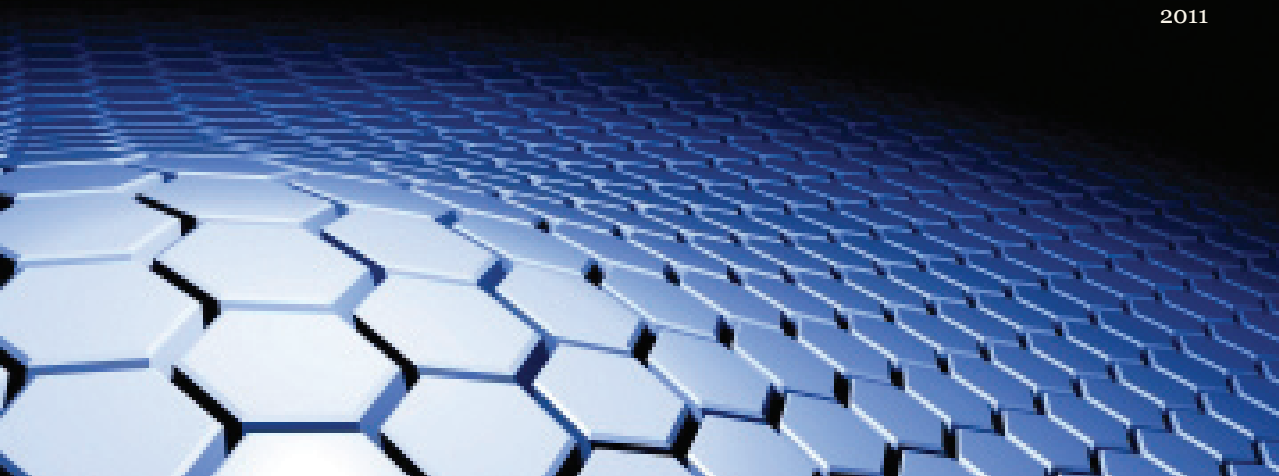**Australian Government**

Department of Defence

Beyond Compliance:

Professionalism, Trust and Capability in the Australian Profession of Arms

Report of the Australian Defence Force Personal Conduct Review

Reviews into aspects of Defence and
Australian Defence Force Culture
2011

BEYOND COMPLIANCE:

PROFESSIONALISM, TRUST AND CAPABILITY IN THE AUSTRALIAN PROFESSION OF ARMS

REPORT OF THE
ADF PERSONAL CONDUCT REVIEW

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Executive summary

Background

1.   Recent events at the Australian Defence Force Academy, on board HMAS SUCCESS, and other incidents have raised doubts in the minds of the Australian Government and the Australian community about the effectiveness of military discipline and the personal conduct of members of the Australian Defence Force (ADF) both in Australia and abroad. On the face of it these unacceptable events appear to suggest that the ADF has a major problem with its culture and its behaviour at the individual and small group level.

2.   The ADF needs to respond to this challenge in order to restore the trust and confidence of the Government and the Australian community. While these incidents are clearly unacceptable, the challenge for the ADF is to balance evidence of instances of unacceptable behaviour with the evidence of consistent excellence in operations, commitment to service, and the exemplary performance of tens of thousands of ADF members in a wide variety of environments.

3.   Overall, the ADF response to prevent these failures in personal conduct must be strategic and systemic. It must reflect the unique nature of military service and the requirements of a professional and operations-focussed culture. A workable response must be practical and accessible, as well as resonating with the men and women of the ADF. At the same time, it must be acceptable to external stakeholders, particularly to the government and the public. In short, the response must take the ADF "Beyond Compliance", to deliver capability and support its people while building and retaining the trust of Government and the nation it serves.

Context

4.   The institution of the ADF is founded on the traditions of the profession of arms. Such traditions are the basis for both the concept of **service to nation** and the **codes of conduct that govern a professional military force**. Formal and explicit codes of conduct are crucial to build the fabric of a national institution. A robust code of conduct is an important element in the process by which a military culture successfully balances the demands of the battlefield and the expectations of society.

5.   Public opinion surveys over the last decade have consistently shown that the public respects the ADF more than it does any other national institution. This respect has been built on a century of service and sacrifice but it cannot be taken for granted. Recent incidents have challenged this respect and the ADF's reputation and the ADF must respond. **Reputation matters because trust matters.**

6.   A Government that does not trust its military is a government that will be reluctant to give the military the authority it needs to operate effectively. Reputation is also a factor in the extent to which the ADF is regarded as "an employer of choice": a public that does not trust its military is a public that will be reluctant to allow its sons and – particularly – its daughters to serve under arms. And in the current operational context, reputation is important in building trusting relationships with allies, supporting agencies, local government bodies and local communities in Areas of Operations. In short, reputation and trust are important elements for capability and in success on operations.

7.   Media relations are also important in the development and maintenance of a good reputation. Unfavourable media reporting adversely affects both morale and public perception, while favourable reporting can be beneficial in terms of internal morale and reinforcement of desirable behaviour. The key is to have a relationship with the media that is characterised by integrity, trust, transparency and respect for the demands of each party.

8.   The military has been described as a "tight" culture in which shared identity, clear norms and role requirements, strong sanctions for deviations, and social stratification are exercised in a predominantly male culture. Social stratification coupled with a male dominated cultural model tends to create various manifestations of "insiders" and "outsiders". "Insiders" are those who are socially dominant and conform to the cultural ideal, while "outsiders" are those whose inclusion is perceived as posing cultural risks. "Outsiders" are often cultural minorities, such as women, ethnic members or those with a non-mainstream sexual persuasion. The intersection of flaws in a masculine military culture, together with instances of alcohol-fuelled inhibition, has sometimes led to instances of unacceptable behaviour in the ADF.

Responding practically as well as strategically

9.   The ADF's tendency in reacting to organisational failures and poor behaviour is to focus on changes to administrative procedures and process. This is despite the fact that many reports allude to the need for cultural change. The usual response has been essentially procedural, resulting in a table of recommendations each of which is then individually implemented over time. This, however, is not a reliable strategy for cultural change, with the combined effect of individual recommendations often falling short of the overall intent. It follows that, while the ADF must be heedful of the need to improve in specific areas, it must also take a wider, strategic and systems-based view for improvement.

10.   In respect to the adequacy of guidance, policy and direction to proscribe and regulate the personal and professional conduct of ADF members, the Review reached three important related conclusions:

   a.   On the one hand, the ADF has an abundance of relevant guidance, policy and direction on this matter.

   b.   On the other hand, the very abundance and complexity of the substantial volume and sources of such guidance, policy and direction is a factor in inhibiting members from making complaints and inhibiting their timely resolution.

   c.   Finally, while ADF members are clearly aware of their obligations and the expectations placed on them, a relatively small number of ADF members occasionally fail to live up to those standards.

A framework for the way ahead

11.   The strategic response for the ADF is to reinforce and improve its culture to create a high-reliability environment in which:

   a.   failures of personal and professional conduct are less likely to occur in the first place;

b.   failure, where it occurs, is reported, managed appropriately and effectively, and in a timely and just fashion; and

c.   its people have confidence in the system of reporting and complaint management and feel safe to report instances of failure without fear of recrimination.

12.   The response must go beyond simple compliance with a set of rules and regulations. The proposed response framework for the ADF will have two main elements. First, the framework will build on the ADF's already-strong professional culture by being anchored in the concept of "the Australian profession of arms". Second, the framework will use a "Hierarchy of Controls" approach that will result in many fewer incidents of poor behaviour, by building a high-reliability culture supported by mechanisms that make the institution able to effectively and justly manage failure when it occurs, as well as learning from such behavioural failures.

13.   The result will be an **"Operations-focussed Culture"**, founded on four integral cultural building blocks:

a.   **A Just Culture**: Where members understand the difference between good and bad behaviour and know what is expected of them, and believe they will get a fair go and be treated with respect.

b.   **An Inclusive Culture**: Where all members are considered part of the team, regardless of their demographic features, and are regarded as important elements in contributing to mission success.

c.   **A Reporting Culture**: Where poor performance of any type is identified then all ADF members understand their responsibility to report it, and can do so safely and without fear of recrimination.

d.   **A Learning Culture**: Where members continually review and reflect on performance and change and adapt where necessary, and where the ADF builds its collective ability to learn as an institution, with appropriate processes to capture and implement learning outcomes, thus providing a platform for progressive improvements in organisational performance.

Why should this work?

14.   The advantages of building this framework are that it:

a.   transcends Service issues and aligns the ADF strategically on its common foundation of the profession of arms and the operational output required of the ADF, enabling all Services to buy-in while maintaining their Service identity without compromise to their existing reform and culture programs;

b.   is a simple framework that responds to both building culture and capability while also addressing the key areas of public and political concern;

c.   builds on ADF current performance and strengths, and on existing Service culture-change programs, while also establishing additional avenues to improve and create a more robust, resilient and fairer culture;

d.   articulates the ADF cultural framework in a clear and simple way;

e.   focuses on the organisational purpose (ie, operations) and then describes the enabling activities that will build and improve the culture; and

f.   facilitates a revitalisation of professional discussion on the Australian profession of arms.

15.   Initially, the Services can map their current activities against the framework. This will provide a vehicle for strategic alignment over time and will be the basis for a collaborative response that provides the context in which the individual Service values and culture can be anchored. (Currently it is the other way around, with the ADF culture being a loose amalgam of the Service cultures that are not anchored in a collective construct of the Australian profession of arms.)

16.   In practical terms, the overall result will be a framework that is characterised by:

a.   at the one level:

  i.   a simplified system for the management of personal and professional conduct;

  ii.   improved awareness and knowledge among ADF members in respect to their roles, responsibilities and rights as individuals and as professionals of the ADF; and

  iii. greater support for Commanders for the effective management of unacceptable behaviour when it does occur; and

b.   at a more fundamental level:

  i.   a structural basis for more reliable professional conduct both at home and in operations; and

  ii.   a more sophisticated and appropriate approach to conceptualising, leading and managing the Australian profession of arms.

Recommendations

17.   In order to enable the development of an appropriate operations-focused culture, it is recommended that:

a.   the ADF commence the development of an operations-focused culture underpinned by the profession of arms construct, to provide professional focus on both Service success as well as an institutional focus, by articulation of "the Australian profession of arms" concept;

b.   the Services continue with their programs to improve avenues of communication for members to report concerns, through both the chain of command and also through confidential methods of reporting;

c.	programs of socialisation be improved, by the development of:

    i.	a revised Common oath of enlistment, to reflect the central tenets of the Australian profession of arms;

    ii.	explicit codes of conduct, underpinned by a central ADF code of conduct based on the profession of arms construct, and modified to express and be aligned with each Services' need;

    iii.	a "cradle-to-grave" program of professional socialisation and for education in leadership, followership and ethics, from pre-enlistment through to senior career-level Professional Military Education, and with significant reinforcement by local leaders in ships and units; and

    iv.	a revised approach to the delivery of annual mandatory training that emphasises the importance of ADF culture, articulates our purpose, and places our response beyond mere compliance in order to reinforce culture and build capability;

d.	a strategic communications program be developed, based on "the Australian profession of arms" construct, communicating the nature of the Australian military profession externally and internally; and

e.	appropriate scholarly research and research institutions be sponsored and fostered, and the findings of and insights gained from such research be used to inform policy development, Professional Military Education, and doctrine, under the management and oversight of the Australian Defence College.

C.W. ORME AM, CSC

Major General

03 August 2011

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Towards improved personal conduct in the ADF

Regulating failures of personal conduct — cultural or isolated?

1.   Recent events at ADFA, on board HMAS SUCCESS, and other incidents have raised questions about the effectiveness of military discipline and the personal conduct of Australian Defence Force (ADF) members both in Australia and abroad. These were characterised in an ABC 7.30 Report on 7 April 2011 by reference to the "Skype incident" at ADFA in April 2011, drug raids in Townsville, Cairns and Garden Island in March 2011, inappropriate conduct at an Inter-Service Basketball Competition at Latchford Barracks in December 2009, and activities on board and off duty in overseas ports by members of HMAS SUCCESS in April 2009. Other instances of poor conduct that have occurred across the ADF include the use of prohibited substances such as steroids and a case where an anti-homosexual "hate campaign" was conducted through Facebook against ADF members.[1]   All these incidents have been taken to suggest that the ADF has a serious problem with its culture.

2.   While these incidents are clearly unacceptable, the challenge for the ADF is to balance such instances of unacceptable behaviour with the significant evidence of excellence in operations, commitment to service, and the exemplary performance of tens of thousands of ADF members in a wide variety of environments.[2] Over the last decade, over 69,000 ADF members have been deployed on 58 operations around the globe; ranging from domestic support, humanitarian assistance, peacekeeping, peace-making, border protection, and war-fighting. Also, very few incidents of misconduct have occurred in operational areas. The ADF has an international reputation for professional and ethical behaviour on operations. Moreover, scholarly studies of Australian military professionalism indicate not only that members at all levels and of all categories have a strong service ethic, but also that this ethic and its associated sense of professionalism has strengthened appreciably in the last decade.[3]

3.   Nevertheless, it is clear that serious instances of failure have occurred. The prominent reporting of these events, together with similar examples of misconduct from the past, has led the Australian Government, media and public to question whether the ADF has both the guidance and the will to adequately manage the behaviour and personal conduct of its members. It has also raised the question of whether ADF members understand what is required of them.

4.   The ADF needs to respond appropriately and strategically to restore the trust and confidence of the Government and the Australian people. The proposed strategy will create an environment in which failure in personal conduct is less likely to occur in the first place, but where, if failure does occur, it will be managed effectively, expeditiously, and justly. The result will be an engaged, active and operations-focussed culture and work environment that delivers effective military capability in a way that is aligned with contemporary Australian community expectations and values.

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[1] Between October and December 2010 57 ADF members were found to be guilty or had administrative action taken against them for offences such as acts intended to cause injury; dangerous or negligent acts; sexual assault and related injuries; and illicit drug offences.

[2] Annex A provides definitions of "appropriate conduct" and "misconduct/unacceptable behaviour", together with definitions of other key concepts such as "culture" and "ethics".

[3] See, for example: Nick Jans & Judy Frazer-Jans (2009) Still the "pragmatic professional"? Pre- and post-9/11 professional orientation in the Australian military, Armed Forces & Society, 35 (2), 241-265; Nick Jans (2009) Careers in Conflict 21C: the dynamics of the contemporary military career experience (a paper presented at the biannual conference of the Inter-University Seminar for Armed Forces & Society, Chicago, October 2009).

5.   To achieve this, Defence conducted a Review of the policies and instruments governing the conduct of ADF members with a view to recommending actions to improve performance.

6.   The Review is supplemented by a set of annexes and attachments. The annexes are as follows:

    a.   Annex A contains relevant definitions of key terms;

    b.   Annex B lists the Terms of Reference;

    c.   Annex C provides detailed responses to each of the Terms of Reference;

    d.   Annex D lists the reviews and enquiries related to personal conduct that have been conducted since 1998; and

    e.   Annex E discusses the profession of arms and related aspects of personal conduct, and shows the link to capability, with an outline of an ADF Personal Conduct Framework as a model for conduct "beyond compliance".

Aim

7.   The aim of this Review is to:

    a.   analyse the causes and consequence of professional conduct and misconduct;

    b.   describe how these are being currently managed and improved by ADF policies and instruments governing ADF personal conduct; and

    c.   propose a strategy to further enhance the reliability of professional conduct.

Outline

8.   The Review is structured in four major parts:

    a.   The Review begins by establishing why the response of the institution has to go "beyond compliance", and why it is appropriate to anchor the strategy for improving personal conduct in the "profession of arms" construct. The Review discusses the issues of concern, including discussion of the importance of reputation and public trust, including the relevance of both reputation and inclusiveness for capability.

    b.   The Review then shows that current guidance and policy, although adequate in respect to volume, detail, and relevance, tends to be overly complex, difficult to access, and somewhat convoluted in the way it is presented.

    c.   The third part of the Review outlines a proposed response. This is framed in terms of a hierarchy of controls, based on the concept of an operations focused culture with its foundation in the Australian profession of arms construct. The supporting activities to achieve this are also identified.

d.   The Review then provides a discussion of the reasons why the strategy will work and identifies challenges for change management and implementation.

e.   The Review concludes with a series of recommendations.

