

**Private submission to the Senate's Foreign Affairs, Defence and Trade Legislation Committee in relation to the *Defence Legislation Amendment (Military Justice Enhancements, Inspector-General ADF Bill 2014)*.**

**Substance of submission in summary**

**A. Shortcomings of the Bill**

1. The proposed changes will not achieve their stated aims.
2. In its current form the role of the IGADF does not achieve the stated goals.
3. The position of IGADF, as presently structured, is open to abuse as there are no adequate safeguards to ensure the IGADF acts in an independent manner. For example, the IGADF personally selects the Inquiry Officers; in addition he chooses which questions they will consider (exclusively) and personally frames the wording of those questions. At the completion of the Inquiry he has sole right of rejection or acceptance of the Inquiry Officers findings.

**B. The failure of the Defence Inquiry system to meet its stated objectives**

4. A more serious problem is that Defence Inquiries, as they now stand, are an unnecessary and expensive drain of morale and resources. They are unnecessary because, whatever their genesis, there is now no requirement (either legally or practically) for the ADF to employ such an antiquated and convoluted system to 'fact find' in order to support either command decision making, or improvements in processes.
5. In addition, they produce what is arguably a more insidious problem for an effective Defence Force: a culture where Commanders at all levels feel unable to make timely decisions on the facts as they observe them.
6. If the results of Inquiries were such that incisive information was produced in a swift fashion, they may be a useful tool. However the opposite is true, with Inquiries, as a matter of course, taking than a year to finalise; costing an *average* of \$ 1.7 million; and rarely finding anything that was not either already known, or reasonably suspected, at the time of the event. This claim can be easily tested by the Committee by a comparison of the initial findings (Quick Assessments) with the final findings of the Inquiry. However, I caution the Committee to make their own Inquiries in this regard, rather than relying on the opinions of those who have an interest in maintaining and justifying the status quo.
7. Regularly, the process of the Inquiry causes addition problems over and above the original incident (see for example '*HMAS Success*').

**C. Alternate arrangements**

8. A more efficient process is both legally and practically possible, without major upheaval. Resource savings would be considerable.
9. I will elaborate my submission with examples of a number of Inquiries, if required.