

## SUBMISSION

02 February 2026

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

Honourable Members

The Veterans, Emergency Services and Police Industry Institute of Australia (VESPIIA) welcomes the opportunity to make a submission to the inquiry into the Defence Amendment (Sexual Assault Prevention, Intervention and Response Commission) Bill 2025.

VESPIIA supports the establishment of a statutory, independent Sexual Assault Prevention, Intervention and Response (SAPIR) Commission and recognises the Bill as a significant and necessary reform arising from the findings of the Royal Commission into Defence and Veteran Suicide.

Our submission is informed by VESPIIA's work across policy development, organisational integrity, and system design in Defence, veteran, and first responder contexts. While VESPIIA does not deliver frontline investigative or crisis services, we bring a systems-level perspective focused on governance, accountability, and the long-term effectiveness of institutional reform.

This submission supports the Bill in principle while identifying areas where additional clarity and safeguards are required to ensure the SAPIR framework is durable, effective, and not vulnerable to the same patterns of erosion and inconsistency identified in previous Defence responses to sexual assault.

In particular, we seek to assist the Committee by:

- drawing on lessons from prior Defence schemes and Royal Commission findings
- identifying risks that arise at the intersection of independence, accountability, and implementation
- highlighting gaps relating to civilian victims and Defence family members
- proposing targeted, proportionate recommendations that remain within the Bill's scope

VESPIIA appreciates the Committee's consideration of this submission and would welcome the opportunity to provide further information if required.

Kind regards,



Shannon Hennessy  
CEO



Greg Whitehouse  
Chair



## Executive Summary

VESPIIA supports the Defence Amendment (Sexual Assault Prevention, Intervention and Response Commission) Bill 2025 as a necessary and overdue reform to Defence's approach to preventing, responding to, and addressing sexual assault.

The establishment of a statutory, independent Sexual Assault Prevention, Intervention and Response (SAPIR) Commission reflects a clear acknowledgement that previous Defence-led models failed to deliver consistent, survivor-centred, or accountable outcomes. These failures are well documented in Volume 3 of the Royal Commission into Defence and Veteran Suicide and in earlier mechanisms such as the Defence Abuse Response Taskforce.

VESPIIA's support for the Bill is grounded in recognition that independence must be structural and durable, not merely stated. History demonstrates that Defence sexual assault frameworks have been vulnerable to quiet erosion through administrative change, constrained resourcing, and limited transparency, even where reform intent was strong.

This submission therefore focuses on ensuring that the SAPIR framework:

- cannot be diluted or dismantled over time without scrutiny
- delivers enforceable organisational accountability, not only support pathways
- operates with transparency and Parliamentary visibility
- applies consistently where there is a Defence nexus, including where victims are civilians or Defence family members

VESPIIA is particularly concerned that, as currently drafted, the Bill risks creating uneven accountability where sexual offences are committed by Defence personnel against civilian victims. This is not a peripheral issue. It goes to whether Defence can be held accountable for the conduct of its personnel in circumstances where the harm extends beyond its own workforce. While access to advocacy and support is provided, Defence accountability mechanisms are not clearly articulated in these circumstances. This risks creating a hierarchy of victims and undermining public confidence.

The submission also addresses risks relating to retaliation and reprisal, restricted reporting in Defence-specific contexts, training effectiveness, investigative transition arrangements, and outcome-focused data reporting.

VESPIIA supports the Bill in principle and recommends targeted amendments and clarifications to strengthen its operation, ensure alignment with Royal Commission findings, and embed safeguards that prevent the recurrence of past failures.

## ABOUT VESPIIA

The Veterans, Emergency Services and Police Industry Institute of Australia (VESPIIA) is a national professional body supporting organisations and practitioners working with Defence personnel, veterans, emergency services, police, and their families.

VESPIIA works across policy development, professional standards, advocacy, and system design, with a focus on integrity, accountability, and survivor-centred practice. We regularly engage with government inquiries, Senate committees, and reform processes arising from the Royal Commission into Defence and Veteran Suicide.

VESPIIA does not deliver frontline crisis or investigative services. Our contribution is grounded in governance, complaints system design, organisational integrity, and continuity between Defence and civilian systems. This submission reflects that perspective.



## GENERAL POSITION

VESPIIA supports the Defence Amendment (Sexual Assault Prevention, Intervention and Response Commission) Bill 2025 as a necessary and overdue reform to Defence's approach to preventing, responding to, and addressing sexual assault.

