



**Australian Government**

**Independent Parliamentary  
Expenses Authority**

Assurance Review 2025/006

Senator the Hon David Fawcett

Senator for South Australia

Family reunion travel

1 July 2021 to 30 June 2023

# Contents

|                                     |          |
|-------------------------------------|----------|
| <b>Executive summary</b>            | <b>3</b> |
| Scope and Purpose                   | 3        |
| Engagement with parliamentarian     | 3        |
| Assurance Review Findings           | 3        |
| <b>Audit and Assurance function</b> | <b>3</b> |
| IPEA's statutory audit function     | 3        |
| <b>Legislative framework</b>        | <b>4</b> |
| <b>Assurance Review methodology</b> | <b>5</b> |
| Background                          | 5        |
| Scope of Assurance Review           | 5        |
| Method                              | 5        |
| <b>Assessment of work resources</b> | <b>6</b> |
| Summary of findings                 | 6        |

## Executive summary

1. The Independent Parliamentary Expenses Authority (IPEA) conducted an Assurance Review of Senator the Hon David Fawcett's use of parliamentarians' travel and work resources for family reunion purposes (family reunion travel resources) between 1 July 2021 and 30 June 2023 (period in scope). The Assurance Review forms part of IPEA's 3 Year Assurance Plan.

### Scope and Purpose

2. The scope of this Assurance Review is family reunion travel by Senator Fawcett and his spouse between 1 July 2021 and 30 June 2023.
3. The purpose of the Assurance Review was to determine whether the family reunion travel resources were used in accordance with the legislative framework.

### Engagement with parliamentarian

4. IPEA engaged with Senator Fawcett on one occasion to understand the nature of his, and his family member's travel. The details of this interaction are described in the Assessment section below and can also be followed at Attachments 1 and 2.

### Assurance Review Findings

5. Having regard to the information made available from Senator Fawcett's office, IPEA found that the use of family reunion travel resources was consistent with the legislative framework.

## Audit and Assurance function

### IPEA's statutory audit function

6. IPEA audits parliamentarians' use of their parliamentary business work resources and the use of travel resources by their staff under section 12 of the *Independent Parliamentary Expenses Authority Act 2017* (IPEA Act). IPEA conducts Assurance Reviews to assess the use of resources against the legislative framework to determine if there has been a misuse.
7. Potential outcomes of an Assurance Review include:
  - a. no further action in circumstances where the review has concluded the use of parliamentary business resources was not inconsistent with the legislative framework, or
  - b. administrative remedial action, including penalty where the review has concluded there is evidence the use of parliamentary business resources was not consistent with the legislative framework, or
  - c. an IPEA initiated Ruling or Audit, where there is evidence of systemic or substantial misuse of parliamentary business resources, or
  - d. referral to the Australian Federal Police where compelling prima facie evidence of fraud or other criminal conduct is identified, or

- e. referral to the National Anti-Corruption Commission, where there is clear evidence of serious or systemic corrupt conduct.

## Legislative framework

8. IPEA applied the *Parliamentary Business Resources Act 2017* (PBR Act) and its associated instruments as the relevant legislation for this Assurance Review. The Parliamentary Business Resources framework is a principles-based framework (legislative framework) that requires parliamentarians to ensure expenditure is incurred for the 'dominant purpose' of conducting parliamentary business and in a manner that represents 'value for money'.
9. The legislation relevant to this Assurance Review is:
  - a. *Parliamentary Business Resources Act 2017* (the PBR Act)
  - b. Parliamentary Business Resources Regulations 2017 (the PBR Regulations)
  - c. Parliamentary Business Resources (Parliamentary Business) Determination 2017 (the Determination)
  - d. Parliamentary Business Resources (Commonwealth Transport) Determination 2017.
10. Obligations: The principles-based legislative framework imposes a number of obligations upon parliamentarians in relation to their use of work resources. In summary, parliamentarians are personally responsible and accountable for their use of work resources. They must be prepared to publicly justify their use of work resources for conducting their parliamentary business, and must act ethically and in good faith in using, and accounting for the use of, those resources.
11. Parliamentarians are not able to claim work resources unless their travel:
  - is for the dominant purpose of conducting their parliamentary business;
  - represents value for money; and
  - meets the relevant conditions connected to the travel claim or expense.
12. Section 6 of the PBR Act provides the following meaning of ***parliamentary business***:
  - (1) The parliamentary business of a member means any of the following:
    - (a) the ***parliamentary duties*** of a member, being activities of the member that:
      - i. relate directly to the member's role as a member; and
      - ii. are determined for the purposes of paragraph (4)(a);
    - (b) the ***electorate duties*** of the member, being activities of the member that:
      - i. support or serve the member's constituents; and
      - ii. are determined for the purposes of paragraph (4)(b);
    - (c) the ***party political duties*** of the member, being activities determined for the purposes of paragraph (4)(c);
    - (d) for a member who is an office holder or a Minister of State – the ***official duties*** of the member being activities that:
      - i. relate to the member's role as an office holder or Minister of State; and
      - ii. are determined for the purposes of paragraph (4)(d).



13. Subsection 6(4) of the PBR Act provides that the Minister must determine activities of a member that are **parliamentary duties** of the member, or **electorate duties** of the member, or **party political duties** of the member, or **official duties** of the member. The Determination determines the activities which fall within the four duty streams set out in section 6 of the PBR Act.
14. Section 6 of the PBR Regulations provides the meaning of **family reunion purposes** as:  
A family member of a member travels for **family reunion purposes** if:
  - (a) the member is travelling within Australia for the dominant purpose of conducting the member's parliamentary business; and
  - (b) the family member travels to accompany or join the member; and
  - (c) the travel by the family member is for the dominant purpose of facilitating the family life of the member's family.
15. Section 4 of the PBR Regulations provides the following meaning of **family member**:
  - (a) the member's spouse or nominee;
  - (b) a dependent child of the member;
  - (c) a designated person in relation to the member.

## Assurance Review methodology

### Background

16. Under IPEA's Assurance program, IPEA conducts ongoing, systematic analysis of the parliamentary business resources accessed by parliamentarians and their staff via a combination of regular transaction sampling and review of publicly available information.
17. In 2024, IPEA commenced a Preliminary Assessment into family reunion travel by Senator Fawcett and his family members during the period in scope.
18. After excluding family travel to and from Canberra, the Preliminary Assessment found that parliamentary business resources were used by Senator Fawcett during the period in scope.
19. On 4 February 2025, IPEA commenced an Assurance Review of Senator Fawcett's family reunion travel.

### Scope of Assurance Review

20. The scope of this Assurance Review is family reunion travel by Senator Fawcett and his spouse between 1 July 2021 and 30 June 2023. Family travel to and from Canberra to reunite family with the parliamentarian is excluded.

### Method

21. IPEA considered the legislative framework and applied the following questions:
  - a. What was the dominant purpose of the travel?
  - b. What was the nature of the parliamentary business?
  - c. Did the travel by the family members meet the three-part test under section 6 of the PBR Regulations?

22. In assessing whether the dominant purpose of the travel was parliamentary business, IPEA considered:
- a. the parliamentarian's role; and
  - b. any supporting evidence relating to their travel.
23. IPEA conducted the Assurance Review by examining and assessing:
- a. information held by IPEA, including in the Parliamentary Expenses Management System
  - b. the legislative framework and supporting guidelines
  - c. information provided by the parliamentarian
  - d. the parliamentary sitting timetables from the APH website ([www.aph.gov.au](http://www.aph.gov.au)).

## Assessment of work resources

### Summary of findings

#### Analysis

24. Senator Fawcett and his spouse travelled from Adelaide to Sydney between 2 and 4 April 2023 using parliamentary work resources for flights, ground transport, parking and two nights of travel allowance in Sydney.
25. On 4 February 2025, IPEA wrote to Senator Fawcett detailing the requirements of the legislative framework and identifying the travel using parliamentary work resources for the period in scope (**Attachment 1**). Senator Fawcett was asked about the dominant purpose of his travel and the nature of his parliamentary business with reference to the Determination. Senator Fawcett was also asked to advise whether his family members' travel met the three-part test in Section 6 of the PBR Regulations. A response was requested by 28 February 2025.
26. A response was received on 5 February 2025. The response stated that Senator Fawcett travelled to Sydney between 2 and 4 April 2023, for the dominant purpose of conducting parliamentary business. Senator Fawcett's response shows that he travelled to Sydney to attend public hearings in his role as Deputy Chair of the Joint Standing Committee on Foreign Affairs, Defence and Trade and sub-committees.
27. Senator Fawcett's response notes that his wife travelled with him for the dominant purpose of facilitating their family life. In support of his response, Senator Fawcett's letter included a copy of diary entries, emails and Hansard relating to these committees for this period (**Attachment 2**).
28. IPEA accepts that the dominant purpose of the travel undertaken by Senator Fawcett was parliamentary business, specifically parliamentary duties, and that his spouse accompanied him for the dominant purpose of facilitating family life.

#### Conclusion

29. Having regard to the information made available from Senator Fawcett's office, IPEA found that the use of family reunion travel resources was consistent with the legislative framework.

**From:** [Assurance](#)  
**To:** [REDACTED]  
**Cc:** [Assurance](#)  
**Subject:** Assurance Review of travel and travel-related resources – Family Reunion Travel [SEC=OFFICIAL]  
**Date:** Tuesday, 4 February 2025 4:06:19 PM  
**Attachments:** [Correspondence Assurance Review family reunion travel Senator Fawcett.pdf](#)  
[Attachment A Parliamentary Business Resources Determination 2017.pdf](#)

---

**OFFICIAL**

**Senator the Hon David Fawcett**  
**Senator for South Australia**

Dear Senator Fawcett

Attached please find correspondence from the Independent Parliamentary Expenses Authority.

Sincerely

---

[REDACTED]

Branch Manager (A/g), Transparency, Assurance and Legal  
Independent Parliamentary Expenses Authority  
One Canberra Avenue, FORREST ACT 2603  
**E:** [assurance@ipea.gov.au](mailto:assurance@ipea.gov.au)  
**W:** [www.ipea.gov.au](http://www.ipea.gov.au) & [www.ipea.gov.au/ed](http://www.ipea.gov.au/ed)



**Australian Government**  
**Independent Parliamentary**  
**Expenses Authority**

4 February 2025

Senator the Hon David Fawcett  
Senator for South Australia  
Commonwealth Parliament Offices  
Suite 4, Level 13  
100 King William Street  
Adelaide, SA, 5000

Email: [REDACTED]

Dear Senator Fawcett

**Assurance Review of travel and travel-related resources – Family Reunion Travel**

The Independent Parliamentary Expenses Authority (IPEA) has responsibility under the *Independent Parliamentary Expenses Authority Act 2017* to undertake assurance reviews in relation to the work expenses of members of parliament.

Please note that IPEA publishes completed assurance reviews on the website at [www.ipea.gov.au/assurance-audit/published-assurance-reviews](http://www.ipea.gov.au/assurance-audit/published-assurance-reviews).

IPEA is undertaking an Assurance Review of travel and travel-related resources accessed in relation to your family reunion travel between 1 July 2021 to 30 June 2023.

**Legislative framework**

The use of travel expenses for family reunion must meet the three-part test below, set out in section 6 of the Parliamentary Business Resources Regulations 2017:

*A family member of a member travels for family reunion purposes if:*

- (a) the member is travelling within Australia for the dominant purpose of conducting the member's parliamentary business; and*
- (b) the family member travels to accompany or join the member; and*
- (c) the travel by the family member is for the dominant purpose of facilitating the family life of the member's family.*

Section 6 of the *Parliamentary Business Resources Act 2017* (the PBR Act) and the Parliamentary Business Resources (Parliamentary Business) Determination 2017 (the Determination – **Attachment A**) define the four streams of parliamentary business. These are parliamentary duties, electorate duties, party political duties and official duties.

The principles parliamentarians are to apply when utilising public resources are set out in part 3 - division 2 of the PBR Act.

**Action Required**

**Attachment B** details your Commonwealth-funded family reunion travel within the period that is relevant to this Assurance Review, and we have set out questions for your response. Where we have asked about the nature of your parliamentary business, please reference the definition of Parliamentary Business as outlined in the Determination and provide copies of documentation to support your response, such as diary notes, invitations or media reporting.

Please provide a written response via email to [assurance@ipea.gov.au](mailto:assurance@ipea.gov.au), by close of business on **28 February 2025**, or advise us prior to the date if you need more time.

Should you wish to discuss this matter, please contact [REDACTED] on [REDACTED]

Yours sincerely

[REDACTED]

---

[REDACTED]  
A/g Branch Manager, Transparency, Assurance & Legal  
Independent Parliamentary Expenses Authority  
One Canberra Avenue, FORREST



## **Parliamentary Business Resources (Parliamentary Business) Determination 2017**

---

I, Mathias Cormann, Minister for Finance, make the following determination.

Dated 14 December 2017

Mathias Cormann  
Minister for Finance

---

---

## Contents

|  |          |
|--|----------|
| 1 Name.....                              | 1        |
| 2 Commencement .....                     | 1        |
| 3 Authority.....                         | 1        |
| 4 Interpretation.....                    | 1        |
| 5 Parliamentary business of members..... | 2        |
| <b>Schedule 1—Parliamentary duties</b>   | <b>3</b> |
| <b>Schedule 2—Electorate duties</b>      | <b>4</b> |
| <b>Schedule 3—Party political duties</b> | <b>4</b> |
| <b>Schedule 4—Official duties</b>        | <b>5</b> |

---

## 1 Name

This instrument is the *Parliamentary Business Resources (Parliamentary Business) Determination 2017*.

## 2 Commencement

This instrument commences at the same time as the *Parliamentary Business Resources Act 2017*.

## 3 Authority

This instrument is made under section 6 of the *Parliamentary Business Resources Act 2017*.

## 4 Interpretation

(1) In this instrument:

*Act* means the *Parliamentary Business Resources Act 2017*.

Note: A number of expressions used in this instrument are defined in the definitions section of the Act, including the following:

- (a) *constituent*;
- (b) *member*;
- (c) *office holder*, and
- (d) *vice regal function*.

(2) For the avoidance of doubt, an activity specified in a Schedule to this determination is specified whether it takes place within Australia or overseas.



---

## 5 Parliamentary business of members

- (1) For the purposes of paragraph 6(4)(a) of the Act, the *parliamentary duties* of a member are the activities specified in Schedule 1 for that member.
- (2) For the purposes of paragraph 6(4)(b) of the Act, the *electorate duties* of a member are the activities specified in Schedule 2 for that member.
- (3) For the purposes of paragraph 6(4)(c) of the Act, the *party political duties* of a member are the activities specified in Schedule 3 for that member.
- (4) For the purposes of paragraph 6(4)(d) of the Act, the *official duties* of a member are the activities specified in Schedule 4 for that member.

---

## Schedule 1—Parliamentary duties

(Act s 6(4)(a))

| Column 1  | Column 2   |
|---|--|
| Member (or class)   | Parliamentary duties   |
| All members who are a senator or member of the House of Representatives | <p>In the member's capacity as a member of the Parliament:</p> <ul style="list-style-type: none"><li>a) Preparing for, participating in and attending to business arising from proceedings of the Parliament, whether by committee of the whole or otherwise;</li><li>b) Developing, reviewing or amending legislation or proposed legislation, and activities engaged in for that purpose;</li><li>c) Undertaking research, communication (including with stakeholders) or administration connected with the business of the Parliament, the member's policy portfolio, or their role as a member;</li><li>d) Preparing for, participating in, or attending to matters arising from an official government, parliamentary or vice regal meeting, event or function;</li><li>e) Preparing for, participating in and attending to matters arising from a meeting (including with stakeholders), event or function for the purposes of their role as a member, including in relation to the member's policy portfolio;</li><li>f) Preparing for, participating in, or attending to business arising from a non-Parliamentary committee, taskforce or other formal group in which the member participates;</li><li>g) Representing the Parliament, in accordance with an approval of the Parliament or a House of the Parliament, and engaging in associated activities for that purpose;</li><li>h) Representing a Minister or office holder in their official capacity, at the request of that Minister or office holder, at a meeting, event or function;</li><li>i) Representing the Government or Australia, with the approval of the Prime Minister.</li></ul> <p><i>Note: For Ministers representing the Government or Australia in their capacity as a Minister, this would be part of the member's official duties (see Schedule 4).</i></p> |

---

---

## Schedule 2—Electorate duties

(Act s 6(4)(b))

| Column 1  | Column 2  |
|---|---|
| Member (or class)   | Electorate duties   |
| All members who are a senator or member of the House of Representatives | In the member's capacity as their constituent's elected representative: <ul style="list-style-type: none"><li>a) Facilitating and participating in debate, discussion, a meeting, event or function, or undertaking research or administrative functions relating to matters of importance or interest to constituents (including matters that do not relate exclusively to constituents, such as matters of national importance);</li><li>b) Otherwise communicating with constituents;</li><li>c) Representing the views and interests of constituents.</li></ul> |

## Schedule 3—Party political duties

(Act s 6(4)(c))

| Column 1  | Column 2  |
|---|---|
| Member (or class)   | Party political duties  |
| All members who are a senator or member of the House of Representatives | In respect of the political party to which the member belongs, participating in any of the following in their capacity as an elected Senator or member of the House of Representatives: <ul style="list-style-type: none"><li>a) a formal meeting of the political party (including a meeting of the party executive, a committee or a subcommittee);</li><li>b) a national, state or territory conference.</li></ul> |

---

## Schedule 4—Official duties

(Act s 6(4)(d))

| Column 1                                  | Column 2   |
|---|--|
| Member (or class)                         | Official duties  |
| All office holders and Ministers of State | <p>In the member's official capacity (being their capacity as a Minister or office holder, as the case may be):</p> <ul style="list-style-type: none"><li>a) Exercising the powers or functions, or performing the duties, of the member's office, or activities engaged in for the purposes of doing so;</li><li>b) Attending an event to which the member has been invited in their official capacity;</li><li>c) Other activities directly related to, and engaged in for the purposes of, performing the member's official role.</li></ul> |

---

## Attachment B

Assurance Review of travel and travel-related resources – Family Reunion Travel

| Work Resource                            | Traveller             | Departure Location | Departure Date | Departure Time | Arrival Location           | Arrival Date | Arrival Time | Total Amount |
|--|-----------------------|--------------------|----------------|----------------|----------------------------|--------------|--------------|--------------|
| Travel Expenses – Parking (2 nights)     | Senator David Fawcett | Adelaide           |                |                | Adelaide airport           |              |              | \$132.00     |
| Travel Fares -Qantas Airways - Self      | Senator David Fawcett | Adelaide           | 2 April 2023   | 1:25pm         | Sydney                     | 2 April 2023 | 3:45pm       | \$874.13     |
| Travel Fares -Qantas Airways - Spouse    | [REDACTED] Fawcett    | Adelaide           | 2 April 2023   | 1:25pm         | Sydney                     | 2 April 2023 | 3:45pm       | \$1125.43    |
| COMCAR                                   | Senator David Fawcett | Adelaide           | 2 April 2023   | 3:45pm         | Hornsby                    |              | 5:25pm       | \$220.08     |
| Travel Allowance – Commercial (2 nights) | Senator David Fawcett | Adelaide           |                |                | [REDACTED] Darling Harbour | 2 April 2023 |              | \$876.00     |
| COMCAR                                   | Senator David Fawcett | Adelaide           | 3 April 2023   | 7:09am         | Newport                    |              | 8:11am       | \$126.48     |
| COMCAR                                   | Senator David Fawcett | Adelaide           | 3 April 2023   | 3:30pm         | Sydney                     |              | 4:41pm       | \$142.80     |
| COMCAR                                   | Senator David Fawcett | Adelaide           | 4 April 2023   | 8:40am         | Sydney                     |              | 8:55am       | \$61.20      |
| COMCAR                                   | Senator David Fawcett | Adelaide           | 4 April 2023   | 12:00pm        | Sydney                     |              | 12:15pm      | \$61.20      |
| COMCAR                                   | Senator David Fawcett | Adelaide           | 4 April 2023   | 1:19pm         | Mascot                     |              | 1:46pm       | \$61.20      |
| Travel Fares -Qantas Airways - Self      | Senator David Fawcett | Adelaide           | 4 April 2023   | 3:40pm         | Adelaide                   | 4 April 2023 | 5:15pm       | \$874.13     |
| Travel Fares -Qantas Airways - Spouse    | [REDACTED] Fawcett    | Adelaide           | 4 April 2023   | 3:40pm         | Adelaide                   | 4 April 2023 | 5:15pm       | \$1125.43    |

**Attachment B**

Assurance Review of travel and travel-related resources – Family Reunion Travel

1. What was the dominant purpose of your travel to Sydney between 2-4 April 2023?
2. With reference to the Determination at **Attachment A**, what was the nature of your parliamentary business in Sydney between 2-4 April 2023?
3. Please advise whether your family members' travel expenses meet the three-part test in section 6 of the Parliamentary Business Resources Regulations 2017:
  - a. You were travelling for the dominant purpose of conducting your parliamentary business; and
  - b. Your family members were travelling to accompany or join you; and
  - c. Your family members' travel was for the dominant purpose of facilitating family life.

**From:** [REDACTED] (Sen D. Fawcett)  
**To:** Assurance  
**Subject:** HPE CM: RE: Assurance Review of travel and travel-related resources – Family Reunion Travel [SEC=OFFICIAL]  
**Date:** Wednesday, 5 February 2025 1:35:01 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[25020512170.pdf](#)  
[25020512180.pdf](#)  
[25020512200.pdf](#)  
[25020512201.pdf](#)  
[25020512220.pdf](#)  
[25020512221.pdf](#)

---

Good afternoon

Please find attached response from Senator the Hon David Fawcett relating to an Assurance Review of his Travel and Travel-related Resources – Family Reunion Travel.

Please let me know if you need any further information.

Kind regards

[REDACTED]

[REDACTED] | Diary Manager

## SENATOR THE HON DAVID FAWCETT

### Senator for South Australia

Commonwealth Parliament Offices | 100 King William Street, Adelaide SA 5000 | P: (08) 8205 1040  
Suite S1 99 | Parliament House, Canberra ACT 2600 | P: (02) 6277 3418

[www.senatorfawcett.com.au](http://www.senatorfawcett.com.au)



---

**From:** Assurance <Assurance@ipea.gov.au>  
**Sent:** Tuesday, 4 February 2025 4:06 PM  
**To:** Fawcett, David (Senator) [REDACTED]  
**Cc:** Assurance <Assurance@ipea.gov.au>  
**Subject:** Assurance Review of travel and travel-related resources – Family Reunion Travel [SEC=OFFICIAL]

**OFFICIAL**

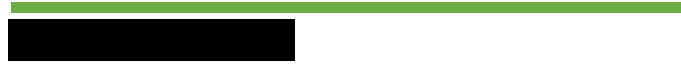
**Senator the Hon David Fawcett**

**Senator for South Australia**

Dear Senator Fawcett

Attached please find correspondence from the Independent Parliamentary Expenses Authority.

Sincerely



Branch Manager (A/g), Transparency, Assurance and Legal  
Independent Parliamentary Expenses Authority  
One Canberra Avenue, FORREST ACT 2603

E: [assurance@ipea.gov.au](mailto:assurance@ipea.gov.au)

W: [www.ipea.gov.au](http://www.ipea.gov.au) & [www.ipea.gov.au/ed](http://www.ipea.gov.au/ed)

**Be careful with this message**

External email. Do not click links or open attachments unless you recognise the sender and know the content is safe.





PARLIAMENT OF AUSTRALIA

**Senator the Hon David Fawcett**

Liberal Senator for South Australia

5<sup>th</sup> February 2025

[REDACTED]  
Avg Branch Manager  
Transparency, Assurance & Legal  
Independent Parliamentary Expenses Authority  
One Canberra Avenue  
FORREST ACT 2603

Dear [REDACTED]

Thank you for your letter dated 4<sup>th</sup> February relating to an Assurance Review of my travel and Travel-related resources – Family Reunion Travel during the period 1 July 2021 to 30 June 2023.

The dominant purpose of my travel to Sydney between 2-4 April 2023 was Parliamentary Business, specifically attending Committee public hearings as under:

**1. Sunday 2<sup>nd</sup> April 2023 – 1.25pm to 3.45pm**

Given the 8.30am Committee hearing start on 3<sup>rd</sup> April, my wife and I travelled to Sydney [REDACTED] on the afternoon of 2<sup>nd</sup> April and stayed for 2 nights at the [REDACTED]

**2. Monday 3<sup>rd</sup> April 2023 - 8.30am to 3.30pm**

- The Royal Prince Alfred Yacht Club in Newport
- Senate Foreign Affairs, Defence and Trade References Committee
- Public Hearing on Adaptive sport programs for Australian Defence Force Veterans

**3. Tuesday 4<sup>th</sup> April 2023 – 9.00am to 12 noon**

- Sydney Masonic Centre, Goulburn Street, Sydney
- Foreign Affairs and Aid Sub Committee of the Joint Standing Committee on Foreign Affairs, Defence & Trade
- Public Hearing on Inquiry into supporting democracy in our region

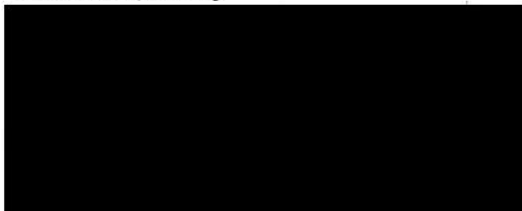
My wife travelled to accompany me during my three day stay in Sydney for the dominant purpose of facilitating family life.

Given the information provided above, my family member's travel expenses meet the three-part test in section 6 of the Parliamentary Business Resources Regulations 2017.

I have attached copies of relevant diary entries and Committee Hansards confirming my attendance as above for your information.

If you require any further information, please do not hesitate to contact me.

