



**INSPECTOR-GENERAL  
OF THE  
AUSTRALIAN DEFENCE FORCE  
ANNUAL REPORT**

01 July 2021 to 30 June 2022

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## LETTER OF TRANSMITTAL



**Inspector-General of the Australian Defence Force**

**The Hon Richard Marles MP**  
**Deputy Prime Minister**  
Parliament House  
CANBERRA ACT 2600

Dear Deputy Prime Minister

As required by section 110R of the *Defence Act* 1903, I am pleased to submit the following report on my office's operations for the period 01 July 2021 to 30 June 2022.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J.M. Gaynor', with a long, sweeping flourish extending to the right.

**JM Gaynor CSC**  
Inspector-General of the Australian Defence Force

2 December 2022

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**INSPECTOR-GENERAL OF THE AUSTRALIAN DEFENCE FORCE**  
**REPORT FOR THE PERIOD**  
**01 JULY 2020 TO 30 JUNE 2021**

**PREAMBLE**

The position of the Inspector-General of the Australian Defence Force (IGADF) is a statutory appointment under Part VIIIB of the Defence Act 1903 ('the Defence Act'). It was established in 2003 following the recommendations of former Justice Mr James Burchett QC's 2001 review into military justice arrangements in the Australian Defence Force. To ensure independence, the IGADF sits outside the military chain of command.

The Defence Act specifies that the IGADF must be a person who has 'knowledge of and experience in relation to military justice issues and an understanding of their relevance to the role of the Defence Force'; see section 110F.

On 1 December 2016, the then-Minister for Defence appointed Mr James Gaynor CSC the IGADF for a five-year term. That appointment expired midway through the period covered by this report on 30 November 2021. The former Minister for Defence, the Hon Peter Dutton MP, re-appointed Mr Gaynor for a further five years with effect 1 December 2021. The appointment is pursuant to section 110E of the Defence Act.

The roles and functions of the IGADF are defined by section 110C of the Defence Act and section 5 of the *Inspector-General of the Australian Defence Force Regulation 2016*.

The IGADF's functions are:

- a. to inquire into or investigate matters concerning the military justice system
- b. to conduct performance reviews of the military justice system, including internal audits, at the times and in the manner IGADF considers appropriate
- c. to advise on matters concerning the military justice system, including making recommendations for improvements
- d. to promote military justice values across the ADF
- e. to inquire into or investigate deaths of ADF members in Service, where their death appears to have arisen out of, or in the course of, their service
- f. to review complaints submitted by ADF members under the statutory Redress of Grievance complaint system
- g. if directed by the Minister or the CDF – to inquire into or investigate a matter concerning the ADF, and
- h. do anything incidental or conducive to the performance of the IGADF's other functions.

In essence, the IGADF conducts inquiries, investigations and audits and through these activities, failures and flaws in systems, policies and processes are identified, and reported so they can be remedied. The IGADF's identification of systemic failures and flaws is particularly important in terms of minimising unacceptable behavior and other misconduct in the ADF and also where failures and flaws in broader ADF activities might risk harm to ADF members.

## **Vision, Mission and Values**

The IGADF's vision, mission and value statements ensure alignment across the broad functions of the office and its diverse and dynamic workforce.

The IGADF vision, mission and value statements are:

***Vision*** – *To be trusted and promote fairness in the ADF*

***Mission*** – *Provide impartial, fair and independent decisions and oversight of matters concerning the ADF*

### **Values**

- *Respect* – we respect ourselves, our work and everyone we deal with
- *Integrity* – we act with integrity in all aspects of our work
- *Independence* – we uphold the independence of the IGADF
- *Impartiality* – we are impartial in our work and our decisions

The Office has five goals to achieve the IGADF vision:

- Promote military justice values across the ADF
- Improve confidence in IGADF's decisions and products
- Ensure complaints are properly managed within the ADF
- Recruit staff with the appropriate aptitude and attitude to undertake the work of the IGADF
- Ensure the IGADF is respected and trusted across the ADF

## **MILITARY JUSTICE SYSTEM**

A fair and effective military justice system supports good order and discipline. It is imperative in ensuring a well-functioning military, and enhances a military's operational effectiveness.

The ADF military justice system provides an Australian legal framework that applies to all ADF members during times of peace and armed conflict, serving in Australia and overseas.

An effective military justice system will balance the approach to maintaining discipline against the protection of members' individual rights. The ADF military justice system ensures ADF members maintain Service discipline, corrects individual performance and behaviour where necessary, and provides avenues of complaint. Checks and balances in the system enable systemic and individual failings to be identified and remedied. Greater operational capability and effectiveness can be achieved by maintaining this balance between the maintenance of Service discipline and individual rights.

The ADF military justice system has four main components. These are:

- a. disciplinary investigations, prosecutions and proceedings (including Discipline Officer infringements, charges, subordinate and superior summary proceedings) under the *Defence Force Discipline Act 1982*;
- b. adverse administrative action, including administrative sanction (e.g. censures and formal warnings) and involuntary separation from the ADF;
- c. the conduct of administrative inquiries, including fact-finding and Inquiry Officer Inquiries and;
- d. review and complaint mechanisms available to ADF members.

## **INSPECTOR-GENERAL OF THE AUSTRALIAN DEFENCE FORCE'S MESSAGE**

2021–2022 was another very challenging year for the OIGADF. The IGADF received 94 military justice submissions and referrals, 37 Military Police Professional Standards complaints, 261 Redress of Grievance complaints, was notified of 36 ADF deaths and conducted 41 audits.

In addition to a burgeoning caseload, the IGADF also supported or participated in three significant and important external inquiry and/or legal processes. These placed considerable additional demands on OIGADF staff and resources:

- The IGADF responded to requests for information from the Office of the Special Investigator, which the Government established to address potential criminal matters raised in the IGADF Afghanistan Inquiry Report. IGADF staff worked hard to support the Office of the Special Investigator in this very important work.

- The IGADF also responded to notices and other requests for information from the Royal Commission into Defence and Veteran Suicide. The IGADF is very supportive of the Royal Commission and its very important work.
- The IGADF also responded to subpoenas issued by both parties in the *Ben Roberts-Smith v Fairfax Media Publications Pty Ltd* defamation litigation. Although not a party in those proceedings, the IGADF acted when necessary to support the administration of justice and to preserve the integrity and confidentiality of IGADF inquiry processes generally.

As an office that operates nationally, COVID-19 outbreaks also had a significant impact on OIGADF operations during the reporting period. Lockdowns, border closures and travel restrictions, as well as staff illnesses due to COVID-19 affected IGADF operations. Unprecedented floods also affected some staff and witnesses.

The pandemic and floods did not affect any person's ability to submit complaints to OIGADF. However, they did affect OIGADF's ability to analyse and inquire into those complaints, as well as to resolve complaints ADF members lodged under the statutory Redress of Grievance (ROG) scheme. The IGADF military justice audit program was suspended for some four months.

One major development during the reporting period was the formation of the IGADF reserve legal officer panel. This part-time panel, comprising lawyers from diverse backgrounds and areas of practice all over Australia, has appreciably enhanced OIGADF's legal capability.

With support from the Commonwealth Ombudsman, the IGADF also co-hosted, with the Geneva Centre for Security Sector Governance, the 13<sup>th</sup> International Conference of Ombuds Institutions for Armed and Security Forces. The conference could not be conducted in-person but was conducted online because of pandemic-related travel restrictions and border closures. This conference provides an important annual opportunity for those organisations with responsibilities for oversight of armed forces to meet, share experiences and learn from each other about new oversight strategies.