As outlined in the Executive Summary, the establishment of a statutory, independent Sexual Assault Prevention, Intervention and Response (SAPIR) Commission represents a clear acknowledgement that previous Defence-led models have not delivered consistent, survivor-centred, or accountable outcomes.

This assessment is strongly supported by the findings of Volume 3 of the Royal Commission into Defence and Veteran Suicide, which identified systemic failures in reporting pathways, leadership response, training, accountability, and survivor trust.

VESPIIA's support for the Bill is informed by three core considerations, which underpin the Key Asks set out in this submission.

First, Defence has repeatedly demonstrated an inability to sustain effective sexual assault response frameworks within its own hierarchy. Prior initiatives, including the Defence Abuse Response Taskforce (DART) and subsequent arrangements, revealed widespread mismanagement of cases, particularly at leadership and command levels. Despite these findings, those frameworks were time-limited, reshaped, or discontinued, often without assurance that the systemic causes of failure had been addressed. As noted in the Submission section, this pattern of reform followed by erosion is a central risk that must be actively mitigated in the design of SAPIR.

Second, while the Bill includes a clear statutory independence clause, experience shows that independence must be structural, operational, and durable to be effective. Independence can be weakened over time through funding constraints, appointment processes, limited reporting pathways, restricted access to information, or gradual narrowing of scope. This concern directly informs VESPIIA's Key Asks relating to Parliamentary reporting, anti-rollback safeguards, and transparency. Without these protections, SAPIR risks becoming independent in name but constrained in practice. VESPIIA considers it essential that the Bill include safeguards that prevent future dilution or administrative dismantling of SAPIR.

Third, accountability must extend beyond service-to-service contexts. Sexual offences committed by Defence personnel do not occur solely within Defence-affiliated populations. Civilians, including Defence family members, can and do experience harm at the hands of enlisted personnel where there is a Defence nexus. As discussed in detail in the Submission section, the Bill currently provides civilian victims access to advocacy and support but does not clearly articulate how Defence accountability mechanisms apply where the victim is not Defence-affiliated. VESPIIA considers this a critical gap, and it underpins our Key Asks relating to civilian victims, Defence families, and the need for accountability that is not contingent on victim status or civilian criminal justice outcomes. A system that provides support to civilian victims but allows Defence to disengage from internal accountability risks creating a hierarchy of victims and undermining public confidence.

VESPIIA approaches this submission from a systems integrity and governance perspective. We do not seek to expand the scope of SAPIR beyond its legislative intent, nor to duplicate the role of criminal justice agencies.

Rather, our focus, reflected throughout this submission, is on ensuring that the SAPIR framework:

- is protected against rollback, dilution, or quiet administrative erosion
- delivers enforceable accountability alongside survivor support
- operates with transparency and Parliamentary visibility
- applies consistently where there is a Defence nexus, including where victims are civilians or Defence family members



For these reasons, VESPIIA supports the Bill in principle, while advocating for the targeted amendments and implementation safeguards set out in the Key Asks and detailed in the Submission section. These measures are necessary to ensure that SAPIR represents a durable and credible reform, rather than another iteration vulnerable to the failures identified by the Royal Commission.

## KEY ASKS

VESPIIA recommends that the Bill be strengthened to:

1. Protect SAPIR's independence and functions from future rollback or dilution
2. Strengthen Parliamentary transparency and reporting
3. Clarify Defence accountability where victims are civilians or Defence family members
4. Ensure accountability mechanisms extend beyond criminal convictions
5. Make retaliation and reprisal protections enforceable
6. Require independent evaluation of training and leadership competence
7. Impose clear safeguards during investigative capability transition
8. Improve outcome-focused and longitudinal reporting

## SUBMISSION

### 1. Establishment of the SAPIR Commission and statutory independence

Relevant provisions:

- Clause 4; Schedule 1, Part 1 and Division 2 (establishment of the SAPIR Commission and the office of the Commissioner)

VESPIIA supports the establishment of the Sexual Assault Prevention, Intervention and Response (SAPIR) Commission as a statutory body within the Defence Act, including the express provision that the Commissioner is not subject to direction by any person.

