



Australian Government
Department of Defence

INTERIM DEFENCE INSTRUCTION PERSONNEL 35-3

REQUIRED BEHAVIOURS IN DEFENCE



Handwritten signature of Rebecca Skinner in black ink.

Rebecca Skinner
Associate Secretary

Department of Defence
CANBERRA ACT 2600

22 November 2018

Handwritten signature of David Johnston in black ink.

David Johnston
Vice Admiral, RAN
Vice Chief of the Defence Force

Department of Defence
CANBERRA ACT 2600

22 November 2018

UNCLASSIFIED

AMENDMENT CERTIFICATE

Amendment number	Amendment description	Effective date
0.1	Draft	24 Feb 17
0.2	Consultation amendments	2 May 17
0.3	Advice from Defence Administrative Policy and General Counsel	24 May 17
0.4	Amendments to contractor provisions	09 Nov 17
1.0	Re-issued with no content change	22 Nov 18

INTERIM DEFENCE INSTRUCTION

REQUIRED BEHAVIOURS IN DEFENCE

- Date issued: 22 November 2018
- Issued by: Jointly by the Associate Secretary and the Vice Chief of the Defence Force in accordance with powers delegated to them by the Secretary of the Department of Defence and the Chief of the Defence Force under subsection 120A(3B) of the [Defence Act 1903](#). This interim Defence Instruction (Instruction) is issued under section 11 of the [Defence Act 1903](#).
- Period of effect: 22 November 2019
- Purpose: This Instruction:
- a. establishes the behaviours the Secretary and the Chief of the Defence Force require of Defence personnel and – where it is a term of their contract – contractors, consultants and outsourced service providers by prescribing and proscribing particular conduct; and
 - b. specifies that the Secretary and the Chief of the Defence Force require all Defence personnel and – where it is a term of their contract – contractors, consultants and outsourced service providers to comply with the mandatory components of this Instruction and consistently apply policies and procedures about managing and reporting unacceptable behaviour as described in the [Complaints and alternative resolutions manual](#).
- Management and availability: Within 12 months from date of issue this Instruction will be subsumed into a suitable more enduring document and this Instruction will be cancelled. The current version of this Instruction is available only from <http://intranet.defence.gov.au/home/documents/departme.htm>. Its currency cannot be guaranteed if sourced from other locations. It is available for public release.
- Policy domain: People domain
- Accountable officer: Deputy Secretary Defence People
- Policy owner: First Assistant Secretary People Policy and Culture
- Policy contact: [Directorate of Complaints and Resolution](#)
- Cancellations: This Instruction cancels:
[DI\(G\) PERS 35-3 – Management and reporting of unacceptable behaviour](#)
- Definitions: Definitions that apply to this Instruction are at [Annex A](#).

REQUIRED CONDUCT

1. Defence personnel and – where it is a term of their contract – contractors, consultants and outsourced service providers are responsible for their behaviour in any situation in connection with Defence and must not engage in behaviour that is proscribed in the unacceptable behaviour definitions.
2. Upholding the required behaviours contributes significantly to morale and promotes a cohesive, healthy, safe and effective workplace. It builds the capability of the Australian Defence Force and helps to protect and enhance the reputation of Defence.
3. Unacceptable behaviour is unreasonable conduct at work or in any situation that may be connected to Defence that is offensive, belittling, abusive or threatening to another person, or adverse to morale, discipline or workplace cohesion. This includes unlawful discrimination and harassment. Refer Annex G, Chapter 3 of the [Complaints and alternative resolutions manual](#) for detailed descriptions and types of unacceptable behaviour.
4. Defence personnel and – where it is a term of their contract – contractors, consultants and/or outsourced service providers found to have engaged in, contributed to, ignored, assisted, or encouraged unacceptable behaviour may be held personally responsible.
5. In addition to complying with this Instruction, the obligations, functions and duties with respect to managing and reporting unacceptable behaviour are specified in the [Complaints and alternative resolutions manual](#).

