



Australian Government
Department of Defence

DEFENCE INSTRUCTIONS (GENERAL)

Amendment

PERS 21-1 *Political activities of Defence personnel*
AMDT NO 3
Complete Revision

Department of Defence
CANBERRA ACT 2600

4 October 2007

Issued with the authority of the Chief of the Defence Force and the Secretary of the Department of Defence pursuant to section 9A of the *Defence Act 1903* for members of the Australian Defence Force.

Issued with the authority of the Secretary pursuant to section 20 of the *Public Service Act 1999* for Department of Defence Australian Public Service employees.

NICK WARNER
Secretary

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

LIST B—ISSUE NO PERS B/13/2007

Single Service filing instructions

This instruction should be filed as:

1. NAVY PERS 26-1
2. ARMY PERS 150-1
3. AIR FORCE PERS 29-21

Sponsor:

Deputy Secretary People Strategies and Policy

Sponsor contact:

Director Military Personnel Policy

Review Date: 4 October 2010

Cancellation

DI(G) PERS 21-1 ISSUE NO PERS B/5/98 of 6 MAR 98 (AL2) is cancelled.

Note

This amendment incorporates a title change.

POLITICAL ACTIVITIES OF DEFENCE PERSONNEL

INTRODUCTION

1. This Instruction is designed to provide a balance between the rights of Defence personnel as citizens within the community, and the interests of the community in maintaining an effective and cohesive Department of Defence and Australian Defence Force (ADF) that is free from partisan political bias.
2. The Australian system of government presupposes that Defence personnel, when carrying out their official duties, are politically neutral and obedient to lawful direction from the government of the day, whatever its political complexion. This does not mean that Defence personnel are precluded from engaging in political activities, as it is recognised that they have a right, as citizens, to participate in the political life of Australia. At the same time, so that the political neutrality of Defence is not in doubt, it is necessary to impose some restrictions on Defence personnel concerning their participation in political activities.
3. Defence Instructions (General) (DI(G)) are issued with the authority of the Chief of the Defence Force (CDF) and the Secretary of the Department of Defence under section 9A of the *Defence Act 1903* for Defence members, and issued with the authority of the Secretary under section 20 of the *Public Service Act 1999* for Defence employees.
4. This Instruction constitutes an order to Defence members from the CDF.
5. This Instruction also constitutes a lawful and reasonable direction to Defence employees by the Secretary under subsection 13(5) of the *Public Service Act 1999*.

AIM

6. The aim of this Instruction is to:
 - a. identify acceptable limits of political activity in which Defence personnel may engage;
 - b. detail the eligibility of Defence personnel to contest an election;
 - c. outline the responsibilities of Defence personnel who are seeking political office; and
 - d. advise Defence members standing for election to public office of the effects on their conditions of service.

SCOPE

7. This Instruction is applicable to all Defence personnel as defined below.

DEFINITIONS

8. For the purpose of this Instruction the following definitions apply:
 - a. **Defence** means the Defence Organisation, the Defence Materiel Organisation, and the ADF.
 - b. **Defence employee** means a person employed in the Department of Defence under the *Public Service Act 1999*.
 - c. **Defence member** means a member of the Permanent Navy, the Regular Army, the Regular Army Supplement or the Permanent Air Force, or a Reserve member who is rendering continuous full-time service.

- d. **Defence personnel** means all Defence employees, Defence members and External Service Providers.
- e. **External Service Providers** includes contractors, consultants and professional service providers employed by Defence whose contractual arrangements require compliance with this Instruction.
- f. **Political activity** means all activity carried out for, and on behalf of, or in connection with:
 - (1) elections to any State or Federal Parliament, Territory Legislature or Local Government body;
 - (2) any political party; or
 - (3) any group or organisation seeking to gain political advantage.

For the purposes of this Instruction, voting is not considered a political activity.
- g. **Reserve member** means a member of:
 - (1) the High Readiness Active Reserve;
 - (2) the High Readiness Specialist Reserve;
 - (3) the Active Reserve;
 - (4) the Specialist Reserve;
 - (5) the Standby Reserve; and
 - (6) any other categories that a Service Chief establishes for that Chief's Service;

where that member is not rendering continuous full-time service.

