

Responding to unacceptable behaviour

Chapter 3

3.0.0.1 Introduction

1. Defence personnel are respectful, trusted and proven to deliver. In doing so, Defence personnel have a responsibility to behave in a way that upholds our Values as an organisation, both at work and in any situation that may be connected to Defence. Values-based behaviour requires everyone to accept personal responsibility for their actions and the subsequent consequences for themselves, others and Defence.
2. In addition to Values-based behaviour, Defence personnel must not engage in behaviour that is proscribed in the unacceptable behaviour definitions.
3. Upholding the required behaviours contributes significantly to morale and promotes a cohesive, healthy, safe and effective workplace. It builds the capability of the Australian Defence Force and helps to protect and enhance the reputation of Defence.

3.0.0.2 Purpose

1. This Chapter provides Defence's policies and procedures for the responsibilities, notification, management of, and reporting of unacceptable behaviour by Defence personnel.

3.0.0.3 Contents of this Chapter

1. This Chapter contains the following Parts:

[Part 1: Rights and obligations](#)

[Part 2: Notification and complaints of unacceptable behaviour](#)

[Part 3: Responding to an incident of unacceptable behaviour](#)

[Part 4: Reporting and recording of incidents of unacceptable behaviour](#)

[Annex 3A: Defence Values](#)

[Annex 3B: Defence Behaviours](#)

[Annex 3C: No Longer Used. Navy Values and Signature Behaviours – Replaced by Defence Values and Behaviours](#)

[Annex 3D: No Longer Used. Army Values – Replaced by Defence Values and Behaviours](#)

[Annex 3E: No Longer used. Air Force Values – Replaced by Defence Values and Behaviours](#)

[Annex 3F: APS Values](#)

[Annex 3F.a: ASD Values](#)

[Annex 3G: Types of unacceptable behaviour](#)

[Annex 3H: Flowchart for managing unacceptable behaviour](#)

[Annex 3I: Checklist for responding to unacceptable behaviour incidents](#)

[Annex 3J: Support options](#)

3.0.0.4 Contents of this part

1. This Part contains the following information:

- [3.0.0.5 This Chapter applies to](#)
- [3.0.0.6 This Chapter does not apply to](#)
- [3.0.0.7 Policy](#)
- [3.0.0.8 What is unacceptable behaviour](#)
- [3.0.0.9 Defence Values and Behaviours](#)
- [3.0.0.10 Foreign military members](#)
- [3.0.0.11 External service providers and outsourced service providers](#)
- [3.0.0.12 Privacy and unacceptable behaviour](#)
- [3.0.0.13 Disclosure of security classified information](#)
- [3.0.0.14 Applicable legislation](#)
- [3.0.0.15 Other applicable information](#)
- [3.0.0.16 Sponsor and point of contact](#)

3.0.0.5 This Chapter applies to

1. This Chapter applies to:
 - a. Defence personnel;
 - b. External service providers and outsourced service providers who, under the conditions of their contract with Defence, are required to comply with this Chapter; and
 - c. Foreign military members serving with the ADF subject to their nature of service.

3.0.0.6 This Chapter does not apply to

1. This Chapter does not apply to:
 - a. Persons who have volunteered and been accepted by the Chief of the Defence Force as officers, instructors or cadets in the Australian Navy Cadets, Australian Army Cadets and Australian Air Force Cadets;

Related Information: Part 2 of [YOUTHPOLMAN - Australian Defence Force Cadets](#) contains Defence policy for Australian Navy Cadets, Australian Army Cadets and Australian Air Force Cadets. This chapter still applies to personnel who run Defence Youth programs and Defence personnel under 18.
 - b. Defence personnel, external service providers, and outsourced service providers working in or for the Australian Geospatial-Intelligence Organisation, the Defence Intelligence Organisation and the Australian Signals Directorate to the extent that the incident of unacceptable behaviour is 'disclosable conduct' under the [Public Interest Disclosure Act 2013](#).

3.0.0.7 Policy

1. Defence personnel are expected to adhere to high standards of ethical and personal conduct in connection with their workplace. Behaviour at work or in any situation that is connected to Defence, that is proscribed in this Chapter is unacceptable behaviour and will not be tolerated.
2. In addition to causing harm to individuals and Defence's reputation, Defence may be held vicariously liable for the actions of Defence personnel engaging in unlawful discrimination or harassment. This is unacceptable. Unlawful discrimination and harassment includes:
 - a. racial discrimination and offensive behaviour based on racial hatred under the [Racial Discrimination Act 1975](#);
 - b. sex discrimination and sexual harassment under the [Sex Discrimination Act 1984](#);
 - c. disability discrimination under the [Disability Discrimination Act 1992](#);
 - d. age discrimination under the [Age Discrimination Act 2004](#); and
 - e. belief based discrimination under the [Australian Human Rights Commission Act 1986 \(Cth\)](#).

3. Defence personnel are expected to behave in a way that fosters a fair and safe workplace environment. A failure of Defence personnel to meet expected standards of behaviour may also be contrary to Defence's obligations under the [Work Health and Safety Act 2011](#).
4. All Defence personnel have a role in preventing and resolving unacceptable behaviour. Incidents of unacceptable behaviour must be responded to in an appropriate and timely manner. When an incident results in a complaint of unacceptable behaviour, the complaint must be managed promptly, seriously, and with fairness and sensitivity in accordance with this Chapter. Defence is committed to ensuring that incidents of unacceptable behaviour are dealt with appropriately.

Note: In this Chapter, the term 'incident of unacceptable behaviour' includes both alleged and substantiated incidents of unacceptable behaviour. An incident of unacceptable behaviour is considered an alleged incident until such time as the commander or manager determines the incident has been substantiated.

5. Defence personnel are accountable for their behaviour where it falls below the expected standard. Failure to meet expected standards of behaviour may result in management, administrative, or disciplinary action. **See:** [3.3.0.6 Responding to an incident of unacceptable behaviour](#)

3.0.0.8 What is unacceptable behaviour

1. Unacceptable behaviour is unreasonable conduct at work or in any situation that may be connected to Defence that is offensive, belittling, abusive or threatening to another person or adverse to morale, discipline or workplace cohesion. This includes unlawful discrimination and harassment. Specific types of unacceptable behaviour are:
 - a. [Harassment](#);
 - b. [Workplace bullying](#);
 - c. [Any form of sexual misconduct](#) – refer to Chapter 9 – *Responding to Sexual misconduct* in the first instance;
 - d. [Discrimination](#);
 - e. [Abuse of power](#);
 - f. [Conflict of interest and inappropriate workplace relationships](#); and
 - g. [Violent behaviour](#).

See: [Annex 3G – Types of unacceptable behaviour](#).

3.0.0.9 Defence Values and Behaviours

1. The [Defence Values and Behaviours](#) reflect the behaviours expected of Defence personnel and particularly how we treat each other at work and in connection with our work.

See: [Annex 3A - Defence Values](#)
[Annex 3B – Defence Behaviours](#)

2. The APS Values and employment principles embedded in the [Public Service Act 1999](#) provide a similar standard for Defence APS employees. The ASD Values reflect the same standard of behaviour for ASD employees.

See: [Annex 3F – APS Values](#)
[Annex 3F.a – ASD Values](#)

3. Defence personnel are expected to behave at work in accordance with Defence values statement and that of their respective Agency or Australian Public Service.

3.0.0.10 Foreign military members

1. Foreign military members seconded, posted, assigned, attached to, or on exchange with, the ADF, are expected to adhere to:

- a. the Defence Values and Behaviours; and
- b. the values of the Agency to which they are connected in accordance with any agreement or arrangement between their country of origin and Australia.

3.0.0.11 External service providers and outsourced service providers

1. If it is a term of their contract, external service providers and outsourced service providers must act in a manner that is consistent with the Defence Values and Behaviours when:
 - a. representing Defence;

Note: Representing Defence includes undertaking work with Defence personnel outside of a Defence establishment or acting as a spokesperson or other representative of Defence.
 - b. working on a Defence establishment; or
 - c. in any other circumstance that could bring discredit to Defence.

3.0.0.12 Privacy and unacceptable behaviour

1. The protection of personal information collected and used in the course of responding to an incident of unacceptable behaviour is to be taken seriously.
2. The Unacceptable Behaviour Privacy Notice can be found on the Privacy, [Complaints and Resolution website](#).
3. For information on the protection of personal information on personnel under 18 years of age, refer to [YOUTH POLMAN Part 1 Section 1 Chapter 2](#).

Related Information: [Unacceptable Behaviour and ComTrack Privacy Notice](#) (APP5)

3.0.0.13 Disclosure of security classified information

1. Defence personnel must not provide/disclose security classified information when:
 - a. participating in a process provided for in this manual; or
 - b. submitting a complaint provided for in this manual
2. Defence personnel acting contrary to paragraph [3.0.0.13.1](#) may be liable to criminal prosecution under section 70 of the [Crimes Act 1914](#).
3. Defence APS employees acting contrary to paragraph [3.0.0.13.1](#) may also be subject to Code of Conduct action.

Related Information: [APS People Policy](#)

4. ASD employees acting contrary to paragraph [3.0.0.13.1](#) may also be subject to ASD Code of Conduct action.

Related Information: [ASD People Policy](#)

5. Defence members acting contrary to paragraph [3.0.0.13.1](#) may also be subject to an administrative sanction under MILPERSMAN or action under the [Defence Force Discipline Act 1982](#).

Related Information: [Military Personnel Policy Manual \(MILPERSMAN\) Part 9 Chapter 2—Formal Warnings and Censures in the Australian Defence Force](#).

ASD employees and certain Defence APS employees acting contrary to paragraph [3.0.0.13.1](#), may be liable to criminal prosecution under the [Intelligence Services Act 2001](#).

3.0.0.14 Applicable legislation

1. Defence personnel must comply with the following as applicable:
 - a. [Racial Discrimination Act 1975](#);
 - b. [Defence Force Discipline Act 1982](#);
 - c. [Sex Discrimination Act 1984](#);
 - d. [Australian Human Rights Commission Act 1986](#);
 - e. [Privacy Act 1988](#);
 - f. [Disability Discrimination Act 1992](#);
 - g. [Public Service Act 1999](#);
 - h. [Age Discrimination Act 2004](#);
 - i. [Fair Work Act 2009](#);
 - j. [Work Health and Safety Act 2011](#);
 - k. [Public Interest Disclosure Act 2013](#); and
 - l. Subordinate legislation made under the Acts above.

3.0.0.15 Other applicable information

1. **Defence legislation**
 - a. [Defence Act 1903](#);
 - b. [Defence \(Inquiry\) Regulations 2018](#);
 - c. [Defence Regulation 2016](#); and
 - d. [Inspector-General of the Australian Defence Force Regulation 2016](#).
2. **Defence Instructions**
 - a. [DI Admin policy](#)
AG4 — Incident Reporting and Management (Annex C)
AG5 — Conflicts of interest and declarations of interest (Annex C);
PPL7 — Required behaviours in Defence (Annex J);
 - b. [DI\(G\) ADMIN 65-1](#) — Administrative Inquiry Tracking;
 - c. [MILPERSMAN Part 4 Chapter 1](#) – Alcohol Management in the Australian Defence Force.
3. **Legal Services Directions**
 - a. [Legal Services Directions 2017](#).
4. **Other Defence Policy and Publications**
 - a. [Chapter 9 – Responding to Sexual Misconduct](#);
 - b. [APS People Policy](#);
 - c. [ASD Determination Terms and Conditions of Employment \(non-SES\)](#);
 - d. [ASD People Policy](#);
 - e. [Decision-Maker's Handbook for Personnel-related Decisions](#);
 - f. [Defence Enterprise Agreement \(DEA\)](#);
 - g. [Defence Indigenous Handbook](#);

- h. [Record Management - Defence Policy and Strategy](#)
- i. [Safetyman](#);
- j. Fact finding in Incident Management [CAMPUS](#) course;
- k. [Good Administrative Decision-Making Manual \(GADMMAN\)](#);
- l. [Interim Incident Reporting and Management Policy](#);
- m. [Military Personnel Policy Manual \(MILPERSMAN Part 9, Chapter 8\)](#);
- n. [Youth Policy Manual \(YOUTHPOLMAN\)](#);
- o. Workplace Behaviour Mandatory Awareness [CAMPUS](#) course; and
- p. [Defence Media and Communication Policy](#);
- q. [Australian Defence Force Chaplaincy Policy](#).

5. **Defence organisational websites**

- a. [Complaints and Resolution](#);
- b. [SeMPRO](#);
- c. [Diversity](#);
- d. [Privacy](#);
- e. [ADF Investigative Service](#);
- f. [Defence Legal Division](#);
- g. [Fraud Control and Investigations Branch](#);
- h. [Inspector General of the ADF](#);
- i. [Work Health and Safety Branch](#);
- j. [Pay and Conditions](#); and
- k. [Pathway to Change](#)

6. **External resources**

- a. [Comcare Psychosocial hazards website](#);
- b. [Comcare Bullying In the Workplace Resources](#); and
- c. [Defence Force Ombudsman](#).

3.0.0.16 Sponsor and point of contact

- 1. The sponsor for this Chapter is the Assistant Secretary HR Services Branch.
- 2. The point of contact is Assistant Director, Policy, Learning and Development, [Directorate of Privacy, Complaints and Resolution](#) - **Email:** Complaint.Resolution@defence.gov.au .

Part 1: Rights and obligations

3.1.0.1 Purpose

1. This Part lists the rights and obligations of all Defence personnel in relation to unacceptable behaviour.

Note: In this Chapter the term 'incident of unacceptable behaviour' includes both alleged and substantiated incidents of unacceptable behaviour. An incident of unacceptable behaviour is considered an alleged incident until such time as the commander or manager determines the incident has been substantiated.

An incident is when the behaviour occurred. A complaint occurs when a person involved in an incident notifies their commander, manager or supervisor.

