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A2555217

25 February 2026

Senator Raff Ciccone

Chair

Senate Foreign Affairs, Defence and Trade Legislation Committee

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

Dear Chair

Inquiry into the Defence Amendment (Sexual Assault Prevention, Intervention and Response Commission) Bill 2025

Thank you for the invitation to provide a submission to the inquiry into the Defence Amendment (Sexual Assault Prevention, Intervention and Response Commission) Bill 2025 (the Bill).

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.

One way the Office achieves its purpose is through my role as Defence Force Ombudsman (**DFO**), established under Part IIA of the *Ombudsman Act 1976* and the Ombudsman Regulations 2017. 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 action in response to complaints of abuse, which includes sexual abuse, serious physical abuse and serious bullying or harassment.

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Insights from the DFO into complaints of sexual abuse in the ADF

It is clear from the findings of the Royal Commission into Defence and Veteran Suicide (**Royal Commission**) and reports to my Office that sexual misconduct remains an ongoing and serious issue within the ADF.

Since the DFO commenced oversight of serious abuse in the ADF on 1 December 2016, my Office has received 2,117 complaints of sexual abuse, which includes both sexual assault and sexual misconduct, out of a total of 5,108 complaints of abuse, from serving or ex-serving Defence members. This represents 41 per cent of all reports of abuse to my Office. While many of these complaints were submitted under the Defence Abuse Reparation Scheme (DARS), which closed to new reports on 30 June 2023, my Office continues to receive complaints of sexual abuse, with 36 reports received in the past 12 months.

In 2023, my Office conducted an own motion investigation into Defence's handling of unacceptable behaviour complaints¹, which included complaints of sexual misconduct. Through this investigation, we identified systemic weaknesses in Defence's internal complaint handling processes and made 9 recommendations to strengthen Defence's response to inappropriate behaviour². 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. Defence accepted all recommendations.

The Royal Commission recommended Defence evaluate the outcomes of actions taken to implement these recommendations.³

¹ [Does Defence handle unacceptable behaviour complaints effectively? Defending Fairness](#) (December, 2023)

² See Recommendation 3 in my Office's [Defending Fairness](#) report.

³ See Recommendation 27 in the Royal Commission's [Final Report](#).

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DFO and proposed SAPIRC

The DFO and proposed Sexual Assault Prevention, Intervention and Response Commission (SAPIRC) would both be able to receive and respond to reports of sexual abuse in the ADF and seek to influence systemic change.

This is not necessarily an issue: under a 'no wrong doors' approach, victim-survivors would be able to receive assistance, including advice on whoever they would like their report of sexual abuse to be considered and/or reviewed by the other body. I also note our experience is that some victim-survivors prefer to provide their report to an independent body outside the Defence portfolio.

As the same time, I note that existence of distinct reporting schemes for sexual abuse in the ADF could potentially create confusion for victim-survivors. Should Parliament enact the Bill, careful consideration should be given to how to clearly communicate a 'no wrong doors' approach.

If you have questions or would like my Office to provide further information, please contact Katrina Dwyer, Senior Assistant Ombudsman, Defence, Investigations, ACT and Legal Branch at [REDACTED] or [REDACTED]

Yours faithfully

[REDACTED]
Iain Anderson

Commonwealth Ombudsman