

UNCLASSIFIED

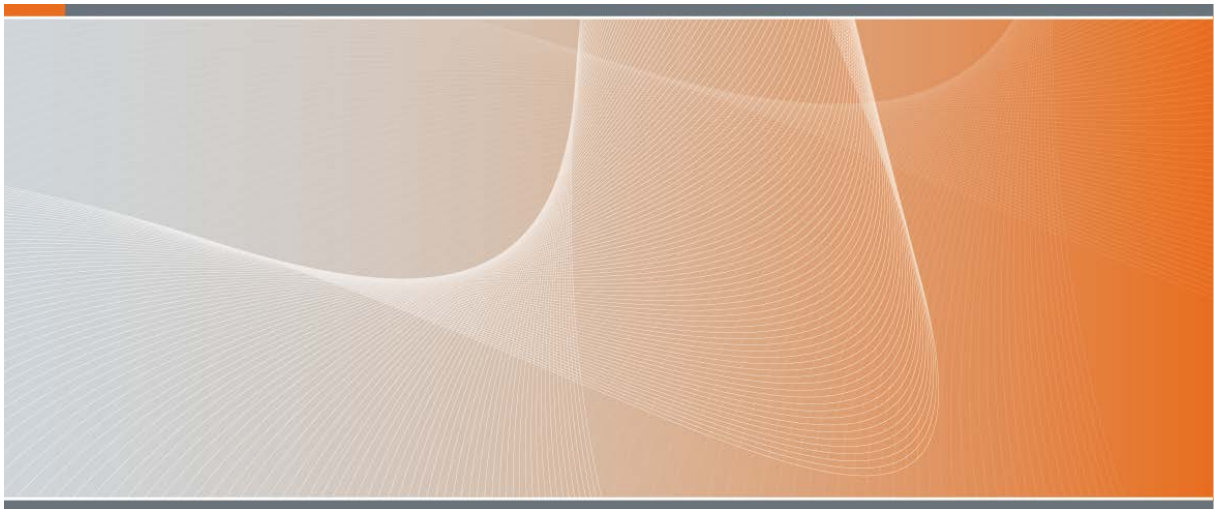


Australian Government
Department of Defence

YOUTH POLICY MANUAL PART 1

EDITION 2

This manual refers to youth policy



RJ Griggs

Vice Admiral, Royal Australian Navy
Vice Chief of the Defence Force

Department of Defence
CANBERRA ACT 2600

12 May 2017

UNCLASSIFIED

AMENDMENT CERTIFICATE

| Amendment number | Chapter(s) | Amendment | Effected date |
|-------------------------|-------------------|------------------|----------------------|
| | | | |

YOUTH POLICY MANUAL PART 1

| | |
|----------------------|---|
| Date issued: | 12 May 2017 |
| Issued by: | Reserve and Youth Division with the authority of Head Reserve and Youth Division. |
| Review date | 12 May 2022 |
| Document management: | This manual will be reviewed five years from its date of issue or sooner if necessitated by business requirements and to ensure it continues to meet the intent of Defence's policy on this subject. Minor amendments may be made at quarterly intervals commencing three months after the date of issue. |
| Availability: | The latest version of this manual is available internally from the Defence Documents website and externally from the YOUTHHQ website. Its currency cannot be guaranteed if sourced from other locations. It is available for public release. |
| Policy domain: | Military Enabling |
| Accountable officer: | Vice Chief of Defence Force |
| Policy owner: | Reserve and Youth Division |
| Policy contact: | Directorate of Youth defence.youth@defence.gov.au |
| Purpose: | <p>The participation of young people in Australian society is fundamental to our future as a nation. Working for and with young people is crucial to the nation's economic and social wellbeing.</p> <p>Defence is uniquely positioned to support whole-of-Government youth policy. We have strong community ties brought about through our national presence, high community profile, custodianship of Australian history and culture, and commitment to the values and principles that have shaped our nation. It is in Defence's interests to engage proactively with youth, to enable us to attract the right people, with the right skills, behaviours and attitudes to secure Australia and its interests into the future, and to contribute to an Australian society that is interested in and informed about Defence.</p> <p>Engagement with youth brings important responsibilities, including the obligation to ensure that youth safety and wellbeing is paramount. It is also incumbent on Defence to ensure that Defence youth activities are delivered in a coordinated, coherent and well governed manner to maximise outcomes for both participants and Defence, and to ensure the effective use of</p> |

resources; that the Australian Government's important commitments to Human Rights in the delivery of youth activities are maintained; that Defence youth activities are inclusive, regardless of gender, ethnicity, sexual orientation and disability; and, that Defence youth activities align with good practice youth development principles.

Defence is therefore committed to providing a range of safe, challenging, high quality and contemporary youth engagement and development activities in metropolitan and regional areas across Australia.

This Youth Policy Manual (YOUTHPOLMAN) provides the policy and procedures that govern and inform Defence's engagement with youth (between the ages of 12 and 25) and the conduct of youth engagement and development programs within Defence—including the Australian Defence Force (ADF) Cadets. YOUTHPOLMAN assembles prime source policy and governance guidance to produce a single reference point on youth policy, ADF Cadets and the conduct of Defence youth engagement and development programs for all Defence, ADF Cadets and Defence Approved Helpers and volunteers.

Structure: See Contents below.

Cancellation: Nil

Definitions: See YOUTHPOLMAN Glossary

Scope and applicability: This manual is an administrative policy framework document (framework document) and applies to all Defence personnel. The terms of a relevant contract may extend the application of this manual to a contractor, consultant or outsourced service provider.

The Secretary and the CDF require Defence personnel to comply with provisions in manuals unless the particular circumstances warrant departure from the provisions.

Some provisions in policies and manuals support Defence personnel to comply with obligations that exist in:

- a. applicable laws
- b. the *Defence Enterprise Agreement*
- c. directives and determinations issued under the *Public Service Act 1999* or the *Defence Act 1903* or the *Defence Enterprise Agreement*
or
- d. Defence Instructions.

Defence personnel must not depart from manual or policy provisions in a way that would result in any breach of those obligations.

When considering a possible departure from a manual the Secretary and the CDF require Defence personnel to:

- a. consider whether the proposed departure would be inconsistent with:
 - (i) applicable laws
 - (ii) the *Defence Enterprise Agreement*
 - (iii) directives and determinations issued under the *Public Service Act 1999* or the *Defence Act 1903* or the *Defence Enterprise Agreement*or
 - (iv) Defence Instructions.If yes, the departure is not permitted;
- b. consider whether a proposed departure is reasonable and justified in the circumstances and will produce a better outcome for Defence
- c. consult their supervisor, wherever practicable, about a proposed departure – a properly informed decision also involves consulting the policy owner
- d. be responsible and accountable for the consequences of departing from, or not adhering to, the content of a manual including where such departure or non-adherence results in a breach of applicable laws or leads to adverse outcomes for Defence.

Defence personnel may be subject to performance management, administrative action or, in some circumstances, disciplinary action where their decision to depart from manual provisions involves serious errors of judgement.

Failure to adhere to administrative policy may result in a breach of legislation or other legal requirement and sanctions under that legislation may apply.

Defence personnel who are authorised by the Secretary to execute contracts on behalf of the Commonwealth should consider whether there is a specific and documented reason to include in the terms of a contract the requirement for contractors, consultants and outsourced service providers to comply with the provisions of this manual and, if so, include such terms.

CONTENTS

| | |
|--|------------|
| Chapter 1 | 1-1 |
| Youth Policy Manual | 1-1 |
| Introduction | 1-1 |
| Policy statement | 1-1 |
| Scope | 1-2 |
| Definitions | 1-2 |
| Sponsorship | 1-2 |
| Authorisations | 1-2 |
| Roles and responsibilities | 1-2 |
| Vice Chief of the Defence Force | 1-2 |
| Group Heads and Service Chiefs | 1-2 |
| Head of Cadet, Reserve and Employer Support Division | 1-3 |
| Structure and release dates | 1-3 |
| Implementation | 1-3 |
| Monitoring and reporting | 1-3 |
| Related legislation | 1-3 |
| Chapter 2 | 2-1 |
| Defence Youth Safety Commitment Statement | 2-1 |
| Introduction | 2-1 |
| Defence Youth Safety Framework | 2-1 |
| Principles and context | 2-1 |
| Principles | 2-1 |
| Context | 2-2 |
| Defence youth safety statement | 2-2 |
| Statement of commitment | 2-2 |
| Roles and responsibilities | 2-3 |
| Vice Chief of the Defence Force | 2-3 |
| Deputy Secretary Defence People | 2-3 |
| Group Heads and Service Chiefs | 2-3 |
| Head Cadet Reserve and Employer Support Division | 2-3 |
| Directors General Personnel | 2-3 |
| Australian Public Service Recruitment Delegates | 2-3 |
| Commanding Officers of units with Defence members under the age of 18 | 2-4 |
| Managers of Defence Youth Programs | 2-4 |
| Defence personnel, volunteers and contractors | 2-4 |
| Defence personnel involved in the procurement of contractors and consultants | 2-5 |
| Chapter 3 | 3-1 |
| Defence youth safety governance | 3-1 |
| Introduction | 3-1 |
| Governance essentials | 3-1 |
| Purpose | 3-2 |
| Legislative framework | 3-2 |
| Vision | 3-3 |
| Values and principles | 3-3 |
| Outcomes | 3-4 |

| | |
|---|------------|
| Governance roles and responsibilities | 3–5 |
| Performance measurement | 3–7 |
| Annex 3A | 3A–1 |
| Child Protection Authority Contact Details and State and Territory Legislative Requirements | 3A–1 |
| Chapter 4 | 4–1 |
| Defence youth safety risk management | 4–1 |
| Introduction | 4–1 |
| Key elements of youth safety risk management | 4–1 |
| Element 1 – Defence organisational culture | 4–1 |
| Element 2 – Defence people | 4–1 |
| Element 3 – Defence environment | 4–1 |
| Purpose | 4–2 |
| Youth safety risk management framework | 4–2 |
| Youth safety risk management fundamentals | 4–3 |
| Risk assessment | 4–4 |
| Common risk controls | 4–4 |
| Chapter 5 | 5–1 |
| Defence Youth Safety Responding and Reporting | 5–1 |
| Introduction | 5–1 |
| Purpose | 5–1 |
| Responding and reporting fundamentals | 5–1 |
| Commitment to action | 5–2 |
| Youth safety incident | 5–2 |
| Reporting youth safety incident | 5–2 |
| Incident responding | 5–3 |
| Initial response | 5–3 |
| Command/Management response | 5–3 |
| Ongoing management | 5–4 |
| Youth safety incident management at a glance | 5–5 |
| Chapter 6 | 6–1 |
| Relationships between Defence and ADF Cadets adults and young people under the age of 18 | 6–1 |
| Introduction | 6–1 |
| Policy intent | 6–1 |
| Principles | 6–1 |
| Policy measures and practice | 6–2 |
| Roles and responsibilities | 6–4 |
| Service Chiefs and group heads | 6–4 |
| Annex 6A | 6A–1 |
| Age of consent and special care provisions | 6A–1 |
| Chapter 7 | 7–1 |
| Disclosure of Certain Personal Information in relation to Youth Safety Incidents | 7–1 |
| Introduction | 7–1 |
| Policy statement | 7–1 |
| Policy intent | 7–1 |
| Policy principles | 7–2 |
| Policy measures and practices | 7–2 |

| | |
|---|------------|
| Disclosure of information | 7-2 |
| Application and compliance | 7-4 |
| Unintended consequences from application of this policy | 7-4 |
| Review of disclosure action | 7-4 |
| Australian Defence Force Cadets disclosure of a young person's personal information | 7-4 |
| Roles and responsibilities | 7-5 |
| Service Chiefs and Group Heads | 7-5 |
| Related Policy | 7-5 |
| Annex 7A | 7A-1 |
| Use of the Privacy Statement | 7A-1 |
| CHAPTER 8 | 7-1 |
| Defence Youth Safety: use of social media | 7-1 |
| Introduction | 7-1 |
| Policy intent | 7-1 |
| Policy principles | 7-1 |
| Policy practice and measures | 7-2 |
| Unacceptable use of social media in the Defence youth context | 7-3 |
| Cyber bullying | 7-3 |
| Grooming and pornography | 7-4 |
| Related policy | 7-5 |
| Commonwealth legislation | 7-5 |
| Annex 8A | 7B-1 |
| Sexual interactions with 16 and 17 year olds under special care | 7B-1 |
| Chapter 9 | 8-1 |
| Defence youth safety: prohibited substances, tobacco and alcohol | 8-1 |
| Introduction | 8-1 |
| Policy intent | 8-1 |
| Policy principles | 8-1 |
| Policy practices and measures | 8-1 |
| Prohibited substances and alcohol | 8-1 |
| Tobacco | 8-2 |
| Zero blood alcohol | 8-2 |
| Young people under the age of 18 | 8-2 |
| Related policy | 8-3 |
| Defence | 8-3 |

UNCLASSIFIED

PART 1: YOUTH POLICY MANUAL PART 1

UNCLASSIFIED

CHAPTER 1

YOUTH POLICY MANUAL

This chapter is currently under review

INTRODUCTION

1.1 Defence engages with youth in support of whole-of-Government youth policy, as articulated in the *Defence Youth Engagement and Development Policy Statement*. In the Defence Youth context, the terms child, young person, youth and minor are equivalent and interchangeable.