3.1.0.2 Content

1. This Part contains the following information:

[3.1.0.3 Obligations of Defence personnel](#)

[3.1.0.4 A person who believes they have been subject of unacceptable behaviour](#)

[3.1.0.5 A person involved in an incident of unacceptable behaviour](#)

[3.1.0.6 Supervisors](#)

[3.1.0.7 Commanders and managers](#)

3.1.0.3 Obligations of Defence personnel

1. Defence personnel have a responsibility to take all reasonable and practical steps to protect the health and safety of themselves and others in the workplace. Consistent with this requirement, all Defence personnel:
 - a. are to monitor their own behaviour and attitude to minimise causing offence;
 - b. are expected to behave in a way that upholds the Defence Values and Behaviours, APS or ASD Values, and APS and ASD employment principles (as appropriate). This expectation applies in any situation connected to Defence in all domestic and overseas operational and exercise environments;
 - c. must not engage in or participate in unacceptable behaviour, including unlawful discrimination or harassment at work and in any situation connected to Defence in all domestic and overseas operational and exercise environments;
 - d. have a responsibility to question the behaviour of colleagues in the workplace that could reasonably be interpreted as unacceptable behaviour;
 - e. should notify their supervisor, commander or manager (as appropriate), incidents of unacceptable behaviour in the workplace or connected to the workplace that are beyond their ability or authority to manage;
 - f. are to take steps to resolve workplace conflict at the lowest level, where appropriate; **See:** [Chapter 2, Resolution of conflict](#)
 - g. must be cognisant of expected workplace behaviour and complete the Workplace Behaviour Mandatory Awareness training annually; and for some incidents involving youth under 18, the Head of Joint Support Services Division must be informed. For further information, refer to [YOUTHPOLMAN Part 1 Section 3 Chapter 3 Annex A.](#)
2. Defence personnel found to have engaged in, contributed to, ignored, assisted, or encouraged unacceptable behaviour may be held personally responsible.

3.1.0.4 A person who believes they have been the subject of unacceptable behaviour

1. A person who believes they have been the subject of unacceptable behaviour has a responsibility to attempt self-resolution at the lowest appropriate level in the circumstances. Self resolution may not always be appropriate. **Example:** some incidents of sexual misconduct. **See:** [Chapter 9 Responding to Sexual Misconduct](#) or [Chapter 2 Resolution of conflict.](#)
2. In accordance with [3.1.0.3.1.e](#), a person who believes they have been the subject of any form of unacceptable behaviour is encouraged to discuss the incident with their commander, manager or supervisor, or the most appropriate person as listed at [3.2.0.3.3](#). The incident may be considered resolved if the parties have resolved it without needing to engage their chain of command.

Note: Commanders, managers and supervisors must respond to incidents of unacceptable behaviour once they become aware of it. Accordingly, subject to the [Public Interest Disclosure Act 2013](#), any discussion with the chain of command that reveals unacceptable behaviour will not be treated as confidential, but may attract protections of the disclosers' identity.

3. If the person chooses to make a complaint they are to do so in accordance with [3.2.0.3](#).
4. A person who believes they have been the subject of sexual misconduct is encouraged to seek advice and support from the Sexual Misconduct Prevention and Response Office (SeMPRO). Sexual misconduct includes a sexual offence.

Note: SeMPRO client services are available to current and ex-serving ADF members, APS personnel, Defence contractors, ADF Cadets and their families, and Officers and Instructors of Cadets.

SeMPRO treats a report of sexual misconduct as a restricted (confidential) disclosure.

A disclosure of sexual misconduct to your commander, manager or supervisor will give rise to specific statutory obligations under the [Interim Incident and Reporting Management Policy](#). SeMPRO support, advice and client response services are confidential and available to all personnel without triggering reporting obligations. Accessing SeMPRO services without making a report about an incident to Defence is referred to as a Restricted Disclosure.

Related Information:

[SeMPRO DPN site](#)

[Chapter 9 - Responding to Sexual Misconduct.](#)

3.1.0.5 A person involved in an incident of unacceptable behaviour

1. A person involved in an incident of unacceptable behaviour includes:
 - a. a person who believes they have been the subject of any form of unacceptable behaviour;
 - b. a person alleged to have behaved unacceptably (respondent); and/or
 - c. any other person that has a connection with the incident of unacceptable behaviour. This may include witnesses.
2. A person involved in an incident of unacceptable behaviour can expect:
 - a. the incident be responded to in accordance with [Part 3](#) of this Chapter;
 - b. to remain informed, where appropriate, by their commander, manager or supervisor about the progress and completion of the required actions;
 - c. information collected in the notification/complaint of unacceptable behaviour and any response to that incident to be handled as **Sensitive: Personal** in accordance with the requirements of the [Defence Security Principles Framework](#); and
 - d. any personal information collected during the notification of and in the course of responding to an incident to be used in accordance with the [Privacy Act 1988](#), including the [Australian Privacy Principles](#) for the purpose of:
 - i. responding to the incident; **See:** [Chapter 3 Part 3 Responding to unacceptable behaviour](#).
 - ii. reporting the incident; **See:** [Chapter 3 Part 4 Reporting and recording of incidents of unacceptable behaviour](#).
 - iii. taking any consequential action.

Example: Alternative dispute resolution, disciplinary or administrative action.
3. A person involved in an incident of unacceptable behaviour may access relevant support services available to them through their relevant Service, APS or ASD employment conditions. A person who has accessed a support service can expect that the information provided in the course of obtaining that assistance will be handled in accordance with the service provider's professional conduct obligations.

Example: A medical practitioner, allied health professional, psychologist, social worker, legal officer.

See: [Annex 3J – Support options](#)

4. A person involved in an incident of unacceptable behaviour is expected to cooperate with any reasonable action taken in response to the incident of unacceptable behaviour.
5. A person involved in an incident of unacceptable behaviour shall be aware that if they are found to have participated in, contributed to, or ignored the unacceptable behaviour they may have their behaviour reviewed.

3.1.0.6 Supervisors

1. Maintaining acceptable behaviour and effective relationships in the workplace is a primary leadership responsibility. Supervisors at all levels must act on all allegations of unacceptable behaviour in the workplace. In deciding how to proceed, supervisors are strongly encouraged to seek support and advice from their chain of command or line management and the advice services available to them. Supervisors are responsible for:
 - a. monitoring the workplace and the health and safety of all personnel under their supervision;
 - b. taking all reasonably practicable action to prevent unacceptable behaviour in the workplace;
 - c. responding promptly, seriously, with fairness and sensitivity to incidents of unacceptable behaviour;
 - d. reporting incidents of unacceptable behaviour to their commander or manager; and
 - e. ensuring that all Defence personnel within their supervisory line of responsibility complete the Workplace Behaviour Mandatory Awareness training annually and that the training is recorded in [PMKeys](#).
2. In response to an incident of unacceptable behaviour, supervisors must take action in accordance with Part 3 of this Chapter.

3.1.0.7 Commanders and managers

1. Commanders and managers have additional responsibilities to the supervisory responsibilities above. Commanders and managers must promote a workplace environment where Defence personnel:
 - a. feel respected and comfortable to approach managers to discuss behavioural and other concerns;
 - b. are empowered to resolve unacceptable behaviour at the appropriate level; and
 - c. have faith in Command to support them and manage unacceptable behaviour in a timely fashion.
2. Commanders are to ensure unit standing orders include, in language capable of constituting a lawful order/command, all obligations and prohibitions within this Chapter.
3. In response to a complaint of unacceptable behaviour, commanders and managers must manage the complaint by:
 - a. taking reasonable steps to ensure that all involved in the incident of unacceptable behaviour are treated fairly and without victimisation or disadvantage;
 - b. responding to the incident of unacceptable behaviour in accordance with [Part 3](#) of this Chapter;
 - c. reporting and recording the incident of unacceptable behaviour in accordance with [Part 4](#) of this Chapter;
 - d. taking reasonable steps to advise people involved of their options to access support services in accordance with [Annex 3J – Support options](#);
 - e. ensuring that all personal information regarding the incident is handled with appropriate privacy and security considerations; and

Example: Information relating to the incident of unacceptable behaviour stored electronically must have appropriate access privileges in place.

Related Information: The [Defence Security Principles Framework](#).

- f. taking reasonable steps to advise the parties involved of the progress of the response in accordance with [3.3.0.5.7 Keeping parties informed](#).

Note: Commanders, managers and supervisors must not disclose the identity of a person who is entitled to have their identity protected under the [Public Interest Disclosure Act 2013](#).

Related Information: [Fraud Control and Investigations Branch](#) website.

Related Information: For complaints involving youth under 18, refer to [YOUTHPOLMAN Part 1, Section 3, Chapter 3](#).

Note: Commanders, managers, and supervisors have access to sexual misconduct incident management advice via SeMPRO, including policy application and strategies for supporting personnel.

Part 2: Notification and complaints of unacceptable behaviour

3.2.0.1 Purpose

1. This Part provides information on the process for notifications and complaints of incidents of unacceptable behaviour. A commander or manager may become aware of an incident without a complaint being submitted.

Note: In this Chapter the term 'incident of unacceptable behaviour' includes both alleged and substantiated incidents of unacceptable behaviour. An incident of unacceptable behaviour is considered an alleged incident until such time as the commander or manager determines the incident has been substantiated.

3.2.0.2 Content

1. This Part contains the following information:

[3.2.0.3 Complaints of unacceptable behaviour](#)

[3.2.0.4 Alternative notification processes](#)

[3.2.0.5 Vexatious or malicious complaints](#)

[3.2.0.6 What happens after a notification or complaint of unacceptable behaviour is made](#)

[3.2.0.7 Seeking review of a response to an incident of unacceptable behaviour](#)

3.2.0.3 Complaints of unacceptable behaviour

1. Any person may submit a complaint of unacceptable behaviour if they form a reasonable belief that Defence personnel, an external service provider or an outsourced service provider has behaved unacceptably in accordance with [Annex G](#). A complaint may be submitted by a person who believes they have experienced or were the target of unacceptable behaviour, or a person who has witnessed, or who becomes aware of, behaviour that they believe to be unacceptable behaviour.

Note: [3.1.0.3. Obligations of Defence personnel](#).

2. A complaint of unacceptable behaviour can be made in writing or verbally. Whether written or verbal, a complaint is neither formal nor informal; it is simply referred to as a complaint. When making a complaint of unacceptable behaviour, a person is to:
 - a. clearly state they have an unacceptable behaviour complaint;
 - b. provide a brief and clear description of the incident(s), including details of what happened, when it happened, where it happened and who was involved in the incident, including witnesses;
 - c. identify any steps taken by the complainant and/or third party to seek resolution, and the outcome of such steps;

See: [Chapter 2 Resolution of Conflict](#)
 - d. identify the outcome they seek to achieve; and
 - e. use the appropriate dissemination limiting markers.

Note: A person who submits a complaint of unacceptable behaviour may be entitled to protections under the [Public Interest Disclosure Act 2013](#).

Related Information: [Defence Public Interest Disclosure Scheme](#) website.

3. In most instances, a complaint of unacceptable behaviour will be made to the person identified in the table below:

If the complaint is about a person who is:	the complaint is to be made to:
in the same chain of command or line management as the person making the complaint	the complainants' commander, manager or supervisor.
in a different chain of command or line management as the person making the complaint	to the commander, manager or supervisor of the person making the complaint. Note: the commander or manager will then pass the complaint to the respondents' commander to manage in accordance with 3.3.0.3.1 .
the commander or manager of the person making the complaint	the person who supervises the commander or manager whom the complaint is about.
unknown	either: a. the commander, manager or supervisor responsible for the area in which the unacceptable behaviour is alleged to have occurred; or b. the commander, manager or supervisor of the person who is notifying their commander or manager of the alleged unacceptable behaviour.

Note: If a complainant is not comfortable notifying the commander or manager stated in the table above, they may notify an alternative commander or manager in the same chain of command.

4. A complaint of unacceptable behaviour to a commander or manager may also be a Public Interest Disclosure under the [Public Interest Disclosure Act 2013](#).

See: [3.2.0.4](#) Alternative notification processes.

5. A commander, manager or supervisor who identifies, or is notified of, an incident of unacceptable behaviour must take action even if there is no complaint from another person. This is considered a 'management initiated complaint'.

3.2.0.4 Alternative notification processes

1. Defence personnel who believe on reasonable grounds that an incident of unacceptable behaviour may be 'disclosable conduct' under the [Public Interest Disclosure Act 2013](#) may notify their commander or manager or an Authorised Officer.

See: [3.4.0.5 Reporting to a Public Interest Disclosure Authorised Officer](#)

2. A person who believes they have been the subject of sexual misconduct is encouraged to seek advice and support from the Sexual Misconduct Prevention and Response Office (SeMPRO). Sexual misconduct includes a sexual offence.

Note: SeMPRO client services are available to current and ex-serving ADF members, APS personnel, Defence contractors, ADF Cadets and their families, and Officers and Instructors of Cadets.

SeMPRO treats a report of sexual misconduct as a restricted (confidential) disclosure.

A disclosure of sexual misconduct to your commander, manager or supervisor may give rise to specific statutory obligations under the [Interim Incident Reporting and Management Policy](#) SeMPRO support, advice and client response services are confidential and available to all personnel without triggering reporting obligations. Accessing SeMPRO services without making a report about an incident to Defence

is referred to as a Restricted Disclosure.

Related Information:

[SeMPRO DPN site](#)

[Chapter 9 - Responding to Sexual Misconduct.](#)

3.2.0.5 Vexatious or malicious complaints

1. Making a vexatious or malicious complaint of unacceptable behaviour is inconsistent with the values and expected workplace behaviours and may require a response in accordance with this Chapter.
2. A person who makes a vexatious or malicious complaint of unacceptable behaviour, and is a:
 - a. Defence member, may be subject to:
 - i. disciplinary action; or
 - ii. an administrative sanction;
 - b. Defence APS or ASD employee, may be subject to Code of Conduct action;
 - c. external service provider or outsourced service provider, may have their contract reviewed.

Note: Care is to be taken before characterising a complaint as vexatious or malicious. Advice should be sought from the [Directorate of Privacy, Complaints and Resolution](#) in this regard before such a decision is made.

See: Definitions of 'vexatious' and 'malicious' in [Chapter 1 Annex 1](#), Abbreviations and Definitions.

[Part 3 Responding to an incident of unacceptable behaviour.](#)

3.2.0.6 What happens after a notification or complaint of unacceptable behaviour is made

1. When a commander, manager or supervisor becomes aware of an incident of unacceptable behaviour, the commander, manager or supervisor responsible for responding to the incident is to follow the procedures in this Chapter.
2. The response of the commander, manager or supervisor will vary depending if the incident is substantiated, if it was minor or significant, and who was involved.

See: [Part 3 Responding to an incident of unacceptable behaviour.](#)
3. If a person notifies their commander, manager or supervisor of an alleged incident of unacceptable behaviour they must note that the commander, manager or supervisor has an obligation to respond in accordance with this Chapter. This obligation remains when the person advises that they do not want to submit a complaint, or they seek to withdraw their complaint.

