

**UNCLASSIFIED**

YOUTHPOLMAN Part 1

# **YOUTH POLICY MANUAL PART 1**

## **SECOND EDITION**

WG McDonald, AM, CSC  
Air Marshal  
Chief of Joint Capabilities

Department of Defence  
CANBERRA ACT 2600

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# **YOUTH POLICY MANUAL PART 1**

## **SECOND EDITION**

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# YOUTH POLICY MANUAL

## INTRODUCTION

1. Defence's engagement with youth encompasses a wide spectrum that ranges from dedicated youth development programs, such as ADF Cadets, through to the employment of youth within Defence's workforce. Engagement with youth is an important component of Defence's engagement with communities and Defence's recruitment initiatives. This engagement is central to maintaining Defence's reputation within the community it serves.
2. In the Defence context, the term youth is generally used to refer to anyone under the age of 18, which encompasses child, children, young person, young people, adolescent, minor and any other equivalent term. Youth special care provisions extend to over 18s participating in ADF youth programs.
3. Defence engages with youth across a wide range of activities and age groups. Expectations of youth must be considerate of age, stage of development and maturity.
4. Engagement with youth requires an understanding of the behavioural nature of youth. Youth think, act and learn differently to adults. Commanders, managers and supervisors are responsible for the supervision, health, protection and wellbeing of youth under their care.

## VISION

5. Defence's engagement with youth is conducted in an environment that ensures the health, protection and wellbeing of youth and in a manner that delivers a positive experience.

## PURPOSE

6. The purpose of the Youth Policy Manual (YOUTHPOLMAN) is to provide a reference for Defence personnel involved in Defence's engagement with youth which includes, but is not limited to:
  - a. Workplaces
  - b. Defence Youth programs<sup>1</sup>
  - c. Community activities<sup>2</sup>

## STRUCTURE

7. YOUTHPOLMAN is divided into the following parts:

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<sup>1</sup> Defence Youth Programs include but are not limited to Defence Work Experience, Young Endeavour Youth Scheme and Indigenous Youth Programs.

<sup>2</sup> For example, Open Days.

- a. **YOUTHPOLMAN Introduction.** Provides a broad overview of Defence's engagement with youth, why this is important to Defence and why youth require additional consideration and policy provisions.
- b. **YOUTHPOLMAN Part 1.** Describes the Defence Youth Protection Management System which enables Defence to meet the requirements of the Commonwealth Child Safety Framework (CCSF) and National Principles for Child Safe Organisations (NPCSO). Part 1 also contains common policy and considerations relevant to Defence's engagement with Youth.
- c. **YOUTHPOLMAN Part 2.** Operationalises and contextualises the overarching policy intent of Part 1 into youth program specific policies for the ADF Cadets program.
- d. **YOUTHPOLMAN Part 3.** Operationalises and contextualises the overarching policy intent of Part 1 into youth program specific policies for Defence Work Experience Program. Part 3 also includes comprehensive program specific guidance resources for supervisors, schools and participants.

## DEFINITIONS

- 8. The definitions used in the YOUTHPOLMAN are listed in the [Glossary](#).
- 9. **Youth Protection.** Encompasses matters related to protecting all youth from child abuse<sup>3</sup>, managing the risk of child abuse, providing support to a youth at risk of child abuse and responding to incidents or allegations of child abuse.
- 10. **Youth Safety.** The application of the Defence Safety Framework to youth.

## BACKGROUND

- 11. The Royal Commission into Institutional Responses to Child Sexual Abuse of 2015 examined what makes an organisation child safe. The Royal Commission highlighted the need to provide an environment in which children and young people are safe, protected and respected, and where staff have the skills, confidence and knowledge to safeguard children.
- 12. In response to the Royal Commission, the Australian Government introduced the CCSF, a whole-of-government policy that sets minimum standards for creating and embedding a child safe culture and practice in Commonwealth entities.
- 13. The CCSF comprises three core requirements which together set out the minimum standards for Commonwealth entities to protect children. Under the CCSF, Commonwealth entities are required to:

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<sup>3</sup> Child abuse includes sexual abuse, physical abuse, emotional/psychological abuse, neglect and exposure to domestic/family violence. Child abuse is termed Misconduct/Unacceptable Behaviour in wider Defence (refer YOUTHPOLMAN Part 1: Section 2 Chapter 2 Annex C)

- a. Undertake risk assessments annually in relation to activities of each entity, to identify the level of responsibility for, and contact with, children and young people; evaluate the risk of harm or abuse; and put in place appropriate strategies to manage identified risks.
- b. Establish and maintain a system of training and compliance to make staff aware of, and compliant with the CCSF and relevant legislation, including working with children checks and mandatory reporting requirements.
- c. Adopt and implement the ten NPSCO.

### NATIONAL PRINCIPLES FOR CHILD SAFE ORGANISATIONS

14. The [NPCSO<sup>4</sup>](#) give effect to the Royal Commission's recommendations relating to child safe standards and provide guidance on key actions and performance measures in implementing the standards. They provide a nationally consistent approach to cultivating organisational cultures and practices that foster child health, protection and wellbeing across all sectors in Australia.
15. The ten NPCSO, derived from the CCSF are as follows:
- a. **Principle 1.** Child safety and wellbeing is embedded in organisational leadership, governance and culture.
  - b. **Principle 2.** Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
  - c. **Principle 3.** Families and communities are informed and involved in promoting child safety and wellbeing.
  - d. **Principle 4.** Equity is upheld and diverse needs respected in policy and practice.
  - e. **Principle 5.** People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
  - f. **Principle 6.** Processes to respond to complaints and concerns are child focused.
  - g. **Principle 7.** Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
  - h. **Principle 8.** Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.

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<sup>4</sup> The NPCSO were endorsed by members of the Council of Australian Governments in February 2019.

- i. **Principle 9.** Implementation of the national child safe principles is regularly reviewed and improved.
- j. **Principle 10.** Policies and procedures document how the organisation is safe for children and young people.

16. In response to Government direction and to meet the requirements of the NPCSO, Defence has developed its own youth safe policies which have been incorporated into a Defence Youth Safety Framework.

### THE DEFENCE YOUTH SAFETY FRAMEWORK

17. The Defence Youth Safety Framework (DYSF) is broader than a pure safety framework. It includes components which are designed to ensure young people are safe, protected and respected and to ensure Defence personnel have the skills, confidence and knowledge to safe guard youth within Defence. It encompasses all aspects of Defence's engagement with youth to ensure:

- a. **Physical safety.** Utilising existing Service/Group Safety Management Systems and Defence Safety Domains to deliver a safe physical environment for youth.
- b. **Protection of Youth from Child Abuse (Unacceptable Behaviour).** The Defence Youth Protection Management System is a component of the DYSF designed to capitalise on extant Defence WHS risk management, governance and reporting processes to implement the CCSF and associated NPCSO.
- c. **Youth Wellbeing.** Youth wellbeing is the support and education available to build mental, emotional and physical resilience and to provide youth with confidence and a sense of pride and purpose. Defence's duty of care for youth extends to addressing wellbeing issues specific to youth, which include Youth Mental Health First Aid, Chaplaincy and Psychology support.

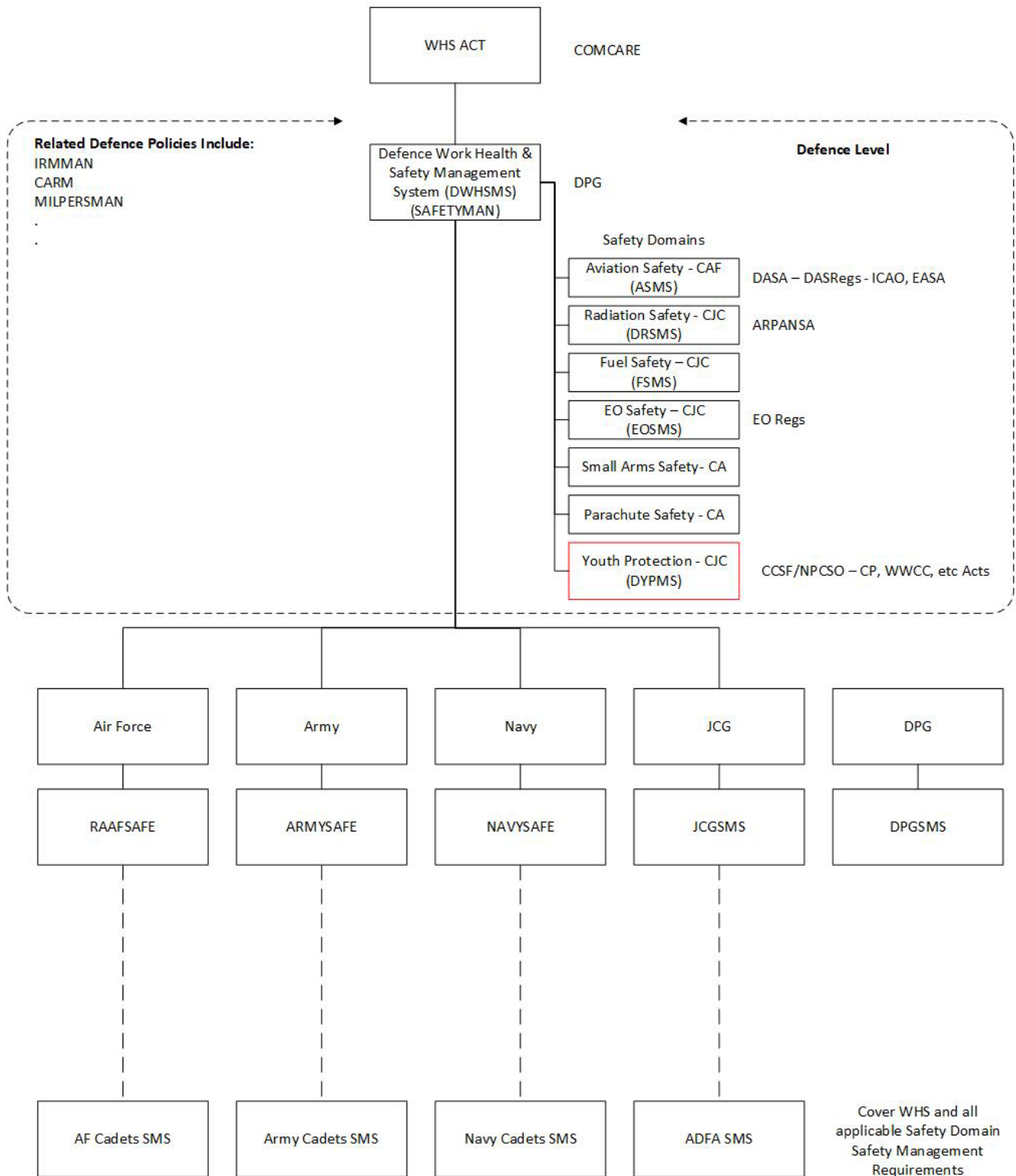
18. The DYSF includes existing Service/Group safety management systems and Defence's safety domains (refer Figure 1). The [Defence WHS Management System \(WHSMS\)](#) defines enterprise-level safety management accountabilities, policy and guidance that is applicable to whole-of-Defence. Where applicable, Group Heads and Service Chiefs must also ensure compliance with additional Safety Domain policy defined by appointed Safety Domain owners<sup>5</sup>.

19. To ensure youth protection accountabilities and requirements are accepted and effectively implemented across Defence, youth protection is managed within the Defence WHSMS framework as a specialist Safety Domain owned by Chief of Joint Capabilities (CJC). In line with this approach, the DYSF defines additional

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<sup>5</sup> Other Defence WHSMS defined Safety Domains (Safety Domain Owners) include: Small Arms Safety (CA), Aviation Safety (CAF), Parachuting Safety (CA), Radiation Safety (CJC), Explosive Ordnance Safety (CJC) and Fuel Safety (CJC)

youth protection specific requirements that complement requirements defined in the Defence WHSMS and other relevant Defence policies.

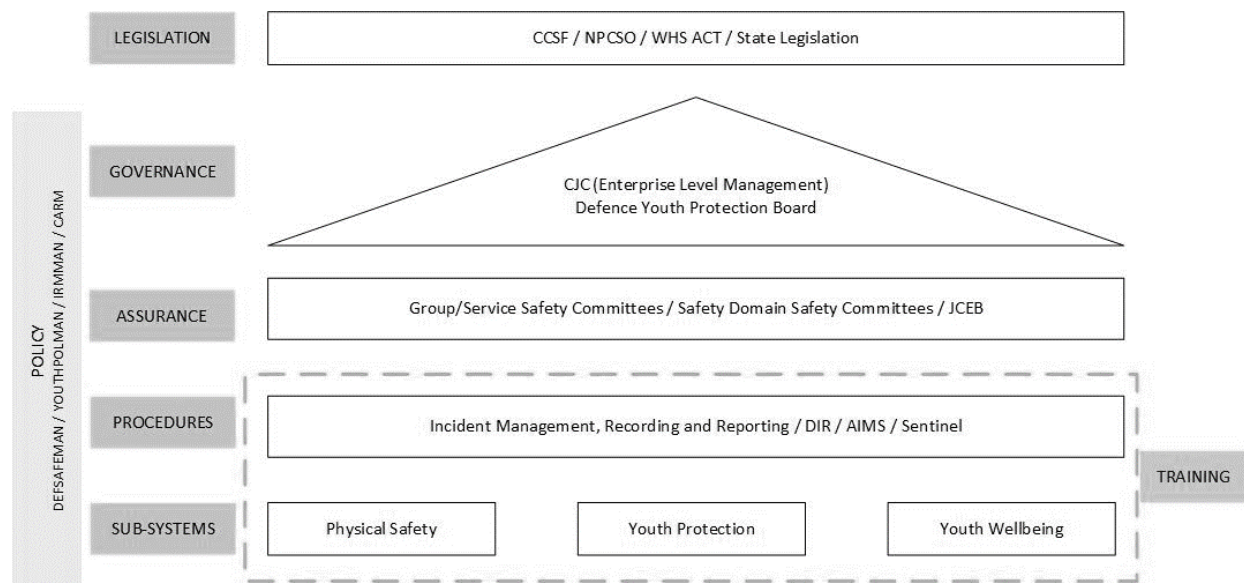


**Figure 1: Defence WHS Management System**



20. Implementation of the DYSF is illustrated in Figure 2:

- a. **Legislative foundation.** Includes the CCSF, NPCSO, the WHS Act 2011 and, relevant state and territory legislation.
- b. **Governance systems and processes.** Outlines how the DYSF is implemented, monitored and assessed for its impact on youth protection outcomes over time.
- c. **Assurance.** Effective management of youth protection performance assures that Defence provides a youth safe environment through effective implementation and continuous improvement of the DYSF.
- d. **Procedures.** The adoption of existing, established Defence procedures that ensure consistency of approach and the timely capture of accurate and consistent youth safety data. The Defence Youth Protection Management System has adopted a safety system methodology and utilises the WHS SENTINEL IT system as the primary reporting and management tool. This includes Youth Protection Risk Management, which details the approach, roles and responsibilities for managing risks associated with youth protection.
- e. **Sub-systems.** Includes Service WHS systems; Defence's safety domains and elements of Defence Personnel administration systems to deliver a youth safe environment that ensures the health, protection and wellbeing of youth.



**Figure 2: Implementation of the Defence Youth Safety Framework**

## THE DEFENCE YOUTH SAFETY COMMITMENT STATEMENT

21. To demonstrate its commitment to youth safety, Defence has developed a youth safety commitment statement.

22. The *Defence Youth Safety Commitment Statement* articulates Defence's intent to promote the wellbeing of youth and protect young people from abuse through a focus on preventing, identifying and treating youth safety risks. In the 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 by agreeing to undertake their duties in accordance with the appropriate Defence or ADF Cadet 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. ensure there is a mechanism for youth, the community, Defence youth program volunteers and participants, and Defence personnel to provide feedback and suggestions for improvement
- g. 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
- h. maintain compliance with Australian Government policy and the requirements of the CCSF
- i. adopt and apply the NPCSO
- j. develop and implement processes to identify and address breaches of the DYSF
- k. undertake regular reviews of the DYSF to ensure it remains current and reflects emerging requirements and leading practices.

#### ACCOUNTABLE OFFICERS

23. Under the Administrative Policy Framework, the CJC is accountable to the Secretary and Chief of Defence Force for effectively implementing fit-for-purpose policy for the Military Joint Enabling Domain.

24. The CJC is appointed the Accountable Officer and is the Safety Domain Owner for youth protection.

25. Head Joint Support Services Division (HJSSD) is the youth policy owner for youth protection and is responsible to CJC for developing, maintaining and implementing the policies contained in YOUTHPOLMAN.

26. Group Heads and Service Chiefs are responsible for providing the resources required to enable the policies outlined in the YOUTHPOLMAN to be effectively implemented, or otherwise seek additional resources through the Enterprise Business Committee.

## YOUTHPOLMAN ABBREVIATIONS AND GLOSSARY

### ABBREVIATIONS

<b>AA.</b>	Appointing Authority
<b>ADF.</b>	Australian Defence Force
<b>ADFA.</b>	Australian Defence Force Academy
<b>AF.</b>	Air Force
<b>AIMS.</b>	Army Incident Management System
<b>APS.</b>	Australian Public Service
<b>ARMYSAFE.</b>	Army Safety Management System
<b>ARPANSA.</b>	Australian Radiation Protection and Nuclear Safety Agency
<b>ASMS.</b>	Aviation Safety Management System
<b>CA.</b>	Chief of Army
<b>CADFC.</b>	Commander Australian Defence Force Cadets
<b>CAF.</b>	Chief of Air Force
<b>CALD.</b>	Culturally and Linguistically Diverse
<b>CARM.</b>	Complaints and Alternate Resolutions Manual
<b>CCSF.</b>	Commonwealth Child Safety Framework
<b>CDF.</b>	Chief of the Defence Force
<b>CJC.</b>	Chief of Joint Capabilities
<b>ConCERN.</b>	The Youth Safe Confidential Complaint and Event Report/Notification
<b>CP.</b>	Child Protection
<b>DASA.</b>	Defence Aviation Safety Authority
<b>DASRegs.</b>	Defence Aviation Safety Regulations
<b>DCADFC.</b>	Deputy Commander Australian Defence Force Cadets
<b>DFDA.</b>	Defence Force Discipline Act
<b>DHJSSD.</b>	Deputy Head Joint Support Services Division
<b>DIR.</b>	Defence Incident Report

**DPG.** Defence People Group

**DPGSMS.** Defence People Group Safety Management System

**DRSMS.** Defence Radiation Safety Management System

**DYPB.** Defence Youth Protection Board

**DYPMS.** Defence Youth Protection Management System

**DYSF.** Defence Youth Safety Framework

**EAP.** Employee Assistance Program

**EASA.** European Union Aviation Safety Agency

**EBC.** Enterprise Business Committee

**EO Regs.** Explosive Ordinance Regulations

**EOSMS.** Explosive Ordinance Safety Management System

**FSMS.** Fuel Safety Management System

**HJSSD.** Head Joint Support Services Division

**IAW.** In accordance with

**ICAO.** International Civil Aviation Organisation

**IRMMAN.** Incident Reporting and Management Manual

**JCG.** Joint Capabilities Group

**JCGSMS.** Joint Capabilities Group Safety Management System

**JMPU.** Joint Military Police Unit

**JRCPC.** Joint Reserve and Cadet Policy Committee

**JSSD.** Joint Support Services Division

**KPIs.** Key Performance Indicators

**LGBTI.** Lesbian, Gay, Bisexual, Transgender and Intersex

**MILPERSMAN.** Military Personnel Manual

**NAVYSAFE.** Navy Safety Management System

**NPCSO.** National Principles for Child Safe Organisations

**OIP.** Orders, instructions and publications

**RAAFSAFE.** Royal Australian Air Force Safety Management System

**RECMAN.** Defence Records Management Policy Manual

**SAFETYMAN.** Defence Safety Manual

**SeMPRO.** Sexual Misconduct Prevention & Response Office

**SFARP.** So far as reasonably practicable

**SIF.** Supplementary Information Form

**SMS.** Safety Management System

**ToR.** Terms of Reference

**UB.** Unacceptable Behaviour

**WHS.** Work Health and Safety

**WHSMS.** Work Health and Safety Management System

**WWCC.** Working with Children Check

**YOUTHPOLMAN.** Youth Policy Manual

**YPE.** Youth Protection Event

## GLOSSARY

**Abuse of Power or Authority.** 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.

**Accountable officer.** An officer who is accountable to the Secretary and the CDF for policies within their policy domain and the framework documents that explain those policies.

**The Australian Defence Force Cadets** (ADF Cadets) is the collective title for the three cadet organisations - the Australian Navy Cadets (ANC), the Australian Army Cadets (AAC), and the Australian Air Force Cadets (AAFC).

**ADF Cadets Adults.** All Officers of Cadets (OOC), Instructors of Cadets (IOC) and Defence Approved Helpers (DAH) in the ANC, the AAC or the AAFC.