1.2 Engagement with young people involves important associated responsibilities for their supervision, safety, care and protection.

1.3 The *Youth Policy Manual* (YOUTHPOLMAN) provides a single coordinated and cohesive reference for all Defence personnel who have responsibilities in connection with or are involved in Defence youth engagement programs, including Australian Defence Force (ADF) Cadets.

POLICY STATEMENT

1.4 Defence recognises that the participation of young people in Australian society is an essential element of nation building and that the development of young people is crucial to the nation's future economic and social prosperity. It is in the interests of Defence that young people develop an interest in Defence, both to attract the right people, with the right skills, behaviours and attitudes to secure Australia and its interests into the future, and to cultivate a socially responsible attitude to Defence.

1.5 Defence conducts youth engagement and development activities which:

- a. assist young people to meet and address the complex challenges associated with their wellbeing, education, employment and participation in an increasingly connected world;
- b. contribute to national endeavours and achievements in the field of youth development and nation building;
- c. promote understanding of, and interest in, the role of Defence;
- d. promote Defence-related employment pathways; and
- e. support Defence members and their families.

1.6 Defence youth engagement and development activities must be conducted in accordance with the following principles:

- a. **Safety and well being.** The safety and well being of all young people involved in a Defence youth activity is given the highest priority.
- b. **Coordinated, coherent and well-governed.** Defence youth activities must be delivered in a coordinated, coherent and well governed manner, in order to maximise outcomes for both the participants and for Defence and ensure the effective use of resources.
- c. **Human rights.** Defence youth activities must comply with Australia's human rights treaty obligations, in particular the Convention on the Rights of the Child and the Optional Protocol on the Involvement of Children in Armed Conflict.

- d. **Inclusivity.** Defence youth activities must engender the principle of inclusiveness of all young people, regardless of gender, ethnicity, sexual orientation, or disability.
 - e. **Rewarding and enriching.** Defence youth activities must aspire to reflect leading practice youth development principles such as those articulated in the [Generic Youth Development Framework](#).
- 1.7 Commanders, supervisors and managers must give appropriate priority, encouragement and support to the interests of youth who engage with Defence.

SCOPE

1.8 The YOUTHPOLMAN is a single point of reference, for all Defence youth policy. The YOUTHPOLMAN applies to:

- a. all Defence personnel who have responsibility for or are involved with Defence youth engagement and development programs including ADF Cadets;
- b. all members of ADF Cadets; and
- c. Contractors and/or consultants where compliance is a term of their contract.

1.9 All Defence personnel who have responsibility for or are involved with Defence youth engagement and development programs including ADF Cadets, must comply with the YOUTHPOLMAN.

DEFINITIONS

1.10 A list of the definitions used in the YOUTHPOLMAN is in the [Glossary](#).

SPONSORSHIP

1.11 Vice Chief of the Defence Force (VCDF) is the primary sponsor of the YOUTHPOLMAN.

AUTHORISATIONS

1.12 The YOUTHPOLMAN is issued with the authority of the Secretary and Chief of the Defence Force (CDF). VCDF is authorised to issue subsequent chapters of the YOUTHPOLMAN.

1.13 VCDF authorises Head Cadet Reserve and Employer Support Division (HCRESD) to manage, maintain and coordinate the content of the YOUTHPOLMAN.

ROLES AND RESPONSIBILITIES

VICE CHIEF OF THE DEFENCE FORCE

1.14 VCDF is the principal adviser to the Secretary and the CDF on all aspects of the YOUTHPOLMAN. In this respect VCDF has overall responsibility for:

- a. managing and maintaining the YOUTHPOLMAN;
- b. the regular comprehensive review of the YOUTHPOLMAN; and
- c. overseeing ADF Cadets policy and its implementation.

GROUP HEADS AND SERVICE CHIEFS

1.15 The Group Heads and Service Chiefs are responsible for the implementation of the policy contained in the YOUTHPOLMAN in their respective Services and the Cadet Organisations that they administer including:

- a. implementation of the relevant policies contained in the YOUTHPOLMAN within their respective ADF Cadet Organisation;
- b. the development, maintenance, accuracy and currency of service-specific information outlined in YOUTHPOLMAN; and
- c. the development, maintenance, accuracy and currency of service-specific procedures.

HEAD OF CADET, RESERVE AND EMPLOYER SUPPORT DIVISION

1.16 HCRESA authors the YOUTHPOLMAN on behalf of VCDF and is responsible to VCDF for:

- a. managing, maintaining and coordinating the content of the YOUTHPOLMAN;
- b. monitoring the implementation of the policy contained in the YOUTHPOLMAN; and
- c. reporting to VCDF on the status of policies contained in the YOUTHPOLMAN and their implementation.

STRUCTURE AND RELEASE DATES

1.17 YOUTHPOLMAN is a two part manual. i contains Defence wide policy. Part 2 contains ADF Cadets specific policy.

IMPLEMENTATION

1.18 All Groups and Services responsible for the management of Defence youth engagement and development programs including ADF Cadets must ensure that appropriate arrangements and adequate resourcing are in place to enable the policies outlined in the YOUTHPOLMAN to be implemented.

1.19 All ADF Cadets extant and future guidance, documentation and action must be consistent with YOUTHPOLMAN.

MONITORING AND REPORTING

1.20 VCDF has overall responsibility for monitoring Defence youth policies including ADF Cadets policy on behalf of the Secretary and CDF.

1.21 HCRESA, on behalf of VCDF, monitors and reports on the status of, implementation and compliance with Defence Youth and ADF Cadets policies. HCRESA is to provide reports to the Joint Reserve and Cadet Policy Committee at a minimum of every six months.

1.22 Oversight of Defence youth and ADF Cadets policies in each Group and Service is provided by the Service Chiefs and the Directors General Cadets.

RELATED LEGISLATION

The following legislation is referenced in the YOUTHPOLMAN:

[Defence Act 1903](#)

[Defence Legislation Amendment \(First Principles\) Act 2015.](#)

CHAPTER 2

DEFENCE YOUTH SAFETY COMMITMENT STATEMENT

This chapter is currently under review

INTRODUCTION

- 2.1 Defence interacts with children and young people under the age of 18 in a variety of ways, both in Australia and overseas.
- 2.2 In the Defence Youth context, the terms child, young person, youth and minor are equivalent and interchangeable.
- 2.3 Defence will not tolerate abuse or neglect of youth, see [Glossary](#).
- 2.4 Defence is committed to taking all reasonably practicable steps to ensure the safety and well-being of youth with whom it comes into contact through the development of a youth safe culture and the promotion of both individual and collective responsibility for youth safety. Defence will achieve this through development, implementation and ongoing review of the Defence Youth Safety Framework (DYSF).

DEFENCE YOUTH SAFETY FRAMEWORK

- 2.5 The goal of the DYSF is the creation and maintenance of a youth safe organisation through the adoption of appropriate and consistent approaches to youth safety and youth safety governance.
- 2.6 The DYSF policy component consists of four parts:
- a. The Defence Youth Safety Commitment Statement articulates the Defence commitment to promoting wellbeing of youth and protecting young people from abuse through a focus on preventing, identifying and treating youth safety risks.
 - b. [Chapter 3](#) outlines how the framework is implemented, monitored and assessed for its impact on youth safety outcomes over time. The governance policy includes the vision for Defence Youth Safety, the purpose, youth safety principles in action and details of specific governance action.
 - c. [Chapter 4](#) details the approach, roles and responsibilities for managing risks associated with youth safety.
 - d. [Chapter 5](#) details the actions required to ensure all incidents affecting young people are managed effectively and consistently from initial response and reporting action, through to closure and acting on lessons learned.

PRINCIPLES AND CONTEXT

PRINCIPLES

- 2.7 The DYSF is underpinned by six principles derived from those of the [National Framework for Protecting Australia's Children 2009-2020](#):
- a. All youth under the age of 18 have the right to a safe environment;
 - b. Ensuring the safety and wellbeing of youth is a Defence priority;
 - c. The best way to protect youth is to prevent abuse and neglect from occurring in the first place;

- d. The interests of any young person being abused or neglected or at risk of abuse or neglect are given the highest priority;
- e. Defence values, supports and works in partnership with parents, guardians, specified next of kin and other agencies in fulfilling its youth safety responsibilities; and
- f. Youth Safety policies and interventions are evidence based.

CONTEXT

2.8 The DYSF incorporates policy and procedural guidance, risk management strategies and a range of supporting tools and resources designed to minimise the risk of youth abuse and neglect in each of the four contexts in which Defence interacts with youth under the age of 18. These are:

- a. Service of ADF members and employment of APS under the age of 18;
- b. Defence Youth Programs;
- c. Australian Defence Force Cadets (ADFC); and
- d. domestic and international operations.

DEFENCE YOUTH SAFETY STATEMENT

STATEMENT OF COMMITMENT

2.9 Taking into account the unique context of ADF activities, Defence will:

- a. manage youth safety risks appropriate to the Defence context;
- b. require all ADF members, APS employees, volunteers including members of the ADF Cadets, and contractors to demonstrate their commitment to youth safety through their agreement to undertake their duties in accordance with the appropriate Defence or ADFC youth safety code of conduct;
- c. complete appropriate suitability screening for all adults working with youth in the Defence environment;
- d. require all ADF members, APS employees, volunteers including members of the ADF Cadets, and contractors to complete appropriate youth safety education and training;
- e. engage proactively with parents, guardians, specified next of kin and other agencies involved in the protection of young people;
- f. develop and implement a clear process for reporting and responding to disclosures, suspicions and allegations of abuse or neglect in accordance with state and territory legislation;
- g. develop and implement processes to identify and address breaches of the DYSF;
- h. maintain compliance with United Nations Security Council Resolutions related to children and armed conflict; and
- i. undertake regular review of the youth safety framework to ensure it remains current and reflects emerging requirements and leading practice.

ROLES AND RESPONSIBILITIES

VICE CHIEF OF THE DEFENCE FORCE

2.10 Vice Chief of the Defence Force (VCDF) has overall responsibility for developing and monitoring overarching, consistent and effective whole of Defence youth safety policies and practices.

DEPUTY SECRETARY DEFENCE PEOPLE

2.11 Deputy Secretary Defence People (DEPSECDP) is responsible for ensuring that Defence people policies are consistent with and reflect the principles and approach to youth safety articulated in the DYSF.

GROUP HEADS AND SERVICE CHIEFS

2.12 Group Heads and Service Chiefs are responsible for:

- a. ensuring processes and procedures in their respective Group or Service including the cadet organisations that they administer, are consistent with and reflect the principles and approach to youth safety articulated in the DYSF; and
- b. taking all reasonably practicable steps to ensure personnel in their respective Group or Service including the cadet organisations that they administer, comply with the DYSF.

HEAD CADET RESERVE AND EMPLOYER SUPPORT DIVISION

2.13 Head Cadet, Reserve and Employer Support Division (HCRESD) is responsible for:

- a. supporting the VCDF in the discharge of youth safety responsibilities;
- b. developing and maintaining (including regular review) the DYSF;
- c. monitoring and reporting on the implementation of the DYSF;
- d. facilitating and coordinating consistent approaches to youth safety across Defence and within ADF Cadets; and
- e. providing youth safety advice and support to implementation action.

DIRECTORS GENERAL PERSONNEL

2.14 Directors General Navy People (DGNP), Career Management Agency-Army (DGCMA-A) and Personnel Policy Air Force (DGPERS-AF) are responsible for:

- a. ensuring ADF positions that involve routine interaction with members under the age of 18 as a key part of their role are identified and position profiles annotated; and
- b. ensuring member suitability screening action is completed prior to the ADF member commencing in the position.

AUSTRALIAN PUBLIC SERVICE RECRUITMENT DELEGATES

2.15 APS recruitment delegates are responsible for:

- a. ensuring APS positions that involve routine interaction between adult APS position holders and people under the age of 18 are identified and annotated; and

- b. ensuring applicant suitability screening action is completed prior to the APS member commencing in the position.

COMMANDING OFFICERS OF UNITS WITH DEFENCE MEMBERS UNDER THE AGE OF 18

2.16 Commanding Officers of units with Defence members under the age of 18 are responsible for:

- a. assessing and managing unit youth safety risks;
- b. adhering to state and territory incident reporting requirements;
- c. ensuring compliance with the unit/program Code of Conduct;
- d. ensuring compliance with youth safety education and training requirements;
- e. the inclusion of youth safety as an agenda item in relevant meeting agendas;
- f. managing breaches of the DYSF in particular behaviour contrary to the Code of Conduct or failure to report to relevant state and territory authorities, see [Chapter 5](#);
- g. proactive engagement with parents, guardians and specified next of kin;
- h. application of the appropriate suitability screening action as defined by Defence; and
- i. conducting an annual suitability screening currency audit.

