

# TEACH US CONSENT

## **Teach Us Consent's Submission to the Senate Foreign Affairs, Defence and Trade Legislation Committee regarding The Defence Amendment (Sexual Assault Prevention, Intervention and Response Commission) Bill 2025**

*"If there is a sexual assault and the institution responds poorly, there is a loss of faith in the ideal, a loss of hope in the institution as well as trauma impacts. This creates a complex set of issues requiring careful navigation to assist the person to recover."*

-Ms Stanford from the Canberra Rape Crisis Centre, Royal Commission into Defence and Veteran Suicide Report.

### Introduction:

1. Teach Us Consent Global Limited (Teach Us Consent) is a youth-led, registered Australian charity committed to pioneering consent education to foster healthy relationships and reduce the perpetration of sexual violence among young people in particular.
2. Established in 2021, our organisation launched a petition calling for more holistic and age-appropriate consent education in Australia, as well as a platform for people to share anonymous testimonies of sexual assault. After gathering 44,000 testimonies and 6,600 personal stories, consent education was mandated in the national curriculum.
3. Our organisation acknowledges the profound impact that sharing a testimony can have, as many in the Australian Defence Organisation have done, to illuminate where our systems allow sexual violence to exist and even, thrive. To share testimony in this context is both incredibly brave and selfless. We sincerely thank the victim-survivors who have done so in the context of the Royal Commission into Defence and Veteran Suicide Report.
4. Teach Us Consent continues to advocate and drive legislative, policy and cultural change, alongside mass digital education to eradicate the normalisation of sexual violence.

### Royal Commission into Defence and Veteran Suicide, 2024

5. On 8 July 2021, the Royal Commission into Defence and Veteran Suicide commenced to investigate issues related to suicide among those who served and continue to serve in the Australian Defence Organisation (ADO).
6. Commissioners, Nick Kaldas APM, The Hon James Douglas KC and Dr Peggy Brown AO presented the Final Report of the Royal Commission into Defence and Veteran Suicide to the Governor-General, Her Excellency the Honourable Ms Sam Mostyn AC, on 9 September 2024.

### Military sexual violence in the Australian Defence Organisation:

7. Teach Us Consent acknowledges the many victim-survivors who have shared testimony through the Royal Commission's investigation into drivers of defence and veteran suicide. Their lived experience plays an irreplaceable role in guiding the response to the investigation and preventing sexual violence in the ADO into the future.
8. Volume 3 of the Final Report, Military sexual violence, unacceptable behaviour and military justice, illuminates the culture of sexual violence pervasive within the Australian Defence Organisation.
9. The findings of the Royal Commission demonstrate a culture in the ADO where sexual violence is normalised and deeply entrenched.
10. In the Royal Commission Report, the Australian Defence Organisation states that, in the past five years, almost 800 incidents of sexual assaults have been reported.

11. It is estimated by the ADO that 60 per cent of sexual assaults are not reported, suggesting this number is likely to be significantly higher.

### Women experience the vast majority of sexual violence in the ADO

12. According to the Defence Abuse Response Taskforce (DART), 'almost all' incidents of sexual abuse between 2000 - 2011 were experienced by women.
13. The Royal Commission's Report states that Hon Leonard Roberts-Smith RFD KC, Chair of DART from November 2012 to November 2014, said 'it appeared to be the case that sexual abuse which had occurred in Defence in recent decades had been experienced almost entirely by women'.
14. The Royal Commission Report states "there are significant differences between ADO women and men's experiences of sexual assault. Women disproportionately experience and report sexual misconduct".
15. While there are differences between women and men's experiences of sexual violence in the ADO, it is disproportionately experienced and reported by women. Defence data on the gender of victims and alleged perpetrators of sexual misconduct from 1 January 2018 to 1 October 2023 revealed that the majority of victims (over 80%) were female, and the majority of alleged perpetrators (over 90%) were male.
16. An ex-serving ADO member and Director of the Veteran's Retreat, Ms Kylie James, said: "Sadly, at least 90 per cent of female veterans that attend our retreat have had some sort of sexual assault, bullying or harassment, some horror stories that I can't even believe myself, and we have had women from the old RAC [Royal Artillery Corps], so women in their 70s, that were around in the Vietnam days attend all the way down to 20-year-olds that are currently serving."