3.2.0.7 Seeking review of a response to an incident of unacceptable behaviour

1. If a person is not satisfied with the response to an incident of unacceptable behaviour the person, in the first instance, is to request the commander, manager or supervisor who responded to the incident to reconsider the response.
2. A request for reconsideration is to be made in writing and include:
 - a. the reason why the request is being made; and
 - b. any additional information.
3. If a person has sought review in accordance with [3.2.0.7](#) and is not satisfied with the response, they may request further review. The options available are dependent on the

relationship the person requesting the review has with Defence:

- a. A Defence member may submit a Redress of Grievance;

See: [Chapter 6 Redress of Grievance.](#)

- b. A Defence APS employee, who is not a member of the SES, may request a Review of Actions;

See: [Chapter 5 Review of Actions.](#)

- c. Complaints to IGADF can be made by a Defence member, or by others where the conduct involved a Defence member, and there is a failure of military justice in the management of that matter;

See: [Chapter 8 Inspectors General](#)

- d. A Defence APS employee who is a member of the SES may request a review of a decision in accordance with their contract of employment;
- e. An external service provider or outsourced service provider may raise the issue with their employer;
- f. An ASD employee may utilise the internal formal review process.

Part 3: Responding to an incident of unacceptable behaviour

3.3.0.1 Purpose

1. This Part provides information for commanders, managers and supervisors on the processes for responding to an incident of unacceptable behaviour.
2. The purpose of responding to an incident of unacceptable behaviour is to ensure, to the greatest extent possible, that Defence personnel work in a cohesive, healthy, safe and effective environment, and to address behaviour that is inconsistent with the expected workplace behaviours. It will also ensure that Defence responds to alleged incidents of unacceptable behaviour in an appropriate, transparent and timely manner, ensuring confidence in the system and its processes.

Note: In this Chapter, the term 'incident of unacceptable behaviour' includes both alleged and substantiated incidents of unacceptable behaviour. An incident of unacceptable behaviour is considered an alleged incident until such time as the commander or manager determines the incident has been substantiated.

3.3.0.2 Content

1. This Part contains the following information:

[3.3.0.3 Who is responsible for responding to and reporting an incident or complaint of unacceptable behaviour?](#)

[3.3.0.4 Incidents that are not to be responded to under this Part](#)

[3.3.0.5 Response process - general](#)

[3.3.0.6 Responding to an incident of unacceptable behaviour](#)

[3.3.0.7 Outcomes to incidents of unacceptable behaviour](#)

3.3.0.3 Who is responsible for responding to and reporting an incident or complaint of unacceptable behaviour

1. The person who must respond to an incident of unacceptable behaviour is determined by who the respondent is and the location at which the alleged unacceptable behaviour occurred. This is detailed in the table immediately below:

If the respondent is:	the person to respond to the incident is:
a Defence member or Defence APS or ASD employee from the same unit or lines of management where the alleged incident occurred	the respondent's commander, manager or supervisor Exception: If Defence personnel are temporarily transferred to another workplace, the commander, manager or supervisor of the workplace where the unacceptable behaviour is alleged to have occurred is to respond to the incident.

<p>a Defence member or Defence APS or ASD employee from different units or lines of management from where the alleged incident occurred</p>	<p>The respondent's commander, manager or supervisor.</p> <p>In accordance with Part 2, the complainant will usually make a complaint to their own commander, manager or supervisor. In this instance, the complaint is to be passed to the respondent's commander or manager for action.</p> <p>Note: the commander or manager responsible for responding must take reasonable steps to ensure that the commander or manager of those persons not under their chain of command or line management are advised of the incident of unacceptable behaviour.</p>
<p>an external service provider or outsourced service provider</p>	<p>the external service provider's or outsourced service provider's employer, through the Defence contract manager.</p>
<p>unknown</p>	<p>either:</p> <p>a. the commander or manager responsible for the area at which the unacceptable behaviour is alleged to have occurred; or</p> <p>b. the commander or manager of the person who originally notified their commander, manager or supervisor of the alleged unacceptable behaviour.</p>
<p>Youth aged under 18 in Defence or Defence supported youth programs</p>	<p>Refer to YOUTHPOLMAN Section 3 Chapters 3 and 4.</p>
<p>an ADF Chaplain</p>	<p>The respondent's commander, manager or supervisor.</p> <p>Note: For significant issues of misconduct and serious unacceptable behaviour, the Chaplain or Maritime Spiritual Wellbeing Officer's Chain of Command is to inform the appropriate member of the Chaplaincy technical chain immediately following a substantiated fact find.</p> <p>Refer to Australian Defence Force Chaplaincy Policy (CHAPPOL)</p>

2. In some cases, it may be more appropriate for the incident of unacceptable behaviour to be managed by the next person higher in the chain of command or reporting line.

Example: If the person responding to the incident of unacceptable behaviour has a conflict of interest due to having a close personal relationship with a party involved in the incident.
3. If a person is unsure about who is responsible for responding to an incident of unacceptable behaviour, advice can be sought from the [Directorate of Privacy, Complaints and Resolution](#).

4. Despite the above, commanders, managers or supervisors remain responsible for ensuring that Defence personnel in their chain of command or line management are aware of support options available to them.

See: [Annex 3J Support options](#)

5. Legal officers, Medical officers, Psychologists, social workers, SeMPRO client response personnel, Workplace Behaviour Advisers/Network Coordinators, Dispute Resolution Managers and members of the Clergy (padres) are sometimes made aware of unacceptable behaviour incidents. Each of these have professional confidentiality obligations that may apply depending upon the circumstances of the incident. The most appropriate person to whom a **complaint is made** is detailed in [3.2.0.3](#). The most appropriate person to **respond to** (or manage) an incident of unacceptable behaviour is in the table at [3.3.0.3.1](#).

Transfer of responsibility

6. The person responsible for responding to an incident may change prior to action being finalised.

Example:

If the commander or manager responsible for responding to the incident:	responsibility is transferred to:
changes position	the person who fills the vacated position provided they are not the respondent and do not have a conflict of interest.
changes position and the position ceases to exist	the person in the next position higher in the chain of command or line management of that position, had it continued to exist.
determines the incident would be more appropriately managed in another area and the commander or manager of that area agrees	the commander or manager of that other area.
determines the incident requires complex case management and there is an area within the Service or Group responsible for complex case management	the area within the Service or Group responsible for complex case management. Example: Personnel Operations – Army.
determines the incident requires complex case management and there is no area within the Service or Group responsible for complex case management	the person in the next position higher in the chain of command or line management.

7. A transfer of responsibility must be reported to the [Directorate of Privacy, Complaints and Resolution](#) via ComTrack, [PMKeyS Self Service](#).

See: [3.4.0.7 ComTrack reporting of incidents](#).

8. All parties involved in the incident must be advised of the transfer in writing by the originating commander or manager.

3.3.0.4 Incidents that are not to be responded to under this Part

1. An incident of unacceptable behaviour that is covered by another Defence manual or other process must be managed in accordance with that manual or process, such as:
 - a. Some incidents may need to be handled in accordance with multiple policy and statutory requirements.

Example: If a Defence member were to misuse alcohol and as a consequence behave unacceptably, this would be managed in accordance with [MILPERSMAN Part 4 Chapter 1 – Alcohol Management in the Australian Defence Force](#),

and this Chapter.

Related Information: A comprehensive, although not exhaustive, list of other Defence Instructions can be found on the [Directorate of Privacy, Complaints and Resolution website](#).

- b. a disclosure under the [Public Interest Disclosure Act 2013](#), unless directed by the Public Interest Disclosure authorised officer; and

See: [3.4.0.5 Reporting to a Public Interest Disclosure Authorised Officer](#)

- c. if the commander, manager or supervisor forms a reasonable suspicion or is provide with information that the incident involves a notifiable incident it must be reported to a Defence Investigative Authority in accordance with [Interim Incident Reporting and Management Policy](#). Examples may include violent behaviour and sexual offences.

Note: This does not prevent administrative action or appropriate management action occurring concurrently with disciplinary action. However, care is to be taken and advice sought to avoid compromising any concurrent criminal or disciplinary investigations.

Depending on the severity and nature of the alleged incident of unacceptable behaviour, a Defence Investigative Authority may refer an incident back to the commander or manager for administrative action in accordance with:

- i: for incidents of Sexual Misconduct – CARM Chapter 9 – Responding to Sexual Misconduct, and
- ii other forms of unacceptable behaviour are managed in accordance with this Chapter.

All sexual offences are Notifiable Incidents. Military Police follow a person-centric approach to sexual offence investigations. This compliments the 'restricted disclosure' approach for sexual offences adopted by SeMPRO, and is similarly focused on supporting the impacted person, minimising harm, and mitigating additional secondary trauma during the investigation process.

- d. suspected cases of sexual misconduct must be managed in the first instance in accordance with Chapter 9 – Responding to Sexual Misconduct.

Note: The wellbeing and the wishes of personnel subjected to any form of sexual misconduct must remain paramount in all processes including management initiated complaints. A Defence Investigative Authority, commanders and managers must comply with the complainant's wishes regarding any future action and must cease workplace level investigation or administrative action if the complainant does not wish the matter to be taken further.

In circumstances where the complainant does not wish a formal process to commence/continue, the options available to commanders and managers for addressing the unacceptable behaviour could include:

- i speaking with the respondent about the expected behaviours that are in line with Defence values, or
- ii directing the respondent to complete training on Defence's expected behaviours.

If an incident is subsequently determined not to involve sexual misconduct it may still constitute unacceptable behaviour and may therefore be dealt with under this chapter.

Example: Mary and Tim are work colleagues. Tim made some jokes and comments in the workplace that Mary felt were insulting and directed at her. Mary submitted a complaint alleging sexual harassment by Tim. The manager sought advice from a DIA who advised that the complaint should be managed as alleged harassment and be dealt with by the manager in accordance with CARM Chapter 3 – Responding to Unacceptable Behaviour.

Related Information:

[Interim Incident Reporting and Management Policy.](#)

[Military Personnel Policy Manual \(MILPERSMAN\) Part 9 Chapter 2—Formal Warnings and Censures in the Australian Defence Force.](#)

- c. Youth incidents are to be managed under YOUTHPOLMAN.

3.3.0.5 Response process - general

1. Commanders, managers and supervisors must, as soon as practicable, within 24 hours of the commencement of duty act on all incidents of unacceptable behaviour that they have become aware of and that are not excluded by [3.3.0.4](#).
2. When responding to an incident of unacceptable behaviour commanders, managers and supervisor are to act in a prompt, fair and in an impartial manner.
3. Commanders, managers and supervisors remain responsible for ensuring that Defence personnel in their chain of command or line management are aware of support options available to them. This may include complainants, respondents, witnesses and any other relevant persons.

See: [Annex 3J Support options.](#)

4. If an incident of unacceptable behaviour is likely to attract media comment or cause adverse publicity to Defence it must be reported in accordance with current Defence requirements.

Related Information:

[Interim Incident Reporting and Management Policy\)](#)

[Media and Communication Policy and Resources webpage](#)

Timeliness

5. In most circumstances, a response to an incident of unacceptable behaviour is to be finalised as soon as possible ideally within two to three weeks of the commander, manager or supervisor becoming aware of the incident. Incidents of unacceptable behaviour that are complex or involve formal inquiries or multiple parties may take longer to resolve. Best practice suggests that complex incidents of unacceptable behaviour are to be finalised within three months.

Note: If the incident is responded to under an alternate manual or process, the timeframes for that manual or process should be followed.

6. If finalising a response to an incident of unacceptable behaviour is likely to take more than three months, the commander, manager or supervisor must report through ComTrack via [PMKeyS Self Service](#):
 - a. how long it is likely to take to finalise the response; and
 - b. the reason for not being able to finalise the incident of unacceptable behaviour earlier.

Note: There are separate reporting timelines for incidents involving youth; refer to [YOUTHPOLMAN Part 1 Section 3 Chapters 3 and 4](#).

Keeping parties informed

7. In the course of responding to an incident of unacceptable behaviour, the commander or manager is to inform all parties involved of the existence of the response and keep the parties informed of the progress.

Note: The identity of a person who is entitled to have their identity protected under the [Public Interest Disclosure Act 2013](#), must not be disclosed in the course of responding.

Related Information: [Fraud Control and Investigations Branch](#) website.

8. The respondent must be provided with as much information that is necessary to afford procedural fairness. This will normally include disclosure of the identity of the complainant. Should the commander or manager consider that this disclosure may impede any other inquiry or investigation, for example through the risk of destruction of evidence, advice must be sought from the relevant Defence Investigative Authority or inquiry authority. The respondent is to be given the opportunity to reply, receive regular progress updates, be given appropriate support, and be advised of the outcome.
9. At the end of the response process, commanders and managers must communicate the final outcome to all affected parties, noting privacy requirements. Parties are also to be advised of the right to seek a review of the outcome if they are not satisfied with the response.

See: [Unacceptable Behaviour and ComTrack Privacy Notice](#) (APP5)

[3.2.0.7. Seeking review of a response to an incident of unacceptable behaviour](#)

Managing workplace relationships

10. If an incident of unacceptable behaviour gives rise to issues that negatively affect the working relationships between two or more people, commanders and managers are to take action to restore that relationship, where appropriate. This is in addition to dealing with the unacceptable behaviour.

Note: Discretion is to be used based on the type of unacceptable behaviour that has allegedly occurred, for example sexual offences or violent behaviour.

Example: Ms Smith and PO Zhang work in the same work area and had an argument which resulted in Ms Smith using offensive language towards PO Zhang. The manager responds to Ms Smith's behaviour as an incident of unacceptable behaviour. The relationship between Ms Smith and PO Zhang remains fractured and they have trouble working together. The manager talks to Ms Smith and PO Zhang together in an attempt to restore the relationship, but the meeting did not go well. The manager then talked to them separately about the relationship breakdown, in a further attempt to restore the relationship. Neither party wanted to work with the other. The manager decided to contact the [Directorate of Privacy, Complaints and Resolution](#) to seek advice on what to do next to restore the relationship. Complaints and Resolution offered a variety of tools and Alternative Dispute Resolution interventions to help restore the relationship.

See: [Chapter 2 Resolution of conflict](#)

Tools and advice

11. Commanders, managers or supervisors may seek advice or guidance from:
 - a. the [Directorate of Privacy, Complaints and Resolution](#);
 - b. a Workplace Behaviour Adviser, but not a Workplace Behaviour Adviser who has, or is, providing advice to another party involved in the incident of unacceptable behaviour;

See: [Chapter 2 Part 3 Division 2 Workplace Behaviour Advisers](#).
 - c. a Workplace Behaviour Network Coordinator;

See: [Chapter 2 Part 3 Division 3 Workplace Behaviour Network Coordinators](#).
 - d. a Dispute Resolution Manager; or

See: [Chapter 2 Part 3 Division 4 Dispute Resolution Managers](#).
 - e. [HR Services Teams](#); and
 - f. [SeMPRO](#) (for incidents involving sexual misconduct).

