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JOINT TASK FORCE 633 STANDING INSTRUCTION

JTF633
MEAO

/ Feb 14

JTF633 SI(PERS) 09-05—~~Un~~scheduled Return to Australia (RTA) Procedures is issued under my authority.

C.W. ORME
MAJGEN
CJTF633

ISSUE No 01/14

This instruction should be filed as: JTF633 SI (PERS) 09-05 ~~Un~~scheduled Return to Australia (RTA) Procedures.

This instruction replaces: JTF633 SI (PERS) 09-05 ~~Un~~scheduled Return to Australia (RTA) Procedures of 16 Sep 13.

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UNSCHEDULED RETURN TO AUSTRALIA PROCEDURES

References:

- A. CJOPS OPORD 01/12 MEAO—Annex R *MEAO Support Order*
- B. CJOPS Directive 20/12—*Deployment Extensions for Personnel on Operations*
- C. HQ JOC signal W2B DTG 080615Z DEC 10 – *TCD Extension Approval*
- D. DI(G) PERS 16–15—*Australian Defence Force Medical Employment Classification System*
- E. Health Directive 289—*Mental Health Case Management in the Australian Defence Force*
- F. ADF PACMAN Volume 1 Chapter 5 Part 7 Division 2—*Compassionate Leave*
- G. ADF PACMAN Volume 2 Chapter 9 Part 3 Division 7—*Compassionate Travel*
- H. CJOPS Directive 77/12—*Behaviour of Personnel—Command consideration of compulsory return to Australia*
- I. ADFP 06.1.3—*Guide to Administrative Decision-Making, Edition 2 of 25 Jan 10*
- J. DI(G) PERS 10–8—*Performance Appraisal Reporting in the Australian Defence Force*
- K. JTF633 SI (PERS) 09-02—*Reinforcement Demands*
- L. JTF633 SI (ADMIN) 03-03—*Personnel Transition Management in AMAB*

AIM

1. The aim of this Standing Instruction (SI) is to detail the policy, types, processes and requirements for all unscheduled Return to Australia (RTA) applications.

AUTHORITY

2. The authority for this SI is Commander Joint Task Force 633 (CJTF633).

SCOPE

3. This SI applies to all Australian personnel deployed to the MEAO under the National Command of CJTF633 where an exit from theatre outside the scheduled date of their departure is sought. This SI also describes the process and administrative requirements for deployment extensions.

INTRODUCTION

4. An unscheduled RTA will fall into one of five categories. These are:
 - a. **Early RTA (ERTA).** ERTA covers a range of circumstances where a member may be required to RTA for personal reasons, to attend an essential career course, proceed on posting or completion of deployed task ahead of schedule;
 - b. **Deployment Extensions.** There are four types of deployment extension; extensions of 14 days or less for force assigned personnel, extensions of greater than 14 days for force assigned personnel, extensions of temporary force assigned personnel and extensions of Third Country Deployments (TCDs);
 - c. **Medical RTA (MRTA).** Occurs when a member is required to RTA as a consequence of a medical or psychological issue which requires the downgrading of their Medical Employment Classification (MEC). All personnel who are MRTA will do so via Strategic Aero Medical Evacuation (STRAT AME);

- d. **Compassionate RTA (COPAS RTA).** RTA for COPAS circumstances may include COPAS leave and Compassionate travel IAW PACMAN provisions via the chartered A340 or Regular Public Transport (RPT), dependant upon the circumstances; and
- e. **Compulsory RTA (CRTA).** Personnel may be CRTA for administrative reasons, disciplinary reasons or for failing to maintain their readiness. This includes those returns to Australia commenced in the context of completed and/or likely administrative or disciplinary action. CRTA in these circumstances may lead to further sanctions for the member post-RTA. CRTA is also applicable where a member is unsuitable for the role in which they are deployed, due to reasons beyond their control, and their retention in theatre has been deemed to be untenable. This form of CRTA, by contrast, is less likely to result in post-RTA sanctions.

APPROVING AUTHORITY

- 5. In accordance with reference A, CJTF633 is the approving authority for all unscheduled RTA, except deployment extensions. All requests for deployment extensions for permanently force assigned, temporarily force assigned and visitors are to be forwarded to HQJOC J1/4, through HQ JTF633 COS for approval.
- 6. CJTF633 has delegated the approval of ERTA, MRTA and COPAS to DCJTF and COS HQ JTF633. CJTF633 has delegated the approval of CRTA to DCJTF633. Details of the relevant approving authority for each form of RTA are included in annex A.
- 7. Approval for unscheduled RTA must be sought via either a decision brief or a Deployed Application Form (DAF) as indicated by the information provided in this SI. A sample DAF is included at annex B. Decision Brief (DB), JTF633 DAF and other associated templates can be found on the DSN MEAO website (<http://meaoweb/>) under 'templates'.

EARLY RETURN TO AUSTRALIA

- 8. To request ERTA, the relevant TG/TU is required to complete a DAF. The supporting documentation will be case specific and must include evidence justifying the ERTA request, for example, panelling on a career course by Career Management Agencies, posting to a new Parent Unit or overseas exchange posting, completion of deployed task ahead of schedule or changes to incumbent rotation schedule. The process used for ERTA is detailed in annex C.
- 9. TG/TU is to manage their PERS structure based on their capability requirements. CTG/CTU is to seek ERTA for members whose mission tasks have been completed. All personnel are reminded that it is not an individual's right to remain in theatre where it has been identified that their task has been completed or their role is no longer required.

DEPLOYMENT EXTENSIONS

- 10. Deployment extensions are to be the exception rather than the rule and are to be sought where there is an unacceptable degradation of operational capability or significant compromise to an international commitment. TG/TU Commanders are to ensure that all deployment extension requests meet the above stated requirement, before an application is forwarded to HQ JTF633 for processing.

11. In accordance with reference B, deployment extensions of up to 14 days are to be approved by HQ JOC J1/4 for personnel permanently assigned to OP SLIPPER. TG/TU are to utilise the Deployment Extension Request Signal Template (in 'Word') that is located on the MEOWEB which is to be forwarded to HQ JTF633 PERSOPS, for COS HQ JTF633 endorsement. A signal will then be released from HQ JTF633 to HQJOC seeking approval. The volunteer status of the member is to be advised in all cases and unless there is an absolute operational imperative, the member is to be a volunteer to extend. Requests for deployment extensions of more than 14 days are to be processed via a DB through COS HQ JTF633 to J1/4 HQ JOC.

12. Requests for extensions for temporarily force assigned personnel and visitors are to be submitted as a DB, regardless of the period of extension. These DBs are to be processed by J03 and sent through COS HQ JTF633 to J3 HQ JOC.

13. Reference C authorises CJTF633 to approve extension requests for Third Country Deployments (TCDs) of up to 30 days. CJTF633 has delegated approval of deployment extensions of up to 30 days to DCJTF, ACOMD-A and COS HQ JTF633. Extension requests for personnel on a TCD are processed via the DAF template on the DSN MEAO website. Extension requests for personnel on TCD for more than 30 days are via a DB through CJTF633 to CJOPS HQ JOC.

MEDICAL RETURN TO AUSTRALIA

14. Where personnel have undergone a MEC review in accordance with reference D and have consequently received a MEC classification which makes them unsuitable for retention in the MEAO, J07 HQ JTF633 will submit a DAF for MRTA to COS HQ JTF633. The DAF is to explain the background to the MEC review and is to justify the requirement for MRTA.

15. MRTA may also relate to psychological issues following an assessment through the chain of command via the use of a PM008 *Report on a Case Referred for a Psychiatric or Psychological Examination* in accordance with reference E. All cases where a mental health disorder is identified or suspected by a Psychologist are to be referred to a Medical Officer. The Medical Officer will consider whether there is a requirement for ongoing psychological care that needs to be provided to prevent further deterioration of an individual's psychological stability. Where the issue affects the member's employability/deployability, the Medical Officer will consult and confirm the need for MRTA with the member's chain of command. The Medical Officer where necessary will review the member's MEC. If the MRTA is agreed, J07 HQ JTF633 will submit a DAF for MRTA to COS HQ JTF633.

16. MRTA on psychological grounds is not to be utilised as an alternative to dealing with a member's poor performance or their inability to perform the role/task for which they have been deployed.

