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**OFFICE OF THE INSPECTOR-GENERAL OF THE
AUSTRALIAN DEFENCE FORCE**

**MILITARY JUSTICE STATISTICS CATALOGUE
FY2021-2022**

Trust and Fairness in Military Justice

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INSPECTOR-GENERAL OF THE AUSTRALIAN DEFENCE FORCE CATALOGUE OF MILITARY JUSTICE STATISTICS FOR THE PERIOD 01 JULY 2021 TO 30 JUNE 2022

I am pleased to release the *Inspector-General of the Australian Defence Force Military Justice Statistics Catalogue* for the period 1 July 2021 to 30 June 2022. Subsection 110C(1)(b) of the *Defence Act 1903*, enables me to conduct performance reviews of the health and effectiveness of the military justice system. One of the methods used is to collect and analyse military justice statistical information and trends from a wide range of sources and across the Australian Defence Force.

The Catalogue contains information relating to the four core elements of the military justice system: disciplinary proceedings under the *Defence Force Disciplinary Act 1982*, adverse administrative actions, the conduct of fact-finding and administrative inquiries, and complaint handling.

The Catalogue compiles information from the following sources:

- a. Data extracted from the Conduct Reporting and Tracking System, the Australian Defence Force Administrative Tracking System and the Complaint Management Tracking Reporting System
- b. Information obtained from focus group surveys during the conduct of IGADF Military Justice Performance Audits, and
- c. Data collected by the OGIADF, other areas of Defence, or data reported in the Defence Annual Report. These data include information about the suspected causes, including by suicide, for those ADF members of whose deaths IGADF was notified during the reporting period.

The Catalogue is designed to provide a convenient overview and management tool examining the operation of the military justice system across the ADF. Service specific Annexes are included at the end of the Catalogue. The Catalogue is also available on the IGADF website at www.igadf.gov.au.

A handwritten signature in black ink, appearing to read 'J. M. Gaynor'.

James Gaynor CSC
Inspector-General of the Australian Defence Force

01 September 2023

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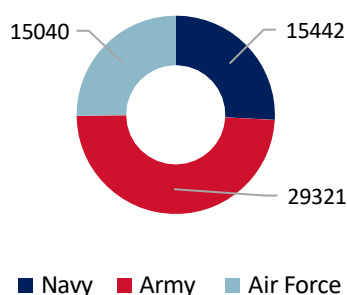
1 EXECUTIVE SUMMARY

Demographics

To assist with trend data interpretation and analysis, ADF Service strength for permanent (Service Category 7 and 6) and Reserve personnel undertaking continuous full time service (Service Option C: SERVOP C), as of 30 June 2022, was:

- Navy 26 % (15 442 personnel)
- Army 49 % (29 321)
- Air Force 25 % (15 040).¹

Graph 1: ADF Service strength



Disciplinary investigations

There are two types of disciplinary investigations in the *Defence Force Discipline Act 1982* (DFDA); investigations at unit level and matters referred to the Joint Military Police Unit (JMPU) for investigation. In 2016, the Vice Chief of the Defence Force (VCDF) implemented measures to reduce the timeframes for units to manage disciplinary matters. On 23 November 2021, VCDF Directive 02/2021 *Military Discipline System Performance and Reporting Summary Tribunals* was promulgated. The Directive reduced the time to complete a unit investigation from 28 days to 14 days.

Overall 73 % of unit level investigations across the ADF were completed within the VCDF directed timeframe.

In FY21-22, the average time to conduct unit disciplinary investigations was *steady* at:

- Navy: averaged 27 days (27 days in FY20-21)
- Army: 11 days (10 days in FY20-21)
- Air Force: 9 days (10 days in FY20-21).

The percentage of unit level investigations completed within 14 days (noting the reduction to 14 days occurred four months into the financial year):

- Navy 44 %
- Army 84 %
- Air Force 79 %.

Joint Military Police Unit (JMPU) investigations

During FY21-22, 2845 incidents were reported to JMPU, resulting in 351 investigations.

In 2016, the VCDF delay reduction measures also stipulated JMPU investigations to be completed within 4 months from a notifiable incident assessment (unless there were exceptional circumstances).

Discipline Officer Infringements

During FY21-22, 3276 Discipline Officer Infringements were recorded. This represents an overall *decrease* of about 17 % from the 3956 infringements recorded previously in FY20-21. Against the total 3276 infringements, the Services recorded:

- Navy: 35 % with 1154 infringements.
- Army: 52 % with 1694 infringements.
- Air Force: 13 % with 428 infringements.

Discipline trials (Service Tribunals)

Discipline trials can be conducted by court martial, Defence Force Magistrate or Summary Authority.

During FY21-22, there were three types of Summary Authority - Superior Summary Authority (usually at the O7/O6 rank), a Commanding Officer (usually O5 rank), or a Subordinate Summary Authority (usually O4 rank).

In FY21-22, the total number of Summary trials *decreased* across all Services by approximately 23 % to 721 trials compared to 932 from the previous FY20-21. Numbers of Summary trials by Service are:

¹ Data taken from Table 6.4 of the Defence Annual Report for 2021-22.

- Navy: 184 trials (211 the previous FY 20-21)
- Army: 462 trials (631 in FY 20-21)
- Air Force: 75 trials (90 in FY20-21)

Summary level trials are required by VCDF to be conducted within 14 days from the date a member is charged. During FY21-22, the Service compliance averaged:

- Navy: 12 days (83 % completed within 14 days)
- Army: 12 days (78 % of Army trials)
- Air Force: 11 days (77 % of Air Force trials).

Of the 721 summary trials held in FY21-22, there were 852 convictions recorded: Navy 234, Army 530 and Air Force 88.

There were 35 courts martial and Defence Force Magistrate (DFM) trials recorded in FY21-22 (Navy 14, Army 19 and Air Force 2). These led to:

- 80 convictions (Navy 26, Army 45 and Air Force 9)
- 11 not guilty findings (Navy 3 and Army 8).

A total of 756 Service Tribunal trials were held in FY21-22; a combined total from courts martial, DFM and summary authority trials. This was a 23 % *decrease* from the 984 trials recorded in FY20-21.

Of the total 756 Service tribunal trials, 932 convictions were recorded; a *decrease* of 26 % over the 1253 convictions recorded in FY20-21.

Civil convictions

ADF members who are arrested and/or charged with a civil offence, or participate in a Diversionary Program, must inform the ADF. Reporting these matters enables the ADF to consider whether the member remains suitable for their current employment or position.

Civil convictions *decreased* by 20 % for ADF members; from 183 in FY20-21 to 146 in FY21-22.

Punishments imposed by a civil authority on ADF members *decreased* by 53 %; from 195 in FY20-21 to 92 in FY21-22.

Protection orders

The ADF requires that Protection orders are also reported to assist with management of Defence members who provided protection from a Protection Order, and who are a respondent to a Protection Order.

During FY21-22, 60 Protection Orders were recorded (Navy 25, Army 26, and Air Force 9); a *decrease* of 35 % over the 93 recorded in FY20-21. An additional 17 (Navy 2, Army 14, Air Force 1) Protection Orders were extended.

Administrative inquiries

Under the *Defence (Inquiry) Regulations 2018*, Inquiry officer Inquiries can be appointed by the CDF or certain delegates. 26 (Army 18, Navy 7 and Air Force 1) inquiry officer inquiries were entered in ADFaITS During FY21-22,.

IGADF Administrative inquiries

The IGADF is an independent official and separate from the ADF chain of command. The IGADF can exercise inquiry powers in the *Defence Act 1903* and the IGADF Regulation 2016.

IGADF received 94 inquiry submissions in FY21-22, *slightly lower* than the 116 submissions received in 2020-21.

For FY21-22, 88 submissions (12 inquiries and 76 assessments) were finalised. The average time taken to finalise those 12 inquiries was 245 days.

Administrative sanctions

An ADF commander may impose an administrative sanction on ADF members whose conduct, performance or standards are unsatisfactory.

During FY21-22, there was an approximate 21 % *decrease* in administrative sanctions from 1615 in 2020-21 to 1283 in FY21-22.

- Navy: *increased* 37 %, from 347 to 474.
- Army: had the largest *decrease* of 39 % from 1061 to 650 (reversing recent increasing trends experienced since 2016-17)
- Air Force: *decreased* by 23 % from 207 to 159.

Redress of Grievance (ROG)

A Redress of Grievance (ROG) is a statutory complaint process under Part 7 of the Defence Regulation 2016. A Defence member may complain about a decision, act or omission relating to their service in the ADF.

1 EXECUTIVE SUMMARY

During FY21-22, 261 new ROGs were submitted by ADF members, representing a 3 % *decrease* on the previous period (269).

- 226 ROGs (Navy 66, Army 106, Air Force 54) were completed in 2020-21.
- 20 % of ROG complaints finalised in FY20-21 were fully or partially upheld.

Unacceptable behaviour complaints

Unacceptable behaviour data within Defence is compiled using ComTrack, the Army Incident Management System (AIMS) and the Defence Policing and Security Management System (DPSMS).

During FY21-22, 964 unacceptable behaviour complaints were submitted. This represents a *decrease* of 15 % from the 1132 complaints received in 2020-21.

- 674 unacceptable behaviour complaints were finalised during this reporting period.

Sexual Offences

The *Australian and New Zealand Standard Offence Classification* (ANZSOC) 2011 for classifying sexual offences is used by the Defence Sexual Misconduct Prevention and Response Office (SeMPRO) and the Joint Military Police Unit (JMPU).

As at October 2022, for FY21-22, 189 alleged sexual offences were reported to the JMPU. A *decrease* of 25 % from the 251 alleged offences reported in FY20-21. NOTE: This figure is higher than the reported 148 alleged sexual offence in the *Defence Annual Report* for FY 21-22. JMPU's data reflect retrospective reporting of offences after June 2022 that involved alleged offences occurring in FY21-22.

IGADF Military Justice Performance Audits

The IGADF conducts Military Justice Performance Audits (IGADF Audit) of ADF units every four to five years pursuant to *Defence Act 1903*, section 110C(1)(b) and the *Inspector-General of the Australian Defence Force Regulation 2016*, section 5(d).

In FY21-22, 41 IGADF Audits (Navy 2, Army 23, Air Force 14, Joint 2) were conducted. A *decrease* from 51 in FY20-21 due to COVID restrictions in Quarters 3 and 4 of 2022.

During an IGADF Audit, ADF personnel of the unit being audited attend focus group discussions. In FY21-22, 2766 ADF personnel (Navy 137, Army 1750, Air Force 802, and Joint 77) participated in a focus group discussion.

Deaths and incidents

The IGADF is responsible for inquiring into deaths of ADF members, permanent and reserve, where the death appears to have arisen out of, or in the course of, the ADF member's service.

In FY21-22 IGADF received notification of 36 deaths of ADF members.

IGADF finalised 32 inquiries into deaths in service. The average time taken to finalise these inquiries, commencing from notification to IGADF that an ADF member had died, was 454 calendar days. The broad causes of death were:

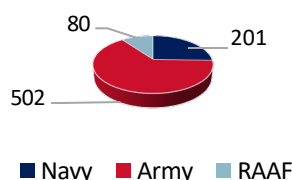
- 18 illness-related (56 %)
- 5 suicides (16 %)
- 9 accidents (28 %)

DISCIPLINE INVESTIGATION TRENDS

During FY21-22, 783 unit level investigations were conducted by the Services:

- Navy: 201 investigations (26 %)
- Army: 502 (64 %)
- Air Force: 80 (10 %).

