

INSPECTOR GENERAL AUSTRALIAN DEFENCE FORCE

EXECUTIVE SUMMARY

INQUIRY INTO THE CULTURAL CONTEXT IN WHICH COMMAND OVER SPECIAL
OPERATIONS TASK GROUPS OR SPECIAL FORCES PERSONNEL WAS EXERCISED IN
AFGHANISTAN

BACKGROUND

1. This document summarises the issues and findings identified in the Inquiry Report.
2. **Inquiry Directions.** The Directions required the Inquiry team to:
 - a. find out whether there is sufficient specific information that could demonstrate a causal linkage between a culture within the SOTG [Special Operations Task Group], or the Special Forces units providing personnel to the SOTG, and the prevalence of alleged unlawful behaviour unknown to or suspected by command.
 - b. find out whether there were any things that could have been indicators to alert tactical, operational or strategic commanders to the possibility that SOTG members were potentially committing serious misconduct.
 - c. prepare a report addressing whether and how any cultural issues and indicators may have alerted commanders up to the highest levels of the Australian Defence Force of the possibility that SOTG members might be engaging in serious misconduct.
3. On 19 October 2021, the Inspector-General of the Australian Defence Force (IGADF) amended the Directions to remove the requirement to interview witnesses who may be required to be interviewed by the Office of the Special Investigator. As well, the inquiry did not interview witnesses to the IGADF Afghanistan Inquiry.
4. **Inquiry scope.** The inquiry work followed on from the IGADF Afghanistan Inquiry, the findings and recommendations set out in report of the IGADF Afghanistan Inquiry delivered to the Chief of the Defence Force on 10 November 2020, and the extensive body of evidence that the IGADF Afghanistan Inquiry gathered. The inquiry evidence examined by the Assistants IGADF was anonymised through the use of pseudonyms.
5. The inquiry had limited opportunities to gather other evidence from primary sources, due to the need to avoid impairing the work of the Office of the Special Investigator. It was also constrained by the need to limit requests for further documentary information from various Australian Defence Force (ADF) headquarters, which were engaged in responding to requests for information from the Office of the Special Investigator.

SUMMARY OF KEY ISSUES

Overview

6. The Inquiry identified a number of cultural issues, which contributed to a confused and opaque environment during the Afghanistan campaign. These issues were not the operative cause of the serious misconduct but contributed to an environment that enabled misconduct to occur without timely detection. The inquiry expressed no view as to the motivation of those who are alleged to have seriously offended.

7. The Inquiry concluded that, in substantial part, the system of governance, risk and compliance within the ADF had been significantly degraded within Special Operations Command generally, and the Special Air Service Regiment specifically, before and during the Afghanistan campaign. In effect, it became depleted and largely unreliable. This denied higher command of early knowledge of the extent of serious problems within the Special Air Service Regiment and, most alarmingly, allowed misleading reporting and a false level of assurance to come to higher command over an extended period.

8. There was also a significant failure of good leadership and effective command within the Special Air Service Regiment, the Special Operations Task Group and Special Operations Command in the period in question. This was particularly evident in failures to address discipline and compliance, before and during the Afghanistan deployment. Ultimately, these matters contributed to an environment that enabled those who chose to engage in the serious misconduct identified by the IGADF Afghanistan Inquiry.

9. The inquiry made various findings and identified thematic issues for reform, rather than stating precise recommendations for change. It did this for two reasons. First, it was mindful that the relevant events in Afghanistan occurred many years ago and it also had incomplete knowledge of all reforms underway within the ADF. Second, this inquiry work forms a small part of the overall analysis and review underway within Defence as a consequence of the IGADF Afghanistan Inquiry findings and the subsequent Afghanistan Inquiry Reform Plan.

10. The nine identified issues were:

- a. **Issue 1:** Systems and headquarters structures should be reconsidered to enable unity of command when forces are deployed. Compromised and complicated command and control arrangements should be avoided.
- b. **Issue 2:** There was an inversion of authority in the Special Air Service Regiment which diminished command effectiveness at all levels. This may have hampered the effective discharge of command obligations. Special Operations Command should ensure this inversion does not reoccur.
- c. **Issue 3:** Special Forces were over-used in operations over time in Afghanistan. Defence should ensure that Special Forces are not over-used in operations that other Army capabilities can perform.

- d. **Issue 4:** The Special Air Service Regiment became isolated in every sense from Army and the broader ADF. A greater integration should be a goal in any reforms. Processes to remove impediments to rotating soldiers and non-commissioned officers from Special Forces to other Defence units may assist in that regard.
- e. **Issue 5:** There should be adequate separation of support staff embedded with the Special Air Service Regiment to maintain their independence from inappropriate interference in their duties, and to limit their separation from their command.
- f. **Issue 6:** Given the problems with the governance system, Defence should ensure governance system controls within the Special Air Service Regiment are fully functioning to afford ADF and Defence leadership appropriate confidence, assurance and visibility of governance system compliance.
- g. **Issue 7:** The process for medallic recognition on operations, including for command appointments, should align to the merits of the behaviour.
- h. **Issue 8:** There should be an education of Special Forces members to prevent the re-emergence of an uncontrolled warrior culture.
- i. **Issue 9:** The secrecy maintained within Special Forces, notably the widespread use of information compartments, diminished proper oversight by command. Means to address this should be implemented.

Findings

- 11. Findings identified in the Inquiry Report are annexed to this document.

Inquiry synopsis

12. The serious misconduct identified by the IGADF Afghanistan Inquiry is an ongoing risk faced by the ADF. Decisions made by a small number of individuals were the cause of the misconduct. The culture of the Special Operations Task Group, or units providing personnel to it, was not the cause of misconduct but created an environment which enabled misconduct by a few to occur. The principal enabling factors were:

- a. a breakdown of the governance system of rules and processes
- b. compromised and ambiguous command and control arrangements which resulted in diffuse accountability and a lack of effective oversight of operations on the ground
- c. a degradation of operational leadership of Special Forces units, in particular the Special Air Service Regiment, which enabled a small number of personnel with particular predispositions to engage in or influence others to engage in conduct not aligned with ADF values.

