

AGE OF CONSENT AND SPECIAL CARE PROVISIONS

DATE Feb 17

PRESENTER:

Time 00:00	SUBJECT age of Consent and Special Care Provisions
Slide 1 – Title Slide	
Time 00.30	SUBJECT Mandatory training
<p data-bbox="183 543 571 583">Slide 2 – Introduction</p> <p data-bbox="183 629 1480 750">This is Part 1 of a series of Mandatory Training that the Commander AAC has ordered that all ACS, ADF and nominated Cadets undertake. This training will be undertaken on an annual basis.</p> <p data-bbox="183 804 1480 1052">As you are no doubt aware the way organizations have been dealing with young people has been the subject of a number of high profile inquiries and a Federal Royal Commission. Unfortunately all these inquiries have exposed significant deficiencies that many organizations have in dealing with young people and most importantly the way complaints by young people have been dealt with.</p> <p data-bbox="183 1106 1480 1227">Defence has not been immune from this BUT the present leadership is taking a stand and putting into place policies to prevent the past inadequacies from being repeated.</p> <p data-bbox="183 1280 505 1320">Slide 3 – Purpose</p> <p data-bbox="183 1366 1480 1615">By the end of this presentation you should have an idea of what Defence through VCDF is trying to achieve with respect to implementing this new policy. The AAC Legal Officer has assured me that some of the matters to be raised will not find universal acceptance but the policy is driven by two vital elements: firstly, to provide a framework for all Cadets to be protected and secondly, to prevent the past from repeating itself.</p> <p data-bbox="183 1668 926 1708">It is all our responsibilities to make this work.</p> <p data-bbox="183 1761 555 1801">Slide 4 -- Legislation</p> <p data-bbox="183 1847 1480 1968">The authority for VCDF to make the Directive is found in the <i>Defence Act 1903</i>. All members of the Defence Force and the AAC are bound by the Directive.</p> <p data-bbox="183 2014 1480 2135">The Commander AAC has issued a Directive informing all relevant members of the AAC that they are to implement the VCDF's policy and mandated that this training take place.</p>	

Please note the Defence Youth Safety Level 1 Awareness Training. All ACS and ADF members are to complete this training. It is a good training course and only takes about 30 minutes to complete. It is on Campus and Cadet net.

Slide 5 – Policies, Procedures and Instructions

The primary source for this presentation is VCDF's Directive 06/2016. A copy has been provided to everyone. This should now form part of your toolkit.

As this is a new policy there are no guides for its implementation at present. They are being developed and will be issued shortly for all members of the AAC.

Slide 6 – Scope

This what the presentation aims to achieve which is a basic understanding of the VCDF's Directive.

Slide 7 – State Legislation – State Laws

Be aware that each State and Territory has different laws in respect of youth orientated activities. It is your responsibility to be aware of what that may mean for you in your respective State and Territory.

As outlined in the Directive Defence is now approaching child safety as a high priority and this Directive is the first step in implementing a comprehensive child safe policy for all Defence activities involving young people.

Slide 8 – State Legislation – Working with children

Underlying all AAC activities is risk management and the need to hold ourselves to a very high standard. We have to get it right! Activities for our Cadets need to be well planned and this now includes the need for broader consideration of child safe matters.

The VCDF's Directive focuses on one aspect that we all need to take into consideration when planning activities.

Time 04:00	SUBJECT VCDF's Directive
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Slide 9 – Overview

This slide outlines the scope of the VCDF's Directive. There are three key

matters raised in the Directive which you can see on the overhead. We will now go through them individually.

Slide 10 – Age of Consent

One of the issues that has come out of the Royal Commission is that Defence members and you can read AAC members are not aware of the age of consent in respect of sexual activities. To overcome this lack of knowledge, Annexure A in the Directive provides a summary of the relevant ages for consent. Note that there are different ages for different States and Territories.

You need to be aware of this if something should occur with Cadets under your control.

Slide 11 – Special Care Provisions

This is a new provision which VCDF has implemented. If there are any teachers in the room they will understand what this means and feel free to talk to them about this.

Most States and Territories have this provision in their legislation. It means that any person in a supervisory role cannot engage in a sexual activity of any sort with a person under the age of 18.

In blunt terms the Directive has directed that there is to be **NO SEXUAL INTERACTION** between a Cadet adult and a Cadet (of whatever age including those over 18).

VCDF has indicated that Defence will implement the highest standard to prevent any reoccurrence of the issues before the Royal Commission.

Please note paragraph 12 which indicates that anyone breaching this section could have criminal charges laid against them

It goes without saying that if you become aware of such activity you have a duty to report the same through your Chain of Command immediately. **DO NOT WAIT** as the Cadet may well be in danger.

Slide 12 – Attribution of Blame

Under Defence policy a child is blameless in these circumstances. The law has moved to a point where it is recognized that an adult is considered to have the power in this type of activity.

The role for us is to provide as much assistance to the child and his/her family

as possible.

This may be a hard one to understand but issue is of a power imbalance and the failure in the past to take such matters seriously. That has all changed and the emphasis is on the child rather than the other person.

Of course, the alleged perpetrator can be offered assistance as well but it will need to be from further up the Chain of Command.

It does not matter what age the child is – the child cannot be attributed any blame.

Time 08:00	SUBJECT Risk Management
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Slide 13 – Risk Management

There are a number of ramifications for the way we operate and in planning any activity you will need to think through these issues.

The Legal Officer has emphasised point 4 of this slide. Today the Courts look at the how the “victim” perceived the incident rather than the intentions of the other person.

For example, a female cadet is given an award at a parade. The male OC is extremely happy about the female cadet receiving the award and after the parade gives her a hug.

That night the Regional Commander receives a phone call from a distressed parent saying that the female cadet is really upset as she perceived the OC’s “hug” to be a sexual act towards her.

What do you do?

These are the issues you now have to come to terms with. Hence the consideration of a no touch policy except for medical emergencies.

Again talk to the teachers in the room to see if their schools have similar policies.

It is a new era but when you see what has occurred in so many institutions to vulnerable young people in the past you begin to understand why VCDF has decided to implement this Directive. Defence wants to set the new standards.

Time 10:00	SUBJECT Conclusion
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Slide 14 – Conclusion

This presentation is simply there to protect the Cadets we seek to serve and to prevent any harm happening to them.

Slide 15 – Feedback

If you have any feedback about this presentation please send it to the AAC's Legal Officer. It would be most appreciated.