This structural independence is a deliberate and necessary departure from previous Defence-led models. The Royal Commission into Defence and Veteran Suicide documented that responses to sexual assault embedded within Defence hierarchy were vulnerable to command influence, institutional self-protection, and reputational risk management. These dynamics undermined survivor trust and contributed to inconsistent and often harmful outcomes.

The Bill's decision to establish SAPIR as a statutory entity reflects an acknowledgement that cultural and structural change cannot be achieved through policy alone, and that independence must be embedded in legislation to be meaningful.

However, experience across Defence and other large institutions demonstrates that statutory independence, while necessary, is not sufficient on its own. Independence can be weakened over time through indirect mechanisms that do not require legislative repeal, including constrained resourcing, limited access to information, narrow reporting pathways, and gradual administrative reshaping of functions.

### Why this matters

Independence is the cornerstone of SAPIR's credibility. Survivor confidence in reporting pathways, trust in institutional response, and the willingness of Defence leadership to engage with scrutiny all depend on SAPIR being able to operate free from real or perceived influence.

Where independence is compromised in practice, even subtly, reporting rates decline and accountability mechanisms lose force. Survivors are less likely to engage with systems they perceive as constrained or aligned with the organisation responsible for the harm.



The Royal Commission's findings demonstrate that Defence has struggled to balance its duty of care to personnel with institutional incentives to manage risk internally. An independent SAPIR Commission is intended to resolve this tension. If independence is not actively protected, the Bill risks reproducing the same structural weaknesses under a new name.

### Risk if unchanged

If the Bill does not include safeguards to protect SAPIR's independence over time, there is a risk that the Commission becomes independent in form but constrained in function. This may occur gradually, without overt legislative change, making erosion difficult to detect or challenge.

Over time, this could undermine survivor trust, weaken reporting pathways, and limit SAPIR's ability to drive meaningful organisational accountability. Such an outcome would replicate the pattern identified by the Royal Commission, where reforms were implemented but not sustained.

### Committee considerations

The Committee should consider whether the Bill should include additional safeguards to protect SAPIR's independence in practice, including stronger transparency and reporting obligations.

In particular, the Committee should consider whether SAPIR should be required to table an annual report in Parliament, in addition to reporting to the Minister, to ensure ongoing Parliamentary visibility.

The Committee should also consider whether amendments that materially reduce SAPIR's functions, independence, or reporting obligations should trigger an independent review and Parliamentary scrutiny, to prevent quiet erosion of the framework over time.

## 2. Scope of application and victim eligibility

Relevant provisions:

- Schedule 1, provisions defining application of the SAPIR regime and eligible victim-survivors

VESPIA supports the Bill's recognition that sexual offences occur across Defence environments and are not confined to interactions between uniformed service members. The inclusion of Defence APS employees, contractors, cadets, and other persons where there is a Defence or ADF nexus reflects operational reality.

The Bill also acknowledges that individuals outside Defence affiliation may experience harm within Defence contexts and provides access to SAPIR advocacy and support services for those falling within a broader jurisdictional category.

However, the Bill draws a distinction between Defence-affiliated victims and non-affiliated individuals, including civilians, by limiting the latter to advocacy and support services only. Defence family members are not clearly identified as a distinct cohort within the eligibility framework, despite their proximity to Defence environments and activities.

### Why this matters

Sexual offences committed by Defence personnel engage Defence's institutional responsibility for the conduct of its members, regardless of the victim's affiliation. Limiting SAPIR's role to support for civilian victims, while assuming accountability will be addressed through civilian justice systems alone, creates a significant gap.

Civilian criminal justice processes are slow, complex, and frequently do not result in conviction for reasons unrelated to credibility or seriousness. Where Defence accountability is implicitly tied to criminal outcomes, there is a risk that administrative or disciplinary action is delayed, minimised, or avoided altogether.

Defence family members occupy a particularly vulnerable position. They often live on or near Defence bases, participate in Defence-linked activities, and are subject to Defence power dynamics without the



protections afforded to serving members. The absence of clear recognition creates uncertainty about access, accountability, and Defence responsibility.

#### **Risk if unchanged**

If the Bill does not clearly articulate Defence accountability where victims are civilians or Defence family members, the SAPIR framework risks creating a hierarchy of victims. Such an outcome would be inconsistent with the intent of the Bill and the findings of the Royal Commission. Accountability mechanisms may operate robustly for Defence-affiliated victims but be weaker or more ambiguous for others.

