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Australian Government
Department of Defence

Background Brief

For information

PDMS Number: MB21-000940

To: Office of the Minister for Defence

For Info: Office of the Minister for Defence Personnel
Office of the Minister for Defence Industry
Office of the Assistant Minister for Defence

Subject: Request background brief and TP's for two separate incidents involving Army personnel

Purpose

Your office requested a background brief and talking points for two separate incidents involving Army personnel. ^{s22} [REDACTED]

[REDACTED] The second relates to allegations of bullying and harassment at the Sydney University Regiment in 2021.

Background

1. **Fact Finding.** Senator Lambie has previously asked Questions on Notice in relation to Fact Finding activities. The most recent response to Senator Lambie was table on 27 December 2020 (PQ20-000113).
2. Senator Lambie's questions have covered:
 - the number of Fact Findings that have occurred in relation to bullying and harassment in the ADF
 - the number of Fact Findings that were related to complaints from Officers and Non-commissioned Officers
 - the number of Fact Findings that found unacceptable behaviour had occurred
 - the rank/level of the individuals undertaking the Fact Finding activity.
3. 'Fact Finding' is a term used in Defence to describe the process of collecting information to support decision-making. Chapter 3 of Good Decision-Making in Defence: A guide for decision-makers and those who brief them outlines some principles for Fact Findings which can be applied from unit level issues through to enterprise level matters.
4. While there is no central database of all Fact Finding activities in Defence, it is expected that commanders and managers will retain records of a Fact Finding activity in accordance with archive requirements.
5. In relation to complaints of unacceptable behaviour, one report of unacceptable behaviour generally results in one Fact Finding activity.


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6. Defence is currently finalising data for the 2020/2021 Financial Year in relation to complaints of unacceptable behaviour. As with previous years, this information will be included in the Defence Annual Report.
7. While there is no central database that captures details of Fact Finding activities, Tranche 2 of the Defence Enterprise Reform Program will deliver a new Defence Case Management System that will capture details of Fact Finding activities as part of the end-to-end management of integrity incidents. Integrity incidents include, but are not limited to, unacceptable behaviour, disciplinary matters, fraud, security and events managed by the Joint Military Police Unit.
8. This system is in design phase and is expected to be delivered by the end of 2022.

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10. **Sydney University Regiment.** The timeline regarding allegations of unacceptable behaviour at the Sydney University Regiment (SUR) is as follows:
 - On 6 May 2021, Headquarters 2nd Division became aware of allegations of unacceptable behaviour regarding the Full-time Army Reserve Officer (FARO) program at SUR.
 - ^{s47E(c)} 
 - Headquarters 8th Brigade, as the formation that command SUR, was informed of the allegations the following day.

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- s47E(c)
- On 19 May 2021 a Fact Finding was completed, however Headquarters 8th Brigade identified that witnesses were not interviewed and the Fact Finding was not accepted.
- On 26 May 2021, Commander 8th Brigade directed a subsequent Fact Finding be initiated. s47E(c) was appointed as the Fact Finding Officer and commenced his investigation on 27 May 2021.
- s47E(c) invited submissions from the Officer Cadets and staff on the FARO course. The interviews were completed on 10 June 2021. Approximately 20 responses relating to four complaints were submitted to the Fact Finding Officer:
 - The first complaint relates to routine room inspections, which were potentially misinterpreted as room searches.
 - The second complaint relates to one Officer Cadet being assessed as 'Not Yet Competent', for a training block; specifically the Officer Cadet failed a leadership component.
 - The third complaint relates to an Officer Cadet who granted the class an early dismissal while acting as the duty student. Upon questioning, the Officer Cadet potentially misinformed staff as to the circumstances surrounding the class' dismissal.
 - The fourth complaint relates to the leave policy for the course. This was potentially not clearly articulated to the students, resulting in confusion.
- s47E(c)
- s47E(c)
- The Fact Finding is expected to be completed in June 2021, and will undergo review by a Legal Officer and Army Headquarters to ensure objectivity and completeness.

Key Issues

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12. On 2 June 2021, Senator Lambie raised the allegations of unacceptable behaviour at SUR at Senate Estimates. At the time, Army Headquarters was not aware of both Fact Findings that had been initiated.

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Consultation

13. Mrs Leisa Craig, Assistant Secretary Human Resource Services, Defence People Group.

14. s47E(c) IGADF.

15. s47E(c) Headquarters 8th Brigade.

