



s22

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**From:** Vivienne Thom s47F  
**Sent:** Thursday, 18 February 2021 9:51 PM  
**To:** s47E(d) rob.cornal s47F  
rufus.black s47F  
**Cc:** Buckley, Simon MR s47E(d)  
**Subject:** Re: Access to Documents and Schedule of Engagement over March and April  
[SEC=OFFICIAL]

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Hi s47E(d)

Thank you for this update and the proposal for engagement with accountable officers. I think we would be happy to get written information in February but agree that we would like to set up meetings from March as proposed so that we can engage to better understand and test the proposed actions.

I have spoken to Rufus and Rob and we agree that a full day's meetings should be arranged for 11 March – Rob to fly down the previous day. Would it be possible to visit JOC? We would also like to speak with s47F. I think we could productively follow up on the International Law matters by VC facilities but a meeting with Army about training in the use of lethal force would be useful. Rob and Rufus might have other suggestions.

Setting aside alternate Fridays from 9.30 to 11.30 is a good idea – I have put it in my diary from 9 April and currently have no problems for the next few months. (I think Rob is away on 9 April.) The panel will need to have a further discussion about other regular meeting

times from April.

Please let me know if you are waiting for any further information or responses from me.

Kind regards

Vivienne

**Vivienne Thom**

Mobile: s47F

Email: s47F

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**From:** s47E(d)

**Date:** Thursday, 18 February 2021 at 12:22 pm

**To:** "[vivienne.thom](#)" s47F

"[rob.cornal](#)" s47F

"[rufus.black](#)" s47F

**Subject:** Access to Documents and Schedule of Engagement over March and April  
[SEC=OFFICIAL]

## OFFICIAL

Panel Members,

You will recall that at the Defence Committee meeting in late January, CDF requested that all Accountable Officers:

- write to the Panel directly, by way of introduction. A summary list of Accountable and Action Officers is attached (and the first five letters that the Secretariat has received in the past week are available in a copy of this email on your DPN account).
- ensure that they engage with and provide an update to the Panel on their activities under the Implementation Plan on a monthly basis (as a minimum).

### **Suggested Approach to Engagement with Accountable and Action Officers**

*February Engagement:* AS Inquiry Implementation, Ms Nina Harvey, has recently tasked all Accountable Officers to provide her with a summary **stocktake of reform actions that have occurred over the last ten years** that are either directly or indirectly relevant to the IGADF report and Implementation Plan. This baselining information is due to Ms Harvey next Friday, 26 February 2021. The Secretariat suggests that Accountable officers be asked to copy this information to the Panel to fulfil their February reporting obligations.

*March Engagement:* Accountable Officers and Action Officers are also required to submit **Reform Management Plans** to Ms Harvey by 10 March 2021. The Secretariat suggests that the Panel schedule brief meetings with all parties, as soon as that deadline is passed, to discuss their

proposed way ahead. We assess that the minimum amount of time the March engagement program would require is 4 hours, scalable to the availability and interests of Panel Members. This could be achieved by grouping the meetings thematically, for example, in 7 x 30 minute meetings or telecons (or longer) as follows.

Group (A) – Welfare and Individual Case Management: CA, DGSIM-A, HLC, SOCAUST

Group (B) – ADF Personnel Policy: DEPSEC DP, FAS PP&C

Group (C) – Health and Psychological Assessment: CJC, CJ Health

Group (D) – Training and Ethics: CJC, COMADC, DGMLS

Group (E) – Legal: Assoc Sec, Chief Counsel

Group (F) – Operations and Procurement: CJOPS, COS HQJOC, DEPSEC CAS

Group (G) - Governance: SEC, CDF, DG AIRTF, ASII

*April Engagement Onwards:* Once development of the Reform Management Plans is underway, Accountable Officers and Action Officers will be required to provide monthly written reports on progress to Defence Committee (via Ms Harvey's office). The Secretariat suggests that Accountable officers be asked to copy this information to the Panel as a minimum ongoing reporting obligation. The Panel can then use that information to identify priority areas for more detailed focus in their forward work program.

### **Timing for Next Meetings**

The Secretariat has already received advice from Professor Black's EO that he:

- will potentially be travelling to Canberra for s22 on Wednesday 10 March, with availability to stay an additional day for face-to-face meetings
- has a regular window of opportunity to undertake Panel business from 0930 to 1130 every second Friday, commencing Friday 9 April.

