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15 June 2026

Senator the Hon Raff Ciccone

Chair

Senate Foreign Affairs, Defence and Trade Legislation Committee

via email: fadt.sen@aph.gov.au

Dear Chair

[Inquiry into the Defence Force Discipline Amendment \(RCDVS Implementation and Related Measures No. 1\) Bill 2026](#)

Thank you for the invitation to provide a submission to the inquiry into the *Defence Force Discipline Amendment (RCDVS Implementation and Related Measures No. 1) Bill 2026* (**the Bill**). I am writing to you in my capacity as the Commonwealth Ombudsman and Defence Force Ombudsman (**DFO**).

The purpose of the Office of the Commonwealth Ombudsman (**the Office**) is to:

- provide assurance that the agencies and entities we oversee act with integrity and treat people fairly; and
- influence systemic improvement in government administration.

My role as the DFO is established under Part IIA of the *Ombudsman Act 1976* and the *Ombudsman Regulations 2017* (**the Regulations**). The DFO provides independent oversight of the Defence portfolio by:

- handling administrative complaints related to the service of an Australian Defence Force (**ADF**) member
- taking appropriate action to respond to complaints of abuse in the ADF, and
- inquiring into matters relating to complaints about abuse in the ADF on my own motion.

In addition to handling complaints from ADF members about administrative action taken by Defence agencies, I have the function of receiving and taking appropriate

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action in response to complaints of abuse, which includes sexual abuse, serious physical abuse and serious bullying or harassment.

My Office supports the intent of the Bill, which is to reduce harm to those involved with the military justice system. I consider the proposed amendments intend to implement the last recommendation made by the Defence Abuse Response Taskforce (DART), in line with my Office's previous suggestion. This is outlined in further detail below.

Implementation of the DFO's Recommendations

The main purpose of the Bill is to amend the *Defence Force Discipline Act 1982*, as part of a comprehensive package of reform in response to the Royal Commission into Defence and Veteran Suicide (RCVDS). The Bill also implements the final of the recommendations outlined in my 2024 report: ['Actions Speak: Follow up on Defence's implementation recommendations in the Defence Abuse Response Taskforce final report – Volume 3'](#) (Actions Speak report).

In this report, I observed that 5 of 6 recommendations to the ADF made by the DART in 2016 had been implemented by the ADF. However, one recommendation—Recommendation 2—remained only partially implemented. In my Actions Speak report, I outlined that for Recommendation 2 to be fully implemented, Defence would need to seek law reform. Further, I outlined my expectation that Defence progress consultation with the civilian authorities and consult with the Attorney-General's Department on legislative or policy change to enable proactive disclosure of allegations, investigations, and convictions to police authorities.

I understand the intention of the new disclosure framework established under Schedule 5, Part 3, of the Bill is to establish updated procedural obligations regarding the handling, disclosure and protection of information on abuse-related investigations and disciplinary convictions, in line with the DART recommendations and the comments in my Actions Speak report.

I welcome the steps taken in this Bill to implement the DART recommendations, in line with my suggestion that Defence seek law reform to allow it to disclose details of investigations or prosecutions, and begin to pro-actively disclose convictions.

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General Insights from the DFO

Since the DFO abuse function began in December 2016, my Office has received 5,123 complaints of abuse. These complaints highlight significant and harmful issues experienced by ADF members, which align with the observations made by the RCDVS.

The Bill seeks to address these issues, including:

- the impacts of the term 'malingerer', often reported as a derogatory term used to target those experiencing physical or psychological illness, use of which frequently deterred members from seeking medical or mental health support
- the long-term harm caused to the service careers, wellbeing, and sense of identity of ADF members serving before 1992, who were interrogated or discharged under the ADF's policy prohibiting homosexuality, as well as the harm caused by the stigma against homosexuality observed by complainants both during and after this policy
- the prevalence of abuse being perpetrated against complainants by ADF members of higher rank, resulting in complainants experiencing distinct challenges in reporting, taking action against or avoiding the abuse, and
- the significant exacerbation of harm to complainants where, after they reported abuse to civilian police, they were required to continue serving alongside or in proximity to an alleged perpetrator while investigations were underway.

While many of these complaints were submitted under the Defence Abuse Reparation Scheme (**DARS**), which was only available for reports of abuse that occurred before 30 June 2014, the Office continues to receive complaints of recent abuse which indicate the ongoing nature of related issues in Defence.

The Regulations provided that the DFO may recommend Defence make a reparation payment under the DARS for reports of abuse which occurred before 30 June 2014. This cut-off date was a decision of the Australian Government to acknowledge the implementation of Defence reform activities.

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Initially, payments were only available for complaints made to the DFO before 1 July 2021. However, as my Office continued to receive a steady flow of complaints of abuse, the Regulations were amended to provide a time-limited extension of the DARS. The DFO does not have any discretion to change or provide any exemptions to this legislated timeframe.

My Office continues to play an important role in providing an independent avenue outside of Defence for people to make complaints of abuse and receive a number of outcomes, including restorative engagement. We are also able to direct complainants to other organisations, such as Department of Veteran's Affairs and the National Redress Scheme if they are seeking financial compensation.

The Bill forms part of a number of reforms which are being implemented by Defence following the RCDVS. There are proposed amendments to the Bill which will assist both currently serving members and former members.

I support the continued implementation of the RCDVS recommendations, as well as other recommendations for systemic improvements in the ADF. However, consistent with the comments I raised in my Actions Speak report and my 2023 inquiry, [*Defending Fairness: Does Defence handle unacceptable behaviour complaints effectively?* \(2023 Defence Inquiry\)](#), I underline the importance of assessing changes to policy and procedures by reference to their effectiveness in practice.

Through the 2023 Defence Inquiry, we identified systemic weaknesses in Defence's internal complaint handling processes and made 9 recommendations to strengthen Defence's response to inappropriate behaviour. In addition to recommending that Defence establish a specialised, centralised trained complaints unit, my Office recommended that Defence revise its existing Complaints and Alternative Resolutions Manual, and establish a requirement for staff to receive appropriate training in complaints handling.

My Office recently commenced formal assessment of the implementation of our recommendations. Once complete, I intend to publish an Actions Speak with the results of our assessment.

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While I note that the Bill intends to reduce harm to those involved in the military justice system, whether these amendments are effective will need to be further monitored. Defence will need to continue to consider the operational and practical effectiveness of measures implemented to effect systemic change.

Further, I acknowledge the recent publication of an Inquiry conducted by the Inspector-General of the Australian Defence Force (**IGADF**) into the weaponisation of the military justice system.

This Inquiry found that poor, rigid or insensitive application of military justice processes can cause harm to ADF members and foster perceptions that the system has been weaponised or misused. This is broadly consistent with reports received by my Office, which have contained details of military justice processes being used for the purposes of inflicting harm, or having inadvertently inflicted harm due to recklessness, delay, or rigid compliance with policy irrespective of a complainant's particular circumstances.

[REDACTED]

Yours sincerely

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Iain Anderson
Commonwealth Ombudsman