



RCDVS Implementation Program Board Update

Date: 20 February 2025

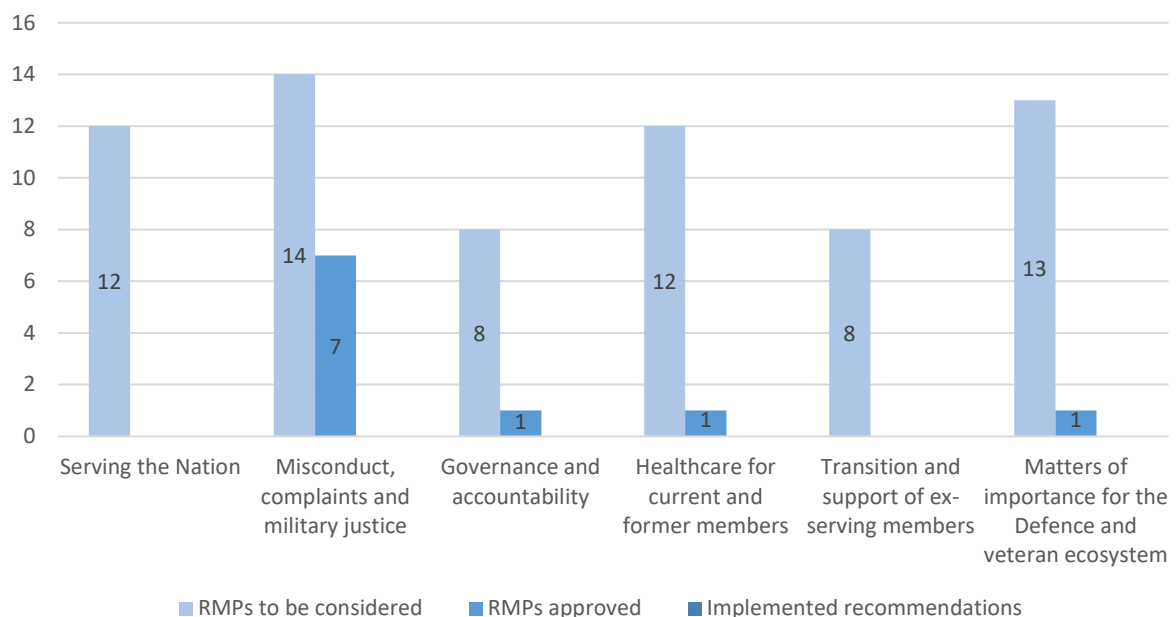
The RCDVS Implementation Program Board (the Board) met on 20 February 2025 to discuss the progress of the RCDVS Implementation Program and consider a number of Reform Management Plans (RMPs). RMPs not approved will be the subject of further planning and consideration based on feedback provided by the Board. Implementation activities for approved RMPs are underway and progress of these activities will be reported to future Program Boards.

Progress on Defence Recommendations

Following the Board there have been 10 RMPs approved with a further 67 RMPs to be considered.

Each recommendation has been grouped within a thematic framework. The progress of RMPs against this thematic framework is detailed below.

Progress on Defence Recommendations by Theme



Reform Management Plans Considered

Misconduct, complaints and military justice

- Recommendation 15 - Clarify definition and process related to sexual offences - **Approved**
- Recommendation 20 - Amend the legislation related to sentencing perpetrators of military sexual offences - **Approved**
- Recommendation 21 - Implement a 'presumption' of discharge for Australian Defence Force members found to have engaged in certain forms of sexual misconduct - **Approved**
- Recommendation 22 - Adopt a policy of mandatory discharge for Australian Defence Force members convicted of sexual and related offences - **Approved**
- Recommendation 23 - Record convictions of sexual offences in Australian Defence Force records and civilian criminal records - **Approved**
- Recommendation 27 - Evaluate outcomes to ensure that Defence has addressed the intent behind recommendations - **Approved**
- Recommendation 34 - Prioritise the review into the regulations governing court martial panels - **Approved**

Governance and accountability

- Recommendation 55 - Conduct an audit into Defence workplace health and safety risk management - **Approved**

Health care for serving and ex-serving members

- Recommendation 70 - Revise protocols for responding to suicidal crisis to be in line with clinical best practice - **Approved**

Matters of importance to the whole Defence and veteran ecosystem

- Recommendation 109 - Defence to report annually on its progress towards data maturity - **Approved**

Program Board Outcomes

Misconduct, complaints and military justice

Recommendation 15 - Clarify definition and process related to sexual offences

The RCDVS identified that clarity on what constitutes an offence and what actions commanders and managers should take when receiving a sexual offence report is required. It also found that while sexual offences are defined by high-level references to legislation and offence categories, current definitions in Defence failed to explain the acts or behaviours that constitute an offence.