17. Due to the urgent nature of some MRTA requests, J07 HQ JTF633 may seek COS HQ JTF633 verbal approval initially to commence RTA movements pending formal written approval from COS HQ JTF633. In such cases, the DAF is to be submitted within 24 hours of verbal approval. The approval of an MRTA triggers the STRAT AME process managed by J07 HQ JTF633.

COMPASSIONATE RETURN TO AUSTRALIA

18. TG/TU may request COPAS RTA for members where compassionate circumstances exist and it is in the best interests of the member and JTF633 for the individual to RTA. The

COPAS RTA Process is detailed in annex D. A DAF is to be submitted through the TG/TU CO to COS HQ JTF633 (via the HQ JTF633 Watchkeeper). The application is to include:

- a. member's details;
- b. member's deployment and scheduled RTA dates;
- c. detailed explanation outlining the request for RTA, ensuring that the qualifying conditions detailed in references F and G are satisfied;
- d. impact, if any, on operational capability caused by the member's RTA;
- e. suggested course of action including proposed movements, expectation of member's return/non return to the MEAO, and intent to submit a reinforcement demand (REODEM);
- f. Commander Task Group (CTG) recommendations;
- g. whether the urgency of the situation requires the member to travel on regular public transport (civil airlines) or manifested on the scheduled A340 service; and
- h. supporting documentation, including documentation from one of the following: Defence Community Organisation (DCO), National Welfare Coordination Centre (NWCC), parent unit welfare officer, padre, psychologist and/or other reports as applicable.

19. Due to the urgent nature of some COPAS RTA requests, TG/TU may initially seek DCJTF or COS HQ JTF633 verbal approval through J1 HQ JTF633 to commence travel to AMAB from within Afghanistan via intra-theatre aircraft, prior to formal written approval. The intent of commencing travel prior to formal approval is to facilitate the timeliest COPAS RTA in urgent circumstances. In such cases, the DAF is to be submitted within 24 hours of verbal approval. Once formal written approval has been provided by COS JTF633, RTA movements will be booked by JMCC-MEAO.

20. On occasions, supporting documentation may not be readily available due the urgency of the COPAS situation and the time of day. In these cases, supporting documents may be provided by the TG/TU as soon as practical (ie: next working day).

21. TG/TU COs are to be careful to manage members' expectations in terms of their entitlement to COPAS leave and/or travel. In many instances a member's circumstances, while compelling, may not satisfy the criteria for COPAS leave and/or travel IAW references F and G, and members may be required to use recreation leave and or pay for their RPT flights.

22. In circumstances where members will not/do not return to the MEAO then the TG/TU is responsible to complete PAR action.

COMPULSORY RETURN TO AUSTRALIA

23. As detailed in reference H, CRTA may be initiated where a member's performance, likely or actual involvement in disciplinary or adverse administrative action makes their continued presence on operations untenable. CRTA is also applicable where a member is unsuitable for the role in which they are deployed due to reasons that are beyond their control,

and their retention in theatre has been deemed to be untenable. It is important to clearly articulate which type of CRTA a member is being subjected to. The content of the documentation needs to indicate whether the member is RTA due to disciplinary/ADMIN Sanction or for reasons that are beyond their control. The CRTA process is summarised at annex E.

24. Annex F is a sample Notice To Show Cause (NTSC) for CRTA where disciplinary and or an Adverse ADMIN Sanction is considered warranted. Annex G is a sample NTSC for CRTA due to Circumstances that are Outside a Member's Control. Commanders considering initiating CRTA action are to closely consult reference I and are encouraged to seek legal advice at the earliest opportunity from their Legal Officer or if not available, the J06 HQ JTF633. Legal Officer advice in respect to the development of the NTSC is considered essential.

25. CRTA used in circumstances where a member continuing to be employed in their role in theatre has been deemed to be untenable due to reasons beyond their control generally infers no discredit upon the member. Examples of CRTA due to reasons beyond a member's control may include deploying into a role in which an individual does not have the necessary skills, training, experience or qualifications to be able to meet the requirements of the position. All TG/TU are to ensure that they comprehensively consider other positions that might be available for the member to fill and complete their deployment. This can and should be made as a Command decision. HQ JTF633 PERSOPS staff are available to assist.

26. All CRTA proposals are to be preceded with a NTSC. There are two exceptions to this requirement. The first exception is where a member must RTA for detention after being found guilty of a DFDA offence. While there is no requirement to go through the NTSC process, a DB to DCJTF633 from the TG/TU is still required to approve the CRTA. A Noting Brief (NB) from DCJTF633 will be sent to advise DCJOPS and the pertinent Service Chief. The second exception is where a member has arrived into the MEAO without the essential qualifications or security clearance to undertake the role to which they are deployed. In this situation, if the member is not suitable to fill another position within the MEAO, the TG/TU is to forward a DB to DCJTF633 recommending that the member is CRTA. A NB from DCJTF633 will be sent to advise DCJOPS and the pertinent Service Chief. This exception does not apply to members who do have the essential qualifications but who are not able to meet the performance or training requirements of the position. In this situation the NTSC process is to apply.

27. When making any decision which may adversely affect the rights, interests or legitimate expectations of a person, TG/TU are to ensure individuals are afforded procedural fairness as outlined in Chapter 2 paragraph 2.3 of reference I. Only in certain circumstances will the requirement to afford procedural fairness be temporarily suspended as stated in paragraph 2.43 of reference I. Commanders should seek legal advice to confirm whether circumstances allow suspension of procedural fairness requirements before suspending a member's right to procedural fairness.

28. Personnel should be provided with support in preparing their NTSC response. This can be through a Divisional Officer or 'soldier/airman's friend'. While a request can be made for the provision of legal assistance, there is no right to such assistance. Legal assistance will only be provided to a member if reasonably available, and may only be able to be provided remotely by telephone, e-mail etc.

29. The relevant TG/TU is required to submit the NTSC (including the documentation used to substantiate the NTSC) and the members' response to the NTSC and any relevant DFDA or administrative documentation (as applicable) under a covering minute to DCJTF633, through HQ JTF633 Watchkeeper. **The covering minute will simply introduce the NTSC and must not introduce new material that has not been seen by the member.** A template for the covering minute is available on the MEAO Website (<http://meaoweb/>).

30. The NTSC paperwork will be staffed through J1 HQ JTF633 and J06 HQ JTF633 before submission to DCJTF633. The documentation must provide sufficient detail for DCJTF633 to make an informed decision in response. If, during the HQ JTF633 staff process, it becomes necessary to obtain and include extra information to inform the decision by DCJTF633, the new information must first be given to the member and the member given a brief but reasonable opportunity to respond before the information is provided to DCJTF633 for final decision. No recommendations to DCJTF633 regarding CRTA of the member are to be made by J1 or J06 during the staff process. This ensures the requirement for procedural fairness is met.

31. CRTA is an administrative action and is not to be used as a substitute for disciplinary and/or other administrative action that may be appropriate as a result of the incident/s leading to the recommendation of CRTA. Where a member is RTA with administrative or disciplinary matters still unresolved, the member's TG is to submit all relevant documentation to J1 HQ JTF633 for forwarding to HQ JOC. Where operational imperatives permit, members will not normally CRTA with outstanding disciplinary or administrative matters. Outstanding matters and the reasons why they cannot be resolved in theatre are to be included in the NTSC covering minute.

32. Where DCJTF633 approves CRTA of a member, the respective Service Chief will be notified by DCJOPS. Notwithstanding the issues leading to the CRTA, the TG/TU must complete a PAR on members who CRTA, in accordance with reference J.

REINFORCEMENT OF RETURNED MEMBER

33. If reinforcement is required as a result of the unscheduled return to Australia of a member, the TG/TU is to submit a reinforcement demand to HQ JTF633 J1 cell in accordance with reference K. A template can be found on the DSN MEAO website (<http://meaoweb/>) under 'templates'.

ACTION ON OUTCOME OF UNSCHEDULED RTA APPLICATION

34. Once approval has been granted, HQ JTF633 J1 cell will inform the relevant TG/TU of the approval/non approval. A copy of the HQ JTF633 approval will be scanned and forwarded through the HQ JTF633 Watchkeeper through to the TG/TU Watchkeeper¹.