This risks undermining public confidence, eroding survivor trust, and creating inconsistent responses to similar conduct based solely on victim status. Over time, this may expose Defence to reputational and moral risk and weaken the credibility of the SAPIR framework.

#### **Committee considerations**

The Committee should consider whether the Bill should explicitly recognise Defence family members as eligible victim-survivors where there is a Defence nexus.

The Committee should also consider whether SAPIR oversight provisions should clarify that Defence accountability mechanisms apply consistently regardless of victim affiliation, including in cases involving civilian victims.

Finally, the Committee should consider whether Defence should be required to report, on a de-identified basis, on administrative and disciplinary outcomes in matters involving civilian and Defence family victims, to ensure transparency and accountability.

### **3. Functions of the Commissioner and limits on findings**

Relevant provisions:

- Schedule 1, Division 3; clauses limiting findings of wrongdoing

VESPIA supports the Bill's prohibition on the SAPIR Commissioner making findings of criminal or civil wrongdoing or otherwise determining guilt or liability. This delineation of function is appropriate and necessary. It preserves procedural fairness for all parties, protects the integrity of criminal and civil justice processes, and avoids duplication or conflict with the roles of police, prosecutors, courts, and other investigative bodies.

This separation is particularly important in the Defence context, where overlapping authorities, parallel processes, and unclear lines of responsibility have historically contributed to confusion, delay, and inconsistent outcomes for victim-survivors. By clearly limiting SAPIR's role in relation to criminal and civil determinations, the Bill reduces the risk of jurisdictional conflict and reinforces the primacy of established justice mechanisms.

However, the Bill simultaneously requires the Commissioner to establish and maintain "mechanisms to ensure appropriate accountability" in relation to sexual offences within Defence environments. While this intent is sound, the Bill does not clearly articulate what forms of accountability are contemplated, how those mechanisms are to operate in practice, or how their effectiveness is to be assessed and reported.

In particular, the Bill does not distinguish between criminal accountability and organisational accountability. This distinction is critical. Defence accountability extends beyond the outcome of criminal proceedings and includes how allegations are handled, how leadership responds, whether victims are supported appropriately, and whether systemic failures or patterns of poor practice are identified and addressed.

Without clearer articulation, there is a risk that accountability is interpreted narrowly, defaulting to criminal justice outcomes alone, rather than encompassing Defence's broader responsibilities as an institution exercising authority over its personnel.



### **Why this matters**

The Royal Commission into Defence and Veteran Suicide, along with earlier mechanisms such as the Defence Abuse Response Taskforce (DART), identified that significant harm to victim-survivors arose not only from sexual offences themselves, but from how Defence handled allegations once they were raised. Delays, disbelief, inconsistent leadership responses, and procedural failures were common, and in many cases compounded the original harm.

Criminal justice outcomes alone do not capture these failures. Many sexual assault matters do not result in prosecution or conviction for reasons unrelated to credibility or seriousness, including evidentiary thresholds, time delays, or jurisdictional complexity. Where accountability is framed narrowly around criminal findings, organisational responsibility for poor handling, cultural drivers, and leadership failure can be obscured or ignored.

Defence exercises unique authority over its personnel, including command, career progression, postings, and administrative action. With that authority comes a responsibility to account for how allegations are managed, how victims are treated, and whether systemic risks are identified and addressed, regardless of criminal outcomes. Organisational accountability is therefore distinct from, and complementary to, criminal accountability.

If the concept of “accountability” within the SAPIR framework is not clearly articulated and made visible, there is a risk that the same failures identified by the Royal Commission will persist under a new structure. Without transparency around Defence responses and consequences, SAPIR may be reduced to facilitating process rather than driving institutional change.

### **Risk if unchanged**

Without visibility of Defence administrative and leadership responses, the same systemic failures can persist under a new framework, shielded from scrutiny.

### **Committee considerations**

The Committee should consider whether the Bill requires greater clarity and transparency around how organisational accountability is to be exercised and assessed within the SAPIR framework.

In particular, the Committee should consider whether the Bill should make explicit that SAPIR’s accountability function extends to Defence administrative and leadership responses, not only to the facilitation of criminal justice pathways. This includes how allegations are received, managed, escalated, and resolved within Defence systems, and how leadership conduct is assessed where failures occur.