Conduct of the Review

9.   The Review was led by Major General Craig Orme, AM, CSC and was supported by a team of senior officers from the ADF and Defence Public Service, with other contributions from across Defence. The review team also included Mr Andrew Todd from the Department of Foreign Affairs and Trade. The team undertook reviews of each Service and used supporting research from the Defence Science and Technology Organisation (DSTO), and the Centre for Defence Leadership and Ethics (CDLE) at the Australian Defence College. The review also consulted widely with external and international academics and experts in the area of personal conduct and organisational performance, especially as it relates to military forces.

10.   Special mention must be made of Brigadier Nick Jans (Retired) and Wing Commander Peter Gilbert of the CDLE, each of whom made significant contributions to the research and writing of this Review. Others who are also recognised for their significant contributions are Professor Alan Okros of the Canadian Forces College, Dr Hugh Smith (formerly of UNSW@ADFA), Dr Steven Talbot of DSTO, Dr Michael Petit of Merlin Associates, Professor Christopher Dandeker of Kings College London, Professor Bruce Fleming of US Naval Academy Anapolis, Associate Professor Renee Fry of the Australian National University, Lieutenant General Des Mueller (Retired), and Rear Admiral Brian Adams (Retired).

11.   The outcomes of the Service reviews and supporting research were analysed with key themes and recommendations drawn together in this Review. Relevant documents and papers, such as the responses to the TOR by the three Services, are contained in a compendium that supports this Review.

Risks

12.   The risk in this Review is that its focus on instances of inappropriate conduct might provide an unbalanced view of the ADF. In line with its Terms of Reference, the Review has focussed on instances of failure. However, these negative aspects must be considered in the context of an extremely high performing organisation that is achieving remarkable results in operations around the globe and in support to domestic crises and natural disasters such as floods and fires. Balance is critical to ensure the Review is not misinterpreted, and that the outcomes and recommendations are not taken out of context. There is a high risk that media reporting of this review will use quotes out of context and sensationalise the analysis.

Issues of concern

Reputation matters

13.   Public opinion surveys over the last decade have consistently shown that the public respect the ADF more than any other national institution.[4] This respect has been built on over a century of service and sacrifice but cannot be taken for granted.   Recent events have challenged this respect, and the ADF must respond. The ADF must respond because reputation matters.

14.   Reputation matters because trust matters. A Government that does not trust its military is a government that will be reluctant to give the military the authority it needs to operate effectively.   A public that does not trust its military is a public that will be reluctant to allow its sons and — particularly — its daughters to serve under arms.

15.   Reputation also matters for operational performance reasons. Contemporary operations depend in part on winning the trust and cooperation of local populations. It is vital therefore that the ADF force in any Area of Operations be seen as trustworthy and reliable in terms of the conduct of its members.

16.   There are additional reasons why achieving increased participation of women and greater diversity in the ADF is an important issue. Increased diversity will not only help the ADF to build stronger links into a diverse Australian community, but will also have significant capability benefits, in terms of facilitating broader and more nuanced perspectives that will support more effective and richer decision-making. Contemporary operations require the ADF to operate within a whole-of-government framework and with other allied and coalition forces, all of whom themselves tend to be increasingly diverse in their professional make-up.

17.   Finally, reputation and public respect contribute to internal morale. An important motive for continued service among ADF members at all ranks is their sense that they are "serving Australia" and "doing something worthwhile".[5] Decreased public respect for the institution of the ADF poses risks that can undermine commitment.

Media relations and research matter too

18.   The ADF has two principal avenues to communicate what it is and what it does. The first such avenue is the Australian media. As information proliferates, the ADF must understand and communicate through a range of mediums, not only the traditional forms such as television and newspapers. The second avenue is through the academic and research communities. This is a lesser-known but, in many ways, more important avenue, as the work that is done in the academic and research communities should contribute to the development of an enhanced, objective, and deeper understanding of military issues, military culture, and military operations.

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[4] In a 2005 Australian Social Attitudes survey, 82% of Australians expressed "great/quite a lot of" confidence in the ADF, compared with 72% for Police, 42% for Business corporations, and 32% for Public services.
[5] Jans & Frazer-Jans, (2009) Still the "pragmatic professional"? Pre- and post-9/11 professional orientation in the Australian military, op cit.

19.   However, research into the human dimension of military capability is not important simply because of the value of deep understanding and knowledge. Such research is the source of knowing and understanding; and it is also the source of early warning signals. Just as importantly, such research is the source of the institution's capacity to get on the front foot and counter inaccurate media reports with hard data and sophisticated interpretation.

20.   Media relations and public engagement are important in the development and maintenance of a favourable reputation. Public concern should not surprise the ADF; indeed it is a sign of a healthy engagement in the performance of a critical national institution, and the media has a role in communicating that performance. It is imperative that the ADF and the media establish a strong relationship that is characterised by integrity, trust, transparency and respect for the demands of each profession. In this way, reputation continues to be built and maintained, with trust being established by the transparency and integrity of the reporting.

Reacting by increments

21.   The ADF's tendency in reacting to organisational failures and poor behaviour is to focus on changes to administrative procedures and process. This is despite the fact that many reports allude to the need for cultural change (see Annex D for a list of the reviews and enquiries related to personal conduct that have been conducted since 1998). Thus the usual response has been essentially procedural, resulting in a table of recommendations each of which is then individually implemented over time. This, however, is not a reliable strategy for cultural change. Given that culture can be seen as "habitual behaviour in response to characteristic organisational problems and situations" (see Annex A), mere changes to procedures are unlikely to be particularly effective in terms of changing habitual behaviour. The result is often that the combined effect of a number of individual recommendations falls short of the overall intent.

22.   The result is often that many of the deeply-rooted cultural issues are not addressed fully. Such cultural issues therefore tend to re-emerge later, often in a different form, but generally with the same or even greater degrees of disruption. And when they do re-emerge, the public memory of previous incidents is triggered and another layer of apparent failure is added to the last incident, all of which give rise to the understandable perception that the ADF has not been capable of addressing the previous issues.

23.   It follows that, while the ADF must be heedful of the need to improve in specific areas, it must also take a wider, strategic and systems-based view for improvement and cultural change.[6] Addressing concerns for reputation requires the ADF to confront certain issues associated with cultural factors, and it is to these factors that we now turn.

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[6] Nick Jans with David Schmitchden (2002) *The Real C- Cubed: Culture, Careers and Climate and How They Affect Military Capability*, Canberra Papers on Strategy and Defence, No. 143, Strategic & Defence Studies Centre, Australian National University.

Confronting the issues

Apparent failures in personal conduct — cultural or isolated?

24.   There have been no fewer than 13 major inquiries into ADF behaviour, sexual harassment, and the like since 1995. These inquiries range from the Report to the Senate on the Elimination of Sexual Harassment in the ADF in 1995 through to the recent Gyles Report into HMAS SUCCESS[7]. It is not surprising that, in the context of such a "record of misconduct", the Government and public are sceptical about the extent to which the deeper issues behind each such inquiry have been addressed. Although the ADF responded appropriately each time, a consequence of the incremental administrative reform that followed each such inquiry is a plethora of regulations and instructions. As detailed later in this Review, the very quantity of these has been identified as a significant problem for a member who wishes to report an issue or complaint. This time, the ADF needs to respond in a fundamental way to the challenge posed by the risk of erosion in its public reputation.

25.   It is important to make this point because there is a strongly-held informal view within the ADF that the events in question are not only isolated but represent a failure of individuals rather than a failure of culture. Those holding such a view maintain that these incidents are the product of atypical behaviour by a few "bad apples", behaving independently of cultural norms, and that the true character of the organisation is exemplified by the high level of performance the ADF continues to achieve on operations around the world. Some also maintain that, in any case, this atypical behaviour is not only to be expected in any large organisation but is at a lesser level in the ADF compared with the societal norm.[8]

26.   Such arguments, however, do not address the problem with sufficient rigour. One possibility that must be taken seriously is that such incidents should be heeded as an early warning signal of a culture at risk of even more severe incidents of misconduct when subjected to greater levels of organisational stress. The ADF's deployment and operational load since deployment to East Timor in 1999 and operations since 9/11, while far higher than that for the previous two decades, is still comparatively light. Similar institutions placed under greater stress, such as the US Army, have been much more prone to incidents of misconduct and ethical failures. There is no guarantee that the ADF would respond differently to greater stress.

27.   While the major scandals, such as the Abu Ghraib prisoner abuse and the Canadian Airborne Regiment abuse of civilians in Somalia, are well documented, there are many more of comparatively minor yet still serious nature that can be traced to the consequences of poorly-prepared institutions under excessive stress. American studies of military misconduct during international operations, peacekeeping and offensive operations identified a number of sources of such misconduct, including ineffective training, inadequate understanding of codes of conduct and Rules of Engagement (ROE), psychological distractions such as Post Traumatic Stress Disorder (PTSD) and family-domestic issues, and group pressure. The risk

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[7] Annex D lists the relevant reports.

[8] Support for this perspective is provided by recent reports that bullying and discrimination are rife in the workplace. A national survey of over 5,000 workers indicated that little improvement in this respect has happened in the past three years, with almost one-third of respondents claiming to have been bullied, a quarter claiming experience of bullying in the past two years, and almost half saying that they had also witnessed a colleague being bullied or discriminated against. See Kelly Burke, Bullying at work shows no letup, The Age, June 8, 2011. Further, a Morgan Poll (taken, however, in 1998) found that 46% of Australians have been verbally or physically abused by someone with whom they work (Morgan Poll, 9 June 1998, Finding No. 13091).

is heightened when a number of such factors are applied, particularly the heightened risk factor associated with PTSD.[9]

28.   It would be unfortunate if the ADF did not heed such lessons. As will be argued later in the Review, there are fundamental lessons to be learned from examination of how organisations — including the ADF — approach policies in cultures to do with safety. Most enquiries into accidents and failures of safety revealed that habitual practices — ie, culture — are generally part of the root cause of such failures. Such habitual practices may be comparatively minor in isolation, but in combination they invariably amount to something much more significant. The same is true of personal and professional conduct.

Contributing factors: culture, tribalism, identity and alcohol

Tribalism — a two-edged sword?

29.   A root cause of poor conduct in the ADF (when it occurs) is, paradoxically, also a driver of exemplary performance and cohesion in military culture. The military has a "tight"[10] culture where shared identity, clear norms and role requirements, and social stratification are exercised in a predominantly male culture, with often strong sanctions for deviations. Social stratification coupled with a male-dominated cultural model can lead to multiple variations of the "winners" or "insiders"; and "losers" or "outsiders". The "insiders" are those who are socially strong and conform to the cultural ideal; the "outsiders" are those who are judged to fail in or pose a risk for the culture or are not accepted as part of the winning group. These are generally cultural minorities such as women, ethnic members, sometimes those who are injured, or those with a different sexual persuasion. In such situations tribalism can become an extreme expression of group cohesion, in the sense of hyper-identification with a component of the organisation. This is often associated with a cultural world-view that sees things in competitive terms and regards one's group as "better", "more effective", or "more worthy" than others.[11]

30.   But while there are many advantages that are gained from team cohesion and tribalism, this need not and should not result in the marginalisation of those who do not "belong". Any adverse consequences associated with the negative aspects of tribalism can be minimised and managed effectively in well-led groups.

Gender relationships

31.   Much of the inappropriate conduct that has occurred were instances of one clique of individuals (generally males) attempting to express their dominance through their disrespect to a lesser community (often females.) For example, the male cadets involved in the ADFA Skype incident appeared to have believed not only that it was reasonable to broadcast the unapproved activity but that somehow those who were watching it would thereby think better of them as members of their culture. Similarly, the subordination and inappropriate treatment of women on HMAS SUCCESS suggests that those involved in inappropriate behaviour believed that their position in the team would be enhanced by actions that reinforced an

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[9] See, for example: Stephanie Booth-Kewley and Gerald E. Larson (2009) The Causes of Misconduct in a US Navy Sample, Military Psychology, 21:252–269; Stephanie Booth-Kewley et al (2010) Factors associated with antisocial behavior in combat veterans, Aggressive Behavior, V 36,5, 330-337;P. Rowe, Military Operations during International Armed Operations, Journal of Conflict &Armed Security Law, OUP 2008, pp166 – 168. Although DWINTEL, which provided this information, expressed some reservations about the thoroughness of Rowe's research, his findings make intuitive sense. (The support of DWINTEL through their thorough review of the literature is acknowledged and appreciated.)

[10] The Review is indebted to the contribution of Dr Alan Okros in the development of these views.

[11] Much of the argument here and what follows in this section is drawn from a paper prepared by Dr Steven Talbot of DSTO, "Warriors, Warfighting and the Construction of Masculine Identities", June 2011.

inappropriate masculine dominance in their culture. Thus one clique on a ship believed it appropriate to treat another group of their ships' company with less respect, reinforcing a sense of the strong against the weak. Women were apparently regarded as not worthy of being full members of the team and therefore "fair game" for degrading and inappropriate behaviour. In this way the notion of what was deemed appropriate by a small clique on board sullied the reputation of the whole team or Ship's company.[12]

32.   The very language that is common amongst men can be a source of reinforcing a particular cultural stereotype. A prime example of this relates to the terms "mate" and "mateship". Very few men use these terms with an exclusion motive in mind, but they do not realise that many women do not relate to such terms.[13] In other words, there can be an unconscious masculinity at work in the ADF that, while obvious to women, is usually unrecognised by men. This leads to the need for further research to assist the ADF understand its unconscious bias and heighten its sense of consciousness so it can build an appropriate culture. It also drives the need for the ADF to reflect both collectively on the notion of unconscious bias and how it might play out across the spectrum of culture and interpersonal relations.

Other relationships

33.   The examples considered so far apply to instances in which women have been treated inappropriately. However, the phenomenon is not limited to gender relations. It goes beyond simple notions of male dominance and hegemonic masculinity. Rather, the general phenomenon operating here is one of "in-groups" asserting their dominance over "out-groups" in a military culture that values masculine characteristics such as assertiveness, courage, decisiveness, strength and action. Groups that see themselves as being "in" will often engage in ritualised behaviour that allows them to overtly display such status towards those they perceive to be "out". This is played out in examples such as those involved in combat activities thinking lesser of those involved in logistic or administrative roles — the "sharps" v "blunts"[14] dichotomy that permeates all Services.

34.   This may occur regardless of the fact that the actual differences between the groups in question are marginal, at least as seen from the perspective of outsiders. In almost all such cases, those who behaved poorly held the abhorrent view that what they were doing was not only acceptable, but that it would enhance their standing in their team and community. It is this behaviour that needs to be understood and addressed.[15]

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[12] HMAS *SUCCESS* Commission of Enquiry: Allegations of Unacceptable Behaviour and the Management Thereof, 18th of February 2011.

[13] According to social commentator Hugh McKay (*Advance Australia Where?* Hachette Australia, 2007), the concept of "mateship" is a favourite with men but not with women.

[14] In this vernacular, "sharps" work at the sharp end of conflict, i.e., combat, and "blunts" are at the blunt end, i.e., administration or logistics. Interestingly, it can be even more nuanced amongst combat and logistic sub-groups. While this language appears relatively harmless, it masks a deeper cultural problem that fails to identify success with the whole team, rather than just the small team. The ADF must move from focussing on small teams or sub-groups to articulating success around mission and the importance and contribution of the whole team and ultimately the institution. If the current view can be characterised by the saying that "Amateurs talk tactics; professionals talk logistics" then the ADF must become professional. The contribution of the whole team must be reinforced so that both "my team" and the "whole team" are valued.

[15] Michael Igatieff (*The Warrior's Honor: Ethnic War and the Modern Conscience*, Chatto & Windus, 1998) uses Freud's concept of "the narcissism of small differences" to explain why apparently once-cordial neighbours were willing to persecute and even kill each other during the recent Balkans conflict. In such cultures, differences have to be found, because dominance must be asserted. The objective fact that the differences are trivial is actually irrelevant.

