

CHAPTER 2

YOUTH SAFE CODE OF CONDUCT

INTRODUCTION

2.2.1 Defence is committed to ensuring the health, protection and wellbeing of all youth who engage with Defence. Clear definition, acceptance and adherence to the expected standard of conduct/behaviour by adults and youth is required to ensure a youth safe environment, where youth are protected from harm and which delivers a positive experience.

POLICY INTENT

2.2.2 The intent of this policy is to ensure that all youth who engage with Defence and all personnel who work with youth on behalf of Defence, understand, sign and adhere to a code of conduct.

2.2.3 Defence youth safe code of conduct policy is consistent with the following [National Principles for Child Safe Organisations](#):

- a. Principle 1: *Child safety and wellbeing is embedded in organisational leadership, governance and culture*
 - (1) Key Action Area 1.4: *A Code of Conduct provides guidelines for staff and volunteers on expected behavioural standards and responsibilities.*

DEFINITIONS

2.2.4 **Youth Safe Code of Conduct.** A youth safe code of conduct defines ethical, acceptable and unacceptable youth safe behaviours and provides a mechanism to:

- a. acknowledge the responsibility and record the commitment of a person to adhere to the code of conduct
- b. hold a person to account if they breach the code of conduct.

POLICY

DEFENCE YOUTH SAFE CODE OF CONDUCT

2.2.5 **Youth-Related Work Positions.** Commanders, managers and supervisors must ensure that adult personnel posted to or engaged by Defence in a youth-related work position (refer Section 5 Chapter 1) read and sign the *Defence Youth Safe Code of Conduct (Adult)* in annex A before undertaking any youth-related work on behalf of Defence. The code of conduct should be tailored to meet the Defence context in which youth are engaged and/or if appropriate, incorporated into a broader code of conduct associated with the role/position.

2.2.6 Defence Youth Programs. Commanders, managers and supervisors of Defence Youth Programs must ensure youth who participate in a Defence Youth Program read and sign the *Defence Youth Safe Code of Conduct (Youth)* at annex B prior to participating in the program. The code of conduct should be tailored to meet the Defence context in which youth are engaged and/or if appropriate, incorporated into a broader code of conduct associated with the program.

2.2.7 Education and Training Establishments. Commanders, managers and supervisors of education and training establishments must incorporate the codes of conduct in annexes A and B into instructor and/or recruit/trainee code of conduct as appropriate.

2.2.8 Code of Conduct Management. Commanders, managers and supervisors must ensure that:

- a. a signed copy of the code of conduct is stored in Objective or CadetNet as appropriate
- b. any breach of the code of conduct is managed in accordance with Section 3 Chapter 3.

DEFENCE YOUTH SAFE TRAINING

2.2.9 Head Joint Support Services Division (HJSSD) must ensure that the behaviours defined by the Defence youth safe codes of conduct at annexes A and B are incorporated into Defence youth safe training packages.

2.2.10 Unacceptable Behaviours. Unacceptable behaviour in the youth protection context is behaviour that, having regard to all of the circumstances, would be considered unlawful; offensive; belittling; abusive; or threatening to youth and/or adverse to their morale, health, safety and wellbeing, or otherwise not in the interests of Defence (annex C refers).

Annexes

- A. Defence Youth Safe Code of Conduct (Adult)
- B. Defence Youth Safe Code of Conduct (Youth) – To Be Issued
- C. Definitions of Unacceptable Behaviour in a Youth Protection Context

Accountable Officer: Chief of Joint Capabilities (CJC)

Policy Owner: Head Joint Support Services Division (HJSSD)

Defence Youth Safe Code of Conduct (Adult)

Defence Statement of Commitment

Defence is committed to keeping all youth safe by fostering youth safe behaviours and providing a youth safe environment.

The Defence Youth Safe Code of Conduct sets the minimum standards of behaviour expected of any person who works with youth on behalf of Defence. It provides a high-level statement of professional boundaries defined by ethical/acceptable and unacceptable behaviours.