Graph 2: Unit level discipline investigations



Duration of Investigations (Calendar Days)

Revised VCDF summary trial performance targets were released on 23 November 2021 (VCDF Directive 02/2021) reducing timeframes for unit level DFDA investigations from 70 days to 14 days.

At unit level, the time taken to investigate alleged offences averaged 13 calendar days in FY21-22, *replicating* the 13 day average in FY20-21. Services averaged:

- Navy: 27 days (27 days in FY20-21)
- Army: 11 days (10 days in FY20-21)
- Air Force: 9 days (13 days in FY20-21).

Table 1: Average days for unit Investigation

	2019-20	2020-21	2021-22
Navy	32	27	27
Army	10	10	11
Air Force	16	10	9
ADF	15	13	13

Services completed the following investigations within the revised VCDF performance measure:

- Navy: 44 % unit level investigations completed
- Army: 84 % unit level investigations completed

- Air Force: 79 % unit level investigations completed within 14 days.

Overall 73 % of unit level investigations across the ADF were completed within the VCDF timeframe.

Time Taken from Charge to Summary Trial (Calendar Days)

VCDF Directive 02/2021 amended the completion timeframes for uncontested and contested Summary level trials to 14 and 28 days respectively from the date the member is charged. Previously the timeframes were 14 days in normal circumstances and 21 days for exceptional circumstances.

In FY21-22, on average Summary level trials were conducted within 12 days. This is *below* the VCDF Directive timeframe of 28 days for contested and 14 days for uncontested Summary level trials. Service averages were:

- Navy: 12 days (83 % of Navy trials)
- Army: 12 days (78 % of Army trials)
- Air Force: 11 days (77 % of Air Force trials).

99.6 % (780 of 783) of disciplinary matters (Summary level) were brought to trial within the three months mandated by DFDA, section 129D.

Table 2: Average days charge to Summary Trial

	2019-20	2020-21	2021-22
Navy	21	20	12
Army	14	12	12
Air Force	15	15	11
ADF	15	14	12

JOINT MILITARY POLICE UNIT (JMPU) investigations²

During FY21-22, 2845 incidents were reported to JMPU, resulting in 351 investigations. This was a *decrease* of 38 % from 484 investigations in FY20-21. Four key discipline investigation types were:³

- 119 Fraud offences (34 % of the 351 investigations).
- 62 Sexual assault and related offences investigated (18 %).

² Data supplied by the Joint Military Police Unit.

³ Investigations can examine multiple possible offences.

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- 216 General discipline offences (62 %).
- The remaining 16 investigations (4%) related to security, misconduct, information and work health and safety.

A comprehensive breakdown of investigation descriptions is below.

Table 3: JMPU breakdown of investigation descriptions

Description	2019-20	2020-21	2021-22
Fraud	174	121	119
Credit Card or Cheque	40	14	16
Deception	35	30	17
Entitlement	53	47	68
Loss or Theft	39	25	14
Misuse Commonwealth Property	5	4	0
Unethical Conduct	2	1	4
Other	4	7	6
Information Request	1	0	0
Misconduct	2	6	5
Work Health & Safety	1	1	1
General Discipline	374	350	216
Absence from Duty	5	0	0
Absence Without Leave	10	2	3
Acts Intended to Cause Injury	82	57	53
Damage to Property	18	18	8
Dangerous/Negligent Acts Endangering Persons	8	14	6
Harassment & Threatening Behaviour	28	24	20
Illicit Drug Offences	22	14	16
Miscellaneous Offences	63	79	31
Mutiny, Desertion and Unauthorised Absences	1	0	0
Offences against Justice Procedures/Govt. Ops	1	0	0
Public Order Offences	1	3	1
Road Traffic/Motor Vehicle Regulatory	21	15	2
Robbery, Extortion and Related Offences	1	1	0
Sexual Assault and Related Offences	77	88	62
Sudden Death and Wounded in Action	9	5	1
Theft, Lost or Found Property	20	28	12
Unlawful Entry with Intent/Burglary	7	2	1
Security	17	6	10
Disclosure	1	1	0
Data Handling/Transport	0	1	1
Non-ICT Equip Misuse	5	0	2
Lost/Stolen Non-ICT Equipment	0	2	3
Unauthorised Access Data	0	2	4
Physical	2	0	0
Weapons, Explosives & Controlled Items	9	0	0
TOTAL	569	484	351

DISCIPLINE OFFICER INFRINGEMENTS

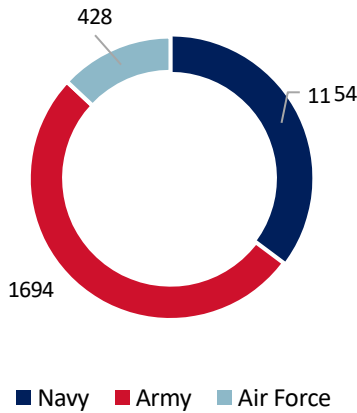
During FY21-22, an ADF member could be issued an Infringement by an appointed Discipline Officer for seven types of minor DFDA offences:

- absence from duty (s23)
- absence without leave (s24)
- disobeying lawful command (s27)
- failing to comply with general order (s29)
- watch/guard duties (s32(1))
- negligent performance of duty (s35)
- prejudicial conduct (s60).

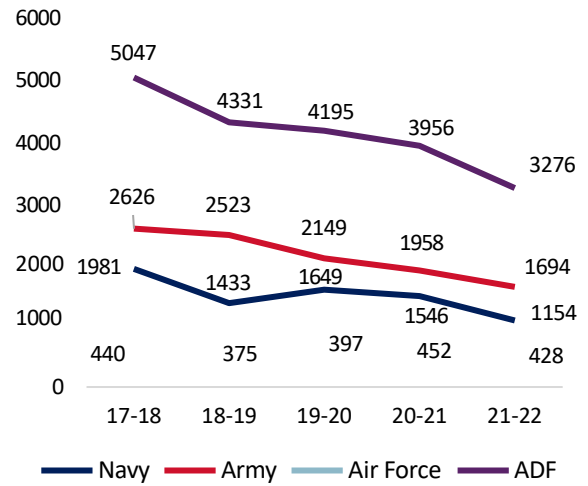
During FY21-22, 3276 Discipline Officer Infringements were recorded. This represents an overall *decrease* of about 17 % from the 3956 Infringements recorded in FY20-21. The Services recorded:

- Navy: 35 % of all Infringements with 1154.
- Army: 52 % with 1694 Infringements.
- Air Force: 13 % with 428 infringements.

Graph 3: Discipline Officer Infringements by FY

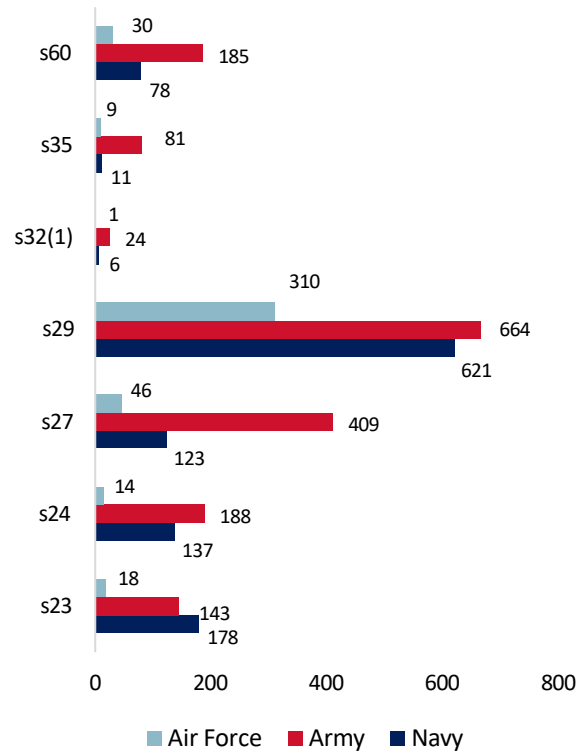


Graph 4: Discipline Officer Infringements by FY



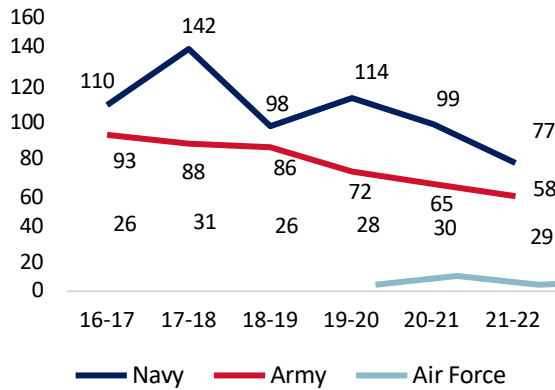
The most common offences were Absences (678), Disobeying a lawful command (578) and Failing to comply with a general order (1595). Accounting for 87 % of all Infringements.

Graph 5: Infringements by DFDA offence 2021-22



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Graph 6: Discipline Officer Scheme per 1000 (SERCAT 7 - Permanent)



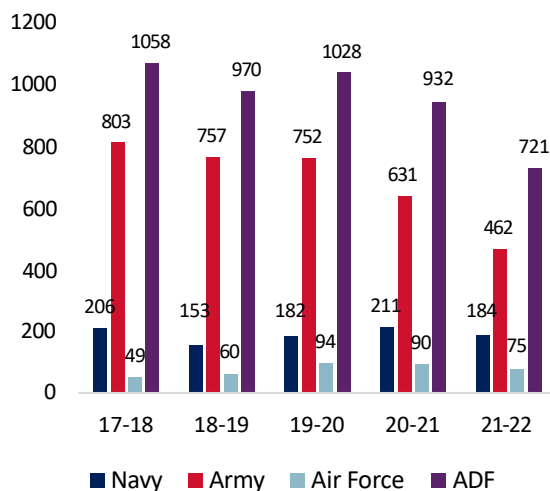
On a per 1000 member basis, Navy (77) continues to use infringements more than Army (58) and Air Force (29) for minor disciplinary offences. This is despite considerable decreases in the overall use of infringements over the past three reporting periods.

SUMMARY AUTHORITY TRIALS

During FY21-22, there was a *decrease* of approximately 23 % to 721 Summary trials from 932 in FY20-21:

- Navy: 184 Summary trials (211 in FY20-21)
- Army: 462 (631 in FY20-21)
- Air Force: 75 (90 in FY20-21)

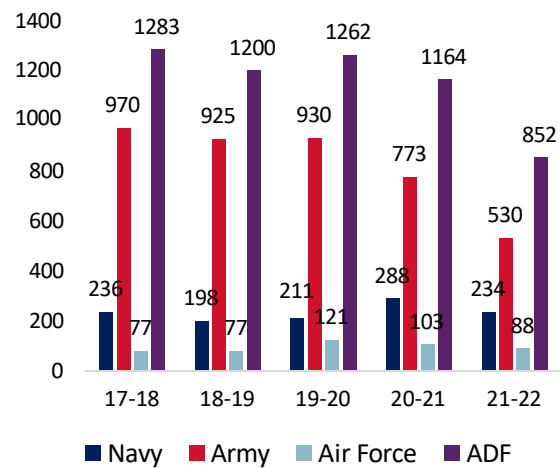
Graph 7: Service summary trial trends by FY



Summary trial convictions. In FY21-22, 852 Summary DFDA convictions were recorded. That is a *decrease* of 27 % in convictions recorded from 1164 in FY20-21. DFDA Summary convictions by Service in FY21/22 were:

- Navy: 234 convictions (288 in FY20/21)
- Army : 530 (773 in FY20/21)
- Air Force: 88 (103 in FY20/21).