12. Additional tools and references are provided on the [Directorate of Privacy, Complaints and Resolutions](#) and as annexes to this Chapter:
- a. Flowchart for managing unacceptable behaviour;
See: [Annex 3H Flowchart for managing unacceptable behaviour](#)
 - b. Checklist for responding to unacceptable behaviour;
See: [Annex 3I Checklist for responding to unacceptable behaviour incidents](#)
 - c. Workplace Bullying Risk Assessment Tool; and
See: [Complaints and Resolution unacceptable behaviour DPN page](#)
 - d. Guidance for Complainants, respondents and commanders/managers.
See: [Complaints and Resolution unacceptable behaviour DPN page](#)

3.3.0.6 Responding to an incident of unacceptable behaviour

1. When a commander, manager or supervisor becomes aware of an incident of unacceptable behaviour, they are to:
 - a. Consider if the incident of unacceptable behaviour meets the definition of 'disclosable conduct' under the [Public Interest Disclosure Act 2013](#). If the commander, manager or supervisor believes on reasonable grounds that the incident meets this definition they must as soon as reasonably practicable report the incident to a Public Interest Disclosure Authorised Officer;
See: [3.4.0.5. Reporting to a Public Interest Disclosure Authorised Officer](#)
 - b. Conduct an initial assessment by considering the information available and the nature of the incident in order to determine:
 - i. nature of the behaviour;
 - ii. if the behaviour occurred, whether the behaviour is unacceptable; and
See: [Annex 3G Types of unacceptable behaviour](#)
 - iii. if the behaviour occurred and is unacceptable, whether the incident is minor or significant.
See: [3.3.0.6.8 - 3.3.0.6.11.](#)
 - c. Assess if the incident of unacceptable behaviour must be responded to in accordance with this Chapter or in accordance with an alternative process.
See: [3.3.0.4 Incidents that are not to be responded to under this Part](#)
 - d. Complete a Defence Incident Record in the [Defence Policing and Security Management System](#) or by completing [webform AE530 – Defence Incident Record](#) in relation to the incident in accordance with the [Interim Incident Reporting and Management Policy](#);
 - e. Complete a ComTrack Initial Incident Report via [PMKeyS Self Service](#);
 - f. Army should continue to report through the Army Incident Management System (AIMS) as well as ComTrack as the Defence mandated system for reporting unacceptable behaviour;
 - g. Complete a [Sentinel Event Report – Non-DPN \(DPN\) Users](#) (AE527), if appropriate; and
See: [3.4.0.9. Work Health and Safety Branch reporting and Comcare notification](#)

See: [Annex 3H Flowchart for managing unacceptable behaviour](#).

- h. If the incident of unacceptable behaviour involves a youth under 18, refer to [YOUTHPOLMAN Part 1 Section 3 Chapters 3 and 4](#).

Insufficient information available to make a decision

2. Sufficient information is that which allows a commander, manager or supervisor to decide if the incident meets the conditions at [3.3.0.6.1.b](#).
3. A commander, manager or supervisor may believe there is insufficient information on which to make a decision about the incident of unacceptable behaviour. Processes that are available to assist a commander, manager or supervisor to obtain additional information include (not necessarily in this order):
 - a. undertake a fact finding exercise;

Related Information:

Fact Finding in Incident Management [CAMPUS](#) course (Campus course code 00009631).

[Good Administrative Decision-Making Manual \(GADMMAN\)](#)

DPG provides a [Fact Finding panel](#) to assist commanders, managers or supervisors with this process. The Panel should only be accessed when a sufficiently independent person is not available locally **and** an independent impartial person is required to undertake the activity due to the potential seriousness of the allegation/s, issues with seniority or the activity is of a complex nature.

When the incident is a sexual offence, contact a Defence Investigative Authority before conducting fact finding.

- b. initiating an Inquiry Officer's Inquiry (an option if the behaviour complained of is by a Defence member); and

Related Information: [Administrative Inquiries Manual](#).

Note: The level of formality required for obtaining information will depend on the nature and complexity of each incident.

In more complex or serious incidents of unacceptable behaviour, it may be appropriate for an incident of unacceptable behaviour to be referred to a higher headquarters.

- c. Pass the matter to the [Directorate of Conduct and Performance](#) for a review under the APS Code of Conduct, where appropriate.

Note: The commander, manager or supervisor must take all reasonable action prior to passing to the [Directorate of Conduct and Performance](#).

4. If an incident of unacceptable behaviour has been referred to a Defence Investigative Authority (DIA) and the DIA refers the incident back to the commander, manager or supervisor for action, the commander, manager or supervisor is to make a decision on the incident of unacceptable behaviour in accordance with this Part.

Sufficient information available to make a decision

5. If a commander, manager or supervisor believes that there is sufficient information to make a decision, they must take action. The action will be guided by whether the evidence was sufficient to conclude that:
 - a. unacceptable behaviour did not occur or could not be substantiated; or
 - b. unacceptable behaviour occurred.

Unacceptable behaviour did not occur

6. If the commander, manager or supervisor determines:
 - a. the behaviour did not occur; or
 - b. the behaviour occurred but was not unacceptable behaviour; or
 - c. that despite reasonable efforts, nothing can be gained from further inquiry into the incident, the manager must:
 - i. advise the parties involved in the incident of the decision; and
 - ii. if appropriate, refer the incident of unacceptable behaviour for action under an alternative process.

Example: A dispute between Defence APS employees over the availability and use of a shared resource (such as a Directorate laptop) may be better handled under an Alternative Dispute Resolution process.

Unacceptable behaviour occurred

7. Action must be taken to address the behaviour of persons involved in unacceptable behaviour that has been substantiated. If a commander, manager or supervisor has determined that all the following elements have been met:
 - a. the alleged behaviour occurred; and
 - b. the behaviour is unacceptable behaviour.

See: [Annex 3G – Types of unacceptable behaviour](#)

the commander, manager or supervisor must determine what action is to be taken to address the unacceptable behaviour. If unacceptable behaviour is determined to have occurred, possible outcomes could be guided by:

- a. the nature and seriousness of the behaviour;
- b. the service or employment **relationship** between Defence and the person alleged to have behaved unacceptably;
- c. the service or employment **history** of the person alleged to have behaved unacceptably.

Action to address minor incidents of unacceptable behaviour

8. Minor incidents of unacceptable behaviour may include the following:
 - a. using offensive language in a workplace;
 - b. having offensive material in a workplace;
 - c. treating co-workers with disrespect; and
 - d. Interpersonal conflict that is escalating to unacceptable behaviour.
9. Commanders, managers and supervisors are able to take reasonable action to address minor incidents of unacceptable behaviour. Reasonable action may include asking the person to stop the behaviour, explaining why the behaviour is unacceptable, and setting expectations for future behaviour. The commander, manager or supervisor is to also consider options to manage the interpersonal relationships.

See: [Chapter 2 Resolution of conflict](#)

Note: A series of minor incidents of unacceptable behaviour may require a more formal response in accordance with [3.3.0.6.10](#).

Action to address significant incidents of unacceptable behaviour

10. Significant incidents of unacceptable behaviour may include the following:
 - a. ongoing bullying or harassment;
 - b. any form of sexual misconduct;
 - c. an abuse of power;
 - d. criminal activity or service offences; and/or

Note: Criminal activity/offences must be reported to a Defence Investigative Authority.

 - e. misconduct that requires [APS Code of Conduct](#) or [ASD Code of Conduct](#) action to be taken.
11. Commanders, managers and supervisor are able to take reasonable action to address significant incidents of unacceptable behaviour. The action will depend upon the person's relationship to Defence.

See: [3.3.0.7 Outcomes to incidents of unacceptable behaviour](#)

3.3.0.7 Outcomes to incidents of unacceptable behaviour

Outcomes for Defence members

1. If a Defence member is assessed to have behaved unacceptably, the Defence member may be subject to:
 - a. management action to stop and correct the behaviour.

Example:

 - i. If the Defence member is using offensive language in the workplace the commander, manager or supervisor is to correct the behaviour, explain to the person why such behaviour is unacceptable, and order the expected behaviours;
 - ii. If a Defence member is thought to be excluding other people from important meetings the commander, manager or supervisor will correct the behaviour, explain why the behaviour is unacceptable behaviour, and order the expected behaviours.
 - b. initiating and imposing an administrative sanction which may include:
 - i. counselling;
 - ii. formal warnings;
 - iii. censure;
 - iv. reduction in rank; or
 - v. termination.

Related Information: [Military Personnel Policy Manual \(MILPERSMAN\) Part 9 Chapter 2—Formal Warnings and Censures in the Australian Defence Force.](#)

Note: If the commander, manager or supervisor proposes to make an adverse decision about a Defence member, the commander, manager or supervisor must ensure that the Defence member is afforded procedural fairness in relation to that adverse decision.

A Defence Incident Record ([webform AE530](#)) cannot be used as a basis for the imposition of an administrative sanction.

A Defence APS employee who is the manager of a Defence member cannot impose an administrative sanction. The manager may be required to refer the incident of unacceptable behaviour to the Defence member's administrative Commanding Officer or higher headquarters.

- c. taking disciplinary action under the [Defence Force Discipline Act 1982](#)
2. Nothing in this Chapter prevents any other administrative action being taken to ensure the safety and wellbeing of Defence personnel or external service providers.

Example: Removal from an appointment, posting or locality.

Note: When the actions outlined above are finalised reporting requirements may continue under [Part 4](#) and the requirement to support members involved remains.

Outcomes for Defence APS and ASD employees

3. If a Defence APS or ASD employee is assessed to have behaved unacceptably, the Defence APS or ASD employee may be subject to the following, depending on the circumstances:
 - a. reasonable management action;

Example: If a Defence APS or ASD employee is using offensive language in the workplace, the manager is to correct the behaviour, explain to the person why such behaviour is unacceptable and order the expected behaviours.
 - b. Refer the incident to the [Directorate of Conduct and Performance](#) for Code of Conduct action if the incident:
 - i. involves a potential breach of the APS or ASD Code of Conduct; and
 - ii. would warrant a sanction, which may include: termination of employment; reduction in classification; re-assignment of duties; reduction in salary; deductions from salary, by way of fine; Performance progression payments may be denied, due to the criteria of G6.3(b) of the proposed DEA not being met; or a reprimand.

Note: Behaving contrary to the expected workplace behaviours may affect performance assessments and progression.
4. If the manager determines that a Defence APS or ASD employee involved in unacceptable behaviour is to be referred for investigation for a suspected breach of the respective Code of Conduct, the manager must:
 - a. refer the unacceptable behaviour, including all the relevant information related to the behaviour of the Defence APS or ASD employee, to the [Directorate of Conduct and Performance](#) for consideration; and

Related Information: [Dealing with Misconduct \(PeopleConnect\)](#)

- b. advise the Defence APS or ASD employee of the referral to the [Directorate of Conduct and Performance](#); and
- c. inform the Defence APS or ASD employee of their rights and responsibilities in relation to the referral to the [Directorate of Conduct and Performance](#).

Note: While actions for responding to the incident of unacceptable behaviour may have been finalised, reporting requirements may continue under [Part 4](#) and the requirement to support members involved also remains.

If an incident of unacceptable behaviour gives rise to issues that negatively affect the working relationships between two or more people, managers may take action in an attempt to restore that relationship. This may occur at the same time as above actions.

See: [Chapter 2 Resolution of conflict](#)

The [Directorate of Conduct and Performance](#) may refer the incident of unacceptable behaviour back to the area for management action. If this is the case the manager is to take action under this Chapter.

Related Information: The [APS People Policy](#) and [ASD People Policy](#).

A manager **cannot** determine that there has been a breach of the Code of Conduct or impose a sanction under the Code of Conduct.

Outcomes for foreign military members

5. Foreign military members may serve with the ADF on attachment, exchange or as part of some other relationship between Australia and their own government. The manner in which matters of discipline and administration are dealt with will change significantly depending upon which form of agreement is in place. This will require reference to the relevant authorising instrument relating to the foreign military member. Legal advice is strongly recommended in such situations.

Outcomes for foreign public servant

6. Foreign public servants may work in the Department of Defence on exchange or as part of some other relationship between Australia and their own government. The manner in which matters of discipline and administration are dealt with will change significantly depending upon which form of agreement is in place. This will require reference to the relevant authorising instrument relating to the foreign public servant. Legal advice is strongly recommended in such situations.

Outcomes for external service providers and outsourced service providers

7. If it has been determined that an external service provider or outsourced service provider has behaved unacceptably, Defence (through the relevant contract manager) may take action in accordance with the contract between Defence and the employer of the external service provider or outsourced service provider.
8. The contract manager may take action in accordance with the provisions of the relevant contract, or by subsequent agreement with the employer to respond to an incident of unacceptable behaviour.

Example: The contract manager may negotiate the outcome in relation to the external service provider's further involvement with Defence under the relevant contract arrangements.

9. This clause does not limit the options that are available to an employer of the external service provider or outsourced service provider.

Note: Employers have a responsibility to respond to the behaviour of their employees.

Part 4: Reporting and recording of incidents of unacceptable behaviour

3.4.0.1 Purpose

1. This Part provides information on the reporting and recording processes for incidents of unacceptable behaviour.

Note: In this Chapter, the term 'incident of unacceptable behaviour' includes alleged and substantiated incidents of unacceptable behaviour. An incident of unacceptable behaviour is considered an alleged incident until such time as the commander, manager or supervisor determines the incident has been substantiated.

3.4.0.2 Content

1. This Part contains the following information:

[3.4.0.3 Who is responsible for reporting incidents of unacceptable behaviour](#)

[3.4.0.4 Reporting and recording of unacceptable behaviour - general](#)

[3.4.0.5 Reporting to a Public Interest Disclosure Authorised Officer](#)

[3.4.0.6 Defence Incident Record](#)

[3.4.0.7 ComTrack reporting of incidents](#)

[3.4.0.8 Career/Personnel Management Agency reporting](#)

[3.4.0.9 Work Health and Safety Branch reporting and Comcare notification](#)

[3.4.0.10 Reporting as a notifiable incident](#)

[3.4.0.11 Reporting concerns about an individual's suitability for access to security classified resources](#)

3.4.0.3 Who is responsible for reporting incidents of unacceptable behaviour

1. If it is alleged that:
 - a. Defence personnel;
 - b. External service providers and outsourced service providers who, under the conditions of their contract with Defence, are required to comply with this Chapter; or
 - c. Foreign military members serving with the ADF, subject to their nature of service

have participated in unacceptable behaviour, the commander, manager or supervisor is responsible for responding to an incident of unacceptable behaviour must report the incident of unacceptable behaviour in accordance with this Part.

