

Submission to the Senate Foreign Affairs, Defence and Trade Legislation Committee

Inquiry into the Defence and Veterans' Service Commissioner Bill 2025 and the Defence and Veterans' Service Commissioner (Consequential and Transitional Provisions) Bill 2025

Submitted by: The Australian Special Air Service Association (ASASA)

1. Introduction

The Australian Special Air Service Association (ASASA) welcomes the opportunity to provide a submission to the Senate Foreign Affairs, Defence and Trade Legislation Committee inquiry into the Defence and Veterans' Service Commissioner Bill 2025 and associated legislation.

ASASA supports the intent of the Bill, subject to the conditions outlined in this submission. Our position is grounded in long-standing engagement with serving and former Australian Defence Force (ADF) members, veterans, and their families, and in careful consideration of the legislative reforms that transition the Commissioner from Part VIIIIE of the Defence Act 1903 into a standalone statutory framework. This shift reflects the Government's intent to strengthen independence, modernise oversight, and respond to the recommendations of the Royal Commission into Defence and Veteran Suicide.

2. About the Australian Special Air Service Association

The Australian Special Air Service Association (ASASA) is a national veteran association representing current and former members of the Australian Special Air Service Regiment and their families. The objects of ASASA include:

- supporting the welfare, dignity, and wellbeing of serving and former members.
- advocating on matters affecting veterans and their families.
- preserving the bonds of service, trust, and mutual support.
- contributing informed perspectives to public policy affecting Defence personnel and veterans.

ASASA's views are grounded in experience across multiple service eras and in long-term engagement with veterans navigating Defence, the Department of Veterans' Affairs (DVA), and associated oversight systems.

3. Position of the Association – Support with Conditions

ASASA supports the establishment of an independent statutory Defence and Veterans' Service Commissioner, consistent with the Royal Commission's recommendations and the Government's stated objective to improve systemic accountability within Defence and veteran support systems. The move to a standalone Act represents an important structural reform intended to reinforce independence and transparency.

However, ASASA's support is conditional on the legislation delivering genuine independence, clear authority, effective systemic inquiry powers, transparency, trauma-informed engagement, and statutory duties that promote cooperation rather than duplication. Without these elements, there is a risk that the new oversight body may not achieve its intended purpose.

4. Key Issues and Recommendations

4.1 Independence of the Commissioner

The effectiveness of the proposed Commissioner will depend on the extent to which independence is real, visible, and durable. Veterans' trust in oversight mechanisms has been severely eroded over time, and any perception that the Commissioner is influenced by Defence, DVA, or ministerial direction risks undermining engagement.

ASASA supports independence being strengthened through:

- authority for the Commissioner to initiate inquiries on their own motion.
- secure and transparent funding arrangements.
- direct reporting to Parliament to reinforce independence of findings.
- an operating framework that clearly distinguishes the Commission from departmental influence.

Given that the EM places the new Commission among a broader integrity ecosystem (including IGADF, IGIS, and cross-agency frameworks), such independence is essential.

4.2 Systemic Inquiry Powers

ASASA supports the Bill's focus on systemic issues rather than individual grievance resolution. To drive meaningful reform, the Commissioner must be adequately empowered. This includes the ability to:

- compel the provision of information and documents from relevant Commonwealth entities.
- access sensitive or classified material where necessary.
- examine systemic failures that occur across agencies and institutional boundaries.

The EM highlights the complex multi-agency environment in which the Commissioner will operate, reinforcing the need for comprehensive information powers to prevent the role becoming observational rather than corrective.

4.3 Clarity of Role and Avoidance of Duplication

Veterans currently navigate an intricate oversight landscape involving Defence, DVA, the Inspector-General of the ADF, the Commonwealth Ombudsman, and other bodies. This complexity contributes to confusion, referral fatigue, and unresolved systemic problems.

ASASA submits that the legislation should:

- clearly define the Commissioner's role relative to existing oversight bodies.
- create statutory cooperation duties to ensure Defence, DVA, and other agencies must assist, share information, and avoid parallel or contradictory processes.
- prevent "referral ping-pong," where matters are repeatedly shifted between agencies without resolution.

These measures will ensure the Commission complements, rather than duplicates, existing oversight mechanisms.

4.4 Trust, Accessibility, and Trauma-Informed Engagement

Engagement will only be effective if veterans, families, and survivors trust the processes and feel safe participating.

ASASA recommends that the legislation explicitly require:

- trauma-informed practices to guide inquiries and engagement.
- accessible communication pathways, including for older, remote, and vulnerable veterans.
- inclusive mechanisms for families and survivors to contribute to systemic inquiries.
- culturally competent approaches that recognise the unique impacts of Defence service.

Given the Royal Commission's findings on trauma, accessibility barriers, and lived experience, embedding these practices in law is both appropriate and necessary.

4.5 Transparency and Government Accountability

ASASA supports strong transparency and reporting obligations to ensure that systemic failures are publicly understood and addressed.

To achieve meaningful accountability, the legislation should require:

- timely public release of inquiry findings, subject to security considerations.
- mandatory government responses to recommendations within defined timeframes.
- ongoing public reporting on implementation progress and outcomes.

Without enforceable follow-up, the risk remains that recommendations may be acknowledged but not acted upon.

5. Conclusion

ASASA supports the intent of the Defence and Veterans' Service Commissioner Bill 2025 and acknowledges its critical role in the broader reform agenda emerging from the Royal Commission into Defence and Veteran Suicide. However, the success of the legislation will depend on the Commissioner being:

- genuinely independent,
- adequately empowered,
- clearly positioned within the oversight ecosystem,
- required to operate through trauma-informed and accessible practices,
- supported by statutory cooperation duties across all relevant agencies, and
- backed by transparent and enforceable accountability mechanisms.

Subject to these conditions, ASASA considers the Bill capable of making a meaningful contribution to improved outcomes for serving and ex-serving ADF members and their families.

Author

W. R. M. Hunter

National Chair

The Australian Special Air Service Association