POLITICAL ACTIVITIES

9. In participating in any political activity, the ability of Defence personnel to properly serve the government of the day, whatever political party is in office, must not be called into question.
10. Defence personnel may:
- a. join a political party or organisation and take an active part in its affairs provided they do not identify any part of Defence with any political activity;
 - b. attend political meetings provided they do not identify any part of Defence with any political activity;
 - c. write letters to newspapers expressing their personal views about public issues, subject to compliance with the provisions of [DI\(G\) ADMIN 08-1—Public comment and dissemination of information by Defence members](#) and provided they do not identify any part of Defence with any political activity; and
 - d. express their personal opinions on a political party, candidate or an issue, but not as Defence personnel.
11. Where Defence personnel do engage in such political activities, they must avoid giving the impression that such activities are being undertaken in other than a private capacity.

Participation in local government

12. Defence members must not, without the permission of the appropriate Service Chief or the Service Chief's delegate, be nominated for election to a local government body or accept office in a local government body. In giving permission, the Service Chief may consider it appropriate that the Defence member transfers to the appropriate Reserve, is discharged, or has their full-time duty terminated.

13. Similarly, Defence employees and External Service Providers must not, without the permission of a three-star level Defence employee or their authorised delegate (or a two-star level Defence employee or their authorised delegate where there is no relevant three-star level Defence employee to provide such permission) or a three-star level Defence member or their authorised delegate, be nominated for election to a local government body or accept office in a local government body.

14. Where Defence personnel are permitted to accept office in a local government body, they are subject to the instructions and restrictions applicable to Defence personnel taking part in political activities.

Commonwealth of Australia Constitution (The Constitution)

15. Section 44 of [The Constitution](#) restricts who can be a Federal parliamentary candidate. Specifically, it provides that any person who holds any office of profit under the Crown shall be incapable of being chosen or of sitting as a senator or as a member of the House of Representatives. However, it further provides that this restriction does not apply to officers or members of the naval or military forces of the Commonwealth whose services are not wholly employed by the Commonwealth.

16. Therefore, Defence personnel cannot be candidates if they hold any office of profit at the time of their nomination to the Divisional Returning Officer (for the House of Representatives) (DRO), or the Australian Electoral Officer (for the Senate) (AEO), of the Australian Electoral Commission. Similar limitations apply in most States and Territories.

17. Defence members may resign, elect to be discharged, or transfer to the appropriate inactive Reserve in order to become a candidate for election. A current member of the Reserve Forces may become a parliamentary candidate provided they cease any continuous full-time or part-time service in which they are engaged.

Political activities of Defence employees and External Service Providers

18. In order to ensure that the political activities of Defence employees remain compatible with their public service obligations, and that Defence's impartiality in political matters is preserved, the following restrictions apply to Defence employees and External Service Providers:

- a. Defence employees and External Service Providers must not take part in activities of a political nature on Defence premises, for the purposes of furthering the interests of a political party or a person's candidature for election to political office, except where conducted in accordance with [DI\(G\) PERS 01-1—Rules for Access to Defence Force Establishments for Electioneering Purposes](#). This prohibition does not extend to the use on polling days of an area which may be set aside as a polling place in accordance with section 80 of the [Commonwealth Electoral Act 1918](#).
- b. Defence employees and External Service Providers must not, in any activity of a political nature:
 - (1) use, without the approval of a three-star level Defence employee or their authorised delegate (or a two-star level Defence employee or their authorised delegate where there is no relevant three-star level Defence employee to grant approval) or a three-star level Defence member or their authorised delegate, any information gained by or conveyed to them through their connection with Defence;
 - (2) allow such activity to interfere with the functioning of Defence in the performance of its roles, or prejudice performance of their duties as Defence employees or External Service Providers;

- (3) speak in public, or publish or have published, any book, article, letter or other material (electronically or otherwise) unless in accordance with [DI\(G\) ADMIN 08-1](#);
 - (4) engage in conduct in such a manner as to identify Defence with a political activity; and
 - (5) use any Defence property or facilities except in accordance with [DI\(G\) PERS 01-1](#).
- c. Defence employees and External Service Providers must not take a leading or publicly prominent part in the affairs of a political organisation or party where such would identify any part of Defence with a political activity and/or impair their ability to adequately fulfil their obligations to Defence.