MANAGERS OF DEFENCE YOUTH PROGRAMS

2.17 Managers of DYP are responsible for:

- a. assessing and managing program youth safety risks;
- b. adhering to state and territory incident reporting requirements;
- c. ensuring compliance with program Code of Conduct;
- d. ensuring compliance with youth safety education and training requirements;
- e. the inclusion of youth safety as an agenda item in relevant meeting agendas;
- f. managing breaches of the DYSF in particular behaviour contrary to the Code of Conduct or failure to report to relevant state and territory authorities, see [Chapter 5](#);
- g. proactive engagement with parents, guardians and specified next of kin;
- h. application of the appropriate suitability screening action as defined by Defence and/or ADF Cadet policy; and
- i. conducting an annual suitability screening currency audit.

DEFENCE PERSONNEL, VOLUNTEERS AND CONTRACTORS

2.18 All Defence personnel, volunteers and contractors are responsible for:

- a. complying with the requirements of the DYSF;
- b. complying with suitability screening as directed; and
- c. reporting incidents of suspected youth abuse or youth pornography involving Defence personnel, volunteers and contractors in accordance with state and territory legislation and Defence Instructions and ADF Cadets guidance.

DEFENCE PERSONNEL INVOLVED IN THE PROCUREMENT OF CONTRACTORS AND CONSULTANTS

2.19 Defence personnel involved in the procurement of contractors and consultants are responsible for:

- a. ensuring that positions requiring employment suitability screening are identified;
- b. application of the appropriate suitability screening action as defined by Defence; and
- c. ensuring that Defence contracts in which contracted personnel and consultants may have contact with youth in a Defence context, contain a provision by which the contractor and/or consultant agrees to comply with the requirements of the DYSF.

CHAPTER 3

DEFENCE YOUTH SAFETY GOVERNANCE

This chapter is currently under review

INTRODUCTION

3.1 The goal of the Defence Youth Safety Framework (DYSF) is the creation and maintenance of a youth safe organisation through the adoption of appropriate and consistent approaches to youth safety and youth safety governance.

3.2 In the Defence Youth context, the terms child, young person, youth and minor are equivalent and interchangeable.

GOVERNANCE ESSENTIALS

3.3 Achievement of positive youth experiences and outcomes requires Defence to focus on:

- a. limiting the potential for abuse or neglect occurring and when abuse or harm occurs decreasing the impact and affect;
- b. the overall safety and well-being of young people by providing for their physical and mental well-being, with due consideration of age, maturity, circumstance and situation; and
- c. the importance of achieving safe and protective environments for young people who interact with Defence.

3.4 Youth safety governance action focuses on consistent application of youth safety policies, procedures and practices across Defence and the ADF Cadets. Governance action is made possible by establishing systems and processes that enable early identification of issues, followed by rapid and appropriate responses.

3.5 Defence youth safety governance action builds on existing governance provisions for work health and safety, incident response and management and reporting obligations as set out in:

- a. Defence WHS Manual, Volume 2 – Defence WHS Policy, Part 1;
- b. DI(G) PERS 35-3 Management and reporting of unacceptable behaviour;
- c. DI(G) PERS 35-4 Reporting and management of sexual misconduct including sexual offences;
- d. DI(G) ADMIN 45-2 the reporting and management of notifiable incidents;
- e. DI(G) ADMIN 67-2 incident recording; and
- f. ADF Cadets standard operating procedures, standing instructions and directives.

3.6 The key to being a youth safe organisation is that:

- a. everyone, youth and adults alike, know what to do if they observe, disclose, suspect or are subject to abuse or inappropriate behaviour; and
- b. young people are not unnecessarily exposed to risks and issues that could cause harm or create an unreasonable level of fear and anxiety.

PURPOSE

3.7 Good governance means that there are organisational systems in place to ensure:

- a. support for action in accordance with leading practice;
- b. processes and outcomes are monitored against known and emerging standards; and
- c. deficiencies in processes and outcomes are addressed.

3.8 Defence aims to be a leader in youth safety and to be recognised nationally as a youth safe organisation. Defence youth safety performance indicators will be designed both for measurability and adaptability to ensure they are relevant to each of the Defence contexts [Chapter 2](#) in which adults interact with youth.

3.9 A robust governance system will maximise successful implementation and ongoing management of youth safety across Defence and the ADF Cadets.

LEGISLATIVE FRAMEWORK

3.10 The Defence Youth Safety Framework lays out how Defence will provide all young people with whom Defence and ADF Cadets personnel interact, to the maximum reasonable extent possible, an environment where they can feel safe and are protected from unnecessary exposure to harm or any forms of mistreatment and where they have already been harmed, help them recover as quickly and as fully as possible.

3.11 Defence recognises its:

- a. legal duty of care to ensure reasonable steps are taken for the safety of Defence members and ADF Cadets, with a higher standard of care on the part of the Commonwealth for Defence members and ADF Cadets under 18;
- b. statutory obligation under the [Work Health and Safety Act 2011](#)¹ on the part of Defence, and all Defence personnel and external service providers, to take all reasonable practicable steps to protect the health and safety of workers; which includes members of the Australian Defence Force Cadets under 18;
- c. obligations under Australia's ratification of the [United Nations Convention on the Rights of the Child \(1990\)](#)² which sets out the civil, political, economic, social and cultural rights of children and the [Optional Protocol on the Involvement of Children in Armed Conflicts \(2002\)](#)³ which obliges signatories to the Conventions to take "all feasible measures to ensure members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities; and
- d. requirement to comply with Australian Federal laws and the various state and territory child protection legislation related to 'Working with Children Checks' (WWCC) as outlined at Annex A.

¹ <http://www.legislation.act.gov.au/a/2011-35/>

² <https://www.unicef.org.au/Upload/UNICEF/Media/Our%20work/childfriendlycrc.pdf>

³ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRC.aspx>

VISION

3.12 Young people have a safe and positive experience of Defence.

VALUES AND PRINCIPLES

3.13 The 2012 Pathway to Change strategy committed Defence personnel to being their best on all days, and in all ways so that Defence as an organisation, can be 'trusted to defend, proven to deliver and respectful always'. Defence personnel value doing the right thing and making choices that honour Defence values.

3.14 The table below captures how Defence values are reflected in youth safety actions relative to each of the youth safety principles.

Table 3-1 Defence Values and Youth Safety Principles in Practice

| Youth Safety Principles | Principles in Practice | Defence Value |
|---|--|--|
| All youth under the age of 18 have the right to a safe environment | <ul style="list-style-type: none"> • youth safety and well being action is a key consideration when planning and executing youth activities • youth safety lessons learned are incorporated through the pursuit of a continuous improvement model • personnel including young people receive appropriate youth safety training. | professionalism loyalty teamwork |
| Ensuring the safety and wellbeing of youth is a Defence priority | <ul style="list-style-type: none"> • Expectations of behaviour that incorporate the Defence values are clearly articulated in Codes of Conduct for adults and young persons alike. • Defence acts promptly when alerted to breaches of the DYSF - particularly the Code of Conduct • opportunities are provided for young people to contribute to youth program development and youth safety decision making • Defence undertakes suitability screening for those adults who interact with youth as appropriate to the context | professionalism loyalty integrity courage |
| The best way to protect youth is to prevent abuse and neglect from occurring in the first place | <ul style="list-style-type: none"> • robust risk assessment and management appropriate to the context are a fundamental element of Defence of youth safety action | professionalism loyalty innovation |

| Youth Safety Principles | Principles in Practice | Defence Value |
|---|---|--|
| | <ul style="list-style-type: none"> • adults and youth alike are encouraged to speak out about behaviours at odds with the code of conduct | |
| <p>The interests of any young person being abused or neglected or at risk of abuse or neglect are given the highest priority.</p> | <ul style="list-style-type: none"> • Full and timely compliance with State and Territory mandatory reporting requirements • Young people in Defence are encouraged to voice their concerns /opportunities in relation to Youth Safety to the appropriate Defence Authorities. • Defence identifies and manages youth incidents in accordance with existing procedures • Defence continuously monitors and develops strategies for dealing with responses and other concerns to ensure they focus on the young person who has been harmed or at risk of harm | <p>professionalism</p> <p>loyalty</p> <p>courage</p> <p>teamwork</p> |
| <p>Defence values, supports and works in partnership with parents, guardians specified next of kin and other agencies in fulfilling its youth safety responsibilities</p> | <ul style="list-style-type: none"> • Defence engages proactively with parents/guardians of young people under the age of 18 so far as the Privacy Act allows • Defence encourages appropriate engagement in Defence youth activities by parents/guardians • Defence incorporates a youth safety element into the annual Defence Work Health Safety Day' | <p>professionalism</p> <p>teamwork</p> |
| <p>Youth Safety policies and interventions are evidence based</p> | <ul style="list-style-type: none"> • youth safety development action is informed by leading practice and guided by evidence based research • Defence pursues continuous improvement through the adoption of Plan-Do-Check-Act (PDCA) Cycle • Defence seek opportunities to participates in the evolving youth safety community of practice | <p>professionalism</p> <p>innovation</p> |

OUTCOMES

3.15 Defence Youth Safety Governance allows Defence to be clear about youth safety responsibilities. Good governance delivers the following outcomes for each of the key youth safety stakeholder groups through a focus on, responsibility, accountability, transparency and fairness in all aspects of Youth Safety.

Table 3–2 Defence Youth Safety Stakeholder Outcomes

| Stakeholder | Desired Outcomes |
|---|---|
| Young people | <ul style="list-style-type: none"> • feel safe and protected from emotional, physical, and sexual abuse and/or peer-to-peer harm • feel confident that if they have already been harmed Defence will assist them to recover • know that Defence personnel work within a learning culture, where there is a focus on continuous improvement • know who to contact and how to report a youth safety incident |
| The families of young people | <ul style="list-style-type: none"> • feel confident that youth incidents will be managed sensitively and appropriately in accordance with Federal, State and Territory reporting requirements. • feel confident that their young people will be safe and protected from emotional, physical, and sexual abuse and/or peer-to-peer harm • feel confident that Defence will assist their young people to recover if they have been harmed • know that Defence personnel work within a learning culture, where there is a focus on continuous improvement • know who to contact and how to report a youth safety incident |
| Defence personnel, members of ADF cadets and volunteers | <ul style="list-style-type: none"> • are clear about Defence expectations of youth safe behaviour. • understand their responsibilities with respect to reporting • know the consequences of breaches of the code of conduct |
| Partnering organisations and contractors | <ul style="list-style-type: none"> • understand their responsibilities and contractual obligations to Defence |
| Defence Leadership | <ul style="list-style-type: none"> • understand their roles and responsibilities, including monitoring and responding to youth safety incidents and performance improvement related issues, as well as ensuring risks are appropriately identified, managed. • lead by example and ensure the youth safety governance requirements are clearly understood, implemented and enforced Defence wide. |

GOVERNANCE ROLES AND RESPONSIBILITIES

3.16 The Defence Youth Safety Governance Framework applies across all four Defence contexts in which adult youth interactions occur:

- a. Service of ADF members and employment of APS under the age of 18;
- b. Defence Youth Programs;
- c. ADF Cadets; and
- d. domestic and international operations

3.17 Defence is a large, complex and diverse organisation. Successful implementation of the DYSF requires clear delineation of responsibilities to ensure accountability.

3.18 The table below highlights key youth safety governance responsibilities.

Table 3–3 Youth Safety Governance Roles and Responsibilities

| Role | Responsibility |
|--|---|
| VCDF | monitoring the consistency and effectiveness of youth safety across Defence |
| DEPSEC DP | ensuring Defence people policies are consistent with and reflect the principles and approach detailed in the Youth Safety framework. |
| Group Heads and Service Chiefs | ensuring Group and single Service compliance with mandated requirements |
| HCRESD | developing, maintaining (including regular review), monitoring and reporting on the implementation of the framework. |
| DGs Personnel (DGNP, DGCM-A, DGPERS-AF) | <p>1. ensuring:</p> <ul style="list-style-type: none"> • ADF positions that include interaction between adult position holders and youth are identified and annotated • appropriate suitability screening action is completed prior to the member commencing in the position |
| APS Recruitment Delegates | <p>2. ensuring:</p> <ul style="list-style-type: none"> • APS positions that include interaction between adult position holders and youth are identified and annotated • appropriate suitability screening is completed before a person is accepted into an annotated position |

| Role | Responsibility |
|--|---|
| Commanders of units with under 18s | 3. ensuring: <ul style="list-style-type: none"> • adherence to state and territory incident reporting guidance • compliance with behaviour expectation statements (codes of conduct) • compliance with youth safety education and training requirements • timely and complete responses to breaches of the code of conduct • inclusion of youth safety as an item in relevant meeting agenda • the currency of suitability screening action |
| Managers of Defence youth programs | 4. ensuring: <ul style="list-style-type: none"> • adherence to state and territory incident reporting guidance • compliance with behaviour expectation statements (codes of conduct) • compliance with youth safety education and training requirements • timely and complete responses to breaches of the code of conduct • inclusion of youth safety as an item in relevant meeting agenda • the currency of suitability screening action |
| Defence personnel involved in the procurement of contractors and consultants | ensuring that any contract in which contracted personnel and consultants may have contact with youth in any Defence context contain a provision by which the contractor and/or consultant agree to comply with the requirements of the DYSF. |

PERFORMANCE MEASUREMENT

3.19 Defence will measure its success as a youth safe organisation in a number of ways, commencing with the use of a maturity model to enable Defence to track implementation action. The use of a maturity model enables identification of areas of leading practice, as well as a focus on continuous improvement and the delivery of improved outcomes. A maturity model will be developed as an integral part of the Defence youth safety framework.

