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Submission to the Senate

Re: Defence Amendment (Sexual Assault Prevention, Intervention and Response Commission) Bill 2025

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1. Introduction

I welcome the opportunity to make a submission regarding the *Defence Amendment (Sexual Assault Prevention, Intervention and Response Commission) Bill 2025*.

This Bill represents a critical opportunity to strengthen the prevention of, response to, and accountability mechanisms surrounding sexual assault within the Australian Defence Force (ADF).

My submission focuses on two key issues:

1. The necessity of embedding a **trauma-informed approach** in all sexual assault disclosures and responses within Defence.
 2. The importance of ensuring ADF members have access to **escalation pathways equivalent to those available in civilian workplaces**.
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2. The Necessity of a Trauma-Informed Approach

Sexual assault is a profound violation that has immediate and long-term psychological, neurological, and physiological impacts. Contemporary trauma research demonstrates that trauma affects:

- Memory encoding and recall
- Emotional regulation
- Risk assessment
- Behaviour and communication

When institutions fail to respond in a trauma-informed way, they risk compounding harm through **institutional betrayal** and re-traumatisation.



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A trauma-informed approach requires:

- Safety (physical and psychological)
- Trustworthiness and transparency
- Choice and control for the victim-survivor
- Collaboration
- Empowerment

In a military context, additional complexities arise:

- Hierarchical command structures
- Unit cohesion pressures
- Career dependency on superiors
- Cultural norms around strength, endurance and silence

Without trauma-informed systems, disclosures may be:

- Delayed
- Withdrawn
- Incomplete
- Misinterpreted as unreliable
- Create the potential for the disclosure process to be a separate trauma to the assault itself.

Neurobiological responses to trauma (including fragmented recall or flat affect) are frequently misunderstood as dishonesty. It is not uncommon for survivors of sexual assault to struggle remembering events in a chronological order, and this is often interpreted as them being seen as untrustworthy or dishonest. It is crucial to remember that at the time of the assault, the amygdala has switched the brain to survival mode, limiting the use of the brain's prefrontal cortex. Information during traumatic events is encoded differently in the brain, and this makes chronological ordering or specific recall of certain details difficult for the survivor. Without proper understanding of trauma informed approaches to questioning and investigation processes, the survivor is disadvantaged again by a lack of education from the investigator. This misunderstanding undermines both justice and wellbeing not only for the survivor, but the person who is undertaking the disclosure as well.

Embedding trauma-informed practice across Defence is therefore not simply a welfare initiative — it is a **procedural justice requirement**. Trauma Informed approaches not only protect the survivor, but also the person or people who are investigating the assault or taking the initial disclosure.



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It is important to note that our rates of sexual assault in Australia are high, with ABS data finding with one in five women and one in sixteen men having experienced sexual violence since the age of 15.

This adds complexity for two reasons:

- a) The person taking a sexual assault disclosure or investigating a sexual assault may have experienced sexual violence themselves. There needs to be a strict trauma informed approach to protecting the psychological safety of all involved and mitigating the risk of vicarious trauma for those involved in the disclosure and investigation process.
- b) The person who is the victim of sexual assault, may have been assaulted in the past. Having a repeated experience of sexual assault, especially one that is not dealt with in a trauma informed way, greatly increases the risk of depression, anxiety, suicidal ideation, suicide or PTSD for the victim/survivor.

3. The Risk of Re-Traumatisation in Military Systems

Military systems are structured around discipline, order and evidentiary standards. While essential for operational effectiveness, these systems can unintentionally create barriers for victim-survivors if they are not trauma-informed.

Examples of re-traumatisation include:

- Repeated retelling of events without support
- Being required to report through the chain of command
- Exposure to alleged perpetrators during investigation
- Career impacts following disclosure
- Perceived or actual retaliation

Research in organisational psychology demonstrates that perceived retaliation significantly reduces future reporting and increases psychological harm.

A Commission established under this Bill must therefore be empowered not only to investigate but to **mandate trauma-informed systems and training across Defence**. This means intensive education that teaches practical strategies for trauma informed conversations and questions, with a clear step by step plan to follow in responding to a disclosure which not only protects the victim/survivor from further harm and retraumatisation, but also the military personnel who are responding to the disclosure.



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4. Escalation Pathways: Civilian Equivalence

Members of the ADF should have access to escalation pathways equivalent to those available in civilian workplaces under Australian law.

In civilian settings, workers can access:

- Independent reporting bodies
- External workplace regulators
- Anti-discrimination commissions
- Police and criminal justice systems
- Workers compensation pathways
- Workplace health and safety regulators

Employees in civilian organisations are not restricted solely to internal complaint mechanisms. They have multiple external escalation avenues designed to reduce conflicts of interest and power imbalances.

By contrast, ADF members often operate within:

- Closed systems of investigation
- Chain-of-command reporting requirements
- Limited independent oversight

This structural difference creates a heightened risk of:

- Under-reporting
- Perceived lack of impartiality
- Reduced trust in process
- Moral injury

The principle should be clear: **Service to the nation must not result in reduced workplace rights.**

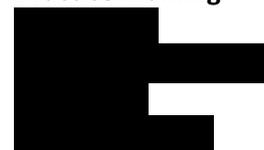
ADF personnel deserve equivalent access to:

- Independent investigative pathways
- External review bodies
- Whistleblower protections
- Trauma-informed advocacy services



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- Civil legal recourse

Parity with civilian workplace standards strengthens — rather than weakens — Defence capability by increasing trust and psychological safety.

5. Operational Readiness and Cultural Reform

Sexual violence within Defence is not solely an individual crime issue; it is an organisational risk factor.

Unaddressed sexual assault impacts:

- Retention
- Recruitment
- Unit cohesion
- Mental health
- Operational readiness

A trauma-informed, independently overseen system:

- Increases reporting confidence
- Reduces long-term psychological injury
- Enhances cultural reform
- Signals institutional accountability

This is particularly important given the findings of past reviews into Defence culture, including the work of the Australian Human Rights Commission examining sexual harassment and assault within the ADF.

The proposed Commission must not be symbolic. It must have:

- Enforcement power
 - Independence from chain of command
 - Oversight authority
 - The capacity to mandate systemic reform
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6. Recommendations



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I respectfully recommend that the Bill:

1. Mandate trauma-informed training across all ranks, including investigators and command.
2. Guarantee access to independent, external reporting mechanisms equivalent to civilian workplace protections.
3. Prohibit mandatory reporting through direct chain of command where conflicts exist.
4. Ensure confidential advocacy and legal support for victim-survivors.
5. Include oversight mechanisms to monitor retaliation and career impact post-disclosure.
6. Require transparent public reporting on systemic issues and outcomes.

7. Conclusion

The Defence Amendment (Sexual Assault Prevention, Intervention and Response Commission) Bill 2025 represents a critical moment.

Embedding trauma-informed practice and ensuring escalation pathways equivalent to civilian workplaces are not optional enhancements — they are foundational to justice, safety and institutional integrity.

ADF members serve Australia with courage and commitment. They deserve a reporting and response system that meets the same standard.

Respectfully submitted,

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Australia