

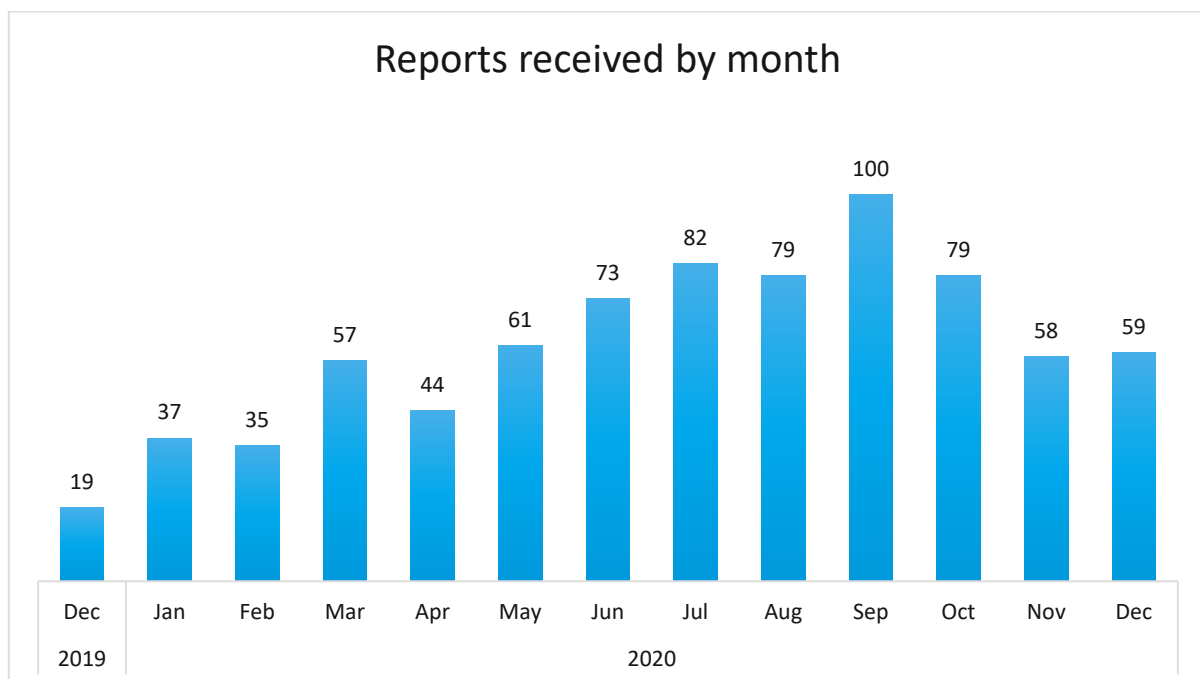
Reporting abuse in Defence

Report statistics to 31 December 2020

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 members of Defence at the time.

Reports of abuse received

The total number of reports received since 1 December 2016 to 31 December 2020 is **2058**.



Assessment decisions

Reports received by the Ombudsman are 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:

