



**Submission by the
Commonwealth Ombudsman**

**INQUIRY INTO THE OPERATION OF THE
AUSTRALIAN DEFENCE FORCE'S RESISTANCE
TO INTERROGATION (RTI) TRAINING**

Submission by the Acting Commonwealth Ombudsman, Mr Richard Glenn

January 2017

The Commonwealth Ombudsman welcomes the opportunity to respond to the Senate Standing Committee on Foreign Affairs, Defence and Trade Inquiry (the Inquiry) into the Operation of the Australian Defence Force's (ADF) Resistance to Interrogation (RTI) Training.

BACKGROUND

The office of the Commonwealth Ombudsman seeks to ensure that administrative action by Australian Government agencies is fair and accountable. It does this by handling complaints, conducting investigations, performing audits and inspections, encouraging good administration, and discharging other specialist oversight tasks. The Commonwealth Ombudsman is guided by the values of independence, integrity, accessibility and professionalism.

The Defence Force Ombudsman

The Commonwealth Ombudsman is also the Defence Force Ombudsman (DFO), a function conferred on the Ombudsman in 1983 to provide assurance of independence and integrity in the management of complaints about matters of administration within the ADF. The DFO provides an external and independent complaints mechanism for serving and former members of the ADF for administrative and employment matters that have not been resolved by Defence.

Defence agencies within the DFO's jurisdiction include (but are not limited to) the Department of Defence (Defence), the ADF, the Department of Veterans' Affairs (DVA) and Defence Housing Australia.

Complaints made to the DFO about the ADF include decisions about promotion, demotion, discharge, postings, leave, housing, allowances and handling of Redress of Grievance processes. We can assess the handling of allegations of misconduct, harassment and abuse. We can also refer matters to the Inspector General ADF, where it is found to be a more appropriate investigation avenue.

From 1 July 2016 to 31 December 2016 the DFO received 263 approaches about matters of administration in Defence agencies. We investigated 65 (25%) of these matters.

From 1 December 2016 the DFO's functions were expanded to provide an independent mechanism to accept reports of abuse in the ADF. We accept reports of serious abuse, defined as sexual abuse, serious physical abuse and/or serious bullying and harassment.

The DFO provides support for people who report incidents of serious abuse, taking a trauma-informed care model to support those making a report of abuse, based on the principle of 'do no further harm'. We assess available options, which include a referral to counselling or assessment for participation in a Restorative Engagement conference, a facilitated meeting where the person making the report can meet with a member of Defence to have their report of abuse heard and acknowledged. We can also advise on whether the reported matter should be referred to the police, Defence or another agency for further consideration.

Since the commencement of this function the DFO has received 29¹ reports of abuse in the ADF.

¹ Reporting period 1 December 2016 - 23 January 2017

RESPONSE TO TERMS OF REFERENCE

Scope of the DFO to investigate administrative complaints about RTI training methods by serving and former members

The DFO can investigate complaints about administrative actions taken by the ADF relating to or arising from present or past service. This may include complaints about the operation of the ADF's RTI training.

We will generally decline to investigate a matter where the member still has an internal review or complaint mechanism available, such as the Redress of Grievance process.

Scope of the DFO to assist serving and former members whose mental health and wellbeing have been affected after participating in RTI training

From 1 December 2016 the DFO functions were expanded to provide an independent mechanism to report serious abuse in the ADF.

Reports of abuse can be made by serving and former members of the ADF, in relation to serious abuse which occurred between two (or more) people who were in Defence at the time. This includes ADF members and Australian Public Service employees/contractors deployed overseas in connection with Defence activities. There are many mechanisms within the ADF that can deal with reports of abuse. The DFO is available for members who may, for whatever reason, feel unable to report abuse within Defence channels.