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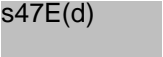
RECRUITING OF TRANSGENDER, NON-BINARY AND OTHER GENDER DIVERSE DEFENCE MEMBERS

This Australian Defence Force (ADF) Recruiting Instruction (ADFRI) is promulgated for use by all Defence Force Recruiting (DFR) staff and is effective forthwith.

s22



s47E(d)



Director Military Recruiting
Headquarters Defence Force Recruiting

Department of Defence
CANBERRA ACT 2600

Oct 25

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AMENDMENT CERTIFICATE

Proposals for amendments in this instruction are to be forwarded via email to s47E(d) [@defence.gov.au](mailto: @defence.gov.au) or by mail to:

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1	DMR	Initial publication	Apr 19
2.0	DMR	New DMR. Footnote links updated. Updated hyperlinks. Removal of Defence Honours and Awards Manual. Added requirement to para 1.10 for Medical or Psychology to update candidates that change gender identity during their application.	Jun 20
3.0	DMR	DMR periodic review	Jun 23
3.1	DDS&P	Annual review Updated Intranet Diversity site hyperlink and Related publications, documents and resources hyperlinks	Dec 24
3.2	DMR	New DMR. Annual review. Updated SO2 G&T POC. US policy restrictions updated (SSN applicants) and Ref C added.	Oct 25

References:

- A. [Australian Government Guidelines on the Recognition of Sex and Gender](#)
- B. [Defence Diversity website](#) (Defence Intranet)
- C. Minute - Effect of changes to US Gov DEI policy on gender diverse ADF personnel required for duty in the US

INTRODUCTION

1. A person's sex and gender may not necessarily be the same. Some people may identify as a different gender to their birth sex and some people may identify as neither exclusively male nor female. Although sex and gender are conceptually distinct, these terms are commonly used interchangeably, including in legislation. It is important to understand the difference between the two concepts as they apply to Defence.
2. Defence is committed to recruiting a diverse and inclusive workforce that draws from the best possible talent from the available applicant pool. Any transgender, non-binary or other gender diverse person may apply for enlistment or appointment into the Australian Defence Force (ADF) subject to the same selection criteria applicable to all other applicants. It is important for both candidates and recruiters to understand Defence Policy surrounding transgender, non-binary or other diverse persons, and what their responsibilities are.
3. The references provide further guidance relating to gender and inclusion policy in the ADF.

POLICY STATEMENT

4. Defence Force Recruiting (DFR) will consider the application of any transgender, non-binary or other gender diverse person.

SCOPE

5. This policy applies to all Defence personnel of DFR. The policy outlines the principles that are to be applied to the consideration of applications made by gender diverse people for enlistment or appointment.

Definitions

6. Specific definitions applicable for the purpose of recruiting transgender, non-binary or other gender diverse applicants include:
 - a. **Sex.** The chromosomal, gonadal and anatomical characteristics associated with biological sex.
 - b. **Gender.** The way a person feels, presents and is recognised within the community. A person's gender may be reflected in outward social markers, including their name, outward appearance, mannerisms and dress.
 - c. **Gender diverse.** Gender diverse Defence members are those whose gender does not fall within the binary notions of sex and gender (male and female). This may include people who identify as a gender different to their assigned birth sex or as neither male nor female.

- d. **Gender identity.** A person's intrinsic sense of being male, female or an alternative or non-binary gender. Some terms used to describe a person's gender identity include transgender, gender queer and gender diverse.
- e. **Transgender.** A person whose gender crosses or transcends culturally defined categories of gender. The gender identity of transgender people differs to varying degrees from the sex they were assigned at birth.
- f. **Non-binary.** A person who identifies as neither male nor female.
- g. **Intersex.** A person who is born with genetic, hormonal or physical sex characteristics that are not typically male or female. Intersex people have a diversity of bodies and identities.
- h. **Transition.** Period of time when individuals change from the gender associated with the sex assigned at birth to a different gender. For many, this involves learning how to live socially in another gender identity; for others this means finding a gender role and expression that is most comfortable for them. Transition may or may not include feminisation or masculinisation of the body through hormones or other medical procedures. The nature and duration of transition is variable and individualised.
- i. **Affirmed gender.** A person's own psychological identification as male, female, or non-binary, regardless of their biological sex.
- j. **Assigned sex.** A person's identified gender at birth based on heteronormative assumption of being either male or female according to genital appearance.

Administration Principles

7. In addition to [Defence and APS values](#)¹, [leadership behaviours](#)² and Service values, the following principles apply to the implementation of policy to recruit non-binary, transgender and transitioning Defence members.
- a. **Respect.** All applicants have the right to be respected throughout the application process.
 - b. **Safety.** All applicants have the right to a safe environment that is free from harassment and discrimination.
 - c. **Inclusion.** All applicants should be permitted the opportunity to fully participate in the recruiting process.
 - d. **Understanding.** DFR members are to acknowledge that gender diverse applicants deserve the same respect afforded to any other applicant; however, their specific needs and administrative requirements may fall outside the scope of extant policy and procedures in some instances.

¹ <http://drnet/People/Policy/Behaviours/Values/Pages/Defence-and-APS-Values.aspx>

² <http://drnet/People/Culture/Pages/One-Defence-Behaviours.aspx>

Recruiting of gender diverse members

8. Career Coaches (CC), Defence Interviewers (DI) and other members of DFR are to consider the application of a transgender or non-binary person on merit and without regard for gender identity. Gender identity is not to be a factor used by CC, DI or Senior Military Recruiting Officers (SMRO) in determining whether an applicant is a fit and proper person to serve in the ADF. Candidates declaring gender diversity will be assessed by DFR medical and psychology providers in accordance with relevant extant Defence policy.

9. If a gender diverse candidate self identifies by any particular pronoun, a VIP PowerForce Journal Comment should be entered so anyone having contact with the candidate is able to do so respectfully and appropriately.

Advice to candidates

10. While most policies in Defence are gender neutral, there are some policies, such as those related to accommodation, ablutions, uniforms and physical requirements that are currently gender-specific. At an appropriate time during the recruiting process, normally after assessment, transgender and non-binary applicants are to be advised of the limitations that they may experience during service. Currently, these include:

- a. **Uniforms.** A transgender Defence member is to wear the gender-specific uniform aligned with their affirmed gender. Non-binary members will be treated on a case-by-case basis but are to be advised that there is currently no gender-neutral uniform.
- b. **Ablutions.** A transgender Defence member is to use the gender-specific ablutions aligned with their affirmed gender, or other unisex ablutions, where available. Should the situation arise where open, communal, same sex ablutions are the only ones available (such as on field exercises or some deployments) the member and their supervisor must discuss and agree upon an appropriate arrangement to ensure the needs of all members are met (such as alternative shower timings).
- c. **Accommodation.** Defence will normally endeavour to maintain non-gender-specific accommodation; however, where only gender-specific accommodation is available, a transgender Defence member who is transitioning is to occupy the gender-specific accommodation aligned with their affirmed gender from the date reflected in Defence One. Non-binary members will be treated on a case-by-case basis in consultation with the member.
- d. **Participation in sport.** Transgender Defence members wishing to participate in ADF sport are to do so in their affirmed gender. Members who qualify for elite or representational sport may be subject to the respective policies of the applicable sporting body.
- e. **Coalition policies.** There remains some likely coalition partners who will not have supporting policy for gender diverse ADF members. In some circumstances, where the coalition partner is the lead, and the ADF cannot provide the necessary administrative support, deployment and joint exercise opportunities may be limited.

- (1) **US Policy.** As highlighted in ref C, whilst ADF policy is unchanged regarding equality and inclusion, US government policy is different. ADF personnel undertaking duty in the US (including training) are required to comply with US policy. Consequently, transgender and non-binary ADF personnel and ADF Career applicants are currently unable to commence the SSN training pathway. This will not prevent affected ADF Career applicants from pursuing a career in the ADF, and they should be encouraged to do so.
- f. **Defence One.** After enlistment/appointment, non-binary Defence members who retain their gender in Defence One as male or female may be subject to policies associated with that gender (including uniform, accommodation, ablutions, terms of address, etc.).

