

Planned initiatives to achieve 43% reduction by 2030

ATTACHMENT A

FOI 789/22/23
Document 42
Attachment 1

Initiative	Detail	Modelled greenhouse gas emission reduction by 2030 (per annum)	Other Identified Benefits
Existing emission reduction initiatives	Initiatives put in place since 2005 delivering emissions reductions	438,594 tonnes	
Electric and Hybrid commercial vehicle fleet	Transition of commercial fleet at natural end of life to hybrid or electric vehicles which are fit for purpose	154,900 tonnes	Lower running and sustainment costs
Low emission fuel transition	Commercially viable drop in replacement fuels with low or zero emissions will gradually transition between now and 2050	30,500 tonnes	
Defence Renewable Energy and Energy Security Program	Emissions reduction per annum for projects completed and operational	1,778 tonnes	\$470,000 per annum reduction in energy costs
	Emissions reduction per annum for projects in delivery	9,600 tonnes	\$1,190,000 per annum reduction in energy costs
	Emissions reduction per annum for projects in design & procurement	31,600 tonnes	\$8,325,000 per annum reduction in energy costs
Retail energy contract review	Buy green energy from the grid	560,300 tonnes	Drive market investment into renewable energy
Carbon Sequestration trials	Develop base land use model and undertake dedicated land management practices to sequester carbon on Defence land.	45,000 tonnes	Biodiversity and habitat improvements
	Total emissions reduction per annum	1,272,272 tonnes ¹	

¹ These are modelled estimates and do not account for any significant increases in fuel use as a result of additional military operations and exercises

Defence Renewable Energy & Energy Security Program (DREESP) - Schedule

Completed & Operational	Project Type	Emissions			Savings (\$ p.a.)	Energy Security
		Solar Size (Megawatts)	Battery Size (Megawatt Hrs)	(tonnes carbon dioxide/yr)		
ADSCS Geraldton (WA)	Solar	1.26	N/A	1,470	\$ 137,000	s33(a)(i)
Yampi Sound Training Area (WA)	Solar + Battery	0.03	0.06	37	\$ 133,000	
Beecroft Air Weapons Range (NSW)	2x Solar + Battery	0.08	0.14	271	\$ 200,000	
Total		1.37	0.20	1,778	\$ 470,000	

Projects in Delivery	Project Type	Emissions			Savings (\$ p.a.)	Energy Security
		Solar Size (Megawatts)	Battery Size (Megawatt Hrs)	(tonnes carbon dioxide/yr)		
NT Power Purchase Agreement - Robertson Barracks & RAAF Darwin	Solar	14.00	N/A	8,100	\$ 540,000	s33(a)(i)
Harts Range (NT - JORN)	Solar + Battery	1.20	1.50	1,500	\$ 650,000	
Total		15.20	1.50	9,600	\$ 1,190,000	

Projects in Design & Procurement	Project Type	Emissions			Savings (\$ p.a.)	Energy Security
		Solar Size (Megawatts)	Battery Size (Megawatt Hrs)	(tonnes carbon dioxide/yr)		
NT Battery Energy Storage System - Robertson Barracks & RAAF Darwin	Battery	N/A	2.46	2,025	\$ 140,000	s33(a)(i)
Woomera (SA)	Solar + Battery	3.00	2.00	1,500	\$ 457,000	
Mulwala (NSW)	Solar	4.95	N/A	6,935	\$ 850,000	
RAAF Tindal (NT)	Solar + Battery	6.50	2.00	6,440	2160000	
Edinburgh (EDP)	Solar + Battery	30.00	15.00	14,700	\$ 4,718,000	
Total		44.45	21.46	31,600	\$ 8,325,000	

Key witness: Celia Perkins; Monique Hamilton; Dan Fankhauser

310 St Kilda Road

Handling Note:

- Celia Perkins, Deputy Secretary Security and Estate to lead.
- Monique Hamilton, First Assistant Secretary Service Delivery to lead on current or future works.
- Dan Fankhauser, First Assistant Secretary Infrastructure to lead on the development of Victoria Barracks, Melbourne.

Key Messages

- Defence completed initial preservation and site preparation works in December 2022 at a cost of \$4.7 million.
- Defence is refurbishing 310 St Kilda Road to create a conferencing centre for use by Defence and Defence related community organisations on a non-exclusive basis at a cost estimate of \$20 million.
- The project to refurbish the building has reached 30 per cent design phase and progressing to detailed design and costings, anticipated mid-2023.
- Defence will prioritise these refurbishment works in line with broader Defence priorities including outcomes from the Defence Strategic Review.

Talking Points

- Defence is progressing the refurbishment of 310 St Kilda Rd to provide a conferencing centre for Defence and Defence community organisations.
- Initial preservation and site preparation works were completed in December 2022 at a cost of \$4.7 million. These remediation works maintain the safety and security of the building and included delivery of the following:
 - mould remediation plus lead paint removal;
 - floor and covering remediation;
 - front façade repainting;
 - roof structures, guttering, tile and corrugated roof repair or replacement;
 - carpentry remediation and repairs;
 - ceiling and wall plaster repair or replacement;
 - building heritage cornices replacement; and
 - mechanical, electrical, concrete, brick, plumbing and dampness remediation works.

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Key witness: Celia Perkins; Monique Hamilton; Dan Fankhauser

- Upon completion of the 90 per cent design phase the project will be considered as part of the Estate Works Program prioritisation.
- Prior to commencing any works, Defence will follow established processes and notify the Parliamentary Standing Committee on Public Works of proposed works.
- Refurbishment works would create a mix of conferencing and flexible work spaces capable of accommodating small to large groups simultaneously. These facilities are much needed in the Melbourne Metro footprint with limited availability at both Victoria Barracks Melbourne and Defence Plaza Melbourne.
- Once refurbishment is complete, Defence related community groups would have use of the facilities on a non-exclusive basis.
- As 310 St Kilda Rd is located external to the security boundary of Victoria Barracks, it is more accessible for engagement with industry or Defence related community organisations.

Background

- 310 St Kilda Rd is a former military repatriation hospital on the site of Victoria Barracks Melbourne. It has been vacant since the mid 1990's and in May 2015 it was approved as surplus to Defence requirements.
- Between 2015 and 2021, Defence explored off-market sales opportunities in accordance with the Commonwealth Property Disposal Policy. Three unsuccessful attempts to achieve an off-market sale agreement occurred:
 - December 2016 – the Victorian Government offered to acquire the site subject to a number of conditions, including unrestricted use. Defence could not agree to the sale on those terms as the unrestricted use condition is contrary to the Commonwealth Property Disposal Policy which requires a 'Security of Purpose' condition, locking in a site's future use.
 - February 2019 – the Victorian Government confirmed they were not in a position to develop an off-market sale proposal consistent with the Commonwealth Property Disposal Policy, and the financial viability of the property was its main concern.
 - October 2021 – after protracted consideration, the City of Melbourne declined acquisition of the site, citing the significant capital investment required to refurbish the site.
- 310 St Kilda Rd was removed from the Defence Estate Divestment program in 2021 after the third unsuccessful divestment attempt.
- In June 2022, Melbourne-based architectural practice Lovell Chen completed a feasibility study which provided Defence with three options for the adaptive re-use of 310 St Kilda Rd for Defence purposes. Lovell Chen are specialists in heritage and conservation, particularly the adaptive re-use of heritage buildings.

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- The study identified re-use options compatible with the useable space in the building and an acceptable heritage outcome. The three options explored were:
 - Option 1 – An office environment – A single tenancy environment with open plan office spaces and meeting rooms.
 - Option 2 – A conference centre and space for Defence community – A dual tenancy option which provides space for both Defence, and Defence-related community group use.
 - Option 3 – Office, conference, and childcare – A triple tenancy option providing space for Defence and Defence-related community organisation use with the addition of a childcare facility, as well as basement and potential third story redevelopment.
- The costs provided by Lovell Chen were estimates only and relevant to the constructions costs at the time. Some of the identified works have either been delivered through the remediation works delivered or removed from future scope.
- These options have been assessed against the Defence Estate Strategy and other criteria to meet current and future Defence workforce needs and ensure heritage obligations are met, building standards and codes are met, and the building provides a functional multi-purpose space.
- Defence has developed a detailed business case based on the Lovell Chen feasibility study and has progressed in developing detailed design, scope and costings.
- The project will be considered through the Estate Works Program prioritisation process and programmed for delivery accordingly.

Site use by Defence-related community and Veterans organisations

- Defence has received informal requests for the use of 310 St Kilda Rd for the establishment of Department of Veterans Affairs, Defence Veterans and Families Hub in Melbourne.
- The Royal United Services Institute Victoria has also made representations to be provided space within the site, primarily to accommodate its library and to facilitate meetings.
- For the past seven years, the Australian National Veterans Arts Museum has lobbied extensively to acquire the site. Representations have occurred to current and former senior Australian Government officials, the Victorian Government, the City of Melbourne, and external agencies.
- Defence has previously advised Australian National Veterans Arts Museum that a transfer of the site for its exclusive use would be inconsistent with the Commonwealth Property Disposal Policy and that the site would require significant investment to refurbish the site for non-Defence use.

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- On 1 December 2022, Defence became aware of Australian National Veterans Arts Museum correspondence addressed to Mr Josh Burns MP, Member for Macnamara, dated 17 October 2022, which included a second Australian National Veterans Arts Museum proposal for the use of 310 St Kilda Rd. This advice proposes Australian National Veterans Arts Museum has exclusive use of the major portion of the building with Defence using the remainder. This proposal is not consistent with the Defence Estate Civil Use Policy and prevents the use of the facility by other Defence related community groups.
- Defence has assessed all proposals and sale offers to ensure consistency and compatibility with:
 - Commonwealth Property Disposal Policy;
 - Defence Estate Strategy 2016–36;
 - Defence Estate Civil Use Policy;
 - Victoria Barracks Melbourne Redevelopment Project; and
 - planned future Defence workforce growth and the organisational needs of units at Victoria Barracks Melbourne and the Melbourne region.

Supporting Information

Questions on Notice

Senate Estimates: 9 November 2022

- **QoN 51, 310 St Kilda Rd**, Senator David Van (Liberal, Victoria) asked to be provided with information regarding Defence's FOI request response history, as well as information pertaining to 310 St Kilda Rd, and office accommodation.

Freedom of Information (FOI) Requests

- On 29 September 2022, Senator David Van sought access under FOI to documentation relating to 310 St Kilda Rd. **Documents were released on 8 November 2022.**
- On 13 October 2022, Mr Keith Wolahan sought access under FOI to documentation relating to 310 St Kilda Rd. **Documents were released on 9 November 2022.**

Recent Ministerial Comments

- On 17 February 2022, the then Minister for Defence Industry issued a press release on the engagement of Lovell Chen. [Review to breathe new life into historic Melbourne Defence facility.](#)

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Relevant Media Reporting

- On 06 December 2022 Southbank News published an article titled [Feasibility study “does not respect the heritage” of 310 St Kilda Rd.](#) Journalist Sean Car covers the Australian National Veterans’ Arts Museum response to Lovell Chen’s feasibility study.
- On 05 October 2022 Southbank News published an article titled [“An insult to veterans”: Former repatriation clinic to be used for offices and meeting rooms.](#) Journalist Sean Car covers the Assistant Minister for Defence’s letter to Australian National Veterans’ Arts Museum.

Division:	Service Delivery Division	
PDR No:	SB23-000425	
Prepared by: Alex Muisen-Khoury, a/Assistant Secretary South East Zone, Security & Estate Group Ph: s22 Date: 3 April 2023	Cleared by Division Head: Monique Hamilton, First Assistant Secretary, Security & Estate Group Mob: s22 Ph: s47E(d) Date: 4 April 2023	
Consultation: Pat Sowry, Assistant Secretary Estate Planning Branch	Date: 3 April 2023 Mob: s22	
Cleared by CFO / DPG / DSR: N/A		
Cleared by Deputy Secretary: Celia Perkins, Deputy Secretary, Security and Estate	Date: 6 April 2023	

Questions on notice referred to within the brief:

Budget Estimates 9 November 2022

310 St Kilda Road

Senator David Van

Written Question

- How many times has the Department of Defence failed to deliver on its statutory requirements to respond to Freedom of Information requests?
- Defence has indicated it needs to use 310 St Kilda Road for meeting rooms and offices, in the context of the strategic requirements of the broader Victoria Barracks precinct;
 - Can Defence provide a copy of the scope for the current works underway?
 - What are the latest cost estimates for the refurbishment?

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- c) With the refurbishment and ongoing operational costs, what will the annual per square meter cost be for this building be?
 - d) What is the current per square meter rate for commercial office spaces in Melbourne?
 - e) Has Defence conducted analysis on the most cost-effective location for offices in Australia? If so can Defence provide this analysis?
3. Between Victoria Barracks Melbourne and Defence Plaza Melbourne, how many meeting rooms are there? What is the full time occupancy rate of these rooms?
 4. How many workstations are there at Victoria Barracks and Defence Plaza?
 5. How many workstations will be installed at 310 St Kilda Rd?

Answer

1. Defence processed 71 per cent of Freedom of Information requests in 2021-22 within the applicable statutory period, compared to the Australian Government average of 70 per cent.
2.
 - a) The scope of works for the initial preservation and site preparation works currently underway at 310 St Kilda Road is at Attachment A.
 - b) The cost estimate for the current refurbishment works to 310 St Kilda Road is \$4.7 million. Cost estimates for the adaptive re-use works will be subject to development of a proposed design.
 - c) These costs are unknown at this time as the design is not finalised and construction works not yet tendered.
 - d) The Whole of Australian Government property provider, Jones Lang LaSalle, has advised the current commercial market rates for office accommodation in the Melbourne Central Business District as follows:
 - Office accommodation over 2,000m2 Net Lettable Area is approximately \$607/m2, pa; and
 - Office accommodation under 2,000m2 Net Lettable Area is approximately \$599/m2, pa.
 - e) No. Defence regularly reviews its estate holdings to ensure that its disposition continues to meet the current and future capability needs of the Australian Defence Force.
3. Across both Victoria Barracks Melbourne and Defence Plaza Melbourne there are three conference rooms and 16 meeting rooms with 82 per cent utilisation on average.
4. There are 2,331 and 1,337 workstations at Victoria Barracks Melbourne and Defence Plaza Melbourne, respectively.
5. These numbers are unknown at this time as the design is not finalised.

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Key witnesses: Rear Admiral Wendy Malcolm; Greg Moriarty

Retired US navy personnel advising Defence

Handling Note:

- Rear Admiral Wendy Malcolm, acting Deputy Secretary Naval Shipbuilding and Sustainment, to lead.
- Greg Moriarty, Secretary of Defence, to support.

Key Messages

- The US and the UK are important allies to Australia and have considerable experience in complex shipbuilding programs, from both a government and industry perspective.
- We leverage this experience and expertise to support one of the nation's largest and most strategically important endeavours by selectively employing US and UK nationals through forums such as the Naval Shipbuilding Expert Advisory Panel, Submarine Advisory Committee and Independent Analysis Team.
- These forums provide expert advice that supports the Government's decision-making processes. That advice is confidential.
- The level of remuneration for individuals is entirely appropriate given their seniority and experience, and in recognition of the fact that they are providing advice on one of the nation's largest and most strategically important endeavours.
- Under Defence contracting arrangements, individuals are required to immediately disclose to the Commonwealth any activity which constitutes a conflict of interest.

Talking Points

Why do you pay retired United States Navy advisors and other Naval Shipbuilding Expert Advisory Panel members so much and is it value for money?

- Remuneration for these individuals is appropriate given their seniority and experience.
- For reasons of commercial sensitivity and privacy, the actual amounts paid to each individual member are not disclosed publicly.

What activities do the retired United States Navy personnel undertake for Defence?

- These personnel provide advice to the Government to inform decisions on our shipbuilding activities.
- These personnel are engaged in forums such as the Naval Shipbuilding Expert Advisory Panel, Submarine Advisory Committee and Independent Analysis Team.

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Key witnesses: Rear Admiral Wendy Malcolm; Greg Moriarty

What advice has been provided to the Government by retired United States Navy personnel?

- The advice provided by the panel to support the Government's decision making is presented to Cabinet and is therefore confidential.

Why have you engaged former United States Navy and United States Department of Defense personnel to advise on shipbuilding and submarines?

- The United States has personnel with extensive experience in shipbuilding and submarine programs.
- As the public might reasonably expect, we leverage this experience by selectively employing individuals, both former government officials and retired senior United States Navy officers.
- Panel members have a range of relevant experience in naval ship design and construction, shipbuilding, infrastructure, complex procurement, and national level project management that we are drawing upon.

Does the dominance of the Naval Shipbuilding Expert Advisory Panel by United States citizens reflect a US bias?

- No. Defence draws on a mix of expertise, including from US, UK and Australian nationals from government, industry and military backgrounds.
- The Panel currently has six members appointed, four of which are United States nationals. The other two members are British and Australian.

Are Naval Shipbuilding Expert Advisory Panel members advising and/or connected with the United States shipbuilding industry and does this represent a conflict of interest?

- Defence monitors all advisor engagements in line with our probity responsibilities.
- Defence ensures that all individuals have the appropriate security, confidentiality, and conflict of interest arrangements and obligations in place and that these are regularly reviewed.

Background

Advice to the Government provided by retired United States Navy personnel

- Advice to the Government supports the identification of emerging challenges, risks and opportunities, and helps inform decisions required to achieve capability outcomes.
- Advisors are not engaged in a decision-making capacity. The Government uses the advice to support its decision making.

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Remuneration of retired United States Navy personnel acting as advisors

- Individual consultancy rates are reflective of the level of expertise each member brings to their role on the panel. Each member has been engaged via an individual consultancy agreement.
- Members are remunerated for the actual time they spend forming and providing their advice – this is generally well below the contract ‘not to exceed amount’ published on AusTender.

Costs to Defence of Naval Shipbuilding Advisory Board and Naval Shipbuilding Expert Advisory Panel

- Total expenditure against Naval Shipbuilding Advisory Board member contracts for services and reimbursables between January 2017 and December 2020 was approximately \$6.0 million.
- Contracts for the six Naval Shipbuilding Expert Advisory Panel members are published on AusTender and reflect a total ‘not to exceed amount’ of \$5.81 million (including GST) over the life of the contracts, including services, reimbursables and Independent Analysis support.
- Expenditure against the six Naval Shipbuilding Expert Advisory Panel member contracts for services and reimbursables from 1 February 2021 to 31 March 2023 was approximately \$3.1 million (GST exclusive). This amount includes member activities to support the Shipbuilding Masterclass.

Supporting Information

Questions on Notice

Supplementary Budget Estimates: 15 February 2023

- **QoN 11, ADM Consultants**, Senator Jordon Steele-John (Greens, Western Australia) asked (as a follow up to the response tabled to QoN 12 from Budget Estimates on 9 November 2022) what Naval Shipbuilding Expert Advisory Panel members Vice Admiral William Hilarides United States Navy (Retd) and Rear Admiral Thomas Eccles United States Navy (Retd) (as well as Admiral Kirkland Donald United States Navy (Retd)) had been paid ‘up to this point’.

Budget Estimates: 9 November 2022

- **QoN 10, Paul Sullivan contract**, Senator Jordon Steele-John (Greens, Western Australia) asked to be provided with the contract value of Vice Admiral Paul Sullivan United States Navy (Retd) covering his time as a member of the Naval Shipbuilding Advisory Board.
- **QoN 12, former US government officials**, Senator Jordon Steele-John (Greens, Western Australia) asked to be provided with information on what advice Rear Admiral David Gale United States Navy (Retd) was providing to the Department as well as the contract

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values for Naval Shipbuilding Expert Advisory Panel members Vice Admiral William Hilarides United States Navy (Retd), Rear Admiral Thomas Eccles United States Navy (Retd), and former Submarine Advisory Committee member Admiral Kirkland Donald United States Navy (Retd).

Handling Note: This QoN, updated and tabled on 18 April 2023, corrected the value of contract values for Vice Admiral William Hilarides.

- **QoN 17, US retired Admirals declaration of other interests**, Senator David Shoebridge (Greens, New South Wales) asked whether any retired United States Admirals advising the Government had declared any interests in companies that build nuclear powered submarines.

Freedom of Information (FOI) Requests

- None.

Recent Ministerial Comments

- No recent comments.

Relevant Media Reporting

- **27 April 2023 – [Australia pays former US officials \\$7k a day for advice.](#)** The Sydney Morning Herald reports that various retired senior US military officers have been paid up to \$7500 a day for advice on major defence projects. The Herald reports that VADM Hilarides “would be hired to lead a snap review of the RAN’s surface fleet” and reports he had previously been paid “up to \$US1.6 million since 2016” and charged \$US4000 a day.
- **27 April 2023 – [Retired US admirals charging Australian taxpayers thousands of dollars per day as defence consultants.](#)** ABC News reports that several retired US military officers (including VADM Hilarides) were contracted by Defence as consultants and comments on their remuneration.
- **26 April 2023 – [Defence Strategic Review: US Admiral William Hilarides wins plum job reviewing Australian Fleet.](#)** The Australian reports that VADM Hilarides “won a lucrative Australian contract as the head of a review that will determine the future size and structure of the Royal Australian Navy”. The Australian further reports past remuneration for VADM Hilarides of \$US1.3 million since 2016 and charges of \$US4000 a day for consulting.
- **25 April 2023 – [Retired US Admiral who has previously advised Australia on shipbuilding to lead fresh review on navy’s warship fleet.](#)** ABC News reports that VADM Hilarides, Ms Huxtable and VADM Mayer will all conduct the analysis into the Navy surface Fleet and comments on VADM Hilarides’ remuneration.

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- **25 April 2023 – [Retired NSA director won lucrative consulting deals with Saudis, Japan.](#)**
The Washington Post reports on several retired US military officials who have provided consultancy services to foreign governments. The Post reports that VADM Hilarides is “the second-highest earner” (of this group) who, since 2016, has earned up to \$1.6 million from consulting contracts to the Government of Australia and reports he will be leading the independent analysis review.
- **7 March 2023 – [Former top U.S. admiral cashes in on nuclear sub deal with Australia.](#)**
Reporters Craig Whitlock and Nate Jones at the Washington Post published an article that focusses on former United States Navy officials consulting the Australian government on shipbuilding programs, the work of Admiral John Richardson United States Navy (Retd) and specifically mentions Naval Shipbuilding Expert Advisory Panel members Vice Admiral William Hilarides United States Navy (Retd) and Rear Admiral Thomas Eccles United States Navy (Retd) including their purported remuneration.
- **23 November 2022 – [Labor retains Coalition-appointed shipbuilding adviser on \\$9,000 for each day worked.](#)** Journalist Daniel Hurst at The Guardian published an article that focussed on work undertaken since the change of government by Professor Donald Winter, the Prime Minister’s Special Adviser on Naval Shipbuilding. The article is informed by a Freedom of Information request submitted to the Department of the Prime Minister and Cabinet and focuses on his remuneration and says that the Government wants the Naval Shipbuilding Expert Advisory Panel ‘to be the main external source of naval shipbuilding advice’.
- **2 November 2022 – [Undue Influence: Defence ‘a tangle of overlapping interests’.](#)**
Journalist Michelle Fahy at Pearls and Irritations wrote about the Commonwealth’s use of retired United States Navy personnel and questioned if their advice included the cancellation of the Attack Submarine Program and if this represented a conflict of interest.
- **31 October 2022 – [Documents reveal extent of former US military chiefs working for Australia.](#)** Reporter Charles Miranda at the Daily Telegraph published an article suggesting there are security and conflict of interest concerns related to retired United States Navy personnel advising the Government on shipbuilding programs.
- **25 October 2022 – [US Admirals driving AUKUS had conflict of interest: Washington Post.](#)** Reporter Mike Scrafton at Pearls and Irritations published an article that focussed on the use of retired United States Navy personnel and potential conflicts of interest.
- **24 October 2022 –** Crikey published an article titled, [Australia’s submarine debacle, and how the carousel keeps spinning for retired US Navy officials.](#) The article references the Washington Post article regarding the use of retired United States Navy personnel and potential conflicts of interest.
- **18 October 2022 – [Retired U.S. admirals advise Australia on deal for nuclear submarines \(mrt.com\).](#)** Reporters Craig Whitlock and Nate Jones at The Washington Post published an article that focussed on the engagement of retired United States personnel in support of shipbuilding and submarines.

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Division: Associate Secretary Group	
PDR No: SB23-000650	
Prepared by: Peter Coleman, A/g Assistant Secretary, Naval Shipbuilding Expert Advisory Panel Secretariat, Associate Secretary Group Mob: s22 Ph: s47E(d) Date: 18 May 2023	Cleared by Division Head: Matt Yannopoulos, Associate Secretary, Associate Secretary Group Mob: s22 Ph: s47E(d) Date: 18 May 2023
Consultation: Ms Stacie Hall, First Assistant Secretary, Naval Shipbuilding and Sustainment Enterprise Headquarters Date: 18 May 2023 Mob: s22 Ph: s47E(d)	
Ms Megan Lees, First Assistant Secretary Nuclear-Powered Submarines Taskforce Date: 16 May 2023 Mob: s22 Ph: s47E(d)	
Cleared by CFO: Tracey Mackrow Date: 18 May 2023	
Cleared by Associate Secretary: Matt Yannopoulos, Associate Secretary, Associate Secretary Group Date: 18 May 2023	

Questions on notice referred to within the brief:
Supplementary Budget Estimates 15 February 2023

ADM Consultants

Senator Jordon Steele John

Spoken Question

Senator STEELE-JOHN: In the answers you provided on notice in relation to Rear Admiral Thomas Eccles,

Vice Admiral William Hilarides and Admiral Kirkland Donald, the combined total of the payments made to those three individuals was some \$5.3 million. Can you confirm that was the answer you gave to us?

Mr Dalton: The response we gave you in that question on notice is the maximum amount they could be paid if they worked all of the days they were allowed to work under their contract, so their individual payments will be a total less than that sum.

Senator STEELE-JOHN: How much have they been paid to this point?

Mr Dalton: I'll take that on notice, Senator.

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Senator STEELE-JOHN: In that context, then, I'm very keen to know how much Admiral Richardson has been paid by the department to this point. What is the value of his contract—those 100 days over two years?

Vice Adm. Mead: I'll take that on notice, Senator.

Senator STEELE-JOHN: And what's the duration of the contract that former Admiral Richardson is under?

Vice Adm. Mead: I believe it's approximately two to three years, but I'll take that on notice.

Senator STEELE-JOHN: Given it is a structure to exceed no more than a certain period of time over a certain number of days, if you break it down, how much are we paying these individuals per hour for their advice?

Vice Adm. Mead: I'd have to take that on notice, Senator.

Answer

Admiral John Richardson USN (Retd) has provided advice to Department since November 2022. Admiral Richardson has been paid \$33,476.64 (excluding GST) as at 31 December 2022. Admiral Richardson is engaged on a 12-month contract. The contract includes two 12-month extension options at the Commonwealth's discretion.

Admiral Kirkland Donald USN (Retd) provided advice to the Department from December 2017 to 2022. Admiral Donald was paid \$297,319.97 (excluding GST).

Vice Admiral William Hilarides USN (Retd) has provided advice to Government since 2016. Vice Admiral Hilarides has been paid \$1,582,430.82 (including GST) as at 31 December 2022.

Rear Admiral Thomas Eccles USN (Retd) has provided advice to Government since 2016. Rear Admiral Eccles has been paid \$699,118.68 (including GST) as at 31 December 2022.

Individual payment rates for Admiral Richardson, Admiral Donald, Vice Admiral Hilarides and Rear Admiral Eccles are commercially sensitive.

Budget Estimates 9 November 2022

Paul Sullivan contract

Senator Jordon Steele-John

Spoken Question

Senator STEELE-JOHN: Thank you. I'll move to advice that the government has received around the partnership and the acquisition of the capability. My understanding is that Paul Sullivan, a retired vice admiral who, for a time, was hired as a submarine consultant after working at an American national security lab that conducts sensitive research projects for the US Navy, was employed by the department under a contract valued at about \$414,000 over a period of four years. Would you be able to confirm that? That's Vice Admiral Paul E Sullivan.

Vice Adm. Mead: I'll hand that question over to Mr Tony Dalton. I have not directly employed former vice admiral Paul Sullivan. He is working in the US. We do receive advice, and we have sought advice from our partners over the past 12 months, as you can imagine, Senator, but I've not actually employed Admiral Paul Sullivan.

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Key witnesses: Rear Admiral Wendy Malcolm; Greg Moriarty

Mr Dalton: I can confirm that Admiral Sullivan was a member of the Naval Shipbuilding Advisory Board. I can take on notice to get the periods during which he was a member of that board.

Senator STEELE-JOHN: And the figure of \$414,228 for his employment over the four-year period?

Mr Dalton: I'll take that on notice.

Senator STEELE-JOHN: Thank you. These are figures in the public domain, so, if you would be able to come back to the committee before the end of the day with that information, that'd be ideal. Would you be able to do that?

Answer

Vice Admiral Paul Sullivan USN (ret) was engaged as a member of the Naval Shipbuilding Advisory Board (NSAB) from 8 December 2016 until 30 December 2020.

The total not to exceed value of his contract (including services and reimbursables) over this period was \$550,242.00 (including GST).

Vice Admiral Sullivan resigned from the NSAB on 5 March 2020.

Budget Estimates 9 November 2022 Former United States government officials Senator Jordon Steele-John Spoken Question

Senator STEELE-JOHN: Thank you. Mr Dalton, Rear Admiral David Gale was on active duty before he submitted his paperwork to the Pentagon to be able to come and work for Australia. I believe he has been employed by the department to the tune of US\$222,000. I'm wondering whether you can confirm his employment status with the department. Mr Dalton: I'm not familiar with that particular case, but I will take it on notice.

Senator STEELE-JOHN: It's Rear Admiral David Gale. He was a consultant, and I believe is still a consultant, on the Future Frigate program. Then we've got a Mr Thomas Eccles, a former rear admiral of the United States who retired in 2013 and has served, I think, for the last five years or so as a consultant. What role does the former rear admiral serve with the department?

Mr Dalton: Admiral Eccles was one of the founding members of the Naval Shipbuilding Advisory Board, and his role has continued under the new Naval Shipbuilding Expert Advisory Panel.

Senator STEELE-JOHN: Thank you. Finally, there is Mr William Hilarides, a former vice-admiral who, I think, is currently in the role of member of the Australian Naval Shipbuilding Advisory Board.

Mr Dalton: I can confirm that Admiral Hilarides is a foundation member of the Naval Shipbuilding Advisory Board and he now chairs the Naval Shipbuilding Expert Advisory Panel.

Senator STEELE-JOHN: Again, the value of the contracts that we have had with—

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Key witnesses: Rear Admiral Wendy Malcolm; Greg Moriarty

Mr Moriarty: If I could, Admiral Hilarides has on a couple of occasions provided evidence to this committee.

Senator STEELE-JOHN: Yes, I am aware of that. If you can do that, it would be fantastic. Finally, in relation to former admiral Donald Kirkland, he was a member of the Australian Submarine Advisory Committee?

Mr Dalton: I can confirm that Admiral Kirkland was a member of the Australian Submarine Advisory Committee. He is no longer serving in that capacity.

Senator STEELE-JOHN: No, he is not. He was found to be—it was kind of made public that he was also acting at the time as chairman of the Huntington Ingalls Industries group, since 2020 I believe.

Mr Dalton: We were aware of his other roles; he had declared that. He wasn't involved in providing advice on aspects that touched on Huntington.

Senator STEELE-JOHN: He has stepped back from that position, as of April, because of a potential conflict of interest.

Mr Dalton: From the Submarine Advisory Committee?

Senator STEELE-JOHN: Yes.

Mr Dalton: Yes.

Senator STEELE-JOHN: Because of a potential conflict of interest.

Mr Dalton: With the expansion of the submarine program to include a nuclear powered submarine program in which Huntington Ingalls would have an interest. I will just reinforce, in his capacity as a member of the Submarine Advisory Committee he did not provide advice on nuclear powered submarines.

Senator STEELE-JOHN: I believe his contract was worth about US\$255,000, but can you take that on notice for me, as well.

Mr Dalton: Yes.

Senator STEELE-JOHN: Finally, can you give us an idea of whether there are any former members of the Navy currently advising Defence in relation to the AUKUS negotiations, other than the individuals I have listed?

Mr Dalton: I'm probably not best placed to talk about who is providing advice in relation to AUKUS, but I can certainly advise you about the members of the Naval Shipbuilding Expert Advisory Panel.

Senator STEELE-JOHN: Yes, you could, or someone else at the table.

Mr Moriarty: Senator, we will get you a list of all former members of the US Navy who are providing advice to Defence across any program.

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Key witnesses: Rear Admiral Wendy Malcolm; Greg Moriarty

Answer

Rear Admiral David Gale USN (Retd) provided advice to the Department over the period September 2016 to October 2018 in relation to the Hunter class frigate program and continuous naval shipbuilding.

Rear Admiral Thomas Eccles USN (Retd) has provided advice to Government since 2016 under a number of contracts. The total not to exceed value of Admiral Eccles' contracts (including services and reimbursables) for advice through the Naval Shipbuilding Advisory Board and Naval Shipbuilding Expert Advisory Panel over this period is \$1,214,105.75 (including GST).

