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AFGHANISTAN INQUIRY IMPLEMENTATION OVERSIGHT PANEL

**(O) REPORT NUMBER 11: QUARTERLY REPORT TO THE MINISTER FOR DEFENCE
May 2023 – July 2023**

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1. Key Points

- ~~(O:S)~~ The Land Combat College has made significant progress this year to develop, trial and deliver new ethics training material across the breadth of Army's ab-initio and promotion course programs.
- ~~(O:S)~~ The improved incident management arrangements, which have arisen from the creation of a Joint Operations Command Sensitive Issues Management Cell, should improve response and accountability.
- ~~(O:S)~~ There is evidence of more considered planning to ensure the appropriate deployment of Special Forces.
- (O) The Department of Veteran's Affairs is prioritising contacts from veterans affected by service in Afghanistan, the IGADF Afghanistan Inquiry, and related court matters.
- s47C

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OFFICIAL: Sensitive**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 eleventh report and covers the period 1 May 2023 to 31 July 2023.

3. Army Ethics Curriculum and Training

(O) The Panel met with the Commandant of the Royal Military College Duntroon, Brigadier Jason Groat CSC DSM, staff from the Land Combat College and a representative from the Defence Special Operations Training and Education Centre on 4 July 2023 to discuss progress with aligning Army's ethics curriculum and training with the Defence Ethics Doctrine published in late 2022.

(O) The Land Combat College has made significant progress this year to develop, trial and deliver new ethics training material across the breadth of Army's ab-initio and promotion course programs. The initial material the Panel was able to review was consistent the Ethics Doctrine.

(O) The Panel is looking forward to reviewing further training material to understand the way the Ethics Doctrine is being implemented and the consistency of that material with it.

4. Meeting with Chief of Joint Operations

(O) On 5 July 2023, the Panel met with the Chief of Joint Operations, Lieutenant General Greg Bilton AO CSC, to discuss initiatives under his leadership within the Afghanistan Inquiry Reform Program and the current state of operational command culture in the ADF.

~~(O:S)~~ The Panel recognises the improved incident management arrangements which have arisen from the creation of a Joint Operations Command (JOC) Sensitive Issues Management (SIM) Cell, covering:

- improved accountability between the services and JOC, and consistency in the type and level of response from the Services, when incidents occur
- the inclusion of scenarios within exercises to test the management of Prescribed Serious Operational Incidents
- an additional capacity to focus on operational reporting analysis.

~~(O:S)~~ The Panel were provided with a number of examples over 2022 and 2023 where Special Forces had been considered s33(a)(ii) [redacted] for particular tasks, s33(a)(ii) [redacted]

[redacted]. The Panel commends the rigour in these planning processes s33(a)(ii) [redacted].

~~(O:S)~~ s33(a)(ii) [redacted]

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s33(a)(ii)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(O:S) s33(a)(ii)

[REDACTED]

[REDACTED]

[REDACTED]

(O:S) The Panel requested briefing on HQJOC's experience of applying the ADF's new respite waiver policy in practice, including how many waiver requests had been requested and the outcome of those requests. We were advised that because the policy applies only to warlike operations, no waiver requests had been made since the introduction of the policy in January 2023. We noted that the adequacy of the policy – in terms of its practical operation - will now likely remain untested by the Panel at the conclusion of our work in November and suggest that s47C [REDACTED].

(O:S) In respect of operational command culture, CJOPS described the detrimental impact COVID-19 had on the length of time ADF members were routinely on task and/or absent from home (for example, due to extended quarantine requirements and inability of ships to make port visits), which had resulted in an increased command focus across the ADF on respite and welfare issues.

(O:S) The Panel asked for CJOPS' view on whether ADF members generally had capacity to recognise and challenge orders they might consider unlawful, and whether he considered the command climate supported individuals speaking up under those circumstances. CJOPS emphasised the importance of commanders integrating legal officers into their decision-making. He briefed on the various avenues for the command climate to be routinely tested and for feedback to be received by the leadership team within his own headquarters. The Panel considers General Bilton is personally committed to these improvements and it will be important to ensure they continue after his appointment comes to an end next year.

