



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

01 July 2016 to 30 June 2017

© Commonwealth of Australia 2017
ISSN 2207–6050 (Print)
ISSN 2207–6069 (Online)

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without prior written permission from the Department of Defence.

All Defence information, whether classified or not, is protected from unauthorised disclosure under the *Crimes Act 1914*. Defence information may only be released in accordance with the *Defence Security Manual*.

Requests and inquiries should be addressed to Director Defence Publishing Service, CP3-1-102, Department of Defence, CANBERRA ACT 2600.



Inspector-General of the Australian Defence Force

Senator the Hon Marise Payne
Minister for Defence
Parliament House
CANBERRA ACT 2600

Dear Minister

As the Inspector-General of the Australian Defence Force, I am pleased to submit a Report on the operations of the Office of the Inspector-General of the Australian Defence Force for the period 01 July 2016 to 30 June 2017.

This report is submitted to you for presentation to Parliament under the provisions of the *Defence Act 1903*, Section 110R.

Yours sincerely

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

JM Gaynor, CSC
Inspector-General of the Australian Defence Force

07 December 2017

CONTENTS

| | |
|---|-----------|
| PREAMBLE | 1 |
| OVERVIEW | 2 |
| STAFFING AND RESOURCES | 5 |
| DIRECTORATE OF INQUIRIES AND INVESTIGATIONS | 6 |
| SUBMISSIONS | 8 |
| SERVICE POLICE PROFESSIONAL STANDARDS | 9 |
| OWN INITIATIVE INQUIRY | 9 |
| DIRECTORATE OF MILITARY JUSTICE PERFORMANCE REVIEW | 10 |
| AUDIT FUNCTION | 10 |
| MILITARY JUSTICE PERFORMANCE AUDIT PROGRAM..... | 11 |
| FOCUS GROUP SURVEY OUTCOMES | 13 |
| INFORMATION TRACKING SYSTEMS..... | 14 |
| REQUESTS FOR INFORMATION..... | 15 |
| DIRECTORATE OF SELECT INCIDENT REVIEW | 15 |
| DIRECTORATE OF MILITARY REDRESS AND REVIEW | 17 |
| ROGS SUBMITTED | 17 |
| ROGS REFERRED TO SERVICE CHIEFS AND CDF..... | 18 |
| DECISIONS AND OUTCOMES..... | 18 |
| ROGS FINALISED AT UNIT LEVEL | 18 |
| ROGS FINALISED AT SERVICE CHIEF AND CDF LEVEL..... | 18 |
| DIRECTORATE OF LEGAL REVIEW | 18 |
| VISITS AND OTHER ACTIVITIES | 19 |
| VISIT BY CHINA’S AUDITOR-GENERAL OF THE MILITARY JUSTICE AUDIT OFFICE | 19 |
| VISIT BY THE CANADIAN COURT MARTIAL COMPREHENSIVE REVIEW TEAM | 19 |
| ATTENDANCE AT CONFERENCES | 20 |
| MILITARY JUSTICE SEMINARS, TRAINING AND FORUMS | 20 |
| SUBMISSIONS TO PARLIAMENTARY INQUIRIES | 21 |
| CONCLUSION | 21 |
| GLOSSARY OF ACRONYMS AND ABBREVIATIONS | 23 |
| MILITARY JUSTICE STATISTICS | 25 |
| DISCIPLINE STATISTICS | 25 |
| ALCOHOL CONVICTION STATISTICS..... | 26 |
| DISCIPLINE INFRINGEMENT STATISTICS | 27 |
| ADMINISTRATIVE SANCTIONS STATISTICS..... | 27 |
| ADMINISTRATIVE INQUIRIES STATISTICS | 28 |
| CIVIL CONVICTION STATISTICS..... | 28 |

INSPECTOR-GENERAL OF THE AUSTRALIAN DEFENCE FORCE
REPORT FOR THE PERIOD
01 JULY 2016 TO 30 JUNE 2017

PREAMBLE

The position of Inspector-General of the Australian Defence Force (IGADF) is established under section 110B of the *Defence Act 1903* (the Act). The appointment of the IGADF is made by the Minister for Defence in accordance with section 110E of the Act.

The then Brigadier James Gaynor, CSC continued to act as the IGADF during the reporting period until his substantive appointment for a term of five years on 01 December 2016, at which time he resigned from the Australian Defence Force (ADF).

Section 110C of the Act prescribes the functions of the IGADF as follows:

- a. inquiring into or investigating matters concerning the military justice system;
- b. conducting performance reviews of the military justice system, including internal audits, at times and in the manner IGADF considers appropriate;
- c. advising on matters concerning the military justice system, including making recommendations for improvements;
- d. promoting military justice values across the ADF;
- e. if directed by the Minister or the Chief of the Defence Force (CDF) to do so – inquiring into or investigating a matter concerning the ADF; and
- f. doing anything incidental or conducive to the performance of the IGADF's other functions.

During the period 01 July 2016 to 30 June 2017 (the reporting period), two new Defence legislative instruments were made—the *Defence Regulation 2016* and the *Inspector-General of the Australian Defence Force Regulation 2016*—with both Regulations commencing on 01 October 2016. These two Regulations replaced the previous legislative and administrative arrangements applicable to operations of the IGADF.

Significantly, the new Regulations prescribe the other functions for the IGADF, including the power to inquire into or investigate:

- a. complaints made by members of the ADF about a decision, act or omission in relation to the member's service; and

- b. deaths of members of the ADF that appear to have arisen out of, or in the course of, the member's service.

The ADF's operational capability relies heavily on a military justice system that is capable of achieving an appropriate balance between the need to enforce and maintain a high level of order and discipline, while maintaining and protecting the individual rights of ADF members. The IGADF continues to contribute to a fair and effective military justice system by providing a centralised and dedicated military justice oversight function and by monitoring and inquiring into military justice related issues and alleged failures within the system.

The ADF military justice system comprises four main components:

- a. the taking of disciplinary action under the *Defence Force Discipline Act 1982* (DFDA) to enforce and maintain Service discipline;
- b. the imposition of administrative sanctions to correct individual behaviour and/or protect the reputation of the ADF;
- c. the conduct of administrative inquiries and investigations to establish the facts of an occurrence and make recommendations to remediate systemic or individual failings to improve and enhance operational effectiveness; and
- d. the handling and management of complaints by ADF members to ensure systemic or individual failings are identified and remediated to improve and enhance operational effectiveness.

OVERVIEW

Consistent with previous reporting periods, the operating tempo in the Office of IGADF remained relatively high in the reporting period. At the commencement of the reporting period, 29 submissions were under inquiry. During the reporting period, an additional 61 inquiry submissions were received by IGADF and 42 submissions were finalised. The residual 48 submissions remained open at the end of the reporting period.

Submissions under inquiry by the IGADF at the end of the reporting period include: a number of CDF directed inquiries into complaints alleging unacceptable behaviour, medical mismanagement, administrative mismanagement and procedural flaws during the conduct of fact finding processes; allegations of undue process and interference with career management decisions; and allegations of flawed Service inquiry processes.

In addition to these inquiry submissions, IGADF received 32 submissions in relation to Service Police professional standards matters. Of these, 19 became the subject of IGADF investigations, while 13 were assessed by IGADF as matters that should more appropriately be addressed by another Defence Investigative Authority. The increasing complexity of the issues being disclosed in submissions continued throughout the reporting period, a trend that has been witnessed over the past three reporting periods.