The IGADF continued to monitor and support an immensely important Defence project to develop and implement an enterprise-wide Case Management System. The IGADF regards this planned system, colloquially known as *Case*, as crucial to Defence's ability to record, track and monitor incidents and complaint handling. If implemented as designed, *Case* will also enable more effective IGADF oversight of the military justice system.



## **IGADF OWN-INITIATIVE INQUIRY INTO THE ADF'S ARRANGEMENTS FOR DEALING WITH SEXUAL MISCONDUCT**

The IGADF initiated an inquiry into the implementation of military justice arrangements for dealing with sexual misconduct in the ADF in July 2021. The IGADF appointed Professor the Honourable Pru Goward an Assistant IGADF to conduct the inquiry.

The IGADF Inquiry was conducted 10 years after Defence undertook a suite of cultural reviews following an incident at the Australian Defence Force Academy (ADFA), involving first year cadets, which became known as the *ADFA Skype incident*.

During the reviews in 2011, Defence placed significant emphasis on introducing policies and practices to manage complaints of sexual misconduct that were victim-focused and trauma-informed. One important reform was the establishment of the Sexual Misconduct Prevention and Response Office to allow ADF members to make 'restricted' reports of sexual misconduct without identifying the perpetrator.

The aim of the IGADF own-initiative inquiry was to review the implementation of military justice arrangements for dealing with sexual misconduct, particularly the effectiveness and fairness of such implementation in all environments where ADF members may be serving.

The IGADF inquiry was finalised in November 2021, with the resulting report issued to Defence in December 2021. The report contained 22 findings and 13 recommendations.

The insights, analysis and recommendations provided in the report are an important contribution to understanding the complex issues of sexual misconduct and refining Defence's response initiatives. A copy of the report is available at the following link: [IGADF Own-Initiative Inquiry report | About | Defence](#)

### **STAFFING**

The IGADF is a statutory office holder. OIGADF staff are members of the Australian Public Service (APS) and members of the ADF whom Defence has seconded for duty at OIGADF. Where specialist non-ongoing support is required contract arrangements may also be used.

For part of the 2021–22 reporting period two Defence APS employees, who are also ADF reserve members, volunteered to render Continuous Full-Time Service in the ADF.

A considerable portion of the IGADF workforce is geographically dispersed across Australia and was affected by COVID-19 lockdowns and restrictions, including travel restrictions, imposed in their respective State or Territory. As a result, staff members' resilience and mental wellbeing have become high priorities for the OIGADF during these times.

During the reporting period, two ADF members were required to fill two Directors' positions in an acting capacity, due to the long-term absences of the incumbents. The vacancies were filled mid-way through the reporting period. The two Directorates operated below full staffing for half of the 2021–22 financial year.

For the second consecutive year, IGADF staffing numbers have fluctuated quite significantly. This fluctuation is due to a number of reasons including: staff turnover, changes to work requirements, and changes to how Reserve Legal Officers are managed.

By the end of this reporting period the OIGADF staff had grown to 152 people, an increase of 85 per cent from the 82 staff members reported on 30 June 2021. The Inspector-General is not included in this total. Below is a breakdown of service and permanent/reserve employed in the OIGADF.

<b>Service</b>	<b>Permanent head count</b>	<b>Reserve head count</b>
Navy	5	34
Army	7	36
Air Force	14	40
Australian Public Service	16	n/a
<b>Total</b>	<b>42</b>	<b>110</b>

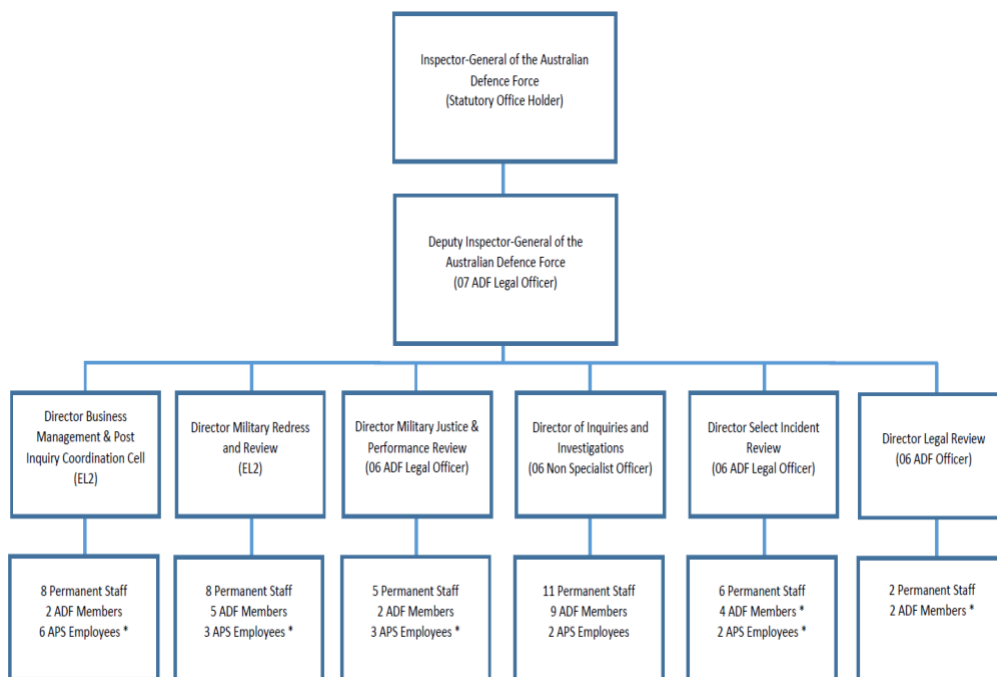
### ***Office of the IGADF structure***

The OIGADF comprises six Directorates. The Directorates are:

- Directorate of Business Management and Governance
- Directorate of Inquires and Investigations
- Directorate of Military Justice Performance Review
- Directorate of Select Incident Review
- Directorate of Military Redress and Review, and
- Directorate of Legal Review.

This organisational structure is designed primarily to support the delivery of the IGADF's statutory functions and responsibilities. Directorates are multidisciplinary teams staffed by APS employees and ADF full-time and reserve members, and supported as necessary by other professional service providers. The diagram below depicts the OIGADF organisational structure.

## Office of the IGADF organisational structure



## ADF part-time legal workforce restructure

A military legal service restructure of the ADF legal reserve workforce was undertaken in December 2021. As a result of this restructure, 29 reserve legal officers were allocated to the newly created IGADF Reserve Legal Officers Service Delivery Panel (“The IGADF Legal Reserve panel”).

The table below – displaying the categories of service, rank, gender, location and civilian legal practice – reflects the level of experience and diversity in the IGADF Legal Reserve panel:

Service	Gender	Rank	Location	Practitioner type
Navy – 12	Females – 11	O-07 – 2	ACT – 7	Judicial officer – 1
Army – 6	Males – 18	O-06 – 4	NSW – 5	Barristers – 10 (2 Senior Counsels)
Air Force – 11		O-05 – 7	SA – 5	Solicitors – 18
		O-04 – 9	Qld – 4	
		O-03 – 7	WA – 2	
			Tas – 2	
			Vic – 2	
			NT – 1	
			Overseas – 1	

The majority of the IGADF Legal Reserve panel members have significant civilian legal experience including serving as judicial officers, members of State and Commonwealth tribunals, barristers (including senior counsel), solicitors in private practice, crown prosecutors, corporate in-house counsel, alternative dispute resolution practitioners and senior public service lawyers in both the Australian Public Service and State/Territory public services.

Members of the IGADF Legal Reserve panel assist in the performance of the IGADF's statutory functions through the provision of legal capability to all directorates within the OIGADF.

Once assigned to the IGADF Legal Reserve panel, members are appointed as an Assistant IGADF in accordance with section 110P of the Defence Act. Appointed members are allocated for tasking to one or more of the directorates in the OIGADF.