3.20 Defence will establish a formal system of youth safety data collection to enable identification of trends and the measurement of the performance of the Defence Youth Safety Framework in practice.

Annex:

3A [.Child Protection Authority Contact Details and State and Territory Legislative Requirements](#)

ANNEX 3A

CHILD PROTECTION AUTHORITY CONTACT DETAILS AND STATE AND TERRITORY LEGISLATIVE REQUIREMENTS

Table 3B–1 Child Protection Authority – Contact Details

| State or Territory | Authority | Contact Details |
|--------------------|--|--|
| ACT | Office for Children, Youth and Family Support Care and Protection Services Centralised Intake Services 24 Hour General Public line | 1300 556 729 |
| NSW | Family and Community Services Child Protection 24 Hour Helpline | 132 111 |
| NT | Department of Children and Families Child Protection 24 Hour Hotline | 1800 700 250 |
| QLD | Department of Communities, Child Safety and Disability Services Regional Intake – Business Hours | Brisbane – 1300 682 254 Central QLD – 1300 703 762 Far North QLD – 1300 684 062 North Coast – 1300 703 921 North QLD – 1300 706 147 South East – 1300 679 849 |

UNCLASSIFIED

| State or Territory | Authority | Contact Details |
|---------------------------|--|--|
| | | South West – 1300 683 390 |
| | Child Safety After Hours Service Centre | 1800 177 135 |
| SA | Department of Education and Child Development 24 Hour Child Abuse Report Line | 13 14 78 |
| TAS | Department of Health and Human Services Child Protection Line | 1300 737 639 |
| VIC | Department of Human Services Divisional Intake – Business Hours | North Division – 1300 664 977 South Division – 1300 655 795 East Division – 1300 360 391 West Division (Rural) – 1800 075 599 West Division (Metro) – 1300 664 977 |
| | After Hours Crisis Line | 13 12 78 |
| WA | Department for Child Protection and Family Support Intake Service | (08) 9222 2555 or Country Freecall: 1800 622 258 After hours: (08) 9223 1111 or Country Freecall: 1800 199 008 |

If you believe a young person is in immediate danger call Police on 000

State Child Protection Authority Fact Sheets – Making a report

ACT – http://www.communityservices.act.gov.au/_data/assets/pdf_file/0017/5660/Keeping-Children-and-Young-People-Safe.pdf

NSW – http://www.community.nsw.gov.au/_data/assets/pdf_file/0008/336356/make_report_factsheet.pdf

NT – <https://nt.gov.au/law/crime/report-child-abuse>

QLD – <https://www.communities.qld.gov.au/childsafety/protecting-children/reporting-child-abuse/if-you-suspect-harm>

SA – <https://www.sa.gov.au/topics/education-skills-and-learning/health-wellbeing-and-special-needs/safety/report-child-abuse/report-child-abuse>

TAS – http://www.dhhs.tas.gov.au/children/child_protection_services/what_can_i_expect_when

VIC – <http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/about-child-abuse/how-to-make-a-report-to-child-protection>

WA – <https://www.dcp.wa.gov.au/CHILDPROTECTION/Pages/Ifyouareconcernedaboutachild.aspx>

Mandatory Reporting and Definition of Harm (thresholds) by State

Mandatory reporting is a term used to describe the legislative requirement imposed on selected classes of people to report suspected cases of child abuse and neglect to government authorities. Parliaments in all Australian states and territories have enacted mandatory reporting laws of some description. However, the laws are not the same across all jurisdictions. The main differences concern who has to report, and what types of abuse and neglect have to be reported. There are also other differences, such as the state of mind that activates the reporting duty (i.e., having a concern, suspicion or belief on reasonable grounds and definition of harm) as well as the destination of the report.

This following link provides an overview of the major differences and features of state and territory laws regarding who must report and what must be reported.

You can access an overview of the state based requirements here: <https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>

State and Territory Legislative Requirements

The following state based legislation underpins this policy framework.

Table 3B-2 State and Territory Legislative Requirements

| State or Territory | Legislation | Coverage |
|--------------------|---|--|
| ACT | Children and Young People Act 2008 (ACT) http://www.legislation.act.gov.au/a/2008-19/current/pdf/2008-19.pdf Working with Vulnerable People (Background Checking) Act 2011 http://www.legislation.act.gov.au/a/2011-44/ | <ul style="list-style-type: none"> • Child Protection definitions including Mandatory reporting • Working With Children Check requirements |
| NSW | Children and Young Persons (Care and Protection) Act 1998 http://www.austlii.edu.au/au/legis/nsw/consol_act/caypapa1998442/ Child Protection (Working with Children) Act 2012 http://www.austlii.edu.au/au/legis/nsw/consol_act/cpwca2012388/ | <ul style="list-style-type: none"> • Child Protection definitions including Mandatory reporting • Working With Children Check requirements |
| NT | Care and Protection of Children Act 2007 (NT) http://www.austlii.edu.au/au/legis/nt/num_act/capoca200737o2007315/ | <ul style="list-style-type: none"> • Child Protection definitions including Mandatory reporting and Working With Children Check requirements |
| QLD | Child Protection Act 1999 (Qld) https://www.legislation.qld.gov.au/legisltn/current/c/childprotecta99.pdf Working with Children (Risk Management and Screening) Act 2000 https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WorkwithChildrenRMSA00.pdf | <ul style="list-style-type: none"> • Child Protection definitions including Mandatory reporting • Working With Children Check requirements |

| State or Territory | Legislation | Coverage |
|--------------------|---|--|
| SA | Children's Protection Act 1993 (SA) https://www.legislation.sa.gov.au/LZ/C/A/CHILDRENS%20PROTECTION%20ACT%201993/CURRENT/1993.93.UN.PDF | <ul style="list-style-type: none"> Child Protection definitions including Mandatory reporting and Working With Children Check requirements |
| TAS | The Children Young Persons and their Families Act (1997) http://www.austlii.edu.au/au/legis/tas/consol_act/cypatfa1997399/ The Registration to Work with Vulnerable People Act 2013 (Tas) http://www.austlii.edu.au/au/legis/tas/num_act/rtwwvpa201365o2013527/ | <ul style="list-style-type: none"> Child Protection definitions including Mandatory reporting Working With Children Check requirements |
| VIC | The Child Youth and Families Act (2005) as amended 2007 http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/ The Working with Children Act 2005 as amended 2014 http://www.austlii.edu.au/au/legis/vic/consol_act/wwca2005232/ | <ul style="list-style-type: none"> Child Protection definitions including Mandatory reporting Working With Children Check requirements |
| WA | Children and Community Services Act 2004 (WA) http://www.austlii.edu.au/au/legis/wa/consol_act/cacsa2004318/ Working with Children (Criminal Record Checking) Act 2004 (WA) https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1095_homepage.html | <ul style="list-style-type: none"> Child Protection definitions including Mandatory reporting Working With Children Check requirements |

Royal Commission

[Interim Report Volumes One and Two \(June 2014\) Royal Commission into Institutional Responses to Child Sexual Abuse](#)

UNCLASSIFIED

3A-6

UNCLASSIFIED

CHAPTER 4

DEFENCE YOUTH SAFETY RISK MANAGEMENT

This chapter is currently under review

INTRODUCTION

4.1 The goal of the Defence Youth Safety Framework (DYSF) is the creation and maintenance of a youth safe organisation through the adoption of appropriate and consistent approaches to youth safety and youth safety governance.

4.2 In the Defence Youth context, the terms child, young person, youth and minor are equivalent and interchangeable.

KEY ELEMENTS OF YOUTH SAFETY RISK MANAGEMENT

4.3 There are three key organisational elements to be taken into consideration when defining youth safety risk actions – culture, people and the environment.

ELEMENT 1 – DEFENCE ORGANISATIONAL CULTURE

4.4 Defence promotes a culture of individual and collective responsibility for the safety and wellbeing of young people under the age of 18.

4.5 Defence acknowledges and controls risks inherent in all activities that include adults interacting with young people under the age of 18.

4.6 In making decisions under the DYSF, the interests of young people are given the highest priority.

4.7 Defence empowers young people, families, personnel and volunteers to report suspicions, allegations and disclosures of harm to young people, or risks of harm to young people.

ELEMENT 2 – DEFENCE PEOPLE

4.8 Defence personnel, members of the Australian Defence Force Cadets (ADFC) and volunteers know the standards to which they are held when interacting with young people and the consequences of any breaches of the Defence Youth Safety Framework, particularly breaches of codes of conduct.

4.9 Defence personnel, members of the ADFC and volunteers strive constantly to uphold the Defence and/or ADF Cadet organisation values and behave in a way that authenticates Defence as a youth safe organisation.

4.10 Defence personnel and the ADFC have sound practices in place to ensure that adults are suitable and have received training about working with young people under the age of 18.

4.11 Defence personnel, members of the ADFC and volunteers are supported to make good decisions about their interactions with young people under the age of 18.

ELEMENT 3 – DEFENCE ENVIRONMENT

4.12 Defence creates spaces that are welcoming and safe for young people under the age of 18 and will support personnel and volunteers to provide safe and protective activities in suitable and appropriate environments.

4.13 Defence focuses on a proactive approach to managing risk across physical environments, work practices and relationships.

4.14 Defence cultivates a learning and sharing environment to keep up with leading practice risk management action.

4.15 Defence focuses on ensuring that personnel and volunteers are aware of the complexities, indicators and risks of child abuse and neglect.

PURPOSE

4.16 Defence youth safety risk management details the approach, roles and responsibilities for managing risks associated with youth safety in Defence and ADF Cadets. It conforms with the purpose of youth safety governance action by ensuring appropriate organisational systems and processes are in place to:

- a. support risk control action in accordance with leading practice;
- b. enable risk management action and outcome monitoring against known and emerging standards; and
- c. ensure risk management deficiencies and outcomes are addressed.

4.17 Defence youth safety risk management guidance is intended to ensure Defence is a youth safe organisation in which risks are identified and controlled using a leading practice approach for managing youth safety in each of the contexts in which young people interact with Defence.

4.18 Defence youth safety risk management guidance has been designed to:

- a. align with extant Defence risk management processes;
- b. enshrine a culture of, responsibility, accountability, fairness and transparency in all aspects of Youth Safety Risk Management;
- c. reflect the [National Framework for Protecting Australia's Children 2009 – 2020](#)⁴;
- d. enable a consistent approach to managing youth safety risk and issues across Defence and the ADFC, as appropriate to context; and
- e. allow for flexible application across Defence and the ADFC.

YOUTH SAFETY RISK MANAGEMENT FRAMEWORK

4.19 Defence recognises that:

- a. young people under the age of 18 are considered vulnerable and prone to be less risk aware and less risk averse than adults because of their age, physical and emotional immaturity and inexperience; and
- b. the law regards those adults who have, or assume, responsibility for their care and supervision as owing these young people a special duty of care.

4.20 Defence youth safety risk management guidance focuses on prevention through identification and control of both potential and actual risks of harm to young people who interact with Defence.

⁴ <https://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/protecting-children-is-everyones-business>

4.21 A key aspect of youth safety risk management is that interactions with young people under the age of 18, involves risk not only for the young person but also for the adult Defence personnel involved, and ultimately for Defence as an organisation. The main risks for young people under the age of 18 are physical abuse, sexual abuse, emotional abuse and neglect. The main risks for adult Defence personnel, and ultimately for Defence, are:

- a. failure to protect the safety and well-being of all our people including those under the age of 18;
- b. legal liability for failing to comply with legislative obligations; and
- c. damage to Defence's reputation.

4.22 Effective risk management provides decision makers with the evidence to make informed decisions about where, why and how to undertake actions and allocate appropriate and proportionate resources to prevent or control for Youth Safety related risks. This approach reflects the existing Defence risk management requirements.