Yours sincerely



**SENATOR THE HON DAVID FAWCETT**

**Deputy Chair of the Joint Standing Committee on Foreign Affairs Defence & Trade**  
**Senator for South Australia**

2 April 2023

Sunday

| April 2023 |    |    |    |    |    |     | May 2023 |    |    |    |    |    |    |
|------------|----|----|----|----|----|-----|----------|----|----|----|----|----|----|
| Mo         | Tu | We | Th | Fr | Sa | Su  | Mo       | Tu | We | Th | Fr | Sa | Su |
|            |    |    |    |    |    | 1 2 | 1        | 2  | 3  | 4  | 5  | 6  | 7  |
| 3          | 4  | 5  | 6  | 7  | 8  | 9   | 8        | 9  | 10 | 11 | 12 | 13 | 14 |
| 10         | 11 | 12 | 13 | 14 | 15 | 16  | 15       | 16 | 17 | 18 | 19 | 20 | 21 |
| 17         | 18 | 19 | 20 | 21 | 22 | 23  | 22       | 23 | 24 | 25 | 26 | 27 | 28 |
| 24         | 25 | 26 | 27 | 28 | 29 | 30  | 29       | 30 | 31 |    |    |    |    |

| SUNDAY   |   | Notes |
|--|---|-------|
| 2  |   |       |
| 7 <sup>AM</sup>                                      |   |       |
| 8  |   |       |
| 9  |   |       |
| 10   |   |       |
| 11   |   |       |
| 12 <sup>PM</sup>                                     |   |       |
| 1  | 1.25pm [redacted] Adelaide to Sydney - [redacted] also travelling |       |
| 2  |   |       |
| 3  |   |       |
| 4  | 3.45pm Comcar Sydney Airport to Hornsby - bking No. [redacted]    |       |
| 5  |   |       |
| 6  |   |       |
| 9:00pm - 9:30pm Accommodation at [redacted] 2 nights |   |       |
|  |   |       |
|  |   |       |

# 3 April 2023

Monday

April 2023

| Mo | Tu | We | Th | Fr | Sa | Su |
|----|----|----|----|----|----|----|
|    |    |    |    |    | 1  | 2  |
| 3  | 4  | 5  | 6  | 7  | 8  | 9  |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |

May 2023

| Mo | Tu | We | Th | Fr | Sa | Su |
|----|----|----|----|----|----|----|
| 1  | 2  | 3  | 4  | 5  | 6  | 7  |
| 8  | 9  | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 |    |    |    |    |

| MONDAY           |  | Notes |
|------------------|--|-------|
|                  | 3  |       |
| 7 <sup>AM</sup>  | 7.15am Comcar [REDACTED] to Royal Prince Alfred Yacht Club (RPAYC) in Newport - bking no. [REDACTED]     |       |
| 8                |  |       |
| 9                | 8.30am Senate FADT hearing on Adaptive sports<br>Royal Prince Alfred Yacht Club (RPAYC) in Newport, NSW. |       |
| 10               |  |       |
| 11               |  |       |
| 12 <sup>PM</sup> |  |       |
| 1                |  |       |
| 2                |  |       |
| 3                |  |       |
| 4                | 3.30pm Comcar Royal Prince Alfred Yacht club to [REDACTED]<br>[REDACTED] bking No. [REDACTED]            |       |
| 5                |  |       |
| 6                |  |       |
|                  | 9:00pm - 9:30pm Accommodation at [REDACTED] - 2 nights   |       |
|                  |  |       |
|                  |  |       |



[REDACTED] (Sen D. Fawcett)

---

**Subject:** 8.30am Senate FADT hearing on Adaptive sports  
**Location:** Royal Prince Alfred Yacht Club (RPAYC) in Newport, NSW.  
**Start:** Mon 3/04/2023 8:30 AM  
**End:** Mon 3/04/2023 3:30 PM  
**Recurrence:** (none)  
**Organizer:** Fawcett, David (Senator)

Good morning,

Please find attached further information provided by [REDACTED] ahead of their appearance today at the public hearing in Newport, NSW.

[REDACTED] supplementary information

This weekend, [REDACTED] were made aware that [REDACTED] are finally [REDACTED] their [REDACTED] complaint, over 10 months since it was initially brought up.

[REDACTED]  
[REDACTED] have provided the attached [REDACTED] correspondence [REDACTED]. The correspondence includes [REDACTED] regarding [REDACTED] and [REDACTED] follow up letters. Whilst these letters read relatively straight forward, [REDACTED] sent this news by letter with no follow up. [REDACTED] would like to draw to the committee's attention the potential for danger in relation to Mental Health.

Veterans Wellbeing Grant

Please find attached an email chain from [REDACTED] disputing evidence given by [REDACTED] at [REDACTED] on [REDACTED]

Kind regards,

[REDACTED] Research Officer

Good afternoon,

[REDACTED] have provided further information ahead of the FADT References committee's public hearing into adaptive sport for ADF veterans. The hearing is scheduled to take place on Monday, 3 April 2023 at the Royal Prince Alfred Yacht Club (RPAYC) in Newport, NSW.

[REDACTED] have offered to take committee members out on the water to give a demonstration of the work they do. The run sheet for the morning is as follows:

- 8.30 – rig boats
- 9.00 – activity briefing
- 9.20 – group photo and dock off
- 11.00 – Senators return to dock via boat transfer
- 11.45 – all other boats return to dock

- 12.30 – hearing begins

The RPAYC has facilities for Senators to shower and have lunch before the hearing begins.

It is recommended that Senators find accommodation close to the venue. If not, please allow plenty of time to travel to the venue. Traffic can become congested during peak hours and will need to be accounted for.

#### What to Bring?

- Wear white soled shoes, a hat, sunglasses, long sleeve shirt, and some form of sailing/gardening type gloves.
- Bring a jacket/jumper, sun screen, change of clothes & a reusable water bottle.
- It is not recommended to bring items on the boat that can't get wet or may fall over the side. This includes phones and keys.

Further event information can be found here: <https://www.saltwaterveterans.org/sailing-project#NmyXcL>

Kind regards,



Research Officer

Senate Standing Committee on Foreign Affairs, Defence & Trade  
Department of the Senate

T: [REDACTED] F: [REDACTED] I E: [REDACTED]

[www.aph.gov.au/senate](http://www.aph.gov.au/senate)





THE SENATE

**FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**

**Adaptive sport programs for Australian Defence Force veterans**

**PUBLIC HEARING**

**Monday 3 April 2023**

**Admiral's Cup Room**

**Royal Prince Alfred Yacht Club, 16 Mitala Street, Newport**

*All times AEST*

| <b>Time</b> | <b>Witness</b>   |
|-------------|--|
| 1.15 pm     | <b>Saltwater Veterans Sailing Project</b> ( <i>Submission 12</i> ) |
| 2.00 pm     | <b>Invictus Australia</b> ( <i>Submission 2</i> )                  |
| 2.45 pm     | <b>Horse Aid</b> ( <i>Submission 3</i> )                           |
| 3.30 pm     | <i>Adjournment</i>   |

Committee Chair: Senator Claire Chandler

Committee Secretary: [REDACTED]

PO Box 6100, Parliament House Canberra ACT 2600 Tel: +61 2 6277 3535

Email: [fadt.sen@aph.gov.au](mailto:fadt.sen@aph.gov.au) Internet:

[www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Foreign\\_Affairs\\_Defence\\_and\\_Trade](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Affairs_Defence_and_Trade)



COMMONWEALTH OF AUSTRALIA

# Proof Committee Hansard

## SENATE

FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES  
COMMITTEE

**Adaptive sport programs for Australian Defence Force veterans**

(Public)

MONDAY, 3 APRIL 2023

SYDNEY

**CONDITIONS OF DISTRIBUTION**

This is an uncorrected proof of evidence taken before the committee.  
It is made available under the condition that it is recognised as such.

BY AUTHORITY OF THE SENATE

**[PROOF COPY]**



## **FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**

**Monday, 3 April 2023**

**Members in attendance:** Senators Cadell, Chandler, Ciccone and Fawcett

### **Terms of Reference for the Inquiry:**

The role of adaptive sport programs for Australian Defence Force veterans in addressing issues identified by the ongoing Royal Commission into Defence and Veteran Suicide, with particular reference to:

- (a) current evidence on the benefits adaptive sport can provide to those with physical and/or mental health impairments, particularly those who have also served or trained in national defence;
- (b) the role of sport in supporting individuals' transition from the Australian Defence Force into civilian life, especially how sport may assist veterans who meet criteria identifying them as being most at risk of suicide;
- (c) the Australian Defence Force's use of adaptive sport;
- (d) whether there are any gaps in services and demand for adaptive sport by the veteran community, and, if so, how these gaps can be addressed;
- (e) the equitability of current funding for adaptive sport, and how the accessibility of adaptive sport can be improved for veterans who are not a part of Invictus programs;
- (f) the potential for a centralised authority to play a role in coordination or resourcing to provide access and where appropriate, enable consistency, in the use of adaptive sport to support rehabilitation, transition or reintegration for serving members and veterans around the nation and across support services and organisations;
- (g) whether eligibility for the Australian Sports Medal, or similar recognition, should be extended to teams that participated in the Invictus Games prior to 2018 and other veterans' teams representing Australia in international events; and
- (h) any other related matters.

**WITNESSES**

BROWN, Mr James, Chairman, Invictus Australia.....9

HARTUNG, Mr Michael, Chief Executive Officer, Invictus Australia .....9

REYNOLDS, Mr Scott, Co-founder, Saltwater Veterans Sailing Project.....1

REYNOLDS, Ms Jennifer (Jen), Co-founder, Saltwater Veterans Sailing Project.....1



**REYNOLDS, Mr Scott, Co-founder, Saltwater Veterans Sailing Project**

**REYNOLDS, Ms Jennifer (Jen), Co-founder, Saltwater Veterans Sailing Project**

**Committee met at 13:21**

**CHAIR (Senator Chandler):** I declare open this public hearing of the Senate Foreign Affairs, Defence and Trade References Committee. This hearing is part of the committee's inquiry into adaptive sports programs for Australian Defence Force veterans. This is a public hearing, and a *Hansard* transcript of the proceedings is being made. An audio broadcast is streaming live via the web, which can be found at [www.aph.gov.au](http://www.aph.gov.au). Information on procedural rules governing public hearings and claims of public interest immunity has been provided to witnesses. Witnesses who are seeking to table documents during the committee's hearing are asked to please liaise with the secretariat so that they can circulate copies to senators.

I welcome Mr Scott Reynolds and Ms Jennifer Reynolds of Saltwater Veterans. Thank you so much for making the time to appear today. For the *Hansard* record, thank you very much for taking a few of us out on the water up here today. It was a fantastic morning, and it's been a really great day, being able to meet you and talk to you about all of the important work that you're doing up here. Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you. Do you have any comments to make on the capacity in which you appear?

**Ms Reynolds:** I am also the RSL New South Wales sport and recreation state coordinator.

**CHAIR:** Would you like to make a brief opening statement before we proceed to questions?

**Mr Reynolds:** Yes, please. I'm a father and a husband. I'm a sailing coach and co-founder of the Saltwater Veterans and, most recently, the Saltwater Veterans Sailing Project. I'm also a veteran that has experienced the darkest depths of depression and, in light of the royal commission, I'm also a survivor, not a statistic. My life experience includes 18 years of military service in the Navy. I'm an Iraq 2003 veteran, and I have twice competed at the Invictus Games. Prior to 2016, for all intents and purposes, I had no sailing knowledge. In no small part, because of the generosity of local clubs—such as our host today, the Royal Prince Alfred Yacht Club—and the mentorship and friendship of many club members, such as Tom Spithill, my sailing journey has progressed from a raw-boned participant to an Australian sailing instructor and coach.

In the Navy, my fitness was a significant part of my employment. At medical discharge I had and still have both physical and mental health injuries. I lost my identity, my sense of purpose and my career. Family are my biggest supporters. With massive support from my family and my sailing community, inclusive sports have reduced the social isolation and inactivity I was experiencing during my ADF transition and have contributed to my meaningful engagement and rehabilitation. Our sailing project is paying for the support and opportunities I have been afforded.

We are an overlapping veterans' sailing community. We are not chapter bound. In this speech, I will now refer to 'we' as representing this overlapping community. We empower veterans and their families with the resources and opportunities for sustained engagement within the sailing community. Through symbiotic relationships with yacht clubs, we support, on average, four activities per month across six locations: Sydney, Adelaide, Newcastle, Mooloolaba, Nowra and Perth. The Saltwater Veterans community are most active on the ground with volunteers at four of these locations.

We have supported other larger ESOs to establish sailing, with their assurance of future collaboration and support. We have hosted 22 DVA Veterans' Health Week activities since 2021, with high participant engagement. Our community are engaging in the wider sailing community, volunteering with non-veterans sailing, such as Sailability, and at yacht clubs along with competing in local and international regattas.

Current serving ADF are frequent participants with us. Our community coordinated 105 soldiers afloat in one day. We regularly host the soldier recovery centre along with other personnel from local bases. We have supported ADF regattas both in organisation and participation. Off the water, we regularly check in with each other, particularly in relation to mental health. We visit each other during hospital stays and advocate to DVA and the ADF for veterans' wellbeing.

Funding-wise, we have no long-term funding. We panhandle month to month, and this is our greatest challenge. It eats up valuable time. Jen and I have personally funded programs through both my pension and selling hats and T-shirts. We have had small contributions made in the funding area, all of which are helpful but none of which are enduring. Young veterans have been the most consistent supporters, contributing to the logistic costs of outreach in Adelaide, Newcastle and Mooloolaba. Forestville sub-branch have been a significant conduit and catalyst for generating RSL interest.

Grants and funding are not accessible or equitable. All veterans' sports needs equitable funding. What does equitable look like? It will be different from international competition to local community grassroots activities. However, the current state of funding is sitting far left of centre. There are large funding gaps that exist between large ESOs and small grassroots organisations. There are also gaps that exist in output and impact. Local organisations have the possibility to create a large-scale impact with consistency and cadence of offerings where it matters most: in the backyard, where the majority of veterans live and socialise. The current structure funnels resources to large organisations that struggle to scale without large staffing overheads. They are, therefore, struggling to create local impact. Both are needed. Both need funding. Right now, one is lacking.

We were declined our DVA stream A and stream B wellbeing grants because the definition in the grant guidelines had us as not ESO enough. If not, why not? Are the DVA guidelines a guidance or firm policy? Where are they open to interpretation to allow for bias and discrimination based on size? They exclude support for grassroots and community groups that are having direct and meaningful impact, right now, to the veteran community.

We are not experiencing the downflow effect of large grants, as suggested by DVA's Ms Pope on Friday. This concept is not working. The opposite is happening, and we are experiencing large ESOs seeking to unfairly brand our activities and community with their logos off the back of their DVA grants. Without financially or logistically contributing, they are furthering their own mission and their access to grants, funding and sponsorship through the perception of their support. We do not support a central authority model because of this lived experience. On Friday it was stated that approximately 5,000 ESOs now exist. By DVA's grant guidelines, the provision of advocacy is the defining component of an ESO. By this standard, there would be very few ESOs that fit this bill.

There needs to be a common definition to level, set and create consistency amongst organisations and expectations. Irrespective of DVA's definition, I suggest the number of ESOs is a reflection of veterans feeling the need to bridge the gaps between the desire to create community without bureaucracy that hinders us moving forward and feeling like we are a commodity that can be owned or exploited. We want more than four walls and a bar. Contemporary veterans want activities. We want healthy, proactive solutions. Grassroots groups such as Veterans Instameet, Young Veterans, Veterans Surf Project, to name only three, as well as local sports clubs are having a profound impact right now. Hit-it-and-quit-it-type events are better served or suited to tourism. Change and support and positive impact happen over time and through consistency of connection. Rehabilitation happens at a local level. To close, we appreciate the inquiry's desire for continuous improvement, and we hope that this CIP effects change to better support grassroots community.

**CHAIR:** Thank you very much, Mr Reynolds, for that opening statement. Ms Reynolds, anything from you at this point?

**Ms Reynolds:** Nothing from me, thank you.

**CHAIR:** I have a couple of questions to kick off. We are meeting in Sydney, and the program that you run here is both very well supported in your local area and, because of the sheer population size, is able to benefit a lot of veterans. How can we take a program such as yours—it doesn't have to be specifically about sailing but a program in the adaptive sport program—and translate that to something in a more regional area?

**Mr Reynolds:** Geographic isolation is a real problem. There is an example of a veteran that lives in Broken Hill. He sailed at the 2018 Invictus Games, but purely because of his location he is unable to participate in any veteran-type adaptive or inclusive sports. My suggestion for this would be that we foster a bush-to-city-type opportunity, but it would need to be very widespread so that Exmouth or Alice Springs et cetera is not excluded, just to name a few. But there's a really good example of group called Warrior Sailing in the United States that are similar to what we do in that they are culturing sustained engagement in the sailing community. They do it by having the flyaway teams to go to different locations. Instructors could fly to Port Macquarie or they could fly to Broken Hill and deliver a start for crewing and start for helming. It's not a sailing experience; we are actually giving them skills that they can then use to sail and to be involved. You could do that with nearly any sport—learn to bowl, learn to do archery.

**CHAIR:** Obviously, there are some members in the Saltwater Veterans that have been to Invictus and have also participated in your program, whether as a transition out of Invictus or side-by-side with their involvement, and there are people who are involved who haven't had any interaction with Invictus. How do you see that playing out in terms of the benefit that your program can bring to any sort of veteran who comes along and wants to get involved?

**Mr Reynolds:** Invictus Games is just one facet of veterans' inclusive or adaptive sports. It's not the be all and end all; it's an event that happens once every second year. Local club and group-type activities are happening



every single day of the week. You need to be involved in sport consistently if you're actually going to gain the benefits that are available, whether that's fitness, wellbeing, vocational benefits or volunteering.

**CHAIR:** In an ideal world, would you see a relationship existing between a program like Invictus and the work that you guys do to feed athletes into a program like Saltwater Veterans, either before, during or after Invictus, or are you content to stand alone and provide that support at a different but still incredibly meaningful level?

**Mr Reynolds:** For the 2023 selection camps, we actually referred three participants from Saltwater Veterans to the selection camps, so it is flowing upwards. I would suggest that other organisations do refer to us. Sometimes that's overt, and other times we're not aware that it's happening. As an example of how cross-pollination is happening between organisations as well, on 24 April we have a New South Wales RSL sports and recreation activity happening in Manly, where the Paddington-Woollahra RSL Sub-Branch is coming to sail with us.

**CHAIR:** It's incredibly important, I think, that there is that element of flexibility built into whatever the adaptive sports solution ends up looking like. We know that no veteran is the same and no veteran's experience is the same, and their experience when they're transitioning out of active service is never going to be identical. Certainly from the conversations that I've had with veterans up here today, I can see that quite clearly, and so there is an element of flexibility that is required in terms of whatever the service offering is. When you need flexibility in a service offering, inevitably you need some flexibility in the funding as well. Do you think the way these programs are currently funded enables that sort of flexibility?

**Mr Reynolds:** No.

**CHAIR:** Would you care to elaborate on that?

**Mr Reynolds:** I think that the current funding favours the large. When we applied for our DVA stream A and stream B grants under the wellbeing grants, we wouldn't have spent the amount of time that we did to write a grant if we didn't believe that we met the criteria. There are very few groups that actually meet the criteria that DVA put out there—that advocacy needs to be a fundamental output of an organisation to be denoted as an ESO. At the moment, it's the rich get richer, but at the local, grassroots level we're not receiving it and we're certainly not getting the downstream effect that Ms Pope talked about with regard to a big organisation getting it and then sharing it down to where it is. We're basically doing the hard work, and they're getting the credibility for it.

**CHAIR:** That's why I asked the regionalisation question as well. We know that, when money goes to big organisations at the top, it can't necessarily filter down to that grassroots level, and so we need to find a way to bridge that gap. I come from Tassie, where we have a very important but far smaller veteran community than you would here in New South Wales, and figuring out what services you might be able to provide to support the veteran community in Tasmania, for example, on this sort of scale—

**Mr Reynolds:** In a not-for-profit, there are no shareholders; you have a charitable purpose, so what is the benefit of holding onto your money or the grants? They need to be out working. It's not about squirrelling it away.

**Ms Reynolds:** To elaborate, you spoke to the diversification and the ESO landscape significance. Five thousand is a pretty large number, and so the funding streams must follow. I think that the funding streams and grant opportunities haven't diversified to meet the current landscape. I think that it's a bit out of date and could use a bit of a restructure.

**CHAIR:** Good point.

**Senator CICCONE:** Again, thank you for this morning, Scott, Jennifer and everyone else that's here today. Just to follow on from the chair's line of questioning, I want to understand the collaboration that you talked about between the ESOs and sport and how your project has been working with ESOs to engage with those in the veterans community. Are you able to elaborate a bit further?

**Mr Reynolds:** In the boats that we sailed in today, there were four of us. We've grown from being a Facebook group through to having an ABN to now having a registered not-for-profit. A lot of what has happened has been through word of mouth and social media, but it has been very beneficial to create a good, strong relationship with Young Veterans. They're a medium-sized not-for-profit largely based in Melbourne, but they have a chapter based following. On the Sunshine Coast, I believe they have about 2,500 people that identify as Young Veterans. Collaboration now not only has enabled us to reach participants in new locations but has also given us the basics of some funding to be able to reach out to those new locations. Every time we fly to Adelaide to run a sailing day, each flight is somewhere in the ballpark of \$600 to \$700. Every time we need to rent a boat, the boat costs vary depending on the location. But it also gives you access to participants.

More recently than that, we've received the benefit of support from Forestville RSL Sub-Branch. They've helped us through the processes of having a registered office—we don't actually have a facility as such, but it was a requirement for our registrations. They've helped by announcing who we are, what we do, our mission, our purpose et cetera to the RSL community quite vocally. So those collaborations are important. To do stuff in isolation is not to the benefit of the veteran community.

**Senator CICCONE:** Have you been in touch with the larger ESOs? What has been the feedback?

**Mr Reynolds:** Each ESO seems to want to have their own veteran-organisation-connecting teleconference each month. It got to the stage where I was doing perhaps two, three or four a month. There are only so many times you need to tell people what you've been doing, but Senator Fawcett is very well aware that I chaired the Invictus Australia Sailing forum for approximately six to eight months. Those types of forums did create connection to outlying groups and highlighted that there are more than just Saltwater Veterans; there's Resilience Sailing in Townsville, there's Bravo Zulu Sailing in Tasmania and Sailing On in Western Australia. They have creative connections, but each ESO seems to have their own direction that they want to go in as well.

**Senator CICCONE:** Have you had any other ESOs that are willing to provide you with funding?

**Mr Reynolds:** Not apart from Young Veterans and isolated packets from local sub-branches. It hasn't been for lack of trying. RSL Australia and RSL New South Wales are very well versed in my correspondence. I don't even have to look to know Sandy's probably shaking his head. He doesn't like the grants process.

**Senator CICCONE:** In your submission, you also describe and talk about a centralised authority for adaptive sports. In your own words, what would that look like in terms of how we might be able to better distribute that funding across organisations like yours?

**Ms Reynolds:** In my belief, because of what we see with the current funding challenges and gaps that exist, a third party that would be an unbiased representation to allocate funding and also start to connect ESOs in the space would be quite beneficial. I think that sometimes—this is just from a Saltwater Veterans perspective—when we start to collaborate with larger organisations, it really does depend on the funding structure for how they want that collaboration to occur and how much support and acknowledgement there would be of our contribution to that. In action, I think, when we're talking about a centralised authority where we pool resources under one umbrella, it would need to be somehow represented in a way that wasn't biased towards serving the organisation or entity itself, to be able to equitably distribute. When I say 'equitable', I know that return on investment and cost per head for sailing is quite different from, say, coordinating a walk. Equitableness isn't dollar for dollar. It's about acknowledgement of contribution and being able to equitably fund the diversity of activities that occur in this space.

**Senator CICCONE:** And, no doubt, particularly activities between Invictus Games, for instance—not just one event but multiple events.

**Ms Reynolds:** Yes.

**Senator CICCONE:** How do you see that collaboration working effectively, then? What areas of reform would you like to see government undertake?

**Ms Reynolds:** That's a good question.

**Senator CICCONE:** And do you see that authority being external to government or within a department, like DVA, for instance?

**Mr Reynolds:** With DVA, we've just gone through quite an epic battle with regard to service dogs, or assistance dogs, under the Psychiatric Assistance Dog Program that DVA administers. We've just gone through wellbeing grants as well. DVA's ability to pivot and to meet demand is constricted by government's 'left and right of arc' of what they're allowed to do—I don't know how to say it in a non-military sense. Dealing with veterans' health can be dynamic as well. It needs to be able to keep up to the pace and not have to wait for a federal budget to be announced to allow for funding or for changes in rules et cetera.

**Senator CICCONE:** I have one last question before I hand back to the chair. In your submission you state that geography is a very limiting factor for some who participate in various sports programs. Could you, for the benefit of the committee, explain the 'remote to' activities that are in your submission and how they might better support veterans where sailing is maybe not an option.

**Mr Reynolds:** Sure. The concept could be simple. Sarah Watson, a veteran who is very active in her community, asked how she could bring participants from Yass to participate in a sailing activity. To make that happen, it's just a logistic move. It's accommodation, it's transportation and it's meals. Then you run the event, and then reverse it to get them back. It's really not any more complex than that. To do what we did today, Royal

Prince Alfred have a fantastic venue, and they have equipment and people who are willing to volunteer. You have organisations, be they grassroots or big, that have the social connections to the veterans to be the conduit to make that happen. You bring it together, and an activity is formed. It's really not that complex.

**Senator FAWCETT:** Thank you, Scott and Jen, for the work you're doing. And can I say thank you to the club, as well, for the support you're giving Saltwater Veterans. It's a really important facet of this program working. You've had experience both at this community level of activity and at Invictus. Invictus is often seen by the public and is around medals and competition. From your perspective, should inclusive sports or adaptive sports, depending on how you want to term it, be about connection and rehabilitation, or should competition be the focus—that is, the goal?

