



**DIRECTIVE 16/2024
BY THE CHIEF OF THE DEFENCE FORCE**

**INTERIM DIRECTIVE ON CONSIDERATION OF SUSPENSION
FROM DUTY AND INVOLUNTARY SEPARATION FOR
AUSTRALIAN DEFENCE FORCE MEMBERS ALLEGED TO HAVE
ENGAGED IN SERIOUS MISCONDUCT**

REFERENCES

- A. *Defence Regulation 2016*
- B. *Defence Regulation 2016 (Chief of the Defence Force) Delegations 2024 (No.1)*
- C. MILPERSMAN Part 10, Chapter 2 – Involuntary separation from the Australian Defence Force
- D. MILPERSMAN Part 9, Chapter 1 – Suspension from Duty

PURPOSE

1. The purpose of this directive is to facilitate more consistent decision-making by setting out a process and providing guidance for the management of certain types of reported misconduct or offences that warrant consideration of suspension from duty and/or involuntary separation¹ from the Australian Defence Force (ADF).
2. This directive is an interim measure pending further bodies of work, including Government's response to the Royal Commission into Defence and Veteran Suicide Final Report.
3. Consistent decision-making in such matters, so far as legally permissible, is of critical importance in order to deliver equitable outcomes, and for reasons including:
 - a. effectiveness and efficiency;

¹ 'Involuntary separation' has the same meaning as 'termination of service' in current Defence legislation.

- b. morale, welfare, and discipline; and
 - c. the community standing of the ADF.
4. Pursuant to subsection 24(1)(c) of reference A, the Chief of the Defence Force (CDF) may terminate the service of an ADF member for the reason that retention of the member's service is not in the interests of the ADF. At reference B, the CDF has delegated decision-making under reference A.
- a. Reference A stipulates that retention not in the interests of the ADF may include reasons relating to a member's behaviour, including any convictions for criminal or service offences.
5. This guidance applies to the management of the following alleged serious misconduct or offences:
- a. Where the member has been charged with a military or civilian offence which carries a maximum penalty of two years imprisonment or greater; or
 - b. Where the member has not been charged with an offence, but is alleged to have engaged in *other serious misconduct*, which is defined as including threats or acts of family and domestic violence, other threats or forms of violence, exploitation of a vulnerable person (including a child or a person for whom the respondent has a legal or moral duty of care), or allegations of a sexual nature (particularly in relation to a child or young person).
 - i. This includes, but is not limited to: sexual harassment, sexual offences, or related offences including intimate image abuse, stalking, and any other offence involving conduct of a sexual nature against an ADF member (such as prejudicial conduct, assault, and obscene conduct).
6. If unclear whether alleged misconduct or offences fall within the criteria of paragraph 5, Command or the relevant Delegate is to seek advice from unit or formation legal officers or Military Personnel Division legal officers.

SUSPENSION FROM DUTY

7. Where alleged serious misconduct has resulted in a military or civilian charge, is under military police investigation, or has led to the initiation of a separation process, the relevant delegate must also consider suspending the member from duty under the administrative or disciplinary provisions detailed in reference D.

INVOLUNTARY SEPARATION PROCESS

8. Where serious misconduct has been substantiated by an administrative, criminal or disciplinary process, the relevant delegate must consider issuing a separation notice under reference A and supported by reference C.

INDIVIDUAL AND ORGANISATIONAL FACTORS

9. Decisions on initiating suspension from duty or involuntary separation must balance all relevant individual and organisational factors.
10. Individual factors include the impact on the person subject to the proposed action, but also the impacts of the alleged misconduct or offences and proposed action on others (including complainants, witnesses, and other unit members). When there is evidence that the member concerned has a mental health condition, consideration is also to be given to the potential impact of that condition on their alleged misconduct. Similarly, consideration is to be given to the member's current mental health when considering administrative action (including support the member may require if a decision to suspend or separate them from service is made).
11. Organisational factors include the impact on Defence capability, community standing, and discipline. Particular care is to be taken not to give undue weight to a member's technical expertise or role in the unit against other relevant individual and organisational factors.

ISSUING OF NOTICES

12. In issuing a notice for suspension or involuntary separation, the delegate must consider:
- a. the result of a longitudinal check of the member's career history;
 - b. all previous substantiated allegations, and administrative or disciplinary action taken against the member; and
 - c. any breach of a training or professional code of conduct (where applicable).
13. All evidence of conduct that is disclosed in the above searches that is inconsistent with continued retention in the ADF should be considered for inclusion where relevant in the notice.

RECORDING DECISIONS

14. To ensure rigour in record-keeping, the decision on whether to initiate and/or impose suspension from duty or involuntary separation, or a decision not to take these actions, must be appropriately recorded and filed in the relevant Defence archival records systems. The record is to include the key issues, facts, evidence, and reason for the decision.

SUPPORT TO AFFECTED MEMBERS

15. Application of the military and civilian justice systems in response to allegations of serious misconduct (and associated administrative processes) can place significant stress upon an affected individual. Commanding officers are to ensure affected members are supported throughout and after a decision process, particularly where the decision is to proceed with suspension or involuntary separation.

IMPLEMENTATION

16. This directive is effective immediately and will remain in force until incorporated into relevant Defence policy or modified by subsequent directives.
17. This directive is sponsored by the Chief of Personnel (CPERS).
18. CPERS is to review this directive no later than six months from commencement.
19. This directive supersedes any current Service or Group specific guidance or direction on this issue.

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David Johnston AC
Admiral RAN
Chief of the Defence Force

5 November 2024

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Australian Government

Defence

AUSTRALIAN DEFENCE FORCE TRANSITION MANUAL

This document is issued for use by Defence personnel and is effective forthwith.

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Letitia van Stralen AM, CSC
Rear Admiral
Head of Military Personnel