*Dr Thom and Mr Cornall:* If you have similar availability in March, the Secretariat would like the seek the Panel's endorsement to commence booking appointments for the Panel on **Thursday 11 March**.

A particular focus for the March meetings could be engaging with Ms Harvey on the governance processes that she has put in place, including if she is satisfied with the information being provided to her and what opportunities/risks may need addressing before RMP are finalised. The Panel may also wish to:

- have detailed engagement with the Associate Secretary and Chief Council on development of the Reform Management Plan for '*the whole-of-government approach to international law matters outside the remit of the OSI*' which will be considered by Defence Committee in April, and
- continue engaging with Army and SOCOMD, in respect of training in the use of lethal force.

From April 9 onwards, the Panel may wish to consider marking out regular blocks of availability for meetings; either after 5pm on Monday to Wednesdays or during working hours on Thursdays and Fridays. The Secretariat has noted that Fridays generally have the best availability or flexibility with stakeholders for bookings.

**For noting:**

The next Defence Senate Estimates hearings will occur 24-25 March 2021.

Sincerely,

s47E(d)

s47E(d)

Director

Secretariat for the IGADF Afghanistan Inquiry Implementation Oversight Panel

Office of the Associate Secretary

Department of Defence

T: s47E(d) | M: s22 |

E: s47E(d) | G: s47E(d)

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**From:** [Jones, Katherine MS](#)  
**To:** [Vivienne Thom](#)  
**Cc:** [Rob Cornall](#); [Rufus Black](#); [Buckley, Simon MR](#); [Wolski, Brett RADM](#); [D'Amico, Adrian MR 1](#); [Harvey, Nina MS 1](#)  
**Subject:** RE: Afghanistan Inquiry Legal Assistance Scheme ~~[SEC - OFFICIAL]~~  
**Date:** Friday, 26 February 2021 12:05:12 PM  
**Attachments:** [AFGHANISTAN INQUIRY LEGAL ASSISTANCE SCHEME 25022021.docx](#)

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## OFFICIAL

Vivienne – thank you, and Rob, for the revised paper. We will review and consider as we discuss the issue internally and consult with our colleagues in AGD. Regards, Katherine

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**From:** Vivienne Thom s47F  
**Sent:** Thursday, 25 February 2021 8:56 PM  
**To:** Jones, Katherine MS s47E(d)  
**Cc:** Rob Cornall s47F; Rufus Black s47F; Buckley, Simon MR s47E(d)  
**Subject:** Afghanistan Inquiry Legal Assistance Scheme

 **EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe. 

Dear Katherine

Thank you for meeting with the Panel last week. Following that meeting Rob has identified further details about the matters that he suggests would require attention in setting up an Afghanistan Inquiry Legal Assistance Scheme as proposed by the Panel.

These details are set out in the attached paper which is provided by the Panel for your consideration and to assist in your internal discussions.

Rob remains the Panel's primary contact for this issue.

Kind regards

Vivienne

**Vivienne Thom**

Mobile: s47F

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s22



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**From:** Vivienne Thom s47F

**Sent:** Monday, 8 March 2021 12:08 PM

**To:** Katherine Jones s47E(d)

**Cc:** Rob Cornall s47F Rufus Black s47F Buckley,  
Simon MR s47E(d)

**Subject:** Discussion papers on Defence's Organisational Responsibility and Broader Causes of Alleged War Crimes

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Dear Katherine

In accordance with its terms of reference, the Panel is to report to the Minister on the thoroughness and effectiveness of the Implementation Plan and may recommend additional actions not contemplated in the Inquiry's recommendations or subsequently initiated by the Secretary of Defence or the Chief of the Defence Force. The Minister emphasised this point in her initial briefing and has recently requested us to advise on whether Defence's response to the responsibilities and accountabilities of the chain of command is appropriate and sufficient, and whether the Brereton recommendations fully address the broader cultural and behavioural issues.

We have considered the draft Implementation Plan provided in December 2020 as well as information received through briefings. We have prepared two discussion papers (attached) that set out our preliminary views on these matters. In summary, we question whether the draft Implementation Plan is sufficient to address these broader issues and suggest that Defence should consider how these matters can be adequately addressed.

We intend to provide these preliminary views to the Minister on Friday 12 March 2021 but would welcome any comments from Defence before then.

Please do not hesitate to contact me, or any other Panel member, if you would like to discuss this further.

Kind regards

Vivienne

**Vivienne Thom**

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