**Mr Reynolds:** Both models have their advantages and their disadvantages. I believe that something such as Invictus Games needs to go back to its core of being a rehabilitation-type activity. You're a participant. You're not an athlete. You're not being selected because you're the fastest representative of Australia or whatever country you're coming from. You're there because you have a need for rehabilitation. There's an even spread of participants in the different categories. There's representation between ADF and former serving. That activity can certainly be a gateway or a catalyst for people who want to take sport further. If you look at people such as Curtis McGrath, who has gone on to represent very successfully at the Paralympics as a para-canoeist, it started with something like the Invictus Games. But there are not a lot of people who elevate to that level. Most of us are mere mortals who are seeking to use sport for social connection, reducing social isolation and some enjoyment.

**Ms Reynolds:** I think for me it's not an 'either-or'; it's an 'and', conversation. I think there is important space for all of it, with inclusive sport and adaptive sport being a big component of that.

**Senator FAWCETT:** At the moment, the ADF Adaptive Sport Program has its specific KPIs as engagement with the Invictus Games, the Warrior Games and the Canadian winter sports. Should the government broaden the policy so that both ADF and veterans go and our first KPI is around wellness and connection for serving members and veterans, and the games are just part of that, as opposed to having that as the primary focus?

**Mr Reynolds:** I think it needs to include the word 'rehabilitation'. Invictus Games isn't about sending people who fall outside the scope of wounded, injured or sick. These types of activities have the potential to foster rehabilitation if delivered safely and mindfully.

**Senator FAWCETT:** That's fine. Can I come back to this concept of a central authority. I will look at the sailing, given your focus. Australian Sailing plays a role in setting some rules, providing accreditation and training for coaches and providing insurance for participants. If there were to be a central authority, are those the kinds of functions that you think they should be providing to the veteran community?

**Mr Reynolds:** The challenge that we've had, as you're aware, with Australian Sailing being involved in the veterans sailing forum that I was chairing is that, at this stage, they haven't shown an appetite to support veterans sailing in the same way that they want to support, say, SheSails, which is an initiative to increase female participation in the sport. What we are doing, what Sailing On is doing and what Bravo Zulu sailing is doing is that we're introducing into the sailing world a niche part of the community that yacht clubs are not yet in any widespread way getting. Veterans are not the No. 1 club member here. There are very few of them. There could be greater collaboration. To have them as a central authority, they would need to show more motivation.

**Senator FAWCETT:** Sure, but I think you perhaps missed the point of my question.

**Mr Reynolds:** Oh, sorry.

**Senator FAWCETT:** In the sailing world, the central authority is Australian Sailing: they provide the ruleset, they provide insurance and they provide training. In inclusive sports for veterans, would a central authority there provide a similar thing? Whether you were doing equine therapy, wheelchair basketball or sailing, would you see that kind of body saying, 'For veterans, regardless of whether you're an archer, a sailor or whatever, we will provide insurance for your activities, we'll provide training for your coaches so that they have mental health training et cetera'? Is that the kind of function that you'd like to see a central authority providing?

**Mr Reynolds:** It's not something that I've previously considered, but I know that things like insurances are a headache for most organisations. If they could provide an overarching policy or access to funding, that could potentially have merit. They need to be independent and not have a vested interest in facilitating or growing a brand. They need to do that job specifically. An example of insurance conundrums that we have is that we can't use our stand-up paddleboards at the moment because five different insurance brokers are considering them to be PWCs, personal watercrafts, which is also another name for a jet ski, if you do this. A centralised authority might be able to help with that.



**Senator FAWCETT:** Sure. You've talked a bit about the engagement with ADF. I think you said in your submission you had 105 soldiers at one stage out on the water. How important, from your perspective, is the interaction between community groups, the ADF and the veteran community, as opposed to just purely focusing on the veterans?

**Mr Reynolds:** We broadly take the definition of a veteran as someone who has served at least one day in uniform. I understand that to be the same definition that DVA uses when considering claims for compensation. The similarity there between 'current' and 'former' is that everyone becomes 'former' at some stage. I think it's really important that we have those connections prior to instances such as a medical discharge. I know, from my personal experience, that at medical discharge I was out the door after 18 years, and I thought, 'Suddenly, I don't have to shave.'

**Senator FAWCETT:** We've noticed.

**Mr Reynolds:** It's been six years now and I haven't had a haircut. I'm never going to hear the end of this. Craig McGrath calls me the Paddle Pop lion. There is an importance, and we are able to provide support to current-serving members who are medically sick, injured or ill, right now.

**Senator FAWCETT:** Is that something you were doing purely because you've reached out to ADF bases? Are you seeing any push or interest from the Adaptive Sport Program within Defence to engage with groups such as Saltwater Veterans to foster that relationship between those still in service and the community groups you're working with?

**Mr Reynolds:** This is going to be a hybrid answer. People like Nick Grant in South Australia somehow found a conduit to talk to the Soldier Recovery Centre. That helped us foster four quarters of direct support to them by having them out in the water, as we did today. We've replicated that kind of initiative. Pete Mansbridge, who's behind me right now, has been out to several open days with Singleton. We've had the Singleton command team come out and sail with us. This month, I believe, we have somewhere between 12 and 15 current serving soldiers coming out. Right behind me we have current serving members as well. So we are reaching out.

On the flipside, I've had a midshipman from *Creswell* last week reach out to ask how they could support, because they're very interested. The irony is that we haven't had any reach-out from the ADF Sports Cell or the adaptive sport cell. I don't how that translates across to other grassroots-type organisation. I only speak for our experience. But I know that they're aware of us because of my time in Invictus, and there have been several conversations.

**Senator FAWCETT:** In terms of people involved in your program who may be interested to go to a Warrior Games or to Invictus Games, is there any formal relationship between your organisation—or others involved in sailing or equine sports or wheelchair sports—and Invictus Australia or the Adaptive Sport Program, so that, when there's an opportunity for an Invictus Games or a Warrior Games or other event, you're all advised of the opportunities so people can say, 'Yep, we've got some people who are interested to go,' or are they completely separate processes at the moment?

**Mr Reynolds:** They are completely separate processes. In saying that, there were three members of Saltwater Veterans present at the last selection camp for the 2023 team, two of whom I wrote letters of recommendation for. However, we found out about those opportunities by word of mouth, not by any formal correspondence.

If you were to look at it from an equitability point of view, you need to get the information out. I know personally, from my 2018 selection, that I actually stumbled across the fact that they were doing sailing trials at RPAYC one day when I just happened to be down here. I think it needs to be more widely distributed so you know that there's actually a chance. I think that the RSL would be a good conduit to do that through because of the fact that they have such widespread means. When you look at the state of New South Wales, I believe that there are about 320 RSL sub-branches. That covers a pretty large geographic area.

**Senator FAWCETT:** Regarding funding, at the moment generally groups apply for funding and then make an offering to the veteran community. For many years that was how many government departments ran. We have seen changes of thinking now. We fund individuals who can then go to providers and say, 'I'd like to pay for your service.' What do you think about, in this space, changing the way we fund so that each veteran actually receives a voucher, if you like, that they can use for a social inclusion, whether it's basket weaving or a sport or whatever, so that they can approach community groups? That would mean, if you're meeting a need for 70 to 80 veterans a month, there is an income stream that comes to you because veterans see value in the program you're running—rather than groups, large or small, having to go through the process of bidding for funding.

**Mr Reynolds:** That would certainly present a more equitable solution so that someone in Broken Hill could seek opportunities, whether that becomes a gym membership or participating in something like this. What I think

is really important though is that, if they become the conduit for that funding, they don't squirrel it away to the detriment of the supporting clubs as well. It's the same thing as I've said—that we're not experiencing the downstream effect of grants, and you don't want the clubs or organisations that are helping us to also not experience that as well. It would definitely be something to consider.

**Ms Reynolds:** I think it would be interesting to look at the criteria—for example, something like sailing is usually done with a smaller group size—and the cost-benefit analysis. If the gateway is a quantifiable number of people in attendance, it's not necessarily going to be an equitable process. To better understand it, I would have to look at that criteria first to make a recommendation.

**Mr Reynolds:** For certain events there is a scale of economy to run as well, to take a specialist to run an activity somewhere. When you're looking at ratios of instructors to veterans on water, for a discover sailing type activity, it's one to five, but it still costs the same to move that instructor or pay that instructor if there's one participant or five participants on the boat. You've got to work out whether it's still economic to run that activity. It is about return on investment as well.

**Senator FAWCETT:** Sure.

**Senator CADELL:** Just following on, I think Senator Fawcett and I have a very similar alignment on this potential voucher, empowering the veteran, system. We have seen New South Wales sports vouchers here, where you can get your kid involved. What I think you said, Ms Reynolds, about not dollar equitable but event equitable so there's the same thing—sailing is more expensive; equipment for wheelchair basketball or rugby is quite expensive. There are different input costs. What you would be seeing then is something similar to a Medicare code. Someone can qualify. They're approved at a high level. There's a high body that can oversee everything, and they say, 'A sailing program is worth a code 412'—a made-up number—and that qualifies for a certain amount of money if they come and see you. Talking about splitting the participation versus the competition so that veterans have the participation level leaving other organisations to do the competition, where that fits them, is that a more equitable break-up of those sorts of things where they can happen?

**Ms Reynolds:** Absolutely. I think if you're looking per sport per person and then looking at a quantifier like the type of involvement, be it participation through competition—because obviously competitive frameworks will need more funding—

**Senator CADELL:** I think also Senator Fawcett was talking about the KPIs on the Defence. If you go on the [sportexchange.gov.au](http://sportexchange.gov.au) site, it says:

The focus of the ADF Adaptive Sports Program is to support and prepare wounded, ill and injured service members to take part in high-profile events including the Invictus Games, US Warrior Games, Canadian Allied Winter Trials ...

If you then go to the Australian Defence Force and their adaptive program, it doesn't mention anything like that. It just says it's a multisport program for wounded, injured or ill—still that same wording—including both domestic and international events. So it's events, not participatory, based. Then if you go to the DVA there's a different definition again. What we're hearing is there's a big bucket of money that's potentially skewed by government policy—that's us—to support events over participation, and you would like to see a more grassroots thing. Is that the goal of what we're talking about here?

**Ms Reynolds:** For me—absolutely. I think grassroots has a higher potential for a more frequent presence, and it differs when we're talking about competition goals and working towards a competition.

**Senator CADELL:** If we go back to the stated intent being wellbeing and transition, it is covered by both participation and competition in different proportions, but not by one of them on its own. Is that right?

**Ms Reynolds:** Absolutely. I think, too, an important thing, which we've talked about, is making it adaptive and inclusive. I think 'inclusive' is a supportive bridge-builder, and that's a really important thing—to not just focus on one and forget that the pendulum swings in the opposite direction. We need to include 'inclusive' with adaptive. I also think we need to talk about sport and recreation because not everybody would identify with the word 'sport'. Many people would identify with 'recreation' or an activity, and they might not consider themselves able to participate in sport.

**CHAIR:** Thank you very much. If no senators have other questions, I'll thank our witnesses from Saltwater Veterans for their testimony today and, once again, for taking us out on the water. Given our reporting time frame, the committee asks that any answers to questions on notice be returned by this Friday 7 April 2023.

**Mr Reynolds:** Thank you so much for having us and also everyone here as well. After watching last Friday's hearings of the inquiry, it is actually quite uplifting to know that you're taking this as an opportunity to improve sport and recreation, or adaptive sports or inclusive sports—whatever your terminology is—for the benefit of the

veteran community, because we have served and we've given a lot, and there are a lot of injuries out there both from operations and from training and routine matters. Thank you.

**BROWN, Mr James, Chairman, Invictus Australia**

**HARTUNG, Mr Michael, Chief Executive Officer, Invictus Australia**

[14:08]

**CHAIR:** I now welcome witnesses from Invictus Australia. Thank you very much for your time today and for coming along to our hearing. Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you. Do either of you wish to add anything about the capacity in which you appear today?

**Mr Brown:** I'm the immediate former president of RSL NSW and a veteran of Iraq, Afghanistan and Solomon Islands.

**CHAIR:** Thank you very much, Mr Brown. Would either of you like to make a brief opening statement before we proceed to questions?

**Mr Hartung:** Absolutely. Firstly, I'd like to thank the Senate committee for establishing this inquiry into adaptive sport for ADF veterans. At Invictus Australia we live and breathe this every day, and we believe more value and weight should be placed on the positive health and community outcomes achieved through sporting endeavours. Our submission covers the eight points of the terms of reference.

As outlined in our submission, Invictus Australia is a direct legacy of the 2018 Invictus Games, an incredible event that focused attention on the issues faced by veterans and their families, and brought together a community in support. The games were particularly valuable in highlighting the positive and impactful role sport can play in assisting to improve health and wellbeing outcomes. The impact of the 2018 games continues to be seen. In fact, many individuals and organisations continue to draw inspiration as a result of those games.

It is important to note that, as a legacy of the games, our focus is not limited to the games themselves or simply the Australian Invictus team. Our remit extends well beyond the games themselves, but with sport as a common denominator to everything that we do. While the games are part of what we do through our partnership with the ADF, we apply just as much focus on what Invictus can mean for all veterans and their families at a community level. Indeed, for every Invictus Games competitor we support, at least 100 other veterans and their families are supported to engage in community sport, and this ratio is only growing larger. As an example, this weekend just gone we hosted over 600 veterans and their families at a community sports day in Canberra. This brought together a variety of sporting organisations and ex-service organisations to show their wares to the local community.

We have provided evidence and data in our submission that speaks to the impact and value of sport. This is multifaceted and broad. The evidence base continues to grow. As another example, this week I read a research article that compared exercise and antidepressant medication interventions for people dealing with stress and anxiety, and this study found that exercise is as effective as antidepressant medications in the treatment of such conditions and can deliver even better outcomes from a physical health perspective.

Our relationship with parkrun is also highlighting the value of sport and recreation for the medical profession. Parkrun is working currently with the Australasian College of GPs to have parkrun prescribed by GPs—another tool in their toolbox to help individuals address physical and mental health challenges. This is an approach we fully support, and we can see this benefiting many DVA clients.

The Royal Commission into Defence and Veteran Suicide has uncovered deeply concerning systemic issues and tragic personal stories. We must not miss this opportunity to do all that is possible to make changes and improvements to address these issues. Over the next 18 months, our attention needs to be brought to the practical measures that can and will make a difference in the lives of veterans and their families and to support and protect their health and wellbeing. Sport and recreation for veterans and their families is an important and proven part of the solution. Thank you very much.

**CHAIR:** Thank you very much, Mr Hartung. Is there anything from you, Mr Brown?

**Mr Brown:** Not at this stage, Chair.

**CHAIR:** Thank you very much. One of the conundrums we've been faced with in evidence today and in the hearing that we had on Friday is this question of whether or not a competitive sporting event like Invictus is as effective as it could be in enabling veterans to deal with the mental health challenges that come from their experience. There's this question of whether there need to be more wraparound services beyond just the games themselves to be able to provide mental health support to participants, whether that is mental health supports specific to their own veteran journey or if it's to deal with the falling off the cliff, for want of a better expression, that comes at the end of Invictus or any high-level competitive sporting activity. But obviously you guys are here from Invictus, so I'll ask you about that. Does Invictus Games have a view on what those support mechanisms could look like? Is that the role that you see yourselves having—as enabling veterans to be supported throughout



that process, from preparation for the games, competition at the games and then whatever comes after—or is that a role that you would see some other organisation having?

**Mr Hartung:** I'll start with just a bit of context there. The Invictus Games is a separate body of work. The games themselves are awarded by the international body to host nations. Invictus Australia is the first time that the brand and the program of Invictus effort is existing outside of the games. So, while we work on the Australian Invictus team with the ADF, our role is also to provide Invictus opportunities in an ongoing way for the community to live beyond the games.

I think that recognises the point you've made that Invictus is a really powerful event but it's an event for a few people and it's at a single point in time. We all acknowledge that the effort here is—the benefit of health and wellbeing outcomes comes from ongoing and continuity of involvement. A one-off event is not going to solve everybody's problems but it's going to act in a way that gives people an objective, an aim, an aspiration. It's going to give motivation to others. It's going to highlight, in a spotlighted way, some of the issues and challenges faced by individuals but also the role sport and recreation can play in helping them overcome that. But it shouldn't be seen as the end of the road.

We're putting in some work, at the moment, towards recognising that. There's a limit of two games that you can go to as an Invictus competitor. What happens when that period is over? What happens if you're not selected for the team? Seventy-five per cent of people who apply and put their hand up to say, 'I've got a mental or physical health issue; I'd like to go to the games,' won't proceed through to the games. What's the opportunity for them? And it can be different depending on the individual.

**CHAIR:** What's your overarching objective? Is it preparing veterans for the Invictus Games or is it providing a sports setting to enable veterans to participate, develop and deal with any pre-existing issues that they might have from their time in service?

**Mr Hartung:** It's both. The work that we do covers off the delivery of the Australian Invictus team. Fifty per cent of our effort and investment goes into supporting the men and women and the families that take part in the Invictus Games. The remit that we have, in that program, is for all the former serving, so we fund and support all the logistics and arrangements.

**CHAIR:** ADF doesn't cover—

**Mr Hartung:** ADF do the current, and they take the lead on the program management, so we partner with them. That's a big portion of what we do. The other part of what we do is about community sport, local engagement, getting the best out of the Australian sporting system, which has 70,000 clubs across the country, so that all veterans and their families can find a path in sport.

The reason for that is all of us, whether we've served or not, are on the spectrum of really unhealthy and really healthy. While at the unhealthy end you might have people who are eligible for the Invictus Games, at the other end people are healthy but they may develop issues later on in life. We certainly see that in the statistics of post service, in terms of mental health. The role that sport can play in that setting is a really proactive and positive role, and for their families, through their lives.

What we do in the two settings is work on the team but, at the same time, work with other ESOs, veterans and their families directly, and, importantly, the Australian sporting system, to cultivate more opportunities and provide a better system for people to engage with.

**CHAIR:** Talk me through, practically speaking, what that second branch of your work looks like. If I'm a veteran—let's say I live in Tassie, which I do, and I want to get involved in some sort of veterans' supported sporting activity. I pick up the phone to you guys. What do you tell me?

**Mr Hartung:** There are three ways, at present. The network of support's growing across the country but we're not present in all states and territories, at this point in time. We've done some growth in the first couple of months this year. Basically, there are three ways that we connect and engage people. One is always on activities—for example, parkrun. We established Team Veteran Parkrun. Parkrun is as easy to get involved with as any activity. Sixty-two per cent of Australians live within five kilometres of a parkrun and it's free to join. You can walk it, run it, take your dog, push the stroller or volunteer at a parkrun event. The great thing about parkrun is everyone can do it.

Team Veteran is now the fourth largest running club that exists within parkrun, and we're one of only two organisations that have a formal partnership, the other being the Australasian college of GPs, with parkrun in Australia. That's an entry-level way. It's really simple. We created a team that people can be part of, and what gets created out of it is a lot of social connection, purpose and belonging.

We do 'come and try' activities. We might work with a sport like archery, for example, where we facilitate a come-and-try day. Lots of local clubs get together. That's particularly targeted at veterans and their families. The goal of that day is not to have people just turn up and shoot arrows, have a bit of fun and go home. That happens, but the goal is to introduce them to the sport, connect them with these other clubs and, ideally, they return to social activities with that sport, so it doesn't rely on us running a program every single week for that person to become engaged.

The third way is like we had in Canberra at the weekend, these sorts of multisport, multi-organisation days where we can create a bit more of a presence, drive a large number of participants to these days, and that showcases a variety of different things. It supports other organisations as well.

**CHAIR:** How do you measure success with that latter piece of work?

**Mr Hartung:** That's an evolving piece, so participant numbers at the moment won't give you the answer. It's important to know participant numbers to know the attractiveness of the opportunity, but what we are working towards now is the types of roles and the longevity of roles. Some more work needs to be done to measure over time because it's not the activity that necessarily makes that big impact on health and wellbeing; it's the connection. The activity is whatever it is, but it's being part of a new community with new connections, new opportunities and new purpose. At the moment we are working to set up a system where we can gather some information prior to experience, during experience and then track that six months, 12 months, five years on. That's where you really get to know about the longevity of involvement and also the outcomes that it delivers. Certainly all the research we've seen would point to any involvement being beneficial. We've got our research advisory group, and one of the guys works with refugee communities overseas. His big thing is that any form of activity that you can do on a regular basis is beneficial. That's your starting point, and then it's just about how beneficial and how much activity.

**CHAIR:** I give the deputy chair the call, and he'll chair the meeting from now because I have to head back to Tassie. Thank you very much for coming today.

**ACTING CHAIR:** Thank you, Chair. I've been going through your submission, and you say that the demand for Invictus is above its current capacity. I'd like to get a better understanding of that if you're able to describe the impediments to meeting this demand.

**Mr Hartung:** At the moment we are present in most states and territories and, thanks to some federal government support, we were able to grow that presence. Up until about November or December last year we had two members working in that community engagement body of work, which, for the entire country, is a large effort. That meant we really focused on those areas where those people lived in those communities, so we focused on the South Coast of New South Wales, across the ACT and Wagga, and in northern New South Wales. We are now present in those centres. We've got someone in Toowoomba in Queensland, in South Australia and we've got Victoria online and are just about to appoint somebody in Western Australia. That will give us the capacity to do a hell of a lot more in those states and territories. Up until now we've very much been doing it from a remote perspective, and it would be every week if not every day that an organisation comes forward and wants to work with us to create things at a local level, whether it's an RSL sub-branch or the Oasis Townsville. There's more there than we can take on.

**ACTING CHAIR:** We've had quite a bit of commentary about the engagement that Invictus Australia has with local community groups. In your submission you say that there is the target application of resources to deliver both the Invictus Games teams and community program outcomes. When you talk about 'target application', what is it that you are seeking to do? Is there a process for community groups such as the one here today to apply for funding? What's the level of engagement?

**Mr Hartung:** We are not resourced to provide funding to other organisations, but we certainly provide lots of advice and support. Saltwater Veterans, the previous group, is a case in point. We provided support strategically in terms of the growth of that program and bringing other like-minded programs together. We are currently working with Australian Sailing to see if more can be done to be with an affiliate model that might take care of some costs, like insurances et cetera, which we know are a challenge for smaller groups when they are operating. But we don't provide direct financial assistance.

**ACTING CHAIR:** You say you provide strategic advice. What strategic advice have you provided?

**Mr Hartung:** If you'd like me to use the Saltwater example, the program up in Newcastle and the program down in Nowra were relationships with the yacht clubs that we first established and then brought Saltwater Veterans into that. We have spent a bit of time on the growth of the program, being a sounding board and giving this feedback to them when we were there. The program originated out of the games in 2018 where we worked

with Tom Spithill, who was here, who founded the veteran program here, to have him involved in the competition delivery at the games; we set up a roundtable that encouraged other groups like Soldier On et cetera to get involved with sailing, and that led into the creation of Saltwater Veterans when Tommy moved on.

**ACTING CHAIR:** In your submission under (e) on page 7, you also talk about Invictus Australia having:

... a wide and detailed engagement with the community to support thousands of veterans in programs which fall outside the Invictus Games itself.

Are you able to explain to me and to the committee what you're actually talking about here? It sounds like you're not able to provide more than just strategic advice—no funding. But the evidence to date suggests that a lot of these community groups, like the one here today, obviously appreciate any strategic advice but ultimately are also trying to find funding so that they can keep their organisations afloat and running.

**Mr Hartung:** If I look at most of the activities we do, we're able to get people engaged in sport without it having to cost money, and that's one of the big drivers of our community work. That's why we have people in the communities. As to the sports: for instance, on the weekend, we had archery there. So any veteran who'd turned up on that day and wanted to sign up to a local archery club would have had their membership fee waived for the year. That's because of our relationship with Archery Australia.

**ACTING CHAIR:** Do you have to pay for that fee?

**Mr Hartung:** No, we don't pay for that. Archery Australia just waives the fee. So that is a special offer that they provide to veterans and their families.

**ACTING CHAIR:** As to all the money that you receive from the government, does that just go into hosting the Invictus Games—

**Mr Hartung:** No.

**ACTING CHAIR:** or supporting participants in those games?

**Mr Hartung:** I'd say part of it goes towards supporting the teams in the Invictus Games. That's not a cheap program, as you can imagine, with a dozen program activities over the course of 12 months, where you're flying people around Australia and booking facilities et cetera and getting them across overseas; that's quite an expensive endeavour. The other half of our money goes into supporting our committee staff. So we've invested in people on the ground because the person on the ground is going to get more outcomes by working with the sporting system.

**ACTING CHAIR:** So is it fair to say that mostly your funding then goes towards administration rather than sporting programs?

**Mr Hartung:** It goes towards managing those sporting programs.

**Mr Brown:** It goes to staff; that's where most of the funding goes to. We don't own real estate. I'll give some context here. I can see the issue you're grappling with, which is: how do we balance allocation of funding to grassroots events, as opposed to signature flagship events like the Invictus Games? What we saw at the end of the games in 2018 was that you needed both—you needed both the bottom-up and the top-down to get to all the veterans. So we saw a bunch of grassroots activities across the country where someone would go to their local sporting club and set up some sort of program that they would want to deliver, but what we saw was a difficulty in scaling that nationally. For veterans, we saw a difficulty in finding those programs. Where we saw Invictus Australia being positioned was: at the end of the games we had these phenomenal relationships with all these different sporting peak bodies; how do we interact, from a top-down way, through those peak bodies, to more strategically try to get the sporting community connected to the veterans community across the country? So that is the approach that we take. As to the balance of our funding, there are some direct costs to getting competitors to games overseas. A lot of that is ameliorated by using Defence strategic transport, but most of what we do goes into staff who can join the dots, connect people and provide that enabling fund.

