

UNACCEPTABLE BEHAVIOUR REPORTS

1. Complaints involving unacceptable behaviour may require reporting to several Defence agencies depending on the nature of the complaint.

Reports to Fairness and Resolution

2. All complaints of unacceptable behaviour that involve Defence personnel or external service providers must be reported to Fairness and Resolution (FR) irrespective of the outcome.

3. **Initial report.** Reports of unacceptable behaviour are to be submitted to FR using [Form AC 875-1—Initial Complaint Report—Unacceptable Behaviour or Sexual Offence](#), (available on the Defence Web Forms System), after completion of the Quick Assessment (QA) and within seven days of receipt of the complaint. The commander or manager managing the complaint is to ensure this reporting is completed.

4. A single incident involving a number of complainants or a single incident with a number of respondents is to be recorded as a single incident. When an incident, or series of incidents, involves a number of complaints, and there is doubt as to how to report the incident(s), one report for each incident based on the incident date is to be submitted. Names of people involved are not to be provided when reporting a complaint.

5. **Progress report.** Progress reports are to be submitted to FR using [Form AC 875-2—Progress Report—Unacceptable Behaviour or Sexual Offence](#). Progress reports must be submitted when significant changes occur or milestones are reached, such as the completion of an inquiry or referral to a Code of Conduct delegate. Where no previous progress reports have been provided, a progress report must be submitted no later than three months after the date of initial complaint.

6. If the responsibility for the management of a complaint is transferred a progress report must be submitted. Once there is agreement between the losing and gaining commanders or managers, the gaining commander or manager is to raise the [Form AC 875-2](#). The existing unit reference number is to be quoted and the new unit reference number advised in the 'Current Status' box. Subsequent reports are to use the new unit reference number.

7. **Final outcome and formal action report.** Unacceptable behaviour complaints should be resolved within three months unless exceptional circumstances apply. The final outcome is to be reported to FR within seven days of resolving the complaint.

8. A formal outcome of an unacceptable behaviour complaint against an Australian Defence Force member is to be reported to FR and the member's Career Management Agency. The member's name and personal details are to be advised. This information may be taken into account by the relevant Service for career management and posting decisions.

9. The name and personal details of an Australian Public Service employee who has been found to have breached the Code of Conduct as a result of an unacceptable behaviour complaint are to be reported to FR. The report is [Form AC 875-3—Final Outcome Report—Unacceptable Behaviour or Sexual Offence](#).

Occupational Health and Safety Branch reporting and Comcare notification

10. An incident of unacceptable behaviour, as defined in [annex B](#), has the potential to cause serious personal injury (physical or psychological), incapacity (time off work), or death (for example suicide). An incident is reportable to Occupational Health and Safety Branch (OHSB) and notifiable to Comcare, if after conducting a QA, it is determined that it:

- a. is work related, and
- b. resulted in:
 - (1) a death,
 - (2) serious personal injury,

- (3) incapacity, or
- (4) dangerous occurrence.

The categories of OHS incidents above, are defined on Form [AC 563](#)—*Defence OHS Incident Report*.

11. An incident should not be categorised as a **dangerous occurrence** until the QA and any subsequent investigation has been completed, or the situations in [paragraph 12](#) apply. Where an incident has the potential to cause death, serious personal injury or incapacity, but these outcomes have not eventuated, the QA is to consider the known facts and recommend whether the incident should be categorised as a dangerous occurrence. Reporting and notification is not required if a QA or other subsequent inquiries determined there was no incident of unacceptable behaviour.

12. An incident is to be categorised as a **dangerous occurrence**, regardless of whether the alleged incident(s) is substantiated or not, if:

- a. a complainant notifies the commander or manager that they are receiving health treatment or intervention (eg psychological counselling or medical treatment) for an injury arising from an alleged unacceptable behaviour incident; or
- b. if an employee is absent from the workplace for 10 or more days, where such absence is due to alleged unacceptable behaviour in the workplace, or
- c. there have been a series of reported incidents or allegations of unacceptable behaviour, which could reasonably lead to the injury or illness of the employee.

13. The commander or manager must determine whether the incident requires notification and act accordingly. If required, OHSB reporting and Comcare notification is to be made using [AC 563](#). For further guidance on OHS incident reporting and notification, refer to the *Defence Safety Manual* (SAFETYMAN), [volume 1](#)—‘General’ and the [OHSB website](#).

Other reporting within Defence

14. Defence is responsible for ensuring that people to whom security classified resources are entrusted are suitable and fully understand their responsibilities and obligations. The personnel security clearance system ensures that security classified resources are placed only in the care of people who are honest, trustworthy, mature, tolerant, loyal and willing to safeguard those resources against misuse. An incident of unacceptable behaviour may raise concerns about an individual employee’s suitability for access to security classified resources. The *Defence Security Manual* provides direction on reporting for security incidents and personnel security assessments.

15. Records of criminal conviction, administrative and/or disciplinary action resulting from the unacceptable behaviour incident must also be recorded in accordance with the individual Service and *Defence Workplace Relations Manual* requirements.