



INSPECTOR-GENERAL OF THE AUSTRALIAN DEFENCE FORCE

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IGADF/ BN33699025

**DIRECTION TO ASSISTANTS IGADF  
IGADF OWN-INITIATIVE INQUIRY 01/21**

**To: Professor the Honourable Pru Goward**

**Introduction**

1. Pursuant to your appointment as an Assistant Inspector-General of the Australian Defence Force (IGADF) and Section 10 of the Inspector-General of the Australian Defence Force Regulation 2016 (the IGADF Regulation), I direct you to assist me in conducting an own-initiative inquiry into the implementation of military justice arrangements for dealing with sexual misconduct in the Australian Defence Force.
2. I direct **Captain Penny Campbell RAN** and **Corporal Justin Swan** to help you in the own-initiative inquiry.

**Background**

3. In 2011, Defence undertook a suite of cultural reviews following an incident at the Australian Defence Force Academy (ADFA) involving first year cadets that became known as the *ADFA Skype incident*. These included a *Review of the Management of Incidents and Complaints in Defence including Civil and Military jurisdiction* conducted by the former IGADF.
4. As a consequence Defence placed significant emphasis on ensuring appropriate policies and practices, to manage complaints of sexual misconduct, were introduced that were victim-focused and trauma-informed. Defence also established the Sexual Misconduct Prevention and Response Office to allow for restricted reporting of sexual misconduct.
5. Ten years have now elapsed and I have decided to review the implementation of military justice arrangements for dealing with sexual misconduct, particularly the effectiveness and fairness of such implementation in all environments where ADF members may be serving.

**Inquiry terms**

6. The Directions are enclosed.
7. If you become aware of additional matters which you believe should be examined as part of this inquiry, you are to seek further guidance from me.

## Recommendations

8. Pursuant to Section 10(4) of the IGADF Regulation, I authorise you to make recommendations arising from your findings.

## The Inquiry process

9. **Public or private.** Pursuant to Section 19 of the IGADF Regulation, I direct the inquiry be conducted in private.

10. **Documentation.** You are to prepare a report of your Inquiry.

11. **Gathering evidence.** You are to advise me in writing if you are unable to obtain information or evidence from any person whom you believe could give evidence relevant to the inquiry, including the reasons why you are unable to obtain the evidence from the person. Should you think it necessary, I authorise you to give a direction restricting disclosure of information contained in oral evidence, any part of a document received in the course of the inquiry, or information contained in a report about the inquiry that is given to a person under section 27 of the IGADF Regulation.

12. **Ethics approval for survey and focus group activities.** Where your inquiry seeks views, opinions, and experiences by survey or focus group, you are to confirm the need to seek ethical approval through the Defence People Research Low Risk Ethics Panel.

## Quality Assurance activities

13. In order to assist me in maintaining visibility and quality assurance of the Inquiry process, you are to undertake as a minimum the following activities:

- a. Provide an Inquiry plan to the Deputy IGADF within 14 days of receipt of these directions; and
- b. On completion of evidence gathering, arrange a meeting with me and Deputy IGADF to discuss preliminary findings, any procedural fairness requirements (unlikely in a scoping inquiry) and proposed report structure. This provides an early opportunity for the identification of broader strategic issues, legal complexities and areas potentially requiring additional evidence gathering.

## Procedural fairness

14. The need to provide any individual or agency with procedural fairness is unlikely in this Inquiry. However, if the draft report contains adverse findings or opinions in respect of particular individuals or agencies, procedural fairness is to be accorded, in writing. All procedural fairness letters are to be reviewed and agreed by Deputy IGADF prior to despatch.

15. On completion of the procedural fairness process, you are to consult with me and Deputy IGADF in relation to any new issues arising out of responses received, any additional evidence gathering requirements, and potential changes required to the draft report.

## The Report

16. All documents obtained for consideration and referred to in the report are to be saved in the relevant file in *Objective*.

17. The report is to be left justified, Calibri font and footnoted documents should include the relevant *Objective* number references.

18. **Findings.** The report is not to contain findings concerning the ultimate issue of whether any person has committed any service or civilian offence; nor is the draft report to contain the language of the criminal law to describe the conduct of any person where they have not been convicted of a criminal offence.


19. **Criminal or disciplinary investigation.** You are not to conduct a criminal or disciplinary investigation or to conclude that an offence has been committed by any person. Where the facts point to the likelihood that a criminal or service offence may have been committed and has not been subject of investigation, the circumstances are to be reported immediately to me to determine the future course of the Inquiry.

20. **Legal advice.** You are to seek legal advice from IGADF legal officers in respect of any proposed conclusions of law that you are required to make in accordance with these directions.

21. **Variation and guidance.** Any difficulties in complying with these directions are to be raised with me at the first available opportunity. Deficiencies in, or suggested amendments to, these directions are also to be raised with me for consideration—particularly if they relate to matters which may compromise the overall purpose of the inquiry.

22. **Progress reports.** You are to provide me with a monthly report detailing inquiry progress.

23. **Completion.** You are to present the draft report to me by 15 November 2021.



**JM Gaynor CSC**  
Inspector-General of the Australian Defence Force

29 July 2021

### Enclosure:

1. Direction to Assistant IGADF—IGADF Own-Initiative Inquiry 01/21



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**ENCLOSURE 1 TO  
IGADF/BN33699025  
DATED 29 JULY 2021**

**DIRECTION TO ASSISTANTS IGADF  
IGADF OWN-INTIATIVE INQUIRY 01/21**

**To: Professor the Honourable Pru Goward**

The purpose of this Inquiry is to consider the implementation of military justice arrangements for dealing with sexual misconduct in the Australian Defence Force, in particular the effectiveness and fairness of such arrangements.

You are to determine the key facts relevant to this matter and present them to me as a report. Specifically, you are directed to:

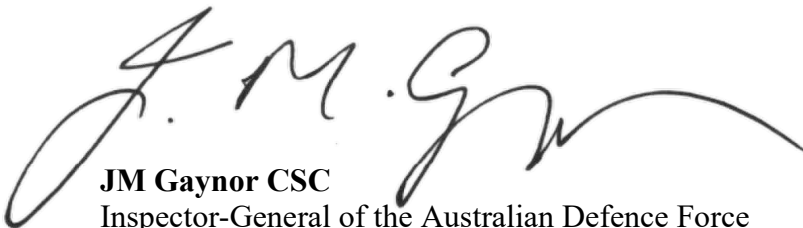
**DIRECTION 1**

Report on the implementation of sexual misconduct policy applicable to the Australian Defence Force. As part of your inquiries you may:

- a. review military justice audits, Defence 'Your Say' survey data and other available Defence data
- b. review complaints to IGADF that have included the application of the sexual misconduct policy
- c. seek views of the Chief of the Defence Force, Deputy Secretary Defence People, Vice Chief of the Defence Force, Chief of Joint Capabilities, Judge Advocate General, Deputy Service Chiefs, Director of Military Prosecutions, Head Sexual Misconduct Prevention and Response Office, Director of Defence Counsel Services; Provost-Marshal ADF and other relevant internal and external appointments
- d. survey a sample of ADF members
- e. conduct focus groups
- f. consider the effect of military justice policy for complainants, managers and respondents of sexual misconduct

**DIRECTION 2**

If necessary, make recommendations for how implementation of relevant military justice arrangements could be improved.



**JM Gaynor CSC**  
Inspector-General of the Australian Defence Force

29 July 2021

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