**ACTING CHAIR:** I get that you may not be able to provide some funding to community groups, but have you ever considered providing some of your staff to help those groups—to write submissions for them, so that they can then put quality submissions to government, so they are successful in getting grants from DVA or other government departments? Is that something you've considered, or—

**Mr Hartung:** We've considered it and done it. We've done that on a number of occasions with different groups. We've made that offer to Saltwater Veterans as well. So we try to support as many groups as we can, either through the relationships we have or by writing grants. That's absolutely part of our approach—to work with these other organisations to try to get the best outcome for them. It is certainly not a position where we are working as an antagonist or in a self-centred way.



**ACTING CHAIR:** I'll hand over the call to Senator Fawcett.

**Senator FAWCETT:** Thank you and welcome. One of your many hats, Mr Brown, between the space industry and other things. It's great.

As you've heard from a number of the discussions here, part of the conundrum that we're facing as a committee is that if the rehabilitative and engagement value of sport spans people in service through to veterans—and things like the Warrior Games and Invictus Games are events along the way, but they're not for everyone and they're not the be-all and end-all—then the vision of that occurring is great, but in the words of Des Mueller, 'Vision without dollars is hallucination.' For the amenity of the clubs who are seeking to actually run activities and include veterans, there are associated costs.

The feedback we've been getting is, 'That's fantastic,' a lot of goodwill and, 'We're happy to help,' but at the end of the day there are some costs that need to be covered. The feedback that we're getting from veteran's groups that are trying to facilitate this is that, when they approach people, either DVA says: 'Well, you're not an ESO providing advocacy. You're sport. Go and speak to Invictus Australia,' or corporates are saying, 'Well, no, we give to people like Soldier On. We already give our money.' They're left saying, 'Well, we're carrying the can to actually run the program,' but they're not seeing any of what DVA call the flow-down effect of funding. You said initially that 50 per cent are Invictus and Warrior Games and 50 per cent is domestic. At the moment you're saying you have two staff members, maybe three with Toowoomba and four with Adelaide?

**Mr Hartung:** Yes. They're probably six now that are working in that community area.

**Senator FAWCETT:** But, other than the open day in Canberra and the zero cost, 'Let's get archery together,' type of activity, is there any sporting activity that Invictus Australia actually funds, or is on the ground operating, for veterans to participate in?

**Mr Hartung:** No, because that would be a duplication of what already exists. What we see across both the veterans sector and the consumer sporting sector is that there are lots of really well-meaning, great activities, whether they're a one-off activity at one club or whether there's a little network, say the Association of Veterans Surfers and things like that. We're not going into it to try and set up and run a standalone program. That's not where our expertise is. That's also very time consuming, and it creates a sustainability issue, both financially and also to manage it in the long-term.

What we try and do is encourage some of these groups that are set up by well-meaning individuals. It's either happened organically or they've set about creating a program that appeals directly to veterans and their families. We try to support those by seeing what avenues we can support, whether it's supporting a grant application or helping to build a better system so that the sport takes care of their insurances or whatever it might be. So we operate over there.

The sports themselves have been doing this for a long time. If we work with the sporting system we can get them to do a better job of encouraging and supporting veterans in their community. That's a system and a network that already exists. The opportunities then are not limited to one geographical location. They're wherever that sport might operate. Lawn bowls is another example. They're in 1,600 clubs across the country and two-thirds of those are in regional communities. The majority of people have got access to a lawn bowls club. They may like to do that. We can help connect them. We've got a relationship with Bowls Australia and we're working on a rollout of, particularly, come and try days to focus on that sport.

The approach is not to try and duplicate or create something that's new and standalone. It's to try and work with what's already there to encourage that to deliver a better outcome.

**Mr Brown:** Senator, your point's spot on: at the moment that stream of funding doesn't exist anywhere in the veterans system. You can get funding for a war memorial under a range of different streams at the moment but not to run a sports program. There's some evolution of some DVA's systems to move more in that direction.

I'll give you an example of where I have personally experienced a change that needs to be made. DVA has something called the Heart Health Program at the moment. It's a contract with a corporate health provider. The principle is essentially what we've been talking about here. How do you get people tuned into a more healthy lifestyle so that you can avoid the flow-on cost of medication, hospitalisation and treatment. Where it falls down is in the execution. This program is designed to get you into a sporting activity on a regular basis. It provides some subsidy of sports equipment and gym fees. It's an incredibly bureaucratic process. When I joined the program just to see what it was like, it took three months from my first phone call until I finally got into the program. I had a perfunctory 20-minute chat with a corporate psychologist who knew nothing about the Defence Force or veterans, and then I was sort of handled remotely from that point on and sent some worksheets about healthy eating and that sort of stuff. That's not a program that encourages community.



We'd be much better moving to the kind of programs that you're talking about, which can be run on a grassroots level. If I could wave a magic wand, I'd like to see funding move from things like that program, which might have been effective 10 years ago. Clearly we need a different, more community based, more authentic program to get veterans into healthy activities.

**Senator FAWCETT:** When we had DVA and Defence in front of the committee in Canberra—this is my last question on funding—I asked them what were the KPIs or the terms of the contract for the funding they award. I think it's \$8.09 million to Invictus Australia. They couldn't tell me, which actually surprised me, off the top of the head. I would have thought, for that kind of figure, having prepared to come to an inquiry, they would have had chapter and verse of exactly what that much taxpayer funding was for. Do you have an agreement with DVA as to exactly the outcomes you need to deliver for the veteran community for that funding?

**Mr Hartung:** Yes, we do. We've got an agreement with DVA that spells out by year what we're to deliver. That includes the investment that goes into the Invictus Games team and the Warrior Games team and our support of the former serving community in the adaptive sport program. So the outcomes for that particular area are the support to and facilitating of those teams and events, and the program of work before that. On the community side, it's about the presence and the growth of our presence across the country into these new communities. That's why, since that money arrived at the end of last year, we're now able to get those people on the ground in those communities.

**Senator FAWCETT:** And research? I understand there was some research.

**Mr Hartung:** Yes, a portion of funds—about \$30,000 per annum—is allocated for research. We're working through that at the moment—how to best structure that. Research exists, data collection exists. How best to use that? There's a variety of different things we could measure, and so we're just working through—

**Senator FAWCETT:** In broad principle, are you looking to partner with a university to do that? Are you looking to do that in house? You must have a 'big hand, little map' approach to how you may do that.

**Mr Hartung:** Potentially a university. We've got relationships with five or six tertiary institutions at the moment. Each of them have given us an idea of what they might be able to do, particularly the University of New South Wales. We've just got to make sure that we take the right path here and we don't just manage a small component of research that doesn't really give us a good view of the impact. We're very keen to measure that impact at a community level and that longer-term impact as well and to set ourselves up to measure that. There are obviously short-term outcomes from the games, and they're measured by the Invictus Games Foundation, and ADF has produced a research report on that already. What we want to really focus on are some of those longer-term outcomes that talk to people coming back to community, overcoming issues they might be facing and how that's helping their mental health in the long term. Up to now, we've really based that on case studies. We've looked at an individual circumstance, the intervention of exercise and programs and what's happened as a result of that—things like the reduction of medications and clinical services provided by DVA as a result of getting involved to try and draw that correlation. But that's very much case study by case study at the moment.

**Senator FAWCETT:** Can I just clarify that DVA didn't ask you to prepare a business case ahead of awarding the funding; they awarded the funding and now you're developing how you're going to spend it?

**Mr Hartung:** It was—

**Senator FAWCETT:** It's not your fault; I'm asking about DVA's due diligence of awarding funds.

**Mr Brown:** We obviously submitted a business case with the application to DVA to explain where we thought the need was, what we thought the requirement was, how we could deliver on that and how we could measure it. That's shaken out into the contract that we signed with them, and there's an ongoing management of that process by DVA.

**Senator FAWCETT:** Was that a sole-source contract, if you want to use that procurement term, or were other groups invited to also submit a business case?

**Mr Brown:** I think it was an unsolicited proposal that we sent to DVA; it wasn't in response to a tender process or an RFI. It was on our initiative that we approached DVA.

**Senator FAWCETT:** Okay. You talked about the two-game limit. We've had a degree of evidence from people saying that there are participants or competitors—depending on, it seems, which games we're talking about; that seems to have changed—who have done more than two. What is the rule? Are there exceptions that have been granted, or are these people that participated in games before that rule came in? What's the deal?

**Mr Hartung:** It's the latter. I think the rule that participants or competitors were limited to two Invictus Games was introduced after the 2018 games by the Invictus Games Foundation in the UK. There is a process that

a country can apply for if they would like an exception, and sometimes that might be necessary for team make-ups, so they can compete in all of the events and team sports. But the general principle is that it's now a two-game limit on participation.

**Senator FAWCETT:** Sorry, but the ideal of Invictus is participation, not competition. We are turning people away, so why would we have a veteran participate in a third game if we've got a group of people to whom we are saying, 'Sorry, you've not made the team'? Participation means showing up, not winning a medal. Why would we ever have to seek an exception, and how often has Australia done that?

**Mr Hartung:** I'm not aware of any that we've applied for as an exception. When I was saying you could apply for it, it would be other nations if they needed to. I don't think Australia has, but that would be a question that ADF would need to answer. I can't see there being a circumstance. The clause to allow the IGF to make an exception for people to go beyond two games was because there are particular events, due to the categorisation system, that require a certain disability profile in some of the team sports, and so you couldn't have a team of participants that all had a mental health issue and no-one with a physical health issue. I think that's why it was created. But I don't believe it's been an issue for the Australian team. And certainly, as I mentioned at the outset, 75 per cent of people who apply don't ever make the team. There is certainly a long list of people to fill spots.

**Senator FAWCETT:** We might go back to the ADF on that one. Can I just come to the concept of duty of care. I'm interested, now that you have entered the fray, so to speak, as the partner for ex-serving members—whereas the ADF cell look after serving members who go. We've had evidence about people who've had some pretty distressing experiences in the selection process, in the interaction with coaches and in interactions whilst away with teams. From Invictus Australia's perspective, how do you see your responsibility for duty of care and what systems do you have in place for the process of selection, training, advising the people who have not made the team, and to ensure that issues that occur whilst away and having come back to Australia are appropriately followed up? First question: is it your responsibility, or is that in the ether? Is it Defence? And, if it is your responsibility, what frameworks do you have in place? The submissions we've seen would indicate that, if there are frameworks, they're perhaps not effective.

**Mr Hartung:** In relation to the Invictus program, or the adaptive sport program, the partnership with the ADF sees us partner with them on providing financial support to the former serving, providing all the logistic support and having a member of staff as part of the team staff. We provide advice and we support wherever it's appropriate to do so and welcome, but the lead on the management of the team is the ADF, and so we don't have a separate set of systems or processes to that of the ADF. We offer up our staff and support where it's appropriate to do so, and if that's used by the ADF then that's the case. But the lead on management of issues and resolution of issues, given that the majority of staff are ADF staff and they take the lead on the program, is the ADF.

**Mr Brown:** Just to add to that, the chef de mission of the team, for a long time, has been an ADF officer. The responsibilities for what Invictus Australia does with the team and what Defence does with the team are evolving. We have an MOU that captures different responsibilities. We have had discussions with Defence about ways that Invictus Australia could take more responsibility within that program. We believe that would be useful, given a lot of our staff—if you look at Michael's background, his background is in Paralympic sport and comes with a lot of professional expertise around managing, deploying, returning and caring for athletes with quite difficult issues. We think, particularly as the team evolves to become more ex-serving than current serving, there's a good case there for how we can manage more responsibilities in that process.

**Senator FAWCETT:** Given we have a long list of people who'd like to participate in the Invictus Games, why do we still have a situation where we have people who dual-hat as coaches and participants, as opposed to saying: 'Your role is as a coach. You're going to get mental health first aid training. You're going to get some work with the AIS about helping people, particularly if there are physical injuries involved', and completely separate that, given we have a large pool of people who are happy, keen and have worked hard to participate? Why do we still allow that dual-hatting?

**Mr Hartung:** It's a program management coaching decision—it's a Defence decision, ultimately. That is under review at the moment. I think the experiences coming out of the last couple of games in terms of the professional staff they use is a consideration. Also, they've looked, in the past, to find opportunities for those who have come through the program to return as coaching staff, as the next step in their own process of recovery, and to move into some of those other volunteer based roles. Through experience is highlighting some issues that are being worked through in terms of whether that's a workable situation, particularly the environment and the team that's been supported. The team has a doctor and psych as part of it. From our perspective, all our staff undertake a fair degree of training around some of these things. I understand the point you're making, and I think those decisions at this point are made by the ADF. We need to look at how that can be further strengthened.

**Mr Brown:** Deploying the last team for the Hague games closely after COVID brought to light a lot of the duty-of-care issues and responsibilities. There was extensive planning around that, and that was joint planning, but, ultimately, the ADF had most of the responsibility.

**Senator FAWCETT:** In terms of engagement across the broad spectrum of people and veterans involved in sports: I understand from previous evidence that the invitations to participate in either Invictus or Warrior essentially go to the CDF. Does the CDF, or his sports representative, then run a process of engaging veterans from across the community? Does he come through Invictus Australia to say, 'You guys engage the ex-service community'? The picture emerging from evidence is there is a group who have 'been there, done that', who tend to ask their friends, and there are people who are actively involved in relevant sports who don't even know that a selection process is underway or a training activity is occurring until they stumble across it. Where does Invictus Australia fit into that?

**Mr Hartung:** Part of the challenge at the moment is there's not a consistent expression-of-interest process. The path for getting in, when an expression-of-interest process opens up, is to make an application. That has been ad hoc due to the timing of different games. That is first released by the ADF. Once that goes live, we share it through all our networks. We've got social media channels and other networks we use. We know other organisations like the Invictus Pathways Program, UniSA and other groups promote it as well to try and get it out there as far and wide as possible. It could certainly be more available and easily found for the community. Noting that, they get somewhere between 100 and 200 applications every time. We've got a team of 31 going to Dusseldorf, so it's well over-subscribed—but 75 per cent of those are coming from the former serving community, so there certainly is a demand even with the very limited scope of communication going out around the games.

**Senator FAWCETT:** One of the biggest networks in Australia is the RSL and all its sub-branches. I know they have a sports and activity program. You haven't mentioned any partnership with the RSL. Why are you not partnering with them in a more formal way?

**Mr Brown:** We partner with them at the local level. We do a lot of initiatives through different sub-branches where interests align. We've had extensive discussions with the RSL about partnering with them at a national level. We went through a six-month process where the RSL national board and the Invictus Australia board looked at how we could align our activities. Ultimately, the RSL national board did not vote to move ahead with that, but we have good working relationships. Phil Winter, who's the CEO of RSL national, is also the chef de mission for the Invictus team, so there's pretty close coordination through him personally as well.

**Senator FAWCETT:** What was the sticking point that made the RSL decide not to move ahead in partnership with Invictus Australia?

**Mr Brown:** I don't know, precisely. That would be a question for the RSL. A lot of the discussions we were looking at were around branding. Invictus is obviously a very powerful brand and is very successful in helping us to attract supporters and sponsors. There was a question of how that would fit within the RSL ecosystem. There was also a question around funding from the different RSL state branches, and I think that was challenging in the final discussion.

**Senator FAWCETT:** You have \$8.09 million from the taxpayer and your branding, as you say, is important and helps you attract sponsors, but you don't flow any money down to the smaller community groups. Doesn't that put them in an invidious situation? They don't get DVA funding because DVA says, 'We've sponsored Invictus Australia.' They find it hard to get corporate sponsors because corporate sponsors say they've funded Invictus Australia. Where do they go to actually run the programs that you want to coordinate? Coordination is fantastic, but if there's no program that's viable then it's kind of pointless.

**Mr Brown:** I completely agree. If we were in the position where we had additional funding to be able to be able to support those groups, we'd love to do that role. We self-funded Invictus Australia for the first five years, with some small funding, particularly from the New South Wales government. But most of the funding was money we went out and rattled the can for. It's hard. It's hard even when you've got a very powerful brand like Invictus behind you. It's even harder when you're doing it at the local level and you're doing it for the first time. I understand that.

Clearly, what we've seen in the last few years through the Royal Commission into Defence and Veteran Suicide is a need to completely revamp how we prioritise funding for veterans welfare. I think the thrust of our submission here today is that sport works and should receive more funding. I think you were discussing earlier the possibility of a voucher system to allow veterans to choose where and how they deploy funding that's going to help them in the long run and help the taxpayer in the long run too. I think we'd be supportive of that principle, but you're right: the mechanisms just aren't there.



We were thrilled to receive the funding that we received from the federal government because it was one of the first times that we've seen a meaningful investment in adaptive sport. I suppose the role we see for Invictus Australia in this ecosystem is that we're an enabler. We're a network that can pull in some of those smaller groups and help them achieve what they want to achieve. We have the repository of professional staff and the corporate history on adaptive sport that could be useful to drive this effort forward. But your point about funding is well received. The avenues aren't there, and it's a good investment for government to make.

**Senator FAWCETT:** I'll ask one last question on the funding, then. For my understanding: over the three-year period, you have \$8.09 million from the taxpayer. The branding is important, and it helps pull in corporate funding. How much corporate funding have you received or do you expect to receive over that same three-year period?

**Mr Hartung:** We have three corporate partners at the moment. We have a couple of others that are in-kind corporate partners, and the three of them combined—it's about \$300,000 a year at this point in time. It's not a huge amount. I think it's important to note that we didn't receive the Invictus brand, and launch that, until October of 2021. We operated under the name Veterans Support Australia, and we weren't really out in the commercial space at that point in time. Since launching we have been, and we're trying to attract more revenue. I think the point you make—if we had the funds coming in to enable us to support a lot of these initiatives, I think it would work really well. I think we could do that based on the presence we have in the communities, the relationships we're forming. It goes hand in hand, if you're able to prop up not just the strategic elements but also financially, some of these programs so that they can succeed. But we just haven't been, to this point in time, in that position.

We started life, initially, as Veteran Sport Australia and were housed under the RSL, in New South Wales, so we had a connection to the RSL, through our early beginnings, for the first 18 months to two years. We did a program of financial assistance, where we provided direct financial assistance to people and programs that applied. We ended up supporting a number of gym memberships and equipment.

We went away from that not because it wasn't necessarily providing benefit but because we were funding one-off little programs and pieces of equipment where we can invest in building a better system, because there were lots of other programs already running. So we spent more time on that system approach rather than funding equipment and programs. I think there is definitely value from funding programs. If you fund one program, that can help many. The funding directly of individual pieces of equipment et cetera, I don't think we would return to.

**Mr Brown:** One of the things we haven't really canvassed here is Invictus Australia's ability to leverage other partners into the ecosystem. You've received submissions and evidence from the National Rugby League's Battlefields to Footy Fields program. That's something that we were able to unlock with them. Because we had a professional staff, we were able to take the time to go in there and talk to them about what more they could do for veterans on a national basis, rather than one-offs. That's what's been yielded from that sort of relationship.

Those are conversations we're having with other major sporting codes as well. How do we get those major sporting codes across the country that want to do good stuff for veterans, particularly if it's around sport? What sorts of programs can we unlock with them? What kinds of investments can they make?

**Senator FAWCETT:** By way of comparison, do you have an idea of what the in-kind value of Rugby Australia's contribution through that agreement is, whether it's waiving fees for clubs or whatever it is versus the \$4 million that you received to facilitate community sport? The question I know I will get asked by smaller groups is: 'Why wasn't it given to us directly rather than that in-kind support? We could have made better use of that money.' Take it on notice. I'd just be interested to understand.

**Mr Brown:** We'd be happy to give some thought around that. Can I say, I'm really glad to come here and be the big target, to have people saying, 'Why is it that you guys have got all this money?' That just shows how far we've come, because five years ago we were trying to convince people to take adaptive sport seriously and that this was something worthwhile doing. We run a lean operation and we're really happy to be transparent on how we're unlocking value and where our money's going. That's part and parcel of running a charity.

**Senator CADELL:** Going back to that corporate issue, you said you were self-funded for the first five years. Is that Australian International Military Games, you guys, a corporate entity?

**Mr Hartung:** That was the entity that delivered the Invictus Games in 2018. It was in the process of being wound down. When we moved out of the RSL, we moved back into that entity and set up operations there.

**Senator CADELL:** With the self-funding side, I've been going through the last three years—you've had 700 that are reported, not in the last three years. You've had a \$700,000 loss, a \$700,000 loss and a \$500,000 loss. Where was self-funding coming from?

**Mr Hartung:** There were funds left over from the Invictus Games. There were funds left over from that which helped support the initial program. There was a contribution when we first arrived at RSL New South Wales from what was called RSLWBI, which I think no longer exists. That provided some funding into that program. We received, I think, \$250,000 from the New South Wales government for particular projects and a small amount of fundraising revenue as well.

**Mr Brown:** There was some money from another not-for-profit organisation.

**Mr Hartung:** Yes, not a lot.

**Senator CADELL:** Outside of who got what, was there much money given to adaptive sports, historically, in Australia or is this bugger all?

**Mr Hartung:** Bugger all. Even outside of the veterans sector, if you look at paralympic sport and disability sport, you've got a sector that's running disability organisations off 60 grand per year and it hasn't changed for 10 years. So there's not a lot of money out there. The challenge is there are lots of programs emerging because there's a need. People are coming to programs like this one. Absolutely there is a need. It's delivering great things, but the difficulty is that there's not a lot available for everybody.

**Senator CADELL:** Some of the questioning by Senator Fawcett was where I was going to go. You've had, let's say, roughly a tenfold increase in funding per annum and you've got an incredibly strong brand. There wouldn't be a tenfold increase in corporate support, but have we seen an increase in corporate support in that period?

**Mr Hartung:** Yes, and I think we would have seen even more if we had been able to launch with this brand coming straight out of the Invictus Games. You can imagine, we had a big build-up and hype around the Invictus Games, lots of support, and then we disappeared with the Invictus brand for the best part of three years. Now we're starting to get going again, so there's a lot of interest. The corporate cycle is about attracting corporate dollars, and you've got to fit in to whether they have money available. We've had a lot of conversations up there—I'd say we've spoken to 50 or 60 organisations in the last 12 months alone. There's interest, but it's about timing for a lot of these organisations when they might be able to invest and support.

**Senator CADELL:** Looking at government and DVA, roughly \$3 million a year for you guys. On top of that, what else is given for adaptive sports and veterans programs per annum? How big is the pool?

**Mr Hartung:** It's worth just clarifying, I think we lost 10 per cent of that grant amount back to the department—

**Senator CADELL:** For what?

**Mr Hartung:** for their internal costs of administering the grant, so it's not quite the headline amount.

**Senator CADELL:** Is that right?

**Mr Hartung:** I think \$9 million was awarded in the budget papers, and I can't remember the exact number but about \$8.1 million was what we will actually receive over three years.

**Senator CADELL:** Outside of that, what other pools of money are there? Is the pie that small? If the answer isn't carving the pie differently, is it just building a bigger pie?

**Mr Hartung:** I think it's about a bigger pie. The money that is currently available for most organisations—and we've been through this process a few times—is you're looking at grants, you're looking at the Supporting Younger Veterans Grants Program through DVA and the community grant through DVA. We had applications in with Movember and other groups that provide grants. But that's your primary source, if you've got—

**Senator CADELL:** From government, how big is everything?

**Mr Hartung:** It's probably what we got and then a tiny bit more. There's really not much around, and that's the challenge. What you need to run an effective—and Michael knows this from his experience with Paralympics—program involves taking someone who might be in a wheelchair or has extensive mental health needs flying to the other side of the world for a life-changing event, bringing them back and making sure they don't fall in a heap afterwards as well as all of the grassroots stuff. You need continuity for that. You can't have new faces posting in and out, as the military has every couple of years. You need the same trusted faces who can give the training. Sometimes our staff need support as well because of some of the issues they're dealing with. Under the current grants system, that continuity is not there.

I'm looking forward to engaging with new leadership at the Department of Veterans' Affairs, but for me it's a no-brainer. There is a need, as the royal commission has shown, and these sorts of programs have benefits. We could certainly invest more in attracting the outcomes and measuring the direct return on investment to

government. But we've looked at a lot of funding sources for this. We've looked at sporting bodies, we've looked at corporates, we've looked at international foundations. No doubt there are still rocks to turn over, but the pool of available funding for adaptive sports at the moment is low.

**Senator FAWCETT:** I have a few more questions. First, do you have DGR status?

**Mr Hartung:** Yes, we do.

**Senator FAWCETT:** In your engagement with corporates, is the thing that attracts them to it the glitter of Invictus Games, or is it the community good of helping veterans with the whole transition piece of reintegrating into community wellness and wellbeing? What's the driver for them such that, if we were saying, 'Any funding you give is going to have DGR status and support to this broader program, not just the Invictus Games,' would you see the same level of giving? Would you see more? Where does that stand?

**Mr Hartung:** It's really interesting. When one of our conversation starts, they're focused on the Invictus Games, and when they start to see the community program, they shift and they want to support the community work because they can see the value of investment going in there and the multiplier effect that that has in terms of numbers in the community and getting involved and the fact that community sport has so many opportunities. We can engage people in a more meaningful way and in a longer-term way through the community sports. Most of our conversations have started with a focus on the Invictus program and probably shifted—and our current sponsors are good case in point. Really it's shifted to our support for our community work, and that's been the driver and the thing that resonates for them and their staff.

**Senator FAWCETT:** If they are willing and, in fact, keen—this is what I'm hearing—to give that community work, and the expectation—certainly as expressed by DVA and by a lot of groups—is that there'll be a flow down of funding to groups that are actually doing it, have you given any thought to how, if it were a requirement of the DGR status that the funding flow down, you would do that? I hear what you've said before about the work that you're doing and trying to get the broader, better system et cetera, but if that were a requirement—if any money you get that attracts DGR funding had to actually flow down—have you thought about how you would do that to the sporting groups, for example, that align with Invictus Games or whatever?

