



Australian Government
Department of Defence

DEFENCE INSTRUCTIONS (GENERAL)

Department of Defence
CANBERRA ACT 2600

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Amendments to Defence Instruction (General) PERS 25-2 are issued pursuant to section 9A of the *Defence Act 1903*.

R.C. SMITH, AO, PSM
Secretary

A.G. HOUSTON
Air Chief Marshal
Chief of the Defence Force

LIST B—ISSUE NO PERS B/11/2005

Amendment

PERS 25-2 *Employment and voluntary activities of Australian Defence Force Members in
AMDT NO 1 off-duty hours*
Complete Revision

Single Service filing instructions

This instruction should be filed as:

1. NAVY PERS 16-9
2. ARMY PERS 34-9
3. AIR FORCE PERS 29-2

Cancellation

DI(G) LOG PERS 25-2 ISSUE NO B/18/98 of 7 AUG 98 is cancelled.

EMPLOYMENT AND VOLUNTARY ACTIVITIES OF AUSTRALIAN DEFENCE FORCE MEMBERS IN OFF-DUTY HOURS

INTRODUCTION

1. Members of the Australian Defence Force (ADF) may engage in paid employment or undertake voluntary activities outside the ADF in off-duty hours, provided that this is approved in accordance with this instruction and does not conflict or interfere with their official duties. It is not intended that the restrictions imposed by this instruction apply to those activities normally undertaken by ADF members as part of their normal civic responsibilities such as voluntary work undertaken for church organisations, veterans' organisations, school councils, sporting bodies, community aid organisations, etc.

AIM

2. The aim of this instruction is to detail the policy and management procedures relating to approval, or revocation of approval, of employment and voluntary activities of ADF members in off-duty hours.

DEFINITIONS

3. For the purposes of this instruction, the following definitions apply:

- a. **Off-duty employment.** The expression 'off-duty employment' includes, but is not limited to, the following:
 - (1) the practice of any profession;
 - (2) engaging in any trade or business;
 - (3) acceptance of any paid employment;
 - (4) 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; and
 - (5) assisting, advising or acting directly or indirectly as any agent for any corporation, company, partnership or individual engaged in any trade, business or profession.
- b. **Sensitive situation.** Sensitive situations will be identified and determined at the discretion of the Approving Authority. Sensitive situations include employment which may give rise to suspicion, however ill-founded, that members are using their Service knowledge to further the interests of an organisation involved in activities which may not be in Australia's interests, or where the involvement of ADF members in the activities of an organisation has the potential to draw public criticism. Additionally, a sensitive situation might include involvement in the training of any member of a foreign military, paramilitary or police force either inside or outside Australia. When doubt exists whether a situation is sensitive or has the potential to become sensitive, additional information should be sought from the member seeking approval. Ultimately, the Approving Authority will be required to exercise professional judgment when determining their decision.
- c. **Member.** The term 'member' refers to any permanent member of the Royal Australian Navy, Australian Army or the Royal Australian Air Force or Reserve members employed on continuous full-time service.

POLICY

General principles

4. Members of the ADF are not to engage in employment or voluntary activities in off-duty hours:
 - a. if that employment or voluntary activity:
 - (1) places them in conflict with their official duties, or would lead to the perception that they have placed themselves in conflict with official duties; and
 - (2) is likely to affect their efficiency in the performance of their official duties; and
 - b. unless an application for approval to engage in employment or undertake voluntary activities in off-duty hours has been and continues to be approved by an Approving Authority.

Approving Authorities

5. The Approving Authorities in relation to employment and voluntary activities of ADF members in off-duty hours are as follows:
 - a. where the employment or voluntary activity is to be undertaken outside Australia or has the potential to become sensitive, the appropriate Deputy Service Chief, or an officer not below the rank of brigadier (Equivalent), appointed by the appropriate Deputy Service Chief; and
 - b. in all other situations—Commanding Officers (CO) or Heads of Branches.
6. An Approving Authority is to take into account the restrictions detailed in [paragraph 7.](#) when considering applications for approval to undertake employment or voluntary activities. An Approving Authority has discretion, subject to this instruction, to:
 - a. approve applications by members to engage in paid employment, or undertake voluntary activities, in off-duty hours;
 - b. approve applications notwithstanding that subparagraph 7.b. is not strictly satisfied; and
 - c. revoke approvals previously granted.

In every case, approvals and revocations made by Approving Authorities must be communicated to the member in writing.

