

UNCLASSIFIED

FOI 045/20/21

[Item 1]

The number of sexual abuse claims finalised by the ADF:

2017/18 – 43 Claims

2018/19 – 65 Claims

2019/20 – 75 Claims

[Item 2]

The number of claims finalised that were found to be in favour of the victim:

2017/18 – 43 settled

2018/19 – 62 settled, 2 denied and 1 withdrew

2019/20 – 65 settled, 1 denied and 9 withdrew

[Item 3]

The total amount paid out by the ADF to these victims:

2017/18 – damages \$9,433,500.00 and Costs \$2,249,054.56

2018/19 – damages \$16,305,750.00 and Costs \$3,304,583.00

2019/20 – damages \$15,056,500.00 and Costs \$3,611,817.16

**BACK POCKET BRIEF – CURRENTLY SERVING MEMBERS ACCUSED OF
SEXUAL ASSAULT AS AT 1 MAY 18**

EXECUTIVE SUMMARY

1. As of 01 May 2018, there are 136 currently serving members of the ADF who have been *accused* of sexual assault. This includes:

- 29 members of Navy
- 76 members of Army
- 31 Members of Air Force
- Above figures include active and stand-by reservists

section 22 - irrelevant


DATA

Currently serving members who have been accused of sexual assault (as at 1 May 18)		Navy	Army	Air Force
Substantiated 27	Civil Conviction	0	1*	0
	Disciplinary/Administrative Action*	2	10	12
	Service Terminated	1	0	0
	Mediation	0	1	0
Not Substantiated 73	No Statement/Withdrawn by Complainant	6	18	8
	Insufficient Evidence	5	23	2
	Tried and Found Not Guilty	2	6	3
Under Consideration 36	Referred to Civil Authorities	7	13	3
	Inquiry in Progress	0	0	2
	Under Military Authorities Consideration	5	4	1
	Under Legal Review	1	0	0
Total		29	76	31

*Termination action is underway

section 22 - irrelevant

section 22 - irrelevant



BACK POCKET BRIEF – CURRENTLY SERVING MEMBERS ACCUSED OF SEXUAL ASSAULT AS AT 1 OCT 18

EXECUTIVE SUMMARY

1. As of 01 Oct 2018, there are 141 currently serving members of the ADF who have been *accused* of sexual assault. This includes:

- 39 members of Navy
- 69 members of Army
- 33 Members of Air Force
- Above figures include active and stand-by reservists


section 22 - irrelevant

DATA

Currently serving members who have been accused of sexual assault (as at 1 Oct 18)		Navy	Army	Air Force
Substantiated 25	Civil Conviction	0	0	0
	Disciplinary/Administrative Action	5	7	12
	Service Terminated	0	0	0
	Mediation	0	1	0
Not Substantiated 78	No Statement/Withdrawn by Complainant	7	16	4
	Insufficient Evidence	12	22	6
	Tried and Found Not Guilty	3	6	2
Under Consideration 38	Referred to Civil Authorities	4	12	3
	Inquiry in Progress	6	0	5
	Under Military Authorities Consideration	2	5	1
	Under Legal Review	0	0	0
Total		39	69	33