**ADF Cadets Procedure.** Any type of instruction, standing orders or guideline applicable to the ANC, AAC or AAFC and authorised by the relevant Service Chief or Director-General Cadets / COMD AAC.

**ADF Cadets Volunteer Payment (CVP).** The CVP is an honorarium; a payment, calculated as a daily amount provided in recognition of the unique contribution adult volunteers make to the ADF Cadets.

**ADF Cadet Unit.** A physical locality or geographical area where ADF Cadets-related activities are conducted. Consisting of a Training Ship, of the Australian Navy Cadets (ANC), a unit of the Australian Army Cadets (AAC) or a squadron or flight of the Australian Air Force Cadets (AAFC).

**Age of Consent.** Refer to Part 1, Section 6 Chapter 1.

**AIMS.** Army Information Management System.

**Alcohol Indiscretion.** 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.

**Alcohol Offence.** 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.

**Allegation.** A claim or assertion that someone has done something illegal or wrong, typically one made without proof.

**Associated Equipment.** In relation to a Defence weapon it refers to equipment which accompanies or complements a firearm, including, but not limited to sighting equipment and magazines.

**Bullying.** 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.

**Cadet.** A young person who has been accepted as a volunteer youth participant in the ANC, the AAC and the AAFC.

**Cadet Firearms.** Commonwealth procured and Defence approved firearms that are approved by Defence for use by ADF Cadets members, and are limited specifically to ADF Cadets unit controlled firearms stored at ADF Cadets units or in armouries by Defence sponsor units. Cadet firearms are not Defence Weapons but are Defence assets.

**CadetNet.** The corporate information system for the ADF Cadets. [Access online.](#)

**Cadet Organisation.** Refer to definition The Australian Defence Force Cadets (ADF Cadets)

**Child.** In Defence a person under the age of 18 years is referred to as Youth. See 'Youth' definition.

**Child Abuse.** Relates to abuse of a person under the age of 18 years (youth). It 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.** 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.

Sexual abuse may not always include physical sexual contact and can also include non-contact offences including:

- 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



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.

**Commander.** An ADF officer, who by virtue of a delegation or instrument of appointment exercises authority and holds responsibility for assigned Defence personnel and includes an Administrative Commanding Officer (Defence).

**Complaint.** In the context of Defence Youth Programs, a complaint is any expression of dissatisfaction about the program, the way it operates, the behaviour of its members or participants, or about a particular decision, act or omission, and where a response or resolution is expected.

**Complainant.** The individual person or persons lodging a complaint.

**Contact.** In the Defence context, this means interaction involving Defence Personnel and non-Defence personnel, as part of their normal duties and one or more person/people under the age of 18. Contact is regular, frequent or prolonged, physical, face-to-face, oral communication, written communication or electronic communication; including regular use of social media, and / or includes overnight activities or unobserved supervision.

**Contractor.** A person engaged by Defence under a contract that represents a business resource and is subject to direct management by Defence.

**Consultant.** A person or organisation engaged by Defence under a consultancy contract to undertake a consultancy that meets the following Department of Finance criteria for reporting on AusTender.

**Cyberbullying.** 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:

- 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.

**Defence Approved Helper (DAH)** A member of the community who volunteers in the ANC, AAC or AAFC. DAHs are not members of the ADF Cadets.

**Defence Australian Public Service (APS) employee.** A person employed under the [Public Service Act 1999](#) in the Department of Defence.

**Defence Civilian.** As defined in section 3 of the [Defence Force Discipline Act 1982](#)

**Defence Context.** Youth protection events/incidents are considered to be in a Defence context if any of the following are true:

- the incident/event occurred in a Defence environment
- the alleged victim is an ADF member or Defence APS personnel
- the alleged respondent is an ADF member or Defence APS personnel or a contractor/volunteer/visitor to Defence.

**Defence Environment.** Includes any Defence workplace, premise or facility, or any other location/environment where Defence arrange, undertake or supervise an activity.

**Defence Establishment.** A physical locality or geographical area containing bases, establishments, sites and facilities at and from which Defence-related activities, operations, training or force preparations are managed, conducted, commanded or controlled. It may have a number of bases, naval establishments, sites and facilities attached that are also supported by E&IG. The composition of the individual Defence base is defined in its associated Service Level Partnering Agreement.

**Defence Member.** As defined in the [Defence Force Discipline Act 1982](#).

**Defence Personnel.** All Australian Public Service employees in the Department of Defence, Defence locally engaged employees, Defence civilians, Defence members and the equivalents from other Defence organisations on exchange to Defence, and - where compliance is specified in the terms of contract – contractors, consultants and outsourced service providers operating in Defence.

**Defence Ranges.** Any area reserved and normally equipped for practice in weapons delivery and/or shooting at targets. Refer to [Australian Defence Force Range Orders \(General\) 2020](#)

**Defence Range Standing Orders.** The signed and endorsed Range Standing Orders/Standing Instructions that govern activities on and the procedures for use of Defence and non-Defence Ranges.

**Defence Weapon.** Any weapon that is owned by Defence to meet the operational, training and support requirements of the Permanent and Reserve members of the Australian Defence Force (ADF). Refer to the [Defence Security Manual Part 2](#).

**Defence Youth Program.** A Defence supported program that offers a range of safe, challenging and high quality activities to young people across metropolitan and regional areas of Australia, including but not limited to: the Australian Defence Force Cadets; Defence Work Experience Program; Young Endeavour Youth Scheme and Indigenous Youth Programs.

**DIR.** Defence Incident Report.

**Duty of Care.** In the context of YOUTHPOLMAN means the duty to take reasonable care to protect youth from a reasonably foreseeable risk of harm.

**Due Diligence Actions.** Specific youth protection risk mitigation actions undertaken to assess an individual's suitability to engage with youth in Defence. These actions are non-legislative and are informed by a youth safety risk assessment. Refer also to Minimal Interaction and Youth Protection Risk Assessment.

**Emotional Harassment.** 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 disliking someone or social rejection.

Emotional Harassment can be Isolated (one-off) or Persistent in nature, constituting emotional Bullying or Cyberbullying.

**Emotional/Psychological Abuse.** 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.

**Familiarisation Activity or Practice.** A live firing practice conducted for the purpose of permitting persons, who are not trained or qualified, to fire a cadet firearm or Defence weapon under supervision.

**Family/Domestic Violence.** Abusive behaviour by a person towards a family member that may include:

- physical violence or threats of violence
- verbal abuse, including verbal threats
- emotional or psychological abuse
- sexual abuse
- financial abuse
- social abuse
- spiritual abuse

**Generative Youth Safe Culture.** A culture where youth safe behaviours and practices are understood, displayed and fully integrated by all personnel into every youth related interaction, activity and program.

**Government Oversight Body.** A law enforcement body, child protection agency or any other organisation established under an Australian law whose functions include or

relate to child protection legislation, work, health and safety and/or promotion and protection of the rights, interests and wellbeing of children and young people,

**Grooming.** When an adult:

- 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.

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.

**Harassment.** Unwanted or unwelcome behaviour that a reasonable person, having regard to all the circumstances, would consider offensive, insulting, humiliating or intimidating.

**Health Condition (applies to ADF Cadets only).** Any health condition (including illness, injury, disease, disability or allergy), whether permanent or temporary, of an ADF Cadets member that:

- may occur or be aggravated during or by participation in ADF Cadets activities
- may place limitations on the member's ability to participate in ADF Cadets activities
- may increase risk to other participants in ADF Cadets activities (for example, because the member has reduced ability to respond to a situation, or the other participant may be put at risk of contracting an infectious disease)
- requires the administration of prescription medication other than solely by the member, or where the failure to administer may result in death or permanent impairment.

**Inappropriate Relationship.** Any intimate or sexual relationship between Defence personnel, contractors, consultants or ADF Cadets members, regardless of individual state and territory ages of consent and any young person under the age of 18.

**Inappropriate Non-sexual Physical Contact.** 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, an isolated contact that lacked judgement.

**Inappropriate Non-sexual Remark.** 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, an isolated inappropriate joke or comment that lacked judgement.

**Inappropriate Sexual Remark.** 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, an isolated inappropriate sexual joke or comment that lacked judgement.

**Individual Health Management Plan (applies to Defence Youth Program participants and volunteers only).** A document written by a qualified health practitioner that provides details of a person's health condition, treatment and any reasonable adjustments required to accommodate their participation in an activity or program.

**Instructor of Cadets (IOC).** A person who has volunteered and been accepted as a member of the ANC, AAC or AAFC.

**Lead Cadet Organisation.** Means either the:

- cadet organisation explicitly assigned or accepting responsibility for the planning or conduct of an activity
- cadet organisation of the Officer in charge of the activity
- ADF member of the Service of the cadet organisation in charge of the activity.

**Mandatory reporting.** A term used to describe the legislative requirement for selected groups of people to report suspected cases of child abuse and neglect to government authorities. In Defence all personnel (ADF and APS), contractors, volunteers, visitors and ADF Cadets members are mandated to report suspected cases of child abuse and neglect to government authorities.

**Military-Like Activity (MLA).** An activity (excluding a ceremonial activity involving the use of weapons or firearms) that is performed by the ADF or run primarily for the benefit of ADF Cadets. It must not involve the real or simulated use of force to an enemy or opposition in order to achieve domination over them. MLAs are categorised as:

- Passive – no physical involvement other than observing others undertaking MLA; and
- Active - physically performing MLA tasks.

**Minor.** A person who is under 18 years of age. In the Defence Youth context, the terms minor, child, young person, youth, and adolescent are equivalent and interchangeable.

**Misconduct.** Any action or behaviour which is determined to be a breach of a code of conduct. Misconduct may relate to the use of resources; use of information (whether inappropriate access, disclosure or failure to disclose); failure to adhere to a Defence

policy; or interaction with other people (including colleagues, stakeholders and members of the public). Misconduct can occur deliberately or inadvertently and can vary in nature and seriousness as well as in the impact it has on other employees and the reputation of Defence.

**Natural Justice.** The rules and procedures to be followed by a person or body with the power to settle disputes. Some rules of natural justice are to act fairly, without bias, and the right of all parties to be heard.

**Neglect.** 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.

Neglect can be:

- **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.

**Non-Defence personnel:** all persons, paid or unpaid, who are not Defence personnel. This includes:

- locally engaged employees, contractors, consultants and outsourced service providers operating in Defence where compliance is NOT specified in the terms of contract
- ADF Cadets adult volunteers

**Non-Defence Training Areas.** All land, sea and air, infrastructure and/or facilities not owned by Defence but used by Defence and the ADF Cadets for the purpose of delivering routine activities.

**Officer of Cadets (OOC).** A person who has volunteered and been accepted as a member of the ANC, AAC or the AAFC.

**Other Discrimination**, which excludes Sex/Gender Discrimination. When a person or group of people are treated less favourably than others because of their:

- identity, race, culture or ethnic origin
- religion
- physical characteristics
- marital, parenting or economic status
- age

- ability or disability.

Discrimination interferes with the legal right of all people to be treated fairly and have the same opportunities as everyone else.

Discrimination may be Isolated (one-off) or Persistent in nature.

**Outsourced Service Provider.** A person or organisation engaged by Defence under a service contract to deliver a specified service or supply, usually against agreed milestones and deliverable requirements.

**Parent Service.** With respect to:

- the ANC, is the Royal Australian Navy;
- the AAC, is the Australian Army; and
- the AAFC, the Royal Australian Air Force.

**Personal Information.** As defined in the [Privacy Act](#), is information or an opinion about an identified individual or an individual who is reasonably identifiable

**Physical Abuse.** Any:

- 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.

Physical Abuse includes beating, shaking, kicking, strangling, scalding, burning, poisoning, suffocating and assaulting with weapons.

**Physical Harassment.** Unwanted or unwelcome physical contact/behaviour (including slapping, pulling or hitting) 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.

Physical Harassment can be Isolated or Persistent in nature, constituting physical Bullying.

**Prohibited Substance.** 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.

**Prohibited Substance Offence.** 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.



**Prohibited Substance Use.** When a person administers to himself or herself, or causes or permits to be administered, a prohibited substance.

**Protection Order.** For the purpose of YOUTHPOLMAN, a protection order is an order made by a Federal, State or Territory court, or a member of a State or Territory Police Service, for the protection of one person against another person. Protection Orders may be called, but not limited to, domestic violence orders, apprehended violence orders, restraining orders and prohibition orders. A Protection Order includes an interim or provisional order.

**Qualification Shoot.** A Defence-approved live firing or simulation range practice, other than a familiarisation practice.

**Reasonable Suspicion/belief.** A state of mind that is less than a belief but more than a mere possibility, based on reasonable grounds, that a youth's physical safety, health, psychological or emotional wellbeing has been, is being or may be jeopardised. Proof that abuse has occurred is not required before reporting a reasonable suspicion of abuse.

**Respondent.** The individual person or persons against whom a complaint is made.

**Responsible Third Party.** In relation to a youth, means a person or body having parental responsibility or guardianship of a youth under the age of 18. Includes legal guardians and specified next of kin.

**Sensitive Information.** Has the same meaning as in section 6 of the [Privacy Act 1988](#).

**Sex/Gender Discrimination.** 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.

**Sexual Exploitation.** 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.** Anything that represents:

- 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

**Sexual Harassment.** 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.

Sexual Harassment includes:



- 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.

Sexual Harassment can be Isolated (one-off) or Persistent in nature.

**Sexual Misconduct.** Term used to cover the full spectrum of inappropriate behaviours of a sexual nature, from unacceptable behaviours that are visible and non-criminal, through to criminal behaviours. These behaviours can be committed by force or intimidation, or be unwelcome. Sexual misconduct includes, but is not limited to, sexual discrimination, sexual harassment, sexual offences, and the recording, photographing or transmitting of incidents of a sexual nature without the knowledge and consent of all parties. See <http://drnet/People/SeMPRO/Pages/Understanding-Sexual-Misconduct.aspx> for further information.

**Special Care Provisions.** Legislation which imposes additional restrictions on adults in certain contexts. 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. These laws exist only in some states. See <https://aifs.gov.au/cfca/publications/age-consent-laws> for further information on Special Care provisions in each state.

**Trained, in the context of Defence Weapons.** ADF Cadets members who have completed the approved training syllabus for the relevant Defence weapon.

**Unacceptable Behaviours.** Categorised as a serious youth protection incident. Any offensive, belittling, abusive, inappropriate or threatening behaviour which affects another person or the morale, administration or cohesion of a work place.

**Unacceptable Sexual Relationship.** 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:

- a youth under the age of 16 cannot consent to any sexual activity
- a youth over the age of 16 but under the age of 18 cannot consent to any sexual activity with any person who is in charge of their care, safety or wellbeing

**Workplace Health and Safety (WHS)** has the same meaning as in the [Work Health Safety \(WHS\)](#)

**Worker.** Has the same meaning as in the [Work Health Safety \(WHS\) Act 2011](#), includes volunteers, participants of Defence youth programs and members of the ADF Cadets program.

**Working with Vulnerable People / Children Check.** In state and territory jurisdictions which have working with vulnerable people and/or children checks, a clearance is a result which indicates that the applicant is cleared to work with children. In other jurisdictions, the outcome of a National Police Check which discloses no relevant offence, nor any other reason to suspect that the applicant is not suitable to work with children, is the accepted clearance.

**Youth.** Anyone under the age of 18, which encompasses child, children, young person, young people, adolescent, minor and any other equivalent term. Youth special care provisions extend to over 18s participating in ADF youth programs.

**Youth-on-Youth Unacceptable Behaviour.** Any complaint, allegation or incident of Unacceptable Behaviour of a youth towards another youth.

**Youth Protection.** Encompasses matters related to protecting all youth from child abuse managing the risk of child abuse, providing support to a youth at risk of child abuse and responding to incidents or allegations of child abuse.

**Youth Protection Complaint.** Any verbal or written complaint or allegation of unacceptable behaviour/sexual misconduct, as defined in the Youth Safe Code of Conduct policy, made to or received by any ADF, APS, contractor or volunteer member from any source via any mechanism.

**Youth Protection Event/Incident.** Any event/incident of unacceptable behaviour/sexual misconduct, as defined in the Youth Safe Code of Conduct policy, which adversely affected or had the potential to adversely affect the health, protection or wellbeing of a youth(s).

**Youth Protection Policy Breach.** 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. A Policy Breach can be:

- Significant, where the breach relates to mandatory youth protection risk controls defined in the Defence Youth Protection Management System
- Major, where the breach relates to context specific youth protection risk controls
- Minor, where the breach relates to administration.

**Youth-related Work.** Supervised or unsupervised work, whether paid or unpaid, that involves face-to-face or physical interaction, or oral or written communication via any medium, with one or more youth on behalf of Defence, and relates to religious activities and services, or activities and services that are provided specifically (only or mainly) for youth.

**Youth-Related Work Position.** Any ADF, APS, contractor or volunteer position where the incumbent is required to, on behalf of Defence: a. undertake youth-related work as the primary duty/responsibility of the position, or provide overnight care and supervision of youth participating in a Defence Youth Program or Defence Force Recruiting activity.

**Youth Safe Code of Conduct.** Defines ethical, acceptable and unacceptable youth safe behaviours.

**Youth Safety.** The application of the Defence Safety Framework to youth.

## CHAPTER 1

# YOUTH PROTECTION ROLES, RESPONSIBILITIES AND ACCOUNTABILITIES

## INTRODUCTION

1.1.1 Defence has a duty of care to ensure the health, protection and wellbeing of youth. Hazards and risks to the health, protection and wellbeing of youth are to be eliminated or minimised so far as reasonably practicable (SFARP). This includes hazards and risks associated with unacceptable behaviour of adults, other youth, or the youth themselves.

1.1.2 The youth protection requirements of the Commonwealth Child Safe Framework (CCSF) align closely with the elements of a safety management system. Hence, youth protection is managed as a specialist Safety Domain within the Defence Work Health and Safety Management System (WHSMS).

## POLICY INTENT

1.1.3 The intent of this policy is to ensure that the roles, responsibilities and accountabilities for youth protection management and resources are defined, communicated and accepted.

1.1.4 Defence youth protection roles, responsibilities and accountabilities 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 1.3: *Governance arrangements facilitate implementation of the child safety and wellbeing policy at all levels*

1.1.5 Other Defence publications which may be relevant to this policy include, but are not limited to:

a. [Defence Instruction Administrative Policy](#), which defines the generic roles, responsibilities and accountabilities of an Accountable Officer and Policy Owner

b. [Defence WHS Governance Policy](#), which defines the organisational-level WHS roles, responsibilities and accountabilities of Safety Domain Owners, Group Heads and Service Chiefs, commanders, managers, supervisors and workers.

## POLICY

### YOUTH PROTECTION ROLES, RESPONSIBILITIES AND ACCOUNTABILITIES

1.1.6 **Chief of Joint Capabilities.** The Chief of Joint Capabilities (CJC) is appointed the [Accountable Officer](#) and is the [Safety Domain Owner](#) for youth protection. CJC is accountable to the Secretary and Chief of the Defence Force (CDF) for:

- a. providing enterprise-level youth protection policy, guidance and tools for implementation within Group/Service WHSMS
- b. ensuring, in conjunction with Group Heads and Service Chiefs, that adequate resources are provided for effective youth protection management
- c. providing youth protection governance and assurance that Defence meets youth protection obligations.

1.1.7 **Head Joint Support Services Division (HJSSD).** The HJSSD is appointed the [Policy Owner](#) for youth protection. HJSSD is responsible to CJC for:

- a. developing, maintaining and issuing enterprise-level youth protection policy, guidance and tools that are compliant with the CCSF
- b. monitoring and reporting on the implementation of youth protection policy by the Groups/Services.

1.1.8 **Group Heads and Service Chiefs.** Group Heads and Service Chiefs are accountable to the Secretary and CDF for:

- a. extending application of the Group/Service WHSMS where practicable to include youth protection management
- b. contextualised implementation of youth protection policy and guidance defined in this manual within the Group/Service WHSMS where practicable
- c. ensuring, in conjunction with CJC, that adequate resources are provided for effective youth protection management.

1.1.9 **Commanders, managers and supervisors.** Where youth are employed or engaged by or on behalf of a Group or Service, commanders, managers and supervisors must:

- a. extend the scope of their [WHS roles, responsibilities and accountabilities](#) to include youth protection
- b. effectively manage youth protection in accordance with policy and guidance defined in Group/Service youth protection orders, instructions and publications (OIP) and this manual as applicable
- c. ensure that adult workers are aware of their WHS/youth protection responsibilities and comply with youth protection OIP
- d. ensure that youth workers<sup>1</sup> are aware of their WHS/youth protection responsibilities, and consider their age, maturity, understanding, behaviour and ability to make good decisions when conducting WHS/youth protection risk assessments and implementing risk controls.