Vice Admiral William Hilarides USN (Retd) has provided advice to Government since 2016 under a number of contracts. The total not to exceed value of Admiral Hilarides' contracts (including services and reimbursables) for advice through the Naval Shipbuilding Advisory Board and Naval Shipbuilding Expert Advisory Panel over this period is \$2,437,298.56 (including GST).

Admiral Kirkland Donald USN (Retd) provided advice to the Department over the period December 2017 to April 2022 in relation to the Collins and Attack class submarine programs. The total not to exceed value of Admiral Donald's contracts (including services and reimbursables) for advice through the Submarine Advisory Committee over this period was \$2,219,351.98 (excluding GST). Admiral Donald resigned with two years remaining on his final contract.

Former United States Navy officers currently providing advice to the Department:

Name	Advisory Capacity
Rear Admiral Thomas ECCLES	Naval Shipbuilding Expert Advisory Panel
Vice Admiral William HILARIDES	Naval Shipbuilding Expert Advisory Panel
Captain Vernon HUTTON	Development of nuclear mindset and supporting infrastructure and facilities.
Captain Kevin JONES	Development of the Nuclear Stewardship Framework.
Captain Matt KOSNAR	Provide advice on nuclear-powered submarine shipyards and infrastructure.
Admiral John RICHARDSON	Specialist advice on nuclear stewardship, workforce, and technical matters.
Commander Andy STEERE	Provide advice on nuclear-powered submarine shipyards and infrastructure.
Captain Bryan STILL	Provide advice on nuclear-powered submarine shipyards and infrastructure.

Budget Estimates 9 November 2022

United States retired Admirals declaration of other interests

Senator David Shoebridge

Spoken Question

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Key witnesses: Rear Admiral Wendy Malcolm; Greg Moriarty

Senator SHOEBRIDGE: Have any other of these retired US admirals had an interest in companies that build nuclear-powered submarines?

Mr Dalton: Not to my knowledge.

Senator SHOEBRIDGE: You say 'not to your knowledge'?

Mr Dalton: Yes, not to my knowledge.

Senator SHOEBRIDGE: Do you say, sitting there, that you have full knowledge of their disclosures?

Mr Dalton: I have not personally seen their declarations.

Senator SHOEBRIDGE: Would you take it on notice as to whether or not at any point they have an interest in any company that builds nuclear-powered submarines?

Mr Dalton: We will take that on notice.

Answer

Vice Admiral William Hilarides and Rear Admiral Thomas Eccles have not declared any interest in companies that build nuclear-powered submarines.

Vice Admiral Paul Sullivan, Rear Admiral Stephen Johnson, and Rear Admiral David Gale did not declare any interest in companies that build nuclear-powered submarines.

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First Nations Cultural Awareness

Handling Note: Justine Greig, Deputy Secretary Defence People, to lead.

Key Messages

- Defence ensures First Nations cultures, histories and peoples are recognised and considered in Defence decision-making.
- Defence's First Nations Reconciliation, inclusion and procurement strategies aim to improve employment and socio-economic outcomes for First Nations peoples, support cultural reform and directly enhance capability.
- Defence's next First Nations Approach, currently under development, provides Defence with an opportunity to more directly align Defence's First Nations agenda with the *National Agreement on Closing the Gap*.
- First Nations cultural awareness provides the opportunity to foster a more inclusive and culturally safe workplace in Defence and for Defence to be recognised and appreciated as an employer of choice for First Nations peoples.

Talking Points

- As a major Commonwealth department with a national footprint of bases and establishments across Australia, Defence is uniquely placed to contribute to the *National Agreement on Closing the Gap*.
- Defence's primary contributions to the *National Agreement on Closing the Gap* are through targeted First Nations employment and procurement pathways, along with community assistance through targeted exercises.
- Defence is proud of the contributions and achievements of past and present First Nations service members in defending Australia's national interests.
- Defence recognises the unique skillsets that First Nations people have long contributed to the defence of Australia—protecting Country— and Defence capability for well over a century.

Defence's First Nations Participation

- Defence continually works towards attracting, recruiting and retaining First Nations personnel across the ADF and APS.
- As at 1 May 2023, the Defence integrated workforce (APS and ADF; including Reservists, First Nations development programs and gap year participants) has surpassed the Commonwealth's First Nation Employment Participation Target of three per cent.
- As at 1 May 2023, Defence has a 3.2 per cent integrated First Nations participation rate:

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- 3.6 per cent Permanent First Nations ADF members, a 1 per cent increase since 1 May 2018 (2.6 per cent)
- 3.1 per cent Reserve First Nations ADF members, a 1 per cent increase since 1 May 2018 (2.1 per cent)
- 2.1 per cent Ongoing First Nations APS employees, a 0.1 per cent decrease since 1 May 2018 (2.2 per cent)
- In line with the development of Defence's next First Nations Approach, Defence has set a new First Nations Employment Participation Target of five per cent for Defence's integrated workforce to be achieved by 2025.
- First Nations Participation rates are captured through self-identification in Defence systems.
- Defence's Indigenous Participation rates are consistent with the Indigenous population across Australia, which currently sits at 3.2 per cent (based on the 2021 Census of Population and Housing).

Defence's First Nations Approach

- Following the end of Defence's fourth Reconciliation Action Plan (D-RAP) in December 2022, Defence has taken the opportunity to further elevate the voices of First Nations personnel by engaging directly on what's next; the Defence First Nations Approach.
 - Initial engagement with Defence personnel regarding the First Nations Approach was completed in March 2023.
- The First Nations Approach provides Defence with an opportunity to align directly to the *National Agreement on Closing the Gap*, noting the *National Agreement* was developed through deep consultation with First Nations communities and voices.
- Defence will remain engaged with Reconciliation Australia and the National Indigenous Australians Agency (NIAA) to ensure the approach aligns with the *National Agreement* and has a strong focus on Reconciliation.
- As we respect the time that genuine engagement takes, we are expecting to deliver a First Nations Approach in the second half of this year (2023).

If pressed: about Defence's position on the Aboriginal and Torres Strait Islander Voice Referendum

- Defence recognises that Government has supporting roles to set the environment for the 'yes' referendum campaigns, as well as supporting the Defence workforce through the referendum.
- Defence is committed to supporting our people, particularly First Nations people, during this time and upholding the impartiality of Defence.
- Defence personnel have a right to personal and political views, including on the referendum and proposed Voice to Parliament. This must however be balanced with the obligations of Defence employment and must remain apolitical.
- Defence recognises there are a diversity of views being expressed, which some may find distressing.

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- In May, the Secretary and CDF sent out a message to all Defence personnel reminding them of their obligations to the [Defence Values and Behaviours](#) in the lead-up to the Referendum.
 - The all-staff message provided details of support services available for personnel impacted by negative commentary and discourse around the Referendum. Defence's Indigenous Champions subsequently distributed communications to all Defence Senior Leaders reminding them of the need to support all personnel, particularly First Nations personnel, in the lead-up to the Referendum, given the impact of public commentary on many personnel.
- A comprehensive Intranet site has been developed to support personnel in the lead-up to the Referendum which includes details of support services available. These include:
 - The [Defence Employee Assistance Program \(EAP\)](#) (1300 687 327) and the [ADF Health & Wellbeing 'Fighting Fit' Portal](#).
 - The [Employee Assistance Program's dedicated First Nations Helpline](#) and 13YARN, the national support hotline.

Cultural awareness

- First Nations cultural awareness:
 - fosters a more inclusive and culturally safe workplace in Defence, which fully appreciates the unique skillsets that First Nations peoples bring to the Defence workforce;
 - supports reconciliation and contributes to the *National Agreement*;
 - enriches engagement with First Nations communities across Australia.
 - supports Defence being recognised and appreciated as an employer of choice for First Nations peoples.
- Defence's Indigenous Cultural Learning Portal is an online 'one-stop shop' to build cultural understanding, including knowledge of the diversity of First Nations peoples, their languages, histories and rich cultural traditions.
 - The Portal provides Defence personnel with access to a range of online courses, key policies, reports and websites, in addition to information on cultural immersion activities.
- Defence participates in the Jawun secondment program through which Defence personnel embed with First Nations leaders, organisations and communities to achieve personal development goals, while making meaningful contributions to the lives of First Nations people and their communities.
 - Jawun provides a unique cultural immersion experience for participants and is designed to increase their understanding, value and recognition of Indigenous cultures, histories and knowledge while enhancing their own existing leadership qualities.

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If asked: about whether the D-RAP has been audited by a First Nations community organisation

- Defence's previous D-RAP was developed in partnership with Defence Groups and Services, the Defence Aboriginal and Torres Strait Islander Network (DATSIN), the Defence Indigenous Champion, the Indigenous Cultural Advisory Group (ICAG) and an external Indigenous Cultural Advisor.
- In 2021, the Australian Human Rights Commission delivered its Indigenous Inclusivity in Defence report. As part of its development, extensive consultation was undertaken with First Nations communities, which was used to inform a comparative review of how Defence was tracking in relation to the D- RAP.
- The report was used to establish current and potential activities and initiatives in Defence, including the development of the First Nations Approach.
- Following the conclusion of the D-RAP in 2022, a national engagement process was undertaken with First Nations stakeholders to assess outstanding D-RAP deliverables and engage on a new approach.
- Ongoing engagement continues with First Nations personnel and other key stakeholders on Defence's First Nations approach.

Background

Outcomes of the Defence Reconciliation Action Plan 2019-2022

- The Defence [Reconciliation Action Plan 2019-2022](#) (the D-RAP) nominally ended in December 2022.
- Defence has successfully completed 42 of the 61 D-RAP actions (69 per cent).
 - One action will not be achieved.
- The 18 actions not met in the lifecycle of the D-RAP, will be assessed for potential incorporation into the First Nations Approach currently being developed.

First Nations Recruitment and Employment

- Defence has multiple pathways for First Nations peoples to join the ADF.
 - The Tri-Service Indigenous Pre-Recruit Program (IPRP) is a six week residential course for First Nations people focusing on boosting physical fitness, personal development and cultural appreciation.
 - Navy and Army both offer First Nations Development Programs for those who want to join the ADF but may be challenged by required reading, writing or fitness levels.
 - Air Force Indigenous Recruitment Pathways, which includes fitness, education and mentoring programs supported by TAFE courses, tertiary bridging initiatives and undergraduate study programs.
- Defence has a targeted Australian Defence Force Specialist Recruiting Team – Indigenous, who mentor First Nations candidates through each of the programs and engage with community leaders to promote the ADF as an employer of choice.

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- For civilian employment pathways, Defence supports the Indigenous APS pathways program, the Indigenous Graduate Pathway and the Indigenous Apprenticeship Program (IAP).
 - Defence manages the marketing and recruitment for the 12-month Australian Government Indigenous Graduate Pathway on behalf of other federal government agencies.
 - The IAP is a 12-month program that provides on-the-job training while working at the APS 2 or 3 level towards a nationally recognised Certificate IV or Diploma qualification.
 - Defence participates in the Indigenous Australian Government Development Program (IAGDP), an entry-level 12 month program employment program open to all Aboriginal and/or Torres Strait Islander people.
- Defence also regularly advertise positions under the APS Commissioner's Indigenous Affirmative Measure.

First Nations Retention

- Defence supports a range of programs aimed to enhance career development for First Nations personnel designed to develop leadership skills in a culturally safe and appropriate manner.
 - These include the Indigenous Development Employment Program (IDEP) and Emerging Indigenous Executive Leadership Program (EIELP) leadership programs.
- Defence has the Aboriginal and Torres Strait Islander Network (DATSIN) – an employee network which is a communication vehicle providing informal support to its members.
- First Nations employees have access to leave for cultural and ceremonial purposes, for example during NAIDOC Week.

Building cultural awareness into Defence policy, programs and strategy

- First Nations personnel have historically made, and continue to make a significant contribution to Defence capability through their unique skillsets, knowledge and perspectives.
- Defence has formal structures in place across the organisation to ensure we are listening to First Nations voices and are culturally informed:
 - The Indigenous Cultural Advisory Group (ICAG) is comprised of Group and Service First Nations personnel selected by their senior leaders, and provides strategic cultural advice and guidance.
 - : This ensures policies, strategies, projects and programs are appropriately developed, targeted and culturally appropriate while still remaining focused on Defence capability.
 - Service Elders guide their Services with cultural and strategic advice, mentoring and support, enhance cultural intelligence and enhance links with First Nations communities.

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- Army and Air Force have dedicated Indigenous Liaison Officer networks, which actively engage with First Nations communities and provide advice to leaders regarding cultural matters.
 - : Community Engagement and Liaison Officers perform this function for Navy.
- For over a decade, Defence has appointed an Indigenous Champion to advocate for greater outcomes for Aboriginal and Torres Strait Islander peoples, communities and businesses. The role enables an inclusive culture by providing visible leadership, support and advocacy for a range of Indigenous initiatives across Defence.
 - : The current Indigenous Champions are the Chief of Air Force and Deputy Secretary Security and Estate Group.

First Nations community assistance as part of Closing the Gap

- . The ADF provides community assistance to remote First Nations communities through Army's Aboriginal Community Assistance Programme (AACAP) and Air Force's Exercise Kummundoo.
- . AACAP is a housing, infrastructure and essential services program while Exercise Kummundoo is a health (predominantly dental) program delivered to remote communities. These activities aim to improve environmental health and living conditions in remote First Nations communities.

Defence's contribution to the Indigenous Procurement Policy

- . Defence continues to exceed Australian Government targets under the [Indigenous Procurement Policy \(IPP\)](#).
 - Defence has awarded over 6,438 contracts to First Nation businesses at a value of \$610 million for FY 20/21.
 - We exceeded the target for FY 2020/21 of 676 contracts at a value of \$110 million.
 - Defence was this year again awarded Supply Nation's Government Member of the Year Award for achievement in First Nations government procurement.

If pressed: about Dual-naming of Defence Bases and Buildings

- . Defence's conventions for the naming of major bases and establishments reflect the rich history and tradition of the Australian Defence Force.
- . As an initiative of the previous D-RAP, Defence commenced a project to recognise First Nations place names alongside the existing base name at 55 major bases and establishments. Throughout 2020 and 2021, Defence engaged with traditional owner groups to reach agreement on the First Nations name for the bases in each location.
- . In August 2021, following the impacts of COVID the decision was to not proceed with the dual-naming initiative and instead redirect efforts and resources to improve employment and procurement outcomes for First Nation Australians.

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- 'Recognition of Indigenous Place Names on the Defence Estate' project is proposed for inclusion in the next First Nations approach Defence is currently developing.

Supporting Information

Questions on Notice

Additional Estimates: 15 February 2023

- In QoN 1896, ADF's Reconciliation Action Plan, Senator Shoebridge (Australian Greens, New South Wales) asked whether Defence's Reconciliation Action Plan had been audited by any First Nations community organisations.

Freedom of Information (FOI) Requests

- None.

Recent Ministerial Comments

- DPM has made a number of recent comments in the media in support of the First Nations Voice to Parliament and Referendum.

Relevant Media Reporting

- There was some commentary around the 80th anniversary of the Torres Strait Islander Light Infantry Battalion, which occurred on 17 March 2023.
- In October, there was media commentary around supports available for First Nations personnel in Defence and cultural safety following evidence given during Royal Commission into Defence and Veteran Suicide hearings.

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Division: Culture and People Development Branch, People Policy and Culture Division	
PDR No: SB23-000655	
Prepared by: s47E(d) [redacted], Director Culture Strategy and Implementation, CPD Mob: s22 [redacted] Date: 23 May 2023	Cleared by Division Head: David Nockels, First Assistant Secretary People, Policy and Culture Mob: s22 [redacted] Date: 24 May 2023
Consultation: Army, Navy, RAAF, and Indigenous Champions	
Cleared by CFO / DPG / DSR: N/A	
Cleared by Deputy Secretary (or equivalent Band 3/3*): Date: 24 May 2023 Justine Greig, Deputy Secretary Defence People	

Questions on notice referred to within the brief:

Additional Estimates: 15 February 2023
QoN 1896: Defence Reconciliation Action Plan 2019-2022
Senator David Shoebridge

Question

Has the ADF's Reconciliation Action Plan been audited by a First Nations community organisation; if yes, which organisation; if not, why not.

Answer

Not yet tabled.

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Annex 1 – Navy’s First Nations Participation

- ***Navy Indigenous Advisor/Staff Officer Navy Indigenous Affairs***
 - The Navy Indigenous Advisor and Senior Officer Navy Indigenous Advisor positions provide advice to Navy Senior Leadership on First Nations community issues or opportunities to attract, recruit and retain First Nations members within Navy.
 - Based in Canberra, they are also engaged with other First Nations Service and Group teams in the creation of broader Defence First Nations policy and advice.
- ***Senior Navy Indigenous Champion/Senior Navy Indigenous Member***
 - The Senior Navy Indigenous Champion and Senior Navy Indigenous Member are ancillary positions who provide the National Indigenous Advisor and Senior Officer National Indigenous Advisor with messaging support at the Force Command and Senior Leadership level.
 - The Senior Navy Indigenous Champion is also the primary driver of the Navy Strategic Indigenous Foundations project.
- ***The Navy Indigenous Action Plan 2020-2023 (NIAP)***
 - The Navy Indigenous Action Plan is the first document created by Navy to marry the deliverables of the Defence Reconciliation Action Plan with actionable tasking and clear accountability for Navy Force and Unit Commands.
 - The Action Plan remains extant and will be updated following the release of the Defence First Nations Approach document.
- ***Regional Indigenous Development Coordinator Network***
 - The Regional Indigenous Development Coordinator (RIDC) network consists of six permanent, identified positions attached to HMAS Cairns, HMAS Cerberus, HMAS Coonawarra, HMAS Kuttabul, the Shoalhaven (HMAS Albatross/Creswell) and HMAS Stirling.
 - The RIDC’s are key drivers to culturally supportive and informed workplaces, assisting local Command and Divisional staff on pertinent policy and opportunities to provide culturally informed support to Indigenous members.
 - RIDC’s are also key to linking Navy to Traditional Elders, Communities and Organisations in each region.
- ***‘Navy Strategic Indigenous Foundations’ project***
 - During the previous Chief of Navy’s visit to Blue Mud Bay in Apr 2022, the site of the 2008 High Court of Australia decision granting Indigenous people sea rights, the previous Chief of Navy met with Aboriginal artist and influential Indigenous leader, Djambawa Marawili, OAM.
 - This meeting was the first step in developing a narrative that links the Royal Navy history to Indigenous maritime history.
 - This ongoing relationship and associated project builds a framework for the establishment and building of relationships between Individual Navy units and establishments and Traditional Owners, based on ceremonial home ports.

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- . ***Navy Indigenous Development Program Elders***
 - In recognition of the requirements to provide cultural safety and support, an Aunty and Uncle have been added to the Navy Indigenous Development Program staff from the beginning of 2022.
 - Aunty Fran and Uncle Phillip are former members of the RAN and have been employed under the General Mariner category for their involvement with the Navy Indigenous Development Program.
- . ***Navy Indigenous Cultural Performer***
 - The RAN Band has created two positions for Indigenous members who play traditional Indigenous instruments to join the band.
 - Both Indigenous members also provide insight and Indigenous cultural elements to the Navy band and ceremonial engagements.
 - The first member was engaged 2022.
- . ***Navy Indigenous Performance Group “Bungaree”***
 - Established in 2013 as part of the Royal Australian Navy’s International Fleet Review, Bungaree provides Navy the ability to showcase the Traditional Cultural heritage of its First Nations members at International, Defence related or First Nations community events of significance.
 - The cultural immersion camps attached to these performances also create important support networks and unofficial mentoring relationships between members.

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Annex 2 – Army’s First Nations Participation

- . **Army - Full-time Force**
 - First Nations Australians comprise 3.8% of the full-time force.
 - Army has had notable success in achieving Indigenous participation since the commencement of Specialist Recruiting Teams Indigenous (2014) and Indigenous pathways programs, such as Army Indigenous Development Program (2016), resulting in a bow-wave of First Nations members rising through the junior ranks at more than 5% of their cohort.
- . **Army - Part-time Force**
 - First Nations Australians comprise 4.4% of the part-time force.
 - Army has achieved high levels of First Nations participation in the Regional Force Surveillance Units (RFSUs) including, NORFORCE, 51 Far North Queensland Regiment and the Pilbara Regiment.
 - These units have long-standing and deep connections to the areas in which they operate and recruit from these same areas.
- . **Army Officers**
 - First Nations participation rates remain notably low among the officers: 0.8% for full-time officers (compared to 4.7% of Other Ranks) and 1.1% for part-time officers (compared to 5.3% of Other Ranks).
 - Increasing the number of commissioned First Nations officers is a priority for Army.
 - In 2023, Army assembled a team of First Nations Officers and Non-Commissioned Officers to design targeted initiatives to encourage First Nations commissioning, both in-service and ab initio.
- . **The Defence First Nations Approach**
 - Army supports the development of Defence’s First Nations Approach.
 - Army personnel have participated in the initial engagement, which was completed in March 2023.
 - Integrated within this process, Army is developing its own future initiatives, to be nested within the Approach as an Army First Nations Strategy.
- . **Army Cultural Awareness and Learning**
 - Army has had some notable successes in developing the culturally intelligent leadership at the unit level. Some Army units have made prominent contributions to ‘Closing the Gap’ through mutually beneficial relationships with partners in the First Nations Community. Three notable examples include:
 - : The Proud Warrior Program developed by 2nd Cavalry Regiment in partnership with the Townsville First Nations community, which has achieved impressive outcomes creating positive behaviour among disengaged First Nations youth.
 - : Partnership between 1st Combat Engineer Regiment (1CER) and Arafura Swamp Rangers Corporation in Ramingining and Yirralka Rangers in Yirrkala, Eastern Arnhem Land. Through two-week long collaborations in 2021-2022 1CER has assisted rangers on a range of capacity building projects.

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: Partnership between 1st Battalion Royal Australian Regiment (1RAR) and Gudjada Rangers in Townsville. 1RAR has collaborated with rangers connected to local traditional owners in Townsville, to tag turtles and share knowledge of bush-craft.

. ***Regional Force Surveillance Unit - NORFORCE***

- 51 Far North Queensland Regiment and the Pilbara Regiment maintain a high level of cultural intelligence within their Areas of Operation.
- This is built upon high rates of First Nations participation and long-standing connections to First Nations communities in their areas of operation.
- Regional Force Surveillance Unit's maintain proud traditions of shared service and defence of country dating back to World War 2.
 - : A notable example, highlighted in this brief is C Company, 51 Far North Queensland Regiment, which commemorated the 80th Anniversary of the Torres Strait Light Infantry Battalion in 2023 – an antecedent unit whose traditions it proudly maintains.

. ***Army Cultural Learning Strategy***

- Building upon successful cultural learning at the unit level, Army is currently supporting Army's First Nations leaders to develop a Cultural Learning Strategy.
- The Strategy is being developed as a systematic learning continuum that will give every member in Army the opportunity to conduct cultural immersion and deliberately practice cultural intelligence throughout their career.
- The Strategy is led by the Army Elder, Aunty Lorraine Hatton OAM and the Army Indigenous Cultural Advisory Board. It is intended to sit alongside and enable Army's future First Nations Strategy.
- It will be launched in 2024.

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Annex 3 – Air Force’s First Nations Participation

- . ***The Air Force Strategy 2017-2027***
 - The Air Force Strategy 2017-2027 outlines a set of strategic change vectors that shapes how Air Force is transforming to a fifth generation force over the next decade and beyond, including First Nations participation.
- . ***Our Place, Our Skies Strategy***
 - Our Place, Our Skies Strategy recognises the unique position held by Aboriginal and Torres Strait Islanders as Australia’s First Peoples. The strategy has been updated to ensure Air Force’s approach is respectful of the world views of Australia’s First Peoples, and increases understanding of connections to people and place, history and culture, spirit and belonging.
- . ***The Senior Indigenous Leadership Circle***
 - The Senior Indigenous Leadership Circle is Air Force’s principle cultural advisory group comprising the Air Force Elder and a selected range of Aboriginal and/or Torres Strait Islanders who hold key Indigenous Affairs positions within Air Force.
- . ***Air Force Indigenous Elder***
 - The appointment of Aunty Deborah Booker, Aunty Deb, as the second Air Force Indigenous Elder, continues our recognition of the proud history of service provided by Aboriginal and Torres Strait Islander peoples and the value that we place on the Elder’s contribution to inclusion and reconciliation.
- . ***Exercise Kummundoo***
 - Exercise Kummundoo is an Air Force Community Engagement program that delivers Health Services to rural and remote Aboriginal and Torres Strait Islander communities.
 - Exercise Kummundoo is organised in consultation with the National Aboriginal Community Controlled Health Organisation (NACCHO) under a five year Memorandum of Understanding between the Air Force and NACCHO.
- . ***Community Engagement***
 - Air Force participates in cultural immersion and community engagement activities with local Indigenous groups and Elders through cultural walks, tours and education sessions. Recent and upcoming events include:
 - : Bush Tucker morning tea, including Smoking Ceremony and Welcome to Country on 26 May 2023 (RAAF Base Darwin),
 - : Smoking and Dance Ceremony at the Murrook Cultural Heritage and Education Centre on 1 June 2023 (RAAF Base Williamstown), and
 - : Stolen Generation guest speaker on 5 June 2023 (RAAF Base Townsville).
 - : Bush tucker and cultural understanding events in the Canberra region on Ngunnawal country throughout 2023 presented to key leaders of the Air Force and Air Force Headquarters.

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Annex 4 – Indigenous Champions

. *The role of the Indigenous Champions*

- Defence's Indigenous Champions model was formalised in 2017.
 - : The current Defence's Indigenous Champions are Chief of Air Force, Air Marshal Robert Chipman, AM, CSC and Celia Perkins, Deputy Secretary Security and Estate Group.
 - : The Secretary and Chief of Defence Force endorsed the appointments of Ceilia Perkins in October 2021 and Air Marshal Robert Chipman in July 2022.
- Defence's Indigenous Champions advocate for First Nations participation within Defence and drive cultural awareness through Defence-specific and whole of Government initiatives. This includes:
 - : Promotion of First Nations procurement opportunities in Defence through the Commonwealth's IPP;
 - : Promotion of and encouragement of First Nations cultural awareness and inclusion throughout Defence (for example: e-learning and Ngunnawal language training);
 - : Representation on Whole-of-Government forums influencing First Nations employment strategies and policies;
 - : Raising the profile of and advocating for Defence's First Nations Approach.
 - : Promotion of Defence's contributions to the Government's *National Agreement on Closing the Gap*.

. *Closing the Gap Strategy*

- Defence is committed to the Whole of Australian Government 'Closing the Gap' strategy through recruiting and retaining Aboriginal and Torres Strait Islander men and women. We honour their service to this nation in times of peace and conflict. Defence recognises the unique skill sets, knowledge and perspectives that Aboriginal and Torres Strait Islander peoples bring to strengthen and enhance our capability.

. *Duntroon Yarning Circle*

- On 12 May 2023, the ADF Indigenous Champions (Chief of Air Force and Deputy Secretary Security and Estate Group) launched the Yarning Circle and Indigenous Garden within the existing Duntroon Gardens in order to support the intent of the Defence Reconciliation Action Plan 2019-22.
 - : The intent is to deliver a bush tucker garden and integrated yarning circle, facilitating engagement with Aboriginal and Torres Strait Islander peoples, and offering opportunities to local Aboriginal groups to use the facility for Cultural educational opportunities for Defence personnel.
 - : The chosen location, Duntroon Gardens, is a highly significant Defence heritage asset and is included on the Commonwealth Heritage List (CHL). Duntroon Gardens are maintained for their heritage values and used for high profile functions with Australian and foreign dignitaries and significant military events such as Army officer graduation ceremonies.

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- : The establishment of a bush tucker garden which encompasses a yarnning circle within Duntroon Gardens not only addresses a need and gives a prominent location but it also aligns with key RMC Duntroon Heritage Management Plans and Interpretation plans to assist with telling the story that Duntroon has an Indigenous past and is valued by the local Indigenous community.

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Recruitment and Retention

Handling Note: Justine Greig, Deputy Secretary Defence People, will lead.

Key Messages

- Defence is currently facing significant challenges to recruit, retain and grow its ADF and APS workforce.
- To remain competitive and an employer of choice, Defence is taking action to improve the benefits, opportunities and conditions it provides its workforce.
- As identified in the Defence Strategic Review, growth and retention of a highly-skilled Defence workforce is an immediate priority for the Government.
- As part of the 2023-24FY Budget, the Government has agreed to fund a continuation bonus for ADF personnel, and fund a review into Defence Housing Feasibility.
- The new Recruiting Services Contract with Adecco Australia enables Defence to fully update and refresh the current ADF recruiting system in order to achieve current and future workforce demand from the Navy, Army and Air Force.
- The ADF Employment Offer Modernisation Program commenced in 2019 and has introduced important changes to housing, leave and military salary. The next suite of initiatives aimed at improving ADF remuneration and conditions of service are planned for implementation from 25 May 2023 through to mid-2024.
- In October 2022, the Secretary and Chief of the Defence Force agreed to implement six initiatives for immediate action which include greater access to professional development, recognition of ADF higher duties allowance, travel policy allowance changes, expanded family health benefits, and an enterprise level employee value proposition framework.
- Defence continues to work with the Australian Public Service Commission to secure the best pay and conditions for APS employees.

Talking Points

- Defence is modernising and reflecting contemporary practices within its diverse workforces, including through pay and conditions, education, and ways of working.
- As we grow our defence capabilities Defence must achieve substantial growth in its workforce. Action is required to stabilise the current workforce and set the conditions for growth to achieve capability.
- The Government recognises that people are Defence's most important capability.

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- In response to the Defence Strategic Review, the Government has identified investment in growth and retention of a highly-skilled Defence workforce as an immediate priority
- The Government has agreed to the Defence Strategic Review's four recommendations relating to recruitment and retention:
 - Options will be developed to change Defence's recruitment framework to improve the eligibility pool of potential applications and to align service recruitment requirements to military employment, especially in key technical and specialist trades (cyber, engineering, space, etc.).
 - Options will be developed to change the policy and risk settings to improve the achievement of recruitment targets by 2024.
 - ADF personnel management will be centralised into a single integrated system that is headed by a Chief of Personnel, reporting directly to the Chief of the Defence Force; and
 - A comprehensive strategic review of the ADF Reserves, including consideration of the reintroduction of a Ready Reserve Scheme, will be conducted by 2025.
- As part of the 2023-24FY Budget, the Government has agreed to progress the following initiatives in support of workforce growth and retention:
 - An ADF Continuation Bonus – In response to the Defence Strategic Review, the Government is investing approximately \$395 million to establish a Continuation Bonus initiative. Australian Defence Force (ADF) personnel could be eligible for a \$50,000 bonus payment for ongoing service, as part of the Government's commitment to invest in the growth and retention of a highly-skilled Defence workforce. For more information refer to [SB23-000644](#).
 - A Defence Housing Feasibility Review – To consider the contemporary and future housing needs of Defence and ADF members, review policies relating to Defence residences and rental assistance against these needs, review current home ownership support benefits and policies and identify new opportunities to encourage and enable home ownership to ADF members. (\$2.0 million has been allocated in the 2023-24FY).
- The permanent ADF workforce has declined to 57,221, which decreased by 1,141 over the last 12 months.
- The ongoing APS workforce has increased to 18,085, which increased by 1,266 over the last 12 months.
- The permanent ADF 12 month rolling separation rate was 11.4 per cent, which increased from 11 per cent 12 months ago.
- The ongoing APS 12 month rolling separation rate was 12.4 per cent, which decreased from 12.7 per cent 12 months ago.

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- The ADF Employment Offer Modernisation Program commenced in October 2019 to ensure a contemporary and competitive offer to attract and retain the workforce needed to support capability.
- Important reforms from the ADF Employment Offer Modernisation Program have already been implemented including providing more flexibility in housing choices, increasing access to various forms of leave and modernising and simplifying ADF salary. The next suite of initiatives are planned for implementation from 25 May 2023 through to mid-2024. These include:
 - New Allowance Framework, called the Military Factor Framework (phased implementation from 25 May 2023).
 - New Categorisation Framework and a change to categorisation terminologies (effective 01 July 2023).
 - New Location Framework (effective 01 July 2023).
 - Additional 5 days Basic Recreation Leave (effective 01 July 2023) and flexibility in how members use their leave (rolling implementation from 01 July 2023).
 - To support any potential impacts from ADF Employment Offer Modernisation Program initiatives, the permanent trained force annual salary rates will be increased by \$2,000 (pro-rata for Reserves and Trainees).
- The Recruiting and Retention Tiger Team Final Report, delivered to the Secretary and Chief of the Defence Force in September 2022, provides a range of enterprise initiatives for consideration.
- In October 2022, the Secretary and Chief of the Defence Force agreed to implement six initiatives for immediate action that provide further support to APS and ADF serving members:
 - The expansion of the ADF Family Health Benefit, which increased reimbursable services and allowance for dependents and came into effect in December 2022.
 - Changes to Remote Locality Leave Travel, which included an additional trip home per year for those working in remote locations and came into effect in November 2022.
 - Changes to the Defence travel policy that made allowances more accessible, came into effect in October 2022 and has received significant positive feedback from Defence personnel.
 - The expansion of the Defence Assisted Study Scheme and Study Bank programs came into effect in late 2022 and are aimed at improving and increasing access to education opportunities and enable more of our people to undertake study. Further improvements are being made to increase program uptake and make it easier for people to apply. These additional benefits will begin to be realised from July 2023.

