

**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES  
COMMITTEE INQUIRY INTO THE EFFECTIVENESS OF THE MILITARY  
JUSTICE SYSTEM**

**QUESTIONS ON NOTICE 2 August 2004**

**DCO SOPs**

**QUESTION 1**

**ACTION AREA: DGDCO**

Senator Johnston

Hansard: page 12, 13 and 14

Please provide copies of the Standard Procedures for dealing with families following a death and the requirements for the case management role.

**RESPONSE**

The following Defence Instructions are attached:

- DI(G) PERS 42-6 Defence Community Organisation support for next of kin of deceased member of the Australian Defence Force and the Australian Defence force Cadets.
- DI(G) PERS 11-2 Notification of service and Non-Australian Defence Force casualties
- DI(G) PERS 20-5 Funerals, Graves and Associated Matters
- ADF Pay & Conditions Manual Part 6 Chapter 9 -- Payment of Financial Entitlements on Death
- Health Bulletin No 12/2003 Critical Incident Mental Health Support Program

**ROG Statistics**

**QUESTION 2**

**ACTION AREA: DCRA**

Senator Payne and Senator Hutchins

Hansard: page 26 and 27

Please provide a breakdown of ROG Statistics including; service, rank, gender, nature of complaint, timescale and category for the last financial year.

**RESPONSE**

- Of 384 redresses lodged in units in Financial Year 2003/2004, 101 were from Navy complainants, 170 from Army and 113 from Air Force.
- 329 complainants were male and 55 were female (14.3%).
- 109 complainants were officers and 275 were not (71.6%)
- A table showing the other requested details for each service is attached.

## **ADR Awareness and Training**

### **QUESTION 3**

**ACTION AREA: DADRCM**

Senator Payne

Hansard: page 33

Please provide the amount of time provided for ADR training for officers taking up command and whether there is any refresher training.

### **RESPONSE**

The following training is provided to those officers and people taking up command.

- RAN – two and a half day training course in negotiation skills and half hour awareness presentation for the Commanding Officer and Executive Officer shore command course (not for those taking up sea command positions)
- RAN – half hour awareness brief to Maritime Surveillance Advisers posted to the Pacific region
- Army – no training provided by DADRCM
- RAAF – half day conflict management and awareness training for Commanding Officers
- RAAF – one day conflict management training to Administration Officers Course
  
- On one occasion recently, the Director has provided a one on one briefing that detailed the use of ADR within the ADO to Commander 1 Brigade (Brigadier Cantwell). He also chose to take up the option of completing an on-line negotiation skills course provided by a commercial service provider, through DADRCM.
  
- On request, the on-line negotiation skills course has also been provided to the Director General Navy Personnel and Training, and the Chief of Staff to the Maritime Commander, Australia.

There are currently no refresher courses provided.

## **ROG Process**

### **QUESTION 4**

**ACTION AREA: DCRA**

Senator Hutchins

Hansard: page 44

What process applies to a ROG which relates to the action of a Service Chief.

### **RESPONSE**

- Defence Force Regulations 1952, Part XV, *Redress of Grievances* (copy attached), provide that, in the first instance, a member who wishes to make a complaint must do so, in writing, to his or her commanding officer (CO). The CO must investigate the complaint and make a decision.
- The Defence Force Regulations further state that, if a member is not satisfied with the CO's decision, the member may refer the complaint to their Service Chief.
- If the member's complaint were against the action or decision of the Service Chief, the member's CO would still investigate the complaint in the first instance. The CO is required to determine whether there are grounds for the complaint, even if the CO does not have the authority to grant the redress sought, eg to overturn the decision.
- Neither the Defence Force Regulations nor Defence policy prevent the Service Chief from personally making a decision on a complaint against his own decision or actions. In practice, however, the Complaint Resolution Agency would have the matter reviewed by another officer who holds a delegation from the Service Chief to make decisions on redresses referred to the Service Chief.
- After a decision on a redress by an officer or warrant officer is made by a Service Chief or his delegate, the complainant may seek further review of the matter by the Chief of the Defence Force. All complainants also have the right to request review of the complaint by the Defence Force Ombudsman.
- It should be noted that there are very few complaints about decisions made by Service Chiefs. This is because a Service Chief is rarely the decision-maker on matters that lead to the submission of complaints, such as discharges, promotions, performance reporting or entitlements to conditions of service.