Physical Fitness Assessment

11. A transgender applicant is to attempt the Pre-entry Fitness Assessment (PFA) aligned with their affirmed gender. If they are transitioning, they may attempt the assessment aligned with the gender to which they are transitioning. If they have not yet transitioned, but intend to do so, the applicant may make a choice, but those transitioning to male are to be advised that they will be required to pass the male assessment standards. In the absence of a non-gender-specific test, non-binary applicants may make a choice that is best aligned with Service and job preference.

Gender identification in PowerForce

12. PowerForce is to record the affirmed gender of transgender applicants. As PowerForce does not yet have the ability to provide the non-binary ('X') indicator, applicants should be requested to make an arbitrary choice of male or female and are to be advised that a journal comment will be made to indicate their non-binary gender.

13. The gender indicated in PowerForce is to be updated if an applicant's gender changes during the recruiting process, however, any changes are to be supported by an official document indicating the new gender. Noting it is an administrative change only, the change of gender within PowerForce can be effected by the DFR staff member (ADF or contracted staff) to whom the declaration is made. If the change of gender declaration is made post-assessment, Psychology, Medical and the SRMO are to be advised, by email, as soon as change is made.

Passports and official documents

14. Conflicts in official documents may arise for applicants who are gender diverse where they have legacy documents that conflict with their current identified gender. Therefore, it is possible that a transgender or non-binary candidate may hold a passport or other official document such as a birth certificate, citizenship certificate or drivers licence, where the name and gender details are not consistent.

15. In the event there is conflicting gender information within Australian Government and State/Territory documents held by a person, the most current document is to take precedence in establishing a person's gender and name.

16. In accordance with Reference A, official documents required for gender recognition include:
- a. a statement from a Registered Medical Practitioner or a Registered Psychologist specifying their gender
 - b. a valid Australian Government travel document, such as a valid passport, which specifies their gender
 - c. a state or territory birth certificate, which specifies their gender or
 - d. a document from a state or territory Registrar of Birth Deaths and Marriages recognising a change of sex and/or gender may also be accepted as evidence of gender.

17. Reference A, Appendix A, provides an example of a statement from a registered Medical Practitioner or Psychologist.

18. When DFR personnel are presented with conflicting information about an applicant's gender or name, they may seek further information and supporting evidence to corroborate their identity, in accordance with the Australian Government's approach to identity security as outlined in the [National Identity Proofing Guidelines](#)³. As outlined in the Australian Government Guidelines on the Recognition of Sex and Gender, there may be legitimate reasons for having current conflicting documents, for example people who identify primarily as X may want to hold a passport in a particular gender to ensure their safety while travelling overseas.

Privacy Notice

19. Defence may collect, use and disclose personal information regarding a person's gender, including any change of gender as recorded in Defence One, to update any records it provides or has provided to other Australian Government agencies or departments about the member's service, including the Department of Veterans Affairs.

Related publications, documents and resources

20. Related publications that may be consulted for further guidance include:
- a. [Diversity Council Australia](#)⁴
 - b. [The National LGBTI Health Alliance](#)⁵
 - c. [Defence Gay and Lesbian Information Service](#)⁶
 - d. [Victorian Equal Opportunity and Human Rights Commission: Guideline: Trans and gender diverse inclusion in sport](#)

³ <https://www.homeaffairs.gov.au/criminal-justice/files/national-identity-proofing-guidelines.pdf>

⁴ www.dca.org.au

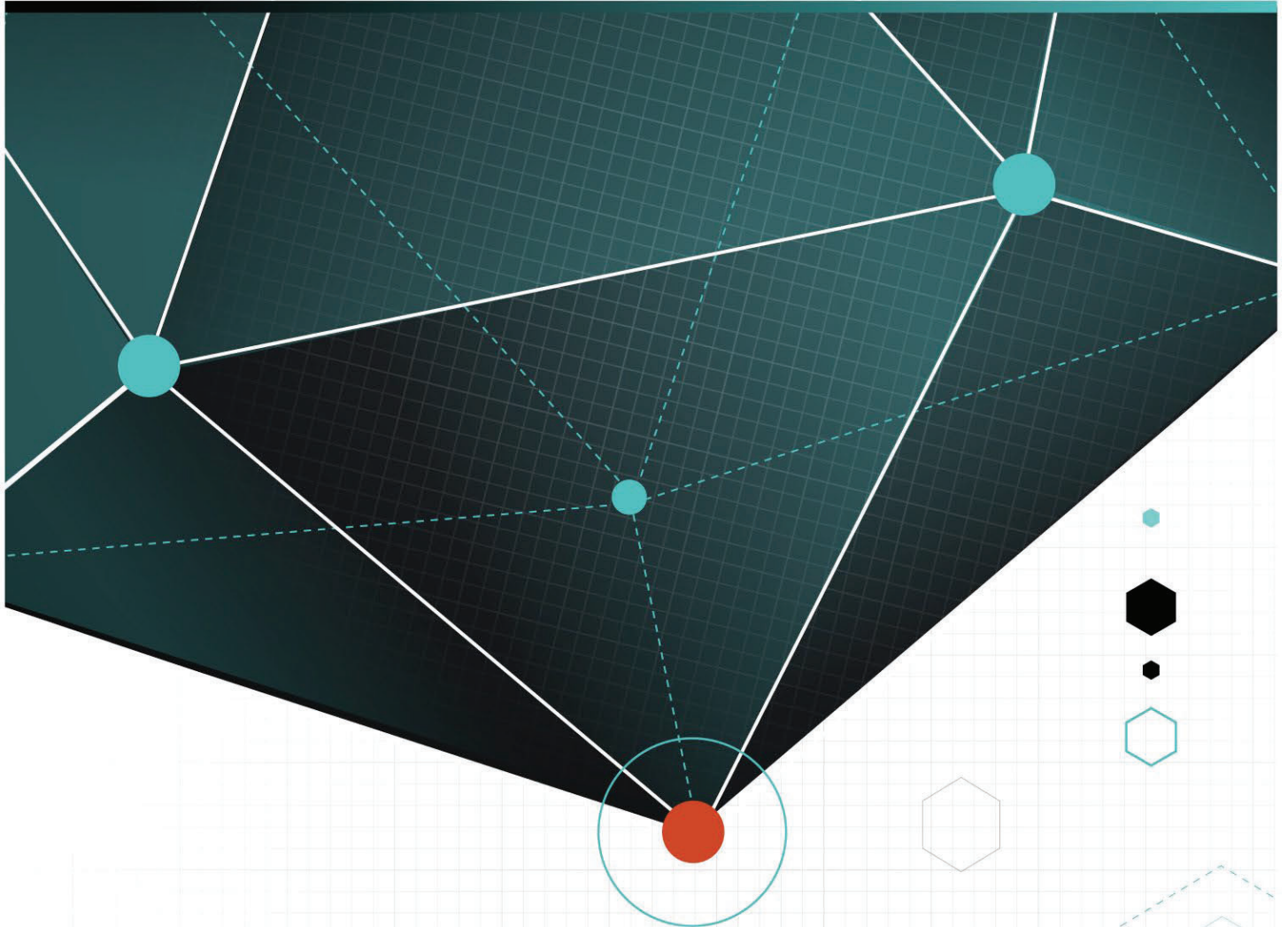
⁵ <https://lgbtihealth.org.au/>

⁶ www.defglis.com.au

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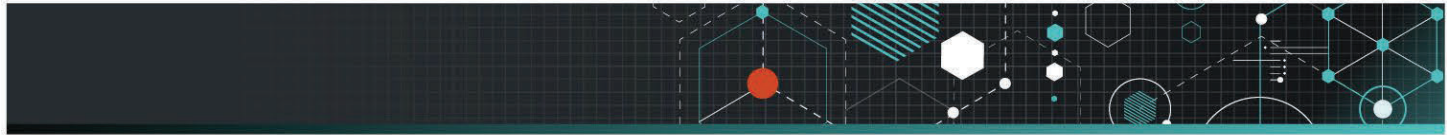
- e. Complaints and Alternative Resolutions Manual Chapter 3, Part 4 – [Reporting and recording of incidents of unacceptable behaviour](#)
- f. Defence Health Manual Volume 2, Part 9, Chapter 13 – Gender Affirming Health Care.