The Board considered the evidence that the prevalence of military sexual violence remains unacceptably high and must be addressed within the ADF to ensure a safe and inclusive environment for all personnel.

The Board focussed on two key implementation areas, namely updating Defence policy and resources to reflect the definitions of sexual offences aligned with the *Crimes Act 1900* (ACT) sexual offence provisions. This would be undertaken in consultation with appropriate stakeholders and consider supporting policies across the enterprise. Further, education and communication of changes across Defence would occur including notification of updates to the Complaints and Alternative Complaints Manual and updated learning courses.

The Board also acknowledged the strong links between this Recommendation and Recommendations 21 and 22.

Program Board outcome: The Board **approved** the RMP for Recommendation 15.

Recommendation 20 - Amend the legislation related to sentencing perpetrators of military sexual offences

The RCDVS focused on the impact of sexual violence on serving and ex-serving members and its potential to increase the risk of suicide and suicidality. Given the significant impact on a victim's health and wellbeing, the RCDVS recommended the *Defence Force Discipline Act 1982* (Cth) sentencing principles be amended to align with contemporary civilian criminal jurisdiction standards and remove any potential ambiguity. The RCDVS observed that while legislation currently permits consideration of victim impact statements and power disparity as an aggravating factor in sentencing for sexual offences, this should be made explicit.

The Board considered ADF-wide efforts to address military sexual violence and reaffirmed the importance of reforming current approaches to strengthen prevention, accountability and support systems.

The Board discussed the legislative changes required and new policy to support legislation, supported through ongoing engagement with the Military Justice Steering Group. The Board acknowledged that the recommendation intent was already in practice and legislation change would strengthen this.

Program Board outcome: The Board **approved** the RMP for Recommendation 20.

Recommendation 21 - Implement a 'presumption' of discharge for Australian Defence Force members found to have engaged in certain forms of sexual misconduct

The RCDVS highlighted that sexual violence causes serious harm to individuals, undermines Defence, and impacts operational effectiveness. According to the RCDVS, inconsistent handling of historical cases and the continued presence of offenders have eroded confidence in Defence's ability to keep its people safe. The RCDVS highlighted the need to strengthen accountability and protect ADF members from further harm.

The Board acknowledged that legislative change is required to lawfully implement the recommendation and considered the already implemented Chief of the Defence Force (CDF) Directive as an interim measure to address process rather than the presumptive outcome.

The CDF Directive 'Interim Directive on Consideration of Suspension from Duty and Involuntary Separation for Australian Defence Force Members alleged to have engaged in Serious Misconduct' was published on 5 November 2024 which mandated consideration of suspension from duty and involuntary separation from service when there is an allegation or outcome of serious misconduct, including military sexual violence.

The Board discussed the next steps being final policy structure, supported by communications and training on the changes, and the development of data analysis and reporting procedures.

Program Board outcome: The Board **approved** the RMP for Recommendation 21.

Recommendation 22 - Adopt a policy of mandatory discharge for Australian Defence Force members convicted of sexual and related offences

The RCDVS examined the tolerance of other nation's armed forces for sexual offences and concluded that the ADF must ensure that sexual offences are treated with similar gravity. Mandatory discharge applies to all members of the UK Armed Forces convicted of prescribed sexual offences, and applies regardless of whether the victim is a serving member or civilian.

The Board considered recommendations that have similar alignment, outcomes and benefits, as well as the requirement to consider the impact of mental health of offenders, before initiating administrative action (Recommendation 31).

The Board discussed the legal review and policy assessment required and noted initial consultation with the Military Justice Steering Group and stakeholders had already commenced. The implementation of interim measures, if required, was also discussed noting potential delays due to any required changes in Defence Regulations. The Board requested further information be provided at the Board on 1 May 2025 regarding implications of sunset clauses for Defence Personnel Regulations on implementation timeframes.

Program Board outcome: The Board **approved** the RMP for Recommendation 22.

