



## **Australian Government**

### **Defence**

**Joint Standing Committee on Foreign Affairs Defence and Trade – Defence Subcommittee  
Inquiry into the Defence Annual Report 2021-22  
Statement to the Chair in Response to Submission 2 – Australian Centre for International Justice  
18 June 2023**

#### **Defence response to the Inspector General of the Australian Defence Force Afghanistan Inquiry**

1. Defence welcomes the opportunity to provide supplementary information to support the Joint Standing Committee on Foreign Affairs Defence and Trade’s inquiry into the Defence Annual Report 2021-22.
2. This statement, provided in conjunction with the detail outlined on page 95 of the Defence Annual Report 2021-22, relating to Defence’s response to the Inspector General of the Australian Defence Force (IGADF) Afghanistan Inquiry.
3. Defence notes the matters raised by the Australian Centre for International Justice (ACIJ) in their submission to the Committee’s Inquiry.
4. Defence is fully committed to addressing the findings and recommendations of the Afghanistan Inquiry report. As at 1 June 2023, Defence has implemented the required actions to close 105 of the 143 Afghanistan Inquiry recommendations.

#### **Afghanistan Inquiry Reform Program**

5. Released on 30 July 2021, the Afghanistan Inquiry Reform Plan sets out the Defence strategy for responding to the Afghanistan Inquiry. The Afghanistan Inquiry Reform Plan established the Afghanistan Inquiry Response Program (AIRP) to coordinate and drive this work. The AIRP is delivering on the following two objectives:
  - Objective One (address the past) is being delivered through three work packages:
    - Work Package 1 is addressing the 103 recommendations regarding individuals.
    - Work Package 2 gives consideration to additional workforce management action.
    - Work Package 3 is addressing the 15 recommendations regarding compensation.
  - Objective Two (prevent recurrence) will be delivered through a fourth work package.
    - Work Package 4 is focused on transformational reform through which 25 Inquiry recommendations are being addressed, and comprises five reform streams: Organisational Arrangements and Command Accountability, Culture, Workforce, Partnerships and Information.
6. It is important to note that work being delivered through the AIRP is not limited to, and goes beyond addressing, Afghanistan Inquiry recommendations. This has enabled Defence to consider and respond to the broader root causes of the matters identified in the Afghanistan Inquiry report. A full list of work completed and in progress is available on the ‘Defence Response’ page of the Afghanistan Inquiry website at: <https://www.defence.gov.au/about/reviews-inquiries/afghanistan-inquiry/defence-response>.

7. Defence collaborates, often discreetly and confidentially, with a range of external stakeholders to further drive meaningful reform. Leveraging these collaborations enhances the impact delivered through the AIRP by drawing on specialised expertise and capitalising on this knowledge to deliver deep and sustained reform.
8. The Afghanistan Inquiry Implementation Oversight Panel provides valued advice and observations on the Defence response through their quarterly reports to Government and direct engagements with Defence officials. Through an assessment of their reporting over time it is possible to observe how Defence has considered and responded to their advice.
9. In addition to the current proactive updates, engagement with applicable external stakeholders, and independent oversight arrangements, Defence intends to draft a final report into the AIRP and, to the greatest extent possible, make it publicly available upon finalisation of the AIRP.

### **Recommendations relating to Compensation**

10. The Afghanistan Inquiry report made 15 recommendations to pay compensation to alleged victims or their families where there is credible evidence involving allegations of property damage, assault and unlawful killing, without awaiting the establishment of criminal liability. This recommendation was based upon this being the morally right thing to do and not contingent on establishing criminal liability. The Australian Government has accepted the recommendation, but the challenge has been to implement this recommendation.
11. Defence is actively examining options to establish a mechanism to consider and make recommendations for compensation to individuals; notwithstanding the current geopolitical situation creates logistical and other barriers to make such payments. Defence has been working with the Department of Foreign Affairs and Trade, the Department of Finance, the Department of the Prime Minister and Cabinet and the Attorney-General's Department, among others, to explore options to give effect to the recommendations. Defence continues to work with Commonwealth agencies to explore options to give effect to the recommendations. Any final decision on a way forward will be a matter for the Australian Government.
12. Defence, via the AIRP, originally aimed to finalise the compensation recommendations by June 2021. Due to the complexities identified, progress against the recommendations remains ongoing. Defence continues to work on a mechanism for future resolution of the recommendations and anticipates this will occur towards the end of 2023.

### **Transparency**

13. Defence has always sought to be as transparent as possible about the Afghanistan Inquiry subject to legal, privacy, security and personnel welfare considerations.
14. One avenue to achieve this is the Defence Afghanistan Inquiry [website](#), which is regularly reviewed and updated. The information published and publicly available includes details of welfare support options for those who may be impacted by the Inquiry, copies of the redacted Afghanistan Inquiry report, details of Defence's response to the Inquiry's recommendations and answers to Frequently Asked Questions. Published information also includes translated versions of the Chief of the Defence Force's apology in Pashtu and Dari enabling Afghan national's access to this necessary and genuine apology.
15. There have been a number of assumptions and misunderstandings regarding the Afghanistan Inquiry report and subsequent work by Defence. The Defence Afghanistan Inquiry website has been utilised successfully to correct misinformation and inaccurate media reporting on various issues including administrative action and command accountability.

16. Defence acknowledges the concerns raised by the ACIJ and will continue to review the clarity of published information and its utility to those accessing it.
17. The Afghanistan Inquiry has been a challenging but necessary process. While holding Defence to account, it has also identified lessons for the future. Defence is fully committed to addressing the findings and recommendations of the Afghanistan Inquiry report and doing so as transparently as possible.