**Mr Brown:** I'd say DGR funding is probably not relevant to corporate sponsorship because, in most cases, that's coming from a marketing line item or a marketing and comms line item. So the DGR status doesn't actually help with that. DGR is more useful from an individual donations point of view, and we are building our individual donation fundraising drives. How would it flow down? We haven't worked, so far, on a model of flowing funds to other organisations. We can give that some thought. Clearly, I hear there's a need, from what you're saying today.

I've been working in the veterans community a long time, and there is a balance between need and motivated, locally connected individuals who have the passion to drive change in this sector and to deliver activities. You also need a degree of backbone network for that so you can ensure continuity and you can ensure quality as well—because if you're offering services to people who are in vulnerable positions you need to ensure there are consistent quality standards.

Our view has been that we don't want to come into this ecosystem and compete. We want to enable. So if there were a source of funding that could primarily be delivered to smaller organisations, perhaps locally driven organisations, and if we could play a role in helping to give them that backstop of the corporate governance support or the advice or just our network or our connections into the international Invictus community, I think we'd be very supportive of that and very willing to do that.

**Senator FAWCETT:** We're in a sailing club, so I'll use Australian Sailing as an example. They provide the rules of the game, they provide training, they provide certification for people who are going to be instructors or whatever else, and they provide insurance for a small membership fee. It's not that expensive to become a member of Australian Sailing, and you get all those things delivered as part of that. If, as part of the arrangement between DVA and Invictus Australia, one of the conditions of receiving ongoing funding were that you would have that role, again, have you given any thought to the role that Invictus Australia could play to underpin and help facilitate the actual conduct—whether it's equine therapy or wheelchair basketball or sailing or whatever—to the veterans community by essentially doing all the corporate back-of-house stuff to enable the volunteers to work effectively on the ground and deliver their programs?

**Mr Hartung:** That's a bit of a shared services model that you're looking at there. There's precedent. When I worked at Paralympics Australia, we managed the relationships with 15 different sports and the investment by government into those sports, which covered high-performance and participation outcomes as well. So there are definitely ways of doing it that I think have been shown before. You keep that as straightforward as possible. That allows you to invest and provide additional support to make the investment go the furthest. Have we given it



much thought? Probably not a huge amount of thought, because we're not in a financial position right at this point to do it ourselves, but I certainly think it would be possible to do that.

**Mr Brown:** The funding we have from DVA is accounted for in activities at the moment, so to take on an additional task like that we'd need to either stop doing something we're doing under the current program or seek additional funding. But that would be consistent with how we see Invictus in the veterans ecosystem.

**Senator FAWCETT:** My view is that the funding you've got from DVA is an historical event now; that's happened. But, as we look at the outcomes of the Royal Commission into Defence and Veteran Suicide, it's very clear that the key message is about what happens when somebody leaves the environment of the ADF, where they have a team, a mission and a range of protective factors, and they go through a transition to civilian life. You might have heard the evidence from the young woman who was part of the IPP, where she said that the life ring that kept her afloat was that continuity of the IPP from her time in service through transition to being an ex-serving member, and that framework provided all those protective factors. What that says to me is that if Defence and DVA collectively, on behalf of the taxpayer, are going to become responsible—and now we have a Joint Transition Authority to help fund that—then there may be more funds coming for this area, but we need to find the most effective ways to put in place those frameworks. If sport, from a participation perspective, is one of those—it's not the only one, but it is one—then I'd invite you to come back to the committee with some thinking about how we would make that funding best. The next witnesses are supposed to be from the equine therapy group. In their submission, they're saying: 'We're doing this basically out of hide. We'd love to get a bit of support to make this more sustainable in the long term.' This program and many others that we've spoken to have said: 'We don't need huge amounts of funding, but we need some funding. The reality is that it costs us to keep a boat in a pen, to keep a horse in a stable or whatever.' How do we collectively—whether it's the insurance or the administration et cetera—help these groups survive?

**Mr Brown:** There's no doubt that there is room for economies of scale on this stuff, and that's part of why we set up Veteran Sport Australia and then Invictus Australia, because we saw the gap. This is not the kind of program that you could completely throw to Defence to run, for a whole bunch of structural reasons as well as cultural reasons. It's not the kind of program you could completely throw to DVA. There's a big convening role in this. I think that with the model you're talking about—assuming you could establish effective agreements with each of those providers about the standard that they'll operate at, which can be a challenge with volunteer driven organisations, as I know as a volunteer for the RSL and for other organisations myself, and I'm a volunteer in this role—if you can bring consistent quality professional standards and reporting on outcomes to demonstrate that it's an efficient and effective system, and if you can deliver that with local passion and volunteers, that's the best outcome.

**Senator FAWCETT:** As long as there is some funding for the non-negotiable things they have to pay to operate their program, as well as back-of-house costs.

**Mr Brown:** Yes, that's right. But what you don't want is 500 local adaptive sports programs around the country each having to go and negotiate their own professional insurance, set up their own professional company, manage their own DGR status and bring in the accountants. That's how you get to the position we're in, where you've got 5½ thousand veterans groups around the country. We all know that that's not a sustainable model. We're now looking at the next 10 to 20 to 30 years of how we're going to manage these new cohorts of veterans, where the need is, in some cases, acute. We've got the chance to look at this from a clean perspective, so I think that hub-and-spokes model where you've got a lot of that corporate administration—no-one wants to be a volunteer doing corporate administration; that's not why anyone signs up—dealt with in small, lean, professional organisations like ours and other organisations, and you let the volunteers get on with what they do best, which is delivering services and doing that face-to-face contact, and we can get the system looking like that in the next 10 to 20 years, that'd be a great outcome.

**ACTING CHAIR:** On that note, I just want to say thank you very much to our witnesses this afternoon. Given our reporting time frame, the committee has asked that any responses to questions on notice be returned by Friday 7 April of this year. On behalf of the committee, I want to thank all witnesses who have appeared today. In particular, I want to say thank you very much to our hosts here at the yacht club and also to all the volunteers who took us out this morning—the Saltwater Veterans—and obviously to their companions who were here today too—I think Ollie and Reggie. Given our reporting time frame, the committee asks that all answers to questions taken on notice by the witnesses be returned by 7 April this year.

**Committee adjourned at 15:14**

# 4 April 2023

## Tuesday

| April 2023 |    |    |    |    |    |    |
|------------|----|----|----|----|----|----|
| Mo         | Tu | We | Th | Fr | Sa | Su |
|            |    |    |    |    | 1  | 2  |
| 3          | 4  | 5  | 6  | 7  | 8  | 9  |
| 10         | 11 | 12 | 13 | 14 | 15 | 16 |
| 17         | 18 | 19 | 20 | 21 | 22 | 23 |
| 24         | 25 | 26 | 27 | 28 | 29 | 30 |

| May 2023 |    |    |    |    |    |    |
|----------|----|----|----|----|----|----|
| Mo       | Tu | We | Th | Fr | Sa | Su |
| 1        | 2  | 3  | 4  | 5  | 6  | 7  |
| 8        | 9  | 10 | 11 | 12 | 13 | 14 |
| 15       | 16 | 17 | 18 | 19 | 20 | 21 |
| 22       | 23 | 24 | 25 | 26 | 27 | 28 |
| 29       | 30 | 31 |    |    |    |    |

| TUESDAY          |  | Notes |
|------------------|--|-------|
|                  | 4  |       |
| 7 <sup>AM</sup>  |  |       |
| 8                | 8.40am Comcar [REDACTED] for Sydney Masonic Centre - bking No. [REDACTED]                    |       |
| 9                | 9.00am FAA subcommittee public hearing<br>Sydney Masonic Centre - 66 Goulburn Street, Sydney |       |
| 10               |  |       |
| 11               |  |       |
| 12 <sup>PM</sup> | 12 noon Comcar Sydney Masonic Centre to [REDACTED] - bking No [REDACTED]                     |       |
| 1                | 1.30pm Comcar [REDACTED] to S 2:30 call [REDACTED]   |       |
| 2                |  |       |
| 3                |  |       |
| 4                | 3.40pm QF [REDACTED] Sydney to Adelaide - [REDACTED] also travelling                         |       |
| 5                |  |       |
| 6                |  |       |
|                  |  |       |
|                  |  |       |
|                  |  |       |



**(Sen D. Fawcett)**

**Subject:** 9.00am FAA subcommittee public hearing  
**Location:** Sydney Masonic Centre - 66 Goulburn Street, Sydney  
**Start:** Tue 4/04/2023 9:00 AM  
**End:** Tue 4/04/2023 12:00 PM  
**Recurrence:** (none)  
**Organizer:** Fawcett, David (Senator)

OFFICIAL

**TO ALL MEMBERS OF THE FOREIGN AFFAIRS AND AID SUBCOMMITTEE OF THE JOINT  
STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE**

**NOTICE OF MEETING NO. 14 – PUBLIC HEARING 4 APRIL 2023, 9AM – 12NOON**

Dear Committee members,

Please find the briefing paper below for next week's public hearing in Sydney, Tuesday 4 April, on [CommDocs](#):

1.  [Briefing paper](#)

If you have any queries please contact the secretariat via email or on 

Regards

 / Inquiry Secretary

**Joint Standing Committee on Foreign Affairs, Defence and Trade**

**Department of the House of Representatives**

PO Box 6021 | Parliament House | Canberra ACT 2600

Ph. (02)  | [www.aph.gov.au/ifadt](http://www.aph.gov.au/ifadt) |

Facebook: @AboutTheHouseAU | Twitter: @AboutTheHouse

Please note I work part-time 

*At the Department of the House of Representatives we recognise and pay our respects to the Aboriginal and Torres Strait Islander Peoples of Australia.*



PARLIAMENT OF AUSTRALIA

JOINT STANDING COMMITTEE ON  
FOREIGN AFFAIRS, DEFENCE AND TRADE  
FOREIGN AFFAIRS AND AID SUBCOMMITTEE

## Public Hearing - Sydney

Meeting No. 14

Tuesday 04 April 2023

9:00am – 12.00pm

SMC, 66 Goulburn St, Sydney

Secretariat contact

Inquiry Secretary: [REDACTED]

Mobile: [REDACTED]

Tel: (02) [REDACTED]

**PARLIAMENTARY-IN-CONFIDENCE**

---

# Proposed agenda and table of contents

---

Proposed agenda and table of contents ..... 1

Agenda item 1..... 2

Program.....2

[redacted] - [redacted] submission summary and suggested questions ..... 3

Roundtable 1 submission summary and suggested questions ..... 10

Roundtable 2 submission summary and suggested questions ..... 20

Terms of Reference ..... 59

[redacted]  
**Inquiry Secretary**  
30 March 2023

---

## Agenda item 1

### Program

---

**Tuesday 04 April 2023**

#### **Public Hearing**

**Venue: SMC, 66 Goulburn St, Northcote Room, Sydney**

| Time    | Witness   |
|---------|---|
| 9.00am  | <div>████████████████████</div> <ul style="list-style-type: none"><li>• ██████████ Acting Executive Director</li></ul>  |
| 9.30am  | <b>Roundtable 1</b> <div>██</div> <ul style="list-style-type: none"><li>• ██████████ Director</li></ul> <div>████████████████</div> <ul style="list-style-type: none"><li>• ██████████ Southeast Asia Program Director</li><li>• ██████████ Research Fellow in the Pacific Islands Program and Project Director of the Aus-PNG Network</li></ul>  |
| 10.30am | <i>Break</i>  |
| 10.45am | <b>Roundtable 2</b> <div>████████████████████</div> <ul style="list-style-type: none"><li>• ██████████ Asia Director</li></ul> <div>██</div> <ul style="list-style-type: none"><li>• ██████████ Director</li><li>• ██████████ Development Manager</li></ul> <div>██</div> <ul style="list-style-type: none"><li>• ██████████ Principal Lawyer and Executive Director</li><li>• ██████████ Senior Lawyer</li></ul> |
| 12.00pm | <i>Close</i>  |



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE  
AND TRADE

**Inquiry into supporting democracy in our region**

Public

TUESDAY, 4 APRIL 2023

SYDNEY

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

## **JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE**

**Tuesday, 4 April 2023**

**Members in attendance:** Senators Fawcett, Payman [by audio link] and Van [by audio link] and Mr Burns, Ms Daniel [by audio link] and Mr Neumann

### **Terms of Reference for the Inquiry:**

How Australia can partner with countries in our region to promote democracy and the international rules-based order, with particular reference to:

- Australia's interest in supporting the sovereignty and independence of our immediate neighbours;
- the importance of stability, democracy and good governance for the wellbeing of all the people of our region;
- how Australia can partner with our neighbours in promoting our shared democratic values and protecting democratic institutions;
- the role of civil society organisations in supporting democracy in our region;
- ways in which Australia can assist our neighbours in these objectives; and
- any related matters.

## WITNESSES

|   |           |
|---|-----------|
| <b>ARRAF, Ms Rawan, Principal Lawyer and Executive Director, .....</b>                    |           |
| <b>Australian Centre for International Justice.....</b>                                   | <b>13</b> |
| <b>CHEN, Ms Melissa, Senior Lawyer, Australian Centre for International Justice .....</b> | <b>13</b> |
| <b>DOAN-SMITH, Ms Thuy, Development Manager, Asia Pacific Forum .....</b>                 | <b>13</b> |
| <b>FITZPATRICK, Mr Kieren, Director, Asia Pacific Forum .....</b>                         | <b>13</b> |
| <b>KC, Mr Sharan Programs and Quality Manager, Union Aid Abroad .....</b>                 |           |
| <b>(Australian People for Health, Education and Development Abroad).....</b>              | <b>1</b>  |
| <b>PATTON, Ms Susannah, Director, Southeast Asia Program, Lowy Institute .....</b>        | <b>5</b>  |
| <b>PEARSON, Ms Elaine, Asia Director, Human Rights Watch .....</b>                        | <b>13</b> |
| <b>RAHMAN, Mr Jyoti, Director, Sydney Policy Analysis Centre.....</b>                     | <b>5</b>  |
| <b>SORA, Mr Mihai, Research Fellow, Pacific Island Program, Lowy Institute .....</b>      | <b>5</b>  |





**KC, Mr Sharan Programs and Quality Manager, Union Aid Abroad (Australian People for Health, Education and Development Abroad)****Subcommittee met at 09:01**

**CHAIR (Mr Burns):** Good morning. I declare open this public hearing in Sydney for the Foreign Affairs and Aid Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade in relation to its inquiry into supporting democracy in our region. This hearing will be audio-broadcast on the parliament's website, and the proof and official transcripts of the proceedings will be published on the parliament's website. This hearing is a legal proceeding of the parliament. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The evidence given today will be recorded by Hansard and attracts parliamentary privilege. I now invite you to make an opening statement before we proceed to our discussion.

**Mr KC:** Good morning. Before I begin, I would like to acknowledge the Gadigal people of the Eora nation, pay my respects to elders past and present and extend my respect to all First Nations persons in this meeting. On behalf of Union Aid Abroad APHEDA, I would like to thank the committee for this opportunity to speak to our submission.

I would like to emphasise the following points in the time frame given: firstly, global freedom has either deteriorated or remained the same in every country in the Indo-Pacific region between 2020 and 2021. The space for civil society is shrinking in many countries. Social justice movements at local, national and regional levels are therefore vitally important. They are the drivers to uphold human rights and are critical partners in meeting environmental, health, political, social and economic challenges. Secondly, trade unions work to keep the democratic space open. History has shown that the driving force in the struggles to win or defend democracy has been the workers' and women's movements. The largest democratic organisation internationally and indeed in most countries is the trade union movement. It is, therefore, not surprising that autocratic and repressive regimes always attack trade unions to limit their activities.

Australia should seize the opportunity to utilise trade union development in low-income countries as a core program in our development strategy to build democracy and lift living standards. Helping to build trade unions would achieve two development objectives. Firstly, unions work to combat poverty and lift the living standards of the working majority in the population. They do this by advocating for living wages, better health care, improved social protections, price controls of essential goods, and other forms of structural reform. We, therefore, strongly recommend the Australian government introduce a new thematic area of trade union development into the Australian international development program. This will bring Australia in line with OECD nations in Europe and the USA.

**CHAIR:** Mr Sharan, thank you for being a part of this hearing. I will ask the first question and then hand over to my colleagues. What are some of the signs the union movement looks out for—what regressive steps, where people move away from democratic institutions? What are the clear signs that the union movement is constantly aware of in order to prevent slides away from democracy?

**Mr KC:** As a workers' movement they're interested to make sure they represent the workers' changing needs and look at how those needs can be met either through lobbying, advocacy or policies. Unions are always looking—and that's their role—to collectively bargain for better living wages and working conditions in the country.

**CHAIR:** You mention in your submission that Cambodia is obviously a place of concern. Could you elaborate on that? Are there any other countries where you feel that there are concerns around the freedoms of the union movement to advocate on behalf of others?

**Mr KC:** Cambodia, the Philippines and Myanmar—to name a few. It is the situation everywhere in our region. Whenever there is opportunity to make profit the companies collaborating with the government try to squeeze the workers' rights and conditions. In Cambodia particularly the situation for free association is terrible. There's the example of the NagaWorld casino. Workers demanded negotiation for wages, and the police were used to oppress or silence the voices and negotiation was not allowed. Not only that, the union leader from that particular union is now also jailed for an undefined period. Unions are still involved in the struggle and making their demands, despite all the risks they face from the police and other government apparatus. They are still putting up. Similarly, the union movement globally is also working together to see different mechanisms, including an ILO direct mission to record the evidence. It's not just NagaWorld: there is a direct contacts missions report of other nominal cases of workers' rights violations in Cambodia.

The situation in the Philippines is also similar. During the previous government, 56 trade union leaders were killed in a two-year period without any explanation. There is a term that is used—red tagging. That means that someone is identified by the police. If a person is red tagged, it means that person can be killed. There is no justification or any legal or other explanation for those actions. That is just to name a few of those. We know that the situation in Myanmar is terrible. A number of unions and civil society organisations who oppose the military government have been either killed or jailed and so on. So the situation in these countries is quite terrible and, by any standards, not acceptable.

**CHAIR:** Is the deputy chair on the line?

**Senator VAN:** I am, Chair.

**CHAIR:** Do you want to have a go?

**Senator VAN:** Do you want to come back to me?

**CHAIR:** Sure thing. I'll hand over to the chair of the foreign affairs committee.

**Mr NEUMANN:** Thank you. Thanks, Sharan, for a really good submission. You make the really sage point on page 3 of your submission that democracy is not just about the electoral system. It's about raising concerns, participating in public debate and raising your voice. What can we do as an Australian polity—as the Australian government and people—to assist this in the Indo-Pacific region?

**Mr KC:** What we see as needing the most help is the voices of workers and how those voices can be strengthened by supporting trade union programs so that they can educate on the rights of the workers and the rights of the civil society. Collectively, they could defend against any of those autocratic or undemocratic pressures. We have seen that it is working, like in Cambodia. As I just mentioned, these unions are still fighting. They've managed to bring an ILO direct mission by working collectively but also with civil society and other organisations.

A well-educated, well-organised trade union movement really can help in terms of defending this narrowing space. In our region, governments are members of the ILO, the International Labour Organization, and they have ratified different conventions, including the core conventions. Now you don't even have to ratify them. They have to accept convention No. 87, which is freedom of association. There is the condition that every country member of the ILO applies that. Despite that, our governments are not applying it. The reason is that the workers are not collective. There is no opportunity for them to work together. So, by helping and supporting them, we see that changes are possible. That's why we think that education and capacity building are important. That's one area we think is important.

**Mr NEUMANN:** You make the point in your submission that there are two kinds of economies. There's the formal economy where the workers are subject to labour laws and social insurance, and then there's the casual economy—you called it the informal economy—where people in the workplace are not subject to that sort of rigour in terms of human rights standards and rights in the workplace. You talk about the trend of increasing informality and increasing casualisation in these regions. What can we do to protect those workers? What role internationally can we play because a lot those decisions are really on internal laws, like labour laws and social insurance laws, and they are internal to particular countries? What can we do?

**Mr KC:** Yes, you are right. The informal sector is increasing, and there are multiple reasons for an informal sector. One of the reasons is the economy, the way the economy is structured, meaning more privatisation of government services and so on. We have seen that a number of things can be done. One is the social protection, which is very important for the informal sector because they are not part of the formal economy and, therefore, having some social fund helps them to tap into it when they fall in the trap. For that, there is a need for models, different models, for social protection or social security. Providing examples of different models available in developing economies around the world is one area that would be helpful.

The other thing is that we have always seen how the work of informal workers can be formalised, meaning how those informal economy workers can come into some kind of formal process. That has been done and is happening in countries like Nepal. In Nepal there is a social security system which is a contributory system. Workers contribute one per cent and the employer contributes 10 per cent. Through that social security all the workers are recorded and the security fund that is collected is being used when people lose jobs, when they get into accidents, when they go on to maternity leave and when there is a death. This is a start, and the informal workers are finding that it is very helpful because they quite often lose their job or they are injured. Most of the informal workers are women—young women—and when they are pregnant and go on to deliver their baby there is some income for them to continue.

**Senator FAWCETT:** Welcome and thank you for your submission, Mr Sora. On page 3 you mention Myanmar specifically and talk about the fact that unions are part of a coalition against the military junta there, the Tatmadaw. What relationship does APHEDA have directly with the unions in Myanmar?

**Mr KC:** We had a program in the past supporting capacity building of democratic unions in Myanmar. Those unions are part of this democratic process, but then, after the Tatmadaw, it was not safe enough for us to work inside Myanmar, so we closed our program in Myanmar. But we are part of the international trade union movement where we try to support their demands and their ideas, what is coming out of their collective work in Myanmar. For example, they are now asking for sanctions against the military, and the Australian government issued sanctions on 1 February, which is welcome. But they are also asking for comprehensive sanctions and, secondly, the recognition of a new government. We are not directly working there, but we are part of the collective of the global union of these democratic forces, responding to needs coming out of the unions and workers in Myanmar.

We are also part of the Alliance Myanmar network in Australia, where there are civil societies and other organisations working together to work with the diaspora group here to see how our support can be helpful, either for putting pressure on the sanctions or for supporting funds for livelihood and so on.

**Senator FAWCETT:** Sure. A number of overseas development aid groups that have worked in Myanmar in the past have pivoted—to use that COVID related word—their support to work with the displaced people within Myanmar, particularly on the border with Mizoram state in India and on the border with Thailand, where some aid can cross the border and go in. They're doing things that they didn't do before in ways they didn't do before to reach the people where they are. Is APHEDA doing anything practical to work with those coalitions, either on the Thai border or in Chin state up around Mizoram, to actually support people on the ground?

**Mr KC:** Thank you, Senator, for reminding me. Yes, we do work with partners in the Thai-Myanmar border. We have four partners in the Thai-Myanmar border: Karen Women's Organisation, Shanese state school, Mae Tao Clinic and MAP, the radio program operating from the border area. The main focus is to provide information and also education, but at the same time some practical support, such as livelihood support, in the border areas. This is mainly targeting those who have crossed through the horrific situation in the border area. It provides them some place where they can live and also have some skills so they can start some livelihood. Yes, we do that support in the Thai-Myanmar border area.

**Senator FAWCETT:** Part of the reason the Tatmadaw survives there and crushes democracy is that they continue to receive support from Beijing, Moscow and, to a certain extent, New Delhi. What engagement do you have with union movements in those countries, where they allow them, to put pressure on their governments to stop the support to the Tatmadaw so that the democratic rights of the people can be respected?

**Mr KC:** We haven't had any relationship with China or Russia, but with the Indian unions we have started some dialogue at an informal level and also at a personal level. But the situation in India is also not very good for the trade unions, particularly those which are not part of the current government, so that is not helping much at the moment.

**Senator FAWCETT:** My last question is in regard to Asia. The ASEAN construct, the centrality of ASEAN, is recognised as the preferred governance model of noninterference. How does a feeder negotiate the dynamics within the ASEAN nations that don't want external interference in their domestic affairs?

**Mr KC:** We haven't worked at the ASEAN level, other than some global unions working in banking, finance or building construction and so on that have a direct engagement with the ASEAN secretariat. But our experience not only at the ASEAN level but also at the national level is that there are all sorts of restrictions. However, what we have found is that there are some issues which can be worked on together and in a way that changes that—having a dialogue and seeing some movement. For example, on the list, occupational health and safety is one of the areas where the particular regime is also interested because it has a neutrality in its nature. So those sorts of areas we think will have some start, in terms of engagement and workers having a voice in those platforms. The other area we see is climate change, which now also has some similar sort of character, in terms of governments' commitment to meet the Paris climate agreement. They also need to ensure that they have some targets to meet, and that's where they also find some way of engaging with civil society and other organisations.

**CHAIR:** Okay. Zoe, are you on the line? Would you like to ask a question?

**Ms DANIEL:** Yes, thank you, Chair. I'm just curious to drill down a bit into the practicalities of delivering the sorts of programs that you're talking about, given the safety issues in not only Myanmar but also Cambodia. One of the recommendations is to increase allocations of ODA to support these kinds of programs, but how do you actually do it?

**Mr KC:** We have, in APHEDA, as a normal procedure, a partnership. In the partnership, normally with the trade unions, we will do the capacity assessment. Through those capacity assessments, we will identify areas where the needs are. We also do risk assessments and look at how those risks weigh—political, management, financial or any other risks—and how those risks can be mitigated. These are all integrated into the program, and we signed a proper letter of agreement to ensure that the roles and responsibilities, reporting, and monitoring mechanisms are all built in. We have country offices in countries like Cambodia, where the country office directly deals with the day to day. They manage joint identification of needs, risk mitigation and whatever capacity-building is required. We also provide that support. And for this we also seek other southern countries where there are such programs already done and good lessons or examples or models identified, and we will also bring those resources as well as models to help support the unions in those countries.