During the reporting period, 53 military justice performance audits were conducted. This represents approximately 10 per cent of all auditable ADF units. Material deficiencies were identified in one unit. Units identified as having material deficiencies are re-audited within approximately 12 months. As noted in the previous IGADF Annual Report, two units were identified as having material deficiencies and were subject to re-audit in this reporting period; both units were subsequently found to have no material deficiencies in their military justice arrangements. During the conduct of the military justice performance audits, 2669 ADF personnel participated in focus group discussions.

In the reporting period, the IGADF initiated 43 new reviews of deaths in service of ADF members and finalised 23 reviews (18 from deaths in previous reporting periods and five from this reporting period). The IGADF also finalised four formal inquiries into ADF member deaths, finalised one inquiry into a non-death matter and recommenced management and coordination of administrative support for the resumption of a CDF Commission of Inquiry (COI). The nature of the deaths or incidents reviewed and inquired into by the IGADF during the reporting period were predominantly suicide, motor vehicle accidents, training accidents or medical issues of ADF members.

Additionally, the IGADF provided administrative support to the recommencement of the CDF COI into an accident involving a military truck 08 October 2012, which resulted in the death of a junior enlisted ADF member. The then CDF appointed the COI on 24 October 2012; however, it was adjourned while a NSW criminal prosecution was conducted against the truck's driver. The criminal trial concluded in March 2017, with the former member being acquitted of all charges.

In the reporting period, there were 423 new applications for redress of grievance received, an increase of approximately eight per cent from the previous reporting period. Of these applications, 91 were submitted under the *Defence Force Regulations 1952* and 332 were submitted under the new Defence Regulation, which came into effect on 01 October 2016. Additionally, a total of 370 applications were finalised, some of which had been received in the current reporting period, while others were received in previous reporting periods.

Of the applications for redress of grievance submitted during the reporting period, a number of grievances required considerable review, including: grievances related to the imposition of administrative sanctions; decisions relating to the suspension of members from duty when charged with civilian offences; and a decisions concerning the enforcement of return of service obligations.

In March 2016, the Chief of Army (CA) requested that the IGADF conduct a Scoping Inquiry to ascertain whether there is any substance to rumours relating to Special Operations Task Group (SOTG) activities during deployments in Afghanistan. The Inquiry commenced in May 2016. As a result of changes in legislation pertaining to the IGADF, since December 2016 the inquiry has continued at the direction of the CDF.

The IGADF Scoping Inquiry is being led by Major General the Honourable Justice Paul Brereton AM, RFD.

During the reporting period, the IGADF established an own initiative review of the Service Police Code of Conduct and Professional Standards System. The aim is to conduct a broader review of the Code of Conduct and Professional Standards investigation and enforcement system to identify and report on potential improvements to the current system, in line with both civilian and Service police best practices. The review is being undertaken by Group Captain Phillip Moss, AM, a reserve Legal Officer and former Integrity Commissioner and Head of the Australian Commission for Law Enforcement. The inquiry was ongoing at the end of the reporting period.

During the reporting period, the renewed Military Justice Coordination Committee (MJCC) appointed Commodore Nigel Perry, RANR to conduct a review into the timeliness and effectiveness of the summary discipline system. The Office of the IGADF has been consulted numerous times throughout the review, and has supplied discipline statistics in response to requests from the review team.

From 01 December 2016, following amendments to the *Ombudsman Regulations 1977*, complaints alleging sexual abuse, serious physical abuse, bullying or harassment can be inquired into by the Defence Force Ombudsman (DFO). Under the expanded role, the DFO will provide an oversight function for the handling of abuse-related complaints within Defence. During the reporting period IGADF consolidated its productive staff-level working relationships with the DFO, including facilitating the attendance of DFO staff on military justice performance audits.

In addition, the IGADF held discussions with some of the other Commonwealth Inspectors-General to develop relationships with office holders with similar functions. The purpose of those discussion was to share ideas and learn about alternative regulatory practices.

As has been raised by the Judge Advocate General (JAG), Rear Admiral the Honourable Justice Michael Slattery, RANR, in his most recent Annual Report for 2016, it is noted that the superior military tribunal system of trials by court martial and Defence Force magistrate currently continues in accordance with interim legislative arrangements—the *Military Justice (Interim Measures) Act (No 1) 2009*, as amended by the *Military Justice (Interim Measures) Amendment Act 2013*, and *Defence Legislation (Enhancement of Military Justice) Act 2015*.

Moreover, it is worth reiterating the JAG's observations concerning the retirement of the Chief Judge Advocate (CJA), Major General Ian Westwood, AM, with effect on 21 September 2017, that the interim legislative arrangements will effectively cease to have any effect, as Major General Westwood's appointment was the last appointment in force under these arrangements. Notwithstanding the recent appointment of a new CJA, the absence of any legislation amending the DFDA to reinforce the optimal safeguards of independence of additional judges advocate through their appointment and remuneration, remains a concern in an otherwise robust disciplinary system.

Overall, I remain satisfied that the high standards expected of the Office of the IGADF continue to be met and the rate of effort to achieve operational capacity within current resource allocation remains high.

STAFFING AND RESOURCES

Staffing at the Office of the IGADF comprises multidisciplinary teams of permanent and Reserve military personnel, and Australian Public Service (APS) employees who have knowledge and experience of Service life and the military justice system. To support the performance of the IGADF's statutory roles and functions, the Office is structured as follows:

- a. Executive – comprising the IGADF (a statutory officeholder), Deputy IGADF (an O7 Legal Officer), and four administrative support staff—two Executive Assistants (APS 4/5), one Human Resources Manager (Chief Petty Officer (E08)) and one Finance Manager (Sergeant (E06)). During the reporting period, the then-Brigadier Gaynor continued to act as IGADF, while the Director of Military Redress and Review performed duties as Acting Deputy IGADF. On 01 December 2016, Mr James Gaynor, who had resigned from all forms of ADF service, was substantively appointed as the IGADF. Brigadier Bronwyn Worswick was posted to the position of Deputy IGADF with effect 19 December 2016.
- b. Directorate of Inquiries and Investigations (DII) – led by an O6 Non-Specialist Officer, is responsible to the IGADF for the inquiry, and conduct of investigations, into military justice incidents or complaints. DII comprises seven permanent ADF members, four Reserve personnel and two APS members, including one Executive Level 1 (EL1) legal officer. The ADF members include three (E09) Service Police members who provide the necessary skill-sets to inquire into, or investigate, allegations or complaints of breaches of professional standards by other Service Police members. The work of DII is supported by a core body of 10-12 Reserve officers, which is supplemented by additional Reserve officers and contractors, as required.
- c. Directorate of Military Justice Performance Review (DMJPR) – led by an O6 Legal Officer, is responsible to IGADF for the conduct of military justice performance audits, the collection and analysis of military justice statistics from military justice databases and other sources, and the management of IGADF and wider military justice information systems. DMJPR staff comprises two permanent ADF members and four APS employees. DMJPR military justice unit audit teams are predominantly supplemented by Reserve legal and non-specialist officers, as required.
- d. Directorate of Select Incident Review (DSIR) – led by an O6 Legal Officer, is responsible to IGADF for the coordination and management of inquiries into deaths of ADF members and other serious incidents. DSIR comprises five permanent ADF personnel and one APS employee. The work of DSIR is supplemented by highly qualified and specialist Reserve officers, as required.
- e. Directorate of Military Redress and Review (DMRR) – led by an Executive Level 2 (EL2) APS employee, is responsible to IGADF for the management of the formal grievance and complaint process, and the preparation of review briefs referred for final decision by CDF and Service

Chiefs. DMRR comprises six ADF members and four APS employees, including one EL1 legal officer. To assist with the grievance workload, DMRR is continually supplemented by suitably experienced and qualified Reserve members.

