

Disclosure Options

A Restricted Disclosure can be made directly to SeMPRO. Those who disclose under Restricted Disclosure can access medical and health care services without the details of the incident being reported for further investigation.

Restricted Disclosure allows the client additional time and increased control over the release and management of his/her personal information.

The client can, at any time, change their disclosure to an Unrestricted Report. This allows the incident to be investigated through the appropriate channels.

There are exceptions to SeMPRO's ability to accept a Restricted Disclosure based on Defence's duty of care responsibilities. These exceptions are listed on the website at www.defence.gov.au/sempro

What can I do?

If you are aware that someone is in need of support and assistance, encourage them to call SeMPRO.

You can also call SeMPRO if you would like to discuss your concerns, or if you think you may need support.



SeMPRO

Victim focused – from care to recovery

SeMPRO is available
24 hours a day
7 days a week

 **Click**  **Call**  **Text 24/7**

Click www.defence.gov.au/sempro
sempro@defence.gov.au

Call 1800 SeMPRO (736776)
+612 6127 3122 (Outside Australia)

Text 0429 600 800
+61 429 600 800 (Outside Australia)



Australian Government
Department of Defence



SeMPRO

Sexual Misconduct Prevention
and Response Office

Victim focused – from care to recovery

Defending Australia and its National Interests
www.defence.gov.au



Sexual offences are personal and destructive crimes, which are not tolerated by Defence.

- SeMPRO provides a confidential 24/7 click, call and text response and coordinates care for victims of sexual misconduct.
- This service is for all ADF members, APS employees and Defence contractors – men and women.
- SeMPRO staff responding to disclosures are qualified professionals, experienced in responding to sexual assault trauma.

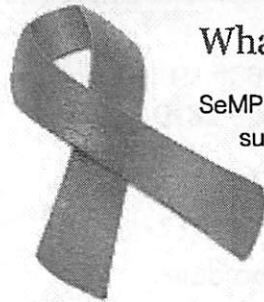
Refer to DI(G) PERS 35-4 – Reporting and management of sexual misconduct including sexual offences.

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What is SeMPRO?

SeMPRO has been established to support victims of sexual misconduct by providing confidential advice and coordinating their care requirements.

What is sexual misconduct?

Sexual misconduct includes criminal offences of a sexual nature such as assault, rape and acts of indecency. Sexual misconduct also includes serious incidents of a sexual nature which can cause trauma, for example:

- extreme exclusion based on gender, sexual orientation or gender identification;
- persistent unwanted/unwarranted attention of a sexual nature; and/or
- recording, photographing or transmitting incidents and/or images of a sexual nature.

What does SeMPRO do?

SeMPRO provides support to victims of sexual misconduct. Support includes assisting our clients with their immediate safety and providing appropriate, sensitive, timely and ongoing care.

SeMPRO services also include providing support to family, friends and colleagues who have been impacted by sexual misconduct.

SeMPRO provides advice and guidance to commanders and managers on managing and reporting sexual misconduct and dealing with trauma.

SeMPRO's awareness programs are being delivered across Defence. Sexual ethics and bystander programs are also being developed as part of Defence's prevention and education strategy.

Disclosing an incident/s

When a person discloses incidents of sexual misconduct to SeMPRO, our focus is on their care and recovery. With our client's agreement, we will coordinate support services including:

- emergency medical care or crisis intervention, if required;
- counselling and health services; and/or
- referring the incident to enable further investigation.

A victim-focused approach ensures those who disclose incidents are given appropriate and ongoing support. The focus for SeMPRO is the client's immediate safety and wellbeing, their recovery and return to their full work potential.

Why is disclosing important?

By making a disclosure of sexual misconduct to SeMPRO, Defence personnel will be able to seek assistance, rather than suffer in silence.

SEXUAL MISCONDUCT PREVENTION & RESPONSE OFFICE (SeMPRO)

References:

- A. *Review into the treatment of women in the ADF Phase 2 report (Broderick Review)*
- B. Draft DI(G) PERS 35-4—*Reporting and management of sexual misconduct including sexual offences* as at 31 Jul 13
- C. SeMPRO website: <http://www.defence.gov.au/sempro/>

Background

1. This brief is intended to assist with briefing the US Response Systems to Adult Sexual Assault Crime Panel. The panel have expressed interest in how the ADF discipline system works, with a focus on dealing with sexual misconduct matters and the role of Commanders in that system. This brief highlights the recent establishment of SeMPRO, its roles and functions, including the Restricted Disclosure option for reporting.

SeMPRO establishment and functions

2. SeMPRO was established as a result of Defence acceptance of the recommendations made at reference A. Specifically:

- a. Recommendation 18: As a priority, Chiefs of Service Committee (COSC) should establish a dedicated Sexual Misconduct Prevention and Response Office (SeMPRO) to coordinate timely responses, victim support, education, policy, practice and reporting for any misconduct of a sexual nature, including sexual harassment and sexual abuse in the ADF.
- b. Recommendation 19: As a matter of urgency, the ADF should investigate mechanisms to allow members to make confidential (restricted) reports of sexual misconduct through SeMPRO.