13. **Governance system.** The IGADF Afghanistan Inquiry revealed a serious breakdown of the governance system enabling misconduct to occur in varying degrees, and at different times, within the Special Forces and in particular the Special Air Service Regiment, both in-theatre and barracks. The governance system should have prevented the egregious conduct revealed by the Afghanistan Inquiry or at least resulted in timely detection of it. The breakdown of the governance system was incremental, with subversion occurring over a long period, the effect of which was to remove barriers designed to protect ADF members from the moral harm attendant in combat operations. It is striking how widely elements of decline were known, yet little effective or timely remedial action was taken. These causal factors of decline went beyond any individual and reflected a cultural degradation, the manifestations of which were widespread and interconnected.

14. **Command and control.** The command and control arrangements for the Special Operations Task Group during the Afghanistan campaign were compromised, in part ineffective, and departed from established doctrine. The ADF's preparedness to exercise command and control over a (potentially) prolonged and complex coalition operation, in a region not proximate to Australia's littoral influence, challenged the extant, as well as evolving, command and control structures. The ADF was realigning its command and control processes at a time when the events of 9/11 precipitated this commitment and realignment could not be suspended, or hastened, as world events played out within the context of our alliance commitments. The inquiry assessed that the principle of unity of command was not maintained and it would have been preferable for an Australian headquarters to have been established in Afghanistan to command all Australian forces in theatre, including the Special Operations Task Group. The reasons for continuing with a seemingly disaggregated and ambiguous command model should be examined.

15. **Operational leadership.** The inquiry recognised the outstanding leadership displayed by many in the Special Forces during the Afghanistan campaign. It observed, however, that cultural elements that may have led to misconduct developed in the constituent domestic units rather than the Special Operations Task Group, being a body re-formed with each rotation. The IGADF Afghanistan Inquiry did find specific historical influences and structural factors which led to a particular culture within the Special Air Service Regiment which, in part, explained some elements of this misconduct.

INQUIRY ANALYSIS

The Special Forces commitment

16. Australia's immediate commitment centred on the deployment of its Special Forces under Operation SLIPPER. The inquiry identified that the Special Forces had been a central component of recent force deployments and were the force best suited to prosecute unconventional operations at short notice, within an uncertain and complex operating environment. They were the force on highest readiness notice. The choice to lead with Special Forces was also a strong, public demonstration of the Australian Government's resolve to fight terrorism in the aftermath of 9/11.

17. The inquiry identified the discrete Special Forces deployment cycles and their missions. It also identified an apparent operational shift from counter insurgency priorities over time to a more kinetic approach to operations, which focused on counter leadership, counter sanctuary, counter nexus, special reconnaissance and the enhancement of the Afghanistan Special Forces capacity. This occurred from about April 2007. The nature of these operations by coalition forces, potentially led to the issuing of the McCrystal Directive in June 2009, aimed at reinforcing the need to gain and maintain the support of the population as an overriding operational imperative.

18. The inquiry observed that opportunities to reduce the commitment of Special Forces members, including by substitution from other suitable Army units such as the infantry, were not embraced. As a consequence Special Forces units generally, and members individually, did not have sufficient rest and respite to function most effectively. ADF doctrine to plan on the basis that no role is indispensable, was not pursued. The concerns and anxieties for soldiers associated with each successive deployment did not lessen and the downstream mental health effects may not have become fully evident. With each successive deployment the number of Afghanistan deaths and collateral damage increased. Whether through enhanced insurgent activity, an unhealthy familiarity with the operating environment, or the presence of hubris, the inference could be drawn that appetites for kinetic operations grew at the expense of the winning over of the local population.

Command and control arrangements

19. The report notes that Australia's national command and control arrangements were not optimised for a campaign of the scale and complexity of that undertaken in Afghanistan, due to its developmental disruption at this time. The absence at the outset of the Afghanistan campaign of a sophisticated and tested operational planning headquarters and structures, which ultimately define the command and control linkages for a national deployment commitment, likely contributed to the ambiguity of command on the ground.

20. The report notes that elements of this disruption flowed to the theatre command and control, where the potential for there to be exploitation of the ambiguity in certain of these command and control arrangements should not be ignored. It is not the case that all soldiers or commands deliberately or mischievously attempted to circumvent reporting protocols to suit a particular purpose. It is clear, however, that the scale and operational planning demands of the Afghanistan campaign may not have been matched by the potentially disjointed command and control structures that Australia had in place during those early, formative years.

Culture

21. The report noted the Directions required identification and consideration of cultural factors, which may explain the serious misconduct observed by the IGADF Afghanistan Inquiry. It was difficult to diagnose the causes of misconduct identified by this inquiry, particularly on the papers some time after the event. The inquiry team was hesitant to conclude that there was an overarching 'culture' of misconduct, however cultural elements within those units contributing forces to the Special Operations Task Group, and structural

and environmental factors such as compromised command and control arrangements, can help explain the circumstances in which misconduct was allowed to develop and continue without detection for an extended period.

22. In the context of organisational misconduct, 'culture' can provide support for misconduct in a number of ways. First, by explicitly endorsing misconduct. Second, by focusing members on achievement of ends without providing adequate guidance as to how those ends should be achieved. Third, by focusing members on achievement of ends while simultaneously conveying a lack of concern about the moral character of the means by which those ends are achieved.

23. Anecdotal evidence suggests that actions of a small number of personnel, mostly within the Special Air Service Regiment, with particular predispositions and perhaps mistaken views of the ADF mission in Afghanistan, led to the actual misconduct referred to by the IGADF Afghanistan Inquiry. It has been suggested that those personnel inspired some soldiers, who followed their lead, and bullied others, to participate.

24. There was evidence of intense 'climates' within certain Special Operations Task Group rotations and of the close-knit relationship between members of each patrol, creating loyalties and the corresponding secrecy, which enabled serious misconduct to remain undetected. Linkages appear across rotations through social ties between soldiers, formed in the isolated Special Air Service Regiment environment. The governance system of rules and procedures exists, in part, in recognition of the inherent risks of combat operations. Decisions made in the Special Air Service Regiment to turn a blind eye to elements of basic military discipline, such as alcohol consumption in-theatre and barracks over an extended period were unhelpful. The failure to ensure proper discipline was a contributor (and enabler) to the pattern of misconduct identified by the IGADF Afghanistan Inquiry.