YOUTH SAFETY RISK MANAGEMENT FUNDAMENTALS

4.23 Youth Safety actions need to be relevant to the type and nature of contact and proportionate to the risk inherent in each of the four central Defence contexts:

- a. Service of ADF members and employment of APS under the age of 18;
- b. Defence Youth Programs;
- c. ADF Cadets; and
- d. domestic and international operations

4.24 Defence youth safety risk management fundamentals underpin all interactions between adults and young people under the age of 18, with risk assessment and control appropriate to the context. The Defence youth safety risk management fundamentals are:

- a. a commitment to youth safety by all Defence and ADF Cadet personnel involved in programs that include interaction with young people under the age of 18 through agreement to work in accordance with the Defence Youth Safety code of conduct Guide;
- b. appropriate suitability screening of adults relevant to the Defence context to determine their suitability to work with young people under the age of 18;
- c. appropriate youth safety education, training and professional development of all personnel and volunteers whose work involves interaction with young people under the age of 18;
- d. widely known, and consistently applied processes for reporting and responding to suspicions, allegations and disclosure of harm or risk of harm to young people under the age of 18;
- e. youth safety featuring as a regular item in relevant senior leadership and program management meeting agendas;
- f. proactive engagement with all nominated parents, guardians or next of kin;
- g. methodical and appropriate action to address all breaches of the DYSF; and

- h. regular review to ensure the framework remains reflective of emerging requirements and leading practice in youth safety.

RISK ASSESSMENT

4.25 In conducting youth safety risk assessments, some general risks tend to apply across the organisation while other risks will be specific to the context.

4.26 General risks include, but are not limited to:

- a. opportunities for unsupervised access to, or physical contact with, young people under the age of 18;
- b. opportunities to develop a relationship of trust between adults and young people over time; and
- c. opportunities for youth to have inappropriate exposure to alcohol and/or prohibited substances.

COMMON RISK CONTROLS

4.27 Notwithstanding the different contexts in which adult/youth interaction may occur, a number of risk controls are **common** to effective youth safety across Defence. These actions include:

- a. ensuring boundaries for appropriate behaviours are clearly articulated, and regularly reinforced through a code of conduct guide;
- b. carrying out appropriate suitability screening;
- c. ensuring both adult personnel and young people complete appropriate training;
- d. ensuring adults work in multiples (pairs or groups) when around young people under the age of 18;
- e. ensuring adults work in line of sight of others when around young people under the age of 18;
- f. minimising one-to-one interactions between adults and young people to the shortest periods of time and fewest number of occasions as truly required;
- g. briefing young people under the age of 18 prior to any physical contact, for example stating that physical contact may occur during physical skills training sessions to ensure safety and correction of technique;
- h. establishing clear boundaries for overnight stays, sleeping arrangements and change room activity. For example, ensuring that young people under the age of 18 do not share rooms with adults participating in, or supervising, an activity except under exceptional circumstances;
- i. maintaining and monitoring adherence to policies regarding:
 - (1) use, possession or supply of drugs and alcohol or other youth inappropriate materials;
 - (2) mobile phone usage including guidance on games, apps and social media usage;
 - (3) physical contact with young people under the age of 18; and
 - (4) ADF member leave management.

4.28 The risk management guide includes a detailed youth safety risk and control matrix.

CHAPTER 5

DEFENCE YOUTH SAFETY RESPONDING AND REPORTING

This chapter is currently under review

INTRODUCTION

5.1 The goal of the Defence Youth Safety Framework (DYSF) is the creation and maintenance of a youth safe organisation through the adoption of appropriate and consistent approaches to youth safety and youth safety governance.

5.2 In the Defence Youth context, the terms child, young person, youth and minor are equivalent and interchangeable.

5.3 Defence youth safety responding and reporting provides detail on:

- a. what constitutes a youth safety incident;
- b. youth safety incident reporting;
- c. initial response; and
- d. ongoing management.

PURPOSE

5.4 This policy contains specific provisions relating to youth safety incidents. All Defence and Australian Defence Force (ADF) Cadets extant and future youth safety incident management guidance, documentation and action must be consistent with this policy.

5.5 A youth safety incident management guide has been developed to assist with the development of local, context-specific procedures.

5.6 The guide is designed to ensure that allegations are handled in a sensitive, prompt and confidential manner and reporting occurs in accordance with legislative requirements (see [Annex 3A](#)) and extant Defence policies.

RESPONDING AND REPORTING FUNDAMENTALS

5.7 Defence expects that all Defence personnel, ADF Cadets including volunteers, contractors and visitors will act in the best interests of young people with their safety and well-being given the highest priority at all times, taking into account the unique context of ADF activities.

5.8 Youth safety responding and reporting recognises that Defence already has established policy and procedures for incident management and reporting:

- a. Interim Defence Instruction (DI) Administration 45-2 Incident Reporting and Management;
- b. Incident Reporting and Management Manual;
- c. DI(G) PERS 35-3 Management and reporting of unacceptable behaviour; and
- d. DI(G) PERS 35-4 Reporting and management of sexual misconduct including sexual offences.

5.9 This policy and the accompanying incident management guide provide additional guidance for handling youth specific safety and protection matters and mandatory reporting requirements.

COMMITMENT TO ACTION

5.10 A principal objective of Defence Youth Safety action is to provide young people and their families with a level of confidence that young people will be provided with safe and protective environments where they can thrive and develop during their interactions with Defence. Because of this, whenever abuse is disclosed, suspected, alleged or observed it is essential that Defence has and follows a robust process for incident reporting and management.

- 5.11 Defence, taking into account the unique context of ADF activities will:
- a. take all reasonable steps to minimise the risk of harm or abuse in each of the four contexts in which adults interact with young people under the age of 18;
 - b. encourage full and honest reporting of Defence youth safety incidents including compliance with mandatory reporting obligations under State and Territory legislation;
 - c. provide training to maximise awareness of the causes of Defence youth safety incidents as well as youth safety responding and reporting; and
 - d. provide guidance on the investigation of incidents, allegations and disclosures which aligns with leading practice.

YOUTH SAFETY INCIDENT

5.12 A youth safety incident is any event or occurrence involving a disclosure, allegation, suspicion or observation of abuse or neglect perpetrated on either an individual young person or a group of young people. It could be a disclosure from a young person, an allegation from an adult and/or observed behaviour that may have breached the DYSF or code of conduct in accordance with existing Defence and/or ADF Cadet Procedures.

REPORTING YOUTH SAFETY INCIDENT

All youth safety incidents are to be reported as soon as practicable to the relevant state or territory authority (see [Annex 3A](#)) and in accordance with Defence and ADF Cadets policy.

- 5.13 Reports may be made by:
- a. A young person;
 - b. Defence personnel and ADF Cadets and volunteers; collectively referred to in this chapter as 'personnel';
 - c. Contractors, suppliers and consultants; collectively referred to in this chapter as 'contractors'; and
 - d. Parents, guardians, specified next of kin, community members and visitors; collectively referred to in this chapter as 'visitors'.

5.14 The state or territory authority to which the incident is reported will decide whether the incident meets the authority's definition of a reportable incident.

5.15 Whatever the state or territory authority decision, Defence requires all personnel, contractors and visitors to report any event or occurrence involving a disclosure, allegation, suspicion or observation of abuse or neglect perpetrated on either an individual young person or a group of young people. It could be a disclosure from a young person, an allegation from an adult and/or observed behaviour that may have breached the DYSF or code of conduct in accordance with existing Defence and/or ADF Cadet Procedures.

5.16 Failure to adhere to reporting obligations not only fails the young person but may result in legal sanctions, administrative and/or disciplinary action.

INCIDENT RESPONDING

INITIAL RESPONSE

5.17 When a young person discloses that they have been abused or neglected, it is an opportunity for an adult to provide immediate support and comfort and to assist in protecting the young person from the perceived cause of abuse or neglect. It is also a chance to help the young person connect to other services, where needed, to help the young person connect with other services that can assist to keep them safe, provide support and/or facilitate their recovery from their experience.

5.18 Such a disclosure is about a young person seeking support and the adult's response can have a significant impact on the young person's ability to seek further help or assistance as appropriate. The timing of the young person's disclosure will influence their immediate needs and this, in turn, will determine the most appropriate response.

For a young person who discloses that they are currently being abused neglected or harmed, the immediate priority for the adults who receive the disclosure is to take all reasonable steps to ensure the young person's safety and protection from further abuse. In addition to Defence reporting requirements, adults may have a legal obligation to notify the appropriate State and Territory Child Protection Authorities in this situation. These obligations differ between states and territories (see [Annex 3A](#)).

COMMAND/MANAGEMENT RESPONSE

5.19 Commanders, Managers and Supervisors (including supervisors of ADF Cadet activities) have particular responsibilities depending on the nature of the incident:

- a. If the young person is in immediate danger call 000 or local Police for assistance.
- b. If the incident is about actual abuse of, or harm perpetrated on, the young person the incident must be reported to the relevant State based Child Protection Statutory Authority.
- c. If allegations involve a potential criminal matter the incident must be reported to the local Police as soon as practicable.
- d. If allegations relate to a breach of the DYSF or code of conduct, the Supervisor/Commander/Manager is required to report the incident to their chain of command for further action as required.

5.20 Commanders, Managers and Supervisors (including supervisors of ADF Cadet activities) are to ensure that the needs, safety and well-being of all parties involved in an incident are taken into consideration when assessing and responding

to an incident. The needs of all parties should be considered at all stages of the reporting, investigation and response process. The parties may include, but are not limited to, young person, the young person's parent/guardians/specified next of kin, external stakeholders, the person against whom the allegation is being made and any witnesses to the incident.

5.21 The Sexual Misconduct Prevention and Response Office (SeMPRO) Commanders and Managers guide provides detailed advice regarding the practical aspects of responding to all persons, adult and young people alike who are victims of sexual misconduct.

5.22 All Commanders, Managers and Supervisors including supervisors of ADF Cadets activities are encouraged to access SeMPRO services which include:

- a. advice on the management of incidents of sexual misconduct, including sexual offences,
- b. assistance with appropriate referrals for support for all people involved in, or witness to an incident; and
- c. support to, and the debriefing of, Commanders, Managers and Supervisors including ADFC.

ONGOING MANAGEMENT

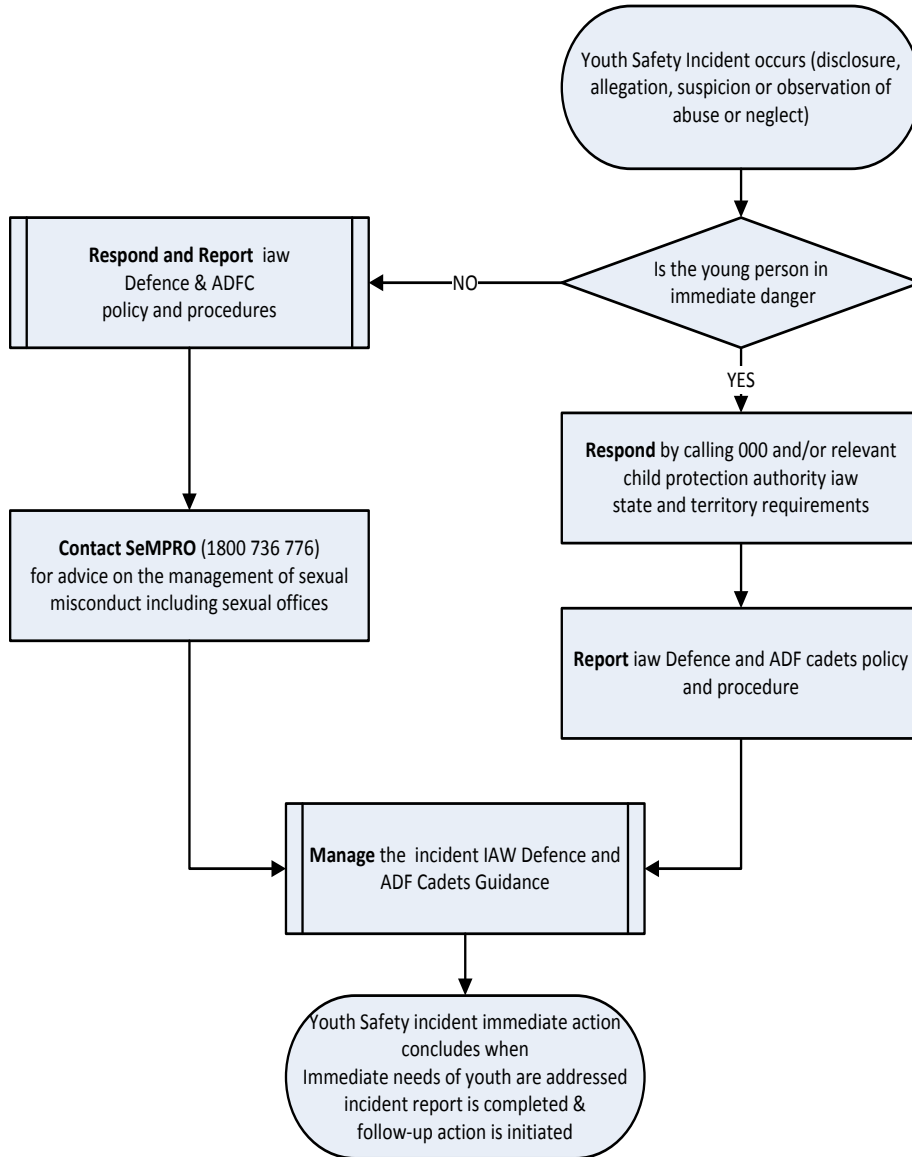
5.23 All incident management actions need to have specified timeframes for achievement and reports can not be finalised until all actions are completed.