Defence Inclusion Guidance

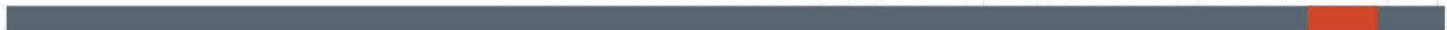
Gender Diverse People

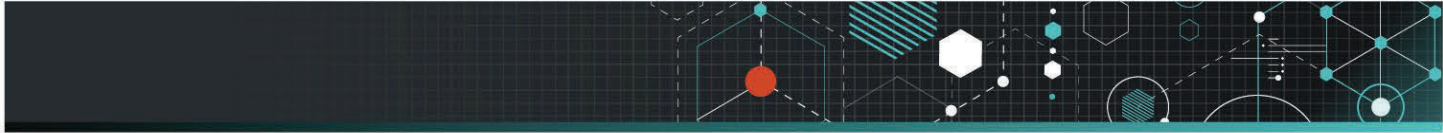




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Reviews and approvals

This document has been reviewed and approved by the personnel listed in the below table. Evidence of the approvals must be retained in accordance with Information Management policy.

Name	Title	Date	Role
	Defence People Committee	21 November 2024	Endorsed

Summary of changes

Version	Details	Author	Date
Version 0.1	First draft	Diversity and Inclusion Directorate	10 July 2024
Version 1.0		Diversity and Inclusion Directorate	25 November 2024

Introduction

Defence values and is committed to having a high performing, capable, inclusive, and diverse workforce that makes the most of the skills and talents of all people. Inclusion strengthens Defence's capability by gaining maximum benefit from the collaboration of our people, leading to better decision-making and problem-solving. Our continued focus on diversity and strengthening our inclusive culture is critical for the retention of skilled and qualified people.

Multiple aspects of our lives that come together, create our identities. We belong to many communities. Our workplace identity is only one part of that puzzle, just as our gender, sex, race, religion, age and relationship status, that make us who we are.

What is inclusion and why is it important?

Inclusion refers to getting the mix of people in an organisation to work together to improve performance and wellbeing. Inclusion in Defence is focused on creating an environment that supports our people to perform at their best and feel they can safely take actions that support their wellbeing. It is important to understand that inclusion is not simply the act of not excluding, but a conscience effort to ensure our colleagues feel included, welcomed and that they belong. Inclusion in a workplace is achieved when a diversity of people (e.g. ages, cultural backgrounds, genders, perspectives) feel that they are:



RESPECTED for who they are and able to be themselves;

CONNECTED to their colleagues and feel they belong;

CONTRIBUTING their perspectives and talents to the workplace; and

PROGRESSING in their career at work (i.e. have equal access to opportunities and resources)

Reference: Diversity Council Australia, Inclusion Model, Sydney, Diversity Council Australia, 2017.

A diverse and inclusive workplace is clearly linked to improved performance, innovation, creativity, talent management, engagement and wellbeing. Inclusive workplaces are an enabler to Defence mission making our workforce better and delivering greater capability.

Diversity Council Australia's [Inclusion@Work Index](#) 2023-2024 shows that:

There is strong support for inclusion

- 3 out of 4 Australian workers support or strongly support their organisation taking action to create a workplace that is diverse and inclusive.

Inclusion is good for wellbeing

Workplace inclusion significantly increases employee wellbeing. For example, workers in inclusive teams are:

- 10 times more likely to be very satisfied than workers in non-inclusive teams;
- 4 times more likely to feel work has a positive impact on their mental health;
- 3 times less likely to leave their organisation; and
- 5 times more likely to have been given feedback they found useful.

Inclusion is good for performance

The Inclusion@Work Index consistently shows a strong link between inclusion at work and team performance. For example, inclusive teams are:

- 5 times more likely to be innovative than non-inclusive teams;
- 5 times more likely to work effectively together;
- 4 times more likely to provide excellent customer service; and
- 5 times more likely to have members willing work extra hard to help their team succeed.

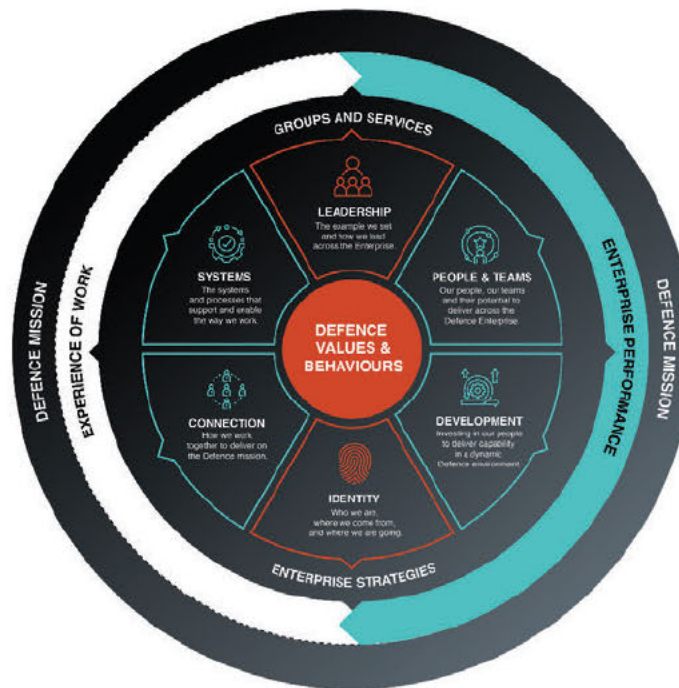
Inclusion minimises risk

For employees, experiencing discrimination and harassment can harm their wellbeing and impact their performance. For organisations, it risks costly lawsuits and loss of organisational reputation.

Workplaces that are inclusive have much lower rates of discrimination and harassment. Specifically, workers:

- in inclusive teams are 5 times less likely to experience discrimination and/or harassment at work compared to those in non-inclusive teams;
- with inclusive managers are 4.5 times less likely to experience discrimination and/or harassment compared to those with non-inclusive managers; and
- in inclusive organisations are 4 times less likely to experience discrimination and/or harassment compared to those in non-inclusive organisations.

Alignment to Defence Culture Blueprint



The Joint Directive on Accountabilities for Culture sets the Secretary of the Department of Defence and Chief of the Defence Force's expectations and requirements of accountability and responsibility for culture across Defence, through the Defence Culture Blueprint (DCB) Program.

All Defence people have a responsibility to strengthen, foster and grow a positive Defence Culture. This includes building an inclusive workplace for all people, in alignment with the DCB program Strategic Objective 3:

Defence is Diverse and Inclusive.

Defence leaders at all levels must set and reinforce standards, and ensure [Defence Values and Behaviours](#) are at the centre of everything we do.

This guidance aligns to the DCB critical components of culture:

- **Leadership** – Leaders are role models for inclusion and are critical in creating an inclusive team culture that delivers performance.
- **People and Teams** – High-performing and connected teams are created through our respectful inclusion of all people. A culture of inclusion can be embedded in team structures through roles and responsibilities.
- **Development** – Investing in all of our people is critical to deliver capability, remain competitive and anticipate future demands in a dynamic Defence environment. Defence must continue to grow, evolve and educate its people on best practice guidelines for inclusion in the workplace.