Failure of command and ineffective leadership

25. The unlawful behaviour identified by the IGADF Afghanistan Inquiry revealed a breakdown of command, and an absence of consistently applied, effective leadership over an extended period. The proper functioning of the ADF as a hierarchical system, relies upon the enforcement of rules at all levels. A failure to do so has a corrosive effect on behaviours, morale and ultimately, military discipline, which in this case resulted in episodes of potential and actual egregious behaviour.

26. The breakdown in command occurred in an incremental way over an extended period of time. There were risk factors, such as the development of an uncontrolled 'warrior' ethos and the distorting impact of repeat deployments on Special Air Service Regiment members, seemingly in contravention of relevant Army policy. Signs of broader decline appear to have been evident to some in higher headquarters. That there was no effective intervention and that this decline was allowed to continue, suggests an absence of effective leadership at various levels. It may also indicate that the organisation became overwhelmed with the duration of the conflict, pressures from Government, and a failing capacity to support the scope and frequency of deployment.

Inversion of authority within the Special Air Service Regiment

27. The evidence revealed a striking reversal (or 'inversion') of the traditional command relationship at the troop and squadron levels within the Special Air Service Regiment. This resulted in junior officers being effectively subservient to non-commissioned officers, and occupying a position which can best be described as 'learned helplessness'. This impeded command by preventing officers from exercising proper oversight of fundamental command responsibilities and by depriving them of timely and accurate information, awareness of which may have allowed them to identify and prevent unlawful behaviour.

28. A principal reason for this imbalance is the unique nature of service in the Special Forces, and in particular the Special Air Service Regiment, for many troopers and non-commissioned officers. The unique training and deployment opportunities offered within the Special Forces can have the effect of harbouring within selected personnel an absence of desire to be posted elsewhere. As well, the significant ongoing disability allowance for fully qualified members of the Special Air Service Regiment and the 2nd Commando Regiment, as well as across other Special Forces enabling units, remains an attraction not offered elsewhere and a disincentive to move. The incumbency of senior non-commissioned officers within the Special Air Service Regiment and the shaping role they attract is not a feature that characterises either identity, direction or role, within a balanced, regimental environment.

29. There was evidence to suggest that within the Special Air Service Regiment the guidance and nurturing normally provided by non-commissioned officers to their junior officers was replaced in some instances by a domineering, almost dismissive approach. For junior officers joining the Special Air Service Regiment, gaining the trust of established regimental soldiers was an important priority to move past being considered 'structural outsiders' and be effective in their role. In a proper functioning unit environment, the experience and maturity resident within the non-commissioned officers should be tolerant of any inexperience of a newly appointed officer, and efforts should be directed to assist the entire team to move forward together. There was limited evidence that this was the case.

30. An assumption that the way things are done must always be the way things continue to be done is unhelpful, particularly within an innovative organisation that by its very mantra undertakes irregular operations. When soldiers and non-commissioned officers who have been on many deployments do something a particular way, it is difficult to contradict them on every engagement. As well, some officers were overly protective of their soldiers, to the point of derailing authorised inquiries or investigations to support them. At times, seasoned officers actively sought to counsel junior officers on the need to provide leadership, rather than seek to be popular with soldiers.

31. There developed, very quickly, a disparity in operational experience between junior officers and non-commissioned officers within the Special Air Service Regiment. This was essentially the product of two circumstances. First, there were more non-commissioned officers (and by implication patrol command functions) within each deployed squadron than officer positions. Second, because of rotation duration and frequency, many soldiers/non-commissioned officers kept redeploying, sometimes within a matter of months of returning.

An unfortunate consequence of this was that non-commissioned officers appear to have dominated the planning and prosecution of tactical operations for the Special Forces and, in particular the Force Element-A components. Although these may not be perspectives shared by all, there was evidence that officer oversight of the planning and implementation of tactical operations was at times, limited, if not marginalised.

32. The reality was that for much of the campaign, patrol commanders appeared to enjoy significant autonomy in the conduct of operations. This was reinforced through the practice of troop commanders occupying overwatch positions, and squadron commanders remaining behind the wire and monitoring operations remotely. The consequence of this tactical disposition was that Force Element-A officers often did not have first-hand knowledge of how operations were being performed. They were reliant upon audio and visual feeds to obtain information, and otherwise upon the quality of reporting in operational summaries produced after the fact. This physical separation also contributed to a loss of moral authority for many officers. There is evidence to suggest that officers found it difficult to question actions of soldiers and non-commissioned officers who put themselves in danger, while being located in relatively safer overwatch positions or behind the wire.

33. Similarly, the process of developing post incident reports through the 'hotwash' is an important element of this issue. The evidence suggests a 'hotwash' process tends to result in a consensus view of an event, which was neither precise nor as accurate as could be obtained through the inclusion of a commander at the front operating as an additional source of truth. This process enabled some non-commissioned officers to heavily influence a preferred, but sometimes grossly inaccurate version of events, which ultimately may have been reported to higher command.

34. Many patrol commanders and senior non-commissioned officers attracted influence from the approaches and leadership styles of their previous commanders. Therefore, if the environment into which these officers were being placed was one that encouraged a disproportionate influence being embedded in its non-commissioned officer structure, the transitioning junior officers would be placed at a substantial disadvantage in the exercise of their command. In some instances, where an officer challenged this non-commissioned officer command inversion, adverse consequences followed through the direct influence of the non-commissioned officer network in spreading potentially mischievous and undermining information about that officer.

35. To gain acceptance and to offset a perceived lack of support from higher command, some junior officers prioritised 'mateship' over 'leadership', manifesting in an excessive familiarity in personal interactions with non-commissioned officers, including consumption of alcohol and use of first names. This contributed to a blurring of lines between ranks, particularly as between non-commissioned officers and junior officers, and an undermining of the chain-of-command. The operational advantage leveraged by some non-commissioned officers toward their officers was less likely to occur where the officer concerned held higher rank. Though more senior officers such as majors or lieutenant colonels were not immune to demonstrations of poor behaviour or attempts at dominance by certain non-commissioned officers, their advantage lay in their greater opportunity to establish reputation and rapport, than that enjoyed by most young (and recently arrived) captains.

