



Australian Government

Defence

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

ANNUAL REPORT

01 July 2022 to 30 June 2023

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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

I am pleased to present to you the Annual Report on the operations of the Inspector-General Australian Defence Force for the period 01 July 2022 to 30 June 2023.

This report has been prepared pursuant to section 110R of the Defence Act 1903.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J.M. Gaynor', with a long, sweeping horizontal stroke at the end.

JM Gaynor CSC
Inspector-General of the Australian Defence Force
14 December 2023

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THE INSPECTOR-GENERAL'S MESSAGE

There has been a consistently high operating tempo in IGADF over recent reporting periods. The high operating tempo in 2022–23 was characterised by a continued historically large number of submissions received for inquiry or investigation, and the number of military justice performance audits conducted. Two foundational policies were reviewed and updated, and a new policy issued after commencement of the National Anti-Corruption Commission.



The first policy was an updated Strategic Plan that covers the period 2023–25. Although this plan is deliberately different to the previous editions, it sets out the IGADF vision, mission and values, supported by nine strategic goals with specific measures to assess IGADF's achievement against the plan. The plan is supported by processes and procedures to ensure IGADF is trusted broadly and that IGADF also promotes fairness in the ADF and wider Defence communities.

The second policy was the IGADF Welfare Plan 2023–2025. The plan sets out the mental health and wellbeing practices used in the IGADF to manage vicarious trauma and ensure compliance with safety obligations. The framework provides for future practices to ensure support arrangements are effective and remain fit-for-purpose.

Towards the end of the reporting period a new anti-corruption framework was established to coincide with the commencement of the *National Anti-Corruption Commission Act 2022* (NACC Act) on 01 July 2023. The framework describes IGADF as an Integrity Agency, and its role as an Integrity Agency under the NACC Act. That role includes management of suspected corrupt conduct identified during the exercise of IGADF's functions, and the interactions IGADF will have with the NACC and Defence when referring suspected corrupt conduct.

IGADF's caseloads continue to show a high number of submissions, a trend that has been particularly noticeable over the past three reporting periods.

The number of new submissions and referrals generally reflects how well ADF members understand their rights to complain, and awareness of complaint avenues under the military justice system. Similarly, a greater awareness of the IGADF's roles and functions within the wider Defence community has contributed to the increased caseload.

Similar to other Government agencies, IGADF experienced staffing pressures throughout the reporting period. The unexpected departure of a Director and ongoing unfilled ADF vacancies contributed to IGADF's staffing pressures. IGADF conducted a number of Australian Public Service (APS) recruitment activities to increase its staffing.

After three successive reporting periods affected by COVID-19 lockdowns or travel restrictions, IGADF military justice performance audits returned to pre COVID-19 levels. Significant focus and efforts were made to incorporate those units postponed from previous audit schedules that were affected by COVID-19 lockdowns and border closures.

During the reporting period IGADF staff participated in a range of specific training and development opportunities to ensure staff have the appropriate skills to contribute to achieving IGADF's statutory functions. Specifically, training focused on ensuring IGADF staff are educated in the latest trauma-informed response methods and included: vicarious trauma training, administrative law courses, compassionate foundations training, and writing and conducting inquiries training.

As part of IGADF's ongoing commitment to effective oversight, the Inspector-General presented at the 14th and 15th annual International Conferences of Ombuds Institutions for Armed and Security Forces (ICOAF) during the 2022–23 reporting period. The 14th ICOAF was held in Oslo, Norway, while the 15th ICOAF was held in Vienna, Austria. These conferences provide excellent opportunities for the Inspector-General to interact with similar international authorities and agencies, and provides a platform to share experiences and approaches to current military justice challenges.

During the reporting period the Office of the IGADF continued to provide support and devote considerable resources to two very important external activities – the Office of the Special Investigator, which is responsible for investigating war crimes allegations arising from the IGADF Afghanistan Inquiry, and the Royal Commission into Defence and Veteran Suicide.

In 2023 IGADF marks its twentieth year of operation. To mark the occasion, the Inspector-General, supported by the Secretary of the Department of Defence, and the Chief of the Defence Force (CDF), initiated a Twenty-Year review of the office.

Previous reviews have considered parts of IGADF's jurisdiction, and in some cases recommended IGADF have additional functions. Such reviews have resulted in IGADF being given additional responsibilities to oversee the military Redress of Grievance complaint process and also to inquire into the circumstances of death of ADF members.

The Twenty-Year review is the first comprehensive review of IGADF's functions, its statutory arrangements, operations, and composition. The review will make findings and recommendations as it considers appropriate.

INSPECTOR-GENERAL OF THE AUSTRALIAN DEFENCE FORCE REPORT FOR THE PERIOD 01 JULY 2022 TO 30 JUNE 2023

PREAMBLE

Part VIIIB of the Defence Act 1903 ("the Defence Act) establishes the position of the Inspector-General of the Australian Defence Force (the Inspector-General), as an independent statutory appointment, and outlines the Inspector-General's roles, functions and responsibilities.

Inaugurated in 2003 following recommendations of former Justice Mr James Burchett QC's 2001 review into military justice arrangements in the Australian Defence Force, the Inspector-General provides an impartial integrity, inquiry and assurance function, while maintaining oversight of the quality and fairness of Australia's military justice system. The Inspector-General is independent of the military chain of command.

The Minister for Defence appoints the Inspector-General pursuant to section 110E of the Defence Act. Under section 110F of the Defence Act, the IGADF must be a person who has 'knowledge of and experience in relation to military justice issues and understanding of their relevance to the role of the Australian Defence Force.

Mr James Gaynor CSC continued as the Inspector-General during this reporting period.

Section 110C of the Defence Act and section 5 of the *Inspector-General of the Australian Defence Force Regulation 2016* specifies the roles and functions of the Inspector-General.

The Inspector-General'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 Inspector-General 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 Defence Force
- 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 Inspector-General's other functions.

By undertaking these crucial functions in conducting inquiries, investigations and audits, the Inspector-General is an 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. In addition, the Inspector-General may identify possible failures and flaws in systems, policies and processes, and make recommendations to address those issues identified.

STRATEGIC PLAN

During the reporting period, the Inspector-General issued a new Strategic Plan which covers the period 2023 to 2025.

The first strategic plan covered the period 2020 to 2022, and was issued at the start of that period in global and national environments that have since significantly changed in ways that could not have been predicted. As an office which operates nationally, the natural disasters across Australia and the COVID-19 pandemic significantly affected the Office of the Inspector-General of the Australian Defence Force (IGADF) operations.

These events coincided with significant increases in IGADF's public profile and in the volume of work received by the IGADF, continuing to push submissions and referrals to unprecedented levels.

Notwithstanding the impacts of the COVID-19 pandemic, achievements were made against the original plan which represent continuous improvements in the work of the IGADF.

The 2023–2025 Strategic Plan is deliberately different to the previous version. The plan is a guide and is underpinned by supporting processes and procedures to ensure we are trusted and promote fairness in the ADF and wider Defence Communities.

The IGADF strives to be trusted by all stakeholders and to promote fairness in the ADF. The IGADF has established a mission and set of values to achieve this vision.

The values set by the Inspector-General are an important aspect to achieving our mission. We Respect ourselves, the work we do and the people with whom and matters with which we deal. The IGADF acts with integrity, and the office upholds the independence of the Inspector-General. The IGADF acts impartially with regards to our work and the decisions made.

The Inspector-General's vision, mission and values ensure alignment across the broad functions of the office and its diverse and dynamic workforce.

The IGADF vision, mission and values are:



Vision: Everyone trusts IGADF to independently examine concerns about Defence



Mission: Provide impartial, fair and independent decisions, and oversight of matters concerning Defence

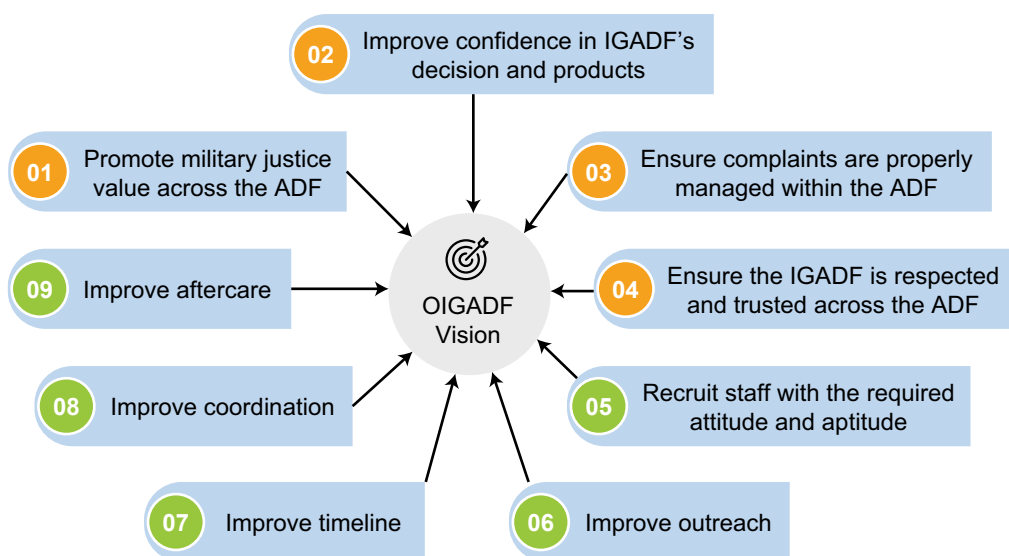


Values: Respect. Integrity. Independence. Impartiality

Nine strategic goals have been identified to achieve the IGADF vision, and are listed below.