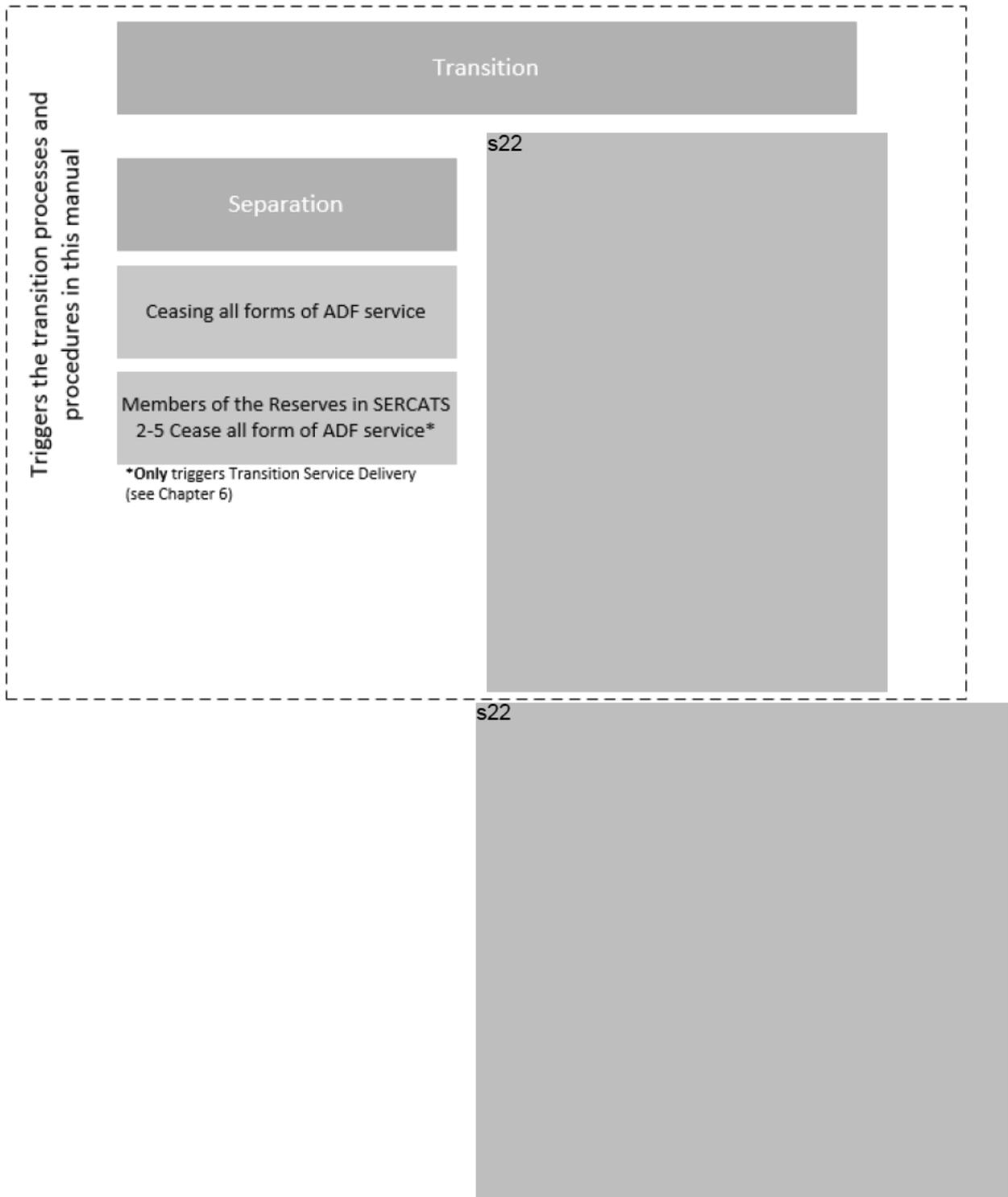
Department of Defence
CANBERRA ACT 2600

11 February 2025



1.11 Figure 1-1 provides a pictorial representation of the Manual's scope.

Figure 1-1: Scope Overview



Separate/Separation

1.17 Separation is the cessation of all forms of ADF service.

Transition Preparedness

1.18 Transition preparedness for a member and their family, and the impact this has on their overall wellbeing, is best understood and achieved by a focus on three factors.

- a. The first is the completion of the administrative requirements set out in this Manual prior to a member's transition date;
- b. The second is the need for emotional acceptance of the different way of life that will come with transition. Although it is acknowledged emotional acceptance is unique to each individual, Defence is to support garnering of emotional acceptance through addressing individual wellbeing factors through the transition journey. Emotional acceptance is particularly important for those where transition will be at a time and in circumstances not of their choosing;
- c. The third is the knowledge of where to go to for support and advice throughout the transition journey, and the preparedness to do so when it is needed. (A preparedness assessment and escalation framework has been developed. Further information is available in the [Transition Preparedness](#) section of this Manual).

1.19 Defence use the agreed Defence/DVA Wellbeing Factors¹⁶ to better identify areas of focus for supporting individual transition preparedness.

Transition outcome

1.20 A member and family transition outcome is their overall wellbeing after transition.

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¹⁶ Wellbeing Factors are as identified in the [Defence and Veteran Mental Health and Wellbeing Strategy](#).
<http://drnet/People/Wellbeing/Pages/Wellbeing.aspx>

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CHAPTER 5

TRANSITION MODES

5.1 Transfer/separation from the ADF can be voluntary or involuntary:

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d. **Involuntary separation.** All separations that are Service-initiated.

5.2 **Multi-mode transition** can comprise of any combination of involuntary transition under the Defence Regulation 2016,³⁰ the Defence Act 1903,³¹ and/or the Defence Force Discipline Act 1982.³² In these instances, there is a need to follow the process for all applicable transition modes.

5.3 The process and procedures for each transition mode is outlined in this chapter.

s47E(d)



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³⁰ <https://www.legislation.gov.au/F2016L01568/latest/text>

³¹ <https://www.legislation.gov.au/C1903A00020/latest/text>

³² <https://www.legislation.gov.au/C2004A02711/latest/text>

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s47E(c), 47E(d)

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TRANSITION PROCESSES AND PROCEDURES

5.6 To effectively implement the transition processes and procedures contained in this chapter, they must be read in conjunction with relevant direction contained in:

- a. MILPERSMAN Part 2, Chapter 4—Service Obligations;³³
- b. MILPERSMAN Part 3, Chapter 2—Australian Defence Force Military Employment Classification System;
- c. MILPERSMAN Part 7, Chapter 9—Disclosure of Certain Personal Information in relation to the Department of Veterans' Affairs and the Commonwealth Superannuation Corporation;
- d. MILPERSMAN Part 10 — Transfers/Resignations/Separation;
- e. PACMAN, Chapter 2, Part 2—Career Transition;³⁴
- f. DHM, Volume 2, Part 6, Chapter 2—Military Employment Classification System;³⁵

³³ [Military Personnel Policy Manual \(defence.gov.au\)](http://defence.gov.au)

³⁴ [PACMAN | Pay and Conditions \(defence.gov.au\)](http://defence.gov.au)

³⁵ <http://intranet.defence.gov.au/home/documents/home/publications/manuals/defence-health-manual.htm>

INVOLUNTARY TRANSITION PROCESS

5.18 Involuntary transition covers all transitions that are Service-initiated. This includes circumstances where a member reaches a pre-determined end to a period of service such as a contract end date, or retirement age. A transition process for involuntary medical transitions is included on page 5-26.

5.19 The processes in this Manual do not include disciplinary transitions as made under the *Defence Force Discipline Act 1982* (DFDA).⁴⁸

5.20 The process (see Figure 5-2) includes the steps to be followed from the time an involuntary transition is commenced, through to a member's transition date. It includes:

- a. how a member is notified that involuntary transition has commenced;
- b. internal recommendations, decisions and notifications;
- c. external notifications to DVA and CSC;
- d. THEs; and
- e. handover of the clinical care of the member to civilian healthcare providers.

5.21 In the case of fully trained members, delegates are to consider s47E(c), 47E(d) from the date the member is notified by their Commander of the transition decision. Delegates are to consider allowing the member a reasonable timeframe in which to complete their mandatory transition administration. Where a Commander has suspended a member from duty without pay pending their transition, they are to reinstate the member's pay following the notification of the transition decision, while the member is completing their transition activities and administration. Further guidance is provided in:

- a. MILPERSMAN, Part 9, Chapter 1 — Suspension from Duty
- b. MILPERSMAN, Part 10, Chapter 2 — Involuntary Separation from the Australian Defence Force

5.22 A larger, printable version of the process map is available Appendix A: Printable Versions of Process Maps.

Triggers for involuntary transition

5.23 **Disciplinary action.** Dismissal from the Defence Force under the DFDA, Part IV, Section 68(1)(c)—Dismissal from the Defence Force.

⁴⁸ Refer to the *Summary Discipline Manual 2020*, *Discipline Officer Manual* and *Defence Force Discipline Act Law Manual 2020* for guidance on the use and processes of the discipline system.

5.24 **Reaching the end of a period of service.** Generally occurs on reaching retirement age or at the end of a fixed period of service where the member has not sought an extension, or has been unsuccessful following application. Of note, as SERCAT 6-7 ADF members who have reached retirement age can transfer to SERCAT 2-5, an application to transfer (AC853) is still required.

5.25 **Redundancy.** The member can no longer usefully serve because the Defence Force no longer requires the work or job to be performed by anyone because of changes to operational requirements, in accordance with MILPERSMAN Part 10 Chapter 2, pursuant to section 24(1)(b) of the Defence Regulation 2016—Early termination of service.

5.26 **Administrative action.** Involuntary separations where the retention of a member's service is not in the interests of the Defence Force, in accordance with MILPERSMAN Part 10 Chapter 2, pursuant to section 24(1)(c) of the Defence Regulation 2016—Early termination of service.

5.27 **Positive test result for prohibited substance.** If a prohibited substance test returns a positive test result in accordance with Defence Act 1903 Part VIIIA, Division 3—Return of a positive test result.

5.28 **Medical.** Involuntary separations where member is medically unfit for service, in accordance with MILPERSMAN Part 10 Chapter 2, pursuant to section 24(1)(a) of the Defence Regulation 2016—Early termination of service. Refer to Involuntary Transition (Medical) process on page 5–26.

- a. Trainees are required to maintain a MEC J1 or MEC J2 status throughout their training. Due to the time constraints naturally associated with training, at the discretion of the delegate, the assessment and rehabilitation periods are reduced. If the trainee is unable to complete their training at the required MEC within the prescribed timeframes, the commander or appropriate delegate may issue a separation notice for involuntary separation. Alternatively, if the recruit/trainee has a serious condition, injury or illness, they are to undergo a CMECR, for MEC determination by MPB.