3. Key functions of SeMPRO were defined as:

- a. Respond to reports of sexual misconduct including ensuring the immediate safety and well-being of victims.
- b. Provide a 24 hour/seven day a week telephone hotline and online service (click, call or text access) that is staffed by personnel with expertise in responding to complainants – female and male – who report sexual misconduct.
- c. Collaborate with expert independent educators to provide recruits and trainees with interactive education on: respectful and healthy relationships, and sexual ethics; the meaning, inappropriateness and impact of sexist language and sexual harassment; the meaning of consent; the appropriate use of technology; stalking controlling and threatening behaviours; and the importance of bystander action. The effectiveness of these education and training efforts should be evaluated every two years with an external

evaluator and assessed against key indicators that measure attitudinal and behaviour change. Appropriate training and education should also be provided to all members entering command positions.

- d. Provide an outreach service to all ADF establishments including a rolling cycle of visits to each base every two years. This service would provide both relevant training and education and offer members an opportunity to discuss issues of concern with SeMPRO personnel.
- e. Enter into appropriate arrangements with expert external service providers so as to offer victims an alternative avenue for support and advice. The ADF must provide adequate resourcing and assistance to these organisations to ensure that they have the capacity to provide these services and that their expertise in sexual assault matters is enhanced by an understanding of the military.
- f. Be the single point of data collection, analysis and mapping of all sexual misconduct and abuse matters. Prevalence, trends and key issues should be regularly reported to COSC and strategies to address any issues of concern arising from the data, implemented as soon as possible.

Restricted (Confidential) Disclosure

4. On 15 Apr 13, the Defence Committee agreed to the development of a confidential or Restricted Reporting process, to support the current open or Unrestricted Reporting processes. This agreement is reflected in the policy being developed at reference B. Terminology has evolved and the confidential reporting process is now described as 'Restricted Disclosure' which more accurately reflects the non-investigative nature of this process. Specifically:

- a. Restricted Disclosure is an alternative avenue for victims to report the occurrence of an incident of sexual misconduct and seek support, without automatically triggering a formal investigation. A Restricted Disclosure allows ADF personnel to disclose their experience directly to SeMPRO without involving their chain of command/line management, Australian Defence Force Investigative Service (ADFIS) or the State/Territory police.
- b. Unrestricted Reporting is one where an inquiry or investigation is automatically triggered on receipt of an allegation.
- c. Both reporting mechanisms are equally valid—support to victims by SeMPRO will be provided no matter how the victim reports.
- d. In addition to the key benefit of enabling victims to receive support, a restricted reporting regime may also seek to address under-reporting, as those who would not otherwise come forward under an unrestricted model have an alternative option.
- e. The policy position strikes a balance between supporting victims who would not otherwise come forward and meeting Defence's legal duty of care obligations and the maintenance of a capable disciplined force.
- f. Anyone making a restricted disclosure to SeMPRO will receive advice, coordination of medical attention, as well as ongoing support and guidance.

Maintaining confidentiality

5. Although SeMPRO strives to keep all restricted disclosures confidential, SeMPRO may not be able to maintain complete confidentiality where one of the following exceptions applies:

- a. Where there has been a death related to the assault;
- b. Life-threatening serious personal injury;
- c. A serious or imminent threat to others' safety;
- e. The incident is already known, e.g. to the commander/managers/ADFIS, civil police or the incident is otherwise in the public domain;
- f. Commonwealth/State/Territory laws require mandatory reporting (such as if the victim is believed to be less than 18 years of age); and/or
- g. Disclosure to Commonwealth/State/Territory courts or tribunals is ordered or required by statute.

6. Only SeMPRO authorised staff can determine whether exceptions apply. In addition, when assessing whether a restricted disclosure can be accepted, SeMPRO will consider whether:

- a. Unrestricted Reporting could reduce the risk of further sexual misconduct to the person disclosing or another person.
- b. Unrestricted Reporting could reduce the risk of serious personal injury to the person disclosing or another person.
- c. Any national security issues or risk to operations exist.

Information dissemination

7. SeMPRO has started disseminating information to the Defence and broader community. These are publically available at reference C.

Conclusion

8. The role and functions of SeMPRO were mandated through Defence's response to *The Broderick Review*. The establishment of SeMPRO has created a means by which Defence personnel may confidentially disclose information in relation to experiencing sexual misconduct and access support services, without triggering a formal investigation.

9. The reporting/disclosure processes are also supported by a concurrent data collation and education program to address 'at risk' areas with a goal to increase awareness about sexual misconduct and to achieve a shift in culture regarding sexual ethics and behaviour.

Authorised by: Director-General ADF Legal Service, Defence Legal, Department of Defence
Correct as at: 2 August 2013

Disclaimer: This paper has been provided to the Response Systems to Adult Sexual Assault Crime Panel to provide a general overview and understanding of the issues in the paper. This paper is not, and does not purport to be, a definitive examination of all relevant issues. More detailed guidance is available from relevant legislation, Department of Defence policies and from Defence Legal, Department of Defence.