35. On notification of approval, the TG/TU S1 or equivalent is to:

- a. advise the member;
- b. organise movements through the respective JMCC Detachment via the submission of a Movement Requisition (MOVREQ);

¹ Note that MRTA documentation may be *MEDICAL-IN-CONFIDENCE* and not forwarded.

- c. provide the member with contact phone numbers for their TG/TU Watchkeeper and NWCC if the member is expected to return to the MEAO;
- d. liaise with CSU and FSU (or the relevant Coordinating HQ as detailed in reference L), regarding transit accommodation requirements, and ensure ongoing welfare support for the member is maintained in the MEAO (i.e. access to Chaplain, Psychologist, Medical Officer etc);
- e. ensure the member completes all TG/TU march out and MEAO RTA requirements if not returning to the MEAO (including pay and leave calculator (PAEC), RTAMS and RTAPS);
- f. update the member's PMKeyS Operational Log;
- g. initiate PAR action; and
- h. for COPAS RTA, ensure the member's parent unit Commanding Officer and local DCO office in AS are informed, thereby ensuring the continuance of welfare support to the member and their family, if required.

36. Members who RTA for reasons other than the completion of their deployment and who will return to the MEAO are required to notify their respective TG/TU of any change of circumstances or travel arrangements. The NWCC/DCO local offices are the alternative point of contact. All travel amendments are to be initiated by the members TG/TU JMCC Detachment.

DEFENCE COMMUNITY ORGANISATION SUPPORT

37. DCO will provide assistance to the member and their family as required or as requested by CJTF633 or the member's TG/TU. This may include the services of a Defence social worker or liaison with civilian support agencies.

SPONSOR

38. The sponsor for this SI is J1 HQ JTF633.

REVIEW

39. This SI is to be reviewed annually.

Annexes:

- A. Return to Australia Approval Authorities
- B. Sample Deployed Application Form
- C. Early RTA Process
- D. Compassionate RTA Process
- E. Compulsory RTA Process
- F. Sample NTSC for CRTA (Discipline/ADMIN related)
- G. Sample NTSC for CRTA (Circumstances Outside Member's Control)

Related Documents:

- A. DI(G) PERS 11-2-*Notification of Service and Non Australian Defence Force Casualties*
- B. JTF633 SI(PERS) 09-04-*MEAO NOTICAS procedures*

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C. JTF633 SI(PERS) 60-05–*Aero-medical Evacuation*

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RETURN TO AUSTRALIA APPROVAL AUTHORITIES

RTA TYPE	APPLICATION	SUPPORTING DOCUMENTATION REQUIRED	APPROVING AUTHORITY				
			COS	ACOMD-A	DCJTF	CJTF633	HQJOC
Deployment Extension 14 days or less	Message Signal	No					J1/4 (through COS HQ JTF633)
Deployment Extension 15 days or more	Decision Brief	No					J1/4
Deployment Extension for Temporary Force Assigned Personnel	Decision Brief ¹ REODEM for approved ROCL Relief Positions	No					J3 TASKORD J1/4 ROCL Relief
Deployment Extension of 30 days or less for Third Country Deployments	Deployed Application Form	No	X	X	X	X	
Deployment Extension of 31 days or more for Third Country Deployments	Decision Brief	No					J3
MRTA	Deployed Application Form ²	No	X		X	X	
STRAT AME Escort from JTF633 (included on MRTA DAF)	Deployed Application Form ²	No	X		X	X	
COPAS RTA (A340)	Deployed Application Form	Yes	X		X	X	
COPAS RTA (RPT)	Deployed Application Form	Yes	X		X	X	
CRTA	Minute Decision Brief ³	Yes			X	X	
ERTA	Deployed Application Form	Yes	X		X	X	

Notes

- Decision Briefs for Temporary Force Assigned Personnel are processed through J03 HQ JTF633.
Temporary Force Assigned (TFA) – all TFA (TASKORD) managed by J3 – (J1/4 only for ROCL relief approval)
- Deployed Application Form for MRTA is completed by J07 HQ JTF633. Details for STRAT AME are to be included in the DAF for the MRTA.
- Minute is required for Notice to Show Cause process. Refer to paragraph 26 for guidance on when a Decision Brief is required.

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ANNEX B TO
JTF633 SI (PERS) 09-05
FEB 14

(INSERT SECURITY CLASSIFICATION)



DEPLOYED APPLICATION FORM

JOINT TASK FORCE 633

Part A – Member / Task Unit to complete

Type of application:

<input type="checkbox"/> Compassionate Return to Australia (COPAS RTA)	<input type="checkbox"/> Early Return to Australia (ERTA)
<input type="checkbox"/> Medical Return to Australia (MRTA)	<input type="checkbox"/> Out of Theatre Duty Travel
<input type="checkbox"/> Permission to consume alcohol	<input type="checkbox"/> Other

Individuals Details:

PMKeys Number:		Rank:	
Surname:		Given Names:	
Task Group:		OMD Position Number:	
DEPORD No:		Parent Unit in AUS:	
Current RTA Date:		Requested RTA Date:	
Reinforcement Required?	<input type="checkbox"/> Yes (if 'yes' is ticked, the REODEM message needs to be submitted with the application) <input type="checkbox"/> No		

Reason for application:

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Signature:	Printed Name:	Rank:	Appointment:	Date:
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(INSERT SECURITY CLASSIFICATION)

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B-2

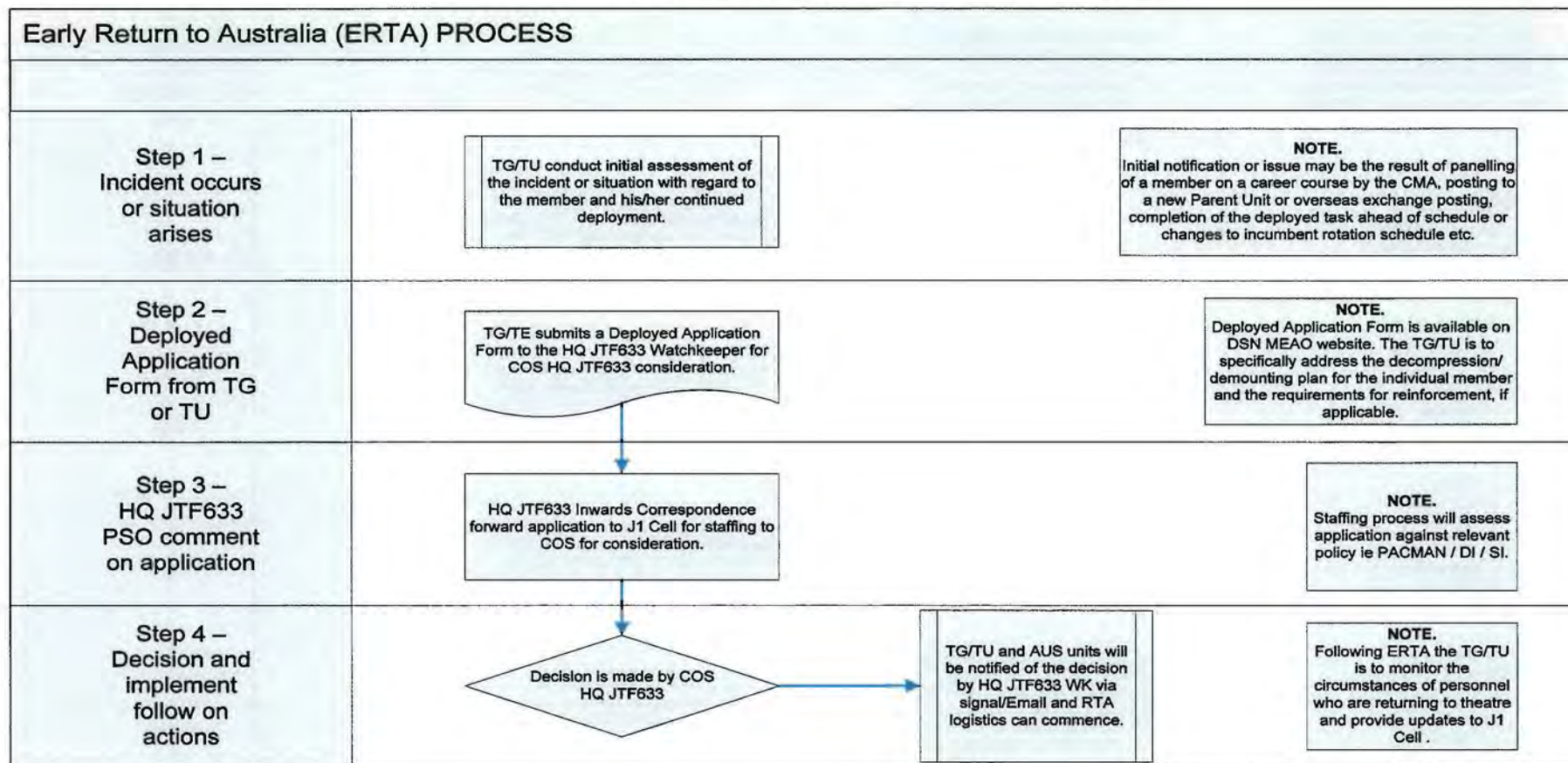
(INSERT SECURITY CLASSIFICATION)