This Code of Conduct applies in all situations where youth are engaged on behalf of Defence, including engagement through the use of social media and digital technology.

Ethical/Acceptable Behaviours

I will:

- Treat everyone, especially youth, with respect regardless of their age, gender, ability, race, cultural background, religious beliefs or sexual identity.
- Behave at all times in a manner that upholds Defence Values.
- Listen and empathetically respond to the views and concerns of youth, particularly if they communicate concern for their own or others health, protection or wellbeing.
- Role model youth safe behaviour and immediately challenge unacceptable behaviour with a view to stopping any form of unacceptable behaviour.
- Ensure that all interactions with youth are for the sole purpose of executing authorised activities and achieving approved training outcomes.

- Promote the inclusion, participation and empowerment of all youth, in particular:
 - linguistically and culturally diverse youth
 - Aboriginal and Torres Strait Islander youth
 - lesbian, gay, bisexual, transgender, intersex and asexual youth
 - youth with a disability, vulnerability or diverse needs
- Where practicable, only interact with youth in the presence of others.
- Obtain the informed consent of youth and their parent/guardian before taking imagery of the youth, and only create imagery that depicts youth in an appropriate manner.
- Take immediate action to ensure the health, protection and wellbeing of a youth if I believe that a youth has been, or is at risk of being, harmed or abused.
- Report all incidents, allegations, suspicions and disclosures of unlawful or other unacceptable behaviour, as defined in annex A to this Code of Conduct, to an appropriate commander or manager as soon as practicable.
- Follow reasonable direction and comply with all Defence, Group/Service and subordinate level youth safe policies, procedures and practices.
- Maintain my Working with Children Checks clearance and advise my commander or manager of any event or issue that impacts or could impact my suitability and clearance to work with youth.

Continued overleaf

Special Care Provisions

I acknowledge that when employed in a youth supervisory role I am prohibited from a sexual relationship with youth for whom I have supervisory responsibilities, regardless of State/Territory age of consent laws.

Unacceptable Behaviours

I will **NOT**:

- Abuse my power/authority or engage in any unlawful or other unacceptable behaviour, as defined in annex A to this Code of Conduct, with or in relation to a youth or any other person, in either the physical or online environment.
- Allow others to behave in a manner that endangers the health, protection and wellbeing of a youth or any other person.
- Ignore any concerns, allegations, suspicions, disclosures, events or incidents of unacceptable behaviour that has affected, or has the potential to affect, the health, protection and wellbeing of a youth or any other person.

Annex:

A. Unacceptable Behaviours in a Youth Protection context

Acknowledgement

I acknowledge that:

- I have read the Defence Youth Safe Code of Conduct and understand what constitutes ethical/acceptable and unacceptable behaviour.
- I will adhere to the Defence Youth Safe Code of Conduct at all times.
- I understand Defence will take action if I breach this Code of Conduct, which may include:
 - advising police, child protection and other government authorities
 - pursuing criminal, disciplinary and/or administrative action as appropriate.

Signature: _____

Name: _____

Rank/Title: _____

Position: _____

Date: _____

Witness

Signature: _____

Name: _____

Rank/Title: _____

Position: _____

Date: _____

Unacceptable behaviour in the Defence Youth Protection context is behaviour that, having regard to all of the circumstances, would be considered: unlawful; offensive, belittling, abusive or threatening to youth and/or adverse to their morale, health, safety and wellbeing; or otherwise not in the interests of Defence.

