

Reporting abuse in Defence

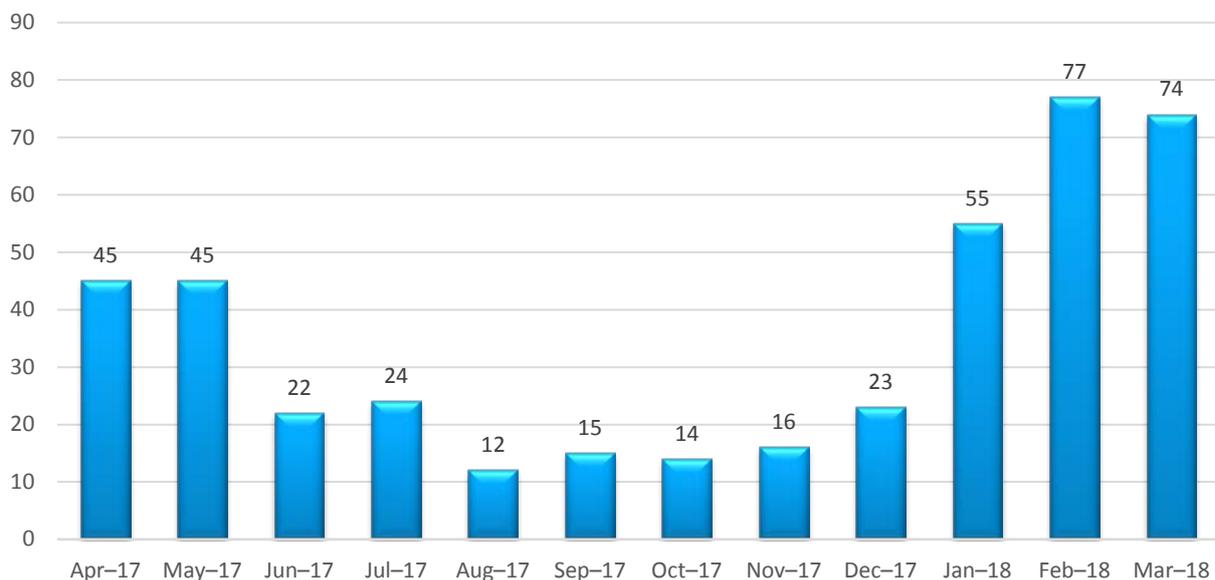
Report statistics to 31 March 2018

The Office of the Commonwealth Ombudsman, within its Defence Force Ombudsman jurisdiction, is able to receive reports of contemporary and historic serious abuse within the Australian Defence Force. 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 employed in Defence at the time.

Reports of abuse received

The total number of reports received since 1 December 2016 to 31 March 2018 is **473**.

Number of reports received by month—last 12 months



The increase in reports received since January 2018 follows the Australian Government’s announcement of its reparation payment framework on 15 December 2017.

Assessment decisions

Reports received by the Ombudsman will be assessed against a number of thresholds to determine if they can be accepted as a report of serious abuse in Defence.

A report of abuse can be accepted where the Ombudsman is satisfied that:

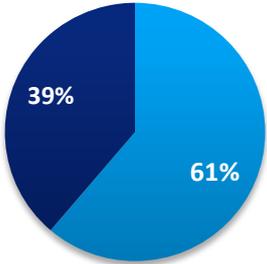
- the report constitutes serious abuse
- the report is reasonably likely to have occurred
- the reportee, at the time of the alleged abuse, was an employee of Defence
- the alleged abuser was an employee of Defence, and
- there is/was a connection between the alleged abuse and the reportee’s employment in Defence.

Since 1 December to 31 March 2018, the total number of assessment decisions made is **178**. Of these, **109** reports have been assessed as wholly or partially within jurisdiction¹, while the remaining **69** reports have been assessed as out of jurisdiction.

Reasons why a report may be assessed as out of jurisdiction can include:

- the report was already dealt with by the Defence Abuse Response Taskforce
- the reportee, at the time of the alleged abuse, was not an employee of Defence
- the alleged abuser, at the time of the alleged abuse, was not an employee of Defence
- there was no connection between the conduct and Defence employment, or
- the Ombudsman was not satisfied that the conduct meets the required threshold of ‘serious abuse’ as required under the *Ombudsman Regulations 2017*.

