF Directive 05/2017 outlines CDF’s directions as to the conduct of ADF personnel involved in a BPA.
COMMAND

7.14 Participating Personnel will remain under the command of their Sending State for the purposes of a BPA.

7.15 Personnel of the Receiving Unit will comply with any lawful instructions or directions issued by Participating Personnel of the Sending Participant who are serving in that unit, who hold a higher rank and who are acting in the course of official duties.

7.16 Participating Personnel of the Sending Service will comply with any lawful instructions or directions issued by personnel of the Receiving Participant who hold a higher rank and who are acting in the course of official duties.

7.17 Participating Personnel will comply with lawful standing and routine orders and instructions, and all lawful applicable customs of the Receiving Participants which apply to the position they occupy in the Receiving State.

DISCIPLINE

7.18 Article 4 (Criminal Jurisdiction) of the SOFA will apply to Participating Personnel for the purposes of a BPA.

7.19 Participating Personnel will remain subject to the service law of the Sending State.

7.20 ADF personnel will therefore remain subject to the provisions of the Defence Force Discipline Act 1982 while on a BPA with the NZDF. In the event of any service disciplinary offence committed by ADF personnel serving in the NZDF under the provisions of the MOA, such cases must be referred to DA(W) for investigation and prosecution in the first instance.

7.21 NZDF personnel remain subject to the provisions of the Armed Forces Discipline Act 1971 (NZ) while on a BPA with the ADF. In the event of any Service disciplinary offence committed by NZDF personnel serving in the ADF, the ADF Commanding Officer will refer the case to the New Zealand Defence Adviser in Canberra for investigation and prosecution in the first instance.

CRIMINAL AND CIVIL JURISDICTION

7.22 Subject to the SOFA, the Participating Personnel will respect the law of the Receiving State.

7.23 Article 4 (Criminal Jurisdiction) and Article 5 (Claims) of the SOFA will apply to Participating Personnel for the purposes of a BPA while performing their official duties.

Sponsor: ASPPEC (DMPP)
CHAPTER 8
APPPOINTMENTS TO THE STAFFS OF THE GOVERNOR-GENERAL, STATE GOVERNORS AND TERRITORY ADMINISTRATORS

INTRODUCTION

8.1 Defence appoints full-time Aides-de-Camp (ADCs) and, when necessary, provides health support to the Governor-General. Defence also provides part-time ADCs to the Governor-General in each State and Territory and part-time ADCs to support State Governors and Territory Administrators, if requested.

8.2 The appointment of a Defence member as an ADC to the Governor-General, a State Governor or a Territory Administrator are titled by The Office of the Official Secretary to the Governor-General (OOSGG) as ‘honorary’ for the purpose of official protocol.

POLICY STATEMENT

8.3 The Services provide quality ADCs support, to the Governor-General, State Governors and Territory Administrators. In certain circumstances, when the need arises, and where possible, Joint Health Command (JHC) will coordinate the provision of health support for, and to, the Governor-General domestically and/or overseas.

SCOPE

8.4 This policy applies to all Defence members who are responsible for the selection, appointment, coordination and management of ADCs to the Governor-General, State Governors and Territory Administrators and for the provision of health support to the Governor-General.

8.5 This policy may also be used for Defence members wanting to apply or who are currently selected to provide services to the Governor-General, State Governors and Territory Administrators.

DEFINITIONS

8.6 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this Chapter.

ROLES AND RESPONSIBILITIES

8.7 Service Career Management Agencies (CMA) are responsible for the initial selection of ADC candidates in accordance with their respective Service’s procedures. The respective CMA Directors General are responsible for approving a candidate’s appointment as an ADC.
8.8 The OOSGG manages the requirements of the Governor-General including making the final selection of full-time ADCs and managing their duties on a day to day basis. In conjunction with the relevant Service, OOSGG also makes the final selection of part-time ADCs to the Governor-General in each State and Territory.

8.9 JHC is the conduit between Defence and OOSGG when health support to the Governor-General is required to be provided by Defence. Director-General Health Capability is responsible for the coordination of health professionals in support of the Governor-General, if Defence health care is required.

8.10 Directorate of Protocols and Visits (DPV) is responsible for administrative command and control of full-time ADCs to the Governor-General.

8.11 The relevant Service Reserve Unit or Squadron, as directed by their Service CMA, is responsible for coordinating and administering part-time ADCs to their State Governor or Territory Administrator.

8.12 Additional ADF appointments to the staff of the Governor-General, State Governor or Territory Administrator may be made when requested in accordance with the scope of this policy. Additional staff will be required to be approved and appointed through DPV, Senior ADF Officer (SADFO) and CMA as appropriate.

**AIDES DE CAMP TO THE GOVERNOR GENERAL**

**FULL-TIME**

8.13 Nominations. Single service CMAs are to provide nominations for full-time ADCs, through the Service Chiefs and DPV, to OOSGG when requested. Each Service is to nominate a minimum of three suitable candidates at the rank of O-3 to perform the duties outlined in Annex 8A. All nominations are to be endorsed by the relevant Service Chief prior to being submitted to OOSGG through DPV, and are to be received by OOSGG at least six months prior to commencement of the ADCs appointments. A selection criterion for use by CMAs is in Annex 8B.

8.14 Selection and appointment. The OOSGG will select one nominee from each of the Service nominees and their appointments will be confirmed by their respective Service.

8.15 Tenure. The normal tenure of office for a full-time ADC is one year from the date of appointment.

8.16 Clothing. Full-time ADCs will be kitted as per their Service requirements for uniforms, as outlined in Annex 8C. Any provision for civilian clothing allowance will be in accordance with the ADF Pay and Conditions Manual (PACMAN), Chapter 10, Part 3—Aide-de-camp and ADF advisor allowance.

8.17 Travel and allowances. Travel expenses and allowances are funded by Defence in accordance with PACMAN, Chapter 9—ADF travel in Australia. All travel arrangements during this posting are the responsibility of the ADCs and are administered through DPV.
8.18 **Command and control.** ADCs are posted to DPV, and, as such, DPV provides command and administrative support to them for the duration of their tenure, whilst recognising that the OOSGG is responsible for tasking them on a routine basis.

**PART-TIME**

8.19 **Nominations.** Single Service CMAs are to coordinate nominations of part-time ADC appointments to the Governor-General in each State and Territory. Candidates are to reside locally, hold a minimum rank of O-5 and the appointment is to be considered a secondary duty for the member. The part-time ADC is to be prepared to support the Governor-General when the OOSGG advises of a required duty.

**Note:** Generally, Air Force preference is that the incumbent of the base SADFO position will be nominated to be the ADC within the relevant State or Territory.

8.20 **Selection and appointment.** The final selection of part-time ADCs will be made by the Services in consultation with the OOSGG, and their appointments will be confirmed by their respective Service. The Selection Criteria for part-time ADCs is in **Annex 8D**.

8.21 **Tenure.** Normally, the tenure of office for a part-time ADC for the Governor-General is aligned to the relevant Service posting cycle. Tenures may be extended or reduced to ensure a stagger of new and experienced ADCs. Tenures may also be reduced at the member's request, or at the request of the OOSGG.

8.22 **Clothing.** Part-time ADCs will be kitted as per their Service requirements for uniforms (**Annex 8C** refers).

8.23 **Command and control.** Part-time ADCs remain under the command of their posted unit, whilst recognising that the OOSGG may task them for ADC duties only on an as-required basis. OOSGG will provide notification of tasking in support of the Governor-General to the senior officer of the members posted unit.

**HEALTH SUPPORT TO THE GOVERNOR GENERAL**

8.24 The Governor-General of the day will usually choose their physician. However, even if the Governor-General decides on a civilian physician, Defence may at times be called upon to provide supplementary professional healthcare support if requested.

8.25 Through the Principal Medical Adviser, DVA is the initial point of contact for health support to the Governor-General for travel and activities within Australia or overseas. On occasions where DVA is not in a position to provide support, the OOSSG may seek Defence assistance by requesting support through the Office of Commander Joint Health (CJHLTH).

8.26 When requested, CJHLTH is to coordinate health support, to the Governor-General. Health support provided by Defence may include the provision of a healthcare professional, primary healthcare equipment, pharmaceuticals and consumables. For further details contact the Office of CJHLTH at **OCJHLTH@defence.gov.au**.
8.27 On occasion, the provision of appropriate Defence health support may be requested for other dignitaries, including the Australian Prime Minister. In such instances any request will be considered by CJHLTH, and the Services, on a case-by-case basis.

8.28 Tenure. The tenure of office for health support to the Governor-General is managed on a case-by-case basis.

8.29 Clothing. All personnel providing health support will need to dress as per OOSGG requirements. Annex 8C has further information regarding dress allowances and uniforms, if and when they are required to be worn.

8.30 Funding authority. JHC will provide any relevant medical supplies and equipment as well as meeting all associated travel expenses and allowances, in accordance with PACMAN, Chapter 9—ADF travel in Australia. If the medical support is provided by a Reservist, the relevant Service will provide the Reserve Service days.

AIDE DE CAMP SUPPORT TO STATE GOVERNORS AND TERRITORY ADMINISTRATORS

8.31 ADCs are to be provided to State Governors and Territory Administrators upon request and will be undertaken by Reserve members on an 'as required' basis. Permanent Defence officers will not normally be appointed. Up to two part-time ADCs from each Service, totalling six ADCs, at the O–3 to O–5 rank, may be appointed for part-time duty to attend to a State Governor or Territory Administrator.

8.32 Selection and appointment. Each Service is to follow the relevant guidelines for their Service to select and appoint their ADCs. All Services are to use the ADC Selection Criteria located in Annex 8B. Therefore:

a. Navy and Army:
   (1) The SADFO in the relevant State or Territory may be advised either by a State Governor or Territory Administrator, or by the CMA of the relevant Service, of the need for selection and appointment of a part-time ADC to attend to a State Governor or Territory Administrator.
   (2) The SADFO should either identify a suitable Reserve officer or consider any direct request for a particular person by a State Governor or Territory Administrator.
   (3) Final selection of part-time ADCs to State Governors and Territory Administrators will be confirmed by the office of the relevant State Governor or Territory Administrator with the SADFO in the State or Territory concerned, before the relevant Service CMA appoints the member to that position.

b. Air Force. The Directorate of Personnel—Air Force will coordinate selections and nominate officers for appointment as part-time ADCs to State Governors and Territory Administrators. Formal appointment will not precede
confirmation of acceptance by the office of the relevant State Governor or Territory Administrator in the State or Territory concerned.

8.33 Tenure. The normal tenure of office for an ADC to a State Governor or Territory Administrator is 6 months probationary then three years with provision for an extension if requested by the State Governor or Territory Administrator. Any extension of a part-time ADC appointment is to be negotiated between the Officer, the relevant Service and the Office of the State Governor or Territory Administrator.

8.34 Salary and Allowances. When fulfilling approved ADC roles, members are on duty. Consequently Part-time ADCs conditions of service are a Service responsibility. This includes salary and Reserve Service Allowance. In accordance with PACMAN Chapter 10, Part 3.2a. there are no provisions for civilian clothing allowance.

8.35 Reserve days. The demands on an ADC are dependent on the requirements of the relevant State Governor or Territory Administrator. Services are to allocate a minimum of 20 Reserve Service days per financial year in order to ensure Reserve members are able to fulfil their ADC commitments.

8.36 Other funding arrangements. The Offices of each State Governor and Territory Administrator have different arrangements regarding expenses, which may vary at times. Prior to the appointment of the ADC, the posted unit of the appointed ADC must contact the relevant office of their State Governor or Territory Administrator to confirm such arrangements.

8.37 Command and control. Part-time ADCs will remain under full command of their posted unit, undertaking duty as required in support of the State Governor or Territory Administrator. The Office of each State Governor and Territory Administrator will advise the Commanding Officer, of the member’s parent unit, of any anticipated ADC duties. The ADC to perform those duties will be tasked by the Official Secretary, or Official Administrator, to the relevant State Governor or Territory Administrator.

RELATED LEGISLATION, POLICY AND PUBLICATIONS

*Defence Act 1903*
*Defence Force Discipline Act 1982*
*National Health Act 1953*
*Australian Air Publication 5135.002—Manual of Ceremonial*
*Australian Air Publication 5135.003—Manual of Dress*
*Army Dress Manual*, Chapter 5—*Orders of Dress*
*Uniform Instructions for the Royal Australian Navy—ANP 4426-1203—Uniform Instructions for the RAN*
*Army Standing Instructions (Personnel), Part 4, Chapter 2—Career Management of Australian Army Officers*
Defence Health Manual

ADF Pay and Conditions Manual

Annexes:
8A  Duty Statement: Aide-de-Camp to the Governor-General
8B  Selection Criteria: Aide-de-Camp
8C  Uniforms
8D  Duty Statement: Aide-de-Camp to State Governors and Territory Administrators

Sponsor: ASPPEC (DMPP)
ANNEX 8A

AIDE DE CAMP TO THE GOVERNOR–GENERAL

DUTY STATEMENT

1. Under supervision of the Senior Aide an Aide de Camp to the Governor General is to perform the following:

a. develop a program of support to the Governor-General and their partner (if applicable) for the national program of engagements and related travel

b. prepare all relevant documentation, including written briefs

c. liaise with host organisations to coordinate and finalise detailed arrangements for external functions to be attended by the Governor-General and attend such

d. attend meetings with the Governor-General and provide written reports of all such meetings

e. research and prepare written material, including speeches

f. attend the Governor-General in receiving, hosting and farewelling guests at receptions, luncheons and dinners

g. conduct briefings on the role of the Governor-General for visitors to Government House

h. provide other appropriate administrative assistance and support.
AIDE DE CAMP

SELECTION CRITERIA

1. All full-time and part-time nominations are to meet the following criteria:
   a. **Presentable.** Given the frequent external engagement, candidates should be articulate, courteous, well groomed and take pride in their appearance.
   b. **Experienced.** Candidates should have a variety of experience and exposure to ensure they are able to discuss broad aspects of the Australian Defence Force employment and engagement. This should include operational experience and diverse posting experience.
   c. **Unconstrained.** Due to the demanding nature of the role, candidates should not be constrained by difficult family situations or personal circumstances.
   d. **Discreet.** The nature and level of exposure routinely experienced by Aides De Camp (ADC) in these positions requires a high level of tact and discretion. This requirement impacts on an ADC’s ability to discuss sensitive material and their utilisation of private social media.
   e. **Informed and willing.** Candidates should be aware of the real requirements of the position and be willing to be appointed.

2. An appropriate full-time or part-time ADC should exhibit the following characteristics:
   a. **Adaptability.** Be flexible and responsive, adapt to new or changing situations with calm.
   b. **Availability.** Be able to contribute and be available to attend events.
   c. **Communication skills.** Be articulate and competent in interacting with people from a variety of backgrounds.
   d. **Discretion.** Be able to be discrete and circumspect given the nature of the ADC role.
   e. **Dress and bearing.** Display exemplary levels of grooming and appearance with a sense of presence.
   f. **Memory.** Have a good memory for names and faces.
   g. **Perceptiveness.** Be able to quickly absorb written or verbal briefs, to observe and understand the concerns, wishes and needs of others.
   h. **Personality.** Be personable, confident and able to appropriately interact socially and professionally in a variety of contexts.
i. **Protocol and etiquette.** Have, or be able to develop, a good understanding of protocol and etiquette.

j. **Reliability.** Be reliable and competent in performing allocated tasks.
UNIFORMS

1. The provision of uniforms, and additions to the uniforms, including aiguillettes for ceremonial dress, are to be provided for full-time and part-time ADCs in accordance with ADF Pay and Conditions Manual (PACMAN), Chapter 10, Part 1, as per their relevant Service requirements.

2. Civilian clothing allowance is to be provided to full time ADCs to the Governor-General in accordance with PACMAN, Chapter 10, Part 3.

3. When members are providing full-time health support, and expected to accompany the Governor-General in a formal capacity, in civilian attire, then civilian clothing allowance should be approved by the appropriate delegate (See PACMAN, Chapter 10, Part 3, subsection 10.3.2.c.ii).

4. Dress code and descriptions pertaining to the uniforms of each Service are located in the following Service publications:
   
a. Navy. All Rank Uniform Descriptions and Uniform Instructions for the Royal Australian Navy—ANP 4426-1203—Uniform Instructions for the RAN
   
   
ANNEX 8D

AIDE DE CAMP TO STATE GOVERNORS OR TERRITORY ADMINISTRATORS

DUTY STATEMENT

1. Honorary Aides de Camp (ADC) to State Governors and Territory Administrators may perform a range of functions that are similar to both the support duties of a full time ADC to the Governor-General and the representative duties of Honorary ADCs to the Governor-General.

2. It is a uniquely personal appointment that works integrally with the Governor/Administrator, their spouse and the Government House Staff. These appointments provide the opportunity for the incumbent to experience a range of activities from formal ceremonies for foreign Heads of State to informal visits in aid of the disadvantaged.

3. The position is not only highly representational but also highly sensitive and has the potential to have a positive or negative effect on the Australian Defence Force Public Relations.

4. Under the direction of the Official Secretary (or delegate) ADCs are to provide the following support as required:

a. Provide direct and personal support to the Governor/Administrator and their spouse by accompanying them on their programs of engagements. While all prior planning for events will have been negotiated by Government House, closer to event time, ADCs may liaise with host organisations to confirm arrangements for functions attended by the Governor and assist on-the-ground with the management and timing of the event. ADCs may be required to provide advice on matters of protocol and assist with the facilitation of ceremonies.

b. At Government House, undertake a formal role of receiving, hosting and farewelling guests at calls, receptions, luncheons and dinners.

c. Represent the Governor/Administrator on official and ceremonial duties when required, for example: greeting Heads of State or senior dignitaries as they arrive in or depart.
CHAPTER 9

THE ROYAL AUSTRALIAN NAVY DIVISIONAL SYSTEM
AND MANAGEMENT OF NAVY MEMBERS IN DEFENCE

INTRODUCTION

9.1 The Royal Australian Navy (RAN) Divisional System (DS) maintains a significant role in the management of Navy members including those posted into non-Navy Groups (NNG). The commanders, managers and supervisors of Navy members posted into NNG have specific responsibilities regarding the conduct of the Navy DS which helps to ensure that members are supported and that Navy’s expectations on them are met.

9.2 This policy should be read in conjunction with Defence Instruction (General) ADMIN 58–1—Authority in an Integrated Defence Organisation, Defence Instruction (Navy) PERS 18–1—Leadership, Management and Professional Development in the RAN and Australian Naval Publication 2110—RAN Career Management.

POLICY STATEMENT

9.3 All Navy members are to be provided with suitable leadership, support and personnel management through the RAN DS, irrespective of rank or where they serve.

SCOPE

9.4 This chapter is applicable to all members of the RAN and their Defence commanders, managers and supervisors.

DEFINITIONS

9.5 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains common terms and definitions used throughout this Chapter.

THE RAN DIVISIONAL SYSTEM

9.6 The DS is a structured, workplace based people management organisation that provides a constructive crucial cultural strength within the overall Navy people management framework. Its purposes are to:

a. provide constructive leadership for Navy people
b. provide innovative cultural and leadership development of Navy people
c. facilitate effective two-way communication between all levels of Navy
d. keep Navy’s people well informed about Navy and Defence issues
e. promote teamwork and positive morale
f. facilitate fulfilment of professional training and education requirements

g. instil, reinforce and monitor expected standards of personal conduct that accord with Navy’s signature behaviours and values

h. encourage and assist the professional and personal advancement of Navy people

i. support and assist individuals to resolve workplace and personal problems

j. foster the wellbeing of personnel.

9.7 The structure of the DS is complementary to that of the Defence functional chain of command. The functional chain of command enables the flow of orders, information and actions. It is broadly defined by rank and each member’s understanding of their place in the chain in relation to their superiors, peers and subordinates. The DS acts specifically to support Navy people and operates in parallel with the functional chain of command/management.

DIVISIONAL SUPPORT OF NAVY MEMBERS ACROSS DEFENCE

9.8 All Navy people, irrespective of rank, position or location, are to be part of a Division within the RAN Divisional structure. All Navy members are to have a Navy Divisional Officer (DO) and, where available and applicable, a Divisional Senior Sailor. When Navy members are placed in positions outside the normal Navy command chain, the Navy People Career Management Agency will post these members to the nearest naval establishment for duties with a specific NNG unit or organisation. This posting action provides members working in NNG with a Navy Administrative Commanding Officer (CO), a DO and a place in a Division. The Commander or manager of the specific NNG unit or organisation in which the member is employed is their Functional CO or manager.

9.9 The Navy Administrative CO is responsible for administrative functions outside those conducted by the Functional CO or manager. These functions may, depending on the NNG, include responsibilities for health, welfare, morale, discipline and training of Navy members assigned to NNG, as well as adherence to performance management and reporting requirements. The relationship between the Functional CO/manager and the Navy Administrative CO should be coordinated to best manage and support the individual member.

9.10 A member starting employment in a NNG is to be advised of their DO and related contact details by the Navy Administrative CO of their parent establishment. DOs are to be allowed access to members of their Division, while being cognisant of observing the normal courtesies of advising NNG supervisors of intended visits.

9.11 In addition to specific Divisional duties, DOs are responsible to the Naval chain of command for the following, in respect of members employed in NNGs:

a. implementing procedures to ensure that communication of Navy matters is effective and expeditious

b. providing Navy specific advice to supervisors, particularly regarding member advancement and career progression
c. promoting harmony in tri-Service and mixed civilian/uniform workplaces.

**ROLES AND RESPONSIBILITIES**

9.12 Commanders, managers and supervisors of Navy personnel are to be aware of the Navy DS and support the Divisional involvement of Navy personnel in their respective organisations. Apart from having access to their Navy Administrative CO and Divisional staff, Navy members should be released to attend:

a. monthly RAN Divisional meetings and Divisional staff forums
b. Divisional interviews
c. annual mandatory and progression training requirements
d. individual readiness requirements
e. ceremonial obligations as required.

9.13 Navy has provision for alternate Divisional representation, within the Divisional construct, in matters where normal Divisional arrangements might not be suitable. Such matters might be, for example, gender specific, personally sensitive, confrontational or require an elevated level of professional discretion. Commanders, managers and supervisors of Navy personnel are to support alternate Divisional representation arrangements whenever established.

**ADDITIONAL INFORMATION**

9.14 Additional information on the RAN DS can be found via the RAN Divisional System tab on the Navy ePort home.

**RELATED LEGISLATION, POLICY AND PUBLICATIONS**

- [Defence Instruction (General) ADMIN 58–1 — Authority in an Integrated Defence Organisation](#)
- [Defence Instruction (Navy) PERS 18–1 — Leadership, Management and Professional Development in the RAN](#)
- [Australian Naval Publication 2110 — RAN Career Management](#)

**Sponsor:** DNPPG
CHAPTER 10

WORKFORCE MANAGEMENT FOR SELECTED JOINT CAPABILITIES

INTRODUCTION

10.1 Within the Australian Defence Force (ADF), the three Services are responsible for the development and management of their individual workforces. Historically, Joint Capability Managers have not been able to readily exercise sufficient control or influence over the workforce they require to execute joint capabilities. A collaborative approach to Defence workforce management ensures that joint and integrated capabilities are structured appropriately, personnel are appropriately prepared for joint roles, and the workforce delivers better workforce outcomes in accordance with Defence priorities.

10.2 Joint workforce management requires a partnership between the Services, the Joint Force Authority, Capability Managers, Strategic Joint Staff and Enabler Groups. In applying the principles reflected in this policy, each partner needs to have a clear and shared understanding of the joint capability and the single-Service effects. Joint capabilities are to be maintained and assured across and within each military environment.

10.3 In a resource-constrained environment, this approach will sometimes require a level of compromise between the requirements of the Services and the requirements in the joint domain. While implementation of joint workforce management is based on agreed principles and priorities, there is no ‘one size fits all’ solution. Achievement of an effective joint workforce management solution is likely to vary in scale, focus and treatment between capabilities.

POLICY STATEMENT

10.4 Selected ADF Employment Categories are to be managed to deliver a more effective joint and integrated capability. Joint Capability Managers, Enabler Groups and the Services are to work together to improve joint and single-Service workforce outcomes.

SCOPE

10.5 The purpose of this chapter is to define a process that ensures alignment, in terms of capability development and human resource management, of workforces drawn from more than one Service to contribute to a joint effect. This process shall be enabled through defined roles and responsibilities, alignment of management practices where appropriate and guiding principles.

10.6 This policy applies to all ADF Employment Categories identified with a joint capability and directed by the Chief of the Defence Force to be managed by a Joint Capability Manager.
10.7 This chapter reflects capstone policy. A Joint Workforce Management—Implementation Guide may be developed to support the implementation.

DEFINITIONS

10.8 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary and the Australian Defence Glossary contain common terms and definitions used throughout this Chapter.

10.9 Key definitions that apply to this policy include:

a. **Capability Manager.** A Capability Manager raises, trains and sustains capabilities. Capability Managers are accountable for delivering an agreed capability to Defence for Government. There are five Capability Managers in Defence: Deputy Secretary Strategic Policy and Intelligence (Strategic Intelligence and Cyber), Chief of Navy (Maritime), Chief of Army (Land), Chief of Air Force (Air and Space) and Chief Joint Capabilities (Information War-Fighting).

b. **Joint Capability.** A designated capability where the fundamental inputs to that capability, particularly the major systems and/or workforce, are generated and managed across several Services or Groups. Joint capabilities exist across multiple or all military environments (Maritime, Land, Air/Space and Information War-Fighting).

c. **Joint Capability Manager.** As a result of the Programs assigned by the Joint Force Authority, Chief Joint Capabilities is the Joint Capability Manager with accountability for enhancing the management of the raise-train-sustain functions of designated capabilities and military enablers.

d. **Joint Workforce Narrative.** A document that provides a conceptual framework for a defined workforce gap or opportunity that ensures joint needs and joint effects are clearly aligned with strategic guidance.

e. **Joint Force Authority (JFA).** The Vice Chief of the Defence Force (VCDF) is accountable as the Joint Force Authority to the Chief of the Defence Force (CDF). Supported by the Strategic Joint Staff, specifically Head Force Design and Head Force Generation, the Joint Force Authority provides oversight and reporting of the ADF capability design, integration and preparedness. The Joint Force Authority manages the Investment Program, CDF Preparedness Directive and provides CDF assurance on the Capability Managers’ achievement of the required capabilities to produce an integrated Joint Force.

f. **Joint Workforce.** A military workforce drawn from one or more Services, associated with development, management and/or delivery of a designated joint capability. A joint workforce may range from joint units, jointly structured and managed branches within ADFHQ or HQJOC through to operational units, Task Forces and Task Groups.

g. **Joint Workforce Management.** A cooperative approach to delivering the workforce required for employment within both a single-Service and a joint capability domain. While the Services retain their environmental raise-train-
sustain role, there are key points within each of the Services’ personnel cycle where Joint Workforce Sponsors may be engaged to provide direction for workforce development and set priorities for workforce demand and/or distribution.

h. **Joint Workforce Sponsor (JWS).** Appointed by the accountable Joint Capability Manager, a Joint Workforce Sponsor is the officer with responsibility for the shaping and sustainment of a designated joint workforce to deliver a capability, where the fundamental inputs to that capability are generated and managed across several different Services or Groups.

i. **Strategic Joint Staff.** Within the ADF Headquarters organisation, three key positions are considered as the Strategic Joint Staff. These are Head Force Design, Head Force Generation and Head Force Commitments.

### ROLES AND RESPONSIBILITIES

10.10 **Chiefs of Service Committee (COSC).** COSC is responsible for recommending to CDF the capabilities for which a joint workforce management approach is to be adopted.

10.11 **Vice Chief of the Defence Force (VCDF).** As the Joint Force Authority (JFA), VCDF is responsible for joint force integration, interoperability and design of future force requirements.

10.12 **Chief of Joint Capabilities (CJC).** CJC is accountable to the Chief of the Defence Force (CDF) for all aspects of the Information Warfare Environment and the Joint Capability Group (JCG). The CJC is to provide a coherent, consistent and comprehensive approach to the development of those capabilities considered as joint and managed within JCG, including operational information capabilities and military enabling service organisations. CJC will enhance the management of the raise-train-sustain functions of designated joint capabilities and military enablers by providing a more coherent ‘raise-train-sustain wrapper’ for joint capabilities that complements and/or supplements single-Service workforce and capability management.

10.13 **Deputy Secretary Defence People (DEPSEC DP).** DEPSEC DP is to assist and advise VCDF, as the JFA, with the development and implementation of the joint workforce management approach. DEPSEC DP is to advise and assist Joint Workforce Sponsors and Service representatives with workforce management processes. DEPSEC DP is also responsible for development of workforce plans for Groups to enable a joint management approach.

10.14 **Capability Managers (CM).** Deputy Secretary Strategic Policy and Intelligence, Chief of Joint Capabilities and Service Capability Managers are to maintain responsibility and authority for the management of their individual workforces while being responsive to the requirements of the designated joint capability, regardless of whether the workforce is employed in the single-Service or joint workspace. Capability Managers are responsible for issuing Directives to JWS.

10.15 **Joint Workforce Sponsor.** A JWS is responsible for delivery of the military workforce required for a joint capability in accordance with the Chief of the Defence Force Preparedness Directive (CPD) requirements. This includes being involved in
the decisions required for articulating the joint workforce demand, joint workforce development requirements, and prioritising allocation of workforce. Regular engagement with Capability Managers is fundamental to these responsibilities. Unless allocated by a CM, there are no additional resources provided to the JWS in order to perform their duties.

**PRINCIPLES FOR DETERMINING JOINT CAPABILITIES**

10.16 Implementation of a joint workforce management approach will offer greater benefits in some capabilities than others. The following principles or criteria should be considered when determining which capabilities would benefit from a joint workforce management approach:

a. Tri-Service common capabilities that COSC has considered a priority or critical to Defence outcomes.

b. Common Service Employment Categories that COSC has considered as ‘perilous, critical or at risk’.

c. Employment Categories where significant joint workforce management practices are already occurring. This may include existing joint training arrangements, or permanently established joint units.

d. Employment Categories whose job profile tends toward common tasks/functions and exhibits fewer Service-specific characteristics. Military Public Affairs and health trades may be good examples of this.

e. Employment categories in which opportunities exist for realisation of efficiencies in personnel delivery.

10.17 The workforce situation and issues that face each joint workforce segment or capability will vary; therefore, a tailored approach should be considered for each joint capability. For example, a capability gap may be addressed by the inclusion of a new joint training course at a key point in a career continuum. Alternatively the solution for a joint workforce segment may be to consider consolidating very small Employment Categories across two or more Services into one category and allocating lead for that capability to one Service. The degree to which environment or platform shapes the duties or functions associated with a capability is likely to be a key factor in identifying the right balance of joint practice versus single-Service variation.

**MANAGEMENT OF JOINT WORKFORCE**

10.18 There are significant differences in the way the Services and domain Capability Managers recruit, train, develop, structure and manage their workforces. This leads to inconsistencies and inefficiencies in generating support for joint capability requirements. A coordinated, joint approach to workforce planning and management offers the JWS the ability to influence and obtain assurance that the workforce is resourced and designed to meet the joint capability as well as single-Service requirements, with consideration of the inter-dependencies that exist between ‘Joint’ and the individual Services. Where tensions arise, management options must address these tensions, propose priorities of support and articulate commensurate risk (for example, risk to capability, force, mission, reputation etc).
10.19 In developing the workforce for a joint capability, Capability Managers and the JWS are to recognise the principle that junior personnel will generally require a period of employment in their parent service for the purpose of category skills consolidation. Joint career continuums are to reflect the requirement for consolidation of initial employment skills before significant joint postings.

10.20 There are four broad workforce management functions that can be addressed through a joint workforce management approach:

a. **Demand management.** Identification of positions, structures, and contingent workforce approaches, including those afforded by the ADF Total Workforce Model and ensuring that structures are sustainable and affordable within resources. The joint workforce demand must be managed to ensure it does not distort Service workforce category structures, and those structures remain healthy and sustainable.

b. **Supply management.** Determining appropriate recruiting and training requirements to deliver the required workforce, with use of workforce from the full Service Spectrum, including ‘capability pools’ of personnel with key skill sets serving under different Service Categories (for example, Service Category (SERCAT) 3).

c. **Employment capability management.** The establishment of career pathways, and identification of requirements for training, qualifications and remuneration.

d. **Workforce distribution management.** Involvement of the JWS in the Service annual career management cycle, where appropriate, ensures that the workforce is allocated in accordance with Defence priorities, balancing joint requirements with Service requirements. Where there is a workforce shortage, the JWS and Service Career Management agencies will collaboratively develop a solution.

10.21 A joint workforce management approach begins with the development of a Joint Workforce Narrative (JWN) that identifies the workforce requirement of a designated joint capability, and articulates any workforce gap or opportunity associated with that capability. The JWN also determines responsibilities for the above workforce management functions in a collaborative manner between the JWS and the Service Capability Managers. These functions are common to workforce management for all joint capabilities.

10.22 Beyond the development of the JWN, it is likely that different management actions will be required for different workforce segments. Broad guidance on the workforce planning process and actions to be taken to introduce a joint management approach to a workforce, or enhance an existing level of joint workforce management, is included at Annex A. A template for use in developing a JWN is at Annex B.
JOINT WORKFORCE MANAGEMENT DIRECTIVE

10.23 The specific role and responsibilities of a Joint Workforce Sponsor will be articulated by the accountable Capability Manager via Directive. A template for a Directive issued by a Capability Manager to a Joint Workforce Sponsor is at Annex C.

GOVERNANCE AND REPORTING

10.24 Joint capabilities identified as candidates for joint workforce management will be presented to COSC for endorsement. Head People Capability is responsible for reporting to COSC on progress of implementation of joint workforce management across selected capabilities.

RELATED POLICIES AND PUBLICATIONS

Rationalised Training in Defence—Procedure Manual

Annexes:
10A Guidance for Implementation of Joint Workforce Management
10B Joint Workforce Narrative – Template
10C Directive to Joint Workforce Sponsor – Template

Sponsor: HPC (DGWP)
GUIDANCE FOR IMPLEMENTATION OF JOINT WORKFORCE MANAGEMENT

1. Once a capability has been identified as requiring a joint workforce management approach, there are five generic steps to be taken.

a. Define requirements. The JWS and the Services, supported by DPG, define the workforce outcomes to meet the CPD requirement and develop the JWN. This includes identification of the workforce need and conduct of a gap analysis to identify priority areas for attention.

b. Plan. The Australian Standard for Workforce Planning recommends describing the current state or baseline, and articulating the required future state. From these planners and managers can derive the workforce gap that is to be addressed. This step will include review and comparison of current workforce management practices, looking to identify existing areas of 'jointness', opportunities for progressive joint outcomes and examples of best practice. Planners will need to determine the degree of joint workforce management appropriate to the particular capability across the four workforce management functions, and develop strategies to deliver the workforce outcomes that satisfy both the single-Service and JWS requirements. This phase will culminate in development of a workforce plan and implementation schedule.

c. Resource assessment and business case. Conduct an assessment of the financial and other resources that are required to implement more joint management measures, and develop a business case. This may include resource transfers to joint training establishment, for example.

d. Review and endorse. JWS and Services review and endorse plans for suitability and feasibility. There may be a requirement for VCDF or COSC to arbitrate areas of friction, where agreement cannot be reached.

e. Implement. The JWS, DPG and the Services collaborate to implement endorsed plan.
JOINT WORKFORCE NARRATIVE

1. A Joint Workforce Narrative (JWN) articulates a workforce gap or opportunity in the Personnel and related FIC associated with a joint capability, and is focussed on joint workforce management. The JWN provides guidance aligned with strategy and bounded by resource and time constraints to a Capability Manager (CM) to help them develop Joint workforce solutions. A JWN addresses the workforce elements of the capability need and allows the CM to develop possible solutions. A JWN may be viewed as a tasking statement to the CMs that explains a problem, sets strategic guidance and boundaries and asks CMs to provide possible solutions.

2. Use the following headings as a guide to develop the tasking statement.

   PURPOSE

3. This is a high level statement of the workforce needed to support a joint capability. It should be very succinct, perhaps no more than a few sentences (e.g. ‘This JWN outlines the need for XXX (stated as an effect, not a material solution). Options provided result in YYY’).

   DESCRIPTION OF THE WORKFORCE NEED

4. Broadly outline the required effects of a joint workforce to address the identified need, in solution-independent terms. This should be expressed in terms of the advantage that the workforce will provide to the Joint Force and not just a list of factors such as a lack of personnel with requisite skills.

   STRATEGIC GUIDANCE

5. Restrict to only the minimum required to support and shape the need with respect to Strategic Options and Defence Missions. Reference relevant paragraphs, if appropriate. Links to relevant Joint Operating Concept documents and the intended future operating environment may be included, if needed.

   FUNCTIONAL WORKFORCE GAP

WORKFORCE GAP OR OPPORTUNITY STATEMENT

6. Briefly outline the workforce gap or opportunity. Use effects-based language. The workforce gap or opportunity should be identified in terms of the gap or opportunity being in a particular capability stream. This statement must link directly to the capability needs.

CURRENT WORKFORCE DEFICIENCIES

7. Outline specific deficiencies in the workforce elements of the current capability or newly required capability. Use strategic guidance for context/boundary.
CAPABILITY RISK

8. Outline the risk, including timing/urgency, posed to the Joint Force in not resolving this workforce gap or exploiting the opportunity. This can include (but is not limited to) impact on current operations, risk to achievement of Defence Missions, and emergence of preparedness deficiencies.

SCOPE OF OPTIONS

BROAD OPTIONS

9. The workforce elements of the Force Design process should be detailed here in discussion of what the broad options actually mean for this particular gap or opportunity. It should not curtail potential innovative solutions by the CMs. This section should also note the potential for the treatment of this risk through other means, if appropriate.

BROAD COSTS

10. Provide a description of the Personnel and related FIC costs associated with each option.

WORKFORCE EXCLUSIONS OR INCLUSIONS

11. List any proposed exclusions/inclusions from the scope of the proposed workforce and list any requirements essential to address targeted risk/gap/issue.

INITIAL FIC ANALYSIS

12. Summarise initial FIC analysis, if not already recorded.
DIRECTIVE TO JOINT WORKFORCE SPONSOR

<Capability Manager Letterhead>
<Capability Manager> Directive No xx/YYYY
<CAPABILITY MANAGER> DIRECTIVE

TO

<PMKeyS #> <RANK> <INITIALS> <SURNAME>

<POSITION NAME>

JOINT WORKFORCE SPONSOR FOR<CAPABILITY>

References:
(a) MILPERSMAN Part 6 Chapter 10 Workforce Management for Selected Joint Capabilities
(b) <Other references, as applicable>

INTRODUCTION

1. Intro paragraph about capability and associated workforce (including reference to capability domain).

2. I appoint you, <RANK> <Given Name> <Surname>, <Position Name>, to be the Joint Workforce Sponsor for <Capability> for the duration of your posting.

PURPOSE

3. The purpose of this Directive is to outline your role and responsibilities as Joint Workforce Sponsor for <Capability>.

ROLE

4. As Joint Workforce Sponsor for <Capability>, you are to facilitate development and coordination of the military workforce required for <Capability> in accordance with the Chief of the Defence Force Preparedness Directive (CPD) requirements.

RESPONSIBILITIES

5. Working collaboratively across Defence, I require you to:

<List key responsibilities> (see example below)

a. be involved in the decisions required for articulating the joint workforce demand, joint workforce development requirements, and prioritising allocation of workforce.
JOINT WORKFORCE NARRATIVE

If not already developed

b. By DD Month YYYY, develop a Joint Workforce Narrative for <Capability> IAW Reference A as a precursor to implementing a joint workforce management approach for this capability.

If already developed

c. Using the Joint Workforce Narrative developed for <Capability> <include as reference>, adopt the guidance provided in Reference A, adapting as necessary to implement a joint workforce management approach for this capability.

DEMAND MANAGEMENT

d. Identify positions and structures to meet the joint workforce demand, and contingent workforce approaches, including those supported by the ADF Total Workforce Model. You are to ensure that structures are sustainable and affordable within resources. The joint workforce demand must be shaped and managed to ensure it does not distort Service workforce category structures, and those structures remain healthy, sustainable and affordable.

SUPPLY MANAGEMENT

e. Working with the Services and Defence People Group, determine appropriate recruiting and training requirements to deliver the required workforce, with use of workforce from the full Service Spectrum, including ‘capability pools’ of personnel with key skill sets serving under different Service Categories (for example, Service Category (SERCAT) 3).

EMPLOYMENT CAPABILITY MANAGEMENT

f. Working with the Services, ensure the establishment and review as necessary of appropriate career pathways, and identification of requirements for training, qualifications and remuneration. This also includes detail on individual service requirements when contributing to a joint workforce – readiness, deployments, physical training etc. Opportunities are to be explored for increasing the ‘jointness’ of training and career development, where this enhances workforce outcomes in the joint domain and/or offers potential for resource savings.

WORKFORCE DISTRIBUTION MANAGEMENT

g. Participate in the Service annual career management cycle, where appropriate, ensuring that the workforce is allocated in accordance with Defence priorities, balancing joint requirements with Service requirements. Where there is a workforce shortage, you will work with the Service Career Management agencies to collaboratively develop a solution.
CONSULTATION

6. Regular engagement with Capability Managers and Defence People Group is fundamental to your responsibility as a JWS. You are to establish regular forums for the Service capability and personnel representatives to discuss and contribute to reviews or proposed actions for workforce development or remediation.

REPORTING

7. You are to report to:

a. me through <TBI> on a monthly/quarterly/as required basis (delete as appropriate), addressing achievements against those matters within your responsibility.

b. the Chiefs of Service Committee, through me / Head People Capability (delete as appropriate), every six months, or earlier if appropriate, on the progress of implementation of joint workforce management across <Capability>.

ADMINISTRATION

8. Your activities as Joint Workforce Sponsor for <Capability> will be funded through <TBI> (Unless allocated by a CM, there will normally be no additional resources provided to the JWS in order to perform their duties.)

ACKNOWLEDGEMENT

9. This Directive is effective upon receipt. You are to acknowledge receipt of the Directive by returning Annex A to <TBI>.

<Signature Block>

<Date>

Annex:
A. Acknowledgement

Distribution:
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CHAPTER 1

FLEXIBLE WORK ARRANGEMENTS FOR MEMBERS OF THE AUSTRALIAN DEFENCE FORCE

INTRODUCTION

1.1 Defence recognises the demands placed on Defence members and their families; especially during operations, key training exercises and high tempo periods within the workplace. When not undertaking these activities Defence members can request a suite of flexible work arrangements (FWA).

1.2 FWA are member initiated mutually negotiated and accepted arrangements between an approving authority and a Defence member. FWA include variable working hours (VWH), home located work (HLW), alternate located work (ALW) and remote overseas work (ROW). The variety and availability of FWA aims to enhance the longer term retention, commitment and motivational needs of Defence members.

POLICY STATEMENT

1.3 Defence supports members who need to balance the demands of military service with family or other personal responsibilities and obligations or interests by providing access to FWA. Commanding Officers and managers are expected to accommodate FWA unless specific capability requirements are deemed to outweigh the FWA requirement.

DEFINITIONS

1.4 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this chapter.

FLEXIBLE WORK ARRANGEMENTS

1.5 Eligibility. Defence members, who have completed initial recruit or follow-on specialist training and any period of service to consolidate that training, are eligible to apply for a FWA. Members in a FWA after 01 July 2016 may be eligible to access a Service Category (SERCAT) 6 arrangement or a part-time leave without pay (PTLWOP) arrangement. MILPERSMAN Part 2, Chapter 5—Australian Defence Force Total Workforce Model—Service Spectrum contains information on these arrangements.

1.6 Reasons for applying for a FWA include, but are not limited to:

a. allowing greater participation in the care and nurturing of dependants

b. fulfilling education, training or other aspirations without terminating ADF service

c. enabling Defence members to meet their personal responsibilities, obligations and interests.
1.7 Not all types of FWA will be practical, such as members posted to seagoing or field positions. Negotiations around FWA should commence from the starting point that they can be accommodated, with due consideration of the capability imperative to retain the member in the long-term, and subject to any practical considerations and specific operational requirements.

1.8 **Application for FWA.** Applications for FWA are to be submitted via Form AE 406—ADF Application for Flexible Work. FWA applications should be submitted with sufficient time to enable a CO or manager or a Career Management Agency (CMA) to examine alternative options to achieve the required FWA effects. This may include facilitating a posting to a position where FWA are more accessible.

1.9 A member may apply for and undertake more than one type of flexible work simultaneously. Defence members and approving authorities should be flexible when negotiating a FWA and consider variations on a request utilising one or more FWA or other conditions of service provisions to achieve a mutually acceptable outcome.

1.10 **Duration.** The maximum duration of a FWA is at the discretion of the approving authority. However, each approved application is not to extend beyond the member’s current posting.

1.11 Normally a minimum notice of one month is required to vary or cancel a FWA. This period of notice may be reduced subject to the agreement of all parties, and timeframe requirements of any associated administrative action.

1.12 **Variations.** An approving authority may vary a FWA where:
   a. the Defence member requests a variation which is agreeable to all parties
   b. a Service priority arises that requires full-time attendance of the Defence member
   c. temporary or permanent changes to the existing FWA are negotiated with the Defence member
   d. any other factor relevant to the circumstances in which approval for FWA was granted has been considered.

1.13 **Cancellations.** An approving authority may cancel the FWA if:
   a. a request is received from the Defence member to do so
   b. the Defence member ceases to comply with the agreed FWA requirements
   c. the Defence member unreasonably refuses third party access to HLW or ALW sites
   d. the Defence member is posted from the approved FWA position
   e. there is a change in the Defence member’s circumstances
   f. there is a change to the operational priorities of the unit, Service or ADF
g. there are compromises to security

h. unit management determines for substantive reasons the working arrangement is not effective.

1.14 **Obligation to meet Service requirements.** Defence members on FWA continue to be under an obligation to serve wherever and whenever required. Therefore Defence members on FWA may be required to undertake sea duty, proceed on deployment or exercise or participate in scheduled courses. In these cases the FWA would normally be temporarily suspended while the Defence member returns to the normal working arrangement.

1.15 **Non-ADF employment.** Any non-ADF employment that is undertaken during off-duty periods (ie after work hours and those days FWA Defence members are not working for the ADF) must be approved in accordance with MILPERSMAN, Part 7, Chapter 4—*Employment and Voluntary Activities of Defence Members in Off-duty Hours.*

**FWA OPTIONS**

1.16 **Variable working hours.** VWH allows Defence members to vary start and finish times and periods of absence from the workplace. VWH tailors work hours to individual circumstances without reducing the amount of on-duty hours worked across an agreed period of time.

1.17 **Remote overseas work.** ROW allows eligible Defence members to undertake work in certain circumstances, generally while accompanying their spouse or partner on posting overseas. It may be considered instead of taking Leave without Pay (LWOP). However, there should be no disadvantage to other Defence members for the opportunity to serve overseas. To be able to apply for ROW, Defence members are required to:

a. be posted to an established ADF position within an Australian-based unit

b. seek formal advice from the local Australian Diplomatic Mission regarding any limitations that might apply to them, while working in the host country. The advice from the Mission must be included as part of the FWA application.

1.18 **Home located work.** HLW enables a Defence member to complete work from home. However, it is not intended as a substitute for full-time, ongoing dependant care.

1.19 **Alternate located work.** ALW enables Defence members to complete work from an alternate location outside of their posting location, such as another Defence base, or in the case of members posted Married with Dependents (Unaccompanied), the residence occupied by their dependants. Consent from a CO or manager at the alternate duty location to provide a suitable workspace is required. ALW should be cost-neutral for the ADF and not trigger any removals entitlement or allowances.
1.20 **HLW and ALW site access.** As it may be necessary for third parties to gain access to the HLW or ALW site, access arrangements are to be negotiated with the Defence member. Unless urgent access is required, normally notice of one day is to be given. Access may be required for:

a. maintenance of Commonwealth equipment

b. routine Work Health and Safety (WHS) assessments

c. assessing, auditing and monitoring security arrangements

d. any other compelling reason as determined by the approving authority.

**HOME LOCATED WORK AND ALTERNATE LOCATED WORK – WORK HEALTH AND SAFETY**

1.21 Defence members at HLW and ALW sites must take care of their own health and safety, where reasonably practicable. The approving authority must make an informed judgement that the working environment at the HLW or ALW site is safe and that the health of the Defence member is not jeopardised.

1.22 The approving authority must ensure the HLW or ALW work site complies with the Defence Work Health and Safety Manual (WHS Manual), *Volume 2, Part 2, Chapter 1—Miscellaneous Workplace Safety Hazards*. A qualified WHS assessor may be required to conduct an inspection. If the approving authority is not satisfied with the inspection result or the facilities are considered inadequate then approval for HLW or ALW should not be given.

1.23 Any work-related injury sustained while working at home or ALW site must be reported to the approving authority using *Sentinel*. The Defence Work Health and Safety Manual, *Volume 2, Part 5, Chapter 1—WHS Event Notification and Reporting* details the notification and reporting requirements of WHS-related incidents. Defence members working from home or ALW site are to be made aware of these requirements.

1.24 Alterations to private dwellings, Service residences or accommodation sublet to the Defence member by the Commonwealth or Defence Housing Authority to meet WHS inspection requirements are not to be carried out at Commonwealth expense.

1.25 Suitable equipment, where available, is to be provided by Defence to allow the Defence member to carry out their duties adequately. Equipment and stationery requirements are to be supplied by the unit to facilitate the FWA, where the approving authority agrees the purchase is necessary to meet the Service requirement.

**HOME LOCATED WORK AND ALTERNATE LOCATED WORK – SECURITY**

1.26 Defence members must comply with *Defence Security Manual (DSM)*, Part 2:31—*Off-Site Work* and ensure that appropriate measures, as determined in the *DSM*, Part 2:60—*Physical Security*, are in place to protect classified information and Commonwealth assets.
1.27 Privately-owned devices may be used at the discretion of the owner. Defence Restricted Network (DRN) approved virus protection software must be installed onto privately-owned devices. This software is available through the DRN Service Desk (telephone: 133 272).

1.28 The Defence member is to take steps to deny unauthorised persons (such as family and friends) access to their work, including any information stored on a privately-owned device. Any security incident must be reported immediately to the Unit Security Officer.

1.29 Work-related costs. Claims for work-related costs may be submitted to the relevant Local Organisation Funds Manager on Form AC 984–1—Claim for Local or Overseas Payment Direct Payments. All claims must be accompanied by documentary evidence. Work-related costs not met through the Commonwealth, such as deductions for depreciation of work-related items or utility expenses, may be claimable when lodging a tax return. Defence members may consider seeking advice from a tax agent or the Australian Taxation Office website.

1.30 Compensation. Defence members should be aware that the Military Rehabilitation and Compensation Act 2004 does not provide compensation cover for all injuries and illnesses a person may experience while a member of the ADF. Inquiries regarding compensation eligibility and entitlements should be directed to the Department of Veterans’ Affairs.

APPROVING AUTHORITIES

1.31 The approving authorities for:

a. **ALW**: CO or a manager at O–4 rank or APS6, or higher.

b. **ROW**: The Defence member’s Service CMA.

c. **HLW, VWH**: CO or a manager at O–4 rank or APS6, or higher.

(1) For Air Force on VWH only; the appropriate delegate is a member’s manager of E–8 rank, APS4 or higher. The authority delegated to Air Force managers other than a CO or an O–4 or APS6 manager is limited to the power to grant an application. Where a manager delegate does not support an application they may recommend non-approval, but must then forward to the CO or relevant O–4 or APS6 manager for a decision.

ROLES AND RESPONSIBILITIES

DEFENCE MEMBERS

1.32 Defence members are to:

a. investigate the types of available FWA and determine the type that best suits their individual situation(s)

b. recognise that not all postings may easily accommodate FWA
c. note that Defence has an obligation to manage workforce and capability issues according to service priorities

d. submit an application on Form AE 406 to their CO or manager.

COMMANDED OFFICERS AND MANAGERS

1.33 **COs and managers** should:

a. ensure arrangements to use FWA are discussed in the first instance between the Defence member and their supervisor

b. understand the types of FWA, how they can be applied and assist Defence members to understand the range of FWA benefits and obligations

c. manage workforce and capability issues according to operational priorities

d. keep documentation outlining the reasons why an application for FWA has been approved or declined and, if declined, provide these reasons in writing to the Defence member and CMA

e. forward all applications and associated documentation, whether recommended or not or approved or not, to the Defence member’s administrative unit and CMA for further action

f. review the requirement and the effectiveness of FWA arrangements at intervals determined during negotiation to ensure it continues to meet organisational and individual needs

g. include Defence members who are on FWA in workplace activities

h. ensure Defence members on FWA have equitable access to opportunities for training, professional development, accommodation and equipment, recognition of skills, work requirements and freedom from discrimination

i. ensure that information is passed between the Defence member, colleagues, supervisors and management. This may include information such as briefings, meeting outcomes and unit orders

j. provide clear and regular direction to Defence members on FWA and ensure performance monitoring and assessment are tailored for best FWA effect.

CAREER MANAGEMENT AGENCIES

1.34 **Single-Service CMA** are to:

a. work with the Defence member and their CO or manager to meet individual, workforce and capability needs within Service priorities

b. maintain ADF-wide statistical collection in PMKeyS via Form AE 406 and ensure all documentation is filed on the member’s Personnel File.
UNITs

1.35 The Defence member’s administrative unit should:

a. ensure the details of the approved FWA (except ROW, which is to be forwarded to the CMA for approval and data entry) are entered into PMKeyS

b. upon completion of processing, forward all applications and associated documentation (whether approved or not) to the defence member’s CMA for review and statistical collection.

RELATED MANUAL CHAPTERS

MILPERSMAN, Part 2, Chapter 1—Inherent Requirements of Service in the Australian Defence Force

MILPERSMAN, Part 2, Chapter 5—Australian Defence Force Total Workforce Model—Service Spectrum

MILPERSMAN, Part 5, Chapter 2—Performance Appraisal Reporting Up to O-5 Rank in the Australian Defence Force

MILPERSMAN, Part 7, Chapter 4—Employment and Voluntary Activities of Australian Defence Force Members in Off-duty Hours

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Australian Defence Force Superannuation Act 2015

Defence Force Retirement and Death Benefits Act 1973

Military Rehabilitation and Compensation Act 2004

Military Superannuation and Benefits Act 1991

Safety, Rehabilitation and Compensation Act 1988

Work Health and Safety Act 2011

Defence Regulation 2016

Defence Instruction (General) ADMIN 45–2—The reporting and management of notifiable incidents

Defence Instruction (General) ADMIN 67–2—Incident recording

ADF Pay and Conditions Manual (PACMAN)
Defence Work Health and Safety Manual (WHS Manual)
Defence Security Manual (DSM)

Sponsor: ASPPEC (DMPP)
INTRODUCTION

2.1 Defence complies with Commonwealth and, where appropriate, State and Territory legislation pertaining to the management, control or protection of people under the age of 18 years. Australia is also party to the United Nations Convention on the Rights of the Child (1990) (the Convention) and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2002) (the Protocol).

2.2 Defence has additional management requirements and administrative processes for Defence members under the age of 18. Defence personnel who are in contact with or are responsible for Defence members under 18 are to be aware of their responsibilities.

POLICY STATEMENT

2.3 Defence is committed to being a youth safe organisation and the Defence Youth Safety Framework enables a consistent approach across the breadth of Defence engagement with young people. Within the framework, Defence ensures that its management and administration of Defence members under 18 years of age protects the interests and safety of those members. Furthermore, the effective management of Defence members under 18 is essential for Defence to meet its international and national legal obligations and community expectations.

SCOPE

2.4 This chapter applies to Defence members who are under 18 years of age from the time they are appointed or enlisted and to Defence personnel who interact with and manage Defence members who are under 18. This chapter provides guidance and direction on the responsibilities and prescriptive measures for the management and administration of Defence members under 18. This document is to be read in conjunction with the Defence Youth Policy Manual (YOUTHPOLMAN).

2.5 Policy and guidance for Defence personnel engaged in Defence youth programs or working with members of the public under 18 years of age are in YOUTHPOLMAN.

DEFINITIONS

2.6 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains common terms and definitions used throughout this Chapter.
DEFENCE YOUTH SAFETY FRAMEWORK

2.7 The Defence commitment to the safety and wellbeing of young people is realised through the Defence Youth Safety Framework. The framework provides a consistent approach that can be flexibly applied to Defence activities that engage Defence members under 18, young people through Defence youth programs or ADF Cadets or children on domestic and international operations.

2.8 The Defence Youth Safety Framework includes the following Defence Youth Safety policies:

   a. Defence Youth Safety Commitment Statement
   
   b. Youth Safety Governance
   
   c. Youth Safety Risk Management
   
   d. Youth Safety Responding and Reporting.

2.9 The Defence Youth Safety Framework also incorporates the following youth safety implementation tools and resources:

   a. Youth Safety Information Portal – Reserve and Youth Division (RYD) website
   
   
   c. Youth Safety Self Declaration and Disclosure Form
   
   d. Youth Safety Level 1 Training package (Awareness)
   
   e. Youth Safety Risk Management Guide
   
   f. Youth Safety Suitability Screening Tool
   
   g. Youth Safety Incident Response Guide.

LEGAL RESPONSIBILITY FOR DEFENCE MEMBERS UNDER 18

DUTY OF CARE

2.10 Defence has a legal duty to ensure reasonable steps are taken for the protection, safety and wellbeing of Defence members. Defence members under 18 are vulnerable people and Defence has a higher standard of duty of care for them. If a breach of duty of care is established and there is injury, loss or damage as a result of that breach, then negligence on the part of the Commonwealth can be established. Additionally, under the Work Health and Safety Act 2011 there is a statutory obligation on the part of Defence, and all Defence personnel and external service providers, to take all reasonably practicable steps to protect the health and safety of workers.
2.11 The United Nations Convention on the Rights of the Child. The Convention, which entered into force in 1990 and has been ratified by Australia, sets out the civil, political, economic, social and cultural rights of children.

2.12 The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. The Protocol strengthens the protections contained in the Convention. Most importantly, it obliges signatories to the Convention to take all reasonable measures to ensure members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities. Australia’s ratification of the Convention and the Protocol places a responsibility on Defence to ensure that its policies comply with the requirements of the two treaties.

2.13 Consistent with Article 3 of the Protocol, which allows for the recruitment of persons less than 18 years of age, the minimum age for recruitment into the ADF is 17 years of age. In addition, the recruitment of people under 18 into the ADF must take into account the following obligations:

a. the recruitment of the person under 18 must be genuinely voluntary—people under 18 must not be compulsorily recruited into the ADF

b. the person under 18 must have the written consent of their parents to join the ADF prior to their enlistment or appointment

c. the person under 18 must provide reliable proof of age prior to their enlistment or appointment in the ADF

d. the person under 18 is fully informed of the duties involved in military service.

2.14 If a Defence member under 18 has been recruited contrary to the requirements of the Protocol, the ADF will take all reasonable measures to ensure that the member’s service in the ADF is terminated as soon as practicable.

STATE AND TERRITORY LEGISLATION

2.15 Each Australian State and Territory has legislation requiring clearances, known as Working with Children Checks, for those adults who work with children. In order to fulfil Defence’s duty to the community and to comply with State or Territory legislation, Defence personnel who are in contact with Defence members under the age of 18 years may be, in some circumstances, required to obtain a Working with Children Check (see paragraph 2.22). The Defence Youth Safety Framework provides further guidance on who may require these checks. Links to State and Territory Child Protection Authorities, applications for Working with Children Checks and legislation are listed on the RYD website.

RESPONSIBILITIES OF DEFENCE MEMBERS UNDER 18

2.16 Defence members under 18 are subject to the requirements of the Defence Force Discipline Act 1982 and administrative sanctions from their time of enlistment or appointment. Defence members under 18 are briefed on the DFDA and
administrative sanctions by trained Defence Force Recruiting (DFR) personnel during the recruiting process.

2.17 Defence members under 18 must comply with relevant Commonwealth and State or Territory legislation, including legislation on the following issues:

a. the purchase and consumption of alcohol
b. entry to licensed premises such as public bars
c. gambling
d. the purchase of adult classified products
e. the purchase of cigarettes
f. obtaining tattoos and body piercing.

RESPONSIBILITIES FOR MANAGING DEFENCE MEMBERS UNDER 18

YOUTH SAFETY RISK MANAGEMENT

2.18 Commanding Officers (CO) and managers of Defence members under 18 should use the Defence Youth Safety Framework to assess youth safety risks in their workplaces and implement management actions to control those risks.

2.19 As a minimum, when identifying and assessing risks, the following factors are to be considered:

a. how the conduct and achievement of unit tasks and activities may contribute to youth safety risks
b. the physical and emotional vulnerability of younger people who are new to Defence
c. how personal information about young people is collected and managed
d. the scope of personal and professional interaction between adult Defence personnel and Defence members under 18
e. unintended consequences of exposure to ‘tough training’ and graphic training materials
f. social media-based risks
g. legal obligations.

2.20 COs and managers are to develop and promulgate a plan for the risk management of Defence members under 18 under their responsibility. The risk management plan contributes to the overall development of the unit risk management plan and standing orders, and is to be reviewed annually. COs and managers may use extant ADF risk management tools in conjunction with YOUTHPOLMAN, Part 1, Chapter 4—Defence Youth Safety Risk Management.
2.21 Identified risks are to be controlled in a manner that is targeted, workplace specific, measurable and regularly evaluated. Therefore, the risk management plan should specify youth safety risks and detail any control actions relevant to the unit or establishment, including tailored actions outlined in the Defence Youth Safety Framework.

WORKING WITH CHILDREN CHECKS AND CHILD PROTECTION LEGISLATION

2.22 In some circumstances, working with children checks may be required for people involved in ‘child-related work’. Each State and Territory defines ‘child-related work’ differently and the Defence Youth Safety Framework should be referred to for further guidance on assessing the requirement, if any, to obtain a check. Some specific Defence duties may fall under the relevant State or Territory legislation. There may also be different obligations on employers or their representatives under the legislation applicable in each State or Territory.

2.23 Given the variability of legislative requirements, COs and managers should:

a. refer to the Defence Youth Safety Framework to determine if a Working With Children Check may be required for adult Defence members working with members under 18

b. confirm whether they have any other responsibilities associated with compliance with applicable State or Territory child protection legislation

c. contact RYD or the relevant State or Territory child protection authority for further child protection guidance as it relates to the safeguarding and management of Defence members under 18

d. be responsive to the requirements of the relevant State or Territory child protection authority.