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- The revised ADF Higher Duties Allowance policy, which came into effect in February 2023, seeks to adequately compensate ADF members when they conduct higher duties.
- A clear APS and ADF Employee Value Proposition framework, to be introduced in 2023, will enable everyone to easily understand the value of working for Defence.
- The implementation costs for immediate actions for 2023-24 is estimated to be between \$100 and \$110 million.
- The retender of the current Recruiting Service contract has provided an opportunity for Defence to update and refresh the current ADF recruiting system to achieve current and future demand from the Navy, Army and Air Force.
- The new contract will better enable Defence to meet future growth for workforce transformation outlined in the 2020 Force Structure Plan and 2020 Defence Strategic Update.
- After a comprehensive contracting process the new recruiting service contract was signed with Adecco Australia on 21 October 2022.
 - Contract transition commenced in November 2022; and
 - new contract will be operational on 01 July 2023.
- The new arrangements will provide an opportunity to contract for a system to deliver 100 per cent of targets in 100 days (from application to letter of offer), supported by candidate-centric behaviours.

If pressed: What is Defence currently doing to address ADF recruiting achievement?

- Defence is implementing initiatives to increase recruiting outcomes in the short term. These include:
 - increasing candidate care and contact through the recruiting process;
 - increasing the number of events and engagements Defence Force Recruiting attends, particularly in schools, following a dramatic decrease in face-to-face engagements due to COVID-19;
 - maintaining the virtual engagements and processes that were effective through COVID-19; and
 - utilising an increased advertising budget across a variety of media channels, combined with campaign and targeted advertising, to explain how Defence's employment offer can address the contemporary needs of young Australians.
- Navy, Army and Air Force – who set the criteria for entry to their respective service – continue to review the nature of medical, aptitude, psychological and fitness standards, as well as background security checks, to ensure the widest pool of candidates can be considered for appointment or enlistment and subsequent training.

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- The Services are considering amendments to aspects of their employment offer – such as reductions to initial minimum periods of service – which might improve the propensity of individuals to consider a Defence career.

If pressed: What is Defence currently doing to address ADF separation rates?

- Retention is an ongoing focus, particularly for the middle ranks of the ADF: the Corporal, Sergeant, Captain, and Major equivalents with six to ten years of service experience.
- ADF members are provided with an employment package which consists of housing (including the Defence Home Ownership Assistance Scheme), remuneration (including superannuation), medical and dental care, and professional development opportunities.
 - The employment package also supports families which is an important factor in enabling our members to undertake their unique roles.
- The current ADF employment offer is comprehensive, however over time it has become overly complex and outdated making it difficult for members and their families to understand and for Defence to maintain and administer.
- The ADF Employment Offer Modernisation Program commenced in October 2019 to modernise and simplify the ADF employment offer with a focus on three streams of work based on member feedback - allowances, housing and categorisation.
- Through these work streams, numerous initiatives have been implemented from July 2019 to April 2022, including:
 - Improvements to housing flexibility and choice for ADF members with additional housing options now available.
 - The option of a flexible home location for members posted to sea, more housing choices in metropolitan areas, a flexible housing trial to support diverse family needs and an extension to the time to access a removal post transition.
 - Improvements to help support members and their families with additional and more flexible access to parental leave, easier access to carers leave, and more flexibility in how members access their long service leave.
 - The introduction of Military Salary, which combined four allowances—service, reserve, trainee and uniform allowances - into members' base salary.
- There are a number of service-level initiatives that contribute to Defence's overall recruiting and retention efforts. These initiatives vary in size and scope. They are designed to meet specific workforce sectors of the ADF.
 - Army are currently modernising career management to be simplified, streamlined and more responsive to Army personnel needs in the total workforce system.

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- The Navy has introduced a People Wellbeing Program that recognises resilience and positive mental health as critical enablers which support a modern Navy construct, for both current and former serving members.
 - The Air Force has offered targeted retention bonuses to growing ADF workforce sectors in high demand such as cyber, intelligence and ICT.
- As at 01 May 2023 Defence forecasts it will achieve 74.2 per cent of the 2022-23 ADF enlistment target.

Supporting Information

Questions on Notice

Budget Estimates Hearing: 9 November 2022

- **QoN 37, Review into recruitment and retention**, Senator David Fawcett (Liberal, South Australia) asked about the recruiting and retention team established in April 2022.
- **QoN 70, ADF Recruitment Review**, Senator David Fawcett (Liberal, South Australia) asked a series of questions on the ADF Recruitment Review.
- **QoN 77, PBS Recruiting and Retention Team**, Senator David Fawcett (Liberal, South Australia) asked a series of questions on the Portfolio Budget Submission Recruiting and Retention team.
- **QoN 80, Minister Keogh Speech HMAS Waterhen – retention**, Senator David Fawcett (Liberal, South Australia) asked a series of questions on Minister Keogh’s Speech on 3 September 2022.

Freedom of Information (FOI) Requests

- None.

Recent Ministerial Comments

- No recent comments.

Relevant Media Reporting

- On 15 December 2022, The Canberra Times published an article titled, [Is your APS boss a dud? Best, worst managers ranked](#). Journalist Harley Dennett stated the APS census revealed Defence officials had the least faith in the competence of their senior leaders in 2022.
- On 09 December 2022, The Advertiser published an article titled, [Push to fast-track visas for workers](#). Reporter Gabriel Polychronis undertook an in-depth report on options for a special “AUKUS Visa”, granting skilled defence workers from Britain and

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the United States quicker access to Australian working rights ahead of the nuclear-powered submarine build in Adelaide.

- On 09 December 2022, The Daily Telegraph published an article titled, [Our Future in Safe Hands](#). Gabriel Polychronis and Paul Starick co-wrote examined the rapidly evolving need to build a skilled workforce.
- On 09 December 2022, The Advertiser published an article titled, [Defending Australia](#). The article stated companies are scrambling to hire more than 10,000 skilled workers over the next 15 years to build the most complex submarines and warships.
- On 08 December 2022, The Advertiser published an article titled, [Generation Save Us](#). Journalists Gabriel Polychronis Paul Starick, posited the Defence Strategic Review is likely to create several new defence projects, giving rise to hi-tech job opportunities.
- On 05 December 2022, the Canberra Times published in the supplement Public Sector Informant, [Defence Jobs Australia glitch makes celebrity look like recruiter](#). This referred to a Twitter post technical error.
- On 04 December 2022, The Advertiser published an article titled, [Mission critical to close skill gap](#). It highlighted the dire skill-worker gap for the hi-tech defence industry.
- On 03 December 2022, The Advertiser published an article titled, [How you can help Australia in need](#). Australia is in the midst of a science, technology, engineering and mathematics skills shortage that is threatening to derail the Deputy Prime Minister's push to bolster defence capabilities.
- On 03 December 2022, The Advertiser published an article titled, [Sign up for the Future of Oz](#). Reported extensively on Australia's mission in overcoming an expansive skills gap imperilling the nation's defensive efforts.

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Division: Recruiting and Retention	
PDR No: SB23-000132	
Prepared by: Michael Howell, Assistant Secretary, Recruiting and Retention Mob: s22 Ph: s47E(d) Date: 5 April 2023	Cleared by Division Head: Rear Admiral Robert Plath, Head Recruiting and Retention Mob: s22 Ph: s47E(d) Date: 6 April 2023
Consultation: Fiona McSpeerin, Assistant Secretary, People Policy and Employment Conditions Brigadier Duncan Hayward, Director General - Defence Force Recruiting	Date: 5 April 2023 Mob: s22 Ph: s47E(d) Mob: s22 Ph: s47E(d)
Cleared by DSR: Alison West, A/FAS DSR Implementation	Date: 1 May 2023
Cleared by Deputy Secretary: David Nockels, Acting Deputy Secretary Defence People Group	Date: 11 April 2023

Questions on notice referred to within the brief:

**Budget Estimates 9 November 2022
Review into recruitment and retention
Senator David Fawcett**

Spoken Question

Senator FAWCETT: Can I go to Defence personnel, please? Can I go to the recruiting and retention team that was established in April 2022, and then in August star rank officers were appointed to lead that. What have they achieved to date, and are there any recommendations that they have brought forward that are being implemented by Defence?

Ms Greig: As you said, we established a dedicated recruiting and retention team to look at, in addition to current initiatives in terms of lifting our recruiting and retention performance, to look at what else Defence could do, both in terms of ADF and APS workforce. The team commenced by really looking at what was already there, because we did not want to duplicate what we were doing. I can talk in a moment on some of the key things that were already in train. Having looked across the total Defence enterprise, also looked externally on best practice, the team really focused on preparing some options that looked across the recruiting and retention continuum.

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Senator FAWCETT: Sorry, before you go on, you mentioned the team several times. Could you detail who is in the team and their backgrounds?

Ms Greig: It's a small team led by two two-star military officers and an SES band 1 officer, with a very small team underneath. The purpose is to have a small, effective team to do fairly in-depth, short, sharp review.

Senator FAWCETT: I'm trying to get my head around the fact that if we're trying to get best practice on recruiting, someone who has commanded a ship or a regiment or a FEG in the air force, for example, may not be Australia's best experts on that. Who did they reach out to seek that best industry experience or expertise in terms of recruiting and retention?

Ms Greig: You touched on recruitment. In terms of ADF recruitment, Defence Force recruiting, a lot of reforms are already occurring. The heavier focus is in terms of retention. That is the heavier focus. In terms of who they reached out to, certainly other government agencies. They also talked to a number of private sector companies that were looking at their employment value propositions. It's probably best to give you that on notice, but there was quite a lot of engagement very early on. In terms of the report that was completed, it is an internal report that was then socialised with a number of people across the enterprise to get views. There was also an assurance group, a collection of people to really contest some of the ideas in the report. The report ultimately was presented to the Chief of the Defence Force and the Secretary, and we are currently looking at what to prioritise out of that work. We have initiated five elements of the work as what we call quick wins that we could put in train quite easily and quite quickly to support not just ADF and APS members, but also there is an element supporting ADF families. The next steps is a matter of prioritisation and looking at where we will get the greatest impact, particularly in terms of ADF retention.

Senator FAWCETT: During the election campaign, the now government promised to initiate a review into recruitment and retention. Given the work you've already done, is that going ahead? Is it overlapping? What is the relationship between that election commitment and the work you've already been doing?

Ms Greig: On the work we had commenced prior, currently the advice that we've given is: let us keep going on this piece of work. That's not to say that an even larger independent review is not necessary. It may be necessary. That's the advice to date.

Senator FAWCETT: Has that been accepted?

Ms Greig: I'm just trying to think if there has been a formal—

Senator FAWCETT: You can take that on notice.

Ms Greig: Yes. That has been the advice given. I need to check in terms of the formal response.

Answer

During the Defence Recruiting and Retention review, Commonwealth agencies, international partners and key industry were consulted including:

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- Government: Australian Public Service Commission, Australian Taxation Office, Australian Signals Directorate, Department of Prime Minister and Cabinet, Services Australia, Department of Veterans' Affairs, ACT Government.
- International partners: UK Ministry for Defence, Canada Ministry of Defence.
- Industry: Defence Families Australia, Ernst and Young, McKinsey and Company, Kinexus, KPMG, PWC, Risk 2 Solution Group, Raise, RAND Australia, Synergy Group.

The Recruiting and Retention report recommends a range of initiatives for the Secretary and CDF to consider. The report was finalised on 9 September 2022 and provide to the Deputy Prime Minister and Minister for Defence Personnel.

Budget Estimates 9 November 2022

Review into recruitment and retention

Senator David Fawcett

Written Question

1. Are there going to be an ADF Recruitment Review?
2. That are the Terms of Reference of the Review from March vs October?
3. What are the reporting dates?
4. Will the Review cover:
 - a. Current recruitment and retention initiatives, including pay and conditions, and housing and health assistance.
 - b. The ADF Gap Year program.
 - c. Potential new recruitment and retention initiatives, such as trying to attract skilled former personnel back to the ADF to meet future workforce needs.
 - d. The efficiency and effectiveness of external recruitment practices.
 - e. Recruitment and retention of key skills and trades to determine if the new ADF workforce strategy can adequately address these skills shortages.
 - f. Analysis of current retention measures, including the ADF's total workforce system, and possible alternatives.
5. How many people were recruited in 2021-22, and how many so far this year?
6. How many are currently in the recruiting process?
7. Who has the contract to manger recruitment, when was the contract last reviewed, what are the KPIs for the contract?
8. What innovative processes are used for recruitment?
9. With Reference to Australian Signals Directorate's (ASD) last Senate Estimates session, the ASD is meeting and exceeding its recruitment targets, why can't Defence meets its target?
10. How many people are in the team?

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Group: Defence People
Phone: s47E(d) / s22

Key witness: Justine Greig; Rear Admiral Robert Plath

11. What is their rank and/or ASL level
12. Who do they report to?
13. Who often do they report?
14. Has the Minister/s received any briefs from the Team? If so, on what date?

Answer

1. Defence finalised a Recruiting and Retention report on 9 September 2022 which recommends a range of initiatives for consideration by the Secretary and Chief of the Defence Force. A copy was provided to the Deputy Prime Minister and the Minister for Defence Personnel.
2. Defence finalised a Recruiting and Retention report on 9 September 2022 which recommends a range of initiatives for consideration by the Secretary and Chief of the Defence Force. A copy was provided to the Deputy Prime Minister and the Minister for Defence Personnel.
3. Refer to Question 1.
4. The Recruiting and Retention final report outlines the nature of the recruiting and retention challenge and recommends a range of initiatives for the Secretary and CDF to consider throughout 2023.
5. In 2021–22, Defence recruited 6,369 permanent and part-time Australian Defence Force personnel. In 2021-22, Defence recruited 2,416 full-time and part-time APS employees. From 1 July 2022 – 31 Oct 2022, Defence recruited 2,244 permanent and part-time personnel to the Australian Defence Force. From 1 July 2022, Defence has recruited 1,117 full-time and part-time APS employees.
6. As of 31 October 2022, there were 20,634 candidates in the recruiting pipeline for the Australian Defence Force. As of 28 November 2022, there were 968 APS recruitment activities in process.
7. Refer to Senate Estimates Question No.81
8. Refer to Senate Estimates Question No.81
9. The Australian Defence Force workforce is not comparable to the ASD workforce.
10. The Recruiting and Retention Team consists of 13 personnel.
11. The Recruiting and Retention Team currently consists of 1 x Rear Admiral, 2 x SES Band One, 3 x Executive Level 2, 2 x Executive Level 1, 1 x Commander, 1 x Lieutenant Commander, 1 x Lieutenant, 1 x Petty Officer, 1 x APS 4.
12. Deputy Secretary Defence People.
13. Weekly basis.
14. The Deputy Prime Minister and the Minister for Defence Personnel receive regular briefings on recruitment and retention.

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Budget Estimates 9 November 2022
Portfolio Budget Submission Recruiting and Retention team
Senator David Fawcett

Written Question

With reference to the October 2022-23 Defence PBS Part 2, Page 17 - On 12 April 2022, Defence established a Recruiting and Retention Team. On 12 April 2022, Defence established a Recruiting and Retention Team:

1. What is the team currently working on?
2. What have the team achieved to date?
3. Has the team proposed any changes to Defence's recruitment and retention? In August 2022, an ADF Star Rank Officer was appointed to head the Recruitment and Retention Team to implement selected initiatives over the 2023-2024 period.
4. What initiatives will be implemented?
5. By when?
6. What are the expected outcomes?
7. What are the performance measures?
8. How will the implementation of the initiatives contribute to the 18,500 Defence recruit target?
9. How will the implementation fit in with the overarching findings of the Recruiting and Retention Team?
10. How will the Recruitment and Retention Team overlap with the proposed ADF Recruitment Review?

Answer

1. The Secretary and Chief of the Defence Force announced the launch of six 'Quick Win' initiatives that were identified in the Recruiting and Retention final report, finalised in September 2022. The Team is currently implementing these initiatives.

The Secretary and CDF directed the Team to conduct detailed design for the remaining initiatives in the Recruiting and Retention final report, to be considered throughout 2023.

2. Refer to answer 1.
3. The 'Quick win' initiatives build upon existing policies and programs to enhance recruiting and retention efforts. Detailed design is currently underway on the remaining recruiting and retention initiatives.
4. Refer to answer 1.
5. Refer to answer 1
6. An improved Employee Value Proposition that enhances ADF and APS work experience, thereby enhancing recruitment and retention.

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Key witness: Justine Greig; Rear Admiral Robert Plath

7. The performance measures will be defined as part of the Defence enterprise priority statement reporting.
8. Refer to answer 6.
9. Refer to answer 1
10. Refer to answer 1.

Budget Estimates 9 November 2022

Minister Keogh Speech HMAS Waterhen – retention

Senator David Fawcett

Written Question

With reference to the Hon. Matt Keogh MP, Minister for Defence Personnel speech to the Defence Reserves Association 2022 National Conference. 3rd of September 2022 and Minister Keogh visit to the HMAS Waterhen on the 25 August 2022:

1. Can the Department please confirm that on 25th August 2022, when speaking to Defence personnel at HMAS Waterhen, the Minister for Defence Personnel said they will not be able to buy a home in Sydney while they are on Defence salaries?
2. If the Department cannot confirm, please seek confirmation from the Minister on whether he has made such comment.
3. If the Department can confirm, is the Department aware that in his speech at the Defence Reserves Association 2022 National Conference, the Minister for Defence Personnel also said: “We need targeted and collaborative action to inspire the workforce of the future, increase the number of people joining the ADF, and retain talent to ensure we can deliver Defence’s and our nation’s capability requirements.”
4. Can the Department please confirm with the Minister and provide reasons of why the Minister made above mentioned comment on 25th August 2022?
5. Can the Department explain how is the Minister’s comment on 25th August 2022 at HMAS Waterhen inspiring Defence personnel to remain in the ADF?
6. What is the government currently doing to encourage and inspire Defence workforce?

Answer

1. The Department cannot confirm this.
2. This is a question for the Minister.
3. The Minister speech is recorded on the Defence website;
www.minister.defence.gov.au/speeches/2022-09-03/speech-defence-reserves-association-2022-national-conference
4. This is a question for the Minister.
5. Refer to answer to question 4.
6. Refer to answer to question 4.

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Key witness: Steven Groves

External Workforce Census and Contractors and Consultants Expenditure

Handling Note: Steven Groves, Chief Finance Officer, to lead on all parts of the External Workforce Census and Contractors and Consultants Expenditure brief.

Key Messages

- Defence is committed to supporting the Government's plan to improve the public service by identifying where work can be done more efficiently and effectively by public servants in direct permanent jobs.
- Defence is currently developing strategies to pursue external workforce conversions in line with the Government's policy intent.
- Defence capability is currently delivered through a blended workforce to meet the priorities of the Government.
- Defence relies on specialist and technical expertise, often provided through the engagement of an external workforce to respond flexibly to changing circumstances, including surge requirements.
- Defence expenditure on outsourced service providers, contractors and consultants should always be viewed within the context of the total Defence budget.
- Defence conducted its Annual External Workforce Census (Census week 27 February to 03 March 2023), showing resource growth in line with the Defence Budget.

Talking Points

What steps has Defence taken to progress the Government's commitment to improve the public service and reduce contractor expenditure?

- Defence contributed \$145m in 2022-23 to the whole-of-government savings measure to reduce expenditure on external labour, advertising, travel and legal expenses.
- The 2023-24 Budget included further savings against this measure for Defence of \$632m over the Forward Estimates, including \$154m in 2023-24. Defence is planning to meet these savings through converting contractors to APS.
- Defence is managing the overall workforce within the existing Government policy construct while also managing the increasing work demands faced by the organisation.
- Defence has responded to the APS Audit of Employment through the Department of Finance, where further savings and policy settings may be determined.
- Defence will be provided an additional 660 ASL in 2023-24 and 2,000 ASL in 2024-25 (ongoing) to facilitate contractor conversion.

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Key witness: Steven Groves

What is the size of Defence's external workforce?

- The most recent Defence External Workforce Census was conducted in March 2023 and reported a total of 37,330 full time equivalent engaged as part of the external workforce.
- 28,445 full time equivalent, or 76 per cent were engaged through outsourced service providers.
 - This is an increase from 26,199 full time equivalent (75 per cent of the total) in the March 2022 census.
- 8,523 full time equivalent, or 23 per cent were engaged as contractors.
 - This is an increase from 8,311 full time equivalent (24 per cent of the total) in March 2022.
- 361 full time equivalent or one per cent were engaged as consultants.
 - This is a decrease from 370 full time equivalent in March 2022.
- Overall, the external workforce grew by 2,451 full time equivalent (seven per cent) compared to the March 2022 Census. The growth in resourcing aligns with the year on year growth in the Defence Budget.
- The need for an integrated workforce is expected to continue into the future, particularly as the Defence budget grows over time and the complexity of our capability delivery requirements increase.
- The policy direction of the Government will mean the mix of resources will be rebalanced moving forward. Defence is committed to supporting Government's plan to improve the public service by identifying where work can be done more efficiently and effectively by public servants in direct permanent jobs.
- The results of the Defence External Workforce Census show a decline in the rate of contractor growth, which has been running at over 20 per cent in prior years and has declined to just 3 per cent over the prior 12 months.

Why does Defence use contractors and not employ more APS personnel?

- The majority of Defence's external workforce (28,445 full time equivalent or 76 per cent) are outsourced service providers.
- These providers deliver services in areas where Defence has made a deliberate decision to outsource functions, or the expertise and skills to deliver these functions
 - The private sector more efficiently delivers them.
- The Australian Strategic Policy Institute Cost of Defence Report 2022-23 notes that the use of contractors by Defence has been critical to the strong outcomes that have been achieved in acquisition and sustainment in recent years.

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- Defence has, and will continue to operate, under the workforce policies set by the Government.
 - While some of these settings will be adjusted, the integrated workforce will continue to be a critical enabler to the delivery of Defence capability.

How much did Defence spend on its external workforce in 2021-22?

- In 2021-22 Defence spent \$13 billion on outsourced service providers, \$2.5 billion on contractors and \$154 million on consultants.
- Defence spent approximately \$2 billion on APS employee expenses in 2021-22.
- The Australian Strategic Policy Institute noted in its June 2022-23 Cost of Defence Report that using contractors has been critical to the strong outcomes Defence has achieved in acquisition and sustainment in recent years.

Background

- The Defence External Workforce Census provides Defence with an estimate of the full time equivalent of outsourced service providers, contractors and consultants engaged in providing services to support Defence outcomes at a point in time and in a regular and repeatable manner.

Past External Workforce Census results

Full Time Equivalent by Category	March 2023 (per cent change)	March 2022 (per cent change)	March 2021
Contractors	8,523 (up 3 per cent)	8,311 (up 22 per cent)	6,810
Outsourced Service Providers	28,445 (up 9 per cent)	26,199 (up 3 per cent)	25,363
Consultants	361 (down 2 per cent)	370 (up 18 per cent)	314
Total	37,330 (up 7 per cent)	34,880 (up 7 per cent)	32,487

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External Workforce Expenditure over Time

Consultants	2022-23 Jan Year to date (\$m)	2021-22 (\$m)	2020-21 (\$m)	2019-20 (\$m)
Expenditure on consultancy contracts (GST inclusive)	127	170	127	114
Expenditure on consultancy contracts (GST exclusive)	116	154	116	104
Expenditure (GST exclusive) as a percentage of Defence expenditure	0.47 per cent	0.33 per cent	0.28 per cent	0.26 per cent

Contractors	2022-23 Jan Year to date (\$m)	2021-22 (\$m)	2020-21 (\$m)	2019-20 (\$m)
Expenditure on contractors (GST exclusive)	1,626	2,487	1,873	1,520
Expenditure as a percentage of Defence expenditure	6.70 per cent	5.38 per cent	4.50 per cent	3.90 per cent

Outsource Service Providers	2022-23 Jan Year to date (\$m)	2021-22 (\$m)	2020-21 (\$m)	2019-20 (\$m)
Expenditure on outsourced service providers (GST exclusive.)	8,037	13,072	10,955	10,410
Expenditure as a percentage of Defence expenditure	33.10 per cent	28.28 per cent	26.10 per cent	26.40 per cent

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'Big Four' and Accenture

- In March 2023 1,274 full time equivalent from the 'Big Four' delivered services to Defence (up from 1,213 full time equivalent in March 2022). The Big Four resources included:
 - 885 contractors (down from 944 full time equivalent);
 - 338 outsourced service providers resources (up from 211 full time equivalent);
 - 51 consultants (down from 57 full time equivalent);
 - 680 KPMG full time equivalent (up 135 full time equivalent);
 - 171 Deloitte full time equivalent (down 75 full time equivalent);
 - 252 PwC full time equivalent (down 34 full time equivalent); and
 - 170 Ernst Young full time equivalent (up 41 full time equivalent).
- In March 2023, in addition to 'Big Four' resources, 261 full time equivalent from Accenture were delivering services to Defence (down from 334 full time equivalent in March 2022). The resources include:
 - 232 outsourced service providers (down from 268 full time equivalent); and
 - 29 Contractors (down from 66 full time equivalent).
- The 'Big Four' and Accenture provide many services to Defence, but services predominantly relate to Project Management (650 full time equivalent, 42 per cent) and IT (506 full time equivalent, 33 per cent).
- For 2021-22, Defence spent \$466 million (GST exclusive) on the 'Big four' accounting firms comprised of:
 - KPMG (\$210 million);
 - PwC (\$102 million);
 - Deloitte (\$98 million); and
 - Ernst Young (\$56 million).
- Expenditure was categorised as contractors (\$313 million), outsourced service providers (\$121 million) and consultants (\$30 million).

Major Service Providers

- Major service providers are required to be members of the Defence Support Services panel and are capable of delivering larger, longer term and more integrated work packages across the Capability Acquisition and Sustainment Group domains. The four major service providers are:
 - Jacobs Beca Team (Jacobs Australia and Beca Consultants);

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- Team Nova (Nova Systems Australia, QinetiQ and PricewaterhouseCoopers Consulting);
 - KEY Team (Kellogg Brown & Root and Ernst Young); and
 - Team Downer (Downer EDI Engineering Power, Systra Scott Lister Australia and Providence Consulting Group).
- In March 2023, 4,246 full time equivalent from the major service providers were delivering services to Defence (up from 2,839 full time equivalent in March 2022) due to Downer’s acquisition of Spotless. Prior year figures do not include Spotless. The major service providers resources included:
 - 2,746 contractors (up from 2,501 full time equivalent);
 - 1,474 outsourced service provider resources (up from 310 full time equivalent);
 - 25 consultants (down from 28 full time equivalent);
 - 868 Kellogg Brown & Root full time equivalent (up 46 full time equivalent);
 - 908 Nova full time equivalent (up 138 full time equivalent);
 - 688 Jacobs full time equivalent (down 10 full time equivalent); and
 - 1,782 Team Downer full time equivalent (up 1,236 full time equivalent), reflecting the Spotless acquisition.
 - Primary activities were in the fields of:
 - Property (1,241 full time equivalent or 29 per cent);
 - Project Management (776 full time equivalent, 18 per cent); and
 - Sustainment (603 full time equivalent, 14 per cent).

Supporting Information

Questions on Notice

Senate Finance and Public Administration References Committee’s Inquiry: 23 March 2023

- **QoN 1-4, Consultancy**, Senator Barbara Pocock (Greens, South Australia) asked to be provided with details of current and prior year consultancy expenditure.

Budget Estimates: 9 November 2022

- **QoN 56, Contractors**, Senator Claire Chandler (Liberal, Tasmania) asked to be provided with details of contractors and non-ongoing staff.

Freedom of Information (FOI) Requests

- None.

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Recent Ministerial Comments

- On 07 July 2022, the Minister for Defence Industry issued a media release about growing the Defence-Industry partnership [Growing the Defence-Industry partnership](#).

Relevant Media Reporting

- On 21 October 2022, Australian Financial Review published an article titled, [KPMG, Deloitte, EY, PwC hit with \\$500m efficiency dividend on consultant spending](#). Journalist Ronald Mizen reported on the impacts of \$500m efficiency dividend in the upcoming Budget and the impacts on private companies.
- On 09 August 2022, Australian Financial Review published an article titled, [Accenture beats the big four in record \\$2b for Canberra work](#). Journalist Ronald Mizen reported on big four expenditure and Defence as entering the largest value of contracts in 2021-22.
- On 01 July 2022, Australian Financial Review published an article titled, [Auditor-general takes a shot at defence contractors](#). Journalist Andrew Tillett reported the Auditor-General has criticised the Defence Department over the management of its contractors, finding there is no way to prove they are used effectively and recommending changes to improve probity and security.
- On 08 June 2022, Australian Strategic Policy Institute published an article titled, [The cost of Australia's defence: hard choices for the new government](#). Journalist Marcus Hellyer wrote that Defence has a people problem and questions whether Defence can deliver its ambitious capability program without continued external workforce growth.

Division:	Budget and Financial Reporting, Budget and Financial Services	
PDR No:	SB23-000428	
Prepared by: Michael Cosgrove, Assistant Secretary Budgeting & Reporting Mob: s22 [redacted] Ph: s47E(d) [redacted] Date: 03 April 2023	Cleared by Division Head: Samuel Volker, First Assistant Secretary Budgets & Financial Services Ph: s47E(d) [redacted] Date: 06 April 2023	
Cleared by CFO / DPG / DSR: N/A		
Cleared by Deputy Secretary: Steven Groves, Chief Finance Officer, Defence Finance Group		Date: 21 April 2023

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Key witness: Steven Groves

Questions on notice referred to within the brief:

Budget Estimates 18 November 2022

Contractors

Senator Claire Chandler

Written Question

1. How many contractors and non-ongoing staff are currently employed by the department?
2. Please provide a breakdown of levels and costs associated with all contractors and non-ongoing staff.
3. How many of these staff are ICT or non-ICT staff?

Answer

Contractors

1. The March 2022 External Workforce Census recorded 8,311 Contractors providing services to Defence.
2. Defence does not capture levels for contractors. The Contractor spend in 2021-22 was \$2.49 billion.
3. 1,496 ICT Contractors and 6815 non-ICT contractors.

Non-ongoing staff

1. As at 1 November 2022, there are 278 non-ongoing APS employees employed by the Department.

The below table provides a breakdown by classification of the 278 non-ongoing APS Employees:

Classification	Non-ICT	ICT	Total
SES3	3		3
SES2	2		2
SES1	2		2
EL2	28		28
EL1	31	1	32
APS6	41	1	42
APS5	51	1	52
APS4	38		38
APS3	13		13
APS2	46		46
APS1	20		20
Total	275	3	278

2. The majority of Defence employees receive salaries within the standard ranges set out in the [Defence Enterprise Agreement](#). However, the Enterprise Agreement allows for remuneration and other benefits to be varied so that Defence can develop, attract and retain selected employees with the necessary skills and knowledge to deliver capability. Table 6.21 of the latest [Defence Annual Report](#) details Defence Australian Public Service salary rates, by classification, as at 30 June 2022.

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3 Three ICT non-ongoing staff and 275 non-ICT non-ongoing staff.

Inquiry Questions 23 March 2023

Consultants

Senator Barbara Pocock

Written Question(s)

1. Will [agency] spend less on consultancy services in the 2022-23 FY than in the 2021-22 FY?
2. What is [agency] predicted spend on consultancy services in the 2022-23 FY?
3. What did [agency] spend on consultancy services in the 2021-22 FY?
4. How much has [agency] spent on consultancy services to date in the 2022-23 FY?

Answer

Defence does not specifically forecast consultancy services spend. The nature of consultancy services is intermittent which makes forecasting a full year spend very difficult. Information regarding expenditure on consultancy services is published in Defence's Annual Report.

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Key witnesses: Justine Greig; Major General Wade Stothart; Steven Groves

Workforce Figures and Growth

Handling Note:

- Justine Greig, Deputy Secretary Defence People, joint lead on this topic.
- Major General Wade Stothart, Head People Capability, joint lead on this topic.
- Steven Groves, Chief Financial Officer to support on financial details.

Key Messages

- The Government agreed to a workforce growth for the Department of Defence throughout the period FY24/40. While 12,500 of this workforce had been funded and allocated to support the 2020 Force Structure Plan, the capability priorities outlined in the Defence Strategic Review will require workforce rebalancing and reshaping.
- Defence will undertake a thorough reprioritisation of workforce to align with the Government's six immediate priorities in response to the Defence Strategic Review.
 - Further detail on the Defence Strategic Review can be in the Defence Strategic Review brief ([SB23-000411](#)).
- Defence people remain the most important component of our military capability. While the number of people in the workforce will be critical, so will the skills they have as well as the character of our people and the culture of our teams.
- Defence will continue to reform and revise the recruiting and retention initiatives. This includes the ability to recruit and train new members more quickly while also retaining current workforce; given the changes outlined in the Defence Strategic Review, the ability to retrain personnel into new roles while recognising their current skills and experience is critical.
- This is a critical time for Defence, the Defence Strategic Review is the most substantial Defence review since the Second World War, with the aim to ensure the ADF is well-postured to meet the nation's security challenges through the next decade and beyond.

