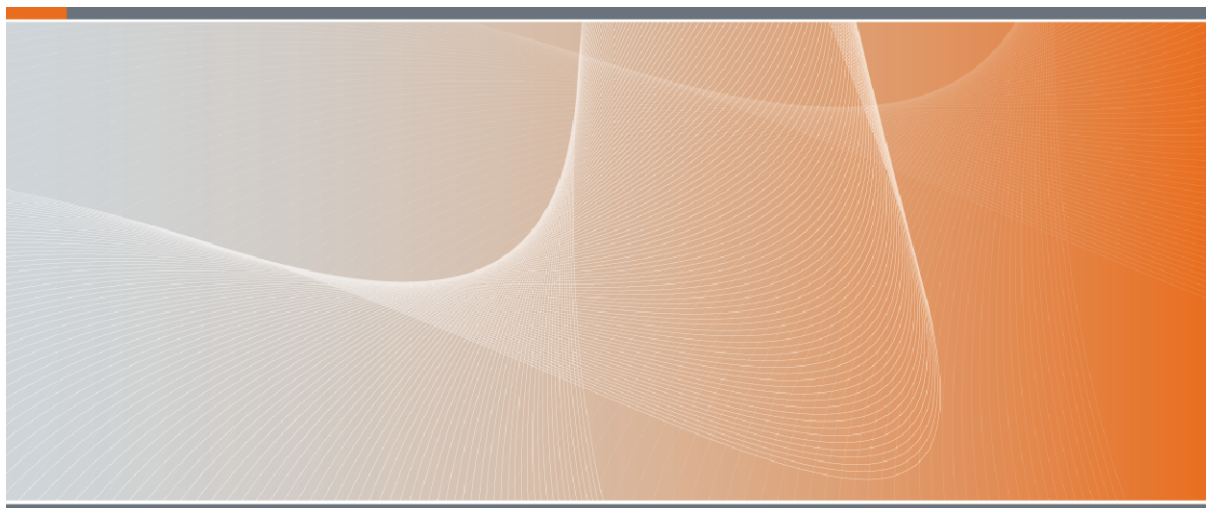




**Australian Government**  
**Department of Defence**

## **INTERIM DEFENCE INSTRUCTION PERSONNEL 48-4**

**DISCLOSURE OF CERTAIN PERSONAL INFORMATION IN RELATION TO  
YOUTH SAFETY INCIDENTS**



Handwritten signature of Brendan Sargeant in black ink.

**Brendan Sargeant**  
Associate Secretary

Department of Defence  
CANBERRA ACT 2600

30 April 2017

Handwritten signature of RJ Griggs in black ink.

**RJ Griggs**  
Vice Admiral, RAN  
Vice Chief of the Defence Force

Department of Defence  
CANBERRA ACT 2600

30 April 2017

**AMENDMENT CERTIFICATE**

<b>Amendment number</b>	<b>Amendment</b>	<b>Amendment Type</b>	<b>Effective date</b>

## INTERIM DEFENCE INSTRUCTION

DISCLOSURE OF CERTAIN PERSONAL INFORMATION IN RELATION TO  
YOUTH SAFETY INCIDENTS

Date issued:	30 April 2017
Issued by:	Jointly by the Associate Secretary and the Vice Chief of the Defence Force in accordance with powers delegated to them by the Secretary of the Department of Defence and the Chief of the Defence Force (CDF) under subsection 120A(3B) of the <a href="#">Defence Act 1903</a> . This interim Defence Instruction (interim Instruction) is issued under section 11 of the <a href="#">Defence Act 1903</a> .
Review due:	30 April 2018
Purpose:	<p>In some circumstances it may be appropriate for Defence personnel to disclose the personal information of a young person or other individuals to protect the interests and safety of young people. This interim Instruction authorises Defence personnel to disclose certain personal information in certain circumstances relating to the management of youth safety incidents. The personal information may be disclosed to parents, responsible third parties or Government oversight bodies.</p> <p>For the purposes of the <a href="#">Privacy Act 1988</a>, this interim Instruction is Australian law.</p> <p>Guidance and procedural material relating to this interim Instruction will be included in the Youth policy manual and a supplement to <a href="#">Good Decision-Making in Defence: A Guide for Decision-Makers and Those who Brief Them</a>. Until that material is finalised, advice can be obtained from the policy contact.</p>
Availability:	The latest version of this interim Instruction is available only from <a href="http://intranet.defence.gov.au/home/documents/departme.htm">http://intranet.defence.gov.au/home/documents/departme.htm</a> . 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 the Defence Force
Policy owner:	Head Reserve and Youth Division
Policy contact:	Director Youth
Cancellations:	This interim Instruction does not cancel any other document.
Definitions:	Definitions that apply to this interim Instruction are at Attachment A.