**Ms DANIEL:** Thank you.

**CHAIR:** Fatima or Senator Van, would either of you like to ask a question?

**Senator VAN:** I'll just jump in quickly, Chair.

**CHAIR:** Go for it, David.

**Senator VAN:** I'm getting really bad feedback. I don't know if Broadcasting can do anything about that. Thank you very much for appearing today and for your submission. We've had a lot of evidence from a lot of philanthropic and charitable organisations about the use of ODA—

**CHAIR:** David, if you take it off speakerphone, maybe that might help, if you're on speakerphone.

**Senator VAN:** It's actually worse this way. I'll leave it there, Chair.

**CHAIR:** It's too difficult. No worries.

**Senator VAN:** Yes, it's too difficult. Sorry.

**CHAIR:** Fatima, are there any questions you'd like to ask?

**Senator PAYMAN:** I was just going to ask a question around DFAT. Your submission mentioned that there's an interest around building the capacity of DFAT, especially when it comes to the European donor countries and the international trade union movement. My question was: what does APHEDA think in terms of establishing the civil society hub that's been recommended by several submitters?

**Mr KC:** Thank you for that question and proposal. We think that this trade union development on workers rights is a very specialised area. It falls under a particular labour law and ILO conventions, and therefore our suggestion is for DFAT, if it has the capacity for an adviser or someone with experience or skill in this area, to help to advise, monitor and support this program. That is our suggestion. This is not different from what is done in other Nordic and US government development programs.

**CHAIR:** On that note, thank you so much for coming, Mr Sharan KC. If you've been asked to provide any additional information, please forward it to the secretariat by Tuesday 18 April 2023. You'll be sent a copy of the transcript of the evidence and will have the opportunity to request any corrections. On behalf of the Foreign Affairs and Aid Subcommittee, we really appreciate you taking the time not only to put together the submission but to appear before the committee today. We wish you well and own success in your efforts in the region.

**Mr KC:** Thank you, Chair, and thank you all for the questions and the opportunity to participate.

**PATTON, Ms Susannah, Director, Southeast Asia Program, Lowy Institute**

**RAHMAN, Mr Jyoti, Director, Sydney Policy Analysis Centre**

**SORA, Mr Mihai, Research Fellow, Pacific Island Program, Lowy Institute**

[09:33]

**CHAIR:** I welcome the new group of witnesses to give evidence today. This hearing is a legal proceeding of the parliament. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The evidence given today will be recorded by Hansard and attracts parliamentary privilege. I now invite you to make an opening statement before we proceed to discussion, and we will do it in the same order in which we made the introductions.

**Mr Rahman:** I'll first acknowledge the First Nations people on whose land we sit. Thank you for giving us the opportunity to provide our submission in person, and we're very happy to answer any questions that might arise. By way of setting the context, we took the submission to mean the region in the broader sense, and much of what we have written pertains to the Indo-Pacific region as a whole. However, everything that we say can also be specifically applied to the Pacific as such. As you'd be aware, there has been a democratic reversion across the region. Countries that are not democratic have become even more authoritarian. Human rights violations are even more aggravated or heightened. Even in established democracies, such as India and Indonesia, there have been reversals. That's the broader context that we see.

Against that background, we would recommend a few specific things that Australia could do to promote and uphold democracy in the region. I'll quickly go through them, and then any discussion would be welcome. Firstly, we would propose that Australia invest heavily in democracy and human rights advocates in the region. By 'invest', what we mean is providing fellowships and scholarships and facilitating other engagement activities which activate civil society organisations, policymakers and politicians across the whole political spectrum. Let them see how a liberal democracy functions—how things work in Australia. These people will be the leaders in the future, so investing in them would pay dividends.

Secondly, we'd like to propose that democratic values, specifically the protection of human rights, and free and fair elections, where possible, be a visible part of foreign policy. It should be stated on the websites, and it should be highlighted in the speeches and articles by Australian ministers and officials. Again, we're talking about direct engagement. But we should also develop a monitoring system where Australian-taxpayer-funded scholarships don't end up with officials who end up becoming human rights violators—in security engagements and so on. This is particularly something that we feel quite strongly about. We feel that Australia should lead from the front.

We recognise that there are competing priorities in foreign, strategic and economic policies. Therefore, it might be prudent to engage in some sense with why we should make the promotion of democracy a visible part of our foreign policy agenda. It might be also prudent to maintain somewhat of an arms-length distance from the executive government. With that in mind, we propose the establishment of a non-profit, independent foundation—or foundations, as the case may be—to direct these engagements. For example, in the US there is the National Endowment for Democracy, which provides that function. Something like that could be considered for Australia.

Fortunately, Australia's strength is its diverse community. On the way here, I was listening on the radio to the new New South Wales government. The Treasurer was being sworn in on the Bhagavad Gita, and they had the first New South Wales minister to be sworn in on the Koran. This is Australia's strength. Australia has diaspora communities from many other countries in the region where democracy has been in reversal. I myself and my fellow directors have lived experience in countries where democracy has been in reversal. We should engage the Australian communities of those backgrounds in this. That's our job.

**CHAIR:** Thank you very much, Mr Rahman. I'll ask the Lowy Institute to make an opening statement.

**Ms Patton:** Thank you very much for the opportunity to speak at this hearing today. As you know, the Lowy Institute is an independent, non-partisan, international policy think tank based in Sydney. All researchers speak and write in their own names, so my comments today reflect my own views and not those of the Lowy Institute.

I want to start out by making three observations about the topic of this inquiry, drawing on my research, which focuses on South-East Asia. The first observation is that South-East Asia is a region of great diversity in its political systems, from absolute monarchy in Brunei through to communism in Vietnam and Laos and the sprawling democracies of maritime South-East Asia. While there are some common trends across the region which are influenced by geopolitics, economics and technological changes, in almost every case dynamics are

primarily driven internally rather than externally. That makes it quite difficult to generalise about the way Australia should approach the question of supporting democracy in this region.

The second observation I want to make is that, perhaps relative to the Pacific region, Australia has quite limited influence in South-East Asia because we are one of several important partners to regional countries. Over the past decades, changing economic relativities mean that Australia is less influential than it once was—for example, compared to the 1980s, when our economy alone was around 85 per cent of the ASEAN economies; we're not in that position anymore. That's something which needs to be at the forefront of the way we consider engaging the region on any domain.

My final observation I want to make is about defining the scope of how we approach support for democracy in South-East Asia. It's important to make a distinction between some of the small-scale and low-key ways that Australia can contribute in comparison to the way the Biden administration in the United States is approaching this question through the prism of its global agenda, which defines geopolitics as a contest between democracy and autocracy. In South-East Asia, an approach which is focused on small-scale and practical initiatives is far more viable—especially as in many cases it's not the elections themselves that are the issue but more the enabling environment around elections, in terms of political parties, media freedoms and broader human rights. The challenge there becomes defining what are the most effective solutions within that very broad scope of issues. Australia has small-scale activities that touch on almost every one of these issues but is yet to identify a broader approach which is scalable in terms of support for that enabling environment that would address the situation of democracy in South-East Asia.

**Mr Sora:** Good morning, and thank you for this opportunity. Like Susannah, my comments here today reflect my own views and not those of the Lowy Institute.

I'll focus my comments on the Pacific region. Pacific countries are democratic, but democratic principles and institutions in the region are under pressure in a number of different ways. I will give a few examples to lay out the diversity. In countries like the Solomon Islands, illiberal trends and centralisation of power in the office of the Prime Minister diminishes political pluralism and places barriers between communities, political aspirations and those elected to carry them out. While there is a strong tradition of democratic political contestation in Papua New Guinea, accountability, institutions and agencies tasked with delivering elections, and the media sector, are grossly neglected, and there is illiberalism by neglect. In Fiji, after many years under an oppressive government that actively stymied civil society and political opposition, and that used a broadly unbalanced legal system to aggressively pursue and seek prosecution against individuals who questioned the government, the country is now entering a new phase under a new government. But 17 years of a government hostile to democratic institutions and civil society have left this sector fragile. This was a litigious form of pressure against democratic principles.

The challenges vary across the region, but across the board there is insufficient access for women to directly engage in political processes. Women's political participation is low, and there are very few women elected representatives across Pacific countries. Australia is already strongly engaged in supporting democracy in the Pacific, but there are opportunities to do more. It would be my pleasure to go into some details with you today.

**CHAIR:** Thank you all very much for those opening remarks. I might start on that exact point, Mr Sora. We'll stick with PNG and the Solomons as two examples. Starting with the Solomons: what we saw unfold was a relatively public accusation that Australia was trying to somehow meddle in their democratic institutions when, actually, there was a longstanding precedent of Australia assisting through third-party electoral management organisations. It was the opposition in the Solomons who made remarks like, 'Actually, there is precedence for this.' What are your thoughts, therefore, on Australia having some form of publicly available policy where it sits clearly for everyone to see, so that sort of accusation around what Australia's involvement or not might be—do you think that would have an impact on a place like the Solomons or in the Pacific more broadly?

**Mr Sora:** I do think that would have an impact. Part of the problem with that particular incident was that there was a lack of local community awareness within the Solomon Islands. False narratives insinuating that Australia was seeking to interfere in democratic processes in the Solomon Islands had oxygen. It was a permissive environment, if you will, for false narratives. Introducing additional transparency about Australian activities in the past, in the present and on the menu, if you will, of Australian support to a country like the Solomon Islands would help push back against some of those narratives. There is already very strong, a very high level of, goodwill towards Australia in the Solomon Islands communities, but it is an information-poor environment both with respect to the media sector and the volume of information the government provides about its own intentions. Having a publicly accessible framework about the support Australia can provide to the country would improve communication between our two countries. The issue came up because the Prime Minister, Manasseh Sogavare, felt directly threatened by Australia providing electoral support in a country where he was seeking to centralise



power. Australia will continue to attract that criticism from individual political actors in the country, but they're not the only political actors with a stake in democracy in that country.

**CHAIR:** Let's turn to Papua New Guinea. You referenced it in your remarks; in your words, you framed it as neglect. Resourcing is a huge factor in a country where only 15 per cent of people are contributing to the formal economy. Government is already cash poor and the transfer of resources over to the Papua New Guinea Electoral Commission happened extremely late in the electoral cycle—which, when you've got a complicated logistical challenge of running an election in a country like PNG, made it almost impossible to run an election. In that example, Australia has a proud history of supporting PNG through a third party. What's your view on having, as part of that framework we've just spoken about, some sort of requirement or aspect that ensures there is a longer lead-in time to an election, and that the support Australia could provide in expertise, logistics and planning isn't about the two or three months prior to when an election has been called or when the writs are issued but about how to help build roles, how to help plan for ballot papers, how to have a sense of population—that sort of longer-term planning in the structures of elections?

**Mr Sora:** Absolutely. Now, just after an election in Papua New Guinea, is the perfect time to push forward and engage bilaterally to support processes that were shown to be inadequate and institutions that were shown to be ill-prepared for the scale of the logistical exercise. Typically, Australia needs to wait for a formal request from the government. If the host government—in this case, Papua New Guinea—sequences such a request close to an election period, Australia has limited scope to meaningfully support the election other than in a bandaid or patchwork fashion, as we saw in Papua New Guinea. There is that difficult relationship that the Australian government will have to manage. We would have to convince the Papua New Guinea government to accept Australian assistance at an earlier period. There is absolutely an appetite for that in civil society and within individual pockets of the government. But again, it needs to be a decision made by the electoral authorities and the Prime Minister of Papua New Guinea. These processes, particularly in a country of the scale of Papua New Guinea, do take years. It's never too soon to begin to support electoral reform and training, printing of materials and so on, the full suite of processes that are involved in an election.

**CHAIR:** My final question may be a difficult one to answer, but I'll ask it anyway. In your mind, what are the consequences of not taking proactive steps as quickly as possible in the long term? Anyone else feel free to answer this as well. I was in Papua New Guinea over summer, and the line that gets thrown around was that it was one of the worst elections that had been run in the country. Thinking one, two, three electoral cycles down the road, what are the consequences of allowing it to not improve?

**Mr Sora:** I think we already see evidence of a lack of trust and a lack of faith in elected representatives and democratic institutions. Papua New Guinea is fragile across many development indicators. There is a resilience within Papua New Guinea communities, and that resilience comes from not ever receiving social services or actively engaging in vital democratic processes. That line that this election was the worst one yet is a truism, but it is also accurate, according to Transparency International and other election observers. The risk is that the elected representatives in a country like Papua New Guinea are further and further away from the constituents that would otherwise hold them accountable. The risk is that democratic values that are so important to Australia become less important to communities in Papua New Guinea, if they don't have any evidence of how those values play out and how it benefits them.

**CHAIR:** Thank you. Would you like to add anything to that, or are you happy to leave it there?

**Mr Rahman:** I'll just reiterate, drawing on your first question, the view that came up in the Solomons, accusations thrown at the Australian government. An arm's-length foundation model or endowment model may help to mitigate that by making it more transparent that yes, this is Australian funded or Australian badged, but it is not Australian government.

**Mr NEUMANN:** Thanks, Mr Rahman. I'm interested in your submission. You particularly talked about the diaspora and 'leveraging'—that's your words—that Australia's diverse multicultural community should be leveraged in the policy-making process. In the rest of the submission you only deal with this topic once. You talk about combating misinformation—I think the word you use is 'disinformation'—and you talk about the fact that these groups can provide another source of information, whether it's through family or faith or other organisations. How is that leveraging? You're talking about leveraging in policy making. I can't understand the difference in what you're saying. In fact, it looks quite contradictory, what you're saying in your submission, to be totally blunt. It's actually contradictory.

**Mr Rahman:** That's a very valid point. Yes, it is a 'on the one hand, on the other hand' kind of thing. We would like to tackle both, right? There's a problem here, which is that these groups are vulnerable to disinformation. This is something that has been picked up in various other parts of the government's and the

previous government's agenda in countering foreign interference and so on. That is one part of it. We need to be aware of that. But the counterpart of that is what we try to get at. Many members of the communities have lived experiences in democratic reversal. Regular dialogues with them or hearings would help DFAT or Home Affairs or whichever agencies it may be at the coalface of any specific policy to shape that policy or program or initiatives. In conjunction with the other elements, such as the foundation, such as the engagement with civil society and so on, we could think about involving the domestic communities in Australia in shaping those other programs. So if there was an endowment and the endowment was funding a scholarship, for example, the diaspora community advice could provide a perspective on which agencies in those countries those scholarships should go to. Not necessarily the only perspective, but a perspective.

**Mr NEUMANN:** What's the role, therefore, of faith based organisations in this? They are often the organisations, whether it's Buddhist or Islamic or Hindu or Christian, they're often in multicultural communities. We all have mosques and synagogues and churches, multicultural communities in our areas. As federal MPs we could see it. They often are the fulcrum in the same way that sporting and other organisations in football once were. Are you suggesting that we provide additional assistance to those groups, that we exploit—I can't think of another word. That's the word that comes out of your submission to me. They're often the most vulnerable communities, because some of them are fleeing persecution.

**Mr Rahman:** Some of them are fleeing persecution.

**Mr NEUMANN:** I think you need to be a bit more elegant in the way you put your submission to us in future.

**Mr Rahman:** I fully take the point that maybe we could have drafted it better. In terms of your actual question on the role of faith based organisations, I would probably say firstly that it differs from country to country. For example, in the Pacific faith based organisations actually are also sports organisations and community organisations. Thinking in the Indo-Pacific more broadly, I don't think we can have a blanket view that one size fits all. It's got to be country to country, community to community specific. But yes, in principle faith based organisations probably do have a significant role to play in many of these communities, in many of these countries. Does that mean we need more funding? Not necessarily. It's not so much about more funding; it's probably more leveraging. I would probably use the word 'leveraging', which we did, rather than 'exploiting'. Engaging in an open and transparent manner.

**Mr NEUMANN:** Thank you. Can I suggest to you to come back to us with a bit more about some ideas about how we can do that in a respectful, practical way?

**Mr Rahman:** Absolutely.

**Senator FAWCETT:** The Lowy Institute submission makes depressing reading on the lack of influence that you believe Australia has in the region. A lot of the things you talk about, in terms of governance and opportunities for people to visit Australia et cetera, sound a bit like the old Colombo Plan. Is that the sort of thing you have in mind here in terms of that longer-term investment in the people who are going to provide governance in nations, either through the public service or politically?

**Ms Patton:** I think Australia's model for how we provide assistance to South-East Asia across the board has very much been based on the idea of policy exchange, in particular bringing people here to Australia and sharing experience about the way we do things, whether it be, for example, parliamentarians or journalists or policy analysts in think-tank communities. Of course, some of this is supported through programs like the Australia Awards, which, as you would know, doesn't just provide the long-term scholarships, but also those short-term opportunities for learning in Australia. So I think Australia is quite active in those spaces, but it is fairly small scale and ad hoc rather than bigger programs, which may reflect just the nature of the challenges here. But I think that's very much the model that we have in place at the moment.

**Senator FAWCETT:** If we are going to try and invest in the governance, whether it's encouraging freedom of the press and good accountability in terms of lack of corruption et cetera, we're not working in a neutral environment where there aren't other geostrategic actors working. So how do we find the balance between those long-term programs which may literally take decades before we see consistent, meaningful results, and approaches that are around elite capture and tied grants and things to very quickly leverage influence and control in a region? How do we work effectively in what is a contested environment for influence?

**Ms Patton:** I think what you say is quite correct in the sense that a lot of Australia's investments are much longer term, and they may be programs, for example, in health care or education, where there are not the same set of direct beneficiaries as you might see when it comes to funding physical infrastructure programs. But those kinds of investments in human capacity across the region will ultimately build long-term influence for Australia. So my view would be that we shouldn't get too distracted by the immediate contest of the day or trying to



compete with China or other actors in exactly the same way as they deliver assistance, because we'll always be chasing our tail and not actually playing to our own advantages as a country, which is what we should be doing. It's very difficult for Australia to compete with the kind of model that China offers. It's difficult for the United States and for other partners as well, for that matter.

It's important for us to think about what unique value proposition we have. I already mentioned education; that's a topic that I've researched, focusing on the way that Australia has built relationships of influence with whole generations of alumni, going back to the Colombo Plan but also more recently. That's something that we've done very well, historically. We should be doubling down on how we cement that as our advantage, rather than trying to compete with others on their terms.

**Senator FAWCETT:** I'll come to the Pacific in a minute, but I have one more question around South-East Asia. Myanmar, to my mind, is one of the existential crises for our region, particularly for the validity of ASEAN as a bloc. Given the dynamics of the bloc—as you say, there are a whole raft of different governance models within that, and there is the influence of external actors such as Beijing, Moscow and New Delhi in supporting the Tatmadaw—what's the solution? How do we move forward and effectively help the people of Myanmar not only from a humanitarian perspective but also to regain, if you like, the democratic model that they were starting to develop? Do you have a silver bullet for us?

**Ms Patton:** No. I don't think anyone has a silver bullet for that situation. It's very hard to see how there will be any positive resolution. Certainly, it will come, when it does, from within the country, not from external actors. I think the current conversation internationally is a bit about how you can tip the balance of resources to favour the pro-democracy opposition movement and away from the military—so, looking at things that give the Tatmadaw its advantage at the moment. That's why we've seen the US and other countries sanctioning, for example, aviation fuel—because the Tatmadaw has been using its air power over the pro-democracy resistance movement in that country—and then, on the other side of the ledger, trying to support pro-democracy groups led by the national unity government but of course more broadly than that as well. I think that's where the focus is, but it's going to be fairly marginal in terms of the impact that it will have from the outside when, as you say, Myanmar is actually not doing too badly in terms of its international support. China, Russia, India, Thailand—they're not without friends. That makes it very difficult for countries like Australia or the United States to have a really meaningful impact from the outside.

**Senator FAWCETT:** Is there any leverage that you think Australia or other likeminded nations have around the members that border Myanmar? Unlike Ukraine, where Poland is essentially an open door and a clearinghouse for all kinds of support, that just doesn't exist for Myanmar. Is there any opening, gap or path that you can see where we could work with other likeminded nations to influence those neighbours to be more supportive of the people of Myanmar?

**Ms Patton:** Thailand's role is key, and I think if Thailand were to take a different position within ASEAN then that would have an impact on the way that ASEAN as a group engages with Myanmar. At the moment, there is a division between the maritime countries, led by Indonesia, and the mainland countries, led by Thailand. Unfortunately, Thailand is very unreceptive to the idea that it should be putting pressure on Myanmar. It would respond and say that it has a very lengthy border and it has common shared security interests in terms of the flow of people and the flow of drugs. Even when it has been conducting its air activities, the Myanmar military has crossed over into the Thai border, so there's a pretty acute sense of vulnerability there that makes it very difficult to encourage Thailand to take a different approach within ASEAN.

I think the best leverage that the international community has is the idea that in order to be credible in the way that it convenes broader regional summits like the East Asia Summit, ASEAN needs to have a meaningful response on Myanmar. That is to say, it's not going to be attractive for the leaders of countries like the United States or Australia to attend ASEAN summits if there hasn't been a credible response on Myanmar. I think that is why ASEAN's response in some ways has been more than many observers would have expected by way of not allowing Myanmar to send political representatives to the ministerial and summit-level meetings. In some ways, that actually goes further than many would have expected.

**Senator FAWCETT:** Mr Sora, can I come to the Pacific and follow up on Mr Newman's points around how we work with diaspora communities, faith-based communities and, in the case of the Pacific, I could also argue sporting communities. We have many Christian communities and others who play rugby, which gives us a strategic advantage in every Pacific nation—

**Mr Neumann:** It's rugby league as well.

**Senator FAWCETT:** except for Vanuatu, where I think the round-ball game is more prolific than rugby. But, overall, it gives us an advantage. Should we in DFAT be preferencing funding and support groups who have those strong linkages already into the Pacific as part of enabling them to be strong civil society actors? The case in point that I would highlight is the long-term contract that YWAM Medical Ships Australia, run by a faith-based NGO, has had with the government of PNG and DFAT to provide almost all the health services in the western regions of PNG. We've done a Senate inquiry into aid to PNG, and this was the standout group. The long-term relationships between faith-based groups here, faith and political leaders in PNG, and the continuity of the engagement with regional governments in providing some certainty for the health services have worked very well, with very good independent reports on their efficacy. Should we be taking that kind of model and preferencing that kind of model into the broader Pacific?

**Mr Sora:** The short answer is yes. Our local democratic and human rights champions in Pacific countries will be our best allies—entities outside of local governments. In a number of countries local governments are seen to be predatory, not acting in the best interests of their own communities. Faith-based organisations, sports organisations, human rights advocacy groups, accountability organisations such as Transparency International and the various chapters throughout the Pacific—these entities have over the years received degrees of support from Australia through the development program. I believe that it's waxed and waned. But, overall, there is a sentiment that Australia's development cooperation engages most with local government counterparts. So it's aid from the Australian government to the local government. There are reasons why that is the case. It's partly to do with capacity as an entity. A local government can absorb the bulk of our aid program as opposed to individual civil society groups. But, in a context where the local government is not seen necessarily as a friendly actor domestically by their own communities, it does a disservice to Australia to be seen to be propping up entities that are not acting in the best interests of their communities. But it's also a missed opportunity to be empowering local actors that do have the best interests of their communities at heart.

So I would say that we need to broaden it beyond just faith based organisations. They have a long track record and tend to be better coordinated with counterparts in Australia and in other countries, and that's why they do so well. Secular civil society organisations tend to have smaller capabilities, human resources and financial resources. They're looking for places to work out of. So engaging and supporting them is a longer term proposition, but I think it's also worthwhile. Faith based organisations deliver broad public good, but they don't cover the full suite of development opportunities that the Australian government would seek to provide to Pacific communities.

**Senator FAWCETT:** You mentioned in the Lowy submission the concept of 'uncivil' society groups. I'm just wondering if you could talk to us a little bit more about those. Are they tied to military elites, corrupt business or organised crime? What would drive groups to advocate for non-democratic outcomes?

**Ms Patton:** We've seen in several countries the emergence of civil society groups that are not advocates for what we would consider to be liberal democracy and that we might associate with the idea of civil society. One example would be in Thailand, where there has been political polarisation over the last two decades. That has seen many groups which were previously considered to be at the forefront of advocating for democratic norms actually become much more regressive in some of what they argue for and occupied by people who are really part of existing political elites. We've seen that, for example, in the way that some of the independent institutions, like the electoral commission and also the human rights commission, have gone backwards in terms of their credibility, which is something that we've seen elsewhere in the region as well. That's something Australia needs to bear in mind when thinking about broad-brush recommendations like 'supporting civil society' and 'engaging civil society'. There's an obvious second question—who are these groups and what exactly are they advocating? Are they really what we might assume at first glance?

**Senator FAWCETT:** Sure. My final question goes to media. A couple of the submissions have talked about the importance of civil society and free media to be able to expose people and hold them to account et cetera. In terms of Australia's role and our ability to speak to community and civil society at large, what is the role of social media, good or bad, in terms of positive information but also misinformation? How important are services like the old Radio Australia in providing a unique point of reference as opposed to another internet based news service?

**Mr Sora:** I'll jump in first on the Pacific, if I may. In the Pacific, we have rapid digitisation and digital connectivity, but it's from a very, very low base. I would say that all technologies that have been in play in the last 80 or so years are still useful in some pockets of the Pacific, including bleeding edge applications and communications tools that we use today in Australia, supporting electrification and the rollout of communications infrastructure, radio networks as well, building them where they've been torn down, if you will. These flows of communication provide vital access to otherwise remote communities. Australian media is trusted in the region in

a way that other countries' media—for example, the Chinese communist network that gets pushed out quite aggressively into the Pacific—is not trusted. Australia, on the other hand, is quite trusted, but it's a matter of access. Not every community has that access.

Social media is here to stay in the Pacific. I've heard Papua New Guinea's last election referred to as their first social media election. It certainly won't be their last. While there are challenges with inaccurate information and misinformation, it is broadly a vastly, hugely positive thing for communities of interest in Papua New Guinea and in Pacific countries in general to be able to connect with each other, to access government messaging, to access media from other countries. As an example, there are data plans in Papua New Guinea where the portal through which you access the internet is Facebook, the application. You don't think of it as a browser where you can visit whatever site you want; you're accessing the internet through the Facebook application. These things have a huge impact on local communities.