Cases of "mistaken identity"

35.   Other examples of inappropriate conduct result from a misguided view of what military culture should be and what is considered to be "commendable". For example, soldiers who used illegal steroids to build their bodies identified with the notion that the ideal military person was physically strong and has high endurance, and that the use of steroids to achieve a "military physique and military endurance" thus overrode any moral or legal barrier. Steroid use was justified, on such grounds, because it made those soldiers stronger and more physically capable to achieve the mission. In other words, even though ADF policy is clear and explicit regarding the use of steroids, some members have chosen to ignore such policy, in favour of a misguided notion of what it means to be successful. This is an example of both the presence of clear policy and the simultaneous disregard of that policy leading to inappropriate behaviour.

36.   Similar arguments apply in cases where bullying has occurred in training establishments. The justification has generally been the need to test and weed out the weak who could not survive on the battlefield, but the deeper and more valid reasons probably relate to the identity reinforcement that such dominant behaviour provides for individuals and groups. This has most frequently occurred in Army training establishments, but instances have also occurred in Navy. Of interest is that the more technically-oriented Air Force is less troubled by notions of a hyper-masculine culture. This phenomenon needs to be understood at a deeper level. It would seem that Air Force culture has something to teach the other two Services: firstly, in the way it builds respect for both technical proficiency and the individual and their needs; and, secondly, in the utility of a professional identity that arguably relies more on technical competence than on physical prowess and toughness.

37.   In essence, such deep-seated and complex problems can be seen to have their genesis in the perception — or the misconception — of what constitutes appropriate behaviour in a military culture. The misconception of "acceptable" norms for behaviour can lead individuals to behave in ways that, while they might build a kind of superficial cohesion, generally result in the reduction of trust, the corrosion of values, and the erosion of true cohesion. Coupling such flaws in a masculine military culture with alcohol-fuelled inhibition provides a ready and plausible explanation for the instances of unacceptable behaviour in the ADF. The appropriate requirement is to not only acknowledge the contributors to events of failure, but also to get the balance right in our response so that our actions are measured, reasonable and productive.

38.   While many failures have been associated with alcohol, quite often alcohol is blamed for the miscreant behaviour rather than being seen as an indicator of the underlying drivers that the alcohol has fuelled and unleashed. In other words, while it is clear that improvements are necessary in the management of alcohol and should be pursued with vigour, we must also explore more fully the drivers of the behaviour that excessive alcohol unmasks.[16]

39.   When viewed from this perspective, we can begin to understand the ADFA Skype incident. The question is not whether the behaviour of the male cadets was condoned by the ADF - it has very clearly been condemned – but rather whether the male cadets believed they were conforming to some misguided notion of what constituted "appropriate behaviour" in

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[16] See Stephanie Booth-Kewley and Gerald E. Larson (2009) The Causes of Misconduct in a US Navy Sample, op cit, which found that alcohol use was one of the stronger predictors of antisocial behaviour in the sample studied. Also, a 1994 study of alcohol use in the RAN (H Lampshire & J Rolfe (1994) Bold Strokes and Long Marches, Addressing Alcohol and Drug Issues in the RAN, Sydney: Australian Drug Foundation) identified a norm of the acceptance of alcohol as a "normal" part of service life (the researchers believe that there was no reason to suspect that the situation was any different for the other two Services).

their notion of military culture. Arguably, the male cadets thought somehow that their action was commendable and would enhance their status amongst those they invited to view the Skype broadcast. So the question is not what is wrong with military culture *per se* but rather why these cadets might have believed that their actions were in line with the expectations of the military profession when they were so clearly abhorrent in moral terms.

40. Perhaps the biggest issue from a societal perspective is not that some elements of the military do not mirror all of those values of civil society. Rather, the issue is that the military culture may be inadvertently signalling its approval of a tribal and arguably élite culture that is misaligned with Australian norms. From this perspective, the tribes or cliques are seen to be all-powerful while those of lesser cultural status must work to achieve the recognition. Understanding this takes us to a much deeper and broader interpretation of the challenges facing the ADF. This transcends the simple responses that target alcohol or gender issues, and exposes a deep cultural element of military culture, and of misguided notions of masculine identity, that need to be addressed. The fact that this flaw appears to be played out differently amongst the Services is also insightful.

Getting the balance right

41. Having identified the risk of tribal behaviour in the military, it is also important to reinforce the earlier point that group cohesion and morale is also the source of the military's greatest strength on operations. People with a strong collective identity literally live and die for their team. The ADF response needs to tread carefully here to ensure it reinforces that which is good while addressing those elements that are not acceptable and damaging.

42. Fundamental to treading this path is to recognise that the legitimacy of the ADF is founded on the traditions of the profession of arms. Such traditions are founded on the concept of service to nation and the codes of conduct and behaviour that govern a professional military force. Relevant codes of conduct, both implicit and explicit, are based on standards and behavioural norms that are higher (for reasons explained later in the Review) than those of civilian society. Being "professional" implies not only the obligation for self-regulation, self-correction, and self-learning, but also demands that the Australian military institution balances the demands of the battlefield with the expectations of society. For, as explained in the seminal work of US political scientist Samuel P Huntington,

> "The military institutions of any society are shaped by two forces: a functional imperative stemming from the threats to the society's security and a societal imperative arising from the social forces, ideologies, and institutions dominant within the society. Military institutions which reflect only social values may be incapable of performing effectively their military function. On the other hand, it may be impossible to contain within society military institutions shaped by purely functional imperatives. The interaction of these two forces is the nub of the problem of civil military relations."[17]

43. This means that the ADF must strike the right balance in its culture so as to create a cohesive force that can succeed in operations while also acting in accordance with the values and expectations of the Australian community. This is not just because such a balance is mandated by international conventions and protocols and the subordination of the military to civil control through the Parliament. The essence of the argument is that the ADF must establish a resilient and professional culture that is able to withstand the rigours of combat, yet retain its humanity and its Australian character — and do so for practical as well as moral and legal reasons. It is critical to understand the implications of this caveat because it is the

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[17] Samuel P Huntington's *The Soldier and the State* (1957). See also Morris Janowitz's *The Professional Soldier: A Social and Political Portrait* (1960).

key to the concept of the uniqueness of military service. Since no other group in society is entrusted to use lethal force in the defence of the nation, the responsibility of doing so requires the institution to accept the obligation of doing so in a moral, ethical, professional, and honourable fashion.

Barriers to and disincentives for reporting misconduct

44.   As will be noted in a later section, in respect to the first Terms of Reference the problem is not so much one of lack of regulation and policy regarding lodging complaints and seeking redress but, rather, of its opposite. The incremental administrative reforms that followed each enquiry into misconduct in the ADF over the past two decades have led to a plethora of regulations and instructions. The sheer size and complexity of the "red tape" that has to be negotiated can deter members from submitting a complaint in the first place.

45.   Examination of this body of documentation shows clearly that its very quantity is part of the problem facing a member who wishes to report an issue or complaint. An inexperienced, stressed and relatively immature junior member who wants to report a case of misconduct would find it very stressful to simply search for the right avenue for reporting and redress. Such stress would be exacerbated when the complaint is about their immediate supervisor or members of their group, since that would have the effect of inhibiting access to their most readily available source of support and advice.

46.   It follows that one of the ways in which the ADF must respond to this issue is to simplify and communicate the guidance for making a complaint and seeking redress.

Diversity and capability

47.   In addition to the earlier arguments about the importance of getting the culture right, there is a highly practical reason why the ADF needs to control discriminatory behaviour and embrace the potential of demographic diversity across all its ranks. There is strong evidence to suggest that diversity in team composition will to lead to greater capacity in terms of solving complex problems. This is particularly the case in an operational context increasingly characterised by volatility, uncertainty, complexity and ambiguity ("VUCA"), where objectives can be less about "seizing and holding ground" as it is about "winning the hearts and minds, achieving human security" and the like. This is typical of the current ADF operational environments in such places as the Solomon Islands, Timor Leste and Afghanistan, where the ADF is increasingly required to operate as part of an overall team with other government agencies and allies.

48.   Although there is a paucity of empirical research on the relationship between diversity and operational success in military situations,[18] there is compelling evidence from studies of business organisations that shows clearly that gender and ethnic diversity is consistently associated with superior business performance. This is particularly the case for diversity at the senior management/board level. This is because diversity enhances the ability to engage a wide range of perceptions and viewpoints, and to avoid Groupthink. [19] At the least, the ADF

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[18] Prof Alan Okros presents a cogent argument for benefits of diversity in respect of military capability in his 2009 paper *Rethinking "Diversity" and "Security"*, Commonwealth & Comparative Politics, V47, 4, 346–373, November 2009.

[19] For evidence relating to gender and ethnic diversity and corporate performance, see: Niclas L. Erhardt, James D. Werbel, & Charles B. Shrader, Board of Director Diversity and Firm Financial Performance, Corporate Governance: An International Review, 2003, V 11, 2, 102–111; Maran Marimuthu, Ethnic Diversity on Boards of Directors and Its Implications on Firm Financial Performance; Scott Page, The Difference: How the Power of Diversity Creates Better Groups, Firms, Schools, and Societies, Princeton University Press, 2007; a study by the Catalyst Corporation, a not-for-profit American think tank (http://www.catalyst.org/press-release/73/companies-with-more-women-board-directors-experience-higher-financial-

should take steps to increase the proportion of women at its most senior leadership levels. At such levels, many organisational problems are similar to those dealt with by senior managers in non-military organisations, and similar benefits to those that have been gained by business corporations can be expected.

49.   The current situation in the ADF is that the level of diversity at the "board" level[20] in each of the three Services is among the lowest in the country. Granted, it might be questionable as to whether ADF committees can be compared to boards. One argument suggests that the members of ADF committees are there for their function rather than as a broader board member. While this is true in many of the committees, those at the strategic level would be enhanced by female representation. The benefits that have been seen in the corporate sector by the inclusion of women on boards would seem to be relevant, offering similar diversity-related benefits to the ADF and the performance of senior committees.[21]

Summary

50. This section has examined the sources and consequences of misconduct and discrimination in military organisations. It is plain that misconduct and discrimination are complex issues. It is further plain that more appropriate behaviour cannot simply be mandated and applied in rules and regulations. The management of appropriate conduct must stem from well-founded mechanisms, derived from a strategic framework, for instilling appropriate habitual behaviour in the context of the responsibilities and obligations of the profession of arms.

51.   It is to a discussion of such mechanisms that we now turn.

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performance-according-to-latest-catalyst-bottom-line-report); Ashleigh Rosette and Leigh Tost (2010) Agentic Women and Communal Leadership: How Role Prescriptions Confer Advantage to Top Women Leaders, Journal of Applied Psychology, V95, 2, 221–235; Michele E. A. Payne and Robert L. Dipboye (2004) Leveraging diversity to improve business performance: research findings and recommendations for organizations, Human Resource Management, V 43, 4, 409–424.

[20] This would include the Chiefs of Staff Committee (COSC), and the Service Chiefs' Advisory Committees (CNSAC, CASAC, and CAFAC). It should also be noted that recently Air Vice Marshal Margaret Staib was appointed to be a female representative on the COSC – a positive step (but note the next footnote).

[21] However, simply increasing diversity is unlikely to show any significant benefit. Studies show that its benefits are likely to be achieved only if an organisation aligns its HR programs accordingly. For example, a token one or two women is unlikely to be of significant benefit, which will generally not accrue until a "critical mass" is present, which research indicates is said to be three or more.

Personal conduct and the profession of arms

An expanded concept of the "professional arms"

52.   We begin by this section by expanding the discussion of the profession of arms concept. The demands of the profession of arms and the unique nature of military service requires that members of the ADF be liable for duty 24 hours a day, seven days a week, and that they willingly accept physical risk (when required) in the performance of their duties. These demands are reflected in ADF pay and allowances, which includes Service Allowance as a premium for all ranks of Major Equivalent and below and is included in base pay for those of higher rank. It is also reflected in the ethos and obligations expected of members of a professional military organisation, including those serving on a part-time basis.   The combination of formal remuneration and professional obligation is part of the unique demands of military service that is accepted by those who voluntarily enlist. This creates a complex work environment that covers periods when members are on and off duty; in Australia, and also while serving abroad.

53.   It also leads to the expectation that members of the ADF will be held accountable for their conduct and actions regardless of their location or duty status. While this is not reflected in the legal interpretation of compensable liability, the societal expectation is that members of the ADF will be accountable for their personal conduct at all times and that their behaviour should be of a high standard (this is discussed further below). Incidents where ADF members have not demonstrated the appropriate personal standards have generally achieved prominence in the media. In essence, these events provide evidence of failure to maintain appropriate standards of personal conduct in what may be described as the ADF military work environment.[22]

54.   An ADF Profession of Arms discussion paper is in Annex E. This annex discusses the Profession of Arms, Personal Conduct and its link to capability, and outlines an ADF Personal Conduct Framework, as a model for conduct "beyond compliance".

55.   The next paragraphs discuss a number of important points related to Australian military professionalism:

    a.   the level of understanding in the Australian military profession of the concept of "profession of arms";

    b.   the rights and obligations for professions in respect to self-regulation and self-learning;

    c.   the implications of placing high demands and responsibilities on relatively immature members;

    d.   the obligation for members of the profession at all levels to accept responsibility for a set of four meta-roles, in addition to the roles associated with their appointment and routine duties;

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[22] See for example the seminal work by Don Snider & Lloyd Matthews (eds.) *The Future of the Army Profession*, 2e, McGraw-Hill, 2005; the references traditionally cited by Huntington and Janowitz, already noted above; various papers in the journal Armed Forces & Society; Jans with Schmidtchen, op cit.

e.   the issue of the many values sets in the ADF, and the argument that the institution would benefit from having a core set of professional values that are aligned with key behaviours and outcomes;

f.   the reasons why the Australian military profession should be held to a higher standard than those which apply in other Australian professions;

g.   improving public awareness of the Australian profession of arms and, incidentally, enhancing pride in membership; and

h.   enhancing professional understanding of the human dimensions dynamics of service operations and service life.

The level of understanding of the "profession of arms" construct in the ADF

56.   While the concept of "profession of arms" is generally well understood within the ADF, there are important gaps in such understanding. Most of the discussion of the profession of arms concept in the ADF focuses on notions of mission, expertise, service, ethical conduct, and the individual obligation for unlimited liability. The principal reference for such discussion is often the classic treatise by General John Hackett, in which military life is described as "the ordered application of force under an unlimited liability", with this latter clause (ie unlimited liability) seen as the distinctive feature of the military profession *vis-à-vis* other professions.[23]

57.   However, these functional and contextual features do not reflect the full concept of "professionalism" as it applies both in general and to military organisations. On the one hand, it is not surprising that the nuances of "professionalism" as applied to the profession of arms are not deeply understood, at least in explicit terms, across the Australian military profession. The topic is treated at a merely introductory level in important career courses such as the Australian Command and Staff College. The benefit of this is that a large majority of members have at least a workable implicit understanding of what "professionalism" means. But in an increasingly complex and ambiguous operating environment it is important to ensure a deeper and more sophisticated understanding of the concept across the ADF.

58.   The United States Army is pursuing work in this area through its "Campaign for the Army Profession".[24] The strength of this approach is its pursuit of professional understanding as the foundation of its institution. The weakness is that it is based only on one Service. In Australia's case, we need to understand the profession of arms from an ADF perspective, with the ADF being the institutional manifestation of the profession. This would require, at the least, appropriate treatment in Professional Military Education for mid-level officers and senior sailors/SNCO across the Services.

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[23] Sir John Hackett (1984)*The Profession of Arms*. Sidgwick & Jackson: London.

[24] The US Army is currently conducting a lengthy "Campaign for the Army Profession", in the context of the aftermath of nine years of war and in the face of a challenging and unknowable future. The aim is to have members at all ranks examine and discuss the fundamentals of military professionalism and what these issues entail in terms of the mutual obligations of the institution and its members. This is being assisted by a considerable amount of support material, ranging from pamphlets and games through to sophisticated academic papers addressing relevant research topics such as ethical behaviour on operations, leadership standards, etc.

Professionalism, self-regulation and self-learning

59.   One key aspect in respect to professions relates to the right and the obligation of self-regulation.[25] With appropriate strategic oversight from Government, professions generally are allowed to govern themselves, regulate their own behaviour and those of members, control entry and exit to the profession, and impose rewards and sanctions as appropriate. The profession, not the market, sets and regulates the standards. But — and this is important in the context of our discussion — their host society must trust them to do this with diligence and probity. A profession whose public actions put this trust at risk also risks losing some or all of its autonomy for the process of self-regulation.