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<sup>1</sup> In the Defence context, Defence members and ADF Cadets under the age of 18 are considered workers under the WHS ACT

**Accountable Officer:** Chief of Joint Capabilities (CJC)

**Policy Owner:** Head Joint Support Services Division (HJSSD)

## CHAPTER 2

# YOUTH PROTECTION DOCUMENTATION, RECORDS AND PRIVACY

## INTRODUCTION

1.2.1 Having clearly documented youth protection policies and procedures enables Defence to communicate expectations for, and achieve consistent application of child safe practices across Defence. It also enables Defence to examine, through continuous review and improvement processes, adherence to youth health, protection and wellbeing principles and practices.

1.2.2 Defence also has a legal obligation to manage personal information in accordance with the Privacy Act and, specifically in relation to youth, Article 16 of the *United Nations Convention on the Rights of the Child*.

1.2.3 This chapter defines requirements for effective management of youth protection documentation and records, including privacy requirements.

## POLICY INTENT

1.2.4 The intent of this policy is to ensure that:

- a. youth protection documentation, including policies, processes, practices, procedures, training packages and guides are documented, fit for purpose and continuously improved
- b. youth protection documentation and records are managed and protected in accordance with Defence records management and privacy policy.

1.2.5 Defence youth protection documentation, records and privacy 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 1.6.** *Staff and volunteers understand their obligations on information sharing and record keeping.*
- b. **Principle 9:** *Implementation of the national child safe principles is regularly reviewed and improved*
  - (1) **Key Action Area 9.1:** *The organisation regularly reviews, evaluates and improves child safe practices*
- c. **Principle 10:** *Policies and procedures document how the organisation is safe for children and young people*
  - (1) **Key Action Area 10.1:** *Policies and procedures address all national child safe principles*

- (2) **Key Action Area 10.2:** *Policies and procedures are documented and easy to understand*
- (3) **Key Action Area 10.3:** *Best practice models and stakeholder engagement informs the development of policies and procedures.*

1.2.6 Other Defence publications which may be relevant to this policy include, but are not limited to:

- a. Defence [Records Management Policy Manual \(RECMAN\)](#), which prescribes records management requirements applicable to the whole of Defence
- b. [Defence Privacy Policy](#), which provides guidance on how Defence collects, stores, uses and discloses personal information
- c. [Defence Instruction Administrative Policy Annex I](#), *Disclosure of Certain Personal Information in Relation to Youth Safety Incidents*, which provides the authority and circumstances in which it may be appropriate for Defence personnel to disclose personal information to protect the health, protection and wellbeing of youth
- d. [Good Decision Making in Defence](#) and the [Supplement to the Defence Decision Makers Guide](#), *Disclosure of Certain Personal Information in Relation to Youth Safety Incidents*.

## DEFINITIONS

1.2.7 **Youth Protection Documentation.** Youth protection documentation comprises all youth protection policies, processes, practices, procedures, training packages/resources and guides, including:

- a. Joint Support Services Division (JSSD) sponsored Defence Youth Protection Management System (DYPMS) policy and guidance defined in this manual, Defence youth protection training packages and documentation, and youth protection related guides and other reference material
- b. Group/Service and subordinate level youth protection management orders, instructions and publications (OIP), training packages/resources and other guidance material that contextualise implementation of the DYPMS.

1.2.8 **Youth Protection Records.** Youth protection records comprise any electronic or hard copy document, record, data or information generated through implementation of the DYPMS, including records relating to:

- a. personnel screening, working with children checks and codes of conduct
- b. risk assessments
- c. complaints, events, incidents and any associated disclosure of personal information
- d. workplace inspections, audits and surveys



- e. data analysis
- f. meetings, committees, councils and boards
- g. training administration
- h. feedback, forums and other communication.

1.2.9 Unlike youth protection documentation, youth protection records may contain personal information that is subject to [Defence Privacy Policy](#) (refer paragraph 1.2.18).

1.2.10 **Personal Information.** Personal information, as defined in the [Privacy Act](#), is information or an opinion about an identified individual or an individual who is reasonably identifiable, whether the information or opinion is:

- a. true or not
- b. recorded in a material form or not.

1.2.11 Personal information may also be sensitive information.

1.2.12 **Sensitive Information.** Sensitive information, as defined in the [Privacy Act](#), is personal information that includes information or an opinion about an individual's:

- a. racial or ethnic origin
- b. political opinions or associations
- c. religious or philosophical beliefs
- d. trade union membership or association
- e. sexual orientation or practices
- f. criminal record
- g. health or genetic information
- h. biometric information.

1.2.13 Generally, sensitive information has a higher level of privacy protection than other personal information.

## POLICY

### YOUTH PROTECTION DOCUMENTATION AND RECORDS

1.2.14 **Compliance with Child Safe Requirements.** Head Joint Support Services Division (HJSSD) must ensure that the DYPMS and associated documentation complies with the requirements of the Commonwealth Child Safe Framework and applicable Commonwealth, state and territory legislation.

**1.2.15 Compliance with DYPMS.** Group Heads and Service Chiefs must ensure that Group/Service youth protection documentation and records comply with the requirements of the DYPMS.

**1.2.16 Documentation and Records Management.** Youth protection documentation and records must be created, stored and managed in the appropriate enterprise system<sup>1</sup> in accordance with relevant enterprise system policy/guidance and [RECMAN](#).

**1.2.17 Documentation Requirements.** Youth protection documentation must be:

- a. in a language and format appropriate to the target audience
- b. reviewed and/or updated as appropriate:
  - (1) when relevant Commonwealth, state, territory or Defence legislation, policy and/or guidance changes
  - (2) when DYPMS policy and/or guidance changes
  - (3) when deficiencies are identified or suggestions for improvement are received
  - (4) at least every three years
- c. available and accessible to youth, the community, Defence youth program volunteers and participants, and Defence personnel as appropriate.

## PRIVACY AND DISCLOSURE OF PERSONAL INFORMATION

**1.2.18** Commanders, managers and supervisors must ensure that personal information and youth protection records containing personal information are managed in accordance with [Defence Privacy Policy](#) and paragraph 1.2.19.

**1.2.19 Privacy Statement.** The following Privacy Statement must be used on all documentation, information technology systems and on any other occasion where Defence collects information relating to youth and Defence youth programs:

*Defence collects your personal information for the purpose of administering, evaluating and reporting on Defence Youth Programs. The personal information you provide is subject to the Privacy Act 1988 and is handled in accordance with the Australian Privacy Principles and the Defence Privacy Policy.*

*The Defence Privacy Policy explains how Defence (including the Australian Defence Force Cadets) collects, stores, uses and discloses personal information, and is available at [www.defence.gov.au/ComplaintResolution/privacy.asp](http://www.defence.gov.au/ComplaintResolution/privacy.asp). This policy is supplemented by privacy provisions contained in the Youth Policy Manual available at [www.defenceyouth.gov.au](http://www.defenceyouth.gov.au).*

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<sup>1</sup> Appropriate Defence enterprise systems include Objective, PMKeyS, CadetNet, Sentinel, Defence Policing and Security Management System, and Army Incident Management System

*The information you provide to Defence and any other information Defence collects about you 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 considered necessary to safeguard young people.*

## PERSONAL INFORMATION

**1.2.20 Use of Personal Information.** Personal information must not, without the consent of the person to whom the information relates, be used for any other purpose than that for which it was obtained or disclosed to those for whom it was not collected, except where permitted in in the Privacy Act or paragraphs 1.2.23 and 1.2.24 of this policy.

**1.2.21 Personnel Authorised to Disclose Personal Information.** Only Defence personnel are permitted to disclose or authorise disclosure of personal information held by Defence about a youth or any other person.

**1.2.22** The youth or any other person to whom the personal information relates must be advised of any decision to disclose the information prior to the disclosure occurring to allow them the opportunity to self-disclose or to request a review of the decision.

**1.2.23 Disclosure of Personal Information.** Defence personnel may disclose or authorise disclosure of personal information held by Defence about a youth or any other person to the youth's parents/guardians/specified next of kin, or a responsible third party if:

- a. the youth has been involved in a youth protection event/incident (refer Section 3 Chapter 3)
- b. they are reasonably satisfied in the circumstances that it is necessary and appropriate for the personal information to be disclosed to protect the health, protection and wellbeing of the youth, having considered:
  - (1) the youth's age and any wishes expressed by the youth
  - (2) the nature of the personal information and its relevance to the youth's health, protection and wellbeing
  - (3) the nature and seriousness of the youth protection event/incident
  - (4) whether or not the youth or other person to whom the personal information relates is willing and able to self-disclose the information.

**1.2.24** Defence personnel must disclose or authorise disclosure of personal information held by Defence about a youth or any other person to a government oversight body if:

- a. there is a federal legislative requirement to report certain information to a government oversight body (the reporting requirement)

- b. all of the conditions or criteria that trigger the reporting requirement are satisfied.

**1.2.25 Review of decision to disclose personal information.** Following a decision to recommend disclosure of personal information of a youth, a review of the decision can be requested and natural justice will apply. The review is to be conducted by a Defence member other than the decision maker.

**1.2.26** Decision makers are responsible for making the youth aware of the review processes available to them when advising of a decision to disclose personal information.

**1.2.27** In addition to seeking a review, any person affected by a decision to disclose personal information is able to make a complaint in accordance with the [Defence Privacy Policy](#).

#### SENSITIVE INFORMATION

**1.2.28 Non-disclosure of Sensitive Information.** Defence personnel are not authorised to, and **must not** disclose or authorise disclosure of sensitive information to parents/guardians/specified next of kin, responsible third parties or government oversight bodies.

**Accountable Officer:** Chief of Joint Capabilities (CJC)

**Policy Owner:** Head Joint Support Services Division (HJSSD)

## CHAPTER 1

# YOUTH SAFE CULTURE

### INTRODUCTION

2.1.1 The Defence youth safe vision ensures *Defence's engagement with youth is conducted in an environment which assures the health, protection and wellbeing of youth and in a manner that delivers a positive experience for youth*. To achieve this vision, leadership and commitment from commanders, managers and supervisors at all levels is required to develop a strong and effective youth safe culture.

### POLICY INTENT

2.1.2 The intent of this policy is to provide a road map for commanders, managers and supervisors to strive for a 'generative' youth safe culture.

2.1.3 Defence youth safe culture 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 1.2: *A child safe culture is championed and modelled at all levels of the organisation from the top down and the bottom up*
- b. Principle 7: *Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training*
  - (1) Key Action Area 7.1: *Staff and volunteers are trained and supported to effectively implement the organisations child safety and wellbeing policy.*

### DEFINITIONS

2.1.4 **Generative Youth Safe Culture.** A generative youth safe culture is one where youth safe behaviours and practices are understood, displayed and fully integrated by all personnel into every youth related interaction, activity and program. Achievement of a generative youth safe culture requires leadership and commitment from commanders, managers and supervisors at all levels to develop trust, open and honest communication, and the sub-cultures depicted in Figure 1.

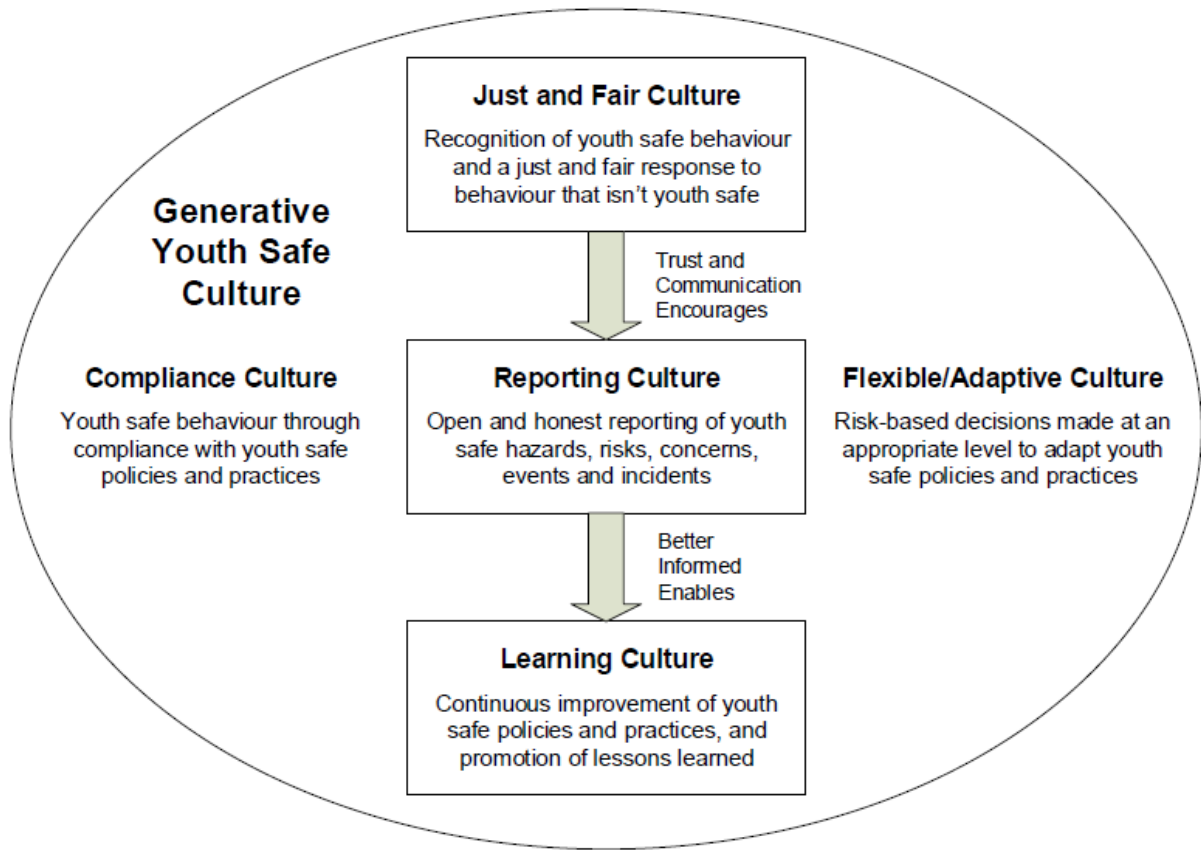


Figure 1: Sub-cultures of a Generative Youth Safe Culture<sup>1</sup>

## POLICY

### GENERATIVE YOUTH SAFE CULTURE

2.1.5 In order to maximise youth safe performance, commanders, managers and supervisors at all levels should display the leadership and commitment to promote and develop a generative youth safe culture, applying the following direction:

- a. **Compliance Culture.** Youth and all adult personnel who engage with youth should be:
  - (1) provided the training (refer Section 5 Chapter 1), resources, support and empowerment to display youth safe behaviours and comply with youth safe policies and practices
  - (2) encouraged and supported to proactively identify and provide feedback on ineffective or impracticable youth safe policies and practices (refer Section 1 Chapter 2)

<sup>1</sup> For further information relating to a generative safety culture, refer to Part 3 Chapter 2 of the [Defence Aviation Safety Manual](#).

- b. **Flexible/Adaptive Culture.** Personnel who engage with youth should be encouraged and empowered to make risk-based decisions to adapt youth safe policies and practices within the scope of their responsibility and authority (refer Section 3 Chapter 1).
- c. **Just and Fair Culture.** Youth and all adult personnel who engage with youth should be informed of what constitutes acceptable and unacceptable behaviour (refer annex C Section 2 Chapter 2 and Section 5 Chapter 1). Procedural fairness should be afforded to anyone who breaches the code of conduct. Recognition for youth safe behaviour, or penalty for misconduct, should be timely and consistent.
- d. **Reporting Culture.** Within the framework of a just and fair culture, youth and adult personnel should feel comfortable, and should be encouraged to openly and honestly report youth safety concerns, hazards, risks, events and incidents at the lowest level through open reporting mechanisms. Notwithstanding, confidential reporting via the Youth Safe Confidential Complaint and Event Report/Notification (ConCERN) should also be promoted and encouraged (refer Section 3 Chapter 3).
- e. **Learning Culture.** Youth safe performance should be periodically analysed to identify adverse trends, new hazards, deficient risk controls and/or systemic issues (refer Section 4 Chapter 1). Lessons learned should be captured in training (refer Section 5 Chapter 1) and communicated to reinforce youth safe behaviours (refer Section 5 Chapter 2).

**Accountable Officer:** Chief of Joint Capabilities (CJC)

**Policy Owner:** Head Joint Support Services Division (HJSSD)

## 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
<b>Child Abuse</b> (Criminal Offence)	<b>Child Abuse</b> , which relates to abuse of a person under the ae of 18 years (youth), is intended to have its broadest meaning and includes <b>Child Sexual Abuse</b> or other <b>Sexual Exploitation</b> , including <b>Grooming</b> and <b>Unacceptable Sexual Relationship; Physical Abuse; Emotional/Psychological Abuse; Neglect; and Exposure to Family/Domestic Violence</b> .
<b>Child Sexual Abuse</b> (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><b>Child Sexual Abuse</b> 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 <b>Child Exploitation Material</b>. Child Sexual Abuse also includes <b>Grooming</b> and <b>Unacceptable</b> 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"><li>• talking to a youth in a sexually explicit way and sexual advances</li><li>• sending sexual explicit messages or emails to a youth</li><li>• exposing a sexual body part to a youth</li><li>• forcing a youth to watch a sexual act (including showing pornography to a youth)</li><li>• having a youth pose or perform in a sexual manner (including youth Sexual Exploitation)</li><li>• Stalking, voyeurism and peeping-tom</li></ul> <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>
<b>Sexual Exploitation</b> (Criminal Offence)	<b>Sexual Exploitation</b> 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.
<b>Child Exploitation Material</b> (Criminal Offence)	<p><b>Child Exploitation Material</b> is anything that represents:</p> <ul style="list-style-type: none"><li>• the sexual parts of a child</li><li>• a child engaged in an activity of a sexual nature</li><li>• someone else engaged in an activity of a sexual nature in the presence of a child</li></ul>
<b>Grooming</b> (Criminal Offence)	<p><b>Grooming</b> is when an adult:</p> <ul style="list-style-type: none"><li>• 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</li><li>• 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.</li></ul> <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"><li>• giving gifts or special attention to a youth or their parent/carers, which can make a youth feel special or indebted to an adult</li><li>• controlling a youth through threats, manipulation, force or use of authority, which can make a youth fearful to report unwanted behaviour</li><li>• making close physical contact, such as inappropriate tickling and wrestling.</li></ul>

Unacceptable Behaviour	Definition
<b>Unacceptable Sexual Relationship</b> (Criminal Offence)	<p><b>Unacceptable Sexual Relationship</b> 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"> <li>• a youth under the age of 16 can not consent to any sexual activity</li> <li>• 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</li> </ul>
<b>Physical Abuse</b> (Criminal Offence)	<p><b>Physical Abuse</b> is any:</p> <ul style="list-style-type: none"> <li>• infliction of physical violence on a youth by any person that causes significant injury/harm</li> <li>• 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.</li> </ul> <p>Physical Abuse includes beating, shaking, kicking, strangling, scalding, burning, poisoning, suffocating and assaulting with weapons.</p>
<b>Emotional/Psychological Abuse</b> (Criminal Offence)	<p><b>Emotional/Psychological Abuse</b> 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>
<b>Neglect</b> (Severe - Criminal Offence)	<p><b>Neglect</b> 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"> <li>• <b>Isolated</b>, where the neglect is one-off, trivial in nature, temporary and/or accidental</li> <li>• <b>Persistent</b>, where the neglect is more than trivial in nature, continual and/or prolonged</li> <li>• <b>Severe</b>, 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.</li> </ul>
<b>Exposure to Family/Domestic Violence</b> (Criminal Offence)	<p><b>Family/Domestic Violence</b> is abusive behaviour by a person towards a family member that may include:</p> <ul style="list-style-type: none"> <li>• physical violence or threats of violence</li> <li>• verbal abuse, including verbal threats</li> <li>• emotional or psychological abuse</li> <li>• sexual abuse</li> <li>• financial abuse</li> <li>• social abuse</li> <li>• spiritual abuse</li> </ul> <p>Family/Domestic Violence can be technologically facilitated</p> <p><b>Exposure to Family/Domestic Violence</b> 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 <b>Child Abuse</b>.</p>

Unacceptable Behaviour	Definition
<b>Abuse of Power or Authority</b> (Criminal Offence)	<b>Abuse of Power or Authority</b> 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.
<b>Sexual Harassment</b> (Persistent – Civil Offence)	<p><b>Harassment</b> is unwanted or unwelcome behaviour that a reasonable person, having regard to all the circumstances, would consider offensive, insulting, humiliating or intimidating.</p> <p><b>Sexual Harassment</b> 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"> <li>• leering/staring</li> <li>• insults of a sexual nature</li> <li>• sexually offensive comments, innuendo, jokes or gestures</li> <li>• sexual comments or questions about a person’s sexual appeal or activities.</li> </ul> <p>Sexual Harassment can be <b>Isolated</b> (one-off) or <b>Persistent</b> in nature.</p>
<b>Sex/Gender Discrimination</b> (Civil Offence)	<b>Sex/Gender Discrimination</b> 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.
<b>Inappropriate Sexual Remark</b>	An <b>Inappropriate Sexual Remark</b> 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 .
<b>Physical Harassment</b> (Persistent – Civil Offence)	<p><b>Physical Harassment</b> 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 <b>Isolated</b> (one-off) or <b>Persistent</b> in nature, constituting physical <b>Bullying</b>.</p>
<b>Bullying</b> (Civil Offence)	<b>Bullying</b> 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 <b>Harassment</b> and can be <b>Physical</b> or <b>Emotional</b> .
<b>Inappropriate Non-sexual Physical Contact</b>	<b>Inappropriate Non-sexual Physical Contact</b> 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.
<b>Emotional Harassment</b> (Persistent – Civil Offence)	<p><b>Emotional Harassment</b> 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 <b>Isolated</b> (one-off) or <b>Persistent</b> in nature, constituting emotional <b>Bullying</b> or <b>Cyberbullying</b></p>

