

09 October 2020

Committee Secretary  
Senate Foreign Affairs, Defence and Trade Legislation Committee  
Parliament House  
Canberra ACT 2600

**Re: Inquiry into the National Commission for Defence and Veteran Suicide Prevention Bill 2020 and the National Commissioner for Defence and Veteran Suicide Prevention (Consequential Amendments) Bill 2020.**

I thank the Committee for the opportunity to make submission for the Inquiry into the National Commission for Defence and Veteran Suicide Prevention Bill 2020 and the National Commissioner for Defence and Veteran Suicide Prevention (Consequential Amendments) Bill 2020.

There are many discrepancies in the National Commission Bill that I would be happy to discuss at a public hearing but, given the tight time restraints for submission, I will limit my response to the Consequential Bill that discusses changes to the Privacy Act. It is my opinion that the requested changes to the Privacy Act will have a serious deleterious impact on the veracity and integrity of the National Commission.

I contend that the Consequential Bill has not been very well thought out to ensure that the Commission will be able to deliver on its promises. If the legislation is not amended accordingly, the Commission will, in fact, simply create another layer of being seen to do something whilst achieving nothing at all.

Without amendment, when considering the families, false promises will simply compound trauma – which does not constitute trauma informed care. When considering the veteran community, a lack of transparency, accountability and false promises will simply compound trauma too – which does nothing to decrease the trust deficit between veterans and both the ADF and DVA. This, in turn, creates further avenue for increases in veteran distress which, in turn, may lead to further suicide.

With view to the above, I advise the committee to not support the Consequential Bill and any changes to the Privacy Act. I contend that the proposed amendments to the Privacy Act are more about protecting the two public institutions that are meant to be under scrutiny than any individual's or family's privacy.

This is because, when considering legislative changes – particularly legislative changes relating to the Privacy Act - it is not enough to only consider the 'good' intent of an amendment but also consider the potentiality of negative repercussions as well. This leads to the question of how can a National Commission be considered better than a Royal Commission if the findings are hidden behind closed doors?

Transparency and accountability are essential in this process – particularly as the organisations under scrutiny are public departments and are funded by taxpayer money. As such, the people of Australia expect that the leaders of Australia meet their appointed obligations with transparency, accountability, and impartial scrutiny – even when the outcomes may be uncomfortable. This is how the people of Australia can thank Veterans for their service. Without transparency, accountability and open scrutiny the National Commission will continuously be plagued by questions of bias and protectionism; a Commission plagued by questions of bias and protectionism amounts to wasted opportunities to, in fact, understand systemic malpractice and implement appropriate practices in its stead.

The current legislative instruments within the Privacy Act is enough to protect families, individuals, and witnesses. The Privacy Act is very explicit on the protection of individuals and any Freedom of Information requests would ensure that privacy is protected without the need for any named amendments. As such, the only rational conclusion

may be that changes to the Privacy Act have more to do with the public being ousted of access to malpractices within two government departments than consideration for an individual's privacy. This undermines democratic processes and does nothing for understanding systemic practices that contribute to suicide. Conversely, it allows malpractice to continue without scrutiny. And, again, may result in an increase in suicide.

The consequential Bill has little to do with protecting human rights and little to do with trauma informed care - these are weak justifications utilised to hide the intent of the Bill. Ironically, the DoD and the DVA have both been named as perpetual respondents to breaches in the Convention of Human Rights which is why calls for a Royal Commission for both sexual abuse and suicide respectively as well as the subsequent establishment of a National Commission was found necessary. Human rights and the protection of families and individuals is already afforded under the Privacy Act and, therefore, extra protections are not necessary.

As it now stands, the National Commission is set to argue that it is listening to the voices of the veteran community whilst silencing them behind closed doors with legal repercussions if they choose to speak up in a public forum. The current framework seems more about institutions protecting the institution and has many similarities with the biases and protectionism that was disclosed by victims during the Royal Commission into Institutional Child Abuse. I would urge the Committee to not make a similar misjudgement with the National Commission and afford full transparency, accountability, and scrutiny by ensuring that no changes to the Privacy Act occur.

As we witnessed with the Royal Commission into Institutional Child Abuse, continual denial and protectionism has resulted in the ongoing destruction of too many lives that could have been avoided if institutions had been held to account when an awareness of malpractice first surfaced. Delaying the inevitable simply compounds and exacerbates further trauma and allows it to flourish unchecked.

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