5.24 If matters are referred to another agency for investigation due to the nature of the incident this needs to be clearly recorded and any outcome known from that investigation documented prior to closing the incident record.

5.25 Defence will undertake regular review all incidents and associated responses to identify any policy or practice issues that may require enhancement or change to youth safety guidance, training or resources.

YOUTH SAFETY INCIDENT MANAGEMENT AT A GLANCE

Figure 5-1 Youth Safety Incident Management at a Glance



CHAPTER 6

RELATIONSHIPS BETWEEN DEFENCE AND ADF CADETS ADULTS AND YOUNG PEOPLE UNDER THE AGE OF 18

This chapter has had limited consultation.

INTRODUCTION

- 6.1 Defence is committed to fostering an environment that promotes the safety and wellbeing of all young people.
- 6.2 Despite differences in individual state and territory legislation on age of consent and 'special care', Defence does not tolerate any sexual interaction between adults and young people under the age of 18 in any Defence youth context.
- 6.3 Defence expects all ADF members, all APS employees, Officers of Cadets, Instructors of Cadets and Defence Approved Helpers (collectively known as Defence and Cadet Adults), and Defence contracted personnel to maintain appropriate relationships with all young people with whom they come into contact in Defence contexts.

POLICY INTENT

- 6.4 This policy provides clear guidance and direction on interactions and relationships between adults and young people.
- 6.5 In the Defence youth context, the terms: child; young person; young people; youth; and minor, are equivalent and interchangeable and mean a person under the age of 18.

PRINCIPLES

- 6.6 The principles below detail the behaviours and conduct required of all Defence and Cadets Adults and Defence contracted personnel who have contact with young people under the age of 18 in Defence contexts:
- a. **Principle 1** – All sexual interactions between an adult and a person under the age of consent are a criminal offence under state and territory legislation.
 - b. **Principle 2** – All Defence and Cadet Adults share a responsibility for providing 'special care' to all cadets and other minors with whom they come into contact in Defence contexts.
 - c. **Principle 3** – The adult in any sexual relationship between an adult and a young person carries the blame for that relationship – no blame applies to the young person.
 - d. **Principle 4** – Supporting the young person and the parents and/or responsible third parties of any young person involved in a sexual interaction with an adult in Defence contexts is given the highest priority.
 - e. **Principle 5** – All Defence and Cadet Adults, Defence members under the age of 18, cadets and civilian young people participating in Defence youth program activities receive appropriate guidance and training.

POLICY MEASURES AND PRACTICE

Principle 1 – All sexual interactions between an adult and a person under the age of consent are a criminal offence under state and territory legislation.

6.7 In the Defence context, Defence defines the age of consent for all sexual interactions as 18 years old, irrespective of the state or territory legislation in which the interaction occurs, and will take disciplinary and/or administrative action accordingly.

6.8 Age of consent laws are essential measures for protecting children and young people from sexual exploitation and abuse. Such laws effectively determine that children and young people below the age of consent simply do not have the emotional maturity or psychological capacity to consent to sexual activities.

6.9 Even if a young person expresses their willingness to engage in sexual behaviour, this is not consent because of this lack of capacity to give consent. All state and territory jurisdictions therefore consider sexual interactions between an adult and a person under the age of consent to be abusive and illegal.

6.10 However, the legal age for consensual sex varies across Australia. It is 16 years in some states and territories while in others it is 17 years. In addition, in some jurisdictions, 'special care' provisions make sexual interactions between an adult and a person who is above the age of consent but under the age of 18 illegal.

6.11 Defence has a moral and legal duty to protect all young people with whom it comes into contact. Because of this, Defence defines the age of consent in the Defence context as 18 years irrespective of the state or territory location, and strictly prohibits any sexual interaction between an adult and a young person under the age of 18.

6.12 It is therefore imperative that Defence and Cadets adults and Defence contracted personnel understand that while a sexual interaction with someone above the age of consent but under 18 may be legal in their state or territory, it is completely prohibited in the Defence context. To protect children, and avoid legal sanctions and/or Defence disciplinary or administrative measures, Defence and Cadets adults and Defence contracted personnel must be aware both:

- a. of the age of consent and special care provisions as defined in their local jurisdiction; and
- b. that Defence does not tolerate any sexual interaction between adults and young people in any Defence context regardless of individual state and territory ages of consent.

6.13 All Defence and Cadets Adults, including adult ADF trainees, adult cadets and Defence contracted personnel, must maintain the highest ethical standards when interacting with young people. All interactions and relationships between adults and young people should be based on mutual respect, trust and an understanding of the boundaries for appropriate relationships.

Principle 2 – All Defence and ADF Cadets adults share a responsibility for providing 'special care' to all cadets and other minors with whom they come into contact in Defence contexts.

6.14 In addition to age of consent laws, several states and territories have 'special care' provisions which impose additional restrictions on adults in certain contexts (see [Annex 6A](#)). These laws prohibit any person in a supervisory role from engaging

sexually with a person who is under 18, whether or not they are above the age of consent. For example, in some states and territories a teacher is prohibited by law from engaging sexually with a student under the age of 18 but above the age of consent due to their supervisory or 'special care' role. In some states and territories, relevant laws include 'special care' provisions, while in others they do not.

6.15 As an Australia-wide policy position Defence considers that all Defence and Cadet Adults and Defence contracted personnel have a responsibility for providing 'special care' to all young people in Defence contexts regardless of state or territory special care provisions.

6.16 The special care responsibility in the Defence context is reinforced in the Defence Youth Safety Code of Conduct Guide which articulates the requirement for all Defence Codes of Conduct to include:

- a. a statement in the adult expectations of behaviour that requires the individual to 'take all reasonable steps to ensure, that youth are protected from any form of, sexual, physical or psychological harm, or indecent and inappropriate conduct. This includes sexual abuse or grooming for the intent of adult sexual gratification'; and
- b. a statement in the adult declaration that the adult understands any failure to comply with the Code of Conduct will be subject to Defence administrative or disciplinary action and may also be subject to criminal action, depending on the applicable state or territory jurisdiction.

Principle 3 – The adult in any sexual relationship between an adult and a young person carries the blame for that relationship – no blame applies to the young person.

6.17 Under law, grooming or any form of intimate relationship between adults and minors constitutes child abuse. Given this, the adult participant in such a relationship carries the blame entirely – no blame applies to the young person.

6.18 It is therefore critical that individuals responding to and managing any disclosures or allegations of a sexual relationship or abuse that involve a Defence or ADF Cadets Adult or Defence contracted person ensure that the young person is made aware that he/she is entirely blameless.

Principle 4 – Supporting the young person and the parents and/or responsible third parties of any young person involved in a sexual interaction with an adult in Defence contexts is given the highest priority.

6.19 In addition to ensuring the young person is made aware that he/she is entirely blameless it is imperative that the young person and the parents and/or responsible third parties, Commander, managers and support personnel are treated and supported accordingly.

6.20 All Defence personnel and ADF Cadets members are encouraged to use the services of the Sexual Misconduct Prevention and Response Office (SeMPRO) to maximise timely and appropriate support 24 hours a day, 7 days a week, 365 days a year.

6.21 ADF Cadets specific resources can be found at [YOUTH HQ website](#)⁵.

Principle 5 – All Defence personnel, adults and members under the age of 18, all ADF Cadets adults and young people, as well as civilian young people participating in Defence youth program activities receive guidance and training appropriate to context.

6.22 Defence and ADF Cadets Adults and Defence contracted personnel who interact with young people in the Defence context must have the appropriate knowledge, skills and competencies to apply the principles in this policy through completion of training appropriate to their role and responsibility within 30 days of commencement in the role.

ROLES AND RESPONSIBILITIES

SERVICE CHIEFS AND GROUP HEADS

6.23 Service Chiefs and Group Heads must ensure that guidance provided in this chapter is promulgated within their respective Defence youth program/s and that the guidance is complied with.

Annex:

[Age of consent and special care provisions](#)

⁵ <http://www.defenceyouth.gov.au/>

ANNEX 6A

AGE OF CONSENT AND SPECIAL CARE PROVISIONS

1. The age of consent and special care provisions vary between states and territories. The summary information is correct as at July 2016 and is drawn from: [Age of Consent laws](#)⁶ website.

Table 6A–1 State and Territory legislation - age of consent

| State/Territory | Legislation | Age |
|-----------------|---|----------------------|
| ACT | Crimes Act 1900 ⁷ (Section 55) | 16 |
| NSW | Crimes Act 1900 ⁸ (Section 66c) | 16 |
| NT | Criminal Code Act 1983 ⁹ (Section 127) | 16 |
| QLD | Criminal Code Act 1899 ¹⁰ (Sections 208 and 215) | 16 (18 for anal sex) |
| SA | Criminal Law Consolidation Act 1935 ¹¹ (Section 49) | 17 |
| TAS | Criminal Code Act 1924 ¹² (Section 124) | 17 |
| VIC | Crimes Act 1958 ¹³ (Section 45) | 16 |
| WA | Criminal Code Act Compilations Act 1913 ¹⁴ (Section 321) | 16 |

⁶ <https://aifs.gov.au/cfca/publications/age-consent-laws>

⁷ <http://www.legislation.act.gov.au/a/1900-40/li.asp?dispmode=all/>

⁸ http://www.austlii.edu.au/au/legis/nsw/consol_act/ca190082/

⁹ http://www.austlii.edu.au/au/legis/nt/consol_act/cca115/

¹⁰ <https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/CriminCode.pdf>

¹¹ <https://www.legislation.sa.gov.au/LZ/C/A/CRIMINAL%20LAW%20CONSOLIDATION%20ACT%201935/CURRENT/1935.2252.UN.PDF>

¹² http://www.austlii.edu.au/au/legis/tas/consol_act/cca1924115/sch1.html

¹³ http://www.austlii.edu.au/au/legis/vic/consol_act/ca195882/

¹⁴ https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrttitle_218_homepage.html

CHAPTER 7

DISCLOSURE OF CERTAIN PERSONAL INFORMATION IN RELATION TO YOUTH SAFETY INCIDENTS

This chapter has had limited consultation.

INTRODUCTION

7.1 While conducting its activities and programs, including youth programs, Defence gathers and retains personal information about its members and program participants. This personal information is regulated by a number of laws, with personal information held by the Commonwealth generally regulated by the [Privacy Act 1988](#)¹⁵.

7.2 Defence therefore has a legal duty to manage personal information properly. It also has a moral duty to do so – privacy is a human right. This is articulated within a number of international conventions; the specific right of privacy for children and young people is set out in [article 16 of the United Nations Convention On The Rights Of The Child 1989](#)¹⁶.

7.3 Defence holds personal information about young people who participate in its youth engagement and development programs for 12 to 18 year olds and about those aged under 18 who have been appointed or enlisted in the Australian Defence Force (ADF). Information about the administration and management of ADF members under the age of 18 is provided in the *Military Personnel Policy Manual* (MILPERSMAN).

7.4 It is important to note that although under 18, a young person's personal information relates to them in their own right. Whatever their family situation, this information is separate from other information relating to, or held by, the young person's parents or family unit.

POLICY STATEMENT

7.5 Defence is committed to being a youth safe organisation and to ensuring that its management and administration of young people protects the interests and safety of those individuals. In certain circumstances relating to the management of youth safety incidents it may be appropriate for Defence to disclose personal information of a young person or other individuals to protect the interests and safety of young people. The personal information may be disclosed to parents, responsible third parties or government oversight bodies who have a child protection role.

7.6 Interim Defence Instruction (Interim DI) PERS 48-4—*Disclosure of certain personal information in relation to youth safety incidents* is Australian law for the purposes of the [Privacy Act 1988](#) and authorises Defence personnel to undertake the disclosure action described in this policy.

POLICY INTENT

¹⁵ http://www.austlii.edu.au/au/legis/cth/consol_act/pa1988108/

¹⁶ <https://www.unicef.org.au/Upload/UNICEF/Media/Our%20work/childfriendlycrc.pdf>

7.7 This policy provides direction on the disclosure of certain personal information in relation to Youth Safety Incidents. In the Defence youth context, the terms child, young person, youth and minor are equivalent and interchangeable and mean a person under the age of 18.

POLICY PRINCIPLES

7.8 **Principle 1** – All Defence and ADF Cadets adults must adhere to the [Privacy Act 1988](#) when handling personal information.

7.9 **Principle 2** – The personal information of a young person or any other person may be disclosed by Defence personnel in circumstances in which it would protect the interest or safety of a young person.