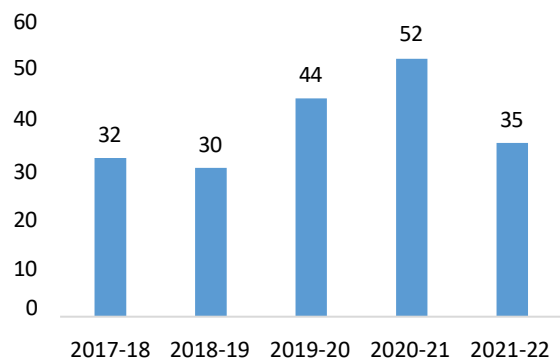
Graph 8: Service summary trial conviction trends by FY



HIGHER SERVICE TRIBUNAL

In FY21-22, there were 35 courts martial and Defence Force Magistrate proceedings held (Navy 14, Army 19, Air Force 2). This is a 33 % *decrease* over the 52 trials recorded in FY20-21.

Graph 9: Higher Service Tribunal by FY

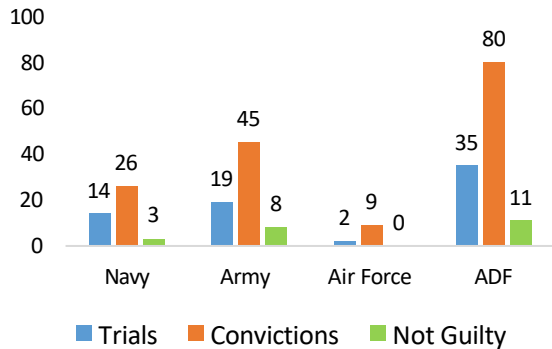


The Service tribunal trials results were:

- conviction of 80 offences (Navy 26, Army 45 and Air Force 9)

- 11 not guilty findings (Navy 3, Army 8)
- A further 20 charges (Navy 6, Army 12, Air Force 2) were withdrawn prior to, or during proceedings.

Graph 10: Higher Tribunal and trial outcomes

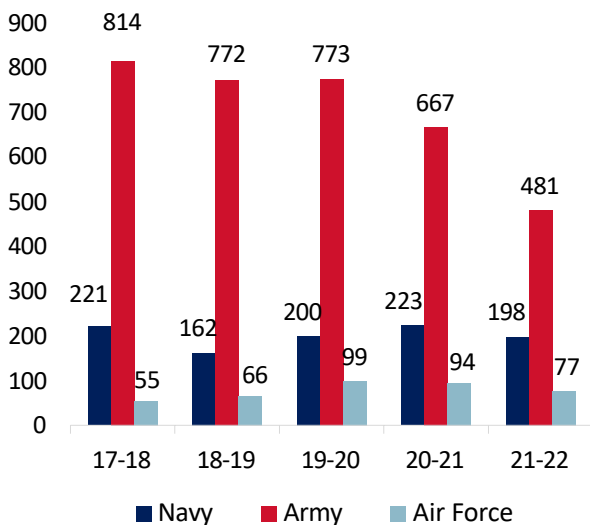


Combined DFDA trials

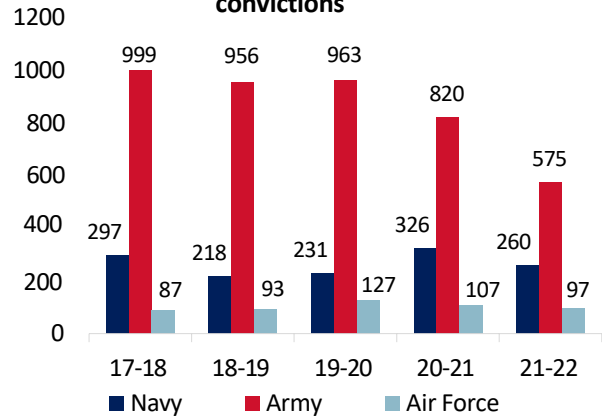
There were 756 trials involving courts martial, Defence Force Magistrate (35) and summary authority (721) proceedings in FY21-22. Equating to a 23 % decrease from the 984 trials recorded in FY20-21.

Historically Army has accounted for three-quarters of all DFDA trials and convictions. A trend that has been experienced since FY12-13. In FY21-22, Army continues to have the highest number of DFDA trials; accounting for 64 % of all DFDA trials.

Graph 11: Combined discipline trials



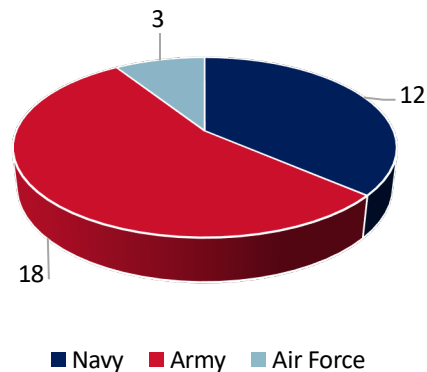
Graph 12: Combined discipline convictions



Combined not guilty findings

During FY21-22, 33 not guilty findings were recorded from both Superior tribunal and Summary trials (Navy 12, Army 18, Air Force 3). This is a decrease of 53 % from the 71 not guilty findings recorded in FY20-21.

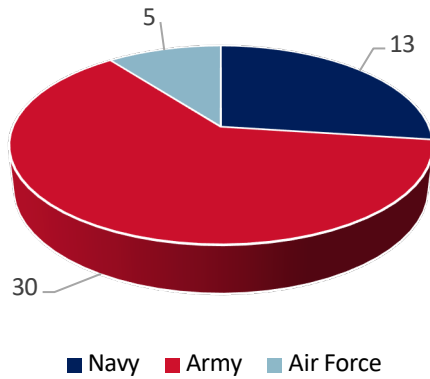
Graph 13: Combined not guilty findings from DFDA action



During the legislated automatic legal review process of DFDA trials that result in a conviction, an additional 48 convictions (Navy 13, Army 30, Air Force 5) were quashed in FY21-22. In comparison, 33 quashed convictions were recorded in FY20-21, an increase of 45 % of quashed convictions in FY21-22.

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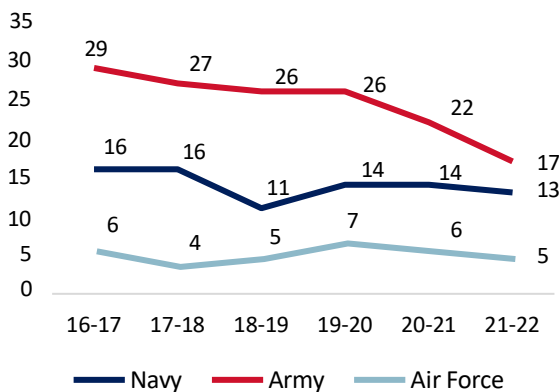
Graph 14: Combined quashed findings from DFDA action



Trial trends per 1000 members

Army continues to record the highest trial rate per 1000 members (permanent force) with 17 trials; followed by Navy 13 and Air Force 5.

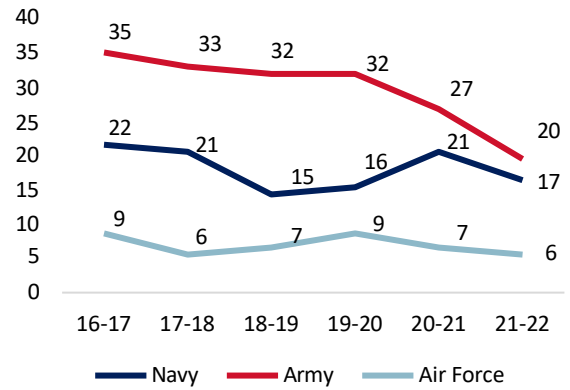
Graph 15: Combined discipline trials per 1000 (SERCAT 7 - Permanent)



Conviction trends per 1000 members

Similarly, Army continues to have the highest conviction rate per 1000 members (permanent force) with 20, followed by Navy with 17 and Air Force 6.

Graph 16: Combined discipline convictions per 1000 (SERCAT 7 - permanents)



Offence categories

In the last three years there has been a *declining* trend in offending. The type of DFDA offences charged at Summary trials also replicate the overall decline in offence type.

Table4: Summary level DFDA offence categories

	2019-20	2020-21	2021-22
Absence from duty/without leave	170	128	121
Insubordinate conduct	53	51	26
Disobeying a lawful command	72	128	70
Failing to comply with a general order	435	466	269
Assaults	32	24	27
Weapon discharge	133	117	110
Prejudicial conduct	228	148	145
Total	1123	1062	768
Percentage of all convictions	89 %	91 %	90 %

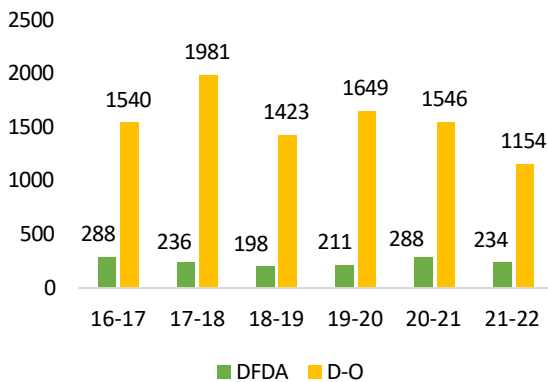
Trends between conviction and infringements

Service discipline trend comparison across the DFDA charges and infringements processes, continue a similar pattern. The number of disciplinary infringements recorded continues to be at a higher rate than compared with summary

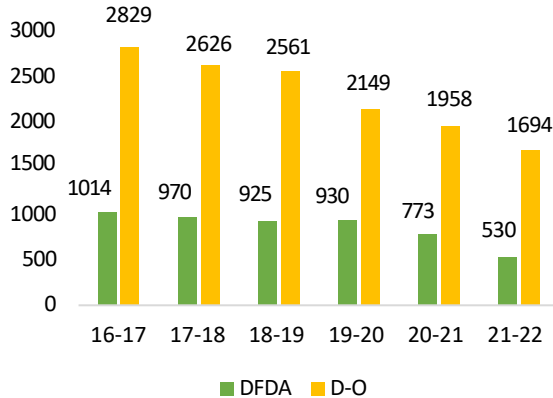
discipline charges that result in conviction. Discipline rates and trends are depicted in the following three graphs.

Overall, Navy and Army recorded significant decreases of 24 % and 19 % respectively, while Air Force recorded a moderate *decrease* of 7 % during 2021-22.

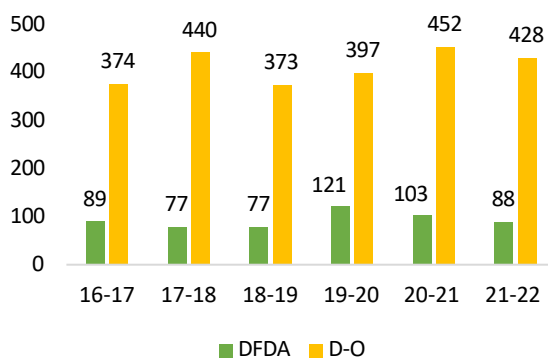
Graph 17: Navy discipline trends



Graph 18: Army discipline trends



Graph 19: Air Force discipline trends



DFDA Convictions for Offences committed on Deployment or with Alcohol involvement

In FY21-22, 21 DFDA convictions were recorded for offences committed while on deployment (excluding alcohol-related convictions), a 50 % *decrease* over the 42 recorded previously in FY20-21. The DFDA convictions per Services were:

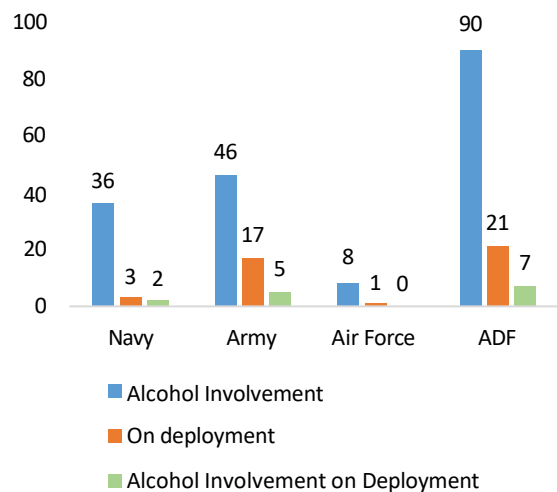
- Navy: 3 DFDA convictions (14 %)
- Army: 17 DFDA convictions (81 %)
- Air Force: 1 DFDA conviction (5 %).

