



Management of abuse claims

Last amended 5 May 2021

1. Introduction

Last amended 3 May 2021

Sexual and physical abuse in the Australian Defence Force has been the subject of a number of inquiries, significantly:

- [DLA Piper Review](#) ^[3], which led to the establishment of the Defence Abuse Taskforce (DART)
- [Royal Commission into Institutional Responses to Child Sexual Abuse](#) ^[4], which led to the establishment of the [National Redress Scheme](#) ^[5].

In response to issues identified as part of these inquiries, DVA has instituted a number of procedural and policy changes that affect the handling of claims related to sexual and physical abuse in the ADF.

For policy information, refer to [3.4.7 Claims related to sexual and physical abuse](#) ^[6].

Claims related to sexual or other forms of abuse are managed by the Specialised Case Team.

2. Procedures for contact

Last amended 5 May 2021

2.1 Triage and Connect

Last amended 24 May 2021

Triage and Connect is a single referral pathway for complex clients within DVA's Client Support Framework. For abuse claims, the Specialised Case team(SCT) works with social workers to provide support to the client. However, if a complex matter was then identified (for a matter unrelated to the SCT case), the client, may be referred to Triage and Connect.

Information on how to refer a client to Triage and Connect is found on the [Triage and Connect intranet page](#) ^[9] . Referrals to Client Coordination and Support (CCS) are also made through Triage and Connect.

2.2 Client Benefits Staff

Last amended 24 May 2021

If a Client Benefits staff member is contacted directly by an individual seeking compensation advice for abuse matters, they should:

- provide general information only;

- advise of the Open Arms Counselling and Non-Liability Health Care (NLHC);
- send an "internal email" referral to Specialised Case team at client.support@dva.gov.au ^[11]. A member from this team will review the referral and respond to the staff with further guidance/query.

2.3 Veterans Access Network (VAN) staff

Last amended 24 May 2021

If a VAN staff member is contacted directly by an individual seeking advice about abuse matters, they should:

- refer to the appropriate VAN scripts relating to general abuse matters and policy changes.
- If there is an existing claim being managed by the Specialised Case team, then direct any further enquiries to the appropriate delegate managing the outstanding abuse claim.
- for a new query, consider sending an "internal email" referral to Specialised Case team at client.support@dva.gov.au ^[11].

For further information, refer to [Scripts for the Provision of Advice](#), ^[13]

3. Types of Claims

3.1 What constitutes an abuse claim?

Last amended 4 May 2021

Claims are considered as an abuse claim in the following circumstances:

- any claim where the client specifically refers to sexual assault, sexual harassment or bastardisation.
- any claim where the client specifically refers to physical harassment, physical intimidation or physical assault.

3.2 What does not constitute an abuse claim?

Last amended 4 May 2021

Claims are not considered to be related to abuse in the following circumstances:

- claims alleging workplace bullying, verbal intimidation or verbal harassment;
- claims involving supervisor or peer attitudes or communications, workload pressures, performance counselling, failure to obtain a promotion and conflict with a co-worker.

4. Investigating abuse claims

Last amended 4 May 2021

4.1 Registration process

Last amended 4 May 2021

When DVA receives a new sexual or physical abuse claim (as defined in [3.1 What constitutes a sexual or other form of abuse claim](#) ^[19]), the Initial Benefits Team (IBT) will:

- Register the claim and allocate the *Sexual harassment, sexual or physical assault* priority identifier in ISH;
- Send an acknowledgement letter to the client;
- Assign the claim to the Specialised Case Team.

Contact details for the IBT are available in the Claims and Operations phone contacts spreadsheet in HP Content Manager [18885858E](#) ^[20].

For information about registration of claims refer to:

- Registration and IBT function on the Compensation Claims Support Site
- Military Compensation Reference Library - Claims management guidelines - 1. Claim receipt, screening, prioritisation, allocation and acknowledgement procedures
- [Claim Registration R&C ISH Step-by-Step Guide](#) ^[21]

4.2 Investigation Process - Specialised Case Team

Last amended 24 May 2021

Specialised Case Team delegates should undertake the following after being assigned an abuse claim, as defined in [3.1 What constitutes a sexual or other form of abuse claim](#) ^[19], ^[23]

Delegates begin the claim process by offering correspondence with a DVA social worker/clinical psychologist to discuss the claimant's contention/s and the claim process. Claimants can choose to be represented by an advocate or representative.

Delegates should identify whether a Triage and Connect referral is appropriate and seek any necessary medical, psychiatric or service information from Defence, specialists or treating doctors.

Delegates should keep the client, or their representative, informed during the claim process.

