

## Foreign Affairs Defence and Trade Legislation Committee

National Commissioner for Defence and Veteran Suicide Prevention Bill 2020  
and the National Commissioner for Defence and Veteran Suicide Prevention  
(Consequential Amendments) Bill 2020 – 17 Nov 2020

### COMMITTEE INQUIRY QUESTION ON NOTICE

Department of Defence

**Topic:** FADT Legislation Committee - National Commissioner for Defence & Veteran Suicide Prevention Bills 2020 - 17 Nov 2020 - Q1 - Input and consultation into establishment of National Commissioner - Kitching

**Question reference number:** 1

**Senator / Member:** Kimberley Kitching

**Type of question:** Spoken

**Date set by the committee for the return of answer:** 24 November 2020

#### **Question:**

**Senator KITCHING:** Thank you to the departments for coming today. I ask Veterans' Affairs and Defence: what input to or consultation with the national commissioner have you had since it was announced and established in the Attorney-General's Department?

**Ms Cosson:** Leading into the Christmas period, Defence, DVA and some other agencies looked at a range of different policy options and we presented those to government. Certainly, with the Attorney-General's being announced as the lead, responsible for developing the office of the national commissioner and also the legislation, as part of the normal government process of consultation, we have been involved throughout that process.

#### **Answer:**

Defence and the Department of Veterans' Affairs participated in the consultation processes established by the Attorney-General's Department (AGD) National Commissioner for Defence and Veteran Suicide Prevention (NCDVSP) Taskforce. This consultation related to topics such as, the draft National Commissioner Bills, as is standard process in legislative development, the draft Terms of Reference for the Independent Review, and preparatory work on provision of data to support the National Commissioner's Independent Review.



## Foreign Affairs Defence and Trade Legislation Committee

National Commissioner for Defence and Veteran Suicide Prevention Bill 2020  
and the National Commissioner for Defence and Veteran Suicide Prevention  
(Consequential Amendments) Bill 2020 – 17 Nov 2020

### COMMITTEE INQUIRY QUESTION ON NOTICE

Department of Defence

**Topic:** FADT Legislation Committee - National Commissioner for Defence & Veteran Suicide Prevention Bills 2020 - 17 Nov 2020 - Q2 - Provision of documents relating to the establishment of National Commissioner - Lambie

**Question reference number:** 2

**Senator / Member:** Jacqui Lambie

**Type of question:** Spoken

**Date set by the committee for the return of answer:** 20 November 2020

**Question:**

**Senator LAMBIE:** That's not what I am asking. How much input did you have in writing the bill with the Attorney-General's office or DVA? How much were you or Defence a part of that?

**Ms Greig:** The Attorney-General's office may want to add to this.

**Senator LAMBIE:** No, I am asking you: how input has Defence had in this interim commissioner?

**Ms Greig:** Similar to other agencies, we were a part of the consultation process in looking at draft versions of the bill.

**Senator LAMBIE:** Can you pass over any documentation in reference to this bill that you sent to the Attorney-General's or the Department of Veterans' Affairs to the committee, please—anything, any emails, any written statements.

**CHAIR:** Senator Lambie, are you asking that they make those documents available?

**Senator LAMBIE:** Yes, to the committee.

**CHAIR:** I don't think that would be within the province—

**Senator LAMBIE:** Why is that? There is no national security attached to them. They are obviously providing advice or recommendations in how this interim commissioner is going to be set up, and I think it is in the public interest and in every veterans' interest to see how much input Defence has actually had in the making of this.

**CHAIR:** But the actual advice to government has always been kept confidential.

**Senator LAMBIE:** I think there will be a lot more than just advice to government. Anything to do with this commissioner whatsoever, without the formal advice to them, the toing and froing, I would like all of that correspondence to be presented to the committee, please.

**CHAIR:** Take it on notice and see what can and what can't be provided.

**Answer:**

Defence was consulted, along with other Commonwealth agencies, and has provided input to the Attorney-General's Department (AGD) in the drafting of the Bill. This is consistent with ordinary processes for consulting on and developing legislation.

Relevant correspondence from Defence to other agencies would likely be subject to legal professional privilege, public interest immunity, or would disclose confidential cabinet discussions.