LOCAL ORDERS, INSTRUCTIONS AND TRAINING

2.24 **Standing Orders.** COs who have Defence members under 18 under their command are to ensure that Standing Orders covering the management of Defence members under 18 are promulgated. In doing so, COs are to ensure that all reasonable measures are taken to proactively manage specific risks relating to Defence members under 18. These orders are to include the following elements:

a. compliance with State and Territory laws covering under 18 year olds including those regarding child protection, alcohol, entry to licensed premises, gambling, adult classified products, cigarettes, tattoos and body piercing

b. measures to ensure the safety of Defence members under 18 in terms of:

(1) inappropriate relationships

(2) training regimes

(3) accommodation
(4) prohibited areas
(5) parental permission requirements
(6) leave off-base
(7) health, medical and welfare issues
(8) staff commitment to the Defence Youth Safety Framework.

2.25 **Joining instructions**. Training establishments are to provide applicants under 18 (via DFR Centres) with pre-course information prior to their enlistment or appointment date. In addition to normal recruiting information to assist transition to military life, this information is to include topics such as planned place of training, details for family members to contact the establishment and support mechanisms and services provided to all ADF trainees and members.

2.26 **Training of unit personnel.** COs are to ensure that all Defence personnel within their unit who have, or are likely to have, dealings with Defence members under 18, complete the Youth Safety Training packages in accordance with the Defence Youth Safety Framework. Defence personnel should understand their obligations and responsibilities when working with Defence members under 18. Training should include information about youth safety risks and management actions specific to the workplace and highlight governance and reporting requirements. COs of establishments that have Defence members under 18 posted to them are to ensure this training is included as part of formal induction training for unit personnel as well as subsequent annual training requirements.

**SUPPORT ARRANGEMENTS**

2.27 **Welfare support.** COs and managers are to ensure that access to welfare support mechanisms is provided. As soon as possible after arriving at an establishment, Defence members under 18 are to be made aware of the welfare support mechanisms, including names, locations and contact details for key welfare personnel and out of hours contact personnel. Such support includes but is not limited to:

a. chaplains
b. psychology services
c. the Defence Community Organisation
d. the range of dedicated Defence telephone and online support and advice lines.

2.28 Welfare support personnel must be appropriately trained or qualified. COs and managers are to take all reasonable steps to make support services available on a 24 hour, seven days a week basis. In addition, COs and managers should implement an internal mentoring system to assist Defence members under 18 in adapting to the ADF environment.
2.29 In order to monitor and evaluate the suitability and operation of welfare and support arrangements, COs and managers are to establish review processes which are to be conducted during the member’s stay at the unit or establishment. These reviews should also consider the application of single-Service policies on issues such as inappropriate relationships and suicide awareness. In-course feedback is to be sought, where possible, from Defence members under 18 on welfare issues during any course longer than one week. This feedback should be obtained, where possible, by an individual independent of the chain of command—for example, a psychologist or a chaplain. Such surveys could, where practical, be incorporated into existing survey mechanisms. Feedback is to be documented and reported to the Service Training Force Element Group (or equivalent), subject to any issues of confidentiality. For extended training courses, the maximum period between reviews is not to exceed three months. Exit interviews are also to be conducted and documented and reported to the Service Training Force Element Group (or equivalent).

RESPONDING AND RECORDING

2.30 Any Defence personnel who become aware of, or suspect that a Defence member under 18 is being, or has been, abused or harmed are to respond in the first instance by providing support and assistance in protecting them from actual or perceived harm.

2.31 A CO or manager who becomes aware of an incident involving a Defence member under 18 is to record the incident in accordance with Incident Reporting and Management Manual (IRMMAN).

2.32 If a Defence member under 18 is a respondent to an incident, their CO or manager is to provide support independent of the chain of command or decision maker. This support is to ensure the member is fully informed of potential actions arising from, and consequences of, the incident. The member should be offered counselling and legal assistance. If the member is being dealt with under the Defence Force Discipline Act 1982, refer to paragraphs 2.60 - 2.65.

MEMBERS AT RISK OF HARM TO SELF OR OTHERS

2.33 If the Defence member under 18 is considered to be at immediate risk of harm to self or others, COs and managers must actively cooperate in their support and management in accordance with Defence Health Manual, Volume 1, Part 10, Chapter 1—Management of a Defence Member at Risk of Suicide.

INCIDENT MANAGEMENT AND REPORTING

2.34 COs and managers are to comply with the Defence Youth Safety Framework policy on Youth Safety Responding and Reporting, noting that some incidents may involve a response by, or reporting to, State or Territory authorities.

2.35 COs and managers are to ensure Defence members under 18 receive information concerning the Service and civilian complaint processes and mechanisms available to them. Base personnel who provide briefings are to include contact details and information on the rights of members to access the various organisations and processes.
2.36 Management and reporting of complaints relating to unacceptable behaviour is to be in accordance with Complaints and Alternative Resolution Manual, Chapter 3, DI(G) PERS 35–4—Reporting Management of Sexual Misconduct Including Sexual Offences and IRMMAN.

2.37 Casualty notification. In the event of an injury to, or hospitalisation of, a Defence member under 18, the procedures contained within Defence Casualty and Bereavement Support Manual, Chapter 1—Casualty Notification of Defence Members are to be followed. In addition, personnel are to comply with Defence Work Health and Safety requirements, including reporting through Sentinel.

ACCOMMODATION

2.38 COs and managers are to promulgate guidance on accommodation of Defence members under 18 with a view to control the risk of exposure to alcohol, drugs, unacceptable behaviour and/or inappropriate relationships. Actual accommodation arrangements are to be reviewed after an initial period of one week, and remain subject to ongoing routine review.

DISCLOSURE OF PERSONAL INFORMATION

2.39 MILPERSMAN Part 1 Chapter 4 addresses the collection, use, storage and disclosure of personal information in accordance with the Privacy Act 1988. Personal information about a Defence member under 18 should only be used or disclosed in accordance with MILPERSMAN Part 1, Chapter 4 or Defence Instruction Administrative Policy, Military Enabling Domain Provisions (ME)1—Disclosure of certain personal information in relation to youth safety incidents.

2.40 Defence Instruction Administrative Policy, ME1—Disclosure of certain personal information in relation to youth safety incidents details the circumstances where Defence personnel are authorised to disclose personal information held by Defence about a Defence member under 18 to the member's parents, responsible third party or a Government oversight body. Defence personnel are authorised to disclose personal information:

a. to the parents or responsible third party of a Defence member under 18 if the member has been involved in a youth safety incident and it is necessary and appropriate to disclose the personal information to protect the interests and safety of the Defence member under 18.

b. to a Government oversight body if there is a legislative reporting requirement associated with a youth safety incident, and the conditions or criteria that enliven the reporting requirement are satisfied.

2.41 Further guidance about the circumstances under which Defence personnel are authorised to use or disclose personal information about Defence members under 18 can be found in YOUTHPOLMAN. COs and managers are to ensure Defence members under 18 are aware of Defence Instruction Administrative Policy, ME1—Disclosure of certain personal information in relation to youth safety incidents.
ACCESS TO ALCOHOL AND ADULT CLASSIFIED PRODUCTS

2.42 COs and managers are to be satisfied that procedures are in place to prevent the purchase and consumption of alcohol and prohibited substances by Defence members under 18 when on duty or on Defence property. In addition, Defence members under 18 are not permitted to be in the possession of, or to purchase, youth inappropriate materials, particularly adult classified products. Defence personnel are to be instructed that they are not to facilitate access to alcohol, youth inappropriate materials, or other adult classified products for Defence members under 18.

AFTER HOURS AND OFF-DUTY ACTIVITIES

2.43 COs and managers are to ensure that their unit or establishment promulgates guidance in Standing Orders about approved leave activities or off duty activities. This guidance is to include, but is not limited to:

a. recording requirements on information for the proposed leave activities
b. identification of locations and people Defence members under 18 are permitted to stay at or with
c. travel arrangements
d. emergency contact numbers
e. log in and log out procedures, including procedures if the Defence member under 18 does not return at the allocated time.

RESPONSIBILITIES FOR MANAGING DEFENCE MEMBERS UNDER 18 DURING TRANSITION PERIOD

TRANSITION TO INITIAL TRAINING

2.44 Defence commences its responsibility for Defence members under 18 from the point in time at which the member officially joins the ADF. This includes the transition stage where the member is travelling from their place of enlistment or appointment to the relevant training unit or establishment.

2.45 **Travel arrangements.** The ADF (through DFR) is responsible for the management of all travel arrangements for Defence members under 18 from the enlistment or appointment venue to the initial training establishment. Defence members under 18 are to travel using Defence-organised transportation and are not permitted to travel with family and friends to the relevant training establishment.

2.46 **Supervision of Defence members under 18 during transition period.** DFR is responsible for ensuring that Defence members under 18 are escorted by appropriate personnel to the departure point at which their travel to the training establishment commences—for example, the airport. DFR is also to ensure that Defence members under 18 are chaperoned by appropriate personnel on any travel during the transition period that requires overnight accommodation. Appropriate personnel means a person assigned by DFR who satisfies the requirements of the
relevant State or Territory child protection legislation. COs of training units must ensure that appropriate arrangements are made to escort Defence members under 18 from the arrival point—for example, the airport or train station, to the relevant training establishment.

2.47 **Behaviour standards.** Defence members under 18 are expected to meet the same behavioural standards as adult members and are subject to the same conditions of service and Defence legislation and policies, including the *Defence Force Discipline Act 1982* and administrative sanctions. These requirements apply from the start of transition from their place of enlistment or appointment to their training establishment. DFR personnel are responsible for briefing Defence members under 18 on the *Defence Force Discipline Act 1982* and administrative sanctions during the recruiting process.

**TRANSITION ON ATTACHMENT OR POSTING**

2.48 To make Defence personnel aware of the arrival of a Defence member under 18 and to facilitate the tracking of Defence members under 18 during transition between establishments, the losing unit is to advise the gaining unit that a Defence member under 18 is being transferred into their care. Such notification is to occur for all attachments and postings and is to be formally acknowledged by the gaining unit. Unless specifically agreed beforehand, the losing unit retains overall responsibility for the member until they report to the gaining unit. The losing unit is to make transport arrangements for the member to travel to the gaining unit, including accompanying them to the point of departure. Travel should be arranged by the most direct means available. COs of the gaining unit must ensure that appropriate arrangements are made to escort Defence members under 18 from the arrival point to the unit or establishment.

**DEPLOYMENT OF DEFENCE MEMBERS UNDER 18 INTO HOSTILITIES**

2.49 In accordance with Defence’s obligations under the *Protocol*, Services must take all feasible measures to ensure that Defence members under 18 do not participate in hostilities. That is, to the maximum extent possible and where it will not adversely impact on the conduct of operations, Defence members under 18 must not be deployed into areas of operations where there is a likelihood of hostile action. This does not prevent the deployment of Defence members under 18 on operations that do not involve hostilities but such deployments should be considered on a case by case basis.

2.50 Where a Defence member under 18 is part of a unit that is required to deploy to an area of hostility, that member is not to deploy with the unit. In the case of a unit that is in transit or on exercise and is required to deploy at short notice, Defence members under 18 in that unit must be returned to a safe area without undue delay.

2.51 A CO is not obliged to remove a Defence member under 18 from direct participation in hostilities where:

a. circumstances beyond the control of the CO do not permit removal

b. it would be more dangerous to the member to attempt to do so
c. it would prejudice the effectiveness of the mission.

2.52 However, nothing in paragraph 2.51 relieves a CO of the obligation to take all feasible measures to ensure Defence members under 18 do not take a direct part in hostilities.

2.53 There should be very few circumstances in which the above requirement could not be met. The most obvious exception relates to Navy. Where a Defence member under 18 is serving in a ship that is diverted at short notice to an area of hostility and it is not practicable for that member to be landed at the nearest safe port prior to the vessel continuing to the area of operations, that member is to remain with their ship and wherever possible, not participate in any hostile activities.

2.54 **Member responsibilities.** Despite the requirement that Defence members under 18 not be deployed to an area of hostility, they are not exempted from their responsibility to engage in military exercises, normal military duty, weapons training and other military training in accordance with normal Service requirements.

2.55 **Compliance.** COs are to immediately advise J1 Joint Operations Command and Deputy Chief Joint Operations of any instance where the Defence member under 18 cannot be returned to a safe place and must remain deployed with their unit.

**DEFENCE FORCE DISCIPLINE ACT INTERVIEW PROCEDURES INVOLVING DEFENCE MEMBERS UNDER 18**

2.56 Article 12 of [the Convention](#) states that:

> the child shall … be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

2.57 A Defence member under 18 must only be interviewed under the [Defence Force Discipline Act 1982](#) in the presence of an ‘interview representative’. An ‘interview representative’ in relation to a Defence member under 18 means:

a. a parent of the member or a legal practitioner (as defined under Section 3 of the [Defence Force Discipline Act 1982](#)) acting for the member

b. if a parent or legal practitioner is unavailable—an adult relative or colleague of the member who is acceptable to the member

c. if no person covered by subparagraph a. or subparagraph b. is available—an independent adult who is acceptable to the member.

2.58 The ‘interview representative’ is to be in the geographic locality of the interview location and be reasonably available. Unless special circumstances exist a delay of more than two hours may be unreasonable.
THE ROLE OF THE ‘INTERVIEW REPRESENTATIVE’

2.59 The role of the ‘interview representative’ is to provide a physical presence in support of the Defence member under 18 during the Defence Force Discipline Act 1982 interview. Except in the case where the ‘interview representative’ is a legal practitioner, the ‘interview representative’ is not to provide legal advice to the member. The ‘interview representative’ is not to interfere with lawful interview questioning, but is to be an independent witness to the interview process on behalf of the member. If a statement is produced as a result of the interview, the ‘interview representative’ must also sign the statement. The interview representative is not to act as a corroborator for the interview. This is because the corroborator could potentially be called to give evidence at a subsequent trial in relation to the conduct of the interview. This has the potential to confuse the role of the interview representative, particularly if they are called by the prosecution at trial. The requirement to sign a statement, if produced, is to confirm the interview representative’s presence during the conduct of the interview.

2.60 The Defence member under 18 and the ‘interview representative’ must be allowed to communicate, if so desired by the member, prior to the interview and in private. If, during the interview, the Defence Force Discipline Act 1982 investigating officer considers that the ‘interview representative’ is unreasonably interfering with the questioning of the member, the investigating officer may exclude the ‘interview representative’ from being present during the interview. However, if this occurs, then proceedings must be suspended until another acceptable representative is available.

2.61 All reasonable costs, determined by the CO, are to be met by the member’s unit. Reasonable costs may include, but are not limited to, the travel and legal fees for the member’s legal practitioner, parent or both. The requirement to identify and appoint an interview representative is not to act as an obstacle to the effective and expeditious conduct of an investigation. If the member is, in the view of the member’s CO, unreasonably refusing to choose or accept a suitable interview representative, or the member’s choice of interview representative could be used to, for example, conceal, destroy or fabricate evidence, the CO is to appoint a suitable interview representative on the member’s behalf.

RELATED MANUAL CHAPTERS

MILPERSMAN, Part 1, Chapter 3— Military Personnel Policy Manual Glossary

MILPERSMAN, Part 1, Chapter 4— Military Personnel Policy Manual Privacy Notice

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Defence Force Discipline Act 1982

Privacy Act 1988

Work Health and Safety Act 2011

Defence Regulation 2016

Defence Instruction Administrative Policy
DI(G) PERS 35–4—Reporting Management of Sexual Misconduct Including Sexual Offences

Incident Reporting and Management Manual

Complaints and Alternative Resolution Manual

Defence Casualty and Bereavement Support Manual, Chapter 1—Casualty Notification of Defence Members

Defence Health Manual, Volume 1, Part 10, Chapter 1—Management of a Defence Member at Risk of Suicide

YOUTHPOLMAN

Defence Youth Safety Framework


Sponsor: ASPPEC (DMPP)
CHAPTER 3
UNPAID DUTY OR ATTENDANCE BY MEMBERS OF THE AUSTRALIAN DEFENCE FORCE RESERVES

INTRODUCTION
3.1 There may be occasions when a member of the Australian Defence Force (ADF) Reserve volunteers to participate in an ADF-associated activity as an ADF Reservist on an unpaid basis.

POLICY STATEMENT
3.2 An approving authority may authorise, but not require, a Reserve member to undertake an approved ADF activity or ADF-associated activity as Voluntary Unpaid Duty (VUD) or Voluntary Unpaid Attendance (VUA). In certain circumstances, VUD may count as effective service whereas VUA is non effective service.

SCOPE
3.3 This chapter applies to Reserve members and all commanders or managers of ADF Reservists.

DEFINITIONS
3.4 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains common terms and definitions used throughout this chapter.

POLICY GUIDANCE
3.5 VUD is an approved duty performed by a Reservist on an unpaid basis that may count as effective service, while VUA means approved attendance by a Reservist on an unpaid basis at an ADF associated activity that does not directly contribute to ADF capability or objectives and does not count as effective service. VUD counts as effective service for satisfying or qualifying for conditions, where allowed for by the appropriate determinations, regulations or legislation or if determined as such by the delegate. VUD and VUA activities may include:

a. participation in events such as ANZAC or Remembrance Day marches
b. services not part of a formed ADF body or events which support ADF-associated charity activities, such as the sale of Legacy badges or Remembrance Day poppies.

3.6 Reserve members should be paid for all approved ADF service that contributes directly to the development or maintenance of ADF capability. Therefore, neither VUD nor VUA should be used to undertake core employment or specific to job activities.

3.7 Reservists who hold parliamentary, judicial or statutory positions and who are unable to accept payment for their Reserve service or remuneration from another Government department may render VUD. In Army and Navy, these are the only Reservists authorised to render VUD.
3.8 Members undertaking VUD or VUA are considered ‘on-duty’ for the purpose of the *Defence Force Discipline Act 1982*.

### CONDITIONS OF SERVICE

3.9 **Employer Support Payment (ESP) scheme.** VUD may be considered as effective service for ESP purposes as long as the same appropriate qualification criteria have been met as the conditions for paid service. However, Reserve Legal Officers who render service under sessional payment arrangements are not entitled to count this service as qualifying for ESP payments. VUA does not count as effective service for the purposes of the ESP.

3.10 **Work health and safety.** The *Work Health and Safety Act 2011* does not distinguish between Reserve and Permanent Force members nor between paid and unpaid Reserve service. Members undertaking VUD or VUA are considered to be on duty for the purpose of work health and safety and approving authorities are to ensure that they are aware of their obligations.

3.11 **Claims for rehabilitation and compensation, and the provision of Defence health care and support associated with VUD or VUA** are assessed under the provisions of the *Military Rehabilitation and Compensation Act 2004*, Defence Health Manual (DHM), Volume 1, Part 4, Chapter 1—Provision of Health Care to Defence Members and the *ADF Pay and Conditions Manual (PACMAN)*.

3.12 **Authorisation.** VUD or VUA is to be authorised by a Commanding Officer (CO) or equivalent, not below O–5(E) rank. Authorisation is to be provided to the member in writing before VUD or VUA is commenced. VUD or VUA is normally to be authorised only after all allocated and funded Reserve service days (RSD) have been served. However, VUD or VUA can be rendered in advance of expending allocated RSD in certain circumstances. Examples include participation in approved inter Service or single-Service sporting activities which a member could undertake without compromising their availability for other specific-to-employment service or if effective duty status was required for an ADF-related activity.

3.13 **Attendance recording.** Commanders and managers are responsible for ensuring that approved VUD or VUA is recorded as ‘Voluntary’ in the Global Payroll—Reserve in PMKeyS to ensure the member’s attendance details are recorded. The voluntary attendance of Reservists who hold parliamentary, judicial or statutory positions and who are unable to accept payment for their Reserve service or remuneration from another Government department is to be recorded in the same way. Reserve Legal Officers in receipt of sessional payments are not considered to be rendering Reserve service under the provisions of the *Defence Force Remuneration Tribunal*, Determination No 15 of 2008—Salaries. Therefore, they are not to record their service as ‘VUD’ in Global Payroll—Reserve.

### NAVY GUIDANCE

3.14 **VUA may be granted to members in SERCAT 3, 4 or 5 for the purpose of participating in Service sport** subject to the provisions of MILPERSMAN, Part 3, Chapter 3—Sport in Defence. Approval to participate must be obtained from the member’s CO in advance of the event.

3.15 **VUD may be extended to statutory appointees who do not receive Ministerial permission to undertake paid secondary employment including Reserve service.** The
Policy and Promotions area within Navy People Career Management Agency should be consulted in such circumstances or where there is any doubt.

ARMY GUIDANCE

3.16 A member may volunteer to undertake activities for which a training day salary is not allocated. In such cases the activities will be performed as VUA. Members are not to be directed to undertake obligatory activities as an unpaid Reserve activity and VUA will not normally be approved for scheduled training activities that contribute to Army capability.

3.17 Events and activities involving support to charities and not-for-profit organisations are to be enacted under the policy provisions in the Defence Assistance to the Civil Community Manual (DACCM). These activities may be undertaken as VUA as appropriate.

AIR FORCE GUIDANCE

3.18 While recognised as effective service for ESP, minimum RSD requirements and other conditions of service, VUD is not recognised as effective service for promotion purposes. Voluntary participation in sporting activities as an athlete or official approved as VUD is not recognised as effective or efficient service.

RELATED MANUAL CHAPTERS

MILPERSMAN, Part 2, Chapter 4—Service Obligations
MILPERSMAN, Part 3, Chapter 3—Sport in Defence

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Defence Force Discipline Act 1982
Military Rehabilitation and Compensation Act 2004
Work Health and Safety Act 2011
Defence Regulation 2016
Defence Health Manual, Volume 1, Part 4, Chapter 1—Provision of Health Care to Defence Members
ADF Pay and Conditions Manual (PACMAN)
Army Standing Instruction (Personnel)
Air Force Personnel Standing Instructions
Defence Assistance to the Civil Community Manual (DACCM)
Navy Business Rules

Sponsor: ASPPEC (DMPP)
CHAPTER 4
EMPLOYMENT AND VOLUNTARY ACTIVITIES OF DEFENCE MEMBERS IN OFF-DUTY HOURS

POLICY STATEMENT

4.1 Defence members may engage in paid employment or undertake voluntary activities outside of the Australian Defence Force (ADF) while on leave or during off-duty hours, provided that any such activity is approved and complies with the provisions of this policy.

4.2 There are restrictions on the scope of both paid employment and voluntary activities that can be undertaken by Defence members, arising from the nature of service in the ADF.

SCOPE

4.3 This policy applies to Defence members in the Permanent Forces or members of the Reserves on continuous full-time service. This policy also applies to Defence personnel responsible for the management and administration of those members.

4.4 This policy does not apply to a Defence member's civilian employment approved through a SERVOP D arrangement.

DEFINITIONS

4.5 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains common terms and definitions used in this chapter.

ROLES AND RESPONSIBILITIES

4.6 Defence members. Defence members are required to seek approval prior to commencing any paid employment or certain types of voluntary activities described in this policy while on leave or during off-duty hours.

4.7 Approving Authorities. The Approving Authority is:

a. a delegate of the Chief of the Defence Force where the Defence member is requesting to undertake service with a foreign government department or the United Nations (UN), unless they are posted, seconded, or loaned to that government or the UN as part of their official Defence duties

b. an officer not below O-7 rank where an activity:
   (1) is to be undertaken outside Australia
   (2) is or has the potential to be sensitive

c. the member's Commander or Manager in all other situations.

4.8 An approving authority has the discretion to:

a. approve applications by Defence members to engage in paid non-ADF employment or undertake voluntary activities while on leave or in their off-duty hours
determine that a paid employment or voluntary work activity is, or may become, sensitive. A **sensitive** situation may include activities:

1. that give rise to suspicion that an organisation may use the Defence member to further its interests in activities which may not be in Australia’s interests
2. where the involvement of Defence members in the activities of an organisation has the potential to draw public criticism
3. involving the training of any member of a foreign military, paramilitary or police force either inside or outside Australia
4. where the activities of the civilian employer are in doubt, in relation to the **Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014**.

4.9 Subject to the provisions in this policy, an approving authority has discretion to:

a. provide guidance to subordinate Approving Authorities to inform decision making considerations in relation to sensitive situations
b. revoke approvals previously granted for:
   1. service related reasons, such as a member’s subsequent posting. Approval under this chapter will not be held to preclude any posting
   2. breaches of the provisions in this policy
   3. any changes to Defence’s or Australia’s interests which render changes to what may be considered a sensitive situation, impacting on a Defence member’s currently approved application.

**PAID EMPLOYMENT AND VOLUNTARY ACTIVITIES**

4.10 All paid employment activities require approval. This includes, but is not limited to:

a. the practice of any profession
b. engaging in any trade or business
c. acceptance of any paid non-ADF employment
d. being a member of a governing body of any corporation, or of the directorate of any limited company or any partnership engaged in any trade or profession
e. assisting, advising or acting directly or indirectly as an agent for any corporation, company, partnership or individual engaged in any trade, business or profession.

4.11 Defence members may wish to undertake voluntary work associated with, but not limited to, school councils, sporting bodies and religious, veterans, community aid or historical organisations. Approval is only required for those voluntary activities where a member may be:

a. working or volunteering for an emergency services organisation
b. utilising professional military skills
c. travelling overseas
d. paid some form of remuneration
e. working or volunteering for an entity that is sponsored or owned, in part or in full, by a foreign national, foreign association or foreign government.

RESTRICTIONS

4.12 An approving authority is not to approve an application for a member to undertake paid employment or participate in voluntary activities if they have any concern that the employment or voluntary activity:

a. places the Defence member in conflict with their official duties or leads to the perception that they are in conflict with their official duties
b. impairs the Defence member’s ability to perform their official duties
c. involves the use of official time or otherwise interferes with the performance of the member’s official duties and responsibilities to Defence and to the Commonwealth
d. involves the use of classified or sensitive information or knowledge based on information acquired in the course of official duties (refer to the Defence Security Principles Framework for relevant information)
e. may bring Defence into disrepute due to a Defence member’s inappropriate association with a group or organisation (refer to Joint Directive 32–2014—Association with Unlawful or Inappropriate Groups by Defence Personnel)
f. may give rise to an actual, potential or perceived conflict of interest which has the potential to undermine or adversely impact on Defence or the Commonwealth’s reputation (refer to Defence Instruction (General) (DI(G)) PERS 25–6—Conflicts of Interest and Declarations of Interest)
g. may create a situation in which a Defence member’s responsibility to another party or entity could conflict with or impact on their Defence and single-Service values, their Service obligations or the inherent requirements of Service (refer to MILPERSMAN, Part 2, Chapter 1—Inherent Requirements of Service in the ADF)
h. contravenes the provisions of the Crimes Act 1914, the Criminal Code Act 1995 or the Counter-Terrorism Legislation Amendment (Foreign Fighters) Act
i. where a member’s personal security may be at risk.

4.13 The Defence member is not to be involved in any capacity with any:

a. foreign political, military, paramilitary, police force or other armed non-state groups inside or outside Australia
b. groups or organisations involved in mercenary activities
c. groups or organisations involved in any form of criminal activity, including being associated with activities that may be linked to criminal activities
d. activity that furthers the interests of a group or organisation involved in activities that may not be in Australia’s interests.

4.14 The Defence member is not to:
a. take part in commercial transactions relating to Defence, the Commonwealth Government or any Commonwealth statutory organisation (refer to DI(G) PERS 25–6)

b. wear Service uniforms, or part thereof, or any other clothing which associates the Defence member with the ADF

c. continue engaging in non-ADF off-duty activities where a previously approved application has been withdrawn or cancelled

d. perform the activity where an application has not been approved

e. knowingly:
   1. receive remuneration at a lower rate than that paid to a civilian in like employment
   2. replace or receive remuneration of a civilian who is on strike
   3. impede the employment of any civilian person.

SECURITY
4.15 Defence members in any of the Special Forces elements are not to undertake security-type functions or provide security-type services in their off-duty hours, in either a paid or voluntary capacity.

4.16 Defence members, not in the Special Forces elements, who wish to undertake paid employment or voluntary activity in the security field are to report to the Australian Government Security Vetting Agency through Form SVA 003—Change of Circumstances Notification, prior to seeking approval.

COSTS OF MEDICAL AND DENTAL TREATMENT
4.17 Defence provides medical and dental treatment necessary to keep members fit for the performance of their duties. Defence may however recover the costs of medical and dental treatment from a member if the Delegate determines that the Defence member may have an enforceable claim in damages against another person for the treatment of the Defence member arising from participation in paid employment or voluntary activities while on leave or during off-duty hours.

COMPENSATION
4.18 Defence members should be aware that the Military Rehabilitation and Compensation Act 2004 does not provide compensation cover for all injuries and illnesses a person may experience while a member of the ADF. In this regard, a Defence member should seek independent advice before engaging in outside employment and voluntary activities in off-duty hours.

LIABILITY
4.19 The Commonwealth will not be liable for any injury, loss or damage caused by a Defence member to another party or property in the course of, or from the activities of, the Defence member engaging in paid employment or voluntary activities while on leave or during off-duty hours.
MEDICAL ASPECTS

4.20 A Defence member on a Defence approved medical absence may only engage in paid employment in accordance with ADF Pay and Conditions Manual Chapter 5, Part 3 and MILPERSMAN, Part 3, Chapter 2—Australian Defence Force Medical Employment Classification System.

ADMINISTRATION OF APPLICATIONS

4.21 The following information is provided to assist with the submission and management of applications for paid employment or voluntary activities while on leave or in off-duty hours:

a. Applications are to be submitted through the chain of command on Web Form AE 107—Request to Undertake Civilian Employment or Voluntary Activities in Off-duty Hours

b. All applications are to be submitted through a Defence member’s Commander or Manager to ensure there is local oversight of a member’s off-duty activities, even if the Approving Authority is external to the member’s unit

c. The member’s unit is responsible for staffing an application to the appropriate Approving Authority

d. Any changes in a Defence member’s circumstances, reported to the Australian Government Security Vetting Agency on Form SVA 003, are also to be reported to the appropriate Approving Authority, who should review the approved Web Form AE 107 in light of the reported changes in circumstances

e. A Defence member who has been posted is required to submit a new application to continue undertaking an off-duty activity. The application should be submitted to the new approving authority prior to the member’s ‘with effect’ posting date

f. A Defence member already on any form of leave is required to obtain approval before engaging in paid non-ADF employment or undertaking voluntary activities.

RELATED MANUAL CHAPTERS

MILPERSMAN, Part 1, Chapter 5—Delegations

MILPERSMAN, Part 2, Chapter 1—Inherent Requirements of Service in the Australian Defence Force

MILPERSMAN, Part 2, Chapter 5—Australian Defence Force Total Workforce Model—Service Spectrum

MILPERSMAN, Part 3, Chapter 2—Australian Defence Force Medical Employment Classification System

MILPERSMAN, Part 3, Chapter 3—Sport in Defence
MILPERSMAN, Part 6, Chapter 1—Australian Defence Force Posting of Defence Members

MILPERSMAN, Part 7, Chapter 1—Flexible Work Arrangements for Members of the Australian Defence Force

MILPERSMAN, Part 7, Chapter 5—Political Activities of Defence Members

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014

Crimes Act 1914

Criminal Code Act 1995

Defence Force Discipline Act 1982

Military Rehabilitation and Compensation Act 2004

Defence Health Manual, Volume 1, Part 4, Chapter 1—Provision of Health Care to Defence Members

Defence Instruction (General) PERS 25–6—Conflicts of Interest and Declarations of Interests

Defence Instruction (General) PERS 25–4—Notification of Post Separation Employment

Joint Directive 32–2014—Association with Unlawful or Inappropriate Groups by Defence Personnel

ADF Pay and Conditions Manual

ADF Transition Manual

Civil Use of the Defence Estate Manual

Defence Assistance to the Civil Community Manual

Defence Security Principles Framework

Australian Government Security Vetting Agency

Sponsor: ASPPEC (DMPP)
CHAPTER 5

POLITICAL ACTIVITIES OF DEFENCE MEMBERS

INTRODUCTION

5.1 The Australian system of government has a constitutional convention of non-partisanship for members of the Australian Defence Force (ADF). This requires Defence members, when carrying out their official duties, to be politically neutral and obedient to lawful direction from the government of the day. However, Defence members have a right, as citizens, to participate in politics. In order to ensure that the political neutrality of Defence is maintained, it is necessary to impose some restrictions on Defence members concerning their participation in political activities.

POLICY STATEMENT

5.2 Defence members are to be apolitical in the performance of their duties. However, Defence supports the rights of Defence members to engage in political activities as Australian citizens whilst ensuring that the ADF and the Department of Defence remain politically neutral.

SCOPE

5.3 This chapter applies to Defence members only. It provides:

a. guidelines for Defence members seeking to engage in political activities

b. procedures and conditions for Defence members nominating as candidates for election to public office

c. a summary of the effects on a Defence member’s benefits when transferring to Service Category 2 (SERCAT 2), previously known as the Standby Reserve, or resigning to contest an election.

DEFINITIONS

5.4 Military Personnel Policy Manual (MILPERSMAN) Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this chapter. For the purpose of this chapter, ‘discharge’ is to be taken as having the same meaning as ‘resignation’.

RESPONSIBILITIES

5.5 Defence members have a responsibility to conduct their involvement in political activities in a manner that is consistent with their obligation to serve the government of the day in a neutral, apolitical manner and within the limitations and guidance stated in this chapter. In particular, Defence members are to notify their Commander/Manager if they intend to nominate as a candidate for election to public office in accordance with the provisions of this chapter.
RESTRICTIONS FOR ENGAGING IN POLITICAL ACTIVITIES

5.6 Defence members who participate in political activities are to take all reasonable steps to avoid engaging in conduct that may bring the ADF’s or the Department of Defence’s political neutrality into question.

5.7 Where Defence members engage in political activities, they are to take all reasonable steps to avoid giving the impression that such activities are being undertaken in other than a private capacity.

5.8 In order to ensure that the political activities of Defence members remain compatible with their service to the Government, and that Defence’s impartiality in political matters is preserved, some restrictions apply. Provided they do not identify any part of Defence with any political activity, and provided they are in accordance with Defence Communication Manual, Chapter 2—Media Engagement and Public Comment, DI(G) ADMIN 08–2—Use of Social Media by Defence Personnel and any other relevant policies, Defence members may:

a. join a political party or organisation and take an active part in its affairs

b. attend political meetings

c. express their personal views about public issues. This includes:
   
   (1) speaking in public
   
   (2) writing letters to newspapers, publishing or having published books, articles letters or other material (electronically or otherwise)
   
   (3) making comments on social media or in other online forums.

5.9 In any political activity, unless permitted by the Chief of the Defence Force, Defence members are not to:

a. take a leading or publicly prominent position or part in the affairs of a political organisation or party where that role would identify any part of Defence with a political activity and/or impair their ability to adequately fulfil their obligations to Defence

b. take part in activities of a political nature on Defence premises unless all of the following applies:
   
   (1) the Department of Prime Minister and Cabinet has issued relevant Caretaker Conventions
   
   (2) Defence has issued specific guidance
   
   (3) the area has been set aside as a polling place on polling days in accordance with Section 80 of the Commonwealth Electoral Act 1918.

c. use any information gained by, or conveyed to them through their connection with Defence
d. allow such activity to interfere with the functioning of Defence in the performance of its roles, or prejudice performance of their duties as Defence members

e. engage in conduct in such a manner as to identify Defence with a political activity, position or perspective

f. use their rank when identifying, describing, or referring to themselves

g. wear their uniform

h. publish pictures of themselves or other Defence members in uniform

i. wear party ribbons or emblems or other political badges while on duty or in uniform.

CANDIDATES DISPLAYING OR WEARING MILITARY UNIFORM

5.10 While Defence members, including former Defence members, may feel justifiably proud to have served their country, they should also be aware that when they display images of themselves in uniform they may give the impression to members of the public that the ADF endorses or agrees with the political position of the member or former member. Without context, the association of any military uniform with a candidate risks compromising, by association, the long-standing impartiality of the ADF.

5.11 Defence members transferring to the Reserves or resigning from Defence to contest an election are to be made aware of the ongoing risk to Defence’s impartiality should they display pictures of themselves in uniform while electioneering, even after they have left Defence. Former Defence members are requested to continue to value Defence’s impartiality and political neutrality through avoiding the display of images of themselves in uniform.

DEFENCE MEMBERS NOMINATING FOR FEDERAL, STATE/TERRITORY OR LOCAL ELECTIONS

5.12 The Defence (Parliamentary Candidates) Act 1969 (the Act) outlines the responsibilities of Defence members seeking election to a House of Parliament of Australia or of a State, or of the Legislative Assembly of a Territory. Electioneering is generally incompatible with ADF service. Defence members are to comply with the provisions of the Act, or they risk termination action under the Defence Regulation 2016, Section 24. The Act provides the framework for the cessation of full-time duty of Defence members who are seeking to contest an election.

PERMANENT DEFENCE MEMBERS NOMINATING FOR FEDERAL OR STATE/TERRITORIAL ELECTIONS

5.13 For a Defence member to nominate as a candidate in a Federal or State/Territory election:
a. Defence members who are officers are to apply to be transferred to the Reserves in accordance with section 7 of the Act. Defence members must not undertake paid Reserve service whilst contesting an election. As such, they will normally transfer to SERCAT 2.

b. Defence members other than officers are to apply to discharge in accordance with section 8 of the Act.

5.14 Defence members are to provide their Commander/Manager with written notification that they are intending to run for political office prior to pre-selection. The written notification is to include acknowledgement of the requirements of the Defence member outlined in this Chapter, in particular paragraphs 5.6 - 5.11. In addition, Defence members are to apply to a delegate through their chain of command to resign or transfer to the Reserves as appropriate, specifying which election and seat they intend to contest. The application is to be made prior to the candidate’s nomination. This timing is important because the point at which nominations close and are declared is the first possible moment where a candidate, if unopposed, could be declared to have been elected. On receipt of the application and if the application is approved, the delegate will formally advise the Defence member of their obligations and service requirements using the letter format in Annex 5A.

5.15 Defence members who transfer to the Reserves are not to be in receipt of any payment or allowances from the Commonwealth, other than expenses, following their nomination as a candidate, during the time they are involved in the election, or once elected. Failure to comply with this requirement would potentially invalidate a person’s election.

5.16 A Defence member who is not successfully nominated for election, or not elected, may apply to be reinstated to the same rank and part of the ADF from which they transferred or resigned. A Defence member who wishes to be reinstated is to submit their application to the delegate within two months of the ‘declared date’, as published in the Gazette. The delegate may extend the period of time in which the member is to submit their application.

5.17 If a Defence member, who is not successfully nominated for election, or not elected, does not apply for reinstatement to the part of the ADF from which they transferred or resigned, the delegate may require the member to submit such an application, in accordance with the provisions of the Act. A member who does not submit an application for reinstatement may be compulsorily reinstated.

5.18 It is highly recommended that Defence members seek their own independent legal and financial advice prior to pursuing nomination.

RESERVE MEMBERS NOMINATING FOR FEDERAL OR STATE/TERRITORY ELECTIONS

5.19 Reserve members must not undertake paid Reserve service whilst contesting an election and are to follow the instructions for nominations as per Permanent Defence members.

5.20 Reserve members serving on continuous full-time service (CFTS), also known as Service Option C (SERVOP C), are to end their CFTS arrangement before
nominating for Federal or State/Territory elections. Reserve members who were serving on CFTS or were undertaking Reserve service cannot be compulsorily reinstated to their previous CFTS or Reserve service status if unsuccessful at nomination or election.

DEFENCE MEMBERS PARTICIPATING IN LOCAL GOVERNMENT

5.21 Defence members are not to, without the permission of a delegate, be nominated for election to Local Government or accept office in Local Government. In seeking permission, the Defence member is to explain, as a minimum, the expected demands on their time and any potential conflicts of interest if they are to be nominated (see to Di(G) PERS 25–6—Conflict of interest and declarations of interests). Defence members should include as much information as possible regarding the position, such as the job outline, expected term length, required travel, expected hours and any other relevant information.

5.22 In giving permission a delegate may:

a. approve the application subject to the Defence member resigning or transferring to the Reserves, or

b. approve the application with no change to the Defence member's conditions of service, providing their participation in Local Government does not affect their apolitical status and/or military service.

5.23 Defence members who are permitted to accept a position in public office, whilst still remaining within the ADF must comply with the provisions of paragraphs 5.6 - 5.11 of this chapter whilst conducting activities required by, or related to that position. The delegate may review the decision to allow a Defence member to continue serving in the ADF if their apolitical status is called into question and/or their military service is affected.

EFFECTS ON DEFENCE MEMBERS ENTITLEMENTS AND BENEFITS

5.24 Annex 5B describes the possible effects on a Defence member’s entitlements, benefits and other matters.

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Commonwealth Electoral Act 1918

Commonwealth of Australia Constitution Act

Defence Act 1903

Defence (Parliamentary Candidates) Act 1969

Defence (Parliamentary Candidates) Regulations

Defence Regulation 2016

Defence Communication Manual, Chapter 2—Media Engagement and Public Comment
Defence Instruction (General) ADMIN 08–2—Use of social media by Defence personnel

Defence Instruction (General) PERS 25–6—Conflict of interest and declarations of interests

ADF Pay and Conditions Manual (PACMAN)

Annexes:
5A Draft letter to be sent to Defence members who are proposed candidates for Federal or State/Territory elections
5B Effects on a Defence members entitlements, benefits and other matters

Sponsor: ASPPEC (DMPP)
Dear [insert rank and name]

1. You have notified Defence that you propose nominating as a candidate for [insert details of position the candidate is running for (eg ‘the seat of Lindsay in the House of Representatives)].

2. The purpose of this letter is to draw your attention to the following requirements with respect to Defence members engaging in political activities, as detailed in Military Personnel Policy Manual (MILPERSMAN), Part 7, Chapter 5—Political activities of Defence members, Defence Communication Manual, Chapter 2—Media Engagement and Public Comment, Defence Communication Manual, Chapter 3—Digital and Social Media. You should also be aware that, as a Defence member, you remain subject to the Defence Force Discipline Act 1982.

3. In participating in any political activity, the ability of Defence members to properly serve the government of the day, whatever political party is in office, must not be called into question. Therefore, when engaging in political activities, Defence members must avoid giving the impression that such activities are being undertaken in other than a private capacity.

4. Additionally, when engaging in any activity of a political nature, unless permitted by the Chief of the Defence Force, Defence members must not:

   a. take a leading or publically prominent position or part in the affairs of a political organisation or party where that role would identify any part of Defence with a political activity and/or impair their ability to adequately fulfil their obligations to Defence

   b. use any Defence property or facilities except in accordance with relevant Caretaker Conventions issued by the Department of Prime Minister and Cabinet and/or related Defence guidelines or the area has been set aside as a polling place on polling day in accordance with Section 80 of the Commonwealth Electoral Act 1918

   c. use any information gained by or conveyed to them through their connection with Defence

   d. allow such activity to interfere with the functioning of Defence in the performance of its roles, or prejudice performance of their duties as Defence members

   e. engage in conduct in such manner as to identify Defence with a political activity, position or perspective
f. use their rank when identifying, describing, or referring to themselves

5A. Wear their uniform

h. publish pictures of themselves or other Defence members in uniform

i. wear party ribbons or emblems or political badges while on duty or in uniform.

5. While Defence recognises that Defence members, including former Defence members may feel justifiably proud to have served their country, they should also be aware that when they display images of themselves in uniform they may give the impression to members of the public that the ADF endorses or agrees with the political position of the member or former member. Without context, the association of any military uniform with a candidate risks compromising, by association, the long standing impartiality of the ADF.

6. Defence members transferring to the Reserve or resigning from Defence to contest an election are to be aware of the ongoing risk to Defence should they display pictures of themselves in uniform while electioneering, even after they have left Defence. Former Defence members are requested to continue to value Defence’s impartiality and political neutrality through avoiding the display of images of themselves in uniform.

7. In order to nominate as a candidate in a Federal or State/Territory election you will be required to apply to [cease continuous full-time service, resign or transfer to the Reserve (normally SERCAT 2) (delete as applicable)] as required by MILPERSMAN, Part 7, Chapter 5. If you haven’t already done so, the application is to include acknowledgement of the requirements of the Defence member outlined in MILPERSMAN, Part 7, Chapter 5, in particular paragraphs 5.6 - 5.11. Reference should be made to MILPERSMAN, Part 7, Chapter 5, annex B as this may have an affect on your entitlements and benefits and possibly other matters. It is also recommended that you seek your own independent legal and financial advice.

8. Guidelines for reinstatement following an unsuccessful nomination or election are also outlined in MILPERSMAN, Part 7, Chapter 5.

Yours sincerely,
1. **Service Obligations.** Defence members with outstanding service obligations (such as Initial Minimum Period of Service (IMPS) and Return of Service Obligations (ROSO)) should refer to the Military Personnel Policy Manual (MILPERSMAN), Part 2, Chapter 4—*Service Obligations* prior to submitting their written notification of intention to nominate.

2. **Separation Benefits.** Defence members who cease permanent service in order to contest an election effectively separate from the ADF. They are eligible, therefore, to receive the same separation benefits as Defence members who separate through resignation or transfer, including any applicable pension benefits, gratuities and transition assistance. However, the *Defence (Parliamentary Candidates) Act 1969* provides for the preservation of rights of former Defence members who are reinstated following an unsuccessful candidature in relation to elections of a House of the Parliament of Australia, a State or a Territory. There are also some conditions of service which may be affected, depending upon the actions taken by Defence members before, and immediately following separation.

3. **Recreation Leave.** Defence members who separate are paid in lieu of accumulated recreation leave as part of their final moneys. Defence members who are subsequently reinstated following unsuccessful candidature will recommence service with no recreation leave credits. Their next credit following reinstatement will be calculated from the date of reinstatement, and credits will continue to accrue as long as the Defence member performs effective service. No provision exists for the repayment of moneys received in lieu of accumulated recreation leave credits on separation and the re-crediting of that leave.

4. **Period of Service.** Where a Defence member is reinstated following unsuccessful candidature, they shall be considered as having been absent on leave without pay during the period of separation. However, this period of leave without pay does not count towards the fulfilment of their obligation with respect to that specified period of employment.

5. **Long Service Leave.** In the case where a Defence member is reinstated after having unsuccessfully contested an election, the period of separation in order to contest may be treated as a period of service in calculating the entitlement of a Defence member to long service leave (LSL). Payment in lieu of LSL will automatically be authorised on the Defence member’s cessation of full-time service unless they give notice in writing to the contrary (see *ADF Pay and Conditions Manual (PACMAN)*, Chapter 5, Part 3). Defence members who receive payment in lieu of LSL and are reinstated following unsuccessful candidature are not permitted to refund that payment and have the period of LSL re-credited.

6. Defence members who are reinstated following unsuccessful candidature should contact the Directorate of People Management Practices and Programming to
ensure that their LSL entitlements are correctly calculated in accordance with the Long Service Leave (Commonwealth Employees) Act 1976 (LSL Act).

7. Gratuities. Defence members may also be entitled to the payment of a gratuity, however, Defence members who are reinstated following unsuccessful candidature must repay any gratuities upon reinstatement (see PACMAN, Chapter 3, Part 3).

8. Benefits. Defence members who separate may, if eligible, receive benefits as provided by the Defence Force Retirement and Death Benefits Act 1973 (DFRDB Act) or the Military Superannuation and Benefits Act 1991 (MSB Act). Defence members who are eligible to receive benefits should seek independent advice prior to separation or transfer regarding the effects subsequent reinstatement may have on their benefits.

9. DFRDB. Under Section 51 of the DFRDB Act, Defence members who are reinstated following unsuccessful candidature may, by giving written notice to the DFRDB Authority within 30 days following reinstatement, elect to be treated as full contributors for the period of separation.

10. For the purposes of the DFRDB Act, this period is then not regarded as a period of leave without pay. Defence members who make such elections must pay DFRDB contributions to cover the period of separation at the rate at which they would have contributed had they not separated. Additionally, in accordance with Section 53 of the DFRDB Act, Defence members must repay within seven working days, or as otherwise allowed by the DFRDB Authority, all moneys paid on separation under the provisions of the DFRDB Act, including the aggregated of any retirement pay received, all moneys received in the nature of commutation of retirement pay, and any refund of DFRDB contributions.

11. MSB Scheme. Under Rule 62 of the MSB Scheme (MSBS) Rules, former Defence members who are reinstated following unsuccessful candidature may, within 60 days following reinstatement, repay to the Board of Trustees the amount of any benefit received upon resigning to contest the election. The period of separation is then not regarded as a period of leave without pay. Defence members must also pay MSBS contributions to cover the period of separation, at the rate at which they would have contributed had they not separated.

12. The MSBS rules do not make it compulsory for reinstated Defence members to repay any benefits paid to them. Reinstated Defence members who do not repay benefits within 60 days are regarded as having broken continuity of service for retention benefit purposes and are considered to be a re-entered member for the purposes of calculating an employer benefit for the second period of service.

13. MSBS Retention Benefit. Defence members who have an outstanding undertaking for further service at the time of ceasing permanent service in order to contest an election may apply to the Directorate of People Management Practices and Programming to have the pro-rata pre-tax repayment of the retention benefit suspended. The repayment will be suspended until the point at which the Defence member is declared elected or if unsuccessful in election, the point at which their Service Chief may compulsorily re-instate the Defence member. At this point the Defence member would be required to return to the ADF or repay the pro-rata pre-tax
amount owing. The Discharges Section within Defence Pay Accounting Centre (DEFPAC) will take the necessary action to monitor the re-instatement of the Defence member or the repayment of the benefit.

14. **Career Transition Assistance Scheme.** Defence members who are separating from the ADF are entitled to access benefits under the Career Transition Assistance Scheme, which provides them with assistance to facilitate their transition to civilian employment on separation. The Scheme provides Defence members with tools designed to assist them to better market their skills and experience in the civilian marketplace, and the benefits under the Scheme must be accessed and completed within 12 months of separation. Defence members are entitled to differing levels of assistance depending on the amount of time they have served.

15. Defence members who access all of their benefits prior to separation to contest an election, and who are subsequently reinstated following unsuccessful candidature, will not be entitled to any further pre-separation benefits during their Service career for that level of assistance. If they are entitled to higher levels of assistance subsequently, then they are able to access any further benefits not already accessed under a previous level. For further information see **PACMAN**, Chapter 2, Part 2.

16. **Rank and Seniority on Reinstatement.** The *Defence (Parliamentary Candidates) Act 1969* provides that former officers and enlisted members seeking reinstatement will be reinstated with their previous rank. Members of a Reserve who were serving on continuous full-time service (CFTS), also known as Service Option C (SERVOP C), before it was terminated may be accepted for a further period of CFTS, and if so accepted will be employed with the rank held immediately before their full-time service was terminated. Seniority will be determined by the relevant Authority.

17. **Removal Entitlements on Separation.** A Permanent Force member who discharges or transfers to the Standby Reserve in order to contest an election is entitled to have their furniture and effects removed at Commonwealth expense if they have completed their initial period of engagement or appointment, or six years continuous full time service, unless special circumstances apply (see **PACMAN**, Chapter 6, Part 6). Removal will be from their last posting location to a home in another Australian location that the Defence member will live in after separation or, if a member of the Reserve on CFTS, to the place at which the Defence member resided before they began CFTS or to another destination of identical cost.

18. If the posting locality is overseas and the Defence member is accompanied, the Defence member is entitled to the removal of their family and household furniture and effects to their place of residence immediately before becoming a Defence member, or such other location in Australia as is agreed by the Defence member and the appropriate Service Chief.

19. **Travel Entitlements on Separation.** A Permanent Force member who discharges or transfers to the Standby Reserve in order to contest an election is entitled to travel, at Commonwealth expense, from the Defence member’s last posting locality to a home in another Australian location that the Defence member will live in after separation or, if a member of the Reserve on CFTS, to the place at which the Defence member resided before they began CFTS. If the posting locality is overseas and the Defence member is accompanied, the Defence member is entitled
to the travel of their family to their place of residence immediately before becoming a Defence member, or such other location in Australia as is agreed by the Defence member and the appropriate Service Chief.

20. **Additional relevant Legislation.** The *Defence Service Homes Act 1918*, the *Veterans’ Entitlements Act 1986*, and the *Defence Force (Home Loans Assistance) Act 1990* provide certain benefits for serving or former Defence members. These Acts contain eligibility factors related to length of effective service and, in each case, a period of leave without pay which exceeds 21 days is not counted as effective service. Reinstated Defence members will generally have a period of non-effective service for the purposes of these Acts. The *Defence Home Ownership Assistance Scheme Act 2008* also contains provisions for rejoining members.

21. Defence members who are released from permanent service to contest an election are unable to make a claim under the *Military Rehabilitation and Compensation Act 2004*, the *Safety Rehabilitation and Compensation Act 1988* or the *Veterans Entitlements Act 1986* (pre 01 July 2004), for injury or disease that occurs between the time of that release and subsequent reinstatement following unsuccessful candidature.
CHAPTER 6

ELECTIONS AND VOTING ARRANGEMENTS FOR DEFENCE MEMBERS

INTRODUCTION

6.1 Defence members are required to be Australian citizens in accordance with Military Personnel Policy Manual (MILPERSMAN) Part 2, Chapter 2—Citizenship Requirements for Entry to and Service in the Australian Defence Force. One of the obligations of citizenship is the requirement, by law, to vote in Federal, State/Territory and local elections, by-elections and referendums.

POLICY STATEMENT

6.2 Defence is committed to informing Defence members of pending elections or referendums, their methods of voting, and providing them with the opportunity to vote.

SCOPE

6.3 This chapter contains information for Defence members and Defence civilians regarding voting and elections.

DEFINITIONS

6.4 MILPERSMAN, Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this chapter. In relation to this chapter the following specific definitions apply:

a. Elections refers to the act or process of the choosing of representatives by the voters

b. Electoral roll refers to the list of people entitled to vote in an election or referendum

c. Elector refers to any person whose name appears on the Electoral Roll

d. General postal voter (GPV) refers to an elector who is registered to have postal ballot papers sent to them without having to apply for each election/referendum

e. Overseas elector refers to an elector who is currently overseas or is proceeding overseas on posting for six years or less

f. Postal vote (PV) refers to a vote cast by post because the voter cannot attend a polling place in their State/Territory

g. Referendum refers to an event in which the Australian people at either Federal, State/Territory level vote for or against a law that deals with a specific issue.
ROLES AND RESPONSIBILITIES

6.5 Defence People Group (DPG). DPG, through the Directorate of Military Personnel Policy (DMPP), is responsible for:

a. maintaining a regular dialogue with all Federal, State/Territory electoral offices to prepare for the conduct of an election or referendum

b. maintaining a dialogue with staff in Headquarters Joint Operations Command (HQJOC) and its component headquarters for the purpose of maintaining situational awareness and preparedness for elections and referendums

c. liaising with the Australian Electoral Commission (AEC) and operations staff in HQJOC for the purpose of nominating/appointing suitable Defence representatives to deliver and collect completed GPV ballot papers from areas of operation (AO) should the need arise

d. advising Defence members of all pending elections and referendums and the appropriate voting procedures

e. keeping all Defence members apprised of electoral policy and any updates therein.

6.6 Deputy Chief of Joint Operations (DCJOPS). Defence members who have been assigned for duty to an ADF operation are to be afforded the maximum opportunity to vote in Federal, State/Territory and local elections, by-elections and referendums. To aid this process, DCJOPS is responsible for the development of administrative procedures within each AO for the overall management of voting, and support to facilitate the following:

a. provision of GPV guidance and voting information in pre-deployment packages

b. provision of procedures for efficient and effective distribution of electoral material to, from and within an AO

c. provision of Australian Forces Post Offices (AFPO) structure to the relevant electoral commission to facilitate return of ballot papers within the respective AO

d. liaison with electoral officials and DMPP staff as required.

6.7 Services. Services are responsible for advising AEC and DMPP of any exercises and activities that may require dedicated planning to enable Defence members the opportunity to vote particularly on election day.

6.8 Commanders. Commanders are to keep electoral officials informed of any ADF activities that may affect voting procedures, particularly on voting day. Wherever possible, commanders in Australia, or overseas, are to provide assistance to Defence members making arrangements for PVs.

6.9 Defence member. Defence members are responsible for ensuring that they vote and to make the necessary arrangements in order to do so. Individuals are also
responsible for updating their electoral roll details and for keeping informed as far as possible of their electoral commitments.

ENROLMENT TO VOTE

ENROLMENT REQUIREMENTS

6.10 Enrolling and voting in Federal, State/Territory elections and referendums is compulsory for all Australian citizens (or British subjects who were on Commonwealth of Australia electoral rolls on 25 January 1984) 18 years of age and over. Australian citizens who are 16 or 17 years old may apply for provisional enrolment but cannot vote until they turn 18 years of age.

6.11 Electors can enrol, check their enrolment status or update their details online at the AEC website. Alternatively, paper enrolment forms can be obtained direct from AEC offices, Australia Post offices, Medicare, Centrelink or Australian Taxation Office outlets. Completed electoral enrolment forms are to be returned to local AEC offices for processing.

6.12 Enrolment within Australia. Under normal circumstances Defence members posted interstate should re-enrol in their new locality. However, Defence members who are posted and who intend to return to the losing locality can maintain their existing enrolment. Defence members who wish to remain enrolled at their previous permanent address are to notify the AEC office in writing of their temporary absence and how long they expect to be away.

6.13 Enrolment outside Australia. Electors who wish to vote while overseas must be enrolled and may register as an overseas elector. This option provides electors with the option to become a GPV. This will also ensure that the elector’s name is not removed from the electoral roll and that they can vote while outside Australia.

6.14 Defence members who are not enrolled and are living overseas, but left Australia within the last three years, may still be entitled to enrol. More information about this is available on the AEC website.

VOTING OPTIONS

VOTING OPTIONS FOR DEFENCE MEMBERS WITHIN AUSTRALIA

6.15 For Federal elections, by-elections and referendums. Defence members who are within Australia can vote in several ways.

a. Ordinary vote. An ordinary vote is a vote cast by an elector at a polling place or at an early voting centre within the division for which they are enrolled. This is the simplest way to vote and the method used by the majority of electors.

b. Absent vote. An absent vote is a vote cast by an elector out of their home division but still within their home State/Territory on election day. Absent voting on election day is not available for a by-election.
c. **Early vote.** An early vote is a vote cast in person if an elector is unable to attend their place of polling on election day. This can be done at an early voting centre or any AEC divisional office in the weeks leading to an election.

d. **General postal vote (GPV).** A general postal vote is a vote cast by a person who is registered with the AEC as a general postal voter. Once registered as a GPV, electors will automatically receive their ballot papers in the mail after an election has been announced.

e. **Postal vote (PV).** A postal vote is a vote cast by a person who is unable to vote using another method on election day and is not already registered as a GPV. Defence members can vote by applying for a PV.

f. **Interstate vote.** An interstate vote can be cast on election day at interstate voting centres by electors who are not in their home State/Territory. Interstate voting on election day is not available for a by-election.

g. **Provisional vote.** A provisional vote is cast in circumstances where an elector's name cannot be found on the roll or the name has already been marked off the roll. The vote cannot be counted until a careful check of enrolment records and entitlements has been made. Electors making an absent, postal, early (not in own division), interstate or provisional vote must complete a declaration envelope giving their personal details. This will be checked by divisional staff before the votes are counted.

6.16 A list of polling places and interstate voting centres will be made available on the AEC website.

**VOTING OPTIONS FOR DEFENCE MEMBERS OVERSEAS**

6.17 **For Federal elections, by-elections and referendums.** Defence members who are overseas can vote in several ways.

a. **Overseas mission.** Defence members can vote in person, on or before polling day, at an overseas mission which provides full consular services. During an election period a full list of overseas voting locations will be available on the AEC website.

b. **Mobile polling place.** Defence members can vote in person at a mobile polling place, if available. Mobile polling facilities may be arranged for some AO. In these circumstances, Defence members will be advised of local arrangements after an election has been called.

c. **General postal vote.** Defence members can vote by registering as a GPV. Ballot papers will be sent to the electors nominated address automatically once an election is called. Defence members deployed overseas are to register as a GPV. GPVs do not need to apply for a PV during an election and the AEC will automatically despatch the postal votes. Normally the GPV ballot papers will be forwarded to an AFPO address in the AO.

d. **Postal vote.** Defence members can vote by applying for a PV. This option is for electors who do not register as a GPV and cannot vote in person. Electors
can contact an Australian overseas mission, any AEC office in Australia or download and ‘Application for a postal vote’ from the AEC website.

STATE/TERRITORY AND LOCAL ELECTIONS

6.18 Arrangements for State/Territory and local elections are different. Where possible DPG, through DMPP, will publish advice on specific requirements leading into an election. However, Defence members should contact their State/Territory electoral authority for more details.

FAILURE TO VOTE

6.19 Failure to vote while in Australia. It is compulsory for all eligible Australian citizens to vote in Federal, State/Territory elections, by-elections and referendums. After each election, the AEC will send letters to all apparent non-voters requesting they provide a valid and sufficient reason for failing to vote. Electors who fail to provide sufficient reason or do not respond within the specified time period as stated in the letter, or decline to pay a fine may be referred to a court and if found guilty, may be subject to pay court costs and a criminal conviction may be recorded against the individual. Penalties for failure to vote at State/Territory elections may vary.

6.20 Failure to vote while overseas. Electors who do not submit an Overseas notification form will be sent an infringement letter by the AEC to their enrolled address. The elector must respond to the AEC advising their location on Election Day as being overseas, which is an acceptable reason not to be fined.

CHANGES IN ELECTION INFORMATION

6.21 The information in relation to Federal, State/Territory and local elections, by-elections and referendums may be subject to change without notice. Defence members are advised to check the AEC website for the most up to date information.

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Commonwealth Electoral Act 1918

Sponsor: ASPPEC (DMPP)
CHAPTER 7

NOMINATING AND RECORDING EMERGENCY CONTACT AND NEXT OF KIN INFORMATION IN PMKEYS

INTRODUCTION

7.1 Correct and current emergency contact information is essential for the effective management of Defence members. This information is especially important when Defence members are assigned a casualty classification in accordance with the provisions of the Defence Casualty and Bereavement Support Manual (DCBSM), Chapter 1—Casualty Notification of Defence Members.

7.2 This chapter details the requirements for all Defence members to record Emergency Contact (EC) and Next of Kin (NOK) details in the Personnel Management Key Solution (PMKeyS) database.

POLICY STATEMENT

7.3 All Defence members are to record and maintain their EC and NOK information in PMKeyS.

SCOPE

7.4 This chapter applies to all Defence members and Defence civilians.

POLICY GUIDANCE

7.5 Defence members are to record, in PMKeyS, their NOK and a minimum of two ECs comprising one primary emergency contact (PEC) and one additional emergency contact (AEC) from the list of immediate family members as defined in Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary. Where it is not reasonable for a member to nominate an immediate family member, ECs are to be nominated in accordance with the provisions in subparagraph 7.9b. of this chapter.

7.6 Before nominating their PEC and AEC, Defence members should give careful consideration to the potential effect on the physical or mental wellbeing of that person if they were to receive negative information. If their preferred PEC or AEC has a condition that could be exacerbated by receiving negative information, they should consider selecting an alternate EC to reduce such risk.