5.29 **Withdrawal of parental consent.** All persons under the age of 18 are required to have parent/guardian consent to join the ADF in accordance with MILPERSMAN, Chapter 2, Part 7—Management and Administration of Defence Members Under The Age of 18 Years. Therefore, if the parent/guardian consent is withdrawn, the member must be separated from Service. Commanders/supervisors are to ensure local Unit Instructions/Orders are followed.

Triggers for involuntary transitions

5.30 **Command-initiated transfer to the Reserves (CITR).** Retention of a member in the Permanent Forces is no longer in the interests of the ADF but transfer to the Reserves is in the interests of the ADF in accordance with MILPERSMAN Part 10, Chapter 4 — Command-initiated transfer to the Reserves.

Procedure

5.31 This procedure outlines the responsibilities of each stakeholder with a role in the process. It includes time requirements where the activity is time-bound and articulates whether a task is mandatory, desirable or performed as required.

s47E(c), 47E(d)

5.34 To maintain currency of the procedure, links are included to authoritative sources of information that reside outside this Manual.

Table 5-2: Involuntary Transition Procedure

Process Step	Activity	Description	Form (where applicable)	Requirement
5-2.1	Commence member's involuntary transition	Initiating Authority commences involuntary transition in response to one of the triggers on page 5–15 <i>MILPERSMAN, Part 10, Chapter 2 — Involuntary Separation from the Australian Defence Force.</i> Commanders should consider <i>MILPERSMAN Part 9, Chapter 1 — Suspension from Duty</i> as concurrent action, if appropriate.		Mandatory
5-2.2	Issue intention to transition	Initiating Authority issues an intention to transition notice based on Service-specific requirements.		Mandatory

Process Step	Activity	Description	Form (where applicable)	Requirement
5-2.3	Respond to notice	Member responds to notice. s47E(c), 47E(d)		As required
5-2.3a	Consider member's response	Initiating Authority receives and considers the member's response. After considering the member's response, if the initiating authority now believes the member should be retained in their current SERCAT and employment category, no further action is required for the transition process. The initiating authority may wish to consider an alternative administrative action available IAW MILPERSMAN. After considering the member's response, if the initiating authority considers the member should still transitioned as detailed in the notice, continue to step 5-2.4.		Mandatory (if a response was provided)
5-2.4	Refer matter	Initiating Authority refers matter to MPB or Delegate for consideration. s47E(c), 47E(d)		Mandatory

Process Step	Activity	Description	Form (where applicable)	Requirement
		 <p>In the case of a training failure, a transfer to another employment category or Service may be offered (in accordance with Service-specific requirements).</p> <p>Refer to: MILPERSMAN Part 6, Chapter 5—<i>Transfer of Personnel between the Services</i> Navy refer to NAVPERSMAN Part 10, Chapter 6—<i>Transfers, Resignations and Separations</i>. Army refer to <i>Army Standing Instructions (Personnel)</i>, Part 2, Chapter 4 — <i>Army Transitions</i>. Air Force refer to <i>Air Force Personnel Standing Instructions Chapter 13—Voluntary Change of Employment Category</i></p>		
5-2.5	Make determination	MPB or Delegate receives the matter, and the Delegate makes the determination whether to transition the member. s47E(c), 47E(d)		Mandatory
5-2.6	Receive determination	When considering a potential transition date the delegate is to consider the transition timeframes detailed in MILPERSMAN. ⁴⁹ Commander are notified of the Delegate’s determination. Where the decision is to retain a member in Service, Transition Service Delivery should be provided the delegate’s determination at this point. s47E(c), 47E(d)		Mandatory

⁴⁹ MILPERSMAN, Part 10, Chapter 2 — Involuntary Separation from the Australian Defence Force

Process Step	Activity	Description	Form (where applicable)	Requirement
5-2.7a	Decision not to separate - Notify member	<p>Commander notifies member that they will not be transitioned, and the transition process ends.</p> <p>s47E(c), 47E(d)</p> <p>s47E(c), 47E(d)</p> <p>s47E(c), 47E(d)</p>		Mandatory
5-2.7b	Decision to separate – Arrange support and notify member	<p>Commanders are to arrange appropriate welfare support to assist with the delivery of the decision to the member. Commander is to notify the member that they will be transitioned.</p> <p>If the member is suspended from duty, they are reinstated in order to receive full pay and conditions while completing mandatory transition activities.</p> <p>s47E(c), 47E(d)</p>		Mandatory
5-2.8	Sign acknowledgment form	Member signs the acknowledgment form acknowledging the decision, then provides it to MPB through their chain of command.		Mandatory
5-2.8a	Application for redress of grievance?	<p>If the member wishes to submit an application for a redress of grievance regarding how the process has been enacted, they may do so as per <u>CARM Chapter 6</u>.</p> <p>s47E(c), 47E(d)</p>		As required

Process Step	Activity	Description	Form (where applicable)	Requirement
5-2.9	Receive notification	MPB receives the notification from the commander, or appropriate representative, that the member has been notified of the outcome. s47E(c), 47E(d)		Mandatory
5-2.10a	Notify JTA	MPB notifies Transition Service Delivery via email that transition will occur. s47E(c), 47E(d)		Mandatory
5-2.10b	Complete Transition Preparedness Questionnaire	For transition decisions: Member is sent the TPQ at the point of Transition Service Delivery creating a transition case. Refer to page 3-7 for information on the TPQ. For retention decisions: case closed and no further action to occur.		Desirable
5-2.10b	Notify DVA	MPB notifies DVA of the member's service details (rank, full name and PMKeyS number), and reason for and date of transition via email. s47E(c), 47E(d)		As required

Process Step	Activity	Description	Form (where applicable)	Requirement
5-2.10c	Notify CSC	MPB notifies CSC of the member's service details (rank, full name and PMKeyS number), separating medical conditions, and proposed date for of separation via email. s47E(c), 47E(d)		As required
5-2.11	Transition Health Examination (THE)	Member organises and attends THE conducted by Local Health Centre prior to date as per DHM, Volume 2, Part 6, Chapter 6 and DHM, Volume 3, Part 6, Chapter 11. Local Health Centre sends THE outcome (PM532) within 24 hours of completion in accordance with MILPERSMAN, Part 3, Chapter 2. Medical Officer also refers member for one paid consultation with a civilian GP to be held one month either side of the transition date. Local Health Centre to provide member with their PM552 <i>Clinical summary transfer of health care</i> prior to transition, member to share this summary with their GP as per DHM, Volume 2, Part 6, Chapter 6. s47E(c), 47E(d)	PM532 ⁵⁰	Mandatory

⁵⁰ <https://formsportal.dpe.protected.mil.au/content/forms-portal/content/searchResult.html?search=PM532>

Process Step	Activity	Description	Form (where applicable)	Requirement
5-2.12	Medical concerns identified?	Local Health Centre assesses member's health in accordance with <u>DHM, Volume 3, Part 6, Chapter 11</u> . Medical Officer also checks for serious medical concerns that are likely to render the member non-employable/deployable in the long-term as defined in <u>DHM, Volume 2, Part 6, Chapter 2</u> and respective Service standing instructions.		As required
5-2.12a	Refer for CMEC review	If serious medical concerns are identified that are likely to render the member non-employable/deployable in the long-term, the member is referred for CMEC review. There may be a need to transition the member by more than one mode (multi-mode) in accordance with <u>DHM, Volume 2, Part 6, Chapter 2</u> and respective Service standing instructions. Refer to Process 5-3: Involuntary Transition (Medical) on page <u>5-26</u> .		As required
s47E(c), 47E(d)				
5-2.13	Should member's transition proceed as scheduled?	Commander, transition specialists and member consider preparedness to transition. s47E(c), 47E(d) Refer to Transition Preparedness on page <u>3-8</u> for more information.		Mandatory

Process Step	Activity	Description	Form (where applicable)	Requirement
s47E(c), 47E(d)				
5-2.15	Make decision and notify Transition Network	MPB or Delegate considers the recommendation, makes a decision and notifies the relevant member(s) of the Transition Network.		As required
5-2.16	Notify member	The commander/supervisor inform the member of any adjustments to their transition milestones.		As required
5-2.17	Will transition proceed as scheduled?	If MPB or Delegate determines that a member's transition date is not to be accelerated or delayed, then member transitions on the originally approved date. If MPB determines that a member's transition date is to be accelerated or delayed, then see steps 5-2.18 or 5-2.19 respectively.		As required
5-2.18	Will transition be accelerated?	The accelerated transition date is confirmed in PMKeyS.		As required
5-2.19	Extend transition	The extended transition date is confirmed in PMKeyS.		As required
5-2.20	Confirmed transition Date	After completion of the THE, s47E(c), 47E(d) [redacted], the member transitions on the confirmed date. s47E(c), 47E(d)		Mandatory
5-2.21	Notify DVA	DVA is notified that a member has transitioned via automated data extract from PMKeyS.		Mandatory

Process Step	Activity	Description	Form (where applicable)	Requirement
5-2.22	Notify CSC	CSC is notified that a member has transitioned via fortnightly bulk data share from DPG.		Mandatory



INVOLUNTARY TRANSITION (MEDICAL)

5.35 Medical transition is a form of involuntary transition. It covers all separations where a member's condition/s and/or injury, and therefore their military employment restrictions, render them not suitable for continued ADF service. Separations for those medically unfit for service in the Defence Force are pursuant to Defence Regulation 2016, s24 (1)(a). The MEC process is applicable to members who are SERCAT 3, 5, 6 or 7, inclusive of SERVOPs C and G.