- f. Directorate of Legal Review (DLR) – led by an O5 ADF Legal Officer, is responsible to IGADF for the conduct of legal reviews of IGADF inquiries and investigations, the provision of advice on military justice matters, and the promotion of military justice values across the ADF through the conduct of military justice awareness and familiarisation seminars. DLR comprises two permanent ADF legal officers, supplemented as required by Reserve legal officers.

Reserve capability and the allocation of appropriate resources is an essential requirement to meeting the Office of the IGADF capability output and strategic directions. During the reporting period, single Service and non-Service groups provided sufficient Reserve resources to meet the fluid and dynamic environment in which the Office of the IGADF operated.

Similarly, professional service providers have been funded and used during the reporting period. These services have been employed to meet temporary peaks in service demands that the Office of the IGADF has been tasked with.

The additional resources and budgetary allocations were required to sustain the higher rates of effort across the Office of IGADF and to allow the outsourcing of some administrative and legal support services, which were again required during the reporting period.

DIRECTORATE OF INQUIRIES AND INVESTIGATIONS

The IGADF's inquiry and investigation functions include the following responsibilities:

- a. at the direction of the Minister for Defence or CDF, to inquire into or investigate matters concerning the ADF;
- b. otherwise, to inquire into or investigate matters concerning the military justice system; and
- c. to inquire into or investigate alleged breaches of the Service Police Code of Conduct by Service Police members.

The IGADF provides an avenue for complaints relating to military justice issues where chain of command considerations may discourage, or other factors may preclude, recourse to normal avenues of complaint. An IGADF inquiry into aspects of the military justice system can make findings and recommendations in relation to whether an alleged injustice has been substantiated. The scope of IGADF recommendations can include suggested improvements to the military justice system.

Submissions to the IGADF are received from serving members, former serving members, families of members or former members, and other persons concerned about potential failures of military justice. Such submissions can range from relatively simple contemporaneous single issue complaints through to highly complex complaints raising multiple issues stretching over years or decades. Continuing the trend that has been observed over the last three reporting periods, submissions during this period were frequently characterised by the complexity and multiplicity of issues raised.

During the first three months of the reporting period, IGADF inquiries and investigations were conducted under the provisions of Part 7 of the Defence (Inquiry) Regulations 1985. From 01 October 2016, all new inquiries were conducted under the provisions of the Inspector-General of the Australian Defence Force Regulation 2016 (the IGADF Regulation), with transitional provisions providing for continuation of earlier inquiries under the previous regulations. This differentiates IGADF inquiries from single Service or other ADF administrative inquiries, which are conducted under Part 6 of the Defence (Inquiry) Regulations 1985. This important difference provides several benefits, the most significant being that IGADF inquiries are conducted independently of the chain of command, thereby reducing the likelihood of allegations of undue command influence over outcomes.

During the reporting period, IGADF inquiries had recourse to coercive powers under both Regulations. The Defence (Inquiry) Regulations 1985 provided the power to require the cooperation of ADF witnesses (including Reservists on duty) to attend and answer all questions, other than in certain exempt circumstances. The IGADF Regulation provides expanded coercive powers, permitting IGADF inquiries to compel the cooperation of Reservists whether on or off duty. In a fundamental change to the previous powers, an IGADF inquiry that has been directed by the Minister or CDF may compel the cooperation of any person, including members of the public. As with other formal ADF inquiries, IGADF inquiry officers and witnesses are protected against civil suit for actions arising in the course of their inquiry duties.

A perennial challenge for the Office of the IGADF with respect to inquiries and investigations is the maintenance of sufficient numbers of suitably qualified and experienced staff, including part-time staff, to achieve IGADF's mission and objectives in a reasonable and timely manner. Fortunately, the majority of IGADF inquiries and investigations staff has many years experience either in the full or part-time ADF or in the APS. This enables them to bring a great deal of service knowledge and expertise in inquiry and investigation related tasking, including key focus areas such as: Defence administration; ADF human resource management; command and control processes; deployed warlike, non-warlike and humanitarian operations; the military discipline system; ADF training; Defence financial management; Defence equity and diversity; complaint management; and Service Policing. The continual development and maintenance of a cadre of suitably qualified and experienced staff is being pursued through a combination of active engagement with the Services and word-of-mouth recruitment.

Another emerging challenge for the Office of the IGADF during the reporting period was a significant increase in aftercare requirements for inquiries, investigations and complaints. These aftercare requirements included:

- a. requests for reconsideration of decisions not to inquire into matters or to reopen completed cases;
- b. requests for access to inquiry material either via administrative release or under the provisions of the *Freedom of Information Act 1982*; and
- c. complaints to the:
 - (1) Minister for Defence or other parliamentarians;
 - (2) Commonwealth and Defence Force Ombudsman;
 - (3) Australian Human Rights Commissioner; and
 - (4) Office of the Australian Information Commissioner.

While parallel complaint avenues have always existed, there is a continuing trend for complainants to exercise these options, either sequentially or simultaneously, and it is not unusual to encounter a 'scattergun' approach where multiple agencies are dealing with effectively the same complaint. Addressing these aftercare requirements represented a substantial impost on the available resources within the Office of the IGADF.

Submissions

A submission is a complaint or concern expressed by a member of the ADF or member of the public received by, or referred to, the IGADF. The decision on what action is to be taken in relation to a submission is made by the IGADF. Each of the Services or other Defence Groups may request that IGADF conduct an inquiry, independent of the ordinary chain of command, into matters affecting the military justice system.

During the reporting period, the IGADF received 61 inquiry submissions, a decrease of approximately 10 per cent over the number submitted in the preceding reporting period. Comparable with previous reporting periods, approximately 30 per cent of these submissions proceeded to full inquiry, with the main subjects including: abuse of authority; abuse of process; avoidance of due process; harassment; and inappropriate behaviour. However, this figure is only a partial measure of the total inquiry-related workload, with 29 matters carried forward from the previous reporting period, resulting in activity across the total of 90 matters during the reporting period. Furthermore, a number of new and continuing submissions were of a highly complex nature, which required significant cross-Group and/or inter-Departmental liaison and coordination.

The time taken to complete an inquiry can be influenced by many factors, including, but not limited to: the complexity of the complaint; time elapsed since the alleged incident; the number and location of personnel involved (complainants, respondents and witnesses); the amount and availability of witness statements and evidence; involvement of other functional areas; and the number of inquiries subject to review and clearance at a particular time.

During the reporting period 42 submissions were finalised as a result of IGADF inquiry or assessment. Of these, five submissions were found by IGADF to have been wholly or partially substantiated.

Service Police Professional Standards

The ADF Service Police professional standards are currently governed by CDF Directive 14/2014 *Service Police Professional Standards: A code of conduct and management of complaints against Service Police*. The Directive provides that the reporting of all complaints regarding Service Police must be referred to the IGADF, recognising the unique role ADF Service Police play within the military justice system, and the imperative for a system to ensure that Service Police perform their duties ethically, to the highest personal and professional standard, and in accordance with the law. The IGADF's Professional Standards investigative capability enables the review of such allegations of serious breaches of the Service Police Code of Conduct to be conducted independently of the Joint Service Police Group (established in January 2017) and, in particular, the ADF Investigative Service (ADVIS) and other Service Police authorities.

During the reporting period, IGADF received 32 complaints against Service Police, of which 19 became the subject of further IGADF inquiry or investigation. A further 21 cases were carried forward from the previous reporting period, resulting in investigation activity on 40 matters during the reporting period.