Delegates should ascertain whether the client has previously submitted a claim to the DART and, if so, request client authority for DART to provide claim information to DVA. An [Authority to Release Information - DART - DVA Consent Form](#) ^[24] is available on the [Specialised Case Team](#) ^[25] webpage in the [Compensation Claims Support Site](#) ^[26].

DVA will not call claimants to discuss issues of significance, such as a potential rejection, without advance warning. This will give claimants the opportunity to have a representative present at the time of discussion if they choose.

Single point of contact - The role of the social worker

To support each client through abuse claims, a social worker can be made available to clients to act as a single point of contact. Social workers are professionally trained to deal with clients who require sensitive treatment. The social worker:

- will act as the liaison between the client and the delegate;
- provides the client with information on the status of their claim, the investigation process and the outcomes; and
- ensures the client's mental health is not compromised and they are directed towards further support if required.

4.3 Case escalation

Last amended 24 May 2021

In certain circumstances, matters will be escalated as detailed below:

Claim requires/involves	Responsible area	Method/Point of Contact
Determination of initial liability in a new claim	Specialised Case Team	Client.Support@dva.gov.au ^[27]
Reconsideration of a previously rejected claim at claimant's request	Reconsiderations	Reconsiderations.MRCC@dva.gov.au ^[28]

Reconsideration of a previously rejected claim instigated by DVA (own-motion review)	Delegate/TL Specialised Case team	Client.support@dva.gov.au ^[29]
Policy advice	Liability and Service Eligibility	Land.SE.Policy@dva.gov.au ^[30] Email should include details of service, circumstances of claim, details of contention, relevant policy.
Legal advice	Statutory Interpretation, Legal Services	Statutory.Interpretation@dva.gov.au ^[31] Email should include a summary of the claim and details of legal issues.
High profile claimant (commissions or senate inquiry witnesses or submissions, media involvement)	Triage and Connect	Triage and Connect ext: 410002

4.4 Existing claims where abuse emerges during investigation

Last amended 24 May 2021

In cases where the client does not make reference to abuse in their original contention, but it becomes evident in the course of investigation that abuse is a factor, then responsibility for processing the claim should be transferred to the Specialised Case Team. The staff member should refer the case to the Specialised Case team by sending the email referral to client.support@dva.gov.au ^[11] using this [template](#) ^[33](HPE#19245941E). Further guidance will then be provided by the Specialised Case team.

5. Scripts for the provision of advice

Last amended 25 May 2021

5. Scripts for the provision of advice

Guidance for Coordinated Client Support (CCS) and Client Benefits staff	
<p>General information enquiry about Royal Commission into Institutional Responses to Child Sexual Abuse</p>	<p>In June 2016, the Royal Commission inquired into the experiences of survivors of child sexual abuse at the following institutions operated by the ADF:</p> <ul style="list-style-type: none"> o HMAS Leeuwin in the period 1960 to 1980; o The Army Apprentice School Balcombe in the period 1970 to 1980; o ADF Cadets in the period 2000 to present. <p>In response, DVA undertook to examine the evidentiary difficulties experienced by survivors of child abuse when lodging a claim.</p>

<p>Enquiry regarding abuse policy changes</p>	<p>What are the changes?</p> <p>On 29 September 2016, the Repatriation Commission and Military Rehabilitation and Compensation Commission agreed to the use of statutory declarations in establishing that an incident of physical or sexual abuse occurred.</p> <p>Who benefits from the changes?</p> <p>Where an incident of physical or sexual abuse occurred and the survivor was aged under 18 at the time, a statutory declaration alone will be sufficient (in the absence of contradictory evidence) to establish that an abuse incident occurred.</p> <p>What about abuse of individuals aged over 18 at the time?</p> <p>Where an incident of physical or sexual abuse occurred at any time and the survivor was aged over 18, a statutory declaration supported by corroborative evidence (and absent of any contradictory evidence) will be sufficient to establish that an abuse incident occurred.</p> <p>Why is there a different approach for children?</p> <p>The Commissions recognised the unique difficulties facing children who suffer physical and sexual abuse, including that abuse events are unlikely to be reported and there is consequently a reduced likelihood of any evidence in those cases.</p> <p>Does this mean my claim will be successful and I will receive compensation?</p> <p>This policy will assist with the first aspect of the claims process; establishing that an incident of abuse occurred. It remains the case that for a claim to be successful, DVA must be satisfied on the balance of probabilities that a diagnosed medical condition exists and the condition is related to a person's ADF service. If liability is accepted, the normal compensation assessments will occur.</p> <p>What happens with my existing claim?</p> <p>The new policy will be applied to all existing claims. There is no need to submit a new claim. If DVA requires any further evidence, the claimant will be contacted.</p> <p>Can I lodge a new claim?</p> <p>Yes. New claims relating to sexual and physical abuse will be assessed under the policy.</p>
<p>If caller wants to make a compensation claim</p>	<p>Provide general information, send liability and NLHC claim forms and advise of Open Arms. Escalate claims/call if required.</p> <p>All abuse claims are processed according to current legislation and guidance.</p> <p>Refer caller to Coordinated Client Support (CCS).</p>
<p>Journalist enquiry</p>	<p>All requests for information or comment from the media about departmental business must be referred to the Media Team on 02 6289 6466 or at media.team@dva.gov.au ^[35].</p> <p>Staff are not to enter into discussions with a journalist or express opinions on government policies, policy options or matters of a political nature.</p>
<p>Threat to contact media</p>	<p>Record the caller's name and discuss the matter with your manager. Your manager should consider whether it is necessary to inform the Media Team. The Media Team can be contacted on 02 6289 6466 or at media.team@dva.gov.au ^[35].</p>
<p>If caller requires counselling</p>	<p>Refer caller to an appropriate service:</p> <ul style="list-style-type: none"> • For current ADF personnel and their families, refer to Defence All Hours Support Line on 1800 628 036. • For current or former ADF personnel and their families, refer to Open Arms on 1800 011 046.