5.36 The process (see Figure 5-3) includes the steps to be followed from the time that a member's long-term employability/deployability has been reviewed by a medical officer (MO) at a local health centre and the MO considers that the member's medical conditions render them potentially incompatible for ongoing service within the Defence Force. It includes:

- a. central MEC review (CMECR);
- b. medical recommendations and determinations;
- c. internal recommendations, decisions and notifications;
- d. external notifications to DVA and CSC;
- e. THEs;
- f. transfer of rehabilitation authority to DVA where claims have been accepted; and
- g. handover of the clinical care of the member to civilian healthcare providers.

s47E(c), 47E(d)

⁵¹ Guidance: where delays exceed 14 days delegates must consider an extension

Retrospective medical transition

5.39 Where a separated veteran believes their mode of transition should have been medical (or multi-mode with medical) they should contact 1800 Defence to commence the *Change of reason for end of service* process.

5.40 Further guidance is provided in:

- a. MILPERSMAN Part 3 Chapter 5—Military Employment Classification Review Board; and
- b. MILPERSMAN Part 10 Chapter 2—Involuntary Separation from the Australian Defence Force.
- c. Defence Regulation 2016, Section 26—Change of reason for end of service.

5.41 A larger, printable version of the process map is available Appendix A: Printable Versions of Process Maps.

Triggers for medical transition

5.42 There are a number of situations which trigger the commencement of the medical separation process. As listed below, the member:

- a. is incapable of rendering effective service because of physical or mental injury/illness/condition.
- b. is medically unfit to deploy because of physical or mental injury/illness/condition.
- c. does not meet the medical fitness standard required of their current employment category, but may be medically fit for employment in another employment category (this may include consideration of a Service transfer).

5.43 Commanders and members need to be aware that the commencement of the MEC D process does not automatically result in medical separation.

Procedure

5.44 This procedure outlines the responsibilities of each stakeholder with a role in the process. It includes time requirements where the activity is time-bound and articulates whether a task is mandatory, desirable or performed as required.

s47E(c), 47E(d)

5.47 To maintain currency of the procedure, links are included to authoritative sources of information that reside outside this Manual.

Table 5-3: Involuntary Transition (Medical) Procedure

Process Step	Activity	Description	Form (where applicable)	Requirement
5-3.1	Health event and/or UMECR	Member experiences a health event and/or undergoes a routine Unit MECR (UMECR). The health event/UMECR triggers an medical officer (MO) to initiate the central MECR (CMECR) process, if the member's deployability and/or employability has not resolved or is unlikely to resolve within 12-18 months. (Note: CMECR process is extensively covered in the Defence Health Manual) Commanders should refer to MILPERSMAN Part 3, Ch 6 Welfare Boards to ensure IWBs are conducted, where required.		Desirable

Process Step	Activity	Description	Form (where applicable)	Requirement
		 <p>Trainees: Delegates determine the assessment/rehabilitation timeframe afforded to trainees. If the member is able to return to a deployable MEC, within an appropriate timeframe, the process ends. If the member is unable to return to a deployable MEC and unable to recommence training, in accordance with MILPERSMAN, Part 3, Chapter 2, Paragraph 2.3 the trainee is to be referred for a Medical Review.</p>		
5-3.4	Prepare CMECR documentation	<p>Local Health Centre initiates, collates and the prepares CMECR pack including:</p> <ol style="list-style-type: none"> Member attending CMECR appointment for health assessment. Requesting the member to complete the PM609 consent to release information and the AD523—Member's Health Statement, Requesting the member's commander/supervisor to complete AD523—<i>Workplace Capacity Report</i> Attaching the MO's clinical information. 	s47E(c), 47E(d)	Mandatory
5-3.5	Hold CMECR	Member attends CMECR appointment conducted by the Local Health Centre.		Mandatory

Process Step	Activity	Description	Form (where applicable)	Requirement
5-3.6	Receive CMECR pack and make medical recommendation	MECARS makes a medical recommendation and provides that recommendation to the MEC-D Chair.		Mandatory
5-3.7	Consider CMECR documentation	The Chair of the MEC-D considers the CMECR documentation, MECARS recommendation and other relevant information.		Mandatory
5-3.8	Is further input needed?	The Chair considers if further input is required to make a decision.		As required
5-3.8a	MEC-D considers CMECR documentation	If more input is needed, the MEC-D is convened to consider the CMECR pack and provide advice to the Chair.		As required
5-3.9	Make determination and notify commander	The Chair makes a determination and notifies the relevant commander. s47E(c), 47E(d)		Mandatory
5-3.10	Receive notification	Commander/supervisor receives the determination from MEC-D.		Mandatory
5-3.11a	Decision not to separate - notify member	Commander/supervisor notifies the member they will not be separated, and confirms member has been debriefed		Mandatory

Process Step	Activity	Description	Form (where applicable)	Requirement
5-3.11b	Decision to separate – arrange support and notify member	Commanders/supervisors are to arrange appropriate welfare support to assist with the delivery of the decision to the member. Commander is to notify and provide the notice of the intent to separate to the member.		Mandatory
5-3.11c	Notify MEC-D	Commander notifies MEC-D that member has been de-briefed on the determination (for both retention and separation decisions).		Mandatory
5-3.12	Receive notification of member debrief	MPD provides the member with the CMECR pack, and any other relevant documentation considered by the MEC-D Chair.		Mandatory
5-3.12	Accept or represent against the outcome	The member considers the MEC-D determination and in conjunction with the CMECR pack, MEC determination minute and the record of decision. The member decides whether to accept or represent against the MEC-D determination and/or the transition proposal on the acknowledgement form.		As required
5-3.12a	Sign acknowledgment form	If the member accepts the MEC-D determination, they sign the acknowledgment form which also contains consent to release their medical records to DVA.		Mandatory
5-3.12b	Represent against the MEC-D determination and/or the transition proposal	If the member wishes to represent against the MEC-D determination and/or the transition proposal, they gather new medical evidence and provide it to MEC-D through their Medical Officer. s47E(c), 47E(d)		As required
5-3.13a	Notify Transition Service Delivery	MPB notifies Transition Service Delivery via email that transition will occur. s47E(c), 47E(d)		Mandatory
5-3.13b	Notify DVA	MPB notifies DVA via email of the member's service details (rank, full name and PMKeyS number), and reason for and date of transition. s47E(c), 47E(d)		Mandatory

Process Step	Activity	Description	Form (where applicable)	Requirement
5-3.13c	Notify CSC	MPB notifies CSC via email of the member's service details (rank, full name and PMKeyS number), and reason for and date of transition. s47E(c), 47E(d)		Mandatory
5-3.14	Complete Transition Preparedness Questionnaire	Member is sent Transition Preparedness Questionnaire (TPQ) within five days after Transition Service Delivery create a transition case. Refer to page 3-7 for information on the TPQ.		Desirable
5-3.15	Transition Health Examination (THE)	Member organises and attends THE conducted by Local Health Centre prior to transition date as per <u>DHM, Volume 2, Part 6, Chapter 6</u> and <u>DHM, Volume 3, Part 6, Chapter 11</u> . Local Health Centre sends THE outcome (PM532) within 24 hours of completion in accordance with <u>MILPERSMAN, Part 3, Chapter 2</u> . Medical Officer also refers member for one paid consultation with a civilian GP to be held one month either side of the transition date. Local Health Centre to provide member with their <i>PM552 Clinical summary transfer of health care</i> prior to transition, member to share this summary with their GP as per <u>DHM, Volume 2, Part 6, Chapter 6</u> . s47E(c), 47E(d)	PM532 ⁵⁴	Mandatory

s47E(c), 47E(d)