Lack of courage and abandonment of curiosity

36. The unwillingness to challenge non-commissioned officers was particularly apparent from the breakdown of military discipline through a lack of proper supervision. The failure to address the widely known use of throwdowns is an example of this for which substantial comment is provided in the report. This was also a manifestation of a broader breakdown of military discipline within the Special Air Service Regiment. The tolerance of officers of overt non-compliance sent a powerful signal.

37. Technical and professional specialists from outside of the Special Air Service Regiment should have provided an independent check on the conduct of operations, particularly as they reported through chains-of-command outside Special Operations Command. They should, therefore, have been more immune to the cultural influences within the Special Air Service Regiment. Regrettably this was not always so. Some specialists appeared to behave with a degree of sycophancy towards Special Air Service Regiment operators, masking potentially nefarious conduct.

38. The IGADF Afghanistan Inquiry also found that some legal officers became too close to the Special Operations Task Group and, in particular, Special Air Service officers and non-commissioned officers, and may have lost professional detachment. Those legal officers in question did not provide the independent challenge nor effective escalation in the legal chain-of-command which may have brought attention to misconduct sooner. As well, there were instances where intelligence provided to the Special Operations Task Group was adjusted to align with the operational outcomes of a mission, either by intelligence officers or with their acceptance, which enabled a broader practice of intelligence reporting being amended by squadron headquarters.

39. It is not suggested that legal or intelligence officers consciously facilitated misconduct, however; it seems clear that some obstructed the proper investigatory mechanisms, including by the Provost Marshal – ADF, within the governance system that may have allowed misconduct to have been detected sooner. There is balancing evidence to suggest that some legal officers tried to put additional protections in place through the strengthening of the Rules of Engagement, issued through Headquarters Joint Operations Command, although in view of the subsequent misconduct identified by the IGADF Afghanistan Inquiry that seems to have been unsuccessful in addressing the problem.

40. There was tangible data available for higher headquarters through trends in growing numbers of Enemy Killed in Action. This included growth and spikes in these statistics over time, as well as features such as a lack of wounded insurgents (only deaths) and the lack of ADF casualties. By historical standards, elements of this data presented as most unusual. Some commanders were alert to this data and rumours that accompanied it while others were not, which may suggest an abandonment of curiosity.

41. There is no suggestion that those aware of rumours were specifically complicit in the misconduct, however, it is extraordinary that no effective action was taken given the gravity of the matters the subject of rumours. The issues should have been escalated and effective action taken to investigate the matters or, at the least, look behind them. Such immediate

action may have provided cause for Special Operations Command to reflect on the fitness of Special Forces units for deployment, including the cumulative impact of repeat deployments on moral and mental health.

42. The extent to which officers and other ranks made poor choices relating to things such as the use of throwdowns highlights, at best, a lack of awareness of the more subtle causes of serious misconduct and, at worst, an 'ends justifies the means' approach—an approach antithetical to ADF doctrine, values and rules. All ranks receive a level of annual mandatory training in military ethics with a greater training focus on officers. More needed to be done. Ethical decision-making was substantially compromised through a failure to maintain military discipline.

Failure to maintain good order and military discipline

43. The prevalence of misconduct by the Special Air Service Regiment in-theatre over an extended period identified by the IGADF Afghanistan Inquiry, along with seemingly widespread non-compliance with Army policy and governance standards in barracks, indicated a fundamental breakdown of military discipline. The most visible signs of military discipline are adherence to ADF policy on personal conduct, along with governance standards relating to things such as weapons discipline and respect for officers.

44. The IGADF Afghanistan Inquiry found widespread evidence of poor personal conduct amongst Special Air Service Regiment members. An obvious example is the significant alcohol consumption over a long period, both in the Middle East Area of Operations and barracks. It is not the most intrinsically serious example of misconduct identified by the IGADF Afghanistan Inquiry, however, it was highly visible and sent a strong signal from command that compliance with ADF policy and governance standards was optional. The creation of a dedicated drinking establishment within Camp Russell, particularly in an Islamic country, when there were clear orders that alcohol was not to be consumed, is striking. Even more striking is the fact that it was allowed to continue on operations for many years with knowledge from senior officers. If the senior command wished to make some allowance for the consumption of alcohol on a limited and moderate basis, that could have been done within ADF rules. But it was not. Command instead allowed an ongoing unlawful consumption to continue unabated. This sent the strong signal to those involved that the rules did not apply to them.

45. A strong theme emerged of the Special Air Service Regiment seeing itself as exempt from the rules and discipline of the 'Big Army'. Areas of immediate focus included non-compliance in fundamental areas as explosive ordnance management, weapons compliance, health governance, safety management, security management, procurement process and maintenance management. The scope and breadth of non-compliance with Army and Defence policy, and governance across the Special Air Service Regiment is striking. As one example, there was substantial effort invested in accounting for and remediating the holdings of classified documents within Special Operations Command, and the Special Air Service Regiment more specifically. Poor control of classified documents has obvious national security impacts. As well, a mentality developed within the Special Air Service

Regiment that ADF rules and policy could be subverted when perceived mission objectives required, with the sanction or at least awareness of tactical commanders.

46. Linked to this, the rigour with which mission approval was sought and obtained by the Special Air Service Regiment declined over time. This included the integrity of targeting decisions, including an enthusiasm amongst some patrols to go out on missions apparently without appropriate or sufficient intelligence to justify the same.

47. The decline in personal conduct and governance standards within the Special Air Service Regiment appears to have occurred incrementally over an extended period. It reached a tipping point around 2009, with conduct declining rapidly from there. At this time an uncontrolled 'warrior' ethos was copied from other coalition Special Forces, which was embraced by some officers, non-commissioned officers and soldiers. This was identified by the IGADF Afghanistan Inquiry as an important cultural influence.

48. The scale and timing of misconduct can be seen in the dates of many significant incidents identified by the IGADF Afghanistan Inquiry, and which focus around the 2009 to 2012 period. It is notable that many Special Air Service Regiment operators served with US and/or UK Special Forces and had also spent significant time with other government agencies. There is evidence that as Special Air Service Regiment members drifted further from core Army engagement and culture, they adopted cultural elements they had observed within these allied Special Forces and agencies. It was apparent to the inquiry that the failure of command to enforce military discipline had no apparent consequence in the Special Air Service Regiment so long as operational commitments were being met.