60.   In the case of the ADF, such professional autonomy is of course exercised within the framework of government strategic oversight of Defence affairs. Instances of seriously poor judgement and neglect risk the consequence of the Government deciding to exercise increasingly close supervision over the Australian military institution. Such an outcome would be in the interests of neither the government nor the ADF.

61.   Allied to this is the obligation of self-learning. The willingness and capacity to learn from ongoing experience and to apply self-correction is a vital underpinning for the process of self-regulation.

62.   The current public and government concern over the ability of the ADF to regulate its own behaviour is a manifestation of this phenomenon. Both the public and the government are expressing doubt in respect to our ability to learn from our mistakes, to impose appropriate sanctions, and to implement procedures for more reliable regulation. This poses a risk to the necessary autonomy of the Australian military profession, in terms of its freedom to self-regulate; and this reason alone may be sufficient motive to act on the current personal conduct issue.

Maturity, responsibility and behavioural influences

63.   The military profession asks more of its most junior members than does any other profession. For example, junior soldiers are disproportionately represented on the front line, often in dangerous and risky circumstances, performing increasingly complex tasks with increasingly important implications for operational success and public reassurance. Junior members have virtually no say over the ship or unit to which they are assigned, are often subject to high work-family separation and conflict, and often spend long periods of time in small teams with people of their own age group and values.

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[25] Andrew Abbott (1998) *The System of Professions: An Essay on the Division of Expert Labor*, Chicago: The University of Chicago Press; Don Snider, The US Army as profession, in Snider & Matthews (eds.) The Future of the Army Profession, op cit, 3-38.

64.   Aligned with the demands that the ADF places on its junior members is the issue of <u>moral maturity</u> and the implications for professional behaviour. Moral maturity tends to develop with age and, arguably, people go through fairly predictable moral maturity stages. Thus, as people acquire worldly experience, they tend to shift their perspective away from a "me-focused" orientation to a "we-focused" and later to a "values-focused" orientation. Members of a profession at this third, value-focused level are more able to subordinate their self-interest to institutional ideals and values, and to self-regulate according to implicit moral and professional codes. As such, they become more "reliable" in terms of their professional conduct, because they are better able to subordinate personal needs to professional needs. In contrast, those at the earlier levels of moral maturity are more subject to ego gratification and group pressure, often taking their cues for behaviour from norms and codes of conduct, both explicit and implicit.[26]

65.   A US Army study, involving both officer cadets and officers, indicated that nearly one-third of cadets were at these early stages. As might be expected, average moral maturity increased with age, in that cadets in the senior classes were more likely to have a values-focused orientation, as did officers, especially as they became more senior.[27] Those at the higher levels of moral maturity were thus able take a relatively sophisticated perspective on professional expectations, organise them in constructive and complex ways, and constructively reconcile professional and personal value conflicts. Also, they tended to behave "more professionally".

66.   It is reasonable to expect soldiers to be generally no more mature than the young cadets, and in fact to have greater proportions in the earlier stages of moral maturity (since they were not subject to the comparatively rigorous character development program that is applied to cadets). It is also reasonable to suggest that a similar situation applies in Australia.

67.   An important implication of this argument is that those at lower levels of maturity are likely to respond constructively to explicit legitimate codes of conduct, if these are accepted in their immediate social group. But, in the absence of such explicit and legitimate codes, reliability of behaviour will be more questionable and more subject to informal group norms. This, for example, was a major finding of an analysis of the moral and psychological dynamics associated with the behaviour of US soldiers at Abu Ghraib, which drew on extensive unclassified reports.[28] The study noted that most young adults are "powerfully inclined" to behave in accord with the social conventions and pressures around them, especially in ambiguous circumstances, and concluded that:

> "it is important that standards of behaviour (sic) be *clear and explicit* throughout all phases of an operation and that *leaders at all levels represent and reinforce those standards.*" (emphasis added).

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[26] Robert Kegan (1982) *The Evolving Self: Problem and Process in Human Development*. Cambridge, MA: Harvard University Press; Anne Colby, L J Gibbs, M Lieberman & L Kohlberg (1983) *A Longitudinal Study of Moral Judgment: A Monograph for the Society of Research in Child Development*. The University of Chicago Press; George B. Forsythe, Identity Development in Professional Education, Academic Medicine, Vol. 80, No. 10 / October 2005 Supplement.

[27] George Forsythe, Scott Snook, Philip Lewis, & Paul Bartone, Professional identity development for 21st-century army officers, in Don Snider & Lloyd Matthews (eds.) op cit, 189-200; Paul Bartone et al (2007) Psychosocial development and leader performance of military officer cadets, The Leadership Quarterly, V18, 5, 490-504. Analysis of cadets' moral maturity against staff assessments of overall character development and leadership showed that higher developmental levels were associated with higher-rated performance.

[28] Paul Bartone, Lessons of Abu Ghraib: Understanding and Preventing Prisoner Abuse in Military Operations (http://www.stormingmedia.us/47/4710/A471094.html).

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68.   All this is a powerful argument in favour of the development of explicit codes of conduct, clearly founded on accepted and valued institutional principles. Encouragingly, each of the Services not only now has such codes of conduct but is refining them further in response to this review. Less encouragingly, because such codes of conduct are likely to be based on the respective Service values, issues associated with the plethora of values (discussed below) may weaken their overall usefulness.

Meta-roles in the profession of arms

69.   One of the distinguishing features between a "profession" and an "occupation" is that professionals have obligations beyond their immediate technical tasks. For example, they must not only be expert in their function, but must also represent their profession in terms of reflecting the values and standards in everyday behaviour. Part of the benefit of being a "professional" is the obligation to act supportively for other professionals and play one's part in the process of advancing the functional capability of the profession, in the spirit of "leaving it better than you found it".

70.   Thus ADF members have an obligation beyond mere satisfactory performance of their appointed function or category. The ADF's primary <u>corporate</u> obligation is to apply capability responsibly, selflessly and ethically, consistent with the roles and missions given to it by the Government as the representative of the Australian people. The corresponding primary <u>individual</u> obligation for members is to conduct themselves to the highest professional and ethical standards. This applies not only to task performance but also to their general behaviour, such that they bring honour to the reputation of the Australian military institution and to Australia, both at home and overseas.

71.   The concept of meta-roles captures this concept, by expressing the responsibilities and obligations that professionals have beyond their immediate technical tasks.

72.   As such, members of the ADF must be committed to the following four key meta-roles as part of their obligation of service:

   a.   **Expert**: constantly excel in individual and collective achievements, by mastering the skills and the theoretical knowledge relevant to one's professional function;

   b.   **Steward**: nurture the assets at one's disposal, including the state of the organisation and its people, regardless of one's rank or category;

   c.   **Representative**: conduct oneself as an ambassador and emissary of the ADF, and thus exhibit the standards of professional and social behaviour that promote the reputation and honour of the ADF; and

   d.   **Servant of the state**: be prepared to risk injury or death in pursuit of State-directed missions.

Issues arising from a plethora of values

73.   The ADF describes its values as: Professionalism, Loyalty, Integrity, Courage, Innovation, and Teamwork (PLICIT). At the same time, each Service has its own set of values that loosely align to PLICIT and include some of those values. A recent evaluation of the content of values programs in Defence confirmed the utility of values as a means of focusing leadership, personnel management strategies, education and training, and other enabling

activities.[29] The evaluation noted the existence of 20 discrete values, which, if taken to their logical conclusion, would require the Navy, the Army, and the Air Force to uphold eight, thirteen and fifteen values respectively. The review drew attention to areas of overlap and to potential redundancy even within a particular values set (eg, Honesty and Integrity as part of the Navy values). The review concluded that such overlap and redundancy "may be problematic".

74.   Another study evaluated the Defence PLICIT values against the backdrop of three potentially competing Services values sets.[30] Reactions were drawn from the deliberations of a workshop involving a range of members of different ranks and Services and the APS. The study noted the risk of lack of leadership clarity around values and lack of clarity among staff as to what is required of them in terms of ethical and professional behaviour. The report concluded that there was no clear connection between Defence values and single-Service values. It noted, firstly, the incorrect view that PLICIT was a specific construct agreed by, and for, the Senior Leadership Group (SLG) [31] and therefore not relevant for the rest of the people in Defence. Secondly, it identified a view within the Senior Leadership Group that PLICIT was instituted "before our time" and therefore lacked currency and relevance. It warned against the perception that members were noticing non-conformance and non-authentic behaviour, especially in terms of senior leadership.

75.   The study demonstrated general agreement regarding the need for a single, high-level, plain English code of conduct, which would specify expectations and sanctions for behaviour against each relevant value. Overseas models, such as is used in the UK, were noted with approval.

Being held to a higher standard

76.   Professions are granted the privilege of autonomy because society holds them to a high standard. The military profession is held to the highest standard of all.

77.   There are a number of reasons why this is the case:

   a.   Service on military operations inherently involves relatively high stress levels, often for protracted periods during the performance of complex and important tasks and using resources that often involve lethal force. The internalisation of high performance standards by those performing in such a context increases the likelihood of reliable and effective performance.

   b.   Those commanding military units and their subordinate commanders have considerable power over those whom they command. In fact, they have substantially more than would be the case in the vast majority of employment situations. The risks of poor or toxic leadership are much greater in the military than they are in civilian organisations. Again, internalisation of high performance standards in respect to command and leadership is essential to create and maintain high performing units peopled by members with strong morale and engagement.[32]

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[29] Tony Mullan, Evaluating the Content of Values Programs in Defence, CDLE paper, 27 August 2008.
[30] "Rejuvenating Values in Defence", Report, 19th of October 2005.
[31] The Senior Leadership Group comprises all Star rank officers and all members of the APS Senior Executive Service in the Department of Defence.
[32] Paul Bartone, Lessons of Abu Ghraib, op cit.

c.   To a large extent, the ADF is the face of the nation overseas. At all ranks levels, its members interact with local populations and governments, with allies and with other government agencies. Such interaction is routinely captured by the media and beamed to all parts of the world. A "24/7" approach to exemplary conduct ensures that the face of the nation is one of which it can be proud.

d.   The contemporary ADF has a tradition to emulate. It is founded on and driven by the exemplary performance of Service members in overseas conflicts and local domestic support operations across a century. The ANZAC legend provides a ready exemplar for the current service member, particularly given the comparatively arduous circumstances under which the ANZACs and their successors in subsequent operations, operated. To perform badly is to betray such traditions.[33]

e.   Reputation and local trust is an element of capability in the contemporary operational context in terms of interaction with allies, other government agencies, local populations, and the Australian domestic population.

Improving public awareness of the Australian profession of arms

78.   The esteem in which the ADF is held by the Australian public was noted earlier, together with the paradox associated with the fact that the public knows curiously little about what the ADF is, what it does, why people serve, the intrinsic rewards that they seek and gain from such service, and the prevailing and markedly strong leadership styles in the ADF.[34]

79.   The exceptions tend to prove the rule. For example, the 2010 ABC *4 Corners* program that spent several weeks with an Army mentoring team in Afghanistan resulted in a markedly sympathetic and favourable view of operations and of the issues and stresses to which junior officers and soldiers are subjected. However, the reach of that program was probably not particularly great, and its effect on public perceptions may have been marginal.

80.   There would be merit in developing a sophisticated public affairs campaign that would "tell the ADF story". The public relations and recruitment benefits would be likely to substantially outweigh the associated costs.

81.   A further benefit for such a campaign is its morale effect on the internal audience. Individual members and teams would relish the prospect of the public understanding their accomplishments and circumstances better. A third benefit would be the "emulation effect", in the sense that members would feel, at least at a subconscious level, the need to live up to the favourable images of their profession being beamed to Australian households on a regular basis.

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[33] It should be acknowledged, however, that the original ANZACs were far from perfect role models for contemporary service people. It is the myth to which we emulate, not the reality. (See Peter Stanley (2011) Bad Characters – Sex, Crime, Mutiny, Murder and the Australian Imperial Force.)

[34] This is illustrated by the extremely favourable reaction over the last three years of participants in the Sydney University Executive MBA when given the chance to learn something about the nature of military leadership as part of the Leadership element of the program. Participant reactions during the one-day seminar invariably change dramatically from initial scepticism to admiration.

Improving understanding of the human dimensions of the military institution

82.   In order to develop a deeper understanding of the issues that drive military behaviour it is important to have appropriate research to inform decision making. It can be argued that warfare is an essentially human activity. It would be logical then to commit a good deal of intellectual capital to research that develops a deeper understanding of the human factors of war, particularly as they relate to an Australian way of warfare in the Australian profession of arms. However, Australia has no independent, university-based intellectual centre for the development of rigorous academic research on the human dimension of the military institution. There are very few academics in Australia doing research on military organisational behaviour, military sociology, military-related anthropology, and even on civil-military relations.

83.   This represents an opportunity for the ADF, to possibly sponsor full-time academic positions in military sociology at appropriate Australian tertiary institutions, with formal links into the studies programs at the Australian Defence College and other training establishments. ADF sponsorship of regular conferences on military sociology and related topics would also be of significant benefit.

84.   Such a policy would benefit from emulation of the practice in the US military of including currently serving officers in such faculties, with appropriate educational support for such officers to gain the appropriate credentials.

85.   The policy would have a number of benefits, including not just an enhanced capacity for public understanding of the military institution in Australia but also an improved understanding of issues and opportunities associated with the human dimension in military operations and service life in general.

Summary

86.   This discussion of personal conduct and the profession of arms noted the following points:

      a.   The nuances of "professionalism" as applied to the profession of arms are not well understood, at least in explicit terms, across the Australian military profession. It would be wise to require appropriate treatment in Professional Military Education.

      b.   Like other professions, the Australian profession of arms has the right and the obligation of self-regulation, within the strategic framework of Government oversight, but this is contingent on retaining public and government trust.

      c.   Unlike other professions, the military profession asks a huge amount of its most junior members. But being young, many lack the moral maturity for self-regulation in the absence of the right guidance. Such guidance should be framed in terms of explicit and legitimate codes of conduct. Encouragingly, each of the Services not only now has codes of conduct but is refining them further in response to this review.

d.   The refinement of Service codes of ethics may benefit from clarifying and highlighting the meta-roles that are associated with professional membership, viz., Expert, Steward, Representative, and Servant of the state.

e.   Australian society holds its military to a high standard of conduct. This obligation and expectation is reasonable and has important implications for professional standards and codes of conduct.

f.   The public understands little about the Australian profession of arms, and there would be merit in conducting a sophisticated media campaign to improve awareness. Such a campaign would have two extra benefits in terms of its effect on internal morale and on the implicit message sent for members to live up to the image portrayed.

Current Guidance and Policy
Addressing the Terms of Reference

87.   The Review was informed by an analysis that was conducted to address the Terms of Reference. Key contributions to this analysis were provided by each Service and also the Director General of Fairness and Resolution. The analysis is provided at Annex B and its recommendations have been embedded in this Review. In summary, it can be seen that there is an abundance of guidance, direction and policy that attempts to proscribe and regulate the personal and professional conduct of ADF members.

88.   The Review also noted the findings of internal surveys that show that ADF members are clearly aware of their obligations and the expectations placed on them; but that a relatively small number of ADF members occasionally fail to live up to those standards.

89.   Guidance is contained in a wide variety of sources that is readily available to individuals; and, while generally aligned, such policies and instruments may have different emphases within the three Services. In short, official policy defines the ADF work environment as anywhere that an ADF member is present, either on duty or off duty, on base or off base, at home or abroad, in uniform or out of uniform. Such policy also requires members to behave professionally on duty and to fulfil their obligations off duty as ambassadors of the ADF and Australia at home and abroad. Official standards of behaviour reflect the trust that the community places in its Defence Force.

90.   In essence, the issue is not that there is insufficient policy and guidance, but that its very volume and complexity is a significant impediment for reporting misconduct and seeking redress. The entire process could benefit from simplification and is an area deserving of further investigation.

