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AFGHANISTAN INQUIRY IMPLEMENTATION OVERSIGHT PANEL

REPORT NUMBER 7: QUARTERLY REPORT TO THE MINISTER FOR DEFENCE May 2022 – July 2022

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1. Key points

1.1 The merging of the Afghanistan Inquiry report recommendations into the whole of Defence transition program means some Brereton Report reforms have lost their direct connection to Special Forces and the urgency needed to meet their future operational requirements.

1.2 s45; s33(a)(ii)

s47C

1.3 s33(a)(ii)

1.4 The Panel considers the present level of ethical risk in the SASR (and the Commandos) is low. Consideration should now be given s47C

This forward-looking approach will reinforce the many positive steps already taken to develop a healthy ethical culture and create a strong future orientation at all levels of the Special Forces.

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2. Background

Dr Vivienne Thom AM, Mr Robert Cornall AO and Professor Rufus Black were appointed as members of the Afghanistan Inquiry Implementation Oversight Panel in November 2020 shortly before the release of the IGADF Afghanistan Inquiry Report delivered by Major General Brereton.

The Panel provides independent oversight and assurance relating to Defence's response to the Afghanistan Inquiry and reports directly to the Minister for Defence. This is the Panel's seventh quarterly report and covers the period 1 May 2022 to 31 July 2022.

The Panel's initial appointment was for a period of two years (to November 2022), with provision for extension if the Minister for Defence has not called for the Panel's Final Report within this period.

3. Level of ethical risk

Restoring confidence in the Special Forces is a central objective of the Brereton Inquiry recommendations. Government has to be confident that deployed Special Forces will exhibit a high and consistent level of ethical conduct. The Panel has formed a view that the level of risk of unethical behaviour amongst the SASR members and Commandos is at a level where Australia should have that confidence in them. Four factors influenced this conclusion.

The first is based on the Panel's observation of the way their values system is embedded in Special Forces culture. That values system includes both Defence Values but importantly also the Special Forces ethos. We see their ethos as an important element in the implementation of Defence values in the Special Forces context. The value of humility is of particular importance. We saw and heard of sufficient examples of humility being used to support a mindset oriented to the service of others that dramatically lowers the risk that the Special Force's unique levels of capability will drive an unhealthy exceptionalism in future.

Second, the Panel has seen sufficient illustrations of sophisticated and challenging ethical dilemmas being integrated into Special Forces' selection, reinforcement, and training to form a view that they are tackling very systematically the task of building ethical decision making capability for operational settings. We were also impressed by the strong focus on continuous improvement around the formal ethical training component and about the appropriate expertise that the Special Forces Command is deploying within its Regiments in support of it.

Third, Special Forces are introducing programs to build mental health skills amongst the leadership and operators such as training members in mental health first aid. These programs implement a significant strategy to reduce ethical risk and complement the proposed improvements to processes around psychological assessments for deployment waivers and dwell times between deployments. Most importantly, these initiatives make identifying and addressing mental health issues an integral and internal part of being a good soldier in the Special Forces rather than an external requirement.

Fourth, the development of much more diverse and changing team structures will significantly reduce the risk of ethical failure both by increasing diversity, which is well established as a major protective factor, and reducing the number of closed groups.

The Panel acknowledges you can never eliminate ethical risk because of the very nature of humans as individuals and in groups operating under the pressure of a hostile or combat environment. This means that, occasionally and however good the training and culture, failure will occur and somebody will do the wrong thing. But there is no perfect answer to these complicated ethical

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issues and that should not be the objective. Indeed, making it the target carries its own risks because it makes it more difficult for people to be open about the challenges they are experiencing. Reinforced by our recent visit to SASR, the Panel's view is that the Special Forces now operates at the level of ethical risk that should be regarded as acceptable.

4. Has command accountability been addressed?

Special Forces members and veterans have consistently told that Panel that, in their view, s45

s47C

In May 2021, the ADF issued a revised Philosophical Doctrine—ADF Leadership— that codified its thinking on leadership. The Panel has recently been provided with an update about Defence's proposed Command Accountability Doctrine and Training (July 2022). s47C

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5. Visit to SASR at Campbell Barracks July 2022

Dr Thom and Professor Black visited Campbell Barracks from 19 to 21 July 2021. The purpose of the visit was to assess at first hand the current culture within SASR and whether SASR was well placed to face future operational requirements. The Panel had frank and open conversations with small groups of current SASR members at all rank levels, the SASR Command Team, ex-service organisations, Australian Special Air Service Association, Defence Member and Family Support and the SASR Auxiliary.

