

Australian Government

Inspector-General of the Australian Defence Force

DIRECTORATE OF SELECT INCIDENT REVIEW

GUIDANCE MANUAL

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Introduction

1. The Directorate of Select Incident Review (DSIR) was established within the Office of the Inspector-General of the Australian Defence Force (IGADF) and pursuant to section 5(a) of the *Inspector-General of the Australian Defence Force Regulation 2016* the IGADF has the function to:

   '*Inquire into the death of a member of the Defence Force, where the relevant death appears to have arisen out of, or in the course of, the member's service in the Defence Force'.*

2. This Guidance Manual outlines DSIR's high-level processes to assist those performing work within DSIR and allow consistency in practices, it is not intended to be an instruction manual or policy.

3. Each DSIR inquiry presents its own unique circumstances and tailoring of the processes contained within this Guidance Manual may be necessary on occasion. Assistants IGADF are expected to remain flexible and seek advice from the Director or Deputy Director during an inquiry if it is necessary to alter from established processes.

4. On behalf of the IGADF, DSIR compiles an inquiry report on all deaths of ADF personnel to determine whether the death arose out of, or in the course of, the members service in the Defence Force. Not all deaths require the use of statutory powers, and some may not satisfy the jurisdictional threshold required for their use. Inquiries vary in size dependent on the nature and circumstances of the death.

5. DSIR inquiries are incredibly important for several reasons, including providing the Chief of the Defence Force (CDF) and families with a comprehensive, fair and impartial account of the circumstances of a Defence Force member's death. Identifying the underlying reason or contributing factors, not only answer important questions, they provide an opportunity to learn from a death and make recommendations to the CDF that may reduce the risk of reoccurrence. Therefore, identification and careful analysis of applicable policy and procedures is also important in DSIR inquiries.

6. Trauma-informed approaches are fundamental to the conduct of all IGADF death inquiries. These approaches acknowledge that individuals involved—whether family members, witnesses, or personnel—may be experiencing significant trauma, and the inquiry process must be designed to minimize harm and promote psychological safety. A trauma-informed approach is guided by principles of safety (ensuring environments and interactions are physically and emotionally secure), trust and transparency (providing clear, consistent information about processes and decisions), choice (respecting autonomy and offering options where possible), collaboration (working with affected individuals in a manner that values their input), and empowerment (recognizing strengths and supporting recovery). Inquiry teams must avoid actions or language that could re-traumatize participants and should demonstrate empathy, patience, and flexibility throughout all stages of engagement. Trauma-informed and trauma-responsive principles apply to every aspect of implementing the guidance in this manual, ensuring that all decisions, communications, and procedures reflect these values.

7. Inquiring into a Defence Force member's death can be intrusive and traumatic for witnesses, colleagues, friends, and the family of the deceased. Assistants IGADF appointed to conduct DSIR inquiries must ensure that their conduct and communications are empathetic, trauma informed and appropriate.

8. It is vital that death inquiries are detailed, accurate, make appropriate findings and meaningful recommendations. Timeliness of completion is also important to ensure recommendations are made as quickly as possible to reduce the risk of reoccurrences, witnesses are spoken to before memory is compromised and those involved in an inquiry are advised of its outcome within a reasonable timeframe.

9. The inherent complexity of inquiring into deaths of Defence Force members is compounded by a number of factors, such as working with traumatised individuals, grieving family members and complex family dynamics. It is also common for multiple inquiries to be conducted simultaneously, such as coronial and Comcare investigations. Therefore, it is vital to understand why the Office of the IGADF conducts inquiries into deaths of Defence Force personnel and how its purpose differs from other inquiries that may be occurring.

10. Due to the nature of its inquiries, the work of DSIR is challenging, however, it provides a unique opportunity to inform the CDF of the circumstances of a death, make recommendations that may ultimately save lives or improve policies and processes within the Defence Force. It can also provide answers to grieving relatives.

Psychosocial Risks

11. Inquiring into a death can be very confronting for the inquiry team and exposure to traumatic events or material is a known psychosocial hazard. Those undertaking work within DSIR need to exercise self-care and have a preparedness to obtain support from others should it be required.

12. It is often unnecessary to view graphic material, such as video footage of a death or photographs of a deceased, when conducting a DSIR inquiry. Graphic material is only to be viewed where absolutely necessary and is only to be viewed within the office, and in short periods.