Process Step	Activity	Description	Form (where applicable)	Requirement
5-3.16	Accepted claims for this medical condition?	Occupational Rehabilitation Team checks if the member has accepted claims for the service-related condition.		Mandatory
5-3.16a	Additional medical conditions identified?	If other medical concerns are identified at the THE (i.e. not the service-related condition), the member should submit a claim to DVA if they have not previously done so.		As required
5-3.16b	Have DVA claim(s) been submitted?			
5-3.16c	Submit DVA claim(s)			
5-3.17	Transfer rehabilitation authority	If the member has accepted claims, occupational Rehabilitation Team transfers rehabilitation authority from Defence to DVA via email. s47E(c), 47E(d)		Mandatory
5-3.18	Should member's transition proceed as scheduled?	Commander, transition specialists and member consider readiness to transition. s47E(c), 47E(d)		Mandatory
s47E(c), 47E(d)		Refer to Transition Preparedness on page 3–8 for more information.		
5-3.20	Make decision and notify Transition Network	MPB or Delegate considers the recommendation, makes a decision and notifies the relevant member(s) of the Transition Network.		As required

Process Step	Activity	Description	Form (where applicable)	Requirement
5-3.21	Notify member	The relevant member(s) of the Transition Network inform the member of any adjustments to their transition milestones.		As required
5-3.22	Will transition proceed as scheduled?	If MPB or Delegate determines that a member's transition date is not to be accelerated or delayed, then member transition on the originally approved date. If MPB or Delegate determines that a member's transition date is to be accelerated or delayed, then see steps 5-3.23 or 5-3.24 respectively.		As required
5-3.23	Will transition be accelerated?	The accelerated transition date is confirmed in PMKeyS.		As required
5-3.24	Extend transition	The extended transition date is confirmed in PMKeyS		As required
5-3.25	Confirm transition date	Member transitions medically on the confirmed transition date. s47E(c), 47E(d)		Mandatory
5-3.26	Notify DVA	DVA is notified that a member has transitioned via the automated data extract from PMKeyS.		Mandatory
5-3.27	Notify CSC	CSC is notified that a member has transitioned via fortnightly bulk data share from DPG.		Mandatory

MULTI-MODE TRANSITION

Overview

5.48 Multi-mode transition occurs when there is a need to follow the process for more than one transition mode⁵⁵.

Triggers for multi-mode transition

5.49 During the involuntary (administrative) separation process, if serious medical concerns are identified at the THE, the member is to be referred for CMECR. Specifically, this will trigger the involuntary (medical) separation process to commence and for MPB to consider the medical separation of the member concurrent with an administrative separation.

5.50 During the involuntary (medical) separation process, if a matter arises that warrants the initiation of an administrative separation, the commander/supervisor should commence administrative action in accordance with MILPERSMAN, Part 10, Chapter 2 — Involuntary Separation from the Australian Defence Force. This will trigger the involuntary (administrative) separation process to commence and for MPB to consider the administrative separation of the member concurrent with an medical separation.

Process

5.51 There is no discrete process to be followed for multi-mode transition. However, the relevant processes for both modes of transition (ie. administrative and medical) are to be followed and will occur concurrently.

5.52 It is the responsibility of the delegate to ensure the most appropriate transition mode is captured in PMKeyS, in accordance with Service-specific instructions.

s47E(c), 47E(d)



⁵⁵ Navy has coined the term “multi-mode separation” and provided streamlined guidance in Navy Directive 11/2021. Army and Air Force have not yet formalised service specific guidance.

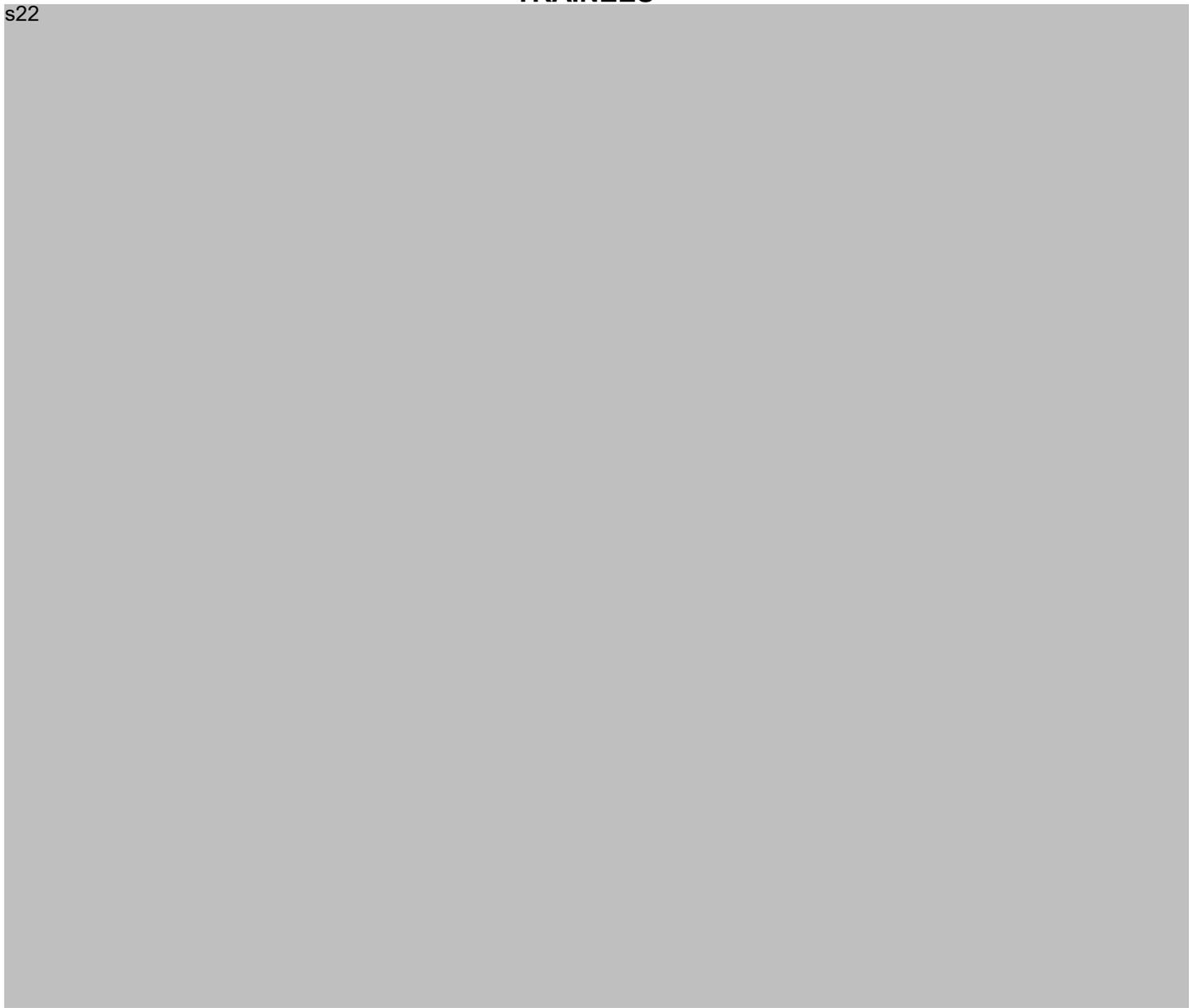
5.54 The MPB is to advise DVA and CSC of the updated reasons for transition and any variation transition date in accordance with the procedures outlined in Chapter 5.

Relevant policy and legislation

- a. Navy Directive 11/2021—Revised Policy for Termination of Services in the Defence Force for More than One Reason;⁵⁶ and
- b. Defence Regulation 2016, Section 26—Change of reason for end of service.