See: [3.3.0.3 Who is responsible for responding to and reporting an incident or complaint of unacceptable behaviour](#)

2. If the respondent to the incident of unacceptable behaviour is an external service provider, the contract manager together with the respondent's employer must report the incident in accordance with this Part.

3.4.0.4 Reporting and recording of unacceptable behaviour - general

1. When responding to an incident of unacceptable behaviour commanders, managers and supervisors are to:
 - a. create and keep records of the incident of unacceptable behaviour, any actions taken, and decisions made in response to the incident;
 - b. ensure that all information collected in the course of responding, reporting and recording of unacceptable behaviour incidents is treated as **Sensitive: Personal** at a minimum; and

Related Information: The [Defence Security Principles Framework](#).

- c. put in place reasonable safeguards to protect the information against loss, unauthorised access or use, modification, disclosure and other misuse.

Note: This may include assigning access privileges to documents on Objective, storage in locked cabinets, de-identifying information conveyed by email, strictly limiting access and distribution of information to those with a role in the complaint process, and then only that information which is relevant to their role.

- 2. Personal information collected in accordance with this Chapter is only to be used and disclosed for the purpose of:
 - a. responding to the incident;
 - b. reporting the incident of unacceptable behaviour; and
 - c. taking any consequential action.

Example:

- i Recommending that the parties to an incident take part in an [Alternative Dispute Resolution process](#).

See: [Chapter 2 Resolution of conflict](#)

- ii Referring the matter for a formal disciplinary process.
- iii Consideration of future management decisions.

- 3. For specific requirements for reporting incidents involving youth under 18, refer to [YOUTHPOLMAN Part 1 Section 3 Chapters 3 and 4](#).

3.4.0.5 Reporting to a Public Interest Disclosure Authorised Officer

- 1. A commander, manager or supervisor who receives a complaint of unacceptable behaviour that they believe are reasonable grounds to meet the definition of 'disclosable conduct', as defined in the [Public Interest Disclosure Act 2013](#), must report the incident to a Public Interest Disclosure authorised officer as soon as reasonably practicable.
- 2. Disclosable conduct under the [Public Interest Disclosure Act 2013](#) includes behaviour that:
 - a. contravenes a law;
 - b. is corrupt;
 - c. perverts the course of justice;
 - d. results in wastage of public funds;
 - e. is an abuse of public trust;
 - f. unreasonably endangers health and safety or endangers the environment;
 - g. is misconduct relating to scientific research, analysis or advice; and
 - h. is maladministration, including conduct that is unjust, oppressive or negligent.
- 3. The commander, manager or supervisor **must** discuss further actions with the authorised officer to appropriately manage and respond to the incident of unacceptable behaviour. The Public Interest Disclosure authorised officer will assess and advise:
 - a. if the incident of unacceptable behaviour meets the threshold to be considered a disclosure under the [Public Interest Disclosure Act 2013](#), and
 - b. how the incident of unacceptable behaviour is to be managed. This may include referring the incident back to the commander, manager or supervisor for fact finding or investigation in accordance with extant Defence processes.

Related Information:

The Public Interest Disclosure authorised officer will provide advice on appropriate measures to provide protection to the discloser. Information about the protections owed to a person who makes a disclosure under the [Public Interest Disclosure Act 2013](#) can be found on the [Fraud Control and Investigations Branch](#) website.

The reporting requirements in this Part are to be undertaken having regard to the requirements to protect the identity of the person submitting the notification under the [Public Interest Disclosure Act 2013](#).

The Public Interest Disclosure authorised officer will complete a Defence Incident Record on receipt of the disclosure. The commander, manager or supervisor must still report the incident in ComTrack via [PMKeyS Self Service](#).

Commanders and managers must continue to take action to minimise or prevent a threat to safety or security from being realised if the alleged behaviour continues.

4. Until a Public Interest Disclosure authorised officer determines that an incident of unacceptable behaviour is not a disclosure under the [Public Interest Disclosure Act 2013](#), the commander, manager or supervisor must not disclose the identity of the person submitting the notification of the incident of unacceptable behaviour to another person other than the Public Interest Disclosure authorised officer, unless:
 - a. advised by a Public Interest Disclosure authorised officer that the identity of the person submitting the notification may be disclosed;
 - b. the person submitting the notification consents to their identity being disclosed; or
 - c. there is a requirement to disclose the identity of the person submitting the notification for the purposes of a law of the Commonwealth. A law of the Commonwealth includes, but is not limited to the:
 - i. [Defence Act 1903](#);
 - ii. [Defence Force Discipline Act 1982](#);
 - iii. [Public Service Act 1999](#); and
 - iv. [Work Health and Safety Act 2011](#).

Related information:

In addition to this Chapter, for information on how to report an incident of unacceptable behaviour, including a list of Public Interest Disclosure authorised officers, see the [Fraud Control and Investigations Branch](#) website.

[Interim Incident Reporting and Management Policy](#)

Disclosures under the [Public Interest Disclosure Act 2013](#) are administered by the Assistant Secretary Fraud Control. To report or receive advice, telephone the hotline on 1800 673 502 or send email to: Defence.PID@defence.gov.au.

3.4.0.6 Defence Incident Record

1. A Defence Incident Record must be completed for every incident of unacceptable behaviour unless the incident involves security incidents, disclosable conduct under the PID Act, or a notifiable incident; these exceptions are detailed in Chapter 2 of the [Interim Incident Reporting and Management Policy](#). A Defence Incident Record is submitted via the [Defence Policing and Security Management System](#) or by completing [webform AE530 – Defence Incident Record](#). The Defence Incident Record must be completed within 24 hours of commencement of duty even if not all the information is known at the time.

See: [Interim Incident Reporting and Management Policy](#)

Note: This recording requirement is in addition to the requirement to report incidents of unacceptable behaviour via ComTrack. A Defence Incident Record does not replace ComTrack notification.

3.4.0.7 ComTrack reporting of incidents

1. **All incidents** of unacceptable behaviour are to be recorded in the ComTrack unacceptable behaviour database, via [PMKeyS Self Service](#), for statistical purposes and the identification and monitoring of repeat behaviours.

Note: Sexual offences are not reportable in ComTrack (see Chapter 9).

Initial Reporting

2. An initial report must be submitted:
 - a. after an assessment of the incident has been completed; and
 - b. no later than **seven days** after receiving notification of the incident.

Note: A single incident involving a number of aggrieved parties or a single incident with a number of respondents is to be recorded on one report. If an incident involves a series of incidents that form a pattern of behaviour, report all incidents reflecting the behaviour exhibited.

Example: Person Y has accused person X of bullying citing a number of incidents that have occurred over a period of time, this is to be noted in one initial report.

3. An initial ComTrack report for an incident of unacceptable behaviour will include the names of all parties to the incident and a brief description of the incident. Advice must be obtained from a Public Interest Disclosure authorised officer to determine whether the identity of a disclosure is to be included in the report.

See: [3.4.0.5 Reporting to a Public Interest Disclosure Authorised Officer](#)

Progress reports

4. A progress report must be submitted at the following times:
 - a. when there is a significant development in management of the incident, such as;
 - i. the initiation or completion of an inquiry, or
 - ii. new information is provided, or
 - iii. the matter has been referred for disciplinary action (Defence member's only) or to the [Directorate of Conduct and Performance](#) (Defence APS and ASD employees only).

Note: This may finalise action required to respond to the incident of unacceptable behaviour under [Part 3](#), however reporting requirements continue under this Part.

- b. there has been a change in the personnel responsible for responding to the incident; or

See: [3.3.0.3 Who is responsible for responding to and reporting an incident or complaint of unacceptable behaviour](#)

- c. three months from the initial report being submitted, if no other progress report has been submitted;

Final outcome report

- 5. A final outcome report must be submitted when an incident has been finalised. The incident is considered finalised when:

- a. it has been determined that no unacceptable behaviour has occurred; or
- b. it has been decided further inquiry into the incident is unlikely to enable a definitive finding on the incident of unacceptable behaviour; or
- c. it has been decided there was unacceptable behaviour and appropriate management action has been taken; or
- d. the decisions in relation to the disciplinary action (Defence members) or to a breach of the APS or ASD Code of Conduct (Defence APS and ASD employees) have been finalised.

Exception: If the matter has been referred back to the commander or manager for management action.

- 6. Final outcome reports must be submitted within 7 days of the action relating to the incident being finalised.

- 7. Final outcome reports are to advise of the outcome and all actions taken.

- 8. If a Defence member is found to have participated in unacceptable behaviour and formal action has been taken, the final outcome report must identify if:

- a. the Defence member was convicted under the [Defence Force Discipline Act 1982](#); or
- b. an administrative sanction was imposed in accordance with Part 9 Chapter 2 of [Military Personnel Policy Manual \(MILPERSMAN\)](#) against the Defence member.

- 9. If a Defence APS or ASD employee is found to have participated in unacceptable behaviour, the final outcome report must advise whether a breach of the Code of Conduct was determined against the Defence APS or ASD employee.

- 10. The personal information collected in ComTrack will be used for the following purposes:

- a. Making ADF career management decisions, including the decision to post a Defence member to a sensitive position; or
- b. To determine whether a person who is applying for a position in Defence has previously been the subject of an unacceptable behaviour complaint in another capacity;

Example: A former Defence member applying for a position as a Defence APS employee.

- c. Identifying persons who:

- i. misuse the unacceptable behaviour system;

Example: A Defence APS employee submitting a complaint purely because they do not like their supervisor.

- ii. have been named in a number of incidents of unacceptable behaviour involving similar circumstances, but have had no adverse finding against them; or
- iii. have been named in a number of incidents of unacceptable behaviour involving similar circumstances and have had adverse findings made against them.

11. The purpose of initial and final reporting of incidents of unacceptable behaviour is to assist the CDF and Secretary to meet their obligations under the [Work Health and Safety Act 2011](#).

3.4.0.8 Career/Personnel Management Agency reporting

1. If a Defence member participated in unacceptable behaviour and:

- a. the member was convicted under the [Defence Force Discipline Act 1982](#); or
- b. the member was convicted of a criminal offence; or
- c. an administrative sanction was imposed; then

the commander or manager responsible for responding to the incident of unacceptable behaviour must advise the Career/Personnel Management Agency of the Defence member who has been convicted or sanctioned of:

- a. the identity of the Defence member who has been convicted or sanctioned;
- b. the nature of the incident; and
- c. either the charge and penalty relating to the conviction of the Defence member;

Related Information: [Summary Discipline Manual](#).

- d. the administrative sanction imposed on the Defence member; and
- e. any other relevant information.

Note: There may be other circumstances where a commander may consider advising the relevant Career/Personnel Management Agency.

3.4.0.9 Work Health and Safety Branch reporting and Comcare notification

1. An incident of unacceptable behaviour may need to be notified to the [Work Health and Safety Branch](#) and to [Comcare](#).
2. The incident of unacceptable behaviour must be notified to [Comcare](#) and be reported to Defence if a commander or manager determines that the incident:
 - a. is work related; and
 - b. resulted in:
 - i. a fatality;
 - ii. serious injuries or illnesses; or
 - iii. a dangerous incident.

3. The incident of unacceptable behaviour is reportable to Defence only, via [Sentinel](#), only if the commander or manager determines the incident is a minor injury. A minor injury is one which did not result in action under [3.4.0.9.2](#). Minor injuries may include cases relating to bullying and harassment.
4. [Work Health and Safety Branch](#) reporting and [Comcare](#) notification is to be made using:
 - a. [Sentinel](#); or
 - b. [Form AE527](#) – Sentinel Event Report - Non-DPN (DPN) Users if there is no access to [Sentinel](#).

Related Information:

For assistance, contact the Sentinel Business Support (SBS) team on 1800 333 362 or email whs.sentinel@defence.gov.au.

Categories of incidents above are defined on the [Work Health and Safety Branch](#) DPN site.

For further guidance on Work Health and Safety incident reporting and notification, refer to the [Defence Safety Manual](#) and the [Work Health and Safety Branch internet site](#).

Note:

Bullying or harassment reported on [Sentinel](#) is considered a 'sensitive event' meaning that the record will only be made visible to nominated roles for that record.

Sexual misconduct incidents can be Work, Health and Safety incidents where there is a link to Defence work. See [Chapter 9 – Responding to Sexual Misconduct](#).

3.4.0.10 Reporting as a notifiable incident

1. An incident of unacceptable behaviour that is not a disclosure under the [Public Interest Disclosure Act 2013](#), may also contain actions or behaviours that are a notifiable incident.
2. Unwanted sexualised behaviours that are, or may be, criminal offences are notifiable incidents. See: Chapter 9 – *Responding to Sexual Misconduct*.
3. Notifiable incidents must be reported in accordance with the [Interim Incident Reporting and Management Policy](#).

Note:

This does not prevent administrative action or appropriate management action occurring concurrently with disciplinary action.

Care is to be taken and advice sought to avoid compromising any concurrent criminal or disciplinary investigations. Liaison with the appropriate Defence Investigative Authority to prevent compromising an investigation is advisable.

If a Defence Investigative Authority refers an incident of unacceptable behaviour back to the commander or manager for administrative action, the commander or manager must take action under this Chapter as appropriate.

3.4.0.11 Reporting concerns about an individual's suitability for access to security classified resources

1. An incident of unacceptable behaviour, or an event or concern about unacceptable behaviour relating to an individual's ongoing suitability to access official or security protected resources must be reported in accordance with the [Defence Security Principles Framework](#) - Security Incidents and Investigations.
2. An incident of unacceptable behaviour that constitutes a security incident must be reported to the area Security Officer, who will report the incident to the Security Incident Centre (Security.incidentcentre@defence.gov.au).
3. Supervisors and managers are to report any changes in circumstances relating to their staff if they become aware of these changes and are unsure whether the changes have been

notified by the clearance holder to their agency security section.

4. All employees are to also report to their agency security section significant changes in circumstances in other individuals where they feel it may impact on agency security.
5. The agency's security section must notify the [Australian Government Security Vetting Agency](#) of any reported changes in circumstances about third parties who may hold a security clearance (i.e. all relevant information relating to third party clearance holders that has not been advised by the clearance holder directly to the [\(Australian Government Security Vetting Agency.\)](#))

Related information:

The [Defence Security Principles Framework](#) provides direction on reporting for security incidents.

