



Australian Government

DEFENCE ABUSE RESPONSE TASKFORCE

## Defence Abuse Restorative Engagement Program

### Tenth Quarterly Report to Defence – 1 March to 31 May 2016

This Report is provided in accordance with paragraph 4.15 of the Defence Abuse Response Taskforce *Restorative Engagement Program Protocol*<sup>1</sup>. Its purpose is to provide Defence with an update on the delivery of the Defence Abuse Restorative Engagement Program.

#### General update

The Taskforce has completed all restorative engagement conferences in accordance with the current Terms of Reference. This report is, therefore, the final quarterly report to Defence.

The final face-to-face restorative engagement conference was held on 11 May 2016 and the final indirect conference processes were completed in the last week of May/ first week of June 2016. The complainants participating in the final restorative engagement conferences have included complainants with complex needs. The Taskforce appreciates the Organisational Response Unit's (ORU) assistance in organising these conferences.

As at 31 May 2016, 615 complainants have participated in a restorative engagement conference (565 face-to-face and 50 indirect). 125 (20%) of those conferences have been with complainants who are currently working in Defence (112 in the ADF and 13 in the APS).

Feedback from complainants remains overwhelmingly positive with 71% of complainants who provided feedback responding that participation in a restorative engagement conference has positively impacted their lives<sup>2</sup>.

This report includes four attachments that provide statistical and qualitative information about the Program:

- Restorative Engagement Program statistics to 31 May 2016 (**Attachment A**);
- quotations from conference participants (**Attachment B**);
- conference participant feedback survey statistics (**Attachment C**); and
- a summary of agreed conference follow-up actions (**Attachment D**).

#### Defence representatives

The Taskforce trained 352 Defence representatives to take part in the Program. 272 (77%) participated in a conference process. The reasons trained Defence Representatives haven't participated in a conference include that they were not available, for example they had been deployed overseas. 92 Defence representatives have participated in three or more conferences. Of these, 20 Defence representatives have participated in five or more conferences due to requests for specific Defence representatives of a certain gender, rank or with specific areas of responsibility.

<sup>1</sup> 8 October 2014.

<sup>2</sup> Q34, Complainant Survey statistics, Attachment C

The feedback survey return rate by Defence representatives continues to have been very high, and 82% of Defence representatives returned feedback surveys after their conference.

While some Defence representatives feel their already strong commitment to cultural change was unchanged by participation in the program, 92% report that participation in a conference has assisted them to better understand and respond to individuals reporting abuse in the future.<sup>3</sup>

### **Conference follow-up actions**

The Taskforce notes that approximately 35 complainants are still waiting for follow-up action which was committed to by the Defence Representative at their restorative engagement conference. The Taskforce will continue to liaise with the ORU to facilitate the completion of these actions before the expiry of the Taskforce.

### **Conclusion**

Although there are outstanding follow-up actions to be performed by Defence representatives, the Restorative Engagement Program is now complete and this is the final quarterly report under the joint Protocol. The Program represents a significant Taskforce and Defence achievement, which has made a substantial difference to the lives of many complainants and their families.

I would like to acknowledge the commitment made by Defence to the Program. The Defence Representatives through their participation have contributed to addressing shortcomings in dealing with abuse in Defence over the past 50 years. Participation in the Restorative Engagement Program has clearly had an effect on most of the Defence Representatives, many of whom will comprise the next 1 or 2 generations of Defence leaders, and will therefore contribute to cultural change in Defence.

However the Defence Representatives are not spread evenly across Defence and there are locations which have no Defence Representatives and therefore will not benefit from the learnings from the Program. The Taskforce will continue to liaise with relevant Defence staff, particularly in the ORU to provide information and assist Defence to move towards an internal restorative engagement program. I note that this may be influenced by any further government decision on the establishment of an independent complaints mechanism for abuse in Defence.

Finally, thank you to the ORU staff, who have very ably assisted in administering the Program.

Kirsty Windeyer  
Executive Director  
Defence Abuse Response Taskforce

3 June 2016

<sup>3</sup> Q29, Defence Representative Survey statistics, Attachment C

**Restorative Engagement Program statistics  
for conference processes completed to 31 May 2016**

Number of conferences conducted			
	Face-to-face	Indirect	Total
This quarter	34	13	47
Total to date	565	50	615

Gender of complainant	
Male	383
Female	182

Area of service of complainant at time of abuse <sup>4</sup>			
Navy	Army	Air Force	APS
201	236	110	18

Complainant's length of service					
Under 1 Year	1-5 Years	6- 10 Years	11-20 Years	Above 20 years	Not Listed
245	204	42	47	20	7

Abuse types suffered by complainants <sup>5</sup>				
Physical Abuse	Sexual Abuse	Sexual Harassment	Bullying and Harassment	Defence Mismanagement
271	265	116	409	428

Other Taskforce outcomes accessed by Restorative Engagement complainants				
Restorative Engagement conferences to date	Complainant received a Reparation Payment	Complainant accessed Counselling Program	Matter referred to CDF for possible action against alleged perpetrator/s	Matter referred to State or Territory police for possible criminal action against alleged perpetrator/s
565	564	274	45	79

Area of Service of Defence representative who have participated in a conference					
	Navy	Army	Air Force	APS	Total
Male (this quarter)	11	8	7	0	26
Female (this quarter)	3	2	0	3	8
Male (to date)	156	215	94	2	467
Female (to date)	41	32	17	8	98

Agreed follow-up actions		
	This quarter	Total to date
Conference processes resulting in follow-up action(s)	24	312
Conference processes not resulting in follow-up action(s)	10	253

Number of conferences individual Defence representatives have completed				
1 conference	2 conferences	3 conferences	4 conferences	5 or more conferences
98	82	40	32	20

<sup>4</sup> Some complainants have suffered abuse in more than one Service.

<sup>5</sup> Many complainants have experienced multiple types of abuse.

**Quotations from conference participants in this quarter  
(taken from feedback surveys provided to the Taskforce)**

**Defence representative quotations:**

28. Did participating in the restorative engagement conference process improve/change your understanding of abuse and its impacts for the ADF?

**s 47F, s 47E(d)**

**Complainant quotes:**

**s 47F, s 47E(d)**

**Support Person quotations:**

**s 47F, s 47E(d)**

s 47F, s 47E(d)

**Facilitator quotations:**

s 47F, s 47E(d)

<b>Defence representative feedback survey statistics (502 surveys returned to date – quantitative answers only)</b>			
<b>Question</b>	<b>Strongly agree/agree</b>	<b>Neither agree or disagree</b>	<b>Disagree/strongly disagree</b>
1. You were given enough information in relation to the purpose of the conference process (n=500)	496	2	2
2. You were provided information relating to the conference process and any developments throughout your participation in the Program (n=502)	497	3	2
3. You were given enough information in relation to the complainant about the context and circumstances of their experience of abuse and their interests in participating in the Program (n=501)	479	8	14 <sup>6</sup>
4. You were given enough information about what would happen at the conference (n=501)	495	5	1
5. You felt safe during the conference (n=496)	489	5	2
6. You were treated with respect during the conference process (n=494)	487	5	2
7. You were able to hear the complainant's story and the ongoing implications of this (n=496)	492	2	2
8. You were able to respond to the complainant's story genuinely (n=501)	498	2	1
9. You were given the opportunity to ask questions about and clarify the complainant's story (n=497)	487	9	1
10. Participating built your understanding of workplace abuse and its impact on individuals and organisations (n=500)	470	26 <sup>7</sup>	4
11. You felt your response was well received by the complainant (n=447)	429	14	4
12. You believed the complainant's story (n=500)	475	25	0
13. You were able to convey to the complainant that you believed their story and its implications (n=499)	497	2	0
14. You were able to convey to the complainant that the abuse was wrong and not their fault (that they were not deserving of what happened) (n=500)	488	10	2
15. You were able to validate and acknowledge the complainant's experience of abuse and its ongoing implications (n=497)	486	10	1
16. You affirmed that the abuse was wrong (n=499)	497	2	0
17. You affirmed Defence failed in its duty of care (n=498)	467	27	4
18. You censured the abuse through strong/official statements of disapproval, expressions of regret or sorrow, symbolic actions, expressions of regret; and/or an apology for what happened (n=497)	492	4	1
19. You were able to assist the complainant to reconcile their relationship/identity/reputation with Defence (n=480)	384	87	9

<sup>6</sup> Some Defence representatives noted they would have liked a complete record of the complainant's service history. The Taskforce doesn't always hold this information. Where relevant, this is addressed in the Defence representative's Briefing Pack.

<sup>7</sup> Many Defence representatives have participated in more than one conference and state their understanding is already strong.

<b>Defence representative feedback survey statistics (502 surveys returned to date – quantitative answers only)</b>				
<b>Question</b>	<b>Strongly agree/agree</b>	<b>Neither agree or disagree</b>	<b>Disagree/strongly disagree</b>	
20. You were able to be accountable to the complainant's experience through the provision of apology or other expressions of regret and sorrow (n=500)	487	8	5	
21. You were able to be accountable for what should have happened and what will happen in the future (n=493)	473	17	3	
22. Did the conference result in an agreed follow-up action between yourself/Defence and the complainant? (n=499)	<b>Yes</b>		<b>No</b>	
	278		221	
23. You believe the follow-up actions(s) were appropriate in the circumstances (n=298) <sup>8</sup>	<b>Strongly agree/agree</b>	<b>Neither agree or disagree</b>	<b>Disagree/strongly disagree</b>	
	275	18	5	
24. You believe the follow-up actions will assist the complainant to move forward (n=293)	248	38	7	
25. Do you have any concerns about what happened at the conference? (n=491)	<b>Yes</b>		<b>No</b>	
	47 <sup>9</sup>		444	
26. Participating in the conference will assist you to better understand and respond to individuals reporting abuse in the future (n=500)	<b>Strongly agree/agree</b>	<b>Neither agree or disagree</b>	<b>Disagree/strongly disagree</b>	
	463	31	6	
27. Participating in the conference affirmed your resolve to implement cultural change to eliminate abuse (n=500)	479	19	2	
28. Participating in this conference process positively impacted on your role as a Senior Officer in Defence (n=497)	478	17	2	
29. Do you think the restorative engagement process achieved what it was meant to for the complainant (n=468)	<b>Yes/ Mostly</b>	<b>Not really</b>	<b>No</b>	<b>Unsure</b>
	423	7	5	33
30. Do you think the Defence Preparatory session facilitated by the Taskforce and Defence assisted you in your participation in this conference (n=501)	<b>Yes</b>		<b>No</b>	<b>Nil response</b>
	498		1	2

<sup>8</sup> Several Defence representatives answered this question despite no follow-up actions being agreed in the conference (some responded 'strongly agree/agree' that it was appropriate not to have a follow-up action).

<sup>9</sup> The concerns raised vary. They have included concerns around complainants expectations of what could be achieved through the process. Some concerns relate to administrative or logistical matters that were either addressed when they arose, or as a result of receiving the feedback.

<b>Complainant feedback survey statistics</b> (279 surveys returned to date – quantitative answers only)			
<b>1. What motivated you to register your complaint with DLA Piper or the Taskforce? (n=214)<sup>10</sup></b>			
Achieve healing in some way	159		
To receive an apology	117		
To contribute to preventing future abuse in Defence	195		
To contribute to cultural change	168		
Have my story of abuse meaningfully acknowledged by Defence	175		
To reconnect with Defence	66		
Other	42		
<b>4. Did you achieve anything you did <u>not</u> anticipate from taking part in the conference process? (n=214)</b>			
Achieve healing in some way	77		
To receive an apology	71		
To contribute to preventing future abuse in Defence	55		
To contribute to cultural change	52		
Have my story of abuse meaningfully acknowledged by Defence	80		
To reconnect with Defence	48		
Other	37		
<b>Question</b>	<b>Strongly agree/agree</b>	<b>Neither agree or disagree</b>	<b>Disagree/strongly disagree</b>
5. You were given enough information in relation to the purpose of the restorative engagement process (n=277)	262	10	5
6. You were provided with timely information about the restorative engagement conference process and any developments throughout your participation in the Program (n=278)	268	6	4
7. You were advised of the steps leading up to a restorative engagement conference including your readiness to participate (n=278)	270	6	2
8. You were provided with the opportunity to put forward a preference for: 8A Gender Facilitator (n=273) 8B Gender Defence representative (n=267) 8C Rank and Service Defence representative (n=266) 8D Uniform (n=263) 8E Time and Location (n=261)	<b>Yes</b>		<b>No<sup>11</sup></b>
	266		7
	242		25
	242		24
	262		1
	246		15
	<b>Strongly agree/agree</b>	<b>Neither agree or disagree</b>	<b>Disagree/strongly disagree</b>
9. You were given the opportunity to nominate a support person to bring to the restorative engagement conference (n=278)	276	2	0
10. You felt well prepared by the facilitator prior to the restorative engagement conference (n=277)	269	4	4

<sup>10</sup> Some complainants nominate more than one reason.

<sup>11</sup> Despite some complainants answering no to this question, Taskforce records reflect that they were provided with the opportunity. The Taskforce reviews the ways it delivers messages to complainants to improve understanding about the Program.