Own initiative inquiry

On 22 May 2017, IGADF directed the undertaking of an own initiative inquiry into the ADF Service Police Code of Conduct and Professional Standards system by Group Captain Philip Moss, AM. The aim of the IGADF inquiry is to identify potential improvements to the current Police Code of Conduct and Professional Standards system. The inquiry will consider the current system by:

- a. Assessing the form and functionality of the current system;
- b. Benchmarking the current system against civilian police best practice;
- c. Assessing the scope to which any Professional Standards system should encompass non-core policing roles;
- d. Determining whether the Code of Conduct should constitute a general order for the purpose of the DFDA;
- e. Assessing the adequacy and effectiveness of the Code of Conduct training;
- f. Assessing the adequacy of the current Service Police complaint system;
- g. Assessing the adequacy of the current policy and procedural documents;
- h. Assessing the mechanisms for the application of potential sanctions arising from confirmed breaches of the Code of Conduct;

- i. Drafting a revised Code of Conduct and any necessary supporting policy or procedural documents and directives.

The own initiative inquiry was ongoing at the end of the reporting period.

DIRECTORATE OF MILITARY JUSTICE PERFORMANCE REVIEW

Audit function

One of the main functions of the IGADF is to provide an ongoing mechanism for the conduct of internal audits and a review of the military justice system. This function is specified in section 110C of the Act, which states that the IGADF is to:

....conduct performance reviews of the military justice system, including internal audits, at the times and in the manner the Inspector-General ADF considers appropriate.

The IGADF seeks to conduct around 50 military justice performance audits in each reporting period, representing approximately 10 per cent of all auditable ADF units. The audits assess whether units are complying with, and implementing, military justice law and policy appropriately. In addition the audits identify possible areas for improvement in unit arrangements for the effective delivery of military justice.

The IGADF military justice performance audits look at both the disciplinary and administrative components of the military justice system and how each component operates at unit level.

Audit procedures and practices have been aligned as closely as possible to the relevant Standards on Assurance Engagements issued by the Auditing and Assurance Standards Board, namely:

- a. ASAE 3000 *Assurance Engagements Other than Audits or Reviews of Historical Financial Information*,
- b. ASAE 3100 *Compliance Engagements*, and
- c. ASAE 3500 *Performance Engagements*.

During the conduct of military justice performance audits, spot-checks of available records are undertaken by audit team members to verify and confirm appropriate practices are employed, identify possible lapses and failures in the delivery and administration of military justice at the unit level, and to provide the unit's Command team with recommendations to address breaches of policy and suggestions for better work practices when implementing military justice at the unit level.

Audit team members also conduct focus group discussions with representative groups of unit personnel, based on worn rank and, in some cases, according to gender. The purpose of these focus group discussions allows the audit team to assess and report on the participants' overall awareness of the military justice

system, as well as their perceptions of the implementation of military justice law and policy in the audited unit.

The findings from each element of the audit are compiled to generate an overall military justice performance report, which makes an assessment against specific criteria of the quality of military justice delivered at the relevant unit.

Generally, audits find minor policy breaches; however, occasionally audit teams have identified more significant breaches of military justice law and policies. In these circumstances, the relevant unit is re-audited within the following 12 months or as soon as possible thereafter.

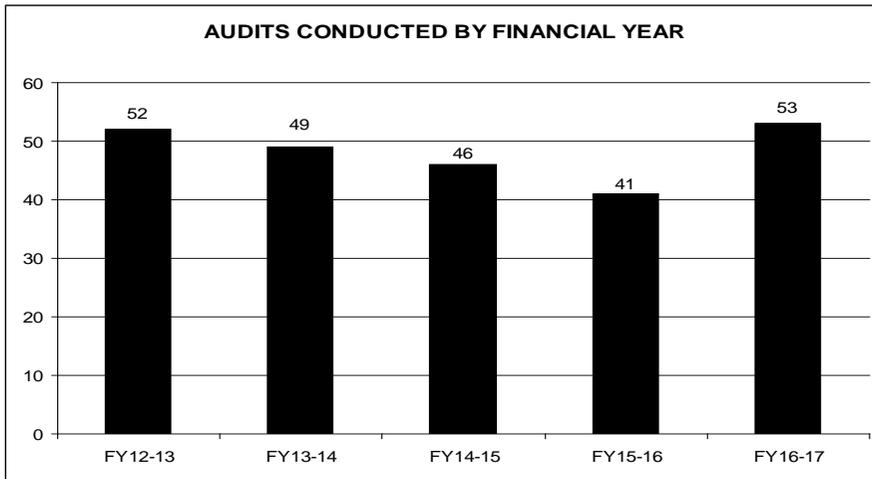
The IGADF audit program provides numerous benefits for the ADF, which include, but are not limited to:

- a. unit-initiated rectification of military justice processes and practices which the prospect of an IGADF audit may encourage;
- b. improvements to unit military justice delivery implemented during audits or as a result of audit recommendations or suggestions;
- c. the possibility that an audit might provide early warning of unit-specific issues with potential military justice impacts;
- d. the promotion of military justice values among unit commanders and staff who are accountable for military justice in their unit and among unit personnel who take part in focus group discussions; and
- e. mitigation of strategic risk by means of an assurance process in which units are audited on a periodic basis.

Military justice performance audit program

By the end of the reporting period, 53 audits of ADF units (Army 21, Navy 14, and Air Force 18) had been completed. This represents an increase of around 29 per cent over the 41 audits conducted in the previous reporting period.

The graph below illustrates the number of audits conducted since financial year (FY) 2012–13.



During the reporting period, material deficiencies were identified in one of these units (representing just under two per cent of audited units). Consistent with IGADF audit procedures, this unit will be re-audited within the next 12 months.

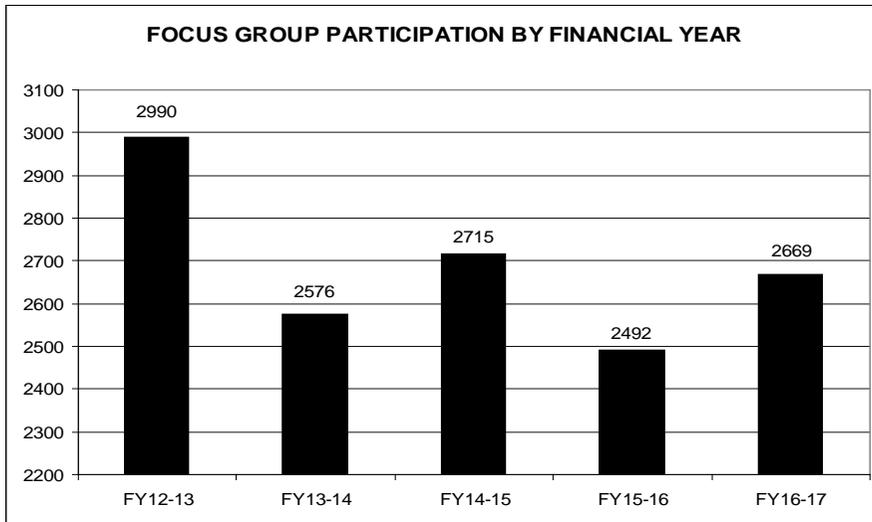
Common shortfalls or areas for improvement for units with compliance breaches include:

- a. the unit's inadequate awareness of military justice procedures;
- b. a lack of appropriate disciplinary appointments;
- c. incomplete or out of date DFDA delegations;
- d. an absence of suitable registers for notifiable incidents, fact finding and administrative inquiries;
- e. limited record keeping and absence of corporate files; and
- f. a failure to enter military justice data (investigations, DFDA offences, administrative sanctions, civil convictions, administrative inquiries and involuntary discharges) onto relevant ADF information tracking systems.