TRAINEES

s22



56

<http://drnet/navy/CN/NavyDocuments/Lists/Directives/DispForm.aspx?ID=147&ContentTypeId=0x0100BDD23DD05AC2AC41914062EEBFF34F2E>



Part 9

CHAPTER 1 SUSPENSION FROM DUTY

INTRODUCTION

1.1 A Defence member may be suspended from duty for administrative reasons, in accordance with [Defence Regulation 2016](#); or, disciplinary reasons in accordance with the [Defence Force Discipline Act 1982](#). The conditions of any suspension are to be determined by the specific circumstances, and may have implications for the management of the suspended Defence member's wellbeing and pay.

POLICY STATEMENT

1.2 This chapter contains the policy regarding suspension from duty as set out in [Defence Regulation 2016](#) and separately under the [Defence Force Discipline Act 1982](#).

1.3 The Chief of the Defence Force (CDF) may suspend Defence members from duty under certain circumstances. The CDF may delegate those powers, as detailed in [Instrument of Delegation](#).

POLICY PRINCIPLES

1.4 A Defence member suspended from duty remains a member of the Australian Defence Force (ADF) at all times. Defence maintains a duty of care and responsibility for a Defence member's wellbeing during a period of suspension. Commanders and managers are to provide support to suspended Defence members for the duration of the suspension. The level of support will vary dependant on the individual circumstance, and the operational and strategic context.

1.5 The policy detailed in this chapter intends to empower commanders to deliver operational outcomes and optimise military capability, often at short notice, in a dynamic strategic environment. The policy detailed in this chapter is to remain contemporary and enhance workforce capability.

1.6 Suspension from duty may be used to assist in the effective management of Defence members, as applicable to the specific circumstance. The reasons for a suspension may include, but are not limited to; the safety of a Defence member; the integrity of an investigation; or the reputation of Defence. As suspension may be detrimental to a Defence member, consideration is to be given to the impact on the member, their family, other persons (such as potential complainants/witnesses), their unit, Defence capability and reputation.

1.7 A decision to suspend a Defence member from duty is to be reasonable in the circumstances. Defence members are to be suspended as a last resort. Commanders may consider application of command directed short absence from duty (see [Pay and](#)

Conditions Manual Chapter 5 Part 11 Division 9); or, temporary or permanent re-assignment of duties, prior to a suspension. Delegates are to, in conjunction with any other Defence policies, regularly review the decision to suspend a Defence member.

1.8 Delegates are to afford procedural fairness in accordance with the Good Administrative Decision Making Manual (GADMMAN), when considering the decision to suspend a Defence member from duty.

1.9 Commanders and managers remain responsible for the wellbeing, safety, and security of suspended Defence members, and support is to be made available to the affected individual, and their family, as appropriate.

SUSPENSION FROM DUTY UNDER DEFENCE REGULATION 2016

1.10 In accordance with section 28 of Defence Regulation 2016, the CDF may suspend a Defence member from duty if:

- a. the Defence member has been given notice proposing involuntary separation from the ADF, under subsection 24(2) of Defence Regulation 2016, and the Defence member has not been informed that the proposed involuntary separation will not proceed; or
- b. the Defence member has been given notice proposing involuntary separation from the ADF, under section 100 of the Defence Act 1903, and the Defence member has not been informed that the proposed involuntary will not proceed; or
- c. the CDF has decided that a member will be subject to involuntary separation, under subsection 24(1) of Defence Regulation 2016, but the CDF's decision has not yet taken effect.

1.11 For suspension under section 28 of Defence Regulation 2016, delegates are to review the Defence member's suspension status once a decision has been made regarding the Defence member's ongoing service.

1.12 Defence members suspended under section 28 of Defence Regulation 2016 may be suspended with pay, without pay or on part pay. To ensure procedural fairness, and mitigate any potential adverse outcomes, when it is proposed that a Defence member be suspended without pay or on part pay, the Defence member must be given notice, and provided opportunity to respond to the notice, before the final decision is made.

1.13 A Defence member may be suspended with pay for the period in which they are responding to a notice about a proposed decision to suspend them on part pay or without pay, and while their response is considered. Any decision to suspend the

Defence member on part pay, must specify in writing, the effect in percentage terms on the member's pay.

1.14 The CDF may end or vary a suspension made under Defence Regulation 2016 at any time.

- a. **Ending a suspension.** If a Defence member is suspended, under section 28 of Defence Regulation 2016, the suspension ends if the Defence member is informed that they will not be subject to involuntary separation from the ADF (or no longer be subject, if appropriate).
- b. **Varying a suspension.** If the CDF (or delegate) proposes to vary a suspension, in accordance with section 28 of Defence Regulation 2016, and the outcome will be detrimental to the Defence member's pay, the Defence member must be provided notice as follows:
 - (5) if the suspension was without pay – by changing it to suspension with pay or on part pay; or
 - (6) if the suspension was on part pay – by increasing the amount of part pay or changing it to suspension with pay.

SUSPENSION FROM DUTY UNDER THE DEFENCE FORCE DISCIPLINE ACT 1982

1.15 The Defence Force Discipline Act 1982 provides a legal basis for Defence members to be suspended from duty for disciplinary reasons, where the Defence member is:

- a. charged with an offence (section 98(1)),
- b. convicted of an offence (section 99),
- c. pending approval of certain punishment action, or
- d. where the Defence member is under investigation on suspicion of having committed a service offence (section 98(2)).

1.16 Remuneration for a Defence member, who is suspended from duty under section 98(1) or section 99 of the Defence Force Discipline Act 1982, is detailed at section 100 of the Defence Force Discipline Act 1982. Suspension from duty under the Defence Force Discipline Act 1982 is ceased in accordance with the Act.

NOTICE REQUIREMENTS

1.17 When a notice is required, the notice must include all of the following details:

- a. state that it is proposed to suspend the member from duty, outlining the proposed pay arrangements while the member is suspended;
- b. the reason for the proposed suspension;
- c. invite the member to provide a written response as to why the proposed action should not be taken, and specify the period, after the date of the notice, in which the member may provide their response;
- d. set out the facts and circumstances relating to the reason for suspending the member's service so as to allow the member to prepare a written response about why they should not be suspended from duty, or why they should receive some, or all pay during the period of suspension;
- e. provide details of the support agencies available to the member, including legal support through Defence Counsel Services;
- f. as appropriate, invite the member to provide informed consent by completing Form AE993—Consent to Use or Disclose Personal, Sensitive and/or Health Information to enable ADF members to engage with the member's partner, family, and/or person or persons with whom the suspended member is residing with.

PAY IMPLICATIONS

1.18 In determining pay arrangements during any proposed period of suspension, authorised delegates are to:

- a. consider all pay, allowances and other benefits that are applicable to the Defence member under Part IIIA of the Defence Act 1903.
- b. be mindful that loss of pay, allowances and benefits may be adverse to the Defence member.
- c. consider the potential implications on the member's living arrangements, including the potential impact on any family members, if proposing to suspend a Defence member on part pay or without pay.

MANAGEMENT OF SUSPENDED MEMBERS

1.19 A Defence member suspended from duty remains a member of the ADF at all times. The requirement to follow lawful commands continues to apply to the Defence member during a period of suspension. Commanders and managers maintain their duty of care and responsibility for the member's wellbeing during a period of suspension.

1.20 **Commanders and managers** are to:

- a. act fairly and without bias toward the Defence member suspended from duty.
- b. be cognisant that suspension may be a stressful time for the member.
- c. ensure the member is supported, and provided information about and access to the support mechanisms available to them. The full range of medical and psychological services remain available to the member during a period of suspension.
- d. conduct an Individual Welfare Board (IWB) in accordance with MILPERSMAN Part 3, Chapter 6—Welfare Boards.
- e. consider whether referral for a mental health/psychological assessment is appropriate for managing the wellbeing of the member.
- f. consider temporarily placing the member under an alternate administrative command, to ensure they receive consistent access to the level of support required.