13. Multiple support services are available to ADF and APS staff, including (but not limited to):

    a. Employee Assistance Program (EAP) provided by Converge International – 1300 687 327 (password: EAP)

    b. Defence All-hours Support Line – 1800 628 036

    c. Open Arms – 1800 011 046

    d. 1800 IM SICK

INQUIRY PHASES

14. An inquiry consists of four phases:

    a. Information Gathering;

    b. Categorisation;

    c. Inquiry; and

    d. Post Inquiry.

PHASE 1 – INFORMATION GATHERING

Notification of a Death

15. Notifications of an ADF member's death can be received from Service Headquarters, Defence Member Family Support or Joint Military Police Units via email to the DSIR mailbox. This email is usually accompanied by an attachment containing a FATALCAS or a Defence Incident Report. Typically there is very limited information about the circumstances of death at this stage, however critical information such as the name, PMKeyS, SERCAT and Unit of the deceased is provided.

16. DEFGRAMS can also be a source of information that assists in identifying deaths that have not been reported to IGADF. This tends to occur when an ADF member dies who is a SERCAT 2 or 3 (inactive or active reservist) and a FATALCAS was not generated. The DSIR Administration team will review DEFGRAMS weekly and, if a death has gone unreported, follow up with the relevant service.

17. The DSIR Administration Team is responsible for creating an electronic file on Objective and recording the death on the DSIR Master Spreadsheet.

Initial Contact with Next of Kin (NOK) and Family

18. An introductory letter outlining the role of the Office of the IGADF with respect to the death of an ADF member is sent to the nominated next of kin within four weeks of being notified[1] of a death. If the death is by suicide, or fatality on deployment or in training, the parents or partner (whoever is not next of kin) will also be sent a letter if they are identifiable from service records.

Information Gathering

19. The purpose of the Information Gathering Phase is to collect information, both internally and externally to Defence. This process is complicated by the varying requirements across agencies and jurisdictions. Requirements also vary dependent on the area within Defence. The DSIR Administration Team are required to understand the specific requirements of each information source. Some information sources will not provide information without compulsion, which can be facilitated by a Section 23 Notice. A Section 23 Notice can only be

[1]DSIR adopts a trauma-informed approach when contacting NOK and Family. If a significant date, including but not limited to, such as the deceased's birthday, a significant holiday (e.g. Easter or Christmas) falls within this four weeks, the DSIR Coordinator will consult the Director who will provide guidance on appropriate timeframes.

issued when the Director is satisfied that the death appears to have arisen out of, or in the course of, the member's service in the Defence Force'[2] and inquiry directions have been issued. *Please note: Section 23 Notices cannot be issued to state or territory government agencies, or courts*.

20. In many cases information collected from internal and external agencies will enable the IGADF to reliably assess, without the need for a formally appointed inquiry, that an ADF member's death was not service-related. In other cases, the IGADF may exercise their discretion to conduct a lengthier, more formal inquiry under written directions.

21. Information sources include:

a. Service Documentation and Records

The Sensitive Issues Management (SIM) at service headquarters can provide a copy of the FATALCAS, condolence letter and other information. In relation to deaths arising from operations, Headquarters Joint Operations Command (HQJOC) will normally provide an urgent brief to CDF. As a matter of course, the brief would also be provided to the Office of IGADF, but not necessarily at the same time.

b. Defence Member and Family Services (DMFS)

On notification of the death of an ADF member, DSIR administrative staff will contact DMFS. In the first instance, contact with DMFS is via the Director of National Operations who, in appropriate cases, will arrange direct liaison with the relevant DMFS Case Officer. Experience shows that DMFS can be a vital source of information and advice on any sensitivities DSIR should consider in its interactions with family members.

c. Joint Health Command (JHC) Review

A review of the deceased member's medical files will be undertaken by the Director Strategic Clinical Assurance and Ethics (DSCAE) who is a medical authority reporting to the Chief of Joint Health, but who is separate to Garrison Health Branch and not involved in the provision of health services to ADF members. The independence of DSCAE from the provision of garrison health services enables it to conduct an impartial medical review.

d. Births, Deaths and Marriages Registries (BDM)

Death certificates can be sourced from the relevant State BDM registry. Generally, State BDM's will require a request for information letter before providing a death certificate. Before the State BDM can issue a death certificate, the funeral will need to take place, and the death registration lodged. This can cause a delay from when the death occurs and a death certificate is available. It is normal practice to wait four weeks following the date of death before requesting a death certificate.

