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Australian Government  
Defence

## Ministerial Event Brief

FOR: Minister for Defence Personnel

CC: Secretary, CDF, VCDF, Associate Secretary, FASMECC

### MINISTER KEOGH VISIT TO ROYAL COMMISSION INTO DEFENCE AND VETERAN SUICIDE TASKFORCE

#### Purpose

1. You [Minister Keogh] requested an informal get together to meet with Defence personnel working to support the Royal Commission into Defence and Veteran Suicide (RCDVS). A morning tea will be held with members of the RCDVS Taskforce, hosted by Head of Taskforce, Air Vice-Marshal Barbara Courtney.

#### Event Details

Date	19 July 2022
Time	0920-1030
Location	s47E(d)
Defence Officials attending	Head of Taskforce, AVM Barbara Courtney; Deputy Head of Taskforce, BRIG Eamon Lenaghan; members of the RCDVS Taskforce.

#### Recent Dealings

2. AVM Courtney met with you [Minister Keogh] on 15 June 2022 to brief on Defence's support to the Royal Commission.

#### Key Issues

3. The Taskforce is comprised of Defence members, Defence APS and contractors to Defence (legal secondees), there are also Defence members and APS embedded from the groups and services.
4. The Taskforce is responsible for the coordination of all Defence contributions to the Royal Commission (provision of records, statements and witness preparation).
5. Taskforce personnel attend all hearings to provide this coordination effect in location.
6. The Taskforce was established in April 2021, and it expected to continue to until at least the completion of the Royal Commission in June 2024.

Cleared by	Air Vice-Marshal Barbara Courtney AM Head Royal Commission Defence and Veteran Suicide Taskforce Phone: s22
18/07/2022	Air Vice-Marshal Barbara Courtney AM
Contact Officer	s47E(d) Director, Communication and Ministerial Phone: s22

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**Attachment(s)**

<u>Attachment A</u>	Event Running Sheet
<u>Attachment B</u>	Biographical details of Head of Taskforce, AVM Barbara Courtney, and Deputy Head of Taskforce, BRIG Eamon Lenaghan.
<u>Attachment C</u>	Guest List (numbers/breakdown)
<u>Attachment D</u>	Location Map

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## Ministerial Event Brief

**ATTACHMENT A**

### Event Running Sheet

**Date** Tuesday 19 July 2022

**Start and Finish Time** 0930-1030

**Arrival Time** 0920

**Location** s47E(d)

**Traditional Custodians** Ngunnawal

**Setup/Format** Morning tea

#### Arrival Details

**Drop off point:** Designated area at the front of s47E(d)

**To be met by:** s47E(d) Chief of Staff

**Meeting point:** Same as Drop off point

**Minister accompanied by:** s47E(d) Senior Adviser, s47E(d), Media Adviser and s47E(d), ADC.

#### Running Order

Time	Activity	Notes
0920h	Minister arrives Campbell Park	<ul style="list-style-type: none"> <li>Met by s47E(d) (RAN) and escorted to work area</li> </ul>
0930h	Introductions and tour of the floor	<ul style="list-style-type: none"> <li>AVM Barbara Courtney will guide the group on a tour of the floor, providing information on each area of the Taskforce and how they are supporting the Royal Commission</li> </ul>
0940h	Address	<ul style="list-style-type: none"> <li>AVM Barbara Courtney will officially welcome the Minister to the Taskforce (5 mins)</li> <li>Minister will be invited to provide some comments (5mins)</li> </ul>
0950h	Short presentation ceremony	<ul style="list-style-type: none"> <li>AVM Barbara Courtney will invite Minister Keogh to make some presentations to staff for their achievements in the Taskforce</li> </ul>
1000h	Morning Tea	<ul style="list-style-type: none"> <li>The Minister will have the opportunity to meet and socialise with members of the Taskforce</li> </ul>
1030h	Minister departs	<ul style="list-style-type: none"> <li>Minister will be accompanied to awaiting car at the front of s47E(d).</li> </ul>

#### Contact

**Host** Air Vice-Marshal Barbara Courtney AM, Phone: s22

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ATTACHMENT B

Biographies

# AIR FORCE

## AIR VICE-MARSHAL BARBARA COURTNEY, AM

### Head of Royal Commission into Defence and Veteran Suicide Task Force

Air Vice-Marshal (AVM) Barbara Courtney joined the Air Force in 1987 as an Air Traffic Controller (ATC). She is also an ATC instructor who taught at both the RAAF School of Air Traffic Control and the RAF Central Air Traffic Control School on exchange.

AVM Courtney has broad experience in Combat Support including Command of RAAF Base Williams. During this posting she was the Combat Support Commander for the Australian International Airshow at Avalon in 2009 and 2011.

AVM Courtney has held a range of Staff positions including Staff Officer to the Chief of Air Force and Director of Integrated Air and Missile Defence. She has had a number of Commands including Commander of Combat Support Unit Williams, Commanding Officer of 21 Squadron and Commander of United Nations Command Rear in Tokyo. Most recently she Commanded Surveillance and Response Group.



AVM Courtney has deployed numerous times including 2003 and 2004 in Support of Operation's Azure and Iraqi Freedom respectively. In 2011 she deployed to Afghanistan as the Commander of Multi National Base Command Tarin Kot responsible for all Combat Support for a base of over 8000 personnel including Australian and US Forces. Her most recent deployment was as Deputy Commander of Australian Forces in the Middle East in 2018 / 2019.

AVM Courtney has received Commendations for her role as Combat Support Commander for Avalon Airshow and also as Base Commander Tarin Kot. She received a US Legion of Merit for her time as the Commander of United Nations Command Rear and was also made a Member of the Order of Australia in 2019 for her service in organisational reform, major international engagement and strategic capability development. She was promoted to Air Vice-Marshal in June 2021 and appointed Head of the Task Force supporting the Royal Commission into Defence and Veteran Suicide.

AVM Courtney is a Command and Staff course graduate who holds a Masters of Aviation Management and an Advanced Diploma in Defence Studies and International Strategy. She is also a member of the Australian Institute of Company Directors. s47F

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## Biography - BRIGADIER EAMON LENAGHAN, CSC

Brigadier Lenaghan joined the Australian Army in 1991, completing an Arts degree majoring in history and politics at the Australian Defence Force Academy. He commissioned into the Royal Australian Infantry from the Royal Military College Duntroon in 1994. His career has followed a path of platoon, company and battalion command within the 1<sup>st</sup> and 3<sup>rd</sup> Battalions of the Royal Australian Regiment. His broader service across 1<sup>st</sup> and 3<sup>rd</sup> Brigades gave him the privilege of leading soldiers in dismounted, mechanised, airborne and amphibious roles. Service as the Commanding Officer of 1<sup>st</sup> Battalion between 2012-14 including two tours as Army's Ready Battle Group in 2012 and 2014 is his most recent command.



Outside of command he filled operations and plans appointments at unit, formation, division and Army level. His operational service includes deployments to Bosnia-Herzegovina, Afghanistan and Iraq. He has held senior appointments with Army Headquarters, on secondment to the Department of Prime Minister and Cabinet and with Strategic Policy and Intelligence group. Most recently, he served as the Chief of Staff for Headquarters Forces Command. He is currently the Deputy Head of the Defence Task Force supporting the Royal Commission into Defence and Veteran Suicide.

He is a graduate of the Australian Defence Force Academy, the Royal Military College – Duntroon, the Australian Command and Staff College and Higher Defence College. He is a graduate of the Australian Institute of Company Directors. He holds Bachelors and Masters Degrees from the University of New South Wales and a Masters in Business Administration from Deakin University.

His awards include a Conspicuous Service Cross, two Commendations for Distinguished Service and two awards of the United States Bronze Star Medal.