IGADF Legal Reserve panel members may perform their role from a number of locations. These include: remotely from their home location, attending a particular location to carry out a specific IGADF function for example such as conducting a military justice performance audit at a unit, or attending the OIGADF in Canberra to perform their duties.

Establishment of the IGADF Legal Reserve panel has enhanced the overall capability and independence of IGADF's statutory functions through the expansion of IGADF's experienced, flexible and integrated legal practitioner workforce. It has, however, come with a significant administrative overhead.

## **DIRECTORATE OF BUSINESS MANAGEMENT AND GOVERNANCE**

The Directorate of Business Management and Governance is responsible for the business enabling functions of the OIGADF. Those functions include: workforce management and personnel support, financial management, safety, security, facilities, governance arrangements and provision of general administrative support.

### ***Professional development***

IGADF staff tend to be mature and have a range of diverse professional backgrounds including in social work, policing, human resource development, public policy, public administration and the law.

IGADF staff participated in a range of specific training and development opportunities. The training and development undertaken was in addition to Defence annual mandatory training.

Staff were able to participate in training delivered internally by the OIGADF and through the Department of Defence, as well as courses run by external organisations.

Training focused on ensuring OIGADF staff currency in trauma-informed response methods. Staff development sessions included:

- accidental counsellor training
- unconscious bias training
- compassionate foundations training
- vicarious trauma training
- effective writing training
- training, including continuation training, in the conduct of inquiries
- Freedom of Information decision-making training
- employment/discipline specific continuing professional development training
- administrative law training, and
- discipline and criminal law training.

### ***Professional service providers***

From time to time professional service providers are engaged by the OIGADF to provide specialist expertise and advice.

The professional service providers are engaged in accordance with Commonwealth procurement rules. Professional service contracts in excess of \$10 000 are published on the AusTender website, unless the contract is subject to a confidentiality arrangement or where publication would prejudice the conduct of an inquiry or investigation.

### ***Continuous improvement***

Another important focus for IGADF is the continuous improvement of IGADF inquiry and complaint handling. During the reporting period, the IGADF received the results of a small, ethics-approved, independently-conducted trial feedback activity. A key aspect of the ethics approval and subsequent feedback activity was that participants were assured the activity would be confidential.

The objectives of the research included IGADF process improvements.

The trial invited those persons, who had made a submission to the IGADF in the preceding three years, and whose submission had been the subject of a finalised IGADF Assessment or Inquiry in the preceding three years, to participate on a voluntary basis. Of the 100 persons who were eligible to participate, 32 responded.

Given the voluntary nature of the feedback activity and relatively small number of participants, the IGADF is considering how best to use the results and recommendations. They have been used to inform the development of IGADF processes and IGADF intends to use them for strategic planning.

The survey results listed eight recommendations in relation to the process for submitting a complaint to the IGADF and about IGADF inquiry processes. All but one of the recommendations suggested that IGADF continue or build on existing good practices. Responding to the recommendations forms part of IGADF's ongoing continuous improvement.

The recommendations, and how IGADF has been addressing those recommendations, are as follows:

- *Continue to use Human Centred Design principles to direct people to where to find the complaint handling process.* The OIGADF has reviewed the material which is available or provided to complainants and potential complainants about IGADF processes to ensure its language is clear and easy to understand.
- *Explore accessibility options for submitting information.* This recommendation has been addressed as part of ongoing IGADF website redevelopment. The OIGADF continually explores other ways to assist more complainants to articulate their complaints.
- *Continue to explore opportunities to develop and enhance best practice and timely approach.* The OIGADF has streamlined Inquiry review processes and delegations and authorisations.
- *Complainants appreciate the IGADF's prompt acknowledgment of their submission. Firstly with the auto response and then a response containing the likely course of action and next steps and timeframes.* The OIGADF has continued to ensure prompt acknowledgment of submissions, within one business day of receiving their submission, followed by information about next steps.
- *Build on positive sentiment by further reviewing the IGADF's "investigation" and "review of evidence" processes.* The OIGADF has deployed additional legal support to enhance investigation and review of evidence processes. The OIGADF has increased the use of legal practitioners in the conduct of Inquiries so that timely legal advice is provided during the Inquiry.
- *Continue to increase overall trust in the work delivered by the IGADF by communicating process improvements to stakeholders, where possible.* The OIGADF has been improving its communications. This includes setting expectations about IGADF processes.
- *Build on established key skills for complainant facing staff such as empathy training, communication and rapport building.* IGADF staff workshops include information about and training in trauma-informed practices.
- *Continue to keep complainants up to date in terms of progress updates.* IGADF staff have continued to keep complainants up-to-date. Designated staff provide complainants and respondents with monthly updates on an Inquiry's progress until completion.

## **IGADF AFGHANISTAN INQUIRY**

As outlined in last year's IGADF annual report, the IGADF Afghanistan Inquiry into rumours of serious misconduct by members of Australia's Special Forces in Afghanistan from 2005–2016 was completed by Assistant IGADF Major General the Hon Justice Paul Brereton AM RFD, on 29 October 2020.

There is a non-publication order pursuant to section 21 of the *Inspector-General of the Australian Defence Force Regulation 2016* that continues to protect witness identities and inquiry evidence.

### ***Post-Inquiry Coordination Cell***

IGADF established the Post-Inquiry Coordination Cell during the previous reporting period. The work of the Post-Inquiry Coordination Cell continues to support interactions between the OIGADF and the Office of the Special Investigator, the Independent Oversight Panel and the Defence Afghanistan Inquiry Response Task Force.

### ***Engagement with the Office of the Special Investigator***

The OIGADF continues to engage with the Special Counsel assisting the Special Investigator. Engagement assists with understanding the legal principles involved in the conduct of the Inquiry and consideration of the use of inquiry material.

During the reporting period the IGADF authorised disclosure of some IGADF Afghanistan inquiry-related material to the Office of the Special Investigator.

### ***Welfare support***

Support for those persons involved or affected by the Afghanistan Inquiry continues to be available. IGADF encourages those who need support and assistance to seek help.

Further details of welfare support services are available at the following link:  
<https://afghanistainquiry.defence.gov.au/welfare-support>.

## **DIRECTORATE OF INQUIRIES AND INVESTIGATIONS**

The primary role of the Directorate of Inquiries and Investigations is to assist the IGADF in undertaking inquiries and investigations into alleged failures of military justice in the ADF.<sup>1</sup> The alleged failures generally refer to either systemic policy failures, or individual failures on the part of ADF members. On receipt of submissions, the Directorate triages the matter and conducts an assessment to resolve the matter. An inquiry is commenced for any matter that cannot be resolved during the comprehensive assessment phase.

### ***Military justice submissions***

The IGADF received 94 new military justice complaints and referrals in 2021–22. While fewer than the 116 complaints and referrals received in 2020–21, the total remains much higher than the historical annual average of around 65 matters. The recent higher numbers of complaints and referrals may be attributable in part to

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<sup>1</sup> *Defence Act 1903*, section 110C(1)(a), (e) and (f); *Inspector-General of the Australian Defence Force Regulation 2016*, section 5(c) and (d).

IGADF's increased public profile following publication of the IGADF Afghanistan Inquiry and/or to increased confidence in reporting to the Office.

Submissions continue to be lengthy and complex. As the IGADF provides an option for first instance investigation of complaints, it is increasingly the case that ADF members and members of the public come directly to IGADF. This is before they use other complaint avenues that may clarify, reduce or resolve issues. This growing trend occurs where an individual seeks independent examination of their concerns. However, the majority of matters involve IGADF reviewing actions taken by Defence in response to a complaint.