Sensitivities

16. Nil.

Options available to the Minister

17. Talking points are attached.

Reason for overdue

18. Nil

Attachments

Attachment A Ministerial Talking Points

Authorising Officer

Cleared by:

Major General Anthony Rawlins
Deputy Chief of Army

Date: 15 June 2021

Ph: s47E(c)

Contact Officer s47E(c) Incident Manager - Army, Ph: s22

CC:

Secretary, CDF, Assoc Sec, VCDF, DEPSEC DP, FASMECC

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Australian Government
Department of Defence

Background Brief

For information

PDMS Number: MS21-001708

To: Office of the Minister for Defence

Adviser:

s47E(c)

Subject: Sydney University Regiment - Alleged Unacceptable Behaviour - Update

Purpose

Your office requested additional information relating to the matters raised in MB21-000940 regarding the Sydney University Regiment.

Background

1. Army have previously provided you with a background brief regarding alleged unacceptable behaviour at the Sydney University Regiment. At that stage, a Fact Finding into issues surrounding the Full-time Army Reserve Officer course had been completed and a second Fact Finding was ongoing. A copy of the brief is at Attachment A.

Key Issues

2. On 17 Jun 21, the second Fact Finding was completed by s47E(c). The report noted that the Fact Finding Officer travelled to Canberra to speak with s47E(c) in person during their final training block. Due to the time constraints for the completion of the Fact Finding, follow-on information was gathered via email.
3. A legal review of the second Fact Finding determined it was incomplete, and recommended the matter be referred to the Directorate of Army Administrative Inquiries for an Inquiry Officer Inquiry.
4. On 18 Jun 21, Army Headquarters decided to refer all incidents related to the 2021 Full-time Army Reserve Officer course at the Sydney University Regiment to the Inspector General Australian Defence Force for an independent and holistic investigation. This investigation is ongoing and there is currently no estimated completion date.
5. On 02 Jul 21, Army received a media enquiry regarding the issues at the Sydney University Regiment. Defence provided a response on the same day, and a copy of the response was sent to your office and can be found at Attachment B.

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Consultation

6. s47E(c) Director of Inquiries and Investigations, IGADF.

Sensitivities

7. On 2 June 2021, Senator Lambie raised the allegations of unacceptable behaviour at SUR at Senate Estimates.

Attachments

Attachment A MB21-000940 - Request background brief and TP's for two separate incidents involving Army personnel.

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Authorising Officer
Cleared by: Major General Anthony Rawlins Deputy Chief of Army Date: 6 July 2021 Ph: s47E(c)

Contact Officer: s47E(c) Incident Manager - Army, Ph: s22

CC:

Secretary, CDF, Assoc Sec, VCDF, FASMECC

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UPDATE ON SYDNEY UNIVERSITY REGIMENT UNACCEPTABLE BEHAVIOUR

MINISTERIAL TALKING POINTS

- Defence can confirm it is aware of allegations of unacceptable behaviour at the Australian Army's Sydney University Regiment.
- These allegations have been referred to the Inspector-General of the Australian Defence Force (IGADF) for investigation.
- The Army is committed to working with the IGADF to thoroughly investigate the allegations.
- As the allegations have been referred to the IGADF, it would be inappropriate to provide any further information.
- Anyone who has any information on allegations of unacceptable behaviour related to the Australian Army Sydney University Regiment is strongly encouraged to share this information with the IGADF.
- Defence does not tolerate unacceptable behaviour and takes action when unacceptable behaviour occurs. All Defence personnel are expected to behave in accordance with the Defence Values and Behaviours.

- ***If Asked: During the 2 June 2021 Senate Estimates Senator Lambie raised concerns about unacceptable behaviour at the Sydney University Regiment. Was this the first time these allegations were raised?***
- Defence can confirm it was aware of the allegations prior to Senator Lambie highlighting the allegations during the 2 June 2021 Senate Estimates.
- On 2 June 2021 during Senate Estimates, Senator Lambie raised unacceptable behaviour issues at SUR. These issues appear to be related to the Full-time Army Reserve Officer course which commenced in early 2021.
- On 6 May 2021, Officer Cadets participating in the Full-time Army Reserve Officer course raised allegations. A Fact Finding was subsequently completed. On review, it was determined that the allegations were not fully addressed.
- On 26 May 2021, a second Fact Finding was initiated to provide a more comprehensive response to the allegations. Witnesses, including staff and students were interviewed.
- The matters have been the subject of various media reporting in June and August 2021
- On 18 June 2021, the various complaints relating to alleged unacceptable behaviour at SUR in 2021 was referred to the IGADF to determine if a broader holistic investigation into SUR was warranted.

- As at 4 August 2021, the IGADF advised that they would inquire into the SUR complaints.

Contact officer: BRIG David Kelly. Chief of Staff – Army Headquarters

Contact officer phone

s47E(c)

Clearance	Name	Appointment	Date and time
Cleared by: (Group/Service)	MAJGEN Anthony Rawlins	Deputy Chief of Army	12 August 2021
MECC Embedded Communication Director/Strategic Communication Adviser	s47E(c)	Director Army Communications	9 August 2021