The Committee should also consider whether SAPIR reporting obligations should require de-identified publication of Defence administrative and disciplinary outcomes, including where criminal proceedings do not occur or do not result in conviction. Without this visibility, it will be difficult to assess whether Defence handling has improved, or whether systemic issues identified by the Royal Commission persist under a new structure.

Finally, the Committee should consider whether leadership and command-level handling failures should be explicitly identified as within SAPIR’s oversight remit, to ensure accountability is not limited to individual cases but extends to systemic and cultural drivers of harm.



#### 4. Reporting pathways and restricted reporting

Relevant provisions:

- Schedule 1, reporting divisions (restricted and unrestricted reporting)

VESPIA supports the inclusion of both restricted and unrestricted reporting pathways within the SAPIR framework. Restricted reporting recognises that victim-survivors may not be ready or able to engage with investigative or disciplinary processes and prioritises autonomy, safety, and access to support.

The inclusion of restricted reporting reflects longstanding evidence, including findings of the Royal Commission into Defence and Veteran Suicide, that fear of retaliation, loss of control, and career impact are significant barriers to reporting sexual assault within Defence environments. Providing a pathway that allows survivors to access support without triggering immediate investigative consequences is therefore a necessary component of any credible response framework.

However, the Defence context differs materially from civilian settings. Defence operates through small units, close living and working arrangements, deployed environments, and interconnected family and social networks. These conditions fundamentally affect how confidentiality and anonymity operate in practice.

While the Bill establishes protections around restricted reporting and limits information sharing, it does not clearly address how re-identification risk is to be assessed or mitigated in Defence-specific contexts. Nor does it clearly articulate how restricted reporting data should be used to support organisational safety and integrity without undermining survivor autonomy.

##### Why this matters

Restricted reporting is only effective if victim-survivors can reasonably trust that their identity will be protected. In small units or Defence family environments, even minimal non-identifying information can allow commanders, peers, or others to infer who has made a report. This risk is amplified in deployed settings and tightly networked communities, where informal information flows are difficult to control.

If survivors believe that restricted reporting does not genuinely safeguard anonymity, they may choose not to report at all. This not only deprives them of support but also undermines the purpose of the SAPIR framework and perpetuates underreporting.

At the same time, Defence has an obligation to manage organisational risk, including identifying repeat offending, unsafe environments, and systemic patterns of harm. A reporting system that prioritises confidentiality without a clear strategy for analysing de-identified data risks missing critical warning signs.

The challenge is not whether restricted reporting should exist, but how it is operationalised in a way that protects survivors while still enabling Defence to meet its duty of care.

##### Risk if unchanged

If the Bill does not explicitly address re-identification risk and organisational risk management within restricted reporting, the SAPIR framework risks failing on both fronts.

Survivors may avoid restricted reporting due to fear of exposure, while Defence may lack sufficient insight to identify repeat offending or systemic risk. Over time, this could lead to a perception that restricted reporting is either unsafe or ineffective, eroding confidence in the system and discouraging engagement.

Without clarity, restricted reporting may become a symbolic option rather than a trusted pathway, repeating patterns identified by the Royal Commission where well-intentioned mechanisms did not operate as intended in practice.



### Committee considerations

The Committee should consider whether the Bill should require SAPIR to actively assess and mitigate re-identification risk in restricted reporting contexts, particularly in small units, deployed environments, and Defence family communities.

The Committee should also consider whether SAPIR should be required to develop and report on methods for analysing restricted reporting data in a way that supports organisational safety and integrity, without pressuring victim-survivors to convert reports to unrestricted pathways.

Finally, the Committee should consider whether periodic review of international and domestic best practice in restricted reporting models should be mandated, to ensure the SAPIR framework remains responsive to emerging evidence and Defence-specific risks.

### 5. Retaliation and reprisal

Relevant provisions:

- Schedule 1, clause requiring the SAPIR Commission to establish a retaliation or reprisal policy

VESPIA strongly supports the Bill's explicit recognition of retaliation and reprisal as matters requiring dedicated policy and response within the SAPIR framework. The inclusion of retaliation and reprisal reflects the Royal Commission's findings that fear of adverse consequences is one of the most significant barriers to reporting sexual assault in Defence.

Historically, Defence responses to sexual assault have focused on the initial incident while underestimating the ongoing harm caused by secondary victimisation. Retaliation and reprisal often occur after a report is made and can have enduring impacts on a person's career, wellbeing, and willingness to engage with support services.