The need to conduct regular DFDA training to inform all personnel of their basic rights and responsibilities under the DFDA, and to conduct more specialised training to enable relevant personnel to perform their DFAD roles, functions and responsibilities are among the common suggestions made by IGADF as a result of the audit program.

During the reporting period, 2669 ADF personnel (Army 9743, Navy 779 and Air Force 947) participated in a focus group discussion during the course of the audit program.

The graph below depicts the focus group participation rate since FY2012–13.



Focus group survey outcomes

Focus group discussions, along with an analysis of the survey responses, continue to provide a useful indication of the effectiveness of the ADF's military justice system administered at the unit level. Responses to the focus group survey during the reporting period show:

- a. 79 per cent of participants believe the discipline system is fairly and consistently applied at unit level;
- b. 84 per cent of participants believe the DFDA is an effective tool for maintaining discipline;
- c. 76 per cent of participants were aware of their rights and obligations under the discipline system;
- d. 33 per cent of participants believed the complexity of the DFDA discourages the laying the charges;
- e. 81 per cent of participants believed their unit would treat them fairly and impartially if they were the subject of an administrative inquiry;
- f. 77 per cent of participants believed their unit would fairly consider any response made by the member before imposing an administrative sanction against them;

- g. 82 per cent of participants had confidence in their chain of command to resolve complaints;
- h. 72 per cent of participants believed complaints made to their chain of command would be dealt with fairly, promptly and impartially;
- i. 64 per cent of participants believed their unit maintained a balance between the rights of complainants and the rights of respondents;
- j. 16 per cent of participants believed they had experienced unacceptable behaviour at their unit;
- k. 90 per cent of participants knew where to obtain advice or information on unacceptable behaviour;
- l. 93 per cent of participants believed their unit would take appropriate action if they became aware of an incident or complaint of sexual misconduct, including a sexual offence; and
- m. 79 per cent of participants believed all genders are treated equally under the military justice system.

The individual unit survey results are compared with the survey averages, for their Service, from the previous financial year period. This allows the benchmarking of the unit's ability to deliver a healthy, effective and efficient military justice system. The results assist the IGADF to assess trends in the ADF's perceptions of the military justice system, and indicate where response rates vary significantly from Service average, assisting the chain of command to identify possible issues.

While the IGADF audits contribute significantly to the monitoring of the health and effectiveness of the military justice system within the ADF, the IGADF also relies on accessing data from both internal and external information sources to analyse, identify, examine and propose remedies for military justice failures and shortcomings.

Information Tracking Systems

The IGADF sponsors two information tracking systems: the ADF Administrative Inquiries Tracking System (ADFAITS); and the Defence One – Conduct Reporting and Tracking System (CRTS).

ADFAITS is the primary, ADF-wide, information system for the capture and tracking of administrative inquiries, and provides a repository of information regarding these inquiries. The IGADF continues to monitor and develop ADFAITS to ensure the system can cater to the requirements of the users. The ADFAITS system was successfully upgraded as part of the Centralised Processing project in October 2016.

An in-depth review of the governing policy for the ADFAITS system, Defence Instruction (General) Administrative 65-1 *Administrative Inquiry Tracking*, occurred during the reporting period. The review identified the need for the policy to be

relocated within the *Administrative Inquiries Manual*, with work continuing on the review and implementation of the revised policy.

During the reporting period there were 35 (Navy 2, Army 31, Air Force 1 and CDF 1) administrative inquiries recorded on ADFAITS.

CRTS tracks an ADF member's entire conduct record and has become an integral tool for effective career management and discipline maintenance. Through timely and accurate data entry, the CRTS system allows the IGADF to provide military justice statistical data and analysis to command, identifying discipline trends, as well as responding to media enquiries.

During the reporting period the CRTS system was identified as a suitable information tracking system for recording and tracking protection orders, which includes domestic violence orders and apprehended violence orders, amongst others. Subsequently work was undertaken on the CRTS system to allow for the recording and monitoring of protection orders where an ADF member is subject to such an order.

Similarly, during the reporting period, the governing policy for the use of the CRTS system, Defence Instruction (General) Administrative 10-8 *Conduct Reporting and Tracking System*, was reviewed. The IGADF is working with the Directorate of Military Personnel Policy to have the policy information relocated to the *Military Personnel Policy Manual*.

Requests for information

The Office of the IGADF experienced an increase in demand to provide military justice statistics and analysis during the reporting period, from both internal and external agencies. The Office of the IGADF responded to requests for information from the CDF, VCDF, Chief of Air Force, Chief of Army, the Office of the Judge Advocate General, the Registrar of Military Justice, Provost Marshal ADF, the Summary Discipline System Review Team, the Australian Human Rights Commission and the Australian War Memorial. In addition, the Office of the IGADF actioned multiple Freedom of Information requests for military justice related data.

A synopsis of some of the key military justice statistical information generated during the reporting period is contained in the Annex.

DIRECTORATE OF SELECT INCIDENT REVIEW

The Directorate of Select Incident Review (DSIR) conducts reviews and formal inquiries into the circumstances of all deaths in service of ADF members, whether they are combat or non-combat related. DSIR is also responsible for conducting reviews and inquiries into any other select incident not involving the death of an ADF member. To assist the performance of this IGADF function, CDF Directive No 15/2015 *Reporting of Deaths of ADF Members and Support to IGADF and CDF Appointed Inquiries* was released in October 2015. The Directive requires Service Chiefs to promptly report the death of a member of their Service to IGADF and it directs the Chief of Joint Operations (CJOPS) to report the death of ADF members

force-assigned to him. In some circumstances, the CDF might appoint a COI and, on those occasions, DSIR manages and coordinates support to the conduct of the CDF COI.

During the reporting period, DSIR coordinated and conducted IGADF reviews and inquiries under Part 7 of the Defence (Inquiry) Regulations 1985 and the Inspector-General of the Australian Defence Force Regulation 2016. The latter regulation provides IGADF with the legislative basis to review and inquire into the death of an ADF member when the death appears to have arisen out of, or in the course of, the member's service in the ADF. These reviews and any formal inquiry by the IGADF are conducted independently of the chain of command.

After notification from Navy, Army, Air Force or Joint Operations Command, DSIR reviews the circumstances of each death, including examination of compliance with Defence policies and procedures. The review and inquiry process is well established, but it requires close liaison and coordination with Service Headquarters, Joint Operations Command, Joint Health Command, Defence Community Organisation, ADFIS as well as commands, formations and units. Investigations into deaths often require input from Federal, State or Territory police forces and relevant Coroners – this contact is conducted through the support of ADFIS.

On completion of a review or inquiry, IGADF provides written advice to the CDF as to whether the death appears to have arisen out of, or in the course of, the member's service. IGADF review and inquiry reports provide CDF with accurate and unbiased information that may be used for internal decision making. When appropriate, IGADF will also make recommendations to the CDF to improve policies and procedures with the purpose of preventing a recurrence of incidents.

Reports provided to the IGADF and CDF are closely scrutinised to ensure that all evidence which is reasonably practicable to obtain has been obtained, that procedural fairness has been provided to adversely affected individuals and that recommendations made in IGADF reports are appropriate for implementation.

During the reporting period, IGADF received notification of, and DSIR commenced reviews into, 43 deaths of ADF members.

IGADF finalised 23 reviews of deaths in service; 18 related to deaths that occurred in previous years and five were from deaths in this reporting period. Of those 23 deaths, 10 (44 per cent) were due to medical issues, six (26 per cent) were suicides and five (22 per cent) were the result of motor vehicle accidents.

