

Reporting abuse in Defence

Report statistics to 31 January 2024

The Office of the Commonwealth Ombudsman, within its Defence Force Ombudsman jurisdiction, is able to receive reports of contemporary and historic abuse within the Australian Defence Force under the *Ombudsman Regulations 2017*. This provides a confidential mechanism to report abuse for those who feel unable, for whatever reason, to access Defence's internal mechanisms. Abuse means sexual abuse, serious physical abuse or serious bullying or harassment which occurred between 2 (or more) people who were members of Defence at the time.

Reports of abuse received

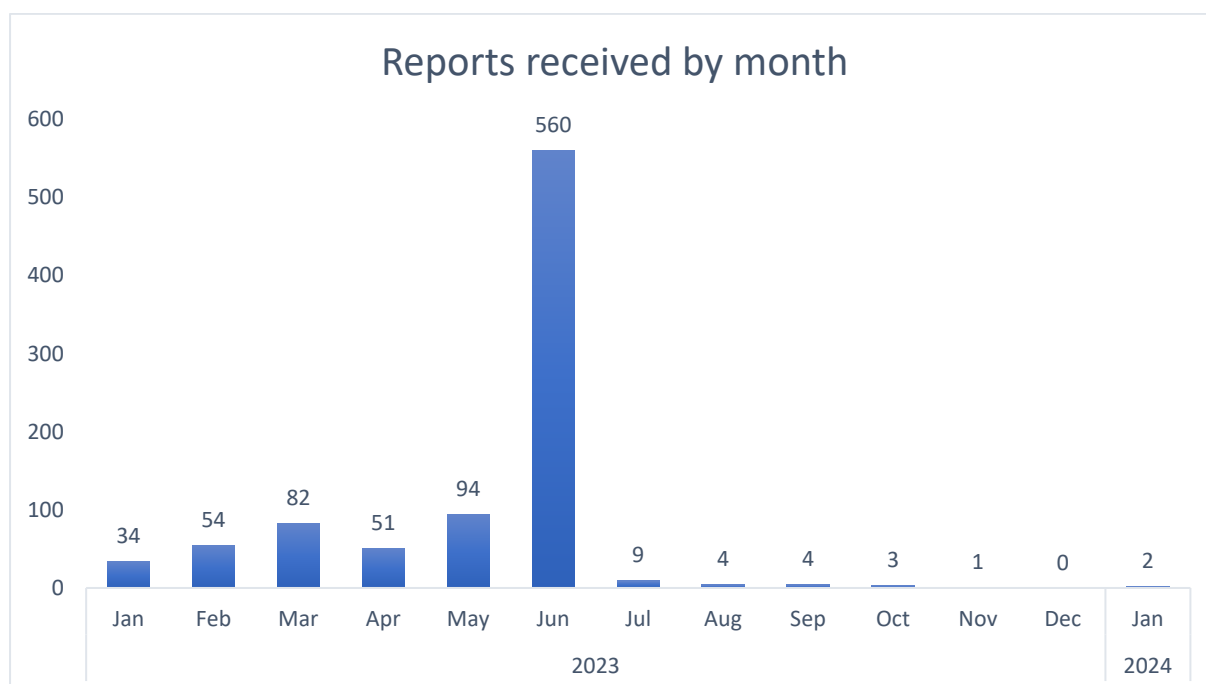
The total number of reports received since 1 December 2016 to 31 January 2024 is **4987**.

Figure 1 shows the number of reports received between 1 January 2023 and 31 January 2024. The significant decrease in new reports received from July 2023 is due to the ending of the Defence Abuse Reparation Scheme (the Scheme) on 30 June 2023.

While the Scheme is now closed to new reports of abuse, our role in administering the Scheme continues as all eligible reports received on or before 30 June 2023 are assessed for a possible reparation payment.

We will also continue to provide an independent and external mechanism for reporting abuse for Defence members uncomfortable reporting internally within Defence, respond appropriately to individual complaints, and address emerging systemic issues.

Figure 1: Reports of abuse received



Assessment decisions

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

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

- the report constitutes sexual abuse, serious physical abuse and/or serious bullying or harassment
- 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
- the abuse occurred in the course of a reportee's employment in Defence (i.e. there is/was a sufficient connection between the alleged abuse and the reportee's employment in Defence).

To 31 January 2024, the total number of assessment decisions made is **4023**.