- **Identity** – To have a truly inclusive culture that positively supports high performance, we must all feel safe to bring the many layers of our identity to work. Employees should be able to trust that they are valued for all parts of their identity and are not siloed or pre-defined by singular elements. Allowing people to bring their most authentic selves to work strengthens Defence as an inclusive employer that people can see themselves reflected in.
- **Connection** – Connection shapes our everyday experience of work and the way we connect across Defence, and in our communities, must collectively work to enhance inclusion.
- **Systems** – Defence's systems, including human resources, governance and information technology systems, and the processes by which we operate influence how we behave and ultimately how inclusive our culture is. Diversity and inclusion must be considered in the design and development of all systems at a fundamental level.

Governance and endorsement

This guidance document was endorsed by the Defence People Committee (DPC) on 21 November 2024.

Minor amendments to this guidance will be authorised by First Assistant Secretary Workforce and People Strategy, with annual review of major or material changes to be endorsed by the DPC.

Scope

All people can contribute to the Defence Mission.

This guidance document outlines the principles that are to be applied for the leadership and support structures for all Defence personnel, Australian Defence Force (ADF) and Australian Public Servants (APS), to foster an environment of inclusion.

This guidance is to be read as complementary to related Defence policy and/or Government legislation.

While this document focuses on the personnel administration, management and support of ADF and APS, the guiding principles can be applied to support non-Defence personnel such as contractors, cadets or participants in Defence hosted work experience programs, in conjunction with other relevant Defence Policies such as the Youth Policy Manual.

Whilst the content of this document is not sensitive, it may be subject to change, to reflect legislative changes when further research is conducted or policy developed.

Gender fluidity is not in scope for this document. A gender fluid person is someone who does not have a fixed gender identity, and embrace an adaptable nature to the concept of gender identity and gender expression. Their gender identity is flexible and it may shift and change day to day. They may be one gender, multiple genders, or no gender.

Language and definitions

Language is important. The correct use of terminology demonstrates our respect for, and inclusion of, all people. All Defence personnel should be respectful and seek to use terminology appropriate to the circumstances and preference of the individual.

The terms and definitions outlined in Annex A, whilst not exhaustive, are provided to assist commanders, managers, supervisors and personnel. Some terminology is culturally dependant and is

therefore prone to change. Additional guidance to inclusive language and conversations are included in the Annexes.

Defence contacts

Directorate of Diversity and Inclusion - s47E(d) @defence.gov.au or [Defence People Group Diversity and Inclusion Intranet](#)

Navy - s47E(d) @defence.gov.au

Army – s47E(d) @defence.gov.au

Air Force - s47E(d) @defence.gov.au

Gender Diverse People

For the purposes of this guidance, 'gender diverse' is used as an umbrella term encapsulating all gender diverse Defence personnel, including transgender, non-binary and gender fluid people. It is important to note that this term is used for the purposes of this guidance document only, and not all people to whom these terms may apply will necessarily identify themselves as 'gender diverse'.

All Defence personnel, including commanders, managers and supervisors of personnel considering or currently undergoing gender transition or affirmation, should become familiar with this document.

This guidance is not an exhaustive list of considerations for the administration of gender diverse people. Commanders, managers and supervisors must apply consistency, common sense, fairness and respect for the individual in their decision making process, with the aim of developing inclusive outcomes to accommodate the needs of the individual and Defence.

Legislation and Policy Framework

The [Defence Values and Behaviours](#) are the core principles guiding Defence actions. They embody what is expected of all Defence people, being the standards to be maintained, and for which they are held accountable.

The [Defence Instruction's](#) People Provision 7 – 'Required behaviours in Defence' establishes the behaviours the Secretary and Chief of the Defence Force expect of Defence personnel:

- Defence personnel are responsible for their own behaviour;
- Defence personnel must give appropriate consideration to how they behave at work; and in any situation that may be connected to Defence outside of official duty; and
- Defence personnel must not engage in unacceptable behaviour.

[Annex 3G to Chapter 3 of the Complaints and Alternative Resolutions Manual](#) specifies Sex Discrimination as a type of unacceptable behaviour which aligns to the [Sex Discrimination Act 1984](#) as outlined below.

Defence is required by law to provide both physically and psychologically safe work environments, free from harassment and discrimination, ensuring Defence personnel are treated equitably and respectfully.

- The [Sex Discrimination Act 1984](#) (the Act) makes it 'unlawful to discriminate against a person because of their sex, gender identity, intersex status, sexual orientation, marital or relationship status, family responsibilities, because they are pregnant or might become pregnant or because they are breastfeeding.'
 - In 2013, the Act was amended to introduce new protections from discrimination on the grounds of sexual orientation, gender identity and intersex status.
 - Legal protections are complemented by the [Australian Government Guidelines on the Recognition of Sex and Gender](#), which apply to all Australian Government departments and agencies, who collect sex and/or gender information through employee records.
 - Further information on how the Act is applied to sexual orientation, gender identity and intersex status can be found on the [Australian Human Rights Commission Website](#).

- The [Anti-Discrimination and Human Rights Legislation Amendment \(Respect at Work\) Act 2022 \(Cth\)](#) amended the Act introducing a positive duty on employers and Person Conducting a Business or Undertaking (PCBU) to eliminate:
 - workplace sexual harassment, sex discrimination and sex-based harassment;
 - conduct that amounts to subjecting a person to a hostile workplace environment on the ground of sex; and
 - certain acts of victimisation.
- Partnering with Defence, the Australian Human Rights Commission (AHRC) developed the Defence [Respect@Work](#) Framework extending beyond sexual harassment to unacceptable behaviour more broadly. This will guide the enterprise approach to these legislative changes.
- Under the [Work Health and Safety Act 2011](#) Defence has a duty to ensure, so far as reasonably practicable, the health and safety of workers while they are at work and that other persons are not put at risk from the conduct of the work. This includes the management of psychosocial risks, in accordance with the [Defence Safety Manual \(SafetyMan\)](#).
 - In December 2023 Safe Work Australia released the Sexual and gender-based harassment Code of Practice (the Code) which identifies sexual and gender-based harassment as a psychosocial risk.
 - The Code identifies individuals not conforming to traditional gender stereotypes or being LGBTQIA+ as having an increased likelihood of experiencing sexual or gender-based harassment.
 - The Code applies the below duties to workers:
 - Workers must:
 - take reasonable care for their own WHS;
 - take reasonable care not to adversely affect others WHS;
 - comply with reasonable WHS instructions as far as they are reasonably able; and
 - cooperate with reasonable WHS policies or procedures that have been notified to them.
- Commanders, managers and supervisors are to protect the privacy of personnel in accordance the [Defence Privacy Policy](#). Commanders, managers and supervisors are to be sensitive when consulting with gender diverse people about how they may be supported. They should be cognisant that individuals who are transitioning between genders may not wish to disclose certain details of their gender affirmation journey.

Guiding Principles for Decision Making

Commanders, managers and supervisors are required to support the requirements of gender diverse personnel while maintaining operational capability to achieve the [Defence mission](#) – as they should for all people across the organisation.

In addition to extant [Defence Values and Behaviours](#) the following guiding principles are to be used governing the application of policy to gender diverse Defence personnel.

- **Safety.** All Defence people have the right to a safe working environment that is free from harassment and discrimination.
- **Inclusion.** All Defence people should be permitted the opportunity to fully participate in training and contribute to protecting and advancing Australia's strategic interests.
- **Understanding.** Commanders, managers and supervisors are to acknowledge that gender diverse people deserve the same respect afforded to any other person, and their specific needs and administrative requirements may fall outside the scope of extant policy and procedures in some instances.