Responses — A Discussion

Responding strategically and systemically to create an appropriate culture

91.   The Review has argued that the ADF's overall response to the prevention and management of failures in personal conduct must be strategic, systemic and accommodate the key drivers of an effective military culture. The response must comprehend the unique nature of military service and understand the requirements of a professional and operations-focussed culture, with the requirement to be successful on operations being paramount. As noted, it is reasonable to expect that ADF members will be held to high standards of personal conduct at all times as befits their membership of the profession of arms and their task of defending the Australian nation.

The seeds of personal misconduct

92.   While there is significant scope for improvement in the detail in wording of policies and instruments, the reality is that the failures that have occurred have not been caused by a lack of policy and guidance; rather, they stem from poor judgement.

93.   Failures that have occurred have not disclosed a level of systemic failure, but such failures have contained the seeds of cultural concern. In some cases, they have been associated with inappropriate responses in a tight military culture that appeared to value a misguided notion of hyper-masculinity associated with an immature model of a Combat Male warrior. In other cases, failures in personal conduct have been associated with excessive alcohol consumption; and in others these two factors have combined. Almost all cases reveal an overarching failure in judgement by both those directly associated with the misconduct. It has also brought into question the local leadership environment where these incidents have occurred and the performance of those responsible for leadership and management.

94.   Failures in judgement have often been exacerbated by an incorrect interpretation of appropriate behaviour in a military culture. The review tested a large number of cases against the existing policy and legal direction, and no incidences were found where policy, process or legal direction condoned or encouraged poor conduct. The direction and policies were clear as to what constitutes illegal acts, poor conduct and inappropriate behaviour. However, that direction did not preclude individuals exercising poor judgement. When poor judgement was exercised, and there was a lack of effective supervision or timely reporting, the adverse effects of the acts were amplified. In many cases these failures were also associated with excessive consumption of alcohol.[35]

95.   The ADF has a mature system to regulate behaviour, including the DFDA and the system of administrative sanctions. However, an effective discipline system is not merely one that formally regulates conduct. An effective discipline system has to be underpinned by a culture of ethical leadership and compliance. An effective system regulating personal conduct must be transparent, demonstrate that people are held to account, and be timely. In essence, no matter how good the policies and framework are, if they are seen to be ignored with impunity, then they will not support appropriate personal conduct standards. This is an essential part of promoting the rights and responsibilities of each individual.

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[35] Alcohol usage will be addressed in a Companion Review led by Professor Margaret Hamilton.

A human system is fallible and needs careful management

96.   While significant attempts have been made by the ADF to improve culture and stamp out poor conduct, the Review also concluded that incidences of failure, albeit at reduced rates, are likely to occur.[36] While this is largely due to human fallibility, this is not an excuse for future failure but is a reasonable acknowledgement of the vagaries of human nature, even in a disciplined military system. To minimise instances of failure in the future, the ADF must build a systemic response and create a culture that reinforces good and just behaviour, and increase its efforts to educate members. The aim must be to eliminate poor conduct and also ensure appropriate supervision and command oversight.

97.   Moreover, there is a fundamental need for the ADF to ensure that there are adequate avenues to report poor conduct and behaviour as it occurs, or after it has occurred. An environment must be developed where any ADF member can raise any problem in the knowledge that their issue will be managed compassionately and effectively and that their concerns will be addressed without recrimination. In the case at ADFA, a young female cadet felt compelled to report her concerns outside the ADF system and speak to the media. It is reasonable to ask why she lacked confidence that her complaint would be appropriately managed by the ADF and thus went to the media to pursue her concerns.

98.   The ADF's response must address that fundamental need so that all ADF members have confidence and believe that they will be treated with respect and given a "fair go". Members must have multiple avenues of reporting; they must feel safe that they are able to call out bad behaviour without fear of recrimination; and they must have confidence appropriate action will occur. While the ADF will not be able to totally prevent bad behaviour or poor conduct, it can ensure that its culture strongly supports its people being able to raise concerns and have those concerns addressed appropriately.[37]

A strategic response

99.   The strategic response for the ADF must be to reinforce and improve its culture to create the environment where failures of personal conduct are less likely to occur in the first place, and where, if failure does occur, then it is managed effectively, expeditiously and justly. The cultural response will see the development of a professional and operations-focussed culture and environment that delivers military capability while also maintaining alignment with contemporary Australian community expectations and values. This culture will be informed by and be compliant with both current and prospective Work Safety and Health legislation, as well as the DFDA and other legislative instruments.

100. It is imperative that the ADF create a safe environment for all members in which poor conduct and bad behaviour are not tolerated. Members should feel confident that they can report issues of concern as they impact on the climate and safety of the environment in which they work. The ADF's response to these recent events provides the opportunity to deliver a change program with more strategic effect across the entire military workforce by reinforcing a culture that addresses poor conduct and bad behaviour, while also meeting the needs of the wider workplace in terms of a professional military culture that generates effective military

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[36] See Annex D.

[37] The essence of this is contained in the media commentary of 16 April 2011 that "No Defence Force has yet managed to eradicate unacceptable behaviour. What is critical is that institutions condemn unacceptable behaviour, have resilient systems to ensure justice, and a culture where victims can speak out without fear. Institutional safeguards are more important when both victims and aggressors are likely to be young" (James Brown, The Sydney Morning Herald, p4, 16 Apr 11, p4.)

capability. A simple focus on conduct and behaviour is not sufficient. To achieve true reform, the ADF response must be deep and involve a focus on the broad spectrum of ADF culture.

"Beyond compliance" — A Model for an Operations-Focussed Culture

"Safety culture" principles as the model

101. The ADF needs to respond strategically to the above challenges, in the sense of being complex, multifaceted, and capable of continuous and constructive adaption in the face of shifts in circumstances across time. There is clearly a need to go "beyond compliance" in terms of framing an appropriate response. There are many reasons for this, ranging from the risk of being seen to be engaging in tokenism and not taking the issues seriously enough, through to ensuring that the ADF emerges from these issues with a more robust and relevant approach and framework to the challenges of the contemporary operational, social and political environment.

102. While there are many organisational and cultural models, the most elegant and applicable in a military context is provided by the UK response to the crash of a Nimrod military aircraft in Afghanistan in 2006. The "Haddon-Cave Report"[38] provides an example of an appropriate response to what was ostensibly a functional problem, but which had its origin in its organisational culture. In the report into that accident, the development of an improved culture was expressed in terms of the interaction of five sets of habitual behaviours, that is, five sets of "cultures". The various elements of the improved culture were aimed at creating an environment in which a large number of safety-oriented actions are more likely to take place, and in which the interaction of such actions create an effect where the whole is greater than the sum of the parts. The basis of developing such an environment was that it would result in benefits where people would: readily report problems, errors and near misses; be clear about the difference between acceptable and unacceptable behaviour; be rewarded for providing safety-related information; adapt to changing circumstances while maintaining focus on safety; be willing and able to draw the right conclusions from safety information and to implement major safety reforms; and would continually engage in the "What If?" and "Why?", on the basis that such questions are the antidote to assumptions that so often incubate mistakes.

103. The UK took the view that the interaction of the various elements of the model would create a safety-conscious, informed and above all, an Engaged Organisation and Safety Culture. This culture would be characterised by leadership commitment, open communication, fairness, high involvement at all levels of the organisation, effective decision-making, follow-up, feedback and reporting, and critical thinking and questioning. All these were seen as being the basis for:

> "a vibrant safety culture in which each employee sees his/her role as a critical part of the organisation's commitment to safety, and in which every employee will feel both comfortable — and feel responsible for — reporting any incident or issue that he/she perceives as being a potential safety risk without fear of reprisal or retribution, and in which a vibrant safety culture is built on trust at all levels of the organisation working with each other", and dependent on "the values and behaviours of each individual".

104. These conclusions and recommendations resonate with the ADF's current experience in terms of failures in personal conduct and provide a sound model from which the ADF can learn. While the ADF is dealing with failures in personal conduct that were due to weaknesses

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[38] Charles Haddon-Cave QC, An Independent Review into the Broader Issues Surrounding the Loss of the RAF Nimrod MR2 Aircraft XV230 in Afghanistan in 2006", ISBN: 9780102962659, 28 October 2009. The relevant model is summarised in Attachment 1.

in workplace culture, and the UK was dealing with safety failures that were due to weaknesses in workplace culture, the general principles apply across both cases and point the way to a viable strategy for developing a professional workplace culture that is focussed on the ADF's purpose, supports good behaviour, and inhibits bad behaviour.

An Additional Cultural Overlay — An Inclusive Culture

105. A further element needed for an appropriate model for the ADF is to create and maintain an Inclusive Culture. As discussed above, the failure of a predominantly male culture to respond appropriately to women in the work environment is at the root cause of some of the failures in personal conduct. The failures of conduct reflects part of the organisational identity projected both to those inside the ADF and to the community at large — potentially, that the ADF could be seen as a "boy's club".

106. As a result, a response must provide for programs to increase gender diversity, operating in tandem with the other modes of "culture work" described above. A natural extension of this is to include ethnic diversity, indigenous participation, and other minority elements. These other minority elements that are part of the ADF communities are not generally made explicit outside Defence.

107. While the simplest example of damaging discriminatory behaviour is seen in the gender challenges of a traditionally masculine culture, there are other discriminatory behaviours that limit team building and cohesion by attempting to exclude others. Examples include the tribal reinforcement of combat categories over non-combat categories, the differences amongst Service and Joint cultures, and the dichotomy between military and civilian. Sexual preference and potentially religious affiliation similarly provide the basis for exclusion to the detriment of team cohesion and military capability.

108. The intent of building an inclusive culture is to remove cultural barriers that detract from effectiveness. This would harness the potential for increased capability through mutual respect, collaboration and broadening of perspectives. It would also result in both increased option development and the enhancement of moral authority as an exemplar national institution.

The foundation of ADF culture — the "Australian profession of arms" construct

109. The final supplement to the safety-culture model would be for the ADF to do what is necessary to enhance the understanding of members at all levels in respect to an "Australian profession of arms" concept. Such a concept would anchor the operations-focused culture solidly in its host cultural context, informing it in many complex ways in respect to the military culture and military practices.

110. Such a concept would also have the potential to transcend Service and Joint issues to align the ADF strategically on its common foundation. The intention would be to enable each Service to buy-in while maintaining their Service identity and the integrity of their existing reform and culture programs. As such, the Australian profession of arms concept could potentially invigorate the legitimacy of PLICIT while allowing each Service to validly maintain their relevant values set (rather than being the other way around, as it is now).

111. In short, the Profession of Arms construct will be a vehicle for establishing:

a. the operations-focused culture and its four key blocks;

b. a set of common ideals and values, and an explicit and universal code of conduct, and a means of explaining the reasons for those high standards that are expressed in the code;

c. a higher institutional identification to supplement Service and unit loyalty, which will take advantage of the strengths of tribalism while simultaneously inhibiting its darker side;

d. a stronger sense of the Joint and Interagency environment, in terms of unity of purpose, identity, activity, practices, organisations, and Professional Military Education;

e. a more sophisticated personnel mix in response to a more complex operational context;

f. a simple and compelling message that senior leaders can use in a multitude of ways to communicate with stakeholders, especially the troops; and

g. improved public awareness of who we are and why we are like that (with the important by-product that this sends the same messages to our internal audience).

A Hierarchy of Controls

An operations-focused culture, based on the Australian Profession of Arms concept

112. The proposed response model for the ADF begins by making clear the outcomes the ADF is expected to deliver and managing that delivery, by using a hierarchy of controls, similar to those used to remove and manage hazards in an Occupational Health and Safety system. The logical starting point for the model is the Defence White Paper 2009, which provides the expression of what the ADF is required to provide Government in terms of both capability and performance, by a process similar to that in the Occupational Health and Safety system. This begins by seeking to eliminate hazards and, if that is not possible, progresses through logical pathways to create effective hazard-management. Using this approach the ADF must understand what it needs to deliver to Government; build the culture required to deliver that capability; and manage any adverse aspects (a proxy for hazards) so that bad conduct is either eliminated or dealt with appropriately and effectively.

113. To achieve this, the ADF needs to ensure it has a military culture that is focussed on conducting the operations Government has directed: in other words an "Operations-focussed Culture". The development of such a culture would begin by selecting the right people and then training and educating them, in order to build capability over time. An operations-focussed culture anchored in the Australian Profession of Arms will provide the appropriate mindset and behaviours that ADF members need to conduct operations and deliver the capability required.

Two key strategic activities

114. To achieve an operations-focussed culture, the ADF needs to engage in two key strategic activities.

115. First, the ADF should develop the mechanisms for the four component key building blocks (as noted above, analogous to those in the UK Nimrod model). The key blocks for such mechanisms will be as follows:

    a.   **A Just Culture**: An environment where members understand the difference between good and bad behaviour and know what is expected of them. In such an environment, those who behave well are rewarded and recognised and those who do not are dealt with appropriately. All members should have confidence that the system is just and fair and that they will be given a "Fair Go".

    b.   **An Inclusive Culture**: An environment that welcomes and leverages diversity, in contrast to simply tolerating it or, worse, opposing it, and which not only respects but actively seeks the contribution of all members in achieving missions, regardless of their demographic characteristics, Service or job function.

    c.   **A Reporting Culture**: An environment in which, when poor performance of any type is identified, all ADF members have a role in reporting it, and can do so safely and without fear of recrimination. This will include the opportunity to report anonymously where necessary. It should also emphasise the importance of feedback loops to individuals who make complaints so they understand what has happened as a result of their reporting.

    d.   **A Learning Culture:** An environment in which people are willing and competent to draw the right conclusions from instances of good conduct in poor conduct, and the willingness and competence to implement appropriate major reforms. In such an environment, the ADF will also build its collective ability to learn as an institution and develop processes to capture and implement learning outcomes.

116. Second, the ADF should anchor the operations-focused culture solidly in its host cultural context of the "Australian profession of arms". This would ensure that this strategy reflects and can be accommodated by the innumerable complexities of military culture and military practices.

Enabling activities

117. The development of an operations-focused culture underpinned by the Profession of Arms construct should be supported by a number of enabling activities.

118. These supporting enabling activities include the development of:

    a.   improved avenues of communication for members to report concerns, through both the chain of command and also through confidential methods of reporting;

    b.   a professional focus with a Joint perspective, through articulation of "the Australian Profession of Arms" construct;

    c.   improved programs of socialisation, by developing a strategic framework for socialisation;

    d.   a public communications program, based on "the Australian Profession of Arms" construct, communicating the Australian military profession externally and internally; and

    e.   sponsorship for appropriate scholarly research and research institutions.

119. **Improved avenues of communication to report concerns.** It is evident from the responses to this Review that each Service has already accepted the need and responsibility for developing improved avenues of communication for members to reports concerns that may range from behaviour to safety or ideas for improvement and innovation. These will cover both official and in-confidence aspects. The performance and success of each Services' program in terms of improving avenues of communication should be evaluated towards the end of 2012.

120. **The Australian profession of arms construct**. The Australian profession of arms construct should be developed by an expert central agency, within, say, the Australian Defence College, with close liaison to and support from relevant departments in each Service. This would require, amongst other things, the development of engaging written and media material. It is essential that such development be conducted by people with a strong comprehension of both theoretical and practical aspects of "professions" and "professionalism". This would benefit from appropriate liaison with other institutions, such as the US Army Centre for the Army Professional Ethic at West Point.

121. **Career socialisation**. It is evident that each Service has already accepted the need and responsibility for improved career socialisation. The development of such a program on and ADF-wide basis should be given oversight by the People Strategies and Policy Group, with the Service agencies doing most of the detailed work as is appropriate to tailor such an approach to their own needs.

122. The following career socialisation activities, however, should be centralised:

   a.   development of a revised common oath of enlistment, to reflect the central tenets of the Australian profession of arms;

   b.   development of an explicit, central ADF code of conduct, based on the profession of arms construct, which could then be modified to express and be aligned with each Services' need;

   c.   a strategic framework for a cradle-to-grave program of professional socialisation (and similarly for education in leadership, followership and ethics), from pre-enlistment through to senior career-level Professional Military Education; and

   d.   a revised approach to the delivery of annual mandatory training that emphasises the importance of ADF culture, articulates our purpose, and places our response beyond mere compliance in order to reinforce culture and build capability.