Section Commander or S1 comments and recommendation:				
<input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended				
Signature:	Printed Name:	Rank:	Appointment:	Date:
Commanding Officer's comments and recommendation:				
<input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended				
Signature:	Printed Name:	Rank:	Appointment:	Date:
Part B – HQ JTF633 to complete				
Decision Maker's comments and decision:				
<input type="checkbox"/> Approved <input type="checkbox"/> Not Approved				
Signature:	Printed Name:	Rank:	Appointment:	Date:

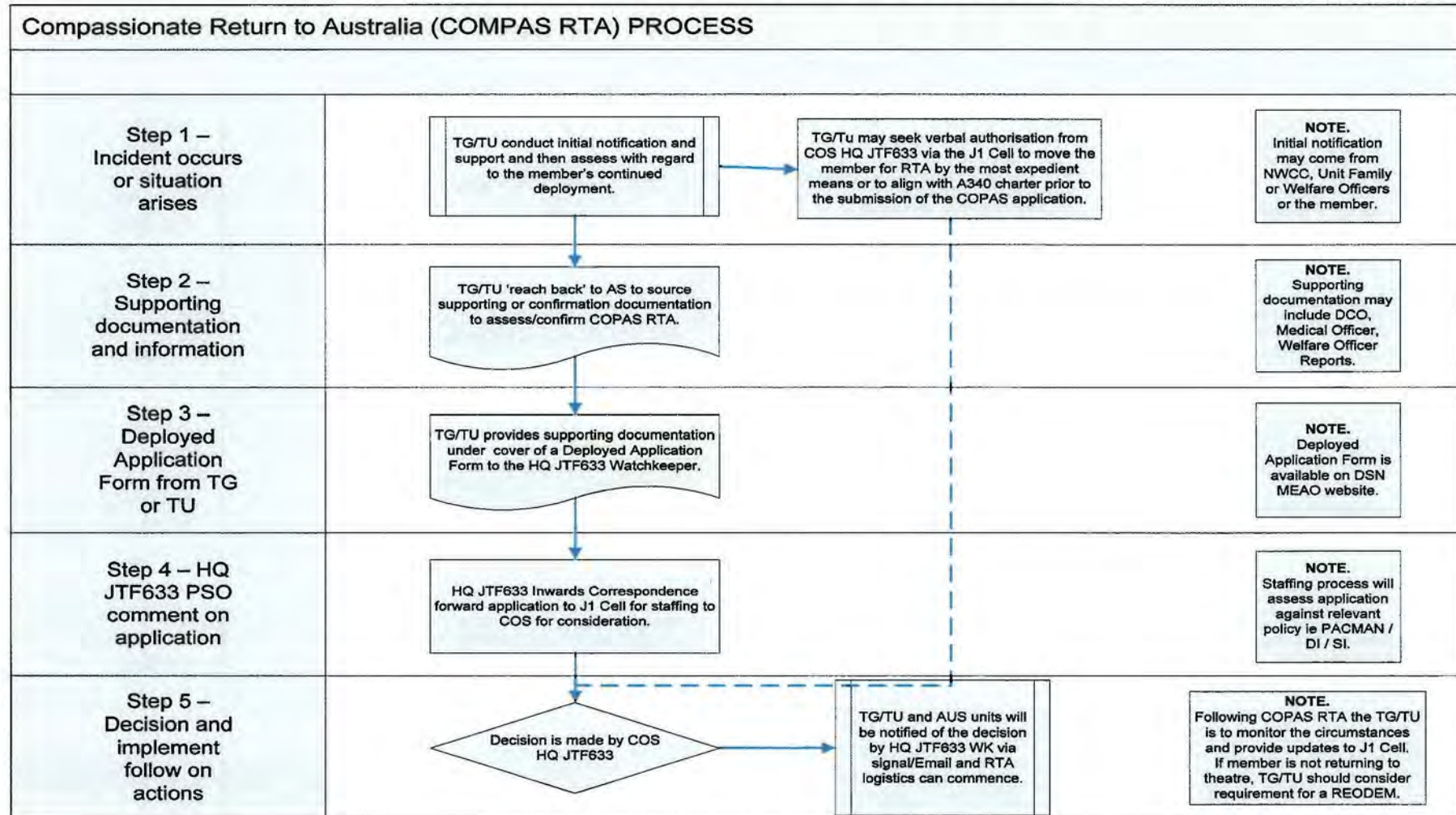
(INSERT SECURITY CLASSIFICATION)

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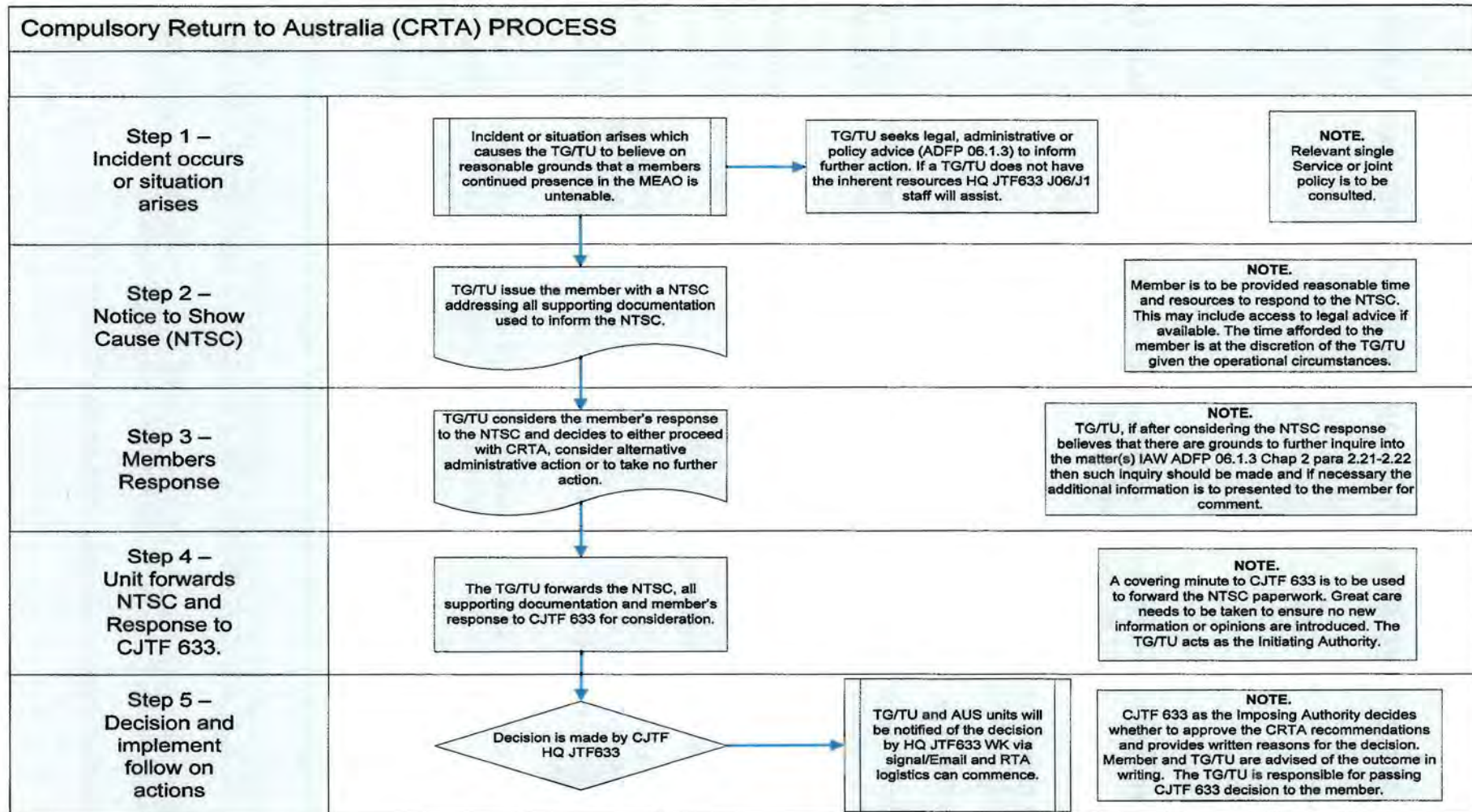
EARLY RETURN TO AUSTRALIA (ERTA) APPROVAL PROCESS