Unacceptable Behaviour	Definition
<b>Cyberbullying</b> (Civil Offence)	<p><b>Cyberbullying</b> 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"> <li>• sending offensive, abusive or insulting texts or emails to the person</li> <li>• posting offensive, abusive or insulting messages about the person</li> <li>• assuming the identity of the person and representing them in a negative manner or manner that may</li> <li>• damaging their reputation and relationship with others.</li> </ul>
<b>Inappropriate Non-sexual Remark</b>	<p>An <b>Inappropriate Non-sexual Remark</b> 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>
<b>Other Discrimination</b> (Civil Offence)	<p><b>Other Discrimination</b>, which excludes <b>Sex/Gender Discrimination</b>, is when a person or group of people are treated less favourably than others because of their:</p> <ul style="list-style-type: none"> <li>• identity, race, culture or ethnic origin</li> <li>• religion</li> <li>• physical characteristics</li> <li>• marital, parenting or economic status</li> <li>• age</li> <li>• ability or disability.</li> </ul> <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 <b>Isolated</b> (one-off) or <b>Persistent</b> in nature.</p>
<b>Prohibited Substance Offence</b> (Criminal Offence)	<p>A <b>Prohibited Substance</b> 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><b>Prohibited Substance Offence</b> 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>
<b>Prohibited Substance Use</b> (Criminal Offence)	<p><b>Prohibited Substance Use</b> is when a person administers to himself or herself, or causes or permits to be administered, a prohibited substance.</p>
<b>Alcohol Offence</b> (Criminal Offence)	<p>An <b>Alcohol Offence</b> 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>
<b>Alcohol Indiscretion</b>	<p>An <b>Alcohol Indiscretion</b> 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><b>Youth Protection Policy Breach</b> 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><b>Significant</b>, where the breach relates to mandatory youth protection risk controls defined in the Defence Youth Protection Management System</p> <p><b>Major</b>, where the breach relates to context specific youth protection risk controls</p> <p><b>Minor</b>, where the breach relates to administration.</p>
Youth-on-Youth Unacceptable Behaviour	<p><b>Youth-on-Youth Unacceptable Behaviour</b> is any complaint, allegation or incident of <b>Unacceptable Behaviour</b> of a youth towards another youth.</p>



## CHAPTER 1

# DEFENCE YOUTH PROTECTION RISK MANAGEMENT

## INTRODUCTION

3.1.1 Defence is committed to ensuring the health, protection and wellbeing of all youth who engage with Defence. Risk management plays an important role in creating a youth safe culture and an environment where people identify, consider and address risks to youth before and as they arise

## POLICY INTENT

3.1.2 The intent of this policy is to ensure that all youth protection hazards and risks are identified and effectively managed

3.1.3 Defence youth protection risk management policy is consistent with:

- a. Requirement 1.0 of the [Commonwealth Child Safe Framework \(CCSF\)](#): *Undertake risk assessments annually in relation to activities of each entity, to: identify the level of responsibility for and contact with children and young people, evaluate the risk of harm or abuse, and put in place appropriate strategies to manage identified risks*
- b. Principle 1 of the [National Principles for Child Safe Organisations \(NPCSO\)](#): *Child safety and wellbeing is embedded in organisational leadership, governance and culture*
  - (1) Key Action Area 1.5: *Risk management strategies focus on preventing, identifying and mitigating risks to children and young people*
- c. Principle 8 of the NPCSO: *Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed*
  - (1) Key Action Area 8.1: *Staff and volunteers identify and mitigate risks in the online and physical environments without compromising a child's right to privacy, access to information, social connections and learning opportunities*
  - (2) Key Action Area 8.3: *Risk management plans consider risks posed by organisational settings, activities, and the physical environment*

3.1.4 Other Defence publications which may be relevant to this policy include, but

is not limited to the [Defence Safety Risk Management Policy](#)

## POLICY

### PROACTIVE YOUTH PROTECTION RISK MANAGEMENT

3.1.5 The purpose of proactive youth protection risk management is to identify potential risks to youth health, protection and wellbeing and to implement action to minimise those risks. In assessing risks to youth, consideration must be given to the developmental stage(s) and behavioural nature of youth. Refer to [Defence Youth Protection Risk Management Guide](#) for further information

3.1.6 **Enterprise-level Risk Management.** Head Joint Support Services Division (HJSSD) must ensure that an enterprise-level youth protection risk assessment is undertaken and reviewed annually to assess the minimum reasonably practicable youth protection risk controls (including processes) defined in annex A

3.1.7 **Context-specific Risk Management.** Commanders, managers and supervisors must ensure that all youth protection risks, specific to the context in which youth are engaged are identified and managed in accordance with Service/Group WHSMS risk management policy, applying the following direction:

- a. **Annual Risk Assessment.** A youth protection risk assessment must be undertaken and reviewed annually to assess all context-specific youth protection risks.
- b. **Task/Activity Risk Assessment.** Risks to youth protection must be considered and effectively managed as part of any deliberate and/or immediate risk assessment for a task/activity.
- c. **Risk Control Implementation and Maintenance.** All reasonably practicable youth protection risk controls must be documented in orders, instructions and publications (OIP) as appropriate, implemented and effectively maintained (refer Section 1 Chapter 2).
- d. **Risk Control Awareness.** All personnel, including youth, must be made aware of youth protection risk controls (refer Section 3 Chapter 1).
- e. **Risk Registers.** All youth protection hazards, risks and issues should be included in the relevant WHS hazard, risk or issues register.

3.1.8 **Risk Management Support.** For support relating to Defence youth protection risk management policy, commanders, managers and supervisors should engage Joint Support Services Division (JSSD) via the [Defence Youth Protection](#) mailbox or Defence Youth Protection Contact Officer on M: +61 408 157 133.<sup>1</sup>

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<sup>1</sup> Defence Business Hours only.

## PRIVACY

3.1.9 All information collected or used in relation to youth protection risk management policy must be managed in accordance with the privacy requirements defined in Section 1 Chapter 2.

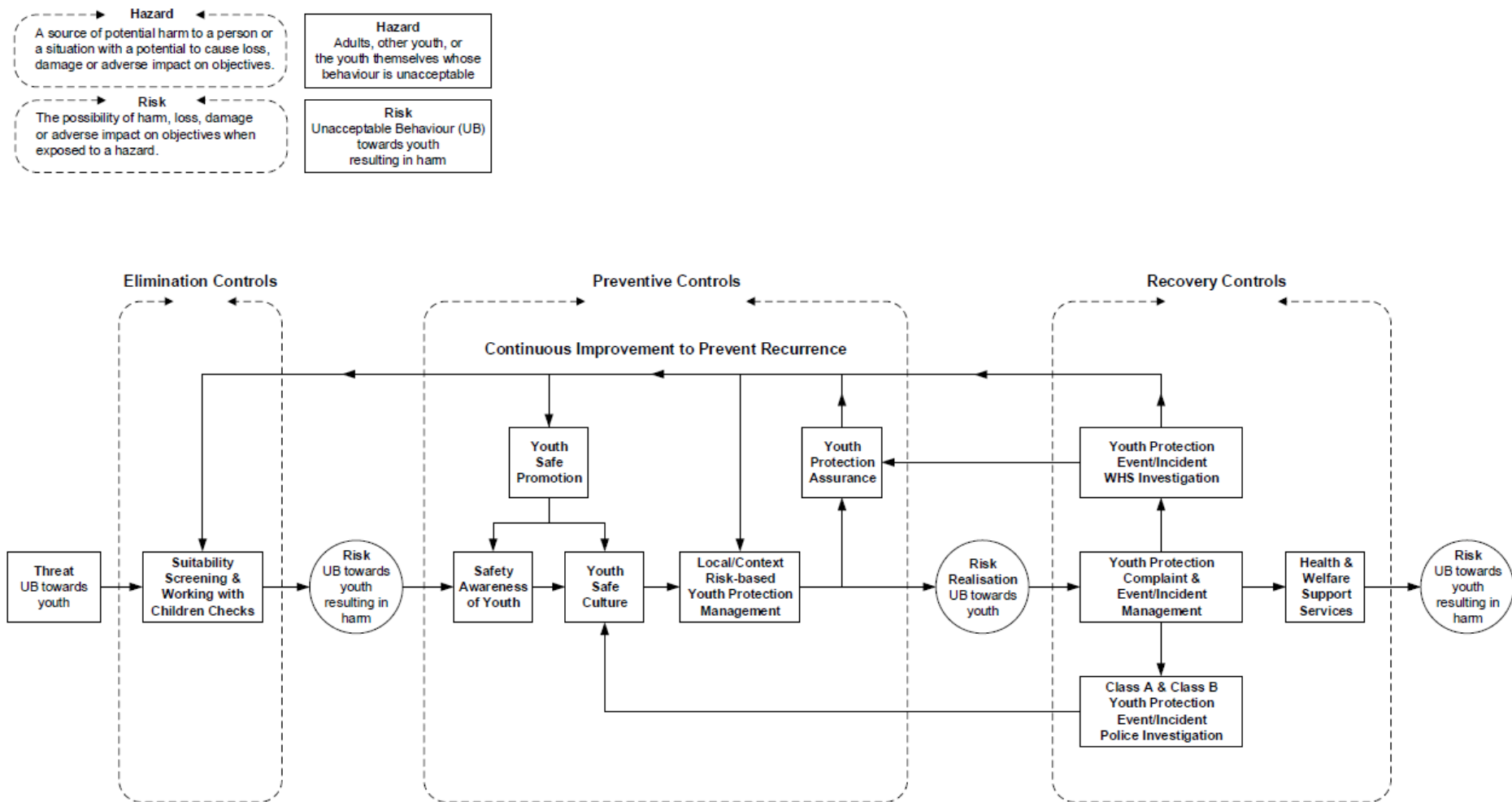
### **Annex**

A. Enterprise-level Youth Protection Risk Controls

**Accountable Officer:** Chief of Joint Capabilities (CJC)

**Policy Owner:** Head Joint Support Services Division (HJSSD)

## Enterprise-level Youth Protection Risk Controls



## CHAPTER 2

# SUITABILITY SCREENING AND WORKING WITH CHILDREN CHECKS

### INTRODUCTION

3.2.1 Defence is committed to providing a youth safe environment. Suitability assessment and Working with Children Checks (WWCC) for personnel required to work specifically with youth on behalf of Defence are primary risk controls to prevent harm to youth.

### POLICY INTENT

3.2.2 The intent of this policy is to ensure that personnel who Defence require to engage with youth are appropriately assessed by Defence and when required, obtain and maintain jurisdictional WWCC Clearance(s) in accordance with relevant [state or territory legislative requirements](#).

3.2.3 Defence working with children checks policy is consistent with :

- a. Principle 5 of the [National Principles for Child Safe Organisations](#): *People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice*
  - (1) Key Action Area 5.1: *Recruitment, including advertising, referee checks and staff and volunteer pre-employment screening, emphasise child safety and wellbeing*
  - (2) Key Action Area 5.2: *Relevant staff and volunteers have current working with children checks or equivalent background checks*
- b. the [National Standards for Working with Children Checks](#)

3.2.4 This policy should be read in conjunction with the [Guide to Working with Children Checks](#).

### DEFINITIONS

3.2.5 **Youth-related Work Position.** A youth-related work position is any ADF, APS, contractor or volunteer position where the incumbent is required to, on behalf of Defence:

- a. undertake youth-related work as the primary duty/responsibility of the position<sup>1</sup>  
**OR**
- b. provide overnight care and supervision of youth participating in a Defence Youth Program or Defence Force Recruiting activity

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<sup>1</sup> A position is not a youth-related work position if any likely interaction/work with youth is incidental (secondary) to the primary duty/responsibility of the position and can generally be observed or monitored by others.

**3.2.6 Youth-related Work.** Youth-related work is supervised or unsupervised work, whether paid or unpaid, that:

- a. involves face-to-face or physical interaction, or oral or written communication via any medium, with one or more youth on behalf of Defence **AND**
- b. relates to religious activities and services, or activities and services that are provided specifically (only or mainly) for youth<sup>2</sup>.

## POLICY

### IDENTIFICATION AND ANNOTATION OF YOUTH-RELATED WORK POSITIONS

**3.2.7 ADF and APS Youth-related Work Positions.** Group Heads and Service Chiefs must ensure all ADF and APS youth-related work positions within and/or related to their Group or Service are identified and annotated in PMKeyS.

**3.2.8** To avoid doubt and assist in identification of youth-related work positions, ADF and APS personnel **are not** in a youth-related work position if they are:

- a. commanders, managers, supervisors, instructors or the colleagues of, or service providers<sup>3</sup> to, Defence personnel who are youth in a Defence workplace where youth-related work is not the primary duty, function or service provided by the unit/organisation/position
- b. required to support a Defence Youth Program activity, unless they are required to provide care and supervision of youth participating in an overnight activity<sup>4</sup>
- c. peers of Defence personnel who are youth undertaking education and training.

**3.2.9 Contractor and Volunteer Youth-related Work Positions.** Group Heads and Service Chiefs must ensure that all contractor and volunteer youth-related work positions within and/or related to their Group or Service are identified and annotated in CadetNet<sup>5</sup> or contract documentation as applicable.

**3.2.10** To avoid doubt and assist in identification of youth-related work positions, contractors and volunteers:

- a. **are** in a youth-related work position if they are a Cadet Adult Volunteer, including Officers of Cadets and Instructors of Cadets, and Defence Approved Helpers

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<sup>2</sup> The majority of youth-related work is undertaken in Defence Youth Program and Defence Force Recruiting contexts.

<sup>3</sup> Including health, psychology, administration, logistics, accommodation and transportation services that are not specifically (only or mainly) provided for youth, but excludes chaplaincy services.

<sup>4</sup> Commanders, managers and supervisors who support a discrete Defence Youth Program activity will be briefed well in advance in relation to youth protection requirements, including the need for WWCC if applicable, by the program/activity sponsor.

<sup>5</sup> Annotation can be via assignment of a Cadet Organisation role within CadetNet.

- b. **are not** in a youth-related work position if they are instructors of, or service providers<sup>6</sup> to, Defence personnel who are youth in a Defence workplace where youth-related work is not the primary duty, function or service provided by the unit/organisation/position
- c. **are not** in a youth-related work position if they are peers of youth participating in Defence Youth Programs.

## SELECTION OF PERSONNEL FOR YOUTH-RELATED WORK POSITIONS

3.2.11 Adults working with youth are acting in a position of trust and are likely to be viewed as role models. Role modelling is critical to creating a safe environment and providing a positive experience for youth, as well as protecting Defence's reputation. Careful consideration to the selection of personnel required to work or engage with youth is required.

3.2.12 Career management agencies, human resource managers, contract managers, and youth program commanders, managers, and supervisors must ensure that only personnel who are [assessed as suitable](#) to undertake youth-related work are selected and posted, appointed or contracted to youth-related work positions.

3.2.13 Commanders, managers and supervisors must ensure that personnel who are not in a youth-related work position but are required to manage, supervise, instruct, or provide services to youth, are [assessed as suitable](#).

3.2.14 **Contractors.** Where it is intended to contract youth-related work, contract managers must ensure that:

- a. appropriate [Commonwealth Child Safety Clauses](#) are included in the tender documentation and contract
- b. the selected contractor complies with the child safety clauses.

3.2.15 **Non-Australian Based Contractors and Locally Employed Civilians.** Commanders, managers and supervisors who intend to use non-Australian-based contractors or locally employed civilians overseas or in external Commonwealth territories in youth-related work positions should engage with the appropriate authority to determine their suitability to undertake youth-related work before they are contracted/engaged by Defence (refer Section 3 Chapter 1). Authorities may include but not be limited to the Department of Foreign Affairs and Trade, local government, police, child protection and/or other local authorities.

## WORKING WITH CHILDREN CHECKS

3.2.16 **Non Youth-related Work Positions.** Personnel who are not in a youth-related work position are not required to obtain a WWCC Clearance(s).

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<sup>6</sup> Including health, psychology, administration, logistics, accommodation and transportation services that are not specifically (only or mainly) provided for youth, but excludes chaplaincy services.

**3.2.17 ADF and APS Youth-related Work Positions.** Commanders, managers and supervisors must ensure that ADF and APS personnel in youth-related work positions:

- a. obtain and maintain WWCC Clearance(s) for the states and/or territories relevant to their youth-related work in accordance with each relevant jurisdiction's requirements while they remain in a youth-related work position
- b. are aware of their obligation to advise their commanders, managers and supervisors of any event or issue that impacts or could impact their WWCC Clearance(s)
- c. sign a code of conduct (refer Section 2 Chapter 2) and complete relevant youth safe training (refer Section 5 Chapter 1)

**3.2.18** Commanders, managers and supervisors may allow ADF and APS personnel in youth-related work positions to undertake youth-related work pending the issue of a WWCC Clearance providing:

- a. it is verified a WWCC application has been submitted to the relevant State and/or Territory agency
- b. the WWCC application is not withdrawn
- c. the work does not involve providing overnight care and supervision of youth participating in a Defence Youth Program or Defence Force Recruiting activity.

**3.2.19 Contractor and Volunteer Youth-related Work Positions.** Commanders, managers and supervisors must ensure that contractor or volunteer incumbents or potential incumbents of youth-related work positions:

- a. obtain WWCC Clearance(s) for the states and/or territories relevant to their youth-related work in accordance with each relevant jurisdiction's requirements **before they undertake ANY youth-related work** in that state or territory
- b. maintain WWCC Clearance(s) for the states and/or territories relevant to their youth-related work in accordance with each relevant jurisdiction's requirements while they remain in a youth-related work position
- c. are aware of their obligation to advise Defence of any event or issue that impacts or could impact their WWCC Clearance(s)
- d. sign a code of conduct (refer Section 2 Chapter 2) and complete relevant youth safe training (refer Section 5 Chapter 1).

**3.2.20 WWCC Non-clearance.** Commanders, managers and supervisors must ensure that personnel who apply for, but are subsequently not issued/re-issued a WWCC Clearance, are:

- a. immediately removed from or not placed in a youth-related work position and **do not undertake ANY youth-related work** on behalf of Defence



- b. administered in accordance with relevant personnel or member management policy.

**3.2.21 WWCC Annotation and Record.** Commanders, managers and supervisors must ensure:

- a. each WWCC Clearance, Non-clearance or Exemption<sup>7</sup> is annotated against the individual in PMKeyS, CadetNet or other relevant personnel/contractor management system
- b. an electronic copy of each WWCC Clearance, Non-clearance or Exemption is stored in the individual's personnel file on Objective or member record in CadetNet as applicable.

**3.2.22 Cost of WWCC Clearances.** Commanders, managers and supervisors must cover the cost of obtaining and maintaining WWCC Clearances from their allocated budgets.

#### PRIVACY

**3.2.23** All information collected in relation to WWCC policy must be managed in accordance with the privacy requirements defined in Section 1 Chapter 2.

**Accountable Officer:** Chief of Joint Capabilities (CJC)

**Policy Owner:** Head Joint Support Services Division (HJSSD)

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<sup>7</sup> A WWCC Exemption relates to the situation where a jurisdiction advises that a WWCC is not required.

## CHAPTER 3

# YOUTH PROTECTION COMPLAINT AND EVENT/INCIDENT MANAGEMENT

### INTRODUCTION

3.3.1 Defence is committed to providing a youth safe environment and actively encourages youth who engage with Defence to report both Defence and community/family/domestic related events/incidents, including youth protection complaints.

3.3.2 All personnel have a legal and moral obligation to protect youth and report youth protection events/incidents, including complaints, to their commander or manager. Youth protection events/incidents are a specific category of unacceptable behaviour and are managed within the Youth Protection Safety Domain.

3.3.3 Commanders, managers and supervisors have a legal and moral obligation to ensure compliance with legislative reporting requirements and effectively manage youth protection events/incidents, including complaints.

### POLICY INTENT

3.3.4 The intent of this policy is to ensure that youth protection events/incidents, including complaints are reported, effectively managed and analysed in accordance with legislative requirements. This policy provides direction for the reporting of youth protection events/incidents which necessitates the use of extant WHS and incident reporting and management policies and processes to deliver the required Youth Protection outcome.

3.3.5 Commanders, managers and supervisors are also responsible for ensuring mandatory, external to Defence reporting requirements for Youth Protection incidents are met. This may include reporting directly to state or territory police and child protection or other government authorities. Information on external reporting is provided in Guide 3 to this policy.

