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AFGHANISTAN INQUIRY IMPLEMENTATION OVERSIGHT PANEL

~~(O)~~ REPORT NUMBER 10: QUARTERLY REPORT TO THE MINISTER FOR DEFENCE  
February 2023 – April 2023

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1. Key points

- ~~(O:S)~~ The Panel continues to have input into the *Audit of Special Operations Command Reforms*, Enterprise Initiative 23 of the Afghanistan Inquiry Reform Program. Professor Black commented on the measurement, monitoring and evaluation of SOCOMD’s culture reform programs in a meeting with audit officers, and the Panel discussed the audit’s outcomes and recommendations in a separate meeting with the Chief of Army.
- ~~(O:S)~~ The Panel strongly supports Enterprise Initiative 20 on *Preparedness* and Enterprise Initiative 61 on *Data Remediation* s47C  
improve the quality of the risk data available to assist government make better informed deployment decisions.

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- (O) The Panel reviewed the draft ADF-P-0 *Character in the Profession of Arms* and Professor Black contributed detailed comments as part of the editing process which were accepted by the Centre for Defence Leadership and Ethics.
- (O) Australian Defence College staff briefed the Panel on their intended approach to developing an assurance framework for the ADF's social mastery training and education. The Panel has no concerns about the proposed methodology.
- (O) The Panel will monitor the welfare support provided to individuals affected by the laying of charges and prosecutions arising from the IGADF Inquiry.
- (O:S) The Panel is advised that options to administer the payment of compensation for Afghan families s47C [REDACTED]
- (O:S) The Panel continued with its extensive program of consultation with government and other stakeholders. In particular, the Panel provided a briefing on its role and work to s45 [REDACTED]  
[REDACTED]  
[REDACTED]

## 2. Background

(O) Dr Vivienne Thom AM, Mr Robert Cornall AO and Professor Rufus Black were appointed as members of the Afghanistan Inquiry Implementation Oversight Panel in November 2020 shortly before the release of the IGADF Afghanistan Inquiry Report. The Panel provides independent oversight and assurance relating to Defence's response to the Afghanistan Inquiry and reports directly to the Minister for Defence. The Panel is required to report quarterly. This is the tenth report and covers the period 1 February 2023 to 30 April 2023.

## 3. Audit of SOCOMD Reforms

(O) Paragraph 15(d) of the Panel's Terms of Reference require the Panel to report to you about:

*The degree to which governance and cultural reform undertaken in ... Special Operations Command since 2015 has already addressed elements of the findings and recommendations of the Inquiry; by way of a holistic review of previous reforms and reports on reform that have already been completed, including advice on the efficacy of actions arising from these recommendations, particularly associated with systemic issues, and any outstanding actions from those reforms.*

(O:S) The Panel notes that the Afghanistan Inquiry Reform Program also includes Enterprise Initiative 23, *Audit of SOCOMD Reforms* which deals substantially with the same issues.

(O:S) In this quarter:

- the audit officers for EI23 met with Professor Rufus Black to discuss the measurement, monitoring and evaluation of SOCOMD's culture reform programs, and the potential for Army to consider new approaches to these tasks.
- the Panel met with the Chief of Army to discuss the draft EI23 audit outcomes and recommendations, and his intended response.

(P) The Panel agreed that the audit had identified the correct areas on which to focus, namely:

- s33(a)(ii) [REDACTED]  
[REDACTED]  
[REDACTED]

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(O:S) While it is disappointing that there have been incidents in the last six months that indicate undesirable behaviours still persist, the reporting and handling of these incidents demonstrated improved transparency and accountability.

(O:S) The draft audit report demonstrated that Army had ensured an appropriate level of independence in the conduct of this second line audit. s47C

#### 4. s47C Reform Initiatives: Preparedness Reporting and Data Remediation

(O:S) During this quarter, two Afghanistan Inquiry Reform Program initiatives s47C : EI20, *Preparedness* and EI61, *Data Remediation*. The Panel was briefed on both initiatives.

##### a. Preparedness

(P) On 17 March 2023, the Panel met with s47F , DG Force Exploration, and was briefed on progress with Enterprise Initiative 20. The Panel was impressed by the potential of this project to:

- s33(a)(ii)

(O:S) s47C improve the quality of risk data available to assist government make informed decisions.

