

**IMPLEMENTATION PLAN FOR BOARD OF INQUIRY (BOI)
RECOMMENDATIONS: DEATH OF PTE JACOB KOVCO**

Paragraph 287a

That ADF [Australian Defence Force] deployments, wherever practicable, deploy with psychologists.

ACCEPTED

Suitably qualified and experienced psychology support staff are to be included in the deployment schedule for all future operational deployments, wherever practicable.

Comment:

Note that bunk limitations may preclude psychologists deploying in maritime deployments (exercise, and operational), though fly-in teams are used by RAN.

Completion deadline: February 2007

Paragraph 287b

That deploying ADF members should be strongly encouraged to keep journals.

ACCEPTED

Journals for those deploying are already issued on pre-deployment courses at Deployed Force Support Unit (DFSU). Service psychologists already brief deploying personnel on the value of completing journals. The filling-in of these journals is to be strongly encouraged.

Completion deadline: COMPLETED

Paragraph 287c

That ADF personnel, at all levels, receive basic training on the critical need for scene preservation where there has been a “notifiable incident” as defined by the current DI(G) [Defence Instruction (General)].

ACCEPTED

a. To be implemented via Headquarters Joint Operations Command (HQJOC). Training addressing how personnel need to react for scene preservation at an incident was introduced at DFSU in mid 2006 for those personnel deploying on operations.

b. Service Chiefs to investigate the introduction of such training at induction courses and/or initial employment courses. Training Needs Analysis (TNA) to be completed by June 2007.

c. Revised training packages are to be implemented by the relevant training establishments no later than February 2008

Comment:

Input from both civilian and military Subject Matter Experts (SMEs) is to be sought when developing the training.

Completion deadline:

- a. Completed, for deploying personnel*
- b. June 2007*
- c. February 2008*

Paragraph 287d

That the ADF review how critical DI(G)s are promulgated with a view to improving the awareness within the ADF.

ACCEPTED

Chief of Staff Australian Defence Headquarters (COSADHQ) is already investigating ways to improve the promulgation of DEFGRAMs in Defence. COSADHQ will include promulgation of DI(G)s in this work.

Completion deadline: March 2007

Paragraph 287e

That a Protocol for the preservation and handling of serious incident sites should be considered for future training or battle preparation activities with coalition forces overseas.

ACCEPTED

To be implemented via HQJOC.

Comment:

Input from both civilian and military SMEs is to be sought.

Completion deadline: March 2007

Paragraph 287f

That a similar Protocol should also be developed within general Service training regarding:

- a. the need to preserve and quarantine scenes of serious injuries or incidents; and**
- b. control and responsibility for initial scene preservation to reside with the senior ADF member at the scene.**

a: ACCEPTED

TNA is to be completed by July 2007.

Revised training packages are to be implemented by the relevant training establishments no later than February 2008.

To be included in training packages that address investigation and incident management within induction, initial employment, promotion and command-related training courses. Training is to include handover procedures between the senior ADF member and Service Police.

Transfer of responsibility for Service Police training to Army as per the recent Chiefs of Service Committee (COSC) decision is to be actioned as a priority to enable any changes to police training as a result of the Kovco BOI recommendations to be included in the development of the rationalised training solution.

Comment:

The Protocol is to define division of responsibilities for the first ADF member on the scene, the senior ADF area commander, and the point at which an incident scene is handed over to the responsibility of Service Police.

*The Protocol and relevant doctrine and policies are to be consistent.
July 2007*

Completion deadline: February 2008

b. ACCEPTED AS MODIFIED

TNA is to be completed by July 2007.

Revised training packages are to be implemented by the relevant training establishments no later than February 2008.

To be included in training packages that address investigation and incident management within induction, initial employment, promotion and command-related training courses. Training is to include handover procedures between the senior ADF member and Service Police.

Transfer of responsibility for Service Police training to Army as per the recent COSC decision is to be actioned as a priority to enable any changes to police training as a result of the Kovco BOI recommendations to be included in the development of the rationalised training solution.

Comment:

The Protocol is to define division of responsibilities for both the first ADF member on the scene and the senior ADF area commander.