1. Promote military justice values across the ADF – Contribute to a fair and effective military justice system is crucial for the operational effectiveness of the ADF.
2. Improve confidence in IGADF's decisions and products – The IGADF makes decisions on a range of matters relating to the ADF. The outcomes of such matters as assessments, inquiry reports, military justice performance audit reports and outcome correspondence must be timely, fair and accurate.
3. Ensure complaints are properly managed within the ADF – Complaints and the decisions and products which result from them must be timely, fair, impartial and accurate. The ADF and the Australian public must be confident in the integrity of the complaint handling process.
4. Ensure IGADF is respected and trusted by all – The identification of military justice systemic failures and flaws is important to minimise unacceptable behaviour and other misconduct in the ADF and also where failures and flaws in broader ADF activities might risk harm to ADF members.
5. Recruit staff with the appropriate aptitude and attitude to undertake IGADF work – A professional, skilled and motivated workforce is key to enabling IGADF to fulfil his statutory role.
6. Improve outreach – The IGADF operates in an increasingly public way. Community and stakeholder engagement occurs at all levels within IGADF and it is a core activity supported by all staff.

7. Improve timelines – There is confidence in the IGADF’s technical competence to examine matters. While complexity increases the time taken to examine and resolve matters, confidence can be increased further by improving timeliness of report delivery, without reducing quality of outcomes.
8. Improve coordination – The IGADF coordination practices are fundamental to ensuring the office achieves effective and efficient outcomes for individuals and organisations involved in an IGADF matter.
9. Improve aftercare – IGADF is a review body and examines Defence issues to identify and remedy suspected failures in the military justice system. After the office has examined an issues its role changes. Part of the role becomes Departmental liaison and post-inquiry witness follow-up.



IGADF will evolve its processes over the life of the strategic plan to ensure the office achieves the above stated mission, and meets the challenges that affects the office, now and in the future.

By remaining committed to achieving the IGADF mission, IGADF is better placed to continue providing high level oversight of the health and effectiveness of the military justice system and an avenue for alleged failures of the system to be independently investigated and remedied.

MILITARY JUSTICE SYSTEM

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

A robust and dynamic military justice system underpins the ADF's discipline and command structures. It provides the appropriate balance between discipline and the rights of individuals, and ensures our personnel work in an ordered but equitable environment. It is critical to maintaining command, retaining our people, our reputation and is ultimately critical to enhancing the ADF's operational effectiveness.

An effective military justice system ensures ADF members maintain Service discipline, corrects individual performance and behaviour where necessary, and provides avenues of complaint.

Critically, IGADF audits ensure the military justice system achieves the right balance — helping supervisors, managers and commanders to maintain discipline and order in the armed forces, without compromising an individual's rights to respect, fair treatment and a fair hearing.

Where these aspects are not met, the IGADF identifies remedies to these systemic or individual failings. By maintaining this balance between the maintenance of discipline and members rights, the ADF can benefit from an operationally more effective military force.

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

- a. disciplinary investigations, prosecutions and proceedings (including Discipline infringements, commanding officer and superior summary proceedings, and Courts Martial and Defence Force Magistrate 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, including complaints under the statutory Redress of Grievance complaint system, available to ADF members.

STAFFING

While the IGADF is a statutory office holder, IGADF staff consist of members from both the Australian Public Service (APS) and members of the ADF whom the Secretary for Defence and Chief of the Defence Force respectively have seconded for duty to IGADF. Contracting arrangements are used occasionally, where specialist non-ongoing support is required.

IGADF's workforce is geographically dispersed throughout Australia. A priority for IGADF is staff wellbeing, which includes mental and physical health. In January 2023, IGADF issued its office wide mental health and wellbeing framework, covering the period 2023–25. The purpose of the framework is to provide guidance to all IGADF staff and managers on how to best manage and support mental health and wellbeing, as well as risks associated with exposure to objectionable material.

Staffing numbers in IGADF grew during this reporting period, increasing by approximately 12 per cent. Over the past two reporting periods, the number of staff employed in IGADF increased to 170 by the end of 2022–23. Many of these staff are members of the ADF reserve who, together with their full-time colleagues, provide essential knowledge and experience to IGADF's work.

Although the number of ADF reserve members has increased it is important to note that ADF reserve members do not render full-time equivalent service, rather they render reserve service days. The average number of days rendered by each IGADF ADF reserve member during the reporting period was 77.

Table one below shows the headcount of IGADF staff, broken down by service group and, permanent and non-ongoing/reserve.

Table one – IGADF Staffing breakdown (FY 2022–2023)

Service	Permanent headcount	Reserve / Non-ongoing headcount
Australian Public Service	24	1
Navy	8	34
Army	8	41
Air Force	8	46
Total	48	122
GRAND TOTAL	170	

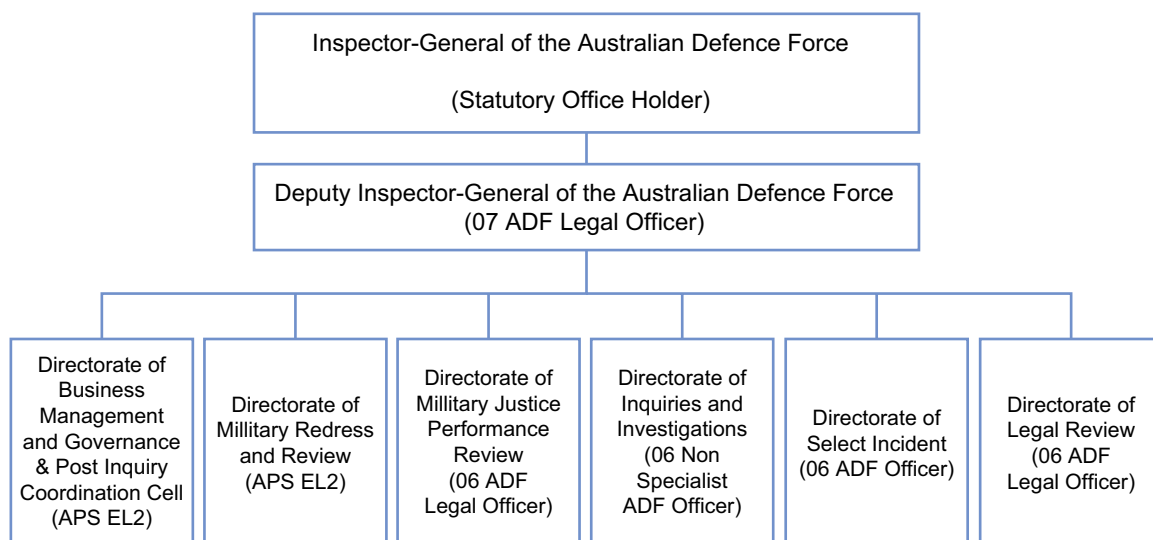
IGADF Organisational structure

The IGADF comprises six Directorates, of which four are operational directorates and two are enabling directorates. The Directorates are:

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

Each Directorate is an interdisciplinary team comprised of APS employees, and full-time and reserve ADF members. The organisational structure is primarily designed to best support the delivery of the IGADF's statutory functions and responsibilities. The diagram below depicts the IGADF organisational structure.

Office of the IGADF organisational structure (as at 30 June 2023)



DIRECTORATE OF BUSINESS MANAGEMENT AND GOVERNANCE

The Directorate of Business Management and Governance (DBMG) is responsible for the delivery of enabling functions that support the Executive branch and each Directorate of IGADF.

The enabling functions include:

- workforce management (APS & ADF)
- financial management including, budgets, procurement and contracting
- safety
- security
- corporate governance
- travel management
- information management
- executive and general IGADF administrative support
- accommodation and facilities management

Professional development

IGADF staff are very experienced and tend to be mature in nature with a diverse range of professional backgrounds in administrative inquiries, human resource development, policing, public policy, public administration and law, among others.

Each year IGADF staff participate in a range of specific training and development to ensure staff have the appropriate skills to contribute to the IGADF achieving its statutory functions. Training and development of this nature is undertaken in addition to Defence annual mandatory training.

Staff were able to participate in training delivered both internally by IGADF, and external, through the Department of Defence, or other Government and non-Government organisations.

Training remained focused on ensuring IGADF staff are educated in the latest 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 and
- administrative law and decision making training.