IGADF also finalised four formal inquiries into ADF member deaths and one inquiry into a matter not involving death. Additionally, IGADF re-commenced management and coordination of support for the resumption of a CDF COI that was previously suspended until a separate civilian criminal trial was complete.

DIRECTORATE OF MILITARY REDRESS AND REVIEW

The Redress of Grievance (ROG) process is a legislated process by which ADF members can submit formal complaints about matters that relate to their service, for consideration, by their chain of command and now the IGADF.

The reporting period brought significant change to the administration of ROGs in the ADF. On 01 October 2016, Part 7 of the Defence Regulation 2016 provided for a new, more flexible ROG process with a single layer of review conducted by the IGADF, in whatever manner the IGADF considers to be appropriate to the circumstances (new system ROGs).

ROGs submitted before 01 October 2016 (old system ROGs) continued to be managed in accordance with Part 15 of the Defence Force Regulations, including preservation of a member's discretion to refer their complaint to their Service Chief, and in some circumstances, the CDF. IGADF continued to inquire into these old system ROGs and provide reports to Service Chief delegates and CDF.

As noted in the previous IGADF Annual Report, it was recognised that external resources would be required to assist in dealing with an accumulation of old system ROG casework. Consequently, during the reporting period, IGADF engaged three law firms to assist with the backlog of complaints. By the end of the reporting period, one of those firms continued to assist with old system ROGs.

Defence policy is that complaints should be dealt with quickly, at the lowest possible level, and that complaint handling is routinely a function of command and line management. The process for handling new system ROGs encapsulates that policy, but importantly provides for IGADF oversight. ROG complaints must be submitted to the member's Commanding Officer or an authorised complaint recipient (ACR). However, Commanding Officers and ACR's must refer every ROG complaint to the IGADF within 14 days of receipt, unless the member has withdrawn it. IGADF is automatically sent a copy of a complaint where it is submitted via the approved, automated form. The expectation is that Commanding Officers will continue to deal with complaints, where appropriate, even after the referral to the IGADF.

IGADF considers every complaint, but has discretion to not consider any complaint in detail, or to stop considering any complaint for a variety of reasons.

The new ROG system has neither substantially altered the number of complaints submitted nor the subject matters of complaints. The flexibility and discretions provided under the new system have, however, resulted in reduced time taken to finalise complaints, which in turn has addressed previous concerns with perceptions of misuse of the ROG process to delay executive action, especially with respect to termination of service decisions.

ROGs submitted

During the reporting period, 423 ROGs were submitted by ADF members, an eight per cent increase on the previous reporting period (392). Consistent with previous reporting periods, the main subjects of complaint concerned career (38 per cent), termination of service (33 per cent), and entitlements (18 per cent).

ROGs referred to Service Chiefs and CDF

During the reporting period, 37 ROGs were referred to Service Chiefs and 14 to the CDF.

Decisions and outcomes

ROG decision outcomes are categorised under six headings: 'complaint not reviewable'; 'withdrawn by member'; 'administrative resolution'; 'no merit'; 'some merit' (ie partially upheld); and 'has merit' (ie fully upheld).

Overall, 21 per cent of those complaints that proceeded to a substantive decision were substantiated either in whole or in part. A further 11 per cent were withdrawn by the applicant prior to substantive consideration as a ROG. Some of these withdrawals likely occurred for reasons of recognised merit and subsequent resolution.

ROGs finalised at unit level

During the reporting period, 370 ROGs (Navy 78, Army 197 and Air Force 95) were finalised at unit level. Of those, 177 were found to have no merit, 49 were withdrawn by the applicants 48 were not reviewable, 30 were partially upheld, 49 were fully upheld, 15 were resolved administratively outside the ROG process and two were automatically referred to the Service Chief for consideration (under Regulation 77 of the Defence Force Regulations 1952).

The present management system for monitoring ROGs is being amended to reflect the new legislative process, including the flexibility which allows concurrent consideration by command and IGADF. Current tracking indicates that the average and median times to finalise complaints has reduced substantially under the new ROG process.

ROGs finalised at Service Chief and CDF Level

During the reporting period, 16 ROGs (Navy three, Army 10 and Air Force three) were finalised at the CDF level. Of those, 10 were found to have no merit, three were partially upheld and three were fully upheld.

A further 122 ROGs (Navy 28 Army 59 and Air Force 35) were decided at the Service Chief level. Of those, 94 were found to have no merit, five were withdrawn by the applicants and five were not reviewable. Of the remaining 18, six were partially upheld, 11 were fully upheld and one was resolved administratively outside of the ROG process.

DIRECTORATE OF LEGAL REVIEW

In November 2016, IGADF provided intensive training for those ADF Legal Officers seeking to gain Head Defence Legal approval to review Inquiry Officer Inquiries under the Defence (Inquiry) Regulations 1985. This training supports the

requirements contained in the *Administrative Inquiries Manual* for review by appropriately trained and endorsed officers to conduct review of such inquiries. It acts as an important element of the assurance mechanism for the wider ADF as to the quality of review being conducted.

Members of the legal team assisted in the conduct of the IGADF military justice performance audits throughout Australia.

During the reporting period the IGADF continued to be consulted and to provide input to the development or amendment to Defence policies relevant to military justice.

VISITS AND OTHER ACTIVITIES

Meetings with international counterparts provide excellent opportunities for the IGADF to liaise with other agencies and authorities who share similar oversight functions and responsibilities within their military justice systems. During the reporting period, the IGADF met with delegations from China and Canada.

Visit by China's Auditor-General of the Military Justice Audit Office

International Policy Division and Audit and Fraud Control Divisions jointly hosted a visit from China's Auditor-General of the Military Audit Office, Major General Guo Chunfu, and a delegation of six Officers from the People's Liberation Army on 18 January 2017.

An invitation was extended to the IGADF to meet with the Auditor-General, with the main purpose of the visit to allow the Chinese delegation to gain a broader understanding and appreciation of the ADF's military justice system, and to initiate relationships between the IGADF, as a key military justice appointment, and the Chinese delegation.

A brief highlighting the IGADF function, roles and responsibilities within the ADF military justice system was also provided to the delegation.

Visit by the Canadian Court Martial Comprehensive Review Team

As noted in the previous IGADF Annual Report, the IGADF met with the Canadian Court Martial Comprehensive Review Team (CMCRT) and provided a brief on the ADF military justice practices and procedures, in particular Service Discipline. A second meeting between the IGADF and the CMCRT was held on 24 August 2016.

The discussions during this meeting focused on the comparisons between the two military justice systems, the ways in which they operate within their respective legal frameworks and the effectiveness and efficiency of each of the military justice systems.

Attendance at conferences

During the reporting period, IGADF accepted invitations to attend, and present at, numerous military justice related conferences. Those conferences attended by the IGADF included: the Australian Institute of Administrative Law's National Administrative Law Conference, the one-day inaugural Fraud and Anti-corruption Congress hosted by the Defence Audit and Fraud Control Division, the annual Reserve Legal Officer Heads of Panel Workshop and the Defence Legal National Joint Legal Issues Workshop.

In addition, IGADF representatives attended the third annual Fraud and Corruption Network (FACNET) Forum in Canberra from 01 to 04 May 2017, which was hosted by the Defence Audit and Fraud Control Division. The FACNET Forum was attended by senior level representatives from the Office of the Inspector-General of the United States Department of Defense, the United Kingdom Ministry of Defence, the Canadian Department of National Defence and the New Zealand Ministry of Defence and the ADF.

Presentations delivered by the IGADF covered the functions, roles and responsibilities of the Office of the IGADF, current military justice topics and a brief analysis of military justice statistics.

