

Chair

Senate Foreign Affairs, Defence and Trade References Committee

Department of the Senate

PO Box 6100

Parliament House

CANBERRA ACT 2600

**SUBMISSION RE: DEFENCE AMENDMENT (SEXUAL ASSAULT PREVENTION
INTERVENTION RESPONSE COMMISSION) BILL 2025 – ANGELA BALLARD**

Sexual Assault and other sexual abuse has an ugly history in Australian institutions and in the households and homes of everyday Australians. For multiple decades State and Federal governments have held inquiries, reviews and Royal Commissions (RC) which has identified this abuse, including in the Australian Defence Force (ADF). Each review, inquiry and RC has made many recommendations to governments and agencies which have largely been accepted by the governments of the day. Institutions have been tasked to implement those recommendations. Some are actioned on, others are not and the abuse continues. This is a global problem.

Introduction

In making this submission I would like to state:

1. I fully support the Defence Amendment (Sexual Assault Prevention Intervention Response Commission) Bill 2025.
2. I am pleased the drafting of this Bill reflects International ‘best and promising’ practices.
3. As a Churchill Fellow who studied ‘Sexual Assault Prevention and Intervention in a Military Environment’ much of my work is reflected in this Bill.
4. As a first responder / advocate, I was the most experienced in Defence (2002-2010). I co-established the Sexual Offence Support Person Network in 2002 (nearly 24 years ago) and was the inaugural manager the network.
5. I have twenty-nine (29) years experience and observations to draw on as a serving member and sixteen (16) years as a consultant dealing with complex people issues in workplaces.

Why do we need this Bill?

6. This Bill and the necessary detail in it, will remove ambiguity and interpretation and places clear legislated direction for the SAPIR Commission.
7. It will **remove** subjective intervention and response from within Defence. There is no room for individual interpretation and Commands will not be permitted to apply their own risk assessment based on their relationships to the alleged perpetrator.

8. It will provide victim-survivor, trauma informed **consistency**, across all Australian and international jurisdictions for ADF personnel, who are affected by sexual abuse – no exceptions and no matter where they serve.
9. It will prevent victim-survivors from having their careers impacted by making a report and it will hold to account those who victimise a victim-survivor.
10. It will give confidence for victim-survivors to report outside of the chain of command, knowing that a truly independent agency (the Commission) will oversee, investigate and engage support.
11. It will give confidence for victim-survivors to disclose via ‘Restricted Reporting’ without Defences caveats imposed.
12. It will provide immediate confidential access to sexual assault forensic examination and allow victim-survivors to process the consequences of reporting; access counselling services and medical support without the need for an investigation to commence, thus giving the victim-survivor control and choice.
13. It will stand-down (suspend or special leave) alleged perpetrators who are under **active investigation, civil or Defence** and allow Commands to uphold their Commonwealth workplace safety obligations to both the victim-survivor and the rest of the unit/division/team.
14. It will remove from Defence those: with civil or criminal convictions of sexual abuse and whose behaviour is inconsistent with the values of the ADF/ADO.
15. It is co-designed and informed by:
 - a. International best and promising practices;
 - b. Recommendations from decades of reviews, inquiries and Royal Commissions; and
 - c. Defence’s own commitments and policies (which have not been consistently applied).

Acknowledging the Past

16. Whilst the ADF/ADO has remarkable individuals who are committed to implementing the changes required, the progress made to date and at various points in history, including my own passion, dedication and commitment during service and beyond, has done little to deter, reduce or eradicate the behaviour of sexual abuse.
17. In 1992, after the HMAS SWAN incident, Chief of Naval Staff, VADM Ian McDougall, said words to the effect

‘David, it’s your job to eradicate sexual harassment from the Navy’

With an enormous task, *‘David’* did his best with the introduction of the Good Working Relationship (GWR) program in 1993 and concurrently there was a parallel ‘FairGo’ program within Army, which started the cultural awareness of inappropriate and unacceptable behaviour.

18. Similar stories can be shared by individuals and by Defence, of enormous efforts to try and combat this wicked problem. However, we are thirty-four (34) years on and these types of behaviours still occur and reporting numbers are not reducing and many incidents are not reported at all. Culture carriers remain and inexperienced leaders in this space do more harm.
19. Regardless of the motivation and commitment of those in Defence currently in positions with responsibility and accountability for these issues, they will soon move onto other roles as part of their career progression/development or discharge.
20. Defence has previously placed a lot of belief in an annual mandatory training program to effect cultural change.
21. The Pathways to Change – Evolving Defence Culture (2012) response to the Defence Culture reviews promised significant cultural change within five years through the culture of intent. A pathway that had been decades in the making from the implementation of cultural change for Navy which commenced with the GWR Program and Army's Fair Go program, yet legacies of that era still infiltrate the culture in 2026.
22. My experience tells me, two or three incumbents on from now, they will not understand the nexus:
 - a. For implementation of recommendations of the review or inquiry: as evidenced in 2008 with Sea Eagle IV after the Burchett Inquiry (1999); and
 - b. With internal restructures inevitably diminishing the roles and functions: as seen with SEMPRO; and
 - c. When funding constraints imposed by the next government of the day results in further Strategic Reform Programs for Defence: human resource and support functions will be the first to go.
23. Historically, Defence's policies around sexual abuse have been sound, it is the implementation of them that is inconsistent and deficient and therefore needs an independent external body: a Sexual Assault Prevention Intervention Response Commission (SAPIRC), led by an independent Commissioner who can guide, lead, investigate, mandate, critically assess and intervene where necessary. The powers of the Commission need to be such, that Defence managers and supervisors are held to account for failure to abide by the Defence Amendment (Sexual Assault Prevention Intervention Response Commission) Bill 2025.
24. Noting scandals, military abuse and sexual abuse culture have plagued the ADF for more than four decades, now is the time to seize the opportunity to finally legislate how Defence prevent, intervene and respond to sexual abuse to enable the necessary cultural shift required to eradicate this repugnant culture within the ADF.

Required Action

25. This Bill needs to pass and I urge for bipartisan support.

26. I am available to appear before the Committee.

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19 January 2026