Professional service providers

On occasion, the IGADF engages professional service providers under contract to provide specialist expertise and advice.

IGADF abides by the Commonwealth procurement rules procuring good and services, including from professional service providers. IGADF publishes contracts in excess of \$10 000 on the AusTender website, excepting where the contract is subject to a confidentiality clause, or where publication would prejudice the conduct of an Inquiry or Investigation.

Post-Inquiry Coordination Cell

As previously reported, the Post-IGADF Afghanistan Inquiry Coordination Cell (PICC) was established by the IGADF to provide continued support and on-going interaction with the Office of the Special Investigator (OSI).

Engagement with the Office of the Special Investigator

During the reporting period, the PICC on behalf of IGADF continued to engage with the Special Counsel Team assisting the Office of the Special Investigator (OSI). This engagement contributed to a better understanding of the legal principles involved in the conduct of the Afghanistan Inquiry, and better consideration of the use of inquiry material OSI may seek to use in its work. During the reporting period IGADF authorised disclosure of IGADF Afghanistan inquiry-related material to the OSI.

Freedom of Information Requests

Throughout this reporting period, the OIGADF received strong interest for information relating to the IGADF. In 2022–23, IGADF received 15 Freedom of Information applications, 14 were finalised by the end of the reporting period; one was still under consideration at the end of the reporting period.

DIRECTORATE OF INQUIRIES AND INVESTIGATIONS

The Directorate of Inquiries and Investigations (DII) receives submissions about the military justice system and matters concerning the Defence Force which IGADF assesses before determining an appropriate course of action.

Those making submissions or referrals to IGADF include current or former ADF members, Australian Public Servants, members of the public (including family members) and organisations and agencies. DII also investigates complaints about the professional conduct and standards of Military Police members.

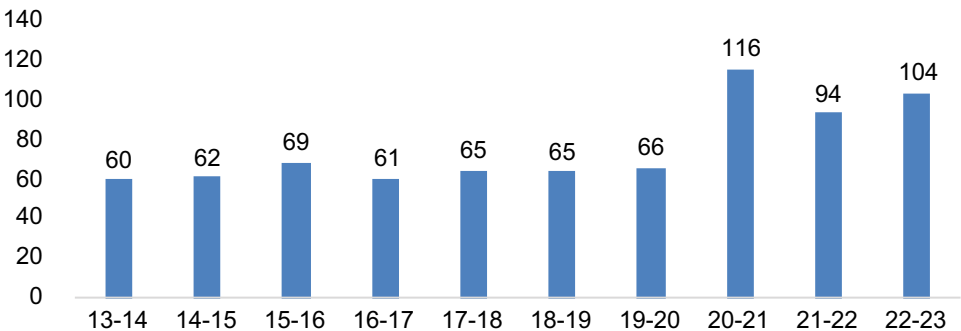
Additionally, IGADF may also receive referrals from the Minister, CDF, Defence and any other Government agency. This function promotes transparency and fairness in the ADF military justice system.

All submissions undergo a detailed assessment. The majority of submissions are resolved at the assessment level or referred to another agency for action, while a proportion transition to an IGADF Inquiry.

Military justice submissions and referrals

During the 2022–23 reporting period IGADF received and assessed 104 submissions or referrals. This increased rate of submissions is again comparable to the 116 submissions received in 2020–21 and the 94 submissions received in 2021–22. Before 2021–22 the historical submissions and referrals average was 67 matters per year; submission caseloads in each of the last three years have far exceeded this historical average.

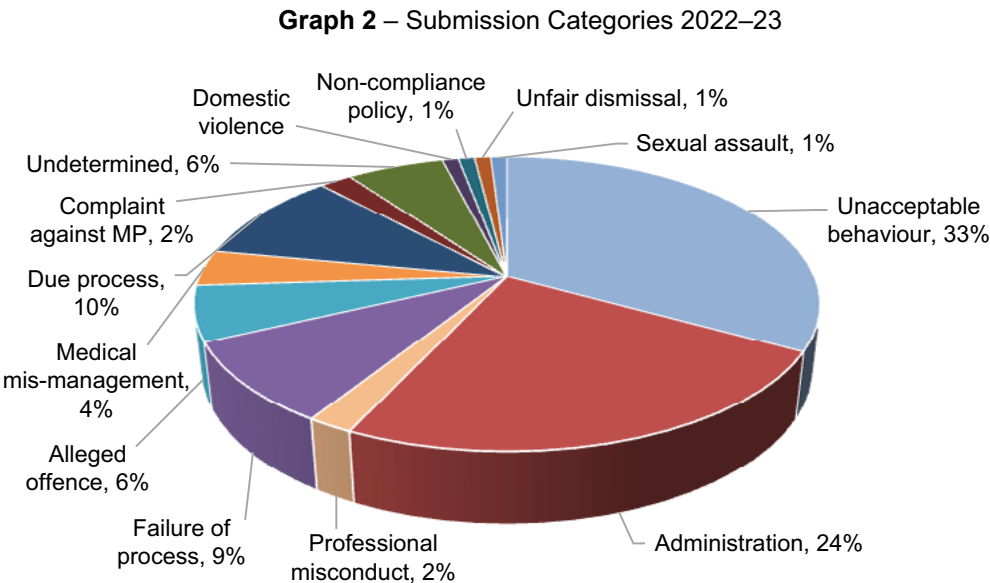
Graph 1 – Submission case load summary each financial year



The number of new submissions and referrals generally reflects how well ADF members understand their rights to complain, and their awareness of complaint avenues. Similarly, an increased awareness of IGADF’s role and functions within the Defence community has contributed to the continuing high caseload.

The increase in submissions since late 2020 has coincided with the release and implementation of the recommendations from the IGADF Afghanistan Inquiry report, increased outreach activities by the Office, and the establishment of the Royal Commission into Defence and Veteran Suicide. The increase may therefore be attributed to the higher public profile of the office, and a preference for individuals to seek an independent review of their complaint or grievance.

Of those submissions and referrals IGADF received in 2022–23, the predominant complaint category (33 per cent) related to unacceptable behaviour. This was consistent with previous years. Graph 2 below provides a breakdown of submissions by the main category of complaint.

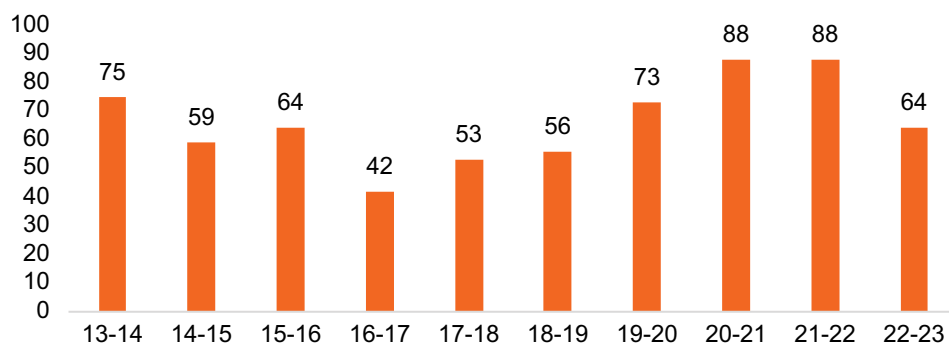


A breakdown of unacceptable behaviour complaints received by the IGADF is as follows:

- Defence mismanagement of an unacceptable behaviour complaint (approximately 24 per cent of all complaints)
- Bullying and harassment (approximately nine per cent of all complaints)
- Sexual misconduct (approximately one per cent of all complaints)

During the 2022–23 reporting period, 64 submissions were closed, 33 of which were received in previous years. Nineteen matters transitioned to Inquiry. By the end of the reporting period, IGADF had finalised five inquiries. The average time taken to complete an assessment was 140 days, while the average time taken to complete an inquiry was 467 days. Graph 3 depicts the number of submissions finalised each financial year since 2013–14.

Graph 3 – Finalised submission case load summary each financial year



Workforce

Despite recruitment of additional staff, the increased caseload and complexity of submissions has not reduced, which has maintained the increase in time taken to finalise matters during 2022–23. The Directorate continues to recruit more staff, work through process improvements and resource allocations with the aim of reducing the time taken to finalise matters without reducing the quality of outcomes. The Assessments and Inquiries teams have been integrated to reduce duplication of tasks, synchronise the workflow of submissions and inquiries and to upskill staff to develop an agile and resilient workforce.

IGADF mostly uses ADF Reserve personnel to conduct assessments and Inquiries, who each bring varied experience from a range of specialisations. Contracted staff are engaged in circumstances where particular expertise is required to finalise a matter.

Ongoing collaboration between Directorates has resulted in greater movement of Reserve personnel across Directorates during periods of high tempo and to provide respite from mentally challenging inquiries or investigations. Collectively, these changes aim to improve timeliness.