Recommendation 23 - Record convictions of sexual offences in Australian Defence Force records and civilian criminal records

The RCDVS highlighted Defence's lack of comprehensive data regarding the number of ADF serving personnel who have been convicted of sexual offences by civilian courts. Further,

they concluded that there was a lack of consistency in the recording and reporting of convictions for sexual offences for members convicted by military tribunals, compared to civilian courts.

Defence requires ADF members to self-report when they are charged with a criminal offence, and if they are subsequently convicted. Defence also records all service offence convictions. The RCDVS recommended improved communications between the ADF and state and territory authorities to ensure information can be shared for sexual offences and related offences to ensure comprehensive data.

The Board noted this recommendation is being progressed jointly with the Attorney-General's Department (AGD) and Australian Criminal Intelligence Commission (ACIC).

The Board considered Defence's plan to enable the conduct of criminal history checks through the National Police Reference System. An administrative process would then be developed in consultation with the ACIC.

The Board discussed the work underway with AGD on how to share and receive information between the relevant departments and the National Police Reference System, as well as the requirement for a policy position on which offences should be shared. The Board discussed the system interfaces required and noted that further work would be undertaken on resourcing requirements for the recommendation.

Program Board outcome: The Board **approved** the RMP for Recommendation 23.

[Recommendation 27 - Evaluate outcomes to ensure that Defence has addressed the intent behind recommendations](#)

The RCDVS examined the prevalence and consequences of unacceptable behaviour in the ADF and examined Defence's internal complaints mechanisms and improvement efforts. The RCDVS supported and agreed with the findings and the recommendations made in the Commonwealth Ombudsman's December 2023 Report *Does Defence handle acceptable behaviour complaints effectively?* The RCDVS raised concerns that these recommendations could be improperly or ineffectively implemented, meaning that the anticipated outcomes are never realised.

Reforming the way the ADF addresses unacceptable behaviour is vital to creating a respectful and professional military culture. The Board acknowledged that improving internal complaints mechanisms and reinforcing a culture of accountability are key to fostering an environment where unacceptable actions are swiftly addressed and members feel supported.

The Board considered the implementation progress of the nine Commonwealth Ombudsman Recommendations. This included the implementation of the Defence Enterprise Case Management Solution (DECMS) in May 2024, various updates to the Complaints and Alternative Resolutions Manual and the establishment of a centralised complaints management process and unit which would be further considered by the Enterprise Business Committee in March 2025.

Program Board outcome: The Board **approved** the RMP for Recommendation 27.

Recommendation 34 - Prioritise the review into the regulations governing court martial panels

The RCDVS observed the absence of a requirement for court martial panels to provide sentencing reasons. They noted that the Judge Advocate General expressed concern that Australia is the only military discipline system among Five Eyes nations where court martial panels determine guilt and penalty without providing reasons. This practice was seen as outdated and inconsistent with principles of open justice and fairness. The lack of reasons had the effect of undermining accountability and confidence in the military justice system.

The RCDVS supported the Judge Advocate General's assessment and emphasised that requiring panels to give reasons for their sentencing decisions would improve transparency and accountability. The RCDVS recommended prioritising a review of the regulations governing court martial panels, recommending the Military Justice Steering Group include this issue in its 2024/2025 work plan.

The Board recognised that Recommendations 20, 24 and 63(a), which address other legislative changes to the *Defence Force Discipline Act 1982* (Cth), are closely linked. The Board considered the importance of not only meeting the wording of the recommendation but to also achieve the intent. Thus, additional work has been incorporated into the legislative changes.

The Board acknowledged that legislative reform may take time and requested interim options be considered, with a review of current regulations to be scheduled to occur between March and May 2025 by the Military Justice Steering Group.

Program Board outcome: The Board **approved** the RMP for Recommendation 34.

Governance and accountability

Recommendation 55 - Conduct an audit into Defence workplace health and safety risk management

The RCDVS examined Defence's obligations under Work Health and Safety (WHS) legislation and risk management practices. The RCDVS called for strengthening of individual and collective accountability of senior members charged with ensuring WHS compliance requirements that are intended to protect workforce safety and wellbeing. While the RCDVS recognised that Defence's approach to WHS assurance is maturing, as demonstrated by ongoing work related to the Defence WHS Strategy 2023–2028, which called for an audit into WHS risk management.