3.3.6 Defence youth protection event/incident management policy is consistent with the following [National Principles for Child Safe Organisations](#):

- a. Principle 3: *Families and communities are informed and involved in promoting child safety and wellbeing*
  - (1) Key Action Area 3.1: *Families participate in decisions affecting their child*
- b. Principle 4: *Equity is upheld and diverse needs respected in policy and practice*
  - (1) Key Action Area 4.2: *Children and young people have access to information, support and complaints processes in ways that are*

*culturally safe, accessible and easy to understand*

- c. Principle 6: *Processes to respond to complaints and concerns are child focussed*
- (1) Key Action Area 6.1: *The organisation has an accessible, child focused complaint handling policy which clearly outlines the roles and responsibilities of leadership, staff and volunteers, approaches to dealing with different types of complaints, breaches of relevant policies or the Code of Conduct and obligations to act and report*
  - (2) Key Action Area 6.2: *Effective complaint handling processes are understood by children and young people, families, staff and volunteers, and are culturally safe*
  - (3) Key Action Area 6.3: *Complaints are taken seriously, and responded to promptly and thoroughly*
  - (4) Key Action Area 6.4: *The organisation has policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and co-operates with law enforcement*
  - (5) Key Action Area 6.5: *Reporting, privacy and employment law obligations are met.*

3.3.7 Other Defence publications which may be relevant to this policy include, but are not limited to:

- a. [Complaints and Alternate Resolution Manual \(CARM\)](#)
- b. [Incident Reporting and Management Manual \(IRMMAN\)](#)
- c. [Military Personnel Manual \(MILPERSMAN\) Part 3 Chapter 7 Member Support Coordination](#)
- d. [Defence Safety Manual \(SAFETYMAN\)](#)

## DEFINITIONS

3.3.8 **Defence Environment.** Includes any Defence workplace, premise or facility, or any other location/environment where Defence arranges, undertakes or supervises an activity.

3.3.9 **Youth Protection Event/Incident.** A youth protection event/incident is any event/incident of unacceptable behaviour/misconduct which adversely affected or had the potential to adversely affect the health, protection or wellbeing of a youth(s). These behaviours are defined in annex C to Section 2, Chapter 2.

**3.3.10 Youth Protection Complaint/Allegation.** Any person may submit a youth protection complaint or allegation if they form a reasonable belief that a youth protection event/incident has occurred. A youth protection complaint or allegation can be made in writing or verbally. Mechanisms through which Defence becomes aware of a youth protection complaint or allegation include, but are not limited to:

- a. Commanders, Managers, Supervisors and/or Adult Volunteers
- b. the Joint Military Police Unit
- c. Sexual Misconduct Prevention & Response Office
- d. Other support service hotlines/reporting mechanisms (refer to Guide 3)
- e. Chaplains and training staff
- f. ConCERN process (refer to 3.3.12).

**3.3.11** Upon receipt, all youth protection complaints or allegations must be managed as a youth protection event/incident.

**3.3.12 Dedicated Youth Confidential Complaint Process.** Head Joint Support Services Division (HJSSD) manages an independent Defence Youth Protection Confidential Complaint and Event Report/Notification (Youth Protection ConCERN) process that is:

- a. youth-focussed
- b. understood and available to all youth, the community, Defence youth program volunteers and participants, and Defence personnel.

**3.3.13** The ConCERN is not an avenue of redress for resolved complaints.

## POLICY

### YOUTH PROTECTION EVENT/INCIDENT MANAGEMENT

**3.3.14 Purpose.** Youth protection event/incident management is critical to maintaining a strong youth protection culture. Accordingly, youth protection event/incident management policy specifies two distinct but parallel reporting and investigation chains that utilise extant Defence incident management and WHS Management System (WHSMS) processes to support all parties and achieve a Youth Protection outcome:

- a. **WHS event investigation and reporting.** The purpose of this process is to identify contributing factors which led to the event/incident; improve risk controls to prevent recurrence; and ensure consistency in data reporting

- b. **Incident management.** The purpose of this process is to ensure relevant parties are informed and address identified behavioural issues. Incident management should occur in accordance with the relevant Defence and/or Group/Service policies and procedures.

3.3.15 A flowchart for managing a youth protection event/incident is at [annex A](#).

#### 3.3.16 Initial response and actions.

- a. **Assess and respond.** Commanders, managers and supervisors must take appropriate immediate action to ensure the health, protection and wellbeing of personnel, in particular youth.
- b. **Confirm circumstances.** Solicit what happened from those involved and/or witnesses as appropriate, but don't conduct interviews.
- c. **Safeguard and record evidence.** Safeguard physical evidence and keep a record of discussions and actions.
- d. **Categorise incident.** All events/incidents require classification and contextualisation in accordance with Guide 2 as well as codification in Sentinel.

3.3.17 **Initial reporting.** Commanders, managers and supervisors must ensure initial reporting requirements are met. This includes reporting through the Youth Protection Management System in accordance with Guide 4, as well as relevant Defence and Service/Group reporting. Acknowledgement of the receipt of a youth protection complaint should be provided to the complainant(s) as soon as practicable. Youth protection events/incidents may also require external to Defence reporting, as detailed in Guide 3.

3.3.18 HJSSD must be immediately notified<sup>1</sup> of a youth protection event/incident if the event/incident is:

- a. immediately notifiable to a Service Chief or Group Head in accordance with Defence or Group/Service policy, and/or to Comcare
- b. a Class A or B event/incident
- c. likely to attract adverse publicity.

3.3.19 **Youth Protection event/incident management.** The key components of the youth protection event/incident management process include:

- a. **Inform and Support.** Keep all involved or affected by the event informed until event closure and provide ongoing support as appropriate.

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<sup>1</sup> Via the Aide de-Camp to HJSSD on +61 447 208 593 during business hours or after hours, or the DYP Contact Officer on +61 408 157 133 during business hours

- b. **Report.** Commanders, managers and supervisors must ensure that youth protection events/incidents are reported and managed on Sentinel in accordance with Guide 4. The completion of the Sentinel report does not limit or replace the need for incident reporting and management in accordance with other Defence Group/Service policies or requirements. A summary of reporting timeframes is at Table 1.

YPE Classification	Immediate Mandatory Reporting	DIR or AIMS Report	WHS Event Report <sup>2</sup>
Class A	As Soon as Practicable	Within 24 Hours	Within 24 Hours
Class B	As Soon as Practicable	Within 24 Hours	Within 24 Hours
Class C	As per Service/Group requirements	As per Service/Group requirements	Within 3 Days
Class D	As per Service/Group requirements	As per Service/Group requirements	Within 3 Days

**Table 1 – Event/Incident Reporting Requirements**

- c. **Investigate.** A WHS investigation must be conducted for youth protection events/incidents occurring within the Defence environment.<sup>3</sup> A WHS investigation **is not required** for community/family/domestic context youth protection events/incidents. For detailed guidance on the conduct of youth protection WHS investigations, refer to Section 3 Chapter 4. Where appropriate, other administrative inquiries may be conducted in accordance with Defence Group/Service policies or requirements.
- d. **Track actions and close event.** The implementation of investigation(s) actions and recommendations must be tracked to completion prior to closure of the event/incident. A youth protection event/incident is not considered fully closed until all actions arising from the youth protection safety investigation and administrative inquiries are completed.

<sup>2</sup> Reporting timeframes align with Defence WHSMS reporting requirements.

<sup>3</sup> Pending Sentinel access for the Cadet Organisations, this requirement is only mandatory for cadet related Class A and Class B youth protection events/incidents.

## PERSONNEL PROTECTION AND SUPPORT

**3.3.20 Protection and wellbeing of youth.** The health, protection and wellbeing of youth involved in or affected by a youth protection event/incident must be given primary consideration. Involved or affected youth, as well as their parents/guardians if appropriate (refer paragraph 3.3.21), must be consulted, supported and kept informed throughout the event/incident management process.

**3.3.21** It may not be appropriate to contact parents/guardians if a parent, guardian or family member is the respondent to the event/incident. Commanders, managers and supervisors must follow the advice of the civil police, relevant state/territory child protection or other government authorities, and/or the Joint Military Police Unit.

**3.3.22 Personnel support.** Appropriate support and information, subject to privacy requirements (refer Section 1 Chapter 2), must be provided to all involved or affected parties, including the complainant(s)/victim(s), alleged respondent(s), family(s), witnesses and/or other affected parties<sup>4</sup> as appropriate. Appropriate support may include but not be limited to:

- a. professional support from health practitioners, the [Sexual Misconduct Prevention and Response Office \(SeMPRO\)](#), and the [Employee Assistance Program \(EAP\)](#)
- b. local support from commanders, managers and supervisors, Chaplains, [Workplace Behaviour Advisers](#), [Member Support Coordinators](#)<sup>5</sup> and other local support officers.

**3.3.23** Commanders, managers and supervisors must ensure that all youth protection complaints are taken seriously<sup>6</sup> and effectively managed in accordance with the *Complaint Handling Principles*, as defined in the [CARM](#).

**3.3.24** All support arrangements should be documented in accordance with Defence and relevant Group/Service requirements.

**3.3.25 Support or advice for commanders, managers and supervisors.** For information on the range of support and advice services relating to youth protection event/incident management refer to Guide 3.

## PRIVACY

**3.3.26** All information collected in relation to youth protection events/incidents must be managed in accordance with the privacy requirements defined in Section 1 Chapter 2.

<sup>4</sup> Other affected parties may include members of the community and staff who received a disclosure or provide counselling/support to the victim(s).

<sup>5</sup> Workplace Behaviour Advisers and Member Support Coordinator services are not available to ADF Cadet organisations.

<sup>6</sup> This includes listening to the youth who makes a complaint or discloses abuse/unacceptable behaviour in any context, responding appropriately/sensitively to the needs of the youth, and acting on the information.

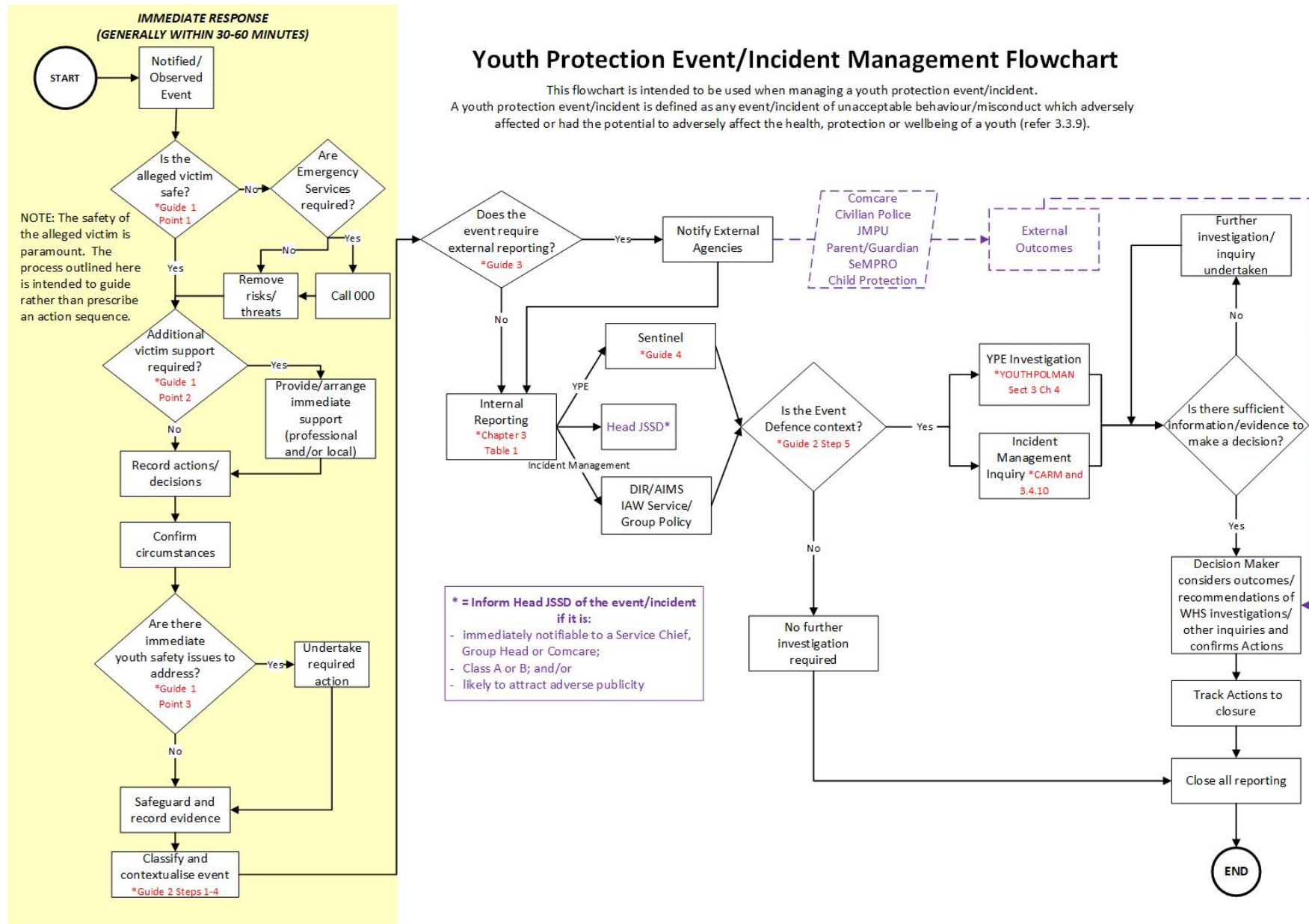
**Annexes**

- A. Flowchart for managing a Youth Protection Event/Incident
- B. Guide 1 - Initial Responses for Managing a Youth Protection Event/Incident
- C. Guide 2 - Classifying and Codifying a Youth Protection Event/Incident
- D. Guide 3 - External-to-Defence Reporting Contact Information
- E. Guide 4 - Guide to Reporting Youth Protection Events/Incidents in Sentinel

**Accountable Officer:** Chief of Joint Capabilities (CJC)

**Policy Owner:** Head Joint Support Services Division (HJSSD)





## GUIDE 1: INITIAL RESPONSES FOR MANAGING A YOUTH PROTECTION EVENT/INCIDENT

Objective	Actions	Examples
1. Make alleged victim safe	<p>Ensure the alleged victim is safe from further danger</p> <p>Remove immediate risks/threats</p> <p>In the event of an emergency, notify emergency services (000)</p>	<p>Separate alleged victim from alleged perpetrator</p> <p>Administer first aid as required</p> <p>As appropriate, notify service police, civilian police and/or ambulance</p>
2. Provide additional support to the victim as required	<p>Arrange additional professional and/or local support</p> <p>Notify Next of Kin as appropriate</p>	<p>Chaplaincy</p> <p>Psychological support</p> <p>Workplace behaviour advisor</p> <p>Other emotional support (family/friends)</p>
3. Ensure wider youth safety of program/activity	<p>Preserve wellbeing of other youth</p> <p>Secure and safeguard the environment</p>	<p>Review youth privacy and security arrangements</p> <p>Provide pastoral support/care as required</p> <p>Suspend or alter activity conduct</p>
	<p>Consider the removal of alleged perpetrator from the activity/program</p> <p>Consider suspension or alteration of youth activity</p>	<p>Review supervisory arrangements</p> <p>Remove supervisory/escort staff from role</p> <p>Suspension/removal of adult volunteers/supervisors from youth program/s</p>

GUIDE 2: CLASSIFYING AND CONTEXTUALISING A YOUTH PROTECTION EVENT/INCIDENT

The classification and contextualisation of a Youth Protection Event/Incident is a five-step process in which the impact on youth, perceived intent, nature and context of the event/incident are considered.

**Note:** The event/incident Class selected in step 4 may be changed at any time, for example, if facts obtained during any investigation changes the assessments made during steps 1 to 3.

STEP 1 - IMPACT ON YOUTH

Using the descriptors below, identify the highest impact on involved youth as a direct result of a youth protection event/incident.

Min Class	Impact on Youth
A	<b>Severe Impact on Youth</b> Child Abuse (including the sub categories mentioned in step 3) and/or other very serious misconduct that results in a fatality, serious injury or severe stress/trauma requiring hospital admission and/or ongoing medical/psychological or other professional support.
B	<b>Major Impact on Youth</b> Persistent sexual harassment and/or sex/gender discrimination or other serious misconduct that results in serious injury or major stress/trauma requiring medical/psychological attention and/or professional support
C	<b>Minor Impact on Youth</b> Isolated sexual harassment or other misconduct that results in minor injury or stress/trauma requiring first aid/youth mental health first aid and/or local support
D	<b>Negligible Impact on Youth</b> Inappropriate sexual remark or other misconduct that does not result in injury but causes negligible stress/trauma

STEP 2 - PERCEIVED INTENT

Using the descriptors below, identify the perceived intent of youth protection event/incident directed towards involved youth.

Min Class	Perceived Intent
A	<b>Severe Intent</b> The intent was to seriously harm or exploit the youth for personal benefit
B	<b>Major Intent</b> The intent was to cause ongoing harm or stress to the youth
C	<b>Minor Intent</b> The intent was to cause isolated harm or stress to the youth
D	<b>No Intent</b> There was no intent to cause harm or stress to the youth

STEP 3 - NATURE OF YOUTH PROTECTION EVENTS/INCIDENTS

Using the descriptors below, identify the nature of the youth protection event/incident. Consider the relevant context, including whether:

- there was a real or perceived power imbalance
- where appropriate, the unacceptable behaviour/misconduct has been persistent or is isolated

Min Class	Nature of Youth Protection Events/Incidents	
	Sexual Misconduct	Other Misconduct
A	<ul style="list-style-type: none"><li>Child Abuse# Includes:<ul style="list-style-type: none"><li>Child Sexual Abuse</li><li>Sexual Exploitation</li><li>Grooming</li><li>Unacceptable Sexual Relationship</li></ul></li><li>Child Exploitation Material</li></ul>	<ul style="list-style-type: none"><li>Child Abuse# includes:<ul style="list-style-type: none"><li>Physical Abuse</li><li>Emotional/Psychological Abuse</li><li>Neglect (Severe, Persistent and Isolated)</li><li>Exposure to Family/Domestic Violence</li></ul></li><li>Abuse of Power and Authority</li><li>Prohibited Substance Offence or Use</li><li>Alcohol Offence</li><li>Classify other misconduct based on Steps 1 &amp; 2</li></ul>
B	<ul style="list-style-type: none"><li>Sexual Harassment (Persistent)</li><li>Sex/Gender Discrimination</li></ul>	<ul style="list-style-type: none"><li>Physical Harassment (Persistent)</li><li>Emotional Harassment (Persistent)</li><li>Other Discrimination (Persistent)</li><li>Bullying</li><li>Alcohol Indiscretion</li><li>Youth Protection Policy Breach (Significant)</li><li>Classify other misconduct based on Steps 1 &amp; 2</li></ul>
C	<ul style="list-style-type: none"><li>Sexual Harassment (Isolated)</li></ul>	<ul style="list-style-type: none"><li>Physical Harassment (Isolated)</li><li>Emotional Harassment (Isolated)</li><li>Other Discrimination (Isolated)</li><li>Youth Protection Policy Breach (Major)</li><li>Classify other misconduct based on Steps 1 &amp; 2</li></ul>
D	<ul style="list-style-type: none"><li>Inappropriate Sexual Remark</li></ul>	<ul style="list-style-type: none"><li>Inappropriate Non-Sexual Physical Contact</li><li>Inappropriate Non-Sexual Remark</li><li>Youth Protection Policy Breach (Minor)</li><li>Classify other misconduct based on Steps 1 &amp; 2</li></ul>

STEP 4 – YOUTH PROTECTION EVENT/INCIDENT CLASS

Select the highest event classification determined in Steps 1 to 3; this is the overall event classification.

STEP 5 – YOUTH PROTECTION EVENT/INCIDENT CONTEXT

Select whether the youth protection event/incident occurred in a Defence or Family/Community context.

Defence Context If answer 'Yes' to ANY of the following	Community or Family/Domestic Context If answer 'Yes' to ALL of the following:
<ul style="list-style-type: none"><li>Did the alleged youth protection event/incident occur within the defence environment?</li><li>Is the alleged victim an ADF or Defence APS youth (excluding ADF Cadets)?</li><li>Is the alleged respondent an ADF, Defence APS member or contractor/volunteer/visitor to Defence*?</li></ul>	<ul style="list-style-type: none"><li>Did the alleged youth protection event/incident occur outside the Defence environment?</li><li>Is the victim a civilian (non-ADF or APS member)?</li><li>Is the alleged respondent a member of the community with no association with Defence?</li></ul>

\*Includes a participant in a Defence Youth Program, including ADF Cadets and Defence Work Experience

# - Child abuse includes a number of sub-categories in the sexual misconduct and other misconduct columns  
Refer to Definitions of Unacceptable Behaviour in a Defence Youth Protection Context (Section 2, Chapter 2, annex C)

## GUIDE 3: EXTERNAL-TO-DEFENCE REPORTING CONTACT INFORMATION

**This guide should be read in conjunction with YOUTHPOLMAN Part 1 Section 1 Chapter 2: Youth Protection Documentation, Records and Privacy**

Class A or B events/incidents will require external reporting. **Note** some Class C and D events/incidents will meet the reporting threshold for some states and territories.