6. The Defence Abuse Response Taskforce (DART)

Last amended 19 January 2017

6.1 The role of the DART

Last amended 19 January 2017

The DART was established as part of the Government's response to the DLA Piper Review into allegations of sexual and other forms of abuse in Defence.

The Taskforce was established to assess and respond to individual cases of abuse in Defence, occurring before 11 April 2011. In short, the fundamental work of the Taskforce is to determine, in close consultation with complainants, the most appropriate outcome in individual cases.

6.2 Impact of Defence Abuse reparation scheme payments on DVA payments

Last amended Wednesday, May 5, 2021

The Defence Abuse Reparation Scheme is administered by DART and provides for a reparation payment of up to \$50,000 to people who, in the opinion of the reparations payment assessor, may have plausibly suffered abuse while employed in Defence. Such reparation payments are made by DART.

A reparation payment under the Defence Abuse Reparation Scheme is not compensation. That is, it is not payment for any physical, psychological, emotional or financial injury, or loss or damage suffered by a person as a result of abuse. Rather, it is a payment intended as an acknowledgement that abuse itself is wrong and should not have occurred.

Accordingly, due to fundamental differences between DVA-administered legislation and DART's Defence Abuse Reparation Scheme, it is possible that a person may be entitled to a reparation payment from DART but not compensation from DVA.

The impact of a reparation payment under the Defence Abuse Reparation Scheme on DVA payments can be summarised as follows:

- Reparation payments are not compensation and therefore do not affect DVA compensation payments through compensation offsetting;
- The receipt of a reparation payment does not affect a claimant's legal right to claim compensation or benefits provided by DVA;
- Receipt of reparation payments will, in some cases, affect the level of income support payments provided by DVA.

6.3 Exchange of information between DVA and DART

Last amended 5 May 2021

On 1 December 2013, a Memorandum of Understanding (MOU) between DART and DVA was entered into providing for the mutual exchange of information.

Documents that can be requested

Under the MOU, both DVA and DART can request documents held by each other that:

- **For DVA:** Relate to a claim under the *Veterans' Entitlements Act 1986* (VEA), the *Military Rehabilitation and Compensation Act 2004* (MRCA) or the *Safety, Rehabilitation and Compensation (Defence-related claims) Act 1988* (DRCA), where the claimant is also a complainant of an allegation of abuse being assessed by the DART.
- **For DART:** Relate to a complaint where the complainant is a DVA claimant under the VEA, MRCA or DRCA.

Procedural arrangements

The process to request information is the same for both DVA and DART.

1. The requesting officer emails their counterpart contact officer. The email is to contain a signed copy of the "[Authority to Release Information - DART - DVA](#) ^[39] (HPE# 13414123E) Consent Form" available on the [Liability](#) ^[40] page of the Compensation Claims Support Site.
2. The recipient is to acknowledge the request within 3 business days.

3. The recipient is to raise any issues regarding consent, file availability, or any other matter that could delay the release of the files within 10 business days.
4. The recipient must make relevant files available to the requesting party within 20 business days wherever practicable.

Contact officers

The contact officers for information requests are:

DVA: Assistant Director, Specialised Case Team, VEA, Compensation and Support. For contact details, refer to the Claims and Operations phone contacts spreadsheet in HP Content Manager [18885858E](#) ^[20].