Although most policies in Defence are gender neutral, some policies relating to accommodation, uniforms and physical requirements remain separated as male and female within the Defence environment. To assist in decision-making processes, the following principles apply:

- Defence people should be supported through deliberation and actions to affirm their gender;
- Defence people are to be administered as per their affirmed gender recorded in PMKeyS;
- gender neutral options should be made available where they exist, or can be made reasonably available;
- where there is no gender neutral option reasonably available, commanders, managers and supervisors will discuss with the member which gender policies are most appropriate for them;
- the view points of the person, treating health care professionals, supporting staff and colleagues are to be considered where necessary;
- flexibility and individual deliberation should be used by commanders, managers and supervisors, in consultation with the persons listed above, to determine which gender-specific policies should be utilised in each circumstance; and
- for gender diverse members recorded in PMKeyS as 'X', there is no requirement for the same gender to be applied consistently across all gender-specific policies.

Commanders, managers and supervisors must take reasonable steps to ensure the safety of gender diverse people, through consultation and consistency with the way other people would be treated in similar circumstances. There are situations in which it may be reasonable to propose or take action which may not align with a person's wishes. In these circumstances, and in addition to ordinary decision-making considerations, the following should be taken into account:

- the nature and extent of the impact resulting from the action or proposed action on the individual potentially affected;
- the feasibility of overcoming or mitigating the impact;
- whether the impact is proportionate to the result sought by the commander, manager or supervisor, or personnel;
- the operational environment (such as overseas locations and local customs); and
- the affected parties should be informed privately and sensitively, as per any other HR matter and Defence Policy.

In supporting ADF members through gender affirmation or transition, health professionals will be guided by the [Defence Health Manual \(Vol 2, Part 9, Chapter 13 – Gender Dysphoria\)](#).

Commanders, managers and supervisors are to ensure gender diverse people are provided information about support mechanisms available to them. Support services such as [Defence Member and Family Support](#), [Employee Assistance Program](#) (LGBTIQ Helpline 1300 542 874) and Individual Welfare Board ([MILPERSMAN Part 3 Chapter 6 - Welfare Boards](#)) may be the appropriate process for managing the wellbeing of the Defence person. Additional Health and Wellbeing advice and guidance can be found on the [Health and Wellbeing](#) intranet site.

Commanders, managers and supervisors are responsible for providing support to the workplace, such as providing training, education or resources, as deemed appropriate.

Administrative Considerations for Gender Diverse Defence People

There is a requirement to record gender in employee records in PMKeyS. Commanders, managers and supervisors are to support personnel who seek to officially change their gender at the time of the person's choosing.

Defence personnel are to be administered as per the gender recorded in PMKeyS. This does not prevent commanders, managers and supervisors from supporting a gender diverse person in the workplace through the early stages of affirming their gender, particularly if there are delays before this can be officially changed.

A gender diverse person is to be addressed and present in the workplace as their affirmed gender from the time of their choosing, once this has been communicated with their supervisor and relevant colleagues. This includes, but is not limited to, use of a preferred name, pronouns and gender-affirming language. For members of the ADF, a consideration for non-binary members could be to use their rank or position by way of salutation instead of sir or ma'am.

Recording Gender in PMKeyS

A Defence person can change their gender in PMKeyS by submitting the relevant webform with supporting evidence:

- [AB150 – 'Change of Personal Particulars – APS/ASD](#)
- [AD150—Amendment of Personal Data Details - ADF](#)

In accordance with the [Australian Government Guidelines on the Recognition of Sex and Gender](#), Defence will recognise any one of the following as sufficient evidence of their sex and/or gender:

- a statement from a Registered Medical Practitioner or a Registered Psychologist, which specifies their gender;
- a valid Australian Government travel document such as a valid passport, which specifies their gender; or
- a State or Territory birth certificate, which specifies their gender. A document from a State or Territory Registrar of Births, Deaths and Marriages recognising a change of sex and/or gender will also be seen as sufficient evidence.

Gender diverse persons who retain their gender in PMKeyS as male or female will be subject to the administrative policies associated with that gender (including uniform, accommodation, ablutions and physical fitness standards etc.) which may not be appropriate for the person's circumstances (e.g. non-binary people).

Records in PMKeyS will generally be used where necessary, to determine eligibility for a benefit or entitlement. Where a person identifies as a different gender than that recorded in PMKeyS, the person should be encouraged to formally change their gender to align entitlements. With consent from the person, consultation between the person, their chain of command, treating medical professionals and/or the respective single-Service Personnel Branch can be undertaken, particularly where doubt or extenuating circumstances exist as to a member's eligibility for a benefit or entitlement.

Change of name

Defence personnel are able to amend their name in accordance with the [Change of Name Process](#). Gender diverse people may choose to change their preferred name prior to, or without, a formal change to their legal name. Preferred names (or other appropriate forms of address in accordance with Defence customs, such as rank and surname) are to be used in all communication and documentation (e.g. emails, nominal rolls, during verbal orders, etc.) that does not require the legal name of the person to be used.

A Defence person may choose to formally change their legal name. A formal change of name requires the submission of Webform [AE795 - Change Your Legal Name](#) accompanied with evidence from the relevant State or Territory Registry of Births, Deaths and Marriages. The process flow of the [AE795](#) will initiate change actions across Defence enablers to update:

- PMKeyS, Pay Centre, the Everybody Database and Corporate Directory;
- Personnel Security Administration Management System (PSAMS);
- Defence Protected Network (and if applicable, informs applicants on how they may update their Defence Secret Network details);
- a replacement Defence Common Access Card; and
- Defence Travel Card / Defence Purchasing Card (if applicable).

The [Australian Government Security Vetting Agency](#) (AGSVA) is to be informed of a formal name change as soon as possible after the change. Defence personnel are to report a change of formal name to AGSVA by completing a Change of Circumstance via the [myClearance portal](#).

Changes to names in official documentation will require the supporting documentation in accordance with the Attorney General's ['Improving the Integrity of Identity Data: recording of a Name to Establish Identity.'](#)

Passports

A gender diverse Defence person may have an official passport issued in their affirmed gender, including having their gender marker recorded as 'X', in accordance with the [Department of Foreign Affairs and Trade](#) (DFAT) guidelines.

When an individual with an Official Passport (green) applies for an Ordinary Passport (blue) in their new name and gender, it will trigger the cancellation of the Official Passport. They should consider

replacing both passports at the same time. This would be the same process as any other change of name scenario, for example, when a person marries.

Defence personnel are encouraged to ensure that documents reflect their gender identity, however there are legitimate reasons people may hold a passport with a gender that is different to that in PMKeyS. For example, a person who is recorded in PMKeyS as 'X' may want to hold a passport in a particular gender to ensure their safety while travelling overseas.

Defence will support the application of a person to hold a Defence-sponsored official passport in a different gender to their civilian passport to facilitate this, where it is required for operational reasons. Engagement with appropriate stakeholders (e.g. Department of Foreign Affairs and Trade) is to occur in this case.

Personnel should refer to [MILPERSMAN Part 11 Chapter 13: Issue of Official Passports and Visas to Defence Personnel](#) for further guidance.

Medals

Medals are engraved with a person's initials, surname and service number or Employee ID at the time of the award. Defence personnel who change their name after earning a medal do not have an automatic entitlement to a re-issue of that medal to reflect their name change, in accordance with the Defence Honours and Awards Manual (DHAM) Volume 1, [Chapter 44](#)—Replacement of Service Awards. In exceptional circumstances, a person may make written application to the Director of Honours and Awards for special consideration for the re-issue of medals engraved with their changed name. This re-issue will be subject to the return of the original medals and the provision of proof of the change of name.

Medals issued to Defence personnel will be as per their details recorded in PMKeyS and worn in accordance with Service Uniform manuals.

- [ANP 4426-1203 Uniform Instructions for the Royal Australian Navy](#)
- [Air Force Dress Manual](#)
- [Army Dress Manual](#)

Qualification badges

A gender diverse Defence person who is entitled to wear qualification badges earned prior to affirming their gender may continue to do so. The person should bear in mind that their decision to wear a particular badge may identify them as having previously presented as a different gender.

