

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 are 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 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 or 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 can the Ombudsman recommend a reparation payment?

The Ombudsman can recommend that Defence make a reparation payment in response to a report of serious abuse, if:

- the abuse occurred on or before 30 June 2014
- the Ombudsman is satisfied the report involves the most serious forms of abuse or sexual assault
- the person contacts the Ombudsman's Office **by 30 June 2022** and either:
 - submits a report of abuse they experienced in Defence
 - Provides written notification that they intend to submit a report of abuse, which they must then submit by 30 June 2023.

Contact us

1300 395 776

Defenceforce.ombudsman@ombudsman.gov.au

ombudsman.gov.au

GPO Box 442
Canberra ACT 2601

The Ombudsman has offices in:

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

It is important to note that:

- If you do not submit your report of abuse or an intention to report abuse **by 30 June 2022**, you cannot receive a reparation payment.
- If you provide a written notification of your intention to submit a report of abuse, but do not submit your report **by 30 June 2023**, you will not be able to receive a reparation payment.
- As reparation payments are limited to the most serious forms of abuse and/or sexual assaults, not all reports of abuse will meet the threshold to receive a payment.

How much can be paid?

The Ombudsman may recommend Defence make either:

- 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.

The Ombudsman may also recommend an additional payment of \$5,000 if he is satisfied that Defence did not respond appropriately to the incident of abuse.

The maximum total payment the Ombudsman can recommend is \$50,000. If the Ombudsman decides not to recommend a reparation payment or recommends a payment less than the maximum amount, we will explain the reasons for the decision and give the person an opportunity to comment on the proposed decision.

A reparation payment may reduce if a person 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. 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 or other representation to apply for a reparation payment. Your Ombudsman 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 be exempt.

Need more information?

You can find out more about reparation payments in the Frequently Asked Questions (FAQs) section of 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](#).