section 22 - irrelevant

section 22 - irrelevant

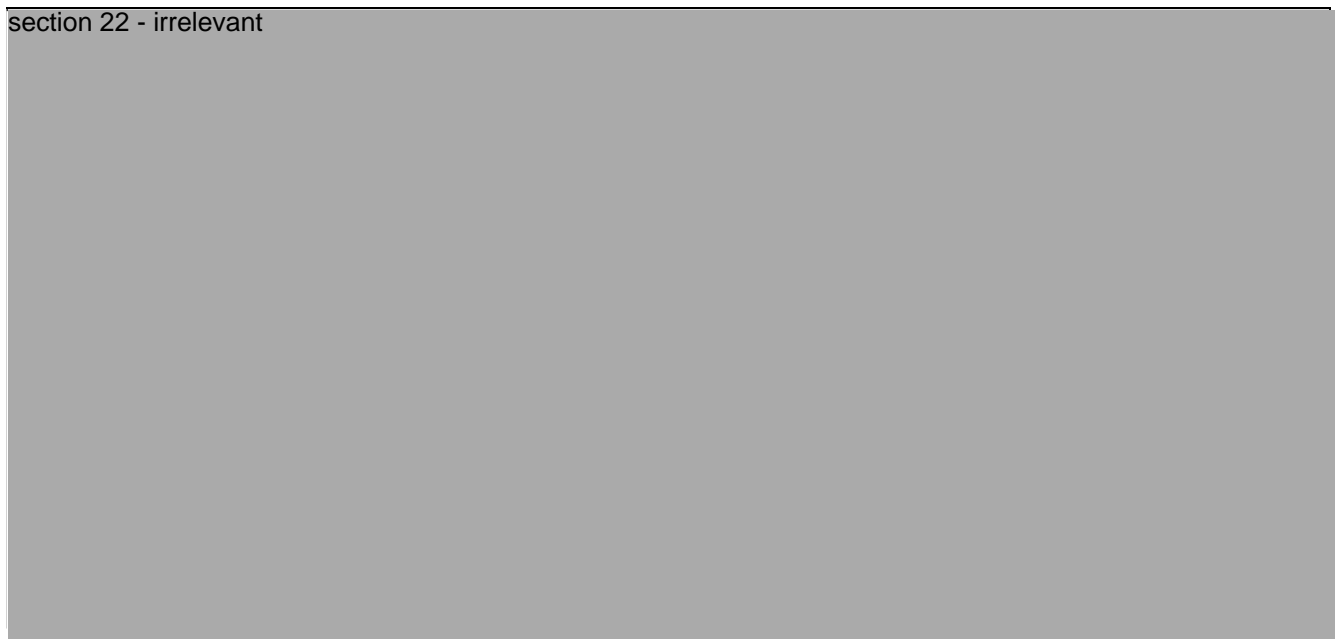


SEXUAL MISCONDUCT IN THE AUSTRALIAN DEFENCE FORCE


Strategic Narrative

Sexual misconduct is neither tolerated, nor accepted, in the Australian Defence Force (ADF). Cultural change is well underway. The reform initiatives which have been introduced since 2012 have focused on encouraging reporting, awareness of the issues and access to reliable investigative, support and management organisations.