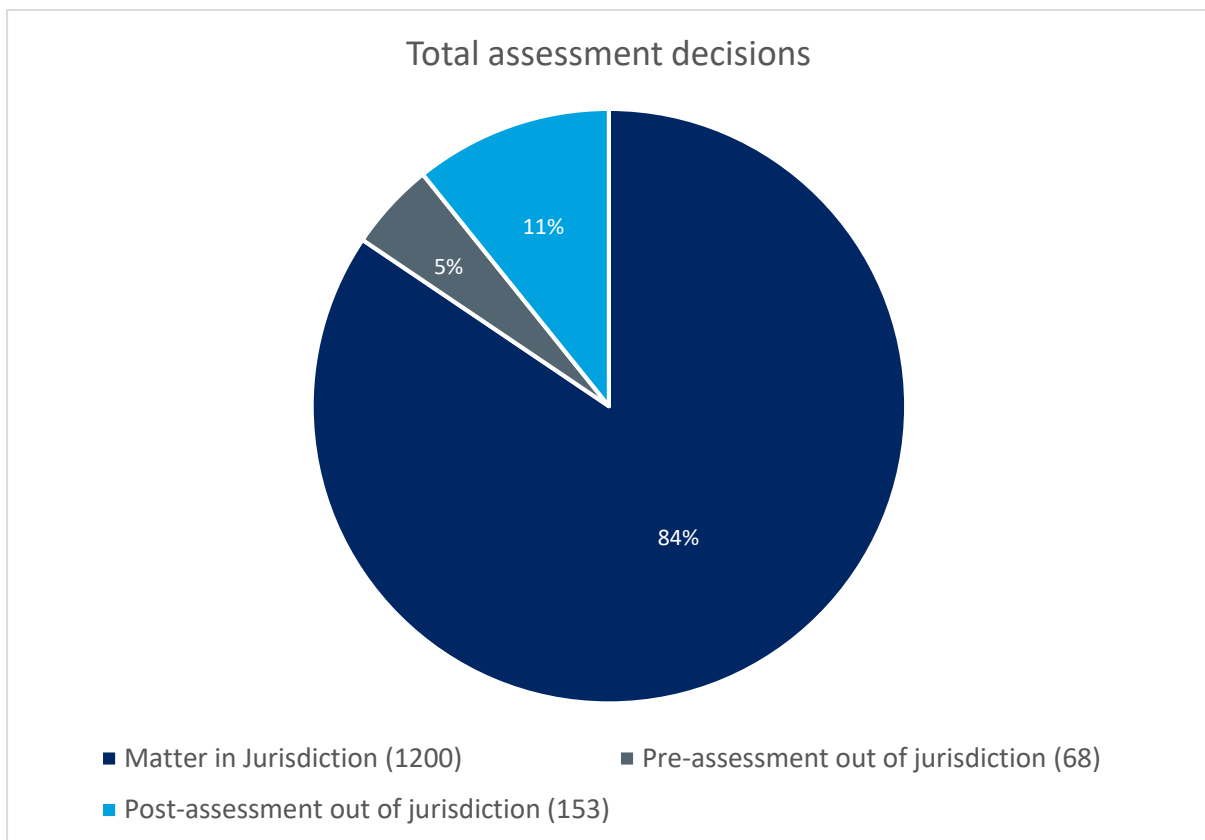
- the report constitutes serious abuse
- the report is reasonably likely to have occurred
- the reportee, at the time of the alleged abuse, was a member of Defence
- the alleged abuser was a member of Defence, and

- there is/was a sufficient connection between the alleged abuse and the reportee’s employment in Defence.

To 31 December 2020, the total number of assessment decisions made is 1421.

Of the reports assessed, 1200 reports have been assessed as wholly or partially within jurisdiction, while the remaining 221 reports have been assessed as out of jurisdiction.

If part or all of a report is assessed to be out of the Ombudsman’s jurisdiction to take further action, a reportee can request a review of the decision. The review decision-maker may make a more favourable decision on any aspect of the report, or may uphold the original decision.



Of the reports that contained incident data:

- 762 reports involved sexual abuse
- 707 reports involved serious physical abuse
- 900 reports involved serious bullying and harassment.

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 a member of Defence
- the alleged abuser, at the time of the alleged abuse, was not a member of Defence
- there was no connection between the conduct and Defence employment, or
- the Ombudsman is not satisfied the conduct meets the required threshold of ‘serious abuse’ as required under the *Ombudsman Regulations 2017*.

Available responses

All reportees are assigned a dedicated Liaison Officer. The Liaison Officer works with the reportee to explain what responses are available:

- facilitating counselling through Open Arms (Veterans and Families Counselling)
- participation in the Ombudsman’s Restorative Engagement Program
- an assessment against the Government’s reparation payment framework.

Counselling

The Office can facilitate a referral for counselling through Open Arms. This service provides free and confidential, nation-wide counselling and support for all current and former members of the Australian Defence Force, who have at least one day continuous full time service.

To 31 December 2020, **65** facilitated referrals have been made to Open Arms.

Restorative Engagement

If the Ombudsman is satisfied it is reasonably likely the abuse occurred, a reportee can access the Restorative Engagement (RE) program. The RE 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—an RE Conference. The conference provides the opportunity for Defence to acknowledge and respond to an individual’s personal account of abuse.