7.7 Subject to the requirements of subparagraph 7.9b., a PEC and NOK may be the same person. In circumstances where the PEC and NOK are not the same person, the PEC should be sufficiently familiar with the health status of the NOK to be able to arrange for appropriate support (medical or otherwise) to be at hand before negative news is conveyed to the NOK.
DEFINITIONS

7.8 MILPERSMAN, Part 1, Chapter 3 contains common terms and definitions used throughout this chapter.

7.9 The definitions applicable to this chapter are:

a. **Emergency Contact (EC).** EC refers to a person or persons who a Defence member has nominated to be contacted in the first instance by Defence in the event that they are a casualty and notification action has commenced in accordance with the provisions of the DCBSM, Chapter 1.

b. For the purposes of this chapter an EC includes the PEC and AEC. ECs must:

   (1) meet the requirements of an immediate family member or a person who may 'stand in the position of' being a Defence member’s immediate family member

   (2) be legally competent

   (3) be at least 18 years of age

   (4) not have any known physical or mental health conditions that could deteriorate as a result of the individual suddenly receiving negative news.

c. **Legally competent** means the ability of an individual to give legal consent to, and to understand the consequences of, an action or decision. Legal competence is a criterion to assess suitability for nomination as an EC, but it does not bestow on the EC any legal entitlement, right or benefit.

d. **Next of Kin (NOK)** means the Defence member’s closest living relative, or a person who may ‘stand in the position of’ a Defence member’s closest living relative. The priority order for determining who might be the closest living relative is as follows:

   (1) the Defence member’s partner

   (2) the Defence member’s child, stepchild or a person who the Defence member believes stands in the position of their child

   (3) a parent or step-parent of the Defence member or a person who the Defence member believes stands in the position of their parent

   (4) a sibling or step-sibling of the Defence member

   (5) a grandparent or step grandparent of the Defence member

   (6) an aunt or uncle or step-aunt or step-uncle of the Defence member.
e. ‘Stands in the position of’ means kin-like relationships representative of the parent-child/child-parent style relationship with an individual who may not necessarily be related to that person.

ROLES AND RESPONSIBILITIES

DEFENCE MEMBERS

7.10  In addition to the requirement in paragraph 7.5, Defence members are required to review and amend their nominated EC and NOK details as recorded in PMKeyS whenever any of the following circumstances occur:

a. upon posting in to a new unit or workplace
b. prior to proceeding on any overseas posting or secondment
c. prior to participating in any Defence exercise or operational deployment
d. when their personal situation changes
e. when they become aware that either the contact details or personal situation of their nominated EC or NOK have changed
f. if their EC and/or NOK no longer satisfies the eligibility requirements.

7.11  It is the responsibility of the Defence member to:

a. advise the EC and/or NOK of their nomination
b. where a person who would normally expect to be nominated as an EC (e.g., partner or parent) has not been nominated, ensure where appropriate, they are advised who the nominated ECs are along with the reason why.

COMMANDERS/MANAGERS/SUPERVISORS

7.12  Commanders/managers/supervisors must ensure that EC and NOK details of Defence members are accurately recorded and routinely audited. Where a Defence member has elected to not nominate an immediate family member as their EC or NOK the commander/manager/supervisor is to counsel the Defence member on the potential impact this decision could have on their immediate family and assess whether there may be relevant significant family issues that may complicate any subsequent notification action conducted in accordance with the DCBSM, Chapter 1.

PRIVACY

7.13  Defence collects EC details to facilitate action in accordance with the provisions of DCBSM, Chapter 1. Information collected will be stored in PMKeyS and used for casualty notification purposes.

7.14  This information may also be used by Defence where necessary, and in support of workflow, by commanders, managers and supervisors in the Defence member's functional line of control to the extent that it is reasonably required by them to fulfil their management responsibilities. This includes, but is not limited to, activities
such as the Defence ‘Find our People’ program or other situations where Defence is unable to locate or contact the Defence member.

7.15 For deployed or deploying Defence members, the National Welfare and Coordination Centre (NWCC) may elect to contact an EC upon receiving notice that the Defence member is, or is about to be, deployed so as to:

a. Advise the individual that they have been recorded as an EC of the Defence member and may be contacted in accordance with the DCBSM, Chapter 1

b. Seek information that may assist Defence in making a notification in accordance with the DCBSM, Chapter 1

c. Advise the EC of the services available to them through the NWCC.

7.16 In some circumstances, such as where the PEC resides in, or is visiting a remote locality or overseas country, EC information may be disclosed to civilian police and local clergy (either in Australia or the overseas location) or to a Defence attaché in order to facilitate actions under the provisions of the DCBSM, Chapter 1. The country to which in information may be disclosed will be determined by the location of the PEC at the time of disclosure.

RELATED MANUAL CHAPTERS

MILPERSMAN, Part 1, Chapter 4—Military Personnel Policy Manual Privacy Notice

RELATED LEGISLATION, POLICY AND PUBLICATIONS

DI(G) PERS 57–1—Management and administration of civilians supporting Australian Defence Force in an Area of Operations

Defence Family Support Manual (DFSM)

Privacy Act 1988

Defence Casualty and Bereavement Support Manual (DCBSM)

RELATED WEB FORMS

Web Form AC 989—Pre-deployment Emergency Contacts Confirmation

Web Form AE 309—HQJOC Deployment Certification
CHAPTER 8

DEFENCE RESERVE SERVICE (PROTECTION) ACT 2001—POLICY AND PROCEDURES FOR COMPLAINT RESOLUTION

INTRODUCTION

8.1 The *Defence Reserve Service (Protection) Act 2001* places legally binding obligations on employers, partnerships and educational institutions in relation to Australian Defence Force (ADF) Reserve members and specifies protection measures for Reserve members undertaking Defence Reserve service.

POLICY STATEMENT

8.2 The resolution of Reserve members’ complaints made under the provisions of the *Defence Reserve Service (Protection) Act 2001* is an important element in maintaining ADF capability. The timely resolution of complaints ensures grievances are dealt with in accordance with statutory requirements and that Defence meets its legal and procedural fairness obligations.

SCOPE

8.3 The aim of this Chapter is to detail the procedures for lodging and dealing with complaints of possible breaches of the *Defence Reserve Service (Protection) Act 2001*.

DEFINITIONS

8.4 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3 – ‘Military Personnel Policy Manual Glossary’ contains common terms and definitions used throughout this chapter.

ROLES AND RESPONSIBILITIES

8.5 The Office of Reserve Service Protection (ORSP) was established by the *Defence Reserve Service (Protection) Regulations 2001* to investigate complaints about alleged contraventions of the *Defence Reserve Service (Protection) Act 2001*.

8.6 The ORSP also has the following functions:

a. responding to inquiries about the *Defence Reserve Service (Protection) Act 2001* or *Defence Reserve Service (Protection) Regulations 2001*

b. monitoring compliance with the *Defence Reserve Service (Protection) Act 2001* and *Defence Reserve Service (Protection) Regulations 2001*

c. conducting training, and preparing and distributing information, about the *Defence Reserve Service (Protection) Act 2001, Defence Reserve Service (Protection) Regulations 2001* and other support initiatives
d. making recommendations for enhancing the protections and improving in other respects the *Defence Reserve Service (Protection) Act 2001* and *Defence Reserve Service (Protection) Regulations 2001*

e. providing assistance to employers in the development of leave provisions, policy, enterprise agreements and employment guidelines

f. brokering Memorandums of Understanding between Defence and certain employers, particularly where both parties share the same workforce, to support the release of Reserve members for Defence Reserve service.

8.7 The Director of the Office of Reserve Service Protection (DORSP) is responsible to Head Reserve and Youth Division (HRYD) for the functioning of the Office and for handling complaints made under the *Defence Reserve Service (Protection) Act 2001*.

**DEFENCE RESERVE SERVICE**

8.8 Defence Reserve service comprises:

a. Service on Reserve Service Days.

b. Continuous Full-time Service (CFTS), which includes:

(1) Voluntary CFTS

(2) CFTS following a call-out.

**DEFENCE RESERVE SERVICE (PROTECTION) ACT 2001**

8.9 The *Defence Reserve Service (Protection) Act 2001* contains an anti-discrimination provision and a provision providing protection against victimisation. It also includes employment, partnership, education, bankruptcy and financial liability protection for Reserve members, former Reserve members and persons who might, in the future, render Defence Reserve service.

8.10 Under the anti-discrimination provision, the *Defence Reserve Service (Protection) Act 2001* makes it unlawful for an employer to refuse to offer employment to a person, or otherwise discriminate against that person in their employment, on the grounds that the person is rendering, has rendered, or might in the future render Defence Reserve service.

8.11 The protective measures provided by the *Defence Reserve Service (Protection) Act 2001*, and their applicability to various types of Defence Reserve service, are summarised in tabular form in Table 8-1. Further details on the various types of protection and benefits are provided in Annex 8A.
Table 8–1 Various types of protection and benefits available

<table>
<thead>
<tr>
<th>Type of protection or benefit</th>
<th>Types of service for which respective protection or benefit applies</th>
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<tbody>
<tr>
<td>Protection against discrimination</td>
<td>All kinds of Defence Reserve service</td>
</tr>
<tr>
<td>Employment protection</td>
<td>All kinds of Defence Reserve service</td>
</tr>
<tr>
<td>Partnership protection</td>
<td>All kinds of Defence Reserve service</td>
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<tr>
<td>Education protection</td>
<td>All kinds of Defence Reserve service</td>
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<tr>
<td>Bankruptcy protection</td>
<td>CFTS that is operational service and CFTS as a result of a call-out</td>
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<tr>
<td>Financial liability protection</td>
<td>CFTS that is operational service and CFTS as a result of a call-out</td>
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<tr>
<td>Loans and guarantees</td>
<td>CFTS as a result of a call-out</td>
</tr>
<tr>
<td>Protection against victimisation</td>
<td>All kinds of Defence Reserve service</td>
</tr>
</tbody>
</table>


**RESPONSIBILITIES OF RESERVE MEMBERS**

8.13 Reserve members should, as a matter of good practice, make their release from work or a course of study as easy as possible for their employer, partnership or educational institution. Reserve members are strongly encouraged to:

a. foster a good working relationship between Defence and their employer, partnership or educational institution

b. consider the impact that their absence will have on their employer, partnership or educational institution

c. provide their employer, partnership or educational institution with as much notice as possible when they are required to render Defence Reserve service

d. provide their employer, partnership or educational institution with a 6 – 12 month plan of their intended Defence Reserve service including any training commitments, noting that exact dates can be provided when they become known

e. provide their employer, partnership or educational institution with written notification of service on Reserve Service Days, using the [AE 380 Tri-Service Notice of ADF Reserve Service form](http://www.defence.gov.au/ADFReserveService), before and after their period of Defence Reserve service and whenever requested by their employer, partnership or educational institution
Note: When it is intended to engage a Reserve member on CFTS (either following a call-out or on voluntary CFTS), Defence will notify the member’s employer, partnership or educational institution of the call-out order or proposed voluntary CFTS.

f. provide their employer or partnership with information about the Employer Support Payment Scheme (ESPS)

g. provide information relating to the various types of support initiatives (such as nomination for a supportive employer award or attendance at an engagement program activity) available to their employer, partnership or educational institution.

COMPLAINT PROCESS

8.14 The aim of the process for dealing with complaints is to resolve the situation at the lowest level and to employ more formal processes only as a last resort. It is an essential part of the complaint resolution process that issues are dealt with in a timely manner.

8.15 A Reserve member, employer, partnership, educational institution or ADF unit may, at any time, seek information about the provisions of the Defence Reserve Service (Protection) Act 2001, the responsibilities of Reserve members and the complaint process from:

a. the ORSP (on 1800 671 998)

b. the Australian Government Fair Work Ombudsman (on 13 13 94 or www.fairwork.gov.au)

c. the local DRS Office (on 1800 803 485), or

d. the DRS Website at www.defencereservessupport.gov.au.

8.16 A Reserve member may, at any stage, make a complaint to the ORSP regarding an alleged breach of the Defence Reserve Service (Protection) Act 2001. However, the ORSP will normally require the Reserve member to follow the initial steps in the complaint process prior to investigating a complaint.

8.17 When a complaint from a Reserve member is accepted as a possible contravention of the Act, the ORSP, unless directed otherwise by DORSP, will inform the member’s ADF unit about the complaint. The aim of informing the ADF unit at this point is to assist with timely resolution of the complaint at the lowest possible level. The ORSP may also use this opportunity to provide appropriate guidance and assistance to the unit, as required.

8.18 However, in some circumstances, DORSP may determine that the ADF unit should not be advised about the complaint until the initial investigation has been completed (eg if a senior member of the ADF unit has been involved in the circumstances leading to the complaint).

8.19 To ensure all the details of a complaint are provided, the ORSP requires that a complaint be made in writing. The AD 217 Reserve Service Complaint form is
provided for this purpose. Further guidance and a copy of the complaint form are available on the DRS website at www.defencereservessupport.gov.au and on the Defence Restricted Network via Web Forms.

8.20 **Australian Government Investigation Standards.** The Australian Government Investigation Standards (AGIS) provide the benchmark for investigative practices and are a cornerstone of the Australian Government's fraud control policy. AGIS provides the minimum standard for all agencies, including the ORSP, conducting investigations relating to the legislation they administer. AGIS also provides guidance on criminal sanctions in any investigative response, provides guidelines for quality reviews and improvements across Australian Investigative agencies.

**THE COMPLAINT PROCESS AND RESPONSIBILITIES OF STAKEHOLDERS**

8.21 The steps in the complaint process and the responsibilities of stakeholders are described below.

a. A Reserve member who believes they have, or may have, a justifiable complaint should, in the first instance, attempt to resolve the situation through their own efforts with the other party (typically an employer but could also be an educational institution, partner or other person to whom the prohibitions in the Act apply). Useful information to assist this effort is readily available from the DRS website at www.defencereservessupport.gov.au.

b. If personal efforts at resolution with the third party are unsuccessful, the Reserve member should notify his or her ADF unit of the situation.

c. Upon being notified, the Reserve member’s unit should establish the facts of the case and attempt to resolve the situation.

**Note:** Appropriate information should be provided to the other party to assist in the resolution of a situation. Such information could include an employer's obligations under the *Defence Reserve Service (Protection) Act 2001*, the potential for the ESPS to provide financial assistance payments to offset the consequences of the Reservist’s absence from the workplace and the overall benefit to an employer from the skills and knowledge acquired by the Reserve member through their Reserve service.

d. Whether or not the situation is resolved at unit level, the unit is to notify the ORSP about the complaint. The notification should be emailed to ORSP@defence.gov.au (or may be mailed to ORSP, PO Box 7925, Canberra BC ACT 2610). The notification is to cover the following points:

   (1) Details of the Reserve member (potential complainant) involved, including full name, rank, PMKeyS number, home address and contact details (telephone number and email address).

   (2) Unit details, including unit address and unit point of contact.
(3) Details of the third party (potential respondent) involved, including name of the individual (if applicable), name of the organisation, address of the organisation and contact details (telephone number and email address).

(4) Details of the complaint, whether an actual or potential complaint, including issues involved.

(5) Details of attempts at resolution, including results of the attempts.

(6) Details of the unit member submitting the notification.

Note: The unit is to provide regular updates on the progress of the matter, from this point on, to the ORSP and to the Reserve member.

e. The unit should advise the Reserve member that he or she can make a complaint direct to the ORSP at any time.

f. If the ORSP believes a possible contravention of the Defence Reserve Service (Protection) Act 2001 may have occurred, the ORSP may initiate its own investigation (even if a complaint has not been made).

g. If a complaint is made by a Reserve member to the ORSP, the ORSP will:

(1) confirm receipt of the complaint to the Reserve member and invite them to provide a written submission, together with any supporting documents, to the ORSP

(2) conduct a preliminary scoping assessment into the complaint to determine if it warrants further action

(3) when a complaint from a Reserve member is accepted as a possible contravention of the Act, inform the member’s ADF unit about the complaint (unless directed otherwise by DORSP).

h. If the ORSP is satisfied, on reasonable grounds, that the complaint is frivolous, vexatious or not made in good faith, or the matters raised in the complaint fall outside the scope of the Defence Reserve Service (Protection) Act 2001, it need not investigate the complaint any further.

i. If the ORSP determines that further action is warranted, it will:

(1) provide details of the complaint to the party alleged to be responsible for contravening the Defence Reserve Service (Protection) Act 2001 and invite them to provide a written submission, together with any supporting documents, to the ORSP

(2) undertake an investigation.

j. During the investigation stage, information will be gathered, parties may be interviewed and consultation undertaken. Meetings may be held involving ORSP staff, unit personnel and the other party, sometimes with the Reserve member present.
k. At this point, the ORSP may seek to resolve the issue using informal alternative dispute resolution (ADR) means, including through mediation.

l. Following the investigation stage, the ORSP will decide whether the complaint is justified, and provide a summary of the results of the investigation to the Reserve member, the other party and to the unit, as appropriate.

m. If the issue has been resolved, no further action may be required.

n. If the ORSP decides that further action is warranted, it may:

(1) engage further with the other party to seek to resolve the matter

(2) endeavour to resolve the complaint using ADR methods

(3) if there has been an alleged breach of the provisions of the Defence Reserve Service (Protection) Act 2001:

   (a) report the matter to the relevant State, Federal or Territory police for further investigation, which may lead to a criminal prosecution, or

   (b) refer the matter to the Commonwealth Director of Public Prosecutions for consideration of criminal prosecution

(4) support the Reserve member taking legal action or initiate legal action directly on behalf of the Reserve member.

o. If the ORSP determines the complaint was frivolous, vexatious or made in bad faith, or the Reserve member was at fault (i.e. the issue had arisen due to unreasonable actions taken by the member), the ORSP may refer the matter to the member’s unit for consideration of further action.

OFFICE OF RESERVE SERVICE PROTECTION

8.22 Under the Defence Reserve Service (Protection) Regulations 2001, DORSP has the power to demand documents considered to have a bearing on the investigation. Penalties may apply to any person or party who falsifies documents, fails to provide requested documents, or fails to provide documents within the specified time.

8.23 DORSP may seek legal advice and give consideration to appointing suitably qualified Investigating Officers.

RESOLVING DISPUTES BY ALTERNATIVE DISPUTE RESOLUTION

8.24 The ORSP will normally seek to resolve an issue using informal ADR means including speaking directly with each party. The outside assistance of a human relations/personnel expert or a representative of an appropriate union or employer/employee organisation may also be sought. However, if a more formal ADR approach is appropriate, the ORSP may refer the parties to mediation.
8.25 **Mediation.** Mediation is a structured process in which the mediator, acting impartially, assists the parties to resolve a dispute by encouraging and facilitating discussion, so that they communicate effectively with each other about the dispute and devise strategies for its resolution.

8.26 The ORSP must ensure that the mediator has appropriate experience and qualifications. The mediator will usually conduct a preliminary conference with each party (possibly by telephone) at which arrangements for the mediation, representations, exchange of position papers and documents are made. The mediation conference should be attended by the Reserve member and the third party, each of whom may be accompanied by a legal adviser and/or supporting representative. A corporate body is required to be represented by someone with full authority to settle the dispute. A member of the ORSP would also normally attend, to offer clarification of the provisions of the *Defence Reserve Service (Protection) Act 2001*.

8.27 When conducting a mediation conference, the mediator will not give legal advice (except advice about procedural matters) to any party and will terminate the mediation if asked to do so by a party, or if satisfied that the mediation process is no longer appropriate.

**CIVIL PROCEEDINGS**

8.28 A Reserve member who suffers loss or damage because of a contravention of the *Defence Reserve Service (Protection) Act 2001* may bring an action in court to recover the amount of that loss or damage. A Reserve member affected by threatened or actual conduct in contravention of the *Defence Reserve Service (Protection) Act 2001* may also apply for a court order prohibiting or rectifying the conduct including, for example, by reinstatement in employment.

8.29 When a Reserve member decides to bring such an action, the ORSP may provide financial or other support including access to legal advice. DORSP may also bring an action on behalf of the Reserve member.

8.30 **Support by the ORSP.** If the ORSP decides to provide support to a Reserve member who is bringing an action in court, the ORSP will advise the Reserve member in writing of any support that will be provided and any limitations/restrictions that will apply. Any variation or withdrawal of this support will be advised in writing. The ORSP may withdraw such support at any time, for example if a reasonable offer is made by the third party but is not accepted by the Reserve member.

**FINALISATION OF CLAIMS**

8.31 During the resolution process, the ORSP may provide status reports to the relevant parties regarding the progress of a complaint. When the ORSP determines that action in respect of a particular complaint is finalised, insofar as assistance or intervention by the ORSP is withdrawn or concluded, the ORSP will advise the relevant parties of this as soon as practicable.
PRIVACY ISSUES

8.32 The Privacy Act 1988 regulates the collection, storage, use, disclosure and securing of personal information. It also provides individuals with a right to access and correct information relating to them. Protection against breaches of privacy is available for individuals in their business or private capacity.

8.33 The privacy of personal information made available to the ORSP must be maintained at all times. Personal information may be used by the ORSP for determining the facts of a matter under investigation. The ORSP may disclose information if the disclosure is required or authorised by law. The ORSP may also disclose information to a person (other than the individual concerned) if the individual concerned is reasonably likely to be aware that information of that kind is usually passed to that person.

8.34 In practical terms, complying with the Privacy Act 1988 is likely to mean:

a. providing a privacy notice that explains what personal information the ORSP collects and what it will do with this information

b. only using personal information in ways that people might reasonably expect or as otherwise advised in advance by the ORSP

c. not passing on personal information without consent (which may be express or implied), unless authorised to do so by the Privacy Act 1988

d. giving people the chance, if they ask, to see any information about them that the ORSP holds

e. keeping personal information safe and telling people, if they ask, how the ORSP will handle their personal information.

RECORDS

8.35 The ORSP will maintain records of all complaints made to it, in accordance with the requirements of the Archives Act 1983.

Annex:

8A Protections available in relation to ADF Reserves

Sponsor: RYD (DRES)
PROTECTIONS AVAILABLE IN RELATION TO AUSTRALIAN DEFENCE FORCE RESERVES

1. The *Defence Reserve Service (Protection) Act 2001* provides an anti-discrimination provision and protection against victimisation, as well as employment, partnership, education, bankruptcy and financial liability protection, for Reserve members, former Reserve members and persons who might, in the future, render Defence Reserve service.

2. Different protection measures apply to various types of Defence Reserve service (see Table 8-1).

**PROTECTION AGAINST DISCRIMINATION**

3. Protection against discrimination (part 4 of the *Defence Reserve Service (Protection) Act 2001*) relates to all forms of Defence Reserve service.

4. The *Defence Reserve Service (Protection) Act 2001* makes it unlawful for an employer to refuse to offer employment to a person, or otherwise discriminate against that person in their employment, for any prohibited reason (as defined in the *Defence Reserve Service (Protection) Act 2001*) or for reasons that include a prohibited reason.

5. The *Defence Reserve Service (Protection) Act 2001* specifies that conduct is for a prohibited reason if it is engaged in because the employee:

   a. may volunteer to render Defence Reserve service
   b. is rendering Defence Reserve service
   c. is, or may become, liable to render Defence Reserve service, or
   d. has previously rendered Defence Reserve service.

6. Protection against discrimination also extends to Reserve members in partnerships, to commission agencies and to independent contractors. Protection under the *Defence Reserve Service (Protection) Act 2001* extends, in some circumstances, to people who are intending to join, but have not yet joined, the Reserves or who have previously served in the Reserves.

**UNLAWFUL CONDUCT**

7. The following conduct is unlawful under the *Defence Reserve Service (Protection) Act 2001*:

   a. refusing to offer employment to a person for a prohibited reason or for reasons that include a prohibited reason
b. dismissing an employee, changing the terms and conditions of an employee's employment to their detriment or discriminating against an employee in the terms and conditions of their employment (or threatening to do any of these actions) for a prohibited reason or for reasons that include a prohibited reason

c. hindering or preventing an employee or partner from volunteering to render, or rendering, Defence Reserve service (of any kind)

d. refusing or failing to invite a person to become a partner in a partnership for a prohibited reason or for reasons that include a prohibited reason

e. dissolving a partnership, expelling a partner from a partnership, requiring a partner to forfeit their share in a partnership, or subjecting a partner to any other detriment concerning a partnership (or threatening to do any of these actions) for a prohibited reason or for reasons that include a prohibited reason

f. refusing or failing to engage a person as a commission agent or a contractor for a prohibited reason or for reasons that include a prohibited reason

g. terminating a contract with a commission agent or a contractor, discriminating in the terms and conditions of the contract (or threatening to do either of these actions) for a prohibited reason or for reasons that include a prohibited reason

h. harassing a worker, partner or co-worker for a prohibited reason or for reasons that include a prohibited reason.

Notes:
(a) Harassing includes abuse or bullying.
(b) Worker includes an employee, commission agent or contractor, or a person seeking to become an employee, commission agent or contractor.
(c) Co-worker includes people working together, even if they are not employed by the same person.

8. An employer is vicariously liable for the actions of their employees, commission agents or contractors, if they harass a co-worker for a prohibited reason or for reasons that include a prohibited reason. However, the employer is not liable if they have taken all reasonable steps to ensure that their employees, commission agents and contractors do not harass co-workers.


10. A person who contravenes the anti-discrimination protections is also liable to a civil penalty arising from a civil action in a court.

EMPLOYMENT AND PARTNERSHIP PROTECTION

EMPLOYMENT PROTECTION

12. Key elements of employment protection (part 5) cover the following:

a. employer cannot require a Reserve member to take leave to undertake Defence Reserve service

b. member’s entitlement to be absent from employment while absent on Defence Reserve service

c. resumption of work or reinstatement in employment

d. protected period after Defence Reserve service.

ABSENCE ON DEFENCE RESERVE SERVICE

13. A Reserve member is absent on Defence Reserve service:

a. while travelling to the place where they are required to report for Defence Reserve service

b. while rendering Defence service

c. during the period immediately following the member’s Defence Reserve service (this period generally runs until the member resumes work or 30 days have elapsed since the member ceased to render Defence service, whichever occurs earlier).

LEAVE FOR DEFENCE RESERVE SERVICE

14. When a Reserve member is employed under a contract of employment that allows the member any type of paid or unpaid leave, Part 5 specifies that employers are not permitted to require the Reserve member to take leave concurrently with all, or part, of the member’s absence on Defence Reserve service.

15. A Reserve member may elect to undertake Defence Reserve service utilising annual leave, long service leave (LSL) or some other form of leave. However, when a Reserve member undertakes Defence Reserve service while on annual leave, LSL or certain other specified forms of leave (but not including leave for Defence Reserve service), their employer cannot claim a payment under the Employer Support Payment Scheme (ESPS). Information about the ESPS and its eligibility requirements is available on the DRS website at www.defencereservessupport.gov.au.

ENTITLEMENT TO BE ABSENT ON DEFENCE RESERVE SERVICE

16. Part 5 specifies that a member is entitled to be absent from their employment while the member is absent on Defence Reserve service (even if their employer has not given them leave).

17. When a Reserve member is absent on a period of Defence Reserve service and is utilising any type of paid or unpaid leave throughout the period, the member’s employment continues while the member is absent on Defence Reserve service.
18. When a Reserve member does not undertake the Defence Reserve service on any form of leave, their absence from employment while absent on Defence Reserve service is not taken to be a period of employment under their employment contract.

RESUMPTION OR REINSTATEMENT IN EMPLOYMENT

19. Part 5 provides for resumption of work or reinstatement in employment if the member applies in writing to resume work, or for reinstatement, no later than 30 days after ceasing to render Defence Reserve service. The resumption or reinstatement must be on terms and conditions at least as favourable as those that would have applied if the Reserve member had not undertaken Defence Reserve service.

20. If a Reserve member resumes work or is reinstated in employment, the continuity of the Reserve member’s employment is taken not to have been broken by their absence on Defence Reserve service.

21. Part 5 does not prevent termination of a Reserve member’s contract at the end of the member’s absence on Defence Reserve service if the member does not apply in writing to resume employment under the contract within 30 days after finishing the Defence Reserve service.

22. Part 5 also allows certain exceptions to the provisions relating to resumption of work or reinstatement of employment.

PAYMENT WHILE ON DEFENCE RESERVE SERVICE

23. In general, employers are not required to pay a Reserve member’s wages/salary, grant entitlements, or make workers compensation payments or superannuation payments during a Reserve member’s absence on Defence Reserve service. However, these payments may continue under the conditions of an award or a workplace agreement, or if the employer and the Reserve member agree to them continuing.

PROTECTED PERIOD AFTER DEFENCE RESERVE SERVICE

24. Once a Reserve member has resumed work or been reinstated in employment following a period of Defence Reserve service, the employer must not, for a period equal to the length of the member’s absence on Defence Reserve service, terminate the member’s employment or vary the member’s employment conditions on less favourable terms and conditions, other than due to changed circumstances or employee misconduct.

PARTNERSHIP PROTECTION

25. Part 6 of the Defence Reserve Service (Protection) Act 2001 specifies that a Reserve member who is a partner in a partnership, while absent on Defence Reserve service, is protected from:

a. having the partnership dissolved
b. being expelled from the partnership
c. being required to forfeit their share in a partnership, or

d. being subject to any other detriment concerning the partnership.

26. **Protected period.** The protection relating to partnerships also extends for a period equal to the length of the member’s absence on Defence Reserve service or for a period of 12 months after the Defence Reserve service ends, whichever is the shorter.

**EDUCATION PROTECTION**

27. Education protection (part 7 of the *Defence Reserve Service (Protection) Act 2001*) applies to all kinds of Defence Reserve service.

28. On completion of a period of Defence Reserve service, Reserve members who are students will, in general, be able to recommence their course of studies at a point that the educational institution considers appropriate. Reserve members must apply to resume the course within 30 days of ceasing Defence Reserve service.

29. Educational institutions must also make reasonable adjustments that are required because a Reserve member, who is enrolled in a course at the institution, is rendering Defence Reserve service. Examples of adjustments that would typically be considered reasonable could include:

a. not failing a member

b. recognising assessment or practical work undertaken by the member before starting to render Defence Reserve service

c. allowing the member to defer undertaking or completing assessment or practical work

d. refunding or crediting fees paid by or for the member.

30. An adjustment is a reasonable adjustment unless making the adjustment would impose an unjustifiable hardship on the educational institution.

**FINANCIAL LIABILITY AND BANKRUPTCY PROTECTION**

31. Financial liability and bankruptcy protection (parts 8 and 9 of the *Defence Reserve Service (Protection) Act 2001*) apply to CFTS that is operational service and to CFTS following a call-out order.

32. Operational service may be either inside or outside Australia and includes Defence Reserve service involving:

a. preparing to render operational service, or

b. decompressing after rendering operational service.

33. **Protected period.** This protection provides for the postponement of financial liabilities for the period after the Reserve member starts rendering the protected period of CFTS. The protection also applies for a period that begins immediately after
the Reserve member ceases to render the CFTS, and for a period that is equal to the
length of that CFTS, or up to 12 months after the Reserve member has ceased to
render that CFTS, whichever is the shorter.

34. **Scope.** Financial liability and bankruptcy protection includes, but is not
limited to, the rescheduling of loans and hire purchase arrangements, stays on
execution of court orders and mortgage rescheduling. However, interest on loans will
continue to accrue during the protected period.

35. **Protection of dependants.** Financial liability protection also extends to the
dependants of the Reserve member.

**LOANS AND GUARANTEES**

36. Loans and guarantees may be available to assist in the re-establishment of a
Reserve member following their return to civilian life after Defence Reserve service
following a call-out.

37. Further detail is contained in part 10 of the *Defence Reserve Service*
*(Protection) Act 2001* and in Division 2 of the *Defence Reserve Service (Protection)*
*Regulations 2001*.

**ENFORCEMENT AND REMEDIES**

38. Part 11 of the *(Defence Reserve Service (Protection) Act 2001)* relates to
enforcement and remedies.

**CIVIL ENFORCEMENT**

39. A person who suffers loss or damage because of a contravention of the Act
(or an authorised applicant acting on their behalf) may bring a civil action in a court.
A court may:

a. order compensation be paid
b. grant an injunction restraining or requiring particular conduct
c. make other orders, as it thinks fit.

**Note:**
(a) Authorised applicants are prescribed by the *Defence Reserve Service*
*(Protection) Regulations 2001*. The Director of the Office of Reserve Service
Protection will be the most appropriate authorised applicant.

40. **Limitation Period.** An action for loss or damage for contravention of the Act
must be commenced within four years from the day on which the cause of action
arose.

41. **Civil Penalty.** An authorised applicant may apply to a court for a civil penalty
order for a contravention of the anti-discrimination protections in Part 4, or the
victimisation protection in Part 11, of the *(Defence Reserve Service (Protection)*
*Act 2001).*
PROTECTION AGAINST VICTIMISATION

42. Part 11 of the *Defence Reserve Service (Protection) Act 2001* includes a provision providing protection against victimisation.

43. A person must not subject, or threaten to subject, another person to detriment for reasons that include:

   a. the other person having made, or proposing to make, a complaint under the regulations relating to the *Defence Reserve Service (Protection) Act 2001*

   b. the other person having given, or proposing to give, information or documents to a person exercising a power or performing a function under the regulations relating to the Act, or

   c. the other person having brought, or proposing to bring, proceedings under the Act.

44. Contravention of the victimisation provision is a criminal offence. A civil penalty provision may also apply.
CHAPTER 9

DISCLOSURE OF CERTAIN PERSONAL INFORMATION IN RELATION TO THE DEPARTMENT OF VETERANS’ AFFAIRS AND THE COMMONWEALTH SUPERANNUATION CORPORATION

INTRODUCTION

9.1 This Chapter details the personal information that Defence personnel are authorised to disclose to the Department of Veterans’ Affairs (DVA) and the Commonwealth Superannuation Corporation (CSC) under Defence Instruction Administrative Policy (DI ADMINPOL), Annex I, People Domain Provision (PPL)2 - Disclosure of certain personal information in relation to the Department of Veterans’ Affairs and the Commonwealth Superannuation Corporation.

9.2 This Chapter deals only with the disclosure of information to DVA and CSC in accordance with DI ADMINPOL, Annex I, PPL2. It does not affect the disclosure of information to DVA through other existing means, such as disclosure with the consent of the relevant Australian Defence Force (ADF) member or disclosures made pursuant to a notice to produce under relevant legislation.

9.3 Defence and DVA work cooperatively to deliver care and support to current and eligible former Defence members and their families. Defence has the lead in caring for and supporting current Defence members while DVA has the lead for widows/widowers, dependants and wounded, injured or ill, former Defence members.

9.4 Defence maintains a similar relationship with CSC in regards to impairment coverage for current and former Defence members.

9.5 To facilitate early engagement between DVA and CSC and Defence members, and to ensure that Defence members and their families, are best placed to receive the level of support necessary to ensure their wellbeing, Defence may disclose certain personal information to DVA or CSC to:

a. assist DVA or CSC in keeping Defence members informed of the services and support that may be available to them and their families during their career, after they transition from the Permanent Forces or a period of continuous full-time service (CFTS) or separate from the Reserves.

b. ensure DVA and, where relevant, CSC are aware of certain trigger events during a Defence member’s career where early engagement with a member may be appropriate

c. help expedite the consideration of any future claim for compensation or impairment

d. in the case of DVA, to facilitate the:
(1) establishment of a direct relationship with a serving Defence member as early in a Defence member’s career as practical

(2) provision of support where appropriate.

9.6 The personal information authorised for disclosure to DVA and CSC is personal information Defence has collected for a range of purposes that includes:

a. the provision of health, rehabilitation and veterans’ services to Defence members

b. the management of the welfare of Defence members and their dependants.

9.7 Defence personnel are not authorised to disclose sensitive information.

9.8 Full details of the personal information collected by Defence and the purposes of that collection is contained in the Defence Privacy Policy.

POLICY STATEMENT

9.9 In order to ensure early engagement between Defence members, DVA and, where relevant, CSC, Defence is committed to ensuring that:

a. DVA is made aware of all Defence members who:

(1) enlist in or are appointed to the Royal Australian Navy, Australian Army or the Royal Australian Air Force on or after 01 January 2016

(2) are involved in a serious incident or, where a Defence member’s service is to be terminated administratively, either on medical grounds or for any other reason that involves the use of prohibited substances or the misuse of alcohol, as soon as practical after the event or the decision to terminate

(3) commence transition from the Permanent Forces or a period of CFTS in the ADF

(4) complete transition from the Permanent Forces or a period of CFTS in the ADF

(5) separate from the Reserves or

(6) render service which attracts eligibility as qualifying service as defined in the Veterans’ Entitlements Act 1986.

b. CSC is made aware of all Defence members whose service is to be terminated administratively on medical grounds.

SCOPE

9.10 This Chapter sets out Defence’s policy regarding the disclosure of certain personal information to DVA and, where relevant, CSC. This Chapter applies to all Defence personnel.
DEFINITIONS

9.11 Common definitions used in this policy can be found in Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary. The following specific definitions apply to this Chapter:

a. **Sensitive information.** Has the same meaning as in Section 6 of the Privacy Act 1988, being:

   (1) information or an opinion about an individual’s:
   
   (a) racial or ethnic origin
   
   (b) political opinions
   
   (c) membership of a political association
   
   (d) religious beliefs or affiliations
   
   (e) philosophical beliefs
   
   (f) membership of a professional or trade association
   
   (g) membership of a trade union
   
   (h) sexual orientation or practices, or
   
   (i) criminal record

   that is also personal information; or

   (2) health information about an individual

   (3) genetic information about an individual that is not otherwise health information

   (4) biometric information that is to be used for the purpose of automated biometric verification or biometric identification, or

   (5) biometric templates.

b. **Serious Incident.** Means an incident where a member has been classified in accordance with Defence Casualty Manual (CASMAN), Chapter 1—Casualty notification of Defence Members, as either:

   (1) Very Seriously Ill, or Very Seriously Injured (VSI) or

   (2) Seriously Ill or Seriously Injured (SI).

c. **Prohibited Substance(s).** Has the same meaning as in Section 93 of the Defence Act 1903 being:

   (1) any substance that is a prohibited substance because of a determination under subsection 93B(1) of the Defence Act 1903.
d. **Retiring impairment.** A retiring impairment is one that, at the time of service termination, caused or was one of the causes of that retirement.

e. **Use.** In relation to Prohibited Substances, means where a Defence member administers, or causes, or permits to be administered, to himself or herself a Prohibited Substance.

DISCLOSURE OF CERTAIN PERSONAL INFORMATION IN RELATION TO THE DEPARTMENT OF VETERANS’ AFFAIRS AND THE COMMONWEALTH SUPERANNUATION CORPORATION

9.12 **Disclosure of certain personal information to DVA.** In accordance with DI ADMINPOL, Annex I, PPL2 Defence personnel are authorised to disclose personal information held by Defence about a Defence member to DVA:

a. about the Defence member’s enlistment in, or appointment to, the Royal Australian Navy, Australian Army or the Royal Australian Air Force, or

b. if a Defence member:
   
   (1) is involved in a serious incident

   (2) is to have their service in the ADF terminated administratively on medical grounds or for any other reason that involves the use of prohibited substances or the misuse of alcohol

   (3) commences the process to transition from the Permanent Forces or a period of CFTS in the ADF

   (4) completes transition from the Permanent Forces or CFTS in the ADF

   (5) separates from the Reserves or

   (6) renders service which attracts eligibility as qualifying service as defined in the Veterans’ Entitlements Act 1986.

9.13 Disclosure to DVA related to the use of prohibited substances or the misuse of alcohol under subparagraph 9.12b.(2) is only to occur where the Defence member’s service is to be terminated in accordance with Part VIII/A of the Defence Act 1903. Disclosure is not authorised where the Defence member’s termination is associated with possession or supply of prohibited substances.

9.14 **Disclosure of certain personal information to CSC.** Defence personnel are authorised to disclose personal information held by Defence about a Defence member to CSC if the Defence member’s service is to be terminated administratively on medical grounds.

INFORMATION TO BE DISCLOSED

9.15 Defence may use the personal information it has collected in relation to the Defence member’s service, incident, separation or transition process and disclose it to DVA or CSC.
9.16 The information to be disclosed to DVA in accordance with paragraph 9.12 is limited to:

a. on enlistment or appointment to the Royal Australian Navy, Australian Army or the Royal Australian Air Force, transition from the Permanent Forces, on the completion of a CFTS undertaking from members of the Reserves or on separation from the Reserves, the Defence member's:

   (1) name, gender and the following Service details: Service, rank, employee identification number and date of birth

   (2) the following contact details: current posted and administrative unit (if applicable) address, current home address, email address and phone numbers

   (3) for members enlisting in or being appointed to the Royal Australian Navy, Australian Army or the Royal Australian Air Force, the type of enlistment or appointment

   (4) for members who have transitioned from Permanent Forces, have completed a CFTS undertaking as a member of the Reserves or separate from the Reserves, the reason for separation and the following post-transition contact details: home address, personal email address and personal phone numbers if known

   (5) date of either the:

      (a) enlistment, or appointment, to the Royal Australian Navy, Australian Army or the Royal Australian Air Force or

      (b) transition from Permanent Forces or

      (c) completion of a CFTS undertaking or

      (d) separation from the Reserves or

      (e) separation from the Standby Reserve.

b. in the event a Defence member is involved in a Serious Incident or their service is to be terminated for any of the reasons set out in subparagraph 5.12b.(2):

   (1) the Defence member’s name and the following Service details: Service, rank, employee identification number and date of birth

   (2) that:

      if the Defence member is involved in a Serious Incident:

      a Serious Incident has occurred (including a general description of the nature and timing of that incident if those details are reported in the Casualty Notification message (NOTICAS))
if the Defence member’s service is to be administratively terminated on medical grounds: the Defence member is to separate from Defence on medical grounds

if the Defence member’s service is to be administratively terminated for any other reason that involves the use of prohibited substances or the misuse of alcohol: the Defence member is to separate from Defence for administrative reasons

(3) the Defence member’s contact details or, if appropriate to the circumstances, the Defence contact details for the relevant point of contact at the Defence member’s posted or administrative unit

(4) where relevant and, if known, the date effecting the Defence member’s termination of service.

c. when a Defence member commences the process to transition from the Permanent Forces or completing a CFTS undertaking in the ADF:

(1) the Defence member’s name and the following Service details: Service, rank, employee identification number and date of birth

(2) that: the Defence member has commenced the process to transition from permanent or CFTS in the ADF

(3) if known, the proposed date effecting the Defence member’s transition from Permanent Forces or the completion of a CFTS undertaking in the ADF

(4) the following Defence member’s contact details: current posted and administrative unit (if applicable) address, current home address, email address and phone numbers

(5) if known, the Defence member’s future contact details.

d. when a Defence member renders service which attracts eligibility as Qualifying Service as defined in the Veterans’ Entitlements Act 1986:

(1) the Defence member’s name and the following Service details: Service, rank, employee identification number and date of birth

(2) details of the Defence members Qualifying Service

(3) the following Defence member’s contact details: current posted and administrative unit (if applicable) address, current home address, email address and phone numbers.

9.17 The information to be disclosed to CSC in accordance with paragraph 9.14 is limited to:

a. the Defence member’s name and the following Service details: Service, rank, employee identification number and date of birth
b. that the Defence member is to separate from Defence on medical grounds

c. the Defence member’s contact details or, if appropriate to the circumstances, the Defence contact details for the relevant point of contact at the Defence member’s posted or administrative unit

d. if known, the date effecting the Defence member’s termination of service.

MECHANISM FOR DISCLOSURE

9.18 Defence will make the information outlined in subparagraphs 9.16a. and 9.16d. available to DVA electronically.

9.19 All other disclosures are to be made by email as detailed below:

a. Disclosure to DVA. If a Defence member is involved in a Serious Incident, is to separate for one of the circumstances described in subparagraph 9.12b.(2) above, has commenced the process to transition from the Permanent Forces or has completed a CFTS undertaking, the personal information set out in either subparagraph 9.16b. or 9.16c. is to be disclosed to DVA by email to defence.notifications@dva.gov.au with either NOTICAS, SEPARATION or TRANSITION (as applicable) as the first word in the subject line. NOTICAS and Separation disclosures are to be made individually while transition disclosures may be made in bulk.

b. Disclosure to CSC. If a Defence member is to separate on medical grounds, the personal information set out in paragraph 9.17 is to be disclosed to CSC by email to defence.notifications@admin.csc.gov.au with SEPARATION as the first word in the subject line. Separation disclosures are to be made individually.

TIMING OF DISCLOSURE

9.20 Defence will provide DVA, on a frequency to be mutually agreed, an electronic report detailing the specified personal information associated with enlistment, appointment, transition from the Permanent Force, the completion of a CFTS undertaking, rendering Qualifying Service or separation from the Reserves. Defence will also provide DVA with access to the Defence electronic records associated with these events.

9.21 For remaining disclosure events, the information should be disclosed to DVA or CSC as soon as practical after:

a. the Defence Community Organisation receive a NOTICAS of either SI or VSI

b. confirmation that the Defence member has been informed of the decision to terminate their service as a result of one of the circumstances described in subparagraph 9.12b.(2), or

c. the completion of the initial transition interview.

9.22 Unless there are exceptional circumstances, after hours disclosure is not required.
RELATIONSHIP TO CLAIMS UNDER THE RELEVANT LEGISLATION

9.23 The disclosure of any information by Defence to DVA and CSC under this chapter, and any early engagement by DVA or CSC, does not constitute a claim or acceptance of liability under the relevant legislation. Nor does the disclosure of any information by Defence to DVA or CSC remove from the Defence member the responsibility to submit a claim to DVA or CSC.

9.24 Defence members should submit a claim to the relevant authority as soon as practical if they intend to seek recognition of a retiring impairment or believe they have sustained an injury or illness that is related to their ADF service. An early submission will help ensure an early determination as the evidence to support a claim should be readily available. In turn, an early determination will ensure that Defence members, and, if relevant, their families, can plan for the future with confidence.

RESPONSIBILITIES

9.25 Service Chiefs are responsible for ensuring that the information described above is disclosed to DVA and, where relevant, CSC, in the circumstances described in subparagraph 9.12b.(2) and paragraph 9.14.

9.26 Defence personnel posted to the Career Management Agency are responsible for the Defence member on behalf of the Defence member’s Service Chief.

9.27 Deputy Secretary Defence People is responsible for:

a. ensuring the specified information held in PMKeyS, or Defence One, associated with enlistment, appointment, Qualifying Service, transition from the Permanent Forces, the completion a CFTS undertaking or separation from the Reserves is provided to DVA and that this information is also electronically accessible by DVA

b. for disclosing information about Defence members who have been involved in a Serious Incident or commence the process to transition from the Permanent Forces to DVA.

EXPECTED OUTCOME OF DISCLOSURE

9.28 DVA and CSC may use the information provided by Defence to make contact with the member to allow:

a. DVA to:

(1) in relation to enlistment, appointment, transition from the Permanent Forces, the completion of a CFTS undertaking, or separation from the Reserves, provide advice on the support and services available from DVA and details of how Defence members can manage their ongoing relationship with DVA

(2) in relation to a Serious Incident or a medical or administrative separation, determine what level of assistance the Defence member
may need should they intend to make a claim for compensation in relation to the incident in question or their separation from the ADF and what other support DVA may be able to provide.

(3) in relation to Qualifying Service as defined in the Veterans’ Entitlements Act 1986, advise the Defence member that DVA has been notified that the Defence member has rendered service which attracts eligibility as Qualifying Service, as defined in the Veterans’ Entitlements Act, and that this notification will be used to verify a claim for Qualifying Service.

(4) in relation to the commencement of transition, provide advice on the services and support DVA may be able to provide.

b. CSC, in relation to a medical separation, to determine what level of assistance the Defence member may need should they intend to seek recognition of a retiring impairment.

9.29 Defence members are under no obligation to accept the assistance offered by DVA or CSC and are free to seek support, assistance or advocacy from other agencies.

**PRIVACY**

**ACCESSING AND SEEKING CORRECTION TO YOUR PERSONAL INFORMATION**

9.30 Everyone has the right to request access or seek correction to their personal information collected and held by Defence, including that personal information collected in connection with MILPERSMAN policies.

9.31 The Defence Privacy Policy provides guidance on how:

a. a Defence member can obtain their personal information held by Defence

b. that personal information can be accessed or corrected

c. to submit a complaint if the Defence member is of the view that their privacy has been breached.

**RELATED MANUAL CHAPTERS**

MILPERSMAN, Part 1, Chapter 4—MILPERSMAN Privacy Notice

MILPERSMAN, Part 4, Chapter 1—Alcohol Management in the Australian Defence Force

MILPERSMAN, Part 4, Chapter 3—Management of the use or involvement with prohibited substances in the Australian Defence Force

MILPERSMAN, Part 10, Chapter 2—Termination of Service in the Australian Defence Force
RELATED LEGISLATION, POLICY AND PUBLICATIONS

Defence Act 1903

Defence Force Discipline Act 1982

Privacy Act 1988

Veterans' Entitlements Act 1986

Defence Privacy Policy

Defence Instruction Administrative Policy (DI ADMINPOL), Annex I, People Domain Provisions (PPL2)

Defence Casualty Manual (CASMAN)

Sponsor: DPG (HPC)
PART 8: TRAINING AND DEVELOPMENT
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CHAPTER 1

GRADUATE MEDICAL SCHEME

INTRODUCTION

1.1 The policy on the Graduate Medical Scheme is being reviewed and will be incorporated into this chapter of the Military Personnel Policy Manual in due course.

1.2 The extant policy remains Defence Instruction (General) PERS 5–18—Graduate Medical Scheme.

Sponsor: ASPPEC (DMPP)
CHAPTER 2

THE MEDICAL SPECIALIST PROGRAM

INTRODUCTION

2.1 The Medical Specialist Program (MSP) enables capability managers to raise, train and sustain their Permanent Force medical procedural specialist capability and includes the specialities of general surgery, orthopaedic surgery, anaesthesia, emergency medicine, intensive care medicine and psychiatry.

2.2 Defence members who have been panelled, selected and appointed to the program are either qualified medical procedural specialists, or registrars working towards a qualification in an included specialty. Defence members in the MSP are embedded as staff specialists and registrars in approved civilian health service providers to gain or maintain their specialist qualifications. They may be utilised by Defence in their relevant clinical area subject to this policy.

POLICY STATEMENT

2.3 Defence requires a Permanent Force medical procedural specialist capability, in addition to that provided by the Reserve Force. The MSP provides this capability.

SCOPE

2.4 This chapter describes the coordination and management of the MSP in Defence. It includes the policy and procedures for the selection and administration of members as part of the MSP as well as instructions in relation to their employment and the responsibilities of those engaged in their Command and administration.

DEFINITIONS

2.5 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains common terms and definitions used throughout this chapter.

ROLES AND RESPONSIBILITIES

JOINT HEALTH COMMAND

2.6 Commander Joint Health (CJHLTH) has assigned responsibility for coordinating the medical procedural specialist capability to Director General Health Capability (DGHC). DGHC is responsible for the following;

a. coordinating the application and selection process for the MSP

b. establishing and maintaining professional mentoring arrangements for members of the MSP
c. overseeing the employment of medical procedural specialists on deployments and Service activities to ensure optimal use of medical procedural specialist’s skills

d. negotiating clinical placement deeds and schedules in relation to the MSP with approved health service providers and maintaining the relationship between Defence and those organisations

e. in consultation with the Services, facilitating transfers between approved health service providers for registrars and medical procedural specialists

f. monitoring placements and Defence interaction with approved health service providers

g. calling for Expressions of Interest (EOI) for the MSP through the single-Services

h. coordinating the joint selection panel.

PROFESSOR OF MILITARY MEDICINE AND SURGERY

2.7 The Professor of Military Medicine and Surgery is the professional mentor for members of the MSP and is responsible for advising DGHC and the joint selection panel on matters relating to the program.

SERVICES

2.8 With regards to the MSP, the Services are responsible for the following for each of their members;

a. career management of MSP members

b. the distribution of EOIs and collation of applications

c. participation in the Selection process

d. providing feedback for MSP process improvement to DGHC

e. implementing a service obligation period.

2.9 While promotion is subject to individual Service policy it is not expected that a member would be promoted while a registrar.

2.10 With regards to the MSP participants, the units to which they are posted are responsible for managing the following for each of their members;

a. command

b. administration

c. monitoring of maintenance of individual readiness requirements.
MEDICAL PROCEDURAL SPECIALISTS

2.11 Each MSP participant will maintain a close relationship with their parent unit and avail themselves of training and professional military development opportunities.

2.12 Members are to attend the annual MSP conference convened by DGHC on behalf of SGADF.

2.13 Members of the MSP are to comply with the rostering, policies and procedures of their approved health service providers, specific details of which are set out in a Medical Specialist Services Deed between the Commonwealth and the health service provider.

2.14 Members may access leave in accordance with the ADF Pay and Conditions Manual (PACMAN), Chapter 5—ADF Leave subject to the endorsement of their approved health service provider. Members must submit applications for leave through their supervisor at the health service provider and to their parent unit for approval.

2.15 Members are to maintain unconditional registration with the Australian Health Practitioners Registration Authority (AHPRA) as a medical practitioner.

2.16 Members are to notify Joint Health Command (JHC) through their Service chain of command in the event they become the subject of any professional disciplinary investigation or proceedings or subject to restrictions, conditions and/or undertakings as to practice.

2.17 Medical procedural specialists are to note the specific requirements set out in PACMAN, Chapter 3—ADF Salaries and bonuses, Part 1B Division 3 Table B.3.3 regarding their ongoing eligibility for relevant salary levels within their categorisation. In particular, the requirement that to remain eligible for Medical Procedural Specialist pay they are required to practice in the area of their clinical speciality on a regular basis for the majority of the period of procedural specialist service.

REGISTRARS

2.18 Registrars will maintain close relationships with their parent unit and avail themselves of training and professional military development opportunities; however participation in these activities must not interfere with their progress towards attaining their medical procedural specialist fellowship.

2.19 Members are to attend the annual MSP conference convened by DGHC on behalf of SGADF.

2.20 Members of the MSP are to comply with the rostering, policies and procedures of their civilian placement, specific details of which are set out in an agreed Request for Clinical Placement issued under a Clinical Placement Deed between the Commonwealth and the health service provider.

2.21 Members may access leave in accordance with the PACMAN, Chapter 5—ADF Leave subject to the endorsement of their approved health service provider. Members must submit applications for leave through their supervisor at the approved
health service provider and to their parent unit for approval. Such leave is not to impact on the registrar’s progress towards attaining their medical procedural specialist fellowship.

2.22 Members are to maintain unconditional registration with AHPRA as a medical practitioner.

2.23 Members are to notify JHC through their Service chain of command in the event they become the subject of any professional disciplinary investigation or proceedings or subject to restrictions as to practice.

2.24 Members are to notify DGHC through their chain of command of the outcomes of their examinations and assessments. They are also to provide DGHC with copies of their written training progress reports as they progress towards fellowship.

UTILITY OF MEDICAL PROCEDURAL SPECIALISTS

2.25 Once qualified, medical procedural specialists may be used for Defence activities. Generally, they should be engaged in activities that require use of their medical specialist skills. The Services are to liaise with DGHC before seeking to employ MSP members outside of their medical procedural specialist role. Medical procedural specialists may be accessed by Services other than their own in the same way as any other member may be sought to be utilised by their non parent Service for that particular activity.

2.26 Members of the MSP should expect to be absent from the health service providers in which they are placed for between three and six months per year, dependent on Service requirements.

SELECTION AND ENTRY

2.27 Dependent on the specialisation, training to be a medical procedural specialist takes approximately five to six years. The numbers of each speciality that are sponsored through the MSP in any particular year will be determined by factors including, but not limited to the availability of funded positions; the number of qualified specialists already serving and their likely tenure; the number of registrars in the training system; the Service’s capability requirements; and the availability of positions for placements at approved health service providers.

2.28 Defence members will be required to secure accredited training positions at approved health service providers and meet the same professional standards as their civilian counterparts. To be competitive and prepared for a registrar position, the Services may sponsor selected Medical Officers to fill positions as unaccredited registrars, principal house officers or similar, thus increasing experience levels in order to obtain an accredited training position. The Services are responsible for sponsoring, managing and funding these precursor positions.
ELIGIBILITY AND ACCEPTANCE CRITERIA

2.29 Only Permanent Force Medical Officers or Reserve Force Medical Officers who are eligible to transfer to the Permanent Force will be considered for the MSP. To be eligible for selection a Defence member must:

a. possess unrestricted and unconditional general registration as a medical practitioner with the Medical Board of Australia

b. be at Medical Level (ML) 1 or above

c. be a permanent member of the ADF upon entry to the program

d. have completed, or be within 12 months of completing, any extant Service obligation period or Initial Minimum Period of Service (IMPS) relating to their medical training, unless given a specific waiver by their parent Service

e. agree to the terms and conditions contained in their Service letter of offer that enables entry into the program

f. be able to complete the training and all associated service obligation period prior to compulsory retirement age

g. meet their Service's individual readiness requirements and not have any restriction concerning posting localities

h. be recommended for the MSP by their Commanding Officer and have a satisfactory reporting history

i. obtain entry into a speciality-specific registrar training program that meets the needs of the parent Service and is conducted in an institution and location that is approved by the respective Service.

2.30 If a Medical Officer who meets the eligibility criteria has already secured or commenced an accredited registrar training position, the registrar training in which they are engaged or about to commence must meet JHC requirements in terms of specialty and health service provider, and Service requirements in respect of location.

2.31 Members who are serving as part of the MSP are to acknowledge the following conditions:

a. they are subject to the Defence Act 1903, Defence Regulation 2016 and the Defence Force Discipline Act 1982

b. they are to maintain individual readiness in accordance with single-Service policy

c. they are to comply with the procedures and policies of the health service provider in which they are embedded and the Medical Board of Australia

d. they are to comply with the professional ethics of both the parent Service and the health service provider in which they are embedded
e. They are subject to a service obligation period and any other conditions specified by a Delegate. The CDF may refuse or accept an application to resign or transfer and acceptance may be subject to compliance with specified conditions including a monetary payment. Any monetary payment shall be calculated in accordance with MILPERSMAN, Part 2, Chapter 4—Service obligations, and the CDF Determination on Service Obligation Debts.

f. Failure to complete training does not void the service obligation associated with IMPS or service obligation period. Members will remain liable for a service obligation in the instance where training is not completed.

g. If a registrar, they acknowledge that it is unlikely that a change in Medical Level will occur during the registrar training. Financial remuneration during this period will be in accordance with the provisions of the PACMAN, Chapter 3—ADF Salaries and bonuses.

APPLICATION AND SELECTION PROCESS

2.32 JHC will seek nominations for the MSP through the Service Career Management Agencies (CMA), by promulgating an EOI. Eligible Medical Officers apply for a position in the MSP by submitting an EOI through their respective CMA; however, officers who are interested in the program are encouraged to contact their career management agency at any time to discuss options and opportunities.

2.33 The Services nominate applicants for consideration by a joint selection panel for the following year. The tables below describe the application and selection process. If the Defence member is not already a medical procedural specialist then selection is conditional upon their securing an appropriate registrar position.

2.34 If a Service is not able to fill a MSP position, then that Service may offer the position to another Service.
### Table 2–1 Application and selection process: Stage 1—Expression of interest

<table>
<thead>
<tr>
<th>Role</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>JHC MSP Program</td>
<td>Briefs DGHC on the intake, including timeframes, processes and joint selection panel composition</td>
</tr>
<tr>
<td>Manager</td>
<td>Posts information on the JHC website for access by potential applicants</td>
</tr>
<tr>
<td></td>
<td>Prepares the request for EOI (Annex 2A) not later than 30 March each year</td>
</tr>
<tr>
<td>DGHC</td>
<td>Approves the intake processes and provides request for EOI to the Service CMA for dissemination</td>
</tr>
<tr>
<td></td>
<td>Convenes the joint selection panel</td>
</tr>
<tr>
<td>Service CMA</td>
<td>Promulgates the request for EOI to Permanent and Reserve medical officers who are ML1 or above</td>
</tr>
<tr>
<td></td>
<td>Receives EOI and conducts initial assessment against eligibility criteria and capability needs</td>
</tr>
<tr>
<td></td>
<td>Prepares a briefing pack on each applicant and submits to respective Director of Health</td>
</tr>
<tr>
<td></td>
<td>Submits nominations to the joint selection panel through the MSP Program Manager</td>
</tr>
</tbody>
</table>

### Table 2–2 Application and selection process: Stage 2—Eligibility assessments

| Joint selection panel       | Confirms applicants meet eligibility criteria and ranks applicants in accordance with clinical, military and academic capabilities |
|                             | Considers the mix of candidates versus the number of positions by specialty and each Service’s average funded positions |
|                             | Considers each Service’s capacity to release shortlisted individuals for the period               |
Table 2–3 Application and selection process: Stage 3—Selection

| Joint selection panel | Interviews applicants and considers input from relevant public training hospitals, if required by the panel chair  
|                       | Provides a list of recommended candidates through DGHC to CJHLTH for endorsement |
| CJHLTH               | Provides the endorsed list to Directors of Health Services and respective Service CMA for delegate consideration by 30 September each year |

Table 2–4 Application and selection process: Stage 4—Posting action

| Service CMA          | Notifies applicants of panel outcomes  
|                       | As applicable, confirms each successful member’s acceptance of the conditions of service and takes posting action, including preparation of Letter(s) of Offer |

JOINT SELECTION PANEL

2.35 DGHC convenes the joint selection panel, which normally consists of DGHC or delegate (chair), Service health directors or delegates, the professional mentor and Service CMA representatives. DGHC staff provides the secretariat function. The panel is responsible for the following:

a. examining applications to ensure they meet all eligibility criteria and comply with Service capability requirements

b. ensuring records of the selection process are maintained

c. advising the respective Service Director of Health and CMA regarding member competitiveness for selection and, where candidates are not recommended, the reason for non-recommendation

d. providing advice in regard to requests for information, appeals on selection decisions or any other matter.

EMPLOYMENT GUIDELINES

2.36 Defence members who are in the MSP are placed as supernumerary staff specialists and registrars in approved health service providers. They are placed pursuant to a Medical Specialist Services Deed or a Request for Clinical Placement agreed under a Clinical Placement Deed, which sets out the arrangements governing the placement.

2.37 MSP members will normally be available to the approved health service provider for an average of 76 to 80 hours per fortnight. The number of hours will be defined in the Request for Clinical Placement or Medical Specialist Services Deed applicable to each individual placement.
2.38 This placement is intended to be in addition to the approved health service provider’s staffing to allow the member to be utilised by Defence as required. The approved health service provider is responsible for assigning Defence members to an appropriate role to enable the member to maintain or develop their medical procedural specialist skills.