section 22 - irrelevant



section 22 - irrelevant






Background

Reported Sexual Assault in the ADF

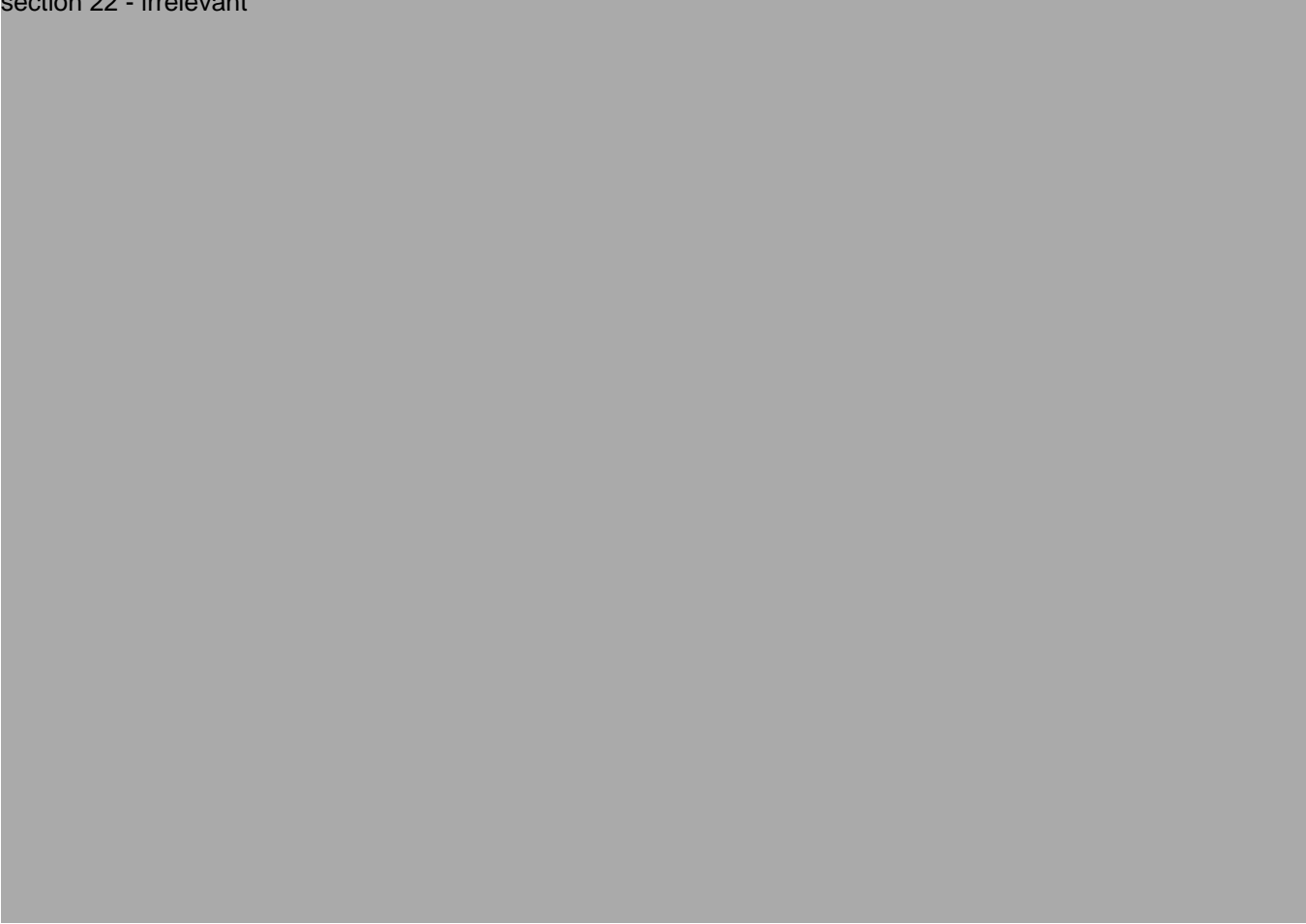
- There is a difference between the common understanding of sexual offences in the community, which are reflected in the Model Criminal Code; and those used by organisations like the Civilian Police, who use the ANZSOC definitions from the Australian Bureau of Statistics.
- Defence adopted ANZSOC in 2018 for statistical reporting on Sexual Assaults in the ADF to ensure consistency with other Government agencies.

- Defence's previous reports between 2012/13 - 2016/17 were calculated using the Model Criminal Code. The Model Criminal Code classifies non-penetrative sexual offences as indecent acts. By comparison, the 2017/18 and 2018/19 reports use the broader ANZSOC definition of sexual assault which includes penetrative and non-penetrative sexual offences.


section 22 - irrelevant




section 22 - irrelevant




section 22 - irrelevant



section 22 - irrelevant



section 22 - irrelevant



Action taken by Defence for reported sexual assaults (as at 24 July 19)


Action Taken / Outcome	FY 17/18	FY 18/19
Admin Action (formal warning/rank reduction/suspension)	29	38
Terminated	9	11
DFDA	11	12
JMPU/ODMP/Civil Police & Court Ongoing	22	56
Matter Unsubstantiated * ¹	34	20
Civil Court finding of guilty	2	3
Civil matter dropped * ²	2	3

* ¹ Following a formal investigation (by civilian or military investigators) the matter cannot be proven.