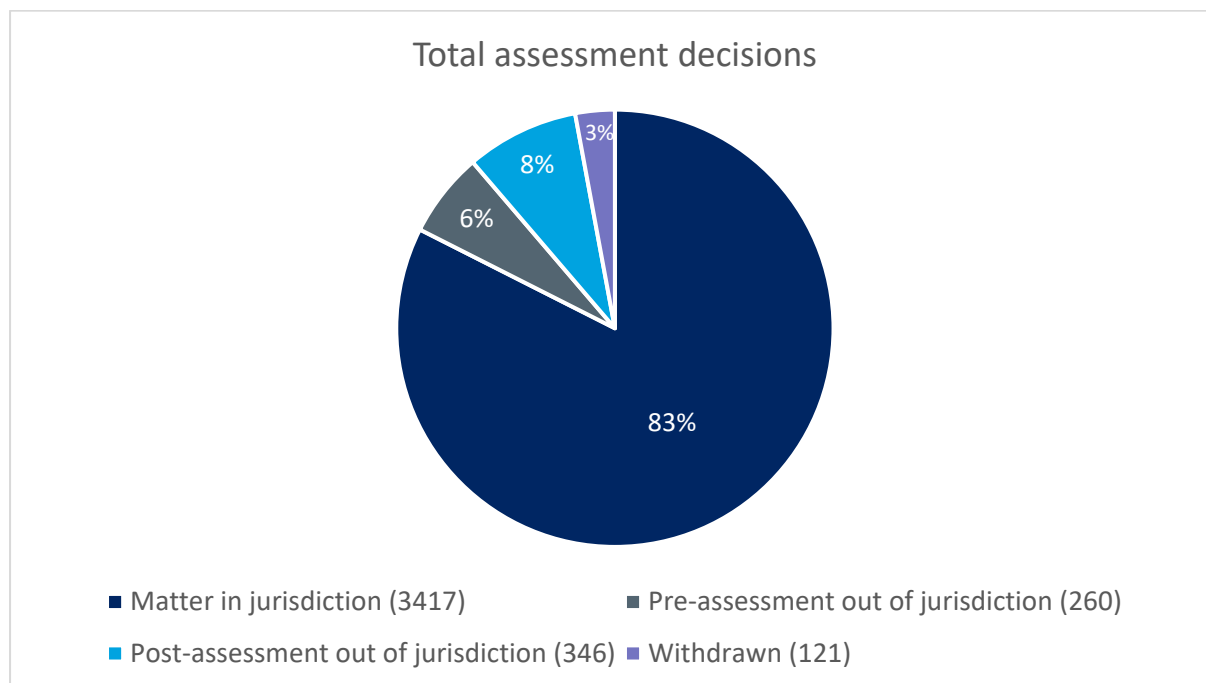
Of the **4023** reports assessed, **3417** reports have been assessed as wholly or partially within jurisdiction, while **606** reports have been assessed as out of jurisdiction. A small percentage of these 'out of jurisdiction' reports are subject to review on the request of the person making the report and may be finalised as being in jurisdiction following finalisation of the review process.

Of these 606 reports, 260 did not proceed to a full assessment, and 346 were determined to be out of jurisdiction after a full assessment process. If there is any ambiguity in the information provided at the pre-assessment stage (for example, it was not clear whether the alleged abuser was a member of Defence), the report will proceed to full assessment.

121 reports were withdrawn by the reportee and closed, as shown in Figure 2.

If part or all of a report is assessed to be out of the Ombudsman's jurisdiction, or the preliminary view is to recommend Defence make a reparation payment under the higher amount, a reportee can request a review of the preliminary view. Approximately 10 per cent of preliminary view outcomes are subject to a review request.

Figure 2: Total number of each type of assessment decisions



Of the reports that contain incident data:

- 1711 reports involved sexual abuse
- 1958 reports involved serious physical abuse
- 2715 reports involved serious bullying and harassment.

Reasons why a report has been assessed as **out of jurisdiction** (at either the pre-assessment, or post-assessment stage) 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
- the abuse did not occur in connection with the reportee's employment with Defence
- the reportee was a witness to abuse but did not directly experience abuse
- the Ombudsman is not satisfied the conduct meets the required threshold that the abuse was serious abuse and was reasonably likely to have occurred, as required under the *Ombudsman Regulations 2017*.

Reasons why a reportee requested to **withdraw** their report of abuse 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
- the abuse did not occur in connection with the reportee's employment with Defence
- the reportee was a witness to abuse but did not directly experience abuse
- the reportee decided to pursue other channels for their report (for example, a Redress of Grievance within Defence, an administrative complaint to the Defence Force Ombudsman, or a claim to the Department of Veterans' Affairs)
- the report concerned abuse occurring after 1 July 2014, or was received in 2022-2023 with no prior 'intent to report' notification, and the reportee requested withdrawal after learning there was no possible reparation payment outcome available.