But it's a tricky space because these are for-profit organisations, and tech companies themselves are under intense pressure from local government actors. What we might think of as misinformation, other political actors might have a different definition of. We might call that political opposition a dissenting view or criticism; they might want to ban it in the same way that we would ban what we regard as criminal activity. So these are things that need to be unpicked and constantly negotiated with our government counterparts. Absolutely, information flow is a way to shortcut the geographic obstacles that are in place for these communities accessing their political representatives or constructive political narratives about developments in their own countries.

**Senator FAWCETT:** One follow-up on that: we have given funding in the past, for example, to the Solomons around running an election, and likewise to Papua New Guinea. Are you aware if anyone has done any work to how we could support another government to have in place a platform, accessible via whichever digital means they wanted, to have the government and the opposition or other parties' views as an independent source of information rather than just the unfettered social media? Has there been any work looking at how we could facilitate that kind of approach?

**Mr Sora:** Not to my knowledge. There might be. I know that Australia supported local governments to establish online information portals in a neutral sense about the delivery of the election, not particular to a party that I know of. It may be out there. That's a tricky space because that would be vulnerable to criticism that it would be election interference if you are supporting a political actor. I do know that in Papua New Guinea, for example, political actors fund their own information campaigns, including buying advertising and so on. There are tools that shed light on those activities so that voters can see for themselves how much money has gone into which campaign and on whose behalf. It's a tricky space for Australia to jump into. I would say rather focus on making these tools available to the communities that would be consumers of this information and let the political actors locally sort it out for themselves.

**Ms DANIEL:** Going further into the press freedom issue, Lowy, and this sort of comparison between ad hoc programs and a comprehensive approach, I'm curious what that comprehensive approach might look like.

**Ms Patton:** That was a point I made in my submission. I think what Australia does at the moment—and I've seen this increasingly in the last few months with groups that we've met while they've been travelling through Sydney—is about bringing editors and journalists out to Australia and sharing experience. But, as far as I know, I don't think Australia has, for example, a dedicated program that would train journalists in the region or would be a way of connecting the organisations in Australia and the region.

This is not always a straightforward space. I think that may explain why Australia's support has been, perhaps, more low key than that of other partners. I'm thinking, for example, about the UK and the way that it approaches this issue. It convened a global summit looking into the issue of press freedom a couple of years ago and, I think, has had more high-profile support. Of course, these kinds of programs can be associated with the idea of outside political interference, which can be sensitive as well. But I do think that, given the sort of trends that we're seeing across the region, this is an important space for Australia to have a role.

**Ms DANIEL:** Thank you. I have just one more question, which is on links between parliamentarians. I'm interested in the capacity for female parliamentarians to connect—evidently, that would be a positive thing—and what you think that might yield, particularly if we look at the Pacific, where there are very low numbers of women in leadership.

**Mr Sora:** It's very difficult to enter politics anyway. Obviously, you guys would know more about that than I do. But, in the Pacific, instances of female political representation are so few and far between that it always feels like a unique journey that an individual representative has gone on. I think connecting anyone who manages to break through the various thresholds and barriers with peers from Australia would be broadly empowering for

them. It would further enhance their credibility as political representatives in a context where there is still a long way to go in terms of gender norms, so that it doesn't look like—not a black-swan event—a case where it's such a unique event that it's exceptional. Rather, the challenge is to shift gender norms so that it's expected and so that local communities are just as disappointed as advocates when they don't see sufficient female political representation. Any support that Australia can give in those peer-to-peer relationships is hard to quantify, but I believe it would instil confidence and increase the credibility of individual female political representatives in Pacific countries.

**CHAIR:** Are there members online that want to ask a question?

**Senator VAN:** I just mention to the Lowy Institute that I might ask my office to reach out to you and arrange a meeting next time I'm in Sydney.

**CHAIR:** We're getting nods.

**Senator VAN:** Thank you.

**CHAIR:** I might ask the last question before we wrap up. It goes to the Lowy submission around the engagement with civil society. 10There have been recommendations around a quantity, and you almost went to a quality aspect of it. But if there was a quantity figure, do you have a view on what Australia should be allocating towards civil society groups as part of our overseas development assistance?

**Ms Patton:** I don't have a view about what the dollar figure would be but I suppose I would say that, from my understanding, in a lot of areas it is very much discretionary for individual embassies or high commissions on the ground as to how they choose to engage with civil society. One example would be Australia's strategy for tackling the death penalty in the region, or I think it might be a global strategy, that the previous government put forward. That included a recommendation around engaging civil society, which was essentially just embassies and high commissions should do this it as they see fit in carrying out their advocacy on the death penalty. That, to me, was a fairly typical way that Australia engages with civil society. There are, for example, groups that diplomats can partner with in hosting events and that happens but it is not a concerted approach to proactively, for example, provide funding that goes to civil society groups' operating or administrative costs. It might just be for individual events or activities, which makes it very difficult for these groups to sustain themselves. So my sense is the challenge is not really around the amount of funding but more around Australia's political appetite for risk in actually proactively engaging with these groups, because of course when you work with local civil society there will be groups that are not welcomed by the governments in those countries, so we need to be prepared for that in how we respond to criticism and prepare for the risk that that might involve to some of our bilateral relationships, for example.

**CHAIR:** I understand. Does the Sydney Policy and Analysis centre have any view on the amount of Australian ODA to be allocated to civil society or any thoughts around that?

**Mr Rahman:** We have no views on a dollar figure as such, but we echo what our colleague from Lowy said and again reinforce that these things would vary from country to country. We have promised to provide further thoughts on how to engage our domestic communities. We will elaborate on that.

**Mr NEUMANN:** Ms Patton, you gave an almost around-the-world thing about all the different countries in Southeast Asia in reference to Senator Fawcett, but you didn't mention Bangladesh. I'm interested in what role they play in terms of the situation in Myanmar apart from being incredibly charitable in terms of the Rohingya camps there that we are seeing. Could you give a response on Bangladesh?

**Ms Patton:** Probably not, and that would reflect the remit of my focus, which is just the 10 countries of Southeast Asia. I don't look at Bangladesh in a concerted way, so I would suggest that you contact other experts on that country.

**Mr NEUMANN:** You can cease and desist.

**CHAIR:** Thank you all for coming today. If you've been asked to provide any additional information, please forward it to the secretariat by Tuesday 18 April 2023. You will be sent a copy of the transcript of your evidence and you will have an opportunity to request any corrections. On behalf of the Foreign Affairs and Trade aid committee, I thank the Sydney Policy Analysis centre and the Lowy Institute. We really appreciate you taking time to make a submission, for the time you've given us today in this hearing and we look forward to seeing you again soon.

**Proceedings suspended from 10:28 to 10:45**

**ARRAF, Ms Rawan, Principal Lawyer and Executive Director, Australian Centre for International Justice**

**CHEN, Ms Melissa, Senior Lawyer, Australian Centre for International Justice**

**DOAN-SMITH, Ms Thuy, Development Manager, Asia Pacific Forum**

**FITZPATRICK, Mr Kieren, Director, Asia Pacific Forum**

**PEARSON, Ms Elaine, Asia Director, Human Rights Watch**

**CHAIR:** I welcome the witnesses who are here before us today. Is there anything you would like to add to the capacity in which you appear today?

**Mr Fitzpatrick:** The Asia Pacific Forum is made up of 26 national human rights institutions.

**CHAIR:** This hearing is a legal proceeding of the parliament. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The evidence given today will be recorded by Hansard and attracts parliamentary privilege. I now invite you to make an opening statement before we proceed with the discussion. I'll start with you, Ms Pearson.

**Ms Pearson:** Thank you so much. Good morning. It's really pleasing to see that the committee is holding this hearing today. I'm speaking to you as the Asia director of Human Rights Watch. In the past few months, I've been in Indonesia, the Philippines, Singapore, Malaysia and Thailand discussing the human rights challenges that our region is facing with government officials of those countries, journalists and civil society activists.

I know that the Australian government is well-informed about the risks and developments in South-East Asia, and we do see that the Australian government is quietly supporting initiatives to strengthen institutions, build capacity and promote people-to-people partnerships. That is important work, but if we are to adequately address the threats that we face in this region today, it can't be that alone. We need both carrots and sticks when it comes to accountability, because democracy is under an all-out assault in the Asia Pacific region.

Young people from Hong Kong to Myanmar to Thailand have put their lives on the line to join peaceful protests, to speak out for democratic freedoms that most Australians take for granted. Just last week, a 15-year-old girl in Thailand was put in pre-trial detention in Bangkok, accused of violating the lese-majesty law after her participation in a peaceful protest.

Also last week, I visited a former senator of the Philippines, Leila de Lima. She's in police custody and she's been detained for more than six years—arrested while a sitting senator for her opposition to Duterte's drug war killings. Leila de Lima hasn't been convicted of any crime and while the Marcos administration continues to detain her, most of those who are responsible for the thousands of killings in the war on drugs remain free.

Also last week, in Myanmar, the National League for Democracy, Aung San Suu Kyi's party, was dissolved. Suu Kyi and other opposition politicians, of course, are already in prison, convicted on trumped up charges. But the dissolution of the NLD is another move towards the Myanmar military junta's attempt to hold sham elections in an effort to garner international legitimacy after they overthrew a democratically elected government two years ago. Since then, they've committed a litany of war crimes and crimes against humanity, including the execution of former NLD politician Phyo Zeya Thaw as well as leading civil society figure Kyaw Min Yu.

These were just three developments last week. More broadly—and I know that this is front of mind for this committee and for the Australian government—we are also seeing the impact of the Chinese government in the region. Its infrastructure projects, cheap loans and trade deals are lucrative and financially attractive to many governments, but so too is its model of economic development without rights as it exports its model of authoritarianism and repression. The lack of accountability for Chinese government abuses is providing cover to other abusive governments in our region.

Even the countries in the Asia-Pacific that are nominally democracies, like Cambodia and Thailand, are finding ways to undermine free and fair elections by dissolving genuine opposition parties, tying up political candidates in legal cases and forcing politicians into prison or exile. And then we have governments, like India and the Philippines, that have censored critical reporting, threatening independent journalists and human rights defenders for criticising the government. To address these threats, we need stronger and more resilient democracies in the region, like Australia, to support accountability for human rights violations.

Here are five recommendations from our submission, and I'm happy to go into more detail. Firstly, we urge the committee to task the Department of Foreign Affairs and Trade with drafting a clear human rights policy, requiring regular and public human rights reporting on issues and countries of concern, especially in our region. Human rights should not be limited to just closed-door dialogues between bureaucrats. It's ineffective and it ends



up emboldening governments, like that of Vietnam, to hold the talks while at the same time continuing their crackdown on human rights defenders. Any dialogue that is held should also include a civil society component.

Secondly, Australia should show more leadership at the UN Human Rights Council when it comes to matters in this region. Australia is often reluctant to do so, not wanting to upset our neighbours, but our place in this region is precisely what gives the Australian government leverage when it does speak up. Failing to do so gives abusive governments a free pass. One example of a failure to use the HRC effectively is with respect to the Philippines. Despite a very strong report from the UN Human Rights Office, the Philippine government was able to hoodwink UN member states into avoiding further accountability measures for its deadly war on drugs. Instead, two years ago, the council agreed to a joint program with the UN and Philippines government which focuses on training and capacity building. It has no monitoring mandate at all, and, despite the thousands of killings in that country, only two cases have resulted in convictions. UN monitoring mandates matter very much to governments like the Philippines and they do provide additional pressure to hold abusers to account.

Thirdly, we would like to see the Australian government apply targeted sanctions on human rights grounds. We have the Magnitsky law. Let's use it in a principled, consistent fashion so that the perpetrators of the abuses, even in powerful governments like China, can't evade scrutiny.

Fourthly, we support a civil society democracy summit for activists in our region. We saw a high-profile US summit just last week, but we would like one in Australia that centres the experiences of human rights defenders and activists at risk, to enable them to deepen their connections to learn from one another in how to promote democracy and human rights.

Fifthly is investing in strengthening civil society and independent journalists who are under attack, including working with groups in exile. Meeting human rights defenders should be front of mind whenever a minister or politician plans an international visit. These groups need both financial and moral support. I'll leave it there. I'm happy to take questions.

**CHAIR:** Thank you very much, Ms Pearson. I will hand over to the Asia Pacific Forum.

**Mr Fitzpatrick:** I think that in the first instance it will be useful to quickly tell you about the Asia Pacific Forum. It's a regional organisation comprised of national human rights institutions. These are state bodies, created under a constitution or parliamentary legislation, but they have an independence enshrined within their constitutional or parliamentary legislation mandates. In terms of our region, it's a nonsense region; it's better that we talk about what it's not. If you take away Europe, Africa and the Americas, what's left over is the region that we work in. So it's covering the micro-Pacific states, bounded at the top by the former Soviet Union—we have Mongolia and Central Asia as members—and as far west as Palestine.

What binds this organisation together is that you can have a member institution in Palestine speak to a member institution in Samoa, and they've both got exactly the same functions even though the operating environment, the human rights violations they're dealing with and their civil, political and religious situational context are completely different. They've still got the same language, and they can talk about it.

So our focus as an organisation is principally to do three things. First, we assist, at the request of states, to explore the establishment of national human rights institutions. We're currently working for about seven states, at their explicit request, on exploring the establishment of national institutions. Second, we work to ensure that the capacity of our member institutions is improved and can be as effective as it possibly can. The focus of our work there is functional, thematic and operational, so we have training programs in all of those areas. Finally, we bring our members together on a collective voice and joint work. I've put out in our submission what our three thematic focuses are over the life of our current strategic plan.

I hope the submission that we've put forward was of assistance and of use. We've set out some questions about the regional context. As I hope I've pointed out, I don't think it's necessarily all bad. I think there are positive steps as well. But we've particularly focused on shrinking civic space and attacks against human rights defenders. I've argued in the submission that there's a direct linkage between democracy and human rights, and you'll see that later reflected in the four recommendations that we've made. I've put forward five, I think, fairly succinct principles for how Australia could work in the area of promoting democracy. Then there's a particular focus on institution building. I'm really happy to take any questions that members of the committee may have on any of the information we've provided. Thank you.

**CHAIR:** Thank you. We'll head over to the Australian Centre for International Justice.

**Ms Chen:** Thank you, Chair, and thanks to the committee for the opportunity to address this inquiry. ACIJ's mission is to seek justice and accountability for victims and survivors of serious human rights violations. We do this by collaborating with communities and civil society organisations locally and abroad, working towards



developing Australia's role in investigating and prosecuting the perpetrators of these violations, as well as pursuing other remedies to end impunity. Democracy is underpinned by the rule of law, and the Office of the High Commissioner for Human Rights has noted that impunity is often the primary obstacle to upholding the rule of law. This is why our opening statement and written submission focus on how Australia can combat impunity in the region through two mechanisms: first, ensuring that perpetrators of the most serious international crimes face a court of law; and, second, where criminal prosecution is not feasible, imposing targeted sanctions against them.

Australia has the legislative tools to address impunity in the region by investigating and prosecuting those responsible for grave human rights abuses that amount to international crimes. Australia has ratified the Rome Statute of the International Criminal Court and has complied with its international law obligations by implementing the offences of crimes against humanity, war crimes and genocide within its domestic legislation. These crimes are so egregious that Australia and the international community have recognised that perpetrators can be investigated and prosecuted in any jurisdiction that criminalises the offences, regardless of where the crimes occurred or whether the perpetrator or victims have the nationality of the prosecuting state, under a principle known as universal jurisdiction.

Yet Australia lacks a robust institutional framework to combat impunity through criminal prosecution, as it does not have a permanent specialised international crimes unit to undertake the complex investigatory work to get these cases off the ground. In 2019, the Australian Federal Police failed in their duty to investigate credible allegations of serious war crimes and crimes against humanity, neglecting to apprehend a retired Sri Lankan general, Jagath Jayasuriya, who visited Australia twice. Australia should establish a permanent, specialised international crimes unit within the AFP to investigate these crimes, be ready to respond to referrals from civil society organisations and the community, and provide an avenue of accountability through its domestic court processes against perpetrators who would otherwise continue to enjoy impunity. European legal systems are proactively undertaking their obligations in this regard, and Australia's ability to undertake these same processes here would help close a dangerous gap for perpetrators in our region.

ACIJ acknowledges, however, that criminal investigations and prosecutions are not always possible. In such circumstances, Australia should consider the use of its targeted human rights sanctions regime. While Australia has used this regime on a handful of occasions, there is greater scope for these sanctions to be utilised in a more consistent and effective way and for Australia to establish a clear route and process for civil society submissions, thereby working meaningfully with civil society organisations who have key information about human rights abuses.

That concludes our opening statement. We're happy to take questions.

**CHAIR:** Thank you very much. We've covered a lot of ground. On this specialist investigative unit: it raises questions around sovereignty. It raises a whole range of questions. Wouldn't that be better done through multilateral organisations?

**Ms Arraf:** You mean at the state level?

**CHAIR:** Yes. Wouldn't the investigations of crimes or war crimes or human rights violations best happen under multilateral organisations in the country of investigation?

**Ms Arraf:** I would agree, yes, in that case, but there's also the concern that, in many of these countries that are coming from post-conflict situations or that are still in conflict, there's an inability to undertake genuine investigations and prosecutions. We're seeing that in the Philippines; Ms Pearson raised the issue of the total lack of accountability in regard to the thousands of extrajudicial killings there. We would say that's where countries that have the ability, that have the legal systems, are able to step in, in that regard. We've raised the examples of European jurisdictions that are actively undertaking these types of extraterritorial or universal jurisdiction type investigations and prosecutions. We would say it's part of Australia's obligation, and the fact we don't have a practical way to implement that is part of the reason why we would say Australia needs to implement mechanisms to make that possible. One of those recommendations is for Australia to establish a permanent war crimes unit. We've had one in the past, in the late eighties, when the Special Investigations Unit was conducting investigations into suspected Nazi war criminals that were in Australia. That was unfortunately disbanded. We have the previous history and ability to undertake these types of investigations and prosecutions, and we've referred to examples in the past. The fact that Australia hasn't been ready and able to address these promptly is a serious concern, we would say.

**CHAIR:** Wasn't that example you just cited around the Nazi war crimes also specifically related to people who were inside Australia?

**Ms Arraf:** That's right.

**CHAIR:** But aren't you now referring to people who aren't necessarily in Australia but who are in sovereign countries where—I'm not questioning the lack of accountability there, but I am questioning Australia's legitimacy to investigate matters in another country in a way other than just on Australian soil.

**Ms Arraf:** It's possible because we have the legal obligations arising from treaty obligations like the Geneva Conventions and the Rome Statute. They provide Australia with the jurisdiction to do that. The questions about the logistics of how that can happen can only arise after genuine investigations are made, whether or not the prosecutor would want to issue an arrest warrant against the head of the Syrian naval intelligence—which is something that the German prosecutors have done. That goes beyond the issue of sovereignty because nations have recognised that these crimes are so egregious that we need to get together and work out how we can hold these perpetrators to account. Universal jurisdiction litigation becomes the mechanism to fill the gaps where there are no other forms of accountability. For example, the International Criminal Court has no jurisdiction on Syria, which is why European jurisdictions are undertaking these types of investigations and prosecutions—to ensure there is some form of accountability there.

I would take it back to our focus, which is the region here. There is a total lack of accountability mechanisms for the Asia-Pacific. One of the things we failed to recommend—and we'd be happy to provide a very short supplementary recommendation submission to the committee—is that Australia should work towards helping Asian states and states in the Pacific to ratify the Rome Statute of the International Criminal Court. Currently, only 19 states from the Asia-Pacific region are members of the court; that's a really terrible number in terms of the states that are party to the Rome Statute. That's another recommendation we would urge the committee to think about, so there is more universal ratification and application of the court.

**Ms Pearson:** Thinking about the situation in Myanmar, for instance: we are seeing war crimes and crimes against humanity being committed, but the ICC has no jurisdiction because Myanmar hasn't signed up to the Rome Statute. We've been pushing with others for years for there to be a UN Security Council referral of Myanmar to the International Criminal Court. But as long as China and Russia block that action, the ICC will not have jurisdiction. I think universal jurisdiction fills that gap and sends a message to the perpetrators of these abuses: 'You will be held accountable if you set foot in Australia.' Even other countries in the region had ratified the ICC—like the Philippines, but then Duterte took back the ratification. Just last week, we had the Marcos administration saying they're going to disengage from the ICC. They don't realise that you can't simply do that once the ICC has already started. I think there is an important role for the Australian government to play here in encouraging governments in our region to recognise the value of the ICC and to encourage them to cooperate with these international investigations.

**CHAIR:** I'll stay with you, Ms Pearson, and ask a question in relation to something that came up in both your submission and the Asia Pacific Forum's submission, which is around having a human rights context with our foreign policy. I will give a plug to my other committee, the Parliamentary Joint Committee on Human Rights; we've just started an inquiry into Australia's human rights framework. If you want to participate in that, I definitely encourage you to make submissions to that. The question goes to this: we have an incomplete human rights framework in Australia, and different states and territories have different human rights arrangements even within Australia. In order to build a foreign policy around human rights, are we skipping a step domestically so that we can then apply our domestic human rights obligations to a foreign policy context as well?

**Ms Pearson:** I think it's very important that Australia has a human rights charter. It's something that is really lacking in terms of being able to push for human rights here in Australia. I don't think that necessarily means that DFAT can't have a policy on human rights in terms of foreign policy. DFAT has a policy on sport and diplomacy, with very clear advocacy targets, the strategic plan for the years ahead and indicators. I find it quite glaring that, despite the fact Australia has ratified nearly all the international treaties, we simply don't have a specific human rights policy when it comes to foreign policy.

There are other governments that have very strong human rights commitments. The US does its annual reporting on human rights in all different countries around the world. I'm not suggesting necessarily that Australia has to follow in that vein—it can be something that is a bit scaled back—but I think it would be helpful to have some kind of public document particularly when there is this aversion to raising human rights concerns, particularly when our leaders are travelling to countries. If we have something that's consistent and that measures all countries by the same standards and says, 'These are the countries and the issues that we're particularly concerned about, where we're seeing backsliding', I think that would have a positive impact. The UK does its reporting that way. Sweden also has a similar document. There are certain models that can be followed.

**Mr Fitzpatrick:** I would concur on the necessity. I bring it back to an earlier question you asked with regard to the Solomons: would it have been a positive statement that there was a public policy the Australian government

could have referred to in stating its support for democratic institutions, rule of law, free and fair elections et cetera? I think that applies in this instance as well. In my submission, I'm making that linkage between having a human rights component within that and the necessity for the development of the policy itself, focusing on strategy, diplomacy, development assistance et cetera. I notice that the government has now created the position of human rights ambassador within the Department of Foreign Affairs and Trade, so there is the capacity, I think, for those discussions to be guided within the department, whereas previous to the appointment of the ambassador that wasn't the case.

**CHAIR:** Thank you. I'll hand over to my colleague.

**Mr NEUMANN:** How many other countries in the region have ratified the Rome statute?

**Ms Arraf:** There are 19 states: we've got Fiji, Tajikistan, Marshall Islands, Nauru, Cyprus, Cambodia, Jordan, Mongolia, Timor-Leste, Samoa, Republic of Korea, Afghanistan, Japan, Cook Islands, Bangladesh, the Maldives, Vanuatu, Palestine and Kiribati.

**Mr NEUMANN:** Some years ago, there seemed to be a real movement for countries to sign up to the Hague Convention on the Civil Aspects of International Child Abduction. Even countries that would surprise you actually signed it because they felt it was part of being involved in the international community. Is there that trend towards ratifying the Rome statute?

**Ms Arraf:** We're working in this space, so we do see that, but I don't know whether or not Australia itself is actually actively involved in that process—

**Mr NEUMANN:** In the same way we did with the Hague convention, where we were really quite active in saying, 'Please do that'?

**Ms Arraf:** I don't think so. We could take that on notice for sure.

**Mr NEUMANN:** That would be great. On page 11 you mention that a number of countries, like the Netherlands, Sweden, Germany, the United States and UK, have a specialised permanent unit. How long have they had it, and how effective have these units been?

**Ms Arraf:** In Germany I'm aware that they've been around for nearly 20 years, and they've successfully prosecuted several individuals in the last couple of years relating to international crimes against the Yazidi population and war crimes and crimes against humanity in Syria, for example. That's similar to Sweden and the Netherlands. I understand in Sweden there are also ongoing trials relating to crimes against humanity in Iran from the late 80s. That's for individuals that were subject to harsh prison conditions and torture in Iran from the late 80s. It's a new area. There is more interest in universal jurisdiction litigation at present, so it's still a new area of interest to nations around the world. We're particularly seeing it in Europe.

**Ms Chen:** What I might also add is that the research papers about these specialised units have found that they are far more effective in having successful investigations and prosecutions where there is that specialised unit. For countries that lack a specialised unit, it's very difficult for investigations to even get off the ground, because the work is so complex and requires cooperation with so many different agencies in terms of evidence collection and those kinds of things.

**Mr NEUMANN:** I'm very sympathetic to what you're saying, but we haven't got the evidence. You need to give us more than that. At the moment you've got reference to it in a number of paragraphs, but the one paragraph, paragraph 13, that you've got here is nowhere near enough for us to recommend this. There's nowhere near enough evidence there to do it. If I were sitting as a judge on a bench in a court, I'd be saying, 'You haven't convinced me, on the balance of probabilities.' You need to give us more information.

**Ms Arraf:** Absolutely. We have provided submissions in regard to this point in the past, and we have an upcoming research paper that will be published later in the year on this point in particular, so we'd be happy to provide more of that information to you.