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ATTACHMENT C

Guest List

Guest name	Organisation
RCDVS Taskforce staff  (72 people, 22 of which are uniformed)  <u>8 Directorates</u>  Executive  Communications and Ministerial  Plans and Lessons  Governance  Information Management  General Counsel  Policy  People and Wellbeing	Defence  In total we have 161 current employees  To preserve our workforce we have remote working arrangements in place. This event will give MINDP the chance to meet the Taskforce staff currently in office.

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Australian Government  
Defence

## Ministerial Background Brief

MS22-001454

**FOR:** Minister for Defence Personnel

**INFO:** Deputy Prime Minister

**THROUGH:** Secretary of the Department of Veterans' Affairs

**CC:** Secretary, CDF, VCDF, Associate Secretary, FASMECC

### ROYAL COMMISSION INTO DEFENCE AND VETERAN SUICIDE - INTERIM REPORT DUE 11 AUGUST 2022

#### Key Issues:

The Royal Commission into Defence and Veteran Suicide (the Royal Commission) is expected to provide their interim report to the Governor-General on 11 August 2022. The Royal Commission will likely publish their report once it has been tabled in Parliament. The Attorney-General is responsible for tabling the report. As 11 August 2022 falls within a non-sitting week, tabling will occur out of session.

A Government response to the report will be required. Defence and the Department of Veterans' Affairs (DVA) have engaged closely with the Royal Commission to support its inquiry, and reviewed public statements from the Royal Commission to identify topic areas likely to attract recommendations and are ready to provide draft inputs for the Whole-of-Government (WoG) report response.

#### Media Considerations:

The Royal Commission may publish their interim report as early as 11 August 2022.

The Attorney-General's Department (AGD) will provide WoG Talking Points ahead of the report's release.

To support you and the Deputy Prime Minister, in his capacity as the Minister for Defence, with any immediate public engagements on the release of the interim report, holding lines from a Defence and DVA perspective have been drafted for your consideration at Attachment A.

We will work with both your Office and the Deputy Prime Minister's Office on a proposed Media Release, including in consultation with the Department of the Prime Minister and Cabinet if there is to be combined Defence and DVA Media Release with the Prime Minister.

#### Minister comments:

#### Cleared by:

Ms Justine Greig  
Deputy Secretary Defence People  
Defence  
s22

Ms Nicole Ingram  
First Assistant Secretary, General Counsel  
DVA  
s22

27 July 2022

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<b>Contact Officers:</b>	Air Vice-Marshal Barbara Courtney AM Head Royal Commission Defence and Veteran Suicide Taskforce Defence s22
	Ms Peta Langeveld Assistant Secretary, Royal Commission Reviews Inquiries DVA s22

**Sensitivity:** Yes.

1. Recommendations of the interim report relevant to Defence may be interpreted to imply Defence has not met community expectations in relation to a particular matter.
2. Recommendations relevant to DVA likely regarding the need for legislative reform, improvements to claims processing, and information sharing improvements have the potential to erode veteran community trust in the veteran support system.
3. The Australian Defence Force and veteran community, including their families, and other advocacy stakeholders are deeply interested in, and engaged with the work of the Royal Commission. Some of the content in the report may be deeply distressing for families and loved ones.
4. Given 'research suggests that a succession of stories about suicide can reinforce suicidal behaviour for people who are vulnerable' (Mindframe 2020), any discussion or commentary surrounding the interim report or its recommendations must be done so in a trauma informed manner.

**Financial Impacts:** Possible.

5. Receipt of the interim report will not have any direct financial implications, however the recommendations may include reforms or initiatives that will have financial impacts at both a Defence and WoG level.

**Systems/legislation/deregulation:** Possible.

6. Receipt of the interim report will not have any immediate impacts, however the recommendations of the report may include suggestions for legislative, policy, or systems reform.
7. Potential legislative reforms are likely to refer to legislation for which you are responsible for.

**Consultation:** Yes.

8. This is an administrative brief from the perspective of Defence and DVA's Taskforces supporting the Royal Commission, and therefore has not needed to be consulted widely across the Defence enterprise. However, this brief draws upon advice provided by AGD.

**Attachment:**

Attachment A Ministerial Talking Points

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**Background:**

9. The Royal Commission was established on 8 July 2021. On 30 March 2022, the Royal Commissioners wrote to Government seeking a 12 month extension to deliver their final report. The Governor-General, His Excellency General the Honourable David Hurley AC DSC (Retd), agreed to amend the Letters Patent extending the final report date from 15 June 2023 to 17 June 2024.
10. Defence and DVA are part of the Commonwealth response to the Royal Commission. The Commonwealth is represented by the Australian Government Solicitors and the interface between the Commonwealth and the Royal Commission is facilitated by AGD.
11. The interim report of the Royal Commission is due to be handed down to Government, via the Governor-General, on 11 August 2022 and will include recommendations on matters the Royal Commission considers require urgent or immediate action from Government.
12. Defence and DVA anticipate that an embargoed copy of the interim report will be provided to senior stakeholders in Defence and DVA, including the Heads of Taskforce, prior to it being tabled in Parliament.
13. While AGD will prepare the WoG Talking Points, we have taken the liberty to prepare Defence and DVA portfolio Ministerial holding lines should they be required (Attachment A).
14. The recommendations made in the report are expected to cover complex issues requiring consultation across Defence, DVA and Government to develop a comprehensive recommended response.
15. Based on repeated public comments of the Royal Commission, Defence considers it highly likely there will be recommendations in relation to:
  - a. access to information held by Defence and DVA for individuals or families who are engaging with the Royal Commission, and broader information sharing challenges;
  - b. the veteran support system legislative framework and claims processes;
  - c. protections for Commonwealth Officers (Defence Members) who may disclose sensitive information to the Royal Commission; and
  - d. Commonwealth privilege exemptions for the Royal Commission.
16. Defence and DVA are prepared to contribute to the WoG response on these, and any other matters raised in the interim report recommendations.

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## **MINISTERIAL TALKING POINTS**

### **Royal Commission into Defence and Veteran Suicide - Interim Report due 11 August 2022**

#### **Background**

The Royal Commission is expected to provide their interim report to the Governor-General on 11 August 2022, and may also publish their report shortly afterwards. A Government response to the report will be required.

#### **Talking Points**

- The death by suicide of any Australian is a tragedy – for their family, their friends, their colleagues, their local community and for the nation.
- Suicide, suicide attempts and self-harm behaviours are serious, complex and confronting issues that impact all Australians, including our veterans and current members of the ADF.
- There is no simple or single solution to preventing deaths by suicide.
- The Royal Commission is undertaking vital work examining systemic issues and common themes in deaths by suicide of current and former ADF members and their families.
- Today the Australian Government welcomes the *Interim Report of the Royal Commission into Defence and Veteran Suicide*.
- The Government is carefully considering all recommendations contained in the report.
- The Government continues to support the Royal Commission to carry out its important work to further understand the complex issue of suicide and how we can better reduce the risk for serving and ex-serving members of our Defence Force.
- This report will be confronting for some people in our ADF and veteran community.



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- If life is in danger, please call 000.
- Support is always available, through your chain of command, your supervisors and through the following services:
  - Defence All-hours Support Line (ASL) - 1800 628 036
  - Defence Member and Family Support - 1800 624 608
  - Defence Chaplaincy Support - 1300 333 362
  - Employee Assistance Program - 1300 687 327
  - Reserve Assistance Program (RAP) - 1300 687 327
  - NewAccess Program - 1300 907 814
  - 1800 IMSICK - 1800 467 425
  - ADF Mental Health Services accessed through Garrison Health centres
  - Defence Health and Wellbeing Fighting Fit Portal
  - Mental Health Portal
  - Open Arms – Veterans & Families Counselling - 1800 011 046
  - Safezone (anonymous support) - 1800 142 072

Clearance	Name	Appointment	Date and time
<b>Cleared by: (Group/Service)</b>	AVM Barbara Courtney	Head, RCDVS-TF	26 July 2022 8.15am
<b>MECC Embedded Communication Director</b>	Contact officer: s47E(d)  Contact officer phone: s22	Director, Communication and Ministerial Engagement, RCDVS- TF	26 July 2022 8.15am
<b>Has a copy been provided to Defence Media for Information?</b>	Yes (provided concurrently due to timeframes).		