Precedence of official documents

Conflicts in official documents may arise for people who have intersex variations, are affirming their gender or are otherwise gender diverse but have legacy documents that do not reflect their gender identity. When commanders, managers, supervisors or administrators are presented with conflicting information about a Defence person's sex or gender, they may seek further information and supporting evidence to validate a person's identity, in accordance with the Australian Government's approach to identity security.

In accordance with the [Australian Government Guidelines on the Recognition of Sex and Gender](#), where there is conflicting information about a person's sex or gender on the Australian Government

and State or Territory documents held by a person, the Australian Government travel document or the latest dated document will take precedence in establishing a person's gender for Defence purposes.

Management Considerations for Gender Diverse Defence People in the Workplace

While most policies in Defence are gender-neutral, there are some facilities or policies, such as those related to accommodation, uniforms and physical fitness standards that are gender-specific.

Where a person has affirmed their gender in PMKeyS, commanders, managers and supervisors should apply the relevant policies based on the official recording.

Where a person has not yet affirmed, or is in the process of affirming their gender, commanders, managers and supervisors are to determine the application of these policies in consultation with the gender diverse person, and are to consider the circumstances of the person, their colleagues and their situation in the workplace.

The application of gender-specific policies for non-binary or gender diverse people who have their gender recorded as 'X' in PMKeyS does not need to be predicated on their assigned sex. They may determine which gender-specific policy should apply to them.

Defence currently have options for M (male), F (female) or X (Indeterminate/Intersex/Unspecified) in the 'gender' field, however the 'sex' field has not been updated to align to whole of Government advice, the [Australian Government Guidelines on the Recognition of Sex and Gender](#).

Accommodation

Defence people should occupy the gender-specific accommodation aligned with their affirmed gender, as recorded on PMKeyS.

Where possible, gender-neutral accommodation is to be made available for Defence people recorded in PMKeyS as 'X', such as providing single-person accommodation. In circumstances where this is not possible (such as on Navy vessels or operational deployment) and only shared accommodation options are available, commanders, managers and supervisors are to discuss the circumstances with relevant Defence people and agree upon an appropriate arrangement that meets the needs of all personnel. Advice on single service guidance can be sought through the contacts in listed in [Defence Contacts](#). For example, [Navy Guidelines for the Support of Transgender or Transitioning Personnel](#) provides guidance on management within Navy, including Navy vessels and the Maritime domain.

Ablutions

Defence people are to use the gender-specific ablutions aligned with their affirmed gender, as recorded on PMKeyS.

Where possible, gender-neutral or unisex ablutions are to be made available for any person who wishes to use it, particularly for Defence personnel recorded in PMKeyS as 'X'. In circumstances where this is not possible, commanders, managers and supervisors are to arrange alternative options that ensure the safety and privacy for all people. This may include, but is not limited to, creating a schedule for shower usage, creating a privacy screen, or temporarily re-designating a particular ablutions facility. If no other options exist (such as during an operational deployment) a non-binary Defence person may need to use gender-specific ablutions. When considering any of these options, commanders, managers and supervisors are to uphold confidentiality and privacy of information of

Defence people. Commanders are to engage with gender diverse people with sensitivity to ensure that their personal information is not inadvertently released to other Defence people without their consent, as per any other HR or sensitive matter.

Uniforms

ADF members are to wear the gender-specific uniform, and adhere to the standards of dress and grooming, aligned with their affirmed gender, as recorded in PMKeyS. ADF members affirming their gender are eligible for an initial issue of uniform that aligns with their gender identity.

An ADF member who is recorded in PMKeyS as 'X' may request to wear the uniform of either gender. The member is to adhere to the standards of dress and grooming of the relevant dress manual or policy. The member is to inform their supervisor of their decision as soon as practicable. Authority for non-binary or gender fluid members to adhere to the relevant standards of dress and grooming, is through the member's Chain of Command.

Commanders should have a conversation to ensure that the member can align with affirmed presentation to a uniform standard that meets their needs in accordance with current policy.

- [ANP 4426-1203 Uniform Instructions for the Royal Australian Navy](#)
- [Air Force Dress Manual](#)
- [Army Dress Manual](#)

Salutations and forms of address

Defence people are to be addressed in accordance with their affirmed gender and the extant customs and traditions of their Service. A gender diverse Defence person is to be addressed in a manner that aligns with their gender identity from the time of their choosing, once this has been communicated with their commander/manager/supervisor and colleagues. This includes the correct pronouns (including, but not limited to: she, her, he, him, they or them), and gender-affirming language (appropriate uses gendered group terms such as ladies or gents). The person does not need to have changed their gender in PMKeyS for this to occur.

Defence people recorded in PMKeyS as 'X' may elect to be addressed using gender-neutral terms such as rank and surname, and by the member's personal pronouns that aligns with that member's gender (including, but not limited to: she, her, he, him, they or them). Non-gender language and greetings are recommended, including 'team', 'unit', 'all', 'colleagues' and 'folks'.

Gender-specific language should be avoided in either written or verbal communication where the gender of all personnel is not known, or it is known that there are non-binary Defence people included.

For members of the ADF, a consideration for non-binary members could be to use their rank as way of salutation instead of sir or ma'am, or their position title. This would require a conversation with the person in question.

Use of pronouns may also assist where it is not apparent of the individual's gender based on their name, for example names that can be used for any gender such as 'Alex'.

Physical fitness standards

ADF members are to adhere to the physical fitness standards of their affirmed gender, as recorded on PMKeyS.

The physical fitness standard for an ADF member who is recorded in PMKeyS as 'X' is to be determined through consultation with the member, their Chain of Command, and their treating Medical Officer. In the instance where a member has to complete a physical fitness test before there is an opportunity for this consultation to take place, the standard aligned to their assigned sex is to apply.

Participation in sport

ADF members may participate in all levels of sport in the ADF in their affirmed gender, as recorded in PMKeyS. An ADF member recorded in PMKeyS as 'X' may participate in all levels of sport in the ADF of the gender that they have elected for the application of the related policies, including [ADF Sports Cell](#) policy and processes, and the policies applicable to that sport as determined by their peak governing body in Australia. The member is to inform their commander/manager of their decision as soon as practicable.

Members who qualify for consideration to participate at the elite level will be subject to the respective policies applicable to that sport as determined by their peak governing body in Australia. For more information, contact the [ADF Sport Cell](#).

Related Defence Publications and Documents

- [Change of Name Process](#)
- [Complaints and Resolution – Unacceptable Behaviour](#)
- [Defence Health Manual \(Vol 2, Part 9, Chapter 13 – Gender Dysphoria\)](#)
- [Defence Honours and Awards Manual](#)
- [Defence Privacy Policy](#)
- [Defence Safety Manual \(SafetyMan\)](#)
- [Defence Values and Behaviours](#)
- [MILPERSMAN Part 1 Chapter 4: Military Personnel Policy Manual Privacy Notice](#)
- [MILPERSMAN Part 11 Chapter 13: Issue of Official Passports and Visas to Defence Personnel](#)
- [MILPERSMAN Part 3 Chapter 2: Australian Defence Force Military Employment Classification System](#)

Relevant Legislation and Whole of Government Policy

- [Sex Discrimination Act 1984](#)
- [Australian Government Guidelines on the Recognition of Sex and Gender](#)
- [Anti-Discrimination and Human Rights Legislation Amendment \(Respect at Work\) Act 2022 \(Cth\)](#)
- [Work Health and Safety Act 2011](#)
- [Department of Foreign Affairs and Trade - Sex and gender diverse passport applicants](#)

- [Australian Government Security Vetting Agency](#)