To 31 December 2020, **137** RE conferences have been held.

Reparation payments

The Australian Government has 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 was made to the Ombudsman on or before 30 June 2022, or
- a written notice of intention to make a complaint is given to the Ombudsman on or before 30 June 2022 and the complaint is made to the Ombudsman on or before 30 June 2023, and

- the Ombudsman is satisfied the report involves the most serious forms of abuse and/or sexual assault.

Reparation payment decisions

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.

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 review decision-maker may not make a less favourable decision, but may vary the decision on any aspect of the matter. They cannot recommend a lower payment than originally proposed in the preliminary view, but may decide to recommend a higher payment or uphold the preliminary view.

Reparation payment recommendations to Defence

To 31 December 2020, we sent 953 reparation payment recommendations to Defence, of which 881 were considered and accepted in full, and one was partially accepted. The remaining 71 recommendations are with Defence for its consideration.

To 31 December 2020, 880 payments have been made to reportees by Defence, totalling \$36,960,000.

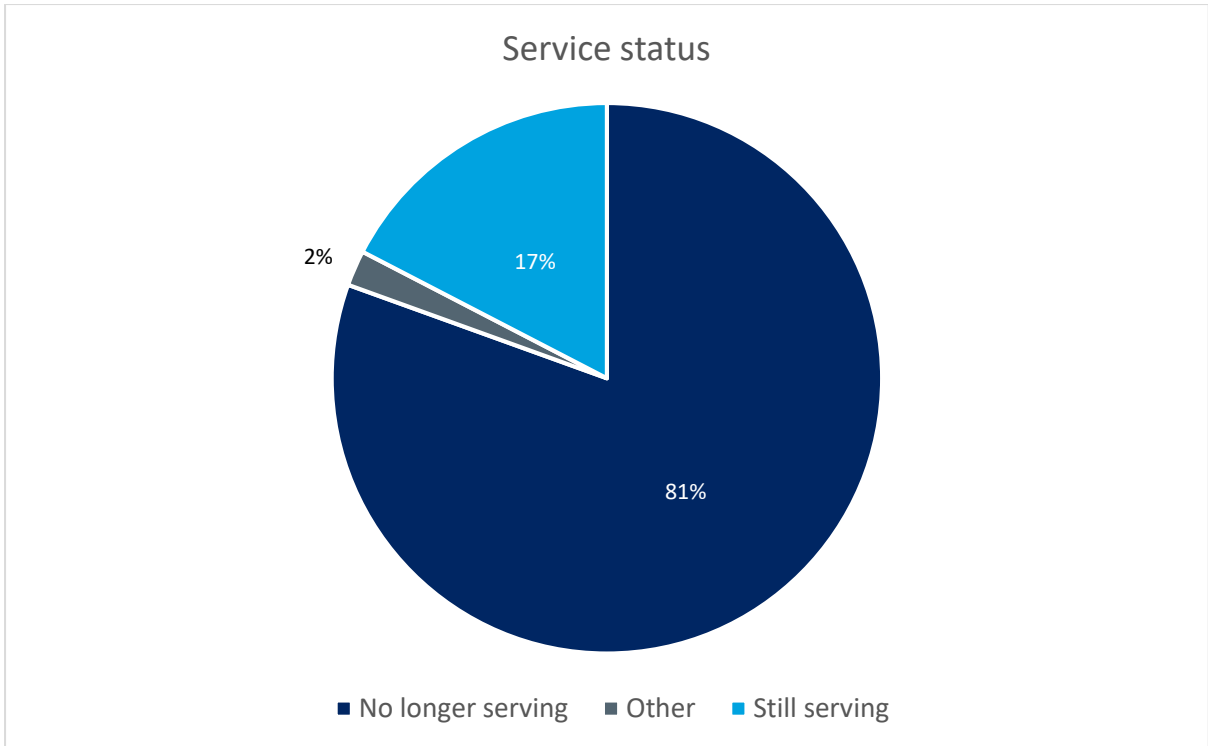
In 10 cases we recommended Defence make a reparation payment to acknowledge the abuse experienced by a reportee, but did not recommend that Defence make an additional \$5,000 payment in recognition that Defence did not appropriately respond to the abuse. In these nine cases, Defence approved the additional \$5,000 on the basis that Defence knew, or could have reasonably been aware that the abuse occurred, and did not adequately respond to it.