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## POLICY STATEMENT

1. Defence is a youth-safe organisation. The Secretary and the Chief of the Defence Force require all Defence personnel to protect the interests and safety of young people.
2. In all circumstances other than those related to a youth safety incident, relevant policy is contained in the [Defence privacy policy](#).<sup>1</sup>

## AUTHORISATION

## DISCLOSURE OF PERSONAL INFORMATION TO PARENTS OR RESPONSIBLE THIRD PARTIES

3. Defence personnel are authorised to disclose personal information held by Defence about a young person or any other person to the young person's parents or a responsible third party, if:
  - a. the young person has been involved in a youth safety incident, and
  - b. the discloser is 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.
4. 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. The Defence-wide documents in the framework apply to all Defence personnel.

## DISCLOSURE OF PERSONAL INFORMATION TO GOVERNMENT OVERSIGHT BODIES

5. Defence personnel are authorised to disclose personal information held by Defence about a young person or any other person to a Government oversight body if:
  - a. there is a State or Territory legislative requirement to report certain information to a Government oversight body (the reporting requirement), and
  - b. all of the conditions or criteria that trigger the reporting requirement are satisfied.

## SENSITIVE INFORMATION

6. Defence personnel are not authorised to disclose sensitive information to parents, responsible third parties or Government oversight bodies.

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<sup>1</sup> <https://objective/id:AB23392727>

## APPLICATION AND COMPLIANCE

7. This interim Instruction is an administrative policy framework document. Failure to adhere to the provisions contained in administrative policy framework documents may result in a breach of legislation or other legal requirement and sanctions under that legislation may apply.
8. This interim Instruction applies to all Defence personnel.
9. A mandatory requirement of this interim Instruction is identified through the use of the word **must**.
10. Defence personnel may be subject to performance management, administrative action, or, in some circumstances, disciplinary action where their decision to depart from manual or policy provisions involves serious errors of judgement.
11. This interim Instruction comprises a ‘general order’ for the purposes of the [Defence Force Discipline Act 1982](#).<sup>2</sup> Failure to comply with any mandatory or prohibitive requirement of this interim Instruction that applies to a Defence member or a Defence civilian may result in administrative or disciplinary action being taken against the Defence member.
12. This interim Instruction is a direction to Defence Australian Public Service employees for the purpose of subsection 13(5) of the [Public Service Act 1999](#)<sup>3</sup> (subsection 13(5) forms part of the Australian Public Service Code of Conduct). Failure to comply with a mandatory or prohibitive requirement of this interim Instruction that applies to a Defence Australian Public Service employee may result in investigation and possible sanctions as set out in subsection 15(1) of the [Public Service Act 1999](#), ranging from a reprimand to termination of employment.

## UNINTENDED CONSEQUENCES FROM APPLICATION OF THIS INTERIM INSTRUCTION

13. Where Defence personnel consider the application of this interim Instruction would produce an unintended or undesirable consequence, they should inform their supervisor about the issue to have the matter resolved with the policy owner.
14. In the event that this interim Instruction duplicates or is in conflict with material contained in another document intended for the internal administration of Defence, the mandatory provisions in this interim Instruction will prevail.

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<sup>2</sup> <https://www.legislation.gov.au/Series/C2004A02711>

<sup>3</sup> <https://www.legislation.gov.au/Details/C2016C00420>

## DEFINITIONS

<b>Accountable officer</b>	Is a member of the Enterprise Business Committee, appointed by, and accountable to, the Secretary and the CDF for policies residing in their policy domain and the framework documents that explain those policies.
<b>Administrative policy</b>	Is a term used to refer collectively to a class of documents that expresses the Defence senior leadership's approach to organising and managing the organisation. It consists of principles and rules that mandate requirements of, or provisions for, members of the organisation (what must be done) and procedures to assist in their implementation (how it should be done). Administrative policy is contained in different document types according to the intended purpose.
<b>Defence</b>	Is the Department of Defence and the Australian Defence Force (ADF).
<b>Defence Australian Public Service employee (Defence APS employee)</b>	Is a person employed under the <a href="#">Public Service Act 1999</a> in the Department of Defence.
<b>Defence civilian</b>	As defined in section 3 of the <a href="#">Defence Force Discipline Act 1982</a> (DFDA), is a person (other than a Defence member) who: <ul style="list-style-type: none"><li>a. with the authority of an authorised officer as defined in the DFDA, accompanies a part of the ADF that is outside Australia, or on operations against the enemy; and</li><li>b. has consented, in writing, to subject themselves to ADF discipline while so accompanying that part of the ADF.</li></ul>
<b>Defence locally engaged employee</b>	Is any person engaged overseas by contract or under section 74 of the <a href="#">Public Service Act 1999</a> .