<b>Complainant feedback survey statistics</b> (261 surveys returned to date – quantitative answers only)				
<b>Question</b>	<b>Strongly agree/agree</b>	<b>Neither agree or disagree</b>	<b>Disagree/strongly disagree</b>	
11. You were consulted about and had input into the structure/plan for how the restorative engagement conference would unfold (n=277)	264	9	4	
12. You felt safe during the restorative engagement conference (n=278)	270	6	2	
13. You felt supported by the Facilitator during the restorative engagement conference (n=277)	270	7	0	
14. You were treated with respect during the restorative engagement conference (n=278)	277	1	0	
15. You were given the opportunity to tell your story of abuse in a way you were comfortable with (n=277)	274	2	1	
16. You were given the opportunity to tell of the impacts of your experience of the abuse (n=277)	269	5	3	
17. The conference provided an opportunity for you to speak to all of what you wanted to say (n=275)	253	9	13	
18. You felt listened to during the restorative engagement conference (n=277)	261	9	7	
19. Your story was responded to by the Defence rep with validation of what occurred (n=277)	269	6	2	
20. Your story was responded to by the Defence representative with acknowledgement of the abuse and its implications (n=272)	260	9	3	
21. You felt believed by the Defence representative in relation to your story (n=275)	262	9	4	
22. The Defence rep acknowledged that what happened to you was wrong and not your fault (n=276)	268	7	1	
23. You feel your relationship/reputation/identity with Defence has been repaired/reconciled (n=275)	266	5	4	
24. You were pleased with how the Defence representative responded to your story (n=267)	124	89	54	
25. The Defence representative was accountable to your experience of what happened through expressions of regret, sorrow and/or apology (n=211)	199	9	3	
26. The Defence representative expressed strong disapproval for what happened (n=272)	258	12	2	
27. The Defence representative accounted for what should have happened and demonstrated an obligation on Defence to respond more appropriately to abuse in the future (n=275)	258	15	2	
28. If you had an agreed follow-up action were you pleased with content of it? (n=279)	<b>Yes</b>		<b>No</b>	
	155		12	
29. In general, how do you think the restorative engagement conference process has impacted on your life? (n=260)	<b>Mostly positive/ some positive impacts</b>	<b>Some negative / some positive</b>	<b>Some negative impacts</b>	<b>Mostly negative impacts</b>
	196	52	6	6

<b>Support Person Feedback Survey statistics</b> <b>(168 surveys returned to date – quantitative answers only)</b>				
<b>Question</b>	<b>Strongly agree/agree</b>	<b>Neither agree or disagree</b>	<b>Disagree / strongly disagree</b>	
1. You were given enough information in relation to the purpose of the conference process (n=165)	159	3	3	
2. You were provided with information about the conference process and any developments throughout your participation in the Program (n=162)	156	3	3	
3. You were advised of the steps leading up to the conference including your readiness to participate (n=159)	153	3	3	
4. You felt safe during the conference (n=164)	164	0	0	
5. You were treated with respect during the conference (n=166)	166	0	0	
6. The complainant was able to speak to their story and of the ongoing implications of this (n=166)	165	0	1	
7. You were given an opportunity to speak about your observations of the impact of the abuse for the complainant and your own experience of this (n=155)	151	0	4	
8. You were given the opportunity to speak during the conference (n=165)	163	0	2	
9. You feel that the Defence representative believed the complainant's story (n=164)	164	0	0	
10. The Defence representative was able to convey to the complainant that they believed their story and the implications for them (n=162)	162	0	0	
11. The Defence representative was able to convey to the complainant that the abuse was wrong and not their fault (that they were not deserving of what happened) (n=162)	161	0	1	
12. The Defence representative validated and acknowledged the complainant's experience of abuse and its ongoing implications (n=165)	163	0	2	
13. The Defence representative affirmed the abuse was wrong (n=166)	166	0	0	
14. The Defence representative was able to express their disapproval of the abuse through an apology or expression of regret and sorrow (n=166)	164	0	2	
15. The Defence representative was able to assist the complainant to reconcile their relationship/identity/reputation with Defence (the complainant was not to blame for what happened) (n=144)	142	0	2	
16. The Defence representative was accountable to the complainant's experience through the provision of an apology or other expressions of regret and sorrow (n=158)	157	0	1	
17. The Defence Rep was accountable for what should have happened and what will happen in the future (n=142)	137	0	5	
18. You believe the follow up action(s) were appropriate in the circumstances (n=123)	106	16	1	
19. In general, how do you think the conference has impacted/benefited the complainant? (n=158)	<b>Mostly positive/ some positive</b>	<b>Some negative / some positive</b>	<b>Some negative impacts</b>	<b>Mostly negative impacts</b>
	105	14	0	2
20. In general, how do you think the restorative engagement process has impacted/benefited you? (n=156)	96	17	0	0

## **Agreed follow-up actions to date (by type)**

### Apology/acknowledgement letters and other correspondence from Defence

- Letter of apology, acknowledgement and recognition from Defence representative/Chief of Service/on behalf of Service to the complainant/complainant's family members.
- Letter to the Deputy Chief of Service outlining the ongoing distress and disadvantage caused to the complainant.
- Letter to the Deputy Chief of Service outlining how processes could be improved.

### Records (service records, medical records, personnel files, other records)

- Assisting the complainant with an application for review of classification of discharge.
- Investigating amendment to service records of complainants where information has been inaccurately recorded.
- Investigating the possibility of documents relating to the complainant's alleged abuse, and letter of apology, being added to National Archives file.
- Investigating Defence acknowledging and accepting certain medical diagnoses in consideration of fitness for service and/or discharge.
- Assisting complainant to access documents including: service history transcript, certificate of service, discharge records, court records and other documents.
- Tasking the Army history unit to search historical records and provide feedback to the complainant.
- Investigating the process which occurred regarding complainant's demotion.

### Medals/recognition

- Recognition and acknowledgement of qualifications (for example, Navy Diving qualifications, marksmanship, task book qualifications, and heavy vehicle licence).
- New and replacement ADF honours, awards and symbols of recognition being given to complainants (for example, Australian Defence Medal, s 47F, s 47E(d) s 47F, s 47E(d) coin and artillery cases as mementos) and information regarding those honours (for example, s 47F, s 47E(d)).
- Investigating whether medals can be issued to others associated with the complainant (for example, s 47F, s 47E(d)).
- Investigating and progressing the complainant receiving an award/honour (including commissioning certificate, certificates of promotion, s 47F, s 47E(d) and recognition of s 47F, s 47E(d)).

### Uniform

- Investigating the possibility of providing complainants with a number of different uniform items (for example, jacket, polo shirt, stickers, dog tags, and slouch hat).

### Contribution to cultural change

- Complainants being given the opportunity to contribute to Pathway to Change and ongoing cultural change within the ADF via a number of avenues, and being updated/informed of such efforts (for example, direct consultation on learning outcomes; use of de-identified personal accounts and case studies of abuse in a variety of types of training materials; donation of the complainant's personal correspondence to training centre, speaking directly to other Defence members<sup>12</sup>).
  - Investigating the potential for Defence representatives to participate in training at Officer Training School, drawing on what they had learned about abuse through participation in the Program.
  - Reporting on changes in complaints handling procedures.
  - Defence representative to look into whether support is provided to families of victims during complaints of sexual and unacceptable behaviour. If there are not any, will enquire about instituting such supports.
  - Review Enquiry Officers training and Pre-command course with a view to: raise awareness of unconscious bias (homophobia), handling enquiry outcomes, and approachability when dealing with complaints.
  - Pursue provision of and provide updates on cultural change to victims of abuse in ADF association.
  - **s 47F, s 47E(d)**
- 
- Undertaking to inform the complainant of what the current procedures are for people suffering from PTSD and mental illness during and after discharge from service.

### Reconnection with Defence (including tours of Defence establishments)

- Enabling and/or escorting complainants and/or family/friends to view particular Defence bases, training establishments and Defence detention facilities.
  - Arranging for a complainant to attend a **s 47F, s 47E(d)** as the Defence representative's guest.
  - Exploring the possibility of complainant accessing the relevant **s 47F, s 47E(d)** to complete **s 47F, s 47E(d)**.
  - Attempting to locate a specific publication (**s 47F, s 47E(d)**) for the complainant.
  - Providing the complainant with a duty statement or job specification for their trade.
  - Investigating the possibility of retrieving photographs **s 47F, s 47E(d)**
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- Arranging for recordings of the military band to be provided to the complainant.
  - Investigate possibility of providing complainant with **s 47F, s 47E(d)**
  - Investigating potential Defence career options for complainants.
  - Exploring the possibility of complainants marching on ANZAC Day.
  - Providing the complainant with the contact details of a particular officer to enable the complainant to thank them for their protective support to the complainant after the incident of abuse.
  - Organise a representative from the ADF to walk with the complainant's family member in the ANZAC Day parade.

<sup>12</sup> The Taskforce and the ORU have reinforced with Facilitators and Defence representatives that Defence's position is that complainants cannot participate directly in training and related activities.

- Investigating the possibility of retrieving photographs of the complainant during their time of service.
- Provide complainant with the Navy values and signature behaviours.

Other<sup>13</sup>

- Exploring how abuse found plausible by the Taskforce may influence DVA considerations.
- Requesting DVA review the ongoing requirements for psychiatric assessment of affected ex-service people.
- Investigating the role of SEMPRO and DVA in responding to current complaints of sexual assault in Defence, and what training DVA staff have in relation to handling past complaints of sexual assault.
- Investigating the eligibility for the complainant's unit to be recognised for their service **s 47F, s 47E(d)**
- Undertaking to investigate circumstances relating to alleged abusers.
- Undertaking to investigate how a formal complaint may be made against an alleged abuser.
- Undertaking to inform the appropriate authority of the impact on the complainant having to tell their story every year to a GP in order to continue to receive DVA pension.
- Provide contact details of SEMPRO Case study project to complainant.
- Assistance with joining the Army Reserves
- Assistance with investigating the circumstances of dismissal and request to be informed of findings.

<sup>13</sup> The Taskforce has reinforced with both Facilitators and Defence representatives that follow-up actions involving a third party (such as DVA or the Taskforce) are inappropriate within the context of the Program.



## **DEFENCE ABUSE RESPONSE TASKFORCE**

### **RESTORATIVE ENGAGEMENT PROGRAM PROTOCOL**

The Restorative Engagement Program, (the Program) is an innovative program developed by the Defence Abuse Response Taskforce (the Taskforce) in cooperation with the Australian Defence Organisation (Defence).

This Protocol records the arrangements reached by Defence and the Taskforce for Defence participation in the Restorative Engagement Program.

#### **1. COMMENCEMENT AND TERM**

1.1 This Protocol comes into effect immediately and continues until 30 June 2016, unless varied or terminated earlier by mutual agreement.

#### **2. BACKGROUND**

2.1 The Taskforce will offer the Restorative Engagement Program as one of the outcomes available to complainants who advise they wish to participate in the Program, and who are assessed as ready and suitable for such participation. Those participants will have satisfied the Taskforce that they have suffered plausible incidents of sexual or other forms of abuse in Defence, in accordance with the Taskforce's Terms of Reference.

2.2 Defence has agreed that suitable,<sup>1</sup> senior ADF members and senior public service employees of the Department of Defence will participate in the Restorative Engagement Program as representatives of Defence (Defence representatives).

#### **3. OBJECTIVE AND GUIDING PRINCIPLES**

3.1 The objective of the Restorative Engagement Program is to allow complainants' personal accounts of abuse to be heard, responded to and acknowledged by Defence.

3.2 A secondary objective of the Program is to enable a broader level of insight into the impact of abuse on complainants. This insight is critical to achieving cultural change in Defence.

3.3 The Restorative Engagement Program has been developed taking into account academic and practical learning and experience gained in the area of restorative practice.

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<sup>1</sup> A variety of factors and considerations are taken into account in the selection and preparation of Defence representatives for participation in the Program. These considerations include the assessment of the particular dynamics of a matter and other factors as set out in paragraph 21 of the Joint Directive; for example: the gender, service history, rank and experience of the Defence representative and an assessment of any perceived or actual conflicts of interest.

3.4 The Taskforce and Defence agree that the Restorative Engagement Program must be guided by the following principles:

- any action taken under the Restorative Engagement Program or this Protocol must have regard to the principle that no further harm is to be caused to complainants
- the confidentiality and privacy of complainants is of paramount importance
- at any time when the consent of a Complainant is sought in the Restorative Engagement Program, that consent must be fully informed and freely given, and
- all parties taking part in the Restorative Engagement Program must have a clear understanding of their role in the Restorative Engagement Conference Process and a realistic appreciation of what it can provide.

#### **4. ARRANGEMENTS RELATING TO THE RESTORATIVE ENGAGEMENT CONFERENCE PROCESSES**

4.1 Most Restorative Engagement Conferences between complainants and Defence representatives are expected to take place at a face-to-face meeting convened by a specially trained and Taskforce accredited Facilitator. In some cases, the Restorative Engagement Conferences may be facilitated indirectly, by telephone, videoconferencing, email or letter.

4.2 The role of the Defence representative in the Restorative Engagement Conference is:

- to hear, acknowledge and respond to the personal account of abuse and its implications experienced by the complainant, and eh
- to respond through appropriate expressions of regret, apology or other tangible or symbolic action.

4.3 All Defence representatives nominated to participate in the Restorative Engagement Program will attend a preparatory briefing session developed and delivered by the Taskforce, prior to their participation in any Restorative Engagement Conferences.

4.4 An ADF member participating in a Conference as a Defence representative will wear uniform unless requested not to do so.

4.5 The Taskforce will:

- consult the complainant about his or her preference (if any) as to the Defence representative to participate in a particular matter, and
- consult with Defence on the most suitable, available Defence representative, taking the Complainant's preferences into account, noting that the Taskforce has ultimate responsibility in relation to who will participate in a particular conference.