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## ISSUE/S OF THE DAY

- We supported the establishment of the Royal Commission into Defence and Veteran Suicide because we are committed to better outcomes for people. We have listened to the families of personnel and veterans and supported their calls for the Royal Commission for quite some time.
- For too long now there has been stigma around mental illness and suicide, particularly for our ex-service and, indeed, serving personnel. This has meant that many veterans have been reluctant to come forward and ask for the help that they need.
- This is why the Royal Commission into Defence and Veteran Suicide is so important, it's an opportunity to learn and strengthen our approach to the wellbeing, mental health and welfare of ADF personnel.
- We have an obligation to ensure that all of our personnel are kept safe, here and abroad, both mentally and physically. The same goes for when they come home.
- When a person enlists in the ADF, they undertake a commitment to our country and, necessarily, may be placing their health and wellbeing on the line in service to our nation. Families join them on this journey too.
- In return, we are compelled to look after them and their families, both during and after their time in the ADF. This commitment is more than just about their physical health. It is about taking a holistic view of the member and their loved ones.
- For those who service has had a greater impact on, we have a duty to care for them and their families, now and into the future.
- The Government welcomes the Interim Report of the Royal Commission delivered on 11 August and is carefully considering all recommendations from the report.
- Defence will continue to support the work of the Royal Commission when hearings resume in Darwin in October (18 – 27 October 2022).
- These hearings may raise issues that are challenging for some in our community. Defence members are encouraged to seek support if needed.

- The Royal Commission into Defence and Veteran Suicide (the Royal Commission) has been extended by 12 months, its final report is due on 17 June 2024.
- Defence is working closely with the Attorney-General's Department to support work of the Royal Commission.
- Supporting the health and wellbeing of Defence personnel, including those impacted by the Royal Commission, is a priority for Defence.
- Defence is actively and regularly encouraging serving members, and their families, to participate in the Royal Commission.

***If asked: When will the Government respond to the Interim Report and will you accept all recommendations?***

- The interim report contained 13 recommendations the Royal Commission considered required immediate attention.
- The Government is working diligently to consider and respond to all recommendations of the interim report.

***If asked: What protections are in place for personnel engaging with the Royal Commission who may disclose sensitive information?***

- The Commonwealth is developing a framework to ensure the protection of operationally sensitive information, while enabling to every extent possible, engagement between the Royal Commission and current and former members of Defence.
- Defence is working closely with the Attorney-General's Department in this regard to ensure the protection of individuals and security of information.

***If asked: What support services are being offered to Defence personnel?***

- Support services are widely available through local Garrison Health Centres, the ADF All-hours support line, the Defence Member and Family Helpline, Employee Assistance Program (for APS and ASD) and Open Arms.

***If asked: What specific information has Defence provided to the Royal Commission?***



- Defence is cooperating fully with the Royal Commission to respond to all requests for information, and may only seek exemptions to requests for information in very limited and specific circumstances, including on the grounds of legal professional privilege or public interest immunity.
- Defence, through the Attorney-General's Department, consult with the Royal Commission to ensure information is provided as fulsomely and promptly as is possible.
- It is not appropriate for Defence to detail the nature of specific requests under consideration by the Commonwealth.

***If asked: About matters raised in Lived Experience Witness testimony***

- Defence thanks all those who have shared their personal stories with the Royal Commission, whether through submissions, private or public hearings.
- While such testimony is before the Royal Commission it would be inappropriate to provide commentary or disclosures that may jeopardise or pre-empt the work of the Royal Commission.

***If asked: Whether Defence will be taking, or accelerating, a particular action in relation to a matter raised in testimony heard by the Royal Commission.***

- Defence is committed to continual improvement. Where the Royal Commission identifies an issue or area we can improve now, and it is appropriate to do so, we will act.

## BACKGROUND AND CHRONOLOGY

- A Private Senators Bill was introduced by Senators Lambie and Tyrell on 07 September 2022 which seeks to enact Recommendation 7 of the Royal Commission's interim report, providing an exemption from paragraph 16(3)(c) of the *Parliamentary Privileges Act 1987*. No date has been set for the second reading of the bill.
- Public hearings commenced in November 2021 and there have been six hearings blocks to date, held in Brisbane, Sydney, Canberra, Townsville and Hobart. The following dates and locations for public hearings have been confirmed: Hearing Block 7, Darwin from 18 October; Hearing Block 8, Wagga Wagga 28 November.

- These hearings are considering a broad range of common themes relevant to defence and veteran deaths by suicide, including for those with lived experience of suicide behaviour or risk factors.
- The Defence Suicide Database has recorded 161 full-time serving ADF members who are suspected or confirmed to have died by suicide, including eight females, between 1 January 2000 to 15 July 2022.
  - There have been seven suspected deaths by suicide in 2022.
- The Australian Institute of Health and Welfare report *Serving and ex-serving Australian Defence Force members who have served since 1985: suicide monitoring 2001 to 2019* shows, in comparison to the Australian population, the age adjusted rate of suicide from 2001-2019 was:
  - 51 per cent lower for full-time serving males;
  - 48 per cent lower for Reserve males;
  - 24 per cent higher for ex-serving males; and
  - 102 per cent (two times more likely) higher for ex-serving females.\*\*
  - \*\*Due to the small number of suicide deaths among females in permanent and reserve service, suicide rates are not reported for these subgroups.
- Further information in relation to Mental Health and Suicide initiatives across the ADF is available in <sup>s22</sup> [REDACTED]

If life is in danger, please call 000.	
Support is always available:	
<a href="#">Lifeline</a>  <a href="https://www.lifeline.org.au/">https://www.lifeline.org.au/</a>	24-7 on 13 11 14. Their nightly text line can also be reached at 0477 13 11 14.
<a href="#">Open Arms</a>	Veterans & Families Counselling – 24/7 on

<a href="https://www.openarms.gov.au/">https://www.openarms.gov.au/</a>	1800 011 046.
<a href="#">Defence All-hours Support Line (ASL)</a>  <a href="https://defence.gov.au/members-families/">https://defence.gov.au/members-families/</a>	24/7 on 1800 624 608.
<a href="#">Defence Family Helpline</a>  <a href="mailto:DefenceFamilyHelpline@defence.gov.au">DefenceFamilyHelpline@defence.gov.au</a>	24/7 on 1800 624 608
<a href="#">ADF Chaplaincy, Religious and Spiritual Services</a>  <a href="http://drnet/People/Policy/ADF-PAC-Policy/Pages/ADF-Chaplaincy-Policy.aspx">http://drnet/People/Policy/ADF-PAC-Policy/Pages/ADF-Chaplaincy-Policy.aspx</a>	24/7 on 1300 333 362
<a href="#">Employee Assistance Program (EAP)</a>  <a href="http://drnet/People/WHS/Employee-Assistance-Program/pages/Employee-Assistance-Program.aspx">http://drnet/People/WHS/Employee-Assistance-Program/pages/Employee-Assistance-Program.aspx</a>	1300 687 327 / +61 3 8620 5300 (International)
<a href="#">Sexual Misconduct Prevention and Response Office</a>  <a href="http://drnet/People/SeMPRO/Pages/Sexual-Misconduct-Prevention-and-Response-Office.aspx">http://drnet/People/SeMPRO/Pages/Sexual-Misconduct-Prevention-and-Response-Office.aspx</a>	24/7 on 1800 SEMPRO (1800 736 776) / +61 2 6127 1759 (Outside Australia)