Alcohol was a contributing factor in 90 DFDA convictions; a 32 % *decrease* from the 133 recorded in FY20-21. The Service breakdown:

- Navy: 36 DFDA convictions (40 %)
- Army: 46 convictions (51 %)
- Air Force: 8 convictions (9 %).

Alcohol related offending committed on deployment during FY21-22 involved 7 convictions (Navy 2, Army 5, Air Force 0).

Graph 20: Alcohol related and On deployment DFDA Convictions



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CIVIL CONVICTIONS

ADF members who are arrested and/or charged within a civil offence or who participate in a civilian Diversionary Program, must inform the ADF. This enables the ADF to consider whether the member remains suitable for their current employment or position. Civil convictions must be entered into the Complaint Management Tracking Reporting System (CRTS) on PMKeyS pursuant to the Military Personnel Policy Manual, Part 9, Chapter 7.

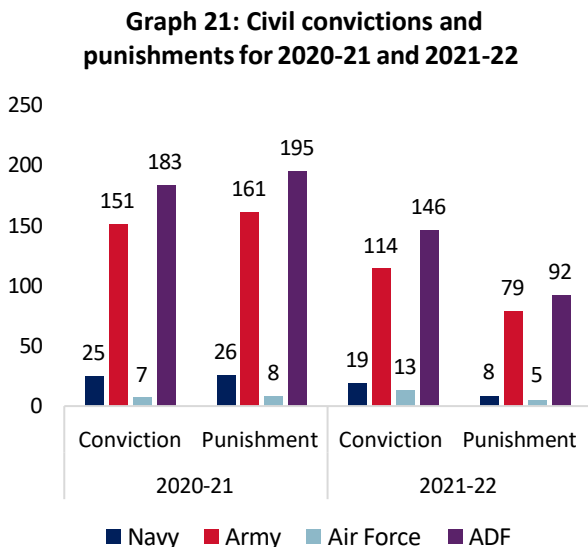
Civil convictions *decreased* by 20 % for ADF members, from 183 in FY20-21 to 146 in FY21-22.

Punishments imposed by a civil authority *decreased* by 53 %; from 195 in FY20-21 to 92 in FY21-22. Fines (46) and loss of licence/suspension (84), account for 93 % of all punishments imposed by a civil authority.

Table 5: Imposed Punishment by Civil Authority

Punishment Type	Navy	Army	Air Force	ADF
Community service order	1	1	0	2
Undertaking of good behaviour	2	4	0	6
Driving Licence suspended/revoked	3	33	2	38
Fine	2	41	3	46
Total	8	79	5	92

The graph below depicts a breakdown of civil offences, convictions and punishments by Service.



PROTECTION ORDERS

In the ADF, there is policy regarding the management of Defence members who are a protected person under a Protection Order, or a respondent to a Protection Order.

When a unit commander has been notified, it is mandatory to record any civilian Protection Orders issued. Protection Orders include:

- Orders made against an ADF member (respondent)
- Orders made for the protection of an ADF member (protected person)
- any interim, temporary, provision and/or final Orders.
- a Protection Order may include orders that control access to, or possession of, weapons. The requirement also includes a Weapon Protection Order issued by some States or Territories.

Dependant on the Australian State or Territory, Protection Orders include: Domestic Violence Orders, Aggravated Violence Order, Family Violence Order, Personal Protection Orders, Restraining Orders, Weapon Protection Orders, or similar.

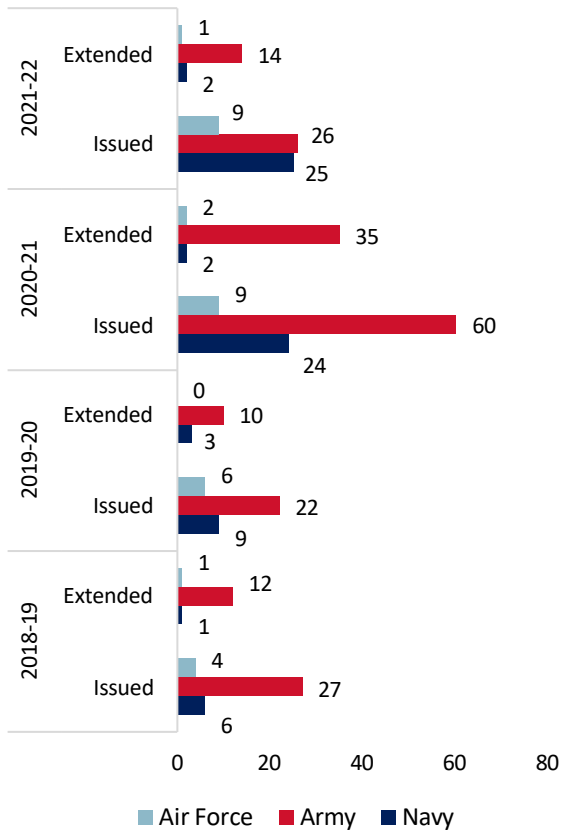
Protection Orders are required to be entered into the Complaint Management Tracking Reporting System (CRTS) on PMKeyS pursuant to the Military Personnel Policy Manual, Part 9, Chapter 4.

During FY21-22, 60 Protection Orders were recorded; a *decrease* of 35 % compared to the 93 recorded in FY20-21. Of those recorded, either for or against a member, the Service breakdown was:

- Navy: 25 (42 %)
- Army: 26 (43 %)
- Air Force: 9 (15 %).

An additional 17 protection orders were extended during FY21-22: (Navy 2, Army 14, and Air Force 1).

Graph 22: Protection orders issued and extended: FY 2018-19 to 2021-22



3 ADMINISTRATIVE INQUIRIES

ADF ADMINISTRATIVE INQUIRIES

Inquiry Officer Inquiries can be commenced by an ADF Commander under the *Defence (Inquiry) Regulations 2018*. ADF inquiries are required to be entered into the ADF Administrative Inquiry Tracking System (ADFAITS) pursuant to the Administrative Inquiries Manual, Chapter 3, paragraph 3.17.

During FY21-22, 26 ADF inquiries were entered in ADFAITS (Navy 7, Army 18, Air Force 1). Nine inquiries (CDF 6 and Navy 3) were identified as being entered twice. These nine events were subsequently deleted, leaving a total 807 inquiries recorded on ADFAITS since July 2006 to 30 June 2022.

The table below shows all ADF administrative inquiries recorded since July 2006 when the collection of statistical information concerning ADF inquiries became mandatory.

Table 6: ADF Administrative Inquiries 2006 - 2021

	CDF / Joint	Navy	Army	Air Force	Total
Inquiry Officer Inquiry	83	226	366	90	765
Board of Inquiry	9	3	—	—	12
Commission of Inquiry	30	—	—	—	30
Total	122	229	366	90	807

IGADF ADMINISTRATIVE INQUIRIES

The IGADF is an independent entity and separate to the ADF chain of command. The IGADF can commence inquiries under the powers in the *Defence Act 1903* and the IGADF Regulation 2016. IGADF inquiries are not recorded in ADFAITS.

1289 submissions have been received since the IGADF was first established in 2003. This is an average of approximately 64 submissions per year received at the OIGADF.

During FY21-22, IGADF received:

- 94 inquiry submissions; *lower* than the 116 submissions received in FY20-21, but higher than all other recorded years.
- 37 complaints against the professional standards of the Military Police.

For FY21-22, 88 submissions (12 inquiries and 76 assessments) had been finalized. The average time taken to finalise those 12 inquiries was 245 days.

Graph 23: IGADF Submission case load summary by FY

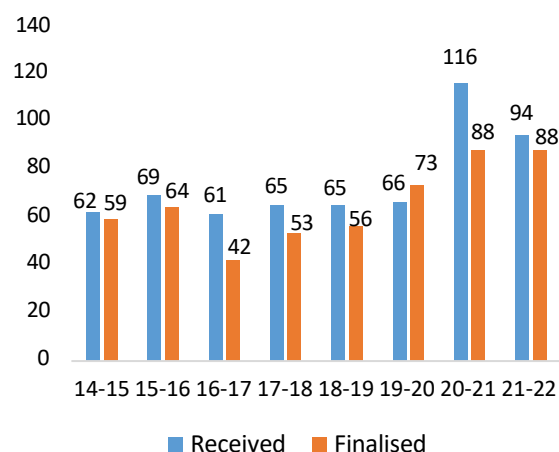


Table 7: Categories of complaints received by IGADF

Complaint type	2019-20	2020-21	2021-22
Unacceptable behaviour	46%	40%	38%
Admin mis-management	14%	11%	22%
Alleged offence	11%	19%	6%
Abuse of authority	2%	0%	1%
Failure of process	14%	13%	18%
Misconduct	5%	0%	0%
Other (not in jurisdiction)	2%	0%	0%
Medical related	6%	5%	0%
Failure of DFDA	0%	1%	0%
Complaint against MP	0%	1%	1%
Non-Compliance law/policy	0%	2%	1%
Professional misconduct	0%	8%	6%
Misuse social media	0%	0%	1%
Victim of domestic violence	0%	0%	1%
Sexual misconduct	0%	0%	5%

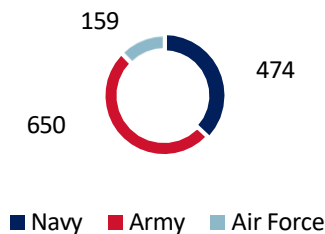
ADMINISTRATIVE SANCTIONS

An ADF commander may impose an administrative sanction on ADF members whose conduct, performance or standards are unsatisfactory. Usual types of sanctions are Formal Warning, Censures, Removal from Appointment, Reduction in Rank, or Termination of Service.

Administrative Sanctions are required to be entered into the Complaint Management Tracking Reporting System (CRTS) on PMKeyS pursuant to the Military Personnel Policy Manual, Part 9, Chapter 8.

During FY21-22, there was an overall *decrease* of 21 % from 1615 sanctions imposed in FY20-21 to 1283 sanctions in FY21-22.

**Graph 24: Administrative Sanctions
FY21-22**



During FY21-22, the Service data records:

- Navy: with the *largest increase* of 37 %, from 347 (FY20-21) to 474.
- Army: with the *largest decrease* of 39 % from 1061 (FY20-21) to 650; reversing recent increasing trends experienced since 2016-17.
- Air Force: with a *decrease* of 23 % from 207 (FY20-21) to 159.

Army have imposed the most sanctions for the seventh straight financial year. Historically, Army account for almost 66 % of all sanctions recorded. But in FY21-22 Army accounts for only 51 %.

See Graph below for sanction trends by Service and ADF total since 2016 and Table for FY21-22.

Sanction type. There are four common types of administrative sanction that account for 95 % of all sanctions imposed:

- Formal Warnings (559)
- Formal Counselling (457) (Navy and Army only)
- Termination of Service (196)
- Censures (42).

Air Force do not consider Formal Counselling to be a sanction.

