

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN HUMAN RIGHTS COMMISSION

Question No. AE16/062

Senator Xenophon asked the following question at the hearing on 9 February 2016:

Since the AHRC delivered Audit Report “The implementation by Defence of the recommendations of the Review into the Treatment of Women in the Australian Defence Force” in early 2014 Defence informed the Senate Foreign Affairs, Defence and Trade Committee, in September 2014, that in its first year of operations SeMPRO had not had a single report within 72 hours of an incident and, in November 2015, in SeMPRO's second year of operations "... SeMPRO records indicate fewer than five reports of sexual assault were received within 72 hours of an incident.

Noting the reasons given by Commissioner Broderick in 2012 for strongly recommending the introduction of restricted reporting, is the AHRC concerned that:

1. In SeMPRO's first year of operations 2013-2014 not a single victim of sexual assault made a restricted report to SeMPRO within 72 hours of an incident?
2. In SeMPRO's second year of operations 2014-2015 'fewer than five' reports of sexual assault were received within 72 hours of an incident'?
3. Since the AHRC presented its 2014 audit report, has the AHRC had any discussions with Defence about why victims of sexual assault in the ADF have not been making restricted reports to SeMPRO within the first 72 hours after the assault?
4. If yes, what has been the outcome of those discussions?
5. If no, why not?
6. Does the AHRC regard the version of 'restricted reporting' which has been introduced by Defence as being substantially the kind of restricted reporting which Commissioner Broderick recommended in 2012?

The answer to the honourable senator's question is as follows:

In 2012, the Sex Discrimination Commissioner recommended the following in the *Review into the Treatment of Women in the Australian Defence Force, Phase 2 Report, 2012*:

The ADF, through SEMPRO, must investigate as a matter of urgency, mechanisms to allow for confidential (restricted) reporting of sexual harassment, sex discrimination and sexual offence complaints. Given the extent of under-reporting, this would ensure access to information and support to members who are victims of sexual harassment or sexual assault, but who may not have otherwise reported an incident and would not have access to support services. Experience from other militaries demonstrates that confidential reporting leads to a significant increase in the number of men and women accessing services. A confidential reporting system would also allow for the collection of de-identified data that would not otherwise be available.¹

The Commission is satisfied that SeMPRO was designed to be victim-focussed, in line with the Review recommendation.

Under the current collaboration between the Commission and the Australian Defence Force, this issue is outside of the Commission's remit. The Australian Human Rights Commission no longer has a direct role in reviewing or recommending changes to ADF policies and practices. The Commission's current work with the ADF is to report on the implementation of the Cultural Reform Program. The Commission is tasked with visiting military bases in Australia and

reflecting the views of military personnel. The extent of the Commission's remit is to reflect matters that are observed or communicated on bases.

The Commission has not received SeMPRO data.

ⁱ Australian Human Rights Commission, *Review into the Treatment of Women in the Australian Defence Force, Phase 2 Report*, 2012, p.274. At <https://webcache.googleusercontent.com/search?q=cache:9810qLOprbkJ:https://defencereview.humanrights.gov.au/sites/default/files/chapter7.doc+&cd=1&hl=en&ct=clnk&gl=au> (Viewed 8 March 2016).