COMPASSIONATE RETURN TO AUSTRALIA (COPAS RTA) PROCESS



COMPULSORY RETURN TO AUSTRALIA (CRTA) APPROVAL PROCESS



SAMPLE NTSC FOR CRTA (DISCIPLINE/ADMIN SANCTION)

STAFF IN CONFIDENCE
(Privacy marking is to be used for all pages)

UNIT/OUT/2013/

8XXXXXX RANK I.I. LASTNAME

**NOTICE TO SHOW CAUSE WHY COMPULSORY RETURN TO AUSTRALIA SHOULD
NOT BE ORDERED—8888888 CPL X, TG 633.XX**

References:

- A. JTF633 SI(OPS) 09-05 Unscheduled Return to Australia
- B. ADFP 06.1.3—Guide to Administrative Decision Making

TO: 8888888 CPL X.X. XXX

1. It has been brought to my attention that your work performance and general conduct may have been of such a nature as to have made your continued deployment on OP SLIPPER untenable, as detailed below. You are invited to show cause:

- a. why I should not be satisfied that the facts and circumstances, as alleged, occurred; and
- b. why CJTF633 should not decide to order your return to Australia prior to your currently scheduled re-deployment date of XXXX2010.

2. **Allegation 1.** I am informed that your technical abilities as an ADF tradesman have been brought into question by the conference room electrical fire of DATE and your ongoing inability to demonstrate the skills expected of a member in your position as evidenced by the enclosed performance counselling of DATE and DATE.

3. **Allegation 2.** I am informed that your relationships with your colleagues and subordinates has deteriorated to such an extent that your presence in the workplace is currently counter-productive and not likely to improve significantly during the course of your deployment. This situation is evidenced by:

- a. your ongoing conflict with PTE Y culminating in physical altercations on DATE and DATE, and
- b. the requirement for your relocation from your original accommodation on DATE.

4. **Allegation 3.** I am informed that your attitude to your duties and your general behaviour is very poor and that you resist command direction in order to avoid your duties. This is evidenced by:

- a. the charges against you of DATE and DATE which resulted in two guilty findings and the punishment of fines totalling \$XXX and a severe reprimand;
- b. records of formal counselling of DATE, DATE and DATE;

- c. adverse findings made against you by the routine inquiry officer of DATE arising from the inquiry in to the conference room fire of DATE; and
 - d. psychologist report of DATE emphasising your refusal to accept responsibility for any negative aspect of your deployment.
5. These allegations of fact and circumstance are supported by the material in the enclosures below.
6. Subject to what you may say in response to this notice, it may be deemed that your alleged conduct may have demonstrated that you are unable to effectively perform your duties as XXXXX to the standard expected of an NCO with your training and experience. As a result, your deployment on OP SLIPPER may no longer be tenable.

Material to be considered by CJTF

7. In making a decision whether to order that you be compulsorily returned to Australia, CJTF will consider:
- a. this notice to show cause;
 - b. the annexes included below;
 - c. JTF633 SI(PERS) XXXX, DI(G)PERS XXXX etc; and
 - d. any reply and relevant material you wish to submit in response to this notice to show cause.

Period to submit a response to NTSC

8. You have XX days from the date this notice is delivered to you to show cause why CJTF (imposing authority) should not order your return to Australia. Your response is to be in writing and any relevant evidence or other information that you wish CJTF to consider is to be attached to your response. In your response, you may address the facts, conclusions to be drawn from them and what action, if any, the imposing officer should take.
9. Should you require an extension of time for submitting you response to me, you are to apply to me or my nominated representative, in writing, with the reason you are requesting an extension.

Assistance

10. In preparing your response you may seek support from a friend, Divisional Officer or a support officer can be appointed to assist. Where available, you may seek advice and guidance from a Legal Officer in support of your preparation to your response to this notice. While a request can be made for the provision of legal assistance there is no right to such.

Conclusion

11. In the event that CJTF633 decides to order that you are compulsorily returned to Australia, a copy of this notice together with your response will be placed permanently on your service personal history file and may be considered in future decisions relating to your career management.

I.I. LASTNAME
RANK
CO UNIT
Initiating Authority

Apr 13

SVOIP: 63666

Annex:

A. Acknowledgement of receipt of NTSC

Enclosures:

1. Discipline Documents
2. ROCs
3. RI Documents
4. Psych Reports

ANNEX A TO
[file reference]

ACKNOWLEDGEMENT FORM – [PMkeys, rank, name]

I [PMKeys, rank, name] hereby acknowledge that I have read and understood this Notice to Show Cause why CRTA should not be ordered and that I have [number] days to respond.

I have received a copy for my retention, including the material referred to above upon which the decision whether or not to order the proposed CRTA will be based.

.....
[signature of member receiving Notice to Show Cause]

.....
Rank

.....
Date

**SAMPLE NTSC FOR CRTA (CIRCUMSTANCES OUTSIDE MEMBER'S
CONTROL)**

STAFF-IN-CONFIDENCE
(Privacy marking is to be used for all pages)

UNIT/OUT/2013/

8XXXXXX RANK I.I. LASTNAME

**NOTICE TO SHOW CAUSE (NTSC) WHY YOU SHOULD NOT BE COMPULSORILY
RETURNED TO AUSTRALIA DUE TO CIRCUMSTANCES OUTSIDE MEMBER'S
CONTROL – 8XXXXXX RANK I.I. LASTNAME**

References:

- A. JTF633 SI (PERS) 09-05 – Unscheduled Return to Australia (RTA) Procedures
- B. CJOPS Directive 77-12 F576233 – Behaviour of Personnel – Command Consideration of Compulsory Return to Australia of 10 Oct 12
- C. DI(G) PERS 35-3 – *Management and Reporting of Unacceptable Behaviour*
- D. ADFP 06.1.3 *Guide to Administrative Decision Making*

1. It has been brought to my attention that you do not [have the necessary skills, training, experience or qualifications to be able to meet the requirements of the position] required of an officer/warrant officer/SNCO/NCO/sailor/soldier/airman deployed to the Middle Eastern Area of Operations (MEAO) as a [job title]. It may be of such a nature to have made me lose confidence in your ability to [general statement of what they are required to do that they are doing badly eg: supervise your subordinates]. You are therefore invited to show cause:

- a. why the imposing authority, Commander Joint Task Force 633 (CJTF633), should not be satisfied that the facts and circumstances, as alleged, occurred; and
- b. if so, why you should not be compulsorily returned to Australia IAW references A and B.

2. I am informed: [LIST ALLEGATIONS BELOW]

- a. That you are required to have the complex procurement qualification IOT complete your duties as [job title], and that you do not have this qualification. Although this requirement was annotated as a 'desirable' rather than 'essential' qualification on the OMD prior to your deployment, the implementation of planned restructuring in the XXXX Section has resulted in this qualification becoming essential for the XXX position.
 - (i) Job Description for [job title] (Enclosure 1).
 - (ii) PMKeyS Qualifications Report for 8XXXXXX RANK I.I. LASTNAME (Enclosure 2)
- b. That you are unable to complete the required training and gain the qualification whilst deployed.
 - (i) Minute – *Advice on Completion of Complex Procurement Training While Deployed* of DD Mmm 13 (Enclosure 3)

- c. That the next available complex procurement course in AS is not until Mmm, four months from now.