19. **Action required.** In order to be able to contest an election for Federal parliament, Defence employees must resign before the date of their nomination to the DRO or AEO. On receipt of this resignation, the Defence employee's three-star level Defence employee manager or their authorised delegate (or two-star level Defence employee manager or their delegate where there is no relevant three-star level manager) or their three-star level Defence member manager or their authorised delegate, must formally advise the Defence employee of their obligations and related requirements using the appropriate letter format in either [annex D](#) or [annex E](#).

20. In determining whether or not it is appropriate for an External Service Provider to contest an election while providing services for Defence, regard must be had to their terms of service. In some instances, it may be appropriate for Defence to terminate the services of the External Service Provider.

21. A Defence employee who resigns to contest an election is entitled to be re-engaged as a Defence employee under section 32 of the [Public Service Act 1999](#), provided that the resignation took effect not earlier than six-months before the closing date for nominations and the Defence employee was a candidate in the election but failed to be elected.

22. Regulations 3.13 to 3.15 of the [Public Service Regulations 1999](#) provide conditions that must be satisfied before a Defence employee can be re-engaged, on the same basis and classification that they were employed prior to resigning to contest the election. Specifically, a person is entitled to be re-engaged as a Defence employee if the person applies to the Secretary of Defence. Where the election result is not disputed, the application must be made within two-months after the declaration of the result of the election. If the result is disputed, the application must be made within two-months after the Federal Court of Australia makes a final decision on the petition disputing the result, or two-months after a court of disputed returns decides the petition disputing the result, or two-months after the petition is withdrawn or lapses.

23. Additionally, the Defence employee must have resigned in writing clearly stating that the reason for their resignation was for the purposes of contesting an election. The Defence employee's manager must forward the Defence employee's resignation letter to the appropriate personnel section for inclusion on the Defence employee's personal file.

24. A person is not entitled to be re-engaged as a Defence employee if:
- a. before they resigned to contest the election, they were engaged for a specified term or for the duration of a specified task; and
 - b. when they applied to be re-engaged as a Defence employee, the term (including any extension of the term) had expired or the task had been completed.

25. For the purposes of leave and redundancy pay, the [Public Service Regulations 1999](#) provide that the continuity of a Defence employee's service is taken not to have been broken by the period between the Defence employee's resignation and the Defence employee again being engaged as a Defence employee, but that period does not count as service. How the same period is treated for superannuation purposes will depend on the superannuation scheme to which the Defence employee belongs to and Defence employees should seek appropriate professional advice.

26. Defence employees who resign in order to contest an election can delay receiving payment in lieu of annual leave until the result of the election is known. If they are successfully elected, the annual leave credit will be paid out as normal. If they are not successfully elected and are later re-engaged, the annual leave credit remains in force. Re-engaged Defence employees who resigned to contest an election, and nominated to be paid in lieu of their annual leave credit, cannot be held liable to repay that payment. Similarly, the re-engaged Defence employee cannot choose to buy back leave credits in relation to payment received in lieu on resignation.

27. Defence employees are entitled to receive payment in lieu of long service leave credits on ceasing employment with Defence. Before ceasing employment, Defence employees may elect in writing not to receive payment in lieu of long service leave, or to receive part payment only, pending the result of the election.

Political activities of Defence members

28. In order to ensure that the political activities of Defence members remain compatible with their Service position and thereby preserve Defence's impartiality in political matters, the following restrictions apply:

- a. Defence members must not take part in political activities in Service establishments or on board Navy ships, for the purposes of furthering the interests of any political party or any person's candidature for election to political office, except where conducted in accordance with [DI\(G\) PERS 01-1](#). This prohibition does not extend to the use on polling days of an area which may be set aside as a polling place in accordance with section 80 of the [Commonwealth Electoral Act 1918](#).
- b. Defence members must not, in any activity of a political nature:
 - (1) use their rank when identifying, describing, or referring to themselves;
 - (2) wear their uniform;
 - (3) wear party ribbons or emblems or other political badges while on duty or in uniform;
 - (4) use, without the consent of a three-star level Defence member or their authorised delegate or a three-star level Defence employee or their authorised delegate (or a two-star level Defence employee or their authorised delegate where there is no relevant three-star level Defence employee to grant consent), any information gained by or conveyed to them through their connection with Defence;
 - (5) allow such activity to interfere with the functioning of Defence in the performance of its roles, or prejudice performance of their duties as Defence members;
 - (6) speak in public, or publish or have published, any book, article, letter or other material (electronically or otherwise) unless in accordance with [DI\(G\) ADMIN 08-1](#);
 - (7) engage in conduct in such a manner as to identify Defence with a political activity; and
 - (8) use any Defence property or facilities except in accordance with [DI\(G\) PERS 01-1](#).
- c. Defence members on continuous full-time duty **must not** take a leading or publicly prominent part in the affairs of a political organisation or party where such would identify any part of Defence with a political activity and/or impair their ability to adequately fulfil their obligations to Defence.