POLICY MEASURES AND PRACTICES

Principle 1 – All Defence and ADF Cadets adults must adhere to the Privacy Act when handling the personal information.

7.10 The [Privacy Act 1988](#), the [Defence Privacy Policy](#)¹⁷ and the *Defence Security Manual* set out the requirements for the how Defence collects, stores, uses and discloses personal information.

7.11 In relation to the management of Youth Safety Incidents, ‘personal information’ has the same meaning as in section 6 of the [Privacy Act 1988](#). Personal information is information about an identified individual or that enables a person to be identified.

7.12 Where Defence holds personal information about an individual that was collected for a particular purpose, Defence must not use or disclose that information for another purpose.

7.13 The Privacy Statement in [Annex A](#) is to be used on all documentation, information technology systems and at any other occasion where Defence collects information.

7.14 Prior to considering disclosing personal information about a young person or another individual, all other courses of action must be considered. This includes encouraging the young person or other individual to self-disclose the relevant personal information to the parents, a responsible third party or government oversight body.

Principle 2 -The personal information of a young person or any other person may be disclosed by Defence personnel in circumstances in which it would protect the interest or safety of a young person.

7.15 Despite the moral and legal requirements to maintain privacy and manage personal information properly, in some cases the need to protect the safety or interests of a young person overrides this. The Interim DI PERS 48-4 is the authority for Defence personnel to authorise or make the disclosures of personal information outlined in this policy.

DISCLOSURE OF INFORMATION

¹⁷ <http://www.defence.gov.au/complaintresolution/privacy.asp>

7.16 In certain circumstances Defence personnel may disclose or authorise disclosure of personal information held by Defence about a young person to parents, guardians, specified next of kin or a responsible third party if:

- a. the young person has been involved in a Youth Safety Incident;
- b. the information relates specifically to the safety, welfare or wellbeing of a young person; and
- c. they are reasonably satisfied in the circumstances that it is necessary and appropriate for the personal information to be disclosed to protect the interests and safety of the young person.

7.17 Defence personnel can disclose or authorise disclosure of personal information held by Defence about a young person or any other person to a Government oversight body if:

- a. there is a legislative requirement for certain information to be reported to the Government oversight body such as a mandatory reporting requirement, and
- b. all of the conditions or criteria that trigger the reporting requirement are satisfied.

7.18 Only Defence personnel are able make the decision to disclose the personal information of a young person or any other person. Information for decision makers is provided in the Supplement to the Defence Decision Makers Guide for the Disclosure of Certain Personal Information in relation to Youth Safety Incidents.

7.19 A Youth Safety Incident is any event or occurrence involving a disclosure, allegation, or suspicion of abuse or neglect perpetrated on either an individual young person or a group of young people. It could be a disclosure from a young person, an allegation from an adult and/or observed behaviour that may have breached the Defence Youth Safety Framework or the relevant code of conduct under existing Defence and/or ADF Cadets policies.

7.20 Personal information may also be sensitive information. 'Sensitive information' has the same meaning as given in section 6 of the [Privacy Act 1988](#) and includes such things as health or genetic information or information about a person's beliefs or their racial or ethnic origins (a full list is in the Act). Sensitive information has an additional layer of protection.

7.21 This policy does not permit Defence personnel to disclose or authorise disclosure of sensitive information to parents, guardians, specified next of kin, a responsible third party or Government oversight body. Disclosure of personal information is limited to identifying information only.

7.22 Factors that may be relevant when deciding whether to release personal information include, but are not limited to, the young person's age, any wishes expressed by the young person, the nature of the personal information, and the nature of the Youth Safety Incident (further guidance is available in the Supplement to the Defence Decision Makers Guide for the Disclosure of Certain Personal Information in relation to Youth Safety Incidents, this manual and the MILPERSMAN.

7.23 Consistent with the [Privacy Act 1988](#) and where practicable, disclosure of personal information should be constrained to that which is pertinent to the circumstance.

7.24 The young person or any other person, who is the subject of the information, is to be advised of any decision to disclose their information by a decision maker, prior to the disclosure occurring. This is to allow the young person or any other person the opportunity to self-disclose or to request a review of the decision.

APPLICATION AND COMPLIANCE

7.25 This policy applies to all Defence personnel and ADF Cadets adults.

7.26 All information and records in relation to any disclosure of personal information are to be kept in accordance with the *Records Management Policy Manual*.

UNINTENDED CONSEQUENCES FROM APPLICATION OF THIS POLICY

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

REVIEW OF DISCLOSURE ACTION

7.28 Where the decision to disclose personal information of an ADF member has been made, this decision can be reviewed in accordance with procedural fairness requirements as detailed in the Complaints and Alternative Resolutions Manual Chapter.

7.29 Where the decision to disclose the personal information of a Defence Youth Program participant under the age of 18 or an ADF Cadets adult has been recommended by the decision maker, the young person or ADF Cadets adult can request a review and natural justice is to apply. The review is to be conducted by a Defence member other than the decision maker. Each ADF Cadet organisation is to ensure that young people and ADF Cadets Adults are aware of the review process when a decision has been made to disclose personal information.

7.30 Where the decision to disclose the personal information in accordance with this policy is time sensitive, the opportunity for review may be limited. In these circumstances, members of the ADF Cadets will not be able to seek a review of that decision. ADF members may be able to seek redress in accordance with the Complaints and Alternative Resolutions Manual Chapter. However, the redress of grievance system is unlikely to be able to revoke a disclosure which has already taken place. Any person affected by a decision under this policy is also able to make a complaint in accordance with the [Defence Privacy Policy](#)¹⁸ Part 8.

AUSTRALIAN DEFENCE FORCE CADETS DISCLOSURE OF A YOUNG PERSON'S PERSONAL INFORMATION

7.31 The authority to disclose personal information, Interim DI PERS 48-4, applies only to Defence personnel. No ADF Cadets Officer of Cadets, Instructor of Cadets or Defence Approved Helper, is routinely permitted to disclose the personal information of young people (or of any other person).

7.32 If an ADF Cadets Officer of Cadets, Instructor of Cadets or Defence Approved Helper becomes aware of a Youth Safety Incident, or other circumstances

¹⁸ <http://www.defence.gov.au/ComplaintResolution/privacy.asp>

where Defence may need to protect a young person's safety or interests by disclosing their personal information to their parents or a responsible third party, they are to immediately:

- a. notify their relevant ADF Cadet Organisation of the matter, and
- b. refer all relevant information to the decision maker.

7.33 In exceptional circumstances a member of Defence who is the decision maker can authorise an ADF Cadets Officer of Cadets, Instructor of Cadets or Defence Approved Helper to disclose the personal information of a young person or any other person to a parent, guardian, specified next of kin, a responsible third party or government oversight body. The Supplement to the Defence Decision Makers Guide for the Disclosure of Certain Personal Information in relation to Youth Safety Incidents contains explanations and examples of these exceptional circumstances.

7.34 Each ADF Cadets Organisation is to ensure that a process for the notification mentioned above is promulgated to all Officers of Cadets, Instructor of Cadets and Defence Approved Helpers.

ROLES AND RESPONSIBILITIES

SERVICE CHIEFS AND GROUP HEADS

7.35 Service Chiefs and Group Heads must ensure that guidance provided in this chapter is promulgated and monitored for compliance.

RELATED POLICY

Interim DI PERS 48-4

[Defence Privacy Policy](#)

Good Decision-Making in Defence: A guide for Decision-Makers and those who brief them

Military Personnel Policy Manual Part 7 Chapter 5

Complaints and Alternative Resolutions Manual Chapter 6

Defence Records Management Policy Manual

Annex:

7A [Use of the Privacy Statement](#)

ANNEX 7A

USE OF THE PRIVACY STATEMENT

1. The following Privacy Statement is to be used on all documentation, information technology systems and at any other occasion where Defence collects information.
2. The Defence Privacy Policy is designed to inform individuals about the way Defence (including the Australian Defence Force Cadets) collects, stores, uses and discloses personal information. This policy is supplemented by privacy provisions contained in the Youth Policy Manual. I understand that the information I provided to Defence and any other information Defence collects about me may be used and/or disclosed by Defence to parents, responsible third parties or any law enforcement body, child protection agency or any other organisation where this considered necessary to safeguard young people. The Defence Privacy Policy and contact details regarding privacy in Defence are available at <http://www.defence.gov.au/ComplaintResolution/privacy.asp>. The Youth Policy Manual is available at [YouthHQ - Home](#)¹⁹

¹⁹ <http://www.defenceyouth.gov.au/>

CHAPTER 8

DEFENCE YOUTH SAFETY: USE OF SOCIAL MEDIA

This chapter has had limited consultation.

INTRODUCTION

8.1 The use of social media has become an integral component of modern communication, education and day to day social interaction.

8.2 Social media and online environments refer to technological devices and platforms including social network services such as Facebook, Instagram and Snapchat, as well as blogs, chat rooms, gaming, online health, education and other services, apps, clouds, and sharing sites. 'Social media' also refers to the practices and social relations that are formed through social media.

8.3 Social media are used extensively by young people and while the appropriate use of social media can be a positive experience, misuse of social media can have a serious and lasting adverse effect on the health and reputations of both individuals and organisations.

8.4 By ensuring the safe use of social media, all Defence and cadet adults and Defence Approved Helpers (DAH) play a crucial role in keeping young people safe and protecting them from abuse and sexual exploitation.

8.5 Defence has a duty of care to promote and safeguard the wellbeing of young people in the Defence context. The importance of social media in modern life, especially among the young, means it poses a particular risk to child safety. All Defence and cadet adults, including DAH, have a duty to be both aware and vigilant in this area and to take appropriate action, including reporting, where a young person is at risk of becoming a victim of an offence by an adult associated with Defence.

POLICY INTENT

8.6 The purpose of the policy is to minimise the opportunity for abuse in the online environment in any of the four Defence youth contexts and ensure adults and young people are equipped with the knowledge and skills to keep them safe.

POLICY PRINCIPLES

8.7 The principles for the safe use of social media and social networking in Defence youth contexts are:

- a. **Principle 1** – Only an authorised spokesperson, or their delegate, may post content on Defence social media accounts.
- b. **Principle 2** – All Defence and cadet adults, including DAH and cadets over the age of 18, are responsible for promoting youth safe practices and behaviours.
- c. **Principle 3** – All young people are provided with information relating to safe social networking and the safe use of social media.
- d. **Principle 4** – Information created through the use of Social Media is managed in accordance with Defence Records Management Policy Manual and the Defence Communication Manual.

POLICY PRACTICE AND MEASURES

Principle 1 – Only an authorised spokesperson, or their delegate, may post content on Defence Youth Program official social media accounts.

8.8 An authorised spokesperson or their delegate may be at any level in the organisation, but must have completed appropriate social media training. This training is to include associated security considerations, sensitive issues, record keeping requirements and the need for apolitical content.

8.9 Defence youth programs including the Australian Defence Force (ADF) Cadets are not permitted to create or operate official social media accounts which are recognisably associated with Defence without approval from an appropriate delegate.

8.10 The Defence Communication Manual provides advice on how to conduct the communication and public affairs functions of official media relations, social media, multimedia, publications, communication and event planning, crisis management and corporate brand management.

Principle 2 – All Defence and Cadet Adults including Defence Approved Helpers and cadets over the age of 18 are responsible for promoting youth safe social media practices and behaviours. Code of conduct guidance can be located on the [Defence Youth Safety Framework website](#)²⁰.

8.11 Defence youth programs often use social media platforms such as Facebook, Twitter, Pinterest, or Instagram accounts. Adoption of youth safe social media practices and behaviours not only minimises many of the risks associated with the use of social media and social networking but can also protect Defence and cadet adults from any perceptions of behaviour that might be considered inappropriate.

8.12 All Defence and cadet adults, including DAH, have both an individual and collective responsibility for youth safety in the Defence context. These responsibilities include being a positive role model and minimising the risk of harm to young people using social media.

8.13 Safe social media practices must include careful consideration of the nature of the contact:

8.14 All contact between Defence and cadet adults, including DAH, and young people involved in a Defence youth program should be for official purposes only. Personal or private contact is prohibited. This includes one-to-one communication or contact through social media accounts ie 'friending', 'following', 'tagging', mobile phones, texting or email communication.

8.15 Email contact with a young person outside the program should go through the parent/guardian. Any direct contact with families must only be made in relation to the activities provided as part of the youth program and should generally include more than one program adult in every email exchange. Wherever possible and appropriate the parent/guardian should be copied into the communication.

8.16 Defence and cadet adults including DAH must not use social media to initiate, seek or request private arrangements outside the program, such as outside work, or voluntary roles such as babysitting, sports coaching, house-sitting, tutoring.

²⁰ <http://www.defenceyouth.gov.au/youth-safety/defence-youth-safety-framework>

8.17 Where a specific program requires direct contact with a young person, written approval should be sought from the parent/guardian. This written approval can range from an ad hoc approval for a specific case to a general permission provided annually (or for a shorter period).