Military Police Professional Standards

The IGADF has jurisdiction to investigate complaints against Military Police, and to determine whether a Military Police member remains a fit and proper person to serve in that role. The IGADF Professional Standards team is responsible for examining these complaints by way of assessment, inquiry or an investigation under the *Defence Force Disciplinary Act 1982* (DFDA).

At the start of the reporting period, 18 Military Police related complaints submitted to the IGADF in 2021–22, were ongoing. In 2022–23, the Military Police Professional Standards team received 47 new complaints. During the same period, IGADF closed 32 of the 65 Military Police related complaints. At the end of the reporting period 33 complaints remained open.

Reporting trends. Of those 47 new complaints received, a significant portion were reported to the IGADF by the ADF unit administering the Military Police member. A breakdown of who those complaints were submitted by is as follows:

- 38 were submitted by ADF units (self-reporting)
- 2 submitted directly from an ADF member
- 6 from persons external to Defence
- 1 was submitted anonymously.

The table below reflects all complaints dealt with in 2022–23 (both new matters and those carried over from the previous period) and any adverse findings for those matters closed in the period.

Table two – Overview of Military Police (MP) Professional Standards complaints (FY 2022–2023)

Unit of respondent	Total complaints	Adverse findings	
		Breach of MP code of conduct	Code of conduct breach <u>and</u> found not fit and proper to serve as MP
Joint Military Police Force	34	7	2
1 MP Battalion	12	2	1
Navy establishment	18	8	0
Anonymous	1	1	0

Types of complaints. The following are the types of complaints received during 2022–23:

- Inappropriate disclosure of information
- Professional misconduct
- Unacceptable behaviour
- Sexual misconduct
- Assault
- Civilian driving offences

Workforce. The IGADF Professional Standards team is a small team consisting of four permanent staff; one permanent Lieutenant Colonel, and three permanent senior Military Police investigators (one from each Service).

Additional challenges affecting the processing and completion of complaints include the vacancy of the Air Force Warrant Officer Investigator position. By the end of the reporting period, additional Reserve personnel joined the team. Work to recruit additional staff is ongoing.

DIRECTORATE OF MILITARY JUSTICE PERFORMANCE REVIEW

The Directorate of Military Justice Performance Review (DMJPR) supports IGADF by conducting performance reviews of the military justice system.¹ 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 Performance Audits ('audits') assess the health and effectiveness of the military justice system within major ADF units – that is, for example, ADF ships, battalions and squadrons. Major ADF units are selected if they have a Commanding Officer or Officer Commanding (between O4 and O6 rank) and have a posted strength of at least 50 ADF members. IGADF audits smaller units less frequently. Smaller units are audited where the IGADF directs an audit, or where a Service requests an audit.

Audit frequency depends on a unit's role. The IGADF conducts audits every two years for Special Forces units, every three years for ADF initial training establishments, and every four to five years for other major ADF units.

In conducting an audit, IGADF staff comply with the relevant Australian Standard on Assurance Engagements ASAE 3500 – *Performance Engagements*. When reviewing each military justice component of a unit, the IGADF use performance audit criteria to evaluate whether a unit's military justice activities are compliant with relevant law and policy. The criteria are contained within the IGADF Military Justice Performance Audit Administrative and Discipline Checklists. IGADF audit checklists are available to Defence organisations and ADF units on the Defence intranet website. Units also receive the checklists at least 90 days before a scheduled audit.

The Audit reviews all military justice activities of the unit within the review period. Routine audits review 12 months' activity, and comprehensive audits 24 months'. Key performance indicators (KPIs) within the Checklists use military justice law and / or Defence policy.

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

The military justice KPIs cover fairness, timeliness, accessibility and accountability. In turn, these are comprised of an array of more detailed measures (a variety of objective and subjective measures). Together, the information and data provide a picture of the health and effectiveness of the military justice system overall.

IGADF auditors apply professional scepticism, exercise professional judgement and apply assurance skills and techniques in planning and performing an audit. To maintain the IGADF's independence, all IGADF auditors hold appointments as Assistants IGADF. IGADF auditors receive training to maintain critical audit skills.

IGADF auditors need to have an understanding of the unit, be satisfied how the unit establishes and maintains arrangements to implement military justice, and obtain evidence to conclude whether or not the audited unit's practices meet specific audit criteria. To do so, auditors inspect documents, review electronic records and systems and hold discussions with unit staff and specialist support staff (military police, legal officers and chaplains).

Discussions with specialists ascertain their observations and relationship with the audited unit's command team. Discussions with staff provide information about knowledge, common procedures and general observations. Auditors also offer remedial suggestions or assistance during the physical audit.

Every audit holds focus group discussions to survey unit staff on their perceptions and experience of the unit's use of the military justice system. For smaller sub-units, only focus group discussions may occur; military justice paperwork spot-checks for such sub-units will be conducted at the unit headquarters which may be in a different location. To facilitate open discussions, personnel participate in focus groups divided by worn rank, and where appropriate by gender as well. This composition encourages participants to share their experiences and perceptions of the military justice system at the audited unit.

Focus group discussion topics include questions about how members at each rank perceive the unit's leadership team has implemented the ADF's military justice arrangements. In this way, IGADF audits serve the purpose of promoting military justice values – one of IGADF's statutory functions – and reinforcing basic knowledge among ADF members about their rights and obligations in the military justice system.

At the conclusion of the physical audit inspection, the audit team delivers an exit brief to the unit key command staff. The exit brief covers key issues that may have arisen in the administrative and discipline documentation and systems, but also provide de-identified perceptions arising from the focus group discussions.

IGADF prepares and sends a written audit report to the audited unit's Commanding Officer approximately three months after an IGADF audit. IGADF also distributes copies of the report to the unit's chain of command, including the Vice Chief of the Defence Force and relevant Service Chief. The IGADF provides CDF a monthly

update about audit outcomes. The CDF also receives all reports of units assessed as having material deficiencies.

An IGADF audit report contains recommendations and suggestions to improve the audited 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 implementation.

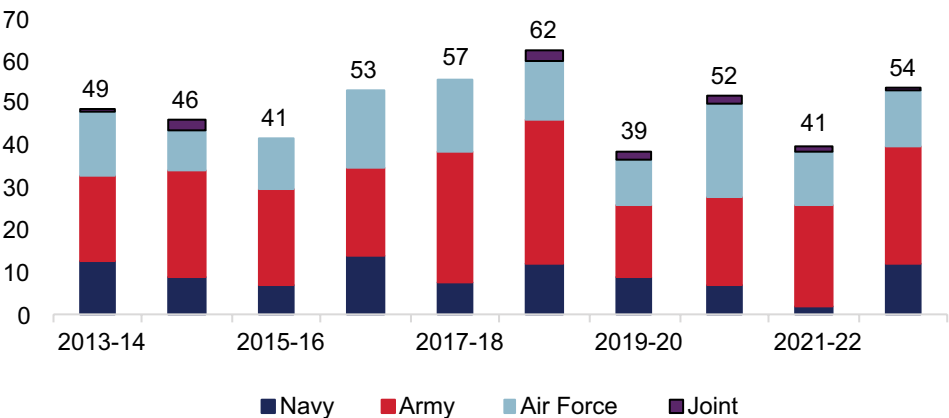
Best practice ‘suggestions’ are also provided to improve unit practices but are discretionary matters for the Commanding Officer to implement. Within three months, units are required to provide IGADF with a Corrective Action Report (CAR) containing information about the implementation status of audit recommendations and suggestions.

The 2022–23 IGADF Audit program

During the reporting period, IGADF conducted 54 audits (12 Navy, 28 Army, 13 Air Force and 1 Joint) and 1 Focus Group-only audit (Air Force) of ADF units. This was an increase of 13 units from the 41 audited in 2021–22. The program included four re-audits (3 Army, 1 Air Force) and one targeted audit (Army). The targeted audit was at the request of the IGADF, and arose from a previous audit of the unit during the 2021–22 calendar. The targeted audit found the unit was compliant.

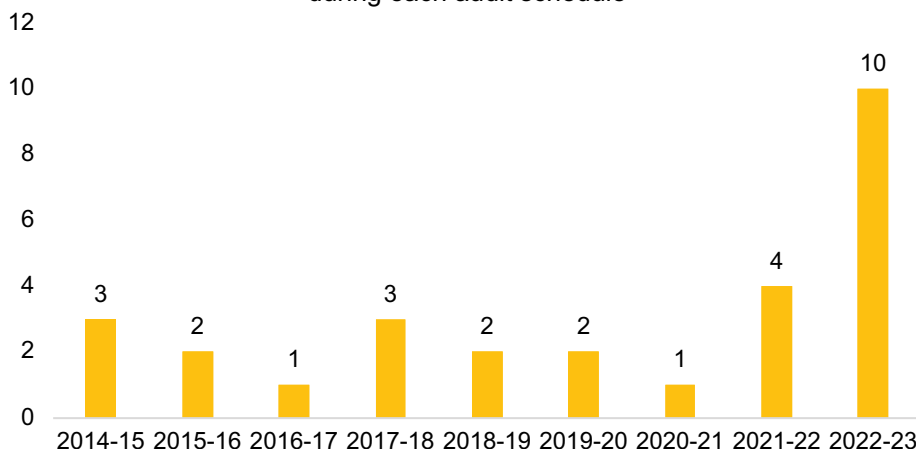
Graph 4 shows the number of audits conducted by Service, since financial year 2013–14

Graph 4 – Audits conducted by financial year



Of the ADF units audited during the reporting period, 10 units had material deficiencies. Nine ADF units will be the subject of re-audit within the next 12 months. One unit was able to rectify the deficiency between the physical audit and the completion of the written report. Graph five identifies the number of ADF units who were determined to have had material deficiencies in their implementation of the ADF’s military justice arrangements.

