



**NOTES FOR MEETING WITH LIEUTNANT GENERAL CAMPBELL AND MAJOR GENERAL SENGELMAN**

**TUESDAY 8 MARCH 2016 AT 5 PM**

These notes are based on an initial assessment of the information provided to me by Major General Sengelman in a meeting at 4 National Circuit Barton at 4 pm on Monday 29 February 2016 and the material handed to me at that meeting being a folder comprising the 12 documents listed in the attached Index.

**1. Identifying the problem or problems**

Special Operations Command was established in 2003 and fully operational in 2007. It is modelled on equivalent commands in the US and British militaries and includes a range of long standing special forces and special operations units with distinctive cultures and histories which go back to the 1940s.

The heart of the matters under consideration is dysfunction within the Special Operations Command which results in a range of unacceptable behaviours.

Dr Samantha Cromptvoets broke the dysfunction into two main elements in her draft Report dated February 2016, *Special Operations Command (SOCOMD) Culture and Interaction: perceptions, reputation and risk*. She said:

*The first was centred on accountability with regard to policy, process and governance failures. That is to say that there were (and arguably still are) a pattern of concerning practices that do not conform to the level of accountability and compliance required of a Defence unit or organisation. Loss of weapons, unacceptable WHS practices, poor audit results, injudicious and wasteful practices in resources management, less than transparent and/or compliant acquisition practices are but a few of the failures alluded to ...*

*Secondly, and more concerning was the emergence of yet another sotto voce accountability and trust factor around unacceptable behaviour ... It seemed in the main to allude to a disturbing pattern of unacceptable behaviour and practices committed by SOF personnel centred around alcohol and drug use, domestic violence, unsanctioned and illegal application of violence on operations, disregard for human life and dignity, and ultimately a perception, at times, of complete lack of accountability.<sup>1</sup>*

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<sup>1</sup> Page 27

Dr Crompvoets found that:

*... SOCOMD does not seem to "Command, Lead and Manage", and more crucially, impartially advocate on behalf of a whole of capability, based on the discipline of a well understood and coherent capability framework. The perceived lack of a coherently articulated or well understood SOF capability narrative is symptomatic of this void.<sup>2</sup>*

She concluded that three factors contributed to this finding about SOCOMD management:

*Firstly, the intense rivalry between the two dominant units within the command – SASR and 2CDO; secondly, the invisibility and disrespect experienced by SO enablers; and thirdly, the marketing and protecting of the SOF, or rather SASR, brand at the expense of "brand SF".<sup>3</sup>*

In our initial briefing, Major General Sengelman supported these observations and findings as do the documents provided to me.

He has noted that SOCOMD presently:

*... does not operate as a unified command but rather as a federation of units. This situation is made worse by the fact that collaboration between units within this federated arrangement is undermined by a "class" stratification base on unit affiliation and selection (ie some units are "more special" than others) and historically active competition a between SASR and 2CDO REGT in terms of role expansion/turf protection (ie bickering over role/mission)<sup>4</sup>.*

So, in short, there are three problems which arise one way or another from the problems identified by Major General Sengelman and Dr Crompvoets:

- the first is accountability with regard to policy, process and governance failures
- the second is a disturbing pattern of unacceptable behaviour and practices committed by SOF personnel, and
- the third is the managerial dysfunction within SOCOMD following the merger of disparate units into one Command in 2007.

While these three problems share common causes, it is useful to think about their specific causes and the most likely solutions separately.

## **2. Analysing Management problems and Policy, process and governance failures**

These two problems overlap so they are included in this one section. The policy, process and governance failures are largely attributable to SOCOMD's previous management shortcomings.

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<sup>2</sup> Page 23

<sup>3</sup> Page 23

<sup>4</sup> Post-Activity Report, Special Operations Futures Summit, 28-30 April 2015, pages 1-2

There is not a great deal that can usefully be done about past lack of *accountability with regard to policy, process and governance failures* other than to learn from them and do what can be done to prevent them recurring in future.

On this point, one management problem stands out as being very difficult to fix. Special Forces undertake dangerous clandestine operations in small groups. They face life and death situations on the battlefield and the patrol commander is understandably their most important leader in these circumstances. The commander can become a warrior hero with huge informal influence and authority. If the patrol commander does not respect the chain of command and abide by Defence values, policies and procedures, other members are likely to follow his example.

If SOCOMD has or obtains sufficient evidence to take disciplinary or administrative action against an individual member for a particular offence or specific misconduct, then it should do so. However, that seems unlikely and, in any event, is not addressing the major problems.

In this regard, I note Major General Sengelman invited each and every SOF member to write to him personally to advise him of any unacceptable behaviours they had witnessed or conducted since joining the Command. This *approach was voluntary and drew strongly on the themes of trust, accountability, impact on reputation and the need to move forward* which seems to me to be the most suitable approach for him to adopt. He received a total of 209 letters but no evidence of criminal behaviour was presented.<sup>5</sup>

Dr Crompvoets supported this approach, saying *the narrative needs to focus on learning and improvement, not a witch-hunt for perpetrators, illegal conduct notwithstanding*. She also recorded that only one person who spoke to her described having witnessed events first hand. She said that *discussion in particular was fraught as the person describing it was undoubtedly deeply and profoundly affected by it*.<sup>6</sup>

As for the future, Major General Sengelman has taken a number of steps to bring SOCOMD into a more cohesive grouping of units with a shared vision and ethos. These steps address both policy process and governance issues as well as the management problems which are inextricably intertwined with them.

On the material I have considered so far, Major General Sengelman appears to be going about this management and policy, process and governance reform in an orderly and appropriate way. He has defined the problems, outlined his objectives, consulted widely and dealt firmly with some specific problems or personnel issues although there is obviously a great deal more work to be done.