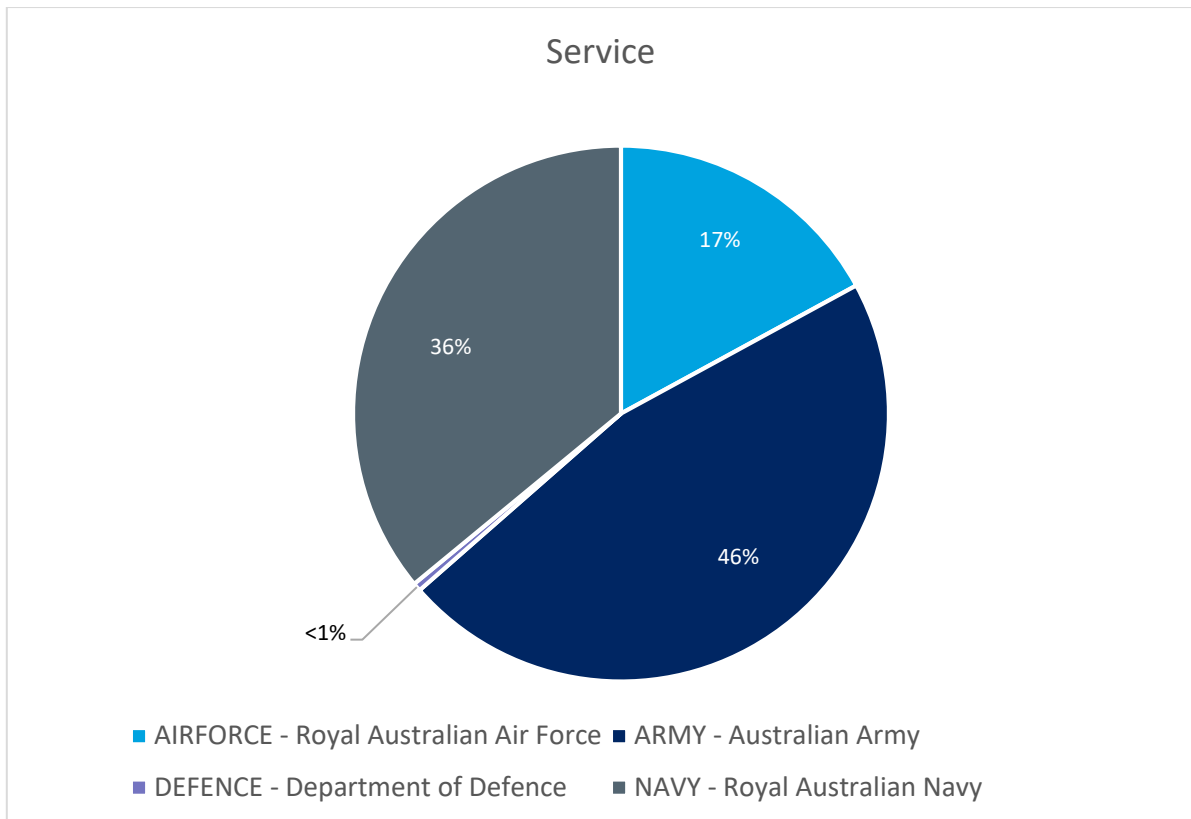
In one case the DFO and Defence disagreed on whether to pay the additional \$5,000. In the end, the decision rests with Defence, and in that one case, Defence decided the additional payment was not warranted.

Demographic data

The data below provides a breakdown of the 2058 reports received by gender, service status and service.







In some circumstances, a reportee may have served across two services and reported abuse in each (for example, within a single report of abuse, a reportee may report an incident of abuse relating to their time in the Navy and another incident from their time in the Army).

Reports received from APS employees and civilians are not within the Ombudsman's jurisdiction, unless they were deployed outside Australia in connection with Defence operations at the time of the abuse.