Talking Points

- As at 01 May 2023, the total Defence workforce contributing directly to Defence outcomes was 107,821. This figure does not include the Service Category 2 workforce of 9,877.

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Key witnesses: Justine Greig; Major General Wade Stothart; Steven Groves

- The Defence integrated workforce comprised of:
 - 57,221 permanent ADF and 724 Gap Year (SERCAT 6-7 and SERVOP G Total of 57,945);
 - 31,823 ADF Reserves (SERCAT 3,4 and 5 including 1,207 SERVOP C; does not include the 9,877 members in SERCAT 2); and
 - 18,053 APS, both ongoing and non-ongoing.
- The Defence workforce is supported by an external workforce made of Contractors, Outsourced Service Providers, and Consultants.
- The most recent Defence External Workforce Census was conducted in March 2023 and reported a total of 37,330 full time equivalent engaged as part of the external workforce.
 - Further detail on the Defence External Workforce can be found in the External Workforce Census and Contractors and Consultants Expenditure brief ([SB23-000428](#)).
- The ADF average funded strength was 58,664 against workforce guidance of 62,063.
- The permanent ADF 12 month rolling separation rate was 11.4 per cent, which increased from 11.0 per cent 12 months ago.
- The APS Average Staffing Level was 16,374 against workforce guidance of 16,991 (includes 540 Average Staffing Level relief approved by Government).
- The ongoing APS 12 month rolling separation rate was 12.4 per cent, which decreased from 14.7 per cent 12 months ago.

If pressed: about the Science, Technology, Engineering and Mathematics Workforce

- There is a focus on growing and skilling the intelligence, space and cyber security workforce segments, concurrent with Defence contributing to Government efforts to increase the national science, technology, engineering and mathematics talent pool.
- Science, technology, engineering and mathematics are a focal area for the Defence workforce as it undergoes significant transformation of its capabilities. While each science, technology, engineering and mathematics field has a critical role to play in its own right, they also enable discovery and progress in other fields.

If pressed: about Recruitment and Retention

- Further detail on recruitment and retention initiatives can be found in the Recruitment and Retention brief ([SB23-000426](#)).

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Key witnesses: Justine Greig; Major General Wade Stothart; Steven Groves

Background

Workforce Growth

- Defence is undergoing the largest workforce transformation since the Defence Reform Program of the late 1990's. This transformation will underpin the ADF's enhanced capability necessary to respond to significant changes in Australia's strategic environment.
- These challenges and the urgency with which they must be addressed were outlined in the Government's response to the Defence Strategic Review.
- The Defence Strategic Review reframes the workforce transformation program established under the 2016 Defence White Paper (the White Paper). The Government's decisions in response to the Defence Strategic Review will require Defence to continue to reshape and reskill its workforce to transition to new platforms and build capacity in emerging capabilities such as conventionally-armed, nuclear-powered submarines, cyber, engineering and space.
- The White Paper (2016) detailed that around 4,000 new ADF positions would be required to deliver new capabilities out to 2025/2026 and provided Defence with an additional 2,300 average funded strength. This plan also necessitated the transitioning to new capabilities for around 1,700 ADF personnel.
- From 2020-2021 to 2024, Defence White Paper growth is being augmented by 800 personnel in the ADF and around 250 in the APS (not including the Australian Signals Directorate).
 - This additional workforce supports new capabilities, including new vessels for Navy and further investment in cyber, intelligence and space capabilities. In addition to enabling new capabilities, increased workforce depth contributes to the sustainability of operations.
 - Consequently, the ADF permanent force is projected to grow to 62,700 by 2024.
- The 10 March 2022 Force Structure Plan Workforce Growth Announcement 2024/2025 to 2030/2040 outlined approved workforce growth of 18,500 by 2040, which will bring the total permanent workforce to over 100,000.
 - Defence has outlined that critical minimum growth of 12,500 is required, comprised of 10,449 AFS and 2,051 APS, to support the capabilities outlined in the Force Structure Plan.
 - Defence has estimated the cost of the 12,500 workforce as approximately \$38 billion over the period 2024-2040.
- An updated Defence Strategic Workforce Plan was developed in concert with the detailed planning and modelling conducted for the 2020 Force Structure Plan. This was necessary

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Group/Service: Defence People
Phone: s47E(d) / s22

Key witnesses: Justine Greig; Major General Wade Stothart; Steven Groves

to ensure the delivery and operation of the capabilities outlined in the Force Structure Plan (2020) that are scheduled in the \$270 billion Integrated Investment Program.

- The Defence Strategic Review ([SB23-000411](#)) now provides specific directions to Defence for immediate implementation while establishing a process for long-term and sustainable implementation.
- In this context a revised or updated Defence Strategic Workforce Plan would be based on workforce change and reform initiatives of:
 - Grow. Defence will apply deliberate adjustments to workforce strategies and people policy settings that attract and recruit more people more quickly. Specifically, options will be developed to change the policy and risk settings to improve the achievement of recruiting targets in days, not months. Growth will occur in both the ADF and Defence APS workforces.
 - Rebalance. Defence will adjust its workforce mix of ADF, APS, contractors, consultants and academia through workforce planning and management initiatives that ensure Defence workforce is cost effective and sustainable.
 - Reshape. The trajectory to achieving the Government direction on the DSR will require reshaping of the current workforce. The composition of workforce segments will change to reflect emerging and prioritised skillset demands. This will require adjustment to workforce numbers in categories, specialisations and ranks/levels, and in many cases redefinitions of occupations and work levels.
 - Reskill. Defence will ensure that as technologies change the workforce is able to adjust and reskill to meet the new requirements. This will require a workforce more focussed across the breadth of Science, Technology, Engineering and Maths skills able to contribute to emerging roles in ICT, cyber, nuclear submarines, long range strike, digital and analytics skills, complex program delivery and sustainment.
 - Transform. To achieve the transformative effects the Government has directed from the Defence Strategic Review will necessitate new thinking about workforce policy and process measures and the speed at which they can be implemented. This will particularly require an innovative and bold approach to recruitment and retention.

Supporting Information

Questions on Notice

Supplementary Estimates: 15 February 2023

- **QoN 67, Defence Workforce Targets**, Senator Linda White (Labor, Victoria) asked about the announcement to grow the Defence workforce by 18,500.

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Division: People Capability
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Cleared By:

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Phone: s47E(d) / s22

Key witnesses: Justine Greig; Major General Wade Stothart; Steven Groves

Freedom of Information (FOI) Requests

- None.

Recent Ministerial Comments

- No recent comments.

Relevant Media Reporting

- On 29 March 2023, The Times published an article titled, [Fears AUKUS will undermine Australia's defence sovereignty are misplaced](#). Journalist Peter K. Lee voiced concerns for Australia's sovereignty under the AUKUS agreement
- On 31 March 2023, @AuManufacturing published an article titled, [AUKUS and submarines, the start of Australia's re-industrialisation?](#) Journalist Geoff Potts noted the potential benefits to the manufacturing industry under the AUKUS agreement
- 30 March 2023, the Daily Telegraph published an article titled, [Study benefits cut for hundreds of military veterans](#). Charles Miranda examined the abolition of the Incapacity Payments for Veterans Studying scheme.
- 30 March 2023, the Sydney Morning Herald published an article titled, [Keating's blistering attack on AUKUS leaves Australia in damage control in US](#). Farrah Tomazin covered former Prime Minister Paul Keating's negative views of the AUKUS agreement.
- 29 March 2023, the Cygnet, Huon & Channel Classifieds published an opinion piece by John Fleming II about submarine crewing. "[An Aukward situation.](#)"

Division: People Capability	
PDR No: SB23-000429	
Prepared by: Brigadier Craig Dobson, Director General Workforce Planning, Workforce Planning Branch Mob: s22 Ph: s47E(d) Date: 24 May 2023	Cleared by Division Head: Major General Wade Stothart, Head People Capability, People Capability Division Mob: s22 Ph: s47E(d) Date: 24 May 2023
Consultation: N/A	

Prepared By:
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Division: People Capability
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Cleared By:
Name: David Nockels
Position: Acting Deputy Secretary
Group/Service: Defence People
Phone: s47E(d) / s22

Key witnesses: Justine Greig; Major General Wade Stothart; Steven Groves

Cleared by DSR: Alison West, First Assistant Secretary Defence Strategic Review Implementation Task Force CFO: TBC	Date: 01 May 2023
Cleared by Deputy Secretary David Nockels, Acting Deputy Secretary Defence People	Date: 24 May 2023

Questions on notice referred to within the brief:

QoN 67

Workforce Growth

Senator Linda White

Question

In the context of the announcement to grow the Defence workforce by 18,500 by 2040:

- How many of this 18,500 target would be ADF personnel, and how many APS personnel?
- Was Defence allocated additional funding from 2024 to fund these additional positions, or was Defence required to absorb these costs?
- What is the estimated cost?
- What additional funding and resources were provided to increase recruitment to achieve this target?

Answer

- Of the 18,500 total future workforce growth by 2040, Defence has so far identified that 12,500 of the growth will consist of 10,499 Australian Defence Force (ADF) and 2,051 Defence Australian Public Servants. Defence continues to plan and assess the emerging workforce requirements for the remaining growth of 6,000 personnel.
- Defence has identified existing funding arrangements to support growth of 12,500 personnel. The further funding for the 6,000 personnel is subject to further consideration.
- The joint media release of 10 March 2022 <https://www.minister.defence.gov.au/mediareleases/2022-03-10/defence-workforce-grow-above-100000>, Defence Ministers announced "The estimated cost of this expansion is at least \$38 billion over the period to 2040, which is a significant investment in ensuring our ADF has the right people and skills to keep our nation safe."
- Defence did not receive any immediate additional funding or resources for the increased recruiting required by this announcement.

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Phone: s47E(d) / s22

Key witnesses: Celia Perkins; Peter West

myClearance Remediation

Handling Note:

- Celia Perkins, Deputy Secretary Security and Estate; and
- Peter West, First Assistant Secretary Defence Security, to jointly lead on myClearance Remediation.

Key Messages

- myClearance is a digital vetting capability, launched on 28 November 2022, to support a more secure, automated and streamlined vetting process to meet increasing security clearance demand from across government, defence and defence industry.
- During myClearance implementation, some technical issues emerged which caused interruptions and delays to the vetting process.
- Defence established a dedicated Taskforce with significant resources to resolve these issues as quickly as possible, major issues causing interruptions and delays are now largely resolved.
- Work is now focused on finalising delayed cases as soon as possible, improving user functionality, and ensuring the system is optimised to meet vetting demand.

Talking Points

- During myClearance implementation, some technical issues emerged which caused interruptions and delays to vetting.
- To date, four major stabilisation releases and over 25 minor system hotfixes have been released.
 - Major issues causing interruptions and delays in the vetting process are now largely resolved.
- Work is now focused on finalising delayed cases as soon as possible, improving user functionality, and ensuring the system is optimised to meet vetting demand.
- The Australian Government Security Vetting Agency continues to process clearances, with over 16,900 clearance decisions through myClearance since the system launch.
- The Australian Government Security Vetting Agency is currently processing more cases per week in myClearance than in the previous vetting system.
- Defence has a dedicated Senior Executive Service officer overseeing remediation activities with a significant number of staff from areas across Defence supporting remediation efforts and customer support.

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Cleared By:

Name: Celia Perkins
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Group/Service: Security and Estate Group
Phone: s22

Key witnesses: Celia Perkins; Peter West

- Defence has coordinated with the Attorney-General’s Department on policy advice to help facilitate temporary access for impacted clearance subjects without compromising security.
- Defence has established a prioritisation process in consultation with Chief Security Officers to ensure that clearances for staff performing critical roles can be finalised as a priority.
- Defence is now planning a post implementation review to identify and capture lessons learned.

Would you like to respond to the recent claim that “... the whole thing has collapsed...All [security] clearances are stalled and from what I understand there's no fix in sight...”

- The Australian Government Security Vetting Agency continues to accept and process clearances, with over 16,900 clearance decisions finalised through myClearance since system launch.
- Major system launch issues are now resolved and the Australian Government Security Vetting Agency is processing more cases per week in myClearance than in the previous vetting system.
- Substantial demand growth in vetting has also impacted on the Australian Government Security Vetting Agency’s ability to finalise clearances within benchmark processing times.
 - Vetting demand has grown more than 70 per cent since 2016, due to greater demand for clearances from wider Government and Defence Industry.
- Once fully implemented, myClearance will significantly increase the Australian Government Security Vetting Agency’s capacity to meet this growing demand.
- The Australian Government Security Vetting Agency is working with vetting partners to expand vetting capacity and efficiency – myClearance has already seen a reduction in initial processing times before allocation to vetting analysts.

If pressed: What impact have the myClearance issues had on vetting timelines?

- Current clearance timeframes are:

Clearance level	Key Performance Indicator	Financial Year 2022/2023 As at 3/04/2023
Baseline	20 days	33 days
Negative Vetting Level 1	70 days	98 days

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Key witnesses: Celia Perkins; Peter West

Clearance level	Key Performance Indicator	Financial Year 2022/2023 As at 3/04/2023
Negative Vetting Level 2	100 days	147 days
Positive Vetting	180 days	147 days

If pressed: How many people are affected by these problems?

- The Australian Government Security Vetting Agency anticipates completing in excess of 65,000 security clearances in Financial Year 2022-23.
- Over 44,600 clearances have been completed this financial year, and approximately 41,000 clearances are in analysis.
- The Australian Government Security Vetting Agency completed 64,098 clearance cases in the 2021-2022 financial year.

If pressed: Is there a risk to national security if large numbers of applicants are given waivers?

- The Attorney-General's Department's Protective Security Policy Framework provides guidance to sponsoring agencies for the use of temporary access provisions to ensure that risks are carefully managed.
- The Australian Government Security Vetting Agency has an established risk management framework to help sponsoring agencies in assessing and managing their clearance subjects, including for temporary access.
- Most temporary access resulting from myClearance delays will be for individuals whose cases have already been comprehensively assessed by the Australian Government Security Vetting Agency.

If pressed: Do the problems with myClearance put personal information at risk?

- No. The issues with myClearance do not relate to the security aspects of the information on the system.
- myClearance uses Two-Factor Authentication via MyGovID, substantially uplifting security from the previous vetting system.

If pressed: Is there a risk to national security from the longer processing times?

- The issues with myClearance have no impact on the integrity of the vetting process itself, which is conducted in line with the Attorney-General's Department's Protective Security Policy Framework.
- The Australian Government Security Vetting Agency has developed prioritisation processes to ensure clearances for Government or industry personnel performing critical roles can be finalised.

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Key witnesses: Celia Perkins; Peter West

If pressed: Who/What caused the issues?

- As a complex transformation project that modernises business processes, some issues can be expected.
- The Australian Government Security Vetting Agency is working across Defence and with other government agencies to address the issue with myClearance as quickly as possible.
- A post implementation review will be conducted once the issues with myClearance are resolved.

If pressed: What will be the cost of fixing myClearance?

- Work to address the myClearance issues is currently being undertaken as part of project funding.

If pressed: What is the cost of myClearance?

- The budget for the myClearance project was \$307.3 million. This includes:
 - \$123.9 million for acquisition;
 - \$14.7 million in contingency (which has not yet been accessed); and
 - \$168.6 million for sustainment.

If pressed: How many clearances have been progressed under the new system?

- Between 28 November 2022 and 29 March 2023, Australian Government Security Vetting Agency has finalised 12,335 clearances in myClearance.

If pressed: Are myClearance delays impacting the Australian Signals Directorate REDSPICE program?

- The Australian Government Security Vetting Agency has a Memorandum of Understanding with Australian Signals Directorate to track and prioritise processing of these clearances.
- REDSPICE clearances have experienced some delays as a result of myClearance issues, but Australian Government Security Vetting Agency is continuing to prioritise these cases.

If pressed: Who is to blame for the myClearance issues?

- Defence is focused on remediating problems with myClearance and returning to benchmark timeframes for the delivery of clearances.
- A post implementation review will be conducted once the issues with myClearance are resolved.

Background

- The Australian Government Security Vetting Agency's vetting system and work processes were no longer fit-for-purpose and required modernising to meet continued demand growth, and the increasingly complex security threat environment.

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Key witnesses: Celia Perkins; Peter West

- The Vetting Transformation Project delivered a new core vetting system that transforms how the Australian Government Security Vetting Agency delivers security vetting services through a contemporary vetting process enabled by a modern digital, integrated and scalable ICT system called myClearance.
- The myClearance system launched on 28 November 2022.
- In mid-December 2022 however, while new baseline clearances were progressing through myClearance, issues were identified with the transfer of cases to Australian Security Intelligence Organisation, constraining processing of clearances above Baseline (NV1 to PV), which require an Australian Security Intelligence Organisation check before a clearance can be granted.
- Issues were also identified with the transition of data to myClearance, including data quality and mapping issues. As a result, some users experienced difficulties logging into myClearance or problems with the accuracy of their data.

Date	Milestone
01 February 2021	Contract Effective Date
December 2020	National Security Committee of Cabinet Second Pass approval
September 2020	Gate 2 approval Defence Investment Committee
March 2018	National Security Committee of Cabinet First Pass approval
November 2017	Gate 1 approval Defence Investment Committee
April 2017	Gate 0 approval Defence Investment Committee

Supporting Information

Questions on Notice

Supplementary Estimates: 15 February 2023

- **QoN 35 Pending clearance level**, Senator Claire Chandler (Liberal, Tasmania) asked for an update on the number of open cases across 1) clearance levels and 2) employment types.
- **QoN 64 AGSVA and myClearance portal**, Senator the Hon Linda Reynolds (Liberal, Western Australia) asked a series of questions around the implementation of myClearance including: the liaising and testing of the myClearance portal for Security Officer; how Australian Government Security Vetting Agency is increasing its workforce to deal with its backlog and growth in applications, what the tender process was that awarded Accenture the contract and what steps Australian Government Security Vetting Agency is taking to accredit foreign security clearances in view of the AUKUS program.

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Key witnesses: Celia Perkins; Peter West

Budget Estimates: 9 November 2022

- **QoN 63 Budget Allocation**, Senator Claire Chandler (Liberal, Tasmania) asked for details of Australian Government Security Vetting Agency's performance including processing time, Australian Government Security Vetting Agency staff and contractor numbers, applications in progress and a breakdown of clearance holders across Defence, Government, Industry and Parliamentary Staff.

Freedom of Information (FOI) Requests

- In December 2022, an individual sought access to a Digital Service Standard approval by the Digital Transformation Agency, or exemption, for myClearance. **No relevant documents were found.** The individual had requested further checks but withdrew this request.

Recent Ministerial Comments

- No recent comments.

Relevant Media Reporting

- On 31 March 2023, ABC published an article [Defence struggling to process staff security clearances needed ahead of AUKUS rush](#). Journalist Andrew Green covered the delays experience in processing clearances.
- On 29 March 2023, the Canberra Times published an article titled [Home Affairs Minister Clare O'Neil plans to make ASIO central hub for top security clearances](#). Journalist Sarah Basford Canales covered the introduction of a bill to parliament that would make the Australian Security Intelligence Organisation responsible for issuing, maintaining and revoking Positive Vetting clearances.
- On 20 February 2023, the Mandarin published an article titled [Six ways Defence needs to lift its act](#). Journalist John Glenn wrote an opinion piece on the Defence Strategic Review that covered clearance processing times.
- On 17 February 2023, the Canberra Times published an article titled [Defence Department's MyClearance security vetting system drags out clearance wait times](#). Journalist Sarah Basford Canales reported on Minister Thistlethwaite's comments regarding the myClearance system
- On 17 February 2023, innovationAus.com published an article titled [Accenture-built vetting system issues force manual workarounds](#). Journalist Brandon How wrote about the challenges facing the myClearance system.
- On 13 February 2023, the Canberra Times published an article titled [Department of Foreign Affairs and Trade graduate applications fell in 2023, as CPSU criticises security clearance process](#). Journalist Miriam Webber reported on the Community and Public

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Key witnesses: Celia Perkins; Peter West

Sector Union's letter to the Department of Foreign Affairs and Trade outlining their concerns about the lengthy clearance process.

- On 10 February 2023, the ABC published an article titled [DFAT accused of bungling 2023 graduate program recruitment, excluding diverse candidates. Journalist Stephen Dziejdz](#) covered the Community and Public Sector Union's concerns that graduate program applicants were rejected due to the delays in obtaining a security clearance.
- On 28 October 2022, The Canberra Times published an article titled [Security vetting queue for public servants a 'black box': IGIS Christopher Jessup](#). Journalist Sarah Basford Canales reported on the Inspector-General of Intelligence and Security's concerns about the skills shortage faced in the intelligence community due to the delay in processing security clearance.

Division:	Defence Security Division		
PDR No:	SB23-000430		
Prepared by: Mel Flett, Assistant Secretary myClearance Remediation Taskforce, Defence Security Division Mob: s22 / s22 Ph: s47E(d) / s47E(d) Date: 31 March 2023	Cleared by Division Head: Peter West, FAS Defence Security Mob: s22 / s22 Ph: s47E(d) / s47E(d) Date: 05 April 2023		
Consultation: ICT Delivery Division Peter Alexander, FAS ICT Delivery Mob: s22 / s22 Ph: s47E(d) / s47E(d)	Date: 04 April 2023		
Cleared by CFO / DPG / DSR: N/A			
Cleared by Deputy Secretary: Celia Perkins, Deputy Secretary, Security and Estate		Date: 6 April 2023	

Questions on notice referred to within the brief:

**2022-23 Supplementary Estimates
Security Clearances
Senator Claire Chandler
Question**

Senator CHANDLER: I have a short tranche of questions on security clearance processing. The department confirmed, through my question on notice, that as at 1 November 2022 there were 38,915 open cases for clearance applications. Could you please provide an update on

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Key witnesses: Celia Perkins; Peter West

the number of open cases across baseline, negative vetting 1, negative vetting 2 and positive vetting?

Ms Perkins: I'll just try and find that number. The current open case number is 43,449 cases.

Senator CHANDLER: More? And against each clearance level?

Ms Perkins: I would have to take that on notice.

Senator CHANDLER: I'm guessing you'll have to take this on notice as well, but can you break down the open cases against employment type?

Answer

1. Open cases as at 12 May 2023:

Clearance Level	Total Cases
Baseline	16,341
Negative Vetting Level 1	24,469
Negative Vetting Level 2	8,035
Positive Vetting	3,730
Total applications in process	52,575

2. Breakdown of open cases by employment type as at 12 May 2023:

	Parliamentary Staff	Defence APS	ADF	Other Government	Defence Industry
Percentage of all clearances	0.45%	12.77%	23.46%	25.76%	37.56%

2022-23 Supplementary Estimates AGSVA and myClearance Portal Senator the Hon Linda Reynolds

Question

1. How did the AGSVA Transformation Project liaise with end users to ensure that the myClearance portal was a suitable replacement for the Security Officer's Dashboard?
A) Please detail the pre-deployment testing that was undertaken.
2. Why does the myClearance portal lack critical resources for Chief Security Officers and Security Officers such as the ability to list and download all clearance holders under their sponsorship?
3. Why wasn't the Security Officer's Dashboard kept active, in the case that myClearance fails for any reason?
4. Whilst the Vetting timeframe KPI's are generally being achieved as per 20, 70, 100 business days (Baseline, NV1, NV2) can you please explain why is there a queue of up to 8 weeks before an applicant is allocated to a Vetting officer?

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Key witnesses: Celia Perkins; Peter West

5. What is AGSVA doing to increase the size of its workforce, given the backlog and the continued growth of new applications?

Answer

1. Security Officers were identified as an important user group. They were consulted as part of the project requirements gathering phase to inform system design. Selected security officers were also involved in user acceptance testing.

A. The myClearance project undertook a range of testing during development including user acceptance testing pre-deployment, as well as business verification testing following release.

2. MyClearance was designed to increase the security of the system. System controls were designed around access to aggregated data to provide stronger protections for clearance subject's

personal data. The project is continuing to consult with users, including security officers, regarding final functionality requirement at Full Operation Capability.

3. The Security Officer's Dashboard was not kept active as the data source it uses can no longer be updated and is increasingly out of date and inaccurate.

4. AGSVA has experienced record demand that resulted in non-Positive Vetting clearances exceeding vetting timeframes. Issues with the implementation of myClearance have exacerbated these delays.

5. AGSVA's workforce has grown to meet demand. AGSVA is modelling future workforce requirements and future vetting demand.

6. AGSVA's External Security Vetting Service contract is structured for flexibility to support surges in clearance demand and AGSVA is accessing this capacity as required. Certain elements of the vetting process can only be performed by Commonwealth entities and officers.

7. An open procurement process was used to select the prime system integrator. Evaluation was performed against criteria developed from the project's requirements. Accenture was identified as the preferred tenderer.

A. All contractors engaged on the Vetting Transformation project are Australia based.

8. All AGSVA clearances are provided in accordance with the Australian Government Protective Security Policy Framework. AGSVA has a prioritisation process to facilitate high-priority clearances across Government and industry. Since 2021, AGSVA has had a dedicated industry liaison function to support industry requirements.

A. All AGSVA clearances are provided in accordance with the process established in the Australian Government Protective Security Policy Framework.

B. Australia has international agreements in place to recognise security clearances from partner nations while an individual is employed by that nation.

Budget Estimates

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Key witnesses: Celia Perkins; Peter West

Security Clearances Senator Claire Chandler

Question

1. What is the target processing time for security clearances? Please provide for each level of clearance (eg. NV1, NV2, PV etc.)
2. How many Department of Defence (Department) staff are allocated to work on processing clearances?
3. How many consultants or contractors are procured to work on processing clearances? Please provide details of these procurement costs and terms of appointment.
4. How many applications are currently being processed, for each level of clearance?
5. What proportions of applicants are Parliamentary, for the Department, for other departments and agencies, the Australian Defence Force (ADF), and industry/private sector? Please provide a breakdown of these and other relevant categories.
6. How many applications are being processed with an expectation that they will be assessed and completed, and clearance confirmed within the target processing time?

Answer

1. AGSVA's Key Performance Indicators (KPIs) are published at www.agsva.gov.au. Processing time KPIs are to deliver 80 per cent of clearances in the following median processing times:

Baseline: 20 business days

Negative Vetting Level 1: 70 business days

Negative Vetting Level 2: 100 business days

Positive Vetting: 180 business days

2. 156 Vetting Analysts.

3. The External Security Vetting Services Panel has engaged 445 contracted vetting analysts through six prime contractors. The panel commenced in August 2019 and the six prime contractors and their staff are contracted to provide vetting services to AGSVA until mid-2023. There is one option to extend the panel by 12 months until mid-2024.

Total expenditure on external vetting services in 2021-22 was \$75 million, with a total spend on the panel since August 2019 of \$179.09 million.

4. Open cases as at 1 November 2022:

Clearance Level	Number of Cases
Baseline	9,737
Negative Vetting Level 1	17,659

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Negative Vetting Level 2	8,436
Positive Vetting	3,083
Total applications in process	38,915

5. Breakdown of open cases by employment type as at 1 November 2022:

	Parliamentary Staff	Defence APS	ADF	Other Government	Defence Industry
Percentage of all clearances	1.03%	7.27%	27.88%	25.67%	38.14%

6. As at 1 November 2022, for Financial Year 2022-23, 14.2 per cent of cases were processed within AGSVA KPIs (KPIs relate to the AGSVA vetting process and do not include the time taken by the applicant to complete the vetting pack, or for AGSVA to check the pack is complete and correct any issues with the applicant).

AGSVA has experienced record demand over the last two years, impacting vetting processing timeframes. AGSVA met all vetting KPIs in FY2021-22, but from July 2022 vetting timeframes for Baseline and NV1s have exceeded KPI's.

7. As at 1 November 2022, for Financial Year 2022-23, 85.8 per cent of cases were processed outside AGSVA KPIs.

'Current Processing Times' are median timeframes. Median statistics are used to provide a more accurate picture of security clearance timeframes, as the average (or mean) does not properly represent the impact of outlier cases that take much longer or shorter to complete than the majority of security clearances.

Current median application processing time:

Clearance level	KPI in Days*	Current Median Processing Times
Baseline	20	28 days
Negative Vetting Level 1	70	83 days
Negative Vetting Level 2	100	101 days
Positive Vetting	180	137 days**

* KPIs and processing times are business days.

**Unlike other clearance levels Positive Vetting demand has so far remained stable for FY2022-23 allowing AGSVA to continue to meet KPIs.

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Key witnesses: Justine Greig; Major General Wade Stothart; Adrian D'Amico

Fair Work Amendment (Secure Jobs, Better Pay) Bill 2022

Handling Note:

- Justine Greig, Deputy Secretary Defence People, to lead on the issue.
- Major General Wade Stothart, Head People Capability, to provide support on ADF command powers.
- Adrian D'Amico, Chief Counsel, to provide support on the detail of the legislation including exemptions from 'Stop Sexual Harassment Orders' for ADF complainants and for all workers in circumstances where an exemption declaration is made.

Key Messages

- Sexual misconduct has no place in Defence, regardless of when or where it occurred.
- The Minister for Employment and Workplace Relations has progressed work addressing the recommendations in the Respect@Work report, and Defence strongly supports this report and the *Fair Work Legislation (Secure Jobs, Better Pay) Act 2022* (which amended the *Fair Work Act (2009)*).
- Under the Act, all Defence workers can refer a sexual harassment complaint to the Fair Work Commission for resolution.
- The Act recognises the special circumstances of the ADF in relation to the jurisdiction of the Fair Work Commission to issue a Stop Sexual Harassment Order and the impact this could have on ADF operations, Australia's defence or national security.
- The Act excludes ADF members from applying for a Stop Sexual Harassment Order and permits the Chief of the Defence Force to declare an exemption to stop sexual harassment orders for specified activities with the approval of the Minister for Employment and Workplace Relations. For example where it is necessary for operational situations, or where Australia's defence or national security requires.
- To ensure ADF members have access to a similar mechanism, Defence has updated the Defence Regulation 2016 to protect ADF members from the risk of continued sexual harassment while on duty. The new Defence mechanism is titled Stop Sexual Harassment Directions and complements existing processes, including management of unacceptable behaviour. It took effect on 21 March 2023.

Talking Points

Shouldn't Australian Defence Force members be able to access all the measures in the new Act to protect themselves from sexual harassment?

- The exclusion of ADF members by subsection 527F(3) of the Act recognises the special circumstances of the ADF and the impact Fair Work Commission Stop Sexual

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Phone: s47E(d) /s22

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Name: David Nockels
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Key witnesses: Justine Greig; Major General Wade Stothart; Adrian D'Amico

Harassment Orders could have on ADF operations, Australia's defence or national security.

- In addition to existing military justice processes, Defence has introduced a new avenue for ADF members to seek assistance outside of their chain of command if they feel at risk of continued sexual harassment from another ADF member, or in a Defence workplace.
- The measures are known as Stop Sexual Harassment Directions. They are contained in a new Part 6A to the Defence Regulation 2016, which came into effect on 21 March 2023.
- New measures ensure ADF personnel have access to similar processes as their APS and contractor counterparts, as they are not eligible to seek Stop Sexual Harassment Orders against another ADF member under the Fair Work Act.
- Subsection 527F(3) also contains scope for regulations to be made to allow Defence personnel to apply to the Fair Work Commission for a Stop Sexual Harassment Order, in certain circumstances. These circumstances are set out in amendments to the *Fair Work Regulations (2009)*. ADF members will be able to apply to the Fair Work Commission for a Stop Sexual Harassment Order in circumstances where:
 - The alleged sexual harassment is carried out by a non-ADF member;
 - The ADF member is not able to access a Defence Stop Sexual Harassment Direction. This could be because they have been sexually harassed in a non-ADF workplace (including another government department);
 - The ADF member who has been sexually harassed has exhausted the internal Defence Stop Sexual Harassment Direction process, and is dissatisfied with the outcome; or
 - The Defence Stop Sexual Harassment Direction process is not suitable, for example because the respondent to the complaint would be involved in conducting the process.
- ADF members and others may seek the assistance of the Fair Work Commission to mediate or conciliate a complaint, regardless of any action that is also taken under the military justice system. The Fair Work Commission may also make a recommendation or express an opinion on such a complaint.
- A range of external mechanisms including through the Defence Force Ombudsman and Australian Human Rights Commission, are also available to the Defence workforce.
- Defence is committed to preventing sexual harassment in the workplace, and will implement specific measures that reflect the excluded provisions of the Act and meet or exceed the standards set by the Act.

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Key witnesses: Justine Greig; Major General Wade Stothart; Adrian D'Amico

How does an ADF member apply for a 'Stop Sexual Harassment Direction' from Defence?