4.6 Prior to the Restorative Engagement Conference taking place, the Taskforce will:

- provide a Briefing Pack to the nominated Defence representative for the particular matter, including the name of the Facilitator, and
- provide information about follow-up actions the complainant has identified that may be requested by the complainant in the Conference.

4.7 Prior to the Restorative Engagement Conference, the Facilitator, having met first with the complainant to determine his or her interests and needs in participating in the Program, will then:

- liaise directly with the nominated Defence representative's office<sup>2</sup> in relation to his or her preparation for the Conference (dates, times and locations for the Pre-Conference Meeting and Conference)
- conduct the Pre-Conference Meeting with the Defence representative
- provide further, more detailed information to the Defence representative in relation to the complainant's interests in participating in a Conference, including:
  - the circumstances of the abuse and its implications for the complainant
  - any wishes the complainant may have in relation to possible requests for follow up actions
  - explaining the *Consent for Participation* form with the Defence representative prior to their giving written consent to participate in the Restorative Engagement Conference in accordance with the terms of that form, and
  - confirming the arrangements for the Restorative Engagement Conference (participants, date, time and location).

4.8 The Restorative Engagement Conference will be confined to the allegations of abuse (and the consequences of these) that have been assessed by the Taskforce as 'in scope' and 'plausible'. Where the complainant seeks to raise a matter assessed as *out of scope* or *not plausible*, the Facilitator will advise the complainant on how he or she may deal with that matter otherwise than through the Restorative Engagement Conference. The Facilitator may adjourn the Conference at this point to discuss this.

4.9 Neither the Defence representative, complainant nor Support Person will make any record (including handwritten, audio recording or electronic record) of the Restorative Engagement Conference, except:

- where the complainant agrees to the making of such a record and/or Defence is aware that the record is being made
- where the Facilitator prepares a written *Record of agreed follow up action(s)* at the conclusion of the Conference, or
- where the Defence representative, complainant or Support Person provide written feedback for evaluation purposes in the form of a questionnaire developed by the Taskforce and provided to participants by the Facilitator.

4.10 At the conclusion of the Conference, in relation to any agreed follow up actions, the Facilitator will:

- make a written record of the agreed follow up actions, using the *Record of agreed follow up action(s)* form and ensure both the complainant and the Defence representative sign it<sup>3</sup>, and

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<sup>2</sup> All documentation and information associated with the Defence representative's participation in the Program is to be handled on a strict 'in confidence' and 'need to know basis'. All information must be kept secure and confidential and must not be disclosed to any person without the authorisation or direction of the Defence representative.

<sup>3</sup> The *record of agreed follow up action(s)* form requires the Complainant to provide personal details, (name and contact details) and their consent, so that Defence can action the *agreed follow up action(s)*. This may require Defence accessing the complainants records held by Defence and may involve Defence contacting the complainant to implement the *agreed follow up action(s)*.

- provide the Taskforce with the *Record of agreed follow up action(s)* within 7 days of the Conference.

4.11 Defence and each Defence representative will:

- ensure that any Restorative Engagement Program documents relating to a complainant's and a Defence representative's participation in a Conference are kept securely and confidentially and that access is strictly limited to people who have a need to know, and
- at the conclusion of the Conference, return the Briefing Pack and all documents and information (including all copies) relating to the complainant and the Conference to the Facilitator.

4.12 After the Restorative Engagement Conference, the Facilitator will provide a report to the Taskforce:

- setting out details of the time, duration, date and location the Conference was held
- advising the names of the parties (including any Support Person) attending the Conference and the rank, title or position of the Defence representative in attendance
- enclosing the original copy of any *Record of agreed follow up action(s)* agreement reached at the Conference, and
- advising the Taskforce of any other relevant matters or issues requiring the Taskforce's further attention or follow up.

4.13 Following the Restorative Engagement Conference, the Taskforce will:

- provide a copy of the *Record of agreed follow up action(s)* to the ORU (and the complainant) usually no later than two weeks after the Conference.

4.14 Defence, through the ORU, will:

- provide a copy of the *Record of agreed follow up action(s)* to the Defence representative (where the Defence representative is directly involved in facilitating the outcomes in the *Record of agreed follow up action(s)*)
- initiate the implementation of, and monitor the task(s) contained in, the *Record of agreed follow up action(s)*, and
- advise the Taskforce, through the Defence Liaison Unit on the completion of the agreed follow up action(s).

4.15 The Taskforce will provide a quarterly (de-identified) report to Defence in relation to Restorative Engagement Conferences and other relevant information in relation to the Restorative Engagement Program more generally.

4.16 The Taskforce and Defence agree that the Restorative Engagement Program Framework, the Joint Directive (issued by the Chief of Defence Force and the Secretary, Department of Defence) and the Defence representative Preparatory Session Support Pack, outline other, more detailed aspects of Defence's role and participation in the Restorative Engagement Program. The Framework and Support Pack have been developed in consultation with Defence and include specific details, for example, on:

- the role of Defence representatives in the Restorative Engagement Program

- the factors assessed in relation to the participation of a Defence representative in a particular matter
- how appropriate locations for Conferences will be identified, and
- the preparation process that occurs prior to the Defence representative's involvement in a Restorative Engagement Conference.

## 5. CONFIDENTIALITY AND REPORTING BY DEFENCE

5.1 The Defence representative will keep all personal information and documents disclosed and any statements made during the Conference Process confidential. This does not apply to personal information about the complainant if the complainant fully and freely consents to disclosure or publication of that information and then use, disclosure or publication must be only to the extent allowed by the terms of that consent.

5.2 The *Consent for Participation* form signed by a complainant provides that any statement, admission, apology, or concession made by a Defence representative in the Restorative Engagement Conference Process or arising from a follow up action, is not an admission of any legal liability.

5.3 Where a complainant makes it clear (verbally or in writing) at any stage of the Restorative Engagement Conference Process that he or she does not want his or her complaint to be investigated or for any further action to be taken by Defence in relation to it, Defence will maintain confidentiality of the information provided by the complainant unless and then only to the extent that:

- a. there is a serious or imminent threat to human life or safety, or
- b. disclosure is required by law.

5.4 Except in an emergency situation, Defence will consult with the Taskforce's Defence Liaison Unit about the steps to be taken to meet the requirements set out in paragraph 5.3 in any case where some level of disclosure is required and will inform the Taskforce of the result. Where possible, the Taskforce will inform the Complainant of the disclosure and outcome.

Signed by the Hon Len Roberts-Smith RFD, QC  
Chair, Defence Abuse Response Taskforce

S 47F

08 Oct 2014

Signed by Air Chief Marshal Mark Binskin, AC  
Chief of the Defence Force

S 47F

11 SEP 2014

Signed by Mr Dennis Richardson, AO  
Secretary  
Department of Defence

S 47F

6 Oct 2014

Defence  
Abuse  
Response  
Taskforce

27 March

2014

This document sets out the framework for the Restorative Engagement Program for complainants who have made plausible allegations of abuse to DLA Piper and the Defence Abuse Response Taskforce. It has been revised following the completion of Phase 1 of the Program.

Restorative  
Engagement  
Program  
Framework



## **1. Executive Summary**

- 1.1. The Restorative Engagement Program (Program) has been developed by the Defence Abuse Response Taskforce (Taskforce) as part of the Government's response to the *DLA Piper Review into allegations of sexual and other abuse in Defence* which was announced on 26 November 2012, in which it was recommended there be provision of a restorative-based process for complainants.
- 1.2. The Framework is the model of restorative engagement adapted by the Taskforce to meet the Government's objectives and the needs of the particular circumstances of complainants to the Taskforce. The Framework is underpinned by the best practice principles and values of restorative practice and mediation. These principles and values include '*do no further harm*', confidentiality, and privacy. The Program is available to complainants who have made plausible allegations of abuse to the Taskforce, and who are found suitable and ready for participation in the Program. "Abuse" means physical or sexual abuse, sexual harassment and workplace harassment and/or bullying.
- 1.3. The Program provides complainants with an opportunity to tell Defence their personal account of abuse, and its impact on their lives. It also provides an opportunity for Defence to acknowledge abuse and harm, and to respond to individual cases. Allegations of abuse which have been found by the Taskforce to be plausible will not be disputed by Defence in a Restorative Engagement Conference Process.
- 1.4. Complainants who participate in the Program can also seek resolution through the other outcomes offered by the Taskforce. Those other outcomes are financial reparation, counselling, referral of appropriate matters for criminal investigation and/or possible prosecution, and the referral of appropriate matters to Defence for consideration of appropriate military justice or administrative sanctions.
- 1.5. The Australian Defence Force and Department of Defence have been consulted about, and cooperated in the development of, the components of the Framework that are specific to their participation.
- 1.6. This Framework has been revised following the completion of Phase 1 of the Program, which ran from October to December 2013. Phase 1 was evaluated by an independent academic. This revised Framework is strengthened by the key findings of that evaluation.

## **2. Background to the establishment of the Restorative Engagement Program**

- 2.1. Following media reports of allegations of sexual misconduct involving ADFA cadets in April 2011, the Minister for Defence, the Hon Stephen Smith, announced that a number of inquiries would be commenced into:
  - allegations of sexual and other abuse
  - the adequacy and appropriateness of Defence responses to allegations of abuse, and

- systemic cultural issues within Defence.
- 2.2. On 6 May 2011, the Minister for Defence announced that DLA Piper would conduct a review and investigate the management of allegations of abuse within Defence. On 26 November 2012, the Minister for Defence announced the establishment of the Defence Abuse Response Taskforce to implement the DLA Piper recommendations.
- 2.3. The DLA Piper Review identified plausible allegations of abuse from 775 people which fell within the Review's Terms of Reference. Those allegations were made in respect of incidents which occurred in each decade from the 1950's. The earliest year of alleged abuse was 1951.
- 2.4. The Government's response to the DLA Piper Review seeks to ensure that those who have alleged abuse in Defence receive a response that is appropriate to their individual circumstances and the nature of their experiences.
- 2.5. The response included:
- an apology to all those current and former Australian Defence Force personnel and Defence Australian Public Service employees who have suffered sexual or other forms of abuse in the course of their employment. The apology was delivered in Parliament by the Minister for Defence on 26 November 2012
  - an apology on the same day by the Chief of Defence Force, General David Hurley AC DCS, acknowledging the suffering of those current and former ADF personnel and Department of Defence employees who experienced sexual or other forms of abuse in the course of their employment or service, and a commitment to assist the Government to implement the responses to that abuse that the Government was putting in place, and
  - the establishment of an independent Taskforce (the Taskforce) to assess the individual complaints and any wider systemic issues to be headed by the Hon Len Roberts-Smith QC RFD. The Taskforce's Terms of Reference are at **Appendix A**.
- 2.6. In addition to the Taskforce Chair, the Taskforce includes a leadership group comprising the following members:
- Mr Robert Cornall AO, former Secretary of the Attorney-General's Department
  - Ms Susan Halliday, former Federal Sex Discrimination Commissioner, and
  - Rudi Lammers APM, Australian Federal Police Assistant Commissioner (ex-officio).
- 2.7. The Taskforce is required to consider and respond to all complaints referred to it from the DLA Piper Review and all new complaints of abuse received by the 31 May 2013 cut-off date.

2.8. The individual allegations, findings and issues raised by complainants are serious and concerning. They involve complex and sensitive matters which have required careful and extensive consideration.

2.9. As a result, the Taskforce has developed a range of outcomes which are offered to complainants, when they are appropriate to the individual's circumstances, to assist in reaching some resolution to the abuse they have suffered. Those outcomes are:

- participation in the Restorative Engagement Program
- referral to counselling
- reparation, to a maximum of \$50,000
- referral of appropriate matters to police for consideration and possible investigation and prosecution, and
- referral of appropriate matters to Defence for consideration of the military justice system or administrative sanctions.

### **3. Restorative Engagement Program Framework**

#### **3.1. Introduction**

3.1.1. This Framework outlines the model of restorative practice developed by the Taskforce to meet the unique needs of the complainants to the Taskforce. The Framework sets out the background, rationale, principles and processes that inform the Program. The Framework is underpinned by the best practice principles and values of restorative practice and mediation. These principles and values include '*do no further harm*', confidentiality, and privacy.

#### **3.2. Overview**

3.2.1. The Program provides an opportunity for those who have made plausible allegations of abuse within Defence to participate in a restorative process that allows their personal account of abuse to be heard, responded to and acknowledged by Defence.

3.2.2. The Taskforce has established the Program as a means of addressing directly the harm, and the implications caused by these instances of abuse on complainants.

3.2.3. The Program combines many of the core principles which inform both the practice of restorative justice in the criminal justice system and of mediation, with specific consideration to restorative practice in the context of allegations of sexual abuse.

3.2.4. The key criteria for and requirements of the Restorative Engagement Program are that:

- any matter being referred to the Program contains plausible allegations of abuse (which may or may not be criminal in nature)

- a senior Defence representative will participate in each Restorative Engagement Conference Process
- all Restorative Engagement Conference Processes will be organised by the Taskforce, and facilitated and conducted by Restorative Engagement Program facilitators who are accredited by the Taskforce to facilitate Restorative Engagement Conference Processes
- although face-to-face conferences will be the primary mode of the Restorative Engagement Conference Process, in some cases, a process may be conducted indirectly, for example by telephone, email or letter, and
- participation in the Program is not linked to or dependent on any other outcomes offered to participants and, in particular, will not prevent, delay or effect criminal prosecution of or military justice or administrative sanctions against the alleged abuser where those outcomes are warranted. However if complainants wish to pursue both criminal prosecution and restorative engagement, referral for criminal prosecution will need to occur first.