Advice on security incidents can be obtained from the Security Incident Centre (Security.incidentcentre@defence.gov.au).

The [Australian Government Security Vetting Agency](#) for direction on reporting for personnel security assessments.

The [Protective Security Policy Framework](#) internet site provides direction on the reporting of changes of circumstances potentially impacting upon personnel security assessments.

Defence Values

1. The Defence Values are:
 - a. **Service.** The selflessness of character to place the security and interests of our nation and its people ahead of my own.
 - b. **Courage.** The strength of character to say and do the right thing, always, especially in the face of adversity.
 - c. **Respect.** The humanity of character to value others and treat them with dignity.
 - d. **Integrity.** The consistency of character to align my thoughts, words and actions to do what is right.
 - e. **Excellence.** The willingness of character to strive each day to be the best I can be, both professionally and personally.

Defence Behaviours

1. The Defence Behaviours are:
 - a. Act with purpose for Defence and the nation.
 - b. Be adaptable, innovative and agile.
 - c. Collaborate and be team focused.
 - d. Be accountable and trustworthy.
 - e. Reflect, learn and improve.
 - f. Be inclusive and value others.

No Longer Used. Navy Values and Signature Behaviours

1. The Navy Values and Signature behaviours were replaced on 01 October 2020 by the Defence Values and Behaviours.

No Longer Used. Army Values

1. The Army Values were replaced on 01 October 2020 by the Defence Values and Behaviours.

No Longer Used. Air Force Values

1. The Air Force Values were replaced on 01 October 2020 by the Defence Values and Behaviours.

APS Values

1. The APS Values, found in Part 3, Subsection 10 of the [Public Service Act 1999](#), are:
 - a. **Impartial**—the APS is apolitical and provides the Government with advice that is frank, honest, timely and based on the best available evidence.
 - b. **Committed to Service**—the APS is professional, objective, innovative and efficient, and works collaboratively to achieve the best results for the Australian community and the Government.
 - c. **Accountable**—the APS is open and accountable to the Australian community under the law and within the framework of Ministerial responsibility.
 - d. **Respectful**—the APS respects all people, including their rights and their heritage.
 - e. **Ethical**—the APS demonstrates leadership, is trustworthy, and acts with integrity, in all that it does.

ASD Values and ASD Employment Principles

1. The ASD Values and the ASD employment principles are set out in the ASD Directive 003 – ASD Employment Directive. Each value is of equal importance and should be applied to a range of functions undertaken across ASD. The Values articulate the culture, leadership and operating ethos of the ASD and reflect those of the APS.
2. The **ASD Values** are as follows:

Impartial - ASD is apolitical and provides the Government with advice that is frank, honest, timely and based on the best available evidence.

Committed to Service - ASD is professional, objective, innovative and efficient, and works collaboratively to achieve the best results for the Australian community and the Government.

Accountable - ASD is open and accountable to the Australian community under the law and within the framework of Ministerial responsibility.

Respectful - ASD respects all people, including their rights and their heritage.

Ethical - ASD demonstrates leadership, is trustworthy, and acts with integrity, in all that it does.
3. The acronym I-CARE provides an easy way to remember the ASD Values.
4. **The ASD Employment Principles** complement the ASD Values and primarily deal with employment and workplace relationships. The Employment Principles set out that ASD is a career-based agency that:
 - a. makes fair employment decisions with a fair system of review;
 - b. recognises that the usual basis for engagement is as an ongoing employee;
 - c. makes decisions relating to engagement and promotion that are based on merit;
 - d. requires effective performance from each employee;
 - e. provides flexible, safe and rewarding workplaces where communication, consultation, cooperation and input from employees on matters that affect their workplaces are valued;
 - f. provides workplaces that are free from discrimination, patronage and favouritism; and
 - g. recognises the diversity of the Australian community and fosters diversity in the workplace.
5. ASD employees exercise authority on behalf of the government and the parliament, and act for the public. The public expects high levels and standards of performance, ethics and personal behaviour from ASD employees.
6. The ASD Values and ASD Employment Principles have been designed to communicate these requirements, to encapsulate the expectations of the public and also to support and accommodate the specific business needs of ASD. They set a framework of enduring principles of good public administration.

Types of unacceptable behaviour

3.0.0.G.1 Purpose

1. This annex identifies and explains specific types of unacceptable behaviour that applies to those listed at [3.0.0.5](#).

3.0.0.G.2 Content

2. This annex contains the following information:

- [3.0.0.G.3 What is unacceptable behaviour](#)
- [3.0.0.G.4 Specific types of unacceptable behaviour](#)
- [3.0.0.G.5 Harassment](#)
- [3.0.0.G.6 Workplace bullying](#)
- [3.0.0.G.7 Any form of sexual misconduct](#)
- [3.0.0.G.8 Discrimination](#)
- [3.0.0.G.9 Abuse of power](#)
- [3.0.0.G.10 Conflict of interest and inappropriate workplace relationships](#)
- [3.0.0.G.11 Violent behaviour](#)

3.0.0.G.3 What is unacceptable behaviour

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

When can unacceptable behaviour occur

2. Unacceptable behaviour can occur at any time, regardless of whether Defence personnel are on or off duty, where the behaviour may be connected to Defence.

Where can unacceptable behaviour occur

3. Unacceptable behaviour can occur at any place, whether in Australia or overseas, where the behaviour may be connected to Defence. This could include public places including bars and hotels, private venues and accommodation.

3.0.0.G.4 Specific types of unacceptable behaviour

1. There are seven types of unacceptable behaviour detailed in this annex. They are:
 - a. [Harassment](#);
 - b. [Workplace bullying](#);
 - c. [Any form of sexual misconduct](#);
 - d. [Discrimination](#) (in all its forms);
 - e. [Abuse of power](#);
 - f. [Conflict of interest and inappropriate workplace relationships](#); and
 - g. [Violent behaviour](#).

Note: For types of unacceptable behaviour involving youth, refer to [YOUTHPOLMAN Part 1 Section 2 Chapter 2 Annex C](#).

2. These types of unacceptable behaviour do not limit other behaviours that may be considered unacceptable behaviour.

3.0.0.G.5 Harassment

3. Harassment is unwanted or unwelcome behaviour that a reasonable person, having regard to all the circumstances, would consider offensive, insulting, humiliating or intimidating. There does not have to be an intention to offend or harass for harassment to occur. Harassing behaviour can range from serious to less significant; one-off incidents may still constitute harassment.

Behaviours of harassment

4. Harassment can take many forms, such as:
- a. insulting comments or teasing about the physical characteristics, abilities or mannerisms of a person;
 - b. disparaging or unnecessary comments about a person's work or capacity for work;
 - c. spreading malicious rumours or public statements of a derogatory nature about a person;
 - d. interference with a person's workplace, work materials, equipment or property;
 - e. exclusion of a person from normal conversation, workplace activities or work-related social activities without good reason;
 - f. teasing;
 - g. offensive pictures, screen savers, posters, emails, SMS text messages, graffiti or written electronic material;
 - h. vexatious or malicious complaint(s) against a person; or
 - i. causing detriment to a person because they have made a complaint in good faith.

Note: This is not an exhaustive list.

For sexual harassment, see: [3.0.0.G.7 Any form of sexual misconduct](#).

5. Harassment may be a result of a person's attitude to some real or perceived attribute or difference of another person, such as:
- a. race, colour, ethnicity or national extraction;
 - b. sexual orientation or gender;
 - c. age;
 - d. religion;
 - e. political opinion;
 - f. socio-economic origin;
 - g. medical condition;
 - h. disability or impairment;
 - i. criminal record;
 - j. trade union activity; and
 - k. family status or caring responsibilities.

Note: This is not an exhaustive list.

3.0.0.G.6 Workplace bullying

1. Workplace bullying is **an aggressive form of harassment**. Bullying is a **persistent, unreasonable** pattern of behaviour directed towards a person or group of persons, which may create a risk to health and safety, including a risk to the emotional, mental or physical health of the person(s) in the workplace. Personnel at all levels may be affected, not only those to whom the harassment is directed, for example, colleagues.

Behaviours of workplace bullying

2. In many instances bullying may begin as discreet and indirect behaviour escalating over time into more open and direct behaviour. Workplace bullying may comprise a combination of behaviours, ranging from obvious verbal abuse or physical assault to very subtle or covert psychological abuse. Typical behaviours include:
 - a. physical behaviour—aggressive, intimidating physical ‘intrusion’ or body language.
 - b. verbal abuse, such as:
 - i. abusive, insulting or offensive language;
 - ii. humiliation through sarcasm, criticism and insults, often in front of other personnel;
 - iii. persistent teasing or taunting;
 - iv. belittling someone's opinions or unjustified criticism;
 - v. criticism delivered by yelling or screaming.
 - c. inappropriate or unfair work practices, such as:
 - i. giving a person a much greater proportion of menial work than given to others;
 - ii. constantly making a person the brunt of practical jokes; or
 - iii. checking of a person(s) work or whereabouts to a much greater extent than others without reasonable cause.
 - d. undermining or sabotaging another person's work or reputation by such means as:
 - i. hiding tools and equipment or damaging completed work for example usually with the aim of creating the appearance of the person's incompetence in front of management or peers;
 - ii. deliberately intruding on a person's workspace by pestering, spying or tampering with their work equipment or personal effects;
 - iii. spreading misinformation or malicious rumours about a person;
 - iv. making disparaging comments about a person suffering from illness or injury;
 - v. assigning menial tasks unrelated to the job;
 - vi. giving a person unrealistic tasks that are not within their capability or capacity, or that are required within an unrealistic timeframe;
 - vii. regularly changing work rosters, especially at short notice, to inconvenience particular personnel; or
 - viii. undermining work performance by deliberately withholding information vital for work performance.
 - e. excluding, isolating or marginalising others, deliberately or otherwise.
 - f. participating in ‘collective bullying’ or mobbing; and

- g. Threats of dismissal or disciplinary action for trivial mistakes or shortcomings.

Note: This is not an exhaustive list.

3. Bullying can be related to an inter-personal dispute or organisational practice that subjugates people and rewards and encourages predatory and bullying behaviour.
4. A person who bullies may use strength, power or position to coerce others by fear and intimidation to do something that they want done; they may be a commander, manager, a supervisor, a subordinate, a co-worker or an external service provider. Workplace bullying can be upwards (directed towards a commander, manager or supervisor), parallel (directed towards a colleague) or downwards (directed towards a subordinate).
5. Workplace bullying, whether a single incident or repeated occurrences, is a breach of the APS and ASD Code of Conduct, Commonwealth anti-discrimination legislation and the [Fair Work Act 2009](#).

Related Information: DPG document - [Hazard identification, risk assessment and control for the identification and prevention of workplace bullying](#)

The difference between legitimate management action and bullying and harassment

6. Commanders, managers and supervisors have the right and obligation to direct and correct the work performance and behaviours of their subordinates. Legitimate management action is reasonable management action or the exercise of legitimate authority undertaken in a reasonable manner, such as:
 - a. providing objective and constructive feedback, counselling or advice about work-related behaviour and performance, given in a manner that is neither humiliating nor threatening;
 - b. expressing differences of opinion in a respectful manner;
 - c. making and implementing legitimate or reasonable management directions, decisions or actions, such as transfers, postings, work or task requirements and recruitment selections; and
 - d. making a complaint about another person's conduct in a proper and reasonable way.

Note: Defence personnel who have a complaint about the performance management process, or the merits of their assessment are to follow the procedures provided in the relevant policies.

The difference between tough training and bullying and harassment

7. The ultimate purpose of Australian Defence Force (ADF) military training is to prepare individuals and groups to undertake military operations. An essential element of military training is to replicate or simulate contemporary operating environments in order to expose individuals and groups to the physical and mental stresses those environments generate.
8. A key measure for differentiating tough training from bullying or harassment is whether the activity may be linked to an operational training outcome and has been conducted within the boundary of workplace health and safety. Given the fluid nature of the training environment, some of the tougher forms of training may result in a trainee feeling temporarily miserable or demoralised, which is, and should remain, distinctly different to the persistent and harmful behaviour known as bullying. Additional factors to guide the distinction between tough training and bullying or harassment are:
 - a. **Reasonableness.** While a trainee may, quite appropriately, be subjected to difficult training situations, this is not to form a repeated pattern of behaviour or create pressures that are greater than what would reasonably be expected of the trainee's abilities to meet the training objective.

- b. **Aim.** Instances where a trainer deliberately subjects a trainee to activities aimed at making the trainee feel demoralised, miserable or undermines self-confidence or self-esteem, is to be regarded as bullying or harassment as opposed to the temporary incidental feelings associated with tough training.
9. Each Service is responsible for determining what tough training is within the context of that Service.

3.0.0.G.7 Any form of sexual misconduct

1. Sexual misconduct is the term used to encompass the spectrum of unwanted and unwelcome sexualised behaviours and sexual offences.
2. Sexual misconduct includes, but is not limited to:
 - a. sex discrimination;
 - b. sexual harassment;
 - c. sexual offences;
 - d. intimate image abuse such as when a person takes, views, or distributes intimate images of another person without their consent; and
 - e. stalking
3. Sexual misconduct can occur in any sex or gender configuration regardless of sex or gender identity.

See:

[Sexual Misconduct Prevention and Response Office.](#)

[Chapter 9 – Responding to Sexual Misconduct.](#)

Sex discrimination

4. For the purposes of this Chapter, sex discrimination occurs when a person is treated less favourably than another person in the same or similar circumstances because of that person's sex, characteristics of that person's sex, or assumed characteristics of that person's sex. The [Sex Discrimination Act 1984](#) contains a detailed definition. The Act relates to discrimination on the grounds of:
 - a. sexual orientation;
 - b. gender identity or intersex status;
 - c. marital or relationship status;
 - d. pregnancy, or potential pregnancy or breastfeeding; and
 - e. family responsibilities.

Sexual harassment

5. For the purposes of this Chapter, sexual harassment is any unwelcome sexual behaviour that is likely to offend, humiliate or intimidate. The [Sex Discrimination Act 1984](#) contains a detailed definition. A person sexually harasses another person if:
 - a. the person makes an unwelcome sexual advance or an unwelcome request for sexual favours to the person harassed; or
 - b. engages in other unwelcome conduct of a sexual nature in relation to the person harassed;
 - c. in circumstances in which a reasonable person, having regard to all the

circumstances, would have anticipated that the person harassed could be offended, humiliated or intimidated by the actions which are of a sexual nature.