Sanction reason. An administrative sanction can be imposed for more than one reason. However, the five main reasons for administrative sanctions in FY21-22 were:

- unsatisfactory conduct (952),
- physical fitness failure (784),
- civil conviction (146) and
- non-medical use of drugs (97),
- misuse/abuse of alcohol (89).

See Graph and Table below for reason types by Service.

Reasons per Service. The highest reason for an administrative sanctions for each Service against the ADF total for each reason were:

- Navy: for unsatisfactory conduct (307 of 952), fitness test failure (190 of 784) and alcohol misuse/abuse (70 of 89).
- Army: for unsatisfactory conduct (467 of 952), fitness test failure (396 of 784), civil convictions (114 of 146), and protection orders (40 of 77).
- Air Force: for fitness test failures (198 of 784), and unsatisfactory conduct (178 of 952).

4 ADMINISTRATIVE SANCTIONS

Graph 25: Administrative sanctions imposed trends

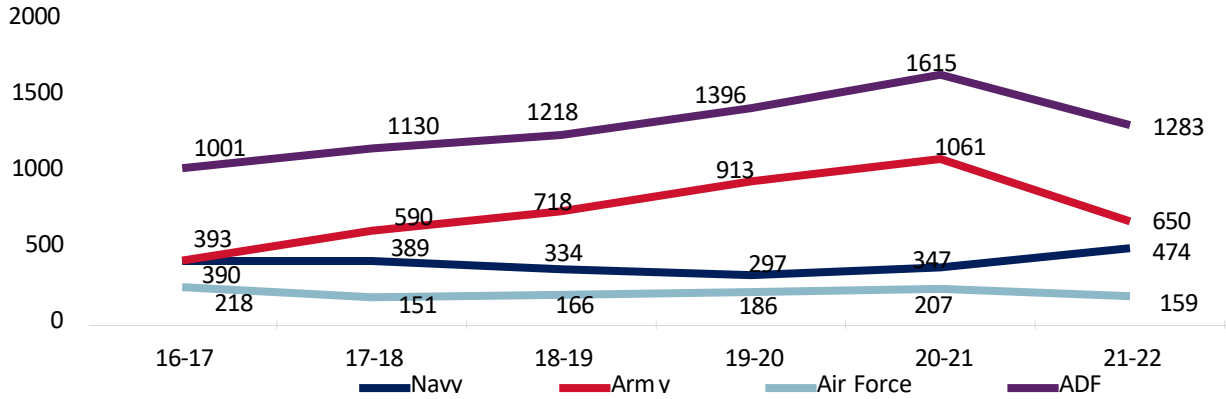


Table 8: Imposed Administrative Sanction FY21-22

	Navy	Army	Air Force	TOTAL
Formal Counselling	246	211	N/A	457
Censure	19	12	11	42
Probation	1	2	0	3
Removal from posting	5	3	4	12
Reduction in rank	5	9	0	14
Termination	83	92	21	196
Warnings	115	321	123	559
TOTAL	474	650	159	1283

Graph 26: Five main reasons for administrative sanctions FY21-22

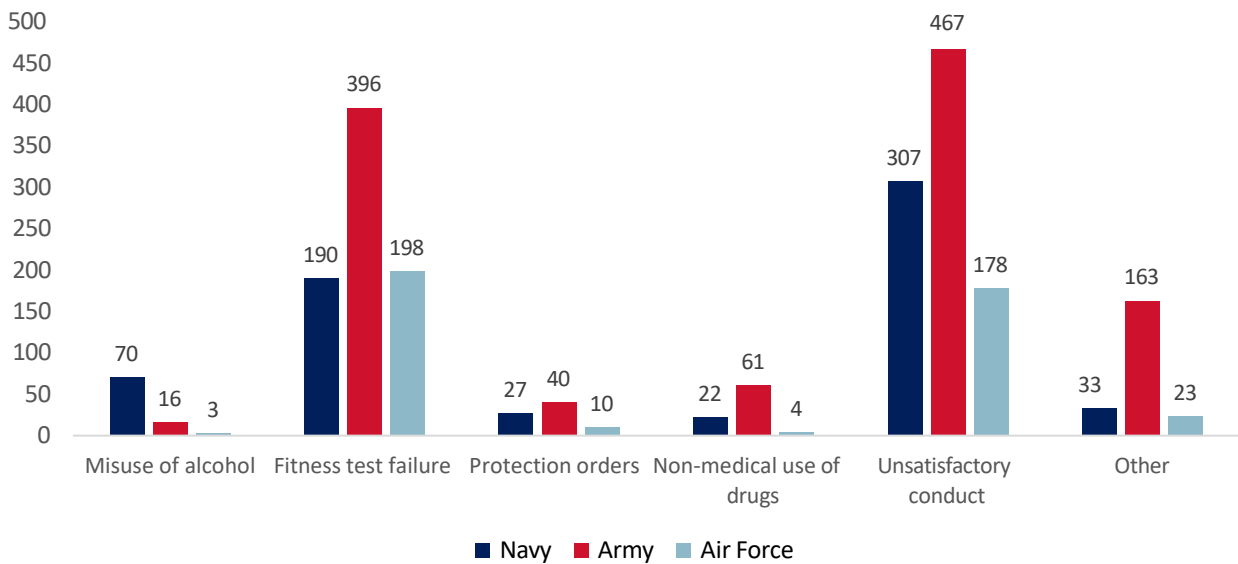


Table 9: All reasons for Administrative Sanction FY21-22

	Navy	ARMY	Air Force	TOTAL
Misuse of alcohol	70	16	3	89
Civil conviction ⁴	19	114	13	146
Civil offences ⁵	0	11	1	12
Fitness test failure	190	396	198	784
Non-medical use of drugs	22	61	4	97
Personal qualities	2	13	0	15
Security	4	1	0	5
Protection orders	27	40	10	77
Suspension from duty	8	24	9	41
Unsatisfactory conduct	307	467	178	952
TOTAL	649	1143	416	2218

⁴ Number of administrative sanctions imposed as a direct consequence of civil convictions, commonly due to DUI.

⁵ Number of civil charges as reported in form PD 52.

5 COMPLAINTS

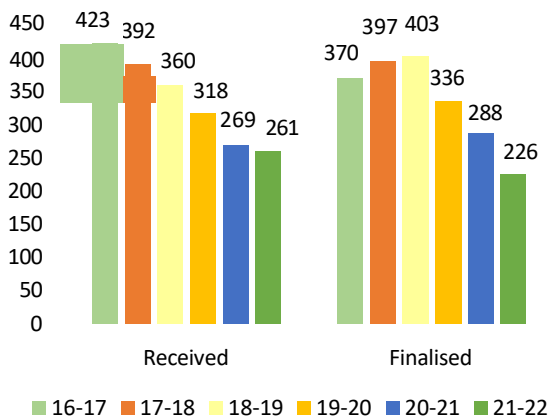
APPLICATION FOR REDRESS OF GRIEVANCE

Redress of Grievance (ROG) is a statutory complaint process under Part 7 of the Defence Regulation 2016. A Defence member may complain about a decision, act or omission relating to their service in the ADF.

The ROG complaint process commences with the ADF member submitting an electronic complaint form. The ROG is initially considered by a Commanding Officer or an Authorised Complaint Recipient. If necessary, further independent and separate consideration by the Office of the IGADF will occur.

During FY21-22, 261 new ROGs were submitted by ADF members, representing a 3 % decrease on the previous period FY20-21 (269).

Graph 27: Grievance complaints by FY



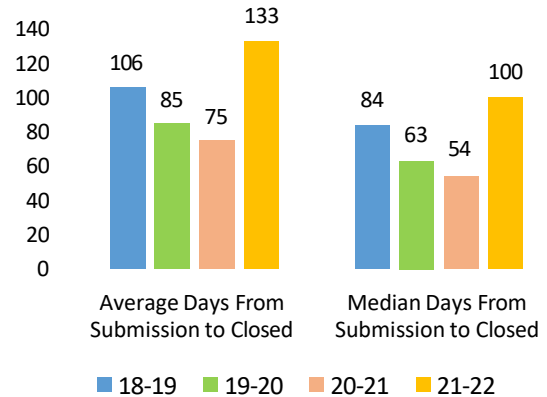
ROGs completed

During FY21-22, 226 ROGs (Navy 66, Army 106 and Air Force 54) were completed:

- 45 (20 %) were fully or partially upheld. In comparison to previous years, 18 % FY20-21, 14 % FY19-20, 16 % upheld in FY18-19
- 116 (51 %) had no merit
- 31 (14 %) were withdrawn by the member
- 12 (6 %) were excluded from the jurisdiction of the Redress of Grievance system
- 22 (10 %) were resolved administratively outside the ROG process.

Time Taken. In FY21-22, the average time taken to finalise ROG complaints was 133 days, with a median time of 100 days. This represents an *increase* in average time taken to finalise complaints, over the 75 days (average time) and 54 days (median) recorded in FY20-21.

Graph 28: Time taken to resolve grievances



ROG Categories. In FY21-22, the main categories of the 226 complaints closed were:

- termination of service (23 % of complaints)
- the member's career (39 % of complaints)
- the member's entitlements (24 %)
- financial, security, medical, privacy and processes (16 % of complaints).

Unacceptable Behaviour

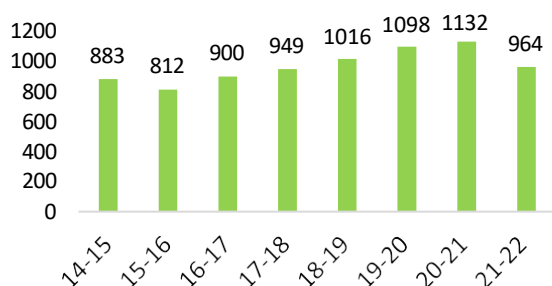
Unacceptable behaviour data within Defence is compiled using ComTrack, the Army Incident Management System (AIMS) and the Defence Policing and Security Management System (DPSMS).

Unacceptable behaviour complaints, including alleged incidents, are required to be entered into the ComTrack pursuant to the Complaints and Alternative Resolution Manual, Chapter 3.

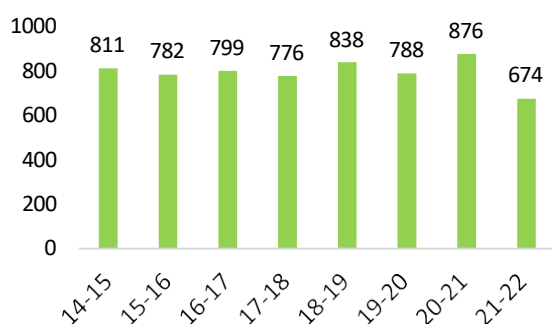
During FY21-22, 964 unacceptable behaviour complaints were submitted⁶. This represented a *decrease* of 15 % from the 1132 complaints received in FY20-21.

674 unacceptable behaviour complaints were finalised during FY21-22.

Graph 29: Unacceptable behaviour complaints (all Defence personnel) submitted by FY



Graph 30: Unacceptable behaviour complaints (all Defence personnel) finalised by FY



- Aggravated sexual assault. A sexual assault that involves any of the following aggravating circumstances: sexual intercourse; inflicts injury or violence; possession or use of a weapon; consent proscribed; or committed in company.
- Non-aggravated sexual assault. Sexualised physical contact without any of the aggravated circumstances as defined in aggravated sexual assault.
- Non-assaultive sexual offences. Offences of a sexual nature, or intent, against another person that do not involve physical contact with the person and where the person does not give consent. Or gives consent as a result of intimidation or deception, or consent is prohibited (eg: under-age).

