

Good evening,

Thank you for taking the time to receive feedback into the National Commissioner for Defence and Veteran Suicide Prevention Bill 2020. Given the sensitivity and nature of the discussion I have received numerous emails and feedback and to maintain privacy their names have not been added here, and it is an opportunity to bring their voices to the discussion and I am happy to be the vessel for this conversation.

Individuals have given permission for the feedback below to be made public.

### **General Feedback:**

-Given Jacqui Lambie stopped the commissioner bill being passed/rushed through at the last senate, why is the government seeking community consultation now?

-The ADF and Veteran community requested a rigorous investigation into systemic practices of both the ADF and DVA, at an organisational level, that contribute to organisational harm which, every 6.5 days, results in a suicide.

-As the Bill now stands, the proposal for a National Commission re-enforces and supports the perpetuation of institutional blindness and deafness to ADF personnel, veterans, and families constant calls for accountability. It smells of a predetermined outcome which smacks of a reasonable apprehension of bias and actual bias. Yet, just like the eventualisation of the RC into Child Sex Abuse, a Royal Commission into both the ADF and DVA is, at some point, inevitable. Therefore, I would urge the Senate and the current government to reconsider their stance to end the perpetuation of institutional abuse and protection of those in power at the expense of the ordinary sailor, soldier, and airperson.

Otherwise, one could be led to conclude that those who currently hold power are complicit to the normalisation of institutional harm that is inflicted on our ADF personnel and veterans daily.

### **Para 2 of Schedule 1.**

-How will the VFA operate in a 'similar manner' to the Repat Comm? This is not detailed anywhere and is too vague to be helpful. Noting the Repat Comm is not independent of DVA and is thus subordinate and answerable to the Secretary DVA, will the VFA be similarly subordinate, accountable, and answerable to the Secretary DVA? If so, how is this in any way a truly 'independent voice for veterans' families'?

-The ADF and DCA have a plethora of resources. Veterans and veterans who have no families/dependents still have no 'independent' voice which has the ear of the government without any perceived biases or unfounded loyalties to DVA and its senior management.

-How will the VFA 'inform the work of the Repat Comm and MRCC in setting veteran policy ... etc'? How can a non-veteran with no tangible experience (or qualifications) in applying the legislative regime possibly make a meaningful contribution to this critical policy and administration of processes? This is not a business management position. Indeed, it does not appear to have any direct-report staff - it may have purely administrative staff although it is feasible they will be shared with the RC and MRCC. This is expressly a welfare policy advisory role. The terms 'engagement, liaison and advocacy across the veterans' sector' are too broad as to be meaningful ("buzz words" in the absence of greater definition). In any event, nothing in the Bill suggests this is other than an entitlement and compensation policy advisory role. In that light, it is not a role exclusively requiring business experience (if at all) without any tangible experience in policy formulation, specific legislative familiarity, and advocacy/lobbying in the veterans' space. This is NOT a business management appointment.

### **Para 3 of Schedule 1.**

-Noting this is a full-time appointment on the RC and a part-time appointment on the MRCC, should the appointment of this VFA not have been advertised broadly in order to get the most appropriate person - recognising the issues identified above? Similarly, and noting the purported focus of this appointment is on the perspective of veterans' families, any other appointments or roles which even have the potential to conflict with that focus are in direct conflict and pose a risk of apprehended bias. The risk of conflict of interest is extreme and cannot be managed as long as multiple roles are held. This position, by its own vague description in the Bill, demands an exclusive focus on veterans' entitlement and compensation policy. The fact it is a dual-part time and full-time appointment across two commissions supports the need for a complete separation of roles from other roles in the broad veterans' space. There is too great a risk of other interests influencing the contribution of this appointee to the decision-making processes of the RC and MRCC.

-As a matter of perception in both the veteran community and the broader public, where the appointee holds roles in addition to this VFA appointment it would very readily appear that veterans' families only have one voice and one representative in all areas - that of the VFA (as potentially influenced by the other roles outside the VFA role).

### **Re Schedule 1 of the Human Rights compatibility statement.**

-Have flow on effects been considered? Addressing systemic and cultural issues within Defence, including the ongoing prevalence of Defence abuse, maladministration (costing millions of dollars in defective administration payments), excessive secrecy and a lack of transparency in internal processes, etc, should be part of the role if para 3 of the HR statement is to be accepted. The VFA would thus require significant insight into and understanding of these issues if the 'risk and protective factors' focus is to be meaningful. Again, properly meeting this aspect of the role in a tangible way requires more than just business experience regardless of how extensive it may be. This demands significant awareness of the 'risk and protective factors relating to the wellbeing of veterans and their families' and such factors absolutely include the systemic and cultural problems within Defence. A common denominator to veteran suicides has been the treatment of our fallen veterans by Defence - "all roads lead to Defence" has been stated repeatedly.

