

Defence hit by wave of compensation claims after abuse culture revealed



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More than 100 compensation claims for sexual and physical abuse stretching back more than half a century have been lodged against the Department of Defence, as it grapples with millions of dollars in legal claims the government says pose a potential fiscal risk.

A lawyer handling many of the abuse claims has warned more may yet emerge, and says some victims are seeking more than \$1 million in compensation.



Sexual abuse in the armed forces is the subject of a public inquiry. *Photo: Glenn Campbell*

Figures obtained by Fairfax Media show the abuse cases form part of about 300 claims the Defence Department faces. The broader claims relate to abuse, personal injury, damage caused by "defective administration" and statutory compensation.

In the government's mid-year economic fiscal outlook last month, it categorised the defence claims as "risks" that may affect the fiscal outlook.

The department confirmed there are 105 claims for compensation following alleged sexual or physical abuse occurring as far back as 1963.

The Australian Defence Force has a history of reported abuse, harassment and other unsavoury incidents in its ranks – often involving training establishments or junior members.

They involve repeated, serious, physical and sexual assaults including gang rape, ongoing sexual harassment and serious workplace bullying – incidents which have had devastating, life-long effects on some victims.

In 2011, the Australian Defence Force Academy's Skype scandal, in which a young woman was secretly filmed while having sex with a fellow cadet, prompted public outrage and forced the ADF to embark on a range of reforms.

Shine Lawyers partner Adair Donaldson said based on the Defence Department's figure of 105 claims, his firm was acting for the majority of complainants.

He said compensation claims ranged from about \$75,000 to more than \$1 million. In extreme cases, he said victims suffered profound psychological effects and relationship issues, and could not work.

"I suspect there will be more [complainants who] come forward and I'd hope ... the ADF continues to handle them with a collaborative approach," he said.

The ADF has been criticised for its handling of abuse claims, however, Mr Donaldson said its recent, more sensitive approach had been "a breath of fresh air".

Mr Donaldson declined to estimate how many more claims might emerge. However, in late 2014, the government's Defence Abuse Taskforce said it had assessed 2224 cases raising plausible allegations of abuse, involving more than 1650 complainants.

It is thought many other victims did not come forward to the taskforce.

Australia Defence Association executive director Neil James said not all plausible claims would turn out to be valid and not all victims would seek financial compensation - some would simply seek acknowledgment that they were hurt, and an apology.

While the Commonwealth liability "could be big", this should be seen in the context of the large Defence workforce and the long period of time covered by the claims, he said.

In a statement, the Defence Department said it was "committed to effective cultural reform to build on the substantial progress achieved in recent years through the Pathway to Change strategy".

The department confirmed 89 claims relate to loss, injury or damage caused by the use of so-called Defence Practice Areas – exclusion zones where military exercises are conducted.

The department has identified a further 19 instances of liabilities worth \$25 million relating to possible obligations arising from past events.

The ADF is facing legal action over its historic use of fire-fighting foams, chemicals from which have been found in nearby surface water, groundwater and fish.

The Commonwealth may also be liable after thousands of servicemen and women became seriously ill after exposure to toxic jet fuel, and former ADF members suffered severe side-effects from an anti-malarial drug, including psychological harm, suicidal thoughts and hallucinations.

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