1.21 Each Defence member may require different levels of support. Commanders and managers are to assess and monitor the Defence member's wellbeing throughout their suspension, as appropriate to the circumstances. Wellbeing monitoring may include, but is not limited to:

- a. regular contact with the Defence member which may provide an opportunity to discuss issues such as the Defence member's health, financial situation, accommodation, and relationships.
- b. engaging with the Defence member's partner, family, and/or person or persons with whom the suspended Defence member is residing with.
Commanders/managers are only to engage with other persons if the Defence member has given valid consent to the disclosure of their personal information to such persons, by completing [Form AE993—Consent to Use or Disclose Personal, Sensitive and/or Health Information](#), and that consent has not been withdrawn by the Defence member.
- c. referrals, as appropriate, to health professionals, chaplaincy, other religious /spiritual services, legal services, and/or Defence Member and Family Support (DMFS) Branch for additional support services. Defence members and their families are also to be encouraged to contact DMFS via the [Defence Member and Family Helpline](#) for all support needs that may result from the suspension of the Defence member.

1.22 A suspended Defence member's personal, sensitive and health information is to be managed in accordance with the [Privacy Act 1988](#) and [Defence Health Manual Volume 1 Part 3 Chapter 1—Privacy of health information](#).

RELATED PUBLICATIONS

- [Defence Act 1903](#)
- [Defence Force Discipline Act 1982](#)
- [Ombudsman Act 1976](#)
- [Privacy Act 1988](#)
- [Defence Regulation 2016](#)
- [ADF Pay and Conditions Manual \(PACMAN\)](#)
- [Complaints and Alternative Resolution Manual \(CARM\)](#)
- [Defence Health Manual](#)
- [Good Administrative Decision Making Manual \(GADMMA\)](#)
- [Summary Discipline Manual](#)
- [Australian Navy Publication \(ANP\) ANP4104—Navy Personnel Manual \(ANP4104-3 Chapter 6\) \(ANP4104-9 Chapter 1\)](#)
- [Air Force Personnel Standing Instructions](#)
- [Army Standing Instruction \(Personnel\)](#)
- [CDF - Commanders' Guide to Discipline](#)
- [Navy Directive 06/2020—Support to Members During Superior Tribunal Proceedings](#)
- [Navy Directive 14/2021—Suspension of Members from Duty](#)
- [CA Directive 13/2021—Management of Army members involved in administrative, disciplinary or criminal processes](#)
- [DGPERS-AF Guidelines 01/2023—Managing and Recording Sub-standard Performance or Conduct](#)

Sponsor: AS/DG PPEC (DMPP)

CHAPTER 2 INVOLUNTARY SEPARATION

INTRODUCTION

2.1 The Defence Act 1903 and Defence Regulation 2016 enable the Chief of the Defence Force (CDF) to involuntarily separate Defence members (Permanent and Reserves) from all forms of Australian Defence Force (ADF) service for prescribed reasons.

POLICY STATEMENT

2.2 Defence members may be involuntarily separated from the ADF.

SCOPE

2.3 This chapter details the Defence policy regarding the involuntary separation mechanisms contained in the Defence Act 1903 and Defence Regulation 2016, and is applicable to all Defence members. This chapter does not address involuntary separation under the Defence Force Discipline Act 1982.

2.4 For the purposes of this chapter, 'separation' means the departure of a Defence member from the ADF.

AUTHORITY

2.5 Defence Regulation 2016 provides the CDF authority to separate a Defence member in prescribed circumstances and to delegate those powers. The Defence Act 1903 provides the CDF authority to separate a Defence member as a result of positive prohibited substance testing, and to delegate those powers. The CDF instruments of personnel-related delegations are located on the ADF Pay and Conditions - MILPERSMAN website.

INVOLUNTARY SEPARATION FROM THE ADF

GROUNDINGS FOR THE SEPARATION OF A DEFENCE MEMBER FROM THE ADF UNDER DEFENCE REGULATION 2016

2.6 A Defence member may be separated under Defence Regulation 2016, subsection 24(1). The CDF (or a delegate) may separate a Defence member for one or more of the following reasons:

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, and unemployable in any other employment category across the three Services.

- b. **The member cannot usefully serve because of redundancy in the Defence Force.** Redundancy means that Defence no longer requires the work or job to be performed by anyone because of changes to operational requirements. Unless CDF directs otherwise, a member who is declared redundant is to transfer to the Reserves (Service Category (SERCAT) 2) in accordance with subsection 21(3) of Defence Regulation 2016. Delegates intending to declare a Defence member redundant are to also refer to the relevant Defence Determination which has been made under subsection 58B of the Defence Act 1903. Transfers 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—Command-Initiated Transfer to the Reserves.
- 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 reasons set out in Defence Regulation 2016, subsection 6(2).

2.7 Consideration is to be given during any involuntary separation process as to whether the individual has a Military Employment Classification (MEC) which could potentially result in a medical separation. Conversely, a member deemed medically unfit for further service may also be the subject of administrative or legal action. Each proposal for involuntary separation is to be considered on its merits. When a Defence member is to be involuntarily separated via more than one mode of separation it is termed a multi-mode separation.

PROCESS FOR INVOLUNTARY SEPARATION UNDER DEFENCE REGULATION 2016

2.8 Defence Regulation 2016, subsection 24(2) provides that a member who is proposed to be separated must be given notice of the separation and at least 14 days after the date of the notice to provide a written response. These requirements ensure that Defence members receive procedural fairness in relation to separation decisions. Any failure to follow the process may result in decisions being invalidated.

2.9 Notice is not required to be given under certain circumstances. See Defence Regulation 2016, subsection 24(3).

2.10 NOTE: Subsection 84(1A) of Defence Regulation 2016 permits the CDF to delegate to Service Chiefs the power to separate a member under paragraph 24(3)(c) of the Defence Regulation.

2.11 While subsection 24(3) of Defence Regulation 2016 exempts certain separation decisions from the requirement to provide written notice, it does not exclude or limit the operation of procedural fairness to a member as detailed in Good Administrative Decision-Making Manual (GADDMAN) Chapter 5 – Procedural Fairness.

2.12 In seeking to engage with members to provide procedural fairness, consideration is to be given to matters such as:

- a. the nature of the relevant condition on a member's appointment or enlistment
- b. previous discussions with the member in relation to meeting the condition
- c. previous discussions or correspondence with the member prior to them being sentenced to imprisonment, or
- d. the inability to locate and/or contact the member while they were absent without leave.

2.13 Regardless of the procedures adopted in relation to a particular separation decision, the procedural fairness rule against bias and the obligation to act reasonably remain.

2.14 It is considered administrative best practice, even in circumstances where separation without notice is permitted, to follow the separation process described in this chapter. Delegates considering making a separation decision without following the separation process should seek legal advice before doing so.

2.15 When a Defence member is declared redundant the transfer must not occur until at least five weeks after the notice is given, unless the member agrees to earlier transfer (Defence Regulation 2016, subsection 24(4)).

2.16 Where separation is for reasons related to medical fitness, refer to MILPERSMAN Part 3, Chapter 2—Australian Defence Force Military Employment Classification System and single-Service policy to ensure that all relevant processes are followed.

2.17 Unless the separation notice is issued by the CDF, the person who decides to issue the separation notice is to be a different person from the delegate who makes the separation decision. The contents of the notice must be in accordance with Defence Regulation 2016, section 30.

2.18 When setting out the facts and circumstances relating to the reason or reasons for the proposed separation, delegates are to provide sufficient detail to allow the Defence member to prepare a written response. This includes details of any evidence relied upon to support the reason or reasons for separation.

2.19 For notices relating to separation the period for providing a written response is at least 14 days.

2.20 When a Defence member is provided a separation notice, a decision to separate a Defence member 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.

2.21 If the delegate becomes aware of any additional information which is relevant to the separation of the Defence member, it may be necessary to provide the member with an opportunity to respond to that information before making a decision. Where unsure how to proceed, the delegate is to consider consulting a legal officer.

2.22 If the Defence member is to be separated after the delegate has considered the Defence member's written response or the period for providing a response has ended, the delegate is to advise the Defence member of the decision and specify the date the separation will take effect.

2.23 Where the Defence member's location is not known, reasonable attempts are to be made to locate the Defence member in order to provide the member with a separation notice. Where the Defence member cannot be located, the separation notice is to be sent to their last known address and non-Defence email address(es).

2.24 The Defence member or their transition network may raise concerns about relevant medical issues at any point in the separation process including:

- a. When issuing the separation notice
- b. When considering the Defence member's Statement of Reasons in response to the notice
- c. Where a decision is made to separate a Defence member, but the delegate has formed the view that the Defence member may have medical conditions that lead to a medical separation
- d. During the Transition Health Examination

2.25 Where a relevant medical issue is raised, the Defence member is to be reviewed by a health practitioner and considered for referral to a Central Military Employment Classification Review (CMECR) in accordance with MILPERSMAN Part 3, Chapter 2—Australian Defence Force Military Employment Classification System. Should the member's condition not require referral for a CMECR, they will not be considered for medical separation.