6. Behaviour that may be acceptable in other contexts, such as between friends in a social setting, may be inappropriate in the workplace. Behaviours that may amount to sexual harassment include, but are not limited to:
 - a. staring or leering;
 - b. intrusive questions about a person's private life or body;
 - c. unwelcome touching or unnecessary familiarity, such as deliberately brushing against a person;
 - d. direct offensive verbal comments or innuendo of a sexual nature;
 - e. sexually offensive jokes;
 - f. comments about a person's sexual activities or private life;
 - g. offensive gestures;
 - h. comments regarding a person's sexual orientation;
 - i. comments regarding a person's sexual appeal;
 - j. the display or electronic transmission of printed material such as calendars, posters, email, SMS text messages, screen savers or wall papers that are sexually explicit or depict naked or semi-naked bodies or are displayed for the purpose of evoking sexual arousal or gratification;
 - k. condoning and encouraging the conduct of open sexual activities in accommodation areas used as a normal part of communal living;
 - l. course badges, clothing, in-house publications (informal and formal) and training materials with a sexual connotation; or
 - m. making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.

7. Sexual harassment may also manifest itself in official decisions and actions.

Example: The denial of promotions, termination of employment, breaches of confidentiality and refusal of overtime and higher duties.

8. Sexual harassment may be unlawful behaviour.

Related Information:

[Sex Discrimination Act 1984](#)

[Sexual Misconduct Prevention and Response Office](#)

[Interim Incident Reporting and Management Policy.](#)

Sexual Offences

9. Sexual offences are criminal actions that are also unacceptable behaviour which may warrant action under the [Defence Force Discipline Act 1982](#) or other Commonwealth legislation. There are a number of different types of sexual offences, which can often be described using different terms. Although sexual offences are unacceptable behaviour, they are to be managed in accordance with [Chapter 9 – Responding to Sexual Misconduct.](#)

See: [3.3.0.4 Incidents that are not to be responded to under this Part](#)

10. Sexual offences are also notifiable incidents and must be reported to a Defence Investigative Authority without delay.

Related Information: [Interim Incident Reporting and Management Policy](#).

Defence personnel who have been impacted by sexual misconduct including a sexual offence are encouraged to contact, and be referred to the [Sexual Misconduct Prevention and Response Office](#) (SeMPRO).

Related Information:

Note: SeMPRO client services are available to current and ex-serving ADF members, APS personnel, Defence contractors, ADF Cadets and their families, and Officers and Instructors of Cadets.

SeMPRO treats a report of sexual misconduct as a restricted (confidential) disclosure.

A disclosure of sexual misconduct to your Commander, Manager or Supervisor may give rise to specific statutory obligations under the [Interim Incident and Reporting Management Policy](#). SeMPRO support, advice and client response services are confidential and available to all personnel without triggering reporting obligations. Accessing SeMPRO services without making a report about an incident to Defence is referred to as a Restricted Disclosure.

11. If the incident of sexual misconduct involves a Protection Order it is to be managed in accordance with [Military – Personnel Policy Manual \(MILPERSMAN\) Part 9 Chapter 4 Protection Orders](#)

Note: A Protection Order may also be called a Domestic Violence Order, Apprehended Violence Order, Restraining Order, Prohibition Order or other similar term.

3.0.0.G.8 Discrimination

1. Discrimination is any distinction, exclusion or preference that has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. Unlawful discrimination does not include any distinction, exclusion or preference in respect of a particular job based on the inherent requirements of the job.

Example: The [Age Discrimination Act 2004](#) provides exemption for the ADF to determine compulsory retirement on the basis of age.

Direct discrimination

2. Direct discrimination can occur when there is a policy or action that specifically treats a person less fairly than another person based on some real or perceived attribute or difference. It does not allow people to be judged purely on their individual merit, but judges them on stereotypes or perceptions.

Indirect discrimination

3. Indirect discrimination can occur when a policy or practice, which appears to be neutral or non-discriminatory, has an unfair effect on a person or a particular group of people.

Unlawful discrimination

4. Not all behaviour that discriminates between people is unlawful or amounts to unacceptable behaviour. The following describes types of unlawful discrimination.

a. Racial discrimination

It is unlawful to behave in any way that involves a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.

Offensive behaviour based on race, colour or national or ethnic origins is also unlawful.

Related Information: [Racial Discrimination Act 1975](#).

b. **Sex discrimination**

It is unlawful to treat a person less favourably in the same or similar circumstances because of a person's:

- i. sexual orientation;
- ii. gender identity or intersex status;
- iii. marital or relationship status;
- iv. pregnancy, or potential pregnancy or breastfeeding;
- v. family responsibilities.

Related Information: [Sex Discrimination Act 1984](#).

c. **Disability Discrimination**

It is unlawful to discriminate or harass a person in relation to their employment (including ADF service) based on:

- i. physical, mental, intellectual or psychiatric disability;
- ii. disease;
- iii. disorder; or
- iv. illness.

Related Information: [Disability Discrimination Act 1992](#)

d. **Age discrimination**

It is unlawful to treat, or propose to treat, a person less favourably, in circumstances which are the same or are not materially different than a person of a different age because of:

- i. the age of the aggrieved person;
- ii. a characteristic that pertains generally to persons of the age of the aggrieved person; or
- iii. a characteristic that is generally imputed to persons of the age of the aggrieved person.

Related Information: [Age Discrimination Act 2004](#)

3.0.0.G.9 Abuse of power

1. Abuse of power and authority attributed to rank or position to harass, discriminate or bully a subordinate is unacceptable, unethical and in some situations can constitute criminal behaviour.
2. Commanders, managers and supervisors must at all times be aware of their actions in relation to their subordinates to ensure they do not abuse their power and authority. Some actions may inadvertently place a subordinate in a difficult position and the action thereby may be perceived as an abuse of power, such as:
 - a. using subordinates to conduct personal tasks, such as running errands or collecting dry-cleaning;

- b. ordering subordinates to participate in unacceptable behaviour; or
- c. encouraging personnel to provide sexual favours in order to gain superior performance reports, desired postings or career advantage.

3.0.0.G.10 Conflict of interest and inappropriate workplace relationships

1. A conflict of interest may occur when there is a relationship that involves, or gives the appearance of involving, partiality, preferential treatment or improper use of rank or position; that is inappropriate in the workplace, irrespective of the employment type of the people involved. Disclosing or identifying and then managing the situation is essential.
2. A conflict of interest may occur between official duties and private interests and may be actual, potential or perceived. Defence personnel have a primary responsibility to act in the public interest and avoid or effectively manage actual, potential or perceived conflicts of interest between their private interests and official duties, and within their official duties. Defence personnel must avoid and/or manage conflicts of interest in a manner consistent with their legal obligations, Commonwealth policy and Defence Instructions, and policies.

See: [DI Admin policy AG5 - Conflict of interest and declarations of interest \(Annex C\)](#)

3. A conflict of interest may be pecuniary or non-pecuniary. A pecuniary conflict of interest involves an actual, potential or perceived financial gain or loss. Non-pecuniary interests do not have a financial component. They may arise from personal or family relationships, or involvement in sporting, social or cultural or political activities. They include any tendency toward favour or prejudice arising from friendship, animosity or other personal involvement with another person or group.

See: [DI Admin policy AG5 - Conflict of interest and declarations of interest \(Annex C\)](#)

4. The existence of personal relationships within the workplace does not excuse any form of unacceptable behaviour. In some cases, there will be actions or situations open to interpretation due to the context in which the behaviour occurs. For instance, displays of affection, like holding hands, hugging or a kiss on the cheek, may be unacceptable in the workplace. However, there will be occasions when this behaviour is acceptable, such as deploying or returning to workplaces. Touching another person (no matter who they are), using any part of the body or any object, for the purpose of displaying private intimacy for either the person initiating the touching or the person touched, with the purpose of sexual arousal or gratification is prohibited. Sexual behaviour or sexual acts are never appropriate in the workplace. It is the responsibility of the commander or manager to maintain and model the standard of behaviour consistent with the Defence Values and Behaviours, APS Values and Code of Conduct and ASD Values and Code of Conduct.

Inappropriate workplace relationships at Australian Defence Force schools and training establishments

5. Relationships between trainees or between trainees and staff at training establishments potentially impact the effectiveness, ability and morale of individuals and teams. The following prohibitions and directions at ADF schools and training establishments have been prescribed to enable training to be conducted in an environment where staff and trainees can apply themselves to their duties free from any real or perceived conflict of interest. The prohibition on trainee relationships is to provide sufficient time to reinforce Defence Values and Behaviours. The prescribed periods of prohibition provide a consistent application of policy between service training establishments of enlisted trainees and officer trainees:
 - a. subject to paragraph (b), any staff member from any training establishment is prohibited from forming relationships involving sexual relations or private intimacy with any trainee. This prohibition applies at all times, whether on or off duty, and irrespective of the level of direct contact between the staff member and the trainee.
 - b. any existing or pre-existing relationship, involving sexual relations or private intimacy between a staff member and a trainee, is to be declared by the staff member to the commanding officer prior to the commencement of training, for

appropriate steps to be taken to manage the potential conflict, bias or appearance of partiality.

- c. enlisted trainees are prohibited from forming relationships involving sexual relations or private intimacy with any other trainee employed in the same institutional precinct whilst either member is undergoing initial entry (recruit) training. After both members have completed recruit training, the standard requirements of this manual apply.
 - d. officer trainees, including Officer Cadets and Midshipmen, are prohibited from forming relationships involving sexual relations or private intimacy with any other trainee employed in the same institutional precinct whilst either member is within the first three months of initial training. After both members have completed the three-month period, the standard requirements of this manual apply.
6. Commanders of ADF schools and training establishments must include the above prohibitions and requirements in standing orders. Commanders are to ensure staff and trainees are provided with briefs that include the:
- a. prohibitions and requirements detailed in [3.0.0.G.10](#) and in staff and trainee codes of conduct;
 - b. rationale behind these prohibitions and requirements; and
 - c. support services available and how to contact them.

See: [Annex 3J Support options](#)

Management of conflict of interest and inappropriate workplace relationships

7. Relationships are a natural result of human interaction and as such may not be inappropriate. However, they may have a direct impact on the effectiveness and morale of a team and need to be carefully managed.
8. Defence personnel have a responsibility to report conflicts of interest and inappropriate workplace relationships.

See: [DI Admin policy AG5 - Conflict of interest and declarations of interest](#) (Annex C)

3.0.0.G.11 Violent behaviour

1. Violent behaviour is the intentional use of physical force, threatened or actual, against oneself, another person, or against a group or community or property which either results in or has a high likelihood of resulting in injury, death, or psychological harm.
2. Violent behaviour can have far reaching effects on Defence personnel, their family, the workplace and the capability of Defence. Violent behaviour, inside or outside the workplace, is unacceptable, unless it is required as part of an individual's duties on Operations.
3. Violent behaviour may be unlawful and can attract civil criminal penalties. Defence personnel who engage in violent behaviour may be held personally liable for paying compensation.
4. Although violent behaviour is unacceptable behaviour it may also be a notifiable incident. If the violent behaviour is also a notifiable incident it is to be managed in accordance with [Interim Incident Reporting and Management Policy](#).
5. If the violent behaviour involves a Protection Order it is to be managed in accordance with [Military Personnel Policy Manual \(MLPERSMAN\) Part 9 Chapter 4 Protection Orders](#).

Note: A Protection Order may also be called a Domestic Violence Order, Apprehended Violence Order, Restraining Order, Prohibition Order or other similar term.

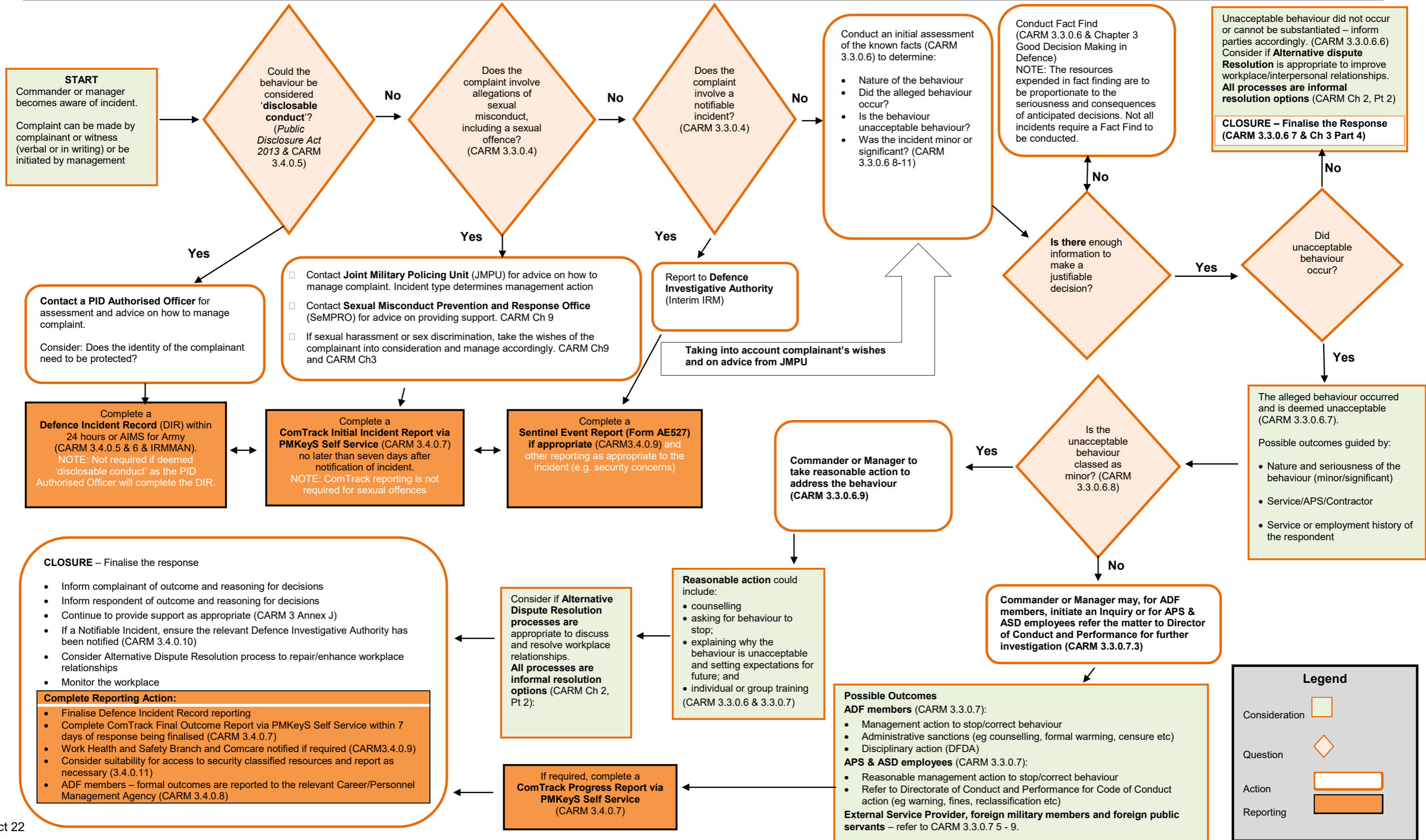
6. As required, commanders, managers and supervisors are to follow the procedures for responding to and reporting incidents of violent behaviour.

