

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Group: 2

Program: 1.8

Question: BE14/061

Senator Xenophon asked the following question at the hearing on 26-29 May 2014:

My office has been approached by constituents who have said that they have heard there are a number of people participating in the Defence Abuse Response Taskforce (DART) process who have committed suicide.

There are concerns that where these claimants haven't had their claim finalised before they've passed away that none of any potential repatriation payments will be made to the surviving families.

1. Can the DART advise whether an application will still be progressed in the event a claimant passes away before the claim has been finalised by the DART?
2. If the claim is finalised to whom are any repatriation payments made?
3. Is the DART aware of any claimants who have taken their own lives after submitting an application?
4. If so, how many claimants have taken their own lives since submitting their application?
5. What programs are in place to assist DART claimants, particularly those who may be experiencing mental health issues?

The answers to the honourable senator's questions are as follows:

1. Can the DART advise whether an application will still be progressed in the event a claimant passes away before the claim has been finalised by the DART?

Reparation Payments

No. The Defence Abuse Reparation Scheme Guidelines establish that, if an Application for Reparation Payment is made by a complainant or his or her authorised representative and, prior to any Reparation Payment being made, the complainant passes away, the Application will not be progressed.

The Taskforce can make urgent Reparation Payments to complainants when necessary. Urgent Reparation Payments are generally made within three working days of receipt of completed financial forms. The emergency payment process is used on a case-by-case basis taking into account individual circumstances, including where an immediate health or mental health risk is identified.

Other Outcomes

No, save that in appropriate circumstances, the Taskforce may provide counselling for family members of a deceased complainant.

2. If the claim is finalised to whom are any reparation payments made?

The Reparation Payment is electronically transferred to the complainant's or his or her authorised representative's nominated bank account.

A complainant's authorised representative is someone who the Reparation Payments Assessor is satisfied is:

- (a) a trustee, guardian or administrator appointed under legislation, or by a court or tribunal order
- (b) the holder of a power of attorney
- (c) a legal representative
- (d) someone who has legal or written authority (general or specific) to represent the person in relation to the person's Application for Reparation Payment under the Reparation Scheme, or
- (e) someone who the Reparation Payments Assessor is otherwise satisfied is authorised to make an Application for Reparation Payment on behalf of the person, under the Reparation Scheme.

3. Is the DART aware of any claimants who have taken their own lives after submitting an application?

Yes.

4. If so, how many claimants have taken their own lives since submitting their application?

The Taskforce is aware of three complainants who have taken their lives since submitting their complaint. The Taskforce is very aware of the impact that reporting to the Taskforce has on some complainants. The Taskforce therefore offers support to all complainants and, in particular, has developed processes to identify at-risk complainants.

5. What programs are in place to assist DART claimants, particularly those who may be experiencing mental health issues?

The Taskforce is committed to the principle that it should do no further harm.

Within the Taskforce

The Complainant Support Group is the main point of contact for complainants within the Taskforce. CSG gives high priority to the interests, needs and preferences of complainants and their safety and well-being is a principal consideration.

CSG works on a one-on-one basis to support complainants. CSG staff members have wide experience in working with people subjected to violence, abuse and complex trauma.

CSG has had direct contact with complainants since January 2013 and, over this time, has built up an understanding of the types of issues affecting complainants. This contact has included working with complainants who display aggressive behaviour towards others or are at high risk of self-harm or suicide.

CSG has developed a mental health risk assessment tool in conjunction with the Taskforce's Psychological Support Team of registered psychologists who provide professional advice and assistance to CSG staff members and the Taskforce at large. The mental health risk assessment tool

includes well-defined processes on how to identify complainants at risk and manage crisis calls. All CSG staff undertake training in the use of this assessment tool.

As at 1 July 2014, a total of 52 risk assessments have been undertaken. Interventions have included referral to counselling for urgent or immediate contact and notifications to treating health practitioners and police.

In addition to CSG's own observations, other Taskforce outcome groups assist in the management of complainants' matters. They identify complainants who may require urgent or priority attention, for example complainants who may be terminally ill or facing other urgent health or at risk circumstances. This information allows the Taskforce to manage these complaints appropriately, including by making emergency Reparation Payments as outlined above.

Counselling

The Taskforce's national Counselling Program is an available outcome for complainants whose complaint is assessed as in scope and plausible. The Taskforce also makes counselling available to complainants during the course of their dealings with the Taskforce when an urgent need for this assistance is identified.

Community services

Complainants also have access to whatever other assistance is available to them through other government or community programs and their private arrangements.

Through its website and in verbal and written communication with complainants, the Taskforce provides the contact details to support organisations such as Lifeline, *beyondblue*, Employee Assistance Programs and the ADF all-hours support line. Many of these expert services provide 24 hour support which is critical as some complainants are located overseas or in rural or remote areas and would otherwise have difficulty accessing the necessary assistance.