

Appendix 5

Chief of Defence Force Interim Directive to 8272694

**Colonel T.A. Grützner, AM Provost Marshal Australian
Defence Force**

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Chief of the Defence Force

CDF Directive No 09/2006

**CHIEF OF DEFENCE FORCE INTERIM DIRECTIVE
TO
8272694 COLONEL T.A. GRÜTZNER, AM
PROVOST MARSHAL AUSTRALIAN DEFENCE FORCE**

INTRODUCTION

1. You are appointed as the Provost Marshal Australian Defence Force (PM-ADF).

PURPOSE

2. The purpose of this document is to set out your specific responsibilities and accountabilities and to form the instrument against which your performance will be measured.

BACKGROUND

3. The Senate Foreign Affairs, Defence and Trade References Committee report '*The Effectiveness of Australia's Military Justice System*' dated 16 June 2005, made a number of recommendations for change to the administration of military justice in the ADF. Recommendations 4, 5 and 6 pertained to referral of offences, the capacity of the Service police to perform their investigative function, and an audit of current Service police staffing, equipment, training and resources.
4. The 5 October 2005 Government response to the Senate Committee Report, specifically recommendations 4, 5 and 6, noted that:
 - a. Recommendation 4: '*Defence will work to improve the management and effectiveness of the relationship between the military and civilian authorities on referral issues*'.
 - b. Recommendation 5: '*all Service Police will act upon accepted recommendations of the Ernst and Young Report, as appropriate to each Service*'.
 - c. Recommendation 6:
 - (i) '*The Government will conduct a tri-service audit of Service police to establish the best means for developing investigative capability*',
 - (ii) '*...Defence will establish a joint ADF investigation unit*', and
 - (ii) '*The new unit will be headed by a new ADF Provost Marshal outside single-Service chains of command*'.

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5. The audit of ADF investigative capability is underway (CDF Instrument of Appointment and Terms of Reference (TOR) dated 16 February 2006 refer). An interim report is required by 30 April and a final report by 30 July 2006. The accepted outcomes of this audit can be expected to inform the role/responsibilities of the PM-ADF, and the broader formation of aspects of the Service police investigation function.

6. Joint CDF and Sec Directive Number 18/2005, dated 7 October 2005, appoints Head Military Justice Implementation Team (HMJIT). He is responsible for ensuring:

- a. the completion of all implementation action in accordance with the Government response to the Senate report; and
- b. the completion of all implementation action in accordance with the Government or ADF responses to a number of previous inquiries or reviews (including the Ernst and Young Report).

ROLES AND RESPONSIBILITIES

7. Your initial role is to:

- a. Be responsible to CDF for the command and control of Service police investigations into specified Notifiable Incidents affecting the ADF in operational and non operational environments;
- b. Advise CDF on the investigative priorities and recommendations for the deployment and assignment of the ADF investigative force.
- c. Be responsible to CDF, through HMJIT, for implementation of the relevant aspects of the Government response to the Senate Report Recommendations 4-6, in accordance with the timeframes outlined in the Military Justice Implementation Plan dated November 2005;
- d. Be responsible to CDF, through HMJIT, for implementation of the relevant aspects of the Government or ADF responses to relevant previous inquiries or reviews, in accordance with the timeframes outlined in the Military Justice Implementation Plan dated November 2005 including:
 - (i) 1998 Commonwealth Ombudsman's *'Own Motion Investigation into how the ADF Responds to Allegations of Serious Incidents and Offences'*;
 - (ii) 1999 Joint Standing Committee on Foreign Affairs, Defence and Trade report *'Military Justice Procedures for the Australian Defence Force'*;
 - (iii) 2001 Joint Standing Committee on Foreign Affairs, Defence and Trade report *'Rough Justice? An Investigation into Allegations of Brutality in the Army's Parachute Battalion'*;
 - (iv) 2001 *'Report of an Inquiry into Military Justice in the Australian Defence Force'* conducted by Mr J.C.S. Burchett QC;

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- (v) 2004 Ernst & Young *Review of the Military Police Battalion Investigation Capability*; and
 - (vi) 2005 Joint Standing Committee on Foreign Affairs, Defence and Trade '*Report on the Effectiveness of Australia's Military Justice System*'.
- e. Be responsible to CDF, through HMJIT, for implementation of the relevant accepted outcomes of the audit of ADF investigative capability.
 - f. Manage assigned financial and non-financial resources in accordance with relevant Defence policy and Government legislation.

FINANCE AND ADMINISTRATION

8. The PM-ADF will be funded under CDF's budget. Financial and administrative support that you require is to be coordinated through HMJIT in the first instance and pending other support arrangements.

AUTHORISATIONS

9. You are authorised to:
- a. direct and task the Provosts Marshal Navy, Army and Air Force pursuant to your responsibilities as outlined at paragraph 7 above;
 - b. consult widely within Defence and with Government agencies -- in particular Federal, State and Territory Police Forces, pursuant to your responsibilities; and
 - c. expend allocated funds in accordance with requirements.

Reporting

10. The PM-ADF and Joint ADF Investigations Unit will reside with the MJIT in ADHQ initially and then in the VCDF Executive for administrative purposes.

11. You are to report to HMJIT in respect of implementation of the Government response to the Senate Committee report and relevant previous inquiries or reviews. In particular, all proposals for policy, process and resourcing in respect of your position, the proposed Joint ADF Investigation Unit and your relationship with existing Service Police capabilities, are to be staffed through HMJIT to ensure implementation action is in accordance with the Government response to the Senate Committee report.

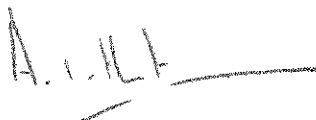
Amendment Authority

12. I will periodically review this Directive to take account of changes in priorities, ADF organisation, or other changes.

13. You are to review this Directive:
- a. by September 2006, in conjunction with HMJIT, to ensure that it reflects the agreed outcomes of the audit of ADF investigative capability;
 - b. by September 2007, in conjunction with HMJIT, and VCDF, to reflect necessary changes on completion of the two year timeframe for implementation of enhancements to the military justice system required by the Government response to the Senate Committee Report; and
 - c. at any time to reflect proposals for change as they arise.

Acknowledgement

14. This Directive is effective upon receipt. You are to acknowledge receipt of the directive by returning Annex A to my Staff Officer (Administration).



A.G. HOUSTON, AO, AFC
Air Chief Marshal
Chief of the Defence Force

14 May 2006

Annex:

- A. Colonel T.A. GRÜTZNER, AM 8272694 – CDF Directive 09/2006 Acknowledgement Advice

Distribution:

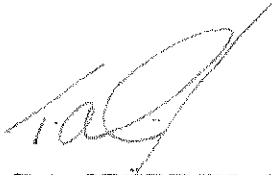
PM-ADF

For Information:

SEC
VCDF
CN
CA
CAF
DEPSEC CS
HMJIT
IGADF
IGD

Acknowledgement

I acknowledge receipt of CDF Interim Directive - Provost Marshal ADF (09/2006) and will comply with the directions contained within.



T.A. GRÜTZNER, AM
Colonel
Provost Marshal - ADF

15 May 2006