Misplaced notion of exceptionalism

49. Many missions undertaken by Special Air Service Regiment operators have been described as exceptional, yet the adopted culture in the regiment has historically been a more humble posture as 'quiet professionals'. Special Air Service Regiment operators undertake their roles and tasks to create an effect that is often masked by the techniques used to achieve it. This is in contrast to the open demonstration of kinetic ability of the Commando regiment, or a conventional infantry battalion. The use of the Special Forces as a 'force of choice' for initial deployments to Iraq and Afghanistan was obvious in view of its distinctive capability and the clear perception that they had served with distinction during Australia's successful intervention in East Timor. They enjoyed the confidence of the Australian Government and the use resonated well with the public, instilling a sense of confidence in the ADF commitment.

50. A mistaken belief developed within Government and Special Operations Command that the Special Air Service Regiment was 'superior' rather than 'specialist', contributing to the misapplication and over-use of Special Forces in Afghanistan. It also contributed to a very damaging belief amongst some Special Air Service Regiment members that they were themselves 'exceptional', rather than simply belonging to a regiment that provides an 'exceptional' capability. Once someone assumes the position of 'exceptional' then, at least in their view, ordinary norms and standards no longer apply and they behave accordingly.

This is dangerous in any military environment and particularly so in a Special Forces context, in which members are required to operate autonomously and adapt to changing situations.

Disconnection from Army

51. There had been longstanding concerns about Special Forces, in particular the Special Air Service Regiment, operating in parallel to the Army with an observed decoupling of norms, standards and operational experience stretching back decades. There appears to have been some frustration within Army Headquarters during the Afghanistan campaign about the shedding of accepted command and control protocols. As more select and sensitive matters were being briefed to the Chief of the Defence Force, and (possibly) only indirectly to the Chief of Army, frustration within Army leadership grew. It was difficult to identify, with certainty, the causes of the divergence between Special Operations Command and Army although it appeared to be one of mindset rather than structure.

52. A governance review, commissioned in 2015, found it was common for Army processes not to be followed in favour of ad-hoc and abridged processes, and that Special Operations Command favoured working 'around' rather than 'through' the Army system, with its inherent checks and balances. The review considered that these tendencies may have originated as a response to short operational tasking. However, they became normalised over time with a cultural, or 'special' factor at play. The incremental shift from small but accepted disciplines, created a learned behaviour that could be used in other circumstances—where that which is easier perhaps overrode the notion of that which is right.

53. The unique nature of some Special Forces tasks requires certain things to be done differently. This may involve departure from accepted standards and practices to deliver capability in special circumstances. The maintenance of such practices when the need no longer exists, as well as the adoption of practices pursued by coalition nations without proper consideration for their applicability to Australian Special Forces, may give rise to a degradation of culture.

54. The inquiry noted the nature of Special Forces operations in the Middle East Area of Operations varied, especially during the period 2006 to 2014. This was a time characterised by greater mobility through the availability of air assets, as well as the identification of certain individuals as part of a coalition Joint Priority Effects List construction and perceived shift from COIN operations. Although the fundamentals of counter insurgency operations remained, there was now a more targeted focus for the conduct of many Special Forces operations. The inquiry did not comment on the tactics employed in the Middle East Area of Operations, however, it was apparent that they were developed by experienced soldiers and non-commissioned officers in a bottom-up way, highlighting the impact of the previously mentioned inversion of authority. The IGADF Afghanistan Inquiry received evidence of poor treatment of supporting elements, including evidence of bullying and coercive behaviour. This inquiry reached a similar conclusion on the evidence.

55. There is anecdotal evidence that some Special Forces units came to identify more with partner Special Forces and intelligence communities, and less with the Army. A decade of

operating in Afghanistan under International Stabilisation Assistance Force operational command structures, and the consequent inter-operability with the US military, was disproportionately influential. There appears to have been an adoption by some Special Forces operators of the tactics, techniques and procedures of the US coalition partner, whose presence in Afghanistan was respected by them. It was an unhealthy imitation that marginalised, and perhaps at times conflicted with, many of the approaches that had been developed by Australian Special Forces operators in the formative years. That this occurred with seeming impunity from commanders, some of whom had similar experiences, may have contributed to attitudes of arrogance and for some, a belief that they were *untouchable*.

56. The Special Air Service Regiment has developed a significant public profile, a characteristic that is antithetical with their role. There is reason to think that this profile contributed to a mindset focused on recognition, as well as the tendency to arrogance. Some operational decisions (and inaccurate reporting of operations) may have been motivated, in part, by a desire to secure awards and the recognition and acclaim that comes with acts of valour. This included seeking out situations where significant contacts with insurgents was likely, or taking excessive risks for personal gain rather than mission effectiveness. Medallic recognition necessarily sets up the recipient as a role model and sends a strong signal to others about the attributes of the recipient and the conduct and behaviours that are permissible. It is hoped this will reinforce positive behaviour but it could also reinforce negative behaviour if the conduct and behaviour of the recipient fell below expectations.

Tendency to arrogance

57. The IGADF Afghanistan Inquiry identified the adoption of a 'warrior' ethos within the Special Air Service Regiment as a significant factor contributing to unlawful behaviour. This type of uncontrolled 'warrior' ethos was encouraged, and likely informed poor selection decisions and behaviours including perhaps some extreme behaviours. There may be positive elements of a 'warrior' ethos, particularly the bravery and mental toughness needed to undertake the extraordinary things Special Forces members are called on to do, however, strong and careful leadership is needed to ensure these positive attributes are the focus. Unfortunately, that appeared to have been absent in the case of the Special Air Service Regiment.

58. The relationship between Special Air Service Regiment, 2nd Commando Regiment and Army supporting elements was likened to a 'caste' system in which the Special Air Service was at the top and considered 'untouchable', supporting elements were in the middle and 2nd Commando Regiment was at the bottom, with significant tension between all three. This is clearly not desirable. It is based on a false and offensive premise, degrades operational effectiveness, and is inconsistent with the teaming behaviours in Army's Good Soldiering initiative.

