

Reporting abuse in Defence – Reparation payments

The Office of the Commonwealth Ombudsman, within its Defence Force Ombudsman jurisdiction, is able to receive reports of serious abuse within the Australian Defence Force (Defence). This provides a confidential mechanism to report serious abuse for those who feel unable, for whatever reason, to access Defence's internal mechanisms. Serious abuse means sexual abuse, serious physical abuse or serious bullying or harassment which occurred between two (or more) people who were serving members in Defence at the time.

For the most serious forms of abuse and sexual assault, the Ombudsman may recommend to Defence it make a reparation payment. This is limited to abuse which occurred on or before 30 June 2014.

Overview

A reparation payment is a payment to a person, made by Defence on behalf of the Australian Government, in acknowledgement that the most serious forms of abuse and/or sexual assault within Defence is wrong, that it should not have occurred and that Defence, through its actions or inactions, created the circumstances which allowed this abuse to occur.

The purpose of a reparation payment is to:

- acknowledge that abuse can have a lasting and serious impact
- recognise that, in the past, Defence did not respond appropriately in many cases, and
- acknowledge that mismanagement by Defence of verbal/written reports or complaints about abuse is unacceptable.

A reparation payment is not paid as compensation for any physical, psychological, emotional or financial injury, or loss or damage suffered by a person as a result of abuse.

When reparation payments may be recommended

The Australian Government has determined when the Ombudsman may recommend a reparation payment. The Ombudsman may recommend to Defence that a reparation payment be made in relation to a report of serious abuse which has been accepted, if:

- the abuse occurred on or before 30 June 2014
- the report of abuse was made to the Ombudsman on or before 30 June 2021, and
- the Ombudsman is satisfied the report involves the most serious forms of abuse and/or sexual assault.

As reparation payments are limited to the most serious forms of abuse and/or sexual assaults, not all reports of abuse will meet this higher threshold.

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The Ombudsman has offices in:

- » Adelaide
- » Brisbane
- » Canberra
- » Melbourne
- » Perth
- » Sydney

There are two possible payments which the Ombudsman may recommend:

- a payment of up to \$45,000 to acknowledge the most serious forms of abuse
- a payment of up to \$20,000 to acknowledge other abuse involving unlawful interference accompanied by some element of indecency.

If the Ombudsman recommends one of these payments, an additional payment of \$5,000 may also be recommended where the Ombudsman is satisfied that Defence did not respond appropriately to the incident of abuse.

We provide reportees with an opportunity to provide any comments or further information on our preliminary view of a recommendation (unless the preliminary view is to recommend a payment of \$50,000, in which case it is finalised and sent directly to Defence).

The above payments may be reduced if a reportee has already received a reparation payment relating to abuse in Defence, such as from the Defence Abuse Response Taskforce.

Applying for a reparation payment

Anyone who has reported serious abuse or wishes to report serious abuse to the Ombudsman may apply for a reparation payment, if the abuse occurred on or before 30 June 2014. An application must be received by the Ombudsman on or before 30 June 2021. A person may only apply for a reparation payment once. You can access our reporting abuse form on our [website](#).

Any person who has reported abuse to the Ombudsman since 1 December 2016 and whose report has been accepted may apply for a reparation payment. There is no requirement to have legal representation to apply for a reparation payment. Your Liaison Officer will be in contact with you to discuss this process, or you can contact your Liaison Officer to discuss this at any time.

Effect of payments

A reparation payment is an 'exempt lump sum' for the purposes of income testing under the *Social Security Act 1991* and the *Veterans' Entitlements Act 1986*. This means that a reparation payment is not counted as income for the purpose of working out any entitlement to social security benefits, such as the Department of Veterans' Affairs income support.

If an individual received a reparation payment in the 2017-18 year and it is not exempt under current tax law, that payment will become exempt once the Bill passes.

Need more information?

Frequently Asked Questions (FAQs) are available to respond to questions and issues that have been raised so far regarding reparation payments. They aim to provide clarity and help reportees engage with the Ombudsman. You can access these at our [website](#).

More information is available at ombudsman.gov.au.

Please note: This document is intended as a guide only. For this reason, the information should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases. To the maximum extent permitted by the law, the Commonwealth Ombudsman is not liable to you for any loss or damage suffered as a result of reliance on this document. For the most up-to-date versions of cited Acts, please refer to the [Federal Register of Legislation](#).