Consistent with previous reporting periods, the predominant complaint type (39 per cent) related to unacceptable behaviour. The main sub-categories of the unacceptable behaviour complaints received by IGADF were:

- bullying and harassment (11 per cent of all submissions)
- mismanagement of an unacceptable behaviour complaint (10 per cent of all submissions)
- sexual misconduct (8 per cent of all submissions).

The IGADF Directorate of Inquiries and Investigations (DII) conducted assessments of 142 matters during the reporting period. Of those matters, 88 were finalised during the assessment phase, and eight transitioned to an IGADF inquiry; 46 matters remained ongoing at the end of the reporting period.

ADF Reserve staff complete the majority of assessment and inquiry casework. They provide a range of experience, including legal, command, personnel and general service experience. In addition, APS and contracted staff provide additional expertise and independent assessment.

In many cases, the assessments that did not require an inquiry were resolved by way of recommendations to a Service headquarters or directly to the member's unit for specific remedial action to resolve the complaint. Regardless of the resolution type, the IGADF provides the complainant with a detailed explanation of the assessment conclusion.

Completion times for both assessments and inquiries were affected during the reporting period. The predominant causes were the rising number of matters referred to IGADF in 2021–22, together with challenging working conditions due to the pandemic and/or staff illness. Completion times may reduce in 2022-23, as work arrangements and absences due to illness stabilise.

Twelve Inquiries were finalised by IGADF during the 2021–22 reporting period. The average time for IGADF to complete an inquiry in 2021–22 was 245 days. A further 13 Inquiries were ongoing at the end of the reporting period.



## ***Military Police Professional Standards***

The Military Police Professional Standards section examines complaints relating to the alleged misconduct of military police personnel.<sup>2</sup> On receipt of a complaint, the section triages the matter and either conducts an administrative inquiry or, alternatively, a discipline investigation under the *Defence Force Discipline Act 1982*.

The source of complaints is primarily the Services, through unit and organisation commanders and managers. Commanders or managers are required to refer suspected misconduct to the IGADF under the *Chief of Defence Force Directive 25/2019 Military Police Professional Standards Framework: A Military Police Code of Conduct and Management of Military Police Professional Standards Matters*. The remainder of complaints submitted to the IGADF were received directly from ADF members or members of the public.

In 2021–22, the Military Police Professional Standards section completed 47 investigations. Of the 47 investigations, 37 were new complaints and 10 were ongoing investigations from 2020–21. Three closed investigations resulted in findings that a person was not a 'fit and proper person' to continue serving as military police. In comparison, 49 investigations were completed in 2020–21.

The predominant complaint types of completed matters were:

- unacceptable behaviour (40 per cent)
- inappropriate access or disclosure of information (15 per cent)
- technical breaches, including searches, seizure of phones, and conduct of investigations (12 per cent)
- assault (including threatening a colleague with a baton), fraud, false statements, social media comment, and traffic infractions (33 per cent).

During 2021–22 the Military Police Professional Standards section continued engagement with stakeholders to revise the *Military Police Professional Standards Framework* mentioned above.

## ***Professional development activities***

The IGADF Directorate of Inquiries and Investigations has been active in providing mentoring, feedback and professional development activities. The activities also support the continuous improvement of business processes. In addition to the formal training outlined earlier in this Report, some of training activities are informal, through staff email updates, or individual feedback in relation to particular reports.

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<sup>2</sup> Defence Act 1903, section 110C(1)(a); *Inspector-General of the Australian Defence Force Regulation 2016*, section 5(c) and (d).

## DIRECTORATE OF MILITARY JUSTICE PERFORMANCE REVIEW

The Directorate of Military Justice Performance Review supports the IGADF in conducting performance reviews of the military justice system.<sup>3</sup> This includes conducting audits of major ADF units. The Directorate also provides statistical data on military justice activity in the ADF.

### ***Military justice audit program***

IGADF military justice audits (IGADF Audits) assess the health and effectiveness of the military justice system within major ADF units. In conducting an audit, IGADF staff comply with the relevant Australian Standard on Assurance Engagements ASAE 3100 – *Compliance Engagement*. IGADF Audits are conducted every two to three years for ADF training establishments and Special Forces units, and every four to five years for other major ADF units.

IGADF Audit teams include both permanent and Reserve ADF members as well as APS staff. An Audit team has a Team Leader (O6 rank), Discipline Auditor (an ADF legal officer of O4/O5 rank), Administrative Auditor (O4/O5 rank) and Focus Group Administrator (APS or ADF member). About 80 per cent of auditors are ADF reserve members.

During a routine audit, the team reviews the unit's military justice procedures over the past 12 months. The conduct of an IGADF Audit has three phases:

- Pre-Audit - collection of preliminary data from military justice sources,
- Physical Audit – attendance at the unit to conduct spot-check and focus group discussion and survey. An interim finding provided to the Commanding Officer of the unit, and
- Post-Audit - collation of information, analysis of statistical data, and finalising written report.

During the physical audit, the IGADF Audit team conducts a spot check of unit records, processes and competencies. The spot checks are designed to ensure compliance with military justice law and policy requirements. The Audit verifies the unit has the necessary procedures for the management of personnel discipline and administration.

IGADF auditors also consult those specialists such as health professionals, lawyers and chaplains who, although they may not themselves be staff members of the audited unit, routinely provide support to the Commanding Officer and their headquarters staff. The purpose of those discussions is to ascertain the relationship those specialists have with the audited unit's command team, as well as the specialists' observations.

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<sup>3</sup> Defence Act 1903, section 110C(1)(b); *Inspector-General of the Australian Defence Force Regulation 2016*, section 5(d).

Focus group discussions are held as part of every audit. They are discussions with unit personnel grouped by worn rank and, where appropriate, by gender as well. Discussion questions are designed to prompt participants to share their experiences and perceptions of the military justice system at the audited unit. Discussion topics include questions about how members at each rank level perceive the unit's leadership team has implemented the ADF's military justice arrangements. In this way, IGADF Audits have an additional benefit of promoting military justice values and reinforcing basic knowledge among ADF members about their rights and obligations in the military justice system.

A written IGADF Audit report is sent to the audited unit's Commanding Officer approximately two months after an IGADF audit. The IGADF Audit report is also distributed to the unit's chain of command, including the CDF, the Vice Chief of the Defence Force and relevant Service Chief.

The report contains recommendations and suggestions to improve the unit's compliance with military justice requirements and remediate any deficiencies. Where a unit has not complied with law or mandatory policy, the report makes 'recommended corrective actions' for the unit to implement.

An IGADF Audit report may also make other 'suggestions' to improve unit practices. Suggestions are not mandatory and are discretionary matters for the Commanding Officer to consider.

The IGADF requires units to provide feedback within three months on how the unit has implemented audit recommendations and whether the unit has implemented the suggestions.

### ***The 2021-22 IGADF Audit program***

COVID-19 outbreaks and associated lockdowns and interstate travel restrictions significantly affected the scheduled IGADF audit program for 2021–22. As a result of those travel restrictions and outbreaks, the IGADF suspended audits for sixteen weeks between July and November 2021.

The IGADF Audit program resumed in a limited way in December 2021 for some units located in areas that had lifted restrictions on travel and gatherings. This limited resumption of the audit program required daily monitoring to ensure compliance with applicable State or Territory restrictions. This included risk assessments, monitoring of health and well-being of audit team members, and close liaison with units to be audited.

Audits resumed after the December-January reduced activity period in early 2022. Where possible, those units that had been affected by the 16-week pause were rescheduled. The audit program returned to full operation in March 2022 when Western Australia reopened its borders without 14-day quarantine requirements.

