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Senate Foreign Affairs, Defence and Trade Committee
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600

SUBMISSION INTO: THE REPORT OF THE REVIEW OF ALLEGATIONS OF SEXUAL AND OTHER ABUSE IN DEFENCE, CONDUCTED BY DLA PIPER, AND THE RESPONSE OF THE GOVERNMENT TO THE REPORT

On Monday 5 November 2011, I was approached to consider making a submission to the Senate Foreign Affairs, Defence and Trade Committee regarding the above inquiry, due to my experience as a serving member of the Royal Australian Navy, in the Management and Reporting of Sexual and Other Abuse in Defence for approximately six years and due to my Churchill Fellowship in this area.

In making this submission, I offer the following as way of my background.

> I served in the Royal Australian Navy and the Australian Naval Reserve (as an active member) for 29 consecutive years. In Mar 2002, I took on the role of the Senior Equity Adviser at HMAS CERBERUS, the Navy's largest training establishment, located on the Mornington Peninsula in Victoria. I served in this position until Jan 2008. I was responsible for Education, Training, Managing and Reporting of Unacceptable Behaviour and Sexual Offences. It was during this period that I co-established the Sexual Offence Support Persons (SOSP) Network at HMAS CERBERUS with the founder Commander Fiona Sneath. Other initiatives I implemented throughout that period supported the RAN's overall assessment of 'Excellent' in the Workplace Equity & Diversity Plans during my tenure. I was Navy's most experienced SOSP and worked with Wing Commander Kylie Nathan on the rewrite of the Sexual Offence Management and Reporting policy and Management guides for the Australian Defence Organisation.

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I left Navy and Defence in June 2010 on my return from my Fellowship as there was heavily reduced funding for reserve personnel and no position available for me. I currently operate my own Consultancy & Coaching practice.

In 2009, I was honoured to be a recipient of a Churchill Fellowship to study 'Sexual Assault Prevention and Intervention in a Military Environment'. The purpose of my project was to examine and compare Command responsibilities of support and education with respect to managing reports of sexual assault and the aim was to develop strategies for prevention and enhance current strategies in intervention which would provide additional support and education to young people at risk in a Military Environment. My intention was for my research to influence cultural change from within the organisation and potentially influence other large institutions in Australia such as schools and/or universities. My Churchill report was referenced by both the DLA Piper review and by the Sex Discrimination Commissioner's report into 'Women at the ADFA' and 'Women in the ADF'.

The DLA Piper review has primarily dealt with issues of Sexual Assault and Other Abuse that are 'historical'. It proposed to initially review the allegations that had been received by the Minister and then was subsequently extended to consider all allegations that were made after a call to the public inviting submissions and this resulted in some 847 different people lodging a grievance. These dated back to 1951. My experience tells me that this was distressing for many of those who came forward with the hope that at last someone was willing to hear their story. Likewise my experience tells me this was a considerable burden for the review team to hear the stories of vulnerable people, whom for some may have been retelling their stories for the first time.

Unlike some, I applaud the Minister for initiating the DLA Piper inquiry. I commend the DLA Piper team for the objective way in which they have analysed the events, policy, processes and procedures and looked at ways to provide resolution to these issues, not only for the victims, but the alleged perpetrators, the ADF community, their families and finally for the Australian people. This has been a long and lengthy inquiry and the complexity of the issues raised has contributed to that.

I personally find it frustrating that the government has yet to hand down a decision on a way forward. Those 847 individuals have submitted a grievance or raised their concerns and are waiting on a decision from

government how they will proceed. I am concerned at what support they have or have not been provided with since coming forward and reporting their issue to the DLA Piper team. I am concerned that old wounds have been opened and concerned if they have not been addressed what additional grief some of these complainants have subsequently endured. Likewise, I imagine the ADF and those in Command, are ready to respond or act as directed by the government of the day in putting closure on this issue for all involved and moving forward with cultural change.

In response to the Terms Of Reference, I submit the following:

d) any related matters.

I would like to formally submit my Churchill Fellowship Report to the Committee for consideration. It can be located on 'The Winston Churchill Memorial Trust' website: www.churchilltrust.com.au

The Churchill Fellowship identified 'best' and 'promising practices' being implemented across similar cultures in the Canadian, American and British Forces, however it does not provide a solution to the problem. Sexual Assault and other abuse is a complex social issue on a global scale, which I contend, the ADF in isolation, does not have the experience, skills or knowledge to respond to.

I hope that the positive things which are happening out there in the International Community may influence progressive change for those who Defend Australia and its National Interests. Once our government can support institutional change well, in one area of our society it then may be used to benchmark the implementation across other areas, such as our schools, universities, churches and indigenous communities.

A. BALLARD
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