3.2.5. The Taskforce does not engage with alleged abusers, which means that alleged perpetrators do not participate in the Program.

### ***3.3. Developing a unique approach***

3.3.1. In evaluating what appropriate responses may be established for complainants, the DLA Piper Review states that “a significant number of the persons who contacted the Review indicated that their primary wish is for Defence to acknowledge that abuse had occurred and to express regret for that action.”<sup>1</sup>

3.3.2. In this regard, the Review discusses a number of options, recommending the use of the core values of restorative justice and mediation in the development of a response to complainants.

3.3.3. The consequent development of the Program has been informed by a number of existing processes in restorative practice and mediation. It also draws on consultations with experts, who have facilitated sexual assault matters in a similar context to the Taskforce (such as within religious institutions and the application of international restorative justice programs that seek to address victims of gendered harms).

3.3.4. Restorative justice in the criminal justice system context has generally been used in relation to young offenders for less serious offences and as a diversion from the Court system. The idea of dialogue between victim and perpetrator is central to restorative justice processes. Its use in more serious cases, such as sexual assault, has been contentious. However, contemporary scholarship and practice indicate that, when applied with appropriate safeguards and in appropriate circumstances, a restorative process can provide an effective form of justice for victims of sexual assault.

<sup>1</sup> Report of the Review of allegations of sexual & other abuse in Defence, volume 1: Rumble, McKean & Pearce

### **3.4. Distinguishing features of the Restorative Engagement Program**

- 3.4.1. The Program design provides complainants with an opportunity to tell Defence their personal account of abuse and its impact on them. It also provides an opportunity for Defence to acknowledge abuse and harm and respond to individual cases.
- 3.4.2. The Framework draws on and adapts key features of restorative practice approaches. At the same time, it recognises that the alleged abuse occurred within a particular workplace culture which the DLA Piper Review observed had, in the main, failed to “call to account and/or rehabilitate the perpetrators of abuse.”
- 3.4.3. The DLA Piper Review Report notes that “there seems to have been a general absence of the kind of risk management methodology which the ADF applies so rigorously when other issues of safety and security arise.”<sup>2</sup>
- 3.4.4. Facilitators will be engaged to conduct Restorative Engagement Conference Processes on behalf of the Taskforce if they have been granted, and maintain, Restorative Engagement Program Facilitator Accreditation (Program Accreditation).
- 3.4.5. To be granted Program Accreditation by the Taskforce a facilitator must have demonstrated their ability to deliver facilitator services to the satisfaction of the Taskforce, including that the facilitator has demonstrated to the satisfaction of the Taskforce that they:
- have a full understanding of the Program principles and how to apply them in practice
  - possess and demonstrate the key skills required to facilitate a Conference Process under the Program, and
  - have a full understanding of the administrative processes and requirements associated with facilitating a Conference Process under the Program.
- 3.4.6. Whilst some restorative based processes often include the capacity for an agreement between the parties for outcomes to be fulfilled outside the conference setting, in developing the unique Program model for Taskforce, complainants’ participation in the Conference Process itself is intended to be the outcome for both the complainant and the Defence representative. However, where a Defence representative and a complainant agree in the conference for follow up actions to occur, the facilitator will make a record of this and have the participants sign it. The record of any agreed follow up action(s) will be forwarded to the participants by the Taskforce at the conclusion of the Conference Process.

<sup>2</sup> Page VIII, Report of the Review of Allegations of Sexual and Other Abuse in Defence, Volume 1.

3.4.7. The distinguishing features of the Program include:

- a senior Defence representative will meet with the complainant
- allegations of abuse which have been determined by the Taskforce as plausible will not be disputed by the Defence representative in a Restorative Engagement Conference Process
- the Conference Process will be conducted by a facilitator accredited, and engaged, by the Taskforce
- complainants will be provided with support in preparation for, throughout, and after the Restorative Engagement Conference process
- the facilitator will record any follow up action(s) agreed between the complainant and Defence representative during a Restorative Engagement Conference Process, and
- the Program complements other outcome options offered by the Taskforce.

#### ***4. Restorative Engagement Program Principles***

4.1 In matters where the Restorative Engagement Program is being considered or undertaken, the following principles are applied:

- engagement in the Program is **voluntary**
- a Restorative Engagement Conference Process will only be undertaken in **appropriate** cases
- the **confidentiality, privacy, safety and wellbeing** of complainants is of paramount importance throughout their participation in the Program
- **all participants** will be treated with **respect and dignity**
- **informed consent** will be obtained from participants prior to their participation in a Restorative Engagement Conference Process, and consent may be withdrawn at any time, and
- although **responsibility for harm** lies with the alleged abuser, **Defence acknowledges the importance of its role in demonstrating an effective and enduring response** to complainants by addressing their concerns in the most appropriate manner.

#### ***5. The Restorative Engagement Conference Process***

5.1. The stages involved in a Restorative Engagement Conference Process occurring are set out in the flow chart at **Appendix B**. The process is as follows:

##### ***Stage 1: Assessment by the Taskforce that Restorative Engagement is an available outcome to the complainant***

5.2. Prior to a complainant being referred to the Restorative Engagement Program:

- allegations made to the Taskforce by complainants are assessed by the Taskforce Assessment Group to establish they are in scope and plausible

- after assessment, all complainants are then referred to the Complainant Support Group who establish contact with complainants and explain the outcomes available to them, including the possibility of participation in the Program, and
- at that time a complainant may elect to have a Taskforce Case Coordinator assigned to them, who will be his or her key contact point within the Taskforce for access and referral to all outcomes, including the Program.

***Stage 2: Referral of a complainant to Restorative Engagement***

5.3. Where a complainant wishes to take part in the Restorative Engagement Program, the complainant's Case Coordinator will:

- ensure the complainant has been provided with a thorough explanation of the purpose of, and steps involved in the complainant participating in the Program,
- make all reasonable enquiries of the complainant to assist in determining their readiness to participate in the Program
- discuss with complainants any concerns or issues the Case Coordinator has identified as to the readiness of the complainant, at this point in time, to safely and constructively participate in the Program
- discuss with the complainant that they have appropriate support mechanisms in place to support their participation in the Program, and
- discuss the complainant's preferences in relation to the participants, their travel and logistical needs in relation to participation in the Program.

***Stage 3: Assessment of the matter's suitability for Restorative Engagement***

5.4. The Restorative Engagement Group assesses the information provided in the referral from the Case Coordinator, including careful consideration of the complainant's current circumstances and what they are seeking from the process, in order to make an assessment as to the suitability and readiness of the complainant for allocation of their matter to a Facilitator.

5.5. Where a complainant is assessed as suitable to be referred to a Facilitator for preparation for participation<sup>3</sup> in a Restorative Engagement Conference Process, the Restorative Engagement Group:

- identifies an appropriate Senior Defence representative
- appoints a facilitator, and
- makes the arrangements for the Conference Process to take place.

<sup>3</sup> In certain circumstances, an assessment may be made that a matter should not proceed. Complainants will be advised of the reasons and advised of alternative options where appropriate.

#### ***Stage 4: Facilitator prepares participants and facilitates the Conference Process***

5.6. Once engaged to facilitate a Restorative Engagement Conference Process, the Facilitator is responsible for ensuring the participants are properly prepared to participate, including monitoring the ongoing readiness of the complainant to take part in the Conference Process. The facilitator:

- conducts a pre-conference preparation meeting with the complainant (and their support person)
- conducts a pre-conference preparation meeting with the nominated senior Defence representative, and
- obtains the written consent from the participants to participate in the Conference Process.

5.7. The facilitator then:

- convenes the Conference Process (including recording any follow up action(s) the complainant and Defence representative agree to in the conference)
- contacts the parties within 48 hours after the conference to respond to any questions arising from the Conference Process, and
- provides a Conference Report to the Taskforce within 14 days of conclusion of the process.

5.8. With the participants' consent, the Taskforce will obtain their feedback on their participation in the Program.

### ***6. Formats for delivery of the Restorative Engagement Program***

6.1. The Restorative Engagement Conference Process will ordinarily be conducted in a face-to-face conference. However, in some cases, the Restorative Engagement Program could be delivered by an indirect exchange of information between the participants. That indirect exchange could be conducted by electronic or paper mail, telephone or other communication strategies with the facilitator as an intermediary.

6.2. The format selected for each Restorative Engagement Program will be the format which best meets:

- the physical and psychological safety of participants
- the implementation of the Program principles, and
- the desired outcomes of the participants.

### ***7. Phased Approach of the Restorative Engagement Program***

7.1. The Program is being delivered in two phases.

- 7.2. In Phase 1, a small group of highly experienced and skilled facilitators conducted Restorative Engagement Conference Processes with complainants and senior Defence leaders between October and December 2013. The Chief of the Defence Force (CDF), the Vice-Chief of the Defence Force (VCDF), the Chief of Navy, the Chief of Army and the Chief of the Air Force all participated in Phase 1, meeting personally with complainants in Restorative Engagement Conference Processes.
- 7.3. Some of the pre-conference and conferences, were (with the consent of the parties) observed by an independent external expert who presented an evaluation report to the Taskforce.
- 7.4. Following the successful conclusion of Phase 1, the independent evaluation report and feedback from participants was considered and appropriate changes were made to the Program for the implementation of Phase 2. This revised Framework is strengthened by the key findings of that evaluation.
- 7.5. Phase 2 commenced in February 2014. It is the major part of the Program. It involves potentially a thousand or so Restorative Engagement Conference Processes across Army, Navy, Air Force and the Public Service component of Defence, around Australia. The Senior Defence leaders participating in Phase 2 will, for the most part, be 3-star rank (Lieutenant General and equivalent) down to and including Colonel and equivalent.
- 7.6. For Phase 2, a large cohort of experienced facilitators are being engaged and trained by the Taskforce for the Program. An expanded cohort of senior Defence representatives are also being prepared for participation in Phase 2.

## **8. Selection of Facilitators**

- 8.1. Facilitators for the Restorative Engagement Program will be carefully selected, given their critical role in achieving outcomes for complainants and the success of the Program.

## **9. Participation of Senior Defence Officers**

- 9.1. The selection of a particular senior Defence representative to participate in the Restorative Engagement Program is the responsibility of the Restorative Engagement Program Group in consultation with Defence.
- 9.2. There will be no automatic access by a complainant to a particular Defence representative, nor can Defence stipulate a representative for a particular case.
- 9.3. Participation by senior Defence representatives in the Program will not be limited to the Chiefs of each Service, but be spread across high-level ADF leadership, for two reasons:

1. the large number of anticipated Restorative Engagement Conference Processes to be conducted across Australia means that Defence participation cannot be limited to the CDF and Service Chiefs alone; and
2. participation of a larger group of senior Defence representatives will enable a wider level of insight into the impact of abuse and the implications of this abuse for complainants, their families and the ADF. This insight is critical to understanding the issues associated with the desired cultural change across the organisation, particularly amongst the ranks of officers who will most likely become the most senior leaders of the Defence Force in the future.

9.4. The process for selecting suitable senior Defence representatives to participate in particular Restorative Engagement Conference Processes includes the following considerations:

- the rank (past or present) of the complainant
- the gender of complainant
- the type of abuse experienced
- the complainant's expressed preference for a particular officer (where considered appropriate by the Restorative Engagement Program Group) and availability of that officer
- the rank of the senior Defence representative
- the authority of the senior Defence representative to agree to and his or her capacity to deliver the outcomes sought by the complainant
- the availability of a senior Defence representative to participate in the Program, and
- the suitability of a senior Defence representative to participate in the Program.

## ***10. Cultural change in Defence***

- 10.1. The *Pathway to Change* strategy is Defence's response to the various reviews initiated by the Minister for Defence into aspects of the culture both within the Australian Defence Force Academy and the Australian Defence Force.
- 10.2. Pathway to Change also includes implementation of the recommendations of reviews into the treatment of women in ADFA and the ADF conducted by the Sex Discrimination Commissioner, Ms Elizabeth Broderick, on behalf of the Australian Human Rights Commission.
- 10.3. The Taskforce believes the Program will make a significant contribution to the needed cultural change in the ADF.
- 10.4. In addition to the Program, the Taskforce will continue to work with the Minister for Defence, the Chief of the Defence Force and the Secretary of the Department of Defence in identifying and responding to systemic and other cultural issues in accordance with the Taskforce's Terms of Reference.

***11. Review Mechanisms for the Restorative Engagement Program***

- 11.1 The Program will be regularly reviewed to ensure the continual refinement and improvement of its processes. The Taskforce will implement a range of strategies to inform continuous improvement of the Program and related processes.

Signed on 27/03/2014

By the Hon Len Roberts-Smith RFD, QC  
Chair Defence Abuse Response Taskforce

**S 47F**



## **Australian Government**

### **DEFENCE ABUSE RESPONSE TASKFORCE**

#### **APPOINTMENT OF TASKFORCE CHAIR AND TASKFORCE TERMS OF REFERENCE**

We hereby appoint the Honourable Len Roberts-Smith RFD, QC to lead the Defence Abuse Response Taskforce to operate in accordance with the following terms of reference as part of the Australian Government's response to DLA Piper's *Report of the Review of allegations of sexual and other forms of abuse in the Australian Defence Force*.