Despite all the challenges associated with running a national audit program in 2021-22, IGADF audit teams ultimately conducted 41 military justice performance audits (Navy 2, Army 23, Air Force 14 and Joint 2) during the reporting period.

This figure is just nine audits short of the lower range of the IGADF annual audit target. Conducting almost a year’s audit activity in approximately five months did, however, result in delays in finalising written reports.

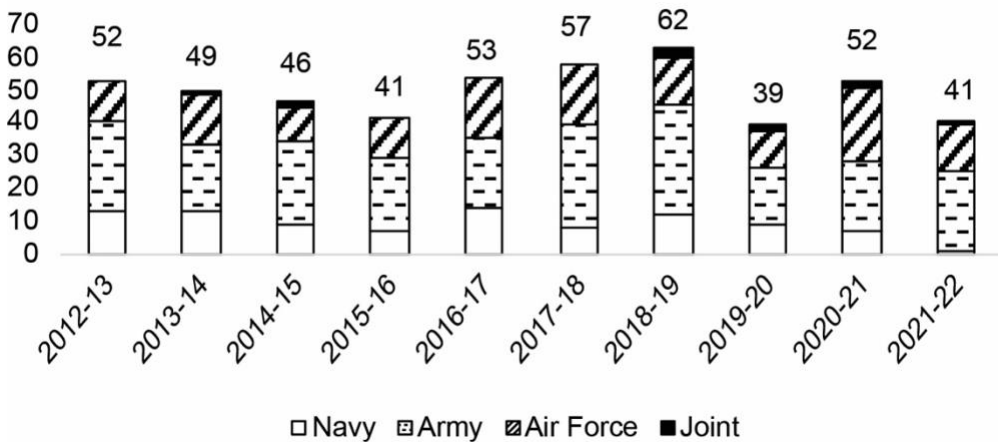
The 2021–22 audit program included one re-audit from the previous year and two targeted audits. One of the targeted audits was at the Service’s request. This targeted audit was a comprehensive audit that reviewed the past two years’ military justice matters (instead of the usual 12 months).

Auditing the crews of Navy ships depends on the Ship being alongside, either for maintenance or refit cycle. Therefore, most of the Navy ships whose IGADF audits were necessarily postponed because of lockdowns were not audited and will be rescheduled in future audit cycles.

During the reporting period IGADF commenced modified military justice audits, principally based on focus groups, for Defence’s Capability Acquisition & Sustainment Group. The Group has a significant amount of APS employees working with ADF members. These audits were the first time Defence APS employees participated in IGADF focus group discussions.

The following graph shows the number of audits conducted by Service since financial year (FY) 2012–13.

Audits conducted by financial year



**Audit outcomes**

Of the 41 IGADF Audits conducted, four units had material deficiencies in their military justice processes and will be re-audited in 2022-23. The units were non-compliant due to a combination of:

- systemic breakdown in military justice procedures that negatively affected members’ rights, or

- poor or non-existent record keeping practices to provide evidence of actions and outcomes.

Of the 37 units found compliant, the most common Audit recommendations related to information management:

- correct entry of discipline or administrative steps
- recording of incidents of unacceptable behaviour (including allegations) on all mandated systems
- retention of all relevant records
- communication of outcomes to relevant parties involved in Fact Finding.

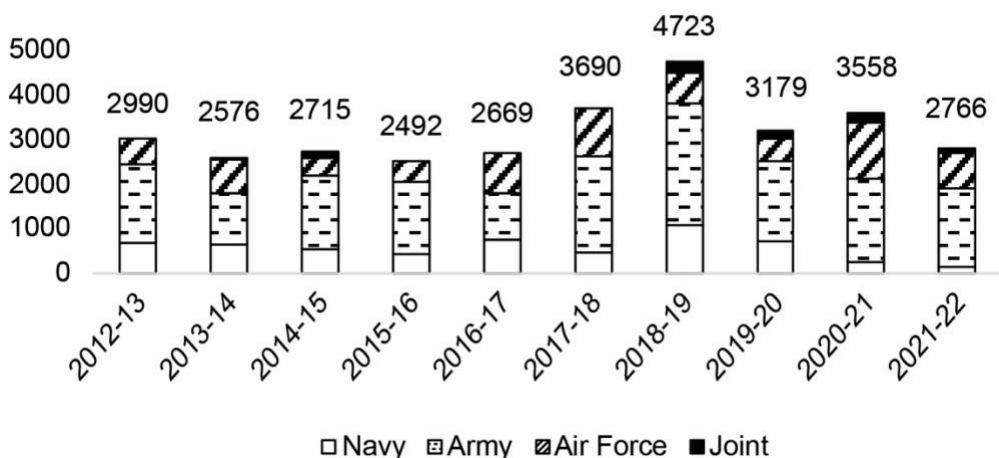
During the course of the 2021–22 audit program, a total of 509 (Navy 20, Army 315, Air Force 165 and Joint nine) recommended corrective actions were made to ADF units. A further 406 (Navy 19, Army 244, Air Force 136 and Joint seven) suggestions were made during the audit program.

**Focus group outcomes**

During the conduct of military justice performance audits in this reporting period, 2766 ADF members (Navy 137, Army 1750, Air Force 802 and Joint 77) participated in focus group discussions.

The following graph depicts the focus group participation rate across the services since FY2012–13.

Focus group participants by financial year



Focus group participants complete an anonymous, written military justice survey at the conclusion of every IGADF Audit focus group. The survey gauges perceptions and effectiveness of the military justice system at the audited unit. The aggregate of focus group participants' survey data provides insights into ADF members' perceptions of the effectiveness of the military justice system across the ADF as a whole.

The majority of 2766 focus group participants during 2021–22 were at the 'Private' or Junior Non-Commissioned Officer rank.

An analysis of the survey responses of key questions from participants showed:

- a. **71 per cent** believed the discipline process is fairly and consistently applied
- b. **78 per cent** believed the DFDA is an effective tool for the maintenance of discipline
- c. **48 per cent** believed they receive adequate discipline training to allow the member to discharge their DFDA responsibilities
- d. **62 per cent** believed complaints made to their chain of command were dealt with fairly, promptly and impartially
- e. **57 per cent** believed their unit would treat them fairly and impartially if they were the subject of an administrative inquiry
- f. **84 per cent** understood the concept of the 'right to be heard' or the 'right of reply', otherwise known as procedural fairness
- g. **27 per cent** believed adverse administrative action procedures take too long
- h. **72 per cent** had confidence in their chain of command to resolve complaints
- i. **57 per cent** believed their unit maintained a balance between the rights of complainants and the rights of respondents
- j. **25 per cent** believed they had experienced or witnessed unacceptable behaviour at their unit
- k. **82 per cent** believed appropriate action would be taken if they reported an incident of unacceptable behaviour
- l. **83 per cent** knew where to obtain advice or information on unacceptable behaviour
- m. **59 per cent** believed all ranks would be treated equally under the military justice system
- n. **70 per cent** believed all genders would be treated equitably under the military justice system
- o. **40 per cent** believed the military justice system provides sufficient feedback to complainants and respondents
- p. **90 per cent** believed appropriate action would be taken against an incident or complaint of sexual misconduct, including sexual assault, and
- q. **63 per cent** believed morale was good.

### ***Enterprise Resource Planning Case Management System project***

During the reporting period, IGADF continued to emphasise the importance of a Defence project to introduce a whole-of-Defence Case Management System (Case). Case is part of the Defence Enterprise Resource Planning program.

Previous IGADF annual reports to Parliament have commented favourably on Defence's commitment to implementing *Case*. IGADF staff continue to work with contractors and the Audit and Fraud Control Branch to support the *Case* project.