* ² This includes cases where a finding of not guilty is made, a hung jury returns no verdict or where civilian authorities chose to not progress with the matter (this does not mean the matter cannot be progressed and substantiated in some form (eg Admin Law or DFDA) by Defence).

- Reported matters may have multiple entries as initial and subsequent actions are taken, and may involve more than one person of interest. Additionally, there may reports to JMPU that do not lead to action because of the victim's wishes, and is therefore, not included in this data.


section 22 - irrelevant




section 22 - irrelevant



section 22 - irrelevant



section 22 - irrelevant



section 22 - irrelevant




section 47F	COS ADFHQ	section 47F	section 47F
section 47F	Command Support Branch ADFHQ	section 47F	section 47F
Consultation Head SeMPRO Acting CO JMPU	DPG JCG		

SEXUAL MISCONDUCT IN THE AUSTRALIAN DEFENCE FORCE

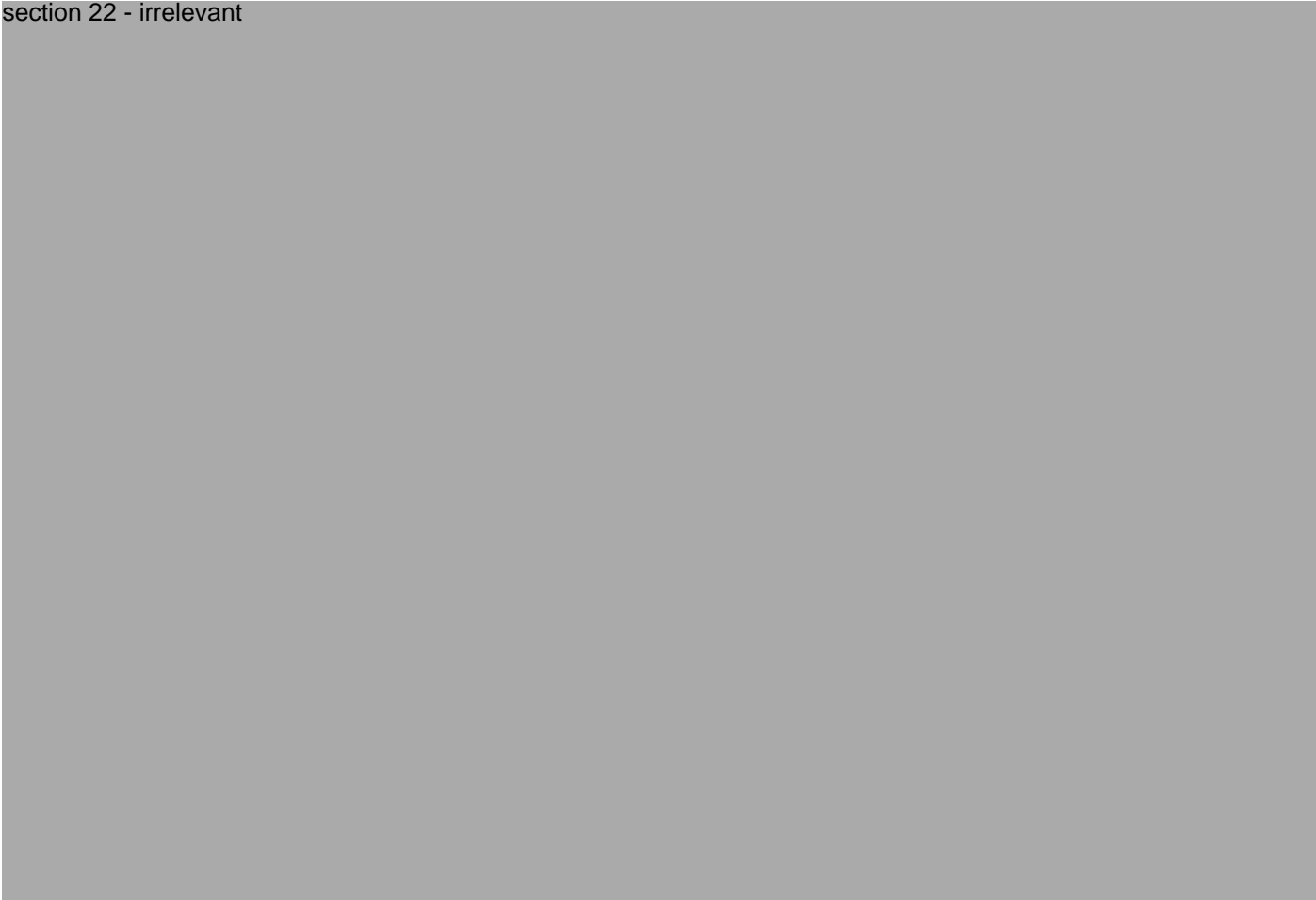
Strategic Narrative

Sexual misconduct is neither tolerated, nor accepted, in the Australian Defence Force (ADF). Cultural change is well underway. The reform initiatives which have been introduced since 2012 have focused on encouraging reporting, awareness of the issues and access to reliable investigative, support and management organisations.


section 22 - irrelevant



section 22 - irrelevant



section 22 - irrelevant




Background


Reported Sexual Assault in the ADF

- There is a difference between the common understanding of sexual offences in the community, which are reflected in the Model Criminal Code; and those used by organisations like the Civilian Police, who use the ANZSOC definitions from the Australian Bureau of Statistics.
- Defence adopted ANZSOC in 2018 for statistical reporting on Sexual Assaults in the ADF to ensure consistency with other Government agencies.
- Defence's previous reports between 2012/13 - 2016/17 were calculated using the Model Criminal Code. The Model Criminal Code classifies non-penetrative sexual offences as indecent acts. By comparison, the 2017/18 and 2018/19 reports use the broader ANZSOC definition of sexual assault which includes penetrative and non-penetrative sexual offences.