<b>Defence member</b>	As defined in the <a href="#">Defence Force Discipline Act 1982</a> is a person who is: <ul style="list-style-type: none"><li>a. a member of the Permanent Navy, the Regular Army or the Permanent Air Force; or</li><li>b. a member of the Reserves who:<ul style="list-style-type: none"><li>(1) is rendering continuous full-time service; or</li><li>(2) is on duty or in uniform.</li></ul></li></ul>
<b>Defence personnel</b>	All Australian Public Service employees in the Department of Defence (Defence APS employees), Defence members, Defence locally engaged employees, Defence civilians, and foreign personnel on exchange to Defence.
<b>Defence-wide document</b>	Is a framework document that applies to Defence personnel in more than one Group or Service.
<b>Framework documents</b>	Are administrative policy documents that are part of the administrative policy framework. They are: accountable authority instructions, Defence Instructions, interim Defence Instructions, manuals, Group/Service-specific documents.
<b>Government oversight body</b>	Is a body established under an Australian law, including State and Territory laws, whose functions include or relate to child protection and promoting the interests of children.
<b>Harm</b>	Is any significantly detrimental effect on a young person's psychological, physical or emotional well being. Harm is typically defined in a legal context and varies between Australian States and Territories.
<b>Parent</b>	Is any person having parental responsibility or guardianship of a young person under the age of 18 including legal guardians and specified next of kin.
<b>Period-of-effect</b>	Is the period of time a document remains current. Documents that reach the end of their period-of-effect will be cancelled. Documents can be assigned a new period-of-effect by being reviewed.



<b>Personal information</b>	<p>Has the same meaning as in section 6 of the <a href="#">Privacy Act 1988</a>:</p> <p><b><i>personal information</i></b> means information or an opinion about an identified individual, or an individual who is reasonably identifiable:</p> <ul style="list-style-type: none"><li>(a) whether the information or opinion is true or not; and</li><li>(b) whether the information or opinion is recorded in a material form or not.</li></ul>
<b>Policy domain</b>	<p>Means administrative policies that have been grouped together under one accountable officer due to their related content or business function.</p>
<b>Policy owner</b>	<p>Is a person appointed by an accountable officer to be responsible to that accountable officer for achieving effective policy outcomes for their particular business function and for effectively implementing policies and procedures contained in framework documents.</p>
<b>Provision</b>	<p>Is a condition or stipulation formally incorporated in a framework document.</p>
<b>Responsible third party</b>	<p>Is a person or body other than a parent who owes a duty of care, has supervisory responsibility, or otherwise has a role in protecting the interests or ensuring the welfare of the young person. This may include their school teachers or head master, or charitable organisations.</p>
<b>Sensitive information</b>	<p>Has the same meaning as in section 6 of the <a href="#">Privacy Act 1988</a>, being:</p> <p><b><i>sensitive information</i></b> means:</p> <ul style="list-style-type: none"><li>(a) information or an opinion about an individual's:<ul style="list-style-type: none"><li>(1) racial or ethnic origin; or</li><li>(2) political opinions; or</li><li>(3) membership of a political association; or</li><li>(4) religious beliefs or affiliations; or</li><li>(5) philosophical beliefs; or</li><li>(6) membership of a professional or trade association; or</li><li>(7) membership of a trade union; or</li><li>(8) sexual orientation or practices; or</li></ul></li></ul>

- (9) criminal record;  
that is also personal information; or*
- (b) health information about an individual; or*
- (c) genetic information about an individual that is not otherwise health information; or*
- (d) biometric information that is to be used for the purpose of automated biometric verification or biometric identification; or*
- (e) biometric templates.*

**Young person** Is a person who is under 18 years of age.

**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 Defence youth safety framework or code of conduct in accordance with existing Defence and/or Australian Defence Force Cadet procedures.