See: [Part 3 Responding to an incident of unacceptable behaviour](#)

[Part 4 Reporting and recording of incidents of unacceptable behaviour.](#)

FLOWCHART FOR RESPONDING TO INCIDENTS OF UNACCEPTABLE BEHAVIOUR

Guiding Principles: ★ Consult the complainant ★ Keep all parties informed throughout the complaint management process ★ Provide support to all people involved (complainants, respondents, witnesses and others)
 ★ Resolve at the lowest appropriate level ★ Consider Alternative dispute Resolution options ★ Comply with privacy requirements (Privacy Act 1988) ★ Ensure accurate record keeping ★ Ensure reporting requirements are completed



Checklist for responding to unacceptable behaviour incident

Time frame	Management	Assessment/Inquiry	Reporting
<p>SHORT TERM 1-7 days</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Is the allegation 'disclosable conduct' in accordance with the Defence Public Interest Disclosure Scheme? If so, see Reporting column. <input type="checkbox"/> Conduct an initial assessment: See 3.3.0.6.1. <ol style="list-style-type: none"> 1. Did the alleged behaviour occur? 2. Is the behaviour unacceptable behaviour? 3. Was the incident minor or significant? <input type="checkbox"/> Is there enough information to make a justifiable decision? If no, conduct fact finding. See next column. <input type="checkbox"/> If the incident is minor can it be managed by the parties involved or counselling by management? See 3.3.0.6.8 for responding and Chapter 2 for resolution options. <input type="checkbox"/> If the incident is significant what is the best course of action? See 3.3.0.6.10 for responding and Chapter 2 for resolution options. <input type="checkbox"/> Ensure the people involved in the incident are aware of their support options. See Annex 3J. <input type="checkbox"/> Ensure the respondent is provided with sufficient information about the complaint to afford procedural fairness. See 3.3.0.5.8 	<ul style="list-style-type: none"> <input type="checkbox"/> Commanders and managers can initiate fact finding if they do not have sufficient information to make a justifiable decision. See 3.3.0.6.3 <input type="checkbox"/> Commanders and managers of <i>ADF members</i> may initiate an Inquiry for more complex incidents. See 3.3.0.6.3. <input type="checkbox"/> Commanders and managers of <i>APS and ASD members</i> may refer potential breaches of the APS or ASD Code of Conduct to the Directorate of Conduct and Performance (DCP). Only DCP can make determinations on APS Code of Conduct inquiries. See 3.3.0.7.3-4. <input type="checkbox"/> External service providers: the incident is assessed and managed by the contract manager within the parameters of the contract. See 3.3.0.7.7 <p>Notes: The resources expended in fact finding/Inquiry/Code of Conduct are to be proportionate to the seriousness and possible consequences of anticipated decisions.</p> <p>See: Chapter 3 of 'Good Administrative Decision-Making Manual (GADMMAN)'.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> If the behaviour could be 'disclosable conduct' in accordance with the <i>Public Interest Disclosure Act 2013</i>, contact a Public Interest Disclosure Authorised Officer for advice on how to proceed. See 3.4.0.5. <input type="checkbox"/> Complete a Defence Incident Record. Must be completed no later than 24 hours after the incident, even if not all information is known at the time. See 3.4.0.6. <input type="checkbox"/> If the matter constitutes a 'notifiable incident', report the matter to a Defence Investigative Authority in accordance Interim Incident Reporting and Management Policy. See 3.4.0.10. <input type="checkbox"/> Does the incident need to be referred to an alternative body? See 3.3.0.4. <input type="checkbox"/> Record all action and decisions throughout the process. See 3.4.0.4 <input type="checkbox"/> Within 7 days complete a ComTrack <i>Initial Complaint Report – Unacceptable Behaviour</i>. ComTrack is accessed via PMKeyS Self Service, if applicable. See 3.4.0.7
<p>MEDIUM TERM Up to four weeks</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Consider appointing a case officer to keep the parties informed and provide them with support options. See Annex 3J. <input type="checkbox"/> Consider the work duties and working proximity of the complainant and respondent. Are arrangements satisfactory, do they require review? See 3.3.0.5.10 and 3.3.0.7 and Annex 3J. <input type="checkbox"/> Is Alternative Dispute Resolution suitable at this stage in an attempt to resolve interpersonal conflict? Options include, but are not limited to, mediation and conflict management coaching. See Chapter 2 Part 2. <input type="checkbox"/> If the incident has been resolved, communicate closure to the parties involved, including advice of review options. See 3.2.0.7 and 3.3.0.5.7-9 <input type="checkbox"/> Provide on-going support to the complainant, respondent and other parties (as appropriate). See 3.3.0.5.3 and Annex 3J. <input type="checkbox"/> Monitor the workplace and encourage positive relationships and culture 	<ul style="list-style-type: none"> <input type="checkbox"/> Where required, continue with fact finding/Inquiry and reporting requirements. See 3.3.0.6 and Part 4. 	<ul style="list-style-type: none"> <input type="checkbox"/> Complete a ComTrack <i>Progress Report – Unacceptable Behaviour</i> if the situation meets the requirements at 3.4.0.7.4 ComTrack is accessed via PMKeyS Self Service. <input type="checkbox"/> Should the incident be reported to Defence Work Health and Safety Branch/Comcare? If yes, report via Sentinel. If reporting to WHS/Comcare you must still report via Defence Incident Record and ComTrack. See Part 4 <input type="checkbox"/> If the incident may attract media attention or adverse publicity towards Defence it must be reported. See Interim Incident Reporting and Management Policy. <input type="checkbox"/> Should the matter be reported to the members' Career Management Agency? See 3.4.0.8. <input type="checkbox"/> If there are concerns about the incident relating to a person's ongoing suitability to access official or security

Time frame	Management	Assessment/Inquiry	Reporting
<p>LONG TERM</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Monitor the workplace to ensure return to normal workplace behaviour. <input type="checkbox"/> Address any relationship difficulties. See Chapter 2 Part 2. <input type="checkbox"/> Provide on-going support to the complainant, respondent and other parties (as appropriate). See 3.3.0.5 3 and Annex 3J. <input type="checkbox"/> Implement reasonable measures to prevent the recurrence of a similar incident in the workplace. <input type="checkbox"/> If the incident has been resolved, communicate closure to the parties involved, including advice of review options. See 3.2.0.7 and 3.3.0.5 7-9 	<ul style="list-style-type: none"> <input type="checkbox"/> Where required, continue with fact finding/Inquiry and reporting requirements. See 3.3.0.6 and Part 4. 	<ul style="list-style-type: none"> <input type="checkbox"/> When the incident is resolved and all required actions have been taken a ComTrack <i>Final Outcome Report – Unacceptable Behaviour</i> must be completed. ComTrack is accessed via PMKeyS Self Service, if applicable. <p>Note: Unacceptable behaviour complaints are to be finalised within three months.</p>

ANNEX 3J to Ch 3**Support options**

1. Commanders and managers must maintain an environment where complainants, respondents and witnesses are confident that they can access a range of support services. The support strategy can include one or several of the Defence support services available. Defence is not financially responsible for support or advice provided by outside agencies.
2. This document defines the scope of Defence funded support options that can be offered to complainants, respondents and witnesses.

Key: Yes (Y); At Commander/Manager's discretion (A); Not available (N)				
Service Available	ADF Members	Defence APS Employees	ASD Employees	External Service Providers
<p>Workplace Behaviour Adviser (WBA) Network</p> <p>WBA's are available to provide information, options and support for the resolution of workplace behaviour issues.</p> <p>See: CARM Chapter 2</p>	Y	Y	Y	Y
<p>Sexual Misconduct Prevention and Response Office (SeMPRO)</p> <p>SeMPRO offers advice, guidance and support to all Defence personnel, former members and to ADF Cadets and their families, who have been impacted by sexual misconduct, whether the incident is current or historical.</p> <p>Within Australia: 1800 SEMPRO (736776) Text: 0429 600 800 Overseas: +61 429 600 800 Hours: 24/7/365</p>	Y	Y	Y	Y
<p>1800 Defence Service Centre</p> <p>The Defence Service Centre can direct customers to current workplace behaviour policies and relevant points of contact.</p> <p>Within Australia: 1800 333 362 Overseas: 0011 61 2 6453 1440 Hours: 0730-1900hrs Mon, Wed-Fri 0730 – 2200 - Tues</p>	Y	Y	Y	Y

<p style="text-align: center;">Case Officer</p> <p>A case officer/s may be appointed at the discretion of the Commander or manager to assist the complainant and the respondent during the complaint management process. The role of a case officer is to inform of progress in the management of the complaint; to assist and advise on applicable support services; and to assist communication between the parties.</p> <p>Appointment of a case officer is advisable when the complainant and respondent have different commanders or managers.</p> <p>The selection and appointment process may be formal or informal, and relies upon the discretion and judgement of the Commander or manager.</p>	<p>A (or as directed by Service Policy)</p>	<p>A</p>	<p>A</p>	<p>A</p>
--	--	-----------------	-----------------	-----------------

Key: Yes (Y); At Commander/Manager’s discretion (A); Not available (N)				
Service Available	ADF Members	Defence APS Employees	ASD Employees	External Service Providers
<p>Psychological counselling/support</p> <p>Where appropriate, the complainant, respondent and witnesses can be provided with counselling by appropriately qualified professionals. The type of counselling is to match the severity of the incident and impact on the person. The services below also accept self-referrals.</p> <p>For ADF members:</p> <p>Defence medical support at local medical centres. The local medical officer can provide assistance and referrals as required.</p> <p>Psychology Support Section. Available during office hours. Psychology Support Sections can offer after-hours, critical incident support through the local Duty Officer/Officer of the Day.</p> <p>Defence Member and Family Support (DMFS) provides a comprehensive range of services that enhance the wellbeing of ADF members and their families. DMFS also provide 24-hour assistance in crisis situations in all military locations and will help with appropriate referrals if required during office hours. The after-hours service can be accessed through the local Duty Officer/Officer of the Day.</p> <p>Internet: https://www.defence.gov.au/members-families/default.asp</p> <p>ADF Mental Health Strategy All-hours Support Line (ASL). The ASL is a confidential telephone triage support service for ADF members and their families that is available 24 hours a day, seven days a week. Toll-free number within Australia is 1800 628 036 and +61 2 9425 3878 outside Australia.</p> <p>Intranet: http://drnet/People/WHS/Health-and-Wellbeing/Pages/Health-and-Wellbeing.aspx; and Internet: http://www.defence.gov.au/health/healthportal/ .</p> <p>Chaplains. Chaplains can provide support and appropriate referrals as required. Chaplains are found at most bases and Units.</p>	Y	N	Y	N

Key: Yes (Y); At Commander/Manager's discretion (A); Not available (N)				
<p align="center">Diversity Directorate</p> <p>The Diversity Directorate provides additional support options in the areas of:</p> <ul style="list-style-type: none"> • Indigenous • Gender • Disability • cultural and linguistic • sexual orientation • religion and beliefs • age and youth, and • general diversity. <ul style="list-style-type: none"> • Intranet: • http://drnet.defence.gov.au/People/Diversity/Pages/Diversity.aspx 	Y	Y	Y	N
<p>For Defence APS and ASD Employees:</p> <p>The Employee Assistance Program (EAP). EAP is a free, confidential and professional counselling service for all APS and ASD employees and their immediate families. Provides practical assistance to help resolve work-related problems, or personal problems that may impact their working life.</p> <p>ADF supervisors of APS and ASD employees can access the Manager Hotline for assistance.</p> <p>Within Australia: 1300 361 008 Overseas: +61 2 9232 7249 After hours crisis counselling: 1800 451 138</p>	N	Y	Y	Y
<p align="center">Defence Legal Support</p> <p>The complainant and respondent may seek legal advice from separate legal officers. The respondent is not to consult the legal officer responsible for providing advice to the commander or manager managing the complaint.</p> <p>Generally, Defence APS and ASD employees are not provided with the same level of legal assistance as ADF members. APS and ASD employees should refer to Legal Services Directions 2017, Appendix E—'Assistance to Commonwealth Employees for Legal Proceedings' for further information on legal support that may be available at http://www.comlaw.gov.au/.</p>	Y	Under limited circumstances	Under limited circumstances	N

Key: Yes (Y); At Commander/Manager's discretion (A); Not available (N)				
<p style="text-align: center;">Temporary transfer</p> <p>A commander <i>may</i> decide that a temporary transfer will assist a person during workplace behaviour issues. A commander or manager is to consider:</p> <ul style="list-style-type: none"> • the person's ability to cope if they remain where the incident occurred • family and personal circumstances • possible local posting alternatives • the availability of counselling and support services and networks • the effect on any current or future resolution options or investigations • any bail conditions and court orders • the effect on the career of the person transferred • the operational efficiency of the workplace <p>For Defence APS employees refer to the APS People Policy</p>	A	A	A	A
<p>If a commander or manager decides that a transfer is appropriate, the person to be transferred is to be notified and provided with an opportunity to discuss the transfer, in particular any objections and the proposed management of the transfer.</p> <p>If the person(s) involved is not relocated the commander or manager is to take reasonable steps to ensure all parties are treated fairly and no victimisation or further unacceptable behaviour occurs.</p>				
<p style="text-align: center;">Peer support</p> <p>The complainant, respondent and witnesses may receive moral and social support from their peers during the course of any workplace behaviour issues.</p>	Y	Y	Y	Y

Key: Yes (Y); At Commander/Manager's discretion (A); Not available (N)				
<p align="center">Leave</p> <p>It <i>may</i> be appropriate for the complainant and/or respondent to rehabilitate prior to returning to the workplace. Leave regulations contained ADF Pay and Conditions Manual, the APS People Policy or ASD People Policy for Defence APS and ASD employees should be consulted.</p> <p>Prior to approving leave, commanders and managers are to consider the impact on the conduct of any fact finding, inquiry, investigation or return to work plan.</p>	A	A	A	N
<p align="center">External support</p> <p>Defence personnel may access other services outside of Defence at their own expense.</p>	Y	Y	Y	Y