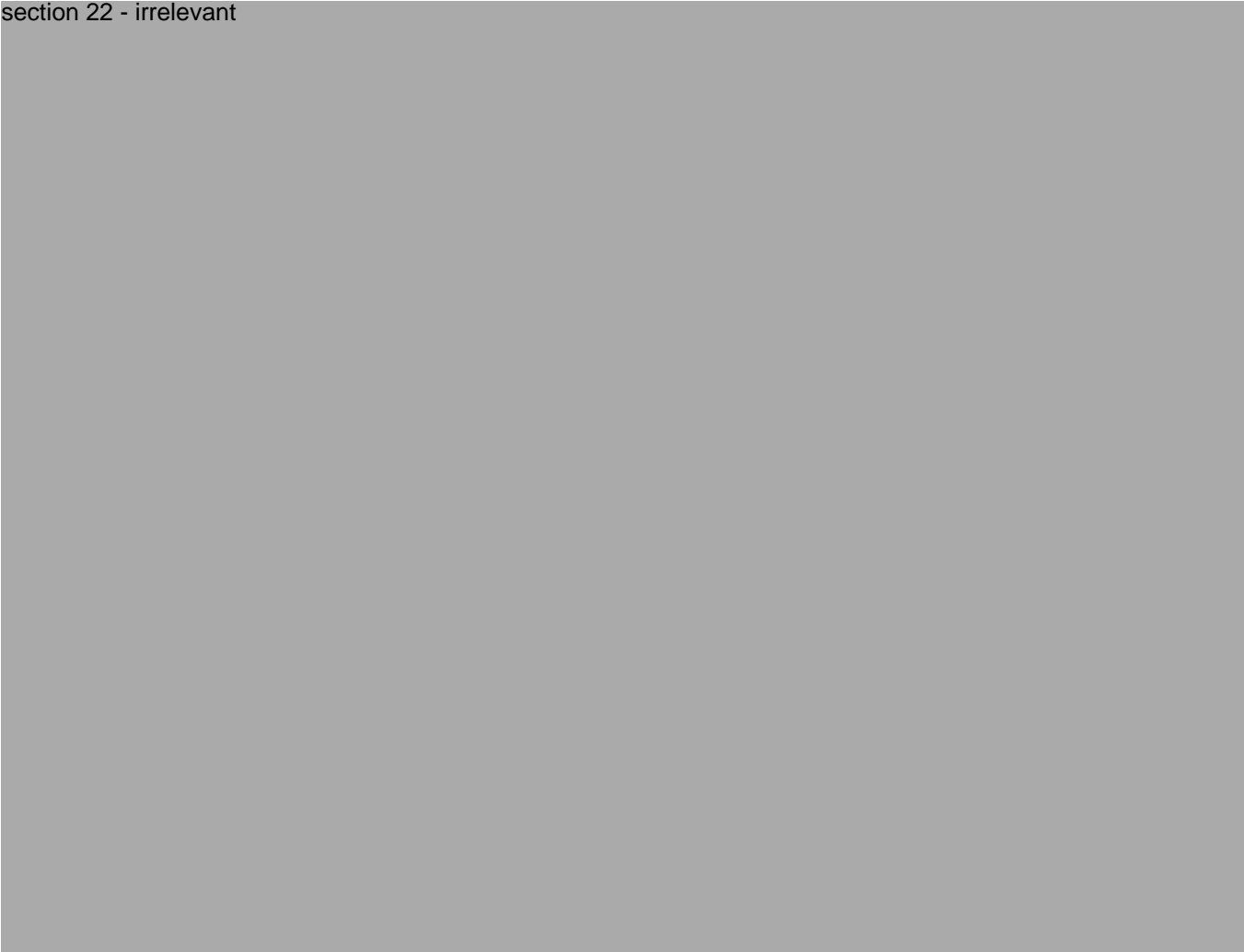
section 22 - irrelevant



section 22 - irrelevant




section 22 - irrelevant




- As reported in *The Australian* on 16 January 2020, the Annual Report of the Director of Military Prosecutions for calendar year 2018 identified that 23 charges of sexual assault and related offences were dealt with by ADF superior discipline tribunals in 2018, compared with 14 charges for 2017.

section 22 - irrelevant



- ADF superior discipline tribunals deal with about 50 serious discipline matters per year, which includes both full-time and part-time ADF members.
 - Of the approximately 85,000 people subject to Defence discipline as part of their service employment, twelve personnel were dealt with for sexual assault or related offences in calendar year 2018 resulting in seven personnel being convicted, equating to less than 0.01% of the total Defence Force.

section 22 - irrelevant



section 22 - irrelevant

section 22 - irrelevant

Action taken by Defence for reported sexual assaults (as at 24 July 19)

Action Taken / Outcome	FY 17/18	FY 18/19	FY19/20
Admin Action (formal warning/rank reduction/suspension)	29	38	
Terminated	9	11	
DFDA	11	12	
JMPU/ODMP/Civil Police & Court Ongoing	22	56	
Matter Unsubstantiated * ¹	34	20	
Civil Court finding of guilty	2	3	
Civil matter dropped * ²	2	3	