[2] One of the IGADF's prescribed functions under section 5(a) of the *Inspector General of the Australian Defence Force Regulation 2016,* which is referred to throughout this Guidance Manual as a service-related death.

e. Department of Veterans' Affairs (DVA)

Where a member has dealt with DVA before their death, DVA may be able to provide additional information. Ordinarily, DVA require Section 23 Notices to be issued before providing this information. Only claims relevant to the member's death are to be detailed in the IGADF Inquiry Report.

f. Open Arms

Open Arms provide mental health and wellbeing support to current serving members and veterans. Open Arms generally will require a Section 23 Notice before providing information. Only include Open Arms information that is relevant to the member's death in the IGADF Inquiry Report.

g. Coronial Documentation

Coroners possess critical information, including police reports, medical and ambulance records, and post-mortem and toxicology reports. This information is crucial to ascertaining the cause and circumstances of a death. The method of accessing this information varies across jurisdictions, and Section 23 Notices are not to be issued to coroners, instead a letter requesting access to the file or a form nominating the Office of the IGADF as an interested party is submitted. The relationship between the Office of the IGADF and each Coroners Court is vital and requires careful management. The Director is to be informed of all issues involving a coroner or requests for information raised by Coroners Courts.

h. JMPU and Civilian Police Reports/Assessments and Statements

In all deaths, JMPU will raise a Military Police Assessment Report recording initial details of the death of currently serving members Service Category (SERCAT) 2 to 7 in the ADF Total Workforce Model. DSIR will usually receive the Military Police Assessment Report contemporaneously with the relevant FATALCAS. While JMPU is the ADF's primary point of contact with state/territory coroners, it is important to note that the Office of the IGADF is independent and liaises directly with coroners.

i. Comcare

Comcare may conduct its own investigation into a death. The purpose of a Comcare investigation is to determine if there are any contraventions of the *Work Health and Safety Act 2011* (Cth).

j. Interviewing Next of Kin and Family Members

It is essential that next of kin and family are provided the opportunity to participate in the inquiry. Those closest to a deceased may have critical information that others were not aware of. The work of DSIR may also assist them in finding answers to questions about their loved ones death. In suicide and other complex matters, inquiry teams are to offer interviews and updates to the next of kin and parents of the deceased. It is essential that compassion, empathy and trauma-informed practices are used in all interactions with next of kin and family members of a deceased.

k. Deceased Member's Unit

The deceased member's unit may be approached to provide valuable information regarding the circumstances of the member's death that may not otherwise be clear. The Unit may also assist in identifying other witnesses, such as those involved in the incident, or the identity of the deceased's friends or current supervisors. Unit Welfare Boards are also an important source of information.

22. Information gathered without compulsion is relied upon by the Director to determine whether there is the appearance of the death arising out of, or in the course of, a member's service in the Defence Force.

23. The DSIR Co-ordinator is responsible for requesting the Director to assess jurisdiction when sufficient information has been gathered. If the material available is insufficient to make a determination, the Director may ask that the family of the deceased is to be consulted on whether the deceased or the family consider the death arose out of service in the Defence Force. While not the sole determining factor, this information can be used to assist in assessing jurisdiction.

24. It is important to note that information gathering is a process that continues throughout an inquiry, not just at the beginning. Initial information gathering is completed by the DSIR Administration Team, however, inquiry teams are responsible for information gathering once an inquiry has been allocated to them. The inquiry team may seek assistance from the DSIR Administration Team via the DSIR Co-ordinator.

25. Once it has been determined that a death does not appear to have arisen out of, or in the course of, the member's service in the Defence Force, no statutory powers contained in the *Inspector-General of the Australian Defence Force Regulation 2016* are to be exercised. Assistants IGADF are required to constantly assess the use of these statutory powers.

PHASE 2 – CATEGORISATION

26. To assist with planning and reporting, when sufficient information collection has occurred to enable an 'on the papers' understanding of the nature of a death, it will be categorised as:

- Death by suicide;
- Death by illness;
- Death in training incidents;
- Death by other; or
- Undetermined

27. This categorisation assists the Director and DSIR Co-ordinator to gauge the complexity of an inquiry, determine whether it requires formal directions, and which Assistant IGADF will be appointed to conduct the inquiry or complete the inquiry report. Completion timeframes for inquiries will also be established at this time.

28. If the death is by suicide, or there is information available that may adversely affect the interests of the deceased, the DSIR Co-ordinator will inform Defence Legal Assistance (DLA) and request the appointment of a DLA lawyer to act for the interests of the deceased. This typically occurs once the Directions for the inquiry are issued to the allocated Assistants IGADF.

29. A DLA lawyer can be requested at any point during any death inquiry should matters affecting the interests of the deceased arise.

