

## **Inspector General of the Australian Defence Force Fact Sheet**

- **The Inspector General ADF (IGADF) is a statutory appointment, independent of the normal ADF chains of command, with authority to exercise a general oversight of the ADF military justice system.**
  - **The IGADF is Mr Geoff Earley, AM. He reports directly to the Chief of the Defence Force.**
  - **The IGADF is assisted by a staff of experienced permanent and part time ADF and civilian members with a variety of general service and legal expertise.**
  - **The ADF is recognised operationally as being a capable and effective volunteer military force. Such operational success can only be achieved if its military justice system is functional and intrinsically fair to its members.**
  - **The Office of the IGADF represents one of the principal mechanisms for ensuring the functionality and fairness of the ADF military justice system through its ongoing general oversight role.**
  - **The military justice system comprises four elements; disciplinary action under the Defence Force Discipline Act; adverse administrative action, the conduct of inquiries and the right to make a complaint.**
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### **What does the Inspector General ADF do?**

The role of the IGADF has two aspects: to provide the Chief of the Defence Force (CDF) with a mechanism for internal audit and review of the ADF military justice system independent of the normal chain of command, and to provide an avenue whereby failures and flaws of the system can be exposed and examined so any cause of injustice can be remedied. Within this role, IGADF functions fall into four main areas:

- inquiries and investigations as a consequence of any submissions received concerning the Military Justice System;
- performance review of unit military justice infrastructure;
- a military justice advisory role; and
- the development and promotion of military justice values.

### **How does the IGADF audit and review the Military Justice System?**

ADF units to be audited are generally randomly selected with a cross section of tri-service and single service units chosen to provide a meaningful representative sample. The audit team visits the unit and inspects disciplinary and administrative records, military justice practices, procedures, processes, training and competencies relevant to military justice. Focus groups are also held in which personnel at each rank level are encouraged to discuss military justice issues with anonymity guaranteed.

### **How many Service personnel have participated in this audit?**

Since the audit program began until 30 June 2007, 104 units have been audited which represents 51% of the total ADF permanent force strength. During the same period, the focus groups have involved more than 4800 personnel which represents 19% of audited unit strength or 10% of total ADF permanent force strength.

**Why are these audits important?**

The military justice audits provide a level of reassurance that the practices and processes of the application of military justice within specific ADF units comply with relevant guidelines and regulations. They also provide an important source of information on how the system is working in practice as well as suggestions for improvement and reform from those who administer it, or are subject to it, on a daily basis. A key aim of the audit visits is to assist the unit concerned with relevant feedback that includes a comprehensive report with recommendations.

**What kind of results do they find?**

Outcomes from the audit program has so far indicated that the majority of ADF members believe the administration and implementation of military justice within the ADF is satisfactory and that the *Defence Force Discipline Act* is an effective tool with which to maintain discipline. There is evidence also that ADF members appear to have a better awareness of their rights and responsibilities than may have been the case in the past and that this is coupled with a greater confidence that they will be dealt with fairly by their chain of command if they have a specific military justice complaint.

**How are complaints about military justice investigated?**

ADF personnel are encouraged to try and resolve complaints at the lowest possible level through normal chain of command. However, if personnel feel unable to report concerns through the usual channels or, if having done so, still feel they have not been given a fair hearing, they are free to approach the Office of the IGADF directly and make a submission about military justice matters. Any person, whether an ADF member or not, may make a submission about military justice to the IGADF.

The IGADF may assess and investigate any matter concerning military justice, for example:

- abuse of authority/process;
- denial of procedural fairness;
- avoidance of due process;
- cover up and failure to act;
- unlawful punishments; and
- victimisation, harassment, threats, intimidation, bullying and bastardisation.

**What happens to these submissions?**

Following an initial assessment, the IGADF may decide to investigate the matter, refer the matter to another authority or take no further action. If the IGADF investigates a matter and finds a failure in military justice has occurred, a recommendation will be made on how it should be addressed. The IGADF cannot however, unilaterally change decisions made by relevant authorities.

**Will IGADF continue to do these audits and focus groups in future?**

Yes. The work of the IGADF will continue to be an important means of monitoring key indicators of the Military Justice System for trends, procedural legality, compliance and outcomes and for providing an impartial and objective mechanism for investigating complaints about the system that cannot be appropriately dealt with through the normal channels.