

## **CHAPTER 3**

### **ADF CADETS PROTECTION ORDERS**

#### **INTRODUCTION**

2.3.1 Protection Orders (PO) are orders made by a Federal, State or Territory court or Police Service, for the protection of a person who may have experienced violence or threats of violence against them by another person. A PO can include domestic violence orders, apprehended violence orders, restraining orders, prohibition orders, firearms orders, weapons protection orders or similar orders; these are designed to place limits or restrictions on a person's behaviour towards the aggrieved person. A PO can also be used to protect children, relatives, friends or colleagues if there has been violence or threats of violence towards them.

2.3.2 An Interim Protection Order (IPO) is a temporary order that can be initiated and enforced while a complainant goes through the court process to get a final (longer term) order imposed. The initiation of an IPO does not guarantee that a PO will be imposed when the matter is eventually considered by a court.

2.3.3 Where an ADF Cadets Adult is the subject of an IPO or a PO, compliance with the restrictions imposed by the order may impede their ability to participate in ADF Cadets activities. It may also have implications for the safety and well-being of other cadet participants. Depending on the nature of the IPO/PO, an immediate decision may be required regarding their participation in future cadet activities to ensure the safety of other participants of ADF Cadets and the wider community.

#### **POLICY INTENT**

2.3.4 The purpose of this policy is to outline the responsibilities of ADF Cadets participants who are identified as respondents or aggrieved persons when an IPO is initiated or a PO is imposed. It also provides direction to the chain of command and higher level commands on the actions to be taken if an ADF Cadets Adult becomes the subject of an IPO/PO.

#### **ROLES AND RESPONSIBILITIES**

##### **ADF CADETS ADULTS AS A RESPONDENT**

2.3.5 Where an ADF Cadets Adult is identified as a respondent of an IPO/PO, they must report the matter to their chain of command in writing at the earliest opportunity and before attending their next cadet activity. The advice to the chain of command must include:

- a. a copy of the IPO/PO
- b. details of the circumstances which prompted the imposition of the IPO/PO

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- c. details of the duration and conditions of the IPO/PO (if this information is not included in the order).

2.3.6 An ADF Cadets Adult who is the respondent of an IPO/PO must also notify their chain of command of any updated circumstances or changes to the order as soon as possible (for example, if the order has been amended or revoked).

2.3.7 A failure to comply with this policy may constitute grounds for the Director General Australian Navy Cadets (DGANC), the Commander Australian Army Cadets (COMD AAC), or the Director General Cadets - Air Force (DGCADETS-AF) or their delegates, to consider commencing administrative action against the ADF Cadets Adult.

#### ADF CADETS PARTICIPANTS AS AN AGGRIEVED PERSON

2.3.8 Where a participant is identified as the aggrieved person under an IPO/PO, and the order is likely to directly or indirectly affect their participation in cadet activities, the chain of command should be notified as soon as possible to ensure that appropriate support can be provided where necessary.

#### CHAIN OF COMMAND RESPONSIBILITIES

2.3.9 Once notified that an IPO has been initiated or a PO has been imposed on an ADF Cadets Adult, their chain of command must conduct a risk assessment as soon as possible to ensure that the respondent's participation in cadet activities does not place other ADF Cadet participants (both adults and youth) in an unsafe or vulnerable situation or contribute to a contravention of the restrictions placed on the respondent by the order.

2.3.10 If the IPO/PO limits or restrains an ADF Cadets Adult's access to weapons or cancels, suspends or refuses the issue of a firearms licence, permit or registration, the relevant chain of command must prevent the respondent's access to firearms or weapons which are within ADF or ADF Cadets' control.

2.3.11 A copy of the risk assessment, including details of the original notification of the IPO/PO, must be provided to DGANC, COMD AAC or DGCADETS-AF or their delegates for consideration, as the appropriate decision maker, noting that administrative action may be required regarding their continued participation in cadet activities.

2.3.12 Where an ADF Cadets participant is identified as the aggrieved person under an IPO/PO, the relevant chain of command should take steps to ensure that appropriate support is provided to enable their continued participation in cadet activities where possible.

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## DIRECTORS-GENERAL/COMD OR THEIR DELEGATES

2.3.13 Upon receiving a risk assessment in relation to an IPO/ PO from the chain of command, DGANC, COMD AAC, DGCADETS-AF, or their delegates should:

- a. consider whether the actions of the ADF Cadets Adult leading to the issue of the IPO/PO constitutes unacceptable behaviour in accordance with ADF Cadets Code of Conduct and if so, consider commencing administrative action including determining the respondent's current and ongoing suitability for duties with the ADF Cadets
- b. consider whether the actions leading to the issue of the IPO/PO require reporting in accordance with [Defence Incident Reporting and Management Manual \(IRMMAN\)](#).

2.3.14 DGANC, COMD AAC or DGCADETS-AF or their delegates are to remain cognisant that an IPO/PO is a serious matter and their responses are critical to enhancing personnel safety and security. They also need to bear in mind that the allegation(s) that are the subject of an IPO may not have been tested in a court of law.

## PROCEDURAL FAIRNESS

2.3.15 While there is no legal or policy obligation to provide procedural fairness, ADF Cadets Adults who are the subject of an IPO/ PO will be afforded procedural fairness commensurate with their volunteer status where appropriate and reasonably practicable, when an administrative sanction is being considered against them. Procedural fairness is characterised as:

*A decision-maker should not be biased, that the person who is adversely affected by a decision should not be surprised by the decision, or by the information that the decision-maker has relied on, and that they have an opportunity to be heard in relation to the matter before the decision is made.*

## RECORDING OF PROTECTION ORDERS

2.3.16 Details of all IPO/PO and associated risk assessments are to be recorded on the Defence Records Management System (Objective) by DGANC, COMD AAC or DGCADETS-AF, or their delegates, including the duration and cessation date of the order, in addition to details concerning access to or possession of weapons. While the IPO/PO is in force, ADF Cadets are to ensure that any amendments to the order are entered in Objective. When the order ceases, ADF Cadets are to close the case in Objective.

2.3.17 ADF Cadets Adults who are also ADF members will have any IPO/PO recorded in Defence One/PMKeyS in accordance with [Part 9, Chapter 4 of the Military Personnel Policy Manual](#) (MILPERSMAN).

2.3.18

PRIVACY

2.3.19 All information in relation to IPO/PO should be marked “OFFICIAL Sensitive Personal”. Privacy matters relevant to this policy are to be managed in accordance with [Part 1, Section 1, Chapter 2](#) and the [Defence Privacy Policy](#).

**Accountable Officer:** Chief of Personnel

**Policy Owner:** Head Reserve and Cadet Support Division