30. The involvement of the DLA Lawyer in DSIR inquiries is expanded upon later in this manual.

IGADF inquiry not for compensation purposes

31. Compensation eligibility is determined by the Department of Veterans' Affairs and IGADF's function under section 5(a) is not to inform any rights to compensation.

PHASE 3 – INQUIRY

Directions

32. Where jurisdiction is satisfied and the death is considered complex (i.e. death by suicide, all operational deaths and select health-related deaths), Directions will be issued by the IGADF, Deputy IGADF or the Director under section 10(2) or 14 (for amendments) of the *Inspector-General of the Australian Defence Force Regulation 2016*. The IGADF will issue Directions for all operational deaths.

33. Directions may not be necessary for less complex inquiries, such as health-related deaths. In this instance, the person responsible for the inquiry will be contacted by the Director and informed that the DSIR Administration Team will be providing them with the necessary details.

34. Wherever possible, a permanent DSIR staff member will be included in Directions for each matter. As stated, inquiries will be conducted by a team consisting of permanent and ADF Reserve staff. Additional resources can be requested from the Director where necessary.

Assistant Inspector General Standing Instructions

35. Assistants IGADF conducting an inquiry into service deaths, under written directions, are to observe and apply the standing instructions contained in Enclosure 1.

INQUIRY CONDUCT

Inquiry Plan

36. Once appointed, the inquiry team are to collectively draft an inquiry plan. This plan should be provided to Director and Deputy Director within 14 days of file allocation.

Initial Contact with Next of Kin

37. Inquiry teams are required to contact the next of kin (and parents of the deceased for suicide and complex matters if they are not the next of kin) at the earliest opportunity to introduce themselves and offer them the opportunity to participate in the inquiry process.

This is to occur in all matters. The next of kin should also be asked whether they would like to supply a photograph of the deceased to be included in the Inquiry Report.

Approach to Inquiries

38. Inquiries into a death need to be conducted thoughtfully, thoroughly and compassionately. Inquiry teams are expected to identify all relevant lines of inquiry, witnesses and evidence required to identify whether the death arose out of, or in the course of, the members service in the Defence Force.

Updates to Director

39. Inquiry teams are to provide the Director and Deputy Director with regular updates on inquiry progress. This should occur by the full-time DSIR member providing an accurate update during each Case Review Board. If that is not possible or the inquiry team does not have a full-time DSIR member assigned, a member of the inquiry team is to provide an update each month to the Director and Deputy Director.

40. Case Review Boards will be held monthly or at the discretion of the Director or Deputy Director.

Updates to Inquiry Participants

41. The inquiry team is responsible for ensuring that the next of kin and/or deceased's parents and key inquiry witnesses are offered and provided with regular updates if they would like to receive them. The frequency of updates is to be determined and agreed in consultation with the relevant party. Timeframes should not be provided as there are multiple factors beyond an inquiry team's control that can affect timeframes.

42. Parties to an inquiry should be advised that they are welcome to contact the office to ask for an update.

43. On occasions, people involved in an ongoing IGADF Inquiry may contact you seeking advice on potential outcomes and impacts on them. It is important that you do not anticipate findings or recommendations in advance of the IGADF's consideration. Doing so may prejudice the inquiry outcome(s) – this is also true for even broad opinions as to what findings and recommendations may imply.

Recording Contact

44. All contact with the deceased's family and inquiry witnesses is to be documented and saved in Objective. This can be done by record of conversation, email communications or transcript. It is essential that an accurate record of communications is retained.

Due Dates

45. A draft inquiry report is to be submitted within the timeframe specified in the Directions or allocation email for matters that do not have Directions. Every effort must be made to comply with the specified inquiry timeframe. Timeliness for completing inquiries is very important to reduce the risk of harm to witnesses, distress to families, and to ensure that recommendations can be made as soon as possible.

46. If an extension is required, you must request this from the Director in writing stating the reason/s and date sought. The Director will consult the IGADF or Deputy IGADF on extension requests.