## MEDIA

<u>Date</u>	<u>Outlet</u>	<u>Reporting</u>
11 August 2022	ABC News (syndicated elsewhere).	Broad coverage of key recommendations of the interim report.  <a href="#"><i>Royal Commission into Defence and Veteran Suicide calls for end to claims backlog, shares 'dismay' at 'limited' government action: ABC News</i></a>
05 August 2022	The Townsville Bulletin (syndicated elsewhere)	Coverage of Senator Lambie's testimony to the Royal Commission during the Hobart public hearing.  <a href="#"><i>Senator Jacqui Lambie says she was spied on by government after discharge from Army career</i></a>
14 July 2022	Townsville Bulletin	Soldiers in Townsville who were late to a meeting where they were informed a colleague had taken their life were reprimanded for being late.  <a href="#"><i>Colleagues of young soldier found dead 'reprimanded'</i></a>

### Lead Division

Contact: AVM Barbara Courtney  
Division: Head RCDVS Taskforce  
Date first prepared: 7 July 2022  
Originating Source: Department

Phone: s47E(d) / s22  
Action Officer: s47E(d)  
Date last Updated: 24/10/2022 - 1:39 PM

### Contributing Division/s

Contact: s47E(d)  
Division: Acting Director General Health Policy, Programs and Assurance Joint Health Command  
Date first prepared: 7 July 2022

Phone: s22  
Action Officer: s47E(d)  
Date last Updated: 24/10/2022 - 1:39 PM

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**Australian Government**  
**Defence**

**Ministerial Background Brief**

**MB22-000542**

**FOR: Minister for Defence Personnel**

**FOR INFO: Deputy Prime Minister**

**THROUGH: CDF**

**CC: Secretary, VCDF, Associate Secretary, FASMECC**

**CORRESPONDENCE FROM THE ROYAL COMMISSION INTO DEFENCE AND VETERAN SUICIDE**

**Key Issues:**

Following the Australian Government's consideration of the Royal Commission into Defence and Veteran Suicide's (the Royal Commission's) interim and final reports (due 11 August 2022 and 17 June 2024 respectively), you will have shared responsibility for any agreed recommendations that are relevant to Defence and the Department of Veterans' Affairs (DVA).

Commissioner Kaldas has written to you about five areas of concern for the Royal Commission, some of which has been raised during public hearings ([Attachment A](#)). Commissioner Kaldas has also made representations to other Parliamentarians in relation to Commonwealth privileges and immunities.

These concerns span Defence, the Department of Veteran's Affairs (DVA), and the Attorney-General's Department (AGD). The three departments continue to work collaboratively to resolve each of them. This includes immediate action to expedite the provision of documents to the Royal Commission.

The proposed response letter was extensively consulted with DVA and AGD ([Attachment B](#)).

**Media Considerations:**

The contents of the correspondence may be published at any time by the Royal Commission or referred to by the Commissioners or Counsel Assisting the Royal Commission during public hearings.

Given 'research suggests that a succession of stories about suicide can reinforce suicidal behaviour for people who are vulnerable' (Mindframe 2020), Defence suggests that any discussion or commentary in response to the interim report or its recommendations be done in a trauma informed manner.

**Minister comments:**

**Cleared by:**

Ms Justine Greig  
Deputy Secretary Defence People  
s22

18 August 2022

**Contact Officer:**

Air Vice-Marshal Barbara Courtney AM  
Head Royal Commission Defence and Veteran Suicide Taskforce  
s22

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**Sensitivity:** Yes.

1. A number of concerns raised in the letter refer to legislative or policy matters for which AGD or DVA have a shared responsibility with Defence.
2. Defence, DVA and AGD are operating in good faith within the bounds of current legislative and policy frameworks to alleviate the concerns held by the Royal Commission to the fullest extent possible.
3. The Royal Commission has suggested that legislative change could remedy some of their concerns. Any such changes would be a matter for Government and could have impacts beyond the scope of this Royal Commission.
4. Further to his correspondence of 7 July 2022, Commissioner Kaldas has made further representation to your portfolio colleagues, and other parliamentarians, in relation to the application of Commonwealth privileges and immunities.

**Financial Impacts:** No.

**Systems/legislation/deregulation:** No.

**Consultation:** Yes.

5. DVA and AGD provided input into the response letter, with all parties agreeing to the content.

**Attachment:**

Attachment A                      Correspondence from Mr Nick Kaldas APM.

Attachment B                      Response to Mr Nick Kaldas APM.

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**Background:**

6. Mr Nick Kaldas APM, Chair of the Royal Commission, wrote to you on 7 July 2022. Defence, with DVA and AGD, have drafted a response letter (Attachment B) that addresses each of the below areas of concern outlined by the Royal Commission in their letter.

**Access to information held by Defence and DVA for families**

7. When first raised by the Royal Commission in December 2021, the Commonwealth acted immediately and implemented a dedicated process to assist impacted persons. This process has been in place since February 2022. Defence has requested the Royal Commission publish details of this service on their website a number of times but this has not yet occurred. Detailed advice from AGD could not identify further practical steps that can be taken within the current legislative and policy framework.

**Protections for Commonwealth Officers**

8. AGD have led work with the Office of the Solicitor Assisting the Royal Commission, Defence and DVA to develop a framework to achieve the effect sought by the Royal Commission. This work is well advanced and we are awaiting agreement from the Royal Commission in this regard. The Chief of the Defence Force (CDF) has made repeated public statements assuring current and former defence personnel (Commonwealth Officers) that they will not be penalised for engaging with the Royal Commission.

**Delays in response to notices**

9. Defence, through AGD, works closely with the Royal Commission to prioritise and respond to all notices within agreed timeframes. The Royal Commission often has new areas of inquiry that arise very close to the hearing dates. In the two instances cited by the Royal Commission, the provision of certain documents could not precede the finalisation of the individual statements referred, resulting in a delay.
10. In response to a request from the Royal Commission to support timeline achievement, Defence has, and will continue to provide draft statements to the Royal Commission at some risk.

**Further Royal Commission representation on the application of Commonwealth privilege and immunities**

11. To date, compliance with the Royal Commission's document management protocol when responding to Notices has involved Defence and DVA identifying and raising appropriate Commonwealth privileges or immunities in order to protect sensitive material from public disclosure.
12. Commissioner Kaldas has expressed concerns that the Royal Commission is not receiving full and timely access to information. Further, an inaccurate perception has formed on the part of the Royal Commission, that the conduct of due diligence by Defence represents a desire to withhold material from the Royal Commission. Commissioner Kaldas has expressed the view that the Royal Commission, as an arm of the Commonwealth, should not be subject to any claims.
13. To address these concerns, Defence and DVA have advised the Attorney-General's Department Secretary and the Australian Government Solicitor, that that they will provide material to the Royal Commission without first reviewing or identifying any issues as to privilege or immunity, where they are legally able to do so and unless the documents would be subject to Public Interest Immunity for Special Forces personnel on current operations. Defence envisages that the Royal Commission would then review the material produced to identify any applicable material they would wish to rely upon.

~~OFFICIAL~~





**Royal Commission**  
**into Defence and Veteran Suicide**

22/420

7 July 2022

The Hon. Matt Keogh, MP  
Minister for Defence Personnel  
Minister for Veterans' Affairs  
PO Box 6022  
House of Representatives  
Parliament House  
CANBERRA ACT 2600  
Sent via e-mail: matt.keogh.mp@aph.gov.au

Dear Minister

**Difficulties with engagement and delays in conducting the Royal Commission:**

Thank you for your time on 17 June 2022 to discuss the work of the Royal Commission into Defence and Veteran Suicide.

As you know, we are required to inquire into 'systemic issues and any common themes among defence and veteran deaths by suicide, or defence members and veterans who have other lived experience of suicide behaviours or risk factors'. To do so, we analyse information received via a range of pathways including written submissions, private sessions, and the use of our coercive powers under the *Royal Commissions Act 1902*.

In our meeting, you requested I write to you regarding key challenges we face in meeting our terms of reference: namely, access to information, protections for Commonwealth officers, procedural delays, Parliamentary privilege and public interest immunity. I intend that this letter should further your understanding of difficulties faced by this Royal Commission and others, and I seek the Government's support in urgently resolving these matters.