The Taskforce is to:

- (i) assess the findings of the DLA Piper review and the material gathered by that review, and any additional material available to the Taskforce concerning complaints of sexual and other forms of abuse by Defence personnel alleged to have occurred prior to 11 April 2011, the date of the announcement of the DLA Piper Review;
- (ii) include in this assessment the 24 Australian Defence Force Academy (ADFA) cases noted by DLA Piper and the cases of abuse identified by reports into physical violence and bullying at HMAS Leeuwin, and whether the alleged victims, perpetrators and witnesses in relation to these cases remain in Defence;
- (iii) determine, in close consultation with those who have made complaints, appropriate actions in response to those complaints;
- (iv) will also, as appropriate, gather additional information relevant to consideration of the handling of particular allegations eg relevant records held by Defence
- (v) take account of the rights and interests of alleged victims, accused persons and other parties;
- (vi) liaise with the Minister for Defence, Chief of the Defence Force and the Secretary of the Department of Defence on any implications of its work for Defence's 'Pathway to Change' and other responses to the series of reviews into Defence

culture and practices in particular the work done by the Sex Discrimination Commissioner into the Australian Defence Force (ADF) and ADFA;

- (vii) report to the Attorney-General and Minister for Defence every 3 months on its progress and issues arising, including whether the funding it has been provided is adequate so as to enable the Attorney-General and Minister for Defence to report to Parliament as appropriate
- (viii) report to the Attorney-General and Minister for Defence by October 2013 on whether, in what form, the Taskforce should continue in effect beyond the initial 12 month period and the funding that would be required so as to enable the Attorney-General and Minister for Defence to report to Parliament as appropriate, and
- (ix) to advise whether a Royal Commission would be merited into any categories of allegation raised with the DLA Piper review or the Taskforce, in particular the 24 ADFA cases.

The terms and conditions of the engagement by the Commonwealth of the Honourable Len Roberts-Smith RFD, QC are to be governed by an agreement between the Honourable Len Roberts-Smith RFD, QC and Roger Wilkins AO, Secretary of the Attorney-General's Department.

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.....  
**THE HON NICOLA ROXON MP**  
Attorney-General, Minister for Emergency Management

**DATED:**

3 December 2012

.....  
**THE HON STEPHEN SMITH MP**  
Minister for Defence

**DATED:**

16/12/12

***Stages for a Restorative Engagement Process to occur***

***Stage 1: Assessment by the Taskforce that Restorative Engagement is an available outcome to the complainant***

Matter assessed as in scope and plausible by the Taskforce and referred to the Complainant Support Group and Case Coordinator assigned.



***Stage 2: Referral of a complainant to Restorative Engagement***

The complainant's Case Coordinator refers the matter to the Restorative Engagement Group after:

- explaining the purpose of the Restorative Engagement Program and the steps involved in participating to the complainant
- making all reasonable enquiries to determine the complainant's readiness
- discussing with the complainant any issues the Case Coordinator has identified as to readiness
- discussing appropriate support mechanisms with the complainant, and
- discussing the complainant's preferences regarding conference participants, travel and logistics.



***Stage 3: Assessment of the matter's suitability for Restorative Engagement***

The Restorative Engagement Group assesses the complainant's suitability and readiness to participate in the Program, and for matters suitable for Restorative Engagement:

- identifies an appropriate Defence Representative
- appoints a Facilitator, and
- makes arrangements for the Conference Process to occur.



***Stage 4: Facilitator prepares participants and facilitates the Conference Process***

The Facilitator ensures participants are properly prepared to participate in the Conference Process, and monitors the ongoing readiness of the complainant to take part in the Conference Process, including by:

- conducting a Pre-Conference preparation meeting with the complainant (and their support person), and
- conducting a Pre-Conference preparation meeting with the Defence Representative

The Facilitator:

- convenes the Conference Process with participants
- conducts a Post-Conference debrief, and
- reports to the Taskforce on the Conference Process.

Defence  
Abuse  
Response  
Taskforce

July 23

2013

This document sets out the framework for the Restorative Engagement Program for complainants who have made plausible allegations of abuse to DLA Piper and the Defence Abuse Response Taskforce (DART).

Restorative  
Engagement  
Program  
Framework



## ***Executive Summary***

The Restorative Engagement Program for the Defence Abuse Response Taskforce (DART) has been developed as part of the Government's response to the *DLA Piper Review into allegations of sexual and other abuse in Defence* which was announced on 26 November 2012.

The Australian Defence Force and Department of Defence have been consulted and cooperative in the development of the components of the Framework that involve their participation.

The Restorative Engagement Program is an option that will be offered to complainants who have made plausible allegations of physical, sexual and verbal abuse under the DLA Piper review who are found to be suitable candidates for the program. Allegations of harm which have been determined by the DART as plausible will not be disputed by the Defence officer or representative at a restorative engagement conference. The types of allegations that may be referred to the Restorative Engagement Program will range from bullying and verbal abuse to physical abuse, including sexual assault. Allegations assessed to be plausible<sup>1</sup>, will not be disputed by the parties of the Restorative Engagement Program.

The Restorative Engagement Program provides complainants with an opportunity to tell their personal account of abuse and an opportunity for Defence to acknowledge and respond to individual cases.

Complainants who participate in the Restorative Engagement Program can also seek resolution through the other outcomes offered by the Taskforce. Those other outcomes include financial reparation, counselling and the referral of appropriate matters for criminal investigation and possible prosecution and to Defence for consideration of military justice or administrative sanctions.

This Framework has been developed following the Government's acceptance of the DLA Piper Review recommendation regarding the provision of a restorative-based process for complainants. It describes the model of restorative practice adapted by the Taskforce to meet the Government's objectives and the particular circumstances and key features of the complaints referred to or received by the DART. The Framework is underpinned by the best practice principles and values of restorative practice and mediation. These principles and values include 'to do no further harm', confidentiality, and privacy.

## ***Introduction***

This Framework outlines the background, rationale, principles and processes that have informed the development of the Restorative Engagement Program.

<sup>1</sup> Allegations of harm are assessed for plausibility by the DART.

## ***Background***

Following media reports of allegations of sexual misconduct involving ADFA cadets in April 2011, the Minister for Defence, the Hon Stephen Smith, announced that a number of inquiries would be commenced into;

- allegations of sexual and other abuse;
- the adequacy and appropriateness of Defence responses to allegations of abuse; and
- systemic cultural issues within Defence.

On 6 May 2011, the Minister for Defence announced that DLA Piper would conduct a review and investigate the management of allegations of abuse within Defence. On 26 November 2012, the Minister for Defence announced the establishment of the Defence Abuse Response Taskforce to implement the DLA Piper recommendations.

The DLA Piper Review identified plausible allegations of abuse from **775** people which fell within the Review's Terms of Reference. Those allegations were made in respect of incidents which occurred in each decade from the 1950's. The earliest year of alleged abuse was 1951.

## ***Government Response to the Review***

The Government's response to the DLA Piper Review seeks to ensure that those who have alleged abuse in Defence receive a response that is appropriate to their individual circumstances and the nature of their experiences.

The response included;

- an apology to all those current and former Australian Defence Force personnel and Defence Australian Public Service employees who have suffered sexual or other forms of abuse in the course of their employment. The apology was delivered in Parliament by the Minister for Defence on 26 November 2012;
- an apology on the same day by the Chief of Defence Force, General David Hurley AC DCS, acknowledging the suffering of those current and former ADF personnel and Defence APS employees who experienced sexual or other forms of abuse in the course of their employment and a commitment to assist the Government to implement the responses to that abuse that the Government was putting in place; and
- the establishment of an independent Taskforce – the DART – to assess the individual complaints and any wider systemic issues to be headed by the Hon Len Roberts-Smith QC RFD. The Taskforce's Terms of Reference are set out in **Appendix A**.

In addition to the Chair, the DART includes a leadership group comprising the following members:

- Mr Robert Cornall AO, former Secretary of the Attorney-General's Department;
- Ms Susan Halliday, former Federal Sex Discrimination Commissioner;

- Rudi Lammers APM, Australian Federal Police Assistant Commissioner (ex-officio).

The Taskforce is required to consider and respond to all complaints referred to it from the DLA Piper Review and all new complaints of abuse received by the 31 May 2013 cut-off date.

The individual allegations, findings and issues raised by complainants are serious and concerning. They involve complex and sensitive matters which have required careful and extensive consideration.

As a result, the DART has developed a range of outcomes which are offered to complainants, when they are appropriate to the individual's circumstances, to assist in reaching some resolution to the abuse they have suffered. Those outcomes are:

- participation in the Restorative Engagement Program (outlined below);
- referral to counselling;
- reparation, to a maximum of \$50,000;
- referral of appropriate matters to police for formal criminal investigation and assessment for prosecution; and
- referral of appropriate matters to Defence for consideration of the military justice system or administrative sanctions.

## ***Restorative Engagement Program***

### ***Overview***

The Restorative Engagement Program provides an opportunity for those who have made plausible allegations of abuse within the Australian Defence Force to participate in a restorative process that allows their personal account of abuse to be heard, responded to and acknowledged by Defence.

The DART has established the Restorative Engagement Program as a means of addressing directly the harm, and the implications caused by these instances of abuse on complainants.

The Restorative Engagement Program combines many of the core principles which inform the practice of restorative justice in the criminal justice system and of mediation with specific reference to the consideration of allegations of sexual abuse.

The steps for conducting the Restorative Engagement Program are set out in the Restorative Engagement Program Practice Manual.

The key criteria for and requirements of the Restorative Engagement Program are that:

- any complaint being referred to the program contains plausible allegations of abuse (which may or may not be criminal in nature);
- a senior Defence officer or representative will participate in each restorative engagement conference;

- participation of an alleged abuser will not be advisable unless the alleged abuser approaches the Taskforce and he/she admits responsibility for the abuse and is assessed for the Restorative Engagement Program prior to the DART contacting the complainant;
- all restorative engagement conferences will be organised, facilitated and conducted by Restorative Engagement Program facilitators; although face-to-face conferences will be the primary mode of the restorative engagement, in some cases, the Restorative Engagement Program may be conducted by telephone, videoconferencing, email or letter; and
- participation in the Restorative Engagement Program is not linked to or dependent on any other outcomes offered to participants and, in particular, will not prevent, delay or effect criminal prosecution of or military justice or administrative sanctions against the alleged abuser where those outcomes are warranted.

### ***Developing a unique approach***

In evaluating what appropriate responses may be established for complainants, the DLA Piper Review states that “a significant number of the persons who contacted the Review indicated that their primary wish is for Defence to acknowledge that abuse had occurred and to express regret for that action.”<sup>2</sup>

In this regard, the Review discusses a number of options, recommending the use of the core values of restorative justice and mediation in the development of a response to complainants.

The consequent development of the Restorative Engagement Program has been informed by a number of existing processes in restorative practice and mediation. It also draws on consultations with experts, who have facilitated sexual assault matters in a similar context to the DART (such as within religious institutions and the application of international restorative justice programs that seek to address victims of gendered harms).

Restorative justice in the criminal justice system has generally been used in relation to young offenders for less serious offences and as a diversion from the Court system. The idea of dialogue between victim and perpetrator is central to restorative justice processes. Its use in more serious cases, such as sexual assault, has been contentious. However, contemporary scholarship and practice indicate that, when applied with appropriate safeguards and in appropriate circumstances, a restorative process can provide an effective form of justice for victims of sexual assault.

### ***Distinguishing features of the Restorative Engagement Program***

The model developed for the Restorative Engagement Program provides complainants with an opportunity to tell their personal account of abuse and an opportunity for Defence to acknowledge and respond to individual cases. The Framework draws on and adapts key features of restorative practice approaches. At the same time, it recognises that the alleged abuse occurred within a

<sup>2</sup> Report of the Review of allegations of sexual & other abuse in Defence, volume 1: Rumble, McKean & Pearce

particular workplace culture which the DLA Piper Review observed had, in the main, failed to “call to account and/or rehabilitate the perpetrators of abuse.”

The DLA Piper Review Report notes that “there seems to have been a general absence of the kind of risk management methodology which the ADF applies so rigorously when other issues of safety and security arise.”<sup>3</sup>

The distinguishing features of the Restorative Engagement Program include:

- in the majority of cases, a senior Defence officer or representative and not the perpetrator will meet with the complainant;
- allegations of harm which have been determined by the DART as plausible will not be disputed by the Defence officer or representative at a restorative engagement conference;
- the process will be conducted by a facilitator engaged by the Taskforce;
- complainants will be provided with support in preparation for, throughout, and after the Restorative Engagement Program process;
- the DART will record any outcome agreements reached at an RE conference; and
- the Restorative Engagement Program complements other outcome options offered by the DART.

### ***Restorative Engagement Program Principles***

In matters where the Restorative Engagement Program is being considered or undertaken, the following principles will be applied at every step of the process:

- **engagement** in the Restorative Engagement Program process **is voluntary**;
- the Restorative Engagement Program process will only be undertaken in appropriate cases;
- the **confidentiality, privacy, safety and wellbeing** of **complainants** is of paramount importance throughout their participation in the Restorative Engagement Program;
- **all participants** will be treated with **respect and dignity**;
- **informed consent** will be obtained from participants throughout the Restorative Engagement Program processes and they will be informed that such consent may be withdrawn at any time; and
- although **responsibility for harm** lies with the alleged abuser, **Defence acknowledges the importance of its role in demonstrating an effective and enduring response** to complainants by addressing their concerns in the most appropriate manner.

### ***Restorative Engagement Program Outline of Steps***

(See **Appendix B** for a flow chart example of the Restorative Engagement Program process)

#### ***Referral***

<sup>3</sup> Page VIII, Report of the Review of Allegations of Sexual and Other Abuse in Defence, Volume 1.

Allegations made to the Taskforce are first assessed by the DART Assessment Group to establish they are in scope and plausible.

