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Senator Chris Back

Chair

Senate Foreign Affairs, Defence and Trade Legislation Committee

Department of the Senate

PO Box 6100

Parliament House

Canberra ACT 2600

Dear Senator Back

Defence Legislation Amendment (Military Justice Enhancements - Inspector-General ADF) Bill 2014

Thank you for the invitation to make a submission to the inquiry by the Foreign Affairs, Defence and Trade Legislation Committee inquiry into the *Defence Legislation Amendment (Military Justice Enhancements - Inspector-General ADF) Bill 2014* (the Bill). I am grateful for the opportunity to speak to the merits of this proposed legislation and its importance to the continuing path of cultural reform within the Australian Defence Force (ADF).

The committee will be aware that the ADF has faced challenges in the past with the reporting, management, investigation and resolution of incidents of unacceptable behaviour and other serious incidents. To continue to conduct successful global operations, deliver programs and services to sustain the health and welfare of our people and their families and to maintain our current capabilities and introduce our new weapon systems, the ADF needs systems to report and manage incidents, conduct inquiries, and deal with complaints in a manner that is fair, efficient and timely.

The Bill is a critical element of a series of reforms, directed by the Senior Leadership, aimed at improving current systems for incident reporting, fact finding and decision making within the ADF through greater simplicity and improved flexibility and accountability.

These reforms are intended to provide a system where ADF personnel can be confident that when they report an incident of unacceptable behaviour, or an incident or complaint of any other nature, it will be dealt with equitably and promptly, and that all personnel will be treated appropriately and with respect.

After consideration of a broad internal review of systems of inquiry, investigation, review and audit, the Senior Leadership has decided to implement a number of important reform measures which include the following:

- Revision of internal policy guidance to promote simplified and accountable decision making, removing unnecessary formality and complexity, in order to

- empower commanders to apply judgment, to manage risk, and to be accountable for their decisions.
- Moving towards a consolidated incident reporting policy, supported by an information technology solution, in order to reduce administrative burden and enhance enterprise-wide understanding.
 - Revision of fact finding guidance to reduce unnecessary formality and promote better coordination of investigation activities, so that matters can be addressed more cost-effectively and proportionate to their scale.
 - Enhance the Inspector-General ADF's independence from the ordinary chain of command in order to reinforce the integrity and credibility of this office.
 - Transfer responsibility for the investigation of Service-related deaths to the Inspector-General ADF, in order to provide a more independent and efficient means while assuring the government and the public that Defence is responding appropriately.
 - Consolidate the layers of the ADF redress of grievance process and transfer management of the process to the Inspector-General ADF to provide a quicker, more independent and expert mechanism for ADF members to seek formal review of decisions.

The Bill amends the *Defence Act 1903* to provide transparency, predictability and accountability in decision making affecting Australian Defence Force members by enhancing the role and the independence of the Inspector-General ADF and enabling regulatory reform of the Australian Defence Force's redress of grievance, investigation and inquiry practices. Consistent with this broader role, the Inspector-General ADF will be empowered in a similar manner to current Boards of Inquiry in terms of taking evidence from witnesses.

The outcome of these reforms will be:

- a simple and efficient administrative inquiry process that will be more responsive to requirements for timely administrative decision making;
- a fair and prompt Australian Defence Force Redress of Grievance system that appropriately balances a member's right to complain with the timeliness and certainty in decision making;
- a more timely and cost effective mechanism to address inquiries concerning Australian Defence Force deaths; and,
- improved oversight and prioritisation of matters with strategic implications for Defence.

I believe that these measures are an essential element of the continuing cultural reform of the ADF, to which I and the rest of the Senior Leadership are personally committed. Since its inception in 2003, the role of the Inspector-General ADF has been highly effective in the review, monitoring and improvement of the military justice system. I am confident that the measures under the Bill, to enhance the independence and expand the role of the Inspector-General ADF, will aid the Senior Leadership and ADF commanders to deliver fair, efficient and timely outcomes consistent with Defence's cultural intent: we are trusted to defend, proven to deliver, respectful always.

Yours sincerely

MD Binskin, AC
Air Chief Marshal
Chief of the Defence Force

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