



**RSL AUSTRALIA**  
**ROYAL COMMISSION INTO**  
**DEFENCE AND VETERAN SUICIDE**

**CONSULTATION RESPONSE: A NEW ENTITY TO SUPPORT**  
**THE WELLBEING OF DEFENCE MEMBERS AND VETERANS**

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## Introduction

This paper provides RSL Australia's response to the Royal Commission's consultation paper *Proposed new entity to promote the wellbeing of Defence members and veterans*.<sup>1</sup> It represents a consolidated response from across the league, including state and territory branches. It follows on from the RSL Australia March 2023 submission to the Royal Commission, *Proposal for Implementation of Recommendations*<sup>2</sup>.

In responding to the consultation, RSL Australia notes that successive inquiries led by organisations such as the Productivity Commission have identified the need for systemic change in the way Australia treats its veterans and their families. Despite these inquiries identifying compelling evidence of policies, practices and settings that are detrimental to the health and wellbeing of current and ex-serving members and their families, the response and actions of successive governments has not led to substantive action or change that has saved lives<sup>3</sup>.

The Royal Commission into Defence and Veteran Suicide has uncovered further sobering evidence of the impact of service on some individuals and their families. This evidence makes it clear that sustained action and permanent change must follow the inquiry.

In supporting the proposals put forward in the Consultation Paper, RSL Australia is mindful that the window of opportunity provided by the Royal Commission will close as the inquiry completes its final phase. We are further mindful that as we move beyond the publication of the Royal Commission's final report the spotlight will likely move away from the defence and veteran community and without establishing an implementation body the recommended actions to address the findings of the inquiry may fail to be implemented.

For these reasons, whilst RSL Australia is supportive of many of the proposals in the consultation paper, we encourage the Royal Commission to make recommendations for the establishment of an entity that will keep a permanent independent watch on the health and wellbeing of defence members, veterans and their families. An entity that can leverage and lift provisions that are already working well and does not duplicate or dilute those efforts.

Appropriate and timely funding and resourcing of the entity is critical, including funding certainty beyond establishment and initial operational costs, to ensure that the entity can enable the sustained changes that are required across multiple organisations, systems and processes to prevent defence members and veterans dying by suicide and to strengthen proactive and preventative measures to improve their health and wellbeing both during and after serving our country.

That is why RSL Australia continues to call for the establishment of an independent National Commissioner for Defence and Veteran Wellbeing, to lead implementation of the recommendations of the Royal Commission be an enduring independent body which continues to report on the health and wellbeing of current and ex-serving members of the ADF. The following pages detail RSL Australia's response to each of the consultation questions.

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<sup>1</sup> [Proposed new entity to promote the wellbeing of Defence members and veterans \(royalcommission.gov.au\)](https://royalcommission.gov.au) accessed 28 November 2023

<sup>2</sup> [RSL+AUSTRALIA Implementation Body Submission 2023.pdf \(squarespace.com\)](https://squarespace.com) accessed 28 November 2023

<sup>3</sup> [Serving and ex-serving Australian Defence Force members who have served since 1985: suicide monitoring 1997 to 2021, About - Australian Institute of Health and Welfare \(aihw.gov.au\)](https://aihw.gov.au) accessed 11 December 2023

## Key

To support you in reviewing this submission, please note that:

- Recommendations from RSL Australia will be coloured in **green**.
- RSL Australia suggests the inclusion of additional wording in *italics* to the Royal Commission's consultation paper<sup>4</sup>.

## Response to consultation questions

### 3. Reasons for establishing a new entity

#### 3.1 Do you agree with the reasons outlined for establishing a new entity?

- Yes. The Royal Commission and subsequent similar enquiries into defence and veteran suicide, health and wellbeing have made it clear that a new entity is critical to ensuring change happens.

**Recommendation:** The recommendations of the Royal Commission prioritise the establishment of a new entity.

#### 3.2 Are there any additional reasons for establishing a new entity?

- Defence members, veterans and their families make a significant social and economic contribution to Australia. Investment in their health and wellbeing is a sound investment for our country. An enduring National Commissioner for Defence and Veteran Wellbeing will enable the necessary ongoing monitoring on the health those individuals and that investment.
- Responsibility for addressing and ending defence and veteran suicide is a shared responsibility across all Australian Governments, government entities, the ex-service organisation sector and other stakeholders.
- The health and wellbeing of Defence members, veterans and their families is addressed and impacted by the wider Australian healthcare sector and community services and supports that are not necessarily defence or veteran specific. Defence and veteran literacy within the broader healthcare system can be a barrier to accessing these provisions.
- The health and wellbeing needs of defence members, veterans and their families can be distinct and different to the needs of the non-serving population.