Assessment decisions



■ Wholly or partially within jurisdiction (109) ■ Out of jurisdiction (69)

¹ Partially within jurisdiction means that a report with multiple incidents had some incidents accepted while the other incidents were assessed as out of jurisdiction.

Of the reports assessed in jurisdiction, the abuse type accepted was:

Sexual abuse only	16
Serious physical abuse only	8
Serious bullying or harassment only	20
Sexual abuse and serious physical abuse	9
Sexual abuse and serious bullying or harassment	20
Serious physical abuse and serious bullying or harassment	19
Sexual abuse, serious physical abuse and serious bullying or harassment	17
Total	109

Of the **109** total reports assessed in jurisdiction:

Reports involving sexual abuse	62
Reports involving serious physical abuse	53
Reports involving serious bullying or harassment	76

Available responses

Where a report has been accepted as being within the Ombudsman’s jurisdiction, the reportee will be assigned a dedicated Liaison Officer. The Officer will work with the reportee to explain what responses are available:

- facilitating counselling through the Veterans and Veterans Families Counselling Service
- participation in the Ombudsman’s Restorative Engagement Program
- an assessment against the Government’s reparation payment framework, and
- the provision of a case summary to Defence.

Counselling

The Office can facilitate a referral for counselling through the Veterans and Veterans Families Counselling Service (VVCS).

Since 1 December 2016 to 31 March 2018, **22** people have been referred to VVCS for Counselling.

Restorative Engagement

The Restorative Engagement program is designed to support the reportee to tell their personal account of abuse to a senior representative from Defence in a private, facilitated meeting—

a Restorative Engagement Conference. The conference provides the opportunity for Defence to acknowledge and respond to an individual's personal account of abuse.

Since 1 December 2016 to 31 March 2018, **26** conferences have been held and a further **21** are being prepared.

Reparation payments

On 15 December 2017, the Australian Government determined that for the most serious forms of abuse and sexual assault, the Ombudsman may recommend to Defence it makes 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.

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 report of abuse.

Those who reported serious abuse to the Ombudsman before 15 December 2017 and whose reports had been assessed and accepted, were contacted between February and March 2018 about the Australian Government's reparation payment framework.

86 people whose report had been assessed and accepted by the Ombudsman have applied for a reparation payment.

Reports received on or after 15 December 2017 will automatically be assessed for a reparation payment where the reportee expresses interest in this response.

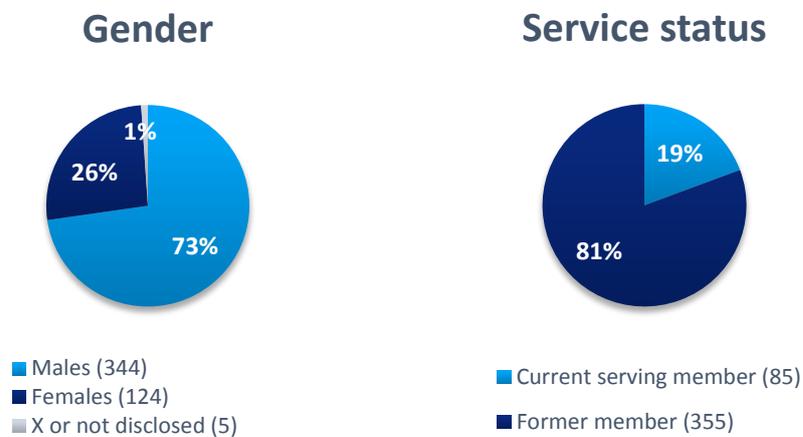
160 new reports of abuse have been received since 15 December 2017 in which the person has expressed interest in a reparation payment.

Reparation payment decisions

To 31 March 2018, we have made **22** decisions on reparation payments, recommending to Defence that it make a payment in **18** matters, of which **six** have been considered and accepted in full and none have been declined.

Report of abuse - demographic data

The data below provides a breakdown of the 473 reports received by gender, service status, service and date of reported abuse.



There have been **33** further reports received where the service status is yet to be determined.



Reports received from APS employees and civilians are not within the Ombudsman's jurisdiction. There have been **39** further reports received where the service is yet to be determined.