2.39 MSP members may be released from their approved health service provider in accordance with the notice periods set out in the relevant Request for Clinical Placement or Medical Specialist Services Deed. Typically these enable the member to be released within 48 – 96 hours of notice from Defence to the health service provider, dependent on the Service requirement. Services are however to be cognisant of the impact on the approved health service provider of the short notice removal of the member and provide as much notice as practicable for routine matters.

2.40 Registrar training is intensive and continuous; therefore, there is no capacity for registrars to deploy on operations or participate in extended Service activities without substantially negatively impacting the progress of their training. Such participation may however take place in exceptional circumstances, and in consultation with DGHC, with full consideration being given to the impact on the member’s progress through training, and implication on any service obligation period. Military registrars are, however, required to undertake up to a total of two weeks military training per year at a time that minimises impact on their progression as a registrar. The military training periods provide registrars with the opportunity to:

a. satisfy individual readiness requirements

b. engage in short military exercises

c. interact with their CMA and professional management areas

d. attend the annual MSP Conference.

EMPLOYMENT IN OFF-DUTY HOURS

2.41 Members of the MSP are to ensure there is a clear distinction between their supernumerary staff role and any work they do in a private capacity. They are forbidden from receiving—either directly or indirectly—any fee, salary, commission or honorarium in recompense for, or attributed to, their work as set out in the relevant Medical Specialist Services Deed or Request for Clinical Placement establishing their placement as a registrar or supernumerary staff specialist.

2.42 Members of the MSP must gain the approval of their military commander for any employment arrangements in off-duty hours in accordance with relevant Defence Instructions and relevant single-Service policy. Defence Health Manual, Volume 2 Part 17, Chapter 2—Workforce Governance Manual and MILPERSMAN, Part 7, Chapter 4—Employment and Voluntary Activities of Australian Defence Force Members in Off-Duty Hours provides information on the approval, restrictions, insurance and indemnity requirements for work in a private capacity.
TRAINING MANAGEMENT

TRAINING FAILURE

2.43 If a registrar fails to progress their training in accordance with the expectations of the relevant professional College, DGHC will convene a panel to review the situation and determine the member's future in the MSP. The panel should be of the same composition as the joint selection panel.

2.44 The panel must consider any written submissions made by the member and may also interview the member. In considering the member’s case, the following guidelines are to be followed by the panel;

a. the nature of registrar training and acknowledgement that training failures are not uncommon
b. failures do not necessarily preclude successful completion of registrar training
c. the involvement of both the relevant college and approved health service provider in the progress of the registrar
d. The impact on a service obligation period if additional training time is required.

2.45 The panel may recommend a member be removed from registrar training for circumstances including but not limited to those listed below:

a. at the member’s own request, provided there are compelling reasons that are acceptable to the parent Service
b. if the member does not reach and/or maintain the professional standards required by the training institution or their Service
c. where the member breaches ethical or behavioural standards of the training institution or their Service
d. for disciplinary reasons
e. if the member cannot progress training for reasons beyond his/her control; for example, in cases of significant health issues.

2.46 Through DGHC, the panel will recommend a course of action through the chain of command to the member’s CMA.

SERVICE OBLIGATION PERIOD

2.47 The member’s Service is responsible for determining any service obligation period or IMPS in respect of training undertaken under this program. Members are to seek advice from their CMA as to their obligations on becoming qualified, a medical specialist must continue to serve as a permanent Defence member at least until their service obligation period or IMPS has expired. Each Service is responsible for making arrangements for ongoing service in the Permanent or Reserve Forces.
MILITARY SURGICAL TEAM

2.48 The MST exists pursuant to an agreement between the Commonwealth of Australia and the State of Queensland, dated 16 June 2011. The Military Surgical Team (MST) provides interim deployable capability until the permanent medical specialist capability is mature. The MST comprises five positions at the Royal Brisbane and Women’s Hospital that may be filled by Reserve specialist medical practitioners. The MST was established as an interim measure while the MSP was established. Key aspects are:

a. Queensland Health through Metro North Hospitals and Health Services employs the MST specialists; however, JHC provides administrative and financial support

b. each member of the MST is liable for up to 16 weeks military service per year in operational and non-operational activities for the duration of their contract

c. the MST comprises one position in each of the following specialties: general surgery, orthopaedic surgery, anaesthetics, emergency medicine and intensive care.

2.49 DGHC is responsible for managing the agreement with the Metro North Hospitals and Health Services, Royal Brisbane and Women’s Hospital and coordinating access to the MST. Members of the MST are full-time employees of Queensland Health; therefore, responsibility for MST members lies primarily within this organisation. When MST members undertake military service, they are managed and deployed in accordance with normal Service processes.

ELIGIBILITY CRITERIA

2.50 To be eligible for selection for the MST a Reserve member must meet the following criteria:

a. be a member of the Reserve Forces

b. possess registration as a specialist medical practitioner with the Medical Board of Australia in a relevant specialty

c. meet their Service’s individual readiness requirements

d. have no restriction on their ability to undertake Defence service for up to 16 weeks per year.

RELATED MANUAL CHAPTERS

MILPERSMAN, Part 7, Chapter 4—Employment and Voluntary Activities of Australian Defence Force Members in Off-Duty Hours

MILPERSMAN, Part 2, Chapter 4—Service Obligations
RELATED LEGISLATION, POLICY AND PUBLICATIONS

*Defence Act 1903*

*Defence Regulation 2016*

*Defence Force Discipline Act 1982*

*ADF Pay and Conditions Manual*

*CDF Determination on Service Obligation Debts*

*Defence Health Manual*

**Annex:**

2A  **Example request for expression of interest**

**Sponsor:** (CJHLTH)
EXAMPLE REQUEST FOR EXPRESSIONS OF INTEREST

EOI are sought from Medical Officers who are interested in becoming medical procedural specialists within the Permanent Forces of the Navy, Army or Air Force as part of the Medical Specialist Program (MSP). Positions are available for registrars or fellows of the relevant college in the specialities of general surgery, orthopaedic surgery, anaesthesia, emergency medicine and intensive care medicine.

Subject to Service requirements, the positions may be located at approved health service providers Australia-wide.

Applications are open to Medical Officers within the Permanent Forces who are within one year of completing, or have completed, their Service Obligation Period or IMPS, with effect from January 20yy. Applications will also be considered from Medical Officers in the Reserve Forces who meet the selection criteria and are willing to undertake a period of Permanent service in the Navy, Army or Air Force.

Medical Officers who submit an expression of interest should normally:

- be in a role with a clinical focus
- be compliant with single-Service individual readiness requirements
- be self-motivated, enthusiastic and strong performers with the qualities expected of a Defence member
- have military clinical experience and a strong understanding of military medicine
- have achieved acceptance onto an accredited training program in their desired specialty in Australia, or be fellows of the relevant college.

Successful applicants can expect to commence registrar training or their period of service as a medical procedural specialist in 20YY (or beyond if so agreed). Successful applicants will be embedded within the civilian health sector at an approved health service provider and will be available for Defence-related duties as required for the duration of the period of Service.
Expressions of Interest for the 20YY intake should be submitted to your career management agency by (insert date) and must include the following:

- covering letter indicating the position of interest
- completed and current AD855
- curriculum vitae with two professional referees
- proof of registration as a medical practitioner within Australia
- certified copies of any graduate and post-graduate qualifications
- a copy of any application for entry into a procedural specialist college, or advice as to progress towards obtaining such entry.
CHAPTER 3
PRINCE OF WALES AWARDS

INTRODUCTION

3.1 The Prince of Wales Award (POWA) Scheme seeks to reward selected Australian Defence Force (ADF) Reservists for their dedication and commitment to ADF Reserve service by providing an opportunity for individuals to undertake a training or development activity related to their civilian occupation or profession. In addition, selected POWA recipients may be offered an opportunity to undertake a military secondment in addition to their POWA activity.

3.2 The experience and knowledge gained from a successful POWA activity will provide ongoing benefits to the civilian employer, Defence and the Reservist while promoting cooperation and support between Defence and civilian employers.

3.3 POWA applicants must be judged on the merit of their applications in the context of their civilian employment or professional area, and have an equal chance of receiving a POWA irrespective of area of employment within the ADF.

POLICY STATEMENT

3.4 POWAs are an important element of the ADF’s recognition and reward of Reservists for their dedication and commitment. The scheme is conducted on a State and Territory basis, and provides an opportunity for individual Reservists to undertake a training or development activity that enhances their civilian employment.

SCOPE

3.5 The aim of this chapter is to detail the procedures for the application, selection and administration of individuals participating in the POWA Scheme.

3.6 Reservists, regardless of ADF specialisation or trade, may apply for a POWA, provided they meet the eligibility criteria detailed below.

DEFINITIONS


OVERVIEW

3.8 The scheme allows a POWA recipient to undertake, with the agreement and support of their civilian employer, a training or development activity related to their civilian occupation or profession. Defence will provide support to the value of up to $8000 for each POWA recipient.
3.9 The activity undertaken is not prescriptive. It may comprise a training course in Australia or overseas; attendance at a national or international conference or convention; or an attachment or placement with a civilian employer.

3.10 POWA applicants must develop and present a proposal that will highlight the potential benefits of undertaking the activity to their civilian professional development, their civilian employer and to Defence. This proposal must be presented in accordance with the guidance provided in Annex 3A. The proposal must also be developed in conjunction with, and receive the endorsement of, the POWA applicant’s civilian employer.

3.11 The civilian employer must indicate, as part of their comments, what supportive activities they would be willing to undertake on behalf of Defence. These activities may include being available for media interviews, speaking on behalf of Defence at a function, or appearing in advertising in support of the ADF.

ROLES AND RESPONSIBILITIES

DELEGATIONS

3.12 The Vice Chief of the Defence Force (VCDF) has delegated to Head, Reserve and Youth Division (HRYD) responsibility for the administration and management of the POWA Scheme. HRYD is the delegate for the awarding of POWAs.

3.13 HRYD has delegated to the Directorate of Reserve and Employer Support (DRES) the authority to staff all issues pertaining to the POWA Scheme.

3.14 Defence Reserves Support Council (DRSC) State and Territory committees will assist HRYD with the selection process to identify POWA recipients.

AWARD ALLOCATION

3.15 Up to two POWAs may be awarded in each of the following States on an annual basis:

a. New South Wales,
b. Queensland,
c. South Australia,
d. Victoria, and
e. Western Australia.

3.16 One POWA may be awarded in each of the following States and Territories on an annual basis:

a. Tasmania,
b. Australian Capital Territory, and
c. Northern Territory.

3.17 One POWA only per Service may be awarded to officers of the rank Lieutenant Commander (LCDR), Major (MAJ) and Squadron Leader (SQNLDR) on an annual basis.

3.18 HRYD has the discretion to increase the number of POWAs awarded in any particular State or Territory, if the quality of the applications warrants such a decision and the resources are available.

MILITARY SECONDMENT

3.19 In addition, selected POWA recipients may be offered an opportunity to undertake a military secondment in conjunction with their POWA activity.

3.20 HRYD may offer selected POWA recipients an opportunity to undertake a military secondment in conjunction with their POWA activity, in order to maximise the benefit of the POWA to Defence. The secondment may be undertaken either in Australia or overseas, and will be in one of the capability areas identified by Defence. If such a secondment is offered and undertaken, it must be organised and administered by Reserve and Youth Division (RYD), in conjunction with the relevant Service.

3.21 RYD will be responsible for funding military secondments offered to POWA recipients, including Reserve salaries.

ELIGIBILITY

CRITERIA

3.22 To be eligible for consideration for a POWA, applicants must:

a. be a member of the Royal Australian Navy (RAN) Reserve Active Reserve (AR), the Army High Readiness Reserve or AR, or Royal Australian Air Force (RAAF) Reserve (Band 1, 2, 3 or 4);

b. hold substantive rank of:

   (1) RAN Reserve—Leading Seaman to LCDR, including Navy Chaplain Division 1;

   (2) Army Reserve—Corporal to MAJ; or

   (3) RAAF Reserve—Corporal to SQNLDR;

c. be a serving member, with at least three years of effective Reserve service; and

d. be declared ‘efficient’ in the financial year of application.
PROMOTION

3.23 **Notice of promotion prior to conduct of a POWA selection panel.** A POWA applicant who is promoted, or is formally advised of promotion to O–5 prior to the conduct of a POWA selection panel immediately becomes ineligible for a POWA. Should a POWA applicant receive such a promotion advice, they must immediately advise the appropriate Defence Reserve Support (DRS) State or Territory office.

3.24 **Notice of promotion after a POWA is awarded.** A POWA applicant, who has been awarded a POWA and is subsequently advised of promotion to O–5, will be permitted to undertake the proposed POWA activity. Notwithstanding this, should a POWA recipient receive such a promotion advice, they must immediately advise the appropriate DRS State or Territory office.

EMPLOYMENT

3.25 A POWA applicant must be in civilian employment or a full-time or part-time tertiary student or undertaking tertiary study. This can be on a full-time, permanent part-time or casual basis:

a. POWA applicants may be employees, a member of a professional organisation or trade association.

b. A POWA applicant who is self-employed (including as a partner of a partnership) is eligible to apply for a POWA with the support of the professional or trade association with whom they are affiliated.

c. Tertiary students may apply for a POWA with the support of the educational institution with whom they are enrolled.

3.26 POWA applicants must submit a detailed proposal that is signed by their employer, supporting association, organisation or educational institution, which displays a tangible benefit to their employer, the supporting association, organisation or educational institution.

TRANSFER TO THE PERMANENT FORCES

3.27 If, during the selection process, a POWA applicant transfers from the Reserve to the Permanent Force, they will immediately become ineligible for a POWA. If such a transfer occurs after a POWA has been made, that POWA will be withdrawn and may be made to the next highest rated POWA applicant.

3.28 Reservists rendering Continuous Full-time Service (CFTS) are not eligible to submit a POWA application.

3.29 A POWA recipient, who decides to undertake CFTS between being awarded and prior to commencing their activity, will maintain the POWA provided that the activity can be completed within the following financial year.
APPLICATION AND SELECTION

APPLICATION PROCESS

3.30 The development and submission of a POWA application is the responsibility of the POWA applicant. The application procedure and the POWA application form are in Annex 3A.

3.31 State and Territory DRS offices must complete initial background checks on each POWA applicant to ensure all requirements are met. DRS State and Territory Managers must verify that the POWA applicant has accurately recorded their military Service details.

SELECTION COMMITTEE

3.32 State and Territory selection committees are to be co-chaired; HRYD is to appoint an officer not below the rank of O–5, and the State or Territory DRSC Chair is to appoint the other co-chair. The State and Territory DRSC Chair is responsible for assembling an appropriate selection committee, endorsed by HRYD.

ASSESSMENT CRITERIA

3.33 RYD will promulgate the assessment criteria used for the selection process. Selection committee co-chairs are to implement the assessment criteria within each State and Territory. RYD is to ensure that POWA applicants are aware of the selection criteria.

SELECTION PROCESS

3.34 The selection must be conducted as follows:

a. **Desk-top assessment.** The selection committee must consider all POWA applications and place them in an initial order of merit. Based on the POWA applications, each selection committee must determine which applicants will be interviewed (the finalists).

b. **Interviews.** Finalists will be interviewed by their State or Territory selection committee.

c. **Order of merit.** Following the interviews, all POWA applicants will be placed in an order of merit for that State or Territory. Each State and Territory selection committee must forward to RYD their final order of merit list, following the interview process.

d. **Confirmation.** Confirmation for the awarding of each POWA will be made by HRYD, after all State and Territory order of merit lists are received by RYD and consolidated.
IMPLEMENTATION

GENERAL

3.35 POWAs must be undertaken by the end of the financial year following the award of the POWA, unless an extension of time is approved by HRYD. Such an extension may only be approved where HRYD determines exceptional circumstances exist that justify approval of an extension. Requests for extension of time to undertake a POWA must be submitted by the POWA recipient to HRYD in writing, providing in full detail the exceptional circumstances to be considered.

3.36 All travel requirements, including flight and accommodation bookings, attendance at activities, visas and security clearances, are the responsibility of the POWA recipient.

ANNUAL SCHEDULE

3.37 The dates for the conduct of the POWA Scheme are to be coordinated by RYD with DRS State and Territory offices, and are to be published each year on the Defence Reserves web page. An outline of the time line for the POWA Scheme is in Annex 3B.

AWARDS PRESENTATION

3.38 POWA presentations to mark successful POWA recipients should be coordinated by RYD in conjunction with DRSC employer award ceremonies.

RESOURCES

3.39 **Bidding.** HRYD is responsible for forecasting, bidding and allocating the resources to manage the POWA Scheme, including funding for the selection process and for the POWAs. HRYD is responsible for reviewing the value of POWA grants periodically, and recommending to VCDF any adjustment.

3.40 **Allocation.** RYD will provide POWA recipients with up to $8000 to undertake an agreed activity. The POWA recipient, or the POWA recipient's civilian employer, professional organisation, trade association or educational institution, may also contribute to the funding for the agreed activity.

3.41 **Governance.** HRYD, on behalf of Defence, must ensure that the intended POWAs are an appropriate use of public funds.

ADMINISTRATION

FUNDING

3.42 Funding approval for POWA Scheme selection activities, including attendance at selection committees, is to be provided by RYD. DRS State and Territory offices, and POWA applicants, must not commit funds until approval is received in writing from RYD.
3.43 Each POWA recipient will receive written advice from HRYD of the funding allocated for their proposed activity. POWA recipients are responsible for managing the allocated funding, in consultation with RYD. POWA recipients must comply with Defence Chief Executive Instructions (CEIs); all funds provided must be acquitted. CRESD will provide guidance on acquittal requirements.

DUTY STATUS

3.44 POWA applicants will be considered ‘on-duty’ for attendance at their selection committee, and will be eligible for the appropriate Defence remuneration and conditions of service.

3.45 The status of POWA recipients while undertaking their POWA activity will be ‘voluntary unpaid duty’, to provide Military Rehabilitation and Compensation Act 2004 coverage. Defence remuneration does not apply.

3.46 POWA recipients undertaking a military secondment in addition to their approved activity will be considered to be ‘on-duty’ during any secondment period. They will be eligible for the appropriate Defence remuneration and conditions of service for the period of their secondment.

POST-ACTIVITY REPORTING

3.47 POWA recipients must submit a post-activity report to HRYD, through their DRES State or Territory office, within 30 days of the completion of their POWA activity. The format for the report will be provided by RYD.

ADDITIONAL INFORMATION

3.48 Additional information on the POWA Scheme is available on the Defence Reserves Support website.

Annexes:
3A Applicant application procedure
3B Prince of Wales Award—Indicative Schedule B

Sponsor: RYD (DRES)
APPLICANT APPLICATION PROCEDURE

INTRODUCTION

1. The following procedure details the actions and responsibilities for the development, completion and submission of a Prince of Wales Award (POWA) application. Information required by applicants to apply for a POWA is contained in this Chapter and at the Defence Reserves Support website.

2. POWA applicants should note that consideration of a POWA application will be based on a proposal that must be developed by the POWA applicant in direct consultation and agreement with their civilian employer, professional organisation, trade association or educational institution representative.

RESPONSIBILITY OF APPLICANTS

3. For a POWA applicant to apply for a POWA, they must complete Web Form PH 441—Prince of Wales Award Nomination.

4. Web Form PH 441 must be completed in full. The supporting proposal must be completed in narrative form in plain English, and be no more than three pages in length. There is no specific format required; however, it must be Times New Roman font, 12 point.

5. Web Form PH 441 must be signed by both the POWA applicant and their civilian employer or, if applicable, the professional organisation, trade association or educational institution representative. The POWA application must include:

a. a statement of the function and role of the employer, professional organisation, trade association or educational institution;

b. an overview of the POWA applicant’s current civilian employment, or involvement in the professional organisation, trade association or educational institution;

c. a detailed description of the proposed development opportunity, including; the nature of the activity, expected outcomes and deliverables (and how these will be measured), a program or schedule, and resource requirement; and

d. any other information deemed pertinent to the application.
## ANNEX 3B

### PRINCE OF WALES AWARD

**Table 3B–1 Prince of Wales award - indicative schedule B**

<table>
<thead>
<tr>
<th>Serial (a)</th>
<th>Action (b)</th>
<th>Time Frame (c)</th>
<th>Action Agency (d)</th>
<th>Comments (e)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Publicise Prince of Wales Award (POWA) Scheme and call for applications</td>
<td>September to December</td>
<td>Reserve and Youth Division (RYD)</td>
<td>In conjunction with Defence Reserve Support (DRS) State and Territory offices.</td>
</tr>
<tr>
<td>2</td>
<td>Develop applications</td>
<td>October to January</td>
<td>POWA applicant</td>
<td>N/A</td>
</tr>
<tr>
<td>3</td>
<td>Submit applications</td>
<td>By 30 January</td>
<td>POWA applicant</td>
<td>To be submitted to DRS State and Territory office.</td>
</tr>
<tr>
<td>4</td>
<td>Review applications and conduct interviews</td>
<td>February to March</td>
<td>RYD and Defence Reserve Support Council (DRSC)</td>
<td>N/A</td>
</tr>
<tr>
<td>5</td>
<td>Head, Reserve Youth Division (RYD) approval</td>
<td>By 31 March</td>
<td>RYD</td>
<td>To include an overall order of merit.</td>
</tr>
<tr>
<td>6</td>
<td>Applicants advised</td>
<td>By 30 April</td>
<td>RYD</td>
<td>HRYD to write to successful applicants; Deputy HRYD to write to unsuccessful applicants.</td>
</tr>
<tr>
<td>7</td>
<td>POWA presentations</td>
<td>Within 12 months</td>
<td>DRS State and Territory offices</td>
<td>In conjunction with RYD and DRSC.</td>
</tr>
</tbody>
</table>
CHAPTER 4

TASMAN SCHEME

INTRODUCTION

4.1 The Tasman Scheme (the Scheme) aims to promote Reserve service by providing opportunities for individuals to undertake training with the New Zealand Defence Force (NZDF). The Scheme seeks to reward high-performing junior non-commissioned officers (JNCO) of the Australian Defence Force (ADF) Reserves for their dedication and commitment to Reserve service, while strengthening the ties and promoting interoperability between the ADF and NZDF.

4.2 The Scheme is a joint initiative of Defence, through Cadet, Reserve and Youth Division (RYD) and the Defence Reserves Association (DRA). Under the Scheme, ADF Reservists are seconded for two weeks to a NZDF unit. The Scheme is jointly managed and administered by RYD and the DRA, under the provisions of a Memorandum of Understanding (MOU). A separate MOU addresses the arrangements between the ADF and the NZDF.

4.3 The Scheme is conducted on a State and Territory basis, reflecting the organisational structure of the DRA.

POLICY STATEMENT

4.4 The Scheme is an important element of the ADF’s recognition and reward of Reservists for their dedication and commitment. The Scheme represents a benchmark activity that demonstrates the capacity of Defence, and a community organisation supportive of Defence (the DRA), to provide opportunities for Reserve JNCO to develop their experience, knowledge and skills as serving members of the ADF.

SCOPE

4.5 The aim of this chapter is to detail the procedures for the application, selection and administration of individuals participating in the Scheme.

4.6 Reserve JNCO, regardless of ADF specialisation or trade, may be nominated for a Scheme secondment provided they meet the eligibility criteria.

DEFINITIONS


OVERVIEW

4.8 The Scheme allows Reserve JNCO to undertake a secondment with the NZDF related to their Reserve employment or profession within the ADF.
4.9 The secondment is not prescriptive. It may comprise a training course supported by an NZDF unit, a non-operational field deployment or exercise, or other non-operational activity. It does not include any type of war-like operational activity.

4.10 Units nominate individual Reservists to both their Defence Reserve Support (DRS) State or Territory office and the DRA State or Territory office. Short listed nominees attend a State or Territory selection committee, from which a national order of merit is determined. Successful nominees are subsequently seconded to the NZDF.

ROLES AND RESPONSIBILITIES

DELEGATIONS

4.11 The Vice Chief of the Defence Force has delegated to Head Reserve and Youth Division (HRYD) responsibility for the administration and management of the Scheme. HRYD is the delegate for the selection of Scheme participants.

4.12 HRYD has delegated to Director Reserve and Employer Support the authority to staff all issues pertaining to the Scheme.

4.13 The DRA State and Territory committees will assist HRYD with the selection process to identify Scheme participants.

AWARD ALLOCATION

4.14 Up to two Scheme secondments may be awarded in each of the following States on an annual basis:

a. New South Wales,

b. Queensland,

c. South Australia,

d. Tasmania,

e. Victoria, and

f. Western Australia.

4.15 One Scheme secondment may be awarded in each of the following Territories on an annual basis:

a. Australian Capital Territory, and

b. Northern Territory.

4.16 HRYD has the discretion to vary the number of secondments for any particular State or Territory, if the quality of the application warrants and the resources are available.
ELIGIBILITY

CRITERIA

4.17 Nominees for a Scheme secondment must satisfy the following criteria:

a. The applicant must hold substantive rank of:
   (1) Royal Australian Navy (RAN) Reserve—Leading Seaman;
   (2) Army Reserve (ARE)—Lance Corporal or Corporal; or
   (3) Royal Australian Air Force (RAAF) Reserve—Corporal.

b. The applicant must be a serving member with at least three years of Reserve service including at least one year as a JNCO.

c. The applicant must perform 20 days of ‘effective’ Reserve service in the financial year of nomination.

d. Single-Service criteria:
   (1) RAN Reserve—a member of the Naval Active Reserve.
   (2) AReS—a member of the Army High Readiness Reserve, Active Reserve or Regional Forces Surveillance List.
   (3) RAAF Reserve—a member of the RAAF Reserve (Tier 1, 2 or 3).

PROMOTION

4.18 Notice of promotion prior to selection. A nominee who is promoted, or is formally advised of promotion, to Petty Officer (RAN), Sergeant (Australian Army) or Sergeant (RAAF) prior to the conduct of a Scheme selection panel, immediately becomes ineligible. Should a Scheme nominee receive such advice of promotion, their unit must immediately advise the appropriate State or Territory DRS office.

4.19 Notice of promotion after selection. A successful nominee for a Scheme secondment, who is subsequently advised of promotion to Petty Officer (RAN), Sergeant (Australian Army) or Sergeant (RAAF) prior to undertaking their secondment, will be permitted to undertake the proposed secondment subject to the agreement of the NZDF. Should a successful nominee be advised of a promotion, their unit must immediately advise the appropriate State or Territory DRS office.

TRANSFER TO THE PERMANENT FORCES

4.20 If, during the selection process, a Scheme nominee transfers from the Reserve to the Permanent Force, they will become ineligible for a secondment. If such a transfer occurs after a successful nomination, the secondment will be withdrawn.

4.21 A Scheme nominee will not be considered for a secondment, nor permitted to undertake a secondment, while serving on continuous full-time service.
APPLICATION AND SELECTION

NOMINATION PROCESS

4.22 Nominating JNCO for the Scheme is the responsibility of unit Commanding Officers (CO) and Officers Commanding (OC). The nomination procedure is outlined in Annex 4A. Nominations are to be forwarded to the DRS State or Territory office, and the DRA State or Territory office.

4.23 State and Territory DRS offices must complete initial background checks on each Scheme nominee to ensure compliance with this chapter.

SELECTION COMMITTEE

4.24 State and Territory selection committees are to be co-chaired by Defence and the DRA. HRYD is to appoint an officer not below the rank of Lieutenant Commander (RAN), Major (Army) or Squadron Leader (RAAF) as co-chair. The DRA State or Territory President is responsible for assembling an appropriate selection committee, endorsed by HRYD.

ASSESSMENT CRITERIA

4.25 Selection committee co-chairs are to implement and control the assessment criteria used for the selection process within each State and Territory. Each co-chair must ensure that nominees who are short-listed are fully aware of the assessment.

SELECTION PROCESS

4.26 The selection will be conducted as follows:

a. **Desk-top assessment.** The selection committee must consider Scheme nominations and place them in an initial order of merit. Based on the nominations, each selection committee will determine which applicants will be interviewed.

b. **Interviews.** Short-listed nominees will be interviewed by their State or Territory selection committee.

c. **Order of merit.** Following the interviews, nominees will be placed in an order of merit for that State or Territory. Each State and Territory selection committee will forward to RYD their final order of merit, immediately following the interview process.

d. **Confirmation.** HRYD, on behalf of Defence, must ensure that the secondments are an appropriate use of public funds. Confirmation of each secondment will be made by HRYD, in conjunction with the DRA, after each State and Territory order of merit has been received by RYD.

e. **Notification.** HRYD, on behalf of Defence, will advise in writing nominating unit CO and OC, and those nominees interviewed, of the outcomes of the selection process.
IMPLEMENTATION

GENERAL

4.27 Secondments must be undertaken within 12 months of a successful nominee being advised. This may be extended under exceptional circumstances by HRYD, only after a written submission.

4.28 All secondment requirements, including liaison with the NZDF, travel and accommodation bookings, visas and security clearances, will be coordinated and managed by HRYD. Nominating units will provide administrative support to participants.

ANNUAL SCHEDULE

4.29 The dates for the conduct of the Scheme are to be coordinated by RYD with the DRA, and are to be published each year in a DEFGRAM and on the Defence Reserves website.

4.30 An outline of the time line for the Scheme is in Annex 4B.

AWARDS PRESENTATION

4.31 Award presentations will be conducted by the DRA to recognise successful Scheme nominees. These events may be supported by RYD.

ADMINISTRATION

FUNDING

4.32 HRYD is responsible for managing the resources for the Scheme, including forecasting and allocating funds. RYD is responsible for funding travel associated with the Scheme, including the selection process, and for Reserve service day salaries.

4.33 Funding approval for associated Scheme activities, including attendance at the selection process, is to be provided by RYD. State and Territory DRS, and units, must not commit funds until approval is issued in writing from RYD.

4.34 Each successful Scheme nominee and their unit will receive written advice from HRYD regarding the secondment, including instructions on how funds will be allocated. All funds must be acquitted; RYD will provide guidance on acquittal requirements.

DUTY STATUS

4.35 Scheme nominees will be considered ‘on duty’ for attendance at the selection interview, and will be eligible for the appropriate Defence remuneration and conditions of service.

4.36 The status of Scheme participants while undertaking their secondment will be ‘on duty’, and they will be eligible for the appropriate Defence remuneration and conditions of service for the period of their secondment.
4.37 Scheme participants, while undertaking their secondment, remain subject to the *Defence Force Disciplinary Act 1982*.

**POST-ACTIVITY REPORTING**

4.38 Scheme participants must submit a post-activity report to RYD, through their unit and DRS State or Territory office, within 30 days of the completion of their secondment. The format of the report will be provided by RYD.

4.39 Scheme participants will be required to deliver post-secondment presentations on their secondment. This is arranged by their State or Territory DRA committee.

**ADDITIONAL INFORMATION**

4.40 Additional information on the Scheme is available on the [Defence Reserves website](https://www.defence.gov.au/reserves).

**Annexes:**

4A Nomination procedure

4B Tasman Scheme: Indicative Schedule

**Sponsor:** RYD (DRES)
NOMINATION PROCEDURE

INTRODUCTION

1. The following procedure details the actions and responsibilities for the development, completion and submission of a Tasman Scheme nomination. Information required by units in order to nominate junior non-commissioned officers for a Tasman Scheme secondment is contained in this Chapter and Defence Reserves website.

2. Units should note that consideration of a Tasman Scheme application will be based on a Commanding Officer’s or Officer Commanding’s nomination and recommendation, and the selection interview.

RESPONSIBILITY OF UNITS

3. Units nominating an individual for a Tasman Scheme secondment must complete Web Form AE 350—Tasman Scheme Nomination.

4. The Web Form AE 350 must be completed in full. Supporting documentation may be included as part of the nomination submission, including performance appraisal reports.
## TASMAN SCHEME

Table 4B–1 Tasman scheme: indicative schedule

<table>
<thead>
<tr>
<th>Serial (a)</th>
<th>Action (b)</th>
<th>Time Frame (c)</th>
<th>Action Agency (d)</th>
<th>Comments (e)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Publicise Tasman Scheme</td>
<td>September to December</td>
<td>Reserve and Youth Division (RYD)</td>
<td>In conjunction with Defence Reserve Support (DRS) offices.</td>
</tr>
<tr>
<td>2</td>
<td>Draft nominations</td>
<td>By 31 March</td>
<td>Commanding Officer (CO)/Officer Commanding (OC)</td>
<td>N/A</td>
</tr>
<tr>
<td>3</td>
<td>Submit nominations</td>
<td>By 30 April</td>
<td>Unit</td>
<td>To be submitted to DRS State or Territory, and local Defence Reserves Association (DRA) office.</td>
</tr>
<tr>
<td>4</td>
<td>Review applications and conduct interviews</td>
<td>May to June</td>
<td>RYD and DRA</td>
<td>N/A</td>
</tr>
<tr>
<td>5</td>
<td>Head Cadet, Reserve and Employer Support Division approval and advice</td>
<td>By 30 June</td>
<td>RYD</td>
<td>To include an overall Order of Merit. Letter to nominees and to CO and OC.</td>
</tr>
<tr>
<td>6</td>
<td>Tasman Scheme secondments</td>
<td>Post 01 July</td>
<td>RYD</td>
<td>To be completed by 31 May of the following year.</td>
</tr>
</tbody>
</table>
CHAPTER 5
AUSTRALIAN DEFENCE FORCE MOTORCYCLE RIDER SAFETY PROGRAM

INTRODUCTION

5.1 The regular use of motorcycles by Defence personnel for both pleasure and a means of daily commuting are well recognised by Defence. Documented research confirms that motorcycle riders are at a far greater risk of serious injury or death than car occupants. Fatal and non-fatal accidents across Defence have a significant impact on welfare, capability and cost.

5.2 The Australian Defence Force Motorcycle Rider Safety (RideSAFE) Program enhances and maintains motorcycle riding safety. The RideSAFE Program encourages eligible motorcyclists to attend rider skills training to improve awareness, skills and attitudes, and enhance the ability for riders to negotiate critical situations, in order to reduce the number of motorcycle related accidents and the associated injuries and fatalities to Defence members.

POLICY STATEMENT

5.3 Defence provides access to motorcycle rider safety training (MRT) for Defence members to enhance riding skills and help reduce the impact of motorcycle accidents on Defence members, their families and Defence capability.

SCOPE

5.4 This chapter applies to Defence members except for Reserve members and those rendering continuous full-time service for less than 12 months (SERCATs 6 and 7 and those on SERVOP C for 12 months or more).

DEFINITIONS

5.5 Military Personnel Policy Manual (MILPERSMAN) Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this chapter.

GUIDELINES

5.6 The following general guidelines apply to the RideSAFE Program:

a. Defence members who ride motorcycles are strongly encouraged to participate in the RideSAFE Program.

b. The RideSAFE Program provides MRT for licensed motorcycle riders with priority given to those that hold a current provisional or above licence.

c. Commanders and managers are encouraged to allow eligible members initial attendance on a suitable course.
d. Defence members undertaking approved MRT will be considered on duty, with the cost of the course covered. RideSAFE Program funding does not cover travel and personal related costs of Defence members attending courses.

e. Units may meet the costs of travel and incidentals subject to availability of discretionary funding.

f. The RideSAFE Program will coordinate the delivery of on-road MRT courses covering main Defence locations within, or close to, capital cities, and in regional areas on a less frequent basis. This will provide access to Defence-specific courses and/or Defence-approved MRT provider's public courses thus minimising travel and personal costs.

g. Defence members may be approved to undertake MRT once every five years. Additional training may be available in accordance with procedures detailed on the RideSAFE website page of the Defence Restricted Network.

h. Defence will pay the course providers subsequent to confirmed training service delivery of a structured course of mainly practical skills training which focuses on developing Motorcycle rider proficiency.

i. Full RideSAFE Program details and any applicable resource material will be maintained on the RideSAFE website.

ADMINISTRATION

5.7 Course nominations. Course administration will use 'Campus', Defence's Corporate Learning Management System, where practical. Defence members are to nominate for MRT courses following the procedures provided on the RideSAFE website.

5.8 No-shows. Where a Defence member is unable to attend a course for which they have been panelled, they must formally withdraw from the course following procedures provided on the RideSAFE website.

5.9 Points of contact. Information regarding points of contact for the RideSAFE Program will be maintained on the RideSAFE website.

5.10 Program Manager role. The Program Manager is to:

a. act as sponsor and administrator of the RideSAFE Program

b. with support from Defence People Group, establish and maintain the RideSAFE website as the primary source of RideSAFE Program information

c. in consultation with Defence Learning Branch, establish and maintain Campus as the primary portal for training administration—including course scheduling, applications and panelling

d. in consultation with Capability Acquisition and Sustainment Group, manage the RideSAFE Program contracts
e. liaise with course providers and relevant Defence stakeholders to assure effective program delivery

f. ensure RideSAFE Program resource governance and reporting occurs to allow Defence to monitor the success of the program and harness opportunities for improvement.

**Sponsor:** ADFHQ(CoS)
CHAPTER 6
AUSTRALIAN DEFENCE FORCE CURRENCY FLYING SCHEME

INTRODUCTION
6.1 In 1989, the Chief of the Defence Force and the Secretary of Defence agreed to the introduction of an Australian Defence Force (ADF) Currency Flying Scheme (ACFS) for ADF qualified pilots to maintain flying currency whilst posted to non-flying positions. The use of civilian registered General Aviation (GA) aircraft provides a cost-efficient method of supporting the ACFS outcome.

6.2 The ACFS objectives are to maintain ADF pilot flying skills and thereby enhance pilot performance on subsequent return to ADF flying duties, to maintain relevance of the pilot’s knowledge of the contemporary aviation environment and to facilitate ADF pilot retention and motivation.

POLICY STATEMENT
6.3 The ACFS provides support to each Service’s Raise, Train, Sustain (RTS) activities. Defence has an obligation to ensure that a suitable framework exists for the financial, legal, and administrative management of the scheme.

SCOPE
6.4 The aim of this Chapter is to detail the eligibility requirements, approved expenditure and the obligations on Service Chiefs to provide a framework for ACFS administration.

DEFINITIONS
6.5 For the purpose of this Chapter, the Sponsor is the authority responsible for defining the required aviation outcome, receives or uses the outcome and is responsible for funding the related activities, processes, project or products required to safely achieve the outcome. Other common terms and definitions used throughout this Chapter can be found in the Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary.

ROLES AND RESPONSIBILITIES
6.6 Delegations. The Service Chief is appointed the ACFS Sponsor for their Service. The Service Chief may further delegate Sponsorship to an appropriate Commander.

6.7 The Sponsor must ensure that ACFS use within each Service complies with all relevant financial, legal and safety requirements, including but not limited to:

a. Public Governance, Performance and Accountability Act 2013 (PGPA)

b. Work Health and Safety ACT 2011 (WHS)
c. Financial Manual (FINMAN)
d. AAP 8000.011 Defence Aviation Safety Regulations (DASR).

ELIGIBILITY

PARTICIPATION CRITERIA

6.8 A Sponsor may approve participation in the ACFS for ADF pilots who are posted to a non-flying position and maintain a liability to fly.

6.9 The Sponsor may make participation determinations regarding ADF pilots undertaking long service leave or leave without pay, noting that future employment in a designated flying position could be expected to occur.

6.10 A Sponsor may only approve ACFS participation for an ADF pilot posted outside Australia if the aircraft intended for use are operated under the oversight of a Defence Aviation Authority recognised National Airworthiness Authority (NAA).

6.11 ADF pilots who tender their resignation must cease ACFS participation effective the date such notification is provided.

6.12 Any costs incurred by the Commonwealth after ACFS eligibility has ceased will be recovered from the individual.

EXPENDITURE

APPROVED EXPENDITURE

6.13 The following items or charges are considered approved expenditure under the ACFS:

a. hire costs for aircraft, including the cost of an instructor for dual flight
b. hire cost for CASA approved flight simulators
c. administration costs for the issue or renewal of a civilian pilot’s licence
d. training courses for type endorsements
e. training courses for multi-engine licence endorsements
f. training courses for instrument ratings
g. training courses for navigation aid endorsements
h. training courses for flying instructor ratings
i. training courses for Global Positioning Satellite navigation qualifications
j. training materials, including online packages or documentation, that support required training outcomes
k. landing, en route and instrument approach fees
l. the cost of In Command Under Supervision time
m. biennial flight test review
n. Instrument Rating Examination fee, Command Instrument Rating and renewal flight test fee
o. administration costs only for annual CASA medical
p. costs for initial or renewal of ASIC/AVID identity card
q. aeronautical information publications (En route Supplement Australia, Departure and Approach East/West, En route Chart, Terminal Area Chart etc). If required, CAO, CASR and CAR should be sourced and printed from CASA website.

6.14 **Expenditure exclusions.** Specific expenditure exclusions include, but are not limited to:

a. flying clothing and clothing related items such as gloves
b. civilian sourced aviation medical examination fees, only if Defence is unable to provide the required examination
c. the cost of travel to and from airports where currency flying is to be undertaken, including airport parking
d. the purchase of aviation headsets
e. aircraft repairs.

**GOVERNANCE**

6.15 **ACFS review group.** The ACFS review group meets annually to review this Instruction, to review any current ASORs and to review and amend the ACFS policy if necessary. Each Service must inform the review group on the funding, scheme participation and outcomes.

6.16 The ACFS group includes (delegates may represent):

a. Air Force ACFS Sponsor (Chair)
b. Army ACFS Sponsor
c. Navy ACFS Sponsor
d. Director Defence Aviation and Air Force Safety (DDAAFS)
e. Director Airworthiness Coordination and Policy Agency (DACPA)
f. Defence Insurance Office representative
g. Defence Legal representative
Sponsor: CAF
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CHAPTER 1

SUSPENSION FROM DUTY

INTRODUCTION

1.1 The *Defence Act 1903* and *Defence Regulation 2016* enable the Chief of the Defence Force (CDF) to suspend Defence members from duty for prescribed reasons. The suspension may also be with pay, without pay or on part pay.

POLICY STATEMENT

1.2 Delegates may make decisions with respect to suspending from duty members of the ADF.

SCOPE

1.3 This chapter details the Defence policy regarding the suspension from duty mechanisms contained in the *Defence Act 1903* and *Defence Regulation 2016*, and is applicable to Defence members. This chapter does not address suspension from duty under the *Defence Force Discipline Act 1982*.

DEFINITIONS

1.4 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—*Military Personnel Policy Manual Glossary* contains terms and definitions used throughout this chapter.

AUTHORITY

1.5 *Defence Regulation 2016* provides the CDF authority to suspend a Defence member from duty in prescribed circumstances and to delegate those powers, as detailed in the *Defence Regulation 2016* Instrument of Delegation. The *Defence Act 1903* provides the CDF authority to suspend a Defence member from duty.

SUSPENSION FROM DUTY PENDING TERMINATION

1.6 Under *Section 28* of the *Defence Regulation 2016*, a member may be suspended from duty if they have received a notice of a proposed termination, or if a delegate has decided to terminate a member's service but the decision has not yet taken effect (under either the *Defence Regulation 2016* or the *Defence Act 1903*). A member may be suspended with pay, without pay or on part pay. Further policy on the treatment of pay is in paragraphs 1.13—1.14.

1.7 A member may be suspended with pay without being provided with written notice of the proposed decision. However, if a member is to be suspended without pay or on part pay, the member must be given a notice before the decision is made. The member may be suspended with pay while given an opportunity to respond to a notice about a proposed decision to suspend them without pay or on part pay. In accordance with *Section 30* of *Defence Regulation 2016*, the notice must:
a. state that it is proposed to suspend the member from duty (including the proposed pay arrangements while the member is suspended – see paragraphs 1.13—1.14)

b. state the reason for the proposed suspension

c. set out the facts and circumstances relating to the reason for suspending the Defence member’s service, in sufficient detail to allow the Defence member to prepare a written response about why the member should not be suspended from duty, or why the member should receive some or all pay during the period of suspension

d. invite the Defence member to provide a written response

e. specify a period of at least 7 days after the date of the notice as the period in which the Defence member may give the statement of reasons.

1.8 A decision to suspend a member without pay or on part pay must not be made until the member has either provided a written response, advised in writing that they do not intend to provide a written response, or the period for providing a written response has ended. The delegate must consider any written response before making a decision.

1.9 A suspended Defence member remains a member of the Defence Force at all times, so requirements to follow lawful commands will continue to apply to them.

1.10 Suspension of a member ends if a decision is made not to terminate the member’s service. A delegate may also vary or cancel a decision to suspend the member at any time, provided this is not to the member’s detriment, unless the member is provided written notice. Procedural fairness is to be applied at all times.

1.11 A delegate may retrospectively vary a suspension as follows:

a. If the suspension was without pay – by changing it to suspension with pay or on part pay, or

b. If the suspension was on part pay – by increasing the amount of part pay or changing it to suspension with pay.

1.12 Suspension from duty is not a punishment or sanction for misconduct. While its effect on a Defence member may be detrimental, the reasons for suspension should be protective – for example to protect a member’s safety, the integrity of an investigation, or Defence’s reputation. A Defence member should only be suspended when other measures, such as temporary or permanent re-assignment of duties, are not sufficient to meet the relevant protective purpose.

**TREATMENT OF PAY**

1.13 When considering the suspension of a Defence member without pay or on part pay, the delegate should specify in the notice the effect on pay that is to apply to salary, salary-based allowances, or both. Suspension of pay is only to be applied to salary and salary-based allowances provided for by a Defence Remuneration Tribunal Determination made under subsection 58H of the *Defence Act 1903*. 
Allowances and benefits provided for by a Determination made under subsection 58B of the *Defence Act 1903* (as replicated in the *Pay and Conditions Manual*) should continue to be paid or provided when a Defence member is suspended.

1.14     When suspension on part pay is to be considered, the notice is to specify the proposed effect on pay in percentage terms. After considering any written response from the Defence member, a subsequent decision made by the delegate to suspend the Defence member must specify the effect on pay, in percentage terms, in the written decision.

1.15     Subsection 28(5) of *Defence Regulation 2016* also provides for a delegate to retrospectively vary a suspension. Any variation that suspends pay where it wasn’t previously suspended, or increases the amount of pay to be suspended, requires that the member is provided a notice as specified in subsection 28(4).

**RELATED MANUAL CHAPTERS**

MILPERSMAN, Part 3, Chapter 2—*Australian Defence Force Medical Employment Classification System*

MILPERSMAN, Part 4, Chapter 3—*Management of the use or involvement with prohibited substances in the Australian Defence Force*

**RELATED LEGISLATION, POLICY AND PUBLICATIONS**

*Defence Act 1903*

*Defence Force Discipline Act 1982*

*Ombudsman Act 1976*

*Defence Regulation 2016*

*ADF Pay and Conditions Manual (PACMAN)*

*Complaints and Alternative Resolution Manual (CARM)*

*Australian Book of Reference (ABR) 0010—Sailors’ Career Management Manual*

*ABR 6289—RAN Officers’ Career Management Manual*

*Air Force Personnel Standing Instructions*

*Army Standing Instruction (Personnel)*

**Sponsor:** ASPPEC (DMPP)
CHAPTER 2

FORMAL WARNINGS AND CENSURES IN THE AUSTRALIAN DEFENCE FORCE

INTRODUCTION

2.1 Formal warnings and censures are two forms of administrative sanctions used within the Australian Defence Force (ADF) to deal with individuals whose conduct, performance or standards are unsatisfactory.

POLICY STATEMENT

2.2 Formal warnings or censures are management tools that may be imposed on individuals whose conduct, performance or standards are unsatisfactory and whose actions or behaviour have adversely impacted, or are likely to impact, on the efficiency, reputation or operational effectiveness of the ADF.

DEFINITIONS


UNSATISFACTORY CONDUCT, PERFORMANCE OR STANDARDS

2.4 Unsatisfactory conduct, performance or standards may include, but is not limited to:

a. personal misconduct

b. conduct that adversely affects the administrative efficiency/operational effectiveness of the unit

c. unacceptable behaviour as defined in Defence Instruction (General) Personnel (DI(G) PERS) 35–3—Management and Reporting of Unacceptable Behaviour

 d. poor performance that is within the member’s control, or

e. errors of judgement, failings or actions that are intentional, careless, reckless or negligent.

AUTHORITY

2.5 The authority to impose a formal warning or censure comes from the inherent power of command, whereas the authority to impose administrative sanctions such as termination or reduction in rank stem from either Defence Regulation 2016 or Part VIII of the Defence Act 1903.
2.6 **Initiating Authority.** An initiating authority is a person who is authorised to issue a notice to a Defence member requesting that they provide reasons why a formal warning or censure should not be imposed on them.

2.7 **Imposing Authority.** An imposing authority is a Defence member who is authorised to decide whether or not to impose a formal warning or censure on a member.

**OTHER FORMS OF ADMINISTRATIVE SANCTION**

2.8 Other forms of administrative sanction include, but are not limited to:

a. compulsory transfer of employment category

b. denying or delaying promotion that the member would otherwise have received

c. reduction in rank

d. removal from an appointment or locality

e. removal of security classification/clearance

f. termination of service.

2.9 Policies and procedures relating to other forms of administrative sanction are promulgated in other instructions—see related publications at the end of this Chapter.

2.10 The form of administrative sanction imposed by ADF authorities should be proportional to the circumstances of the case. This may involve one or more forms of administrative sanction being imposed.

**PRINCIPLES**

2.11 A formal warning is a written caution imposed on a member informing them that if their conduct, performance or standards do not improve further action may be taken against them.

2.12 A censure is a written expression of disapproval or criticism of a member in relation to their unsatisfactory conduct, performance or standards.

2.13 The use of formal warnings and censures is governed by the following principles:

a. **Applicability.** A formal warning or censure can be imposed on any member of the ADF, regardless of rank.

b. **Appropriateness.** Where the facts of a case may support the elements of an offence, consideration should be given to initiating a disciplinary investigation or referring the matter to the civilian police. In the event that disciplinary and/or criminal proceedings are initiated they should normally be finalised prior to any action being taken to initiate administrative action. Where the facts of a case do not support the elements of an offence, but the conduct,
performance or standards of a member are unsatisfactory consistent with paragraph 2.4, consideration should be given to initiating a formal warning, censure or other administrative sanction. In these specific circumstances fresh independent administrative action is not required. The investigative steps that have been taken in contemplation of disciplinary proceedings may be relied upon as the basis for administrative action as if they had been undertaken in accordance with this chapter.

c. **Procedural fairness.** Members are to be afforded procedural fairness prior to a formal warning or censure being imposed. Further guidance on the requirements of procedural fairness is detailed later in this chapter.

d. **Separation of roles.** The member issuing the notice to show cause (NTSC) why a formal warning or censure should not be imposed is to be different from the member deciding on whether to impose the formal warning or censure. The initiating and imposing officers may be of the same or equivalent rank.

e. **Standard of proof.** The standard of proof required in assessing the evidence and then deciding whether there is sufficient evidence that would tend to support the imposition of a formal warning or censure is on the balance of probabilities. This means that the evidence gathered in support of each allegation is more probable or likely than not. This is different to the much higher standard of proof required in disciplinary or criminal proceedings, which is beyond reasonable doubt.

**OTHER ACTION**

2.14 **Offences.** Incidents that may amount to disciplinary or criminal offences should be investigated under the * Defence Force Disciplinary Act 1982* or referred to civilian authorities for investigation where appropriate. Policy guidance regarding the prosecution of offences under the *DFDA* is contained in *Director of Military Prosecutions Prosecution Policy*, Australian Defence Force Publication (ADFP) 06.1.1, *Volume 3—Discipline Law Manual, Chapter 2—Jurisdiction* and *Interim Defence Instruction 45–2—Incident Reporting and Management*.

2.15 Regardless of the outcome of Defence Force Disciplinary Act proceedings or a civilian criminal trial, an administrative sanction can still be imposed on the member out of the same set of facts that led to the disciplinary and/or criminal proceedings. Similarly, the fact that a member is given a punishment or receives no punishment is no bar to imposing an administrative sanction. Disciplinary and administrative proceedings are essentially different in character, purpose and result. A punishment is a penalty that is imposed by statute on a member for a breach of a disciplinary or criminal offence, whereas the imposition of an administrative sanction such as a formal warning or censure has a whole of organisation protective purpose and is designed to reinforce the need for and to encourage members to maintain high standards of conduct and performance. Accordingly, the imposition of a formal warning or censure has a protective purpose, and should not be imposed in order to punish a person.
2.16 **Sexual offences.** Sexual offences are required to be dealt with in accordance with DI(G) PERS 35–4—Reporting and Management of Sexual Misconduct Including Sexual Offences.

2.17 **Use of prohibited substances.** In cases involving use of prohibited substances, initiation of any administrative action/sanction will be in accordance with DI(G) PERS 15–5—Management of The Use or Involvement with Prohibited Substances in the Australian Defence Force under Part VIIIA of the Defence Act 1903.

2.18 **Unacceptable behaviour.** Where a member’s behaviour amounts to unacceptable behaviour as described in DI(G) PERS 35–3—Management and Reporting of Unacceptable Behaviour, then action is required to be taken in accordance with DI(G) PERS 35–3, and where appropriate in all the circumstances, supplemented by the provisions of this chapter as necessary.

### SELECTION OF APPROPRIATE SANCTION

2.19 **Counselling.** Counselling should normally precede the initiation of action to impose a formal warning or censure. There is great benefit in taking action to formally counsel members prior to taking other more severe forms of administrative action. However, the fact that a member has not previously been counselled does not prohibit action to initiate a formal warning or censure.

2.20 In circumstances requiring formal warning or censure action, the following guidance is provided to initiating and imposing authorities for determining the most appropriate administrative sanction.

2.21 **Formal warning.** A formal warning will normally be imposed on a member whose conduct, performance or standards has generally been unsatisfactory over a period of time. There will often be a series of minor incidents of unsatisfactory conduct, performance or standards which, if allowed to continue, would be likely to result in the imposition of a more severe sanction such as a reduction in rank or termination. The purpose of a formal warning is two fold:

a. firstly, to serve as an administrative sanction

b. secondly, as a remedial action that provides a member with a timely opportunity to improve/correct their conduct, performance or standards in order to avoid the imposition of a more severe sanction.

2.22 **Censure.** A censure will normally be imposed in the following instances:

a. Where a member’s conduct, performance or standards is so unsatisfactory, in relation to one or more incidents, that it warrants the imposition of an immediate and severe administrative sanction. Normally, the unsatisfactory conduct, performance or standards would be of such significance that it has damaged, or has the potential to damage, the reputation of the ADF or part thereof in a material respect.

b. Where the member has not responded appropriately to an earlier formal warning but they were retained as a serving member.
2.23 Unsatisfactory conduct by a member who has previously been censured would, depending on the seriousness of the circumstances, normally give rise to the separate consideration of whether in all the circumstances it is appropriate to commence action to reduce them in rank or to terminate their service.

2.24 **NTSC for both formal warning and censure.** It is possible to issue a NTSC to a member seeking their response in terms of both formal warning and censure concurrently. However, this can give rise to difficulties in drafting and dealing with the NTSC and the member’s response and should not normally be done. If it is considered appropriate in exceptional circumstances to do this, advice should be sought from a legal officer. Difficulties can occur because of differences in initiating and imposing authorities for each form of sanction, differences in the effect of imposing each of the sanctions and possible differences in the factors which will be considered by the decision maker. In addition, it requires a more detailed response from the member (in order to address both potential sanctions) and this can itself cause delay.

**PROCEDURAL FAIRNESS**

2.25 Where action is taken to initiate or impose a formal warning or censure, the requirements of procedural fairness are to be observed.

2.26 **Opportunity to be heard.** The right to procedural fairness provides a member with an opportunity to be heard prior to a decision being made to impose a formal warning or a censure. The right requires that:

a. a member is informed of the substance of the case against them

b. a member is provided with all material that is credible, relevant and significant to the decision to be made

c. the imposing authority gives consideration to any rational argument a member may wish to place before them why a formal warning or censure should not be imposed.

2.27 **Rule against bias.** A member also has a right to have the decision to impose the formal warning or censure made by an unbiased decision-maker. An initiating or imposing authority is required to bring an impartial and unprejudiced mind to the making of their decision to initiate or impose a formal warning or censure. This determination is based on both a subjective and objective test. The subjective test is determined by the initiating or imposing authority deciding whether they bring an impartial and unprejudiced mind to the making of their decision, and the objective test is determined by deciding whether a reasonable person would consider that the initiating or imposing authority is bringing an impartial or unprejudiced mind to the making of their decision. More information and guidance on rule against bias can be found in [Good decision making in Defence: A guide for decision-makers and those who brief them](#).

2.28 If bias is relied upon in support of an application to disqualify an initiating or imposing authority, a member must be able to firmly establish that the authority’s mind is so prejudiced in favour of a conclusion already formed (to their detriment) that
they will not alter that conclusion irrespective of the evidence or arguments presented to them.

2.29 **Right of appeal.** Members are able to seek redress if they have any complaint about the way that a formal warning and/or censure have been administered.

2.30 More information and guidance on procedural fairness can be found in [Good decision making in Defence: A guide for decision-makers and those who brief them](#).

### SEPARATION OF ROLES

2.31 Members with authority to initiate and impose formal warnings and censures are authorised in writing by the relevant Service Chief.

2.32 **Separate initiating and imposing authorities.** Formal warnings and censures are to be initiated and imposed by different authorities. The initiating authority commences the action by issuing a NTSC to the member why a formal warning or censure should not be imposed. Upon receipt of the member’s response, the initiating officer must decide whether or not to proceed with the sanction. The initiating officer has the discretion to decide whether or not to proceed with the matter having regard to all the information available. In the event that the initiating authority decides to proceed they will refer the matter to the imposing authority. The imposing authority decides, having regard to the optimum amount of information, on whether or not to impose the formal warning or censure. As a result, an imposing authority cannot direct an initiating authority to issue a NTSC, but may make a suggestion that consideration should be given to investigating the circumstances surrounding the incident(s) / complaint(s). Similarly, an initiating authority cannot direct an imposing authority to impose a formal warning or censure.

2.33 The separation of roles between the initiating and imposing authorities provides a greater degree of impartiality in deciding whether to impose a formal warning or censure. However, the mere fact that there is a separation of roles does not excuse an initiating or imposing authority from disqualifying themselves from initiating or deciding to impose a sanction, if there is an actual or perceived bias.

2.34 In the event that actual or perceived bias has been firmly established, the initiating or imposing authority is to refer the matter to another initiating or imposing authority of not less than equal or equivalent rank to determine whether to initiate or impose a formal warning or censure.

2.35 The most appropriate members to act as initiating and imposing authorities for a particular case will generally depend on the seriousness and circumstances of each case, which include the rank and appointment of the member against whom action is being considered. Generally, the administration of a formal warning or censure should be managed at the lowest appropriate level, noting that more serious matters and/or those involving members of more senior rank will have to be managed at higher levels.
PROCEDURES

2.36 A detailed description of the procedures to be followed in administering formal warnings and censures is provided in Annex 2A.

ADMINISTRATION

COMMENCEMENT OF A FORMAL WARNING OR CENSURE

2.37 A formal warning or censure commences on the date the imposing authority signs the instrument imposing the sanction. It is not appropriate for such instruments to be back dated or for sanctions to be awarded retrospectively.

DURATION OF A FORMAL WARNING

2.38 The duration of a formal warning is discretionary but would normally be between three to 12 months, depending on the circumstances of the case. Whatever the circumstances of the case, the duration of a formal warning should be long enough for the member to have the opportunity to demonstrate the required improvement in their conduct, performance or standards. Throughout the period of the warning, the member’s progress should be reviewed regularly, with feedback provided to the member as and when required.

RELEASE FROM A FORMAL WARNING

2.39 An imposing authority may grant an early release from a formal warning. See Annex 2A for more details.

DURATION OF A CENSURE

2.40 Once imposed, a censure is a matter of record and its duration is indefinite.

CANCELLATION

2.41 The original imposing authority, or an imposing authority who is both superior in rank to the original imposing authority and whose position confers the authority to impose the same level of sanction may, in the light of compelling new evidence or information that was not reasonably available at the time the original sanction was imposed, cancel a formal warning or censure at any time if it is considered that such action is justified and appropriate in all the circumstances. See Annex 2A for more details.

RECORDING, FILING AND DISTRIBUTION

2.42 Once a formal warning or censure has been imposed it must be recorded on PMKeyS under the heading Manage Labour Relations. Copies of all documentation are then to be sent to the relevant CMA.

2.43 All records relating to formal warnings and censures, whether imposed or not, current, expired or cancelled, are required to be retained as a permanent record on file in accordance with the Archives Act 1983 and individual Service requirements.
However, formal warnings and censures that were cancelled or not imposed, should be annotated accordingly. Annex 2A provides details on filing and distribution.

**SUPPORT SERVICES**

2.44 Commanders/supervisors must ensure that all reasonable and practical support services, including but not limited to medical, psychological, legal and welfare, are made available to all members on whom an administrative sanction is initiated and/or imposed.

**POSTINGS/MOVEMENTS BEFORE ACTION FINALISED**

2.45 **Posting of authorities.** Initiating and imposing authorities are authorised by virtue of their appointment. Therefore, in the event that an authority is posted prior to the completion of action in relation to a formal warning or censure, the new incumbent of the position is to take over those responsibilities.

2.46 **Posting of member.** In the event that a member’s posting takes effect prior to being issued with a NTSC or after being issued with a NTSC, but before responding to the notice, the member should respond to the initiating officer at the losing unit. After receiving a response, or if the member fails to respond within the specified period, the initiating officer should decide whether to proceed with the action. If the initiating officer decides to proceed they should forward the material to an imposing authority in the member’s new chain of command for a decision.

**POSTINGS/MOVEMENTS AFTER ACTION FINALISED**

2.47 **Member under formal warning.** If a member’s new posting takes effect while under a formal warning, a copy of the formal warning and associated documentation must be forwarded by the Commanding Officer (CO) of the losing unit to the CO of the gaining unit if the formal warning is considered relevant to the nature of the future duties (see Annex 2A ‘release’ provisions). The CO of the gaining unit is then responsible to ensure that the member’s progress is reviewed and feedback is provided to the member as/when necessary.

2.48 **Member under censure.** If a member proceeds on posting within 12 months of the imposition of a censure, a copy of the censure and the associated documentation must be forwarded by the CO of the losing unit to the CO of the gaining unit. If a member’s posting takes effect after 12 months of the imposition of a censure, the documents are to remain on the losing unit’s appropriate unit/establishment file.

**MEMBER SERVING OVERSEAS**

2.49 Where a member is serving overseas (with the exception of those personnel who are deployed), the initiating and imposing authorities responsible for administrative action are to inform the Head of Defence Staff, responsible for the member, on the reasons for and progress of any administrative action. This will enable the Mission to provide appropriate assistance and support to the member within the limits of the Mission.
CONSEQUENCES

2.50 The consequences of a formal warning or censure on a member’s future career in the ADF depend entirely on an assessment of the merits and circumstances of each case.

2.51 **General consequences.** A formal warning or censure will be considered in relation to a member’s competitiveness for promotion, postings and training courses. As a result, a member should not expect to be promoted or selected for certain postings or training courses whilst under formal warning or within 12 months of the imposition of censure.