59. The relationship between the Special Air Service Regiment and 2nd Commando Regiment deteriorated over time, reaching a 'toxic' state during deployments to Afghanistan from 2009 to 2011. A lack of clarity as to the proper role of the Special Air Service Regiment

and 2nd Commando Regiment in areas such as unconventional combat, appears to have been a significant contributor to this in-theatre rivalry. This rivalry likely resulted in organisational inefficiency, damage to ADF reputation and may have impacted the operational effectiveness of the Special Operations Task Group.

Desire to fight

60. The cycle of deployment of Special Forces units to Afghanistan over more than a decade was unusual. Special Operations Command volunteered for this constant cycle of deployment, responding to the call as the 'force of choice' and so did many Special Forces members who repeatedly deployed. On deployment (especially in the latter rotations), there is evidence that the Special Forces were constantly 'pushing', developing and prosecuting missions even where the intelligence did not support such activities. This suggests an unhealthy appetite had developed for fighting. A point was also reached at which the need for unconventional warfare lessened, and previous kinetic operations were subordinated to a series of infantry-like cordon and search activities. Although there remained a constant need for a Special Forces presence, other Army units could have been substituted to reduce the high Special Forces commitment. This opportunity was not taken.

61. Some Special Forces members became 'business-oriented' in their exercise of lethal force, rather than 'humanity-oriented', invoking the need for the Commander Joint Operations Command to tighten the Rules of Engagement to clarify when 'squirters' may be engaged, following concerns about the prevalence of template language used to describe such engagements. The inquiry noted that some of these attitudes may have emanated from an absence of clear detention policies being articulated within Government, leading to frustrations attached to the 'catch and release' approach on the ground.

62. The group dynamic within a Special Forces deployment influences the shift in moral compass of some individuals. There are different experience levels in every team. For members less experienced, there is a need to adjust rapidly to the standards of the team. More experienced team members have likely witnessed battlefield trauma on a more frequent basis and had time and opportunity to adjust. In some instances, this may create a premature expectation by others of an individual's ability to understand or cope with new traumatic circumstances. Assurances are often provided by seasoned veterans who, understandably, less experienced soldiers would likely seek to emulate. The need to conform and avoid perceptions of weakness remains a strong character attribute and can influence new members of a team to perhaps adopt another's moral compass or standard.

63. The incremental shift in moral compass in response to violence, killing, morally questionable decisions and unconventional features, can create moral injury. In view of the risk of moral injury and the more general duty of care of the ADF towards personnel deploying on operations, extant policy required pre-deployment briefings on mental health issues, as well as completion of mandated psychological screening and testing prior to their return to Australia, and within a three to six months after their return from deployment. This is a command responsibility. A large number of Special Forces members did not comply with these requirements, with a very significant number of psychological screenings outstanding throughout Special Operations Command over the period of the Afghanistan

campaign. This suggests that waivers may have been given too freely. That this was allowed to go unchecked for an extended period without seemingly raising alarm, suggests that the governance surrounding psychological evaluations was insufficient. Such a position also casts doubt on the assessments made that Special Forces continued to be fit and deployable.

64. The inquiry could only speculate as to why Special Operations Command continued to volunteer for deployments to Afghanistan in these circumstances. However part of it may have been to preserve the ongoing privilege of being able to deploy Special Operations Command units. Attached to each deployment was an element of influence within the ADF as well as government, opportunity for recognition and reward, and a range of financial benefits. On the evidence of the failure to appropriately screen returning personnel, it is difficult to conclude that a balanced consideration of the actual cost to the health and well-being of Special Forces personnel was undertaken. The apparent absence of input from CA, particularly as an authority for fitness to deploy, was also likely a factor and one that inhibited his ability to properly discharge his sustainment responsibilities.

Insular community

65. The culture within Special Operations Command generally, and the Special Air Service Regiment in particular, during the Afghanistan campaign was neither open nor adaptive. While Army was modernising around it and reforming its culture, the Special Forces were stuck in a closed loop, resistant to outside influences other than from a narrow range of like-minded (and seemingly likewise troubled) organisations within the allied Special Forces community. The effective insularity of the Special Forces from Army was to deprive it of the benefit of Army reform and allowed many of the compliance measures which led to the progressive breakdown of good order and military discipline to be missed. This had catastrophic consequences with the unlawful behaviour identified by the IGADF Afghanistan Inquiry. Indicators of organisational decline, if not unlawful behaviour of the nature identified by the IGADF Afghanistan Inquiry, were readily apparent. The incremental normalisation of these behaviours, over an extended period, went unchallenged. There was no effective external intervention, possibly due to the significance of the operational contribution and strength of the Special Forces 'brand' that allowed units to operate autonomously.

A lack of diversity

66. The Special Air Service Regiment has a long history of service, but by 2000 it had become a closed community, galvanised by the rigour of selection and the nature of the work it was designed to undertake. This appears to be particularly the case with non-commissioned officers, who spent an extended period of time in the one unit. They set the tone for soldiers and were trusted by officers for their experience. A result of this is that attitudes and behaviours become normalised over time without appropriate challenge from outside influences.

67. The profile of members of the Special Air Service Regiment was relatively narrow and homogenous. This was partly the result of the rigour of the Special Air Service Regiment

selection course and a general intolerance of people who were not considered to be 'like us'. This attitude reinforced a closed culture, described by some as akin to a 'bikie gang'. Within any group of soldiers, including officers, it is normal to have differences in perspective, performance qualities and personal attributes. Astute leadership nurtures the individual and seeks to address perceived shortcomings, whilst benefiting from the broader perspectives and contributions of professional soldiers.

Expectation of silence

68. Cultures of silence thrive when people are victimised for challenging the status quo. The closed regimental life of the Special Air Service Regiment in Perth, and the extensive familial connections which appear to exist within the Australian Special Forces community, likely compounded these issues. The expectation of silence and mutual support amongst members within the Special Air Service Regiment to support this, has been raised by the IGADF in focus groups conducted as part of more recent Military Justice Performance Audits. The findings from those focus groups were that generally there was not a culture of silence or mutual protection within the Special Air Service Regiment, although there is a strong culture of dealing with issues in-house.

69. A strong culture of dealing with problems 'in-house' within the Special Air Service Regiment is apparent from evidence of the IGADF Afghanistan Inquiry. Focus groups within Special Air Service Regiment showed an awareness of external complaint mechanisms. There was, however, an observed reluctance for members to use these avenues. There was also a belief that there would be disappointment within the Special Air Service Regiment chain-of-command that members did not have confidence in that command to deal with an issue.