123. Enhanced public communication. Defence Public Affairs should be given the responsibility for developing a sophisticated public affairs campaign that would "tell the ADF story", for example by presenting a series of vignettes or "days in the life" of ships and units.

Key performance indicators

124. Given the strategic importance of such a program, it will be necessary to monitor its development by appropriate metrics and key performance indicators. Development of such metrics and key performance indicators will be reviewed separately.

Conclusions and recommendations

The way ahead

125. The Review found that there is an abundance of fundamentally sound guidance, direction and policy that proscribes and regulates the personal and professional conduct of ADF members. ADF members are clearly aware of their obligations and the expectations placed on them. While a relatively small number of ADF members occasionally fail to live up to those standards, the implication that misconduct is deeply rooted in its culture is unfounded.

126. Notwithstanding these conclusions, the ADF needs to respond appropriately to these issues in order to restore the trust and confidence of the Government and the Australian people.

127. The ADF must do so by going "beyond compliance". It must do more than simply fine-tuning current ADF and Service policies and instruments; it must do what is necessary to establish a culture that will create an environment where failures of personal conduct are less likely to occur in the first place; and where failure, if it does occur, is managed effectively, expeditiously, and justly.

128. This strategy will be based on an adaptation of best-practice safety cultures, with the additional overlay of an Inclusive culture, all underpinned by the principles of the "Australian profession of arms". The result will be an engaged, active and professionally-focussed culture and work environment that delivers military capability in a way that is aligned with operational imperatives and contemporary Australian community expectations and values.

129. This culture will be informed by and be compliant with both current and prospective Work Safety and Health legislation, as well as the DFDA and other policies and instruments.

130. The review also identifies the need to simplify the complex volume and source material available for making a complaint and seeking redress.

131. All this will result in a framework characterised by:

    a.   a simplified system for the management of personal and professional conduct;

    b.   improved awareness and knowledge among ADF members in respect to their roles, responsibilities and rights; and

    c.   greater empowerment for Commanders for the effective management of unacceptable behaviour when it does occur.

132. The advantage of building the framework that will express the strategy is that it transcends Service and Joint issues and aligns the ADF strategically on its common foundation, the profession of arms and the operational output required of the ADF. This has the benefit of enabling all Services to buy-in while maintaining their Service identities and not compromising their existing reform and culture programs.

133. Initially the Services can map their current activities against the framework and this will provide a vehicle for strategic alignment over time. This will allow for a collaborative response that provides the context in which the individual Service values and culture can be anchored. Currently it is the other way around – the ADF culture is a loose amalgam of the Service cultures and they are not anchored in the institution of the ADF. This framework articulates the ADF cultural framework in a clear and simple way.

134. In addition, there would be merit in developing a sophisticated public affairs campaign that would "tell the ADF story".

135. This should be supplemented by sponsoring appropriate scholarly research and research institutions, with formal links to ADF educational institutions, particularly the Australian Defence College. This would improve professional understanding of the human dimensions and dynamics of professional life, in terms of disciplines such as military organisational behaviour, military sociology, military-related anthropology, and civil-military relations.

Why this response will work

136. There are a number of reasons why this strategy is will be effective:

   a.   It is simple and will build both culture and capability while also addressing the key areas of concern generated from the media reporting.

   b.   It builds on our current performance and strengths and also provides additional avenues to improve and create a stronger and fair culture that is robust, resilient and comprehends the demands placed on members of the ADF and the unique nature of military service.

   c.   It focuses on the ADF's organisational purpose (operations) and then describes the enabling activities that will build and improve the culture.

   d.   It facilitates a revitalisation of professional discussion on the Australian profession of arms.

Change-management challenges and resource implications

137. The main change-management challenge is in respect to persuading the three Services to accommodate the common concepts of the Australian profession of arms construct in a way that emphasises similarities rather than differences, and which promotes alignment and joint-thinking rather than excessive focus on Service functions and characteristics.

138. Ways of tackling this challenge include:

   a.   incorporating the Australian profession of arms concept and its corresponding elements (such as ADF values and meta roles) into the explicit features of individual Service statements of ethos and values;

   b.   developing an explicit, central ADF code of conduct, based on the profession of arms construct. This could then be modified to express and be aligned with each Services' need developing a reworded oath of enlistment that reflects the overarching ADF values and Australian profession of arms construct;

c.   incorporating reference to a discussion of the Australian profession of arms concept in appropriate career courses for all categories;

d.   developing a "cradle-to-grave" program of professional socialisation (and similarly for education in leadership, followership and ethics), from pre-enlistment through to senior career-level Professional Military Education, paying particular attention to mid-career officer (especially at Australian Command and Staff College and the Centre for Defence and Strategic Studies) and senior Non Commissioned Officer career courses;

e.   emphasising the importance of Service identity as well as the joint nature of the ADF and the Australian profession of arms concept in a strategic communications programs; and

f.   incorporating appropriate reference to the increasingly joint nature of the ADF operations and the Australian profession of arms concept in leadership communication, especially senior leadership communication.

Recommendations

139. It is recommended that:

a.   the ADF commence the development of an operations-focused culture underpinned by the profession of arms construct. This will provide an ADF framework that will complement Service cultures and locate Service contributions, while also introducing the broader notion of institutional success rather than the more narrow view of simply Service success. This will be achieved through articulation of "the Australian profession of arms" concept;

b.   the Services and the ADF continue initiatives to improve avenues of communication for members to report concerns, through both the chain of command and also through confidential methods of reporting;

c.   programs of socialisation be improved, by the development of:

   i.   a revised Common oath of enlistment, to reflect the central tenets of the Australian profession of arms;

   ii.   explicit codes of conduct, underpinned by a central ADF code of conduct based on the profession of arms construct, and modified to express and be aligned with each Services' need;

   iii.   a "cradle-to-grave" program of professional socialisation (and similarly for education in leadership, followership and ethics), from pre-enlistment through to senior career-level Professional Military Education, with significant reinforcement by local leaders in ships and units;

   iv.   a revised approach to the delivery of annual mandatory training that emphasises the importance of ADF culture, articulates our purpose, and places our response beyond mere compliance in order to reinforce culture and build capability.

d. a strategic communications program be developed, based on "the Australian profession of arms" construct, communicating the nature of the Australian military profession externally and internally; and

e. appropriate scholarly research and research institutions be sponsored and fostered, and the findings of and insights gained from such research be used to inform policy development, Professional Military Education, and doctrine, under the management and oversight of the Australian Defence College.

Annexes:

A. Definitions
B. Review Terms of Reference
C. Addressing the Terms of Reference
D. Reports and Reviews into the ADF
E. Profession of Arms Discussion Paper

Attachment:

1. The Nimrod Model

DEFINITIONS

The following definitions pertain to important terms and concepts used in this report.

Conduct:

> **Appropriate conduct**: Behaviour that conforms to prevailing norms, standards or laws (military and civilian), that at a minimum does not bring the reputation of an individual, a group or organisation into disrepute, and ideally enhances that reputation.

> **Misconduct/unacceptable behaviour**: Behaviour that does not conform to prevailing norms, standards or laws (military and civilian), and which brings the reputation of an individual, a group or organisation into disrepute.

Culture: A set of shared mental assumptions that guide interpretation and action in groups and organisations by defining appropriate or acceptable behaviour for various situations; habitual behaviour in response to characteristic organisational problems and situations. Culture is to an organisation as "personality" or "character" is to an individual. Culture is commonly seen as holistic, historically determined, socially constructed, difficult to measure, and difficult to change.[39]

Ethics: A set of implicit rules and standards that define "what ought one to do", in terms of any reasonable set of moral principles or values (by which actions may be judged to be good or bad, right or wrong). (Oxford Dictionary: Relating to morals, treating of moral questions, morally correct, honourable.) **Military ethics** is a set of implicit rules and standards that define "what ought one to do" in operational or non-operational settings.

Ethical dilemma: A situation in which a choice has to be made between two equally desirable or undesirable alternatives. A "dilemma" becomes an "ethical dilemma" when the course of action involves uncertainty, conflicting values, or may cause harm regardless of the action chosen. The most common type of ethical dilemma is the "uncertainty dilemma", which refers to a problematic situation where "the right thing to do" is not clear, and where there are seemingly-equally valid reasons in support of two or more possible solutions to resolve the dilemma.

Ethical incident: A situation in which unethical behaviour occurs, but on a limited scale, where there is no evidence that such behaviour is characteristic of the profession as a whole, and in the context in which leaders have seriously attempted to establish an ethical culture.

Ethical failure: The situation in which unethical behaviour occurs on a significant or protracted scale.

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[39] Hofstede, G. (1980) Culture's Consequences: International Differences in Work Related Values, Beverly Hills, CA, Sage Publications; Schein, E.H. (1985-2005) Organizational Culture and Leadership, 3rd Ed., Jossey-Bass; Nick Jans with David Schmidtchen (2002), The Real C-Cubed: Culture, careers and climate and how they affect military capability, Canberra Papers on Strategy and Defence, No. 143, Strategic & Defence Studies Centre, Australian National University.

Ethical culture: A set of habitual practices that act in concert both to promote ethical conduct and to militate against the occurrence of ethical incidents and ethical failures. There are three main elements of such an ethical culture: self-regulation, self-correction and self-learning.

- **Self-regulation** is the process by which a group or organisation makes it clear to its members what is meant by "ethical behaviour", the extent to which leaders at all levels act in accordance with these stipulated expectations, the extent to which a group or organisation makes it feasible for its members to act ethically (or, put it in the negative, creates conditions in which people have to take shortcuts and act unethically in order to get things done), and the extent to which a group or organisation supports members who act ethically.

- **Self-correction** is the process by which a group or organisation makes it possible for its members to see what others are doing in an ethical/unethical sense, to have the opportunity to discuss incidents of unethical behaviour, and to ensure that sanctions will occur when unethical behaviour occurs (or conversely, that ethical behaviour will be rewarded).

- **Self-learning** is the process by which a group or organisation draws appropriate and timely lessons from the examination of ethical incidents and ethical failures and implements appropriate and timely mechanisms intended to minimise their recurrence.

Ethos: the fundamental character or spirit of a culture; the underlying sentiment that informs the beliefs, customs, or practices of a group or society; dominant assumptions of a people or period.

Military ethic: the extreme levels of strength of individual character required to generate and sustain extra-ethical virtuous behaviour under conditions of high moral intensity where personal risk or sacrifice is required in the service of others.

Professional socialisation: the process by which a person acquires a personal identity consistent with and learns the norms, values, behaviour, and social skills appropriate to a professional role; the process of "learning the ropes".

Professional values: The beliefs and ideas (often explicit but sometimes implicit) that express what kinds of goals members of a profession should pursue; a belief about what is centrally important and hence what should take precedence in guiding decisions and actions; the deeply-rooted, bedrock beliefs people consider to be important, and which implements our thoughts, decisions, judgement and actions; the expectations we have about how we are treated, and how we should treat one another. Values in turn give rise to the norms that express the kinds and standards of behaviour to use to achieve such goals.

REVIEW TERMS OF REFERENCE

Defence will undertake a Review of the policies and instruments governing ADF personal conduct with the following objectives:

1. Identify whether a robust and fair framework exists to ensure appropriate avenues for redress, fairness, review that can be accessed by members without fear of recrimination.

2. Determine whether the ADF has an effective discipline system that produces an appropriate culture that balances the requirements of military capability while producing the climate and environment which respects its members and promotes the rights and responsibilities of each individual.

3. Determine whether the current Defence Force Discipline Act and supporting policy framework produces the necessary balance of obligations and protections to ensure effective military culture that meets the expectations of the Australian nation.

4. Review all policy and legislation that governs ADF conduct and identify opportunities to strengthen and clarify the obligations of ADF members to behave appropriately at all times.

5. Identify whether clear guidance is provided to all ADF members that articulates their responsibilities to behave at all times as representatives of the ADF, while on duty and off duty; and in Australia and overseas.

6. Recommend areas of weakness and strength and identify options to improve performance and clarity in legislation and policy.

7. Recommend methods to improve ADF members' understanding of their role as representatives of the ADF and the obligations that accompany that role.

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ADDRESSING THE TERMS OF REFERENCE

This annex addresses the Terms of Reference, including the outcomes of the reviews undertaken by Navy, Army, Air Force and Director General Fairness Resolution Branch.

TOR 1.   Identify whether a robust and fair framework exists to ensure appropriate avenues for redress, fairness and review that can be accessed by ADF members without fear of recrimination.

The framework in question comprises the policies, instruments and practice, and the question against which that framework is being reviewed in one of the ability of a member of the ADF to have appropriate action taken, without fear of recrimination, if they are subject to or witness inappropriate conduct. In other words, there can be confidence that, if an ADF member recognises unacceptable personal conduct and wants to do something about it, they know that a framework for complaint about unacceptable behaviour exists and where to find it, and they are confident that it is robust and fair.

The review found that the ADF complaints management system has all the constituent elements framework of a "best-practice" framework. However, the framework has weaknesses in respect to:

- visibility/accessibility (complexity of the framework); and

- accountability (accountability of commanders and managers in managing the complaints).

The key features of the ADF complaint system are as follows:

- All ADF members have an obligation to report any incident of unacceptable behaviour.

- Commanders and managers are required to respond promptly to complaints of unacceptable behaviour.

- Commanders and managers have the authority to resolve complaints and to make decisions.

- Alternative dispute resolution options are available at any stage in the complaint management process.

- All members are protected from victimisation or disadvantage as a result of making an unacceptable behaviour complaint or of being the subject of a complaint.

- All parties to an unacceptable behaviour complaint are entitled to support throughout the process of dealing with the complaint. Support available includes access to the Equity Adviser network and other advice networks, peer support, temporary transfer, or leave. ADF members are also entitled to legal assistance and medical and psychological treatment if appropriate.

- All unacceptable behaviour complaints are recorded centrally for reporting and monitoring purposes.

- Communication with all parties to an unacceptable behaviour complaint is required at all stages of the management of the complaint.

- Complaints are managed confidentially and privacy of all parties is protected.

The ADF framework is supported by external and independent avenues of complaint, including the Inspector General Australian Defence Force (IGADF) (including the Defence Whistle Blower Scheme), the Defence Force Ombudsman, and the Australian Human Rights Commission.

The complaint system for the management of unacceptable behaviour is described in *Defence Instruction (General) Personnel 35-3 Management and Reporting Unacceptable Behaviour*. This is a widely accepted means of articulating and disseminating Defence policy on this matter. But it is not only a complex instruction in itself, but it also cross-references to a considerable body of other Commonwealth and Defence policies. Therefore the numerous Defence Instructions and policy documents a member making or managing a complaint about behaviour must consult is complex. This is potentially beyond the skill and experience of complainants, supervisors and managers alike, especially for those in a stressed condition arising from having been subject to unacceptable behaviour.

Further, the complexity of the system directly affects the confidence of supervisors and managers in handling incidents of unacceptable behaviour. This leads to confusion and delays in decisions and actions. Such confusion and delays act as a serious disincentive for commanders at the unit and local level to take action to hold people accountable for inappropriate behaviour, because it is viewed as administratively onerous and by the time it is finalised, all those involved have likely moved elsewhere.

Commanders do have access to advice and assistance in dealing with complaints of unacceptable behaviour from Fairness and Resolution branch, including access to Alternative Resolution Practitioners; however, the review found that this resource is not use to full effect or full potential.

The review recommends that further work be undertaken to:

- simplify the complaints system (work has already been initiated by DEPSEC PSP to address this concern);

- strengthen the assurance role of Fairness and Resolution Branch and the IGADF;

- formalise the requirement to demonstrate use of Alternate Dispute Resolution at the front end of the complaints process;

- improve support to commanders and managers through better training resources and a more professional network of advisers; and

- engender a culture of learning that promotes safety and trust in dealing with unacceptable behaviour and Service complaints.

2. Determine whether the ADF has an effective discipline system that produces an appropriate culture that balances the requirements of military capability while producing the climate and environment which respects its members and promotes the rights and responsibilities of each individual;

This review found that the ADF has a mature disciplinary system to regulate the behaviour of ADF members, consisting of the *Defence Force Discipline Act 1982* (DFDA) and a system of administrative actions. However, an effective discipline system cannot on its own produce an appropriate culture; it must be underpinned by a culture of ethical leadership, compliance and transparency. In essence, no matter how robust the ADF disciplinary policies and framework are, if they are seen not to be applied equally and fairly, then they will not produce a culture that balances the requirements of military capability, whilst respecting the rights of individuals.