Graph 5 – ADF units identified with material deficiencies during each audit schedule



The average time taken to provide Commanding Officers with the audit report was 112 days. Within the audit reports, IGADF made a total of 750 recommended corrective actions (Navy 144, Army 446, Air Force 149 and Joint 11), and 387 suggestions (Navy 87, Army 214, Air Force 81 and Joint five) during the course of the 2022–23 audit program. IGADF has so far received 46 CARs, containing 580 recommendations and 319 suggestions that have been accepted and implemented by units. The remaining eight CARs (detailing 170 recommendations and 68 suggestions) are due back to IGADF during the first half of 2023–24.

Material deficiencies identified in the 2022–23 audit program link to one, or a combination of, the following:

- systemic breakdown in military justice procedures that negatively affected members' rights, mostly due to non-compliance of procedural fairness processes or under-reporting of incidents;
- significant number of participants in focus group discussions fearing reprisals if they complained;
- misogynistic conduct against a majority of female unit members, or
- poor or non-existent record keeping practices to provide evidence of actions and outcomes.

Of the 44 units found compliant, the most common audit recommendations account for 53 per cent of all recommendations made during 2022–23, and relate to:

- fact finding and decision making (accounting for approximately 12 per cent of all recommendations) – relating to individuals' rights and obligations, advice of outcomes to those involved, the maintenance of records and the implementation of decisions

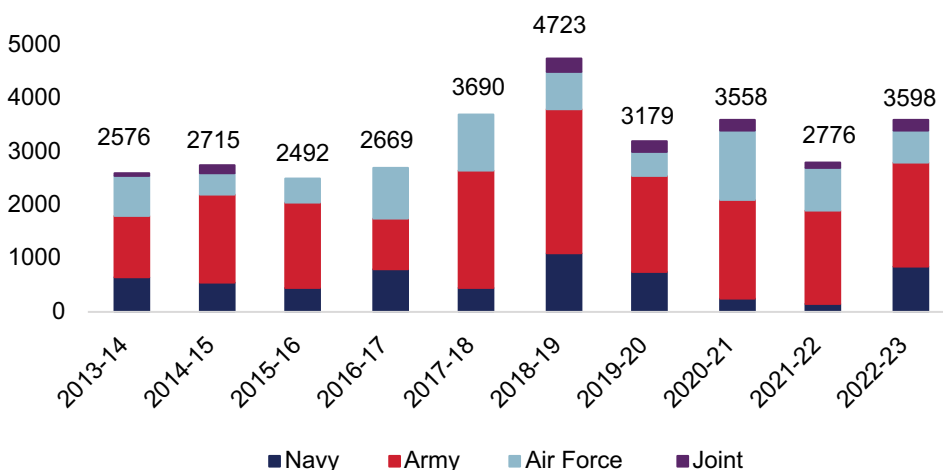
- incidents of unacceptable behaviour (accounting for approximately 11 per cent) – relating to the reporting of incidents on COMTrack, providing progress updates and outcomes to those involved.
- DFDA investigations (accounting for approximately eight per cent) – predominantly relating to the recording of information on the Conduct Reporting and Tracking System (CRTS).
- Administrative sanctions (approximately eight per cent) – predominantly relating to the recording of information on CRTS.
- Discipline officer infringement scheme (accounting for approximately seven per cent) – relating to the management of records, and deletion of infringements prior to the new Discipline Infringement Scheme released on the 13th December 2022.
- Prohibited substance testing (accounting for approximately seven per cent) – predominantly relating to meeting testing requirements and recording of test and outcomes on CRTS.

Focus group outcomes

A total of 3598 ADF personnel participated in focus group discussions (829 Navy, 1934 Army, 636 Air Force and 199 Joint). This represents approximately 4 per cent of the combined full-time and part-time ADF.

Graph six shows the focus group participation rate across the services since 2013–14.

Graph 6 – 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 participants' perceptions of the military justice system's effectiveness 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 the 3598 focus group participants during 2022–23 were at the ‘Private’ or Junior Non-Commissioned Officer rank.

Table 3 depicts responses of key questions to the military justice survey:

Table 3 – responses to the IGADF military justice survey

QUESTION	2019–20	2020–21	2021–22	2022–23
Knowledge of military justice system				
received adequate discipline training to allow the member to discharge their DFDA responsibilities	57 %	53 %	48 %	47 %
understood the concept of procedural fairness	90 %	89 %	84 %	85 %
aware of complaint avenues	72 %	72 %	67 %	64 %
knew where to obtain advice or information on unacceptable behaviour	87 %	88 %	83 %	84 %
Military justice system effectiveness				
the DFDA is an effective tool for the maintenance of discipline	83 %	84 %	78 %	76 %
military justice system provided sufficient feedback to complainants and respondents	48 %	46 %	40 %	41 %
alcohol testing program is effective	58 %	62 %	63 %	56 %
drug testing is effective	64 %	68 %	70 %	62 %
Timeliness				
processes involved in investigating offences take too long	25 %	26 %	33 %	35 %
complexity of the DFDA discourages people from laying charges	33 %	34 %	43 %	39 %
adverse administrative action procedures take too long	21 %	26 %	27 %	29 %
Fair treatment				
discipline process is fairly and consistently applied	78 %	75 %	71 %	71 %

QUESTION	2019–20	2020–21	2021–22	2022–23
unit would treat them fairly and impartially if they were the subject of an administrative inquiry	80 %	79 %	70 %	71 %
unit maintained a balance between the rights of complainants and the rights of respondents	64 %	62 %	57 %	60 %
all ranks would be treated equally under the military justice system	73 %	69 %	59 %	63 %
all genders would be treated equitably under the military justice system	77 %	78 %	70 %	74 %
Confidence in command chain				
confidence in their chain of command to resolve complaints	79 %	77 %	72 %	73 %
complaints made to their chain of command were dealt with fairly, promptly and impartially	68 %	65 %	62 %	63 %
appropriate action would be taken if they reported an incident of unacceptable behaviour	86 %	82 %	82 %	82 %
appropriate action would be taken against an incident or complaint of sexual misconduct, including sexual assault	93 %	91 %	90 %	89 %
Military justice culture / morale				
had experienced or witnessed unacceptable behaviour at their unit	14 %	25 %	25 %	31 %
workload was excessive	30 %	30 %	31 %	37 %
morale was good	73 %	64 %	63 %	63 %

Staffing

An O6 ADF Legal Officer leads the DMJPR. A Deputy (O5 ADF officer) and three permanent APS staff support the Director. A large number of ADF Reserve members support the work of DMJPR.

There were a number of staff movements throughout the reporting period. Recruitment activities are underway to increase the permanent staff.

DIRECTORATE OF SELECT INCIDENT REVIEW

Established in the Office of the IGADF on 1 July 2014, the Directorate of Select Incident Review (DSIR) conducts Inquiries into all deaths of ADF members that appear to be related to their service.² The purpose of a DSIR Inquiry is to establish the circumstances of an ADF member's death and identify whether there were any service-related causal factors.

Where appropriate, DSIR Inquiries may make recommendations to prevent a recurrence of risk factors identified during an Inquiry, and may make any recommendations that are otherwise appropriate and consistent with the IGADF's military justice oversight function.

Engaging with the deceased member's family in a compassionate, trauma-informed way is an important part of the Inquiry process.

IGADF provides all DSIR Inquiries to the CDF, pursuant to Section 27(4) of the Inspector-General of the Australian Defence Force Regulation 2016.

Process for inquiring into an ADF member's death

The IGADF Inquires into the death of ADF members without distinction of whether they are an inactive reserve member (service category two) or permanent full time member (service category seven) at the time of their death.

IGADF does not have jurisdiction to inquire into the death of a person who is no longer a member of the ADF.

The complexity and duration of each DSIR Inquiry depends on a number of factors, including the cause of death, the number and availability of witnesses and the availability of suitably-qualified inquiry staff. The IGADF commenced inquiries into all reported deaths of ADF members by suspected suicide in the 2022–23 period.

No matter the suspected cause of death, IGADF engages the deceased member's Next of Kin and a variety of agencies to collect evidence about the ADF member and matters leading up to their death, including:

- Defence Member and Family Support
- Military and civilian police.
- Joint Health Command.
- Australian Defence Records.