**Recommendation:** Reasons to establish a new entity are expanded to include an enduring function to monitor the health and wellbeing of veterans; the current limited collaboration across all stakeholders who are responsible for the health and wellbeing of defence members, veterans and their families; and the inadequate levels of defence and veteran literacy outside of the defence and veteran community.

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<sup>4</sup> [Proposed new entity to promote the wellbeing of Defence members and veterans \(royalcommission.gov.au\)](https://royalcommission.gov.au) accessed 28 November 2023

### 3.3 Taking into account all factors, should a new entity be recommended by the Royal Commission and established?

- Yes, it is unlikely that the required cultural, political and operational changes will occur without co-ordinated oversight.

**Recommendation:** The Royal Commission include clear evidence to support the establishment of a new entity, the intended impact of the entity and the likely consequences of not having the new entity (including identifying and naming the gaps that exist in the abilities of existing entities, structures and systems to implement the recommendations of the Royal Commission in the absence of the proposed new entity).

## 4. Principles of design

### 4.1 Do you agree with the suggested principles listed?

- Not without further explanation.
- We agree that the views and opinions of Defence members, veterans and their families and other people with lived experience can usefully inform what is needed of the entity (purpose and delivery) but we suggest that further consideration is required with regard to the appropriateness of how that information is used to inform governance.
- We agree that the entity must be independent. We suggest that this can be best achieved by establishing the entity and the role of a National Commissioner for Defence and Veteran Wellbeing through an Act of Parliament.
- Without prior explanation we question the inclusion of 'strong' as a design principle.
- We suggest the principle that the framework of the entity should be designed before the end of the Royal Commission needs further clarification, in particular to identify who would undertake this work.
- The design of the new entity should clearly consider how it will operate within the wider eco-system, including its relationship to the National Mental Health Commission.

**Recommendation:** Further clarity is required about the inclusion of Defence members, veterans and their families with regard to how they can inform governance of the new entity. Further clarity is required as to the inclusion of strong as a principle, and about who would undertake the design of the framework of the entity. Additional principles of design are required (see below).

### 4.2 Should any other principles be added to the list?

- Yes, it is critical that the principles underpinning the design, establishment and operations of the entity secure the trust and confidence of veterans and their families, and the broader public.

**Recommendation:** The entity must be transparent and accountable, and the entity must sustain a focus on monitoring and reporting on wellbeing.

## 5. Purpose of a new entity

### 5.1 Is the proposed purpose of the entity appropriate?

- Broadly, yes this is an appropriate purpose.
- In addition to the suggested purpose at 5.1, the new entity should contribute to identifying strengths-based approaches to improving the wellbeing of Defence members, veterans, and their families.
- The RSL respects this may be the purpose of the entity intended by the Royal Commission, but that the language utilised in the paper does not reflect this.

**Recommendation:** The purpose of the entity clearly includes a focus on wellbeing, as a strengths-based, rather than deficit led, approach.

### 5.2 Do the functions listed represent what a new entity should do?

- The functions listed in the consultation paper constitute a good starting point but do not go far enough to empower the entity to use the information it will collate to enable change, to strengthen collaboration across the veteran service and support system.

**Recommendation:** The functions of the entity are expanded to leverage and lift the eco-system that exists to support defence members, veterans and their families. RSL Australia suggests the inclusion of additional wording to the effect of the changes provided below in *italics*.

- a) monitoring and reporting on the extent of the adoption, implementation and success of the Royal Commission's recommendations and selected recommendations made by other inquiries (past, present and future)
- b) analysing, and recommending improvements to, Defence, DVA and other agencies' policies, programs, systems and practices that affect Defence members' and veterans' wellbeing, *including:*
  - i. *making findings and recommendations addressing Defence member and veteran wellbeing and suicide prevention strategies, and any policy, administrative or structural reforms that may be required*
  - ii. *examining the mandated roles and responsibilities of Federal Government departments and entities with responsibility for Defence and veteran wellbeing*
- c) examining and reporting on the cultures of the ADF, DVA and other relevant agencies
- d) monitoring and reporting on:
  - i. suicide data and trends
  - ii. wellbeing data and trends
  - iii. information and data about factors that contribute to suicide and suicidality
  - iv. information and data about factors that contribute to wellbeing