The Panel makes the following observations following the visit to SASR.

5.1 Morale and retention

There were two quite opposing views expressed by SASR members about morale:

- Optimism and pride: s45

- Anger and grief: s45

s33(a)(ii)

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s33(a)(ii) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

s33(a)(ii) [Redacted]
[Redacted]
[Redacted]
[Redacted]

s33(a)(ii) [Redacted]
[Redacted]
[Redacted]
[Redacted]

s33(a)(ii) [Redacted]

s33(a)(ii) [Redacted]
[Redacted]

s33(a)(ii) [Redacted]
[Redacted]

s33(a)(ii) [Redacted]
[Redacted]
[Redacted]
[Redacted]
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s33(a)(ii) [Redacted]
[Redacted]
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The Brereton Report also observed unhealthy tension between SASR and the Commando regiments. In 2019, a review of Special Operations Command by Mr David Irvine AO raised the potential for

s47C [Redacted]

[Redacted] The Panel notes that many operators s45 [Redacted]
[Redacted] Operators advised the Panel that s45 [Redacted]
[Redacted]
[Redacted]

s47C [Redacted]
[Redacted]
[Redacted] s47C, s33(a)(ii) [Redacted]

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s47C, s33(a)(ii) Improved definition of their respective roles of the SASR and Commando regiments should assist in the development of mutual understanding and respect.

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5.3 Welfare

The visit confirmed that SASR Command has a strong focus on the psychological health and welfare of members and their families. The demand on existing services is high and is likely to remain so. Resourcing welfare related support should remain a priority for Defence.

5.4 Transition out of Special Forces

When a member transitions out of the ADF, they need to access support provided by non-government organisations, including ex-service organisations. Members who are separating are connected to services provided by the Department of Veterans Affairs and provided with expert assistance to ensure they receive their entitlements. There are also strong links between the SASR chaplain and the Australian Special Air Service Association chaplain funded by the ADF. The ADF recognises that more needs to be done to connect members with other external service providers and facilitate transition to these services.

The Panel understands the Royal Commission into Defence and Veteran Suicide is considering issues concerning the transition from the ADF to civilian life.

The Panel also notes that the then Minister for Veterans' Affairs commissioned a Veterans' Advocacy and Support Services Scoping Study which reported in December 2018. The Study found that the present arrangements for assistance mainly from volunteer veteran advocates "will not as presently structured provide veterans and their families with a modern professional sustainable advocacy service in the future."

6. Respite policy and dwell times

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The ADF is currently reviewing respite policy. It has been suggested that s47C

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- s47C [REDACTED]
[REDACTED]
[REDACTED]

These concerns have previously been shared with Defence.

7. Military ethics

The Panel observed in our last report that good progress had been made in further developing the ADF's Military Ethics Doctrine as part of the general training. SASR have made considerable progress in ethics training integrating in selection and training using scenarios for experiential learning.

It is now important that the delivery of any training is consistent with the Doctrine. It is also clear that training must be tailored to scenarios relevant to SF members.

The Panel will continue to engage with Defence in the roll out of this Doctrine.

8. Compensation

The Panel is aware that there are s33(a)(iii) [REDACTED]
[REDACTED] but is concerned to ensure this matter is kept under regular review.

9. Engagement with stakeholders

The Panel continues to meet with as many current and former Defence personnel, external government agencies and non-government stakeholders as practicable. In May 2022 to July 2022 the Panel met with:

- Defence Integrity, Military Ethics (3 June 2022);
- People Group and Joint Health Command, Moral Injury (15 July 2022); and
- SASR (19-21 July 2022).

Further discussions are being arranged with:

- the AIRTF Leadership group on their priorities for the remainder of 2022; and
- other stakeholders named in paragraph 27 of the Panel's terms of reference.

10. Future reports

The Panel will continue to report to the Minister quarterly in accordance with its terms of reference and raise other matters when dictated by circumstances or concerns. The terms of reference also require the Panel to provide a Final Report at a time directed by the Minister. All the Panel's reports may be tabled in Parliament at the discretion of the Minister.

Dr Vivienne Thom AM, Panel Lead
Professor Rufus Black, Panel Member
Mr Robert Cornall AO, Panel Member

Afghanistan Inquiry Implementation Oversight Panel
1 August 2022

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