UNACCEPTABLE USE OF SOCIAL MEDIA IN THE DEFENCE YOUTH CONTEXT

CYBER BULLYING

8.18 Cyber bullying is the deliberate use of social media platforms, information and communication technologies, and new media technologies (eg email, phones, chat rooms, discussion groups, applications, instant messaging, blogs, video clips, cameras, websites/pages, blogs and gaming sites) to repeatedly harass, threaten, humiliate and victimise another person with the intention to cause harm, reputation damage, discomfort and intimidation.

8.19 Cyberbullying is prohibited in the Defence youth context. Any Defence or cadet adult, including DAH, who becomes aware, or suspects, that cyberbullying has occurred or is occurring has a duty to report it.

8.20 Cyberbullying and the law: The Commonwealth Criminal Code, set out in the schedule to the [Criminal Code Act 1995](#)²¹, provides for an offence of ‘using a carriage service to menace, harass or cause offence’ and ‘using a carriage service to make a threat’. These would capture conduct amounting to harassment, for example, via the internet, including social media, and telephone. Examples of prosecutions under this offence include posting offensive pictures and comments on Facebook tribute pages; posting menacing messages on Facebook; and sending repeated menacing emails.

8.21 For the purposes of this section “carriage service” has the same meaning as in the [Telecommunications Act 1997](#)²².

8.22 The Office of the Children’s [eSafety Commissioner](#)²³ is an independent statutory office created by the [Enhancing Online Safety for Children Act 2015](#)²⁴ has a wide range of functions and powers to enhance online safety for Australian children. Importantly, the Act provides a new safety net for Australian children who have been a victim of cyber bullying and are not satisfied with how a social media service has dealt with their complaint.

8.23 Victoria’s anti bullying legislation known as [Brodie’s Law](#)²⁵ has widened the scope of stalking provisions to include behaviour that includes serious cyber bullying.

8.24 A site with useful information on cyberbullying organised by state and territory and designed for young people is: [Lawstuff Australia](#)²⁶.

²¹ <https://www.legislation.gov.au/Series/C2004A04868>

²² http://www.austlii.edu.au/au/legis/cth/consol_act/ta1997214/

²³ <https://www.esafety.gov.au/>

²⁴ <https://www.esafety.gov.au/about-the-office/legislation>

²⁵ <http://www.justice.vic.gov.au/home/safer+communities/crime+prevention/bullying+---brodies+law>

²⁶ <http://www.lawstuff.org.au/>

GROOMING AND PORNOGRAPHY

8.25 Grooming a person under the age of consent for the purpose of sex or sexual gratification is a crime. This also applies to online or phone grooming.

8.26 Taking, sharing or posting sexualised photos or videos of yourself or other people under the age of consent may be a crime under child pornography laws and is prohibited in the Defence context.

8.27 Producing and distributing photos or videos of people engaged in private acts (eg having a shower, in the toilet) without their consent may constitute a criminal offence and is prohibited in the Defence context.

8.28 Defence has defined the age of consent as 18 years old for all interactions in Defence contexts irrespective of state and territory definitions of the age of consent and does not tolerate any sexual interaction between adults and young people under the age of 18 in Defence contexts.

8.29 Defence does not tolerate behaviour of a sexual nature that constitutes a criminal sexual offence. Incidents of suspected youth abuse or pornography involving a young person must be reported to state and territory authorities in accordance with the applicable policy:

- a. Defence Incident Reporting and Management Manual
- b. The Youth Policy manual (YOUTHPOLMAN) Pt1 Chapter 5 Defence Youth Safety Responding and Reporting
- c. YOUTHPOLMAN Part 2 Chapter 2 - ADF Cadets: Youth Safety

8.30 Contact details for State Child Protection Authorities relating to making a report can be found on the [YOUTHHQ website](#)²⁷.

Principle 3 – All young people are provided with information relating to safe social networking and the safe use of social media.

8.31 Safe social networking and the safe use of social media requires all users, and particularly young people, to have sufficient information available to them to make informed use of social media decisions related to:

- a. how any 'like'/'don't like'/'follow'/'post' actions or comments might compromise or discredit either an individual's standing or the reputation of a Defence youth program or Defence more broadly;
- b. the impact of disclosing personal information online;
- c. the impact of posting information or images that may damage personal or professional reputations of others, including family members;
- d. online security settings;
- e. tagging photos of friends or colleagues online without their permission;
- f. posting images of Defence bases where the location or any details about the base can be reasonably ascertained through geotags and metadata; and
- g. the obligations associated with posting images of members in uniform on non-Defence sites.

²⁷ <http://www.defenceyouth.gov.au/>

8.32 Everything posted online is stored even if deleted. Every time a Short Message Service message is sent it is saved by telecommunication companies even after it is deleted by the user. Emails and private messages sent are stored by the platform's host providers. Chat conversations through companies like Messenger and other social media applications are stored on servers. Every device that accesses the internet has its own Internet Protocol address that can be traced back to the user.

8.33 The resources provided on the [YOUTH HQ website](#) provide further information about safe use of social media and social networking.

Principle 4 - Information created through the use of official social media is managed in accordance with the Defence Records Management Policy Manual and the Defence Communication Manual.

8.34 The official use of social media creates official records which provide evidence of the Defence and ADF Cadets business activities for which there is a legal requirement to implement appropriate records management practices and privacy protection, as for any other Commonwealth record.

8.35 For further advice and assistance on responsibilities to capture records, refer to the Defence Records Management Policy Manual, or contact the Defence Freedom of Information Management Branch.

Annex:

8A [Sexual interactions with 16 and 17 year olds under special care](#)

RELATED POLICY

Defence Security Manual

Defence Records Management Policy Manual

Defence Communication Manual

COMMONWEALTH LEGISLATION

[Archives Act 1983](#)

[Privacy Act 1988](#)

[Defence Force Discipline Act 1982](#)

[Defence Act 1903](#)

[Crimes Act 1914](#)

[Criminal Code Act 1995](#)

[Crimes Legislation Amendment \(Telecommunications Offences and Other Measures\) Act \(No. 2\) 2004](#)

[Customs \(Prohibited Imports\) Regulations 1956](#)

[Public Service Act 1999](#)

[Telecommunications Act 1997](#)

[eSafety Commissioner](#)

ANNEX 8A

**SEXUAL INTERACTIONS WITH 16 AND 17 YEAR OLDS
UNDER SPECIAL CARE**

1. Although the legal age of consent throughout Australia is either 16 or 17 years of age, legislation in New South Wales, Victoria, Western Australia, South Australia and the Northern Territory makes it an offence for a person in a supervisory role to sexually engage with a person under their special care who is aged 16 or 17 years. A person in a supervisory role providing 'special care' may include: a teacher, foster parent, religious official or spiritual leader, a medical practitioner, an employer of the child or a custodial official. For further information regarding sexual interaction with 16 and 17 years old under special care please see the relevant state or territory legislation.

CHAPTER 9

DEFENCE YOUTH SAFETY: PROHIBITED SUBSTANCES, TOBACCO AND ALCOHOL

This chapter has had limited consultation.

INTRODUCTION

9.1 Defence has an ongoing commitment to being a youth safe organisation and actively strives to create and maintain environments where all adults who engage with young people in the Defence context know and understand the expectations for behaviour relating to prohibited substances, tobacco and alcohol.

POLICY INTENT

9.2 This policy seeks to ensure young people are not subjected to the dangers associated with illegal, unsafe and/or inappropriate, supply, sale or use of prohibited substances, tobacco and alcohol.

9.3 All adults working with young people are acting in a position of trust. All young people are likely to view adults, including cadets over the age of 18, as role models. It is essential that every reasonably practicable precaution is taken to protect young people participating in Defence youth programs from the harm associated with inappropriate exposure to prohibited substances, tobacco and alcohol.

9.4 For the purposes of this policy the term Cadet Adults means all Officers of Cadets, Instructors of Cadets, Defence Approved Helpers/adult volunteers and cadets over the age of 18 in the ANC, the AAC and the AAFC.

9.5 Guidance relating to ADF Members under the age of 18 is contained in the *Military Personnel Policy Manual* (MILPERSMAN).

POLICY PRINCIPLES

9.6 The principles applicable to this policy are:

- a. **Principle 1** - All young people have the right to an environment which is free of prohibited substances, tobacco and alcohol.
- b. **Principle 2** - Prohibited substances, tobacco and alcohol policy and practice are informed by legislation, Defence policy and leading practice.

POLICY PRACTICES AND MEASURES

Principle 1 - All young people have the right to an environment which is free of prohibited substances tobacco and alcohol.

9.7 Defence requires all youth program activities to be free from prohibited substances, alcohol and the effects of tobacco.

PROHIBITED SUBSTANCES AND ALCOHOL

9.8 The possession, supply, sale or use of prohibited substances and alcohol by Defence and ADF Cadets Adults, including cadets over the age of 18, while participating in, or supporting Defence Youth Program or ADF Cadets activities is prohibited.

TOBACCO

9.9 The supply and sale of tobacco by Defence and ADF Cadets Adults including cadets over the age of 18, to any young person participating in a Defence Youth Program or ADF Cadets activity is prohibited.

9.10 The use of tobacco by Defence and ADF Cadet Adults including cadets over the age of 18 in the presence of cadets under the age of 18 is prohibited.

9.11 Failure to comply with any aspect of this policy is considered to be a breach of the [Defence Youth Safety Framework](#)²⁸. Specific prohibitions include:

- a. The supply, sale or use of prohibited substances;
- b. The misuse of prescription or over-the-counter medications;
- c. The supply of tobacco products, including electronic cigarettes, to young people under the age of 18;
- d. Smoking, chewing tobacco or using electronic cigarettes in the presence of young people during youth activities;
- e. Smoking or chewing tobacco, or using electronic cigarettes in buildings, tents and other structures used for youth activities, or within any distance specified under state or territory legislation of entrances, windows or ventilation intakes to buildings, tents and other structures in use during youth activities;
- f. The consumption of alcohol whilst participating in or supporting Defence youth program activities;
- g. The sale or supply of alcohol to under 18s; and
- h. The consumption of alcohol by under 18s.

ZERO BLOOD ALCOHOL

9.12 All adults participating in youth program activities must at all times register a zero blood alcohol reading in accordance with National Guidelines for hand held breath analyser tests, Commonwealth and State and Territory legislation. Any Defence or ADF Cadet Adult or young person who is impaired or affected by alcohol must be stood down from the youth activity and managed appropriately until their personal safety is assured and they no longer appear to be affected by alcohol.

YOUNG PEOPLE UNDER THE AGE OF 18

9.13 Young people under the age of 18 participating in youth program activities are also prohibited from the possession or use of prohibited substances, alcohol and tobacco, or their supply, or sale to their peers or adults.

Principle 2 - Prohibited substances, alcohol and tobacco policy and practice are informed by legislation, Defence policy and leading practice.

9.14 Defence and ADF Cadet Adults must receive appropriate training regarding the requirements of this policy relevant to their roles and responsibilities. The requirements of this policy should be discussed with Defence and ADF Cadet Adults, DAH, young people and parents/guardians.

²⁸ <http://www.defenceyouth.gov.au/>

Defence has detailed guidance related to minimizing alcohol-related harm, The Australian Defence Force [Defence Drug and Alcohol Management Plan 2014-2017](#)²⁹ developed in consultation with leading practice drug and alcohol advisors.

9.15 Service Chiefs must ensure there are local operating procedures that give effect to this policy and that no adult participating in or supporting Defence youth program activities is affected by alcohol or drugs (including prescription medication) that may impair their capacity to fulfil their duty of care responsibilities. This does not mean that Defence and ADF Cadets Adults who require prescription medication must be excluded, but rather that consideration be given as to whether that medication affects their capacity to provide adequate care to children and that a young person's safety is not compromised.

RELATED POLICY

[Archives Act 1983](#)

[Crimes Act 1914](#)

[Customs Act 1901](#)

[Medicines, Poisons and Therapeutic Goods Act 2008](#)

[Privacy Act 1988](#)

DEFENCE

DI PERS 15-5 – Management of the use or involvement with prohibited substances in the Australian Defence Force

Military Personnel Policy Manual

Military Personnel Policy Manual (MILPERSMAN), Part 4, Chapter 1- Alcohol Management in the Australian Defence Force

Defence Privacy Policy

[Defence \(Prohibited Substances\) Determination 2015](#)

Explanatory Statement Defence (Prohibited Substances) Determination 2015

[Defence Drug and Alcohol Management Plan 2014-2017](#)

Other useful links

<http://www.alcohol.gov.au/>

<http://goodsports.com.au/>

<http://www.health.gov.au/>

<http://www.nationaldrugstrategy.gov.au/>

<http://www.health.gov.au/internet/main/publishing.nsf/Content/Illicit+Drugs-3>

²⁹ <http://www.defence.gov.au/Health/DMH/Docs/AlcoholManagementStrategyandPlan.pdf>