Military justice seminars, training and forums

During the reporting period, the IGADF was invited to attend and present on the role of the Office of the IGADF, and current military justice topics at various seminars and training courses. These courses included the Legal Training Modules run by the Military Law Centre as part of ADF legal officer's training continuum, command courses and Reserve Legal Officer training activities. In addition, the IGADF attended a number of topical forums, including the Military Justice Coordination Committee, the Military Justice Legal Forum and the Commonwealth Complaint Handling Forum.

IGADF staff also assisted the Military Law Centre in the delivery of the Inquiry Officer Training Course, which is the base competency course for ADF members who may be required to conduct inquiries into serious or complex matters in Defence.

Professional development training courses and workshops in Administrative Decision Making, Managing Unreasonable Complaint Conduct, and The Application of Military Law from a Psychological View Point - Influence by Hindsight Bias, were delivered to IGADF staff throughout the reporting period.

Due to the nature of the work undertaken within the office of the IGADF, an emerging concern is the mental wellbeing of staff. To support staff in these specific areas of IGADF, mental health training in Recognising and Responding to Vicarious Trauma and Supporting Practice with Complex Trauma Clients was administered, and an IGADF Mental Health Strategy is being developed.

Submissions to Parliamentary inquiries

During the reporting period, the IGADF made two written submissions to inquiries of the Senate Foreign Affairs, Defence and Trade References Committee ('the Committee'). The first was in relation to the Committee's inquiry into matters raised by the New South Wales (NSW) Police Strike Force CIVET report, and the second concerned the Committee's inquiry into suicide in the ADF.

CONCLUSION

The operating tempo of the OIGADF during this reporting period was relatively higher than in previous years. Contributing to this higher operating tempo was a 29 per cent increase on the previous year in the conduct of military justice performance audits, an eight per cent increase in the number of applications for Redress of Grievance and a five per cent increase in the number death reviews initiated by the OIGADF. The number of FOI applications also increased, and a higher demand to provide military justice statistics and analysis, from both internal and external agencies, also contributed to the higher operating tempo.

Despite the number of submissions and complaints against Service Police decreasing slightly during the reporting period, those professional standards complaints that were received generally required a more complex assessment, inquiry or investigative response. The seriousness of certain matters under inquiry generally also added to this complexity.

The commencement during the reporting period of new regulations supported the performance of IGADF's statutory role and functions and replaced previous legislative and administrative arrangements. By the end of the reporting period, it was apparent that the enhanced regulatory processes had facilitated more timely and more efficient outcomes, particularly in the management and handling of grievances under the new Redress of Grievance scheme. Additionally, considerable progress was achieved in relation to the own initiative review of the Service Police Code of Conduct and Professional Standards System.

A fair and effective military justice system is necessary for the ADF's overall operational effectiveness. The IGADF, as an independent and impartial inquiry, assurance, review and integrity office is uniquely placed to conduct inquiries into ADF matters and to observe the operation of the military justice system.

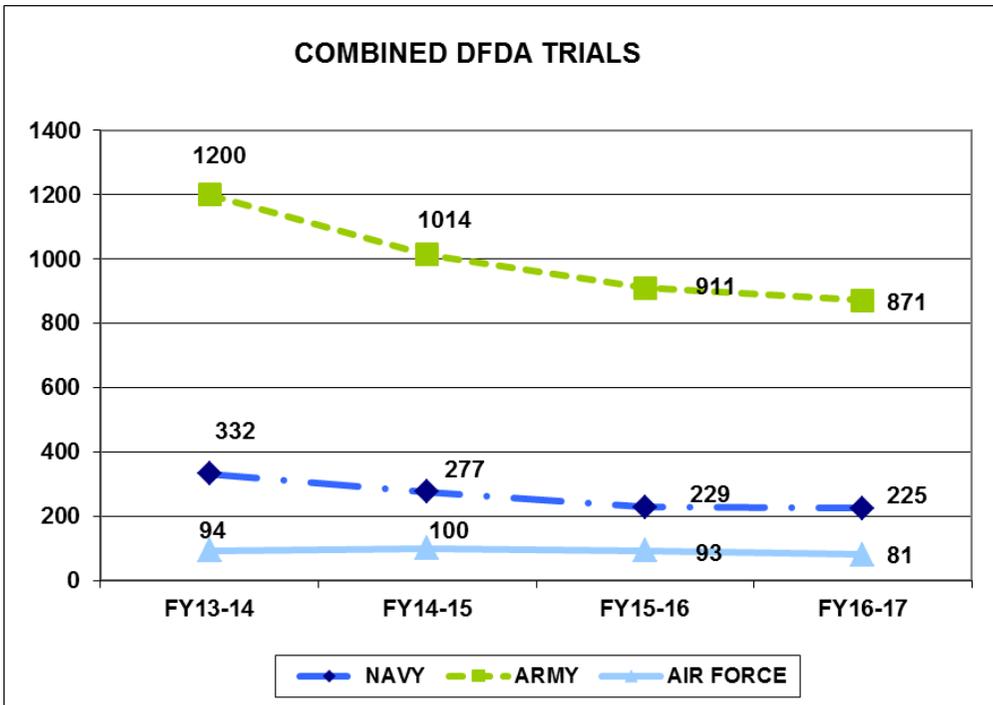
GLOSSARY OF ACRONYMS AND ABBREVIATIONS

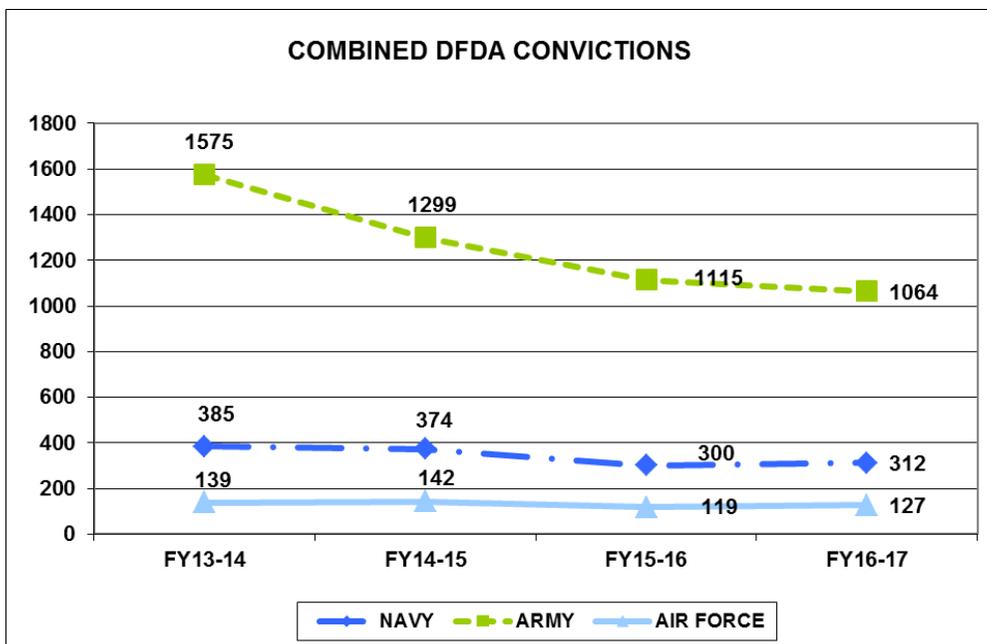
| | |
|--|---------|
| Australian Defence Force | ADF |
| ADF Administrative Inquiry Tracking System | ADFAITS |
| ADF Investigative Service | ADFIS |
| Australian Public Service | APS |
| Australian Standards on Assurance Engagements | ASAE |
| Chief of the Defence Force | CDF |
| Commission of Inquiry | COI |
| Conduct Reporting and Tracking System | CRTS |
| <i>Defence Force Discipline Act 1982</i> | DFDA |
| Directorate of Legal Review | DLR |
| Directorate of Military Justice Performance Review | DMJPR |
| Directorate of Military Redress Review | DMRR |
| Directorate of Select Incident Review | DSIR |
| Executive Level 1 | EL1 |
| Inspector-General of the Australian Defence Force | IGADF |
| Officer Level 5 (referring to a LTCOL or equivalent) | O5 |
| Officer Level 6 (referring to a COL or equivalent) | O6 |
| Redress of Grievance | ROG |
| <i>Defence Act 1903</i> | the Act |