2.52 **Expired formal warnings.** Even after the expiry of a formal warning, the unsatisfactory conduct, performance or standards that gave rise to the sanction may still be considered in relation to a member’s competitiveness for promotion, postings and training courses. However, the weight given to the unsatisfactory conduct, performance or standard in relation to the member’s competitiveness for promotion, postings and training courses should diminish over time.

2.53 **Specific consequences.** In the event that a formal warning or censure is to provide for specific consequences to a member’s career, those consequences should be included in the NTSC for formal warning or censure and on the sanction, if imposed, provided it is within the imposing authority’s power to determine such consequences. For example, if a member is to undergo alcohol or prohibited substance counselling or testing as a consequence of the sanction, this should be included in the NTSC and on the sanction, if imposed.

2.54 **Performance appraisal reporting.** Where a formal warning or censure is imposed on a member during the reporting period, this, and the reasons for it, should be mentioned in the narrative of the member’s performance appraisal report by the member’s assessor. Details of any positive or negative response to the remedial provisions of a formal warning, and any improvement or decline in the member’s conduct, performance or standards should also be commented on. These comments will be considered in relation to a member’s competitiveness for promotion, postings and training courses.

2.55 **Command-initiated transfer to the reserves (CITR)/voluntary redundancy.** Members under a formal warning or censure are not eligible for any expedient or advantageous transfer to the Reserves or separation from their Service by way of a CITR or voluntary redundancy. Members who are subject to an investigation for unacceptable behaviour, performance or standards, or are subject to extant administrative action (including formal warning and/or censure), will not be eligible for CITR or for a redundancy. The period of exclusion will be for the duration of the formal warning or, in the case of a censure, for 12 months immediately following the date the censure is imposed.

2.56 **Cancelled formal warning/censure.** If a formal warning or censure is cancelled there are to be no future adverse consequences on a member’s career. Any adverse consequences suffered by the member as a result of the sanction should be as far as practicable remedied.
FURTHER ACTION

2.57 If a member under a formal warning fails to meet the required improvement within the required period, more severe administrative sanctions should be considered and pursued in accordance with relevant DI(G)s and/or single-Service Instructions. More details are contained in Annex 2A.

2.58 If a member is found to have been involved in other incidents of poor conduct, performance or standards while subject to a formal warning or censure, further disciplinary and/or administrative action should be considered against the member such as reduction in rank or termination under the Defence Regulation 2016 or Part VIII A of the Defence Act 1903 see MILPERSMAN, Part 10, Chapter 2—Termination of Service in the Australian Defence Force.

2.59 Members who have a ‘history’ of formal warnings and/or censures over a number of postings may be issued with a termination notice seeking a statement of reasons why their service in the ADF should not be terminated.

REDRESS AND REVIEW

2.60 If a member has any complaints about the way a formal warning or censure was administered, the member may seek redress in accordance with the Complaints and Alternate Resolutions Manual.

2.61 A formal warning or censure may be reviewed by an imposing authority who is both superior in rank to the original imposing authority and whose position confers the authority to impose the same level of sanction. The reviewing authority may uphold, amend, release or cancel a formal warning or censure.

2.62 The decision to initiate formal warning or censure action is merely a procedural step in the process of deciding whether to impose a formal warning or censure. As such, the decision to initiate formal warning or censure action does not give rise to a right for a member to appeal such a decision.

RELATED MANUAL CHAPTERS

MILPERSMAN, Part 3, Chapter 1—Australian Defence Force Policy on Individual Readiness

MILPERSMAN, Part 4, Chapter 1—Alcohol Management in the Australian Defence Force

MILPERSMAN, Part 10, Chapter 2—Termination of Service in the Australian Defence Force

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Defence Force Disciplinary Act 1982

Defence Regulation 2016

Australian Book of Reference 10—Sailors Career Management Manual, Chapter 22—Resignation/Transfer to the Naval Reserve/Compulsory Termination
Australian Defence Force Publication 06.1.1 Volume 3—Discipline Law Manual—Summary Authority and Discipline Officer Proceedings

ADFP 06.1.1, Volume 3—Discipline Law Manual, Chapter 2—Jurisdiction

DI(AF) PERS 7–1—Discharge or Transfer of Airmen and Airwomen on Cessation of Permanent Air Force Service

DI(G) PERS 15–1—Australian Defence Force Alcohol Policy

DI(G) PERS 15–5—Management of the Use or Involvement with Prohibited Substances in the Australian Defence Force under Part VIIIA of the Defence Act 1903.

DI(G) PERS 35–3—Management and Reporting of Unacceptable Behaviour

DI(G) PERS 35–4—Reporting and Management of Sexual Offences

Interim Defence Instruction 45–2—Incident Reporting and Management

Alcohol Use and the Management of Alcohol Misuse in the Army—Electronic Manual of Personnel Administration

Complaints and Alternative Resolutions Manual

Director of Military Prosecutions Prosecution Policy

Good decision making in Defence: A guide for decision-makers and those who brief them

Theft—Electronic Manual of Personnel Administration

Annex:

2A Procedures to be followed in processing formal warnings and censures

Sponsor: ASPPEC (DMPP)
PROCEDURES TO BE FOLLOWED IN PROCESSING FORMAL WARNINGS AND CENSURES

PREPARATION OF THE NOTICE

1. A recommended format for a Notice to Show Cause (NTSC) for Formal Warning/Censure is in appendix 1. When initiating a formal warning or censure against a member, the initiating officer is to:

   a. give the member written notification of the proposed action to be taken against them
   b. advise the member of the substance of the case against them
   c. subject to privacy and other considerations, give the member all material that is credible, relevant and significant to the decision to be made, including copies of statements and other documents containing the evidence, policy and other information being relied upon to make the decision (redacted as required)
   d. advise the member of the consequences of the sanction, if imposed
   e. give the member an opportunity to reply
   f. advise the member of the time period they have in which to respond, which should be at least 14 days
   g. request the member to acknowledge receipt of the notice and all accompanying material attached to the NTSC
   h. refer the matter to the imposing authority, unless deciding not to proceed with the action in light of the member’s response.

2. Documentation. The imposing authority is ultimately responsible for ensuring that the member is provided with material that is credible, relevant and significant to the decision to be made. However, the initiating authority is responsible for ensuring that the member is provided with this material when the notice is issued. The mere fact that there is a requirement to provide the member with material does not mean that the source and nature of all material that comes before the imposing authority must be disclosed. The decision whether information is credible, relevant and significant is to be made by the imposing authority. It is the imposing authority’s responsibility to ensure that the member has had an opportunity to comment on all information that the imposing authority believes is credible, relevant and significant to the decision to be made.

3. In the event that the material to be disclosed is voluminous and/or complex, the initiating authority should ensure that the member has been directed to the parts of the material that are considered credible, relevant and significant to the decision
being made. The decision whether a member has been properly directed to those parts of the material is ultimately the responsibility of the imposing authority.

4. Subject to privacy considerations, all material that is credible, relevant and significant to the decision to be made is to be provided with the notice. This may include statements from witnesses, civilian or military police reports, records of civilian or military convictions, evidence of prior counselling, warnings or administrative inquiry reports, medical reports, Defence policies, publications and manuals, and unit orders. Other information may include previous conduct, Service history, potential harm to the reputation of the Australian Defence Force and the impact of the conduct on the unit.

5. **Initiating authority's recommendation.** If the initiating authority is to make a recommendation to the imposing authority on the imposition of the sanction, then this recommendation is to be notified to the member within the NTSC in order to give the member an opportunity to respond to the recommendation.

### DELIVERY OF THE NOTICE

6. The notice should be hand delivered to the member by the initiating officer or representative (who should be superior in rank to the member). An acknowledgement of receipt of the NTSC and all accompanying material should be obtained at the time of delivery and the date recorded. If the member does not wish to provide a receipt or acknowledgement for delivery, then the member delivering the notice should make a file record of the time and date of delivery, that they satisfied themselves that the person to whom the documents were delivered was the relevant member and an annotation that the member declined to provide the acknowledgement.

### RESPONSE

7. In preparing a response a member is entitled to seek the assistance of a unit representative or legal officer.

8. If a member accepts that their conduct, performance or standard has been unsatisfactory, they can choose not to respond to the notice or they can give reasons why the sanction sought to be imposed is too harsh in the circumstances. They may, if they wish, make submissions that a lesser sanction may be more appropriate.

9. If a member does not accept that their conduct, performance or standard has been unsatisfactory, they can choose to respond with rational arguments as to why the sanction should not be imposed. They can dispute any allegations of fact contained in the notice, or the member can indicate why some information should be afforded less weight when considering the information and may supply any relevant information for consideration by the imposing authority.

10. If a member needs further time in which to respond, they are to request an extension in writing. The request should be hand delivered to the initiating authority or the representative who delivered the notice. If the initiating authority decides to grant an extension of time, this should be notified to the member in writing. Normally, extensions of time will be granted where appropriate reasons are given and any extension should not exceed seven days.
11. The response should be hand delivered to the initiating authority, the representative or other nominated person on or before the close of business (COB) on the last day given for the response.

**DECISION TO PROCEED**

12. Once the member’s response is received or the member has not responded by the COB on the last day given for the response, the initiating authority is to conduct a review of the matter. This review should be conducted within five working days. The purpose of the review is to determine whether or not to proceed with the proposed action.

13. In the event that the initiating authority determines that formal warning or censure action should not proceed and that no further action involving an imposing authority is to be taken, they are to notify the member of that decision, in writing. The initiating authority may, however, decide that other less severe action (eg counselling) is appropriate and proceed accordingly.

**REFERRAL TO THE IMPOSING AUTHORITY**

14. If a decision is made to proceed with the proposed action to impose a formal warning or censure, the initiating authority is to forward the NTSC, including all attachments, together with any response by the member to the imposing authority.

15. Unless the initiating authority has previously advised the member of their recommendation on the imposition of the formal warning or censure and provided the member with an opportunity to respond, no recommendation or comment is to be made to the imposing authority.

**OBLIGATIONS OF THE IMPOSING AUTHORITY**

16. Prior to making a decision whether to impose a formal warning or censure, the imposing authority is to satisfy themselves that the member has been:

a. given appropriate notice of the proposed action

b. advised of the substance of the case against them

c. advised of any recommendation by the initiating authority on the imposition of a formal warning or censure

d. provided with all material that is credible, relevant and significant to the decision to be made

e. given a reasonable opportunity to reply

f. given the opportunity to seek the assistance of a unit representative or legal officer.

17. In order for the imposing authority to be satisfied that the requirements of procedural fairness have been met, the imposing authority may wish to refer the question of whether or not procedural fairness has been applied in the consideration of the matter to a legal officer.
FACTORs TO BE CONSIDERED

18. In deciding whether a formal warning or censure is to be imposed, and without limiting the matters to be taken into account, the imposing authority is to consider:

a. the relative seriousness of the issue giving rise to the proposed action
b. the quality and nature of the evidence that supports the proposed action
c. any recommendation by the initiating authority on the imposition of a formal warning or censure
d. whether, on the balance of probabilities, the evidence is sufficient to establish the case against the member and warrants the imposition of a formal warning or censure
e. the member’s response to the proposed action
f. the member’s conduct after issue of the NTSC
g. the rank, appointment and service experience of the member
h. the potential consequences of a formal warning or censure on the member’s immediate career.

19. If the imposing officer, after reviewing the documentation, considers that the case warrants a more serious response (e.g., termination of service), the imposing authority must advise the initiating authority accordingly and further action is to be taken in accordance with Military Personnel Policy Manual (MILPERSMAN), Part 10, Chapter 2—Termination of Service in the Australian Defence Force.

20. Further guidance on decision making and matters to be taken into account when deciding to impose a formal warning or censure is set out in Good Decision Making in Defence: a Guide for Decision-Makers and Those Who Brief Them.

IMPOSITION OF A FORMAL WARNING/CENSURE

21. A recommended format for a formal warning/censure is in Appendix 2A2. The formal warning/censure must include:

a. the decision to impose the formal warning/censure and its duration
b. the precise nature of the conduct, performance or standards that are unsatisfactory
c. reasons/evidence for the formal warning/censure
d. in the case of a formal warning, the precise remedial improvement/corrective action required and notice that failure to achieve the required improvement and/or corrective action within the stated period may result in the initiation of further action
e. its consequences
f. the right of review or redress.

RECORDING AND NOTIFICATION OF THE DECISION

22. All decisions relating to the imposition or non-imposition of a formal warning/censure and the associated reasons are also to be recorded and retained on file. Written notification of the decision is to be provided to the member and the initiating officer.

RELEASE

23. If a member improves to the required standard before the end of the formal warning period, the imposing authority may grant the member an early release from the formal warning if warranted. The release is to be in writing. A recommended format for a release is in appendix 3. In the absence of an early release, the formal warning will automatically lapse at the end of the specified period without the requirement to formally release the member, in writing.

24. If a member is to be posted during the period of the formal warning, it may be appropriate to release a member from the sanction if their future duties do not relate to the conduct, performance or standards for which the sanction was imposed and there is no way to demonstrate or measure improvement.

FAILURE OF MEMBER TO MEET REQUIREMENTS OF FORMAL WARNING

25. If a member fails to meet the conditions of the formal warning within the specified period, more severe administrative sanctions may be considered and initiated in accordance with instructions covering the particular action to be taken. For example, if termination of service is considered necessary, action is to be taken in accordance with MILPERSMAN, Part 10, Chapter 2—Termination of Service in the Australian Defence Force and relevant single-Service Instructions. More serious administrative sanctions may be initiated before the expiry date of the formal warning if the member is not making a reasonable attempt to comply with the conditions of the formal warning.

26. **Second formal warning.** Where the member has made reasonable effort and progress towards satisfying the conditions of the formal warning but has not achieved sufficient compliance by the expiry date, the member may be given more time to achieve the necessary improvement. If considered appropriate, authorities can do this by way of the initiation of a second formal warning at or just prior to the expiry of the original formal warning. In these circumstances, the procedures to be followed are the same as for the first formal warning.

CANCELLATION

27. The original imposing authority, or an imposing authority who is of the same/equivalent rank or higher to the original imposing authority and whose position confers the authority to impose the same level of sanction, may, having appropriate regard to compelling new evidence or information, cancel a formal warning or
censure at any time if it is considered by the reviewing authority that such action is justified and appropriate in the circumstances. A recommended format for cancellation is in Appendix 2A4.

DISTRIBUTION/FILING

28. The original document of the formal warning/censure is to be handed to the member with a signed acknowledgement obtained from the member. Distribution of formal warning/censure records, including the NTSC and/or cancellations are to be filed as follows:

a. Where a formal warning/censure is not imposed either because the initiating officer suspends further processing as a result of the member’s response to the NTSC, or the imposing authority decides not to impose the formal warning/censure—original documents are to be passed to the member, with copies placed on the appropriate unit/establishment file.

b. Where a formal warning/censure is imposed—original documents are to be distributed to the member, a copy placed on the appropriate unit/establishment file and a copy forwarded to the relevant Career Management Authority for placement on the member’s file. For members serving on operations, a copy of the relevant documentation is to be sent to the Commanding Officer of the member’s parent unit (where the member has not deployed with their parent unit).

All documentation is to be marked Sensitive: Personal.

29. Incidents of unacceptable behaviour/sexual offences. Where an administrative sanction has been imposed in relation to an incident of unacceptable behaviour as described in Di(G) PERS 35–3—Management and Reporting of Unacceptable Behaviour or a sexual offence as described in Di(G) PERS 35–4—Management and Reporting of Sexual Offences, the Directorate of Complaint Resolution must be notified by the imposing authority using Form AC 875–3—Final Outcome Report—Unacceptable Behaviour or Sexual Offence. If the sanction is subsequently cancelled, Directorate of Complaint Resolution must be informed accordingly.

Appendices:
2A1 An example format of a notice to show cause why a formal warning/censure should not be imposed
2A2 An example format of a formal warning/censure
2A3 An example format for early release from a formal warning
2A4 An example format of cancellation of formal warning/censure
AN EXAMPLE FORMAT OF A NOTICE TO SHOW CAUSE WHY A FORMAL WARNING/CENSURE SHOULD NOT BE IMPOSED

Sensitive: personal (when completed)

To: ______________________________________________________________

(rank, name, and service number of member)

Notice to show cause why you should not have a formal warning/censure (delete as applicable) imposed on you

1. It has been brought to my attention that your conduct/performance/standards have been unsatisfactory, the details of which are provided below. You are invited to show cause:
   a. why the imposing authority (state appointment eg Commanding Officer XX) should not be satisfied that the facts and circumstances, as alleged, occurred; and
   b. why the imposing authority should not impose a formal warning for a period of (insert time period)/censure upon you.

2. I am informed that (insert a summary of the facts and circumstances relied upon to impose the formal warning/censure).

3. These allegations are evidenced in the following material, attached to this Notice:
   a. (subject to privacy and other considerations, give the member material that is credible, relevant and significant to the decision to be made. List and attach for example copies of statements and other documents containing the evidence, policy and other information being relied upon to make the decision, including relevant reports/Service police reports/statements; any relevant instructions and policies etc.)

4. Subject to any response you may wish to submit, I will be recommending to the imposing authority that a formal warning/censure be imposed on you. The details of my recommendation are as follows (this paragraph may be deleted if it is not proposed to make a recommendation to the imposing authority):
   a. (Specific details of the recommendation to be made to the imposing authority should be provided to enable the member to have an opportunity to respond to it.)
5. In making a decision whether to impose a formal warning/censure upon you the imposing authority will consider the following material:
   a. this Notice to Show Cause, including all material attached to this Notice;
   b. any reply and relevant material you submit in response to this Notice; and
   c. your service record.

6. You have 14 days from the date this Notice is delivered to you to show cause why the imposing authority should not impose a formal warning/censure upon you. Your response is to be in writing and any relevant evidence or other information that you wish the imposing authority to consider is to be attached to your response. In your response, you may address the facts, conclusions to be drawn from them and what action, if any, the imposing officer should take.

7. If you wish to have an extension of time for submitting your response to me, you are to apply to me or my nominated representative, in writing, with the reason you are requesting an extension.

8. You may consult a Service legal officer, if one is available, or may have another person assist you in preparing your response.

9. If after receiving your response I do not refer the matter to the imposing authority, I may pursue other less severe forms of administrative sanctions or decide that no action is to be taken. Some of these other forms of administrative sanction are detailed in MILPERSMAN, Part 9, Chapter 2. As a result, you should consider addressing alternate forms of administrative sanction in any response you submit.

10. If after receiving your response I decide to refer the matter to the imposing authority, the imposing authority may direct that other less severe forms of administrative sanction are to be taken against you. For similar reasons you should address alternate forms of administrative sanction in any response you submit.

11. The administrative consequences of a formal warning/censure are detailed in MILPERSMAN, Part 9, Chapter 2. In the event that the imposing authority decides to impose a formal warning/censure on you the following consequences may apply:
   a. you should not expect to be promoted or selected for certain postings or training courses during the period of this formal warning/for 12 months following the imposition of this censure1;
   
   b. (List specific consequences that may flow from the imposition of the sanction. For example alcohol or prohibited substance counselling and/or testing);
   
   c. You will not be considered for a Command Initiated Transfer to the Reserve or a voluntary redundancy during the period of this formal warning/for 12 months following the imposition of this censure1; or
d. This formal warning/censure will remain permanently on your personal records and may be taken into account for future decisions regarding your career management, particularly if you have a history of formal warnings/censures and/or other administrative sanctions being imposed on you.

12. You are requested to sign an acknowledgement that you have ‘read and understood’ this Notice. The original copy is for your retention and a copy will be placed on file.

(Insert Signature block of initiating authority)

Enclosures:

1. (Attach the material referred to in paragraph 3 of the NTSC)

I (Service number, rank and name of member) hereby acknowledge that I have read and understood this Notice to Show Cause why a formal warning/censure should not be imposed upon me and that I have 14 days in which to respond. I have received a copy of this notice for my retention, including the information referred to in paragraph 3 above upon which the decision to impose the proposed formal warning/censure will be based.

(Insert Signature block of member)
AN EXAMPLE FORMAT OF A FORMAL WARNING/CENSURE

Sensitive: personal (when completed)

To: ______________________________________________________________
(rank, name, and service number of member)

1. I, (Service number, rank and name of person imposing the formal warning/censure), have determined that your conduct/performance/standards has/have been unsatisfactory and therefore impose a formal warning for a period of (insert duration)/censure upon you.

2. I have made that determination upon reaching the conclusion that you have exhibited the following unsatisfactory conduct/performance/standards1:

   a. (Provide a description of the unsatisfactory conduct, performance or standards exhibited.)

3. The evidence from which I have concluded that your conduct/performance/standards have been unsatisfactory is contained in the following material:

   a. (The information contained in these subparagraphs must have been notified to the member in the Notice to Show Cause (NTSC). If not, then the member may have been denied procedural fairness.)

   In reaching my conclusion, I have taken particular account of the matters you have raised in your response to the NTSC.

4. I consider that your conduct/performance/standard1 has been unsatisfactory in the following respect: (insert one or more of the following as required)

   a. demonstrated a significant error of judgment and the trust placed in you;
   b. been below the standard expected of a member of your rank and position in the RAN/Army/RAAF;
   c. brought discredit and disrepute on you and your command position;
   d. brought discredit upon the Australian Defence Force;
   e. represented a failure to perform your duties at a sufficient standard required in the position of (insert position);
   f. undermined the authority of your position as (insert appointment);
   g. resulted in a loss of confidence towards you by (insert appointment);
h. demonstrated a disregard of Defence Instructions (General) (DI(G))s and policy for the proper use or management of (insert resource/s);

i. demonstrated a pattern of conduct that is unsatisfactory.

Note:

Paragraphs 5 and 6 used only for formal warnings.

5. By the end of the formal warning period, you are required to have demonstrated the following improvement in your (insert one or more of the following as required: conduct, performance or standards):

a. (describe improvements or corrective action required).

6. If you fail to achieve the required improvement, more severe administrative sanctions may be taken against you, such as:

a. (insert possible action if appropriate).

Such action may be initiated before the expiration of the warning period if you have not made a reasonable attempt to meet the required (insert one or more of the following as required: conduct, performance or standards) expected, or if you come to notice for any further unsatisfactory behaviour.

Note:

Following paragraphs are used for both formal warnings and censures and renumbered as appropriate.

7. The administrative consequences of a formal warning/censure are detailed in MILPERSMAN, Part 9, Chapter 2. The following consequences apply in the circumstances of your case:

a. You should not expect to be promoted or selected for certain postings or training courses during the period of this formal warning/for 12 months following the imposition of this censure

b. (List specific consequences that will flow from the imposition of the sanction. For example alcohol or prohibited substance counselling and/or testing)

c. You will not be considered for a Command Initiated Transfer to the Reserve or a voluntary redundancy during the period of this formal warning/for 12 months following the imposition of this censure

d. This formal warning/censure will remain permanently on your personal records and may be taken into account for future decisions regarding your career management, particularly if you have a history of formal warnings/censures and/or other administrative sanctions being imposed on you.

8. You are requested to sign this document as having ‘read and understood’ it. The original copy is for your retention, a copy will be placed on the file held by this
unit/establishment and a copy will be forwarded to (insert applicable career management agency) and placed on your personnel file.

9. If you have any complaint about any of the administrative action leading up to the imposition of this formal warning/censure, you have the right to seek review of my decision in accordance with the Complaints and Alternate Resolutions Manual.

(Insert Signature block of imposing authority)

I (Service number, rank and name of member) hereby acknowledge that I have read and understood this formal warning/censure and have received a copy for my retention, including the information upon which the decision to impose the formal warning/censure was based.

Note:

Following paragraph to be used only for formal warnings, as it is not relevant to censures.

I understand that, having been warned, if I fail to achieve the standard required of me within a period of (insert period) from the date of this warning or if I fail to achieve the required improvement, I may be the subject of more severe administrative sanction, such as (insert possible action), the possible consequences of which have been explained to me. I am aware that such action may be initiated before the expiration of the prescribed warning period if I am not making a reasonable attempt to meet the required conduct, performance or standards expected, or if I come to notice for any further unsatisfactory behaviour.

(Insert Signature block of member)
AN EXAMPLE FOR EARLY RELEASE FROM A FORMAL WARNING

Sensitive: personal (when completed)

To: ______________________________________________________________

(rank, name, and service number of member)

1. I, (Insert Service number, rank and name of person imposing the formal warning), have determined that your conduct/performance/standard during the period of this sanction has been satisfactory and now release you from the formal warning imposed on you.

2. The consequences notified to you in the formal warning are no longer in effect. However, you should note that the unsatisfactory conduct / performance / standard that gave rise to the formal warning may still be considered by your career manager in relation to you competitiveness for promotion, postings and training courses in the future.

(Insert Signature block of formal warning authority)

I (Insert Service number, rank and name of member) hereby acknowledge that I have read and understood this release from formal warning and have received a copy for my retention.

(Insert Signature block of member)
AN EXAMPLE OF CANCELLATION OF A FORMAL WARNING/CENSURE

Sensitive: personal (when completed)

To: ______________________________________________________________

(rank, name, and service number of member)

1. On (insert date) I, (insert Service number, rank and name of person imposing the formal warning/censure), imposed a formal warning for a period of (insert period) / censure upon you, having determined that your conduct/performance/standard was unsatisfactory.

2. I hereby cancel the formal warning/censure for the following reason(s):

   a. (provide a description of reason(s)).

3. The information upon which I have based the decision to cancel the formal warning/censure is attached. (Include the new information or material that caused the cancellation decision. Relevant privacy provisions to apply).

4. As a result of this cancellation there are to be no further adverse consequences to your career. Any adverse consequences that you may have suffered as a result of the imposition of the sanction will be as far as practicable remedied.

(Insert Signature block of formal warning/censure authority)

I (insert Service number, rank and name of member) hereby acknowledge that I have read and understood this cancellation of the formal warning/censure and have received a copy for my retention, including the information upon which the decision to cancel the formal warning/censure was based.

(Insert Signature block of member)
CHAPTER 3
CORRECTIVE TRAINING

INTRODUCTION
3.1 Subject to this chapter, Defence members, by virtue of command and rank, are authorised to direct a subordinate member to complete corrective training when the Defence member’s performance, although unsatisfactory, does not warrant administrative or disciplinary action.

POLICY STATEMENT
3.2 Defence’s mission is to defend Australia and its national interests. This requires the Australian Defence Force (ADF) to maintain an operationally capable force with high levels of fitness, commitment, efficiency and discipline among its members. To maintain this operationally capable force, Defence has a requirement to ensure Defence members are appropriately trained. Corrective training is a management tool that may be used when a member’s performance of their duties has been unsatisfactory. Corrective training is an additional tool available to commanders to ensure that members perform their duties to a satisfactory standard.

SCOPE
3.3 This chapter provides guidance for all Permanent and Reserve members of the ADF on the policy and principles for directing a subordinate Defence member to undertake corrective training. Any Permanent or Reserve member of the ADF who directs a subordinate Defence member to undertake corrective training is to comply with the contents of this chapter. Failure to comply with the mandatory aspects of this chapter may result in administrative or disciplinary action.
3.4 This chapter contains basic, guiding principles in relation to corrective training. Commanders, in particular commanders of training establishments, are able to develop their own, more detailed, corrective training policy in accordance with the principles contained in this chapter in order to address unit-specific requirements.
3.5 The imposition of corrective training does not relieve a Defence member or commander of their obligation to report a notifiable incident.

DEFINITIONS
3.7 For the purposes of this chapter, corrective training:
   a. is training that a Defence member is directed to undertake in order to rectify unsatisfactory performance
   b. is separate to, and does not replace, the ordinary training of Defence members
   c. encompasses additional training required of a member outside their ordinary duties. For example, corrective training would include where a member is
required to perform additional activities outside scheduled or programmed work hours, in order to correct a deficiency in their performance

d. is not a punishment and must not to be used to punish a member

e. is separate to:

(1) action under the Defence Force Discipline Act 1982, whether through the preferring of a charge against a member, or the issuing of an Infringement Notice by a relevant officer, or

(2) administrative sanction, including the imposition of a formal warning or censure.

PRINCIPLES OF CORRECTIVE TRAINING

3.8 Corrective training can be ordered when a member’s performance is considered unsatisfactory, provided it is consistent with the principles contained in this chapter and conforms to any unit-specific requirements.

3.9 Proper purpose. The purpose of corrective training is to provide the member with the skills or understanding necessary to perform a task, duty or other military requirement to a satisfactory standard.

3.10 Corrective training must not amount to unacceptable behaviour. Unacceptable behaviour is unreasonable conduct at work or in any situation that may be connected to Defence that is offensive, belittling, abusive or threatening to another person or adverse to morale, discipline or workplace cohesion. This includes unlawful discrimination and harassment. Defence personnel found to have engaged in, contributed to, ignored, assisted, or personally encouraged unacceptable behaviour may be held personally responsible. For more information, see the Complaints and Alternative Resolution Manual (CARM).

3.11 Corrective training must not be required of a group of members unless:

a. each member of that group has failed to perform to a satisfactory standard

b. the training is consistent with the principles in this chapter in relation to each member of that group

c. the training is consistent with any unit-specific requirement in relation to each member of that group.

3.12 Proper authority. A Defence member of Corporal equivalent or above can direct a member subordinate to them in rank and in their chain of command to complete corrective training. Civilians, whether Defence employees or external service providers cannot direct corrective training.

3.13 All ranks can be subject to a direction to undertake corrective training. Civilians, whether Defence employees or external service providers can not be directed to undertake corrective training.

3.14 Reasonableness. When requiring a Defence member to undertake corrective training to rectify unsatisfactory performance, the corrective training must directly and reasonably relate to unsatisfactory performance that has been identified.

3.15 The corrective training imposed on a member is to be carried out for a period which is reasonable to allow for the unsatisfactory performance to be corrected. Corrective training should cease if the member completing corrective training is able to demonstrate that they have attained, and can be relied upon to maintain,
satisfactory performance or when it is clear that the corrective training will not lead to rectification of the deficiency in performance.

3.16 **Accountability.** Commanders are to ensure that the parameters within which corrective training of members must be conducted are understood by unit personnel. Commanders are accountable for the conduct of corrective training within their unit and are to maintain a record (for example, a register) of the corrective training required of unit members. The records should carry the appropriate Australian Government Security Classification of ‘Sensitive: Personal’ and be reviewed by unit Command Officers regularly.

**RELATED LEGISLATION, POLICY AND PUBLICATIONS**

*Interim Defence Instruction ADMIN 45–2—Incident Reporting and Management*

*Australian Defence Force Publication (ADFP) 06.1.1—Discipline Law Manual, Volume 3*

*Complaints and Alternative Resolution Manual* (CARM)

*Defence Force Discipline Act 1982*

**Sponsor:** ASPPEC (DMPP)
CHAPTER 4
PROTECTION ORDERS

INTRODUCTION

4.1 Defence seeks to respond appropriately to protection orders issued either against or in support of Australian Defence Force (ADF) members. Where a Defence member is subject to a Protection Order (PO), compliance with the restrictions imposed by the PO may impede the member’s ability to meet Individual Readiness requirements, adversely affect the reputation of the ADF and reduce Defence operational capability. In such circumstances, Commanding Officers (COs) are to be notified and consider management options appropriate to the situation.

POLICY STATEMENT

4.2 Where a Defence member becomes the respondent to a PO, they are to immediately report it to their CO as prescribed in paragraph 4.7. The member’s CO is required to manage the Defence member in a manner appropriate to the specific circumstances of the member’s situation.

4.3 Where a Defence member is the aggrieved person in a PO and the circumstances are likely to directly or indirectly influence their performance, duty or their daily work routine, they should immediately notify their CO as soon as possible as prescribed in paragraph 4.11. Aggrieved persons should also notify their CO when the respondent is another Defence member or employee or where the PO is likely to affect Defence business or reputation. COs should take all reasonable steps to provide support and assistance to the aggrieved person, especially where changes to duty or daily work routine are necessary.

4.4 This chapter is to be read in conjunction with Military Personnel Policy Manual (MILPERSMAN), Part 9, Chapter 5—Court or Police Orders Restricting Access to Weapons or Firearms by Members of the Australian Defence Force.

SCOPE

4.5 This chapter applies to all Defence members. In addition to the requirements of this chapter, a Service Chief may issue further instructions, guidance or direction with respect to the treatment of protection orders and domestic violence.

DEFINITIONS

4.6 MILPERSMAN, Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this chapter.

ROLES AND RESPONSIBILITIES

RESPONSIBILITIES OF THE DEFENCE MEMBER AS A RESPONDENT

4.7 A Defence member who is a respondent to a PO must notify their CO of the PO in writing as soon as possible, but no later than 24 hours after becoming aware
they are subject to a PO or, for Reserve members not on duty, during the first period of duty after becoming aware they are subject to a PO. The written advice must include:

a. a copy of the PO
b. details of the circumstances surrounding the issue of the PO (such as details of the complaint, dates, affidavits and court proceedings)
c. the duration and conditions of the PO (if this information is not included in the PO)
d. the effect that the PO may have on the effectiveness of the member in carrying out assigned duties (including geographic restrictions) if Defence enforces all restrictions
e. whether the member is presently in possession of any service weapons, body armour and/or explosive ordnance
f. whether the member has any personal firearms and/or ammunition stored in any ADF armoury and, if so, their whereabouts.

4.8 The Defence member must, as soon as possible, but no later than 24 hours after being advised, inform their CO in writing of any updated circumstances and/or changes to the PO or, for Reserve members not on duty, during the first period of duty after being advised. For example, if the PO has been amended, finalised or revoked. The CO is expected to re-apply the responsibilities outlined below in paragraph 4.14 for each change in circumstance.

4.9 The respondent is responsible for seeking any approval (if necessary) required by law to release a copy of the PO and/or any other record of court proceedings to Defence to enable the CO to discharge their responsibilities.

4.10 In addition to the requirements of this chapter, the reporting requirements outlined in MILPERSMAN, Part 9, Chapter 5—Court or Police Orders Restricting Access to Weapons or Firearms by Members of the Australian Defence Force also apply if a PO:

a. limits or restrains a Defence member's access to, possession or use of a weapon, or
b. cancels, suspends or results in the refusal of a weapon licence, permit, registration, or any similar authorisation, or
c. orders the confiscation or disposal of a weapon.

RESPONSIBILITIES OF THE DEFENCE MEMBER AS AN AGGRIEVED PERSON

4.11 If a Defence member is the aggrieved person, and the PO is likely to directly or indirectly influence their performance, duty or their daily work routine, or where the PO is likely to affect Defence business or reputation, the Defence member must, as soon as possible, but no later than 24 hours after its issue, notify their CO in writing
of the PO. Reserve members not on duty at the time of the issue of a PO must notify their CO in writing during the first period of duty after the PO is issued. All information necessary for the CO to make a decision, and enable a discussion with an aggrieved member, concerning their management is to be provided (such as any restrictions placed by the PO on another ADF or Australian Public Servant (APS) member, requirement for alternate working or living accommodation, or requirements for release to attend to family commitments or attend Court), including a copy of the PO where available.

4.12 The aggrieved Defence member is responsible for seeking any approval (if necessary) required by State/Territory legislation to release a copy of the PO or any other record of court proceedings to Defence to enable the CO to discharge their responsibilities.

RESPONSIBILITIES OF THE COMMANDING OFFICER

4.13 COs are to remain cognisant that a PO is a serious matter and their response is critical to enhancing personnel safety and security as well as maintaining unit operational capability. The purpose of requiring ADF members to advise their CO of the issue of a PO is to enable the ADF to protect the health and safety of its members and the wider community and the administrative management of ADF members. Each PO must be considered on its individual factual basis.

4.14 COs are to discharge their responsibilities below in the context of assessing a member’s suitability for future employment in the ADF. It is expected that a PO will normally require a CO to consider whether the respondent has behaved in a manner inconsistent with Defence or Service values. If fact finding in accordance with subparagraph 4.14.a and subparagraph 4.14.c determines that a Court has made a finding about conduct or behaviour of the respondent that may be considered inconsistent with Defence or Service values, the appropriate administrative action is to be commenced including the issue of a notice to show cause. Upon notification by a Defence member that they are the respondent to a PO, bearing in mind that the allegations may not have been tested in a court of law, the member’s CO is expected to:

a. raise a Defence Incident Record and consider whether the actions leading to the PO require reporting, in accordance with Interim Defence Instruction 45–2—Incident Reporting and Management

b. immediately restrict the member’s access to ADF weapons, body armour and explosives subject to paragraph 4.16

c. consider whether the actions of the Defence member leading to the PO being issued constitute unacceptable behaviour in accordance with Defence Instruction (General) PERS 35–3—Management and Reporting of Unacceptable Behaviour and commence administrative action where appropriate

d. consider whether the actions leading to the PO adhere to the respective Service and Defence values and, if not, commence appropriate administrative action in accordance with MILPERSMAN, Part 9, Chapter 2—Formal Warnings and Censures in the Australian Defence Force.
e. take steps to ensure that the Defence member does not breach the PO as a result of a Service requirement

f. determine whether the member's individual readiness, deployment availability or posting may be affected and advise the relevant Career Management Agency (CMA) accordingly

g. ensure that the Defence member is able to meet their obligation under the PO, for example, to attend an intervention program

h. where the respondent and aggrieved person are living in service accommodation, consult with the Defence Community Organisation to ensure that requirements of a PO are adhered to.

4.15 If a CO is notified that a PO has been issued, the CO must ensure that a risk assessment is undertaken to ensure that both the aggrieved person's and respondent's duties, activities and tasks do not respectively place them in a vulnerable situation or contribute to a contravention of the PO by the respondent.

4.16 Regardless of whether the PO specifically limits or restrains access to weapons or not, a CO is expected to restrict the member's access to ADF weapons, body armour and explosives. Subject to a risk assessment, the CO may lift the restrictions in exceptional circumstances. For example, if the member is located in a different geographic location to that of the aggrieved person, and they are unable to return to the location of the aggrieved person whilst in possession of an ADF weapon. If the PO specifically limits or restrains the Defence member's access to, possession or use of a weapon, or cancels, suspends or results in the refusal of a weapon licence, permit, registration, or any similar authorisation, or orders the confiscation or disposal of a weapon, CO responsibilities outlined in MILPERSMAN, Part 9, Chapter 5—Court or Police Orders Restricting Access to Weapons or Firearms by Members of the Australian Defence Force also apply.

4.17 The CO is expected to act fairly towards respondents and aggrieved persons at all times and ensure that their personal information is only used and disclosed in accordance with the requirements of MILPERSMAN, Part 1, Chapter 4—Privacy Notice and the applicable Commonwealth and State laws. COs are to be aware that State/Territory protection laws may place restrictions on Defence gathering and using information relating to POs. Advice from the CO's local legal officer should be sought. All information in relation to POs should be marked Sensitive: Personal.

RESPONSIBILITIES OF THE CAREER MANAGEMENT AGENCY

4.18 Upon notification by the CO of a PO against a Defence member, the relevant CMA is to establish the Defence member's current and ongoing suitability for duties, based on the recommendations of the member's CO.

RELATED MANUAL CHAPTERS

MILPERSMAN, Part 1, Chapter 4—Privacy Notice

MILPERSMAN, Part 9, Chapter 2—Formal Warnings and Censures in the Australian Defence Force
MILPERSMAN, Part 9, Chapter 5—Court or Police Orders Restricting Access to Weapons or Firearms by Members of the Australian Defence Force

MILPERSMAN, Part 10, Chapter 2—Termination of Service in the Australian Defence Force

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Defence Regulation 2016

Defence Instruction (General) PERS 35–3—Management and reporting of unacceptable behaviour

Defence Instruction 45–2—Incident reporting and management

Defence Security Manual

Sponsor: ASPPEC (DMPP)
CHAPTER 5
COURT OR POLICE ORDERS RESTRICTING ACCESS TO WEAPONS OR FIREARMS

INTRODUCTION

5.1 Under civil law, a State or Territory Court or Police Force can issue orders that protect a person from another person and may include orders that control access to, or possession of, firearms. For the purpose of this chapter, State or Territory Court or Police Force orders that pertain to the possession of weapons are referred to as Weapons Prohibition Orders (WPO). WPO include orders issued under Commonwealth laws such as the Family Law Act 1975 see paragraph 5.18 of this Chapter.

5.2 Nothing in this chapter prejudices the ability of a Commanding Officer (CO) to exercise their command and management duties, and manage their unit in accordance with work health and safety principles. This includes the ability of a CO to restrict a member's access to weapons under any reasonable grounds. Where a member's access to weapons is restricted for reasons other than a WPO, the policies and procedures outlined in this chapter should still be followed.

POLICY STATEMENT

5.3 The Australian Defence Force (ADF) will restrict Defence members’ access to military weapons where they are the subject of a WPO.

SCOPE

5.4 This Chapter is applicable to all Defence members.

DEFINITIONS

5.5 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this chapter.

ROLES AND RESPONSIBILITIES

RESPONSIBILITIES OF THE DEFENCE MEMBER

5.6 A Defence member who becomes the subject of a WPO must notify their CO of the WPO in writing as soon as possible, but no later than 24 hours after becoming aware they are subject to a WPO or, for Reserve members not on duty, as soon as practicable, but no later than during the first period of duty after becoming aware they are subject to a WPO. The written advice is to include:

a. a copy of the WPO

b. details of the circumstances surrounding the issue of the WPO
c. the duration and conditions of the WPO (where this information is not included in the WPO)

d. the impact that the WPO may have on the effectiveness of the member in carrying out assigned duties (including geographic restrictions) if Defence enforces all restrictions

e. whether the member is presently in possession of any military weapons, body armour and/or explosive ordnance

f. whether the member has any personal firearms and/or ammunition stored in any ADF armoury and, if so, their whereabouts.

5.7 The Defence member is responsible for seeking any approval (if necessary) required by law to release a copy of the WPO and/or any other record of court proceedings to Defence to enable the CO to discharge their responsibilities.

5.8 **Civilian employment.** Where a Defence member has access to a weapon for civilian employment and is subject to a sanction on handling weapons by that employer, the member must advise their CO as stated in paragraph 5.5.

RESPONSIBILITIES OF THE COMMANDING OFFICER

5.9 Upon notification by a Defence member that they have been issued with a WPO, the member’s CO is to:

a. immediately prevent the member from accessing ADF weapons

b. advise the Service Police Unit and/or relevant stores and armoury personnel of the details of the WPO

c. raise a Defence Incident Record and consider whether the actions leading to the WPO require reporting, in accordance with *Interim Defence Instruction 45–2—Incident Reporting and Management*

d. notify the Defence member’s Career Management Agency (CMA) of the existence and expiry date of the WPO and advise whether or not the Defence member’s individual readiness, deployment availability or posting could be affected

e. consider whether the actions of the Defence member leading to the WPO being issued constitute unacceptable behaviour in accordance with *Defence Instruction (General) PERS 35–3—Management and Reporting of Unacceptable Behaviour* and commence administrative action where appropriate

f. consider whether the actions leading to the WPO conflict with the respective Service and Defence values and, if so, commence appropriate administrative action in accordance with MILPERSMAN, Part 9, Chapter 2—*Formal Warnings and Censures in the Australian Defence Force.*

g. take steps to ensure that the Defence member does not breach the WPO as a result of a Service requirement
h. when the currency of the WPO ceases, ensure that normal access requirements to weapons is resumed.

5.10 If a Defence member’s ability to perform their duties is restricted by a WPO, the CO must consult the relevant CMA to consider the Defence member’s suitability for continued service in the ADF. In recommending a course of action for the relevant CMA, COs are to consider the Defence member’s readiness status, the unit’s scheduled training and operational commitments and requirements of the Defence member’s Employment Category.

5.11 Any privately owned weapons stored in a Defence armoury in accordance with the Defence Security Manual (DSM) must not be released to the Defence member where such a release would be contrary to the WPO. If the WPO requires the surrender of weapons, the surrender must be carried out in the presence of the Defence member (unless the WPO requires otherwise) by the officer-in-charge of the armoury direct to the civilian police. All details of the weapon and surrender must be recorded in the armoury register and receipts given to the Defence member.

5.12 If a Defence member who is subject to a WPO is posted or attached to another unit, the losing unit CO must notify the gaining unit CO of the WPO prior to the Defence member departing the losing unit.

5.13 COs must ensure that the personal information of a Defence member who is subject of a WPO is managed in accordance with the Information Privacy Principles set out in the Privacy Act 1988.

RESPONSIBILITIES OF ARMOURY PERSONNEL AND THE SERVICE POLICE UNIT

5.14 Armoury personnel are to ensure that a Defence member subject to a WPO cannot gain unsupervised access to an armoury or magazine. If the Defence member subject to the WPO holds access codes to an armoury, the codes must be changed immediately to prevent access by the member.

5.15 Service Police must enter the details of any weapons restriction as an Information Report into the Defence Police and Security Management System database.

RESPONSIBILITIES OF THE CAREER MANAGEMENT AGENCY

5.16 Following advice from a CO that a Defence member is subject to a WPO, the relevant CMA is to make decisions concerning the Defence member’s suitability for service in the ADF, particularly if those duties involve the use of military weapons.

RESPONSIBILITIES OF DEFENCE FORCE RECRUITING

5.17 ADF applicants. Defence Force Recruiting is responsible for seeking an applicant’s declaration about any WPO to which they are subject at the time of signing the Applicant’s Declarations, Acknowledgement and Consent of the Application Form and any time thereafter prior to enlistment/appointment. Entry to the ADF may be declined or deferred on the basis of this information. Applicants are also
to be advised that a failure to declare the existence of a WPO may result in termination action being taken at a later date.

APPLICATION OF COURT OR POLICE ORDERS MADE UNDER A COMMONWEALTH LAW

5.18 Where a Court or Police WPO is authorised by a provision of a Commonwealth Act (eg an injunction issued under the Family Law Act 1975 that would have the same effect as a WPO defined in MILPERSMAN, Part 1, Chapter 3, the Defence member is to notify their CO. The Defence member is to comply with the order in relation to privately owned weapons. The CO will impose the same weapons restrictions on a member that would be imposed if that WPO were issued by a State/Territory Court or Police Force.

RELATED MANUAL CHAPTERS

MILPERSMAN, Part 2, Chapter 1—Inherent Requirements of service in the Australian Defence Force

MILPERSMAN, Part 3, Chapter 1—Australian Defence Force policy on Individual Readiness

MILPERSMAN, Part 9, Chapter 2—Formal warnings and censures in the Australian Defence Force

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Family Law Act 1975

Privacy Act 1988

Public Service Act 1999

Control of Weapons Act 1990 (VIC)

Firearms Act 1977 (SA)

Firearms Act 1996 (TAS)

Prohibited Weapons Act 1996 (ACT)

Weapons Act 1990 (QLD)

Weapons Act 1999 (WA)

Weapons Control Act 2001 (NT)

Weapons Prohibition Act 1998 (NSW)

Defence Instruction (General) PERS 35–3—Management and Reporting of Unacceptable Behaviour

Interim Defence Instruction 45–2—Incident reporting and management
CHAPTER 6
REPORTING AND MANAGEMENT OF DEFENCE MEMBERS ABSENT WITHOUT LEAVE

INTRODUCTION

6.1 When Defence members are absent without leave (AWOL) from their place of duty they are potentially guilty of an offence under section 24 of the Defence Force Discipline Act 1982 (DFDA). While management of absences of less than 24 hours is subject to local unit management discretion, formal action is required for the management of Defence members who are AWOL for 24 hours or more.

6.2 Once the Defence member’s Commanding Officer (CO) is aware that a Defence member is AWOL, they become the responsible CO and must ensure that the reporting action and management processes mandated in this chapter are undertaken.

6.3 Prompt reporting is essential to ensure that AWOL processes are performed in a professional and coordinated manner. Effective reporting also facilitates the flow of vital information from the chain of command to other relevant stakeholders.

POLICY STATEMENT

6.4 When Defence members are AWOL for 24 hours or more, it is imperative that mandatory reporting and management processes are actioned in accordance with the provisions of this chapter. This will ensure consistent reporting and management of absentees across units and higher commands.

SCOPE

6.5 The policy and provisions for AWOL reporting and management contained in this chapter apply to all Defence members.

DEFINITIONS

6.6 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this chapter. In relation to this chapter the following specific definition applies:

a. AWOL. A Defence member who is absent from their place of duty without the approval of their supervisor/Commanding Officer is considered to be AWOL. However, for the purpose of this policy, AWOL is defined as any continuous period of 24 hours or more where a Defence member is absent from their place of duty without the approval of their supervisor/CO.
PROCEDURES

INITIAL ACTION

6.7 As soon as a Defence member’s supervisor becomes aware that a Defence member is absent, the unit is to take all reasonable steps to locate the Defence member. This should involve contacting the Defence member at their usual place of residence, contacting the Defence member’s next of kin and primary emergency contact, checking to ensure the Defence member has not been hospitalised and confirming with the Service police that the Defence member has not been placed in custody. For Navy only, refer to Annex 6A for further guidance on locating absent Defence members. Units are to take appropriate action if the Defence member returns to duty within 24 hours.

ABSENT WITHOUT LEAVE IN EXCESS OF TWENTY FOUR HOURS

6.8 AWOL from parent unit. When a Defence member has been absent without authorisation from their unit for a period of 24 consecutive hours, they are to be classified as AWOL. AWOL is non-effective service, affects a range of conditions of service and must be recorded on Personnel Management Key Solutions (PMKeyS). Once it has been established that a Defence member is AWOL at the end of 24 hours, the CO is to:

a. Raise a Notifiable Incident Report (NIR) as required by Interim Defence Instruction Administration 45–2—Incident reporting and management.

b. Notify the relevant single-Service Career Management Agency (CMA), Service Provost Marshal and the Defence Pay Centre (DEFPAC) by message signal in the format in Annex 6B. This is the source document for all PMKeyS and ADFPAY transactions associated with a period of unauthorised absence.

c. Safeguard commonwealth property on charge to, and private property left at the unit by, the absent Defence member and take action in accordance with the single-Service Instruction on disposal of commonwealth and private property as a result of unauthorised absence.

d. Notify the Defence member’s Primary Emergency Contact (PEC) of the Defence member’s failure to report for duty and request their assistance in advising the Defence member to return to duty should they make contact with the Defence member. If notification is provided in writing, suggested text is provided in Annex 6C. No other information, such as notification of civil police or contact with local hospital authorities is to be relayed to the PEC.

e. Where the Defence member’s return is essential or appropriate (for disciplinary, criminal or security reasons) seek legal advice for raising a warrant for the Defence member’s arrest or complete and submit Form PD011 (Army only), as applicable.

f. Record absence on PMKeyS leave application panel (using leave code FUA – ABSENCE WITHOUT LEAVE ADF), refer to PMKeyS Business Processes for actions required.
g. Notify the Corporate Credit Card supervisor of the Defence member's absence.

6.9 **Failure to report at gaining unit on posting or temporary duty.** When a Defence member in transit on posting or temporary duty fails to arrive at the gaining unit on the ‘with effect from’ date, the gaining unit is to check with the losing unit whether the Defence member left the losing locality and the expected time of arrival at the new locality. If applicable, the losing unit is to take action in accordance with paragraph 3.7. Additionally, for a posting, the gaining unit is to also check with Toll Transitions.

6.10 For a posting, if unable to locate the Defence member after 24 hours, the gaining unit is to take action in accordance with paragraph 3.8.

6.11 For temporary duty, if unable to locate the Defence member after 24 hours, the parent unit is to take action in accordance with paragraph 3.8.

6.12 **Action on 8th day of AWOL (Navy Only).** If the Defence member remains AWOL after seven days, action is to be taken in accordance with Annex 6A.

6.13 **Action on 22nd day of AWOL.** If the Defence member remains AWOL after 21 days, the CO is to:

   a. where appropriate, appoint an Inquiry Officer in accordance with Regulation 69, *Defence (Inquiry) Regulations 1985* to inquire into the Defence member’s absence

   b. where appropriate, appoint an Investigating Officer in accordance with *Defence Force Discipline Act 1982* Section 24 offence—Absence Without Leave

   c. for Army and Royal Australian Air Force only, notify the relevant Service CMA, Service Provost Marshal and DEFPAC by Defence signal in the format in Annex 6D.

6.14 Upon receipt of the signal referred to in paragraph 3.13.c., the relevant single-Service CMAs is to post the Defence member to the non-effective strength of their parent unit using PMKeyS Code MPU/983—Desertion/Unauthorised Absence.

6.15 **AWOL after three months.** Where a Defence member is still AWOL at the expiration of three months, the CO is to:

   a. notify the relevant single-Service CMA, Service Provost Marshal and DEFPAC by Defence signal in the format in Annex 6E, and

   b. comply with the requirements of the relevant single-Service policy on disposal of commonwealth and private property.

6.16 **Section 24 of Defence Regulation 2016** provides that the Chief of the Defence Force may terminate the service of a Defence member who has been AWOL for a continuous period of three months or more. At this point, such cases should be referred to a delegate so that they may consider whether to commence action to terminate the member’s service. Policy and guidance on termination of
service is located in MILPERSMAN, Part 10, Chapter 2—Termination of Service in the Australian Defence Force.

**ACTION TO BE TAKEN ON RETURN OF AWOL DEFENCE MEMBER TO PARENT UNIT OR TO OTHER THAN PARENT UNIT PRIOR TO THREE MONTHS CONTINUOUS ABSENCE**

6.17 When, prior to three months continuous absence, a Defence member who has been AWOL returns to their parent unit, or a Defence member who is AWOL is apprehended or surrenders and is attached to a unit other than their parent unit for disciplinary purposes, the CO of the relevant unit is to:

a. if parent unit, comply with the requirements of the relevant single-Service’s instruction on disposal of commonwealth and private property. If other than parent unit, notify the CO of the parent unit to arrange return of the Defence member if required and request parent unit to comply with the relevant single-Service instruction

b. take administrative or disciplinary action as required

c. arrange, as soon as practicable, for a medical examination of the Defence member to identify any physical or mental health issues requiring management or which might restrict future posting options

d. if parent unit, notify the relevant single-Service CMA, Service Provost Marshal and DEFPAC by Defence signal in the format in Annex 6F. If other than parent unit, notify by Defence signal in the format in Annex 6G

e. request the relevant single-Service CMA to identify a vacant position and enter a PST MGT PMKeyS row to return the Defence member to an action paid position

f. update the PMKeyS leave application panel (using leave code FUA – ABSENCE WITHOUT LEAVE ADF) to reflect the end date of the Defence member’s return to duty

g. notify DEFPAC and APAC, if applicable, by signal requesting input of Cease Pay Restriction transaction.

**ACTION ON RETURN OF AWOL DEFENCE MEMBER FOLLOWING MORE THAN THREE MONTHS CONTINUOUS ABSENCE**

6.18 A Defence member who has been AWOL for more than three months would ordinarily have had their service terminated. Should a former Defence member under such circumstances surrender to any unit, the CO concerned is to contact the relevant single-Service CMA immediately and seek guidance as to what course of action is considered appropriate. Should an AWOL Defence member whose service has not been terminated after three months surrender, then the processes in paragraph 3.17 are to be followed.
ACTION ON ISSUING AN ARREST WARRANT

6.19 The basis for the issue of an arrest warrant for a member who is AWOL is subsection 90(1) of the *Defence Force Discipline Act 1982*. CO's should seek legal advice where they are unsure of the merits of this course of action.

6.20 Where circumstances justify the issuing of an arrest warrant, the original warrant is to be held in safe keeping by the senior Service Police member managing the case. The senior Service Police member is to notify relevant civilian police services. A copy of the warrant is to be sent to the single-Service Provost Marshal, attention Service Police Records Office.

6.21 When a warrant has been served and the Defence member has been arrested or the Defence member surrenders to a military or civilian police authority, the Service Provost Marshal, the parent unit and the relevant CMA are to be notified at the earliest opportunity. Where the Defence member is arrested away from their unit location, escorts should be provided whenever possible by Service Police from the Defence member’s base or ship.

6.22 Cancellation of warrants. A warrant for arrest must specify the date after which the warrant ceases to have effect. Generally, the warrant should be annotated to cease to have effect three calendar months after the date the warrant is issued, after which time administrative action would ordinarily have been taken to terminate the service of the Defence member. In cases where a Defence member has committed a serious offence prior to going into absence and has not been tried for that offence, the warrant may be issued with a later expiry date than the normal three months period. A warrant is automatically cancelled on that date or on the date that a Defence member is recovered from absence. Where the Defence member has been recovered, action is to be taken to cancel warrants, including notifying all parties who received a copy of the warrant.

ARREST OF ABSENTEES

6.23 Pursuant to a warrant, any Defence member may be arrested within Australia by:

a. a member of the ADF in accordance with the *Defence Force Discipline Act 1982*

b. a member or special member of the Australian Federal Police, or

c. a member of the police force of a State or Territory.

6.24 Where a CO believes that an absentee is outside Australia or its Territories and wishes to have the member apprehended, the CO is to seek direction from their higher headquarters on the appropriate course of action.

RELATED MANUAL CHAPTERS

MILPERSMAN, Part 10, Chapter 2—*Termination of Service in the Australian Defence Force*
RELATED LEGISLATION, POLICY AND PUBLICATIONS

_Defence Force Discipline Act 1982_

_Defence (Inquiry) Regulations 1985_

_Defence Regulation 2016_

_Interim Defence Instruction Administration 45–2—Incident Reporting and Management_

_Defence Casualty and Bereavement Support Manual (DCBSM)_

**Annexes:**

6A  Procedures for reporting and management of Navy members absent without leave

6B  Signal Template – Notification of member absent without leave – Initial Notification

6C  Suggested text to PEC of absentee

6D  Signal Template – Notification of member absent without leave – 22 Day Notification

6E  Signal Template – Notification of member absent without leave – Three Month Notification

6F  Signal Template – Return of member absent without leave – Recovery by Parent Unit prior to three months absent without leave

6G  Signal Template – Return of member absent without leave – Recovery by other than Parent Unit Prior to three months absent without leave

**Sponsor:** ASPPEC (DMPP)
ANNEX 6A

PROCEDURES FOR REPORTING AND MANAGEMENT OF NAVY MEMBERS ABSENT WITHOUT LEAVE

INTRODUCTION

1. This annex provides supplementary procedural details for the reporting and management of absentees in the Royal Australian Navy (RAN).

ROLES AND RESPONSIBILITIES

2. **Naval Personnel and Career Management Agency (NPCMA).** NPCMA is responsible for taking all appropriate posting action for RAN personnel as well as conducting termination in absentia in accordance with Defence Regulation 2016 Section 24, Australian Book of Reference (ABR) 10—Sailor’s Career Management Manual and Australian Book of Reference 6289—RAN Officer’s Career Management Manual.

3. **Office of the Provost Marshal – Navy (OPM–N).** OPM–N is responsible for receiving copies of affidavits (Form AD 897) and warrants for arrest (Form AD 897) raised by authorised officers under subsection 90(1) of the Defence Force Discipline Act 1982 and distributing this information to the civilian police and Defence authorities. OPM–N is also responsible for the technical standards of Naval Police Coxswain (NPC) conduct in support of absentee administration and for providing specialist advice regarding absentees.

4. **Directorate of Navy Personnel Information Systems Management (DNPIISM).** DNPIISM is responsible for ensuring that Personnel Management Key Solutions (PMKeyS) action (such as non effective service) is carried out.

5. **Commanding Officer (CO).** The CO is responsible for the conduct of unit actions regarding absentees including storage and disposal of personal effects and notification of the Primary Emergency Contact (PEC) to request assistance for return of the absentee. The CO is responsible for initiating termination in absentia in accordance with Defence Regulation, ABR 10 and ABR 6289. The CO is the primary authority to decide whether an arrest warrant should be issued.

6. **Supervisor or Manager.** The immediate supervisor or manager is responsible for reporting a member as a possible absentee to their departmental regulator, duty officer, chain of command or Service Police section.

7. **Departmental Regulator/Duty Officer.** The Departmental Regulator or the Duty Officer, as appropriate, is responsible for the initial conduct of the breakout routine.

8. **Corporate Card Supervisor.** The Corporate Card Supervisor of the absentee is responsible for taking appropriate action regarding an absentee’s corporate cards.
9. **Service Police.** Where borne, Naval Police Coxswains (NPC) are responsible to oversee and administer the absentee process as well as store personal property in accordance with this instruction. The Senior NPC may provide advice to command regarding the issuing of a warrant for an absentee. Where no NPC is borne, the CO is to liaise with the local Service Police section to ensure appropriate action is taken. Service Police are to maintain and actively manage either an electronic or physical absentee register which encompasses all current absentee information.

10. **Members.** All RAN members are responsible for providing the chain of command with information relevant to the unauthorised absence of the absentee.

### PROCEDURES

#### GENERAL

11. In circumstances where personnel are subject to a Local Area Movement (LAM), temporarily detached for duty to another unit/organisation, or are absent when a vessel has sailed, and the parent unit does not have the connectivity required to carry out actions as detailed in policy, agreement is to be reached between the parent CO, the CO of the home ported or local administrative establishment, and any relevant Defence authorities on the most appropriate CO to conduct specified actions.

#### NOTIFICATION OF ABSENCE

12. **Breakout Routine.** On initial receipt of a report of an absentee or suspected absentee, the Departmental Regulator/Duty Officer is then responsible for commencing the Breakout Routine, a series of checks to locate the member in question. The Departmental Regulator/Duty Officer must ensure that the matter is then reported through the chain of Command for follow up action as required. The format for a Breakout Routine is shown in Appendix 1 and an example Absentee Breakout proforma is in Appendix 6A2 of this annex.

13. **Dispatch of Signal.** As stated in the main instruction, the initial Absent Without Leave (AWOL) notification signal will normally be sent after 24 consecutive hours has expired. However, if a member is absent when their ship sails, the signal must be sent on sailing. Ships unable to access PMKeyS are to additionally report the absence on their Registered Movements Signal in accordance with extant Personnel Onboard reporting procedures.

14. **Checking to ‘Absence’**. Ships and establishments are to enter the initial absentee information into PMKeyS in accordance with Defence Instruction (General) (DI(G)) ADMIN 10–8—Conduct Reporting and Tracking System.

15. DNPISM is to record the Non–Effective Service component of the absent member using a Forces Unauthorised Absence to annotate the member being AWOL within PMKeyS.
EXTENDED ABSENCE

16. Checking to ‘Extended Absence’. If a member has not returned after seven days absence, the member is to be checked to ‘Extended Absence’ as from the date which the absence began. The CO is to notify Navy People Career Management Agency (NPCMA, PM–N, DEFPAC), and where applicable any other Coordinating Agency by Defence signal in the format in Appendix 6A3 of this annex. NPCMA is responsible for checking the member to ‘Extended Absence’ in PMKeyS.

17. Upon receipt of the signal, the NPCMA is to post the member to the non-effective strength of their parent unit using PMKeyS Code MPU/983—Desertion/Unauthorised Absence.