DART: Cassidy [s47F](#) Senior Legal Officer, Legal and Coordination – The Defence Abuse Response Taskforce. Ph: Attorney-General's Department [s47F](#) [s47F](#). Email [s47F](#) ^[41].

7. Information on the National Redress Scheme

Last amended Wednesday, May 5, 2021

On 1 July 2018 the [National Redress Scheme](#) ^[5] was established for people who experienced institutional child sexual abuse. The scheme will continue until 2028.

People who were sexually abused in the ADF, or as Cadets, while under the age of 18 may be eligible to apply under the scheme for redress payments of up to \$150,000, counselling and a direct personal response.

The standard of proof for the scheme is 'reasonable likelihood', which is lower than the standard required for DVA compensation claims.

A redress payment made by the scheme is not to be treated as being a payment of compensation or damages under the *Veterans' Entitlements Act 1986* or any other Government legislation. Redress payments therefore will not be considered for offsetting purposes.

DVA compensation that may have been received in relation to abuse will be explicitly referred to as an exempt prior payment under the Redress Scheme Rules and, therefore, DVA compensation payments that may have been received will not be taken into account by the scheme when calculating the amount of redress that is payable.

A survivor will not pay tax on a redress payment. Redress payments will also be exempt from government debt recovery and any income tests related to government payments, but they will be included in assets testing for Commonwealth payments.

Redress payments will not be treated as income for the purpose of calculating income support entitlements. However, a payment will be deemed to earn interest at the applicable deeming rate while it is held as a financial asset. This may affect a person's income support payment if it is income tested.

If the payment is used to purchase assets, those assets will be included in the assets tests and will impact the person's income support payment if they are assets tested.

As a result, a claim for a redress payment will have minimal impact on DVA compensation and treatment arrangements and vice-versa.

Any prior reparation payments from the Defence Force Ombudsman or Defence Abuse Response Taskforce may be taken into account when calculating the amount of redress under the scheme. Should a successful applicant's redress payment be reduced to nil by these prior payments, they will still be eligible for a direct personal response and counselling under the Scheme.

Further information can be found in the [Businessline \(19 July 2018 - National Redress Scheme for people who experienced institutional child sexual abuse\)](#) ^[42].

The Scheme is administered by the Department of Social Services. Further information on the scheme can be obtained from www.nationalredress.gov.au ^[43] or by calling 1800 737 377.

8. Assisting abuse survivors

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DVA engaged Phoenix Australia and the Centre for Posttraumatic Mental Health to develop and deliver a training course and materials for those who may come into contact with clients who have experienced abuse. The information is aimed at helping CBD staff to understand and assist those who contact the department with allegations of abuse.

There are a number of potential misconceptions that may arise from the behaviour of and the nature of information provided by individuals who have experienced abuse, which can be avoided with a better understanding of the ways in which abuse may affect an individual.

For further information refer to [Phoenix Abuse Case Training Summary-2018](#) ^[44] (HP reference 1984152E).

Source URL (modified on 05/05/2021 - 3:33pm): <http://auth-clik.dvastaff.dva.gov.au/military-compensation-reference-library/management-abuse-claims>