² *Inspector-General of the Australian Defence Force Regulation 2016*, section 5(a), sets out the grounds on which the death of an ADF member appears to be service related.

- Defence Counsel Services.
- Service Headquarters.
- State and Territory coroners.
- State and Territory Registries of Births, Deaths and Marriages.
- the Department of Veterans' Affairs (including Open Arms).
- Comcare.

Throughout 2022–23, IGADF built on previous engagement activities, and continued to develop and refine its relationships with stakeholder agencies such as Coroners Offices, the Department of Veterans' Affairs and Defence Counsel Services.

Engagement with the deceased ADF member's family and next-of-kin occurs in all matters, regardless of the suspected cause of death. In more complex matters (including almost all deaths by suspected suicide), IGADF will request, and Defence Counsel Services will independently appoint, an ADF Reserve legal officer to represent the interests of the deceased ADF member.

In that role, the Defence Counsel Services legal officer acts as an important conduit of information between the next-of-kin and the Assistants IGADF conducting the Inquiry.

In IGADF Inquiries into deaths by suspected suicide, the next-of-kin and family members will be invited to participate in an interview as part of the Inquiry, and will be consulted in relation to the draft Inquiry report. The Defence Counsel Services Legal Officer is closely involved in all communications with the next-of-kin and family members, and is given the opportunity to make written representation on the draft Inquiry report.

At the conclusion of the Inquiry process, IGADF provides a report to the CDF that will:

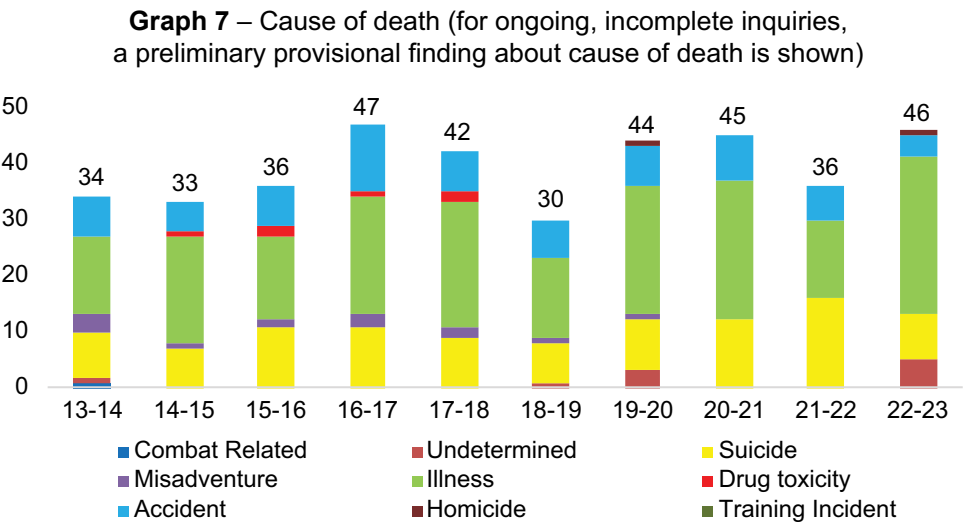
- identify any connection between the ADF member's death and their service;
- identify any systemic issues that may be remedied to minimise the risk of future serious injuries or deaths;
- evaluate relevant Defence policies and procedures to identify whether or not they have been followed, and are suitable or fit for purpose;
- identify issues relating to individual responsibility, such as unacceptable behaviour or disciplinary offences, and
- provide appropriate recommendations, including in relation to identify systemic or policy issues, or any adverse administrative/disciplinary action.

Service deaths reported

IGADF received 46 death notifications during the 2022–23 financial year. Of those deaths, the suspected causes were:

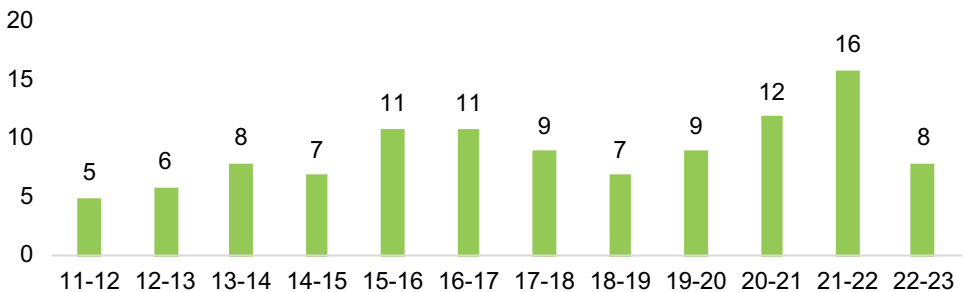
- 28 illness-related (61 per cent)
- 8 suspected suicides (17 per cent) – there were 16 suspected suicides in the 2021–22 financial year
- 4 accidents (nine per cent)
- 5 undetermined (11 percent) – this is based sometimes limited information being available to determine cause of death, particularly for reservists who have not rendered any recent ADF service
- 1 homicide (2 per cent)

Graph 7 depicts the suspected main cause of death of ADF members for the period 2013–14 to 2022–23



Graph 8 shows the number of suspected suicides since 2011–12

Graph 8 – Suicide by financial year (in the case of ongoing, incomplete inquiries, this graph shows a preliminary provisional finding)



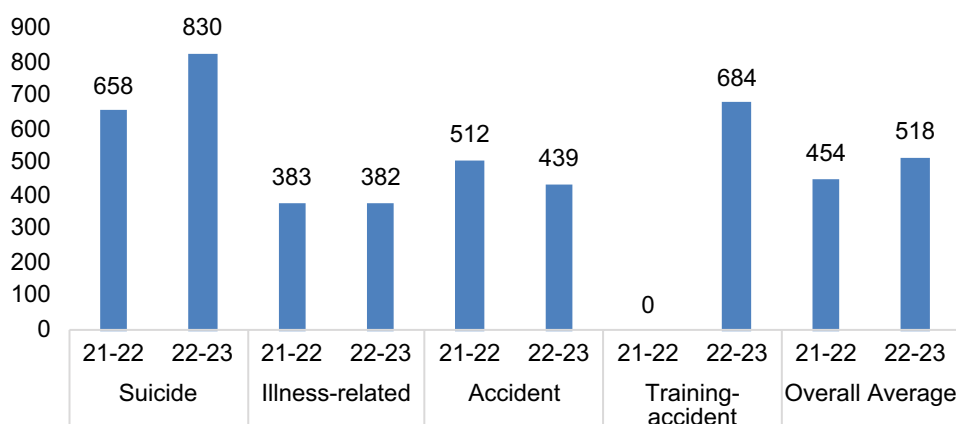
Service death inquiries

The Directorate finalised 50 inquiries into the deaths of ADF members during the 2022–23 financial year. Of those deaths finalised, the causes were:

- 31 illness-related (62 per cent)
- 14 suicides (28 per cent)
- 1 training accidents (2 per cent)
- 4 accidents (8 per cent)

Graph 9 shows the average time taken to finalise these inquiries was 518 days.³ In relation to the 14 suicided inquiries completed during this reporting period, the average days to complete these inquiries was 830 days. In contrast average days taken to complete training related death (684 days), accident related deaths (439 days) and illness related deaths (382 days) were finalised in a significantly shorter timeframe.

Graph 9 – Average days to complete death inquiries for 2021–22 and 2022–23



Suicide analysis

Since 01 July 2014, IGADF has produced 328 inquiry reports into the death of ADF members. Of those 328 reports, 272 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 56 reports identified a nexus between the ADF member's service and their cause of death; suicide accounted for 24 (approximately 43 per cent) of those 56 deaths.

³ Time taken to finalise inquiries is calculated from the date IGADF receives the notification of a death to the date the IGADF signed the inquiry report.

Of those 24 IGADF Inquiry reports which found the ADF member died by suicide, 22 reports contained one or more recommendations for consideration by the CDF. Some of the identifiable trends in IGADF suicide Inquiry reports are:

- 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 a recurring theme among contributing factors.
- Evidence of underlying mental health conditions are a consistent theme in IGADF Inquiry suicide reports.
- 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 on their career.
- Some IGADF Inquiries have identified military justice issues, such as disciplinary investigations or action, administrative action, or unacceptable behaviour, as factors involved in the circumstances before the ADF member's death.
- 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

The Directorate's efforts to process open matters in 2022–23 resulted in approximately 56 per cent more inquiries being finalised than in 2021–22. By the end of the reporting period, 57 matters remained open.

The average days (518) taken to complete Inquiries in 2022–23, represented an increase in comparison to the 454 days reported in 2021–2022.

The Directorate continued to have similar but new staffing deficiencies in the 2022–23 reporting period, creating challenges for case allocation, conduct and completion of inquiries. Staffing deficiencies directly contribute to the additional time taken to complete an Inquiry report.