Excessive secrecy

70. There is anecdotal evidence to suggest that information compartments were used as a means of preventing dissemination of information, without a reasonable basis for preserving security or beyond the original need. There are clear practical difficulties in disputing a claim that information belongs in a compartment, where a person is not briefed into that compartment. This can be an effective approach in enforcing silence and highlights the need for oversight. The inquiry also understood that the designation of 'compartments' by the Special Air Service Regiment in Afghanistan often did not include members of the staff of Joint Task Force 633 and Headquarters Joint Operations Command, which restricted the information available to these headquarters and limited their ability to provide effective oversight. We understand that Special Operations Command staff were included within relevant compartments and so had access to information that other headquarters did not, notwithstanding the fact that Special Operations Command was not formally in the operational chain of command for Special Operations Task Group operations. This presents obvious difficulties.

71. The IGADF Afghanistan Inquiry found that some 'compartments' were created between patrols; whether this was a formal 'compartment' or a cultural trait within tightly-knit patrol units is unclear. The result was an extreme limitation on information flows, even

to Special Operations Task Group commanders, and beyond routine operational reporting which, in some cases, were fabricated. There is a suggestion that these compartments were also used to keep information within patrols. The consequence of the compartmentalisation of information was that operational reporting received by higher headquarters lacked important levels of detail, including the names of operators involved in certain activities. The provision of such information may have enabled the identification of trends, as well as allowed connections between incidents to be made, which may have resulted in the earlier detection of misconduct.

72. The protected identity status of Special Forces operators was often claimed to avoid disclosing the names of Special Forces operators to Australian Defence Force Investigative Staff investigators. This was a measure that frustrated investigations and the application of military discipline. We understand that Special Operations Command had access to reporting which identified particular operators and from which the patterns of conduct may have become evident. This could have facilitated early indication of misconduct if known more widely. Without such access, patterns of behaviour could not be identified. The inquiry believes that the Special Operations Commander remains a Delegated Protected Identity Authority, who is able to confer 'protected status' on Defence personnel.

Deliberate avoidance of oversight

73. The provision of accurate, comprehensive and timely operational information is fundamental to effective command and control. It is the primary way senior commanders are able to obtain assurance for operational matters. It is an essential element of the 'system', providing higher headquarters staff with accurate and timely oversight and the means to identify and correct systemic organisational issues. There is evidence of systemic avoidance of oversight through the corruption of routine operational and organisational reporting, and resistance to investigation of incidents.

74. The effect of this 'system' subversion, was to hide specific unlawful behaviour and provide a distorted view of operational conditions, as well as the effect being achieved by the Special Operations Task Group. It also provided higher headquarters, and ultimately Government, with a misleading impression of the operational readiness of Special Forces for deployment and the true impact of repeated deployments on the health of members. Finally, it masked the serious decline in military discipline and professional standards.

75. There have been suggestions that provision of uninformative or false reporting was part of a broader 'war' against superior command in which higher headquarters were told what they wanted to hear, rather than what actually happened. At its most benign, this was designed to pre-empt time-consuming clarification questions which may be posed; in other cases to disguise misconduct. An internal view also developed that the Special Operations Task Group was subject to excessive scrutiny by officers a long way away, and that operators with significant experience in-theatre as a result of repeat deployments knew the 'truth' about operations and should be allowed to get on with the mission, however defined. The IGADF Afghanistan Inquiry found that complaints to the ADF, United Nations and civil society groups were often discounted as tactics of insurgents.

76. An important aspect of the approach to preparing reporting was a focus on conveying the conclusion that operations were compliant with the Rules of Engagement, rather than accurately stating the facts and allowing the reader to make an assessment. This assisted perpetrators of misconduct to conceal their actions. A particular manifestation was the use of variations of a standard phrase 'manoeuvring to a position of tactical advantage', to describe the actions of civilian 'squirters' as direct participants in hostilities, which justified engagement of them by operators under the Rules of Engagement. The expression was used with such regularity that it lost meaning.

CONCLUDING COMMENTS

77. It is concerning that the governance system and many elements of good command failed Special Operations Command in such a serious way, particularly within the Special Air Service Regiment. All large organisations, civilian or military, require clear and effective governance systems to ensure complex and often dangerous things can be done in an appropriate and risk-managed way. In an organisation like Special Operations Command, which is often called upon to operate in an unconventional way in undertaking important and sensitive work, Defence needs to be confident that its work in the future will be undertaken as the proper systems require, and through an effective command mechanism. Achieving such an end state for all units that comprise Special Operations Command and, in particular, the Special Air Service Regiment, must be a priority for Defence. In completing this Inquiry, we are also aware that significant work on cultural reform within the broader Special Forces is already underway. That important work is to be commended.

Annex:

List of Inquiry findings

LIST OF INQUIRY FINDINGS

FINDING 1: Although the need for Special Forces remained constant throughout the Afghanistan campaign, other force deployment options should have been considered and assigned post 2006. Such action would have lessened the Special Forces commitment and reduced the rotation effort for many Special Forces members.

FINDING 2: Successive short deployment cycles during the Afghanistan campaign hampered operational continuity and required constant generation of resources which had adverse consequences for Special Forces members and the Special Operations Command organisation. It was also less conducive to a successful counterinsurgency campaign.

FINDING 3 The ADF operational planning structure was in transition at the commencement of the Afghanistan campaign and the compromised structural arrangements which resulted, went largely unresolved throughout the campaign.

FINDING 4: The in-theatre command and control arrangements for the Special Operations Task Group allowed ambiguity and did not facilitate accurate information flows to National Command authorities.

FINDING 5: The approach of Special Air Service Regiment officers often not being directly engaged with the kinetic effect of an operation was not good practice in a counter insurgency environment and likely resulted in compromised post-operational information and a loss of moral authority amongst commanders.

FINDING 6: For many Special Forces members, sufficient decompression time was not provided between rotations. This reduced their capacity for appropriate rest and psychological screening, and may have reduced their capacity for morally informed decision making.