The Protocol and relevant doctrine and policies are to be consistent.

*Completion deadline: TNA completion: July 2007
Revised training packages: February 2008*

Paragraph 287 g

That PM ADF investigate the viability of Service Police Investigators undertaking CIVPOL [Civilian Police] training on DNA collection and preservation.

ACCEPTED AS MODIFIED

An Army-sponsored DNA collection and preservation course for Service Police Investigators was conducted by the New South Wales Police at Defence Police Training Centre (DPTC) on 18 November 06. The training showed Service Police personnel have the pre-requisite knowledge and that DPTC facilities are suitable for this training.

Implementation of future training is to be through DPTC with accredited Service Police instructors or on a regional basis by DPTC instructors or local CIVPOL arranged through DPTC.

TNA is to be undertaken and the capability established by June 2007.

Completion deadline: June 2007

Paragraph 287h

That the ADF deploys with Service Police Investigators who are properly equipped and trained.

ACCEPTED AS MODIFIED

To be implemented via HQJOC. Service Police Investigators are now routinely deployed on operations and have been since May 2006. Service Police Investigators are now present in all areas of operation.

Completion deadline: COMPLETED

Paragraph 287i

That where practicable the repatriation process be handled by ADF personnel only. In addition, transport of deceased ADF personnel should, wherever practicable, be carried out by military transport.

ACCEPTED

To be implemented via HQJOC. This recommendation has already been addressed through the revised DI(G)PERS 20-6 Deaths within and outside Australia of Australian Defence personnel paragraph 6.

Completion deadline: COMPLETED

Paragraph 287j

That the Appointing Authority investigate the practicality of using US TMEP [Theatre Mortuary Evacuation Point] facilities for repatriation of Australian personnel.

ACCEPTED

To be implemented via HQJOC. This recommendation has already been addressed through the revised DI(G)PERS 20-6 Deaths within and outside Australia of Australian Defence personnel paragraph 13 which states that, where practical to do so, the ADF will seek to use the in-theatre Mortuary Affairs capability of coalition partners.

Comment:

Where a US TMEP exists. Not all deployments are in the Middle East Area of Operations (MEAO).

Completion deadline: COMPLETED

Paragraph 287k

That the Appointing Authority consult with Service Chiefs on increasing the training and exposure to the SLP [Self-loading Pistol].

ACCEPTED AS MODIFIED

Army to investigate and determine the feasibility of including training on the Self Loading Pistol (SLP) in ADF induction training up to Elementary Application of Fire (safely handle and operate the weapon).

Implement improved access to continuation and reinforcement training on the SLP, in particular the potential for a Technology Based Training solution as has been implemented for the F88 Austeyr and 40mm Grenade Launcher Assault.

ADF Weapon Policy Cell are contributing to the drafting of a new Army Weapon Policy (Defence Instruction (Army)-OPS) that will more precisely define the obligation of commanders to prepare personnel for employment in positions where the carriage, safe handling and operation of the SLP is required as a primary, secondary or alternate weapon.

*Completion deadline: Decision on way forward by February 2007.
Implementation by June 2007.*

Paragraph 287l

That the Appointing Authority investigate either the drafting of an appropriate instruction on the use of the 'buddy system', or the formal incorporation of such a procedure into current weapons training procedure.

ACCEPTED AS MODIFIED

This Tactic, Technique, Procedure (TTP) known as the 'buddy system' is to be formalised into a doctrinal regulation as safety improvement to the weapon training continuum. An information campaign is to commence under auspices of ArmySAFE (a safety awareness campaign conducted through Army).

Completion deadline: March 2007

Paragraph 287m

That the Appointing Authority investigate and review the process by which critical ADF procedures, such as SOPs [Standard Operating Procedures], are promulgated before and during ADF deployments.

ACCEPTED

To be implemented via HQJOC.

Completion deadline: April 2007

Paragraph 287n

The Board recommends the immediate release of new training procedure for handling the Mark III SLP.