(i) Email – *Availability of Complex Procurement Training of DD Mmm 13 (Enclosure 4)*

3. Subject to what you might say in any response to this notice, I may recommend to CJTF633, as the decision-maker regarding CRTA, that you be returned to Australia on the basis that your continued deployment on OP SLIPPER is untenable.

4. In making a decision as to whether you will be CRTA the imposing authority will consider the following material:

- a. this Notice to Show Cause including its enclosures;
- b. any reply and relevant material you submit in response to this Notice to Show Cause;
- c. reference A;
- d. reference B;
- e. reference C;
- f. reference D;
- g. your Service record; and
- h. if I determine that CRTA should still be recommended to the imposing officer upon receipt of your response to the NTSC, my recommendation to the imposing officer on whether you be CRTA.

5. You have 24 hours [NB: 24 HOURS IS THE MINIMUM, IF FAIRNESS REQUIRES MORE TIME, GIVE THE MEMBER MORE TIME.] from the time this NTSC is delivered to you to show cause why you should not be subject to CRTA. Your response, should you decide to submit one, is to be in writing and any relevant evidence or information that you wish to be considered is to be attached. In your response, you may address the facts, the conclusions to be drawn from them, and what action, if any, should be taken.

6. If you wish to have an extension of time for submitting your response to me, you are to apply to me with the reason you are requesting an extension.

7. You may consult a Service legal officer, if one is available, or may have another person assist you in preparing your response. To arrange a service legal officer, request your Chain of Command to contact the J06 at HQJTF633 on SVOIP 63306 who will arrange for legal support to be provided.

8. The administrative consequence of a CRTA is that you will be returned to Australia at the first reasonably available opportunity (normally on an A340 leaving on a Wednesday from AMAB).

9. You are requested to sign the Annex as having 'read and understood' this NTSC and also indicate whether you intend to represent against this NTSC. The original is for your retention and a copy will be placed on file.

I.I. LASTNAME
RANK
CO UNIT
Initiating Authority

Apr 13

SVOIP: 63666

Annex:

A. Acknowledgement of receipt of NTSC

Enclosures:

1. Job Description for [job title]
2. PMKeyS Qualifications Report for 8XXXXXX RANK I.I. LASTNAME
3. Minute – *Advice on Completion of Complex Procurement Training While Deployed* of DD Mmm 13
4. Email – *Availability of Complex Procurement Training* of DD Mmm 13

ANNEX A TO
[file reference]

ACKNOWLEDGEMENT FORM – *[PMkeys, rank, name]*

I *[PMKeys, rank, name]* hereby acknowledge that I have read and understood this Notice to Show Cause why CRTA should not be ordered and that I have *[number]* days to respond.

I have received a copy for my retention, including the material referred to above upon which the decision whether or not to order the proposed CRTA will be based.

.....
[signature of member receiving Notice to Show Cause]

.....
Rank

.....
Date

~~RESTRICTED~~



CHIEF OF JOINT OPERATIONS HEADQUARTERS JOINT OPERATIONS COMMAND

HQJOC-B, B1-I-J001, PO BOX 7928, CANBERRA BC ACT 2610, AUSTRALIA
Tel: (02) 6128 4000 Fax: (02) 6128 4020

F576233

See distribution

CJOPS DIRECTIVE 77/12 – BEHAVIOUR OF PERSONNEL – COMMAND CONSIDERATION OF COMPULSORY RETURN TO AUSTRALIA

References:

- A. ADFP 06.1.3 – *Guide to Administrative Decision-Making*
- B. DI(G) PERS 35-6 – *Formal Warnings and Censures in the Australian Defence Force*
- C. DI(G) ADMIN 45-2 – *The reporting and management of notifiable incidents*
- D. DI(G) PERS 36-3 – *Inherent requirements of service in the Australian Defence Force*
- E. CJOPS Directive 09/12 – *Pre-deployment certification of civilians accompanying the ADF on operations*
- F. DI(G) OPS 5-3 – *Civilians in Support of ADF Operations*
- G. DI(G) PERS 34-1 – *Redress of Grievance – Tri-Service Procedure*
s

Introduction

1. Defence's mission is to defend Australia and its national interests. This requires the Australian Defence Force to maintain an operationally capable force with high levels of fitness, commitment, efficiency and discipline among its members.
2. The Australian community expects its armed forces to be of the highest calibre, both in terms of their capability and their conduct. To this end, a range of ADF regulations impact on the lifestyle of ADF members and, where relevant, defence civilians¹. These rules relate to matters such as the non-medical use of drugs, the consumption of alcohol, and engagement in unacceptable behaviour. Many practices prohibited by military regulations are permissible under civil law, and in a number of cases, seen by the wider Australian community as an acceptable lifestyle choice.
3. Personnel deployed on operations, exercises and major service activities outside Australia are expected to adhere to very high standards of personal behaviour. Operational effectiveness can be seriously compromised when the behaviour of ADF members and Defence civilians fails to reach this standard. Accordingly, instances of ADF members or defence civilians demonstrating, or being reasonably suspected of demonstrating, a failing in personal behaviour call into question the capacity of that person continuing to serve on that operation, exercise or major service activity, due either to their impact on operational effectiveness or because their continued deployment is no longer in the interests of the ADF.

¹ As defined in section 3 of the *Defence Force Discipline Act* (1982)

~~RESTRICTED~~

Aim

4. This Directive provides to each Commander of a Joint Task Force (CJTF), Commander of a Task Force (CTF), and Commander of an Australian Contingent (COMASC) my specific direction on the approach to be taken in considering Compulsory Return to Australia (CRTA) where a member's behaviour (including personal discipline, attitude and professionalism) does not meet the high standard expected of deployed personnel. Throughout this Directive, the term 'Commander' includes CJTF, CTF, COMASC and subordinate force element commanders where promulgated (for instance a Commander Task Group (CTG) or Commander Task Unit (CTU)). A 'Commander' is only able to exercise the functions of an Imposing Authority described in this Directive in circumstances where they have not exercised the functions of an Initiating Authority with respect to a given matter and in accordance with paragraph 16.

Scope

5. This Directive applies to all ADF personnel force assigned or posted for duty to Joint Operations Command, or otherwise placed under Theatre Command of CJOPS, for operations, exercises and major activities outside Australia, including those personnel embedded with Coalition Forces (CF), personnel on Third Country Deployments, and Defence civilians. Aspects of this Directive, for example regarding the applicability of adverse administrative action, are relevant only to ADF members; other aspects relate only to Defence civilians. Commanders are to utilise their judgment regarding whether particular provisions of this Directive relate to one or both categories of deployed personnel.

6. This Directive does not address CRTA for reasons other than a person's behaviour (such as for unsatisfactory professional competence, unsuitability for post or for medical reasons), nor does it address CRTA which is a consequential part of any punishment of detention awarded to a person following proceedings under the *Defence Force Discipline Act 1982* (DFDA).

CJOPS' intent

7. Other than in the most minor of cases, whenever a deployed Commander determines that the behaviour of an ADF member or Defence civilian has fallen below accepted ADF standards, the Commander is to specifically consider whether the continued deployment of such personnel represents a risk to operational effectiveness or is otherwise not in the interests of the ADF and, if of the opinion that this might be the case, implement CRTA action. Commanders are to approach acceptance of the operational risk posed by retaining a person demonstrating such behaviour with caution, and operational effectiveness is to be the dominant consideration. Moreover, where serious allegations regarding a person's behaviour have been made, Commanders are to specifically consider whether, pending resolution of those allegations, a person should remain deployed.

8. Save in minor cases, where a Commander has determined that substandard behaviour has occurred, consideration of CRTA action is to be additional to any other disciplinary and/or adverse administrative action. That is, CRTA is not a substitute for other appropriate disciplinary or adverse administrative action. Accordingly, wherever reasonably practicable, allegations of substandard behaviour are to be dealt with through to final determination in the deployed environment and prior to CRTA/RTA. This includes investigation and/or inquiry into allegations, as well as taking any follow-up disciplinary or administrative action. This

policy applies equally to ADF members and Defence civilians, irrespective of the powers of punishment available to a summary authority in either circumstance.