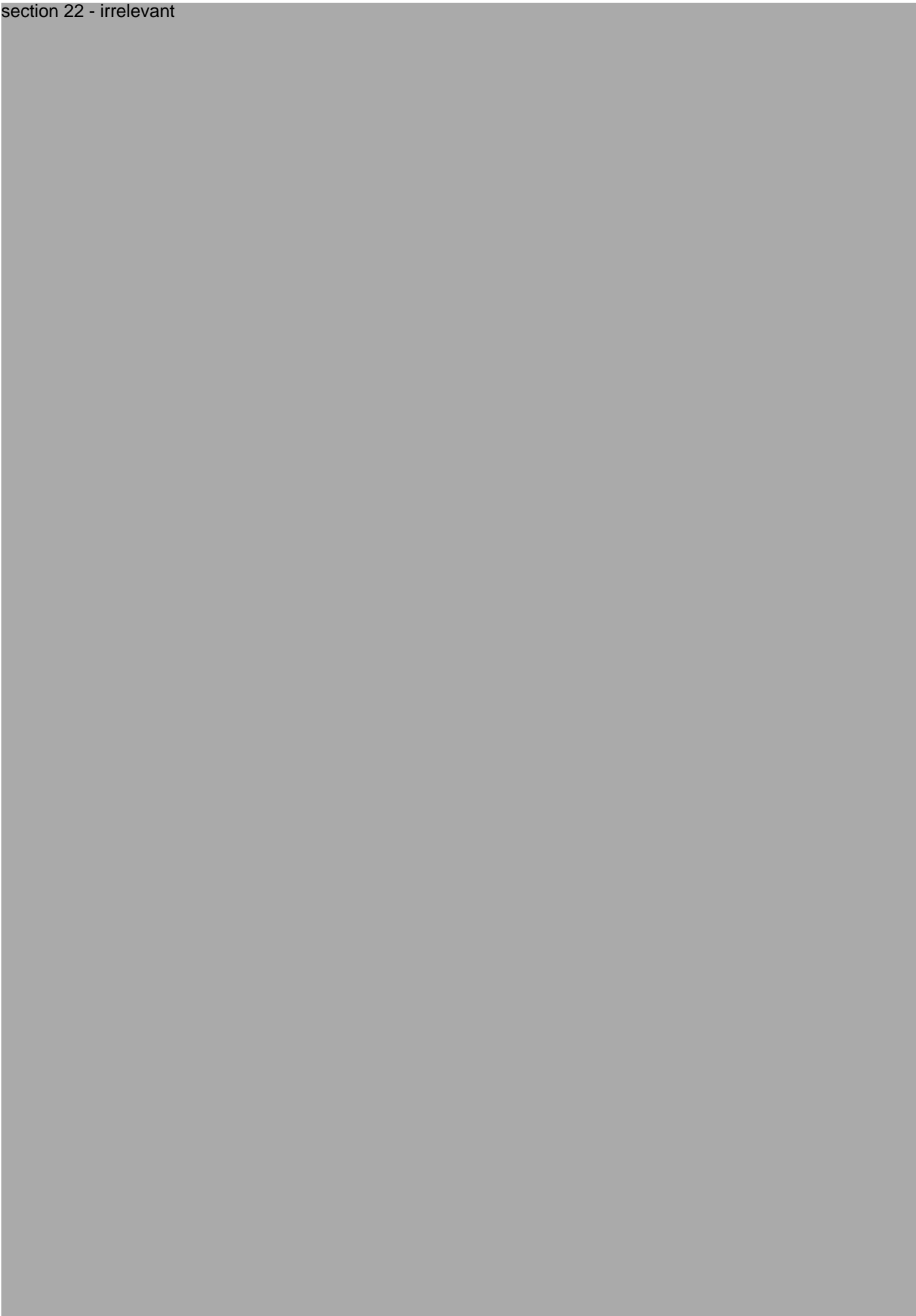
*¹ Following a formal investigation (by civilian or military investigators) the matter cannot be proven.

*² This includes cases where a finding of not guilty is made, a hung jury returns no verdict or where civilian authorities chose to not progress with the matter (this does not mean the matter cannot be progressed and substantiated in some form (eg Admin Law or DFDA) by Defence).

- Reported matters may have multiple entries as initial and subsequent actions are taken, and may involve more than one person of interest. Additionally, there may reports to JMPU that do not lead to action because of the victim's wishes, and is therefore, not included in this data.

section 22 - irrelevant

section 22 - irrelevant



Relevant Media

- Article "ADF sex assault charges double" *The Australian* 16 Jan 20

section 22 - irrelevant

section 47F	COS ADFHQ	section 47F	section 47F
section 47F	Command Support Branch ADFHQ	section 47F	section 47F
Consultation Head SeMPRO Acting CO JMPU	DPG JCG		