APPLICATION AND COMPLIANCE

6. This Instruction and the [Complaints and alternative resolutions manual](#) are administrative policy framework documents. Failure to adhere to the provisions contained in administrative policy framework documents may result in a breach of legislation or other legal requirement and sanctions under that legislation may apply.
7. This Instruction applies to all Defence personnel and – where it is a term of their contract – contractors, consultants and outsourced service providers.
8. A mandatory requirement of this Instruction is identified by the use of the word must.
9. This Instruction comprises a 'general order' for the purposes of the [Defence Force Discipline Act 1982](#). Failure to comply with any mandatory or prohibitive requirement of this Instruction that applies to a Defence member or a Defence civilian may result in administrative or disciplinary action being taken against the Defence member or Defence civilian.
10. This Instruction is a direction to Australian Public Service employees for the purpose of section 13(5) of the [Public Service Act 1999](#) (section 13(5) forms part of the Australian Public Service [Code of Conduct](#)). Failure to comply with a mandatory or prohibitive requirement of this Instruction that applies to an Australian Public Service employee may result in investigation and possible sanctions as set out in

section 15(1) of the [Public Service Act 1999](#), ranging from a reprimand to termination of employment.

11. Defence personnel who award or manage contracts must include in the terms of the contract the requirement that contractors, consultants and outsourced service providers must comply with the mandatory requirements of this policy, where this policy is directly relevant to the work the contractor, consultant or outsourced service provider is performing for Defence.

12. Failure by a contractor, consultant or outsourced service provider to comply with the mandatory requirements of this policy – where compliance is a term of the contract – may result in a breach of contract.

UNINTENDED CONSEQUENCES FROM APPLICATION OF THIS INSTRUCTION

13. Where Defence personnel consider the application of this Instruction would produce an unintended or undesirable consequence, they should inform their supervisor about the issue to have the matter resolved with the policy owner.

14. In the event that this Instruction duplicates or is in conflict with material contained in another document intended for the internal administration of Defence, the mandatory provisions in this Instruction will prevail.

Definitions

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

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

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

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

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

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

Defence. Is the Department of Defence.

Defence civilian. As defined in section 3 of the [Defence Force Discipline Act 1982](#), is a person (other than a Defence member) who:

- a. with the authority of an authorised officer as defined in the [Defence Force Discipline Act 1982](#), accompanies a part of the Australian Defence Force that is outside Australia, or on operations against the enemy; and
- b. has consented, in writing, to subject themselves to Australian Defence Force discipline while so accompanying that part of the Australian Defence Force.

Defence locally engaged employee. Is any person engaged overseas by contract or under [section 74 of the Public Service Act 1999](#).

Defence member. As defined in the [Defence Force Discipline Act 1982](#) is a person who is:

- a. a member of the Permanent Navy, the Regular Army or the Permanent Air Force; or
- b. a member of the Reserves who:
 - (i) is rendering continuous full-time service; or
 - (ii) is on duty or in uniform.

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

Defence-wide document. Is a framework document that applies to Defence personnel in more than one Group or Service.

Framework documents. Are administrative policy documents that are part of the administrative policy framework. They are: the *Defence Instruction – Administrative policy*, accountable authority instructions, interim Defence Instructions, manuals, Group or Service-specific documents.

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

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

of ongoing services such as maintenance, cleaning or travel bookings. The provider generally supplies their own equipment and supplies.

Period-of-effect. Is the period of time a document remains in existence. Documents that reach the end of their period-of-effect will be cancelled. Documents can be assigned a new period-of-effect by being reviewed.

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

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

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

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

Unacceptable behaviour. Unacceptable behaviour is unreasonable conduct at work or in any situation that may be connected to Defence that is offensive, belittling, abusive or threatening to another person or adverse to morale, discipline or workplace cohesion. This includes unlawful discrimination and harassment.

Workplace. A workplace is any place (including non-Defence establishments) where the behaviour or activity carried out at that place has a Defence link or affects the workplace and includes, but not limited to:

- a. Defence establishments;
- b. HMA Ships (all vessels, including commissioned seagoing vessels and submarines);
- c. vehicles;
- d. aircraft;
- e. units;
- f. facilities;
- g. training centres;
- h. social function venues attended in the course of Defence sponsored work or activity;
- i. accommodation; and
- j. any other location which Defence personnel attend for the purpose of carrying out their work-related activities.

Work-related activities. Work-related activities may include, but are not limited to:

- a. training courses;
- b. conferences;
- c. field trips;

- d. travel for business purposes;
- e. sporting competitions;
- f. team building activities;
- g. work functions such as dining-in nights and Christmas parties; or
- h. travel to and from such functions and activities.