The Directorate has continued to review, and improve its structure and processes to facilitate timely allocation of matters to Assistants IGADF for Inquiry, and to reduce the duration of its Inquiries, particularly in suspected suicide matters.

DIRECTORATE OF MILITARY REDRESS AND REVIEW

The IGADF Directorate of Military Redress and Review is responsible for the management and oversight of the Redress of Grievance complaint process.

Part 7 of the *Defence Regulation 2016* provides the legislative framework for the complaint process. A member may make a complaint if they consider:

- a decision, act or omission in relation to their service 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.

Members may submit grievances about almost every aspect of service. These include:

- Career matters e.g. appointment and enlistment, promotions, postings, administrative sanctions and ceasing service,
- Conditions of service such as salary, allowances and housing assistance,
- Unacceptable Behaviour for example poor handling of complaint, discrimination and unsuitable outcome, and
- Medical, for example, classification, process and treatment.

Defence policy provides that complaints should be dealt with at the lowest appropriate level. Where Defence has a specific policy or process for dealing with a specific type of complaint, that process should be used in the first instance unless there are specific reasons not to. A member then retains the right to submit a Redress of Grievance complaint about the outcome of that initial complaint process.

For example, a complaint about unacceptable behaviour should first be considered under Defence's unacceptable behaviour complaint policy in Chapter 3 of the Complaints and Alternative Resolutions Manual. If a member is dissatisfied with the outcome of that complaint process, they may then submit a redress of grievance complaint.

Complaint handling is primarily a function of command in effective personnel management. The Redress of Grievance scheme ensures commanders are involved in the complaint process, which contributes to the effective management of personnel and enhances Defence capability.

The Directorate aims to harness the flexibility of the legislation to have each complaint considered in the way that is most appropriate for that specific complaint. When consideration by the member's immediate chain of command is not desirable, options include consideration by someone higher in the member's chain of command, by a different person removed from the member's command, or by IGADF from the outset.

The Directorate has a liaison officer for each of three Services. The purpose of the liaison officer is to provide procedural information to members and Commanders who deal with grievances. The Directorate has a number of case officers made up of APS staff, ADF personnel and external contractors, who consider the substance of complaints on behalf of IGADF. The consideration made by the case officers is then co-ordinated, and quality-controlled, through the Director and Deputy Director before a determination is then made by one of a small team of senior Assistants IGADF authorised by the Inspector-General.

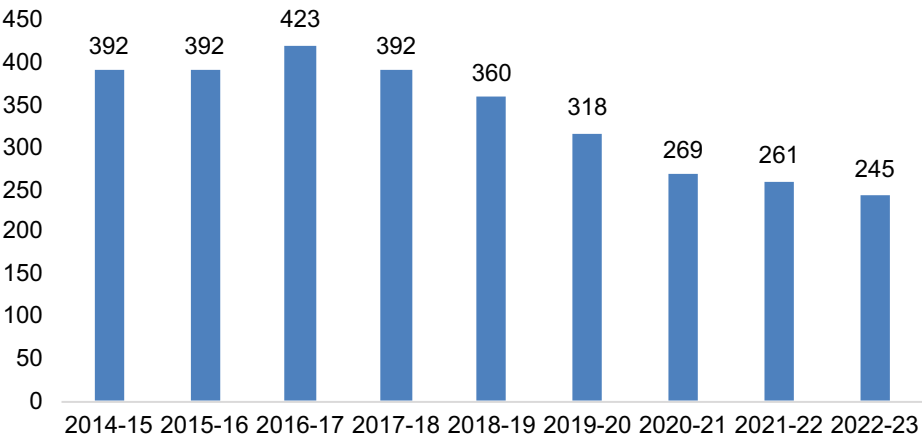
Personnel from the Directorate delivered presentations to ADF members whose role in Defence is regularly to deal with grievances. These include Commanding Officers and other appointments in ADF units whose responsibilities include personnel administration such as Personnel Capability Officers in Air Force, or legal officers.

The Directorate continues to increase its engagement with complainants at all stages of their grievance consideration. If a member is dissatisfied with the outcome of their complaint, or the complaint process, they are encouraged to raise their concerns directly with IGADF. Alternately, the member may raise those concerns with the Defence Force Ombudsman.

Redress of Grievance complaint statistics and performance

Complaints open. On 1 July 2022, 111 complaints were open and being considered under *Defence Regulation 2016*. ADF members submitted 245 new complaints during the 2022–23 reporting period. This represents a decrease of 6 per cent over the 261 complaints submitted in 2021–22. Graph 10 shows the submission rate of ROGs since 2014–15.

Graph 10 – ROGs submitted to IGADF



Complaint submission is not evenly distributed across the year:

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

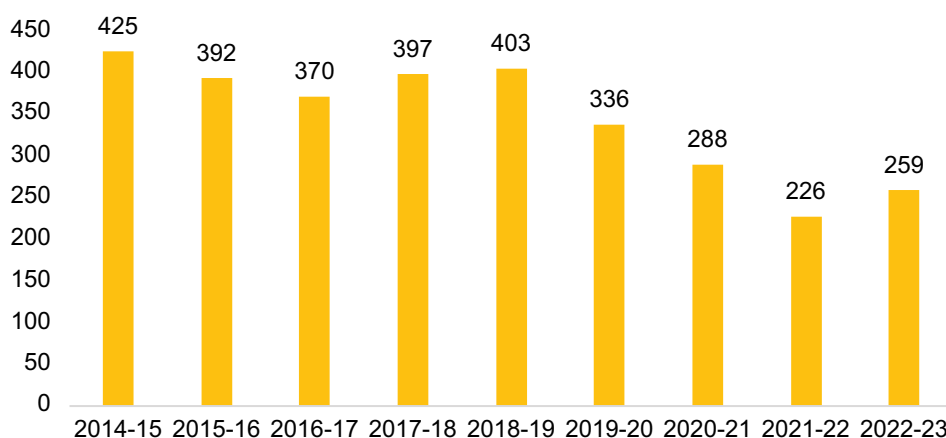
On 30 June 2023, 88 complaints remained open and under consideration.

Comparison with Financial Year 2021–22. In comparison with the previous reporting period, the number of complaints submitted by members from each service is:

- Navy personnel submitted 66 complaints, an increase by three per cent from 64
- Army personnel submitted 115 complaints, a decrease by 12 per cent from 130
- Air Force personnel submitted 64 complaints, a decrease by four per cent from 67

Complaints closed. During the reporting period, 259 complaints (Navy 60, Army 129 and Air Force 70) were closed. Graph 11 shows the number of ROGs finalised each financial year since 2014–15.

Graph 11 – ROGs finalised by IGADF



The main categories of the complaints closed related to:

- Termination of a member's service in the ADF – (15 per cent)
- Career – (43 per cent)
- Entitlements – (27 per cent)
- Unacceptable Behaviour, Financial, Security, Medical and Privacy complaints – (15 per cent)

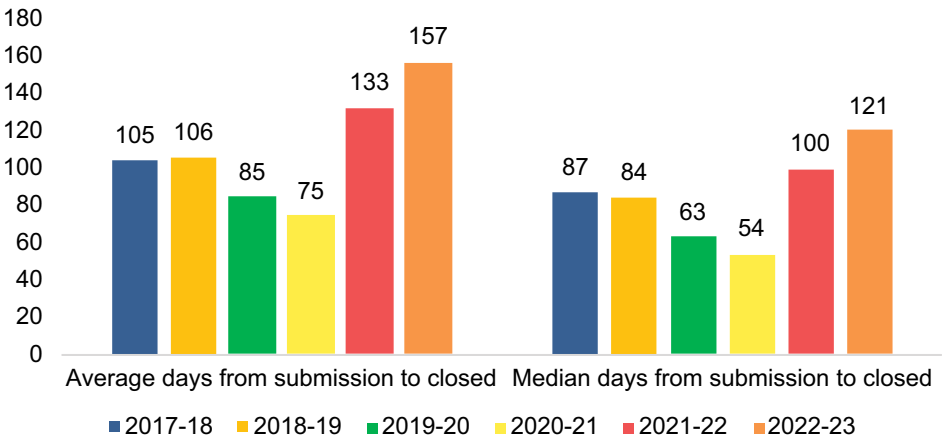
Decisions relating to the 259 complaints finalised in the reporting period were:

- 65 were partially or fully Upheld – (25 per cent)
- 35 were withdrawn – (13 per cent)
- 17 were found administratively outside complaint process – (seven per cent)
- 124 were found to have no merit – (48 per cent)
- 18 matters were excluded from the complaint process – (seven per cent)

Time taken for referral of complaints to the IGADF. There is a regulatory requirement for Commanding Officers to refer a complaint to the IGADF within 14 days after the Commanding Officer receives the complaint. In the 2022–23 reporting period, 84 per cent of the complaints were referred to the IGADF within 14 days of the complaint being received.