ACCEPTED

A number of Mark II (MKII) SLP remain in use across ADF. Current doctrine is safe for both MK II and MK III versions and is not to be amended until Defence Materiel Organisation (DMO) confirms the SLP fleet is completely replaced with the MK III version.

Amendments to the doctrine applicable only to the MK III SLP have been drafted.

Completion deadline: March 2007

Paragraph 287o

That the Appointing Authority review the training, policy, and procedures concerning DOWR [Degrees of Weapons Readiness] on deployments.

ACCEPTED

To be implemented via HQJOC. Pre-deployment training and training conducted on arrival in an area of operations includes weapon training and DOWR; individuals are not deployed if they do not meet the minimum requirements. HQJOC to review training policy and procedures by the end of April 2007.

Completion deadline: April 2007

Paragraph 287p

That all Service Police Investigators be issued with digital tape recorders.

ACCEPTED AS MODIFIED

Provost-Marshal ADF (PM ADF) to request funding from Australian Defence Headquarters for commercial-off-the-shelf acquisition and training from a provider.

TNA is not required prior to introduction as this does not represent a fundamental change to investigative procedure. Amendments to Training Management Packages and procedural instructions to be developed concurrently.

Proposed deadline is achievable subject to availability of funding and equipment.

Completion deadline: February 2007

Paragraph 287q

That a list of mortuary affairs services be maintained with the Work Authorisation Agreement.

ACCEPTED

To be implemented via HQJOC. The list of mortuary affairs services provided by Kenyon is extensive and the Work Authorisation Agreement is the means of detailing to the contractor the services required.

Completion deadline: February 2007

Paragraph 287r

That no disciplinary or adverse administrative action should be taken against SGT Hoekstra, despite his failure to discharge his obligation to identify the body of PTE Kovco correctly.

ACCEPTED

Member to be formally advised of the outcome through the chain of command.

Completion deadline: December 2006

Paragraph 287s

That Professor McFarlane's findings be taken into account when policy for escort of deceased persons is re-written. The Board further recommends that Professor McFarlane be consulted in the development of protocol on how proper identification of deceased persons might be carried out.

ACCEPTED

To be implemented via HQJOC.

*To be addressed in the forthcoming Australian Defence Force Publication(ADFP)
1.1.1 Mortuary Affairs Doctrine and amendments to associated policy in DI(G)PERS
20-6 Deaths within and outside Australia of Australian Defence personnel.*

Completion deadline: March 2007

Paragraph 287t

That on the issue of repatriation of deceased ADF personnel there be one comprehensive document.

ACCEPTED

The overarching doctrine is to be addressed in the forthcoming ADFP 1.1.1 Mortuary Affairs Doctrine. Amendments to associated policy in DI(G)PERS 20-6 Deaths within and outside Australia of Australian Defence personnel are to be consistent with doctrine.

*Completion deadline: Doctrine scheduled for release in December 2006
Associated policy scheduled for release in March 2007*

Paragraph 287u

The Board recommends a review of the Kenyon contract.

ACCEPTED

To be implemented via HQJOC.

Comment:

Review of the contract needs to be mindful that other Government Departments have in the past used the Kenyon contract to support other activities (eg: Department of Foreign Affairs and Trade for Bali and Tsunami victims)

Completion deadline: June 2007

Paragraph 287v

That the Appointing Authority investigates whether mortuary affairs should be included in future SOFAs [Status of Forces Agreements].

ACCEPTED

It is already Defence Legal policy to seek jurisdiction over the bodies of ADF personnel and include mortuary affairs in applicable SOFAs.

Completion deadline: COMPLETED

Paragraph 287w

That the Appointing Authority investigates the feasibility of incorporating the issue of mortuary affairs into officer training at the MAJ (E) [Major and equivalent rank] level and above.

ACCEPTED

TNA is to be completed by July 2007 to identify the most appropriate way of introducing mortuary affairs training into courses for MAJ(E) and above for logistics/supply officer courses, on all pre-command courses, and for a limited number of staff positions in HQJOC and the Service Headquarters undertaking a coordination role in mortuary affairs.