- ADF members can apply to an 'Authorised Application Officer' (Lieutenant Colonel (E) or EL1 and above) if the person they believe is sexually harassing them is an ADF member, or the sexual harassment is occurring in a Defence workplace.
- An Authorised Application Officer is empowered by the Secretary and Chief of the Defence Force to issue directions to stop the risk of continuing sexual harassment. Directions can be interim or final. A direction may cover:
 - changes in working arrangements;
 - requiring one or more individuals to stop specified behaviour;
 - regular monitoring of behaviours by a supervisor or commander;
 - the provision of information and additional support and training to the unit;
 - the conduct of a safety risk assessment for the workplace, and/or
 - a recommendation for further administrative or disciplinary action.
- A person in a Defence workplace who receives a Stop Sexual Harassment Direction is required to comply with it. For ADF members and APS employees, this is by direction of the Chief of the Defence Force and the Secretary. Administrative or disciplinary action could be imposed if the person did not comply with the Direction.
- The Authorised Application Officer must make a final decision within 60 days of the application. If the applicant is dissatisfied with the outcome, they may seek internal review from a Major General (E)/SES Band 2 delegate of the Chief of the Defence Force and Secretary.

Is Defence's 'Stop Sexual Harassment Direction' process independent of the chain of command?

- Yes.
- A select number of Authorised Application Officers and internal reviewers have been appointed across the ADF and the Department to make these decisions. This will ensure there is always an option outside the chain of command.

Why is there a power for the Chief of the Defence Force to declare an activity out of scope for the Stop Sexual Harassment Order measures?

- Sexual harassment in any environment is always unacceptable.
- There are some workplace settings where it may not be possible or practical to apply Stop Sexual Harassment Orders issued by the Fair Work Commission.
- An example is during the course of ADF operations overseas in zones of active hostilities.

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- In cases where a declaration applies, the ADF will demand high standards of behaviour from all personnel and can apply existing military justice processes to stop sexual harassment.
 - Any aggrieved person could still apply to the Fair Work Commission for mediation or conciliation of a complaint, if they wish to do so and can apply for a Stop Sexual Harassment order once the declaration no longer applies to them.

How do other military justice processes apply to sexual harassment?

- When a complaint of unacceptable behaviour is made, commanders and managers have an obligation to take action. Unacceptable behaviour includes sexual harassment.
- Should they receive a complaint of sexual harassment, commanders and managers are required to take immediate action, including issuing commands and reasonable directions, impacting the ADF and APS workforce, to address the needs of complainants, respondents, and the unit/workplace.
- These current authorities are based on:
 - The Chief of the Defence Force's command power;
 - The joint Chief of the Defence Force and Secretary authority for the administration of Defence;
 - The Secretary's role as an Agency Head; and
 - Relevant Defence Instructions made under the *Defence Act 1903*, which recognise the integrated nature of the Defence organisation and workforce and give effect to Defence's values and expected behaviours.
- Within Defence, the consequences for an ADF member who is a respondent to a complaint of any form of sexual harassment can extend to criminal or disciplinary action or administrative sanctions, which may include involuntary separation from service.

Can the Fair Work Commission deal with ADF members as respondents?

- Yes. From March 2023 if a civilian complains about an ADF member, the member may be the subject of a Fair Work Commission order. This is because the Fair Work Act exclusion impacts ADF members as applicants, but not respondents. In these circumstances, orders could also apply to other ADF members in the workplace, such as a commander or supervisor. However, a Stop Sexual Harassment Order cannot require anyone to do anything that would breach Australia's defence or national security.
- In addition, the Chief of the Defence Force has authority to declare a specified activity, such as an operation or exercise, exempt from the Fair Work Commission's jurisdiction.
- The Minister for Employment and Workplace Relations must approve a declaration exemption (section 527N of the Fair Work Act).

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- A declaration exemption of this kind would exclude all personnel involved in the activity, including APS employees and contractors, from applying to the Fair Work Commission.
- This could address circumstances where there may be an operational impact from the application of Stop Sexual Harassment Orders during the activity.
- Military justice options would still be available in both these circumstances.

Background

- Part 8 of the amended Fair Work Act contains two measures which apply to Defence personnel:
 - A prohibition on sexual harassment, which will allow any person to apply to the Fair Work Commission to mediate or conciliate a complaint about sexual harassment.
 - A Stop Sexual Harassment Order, which will allow civilian personnel in Defence workplaces to apply to the Fair Work Commission and ask that a preventative order be made to stop future sexual harassment.
- Unless provided for by regulations, ADF members are not able to seek a Stop Sexual Harassment Order. The newly-amended Fair Work Regulations 2009 identifies specific circumstances when ADF members can apply to the Fair Work Commission for a Stop Sexual Harassment Order.
 - They focus on when the internal Defence process is exhausted, not available or not suitable.
- To ensure ADF members have access to a similar mechanism, Defence has updated the Defence Regulation 2016 to protect ADF members from the risk of continued sexual harassment while on duty. The new Defence mechanism is titled Stop Sexual Harassment Directions and complements existing processes, including management of unacceptable behaviour.
 - It has similar effect within Defence as the Fair Work Commission's Stop Sexual Harassment Orders do for the general community.

Supporting Information

Questions on Notice

- No QoNs asked.

Freedom of Information (FOI) Requests

- None.

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Recent Ministerial Comments

- No recent comments.

Relevant Media Reporting

- Australian media has reported on the introduction of Stop Sexual Harassment directions in Defence, primarily through Australian Community Media network publications. Example: [Defence gets harassment protections.](#)

Division:	Defence Legal
PDR No:	SB23-000431
Prepared by: s47E(d) [redacted], Director Military Administrative and Discipline Law, Military Law Branch Mob: s22 [redacted] Ph: s47E(d) [redacted] Date: 6 April 2023	Cleared by Division Head: Adrian D'Amico, Chief Counsel, Defence Legal Division Mob: s22 [redacted] Ph: s47E(d) [redacted] Date: 6 April 2023
Consultation: N/A	
Cleared by CFO / DPG / DSR: N/A	
Cleared by Deputy Secretary (or equivalent Band 3/3*): Date: 11 April 2023 David Nockels, Acting Deputy Secretary Defence People Group	

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Key witnesses: Justine Greig; Vice Admiral David Johnston; Major General Wade Stothart

Sexual Misconduct

Handling Note:

- Justine Greig, Deputy Secretary Defence People Group, joint lead on all issues.
- Vice Admiral David Johnston, Vice Chief of the Defence Force, joint lead on all issues.
- Major General Wade Stothart, Head of People Capability, may lead on questions related to the Sexual Misconduct Prevention and Response Office.

Key Messages

- Sexual misconduct has no place in Defence. Where allegations are made, Defence will take action informed by the wishes of the victim, regardless of when or where the incident occurred.
- Defence acknowledges that sexual misconduct reports have not always been well managed in the past.
- We remain committed to creating a safe environment where individuals have access to support services and feel safe to report abuse and sexual misconduct. This is achieved through employing the principles of safety, trust, choice, collaboration, and empowerment.
- Defence personnel have a number of internal and external options to report sexual misconduct. This already includes using the civilian police system.
- Defence policy requires all allegations of sexual misconduct to be managed promptly and sensitively. No allegation can be ignored or managed informally.
- Defence is committed to preventing sexual misconduct and optimally managing incidents if they occur to prevent further harm.

Talking Points

- Defence respects the wishes, privacy and confidentiality of victims and will not comment on individual matters.
- Defence released a statement on sexual misconduct in the ADF on 21 July 2022 acknowledging our previous failures to adequately handle sexual misconduct incidents. We remain committed to doing better (see [Attachment A](#)).
 - Defence continues to take action in response to claims it receives, including through the Defence Abuse Response Taskforce and the Defence Reparation Scheme.
- Defence works to prevent sexual misconduct through research, policy and data improvement, education, and other initiatives.

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- Defence conducts continuous research to better understand the causes of sexual misconduct in order to prevent incidents occurring.
- Defence continually reviews its sexual misconduct policies and processes to maintain a victim-centric, trauma-informed approach to managing sexual misconduct.
 - : In 2021, with extensive stakeholder engagement, Defence reviewed its Sexual Misconduct Policy, the Complaints and Alternative Resolutions Manual (CARM) Chapter 9 – Responding to Sexual Misconduct. The current policy was released in June 2022.
- Defence takes an enterprise-wide approach to sexual misconduct education:
 - : Defence is enhancing and modernising its Sexual Misconduct Education Program. From January 2023 all Defence personnel are required to complete mandatory targeted sexual misconduct education modules.
 - : Ongoing sexual misconduct education throughout individuals' careers will be aligned with professional mastery education continuums.
 - : Defence also delivers targeted training to commanders, managers and supervisors to ensure the best possible response is provided to any person who reports.
- . Defence encourages people subjected to alleged sexual misconduct to report the incident to Defence, but respects their choice if they do not wish to do so.
 - If an incident occurs, victims are provided choices from reporting through to investigation. Their ability to exercise choice is protected by policy which can lead to sanctions if that choice is not managed appropriately.
 - Defence personnel have a number of internal and external options to report alleged sexual misconduct, including the chain of command, military police, civilian police, Directorate of Conduct and Performance, the Inspector General of the Australian Defence Force, the Commonwealth (Defence Force) Ombudsman, the Australian Human Rights Commissioner, and the Public Interest Disclosure Team.
 - The process to deal with a complaint is dependent upon the preferences of the victim and the nature of the complaint.
 - : Defence policy states that all alleged sexual offences against Defence personnel are notifiable incidents meaning there is a requirement for Defence personnel (other than victims) to report the incident immediately to the Joint Military Police Unit.
 - : The victim is always able to choose to have civilian police investigate the matter, rather than the Joint Military Police Unit, when civilian police have jurisdiction. If the victim chooses to report a sexual offence to civilian police, Defence will support them to do so and will assist with any investigation.

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- : Other forms of sexual misconduct (sex discrimination and sexual harassment) are reported and managed as unacceptable behaviour incidents through the chain of command.
- Defence takes action when sexual misconduct allegations are raised and the victim wishes to proceed with the matter. Offenders are held to account wherever possible.
- If the alleged offender is an ADF member, the Joint Military Police Unit will normally seek to refer sexual assaults to the relevant civilian police authority for investigation, but may exercise jurisdiction to investigate if that is the wish of the victim.
- The Joint Military Police Unit does not have jurisdiction to investigate incidents when the alleged offender is not an ADF member. The Joint Military Police Unit refers those incidents to civilian police with the consent of the victim.
- The ultimate decision on whether to prosecute a matter inside the military jurisdiction is at the discretion of the Director of Military Prosecution and subject to any consent required from the Commonwealth Director of Public Prosecutions.
- . Defence works to prevent further harm with prompt and sensitive incident management, options in reporting and investigations, and free access to external and internal support services.
 - Victims are encouraged to choose the support and advice services that best suit their needs, either from inside of or provided externally to Defence. A number of Defence and community assistance options are available, including 24/7 confidential support services such as Sexual Misconduct Prevention and Response Office.
 - Established in 2013, in response to Recommendation 18 of the Review into the Treatment of Women in the Australian Defence Force 2012, the Sexual Misconduct Prevention and Response Office is a central part of Defence's cultural change initiatives promoting reporting, help-seeking, and prevention. The Sexual Misconduct Prevention and Response Office is a 'supporting' not a 'reporting' agency.
 - The '1800 SeMPRO' service uses trauma-informed principles based on ensuring safety, choice, trust, empowerment and collaboration.
 - Sexual Misconduct Prevention and Response Office social workers and psychologists are available 24/7 to provide confidential advice and support to all current or ex-serving ADF members, APS employees, Defence contractors, ADF Cadets, Instructors or Officers of ADF Cadets, colleagues, friends and family members.
- . Sexual misconduct is a complex issue. No single data source can provide all of the information needed to assess the prevalence of sexual misconduct.

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If pressed: why did Defence release a statement on sexual misconduct in the Australian Defence Force?

- The Government and Defence is aiming to keep our people and their families, media and public commentators best informed on how Defence manages sexual misconduct and supports victims.

Background

How does Defence define sexual misconduct?

- The definitions used by Defence in relation to sexual misconduct are detailed in [SB23-000531](#). Defence uses the term 'sexual misconduct' to encompass the spectrum of unwanted and unwelcome sexualised behaviours. Broadly this is broken into three categories: sex discrimination, sexual harassment and sexual offences.

What are the support options for Defence personnel?

- Defence personnel who have been impacted by sexual misconduct are encouraged to choose the support and advice services that best suit their needs, either from inside of or provided externally to Defence.
- A number of Defence and community assistance options are available, including Service Chaplains, Joint Health Command, and 24/7 confidential support services such as the Sexual Misconduct Prevention and Response Office.
- Defence requires commanders and managers to treat the complainant and their allegations sensitively and seriously, and take necessary action to manage the workplace until an outcome is reached.

Reported ADF sexual assault data per year (as per Defence Annual Report)

- For the financial year 2022/2023 (as at 31 March 2023), 108 sexual assaults have been reported to military police, consisting of:
 - 53 aggravated sexual assaults (e.g. penetrative acts committed without consent, or threat of penetrative acts committed without consent with aggravating circumstances); and
 - 55 non-aggravated sexual assaults (i.e. touching of a sexual nature without consent where penetration does not occur).

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Commonwealth Model Criminal Code (MCC)			Australia New Zealand Standard Offence Classification (ANZSOC)					
Financial Year								
14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23*
98	84	87	170	166	160	187	148	108*

* As at 05 April (Year to Date)

- Since Defence commenced using Australia New Zealand Standard Offence Classification, average reporting of sexual offences has remained relatively consistent. There has been a slight decrease in the past year.
 - The underlying drivers for this are unclear, however, Defence’s numbers are lower than those observed in the general Australian community where reporting has increased over time.
 - The reasons for Defence’s lower number may well represent the manifestation of efforts to eradicate sexual misconduct and an actual decrease in the prevalence of incidents.

How does the ADF compare with other jurisdictions?

- For sexual offences, the terminology regarding sexual assault differs between different jurisdictions. This makes it difficult to compare sexual assault data in the ADF with other jurisdictions.
- The Defence administrative sanction system is based on ‘balance of probabilities’ as opposed to the higher standard of proof required for civilian criminal jurisdictions which is ‘beyond reasonable doubt’.
 - Of the 148 sexual offence reports to the Joint Military Police Unit for the financial year 2021/2022:
 - : 55.4 per cent (82) of all reports progressed to investigation;
 - : 6.1 per cent (nine) of all reports progressed to prosecution; and
 - : 4.7 per cent (seven) of all reports resulted in a guilty finding (77.8 per cent of prosecutions).
- The New South Wales Police data from the New South Wales Bureau of Crime Statistics and Research for Calendar Year 2021 which indicated that of the 14,650 sexual offences recorded 15.4 per cent progressed to prosecution and 9.9 per cent of all reports (64.4 per cent of prosecutions) resulted in a guilty finding. As the largest criminal jurisdiction in Australia, New South Wales provides a useful comparator for sexual offence reporting outcomes.

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Supporting Information

Questions on Notice

Supplementary Estimates: 15 February 2023

- **Q57, Sexual Misconduct Prevention and Response Office**, Senator Claire Chandler (Liberal, Tasmania) asked if the Department of Defence was aware that a serving female officer who raised concerns about the presence of males in female bathrooms in Defence Department offices and facilities was told by the Department's Sexual Misconduct Prevention and Response Office to "utilise another bathroom?"

Senate: 18 November 2022

- **Q1061, Sexual Assault in the ADF**, Senator Jacqui Lambie (Jacqui Lambie Network, Tasmania) asked about sexual assault reporting, statistics and training of ADF recruits.

Freedom of Information (FOI) Requests

- On 28 March 2023, an individual sought access under Freedom of Information to a number of documents including a sexual assault investigation. **The application is currently pending.**
- In February 2023, an individual sought access under the Freedom of Information to Department of Defence finalised estimates briefing pack, including an index of back pocket briefs, for the 2023 February Supplementary Budget Estimates, which included the Sexual Misconduct brief. **Documents yet to be released.**
- On 07 November 2022, an individual sought access under Freedom of Information to a sexual assault investigation. **The application was considered withdrawn as the applicant stopped responding to emails from Freedom of Information.**
- On 02 September 2022, an individual sought access under Freedom of Information to a sexual assault investigation. **No documents matching the scope were found.** Outcome advice provided to individual on 28 September 2022.
- On 08 July 2022, an individual sought access under Freedom of Information to a sexual assault investigation. **The application was considered withdrawn as the applicant stopped responding to emails from Freedom of Information.**

Recent Ministerial Comments

- No recent comments.

Relevant Media Reporting

- None identified.

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Division: People Capability	
PDR No: SB23-000432	
Prepared by: s47E(d) [redacted], Head of Sexual Misconduct Prevention and Response office Mob: s22 [redacted] Ph: s47E(d) [redacted] Date: 4 April 2023	Cleared by Division Head: Major General Wade Stothart, Head of People Capability, People Capability Division Mob: s22 [redacted] Ph: s47E(d) [redacted] Date: 11 April 2023
Consultation: Joint Capabilities Group Name: s47E(d) [redacted], Provost Marshal – Australian Defence Force	Date: 30 March 2023 Mob: s22 [redacted] Ph: s47E(d) [redacted]
Joint Capabilities Group Name: s47E(d) [redacted], Director Military Administrative and Discipline Law	Date: 31 March 2023 Mob: s22 [redacted] Ph: s47E(d) [redacted]
Office of the Director of Military Prosecutions Name: s47E(d) [redacted], Deputy Director Military Prosecutions	Date: 06 April 2023 Mob: s22 [redacted] Ph: s47E(d) [redacted]
Cleared by CFO / DPG / DSR: N/A	
Cleared by Deputy Secretary (or equivalent Band 3/3*): Date: 11 April 2023 David Nockels, Acting Deputy Secretary Defence People Group	

Questions on notice referred to within the brief:

Budget Estimates
Foreign Affairs, Defence and Trade
Senator Claire Chandler
Question

Is the Department of Defence aware that a serving female officer who raised concerns about the presence of males in female bathrooms in Defence Department offices and facilities was told by the Department's Sexual Misconduct Prevention and Response office to "utilise another bathroom"?

Answer

Defence does not comment on individual cases.

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Key witnesses: Justine Greig; Vice Admiral David Johnston; Major General Wade Stothart

Senate Question 1061
Foreign Affairs, Defence and Trade
Senator Jacqui Lambie
Question

With reference to sexual assault in the ADF:

1. How much has the Government spent on legal costs fighting sexual assault claims against ADF members in the last [5?] years.
2. How many cases of sexual assault has the Department settled out of court in the last 5 years.
3. Are ADF recruits (including Army, Navy, and Air Force) given any anti sexual assault/harassment training; if so, what does this training entail and are ADF employees taught how to report sexual assault.
4. How many cases of sexual assault has been reported to the ADF by ADF members and civilian staff in the last 5 years.
5. How many cases of sexual assault reported against ADF members have gone to military court in the last 5 years and what were the outcomes.
6. How many sexual assaults reported against ADF members have gone to civilian court in the last 5 years and what were the outcomes.
7. What have the ramifications been for the perpetrator and the victim due to the allegations.
8. How many victims have lost their military careers due to sexual assault or the mental health issues that have arisen from the assault.

Answer

1. Defence is unable to provide an answer on the costs associated with sexual assault claims as data is not recorded in this manner.
2. There have been 339 historical cases of alleged sexual abuse and/or physical abuse that have been settled since 2017.
3. All Defence members and employees complete the annual Mandatory Workplace Behaviour Awareness Training, either through a face-to-face presentation or online. The aim of the package is to introduce and explain workplace behaviour obligations and complaint handling processes and reporting avenues. The training package is focused on embedding Defence Values and Behaviours, with messages from the Chief of Defence Force and the Secretary of the Department of Defence. The training package includes the topic of sexual misconduct, how to report incidents and the role of Sexual Misconduct Prevention and Response Office (SeMPRO).

More specifically, Healthy Relationships and Sexual Ethics (HRSE) Training (commissioned by SeMPRO in 2014) is delivered by the Services in ADF ab initio training establishments. This describes the elements of a healthy relationship and recognises the importance of sexual ethics and appropriate behaviours in establishing and maintaining a safe and respectful Defence culture.

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Key witnesses: Justine Greig; Vice Admiral David Johnston; Major General Wade Stothart

4. 909 cases of alleged sexual assault were reported to or detected by the Joint Military Police Unit (JMPU), from 1 July 2017 to 6 December 2022.

5. 54 matters involving alleged sexual offences were brought before superior tribunals in the last 5 years. Of these:

- 25 of these were found guilty;
- six were found guilty of alternate offences; and
- 23 were found not guilty.

6. Defence is aware of seven matters. Of these:

- three findings of guilty;
- three of not guilty; and
- one with a diversion and no conviction recorded.

7. Defence is not able to provide a response as data is not recorded in this manner, and it would be inappropriate to comment given the sensitive nature of the data requested.

There is no place for sexual misconduct in Defence. All allegations are taken very seriously. Incidents of sexual misconduct do not align with Defence values. Defence maintains a victim-centric, trauma-informed approach to support individuals to report sexual misconduct. Defence continually reviews its policies and processes to minimise the risk of incidents and maintain a trauma-informed approach to managing sexual misconduct. Any ADF member who experiences sexual misconduct is strongly encouraged and supported to report the incident. Victims who wish to report an incident have a range of options, including direct engagement with State or Territory Police, or the Australian Federal Police, independent of Defence. Victims can also choose to report to Defence through the military police, or their chain of command.

8. Defence is not able to provide a response as data is not recorded in this manner, and it would be inappropriate to comment given the sensitive nature of the data requested.

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ATTACHMENT A

STATEMENT ON SEXUAL MISCONDUCT IN THE AUSTRALIAN DEFENCE FORCE

FOI 789/22/23
Document 51
Attachment 1

21 July 2022 ([published on Defence internet site](#))

There is no place for sexual misconduct in Defence. All allegations are taken very seriously. Incidents of sexual misconduct do not align with Defence values.

Defence acknowledges our previous failures to adequately handle sexual misconduct incidents. Defence is committed to doing better. Since 2012, Defence has established several pathways to address both current and historic sexual misconduct complaints in the Australian Defence Force (ADF).

Defence has established systems, training and processes to educate our people and seek to prevent sexual misconduct. Defence maintains a victim-centric, trauma-informed approach to support individuals to report sexual misconduct. Defence continually reviews its policies and processes to minimise the risk of incidents and maintain a trauma-informed approach to managing sexual misconduct.

Defence seeks to ensure it has an environment where individuals feel safe to report and have access to support services through employing the principles of safety, trust, choice, collaboration, and empowerment.

Any ADF member who experiences sexual misconduct is strongly encouraged and supported to report the incident. Victims who wish to report an incident have a range of options, including direct engagement with State or Territory Police, or the Australian Federal Police, independent of Defence. Victims can also choose to report to Defence through the military police, or their chain of command.

Defence imposes strong reporting obligations on its people, while enabling victims to have confidential conversations with support services and close friends. Defence encourages its people, who become aware of an alleged sexual misconduct, to report the incident immediately through established reporting processes. Commanders and managers have an obligation to report sexual offences to the military police.

All victims are encouraged and supported to report sexual offences to relevant State or territory Police. For sexual offences that are investigated by civilian police, charging and prosecution decisions are a matter for relevant civilian police and Director of Public Prosecutions.

In all cases of sexual misconduct, if the alleged perpetrator is an ADF member and if the victim agrees to take action, Defence will consider disciplinary or administrative action. This may be in addition to any criminal process. Individuals accused of sexual misconduct are entitled to the presumption of innocence and provided support while the matter is investigated.

Where sexual offence allegations are made, the victim's preferences to take action are given significant consideration. If the victim chooses to report to civilian police, Defence will support them to do so and will assist with any investigation. If the victim requests military police to investigate, military police can and will investigate in accordance with Commonwealth and/or ACT legislation. Where an offence occurs overseas, and Defence has jurisdiction, military police have carriage of such matters.

The independent Director of Military Prosecutions will decide whether to prosecute a sexual offence matter inside the military discipline system.

Defence respects the privacy and confidentiality of victims and will not comment on individual matters.

Key witnesses: Justine Greig, Vice Admiral David Johnston

ATTACHMENT A

FOI 789/22/23
Date: 11/10/23
Attachment 1

There are a number of 24/7 confidential support services available to impacted individuals such as the Sexual Misconduct Prevention and Response Office (SeMPRO). If you or someone you know is a current or former serving ADF member and requires support, please contact any of the below specialised counselling services and resources. Defence supports and encourages people to access confidential assistance from the internal or external service that best meets their needs.

- Sexual Misconduct Prevention and Response Office (SeMPRO) at sempro@defence.gov.au or (1800 736 776 [1800 SeMPRO])
- The Defence Member and Family Helpline at memberandfamilyhelpline@defence.gov.au or 1800 624 608
- Defence All-hours Support Line (ASL) (1800 628 036)
- Employee Assistance Program Portal at <http://drnet.defence.gov.au/People/WHS/Employee-Assistance-Program/pages/Employee-Assistance-Program.aspx> or 1300 687 327 [1300 OUR EAP]
- ADF health services accessed through Garrison Health Centres (<https://www.defence.gov.au/adf-members-families/health-well-being/garrison/adf-mental-health-services#MentalHealthServicescontact>).
- Online through ADF's [Mental Health and Psychology Services](https://www.defence.gov.au/adf-members-families/health-well-being/services-support-fighting-fit/need-help-now) (<https://www.defence.gov.au/adf-members-families/health-well-being/services-support-fighting-fit/need-help-now>)
- The [ADF Chaplaincy Services](http://drnet/People/Policy/ADF-PAC-Policy/Pages/ADF-Chaplaincy-Policy.aspx) (<http://drnet/People/Policy/ADF-PAC-Policy/Pages/ADF-Chaplaincy-Policy.aspx>) provide a 24/7 on-call 1300 DEFENCE (1300 333 362)
- [Lifeline: www.lifeline.org.au](http://www.lifeline.org.au) (13 11 14)

Definitions

Defence uses the term 'sexual misconduct' to encompass the spectrum of unwanted and unwelcome sexualised behaviours. Applying the term 'sexual misconduct' to describe all unwanted sexualised behaviours is common but not universal. Terms used by other agencies to cover the full range of behaviours include 'sexual harassment' and 'sexual assault'. Defence uses those terms to exclusively reflect specific behaviours as they are defined in legislation.

Defence defines the term 'Sexual offences' as acts, or intent of acts, of a sexual nature against another person which constitutes a criminal offence. Sexual offences are defined in various Commonwealth, state, and territory legislation. Specific offences differ across the various jurisdictions but are broadly categorised as sexual assaults and non-assaultive sexual offences.

Media contacts

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Key witnesses: Justine Greig, Rear Admiral Sarah Sharkey; Air Vice-Marshal Barbara Courtney

Royal Commission into Defence and Veteran Suicide

Handling Note:

- Justine Greig, Deputy Secretary Defence People, joint lead on matters regarding mental health and suicide in the ADF.
- Rear Admiral Sarah Sharkey, Surgeon General of the ADF, joint lead on matters regarding mental health and suicide in the ADF.
- Air Vice-Marshal Barbara Courtney, Head of Royal Commission Defence and Veteran Suicide Taskforce, to lead on matters regarding Defence's engagement with the Royal Commission.

Key Messages

- The Royal Commission into Defence and Veteran Suicide is an opportunity to learn and strengthen our approach to the wellbeing of ADF personnel.
- Defence thanks members and their families who have told their stories to the Royal Commission – their lived experience helps us determine how we can improve support to members and their families in the future.
- Defence and the Department of Veterans' Affairs have implemented the recommendations of the Interim Report of the Royal Commission that they have joint responsibility for, recommendations 9 to 13.
- Defence, Department of Veterans' Affairs and the Attorney-General's Department, continue to support the Royal Commission to further understand the complex issue of suicide and to reduce the risk for serving and ex-serving members of the ADF.

Talking Points

Royal Commission into Defence and Veteran Suicide Interim Report

If pressed: How is Defence responding to recommendations 9-13 of the Royal Commission's Interim Report?

- Defence welcomed the Interim Report of the Royal Commission, and with Department of Veterans' Affairs have implemented the recommendations we have joint responsibility for.
 - Recommendations 9 through to 13 cover a range of initiatives to help improve access to information for current and former serving ADF members and their families.
 - The Government's response to Recommendations 9 through to 13 was informed by a comprehensive co-design process conducted in 2022 with members of the Defence and veteran community.

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Key witnesses: Justine Greig, Rear Admiral Sarah Sharkey; Air Vice-Marshal Barbara Courtney

- These initiatives are aligned across Defence and DVA, to ensure that applicants have a consistent experience when accessing information.
- An Information Access Unit has now been established in each Department. These are dedicated teams who will serve as a single point of contact and as a source of advice for applicants requesting information.
- Guidelines on information access mechanisms have also been published by both Departments to make it easier to understand how to seek records and to explain why records may contain redactions.
- Both Departments' websites have been revised and simplified to make content easier to find including the supporting education material on information access.
- With these improvements, applicants will have a better understanding of the information access process and of the support available to them when and where they need it.
- Both Departments are embedding trauma-informed practice principles and training, which will remain a key focus of the Government's ongoing response to the Interim Report.

Defence's engagement with the Royal Commission

If pressed: Will Defence members be penalised for engaging with the Royal Commission?

- Defence acknowledged the Royal Commission concerns in relation to protections for serving members of the ADF disclosing sensitive information to the Royal Commission, and developed a policy (referred to as the "the arrangement") that enables current and former serving members and APS to be considered "on duty" and covered by the *Defence Act 1903* when engaging with the Royal Commission. This policy has been co-signed by the Chief of the Defence Force, the Secretaries of Defence and DVA and the Royal Commissioners.
- The Chief of the Defence Force has publicly clarified that ADF members will not be penalised for engaging with the Royal Commission and all Service Chiefs and Senior Enlisted convey this commitment in a video asking ADF members to "tell your story".
- In addition, the Royal Commissions Amendment (Enhancing Engagement) Bill 2023 was passed by both Houses on 30 March 2023. The Bill amends the *Royal Commissions Act 1902* to ensure the confidentiality of certain information given by individuals to the Defence and Veteran Suicide Royal Commission about their experiences of suicide, suicidality, poor mental health or related systemic issues.
- Commencement of the Bill will implement recommendation 6(1) of the Interim Report of the Royal Commission.

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If pressed: Are there any matters that ADF Members cannot disclose to the Royal Commission?

- Notwithstanding “the arrangement”, there remain some matters to which non-disclosure conditions may apply, for example information regarding on-going investigations or inquires. ADF members who are party to these matters are not discouraged from engaging with the Royal Commission. Rather they are encouraged to consult with their legal counsel when they engage with the Royal Commission to ensure they comply with these conditions.

If pressed: How is Defence supporting the work of the Royal Commission?

- Defence has a dedicated Taskforce with experienced staff in legal, information management, policy, governance and coordination, communications, wellbeing, planning, and group and service liaison roles.
- The Taskforce delivers two key functions:
 - responding to high volume and complex requests from the Royal Commission; and
 - assisting Defence personnel, especially Commonwealth witnesses, to appear before the Royal Commission, with legal, administrative, and wellbeing support.
- The Taskforce also provides information to the broader Defence community (ADF personnel, APS, contractors, consultants and families of serving members) on how to engage with the Royal Commission and how to access wellbeing support.

If pressed: What support services are being offered to Defence personnel?

- The health and wellbeing of all Defence personnel is a priority.
- Support services are widely available through: local Garrison Health Centres, the All Hours ADF support line, the Defence Family Helpline, the Employee Assistance Program (for Reserves and APS employees) and the ADF Chaplaincy services.
- The Royal Commission also provides counselling and support services for those who engage with them and this support is available before, during and after a person participates in a hearing or private session.

Background

Financial Implications for Defence

- The Defence Taskforce to support the functions of the Royal Commission into Defence and Veteran Suicide is funded from within the existing resources of Defence.

ADF Suicide Rates

- The Defence Suicide Database, which records the deaths of current serving members, has recorded 165 full-time serving ADF members who are suspected or confirmed to

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have died by suicide, including nine females, between 1 January 2000 and 31 March 2023.

• s47F

• The Australian Institute of Health and Welfare report *Serving and ex-serving Australian Defence Force members who have served since 1985: suicide monitoring 1997 to 2019* shows, in comparison to the Australian population, the age adjusted rate of suicide from 1997-2019 was:

- 49 per cent lower for full-time serving males;
- 46 per cent lower for Reserve males;
- 27 per cent higher for ex-serving males; and
- 107 per cent (two times more likely) higher for ex-serving females.*

*Due to the small number of suicide deaths among females in permanent and reserve service, suicide rates are not reported for these subgroups.

Details of the Royal Commission into Defence and Veteran Suicide

- On 8 July 2021, the Governor-General established the Royal Commission into Defence and Veteran Suicide. Mr Nick Kaldas APM (Chair), the Hon James Douglas QC and Dr Peggy Brown AO were appointed as Commissioners.
- There have been eight public hearings since November 2021, held in Brisbane, Sydney (twice), Canberra, Townsville, Hobart, Darwin and Wagga Wagga. Hearing Block 9 will be held in Perth from 16 May 2023.
- The hearings have focussed on a range of topics including culture, stigma, deployments, welfare, and support to families, medical care, recruitment and discharge.
- The Royal Commission published an interim report on 11 August 2022, which the Government responded to on 26 September 2022. A final report is due on 17 June 2024.
- The Royal Commission is independent of both Defence and DVA and is administered by AGD.
- The Royal Commission determines who they will summon to provide evidence and determines the witness schedules.
- The Royal Commissions Amendment (Enhancing Engagement) Bill 2023 passed the Parliament on 30 March 2023 and introduces a new section (60Q).
 - The Bill will commence the day after it receives Royal Assent. Royal Assent typically occurs 8-10 working days after passage of the Bill.