9. This is also the case where deployed personnel face allegations of serious substandard behaviour but it is not reasonably practicable to determine those allegations in the deployed environment. It should be explained to deployed personnel that CRTA action in this situation is not a punishment, but rather an essential consequential command action, where the Commander must take into consideration what has occurred or been alleged to have occurred and make a decision as to whether the continued deployment of the accused member is likely to have a detrimental impact on operational effectiveness or other interests of the ADF.

Circumstances for initiating CRTA action

10. **Post-disciplinary/adverse administrative action.** Where disciplinary or adverse administrative action has been taken against a person while deployed on an operation, exercise or major activity outside Australia, and that action relates to their behaviour, it is natural that the person's capability to serve in that environment is called into question as it may have an impact on operational effectiveness or on other interests of the ADF. Accordingly, Commanders are to specifically consider initiating CRTA action (that is, the member is to be asked to 'show cause' why they should not CRTA) in all cases where:

- a. a person has been convicted of a service or civil offence which relates to their behaviour;² and/or
- b. adverse administrative action has been imposed upon the member (such as a formal warning or censure) which relates to their behaviour.³

11. In cases where a Commander proposes not to initiate CRTA action, I am to be immediately briefed on the matter through the chain of command.

12. **Serious allegations.** Where allegations of serious substandard behaviour arise, personnel are entitled, in the case of alleged disciplinary and criminal offences, to a presumption of innocence, and in the case of other allegations, the application of procedural fairness. Moreover, I reiterate my intent that allegations are as far as practicable to be resolved by the deployed Commander prior to any CRTA action. Nevertheless, there may be circumstances where the continued deployment of a person who is the subject of allegations of serious substandard behaviour is inappropriate. Accordingly, Commanders are to consider initiating CRTA action in any case where they are satisfied that:

- a. serious allegations of substandard behaviour have been made against a person;⁴
- b. with respect to those allegations there is no compelling reason to consider that the allegations lack credibility;

² For example: a conviction for assault will relate to a member's behaviour, as would an offence that involves a breach of trust (such as a failure to comply with a prohibition or restriction on the use of alcohol or drugs). An offence relating to the performance of a duty, such as the negligent discharge of a weapon, does not relate to a member's behaviour, save in exceptional circumstances.

³ This includes, but is not limited to, any behaviour which is characterised as unacceptable behaviour.

⁴ Whether an allegation is serious will depend upon the nature of the allegations (for example, a serious disciplinary offence that has a criminal equivalent or where there is a significant breakdown in command relationships) or the circumstances of the allegation (for example, a disciplinary offence that, given the overseas location, has the potential to negatively impact relations with a host nation).

- c. in the particular circumstances, effective and speedy resolution of the allegations in the deployed environment is impractical or inappropriate;⁵ and
- d. one or more of the following apply:
 - (1) as the allegations stand, the Commander does not have confidence in the person's ability to serve on the operation, exercise or major activity outside Australia due to the detrimental impact the allegations are having on operational effectiveness or on other ADF interests; and/or
 - (2) as the allegations stand, it is otherwise inappropriate for the person to occupy a particular role or position or remain deployed until those allegations have been resolved.

13. Prior to initiating CRTA action on the basis of serious allegations, HQJOC J1/4 and the HQJOC J06 are to be consulted by Commanders on the proposed course of action.

14. **Other circumstances.** Apart from the circumstances noted in paragraphs 8-12, relevant Commander's are to consider initiating CRTA action where for any other reason related to a person's attitude or behaviour (even if it does not constitute misbehaviour), the Commander believes there are reasonable grounds to conclude that person should not on this occasion, continue to serve on the particular operation, exercise or major activity outside Australia due to the detrimental impact that the person's attitude or behaviour is having on operational effectiveness or because their continued deployment is otherwise not in the interests of the ADF. This includes for example, situations where a person's behaviour has contributed to cultural or interpersonal tension with a host State or third party organisation (such as a coalition military force).

15. In such cases, however, Commander's are to consider carefully whether there are sufficient grounds to support such a conclusion. Again, it should be explained to deployed personnel that this CRTA action is not a punishment, but rather an essential consequential command action. Where such incidents or allegations arise, Commanders are to consult with HQJOC (J1/4 and J06), prior to taking any action. In an emergency, this requirement for consultation may be derogated from but must be justified subsequently.

Process

16. Commanders are to ensure, wherever practicable, that individuals considered for CRTA are afforded procedural fairness as outlined in Chapter 2 paragraph 2.3 of reference A. Other than in exceptional cases:

- a. The CRTA process must involve a formal Notice to Show Cause (NTSC) process in accordance with reference A, in order to ensure procedural fairness is afforded to affected personnel. Annex A to this Directive is a sample NTSC for CRTA based on reference A. Ordinarily, persons should be given no longer than 24h to respond to a NTSC. The advice of a Legal Officer should be sought with respect

⁵ Examples include: resolution will require an unsustainable diversion of time and resources; resolution is unlikely to be achieved prior the person's normal RTA date; and/or resolution cannot practically occur other than in Australia. If resolution in the deployed environment is reasonably practicable and appropriate, the once that resolution is achieved, Commander's are to consider whether paragraph 10 ("Post-disciplinary/adverse administrative action").

to the NTSC procedure to ensure that legal and ADF policy requirements are observed.

- b. In accordance with reference A, the CRTA process must involve an Initiating Authority (issuing the NTSC and receiving any responses to the NTSC) and a separate Imposing Authority (who will make the decision on the CRTA if the Initiating Authority proceeds to forward the matter to them for decision).
- c. Unless varied by a specific order issued by me:
 - (1) Commanders and Deputy Commanders of or above the rank of BRIG (E) may act as either an Initiating or Imposing authority;
 - (2) All other Commanders and Deputy Commanders may act as an Initiating Authority only;
 - (3) Where in a particular case an Imposing Authority is not available within the deployed force or contingent, DCJOPS or his or her delegate is to act as the Imposing Authority; and
 - (4) Commanders may place further limitations on the exercise of the role of Initiating and/or Imposing Authority within their command.

17. The NTSC process is to assist the Commander to determine whether he or she remains confident that a member's continued deployment outside Australia is consistent with operational effectiveness and otherwise in the interests of the ADF. Amongst other things, relevant considerations include whether or not:

- a. the member is able to perform his or her duties satisfactorily;
- b. the member is likely to maintain a high level of personal discipline;
- c. the member is likely to bring discredit upon the ADF or Australia;
- d. the member is likely to prejudice unit discipline or cohesion; and/or
- e. the member is likely to present an unnecessary administrative liability on the deployed force.

18. The list of factors in paragraph 17 is not exhaustive. That is, the Initiating and Imposing Authorities must consider whether for any other reason the continued deployment of the member impacts upon operational effectiveness or is otherwise not in the interests of the ADF. Moreover, in the case of a NTSC that is issued before allegations are resolved, the Initiating and Imposing Authorities are to specifically consider whether it is otherwise inappropriate for the member to continue to occupy a particular role or position or otherwise remain deployed until those allegations have been resolved (as per sub-paragraph 12.d.(2)).

19. In all cases, the Initiating and Imposing Authorities must take into account the impact of a CRTA decision on the member (see paragraphs 24-25 below).

20. Wherever reasonably practicable, all adverse action is to be concluded in the deployed environment and/or while the ADF member is force assigned under my TCOMD. Where this is not achievable, J1/4 is to ensure that the parent service or group of the person subject to

CRTA is fully briefed on the circumstances of the CRTA and the action that remains outstanding.

21. **Suspension from duty under the DFDA.** This direction regarding CRTA is separate from any considerations of whether an ADF member should be suspended from duty under section 98 of the DFDA. Importantly, section 98 does not include a power to suspend a Defence civilian from duty. While there are authorities under the DFDA to suspend ADF members from duty during the investigation phase or following the laying of charges, Commanders are to be aware that it may be highly impractical to suspend a deployed ADF member from duty until they have returned to Australia. Should a Commander consider that suspension from duty is warranted in a particular case, legal advice is to be sought from their force assigned ADF Legal officer or HQJOC J06.