The Bill requires the SAPIR Commissioner to establish a policy to address retaliation or reprisal. While this is a critical step, the Bill does not define retaliation or reprisal, nor does it specify how allegations of reprisal are to be investigated, monitored, or reported.

### Why this matters

In Defence environments, retaliation and reprisal rarely take the form of overt punishment. More commonly, they manifest through informal or indirect mechanisms such as unfavourable postings, exclusion from opportunities, performance management processes, stalled career progression, or social isolation within units.

These forms of reprisal are difficult to prove, but their impact is profound. They can deter reporting, silence victim-survivors, and reinforce perceptions that speaking up carries unacceptable personal cost. Where retaliation is subtle or normalised, it may be dismissed as routine career management rather than recognised as harm.

Effective reprisal protections are therefore not ancillary to a sexual assault response framework. They are central to its credibility. Without confidence that retaliation will be identified and addressed, victim-survivors are unlikely to engage with SAPIR, regardless of how robust other elements of the system may be.

### Risk if unchanged

If retaliation and reprisal are addressed through policy alone, without enforceability, oversight, and transparency, there is a risk that these protections will be inconsistently applied or ignored in practice.

Survivors may perceive reprisal policies as symbolic rather than protective, reinforcing a culture of silence. Over time, this undermines reporting pathways, weakens trust in SAPIR, and perpetuates the very conditions the Bill seeks to reform.



Failure to address reprisal effectively also risks entrenching leadership behaviours that prioritise unit cohesion or reputational management over individual safety and accountability.

#### **Committee considerations**

The Committee should consider whether the Bill should provide clearer guidance on what constitutes retaliation or reprisal, including informal and career-based impacts such as postings, performance management, and exclusion from opportunities.

The Committee should also consider whether allegations of retaliation or reprisal should be subject to independent oversight rather than being handled solely within the chain of command, particularly where senior personnel are involved.

Finally, the Committee should consider whether SAPIR should be required to report, on a de-identified basis, on allegations, investigations, and outcomes relating to retaliation and reprisal, to ensure transparency and enable assessment of whether protections are operating effectively in practice.

#### **6. Education and training**

Relevant provisions:

- Schedule 1, divisions dealing with education and training requirements under the SAPIR regime

VESPIIA supports the Bill's prescriptive approach to education and training, including mandatory face-to-face delivery, pre-command briefings, and ongoing training requirements for Defence personnel. This level of specificity reflects the seriousness of the issue and responds directly to Royal Commission findings that previous training approaches were inconsistent and inadequately monitored.

Training is one of the primary levers through which Defence seeks to influence culture, leadership behaviour, and response capability. As such, the Bill's intent to embed education and training as a core component of the SAPIR framework is appropriate and necessary.

However, the Royal Commission found that Defence has historically treated training completion as evidence of competence, with limited attention to whether training improved understanding, decision-making, or survivor outcomes. In many cases, training was delivered without independent evaluation, and there was little evidence that it addressed known leadership and response failures.

While the Bill mandates training delivery, it does not clearly articulate how training effectiveness is to be assessed, nor how poor performance or lack of competence is to be identified and addressed.

#### **Why this matters**

Training that is not demonstrably effective risks becoming procedural rather than transformative. Attendance alone does not guarantee that personnel, particularly those in leadership and command roles, understand their responsibilities, can recognise inappropriate behaviour, or respond appropriately to disclosures of sexual assault.

In Defence environments, leaders play a decisive role in shaping reporting culture and survivor experience. Inadequate leadership response can deter reporting, contribute to secondary harm, and reinforce perceptions that the system is unsafe or unsupportive.

Without mechanisms to evaluate training outcomes, Defence may continue to invest significant resources in education programs without evidence that they are improving behaviour or reducing harm. This risks repeating the pattern identified by the Royal Commission, where training existed in form but failed to deliver meaningful change.



### Risk if unchanged

If training requirements focus primarily on delivery rather than effectiveness, the SAPIR framework risks inheriting the same limitations as previous Defence initiatives. Training may be completed but not internalised, with poor leadership responses continuing unchecked.

Over time, this undermines confidence in Defence's ability to learn from past failures and weakens the credibility of SAPIR as a driver of cultural and behavioural change.

### Committee considerations

The Committee should consider whether the Bill should require independent evaluation of SAPIR-related education and training programs, including assessment of whether training improves knowledge, decision-making, and survivor outcomes.