29. **Defence (Parliamentary Candidates) Act 1969.** The [Defence \(Parliamentary Candidates\) Act 1969](#) covers elections of a House of the Parliament of Australia or of a State or of the Legislative Assembly of a Territory. The Act provides for the cessation of full-time duty of Defence members as follows:

- a. Defence members who are officers are to be transferred to the appropriate Reserve.

- b. Defence members (other than officers) are to be discharged.
- c. Reserve members are to have their full-time service terminated.

30. **Action required.** A Defence member who wishes to contest an election must apply to the member's Service Chief for transfer to the appropriate Reserve, for discharge, or for termination of full-time duty, as relevant, specifying which election and seat the Defence member intends to contest. This must be done prior to the candidate's nomination to the DRO or AEO because the point at which nominations close and are declared is the first possible moment at which a candidate, if unopposed, could be declared to have been elected. On receipt of this advice, the Defence member must be formally advised of their obligations and service requirements using the appropriate letter format at either [annex B](#) or [annex C](#).

31. Defence members who apply to transfer to the Reserves must not, once transferred, be in receipt of any payment or allowances, other than expenses, subsequent to their nomination as a candidate.

32. Where Defence members wish to stand in a State or Territory election, they must have regard to the legislative requirements of the particular State or Territory when considering whether a transfer to the Reserves or termination of their appointment is appropriate. Defence members in this situation should seek independent legal advice.

33. Where a Defence member transfers to the appropriate Reserve, discharges, or terminates their full-time service in order to contest an election, and the Defence member is not nominated in the relevant election or is nominated but not elected, that Defence member may, upon application being made to the appropriate Service Chief, be transferred to, re-enlisted in, or accepted for further continuous service, in that part of the ADF of which they were formerly a member.

34. The Defence member must make the application for reinstatement to the appropriate Service Chief no later than two-months after the declared date for the election or, in special circumstances, such further period as the Service Chief may allow.

35. Where a Defence member transfers to the Reserves or discharges in order to contest an election, and is not nominated in the relevant election or is nominated but not elected, and does not apply to the relevant Service Chief for reinstatement, the Service Chief may, within one-month after the declared date, advise the Defence member in writing that they are required to apply for reinstatement no later than two-months after the declared date for the election. If the Defence member has not applied for reinstatement by the end of the two-month period, they shall be deemed to have made such an application on the last day of that period, and be compulsorily reinstated from that day. However, a Reserve member who was serving on full-time duty cannot be compulsorily reinstated.

36. **Impact on entitlements.** Defence members should refer to [annex A](#) to this Instruction, as such transfer from service may affect benefits, entitlements, leave, superannuation and possibly other matters. Defence members should also seek their own independent legal advice.

Annexes:

- A. [Impact on Defence member entitlements](#)
- B. [Draft letter to be sent to Australian Defence Force members who are proposed candidates for Federal elections](#)
- C. [Draft letter to be sent to Australian Defence Force members who are proposed candidates for State/Territory elections](#)
- D. [Draft letter to be sent to Defence Australian Public Service employees who are proposed candidates for Federal elections](#)
- E. [Draft letter to be sent to Defence Australian Public Service employees who are proposed candidates for State/Territory elections](#)