-The Bill including the HR statement repeatedly states the primary purpose of the VFA as being to promote health and wellbeing of veterans. How will the role do that? This oft repeated statement should be better defined. The legislature cannot rely on Regs to detail this - it is at the heart of the role. Again, this critical and, indeed, primary aspect of the role clearly demands experience, and/or qualifications in those areas. Business experience alone is entirely inadequate.

-This Bill in its current form is unsafe and unsatisfactory. It leaves more questions than it answers and is too open to conflicts of interest and apprehended biases in the appointment of the VFA. Any Regs cannot rectify these problems.

-Explanatory Memoranda are unhelpful when the structure of the Bill is so lacking as to be meaningless and ambiguous.

-The appointment of the VFA is a critical and risky issue. It carries reputational and perception risks as well as the potential to actually dilute policies regarding the support and welfare of veterans - that outcome is diametrically opposed to the purported intent of the Bill. Risk outweighs benefit as it stands. This stinks of cronyism, nepotism, and the undue influence of DVA.

- The difference between a National Commission and a Royal Commission is that the premise of the National Commission is to inquire whilst a Royal Commission is to investigate. Therefore, the outcome will be entirely different.
  
- Accountability and transparency: As per media coverage, both the Defence Minister and the Prime Minister have stated that both Defence and DVA have been instrumental to writing the Bill. This is a form of institutional bias where the government departments under investigation have written their own terms of reference. How does this provide for transparency and accountability? This is particularly the case because both the ADF and DVA, as public institutions, are accountable to the people of Australia.
  
- It is my understanding that once the Bill is enacted, the Governor General will appoint a National Commissioner (clause 16 of the Bill) and the National Commissioner will be independent from the government. Yet I fail to see this reasoning for several reasons:
  - Whilst the National Commissioner will have appropriate statutory independence from government, the Attorney-Generals (AG) office is not independent being that they are interlinked with the current constitutional/federal system.
  - The AIHW is also a public department. Therefore, it also cannot claim independence.
  - The Governor General is a previous head of the ADF, as such, there is a real or perceived bias towards protecting the institution (much like the clergy was found to be bias); protectionism questionably occurred in connection with the ADF skype scandals whilst the GG was the CDO. Therefore, to ensure integrity of the Bill, the GG should be excused from the role of appointee. As the Bill now stands, all a National Commission will achieve is ensuring that the public service will investigate itself behind closed doors – something which is, arguably, non-constitutional, flies in the face of democratic processes, and sits at odds with the APS code of conduct.
  - Currently the Bill does not articulate an appropriate research approach/framework even though the intention behind the Bill is to ‘prevent’ suicide. Therefore, an appropriate research design is required underpinned by multiple and varied lived experiences and relevant expertise. Further, to facilitate a depth of understanding the phenomena social research is imperative in order to compliment the gap associated with health research. Given that the Commission is being founded to critique systemic issues – this pertains to culture and societal/organisational geographies which sit outside the expertise of health studies which focuses predominantly on the individual as opposed to the societal – suicide bridges both disciplines and without both the findings will not be valid nor reliable.
  
- What are the likely outcomes families are going to see coming out of a commission that enquires into past suicides?

-What closure and justice can families expect from this appointment?

-The word "prevention" has been suggested to describe the role of the commissioner but if we look at the dictionary definition - " The act or practice of stopping something bad from happening" - suggests otherwise. We are not preventing anything if the focus is an inquiry of the deceased person from the onset?

-Best Practice from a therapeutic perspective when discussing "Trauma Informed Care" puts the individual at the centre of healing- Who exactly will be providing this? What elements of (TIC) will be offered given this is a suicide and therapists are not employed to oversee the inquests given the veteran and family advocate does not have the skills or ability to apply this? So, what will TIC look like in the process of inquiry and how will it be applied?

-This Bill and the powers given to the commissioner clearly show an oppression of families voices and their ability to gain support from the public and the greater Australian Community. What are the grounds for the commissioner having power to apply for search warrants and apply up to 3 years jail time given the focus is past suicides? Who is the commissioner seeing to jail or search given a trauma informed practice? This is contradictory... Please explain the purpose of this and need for such harsh punishments if this is only an inquiry into a veteran suicide? This is also a conflict of a trauma informed framework.

-Of what you have already learned from Inquiries, coronial inquests, independent reviews & productivity commission's findings- What is it that the commissioner will continue to be working towards and implement further?

-The Commissioner is to be an appointment no longer than a 5 year term and to not be employed elsewhere during this time- Is the same said for the Veterans and family advocate? Does she need to revoke all of her positions given the conflicts she has on various boards as an employee of the department?

I will pass on any correspondence to the collective from here if needed.

Kindest Regards

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