Reported. JMPU has received 189 reports of sexual offences alleged to have occurred during FY21-22. This represents a *decrease* of 25 % from the 251 alleged offences reported in FY20-21. NOTE: This figure is higher than the reported 148 alleged sexual offences in the *Defence Annual Report* for FY 21-22. JMPU's data reflect retrospective reporting of offences after June 2022 that involved alleged offences occurring in FY 21-22.

Investigations completed. 62 investigations into alleged sexual offences were completed by JMPU during FY21-22.

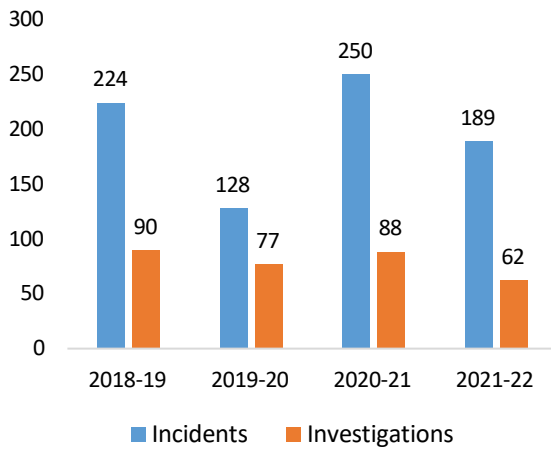
Sexual Offences⁷

The *Australian and New Zealand Standard Offence Classification* (ANZSOC) 2011 for classifying sexual offences is used by the Defence Sexual Misconduct Prevention and Response Office (SeMPRO) and the Joint Military Police Unit (JMPU).

ANZSOC is the international framework for criminal/sexual offence reporting. The categories are:

⁶ These unacceptable behaviour statistics are in respect of all Defence personnel.

⁷ Joint Military Police Unit data for 2021-22, as at 27 October 2022.

5 COMPLAINTS**Graph 31: Alleged sexual offences and investigations**

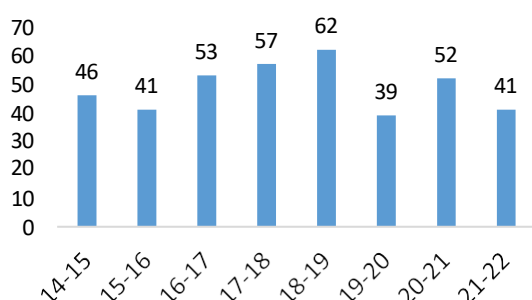
MILITARY JUSTICE PERFORMANCE AUDITS

The IGADF conducts Military Justice Performance Audits (IGADF Audits) of ADF units pursuant to *Defence Act 1903*, section 110C(1)(b) and the *Inspector-General of the Australian Defence Force Regulation 2016*, section 5(d).

IGADF audits are conducted every four to five years of major ADF units. During the audit, the unit's management of the military justice system over the previous 12 months is reviewed for compliance against military justice laws and mandatory Defence policy.

During FY21-22, the IGADF conducted 41 Military Justice Performance Audits (Navy 2, Army 23, Air Force 14, Joint 2). COVID-19 restrictions continued to interrupt the scheduled audit program, during Quarters 3 and 4 of 2022.

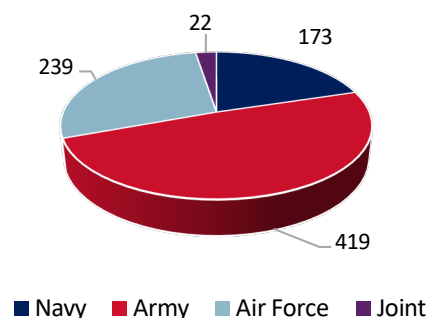
Graph 32: IGADF Audits conducted by FY



Since 2004, 853 IGADF Audits have been conducted. By Service breakdown:

- Navy: 20 % (173)
- Army: 49 % (419)
- Air Force: 28 % (239)
- Joint (tri-service) units: 3 % (22).

Graph 33: Audits by Service since 2004



Focus Group discussions

During an IGADF Audit, ADF personnel of the unit being audited attend focus group discussions. Focus group discussions ask set questions about the military justice systems and how it was implemented in the unit. For the FY21-22 audit program, 2766 ADF personnel (Navy 137, Army 1750, Air Force 802, Joint 77) participated in focus group discussions.

Graph 34: Audit Focus group participation by FY

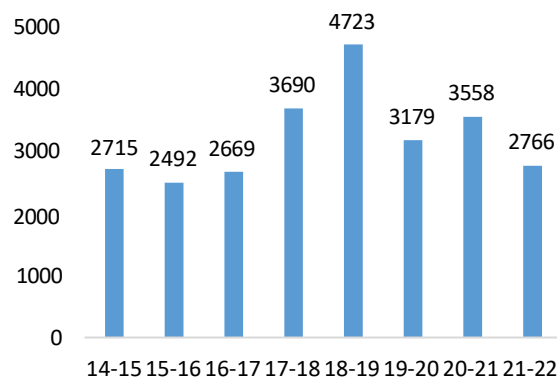


Table 10: Military Justice Survey Participants by FY

	2018-19	2019-20	2020-21	2021-22
Navy	1064	713	240	137
Army	2702	1794	1844	1750
Air Force	692	475	1272	802
Joint	265	197	202	77
ADF	4723	3179	3558	2766

6 MILITARY JUSTICE PERFORMANCE REVIEW

IGADF Focus Group Military Justice Survey

During a military justice performance audit, Focus Group participants are requested to complete a survey containing 38 questions.

Responses for the IGADF military justice survey against Service groups, Joint unit and ADF averages are highlighted below. Questions marked with an (*) indicate that a lower response average is preferred.

Previous financial year ADF responses from FY17-18 to FY20-21 are also included below as a comparison. The survey responses assist in providing useful indicators in the effectiveness of the ADF's military justice system, and how it is administered at the unit level.

		ADF				
	Survey Question	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
	Total participants	3690	4723	3179	3558	2766
1	Believe the discipline process is fairly and consistently applied	74%	73%	78%	75%	71%
2	Believe the DFDA is an effective tool for the maintenance of discipline	80%	80%	83%	84%	78%
3	Receive adequate discipline training to discharge their DFDA responsibilities	55%	60%	57%	53%	48%
4	Are aware of their rights and obligations under the discipline system	72%	75%	75%	72%	68%
5	Believe processes involved in investigating offences take too long (*)	34%	31%	25%	26%	33%
6	Believe processes involved in trying offences take too long (*)	30%	27%	25%	21%	27%
7	Believe the complexity of the DFDA discourages people from laying charges (*)	33%	32%	33%	34%	43%
8	Believe members are presumed innocent until proven guilty	56%	55%	60%	59%	48%
9	Believe members found guilty are in fact guilty	44%	42%	42%	44%	37%
10	Believe their unit would treat them fairly and impartially if they were the subject of an administrative inquiry or fact finding ⁸	78%	78%	80%	79%	70%
11	Understand the concept of the 'right to be heard' or 'the right of reply' otherwise known as procedural fairness	86%	87%	90%	89%	84%
12	Believe members subject to administrative sanctions are treated fairly	65%	62%	63%	64%	57%
13	Believe their unit would fairly consider any response made by the member before imposing an administrative sanction	73%	72%	74%	73%	67%
14	Believe adverse administrative action procedures take too long (*)	30%	27%	21%	23%	27%
15	Are aware of all avenues of complaint available	69%	70%	72%	72%	67%
16	Know how to lodge an application for redress of grievance	56%	60%	61%	57%	49%

⁸ This question was amended in August 2020 to include if a member were the subject of a fact finding.

ADF						
	Survey Question	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
17	Have confidence in their chain of command to resolve complaints	79%	80%	79%	77%	72%
18	Believe complaints made to their chain of command are dealt with fairly, promptly and impartially	68%	67%	68%	65%	62%
19	Believe their unit maintains a balance between the rights of complainants and the rights of respondents	61%	59%	64%	62%	57%
20	Believe the military justice system provides sufficient feedback to complainants and respondents	44%	46%	48%	46%	40%
21	Believe their chain of command would support the member if they approached an external complaint handling agency (e.g. equity and diversity, public interest disclosure or SeMPRO hotline)	76%	75%	76%	74%	72%
22	Have experienced or witnessed unacceptable behaviour at their unit ⁹ (*)	21%	18%	14%	25%	25%
23	Believe appropriate action would be taken if they reported an incident of unacceptable behaviour	85%	87%	86%	82%	82%
24	Know where to go to get advice or information on unacceptable behaviour	86%	89%	87%	88%	83%
25	Believe all ranks are treated equitably	69%	70%	73%	69%	59%
26	Believe all genders are treated equally	71%	75%	77%	78%	70%
27	Believe individuals are not ostracised, segregated of otherwise not included because of perceived or actual difference	77%	77%	78%	77%	70%
28	Believe their unit would take appropriate action if they became aware of an incident or complaint of sexual misconduct, including sexual assault	93%	93%	93%	91%	90%
29	Believe their unit provides appropriate opportunities to access flexible working arrangements	74%	72%	74%	75%	69%
30	Are aware of their responsibilities concerning the use of social media	96%	97%	96%	96%	95%
31	Believe there is a culture of anti-social behaviour (*)	9%	8%	9%	9%	9%
32	Believe alcohol testing programs are effective in reducing the effects of alcohol abuse/misuse in the workplace	68%	59%	58%	62%	63%
33	Believe drug testing programs are an effective deterrent to drug use or abuse in ADF members in reducing the effects of alcohol abuse/misuse in the workplace.	71%	64%	64%	68%	70%
34	Have confidence in the units Officers	79%	83%	80%	78%	72%
35	Have confidence in the units WOs/SNCOs	84%	84%	82%	83%	75%
36	Have confidence in the units JNCOs	86%	85%	84%	83%	74%
37	Believe their current overall workload is excessive (*)	30%	26%	30%	30%	31%
38	Believe morale is good	69%	77%	73%	64%	63%

⁹ This question (question 22) was amended in August 2020 to include members who had witnessed unacceptable behaviour.

6 MILITARY JUSTICE PERFORMANCE REVIEW

The military justice survey questions identify a member's perception:

- knowledge of the military justice system – questions 3, 4, 11, 15, 16, 24 and 30
- effectiveness of the military justice system – questions 2, 20, 32 and 33
- timeliness of the military justice actions – questions 5, 6, 7, and 14
- confidence in the unit's chain of command – questions 17, 18, 21, 23, 28, 34, 35 and 36
- fair treatment in the unit – questions 1, 8, 9, 10, 12, 13, 19, 25, 26, 27, and 29
- military justice culture of the unit – questions 22 and 31
- morale and workload in the unit – questions 37 and 38.

The IGADF is responsible for inquiring into deaths of ADF members, permanent and reserve, where the death appears to have arisen out of, or in the course of, the ADF member's service.

During FY21-22, the IGADF received notification of, and commenced inquiries into, 36 deaths of ADF members.

