

AFGHANISTAN INQUIRY IMPLEMENTATION OVERSIGHT PANEL

~~(O)~~ REPORT NUMBER 9: QUARTERLY REPORT TO THE MINISTER FOR DEFENCE
November 2022 – January 2023

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1. Key points

- ~~(O:S)~~ The Chief of the Defence Force (CDF) has recommenced administrative reviews of the award of decorations to individuals holding command positions during certain Special Operations Task Group rotations. The Panel suggests you consider s47C
[REDACTED]
- ~~(O:S)~~ The Panel has suggested some specific issues for consideration in Joint Health Command's continuing research into the impact of moral injury on Defence members and approaches to s47C
[REDACTED].
- ~~(O:S)~~ The CDF and Chief of Army (CA) have agreed that independent interviews of Special Operations Command's external stakeholders should continue to be conducted on a regular basis to obtain feedback on perceptions of Special Forces' culture. s47C
[REDACTED].
- ~~(O:S)~~ The Panel considers that the enduring ADF respite policy issued in January 2023 is an improved regulatory framework for the purpose of respite, the situations in which it will apply, its duration and the processes for reducing or extending respite periods in individual cases. The policy takes a realistic approach to balancing the competing pressures of members' individual respite needs and the strategic situations and governmental demands confronting Defence. The one outstanding issue is whether the revised policy will operate as designed and result in effective evaluation and approval or rejection of respite waiver applications, s45
[REDACTED]

s45

- (O:S) In January the CDF wrote to the CA and Chief of Joint Capabilities directing compliance with the recently developed Ethics Doctrine, including that Army cease using its Ethical Triangulation Heuristic Decision-Making Tool. That directive has resolved the Panel's concerns about misalignment between the Doctrine and the tool.

2. Background

(O) 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. The Panel provides independent oversight and assurance relating to Defence's response to the Afghanistan Inquiry and reports directly to the Minister for Defence. The Panel is required to report quarterly. This is the ninth report and covers the period 1 November 2022 to 31 January 2023.

3. Command accountability – award of decorations

(O:S) In this quarter, the Chief of the Defence Force recommenced his response to the IGADF's recommendation that *'the award of decorations to those in command positions at troop, squadron and task group level during [certain] SOTG rotations ... be reviewed'*. s47C

(O:S) The Panel supports this process.

(O:S) We understand that one of the factors the CDF will consider, where relevant, is s47C

(O:S) s47C

(O:S) The Panel considers s47C

(O:S) s47C

This administrative process will go some way to redress that situation.

(O:S) The Panel supports s47C

4. Moral Injury

(O:S) On 11 and 28 November 2022, the Panel held discussions with Joint Health Command staff s

(O:S) The Panel encouraged the JHC team to s47C

(O) The Panel considers Defence members will have to be assisted to disentangle their experiences of trauma and moral injury, and that the significant majority of individuals who would benefit from post-traumatic stress interventions understand the psychological and physiological benefits of pursuing those treatment options.

(O:S) The Panel received informal advice s47C

5. s45

(O) s45 s47F s45

6. Confidential interviews with SOCOMD external stakeholders

(O:S) In our last report, the Panel provided commentary on feedback given by Special Operations Command's external stakeholders about recent culture change within the Command. We recommended that this type of independent stakeholder review continue to be done on a regular basis. The CDF and the Chief of Army have subsequently agreed with that recommendation and issued appropriate directives for that work to continue.

(O:S) s47C

7. CDF's approval of an enduring Respite Policy

(O) On 24 January 2023, Part 7 Chapter 11 of the Military Personnel Policy Manual was updated with an enduring respite policy for Defence members, replacing the interim policy that was published in response to an Afghanistan Inquiry Report recommendation.

(O) The Panel's assessment is that the revised policy brings an improved form and structure to the purpose of respite and the situations in which it will apply, its duration and the processes for reducing or extending respite periods in individual cases. The policy takes a realistic approach to balancing the competing pressures of members' individual respite needs and the strategic situations and governmental demands confronting Defence.

(O:S) s47C

[REDACTED]

(O:S) The one outstanding issue is whether the revised policy will operate as designed and effectively evaluate and approve or reject respite waiver applications, s45

[REDACTED] . s47C

[REDACTED]

8. Ethics and related training

(O:S) In our last report, the Panel observed that generally ethics training within Special Operations Command was not yet consistent with the Defence ethics doctrine, may be unnecessarily complicated, and may still not lead to ethical decisions.

(O:S) On 16 January 2023, the CDF wrote to the Chief of Army and Chief of Joint Capabilities providing specific direction on the integration of new ADF ethics doctrine within the training continuum, including that Army cease using its Ethical Triangulation Heuristic Decision-Making Tool s22

[REDACTED] . This direction has addressed the Panel's immediate concerns.

(O) s47C

[REDACTED]

9. Priorities for AIOP Oversight in 2023

(O:S) s47C

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

~~(O:S)~~ Other priorities for oversight in 2023 will be:

- s47C [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

~~(O:S)~~ s47C [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. Engagement with stakeholders

~~(O)~~ The Panel continues to meet with as many current and former Defence personnel, external government agencies and non-government stakeholders as practicable. In the period from November 2022 to January 2023 the Panel engaged with:

- Joint Health Command (11 November 2022)
- Joint Operations Command (24 November 2022)
- Joint Health Command (28 November 2022)
- People Policy and Employment Conditions Branch, Defence Personnel Group (2 December 2022)
- Special Operations Command (7 December 2022)
- International Policy Division (7 December 2022), and
- Secretary and Associate Secretary, Department of Defence (13 December 2022).

~~(O)~~ Similar to last year, in this quarter, a Defence directive for staff to maximise their leave opportunities over the December to January stand-down period reduced opportunities available to the Panel for engagement.

~~(O)~~ Further discussions are being arranged with:

- The Afghanistan Inquiry Response Task Force in relation to assurance mechanisms for:
 - addressing inquiry recommendations, particularly in relation to SOCOMD, once the Panel concludes its work, and
 - initiatives that will be implemented within Defence's business-as-usual processes
- FAS Integrity, Defence Associate Secretary Group in relation to a Defence Enterprise Ethics Framework
- Australian Defence College in relation to Ethics Doctrine, Culture and Character Doctrine and Command Accountability Doctrine.
- Chief of Joint Operations, and
- Other stakeholders named in paragraph 27 of the Panel's terms of reference.

11. Future reports

~~(O)~~ 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.

Dr Vivienne Thom AM
Lead, Afghanistan Inquiry Implementation Oversight Panel
16 February 2023