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- Section 60Q apply limitations on the use and disclosure of information given by individuals to the Royal Commission about their experiences of suicide, suicidality, poor mental health or related systemic issues.
- The new provision was modelled on equivalent protections in place for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.
- The Government consulted the Royal Commission and other key stakeholders on the drafting of these amendments.
- The Attorney-General's Department and key Commonwealth agencies will continue to discuss arrangements with the Royal Commission to ensure serving and ex-serving Defence members can engage with the Royal Commission without breaching relevant secrecy obligations.
- The impact of secrecy offences for future Royal Commissions will be considered as part of the Attorney-General Department's Secrecy Provisions Review.

Supporting Information

Questions on Notice

- **QoN 623**, Senator Michaelia Cash (Liberal, Western Australia), asked for details relating to an Austender contract notice that related to costs associated with the Defence support to Hearing Block 5 in Townsville.

Freedom of Information (FOI) Requests

- On 15 October 2022, a media organisation sought access under FOI for *"All briefing documents provided by Air Vice-Marshal Barbara Courtney AM, Head Royal Commission Defence and Veteran Suicide Taskforce to Minister of Defence and/or Minister of Veterans Affairs, regarding defence and veteran suicides"*. **Documents released on 02 December 2022.**

Recent Ministerial Comments

- On 04 April 2023 the Minister for Veterans' Affairs and Defence Personnel [announced the Government had implemented another five recommendations](#) (recommendations 9-13) of the Interim Report of the Royal Commission to improve information access for Defence members, veterans and their families.
- On 16 November 2022, [following the release of the AIHW Defence and Veteran Suicide Monitoring Report](#), the Minister for Veterans' Affairs and Defence Personnel reaffirmed the Government's commitment to Defence personnel, veterans and families by *'responding to important recommendations put forward by the Royal Commission into Defence and Veteran Suicide'*.

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Key witnesses: Justine Greig, Rear Admiral Sarah Sharkey; Air Vice-Marshal Barbara Courtney

Relevant Media Reporting

- On 06 April 2023 the West Australian published an article titled, [“Veteran, defence records made easier to access.”](#) Journalist Tess Ikonomou reported on the Government’s announcement regarding the implementation of recommendations 9-13 of the Interim Report.
- On 06 March 2023 the Daily Telegraph published (and widely syndicated in other News Corp mastheads) an article titled, [“Royal Commission considers leg-up to job interviews for Australian war veterans.”](#) Journalist Charles Miranda had an in-depth discussion with the commissioners on the progress of the Royal Commission so far and their consideration to give veterans ‘a leg up’ in job interviews.
- On 05 March 2023 A Current Affair reporter Simon Bouda [“interviewed the Commissioners on their reflections of the past 18 months”](#) of the Royal Commission and their plans for 'the next phase'.

Division: Royal Commission into Defence and Veteran Suicide Taskforce	
PDR No: SB23-000433	
Prepared by: Air Vice-Marshal B Courtney, Head of Royal Commission into Defence and Veteran Suicide Taskforce Mob: s22 Ph: s47E(d) Date: 6 April 2023	Cleared by Division Head: Air Vice-Marshal B Courtney, Head of Royal Commission into Defence and Veteran Suicide Taskforce Mob: s22 Ph: s47E(d) Date: 6 April 2023
Consultation: N/A	
Cleared by CFO / DPG / DSR: N/A	
Cleared by Deputy Secretary: Justine Greig, Deputy Secretary, Defence People Group	Date: 06 April 2023

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Key witnesses: Justine Greig, Rear Admiral Sarah Sharkey; Air Vice-Marshal Barbara Courtney

Questions on notice referred to within the brief:

Venue Hire

Senator Michaelia Cash

Question

With reference to contract notice CN3876276 published by the Department of Defence on the Austender website on 24 May 2022 relating to venue hire:

1. To what event did this venue hire relate, and precisely where was the event held.
2. Can an itemised list of all costs relating to the event be provided.
3. Can a guest list for the event be provided, including, without limitation, details of any ministers, ministerial staff or APS staff who attended.
4. Can an itemised list be provided for:
 - a. any food served; and,
 - b. any beverages served, including the names and vintages of any wines or champagnes.
5. Were any catering services procured for the purposes of the event, for example waiters, kitchenhands, or cleaning staff; if so, can full details be provided.
6. Was any entertainment provided at the event; if so, can full details be provided.
7. Was any audio visual equipment or were any services procured for the purposes of the event; if so, can full details be provided.
8. Were any decorations purchased for the purposes of the event; if so, can an itemised list be provided.
9. Can any photographs of the event be provided.
10. Can copies of any presentations delivered at the event be provided.

Answer

The Minister representing the Minister for Defence has provided the following answer to the Senator's question:

[Please see attached.](#)

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Key witnesses: General Angus Campbell; Rear Admiral Brett Wolski

Inspector-General of the Australian Defence Force Afghanistan Inquiry

Handling Note:

- General Angus Campbell, Chief of the Defence Force joint lead on Afghanistan Inquiry Reform Program questions.
- Rear Admiral Brett Wolski, Head Afghanistan Inquiry Response Task Force, joint lead on Afghanistan Inquiry Reform Program questions.

Key Messages

- The Afghanistan Inquiry found credible information of the most serious breaches of ethical, legal, professional and moral responsibilities by members of the ADF on operations in Afghanistan during the period 2005 to 2016.
- The Inquiry made a broad range of findings and 143 recommendations. Defence is fully committed to responding to the Inquiry's findings and recommendations, and actions in response are well underway.
- A substantial body of work has been undertaken through the Afghanistan Inquiry Reform Program to address the findings and recommendations and embed sustainable, enduring reform across the organisation.
- At this time, Defence has implemented the required actions to close 105 of the 143 Inquiry recommendations and the Deputy Prime Minister has directed the Chief of the Defence Force to come up with a plan to close the remaining recommendations by November 2023.
- Criminal investigations and any potential prosecutions are being conducted independently of Defence by the Office of the Special Investigator, the Australian Federal Police and the Commonwealth Director of Public Prosecutions.
- Support services are available to participants and other individuals who were involved in, or affected by, the Afghanistan Inquiry whether they are current or former serving ADF members or their families.
- Details are available on the Defence Afghanistan Inquiry website:
<https://www.defence.gov.au/about/reviews-inquiries/afghanistan-inquiry/welfare-support>

Talking Points

Afghanistan Inquiry Reform Program

- The Reform Program has two objectives:
 - Address the past: consider and take appropriate action to meet organisational, collective and individual responsibility for past failures and wrongdoing.

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Key witnesses: General Angus Campbell; Rear Admiral Brett Wolski

- Prevent recurrence: build the best possible organisation for the future, comprehensively understanding and addressing the root causes of the failures and wrongdoing; and developing the systems, culture and accountability which will prevent, promptly detect and respond to departures from required standards.
- To deliver on these objectives, the Reform Program is addressing specific Inquiry recommendations and leveraging existing reform to implement Inquiry-related initiatives.
- Objective 1 (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 2 (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.
- Work completed to date includes:
 - addressing accountability for integrity in operational reporting;
 - introduction of training on individual responsibility for reporting breaches of the Law of Armed Conflict;
 - updates to ADF and APS annual reporting processes;
 - delivery of military ethics and ADF leadership doctrines; and
 - the introduction and publication of interim respite policy in the Military Personnel Manual.
- Ongoing work includes:
 - command accountability;
 - development of end-to-end cross-cultural awareness education and training;
 - development of vignettes on case studies that highlight the consequences of failure in leadership, ethical drift, exceptionalism and the difficulties resisting prevailing organisational culture;
 - establishment of an alternative safe and confidential reporting process for allegations of serious operational incidents;
 - review of the Law of Armed Conflict manual including consideration of the protection of civilians; and

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Key witnesses: General Angus Campbell; Rear Admiral Brett Wolski

- review of the framework, policies and processes for the management of embedded military personnel in coalition forces.
- 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>.

Criminal Investigations

- All Inquiry recommendations for criminal investigation have been referred to the Office of the Special Investigator through the provision of the Afghanistan Inquiry report to the Office of the Special Investigator Special Counsel.
- Criminal investigations and any potential prosecutions are being conducted independently of Defence by, the Australian Federal Police and the Commonwealth Director of Public Prosecutions.

Handling Note: *Any further questions should be referred to the Office of the Special Investigator within the Attorney-General's portfolio.*

- Defence supports the work of the Office of the Special Investigator through the provision of records in response to requests for information; and subject matter expert advice to ensure accuracy in the interpretation of Defence related information.
- Defence is aware a former member of the ADF has been charged with one count of War Crime – Murder, under subsection 268.70(1) *Criminal Code 1995 (Cth)*, by the Office of the Special Investigator and Australian Federal Police.
- On Tuesday 28 March 2023 the individual was granted bail and a non-publication order was made over their address and locality, but not granted in relation to their name or that of their partner.
- As the matter is the subject of ongoing criminal proceedings, it would be inappropriate to comment further.

Can you provide any details about the individual who has been charged?

- No. Individual details will not be discussed.

What identity protections are available for former members of the Special Air Services Regiment?

- Defence Protected Identity status, is a Defence policy afforded to some current serving ADF members to protect current sensitive Defence capabilities and effects, our operations, the partners we operate with, and to safeguard the security of individuals and their families.
- Defence Protected Identity status applies to current serving members of Special Operations Command and Special Forces qualified members who are likely to return to

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a position within Special Operations Command. Former members of the ADF are not covered by this policy. Neither are personnel within Special Operations Command who hold public facing positions (for example Special Operations Commander Australia).

Is the United Kingdom conducting an inquiry into allegations of Special Air Services extrajudicial killings in Afghanistan and what support is Australia providing?

- Defence is aware that the United Kingdom has launched an independent inquiry to investigate allegations of extrajudicial killings by British Armed Forces in Afghanistan.
- Any questions on this matter should be directed to the United Kingdom Government.

Compensation and Command Accountability

- **Handling Note:** Information regarding compensation and command accountability is available at: [SB23-000435](#) - Afghanistan Inquiry – Compensation and Command Accountability.

Background

- Defence commissioned the Afghanistan Inquiry in 2016 after rumours and allegations emerged relating to possible breaches of the Law of Armed Conflict by members of the Special Operations Task Group in Afghanistan over the period 2005 to 2016.
- The Inquiry was conducted at arm's length from both the ADF chain-of-command and Government to ensure the independence and integrity of what are well-established and rigorous processes. The Inquiry was conducted in private because it involved matters of operational security and protected identities, as well as to protect witnesses and lines of inquiry.
- The Chief of the Defence Force received the Afghanistan Inquiry report from the Inspector-General of the Australian Defence Force on 06 November 2020, and announced the findings and released a public version of the report on 19 November 2020.
- The Inquiry considered in detail 57 allegations of incidents and issues, and found credible information to substantiate the alleged unlawful killings of 39 individuals in 23 separate incidents. The Inquiry also found credible information to substantiate two allegations of cruel treatment.
- The Inquiry made extensive use of statutory notice powers to compel individuals to answer questions and produce documents in relation to matters subject of the Inquiry.
 - The notice powers are accompanied by statutory protections which make the evidence inadmissible in the civil or criminal proceedings against an individual if it is evidence of, or derived from, disclosure compelled from that individual.
 - To help protect the integrity of investigations and any future prosecutions (should they arise) the Office of the Special Investigator has established a

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Key witnesses: General Angus Campbell; Rear Admiral Brett Wolski

dedicated, separate Special Counsel team to advise on the use and management of information obtained by the Inquiry.

- The Office of the Special Investigator was established on 4 January 2021 and is working with the Australian Federal Police to investigate allegations of criminal offences arising from, or related to, breaches of the Law of Armed Conflict by ADF members in Afghanistan between 2005 and 2016.

Supporting Information

Questions on Notice

Senate Estimates: 23 February 2023

- **QoN 43, Honours and Awards**, Senator Jacqui Lambie (Jacqui Lambie Network, Tasmania) asked for a copy of Chief of the Defence Force's Distinguished Service Cross nomination and citation, and Chief of the Defence Force's letters to personnel subject to command accountability considerations.

Senate: 16 December 2022

- **QoN 1140, Brereton Report Implementation**, Senator David Shoebridge (Greens, New South Wales) asked a series of questions about the implementation of recommendations arising from the Afghanistan Inquiry, and action taken by Defence against alleged perpetrators of war crimes.

Freedom of Information (FOI) Requests

- In late February/early March 2023 multiple individuals sought access to policy documents relating to discretions available in the awarding of awards in warlike operations, advice provided to the Chief of the Defence Force since the completion of the Afghanistan Inquiry Report to rescind awards, letters sent to units or individuals relating to the rescinding of awards, and letters patent relating to Chief of the Defence Force's Distinguished Service Cross. **Decisions are pending.**
- A media organisation requested the Eighth and Ninth Quarterly Reports of the Afghanistan Inquiry Implementation Oversight Panel. **Documents were released on 28 February 2023 and 27 March 2023 respectively.**
- In November 2022, the office of a federal parliamentarian sought access to documents regarding the consideration of administrative action in relation to personnel who held command positions within the scope of the Afghanistan Inquiry. **Response under consideration.**
- In July 2022, a media organisation sought access to briefings provided to the Deputy Prime Minister on the Afghanistan Inquiry and Defence's response. **Documents were released on 14 September 2022.**
- In February 2022, a media organisation sought access to documentation relating to Defence's response to the Afghanistan Inquiry in the areas of command accountability,

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administrative action and honours and awards. Documents were released on 28 March 2022.

Recent Ministerial Comments

- On 29 November 2022, the Foreign Minister responded to questions from Senator Jacqui Lambie regarding the scope of Defence's review of command accountability, and the reported 'blanket exemption' of senior leaders.
- On 28 November 2022, the Deputy Prime Minister responded to questions from the Shadow Minister for Defence during Question Time regarding the scope of Defence's review of command accountability, specifically the types of honours and the ranks of impacted personnel.

Relevant Media Reporting

Criminal Investigations

- Australian media has reported extensively on the individual charged with War Crime - Murder. Key reporting includes [The Australian](#), [The Guardian Australia](#), [ABC News](#) and [Fairfax Media](#).
- A joint Office of the Special Investigator and Australian Federal Police media release announcing the first charge is [available](#).
- International reporting included [Reuters](#) and [24/7 News Around the World](#).

Reform

- On 06 December 2022, Crikey published an article titled, [Richard Marles' action on the Brereton report may raise Australia's global standing](#). Journalist Maeve McGregor wrote it has become clear the Albanese Government has resolved to "jettison Scott Morrison's slow and politicised response" to parts of the Afghanistan Inquiry report.
- On 11 November 2022, Nine aired a documentary titled, ["The Home Front."](#) Professor John Blaxland said Chief of the Defence Force tried to implement the recommendations of the Afghanistan Inquiry but was "gazumped by his political masters". The documentary also noted the "devastating impact" the findings of the Inquiry had on the morale of ADF members and veterans.
- On 29 September 2022, the Guardian Australia published an article titled, [Defence officials call for 'deep reform' to counter perceptions of inaction on Brereton inquiry](#). Reporter Daniel Hurst stated, despite war crimes inquiry saying commanders 'must bear' responsibility for what happened on their watch, the previous Government suspended punishment against them
- On 03 July 2022, The Guardian Australia published an interview with Richard Marles, ['History will judge us': Richard Marles commits to defence reform after Afghan war crimes inquiry](#).

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Key witnesses: General Angus Campbell; Rear Admiral Brett Wolski

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PDR No: SB23-000434	
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Cleared by CFO / DPG / DSR: N/A	
Cleared by Deputy Secretary (or equivalent Band 3/3*): Date: 6 April 2023 Vice Admiral David Johnston, Vice Chief of the Defence Force	

Questions on notice referred to within the brief:

Supplementary Budget Estimates 23 February 2023

Awards

Senator Jacqui Lambie

Question

Chief of Defence Force's Distinguished Service Cross

1. Would the Department please provide a copy of the nomination (including the citation) for the Chief of Defence Forces' (Angus J Campbell) Distinguished Service Cross.
2. Would the Department please provide a copy of the decision (including the agreed citation) to award the Chief of Defence Force (Angus J Campbell) his Distinguished Service Cross.

Chief of Defence Force's letter to service personnel who received various awards in Afghanistan.

1. Would the Department please provide a copy of all letters sent by the Chief of Defence Force (General Angus J Campbell), on or around 2nd November 2022, to recipients of awards for their command in Afghanistan.
 - a. Specifically, these are letters that ask the recipient to consider retention or cancellation of their award in light of the Brereton Report.
2. Would the Department please also provide a copy of the two annexes provided with each letter.
 - a. Specifically, the 'Acknowledgement', and the 'Welfare' attachments.

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Key witnesses: General Angus Campbell; Rear Admiral Brett Wolski

Answer

Chief of the Defence Force's Distinguished Service Cross

1. Nominations for military honours are handled in confidence.
2. The agreed citation is publically available at <https://webarchive.nla.gov.au/awa/20130404134324/http://www.gg.gov.au/queens-birthday-2012-honours-lists>.

Chief of the Defence Force's letter to service personnel who received various awards in Afghanistan:

1a-2a. As the consideration of command accountability is ongoing, and to protect the privacy and support the welfare of our people, Defence will not provide this information.

Senate Question on Notice 16 December 2022

Brereton Report Implementation

Senator David Shoebridge

Question

1. Separate from the process being undertaken by the Office of the Special Investigator (OSI), what measures have been taken in relation to the 25 current or former Australian special forces personnel who, according to the Brereton Report, were implicated in the alleged unlawful killing of 39 individuals and the cruel treatment of two others:
 - a. has any administrative or other action been taken against these 25 individuals, or any other individuals in relation to allegations of war crimes; and
 - b. have any citations, medals or awards been revoked in regards all or any of these 25 individuals; if so, please provide details.
2. Separate from the process being undertaken by the OSI, what other measures have been taken to address the recommendations in the Brereton Report.
3. Does the Government still maintain that responsibility and accountability for the alleged war crimes does not extend to higher headquarters, including in particular Headquarters Joint Task Force 633 and Headquarters Joint Operations Command.
4. If the answer to 3 is yes, has there been any accountability or other measures taken in relation to senior staff at Headquarters Joint Task Force 633 or Headquarters Joint Operations Command; if so what action.
5. What cultural reforms have been made to the ADF to implement the recommendations of the Brereton Report.

Answer

1a. All allegations of unlawful killings have been referred to the Office of the Special Investigator (OSI) through the provision of the Afghanistan Inquiry report to the OSI Special Counsel.

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Key witnesses: General Angus Campbell; Rear Admiral Brett Wolski

Criminal investigations and any potential prosecutions are being conducted independently of Defence.

In late 2020, following the release of the Afghanistan Inquiry report, Army initiated administrative action, inclusive of a notice to show cause, for termination of service against 17 serving individuals where alleged failure to meet ADF expectations and values was identified.

The decision-maker determined each notice on a case-by-case basis and all members were afforded due process. Army informed each member (or their legal representative) of the outcome of their notice.

By 14 February 2022, administrative action for all 17 members was completed.

The decisions made in relation to the administrative action were independent of any consideration of criminal liability. Professional misconduct does not pre-suppose criminal misconduct.

b. No citations, medals or awards have been revoked in regards to any of these 25 individuals. However, Defence notes that a process is currently underway to review command accountability and associated awards.

2. Since the release of the Afghanistan Inquiry report in November 2020, Defence has undertaken a substantial body of work to address the Inspector-General's findings and recommendations and embed genuine, enduring and sustainable reform across the enterprise.

On 30 July 2021 Defence released the Afghanistan Inquiry Reform Plan (the Reform Plan) setting out the Defence strategy for responding to the Inquiry and establishing the Afghanistan Inquiry Reform Program (the Reform Program) to coordinate and drive this work.

Defence has implemented the required action to close 103 of the 143 Inquiry recommendations. The Minister for Defence has directed the Chief of the Defence Force to come up with a plan to close off the remaining recommendations.

Further information on Defence's response, including a list of work completed and in progress, is available at: <https://www.defence.gov.au/about/reviews-inquiries/afghanistan-inquiry/defence-response>

3. ADF commanders at all levels have a responsibility for ensuring forces under their command and control comply with the Law of Armed Conflict and Rules of Engagement.

Command accountability can exist regardless of individual criminal liability. Command accountability holds commanders accountable for the actions of their subordinates.

The Afghanistan Inquiry found commanders bear moral responsibility and accountability for what happens under their command, and recommended the review of honours and awards to commanders.

The Chief of the Defence Force (CDF) is considering the command accountability of current and former serving ADF members who held command positions, at a range of ranks, during the periods for which the Inspector-General found multiple incidents of alleged unlawful conduct. Persons who held command positions, irrespective of rank, are being considered in

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Key witnesses: General Angus Campbell; Rear Admiral Brett Wolski

a consistent manner. These considerations apply to a small group only and any impacted personnel have a right of reply.

As the consideration of command accountability is ongoing, and to protect the privacy and support the welfare of our people, Defence is not in a position to provide further information about specifics at this time.

4. Refer to response to question three.

5. The Reform Program has two objectives: to address the past and to prevent recurrence.

There is a considerable amount of cultural reform work underway, details of which are available at: <https://www.defence.gov.au/about/reviews-inquiries/afghanistan-inquiry/defence-response>.

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Afghanistan Inquiry - Compensation and Command Accountability

Handling Note:

- General Angus Campbell, Chief of the Defence Force, to lead on command accountability questions.
- Matt Yannopoulos, Associate Secretary, to lead on compensation questions with support from Chief Defence Counsel, Adrian D’Amico.
- Rear Admiral Brett Wolski, Head Afghanistan Inquiry Response Task Force, to lead on Afghanistan Inquiry Reform Program questions.

Key Messages

- Defence is fully committed to addressing the findings and recommendations of the Inspector-General of the Australian Defence Force Afghanistan Inquiry.
- Defence has been exploring options to give effect to the recommendations regarding compensation. Due to numerous challenges arising from the change of Afghan Government in August 2021, no viable options to implement the 15 compensation-related recommendations have been identified so far.
- The Chief of the Defence Force has considered the command accountability of current and former serving Australian Defence Force members who held command positions during the periods in which the Inspector-General of the ADF found credible information of multiple incidents of alleged unlawful conduct as identified in the Afghanistan Inquiry report.
- The consideration of administrative action for command accountability is one part of a significant and thorough process to ensure lasting reform in the ADF in response to the Afghanistan Inquiry.
- The CDF has provided the relevant material to the Deputy Prime Minister for consideration.
 - This concludes the CDF’s involvement in this process.
- Support services are available to participants and other individuals who were involved in, or affected by, the Afghanistan Inquiry whether they are current or former serving ADF members or their families.
- Details are available on the Defence Afghanistan Inquiry website:
<https://www.defence.gov.au/about/reviews-inquiries/afghanistan-inquiry/welfare-support>

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Talking Points

Compensation

- The Afghanistan Inquiry report made 15 recommendations to pay compensation to alleged victims or their families where there is credible evidence of property damage, assault and unlawful killing, without awaiting the establishment of criminal liability.
- 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.
- No feasible options for making payments have been identified so far, but Defence continues to work with Commonwealth agencies to explore options to give effect to the recommendations.
- Defence, via the Afghanistan Inquiry Reform Program, originally aimed to finalise the compensation recommendations by June 2021. Due to the complexities identified, progress against the recommendations remain ongoing. Defence continues to work on a pathway to resolution.

If pressed: What are the legal, practical and logistical issues with making payment?

- The issue of compensation is complex and comes with a number of legal, practical and logistical issues due to the ongoing geopolitical situation in Afghanistan. These include:
 - lack of Australian diplomatic presence in Afghanistan;
 - difficulties with getting funds into Afghanistan in light of the liquidity crisis and problems with the banking sector;
 - sanctions and policy limitations applicable to any engagement with the Taliban; and
 - it is not safe or practicable to identify and locate individuals to whom compensation recommendations relate (noting the Report did not provide sufficient identifying details).

Command Accountability

What recommendation from the Afghanistan Inquiry is being implemented?

- The Inspector-General of the Australian Defence Force Afghanistan Inquiry recommended the award of decorations to those in command positions at troop, squadron and task group level during particular Special Operations Task Group rotations be reviewed.
- The Inspector-General found credible information that unlawful killings and other serious unlawful misconduct occurred during the period 2005 to 2016. Alleged

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Key witnesses General Angus Campbell; Matt Yannopoulos; Adrian D'Amico; Rear Admiral Brett Wolski

incidents occurred in 2009 and 2010, with the majority occurring in the latter years of 2012 and 2013.

Has action been taken against those who held command positions?

- The CDF has considered the command accountability of current and former serving ADF members who held command positions during the periods in which the Inspector-General of the ADF found credible information of multiple incidents of alleged unlawful conduct as identified in the Afghanistan Inquiry report.
 - Persons who held command positions during these periods, irrespective of rank, have been considered in a consistent manner. These considerations applied to a small group only. All were given the opportunity to respond during the process.
- The CDF has provided the relevant material to the Deputy Prime Minister for consideration.
 - This concludes the CDF's involvement in this process.
- Should the Deputy Prime Minister agree that an honour or award be cancelled, the Deputy Prime Minister will make a recommendation as such to the Governor-General for his determination.

What is the process for cancelling honours and awards?

- A Defence honour may only be cancelled by the Governor-General.
- Should the Chief of the Defence Force determine that a member or former member of the ADF is no longer eligible for, or should no longer be entitled to be recognised by, a particular honour, the Chief of the Defence Force will request the Deputy Prime Minister make a recommendation to the Governor-General to cancel that honour.
 - The determination that an ADF member or former member is no longer eligible for, or should no longer be entitled to be recognised by, the honour includes the provision of a notice of the intent to do so and the provision of a right of reply to the individual.
- Should the Deputy Prime Minister agree to make a recommendation to the Governor-General, the Governor-General will consider the matter to determine if the honour should be cancelled.
- If the Governor-General decides to cancel the honour, it is announced in the Gazette in the Federal Register of Legislation.

Why is administrative action for command accountability occurring now?

- In June 2021, the then-Minister for Defence wrote to the Chief of the Defence Force directing him to suspend any consideration of administrative action in relation to personnel who held command positions in the period within the scope of the Afghanistan Inquiry (2005 to 2016).

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- Consequently, the CDF suspended his consideration of administrative action relating to command accountability at that time.
- The current Government confirmed Defence may recommence action for command accountability.
- Accordingly, the CDF recommenced his consideration of administrative action for command accountability related to the Afghanistan Inquiry.

Does command accountability and responsibility extend to higher Headquarters, such as Headquarters Joint Task Force 633 or Headquarters Joint Operations Command?

- ADF commanders at all levels have a responsibility for ensuring forces under their command and control comply with the Law of Armed Conflict and Rules of Engagement.
- Command accountability can exist regardless of individual criminal liability. Command accountability holds commanders accountable for the actions of their subordinates.

If the Chief of the Defence Force is only considering administrative action for command accountability now, what was the administrative action taken against Army members following the release of the Afghanistan Inquiry report?

- Administrative action may be taken under *the Defence Act 1903* or the Defence Regulation 2016 against individuals whose conduct, performance or standards are unsatisfactory or whose actions or behaviour have adversely impacted, or are likely to impact, the efficiency, reputation or operational effectiveness of the ADF.
 - Administrative action can include termination of service, censure, reduction in rank, formal warning or formal counselling. Administrative action may also include the review of honours and awards.
 - The threshold for administrative action is less than that required under criminal law. A member does not need to be found guilty of an offence before administrative action can be taken against them.
- Following the release of the Afghanistan Inquiry report in November 2020, Army initiated administrative action for involuntary separation of 17 members where alleged failure to meet ADF expectations and values was identified.
 - This action was taken with regard to allegations of individual misconduct, not command accountability.
- Army suspended such action for personnel medically discharged, and completed action for all others.

What is the difference between command accountability and criminal responsibility?

- ADF commanders at all levels have a legal responsibility for ensuring forces under their command and control comply with the Law of Armed Conflict and Rules of Engagement.

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- Commanders can be held criminally responsible for, among other things, being directly or indirectly or knowingly concerned in or party to the commission of a war crime.
- Separate from criminal responsibility, command accountability can exist regardless of individual criminal liability. Command accountability holds commanders accountable for the actions of their subordinates and is described in Defence doctrine such as the ADF Command and Control Manual and Leadership Doctrine.
- Administrative action may be considered where it is found that a commander is morally responsible for the actions of their subordinates, regardless of the commander’s involvement in the specific acts.
- With respect to the Afghanistan Inquiry, the Inspector-General found alleged criminal behaviour was ‘conceived, committed, continued and concealed’ at patrol commander level.
- The Inquiry also found, above patrol commander level, commanders did not know and were not recklessly indifferent to whether their subordinates were allegedly committing war crimes, and did not fail to take reasonable steps to discover the behaviour.
- Nonetheless, the Inquiry found commanders bear moral responsibility and accountability for what happened under their command, and recommended the review of honours and awards to commanders.

Supporting Information

Questions on Notice

Senate Estimates (23 February 2023)

- **QoN 43, Honours and Awards**, Senator Jacqui Lambie (Jacqui Lambie Network, Tasmania) asked for a copy of Chief of the Defence Force’s Distinguished Service Cross nomination and citation, and Chief of the Defence Force’s letters to personnel subject to command accountability considerations.

Senate: (16 December 2022)

- **QoN 1140, Brereton Report Implementation**, Senator David Shoebridge (Greens, New South Wales) asked a series of questions about the implementation of recommendations arising from the Afghanistan Inquiry, and action taken by Defence against alleged perpetrators of war crimes.

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Key witnesses General Angus Campbell; Matt Yannopoulos; Adrian D’Amico; Rear Admiral Brett Wolski

Freedom of Information (FOI) Requests

- In late February/early March 2023 multiple individuals sought access to policy documents relating to discretions available in the awarding of awards in warlike operations, advice provided to the Chief of Defence since the completion of the Afghanistan Inquiry Report to rescind awards, letters sent to units or individuals relating to the rescinding of awards, and letters patent relating to Chief of the Defence Force’s Distinguished Service Cross. **Most decisions are pending. One Decision was released on 5 May 2023 [FOI 548/22/23] which is subject to an internal review requested by the applicant.**
- In early February/early March 2023 a media organisation requested the Eighth and Ninth Quarterly Reports of the Afghanistan Inquiry Implementation Oversight Panel. **Documents were released on 28 February 2023 and 30 March 2023 respectively.**
- In November 2022, the office of a federal parliamentarian sought access to documents regarding the consideration of administrative action in relation to personnel who held command positions within the scope of the Afghanistan Inquiry. **Documents were released on 27 February 2023.**
- In July 2022, a media organisation sought access to briefings provided to the Deputy Prime Minister on the Afghanistan Inquiry and Defence’s response. **Documents released on 14 September 2022.**

Recent Ministerial Comments

- On 29 November 2022, the Foreign Minister responded to questions from Senator Lambie regarding the scope of Defence’s review of command accountability, and the reported ‘blanket exemption’ of senior leaders.
- On 28 November 2022, the Deputy Prime Minister responded to questions from the Shadow Minister for Defence during Question Time regarding the scope of Defence’s review of command accountability, specifically the types of honours and the ranks of impacted personnel.

Relevant Media Reporting

Compensation

- On 29 March 2023, ABC News published an article titled [Family of killed Afghan villager wants more ADF personnel to be brought to trial after arrest of former SAS soldier Oliver Schulz](#). Journalist Sean Rubinsztein-Dunlop interviews the family of Dad Mohammad after the arrest of former Australian SAS soldier Oliver Schulz
- On 24 April 2022, Guardian Australia published an article titled, [Australian Government misses compensation deadline for victims of alleged war crimes](#). Journalist Daniel Hurst reported on the then Government missing the deadline to decide on compensation for victims of alleged war crimes in Afghanistan.

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Key witnesses General Angus Campbell; Matt Yannopoulos; Adrian D’Amico; Rear Admiral Brett Wolski

Command Accountability

- Australian media has reported extensively on command accountability.
- On 24 May 2023 ABC News published an article titled, [Australian Defence Force chief Angus Campbell renews calls to strip medals from Afghanistan war veterans](#). Journalist Andrew Greene wrote that the CDF has written to a small number of individuals informing them that his consideration of command accountability is now closed and the recommendation regarding the cancellation of honours and awards has been referred to the Deputy Prime Minister.
- On 10 December 2022 News Corp Publications published an article titled, [ADF faces legal battle over alleged ‘war crimes’ medals](#). Journalist Charles Miranda wrote that veterans have sought legal advice over administrative action for command accountability.
- On 1 December 2022 ABC News published an in an in-depth article titled, [Elite soldiers blast Defence chief Angus Campbell over handling of Afghanistan war crimes report](#). Journalist Andrew Greene wrote that Special Forces associations and the RSL said penalties linked to the Afghanistan Inquiry should be delayed until the results of investigations and finalisation of legal processes.
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Division: Afghanistan Inquiry Response Task Force	
PDR No: SB23-000435	
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Consultation: s47E(d) Director Office of the Chief Counsel Cleared by Adrian D’Amico, Chief Defence Counsel	Date: 4 April 2023 Mob: s22 Ph: s47E(d) Mob: s22 Ph: s47E(d)
Cleared by CFO / DPG / DSR: N/A	
Cleared by Deputy Secretary (or equivalent Band 3/3*): Vice Admiral, David Johnston, Vice Chief of the Defence Force Date: 6 April 2023	

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Questions on notice referred to within the brief:

Supplementary Budget Estimates 23 February 2023

Awards

Senator Jacqui Lambie

Question

1. Would the Department please provide a copy of the nomination (including the citation) for the Chief of Defence Forces' (Angus J Campbell) Distinguished Service Cross.
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 - a. Specifically, these are letters that ask the recipient to consider retention or cancellation of their award in light of the Brereton Report.
2. Would the Department please also provide a copy of the two annexes provided with each letter.
 - a. Specifically, the 'Acknowledgement', and the 'Welfare' attachments.