### An entrenched culture of sexual violence:

17. Teach Us Consent notes evidence that shows the ADO has a culture where sexual violence can, and does, thrive.
18. The Women in the ADO Report 2021-22: Ten Years in Review found the ADO has a "culture still marked by gendered sexual misconduct".
19. The Review of the Treatment of Women in the ADO in 2012 revealed that "some ADO workplaces are highly sexualised environments, which could be particularly degrading to women".
20. The Royal Commission identified some of the key cultural drivers contributing to unacceptable behaviour in the ADO as: "a lack of diversity, the traditionally masculine culture of the ADO, tribalism, loyalty to the unit, which means adhering to the 'code of silence' and not 'dobbing on' one's mates, a culture of endurance, where members are told to 'suck it up' and push through injury, illness and grievances, power imbalance and unquestioned obedience to the chain of command, restricting a member's ability to report abuse and a lack of accountability".
21. As the ADO is a culture established within rigid hierarchies, testimonies of sexual assault from within the ADO frequently involve the abuse of power, where perpetrators may leverage their power to avoid accountability and continue their abuse. This has discouraged victim survivors from pursuing avenues of redress and justice, in fear of losing their job or that the consequences may be insufficient, facing unemployment or experiencing the abuse again.
22. A victim-survivor said "I felt humiliated and violated by the very person who I should have held in high esteem. I was scared to return to work because of him, I feared for my safety. I didn't know what he would attempt again".
23. Reverend Dr Nikki Coleman told the Royal Commission into Defence and Veteran Suicide that she suffered physical and indecent assault without consent and bullying. She said, "for far too long they've covered things up. They actually have pretty good policies for dealing with bullying and sexual harassment and sexual assault, but then they don't use those policies".
24. The Royal Commission makes clear that there are insufficient consequences and avenues for accountability for perpetrators in the ADO, which allows sexual violence to occur at such high rates.

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

110ZMG The Sexual Assault Prevention, Intervention and Response Commissioner

25. In order to begin to establish a new culture in the ADO where sexual violence is entirely unacceptable and met with appropriate consequences, Teach Us Consent supports the establishment of a Sexual Assault Prevention,

Intervention and Response Commissioner to establish and maintain a sexual assault prevention, intervention and response regime.

26. This includes through leading and overseeing an awareness training program, a new reporting function, the evidence collection function, the education, training and certification program function, and the Sexual Assault Investigation Unit.

#### Subdivision B – The Deputy Sexual Assault Prevention, Intervention and Response Commissioner

##### 110ZMK The Deputy Commissioner

27. Teach Us Consent support the establishment of a Deputy Commissioner for Sexual Assault Prevention, Intervention and Response Commissioners.
28. We support the establishment of a Sexual Assault Prevention, Intervention and Response Commission.

##### 110ZMJ – Independence

29. It is crucial that, as the legislation states, the Commission operates independently to ensure the best outcome for victim-survivors, and to indicate a genuine shift in the culture of accountability for sexual violence within the ADO.

#### Division 3 – Sexual Assault Prevention, Intervention and Response Functions

##### 110ZMP – Awareness training program function

30. An awareness training program by the Commissioner that ensures personnel are aware of behaviours and actions which constitute an offence in relation to sexual assault is an important prevention measure for the ADO.
31. Teach Us Consent supports the development of a culture that promotes bystander intervention, the education around sexual assault and how it intersects with drug and alcohol education in the ADO, and that which creates awareness of the regime to access reporting and supporting mechanisms.
32. We support the awareness training program to include training around “the meaning of consent”, although we encourage this to include the practical ways in which consent should be applied, and going beyond the theoretical components of consent.
33. Indeed, Research from La Trobe in 2024 shows a tension between how young heterosexual Australians understand consent, and how they practice it. The research demonstrates that the theoretical knowledge young people have around sexual communication and consent is not necessarily applied in their lived experiences.
34. The consent education delivered to members of the ADO should be trauma-informed and founded in evidence. It should be directly relevant and tailored to the environment and structure of the ADO.
35. We encourage the ADO to collaborate with victim-survivors and offer intersectional consent education, including for First Nations Australians, culturally and linguistically diverse Australians, and members of the LGBTQA+ community.
36. Mandatory face-to-face training is important, as the legislation states. We support the training being mandatory for immediate ADO employees, as well as contractors and consultants. This is aligned with recommendation 16 of the Royal Commission, to evaluate training on managing sexual misconduct and make it mandatory for all leaders.
37. Career interval training, including before a member’s first period of short leave, is encouraged.

##### 110ZMQ – Reporting System Function

36. The Royal Commission showed that “most managers and commanders have not undertaken dedicated training to respond to reports of sexual misconduct”, putting victim-survivors at great risk of not being supported to make a report if they have suffered sexual violence.
37. Indeed, the Royal Commission also included a statement from Professor MacKenzie that “80% of people who experience sexual misconduct in the military don’t report it”.
38. To present both a restricted and unrestricted reporting option acknowledges the distressing position victim-survivors are frequently in following an assault. It allows victim-survivors to exercise a degree of choice, after an experience which temporarily takes away their autonomy.

### 110ZMR - Response and Support Function

39. Introducing a 24/7 response and support capability at all locations with a defence presence is essential and should have a trauma-informed approach.

### 110ZMU - Education, training and certification program function

40. Teach Us Consent supports the Commissioner to develop and effective education, training and certification program for all personnel who deliver elements of the prevention, intervention and response regime.
41. Our organisation supports this education for all members of the ADO who are responsible for managing or overseeing other employees.

### Conclusion

42. Teach Us Consent implores the spirit and key components of the Defence Amendment (Sexual Assault Prevention, Intervention and Response Commission) Bill 2025.
43. The legislation presents a genuine effort to change the culture of sexual violence within the ADO.
44. However, in the interests of victim-survivors within the ADO, this legislation must be enforced, or the Commission and its functions will not deliver justice for the very people it is established to protect.
45. Donna Manton, a veteran and survivor of two sexual assaults said: "It starts and ends with culture. You can put all of the policies and the processes in all the world in place, but if people don't believe in them, or people don't believe victims ... then things don't happen".

