



## The Royal Australian Regiment Corporation

20<sup>th</sup> Sept 2020

**Foreign Affairs, Defence and Trade Committee Department of the Senate**

**PO Box 6100**

**Parliament House**

**Canberra ACT 2600**

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Dear Sir/Madam,

**Reference: Submission – National Commissioner for Defence and Veteran Suicide Prevention  
Bill 2020**

Not being a lawyer or legislator, we seek your indulgence in presenting this submission more as a commentary based on some issues of concern which do not seem to be expressed clearly in the Bill as presented. As the parent body of some 12 Battalion Associations and State and Territory RAR Associations we wish to categorically state that we are totally supportive of the appointment of a Commissioner and the legislation in principal. As the National President of our organization, a member of the ESORT for some ten years, a past member of the PMAC on Veterans Mental Health (six years) and through one on one advocacy and crisis management there is considerable emotional skin in this space to assist in any way to prevent the suicide of veterans and serving individuals. Thankfully through good counselling and support mechanisms and both physical and mental healing we have been able to assist individuals to move on to productive and fulfilling lives, but we believe much more needs to be done.

Although suicide and self-harm is a national tragedy, it seems to be very prevalent in our corps and ex or serving members of our Regiment and Special Forces. In trying to understand the reasons as to why, which are extraordinarily complex, there are no clear indications as to the reasons but there invariably triggers and that is alcohol and or prescription or illicit drugs.

In no order the areas we wish to cover in this submission are as follows: -

### **Appointment**

The Bill as it reads seems to satisfy the appointment of the Commissioner, the terms and conditions and skills sets and understandably it does not say who should NOT be appointed in looking at independence and impartiality. Many of the cases in which we have been involved had some serious issues which were upstream in the still serving ADF system. Unfortunately, in

some of these cases when approaching Army in our case, there has been a case of drawing up the bridge and nothing to see here. Mostly at unit level. We are of the firm view that the Commissioner appointed should not be ex-military. Not suggesting anything improper or irregular but military loyalty runs deep and if a sensitive issue the Commissioner if an ex one- or two-star, should not be put into that position.

Ideally an eminent person from the legal profession who understands the complexities across State and Territorial boundaries and Coronial Inquiries, and most importantly can reach into the ADF Courts of Inquiry (COI) when an individual has committed suicide on ADF property. These COI frankly are an embarrassment in legal process, and this is where a Commissioner must have an input into the conduct and impartiality of such a process. There seems to be a penchant of absolving the Commonwealth of any fault in the findings which is almost predetermined and totally unjust and unfair to the family of the deceased. This is from personal experience.

Hopefully the appointment NOT coming from the ex-military ranks although seen by us as a positive, there is a need for guidance and assistance required as to the workings and culture of the ADF, DVA and ESO and families and we see an opportunity to utilize current and new appointments in DVA to assist the Commissioner in understanding and navigating what can be at times an intimidating and confusing space. The three distinct areas and liaison for the want of a better term for the Commissioner recommended are as follows:

- ADF Link – Maj Gen Stuart Smith AO DSC (ret'd) – Defence Engagement Commissioner
- DVA/ESO Link – Don Spinks AM – Repatriation Commissioner
- Veterans Families – Gwen Cherne – Veteran Family Advocate DVA

The Commissioner in being able to utilize the assistance of the above will undoubtedly in many instances speed up the processes.

### **Reporting Lines and Chain of Command**

What is not clear is who the Commissioner reports to on a day to day basis if anyone at all? We have been advised in the first instance that the appointment will be a part of the Attorney Generals Department and assuming that on a daily basis the Commissioner will not be reporting to the Minister, just who does he report to? One assumes that it cannot be anyone in the ADF or DVA, so what is that reporting function and how will it function?

### **Workload**

The terms of investigating some four hundred suicides and those findings delivered to the Parliament in 18 months seems a task too far. Some five completed investigations in a week is not possible in this sensitive space, where NOK and loved ones, would still be grieving. Time does not heal suicide grief because there is always the fundamental question of why? Although this investigation may unearth some findings that may be useful in the future, the key role as outlined is to prevent suicide NOW, not necessarily conducting some form of witch hunt. There is no suggestion that the investigations should not be pursued and if any malfeasance, maladministration, by the ADF or DVA or ESO is discovered it must be addressed, but it would be of some concern if the focus was more on the past than the future.

### **Sustainability**

Considering that the Opposition were against this appointment with the Greens and seeking a Royal Commission, what guarantee that this five-year appointment will stay in place, if there is a change of Government? Will the Government of the day establish a Royal Commission and dispense with the Commissioner who by this time would have secured an enormous amount of information and established goodwill with the ADF, DVA and the broader ESO community and all of his/her “intellectual property” is lost? Our organization supporting this Commissioner rather than a Royal Commission was based on the muted powers of the Commissioner and the fact that it was in effect a “rolling Commission” rather than just a one off and then ending up in some bottom drawer. This is still a vital part of our thinking and any risk to sustainability of this Commission will be viewed very negatively in the veteran’s community and by the NOK. This role should be above politics and supported by the whole of Parliament on an on-going basis whilst the risks remain.

### **Conclusion**

There is nobody in Australia who in some way has not been touched by suicide. It is a national tragedy and in particular, the military and veterans’ space where that space is considerably smaller and more prevalent. The major ESO’s are a part of the extended veteran family where there is considerable knowledge and experience of suicide and self-harm, in particular in supporting the families. Although the appointment of the Commissioner is a very positive step and we look forward to working with him/her as required, the prevention of suicide in the serving and veterans space must be the responsibility of us all working together in an open, collegiate and transparent way as a team. A team determined to win.

Duty First  
Michael von Berg MC OAM  
Chair and National President