IGADF finalised 32 inquiries into deaths in Service. The average time taken to finalise these inquiries, commencing from notification to IGADF that an ADF member had died, was 454 calendar days. The broad causes of death were:

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

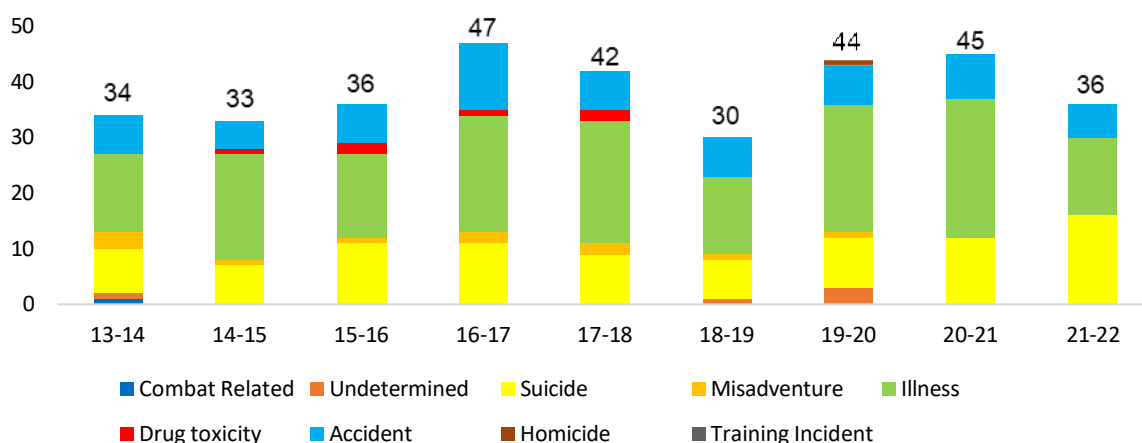
The nature of the reviews and inquiries involving Service related deaths conducted by IGADF from FY19-20 to FY21-22 are summarised in Table 11:

Table 11: IGADF Inquiries of Service related deaths

Nature of Death/Incident	Finalised 2019-20	Finalised 2020-21	Finalised 2021-22
Suicide	6	1	5
Illness-related	16	12	18
Accident	6	3	9
Homicide	-	1	-
Total	28	17	32

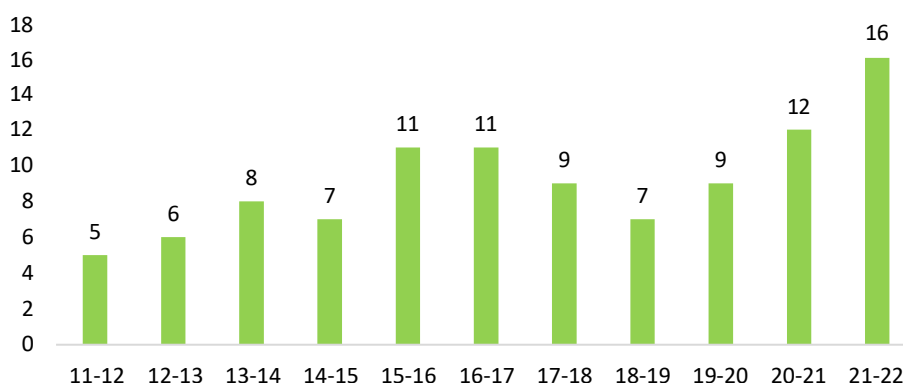
Graph 35: Cause of death each financial year

(in the case of ongoing, incomplete inquiries, a preliminary provisional finding about cause of death is shown)



Graph 36: Suicide by financial year

(in the case of ongoing, incomplete inquiries, this graph shows a preliminary provisional finding)



8 ANNEX**Navy Annex****DISCIPLINE TRENDS**

Unit level DFDA investigations - 201 (26 % of 783)

Table 12: Average days for time by FY

Average days	2017-18	2018-19	2019-20	2020-21	2021-22
Duration of Investigation	42	51	32	27	27
Charge to Summary Trial	23	28	21	20	12

Table 13: Navy Discipline matters by FY

FY	Infringements	Summary Trials	Summary Convictions	Tribunal Trials	Tribunal Convictions	Civil Convictions	Protection Orders
2016-17	1540	218	283	7	8	18	2
2017-18	1981	206	236	15	61	17	6
2018-19	1433	153	198	9	20	13	6
2019-20	1649	182	211	18	20	10	9
2020-21	1546	211	288	12	38	26	24
2021-22	1154	184	234	14	26	19	25

Table 14: Navy Administrative matters by FY

FY	Inquiries	Sanctions	ROG Rec'd	IGADF Audits	Military justice survey
2016-17	2	390	91	14	779
2017-18	8	389	113	8	444
2018-19	1	334	84	12	1064
2019-20	0	297	70	9	713
2020-21	1	347	61	2	240
2021-22	7	474	64	2	137

8 ANNEX**Focus Group Military Justice Survey**

Responses from Navy participants for the IGADF military justice survey are indicated in percentages. Previous year's responses from FY17-18 to FY20-21 are also included below as a comparison:

NAVY							
	Survey Question	Total Participants	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
			444	1064	713	240	137
1	Believe the discipline process is fairly and consistently applied		76%	69%	80%	80%	55%
2	Believe the DFDA is an effective tool for the maintenance of discipline		77%	74%	80%	81%	71%
3	Receive adequate discipline training to discharge their DFDA responsibilities		57%	53%	51%	57%	33%
4	Are aware of their rights and obligations under the discipline system		73%	72%	71%	68%	53%
5	Believe processes involved in investigating offences take too long (*)		47%	42%	30%	30%	41%
6	Believe processes involved in trying offences take too long (*)		40%	37%	28%	23%	33%
7	Believe the complexity of the DFDA discourages people from laying charges (*)		35%	35%	33%	25%	47%
8	Believe members are presumed innocent until proven guilty		53%	49%	58%	66%	33%
9	Believe members found guilty are in fact guilty		41%	39%	36%	43%	29%
10	Believe they their unit would treat them fairly and impartially if they were the subject of an administrative inquiry or fact finding		76%	71%	80%	80%	54%
11	Understand the concept of the 'right to be heard' or 'the right of reply' otherwise known as procedural fairness		85%	84%	87%	85%	72%
12	Believe members subject to administrative sanctions are treated fairly		67%	58%	64%	66%	43%
13	Believe their unit would fairly consider any response made by the member before imposing an administrative sanction		73%	65%	72%	74%	49%
14	Believe adverse administrative action procedures take too long (*)		41%	36%	28%	30%	32%
15	Are aware of all avenues of complaint available		71%	67%	71%	68%	57%
16	Know how to lodge an application for redress of grievance		59%	54%	56%	56%	41%
17	Have confidence in their chain of command to resolve complaints		77%	76%	79%	79%	62%
18	Believe complaints made to their chain of command are dealt with fairly, promptly and impartially		67%	61%	67%	67%	48%
19	Believe their unit maintains a balance between the rights of complainants and the rights of respondents		64%	53%	63%	64%	37%

8 ANNEX

NAVY						
	Survey Question	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
20	Believe the military justice system provides sufficient feedback to complainants and respondents	38%	41%	43%	42%	25%
21	Believe their chain of command would support the member if they approached an external complaint handling agency (e.g. equity and diversity, public interest disclosure or SeMPRO hotline)	76%	74%	78%	73%	63%
22	Have experienced or witnessed unacceptable behaviour at their unit (*)	25%	19%	14%	20%	28%
23	Believe appropriate action would be taken if they reported an incident of unacceptable behaviour	83%	85%	85%	88%	76%
24	Know where to go to get advice or information on unacceptable behaviour	86%	86%	87%	88%	74%
25	Believe all ranks are treated equitably	68%	59%	70%	71%	36%
26	Believe all genders are treated equally	69%	71%	73%	80%	56%
27	Believe individuals are not ostracised, segregated or otherwise not included because of perceived or actual difference	75%	71%	77%	79%	57%
28	Believe their unit would take appropriate action if they became aware of an incident or complaint of sexual misconduct, including sexual assault	92%	92%	93%	92%	87%
29	Believe their unit provides appropriate opportunities to access flexible working arrangements	74%	66%	69%	71%	52%
30	Are aware of their responsibilities concerning the use of social media	96%	96%	95%	95%	92%
31	Believe there is a culture of anti-social behaviour (*)	12%	11%	10%	11%	7%
32	Believe alcohol testing programs are effective in reducing the effects of alcohol abuse/misuse in the workplace	72%	67%	66%	74%	59%
33	Believe drug testing programs are an effective deterrent to drug use or abuse in ADF members in reducing the effects of alcohol abuse/misuse in the workplace.	72%	62%	66%	74%	72%
34	Have confidence in the units Officers	77%	79%	81%	72%	62%
35	Have confidence in the units WOs/SNCOs	86%	81%	81%	83%	62%
36	Have confidence in the units JNCOs	87%	84%	85%	87%	66%
37	Believe their current overall workload is excessive (*)	30%	31%	32%	25%	27%
38	Believe morale is good	70%	73%	80%	58%	51%

8 ANNEX**Army Annex****DISCIPLINE TRENDS**

Unit level DFDA investigations - 502 (64 % of 783)

Table 15: Average days for time by FY

Average days	2017-18	2018-19	2019-20	2020-21	2021-22
<u>Duration of Investigation</u>	9	10	10	10	11
<u>Charge to Summary Trial</u>	16	17	14	12	12

Table 16: Army Discipline matters by FY

FY	Infringements	Summary Trials	Summary Convictions	Tribunal Trials	Tribunal Convictions	Civil Convictions	Protection Orders
2016-17	2829	854	1014	17	49	89	8
2017-18	2626	803	970	11	29	122	41
2018-19	2523	757	925	15	31	78	27
2019-20	2149	752	930	21	33	79	22
2020-21	1958	631	773	36	47	151	60
2021-22	1694	462	530	19	45	114	26

Table 17: Army Administrative matters by FY

FY	Inquiries	Sanctions	ROG Rec'd	IGADF Audits	Military justice survey
2016-17	31	393	223	21	943
2017-18	27	590	190	31	2162
2018-19	12	718	195	33	2702
2019-20	6	913	158	18	1794
2020-21	18	1061	122	21	1844
2021-22	18	650	130	23	1750

8 ANNEX**Focus Group Military Justice Survey**

Responses from Army participants for the IGADF military justice survey are indicated in percentages. Previous year's responses from FY17-18 to FY20-21 are also included below as a comparison:

ARMY							
	Survey Question	Total participants	FY17-18 2162	FY18-19 2702	FY19-20 1794	FY20-21 1844	FY21-22 1750
1	Believe the discipline process is fairly and consistently applied		77%	82%	72%	76%	72%
2	Believe the DFDA is an effective tool for the maintenance of discipline		84%	86%	81%	81%	77%
3	Receive adequate discipline training to discharge their DFDA responsibilities		65%	67%	61%	59%	52%
4	Are aware of their rights and obligations under the discipline system		79%	82%	74%	75%	73%
5	Believe processes involved in investigating offences take too long (*)		28%	30%	30%	30%	32%
6	Believe processes involved in trying offences take too long (*)		26%	25%	25%	26%	27%
7	Believe the complexity of the DFDA discourages people from laying charges (*)		28%	28%	29%	31%	32%
8	Believe members are presumed innocent until proven guilty		61%	64%	53%	56%	54%
9	Believe members found guilty are in fact guilty		51%	51%	48%	52%	47%
10	Believe they their unit would treat them fairly and impartially if they were the subject of an administrative inquiry or fact finding		80%	83%	70%	76%	75%
11	Understand the concept of the 'right to be heard' or ' the right of reply' otherwise known as procedural fairness		88%	90%	83%	87%	84%
12	Believe members subject to administrative sanctions are treated fairly		68%	71%	58%	65%	62%
13	Believe their unit would fairly consider any response made by the member before imposing an administrative sanction		74%	77%	65%	70%	69%
14	Believe adverse administrative action procedures take too long (*)		26%	25%	25%	23%	24%
15	Are aware of all avenues of complaint available		73%	75%	66%	72%	66%
16	Know how to lodge an application for redress of grievance		59%	63%	53%	57%	52%
17	Have confidence in their chain of command to resolve complaints		79%	83%	73%	78%	75%
18	Believe complaints made to their chain of command are dealt with fairly, promptly and impartially		69%	71%	63%	68%	68%
19	Believe their unit maintains a balance between the rights of complainants and the rights of respondents		64%	67%	59%	64%	63%