- v. evolving understanding of wellbeing, suicide and suicidality (through literature reviews, maintaining contact with relevant institutions and otherwise)
  - vi. becoming a repository of data and research outcomes relevant to Defence and veteran wellbeing (including suicide and suicidality prevention)
  - vii. conducting and commissioning research relevant to Defence and veteran wellbeing, suicide and suicidality and contributing to the formulation of the research priorities of relevant institutions
  - viii. investigating systemic or other issues affecting Defence and veteran wellbeing
- e) *strengthening and facilitating collaboration between agencies and organisations across the veterans' services and support system, including ESOs*
  - f) *working with Defence and DVA on matters relating to transition and wellbeing, including active participation and consultation with the Transition Taskforce and facilitating collaboration with between the Joint Transition Authority and Defence community stakeholders.*
  - g) *assist to define the role of State/Territory Governments and collaborative working between State/Territory and Federal Governments.*<sup>5</sup>
  - h) engaging with relevant stakeholders, through various means, including roundtables, workshops and other forums.

**5.3 Should the entity's inquiry and reporting functions be widely or narrowly conceived? For example, should it:**

**(A) be limited to inquiry and reporting of the ADF, or to include the DVA and other government agencies that affect the wellbeing of Defence members and veterans?**

**(B) look at the operations of State and Territory governments to the extent that they affect veterans and non-government organisations and issues?**

- The DVA veteran-centred model<sup>6</sup> of wellbeing includes the domains of housing, education and skills, employment, income and finance, health, social support and justice and safety. State and Territory governments play a significant role in setting policy for, and the delivery of, services in each of these domains.
- If the entity does not look at the operations of State and Territory governments, it is not possible to holistically enhance the wellbeing of Defence members, veterans and their families.

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<sup>5</sup> **Comment:** At present, some of these state and territory agencies have limited intra-state collaboration and it will be important to define their roles and develop coherent national co-ordination pathways. State and Territory Governments play a central role in the delivery of health and wellbeing services for Defence members, veterans, and their families. Wellbeing amongst this cohort cannot be successfully addressed without collaboration between all Australian Governments and their appropriate agencies, including Defence and DVA.

<sup>6</sup> [Understanding the wellbeing characteristics of ex-serving ADF members, Introduction - Australian Institute of Health and Welfare \(aihw.gov.au\)](https://www.aihw.gov.au) accessed 11 December 2023

**Recommendation:** Option B. Defence members, veterans and their families are also members of our civilian communities. If the entity cannot include the operations of State and Territory governments, it will remain unsighted across many of the key indicators of health and wellbeing.

## 6. Governance and powers of the new entity

### 6.1 Are the proposed governance arrangements and powers appropriate for the new entity?

- With the functions described in the consultation paper, the new entity would be required to consider the actions of at least three major Commonwealth departments, ADF, DVA and CSC, as well as others. It may also focus on the role of State and Territory governments in providing assistance to veterans and their families, major service providers and ESOs.
- To effectively deliver its purpose and perform its functions, the Royal Commission considers that the entity must have independence and also access to the information it needs to make meaningful recommendations and provide strong, ongoing oversight.

**Recommendation:** The new entity must have the appropriate powers to enable it to review the actions of the ADF, DVA and CSC. We suggest that this may be achieved by positioning the new entity with the correct settings to empower it to work with the ANAO, IGDF, the Commonwealth Ombudsman, Corners' Offices, State and Territory governments, other government agencies and other bodies such as the National Mental Health Commission and the National Office for Suicide Prevention.

### 6.2 If an Advisory Council is supported, what kinds of people should serve on it (e.g. next of kin of Defence members and veterans who have died by suicide, serving members, veterans and their families?)

- In determining membership of any Advisory Council, it is important to understand the role and difference between individuals with lived experience and those who are considered to be subject matter experts. Facilitating engagement of these two cohorts requires different approaches to ensure safe opportunities for their voices to be heard.
- Defence members, veterans and their families and ESOs are the eyes and ears on the ground who will see, hear and experience the impact of implementation of the recommendations of the Royal Commission at the coal face. If they are to be included as direct members of the Advisory Council it will be necessary to do so in a trauma informed way and ensure that the appropriate supports are made available to them, which may include time-limited membership to address the risk of vicarious trauma.
- The inclusion of experts in veteran health and wellbeing, mainstream health and community services provision, insurance, workers' compensation, public policy and the legal field will be beneficial.