The Board considered the importance of strengthening Defence's governance functions, being pivotal for effectively addressing the factors contributing to suicide and suicidality. By implementing targeted reforms to strengthen data analysis and clarify reporting procedures, the Board recognised that Defence can significantly improve its capacity to mitigate risks, ensure continuous improvement and foster a more proactive approach to mental health and wellbeing. These changes will ultimately create a more resilient workforce and ensure the safety and wellbeing of all personnel.

To ensure the recommendation intent is met, the Board requested the scope of the audit be reviewed. The Board requested this recommendation return to the Defence Implementation Program Board on 17 July 2025 with the finalised audit report.

Program Board outcome: The Board **approved** the RMP for Recommendation 55.

Health care for serving and ex-serving members

[Recommendation 70 - Revise protocols for responding to suicidal crisis to be in line with clinical best practice](#)

The RCDVS identified that Defence must do more to ensure it has appropriate protocols in place for responding to suicidal crisis and delivering high-quality aftercare. Existing aftercare policies and procedures were considered to be focussed on risk assessment and management, rather than personalised recovery support and reintegration into the workplace following an attempted suicide.

The Board considered the requirement for Defence to have protocols that reflect current evidence and best practice in the Australian community related to the management of crisis, immediate aftercare and follow-up support for ADF members experiencing suicidality.

The Board considered the four-phased implementation. Phase One, involves identifying current evidence and best practice protocols in the Australian context. Phase Two, will be adapting these protocols to the Defence environment. Phase Three, includes local implementation and monitoring, and Phase Four involves a formal evaluation of the outcomes of this recommendation after five years.

The Board discussed the importance of location support and not duplicating existing clinical pathways. The Board requested more information to better understand capacity to implement best practice at all locations, and noted that external, independent advice was likely required.

Program Board outcome: The Board **approved** the RMP for Recommendation 70.

Matters of importance to the whole Defence and veteran ecosystem

[Recommendation 109 - Defence to report annually on its progress towards data maturity](#)

The RCDVS highlighted the 2021 Defence Enterprise Data Maturity Assessment report's conclusion that "there is a very problematic culture surrounding the collection, sharing and storage of data in Defence." The RCDVS Final Report states that Defence will use a data-capability assessment tool to understand its data maturity in the future. The Final Report raises concerns around the level of insight Defence will achieve through this tool and recommends Defence introduce "regular assessments that include insights from a larger number of data experts and users to provide transparency around Defence's progress in improving data maturity."

The Board considered Defence's proposed approach to use the Department of Finance's whole-of-government annual Data Maturity Assessment Tool rather than the 2021 Defence Enterprise Data Maturity Assessment as recommended by the RCDVS. This Tool, introduced

in 2024, would provide a consistent approach to measuring and understanding data maturity and would enable longitudinal and cross-agency reporting of data maturity and capability.

The Board acknowledged this Tool would provide a better outcome and approved the variation from the RCDVS recommendation. The Board discussed that the Department of the Prime Minister and Cabinet's RCDVS Defence Implementation Taskforce and Defence and Veterans' Services Commission may have additional input or advice regarding recommendation implementation in due course, but were comfortable with Defence pursuing this approach in the immediate future.

Program Board outcome: The Board **approved** the RMP for Recommendation 109.

Other business

The Board considered items pertaining to its governance functions including its forward work program, reporting approach and mapping of interdependencies between recommendations.

The Board agreed to hold monthly Boards (from May 2025 until the end of the year) instead of two-monthly, in order to appropriately consider RMPs. The plan for RMP consideration would be updated.

The Board considered and approved the Program Governance Framework. It was agreed to amend the name of the Program to the RCDVS *Defence* Implementation Program to distinguish it from the Department of the Prime Minister and Cabinet's RCDVS Implementation Taskforce.

The Board discussed the importance of defining measures of effectiveness to ensure the delivery of positive outcomes – not just acquitting recommendations. The Board also discussed the need to understand lead indicators and risk factors of suicide and suicidality so that preventative action can be taken. Members discussed high-risk demographics and the need for preventative actions that can be taken while recommendations are being implemented.

The Board requested further information on collective measures of effectiveness and an initial map of recommendation interdependencies be presented to the Board on 1 May 2025. Further information would also be provided on preventative actions and surveillance currently being undertaken in relation to risk-factors, and a proposal of legislative amendments options.

An update on the Department of the Prime Minister and Cabinet's Taskforce was provided. The Board discussed recommendations which were noted by Government and the role of the Taskforce in determining what action was required by Departments. Further consideration was to be given to noted recommendations as part of the RCDVS Defence Implementation Program.