Unacceptable Behaviour	Definition
Child Abuse (Criminal Offence)	Child Abuse , which relates to abuse of a person under the ae of 18 years (youth), is intended to have its broadest meaning and includes Child Sexual Abuse or other Sexual Exploitation , including Grooming and Unacceptable Sexual Relationship; Physical Abuse; Emotional/Psychological Abuse; Neglect; and Exposure to Family/Domestic Violence .
Child Sexual Abuse (Criminal Offence) Child Sexual Abuse is inclusive of Sexual Assault and Non-Assaultive Sexual Offences, as defined by the Australian and New Zealand Society of Criminology (ANZSOC).	<p>Child Sexual Abuse refers to the spectrum of coercive and harmful sexual acts perpetrated against children and young people (youth). Such acts include indecent assaults, penetrative assaults (oral, vaginal, and anal), and the production or possession of Child Exploitation Material. Child Sexual Abuse also includes Grooming and Unacceptable Sexual Relationship.</p> <p>Sexual abuse may not always include physical sexual contact and can also include non-contact offences including:</p> <ul style="list-style-type: none">• talking to a youth in a sexually explicit way and sexual advances• sending sexual explicit messages or emails to a youth• exposing a sexual body part to a youth• forcing a youth to watch a sexual act (including showing pornography to a youth)• having a youth pose or perform in a sexual manner (including youth Sexual Exploitation)• Stalking, voyeurism and peeping-tom <p>Child Sexual Abuse does not always involve force. In some circumstances a youth may be manipulated into believing that they have brought the abuse on themselves, or that the abuse is an expression of love, through a process of grooming.</p>
Sexual Exploitation (Criminal Offence)	Sexual Exploitation is the actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes including, but not limited to, profiting monetarily, socially, or politically from sexual exploitation of another.
Child Exploitation Material (Criminal Offence)	<p>Child Exploitation Material is anything that represents:</p> <ul style="list-style-type: none">• the sexual parts of a child• a child engaged in an activity of a sexual nature• someone else engaged in an activity of a sexual nature in the presence of a child
Grooming (Criminal Offence)	<p>Grooming is when an adult:</p> <ul style="list-style-type: none">• communicates (by words and/or conduct) with a youth with the intention of exploiting a youth vulnerabilities to facilitate a youth’s engagement in sexual conduct• communicates with a person who has responsibility for care, supervision or authority over a youth with the intention of grooming the youth in their care. Such persons can include parents, stepparents, legal guardians, carers, teachers, employers and sports coaches. <p>Grooming includes actions deliberately undertaken with the intention of befriending and establishing an emotional connection with a youth in order to lower their inhibitions and facilitate sexual conduct. Grooming may also be used to prevent or discourage youth from disclosing sexual misconduct/abuse, create disbelief to a disclosure, or discredit a youth who discloses sexual misconduct/abuse.</p> <p>Communication technologies such as online gaming, instant messaging, email, voice over internet protocol, social media and mobile phones can be used for some time to facilitate virtual contact before the offender arranges a physical meeting.</p> <p>Examples of grooming behaviours may include:</p> <ul style="list-style-type: none">• giving gifts or special attention to a youth or their parent/carers, which can make a youth feel special or indebted to an adult• controlling a youth through threats, manipulation, force or use of authority, which can make a youth fearful to report unwanted behaviour• making close physical contact, such as inappropriate tickling and wrestling.