Answer

Chief of the Defence Forces' Distinguished Service Cross

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2. The agreed citation is publically available at <https://webarchive.nla.gov.au/awa/20130404134324/http://www.gg.gov.au/queens-birthday-2012-honours-lists>.

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forces personnel who, according to the Brereton Report, were implicated in the alleged unlawful killing of 39 individuals and the cruel treatment of two others:

- a. has any administrative or other action been taken against these 25 individuals, or any other individuals in relation to allegations of war crimes; and
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b. No citations, medals or awards have been revoked in regards to any of these 25 individuals. However, Defence notes that a process is currently underway to review command accountability and associated awards.

2. Since the release of the Afghanistan Inquiry report in November 2020, Defence has undertaken a substantial body of work to address the Inspector-General's findings and

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recommendations and embed genuine, enduring and sustainable reform across the enterprise.

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As the consideration of command accountability is ongoing, and to protect the privacy and support the welfare of our people, Defence is not in a position to provide further information about specifics at this time.

4. Refer to response to question three.

5. The Reform Program has two objectives: to address the past and to prevent recurrence.

There is a considerable amount of cultural reform work underway, details of which are available at: <https://www.defence.gov.au/about/reviews-inquiries/afghanistan-inquiry/defence-response>.

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Cleared By:

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Division: Vice Chief of the Defence Force
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Key witness: Hugh Jeffrey

Afghanistan: Locally Engaged Employees

Handling Note: Hugh Jeffrey, Deputy Secretary Strategy, Policy, and Industry, to lead on Afghan Locally Engaged Employee matters. Questions relating to humanitarian visas to be directed to Home Affairs.

Key Messages

- The Government is committed to assisting Afghan Locally Engaged Employees (LEE) who supported Australia's mission in Afghanistan.
- Defence remains committed to the Afghan LEE Program, and supported Dr Thom's independent review of the program by providing evidence and access to records.
- Defence is staffing up a team to process remaining Afghan LEE applications, and be ready to implement the Government response to Dr Thom's recommendations.
- Defence assesses that the majority of eligible Defence LEE have already applied to the program.

Talking Points

- Australia has provided prioritised access to humanitarian visas to eligible Afghan LEE at risk of harm due to their employment in support of Australia's mission in Afghanistan since 2013.
- Ministers of Defence have considered 1,670 applications under the Afghan LEE program since 2013.
 - 747 applications have been certified eligible.
 - 567 applications have been certified ineligible.
 - 356 applications were closed when applicants declined to continue the process.
- Deputy Prime Minister Marles, as Defence Minister, has considered 24 applications and
 - certified 11 individuals as Afghan LEE who worked with the ADF; and
 - not certified 13 individuals.

Independent Whole-Of-Government review of the Afghan LEE program

- On 10 November 2022 the Albanese Government announced an independent review of the Afghan LEE program.
 - The Senate Foreign Affairs, Defence and Trade References Committee interim report recommended a review of the LEE program.
- The final report from the review was delivered to Government on 20 March 2023.

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Key witness: Hugh Jeffrey

[NB: Dr Thom's final report and the Government response may be publicly available on 31 May 2023]

If pressed: What does the Report say?

- A number of the concerns raised during the Senate Reference Committee Inquiry into Australia's Engagement in Afghanistan are borne out in Dr Thom's report, including:
 - Historical inconsistencies in the application of the program, irregularities in decision making, poor administration and communication with applicants, and prolonged processing times.

If pressed: What recommendations did the Report make?

- The Report makes seven recommendations to improve the design and delivery of the current Afghan LEE program.
 - The Report provides a recommendation with nine design principles for future LEE programs.

If pressed: What is the Government doing in response to the Report?

- Addressing the Report's recommendations is a priority for the Government.
 - The Government is carefully considering the recommendations and will publish its response shortly.
- Defence is staffing up a team to process remaining Afghan LEE applications, and be ready to implement the Government response to Dr Thom's recommendations.

If pressed: How is Defence protecting LEE left in Afghanistan?

- We hold the Taliban responsible for any actions targeting individuals due to their perceived or real links to Coalition forces.
 - The Australian Government is committed to helping those who helped us.
 - The LEE visa program remains open and Defence continues to assess any LEE applications received.

Senate References Committee Inquiry into Australia's engagement in Afghanistan

- The Senate referred Australia's engagement in Afghanistan to the Foreign Affairs, Defence and Trade References Committee for inquiry on 26 August 2021.
 - The interim report was released on 21 January 2022.
 - The final report was released on 5 April 2022.
- The Government has acted on the Inquiry's recommendation to review the operation of the Afghan LEE program.
- The Government is finalising its response to the interim and final reports.

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[NB: the Government response to the Senate References Committee's interim and final reports may be publicly available on 31 May 2023]

If pressed: The August 2021 evacuations out of Kabul

- The Australian Government facilitated the evacuation of around 4,100 people on 32 flights from Kabul, including Defence LEE and their families from 18 to 26 August 2021.

If pressed: How many Afghan LEE were able to access subclass 449 emergency humanitarian visas during the evacuations out of Kabul?

- Defence has no visibility of Home Affairs visa processes and cannot comment on how many visas were issued.
- During the Kabul evacuation, Defence provided Home Affairs with the verified names of 655 vulnerable Afghans with a connection to Defence for emergency humanitarian visas (subclass 449 visa).
 - The majority of these were ADF members' immediate and extended family, and were not LEE or LEE related.

If pressed: Why didn't Defence evacuate LEE sooner?

- Australian visa holders, including LEE, were able to leave Afghanistan using commercial flights up until 15 August 2021.
 - At that point, the Government took the decision to accelerate the expatriation of Australians and Australian visa holders through the US-led evacuation operation.
- Once the operation had begun, it was necessary to wait until US and UK enablers were on the ground before our airlift operations could begin.
- From 18 to 26 August 2021, as part of the US-led operation, the Australian Government facilitated the evacuation of around 4,100 people on 32 flights.

Background

Afghan Locally Engaged Employee Program

- Since 2013, Australia has offered prioritised access to humanitarian visas to eligible Afghan LEE at risk of harm due to their employment in support of Australia's mission in Afghanistan.
- Certification provides LEE and their direct family members prioritised access to humanitarian visas, but does not guarantee a visa.
- The Australian Federal Police, Department of Defence and the Department of Foreign Affairs and Trade assess applications for certification and refer them to the relevant Minister for consideration, in accordance with the *Migration Regulations 1994* (Cth) under legislative instrument IMMI 12/127.

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- Assessments are based on factors including employment with DFAT, the Australian Defence Force, the Australian Agency for International Development or the AFP and their risk of harm due to their employment with an Australian Government agency. Each application for certification is considered by the relevant Minister on a case-by-case basis.
- Once certified, an applicant submits a visa application to the Department of Home Affairs. Home Affairs processes the visa application, including assessment against health, character and national security requirements. Family members included in the application are considered for the same type of visa.
- According to Home Affairs, more than 2,300 Afghans, have arrived in Australia under the Afghan Locally Engaged Employee program since 2013, including AFP, Department of Foreign Affairs and Trade and Defence locally engaged Employee and their family.
- The Australian Government has allocated 26,500 dedicated places in the Humanitarian Program for Afghan nationals through to 2025-26.

The Independent Whole-of-Government Review of Locally Engaged Employee Program

- The Afghan LEE review was led by Dr Vivienne Thom AM. Dr Thom was selected given her substantial experience on public inquiries and leading the Afghanistan Inquiry Implementation Oversight Panel.
- Dr Thom engaged with Ministers and relevant whole-of-government and public stakeholders. Defence and ADF provided evidence to Dr Thom in support of her review, including then a/DEPSEC SP&I (Mr Hugh Jeffrey) and CJOPs (Major General Greg Bilton).
- Dr Thom was provided access to Government records, including from Defence, from the life of the program.
- As directed by Government, Defence contributed to the costs of Dr Thom's review.

Senate Inquiry on Australia's Engagement in Afghanistan

- The Senate Foreign Affairs, Defence and Trade References Committee inquiry into Australia's engagement in Afghanistan held four public hearings (11 October 2021, 15 November 2021, 2 February 2022 including DFAT, Defence, Home Affairs, and 8 November 2021).
- Defence witnesses on 11 October 2021 included CDF and then FASIP (Mr Hugh Jeffrey).

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Key witness: Hugh Jeffrey

Supporting Information

Questions on Notice

- No QoNs asked.

Freedom of Information (FOI) Requests

- None.

Recent Ministerial Comments

- On 10 November 2022, the Deputy Prime Minister, the Minister for Foreign Affairs, and the Minister for Immigration, Citizenship and Multicultural Affairs, released a joint statement announcing an independent review into the Afghan Locally Engaged Employee program
[Independent Review into the Afghan Locally Engaged Employee Program | Australian Minister for Foreign Affairs](#)
- On 15 August 2022, the Deputy Prime Minister, the Minister for Foreign Affairs, and the Minister for Immigration, Citizenship and Multicultural Affairs, released a joint statement commemorating the one year anniversary of the fall of Kabul.
[Anniversary of the fall of Kabul | Australian Minister for Foreign Affairs](#)

Relevant Media Reporting

- On 16 March 2023, SBS News published an article titled, "[Albanese government accused of abandoning visa processing for people in Afghanistan.](#)" Journalist Finn McHugh reported on the Albanese government's inaction when processing refugee applications from Afghans on 16 March 2023.
- On 12 December 2022 SBS News published article titled, "[Adam is considered a 'traitor' for helping Australia. Now he's in hiding and fears for his life.](#)" Journalist Rashida Yosufzai reported about a former Afghan base worker found ineligible in the Afghan Locally Engaged Employee program.
- On 15 August 2022 The Guardian Australia published an article titled, "[Letters from those left behind: Afghans who worked for Australia describe desperation as they hide from Taliban.](#)" Journalist Ben Doherty examined the hardships Afghan nationals face as they await Locally Engaged Employee certification and humanitarian visas.

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Key witness: Hugh Jeffrey

Division: International Policy Division	
PDR No: SB23-0000469	
Prepared by: Tom Menadue, Assistant Secretary Global Partners Mob: s22 Ph: s47E(d) Date: 11 May 2023	Cleared by Division Head: Samantha Higgins, Acting First Assistant Secretary International Policy Mob: s22 Ph: s47E(d) Date: 11 May 2023
Cleared by Deputy Secretary: Hugh Jeffrey, Deputy Secretary Strategy, Policy, and Industry	
Date: 11 May 2023	

Prepared By:
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Name: Hugh Jeffrey
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Key witness: Steven Groves

2023-24 Portfolio Budget Statements

Handling Note: Steven Groves, Chief Finance Officer to lead.

Key Messages

- The Defence Portfolio Budget Statements 2023-24 outline key decisions related to the Defence Strategic Review including Nuclear-Powered Submarines.
- Investment in Defence must continue to increase to promote security in the region, defend Australia and act as an appropriate deterrent.
- The Government has committed to growing Defence funding and has included a provision in the Contingency Reserve for increased Defence funding over the medium term.

Key Facts and Figures

- Defence's appropriation, excluding the Australian Signals Directorate is \$50.1 billion for 2023-24 and \$214.1 billion over the Forward Estimates.
- Defence and Australian Signals Directorate's combined appropriation is \$52.6 billion for 2023-24 and \$223.6 billion over the Forward Estimates.
- Given foreign exchange will be significant the estimated net additional cost of Major Operations in 2023-24 is \$196.6 million.
- The average total ADF permanent workforce for 2023-24 is estimated to be 59,673 and the average total APS workforce is estimated to be 17,713.

Table 1: Defence and ASD funding over the Forward Estimates as a proportion of GDP (using 2023-24 Budget GDP figures)

	2022-23 Estimated Actual	2023-24 Budget Estimate	2024-25 Forward Estimate	2025-26 Forward Estimate	2026-27 Forward Estimate	Total Budget and FEs
Defence Funding (\$m)	47,419.4	50,086.4	51,890.8	54,505.8	57,582.3	214,065.3
ASD Funding (\$m)	1,711.8	2,472.4	2,523.3	2,304.4	2,233.7	9,533.8
Defence & ASD Funding (\$m)	49,131.2	52,558.8	54,414.1	56,810.2	59,816.0	223,599.1
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Talking Points

- Defence's 10-year funding model provides long-term funding certainty to deliver capability in line with the Defence Strategic Review.
- The Government will provide Defence \$50.1 billion in 2023-24 and \$214.1 billion over the Forward Estimates.
- Defence's funding from 2022-23 to 2025-26 has increased by \$664.2 million since the October 2022-23 Budget, including an increase of \$245.8 million in 2023-24.
- Table 2 in the PBS 2023-24 (shown below) provides a breakdown of the variation in Defence funding since the October 2022-23 Budget:

Table 2: Defence 2023-24 Budget Measures

Program	2023-24 Budget Estimate \$m	2024-25 Forward Estimate \$m	2025-26 Forward Estimate \$m	2026-27 Forward Estimate \$m	Total \$m
Budget Measures					
Payment Measures					
Enhancing Pacific Engagement ^[a]	2.1	-	-	-	-
Cyber Security - additional funding	2.11	3.9	-	-	3.9
Advanced Strategic Capabilities Accelerator ^[b]	2.13	-	-	-	-
Adequate Funding for Oversight of our Intelligence Agencies ^[c]	2.14	-0.3	-0.5	-0.6	-2.1
Extension of the Defence Industry Pathways Program ^[d]	2.15	-	-	-	-
Nuclear-Powered Submarine Program - initial implementation ^[e]	Various	nfp	nfp	nfp	nfp
Office of the Special Investigator Operations and Downstream Impacts Funding – extension ^[c]	Various	-63.0	-66.4	-	-129.4
Securing a Unique and Critical Defence Capability ^[f]	Various	nfp	nfp	nfp	nfp
Recognising the Australian Defence Force's Unique Service to the Nation ^[g]	Various	-	-	-	-
Additional Assistance to Ukraine ^[h]	Various	-	-	-	-
Total Departmental Budget Measures	-59.4	-66.9	-0.6	-0.6	-127.6
Other Departmental Budget Adjustments					
Operation ACCORDION ^[i]	1.2	117.1	-0.0	-	117.1
Operation RESOLUTE	1.3	77.5	-	-	77.5
Transfer of projects to the Australian Signals Directorate Savings from External Labour, and savings from Advertising, Travel and Legal Expenses	2.9	-158.2	-224.7	-260.2	-763.8
Foreign Exchange	Various	-154.3	-158.8	-163.7	-631.9
Increased support for the Jawun Program ^[j]	Various	491.3	541.4	528.9	2,065.4
Other Budget Adjustments ^[k]	Various	-0.1	-0.1	-	-0.2
Other Administered Budget Adjustments	Various	nfp	nfp	nfp	nfp
Defence Home Ownership Assistance Scheme	2.22	17.3	26.8	39.1	137.1
Total Other Departmental Budget Adjustments	373.3	157.7	105.0	227.9	863.9
Total Other Administered Budget Adjustments	17.3	26.8	39.1	53.8	137.1
Total Other Budget Adjustments	390.6	184.6	144.1	281.7	1,001.0
Total Departmental Funding	313.9	90.9	104.4	227.3	736.4
Total Administered Funding	17.3	26.8	39.1	53.8	137.1
Total Defence Funding	331.2	117.7	143.5	281.1	873.4

Notes

- This measure provides \$923.9 million over the period 2023-24 to 2026-27 which is being absorbed by Defence.
- This measure provides \$748.4 million over the period 2023-24 to 2026-27 which is being absorbed by Defence.
- This measure is a transfer to the Attorney-General's Portfolio.
- This measure provides \$11.4 million over the period 2023-24 to 2025-26 which is being absorbed by Defence.
- This measure is a transfer to various agencies and is not for publication (nfp) due to commercial sensitivities.
- This measure is a transfer to the Department of Finance and is not for publication (nfp) due to commercial sensitivities.
- This measure provides \$397.4 million over the period 2023-24 to 2024-25 which is being absorbed by Defence.
- This measure provides \$189.6 million over the period 2022-23 to 2023-24 which is being absorbed by Defence.
- Budget estimates shown as 0.0 are amounts greater than \$0 but less than \$50,000.
- This is a transfer to the National Indigenous Australians Agency and the Australian Public Service Commission.
- This budget adjustment is not for publication (nfp) due to national security.

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Key witness: Steven Groves

PBS 2023-24 Measures

Further information on Defence 2023-24 Budget measures are at [Attachment A](#).

Major Defence Operations

- The Government will provide \$196.6 million in 2023-24 for Major Defence Operations under no-win/no-loss arrangements:
 - \$118.0 million for Operation ACCORDION; and
 - \$77.5 million for Operation RESOLUTE.
- The Government will also provide \$37.4 million in 2022-23 for three new Major Defence Operations under no-win/no-loss arrangements:
 - \$11.4 million for Operation VANUATU ASSIST;
 - \$13.8 million for Operation LILIA; and
 - \$12.2 million for Operation KUDU.

Background

Defence 2023-24 Budget Summary

- 2023-24 Defence planned expenditure (exclusive of Australian Signals Directorate) includes:
 - \$17.7 billion (34.6 per cent of the Defence budget) for capability acquisition:
 - : \$12.4 billion for military equipment;
 - : \$4.2 billion for facilities and infrastructure;
 - : \$0.9 billion for ICT; and
 - : \$0.2 billion for other capital equipment (such as minor military equipment and other plant and equipment).
 - \$15.4 billion (30.1 per cent of the Defence budget) for sustainment:
 - : \$10.7 billion for military capability sustainment;
 - : \$3.0 billion for facilities sustainment;
 - : \$1.6 billion for ICT sustainment; and
 - : \$0.1 billion for other sustainment.
 - \$14.9 billion (29.2 per cent of the Defence budget) for employees:
 - : \$XX billion for military employees;
 - : \$XX billion for civilian employees; and
 - : \$XX billion for other employee costs (e.g. Comcare premium and recruitment).

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- \$2.9 billion (5.7 per cent of the Defence budget) for operating activities and services including business travel and consumable items.
- \$0.2 billion for military Operations.

Supporting Information

Questions on Notice

- No QoNs asked.

Freedom of Information (FOI) Requests

- None.

Recent Ministerial Comments

- [Investing in Australia's national defence | Defence Ministers](#)
- [Further investments to support veterans and families | Defence Ministers](#)

Relevant Media Reporting

- [Federal budget squirrels away \\$30bn to lift defence funding over decade | Australian budget 2023 | The Guardian](#)
- [Budget 2023: AUKUS submarine bill swells \\$4.5b as defence spending shoots past \\$50b \(afr.com\)](#)

Division:	Budgets and Financial Services		
PDR No:	SB23-000439		
Prepared by: Michael Cosgrove, Assistant Secretary, Budgeting and Reporting Mob: s22 Ph: s47E(d) Date: 03 April 2023	Cleared by Division Head: Sam Volker, First Assistant Secretary, Budgets and Financial Services Mob: s22 Ph: s47E(d) Date: 06 April 2023		
Consultation:	NA		
Cleared by Deputy Secretary (or equivalent Band 3/3*): Steven Groves, Chief Finance Officer.	Date:	10 May 2023	

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ATTACHMENT A

PBS 2023-24 Measures

Enhancing Pacific Engagement

This measure bolsters Australia's competitiveness, security and relationships with the Pacific at a time of global uncertainty. Defence's contribution to this measure will be met from within Defence's existing resources. This comprises:

- Infrastructure Supplement for the maintenance and sustainment of Pacific security infrastructure projects largely impacted by COVID19 border restrictions and global supply chain disruptions.
- Pacific Maritime Security Program Supplement including ongoing support for ongoing maintenance and sustainment of the Pacific maritime capability.
- Support for Regional Defence Forces to reinforce regional partnerships secure access and develop sovereign air transport and surveillance capabilities within the Pacific. This also includes the training of Pacific Defence force personnel to support their plans for growth, recruitment and training.

Cyber Security – additional funding

This measure provides \$3.9 million of new funding in 2023-24 to support the transition out of the Cyber Hubs program. This funding is for the decommissioning of cyber hubs services and off-boarding client entities.

Advanced Strategic Capabilities Accelerator

This measure provides \$748.4 million over 2023-24 and the Forward Estimates period to 2026-27 for the Advanced Strategic Capabilities Accelerator. This will establish a new research and development entity within Defence to fund pivotal research on breakthrough technologies for national security, bringing Australia in line with AUKUS partners.

The establishment of ASCA will significantly enhance Defence's ability to transition innovation into enhanced Defence capabilities at the urgency required by the strategic environment.

This measure will be funded by repurposing \$591.0 million from the uncommitted components of the Defence Innovation Hub, the Next Generation Technology Fund and the Capability Acceleration Fund. A further \$157.4 million will be absorbed from within Defence's existing departmental resources.

Adequate Funding for Oversight of our Intelligence Agencies

Defence to provide \$2.1 million over 2023-24 and the Forward Estimates period to 2026-27 to the Attorney-General's Portfolio for oversight of intelligence agencies.

Extension of the Defence Industry Pathways Program

Defence will absorb \$11.4 million over three years to extend the Defence Industry Pathways Program within the shipbuilding sector of Western Australia.

The program is a 12 month skills development program through which 150 participants (50 participants per year). It will support the pipeline of talent into the defence shipbuilding and sustainment industry by providing participants with a broad understanding of the sector, and a pathway leading to the skills required by Australia's defence industry in the future.

Nuclear-Powered Submarine Program – initial implementation

Defence to provide funding to a range of agencies to support the delivery of Nuclear Powered Submarines. Estimates for this measure are not for publication due to commercial sensitivities.

Office of the Special Investigator Operations and Downstream Impacts Funding – extension

Defence to provide \$129.4 million over 2023-24 and 2024-25 to the Attorney-General's Portfolio to fund work of the Office of the Special Investigator's investigation and prosecution of potential war crimes in Afghanistan.

Securing a Unique and Critical Defence Capability

Defence to s47E(d) over 2023-24 and the Forward Estimates period to 2026-27 to the Department of Finance to support the Government's purchase of shares in CEA Technologies Pty Ltd. Estimates for this measure are not for publication due to commercial sensitivities.

Recognising the Australian Defence Force's Unique Service to the Nation

This measure provides \$397.4 million over 2023-24 and 2024-25 for a Recruitment and Retention Package including:

- \$395.4 million over two years from 2023-24 to pilot a \$50,000 continuation bonus to ADF members nearing the completion of the initial minimum period of service arrangements. Defence is funding this from within existing Departmental resources.
- \$2.0 million to undertake a housing feasibility review in 2023-24 to determine ways to reduce the housing burden on Australian Defence Force members. Defence is funding the review from within its existing Departmental resources

Additional Assistance to Ukraine

This measure provides \$189.6 million of military assistance to Ukraine from 2022-23 to 2023-24 which includes provision of:

- 30 Bushmaster and associated transportation cost.
- 155-milimeter artillery ammunitions as a part of a joint initiative between France and Australia.
- unmanned aerial vehicle and associated support equipment.
- training to the Ukrainian Armed Forces.

Other Departmental Budget Adjustments

Operation ACCORDION

This is an increase to Defence funding of \$117.1 million in 2023-24 to continue Operation ACCORDION. This funding will be provided on a no-win/no-loss basis. There is a slight decrease to Defence funding of \$48,000 in 2024-25 for costs that are no longer required.

Operation RESOLUTE

This is an increase to Defence funding of \$77.5 million in 2023-24 to continue Operation RESOLUTE. This funding will be provided on a no-win/no-loss basis.

Transfer of projects to the Australian Signals Directorate

This is a transfer of \$763.8 million to the Australian Signals Directorate over 2023-24 and the Forward Estimates period to 2026-27 for the transfer of approved projects from the Integrated Investment Program.

Savings from External Labour, and savings from Advertising, Travel and Legal Expenses

This is Defence's contribution to a whole-of-government savings measure that will reduce Defence's appropriation by \$631.9 million over 2023-24 and the Forward Estimates period to 2026-27 to achieve savings from external labour, advertising, travel and legal expenses.

Foreign Exchange

This is an increase in funding of \$491.3 million in 2023-24 and \$2.1 billion over the Forward Estimates to 2026-27 due to a change in foreign exchange parameters.

Increased support for the Jawun Program

This is a transfer of \$0.2 million over 2023-24 and 2024-25 to the National Indigenous Australians Agency and the Australian Public Service Commission to provide increased support for the Jawun Program.

Other Departmental Budget Adjustments

There are a number of items included in Other Budget Adjustments. Total figures for this category are not for publication (NFP) due to national security reasons associated with some elements.

Administered Budget Adjustments

This is an administered budget adjustment providing \$137.1 million over 2023-24 and the Forward Estimates period to 2026-27 for the Defence Home Ownership Assistance Scheme (DHOAS), which assists current and former ADF members and their families to achieve home ownership. This increase is driven by a change in the economic parameters underpinning the DHOAS.

PAES 2022-23 Measures and Departmental Budget Adjustments

Australian Defence Force Deployments

Defence will receive \$37.4 million in 2022-23 for three additional no-win/no-loss operations. \$12.2 million for Operation KUDU, \$13.8 million for Operation LILIA and \$11.4 million for Operation VANUATU ASSIST 2023.

Operation KUDU

- Operation Kudu is the Australian Defence Force's commitment to the training of Armed Forces of Ukraine recruits in the United Kingdom (UK).
- A contingent of up to 70 Australian Defence Force (ADF) personnel are deployed on Operation KUDU to assist with the UK-led and based training program.
- The Australian contingent is working alongside partner nations as part of the UK-led training program to build additional capacity for Ukraine to defend their homeland and will focus on basic infantry tactics for urban and wooded environments.

Operation LILIA

- Operation LILIA is the Australian Defence Force's contribution to supporting the Australian Government's response of assisting the Solomon Islands Government to stabilise public unrest.
- The ADF contributes to the Australian Government's response in support of the Royal Solomon Islands Police Force to restore peace and stability in the Solomon Islands.
- Op LILIA has been declared as a Non-Warlike operation.

Operation VANUATU ASSIST

- Operation VANUATU ASSIST is the Australian Defence Force's contribution to supporting the Australian Government's response of best supporting the Ni-Vanuatu people impacted by Tropical Cyclone Judy and Tropical Cyclone Kevin.
- A contingent of a 600 person team has delivered more than 100 tonnes of humanitarian aid, including food, shelter and medical supplies to Vanuatu.
- In addition to humanitarian aid, support to Vanuatu included hydrographic reconnaissance, route clearance, emergency medical evacuations, transport of local government officials, and clean-up and remediation of local infrastructure, including Vila Central Hospital, two schools and the Maternity and Child Health Clinic.
- Operation VANUATU ASSIST was ceased on 21 April 2023.

Key Facts and Figures

Handling Note: Steven Groves, Chief Finance Officer to lead.

Key Messages

- The total Defence departmental appropriation at Portfolio Budget Statement 2023-24 is \$50.1 billion (Defence only).
- Departmental appropriation for Australian Signals Directorate is \$2.5 billion.
- The estimated net additional cost of Major Operations in financial year 2023-24 is \$196.6 million.
- In financial year 2023-24, the Defence workforce is expected to grow to 77,386 (ADF and APS, excluding Reserves). This includes an agreed increase of 660 average staffing level as a result of the conversion of external labour to APS.
- The Defence Estate includes approximately 1,349 owned or leased properties.

Talking Points

- The Defence Budget provides funding to:
 - deliver an ongoing commitment to Defence Operations around the globe, ensuring safety and security at home and secure maritime borders;
 - shape, deter and respond with credible military support; and
 - deliver the Defence Integrated Investment Program in line with the Defence Strategic Review.
- The investment in Defence capability continues to support enhanced ADF capabilities and defence industry, and deliver economic benefits and other support to the broader Australian economy.
- Benefits of this investment include job creation, infrastructure development, innovation pathways, export opportunities, skills acquisition and supply chain integration for small to medium-sized enterprises.
- The Defence budget remains under increased pressure driven by significant price inflation of acquisitions and increased sustainment costs.

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Key witness: Steven Groves

Table 1: Defence Departmental Appropriation (including Australian Signals Directorate) 2017-18 to 2021-22:

	2017-18 Actual \$m	2018-19 Actual \$m	2019-20 Actual \$m	2020-21 Actual \$m	2021-22 Actual \$m
Defence (Including Australian Signals Directorate)	34,926.0	37,239.3	39,249.0	42,238.9	45,487.2

Table 2: Defence Departmental Appropriation (including Australian Signals Directorate) across the Forward Estimates (Portfolio Budget Statement 2023-24 price basis):

	2022-23 Estimated Actual \$m	2023-24 Budget Estimate \$m	2024-25 Budget Estimate \$m	2025-26 Budget Estimate \$m	2026-27 Previous Estimate \$m
Defence	47,419.4	50,086.4	51,890.8	54,505.8	57,582.3
Australian Signals Directorate	1,711.8	2,472.4	2,523.3	2,304.4	2,233.7
Total	49,131.2	52,558.8	54,414.1	56,810.2	59,816.0

Table 3: Split of Defence spending by major category at 2023-24 Budget:

	Acquisition	Sustainment	Workforce	Operating	Operations
Funding (\$b)	17.7	15.4	14.9	2.9	0.2
% of Defence appropriation	34.6	30.1	29.2	5.7	0.4

Background

Defence Budget as at Portfolio Budget Statement 2023-24

- The variation in Defence's appropriation since the publication of the October Portfolio Budget Statement 2022-23 is primarily due to a change in foreign exchange parameters, delivery of election commitments, funding for new Budget measures and whole-of-government savings.
- 2023-24 Defence planned expenditure (exclusive of Australian Signals Directorate) as at the Portfolio Budget Statement 2023-24 includes:

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Cleared By:

Name: Steven Groves
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Key witness: Steven Groves

- \$17.7 billion (34.6 per cent of the Defence budget) for capability acquisition:
 - : \$12.4 billion for military equipment;
 - : \$4.2 billion for facilities and infrastructure;
 - : \$0.9 billion for ICT; and
 - : \$0.2 billion for other capital equipment (such as minor military equipment and other plant and equipment).
- \$15.4 billion (30.1 per cent of the Defence budget) for sustainment:
 - : \$10.7 billion for military capability sustainment;
 - : \$3.0 billion for facilities sustainment;
 - : \$1.6 billion for ICT sustainment; and
 - : \$0.1 billion for other sustainment.
- \$14.9 billion (29.2 per cent of the Defence budget) for employees:
 - : \$X.X billion for military employees;
 - : \$X.X billion for civilian employees; and
 - : \$X.X billion for other employee costs (e.g. Comcare premium and recruitment).
- \$2.9 billion (5.7 per cent of the Defence budget) for operating activities and services including business travel and consumable items.
- \$0.2 billion (0.4 per cent of the Defence budget) for military Operations.

Defence Major Operations

- As part of our ongoing commitment to security and stability at home and around the globe, the Government continues to fund major operations. The estimated net additional cost of Major Operations in financial year 2023-24 is \$196.6 million.

Delivering Capability in line with the Defence Strategic Review

- The Government is committed to increase Defence funding above its current trajectory over the medium term to implement the Defence Strategic Review, including the delivery of the conventionally-armed, nuclear-powered submarine program through AUKUS.
- In the 2023-24 Budget, the Australian Government will invest \$19 billion dollars over the Forward Estimates to give effect to key priorities areas for immediate action highlighted in response to the Defence Strategic Review.

Workforce

- Table 4 details the size of the Defence APS workforce in 2018-19 to 2023-24 financial years.

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Key witness: Steven Groves

Table 4: Defence APS Workforce Achievement (as at 1 April 2023):

	Average Staffing Level (ASL) Allocation	Average Staffing Level (ASL) Achievement	Variation from Allocation
2023-24	17,713		
2022-23 ¹	16,991	16,307	(684)
2021-22	16,595	15,821	(774)
2020-21	16,313	16,454	141
2019-20	16,271	16,129	(142)
2018-19	16,373	15,925	(448)

Note 1: Year to Date Average Staffing Level as at 1 April 2023.

Defence Estate

- The Defence Estate is the largest land holding of the Commonwealth Government with around 1,349 owned or leased buildings domestically and internationally.
- Defence future investment into the Enterprise Estate and Infrastructure Program is approximately \$43.3 billion from 2023-24 to 2032-33 financial years.

Supporting Information

Questions on Notice

- No QoNs asked.

Freedom of Information (FOI) Requests

- None.

Recent Ministerial Comments

- No recent comments.

Relevant Media Reporting

- None identified.