Once it 'goes live', *Case* will replace several standalone, stove-piped systems to provide Defence a simplified, integrated and standardised system to record and track complaints and incidents and how they are managed. A single enterprise solution for tracking and recording matters has been recommended by several Defence reviews and at least one external review. The IGADF has for many years been a strong supporter of and advocate for *Case*.

*Case* will be crucial to Defence's ability to record and monitor incidents and how they are handled. Fragmentation and stove-piping of records across separate systems precludes data matching, hampers longitudinal studies and inevitably risks Defence not having complete visibility of wrongdoing and how it is being managed. If implemented as designed, *Case* will also assist IGADF to oversee the operation of the military justice system.

Given the importance of this project and what it will provide in terms of capability enhancements to the reporting, management and tracking of Defence incidents and complaints, it will be important to ensure *Case*'s timely delivery.

## **DIRECTORATE OF SELECT INCIDENT REVIEW**

The IGADF Directorate of Select Incident Review (DSIR) supports the IGADF in inquiring into the deaths of ADF members that appear to have arisen out of, or in the course of, those members' service.<sup>4</sup> An IGADF inquiry gathers evidence and reports on the circumstances of the death. Where the death appears to have arisen out of or in the course of a member's service, IGADF must provide a report to the CDF.<sup>5</sup> The aim of any IGADF inquiry is to ascertain whether there is any relevant information, or lessons, that can eliminate or reduce the potential for similar service deaths in the future.

### ***Process for inquiring into an ADF member's death***

The IGADF assesses the circumstances whenever an ADF member dies. The assessment occurs without distinction of the ADF member's Service Category (fulltime, part time, paid/unpaid leave or inactive personnel). However, the IGADF only has jurisdiction to inquire where the death appears to have arisen out of, or in the course of, the ADF member's service. The IGADF has no jurisdiction to inquire into the death of a person who is no longer an ADF member.

Engagement occurs with a variety of agencies to collect evidence concerning an ADF member's death. These may include:

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<sup>4</sup> *Inspector-General of the Australian Defence Force Regulation 2016*, section 5(a).

<sup>5</sup> *Inspector-General of the Australian Defence Force Regulation 2016*, section 27(4).

- Defence Member and Family Support
- military and civilian police
- Joint Health Command
- Australian Defence Records
- Defence Counsel Services
- Service Headquarters
- State and Territory coroners
- State and Territory Registries of Births, Deaths and Marriages
- the Department of Veterans' Affairs, and
- Comcare.

Engagement with the deceased ADF member's family and next of kin occurs in all matters. An ADF Reserve legal officer may also be independently appointed by Defence Counsel Service, to act for the interests of the deceased ADF member.

Throughout 2021–22, the Office of IGADF has continued to develop and refine the engagement process with stakeholder agencies, including various Coroner's Offices, the Department of Veterans' Affairs, and Comcare. Defence Counsel.

At the conclusion of the inquiry process, IGADF provides a report to the CDF. The report:

- identifies any systemic issues that can be remedied to minimise the risk of future serious injuries or deaths
- identifies any connection between the ADF member's death and their service
- evaluates relevant Defence policies and procedures to identify whether or not they have been followed, suitable or fit for purpose, and
- provides any recommendations about how policy and procedures might be improved.

### ***Service death inquiries***

The Office of IGADF received notification of 36 deaths of ADF members during the 2021–22 financial year.

The Directorate finalised 32 inquiries into the deaths of ADF members during the reporting period.

Of those deaths, the causes were:

- 18 illness-related (56 per cent)
- 5 suicides (16 per cent)
- 9 accidents (28 per cent)



## ***Interim National Commissioner for Defence and Veteran Suicide Prevention***

During the reporting period, the IGADF continued to provide assistance to the Interim National Commissioner for Defence and Veteran Suicide Prevention (Interim National Commissioner).<sup>6</sup>

The IGADF acknowledges the important work of the interim National Commissioner.

On 15 September 2021, the Interim National Commissioner handed her report to Government detailing the findings from her Independent Review of Past Defence and Veteran Suicides.

The report was tabled in Parliament on 29 September 2021. The work of the Interim National Commissioner has informed the continuous improvement of IGADF's processes to inquire into ADF member suicides, including in relation to the range of risk and protective factors comprehensively discussed in the Interim National Commissioner's report.

Concurrently, material from IGADF inquiries continues to be made available to inform Defence's current initiatives and programs into ADF suicides.

### **Suicide analysis**

The Interim National Commissioner commented that:

*The reasons why people die by suicide are complex and variable – it can be almost impossible to say that any single factor caused a person to take their life. Suicide is often the result of a mix of different factors and life events, including those that are biological (such as disease, injury or pain), psychological (such as mental illness) and psychosocial (such as relationship breakdown or unemployment ...).*<sup>7</sup>

Since 01 July 2014, IGADF has produced 278 inquiry reports into the death of ADF members. Of those 278 reports, 236 concerned the death of an ADF member where the death was found not to have arisen out of or in the course of the member's service. The remaining 42 reports identified a nexus between the ADF member's service and their cause of death; suicide accounted for 17 of those 42 deaths. Of those 17 reports which found the ADF member died by suicide, 16 reports contained one or more recommendations for consideration by the CDF.

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<sup>6</sup> The reports were redacted to comply with privacy law and the IGADF wrote to the nominated next of kin of the 35 deceased ADF members to inform them this had occurred.

<sup>7</sup> Preliminary Interim Report of the Interim National Commissioner for Defence and Veteran Suicide Prevention (Interim National Commissioner's Report), paragraph 2.27, accessed 26 July 2022. <https://www.nationalcommissionerdvsp.gov.au/publications/interim-national-commissioner-defence-and-veteran-suicide-preventions-report>

Given such a small number over an eight year period, trend analysis may be imprecise but the following observations can be made regarding causal factors for suicide by ADF members which have been identified in recent IGADF inquiry reports:

- Consistent with the Interim National Commissioner's comments there are a multitude of contributing factors in most deaths by suicide. Some causal factors are service-related, others are not.
- Family and relationship breakdowns and/or issues are an emerging and recurring theme among contributing factors.
- Evidence of underlying mental health conditions are a consistent theme. The Interim National Commissioner has commented that a deceased's history of mental ill health was often, but not always, known to Defence.<sup>8</sup>
- Evidence in recent IGADF inquiries reveals that mental health conditions are often unknown or not sufficiently disclosed to Joint Health Command and the chain of command. Further contributing to the complexities is that ADF members who are struggling with their mental health in the period immediately before their death, may be reluctant to seek help from medical professionals and/or the chain of command. Reasons for the reluctance related to perceived stigma in doing so, and the perception that the disclosure will lead to an adverse effect to their career.
- Similar to the Interim National Commissioner's observations,<sup>9</sup> a high proportion of IGADF inquiries indicate a history of alcohol misuse. Some alcohol consumption immediately before death was a feature in several of the deaths by suicide.

### ***Performance***

Staffing deficiencies, many of them illness- and injury-related, in the IGADF Directorate of Select Incident Review caused significant challenges in the ability to address caseloads and also to conduct interviews. During the reporting period, for a variety of reasons, there was a complete changeover of permanent staff. Two senior roles were vacant for long periods because of illness during the reporting period.

Given their inevitably tragic subject matter, inquiries into service deaths of ADF members are conducted with the utmost sensitivity. Wherever possible, interviews are conducted in person. During the reporting period, travel restrictions associated with the global pandemic affected the conduct of interviews in person with key witnesses. While some tasks were not completed within originally designated timeframes, some Inquiries were nonetheless able to progress with the conduct of interviews by virtual means for some witnesses.

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<sup>8</sup> Interim National Commissioner's Report, 'Box 2.1'.