After assessment, all complainants are referred to the Case Coordination Team (CCT). The CCT establishes contact with complainants and explains the options available to them, including the Restorative Engagement Program. The CCT also offers the complainant a Case Coordinator who will be his or her key contact point within the DART.

***Steps following referral:***

- the CCT contacts the complainant to discuss the Restorative Engagement Program process and the complainant's needs;
- the complainant is provided with information about the Restorative Engagement Program and informed of his/her **right to seek independent advice**, including legal advice, prior to **consenting** to participate in the Restorative Engagement Program;
- an appropriate **Senior Defence Officer or representative is nominated** for participation in the Restorative Engagement Program;
- **a recommendation** is made to the Chair of the DART to **appoint a facilitator**;<sup>4</sup>
- the **DART engages a facilitator** to undertake a Restorative Engagement Program process;
- the **facilitator** will meet separately with the complainant (and any support person) and with the nominated senior Defence officer or representative to **assess the suitability** of the parties for the Restorative Engagement Program process;
- **written consent to participate** in a restorative engagement conference is obtained from the parties;
- the **facilitator briefs and prepares the parties**, and **convenes** the restorative engagement conference;
- the facilitator assists the parties to prepare an **outcome agreement**, where appropriate;
- the **facilitator contacts the parties** within 48 hours after the conference to respond to any questions arising from the process;
- the **Restorative Engagement Program Team will monitor the implementation** of any **outcome agreement**; and
- where participants consent, the Taskforce will obtain their **feedback** on the Restorative Engagement Program.

Further details about the implementation of the Framework are set in the Practice Manual at Appendix C.

<sup>4</sup> In certain circumstances, the Chair may also receive a recommendation that a matter not proceed. Complainants will be advised of the reasons where a Restorative Engagement Program conference is not deemed suitable to occur and may be advised of alternative options.

## ***Formats for the Restorative Engagement Program***

It is expected that the Restorative Engagement Program be conducted directly in a face-to-face restorative engagement conference. However, in some cases, the Restorative Engagement Program could be delivered by an indirect exchange of information between the participants. That indirect exchange could be effected by tape recordings, electronic or paper mail, telephone or other communication strategies with the facilitator as an intermediary.

The format selected for each Restorative Engagement Program will be the format which best meets:

- the physical and psychological safety of participants;
- the implementation of the Restorative Engagement Program principles; and
- the desired outcomes of the participants.

## ***Phased Approach of the Restorative Engagement Program***

The Restorative Engagement Program will be implemented in 3 phases. Phase 1 of the Restorative Engagement Program will be conducted with a small number of facilitators, complainants and Defence force personnel with a view to enhancing Phase 3 of the Restorative Engagement Program which will see the remainder of complainants participate in the Restorative Engagement Program. During Phase 2, Phase 1 will be evaluated, any changes to the Restorative Engagement Program implemented and further facilitators will be trained to conduct Phase 3.

**Phase 1:** In phase 1, a small group of highly experienced and skilled facilitators will conduct restorative engagement conferences with approximately 12 complainants and 6 - 8 very senior Defence officers. In consultation with participants (and with their consent), the various steps of the process – prior to and during the Restorative Engagement Program conference – will be evaluated to inform further development of the Restorative Engagement Program.  
Phase 1 is anticipated to commence end July 2013.

**Phase 2:** Recommendations from Phase 1 will be incorporated into the Restorative Engagement Program process and preparations for Phase 2, being the full implementation of the Restorative Engagement Program, will commence. An expanded cohort of facilitators and senior Defence officers and representatives will be recruited and trained in preparation for the implementation of Phase 3. Phase 2 training and briefing sessions are anticipated to commence around September 2013.

**Phase 3:** The Restorative Engagement Program is anticipated to commence with the majority of complainants in September 2013.  
Phase 3 will also include a final evaluation of the Restorative Engagement Program.

## ***Selection of Facilitators***

Facilitators for the Restorative Engagement Program will be carefully selected, given their critical role in achieving outcomes for complainants and the success of the Restorative Engagement Program. The skills, competencies and role and responsibilities of Restorative Engagement Program facilitators are set out in a Statement of Requirement for Facilitators at **Appendix D**.

## ***Participation of Senior Defence Officers***

The selection of a particular senior Defence officer or representative to participate in the Restorative Engagement Program is the responsibility of the Restorative Engagement Program Team in consultation with Defence.

There will be no automatic access by a complainant to particular defence officer or representative, nor can Defence stipulate a representative for a particular case.

Participation by senior Defence officers and representatives in the Restorative Engagement Program will not be limited to the Chiefs of each service, but be spread across high-level ADF leadership for two reasons:

- that the large number of anticipated Restorative Engagement conferences to be conducted across Australia means that Defence participation cannot be limited to the CDF and Service Chiefs alone; and
- participation of a larger group of senior Defence officers will enable a wider level of insight into the impact of abuse and the implications of this abuse for complainants, their families and the ADF. This insight is critical to understanding the issues associated with the desired cultural change across the organisation, particularly amongst the ranks of officers who will most likely become the most senior leaders of the Defence Force in the future.

The process for selecting suitable senior Defence officers to participate in particular Restorative Engagement conferences includes the following considerations:

- the rank (past or present) of the complainant;
- the gender of complainant;
- the type of abuse experienced;
- the complainant's expressed preference for a particular officer (where considered appropriate by the Restorative Engagement Program Team) and availability of that officer;
- the rank of the senior defence officer;
- the authority of the senior defence officer to agree to and his or her capacity to deliver the outcomes sought by the complainant; and
- the suitability of a senior Defence officer to participate in the Restorative Engagement Program.

### ***Cultural change in Defence***

The *Pathway to Change* strategy is Defence's response to the various reviews initiated by the Minister for Defence into aspects of the culture both within the Australian Defence Force Academy and the Australian Defence Force.

*Pathway to Change* also includes implementation of the recommendations of reviews into the treatment of women in ADFA and the ADF conducted by the Sex Discrimination Commissioner, Ms Elizabeth Broderick, on behalf of the Australian Human Rights Commission.

The Taskforce believes the Restorative Engagement Program will make a significant contribution to the needed cultural change in the ADF.

In addition to the Restorative Engagement Program, the Taskforce will continue to work with the Minister for Defence, the Chief of the Defence Force and the Secretary of the Department of Defence in identifying and responding to systemic and other cultural issues in accordance with the DART's Terms of Reference.

### ***Review Mechanisms for the Restorative Engagement Program***

The Restorative Engagement Program will be regularly reviewed to ensure the continual refinement and improvement of its processes.

Facilitators will be observed by Restorative Engagement Program staff from time to time. Where necessary, Restorative Engagement Program staff will review and discuss with facilitators issues of importance emerging from their observed restorative engagement conferences.

Facilitators will meet regularly to discuss their experiences in restorative engagement conferences and exchange lessons, concerns, knowledge and experience from their participation in the Restorative Engagement Program process.

Finalised on      /      /2013

By the Hon Len Roberts- Smith RFD, QC  
Chair, Defence Abuse Response Taskforce \_\_\_\_\_

**Appendix A – Terms of Reference**



**Australian Government**

**DEFENCE ABUSE RESPONSE TASKFORCE**

**APPOINTMENT OF TASKFORCE CHAIR**

**AND TASKFORCE TERMS OF REFERENCE**

We hereby appoint the Honourable Len Roberts-Smith RFD, QC to lead the Defence Abuse Response Taskforce to operate in accordance with the following terms of reference as part of the Australian Government's response to DLA Piper's *Report of the Review of allegations of sexual and other forms of abuse in the Australian Defence Force*.

The Taskforce is to:

- (i) assess the findings of the DLA Piper review and the material gathered by that review, and any additional material available to the Taskforce concerning complaints of sexual and other forms of abuse by Defence personnel alleged to have occurred prior to 11 April 2011, the date of the announcement of the DLA Piper Review;
- (ii) include in this assessment the 24 Australian Defence Force Academy (ADFA) cases noted by DLA Piper and the cases of abuse identified by reports into physical violence and bullying at HMAS Leeuwin, and whether the alleged victims, perpetrators and witnesses in relation to these cases remain in Defence;
- (iii) determine, in close consultation with those who have made complaints, appropriate actions in response to those complaints;

- (iv) will also, as appropriate, gather additional information relevant to consideration of the handling of particular allegations eg relevant records held by Defence
- (v) take account of the rights and interests of alleged victims, accused persons and other parties;
- (vi) liaise with the Minister for Defence, Chief of the Defence Force and the Secretary of the Department of Defence on any implications of its work for Defence's 'Pathway to Change' and other responses to the series of reviews into Defence culture and practices in particular the work done by the Sex Discrimination Commissioner into the Australian Defence Force (ADF) and ADFA;
- (vii) report to the Attorney-General and Minister for Defence every 3 months on its progress and issues arising, including whether the funding it has been provided is adequate so as to enable the Attorney-General and Minister for Defence to report to Parliament as appropriate
- (viii) report to the Attorney-General and Minister for Defence by October 2013 on whether, in what form, the Taskforce should continue in effect beyond the initial 12 month period and the funding that would be required so as to enable the Attorney-General and Minister for Defence to report to Parliament as appropriate; and
- (ix) to advise whether a Royal Commission would be merited into any categories of allegation raised with the DLA Piper review or the Taskforce, in particular the 24 ADFA cases.

The terms and conditions of the engagement by the Commonwealth of the Honourable Len Roberts-Smith RFD, QC are to be governed by an agreement between the Honourable Len Roberts-Smith RFD, QC and Roger Wilkins AO, Secretary of the Attorney-General's Department.

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**THE HON NICOLA ROXON MP**  
Attorney-General, Minister for Emergency Management

**DATED:**

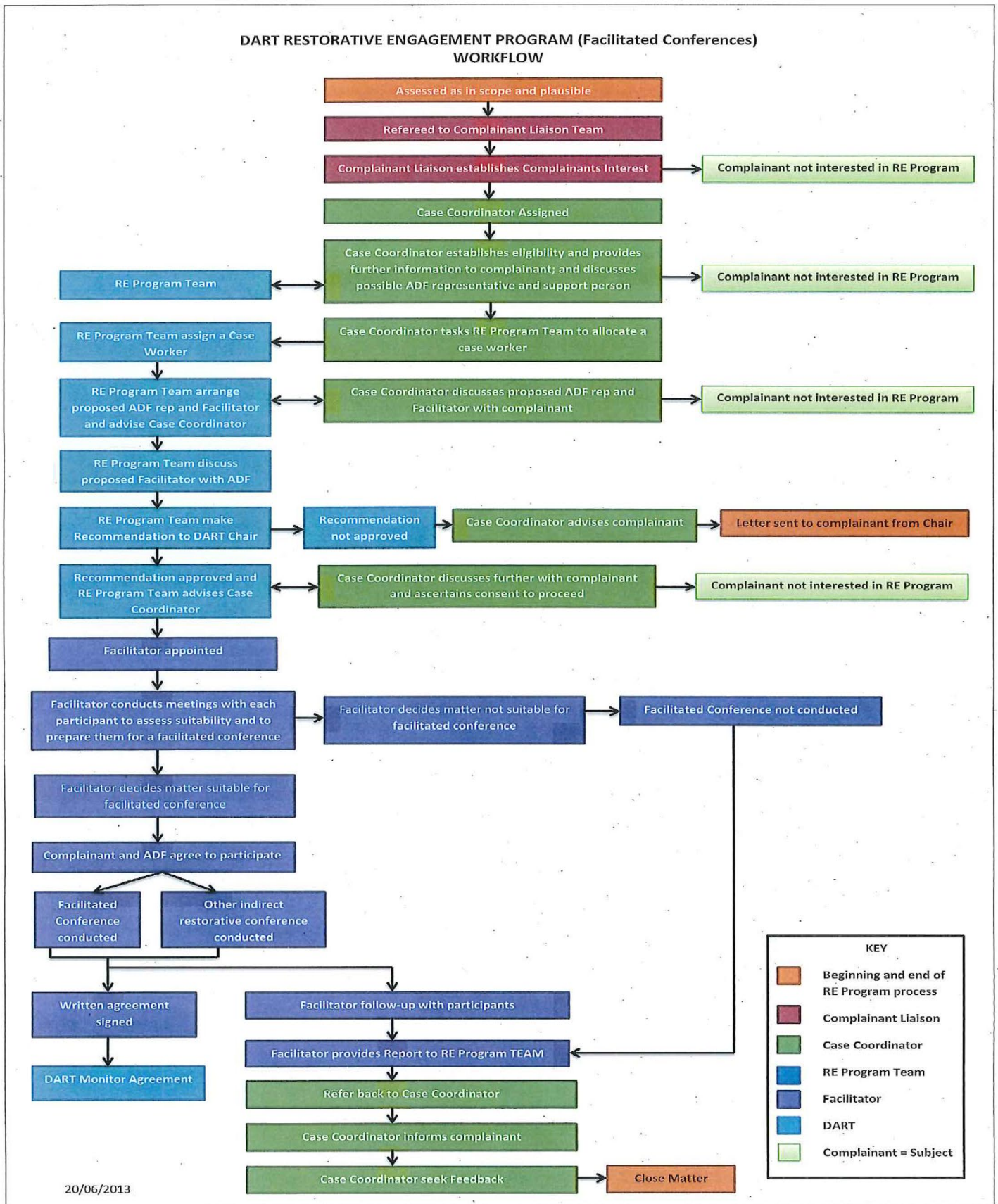
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**THE HON STEPHEN SMITH MP**  
Minister for Defence