***Access to information held by Defence and DVA***

We have received concerns from loved ones of deceased veterans about accessing information held by the Department of Defence (Defence) and the Department of Veteran's Affairs (DVA). Individuals have expressed concern around significant redaction of materials, delays and difficulties accessing information and the inability to access records or information about a deceased family member where they are not named as next of kin or executor of a will.

Through our coercive powers, we have access to records and information regarding deceased members which has not been provided to loved ones, or not made accessible to them in a timely manner. Several families have contacted us regarding this matter.

In December 2021, we met the Secretaries of the Department of Veterans' Affairs, Defence and Attorney General's to express our concerns and identify ways to expedite release of information to parties seeking to engage with this Royal Commission. As a result, some progress has been made for parties engaging with the Commission, but we continue to be concerned that such expedition

and stream lining of processes is not extended to other former members and their families seeking access to information held by Defence and DVA.

The lack of clarity surrounding the processes to access information is evident. We are considering recommending, in our interim report, that Defence and DVA clarify their respective information access guidelines, and that Defence develops an administrative release guideline to better support applicants. These reforms should be undertaken by both departments as a matter of urgency.

### ***Protections for Commonwealth officers***

Concerns have been raised by Defence members and the Defence and Veteran Legal Services about insufficient protections afforded to Commonwealth Officers who disclose classified or operationally sensitive information, and by those who fear career repercussions as a result of engaging with this Royal Commission.

Since October 2021 we have proposed to the Commonwealth, through the Office of Solicitors Assisting, arrangements for former serving members of Defence to be able to engage freely with the Royal Commission. We received a response from the Commonwealth more than 6 months later in May 2022. I attach an extract from the transcript of our hearing on 23 June 2022. It includes an overview of correspondence sent between us and the Commonwealth.

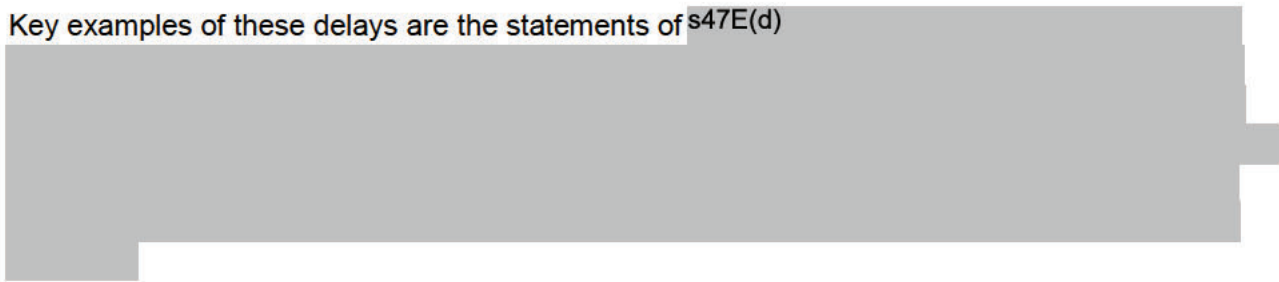
If an arrangement is too complex to develop, we believe that the defence available under section 122.5 (5) of the *Commonwealth Criminal Code* should be extended to cover current and former Commonwealth officers providing information to the Royal Commission.

In our view, protections like those afforded to people engaging with the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability (under 60M and 60P of the *Royal Commission Act 1902 (Cth)*) should also be available to people engaging with this Royal Commission about sensitive personal information.

### ***Delays in response to notices***

We are concerned about the impact of constant delays by the Commonwealth in providing material to us pursuant to compulsory notices. I further attach a letter sent on 31 May 2022, to the Secretary of the Department of Defence and the Chief of the Defence Force (CDF) in response to this issue.

Key examples of these delays are the statements of s47E(d)



A similar situation occurred in relation to the CDF. The statement was due on 7 June 2022. Supporting documents for the statement were provided across six tranches from 19 June to 23 June 2022. The final tranche consisting of some 417 documents was received as the CDF entered the witness box on 24 June 2022. It also appears that production of the documents relevant to the CDF's Statement is still not complete, notwithstanding that the CDF has now given evidence (on 23 and 24 June). Significant delays have been experienced in relation to responsive

material under numerous other notices which have been issued to Defence, the ADF and other Commonwealth agencies and officers by the Commission.

The Commonwealth has notified us about the burden requests place on Defence staff. They note that the high workload has resulted in welfare concerns for their employees. In appreciation of this, we have engaged with the Commonwealth on the development of draft notices and the Office of Solicitors Assisting has established a single point of contact to reduce the overlap of notices.

The late provision of documents significantly impairs Counsel Assisting's ability to prepare examinations, and Commissioners' ability to gain a holistic understanding of the systemic causes of suicide and suicidality in accordance with our lines of inquiry. We have written to the Commonwealth on several occasions in regard to this matter, and hope for greater support and collaboration moving forward.

### ***Parliamentary Privilege***

Claims of parliamentary privilege have hindered our ability to inquire into and receive necessary evidence from previous inquiries conducted by Parliament Committees, and from reports of government decision-making.

Several reports by the Auditor General and the Senate Standing Committee on Foreign Affairs, Defence and Trade, directly relevant to our work, are subject to claims of parliamentary privilege made by the Commonwealth. This includes the publicly available Auditor-General's Report, 'Defence's Implementation of Cultural Reform', tendered in Hearing Block 1. Concerningly, the privilege extends to drawing any conclusion or inference from these reports, even where it would not impinge on Parliament or any of its members.

I attach an extract from the transcript of our hearing on 4 April 2022. It includes a ruling made by Commissioner Douglas, and concurred with by Commissioner Brown and me, about a document over which the Commonwealth had claimed Parliamentary privilege applied. That ruling was that the privilege did not apply. But, as we explained at our meeting, there have been other documents where claims of Parliamentary privilege have not been resisted by our Counsel Assisting.

Without the ability to inquire into the work of prior reports, we are hampered in our capacity to learn from that which came before. These challenges can be resolved through a simple legislative reform: inserting a limited exemption to the operation of s 16(3)(c) of the *Parliamentary Privileges Act* for Royal Commissions, in relation to information that is relevant to the relevant Royal Commission's terms of references. This amendment would allow Royal Commissions to draw inferences and conclusions from prior reports, where that would not impinge on Parliament or its members.

### ***Public interest immunity (PII)***

We have a role in servicing the public interest in the full and frank disclosure of information and documents relevant to serving and former-serving member suicides. Claims of PII have been made in critical areas of concern, including government decision making, funding, average staffing levels of DVA, the Defence Joint Transition Authority and DVA claims processing and legislative reform. Additionally, PII claims have been made on Defence's large-scale datasets, including information

on all members who have served 1 day or more since 2001. These matters may be resolved through existing mechanisms and should not be a reason to delay provision of material requested under our coercive powers. All material that we receive is handled consistently with the Protective Security Policy Framework. If documents provided to us contain sensitive information, we have the power to issue a non-publication order, ensuring that none of that information is publicly reported.

My fellow Commissioners and I are now one year into our inquiry. The swift resolution of these issues is important and urgent. And resolving these issues will assist us to provide a positive outcome for both the ADF and current and former members.

We would also like to ascertain your views about a number of matters and are preparing a Notice to Give in respect of some possible recommendations we may make in the upcoming Interim Report. This is intended to provide you an opportunity to comment on these matters, prior to the Interim Report being published. We would be grateful for your consideration and will be in communication with your office shortly in regards to this matter.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Nick Kaldas', with a long horizontal line extending to the right.