COLLECTION AND INVENTORY OF PERSONAL EQUIPMENT AND EFFECTS

18. The procedures below are provided as guidance to units in dealing with any personal effects or Defence issued equipment of an absentee located within Navy ships, establishments or workplaces. Where in doubt, a commonsense approach should be taken, ensuring transparent recording of any actions and decisions for the purpose of future accountability.

19. The CO is to cause all equipment and effects of the absentee to be mustered by at least two trustworthy persons of appropriate rank. Where additional DFDA or criminal offences are suspected prior to the muster, or where suspicion arises during the course of the muster, an NPC or other Service Police member is to be present.

20. The mustering persons must prepare an inventory of effects on Form PD 049—Effects of Naval Offender/Absentee/Hospital Patient/Deceased and sign the form in the appropriate space. The inventory is to include any cash found among the effects. Should there be no effects, a Form PD 049 showing ‘Nil’ is to be completed and signed by the mustering persons. In the presence of the mustering persons, all of the effects (except for items as directed in later paragraphs) must then be suitably packed and labelled with the name rank and personal number of the absentee. The exterior of the package/bag must display a list of the contents of that package/bag.

21. Soiled/perishable items which should not be retained for hygiene reasons. Soiled clothing and other dirty items are to be laundered or cleaned before being packed. Any clothes or effects that should not be retained for hygiene or contamination reasons only—for example, fungal, bacterial, chemical, etc should be destroyed and a notation made in the inventory to this effect. Where practicable, any such destruction should be supported by a report from a Medical Officer. Perishable items such as foodstuffs are to be disposed of. Photographs are to be taken and retained of any items disposed of or destroyed. No item is to be disposed of or destroyed without prior concurrence by the relevant Service Police section head, to prevent the loss of potential evidence. Care is to be taken to remove money or other personal item from clothing or effects.

22. Valuables. Credit cards, personal cheque books, bank books, uncashed cheques and private articles of value such as watches, cameras and jewellery are to be listed on a separate Form PD 049. The serial number and amounts of any
insurance policies and bank books must also be included. Uncashed cheques must be recorded along with the name and the address of the bank and the name of the drawer of each cheque. The effects are to be packed and sealed in the presence of the mustering persons.

23. All valuable or attractive items found in effects, including documents of a personal nature—for example, journals, diaries or bills, are to be maintained by the Senior Service Police member. These items are to be placed into a tamper evident container and to be signed by the senior member of the mustering party and the Service Police member present. The other effects once packed are also to be maintained by the Senior Service Police member. All transactions are to be receipted. Key documents, such as wills, passports and birth certificates, are to be placed in a separate package for ease of access.

24. Cash found in the process of the mustering is to be dealt with IAW subsection 20A of the Public Governance, Performance and Accountability Act 2013, Accountable Authority Instructions (AAI) 7.2.2—Money found on Defence premises and the Financial Management Manual 5 (FINMAN 5), subsection 7.3—Money found on Commonwealth premises.

25. **Private correspondence.** Private correspondence, diaries, photographs, etc are to be examined to ensure they do not contain any information contrary to security regulations. Documents containing security information are to be sealed in an envelope and secured in an appropriate Defence security container. All other correspondence is to be packed and labelled.

26. **Official documents and Defence stores items.** Any official documents, loan clothing, flying clothing or Defence stores found with the effects should be returned to administration or stores. The completed Form PD 049 is to note the return. The disposal of flying log books, Service Police notebooks and other accountable documents are to be managed in accordance with relevant Defence policies.

27. **Weapons, ammunition and hazardous items.** Any weapons or ammunition found among the effects that can be identified as Service property are to be returned to the Unit Armoury. Private weapons and ammunition are to be held within the Unit Armoury in accordance with Australian Book of Reference 1920—Royal Australian Navy Manual of Military Skills or other relevant policies. Hazardous items, such as chemicals or flammables, are to be stored in accordance with relevant Defence instructions. The Form PD 049 is to be annotated accordingly.

28. **Controlled items.** Any controlled items, such as S4 drugs, are to be passed into the custody of an appropriate authority and a receipt obtained. The Form PD 049 is to be annotated accordingly.

29. **Inventories.** These are to be signed by the members of the mustering party. The Senior Service Police member borne must maintain a copy of the Form PD 049. Copies of the Form PD 049 must be entered into Objective and placed on the personal file of the absentee. A further copy must be attached to the packaged items. These documents are to be signed by the CO who is to approve an appropriate secure storage area for the items.
WARRANTS FOR ARREST

30. Completion of Warrant. Three originals of the warrant (Form AD 897) are to be signed by the CO or authorised officer. Two originals of the warrant and affidavit (Form AD 897) are to be forwarded by Express Post to:

Office of the Provost Marshal – Navy (OPM–N)

BP 35–02–050

PO Box 7927

CANBERRA BC ACT 2610

31. The warrant (Form AD 897) is to be accompanied by two photographs of the member if available. Photographs of the absentee can be obtained from their official passport, Divisional Documents, or by contacting the last known issuing authority of the member’s Defence Common Access Card.

32. The third original of the warrant and affidavit (Form AD 897) is to be retained by the ship/establishment/unit.

33. Action by OPM–N. OPM–N must forward an original copy of the warrant, affidavit and photograph to the Australian Federal Police (AFP). An original copy of the warrant, affidavit and photograph are to be retained by OPM–N with copies of the warrant, affidavit and photograph sent to all authorities shown in Appendix 4 of this chapter.

RECOVERY OF ABSENTEEES

34. On report of recovery. The recovery signal is to be taken as the authority to cancel warrants for arrest, for DNPISM to amend PMKeyS to reflect recommencement of Effective Service and for the relevant Pay Section to Cease Pay Restriction. NPCMA is to consult with the member’s parent and gaining units as necessary to commence future posting action.

35. Management of recovered absentee. Where a member returns or is returned to a unit after a period of absence the recovering unit is to liaise with the member’s parent unit and any other relevant Service authorities—for example, Career Management Agency, to determine the appropriate course of action with respect to the disposition of the member. The following factors may be relevant in determining the appropriate course of action:

a. whereabouts of the absentee’s parent unit

b. whether the recovering unit or the parent unit is best equipped to administer consequent administrative/disciplinary action stemming from the absence

c. availability of any necessary personnel/documentation necessary to support administrative or disciplinary action

d. time lost in, and the expense of, travelling.
DISPOSAL OF PERSONAL EFFECTS ON TERMINATION IN ABSENTIA

36. Once NPCMA has completed the action to discharge the absentee, the Senior Service Police member is to attempt to contact the absentee or their PEC regarding the disposition of the property. This may be made via letter, email or phone informing the person that unless claimed within 14 days the held items will be disposed of in accordance with obligations under the Public Governance, Performance and Accountability Act 2013 and in compliance with Defence policy as set out in Accountable Authority Instructions, 7.2.2—Money Found on Defence Premises, Accountable Authority Instructions, 10.2—Disposing of Relevant Property, Defence Finance Manual 5, paragraph 7.3—Money found on Commonwealth premises and Defence Finance Manual 5, paragraph 10.3.6—Disposal of Property Found on Commonwealth Premises.

37. If no contact is made after 14 days of reasonable receipt of notification, the unit may commence disposal action in compliance with the provisions of Accountable Authority Instructions and Financial Management Manual 5.

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Defence Instruction (General) ADMIN 10–8—Conduct Reporting and Tracking System

Accountable Authority Instructions (AAI) 7.2.2—Money found on Defence premises

Accountable Authority Instructions (AAI) 10.2—Disposing of relevant property


Australian Book of Reference 10—Sailor’s Career Management Manual

Australian Book of Reference 1920—Royal Australian Navy Manual of Military Skills

Australian Book of Reference 6289—RAN Officer’s Career Management Manual

RELATED WEB FORMS

Form PD 049—Effects of Naval Offender/Absentee/Hospital Patient/Deceased

Form AD 897—Affidavit

Form AD 903—Warrant for Arrest of Person Suspected of Having Committed a Service Offence

Appendices:

6A1 Breakout Routine (for an absentee from the workplace)

6A2 Breakout Routine proforma

6A3 Signal – Notification of member absent without leave – extended absence

6A4 Distribution of warrants
BREAKOUT ROUTINE (FOR AN ABSENTEE FROM THE WORKPLACE)

1. A ‘Breakout Routine’ is to commence with all actions recorded on the attached proforma. This routine is to be conducted in the following format:

a. Check the member’s usual workplaces

b. Check the workplace and unit recreational areas

c. Ring the member’s Recall phone number as stated in the recall list, or other contact numbers listed in Personnel Management Key Solutions (PMKeyS).

d. Inquire whether other personnel who normally work or recreate with the absentee know of their whereabouts. Further, enquire if there is any reason as to why the person may be absent

e. Ask if regulating or administrative staff have been approached to ascertain the absentee’s whereabouts. If needed, contact the Departmental Regulator or relevant authority for that department/workplace and ascertain:

(1) if the member has been granted Short Absence from Duty, Medical Absence from Duty, Recreational Leave or other leave for specific purposes

(2) if the member has been loaned or posted at short notice to another unit/ship

(3) if the Regulator/authority knows the member’s likely whereabouts

(4) if there any circumstances about the member that may be of a concern or likely to have caused their absence (Divisional Matters)

(5) through the use of PMKeyS, whether the absentee is on leave, course or posting.

f. Contact the following areas and ascertain whether the member has mustered for sick parade or has an appointment with the following:

(1) Medical department

(2) Dental department

(3) Specialist department

(4) Psychology department

(5) Chaplain office

(6) Local alcohol and drug program advisor coordinator
(7) Local Service Police Office.

g. Contact the gymnasium, the member may be doing remedial PT or their annual physical fitness test

h. if after hours, then a check of mess recreational and bar areas is to be made.

2. Once all the above avenues have been exhausted and if the member remains missing, the absence is to be reported to the local Service Police Office. The Service Police Staff are to take the following actions:

a. Contact the local hospitals in the area and try to ascertain if the member has been admitted to that facility

b. Ring the local State or Federal Police departments and advise them you are trying to establish the whereabouts of a member of the unit who is missing or failed to report for duty. Ask if they have in custody or have knowledge of an incident that may involve this person

c. In extreme cases of legitimate concern, consideration should be given to contacting the State Morgue to ascertain if the member has been admitted, or if an unidentified person meeting his/her description is admitted. This is to be performed by Service Police staff only.

3. Once these avenues have been exhausted, the Commanding Officer (CO)/Executive Officer (XO) are to be advised that the member is believed absent without leave. The Service Police should provide recommendations to the CO/XO on the raising of an arrest warrant.

4. **Home visits.** A visit to the home of the member should not be carried out unless special circumstances exist. Special circumstances will exist when there are facts or information made known to Service Police staff, which gives rise to concern for the health or safety of the absentee. The Defence Community Organisation (DCO) may assist the unit in facilitating home visits.

5. If special circumstances exist, consideration should be given to seeking the assistance and presence of civilian police. The decision to seek the assistance of civilian police must be approved by Command.

6. If the member is not located then the Absentee process is to be followed.
# EXAMPLE OF ABSENTEE BREAKOUT PROFORMA

<table>
<thead>
<tr>
<th>HMAS XXXX/Unit:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Surname:</td>
<td></td>
</tr>
<tr>
<td>Given name(s):</td>
<td></td>
</tr>
<tr>
<td>Rank/Rate:</td>
<td>PMKeyS Employee ID:</td>
</tr>
<tr>
<td>Under 18 years?</td>
<td>Yes</td>
</tr>
<tr>
<td>Place of employment:</td>
<td></td>
</tr>
<tr>
<td>Time reported:</td>
<td>Reported by:</td>
</tr>
<tr>
<td>Supervisor</td>
<td>Ext:</td>
</tr>
<tr>
<td>Regulator:</td>
<td>Ext:</td>
</tr>
<tr>
<td>Divisional Officer:</td>
<td>Ext:</td>
</tr>
<tr>
<td>Ensure the absentee is not in the normal place of employment</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>---</td>
</tr>
<tr>
<td>Ensure the absentee is not on leave</td>
<td></td>
</tr>
<tr>
<td>Ensure the absentee is not on course</td>
<td></td>
</tr>
<tr>
<td>Ensure the absentee has not been posted LAM/Activity Log Movement</td>
<td></td>
</tr>
<tr>
<td>SMHQ HR Manager: (SM Personnel Only)</td>
<td></td>
</tr>
<tr>
<td>Medical Dept</td>
<td>Dental Dept</td>
</tr>
<tr>
<td>Psychology Dept</td>
<td>Chaplin Office</td>
</tr>
<tr>
<td>WAADPAC (after hours)</td>
<td></td>
</tr>
<tr>
<td>Check Mess and Bar Areas, Cinema, Canteen Areas</td>
<td></td>
</tr>
<tr>
<td>(LIA Member) Check Cabin &amp; Facilities (Laundry, TV Rooms)</td>
<td></td>
</tr>
<tr>
<td>List any reason (if any) that you have been informed may have caused or led to the person becoming an absentee:</td>
<td></td>
</tr>
<tr>
<td><strong>Member’s local recall details:</strong></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>Contact number (home):</td>
<td>Contact number (mobile):</td>
</tr>
<tr>
<td><strong>Last sighting of member:</strong></td>
<td></td>
</tr>
<tr>
<td>Place:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>Any other significant information:</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**
(a) Section A: To be completed by the Department regulator, Chain of Command or the Duty Officer.
Local police called? | Yes / No | Time:  
Local hospital called? | Yes / No | Time:  
Mortuary called? | Yes / No | Time:  
Is a Home Visit considered appropriate? | Yes / No  
Is the assistance of DCO / Chaplaincy required? | Yes / No  
Absensee Signal raised? | Yes / No  

**Notes:**
(a) Section B : To be completed by Service Police staff

| CO/XO Informed? | Yes / No | Time  
| Regulator/Duty Officer Sign | N/A | Service Police Sign  

This Form is to be retained by Service Police Staff until the member has been recovered or Service Terminated due to Extended Absence)
# APPENDIX 6A3

## NOTIFICATION OF MEMBER ABSENT WITHOUT LEAVE – EXTENDED ABSENCE

<table>
<thead>
<tr>
<th>Security Classification:</th>
<th>UNCLASSIFIED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Precedence action:</td>
<td>PRIORITY</td>
</tr>
<tr>
<td>Message SOC</td>
<td></td>
</tr>
<tr>
<td>From:</td>
<td>Reporting Unit</td>
</tr>
</tbody>
</table>

| To: (Defence)            | PM ADF       |
|                         | DEFPAY Melbourne  |
|                         | DS-(insert region)- PAC  |
|                         | DEFCOMMUNITYORG (insert region) (Navy)  |
|                          | AIG3622   |
|                          | CN AUSTRALIA|
|                          | DGNHS  |
|                          | NPCMA  |
|                          | NPCMA (insert region)  |
|                          | FHQAUST |
|                          | DPSN  |
|                          | DNPISM  |
|                          | AUSNAVSTRATCOM  |
|                          | COMAUSSHOREFOR  |
|                          | MARHOPS (if applicable)  |
|                          | Member’s Admin Authority (if different to parent unit)  |

<table>
<thead>
<tr>
<th>INFO</th>
<th>(Navy)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Admin authority location of member’s PEC (if applicable)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SENSITIVE</th>
<th>PERSONAL</th>
</tr>
</thead>
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### SUBJ:

NOTIFICATION OF MEMBER ABSENT WITHOUT LEAVE – EXTENDED ABSENCE

A. Military Personnel Policy Manual – Reporting and management of members absent without leave

B. Reference Notification of Member AWOL – Initial Notification Defence signal

1. Provide full particulars of absent member.
2. State that the member is still absent as advised in reference B
3. Compliance with requirements detailed in accordance with the single Service Instruction on disposal of public and private property as a result of illegal absenteeism and security measures to be taken
4. Investigating Officer (IO) appointed—provide details of the IO and terms of reference
5. Warrants for arrest – provide date issued and cease date
6. Pay restrictions – provide commencement date
7. Summary of outstanding disciplinary or criminal charges (if applicable).
8. Whether recommended for termination of service due to extended absence if not recovered at three month point
9. Request CMA post the member to non-effective strength of parent unit
10. POC details for parent unit

### Note:

(a) For Navy, the Access Indicator Group – AIG 3622 may be used. When using this AIG, the releasing unit will need to remove the MAROPS and NPCMA region PLAs if these are not applicable to the absentee. The DEFCOMMUNITYORYG and the absentee’s admin authority PLAs (if different to the parent unit) are to be added as action addresses of the signal.
DISTRIBUTION OF WARRANTS

1. Warrants for arrest of Navy personnel are to be addressed and distributed to the following authorities by Provost Marshal – Navy:

   a. **Original:**

      (1) Warrant Section, Australian Federal Police, City Police Station, PO Box 401, CANBERRA ACT 2601.

   b. **Copies:**

      (1) Navy People Career Management Agency (NPCMA)

      (2) Commanding Officer (CO), HMAS Albatross

      (3) CO HMAS Cairns

      (4) CO HMAS Cerberus

      (5) CO HMAS Coonawarra

      (6) CO HMAS Creswell

      (7) CO HMAS Kuttabul

      (8) CO HMAS Harman

      (9) CO HMAS Penguin

      (10) CO HMAS Stirling

      (11) CO HMAS Waterhen

      (12) CO HMAS Watson

      (13) Navy Headquarters (NHQ) South Australia (SA)

      (14) NHQ South Queensland and

      (15) NHQ Tasmania.
## SIGNAL TEMPLATE – NOTIFICATION OF MEMBER ABSENT WITHOUT LEAVE – INITIAL NOTIFICATION

<table>
<thead>
<tr>
<th>Security Classification</th>
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</tr>
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<tbody>
<tr>
<td>Precedence action:</td>
<td>PRIORITY</td>
</tr>
<tr>
<td>Message SIC</td>
<td></td>
</tr>
<tr>
<td>From:</td>
<td>Reporting Unit</td>
</tr>
<tr>
<td>To: (Defence)</td>
<td>PM ADF</td>
</tr>
</tbody>
</table>

- DEFipay Melbourne
- DS-(insert region)- PAC
- DEFCOMMUNITYORG (insert region)
- (Navy)
- AIG3622
- CN AUSTRALIA
- DGNHS
- NPCMA
- NPCMA (insert region)
- FHQAUST
- DPSN
- DNPISM
- AUSNAVSTRATCOM
- COMAUSSHOREFOR
- MARHOPS (if applicable)
- Member’s Admin Authority (if different to parent unit)
- (Army)
- ADF-LSL
- ARMY-HQ
- DSCM-A (for ARA and CFTS officers, and ARES LTCOL and above)
- PLA "CMA DCMI-A"
<table>
<thead>
<tr>
<th>Security Classification</th>
<th>UNCLASSIFIED</th>
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<tbody>
<tr>
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<td>include the appropriate command as follows:</td>
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<tr>
<td></td>
<td>HQ FORCOMD (as applicable)</td>
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<td></td>
<td>PAC–NSW (for Navy, Air Force and Army not administered by APAC)</td>
</tr>
<tr>
<td></td>
<td>Regional APAC (as applicable)</td>
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<td></td>
<td>SOHQ (as applicable)</td>
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<td></td>
<td>HQ 1 DIV (as applicable)</td>
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<td>(RAAF)</td>
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<tr>
<td></td>
<td>CAF CANBERRA (for DCOORD–AF)</td>
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<td></td>
<td>DEFAIR DGPERS–AF</td>
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<td></td>
<td>DEFAIR DP–AF</td>
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<tr>
<td>INFO</td>
<td>(Navy)</td>
</tr>
<tr>
<td></td>
<td>Admin authority in location of member’s PEC (if applicable)</td>
</tr>
<tr>
<td></td>
<td>Admin authority location of member’s PEC (if applicable)</td>
</tr>
<tr>
<td>Security Classification</td>
<td>UNCLASSIFIED</td>
</tr>
<tr>
<td>-------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>SENSITIVE</td>
<td>PERSONAL</td>
</tr>
<tr>
<td>SUBJ:</td>
<td>NOTIFICATION OF MEMBER ABSENT WITHOUT LEAVE – INITIAL NOTIFICATION</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>PMKeyS number, surname, initials, rank of absent member.</td>
</tr>
<tr>
<td>2.</td>
<td>Recall address.</td>
</tr>
<tr>
<td>4.</td>
<td>Date/Time of the commencement of absence</td>
</tr>
<tr>
<td>5.</td>
<td>Date/Time and location last seen.</td>
</tr>
<tr>
<td>6.</td>
<td>Possible reasons for absence if known—for example, sickness/trouble in family, known offer of alternative employment, imminent DFDA or civil court action, suspension from course, etc.</td>
</tr>
<tr>
<td>7.</td>
<td>Possible location outside unit area (if known). (If used, make unit that area an action addressee and request they attend location).</td>
</tr>
<tr>
<td>8.</td>
<td>Details of action taken to locate the member—for example, contacted PEC, checked with local hospital and police authorities.</td>
</tr>
<tr>
<td>9.</td>
<td>Administrative action taken—for example, safeguarding of public and private property in accordance with the single Service Instruction on disposal of public and private property as a result of illegal absenteeism.</td>
</tr>
<tr>
<td>10.</td>
<td>Commence pay restrictions.</td>
</tr>
<tr>
<td>11.</td>
<td>PMKeyS updated/not updated.</td>
</tr>
<tr>
<td>12.</td>
<td>POC details at parent unit.</td>
</tr>
</tbody>
</table>

**Notes:**

(a) For Navy, Subject Indicator Codes (SIC) A1A, WAT and the relevant W3 for officers or W4 for sailors applicable to the member's category or PQ are to be used—for example, W4B – Boatswain's Mate.

(b) For Navy, the Access Indicator Group – AIG 3622 may be used. When using this AIG, the releasing unit will need to remove the MAROPS and NPCMA region PLAs if these are not applicable to the absentee. The DEFCOMMUNITYORG and the absentee's admin authority PLAs (if different to the parent unit) are to be added as action addresses of the signal.
(c) When the absence is abroad, the signal is to be addressed to the local Defence Attaché or the local Australian High Commission, Embassy or Consulate as required.
ANNEX 6C

SUGGESTED TEXT TO PRIMARY EMERGENCY CONTACT OF ABSENTEE

Dear *(insert title and name of person)*,

I am writing to inform you that your *(son/daughter/partner, etc)*, *(insert name in full)*, has been absent without leave from *(insert Unit)* since *(insert date)*.

It is an offence against the *Defence Force Discipline Act 1982* for a person to be absent without leave and the person is liable to be arrested and returned to custody of the Australian Defence Force. A warrant has now/has not yet been issued for arrest of your *(son/daughter/partner, etc)*.

Whilst he/she¹ is in a state of absence he/she¹ will cease to be eligible for pay and allowances and, as a consequence, payment of any allotments will cease during the period of his/her¹ absence. Any personal items left on Defence premises will be collected and stored for safe keeping until such time as he/she¹ returns to duty.

It is in your *(son’s/daughter’s/partner’s, etc)* best interest for him/her¹ to return to duty and if the whereabouts of *(insert name in full)* is known to you, your influence in having them return to their place of duty would be greatly appreciated.

Yours faithfully,

Commanding Officer

*(¹insert relevant relationship)*

¹ Delete as applicable
Security Classification  | UNCLASSIFIED
---|---
Precedence action:  | PRIORITY
Message SIC  | Reporting Unit
From: (Defence)  | PM ADF
| DEFPAY Melbourne
| DS-(insert region)- PAC
| DEFCOMMUNITYORG (insert region)
| (Army)
| ADF-LSL
| ARMY-HQ
| DSCM-A (for ARA and CFTS officers, and ARES LTCOL and above)
| include the appropriate command as follows:
| HQ FORCOMD (as applicable)
| PAC–NSW (for Navy, Air Force and Army not administered by APAC)
| Regional APAC (as applicable)
| SOHQ (as applicable)
| HQ 1 DIV (as applicable)
| (RAAF)
| CAF CANBERRA (for DCOORD–AF)
| DEFAIR DGPERS–AF
| DEFAIR DP–AF
| PLA "CMA DCMI-A"

SENSITIVE  | PERSONAL

SUBJ:  | NOTIFICATION OF MEMBER ABSENT WITHOUT LEAVE – 22 DAY NOTIFICATION


B. Reference notification of member AWOL – Initial Notification Defence signal.

1. Provide full particulars of absent member.
<table>
<thead>
<tr>
<th>Security Classification</th>
<th>UNCLASSIFIED</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. State that the member is still absent as advised in <a href="#">reference B</a>.</td>
<td></td>
</tr>
<tr>
<td>3. Compliance with requirements detailed in accordance with the single Service Instruction on disposal of public and private property as a result of illegal absenteeism and security measures to be taken.</td>
<td></td>
</tr>
<tr>
<td>4. If an Investigating Officer and Inquiry Officer are appointed—provide details of the Investigating Officer and Inquiry Officer and terms of reference.</td>
<td></td>
</tr>
<tr>
<td>5. Warrants for arrest – provide date issued and cease date.</td>
<td></td>
</tr>
<tr>
<td>6. Pay restrictions – provide commencement date</td>
<td></td>
</tr>
<tr>
<td>7. Summary of outstanding disciplinary or criminal charges (if applicable).</td>
<td></td>
</tr>
<tr>
<td>8. Whether recommended for termination of service due to extended absence if not recovered at three month point.</td>
<td></td>
</tr>
<tr>
<td>9. Request CMA post the member to non-effective strength of parent unit.</td>
<td></td>
</tr>
<tr>
<td>10. POC details at parent unit.</td>
<td></td>
</tr>
</tbody>
</table>
ANNEX 6E

SIGNAL TEMPLATE – NOTIFICATION OF MEMBER ABSENT WITHOUT LEAVE – THREE MONTH NOTIFICATION

<table>
<thead>
<tr>
<th>Security Classification</th>
<th>UNCLASSIFIED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Precedence action:</td>
<td>PRIORITY</td>
</tr>
<tr>
<td>Message SIC</td>
<td></td>
</tr>
<tr>
<td>From:</td>
<td>Reporting Unit</td>
</tr>
<tr>
<td>To: (Defence)</td>
<td>PM ADF</td>
</tr>
<tr>
<td></td>
<td>DEFPAY Melbourne</td>
</tr>
<tr>
<td></td>
<td>DS-(insert region)- PAC</td>
</tr>
<tr>
<td></td>
<td>DEFCOMMUNITYORG (insert region)</td>
</tr>
<tr>
<td></td>
<td>(Navy)</td>
</tr>
<tr>
<td></td>
<td>AIG3622</td>
</tr>
<tr>
<td></td>
<td>CN AUSTRALIA</td>
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<tr>
<td></td>
<td>DGNHS</td>
</tr>
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<td></td>
<td>NPCMA</td>
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<td></td>
<td>NPCMA (insert region)</td>
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<tr>
<td></td>
<td>FHQAUST</td>
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<tr>
<td></td>
<td>DPSN</td>
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<tr>
<td></td>
<td>DNPISM</td>
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<tr>
<td></td>
<td>AUSNAVSTRATCOM</td>
</tr>
<tr>
<td></td>
<td>COMAUSSHOREFOR</td>
</tr>
<tr>
<td></td>
<td>MARHOPS (if applicable)</td>
</tr>
<tr>
<td>Member’s Admin Authority (if different to parent unit)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(Army)</td>
</tr>
<tr>
<td></td>
<td>ADF-LSL</td>
</tr>
<tr>
<td></td>
<td>ARMY-HQ</td>
</tr>
<tr>
<td></td>
<td>DSCM-A (for ARA and CFTS officers, and ARES LTCOL and above)</td>
</tr>
<tr>
<td></td>
<td>include the appropriate command as follows:</td>
</tr>
<tr>
<td></td>
<td>HQ FORCOMD (as applicable)</td>
</tr>
<tr>
<td></td>
<td>PAC–NSW (for Navy, Air Force and Army not administered by APAC)</td>
</tr>
<tr>
<td></td>
<td>Regional APAC (as applicable)</td>
</tr>
</tbody>
</table>
## SUBJ:

NOTIFICATION OF MEMBER ABSENT WITHOUT LEAVE – THREE MONTH NOTIFICATION


B. Reference notification of member AWOL – Initial Notification Defence signal.

C. Reference notification of member AWOL – 22nd Day of Notification Defence signal
   
   1. Provide full particulars of absent member.
   2. State that the member is still absent as advised.
   
   3. Compliance with requirements detailed in accordance with the single Service Instruction on disposal of public and private property as a result of illegal absenteeism and security measures to be taken.
   
   4. If applicable, summary of Investigating Officer and Inquiry Officer reports
   
   5. Request the relevant single Service DGPERS area, as applicable provide further advice.
   
   6. POC for parent unit.

### Note:

(a) For Navy, the Access Indicator Group – AIG 3622 may be used. When using this AIG, the releasing unit will need to remove the MAROPS and NPCMA region PLAs if these are not applicable to the absentee. The DEFCOMMUNITYORG and the absentee’s admin authority PLAs (if different to the parent unit) are to be added as action addresses of the signal.
## SIGNAL TEMPLATE – RETURN OF MEMBER ABSENT WITHOUT LEAVE – RECOVERY BY PARENT UNIT PRIOR TO THREE MONTHS AWAY WITHOUT LEAVE

<table>
<thead>
<tr>
<th>Security Classification</th>
<th>UNCLASSIFIED</th>
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<tbody>
<tr>
<td>Precedence action:</td>
<td>PRIORITY</td>
</tr>
<tr>
<td>Message SIC</td>
<td></td>
</tr>
<tr>
<td>From:</td>
<td>Reporting Unit</td>
</tr>
<tr>
<td>To: (Defence)</td>
<td>PM ADF</td>
</tr>
<tr>
<td></td>
<td>DEFPAY Melbourne</td>
</tr>
<tr>
<td></td>
<td>DS-(insert region)- PAC</td>
</tr>
<tr>
<td></td>
<td>DEFCOMUNITYORIGIN (insert region)</td>
</tr>
<tr>
<td></td>
<td>(Navy)</td>
</tr>
<tr>
<td></td>
<td>AIG3622</td>
</tr>
<tr>
<td></td>
<td>CN AUSTRALIA</td>
</tr>
<tr>
<td></td>
<td>DGNHS</td>
</tr>
<tr>
<td></td>
<td>NPCMA</td>
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<tr>
<td></td>
<td>NPCMA (insert region)</td>
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<td></td>
<td>FHQAUST</td>
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<td></td>
<td>DPSN</td>
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<td></td>
<td>DNPISM</td>
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<td></td>
<td>AUSNAVSTRATCOM</td>
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<tr>
<td></td>
<td>COMAUSSHOREFOR</td>
</tr>
<tr>
<td></td>
<td>MARHOPS (if applicable)</td>
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<tr>
<td></td>
<td>Member’s Admin Authority (if different to parent unit)</td>
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<tr>
<td></td>
<td>(Army)</td>
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<tr>
<td></td>
<td>ADF-LSL</td>
</tr>
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<td></td>
<td>ARMY-HQ</td>
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<tr>
<td></td>
<td>DSCM-A (for ARA and CFTS officers, and ARES LTCOL and above)</td>
</tr>
<tr>
<td></td>
<td>include the appropriate command as follows:</td>
</tr>
<tr>
<td></td>
<td>HQ FORCOMD (as applicable)</td>
</tr>
<tr>
<td></td>
<td>PAC–NSW (for Navy, Air Force and Army not administered by APAC)</td>
</tr>
<tr>
<td></td>
<td>Regional APAC (as applicable)</td>
</tr>
</tbody>
</table>
SUBJ: NOTIFICATION OF RETURN OF AWOL MEMBER – RECOVERY BY PARENT UNIT PRIOR TO THREE MONTHS AWOL


B. Reference notification of member AWOL – Initial Notification Defence signal.

C. Reference notification of member AWOL – 22nd Day of Notification Defence signal

1. Provide full particulars of absent member.

2. Provide details surrounding member’s return—for example, date/time, location and brief reasons for member’s return.

3. Actions completed in accordance with the single Service Instruction on disposal of public and private property as a result of illegal absenteeism and security measures to be taken.

4. Details of proposed disciplinary action.

5. Notification to DEFPAY.

6. Whether member has been medically examined and if so details of any restrictions.

7. Request the relevant single Service DGPERS area, as applicable, if any further action is required.
<table>
<thead>
<tr>
<th>Security Classification</th>
<th>UNCLASSIFIED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8. Cancel warrants for arrest (if issued).</td>
</tr>
<tr>
<td></td>
<td>9. Cease pay restrictions.</td>
</tr>
<tr>
<td></td>
<td>10. Any other relevant details—for example, outstanding civil proceedings.</td>
</tr>
<tr>
<td></td>
<td>11. POC details for parent unit.</td>
</tr>
</tbody>
</table>

**Note:**

(a) For Navy, the Access Indicator Group – AIG 3622 may be used. When using this AIG, the releasing unit will need to remove the MAROPS and NPCMA region PLAs if these are not applicable to the absentee. The DEFCOMMUNITYORG and the absentee’s admin authority PLAs (if different to the parent unit) are to be added as action addresses of the signal.
# SIGNAL TEMPLATE – RETURN OF MEMBER ABSENT WITHOUT LEAVE – RECOVERY BY OTHER THAN PARENT UNIT PRIOR TO THREE MONTHS AWAY WITHOUT LEAVE

<table>
<thead>
<tr>
<th>Security Classification</th>
<th>UNCLASSIFIED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Precedence action:</td>
<td>PRIORITY</td>
</tr>
<tr>
<td>Message SIC</td>
<td></td>
</tr>
<tr>
<td>From:</td>
<td>Reporting Unit</td>
</tr>
<tr>
<td>To: (Defence)</td>
<td>PM ADF</td>
</tr>
<tr>
<td></td>
<td>DEFPAY Melbourne</td>
</tr>
<tr>
<td></td>
<td>DS-(insert region)- PAC</td>
</tr>
<tr>
<td></td>
<td>DEFCOMMUNITYORG (insert region)</td>
</tr>
<tr>
<td></td>
<td>Parent unit (Navy)</td>
</tr>
<tr>
<td></td>
<td>AIG3622</td>
</tr>
<tr>
<td></td>
<td>CN AUSTRALIA</td>
</tr>
<tr>
<td></td>
<td>DGNHS</td>
</tr>
<tr>
<td></td>
<td>NPCMA</td>
</tr>
<tr>
<td></td>
<td>NPCMA (insert region)</td>
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<td></td>
<td>FHQAUST</td>
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<td></td>
<td>MARHOPS (if applicable)</td>
</tr>
<tr>
<td>Member’s Admin Authority (if different to parent unit)</td>
<td></td>
</tr>
<tr>
<td>(Army)</td>
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</tr>
<tr>
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<td></td>
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<td></td>
</tr>
</tbody>
</table>
**SUBJ:** NOTIFICATION OF RETURN OF AWOL MEMBER – RECOVERY BY OTHER THAN PARENT UNIT PRIOR TO THREE MONTHS AWOL


B. Reference notification of member AWOL – Initial Notification Defence signal.

C. Reference notification of member AWOL – 22nd Day of Notification Defence signal

1. Provide full particulars of absent member.

2. Provide details surrounding member’s return—for example, date/time, location and brief reasons for member’s return.

3. Actions completed in accordance with the single Service Instruction on disposal of public and private property as a result of illegal absenteeism and security measures to be taken.

4. Details of proposed disciplinary action.

5. Notification to DEFPAY.

6. Whether member has been medically examined and if so details of any restrictions.

7. Request the relevant single Service DGPERS area, as applicable, if any further action is required.
<table>
<thead>
<tr>
<th>Security Classification</th>
<th>UNCLASSIFIED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8. Cancel warrants for arrest (if issued).</td>
</tr>
<tr>
<td></td>
<td>9. Cease pay restrictions.</td>
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<tr>
<td></td>
<td>10. Any other relevant details—for example, outstanding civil proceedings.</td>
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<tr>
<td></td>
<td>11. POC details for parent unit.</td>
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</table>

**Note:**
(a) For Navy, the Access Indicator Group – AIG 3622 may be used. When using this AIG, the releasing unit will need to remove the MAROPS and NPCMA region PLAs if these are not applicable to the absentee. The DEFCOMMUNITYORG and the absentee’s admin authority PLAs (if different to the parent unit) are to be added as action addresses of the signal.
CHAPTER 7
REPORTING, RECORDING AND DEALING WITH CIVIL OFFENCES, SERVICE AND CIVIL CONVICTIONS AND DIVERSIONARY PROGRAMS

INTRODUCTION

7.1 Civil convictions imposed by a Commonwealth, State or Territory court may affect the career management of Defence members. A civil conviction may also affect the suitability of applicants seeking to join the Australian Defence Force (ADF).

7.2 When a Defence member is arrested and/or charged with a civil offence, or participates in a Diversionary Program, the ADF is to be informed and is to determine whether the member remains suitable for their current employment or position. The ADF also has a responsibility to ensure that the Member is not prevented by ADF commitments from attending any court/program requirements.

POLICY STATEMENT

7.3 Defence members and applicants seeking to join the ADF are required to report and record any civil offences, service and civil convictions and diversionary programs they have attended or will be required to attend.

SCOPE

7.4 This chapter details the reporting and recording requirements and summarises the available administrative options when an applicant for appointment or enlistment in the ADF has a Recordable Conviction, and where a Defence member:

a. has been arrested and/or charged with a Civil Offence; or
b. has been placed on a Diversionary Program; or
c. has a Recordable Conviction.

DEFINITIONS

7.5 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout MILPERSMAN. The following definitions apply to this Chapter.

a. Civil offence means an offence against an Australian law (including Commonwealth, State or Territory laws) prosecuted by civilian authorities or an offence against a law of another country.

b. Conduct Record is a permanent record of a Member’s recordable convictions and related evidence. It is contained in Form PD 103—Conduct
c. **Diversionary Programs** are programs coordinated by civilian police, State and Territory courts and/or government health departments, which aim to divert people who have committed minor civil offences (e.g., possession or use of drugs) away from the criminal justice system for rehabilitation and further education. The programs differ with respect to eligibility, scope and legal effect.

d. **Recordable Conviction** is a Civil Conviction that is not a Spent Conviction.

e. **Service Conviction** is a conviction by a Service tribunal for a Service offence under the *Defence Force Discipline Act 1982* (DFDA). It does not include an infringement notice under the Discipline Officer scheme.

f. **Spent Conviction** is a Civil Conviction that has been defined as being a ‘spent conviction’ or an ‘annulled conviction’ pursuant to a State, Territory or Commonwealth Spent Conviction Scheme.

g. **Spent Conviction Schemes** are statutory or policy based schemes designed to prevent discrimination on the basis of relatively minor convictions by enabling people with a criminal record to ‘wipe the slate clean’ after a period of time.

### CIVIL CONVICTION PRIOR TO APPOINTMENT OR ENLISTMENT

7.6 A Recordable Conviction may affect a person’s suitability for appointment or enlistment in the ADF. All applicants will be asked to consent to a police records check for Recordable Convictions.

7.7 An individual does not have to disclose a Spent Conviction to any person, including the ADF, unless a legislative exclusion applies. Should an applicant for appointment or enlistment to the ADF disclose a Spent Conviction either voluntarily or by mistake, no consideration can be made of that Spent Conviction unless a legislative exclusion applies. Where there is doubt about the status of a particular conviction, legal advice may be sought.

### RECORDING

7.8 When a decision to enlist/appoint is made, the enlisting/appointing authority is to advise the relevant Service Career Management Agency (CMA) and the Defence Security and Vetting Service (DSVS) of all Recordable Convictions using part C of **Form PD 052**— *Report of Arrest, Charge for Civilian Offence and/or Civil Offence*. All Recordable Convictions are to be recorded on a Member's Conduct Record, **Form PD 103**, and on Personnel Management Key Solution (PMKeyS).
A DEFENCE MEMBER WITH A CIVIL OFFENCE

REPORTING REQUIREMENTS

7.9 Defence member’s responsibility. A Defence member who has been arrested and/or charged with a civil offence is to report this to their Commanding Officer (CO) within 24 hours of return to duty, by completing part A of Form PD 052. The member is to provide details of the nature of the arrest and/or charge, including pending court dates and any further requirements that may affect their availability for duty.

7.10 Officer, warrant officer, or senior non-commissioned officer and Service Police responsibilities. An officer, warrant officer, or senior non-commissioned officer, on becoming aware of a Defence member posted to their unit being arrested and/or charged with a civil offence, is to report the matter to the member’s CO. A Service Police member, on becoming aware of the arrest and/or charging with a civil offence of a member posted to their unit or another unit is to report the matter to the Member’s CO. This information must be handled as ‘SENSITIVE: PERSONAL’.

7.11 Further reporting requirements. The Defence member’s CO is to determine whether further reporting is required, in accordance with the following guidance:

a. If the matter amounts to a ‘notifiable incident’, as defined in DI ADMIN 45–2—The reporting and management of notifiable incidents, it is to be reported in accordance with that Instruction.

b. If the matter is likely to attract media or Parliamentary interest, it is to be reported to higher Headquarters.

c. If the Defence member holds a security clearance, Commanders must refer to the Defence Security Manual (DSM) for guidance on further reporting.

d. If the Defence member’s availability is affected or administrative action is taken, the matter is to be reported to the relevant Service CMA.

7.12 To assist Commanders, a Service Police agency may be asked to liaise with the relevant civilian authorities and confirm the circumstances of the arrest/charge.

RECORDING

7.13 The Form PD 052 is to be placed on the Defence member’s personal file at their unit. It must not be placed on the member’s conduct record.

7.14 Where:

a. A Defence member is arrested but not later charged, or where charge(s) are dropped or the member is found not guilty—Form PD 052 is to be removed from the member’s personal file and forwarded to the Directorate of Military Discipline Law (DMDL), Defence Legal Division (DL), for archiving and/or disposal as appropriate.
b. Administrative action is taken—a copy of Form PD 052 is to be permanently retained by the relevant agency as supporting material accompanying the record of the administrative action.

ADMINISTRATIVE CONSEQUENCES

7.15 The information reported on Form PD 052 may be used to determine whether there will be any administrative consequences, which may include, but are not limited to, those in Table 7–1 below. Before any adverse administrative action is taken, the Defence member is to be advised of the proposed action and afforded procedural fairness in accordance with Good Decision Making in Defence. In cases involving the use of prohibited substances, Commanders are to refer to MILPERSMAN, Part 4, Chapter 3—Management of the use or involvement with prohibited substances in the Australian Defence Force.

Table 7–1 Administrative consequences

<table>
<thead>
<tr>
<th>Interest</th>
<th>Options available</th>
</tr>
</thead>
</table>
| Defence member—to ensure they are available for a court appearance or further requirements. | • Posting restrictions, or  
• Reconsideration of the member's availability e.g.:  
  ─ to deploy, or  
  ─ to attend nominated courses. |
| ADF—suitability of the Defence member to retain a security clearance. | • Review of security clearance to determine suitability for continued access to classified matter. |

7.16 Suspension from duty. In addition to administrative consequences, when a Defence member is charged with a civil offence, consideration may be given to suspending the individual from duty pursuant to section 98 of the Defence Force Discipline Act 1982.

MEMBER PLACED ON A DIVERSIONARY PROGRAM

REPORTING REQUIREMENTS

7.17 Defence member’s responsibility. A Defence member who has been placed on a Diversionary Program is to report this to their CO, within 24 hours of returning to duty, by completing part B of Form PD 052. The member is to provide details of why they have been placed on the diversionary program, any undertakings they have made and any program requirements that may affect availability for duty.

7.18 Officer, warrant officer, or senior non-commissioned officer and Service Police responsibilities. An officer, warrant officer, or senior non-commissioned officer, on becoming aware of a Defence member posted to their unit being placed on a diversionary program, is to report the matter to the member’s CO. A Service Police member, on becoming aware of a member posted to their unit or another unit being placed on a diversionary program is to report the matter to the Member’s CO. This information must be handled as ‘SENSITIVE: PERSONAL'.
7.19 **Further reporting requirements.** The Defence member’s CO is to determine whether further reporting is required, in accordance with the following guidance:

a. If the matter amounts to a ‘notifiable incident’, as defined in [DI ADMIN 45–2](#), it is to be reported in accordance with that Instruction.

b. If the matter is likely to attract media or Parliamentary interest, it is to be reported to higher Headquarters.

c. If the Defence member holds a security clearance, Commanders are to refer to [DSM](#) for guidance on further reporting.

d. If the Defence member’s availability is affected or administrative action is taken, the matter is to be reported to the relevant Service CMA.

7.20 To assist Commanders, the relevant Service Police agency may be asked to liaise with the relevant civilian authorities and confirm the nature of the diversionary program. However, in some jurisdictions confidentiality requirements in legislation or policy may prevent civilian authorities from providing the ADF with information.

**RECORDING**

7.21 [Form PD 052](#) is to be placed on the Defence member’s personal file at their unit. It is not to be placed on the member’s conduct record. Upon successful completion of the program [Form PD 052](#) is to be removed from the member’s personal file and forwarded to DMDL for archiving and/or disposal as appropriate. If administrative action is taken, a copy of [Form PD 052](#) is to be permanently retained by the relevant agency as supporting material accompanying the record of the administrative action.

**ADMINISTRATIVE CONSEQUENCES**

7.22 The information reported on [Form PD 052](#) may be used to determine whether there will be administrative consequences, which may include, but are not limited to, any of those in table 7–2 below. Before any adverse administrative action is taken, the Defence member is to be advised of the proposed action and afforded procedural fairness in accordance with [Good Decision Making in Defence](#). In cases involving the use of prohibited substances, Commanders are to refer to MILPERSMAN, Part 4, Chapter 3.
### Table 7–2 Administrative consequences

<table>
<thead>
<tr>
<th>Interest</th>
<th>Options available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defence member—to ensure they are available to meet program requirements.</td>
<td>• posting restrictions, or&lt;br&gt;• reconsideration of member’s availability:&lt;br&gt;  — to deploy, or&lt;br&gt;  — to attend nominated courses.</td>
</tr>
<tr>
<td>ADF—suitability of the Defence member to retain security clearance.</td>
<td>• review of security clearance to determine suitability for continued access to classified matter.</td>
</tr>
<tr>
<td>ADF—suitability of the Defence member for further service.</td>
<td>• termination of service(a)&lt;br&gt;• reduction in rank;&lt;br&gt;• formal warning/censure/counselling;(b)&lt;br&gt;• denying or delaying promotion;&lt;br&gt;• transfer of employment category; or&lt;br&gt;• reconsideration of member’s suitability for:&lt;br&gt;  — confirmation of probationary appointment/enlistment;&lt;br&gt;  — offer of permanent appointment/enlistment;&lt;br&gt;  — extension of a limited period appointment/enlistment or compulsory retirement age;&lt;br&gt;  — conversion of appointment/enlistment to an indefinite period appointment/enlistment; or&lt;br&gt;  — representational post/duties.</td>
</tr>
</tbody>
</table>

**Notes:**
(a) See MILPERSMAN Part 10, Chapter 2— *Termination of Service in the Australian Defence Force.*
(b) See MILPERSMAN Part 9, Chapter 2— *Formal Warnings and Censures in the Australian Defence Force.*

7.23 Before any adverse administrative action is taken, the Defence member is to be advised of the proposed action and afforded procedural fairness in accordance with *Good Decision Making in Defence.*

**MEMBER CONVICTED OF A CIVIL OFFENCE**

**REPORTING REQUIREMENTS**

7.24 **Defence member’s responsibilities.** A Defence member who incurs a Recordable Conviction is to report this to their CO within 24 hours of returning to duty, by completing part C of *Form PD 052.* If the member has any doubt about
whether they have a Recordable Conviction, advice should be sought in the first instance from the relevant court/police agency.

7.25 Officer, warrant officer, or senior non-commissioned officer and Service Police responsibilities. An officer, warrant officer, or senior non-commissioned officer, on becoming aware of a new Recordable Conviction incurred by a Defence member posted to their unit is to report the matter to the individual’s CO. Service Police, on becoming aware of a new Recordable Conviction incurred by an member posted to their unit or another unit are to report the matter to the member’s CO. This information must be handled as ‘SENSITIVE: PERSONAL’.

7.26 Further reporting requirements. If there is doubt about whether the reported conviction is a Recordable Conviction legal advice should be sought.

7.27 The Defence member’s unit must report the Recordable Conviction to the relevant Service Career Management Agency. The Defence member’s CO is to determine whether further reporting is required, in accordance with the following guidance:

a. If the matter amounts to a ‘notifiable incident’, as defined in DI ADMIN 45–2, it is to be reported in accordance with that Instruction.

b. If the matter is likely to attract media or Parliamentary interest, it is to be reported to higher Headquarters.

c. If the Defence member holds a security clearance, Commanders are to refer to the DSM for guidance on further reporting.

7.28 To assist Commanders, a Service Police agency may be asked to liaise with the relevant civilian authorities and confirm the nature of the civil offence.

RECORDING

7.29 Form PD 052 is to be placed on the Defence member’s Conduct Record Form PD 103 and the Recordable Conviction is to be entered on PMKeyS in accordance with MILPERSMAN, Part 9, Chapter 8—Conduct Reporting and tracking System. If a conviction is subsequently quashed, that conviction is to be struck through and annotated as such on the cover of Form PD 103 and on Form PD 052. Where all recordable convictions on a Form PD 052 are quashed, the Form PD 052 is to be removed from Form PD 103 and forwarded to DMDL for archiving and/or disposal as appropriate.

7.30 Where administrative action is taken as a result of the conviction, a copy of Form PD 052 is to be retained by the relevant agency as supporting material accompanying the record of the administrative action.

ADMINISTRATIVE CONSEQUENCES

7.31 When a Defence member has a Recordable Conviction adverse administrative action may be considered. However, administrative action is not to be taken for the purpose of rectifying any perceived deficiency or inadequacy in the
sentence imposed by a civil court. In cases involving the use of prohibited substances, Commanders must refer to MILPERSMAN, Part 4, Chapter 3.

7.32 Before any adverse administrative action is taken, the member is to be advised of the proposed action and afforded procedural fairness in accordance with Good Decision Making in Defence.

7.33 The relevant administrative decision-making authority is to ensure that any administrative action is taken while the conviction remains a Recordable Conviction. Once the conviction becomes spent, which may occur after only a short period, the charge and the conviction may not be taken into account in decision-making unless a relevant exclusion applies.

7.34 To make an informed decision on the most appropriate administrative action to be taken, the relevant administrative decision-making authority may wish to examine the evidence gathered by civilian authorities. In such circumstances, the evidence required should be sought from the relevant civilian authority, through the Service Police.

7.35 Suspension from duty. In addition to administrative consequences, when a Defence member is convicted of a civil offence they may be suspended from duty pending a decision to terminate their Service, pursuant to section 99 of the Defence Force Discipline Act 1982.

DISCLOSURE OF SPENT CONVICTIONS

7.36 A Defence member does not have to disclose a Spent Conviction to any person, including the ADF, unless a legislative exclusion applies. Should a member disclose a Spent Conviction either voluntarily or by mistake, or where the conviction has become spent post-disclosure, no consideration can be made of that Spent Conviction unless a legislative exclusion applies. Where there is doubt about the status of a particular conviction, legal advice may be sought.

RECORDING OF SERVICE CONVICTIONS

7.37 To record a conviction by a court martial or Defence Force Magistrate (DFM), a copy of the Findings and Punishment Sheet signed by the Judge Advocate or DFM is to be attached to Form PD 103. If on review or appeal one or more convictions are quashed, then the conviction(s) is to be struck through and annotated as such on the Findings and Punishment Sheet and on the cover of the Conduct Record. If all convictions on a Findings and Punishment Sheet are quashed, they are to be taken off the Conduct Record and forwarded to DMDL for archiving and/or disposal as appropriate.

7.38 To record a Service Conviction from a Summary Authority trial, Form C2 – Charge Sheet and Action Report is to be attached to the Conduct Record. If on review one or more convictions are quashed, then those conviction(s) are to be struck through and annotated as such on Form C2 and on the cover of the Conduct Record. If all convictions are quashed the annotated Form C2 is to be taken off the Conduct Record and forwarded to DMDL for archiving and/or disposal as appropriate.
MAINTENANCE, CUSTODY AND DISPOSAL OF CONDUCT RECORD

7.39 Unless otherwise directed by the relevant Service CMA, the Conduct Record is maintained at the Defence member’s unit by an officer nominated by the CO (normally the officer having responsibility for the maintenance of other unit personnel documents). Upon discharge from the ADF, a member’s Conduct Record is to be sent with their other Service documents for permanent retention by the relevant Service records office. The Conduct Record and any other documentation dealing with a member’s convictions history must be marked ‘SENSITIVE: PERSONAL’.

7.40 Where a Recordable Conviction becomes spent, the member may notify their CO. Upon confirmation that a conviction has become spent, the CO is responsible for ensuring that the Conduct Record is annotated accordingly, that the PMKeyS Discipline Tracking function is updated, and is to notify the relevant Service CMA and DSVS for the amendment of their records.

EXTERNAL REPORTING AND DISCLOSURE OF CONVICTIONS

REPORTING AND DISCLOSURE OF SERVICE CONVICTIONS TO CIVIL COURTS

7.41 All requests by civil courts for information about Service Convictions should be referred to the Directorate of Litigation, Defence Legal Division.

DISCLOSURE OF SERVICE CONVICTIONS TO THIRD PARTIES

7.42 Where a third party (e.g. an employer or prospective employer of an ex-Defence member) requests information about a member’s Service Convictions, the request is to be forwarded to Service Police Central Records Office for resolution.

RELATED MANUAL CHAPTERS

MILPERSMAN, Part 9, Chapter 8—Conduct Reporting and Tracking System

MILPERSMAN, Part 4, Chapter 3—Management of the use or involvement with prohibited substances in the Australian Defence Force

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Defence Force Discipline Act 1982

DI ADMIN 45–2—The reporting and management of notifiable incidents

Defence Security Manual

Good Decision Making in Defence
RELATED WEB FORMS

Form PD 103—Conduct Record File Cover

Form PD 052—Report of Arrest, Charge for Civilian Offence and/or Civil Offence

Sponsor: ASPPEC (DMPP)
CHAPTER 8
CONDUCT REPORTING AND TRACKING SYSTEM

INTRODUCTION

8.1 In addition to civilian criminal law, members of the Australian Defence Force (ADF) and Defence civilians as defined under the *Defence Force Discipline Act 1982* (DFDA) are subject to Service disciplinary proceedings for offences alleged to have been committed against the DFDA. ADF policies also empower the chain of command to impose administrative sanctions against Defence members for unsatisfactory conduct.

8.2 The combination of a Defence member’s convictions under the DFDA and administrative sanctions constitute a member’s total conduct history. Recording the complete conduct history of Defence members is essential for effective career management and discipline maintenance.

8.3 The recording of information regarding a Defence member’s civil convictions and Protection Orders enables the relevant Service Command to manage incidents that may impact on a Defence member’s character and military values.

POLICY STATEMENT

8.4 Where a Defence member is subject to action under the DFDA, the imposition of an administrative sanction or the subject of a civil conviction or Protection Order, this information is to be recorded in Defence One/PMKeyS under the heading ‘Manage Labour Relations’.

SCOPE

8.5 This chapter applies to all Defence members.

POLICY

8.6 The Conduct Reporting and Tracking System (CRTS) policy establishes a regime for the electronic recording and retrieval of conduct related information on Defence members:

a. from the time an alleged offence under the DFDA is first reported, through the investigation and action phase until the case is closed

b. in relation to incidents of unsatisfactory conduct that result in the imposition of an administrative sanction

c. on the outcome of civil convictions, and

d. on the details of Protection Orders.
8.7 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3 - Military Personnel Policy Manual Glossary contains terms and definitions used throughout this chapter.

**ROLES AND RESPONSIBILITIES**

8.8 **Commanding Officers (COs)** are responsible for assignment of data entry responsibility and monitoring of data integrity (timeliness, completeness and accuracy).

8.9 **Inspector-General of the Australian Defence Force (IGADF)**, as the Business Process Owner is responsible for CRTS management and operation, with additional functions that include:

a. liaison with users and stakeholders to ensure CRTS complies with policy and legislative changes to the military justice system

b. liaison with the singleServices to ensure CRTS complies with policy and changes to the administrative sanctions process

c. data and trend analysis and report generation in response to enquiries initiated by the ADF Senior Executive; and

d. provision of CRTS held information in response to ministerial inquiries and requests under the *Freedom of Information Act 1982*.

8.10 **Defence One Service Representatives**. Each of the Services have representatives within Defence One / Personnel Information Systems Management Teams. These representatives:

a. provide advice on singleService specific use of CRTS with respect to discipline and administrative sanction procedures and policies

b. act as CRTS and policy co-sponsors and

c. assist IGADF in the maintenance of CRTS currency.

**INFORMATION TO BE RECORDED**

**DISCIPLINARY INVESTIGATION**

8.11 CRTS enables the capture of, and the reporting on, the key milestone steps relating to incidents and investigations. These include the date and nature of an alleged offence, the authority conducting the investigation, investigation duration and the unit’s decision regarding follow-up action (for example; a charge under the DFDA or the imposition of an administrative sanction). All investigations conducted under the auspices of the DFDA, whether conducted at the unit level or referred to the Service police or Australian Defence Force Investigatory Service (ADFIS), are to be recorded in Defence One/PMKeyS.
ADMINISTRATIVE SANCTIONS

8.12 Administrative sanctions are to be recorded in Defence One/PMKeyS. Recording is to include the cause (e.g. unsatisfactory conduct), a resultant action (e.g. formal warning) and key associated steps (e.g. issuing a notice).

8.13 Confirmation that Defence members are accorded procedural fairness such as adherence to key steps in the administrative sanctions process including any notice (issued under section 30 of Defence Regulation 2016, section 100 of Defence Act 1903, or the DFDA), any statement of reasons received, and any notification that the imposed sanction has expired are also to be recorded where appropriate.

DEFENCE FORCE DISCIPLINE ACT OFFENCES

8.14 All DFDA offences are to be recorded in Defence One/PMKeyS. Data entry is to occur in accordance with paragraphs 1.21-22 and includes the mandatory steps as set out in the PMKeyS Online Library. Capture of key elements of the investigation leading to the preference of a charge must precede disciplinary action data entry.

CIVIL CONVICTIONS

8.15 Recording of civil convictions, detailed in MILPERSMAN, Part 9, Chapter 7 - Reporting, Recording and Dealing with Civil Offences, Service and Civil Convictions and Diversionary Programs, are also to be recorded in Defence One/PMKeyS (e.g. cause: civil conviction and result: loss of licence) when reported to a member’s unit.

8.16 Defence members receiving a civil conviction may be subject to additional administrative sanction as detailed in relevant single service instructions and directives.

PROTECTION ORDERS

8.17 All Protection Orders are to be recorded in Defence One/PMKeyS including any interim protection order and others defined in MILPERSMAN Part 9, Chapter 4 - Protection Orders and MILPERSMAN Part 9, Chapter 5 - Court or Police Orders Restricting Access to weapons or Firearms. The details to be recorded include the length and cease date for the order, as well as details concerning possession or use of weapons. Whilst the Protection Order is in force, the unit is to ensure any amendments to a Protection Order are entered in Defence One/PMKeyS. When the Protection Order ceases, the unit is to close the case in Defence One/PMKeyS.

EXCLUSIONS

8.18 Discipline Officer Scheme. Infringement notices issued as part of the Discipline Officer Scheme are placed on a unit register, not on a member’s conduct record and therefore are not to be recorded in Defence One/PMKeyS.

8.19 Spent Convictions. When a civil conviction has become a spent civil conviction, (according to the spent conviction laws that apply in the jurisdiction that it was issued), a Defence member can apply to their unit to have Defence One/PMKeyS updated in accordance with MILPERSMAN, Part 9, Chapter 7 -
Reporting, Recording and Dealing with Civil Offences, Service and Civil Convictions and Diversionary Programs.

8.20 **Other reporting schemes.** The recording of information in Defence One/PMKeyS is complimentary to other mandated reporting schemes.

**DATA INTEGRITY**

8.21 Data entry responsibility is assigned to the posted unit of the Defence member who is the subject of CRTS reporting. Data entry is to occur as near to real time as possible.

8.22 Whenever an incident is referred to, or originates from, a Defence Investigative Authority (see Incident Reporting and Management Manual (IRMMAN) definition), the following data capture rules apply:

a. Whenever a Defence Investigative Authority is involved, CRTS data is not to be entered in Defence One/PMKeyS without that authority’s concurrence

b. If data entry is deferred, capture is retrospective after the brief of evidence has been submitted to the unit

c. If, after an investigation, the brief of evidence is submitted directly to the Director of Military Prosecutions (DMP), data entry is retrospective after the unit is advised of DMP decision to prosecute or the matter referred back to the unit for trial

d. All investigation related data entry, in real time or retrospective, is a unit responsibility. If retrospective, necessary data elements will be provided by the relevant Defence Investigative Authority as extracted from Defence Policing and Security Management System.

**RELATED PUBLICATIONS**

Australian Defence Force Publication (ADFP) 06.1.1 - Discipline Law Manual, Volume 1 - Legislation, Forms and Instruments

Australian Defence Force Publication (ADFP) 06.1.1 Volume 3 – Chapter 5: Discipline Officer Scheme

Discipline Processing Steps

PMKeyS Online Library

IRMMAN
RELATED CHAPTERS

MILPERSMAN, Part 9, Chapter 2 - *Formal Warnings and Censures in the Australian Defence Force*

MILPERSMAN, Part 9, Chapter 4 - *Protection Orders*

MILPERSMAN, Part 9, Chapter 5 - *Court or Police Orders Restricting Access to Weapons or Firearms*

MILPERSMAN, Part 9, Chapter 7 - *Reporting, Recording and Dealing with Civil Offences, Service and Civil Convictions and Diversionary Programs*

*Sponsor:* ASPPEC (DMPP)
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CHAPTER 1
PERMANENT DEFENCE MEMBERS NOTIFICATION OF INTENTION TO RESIGN OR TRANSFER TO THE RESERVES

INTRODUCTION

1.1 Defence members who intend to resign from the Defence Force or transfer to the Reserves are required to give adequate notification of such intention to allow satisfactory completion of the member’s current duties and, where possible, replacement action. Defence members are expected, unless exceptional circumstances exist, to acquit any service obligation prior to resignation or transfer to the Reserve.

POLICY STATEMENT

1.2 Defence’s mission is to defend Australia and its national interests. This requires Defence to maintain an operationally capable force. To ensure capability is not compromised, Defence requires a degree of certainty of service. This requires an adequate and specific notification period for requests from Defence members to resign or transfer to the Reserve.

SCOPE

1.3 This chapter is applicable to permanent Defence members and provides guidance on notification procedures for permanent Defence members resigning or transferring to the Reserve.

DEFINITIONS

1.4 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this chapter.