Completion deadline: July 2007

Revised training packages are to be implemented by the relevant training establishments no later than February 2008

Completion deadline: February 2008

Paragraph 287x

The Board sees a need for further training of ADF personnel in proper identification, repatriation and escort duties.

ACCEPTED

Revision of Defence Instructions currently in draft in relation to this issue eg: Funeral, Graves and Associated Matters; Committees of Adjustment; and Mortuary Affairs. Finalisation of underpinning policy is to be a priority to enable appropriately targeted training requirements to be determined and developed.

Comment:

This should be task-specific as part of pre-deployment training. Input from both civilian and military SMEs is to be sought when developing the training.

Completion deadline: March 2007

Paragraph 287y

That the Appointing Authority investigates the feasibility of establishing a DNA register of all ADF personnel in order to facilitate the accurate identification of ADF personnel.

ACCEPTED

The establishment of a voluntary ADF DNA repository is currently being addressed through a business case developed by Defence Health Services Division. It has been endorsed by the Defence Health Service Steering Group and was tabled at the

November 2006 meeting of the Personnel Steering Group for endorsement. It will then be submitted to the Defence People Committee for funding approval.

Completion deadline: June 2007

The legal aspects of establishing a compulsory ADF DNA repository are being investigated. This recommendation has far-reaching privacy implications and legislation may be required to ensure its validity. Guidance on the implementation of such a scheme is to be brought to the Appointing Authority as a priority.

Completion deadline: March 2007

Comment:

To be addressed in conjunction with the proposed establishment of a standing Disaster Victim Identification Team (DVIT) for Defence, primarily composed of forensic dentists and pathologists and augmented as needed by external agencies such as AFP or coalition forces in the event of mass casualties.

Paragraph 287z

That LTCOL Berkley and LTCOL Holles, subject to their availability, be authorised to attend upon Mrs Shelley Kovco and Mrs Judy Kovco respectively, if they so desire, when the BOI report is released.

ACCEPTED AS MODIFIED

COSADHQ will issue authorising documents and will liaise with HDL to direct LTCOLs Berkley and Holles, or their chosen representative, to attend upon Mrs Shelley Kovco and Mrs Judy Kovco.

Completion deadline: COMPLETED

Paragraph 287aa

As a result of the assistance provided by the NSWPOL, the Board recommends that the Appointing Authority investigate the following:

- i. the establishment of formal protocols with Australian State Police to allow Service Police secondments and to provide expertise, resources, and training where the ADF lacks this capacity; and**
- ii. the establishment of a pool of State Police investigators who are ADF 'force prepared' to accompany a Counsel Assisting team during the scoping of offshore Inquiries.**

i. ACCEPTED AS MODIFIED

Australian Police Commissioner's Conference of May 2006 agreed to assist the ADF Service Police in the provision of training, secondments and specialist support. This is part of the implementation of the Defence Investigative Capability Audit recommendations. This review has received the support of the AFP.

Subsequent meetings with the AFP have commenced examination of Service Police requirements. Intention is to progress a detailed review of Service Police requirements through a joint working group with the AFP and State/Territory police agencies.

Establishment of formal protocols addressing an initial statement of requirement for courses, secondments and specialist operational support to be achieved by June 2007, with detailed Memorandum of Understanding (MOU) and funding arrangements to be developed concurrently.

Achievement will be dependent on AFP ability to provide the required support. Liaison with AFP will be ongoing.

Completion deadline: June 2007

ii. ACCEPTED

Service Police Investigators are available to accompany a Counsel Assisting Team at any time.

For specialist policing capabilities beyond the capability of the ADF Service Police, it is intended to address this recommendation by initially engaging the AFP to provide force prepared personnel with requisite expertise in likely specialist capabilities, including ballistics and higher level forensics.

Achievement will be dependent on AFP ability to provide the required support. Liaison with AFP will be ongoing.

Completion deadline: June 2007

Paragraph 277

That the NSW Coroner receives a copy of this Report and its annexures.

ACCEPTED

Appropriate authorisation has been sought to release the report to the NSW Coroner. Such information will be provided to the NSW Coroner consistent with the need to ensure the appropriate security of classified information.

Completion deadline: March 2007