Nick Kaldas APM  
Commissioner and Chair





**THE HON MATT KEOGH MP**  
**MINISTER FOR VETERANS' AFFAIRS**  
**MINISTER FOR DEFENCE PERSONNEL**

Ref No: MB22-000542

Mr Nick Kaldas AM  
Commissioner and Chair  
Royal Commission into Defence and Veteran Suicide  
GPO Box 3273  
SYDNEY NSW 2001

Dear Commissioner,

**ENGAGEMENT WITH GOVERNMENT IN CONDUCTING THE  
ROYAL COMMISSION**

Thank you for taking the time to meet with me on 17 June 2022, and for your subsequent correspondence of 7 July 2022, to discuss the important work of the Royal Commission into Defence and Veteran Suicide prior to the release of the *Interim Report of the Royal Commission into Defence and Veteran Suicide* (the Interim Report).

The Australian Government has received the Interim Report and sincerely thanks you, your fellow Commissioners and your team for the significant work undertaken. The Australian Government is considering carefully all recommendations contained in the report and will provide a full response to the recommendations it contained shortly.

This letter responds to the matters raised in your letter about engagement between the Commonwealth and the Royal Commission, that are not the subject of recommendations in the Interim Report. Your concerns raised matters across a number of portfolio areas and I have sought the advice of the Department of Defence, the Department of Veterans' Affairs (DVA) and the Attorney-General's Department (AGD) to ensure I provide you the most comprehensive response.

## **Provision of Information**

I understand that the Commonwealth has been complying with the Royal Commission's document management protocol, however I appreciate that the Royal Commission is concerned that it is not receiving full and timely access to information.

The Commonwealth recognises the need for both Counsel Assisting the Royal Commission and you and your fellow Commissioners to have timely access to documents to conduct your inquiry and remains committed to working collaboratively with you to achieve this. To that end I am aware that the Secretaries of Defence, DVA, AGD and the Chief of the Defence Force (CDF) are in active discussions to address, to the fullest possible extent, the matters you have raised with a view to engaging you further.

## **Delays in response to notices**

I am advised that a factor contributing to the delays was a significant and unforecast increase in the number of Notices to Give and Notices to Produce. In the three months prior to the Government granting a 12 month extension, records indicate Defence and DVA received (and responded to) 26 and 14 notices, respectively. In the three months following Defence and DVA received (and responded to) 56 and 25 notices respectively.

I would observe also that numerous notices seeking detailed information from certain areas of Defence (largely to do with health or 'people' issues) require the same subject matter experts to answer the questions, increasing the pressure on a limited number of individuals. The Commonwealth must ensure that the wellbeing of these individuals is considered and also that any further reallocation of staff away from core service delivery does not cause detriment to the broader wellbeing of others.

Notwithstanding, the Commonwealth recognises this as an area where significant collaboration has occurred and appreciates the manner in which the Royal Commission has worked with the Commonwealth to date. For instance, the provision of draft notices; the flexibility to provide timeline extensions on Notices not required for immediate Hearing Blocks; and the willingness to collaborate on difficult issues (such as in relation to the data notice) where the Commonwealth, through Defence's Royal Commission Taskforce and the Royal Commission, are working to address the obstacles to providing that information.

I understand that very effective resolution of issues has taken place when a discussion has been facilitated by the AGD between the Office of the Solicitor Assisting (OSA) and the Commonwealth. The recent initiative by the Royal Commission to establish a technical working group involving Defence and the OSA research team has already enabled prompt resolution of research complexities through face to face engagement.

## **Support for the Royal Commission**

Both Defence and DVA remain committed to providing the highest support to the Royal Commission. I strongly agree that the Royal Commission needs to hear the stories Defence members and veterans wish to share. The Chief of the Defence Force has made repeated public comments, including a video statement, and communicated through the Australian Defence Force leadership the key message that no Defence member will be penalised for engaging with the Royal Commission.

I have also made numerous public statements in public addresses, through the media and in Parliament encouraging potential witnesses to come forward to the Royal Commission.

Thank you again for raising these matters with me and for the important work you and your fellow Commissioners are undertaking.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Matt Keogh', with a long, sweeping flourish extending from the end.

**HON MATT KEOGH MP**

23 September 2022



Australian Government

Defence

Department of Veterans' Affairs

# **Australian Government Response** to the Interim Report of the Royal Commission into Defence and Veteran Suicide

September 2022

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## Acknowledgement of Country

We acknowledge the Traditional Custodians of Country throughout Australia. We pay our respects to Elders past and present.

We recognise and celebrate Aboriginal and Torres Strait Islander people as the First Peoples of Australia and their continuing spiritual and cultural connection to land, sea and community.

## Acknowledgement of Service

We respect and give thanks to all who have served in our defence force and their families.

We acknowledge the unique nature of military service and the sacrifice demanded of all who commit to defend our nation.

We undertake to preserve the memory and deeds of all who have served and promise to welcome, embrace, and support all military veterans as respected and valued members of our community.

For what they have done, this we will do.

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This publication is available online at  
[dva.gov.au/publications](http://dva.gov.au/publications)

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GPO Box 9998, Brisbane QLD 4001

**Website:** [dva.gov.au](http://dva.gov.au)

**Social media:** [facebook.com/DVAAus](https://facebook.com/DVAAus);  
[twitter.com/DVAAus](https://twitter.com/DVAAus); [youtube.com/DVATVAus](https://youtube.com/DVATVAus)

Information on other ways to contact DVA, including media and provider enquiries, is available at  
[dva.gov.au/contact](http://dva.gov.au/contact).

## Department of Defence contact details

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The telephone enquiries service is available:  
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7.30am to 10pm, Tuesday  
7.30am to 7pm, Wednesday to Friday.

**Mail:** Department of Defence  
Russell Offices  
Canberra ACT 2600

**Website:** [defence.gov.au](http://defence.gov.au)

**Social media:** [defence.gov.au/social-media](http://defence.gov.au/social-media)

## Open Arms—Veterans & Families Counselling

Open Arms—Veterans & Families Counselling (Open Arms) is a national mental health service that provides free and confidential counselling, group programs and suicide prevention training for current and ex-serving ADF personnel and their families.

**Open Arms is available 24/7—1800 011 046.**  
[OpenArms.gov.au](http://OpenArms.gov.au)

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## Foreword

Those who choose to serve our country in the Australian Defence Force make a commitment to protect our Australian way of life and the values we hold dearest – freedom, democracy, equality, respect and a fair go.

In return, it is our duty to meet their commitment in kind, looking after our service members and their families, both during and after their time in the ADF. This includes doing everything possible to prevent our service personnel, veterans and their families from experiencing the tragedy of suicide.

Australia has lost more service personnel and veterans to suicide in the last two decades than from active operations. This is a national tragedy.

For this very reason, we supported calls from the veteran community and their families to establish a Royal Commission into Defence and Veteran Suicide. This is an important opportunity to strengthen our approach to the mental health and welfare of ADF personnel, veterans and their families into the future.

Now, as the Australian Government, it is our duty to listen, learn and take action.

The Royal Commission's Interim Report is the culmination of the inquiry's work to date, encompassing over 2,000 submissions, 178 private sessions and testimony from 208 witnesses.

The Interim Report makes 13 recommendations which fall within three key themes: improving the claims process, Royal Commission administration and access to information by loved ones.

The Government has implemented one of the recommendations already (recommendation 5), agreed to nine, agreed in principle to one, and noted two others. The Government agrees with the Commissioners that urgent and immediate action is required.

Work is already underway but there is certainly more to be done.

We thank the Commissioners, Nick Kaldas APM (Chair), the Honourable James Douglas QC and Dr Peggy Brown AO for their work in producing the Interim Report and for their ongoing work on the Royal Commission.

We also thank those who have contributed to the inquiry, whether that be through making a submission or appearing as a witness; we appreciate the courage and bravery it takes to share your experiences.

To that end, we also encourage anyone that has insights to provide on the issues confronting our Defence personnel and veterans, to come forward and give evidence to the Royal Commission publicly or in private session.

Submissions remain open until 13 October 2023.