22. **Considerations applicable to Defence civilians.** References E and F govern the basis on which Defence civilians are authorised to accompany the ADF on operations. Neither reference deals with matters relevant to the conduct of Defence civilians whilst so deployed. The DFDA and the Australian Public Service Code of Conduct are the appropriate mechanisms for dealing with substandard conduct by a Defence civilian on operations.

23. Similar to the situation with ADF members, CRTA action in relation to Defence civilians is to be considered separately from DFDA or Code of Conduct action, though one may lead to the other. Importantly, the decision to CRTA a Defence civilian will not constitute a termination of employment, re-assignment of duties or reduction in salary for the purposes of section 15(1) of the *Public Service Act 1999*. Similar to the situation with ADF members, the basis for CRTA of Defence civilians is that the continued deployment is either having a detrimental impact on operational effectiveness or is not otherwise in the interests of the ADF. CRTA action is not a punishment, but rather an essential consequential command action.

24. **Countervailing considerations.** In considering CRTA action, Commanders are to consider the following questions:

- a. Will the CRTA of the person result in a diminution in operational capability (i.e. are they irreplaceable)?
- b. In what timeframe could CRTA be affected, versus the operational need for the CRTA action to be undertaken?
- c. What effect is CRTA action likely to have on the individual concerned?

25. Commanders are to balance these considerations and recognise that although CRTA is not a punishment or administrative sanction, it may nevertheless have substantial consequences on the individual. Commanders must also recognise that CRTA action does not replace discipline or administrative measures and that these should be instituted as and when appropriate.

26. For some CRTA decisions, no suggestion of substandard behaviour can/will be attributed to the member, such as where interpersonal or cultural friction occurs with foreign military personnel. Commanders in these circumstances should consider whether the member can be re-assigned within the relevant theatre, or whether CRTA is the only reasonable action.

27. **Support.** Personnel are to be offered support in preparing their NTSC response. This can be through a Divisional Officer, 'soldier's friend' or 'airman/woman's friend'. While a

request can be made for the provision of legal assistance, such assistance will only be provided to a person if reasonably available. Delays in obtaining legal assistance should not ordinarily constitute grounds for extending NTSC timelines.

28. **Exceptional circumstances.** Where exceptional circumstances preclude the use of the NTSC process, Commanders may undertake CRTA action regardless. Commanders are to record their reasons for taking such CRTA decisions in the form of a Noting Brief to CJOPS.

29. **Post-RTA.** Where an ADF member has been the subject of CRTA action, the Commander is to provide the member with written orders indicating the member's time and place of next parade following their CRTA. Commanders are to ensure that copies of such orders are provided to HQJOC J1/4 Branch for on-forwarding to the mounting headquarters.

30. **Redress of Grievance.** Reference G sets out the principles and procedures by which ADF members may complain about decisions affecting their service. For this purposes of this Directive, only decisions by an Imposing Authority with respect to CRTA fall within the ambit of decisions amenable for complaint via Redress of Grievance for the purposes of reference G. Reference G does not require, and Commanders are not to permit, the suspension of CRTA action due to the submission of a Redress of Grievance in relation to a CRTA decision by an Imposing Authority.

31. An ADF member who has been the subject of CRTA action is entitled to lodge a Redress of Grievance with respect to that action on their return to Australia. ADF members who have been subject to CRTA action who wish to lodge a Redress of Grievance are required to address their Redress of Grievance to their home unit Commanding Officer for resolution pursuant to reference G.

Action by HQJOC

32. On receipt of notice that an ADF member or other deployed person has been the subject of CRTA, J1/4 Branch are to notify the mounting headquarters and the commanding officer of the member's home unit. Where the circumstances giving rise to the NTSC are the subject of disciplinary investigation, administrative inquiry or pending trial by service tribunal, J1/4 are to liaise with the mounting headquarters with respect to the point at which the ADF member is demounted from Joint Operations Command with a view to coordinating the future disposition of the matter.

Alignment of orders

33. Commanders are to ensure that orders, instructions and directives are reviewed and updated to include the requirements of this Directive. My POC for this directive is the Warrant Officer Joint Operations (WOJOPS).

Training

34. Services are requested to brief personnel attending Force Preparation Training and Mission Rehearsal Exercises on the contents of this Directive (most particularly paragraphs 7-12). Personnel undertaking RSO&I on an operation, exercise or major service activity under TCOMD CJOPS are to receive further instruction on the impact of this Directive.

Acknowledgement

35. You are to acknowledge receipt of this Directive in writing within seven days of receipt.



B.A. POWER

Lieutenant General
Chief of Joint Operations

Tel: (02) 6128 4000

Fax: (02) 6128 4020

Email: ash.power@defence.gov.au

(6 Oct 12

Annex:

A. Sample NTSC for CRTA

Distribution:

All CJTFs

All CCTFs

All COMASCs

For Information:

CDF

CN

CA

CAF

COMD 1 DIV

COMNORCOM

COMD 1JMOVGP

DCIM HQJOC Web Manager (Electronic Drop Copy Only)

SAMPLE NTSC FOR CRTA

(TG letter-head omitted)

**NOTICE TO SHOW CAUSE WHY COMPULSORY RETURN TO AUSTRALIA
SHOULD NOT BE ORDERED—8888888 CPL X, TG 633.XX**

References:

- A. CJOPS Directive 77/12 – Compulsory Return to Australia of personnel from operations, exercises and major activities
- B. ADFP 06.1.3—Guide to Administrative Decision Making

TO: 8888888 CPL X.X. XXX

1. It has been brought to my attention that your behaviour may have been of such a nature as to have made your continued deployment on OP XXXX/EX XXXX [delete as appropriate] untenable, as detailed below. You are invited to show cause:

- a. why I should not be satisfied that the facts and circumstances, as alleged, occurred; and
- b. why CJTF/CTF/COMASC/DCJOPS [delete as appropriate] should not decide to order your return to Australia prior to your currently scheduled re-deployment date of DD MMM YY.

2. **Allegation.** I am informed that an incident occurred where you demonstrated serious behaviour below the standard expected of ADF members, which has brought into question your ability to continue to serve on this deployment. This detail of this behaviour is evidenced by the enclosed [insert evidence relied upon].

3. Subject to what you may say in response to this notice, your alleged conduct may have demonstrated that you are unable to achieve the standard of behaviour expected of ADF members on deployment. As a result, your deployment on OP XXXX/EX XXXX [delete as appropriate] may no longer be tenable.

Material to be considered by CJTF/CTF/COMASC/DCJOPS [delete as appropriate]

4. In making a decision whether to order that you be compulsorily returned to Australia, CJTF/CTF/COMASC/DCJOPS [delete as appropriate] will consider:

- a. this notice to show cause;
- b. the enclosures included below;
- c. JTFXXX SI(PERS) XXXX, DI(G)PERS XXXX etc; and
- d. any reply and relevant material you wish to submit in response to this notice to show cause.

Period to submit a response to NTSC

5. You have 24 hours from the time this notice is delivered to you to show cause why CJTF/CTF/COMASC/DCJOPS [delete as appropriate] should not order your return to Australia. Your response is to be in writing, and any relevant evidence or other information that you wish CJTF/CTF/COMASC/DCJOPS [delete as appropriate] to consider is to be attached to your response. In your response, you may address the facts, conclusions to be drawn from them and what action, if any, the imposing officer should take.
6. Should you require an extension of time for submitting your response to me, you are to apply to me or my nominated representative, in writing, with the reason you are requesting an extension.

Assistance

7. In preparing your response you may seek support from a friend, Divisional Officer or a support officer can be appointed to assist. Where available, you may seek advice and guidance from a Legal Officer to support preparation of your response to this notice. While a request can be made for the provision of legal assistance, there is no right to such assistance being provided.

Conclusion

8. In the event that CJTF/CTF/COMASC/DCJOPS [delete as appropriate] decides to order that you are compulsorily returned to Australia, a copy of this notice together with your response will be placed permanently on your service personal history file and may be considered in future decisions relating to your career management.

Dated XX XXX XX

SIGNATURE BLOCK

Enclosure/s:

- 1.