Time taken to resolve grievances. In the 2022–23 reporting period, the average time taken from the submission of a complaint to its closure was 157 days, this is an increase from 133 days in the 2021–22 reporting period, with a median time of 121 days (increased from 100 days). Graph 12 shows the average days taken and median days to finalise ROGs since 2017–18.

Graph 12 – Time taken to resolve grievances



A breakdown of the time taken to finalise Rog complaints in 2022–23 is below.

- 37 per cent of complaints were closed within 90 days (compared with 44 per cent in the previous period)
- 42 per cent of complaints were closed within 100 days (compared with previous 50 per cent in the previous period)
- 49 per cent of complaints were closed within 120 days (compared with previous 57 per cent in the previous period)

DIRECTORATE OF LEGAL REVIEW

The Directorate of Legal Review (DLR) provides a legal and legal policy advisory function within the OIGADF to assist the Inspector-General and his senior staff fulfil IGADF's statutory functions and responsibilities.

DLR has continued to manage information requirements in support of the work of the Royal Commission into Defence and Veteran Suicide. In 2022–23, IGADF responded to two Notices to Give information and seven Notices to Produce documents issued by the Royal Commission. IGADF produces its responses through the solicitors for the Commonwealth, the Australian Government Solicitor (AGS).

DLR has also managed IGADF's interests in litigation in conjunction with AGS. In 2022–23, the IGADF has sought to preserve confidentiality and protect the integrity of the inquiry process in three cases:

- In 2018, Mr Ben Roberts-Smith VC MG commenced defamation proceedings in the Federal Court against Fairfax Media and others. The trial concluded on 27 July 2022 and judgment was delivered on 1 June 2023 (*Roberts-Smith v Fairfax Media Publications Pty Limited (No 41)* [2023] FCA 555). The IGADF was not a party to the litigation, but intervened in particular to protect information related to the IGADF Afghanistan Inquiry from inappropriate public disclosure, both in court and in the many judgments issued.
- In 2017, Mr Ben Roberts-Smith VC MG made a Freedom of Information request, including for certain documents related to the IGADF Afghanistan Inquiry. The request for those documents was refused by the Department of Defence and this was upheld in a decision of the Information Commissioner on 23 August 2022. Mr Roberts-Smith applied to the Administrative Appeals Tribunal for a review of that decision on 26 August 2022. The AAT decision, issued on 9 May 2023, held that the request was properly refused, thus preserving necessary confidentiality during the inquiry (*Roberts-Smith v IGADF (Freedom of Information)* [2023] AATA 1095).
- In November 2022, the IGADF appeared before a defence force magistrate to ask that inquiry-related information produced in response to a summons for documents be traversed in closed court during the trial of a disciplinary charge. Although the request was refused in this case, it was important for the IGADF to raise, and be seen to raise, arguments in support of confidentiality and the integrity of the inquiry process.

INFORMATION TRACKING SYSTEMS

IGADF sponsors the *ADF Administrative Inquiries Tracking System* (ADFAITS) and the Defence One – Conduct Reporting and Tracking System (CRTS). IGADF will continue to sponsor and support these two legacy systems until the implementation of the new Defence-wide Enterprise Resource Planning Case Management System.

Both of these systems continue to provide crucial data to allow IGADF to analyse the health and effectiveness of the military justice system.

ADFAITS is a repository for the recording of administrative inquiries conducted by Defence. ADFAITS allows for the tracking and reporting on the annual operation of these inquiries pursuant to Regulation 73 of the *Defence (Inquiry) Regulation 2018*. During 2022–23, Defence recorded 22 Inquiry Officer Inquiries on the ADFAITS system.

CRTS tracks and reports on an ADF member's entire conduct record, including disciplinary offences, administrative sanctions, civil convictions and protection orders. CRTS provides a crucial oversight function that contributes towards effective career management and the maintenance of discipline in ADF members.

On 13 December 2022 there were significant reforms introduced to modernise and simplify the ADF discipline system. These reforms saw the introduction and implementation of a new discipline infringement scheme. A significant change to the new infringement scheme is the requirement to permanently record infringements. Because of its capability, CRTS became the repository to record infringements.

During the reporting period, IGADF staff worked closely with Defence contractors and Service representatives to make technical and functional changes to the CRTS system to appropriately record and report on the new discipline infringement scheme. These improvements, that ensure ADF units more accurately and consistently capture data, include adding new process steps to record each phase of the infringement and modifying already existing reports to provide detailed monthly and annual statistics.

Enterprise Resource Planning Project

The Enterprise Resource Planning (ERP) project is a major Defence transformation program that will change and modernise the way Defence conducts its business. In essence the program will eliminate complicated and unnecessary layers, processes and outdated, sometimes stovepiped systems and replace them with a single enterprise solution.

As a key stakeholder and end user of the new CASE system, and as a sponsor of two legacy systems CASE will subsume, IGADF has been keenly observing and a strong supporter of the ERP process since 2018.

During the reporting period, staff from across IGADF contributed significantly to the extraction and uploading of historical data from CRTS and ADFAITS, and the reconciliation of this data in CASE. Specifically IGADF staff assisted with data conversions and data migration, undertook screen to screen reconciliation of data, conducted post-load data validation and commenced system integration testing.

Additionally, IGADF staff assisted in mapping the processes and reporting requirements of the new Discipline Infringement Scheme, from CRTS to CASE. The mapping of these processes and reporting capabilities ensures any historical infringement data added to CRTS since 13 December 2022 is able to be loaded into CASE, and will ensure ADF units can continue permanently recording infringements when CASE goes live. Similarly, replicating CRTS reporting abilities ensures the future capabilities of CASE achieves the needs of IGADF and the wider ADF community.

As noted in previous IGADF Annual Reports, the IGADF is an advocate of the need for an enterprise-wide case management system. A modern, single system that is more suited to coping with the end-to-end management of incidents, complaints and cases is essential for Defence to provide assurances that appropriate action is being, or has been, taken, and will ensure accurate Defence-wide reporting and trend data analysis.

As a beneficiary of the CASE system, IGADF staff will continue to work with and support Defence to ensure the system is released as soon as practically possible.

OUTREACH

International Conference of Ombuds Institutions for Armed Forces

The IGADF attended the 14th and 15th International Conference of Ombuds Institutions for Armed and Security Forces (ICOAF) during the 2022–23 reporting period.

The 14th ICOAF was held in Oslo, Norway during 3–4 October 2022, and was the first in-person meeting since the COVID-19 pandemic in 2020. The Geneva Centre for Security Sector Governance (DCAF) and the Parliamentary Ombud's Committee for the Norwegian Armed Forces co-hosted the meeting.

Discussion points of the 14th ICOAF focused on the role of ombuds institutions before and during armed conflict, and the rights and duties of armed forces during peacetimes in support of civilian authorities. The conference also discussed aspects of the roles, legal frameworks and practices relating to women in armed forces, and the protection of rights to health for armed personnel.

The 15th ICOAF was held earlier in the calendar year than usual in Vienna, Austria towards the end of the reporting period on 18–20 June 2023. Similar to previous ICOAF meetings, DCAF co-hosted with the Austrian Parliamentary Commission for the Federal Armed Forces.

Focus of the 15th ICOAF explored the role of ombuds institutions in governing the impacts of climate change on armed forces, and the effects of mental health on armed forces.

Military justice meetings, seminars and forums

During the reporting period the Inspector-General and IGADF staff presented on IGADF's roles and functions in a range of fora. These fora included: executive decision-making seminars as part of senior leadership courses, Military Justice Legal Forum, the Joint Military police Governance Board, an annual meeting of Commonwealth Inspectors-General, a meeting with staff from the NSW Judicial Commission, attending a Government In-Counsel forum, and attending multiple Community and Defence engagements sessions.

IGADF initiated an outreach program during the reporting period, consisting of community and Defence engagement sessions. Between January and June 2023, IGADF and staff delivered 11 outreach sessions across regional parts of Australia and capital cities. As IGADF works in an increasingly public way, collaboration with ADF members and families, and external organisations allows IGADF to provide education and transparency in the way IGADF manages complaints and conducts inquiries. This assists in strengthening IGADF's relationships with ADF members and Service communities.

These fora provide excellent opportunities for the IGADF and representatives to liaise with similar authorities or agencies, while creating a good platform to promote awareness of the IGADF's roles and functions. They also create opportunities to highlight and explore military justice topics, processes or policies.

CONCLUSION

Throughout the reporting period demand for IGADF services remained higher than historical averages.

The number of external entities and processes IGADF supported the work of also remained high, including the Royal Commission into Defence and Veteran Suicide, the Office of the Special Investigator, and legal processes in which IGADF was not a party, but within which its material was used.

The demands placed on the office by those external processes required priority. In some cases the priority of those processes caused delays in delivery of the IGADF's core business.

IGADF managed staffing-related process delays and set out to improve its efficiency and effectiveness, including recruitment of additional staff and the use of external service providers for a surge capacity.

The Inspector-General and IGADF staff continue to identify ways to improve and enhance oversight of the military justice system, to ensure that all members of the ADF receive fair treatment.