IMPACT ON DEFENCE MEMBER ENTITLEMENTS

1. **Separation benefits.** Defence members who cease full-time service in order to contest an election effectively separate from the Australian Defence Force (ADF). They are entitled, therefore, to the same separation benefits as Defence members who separate through resignation or discharge, including any applicable pension benefits, gratuities and resettlement assistance. However, the [Defence \(Parliamentary Candidates\) Act 1969](#) provides for the preservation of rights of former Defence members who are reinstated following an unsuccessful candidature in relation to elections of a House of the Parliament of Australia, a State or a Territory. There are also some conditions of service which may be affected, depending upon the actions taken by Defence members before, and immediately following, separation.
2. **Recreational leave.** Defence members who separate are paid in lieu of accumulated recreation leave as part of their final entitlements. Defence members who are subsequently reinstated following unsuccessful candidature will recommence service with no recreation leave credits, their next credit following reinstatement will be calculated from the date of reinstatement, and credits will continue to accrue on a fortnightly basis as long as the Defence member performs effective service. No provision exists for the repayment of moneys received in lieu of accumulated recreation leave credits on separation and the re-crediting of that leave.
3. **Period of service.** Where a Defence member is reinstated following unsuccessful candidature, they shall be considered as having been absent on leave without pay during the period of separation. However, this period of leave does not count as service towards the period of a fixed engagement. Defence members serving under an appointment or an engagement for a specified period may not count that period of leave without pay towards the fulfilment of their obligation in respect of that specified period of employment.
4. **Long service leave.** The period of separation may however, be treated as a period of service in calculating the entitlement of a Defence member to long service leave. Payment in lieu of long service leave will automatically be authorised on the Defence member's cessation of full-time service unless they give notice in writing to the contrary (see [ADF Pay and Conditions Manual \(PACMAN\)](#), chapter 5, part 3). Defence members who receive payment in lieu of long service leave and are reinstated following unsuccessful candidature are not permitted to refund that payment and have the period of long service leave re-credited.
5. Defence members who are reinstated following unsuccessful candidature should contact the Directorate of Entitlements to ensure that their long service leave entitlements are correctly calculated in accordance with the [Defence \(Parliamentary Candidates\) Act 1969](#).
6. **Benefits.** Defence members who separate may, if eligible, receive benefits as provided by the [Defence Force Retirement and Death Benefits Act 1973](#) ('DFRDB Act') or the [Military Superannuation and Benefits Act 1991](#) ('MSB Act'). Defence members who are eligible to receive benefits should seek independent advice prior to separation regarding the effects subsequent reinstatement may have on their benefits.
7. **Gratuities.** Defence members may also be entitled to the payment of a gratuity, however, Defence members who are reinstated following unsuccessful candidature must repay any gratuities upon reinstatement (see [PACMAN](#), chapter 2, part 3).
8. **DFRDB.** Under section 51 of the [DFRDB Act](#), Defence members who are reinstated following unsuccessful candidature may, by giving written notice to the DFRDB Authority within 30 days following reinstatement, elect to be treated as full contributors for the period of separation. For the purposes of the [DFRDB Act](#), this period is then not regarded as a period of leave without pay. Defence members who make such elections must pay DFRDB contributions to cover the period of separation, at the rate at which they would have contributed had they not separated. Additionally, in accordance with section 53 of the [DFRDB Act](#), Defence members must repay within seven working days, or as otherwise allowed by the DFRDB Authority, all moneys paid on separation under the provisions of the [DFRDB Act](#), including the aggregate of any retirement pay received, all moneys received in the nature of commutation of retirement pay, and any refund of DFRDB contributions.

9. The [DFRDB Act](#) does not make it compulsory for reinstated Defence members to make an election under section 51 of the [DFRDB Act](#). As the DFRDB Scheme is now closed to new members, former DFRDB members who are not in receipt of retirement pay and who do not make such an election automatically become members of the MSB Scheme on re-entry. Under section 61B of the [DFRDB Act](#), former DFRDB members who are in receipt of retirement pay who re-enter the ADF have the choice of whether to become a member of the DFRDB or MSB Scheme.

10. **MSB Scheme.** Under Rule 62 of the MSB Scheme Rules, former Defence members who are reinstated following unsuccessful candidature may, within 60 days following reinstatement, repay to the Board of Trustees the amount of any benefit received upon resigning to contest the election. The period of separation is then not regarded as a period of leave without pay. Defence members must also pay MSBS contributions to cover the period of separation, at the rate at which they would have contributed had they not separated.

11. The MSBS Rules do not make it compulsory for reinstated Defence members to repay any benefits paid to them. Reinstated Defence members who do not repay benefits within 60 days are regarded as having broken continuity of service for retention benefit purposes and are considered to be a re-entered member for the purposes of calculating an employer benefit for the second period of service.