**DATED:**



**Appendix B – Flow Chart of the Restorative Engagement Program Process**



***Appendix C – Practice Manual (Currently being drafted)***

***Appendix D – Statement of Requirement for Facilitators (Currently being drafted)***



# Restorative Engagement Program Framework

January 2023

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**Defence Force Ombudsman**

## 1. Introduction

- 1.1. This document sets out the Framework for the implementation of Restorative Engagement conferences (conference), under the the Office of the Commonwealth Ombudsman's (the Office) Restorative Engagement Program (program). It includes an overview of the program, its purpose and aims. This Framework articulates the key elements of the conference process and the values and principles of restorative practice.
- 1.2. The Framework is the model of restorative engagement adapted to meet the objectives of the Office's reports of serious abuse function – which is to take appropriate action to respond to reports of serious abuse within the Australian Defence Force (ADF). This excludes reports of abuse made to and dealt with by the Defence Abuse Response Taskforce (the Taskforce).
- 1.3. The restorative engagement conference process has been designed for people who have made reports of serious abuse in Defence to the Office. It has been developed to provide a personalised and restorative focussed response to people who have experienced serious abuse through a carefully facilitated meeting between reportees of abuse and senior representatives of Defence.
- 1.4. The program has been developed taking into account academic and practical learning, as well as experience gained in the area of restorative practice.
- 1.5. The Office's reports of abuse function covers reports of serious abuse, defined as sexual abuse, serious physical abuse and serious bullying and harassment. It applies to people who were abused in the course of their employment as members of the Defence Force. It also applies to Defence APS employees or contractors to Defence engaged in activities connected to the overseas operations of the Defence Force. In assessing whether conduct constitutes serious abuse, the Office will consider whether the conduct amounts to any of the following:
  - involves a series of incidents which indicate a course of conduct
  - is inflicted by officials acting in concert with others
  - involves actual bodily harm being inflicted
  - appears to include premeditation or consciousness of wrongdoing, and
  - amounts to sexual harassment or discrimination on the basis of an attribute recognised by Australian law.
- 1.6. Where the Office is satisfied that there is a *reasonable likelihood* the person suffered serious abuse in connection with their employment in Defence, a facilitated conference may be offered as an outcome to acknowledge the impact of harm to the affected individual in a personalised response. The Office assesses a report of abuse against a threshold of *reasonable likelihood* where the Office (based on the information available) forms an opinion that the conduct reported is reasonably likely to have occurred, .
- 1.7. The Office does not investigate or make determinative findings that abuse occurred. An assessment of *reasonable likelihood* by the Office is not a legal finding.
- 1.8. The conference process allows for personal accounts of abuse to be heard and acknowledged by Defence.

- 1.9. Participation of Defence representatives in conferences and any statement, admission or apology made by a Defence representative in a conference, or any action arising from a follow up action, is not an admission of any legal liability.
- 1.10. The ADF has been consulted in the development of this Framework. The Office and the ADF agree that the program must be guided by the values and principles outlined below.
- 1.11. Connectedness and acknowledgement are key aspects of restorative engagement, as many reportees state they still feel a strong link with Defence despite their experiences. Defence acknowledges the importance of its role in demonstrating an effective response to reportees through their participation in restorative engagement conferences.

## 2. Overview

- 2.1. The Office has established the program as a means of addressing directly the harm, needs and interests of people reporting serious abuse in Defence. Participation in the program provides an opportunity for reportees who have made reports of abuse to the Office to participate in an evidence based, safely led restorative conference that allows their personal account of abuse to be heard and acknowledged by Defence. A secondary objective of the program is to enable a broader level of insight into the impact of abuse and its implications for individuals and Defence. This insight is critical to building on cultural change strategies in Defence.
- 2.2. Restorative justice is a widely used term that describes processes that engage restorative principles in responding to the harm done to people and communities as a result of a crime or wrongdoing. There is no one way that restorative processes should be delivered. What is important is the adoption of any form which reflects restorative values which aim to achieve restorative outcomes. A distinguishing feature of restorative practice, as compared to other forms of mediation, is that restorative practice operates on the premise that the harm is undisputed. Meaning that in this setting, the report of abuse is accepted on the basis of the Office threshold of *reasonable likelihood*.

*In a mediated conflict or dispute, parties are assumed to be on a level playing field, often with responsibilities that may need to be shared on all sides.... To participate in most restorative encounters, a wrong doer must admit to some level of responsibility for the offence, and an important component of such programs is to name and acknowledge the wrongdoing. The neutral language of mediation may be misleading and even offensive in many cases.<sup>1</sup>*

The Office's report of abuse function is underpinned by the principle of 'do no further harm'. When a reportee elects to participate in a conference, Defence participation is based on this principle and on the premise of 'undisputed harm'.

## 3. Key features of the Restorative Engagement Program Framework

- 3.1. All parties taking part in the program must have a clear understanding of their role in the conference and a realistic appreciation of what it can provide. Any action taken under the

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<sup>1</sup> Zehr, H. (2002). *The Little Book of Restorative Justice*. PA, USA: Good Books.

Framework must have regard to the principle that no further harm is to be caused to participants, particularly reportees.

3.2. The Framework is underpinned by the principles and values of restorative practice. In matters where the program is being considered or undertaken, the following principles will be applied:

- Engagement in the program is **voluntary**.
- A conference will only be undertaken in **appropriate** cases.
- The **confidentiality and privacy** of people who have experienced abuse is of paramount importance throughout their participation in the program.
- The **wellbeing, physical and psychological safety** of all participants, particularly reportees, is of paramount importance throughout participation in the conference process and will be safeguarded (to the extent possible) at all times.
- **Informed consent** will be obtained from participants prior to their participation in a conference, and consent may be withdrawn at any time.
- Although **responsibility for harm** lies with the alleged abuser, **Defence acknowledges the importance of its role in demonstrating an effective and enduring response** to people who have experienced abuse by addressing their concerns in a supportive manner.

3.3. The provision of conferences by the Office is based on the assumption that the conference itself is the outcome. The following outlines the key features and requirements of the Framework:

- Any matter being referred to the program contains reports of abuse that meet the Office threshold of reasonable likelihood.
- Reports of abuse which have been determined by the Office to meet the threshold of reasonable likelihood will not be disputed by the Defence representative in a conference.
- A Facilitator appointed and specially trained by the Office will prepare participants for, and convene, conferences.
- Senior leaders of Defence who have completed a Defence preparatory session (jointly delivered by the Office and Defence) will meet with reportees in the conference.
- Reportees may elect to have a support person present, who the Office approves and prepares for participation in a conference.
- Reportees will be supported by their Facilitator throughout the restorative engagement process.
- Reportees can elect to access counselling, before, during and/or after a conference.
- Conferences will only be undertaken in appropriate cases, as assessed by the Office.
- Follow up actions (agreed between a reportee and a Defence representative) will be recorded by the Facilitator and signed by the reportee and Defence representative.
- The Defence Representative will hold primary responsibility for the implementation of follow up actions.

- The Office will be responsible for the set up and delivery of the conference process, including logistical arrangements for participants, excluding Defence representatives.
- Program integrity strategies will be employed to monitor the delivery of conferences and to support Facilitators and Defence representatives in their involvement in the program.

## 4. Management of personal information

- 4.1. All contact with the Office is confidential and an individual's right to privacy is carefully protected. The Office policies, protocols and work processes have been designed to ensure confidentiality and privacy, and to take into account the rights and interests of people who have experienced abuse. Informed, written consent is obtained from reportees prior to the conference.
- 4.2. In implementing the conference process, the provision of personal information to Defence in relation to a reportee is restricted to *a need to know basis* and limited to the following circumstances,<sup>2</sup> or where a reportee otherwise consents:
- a Defence representative has been selected to participate in a conference and is provided with a *Briefing Pack* in relation to the reportee
  - where a reportee has requested to meet with a particular Defence representative
  - where consideration is being given to a follow up action prior to the conference occurring<sup>3</sup>
  - at the point a reportee signs the follow up action(s) form in the conference, and
  - in a periodic report to Defence in relation to completed conferences.<sup>4</sup>

## 5. Restorative Engagement Program Facilitators

- 5.1. Facilitators are engaged to conduct conference processes on behalf of the Office. Facilitators have been carefully selected and have demonstrated their ability to deliver facilitator services critical to achieving outcomes for reportees of abuse to the satisfaction of the Office, including that they:
- have a full understanding of the program principles and how to apply them in practice
  - possess and demonstrate the key skills required to facilitate conference processes under the program, and
  - have a full understanding of the administrative processes and requirements associated with facilitating conference processes under the program.

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<sup>2</sup> All documentation and information associated with the Defence participation in the program is to be handled on a strict *Official: Sensitive and need to know basis*. All information must be kept secure and confidential and must not be disclosed to any person without the authorisation or direction of the Defence representative.

<sup>3</sup>This information is provided to Defence with the consent of the reportee for the sole purpose of Defence consideration, in advance of the conference, of whether the proposed follow up action(s) can be implemented.

<sup>4</sup> Any information in relation to reportees, will be provided with the reportee's consent and their understanding that their name will be kept on a central register of 'completed restorative engagement conferences' by the DRU. The register will contain the reportees name with conference number and date only.

## 6. Participation of Senior Defence representatives

- 6.1. Defence has endorsed suitable senior ADF members to participate in the program and will usually participate in conferences where recommended by the Office. It is noted that participation in a conference is voluntary for all participants and there may be occasions where Defence decline to provide a representative for a particular conference.
- 6.2. Practical and policy considerations for Defence participation in the program are supported by a protocol outlining the role of a Defence representative in a conference process and Defence internal Instructions and Directives. A briefing session and information pack for those Defence representatives endorsed to be involved in the program will be jointly delivered by the Office and Defence prior to the participation of individual representatives in conferences.
- 6.3. The Defence Response Unit (DRU), within Defence is the central contact point for the Office in arranging conferences.
- 6.4. The selection of a particular senior Defence representative to participate in the program is the responsibility of the Office in consultation with the DRU.
- 6.5. Reportees may request a particular Defence representative, and this will be considered by the Office. There will be no guarantee that a particular Defence representative will be available, nor can Defence stipulate a representative for a particular case.
- 6.6. Participation by Defence representatives in the program will include representatives from across the ADF, who hold senior positions.
- 6.7. In consultation with the Office, Defence has determined that generally, participation of individual representatives be contained to five restorative processes. The reason for this is to safeguard against vicarious trauma. In addition the involvement in the program of a larger group of senior Defence representatives will enable a wider level of insight into the impact of abuse and the implications of this abuse for reportees, their families and the ADF. This insight is critical to informing ongoing cultural change across the organisation, particularly among Defence personnel who will most likely become senior leaders in the future.

## 7. Conference Process

- 7.1. The steps leading up to the actual conference are by their nature restorative. The careful and transparent messaging, choice and guidance about the conference provided to the reportee are inclusive of both restorative justice principles and the principles of trauma informed care.
- 7.2. There are five broad stages that form the restorative engagement conference *process*.
  - Stage 1: Assessment of a matter to determine that restorative engagement is an available response for a reportee.
  - Stage 2: Referral of a reportee to the restorative engagement team.
  - Stage 3: Assessment by the Facilitator of the ongoing suitability and readiness of the matter for restorative engagement.
  - Stage 4: Facilitator prepares participants, convenes the conference.

Stage 5: Conclusion of conference process - including; wellbeing and debrief follow up with participants, administrative requirements, and receipt of written feedback. Provision of information on follow up action(s) to DRU and the reportee.

## 8. Suitability considerations

- 8.1. An assessment of the suitability and readiness of people who have experienced abuse for participation in a conference will be undertaken in all matters. This assessment is to ensure that the reportees expectations of the program align with what the conference process can achieve for them and importantly, that it causes no further harm. There are several (subjective) factors that inform the suitability of the program for the reportee – these include:
- their motivations/interests for participating in a conference
  - their expectations of the conference process
  - their capacity to participate in a way that is safe for them
  - their understanding that engagement in the program is voluntary
  - their understanding of the role of all participants in the program
  - their capacity and willingness to safely and constructively participate
  - their understanding of the possible outcomes and benefits of participation
  - their understanding of the limitations of what may be achieved through participation
  - their written consent to participate
  - the level of support available to a person who has experienced abuse before, during and following the conference process and who may be an appropriate person to support them through the process
  - whether the support person and the Defence representative are suitable candidates for the particular conference, and
  - the most suitable format for the particular matter.

## 9. Participation of support person

- 9.1. Support people play a critical role in conference processes and reportees are encouraged to nominate a support person to attend the conference with them.
- 9.2. The role of the support person is to support the reportee throughout their engagement in the conference process, with the intention that the participation of the support person will enhance the conference outcome. Support people will generally have a small speaking role in the conference. Their participation is not to raise issues outside the scope of the report of abuse, or to amplify the story of the reportee, but to support them in speaking to it.
- 9.3. Ideally, a support person:
- has a pre-existing and on-going personal relationship with the reportee and is aware of the abuse including its impact (e.g. partner, family member or friend)

- is able to participate in a way that promotes a safe and meaningful experience for the reportee, and
  - may be known to the reportee in a professional capacity (e.g. support worker/counsellor/lawyer).
- 9.4. In some cases reportees may identify social isolation and estrangement from family. In some matters, support people for conferences may extend to professionals and advocates that the reportee may currently be or has been engaged with. It is important to note that the participation of support people is to provide personal, emotional and physical support, it is not to advocate on behalf of the person or raise issues outside the scope of the report of abuse. All support people are screened for their suitability to participate in a conference.
- 9.5. In relation to this category of support people, the Office will ensure that there is a collective understanding among participants that:
- their role is to provide personal support
  - they are not be permitted to act in a professional capacity nor advocate on behalf of the reportee during the conference process, and
  - the Office will pay the usual travel related expenses for support people to participate in the conference process<sup>5</sup>, but not any professional fees for time associated with that support person's participation.

