

DEFINITIONS

1. The following definitions apply to this Instruction:
 - a. **Australian Defence Force (ADF)** member as defined in [section 3](#) of the *Defence Force Discipline Act 1982*, means:
 - (1) a member of the Permanent Navy, the Regular Army, or the Permanent Air Force; or
 - (2) a member of the Reserves who:
 - (a) is rendering continuous full-time service; or
 - (b) is on duty or in uniform.
 - b. **Case officer** is a person appointed by a commander or manager to inform of progress in the management of a complaint, to assist and advise on applicable support services, and to assist communication between the parties.
 - c. **Commander** is an ADF officer, who by virtue of a delegation or instrument of appointment exercises authority and holds responsibility for assigned ADF personnel.
 - d. **Complaint of unacceptable behaviour** is a statement of grievance of an incident or incidents of unacceptable behaviour, which has been made either verbally or in writing in accordance with this Instruction.
 - e. **Complainant** is a person who perceives they have been subjected to unacceptable behaviour.
 - f. **Contract manager** means the Commonwealth representative named on the contract, or a person to whom the management of the contract has been delegated.
 - g. **Defence employee** means a person employed in the Department of Defence under [section 22](#) of the *Public Service Act 1999*.
 - h. **Defence Investigative Authorities** are the Australian Defence Force Investigative Service, the Service Police organisations that report to the Provosts Marshal of the Navy, Army and Air Force, the investigative arm within the Inspector-General Division, the Fraud Investigation and Recovery Directorate and the Defence Security Authority.
 - i. **Defence personnel** means all Defence employees, Defence Locally Engaged Employees overseas, external service providers, Defence civilians, ADF members and the equivalents from other Defence organisations on exchange to Defence.
 - j. **External service provider** means contractors, consultants, and professional service providers employed by Defence.
 - k. **Foreign military member** means a member of a foreign defence force or armed service.
 - l. **Institution precincts** means the wider base establishment, including training areas, accommodation, messes, recreational facilities and other support services.
 - m. **Malicious** means deliberate, mischievous and unjustified action characterised by desire to inflict harm or suffering.
 - n. **Manager** means a Defence employee or ADF member who directs a range of human and physical resources and their associated financial responsibilities to achieve corporate objectives. A manager performs the role of a first-level supervisor where they have immediate subordinates, as well as the role of a second-level supervisor where they have Defence personnel supervised by those subordinates.

- o. **Procedural fairness** is the legal principle that provides the right to a fair hearing. For an explanation of the principle and rules of procedural fairness refer to [Australian Defence Force Publication 06.1.3—Guide to Administrative Decision Making](#) or the *Decision-makers Handbook: Making personnel related decisions for ADF members and Australian Public Service employees* which is available on the [Pay and Conditions website](#).
- p. **Respondent** in relation to a complaint means the person or persons against whom the complaint is made.
- q. **Staff** (at ADF training establishments) means Defence personnel, other than trainees, employed at an ADF school or training establishment.
- r. **Supervisor** means any Defence personnel or contractor who has direct or line supervisory responsibilities of Defence personnel.
- s. **Trainee** means any ADF member undergoing training at an ADF school or training establishment.
- t. **Unacceptable behaviour** is behaviour that, having regard to all of the circumstances, would be offensive, belittling, abusive or threatening to another person or adverse to morale, discipline or workplace cohesion, or otherwise not in the interests of Defence. Refer to [annex B](#) for detailed descriptions and categorisation of forms of unacceptable behaviour.
- u. **Vexatious** means without grounds and serving only to harass or cause annoyance.
- v. **Workplace** includes Defence establishments, business workplaces, units, facilities, accommodation and any other location which Defence personnel attend for the purpose of carrying out their work. This definition includes deployments, military exercises and operational environments. It also applies to non-Defence establishments such as training centres, accommodation, and social function venues attended in the course of Defence sponsored work or activity. This Instruction also applies to unacceptable behaviour that occurs outside the workplace where the behaviour has a Defence nexus or affects the workplace.