2.26 Commanders are to conduct an Individual Welfare Board (IWB) in accordance with MILPERSMAN Part 3, Chapter 6—Welfare Boards.

2.27 Commanders are to consider whether referral for a mental health/psychological assessment is appropriate for managing the wellbeing of the member.

SEPARATION WHEN BECOMING A PERMANENT RESIDENT OF ANOTHER COUNTRY

2.28 Defence members who intend to take or have taken permanent residency in another country are to notify the CDF as soon as practicable. Notification is to be made through the Defence member's chain of command to the relevant Career Management Agency. The CDF may separate the member if it is determined that their retention is not in the interests of the Defence Force.

SEPARATION AS A RESULT OF POSITIVE PROHIBITED SUBSTANCE TESTING

DEFENCE ACT 1903

2.29 Separation on the basis of a positive prohibited substance test under Part VIIIA 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 of 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 VIIIA of the Defence Act 1903, separation is to be considered under Defence Regulation 2016, section 24.

MULTI-MODE SEPARATION

2.30 Multi-mode separation can comprise any combination of involuntary separation under the Defence Regulation 2016, the Defence Act 1903 and/or the Defence Force Discipline Act 1982.

2.31 When proceeding with multi-mode separations the relevant processes for all modes of separation are to proceed in parallel, via the relevant delegate(/s), to ensure that members are given natural justice/procedural fairness. When there is sufficient information to determine a mode or modes of separation, the delegate(/s) is to consider whether to allow each process to continue to its natural conclusion or cease the process(es).

2.32 It is the responsibility of the delegate/s to decide which separation mode is to be recorded in PMKeyS. The multi-mode separation and all separation modes are to be recorded on the member's personnel file.

SEPARATION DATE

2.33 For medical separations, delegates are to consider s47E(c), 47E(d) the Military Employment Classification Determination (MEC-D) and the associated

proposal that the Defence member is to be medically separated from service. Delegates s47E(c), 47E(d) are to ensure that adequate time is provided to Defence members to allow for the completion of mandatory transition administration. Delegates s47E(c), 47E(d) where there are delays in presenting the MEC-D outcome to the Defence member, and/or mandatory transition administration has not been completed.

2.34 For other types of involuntary separation, delegates are to consider s47E(c), 47E(d) the member is notified by their Commander of the separation decision. Delegates are to consider s47E(c), 47E(d) in which to complete their mandatory transition administration. Where a Commander has suspended a Defence member from duty without pay pending their separation, they are to reinstate the Defence member's pay following the notification of the separation decision and while they are completing their transition administration.

2.35 **Medical Separation.** Wherever practical, when considering the separation date for a Defence member, or responding to a request for an extension for a Defence member who is being separated under Defence Regulation 2016, section 24(1) (the member is medically unfit for service in the Defence Force), the delegate is to consider the following:

- a. any pending Department of Veterans' Affairs (DVA) determination pertaining to the medical condition(s) which has led to the members separation, where the member has submitted DVA claim(s) no later than 28 days after completing their Form AD524 – Member's Health Statement
- b. any pending Commonwealth Superannuation Corporation assessment
- c. other relevant considerations, such as medical treatment for the separating condition(s), hospitalisation, housing, financial hardship, or meeting ADF service milestones
- d. whether the member has attempted to meet all transition requirements within reasonable time frames
- e. submissions that the member has provided
- f. recommendations from the member's chain of command and other relevant entities
- g. the implications for the ADF if a member's service is varied.

SEPARATION DECISIONS AND REDRESS OF GRIEVANCES

2.36 To account for sensitivities and mitigate unintended consequences of separation action, the Defence member's commander or chain of command are to conduct a risk assessment for individual cases prior to delivering a separation decision. Relevant

health staff, support organisations and chain of command are to be consulted as appropriate, and a Support Officer is to be appointed to check on the Defence member after the decision has been issued, to afford mental and physical wellbeing to the Defence member during the separation process.

2.37 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 separate them. A ROG relating to a separation decision must be submitted within 14 days after the Defence member was notified of the decision and should also be submitted in advance of the separation taking effect.

2.38 When a ROG is submitted, the separation action may be suspended pending resolution of the ROG. The underlying principle is that the delegate is not to 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.

2.39 If the separation action has been suspended pending resolution of a ROG, separation dates may be postponed until at least three working days after a ROG is finalised, unless prevented by the operation of Part VIIIA of the Defence Act 1903 (see MILPERSMAN Part 4, Chapter 3—Management of the Use of Prohibited Substances in the Australian Defence Force). 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.

2.40 When considering suspending separation action, the safety, security, discipline and/or the effective operation of the unit may reasonably dictate that separation is to proceed despite the submission of a ROG. In the alternate, the Defence member may be suspended from duty under section 28 of Defence Regulation 2016.

SECURITY OBLIGATIONS

2.41 Defence members who are involuntarily separated from Defence may present a high security risk after their separation. Commanders and Defence members are to be cognisant of the ongoing security obligations on Defence members, even after they have separated or transitioned to SERCAT 2.

2.42 Even after separating from Defence, Defence members have an ongoing responsibility to protect Defence's official information, assets and intellectual property. Defence members are not to print, publish or communicate Defence's information in any form after separation, unless disclosure is for official purposes.

2.43 Prior to their separation or transition, Defence members are to receive a security brief Security Departure Brief Ceasing Defence Employment and be advised of their ongoing obligations under the Crimes Act 1914, Criminal Code Act 1995, Defence

Amendment (Safeguarding Australia's Military Secrets) Act 2024 and other relevant legislation. Defence members are to acknowledge that they have been made aware of the relevant laws via Form XP101—Declaration of Secrecy on Cessation of Duties prior to their separation or transition.

2.44 Defence members are to uphold their responsibilities as a Security Clearance Holder in accordance with Defence Security Principles Framework Control 40.1 Personnel Security Clearance and MILPERSMAN Part 2, Chapter 11—Personnel Security Clearances in the Australian Defence Force. Defence members are to comply with security requirements during their separation or transition process regarding amendments to their physical access and ICT access, appropriate to their immediate requirement following separation or transition.

2.45 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 Defence Instruction, Administrative and Governance Provision 5—Conflicts of Interest and Declarations of Interest (AG5).

2.46 Commanders are to report any security concerns arising from the separation to the Australian Government Security Vetting Agency (AGSVA), such as a failure to acknowledge post-separation requirements to protect classified information.

2.47 All Defence members have an ongoing responsibility to report any security concerns they have about former Defence members in accordance with DSPF Control 40.1. Defence members are to report to AGSVA any security concerns that they hold about a former clearance holder. This is particularly relevant where a Defence member has separated from the organisation under adverse circumstances and/or there is any indication that the person intends to reveal classified or other Official Information, or to compromise the security of Defence assets or personnel.

ENTITLEMENTS FOLLOWING SEPARATION

2.48 A Defence member's entitlement to superannuation, pay and allowances will vary according to the individual circumstances. For details of entitlements refer to ADF Pay and Conditions Manual (PACMAN) and Commonwealth Superannuation Corporation.

RELATED PUBLICATIONS

- Crimes Act 1914
- Criminal Code Act 1995
- Defence Act 1903
- Defence Amendment (Safeguarding Australia's Military Secrets) Act 2024

- Defence Force Discipline Act 1982
- Ombudsman Act 1976
- Defence Regulation 2016
- Chief of the Defence Force's delegations from the Defence Act 1903 and Defence Regulation 2016
- Defence Instruction, Administrative and Governance Provision 5—Conflicts of Interest and Declarations of Interest (AG5)
- ADF Pay and Conditions Manual (PACMAN)
- Australian Defence Glossary (ADG)
- Complaints and Alternative Resolutions Manual (CARM)
- Good Administrative Decision-Making Manual
- Australian Navy Publication 4104—NAVY PERSONNEL MANUAL
- Australian Navy Publication 4112—CAREER MANAGEMENT - NAVY
- Air Force Personnel Standing Instructions
- Army Standing Instructions (Personnel)

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