5. Support to Veterans affected by OSI Investigations, and related matters

(O) On 14 July 2023, the Panel met with Ms Leanne Cameron, the Department of Veterans' Affairs First Assistant Secretary, Mental Health and Well Being Service, in relation to paragraph 15(c) of its Terms of Reference on:

Whether appropriate welfare .. support is being provided to persons affected by the Inquiry; including consideration of the support and services provided by the ex-service organisations and how these are complementary to, and integrated with, the services provided by both Defence and the Department of Veterans' Affairs.

(O) In a wide-ranging discussion on existing supports and anticipated support requirements for ex-serving members and their families, the Panel was briefed on:

- DVA's regular liaison with Defence to be proactively ready when Inquiry and OSI milestones occur

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- The inclusion of Afghanistan /Inquiry keyword recognition in its ITC systems to prioritise those contacts with the Department
- The benefits from establishing the Safezone 1800 anonymous counselling number
- Open Arms services including eligibility and processes for triage, prioritisation, allocation of coordinator client support case managers, use of crisis accommodation program, and expanded family support services
- Transition services including the Special Forces pilot which established a permanent DVA presence at Holsworthy and Campbell Barracks, the Chaplains pilot at Campbell Barracks, the introduction of veteran support officers (VSO) and pilot of an enhanced VSO program, the lived-experience peer team, and early notification from Defence for involuntary and medical separations
- Embedded DVA staff in welfare nodes during high profile legal proceedings, in collaboration with Defence
- Relevant interactions with ex-service organisations (ESO), and Special Forces ESO in particular
- Existing policy for the loss of income support payments on incarceration (unless redirected to a partner or for the care of a child).

(O:S) Ms Cameron indicated the Department has approximately 200 clients on record as identifying as affected by the Inquiry, to date. s45 [REDACTED]

(O) Ms Cameron also noted that new approaches have recently been proposed within DVA to s47C [REDACTED]

(O) The Panel appreciated Ms Cameron’s comprehensive and helpful briefing.

(O) The Panel is pursuing further enquiries with DVA Open Arms about the extent and level of services provided to former members of Defence and to the partners and children in the coming quarter.

6. Compensation for Afghan Families

s47C [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

OFFICIAL: Sensitive**7. Command Doctrine and Law of Armed Conflict Doctrine**

(O) During this quarter, the Australian Defence College provided the Panel with early drafts of Chapters 1, 2 and 3 of new ADF Command Doctrine, and then a more developed draft of the complete Doctrine. In addition, the Military Legal Service provide the Panel with a draft of updated ADF Law of Armed Conflict Doctrine.

(O) The Panel is satisfied that appropriate progress is being made on the content and anticipated delivery of both documents.

(O) The Panel observes the concept of command accountability articulated in the draft doctrines appropriately focuses on the responsibility a commander has for all of the conduct of people under their command, and the consequences they cause. The potential accountability of commanders for war crimes occurring under their command is specifically called out, including the commander's obligation to maintain an organisational environment that minimises the risk of war crimes occurring and to ensure that, if war crimes do occur and come to command's attention, they are addressed. The doctrine provides substantial guidance on sound decision making and management that will assist in providing the sort of command environment that will support sound ethical conduct by the ADF.