The Committee should also consider whether training requirements for leadership and command roles should move beyond attendance-based measures to include competency assessment, particularly for those with direct responsibility for handling reports and supporting victim-survivors.

Finally, the Committee should consider whether de-identified reporting on training completion, proficiency, and evaluation outcomes should be required, to support transparency and enable ongoing scrutiny of whether education and training measures are effective in practice.

## 7. Investigative capability and transitional arrangements

Relevant provisions:

- Schedule 1, provisions transferring investigative responsibility;
- Schedule 2, transitional provisions

VESPIIA acknowledges the complexity involved in transitioning investigative responsibility for sexual offences away from existing Defence structures and into the SAPIR framework. Establishing a new investigative capability, particularly in an environment as operationally complex as Defence, requires careful planning, workforce development, and coordination with civilian law enforcement agencies.

The Bill allows for a staged transition of investigative functions, recognising that capability cannot be established instantaneously. This approach reflects practical realities and avoids disruption to existing processes while the new framework is implemented.

However, transitional arrangements are not neutral. The way in which transition is structured, governed, and overseen has a significant impact on survivor experience and confidence in the system, particularly in the early stages of SAPIR's operation.

### Why this matters

The Royal Commission and earlier reviews identified systemic weaknesses in Defence investigative practices, including inconsistent standards, delays, and perceived lack of independence. These failures were not merely historical; they directly informed the decision to establish an independent SAPIR framework.

Extended or loosely governed transition periods risk perpetuating the very practices the Bill seeks to reform. Survivors engaging with SAPIR during transition may experience inconsistent approaches, unclear accountability, or continued reliance on legacy Defence investigative systems that have already been found wanting.

Early experiences of SAPIR will shape perceptions of its credibility. If survivors encounter delays, confusion, or inconsistent handling during transition, confidence in the new framework may be undermined before it is fully established.



### Risk if unchanged

If transitional arrangements are not accompanied by clear milestones, oversight, and accountability, there is a risk that legacy Defence practices continue by default, rather than by design. This may entrench inconsistent standards and dilute the intended independence of the SAPIR framework.

Without explicit oversight authority from commencement, SAPIR may be perceived as nominally responsible but practically constrained, reinforcing scepticism about whether meaningful change has occurred.

### Committee considerations

The Committee should consider whether the Bill should require published implementation milestones for the transition of investigative capability, including clear timeframes and performance expectations.

The Committee should also consider whether SAPIR should be granted explicit oversight authority from commencement, regardless of staged capability transfer, to ensure consistent standards, monitoring, and accountability throughout the transition period.

Finally, the Committee should consider whether transitional reporting obligations should be strengthened to provide visibility of how investigative responsibilities are exercised during the transition phase and whether survivor experiences differ from those under the fully implemented framework.

## 8. Data collection, retention, and reporting

Relevant provisions:

- Schedule 1, provisions relating to data collection, information management, retention, and reporting

VESPIA supports the Bill's establishment of a centralised data system within the SAPIR framework, including provisions for information collection, management, retention, and reporting. Robust data infrastructure is essential to understanding the prevalence, nature, and handling of sexual offences within Defence environments.

The Bill recognises the importance of long-term data retention, reflecting the reality that sexual assault disclosures often occur years after the incident and that systemic patterns may only become visible over time. This approach aligns with trauma-informed practice and the findings of the Royal Commission.

However, while the Bill establishes mechanisms for collecting and retaining information, it is less clear about how data will be used to support transparency, accountability, and continuous improvement. In particular, the Bill does not clearly specify the minimum content or focus of public reporting beyond general obligations.

### Why this matters

Data is only as valuable as the insight it generates and the accountability it enables. Reporting that focuses primarily on activity metrics, such as numbers of reports or referrals, provides limited insight into whether systems are functioning effectively or whether Defence responses are improving.

The Royal Commission identified persistent gaps in Defence reporting, particularly in relation to outcomes. Survivors, policymakers, and the public have historically lacked visibility of how matters were resolved, whether administrative or disciplinary action was taken, and whether identified failures resulted in meaningful change.

Outcome-focused and longitudinal reporting is essential to assess whether the SAPIR framework is delivering on its objectives. Without visibility of Defence responses over time, it is not possible to determine whether patterns of mismanagement, leadership failure, or cultural risk are being addressed.