<sup>9</sup> Interim National Commissioner's Report, 'Box 2.1'.

## **DIRECTORATE OF MILITARY REDRESS AND REVIEW**

The IGADF Directorate of Military Redress and Review considers Redress of Grievance (ROG) complaints submitted by ADF members.

Under *Defence Regulation 2016* (the Regulation), a member may make a ROG complaint:

- if the member considers that a decision, act or omission is adverse or detrimental to them, and
- the adverse or detrimental effect is capable of being redressed by a person within the Department of Defence.

The grievance process provides flexibility to consider each ROG complaint in the way that is most appropriate for that specific complaint. For the majority of ROG complaints, particularly about administrative matters such as entitlements and career decisions, initial consideration by the member's chain of command is appropriate. The Directorate monitors progression of command consideration to ensure they are actioned within a reasonable time.

The IGADF must still independently consider those complaints, with the benefit of seeing the reasoning and decision of the member's chain of command.

For a small number of matters, it is inappropriate for the member's immediate chain of command to consider the ROG complaint. For those matters, initial consideration may occur higher up the chain of command, or by IGADF from the outset. Examples of such matters include where the ROG complaint is complex and concerns a financial entitlement, and resolution of the complaint requires detailed legislative interpretation.

The Directorate of Military Redress and Review has dedicated liaison officers for each Service. The liaison officers provide procedural information to members, commanders and unit administrative personnel. IGADF's substantive consideration of complaints is conducted by a combination of APS and ADF staff.

In 2021–22 the Directorate continued to be invited to deliver presentations to Navy and Air Force Commanding Officers and their support staff. Due to ongoing COVID-19 restrictions, these presentations occurred both in person and virtually.

### ***Redress of Grievance complaint statistics and performance***

At the start of this reporting period, 57 complaints were open and under consideration. An additional 261 new complaints were submitted by ADF members throughout 2021–22. This represents a minor decrease of 3 per cent from the 269 complaints submitted in 2020–21.

During 2021–22, 226 complaints (Navy 66, Army 106 and Air Force 54) were finalised. By the end of the reporting period 100 complaints remained open and under consideration.

In comparison with the previous reporting period:

- the number of complaints from Navy personnel increased by five per cent – from 61 to 64,
- the number of complaints from Army personnel increased by seven per cent – from 122 to 130, and
- the number of complaints from Air Force personnel decreased by 24 per cent - from 86 to 67.

ROG complaint submission is not evenly distributed across the year. For example:

- 151 complaints were submitted between 1 July and 31 December 2021, and
- 110 complaints were submitted between 1 January and 30 June 2022.

This may reflect dissatisfaction from the notification of postings and promotions that generally occurs in the latter part of each calendar year.

The main categories of the 226 complaints closed in 2021–22 related to:

- termination of the complainant’s ADF service (23 per cent of complaints)
- decisions about the complainant’s career (39 per cent of complaints)
- decisions about the complainant’s entitlements (24 per cent of complaints), and
- financial, security, medical and privacy complaints (16 per cent of complaints).

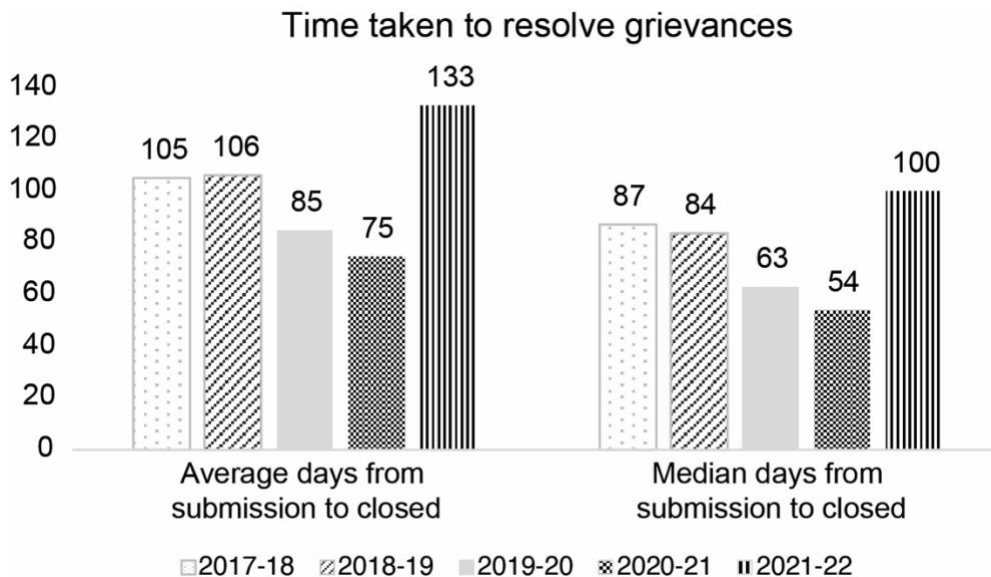
Decisions relating to those complaints finalised during the reporting period are:

- 45 were partially or fully upheld (20 per cent )
- 31 were withdrawn by the complainant (14 per cent )
- 22 were administratively outside ROG process (10 per cent )
- 116 were found to have no merit (51 per cent)
- 12 involved subjects excluded from the ROG process (six per cent).

In 2021–22, the average time taken to finalise complaints was 133 days, with a median of 100 days. This is an increase from the average of 75 days and median of 54 days in 2020–21.

- 44 per cent of ROGs were closed within 90 days [compared with 73 per cent in the previous period]
- 50 per cent of ROGs were closed within 100 days [compared with 77 per cent in the previous period]
- 57 per cent of ROGS were closed within 120 days [compared with 82 per cent in the previous period]

The graph below shows the average and median times to resolve grievances over the last four reporting periods.



Under the regulation, commanding officers are required to refer complaints to IGADF within 14 days of receiving them. During the reporting period, 92 per cent were referred to IGADF within 14 days and 99 per cent were referred within 21 days. Two complaints were referred to IGADF more than 21 days after receipt by the commanding officer. Both of those complaints were submitted to the commanding officers during the ADF reduced activity period over Christmas and the start to the New Year.

### ***Significant observations***

This increase in average and median times to finalise complaints was due to a number of factors, including:

- increased complexity of complaints
- changeover of critical staffing
- increased liaison with members to better ascertain members' satisfaction or otherwise with commanding officers' decisions
- pandemic-related issues, including:
  - impediments to training staff
  - delays in obtaining relevant documents and other materials, and
  - the need for additional safeguards and support mechanisms for IGADF staff dealing with ROG complaints and complainants when working from home.

## DIRECTORATE OF LEGAL REVIEW

The Directorate of Legal Review provides a legal advisory function within the OIGADF. The Directorate assists the IGADF Executive and Directorates in fulfilling the IGADF's statutory functions and responsibilities.

### ***Roberts-Smith v Fairfax Media Publications Pty Ltd, The Age Company Pty Ltd and The Federal Capital Press of Australia Pty Ltd defamation proceedings***

In August 2018, Mr Ben Roberts-Smith VC MG commenced defamation proceedings in the Federal Court against certain media organisations and journalists. The news articles concerned incidents alleged to have occurred during the same time period as that which was the subject of the IGADF Afghanistan Inquiry.

The trial commenced in June 2021. It was adjourned due to the COVID-19 pandemic and recommenced in February 2022. After 99 days of hearings, witness testimony concluded on 3 June 2022. The parties' final submissions commenced on 18 July 2022, outside the reporting period.

While the IGADF was not a party to the proceedings, both Mr Roberts-Smith and the respondents served a number of subpoenas on the IGADF seeking production of documents. IGADF responded to nine such subpoenas during the reporting period, making public interest immunity claims in some cases to preserve the integrity of IGADF inquiry processes.