He aims to remediate the serious endemic problems that are plaguing SOCOMD and build the future capability that SOCOMD needs to successfully undertake special operations missions. The proposed recalibration will address four thematic areas: governance, capability, force generation and culture.<sup>7</sup>

As to force generation, a SOCAUST submission to the Chief of Army's Senior Advisory Committee noted:

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<sup>5</sup> See paper *Commanding in adversity – modernising Special Operations Command*

<sup>6</sup> Email to Lieutenant General Campbell and Major General Sengelman sent 22 February 2016

<sup>7</sup> Email from Major General Sengelman to Lieutenant General Morrison sent 11 May 2015

*In attempting to undertake all these tasks it [SOHQ] has had to prioritise the immediate and urgent often at the expense of the important and long term. It is too flat and in capacity terms, too small for its purpose and the sustained tempo it oversees. This has perhaps been the most significant risk factor contributing to failures to identify, act and remediate the multiple transgressions of governance, accountability and behaviour witnessed over the last 2 years.<sup>8</sup>*

### 3. Analysing unacceptable behaviour and practices and appropriate responses

However, dealing with Dr Cromptvoets' *disturbing pattern of unacceptable behaviour and practices committed by SOF personnel* is, in some ways, more complicated and involves very high reputational risk.

During her research, she received a number of references to repeated issues of misconduct in SOF. This information is set out in detail in her supplementary paper entitled *Special Operations Command (SOCOMD) culture and interactions: Insights and reflection* dated January 2016. The specific allegations do not need to be repeated here. Suffice to say they include a wide range of serious unacceptable behaviour including *cover-ups of unlawful killing and other atrocities*.

Major General Sengelman accepts that there is some substance in these reports and he believes similar reports have been made about British and US Special Forces. He has made this assessment:

*Attitudes have developed over time that excellence on operations confers upon individuals a status where they no longer need to accord to accepted codes of conduct nor undertake tasks they view to be below this status. The consequences of this attitude over time have been a range of serious incidents that are no longer isolated but have become endemic. This is particularly the case for SASR.<sup>9</sup>*

However, Major General Sengelman noted that:



In my view, Major General Sengelman is correct in considering it is preferable that endemic misbehaviour be corrected on an organisational basis as the hoped for solution matches the size and scope of the problem.

This view is supported by the following considerations:

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<sup>8</sup> SOHQ/R23755273, paragraph 17

<sup>9</sup> Post-Activity Report, Special Operations Futures Summit, 28-30 April 2015, page 2

<sup>10</sup> See paper *Commanding in adversity – modernising Special Operations Command*, page 4

- there is no clear evidence of the alleged misbehaviour presently available to SCOAST that would be sufficient to take disciplinary, administrative or other action in respect of individual allegations
- while members have referred to this misconduct as being a matter of common knowledge, no one has claimed to have taken part in it or (subject to the one exception previously mentioned) observed it happening
- the most significant misconduct took place overseas in war zones some time ago which raises other evidentiary difficulties, and
- it is unlikely members would be prepared to testify against other, particularly more senior or influential SF members, given the Defence culture not to jack on your mates.

[REDACTED]

#### 4. Reputational risk

However, there is still the issue of reputational risk.

While the management shortcomings and policy, process and governance failures pose important reputational risks (mainly within government, the public service and military circles), the most significant reputational risk is associated with the unacceptable behaviour and practices of Special Forces, particularly SASR, because of the public interest those allegations would attract.

In her Insights and Reflections paper, Dr Cromptvoets says:

*As stories trickle out, and they inevitably will, the legacy of SOF will perhaps no longer be the "fine capability" held in such high regard politically and internationally. Rather it will be a story about accountability, trust and blood lust that will stain the organisation for a long time to come.<sup>11</sup>*

While stories may trickle out in future as Dr Cromptvoets anticipates, her conclusion may be overstated given the list of previously published articles set out in Appendix 3. Overview of SOF in the media to her Special Operations Command (SOCOMD) Culture and Interaction: perceptions, reputation and risk report.

Nonetheless, Defence needs to be thoroughly prepared to deal with any media enquiries about SASR or SOF and to respond to any adverse reports published in future. That preparation would include having immediately available a clear statement of the steps SOCOMD is taking to reform the problems identified by Major General Sengelman and Dr Cromptvoets and an explanation of the reasons why some other actions (such as investigations and possible prosecutions) were not.

<sup>11</sup> Page 6

Defence will also need to establish a policy (if it does not already have one) on advising – or not advising – the subject of any enquiry about possibly adverse media interest (see, for example, document 9 in the folder provided to me).

## 5. Summary

It is a massive task to shift entrenched culture and behaviour in a large organisation. It will require dogged persistence and more very tough decisions that are likely to be strongly resisted and widely criticised, especially by the SASR diaspora.

The Special Operations Commander – Australia cannot do it without the unstinting endorsement and support of the Chief of Army, the Chief of the Defence Force and, one would hope, senior officers in all Services.

In summary, in the short time available and based on my briefing and what I have read, it is most important that:

- the Chief of the Defence Force is fully briefed on the problems discussed in these notes and the documents provided to me and the reputational risk involved
- the CDF is thoroughly apprised of the pros and cons of the different approaches that could be taken to deal with those problems
- the CDF considers and approves the remediation and reform program outlined by SOCAUST (including any changes or improvements he considers will enhance its chances of successful and lasting implementation), and
- CDF and senior officers across all the Services publicly support the Chief of Army and SOCAUST in carrying forward the approved remediation and reform program.



Robert Cornall AO

8 March 2016