**If in doubt, report** and follow the advice of the JMPU, civil police and/or Child Protection agency as appropriate.

Do not contact parents or guardians if a parent, guardian or other family member is the alleged perpetrator.

### Police

Call the Police immediately on **000** if you believe a youth is in immediate danger or in a life-threatening situation.

If you believe an offence has been committed, notify the police on **131444**.

Jurisdiction	Police website
ACT	<a href="http://www.afp.gov.au">www.afp.gov.au</a>
NSW	<a href="http://www.police.nsw.gov.au">www.police.nsw.gov.au</a>
Queensland	<a href="http://www.police.qld.gov.au">www.police.qld.gov.au</a>
South Australia	<a href="http://www.police.sa.gov.au">www.police.sa.gov.au</a>
Victoria	<a href="http://www.police.vic.gov.au">www.police.vic.gov.au</a>
Tasmania	<a href="http://www.police.tas.gov.au">www.police.tas.gov.au</a>
Western Australia	<a href="http://www.police.wa.gov.au">www.police.wa.gov.au</a>
Northern Territory	<a href="http://www.pfes.nt.gov.au">www.pfes.nt.gov.au</a>

### Jurisdictions - Child and youth protection/welfare agencies

The agencies listed below receive, assess and investigate reports of possible child abuse. There are a number of professions who are mandated to report suspicions of child abuse, such as teachers, doctors and nurses.

However, anyone who has reasonable grounds for suspecting that a child or young person is being neglected or abused should report it.

Jurisdiction	Agency	Contact details
<b>Australian Capital Territory</b>	Child and Youth Protection Services	<a href="https://www.communityservices.act.gov.au/ocyfs/children/child-and-youth-protection-services">https://www.communityservices.act.gov.au/ocyfs/children/child-and-youth-protection-services</a>

		<b>1300 556 729</b>
<b>New South Wales</b>	Department of Community Services	<a href="https://www.facs.nsw.gov.au/families">https://www.facs.nsw.gov.au/families</a> <b>132 111</b>
<b>Queensland</b>	Department of Communities, Child Safety and Disability Services	<a href="http://www.communities.qld.gov.au/childsafety/protectingchildren">www.communities.qld.gov.au/childsafety/protectingchildren</a> <b>1800 811 810</b> <b>+61 7 3235 9999</b>
<b>South Australia</b>	Department for Education and Child Development	<a href="http://www.families.sa.gov.au/child-safe-environments">www.families.sa.gov.au/child-safe-environments</a> <b>131 478</b>
<b>Victoria</b>	Department of Health and Human Services	<a href="https://services.dhhs.vic.gov.au/young-people">https://services.dhhs.vic.gov.au/young-people</a> <b>13 12 78</b>
<b>Tasmania</b>	Department of Communities Tasmania	<a href="https://www.communities.tas.gov.au">https://www.communities.tas.gov.au</a> <b>1300 737 639</b>
<b>Western Australia</b>	Department of Communities Child Protection and Family Support	<a href="https://www.dcp.wa.gov.au/Pages/Home.aspx">https://www.dcp.wa.gov.au/Pages/Home.aspx</a> <b>1800 622 258 or +61 8 9222 2555</b>
<b>Northern Territory</b>	Department of Children and Families	<a href="http://www.nt.gov.au/law/crime/report-child-abuse">www.nt.gov.au/law/crime/report-child-abuse</a> <b>1800 700 250</b>

## Jurisdictions - Mandatory reporting information

Jurisdiction	Legislation	
	Child Protection	Working With Children Checks
<b>National - General Guidance</b>	Australian Institute of Family Studies	<a href="https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect">https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect</a>
<b>Australian Capital Territory</b>	Children and Young People Act 2008 (ACT)	Working with Vulnerable People (Background Checking) Act 2011

	<a href="http://www.legislation.act.gov.au/a/2008-19/current/pdf/2008-19.pdf">http://www.legislation.act.gov.au/a/2008-19/current/pdf/2008-19.pdf</a>	<a href="http://www.legislation.act.gov.au/a/2011-44/">http://www.legislation.act.gov.au/a/2011-44/</a>
<b>New South Wales</b>	Children and Young Persons (Care and Protection) Act 1998 <a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/caypapa1998442/">http://www.austlii.edu.au/au/legis/nsw/consol_act/caypapa1998442/</a>	Child Protection (Working with Children) Act 2012 <a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/cpwca2012388/">http://www.austlii.edu.au/au/legis/nsw/consol_act/cpwca2012388/</a>
<b>Queensland</b>	Child Protection Act 1999 (Qld) <a href="https://www.legislation.qld.gov.au/view/html/inforce/current/act-1999-010">https://www.legislation.qld.gov.au/view/html/inforce/current/act-1999-010</a>	Working with Children (Risk Management and Screening) Act 2000 <a href="https://www.legislation.qld.gov.au/view/pdf/2017-06-05/act-2000-060">https://www.legislation.qld.gov.au/view/pdf/2017-06-05/act-2000-060</a>
<b>South Australia</b>	Children and Young People (Safety) Act 2017 (SA) <a href="https://www.legislation.sa.gov.au/LZ/C/A/CHILDREN%20AND%20YOUNG%20PEOPLE%20(SAFETY)%20ACT%202017.aspx">https://www.legislation.sa.gov.au/LZ/C/A/CHILDREN%20AND%20YOUNG%20PEOPLE%20(SAFETY)%20ACT%202017.aspx</a>	
<b>Victoria</b>	The Children Youth and Families Act (2005) as amended 2007 <a href="https://www.legislation.vic.gov.au/in-force/acts/children-youth-and-families-act-2005/119">https://www.legislation.vic.gov.au/in-force/acts/children-youth-and-families-act-2005/119</a>	The Working with Children Act 2005 as amended 2014 <a href="http://www.austlii.edu.au/au/legis/vic/consol_act/wwca2005232/">http://www.austlii.edu.au/au/legis/vic/consol_act/wwca2005232/</a>
<b>Tasmania</b>	The Children Young Persons and their Families Act (1997) <a href="http://www.austlii.edu.au/au/legis/tas/consol_act/cypatfa1997399/">http://www.austlii.edu.au/au/legis/tas/consol_act/cypatfa1997399/</a>	The Registration to Work with Vulnerable People Act 2013 (Tas) <a href="http://www.austlii.edu.au/au/legis/tas/num_act/rtwwvpa201365o2013527/">http://www.austlii.edu.au/au/legis/tas/num_act/rtwwvpa201365o2013527/</a>
<b>Western Australia</b>	Children and Community Services Act 2004 (WA) <a href="http://www.austlii.edu.au/au/legis/wa/consol_act/cacsa2004318/">http://www.austlii.edu.au/au/legis/wa/consol_act/cacsa2004318/</a>	Working with Children (Criminal Record Checking) Act 2004 (WA) <a href="https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtile_1095_homepage.html">https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtile_1095_homepage.html</a>
<b>Northern Territory</b>	Care and Protection of Children Act 2007 (NT) <a href="http://www.austlii.edu.au/au/legis/nt/num_act/capoca200737o2007315/">http://www.austlii.edu.au/au/legis/nt/num_act/capoca200737o2007315/</a>	



## Checklist of information to report

When making a report to civil police, JMPU or a Child Protection agency you should provide as much information as possible, but only if readily available and/or on file. The information listed below is suggested as a guide only.

<b>Youth</b>	<ul style="list-style-type: none"> <li>• Name and age</li> <li>• Disabilities, mental or physical health issues</li> <li>• Current location and safety status</li> <li>• Any other significant/relevant factors</li> </ul>
<b>Alleged Abuse Unacceptable Behaviour</b>	<ul style="list-style-type: none"> <li>• Dates/times</li> <li>• Nature of abuse/unacceptable behaviour</li> </ul>
<b>Notifier</b>	<ul style="list-style-type: none"> <li>• Name, occupation</li> <li>• Location, contact details</li> <li>• Relationship to youth</li> <li>• Grounds for belief, present/prior concerns</li> </ul>
<b>Family</b>	<ul style="list-style-type: none"> <li>• Composition, parent/carer information</li> <li>• Family awareness of report</li> </ul>

## Support services

<b>Organisation</b>	<b>Summary of Services</b>	<b>Contacts</b>
Defence Youth Protection Contact Officer	Provides advice and guidance related to Youth Protection within Defence contexts.	<b>+61 408 157 133<sup>1</sup></b>
SeMPRO	Victim-focused care to Defence personnel, ADF Cadets and ADF Adult Volunteers who have been affected by an incident of sexual misconduct. SeMPRO will operate in a trauma-informed manner to deliver best-practice support to those affected by sexual misconduct, as well as those who are supporting them.	<a href="http://www.defence.gov.au/sempro/">www.defence.gov.au/sempro/</a> <b>1800 736 776</b>

<sup>1</sup> During Defence business hours only

Joint Military Police Unit	The Joint Military Police Unit is the primary contact for all Defence policing matters, providing general duties policing and investigative capability to the ADF including youth protection matters.	<b>131167<sup>2</sup></b>
Comcare	Comcare must be notified if a youth protection event/incident involves a fatality, serious injury or illness or dangerous incident.	<b>1300 366 979</b>
EAP	Provides Defence employees, ADF Cadets and ADF Adult Volunteers with confidential phone counselling & digital support 24/7 in Australia & overseas.	<a href="https://eapassist.com.au">https://eapassist.com.au</a> <b>1300 687 327</b>
All-hours Support Line	The All-hours Support Line (ASL) is a confidential telephone service for ADF members and their families that is available 24 hours a day, seven days a week.	<b>1800 628 036</b>
Kids Helpline	Free, private and confidential, telephone and online counselling service specifically for young people aged between 5 and 25 and parents/carers.	<a href="http://www.kidshelpline.com.au">www.kidshelpline.com.au</a> <b>1800 55 1800</b>
Lifeline	Confidential 24-hour crisis support service for people to access support or talk through issues they are facing.	<a href="http://www.lifeline.org.au">www.lifeline.org.au</a> <b>13 11 14</b>
1800RESPECT	The National Sexual Assault, Family & Domestic Violence Counselling Line for any Australian who has experienced, or is at risk of, family and domestic violence and/or sexual assault.	<a href="http://www.1800respect.org.au">www.1800respect.org.au</a> <b>1800 737 732</b>
Childwise	Provides Australians with access to expert advice from trained counsellors and an opportunity to speak up about child abuse.	<a href="http://www.childwise.org.au">www.childwise.org.au</a> <b>1800 991099</b>
Beyondblue	Provides information on depression, anxiety and related disorders, available treatments and referrals to relevant services.	<a href="http://www.beyondblue.org.au">www.beyondblue.org.au</a> <b>1300 22 4636</b>
Relationships Australia	Support groups and counselling on relationships and for abusive and abused partners.	<a href="http://www.relationships.org.au">www.relationships.org.au</a> <b>1300 364 277</b>
Bravehearts	Provides information or support regarding child sexual assault.	<a href="http://www.bravehearts.org.au">www.bravehearts.org.au</a> <b>1800 272 831</b>
Blueknot	For adults who have experienced childhood trauma.	<a href="http://www.blueknot.org.au">www.blueknot.org.au</a> <b>1300 657 380</b>

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<sup>2</sup> JMPU 24/7 Hotline



Mensline	A professional telephone and online support and information service for Australian men.	<a href="http://www.mensline.org.au">www.mensline.org.au</a> <b>1300 78 99 78</b>
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## CHAPTER 4

# YOUTH PROTECTION EVENT/INCIDENT WORK HEALTH AND SAFETY INVESTIGATION

## INTRODUCTION

3.4.1 Thorough event/incident investigation and subsequent review and monitoring assist in improving safety, enabling improvements to eliminate or minimise the recurrence of the event. Youth protection event/incident work health and safety (WHS) investigations are to be conducted in accordance with the relevant Defence and/or Group/Service WHS event investigation policy, and must include the specific youth protection requirements outlined in this policy.

3.4.2 The primary purpose of the WHS investigation is to review controls, procedures and processes to determine the most probable sequence of events, identify contributing factors to the unacceptable behaviour/misconduct, and make recommendations to implement improved controls to ensure a safe work place.

## POLICY INTENT

3.4.3 The intent of this policy is to ensure that youth protection events/incidents that occur within the Defence environment are effectively investigated to:

- a. identify contributing factors
- b. implement effective controls and track to completion

3.4.4 Defence youth protection event/incident WHS investigation policy is consistent with the following [National Principles for Child Safe Organisations](#):

- a. Principle 9: *Implementation of the national child safe principles is regularly reviewed and improved*
  - (1) Key Action Area 9.1: *The organisation regularly reviews, evaluates and improves child safe practices*
  - (2) Key Action Areas 9.2: *Complaints, concerns and safety incidents are analysed to identify causes and systemic failures so as to inform continuous improvement*

3.4.5 Other Defence publications which may be relevant to this policy include, but are not limited to:

- a. [Defence Work Health and Safety \(WHS\) Event Investigation](#) policy.
- b. Section 3 Chapter 3 Youth Protection Complaint and Event/Incident Management policy.

## POLICY

## YOUTH PROTECTION EVENT WHS INVESTIGATION PLANNING

**3.4.6 Appointing Authority.** The appointing authority (AA) for a WHS investigation should be determined in accordance with table 1. Joint Support Services Division (JSSD) is available to provide advice.

**3.4.7 WHS Investigator qualifications.** The AA should appoint a WHS investigator with qualifications and experience appropriate to the class of event/incident, as defined in table 1<sup>1</sup>. The WHS investigator should engage appropriate subject matter expert support where required.

**3.4.8 Terms of Reference.** The terms of reference (ToR) for all classes of event/incident WHS investigation should align with the ToR defined by the relevant Group/Service WHSMS for an equivalent WHS event investigation, as defined in table 1. The AA should tailor and issue ToR for WHS investigations as appropriate. The WHS investigator should consult and keep the AA informed throughout the investigation. WHS investigators must not apportion blame or make recommendations for criminal, disciplinary and/or administrative action.

## YOUTH PROTECTION EVENT WHS INVESTIGATION CONDUCT

**3.4.9 Investigation primacy.** Any criminal/disciplinary investigation or administrative inquiry being undertaken takes primacy. An independent WHS investigation should be conducted as soon as possible, and may occur concurrently with other investigations/inquiries.

**3.4.10 Police investigation primacy.** Any civil police and/or Joint Military Police Unit investigation into alleged criminal/unacceptable behaviour must take primacy. WHS investigators must ensure that they do not compromise the outcome of these police investigations. WHS investigators must not interview the victim(s), alleged respondent(s), or other involved persons/witnesses that the civil police and/or Joint Military Police Unit may rely on for evidence.

**3.4.11 Interviews<sup>2</sup>.** WHS investigators of Class A and Class B events/incidents must not interview involved or affected youth without obtaining approval from the AA. The AA should not give approval before ensuring that the appropriate agencies have been consulted. This includes, but is not limited to, the Sexual Misconduct Prevention and Response Office ([SeMPRO](#)), civil police and/or Joint Military Police Unit. The AA should also consult the parents/guardians of involved youth as appropriate<sup>3</sup> to obtain their permission to interview youth. A parent/guardian or other support person acceptable to the youth should be present when interviewing youth.

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<sup>1</sup> Investigation levels are described in para 6 of [Defence WHS Event Investigation Policy](#)

<sup>2</sup> There is strict guidance on the conduct of youth interviews. Refer to [Good Decision Making in Defence](#).

<sup>3</sup> In the case of ADF personnel under 18, their permission should be sought prior to contacting a parent or guardian.

**3.4.12 WHS investigation report.** The WHS investigator should submit a WHS investigation report to the AA within the timeframe defined in table 1. For Class A and Class B events/incidents, the WHS investigation report may be a standalone written report that is subsequently attached to the WHS event record in Sentinel. The outcome of all classes of WHS investigations, including recommendations/actions, must be entered/reported in Sentinel.

#### YOUTH PROTECTION EVENT WHS INVESTIGATION CLOSURE

**3.4.13 Preventing recurrence.** The AA must, as soon as practicable, consider the WHS investigation report and accept, modify, reject and/or add any actions/recommendations as appropriate. The AA must ensure that all actions/recommendations are implemented/tracked to completion, and any lessons learned are communicated and reviewed (refer Section 5 Chapter 2).

**3.4.14** In considering holistic youth protection outcomes, the AA should consider any evidence or recommendations, when available, from other criminal/disciplinary investigations or administrative inquiries that may require action.

Event /Incident Classification	Appointing Authority	Investigator Type	WHS Investigator Qualifications and ToR templates	Investigation Report
<b>Class A</b>	2* Equivalent Commander/ Manager <sup>4</sup>	External/ Independent to Unit	As per Group/Service WHSMS policy for Level 2 or 3 Investigation as appropriate	Within 90 days of appointment
<b>Class B</b>	1* Equivalent Commander/ Manager <sup>5</sup>	External/ Independent to Unit	As per Group/Service WHSMS policy for Level 2 Investigation	Within 60 days of appointment
<b>Class C</b>	Local Commander/ Manager	Local Commander/ Manager discretion	As per Group/Service WHSMS policy for Level 1 Investigation	Within 30 days of appointment
<b>Class D</b>	Local Commander/ Manager	Local Commander/ Manager discretion	As per Group/Service WHSMS policy for Level 1 Investigation	Within 15 <sup>6</sup> days of appointment

**Table 1: Youth Protection Event/Incident WHS Investigation Requirements**

<sup>4</sup> The applicable 2\* commander/manager may delegate AA responsibility to a subordinate independent commander/manager depending on the circumstances of the event/incident.

<sup>5</sup> The applicable 1\* commander/manager may delegate AA responsibility to a subordinate independent commander/manager depending on the circumstances of the event/incident.

<sup>6</sup> 30 days for ADF Cadet Organisations

## PRIVACY

3.4.15 All information collected and used in relation to youth protection event/incident WHS investigation must be managed in accordance with the privacy requirements defined in Section 1 Chapter 2.

**Accountable Officer:** Chief of Joint Capabilities (CJC)

**Policy Owner:** Head Joint Support Services Division (HJSSD)

## CHAPTER 1

## YOUTH PROTECTION PERFORMANCE MANAGEMENT

## INTRODUCTION

4.1.1 Defence is committed to ensuring the health, protection and wellbeing of all youth who engage with Defence. Effective management of youth protection performance is required to assure that Defence provides a youth safe environment.

## POLICY INTENT

4.1.2 The intent of this policy is to ensure that youth protection performance is monitored, measured, analysed, reported and reviewed within the governance framework defined by Defence and subordinate Group/Service Work Health and Safety Management System (WHSMS).

4.1.3 Defence youth protection management policy is consistent with:

- a. Requirement 2.0 of the [Commonwealth Child Safe Framework \(CCSF\)](#): *Establish and maintain a system of training and compliance, to make staff aware of, and compliant with, the framework and relevant legislation, including Working with Children Checks and mandatory reporting requirements*
- b. Principle 1 of the [National Principles for Child Safe Organisations \(NPCSO\)](#): *Child safety and wellbeing is embedded in organisational leadership, governance and culture*
  - (1) Key Action Area 1.3: Governance arrangements facilitate implementation of the child safety and wellbeing policy at all levels
- c. Principle 9 of the NPCSO: *Implementation of the national child safe principles is regularly reviewed and improved*
  - (1) Key Action Area 9.1: *The organisation regularly reviews, evaluates and improves child safe practices*
  - (2) Key Action Area 9.2: *Complaints, concerns and safety incidents are analysed to identify causes and systemic failures so as to inform continuous improvement*
  - (3) Key Action Area 9.3: *The organisation reports on the findings of relevant reviews to staff and volunteers, community and families and children and young people*

4.1.4 Other Defence publications which may be relevant to this policy include, but are not limited to the [Defence WHS Assurance Policy](#)

## DEFINITIONS

**4.1.5 Youth Protection performance management.** Youth protection performance management incorporates monitoring, measurement, analysis, reporting and review within the governance framework defined at annex A. Youth protection performance management includes processes aimed at assuring:

- a. **Compliance.** Confirmation that policy, processes and risk controls are present and suitable against youth protection requirements
- b. **Conformance.** Confirmation that policy, processes and risk controls are operating, facilitated through a strong and effective youth safe culture
- c. **Performance.** Confirmation that policy, processes and risk controls are effective in eliminating or otherwise minimising youth protection hazards and risks so far as reasonably practicable to provide a youth safe environment.

## POLICY

### YOUTH PROTECTION PERFORMANCE MONITORING

**4.1.6** Chief of Joint Capabilities (CJC), Group Heads and Service Chiefs must ensure that youth protection performance is effectively monitored via a combination of youth protection audits, workplace inspections, surveys, and closed-loop hazard and risk tracking as appropriate.