Additionally, OIGADF was consulted in relation to several other subpoenas served on the Department of Defence.

A number of the subpoenas involved documents which were subject to Public Interest Immunity claims by the IGADF. Much of the evidence was subject to orders pursuant to the *National Security Information (Civil and Criminal Proceedings) Act 2004* (Commonwealth).

On behalf of the IGADF, the Directorate of Legal Review closely monitored the proceedings to protect information the IGADF Afghanistan Inquiry had compelled from witnesses. Monitoring ensured that inadvertent disclosures were removed from the public record of the proceedings.

The OIGADF endeavoured to maintain a constructive, consultative and appropriate approach with other agencies including the Department of Defence, the Attorney-General's Department, the Australian Federal Police, the Office of the Special Investigator, legal practitioners representing sensitive witnesses and counsel for the parties.

The IGADF's actions in responding to subpoenas and in dealing with other agencies served to ensure the integrity of the information obtained not only by the IGADF Afghanistan Inquiry but also, more generally, in other IGADF Inquiries.

## ***Royal Commission into Defence and Veteran Suicide***

The Royal Commission into Defence and Veteran Suicide was formally established on 8 July 2021. The IGADF has supported the work of the Royal Commission by producing documents and giving information where requested.

The Royal Commission has served IGADF with a number of Notices to Produce and Notices to Give. These Notices required IGADF to produce a large number of documents and provide a broad range of information to the Royal Commission. All of IGADF's responses to the Royal Commission are provided through the Solicitors representing the Commonwealth, the Australian Government Solicitor.

## **INFORMATION TRACKING SYSTEMS**

Information tracking systems sponsored by IGADF comprise the ADF *Administrative Inquiries Tracking System* (ADFAITS) and *Defence One – Conduct Reporting and Tracking System* (CRTS). ADFAITS is the primary ADF-wide management tool for the capture of information concerning administrative inquiries, while CRTS tracks the conduct records of all ADF members. Together, these two systems provide the majority of the military justice data available to the IGADF.

The main objective of ADFAITS is to record, track and report on the conduct of administrative inquiries in Defence. In 2021–22, 26 new administrative inquiries (Navy 7, Army 18 and Air Force 1) were added to this system. During the same period IGADF identified nine events on ADFAITS (CDF 6 and Navy 3) that were entered twice. These nine events were subsequently deleted. As such, there is now a total of 807 inquiries recorded on the ADFAITS system.

As previously reported, ADFAITS has been identified as one of the legacy systems to be incorporated into the new Enterprise Resource Planning (Case) system. The Conduct Reporting and Tracking System (CRTS) is another legacy system being incorporated into Case. CRTS tracks all ADF disciplinary investigations, trials and convictions, as well as administrative sanctions, civil convictions and protection orders. The ability to track military justice data is crucial in ensuring effective career management and the maintenance of discipline throughout the ADF.

During the reporting period IGADF staff, in consultation with representatives from the three Services, made further improvements to CRTS. These improvements include the capability to record fitness test failures, and the suspension from duty of ADF members. Both elements are important to the proper management of ADF members.

During the second half of the reporting period, IGADF staff assisted with the role mapping processes between these two legacy systems and the transition to the new Case system, to ensure capabilities between the three systems remain constant. In addition, IGADF staff conducted data validation tasks to ensure the data migrated from these legacy systems to the Case system is accurate. The accurate tracking of historical data is integral for trend analysis into the health and effectiveness of the military justice system.

## **CONFERENCES AND OTHER ACTIVITIES**

### ***International Conference of Ombuds Institutions for Armed Forces***

Established in 2009, the International Conference of Ombuds Institutions for the Armed Forces (ICOAF) is an annual event designed to provide a platform for participating ombuds institutions to share information, processes and experiences with similar international institutions. The OIGADF has attended the ICOAF events for the past four years.

The OIGADF – with support from the Commonwealth Ombudsman’s office – co-hosted 13<sup>th</sup> ICOAF with the Geneva Centre for Security Sector Governance. The conference was held on 20–22 October 2021 and was attended by 120 delegates from 46 countries. Due to COVID-19 restrictions the conference was presented from Canberra using a hybrid – in person as well as online – format, the first of its kind for this conference series.

13<sup>th</sup> ICOAF examined how ombuds institutions, including inspectors-general, positively contribute to the work of armed forces and their operational effectiveness. Specific objectives explored the nexus between operational effectiveness and different dimensions relevant for ombuds’ work, such as legality, rule of law and public image. As an adjunct to 13<sup>th</sup> ICOAF, the OIGADF also hosted an inaugural virtual meeting with some ombuds institutions from Australia’s region who do not usually participate in ICOAFs.

Towards the end of the reporting period, the OIGADF made arrangements for a handover to the 14<sup>th</sup> ICOAF co-hosts, the Parliamentary Ombud’s Committee for the Norwegian Armed Forces.

### ***Military justice meetings, seminars and forums***

Due to the challenging operating environment throughout this reporting period, the number of presentations, seminars and forums attended by the OIGADF were lower than previous reporting periods.

Despite those challenges, the OIGADF was able to attend the Australia Government Legal Service conference, the 2022 National Security Forum and the Defence People Symposium conference during the reporting period.

These events create a good platform to promote awareness of the roles and functions of the OIGADF, and to highlight current military justice topics.



## CONCLUSION

The OIGADF's operating tempo in 2021–22 was negatively affected by lockdowns; travel restrictions resulting from COVID-19 outbreaks in Canberra and across Australia; and, to a lesser extent, flood disasters. Changeover or illnesses of critical staff, and staff vacancies, also had a significant impact.

The number of military justice submissions and referrals IGADF received in 2021–22 was 44 per cent higher than IGADF's historical average. In addition, IGADF supported three important external inquiry and/or legal processes.

The combination of the above factors hampered the conduct of inquiries and complaint handling, leading to delays in IGADF processes.

Despite these challenges, the OIGADF continued to provide an independent and impartial avenue for any person to raise concerns about the military justice system or a military justice process, and to have those concerns be the subject of independent, impartial and competent review.

The OIGADF continued to refine its inquiry and complaint handling processes, particularly to promote the welfare of participants in those processes as well as a trauma-informed approach.

During the reporting period the IGADF, with support from the Commonwealth Ombudsman, contributed to international discourse on issues affecting armed forces oversight by co-hosting the 13<sup>th</sup> International Conference of Ombuds Institutions for the Armed Forces.

## **GLOSSARY OF ACRONYMS AND ABBREVIATIONS**

Australian Defence Force	ADF
ADF Administrative Inquiry Tracking System	ADFAITS
ADF Investigative Service	ADFIS
Australian Public Service	APS
Case Management System	CMS
Chief of the Defence Force	CDF
Commission of Inquiry	COI
Conduct Reporting and Tracking System	CRTS
<i>Defence Act 1903</i>	The Defence Act
<i>Defence Force Discipline Act 1982</i>	DFDA
Directorate of Legal Review	DLR
Directorate of Military Justice Performance Review	DMJPR
Directorate of Military Redress Review	DMRR
Directorate of Select Incident Review	DSIR
Enlisted 06	E06
Enlisted 07	E07
Enlisted 08	E08
Enterprise Resource Planning (Case) project	Case
Executive Level 1	EL1
Executive Level 2	EL2
Inspector-General of the Australian Defence Force	IGADF
Officer Level 4 (referring to a Major or equivalent)	O4
Officer Level 5 (referring to a Lieutenant Colonel or equivalent)	O5
Officer Level 6 (referring to a Colonel or equivalent)	O6
Officer Level 7 (referring to a Brigadier or equivalent)	O7
Redress of Grievance	ROG