12. **MSBS retention benefit.** Defence members who have an outstanding Undertaking for Further Service at the time of ceasing full-time service in order to contest an election may apply to the Directorate of Entitlements to have the pro rata pre-tax repayment of the retention benefit suspended. The repayment will be suspended until the point at which the Defence member is declared elected or if unsuccessful in election, the point at which their Service Chief may compulsorily reinstate the Defence member. At this point the Defence member would be required to return to the ADF or repay the pro-rata pre-tax amount owing. The Discharges Section within Defence Pay Accounting Centre will take the necessary action to monitor the reinstatement of the Defence member or the repayment of the benefit.

13. **Career Transition Assistance Scheme.** Defence members who are separating from the ADF are entitled to access benefits under the Career Transition Assistance Scheme, which provides them with assistance to facilitate their transition to civilian employment on separation. The Scheme provides Defence members with tools designed to assist them to better market their skills and experience in the civilian marketplace, and the benefits under the Scheme must be accessed and completed within 12 months of separation. Defence members are entitled to differing levels of assistance depending on the amount of time they have served.

14. Defence members who access all of their benefits prior to separation to contest an election, and who are subsequently reinstated following unsuccessful candidature, will not be entitled to any further pre-discharge benefits during their Service career for that level of assistance. If they are entitled to higher levels of assistance subsequently, then they are able to access any further benefits not already accessed under a previous level.

15. **Rank and seniority on reinstatement.** The [Defence \(Parliamentary Candidates\) Act 1969](#) provides that former officers and enlisted members of the Permanent Forces will be reinstated with their previous rank and seniority. Members of a Reserve who were serving on continuous full-time duty before that duty was terminated may be accepted for a further period of full-time duty, and if so accepted will be employed with the rank held immediately before their full-time service was terminated.

16. **Removal entitlements on separation.** A Defence member who ceases full-time duty to contest an election is entitled to have their furniture and effects removed at Commonwealth expense if they have completed their initial period of engagement or appointment or six years continuous full-time service, unless special circumstances apply (see [PACMAN](#), chapter 6, part 6). Removal will be from their last posting location to a home in another Australian location that the Defence member will live in after separation or, if a member of the Reserve on continuous full-time service, to the place at which the Defence member resided before they began full-time service or to another destination of identical cost.

17. If the posting locality is overseas and the Defence member is accompanied, the Defence member is entitled to the removal of their family and household furniture and effects to their place of residence before becoming a Defence member, or such other location as may be approved.

18. **Travel entitlements on separation.** A Defence member who ceases full-time duty to contest an election is entitled to travel, at Commonwealth expense, from the Defence member's last posting locality to the location the Defence member resided at immediately before becoming a Defence member or to such other place as agreed by the appropriate Service Chief.

19. **Additional relevant legislation.** The *Defence Service Homes Act 1918*, the *Veterans' Entitlements Act 1986* and the *Defence Force (Home Loans Assistance) Act 1990* provide certain benefits for serving or former Defence members. These Acts contain eligibility factors related to length of effective service and, in each case, a period of leave without pay which exceeds 21-days is not counted as effective service. Reinstated Defence members will generally have a period of non-effective service for the purposes of these Acts.

20. Defence members who are released from full-time service to contest an election are unable to make a claim under the *Military Rehabilitation and Compensation Act 2004*, the *Safety Rehabilitation and Compensation Act 1988* or the *Veterans' Entitlements Act 1986* (pre 01 July 2004), for injury or disease that occurs between the time of that release and subsequent reinstatement following unsuccessful candidature.

DRAFT LETTER TO BE SENT TO AUSTRALIAN DEFENCE FORCE MEMBERS WHO ARE PROPOSED CANDIDATES FOR FEDERAL ELECTIONS

Dear [insert rank and name]

You have notified Defence that you are a proposed candidate for [insert details of the position the candidate is running for (eg 'the seat of Lindsay in the House of Representatives')].

The purpose of this letter is to draw your attention to the following requirements on Defence members engaging in political activities, as detailed in Defence Instruction (General) (DI(G)) PERS 21-1—*Political activities of Defence personnel*.