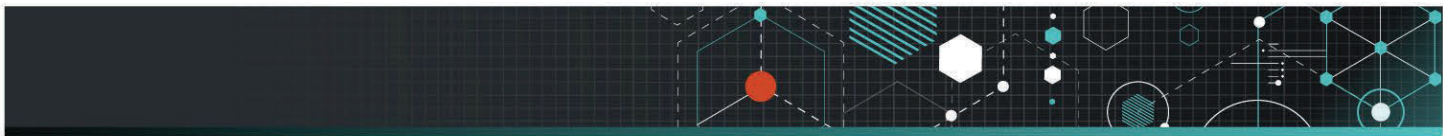
Additional Resources

- [Australian Human Rights Commission - Guidelines for the inclusion of transgender and gender diverse people in sport \(2019\)](#)
- [Australian Human Rights Commission - Sexual orientation, gender identity and intersex status discrimination](#)
- [Defence Gay and Lesbian Information Service \(DEFGLIS\)](#)
- [Defence Member and Family Support](#)
- [Diversity Council Australia](#)
- [Employee Assistance Program](#)
- [LGBTIQ+ Health Australia](#)
- [Pride in Diversity](#)
- [Trans Hub](#)

Definitions

The following definitions are specific to this guidance document:

- **Affirmed gender.** The gender to which one identifies, which may or may not match the individual's gender assigned at birth. Affirmed gender may also be defined as a person's own psychological identification as a man or woman, neither or both, regardless of their biological sex.
- **Assigned sex.** Assigned sex is a person's biological sex at birth assigned by a medical practitioner based on observable physical characteristics at birth.
- **Cisgender.** Refers to people who identify their gender in the same way as was legally assigned to them at birth.
- **Gender affirmation.** Gender affirmation refers to an interpersonal, interactive process whereby a person receives social recognition and support for their gender identity and expression. This may or may not include social expression, psychological validation, legal administration, and/or medical transition or other medical procedures. Gender affirmation is variable and individualised in both time and nature, and two people's experiences may be very different. This process may be referred to as transitioning by the individual affirming their gender.
- **Gender diverse.** Gender diverse Defence people are those whose gender does not fall within the binary notions of sex and gender (male or female). This may include people who identify as a gender different to their assigned sex or as neither male nor female. It also includes those with a gender fluid identity.
- **Gender fluid.** A gender fluid person does not have a fixed gender identity, and they embrace an adaptable nature to the concept of gender identity and gender expression. Their gender identity is flexible and it may shift and change day to day. They may be one gender, multiple genders, or no gender.
- **Gender identity.** A person's intrinsic sense of being male, female or an alternative or non-binary gender. Gender identity refers to a person's deeply held internal and individual feeling of gender. Some terms used to describe a person's gender identity include transgender, gender queer and gender diverse.
- **Intersex.** An umbrella term that refers to individuals who are born with anatomical, chromosomal and hormonal characteristics that differ from medical and conventional understanding of male and female bodies. Some people with an intersex variation are LGBTQIA+, though many are heterosexual and/or cisgender.
- **Non-binary.** A person who identifies outside the binary structures of male and female.
- **Transgender.** Refers to people whose gender identity differs from the sex they were assigned at birth. Transgender people may choose to live their lives with or without modifying their body, dress or legal status, and with or without medical treatment and surgery.
- **Transition.** Transition may involve social, medical and/or legal processes to affirm a person's gender identity. Transition may or may not include feminisation or masculinisation of the body



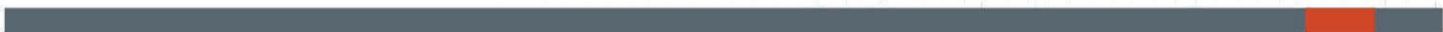
through hormones or other medical procedures. The nature and duration of transition is variable and individualised. See also: gender affirmation.

[Redacted]

[Redacted]

[Redacted]

[Redacted]



ANNEX B

Guide to Inclusive Language

Language is a powerful tool for building inclusion and exclusion at work. It can be used to create a sense of being valued, respected and one of the team or of being under-valued, disrespected, and an 'outsider'. Inclusive language enables a diversity of people (e.g. different ages, cultures, genders) to feel valued and respected and able to contribute their talents to drive organisational performance.

What is Inclusive Language?

Inclusive language is effective language – it is respectful, accurate and relevant to all.

Respectful: Inclusive language involves knowing about and showing respect for all members of our team and workplace.

Accurate: Inclusive language gives a more accurate view of the real world by reflecting social diversity rather than perpetuating stereotypes. It avoids making false assumptions about (or stereotyping) people based on their age, cultural background, disability, gender, or sexual orientation and gender identity.

Relevant: Inclusive language gives a more accurate view of the real world by reflecting social diversity rather than perpetuating stereotypes. It avoids making false assumptions about (or stereotyping) people based on their age, cultural background, disability, gender or sexual orientation and gender identity.

Why does language matter in a workplace?

How we speak to and about each other influences how we treat each other, and this builds our workplace cultures.

Studies undertaken by the Diversity Council of Australia show that:

- Non-inclusive language contributes to and continues stereotyping;
- Non-inclusive language harms people who witness it as well as the intended targets;
- When used in job interviews, non-inclusive language results in applicants from excluded groups finding the position less attractive, and experiencing less motivation and identification with the position than those who are exposed to inclusive language;
- Non-inclusive comments in the workplace can have an insidious effect on individuals from the excluded groups, impeding their advancement at work by presenting them as incompetent and not suitable for leadership roles;
- Frequent non-inclusive experiences at work have just as harmful effects as more intense but less frequent experiences (e.g. sexual coercion and harassment); and
- Non-inclusive jokes can lead to tolerance of hostile feelings and discrimination against people from excluded groups.

Further information on building an inclusive workplace through language can be found in the [Diversity Council of Australia's publication – Words at Work](#).

ANNEX C

Guide to Conversations about Gender Diversity in the Workplace

[Pride in Diversity](#) published the “Let’s Talk about Gender – A closer look at Gender Diversity within the Workplace” in 2015. This is an abridged version of that document to help commanders, managers, supervisors and personnel have open, respectful and inclusive conversations about gender diversity in the workplace. For access to the full document, please email the [Diversity Policy and Programs mailbox](#).

Without an understanding of what it means for someone to affirm their gender or identity as non-binary, people can assume meaning, fill in the blanks, draw their own conclusions and potentially communicate them as well. This can often lead to negative mistruths that isolate the gender diverse person.

For assistance, please contact:

Directorate of Diversity and Inclusion [s47E\(d\)](#) [@defence.gov.au](#) or [Defence People Group Diversity and Inclusion Intranet](#)

Navy - [s47E\(d\)](#) [@defence.gov.au](#)

Army - [s47E\(d\)](#) [@defence.gov.au](#)

Air Force [s47E\(d\)](#) [@defence.gov.au](#)

Planned communications

An effective and targeted communication strategy can help to avoid negative/offensive conversations when a member of the team is affirming their gender. The communication strategy needs to be a consultative process between the support team and the gender diverse person – they should maintain the agency over the disclosure of their personal information. The transitioning employee and their immediate manager should work together to identify who needs to know, who doesn’t, how that communication will occur, when and what will be said.

Addressing negativity

While we expect that colleagues would be supportive and respectful there will be instances where people will struggle with the change of a team members gender expression. Not all people who struggle with this situation will be deliberately offensive or seek to cause distress. For some, religious or cultural background pose a real dilemma. For these employees it is important that they are supported through leadership and other support mechanisms.

It is important to communicate that Defence’s expectations are in accordance with the Defence Values and Behaviours and Defence’s Unacceptable Behaviour policy. Negative behaviour, destructive gossip and deliberate attempts to isolate or make gender diverse employee uncomfortable need to be addressed immediately.

Under no circumstances should destructive or disrespectful behaviour be tolerated. This includes commentary around bathroom use or the intentional or ongoing misgendering using incorrect names/personal pronouns.

Diversity training and resources

Ongoing education and training is critical to building awareness and acceptance. Without team training, people can fill in their own blanks and unhelpful untruths can circulate. Training for immediate team members and beyond could include a confidential awareness session with the opportunity for team members to ask questions in a safe, non-judgemental and supportive environment.