The Hon Richard Marles MP  
Deputy Prime Minister  
Minister for Defence



The Hon Matt Keogh MP  
Minister for Veterans' Affairs  
Minister for Defence Personnel

# Introduction

On 8 July 2021, following agreement by the Governor-General of the Commonwealth of Australia, His Excellency General the Honourable David Hurley AC DSC (Retd), the Australian Government established a Royal Commission into Defence and Veteran Suicide. The inquiry's Terms of Reference enable it to examine systemic issues and risk factors relevant to defence and veteran death by suicide, including all aspects of support available to defence members and veterans.

The Letters Patent establishing the Royal Commission recognise the need for it to establish accessible and appropriate trauma-informed arrangements for people engaging with the inquiry.

Since commencing its work, the Royal Commission has held hearings in Brisbane, Sydney, Canberra, Townsville and Hobart. It has heard evidence from witnesses with lived experience or special expertise of defence and veteran suicide and witnesses from ex-service organisations, charities and Commonwealth agencies, including former ministers, Service Chiefs and their Senior Warrant Officers.

On 11 August 2022 the Royal Commission released its Interim Report, which made 13 recommendations. This document outlines the Australian Government's response to each of these. As the Royal Commission continues its important work, additional hearings will be held across the country to give all of those impacted by this issue the opportunity to share their stories and experiences. The Royal Commission's final report is due to be handed down by June 2024.



# Australian Government Response to Recommendations

## Recommendation 1: Simplify and harmonise veteran compensation and rehabilitation legislation

The Australian Government should develop and implement legislation to simplify and harmonise the framework for veterans' compensation, rehabilitation and other entitlements. To this end:

- (1) By no later than 23 December 2022, the Australian Government should:
  - (a) accept or reject recommendations made by the Productivity Commission in its report, *A Better Way to Support Veterans*, that relate to reforming the legislative framework
  - (b) if it rejects Productivity Commission recommendations 8.1, 8.4, 13.1, 14.1 and 19.1, adopt alternatives that will achieve similar or better levels of harmonisation and simplification of the legislative framework, and
  - (c) identify and decide all other policy questions relevant to designing a harmonised and simplified legislative framework.
- (2) By no later than 22 December 2023, the Australian Government should complete drafting of the legislation.
- (3) By no later than early 2024, the Australian Government should present to the Parliament, and seek passage of, its Bill for the proposed framework.
- (4) If the legislation is passed, the Australian Government should, by no later than 1 July 2024, begin the process of implementing and transitioning to the new legislative framework.
- (5) If the legislation is passed, the Australian Government should ensure that, by no later than 1 July 2025, the new legislation has fully commenced and is fully operational. (This does not preclude setting later deadlines for any choices that might need to be made by veterans.)
- (6) The Australian Government should allocate to the Department of Veterans' Affairs (DVA), the Office of Parliamentary Counsel and other relevant agencies adequate resources to design, prepare, draft and implement the proposed legislation within the timeframes above, and to administer the new legislation once it has commenced. The allocation of these resources to DVA should not be offset by reductions in other resourcing of DVA.

## Australian Government Response

The Government **agrees** to this recommendation.

The Government will develop a pathway for simplification and harmonisation of veteran compensation and rehabilitation legislation on the basis of this recommendation, noting that funding will be considered in the context of budget processes and fiscal constraints. The timing of implementation will be informed by what is required for necessary consultation and the passage of legislation.

## Recommendation 2: Eliminate the claims backlog

The Department of Veterans' Affairs (DVA) should eliminate the backlog of claims under the *Veterans' Entitlements Act 1986* (Cth), the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* (Cth) and the *Military Rehabilitation and Compensation Act 2004* (Cth) by 31 March 2024. To this end:

- (1) DVA should accurately advise the Australian Government on the resourcing that it needs to eliminate the claims backlog by 31 March 2024.
- (2) The Australian Government should provide DVA with the resources it needs to eliminate the claims backlog by 31 March 2024. The allocation of these resources to DVA should not be offset by reductions in other resourcing of DVA.
- (3) Leading up to 31 March 2024, DVA should undertake regular monitoring of claims and other data, to check whether the elimination of the backlog is on track.
- (4) Leading up to 31 March 2024, the Australian Government and DVA should implement corrective action(s) if the elimination of the backlog is not on track. DVA should monitor the effectiveness of corrective actions taken.
- (5) DVA should routinely, publicly and meaningfully report on its progress in reducing the claims backlog and claim processing times.
- (6) DVA should ensure that efforts to reduce the backlog do not reduce the quality of decisions made about claims, and do not adversely affect veterans' experiences of the claims process.

## Australian Government Response

The Government **agrees** to this recommendation.

The Government recognises that the current claims backlog is unacceptable and that is why it committed at the last election to employing 500 additional DVA staff to tackle this backlog. Recruiting these staff is already underway.

Eliminating the claims backlog is a priority and will be closely monitored and routinely reported. Reducing claim processing times is also a priority, along with maintaining the quality of claims decision making. Work in addition to the employing of 500 additional staff is already underway as well as looking at what further work can be done to improve claims processing, including implementing relevant recommendations from McKinsey & Company (see response to Recommendation 3 below).

DVA has advised the Government that based on the current rate and projected rates of claims being lodged, the employment of these additional staff over the next two years will enable it to remove the backlog of claims by 31 December 2023, without adversely affecting the quality of decisions or the experience of veterans in having their claims processed. Any necessary corrective actions will be undertaken to ensure elimination of the backlog remains on track and are eliminated by 31 March 2024 at the latest.

DVA has already commenced publishing meaningful statistics on claims processing on its website at: <https://www.dva.gov.au>.

### Recommendation 3: Improve the administration of the claims system

The Australian Government should improve the administration of the Department of Veterans' Affairs (DVA) claims system by 1 July 2024. The changes pursued should aim to improve veterans' experience of the claims system, remove complexity from the system and enhance efficiency in claims processing. To this end:

- (1) DVA, having taken account of the advice received from McKinsey & Company and other relevant sources, should advise the Australian Government about potential measures it could include within a program of work aimed at improving the administration of the claims system.
- (2) The Australian Government and DVA should decide upon the improvement measures to be undertaken within the program of work.
- (3) The Australian Government should provide DVA, and any other relevant agencies, with the resources needed to implement the agreed program of work. The allocation of these resources to DVA should not be offset by reductions in other resourcing of DVA.
- (4) The Australian Government should seek passage of any legislative amendments required to implement the agreed program of work.
- (5) DVA, and any other relevant agencies, should implement the program of work by 1 July 2024.
- (6) DVA should publicly report on progress towards implementing the program of work on a quarterly basis.
- (7) DVA should publicly report on the expected benefit of each measure included within the program of work, and, once implemented, report on the degree to which each benefit has been realised.

### Australian Government Response

The Government **agrees** to this recommendation.

The Government recognises that some veterans and families do not have a good experience accessing support they deserve.

The Government will consider ways to improve the veterans' experience of the claims system, remove complexity and enhance efficiency in supporting veterans and families navigating the veteran support system.

Measures to improve the claims system will be considered by Government, along with any necessary legislative amendments.

The Government notes that work is already underway in response to this recommendation, taking into account the recommendations of McKinsey & Company's claims process diagnostic to improve the administration of the claims system.

The overall benefits of the implementation of the work program will be demonstrated in the efficiencies reported as noted in the response to Recommendation 2 above.

### **Recommendation 4: The Department of Veterans' Affairs to provide advice on its funding needs**

The Department of Veterans' Affairs (DVA) should provide advice to the Australian Government about its funding needs. To this end:

- (1) By 31 March 2023, and at least twice per year thereafter, DVA should provide advice to the Australian Government about:
  - (a) its future departmental funding needs, and
  - (b) factors leading to uncertainty about DVA's future departmental funding needs.
- (2) The Australian Government should use this advice to inform the departmental funding it provides to DVA.
- (3) The Australian Government should provide any resources to DVA, and any other relevant agencies, to enable DVA to provide adequate advice regarding its future funding needs as specified above. The allocation of these resources to DVA should not be offset by reductions in other resourcing of DVA.

### **Australian Government Response**

Government **agrees** to this recommendation.