Submission and Review Process

47. The submission and review process varies depending on the nature of the death. In all matters, the final inquiry report is to be submitted with a CDF Brief and draft Outcome Letters. Each review process is outlined below:

Non-Complex Matters (e.g. illness or off duty vehicle collision)

a. Submit the draft to the Deputy Director for review and clearance to the Director.

b. The Director will review the draft report and approve a reading with the next of kin.

c. If the next of kin would like to be read the draft inquiry report, this can be facilitated by the Director who will task an appropriate Assistant IGADF, or it can be conducted by the report's author. The next of kin is to be asked if they would like to receive a redacted copy of the final inquiry report.

d. Once completed, the inquiry report is updated and submitted to the Director along with a CDF Brief and letter to the next of kin advising them that the inquiry has been completed. The Director will conduct a final review before signing the inquiry report and forwarding it to the Deputy IGADF for clearance to CDF.

e. The Director will review the final report and submissions. If satisfied the inquiry report is complete, the Director will sign the inquiry report and submit it via the DSIR administration team to the Deputy IGADF who will review and sign a CDF Brief before sending the inquiry report to the CDF.

Complex Matters (e.g. suicides and training incidents)

a. Complex Matters include, but are not limited to, deaths in training or operational deployments, and deaths where suicide is or cannot be excluded as being the cause of death.

b. The draft report is to be submitted to the Deputy Director for review and clearance to the Director.

c. The Director will review the draft report before providing it to the IGADF for review and clearance for a supervised reading with the next of kin and/or parents of the deceased.

d. Once the draft report is settled and next of kin engagement approved by the IGADF, the Assistants IGADF are responsible for identifying a suitable time and location to meet the next of kin and parents or partner. These meetings may be conducted separately depending on family dynamics.

e. The Assistant IGADF is also required to invite the DLA Lawyer appointed to represent the interests of the deceased to this meeting, however the meeting may still occur if the lawyer is unable to attend. Priority must be given to the next of kin's availability and a

trauma-informed approach taken to avoid significant dates such as birthday's and ANZAC Day.

f. After the meeting, the next of kin, parents and DLA Lawyer will be given 28 days to make any submissions. These submissions, and other final matters raised, are considered and incorporated into the final inquiry report.

g. The final report, including details of any submissions and amendments, is submitted to the Director for review before sending it to the IGADF. Once the IGADF has signed the inquiry report it is sent to the CDF.

Use of Section 21 and 28M Notices

48. If the IGADF is satisfied that it is necessary to do so in the interests of the defence of the Commonwealth, or out of fairness to a person who the IGADF considers may be affected by an inquiry, a direction may be given under section 21 or 28M of the *Inspector-General of the Australian Defence Force Regulation 2016* restricting the disclosure of the following:

a. information contained in oral evidence given during the inquiry, whether in public or in private;

b. all or part of any document received during the course of the inquiry;

c. information contained in a report about the inquiry that is given to a person under section 27 of the *Inspector-General of the Australian Defence Regulation 2016*.

49. In relation to non-disclosure directions made pursuant to section 21 and 28M of the *Inspector General of the Australian Defence Force Regulations 2016:*

a. staff from the office of the Inspector-General must explain the scope of the directions to next of kin and family members in plain language;

b. the directions should not apply to information that next of kin themselves provided to an inquiry, and which the next of kin may know independently of anything contained in a draft, un-redacted or redacted report;

c. next of kin should be consulted directly about the persons that are to be included in the carve-outs to the directions permitting disclosure, and persons nominated by the next of kin should be included unless there is a good reason not to include them. Next of kin should also be advised that they are also welcome to contact the Office of the IGADF if they would like to nominate someone else in the future. The General Counsel of the Office of the IGADF should be consulted if there is a request by the next of kin to review or amend a Disclosure Direction.

d. restrictions on disclosure in respect of un-redacted and redacted final reports should only extend to those parts of the reports that need to have disclosure restricted in the interests of the defence of the Commonwealth, or for reasons of fairness to a person who the Inspector-General considers may be affected by the inquiry.

Defence Legal Assistance

50. A lawyer will be appointed by the Director Defence Legal Assistance to represent the interests of the deceased in all complex DSIR inquiries. The DSIR Co-ordinator meets monthly with DLA to ensure a lawyer is appointed for each matter.

51. The DLA lawyer is to be invited to attend any in-person meetings with the next of kin and deceased's family. These meetings will be soon after commencement of an inquiry (to obtain any relevant information to assist the inquiry) and when the next of kin and/or family read a draft inquiry report and are invited to make a submission.

52. While it is preferable for the DLA lawyer to attend these meetings, the availability of the next of kin and/or family of a deceased must be prioritised over the availability of the DLA lawyer. Meetings can still occur in the absence of the DLA lawyer if necessary.

53. The appointed DLA lawyer will be provided a copy of the draft inquiry report and invited to make submissions on behalf of the deceased. These submissions must be considered by the inquiry team and incorporated into the final inquiry report. The inquiry team, Director and IGADF are not obligated to accept the submissions but it must be demonstrated that they have been received and considered.