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ARMY						
	Survey Question	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
20	Believe the military justice system provides sufficient feedback to complainants and respondents	55%	57%	52%	50%	47%
21	Believe their chain of command would support the member if they approached an external complaint handling agency (e.g. equity and diversity, public interest disclosure or SeMPRO hotline)	75%	75%	67%	69%	68%
22	Have experienced or witnessed unacceptable behaviour at their unit (*)	18%	12%	21%	22%	20%
23	Believe appropriate action would be taken if they reported an incident of unacceptable behaviour	86%	89%	81%	84%	81%
24	Know where to go to get advice or information on unacceptable behaviour	87%	88%	81%	86%	84%
25	Believe all ranks are treated equitably	72%	78%	65%	68%	62%
26	Believe all genders are treated equally	71%	79%	67%	74%	72%
27	Believe individuals are not ostracised, segregated or otherwise not included because of perceived or actual difference	78%	82%	70%	75%	74%
28	Believe their unit would take appropriate action if they became aware of an incident or complaint of sexual misconduct, including sexual assault	92%	94%	87%	90%	89%
29	Believe their unit provides appropriate opportunities to access flexible working arrangements	73%	77%	66%	70%	70%
30	Are aware of their responsibilities concerning the use of social media	95%	97%	93%	95%	96%
31	Believe there is a culture of anti-social behaviour (*)	9%	9%	14%	9%	10%
32	Believe alcohol testing programs are effective in reducing the effects of alcohol abuse/misuse in the workplace	65%	64%	58%	55%	59%
33	Believe drug testing programs are an effective deterrent to drug use or abuse in ADF members in reducing the effects of alcohol abuse/misuse in the workplace.	68%	72%	67%	66%	65%
34	Have confidence in the units Officers	78%	84%	71%	73%	71%
35	Have confidence in the units WOs/SNCOs	82%	88%	77%	81%	78%
36	Have confidence in the units JNCOs	84%	89%	81%	85%	83%
37	Believe their current overall workload is excessive (*)	29%	26%	34%	35%	32%
38	Believe morale is good	68%	80%	63%	66%	62%

8 ANNEX**Air Force Annex****DISCIPLINE TRENDS**

Unit level DFDA investigations - 80 (10 % of 783)

Table 18: Average days for time by FY

Average days	2017-18	2018-19	2019-20	2020-21	2021-22
<u>Duration of Investigation</u>	14	15	16	10	9
<u>Charge to Summary Trial</u>	23	20	15	15	11

Table 19: Air Force Discipline matters by FY

FY	Infringements	Summary Trials	Summary Convictions	Tribunal Trials	Tribunal Convictions	Civil Convictions	Protection Orders
2016-17	374	70	89	11	31	17	4
2017-18	440	49	77	6	10	19	1
2018-19	375	60	77	6	16	8	4
2019-20	397	94	121	5	6	5	6
2020-21	452	90	103	4	4	7	6
2021-22	428	75	88	2	9	13	9

Table 20: Air Force Administrative matters by FY

FY	Inquiries	Sanctions	ROG Rec'd	IGADF Audits	Military justice survey
2016-17	1	218	109	18	947
2017-18	11	151	89	18	1084
2018-19	1	166	81	14	692
2019-20	0	186	90	11	475
2020-21	6	207	86	22	1272
2021-22	1	159	67	14	802

8 ANNEX**Focus Group Military Justice Survey**

Responses from Air Force participants for the IGADF military justice survey are indicated in percentages. Previous years responses from FY17-18 to FY20-21 are also included below as a comparison:

AIR FORCE							
	Survey Question	Total participants	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
			1084	692	475	1272	802
1	Believe the discipline process is fairly and consistently applied.		69%	82%	78%	74%	71%
2	Believe the DFDA is an effective tool for the maintenance of discipline.		79%	85%	88%	81%	73%
3	Receive adequate discipline training to discharge their DFDA responsibilities.		45%	57%	53%	43%	29%
4	Are aware of their rights and obligations under the discipline system.		64%	75%	75%	68%	59%
5	Believe processes involved in investigating offences take too long (*)		26%	23%	17%	23%	26%
6	Believe processes involved in trying offences take too long (*)		24%	21%	15%	17%	23%
7	Believe the complexity of the DFDA discourages people from laying charges (*)		37%	38%	31%	34%	44%
8	Believe members are presumed innocent until proven guilty.		56%	65%	67%	54%	51%
9	Believe members found guilty are in fact guilty.		40%	41%	39%	36%	32%
10	Believe they their unit would treat them fairly and impartially if they were the subject of an administrative inquiry or fact finding.		77%	87%	88%	78%	77%
11	Understand the concept of the 'right to be heard' or ' the right of reply' otherwise known as procedural fairness.		85%	90%	94%	88%	87%
12	Believe members subject to administrative sanctions are treated fairly.		60%	69%	67%	62%	57%
13	Believe their unit would fairly consider any response made by the member before imposing an administrative sanction.		71%	80%	81%	72%	75%
14	Believe adverse administrative action procedures take too long (*)		23%	21%	15%	19%	24%
15	Are aware of all avenues of complaint available.		63%	69%	72%	67%	65%
16	Know how to lodge an application for redress of grievance.		50%	59%	64%	50%	46%
17	Have confidence in their chain of command to resolve complaints.		79%	86%	83%	76%	76%
18	Believe complaints made to their chain of command are dealt with fairly, promptly and impartially.		67%	75%	70%	64%	64%
19	Believe their unit maintains a balance between the rights of complainants and the rights of respondents.		55%	66%	64%	60%	58%

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AIR FORCE						
	Survey Question	FY17-18	FY18-19	FY19-20	FY20-21	FY21-22
20	Believe the military justice system provides sufficient feedback to complainants and respondents.	39%	46%	48%	40%	31%
21	Believe their chain of command would support the member if they approached an external complaint handling agency (e.g. equity and diversity, public interest disclosure or SeMPRO hotline).	77%	81%	81%	75%	75%
22	Have experienced or witnessed unacceptable behaviour at their unit (*)	19%	15%	12%	23%	20%
23	Believe appropriate action would be taken if they reported an incident of unacceptable behaviour.	86%	92%	90%	82%	83%
24	Know where to go to get advice or information on unacceptable behaviour.	86%	91%	90%	85%	83%
25	Believe all ranks are treated equitably	67%	79%	80%	69%	64%
26	Believe all genders are treated equally	71%	82%	83%	77%	72%
27	Believe individuals are not ostracised, segregated or otherwise not included because of perceived or actual difference.	77%	86%	83%	74%	74%
28	Believe their unit would take appropriate action if they became aware of an incident or complaint of sexual misconduct, including sexual assault.	95%	95%	96%	90%	92%
29	Believe their unit provides appropriate opportunities to access flexible working arrangements	74%	84%	73%	70%	78%
30	Are aware of their responsibilities concerning the use of social media	98%	97%	96%	95%	96%
31	Believe there is a culture of anti-social behaviour (*)	7%	6%	7%	8%	8%
32	Believe alcohol testing programs are effective in reducing the effects of alcohol abuse/misuse in the workplace	67%	60%	60%	59%	57%
33	Believe drug testing programs are an effective deterrent to drug use or abuse in ADF members in reducing the effects of alcohol abuse/misuse in the workplace	73%	70%	66%	66%	66%
34	Have confidence in the units Officers	81%	87%	86%	79%	74%
35	Have confidence in the units WO/s/SNCOs	83%	90%	81%	79%	79%
36	Have confidence in the units JNCOs	86%	89%	83%	79%	79%
37	Believe their current overall workload is excessive (*)	31%	28%	23%	30%	35%
38	Believe morale is good	69%	80%	76%	67%	68%

8 ANNEX**Joint (Tri-Service) command Annex****Focus Group Military Justice Survey**

Responses from Joint Service participants for the IGADF military justice survey are indicated in percentages. Collection of data based on the nature of the unit, rather than the Service type of the member commenced in financial year FY19-20.

Previous responses from financial years FY19-20 to FY20-21 are also included below as a comparison:

JOINT					
	Survey Question	Total participants	FY19-20 197	FY20-21 202	FY21-22 77
1	Believe the discipline process is fairly and consistently applied		80%	70%	84%
2	Believe the DFDA is an effective tool for the maintenance of discipline		85%	92%	89%
3	Receive adequate discipline training to discharge their DFDA responsibilities		64%	53%	76%
4	Are aware of their rights and obligations under the discipline system		80%	76%	86%
5	Believe processes involved in investigating offences take too long (*)		24%	20%	32%
6	Believe processes involved in trying offences take too long (*)		32%	17%	26%
7	Believe the complexity of the DFDA discourages people from laying charges (*)		38%	48%	47%
8	Believe members are presumed innocent until proven guilty		63%	59%	53%
9	Believe members found guilty are in fact guilty		44%	43%	40%
10	Believe they their unit would treat them fairly and impartially if they were the subject of an administrative inquiry or fact finding		82%	82%	74%
11	Understand the concept of the 'right to be heard' or ' the right of reply' otherwise known as procedural fairness		94%	95%	92%
12	Believe members subject to administrative sanctions are treated fairly		64%	62%	64%
13	Believe their unit would fairly consider any response made by the member before imposing an administrative sanction		79%	78%	76%
14	Believe adverse administrative action procedures take too long (*)		16%	21%	28%
15	Are aware of all avenues of complaint available		79%	79%	80%
16	Know how to lodge an application for redress of grievance		69%	65%	57%
17	Have confidence in their chain of command to resolve complaints		81%	74%	77%
18	Believe complaints made to their chain of command are dealt with fairly, promptly and impartially		71%	59%	70%
19	Believe their unit maintains a balance between the rights of complainants and the rights of respondents		71%	61%	69%
20	Believe the military justice system provides sufficient feedback to complainants and respondents		48%	53%	58%
21	Believe their chain of command would support the member if they approached an external complaint handling agency (e.g. equity and diversity, public interest disclosure or SeMPRO hotline)		79%	78%	82%

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JOINT				
	Survey Question	FY19-20	FY20-21	FY21-22
22	Have experienced or witnessed unacceptable behaviour at their unit (*)	8%	35%	31%
23	Believe appropriate action would be taken if they reported an incident of unacceptable behaviour	89%	76%	88%
24	Know where to go to get advice or information on unacceptable behaviour	90%	92%	91%
25	Believe all ranks are treated equitably	76%	69%	74%
26	Believe all genders are treated equally	83%	79%	78%
27	Believe individuals are not ostracised, segregated or otherwise not included because of perceived or actual difference	81%	81%	73%
28	Believe their unit would take appropriate action if they became aware of an incident or complaint of sexual misconduct, including sexual assault	95%	94%	93%
29	Believe their unit provides appropriate opportunities to access flexible working arrangements	87%	87%	74%
30	Are aware of their responsibilities concerning the use of social media	99%	98%	97%
31	Believe there is a culture of anti-social behaviour (*)	7%	9%	9%
32	Believe alcohol testing programs are effective in reducing the effects of alcohol abuse/misuse in the workplace	49%	60%	78%
33	Believe drug testing programs are an effective deterrent to drug use or abuse in ADF members in reducing the effects of alcohol abuse/misuse in the workplace	57%	66%	76%
34	Have confidence in the units Officers	81%	88%	81%
35	Have confidence in the units WOs/SNCOs	88%	88%	81%
36	Have confidence in the units JNCOs	88%	81%	70%
37	Believe their current overall workload is excessive (*)	31%	30%	33%
38	Believe morale is good	75%	67%	70%