In participating in any political activity, the ability of Defence members to properly serve the Government of the day, whatever political party is in office, must not be called into question. Therefore, when engaging in political activities, Defence members must avoid giving the impression that such activities are being undertaken in other than a private capacity.

Additionally, when engaging in any activity of a political nature, Defence members must not:

- (1) use their rank when identifying, describing, or referring to themselves;
- (2) wear their uniform;
- (3) wear party ribbons or emblems or other political badges while on duty or in uniform;
- (4) use, without the consent of a three-star level Defence member or their authorised delegate or a three-star level Defence employee or their authorised delegate (or a two-star level Defence employee or their authorised delegate where there is no relevant three-star level Defence employee to grant consent), any information gained by or conveyed to them through their connection with Defence;
- (5) allow such activity to interfere with the functioning of Defence in the performance of its roles, or prejudice performance of their duties as Defence members;
- (6) speak in public, or publish or have published, any book, article, letter or other material (electronically or otherwise) unless in accordance with DI(G) ADMIN 08-1—*Public comment and dissemination of information by Defence members*;
- (7) engage in conduct in such a manner as to identify Defence with a political activity; and
- (8) use any Defence property or facilities except in accordance with DI(G) PERS 01-1—*Rules for Access to Defence Force Establishments for Electioneering Purposes*.

Defence members intending to nominate as a candidate in an election may need to resign, discharge, or transfer to the appropriate Reserve, and Reserve members may need to terminate any continuous full-time service in which they are engaged. As this may affect benefits, entitlements, leave, superannuation and possibly other matters, reference should be made to DI(G) PERS 21-1 for guidance, and Defence members should also seek their own independent legal advice.

Defence members must also be aware of the requirements of, and ensure that they comply with, DI(G) ADMIN 08-1.

Yours sincerely

DRAFT LETTER TO BE SENT TO AUSTRALIAN DEFENCE FORCE MEMBERS WHO ARE PROPOSED CANDIDATES FOR STATE/ TERRITORY ELECTIONS

Dear [insert rank and name]

You have notified Defence that you are a proposed candidate for [insert details of the position the candidate is running for (eg 'the seat of Brindabella in the ACT Legislative Assembly')].

The purpose of this letter is to draw your attention to the following requirements on Defence members engaging in political activities, as detailed in Defence Instruction (General) (DI(G)) PERS 21-1—*political activities of Defence personnel*.

In participating in any political activity, the ability of Defence members to properly serve the Government of the day, whatever political party is in office, must not be called into question. Therefore, when engaging in political activities, Defence members must avoid giving the impression that such activities are being undertaken in other than a private capacity.

Additionally, when engaging in any activity of a political nature, Defence members must not:

- (1) use their rank when identifying, describing, or referring to themselves;
- (2) wear their uniform;
- (3) wear party ribbons or emblems or other political badges while on duty or in uniform;
- (4) use, without the consent of a three-star level Defence member or their authorised delegate or a three-star level Defence employee or their authorised delegate (or a two-star level Defence employee or their authorised delegate where there is no relevant three-star level Defence employee to grant consent), any information gained by or conveyed to them through their connection with Defence;
- (5) allow such activity to interfere with the functioning of Defence in the performance of its roles, or prejudice performance of their duties as Defence members;
- (6) speak in public, or publish or have published, any book, article, letter or other material (electronically or otherwise) unless in accordance with DI(G) ADMIN 08-1—*Public comment and dissemination of information by Defence members*;
- (7) engage in conduct in such a manner as to identify Defence with a political activity; and
- (8) use any Defence property or facilities except in accordance with DI(G) PERS 01-1—*Rules for Access to Defence Force Establishments for Electioneering Purposes*.

Defence members intending to stand as a candidate in a State or Territory election must have regard to the legislative requirements of the particular State or Territory when considering whether a transfer to the Reserves or a termination of their appointment is appropriate. As this may affect benefits, entitlements, leave, superannuation and possibly other matters, reference should be made to DI(G) PERS 21-1 for guidance, and Defence members should also seek their own independent legal advice.

Defence members must also be aware of the requirements of, and ensure that they comply with, DI(G) ADMIN 08-1.