Available responses

The following 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 January 2024, **104** 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 January 2024, **250** 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 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 2 possible payments which the Ombudsman may recommend:

- a payment of up to \$45,000 to acknowledge the most serious forms of abuse, or
- 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).

Of the reports that are accepted as abuse, approximately 65 per cent have received a reparation payment outcome.

Reparation payment recommendations to Defence

To 31 January 2024, **2068** payments have been made to reportees by Defence, totalling **\$86,005,000**. Of these, 2067 recommendations were considered and accepted in full, and one was partially accepted.

On 31 January 2024, Defence was considering **581** reparation payment recommendations.

Demographic data

Figures 3, 4 and 5 below provides a breakdown of the 4987 reports received by gender, service status and service.

Figure 3: Gender of reportees

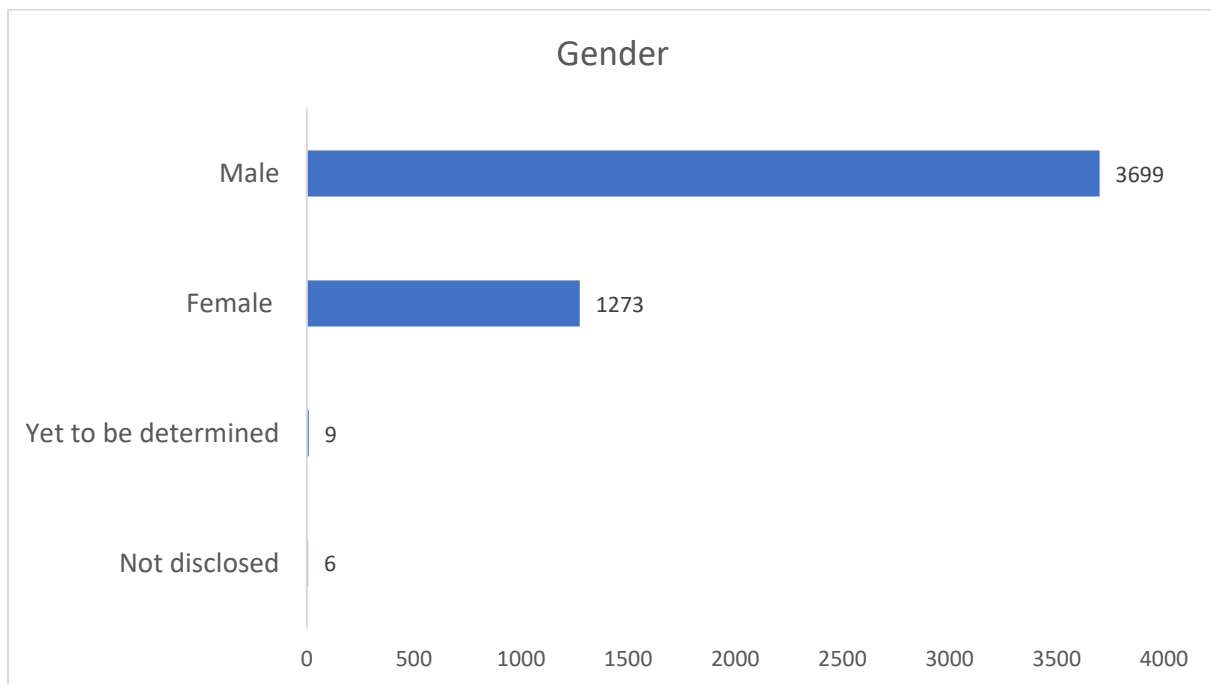
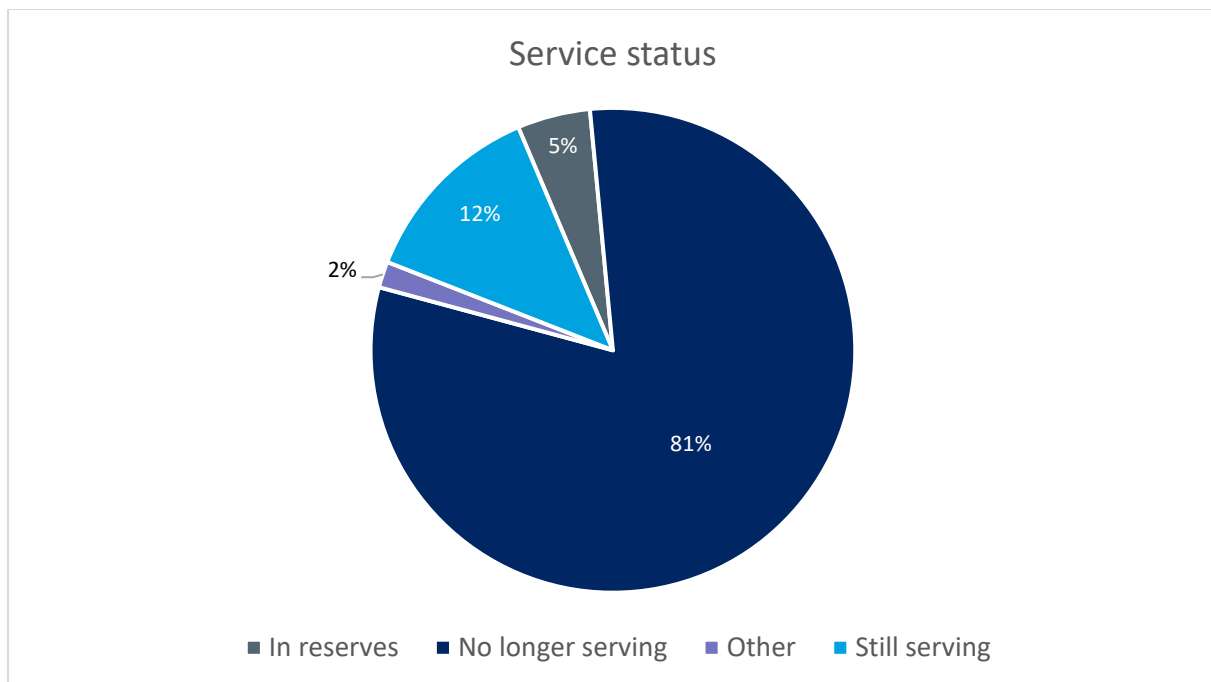
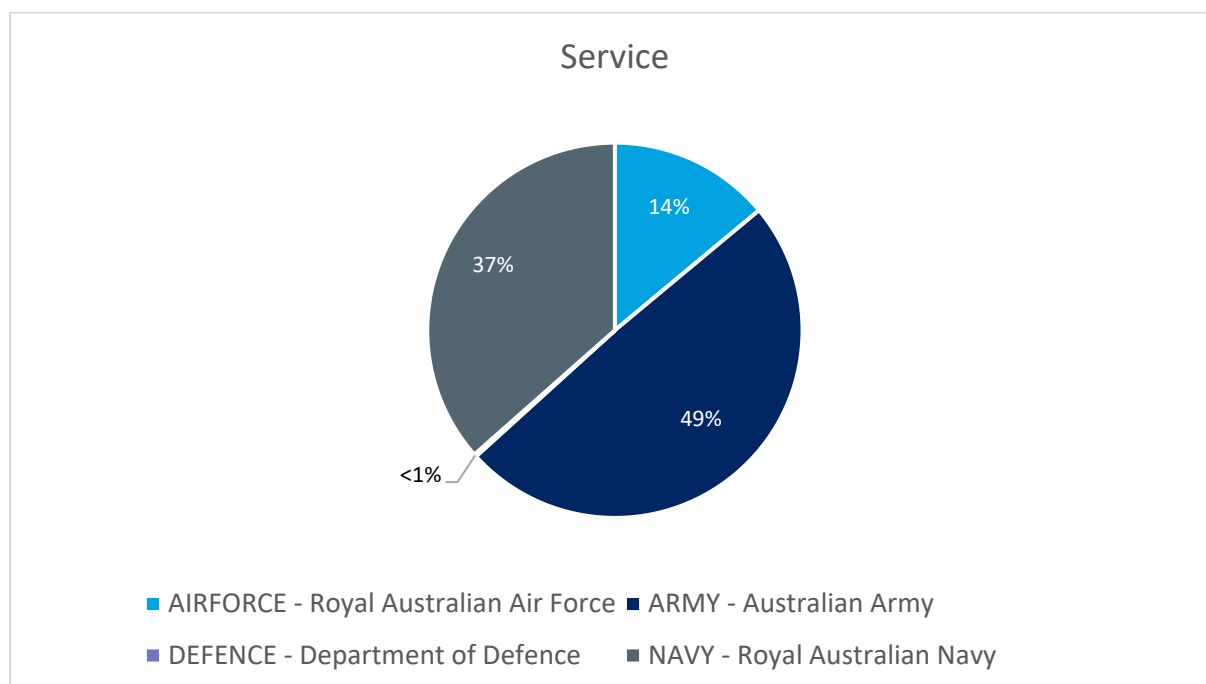


Figure 4: Service status of reportees at the time of reporting abuse to the Defence Force Ombudsman



The category 'Other' in Figure 4 includes reportees who were APS employees, never employed by Defence, or whose service status is yet to be determined.

Figure 5: Branch of Defence reportee served in at the time of an incident of abuse



In some circumstances, a reportee may have served across 2 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.