Unacceptable Behaviour	Definition
Unacceptable Sexual Relationship (Criminal Offence)	<p>Unacceptable Sexual Relationship is any sexual relationship between a youth, regardless of whether or not they are over the age of consent, and any adult who has responsibility for the care, supervision, safety and/or well-being of the youth including, commanders, managers, supervisors, instructors, health professionals, pastoral carers, counsellors and guardians of youth. Note that:</p> <ul style="list-style-type: none"> • a youth under the age of 16 can not consent to any sexual activity • a youth over the age of 16 but under the age of 18 can not consent to any sexual activity with any person who is in charge of their care, safety or wellbeing
Physical Abuse (Criminal Offence)	<p>Physical Abuse is any:</p> <ul style="list-style-type: none"> • infliction of physical violence on a youth by any person that causes significant injury/harm • physical injury/harm to a youth that results or could result from the failure of a parent, carer or guardian to adequately protect a youth by exposing them to extremely dangerous or life-threatening situations. <p>Physical Abuse includes beating, shaking, kicking, strangling, scalding, burning, poisoning, suffocating and assaulting with weapons.</p>
Emotional/Psychological Abuse (Criminal Offence)	<p>Emotional/Psychological Abuse is when a youth is repeatedly rejected, isolated or frightened by threats and includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person, to the extent that the youth suffers, or is likely to suffer, emotional or psychological harm to their physical or developmental health.</p>
Neglect (Severe - Criminal Offence)	<p>Neglect is a failure to provide youth with an adequate standard of nutrition, medical care, clothing, shelter, hygiene or supervision. Neglect may place the youth's immediate safety and development at serious risk, or may not immediately compromise the safety of the youth, but is likely to result in longer term cumulative harm.</p> <p>Neglect can be:</p> <ul style="list-style-type: none"> • Isolated, where the neglect is one-off, trivial in nature, temporary and/or accidental • Persistent, where the neglect is more than trivial in nature, continual and/or prolonged • Severe, where the neglect is recurring and/or enduring to the extent that the youth's health, safety and/or development is, or is likely to be, significantly affected.
Exposure to Family/Domestic Violence (Criminal Offence)	<p>Family/Domestic Violence is abusive behaviour by a person towards a family member that may include:</p> <ul style="list-style-type: none"> • physical violence or threats of violence • verbal abuse, including verbal threats • emotional or psychological abuse • sexual abuse • financial abuse • social abuse • spiritual abuse <p>Family/Domestic Violence can be technologically facilitated</p> <p>Exposure to Family/Domestic Violence is when a youth is a witness to, or otherwise exposed to the effects of, Family/Domestic Violence.</p> <p>Family/Domestic Violence towards a youth and Exposure to Family/Domestic Violence constitutes Child Abuse.</p>

Unacceptable Behaviour	Definition
Abuse of Power or Authority (Criminal Offence)	Abuse of Power or Authority is the inappropriate or unethical use of power or authority attributed to rank and/or position to harass, bully or discriminate a subordinate. Abuse of Power or Authority can constitute a criminal offence.
Sexual Harassment (Persistent – Civil Offence)	<p>Harassment is unwanted or unwelcome behaviour that a reasonable person, having regard to all the circumstances, would consider offensive, insulting, humiliating or intimidating.</p> <p>Sexual Harassment is unwanted or unwelcomed sexual behaviour, which does not constitute sexual abuse, that a reasonable person, having regard to all the circumstances, would consider offensive, insulting, humiliating or intimidating.</p> <p>Sexual Harassment includes:</p> <ul style="list-style-type: none"> • leering/staring • insults of a sexual nature • sexually offensive comments, innuendo, jokes or gestures • sexual comments or questions about a person’s sexual appeal or activities. <p>Sexual Harassment can be Isolated (one-off) or Persistent in nature.</p>
Sex/Gender Discrimination (Civil Offence)	Sex/Gender Discrimination is when a person is treated less favourably than another person in the same or similar circumstances because of that person’s sex/gender, characteristics of that person’s sex/gender, or assumed characteristics of that person’s sex/gender.
Inappropriate Sexual Remark	An Inappropriate Sexual Remark is an isolated sexual remark that is minor in nature and/or not intended to be offensive, insult, humiliate or intimidate but is inappropriate in a youth environment. For example, a one-off inappropriate sexual joke or comment that lacked judgement .
Physical Harassment (Persistent – Civil Offence)	<p>Physical Harassment is unwanted or unwelcome physical contact/behaviour that a reasonable person, having regard to all the circumstances, would consider offensive, insulting, humiliating or intimidating which may impact the physical health of the person.</p> <p>Physical Harassment includes slapping, pulling or hitting.</p> <p>Physical Harassment can be Isolated (one-off) or Persistent in nature, constituting physical Bullying.</p>
Bullying (Civil Offence)	Bullying is a persistent, unreasonable pattern of behaviour directed towards a person or group of persons, which may create a risk to health and safety, including a risk to the emotional, mental or physical health of the person(s). Bullying is classified as persistent Harassment and can be Physical or Emotional .
Inappropriate Non-sexual Physical Contact	Inappropriate Non-sexual Physical Contact is unintentional and/or isolated minor unwanted or unwelcome non-sexual physical contact that is not intended to be offensive, insult, humiliate or intimidate but is inappropriate in a youth environment. For example, one-off contact that lacked judgement.
Emotional Harassment (Persistent – Civil Offence)	<p>Emotional Harassment is when a youth is subjected to unwanted or unwelcome behaviour that a reasonable person, having regard to all the circumstances, would consider offensive, insulting, humiliating or intimidating and includes: acts of teasing, meanness or spite; derogatory comments, jokes and gestures; mutual arguments and disagreements (where there is no power imbalance); and dis-liking someone or social rejection.</p> <p>Emotional Harassment can be Isolated (one-off) or Persistent in nature, constituting emotional Bullying or Cyberbullying</p>