54. The DLA lawyer may also be invited to attend a debrief of the final inquiry report by the IGADF, Deputy IGADF or Director when they meet the next of kin and/or deceased's family. This is discretionary, as no further submissions will be received after the inquiry report has been finalised.

55. DLA are to be advised of the completion of all DSIR inquiries in which they have acted in the interests of the deceased member or assisted a witness to the inquiry.

Input from a qualified mental health expert

56. When undertaking an inquiry into a suicide or matter where suicide cannot be excluded, input from a qualified mental health expert, such as a psychologist, should be obtained when determining:

    a. whether suicide may have been the cause of death

    b. where suicide cannot be excluded, what the contributing factors may have been and whether there was a 'service nexus'

    c. what recommendations should be made.

Records Maintenance

57. The retention and maintenance of all records associated with an inquiry is essential for legal reasons and to ensure the IGADF is able to discharge their responsibilities and accountabilities under the *Defence Act 1903* and the *Inspector-General of the Australian Defence Force Regulation 2016.* This is also important should a Freedom of Information Request be received, something be questioned through a parliamentary committee (e.g. Senate Estimates), a complaint be made to the Ombudsman or information become relevant to a coronial proceeding.

58. Assistants IGADF are responsible for ensuring that records are saved into Defence's Objective filing system accurately and filed in a timely manner. It must be remembered that access to an inquiry file may be required several years after an inquiry has concluded and, accordingly, DSIR is to maintain filing conventions aligned with those adopted by the OIGADF. The DSIR Co-ordinator is to ensure that Assistants IGADF who conduct inquiries are aware of, and use, applicable filing conventions. Non-compliance is to be raised with the Director and Deputy Director.

59. The format to be used is as follows 'YYMMDD_document type_description (with sufficient detail to identify its contents)'. It is also important that document classification markings are accurate.

Transcripts

60. Transcripts are not to be provided to witnesses without first consulting the DSIR. This is to ensure the integrity of inquiries and protect inquiry information.

Criminal or Disciplinary Investigation

61. IGADF inquiries are not criminal or disciplinary investigations and Assistant IGADF are to comply with the standing instructions in that regard contained in Enclosure 1.

Photograph of the deceased

62. Families should be asked whether they would like to provide a photograph of the deceased to be included in the Report. Photographs are only to be included with the consent of the family. Do not use a particular photograph without consent.

Provision of Final Report to CDF

63. Once the inquiry report has been signed by the IGADF (or authorised delegate) the document is forwarded to the CDF through Executive Support Unit and a copy of the report is provided to Australian Defence Force Headquarters (ADFHQ) through the PDMS process, under a brief, based on standardised practice.

PHASE 4 – POST INQUIRY PHASE

In-Person Debrief

64. An in-person debrief will be offered to the next of kin and parents of a deceased for all complex inquiries. Subject to the IGADF's competing priorities or interests, the circumstances where the IGADF will usually meet with the deceased's family following completion of DSIR inquiry report are:

    a. All operational deaths (training and during operations);

    b. When IGADF has made significant changes to a report;

    c. When IGADF has a relationship with the family; or

    d. Based on a DIGADF or DSIR recommendation;

    The DIGADF or Director will usually meet with the family in all other suicide inquiries and sensitive health-related deaths arising out of service that do not meet the above criteria.

65. A member of the inquiry team will also be invited to attend the Debrief.

Liaison with ADFHQ

66. ADFHQ is to be included in the distribution list when each final inquiry report is sent to the CDF via the Parliamentary Document Management System.

67. The CDF returns their Brief to the Office of the IGADF, noting or commenting on the inquiry report and any recommendations contained within it. A copy of this Brief is sent to ADFHQ for implementation of recommendations, and to follow up any issues they seek to raise or clarify.

68. A copy of the outcome letter sent by the Office of the IGADF to the next of kin and parents of the deceased (where appropriate) is to be sent to ADFHQ once delivery to the original recipient has been confirmed. This ensures that the family are aware the inquiry into their loved one's death has been completed before being contacted by ADFHQ. A copy of the outcome letter is provided to ADFHQ so that ADFHQ is aware that the outcome letter has been sent to the next of kin and can identify any references/action items that relate to ADFHQ or a particular service.

69. Should recommendations be made in the Inquiry Report, ADFHQ prepare a Select Strategic Issues Implementation Plan and oversee the implementation of recommendation and will inform the next of kin of the progress of implementation.