Restrictions

7. The following restrictions regarding applications by members of the ADF who are seeking approval to undertake paid employment or voluntary activities outside the ADF in off-duty hours are to be taken into account by the Approving Authority when considering applications. In circumstances where doubt exists about these issues approval should not be given.
 - a. The activity is not to involve the use of official time, and the hours of duty are to be such that the member's efficiency, as a member of the ADF, will not be impaired.
 - b. The activity is not to involve use of classified or sensitive information, or knowledge based on information acquired in the course of official duties.
 - c. The activity is not to bring the ADF into disrepute, as determined by the Approving Authority.
 - d. Service uniforms, or part thereof, or any other clothing which associates the member with the ADF, are not to be worn.
 - e. The member is not to knowingly receive remuneration at a lower rate than that paid to a civilian in like employment.

- f. The member is not to knowingly replace or receive the remuneration of a civilian who is on strike.
- g. The activity is not to impede the full-time employment of any civilian person.
- h. Regular Army members of the Special Air Service Regiment are not to undertake security-type functions or provide security-type services in off-duty hours.
- i. The activity is not to contravene the provisions of the *Crimes (Foreign Incursions and Recruitment) Act 1978*.

It is the responsibility of the member to ensure that these restrictions are complied with and to report to the appropriate Approving Authority any change in circumstances which might breach these restrictions.

8. A permanent/regular member of the ADF who is on leave (including long service leave, leave without pay or any other form of approved absence) must obtain approval in writing in accordance with this instruction before engaging in paid employment or undertaking voluntary activities outside the ADF in off-duty hours.

9. The *Crimes (Foreign Incursion and Recruitment) Act 1978* prohibits any person from entering a foreign country to engage in any hostile activity against the Government of that country. It also prohibits any person either in or outside Australia from taking any other action such as training or drilling personnel, raising money or enlisting support for activities against foreign governments, or recruiting other persons for such purposes. ADF members are not to be approved to accept off-duty employment when the activities of the civilian employer in relation to the *Crimes (Foreign Incursion and Recruitment) Act 1978* are in doubt.

10. No member of the Permanent or Reserve Forces (including Standby Reserves) is to enter the armed forces of any other government. Notwithstanding the preceding paragraphs, members of the Permanent or Reserve Forces (excluding Standby Reserves) require specific approval from the Service Chief to undertake service with foreign government departments or the United Nations (UN) unless they are posted, seconded, loaned to that government or the UN as part of their official duties.

11. No member of the Permanent or Reserve Forces is to be involved in any capacity with any groups or organisation involved in mercenary activities.

Voluntary work

12. The ADF accepts that members will undertake voluntary work associated with community, social, professional, school, religious, and historical organisations. Such community involvement does not normally require approval. However, where voluntary activities require the member to exercise professional military skills and/or remuneration or overseas travel is involved, approval should be sought to undertake the activity in question.

Note

Members should be aware that if they undertake voluntary community activities outside of normal ADF duties they may not be covered by the Military Compensation Scheme unless the activity has been specifically approved by the Approving Authority.

13. Defence Instruction (General) PERS 21-1—*Political Activities of Members of the Defence Force* provides guidance to members on conflicts of interest between political and personal activities and official responsibilities.

APPLICATIONS FOR APPROVAL

14. All applications for approval are to be processed through the applicant's CO or Head of Branch for determination by the appropriate Approving Authority. Where a member is posted to a new unit or branch, they are required to submit a request in writing to their new CO or Head of Branch for permission to continue in their current off-duty employment or voluntary activity.

15. Applications for approval are to include a written statement signed by the applicant to the effect that the member has read this instruction and understands that:

- a. The member's private employment is not to interfere with the member's ADF duties.
- b. No part is to be taken in any activities which may give rise to suspicion, however ill-founded, that Service knowledge is being used to further private business or commercial interests.
- c. No part is to be taken in any transaction relating to the ADF or the Commonwealth Government or any Commonwealth statutory organisation.
- d. No concessions such as leave beyond normal entitlements or absence from duty can be granted.
- e. Approval, if granted, will not be held to debar any posting should the occasion for such posting arise.
- f. Approval, if granted, may be revoked at any time by an Approving Authority in the event that a sensitive situation arises in respect of an approval, or if an employment restriction set out in [paragraph 7](#) is breached, or for service related reasons.

16. Where a member cannot undertake not to use their Service knowledge as required above, they are to set out the reasons in their application and apply for waiver of the requirement.

LIABILITY FOR INJURY, LOSS OR DAMAGE, INCLUDING MEDICAL AND DENTAL TREATMENT EXPENSES

17. The ADF will not in any circumstances accept responsibility for injury, loss or damage suffered by members or for injury, loss or damage caused to other parties or to property arising in the course of, or out of the activities of members engaged in employment or undertaking voluntary activities in off-duty hours.

18. If injury, loss or damage is suffered by the member, or if medical or dental expenses are incurred by the Services as a result of a member's engagement in employment or involvement in voluntary activities in off-duty hours (whether approval has been granted or not) the member may be requested to pay the cost of such treatment in accordance with current ADF Instructions.

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