Unacceptable Behaviour	Definition
Cyberbullying (Civil Offence)	<p>Cyberbullying is the use of information and communication technologies for deliberate hostile behaviour directed at a selected person with an intention to harm, belittle, harass, insult or molest, and can include:</p> <ul style="list-style-type: none"> • sending offensive, abusive or insulting texts or emails to the person • posting offensive, abusive or insulting messages about the person • assuming the identity of the person and representing them in a negative manner or manner that may • damaging their reputation and relationship with others.
Inappropriate Non-sexual Remark	<p>An Inappropriate Non-sexual Remark is an isolated remark that is minor in nature and/or not intended to be offensive, insult, humiliate or intimidate but is inappropriate in a youth environment. For example, a one-off inappropriate joke or comment that lacked judgement .</p>
Other Discrimination (Civil Offence)	<p>Other Discrimination, which excludes Sex/Gender Discrimination, is when a person or group of people are treated less favourably than others because of their:</p> <ul style="list-style-type: none"> • identity, race, culture or ethnic origin • religion • physical characteristics • marital, parenting or economic status • age • ability or disability. <p>Discrimination interferes with the legal right of all people to be treated fairly and have the same opportunities as everyone else.</p> <p>Discrimination may be Isolated (one-off) or Persistent in nature.</p>
Prohibited Substance Offence (Criminal Offence)	<p>A Prohibited Substance is a narcotic substance as defined in the Customs Act 1901, section 1, section 2, section 3 and section 5 on the prohibited substance list, The World Anti-Doping Code Prohibited List and Benzodiazepines including temazepan (normison), diazepam (valium), flunitrazepan (rohypnol) and oxepan (serapax) or any other substance determined to be a prohibited substance by the CDF.</p> <p>Prohibited Substance Offence is possessing, dealing, or administering to others a prohibited substance, including instances of food or drink spiking, trafficking or selling any prohibited substance, or knowingly associating with individuals who use or are otherwise involved with prohibited substances.</p>
Prohibited Substance Use (Criminal Offence)	<p>Prohibited Substance Use is when a person administers to himself or herself, or causes or permits to be administered, a prohibited substance.</p>
Alcohol Offence (Criminal Offence)	<p>An Alcohol Offence is the unlawful supply of alcohol to youth and/or consumption of alcohol by youth in a licensed premises or public location where the civil police have been involved, or supply of alcohol to youth while in the care of Defence.</p>
Alcohol Indiscretion	<p>An Alcohol Indiscretion is where a youth has consumed alcohol but the civil police have not been involved, or an adult has consumed alcohol or is under the influence of alcohol during a Defence Youth Program activity.</p>

Unacceptable Behaviour	Definition
Youth Protection Policy Breach	<p>Youth Protection Policy Breach is the failure to implement or comply with youth protection policy, process, procedure or practice defined in Defence, Group/Service, Command and/or Unit orders, instructions, publications (OIP) or manuals.</p> <p>A Policy Breach can be:</p> <p>Significant, where the breach relates to mandatory youth protection risk controls defined in the Defence Youth Protection Management System</p> <p>Major, where the breach relates to context specific youth protection risk controls</p> <p>Minor, where the breach relates to administration.</p>
Youth-on-Youth Unacceptable Behaviour	<p>Youth-on-Youth Unacceptable Behaviour is any complaint, allegation or incident of Unacceptable Behaviour of a youth towards another youth.</p>