70. Provision of copies of the inquiry report to other Defence Force stakeholders is determined by CDF once they have considered its contents and the need for any follow up action as part of the implementation of recommendations.

71. The Director meets with the Director Sensitive Issues Management each month to maintain a liaison, answer any questions relating to report contents and/or recommendations, and ensure next of kin communication processes are aligned.

Archiving

72. The DSIR Administration Team is responsible for archiving inquiry Material and ensuring any physical evidence obtained from third parties is returned.

Destruction of Documentation

73. Once the matter is completely finalised, the Assistant Director, DSIR Coordination will communicate with the inquiry team to ensure all documentation is scanned into Objective, and confirm to the Director that it is managed in accordance with applicable Defence policy.[3]

74. The digitisation, conversion and migration to electronic records (and any subsequent destruction of source documents) is to comply with General Records Authority 31 (GRA 31), which is the legal instrument that authorises the disposal of source records, following successful copying, conversion or migration, in accordance with the *Archives Act 1983*. Specifically, GRA 31 authorises the destruction of all agency records created on, or after, 01 January 1995 and all 'non-Retain as National Archive' records created before 1995, subject to some exclusions and conditions.[4]

POST INQUIRY

Inquiry Completion Notification

75. Along with next of kin and family, it is important that all witnesses and potentially adversely affected persons (PAAP) are notified of an inquiries completion. In the case of most witnesses, this can be done via email or telephone. Judgment is to be exercised in the best notification method and whether welfare supports are put in place before they occur. If a PAAP Notice was issued, the inquiry team is to draft a letter for the Director advising the PAAP of the inquiries completion, and any findings or recommendations relating to them.

76. Defence Legal Assistance are also to be notified once an Inquiry Report has been completed and sent to CDF.

Post-Inquiry Liaison Officer Team (PILOT)

77. The PILOT program was established as a quality assurance process and is designed to identify areas for improvement within IGADF work practices.

78. The outcome letter sent to a next of kin and/or parents of the deceased invites them to opt-in to participating in the PILOT.

79. Any feedback received during or after an inquiry should be provided to the Director and/or Deputy Director who will provide a response to the person providing it and forward a copy to the PILOT.

(a) [3] Defence Records Management Policy of 21 December 2021; Records Management - Principle 4: Appraising, Retaining, Transferring and Destroying Defence records

(b) [4] The Destruction of Defence Records section on the Defence intranet page for Records Management - Principle 4: Appraising, Retaining, Transferring and Destroying Defence records spells out when documents cannot be destroyed, despite copying, conversion or migration.

Thematic issues

80. Those working within DSIR should be mindful of emerging patterns. Where a pattern is suspected, this is to be brought to the Director's attention. The Director may require the DSIR team to track thematic issues, risks or specific illnesses and report these to them.

81. The DSIR Administration Team are responsible for maintaining accurate records on a Master Document of all deaths, including approved key words.

Provision of Final Inquiry Report

82. The next of kin and/or parents of a deceased are to be offered a redacted copy of the inquiry report irrespective of the cause of death. The redacted copy is to be provided as soon as possible, but no later than three months, after an inquiry's completion.

83. Offers and requests are to be documented. Should an email be sent to the IG.DSIR inbox, an acknowledgment of its receipt is to be sent to the requestor.

84. Reports are to be privacy redacted and checked by a second Assistant IGADF before being provided. The DSIR Administration Team is responsible for ensuring s 21 Notices and covering letters are prepared to accompany each report.

MEDIA ENQUIRIES

85. Assistants IGADF are not authorised to comment on any Office of the IGADF matters without the expressed permission of the IGADF. If you are contacted by the media, you are to immediately report this to the Director who will inform the IGADF Executive.

Enclosure:

1. Assistant Inspector General standing instructions

INSPECTOR-GENERAL OF THE AUSTRALIAN DEFENCE FORCE

STANDING INSTRUCTIONS

FOR ASSISTANTS INSPECTOR-GENERAL

CONDUCTING FORMAL INQUIRIES into SERVICE DEATHS

SCOPE

- Assistants IGADF who are appointed in writing to conduct inquiries into service deaths must observe and apply the standing instructions below.

Purpose of IGADF Inquiries into Service Deaths

- Evidence gathered is used to:

  a. assess the circumstances of an ADF member's death

  b. ascertain whether any actions (or inaction) by Defence contributed to an ADF member's death

  c. ascertain whether officials' relevant actions were appropriate and complied with extant Defence policies and practices, and whether any of those policies or practices require review or amendment as a result

  d. identify any other matters relevant to an ADF member's death and their service

  e. inform any recommendations to relevant authorities.