Links

- [1] <http://auth-clik.dvastaff.dva.gov.au/comment/reply/31941#comment-form>
- [2] <http://auth-clik.dvastaff.dva.gov.au/comment/reply/31940#comment-form>
- [3] https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Affairs_Defence_and_Trade/Completed_inquiries/2010-13/dlapiper/report/index
- [4] <https://www.childabuseroyalcommission.gov.au/>
- [5] <https://www.nationalredress.gov.au/>
- [6] <http://auth-clik.dvastaff.dva.gov.au/military-compensation-mrca-manuals-and-resources-library/policy-manual/ch-3-liability/34-investigating-claim/347-claims-related-sexual-and-physical-abuse>
- [7] <http://auth-clik.dvastaff.dva.gov.au/comment/reply/31943#comment-form>
- [8] <http://auth-clik.dvastaff.dva.gov.au/comment/reply/31947#comment-form>
- [9] [https://intranet.dvastaff.dva.gov.au/supportingclients/clientrelationshipmanagement/Pages/Client-Assessment-and-Referral-\(Triage\).aspx](https://intranet.dvastaff.dva.gov.au/supportingclients/clientrelationshipmanagement/Pages/Client-Assessment-and-Referral-(Triage).aspx)
- [10] <http://auth-clik.dvastaff.dva.gov.au/comment/reply/31950#comment-form>
- [11] <mailto:client.support@dva.gov.au>
- [12] <http://auth-clik.dvastaff.dva.gov.au/comment/reply/31939#comment-form>
- [13] <http://auth-clik.dvastaff.dva.gov.au/military-compensation-reference-library/management-claims-relating-sexual-or-other-forms-abuse/5-scripts-provision-advice>
- [14] <http://auth-clik.dvastaff.dva.gov.au/comment/reply/31951#comment-form>
- [15] <http://auth-clik.dvastaff.dva.gov.au/comment/reply/31938#comment-form>
- [16] <http://auth-clik.dvastaff.dva.gov.au/comment/reply/31952#comment-form>
- [17] <http://auth-clik.dvastaff.dva.gov.au/comment/reply/31944#comment-form>
- [18] <http://auth-clik.dvastaff.dva.gov.au/comment/reply/31954#comment-form>
- [19] <http://auth-clik.dvastaff.dva.gov.au/military-compensation-reference-library/management-claims-relating-sexual-or-other-forms-abuse/3-types-claims/31-what-constitutes-abuse-claim>
- [20] <https://dvashare.dvastaff.dva.gov.au/BusinessUnits/Support/DSR/RC/MRCGTools/Link%20Documents%20and%20Letters/Claims%20and%20Operations%20Phone%20Contacts%20v2.0>
- [21] https://dvashare.dvastaff.dva.gov.au/BusinessUnits/Support/Comp/SeniorResponsibleOfficerRC/IPSISHTTrainingSBSLibrary/RnCISH_SBS_Claim_Rego.html
- [22] <http://auth-clik.dvastaff.dva.gov.au/comment/reply/31956#comment-form>
- [23] <http://auth-clik.dvastaff.dva.gov.au/military-compensation-reference-library/management-claims-relating-sexual-or-other-forms-abuse/3-types-claims/31-what-constitutes-sexual-or-other-form-abuse-claim>
- [24] <https://collaboration.dvastaff.dva.gov.au/BusinessUnits/Support/DSR/RC/MRCGTools/Link%20Documents%20and%20Letters/Authority%20to%20Release%20Information%20-%20DARS%20-%20DVA%20Consent%20Form.tr5>
- [25] <https://collaboration.dvastaff.dva.gov.au/BusinessUnits/Support/DSR/RC/MRCGTools/Pages/Complex%20Case%20Team.aspx>
- [26] <https://collaboration.dvastaff.dva.gov.au/BusinessUnits/Support/DSR/RC/MRCGTools/SitePages/Home.aspx>
- [27] <mailto:Client.Support@dva.gov.au>
- [28] <mailto:Reconsiderations.MRCC@dva.gov.au>
- [29] <mailto:Client.support@dva.gov.au>
- [30] <mailto:L.and.SE.Policy@dva.gov.au>
- [31] <mailto:Statutory.Interpretation@dva.gov.au>
- [32] <http://auth-clik.dvastaff.dva.gov.au/comment/reply/31955#comment-form>
- [33] <https://dvashare.dvastaff.dva.gov.au/BusinessUnits/Support/DSR/RC/MRCGTools/Link%20Documents%20and%20Letters/CCT%20referral%20template.tr5>
- [34] <http://auth-clik.dvastaff.dva.gov.au/comment/reply/31945#comment-form>
- [35] <mailto:media.team@dva.gov.au>
- [36] <http://auth-clik.dvastaff.dva.gov.au/comment/reply/31946#comment-form>
- [37] <http://auth-clik.dvastaff.dva.gov.au/comment/reply/31953#comment-form>
- [38] <http://auth-clik.dvastaff.dva.gov.au/comment/reply/31949#comment-form>
- [39] <https://dvashare.dvastaff.dva.gov.au/BusinessUnits/Support/DSR/RC/MRCGTools/Link%20Documents%20and%20Letters/Authority%20to%20Release%20Information%20-%20DART%20-%20DVA%20Consent%20Form.tr5>
- [40] <http://dvashare/BusinessUnits/Support/DSR/RC/MRCGTools/Pages/Liability.aspx>
- [41] <mailto:s47F>
- [42] <https://collaboration.dvastaff.dva.gov.au/BusinessUnits/Support/DSR/RC/MRCGTools/Link%20Documents%20and%20Letters/Businessline%20The%20National%20Redress%20Scheme>
- [43] <http://www.nationalredress.gov.au/>
- [44] <https://dvashare.dvastaff.dva.gov.au/BusinessUnits/Support/DSR/RC/MRCGTools/Link%20Documents%20and%20Letters/Phoenix%20Abuse%20Case%20Training%20Summary%20201>