The purpose of the disciplinary system is to act as both a punitive mechanism and a deterrent for unacceptable behaviour.

As a punitive mechanism the DFDA provides a useful tiered system for dealing with disciplinary matters, which has become more agile with the introduction of the Discipline Officer scheme, by which minor infringements can be dealt with efficiently, such that behavioural change can be encouraged. However, it was evident that the frequency and application of the DFDA varied between and within the three Services. The main findings for these variations were:

- the DFDA is administratively onerous for lower level disciplinary matters, particularly at unit level;

- it is time consuming and resource intensive. Coupled with the length of investigations and degree of uncertainty of outcome, the value of the DFDA is significantly diminished as an immediate behavioural modification tool; and

- a lack of specific and clear guidance on when disciplinary action should be taken of the 'threshold' for commencing action.

As a deterrent for unacceptable behaviour, it was suggested that greater transparency of DFDA outcomes would improve accountability and enhance confidence in the system. Chief of Army Directive 13/03 directed that the findings of DFDA/adverse administrative outcomes be promulgated in Formation Routine Orders consistent with the provisions of the *Privacy Act.* Navy are considering issuing a similar directive to all Navy personnel.

3. Determine whether the current *Defence Force Discipline Act 1982* and supporting policy framework produces the necessary balance of obligations and protections to ensure effective military culture that meets the expectations of the Australian nation.

The review found that the DFDA provides a very similar balance of obligations and protections to those that apply to the civilian criminal law. As a system it is continually reviewed through measures such as the Military Justice Coordination Committee (MJCC) and through recommendations made is response to IGADF and other military justice authorities.

One area which may deserve consideration is an examination of whether "victims' rights" under the DFDA have kept pace with those in the civilian system. The DFDA does not contain measures such as victim impact statements and provisions for victims' compensation (other than reparations). This means that those members and others who may be victims of offences such as sexual assaults and assaults do not have a voice at sentencing proceedings. There has been clear evidence in civilian criminal trials that this process empowers victims and those affected by crime. In the absence of a similar system in the DFDA, members see themselves as being subject to the DFDA without necessarily being empowered by it to have a voice when they are a victim. Likewise consideration should be given to formulating a victims' compensation regime under the DFDA to simplify the processes for compensation for the victims of offences under the DFDA.

Another area of concern with the DFDA, as previously mentioned, is that, while in relation to serious offences that have a criminal component it is appropriate to ensure that the system mirrors the criminal judicial system, when dealing with lower level disciplinary matters this may not be appropriate and in most instances, is viewed as administratively onerous, particularly at the unit level.

For example, when asked during SCIT focus groups, most Navy members commented positively on the Discipline Officer scheme. However, there was a widespread perception that the discipline system:

- is excessively tied up in process, too slow and too hard to use;

- is too soft in terms of the punishments that can be imposed;

- fails to contribute to instilling a sense of personal accountability;

- fails to support proper discipline and the authority of rank;

- provides little disincentive to bad behaviour with inadequate penalties, powers of punishment; and

- lacks transparency in that there should be public disclosure of disciplinary consequences.

These observations during to the SCIT are supported by the 2010 IGADF Military Justice Audit Survey of Navy, which found that:

- 30% believed that the complexity of the DFDA discourages people from laying charges,

- 46% believed that processes involved in investigating offences take too long,

- 44% believed that processes involved in trying offences take too long,

- 29% believed that adverse administrative action processes take too long, and

- 8% did not believe the military justice system provides sufficient feedback to victims and complainants.

These results are consistent with Air Force's findings that the discipline system is time consuming and resource intensive, with its effectiveness diminished by the length of investigations and degree of uncertainty of outcome.

Noting that the DFDA has been the intense focus of significant reviews over many years, it is recommended that the MJCC consider what measures might be taken to address these concerns and ensure that disciplinary processes can be concluded as swiftly as possible, while being fair to the accused.

4.   Review all policy and legislation that governs ADF conduct and identify opportunities to strengthen and clarify obligations of ADF members to behave appropriately at all times.

Within the Defence organisation, there is an established hierarchy of orders. Higher-level Defence and single Service policy and instruction tend to be written as Command guidance, rather than as detailed directives on the responsibilities of individuals. Subordinate levels of command at the Service, command HQ or unit level issue amplifying guidance.

The cascade downward from strategic command to unit level does not guarantee continuous, consistent or current policy. Thus when a new policy document or a significant change is issued at the strategic level, a significant gap may occur before this transposes into organisation-wide release and availability as official guidance at the unit level.

Further, it was identified that in some cases there is a lack of explicit direction regarding the expectations of members in terms of upholding values and expected behaviour, particularly with regard to the requirement in terms of on- and off-duty.

A review of specific Defence Instructions governing personal conduct is warranted to ensure policy, guidance and directives are clear, comprehensive and current. However, the review must also be conscious that a balance between rules-based and values-based mechanisms is essential to build a culture that behaves beyond compliance, particularly in ambiguous, complex environments. Importantly, any such review must be allocated the required resources across all three Services to ensure sufficient priority is afforded to this task.

5.   Identify whether clear guidance is provided to all ADF members that articulates their responsibilities to behave at all times as a representative of the ADF, while on duty and off duty, and in Australia and overseas; identify areas of weakness and strength and options to improve.

As has been highlighted, compliance with appropriate behavioural standards is not just about the policies, but is essentially a cultural and leadership issue. Leadership and Ethics guidance is provided in ADDP 00.6 *Leadership* guidance. This is complimented by DI(G) PERS 36-3 *Inherent Requirements of Service in the Australian Defence Force,* concerning the essential requirements inherent to service, in particular issues to do with command and discipline, grooming standards, individual readiness and operational service.

The practical articulation and education of these standards is embedded in the training syllabus of each of the Services' initial training institutions to ensure all newly enlisted and appointed members of the ADF understand their responsibility to behave in accordance with promulgated standards. These standards are reinforced in the Professional Military Education Training courses throughout a members Service career.

Further, a number of initiatives have been developed and implemented across Navy, Army and Air Force to enhance ADF members understanding of their responsibility including *New Generation Navy*, Army's *Living Army's Values – An Individual Responsibility*, and Air Force's *Adaptive Culture* program. That is not to say that improvements cannot be made in the guidance provided to members at all levels in the organisation, from their initial touch point with Defence Force Recruiting, through enlistment/appointment and throughout a member's career.

Continued review of guidance and development of initiatives to support its application in the education and training, and workplace environments is therefore recommended to ensure values and standards are consistently and continually embedded at all levels of the organisation, while on duty, off duty, in Australia, and overseas.

6.   Identify areas of weakness and strength and options to improve performance and clarity in legislation and policy.

The review identified that guidance is contained in a plethora of policy, instructions and supporting documents that is readily available to individuals. There are no fewer than 19 individual Defence Instructions that address personal behaviour and conduct. The issue therefore is not if current legislation and policy is comprehensive enough, rather whether it provides sufficient clarity for ADF members at all levels.

As previously stated the system regulating personal conduct could also be improved through greater transparency, accountability and certainty/timeliness. In essence, no matter how good policies are, if they are seen to be ignored with impunity, then they will not support appropriate personal conduct standards. To encourage people to report unacceptable behaviour people need to understand the system and to see that when they make a complaint it is appropriately dealt with in a timely manner. The system could be improved by streamlining the legislation and policy and the complaints system and ensuring that personnel are seen to be held accountable.

7.   Recommend methods to improve ADF members' understanding of their role as representatives of the ADF and the obligations that accompany that role.

To assist ADF members to understand their role as representatives of the ADF and the obligations that accompany that role requires a clear articulation of values and expected behaviours. This must be combined with commitment by leadership at all levels to support and reinforce those values. This has been recognised and addressed in a number of Navy, Army and Air Force initiatives to reinforce and enhance ADF members' understanding of their roles and responsibilities as ambassadors as members of the Australian Profession of Arms.

Clear, comprehensive and concise governing policy must be supported by plain-language guide(s) to improve ADF members' understanding of their roles as members of the Australian Profession of Arms. Similarly, the articulation of these roles and responsibilities must be supported by a plain-language guide to expected behaviours and values of ADF members.

REPORTS AND REVIEWS INTO THE ADF

The following list is the "Conduct related" publications arising from incidents or unacceptable behaviours in the ADF:

- Report to the Senate on the Elimination of Sexual Harassment in the ADF, 1995

- Women in the ADF: two studies, 1996 (Burton Report)

- Sexual Harassment in the ADF, 1996 (Kathryn Quinn)

- A study into the Judicial System under the Defence Force Discipline Act, 1997 (Abadee Report)

- Report of the Review into Policies and Practices to deal with Sexual Harassment and Sexual Offences at ADFA, 1998 (Grey Report)

- Defence Ombudsman's Own Motion Investigation - Own motion investigation into how the Australian Defence Force responds to allegations of serious incidents and offences. Review of Practices and Procedures, 1998

- Military Justice Procedures in the ADF, Joint Standing Committee on Foreign Affairs, Defence and Trade, 1999

- Report of an Inquiry into Military Justice in the ADF, 2001 (Burchett Report)

- The Effectiveness of Australia's Military Justice System, 2005 (Senate Inquiry)

- Defence Ombudsman's Own Motion Investigation – Management of Unacceptable Behaviour Complaints in the ADF, 2007

- Report of the Independent Review on the Health of the Reformed Military Justice System, 2009 (Street/Fisher Report)

- HMAS SUCCESS Commission of Inquiry – Allegations of Unacceptable Behaviour and the Management Thereof, Part 1: The Asian Deployment and Immediate Aftermath, 2011 (Gyles Report)

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PROFESSION OF ARMS DISCUSSION PAPER

Purpose

The purpose of this discussion paper is to contribute to the Personal Conduct Review by providing discussion on the concept of the Australian Profession of Arms, within an overarching ADF Personal Conduct Framework.

Components

The paper is divided into the following key components:

- The Profession of Arms — a layperson's articulation of the Australian military profession;

- Personal Conduct — the link to capability; and

- ADF Personal Conduct Framework — a model for conduct beyond compliance, including:

    o   ADF Values.

    o   Professionalism — the Foundation Value.

    o   Key Roles - Expert, Steward, Ambassador, Servant of the State.

    o   Four Cultural Pillars - Just, Reporting, Inclusive, Learning.

    o   Self Regulation, Self Correction, Self Learning.

Recommendation

It is recommended that this paper circulated for discussion and comment on the broad constructed presented.

THE AUSTRALIAN PROFESSION OF ARMS

*As Defence moves towards 2030 there will be many uncertainties and challenges. However there will remain one enduring constant; the importance of our people and their central role in the security of our nation. Platforms and networks allow us to conduct and sustain military and security operations, but people are at the heart of all our systems. It is the responsibility of the Defence People System to deliver the required leaders we need to ensure that we have **the right people, with the right skills, behaviours and attitudes, in the right places, at the right times**, to secure Australia and its interests. (DEFENCE PEOPLE 2030, Defence People Discussion Paper 1/08 April 2008)*

The mission of the Australian Defence Force, entrusted in us by the Australian people, is to 'Defend Australia and its National Interests'. It is a mission that has been achieved through the dedication, commitment and sacrifice of many Australians in the service of our nation from the earliest conflicts to the present day.

Our mission is unique and sets us apart from other professions. The enduring security of our National sovereignty, our National interests and our peaceful way of life is testimony to the men and women who have served, and continue to serve in the Australian Defence Force. Whilst to date we have achieved our mission with great success, and have much to be proud of, we cannot afford to become complacent. We must be prepared to achieve our mission at any time, for how we train and operate in peacetime will be reflected in how we perform on operations.

*'….the right people, with the right skills, **behaviours and attitudes**, in the right places, at the right times...'*

It is our history, in the achievement of our mission that has shaped our shared behaviours and attitudes - our shared values and beliefs. It is our performance 'on and off the field' that will define our success in current and future operations. For whether in peacetime or in conflict, as members of the ADF, we must be clear about what is right, why it is right and how to execute it right. The ADF mission defines 'what and why' while the ADF Code of Conduct acts as the moral compass that guides our decisions as to 'how' to carry out our missions ethically, at the tactical, operational and strategic levels.

We must never forget, nor take for granted, the responsibility Australia's people have vested in us. And we must stand tall in environments of peace and conflict to uphold the values and attitudes that define the Australian Profession of Arms. For we have a proud history, an enduring legacy, and a perpetual responsibility to live up to the behaviours and standards expected of us, by those who have entrusted us with the defence of Australia and its national interests.

PERSONAL CONDUCT — BEYOND COMPLIANCE

All professions need a lively sense of ethics. Professionals are not governed by rules and regulations alone but also by an inherent sense of values and duty to society, often in the form of a code of ethical conduct. The military profession above all faces severe ethical dilemmas precisely because its members are given power of life and death (both the enemy's and its own) as well as over civilians of all kinds.

Australia's people have not only entrusted us with the defence of Australia and its national interests, they have also placed the safety and wellbeing of their sons and daughters in our hands. In return, we must demonstrate a standard of professional and social behaviour far beyond those required by mainstream society to ensure the safety our people, deliver optimum operational effectiveness and to enhance our reputation.
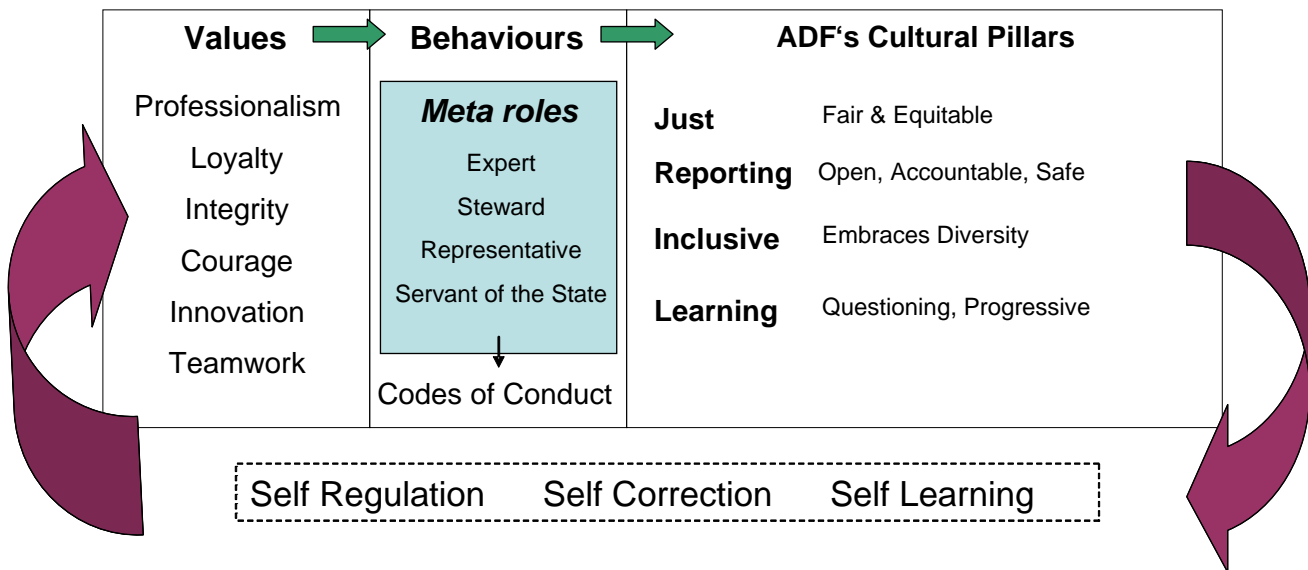
The Australian Defence Force has earned a reputation for excellence, based on its performance on operations in conflicts, humanitarian aid and disaster relief missions. This reputation has been established through the individual and collective professionalism, behaviour and self-discipline of our Service men and women on operations — that extend from Gallipoli to Afghanistan. Just in the last decade more than 69,000 ADF members have been deployed on 58 operations around the globe, enhancing our reputation for excellence. But it is a trust established over a long period, and damaged in an instant, as evidence by the well-publicised recent incidents of poor personal behaviour. On or off duty, we are still members of the ADF. Our family, friends and associates know us as military professionals. Commanders and individuals must therefore accept responsibility for the reputation of the ADF, and remain vigilant to ensure our standards are maintained at all times.