**Mr NEUMANN:** And the experience in other jurisdictions, in comparable countries—the UK, Netherlands, Germany?

**Ms Arraf:** Yes.

**Mr NEUMANN:** That would be terrific.

**Senator FAWCETT:** Can I perhaps start with Human Rights Watch. In your submission, one of the things that you call for is for DFAT to do an annual report on human rights. I'm assuming you're aware, because I think you have made various representations, but we actually have a fourth subcommittee in the foreign affairs, defence and trade committee, a human rights subcommittee. Last parliament, we tabled the *First periodic report on human rights*, and the intention is to do a similar periodic review each year. Is that a process that you think could

be expanded and made a more well resourced, formal part of the committee's work, or do you think DFAT as a department is better placed to do the sort of reporting that you're calling for?

**Ms Pearson:** I think that is an excellent place to start, and I think doing that kind of annual reporting from the parliament sends a strong message to governments in the region that the Australian government is paying attention to human rights developments. But I also feel strongly that it should be coming from the Australian government itself. I think sometimes there can be mixed messages that are sent. For instance, we recently saw our Prime Minister travel to India, taking in tow a whole bunch of CEOs. The message was very much about promoting closer trade ties and closer security links with India. I understand that that's important, and I understand that Australia wants to strengthen its ties particularly with the Quad, because it's concerned about China's growing influence in the region. At the same time, I do think it's really important that human rights in India are a part of that discussion. I think if we had an annual human rights report prepared by the Australian government then it would be crystal clear to the Indian government that the Australian government is concerned about these issues.

Particularly, we are seeing this democratic backsliding in countries which are democracies but at the same time are attacking independent journalists that criticise the government or bringing trumped-up charges against human rights defenders—in India we saw the targeting of the BBC after it aired a documentary that was critical of Modi. I think it's showing that the space for domestic civil society to be able to raise these concerns in these countries is extremely limited. In that vacuum, it's really important to have more public reporting, more documentation, by democracies in the region about these problems.

**Senator FAWCETT:** You also make the recommendation that Australia should take a stronger leadership role at the Human Rights Council. We're not even always on the Human Rights Council. Are you implying in that recommendation that we should put more resources into advocating for regional support to more consistently take one of the region's allocated spots on the council? Is that really what you're saying there, or are you saying that, on those occasions where we are there, we should be more vocal and should be kicking off initiatives et cetera within the Human Rights Council?

**Ms Pearson:** That's a good question. I'm glad you sought that clarification. Even as a nonmember of the council, Australia can still take lead, particularly on joint statements. It can co-sponsor resolutions. We've seen other governments do that very effectively. Iceland, for instance, played a very effective role when it came to the Philippines and calling for accountability on the war on drugs. At this most recent Human Rights Council session, we did see the Australian government lead on a joint statement on Lebanon calling for accountability for the Beirut blast and for those victims, and it was really pleasing to see that. We also saw Australia lead on a joint statement with respect to Saudi Arabia, when Australia was a Human Rights Council member. So, regardless of whether Australia is actually a member of the HRC—I know those positions are very limited—I think Australia could do much more and should not just limit itself to leading on joint statements with respect to countries like Lebanon or Saudi Arabia which are far away but also take a stronger interest in countries in this region.

I would say the Australian government does join up to a lot of the statements of concern, but often there is a lot of heavy lifting that is needed in those initial stages, and that's where a country like Australia really needs to be part of a core group and to encourage other governments to come on board with these statements. For instance, last year there was a resolution on China, on the high commissioner's report on Xinjiang, and it narrowly lost. It was really disappointing to see that so many countries in our region either abstained or voted against the resolution, including Indonesia. So I think Australia also has a pretty critical role to play there in making it very clear when it is going to support a resolution and also taking a more proactive role in encouraging governments in the region to do so. I think all of that can be done without necessarily having to put the resources into actually campaigning for a seat at the Human Rights Council, which I understand is very intensive. But I do think DFAT probably do need some more resources in order to keep track of these measures and mechanisms at the HRC and to engage more proactively in these issues, both in Geneva and also in various capitals.

**Senator FAWCETT:** I know UN reform is probably beyond the remit of even this committee's recommendations or reports, but would you care to make a comment on whether the regional approach to appointment to bodies like the Human Rights Council is still fit for purpose. I note DFAT's evidence to various committees when it's questioned why a nation which is well known for being an abuser of human rights in a consistent and intentional way ends up—by default—being on the Human Rights Council: because they're No. 5 and there are five from that region and there's no-one else to contest it, and the rules don't bar countries that have a demonstrated track record of abusing human rights. Is that still fit for purpose? Do we just have to live with that, or should Australia be advocating in the General Assembly for kicking off a process of reform around some of those mechanisms?

**Ms Pearson:** I think it is very problematic that we have members of the Human Rights Council that are some of the most egregious violators of human rights, and I think the best way of addressing that is having competitive elections for those regional slots. When we have seen competitive elections, we have seen—not always but often—quite effective campaigns that have drawn attention to the problematic human rights records. I don't know. It's a difficult process, because at the same time you want to ensure that there is a process whereby different regions, obviously, have the ability to select countries to sit on the council. But sitting on the council also comes with certain obligations of upholding and promoting the values of human rights. As long as you have serial violators on there that don't do that, frankly, it means that those other seats within the Western European and other groups, which Australia is a part of, are even more important.

And it's even more important that those governments do the heavy lifting and hard work to ensure that the Human Rights Council remains a place of accountability and isn't just turned into a place where it's all about technical cooperation and supporting governments through training in order to address human rights violations. I think that's our concern: we are seeing governments like the Chinese government really trying to undermine these institutions, and I think that needs to be borne in mind in terms of any systemic reforms of the UN. We want to be sure that what replaces an institution like the Human Rights Council isn't in fact worse than what we've already got.

**Senator FAWCETT:** I'm thinking more along the lines of saying somebody should not be eligible for election to it. For example, should Russia be heading up the UN Security Council? I would argue probably not, given the decisions of the last 12 months and beyond. Anyway, that's a far broader issue. Can I come to the Asia Pacific Forum.

**Mr Fitzpatrick:** I thought I was going to escape scrutiny!

**Senator FAWCETT:** You've said:

Human rights are not tied exclusively to democratic forms of government.

But you also go on to say:

Protecting and promoting human rights is therefore an essential component and the surest way of supporting democracy in our region

I think back to a previous panel where the Lowy Institute was talking about Australia's somewhat limited ability to influence behaviours in our region, where we have a whole range from absolute monarchies through to communist nations. What I'm seeing here is, as I understand it, a claim that human rights apply to humans regardless of the system of government, but democracy requires human rights, and human rights will almost inevitably lead to more transparency and accountability, which would undermine authoritarian rules of government. How do we work with nations in our region that are totalitarian in their approach—communist or other forms of government—to encourage them to embrace human rights if they see that as undermining their control on power? How do we balance that?

**Mr Fitzpatrick:** It's a really good question. That tension is the tension that was accurately reflected in the submission. The approach that I take is a very narrowed focus for me, as opposed to my colleagues who I think are dealing with much more complex questions of international jurisdiction and UN reform, and more power to them. But from my perspective, the question is meeting those states where they're at and exploring the opportunities for institutional reform from within, and it may not lead to success. But I can give you some examples of where we have seen a transformation. President Suharto, in Indonesia in 1993, established the national human rights commission of Indonesia via presidential decree. It was seen at the time by many civil society organisations as being a potential cover for human rights violations occurring in Indonesia and as an opportunity to showcase a domestic institution to an international audience but not there for seriousness. But the institution did perform seriously and it did assist in the democratic transition of Indonesia. It continues to assist in the democratic transformation of Indonesia.

In a similar way, Prime Minister Mahathir created the Malaysian human rights commission, again through a decree base. Both of these institutions have now been shifted to a constitutional or parliamentary legislation base, through the assistance of the APF. When it was established civil society groups said that they were going to place a 12-month ban on even engaging with the institution for similar concerns, that it was a creation for international public consumption rather than seriousness in terms of reforming questions of human rights violations in Malaysia. Now it's seen to be an incredibly effective, legitimate institution doing fundamental work within the Malaysian context, and, I'm pleased to say, quite a strong advocate in the most recent news which is the limitation of the death penalty on a range of crimes, which Malaysia has just taken. There's a strong kind of advocacy position that the commission made, again, with the assistance of the APF.



We are currently working in states that range in transitions around the democratic space and monarchies, in particular in West Asia, as you say. From our perspective, I think the strategy is to meet the country where it's at, rather than where it should be or where we wish it could be, and to provide agency to its own domestic institutions to try to achieve those transformations within their society, because they're best placed coming from that society with intimate knowledge of how that society works to drive those types of reforms. Does that explain it? Again, I think ours is a very specific area of work around this question of national human rights institutions, but that's the approach—

**Senator FAWCETT:** You say in your submission that in the very initial stages of engagement APF received government funding. I think you said it was Alexander Downer who supported you in engaging with a number of regional nations. What's the current relationship between APF and DFAT, but also our own Australian Human Rights Commission? What are the relationships and where should the government be looking to increase engagement with groups such as yours to further the work you're doing?

**Mr Fitzpatrick:** Indeed, it was initially an initiative of the foreign minister Alexander Downer, and the provision of seed funding with the establishment of the institution. Since that time it has received bipartisan support from the parliament. It is a central plank of Australia's foreign affairs, defence and trade promotion of human rights. It's a central feature of their advocacy within the Human Rights Council, and as a result it permeates throughout the system.

We've talked about UN reform. I think one of the successes of the Human Rights Council has been the universal periodic review process. A central question, as promoted by Australia, but now picked up by many other states, to any state under review, is: do you have a national human rights institution? And if the answer is no, will you explore the recommendation? Will you explore its establishment? Or if the answer is yes, does that body meet the minimum UN standards? And if the answer is no, what would you do to improve its capability and institutional effectiveness? I'm sorry, I forgotten the second half of your question and I've lost my train of thought. What was it?

**Senator FAWCETT:** What is the ongoing relationship between DFAT and our own Human Rights Commission? Are there areas where we could deepen or extend support to get outcomes, particularly as we look at dreadful situations like in Myanmar? How do we work with civil society there to protect human rights and also, ultimately, restore the democratic basis of their government?

**Mr Fitzpatrick:** I'll answer the question as quickly as I possibly can in the interests of time. I would like to touch on Myanmar because I know, from your previous questions, it's of personal interest to you. The relationship with DFAT is that they are a funder of the APF. They have been a consistent funder of the APF, and they enter into multi-year funding against our strategic plan. They do so in coalition with other governments within the region. We principally are an organisation that is funded from within the region, and I think that's interesting. We're getting moneys from India, we're getting moneys from Thailand, we're also getting moneys from Korea and New Zealand. It's very much a regionally funded organisation, and DFAT is one of those. They would meet with their colleagues in other ministries of foreign affairs with a donor related focus on an every two-year cycle to discuss the functions of the APF, our strategic plan, our monitoring and evaluation, our performance targets, things of that nature.

The relationship with Australia is it's one of our member institutions. It did occupy the role of the APF chairperson for the most immediate chairperson, which has now shifted to the Korean institution. We utilise Australia where they have the capacity and the delivery of capacity assistance to our member institutions. One of the tools or methodologies the Australian Human Rights Commission is known for is the question of a national inquiry, and you may recall that there have been some quite significant national inquiries that have been presented to the parliament and have no doubt come before the human rights subcommittee. We might use that tool or methodology to utilise the expertise that resides within the institution for the delivery of a capacity development program in another institution.

Finally, I'll come to the question of Myanmar because I know it's of interest. Myanmar is one of our member institutions, and, in fact, it was Minister Downer as foreign affairs minister who engaged in a political space with the military junta at that stage—and this was in the mid-2000s—for the potential establishment of a national human rights institution. The APF did quite a lot of capacity development assistance behind the scenes with the junta around what that institution could look like and what the legislation could be. That eventually led to the passage of, again, a presidential decree, but in this instance for the institution. We then assisted in the development of a transition from that presidential decree to parliamentary legislation, after the democratic election process and the National League for Democracy was in power. We have assisted to encourage our member institution to undertake its work within the Myanmar context. I know that the National Unity



Government of Myanmar currently are also considering the development of an alternative piece of legislation for the creation of their own national human rights commission, so I think there is still a political bipartisan—well, it's not bipartisan because it doesn't include the junta—commitment to the idea of a national human rights institution, but there are concerns about the current capacity and effectiveness of the current institution. Does that answer your question?

**Senator FAWCETT:** Thank you.

**Senator PAYMAN:** Thank you for your submission. In today's age of technology and social media, misinformation and disinformation have inevitably had a huge impact on how information is spread and on what people are consuming online. I just want to understand a bit more about what some of the biggest impacts are when it comes to the decline of democracy that we see in the Indo-Pacific around the increase in misinformation and disinformation.

**Ms Pearson:** This is a huge challenge for us across the region. We have also seen over the last decade or so an increase in cybercrime laws that are particularly used to criminalise free speech and critical commentary of governments over the internet. There is an ongoing trial in Indonesia against Haris Azhar, a leading human rights figure with KontraS, which is the main human rights organisation, for some critical comments he made about the Indonesian military in West Papua. This space for many activists has been a place for people to organise, to share information and to access information in a way they didn't previously that may be critical of the government. I think it's really concerning that we are seeing now that they can be detained, imprisoned and threatened for whatever they say online.

With respect to disinformation, we've just seen an election in the Philippines where disinformation was rampant and, frankly, where we saw basically the Marcos camp effectively able to rewrite history and the period of the previous Marcos administration from one that was rampant with martial law and abuses to one that is now regarded by young Filipinos, who are getting their information from social media on their phone, as some kind of golden era of the Philippines.

I think the best way to counter that disinformation is by strengthening journalists and civil society defenders in these countries. We have seen the extent to which independent journalism is under threat in the Philippines, with the government taking action against independent news sites, like Rappler. What I would like to see from the Australian government to counter that is more support for independent journalists. We want to see more collaboration between Australian newspapers. Frankly, they do not have as many boots on the ground as they did in the old days in terms of foreign correspondents so they should be engaging in partnerships with local journalists in a lot of different countries who are doing this really critical work. All across the region—and in countries that I've visited—we are really feeling the absence of that independent free press in providing that crucial check on power in countries that are democratic. I think this is only going to get worse if democratic countries in the region don't take steps to address it.

**Senator PAYMAN:** Thank you for that. Just in regard to that, if we move on to Australia supporting marginalised communities to be active participants in governance and decision-making, how do you see the Australian government or elected officials combatting locally here in Australia the different diaspora who are living here in Australia getting that disinformation? Things that happen in our region seem to have quite a bit of an impact on the communities here on the ground. You hear differing views. Propaganda is spread within the region in those specific countries, and others are trying to fight that with a different opinion. Could you just elaborate on that?

**Ms Pearson:** We've done a lot of work on foreign interference with diaspora communities. We are particularly concerned and we've documented, for instance, students from China who come to Australia. They are really excited about having educational opportunities in a democratic country and are enjoying the freedoms that Australia takes for granted, but they find when they get here that the long arm of the Chinese state effectively follows them. I think one of the concerns in particular is the way that apps like WeChat become a bit of a bubble for these communities, and so it becomes very hard to penetrate exactly how some of these communities may be accessing information in their home language about the realities of what may be happening in their country. For instance, with respect to Xinjiang, we see repeated lines that this is simply a Western conspiracy and that it's being driven by the United States and an unwillingness to engage.

How can the Australian government counter that? Again, I think it's through providing access to credible information, independent information, by journalists, by human rights organisations and by others in foreign languages, and ensuring that that information is disseminated and is made available to people, because we are seeing a lot of misinformation being spread, and we saw that especially with respect to COVID and vaccines. I even heard stories from the Chinese community that people were unwilling to get the Pfizer vaccine because they

were waiting for the Chinese vaccine because they had heard it was better. People's entire sources of information now are no longer necessarily coming from watching the ABC news in the evening. It's coming from whichever social media channels they use.

I think the way to engage with diaspora communities is really also to be reaching out to community led organisations—to ask them, 'What are the channels, what are the solutions here?'—and finding more opportunities to do so. A lot of these communities are also feeling really threatened. They're worried about whether there are spies within their own community. In some cases, they're intimidated and they're harassed, but they don't know where to turn to. It's really important that Home Affairs is now addressing some of these issues of foreign interference, but it really does mean that we need more people in the government who also speak these languages, who can engage with these communities and who can listen and learn from them the best ways to bolster their democratic freedoms, because a lot of them, frankly, are too scared to come forward with complaints.

**Senator PAYMAN:** Thank you for that. That was very insightful. That's all from me, Chair.

**Mr NEUMANN:** Mr Fitzpatrick and Ms Pearson, both of you make solid, sensible and substantive recommendations to us, which I think are really good. Mr Fitzpatrick, you said, I think—I don't want to misquote you—that you're not without optimism about the area. You've both got 'human rights' in the names of your organisations. But I would characterise Ms Pearson's assessment of the region as quite pessimistic. Mr Fitzpatrick, you say:

Nonetheless, the region has a long way to go before we can consider its human rights performance adequate.

But you also say 'there are many signs of progress over the past 25 years'. You gave us two examples which seem to be presidential fiats or decrees in Malaysia and Indonesia. Are there others that you can tell us about—because so far the preponderance of evidence we've got has a very negative approach to what's happening in the Indo-Pacific region.

**Mr Fitzpatrick:** An easy one for me is just the metric. When we started, we had four member institutions; we're currently at 26. I'm currently working with another seven governments, at their request, for the establishment of national human rights institutions, many within the Pacific. I know that the committee has a particular interest in this in the context of the Pacific as well. We recently brought all of the Pacific states together in Fiji to have a discussion on this exact issue, and I had bilaterals with all of the government delegations. As a result of that, we've got work programs for the next 18 months in terms of delivery of assistance to those states to explore the establishment of an institution.

I know that you were also urging pragmatism and realism in your earlier discussions, particularly with regard to the Pacific, and in those instances it's very much a case of recognising the limited institutional capacity that exists in those states and therefore looking to expand, with a human rights mandate, pre-existing institutions. Often that would be an ombudsman institution—expanding the ambit of the ombudsman to be more of a proactive rather than reactive institution—but not exclusively so. So other states are coming to us with the question of this institution cohabiting with an anticorruption commission, for instance—again in recognition of limited institutional capacity. We're going in country and having discussions with parliamentarians, civil society groups, religious leaders and members of the executive and the legal profession, and we are framing recommendations. If the receiving state accepts the recommendations that we make, we then move to the next stage, which is to provide legislative drafting assistance to their parliamentary draftspeople on potential models that they might want to consider going forward.

**Mr NEUMANN:** What about public accounts and audit committees? Are we talking about those in those regions? Are there many of those? When you're in government you don't like them, and when you're in opposition you think they're fantastic. They have an important role to play in keeping the bureaucracy and the government of the day—and also, by the way, private enterprise—on their tasks.

**Mr Fitzpatrick:** I agree, and that is why the second part of my submission is very institutionally focused. I think it also avoids the concerns that members have been talking about, about Australia and international interference in domestic affairs. In this instance, we're actually supporting the institutions that these states have created, working with their own mandates. We are just trying to improve the effectiveness of the implementation of those domestic institutions.

**Mr NEUMANN:** Thank you very much. That's great.

**Ms Pearson:** I don't think the presence of the national human rights institutions is necessarily a measure of progress. Cambodia at the moment is saying that it's interested in having a national human rights institution, but frankly, under the government of Hun Sen, I think that it would be very hard for any human rights institution to be genuinely independent. It would just become a front for the government in the same way that happened under

the previous, more democratic Myanmar government. I remember meeting with that human rights commission, and frankly they said that, when they received a report, they sent it on to the military and the police for them to investigate. So I think we need to be careful here. I know Kieren has been quite cautious in his remarks and has talked about the need to ensure that NHRIs meet international standards. But I think we should be very careful, if we're encouraging governments like the Cambodian government, for instance, to set up NHRIs, that we're not unwittingly also killing off the other accountability mechanisms that exist in those countries, such as the UN High Commissioner for Human Rights office.

On the Philippines, for instance, Senator de Lima, who I referenced earlier and who is still in detention, had set up a Senate inquiry into the killings in the drug war by police when those killings first started taking place, and as a result she faced these trumped-up charges. Where was the Commission on Human Rights then? Unfortunately, under the Duterte administration, it became totally co-opted by the government. So we want to strengthen human rights institutions to be properly independent, but we also need to strengthen civil society partners. I think that's really critical.

I don't want to be too pessimistic here. I think that, of the five countries that I've visited in the last few months, Malaysia is the good news story. That election could have gone very differently—there was a lot of disinformation—but it didn't, and we're seeing positive action there. Just yesterday a bill was introduced to get rid of the mandatory death penalty. If that passes, that will be real success. But I also think that success is really due to the fact that they have a strong civil society and a strong political opposition there who have been able to be strengthened. So we need to look at ways we can really promote that. Young people across the region are really what gives me hope at the moment. They are taking remarkable risks, but the fact is that they can now access information about their governments and what's happening in a way that they never could before. The fact that they're taking action and joining protests despite the risks of heavy sentences is, I think, something that we really need to support.

**Senator FAWCETT:** I have a question for the Australian Centre for International Justice. One of your recommendations is that Australia should take action against or place sanctions on people who've committed grave human rights abuses. You'd be aware that the government has placed sanctions on the Iranian providers of drones which the Russians are using to commit war crimes in Ukraine by attacking civilian power infrastructure. Coming back to Myanmar, the Tatmadaw survives and is able to exercise military force because of the supply of aircraft and aviation fuel and other forms of military power. Should we be looking to apply sanctions in a similar manner on the entities or individuals who make decisions to supply such enabling capabilities to a regime like the Tatmadaw?

**Ms Arraf:** Yes, absolutely. If Australia can be proactive in that regard and take referrals and recommendations from civil society, that would be something that we'd strongly encourage.

**Ms Pearson:** I also want to support that. Sanctions on aviation jet fuel are something that could be really impactful, especially given the number of airstrikes that have been taking place and the number of civilian casualties.

**Ms Arraf:** I think in Europe, too. In the UK recently there have been some sanctions in relation to that.

**Ms Pearson:** UK and Canada.

**CHAIR:** In the last few minutes that we've got I might throw open a general question to anyone, potentially starting with you, Mr Fitzpatrick, around some of the key signs of the erosion of democratic standards or human rights standards more broadly. What are some of the key indicators that we're seeing in the region?

**Mr Fitzpatrick:** Closing civic space and attacks on human rights defenders are a pretty clear indication of restriction, or an increase in authoritarian regimes and the weaponisation of legislation to achieve those particular outcomes, particularly with regard to the registration of civil society organisations or a limitation of funding that they may receive. The other obvious sign is attacks against the rule of law. Where we see states trying to fundamentally change the power between the executive and the judiciary in that process is another clear sign of increasing authoritarian concerns.

**CHAIR:** Does anyone else want to add anything to that?

**Ms Pearson:** I referenced this in my opening statement, but I think we are concerned that, even in the countries that claim to be democracies, they have found all sorts of ways to really undermine democratic principles. It's obviously not just the action of voting; it's the whole climate under which elections take place. It's the fact that genuine opposition political parties have been dissolved or had their leaders, like, in Cambodia, Kem Sokha, sentenced to prison. The opposition party that is running in those elections, the Candlelight Party, is also under a lot of threat at the moment. They're tying up the leaders of that party in legal cases. I think that's

something that we need to be attuned to. There are some cases where certainly we want the Australian government to be supporting free and fair elections and to be sending international observers, but there are some cases where those elections are just not meeting any semblance of international standards, like Cambodia and Myanmar, where we don't think there should be any election observers there, because it will give legitimacy to a really poisoned process. Those are some of the key issues.

We haven't talked a lot about China, but I think we are really concerned about the Chinese government's role in the region and the fact that, when governments see governments like China effectively getting away with crimes against humanity in Xinjiang, it's effectively giving them a bit of a green light to continue their abuses with impunity.

We talked earlier about the International Criminal Court. I do think it's really important that countries like Australia that have ratified the International Criminal Court and countries like Australia that are taking action on war crimes that have been committed by Australian special forces or alleged of special forces in Afghanistan should also be encouraging countries in this region to cooperate with the court and giving support to the court, which has been undermined, frankly, also by the US government. We saw under the Trump administration the extent to which they really thumbed their nose at the court's investigations for its abuses in Afghanistan. I think it's a really challenging time at the moment for accountability. Middle power democracies like Australia have such a critical role to play here in this region, and I hope that the final recommendations from this committee really can come up with some concrete measures for the way in which the Australian government can support human rights defenders, journalists and opposition politicians and civil society in many of these countries.

**Ms Arraf:** I think they're such brilliant points from both Elaine and Kieren there. We would just emphasise again the problem of impunity in the region, and where Australia can play a significant role is in closing that gap, in closing that concern, through its domestic processes, whether it's through a targeted sanctions regime or through universal jurisdiction investigations and prosecutions. I know it sounds like a big dream, but it's possible. We do see that it is possible to undertake these investigations and prosecutions. European jurisdictions are able to do that. They have the support of their governments. The resources are provided to investigators and prosecutors, and it's something we need to be able to do here in Australia. In the region, as you've seen from the evidence we've provided, perpetrators do see Australia as a safe haven. They do visit our shores, they do send their kids to study here and they do invest their assets here in Australia, so all of this can be targeted by the Australian government through numerous ways, through these two mechanisms we've suggested: either investigating them, where there are allegations of international crimes; and where that's not possible—and we understand that's not possible in many circumstances—through targeted sanctions efforts. Can I just make one correction also to the list I pulled from the ICC website earlier. I said there were 19 states. Unfortunately, they didn't include Australia and New Zealand, so we'll get the correct number of states to provide to the committee in that regard as well.

**CHAIR:** On that note, thank you all very much for coming and contributing to this hearing today. If you've been asked to provide any additional information, please forward it to the secretariat by Tuesday 18 April 2023 and we'll incorporate it as part of our deliberations. You'll be sent a copy of the transcript of your evidence and will have an opportunity to request any corrections. But on behalf of the committee, we really appreciate the effort you've made not only in being here today but in your submissions.

**Subcommittee adjourned at 11:56**