### YOUTH PROTECTION AUDITS

**4.1.7 Enterprise-level Youth Protection audit.** Head Joint Support Services Division (HJSSD) must ensure that enterprise-level youth protection audits are conducted in accordance with [Defence WHSMS Audit Policy](#), applying the following direction:

- a. **JSSD audits.** As a minimum, desk-top audits must be conducted to confirm that the Defence Youth Protection Management System (DYPMS) complies with the CCSF and Group/Service documentation complies with the Defence DYPMS. Ongoing verification of compliance must be maintained through DYPMS review (refer Section 1 Chapter 2) and risk-based desk-top audits
- b. **Other internal audits.** Audits by other Defence agencies<sup>1</sup> should be coordinated and conducted as appropriate, or as directed by the Enterprise Business Committee (EBC).

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<sup>1</sup> For example, Defence People Group Audit and Fraud Control Division and Defence WHS Branch.

**4.1.8 Group/Service Youth Protection audits.** Group Heads and Service Chiefs must ensure that youth protection audits of applicable subordinate organisations/ units are conducted to assure compliance and conformance with the Group/Service documentation. Youth protection audits should be risk-based, integrated into Group/Service WHS or other audit programs where practicable, and managed in accordance with relevant Group/Service audit policy. A copy or extract of any Group/Service audit report related to youth protection should be provided to JSSD via the [Defence Youth Protection](#) mailbox.

#### WORKPLACE INSPECTIONS

**4.1.9** Commanders, managers and supervisors must ensure that workplace inspections conducted in accordance with Group/Service WHSMS policy consider and address youth protection hazards and risks (refer Section 3 Chapter 1) as appropriate.

#### YOUTH PROTECTION SURVEYS

**4.1.10 JSSD Coordinated Youth Protection surveys.** HJSSD must ensure that youth protection surveys are periodically conducted to obtain feedback and analysed to gauge youth protection knowledge, culture and management system effectiveness, as follows:

- a. **Enterprise-level surveys.** Youth protection should be integrated into enterprise-level safety and/or cultural surveys coordinated by other Defence agencies where practicable
- b. **Targeted surveys.** Targeted youth protection surveys of Defence youth programs and other contexts where Defence heavily engage with youth must be conducted where practicable. Youth protection surveys should be conducted at least once every three years. The opportunity to participate in a youth protection survey should be provided to the family of youth and the community
- c. **Communication of results.** The results of all surveys must be communicated to all participants including youth and the community (refer Section 5 Chapter 2).

**4.1.11 Other Youth Protection surveys.** Commanders, managers and supervisors should ensure that youth protection is integrated into any safety and/or cultural surveys as appropriate.

**4.1.12 Ethics Committee approval.** All youth protection related surveys must be approved by the [Departments of Defence and Veterans' Affairs Human Research Ethics Committee](#) or [Defence People Group Low Risk Ethics Panel](#) as applicable.



## YOUTH PROTECTION HAZARD AND RISK CLOSED-LOOP TRACKING

4.1.13 Commanders, managers and supervisors must ensure that youth protection hazards, risks and associated risk management records<sup>2</sup> are monitored, tracked, reviewed and/or closed as appropriate in accordance with Group/Service WHSMS policy, as follows:

- a. **Hazard and risk monitoring and review.** Youth protection hazards and risks must continue to be monitored until elimination of the hazard and risks/so far as reasonably practicable. Review of youth protection risk controls should be both periodic and event based<sup>3</sup> (refer Section 1 Chapter 2 and Section 3 Chapter 1 and Chapter 4)
- b. **Hazard and event/incident report closure.** Youth protection hazard and event/incident reports must be reviewed for quality and completeness. Actions and recommendations must be tracked to completion before closure of the report.

## YOUTH PROTECTION PERFORMANCE MEASUREMENT

4.1.14 Commanders, managers and supervisors at all levels must ensure that youth protection performance for their scope of responsibility is periodically measured against the Key Performance Indicators (KPIs) defined in Table 1.

KPI Title	KPI
Youth Protection ConCERNs	The number of Youth Protection ConCERNs submitted
Class A & Class B Youth Protection Events/Incidents	The number of Class A and Class B youth protection events/incidents that occur in the Defence environment
Youth Protection Training	% of personnel who have completed relevant Defence youth safe training package(s)
Suitability Screening and Working with Children Checks	Youth protection related question(s) are included in selection processes for youth-related work positions. % of personnel who have required Working with Children Checks clearance

**Table 1: Youth Protection KPIs**

<sup>2</sup> Includes youth protection hazards reports and event/incident reports.

<sup>3</sup> For example, as part of a youth protection event/incident WHS investigation.

## YOUTH PROTECTION PERFORMANCE ANALYSIS AND REPORTING

4.1.15 Commanders, managers and supervisors at all levels must ensure that youth protection performance for their scope of responsibility is analysed at least twice per annum to align with the Enterprise Business Committee process, aggregated<sup>4</sup> and reported as appropriate, and in accordance with Defence and Group/Service WHSMS policy, as follows:

- a. **Youth Protection performance analysis.** The outcomes/records of youth protection performance monitoring and measurement must be periodically analysed by safety-related working groups, committees, councils and/or boards as appropriate to:
  - (1) identify and address adverse trends, new hazards, deficient risk controls and/or systemic issues
  - (2) identify and implement initiatives to improve youth protection performance
- b. **Youth Protection performance reporting.** The outcome of youth protection performance analysis must be reported to higher organisational levels in accordance with annex A. A copy or extract of any Group/Service level report or minutes related to youth protection performance should be provided to JSSD via the [Defence Youth Protection](#) mailbox
- c. **Scheduling.** Youth protection performance analysis and review should be integrated into broader Defence and Group/Service WHS or other governance arrangements where practicable and scheduled to support youth protection performance review (refer below to paragraphs 4.1.16 to 4.1.18).

## YOUTH PROTECTION PERFORMANCE REVIEW

4.1.16 **Group/Service Councils/Boards.** Group Heads and Service Chiefs must ensure youth protection performance is biannually reviewed in accordance with Service/Group WHS governance policy.

4.1.17 **Defence Youth Protection Board.** HJSSD must provide secretariat support to the Defence Youth Protection Board (DYPB)<sup>5</sup>, which must be conducted biannually<sup>6</sup> in accordance with the terms of reference defined in annex B.

4.1.18 **Enterprise Business Committee (EBC).** CJC shall report Defence youth protection performance to the EBC in June and December of each year.

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<sup>4</sup> Each organisational level should aggregate youth protection performance of subordinate organisations/units.

<sup>5</sup> The DYPB is conducted coincident with the Joint Reserve and Cadet Policy Committee.

<sup>6</sup> The DYPB is conducted biannually in May and November.

## PRIVACY

4.1.19 All information collected in relation to youth protection performance management policy must be managed in accordance with Section 1 Chapter 2.

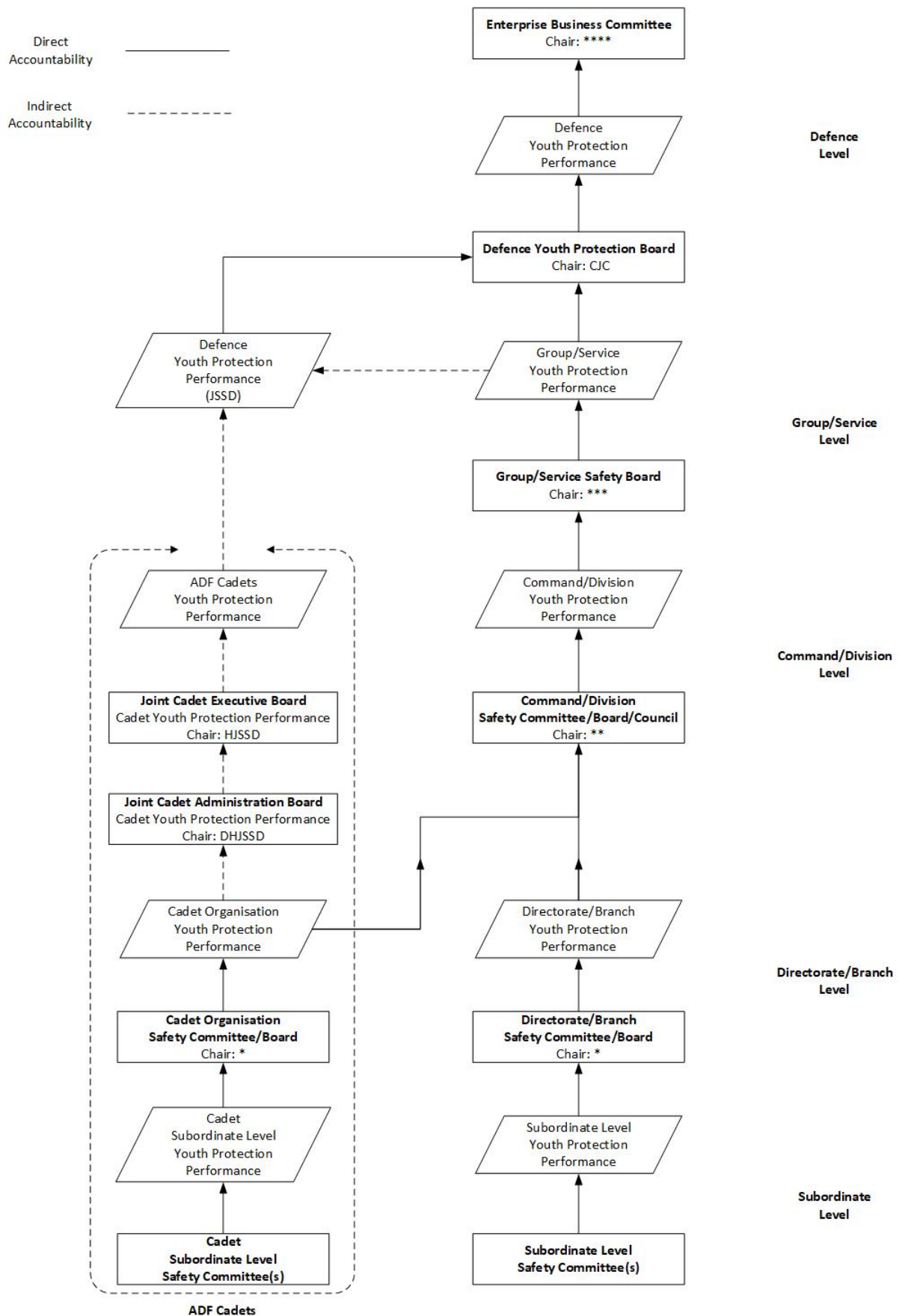
### **Annexes**

- A. Defence Youth Protection Governance Framework
- B. Defence Youth Protection Board/Joint Reserve Cadet Policy Committee - Governance Principles

**Accountable Officer:** Chief of Joint Capabilities (CJC)

**Policy Owner:** Head Joint Support Services Division (HJSSD)

## Defence Youth Protection Governance Structure



**JOINT RESERVE AND CADET POLICY COMMITTEE  
GOVERNANCE PRINCIPLES****CHARTER**

1. The Joint Reserve and Cadet Policy Committee (JRCPC) is the senior forum responsible for administration of Australian Defence Force (ADF) Reserves policy, and support for ADF Reservists. It also constitutes the ADF's senior governance body for the application of the Defence Youth Safety Framework (DYSF) and administration of common elements of the ADF Cadets program.
2. The JRCPC is chaired by the Chief of Joint Capabilities (CJC). In the absence of the Chair, the Alternative Chair will be Head Joint Support Services Division (HJSSD)/Commander Australian Defence Force Cadets (CADFC).
3. The foci of the JRCPC include:
  - a. Implementation and governance of the DYSF across Defence and the ADF Cadets, through the Defence Youth Protection Board (DYPB).
  - b. Issues pertaining to the ADF Cadets enterprise, including:
    - (1) rollout of 'One Cadet' reform activities;
    - (2) the performance of the ADF Cadets Headquarters in executing its command functions;
    - (3) the performance of the ADF Cadets enterprise in implementing common program elements; and
    - (4) Service-specific Cadets issues requiring the Chair's attention.
  - c. Issues pertaining to ADF Reserves, including:
    - (1) Service-specific and Joint Reserves issues requiring the Chair's attention; and
    - (2) relevant Reserve Employer Support Engagement matters.
4. The JRCPC should not consider Service-specific matters which respective Services have the ability to resolve.

## **MEMBER RESPONSIBILITIES**

### **Ensure transparency through full disclosure**

1. Members are accountable for the information they provide to the JRCPC.
2. Members are to provide personal assurances that information around independencies and implications of policy implementation, including resourcing, have been properly considered through consultation.
3. The Committee is not to be used as a decision-making safety net.
4. Any proposals requiring adjustment to existing resource allocations are to be consulted through the Chief Finance Officer and/or Deputy Secretary of Defence People, as appropriate.
5. Members should provide transparency of judgements, processes and risks of the proposal being considered.

### **Embody professionalism through demonstrating leadership behaviours**

6. Members are to:
  - a. focus on achieving the best outcomes for Defence,
  - b. seek the diverse perspectives of others in exploring opportunities and solving problems,
  - c. learn and reflect on their performance and that of the Committee, and
  - d. actively adapt and seek to innovate.

### **Contestability**

7. Individual and shared accountabilities of JRCPC members are to be recognised and respected. Consequently, members are to seek assurances on issues where there are interdependencies prior to the Committee's consideration.

### **Appropriate consideration**

8. A proposal should not be lodged for JRCPC consideration unless supported by a member.
9. Members are to ensure that the JRCPC is required to make only those decisions that are outside the remit of an individual member's accountabilities.

### **Annual review**

10. The JRCPC will discuss and formally review its performance annually, including the work of the Secretariat.

## **JOINT RESERVE AND CADET POLICY COMMITTEE BUSINESS RULES**

### **Secretariat**

1. The Joint Support Services Division (JSSD) provides the JRCPC Secretariat.

### **Meeting schedule**

2. The JRCPC will meet twice each calendar year.
3. The JRCPC Chair may convene other meetings, or require out-of-session deliberation, to consider urgent matters.

### **Attendance**

4. The JRCPC will consist of the Chair, Permanent Members, Permanent Invited Attendees and any other personnel invited by the Chair.
5. Should an unforeseen operational requirement arise, leave may be sought through the JRCPC Secretary in consultation with the Chair. Principals may only be represented by the person officially acting in their position during their absence.
6. Permanent Members of the JRCPC are:
  - a. Chief of Joint Capabilities (Chair);
  - b. Deputy Chief of Navy;
  - c. Deputy Chief of Army;
  - d. Deputy Chief of Air Force;
  - e. Head Joint Support Services Division/Commander Australian Defence Force Cadets;
  - f. Head People Capability (HPC); and
  - g. two external DYPB Members (for the DYPB element only).
7. The following officers are required to report to the JRCPC on elements of the ADF Cadets Headquarters command functions:
  - a. Deputy Head Joint Support Services Division/Deputy Commander Australian Defence Force Cadets;
  - b. Director General Australian Navy Cadets and Reserves/Lead Enabling Manager – Support;

- c. Commander Australian Army Cadets/Lead Enabling Manager – Training; and
  - d. Director General Cadets – Air Force/Lead Enabling Manager – Communications.
8. Pre-approval by the Chair must be sought, through the Secretary, for any other officer to participate in a meeting.

### Agenda

9. The agenda of JRCPC meetings is:
- a. introductory remarks;
  - b. confirmation of Minutes of the previous meeting;
  - c. review of outstanding actions list (at the outset of each meeting component);
  - d. standing agenda items;
  - e. new items; and
  - f. other business.
10. Standing agenda items provide the opportunity for members to provide relevant updates and discuss issues relating to their Service, Group or the ADF Cadets Headquarters. The standing agenda items are covered in the following three components:
- a. **Youth Protection Board.** The focus of the DYPB is to receive reports, including a review of KPIs, from:
    - (1) Deputy Service Chiefs on management of the DYSF within their Service, and
    - (2) CADFC on implementation and management of the DYSF within the ADF Cadets enterprise.
  - b. **ADF Cadets.** The JRCPC is to receive reports on ADF Cadets governance issues, specifically:
    - (1) Deputy Service Chiefs report on broad issues regarding their Service cadet organisations; and
    - (2) CADFC, DCADFC and Lead Enabling Managers from the ADF Cadets Headquarters report on their respective elements of the Headquarters' functions.
  - c. **Defence Reserves.** Deputy Service Chiefs report on Service-specific Reserve issues that require the Chair's attention.
11. The Chair will agree the finalised agenda fifteen (15) working days before each JRCPC meeting. The Secretary will distribute the agenda to JRCPC members



and invited attendees no later than eight (8) working days before a meeting.

### **Agendum papers**

12. The Chair is the governing authority for items considered by the JRCPC. Information is to be lodged to the JRCPC Secretary no less than ten (10) working days before a meeting. Subject to timely receipt and Chair approval, the Secretary will distribute the agenda with relevant information to JRCPC members and invited attendees no less than eight (8) working days before a meeting.

13. All documentation is to be drafted in accordance with the requirements of Annex A.

### **Outcomes**

14. The JRCPC Secretary will draft outcomes, incorporating actions that clearly identify the officers accountable for implementation of the decision and timeframe for action. Once approved by the Chair, the Secretary will distribute the outcomes and updated action items to all Permanent Members of the JRCPC and action officers.

15. The Secretary will maintain a register of outstanding actions and keep the Committee informed.

16. Action officers are responsible for advising the Secretary when an action is complete to enable updating of the register of decisions and actions.

### **Record keeping**

17. JRCPC records will be maintained by the Secretary in accordance with the Department's Records Management Policy and its obligations under the *Archives Act 1983* and Section 37 of the *Public Governance, Performance and Accountability Act 2013*.

18. The Secretary will maintain a record of all JRCPC documentation on Objective, specifically:

- a. agendum papers with accompanying presentation packages,
- b. outcomes, and
- c. register of outstanding actions.

19. The Secretary will make JRCPC documentation available to members on the Joint Support Services Division DRN Intranet page.

### **Annex:**

- A. Guidance for proposals to be considered by the Joint Reserve and Cadet Policy Committee

**GUIDANCE FOR PROPOSALS TO BE CONSIDERED BY THE JOINT  
RESERVE AND CADET POLICY COMMITTEE**

1. The sponsoring officer is responsible for ensuring appropriate consultation within the originating Service or Group, and with any other Defence organisation element likely to have interest in the submission, before forwarding to the Secretary. Consultation with the Chief Finance Officer and Defence People Group (as applicable) is to occur regarding proposals that have resource implications.
2. Submissions/noting papers should:
  - a. use plain English and avoid technical terms unfamiliar to JRCPC members;
  - b. clearly articulate the decisions sought from any proposals;
  - c. identify responsible officers for the implementation of each recommendation;
  - d. demonstrate consideration of arguments for and against proposals, and the associated risks of each argument;
  - e. demonstrate consideration for any resource implications associated with proposals; and
  - f. be limited to four pages in length.

## CHAPTER 1

# AGE OF CONSENT AND SPECIAL CARE PROVISION

### INTRODUCTION

6.1.1. All youth have a right to a safe physical and emotional environment when engaged with Defence. Defence does not tolerate any sexual interaction between adults and youth in Defence contexts.

### BACKGROUND

6.1.2. All Defence adults must maintain the highest ethical standards when interacting with youth. All interactions and relationships between adults and youth should be based on mutual respect, trust and an understanding of the boundaries for appropriate relationships.

6.1.3. Equality needs to exist for consent to be given freely. Defence acknowledges there is a power imbalance in a relationship between a youth and an adult in the Defence context. Within Defence no sexual relationship with a person under 18 years old is permitted, even if the youth consents and is above the legal age of consent for the relevant state or territory. Units may raise additional policies to deal with matters specific to their context.

6.1.4. Australian Defence Force (ADF) members under 18 are also subject to conditions of service and employment policies, including the Defence Force Discipline Act 1982 (DFDA) and Administrative Sanctions.

6.1.5. For the purposes of this policy, participants over the age of 18 (for example 18 year old cadets participating in the ADF Cadets) are subject to the same policy as youth in so far as Defence has a special duty of care towards them. Relationships between these participants and other adults in Defence are not appropriate. As a result adults are prohibited from sexual relationships with participants over 18 described within this provision.

### POLICY INTENT

6.1.6. The intent of this policy is to ensure adults understand their responsibilities to provide special care provisions to protect youth engaging with Defence and participating in Defence Youth Programs and to ensure youth are aware of their rights.

### POLICY PRINCIPLES

**6.1.7. Principle 1.** Commanders, managers, supervisors and the adult peers of youth engaging with Defence understand their responsibilities to provide youth special care provisions within Defence.

**6.1.8. Principle 2.** In the event that a sexual interaction between a youth and an adult becomes known, the youth must not be attributed any blame.