**Risk if unchanged**

If reporting obligations prioritise activity over outcomes, the SAPIR framework risks appearing active while failing to demonstrate effectiveness. This creates a risk that systemic issues persist unchallenged, masked by volume-based reporting.

Over time, inadequate transparency may erode public confidence and survivor trust, particularly if the SAPIR framework is perceived as generating data without accountability. This would undermine one of the core purposes of establishing an independent statutory body.

**Committee considerations**

The Committee should consider whether the Bill should specify minimum reporting requirements that prioritise outcomes and system performance, rather than activity alone.

In particular, the Committee should consider whether SAPIR should be required to publicly report, on a de-identified basis, on Defence administrative and disciplinary outcomes, including where criminal proceedings do not occur or do not result in conviction.

The Committee should also consider whether reporting obligations should require longitudinal tracking of matters across reporting periods, to enable assessment of trends, systemic risk, and the effectiveness of reforms over time.

**VESPIIA'S BROADER PERSPECTIVE**

VESPIIA approaches this submission from a systems integrity and governance perspective.

The establishment of the SAPIR Commission should be understood as implementation infrastructure, not a symbolic reform. The Royal Commission made clear that the failures it identified were not isolated incidents, but systemic patterns driven by leadership behaviour, institutional incentives, and weak accountability mechanisms.

In VESPIIA's experience, institutional reform fails not because intent is lacking, but because safeguards are insufficient. Systems that rely on goodwill, policy compliance, or cultural aspiration alone are vulnerable to drift, dilution, and inconsistency over time, particularly in large, hierarchical organisations.

For this reason, VESPIIA places strong emphasis on:

- durable independence
- enforceable accountability
- transparency of outcomes, not just activity
- clarity of responsibility across organisational boundaries

VESPIIA also emphasises that Defence accountability for the conduct of its personnel does not end at the boundary of Defence affiliation. Where harm occurs within Defence environments or through the actions of Defence personnel, accountability must be exercised consistently, including where victims are civilians or Defence family members.

The SAPIR framework represents a critical opportunity to address long-standing failures. However, that opportunity will only be realised if the framework is protected against erosion and designed to surface, rather than obscure, organisational responsibility.



## CONCLUSION

VESPIIA supports the establishment of the Sexual Assault Prevention, Intervention and Response Commission as a necessary and long-overdue reform.

However, the history documented by the Royal Commission demonstrates that reform intent alone is insufficient. Without structural safeguards, transparency, and enforceable accountability, new frameworks risk replicating the failures of those they replace.

The Committee has an opportunity to strengthen this Bill so that the SAPIR framework:

- maintains genuine independence over time
- holds Defence accountable for organisational response and leadership behaviour
- operates transparently and with Parliamentary visibility
- applies consistently where there is a Defence nexus, including for civilian and Defence family victims

VESPIIA urges the Committee to consider the recommendations set out in this submission to ensure that the SAPIR Commission delivers durable, credible, and effective reform, and that past failures are not repeated under a new structure.



## Recommendations

### **1. Independence and anti-rollback safeguards**

VESPIIA recommends safeguards requiring independent review and Parliamentary tabling where SAPIR's functions or independence are materially reduced.

### **2. Parliamentary reporting**

VESPIIA recommends SAPIR be required to table an annual report in Parliament, in addition to Ministerial reporting.

### **3. Defence family inclusion**

VESPIIA recommends explicit recognition of Defence family members as eligible victim-survivors where a Defence nexus exists.

### **4. Civilian victim accountability**

VESPIIA recommends clarification that Defence accountability mechanisms apply regardless of victim affiliation.

### **5. Accountability beyond convictions**

VESPIIA recommends de-identified reporting on Defence administrative and disciplinary outcomes.

### **6. Restricted reporting safeguards**

VESPIIA recommends measures to address re-identification risk and review repeat-offender detection approaches.

### **7. Retaliation and reprisal enforcement**

VESPIIA recommends broader definition, independent oversight, and outcome reporting for reprisal matters.

### **8. Training evaluation and competence**

VESPIIA recommends independent evaluation of training and competency-based assessment for leadership roles.

### **9. Investigative transition safeguards**

VESPIIA recommends published milestones and explicit oversight authority during transition.

### **10. Outcome-focused reporting**

VESPIIA recommends longitudinal, de-identified reporting on outcomes across reporting periods.