FINDING 7: Non-commissioned officers occupied a position of incumbency within Special Forces generally, and the Special Air Service Regiment in particular, by virtue of extended posting and this allowed them to exercise undue influence over the operation of the unit in barracks and in theatre. This was unhealthy for members and units.

FINDING 8: There are significant disincentives for Special Air Service Regiment soldiers to experience postings in other units within Special Operations Command or Army generally. These include the geographic isolation of the Special Air Service Regiment and size of the disability allowance and institutional policies to enable repeated posting.

FINDING 9: Non-commissioned officers exerted disproportionate influence over the selection of officers within the Special Air Service Regiment, with a priority on alignment of candidates with existing cultural norms.

FINDING 10: The inversion of authority had the effect of entrenching the incumbency of non-commissioned officers and impeding the ability of newly appointed officers to exert proper command.

FINDING 11: A preference to commission non-commissioned officers, rather than appoint officers for an extended period reduced external influences and reinforced established norms and practices within the Special Air Service Regiment.

FINDING 12: Junior officers had difficulty asserting their authority due to the incumbency of non-commissioned officers and the apparent lack of support of senior officers within the Special Air Service Regiment and Special Operations Command.

FINDING 13: Officers entering the Special Air Service Regiment often did so as first appointment captains, with limited experience and greater vulnerability to dominance by entrenched non-commissioned officers.

FINDING 14: Special Operations Command leadership had some awareness of the degradation of standards and practices both in barracks and in theatre and did not take effective action in response, which sent important signals as to the acceptable standards.

FINDING 15: The desire to address disciplinary matters internally could imply a scepticism as to the willingness of Special Operations Command leadership to act in response to reports of specific misconduct.

FINDING 16: Some officers were aware of the degradation of standards and practices within the Special Air Service Regiment in barracks and did not take effective action to arrest the decline.

FINDING 17: Officers with actual knowledge of misconduct in-theatre, including notably the use of throwdowns to effect in fraudulent reporting, or rumours of misconduct, did not take effective action to investigate and address these issues.

FINDING 18: Support staff, who play an important role in providing independent advice and assessments, were ineffective in raising issues of misconduct outside of the Special Operations Command chain of command.

FINDING 19: The relationship between many Special Forces personnel and their support staff was less than optimal and, at times, contributed to an environment of suspicion and secrecy.

FINDING 20: The independence of some within supporting elements was compromised by close social and reputational attachments to the Special Air Service Regiment and detachment from their chain of command, leaving them without support and vulnerable and liable to coercion by a number of means.

FINDING 21: Some legal officers and intelligence officers may have facilitated the concealment of misconduct through production of reporting and adjustment of intelligence. It is not clear to us as to whether this was inadvertent or not.

FINDING 22: Some support staff had knowledge of rumours and in some cases actual instances of misconduct and did not take effective action to report this.

FINDING 23: An incremental decline in personal conduct and governance standards in Special Forces was allowed to occur over an extended period. This sent a powerful signal which likely facilitated and enabled the more serious misconduct identified by the Afghanistan Inquiry.

FINDING 24: The participation of officers in conduct which fell below required standards, such as the consumption of alcohol, or failure to act in relation to this, compromised their ability to enforce military discipline in a consistent and comprehensive way.

FINDING 25: The ambiguity of in-theatre command arrangements provided opportunity for development of alternative mission objectives from the bottom up.

FINDING 26: The perception of many Special Forces personnel that they were separate to Army and reduced compliance with Army policy, accountability and regulatory provisions. These matters were known of within Special Operations Command.

FINDING 27: There was an unhealthy expectation of medallic reward and recognition by some members of the Special Forces.

FINDING 28 : The promotion of an uncontrolled warrior ethos by some officers and senior non-commissioned officers diminished professional standards and contributed to a loss of focus on mission objectives.

FINDING 29: The Special Air Service Regiment selection process had become a rite of passage rather than a process of selecting people with the required skills, attributes and competencies, which contributed to a sense of exceptionalism amongst some Special Air Service Regiment members.

FINDING 30: The Special Air Service Regiment selection process placed insufficient focus on screening for ethical decision-making and psychological traits which may indicate a person is more amenable to unlawful misconduct.

FINDING 31: The moral decay attendant with repeated deployment of soldiers and non-commissioned officers to theatre was not properly understood or managed. The wellbeing of soldiers and non-commissioned officers was likely put at risk and this may have had a causative or enabling effect on identified misconduct.

FINDING 32: The practice of returning Special Forces personnel to Afghanistan without having completed their Post Operational Psychological Screening was not a prudent force assignment consideration.

FINDING 33: The geographic isolation and inward focus of the Special Air Service Regiment was not consistent with developments within Special Operations Command post 2003, nor did it promote a broader alignment with Army.

FINDING 34: The reliance on elements of remuneration, particularly through disability allowance, creates an incentive for many to remain fixed in the Special Air Service Regiment.

FINDING 35: The tendency within the Special Forces, and in particular the Special Air Service Regiment, for matters to be addressed internally at the expense of adherence to formal systems and reporting protocols, stifles transparency and reinforces an unhelpful separation from Army.

FINDING 36: The application of the protected identity status was in some instances abused and facilitated opportunity for avoidance and obfuscation.

FINDING 37: The redacting of key documents that formed part of the reporting cycle, limited opportunity for higher headquarters, both in-theatre and with Australia, to properly identify trends that may have been relevant to individuals or certain Force Elements and should not occur.

FINDING 38: The briefing of Special Forces members into compartments, either by Australian or coalition command elements, appeared to override the maintenance of good order and military discipline and relevant information flows.

FINDING 39: The post-operation reporting regime, including the input from specialist staff, was at times uninformative, including through use of deliberately selected phrases and otherwise formulaic language which was designed to reduce and avoid the prospect of scrutiny.

FINDING 40: Reporting practices, which included the nature of the hot wash-up, the involvement of support staff to harmonise reporting and demonstrate compliance and the redaction of names and identities for higher headquarters, all restricted opportunity for the chain of command to identify anomalies and apply rigor to the reporting process.

FINDING 41: The knowledge and condonation of throwdowns demonstrates an absence of ethical behaviour by all Special Forces personnel concerned.

FINDING 42: Irregularities in the intelligence reporting process created a misleading understanding within higher headquarters of the nature of some of the prosecuted operations.