



# National Association of Services Against Sexual Violence

Australia's peak body for specialist sexual violence services

[www.nasasv.org.au](http://www.nasasv.org.au)

## Defence Amendment (Sexual Assault Prevention, Intervention and Response Commission) Bill 2025 – February 2026

### Introduction

Thank you for the opportunity to provide a submission to the *Defence Amendment (Sexual Assault Prevention, Intervention and Response Commission) Bill*.

Sexual violence can occur in every domain of people's lives, not solely within the family or intimate partner contexts. About one-third of sexual violence occurs within domestic or family violence situations.

The 2024 Royal Commission into Defence and Veteran suicide found that sexual violence remains a systemic issue for the Australian Defence Force (ADF) and is linked to suicide and suicidality. The majority of sexual violence in the ADF is perpetrated by men and the majority of victims are women (RCIDAVS, Vol 3, p.8). The final report also noted that a commitment from the ADF to deep, systemic reform is required (RCIDAVS, Vol 3, p.3).

NASAV is the peak body for a diverse range of specialist sexual violence organisations who provide prevention and response services to people who are at risk of or experience sexual violence in Australia. We operate from a feminist, gender awareness and social justice framework to improve policy, legislation and service program responses to sexual violence.

The specialist sexual violence sector is different to the domestic and family violence sector. Specialist sexual violence services respond to all victim-survivors of sexual violence: men, women, children, and people who identify as gender diverse, as well as children and adolescents who display Harmful Sexual Behaviours (HSB). Specialist sexual violence services respond to violence that has occurred in a wide range of relationships or settings over the course of a person's lifetime, whereas domestic and family violence services are oriented towards crisis support, with a significant focus on matters of risk and safety, particularly at times of separation.

We note that sexual violence is both a reinforcer and consequence of power imbalances between individuals and groups in society. Women, children, Aboriginal and Torres Strait Islander people, people with disability, migrants and refugees disproportionately experience sexual violence.

NASASV supports the establishment of an ADF Sexual Assault Prevention, Intervention and Response Commission however outlines a number of concerns relating to the Commission's operations and the broader context in which it will operate. NASASV also points to the submission of member service Canberra Rape Crisis Centre (CRCC).

If you would like to discuss our response, please contact Aislinn Martin, Executive Officer for NASASV at [REDACTED]

## Submission

### 110ZMA: Object

The goal of achieving zero incidence of sexual assault in the ADF is laudable, however there could be pressure exerted to achieve this target which may lead to under-reporting. We recommend this be re-worded as an aspirational goal rather than a firm target. Reporting rates should be reflective of trust in the new Commission system rather than a failure to meet a target. The Royal Commission into Defence and Veteran Suicide estimated an under-reporting rate of 60% for sexual assault across the ADF.

### 110ZMD: Application

Regarding (b) & (e), there is a need for these to state, 'can include *but is not limited to*' rather than 'can include'. Clarification is also needed as to whether people outside of the ADF who have experienced a sexual assault by a member of the ADF will be able to report and access the services and how it is linked to police reporting.

In relation to eligibility criteria, prior assaults experienced by reserves and civilians should also be included. Victim-survivors should be able to access support services regardless of the nature of their employment within the ADF.

### 110ZMF: Definitions

NASASV notes there is no definition of consent within this section. We also recommend revisiting other definitions to align with the Australian Human Rights Commission and current legal definitions. In particular:

Sexual misconduct is any unwelcome, non-consensual sexual behaviour that makes a person feel offended, harmed or intimidated. The current definition in the Bill relies on what is deemed 'distasteful' by Defence and Community standards and this may vary. The ongoing use of the term 'sexual misconduct' instead of sexual violence continues to minimise the gravity and impacts of the behaviour.

The National Plan to End Violence Against Women and Children 2022–2032 defines sexual violence as *sexual activity that happens where consent is not freely given or obtained, is withdrawn or the person is unable to consent due to their age or other factors. Sexual violence occurs any time a person is forced, coerced or manipulated into any sexual activity. Such activity can be sexualised touching, sexual abuse, sexual assault, rape, sexual harassment and intimidation and forced or coerced watching or engaging in pornography. Sexual violence can be non-physical and included unwanted sexualised comments, intrusive sexualised questions or harassment of a sexual nature (National Plan 2022, p.37)*

## **110ZMH: Functions of the Sexual Assault Prevention, Intervention and Response Commissioner**

It is not clear how the Commissioner will be selected. We recommend candidates require experience in the sexual violence sector. It would be beneficial if candidates also have experiencing working within the ADF in order to understand the hierarchies, power dynamics, structures and systemic sexual violence issues. Including the voices of victim-survivors in the selection process is also recommended.

In relation to (2) & (3) – Clarification is needed around how the Commission will function without impacting criminal proceedings.

- What will the intersections be between the Commission and criminal justice systems in different states and territories?
- How will victims be advised on pathways available? How will delays in criminal justice systems impact the Commission? Complaints can take 3+ years to reach court.

## **110ZMP: Awareness Training Program Function**

NASASV recommends that the ADF partner with the specialist sexual violence sector to develop the awareness training program and mechanisms put in place to embed and monitor culture shifts as a result of the training. The voices of people with lived experience should also be incorporated into the training in a safe, considered and trauma-informed way.

Training needs to include a focus on intersectional and marginalised cohorts and should be broader than focusing on sexual offences to include the ethics and politics of abuse, power dynamics, affirmative consent, sexual orientation, gender equity and responding to disclosures of sexual violence. Training should be mandatory and differentiated by offering different levels of training for progression across a career. We suggest giving consideration to offering training for ADF families and not only direct personnel. Training also needs to embed an awareness of the new Commission and its functions and powers.

The reference to the awareness training program highlighting a responsibility to ‘avoid risky situations’ (b) requires rewording to ensure no victim blaming occurs.

## **110ZMS : Evidence collection function & 110ZMT: Data collection and record keeping function**

We suggest removing time limitations for the destruction of evidence and records to acknowledge the time it may take for a victim-survivor to disclose or report their experience of sexual violence.

## **110OZMY: General duties for defence personnel & 110ZNN: Offenders not to be retained**

We advise removing or re-wording provisions regarding false accusations which include disciplinary action for defence members who knowingly make a false claim. These provisions may discourage victim-survivors from disclosing or reporting their experiences of sexual violence in fear they will not be believed and receive disciplinary action.

### **Further comments**

- There is an overarching need for the hierarchies, power differentials and gender and sexuality equity issues in the ADF to be addressed in order for the new Commission to be successful.
- Consideration should be given to the inclusion of responses to those under the age of 18.
- In relation to restricted and unrestricted reporting – it is unclear how these decisions will be made and by whom. Victim-survivors may need access to support services to assist them in making a decision.
- There is a need to understand how forensic medical examinations currently occur within the ADF and how this process is safeguarded in the establishment of a new Commission. ADF victim-survivors accessing the ADF's Sexual Misconduct Prevention and Response Office (SeMPRO) should also be connected with the civilian specialist sexual violence sector.

### **References**

Commonwealth of Australia, Department of Social Services (2022), The National Plan to End Violence Against Women and Children 2022-2032.

Commonwealth of Australia, Royal Commission into Defence and Veteran Suicide, Final Report (2024), Vol 3: Military sexual violence, unacceptable behaviour and military justice.