- The Advisory Council does not necessarily need to maintain a static membership and may benefit from structuring around some time-limited issues as well as longer-term advisory.
- Work is progressing to establish an independent ESO Peak Body to advocate on behalf of the ESO sector into governments and with other stakeholders. While the ESO Peak Body may usefully participate in the Advisory Council, the RSL is clear that an implementation body (the National Commissioner for Defence and Veteran Wellbeing) and the ESO Peak Body must necessarily be distinct and separate entities.

**Recommendation:** Defence members, veterans and their families are provided with safe opportunities to advise the new entity. Expert advice is also facilitated. ‘As needed’ membership of the Advisory Council is considered to allow for time-limited or issue specific expertise and experience.

### 6.3 What else should be said, in legislation or otherwise, about the design and operation of the new entity?

**Recommendation:** The entity is established by an Act of Parliament. RSL Australia suggests the inclusion of additional wording to the effect of the changes provided below in *italics*.is included in legislation to establish the entity.

*The Objects of the Act to include:*

*(i) Maintain and enhance public trust and confidence in the ADF through increased accountability and transparency of the health and wellbeing of Defence members and their families*

*(ii) Promote the reduction of unnecessary administrative requirements and the simplification of legislation, processes and practices for current and former serving members of the ADF and their families in accessing funding and services to support their wellbeing*

*(iii) Support and help to sustain a robust, diverse and independent ex-service organisation sector that can help to improve the health and wellbeing of current and former serving members of the ADF and their families*

- a) be headed by its own official / head – *a new National Commissioner for Defence and Veteran Wellbeing*
- b) be free of direction by Ministers or others.
- c) have an Advisory Council so that it is continually informed by experts including people with lived experience.
- d) have powers to *work with and through other government agencies and entities* to deliver functions, such as:
  - i. *to make recommendations to the ANAO, Auditor General and other monitoring bodies for investigations to be undertaken or for public and private hearings (including summoning witnesses)*
  - ii. *to issue notices requiring the production of documents and the giving of information*

- iii. *to enter into a sustained data sharing agreement to obtain relevant with information from Defence, DVA and others to negate the need to issue notice after notice*
  - iv. to enter into joint investigations or inquiries with other bodies (e.g. the Australian Federal Police, the National Anti-Corruption Commission, the Human Rights Commission and coronial offices).
  - v. *To have access to reputable research data and be resourced to be able to analyse and report on data from a range of sources.*
- e) have its own budgetary allocation and resourcing appropriate to enable it to undertake all of its functions and responsibilities
  - f) be required to report annually to National Cabinet and Parliament on its work and be able to report to Parliament on specific matters, with recommendations, when it considers such a report appropriate
  - g) have the power to report, publicly or confidentially, with recommendations, to Ministers and other public officials (as appropriate to the circumstances of the subject and the purpose of the new entity)
  - h) not be subject to public interest immunity and other objections, immunities and privileges.

#### **6.4 Are there any other considerations for how an entity might operate?**

As the Royal Commission itself has found across the duration of its inquiry, monitoring and reporting does not in and of itself prevent suicide or improve the health or wellbeing of current and ex-serving ADF members and their families. As such, the implementation body that follows the Royal Commission into Defence and Veteran Suicide cannot simply be an extension of the Commission. Nor should it be another ambulance at the bottom of the cliff, it must be created to operate in the space well before the cliff, to help strengthen the protective health and wellbeing factors that are evident during military service to continue on transition to civilian life.

#### **Recommendation:**

- The use of language to set a strengths-based example, respond to best practice and combat the broken veteran narrative is critical. The entity to be called the National Office for Defence and Veteran Wellbeing, led by a National Commissioner for Defence and Veteran Wellbeing.
- The National Commissioner for Defence and Veteran Wellbeing is established to leverage existing bodies and achieve budgetary savings and administrative efficiencies by working with and through other relevant bodies such as the ANAO, Commonwealth Ombudsman, IGADF and other entities, including the National Mental Health Commission, the National Suicide Prevention Office and ex-service organisations.
- Care is taken to ensure the National Commissioner for Defence and Veteran Wellbeing does not become the de facto recipient of complaints about DVA payments or decisions about compensation.