

COMMONWEALTH GOVERNMENT RESPONSE
INQUEST INTO THE DEATH OF JESSE STEPHEN BIRD

RECOMMENDATION ONE

That the Secretary of the Department of Defence consider how the information in its PMKeyS system could be shared with the Coroners Court to:

- a) Enhance Victorian Coroners' ability to identify veteran suicides with a greater degree of accuracy;*
- b) Allow investigating Coroners to more effectively direct their investigation to build the evidence base for prevention; and*
- c) Inform the design and implementation of suicide prevention initiatives*

RESPONSE

The Coroner's recommendation will be implemented.

The Secretary of the Department of Defence, and the Chief of the Defence Force, are supportive of sharing information in the PMKeyS system where it would assist the Coroner and in accordance with legal requirements.

In accordance with a directive of the Chief of the Defence Force, the Provost Marshal – Australian Defence Force (PM-ADF) is the primary ADF Liaison Officer to the relevant State and Territory coronial jurisdictions. In the case of a death of an ADF member or veteran, and where the civilian police assigned to the Coroner's office determine that information from Defence is required, the Coroner's office may request information from the Joint Military Police Unit (JMPU). The JMPU will then source the data from the relevant areas within Defence using the Defence Single Access Mechanism.

In addition to this formal Defence liaison role with the Coroner's office, the independent Inspector-General of the Australian Defence Force (IGADF) is also to conduct "inquiries into or to investigate the death or serious injury of ADF members either in Australia or overseas, where the death or serious injury appears to have arisen out of, or in the course of, the member's Defence service".

State and Territory Coroners engage directly with the IGADF in relation to the death of Defence members. This interaction may be through the provision of information to assist a Coroner to determine a cause of death and the requirement for a Coronial Inquest, or in response to a Coroner's subpoena in relation to a Coronial inquest.

RECOMMENDATION TWO

That the Secretary of the Department of Veterans' Affairs consider implementing a public awareness campaign directed to informing ex-service personnel about the recent reforms undertaken by DVA and encourage veterans to come forward to assist both in reconnecting with them and in building trust and confidence in DVA.

Such a campaign ought to be multi-modal, utilising where possible, social media, television, print, and radio formats.

RESPONSE

The Coroner's recommendation will be implemented.

DVA has an extensive social media and direct media campaign in place engaging with veterans, families and ESO communities, and will continue to refine this over time.

RECOMMENDATION THREE

That the Minister for Veterans' Affairs and Defence Personnel take the necessary steps to harmonise the legislation governing the veterans' compensation and rehabilitation scheme to:

- a) Ensure that the system is 'fit for purpose', reflecting the needs of veterans now and into the future;*
- b) Reduce complexity in the compensation system by streamlining and simplifying the claims process;*
- c) Remove inconsistencies between the Acts to ensure fairness and equity in eligibility and benefits; and*
- d) Ensure the legislative framework reflects veteran centric practices.*

RESPONSE

The Coroner's recommendation is under consideration.

This matter was previously put to Government by the Productivity Commission (PC), in their final report into Compensation and Rehabilitation for Veterans – A Better Way to Support Veterans.

This is a significant review looking at a complex system and it requires careful consideration by the Government as well as the veteran community and other stakeholders.

The Government response to the PC review is under active consideration and will be released in due course.

RECOMMENDATION FOUR

That the Secretary of Department of Prime Minister and Cabinet extend the remit of the proposed National Commissioner to include powers to proactively review and audit DVA processes and to investigate veteran complaints.

RESPONSE

An alternative to the Coroner's recommendation will be implemented.

The intended role of the National Commissioner for Defence and Veteran Suicide Prevention is to support the prevention of future ADF member and veteran deaths by suicide, through examining the factors and circumstances relevant to these deaths.

Legislation establishing the National Commissioner will be introduced to the Australian Parliament by the Attorney-General later this year.

The form of that legislation is a matter for the Australian Government. The Government, through the Attorney-General and the Attorney-General's Department, as the relevant portfolio leading implementation work, will consult widely on the legislation before it is introduced.

The focus of the National Commissioner will be to support the prevention of future ADF member and veteran deaths by suicide. As such, the Commonwealth's position is that the National Commissioner not replace or duplicate the review, audit and complaints investigation functions of existing mechanisms and bodies (such as the Commonwealth Ombudsman, Veterans' Review Board, Australian National Audit Office and relevant parliamentary committees).

Subject to the passage of legislation, the National Commissioner will be empowered to inquire into administrative processes and complaints where they are relevant to ADF member or veteran suicides.

RECOMMENDATION FIVE

That the Secretary of the Department of Prime Minister and Cabinet provide an update to the Coroners Court on the status of the implementation of the proposed National Commissioner within six months, including where relevant, pending or current legislation, specifics as to the scope, remit and functions of the National Commissioner, and information detailing how the National Commissioner's investigation of veteran suicide deaths will sit alongside the coronial functions.

RESPONSE

The Coroner's recommendation will be implemented.

The Attorney-General's Department will provide an update on the implementation of the proposed National Commissioner to the Coroners Court of Victoria by 7 October 2020.

Establishing a National Commissioner is a priority for the Australian Government. A dedicated taskforce has been established within the Attorney-General's Department to progress the establishment of the National Commissioner, their office, and supporting legislation, as quickly as possible. The National Commissioner will be part of the Attorney-General's portfolio.

The National Commissioner will work to identify and understand the factors and systemic issues that may contribute to suicide risk among serving and former ADF members, and make recommendations to government about actions and strategies to prevent future suicides.

The National Commissioner will have appropriate statutory independence from government. They will be able to gather information and evidence, including by consulting experts and families and summoning witnesses, and obtaining relevant information and reports from government departments such as Defence and Veterans' Affairs.

The powers of the National Commissioner will be set out in legislation, which is currently being developed.

Subject to the passage of legislation, the National Commissioner will have relevant powers, like a Royal Commission, to enable them to:

- undertake broad ranging inquiries relevant to their role and hear from any relevant party (including veterans and their families)
- conduct public and private hearings
- compel the production of evidence and summons witnesses.

The National Commissioner will provide a public report on their findings and recommendations to the Parliament each year. The Government will be required to report annually to the Parliament on implementation of the National Commissioner's recommendations.

There will be opportunities for consultation throughout the legislation process.

Ahead of the legislation being finalised, the Australian Government is working to appoint an interim National Commissioner to begin an independent review of past defence and veteran suicides. Terms of reference for the review will be announced publicly.

Affected families will be invited to participate in the work of the National Commissioner, including by making submissions. Families who wish to participate will receive support to do so. This will enable families to make an important contribution, so that we can learn from the past and support suicide prevention.

Updates on progress and timeframes are available on the Attorney-General's website (<https://www.ag.gov.au/About/Pages/national-commissioner-defence-veteran-suicide-prevention.aspx>) with the Office of the National Commissioner to have its own website once established.

Dated: 7 July 2020