MILITARY JUSTICE STATISTICS

Discipline statistics

The overall offending rate across the three Services continues to steadily decrease, a trend witnessed since FY2013-14. The total number of trials (courts martial, Defence Force Magistrate trials and summary trials) decreased from a high of 1626 in FY2013-14 to a low of 1177 in this reporting period. The total number of convictions recorded across the Services has followed an almost identical trend with a high of 2099 in FY2013-14 to a low of 1503 in FY2016-17. Recent trial and conviction trends are illustrated in the below graphs.





The number of courts martial and DFM trials has decreased over the past three financial years, by approximately 17 per cent, from 42 in FY2014-15 to 41 in FY2015-16 and 34 in FY2016-17.

The decreasing offending rate witnessed at the summary trial level, over the past three financial years, continued during FY2016-17. Summary trials decreased by four per cent from 1192 (Navy 217, Army 886 and Air Force 89) in FY 2015-16 to 1142 (Navy 218, Army 854 and Air Force 70) in FY2016-17. The number of convictions across the three Services has followed a somewhat similar trend over the same period of time. During the reporting period there were 1391 (Navy 288, Army 1014 and Air Force 89) convictions recorded, a decrease of about three per cent from the 1433 (Navy 283, Army 1038 and Air Force 112) recorded in FY 2015-16.

The number of not guilty findings, from Summary level trials, totalled 68 (Navy 30, Army 30 and Air Force eight) and a further 38 (Navy 12, Army 24 and Air Force two) convictions were quashed on review. In addition, a further 15 accused persons pleaded not guilty to some or all of the charges against them, with 12 subsequently being found not guilty of some or all of those charges against them. Highlighting that fairness and transparency exists within the discipline system.

Alcohol conviction statistics

Overall disciplinary convictions where the misuse of alcohol was a contributing factor (excluding alcohol misuse whilst on deployment) totalled 134 during FY2016-17, Navy accounted for 56 (42 per cent), Army 52 (39 per cent) and Air Force 26 (19 per cent). There were a further 19 disciplinary convictions for alcohol related offences

committed on deployment during the same period. Navy accounted for 12 (63 per cent), Army 3 (16 per cent) and Air force 4 (21 per cent).

Discipline infringement statistics

There were 4743 disciplinary officer infringements recorded during FY2016-17, an overall decrease of around seven per cent over the 5118 infringements recorded in FY2015-16. Navy accounted for 32 per cent of all infringements recorded during the reporting period with 1540, Army 60 per cent with 2829 infringements and Air Force eight per cent with 374 infringements.

Administrative sanctions statistics

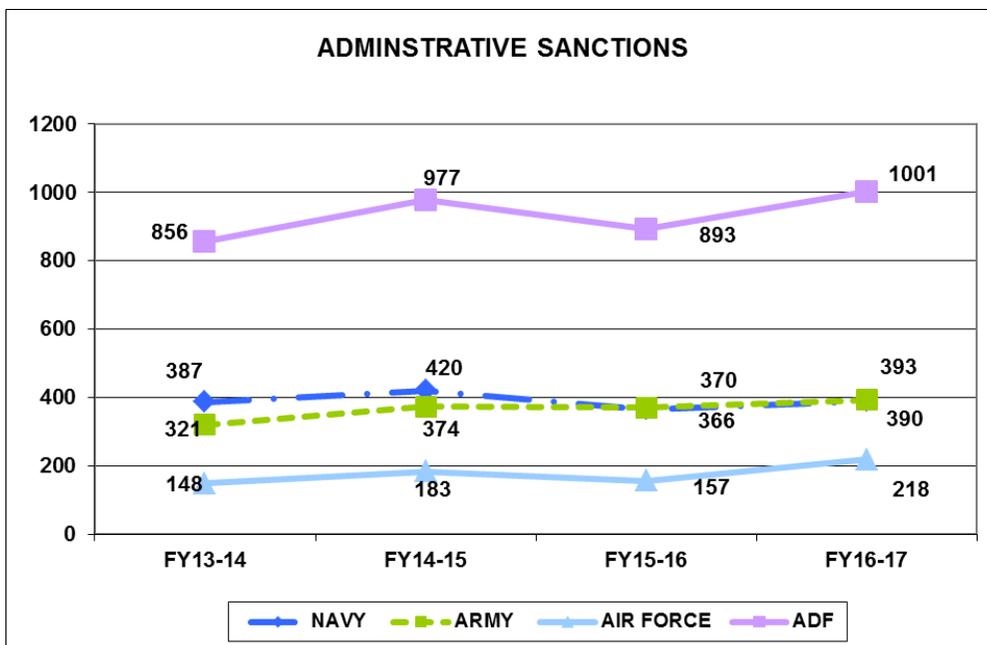
The administrative sanctions system is designed to protect the reputation of the ADF through targeting and correcting shortfalls in appropriate or acceptable behaviour, and in a member's performance and standards. The main reasons an administrative sanction were imposed during the reporting period include misuse of alcohol (252), civil offences (153), fitness test failure (280), personal qualities (189) and unsatisfactory conduct (612).

Administrative sanctions include, but are not limited to, formal warnings, censures, termination of service, reduction in rank, removal from an appointment or locality, denial or delay of promotion or revocation of provisional promotion, loss of security clearance and change of employment category.

The imposition of administrative sanctions has fluctuated over the past four financial year periods from a low of 856 in FY2013-14 to a high of 1001 in FY2016-17. Overall there was a 12 per cent rise in the use of administrative sanctions between FY2015-16 and FY2016-17 from 893 to 1001. Air Force experienced the largest increase with 39 per cent from 157 to 218, followed by Navy with a seven per cent increase from 366 to 390 and Army with a six per cent increase from 370 to 393 over the same period.

Army have imposed the most sanctions for the second straight financial year; historically, Navy use the adverse administrative system more than Army and Air Force.

Of the 1001 sanctions imposed, formal warnings (441), formal counselling (212), termination of service (190) and censures (77) account for 92 per cent of all sanctions imposed, and remain the most commons form of administrative sanction imposed. The remaining 81 (eight per cent) of the sanctions imposed include, reduction in rank, suspension from duty, administrative posting and formal counselling.



Administrative inquiries statistics

The ADFAITS system tracks data associated with the conduct of administrative inquiries. This data is added and maintained by the units and formation level. During the reporting period, 34 inquiry officer inquiries were entered in ADFAITS. Navy accounted for two, Army 31 and Air Force one.

Civil conviction statistics

The civil conviction of ADF members experienced a 23 per cent increase between FY2015-16 and FY2016-17, from 101 to 124. Punishments imposed by a civil authority also increased by four percent from 119 in FY2015-16 to 124 in FY2016-17. Monetary fines (68) and the loss or suspension of motor vehicle licence (40) account for 87 per cent of the 124 punishments imposed by a civil authority.