Our operational effectiveness and the safety of our personnel demand the highest standards of professional and ethical behaviour, built upon trust and loyalty between commanders and those they command. The nature of military operations places great demands and challenges on individuals and teams, with the ultimate endeavour — the successful achievement of missions. This requires a level confidence and trust in each other regardless of rank, job, age, gender, or personal background.

Our responsibilities as members of the Australian Profession of Arms can only be fulfilled if we individually and collectively demonstrate our Values and Behaviours — beyond compliance.

ADF PERSONAL CONDUCT FRAMEWORK

Values   and   Behaviours   deliver an   Operationally Focussed Culture

Values	Behaviours	ADF's Cultural Pillars	
Professionalism	**Meta roles**	Just	Fair & Equitable
Loyalty	Expert	Reporting	Open, Accountable, Safe
Integrity	Steward	Inclusive	Embraces Diversity
Courage	Representative		
Innovation	Servant of the State	Learning	Questioning, Progressive
Teamwork			
	Codes of Conduct		

Self Regulation   Self Correction   Self Learning

The ADF Personal Conduct Framework provides the foundation of an Operationally Focussed Culture. Only through individual and collective adherence to our shared values and behaviours, we will create the right cultural environment built on the four pillars (Just, Reporting, Inclusive, Learning) to achieve mission success in domestic and operational theatres.

It is a model of perpetual growth to meet the dynamic, complex and ambiguous environment that we operate in now, and to adapt to the operational environments of the future.

Most importantly, it relies on the individual commitment of every member of the Australian Profession of Arms to live up to our responsibilities through our personal and professional conduct, deliver on the trust given to us by the Australian people, and to deliver effective military capability to defend Australia and its national interests.

OUR ADF VALUES — ARE exPLICIT

The ADF subscribes to a set of six values, namely:

- **Professionalism** — Striving for excellence in everything we do. We work hard to deliver high quality results, do our job to the best of our ability and take pride in our achievements. We are sensitive to changes in our working environment and ready to respond. We provide impartial, comprehensive, timely and accurate advice. We constantly seek to improve our work performance.

- **Loyalty** — Being committed to each other and to Defence. We serve the Government of the day and support our leaders and colleagues to undertake tasks and achieve results in line with Government direction. We treat everyone at all levels with respect, care and compassion. We work to uphold the best interests of the Australian people.

- **Integrity** — Doing what is right. We behave honestly and ethically, and demonstrate the highest standards of probity in our personal conduct. We act fairly and accept personal responsibility for our decisions and actions. We do not allow mateship to be misused to cover up bad behaviour or bring the organisation into disrepute. Our actions will clearly match our words.

- **Courage** — The strength of character to honour our convictions (moral courage) and bravery in the face of personal harm (physical courage). In Defence we stand up for what we believe is right and we speak out robustly and openly against what is wrong. We have the courage to accept valid criticism, admit to errors, learn lessons and improve. We give honest feedback on work performance.

- **Innovation** — Actively looking for better ways of doing our business. In Defence we are open to new ideas and strive to identify and implement better ways of doing business. We are clever and make best use of the resources that we have to do our job. We encourage sensible risk taking, and strive to identify opportunities to eliminate inefficiency and waste.

- **Teamwork** — Working together with respect, trust and collective purpose. Teamwork is cultivated through strong, positive leadership and attention to the needs of team members. In Defence teamwork is integral to everything we do, and characterises our working relationships inside Defence and across the whole of government. We foster collaborative workplaces, communicate openly and solve problems in a collegiate manner, share ideas and take advantage of the diversity of our knowledge and experience.

Embedded in the descriptors are the practical applications of those values which must be adopted into our everyday existence as military professions. Living up to our values, beyond compliance, is what defines us as members of the Australian Profession of Arms.

PROFESSIONALISM — OUR FOUNDATION VALUE

Professionalism is the foundation value of the Australian profession of arms. Being "professionals" in the ADF means, above all, striving for excellence and continual improvement in all activities, however arduous and dangerous the circumstances, even to the point of injury or death.

But there is more to being a professional than simply having a distinct expertise. The status of "being a professional" brings both rights and obligations. Military services exist to <u>serve</u>; and membership requires accepting the obligation of <u>service</u>. Indeed, as has consistently been the case across Australia's military history, the large majority of ADF members regard their work as "more than just a job", with many seeing their professional role as a vocation or even a calling.[40]

The major professional <u>right</u> enjoyed by Australia's profession of arms is the exclusive responsibility of applying military force in the pursuit of national interests, together with the ancillary support tasks associated with that primary function. And while it will often do this in conjunction with other government agencies (eg, in coastal protection, offshore maintenance of law and order, and regional support in emergency and disaster situations), only the ADF has been given the task of applying military force.

Other rights include the operation and self-regulation of its own internal personnel and career systems, together with a unique set of employment conditions consistent with its needs and circumstances.

But these professional rights can only be accorded the members of the ADF if they accept certain <u>obligations</u> associated with being Australia's profession of arms. The primary <u>corporate</u> obligation is to apply capability responsibly, selflessly and ethically, consistent with the roles and missions given to it by the Government as the representative of the Australian people.

Similarly, the primary <u>individual</u> obligation for members is to conduct themselves to the highest professional and ethical standards. This involves not only in task performance but also in their general behaviour, such that they bring honour to the reputation of the Australian military institution and to Australia, both at home and overseas.

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[40] A large-scale survey program in the last decade (N=10,317) showed that "To serve my country" was Very Important/Important as a reason for serving for 81% of Other Ranks and 86% of officers; similarly, "To do something worthwhile" was Very Important/Important for 84% of Other Ranks and 92% of officers; whereas "To help my future civilian career" was Very Important/Important for 66% of Other Ranks and 43% of officers.(Service differences across all three motives were relatively minor.)

KEY ROLES IN THE PROFESSION OF ARMS

Expert

Being an expert is more than simply completing a task to prescribed standards. Being an expert demands a commitment to constantly excel in individual and collective achievements, by mastering the skills and the theoretical knowledge relevant to the role(s).

It requires them to have a working understanding (at the least) of the context and complimentary activities associated with that role, to the extent to which each member is capable of performing the roles of other team members, including those immediately above them in the chain of command, for limited emergency situations.

Every team member is expected to participate in the process of leadership of that team, whether this is as its directly-appointed leader or as a supportive team member assisting in the process of communication, direction, control and adaption.

Steward

As members of the Australian profession of arms, each member is a steward of the profession. In simple terms, stewardship is the act of leaving things better than one found them. Every member is a steward in this respect, whether they are a sailor or an admiral, a soldier or a general, or an airman or an air marshal.

Stewardship implies the obligation to care for and enhance the assets placed at your disposal (including the state of the organisation and its people, as well as its materiel), even though such assets do not directly belong to you.

Representative

Being a positive representative is a 24/7 responsibility. It requires Service personnel to constantly conduct themselves as an ambassador and emissary of the ADF. This means that all members must exhibit the highest standards of professional and social behaviour that promote the reputation and honour of the ADF, as well as its efficiency and effectiveness.

Servant of the State

Becoming a member of the Australian profession of arms means that one's loyalty is to the State, through the military institution and then through the government. That is, ADF activities are oriented primarily for the advancement of national interests, rather than for individual or corporate interests. This implies the obligation to govern itself objectively, effectively and efficiently. More fundamentally, being a Servant of the State requires members, as individuals, to be prepared to risk injury or death in pursuit of State-directed missions.

THE FOUR PILLARS OF AN OPERATIONALLY FOCUSSED CULTURE

Just — Fair and Equitable

The challenges faced in operational, domestic and social environments necessitate a genuinely "professional" approach to all that we do. Some of the most challenging of these will involve ethical issues. Thus members at all levels must understand and apply correct and ethical principles, within the context of the rules and regulations that govern the profession of arms.

Rules and regulations are necessary but not sufficient to achieve success and fairness. We operate in complex, dynamic and ambiguous environments, where we are often faced with situations that required reasoned thinking to develop, select and apply the right solution. It is essential therefore that actions are not only based on established rules but also are applied in accordance with appropriate values and principles.

A Just culture treats people according to ethical principles. As such, a Just culture is equitable, even-handed, rightful and lawful. This does not mean treating everyone the same; rather, it means treating people fairly, with respect and dignity, across a range of varied and often-complex circumstances.

Being "Just" is about doing the right thing whatever the circumstances, in preference to the blind interpretation of rules, or to do simply enough to justify actions after the event.

A Just culture establishes fair and equitable circumstances in which members can use and enhance their individual talents and skills for the advancement of the Australian Profession of Arms and the successful completion of missions.

A Just culture also is fundamental to the even-handed, rightful and lawful treatment of people external to our organisation, particularly in operational environments.

Reporting — Safe, Honest, Open and Accountable

At the heart of guarding the integrity of our profession is the acceptance that all members, whatever their rank and experience, must feel safe in reporting transgressions if and when they arise.

Even though we strive to be consistently honourable in our intentions and actions, individual and groups will sometimes transgress. Such transgressions may be due to the pressure of circumstances or they may be due to individuals failing to live up to our professional values. But whatever the reason, no transgression is acceptable. The inherent lethality in our role is too great, and the duty of care entrusted to us by the Australian people is too important for this to be otherwise.

We must therefore be open to review, accountable for our actions, and honest and supportive in reporting both successes and failures, without fear of recrimination.

Inclusive — Embracing Diversity

An Inclusive culture is about embracing diversity, as opposed to simply tolerating it. An Inclusive culture not only <u>respects</u> but actively <u>seeks</u> the contribution of all members in achieving missions, regardless of their demographic characteristics, Service or job function.

The achievement of missions and the safety of those conducting those missions demands high levels of interdependency between individuals and groups. This is especially so in the complex and often ambiguous contemporary operational environment. Thus, while a sense of solidarity and "tribalism" is a great strength of our military culture, we must guard against such tribalism leading to patterns of dominance, exclusivity and divisiveness between supposed "in-groups" and "out-groups".

Inclusiveness literally begins at home. Leaders and members must foster inclusive cultures, built on respect and trust, in domestic and training environments. Such a foundation can then be carried through to the operational context.

Learning — Questioning, Enquiring and Progressive

As Experts in our profession, we have a duty both to learn from experience and to embed such lessons into our practices without delay. And as Stewards of the profession of arms we have a duty to leave things better than we found them**.**

Commitment to progress, improvement and reform is fundamental if the ADF is to meet the challenges of the present and the future.

This requires leaders and individuals to constantly question "what if" and "why", to draw valid deductions from those questions, and to be innovative in acting on those deductions.

Such an approach reinforces our discipline as professionals, and promotes an environment of continuous improvement and progress.

SELF REGULATION, SELF CORRECTION, SELF LEARNING: PERPETUAL MOVEMENT FORWARD

The Australian profession of arms must be disciplined, agile and adaptable to meet the challenges of our operational missions in complex and dynamic environments. There is no end point, as we do not operate in a static environment. It requires a commitment by all ADF members to Self Regulate, Self Correct and Self Learn the right Values and Behaviours within an Operationally Focussed Culture.

Self-regulation in the military calls for an advanced level of self-control, discipline, awareness and consciousness of one's behaviours and actions in meeting the inherent responsibilities as a member of the Australian profession of arms.

To establish the level of individual discipline required, members of the ADF are subject to Civil and Military Law; and are governed by professional standards. The intent is simple and clear — professional behaviour is encouraged and inappropriate conduct, or actions that compromise capability, performance, team cohesion, morale and respect for each member and others is not tolerated.

Commanders are responsible for ensuring the appropriate conduct of those under their command. This requires the even handed enforcement of discipline and governance at all command levels.

Individuals are responsible, and will be held accountable, for their behaviour and conduct.

When we succeed, we must build on those successes. When we fail to live up to our professional code and the expectations of the Australian community, we must be committed to self-correct by adjusting and improving our performance. It relies on individual and collective dedication towards higher levels of professionalism in our personal conduct and operational performance.

Most importantly, we must be ever conscious of our actions and promote self-learning as a fundamental principle in the evolution of our profession. Self-learning through reflection and constant evaluation of our performance will continue to achieve the right balance in our Operationally Focussed Culture that delivers a force to succeed in battle whilst maintaining alignment with the values and expectations of the Australian community.

THE NIMROD MODEL

An example of an operations-focused culture is the UK response to the crash of the Royal Air Force Nimrod aircraft in Afghanistan in 2006. In the report into that accident the development of an improved culture was expressed in the following diagram[41]:

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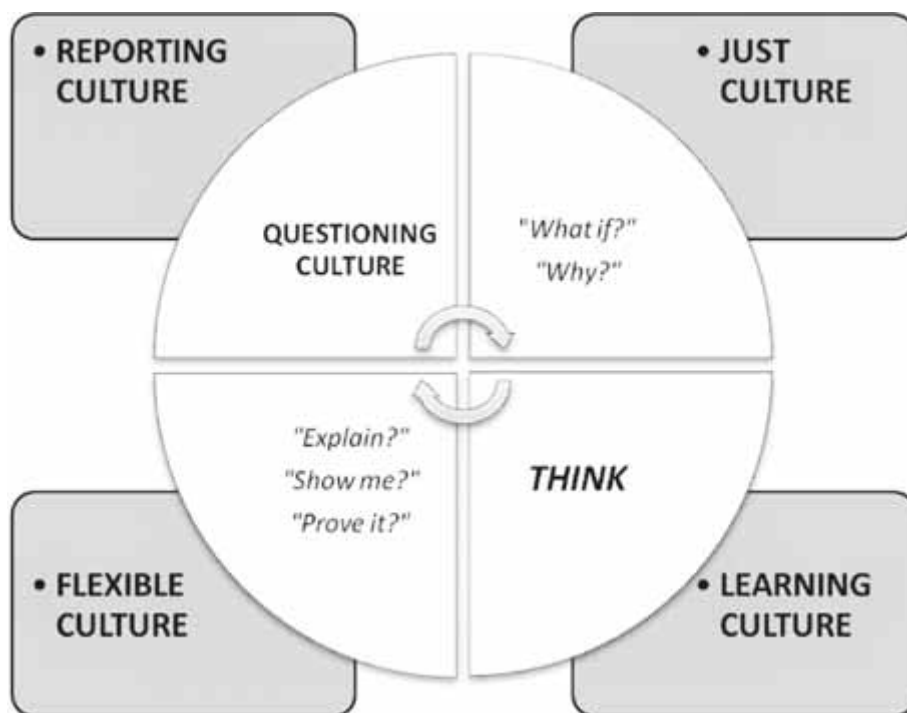
[41] "An Independent Review into the Broader Issues Surrounding the Loss of the RAF Nimrod MR2 Aircraft XV230 in Afghanistan in 2006" by Charles Haddon-Cave QC ISBN: 9780102962659 28 October 2009

The five elements were described in the following way:

- **A Reporting Culture**: an organisational climate where people readily report problems, errors and near misses.

- **A Just Culture**: an atmosphere of trust where people are encouraged and even rewarded for providing safety related information; **and it is clear to everyone what acceptable and unacceptable behaviour is.**

- **A Flexible Culture**: a culture that can adapt to changing circumstances and demands while maintaining its focus on safety.

- **A Learning Culture**: the willingness and competence to draw the right conclusions from its safety information and the will to implement major safety reforms.

- **A Questioning Culture**: It is vital to ask the "What if?" and "Why?" questions. Questions are the antidote to assumptions, which so often incubate mistakes.[42]

The report stated: "The five elements explained above, namely Reporting Culture, Just Culture, Flexible Culture, Learning Culture and Questioning Culture, combine to form a safety-conscious, informed and above all, Engaged Organisation and Safety Culture with the following characteristics:

- Leadership commitment.

- Open Communication.

- Just environment.

- Involvement of everyone at all levels of the organisation.

- Effective Decision making processes.

- Follow up, feedback and reporting.

- Critical thinking and questioning."[43]

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[42] Ibid p 569
[43] Ibid p 575