8. Military Working Dogs – Doctrine, Policy and Training

(O) The Panel met with staff from Land Capability Division, Army Headquarters on 4 July 2023 to discuss the doctrine, policy and training work that will flow from the issuing of CDF Directive 4/2023 on 29 March 2023, which included that

ADF MWD must not be used as a tool to elicit information from any captured person/s, or person/s under control during tactical questioning, or at any point that a person remains in custody

Those directing or employing ADF MWD teams are expected to apply sound military judgement so that ADF MWD employment is reasonable in all circumstances. Handlers are expected to ensure their use of ADF MWD is reasonable and necessary in the circumstances

Those directing or employing ADF MWD teams are expected to be cognisant of any cultural sensitivities in relation to the use of ADF MWD and, where circumstances allow, take active steps to minimise cultural sensitivity risks associated with such use

(O) The Panel notes that clear articulation of these principles is an important foundational step towards assuring the appropriate use of the ADF's military working dog capability.

(O) Over the longer term, the more challenging work still lies ahead. The Panel is satisfied that Defence has an acceptable plan in place to develop the doctrine, policy and training needed to implement the Directive (including a framework for exercise scenarios to test its practical application), but notes that the work has not yet progressed to a point where its overall adequacy can be assessed.

(O:S) The Panel suggests that future work should include s47C

[REDACTED]

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9. Engagement with Stakeholders – Special Operations Command, Command Council

(O) On 5 July 2023, the Panel spoke with s33(a)(ii) Special Operations Command Council (the officer and senior non-commissioned officer leadership team) about the Panel's work and observations of the Command since November 2020, inclusive of a question and answer session.

(O) Special Operations Commander Australia, Major General Paul Kenny DSC AM DSM, thanked the Panel for its collective insights and frankness which were a helpful and timely reminder the Panel's oversight work.

10. Engagement with 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 May to July 2023 the Panel engaged with:

- Chief of the Defence Force (3 July 2023)
- Head, Afghanistan Inquiry Implementation Task Force (3 July 2023)
- Commandant, Royal Military College Duntroon (4 July 2023)
- Chief of Staff, Land Capability Division, Army Headquarters (4 July 2023)
- Lead, s33(a)(ii) (4 July 2023)
- Special Operations Commander, Australia (4 July 2023)
- Special Operations Command, Command Council (5 July 2023)
- Chief of Joint Operations (5 July 2023)
- FAS Mental Health and Well Being Service, DVA (14 July 2023)
- Defence Chief Counsel (28 July 2023).

(O) Further discussions are being arranged with:

- Deputy Secretary Strategy, Policy and Industry on the s33(a)(ii)
- Australian Defence College on the development of Command Doctrine
- Defence People Group about mitigation strategies for exceptionalism and research into operational incentives, and the Defence Culture Blueprint program
- Special Air Service Regiment
- 2 Commando Regiment
- Special Operations Command external stakeholders
- Open Arms and Benefits Policy Branches in DVA.

11. Future Reports

(O) The Panel will provide the Minister with its next and final quarterly report on 1 November 2023, in accordance with its terms of reference, and will raise other matters when dictated by circumstances or concerns.

(O) The Panel will subsequently provide a final report covering observations on its full three years of oversight activity.

Dr Vivienne Thom AM
Lead, Afghanistan Inquiry Implementation Oversight Panel
1 August 2023

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**DIRECTIVE 07/2021
BY THE CHIEF OF THE DEFENCE FORCE**

TO ^{s22} MAJOR GENERAL A.J. HOCKING, CSC

**PREPARING FOR THE FUTURE: KEY ORGANISATIONAL LESSONS
FROM THE AFGHANISTAN CAMPAIGN**

REFERENCES

- A. *Afghanistan Inquiry Reform Plan*, Version 1.0, 26 May 2021.
- B. [*Lead the Way: Defence Transformation Strategy*](#)
- C. [*Human and Animal Research Manual*](#), October 2020

BACKGROUND

1. The Australian Defence Force (ADF) has been involved in the Afghanistan Campaign since 2001. There are numerous complete and ongoing bodies of work that document the campaign history and lessons at a range of levels.
2. Establishing a factual baseline, and consolidating organisational-level lessons within a whole of campaign context, will contribute to the ongoing development of the ADF as a lethal, capable, and dynamic military warfighting capability. It will ensure that the ADF is prepared for future operational demands.