There are a range of resources available to support Defence personnel, available on the [LGBTQIA+ in Defence](#) webpage.

For further information, please contact:

Directorate of Diversity and Inclusion - s47E(d) [redacted] [@defence.gov.au](#) or [Defence People Group Diversity and Inclusion Intranet](#)

Navy - s47E(d) [redacted] [@defence.gov.au](#)

Army - s47E(d) [redacted] [@defence.gov.au](#)

Air Force s47E(d) [redacted] [@defence.gov.au](#)

In regard to bathrooms

Once the employee is presenting in their affirmed gender, then they use the bathroom of their affirmed gender. If anybody is uncomfortable with that, then the person uncomfortable may opt to use a bathroom in another location should they so choose. In no instance should a person be forced to use a bathroom that is misaligned with their gender expression. Directing a person to use a bathroom that is not aligned to their gender expression or denying them access to bathrooms is gender based discrimination and in violation of the Sex Discrimination Act.

In terms of non-binary genders or gender fluid employees, this requires a little more consideration. Once again, this is where it is important to strike a balance between the wellbeing of all employees, not just the gender-diverse employee. If someone does not identify as male or female then utilising the male/female bathrooms may not only be uncomfortable for them, but others around them.

The most workable solution to date is to have a nearby unisex or 'all accessible' bathroom open to all employees on the same floor or close by. Many gender diverse employees feel uncomfortable using a bathroom specifically set up for a person with disabilities as (a) they may not have a disability and (b) it opens them up to questions, commentary or disapproving glares when they enter or exit a bathroom that has been specifically set up for people with a disability.

Use of personal pronouns

It will take time for colleagues to adjust to the change in names and personal pronouns and that is to be expected. It is important that both the gender diverse person and their colleagues acknowledge this, and have an accommodating approach. If the misuse of names or personal pronouns continues beyond a reasonable timeframe or is considered intentional, this needs to be addressed and corrected quickly.

Guidance for colleagues

- Understand that you will sometimes make mistakes. That's OK. Rather than making a big issue of the mistake and over emphasising it, just correct yourself and move on with the conversation.
- Don't avoid your team member for fear of making mistakes. This is the same person you have always worked with, a few mistakes is far less harmful than social isolation.
- Know that it won't be too long before it will be second nature to refer to your colleague by the correct name/personal pronouns. It's a change for everybody.

Guidance for the gender diverse person

- Know that people will make a mistake, that's OK. More often than not, it's not intentional. The more comfortable you make people feel, the easier it will be for them should they slip up now and then.
- If you sense the errors are deliberate, speak to your manager, supervisor or Diversity and Inclusion team (details below). This behaviour is destructive for both you and your immediate team and needs to be addressed.
- Some people choose to be light-hearted in their approach to this. We worked with one person who created a personal pronouns charity jar. Gold coin donation for every error. It was a fun way to address this. There may be ways that you and your team can work on this together.

For assistance

Directorate of Diversity and Inclusion [s47E\(d\)](#) [@defence.gov.au](#) or [Defence People Group Diversity and Inclusion Intranet](#)

Navy [s47E\(d\)](#) [@defence.gov.au](#)

Army [s47E\(d\)](#) [@defence.gov.au](#)

Air Force [s47E\(d\)](#) [@defence.gov.au](#)

Additional resources

- [Pride in Diversity](#) Factsheet – 10 Tips for Being a Trans Ally
- [Pride in Diversity](#) Factsheet – 10 Tips for Being a Non-binary Ally
- Details of how to access Defence's Pride and Diversity Membership can be found on the [LGBTQIA+ in Defence](#) webpage.

83. Where an ongoing APS employee is suspected of having breached the APS Code of Conduct and the investigation has not yet been resolved, unless the original Agency Head and the new Agency Head agree otherwise, the engagement cannot take effect until the investigation is finalised (i.e. a finding has been made as to whether the employee has, or has not, breached the APS Code of Conduct).
84. Where an employee moves within Defence during a Code of Conduct investigation, the investigation will continue.

Performance Improvement

85. Candidates responding 'Yes' to being on a current performance improvement process in their application should not automatically be excluded from the recruitment process. The Selection Panel should have regard to the APS People Policy - Improving Performance in deciding how to proceed.

Cancellation of an Employment Decision

86. The cancellation of a decision from a recruitment activity must comply with the usual requirements of administrative law, including that:
 - a. the person making the cancellation decision should be properly authorized;
 - b. procedural fairness is observed in the decision making process, including giving the affected person a reasonable opportunity to comment, where appropriate; and
 - c. the decision is made fairly, in good faith, taking into account only relevant considerations.
87. For an engagement, a promotion or transfer at level, the employment decision can be cancelled at any time before the engagement or movement takes effect.
88. Cancellation of decisions may be considered in a range of circumstances, including but not limited to, where:
 - a. Defence's financial or other business considerations, including operational requirements impact the recruitment activity;
 - b. a candidate has provided incorrect or incomplete information;
 - c. a candidate's request to delay the date of effect, which is unable to be accommodated as it would adversely impact operational requirements;
 - d. a serious flaw in the recruitment process such as using different criteria to assess candidates has occurred; or
 - e. the candidate declines an offer of employment, including up until the date of effect.
89. If an employment decision is cancelled after it has appeared in the Gazette, the cancellation decision must then be notified in the Gazette within three months of the decision.

Anti-Discrimination and Unconscious Bias

90. Defence promotes an equitable recruitment and selection process as obliged under Federal and State anti-discrimination legislation and the PS Act.
91. Selection panels must ensure that there is no discrimination against applicants on grounds that are unrelated to the particular requirements of the position, and in particular, that there is no discrimination on the basis of; Gender, sexual preference, marital status or pregnancy, Race, colour or ethnic origin, Political affiliation, social origin, religion, age or physical or mental disability.
92. All panel members are encouraged to undertake Unconscious Bias and Indigenous cultural awareness training prior to conducting interviews.
93. To avoid unconscious bias when assessing candidates, the Selection Panel should consider the wide range of skills and attributes of the candidate with a focus on job related evidence, while putting aside personal opinion to ensure that they evaluate all candidates consistently.

94. The Selection Panel may avoid unconscious bias by reflecting on the following:
- a. are they ignoring the negative traits of a candidate they like and focusing on the faults of candidates they don't like?
 - b. are they viewing favourably those candidates they deem to be similar to them?
 - c. are they remaining focused on the evidence a candidate is supplying to support their claims against the selection criteria?
 - d. are they assessing each criterion independently and objectively? A person who is outstanding in one criteria should not undeservedly receive high ratings against other criteria.
 - e. when assessing a written response are they considering all the evidence that has been presented by reading through the whole response first before marking it against the criteria?
 - f. when interviewing, are they taking notes, reviewing these notes while assessing the candidate and rating the candidate immediately after the interview to avoid rating them against other candidates?
 - g. is each panel member writing their own assessment immediately after each interview, and before discussing the candidate with the other panel members, to form their own evidence-based opinion and avoid being swayed by the opinions of the others?

Delegations

95. The [HR Delegations](#) set out who has the delegated authority to make decisions about these policy terms.

Further Assistance

96. Contact the Defence Service Centre for more information and advice about Recruitment:
- o phone 1800 DEFENCE (1800 333 362)
 - o email [s47E\(d\)@defence.gov.au](mailto:s47E(d)@defence.gov.au)

Related Resources

97. See also:
- o [APS Recruitment Guides](#)
 - o [Public Service Act 1999](#)
 - o [Public Service Regulations 2023](#)
 - o [Public Service Commissioner's Directions 2022](#)
 - o [Merit Protection Commissioner](#)
 - o [Defence Enterprise Collective Agreement \(DECA\) 2024](#)
 - o [Disability Discrimination Act 1992](#)
 - o [Defence Instruction - Admin Policy](#)