## POLICY PRACTICES AND MEASURES

### Principle 1

6.1.9. The legal age of consent varies across Australian state and territory jurisdictions. A young person may express their willingness to engage in sexual behaviours but are not considered to have the psychological capacity to give consent according to the law. All sexual interactions between an adult and a person under the age of consent are regarded as a criminal offence.

6.1.10. In addition to the age of consent laws for the applicable state or territory, Defence requires all adults in the Defence context to have special care for youth, known as the [special care provision](#).

6.1.11. The special care provision prohibits any person in a supervisory role from engaging sexually with a person who is considered a youth, irrespective of the legal age of consent.

6.1.12. Defence considers any person in a supervisory role as having special care for youth and, as such, sexual activities are prohibited.

6.1.13. The special care provision is included in the Youth Safe Code of Conduct (Adult) (refer Section 2, Chapter 2).

### Principle 2

6.1.14. Defence considers any form of intimate relationship with a youth in the Defence context to be abuse. Grooming is considered abuse (and a criminal offence) in any context. As a result, in the Defence context, the adult participant in any form of intimate relationship carries the blame entirely.

6.1.15. Individuals in Defence responding to and managing allegations of a sexual relationship or child abuse between an adult and a youth are to ensure the youth is made aware they are entirely without blame.

## REPORTING

6.1.16. To ensure appropriate management in the Defence context, any pre-existing personal relationships, such as a family relationship, close friendship, sexual relationship (where a youth is over the age of consent for the state or territory but is not in a Defence context) must be declared to the relevant supervisor.

6.1.17. Reporting physical and sexual abuse, including inappropriate relationships to the relevant authority is a moral and, in some cases, legal responsibility. Mandatory reporting refers to the legal requirement of certain groups of people to report a reasonable belief of child physical or sexual abuse to child protection authorities. Each state and territory has their own definitions of a mandatory reporter. The groups of people/occupations mandated to notify cases of suspected child abuse and neglect are defined by each jurisdiction. Occupations most commonly cited as

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mandated reporters are those individual who have frequent contact with children in the course of their work.

6.1.18. Reporting child abuse and neglect is a Defence-wide responsibility. An adult who suspects, on reasonable grounds, that a child or young person is at risk of being abused and/or neglected, should report their suspicion to the appropriate reporting authority in their state or territory.

6.1.19. All reporting must be managed in accordance with the Youth Protection Complaint and Event/Incident Management policy (refer Section 3, Chapter 3).

**Accountable Officer:** Chief of Joint Capabilities (CJC)

**Policy Officer:** Head Joint Support Services Division (HJSSD)

## CHAPTER 2

# ALCOHOL, TOBACCO AND PROHIBITED SUBSTANCES

### INTRODUCTION

6.2.1 Alcohol, tobacco and prohibited substances can be addictive in nature and can cause adverse effects on health. The potential adverse health effects may be more pronounced on youth and can also impact on behaviour and the ability to make rational and safe decisions. Commanders, managers and supervisors should give additional consideration to the use of alcohol, tobacco and prohibited substances by adults representing Defence through engagement with youth. As youth fall into a class of person described as vulnerable, a higher standard of care of youth is required by the Commonwealth, including relationships with alcohol, tobacco and prohibited substances.

6.2.2 Youth face specific risks in relation to alcohol, tobacco and other drugs. Rates of risky behaviours are generally higher among young people than the broader population.

### POLICY INTENT

6.2.3 The intent of this policy is to ensure all adults engaging with youth in Defence contexts, and youths themselves understand their responsibilities and obligations concerning the use and management of alcohol, tobacco and prohibited substances.

### POLICY PRINCIPLES

6.2.4 **Principle 1** - When engaging with Defence, youth know and understand their obligations concerning alcohol, tobacco and other prohibited substances.

6.2.5 **Principle 2** - Commanders, managers, supervisors and the adult peers of youth engaging with Defence must understand their responsibilities concerning the use and management of alcohol, tobacco and other prohibited substances when interacting with youth.

### POLICY PRACTICES AND MEASURES

#### Principle 1

6.2.6 Youth must comply with all relevant state or territory legislation. The possession, supply, sale or use of alcohol, tobacco or prohibited substances by people under 18 is a criminal offence and will result in a report being made to the relevant state or territory police.

6.2.7 Youth are prohibited from actively participating in fundraising activities where alcohol and/or tobacco constitute the prize.

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6.2.8 Circumstances involving any youth impaired by alcohol or other prohibited substances may be breaking the law and be in breach of the relevant code of conduct and must be appropriately reported (refer Section 3 Chapter 3).

**Principle 2**

6.2.9 ADF personnel, APS staff, contractors and volunteers must not assist youth with the purchase of, or access to alcohol, tobacco, prohibited substances or other adult classified products.

6.2.10 The consumption of alcohol by adults who are managing or supervising youth during the conduct of Defence youth programs is prohibited.

6.2.11 Commanders, managers and supervisors are to ensure that appropriate procedures are in place to prevent the purchase and consumption of alcohol, tobacco and prohibited substances by youth when on Defence property or at a Defence sponsored function.

6.2.12 Commanders, managers and supervisors at all levels are expected and required to take reasonable precautions to identify situations or conditions that may contribute to alcohol-related harm in young people. They are also obligated to take appropriate action to prevent, reduce and manage risk of harm wherever and whenever they occur.

6.2.13 Adults are permitted to smoke when participating in youth engagement activities. Discretion should be exercised to ensure this occurs out of the visibility of youth where possible. Smoking should be managed in accordance with [Defence's Smoke-free Workplace policy](#).

**REPORTING**

6.2.14 Failure to comply with the legal restrictions on alcohol, tobacco and prohibited substances will result in a report being made to the relevant state or territory police and constitutes a breach of Defence's Youth Safe Code of Conduct. Such behaviour may result in further disciplinary action as determined by the Group or Service.

6.2.15 A Youth Protection Compliant and Event/Incident Management must be reported in accordance with Section 3, Chapter 3 and relevant Service procedures where applicable.

6.2.16 All reporting must be managed in accordance with [Defence Privacy Policy](#) and Section 1 Chapter 2.

**Accountable Officer:** Chief of Joint Capabilities (CJC)

**Policy Officer:** Head Joint Support Services Division (HJSSD)

## CHAPTER 3

# THE USE OF SOCIAL MEDIA BY YOUTH IN DEFENCE AND DEFENCE YOUTH PROGRAMS

### INTRODUCTION

6.3.1 The use of social media has become an integral component of modern communication, education and day to day social interaction. Social media is used extensively by youth who are more comfortable and savvy with the use of social media than previous generations. While the appropriate use of social media can be a positive experience, misuse of social media, such as bullying and grooming can have a serious and lasting adverse effect on the health and reputations of individuals and organisations.

6.3.2 Social media and online environments refer to technological devices and platforms including social network services such as:

- a. Facebook, Instagram and Snapchat
- b. blogs, chat rooms, video and telephone conferencing sites
- c. gaming
- d. online health, education and other services
- e. apps, clouds, and sharing sites.

6.3.3 For the purposes of this policy, social media also refers to the practices and social relationships that are formed through these online platforms.

6.3.4 By ensuring the safe use of social media, Defence personnel, non-Defence personnel and youth participating in Defence and Defence Youth Programs can ensure youth are protected from abuse and sexual exploitation.

### POLICY INTENT

6.3.5 The intent of this policy is to protect youth from being abused and sexually exploited within Defence and Defence Youth Programs by ensuring adults and youth are equipped and informed with the knowledge and skills to safely use social media.

### POLICY PRINCIPLES

6.3.6 **Principle 1.** Youth within Defence and Defence Youth Programs know and understand their obligations concerning the use of official and personal/private social media.

6.3.7 **Principle 2.** Youth are aware of the dangers that may be associated with participating in social media.



6.3.8 **Principle 3.** Defence and Non-Defence adults within Defence and Defence Youth Programs are aware of their obligations towards interacting with youth on social media.

### POLICY PRACTICE AND MEASURES

6.3.9 Social media use, especially among young people, poses a particular risk to youth safety. All Defence personnel and non-Defence personnel have a duty to be aware and vigilant and to take appropriate action, including reporting where it is suspected that a young person is at risk of becoming a victim of an offence.

#### Principle 1

6.3.10 The Defence social media policy contained in Chapter 7 of the [Media and Communication Policy](#) identifies three types of social media profile:

- a. **Official organisational.** Approved profiles operated by Defence personnel for Defence purposes, pertaining to a Group or Service, or related to a Defence activity or organisation.
- b. **Official positional.** Approved profiles operated by Defence personnel for a Defence purpose, pertaining to a position and independent of the incumbent.
- c. **Personal/private.** Operated by Defence personnel for non-Defence related positions, organisations and activities, not associated with their service or employment and undertaken outside of formal working hours.

#### OFFICIAL USE OF SOCIAL MEDIA

6.3.11 Youth within Defence and Defence Youth Programs will have very little or no reason to operate an official organisational or official positional profile (refer [Media and Communication Policy](#)).

#### PRIVATE/PERSONAL USE OF SOCIAL MEDIA

6.3.12 Youth within Defence and Defence Youth Programs are to abide by the Personal/Private Social Media Profiles policy in Chapter 7 of the [Defence Media and Communication Policy](#).

6.3.13 Using social media to air grievances/complaints is inappropriate as there may be negative or unintended consequences. The inappropriate use of social media is considered unacceptable and will constitute a breach of the relevant Defence organisation's code of conduct.

#### Principle 2

6.3.14 Everything posted online is stored, even if deleted from a user's account. Emails and private messages are stored by the platform's host providers. Every device that accesses the internet has its own Internet Protocol (IP) address that can be traced back to the user.

## 6-3-3

6.3.15 Dangers associated with using social media, for example cyberbullying, grooming and access to pornography, may be amplified for youth. All youth in Defence and Defence Youth Programs have an individual responsibility for their safety and to carefully consider the nature of their social activity media.

6.3.16 **Cyberbullying.** Cyberbullying is the use of information and communication technologies for deliberate, hostile behaviour directed at an individual with an intention to harm, belittle, harass, insult or molest. Cyberbullying can include:

- a. sending offensive, abusive or insulting texts or emails to another individual
- b. taking or sharing offensive, obscene or indecent imagery of or pertaining to another individual
- c. posting offensive, abusive or insulting messages about another individual excluding the individual from online forums
- d. assuming the identity of another individual and representing them in a negative manner or a manner that may damage their reputation and relationship with others
- e. posting provocative, offensive, extraneous or off-topic messages in an online community, such as a forum, chat room or blog.

6.3.17 The *Criminal Code Act 1995*, provides for an offence of ‘using a carriage service to menace, harass or cause offence’ and ‘using a carriage service to make a threat’. For the purposes of this section “carriage service” has the same meaning as in the *Telecommunications Act 1997*.

6.3.18 **Grooming and Pornography.** Grooming is the use of manipulative and controlling techniques on a vulnerable individual in a range of interpersonal and social settings, in order to establish trust or normalise sexually harmful behaviour with the overall aim of facilitating exploitation and reducing the likelihood of exposure of the exploitation.

6.3.19 Grooming is an offence regardless of whether it is conducted in the physical or online environment.

6.3.20 Taking, sharing or posting sexualised photographs or videos of yourself or other people under the age of consent is a crime under child pornography laws.

6.3.21 Grooming or taking, sharing or posting sexualised photographs or videos of youth who are over the age of 18 but subject to special care provisions due to their participation in a Defence Youth Program is an offence subject to disciplinary and/or administrative action.

6.3.22 Informed consent of youth and their parent/guardian must be obtained before taking images of youth, and only imagery that depicts youth in an appropriate manner should be created.

**Principle 3**

6.3.23 All adult Defence personnel and non-Defence personnel in Defence and Defence Youth Programs have both an individual and collective responsibility for youth protection. These responsibilities include being a positive role model and minimising the risk of harm to others using social media.

6.3.24 Adults in youth-related work positions are to keep social media contact with youth to official business only and limit on-line contact to groups and general announcements.

6.3.25 Adults have a duty of care in managing appropriate boundaries. Where a Defence Youth Program requires contact with a young person, written approval should first be sought from the parent/guardian. Written approval can range from ad hoc approval for a specific case to a general permission provided annually (or for a shorter period).

6.3.26 Defence and non-Defence personnel must not use social media to initiate contact with youth. This includes outside work, or voluntary roles such as babysitting, sports coaching, house-sitting, or tutoring.

**REPORTING**

6.3.27 Defence personnel and non-Defence personnel, who become aware, or suspect abuse or neglect involving a young person has occurred or is occurring has a duty to report it directly to the relevant state or territory Child and Youth Protection Authority or Police, and then to their line management / chain of command in accordance with the Youth Protection Complaint and Event/Incident Management policy (refer Section 3, Chapter 3).

6.3.28 Contact details for state and territory child protection authorities relating to making a report can be found on the YOUTHQHQ website.

**RECORD KEEPING**

6.3.29 The official use of social media creates official records. There is a legal requirement to implement appropriate records management practices and privacy protection, as for any other Commonwealth record.

6.3.30 For guidance on records management in Defence, refer to:

- a. [Defence Records Management Policy Manual \(RECMAN\)](#)
- b. Defence Youth Protection Documentation, Records and Privacy (Section 1 Chapter 2).

**Accountable Officer:** Chief of Joint Capabilities (CJC)

**Policy Owner:** Head Joint Support Services Division (HJSSD)

## CHAPTER 4

### DIVERSITY AND INCLUSION

#### INTRODUCTION

6.4.1 Diversity in Defence means accepting and embracing everyone for their unique differences in backgrounds and personal experiences. These differing personal circumstances can be the product of characteristics such as cultural background and ethnicity, age, gender, gender identity, disability, sexual orientation, religious beliefs, language or education. Regardless of an individual's characteristics, everyone deserves to be recognised for their unique merits and treated with respect.

6.4.2 Defence recognises and understands that inclusiveness does not mean treating everyone exactly the same way. An inclusive culture means fostering an environment where individual differences are valued and utilised.

6.4.3 Defence diversity and inclusion priorities reflect those groups in Defence requiring priority attention, including:

- a. women
- b. Indigenous Australians
- c. people from Culturally and Linguistically Diverse (CALD) backgrounds
- d. people with disability
- e. people with religious beliefs
- f. Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons
- g. mature age and an intergenerational workforce
- h. youth.

#### BACKGROUND

6.4.4 Some personal characteristics are protected by law through state and territory legislation. Valuing diversity embraces a broader approach, where differences are recognised and valued in a positive and proactive way.

6.4.5 Successful engagement with youth is important to maintaining Defence's reputation within the diverse community it serves.

6.4.6 [Existing policies](#) are applicable across this spectrum of engagement; noting youth often require special consideration.

6.4.7 For the purposes of this policy, youth participants over the age of 18 (for example 18 year old cadets participating in the Australian Defence Force Cadets) are subject to the policy as youth.

## POLICY INTENT

6.4.8 The intent of this policy is that all adults and youth engaging with Defence are aware of and understand their obligations to ensure Defence is a diverse and inclusive organisation.

## POLICY PRINCIPLES

6.4.9 **Principle 1.** The safe and productive engagement and participation of youth in Defence is key to ensuring Defence is a diverse and inclusive organisation.

## POLICY PRACTICES AND MEASURES

6.4.10 Defence is committed to providing an inclusive environment which encourages the participation of youth and contributes to the development of productive and confident young Australians.

- a. Defence should promote diversity and inclusion when conducting activities and programs for youth
- b. Defence should ensure youth are supported and respected by Defence personnel and peers regardless of diversity differences.

6.4.11 To maximise the contribution of youth, it is essential that Defence captures and leverages the skills that diverse youth can bring to the organisation. Defence must consider the management of youth employment and build relationships in an intergenerational Defence environment through the range of Defence youth contexts.

**Accountable Officer:** Chief of Joint Capabilities (CJC)

**Policy Officer:** Head Joint Support Services Division (HJSSD)

## CHAPTER 5

### RECORDS MANAGEMENT POLICY

#### BACKGROUND

##### DEFENCE RECORDS MANAGEMENT POLICY MANUAL (RECMAN)

6.5.1 The Defence Records Management Policy Manual ([RECMAN](#)) was first published in 2014 and outlines the requirements that Defence must comply with to fulfil its lawful obligations under the *Archives Act 1983*. The content is consistent with the guidance provided by the National Archives of Australia and incorporates relevant Australian and international standards for records and document management to ensure alignment with recognised best practices.

6.5.2 RECMAN applies to all records created as part of Defence decision-making or business activities. It establishes a clear, decisive and current records management policy for Defence personnel, and supports the transition of records to a digital environment in accordance with the Government's Digital Transition Policy.<sup>1</sup>

6.5.3 **Compliance.** All Defence personnel (ADF, APS and contracted personnel) must comply with RECMAN. External service providers must comply with RECMAN where compliance is a condition of their engagement. Members of the Australian Defence Force (ADF) Cadets, including Australian Navy Cadets, Australian Army Cadets and Australian Air Force Cadets, must comply with RECMAN.<sup>2</sup> Failure to comply may result in the member being subject to criminal penalties as outlined under the *Archives Act 1983*.

##### ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES INTO CHILD SEXUAL ABUSE

6.5.4 The Royal Commission into Institutional Responses into Child Sexual Abuse was established in 2013 and delivered its final report in December 2017. Volume 8 of the report (*Recordkeeping and information sharing*) examines records and recordkeeping by institutions that care for, or provide services to children.

6.5.5 Specific to Recommendation 8.4 of the report, the Royal Commission recommended that all institutions that engage in child-related work should implement the following five high-level principles for records and recordkeeping, to a level that responds to the risk of child sexual abuse occurring within the institution:

- a. creating and keeping full and accurate records relevant to child safety and wellbeing, including child sexual abuse, is in the best interests of children and should be an integral part of institutional leadership, governance and culture

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<sup>1</sup> In 2011, the Australian Government released the Commonwealth [Digital Transition Policy](#) which requires agencies to move to digital information and records management, and away from paper-based records management. This means that the majority of Defence's records must be created, stored and managed digitally, and where practicable, paper records should also be digitised.

<sup>2</sup> [RECMAN](#) Chapter 3 Paragraph 3.3.

- b. full and accurate records should be created about all incidents, responses and decisions affecting child safety and wellbeing, including child sexual abuse
- c. records relevant to child safety and wellbeing, including child sexual abuse, should be maintained appropriately
- d. records relevant to child safety and wellbeing, including child sexual abuse, should only be disposed of in accordance with law or policy
- e. individuals' existing rights to access, amend or annotate records about themselves should be recognised to the fullest extent.

6.5.6 A key observation from the Royal Commission outlined the need for institutions to dedicate time and resources to creating good records, and managing those records.

### **POLICY INTENT**

6.5.7 The records management policy (refer Section 1 Chapter 2) is intended to meet Defence's obligations to the RECMAN and the Royal Commission report for youth protection, as well as fostering and maintaining best practice records management standards.

6.5.8 The policy outlines the requirements to ensure complete and accurate records of all Defence Youth Program activities and decisions are created, managed, retained or disposed of appropriately, and in accordance with relevant legislation.

6.5.9 Effective records management supports Defence in maintaining authoritative information that has integrity and is accessible, auditable, accurate, reliable, complete, and of a high quality.

6.5.10 YOUTHPOLMAN Part Two contains all ADF Cadets common tri-Service policy. The policies provide leading practice, evidence-based direction on the day to day management of the ADF Cadets enterprise, including unique records management policies where necessary.

### **POLICY PRINCIPLES**

6.5.11 All Defence Youth Programs must be able to demonstrate that due process has been followed in their actions and decision making, including through the existence and maintenance of good record keeping systems.

6.5.12 All Groups and Services responsible for the management of Defence Youth Programs including ADF Cadets must ensure that appropriate arrangements and adequate resourcing are in place to enable implementation of the policies outlined in Section 1 Chapter 2.

## POLICY PRACTICES AND MEASURES

### RESPONSIBILITIES

6.5.13 All Defence records are owned by the Department of Defence. The Secretary and the Chief of Defence Force are ultimately accountable for all Defence records although everyone has a responsibility towards Defence records.

6.5.14 Group Heads and Service Chiefs are responsible for ensuring that their respective Group or Service complies with the policy contained in RECMAN and must ensure that procedural guidance and adequate resources are available to support its implementation.

6.5.15 All Defence personnel, contractors, consultants and outsourced service providers, are accountable for their actions and are required to create and retain evidence of their actions and decisions made on behalf of Defence. Such evidence must be managed as records and captured in a Defence compliant Information Management system such as Objective.<sup>3</sup> Contractors, consultants and outsourced service providers are responsible for records management tasks where this has been documented in the conditions of their engagement.

6.5.16 [RECMAN Chapter 4](#) provides detailed policy on how to identify, describe and manage records throughout their life, including creation, capture, storage, digitisation, accessibility and disposal.

**Accountable Officer:** Chief of Joint Capabilities (CJC)

**Policy Officer:** Head Joint Support Services Division (HJSSD)

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<sup>3</sup> Compliant Defence Record Management systems include Objective, PMKeyS, the Defence Policing and Security Management System, Sentinel and CadetNet.