PURPOSE

3. You are appointed to independently identify, consolidate, and report to the Chiefs of Service Committee (COSC) on ADF organisational-level lessons from operations in Afghanistan between 2001 to 2021.

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RESPONSIBILITIES AND GUIDANCE

4. The **objectives** of this study are to:
 - a. Prepare the ADF for future operational demands, by identifying core organisational learnings from the Afghanistan experience.
 - b. Stimulate focused, rapid, and ongoing learning at a range of levels during the course of the study, where appropriate.
 - c. Reinforce best practice for lessons learned within the ADF.
 - d. Ensure confidence in Defence's culture and practice of learning.
 - e. In accordance with Reference A, reinforce trust and confidence with government, non-government, and international partners; and most importantly with the Australian community we serve.
5. The **deliverables** of this study are to:
 - a. Through a literature review, and targeted engagement with current or former leaders and other relevant personnel, consolidate, prioritise, and report relevant aspects of the campaign history and organisational-level lessons.
 - b. Facilitate and stimulate organisational-level reflection and learning with Defence audiences, in relation to ADF operations in Afghanistan.
 - c. Triage lessons learned from ADF operations in Afghanistan, and determine optimal mechanisms for driving ongoing organisational training, education and improvement.
 - d. Evolve and model an organisational-level learning approach that might inform the development of an Enterprise Lessons Learned Framework, in accordance with Reference B.
6. As **additional guidance**, this study is to:
 - a. Gain ethics approval from the Defence People Research - Low Risk Ethics Panel, in accordance with HUMRESMAN (Reference C).
 - b. Write in plain, non-attributable, and constructive language that is informed by the past but focuses on preparing for the future of the ADF and Defence.
 - c. To maximise ongoing utility, seek to write and report at the lowest classification possible.
 - d. Avoid duplication with other ongoing work within Defence, through partnering with other stakeholders, leveraging existing work, and participating as an observer on Afghanistan Inquiry Reform Stream work where appropriate.
 - e. Avoid any approach that exacerbates inquiry stress or fatigue on stakeholders, and ensure appropriate welfare support is available to those engaged directly in discussions.

- f. Where appropriate, lessons should reference the structures, systems and directions or guidance (doctrine, policy, processes, etc) that direct, govern, guide and enable the way the ADF conducts operations and Defence works to achieve its mission.
- g. This study is solely of and regarding the performance of the ADF.

REPORTING

- 7. Whilst your work will be intellectually independent from other ongoing work on these matters within Defence, you are to provide me verbal progress updates on a monthly basis.
- 8. Your final document should be briefed to the COSC in November 2021 or at another date agreed by me, in a final draft-for-publication format.

ADMINISTRATION

- 9. You will be administered by Army Headquarters for any Service related matters.
- 10. A letter of support from me will be provided to you, to assist in leveraging personnel resources and expertise within or external to Defence. You should inform me if you require additional resources.

IMPLEMENTATION

- 11. This Directive is effective immediately and will remain extant until December 2021.
- 12. This Directive is sponsored by the Chief of Staff to the CDF. This Directive is to be reviewed by 1 November 2021 or if arrangements significantly change.

ACKNOWLEDGEMENT

- 13. You are to acknowledge receipt of this Directive by signing and returning Annex A within 14 days of issue.

s22

Angus J Campbell
General
Chief of the Defence Force

22 June 2021

Annex:

- A. Acknowledgement of CDF Directive 07/2021

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MAJGEN Hocking

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**ANNEX A TO
JOINT DIRECTIVE 07/2021
JUN 21**

ACKNOWLEDGEMENT OF JOINT DIRECTIVE

I acknowledge receipt of CDF Directive 07/2021 and will comply with the instructions detailed within.

s22

A.J. Hocking
Major General

22 June 21

Annex is to be submitted the Executive Support Unit s47E(d)

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