## 10. Conference preparation

- 10.1. Pre-conference preparation meetings between the Facilitator and participants will occur in each matter prior to a conference occurring. These meetings are central to ensuring the objectives of the reportee may be met and that the conference process is both psychologically and physically safe for all participants.
- 10.2. Facilitators will support the reportee to speak to their *story* to the extent they want and are able to. Reportees will not be compelled to talk in detail about the abuse itself, or any aspects of their experience if they are not comfortable or able to do so in a way that is safe for them. The focus of the conference dialogue is about the impacts of the abuse at the time and the ongoing implications of this. Providing detailed accounts of abuse is not generally a major focus of the dialogue in the conference itself.
- 10.3. Pre-conference preparatory meetings with the reportee and their support person, where they choose to have one, form part of the ongoing suitability and readiness assessment and preparation for how the conference will unfold. Pre-conference meetings generally involve a focussed discussion on:
- the context of the abuse
  - the impact of it at the time it occurred
  - the ongoing implications

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<sup>5</sup> Noting that the Office has discretion not to pay expenses for support person travel where the support person is located some distance from the reportee e.g. interstate.

- identifying and confirming what aspects of their personal story of abuse the reportee may wish to discuss with the Defence representative during the conference
  - assisting the reportee to put their story into a cohesive narrative
  - how the interaction during the conference may unfold, to maximise the benefits for the reportee
  - their relationship with their support person
  - any practical needs required to support the reportee in the conference
  - any potential requests for follow up actions, and
  - explanation of and signing of Consent to Participate in a Restorative Engagement Conference Process form (consent form).
- 10.4. Having satisfied the suitability considerations, an ongoing assessment of the reportee's readiness to participation in the conference process is to be managed by the Facilitator.
- 10.5. Following the pre-conference meeting between the Facilitator and the reportee, the Facilitator then meets with the Defence representative. This meeting is to ensure that the Defence representative is comfortable in responding to the particular report of abuse, and there are no actual or perceived conflicts of interests. The meeting is also to prepare them for how the reportee will present, including a brief summary of their story, its impacts and the interests and motivations for participation for the reportee.
- 10.6. An explanation of the consent form is provided to all participants prior to them signing it. It is important to note that:
- signing the consent form does not waive the right of the reportee to take action outside of the conference in relation to their report of abuse, and
  - that any statement, admission or apology made by a Defence representative in a conference, or any action arising from a follow up action, is not an admission of any legal liability.

## 11. Formats for delivery of the Restorative Engagement Program

- 11.1. The conference process will ordinarily be conducted in a face-to-face conference. However, in some cases, conferences can be delivered by an indirect exchange of information between the participants. That indirect exchange could be conducted by electronic or paper mail, telephone or other communication strategies, with the Facilitator as an intermediary.
- 11.2. The format selected for each conference will be the format which best meets:
- the physical and psychological safety of participants
  - the implementation of the program principles, and
  - the desired outcomes of the participants.
- 11.3. Unlike other restorative justice and mediation programs, where one or more meetings of participants are possible, unless there are exceptional circumstances, the Office will only convene one conference.

## 12. Follow up Actions

- 12.1. Participation in a conference process, itself, is the intended outcome. However, where a Defence representative and a reportee agree in the conference for certain things or actions to occur following the conference, the Facilitator will make a record of this using the *Record of Follow up Action(s)* form and have the participants sign the record of agreement form. Follow up actions will generally include symbolic or other tangible actions that are connected to the reportee's service and experience of abuse.
- 12.2. Signing of a *Record of Follow up Action(s)* form by the Defence representative and reportee provides consent for the reportee's contact details, including address and telephone numbers to be provided to DRU to facilitate the delivery of requested actions. A copy of the record will be forwarded to the participants and DRU by the Office within 10 working days of the conference.
- 12.3. DRU has responsibility for the implementation of follow up actions in the event that a Defence representative is not able to personally provide the agreed action, and also in advising the reportee and the Office when a requested action cannot be fulfilled.

## 13. Program Integrity & review mechanisms

- 13.1. The program will be regularly reviewed to ensure the continual refinement and improvement of its processes and most importantly that the core principles and values of the program are upheld. The Office will implement a range of *program integrity strategies* to ensure the program is being implemented as intended. These strategies inform and assist the Office to support Facilitators and Defence representatives in performing their roles to ensure a safe and meaningful experience for participants. These strategies will also feed into the broader cultural change agenda for Defence.



Australian Government

DEFENCE ABUSE RESPONSE TASKFORCE

RESTORATIVE ENGAGEMENT PROGRAM

**Complainant - Feedback Survey**

CMS Ref No:

Your name:

\_\_\_\_\_

Facilitator's name:

\_\_\_\_\_

*Any feedback you are able to provide the Taskforce about your experience of the restorative engagement conference process is very valuable to help us understand whether the Restorative Engagement Program is meeting people's needs in accordance with the Program aim and principles, and importantly how we may continually improve the Program.*

*From time-to-time, the Taskforce draws on feedback, including direct quotes, for other purposes related to the Program, such as for public reports. This ensures that the Program remains transparent and accountable and may assist others to learn about the benefits of restorative engagement. Any information used for such purposes will be de-identified (i.e. will not contain your name or personal details that would allow you to be identified).*

*Should you consent to the Taskforce using any direct quotes you make in this survey (bearing in mind any quotes used will be de-identified) please read and sign the statement below.*

*I consent to the Defence Abuse Restorative Engagement Program using the direct quotes I have provided in this survey in future reports and publications.*

*Signature: \_\_\_\_\_ Date: \_\_\_\_\_*

*Please return the completed feedback survey to the Taskforce, using the attached self-addressed stamped envelope.*

Below there are a number of statements about the restorative engagement conference and a list of possible responses. Please circle or tick the response that most fits your experience. Some questions ask if you have any additional comments. We appreciate any additional comments you may have. **Please make sure this survey is completed in legible hand writing.**

**How do you feel the conference went?**

**Comments:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. What motivated you to register your complaint with DLA Piper or the Taskforce?

Comments:

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2. Which of the following did you hope to achieve out of participating in the conference process?

- Achieve healing in some way
- To receive an apology
- To contribute to preventing future abuse in Defence
- To contribute to cultural change
- Have my story of abuse meaningfully acknowledged by Defence
- To reconnect with Defence
- Other

Comments:

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3. Did you achieve what you had hoped to achieve out of the conference process?

Yes – can you please tell us about that?

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No – what would you have most liked to have achieved/why was this not achieved?

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4. Did you achieve anything you did not anticipate from taking part in the conference process?

- Achieve healing in some way
- To receive an apology
- To contribute to preventing future abuse in Defence
- To contribute to cultural change
- Have my story of abuse meaningfully acknowledged by Defence
- To reconnect with Defence
- Other

Comments:

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5. You were given enough information in relation to the purpose of the restorative engagement process

Strongly Agree | Agree | Neither Agree/Disagree | Disagree | Strongly Disagree

6. You were provided with timely information about the conference process and any developments throughout your participation in it

Strongly Agree | Agree | Neither Agree/Disagree | Disagree | Strongly Disagree

7. You were advised of the steps leading up to your conference including your readiness to participate

Strongly Agree | Agree | Neither Agree/Disagree | Disagree | Strongly Disagree

8. When your conference process was being organised, you were provided with the opportunity to put forward a preference for:

- |   | Yes                      | No                       |  |
|---|--------------------------|--------------------------|--|
| • the gender of the Defence representative                          | <input type="checkbox"/> | <input type="checkbox"/> |  |
| • the gender of the Facilitator                                     | <input type="checkbox"/> | <input type="checkbox"/> |  |
| • the rank/service of the Defence representative                    | <input type="checkbox"/> | <input type="checkbox"/> |  |
| • the Defence representative to attend in uniform or out of uniform | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> (N/A if indirect) |
| • the time and location of the Restorative Engagement conference    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> (N/A if indirect) |

Comments:

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9. You were given the opportunity to nominate a support person to bring to the conference

Strongly Agree | Agree | Neither Agree/Disagree | Disagree | Strongly Disagree

10. You felt well prepared by the Facilitator prior to the conference

Strongly Agree | Agree | Neither Agree/Disagree | Disagree | Strongly Disagree

11. You were consulted about and had input into the structure/plan for how the conference would unfold

Strongly Agree | Agree | Neither Agree/Disagree | Disagree | Strongly Disagree

**12. You felt safe during the conference**

Strongly Agree	Agree	Neither Agree/ Disagree	Disagree	Strongly Disagree
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**13. You felt supported by the Facilitator during the conference**

Strongly Agree	Agree	Neither Agree/ Disagree	Disagree	Strongly Disagree
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**14. You were treated with respect during the conference**

Strongly Agree	Agree	Neither Agree/ Disagree	Disagree	Strongly Disagree
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**15. You were given the opportunity to tell your story of abuse in a way you were comfortable with**

Strongly Agree	Agree	Neither Agree/ Disagree	Disagree	Strongly Disagree
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**16. You were given the opportunity to tell of the impacts of your experience of the abuse**

Strongly Agree	Agree	Neither Agree/ Disagree	Disagree	Strongly Disagree
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**17. The conference provided an opportunity for you to speak to all of what you wanted to say**

Strongly Agree	Agree	Neither Agree/ Disagree	Disagree	Strongly Disagree
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**18. You were given the opportunity to ask all the questions you wanted to ask**

Strongly Agree	Agree	Neither Agree/ Disagree	Disagree	Strongly Disagree
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**19. You felt listened to during the conference**

Strongly Agree	Agree	Neither agree/ Disagree	Disagree	Strongly Disagree
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**20. Your story was responded to by the Defence representative with validation of what occurred**

Strongly Agree	Agree	Neither Agree/ Disagree	Disagree	Strongly Disagree
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**21. Your story was responded to by the Defence representative with acknowledgement of the abuse and its implications**

Strongly Agree	Agree	Neither Agree/ Disagree	Disagree	Strongly Disagree
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22. You felt believed by the Defence representative in relation to your story of abuse

Strongly Agree | Agree | Neither Agree/  
Disagree | Disagree | Strongly Disagree

23. The Defence representative acknowledged that what happened to you was wrong and not your fault

Strongly Agree | Agree | Neither Agree/  
Disagree | Disagree | Strongly Disagree

24. You feel your relationship/reputation/identity with Defence has been repaired/reconciled

Strongly Agree | Agree | Neither Agree/  
Disagree | Disagree | Strongly Disagree

Comments:

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25. You were pleased with how the Defence representative responded to your story

Strongly Agree | Agree | Neither Agree/  
Disagree | Disagree | Strongly Disagree

26. The Defence representative was accountable to your experience of what happened through expressions of regret, sorrow and/or apology

Strongly Agree | Agree | Neither Agree/  
Disagree | Disagree | Strongly Disagree

27. The Defence representative expressed strong disapproval for what happened

Strongly Agree | Agree | Neither Agree/  
Disagree | Disagree | Strongly Disagree

28. The Defence representative accounted for what should have happened and demonstrated an obligation on Defence to respond more appropriately to abuse in the future

Strongly Agree | Agree | Neither Agree/  
Disagree | Disagree | Strongly Disagree

29. If you had an agreed follow-up action were you pleased with content of it?

No  Yes

30. Participation in the conference gave you a sense of:

*Please circle one or more:* justice satisfaction closure other (please comment below)

Strongly Agree | Agree | Neither Agree/  
Disagree | Disagree | Strongly disagree

**Comments:**

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**31. Do you have any concerns about what happened at the conference?**

No  (Skip to 32)      Yes

**If yes, what are your concerns?**

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**32. Did participating in the conference change the way you feel about Defence for the better?**

Yes     To some degree     Unsure     No

**Comments:**

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**33. Do you think participating in the conference process has improved your:**

Circle one for A, B, C, D and E

<b>a) General sense of wellbeing:</b>	Much Improved	Somewhat Improved	No Change	Somewhat Worse	Much Worse
<b>b) Mental health:</b>	Much Improved	Somewhat Improved	No Change	Somewhat Worse	Much Worse
<b>c) Relationships within your family:</b>	Much Improved	Somewhat Improved	No Change	Somewhat Worse	Much Worse
<b>d) Relationships with other social contacts:</b>	Much Improved	Somewhat Improved	No Change	Somewhat Worse	Much Worse
<b>e) Physical health:</b>	Much Improved	Somewhat Improved	No Change	Somewhat Worse	Much Worse

**Comments:**

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34. In general, how do you think the conference has impacted on your life?

Mostly positive impacts	Some positive impacts	Some negative and some positive impacts	Some negative impacts	Mostly negative impacts
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35. Can you share the most important impacts the conference has had on your life?

Comments:

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36. Do you have any comments about how the Facilitator conducted the conference process?

Comments:

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37. To help us with future conferences; is there anything we could do better?

Comments:

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38. Would you be open to the Taskforce contacting you in 6-12 months time to seek feedback on any ongoing impacts/benefits from the restorative engagement conference process?

Yes  No

39. Do you feel you have adequate supports in place at this time?

Yes  No

Comments:

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If you have any questions or concerns relating to participation in the Program you are encouraged to phone your Case Coordinator (02 6141 4550) during business hours (9am – 5pm, AEST).

*Thank you for taking the time to complete this survey, we value all feedback.*