(P) s33(a)(ii)

##### b. Data Remediation

(O:S) On 24 March 2023, the Panel met with Lieutenant General Greg Bilton, Chief of Joint Operations, and received a brief on progress with all initiatives under his leadership. Those initiatives included to ... *expedite the remediation of personnel and operational data, records and information for Operations conducted outside of Australia, applying priority as needed to fill information gaps.*

(P) The Panel notes CJOPS' recent success in completing s33(a)(ii) This is a significant milestone. It is to be hoped that valuable lessons from that activity will now be applied to s33(a)(ii)

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## 5. Enterprise Ethics Framework

(O:S) The Panel was briefed on the Enterprise Ethics Framework.

## 6. Development of Character and Command Doctrine

(O) In this quarter, the Panel was afforded the opportunity to review the draft ADF-P-0 *Character in the Profession of Arms*. Professor Rufus Black contributed detailed comments as part of the editing process. The changes made by the Centre for Defence Leadership and Ethics in response to his feedback effectively addressed Professor Black's earlier concerns and significantly improved the articulation of the doctrine.

(O:S) The Panel notes that the ADC has developed a first draft of three (of five) intended chapters of the ADF's new Command Doctrine. Significant work remains to be completed over the next six months to produce the final publication. The Panel looks forward to reviewing the outcomes of that process.

## 7. ADC Assurance Role

(O) The Panel met with Australian Defence College staff on 17 February 2023. We were briefed on their intended approach to developing an assurance framework for the ADF's social mastery training and education s47C

(O) The Panel has no concerns about the methodology described.

## 8. Welfare

(O) Paragraph 15(c) of the Panel's Terms of Reference require the Panel to report to you about whether appropriate welfare and legal support is being provided to persons affected by the Inquiry.

(O:S) With the laying of the first charge arising out of the Inquiry, the Panel requested an update on the support arrangements in place for individuals affected, including serving and former personnel and their families. The Panel noted that the support provided during the *Ben Roberts-Smith v Fairfax Media* defamation court proceedings had largely been provided by s33(a)(ii) . The Panel suggested s47C

(O:S) Defence advised the Panel that:

Serving ADF members involved in or impacted by war crimes criminal proceedings will be assisted by Defence and Army welfare support arrangements. They will be directly assisted s47C

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(O:S) The Panel intends to monitor this closely over the next six months and is also approaching the Department of Veterans' Affairs to inquire as to the arrangements for veterans.

## 9. Engaging with Government (Enterprise Initiative 36)

(O:S) The Panel met with Mr David Nockels, FAS People Policy and Culture, on 17 March 2023 to discuss progress with the learning and development initiative EI36, *Engaging with Government*.

(O:S) Recognising the breadth of training materials that his analysis already references, the Panel suggested:

- s47C [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

## 10. Compensation for Afghan families

(O:S) In our quarterly report dated 22 October 2022 the Panel recommended:

... s47C [REDACTED]

(O:S) At the time of writing this report, the Panel was advised that options are being developed by Defence. The Panel s47C [REDACTED]

## 11. Engagement with stakeholders

### a. Current and former Defence personnel, external government agencies and non-government stakeholders

(O) The Panel continues to meet with as many current and former Defence personnel, external government agencies and non-government stakeholders as practicable.

(O) In the period from February to April 2023 the Panel engaged with:

- Defence Integrity Division, Associate Secretary Group (3 February 2023)
- Afghanistan Inquiry Reform Task Force (3 February 2023)
- Australian Defence College (17 February 2023)
- Strategic Governance Army, Army Headquarters (16 March 2023)
- People Policy and Culture Division, Defence Personnel Group (17 March 2023)
- Force Design Division, ADF Headquarters (17 March 2023)
- Chief of Joint Operations (24 March 2023)
- s47F [REDACTED] – Bravery Trust (30 March 2023)
- Chief of Army (31 March 2023)
- Deputy Prime Minister (19 April 2023)
- Associate Secretary (21 April 2023).

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~~(O-S)~~ Further discussions are being arranged with:

- The Department of Veterans' Affairs about welfare arrangements for ex-serving members and families affected by war crimes charges and prosecutions
- Australian Defence College on the development of Command Doctrine
- Defence People Group about mitigation strategies for exceptionalism
- Special Operations Command
- Centre for Australian Army Leadership on the Army ethics training curriculum.

b. Other engagements: s45

~~(O-S)~~ On 28 February 2023 and 7 March 2023 the Panel met with s45

[Redacted]

~~(O-S)~~ s45

[Redacted]

[Redacted]

~~(O-S)~~ s45

[Redacted]

## 12. Future reports

~~(O-S)~~ The Panel will continue to report to the Minister quarterly in accordance with its terms of reference and raise other matters when dictated by circumstances or concerns.

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[Redacted]

Robert Cornall AO  
Member of the Afghanistan Inquiry Implementation Oversight Panel  
1 May 2023

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