AUTHORITY

1.5 Defence Regulation 2016 (Section 18) provides that the Chief of the Defence Force (CDF) may grant or refuse an application to voluntarily reduce a period of service. If granted, the member will transfer to the Reserve. The CDF may direct that the member is not to become a member of the Reserve, in which case the member will cease all forms of service with the Defence Force. The CDF has delegated these powers. The CDF instruments of personnel-related delegations and authorisations are located on the Pay and Conditions website.
RESIGNING FROM THE ADF OR TRANSFERRING FROM THE PERMANENT FORCE

1.6 Defence members may apply to resign from the Defence Force or transfer to the Reserve. In most cases, Defence members who seek to transfer from the Permanent ADF (Service Category (SERCAT) 6 or 7) will transfer to the Standby Reserve (SERCAT 2) unless transfer to another component of the Reserve (SERCAT 3, 4, 5) is approved. This approach supports Government direction to maintain a viable surge capacity through the Reserve Forces. A member who applies to resign and has their application approved by a delegate of the CDF will cease all forms of service in the ADF. This may occur when:

a. the member is an Air Force enlisted member who last enlisted before 01 January 1996 and has indicated they do not wish to transfer to the Reserve
b. the member is a Navy or Army enlisted member who last enlisted before 01 July 2003 and has indicated they do not wish to transfer to the Reserve
c. the member is an officer who was appointed before 01 July 2003 and has indicated they do not wish to transfer to the Reserve
d. the delegate considers transfer to the Reserves not to be in the interests of the Defence Force.

NOTICE OF INTENTION

1.7 Granting a Defence member’s application to resign or transfer to the Reserves will usually mean that the Defence member’s period of service is reduced to the date specified, provided it does not fall within the minimum notification period. The Defence member’s period of service will only be reduced further if this is not contrary to the interests of the Defence Force or the member has provided sufficiently compelling or compassionate reasons.

1.8 Defence members are required to give a minimum of at least three months notification of their intention to resign or transfer to the Reserve. However, members are encouraged to submit their request to resign or transfer as early as possible to enable the necessary personnel administration and career management action to be undertaken. Defence members should always be aware that there are a range of circumstances where the Service may require the member to complete their period of service or provide a longer period of notice prior to their resignation taking effect.

1.9 Irrespective of the Commander’s recommendation, administering units are to forward the written application or Web Form AC 853 to the appropriate Career Management Agency for processing and decision by the delegate.

1.10 Employment duties for Defence members during the notification period should be consistent with individual Service requirements. The notification period commences from the date the Defence member submits their AC853 or written application to their supervisor. The notification period should normally exclude:

a. extended periods of absence from duty for medical, dental or educational reasons (excluding Separation Health Examination)
b. periods of long service leave, leave without pay and any other Service impediments

c. Career Transition Assistance Scheme training.

REDUCED PERIOD OF NOTIFICATION

1.11 A delegate can permit a reduced period of notification if this is not contrary to the interests of the ADF. Members who believe they have sufficiently compelling reasons to justify a reduced notification period, are to outline the circumstances in their application. It should be noted that an offer of civilian employment, by itself, may not be considered to be a compelling reason to allow a reduction of the notification period.

1.12 When considering applications requesting reduced periods of notification, Commanders should be mindful that Career Management Agencies may not be able to fill the projected vacancy in advance of the normal posting cycle. Backfilling remains subject to personnel availability and Service priorities.

DECISION ON APPLICATION

1.13 If a delegate grants the application to resign or transfer to the Reserves, they may determine the conditions that apply. Conditions could include tasks that the Defence member must complete before they resign or transfer to the Reserves (for example, handover tasks). Any variation to the date of effect of resignation or transfer must be mutually agreed between the delegate and Defence member.

1.14 When determining whether to grant or refuse an application to resign or transfer under Section 18 of Defence Regulation 2016, as a minimum, delegates should have regard to whether the:

a. application is made in a time of war, or in time of Defence emergency

b. delegate believes there could be serious prejudice to operational requirements

c. member has completed sufficient time in their substantive rank

d. member has completed a service obligation

e. member is the subject of disciplinary action under the Defence Force Discipline Act 1982, or is the subject of any other complaint relating to unacceptable behaviour.

SERVICE OBLIGATION PERIODS AND DEBTS

1.15 There is an expectation that Defence members will honour their service obligations prior to resigning or transferring to the Reserves. MILPERSMAN, Part 2, Chapter 4—Service obligations’ details the policy in relation to service obligations.
1.16 If a Defence member applies to resign or transfer to the Reserve before completing a service obligation, and the application is approved, they will be liable to pay a service obligation debt under Section 25 of *Defence Regulation 2016*, unless waived. Further information on service debts, including when they may be waived, is in MILPERSMAN, Part 2, Chapter 4.

**PRE AND POST SEPARATION EMPLOYMENT**

1.17 Defence members may engage in paid employment or undertake voluntary activities outside the ADF in off-duty hours, provided that approval is given in accordance with MILPERSMAN, Part 7, Chapter 4—*Employment and voluntary activities of Australian Defence Force members in off-duty hours*.

1.18 Defence members considering taking up post separation employment with private sector organisations must consider whether there will be the potential for a real or perceived conflict of interest. Defence members have an obligation to prevent conflicts of interest, real or perceived, and must take appropriate action in accordance with *Di(G) PERS 25-4—Notification of post separation employment*.

**RELATED MANUAL CHAPTERS**

*MILPERSMAN, Part 2, Chapter 4—Service obligations*

*MILPERSMAN, Part 2, Chapter 5—Australian Defence Force Total Workforce Model Service Spectrum*

*MILPERSMAN, Part 6, Chapter 4—Transfer of personnel across the Service Spectrum*

*MILPERSMAN, Part 6, Chapter 5—Transfer of personnel between the Services*

*MILPERSMAN, Part 7, Chapter 4—Employment and voluntary activities of Australian Defence Force members in off-duty hours*

*MILPERSMAN, Part 10, Chapter 2—Termination of service in the Australian Defence Force*

**RELATED LEGISLATION, POLICY AND PUBLICATIONS**

*Defence Force Discipline Act 1982*

*Defence Regulation 2016*

*Australian Defence Force Transition Manual*

*Australian Book of Reference 10—Sailors’ Career Management Manual*

*Australian Book of Reference 6289—RAN Officers’ Career Management Manual*

*Army Standing Instruction (Personnel)*

*Army Transitions Manual* (Second Edition)
DI(G) PERS 25-4—Notification of post separation employment

Air Force Personnel Standing Instructions

RELATED WEBSITES

Navy People Career Management Agency
Director-General Personnel—Army
Director-General Personnel—Air Force

Sponsor: ASPPEC (DMPP)
CHAPTER 2

TERMINATION OF SERVICE IN THE AUSTRALIAN DEFENCE FORCE

INTRODUCTION

2.1 The *Defence Act 1903* and *Defence Regulation 2016* enable the Chief of the Defence Force (CDF) to terminate the service of Defence members (Permanent and Reserves) for prescribed reasons.

POLICY STATEMENT

2.2 Delegates may make decisions with respect to the ongoing service of members of the ADF.

SCOPE

2.3 This chapter details the Defence policy regarding the termination of service mechanisms contained in the *Defence Act 1903* and *Defence Regulation 2016*, and is applicable to Defence members. This chapter does not address termination under the *Defence Force Discipline Act 1982*.

DEFINITIONS

2.4 Military Personnel Policy Manual (MILPERSMAN), *Part 1, Chapter 3—Military Personnel Policy Manual Glossary* contains terms and definitions used throughout this chapter.

AUTHORITY

2.5 *Defence Regulation 2016* provides the CDF authority to terminate a Defence member’s service in prescribed circumstances and to delegate those powers. The *Defence Act 1903* provides the CDF authority to terminate a Defence member’s service as a result of positive prohibited substance testing and to delegate those powers. The CDF instruments of personnel-related delegations and authorisations are located on the *Pay and Conditions website*.

TERMINATION OF SERVICE

GROUNDS FOR TERMINATION OF A DEFENCE MEMBER’S SERVICE

2.6 The service of a Defence member may be terminated under *Defence Regulation 2016, Section 24*. This section provides that the CDF (or a delegate) may terminate a member’s service if:

a. **The member is medically unfit for service in the Defence Force.** This can include but is not limited to situations where:

   (1) the member is incapable of rendering effective service as a result of physical or mental incapacity
(2) the member is medically unfit to deploy as a result of physical or mental incapacity

(3) the member does not meet the medical standard for the assigned employment category in which they serve.

b. **The member cannot usefully serve due to redundancy in the Defence Force.** Redundancy means that Defence no longer requires the work or job to be performed by anyone because of the changes in the operational requirements of Defence. Unless CDF directs otherwise, a member who is terminated due to redundancy will transfer to the Reserves (Service Category (SERCAT) 2 (formerly the Standby Reserve) in accordance with subsection 21(3) of *Defence Regulation 2016*. Delegates intending to terminate a Defence member’s service due to redundancy should also refer to the relevant Defence Determination which has been made under subsection 58B of the *Defence Act 1903*. Terminations due to redundancy are distinctly different to compulsory transfers to the Reserves under the Command-Initiated Transfer to the Reserves (CITR) provisions outlined in MILPERSMAN, *Part 10, Chapter 4*.

c. **Retention of the member’s service is not in the interests of the Defence Force.** This can include reasons relating to one or more of the following:

   (1) a member's performance

   (2) a member's behaviour (including any convictions for criminal or service offences)

   (3) a member's suitability to serve in the Defence Force, or in a particular role or rank

   (4) workforce planning in the Defence Force

   (5) effectiveness and efficiency of the Defence Force

   (6) the morale, welfare and discipline of the Defence Force

   (7) the reputation and community standing of the Defence Force.

d. **The member has failed to meet a condition of their appointment or enlistment.** The condition, including the allocated timeframe, must have been specified at the time of the appointment or enlistment and can include, but is not limited to, situations where:

   (1) a member has not successfully completed a training requirement

   (2) a member has not been granted, or has not accepted, Australian citizenship

   (3) a member has not attained a specified security clearance.

e. **The member has been absent without leave for a continuous period of 3 months or more.**
PROCESS FOR TERMINATING THE SERVICE OF DEFENCE MEMBERS UNDER DEFENCE REGULATION 2016

2.7  *Defence Regulation 2016*, subsection 24(2) outlines notice period requirements for terminating the service of a Defence member. These requirements ensure that Defence members receive procedural fairness in relation to termination decisions. Any failure to follow the process may result in termination decisions being invalid.

2.8 Where it is proposed to terminate the service of a Defence member, they must receive a termination notice, and be provided at least 14 days to respond, unless:

a. the termination is because of failing to meet a condition of appointment or enlistment

b. the termination is during a period of probation that was specified at the time of appointment or enlistment

c. the member has been absent without leave for a continuous period of 3 months or more.

2.9 In the circumstances outlined at subparagraphs 2.8a – 2.8c, termination without notice is permitted. It is, however, considered administrative best practise to follow the termination process described in paragraphs 2.12 – 2.17. Delegates considering making a termination decision without following the process described below should seek legal advice before doing so.

2.10 When a member’s service is to be terminated due to redundancy the termination must not occur until at least five weeks after the notice is given, unless the member agrees to earlier termination (*Defence Regulation 2016*, subsection 24(4)).

2.11 Where termination of service is for reasons related to medical fitness, refer to MILPERSMAN, Part 3, Chapter 2—*Australian Defence Force Medical Employment Classification System* and single-Service policy to ensure that all relevant processes are followed.

2.12 Unless the termination decision is made personally by the CDF, the person who decides to issue the termination notice is to be a different person from the delegate who makes the termination decision.

2.13 *Defence Regulation 2016*, Section 30 specifies that the termination notice must:

a. state that it is proposed to terminate the Defence member’s service in the Defence Force

b. state the reason for the proposed termination of the Defence member’s service

c. set out the facts and circumstances relating to the reason for terminating the Defence member’s service, in sufficient detail to allow the Defence member
to prepare a written response about why their service should not be terminated. This will include details of any evidence relied upon to support the reasons for termination.

d. invite the Defence member to provide a written response why their service should not be terminated.

e. specify a period of at least 14 days after the date of the notice as the period in which the Defence member may give the statement of reasons.

2.14 When a member is provided a termination notice, a decision to terminate a member’s service must not be made until the member has either provided a written response, advised in writing that they do not intend to provide a written response, or the period for providing a written response has ended. Before making a decision, the delegate must consider any written response that the member has provided.

2.15 If the delegate becomes aware of any additional information which is relevant to whether the member’s service should be terminated, it may be necessary to provide the member with an opportunity to respond to that information before making a decision to terminate the member’s service. Where unsure how to proceed, the delegate should consider consulting a legal officer.

2.16 If the member’s service is to be terminated after the delegate has considered the member’s written response or the period for providing a response has ended, the delegate is to advise the member of the decision and specify the date the termination will take effect.

2.17 Where the Defence member’s location is not known, reasonable attempts should be made to locate the Defence member in order to provide the member with a termination notice. Where the Defence member cannot be located, the termination notice should usually be sent to their last known address and non-Defence email address(es).

TERMINATION OF SERVICE WHEN BECOMING A PERMANENT RESIDENT OF ANOTHER COUNTRY

2.18 Defence members who intend to take or have taken permanent residency in another country are to notify the CDF as soon as practicable. The CDF may terminate the service of the member if it is determined their retention is not in the interests of the Defence Force.

TERMINATION OF SERVICE AS A RESULT OF POSITIVE PROHIBITED SUBSTANCE TESTING

2.19 Termination on the basis of a positive prohibited substance test under Part VIII A of the Defence Act 1903 must be in accordance with the Defence Act 1903 and the processes outlined in MILPERSMAN, Part 4, Chapter 3—Management of the use or involvement with prohibited substances in the Australian Defence Force. Where a Defence member has returned a positive prohibited substance test in the course of a Defence Force Discipline Act 1982 investigation or other than under Part VIII A of the Defence Act 1903, termination of service should be considered under Defence Regulation 2016, Section 24.
TERMINATION DATE

2.20 Wherever practical, when choosing the termination date for a Defence member, or responding to a request for an extension of a Defence member who "is medically unfit for service in the Defence Force" and is to be terminated under subsection 24(1)(a) of Defence Regulation 2016, the delegate should consider:

a. whether the member has received an initial assessment from the Commonwealth Superannuation Corporation, if they have submitted a request for an assessment, and

b. whether the member has received any initial decision from the Department of Veterans Affairs on claims based on the Commonwealth Superannuation Corporation assessment.

2.21 Where an assessment from the Commonwealth Superannuation Corporation or Department of Veterans' Affairs is pending or delayed, the delegate, when choosing the termination date for a Defence member, should consider:

a. whether short-term retention while awaiting an assessment is in the interests of the member

b. the wishes of the member for retention.

2.22 Where an assessment from the Commonwealth Superannuation Corporation or Department of Veterans' Affairs is delayed beyond a reasonable period of time, the delegate should specify a date of termination appropriate in the circumstances, but is not to retain the member beyond this reasonable period.

TERMINATION DECISIONS AND REDRESS OF GRIEVANCES

2.23 A Defence member may submit a redress of grievance (ROG) to their Commanding Officer (CO), in accordance with the Complaints and Alternative Resolutions Manual (CARM), on the decision to terminate their service. A ROG relating to a termination decision must be submitted within 14 days after the Defence member was notified of the decision to terminate their service and should also be submitted in advance of the termination taking effect.

2.24 When a ROG is submitted, the termination action may be suspended pending resolution of the ROG. The underlying principle is that the delegate should not normally take irrevocable or pre-emptive action that would prejudice an appropriate remedy if a Defence member's ROG were subsequently upheld; these decisions are to be made on a case-by-case basis.

2.25 If the termination action has been suspended pending resolution of a ROG, termination dates should be postponed until at least three working days after a ROG is finalised, unless prevented by the operation of Part VIII A of the Defence Act 1903 (see MILPERSMAN, Part 4, Chapter 3). A Defence member is considered to have been notified of the outcome of the ROG on the day the Defence member receives the written decision or could reasonably be expected to have received the decision.
2.26 When considering suspending termination action the safety, security, discipline and/or the effective operation of the unit may reasonably dictate that termination should proceed despite the submission of a ROG. Such circumstances are to be exceptional. In the alternate, the Defence member may be suspended from duty under Section 28 of *Defence Regulation 2016*.

**ENTITLEMENTS FOLLOWING TERMINATION OF SERVICE**

2.27 A Defence member’s entitlement to superannuation, pay and allowances where their service is terminated will vary according to the individual circumstances. For details of entitlements refer to *ADF Pay and Conditions Manual (PACMAN)* and Commonwealth Superannuation Corporation.

**RELATED MANUAL CHAPTERS**

MILPERSMAN, *Part 3, Chapter 2*—Australian Defence Force Medical Employment Classification System

MILPERSMAN, *Part 4, Chapter 3*—Management of the use or involvement with prohibited substances in the Australian Defence Force

MILPERSMAN, *Part 10, Chapter 3*—Resignation and transfer to the Reserve

MILPERSMAN, *Part 10, Chapter 4*—Command Initiated Transfer to the Reserves

**RELATED LEGISLATION, POLICY AND PUBLICATIONS**

*Defence Act 1903*

*Defence Force Discipline Act 1982*

*Ombudsman Act 1976*

*Defence Regulation 2016*

Defence (Chief of the Defence Force) Delegations and Authorisations (No.2) 2017

ADF Pay and Conditions Manual (PACMAN)

Complaints and Alternative Resolutions Manual (CARM)

Australian Book of Reference (ABR) 0010—Sailors’ Career Management Manual

ABR 6289—RAN Officers’ Career Management Manual

Air Force Standing Instructions (Personnel)

Army Standing Instructions (Personnel)

Sponsor: ASPPEC (DMPP)
CHAPTER 3

RESIGNATION AND TRANSFER TO THE RESERVE

INTRODUCTION

3.1 The Australian Defence Force (ADF) expends considerable resources in the recruitment, entry, training and skills development of Defence members. The increasing complexity of the military environment requires highly trained and experienced members who, once trained, represent a significant investment in training time and are an asset that is difficult to replace.

POLICY STATEMENT

3.2 Defence recognises the importance of ensuring that all Defence members understand their conditions of service and the obligations associated with their service in the ADF. These conditions and obligations include: resignation; retirement ages; and subsequent service in the Reserves at the end of permanent service.

DEFINITIONS

3.3 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this chapter.

AUTHORITY

3.4 Defence Regulation 2016 establishes provisions for resignation, retirement ages and transfers to the Reserve.

ROLES AND RESPONSIBILITIES

3.5 The following key stakeholders have major roles and responsibilities in relation to the management and effective implementation of this chapter:

a. Delegates. Delegates are responsible for making decisions on resignations and transfers and detailing the associated conditions clearly to Defence members who wish to resign or transfer.

b. Career Management Agencies (CMA). The CMAs are responsible for ensuring that all Defence members understand their conditions of service and the obligations associated with resignations and transfers.

RESIGNATION AND TRANSFER

3.6 Resignation. Defence members who wish to resign must apply to reduce their period of service in accordance with Section 18 of Defence Regulation 2016. A member's period of service can only be reduced if a delegate of the Chief of the Defence Force (CDF) or delegate agrees. Information on resignation notification requirements is available in MILPERSMAN, Part 10, Chapter 1—Permanent Defence Members Notification of Intention to Resign or Transfer to the Reserves.
3.7 **Voluntary transfer.** Information on voluntary transfer is available in MILPERSMAN, Part 6, Chapter 5—*Transfer of Personnel Between the Services*, and MILPERSMAN, Part 6, Chapter 4—*Transfer of personnel across the Service Spectrum*. Information on the notification requirements for transferring to the Reserves is available in MILPERSMAN, Part 10, Chapter 1—*Permanent Defence Members Notification of Intention to Resign or Transfer to the Reserves*.

3.8 **Involuntary transfers.** The CDF or delegate may transfer a member from one arm of the Defence Force to another (*Section 15 of Defence Regulation 2016*) or from the Permanent Force to the Reserve (*Section 16 of Defence Regulation 2016*).

**TRANSFER AT THE END OF A PERIOD OF SERVICE IN THE PERMANENT FORCES**

3.9 Earlier regulations established that members appointed or enlisted on, or after, a prescribed date were required to transfer to the Standby Reserve within their parent service. Subsequently, *Defence Regulation 2016* prescribes that when a member’s service in the Permanent Forces ends, the member becomes a member of the Reserves unless:

a. the CDF directs otherwise; or

b. the Defence member has had their service terminated under *Section 24 of Defence Regulation 2016* (early termination of service) other than because of redundancy in the Defence Force; or

c. the Defence member has had their service terminated (however described), under the *Defence Act 1903* or the *Defence Force Discipline Act 1982*.

3.10 Members of the Permanent Forces enlisted or appointed before the dates below remain subject to the regulations relating to transfer to the Reserves under which they were appointed or enlisted (explained in subparagraph 3.11b). Members who were appointed or enlisted into the Permanent Forces on or after the dates below are subject to transfer arrangements in *Defence Regulation 2016* (explained in subparagraph 3.11a).

a. 01 July 2003 – for all Defence members other than Permanent Air Force (PAF) enlisted members; and

b. 01 January 1996 – PAF enlisted members.

3.11 For the purpose of CDF direction, on completion of service in the Permanent Forces the following shall apply:

a. Defence members appointed or enlisted on, or after, the relevant date specified in paragraph 3.10 will transfer to the Reserves unless:

   (1) they have reached the Reserve compulsory retirement age (CRA) applicable to them

   (2) they are a participant of the Gap Year program and do not wish to transfer to the Reserves
(3) they have not completed initial officer or recruit training (as applicable) and their initial employment training; or

(4) the delegate directs that the Defence member is not to transfer to the Reserves.

b. Defence members appointed or enlisted before the relevant date specified in paragraph 3.10 will transfer to the Reserves unless:

(1) they have reached the Reserve CRA applicable to them

(2) the member does not wish to transfer to the Reserves; or

(3) the delegate directs that the Defence member is not to transfer to the Reserves.

3.12 Unless agreed otherwise, the member will commence Reserve Service in the SERCAT 2 (formerly known as the Standby Reserve).

3.13 Notwithstanding the direction above, subject to satisfactory performance and behaviour, all Defence members should be strongly encouraged to transfer to the Reserves on completion of service in the Permanent Force.

3.14 Service in the Reserves. Where a Defence member is transferred to the Reserves, the period of service in the Reserves will be as follows:

a. If the CDF specifies a period of service in the Reserves before the member becomes a member of the Reserves – that period; or

b. An indefinite period that ends if, during a continuous period of five years the member has not been required to render service as a member of the Reserves.

3.15 Where a serving Defence member in a Reserve category fails to comply with training or other obligations for their category, the decision maker may transfer the Defence member to another category of the Reserves with a lesser training obligation.

3.16 Transfer from the Permanent Forces to the Reserves is taken to be a retirement from the permanent Defence force, with effect from the date of the transfer, for all purposes relating to payment of benefits.

RETIREMENT AGE

3.17 Compulsory Retirement Age (CRA). Section 23 of Defence Regulation 2016 provides that a member's period of service in the Defence Force ends when they reach their CRA. Members who have, under previous regulations, made an election in relation to their CRA will retain that elected CRA. Members who, immediately before the repeal of the Defence (Personnel) Regulations 2002, were able to make an election under those regulations in relation to their CRA, may make an election as if those regulations were not repealed. The provisions for making an election to retain a former retirement age are prescribed in Section 88 of Defence Regulation 2016.
3.18 **Service beyond CRA.** The CDF or delegate may allow a member to serve beyond CRA under *subsection 23(2)(b)* of *Defence Regulation 2016* in order to fill a specific capability gap.

**RELATED MANUAL CHAPTERS**

MILPERSMAN, Part 2, Chapter 4—*Service Obligations*

MILPERSMAN, Part 6, Chapter 4—*Voluntary Transfer of Personnel across the Service Spectrum*

MILPERSMAN, Part 6, Chapter 5—*Transfer of Personnel between the Services*

MILPERSMAN, Part 10, Chapter 1—*Permanent Defence Members Notification of Intention to Resign or Transfer to the Reserves*

MILPERSMAN, Part 10, Chapter 5—*Management of ADF Standby Reserve*

**RELATED LEGISLATION, POLICY AND PUBLICATIONS**

*Defence Regulation 2016*

*Defence Act 1903*

*Defence Force Discipline Act 1982*

*Army Standing Instructions (Personnel)*

*Air Force Standing Instructions (Personnel)*

**Sponsor:** ASPPEC (DMPP)
CHAPTER 4
COMMAND-INITIATED TRANSFER TO THE RESERVES

INTRODUCTION

4.1 Command-initiated Transfer to the Reserves (CITR) is able to be used by the Chief of the Defence Force (CDF) or delegate to maintain the career and workforce structures of the Australian Defence Force (ADF). CITR creates the opportunity for a reasonable rotation of Defence members through ranks and positions to ensure the ADF is a capable and dynamic force. Defence members selected for CITR will be compulsorily transferred to the Reserve (Service Category (SERCAT) 2/3). The member may be eligible for a special financial benefit upon transfer, subject to certain conditions specified by the CDF as published in the ADF Pay and Conditions Manual (PACMAN).

POLICY STATEMENT

4.2 The CDF may compulsorily transfer Defence members to the Reserves with a special benefit, subject to conditions.

SCOPE

4.3 This chapter is applicable to Defence members of the Permanent Forces and provides guidance on eligibility and administrative process for the CITR.

DEFINITIONS

4.4 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this chapter.

POLICY

IDENTIFYING DEFENCE MEMBERS FOR COMMAND-INITIATED TRANSFER TO THE RESERVES

4.5 CITR may be considered for Defence members whose performance is satisfactory but who are no longer widely employable or who are restricting the promotion opportunities of others in the ADF. CITR is not to replace the normal administrative processes for dealing with unsatisfactory performance.

4.6 When identifying a member for a CITR, the delegate must take steps that are reasonable in the circumstances to ensure that the member:

a. satisfies the criteria in PACMAN

b. is not ineligible for the payment of a special benefit for a reason described in PACMAN

c. is performing their duty to a satisfactory standard.
ISSUING A NOTICE

4.7 If a Defence member has been identified for CITR, the initiating delegate is to issue a notice that meets the requirements of *Defence Regulation 2016* Section 30, which must:

a. state that it is proposed to compulsorily transfer the member to the Reserves in accordance with *Defence Regulation 2016*, Section 16, under the CITR scheme

b. state that the reason for the proposed transfer is that retention of the member is not in the interests of the Defence Force for reasons relating to workforce planning

c. set out the facts and circumstances relating to the reason for the CITR, in sufficient detail to allow the Defence member to prepare a written response

d. invite the Defence member to provide a written response as to why they should not be transferred to the Reserves

e. specify a period of at least 28 days in which the Defence member may give the written response.

4.8 In addition to the above, the notice is to:

a. explain that if, having regard to any response the member provides to the notice, the delegate may:

   (1) retain the member in the Permanent Forces

   (2) transfer the member to the Reserves.

b. advise the member that, if the imposing delegate decides to transfer the member to the Reserves:

   (1) in not more than 30 days from the day the member receives the imposing delegate’s decision, the member may be eligible for a special benefit under PACMAN

   (2) more than 30 days from the day the member receives the imposing delegate’s decision, the member will not be eligible for the special benefit.

4.9 A decision on the proposed transfer of the member to the Reserves must not be made by the imposing delegate until the member has either:

a. provided a written response

b. advised in writing that they do not intend to provide a written response, or

c. the period for providing a written response has ended.
4.10 Before making a decision, the imposing delegate must consider any written response that the member has provided. The imposing delegate is to advise the member of their decision in writing.

4.11 The imposing delegate may decide to:

a. retain the member in the Permanent Forces, or

b. transfer the member to the Reserves and set a date for the transfer to occur.

4.12 When setting the date for transfer to the Reserves, the imposing delegate is to consider whether the member has accepted the proposed transfer.

EFFECT OF THE DECISION TO TRANSFER ON THE SPECIAL BENEFIT

4.13 If the imposing delegate decides to transfer a member to the Reserves no later than 30 days after the member has received the imposing delegate’s decision, the member may be eligible for the special benefit set out in Defence Determination 2016/19.

4.14 If the member is retained in the Permanent Forces or transferred to the Reserves in more than 30 days after the member has received the imposing delegate’s decision, the member will not be eligible for the special benefit set out in PACMAN.

EFFECT ON FUTURE SERVICE

4.15 If the member is transferred to the Reserves with a special benefit and undertakes continuous full time service (either as a member of the Permanent Forces or the Reserves) within one year of receiving the special benefit, the member will have to repay the special benefit.

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Defence Act 1903

Defence Regulation 2016

ADF Pay and Conditions Manual (PACMAN)

Complaints and Alternative Resolution Manual (CARM)

Air Force Standing Instructions (Personnel)

Army Standing Instructions (Personnel)

Australian Navy Publication (ANP) 2110—RAN Career Management

Sponsor: ASPPEC (DMPP)
CHAPTER 5
AUSTRALIAN DEFENCE FORCE STANDBY RESERVE

INTRODUCTION

5.1 The Standby Reserve, also known as Service Category 2 (SERCAT2), is a pool of Reserve Force members with prior Australian Defence Force (ADF) military service who do not render service and have no service obligation. Members in the Standby Reserve represent a latent capability and are subject to the call out provisions in the Defence Act 1903. The Chief of the Defence Force (CDF) can call upon the Standby Reserve as required to fulfil Defence obligations. Standby Reserve members may also volunteer to render Defence service.

POLICY STATEMENT

5.2 Service Chiefs may create a Standby Reserve to manage and administer members who do not render service and have no service obligation.

5.3 If a Service Chief creates a Standby Reserve, the Service Career Management Agency (CMA) is required to implement effective processes and procedures to manage and administer its respective Standby Reserve. If a Standby Reserve is created within a Service the following paragraphs apply.

DEFINITIONS

5.4 Military Personnel Policy Manual (MILPERSMAN) Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this chapter.

ADMINISTRATION

TRANSFER INTO THE STANDBY RESERVE

5.5 Members enter the Standby Reserve by transferring from the Permanent Forces (Service Categories 6 or 7), the Active Reserve (Service categories 3, 4 or 5), or via direct entry. MILPERSMAN, Part 2, Chapter 3—Appointment and Enlistment into in the Australian Defence Force and MILPERSMAN, Part 2, Chapter 1—Inherent Requirements of Service in the Australian Defence Force detail arrangements and obligations of Defence Members in relation to the Standby Reserve.

5.6 Initial Minimum Period of Service/ Return of Service Obligation (IMPS/ROSO). Once a member’s Initial Minimum Period of Service (IMPS) has been completed, and if they are not subject to a Return of Service Obligation (ROSO), a member may apply to transfer to the Reserves, normally the Standby Reserve. However, if the member is subject to IMPS or ROSO, the member may be liable for a service obligation debt prior to transferring to the Standby Reserve.

5.7 Direct entry. The CDF may, from time to time, enlist or appoint members directly into the Standby Reserve without prior Permanent or Reserve service.
5.8 **Considerations for decision makers.** Delegates or decision-makers should consider the application of *Defence Regulation 2016*, subsection 21(3)(a) for:

a. Permanent Force members, other than members enlisted in the Air Force, who were appointed to or enlisted before 01 July 2003

b. Air Force members who were enlisted before 01 January 1996.

5.9 This consideration is not required if a member has left the service and subsequently been appointed to or enlisted in the Defence Force after 01 July 2003.

**CALL-OUT**

5.10 The Governor-General may call out the Reserves in accordance with the *Defence Act 1903*. A Standby Reserve member is then bound to render CFTS for such periods as directed by the CDF. MILPERSMAN, Part 2, Chapter 7— *Engagement of members of the Australian Defence Force Reserves to render continuous full–time service* refers.

**TRAINING OBLIGATION**

5.11 A member of the Standby Reserve would normally not have any minimum training obligation, but may be required to comply with any training obligation to maintain or enhance skills. However, a member may be liable for training if they are called out for Continuous Full Time Service (CFTS), voluntarily render CFTS or undertake non-continuous service.

**TRANSFER FROM THE STANDBY RESERVE**

5.12 A member seeking transfer from the Standby Reserve to the Active Reserve or Permanent Force may require a medical assessment and meet any other single-Service individual readiness requirements before the transfer can be made. Individual readiness requirements for members transferring from Standby Reserve to a category of the Active Reserve or the Permanent Force are detailed in single-Service readiness instructions.

5.13 CDF may accept or refuse a member’s application to transfer from the Standby Reserve to the Permanent Force or the Active Reserve.

**SEPARATION FROM THE STANDBY RESERVE**

5.14 A member’s period of service in the Standby Reserves ends if:

a. the member has not been required to render service as a member of the Reserves for a continuous period of five years

b. the member attains CRA, noting that the CDF may approve a member to serve beyond CRA

c. a member applies in writing to resign from the Standby Reserve in accordance their relevant Service’s processes and this application is accepted by the CDF
d. CDF terminates the service of a member for reasons set out in 
Defence Regulation 2016 Section 24.

RELATED MANUAL CHAPTERS

MILPERSMAN, Part 2, Chapter 1—Inherent Requirements of Service

MILPERSMAN, Part 2, Chapter 3—Appointment and Enlistment into the Australian Defence Force

MILPERSMAN, Part 2, Chapter 4—Service Obligations

MILPERSMAN, Part 2, Chapter 7—Engagement of members of the Australian Defence Force Reserves to render continuous full–time service

MILPERSMAN, Part 10, Chapter 2—Termination of Service in the Australian Defence Force

Sponsor: ASPPEC (DMPP)
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CHAPTER 1

POLICY FOR PLACING CIVILIAN PREMISES OUT OF BOUNDS

POLICY STATEMENT

1.1 Commanders, in fulfilling their command responsibilities, have the authority to place civilian premises out-of-bounds to Defence members and Defence civilians.

SCOPE

1.2 This policy applies to Commanders of Defence bases, establishments, directorates, units, or ships and members acting in Command positions.

DEFINITIONS

1.3 Military Personnel Policy Manual, Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this chapter. For the purpose of this chapter the use of the term 'civilian premises' includes public or private businesses, facilities, land, buildings, or locations outside the bounds of Defence bases, establishments, ships or forward operating bases/facilities.

POLICY GUIDANCE

1.4 Commanders are to promulgate any decision to place civilian premises out of-bounds through local standing orders or directives. These are to include requirements for periodical review, which is to occur at least every three months.

1.5 A Commander may direct that civilian premises be out-of-bounds to Defence members and Defence civilians, as part of their command responsibilities. Relevant considerations in making such a decision may include:

a. risks to the safety, security or welfare of members

b. operational capability requirements

c. training requirements

d. impact on the local community, including community safety concerns.

1.6 The relevant commander can issue out-of-bounds orders or directives to:

a. individual or multiple members

b. individual or multiple directorates, sections, or units

c. whole bases, establishments or ships.

1.7 Orders or directives to place civilian premises out-of-bounds must not be issued as Defence Force Discipline Act 1982 punishments. Commanders should
seek legal advice prior to issuing any orders or directives placing civilian premises out-of-bounds.

1.8 Local standing orders or directives placing civilian premises out-of-bounds may also apply to visiting members or units. Host unit commanders or delegates are responsible for advising visiting members or units about any applicable standing orders or directives placing civilian premises out-of-bounds.

**Sponsor:** ASPPEC (DMPP)
CHAPTER 2

ISSUE, WEARING AND REPLACEMENT OF PERSONAL IDENTITY TAGS TO DEFENCE MEMBERS

INTRODUCTION

2.1 Personal Identity Tags assist with rapid and positive identification of casualties and the timely provision of medical assistance. Accordingly, Defence members are required to wear Personal Identity Tags in certain situations and must ensure that the information transcribed on them is correct.

POLICY STATEMENT

2.2 The Australian Defence Force mandates the wearing of Personal Identity Tags by Defence members in certain circumstances to aid with identification. The use of Personal Identity Tags to aid with the identification of military casualties is an established international custom.

SCOPE

2.3 This chapter applies to all Defence members.

DEFINITIONS

2.4 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains common terms and definitions used throughout this chapter. In relation to this chapter, the term Personal Identity Tags is defined as two metal-based tags, one octagonal and one circular in shape, with prescribed information embossed on their surfaces. The octagonal tag is connected to a long chain, and the circular tag is connected to a much shorter chain. The chains are joined together and must be worn around the neck of a Defence member in prescribed situations. See an image of Personal Identity Tags illustrated in Annex 2A.

ROLES AND RESPONSIBILITIES

2.5 Commanders are responsible for the issue of Personal Identity Tags to all Defence members under their command.

2.6 Joint Logistics Command through local area Defence clothing stores are responsible for the provision and stock holding of Personal Identity Tags. They are also responsible for contracting the manufacture of Personal Identity Tags and embossing of personal details on the Personal Identity Tags.

ENTITLEMENT

2.7 Newly appointed/enlisted Defence members are entitled to be issued with a single set of Personal Identity Tags. A set of Personal Identity Tags comprises three parts:
two chains (long and short)

b. circular tag; and

c. octagonal tag.

2.8 Defence members who have been identified for operational deployment are entitled to be issued with an additional set of Personal Identity Tags as detailed in paragraph 2.7.

WHEN PERSONAL IDENTITY TAGS ARE TO BE WORN

2.9 Personal Identity Tags must be worn by all Defence members when:

a. serving in an operational area

b. participating in an operational exercise

c. operating or travelling in service aircraft

d. operating or travelling aboard a naval vessel; or

e. directed to do so by commanders for operational or training reasons.

MANDATORY PERSONAL IDENTITY TAG INFORMATION

2.10 Personal Identity Tags must be machine embossed. Personal Identity Tags must not be engraved or hand punched except when, during operations, a Defence member’s Personal Identity Tags are lost or destroyed. The following details must be embossed in upper case with no punctuation on both Identity Tags issued to a Defence member:

a. Australia (AS)

b. Personnel Management Key Solutions (PMKeyS) identification number

c. Initials of given names

d. Surname in full

e. Religion/denomination (using abbreviations in paragraph 2.12); and

f. Blood group (using abbreviations in Table 2–1).

2.11 The above details must be placed on one face of each tag in six parallel lines as illustrated in Annex 2A.
2.12 Religion/denomination and abbreviations. Abbreviations for religious affiliations are:

Table 2–1 Abbreviations for religious affiliations

<table>
<thead>
<tr>
<th>Religious affiliation</th>
<th>Abbreviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aboriginal Traditional Religion</td>
<td>ATR</td>
</tr>
<tr>
<td>Anglican/Church of England</td>
<td>ANG</td>
</tr>
<tr>
<td>Baptist</td>
<td>BAPT</td>
</tr>
<tr>
<td>Catholic/Roman Catholic</td>
<td>RC</td>
</tr>
<tr>
<td>Congregational</td>
<td>CONG</td>
</tr>
<tr>
<td>Churches of Christ</td>
<td>CC</td>
</tr>
<tr>
<td>Greek Orthodox</td>
<td>ORTH</td>
</tr>
<tr>
<td>Jehovah’s Witness</td>
<td>JW</td>
</tr>
<tr>
<td>Jewish</td>
<td>J</td>
</tr>
<tr>
<td>Lutheran</td>
<td>LUTH</td>
</tr>
<tr>
<td>Muslim</td>
<td>MUS</td>
</tr>
<tr>
<td>Pentecostal</td>
<td>PENT</td>
</tr>
<tr>
<td>Presbyterian</td>
<td>PRES</td>
</tr>
<tr>
<td>Salvation Army</td>
<td>SA</td>
</tr>
<tr>
<td>Uniting Church in Australia (including Congregational and</td>
<td>UCA</td>
</tr>
<tr>
<td>Methodist)</td>
<td></td>
</tr>
<tr>
<td>Buddhist</td>
<td>BUD</td>
</tr>
<tr>
<td>Hindu</td>
<td>HIN</td>
</tr>
<tr>
<td>Sikh</td>
<td>SIKH</td>
</tr>
<tr>
<td>Other Christian Religions</td>
<td>OCR</td>
</tr>
<tr>
<td>Other Non-Christian Religions</td>
<td>ONC</td>
</tr>
<tr>
<td>No Religion (Atheist/Agnostic)</td>
<td>NREL</td>
</tr>
</tbody>
</table>

2.13 Blood group abbreviations:

a. O POS (O Positive)
b. O NEG (O Negative)
c. A POS (A Positive)
d. A NEG (A Negative)
e. B POS (B Positive)
f. B NEG (B Negative)
g. AB POS ( AB Positive )

h. AB NEG ( AB Negative ).

WEARING PERSONAL IDENTITY TAGS

2.14 The octagonal tag must be suspended around the neck by the longer chain, and the circular tag is to be suspended separately from the octagonal tag by the shorter chain and is to hang below it. This is the only approved method of wearing Personal Identity Tags.

REPLACEMENT OF PERSONAL IDENTITY TAGS

2.15 Defence members are entitled to replacements of Personal Identity Tags at public expense if any of the details are incorrectly recorded, or are illegible on their current set.

2.16 Defence members are also entitled to a replacement set of Personal Identity Tags at public expense:

a. if the details have been engraved onto the tags, rather than embossed

b. to replace Service or Regimental number to PMKeyS identification number; or

c. to change AUS or AUST to AS.

2.17 In the event that a Defence member’s Personal Identity Tags are lost or damaged, the Defence member must complete Web Form SD 016—Loss or Damage Report in accordance with the direction of unit management.

2.18 A Defence member may be required to replace their Personal Identity Tags at their own expense if they were not lost or damaged during the course of the individual performing military duties. Personnel Identity Tags are also referred to as Identity Discs, Personnel Identification Tags, or Dog Tags.

ACCOUNTING AND ADMINISTRATIVE PROCEDURES FOR PERSONAL IDENTITY TAGS

2.19 The accounting and administrative procedures for the issue of Personal Identity Tags must be managed in accordance with the Electronic Supply Chain Manual, Volume 4, Section 8, Chapter 4.

Annex:

2A Embossing and assembly of Australian Defence Force Personal Identity Tags

Sponsor: ASPPEC (DMPP)
EMBOSSING AND ASSEMBLY OF AUSTRALIAN DEFENCE FORCE PERSONAL IDENTITY TAGS

Figure 2A–1 Photograph of Personal Identity Tags
CHAPTER 3

ISSUE OF OFFICIAL PASSPORTS AND VISAS TO DEFENCE PERSONNEL

INTRODUCTION

3.1 The Australian Passports Act 2005 (the Passports Act) governs the issue of Australian passports. The Department of Foreign Affairs and Trade (DFAT) administers the Australian Government’s policy in relation to the issue of passports. Defence personnel, like all other Australian citizens, are bound by the policy.

3.2 Defence personnel employed on government business overseas for any given period, and dependants who accompany them, will normally travel on Australian passports, issued at public expense, for the duration of the official travel.

3.3 All Australian passports issued at public expense to Defence personnel and their dependants for overseas official travel remain the property of DFAT at all times (Defence sponsored passports are not the property of the individual or Defence).

POLICY STATEMENT

3.4 Defence supports the appropriate acquisition, management and disposal of Defence-sponsored diplomatic, official and ordinary passports and considers it to be an important enabler to its operational capability. This chapter details Defence’s policy and administrative procedures relating to Defence-sponsored passports.

SCOPE

3.5 This chapter is applicable to all Defence personnel. It provides specific policy, as mandated by DFAT, on the acquisition, management and disposal of diplomatic, official and ordinary passports issued to Defence personnel and their dependants for the purposes of government business.

DEFINITIONS

3.6 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains common terms and definitions used throughout this chapter. Specific definitions which apply to this chapter are included in annex 3A.

ROLES AND RESPONSIBILITIES

3.7 The following individuals or organisations are responsible for various aspects of the policy and process for the acquisition, management and disposal of Defence-sponsored passports:
a. **Department of Foreign Affairs and Trade (DFAT).** DFAT is responsible for the administration of the whole-of-government policy on the issue and management of passports, through the Passports Act and supporting policies and processes. They are responsible for issuing passports to Defence personnel, dependants, external service providers and non-Defence personnel participating in overseas Defence sponsored activities. DFAT is also required to ensure that all government agencies (including Defence) conduct an annual audit of official passports for which they are the sponsor and report back to DFAT on the outcomes.

b. **Directorate of Military People Policy (DMPP).** DMPP has responsibility for the Defence policy on the acquisition, governance and disposal of Defence-sponsored passports. DMPP also has responsibility for managing the annual audit requirements associated with Defence-sponsored passports.

c. **Sponsoring Authority.** Sponsors are responsible for ensuring that correct procedures are followed in relation to passport applications. These include:

   1. Vetting applications to ensure all sections of the application/renewal form, sponsorship letter and ‘conditions for the issue of a diplomatic or official passport’ form are correctly completed with all required supporting documentation attached.

   2. Checking that the passports for personnel about to travel overseas have an adequate period of validity left for travel prior to expiration or renewal.

   3. Ensuring the safe custody of Defence-sponsored passports when not required by personnel.

   4. Forwarding of the passport to their new unit/ship/directorate on posting or transfer. The gaining unit Commanding Officer or director then becomes the new sponsoring authority for the purposes of administration and management of the passport.

   5. Ensuring passport details are correctly recorded on Personnel Management Key Solutions (PMKeyS).

   6. Ensuring that Defence personnel report lost/stolen passports immediately to DFAT by calling 131232 in Australia or to the nearest Australian Diplomatic or Consular Mission if overseas.

   7. Forwarding passports to the Canberra Passport Office for cancellation (with a covering letter) when an individual ceases working for Defence.

   8. Forwarding expired passports to the Canberra Passport Office (with a covering letter) when destruction is required.

d. **Overseas Administration Team (OAT).** The OAT facilitates and administers overseas conditions of service for Defence personnel, providing advice to single-Service Defence group administrators and overseas posts on all aspects of long-term postings to overseas localities. This includes allowances, removals and entitlements. The OAT can be contacted by email at overseas.adminteam@defence.gov.au.

e. **Passport applicant.** The passport applicant is responsible for ensuring that the application for a Defence-sponsored passport is correctly completed and that the appropriate documentation required to demonstrate their identity and
citizenship is provided. They are also responsible for ensuring that the passport is safely secured while in their custody and, if lost or stolen, the applicant follow correct procedures to report that loss or theft.

GOVERNANCE AND REPORTING

3.8 Governance. DMPP is responsible for actively monitoring the governance framework associated with Defence-sponsored passports in accordance with the responsibilities stated in paragraph 3.7. Sponsoring authorities are to ensure that governance arrangements are carried out in accordance with this chapter. Non-compliance with appropriate governance requirements may result in cancellation of affected passports.

3.9 Reporting requirements. Reporting requirements relating to the management and disposal of Defence-sponsored passports are an important part of the policy. DMPP is responsible for conducting an annual audit of Defence passport governance compliance and is to advise DFAT annually on audit outcomes.

POLICY

3.10 Defence-sponsored passports are classified as diplomatic (red cover), official (green cover) or ordinary (blue cover). The policy in relation to the issue of these passports to Defence personnel, external service providers and other non-Defence personnel participating in overseas Defence-sponsored activities is detailed below.

DIPLOMATIC PASSPORTS

3.11 A diplomatic passport confers on the holder the status of a diplomatic representative of Australia and its issue is strictly controlled by DFAT. The issue of diplomatic passports within Defence is generally restricted to the Chief of the Defence Force, Secretary of Defence, Service Chiefs, Vice Chief of the Defence Force, personnel posted to positions requiring diplomatic accreditation by the host country, and dependants of these personnel when undertaking official travel at public expense.

3.12 The issue of diplomatic passports is generally limited to incumbents of identified positions or postings. Applications should be handled as part of the posting process through the OAT. The Directorate of Attaché and Overseas Management, International Policy Division sponsors and coordinates the issue of diplomatic passports for Defence representational staff and their dependants. An application for a diplomatic passport for Defence personnel on posting must be accompanied by a copy of the cable confirming the head of mission’s acceptance of the individual’s posting, together with confirmation that the individual has the required security clearance.

3.13 Diplomatic passports may also be issued for travel to locations where there are distinct operational or security factors requiring the use of these passports. The sponsorship letter from Defence supporting the application must specify the reasons for seeking a diplomatic passport. Before submitting the application, the Sponsoring authority is to contact the Directorate of Attaché and Overseas Management, or their nearest DFAT Passport Office to discuss the request. The relevant overseas mission (ie High Commission, Embassy or Consular office) can also provide input.
OFFICIAL PASSPORTS

3.14 This refers to a particular type of passport and should not be confused with the generic description for the three types of passports that could be issued at public expense.

3.15 Official passports are to be issued to all Defence personnel travelling overseas on official government business, irrespective of the length of the period of travel. Where considered necessary, a sponsoring authority may authorise Defence personnel to be issued an ordinary passport at public expense. Sponsoring authorities should be mindful that Defence personnel who travel on government business with an ordinary passport may not be afforded the official status expected in the country or countries visited and are to consider this alternative very carefully.

3.16 Spouses accompanying Defence personnel travelling at public expense should also be issued with an official passport at public expense. However, some countries do not recognise interdependent partnerships and will not allow the partner entry on an official passport. In this situation, the partner will be issued with an ordinary passport at public expense.

3.17 Official passports for current Defence personnel can be used by the individual on official Defence business until either the passport's expiry date, or the individual's separation from Defence or transfer to the Standby Reserve, whichever comes first.

3.18 **Taiwan:** Official passports are not to be used for travel to Taiwan. If Defence personnel are required to travel to Taiwan, they are to be issued with an ordinary passport at public expense, which would be issued concurrent to the issue of the standard official passport.

ORDINARY PASSPORTS

3.19 Dependents, other than spouses (but including interdependent partnerships where not accepted by some countries), who are accompanying Defence personnel on official travel overseas are to be issued with an ordinary passport at public expense for the required duration plus six months. This excludes those dependants who are accompanying Defence personnel travelling on diplomatic passports.

3.20 These passports, whilst deemed 'ordinary', are significantly different from an ordinary blue personal passport issued to a member of the public as they are:

a. endorsed on the page following the biographical data page (refer to **subparagraph 3.21c**)

b. publicly funded

c. only issued for the required duration of the official travel, plus six months, and
d. to be cancelled on completion of the official travel.

ENDORSEMENT

3.21 Diplomatic and ordinary passports as described in paragraph 3.20 issued to Defence personnel and their dependants will be endorsed on the page following the biographical data page, as follows:

a. **Defence personnel.** 'Bearer is the (diplomatic rank) Australian Embassy/High Commission, (Capital city of country).’
b. **Spouse.** ‘Bearer is the spouse of an official travelling on Government business.’, or
c. **Dependants.** ‘Bearer is the dependant of an official travelling on Government business.’

**PROCESS FOR THE ACQUISITION, MANAGEMENT AND DISPOSAL OF OFFICIAL PASSPORTS**

3.22 **DFAT** has prepared standard operating procedures for Defence applications for a sponsored passport entitled *Department of Defence: applying for a Sponsored Passport*. This document details procedures for:

a. Defence personnel
b. Passports for dependant minors
c. Defence personnel under the age of 18
d. Renewal of official passports.

**PROCEDURE FOR ISSUE OF OFFICIAL PASSPORTS TO NAVY PERSONNEL**

3.23 All new entry Navy personnel are to submit a completed passport application while under initial entry training. The responsibility for the application for an official passport lies with Divisional staff at Recruit School for sailors. Officers will be issued with an official passport by the relevant Navy establishment prior to commencement of their sea training phase. All actions for issue of an official passport, including initial data input, must be undertaken prior to the member’s posting and is therefore the responsibility of the losing establishment. Subsequent renewal of an official passport will be on the recommendation of the sponsoring authority who will assess a requirement to maintain a current passport.

**OFFICIAL PASSPORT DOCUMENTATION**

3.24 The documentation required for Defence to support an application is detailed in *Department of Defence applying for a Sponsored Passport* (*passport and visas section*), including the requirement for the sponsoring authority to raise and submit the following documentation for all passport applications:

a. Sponsorship letter raised on Defence letterhead for the individual applicant by the requesting unit or directorate, accompanied with a certified true copy of one of the proof of citizenship documents requested, and
b. Conditions for the issue of a diplomatic or official passport letter completed by the applicant on plain paper.

3.25 The sponsorship letter and the conditions for the issue of a diplomatic or official passport letter can be downloaded as templates from the Defence Travel website under the *Passport and Visas Section*.

3.26 Failure to provide the required documentation will result in the application being returned unprocessed to the applicant/travel section, to enable the applicant to comply with the requirements for application.
CONCURRENT PASSPORTS

3.27 In accordance with subsection 17(2) of the Australian Passports Act 2005, Defence personnel can apply for a three year concurrent passport if they meet one of the following criteria:

a. they require a second passport to avoid significant delays in travel that would occur by waiting for a visa to be issued or

b. they intend to travel to a country that will not accept a travel document showing evidence of travel to another country, and the person’s current passport shows evidence of travel to that other country.

3.28 The sponsorship letter accompanying the application for a concurrent official passport must quote the number of the existing passport. The sponsorship letter for a concurrent passport can be downloaded from the Defence travel website under the passport and visas section.

PASSPORTS FOR DEFENCE PERSONNEL UNDER THE AGE OF 18

3.29 Personnel under the age of 18 who require a Defence-sponsored passport are to complete a ‘child—Australian passport’ application form. The written consent of all persons with parental responsibility for the individual is required, as defined in subsection 11(1) of the Australian Passports Act 2005. If consent cannot be obtained from one or more of the parties, advice on the procedures to be followed must be sought from the Australian Passport Information Service on 131232.

PASSPORTS FOR EXTERNAL SERVICE PROVIDERS AND OTHER NON-DEFENCE INDIVIDUALS PARTICIPATING IN DEFENCE-SPONSORED ACTIVITIES

3.30 Generally, external service providers and other non-Defence individuals (such as entertainers and members of philanthropic organisations) who are travelling overseas on Defence-sponsored business and activities at public expense are not eligible for Defence-sponsored passports, and instead are expected to travel on their private passports. However, if the sponsoring authority considers that a Defence-sponsored passport is essential for the conduct of the Defence-sponsored activity, approval may be given for the issue of an official passport at public expense. Situations where this may occur include but are not limited to:

a. multi-entry visas are required to a number of countries

b. the use of one is mandated for the visit by the organisation/country being visited

c. the visit is being undertaken on military aircraft.
3.31 Prior to the submission of the passport application by external service providers and other non-Defence individuals, DFAT must first approve the requirement for an official passport. In order to do this, sponsoring authorities must send a sponsorship letter to the Canberra Passport Office for approval. The approval process takes approximately five working days. This timeframe is in addition to the normal processing time for the passport application. If approval is received from DFAT, a copy of the advice approving the issue of the passport must be submitted with the application. The application will also need to be accompanied with a completed and signed 'conditions for the issue of a diplomatic or official passport' letter. The sponsorship letter for an official passport for a contractor and the conditions for the issue of a diplomatic or official passport letter can be downloaded from the Defence travel website under the passport and visas section.

VALIDITY OF PASSPORTS

3.32 Defence sponsored passports will normally have a validity of five years and concurrent passports a validity of three years from the date of issue. Notwithstanding, there are a number of exceptions to this practice, which include:

a. Diplomatic passports for specific positions identified in paragraph 3.11 will have validity for five years

b. Diplomatic passports issued to personnel on a diplomatic posting will generally have a validity period of the posting duration plus six months

c. Dependant official and ordinary passports will normally have a validity of the required duration plus six months

d. External Service Providers and non-Defence personnel travelling overseas for Defence-sponsored (as per paragraph 3.30) activities (such as entertainers or members of philanthropic organisations) on an official passport will only be issued with a validity period of the required duration (such as the tour or contract) plus six months.

3.33 Defence personnel should note that many countries may refuse entry to Australians arriving with less than twelve months validity remaining on their passports. The sponsoring authority is to check the validity requirements with the diplomatic or consular mission of the country to be visited by the applicant before departure to enable time for renewal.

PHOTOGRAPHS

3.34 Requirements for passport photographs are specific and are detailed on the passport application form. Photographs taken on digital cameras and subsequently printed on non-photographic paper will not be accepted by DFAT. Passport photographs must be taken in civilian attire. If the requirements regarding photographs are not met, the application will be returned unprocessed by the Canberra Passport Office. Costs for the photographs are to be met by the Sponsoring Authority.
TIMEFRAMES FOR THE PROCESSING OF PASSPORT APPLICATIONS BY
THE DEPARTEMENT OF FOREIGN AFFAIRS AND TRADE
3.35 DFAT has defined processing times for passport applications, including
official passports. These processing timeframes are to be taken into account by
sponsoring authorities when organising passports for their personnel. If this is not
done, then sponsoring authorities may have to incur additional expenses for the
priority processing of passport applications.

PRIORITY PROCESSING SERVICE
3.36 DFAT provides a priority processing service which guarantees that a
passport will be ready for collection within two working days of receipt of a correctly
compiled application by the Canberra Passport Office.
3.37 The fee for this service is in addition to the regular passport fee. The fee
cannot be waived, but if the passport office does not meet the service standard of two
working days, the sponsoring authority can apply for a refund of the priority
processing fee.

URGENT PASSPORT/VISA APPLICATION
3.38 If Defence personnel require a passport/visa urgently and current
procurement methods cannot ensure delivery, the application can be forwarded in an
overnight courier/mail bag (enclosing a second overnight courier/mail bag for return
delivery) to the Canberra Passport Office or appropriate visa office. If feasible, unit
administrative staff or the individual may need to travel to Canberra to process the
passport, at the expense of the sponsoring authority. Further information on this
process is available from the Defence travel website.

FEES FOR PASSPORTS/VISAS
3.39 All fees associated with the issue of a Defence sponsored passport or visa
are the responsibility of the requesting sponsoring authority and not the applicant.

METHOD OF PAYMENT OF FEES
3.40 DFAT does not accept Defence cost centre codes, Diners club card, Defence
travel card or American express card as a method of payment. The preferred method
of payment for Defence is a Defence purchasing card (DPC), although cash and
cheque are accepted. If paying by DPC, all receipts issued by the DFAT Office must
be returned to the DPC cardholder in the unit/ship/directorate for acquittal of
transactions.

REFUSAL TO ISSUE A PASSPORT
3.41 In accordance with Section 15 of the Australian Passports Act 2005, DFAT
may refuse to issue a passport to an individual if, in the previous five years, two or
more passports issued to that individual have been declared lost or stolen. In these
circumstances, DFAT may choose to re-issue a passport with a limited duration.
PRIVATE USE OF OFFICIAL PASSPORTS

3.42 Although Defence-sponsored passports are to be used only for official travel, Defence personnel (and their dependants) who are posted overseas, or who are on official overseas duty, are permitted to use their Defence-sponsored passports for private travel during the term of their overseas posting or duty. Defence members are still required to gain appropriate approvals prior to international travel outside their posting locality.

3.43 The use of Defence-sponsored passports by Defence personnel (including external service providers and non-Defence personnel) and their dependants living in Australia for private travel overseas is strictly prohibited. Those who do so may face disciplinary or legal action. Defence-sponsored passports which are used for this purpose may be cancelled without notice.

CUSTODY OF PASSPORTS

3.44 All Defence-sponsored passports are to be securely held by the sponsoring authority when not required for official duty; this includes passports for external service providers and non-Defence personnel. The minimum requirement for this storage is a lockable commercial grade cabinet. Under exceptional circumstances, directors or commanding officers may approve individuals to retain custody of passports between trips.

3.45 Where a dependant has been issued with a passport to accompany Defence member/employee on an overseas posting or on official travel overseas, the passport is to be held by the dependant for the duration of the posting or duty travel. Where dependants of senior Defence personnel accompany the individual on regular overseas trips, the dependant's official passports are to be held either by the member/employee or by the same administrative unit that holds the senior Defence member/employee’s passport.

3.46 Defence-sponsored passports held by units or directorates are to be included with the individual’s personal documents on posting and forwarded to the gaining unit/directorate, which assumes Sponsor responsibilities. Defence-sponsored passports are not the property of the initiating sponsor and are not to be retained by units/directorates when personnel have been posted or transferred. Defence personnel are to be informed that the official passport is included in their documents at the losing locality. Defence-sponsored passports are not to be forwarded from the losing locality by surface mail but are to be sent by either registered mail or delivered by hand.

CUSTODY OF PASSPORTS FOR NAVY PERSONNEL

3.47 The responsibility for the safe custody of official passports for Navy personnel embedded in Major Fleet Units and Hydrographic Ships rests with the Maritime Logistics – Personnel Operations category. In Minor War Vessels (MWVs) this rests with the Naval Police Coxswain category and the Chief of Boat in Submarines.
3.48 Official Passports for members posted to a Navy Establishment are to be held by the relevant office under the direction of the Commanding Officer. Advice of custodian responsibilities within Navy is promulgated by Fleet Logistics Division—Unit Listing.

DAMAGING OR DESTROYING AN AUSTRALIAN PASSPORT

3.49 Care must be exercised in safeguarding Defence-sponsored passports. Under no circumstances are passports to be cut up, written on, destroyed or in any way defaced by units or directorates. If an official passport is lost or defaced whilst in the custody of Defence personnel or their dependants, Defence personnel will be personally liable for the cost of a replacement passport unless they can establish that the loss, or defacement, of the passport was beyond the individual’s control.

3.50 In accordance with Section 32 of the Australian Passports Act 2005, it is an offence to destroy or damage an Australian passport. The penalty for persons committing this offence is imprisonment for 10 years, a $110 000 fine, or both.

REPORTING OF LOST OR STOLEN PASSPORTS

3.51 Anyone (regardless of their employment status) who has been issued with a passport sponsored by Defence and has lost their official passport or discovers it stolen must report the loss immediately to DFAT by calling 131232 in Australia or to the nearest Australian Diplomatic or Consular Mission if overseas.

PERSONNEL MANAGEMENT KEY SOLUTION

3.52 Sponsoring authorities are to ensure that all passport details (initial issue, renewal, location details and cancellation of the passport) for Defence personnel (including dependants) and members of philanthropic organisations are recorded on PMKeyS.

3.53 Official passport details for external services providers and all other non-Defence personnel are also to be recorded by sponsoring authorities.

CANCELLATION OF OFFICIAL PASSPORTS

3.54 Separation from Defence. Defence personnel (including dependants) passports are to be returned to their administration centres before separation procedures are completed. All passports are to be returned by the administration centre or sponsoring authority by registered mail to the Canberra Passport Office. The passport is to be accompanied by a covering letter advising the reason for the passport's cancellation, and whether the passport is to be destroyed or returned to the holder after cancellation (the reasons for the return may include the passport's use in future security clearances). If the cancelled passport is to be returned to the holder, the letter must include their forwarding address details.
3.55 **Dependants’ passports.** Defence personnel are to ensure that upon completion of the official travel, their dependant’s passport is either handed to the gaining unit (as the new sponsoring authority), or left with the losing unit (as the previous sponsoring authority), in order for it to be sent via registered mail to the Canberra Passport Office for cancellation. The passport must be accompanied with a covering letter advising the reason for the passport's cancellation, and whether the passport is to be destroyed or returned to the holder after cancellation (the reasons for the return may include for use in future security clearances). If the cancelled passport is to be returned to the holder, the letter must include their forwarding address details.