Recommendations

- Pursuant to sub-section 10(4) of the IGADF Regulation, Assistant Inspector General is authorised to make recommendations arising from their finding/s.

Quality Assurance Activities

- Assistant Inspector General is to:

  a. Provide an inquiry plan to the Director of Select Incident Review (DSIR) for approval within 14 days of being appointed to conduct an inquiry.

  b. Provide DSIR with a monthly update detailing inquiry progress.

  c. On completion of evidence gathering, arrange a meeting with the IGADF, Deputy IGADF and DSIR to discuss preliminary findings, likely procedural fairness requirements and proposed report structure.

d. Following incorporation of any procedural fairness outcomes in the report, arrange a meeting with the IGADF, Deputy IGADF and DSIR. The purpose of this meeting is to review the draft report, and discuss proposed findings and recommendations before the report is made available for final submissions, through a deceased member's family, on behalf of their interests.

THE INQUIRY PROCESS

Directions

Assistant Inspector General is appointed to inquire into a matter in written directions issued by the IGADF, or authorised staff. If Assistant Inspector General become aware of additional matters which they believe should be examined as part of their inquiry, they are to seek further guidance from DSIR. The IGADF, or authorised delegate, may issue further Directions to Assistant Inspector General during their inquiry.

Public or Private

Assistant Inspector-General are to conduct their inquiry in private unless directed otherwise by the Inspector-General.

Oath or Affirmation

Assistant IGADF may, where they consider it necessary, take evidence on oath or affirmation, either orally or in writing, once a section 23 notice has been issued.

Legal Support for a Deceased Member's Interests

Defence Legal Assistance (DLA) will appoint a Reserve Legal Officer (RLO) to act for the deceased member's interests during their inquiry. The DLA RLO may consult with the deceased member's family and attend meetings between the inquiry team and family. Assistant Inspector General may communicate with a deceased member's family through the appointed Reserve Legal officer.

Procedural Fairness

Where the draft report contains proposed adverse finding/s or opinion/s in respect of particular individual/s or agency/ies, Assistant Inspector General is to provide to DSIR a list of individual/s or agency/ies believed should receive procedural fairness and reasons why, including reference to the evidence that supports those findings considered critical of individual, systemic or organisational actions. This will be discussed with Deputy IGADF and IGADF, following which procedural fairness is to be afforded in writing. All procedural fairness letters are to be reviewed and agreed by DSIR before their dispatch.

Criminal or Disciplinary Investigation

Assistant Inspector General is not to conduct a criminal or disciplinary investigation or to conclude that an offence has been committed by any person. Where the facts point to the likelihood that a criminal or service offence may have been committed, the inquiry into that aspect of the matter is to cease and the circumstances are to be reported immediately to the IGADF, or authorised delegate, to determine the future course of the inquiry. The draft

report is not to contain findings concerning the ultimate issue of whether any person has committed any service or civilian offence, nor is the draft report to contain the language of the criminal law to describe the conduct of any person.

Witnesses

Subject to the following subparagraphs, the IGADF authorises Assistant Inspector General to exercise the information gathering powers under section 23 of the IGADF Regulation in relation to any person who has information, or a document, or a thing, that is relevant to the inquiry.

a. Although, the Assistant Inspector General has these information gathering powers, they are to take a trauma-informed approach, ensuring safety, respecting confidentiality, being consultative, and ensuring participants are fully informed about the nature of the inquiry and their participation. Families and close contacts can provide valuable insights.

b. Assistant Inspector General is to advise DSIR in writing if they are unable to obtain evidence from any person who they believe could give evidence relevant to the inquiry, including the reasons why they are unable to obtain the evidence from the person.

c. Should any witness be a Defence Australian Public Service employee, Assistant Inspector General is to implement the relevant provisions of the *Protocol for Defence APS employees involved in IGADF processes*.

Authority to give Directions about Disclosure of Inquiry Information

Pursuant to sections 21(2) and 28M(2) of the IGADF Regulation, IGADF has authorised Assistants Inspector General conducting an inquiry to give directions under sections 21(1) or 28M(1) (as appropriate) restricting disclosure of inquiry-related information.

Variation and Amendment

Any difficulties in complying with these standing instructions are to be raised with the IGADF, or authorised delegate, at the first available opportunity. Suggested variation or amendment of any part of these standing instructions, for the purpose of an inquiry being conducted, are also to be raised with the Director for consideration—particularly if they relate to matters which may compromise the overall purpose of an inquiry.