



Australian Government

Inspector-General of the Australian Defence Force

IGADF/s47E(d)

To: The Honourable Acting Justice Alan Blow AO and Mr Michael Griffin AM

DIRECTION FOR FACT FINDING INTO COMPLAINTS ABOUT THE CONDUCT OF THE IGADF AFGHANISTAN INQUIRY

Introduction

1. On 5 August 2025, a s47E(d) official notified the IGADF Weaponisation Inquiry that it had received a complaint on 24 May 2025 about the conduct of the IGADF Afghanistan Inquiry. The complaint alleged that the IGADF Afghanistan Inquiry had abused its coercive powers, causing unnecessary psychological harm. In particular, the complaint alleged that:

- Unlawful techniques intended to cause psychological injury to ADF members were employed with the intent to "break them" psychologically
- People were interviewed up to four times and the longest interview lasting three days. Information on public record regarding the alleged abuse during these interviews have been described as interrogations, not interviews.
- Many witnesses appeared without a lawyer present, and if present, were not permitted to say or do anything without the permission of the Assistant IGADF. Requests to do so were declined.
- Despite concerns and allegations being raised, no action has been taken to prevent a reoccurrence of these harms.

Fact finding authority and scope

2. I DIRECT you to conduct a fact finding into this matter and to provide a report to me.
3. You are to conduct the fact finding in private.
4. You are to conduct the fact finding in a trauma-informed manner. This includes, so far as is consistent with impartiality and procedural fairness, promoting participant safety, acting transparently, affording reasonable choice and control over participation, engaging respectfully, and minimising the risk of re-traumatisation. This direction does not alter evidentiary standards or predetermine any findings.

Statement of impartiality

5. You must each deliver me a statement of impartiality and independence as soon as possible. If you become aware of any bias in the legal sense, conflict or potential conflict of interest on your part during the fact finding, you must report this to me, in writing, immediately.

6. Any witness whom you interview or from whom you obtain documentary evidence must be given a copy of your statement of impartiality and independence at the outset of their initial contact with you. If the witness has concerns relating to your impartiality or independence, you must inform me immediately.

Communications

7. Communications between you as the fact finding officials, and me as the tasking decision-maker, may be in writing as you see fit, or we may speak privately. Progress reports must be no less than fortnightly, and may be made orally to me or by email if an oral report is impracticable.

Variation

8. If, during the fact finding, it becomes apparent that a line of inquiry should be followed that falls outside the confines of these directions, you must advise me in writing requesting a variation of these directions with reasons for the request.

Potential adverse findings – procedural fairness

9. I direct you to comply with the hearing rule component of procedural fairness by giving a notice of potential adverse findings to a potentially affected person in the event that such findings are contemplated against a potentially affected person.

Review of Report

10. You will not arrange for a legal review of your fact finding report.

No findings of criminal/disciplinary offences

11. You are not to make a finding that any person has committed a criminal offence or disciplinary offence. Should you at any time come to the conclusion that a criminal or disciplinary offence may have been committed in accordance with the standard of proof beyond reasonable doubt, you will suspend the fact finding into that aspect of the matter and report the circumstances to me.

12. You may, however, make findings on the balance of probabilities (the standard of reasonable satisfaction) that a person has not complied with a legal duty or obligation.

Recommendations

13. The IGADF Afghanistan Inquiry was a unique activity. For this reason, you should not need to make recommendations. If, ultimately, you consider it desirable to make recommendations, you must advise me in writing requesting a variation of these directions with reasons for the request.

Documentation

14. Copies of the following documents must be attached to your report in the Objective file referenced at the top of this Direction.

- a. any relevant Defence Incident Record
- b. your statements of impartiality and independence
- c. any Notices to Witnesses
- d. transcripts of any interviews prepared by the transcription service provider, with the sound recordings of the interviews
- e. any statements taken from witnesses (signed or unsigned), including any statutory declarations
- f. any notices of potential adverse findings and responses from potentially affected persons
- g. any relevant instructions, orders and publications (or extracts or links, where appropriate)
- h. any other exhibits obtained during the course of the fact finding.

Report

15. You must complete your report by 30 May 2026. If completion is delayed, you must request an extension with reasons.

16. Your report and all fact finding material must be stored electronically in the Objective folder referenced at the top of this document.

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JM Gaynor CSC
Inspector-General of the Australian Defence Force

1 April 2026