3.56 **Transfer to Reserves.** A Defence member who transfers to the Active Reserve can retain their Defence-sponsored passport provided that there is likelihood that the member will be required to travel overseas on official duty. It is the responsibility of losing unit to forward the passport to the gaining Reserve unit, which assumes sponsor responsibilities. Passports for Defence personnel transferring to standby/inactive Reserve are to be returned to the Canberra Passport Office via registered mail for cancellation.

3.57 The respective Navy categories detailed in paragraphs 6.47 – 6.48 are responsible for the return of official passports to Navy Personnel and Training, Reserve Career Management Cell (RCMC) for those members transferring into the Reserves, and who have potential for sea going service. On posting of a member on Reserve service to a deployable position, an initial check is to be made with RCMC as to whether the member’s official passport is held in storage prior to application for issuing of a new passport.

3.58 **Movement of Defence personnel to other government agencies.** In situations where Defence personnel move to another government agency and require an official passport in the performance of their duties, sponsorship of their official passport may be transferred to the gaining agency. In such cases, the sponsoring authority must notify DFAT by completing a sponsored passport transfer request which can be access via the Defence travel website.

3.59 **External service providers and other non-Defence individuals travelling for Defence-sponsored activities.** Official passports for external service providers and other non-Defence individuals are to be returned to the sponsoring authority at the cessation of the activity for which the passport was issued (such as the end of a contract or the completion of a tour). The passports must be returned by the sponsoring authority to the Canberra Passport Office for cancellation. The sponsoring authority is to send the passport with a covering letter advising the reason for the passport's cancellation, and whether the passport is to be destroyed or returned to the holder after cancellation (if the cancelled passport is to be returned to the holder, the letter must include their forwarding address details).

**EXPIRED PASSPORTS**

3.60 Sponsoring authorities should only send expired official passports to the Canberra Passport Office if they require destruction. Expired official passports may be retained for up to three years for passport renewal or security clearance purposes. Retained expired official passports can be held by units/ships/directorates, retained with the individual’s service documents, or held by the member.
DEPARTMENT OF FOREIGN AFFAIRS AND TRADE AUDIT OF OFFICIAL PASSPORTS

3.61 As part of the accountability for diplomatic, official and ordinary passports sponsored under its authority, Defence is required to conduct an annual audit of Defence sponsored passports held by Defence personnel and their dependants. The purpose of this audit is to account for all passports sponsored by the agency, validate their requirement and to identify passports which are no longer required.

3.62 As part of the audit process, the Canberra Passport Office will provide Defence with a list of current passports sponsored by Defence. DMPP will assess the list against the data contained within PMKeyS. Any official passports remaining unaccounted for at the end of the audit may be cancelled and will therefore be invalid for travel.

NAVY AUDIT REQUIREMENTS

3.63 Her Majesty’s Australian (HMA) Ships are to validate passport information for personnel posted to them, and for lodger units/MWVs and submarines for whom they are administratively responsible. For HMA Ships passport information in PMKeyS must be audited as follows:

a. within seven days of sailing against PMKeyS Personnel onboard report
b. on a quarterly basis (ie 01 February, 01 May, 01 August and 01 November) comparing official passport to PMKeyS data

3.64 Navy establishments are to conduct an annual muster by no later than 01 July.

VISAS

3.65 Visa requirements for holders of Defence-sponsored passports must be obtained by the sponsoring authority from the relevant diplomatic mission in Australia. On the occasions when sponsoring authorities are unable to do so, the completed application must be sent to Defence Travel to arrive at least 21 days prior to travel (or with the passport application). Further information in relation to the issue of visa applications is available online from DFAT.

3.66 Some countries do not allow access if a visa from another country, whether old or current, is contained in the passport. In these cases, personnel are required to hold two passports and must apply for a concurrent passport (refer to paragraphs 3.27 – 3.28).

3.67 All visa applications for Defence-sponsored passports must include a letter of request from the sponsoring authority, and all documentation for an official visit (for example, a request to visit a country to attend a course or seminar) must be attached to the application.
3.68 The majority of visas applied for by Defence personnel are for travel to the United States (US). To expedite the process for US visa applications, sponsoring authorities submitting these applications are encouraged to apply directly to the US Consulate-General Sydney, with the visa application form sourced from the Bureau of Consular Affairs. US visa applications may also be forwarded to Defence Travel Services, however this will delay the processing, as Defence Travel Services is then required to submit the applications through the US Consulate-General in Sydney. If sponsors choose to send US visa applications via Defence Travel Services, the applications must be received at least 21 days prior to the planned travel.

3.69 There are also very specific requirements which must be met when completing a US visa application. Failure to adhere to the following requirements will delay the application.

a. applicants must complete every single field on the application in detail. If there is any uncertainty about any part (for example, accommodation or contacts in the US), this must be clarified before completing the application.

b. use of ‘TBA’ against any question, or ‘Defence Business’ for the purpose of trip is not acceptable.

c. responses cannot be handwritten; and

d. the application must include the required number of 50 x 50 mm passport photographs with a white background.

RELATED LEGISLATION, POLICY AND PUBLICATIONS

Defence Security Manual
Annex:
3A Definitions

Sponsor: ASPPEC (DMPP)
Definitions

1. For the purpose of this chapter, the following definitions apply:

a. **Dependant** includes a Defence recognised spouse and other persons approved to accompany Defence personnel on overseas travel at public expense.

b. **Defence-sponsored passport** is a generic term used to refer to diplomatic, official or ordinary passports that are issued to Defence personnel (and their dependants) for official travel at public expense.

c. **Official travel** as defined by Department of Foreign Affairs and Trade is travel, the prime purpose of which directly relates to the conduct of Government business and that business is not related to a competitive commercial activity, whether or not the commercial competitiveness includes other Australian or overseas enterprises.

d. **Parental responsibility** is defined in Section 11 of the Australian Passports Act 2005. For the purposes of this section of the Passports Act, a person has parental responsibility for a child if, and only if, the person:

   (1) is the child’s parent (including a person who is presumed to be the child’s parent because of a presumption (other than in subsection 69Q) in subdivision D of Division 12 of Part VII of the Family Law Act 1975 and

   (2) has not ceased to have parental responsibility for the child because of an order made under the Family Law Act 1975 or

   (3) has a residence order or a contact order in relation to the child or

   (4) has a specific issues order in relation to the child under which the person is responsible for the minor’s long-term or day-to-day care, welfare and development or

   (5) is entitled to guardianship or custody of, or access to, the child under a law of the Commonwealth, a State or a Territory.

e. The **presumptions** in the Family Law Act 1975 include a presumption arising from a court finding that a person is the child’s parent, and a presumption arising from a man executing an instrument under law acknowledging that he is the father of the child.

f. **Partner** is a recognised person who, regardless of gender, is living in a common household with the member/employee in a bona fide, domestic, interdependent partnership, although not legally married to the member/employee. This also includes those people who are recognised on the basis that they are in an interdependent same sex partnership. See
Chapter 2, Division 2 of the ADF Pay and Conditions Manual for guidance on the recognition process for ADF personnel.

g. **Official Passport** is the generic term used to refer to ‘diplomatic’, ‘official’, or ‘ordinary’ passports which are issued to Defence personnel (and their families) for official travel at public expense.
CHAPTER 4
CIVILIAN DRIVERS LICENCES AND VEHICLE REGISTRATION ON POSTING INTERSTATE

INTRODUCTION

4.1 With the exception of the Northern Territory (NT), Commonwealth, State and Territory authorities have agreed to exemptions for Defence members and eligible family members on the requirement to transfer civilian driver’s licences on posting interstate. Driving licences of Defence members and their families will be recognised throughout Australia (excluding NT) and thus there is no requirement to change a driving licence solely because of a transfer interstate. However, on expiry, licences are to be renewed in the current State or Territory of residence.

POLICY STATEMENT

4.2 Defence members and eligible family members are to comply with the motor vehicle licensing and registration requirements of their posted locality.

SCOPE

4.3 This chapter is applicable to all Defence members and eligible family members.

DEFINITIONS

4.4 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains terms and definitions used throughout this chapter. In relation to this chapter, the following specific definitions apply:

a. **Eligible family member**. An eligible family member is any person who normally resides with the Defence member and who would be entitled to a removal at Commonwealth expense in the event of the posting of the member.

b. **Entitled persons**. Entitled persons are Defence members and their eligible family members.

GENERAL GUIDELINES

4.5 The following general guidelines apply:

a. There is common agreement on licensing requirements except for NT, where entitled persons are required to transfer any civilian drivers licence issued in any Australian State or Territory to a NT licence within three months of being posted to the NT. Interstate or Territory drivers licences will be transferred at no cost to the applicant and will carry the same expiry date and licence classifications as the licence being transferred.
b. An entitled person will not be required to renew a driving licence until it expires. On expiry, a new licence must be sought in the current State or Territory of residence.

c. Entitled persons are required to carry identification at all times to establish their right to drive on an interstate licence. This identification is to be in the form of a current ADF Identity Card or Dependents Access Card issued by the Department of Defence. Defence members are to produce this documentation when asked to do so by a Police Officer.

d. Licence holders are responsible for advising Licence Issuing Authorities of their change of address.

e. Entitled persons who have either a Learner’s Permit, Probationary Licence, or other class of current driving license, must comply with the law in force in respect of those licences in the State or Territory in which that person is driving.

f. Persons disqualified from driving or persons with cancelled or suspended driving licences are not exempt from compliance with the local traffic regulations.

g. On separation from the Permanent Force, entitled persons cease to be eligible for exemption from state/territory license transfer requirements.

**NATIONAL DRIVER LICENCE TRANSFER INITIATIVE**

4.6 The provisions in NT (as per subparagraph 4.5a. above) are the result of the National Driver Licence Transfer Initiative which allows motor vehicle drivers to transfer their licence from one State/Territory to another free of cost, with the expiry date being the same as the expiry date of the interstate licence being transferred. ‘No fee’ transfers of interstate licences are issued for a maximum of ten years in the NT and are available to all licence holders with the exception of Alcohol Ignition Lock (AIL) licence holders. Holders of an AIL licence issued in another state or territory may apply for an exemption from the requirement to hold a NT licence. The exemption granted will be for the remaining AIL period in the former jurisdiction or expiry date of the interstate licence, whichever is the lesser.

4.7 The other States and the Australian Capital Territory have similar provisions but permit entitled persons to maintain an interstate licence until that licence expires, as per this instruction. Given this, Defence members may wish to check with local licensing authorities as to whether there is a ‘no fee’ transfer option is available. Where this is available, members should consider transferring their licence to their new State/Territory as soon as practical after arrival.
4.8 State and Territory Motor Vehicle Registration Authorities have varying requirements regarding the change of motor registration following arrival in their State or Territory. However, in general terms, motor vehicle registration is normally to be transferred to the gaining State or Territory within 3 months of arrival. Defence members should check with local registration authorities on their specific requirements.

Sponsor: ASPPEC (DMPP)
CHAPTER 5
GAMBLING ON DEFENCE PREMISES AND IN NAVY SHIPS

INTRODUCTION

5.1 This chapter sets out conditions under which gambling activities may occur on Defence premises and in Navy ships, whether in Australia or overseas.

POLICY STATEMENT

5.2 Gambling activities on Defence premises or in Navy Ships are permitted, provided they are conducted in accordance with this chapter. Additionally, gambling activities conducted on Defence premises or in Navy Ships located in a foreign country are to be conducted in accordance with any applicable (even if not enforceable) local laws.

SCOPE

5.3 This chapter applies to all gambling activities on Defence premises and in Navy Ships.

DEFINITIONS

5.4 Military Personnel Policy Manual (MILPERSMAN), Part 1, Chapter 3—Military Personnel Policy Manual Glossary contains common terms and definitions used throughout this chapter. For the purposes of this chapter the following definition applies:

a. Approving authority means:

(1) for all land based Defence premises in Australia:

   (a) the Senior Australian Defence Force Officer (SADFO), or a person authorised by the SADFO, and

   (b) the Base Support Manager (BSM), or a person authorised by the BSM.

(2) for Navy Ships; the Commanding Officer

(3) for RAAF aircraft; the Aircraft Captain

(4) when overseas on operations or on Joint Operations Command (JOC) exercises; Chief Joint Operations (CJOPS), or a person authorised by CJOPS

(5) when on all single-Service exercises or activities not included above; the officer/supervisor conducting or in charge of the exercise or activity, not below the rank of MAJ(E), and
(6) when overseas on posting; the Head Australian Defence Staff (HADS) or a person authorised by HADS, the relevant Commanding Officer, Detachment Commander or Officer Commanding (at least MAJ (E)).

CONDUCT OF GAMBLING ACTIVITIES

5.5 All gambling activities conducted on Defence premises and in Navy Ships are to be approved by the approving authority. Under no circumstances are approving authorities to approve the installation or operation of poker machines or electronic betting terminals on any Defence premises or Navy Ship.

5.6 Each Australian State and Territory provides legislation and restrictions for gaming activities under their jurisdiction. As such, the laws regarding gaming activities on Defence premises in Australia vary based on location. In this context, Defence premises can be divided into three categories;

a. Defence premises not on Commonwealth land
b. Defence premises on Commonwealth land in a State/Territory where State/Territory legislation binds the crown
c. Defence premises on Commonwealth land in a State/Territory where State/Territory legislation does not bind the crown.

5.7 Defence premises that fall under category (a) and (b) are to comply with state/territory legislation for all gambling activities. Defence premises that fall under category (c) may not require approval from the state/territory gaming authority, however other restrictions and regulations regarding the conduct of the activity are to be complied with.

5.8 The applicability of state/territory gaming legislation over Commonwealth land varies across jurisdictions. Approval is only to be granted if the gambling activity would be consistent with state or territory law that applies to the Defence premises or Navy Ship; or if the relevant state or territory law does not apply on the Defence premises or Navy Ship, approval is to be consistent with the restrictions that would otherwise apply.

5.9 If there are any doubts regarding the conduct of the gambling activity, approving authorities are encouraged to contact the relevant state/territory gaming authority.

5.10 Defence personnel participating in approved gambling activities on Defence premises and in Navy Ships are to maintain a standard of behaviour that is consistent with Defence’s culture and values in accordance with Interim Defence Instruction Personnel 35-3—Required Behaviours in Defence.

APPROVING AUTHORITIES

5.11 Approving authorities are to do all that is reasonably practicable to ensure that approved gambling activities are conducted:

a. in a way that promotes responsible gambling
b. predominantly for charitable, welfare or amenities purposes

c. as to not offend local customs and sensibilities

d. subject to such further restrictions and/or pre-conditions that they consider appropriate in the circumstances.

SUPERVISORS/MANAGERS

5.12 **Supervisors/managers** at all levels should be aware of their duty of care to Defence members. If supervisors/managers suspect or have identified a problem gambler under their supervision, they should offer them mental health support and assistance in seeking treatment.

5.13 As required by Chapter 3 of the *Information and Communications Technology Manual (ICTMAN)*, Defence ICT resources are not to be used to access or download from gaming sites. This includes sites that enable gambling/risking money or anything of value. Defence will not be liable for any losses incurred from gambling using personal devices or Defence ICT resources while on duty or on Defence premises or Navy Ships.

RELATED LEGISLATION, POLICY, PUBLICATIONS AND WEBSITES

[Information and Communications Technology Manual (ICTMAN)]

[Interim Defence Instruction Personnel 35-3—Required Behaviours in Defence]

[Pathway to Change Resources: Evolving Defence Culture 2017-2022]

[ADF Mental Health and Wellbeing Strategy 2018-2023]

[ACT legislation: Unlawful Gambling Act 2009]

[ACT legislation: Lotteries Act 1964]

[Australian Capital Territory Gambling and Racing Commission]

[Defence (Special undertakings) Act 1952]

[New South Wales legislation: Gambling (Two-up) Act 1998]

[New South Wales legislation: Lotteries and Art Unions Act 1901]

[New South Wales Office of Liquor, Gaming and Racing]

[Northern Territory legislation: Gaming Control Act 2012]

[Northern Territory Department of Trade, Business and Innovation]

[Queensland legislation: Charitable and Non-Profit Gaming Act 1999]

[Queensland legislation: Lotteries Act 1997]

[Queensland Office of Liquor and Gaming Regulation]
South Australia legislation: *Lottery and Gaming Act 1936*

South Australia legislation: *Lottery and Gaming Regulations 2008*

South Australia Attorney-General's Department, Consumer and Business Services

Tasmania legislation: *Gaming Control Act 1993*

Tasmanian Department of Treasury and Finance

Victoria legislation: *Gaming Regulation Act 2003*

Victorian Commission for Gambling and Liquor Regulation

Western Australia legislation: *Gaming and Wagering Commission Act 1987*

Western Australia Department of Racing, Gaming and Liquor
CHAPTER 6
CIVILIANS SUPPORTING AUSTRALIAN DEFENCE FORCE OPERATIONS

INTRODUCTION

6.1 The success of contemporary Australian Defence Force (ADF) operations often depends on appropriate civilian support providing interagency coordination and planning. Civilians can include the Australian Public Service (APS) and other (Australian) government agency (OGA) employees, contractors to Defence and employees and members of philanthropic and other organisations. Support by civilians in an Area of Operations (AO) can include a broad range of non-combatant roles and functions. Civilians may be authorised to accompany the ADF to an overseas AO for the purpose of providing this support.

AIM

6.2 While OGAs may operate in close collaboration with, and alongside, the ADF, their personnel will not necessarily be integrated or embedded with ADF elements or units. They will generally operate as discrete entities with their own governance and administrative arrangements and receive support from the ADF as the circumstances dictate—for example, security or protection. However, the ADF may have some agreed responsibilities for the support of the OGA civilians who are also in the AO. The aim of this policy is to detail the ADF’s requirements, expectations and responsibilities of and to civilians supporting the ADF in an area of operations.

POLICY STATEMENT

6.3 Civilians will only be authorised to accompany the ADF in support of overseas operations when the force commander can provide for their security and support and Defence can meet its legal obligations in accordance with the Work Health and Safety Act 2011. Accompanying civilians are to be adequately prepared and agree to be subject to the control of the force commander.

SCOPE

6.4 This Chapter applies to all Defence personnel who are responsible for, or involved in, the planning or implementation of integrated civilian support to ADF operations in an AO.

6.5 This Chapter does not apply to employees and contractors of OGA who are cooperating with, supporting or receiving support from Defence under agreed whole of government arrangements.

6.6 With the exception of the details outlined in the section within this Chapter titled ‘Locally engaged civilians’, the provisions of this Chapter do not apply to locally engaged civilians.
6.7 Detailed operational procedures and processes regarding the management and administration of civilians authorised to accompany the ADF on operations in an AO are to be contained in HQJOC Standing Orders. Other relevant references are to be found in the APS People Policy (APSPP) for Defence employees, memoranda and agreements for OGA employees and contracts for contractors.

DEFINITIONS


6.9 Definitions specific to this policy includes:

a. **Control.** The authority exercised by a commander over part of the activities of subordinate organisations, or other organisations not normally under their command, which encompasses the responsibility for implementing orders or directives. All or part of this authority may be transferred or delegated.

COMPLIANCE

6.10 All Defence personnel are to comply with this policy.

6.11 **Australian Defence Force.** This policy constitutes a general order to Defence members for the purposes of the Defence Force Discipline Act 1982. Non-compliance may result in disciplinary action being taken.

6.12 **Australian Public Service.** This policy is a lawful and reasonable direction to Defence employees under subsection 13(5) of the Public Service Act 1999. Non-compliance may be referred to a delegate for investigation and possible sanctions in accordance with the APS Code of Conduct.

6.13 **Contractors.** Defence contract managers are to include, in the terms of the relevant contract, the requirement that contractors comply with this Instruction where the contractors are involved in administration of the policy covered by this Instruction. Failure by a contractor to comply with this Instruction may result in a breach of contract.

IMPLEMENTATION

6.14 **Principles and Protocols.** The arrangements governing the implementation of Australia’s whole of government effort for a particular mission may be covered by a joint Statement of Principles and Protocols with the heads of the participating agencies. This will be subject to negotiations and planning between Defence and the OGA.

6.15 This Statement needs to articulate the responsibilities of Defence and the other agencies in relation to coordination, governance, security, accommodation, life support, communication, incident reporting and other relevant matters. These responsibilities may vary from mission to mission depending on the circumstances prevailing at the time and may be reflected in relevant operational and support orders by Headquarters Joint Operations Command (HQJOC). Further information on
Australian whole of government efforts can be found in the Australian Defence Doctrine Publication (ADDP) 009—Multiagency Coordination - Defence’s Contributions to Australian Government Responses.

6.16 Chief of Joint Operations (CJOPS), Service Chiefs and Deputy Secretaries (DEP SECs) are to ensure that appropriate processes and procedures are put in place for the effective implementation of this policy as it applies to their respective organisations.

6.17 Defence contracting authorities are to implement these provisions for contracts that they intend to enter. In the case of current contracts entered into prior to the release of this policy all efforts are to be made to effect implementation during the course of the next planned contract change proposal, unless it is agreed by CJOPS that there would be detrimental or critical capability effects.

ROLES AND RESPONSIBILITIES

COMMANDER JOINT LOGISTICS, CHIEF INFORMATION OFFICER, DEPUTY SECRETARIES AND SERVICE CHIEFS

6.18 Commander Joint Logistics (CJLOG), Chief Information Officer (CIO), and the relevant DEP SECs and Service Chiefs, are responsible for ensuring that contracting agencies within their Group or Service include the necessary provisions, conditions and requirements in the relevant contract for the movements, duties and management of the contracted personnel in the Area of Operations. They are also to develop procedures that support this policy, actively manage contractors on operations and provide the interface between the contracting organisation and the Department of Defence.

CAPABILITY MANAGERS

6.19 Where a capability is identified as being required, the Capability Manager (CM) is to review any requirement for contractors as part of the support system for the capability. This is to be inclusive of:

   a. new capabilities being introduced into an AO
   b. enhancement of existing capabilities
   c. augmentation to, or replacement of, capabilities or services provided by ADF members.

6.20 Where it is determined the capability requires civilian support in-theatre, the CM is to engage with HQJOC and seek approval prior to approving the Defence Contract Authority to enter into the contract.

CHIEF OF JOINT OPERATIONS

6.21 CJOPS authorises the nominated civilian to accompany the ADF to the overseas AO, is responsible for maintaining a record of civilians authorised to accompany the ADF in the AO, and acts as the central point of contact for issues pertaining to civilians who are in the AO with the ADF.
6.22 CJOPS, through HQJOC and in conjunction with the relevant DEP SEC, Service Chief or employer is to ensure that civilians who are nominated for deployment on ADF operations in the AO are suitably prepared and fit for such deployment. CJOPS, through HQJOC and the force commander, is responsible for the movement of civilians in to and out of the overseas AO, their welfare, duties, and administration whilst in the AO.

6.23 CJOPS, through the contractor or employer, CM and Defence contract authority, are to ensure that all private sector civilians have all the necessary information to make an informed decision on whether to voluntarily consent accompany the ADF in an AO. They are also responsible for approving suitably qualified and prepared private sector civilian nominees to accompany the ADF in an AO, subject to their satisfactory completion of force preparation training and other mandatory pre-departure conditions, as determined by HQJOC. Refer to the “Pre-Departure preparation and in-theatre support” section of this Chapter for further information.

DEPUTY SECRETARIES AND SERVICE CHIEFS

6.24 DEP SECS and Service Chiefs, in conjunction with CJOPS, have an obligation to ensure that APS employees within their Group or Service who are selected for attachment to an ADF force in an overseas AO have voluntarily consented, are suitably prepared, understand the risks and receive entitlements associated with their employment in the AO. They are responsible for:

a. The approval of suitable nominees from within their Group or Service to accompany the ADF force in the overseas AO, which then goes to CJOPS for authorisation.

b. Ensuring that all prescribed casualty notification, management and family support requirements are met, in the event of any employee from their Group or Service becoming a casualty in the AO. Refer to Defence Casualty and Bereavement Support Manual (DCBSM) Chapter 1—Casualty Notification of Defence Members for further information.

HEAD MILITARY STRATEGIC COMMITMENTS

6.25 Head Military Strategic Commitments is responsible for ensuring that departmental or agency agreements or arrangements exist between Defence and OGA that outline mutual and individual responsibilities in relation to civilians from OGA who are in direct support of the ADF in an AO.

COMMANDER JOINT HEALTH

6.26 Commander Joint Health is responsible for:

a. providing pre- and post-deployment psychological screening to Defence employees in conjunction with 1 PSYCH Unit

b. confirming the fitness of civilians for deployment to the AO.
HEAD DEFENCE LEGAL

6.27 Head Defence Legal is responsible for negotiating the Status of Forces Agreement or other agreement, where applicable, with the host nation (HN) for the inclusion of accompanying civilians as members of the Australian force.

ASSISTANT SECRETARY DEFENCE COMMUNITY ORGANISATION

6.28 Assistant Secretary Defence Community Organisation (AS DCO), when requested by the employee's DEP SEC or Service Chief is to provide:

a. casualty support to Defence APS employees within extant departmental policies, procedures and directives

b. advice and specialist support by exception to families of Defence APS employees serving in an AO.

CIVILIANS ACCOMPANYING THE AUSTRALIAN DEFENCE FORCE ON OPERATIONS

6.29 Civilians nominated and subsequently approved to accompany the ADF on operations to an overseas AO are to meet the following requirements:

a. Voluntarily consent for duties or service with the ADF in an overseas AO making an informed decision on the basis of threat or risk assessments provided to them

b. complete all the pre-departure administrative, preparation and training requirements as laid down by HQJOC and their sponsoring authority—that is their DEP SEC or Service Chief

c. provide and maintain accurate personal records, Primary Emergency Contact (PEC), family and contact details as required by their sponsoring authority and HQJOC

d. unless waived by CJOPS, consent to subject themselves to the Defence Force Discipline Act by becoming a Defence civilian as defined in the Act and by coming under the jurisdiction of the force commander

e. prepare an individual welfare plan with their family and provide a copy to their supervisor and their sponsoring authority

f. undertake post-AO duties, activities or reporting as required by their sponsoring DEP SEC or Service Chief.

SOURCES OF CIVILIAN SUPPORT AND SELECTION PARAMETERS

6.30 Civilians in the AO in support of the ADF on operations can come from both the public and private sectors in order to:

a. provide required specialist capability and expertise that does not exist in the ADF
b. provide a replacement for an ADF member with a particular capability and expertise

c. continue to provide support of ADF equipment and weapon systems

d. permit the ADF to keep an organic capability in reserve.

PUBLIC SECTOR CIVILIANS

6.31 Public sector civilian support is derived mainly from Defence APS employees. Other personnel from OGA—for example, quarantine inspection officers from the Department of Agriculture and Water Resources—may, in certain cases, be sent to an AO by Defence as direct civilian support to the ADF, as agreed with by the OGA. In these circumstances it is necessary for there to be clear understanding and agreement between Defence and the OGA as to whether OGA personnel fall under Defence control as civilian support to the ADF or whether they remain under OGA control, under whole of government arrangements.

PRIVATE SECTOR CIVILIANS

6.32 Private sector civilian support is derived mainly from Australian and foreign commercial workforces. Civilians from the private sector are engaged under either an individual contract to provide a particular service for the ADF or as employees of a corporation contracted to provide goods and services for the ADF. Contractors may also be engaged via a government arrangement—for example, Foreign Military Sales with the United States (US).

CIVILIANS FROM PHILANTHROPIC ORGANISATIONS

6.33 Civilians from philanthropic organisations—for example, the Red Cross and Salvation Army, or Special Category (SC) civilians (for example, war artists, official photographers and entertainers) may also provide support to ADF operations in an AO and will be sponsored by an appropriate Defence DEP SEC or Service Chief. The policy on the use and administration of civilians from philanthropic organisations is covered in the Philanthropic Manual.

SECURITY AND PROTECTION

6.34 **Work health and safety.** Defence has work health and safety (WHS) responsibilities to persons which include both those contracted to work in and those visiting Defence workplaces. These responsibilities continue to apply on ADF overseas operations. The ADF are to ensure that civilians who provide support to ADF operations in an AO are provided an acceptable level of safety and that appropriate arrangements are in place to guard against the physical threats in the AO.

6.35 **Protected status.** In addition to obligations arising under WHS responsibilities a commander is responsible for the protection and security of civilians in accordance with the Commonwealth’s international and domestic legal obligations under the Law of Armed Conflict. In both international and non-international armed conflict civilians generally have protected status unless they are taking a direct part in hostilities. ADDP 06.4—Law of Armed Conflict refers.
6.36 There can be debate over what constitutes taking a direct part in hostilities. The intended role of each civilian in the AO are to be considered closely so that legal advice can be given on whether or not the activities each individual will be undertaking will affect their protected status.

6.37 **Voluntary consent.** Civilians cannot be directed to serve in an overseas AO. They are to provide voluntary consent in writing to work in and proceed to the AO. They are to be able to make a decision to deploy to an AO on the basis of accurate and timely information regarding their safety and on the conditions generally applied in that AO.

6.38 **Security and threat assessments.** Security and threat assessments are to be addressed by HQJOC during the planning stages. These assessments are to be briefed to civilians and their parent agency or organisation prior to the civilian making an informed decision to voluntarily consent to deploy to an AO. This needs to occur prior to both their departure for the AO and on entry to any ADF workplace in the overseas location.

6.39 Defence contracting authorities are to ensure that security and threat assessments are provided to potential contractors and to the individual employees of the contractor who are nominated to deploy to the AO. Defence contracting authorities are to ensure that the individual employees of a contractor are aware of the nature of the contract and the conditions associated with being in the AO. Relevant provisions are to be included by the applicable contract authority in the relevant contract (or deed) between Defence and the contractor.

**AUTHORISATION**

6.40 The authority to approve a nominated civilian to accompany the ADF on operations in an AO rests with CJOPS or their delegate. Provision of manning against the Operational Staffing Document (OSD) is the agreement of the relevant DEP SEC or Service Chief, OGA or contractor to provide support to the operation.

6.41 Requests for civilians to accompany the ADF on operations are to be submitted to HQJOC J5 Branch for permanent inclusion in the OSD during planning. Requests for temporary duties are to be forwarded to HQJOC J3 Branch either as an OSD amendment or as a Temporary Deployment Request (TDR). Authorisation are to be communicated through either:

   a. written advice from HQJOC of the establishment of a permanent appointment within an OSD for the operation

   b. issue of a HQJOC Task Order (TASKORD), which enables establishment of a non-enduring task.

6.42 **Operational Staffing Document.** The OSD is developed as part of the planning process by the Joint Planning Group (JPG) and includes the requirement for civilian support. The OSD are to only be approved by CJOPS after the agreement by the relevant CM, OGA or the contractor has been provided.

6.43 **Task Order.** The HQJOC TASKORD provides the authority for all attachments into an AO for civilian support to the ADF which are not otherwise
authorised in an OSD. The Task Order is to stipulate the purpose, location and time line of the attachment. The TASKORD is not authority to deploy; rather the authority for a Defence civilian to undertake pre-deployment activities.

6.44 **Contractors in Royal Australian Navy ships.** There may be exceptional circumstances where embarking a civilian contractor on Royal Australian Navy (RAN) ship underway in an AO is required at very short notice—for example, a US civilian contractor with specific skills may be required to assist in rectifying a defect on a ship-borne weapon system while at sea. Advance notification and approval from HQJOC is normally to be obtained. However, commanders may use their discretion if embarking civilian contractors is considered both time critical and operationally necessary. In such circumstances commanders are authorised to embark civilians prior to formal approval from HQJOC, although HQJOC are to be advised as soon as possible afterward. Any civilian contractors embarked on RAN ships are to be afforded the same security, safety and support arrangements as Defence members.

**SELECTION AND NOMINATION**

6.45 **Defence employees.** The selection and nomination of suitably qualified and prepared Defence employees deploying to an AO is the responsibility of the relevant DEPSEC or Service Chief. CJOPS is to ensure that all Defence employees have received the necessary information to make an informed decision.

6.46 CJOPS is responsible for approving suitably qualified and prepared Defence employees to accompany the ADF in an AO, subject to their satisfactory completion of force preparation training and pre-departure requirements, as determined by HQJOC. See APSPP 1.3.9.1—APS Employees in Areas of Operation, Pay and Conditions Manual (PACMAN) Chapter 13, and the relevant Group SOPs.

6.47 **Other Government Agency employees.** Where OGA personnel in the AO are in direct support of the ADF and come under direct Defence control their selection and nomination is the responsibility of the parent OGA. CJOPS, through the OGA Head or representative is to ensure that all OGA employees have all the necessary information to make an informed decision regarding deploying to an AO. CJOPS is responsible for approving suitably qualified and prepared OGA nominees to accompany the ADF in an AO subject to their satisfactory completion of force preparation training and pre-departure requirements, as determined by HQJOC.

6.48 Before the civilians proceed to the AO the Head of Military Strategic Commitments is to ensure that existing Defence and OGA departmental or agency agreements or arrangements outline mutual and individual responsibilities in relation to civilians from OGA.

6.49 **Private sector civilians (contractors).** The relevant CM is to fully scope, endorse and inform HQJOC of any requirement for contractors to be engaged in an AO as part of the support system for that capability where a new capability or an enhancement to an existing capability is identified for procurement. The subsequent selection and nomination of suitably qualified private sector civilians is a matter for the contractor or employer, the CM, and the relevant Defence contract authority.

6.50 **Civilians from philanthropic and other organisations.** The selection and nomination of suitable civilians from philanthropic and SC organisations is the
responsibility of the relevant employer and their sponsoring Defence DEP SEC or Service Chief.

6.51 CJOPS, through the sponsoring Defence DEP SEC, Service Chief or employer is to ensure that all civilians from philanthropic and SC organisations have the necessary information to make an informed decision regarding deploying to an AO. They are also responsible for approving suitably qualified and prepared civilian nominees to accompany the ADF subject to their satisfactory completion of force preparation training and pre-departure requirements, as determined by HQJOC.

CONTACT WITH HEADQUARTERS JOINT OPERATIONS COMMAND

6.52 Contact with HQJOC for all pre-departure requirements and nomination as a permanent or temporary attachment is to be in accordance with CJOPS Directive 03/16—Civilians Accompanying the ADF on Overseas Operations.

DURATION OF SERVICE IN THE AREA OF OPERATION

6.53 The duration of service in the AO by a civilian supporting the ADF will vary and will be determined by the relevant sponsoring DEP SEC, Service Chief or contractor and HQJOC.

6.54 APS and OGA personnel may be given lawful and reasonable directions by their supervisory chain and contractors may be given direction in accordance with the terms of the contract (which is to include this provision) to return to Australia or home location when their continued presence could adversely impact the conduct of an operation or if their safety is unreasonably compromised or threatened.

6.55 Civilians may request early exit from the AO in the event they feel threat levels have changed and their personal security is threatened or compromised. For contractors the request will be considered in accordance with the terms of the contract and with the assessment of the threat levels by the force commander.

CONTROL AND MANAGEMENT

6.56 Civilians who are authorised to support the ADF in an AO will come under the control of CJOPS whilst in-theatre. CJOPS will delegate control of the civilians to the force commander. Unless otherwise specified in contract or agreement arrangements the force commander is responsible for local administration and support responsibilities for the civilians whilst they are in the AO. These include:

a. accommodation
b. messing
c. movements
d. health
e. amenities
f. casualty management
g. mortuary services

h. welfare

i. pastoral care.

6.57 The level of support provided to civilians whilst in the AO may vary between locations, depending upon environmental and capacity issues. Other conditions such as salaries and allowances, superannuation, insurance, workers’ compensation and support arrangements outside the AO remain the responsibility of the civilian’s parent organisation or agency. For contractors these conditions should be addressed during contract negotiations.

6.58 When CJOPS delegates control of a civilian to an operational commander the level of administrative support and arrangements, including day-to-day supervision of the civilian, is to be clearly specified in the relevant operational support orders and administration instructions.

APPLICATION OF THE DEFENCE FORCE DISCIPLINE ACT 1982 TO CIVILIANS

6.59 Authorisation of a civilian to support the ADF in an AO will normally be conditional upon the civilian voluntarily providing written consent to be subject to the provisions of the Defence Force Discipline Act and thereby becoming a Defence civilian as defined in section 3(1) of the Act.

6.60 The circumstances of some operations may preclude the necessity for bringing civilians under the Defence Force Discipline Act. This requirement will be assessed by the JPG during planning for the operation by taking into account the prevailing conditions of the HN or upon receipt of a TDR (refer to the section in this Chapter titled ‘Authorisation’).

6.61 The relevant operational order or instruction is to specify where any Determination that becoming a Defence civilian in accordance with the Defence Force Discipline Act is a mandated precondition for civilian support to the ADF in the AO. In consenting to be bound by the Act, civilians place themselves under the control of the force commander and are subject to the disciplinary jurisdiction of the Act, including those provisions which provide for the extra territorial application of Australian legal jurisdiction.

6.62 Refusing the jurisdiction of the Defence Force Discipline Act. Civilians cannot be compelled to give consent to be bound by the Defence Force Discipline Act. Where consent is not given, the civilian will not normally be authorised to support the ADF in the AO. The parent organisation is to be informed of this and may be requested or required by contract to provide a replacement. CJOPS has the discretion to waive this requirement in exceptional cases.

6.63 Where CJOPS provides this waiver, or where there is no requirement for Defence civilian provisions to apply, CJOPS is to ensure that appropriate legislative or contractual arrangements are in place to give enforceable directions to the civilian and that the civilian will be subject to effective Australian jurisdiction if they have immunity to the criminal or civil jurisdiction of the HN (refer to the section in this
Chapter titled ‘Inclusion in Status of Forces Agreement or Arrangement’). Where a waiver is provided, it will be specified in the relevant operational order or instruction. For possible taxation implications for Defence employees refer to the section in this Chapter titled ‘Financial Conditions and Entitlements’.

INCLUSION IN STATUS OF FORCES AGREEMENT OR ARRANGEMENT

6.64 It is the usual practice for Australia to request that civilians supporting the ADF on operations are included as a member of the visiting Australian Force within the terms of any Status of Forces Agreement/Arrangement (SOFA), or similar document with the HN. A SOFA or other like document is normally negotiated between Australia and the HN for the purpose of establishing clear understandings regarding the presence of the visiting Australian force within the territory of the HN. The SOFA generally provides for, amongst other things, the exemption of the Australian force from local criminal and, in some circumstances, civil jurisdiction and laws. The terms of the SOFA will be negotiated with the HN and the privileges or immunities for the visiting Australian force will be subject to HN consent.

6.65 Not all civilians who are authorised to be in the AO are automatically covered by the SOFA with the HN. It depends upon the definition of ‘civilian component’ (or similar term) in the SOFA. Contractors, philanthropic and SC civilians may not be considered by the HN to be a member of the civilian component. Australia will need to consult with the HN to confirm the extent to which the SOFA will apply to civilians. Where civilians are not included in the SOFA they will be subject to local laws and need to be advised of the resultant risks and responsibilities by the relevant sponsor.

OTHER MANAGEMENT AND CONTROL MECHANISMS

6.66 Force commanders may regulate the conduct of civilians supporting the ADF to varying degrees through the use of Defence policies, Force Standing Instructions (FSI) and SOPs. While the SOFA and Defence Force Discipline Act provisions may provide a measure of control in law other avenues of control over civilians by the force commander are available through the:

a. Public Service Act 1999, for APS employees

b. relevant contract and contractor instructions, for contractor employees.

6.67 Commander’s Instructions. A force commander will normally issue FSI to cover actions required of all personnel in the deployed force. Civilians are to be made aware of the all FSIs and are requested to acknowledge the requirement to comply with these. Refer to CJOPS Directive 03/16—Civilians Accompanying the ADF on Overseas Operations.

6.68 Public Service Act 1999. All APS employees are obliged to abide by the APS Code of Conduct which, along with the Public Service Act, provides for sanctions against APS employees found to have breached the code. Procedures for determining whether a Defence employee has breached the Code of Conduct are established by the Defence Secretary, or delegate. Processes to deal with suspected misconduct by Defence employees are contained in the APSPP 6.1.1—Defence Values, APS Values, APS Employment Principles and Mutual Responsibilities.
6.69 **Contractor Instructions.** In order to provide Defence the necessary protections, the contract between Defence and the contractor is to include provisions that bind the contractor to any obligations, at least to the same extent as Defence is bound. These obligations are to be transferred to the individual either through an agreement between the contractor and contractor’s employees or, more commonly, through contractor instructions to their employees. Contractor instructions are to be complementary to, and consistent with, any relevant legislation, policies or instructions issued by the force commander. It is also necessary for the contractor to ensure that the contract includes these same provisions in any subcontracts. The Defence contract manager is to ensure that all requirements of the contract are enforceable.

6.70 **Reporting and management of notifiable incidents.** The reporting and management of notifiable incidents are defined and detailed in *Interim DI ADMIN 45–2—Incident reporting and management.*

**PRE–DEPARTURE PREPARATION AND IN–THEATRE SUPPORT**

6.71 Certain pre-departure preparation activities and in-theatre conditions are to be met to ensure that civilians can support the ADF overseas on operations as effectively, efficiently and as safely as possible in the circumstances.

**PREPARATION AND ADMINISTRATIVE REQUIREMENTS**

6.72 HQJOC is responsible for determining the extent of preparation on a case by case basis. This preparation is to be completed by the civilian prior to being authorised to proceed to the AO. The procedures governing pre-departure preparation and associated requirements are covered in *CJOPS Directive 03/16—Civilians Accompanying the ADF on Overseas Operations.*

6.73 HQJOC will assist in coordinating administrative and preparatory activities. However, it is the responsibility of the individual civilian, in conjunction with the:

a. DEP SEC or Service Chief for Defence employees
b. employing government agency, for OGA employees
c. contractor, for contractor employees
d. parent employer, for non-government employees.

6.74 The civilian is to ensure they are adequately prepared and have completed all the necessary administrative requirements with respect to, but not limited to:

a. force preparation training—for example, awareness of the environment, risks, local customs, security requirements and routine
b. passports and visas
c. health checks and certifications
d. psychological screening and support in accordance with the *Defence Health Manual* Part 10 *Chapter 2—Operational Mental Health Screening*
e. identification cards or passes
f. security clearances
g. Primary Emergency Contact/Emergency Contact/Next of Kin details including registering with the National Welfare Coordination Centre (NWCC).
h. registration on Defence One or NWCC Visitor Number Register
i. movement authority into the AO
j. unit or individual welfare planning where applicable
k. clothing, including protective clothing, and other equipment and accessories.

6.75 **Briefings.** All civilians are to be briefed by HQJOC on what it means to consent to being a Defence civilian under the terms of the Defence Force Discipline Act—that is, being subject to ADF discipline before being asked to provide this consent and, where practicable, prior to departure to the AO. All civilians are to be informed of their obligations under domestic legislation that has extraterritorial application—for example, the Crimes (Overseas) Act 1964. The level of threat and conditions they may encounter during an operation is to also be fully explained. Briefings are to be conducted by a Defence member (minimum Warrant Officer Class 2(E)/O3-level Officer).

6.76 **Prohibited substance testing.** Civilians are to be informed as part of the overall briefing they receive prior to consenting to becoming a Defence civilian under the Defence Force Discipline Act that they will be subject to, and comply with, testing for prohibited substances under Part VIIIA of the Defence Act. Prohibited substances are defined in MILPERSMAN Part 4, Chapter 3—Management of the Use or Involvement with Prohibited Substances in the Australian Defence Force.

**PERSONNEL SUPPORT IN THE AREA OF OPERATION**

6.77 Personnel administration and logistical support for civilians authorised to accompany the ADF overseas on operations will be provided by the ADF while they are in the AO unless explicitly detailed otherwise in a Field Statement Requirement, Statement of Work, Memorandum of Understanding, Memorandum of Agreement or Deed. This support can include:

a. accommodation
b. messing
c. rations
d. canteen
e. amenities
f. health and psychological care
g. welfare services
h. pastoral care.

6.78 The support may or may not be subject to cost recovery and will be determined on a case by case basis during the planning or contract negotiations stage. This support will be detailed in the Support Order issued by HQJOC for the operation and, as far as possible, will be comparable and equitable with that provided to Defence members.

6.79 **Defence employees.** In the case of Defence employees, general support provisions by the ADF are also covered in [APSPP 1.3.9.1—APS Employees in Areas of Operation](#).

6.80 **Other Government Agency employees.** The extent of ADF support and services and associated funding considerations for OGA personnel who are in direct support of and under the control of the ADF (refer to section titled ‘Public Sector Civilians’) will be developed during JPG planning for the mission or on occurrence upon receipt of a TDR (refer to the section titled ‘Authorisation’). ADF support will also take into account the applicability of relevant understandings and agreements between Defence and the relevant OGA.

6.81 **Contractor staff.** Support services that are to be provided by the ADF are to be included in the relevant contract between Defence and the contractor, together with any cost recovery or offset considerations in accordance with the terms of the contract.

6.82 **Movement.** After negotiation with, and approval by, HQJOC the movement of civilians into, out of and within the AO will either be coordinated by the Defence movement system in accordance with the HQJOC Support Order for the operation or via movement coordinated by the contracting or coordination authority. The movement of civilians will also depend on whether the HN recognises their status as members of the civilian component of the Australian Force.

6.83 **Operational Personnel Tracking.** Accurate accounting is essential for establishing the location and correct entitlements for all personnel in the AO. HQJOC is to ensure that all civilians authorised to accompany the ADF overseas on operations are accounted for. Therefore:

a. Civilians who are Defence employees will be tracked via Defence One Operation Log (OPLOG). See [Joint Directive 19/2013—Responsibilities for Personnel and Pay Administration on Operations and Joint Exercises](#).

b. Civilians who are not Defence employees will have their location recorded via theatre-specific personnel tracking reports. While HQJOC will assist where required, HQJOC cannot process other agency payments for personnel who are not Defence employees.

6.84 **Health care.** Prior to departure to the AO medical and dental screening and checks of civilians will be conducted by non-Defence health care providers as per [CJOPS Directive 03/16—Civilians Accompanying the ADF on Overseas Operations](#). Emergency and acute medical and dental care, psychological and mental health care and outpatient support (as defined in relevant HQJOC Standing Orders) is to be arranged and provided at Commonwealth expense for all civilians authorised to
accompany the ADF overseas on operations. Details are also to be identified in the HQJOC Support Order for the particular operation.

6.85 In the event that a civilian authorised to accompany the ADF overseas has to be evacuated from the AO and returned to Australia casualty reception, transfer and ongoing health care is to be funded through the relevant workers’ compensation scheme and arranged and coordinated by the parent employer or organisation.

6.86 **Work health and safety.** The force commander has specific responsibilities with respect to personnel working in ADF workplaces and visitors to ADF workplaces, even on operations and they are to ensure that work health and safety issues are addressed as required by the *Work Health and Safety Act* and *Defence Safety Manual*.

6.87 Parent organisations and agencies are to ensure that suitable measures have been put in place by the ADF to minimise any safety risks in the AO as much as is reasonably practical.

**WEARING OF UNIFORMS**

6.88 Civilians supporting the ADF in an AO are not to wear military-style uniforms or equipment. Civilians wearing military-style uniforms may create confusion as to their protected status as civilians under the law of armed conflict.

**CARRIAGE OF WEAPONS**

6.89 Civilians supporting ADF operations in an AO are not to carry any form of weapon at any time.

**RETURN FROM OVERSEAS AREAS OF OPERATION**

6.90 HQJOC is responsible for the movement of civilians out of the overseas AO to their home destination both for leave purposes and at the end of their period of employment in an AO. Control by CJOPS over civilians and HQJOC administrative and support responsibilities cease upon their return to Australia or their departure from the AO at the end of their employment in the AO. In some cases the movement to or from the AO may be arranged by the contractor, OGA or parent organisation. This movement is to be approved by HQJOC and, in the case of contractors, stipulated within the relevant contract by the Defence contracting authority.

**DEFENCE EMPLOYEES**

6.91 Activities for Defence employees reintegrating after completion of duties in the AO are contained in *APSPP 1.3.9.1—APS Employees in Areas of Operation*. Local administrative and support responsibilities for the employees revert to the relevant DEP SEC or Service Chief.

6.92 **Reintegration.** Reintegration of Defence employees into the workplace would typically include the following activities:

a. security debriefing

b. leave and rest
c. health checks and screenings
d. psychological screening and support in accordance with Defence Health Manual Part 10 Chapter 2—Operational Mental Health Screening
e. wellbeing or welfare support via the Employee Assistance Program
f. administrative aspects relating to the official recording of time spent in the AO
g. finalisation of accrued benefits
h. return of personnel protective equipment and other clothing
i. recognition of service in the AO as applicable
j. post-employment reporting, as required by the relevant DEP SEC or Service Chief.

NON-DEFENCE EMPLOYEES

6.93 Reintegration of contractor employees and philanthropic and SC civilians and OGA personnel into their normal workplace environment is the responsibility of their employer or agency.

HOMECOMING CEREMONIES

6.94 Procedures concerning official farewell and welcomes for ADF units returning from operations are contained in CDF Directive 18/2009—Procedures for Farewell and Welcome Home Events. Civilians who have served with a particular unit should be invited to participate in the homecoming ceremony.

HONOURS AND AWARDS

6.95 The Directorate of Honours and Awards (DHA) are to be consulted in regard to honours, commendations and awards for civilians. Information and guidance can be found on the DHA website and Volume 1 of the Defence Honours and Awards Manual. Letters of appreciation and recognition should also be considered, as provided for in APSPG 1.3.9.1—APS Employees in Areas of Operation.

LOCALLY ENGAGED CIVILIANS

6.96 There are provisions in this Chapter that address the situation where civilians from outside the HN are engaged to provide support to ADF operations. However, civilians may also be engaged locally either on an individual contract basis or through contracts with corporations. Local civilians are to be engaged by the Commonwealth under a contract to provide goods or services—that is, they are ‘a contractor’ not an ‘employee’. Engagement of local staff as ‘employees’ of the Commonwealth requires the exercise of a delegation under section 74 of the Public Service Act. Such delegations are not held in the AO. Should a commander of a deployed force consider it desirable to employ a local person in any capacity, the matter is to be referred to HQJOC for consideration. Further information can be found in A Guide to Defence Managers on the Employment and Management of Locally Engaged Staff at Overseas Defence Missions.
6.97 Locally engaged civilians are generally managed and administered differently to civilians who have been authorised to accompany the ADF on operations overseas to the AO. Locally engaged civilians are generally not required to become Defence civilians as defined in the *Defence Force Discipline Act* as it is not generally appropriate to seek to exercise Australian legal jurisdiction over HN citizens. The force commander will generally have no legal or disciplinary jurisdiction over locally engaged civilians. However, the force commander may deny access to or remove locally engaged civilians from a base on the grounds of security concerns or an increased threat. Locally engaged civilians are managed according to the contract covering their engagement and this is outside the scope of this Chapter.

6.98 Apart from any Australian legislative requirements—for example, the elements of WHS that apply to overseas operations, or obligations under international law (for example, Law of Armed Conflict), the ADF will have no other obligations to provide support, such as meals, accommodation, fitness and health services to locally engaged civilians, unless these are provided for in the local contract.

6.99 Security considerations. The use of locally engaged civilians should be restricted, where possible, to the provision of support that does not require formal security clearances with the only condition normally being whether they are considered to be ‘fit and proper’ for the task at hand. An assessment by the local police or authorities, where they exist, may be sufficient. However, where there is a requirement for locally engaged civilians to be security cleared, the normal vetting process is to be followed, in accordance with the *Defence Security Manual*.

FAMILY SUPPORT AND CASUALTY MANAGEMENT

DEFENCE EMPLOYEES

6.100 Family support. Support to families of Defence employees who are in the AO is the responsibility of the Defence employee’s DEP SEC or Service Chief through the Employee Assistance Program (EAP). The DEP SEC or Service Chief may seek specialist advice and support from AS DCO, particularly in the event of a Defence employee becoming a casualty.

6.101 Casualty notification and management. The procedures and requirements for the casualty notification of Defence employees is contained in DCBSM *Chapter 1—Notification of Australian Defence Force and non-Australian Defence Force Casualties*. Casualty notification will be managed and communicated by the force commander to HQJOC. HQJOC will notify the relevant Group or Service contact officer who, in turn, is responsible for arranging timely notification to the Defence employee’s nominated PEC in accordance with DCBSM Chapter 1 and any Defence Group or Service internal procedures. DEP SECs and Service Chiefs are:

a. to ensure they have a list of their contact officers for the purpose of casualty notification. Contact officers are to be available 24 hours a day, seven days a week and be capable of taking carriage of certain matters. The list is to be accurately maintained at all times and HQJOC is to be informed of each change.
b. responsible for ensuring that they have access to relevant Defence One data detailing PEC information and are to be notified in the event of the Defence employee becoming a casualty.

c. to ensure they have sufficient officers who have achieved the ADF Notification Training (Course ID 206647, proficiency #P1006558) to meet potential notification requirements. Training is available through the local DCO office. DEP SECs may request Service Chiefs to make notifications on their behalf and may seek specialist advice from DCO.

6.102 **Family travel.** A delegate may approve travel for an eligible person to be with a Defence employee who is hospitalised through a serious or very serious injury or illness (including those involving mental health) and who is unable to be returned immediately to Australia. PACMAN Chapter 17 Part 4—*Australians Dangerously Ill Scheme – Overseas* refers.

6.103 **Repatriation of human remains.** In the event of the death of a Defence employee the force commander, in conjunction with HQJOC, is responsible for arranging the repatriation of the human remains to Australia. DCBSM Chapter 3—Mortuary Affairs, APSPP 1.4.7—*Death of an Employee* and PACMAN Chapter 17—*Warlike and non-Warlike Deployments* provides guidance and information on this issue in relation to Defence employees.

6.104 Once the human remains have reached Australia coordination and responsibility for the arrangements with the relevant State or Territory coroner’s office and subsequent funeral arrangements rests with the relevant Defence DEP SEC or Service Chief in conjunction with the deceased person’s PEC or NOK, as applicable.

6.105 **Funeral arrangements and benefits.** Funeral arrangements and benefits for deceased Defence employees are contained in the APSPP 1.4.7—*Death of an Employee*, the DCBSM Chapter 4—*Funerals, Graves and Associated Matters*, and PACMAN Chapter 17, Part 8, Division 3—*Assistance on Injury, Illness or Death Arising Out of Operational Support Duty*.

6.106 **Personal effects.** The policy and procedures for the disposal of effects for Defence members declared deceased, missing, incapacitated or captured is detailed in DCBSM Chapter 6—*Disposal of Effects for Defence Members Declared Deceased, Missing, Incapacitated or Captured*.

OTHER GOVERNMENT AGENCY EMPLOYEES, CONTRACTORS, AND OTHER CIVILIANS

6.107 **Family support.** Support to families of OGAs, contractors and other civilian employees who are authorised to accompany the ADF overseas on operations is the responsibility of the OGA, contractor or parent employer under the provisions of the ‘Public sector civilians’ section of this Chapter. This is to be made clear in any agreement or contract with the relevant OGA, contractor or other organisation. Only in exceptional circumstances, and when agreed by CJOPS or delegate, will support be provided by Defence.

6.108 **Casualty notification and management.** HQJOC should ensure that they have obtained from the parent organisation or employer a list of appointed contact
officers who are to be notified by HQJOC in the event of one of their employees becoming a casualty. Casualty notification will be managed and communicated by the force commander to HQJOC. HQJOC will notify the relevant appointed contact officer/s who, in turn, is/are responsible for arranging notification to the employee's NOK.

6.109 Repatriation of human remains. In the event of a death of a non-Defence employee in the AO, for example an Australian Public Servant or a contractor, the force commander in conjunction with HQJOC is responsible for arranging the repatriation of the human remains to Australia. Responsibility for all subsequent arrangements rests with the parent employer or agency are to be in accordance with the relevant State or Territory laws once the remains have reached Australia. In exceptional circumstances the Chief of the Defence Force may, upon advice from the sponsoring DEP SEC or Service Chief, authorise the repatriation of the human remains to a country other than Australia—for example, when Defence has engaged a contractor outside Australia. In the case of contractors from countries other than Australia contractors or contractor employees should be encouraged during contract negotiations to have insurance to allow repatriation via civilian means.

FINANCIAL CONDITIONS AND ENTITLEMENTS

6.110 Each organisation is responsible for its own pay and conditions of service arrangements with its employees as follows:

a. Defence employees. Pay, benefits and leave provided to Defence employees working in an AO are referenced in the DECA 2017–2020 and are also published in the APS Pay and Conditions Policy and PACMAN

b. Other Government Agency employees. OGA are responsible for all the financial conditions that apply to their employees where relevant under the provisions in the section titled ‘Public sector civilians’

c. Philanthropic personnel. Information about benefits for philanthropic organisations and their staff are set out in the Philanthropic Manual

d. Special category civilians. SC civilians generally receive no remuneration. Expenses and the provision of administrative support are to be covered in the terms of a contract or agreement between the sponsoring DEP SEC or Service Chief and the SC civilian or the civilian’s employing agency.

e. Contractors. The contractor is responsible for negotiating and arranging pay and employment conditions with their employees.

6.111 Tax considerations. Civilians are advised to seek their own professional tax and financial advice in regard to tax considerations on pay and allowances associated with their employment in an overseas AO. Defence employees who do not consent to becoming a Defence civilian but who are still authorised by CJOPS to proceed to the AO in support of the ADF (refer to section titled ‘Application of the Defence Force Discipline Act to Civilians’) may be ineligible to claim any tax concessions under section 23AG of the Income Tax Assessment Act 1936 (ITAA 1936) on income and allowances earned while in the AO.
6.112 This is due to a ruling by the Australian Taxation Office (ATO) that states that “APS employees of the Department of Defence deployed by the Commonwealth outside Australia as part of multilateral military, policing or peacekeeping forces, who have the status of ‘defence civilians’ within the meaning of that term in the Defence Force Discipline Act, are deployed as members of a ‘disciplined force’ within paragraph 23 AG(1AA)(d) of the ITAA 1936 (ATO ID 2010/165)”. This is one of the key criteria required when determining eligibility to possible tax concessions under section 23AG. Any claim to be a member of a ‘disciplined force’ will be assessed by the ATO for eligibility.

WORKERS’ COMPENSATION

6.113 Arrangements for workers’ compensation, including compensation for death or injury, are the responsibility of the employer of the civilian in accordance with the guidance below. Note that workers' compensation may not cover all conditions, particularly if a condition was pre-existing and was not exacerbated by the deployment. There is also no entitlement to ADF health care for Defence civilians upon their return to Australia.

6.114 **Defence employees and OGA employees.** When employed in the AO Defence employees, whether Defence or OGA civilians, are covered for workers’ compensation under the **Safety, Rehabilitation and Compensation Act 1988** (SRCA). There is continuous coverage under this Act in declared areas of operations. Refer also to APSPP 5.3.1—**Medical Rehabilitation, Return to Work and Workers’ Compensation**.

6.115 **Philanthropic and SC civilians.** Philanthropic and SC civilians may be included under the **Military Rehabilitation and Compensation Act 2004** (MRCA) subject to the Minister for Defence making a determination pursuant to section 8 of the MRCA. Section 8 Determinations are made to provide cover for civilians only where they do not have cover under another Act. Section 8 is not intended to provide a mechanism for Defence employees to exit the SRCA scheme and move to the MRCA where there has been a change in the nature of their employment or where there is a perceived beneficial outcome.

6.116 **Contractors.** Contractors are responsible for making their own arrangements for workers’ compensation insurance arrangements to comply with requirements under the relevant Federal, State or Territory legislation. The contractor is required to obtain other forms of insurance where they are unable to obtain workers’ compensation insurance or an appropriate level that covers the level of risk associated with the operation, such as war risk insurance, that could cover the relevant risks. In such circumstances the Defence contract authority should seek legal advice to ensure the relevant risks are appropriately addressed. This issue is to be considered early by the Defence contract authority and addressed through the inclusion of relevant clauses and provisions to be included in the respective contract between Defence and the contractor.

LIFE INSURANCE

6.117 **Australian Public Service employees.** The SRCA provides compensation coverage for Defence and OGA employees for death, injury and disease. However,
as a personal decision, APS employees may choose to take out private life insurance to supplement benefits available under the SRCA. This is a matter for the individual.

6.118 Life insurance policies held by individuals can contain clauses which exclude claims arising as a result of service in an area where there is armed conflict or increased risk or threat. However, in some cases cover may be possible by payment of increased premiums. It is incumbent upon the individual to find an insurer who will provide such cover, if so desired. Defence employees may be reimbursed for some costs associated with life insurance premiums. The policy and arrangements of this provision for Defence employees can be found in APSPG 1.3.9.1—APS Employees in Areas of Operation. Arrangements for OGA employees are a matter for the relevant OGA.

6.119 **Contractors, philanthropic and special category civilians.** Philanthropic and special category civilians are responsible for making their own life insurance arrangements. For contractor employees life insurance considerations are a matter between them and their employer. Special arrangements may be negotiated to reimburse the contractor or their employee of additional life insurance premiums, if obtainable, as part of the contract. Relevant provisions for contractors are to be included in the contract between Defence and the contractor.

**SUPERANNUATION**

6.120 **Defence employees.** There are no changes to superannuation contributions for APS employees serving in an AO. Normal contributions will continue to be made during the period of service in the AO.

6.121 **Contractors and other civilians.** Superannuation for contractor employees and other civilians is a matter between them and their respective employer or organisation.

**FUNDING ARRANGEMENTS**

6.122 Defence is provided funding for the Net Additional Costs (NAC) arising from major deployments on a ‘no-win no-loss’ basis under the ‘Operations Funding Arrangements’ agreed by Government. The agreed funding is then allocated to Groups based on the specific Group requirements.

**RELATED INSTRUCTIONS AND POLICIES**

*Defence Act 1903*

*Defence Force Discipline Act 1982*

*Crimes (Overseas) Act 1964*

*Income Tax Assessment Act 1936*

*Military Rehabilitation and Compensation Act 2004*

*Public Service Act 1999*

*Safety, Rehabilitation and Compensation Act 1988*
Work Health and Safety Act 2011
Interim Defence Instruction Administration 45–2—Incident reporting and management
MILPERSMAN Part 4, Chapter 3—Management of the Use or Involvement with Prohibited Substances in the Australian Defence Force
Defence Safety Manual
CJOPS Directive 03/16—Civilians Accompanying the ADF on Overseas Operations
Australian Defence Doctrine Publication 009—Multiagency Coordination Defence’s Contributions to Australian Government Responses
Australian Defence Doctrine Publication 06.4—Law of Armed Conflict
ADF Pay and Conditions Manual
Discipline Law Manual—Volume 3
Defence Casualty and Bereavement Support Manual
Defence Health Manual
Defence Honours and Awards Manual Volume 1
APS Pay and Conditions Policy
Defence Security Manual
MILPERSMAN Part 7, Chapter 7—Nominating and Recording Emergency Contact and Next of Kin Information in PMKeyS
Philanthropic Manual