

Senate Standing Committees on Foreign Affairs, Defence and Trade
Inquiry into the National Commissioner for Defence and Veteran Suicide Prevention Bill 2020 and the National Commissioner for Defence and Veteran Suicide Prevention (Consequential Amendments) Bill 2020

Attorney-General's Department

Hearing date: 17 November 2020

Question date: 19 November 2020

Question type: Written

Senator Kitching **asked the following questions** and the responses to the Senator's questions are as follows:

1. Can the Attorney-General's Department (AGD) advise why the Government decided to establish a permanent National Commissioner for Defence and Veteran Suicide Prevention, rather than an independent Royal Commission into veteran suicide? What was the policy rationale for this?

(a) Can the department advise the origins of the idea for the National Commissioner? Can AGD advise if there was any consultation with the Prime Minister's Office and the Chief of the Defence Force?

(b) Were any costings for a Royal Commission undertaken within government?

The decision to establish the National Commissioner was a decision of the Government.

The preparatory work and consultation on the establishment of the National Commissioner was not led by the department. The Departments of the Prime Minister and Cabinet, Defence, and Veterans' Affairs, with input from other relevant agencies, developed initial policy options for consideration by the Government. Various options were later considered by Cabinet prior to the Prime Minister's announcement of the National Commissioner on 5 February 2020. Documents related to this process are cabinet in confidence.

The Attorney-General's Department is not aware of a costing undertaken by the Department of Finance for a Royal Commission.

2. There are discrepancies in funding amounts for the National Commissioner across different documents – the Explanatory Memorandum to the Bill refers to funding of \$42.7 million over five years while the June Budget Update refers to \$31.0 million. Can the department clarify which is the correct amount?

(a) Will this funding be supplemented if necessary?

The correct figure of \$42.7 million is set out in the Explanatory Memorandum to the National Commissioner for Defence and Veteran Suicide Prevention Bill (the Bill). The figure of \$42.7 million is also set out in the table in the July Economic Fiscal update.

Supplementary funding will be considered by Government if required. When announcing the establishment of the National Commissioner on 5 February 2020, the Prime Minister said that ‘the Government will invest an initial \$40 million to support the Commissioner’s work and this will be expanded to ensure they have whatever resources they need’.

3. Can AGD provide advice on the selection and recruitment process for the interim National Commissioner?

(a) Was this appointment made in accordance with the Public Service Act and subject to a merit selection process? Was the Australian Public Service Commission involved in, or consulted, as part of this process? Was the position publicly advertised?

(b) Did Ministers and departments put recommendations forward for appropriate people to the Attorney-General for his consideration and decision? If so, can AGD advise who recommended who?

The selection and recruitment process for the interim National Commissioner was a matter for Government. The appointment of the interim National Commissioner was not made under the *Public Service Act 1999*. The position was not publicly advertised.

The department provided advice to the Government about options for the appointment of an interim National Commissioner, including the process and possible candidates.

4. What is AGD’s assessment of a Defence Force Welfare Association (DFWA) proposal for a review of the National Commissioner after 12 months to assess the way in which it has progressed and is operating? Are there any plans for periodic implementation reviews?

The inclusion of a statutory review provision in the Bill is a matter for Government.

5. Can AGD provide advice on the four-week public consultation period undertaken on the legislation?

(a) Can the department provide an overview of this process and a summary of the submissions or feedback, and the outcomes of this?

(a) Were any public or private meetings, hearings or forums held as part of the consultation?

The department held a four week period of consultation on the National Commissioner Bills from 27 August to 24 September 2020.

The department wrote to more than 30 defence and veteran stakeholder organisations, and the family members of some deceased veterans where contact information was available, about the opportunity to provide a submission. The department also wrote to leaders in mental health care, including Christine Morgan (CEO of the National Mental Health Commission) and Ms Nieves Murray (CEO of Suicide Prevention Australia), and other organisations such as Lifeline, inviting feedback on the legislation. The Attorney-General also wrote to his State and Territory counterparts inviting feedback on the Bills.

The department received 94 submissions from the public and stakeholders, which have been published on the department's website, except in limited circumstances, such as where the author declined publication, because of sensitive or offensive content, or if the submission contained personal information about a third party.

A broad range of views were put forward during the consultation process, with certain stakeholders presenting alternative approaches to addressing similar issues. The key issues arising in the consultation process were:

- highlighting the importance of the National Commissioner having scope to consider attempted suicides and the lived experience of current serving members and veterans
- clarifying the circumstances when the National Commissioner may inquire into a 'suspected suicide'
- seeking a stronger obligation on the National Commissioner to engage with families and other people affected by a death by suicide, while also recognising that some families may not wish to engage with the National Commissioner
- emphasising the importance of the National Commissioner being independent from Government, and the Departments of Defence and Veterans' Affairs, and
- suggesting that the National Commissioner should have discretion to consider the availability of support services for members and veterans, in addition to the quality of such services.

As part of the consultation process, the department held a number of private and public meetings, including with the Ex-Service Organisations Roundtable, the Younger Veterans Forum – Contemporary Needs Forum, the Operational Working Party, the Council for Women and Families United by Defence Services and the Council of Chief Coroners.

6. Can AGD provide an update on progress of the new National Coronial Centre for Defence and Veteran Suicides, including where it will be located?

(a) In the July Budget Update the financial implications were not for publication (nfp) pending ongoing discussions. Is AGD able to advise the financial implications?

The Government is working with jurisdictions and Chief Coroners to agree arrangements for the establishment of the National Coronial Centre. The final form and location of the National Coronial Centre is subject to further discussions with jurisdictions and Chief Coroners.

The financial implications for the National Coronial Centre remains pending.