Yours sincerely

DRAFT LETTER TO BE SENT TO DEFENCE AUSTRALIAN PUBLIC SERVICE EMPLOYEES WHO ARE PROPOSED CANDIDATES FOR FEDERAL ELECTIONS

Dear [insert title and name]

You have notified Defence that you are a proposed candidate for [insert details of the position the candidate is running for (eg 'the seat of Lindsay in the House of Representatives')].

The purpose of this letter is to draw your attention to the following requirements on Defence employees engaging in political activities, as detailed in Defence Instruction (General) (DI(G)) PERS 21-1—*political activities of Defence personnel*.

In participating in any political activity, the ability of Defence employees to properly serve the Government of the day, whatever political party is in office, must not be called into question. Therefore, when engaging in political activities, Defence employees must avoid giving the impression that such activities are being undertaken in other than a private capacity.

Additionally, when engaging in any activity of a political nature, Defence employees must not:

- (1) use, without the approval of a three-star level Defence employee or their authorised delegate (or a two-star level Defence employee or their authorised delegate where there is no relevant three-star level Defence employee to grant approval), or a three-star level Defence member or their authorised delegate, any information gained by or conveyed to them through their connection with Defence;
- (2) allow such activity to interfere with the functioning of Defence in the performance of its roles, or prejudice performance of their duties as Defence employees;
- (3) speak in public, or publish or have published, any book, article, letter or other material (electronically or otherwise) unless in accordance with DI(G) ADMIN 08-1—*Public comment and dissemination of information by Defence members*;
- (4) engage in conduct in such a manner as to identify Defence with a political activity; and
- (5) use any Defence property or facilities except in accordance with DI(G) PERS 01-1—*Rules for Access to Defence Force Establishments for Electioneering Purposes*.

Defence employees intending to nominate as a candidate in an election must resign before the date of their nomination to the Divisional Returning Officer or the Australian Electoral Officer. As this may affect leave, superannuation and possibly other matters, reference should be made to DI(G) PERS 21-1 for guidance, and Defence employees should also seek their own independent legal advice.

Defence employees must also be aware of the requirements of, and ensure that they comply with, DI(G) ADMIN 08-1.

Yours sincerely

DRAFT LETTER TO BE SENT TO DEFENCE AUSTRALIAN PUBLIC SERVICE EMPLOYEES WHO ARE PROPOSED CANDIDATES FOR STATE/TERRITORY ELECTIONS

Dear [insert title and name]

You have notified Defence that you are a proposed candidate for [insert details of the position the candidate is running for (eg 'the seat of Brindabella in the ACT Legislative Assembly')].

The purpose of this letter is to draw your attention to the following requirements on Defence employees engaging in political activities, as detailed in Defence Instruction (General) (DI(G)) PERS 21-1—*Political activities of Defence personnel*.

In participating in any political activity, the ability of Defence employees to properly serve the Government of the day, whatever political party is in office, must not be called into question. Therefore, when engaging in political activities, Defence employees must avoid giving the impression that such activities are being undertaken in other than a private capacity.

Additionally, when engaging in any activity of a political nature, Defence employees must not:

- (1) use, without the approval of a three-star level Defence employee or their authorised delegate (or a two-star level Defence employee or their authorised delegate where there is no relevant three-star level Defence employee to grant approval), or a three-star level Defence member or their authorised delegate, any information gained by or conveyed to them through their connection with Defence;
- (2) allow such activity to interfere with the functioning of Defence in the performance of its roles, or prejudice performance of their duties as Defence employees;
- (3) speak in public, or publish or have published, any book, article, letter or other material (electronically or otherwise) unless in accordance with DI(G) ADMIN 08-1—*Public comment and dissemination of information by Defence members*;
- (4) engage in conduct in such a manner as to identify Defence with a political activity; and
- (5) use any Defence property or facilities except in accordance with DI(G) PERS 01-1—*Rules for Access to Defence Force Establishments for Electioneering Purposes*.

Defence employees intending to stand as a candidate in a State or Territory election must have regard to the legislative requirements of the particular State or Territory when considering whether or not they are required to resign and if so, at what stage. As this may affect leave, superannuation and possibly other matters, reference should be made to DI(G) PERS 21-1 for guidance, and Defence employees should also seek their own independent legal advice.

Defence members must also be aware of the requirements of, and ensure that they comply with, DI(G) ADMIN 08-1.

Yours sincerely