

Reporting abuse in Defence – Role of a Legal Representative

The Office of the Commonwealth Ombudsman, within its Defence Force Ombudsman (DFO) jurisdiction, provides an independent, external and impartial mechanism for people to report historical and contemporary serious abuse in the Australian Defence Force.

For a variety of reasons the person making the report of abuse, may nominate a person to act on their behalf during the reporting abuse process. The person nominated to act on behalf of a reportee is known as an OBO (On Behalf Of). An OBO can be a partner, family member, friend, or a professional support worker (e.g. advocate or counsellor), a legal guardian or a legal representative.

A person making a report of abuse is not required to arrange for another person to act on their behalf through the reporting abuse process. In fact, the majority of our reportees do not nominate another person to act on their behalf.

The role of a Legal Representative (OBO) may include:

- familiarising themselves with the reporting abuse process
- assisting the reportee to submit the completed statutory declaration reporting abuse form
- contacting the reportee when the DFO requests further information and passing on the further information to the DFO
- once the assessment is complete, informing the reportee of the decision letter(s) and the possible next steps
- informing the DFO if the reportee requests a review of the decision
- passing on direct contact details of the reportee to the DFO to discuss the Restorative Engagement program
- acting in the best interests of the reportee at all times

Contact us

ombudsman.gov.au
1300 362 072

GPO Box 442
Canberra ACT 2601

The Ombudsman has offices in:

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

Withdrawing from the role of OBO

- A reportee can let us know they no longer wish for the legal representative to act on their behalf. Should this occur, the DFO will encourage the reportee to inform the legal representative or give the DFO the consent to do so.
- Should the legal representative contact the DFO after the reportee has indicated they are no longer represented by the legal representative, the DFO will not be able to discuss any information relating to the reportee.
- A legal representative can withdraw from their OBO role at any time during the reporting abuse process. Should this occur, the DFO will request the legal representative inform the reportee or give consent for the DFO to inform the reportee on their behalf.

DFO direct contact with the reportee

Occasionally, the DFO will receive direct contact from the reportee during the assessment process. The DFO is open to responding to reportees for update requests and any general requests for information.

In those situations where the report has been found to be in jurisdiction, and the reportee has indicated an interest in the Restorative Engagement program, we will ask for direct contact details of the reportee to discuss the program further.

Resources

The DFO is aware that communicating with persons who have experienced serious abuse can be challenging. In handling reports of serious abuse within Defence, we use a trauma-informed service delivery approach. This approach recognises that the greater the exposure to traumatic material, the greater the risk of vicarious trauma for helpers, including those persons who are acting as an OBO (<https://www.blueknot.org.au/Workers-Practitioners/For-Health-Professionals/Resources-for-Health-Professionals/Vicarious-Trauma>).

Below are the contact details for services that can provide further support:

Lifeline: **13 11 14**

Beyond Blue: **1300 224 636**

Open Arms: **1800 011 046**

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](#).