The Government recognises the importance of closely monitoring, reporting and responding to the changing needs of veterans and families.

The Department of Veterans' Affairs will provide advice in line with the Budget and Mid-Year Economic and Fiscal Outlook (MYEFO) processes on resourcing requirements and factors leading to uncertainty in those requirements wherever possible, but also notes there may be a need for out-of-cycle considerations.

### **Recommendation 5: Remove the Department of Veterans' Affairs Average Staffing Level Cap**

The Australian Government should remove, on a permanent basis, the application of the Average Staffing Level (ASL) cap policy on the Department of Veterans' Affairs.

### **Australian Government Response**

Consistent with its election commitment, the Government has removed the ASL cap across all government agencies, including the Department of Veterans' Affairs.



## Recommendation 6: Increase protections for persons engaging with this Royal Commission

The Australian Government should work closely with this Royal Commission to design urgently an amendment or series of legislative amendments that provide protections for persons who wish to provide relevant information to this Royal Commission, including the two following cohorts:

- (1) For serving ADF members disclosing sensitive personal information who are currently, and intend to remain, in service, similar protections to section 6OP of the *Royal Commissions Act 1902* (Cth) should be introduced.
- (2) For serving and ex-serving ADF members whose lived experience is intrinsically linked to security classified or operationally sensitive information, the defence available under the Criminal Code section 122.5(5) should be extended to cover information communicated to a Royal Commission. A defence to other secrecy offences will also be needed.

## Australian Government Response

The Government **agrees in-principle** to this recommendation.

The Government will take forward suggested legislative reforms to the *Royal Commissions Act 1902*. The Government will consult the Royal Commission and other key stakeholders on drafting of the amendments.

The Government agrees serving and ex-serving ADF members should have protections to communicate information to the Royal Commission without breaching the general secrecy offences in the Criminal Code. To achieve this, the Government welcomes continued engagement with the Royal Commission in relation to the agreement referred to in Chapter 6.2 of the Interim Report. Conclusion of this agreement will permit serving and ex serving ADF members to access existing defences, including paragraph 122.5(1)(b) of the Criminal Code.

The Government will also consider secrecy offences for future Royal Commissions as part of the Secrecy Provisions Review being undertaken by the Attorney-General's Department.

## Recommendation 7: Provide exemption from parliamentary privilege

Where their terms of reference require an examination of government, Royal Commissions should be made exempt from section 16(3)(c) of the *Parliamentary Privileges Act 1987* (Cth)

### Australian Government Response

The Government **notes** this recommendation.

The Government recognises the importance of Royal Commissions being able to thoroughly investigate, and provide recommendations in relation to their terms of reference and is committed to assisting Royal Commissions to conduct their inquiries.

The *Parliamentary Privileges Act 1987* provides important protections for freedom of speech in Parliament. Section 16 of the Act protects proceedings in Parliament from being questioned or impeached in a court or tribunal. Broadly, section 16(3)(c) prevents the drawing of inferences or conclusions from proceedings in Parliament, in any court or tribunal (which includes a Royal Commission).

The Government considers that Royal Commissions can carry out their functions without infringing section 16(3) (c).

## Recommendation 8: Limit public interest immunity claims

The Australian Government should reform immediately policies and practices related to public interest immunity to limit claims to where there is a specific harm contemplated from disclosure to Royal Commissions. Where there is uncertainty about potential harm, mechanisms within the *Royal Commissions Act 1902* (Cth) should be used to support the production of the document or information.

### Australian Government Response

The Government **notes** this recommendation.

The Government agrees with the need for Royal Commissions to have access to the information they need to ensure their work is effective and efficient.

The Government also recognises the significant harm that public interest immunity (PII) is designed to guard against. For example, there is a strong and longstanding convention that deliberations and discussions within Cabinet remain confidential. This is to preserve and support the principle of collective responsibility, which is critical to our system of government.

The Government will improve policies and practices to streamline and introduce additional rigour around the use of PII claims in Royal Commissions. This will include clarifying the bases on which PII claims are made, and introducing additional requirements regarding the justification of claims.

## Recommendation 9: Improve administrative release of information

The Australian Government should:

- (1) by March 2023, produce and publish administrative release guidelines to better support applicants to access information held by the Department of Veterans' Affairs and Defence, and
- (2) immediately prioritise use of administrative release and proactively work with applicants to facilitate access via this process, including following a request for information under the *Freedom of Information Act 1982* (Cth) and the *Privacy Act 1988* (Cth) – but without delaying or restricting processes under either of these Acts.

## Australian Government Response

The Government **agrees** to this recommendation.

The Government recognises how clear, published, department-wide, trauma-informed policies regarding the administrative release of information, consistent with Australian information law principles, would empower both applicants and decision makers.

The Government further recognises how such policies would enable the proactive use of administrative release for applications for information, whether made under or outside the *Freedom of Information Act 1982* (Cth) and the *Privacy Act 1988* (Cth).

The Government also recognises the importance of consultation on the means of information access, as well as education about processes, and will seek to do so consistently with its work on Recommendation 13 below.

Defence and DVA have commenced work towards this recommendation.

## Recommendation 10: Co-design information to increase awareness of redactions for access requests

The Australian Government should engage with serving and ex-serving Australian Defence Force (ADF) members and their families to complete by March 2023 co-design information to raise the awareness of redaction and how it might apply to information provided to applicants seeking information from Defence or the Department of Veterans' Affairs under all information access request mechanisms.

## Australian Government Response

The Government **agrees** to this recommendation.

The Government, through Defence and DVA, will undertake co-design with serving and ex-serving Australian Defence Force members and families to raise awareness of redaction and how it applies to accessing information from Defence or DVA.

Defence and DVA have commenced work towards this recommendation.

### **Recommendation 11: Embed trauma-informed practices for information access**

Trauma-informed practices should be embedded in Defence and the Department of Veterans' Affairs (DVA) interactions with individuals seeking information from either department. These trauma-informed practices should form part of ongoing training for relevant personnel in each department.

Where possible, there should be a single point of contact within each of Defence and DVA to provide continuity and consistency to applicants seeking information from within each agency.

### **Australian Government Response**

The Government **agrees** to this recommendation.

The Government acknowledges that serving and ex-serving ADF members and their families may seek information at times of vulnerability or stress. The Government recognises that adopting a trauma-informed approach when interacting with a person seeking information, regardless of why that person is seeking information, provides an opportunity to better support current and former ADF members and their families.

The Government will leverage the work already undertaken by DVA through the Veteran Centric Reform program and the recent Defence improvements to information exchange practices, recognising that more needs to be done to ensure that a trauma-informed process is consistently applied across Defence and DVA.

The Government recognises the importance of the provision of a single point of contact for applicants and support to prepare and digest the information supplied as part of a trauma-informed process.

Defence and DVA have commenced work towards this recommendation.

### **Recommendation 12: Encourage up-to-date consent for information access**

By March 2023, the Australian Government should increase the number of opportunities for serving or ex-serving ADF members to provide or amend their consent to disclose, information to family members or nominated representatives.

### **Australian Government Response**

The Government **agrees** to this recommendation.

The Government, through Defence and DVA, will optimise and increase the opportunities available to serving and ex-serving ADF members to provide or change consent to Defence or DVA to provide their personal information to other persons.

Defence and DVA have commenced work towards this recommendation.



### **Recommendation 13: Co-design education on information access mechanisms**

The Australian Government should engage with serving and ex-serving ADF members and their families in order to complete, by March 2023, co-designed education material on information access mechanisms used by Defence and the Department of Veterans' Affairs (DVA). Educational material should be targeted to serving and ex-serving ADF members and their families.

### **Australian Government Response**

The Government **agrees** to this recommendation.

The Government, through Defence and DVA, will co-design education material, targeted to serving and ex-serving ADF members and their families, to enhance their understanding of the information access mechanisms and the trauma-informed supports available to those accessing information.

Defence and DVA have commenced work towards this recommendation.