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Key witness: Steven Groves

Division: Budgets & Financial Services	
PDR No: SB23-000440	
Prepared by: Michael Cosgrove, Assistant Secretary Budgeting and Reporting Branch Mob: s22 Ph: s47E(d) Date: 03 April 2023	Cleared by Division Head: Sam Volker, First Assistant Secretary Budgets and Financial Services Mob: s22 Ph: s47E(d) Date: 06 April 2023
Consultation: NA	
Cleared by Deputy Secretary (or equivalent Band 3/3*): Steven Groves, Chief Finance Officer Date: 10 May 2023	

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Cleared By:
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Key witnesses: General Angus Campbell; Air Vice-Marshal Stephen Chappell

Sudan

Handling Note:

- General Angus Campbell, Chief of Defence Force to lead.
- Air Vice-Marshal Stephen Chappell, Head Military Strategic Commitments to support.

Key Messages

- On 15 April 2023, hostilities broke out in Sudan between the Sudanese Armed Forces and the Rapid Support Forces.
- The security situation rapidly deteriorated and the Department of Foreign Affairs and Trade led the Australian Government's response to the conflict, coordinating with international partners to facilitate the departure of Australians and their families by air, land and sea.
- In response to a Department of Foreign Affairs and Trade request, on 30 April 2023, the ADF deployed two Royal Australian Air Force C-130J Hercules transport aircraft to the region as a contingency should additional airlift capacity be required.
- Following a request from the Foreign Minister on 01 May 2023 for the ADF to provide additional direct evacuation support, Defence established Operation CARNELIAN on 02 May 2023, as part of the whole-of-government response.
- Defence conducted two flights on 02 and 04 May 2023, safely uplifting 153 people, including 57 Australians and their families, and 96 foreign nationals.
- Upon confirmation from Department of Foreign Affairs and Trade, the Royal Australian Air Force C-130J Hercules aircraft and ADF personnel returned home on 10 May 2023.
- As at 11 May 2023, in collaboration with international partners, at least 257 Australian citizens and their families have safely left Sudan by road, air and sea.
- Given the deteriorating security environment in Sudan, and the intensive evacuation efforts, partner countries have wound down evacuation operations and their presence in Sudan.

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Group: Vice Chief of the Defence Force Executive
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Key witnesses: General Angus Campbell; Air Vice-Marshal Stephen Chappell

Summary of Defence support

- On 30 April 2023, the Australian Government deployed two Royal Australian Air Force C-130J Hercules transport aircraft to the region as a contingency, should additional air capacity be required to evacuate Australians and other nationals from Sudan.
- On 02 May 2023, Defence established Operation CARNELIAN in support of the Department of Foreign Affairs and Trade-led, whole-of-government response to the crisis in Sudan.
- On 02 and 04 May 2023, two Royal Australian Air Force C-130J Hercules contributed to the international evacuation efforts by safely evacuating 153 people. This comprised 57 Australians and their family members, and 96 evacuees from other nations.
- On Saturday 06 May, Defence completed its commitment to the Department of Foreign Affairs and Trade-led crisis response with no further Royal Australian Air Force flights planned.
- As of 10 May 2023:
 - All ADF personnel have returned to Australia. Our flights were an important contribution to the international effort to help civilians flee the violence.
 - At least 257 Australians and their families have safely left Sudan by road, air and sea.
 - At least 163 Australians and their family members are registered with the Department of Foreign Affairs and Trade for consular assistance.
- Given the deteriorating security environment in Sudan, and the intensive evacuation efforts, partner countries have wound down evacuation operations and their presence in Sudan.
- The Department of Foreign Affairs and Trade will continue to communicate directly with those who remain in Sudan and, where possible, assist with their departure if the conflict continues.

What is the breakdown of the number of people on the two flights?

- On 02 May 2023, in coordination with partners, the Royal Australian Air Force flight uplifted 67 Australians and foreign nationals from Port Sudan to Cyprus, including:
 - 35 Australians and their family members, and
 - 32 foreign nationals.
- On 04 May 2023, in coordination with partners, the Royal Australian Air Force flight uplifted 86 Australians and foreign nationals from Port Sudan to Cyprus, including:
 - 22 Australians and their family members, and
 - 64 foreign nationals.

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Key witnesses: General Angus Campbell; Air Vice-Marshal Stephen Chappell

How many ADF personnel were deployed on Operation CARNELIAN?

- Approximately 70 ADF personnel were deployed to support Operation CARNELIAN.

Was the Royal Australian Air Force flight too little too late?

- The focus of the Australian Government response was on the safety of our people and the safe departure of Australians and their families by air, land and sea through collaboration with international partners.
- Defence worked closely with the Department of Foreign Affairs and Trade to ensure ADF support was available should circumstance require it.
- Following a Department of Foreign Affairs and Trade request for additional lift support, ADF aircraft assisted the departure of Australians and others wishing to depart Sudan.
- Collaboration with partners and our efforts ensured the safe departure of 153 people, including 57 Australians and their family members and 96 foreign nationals from other nations by air.
- The Royal Australian Air Force flights were an important contribution to the international effort to help civilians flee the violence.

Background

- On 15 April 2023, fierce fighting broke out between the Sudanese Armed Forces and the Rapid Support Forces, a paramilitary group which, until then, had been nominally operated by the Sudanese Government.
- The security situation rapidly deteriorated, isolating many foreign nationals and leaving them vulnerable to acts of violence.
- The Department of Foreign Affairs and Trade led the Australian Government response. It focused on the immediate safety of Australians in Sudan and the evacuation of those wishing to leave.
- In collaboration with international partners, the Department of Foreign Affairs and Trade worked to provide the safe departure of Australians and their families by air, land and sea.
- During this time, Defence worked closely with the Department of Foreign Affairs and Trade to ensure ADF support was available should it be required.

Supporting Information

Questions on Notice

- No QoNs asked.

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Key witnesses: General Angus Campbell; Air Vice-Marshal Stephen Chappell

Freedom of Information (FOI) Requests

- None.

Recent Ministerial Comments

- On 06 May 2023, the **Minister for Foreign Affairs, Minister for International Development and the Pacific** and the **Assistant Minister for Foreign Affairs** detailed a [\\$6 million humanitarian assistance package](#) in response to the conflict in Sudan.
- On 03 May 2023, the **Minister for Foreign Affairs** [confirmed on ABC AM](#) the departure of Australians from Sudan via a RAAF C-130J Hercules.
- On 03 May 2023, The **Deputy Prime Minister** and the **Minister for Foreign Affairs** both [publically commented on the evacuation of Australians and other nationals from Sudan via a RAAF aircraft](#).

Relevant Media Reporting

- On 05 May 2023, the **ABC** reported [more than 230 Australians evacuated so far from Sudan](#).
- On 04 May 2023, **Mirage News** reported [ADF helps foreigners flee Sudan](#) with the ADF evacuating 67 Australian and foreign nationals from war-torn Sudan under Operation Carnelian.
- On 03 May 2023, numerous outlets including **Seven, Nine, Ten, ABC** and **SBS** reported [Australians evacuated to Cyprus from Sudan](#)
- On 03 May 2023, **News Limited** reported [Dozens of Australians evacuated out of Sudan, but more remain as violence rages](#) with Australians being evacuated out of “dangerous” Sudan overnight, as heavy fighting rages for the third week.
- On 02 May 2023, the **Epoch Times** reported [around 36 Australians Evacuated amid Sudan Civil Strife](#) as a Royal Australian Air Force aircraft rescues stranded Australians amid the fighting in Sudan.

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Key witnesses: General Angus Campbell; Air Vice-Marshal Stephen Chappell

Division: Military Strategic Commitments	
PDR No: SB23-000642	
Prepared by: Air Vice-Marshal Stephen Chappell, Head Military Strategic Commitments Mob: s22 Ph: s47E(d) Date: 11 May 2023	Cleared by Group/Service Head: Vice Admiral David Johnston, RAN Vice Chief of the Defence Force Mob: s22 Ph: s47E(d) Date: 12 May 2023
Consultation: Director General Operations, Headquarters Joint Operations Command Name: Commodore James Lybrand, RAN	Date: 11 May 2023 Mob: s47E(d)
Cleared by CFO / DPG / DSR: N/A	
Cleared by Deputy Secretary (or equivalent Band 3/3*): Vice Admiral David Johnston, RAN Vice Chief of the Defence Force	Date: 12 May 2023

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Cleared By:

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Key witnesses: Vice Admiral David Johnston; Air Vice-Marshal Stephen Chappell

Current ADF Operations

Handling Note:

- Vice Admiral David Johnston, Vice Chief of Defence Force, to lead on current ADF operations.
- Air Vice-Marshal Stephen Chappell, Head of Military Strategic Commitments, to support.

Key Messages

- Defence's operations contribute to ensuring Australia can (and is understood as willing to) shape our environment, deter actions against our interests, and, when required, respond with military force.
- As at 22 May 2023, around 443 ADF personnel were deployed on 23 named operations across Australia, the immediate region and globally.
- The total cost of named operations as at 31 March 2023 was AUD 186,100,000 million.

Talking Points

Operation CARNELIAN

- Operation CARNELIAN was the ADF contribution to the Department of Foreign Affairs and Trade-led whole-of-government response to the Sudan crisis.
- On 2 and 4 May 2023, two Royal Australian Air Force C-130J Hercules contributed to the international evacuation efforts by safely evacuating 153 people. This comprised 57 Australians and their family members, and 96 evacuees from other nations.
- The operation ceased 12 May 2023.

Operation LANTERN (UNCLASS)

- Operation LANTERN was the ADF contribution to security support for the cancelled Quad Leaders' summit in May 2023.

Operation KUDU

- Operation KUDU is the name of the operation for ADF support to training Ukrainian soldiers in the United Kingdom.
- All ADF support to Ukraine, including military assistance is detailed in [SB23-000419](#).

Operation ORENDA (Mali)

- No ADF personnel are currently deployed in support of the Multidimensional Integrated Stabilization Mission in Mali under Operation ORENDA.

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Key witnesses: Vice Admiral David Johnston; Air Vice-Marshal Stephen Chappell

- Due to the current security climate in Mali, ADF personnel have been temporarily removed pending a review of the mission arrangements.
- Australia will consider the future of our contribution to the Multidimensional Integrated Stabilization Mission in Mali in 2023.

Op VANUATU ASSIST 23

- Operation VANUATU ASSIST 23 was the ADF contribution to the Department of Foreign Affairs and Trade-led whole-of-government response in support of Vanuatu in the wake of Tropical Cyclones Judy and Kevin, which passed over the country on 1 and 3 March 2023 respectively.
 - Operation VANUATU ASSIST 23 was established on 5 March 2023 and ceased on 18 April 23.
 - Defence support included transport and distribution of humanitarian assistance, clean up and remediation of local infrastructure, aerial damage assessments and hydrographic surveys.
 - At peak, support comprised more than 600 personnel, HMAS *Canberra* (including helicopters, engineering personnel, landing craft and amphibious vehicles) and fixed wing transport assistance.
 - Progress in recovery efforts enabled the return of HMAS *Canberra* on 27 March 2023, with an approximate 60 person engineering contingent providing additional support until 05 April.

Operation RESOLUTE

- Operation RESOLUTE is the ADF contribution to the whole-of-government effort to protect Australia's borders and offshore maritime interests.
- This includes illegal maritime arrivals, prohibited imports and exports, maritime terrorism, illegal exploitation of natural resources, compromises to biosecurity, illegal activities in protected areas, marine pollution and piracy, robbery and violence at sea.
- Defence provides personnel (currently approximately 550 personnel) maritime assets, patrol aircraft and other capabilities in support of Operation RESOLUTE.
 - These assets are assigned to the Commander Maritime Border Command (MBC), a Royal Australian Navy Rear Admiral, who is also a sworn officer in the Australian Border Force.
- The Operation RESOLUTE area of operations covers approximately 10 per cent of the world's surface.

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Key witnesses: Vice Admiral David Johnston; Air Vice-Marshal Stephen Chappell

Operation SOVEREIGN BORDERS.

- Through Operation RESOLUTE the ADF contributes to the whole-of-government effort (Joint Agency Task Force Operation SOVEREIGN BORDERS) to protect Australia’s borders and offshore maritime interests.
 - Defence surges resources in response to Operation SOVEREIGN BORDERS requirements.
 - Operation SOVEREIGN BORDERS is managed under a Joint Agency Task Force through Department of Home Affairs.

ADF activities in the South China Sea

- Detail on ADF activities in the South China Sea are covered in [SB23-000413](#).

Background

- A description of each operation is in the table below.

Operation Name	Overview	Personnel deployed ⁱ	Expenditure ⁱⁱ (AUD) March 2022-23
ACCORDION	ADF support to Middle East operations	s33(a)(ii)	72,700,000
ARGOS	United Nations sanctions enforcement against the Democratic People’s Republic of Korea.		1,600,000
ASLAN	United Nations mission South Sudan		1,500,000
AUGURY-GLOBAL	Global Counter Terrorism		1,800,000
BANNISTER	Global, planning support to DFAT		300,000
CARNELIAN	Support to DFAT-led evacuation mission in Sudan		tba
FLOOD ASSIST 23-1	Response to flooding in Western Australia		tba
FORTITUDE	United Nations Disengagement Observer Force, Syria		Recently commenced
GATEWAY	Preservation of regional security and		300,000

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Key witnesses: Vice Admiral David Johnston; Air Vice-Marshal Stephen Chappell

Operation Name	Overview	Personnel deployed ⁱ	Expenditure ⁱⁱ (AUD) March 2022-23
	stability in South-East Asia	s33(a)(ii)	
KUDU	Training Ukrainian soldiers in the UK		1,700,000
LILIA	Solomon Islands – security support		9,400,000
LINESMEN	Inter-Korean peace process		600,000
MANITOU	Maritime security – Middle East, West Indian Ocean		1,000,000
MAZURKA	Peacekeeping, Sinai, Egypt		1,700,000
OKRA	Defeat Daesh in Iraq and Syria		5,600,000
ORENDA	United Nations Peacekeeping, Mali		Nil to date
PALADIN	United Nations Peacekeeping, Israel, Lebanon, Syria		800,000
RENDER SAFE	Pacific, removal of explosive remnants of war		500,000
RESOLUTE	Border protection and maritime interests		80,900,000
SOLANIA	Pacific, maritime surveillance		1,900,000
SOUTHERN DISCOVERY	Australian Antarctic Program		200,000
STEADFAST	Iraq, NATO capacity building		200,000
VANUATU ASSIST 23	Response to TC JUDY and KEVIN in Vanuatu		3,400,000
	Total		186,100,000

Notes

- i. Personnel numbers accurate as at 22 May 2023. Numbers may however vary due to operational requirements.
- ii. Expenditure accurate 31 March 2023.

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Key witnesses: Vice Admiral David Johnston; Air Vice-Marshal Stephen Chappell

- iii. Member assigned to ORENDA has been temporarily withdrawn from theatre due to security concerns.
- iv. Members on Operation STEADFAST are dual force assigned to Operation OKRA.

Supporting Information

Questions on Notice

- No QoNs asked.

Freedom of Information (FOI) Requests

- On 20 June 2022, a media organisation asked for information regarding ‘...a copy of any document or directive which covers the rules governing ADF personnel involved in unmanned aerial system units in the UK and US, including but not limited to rules of engagement and geographical limits.’ **The decision to not release documents was made on 14 July 2022.**
- On 9 March 2022, a media organisation asked for information regarding ‘...any reports, briefs, emails, or cables detailing the latest figure of ADF personnel embedded into allied United States and United Kingdom unmanned aerial system units.’ **A single table listing numbers of ADF personnel deployed was released on 4 April 2022.**

Recent Ministerial Comments

Operation CARNELIAN:

- On 6 May 2023, the Minister for Foreign Affairs and Trade put out a joint media release with the Minister for International Development and the Pacific and the Assistant Minister for Foreign Affairs [detailing a \\$6 million humanitarian assistance package](#) in response to the conflict in Sudan.
- Minister for Foreign Affairs and Trade [confirmed on ABC AM](#) on Wednesday 3 May the departure of Australians via a RAAF C-130J Hercules.
- The Deputy Prime Minister and the Minister for Foreign Affairs both [publicly commented on the evacuation of Australians and other nationals from Sudan via a RAAF aircraft.](#)

Operation FLOOD ASSIST 22-2:

- On 17 November 2022, in an article [with News.com.au](#) Minister Murray Watt said the Government is working on a dedicated disaster workforce to assist during natural disasters and clean up, given the temporary pressure placed on the Defence Force.
- On 24 October 2022, in a [radio interview with ABC Gold Coast](#) Minister Watt outlined his ongoing discussions with the Deputy Prime Minister Marles regarding the use of the ADF to respond to natural disasters. Minister Watt identified [Defence Relief Australia](#) as one of the organisations under consideration to play a greater role.

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Key witnesses: Vice Admiral David Johnston; Air Vice-Marshal Stephen Chappell

Operation RESOLUTE:

- On 22 September, [ABC News](#) quoted Minister Clare O'Neil reference 4,200 GPS trackers to the Sri Lankan government to surveil fishing trawlers, the boats used by people smugglers.

Relevant Media Reporting

Operation ARGOS:

- On 23 March 2023, The National Tribune published an article titled: [Eyes in the sky zero in on illicit activities](#). The article covers activities as part of Operation Argos.

Operation ASLAN:

- On 29 Mar 2023, the National Tribune reported: [Change of command for Sudan contingent](#). The article covers Colonel Richard Watson handing over command of Operation Aslan to Colonel David Hughes.

Operation CARNELIAN:

- On 5 May 2023, the ABC [more than 230 Australians evacuated so far from Sudan](#).
- On 4 May 2023, Mirage News reported [ADF helps foreigners flee Sudan](#) with the ADF evacuating 67 Australian and foreign nationals from war-torn Sudan under Operation Carnelian.
- On 3 May 2023, numerous outlets including Seven, Nine, Ten, ABC and SBS reported [Australians evacuated to Cyprus from Sudan](#)
- On 3 May 2023, News Limited reported [Dozens of Australians evacuated out of Sudan, but more remain as violence rages with Australians being evacuated out of "dangerous" Sudan overnight, as heavy fighting rages for the third week](#).
- On 2 May 2023, the Epoch Times reported [around 36 Australians Evacuated amid Sudan Civil Strife](#) as a Royal Australian Air Force aircraft rescues stranded Australians amid the fighting in Sudan.

Operation LANTERN:

- On 19 May, [China News](#) reports Postponement of Biden's Australia, PNG Visit Raises Criticism.
- On 18 May, [The Australian Financial Review](#) reports a capital opportunity to make up for cancelled Quad.
- On 17 May, [The Australian](#) reports the Quad summit collapse is a win for Beijing after the President of The United States of America pulls out of Australia visit.
- On 17 May, [The Australian Financial Review](#) reports US reliability under question over Quad cancellation.

Operation FLOOD ASSIST 23-1:

- On 29 March 2023, the Courier mail published an article titled [CFS calls for funding to](#)

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Key witnesses: Vice Admiral David Johnston; Air Vice-Marshal Stephen Chappell

[tackle climate crisis](#). Journalist Joseph Moore reports details of a submission to the Senate Select Committee for Disaster Resilience mentioning the need to rely on ADF support unless alternate State-based solutions are found.

- On 16 March 2023, the Kimberley Echo published an article titled [Highway re-opening heralds fresh food returning to supermarkets](#). Journalist Sarah Crawford reports fresh food should be back in regular supply at East Kimberley supermarkets after the Victoria Highway reopened following almost a week when the region was unreachable by sealed road. The Department of Fire and Emergency Services organised the ADF to fly in 40 tonnes of groceries over two flights.
- On 14 March 2023, the Australian Associated Press published an article titled [ADF disaster response may be impacting recruitment](#). Journalist Andrew brown covers Air Vice Marshall Stephen Chappell's responses to the Senate Select Committee on Australia's Disaster Resilience and the impact the ADF response to disasters is having on recruitment and primary duties of the ADF.
- On 08 March 2023, the Narrogin Observer published an article titled [Kimberley floods: Fresh food to be flown and barged into cut off Kununurra, east communities](#). Journalists Sarah Crawford and Josh Zimmerman reported fresh food was to be flown and barged into cut off Kununurra, east communities. The ADF would begin flying food into Kununurra to fill supermarket shelves left empty after the town was cut off by flooding.
- On 07 March 2023, the Kyabrim Free Press published an article titled [Nation's waterlogged north faces renewed flood threat](#). AAP Newswire reported on the ADF helping to deliver essential supplies to people in Kununurra, who were isolated because of heavy flooding.
- On 05 March 2023, the Katherine Times published an article titled [Defence wraps up Kalk evac support, Vic River floods](#). Journalist Annie Hesse covers the conclusion of Defence support to evacuation of the Katherine region.
- On 03 March 2023, the NT News published an article titled [hercules to the rescue](#). The article covered the ADF deployed Hercules C-130 aircraft in Kalkarindji, 770km southwest of Darwin following severe flooding.
- On 02 March 2023, the New Daily published an article titled [Remote NT communities isolated by tropical low](#). The article reported the army deploying to help with urgent evacuations as heavy rain continued to batter the Northern Territory and people's homes became "uninhabitable".
- On 13 February 2023, Sky News and a number of other outlets reported on Opposition Leader Peter Dutton's tribute to the ADF for their support to Operation FLOOD ASSIST 23-1.

Operation GATEWAY:

- On 16 March 2023, the American Military News published an article titled [Australian military pilots offered counselling after Chinese jet encounters](#). Journalist Chris Kirkman

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Key witnesses: Vice Admiral David Johnston; Air Vice-Marshal Stephen Chappell

reports on the support provided to Australian pilots after they encounter Chinese military jets.

Operation KUDU (Ukraine Support):

- On 27 March 2023, the National Tribune published an article titled [Weather tests troops on Operation Kudu](#). The article reports on the weather conditions being experienced by Australian soldiers training recruits from the Armed Forces of Ukraine.
- On 19 March 2023, MenaFN published an article titled [Soldiers Of Armed Forces Of Ukraine Undergo Live-Fire Training In UK](#). The article highlights the training of Ukrainian soldiers by ADF instructors.

Operation RESOLUTE:

- On 16 February 2023, The Australian published an article titled [SOS to navy: get ready for boats surge](#). Journalists Simon Benson and Joe Kelly cover comments made by Vice Admiral David Johnston at Senate Estimates regarding a formal request from the commander of Operation Sovereign Borders for extra defence assets to patrol Australia's northern maritime approaches

Operation SOLANIA:

- On 28 January 2023, Mirage news published an article titled [Pacific Islands Combat Illegal Fishing, Heighten Maritime Awareness](#). The article covers a workshop attended by officials and experts from the Pacific Islands Forum Secretariat; the Pacific Islands Forum Fisheries Agency; the Pacific Fusion Centre; along with Pacific Island representatives; PBP partners Australia, Canada, Germany, Japan, Republic of Korea, New Zealand, the United Kingdom, and the United States; and PBP observers including the European Union, France, and India.

Operation VANUATU ASSIST:

- On 27 March 2023, the Mercury and multiple News Corp outlets published an article titled [Lieutenant Donna Miller follows in her family footsteps as sea warrior, nurse](#). Journalist Esha Malghan highlights Lieutenant Miller's career and family ties to the sea.
- On 24 March 2023, the National Tribune published an article titled [Army engineers give remote island a lift](#). The article covers 6th Engineer Support Regiment's work to restore key buildings on Futuna after Tropical Cyclones Judy and Kevin.
- On 18 March 2023, The Fiji Times published an article titled [Regional Focus: Judy, Kevin wreak havoc](#). Journalist Tess Newton covers the damage to Vanuatu after Tropical Cyclones Judy and Kevin and how the ADF are supporting the clean-up efforts.
- On 15 March 2023, the Vanuatu Daily post published an article titled [Vila East School to resume next week as renovation continues](#). Journalist Doddy Morris reports how ADF support after Tropical Cyclones Judy and Kevin have allowed Vila East School to reopen.

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Key witnesses: Vice Admiral David Johnston; Air Vice-Marshal Stephen Chappell

- On 10 March 2023, the Pacific Island News Association published an article titled [Further Australian \\$4.35 million support for Vanuatu's cyclone response](#). Journalist Pita Ligaiula covers Australia's support to Vanuatu after Tropical Cyclones Judy and Keven.

Division:	Vice Chief of the Defence Force Executive		
PDR No:	SB23-000441		
Prepared by: Air Vice Marshal Stephen Chappell Head Military Strategic Commitments Mob: s22 Ph: s47E(d) Date: 26 May 2023	Cleared by Group / Service Head: Vice Admiral David Johnston, RAN Vice Chief of Defence Force Mob: s22 Ph: s47E(d) Date: 26 May 2023		
Consultation: HQJOC (DGSPT) – BRIG Watts	Date: 03 April 2023 Ph: s47E(d)		
Cleared by CFO / DPG / DSR: NA			
Cleared by Band 3/3*: Vice Admiral David Johnston, RAN Vice Chief of Defence Force	Date: 26 May 2023		

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Key witnesses: Vice Admiral David Johnston; Air Vice-Marshal Stephen Chappell

Defence Assistance to the Civil Community

Handling Note:

- Vice Admiral David Johnston, Vice Chief of the Defence Force, to lead on Defence Assistance to the Civil Community
- Air Vice-Marshal Stephen Chappell, Head of Military Strategic Commitments, to support.

Key Messages

- Since 2019, Defence support to the civil community has been at an unprecedented scale and frequency, and includes support to bushfires, floods and assistance to the COVID-19 pandemic.
 - The scale and duration of this support is unsustainable without accepting an impact on ADF preparedness for its primary role.
- In accordance with the Australian Government Crisis Management Framework, the National Emergency Management Agency coordinates the Commonwealth approach to preparing for, responding to, and recovering from crises.
- Defence Assistance to the Civil Community is provided where state or territory capacity has been exhausted and a request for assistance is made to the Commonwealth and, where the use of force is not contemplated.
- Defence prepares and postures to be ready to respond to emergency requests from Commonwealth, and state and territory governments through the National Emergency Management Agency, prior to each High Risk Weather Season (October to April).
- The Department of Home Affairs is considering options for creating additional capacity for the Commonwealth to support states and territories in responding to natural disasters. Defence is supporting this initiative.
- As identified in the 2020 Royal Commission into National Natural Disaster Arrangements the ADF has finite resources and is not the first responder to natural disasters or emergencies.
- Defence has made submission to the two inquiries currently looking at Disaster Resilience and Defence support to national crisis. The final reports are expected to be released in the second half of 2023.

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Key witnesses: Vice Admiral David Johnston; Air Vice-Marshal Stephen Chappell

Talking Points

Defence Assistance to the Civil Community arrangements

- State and territory governments have primary responsibility for the protection of life, property and the environment, and for coordinating and planning emergency responses or recovery actions in disaster-affected areas.
- During a natural disaster, states or territories can request Commonwealth assistance, including that of the ADF, through the National Emergency Management Agency.
- These requests are made when the emergency response authority has exhausted their capacity to respond, cannot respond in sufficient time, or they require a specialist response that only the ADF can provide.

Impact on preparedness due to domestic operations

- While the ADF is proactively postured to support the response to emergency domestic crises, the unprecedented scale, duration and frequency of support is unsustainable without accepting significant impact to ADF preparedness for its primary role.
- Further detail on preparedness impact can be found in [SB23-000443 – Operational Preparedness](#).
- Defence has made submissions to the Senate Select Committee's inquiry into Australia's Disaster Resilience and the Joint Standing Committee on Foreign Affairs, Defence and Trade's inquiry into the Defence Annual Report and support to national crisis. Both of these submissions discuss the impact Defence Assistance to the Civil Community has on ADF preparedness. Defence awaits the outcomes of these inquiries in the second half of 2023.

Preparations for High Risk Weather Season (October to April)

- Defence prepares and postures to be ready to respond to emergency requests from Commonwealth, state and territory governments ahead of the High Risk Weather Season (October to April). Defence's preparation for the 2022/23 High Risk Weather Season included:
 - Validating the readiness of disaster relief equipment and supplies held by Defence and the Department of Foreign Affairs and Trade.
 - Revising and refining domestic and regional response plans.
 - Providing ADF support for National Emergency Management Agency's annual preparedness briefings to:
 - : All relevant emergency authorities in all States and Territories between 24 August and 30 September 2022.
 - : Commonwealth Departments in Canberra on 5 October 2022.

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Key witnesses: Vice Admiral David Johnston; Air Vice-Marshal Stephen Chappell

: Commonwealth Ministerial level High Risk Weather Season Table Top Activity on 11 October 2022.

- Defence maintains an extensive liaison network across Australia, engaging with all levels of government (local, state and federal) to facilitate and coordinate requests for ADF support.
- Short notice, specialist capabilities are maintained, which may be used, under Commonwealth direction, to assist the civilian community and civilian authorities.
 - This includes an Emergency Support Force established in each state and the Northern Territory comprising approximately 130 ADF members who can provide command and control, engineering, transport and logistics functions.

Key Current Defence Assistance to the Civil Community Support Provided In 2023

Resupply of essential goods to Kununurra via air

- On 07 March 2023, the Western Australian Department of Fire and Emergency Services requested Defence assistance through the National Emergency Management Agency to resupply essential goods to the area of Kununurra which had been cut off by floodwaters.
- Defence provided three flights into Kununurra with a C-130J aircraft - one flight on 9 March 2023 and two flights on 10 March 2023.

Northern Territory evacuation support

- On 01 March 2023, the Northern Territory Emergency Services requested Commonwealth assistance through the National Emergency Management Agency to evacuate personnel from the Kalkarindji area due to flooding of the Victoria River.
- Over 400 people were evacuated by two C-130J and one C-27 aircraft. The evacuation was complete by the evening of 03 March 2023.

Search for missing capsule of Caesium in Western Australia

- Defence provided assistance to the Western Australian Department of Fire and Emergency Services efforts to search and locate a missing capsule of radioactive material Caesium-137 from 30 January 2023.
- Personnel from the Australian Radiation Protection and Nuclear Safety Agency successfully located the capsule on 01 February 2023.
- Questions related to the management, transport, loss and search for the radioactive material should be directed to the Western Australian Government.

Operation Flood Assist 23-1

- Defence established Operation FLOOD ASSIST 23-1 on 06 January 2023 as part of the Commonwealth's whole-of-government response to flooding in the Kimberley region of Western Australia.

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- Support comprised of three fixed wing transport aircraft and five helicopters to relocate flood affected persons from and within the region, and assist with emergency logistics resupply.
- Defence also provided general duties personnel and planners to assist Western Australian Department of Fire and Emergency Services with emergency response, initial clean-up, damage assessments, emergency resupply and planning.
- Approximately 360 personnel were assigned to the operation which was closed on 28 February 2023.

Supporting Information

Questions on Notice

Senate Select Committee on Australia's Disaster Resilience: 14 March 2022

- **QoN 1, Costs of Deployment of ADF to Domestic Disasters**, Senator Perin Davey (Nationals, New South Wales) asked about the financial costs incurred by Defence when responding to domestic disasters.
- **QoN 2, Models and Timings for disaster resilience measures**, Senator Karen Grogan (Labor, South Australia) and Senator Jacqui Lambie (Jacqui Lambie Party, Tasmania) asked about international models for disaster recovery manning and timing for identification of suitable examples.

Freedom of Information (FOI) Requests

- On 06 February 2023, a media organisation sought access under Freedom of Information to all correspondence or communications held by the ADF with Australian Nuclear Science and Technology Organisation and Australian Radiation Protection and Nuclear Safety Agency regarding the search for the Caesium-137 capsule in Western Australia. **There was no material to release**, as the cooperation had been coordinated through National Emergency Management Agency and the Western Australia Department of Fire and Emergency Services.

Recent Ministerial Comments

- On 01 February 2023, [Minister Murray Watt announced an independent review](#) into Australia's disaster funding arrangements.
- On 09 January 2023, in a doorstep interview [with Prime Minister Albanese](#), the Western Australian Premier responded to questions about accessing RAAF Base Curtin as accommodation for displaced persons.
- On 17 November 2022, in an article [with News.com.au](#), Minister Murray Watt (Minister for Emergency Management) said the Government is working on a dedicated disaster workforce to assist during natural disasters and clean-up, given the temporary pressure placed on the ADF.
- On 07 October 2022, Deputy Prime Minister Marles announced the [end of Operation COVID-Assist](#).

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- On 09 August 2022, [the Minister for Agriculture, Fisheries and Forestry said in an address to the National Press Club](#), “we think that there will always be a role for the Defence Force, but we do have concerns about how far they are being stretched. And, you know, their core job is the defence of the nation, and we do need to make sure that we’re not stretching them so far that that can’t remain their core focus.”
- On 03 August 2022, [Prime Minister Albanese and Deputy Prime Minister Marles announced the Defence Strategic Review](#), which will examine force structure, force posture and preparedness, and investment prioritisation, to ensure Defence has the right capabilities to meet our growing strategic needs.

Relevant Media Reporting

- On 29 March 2023, the Courier mail published an article titled [CFS calls for funding to tackle climate crisis](#). Journalist Joseph Moore reports details of a submission to the Senate Select Committee for Disaster Resilience mentioning the need to rely on ADF support unless alternate State-based solutions are found.
- On 23 March 2023, the Daily Telegraph published an article titled [Robbie Katter calls for state government to request ADF assistance to flooded Qld towns](#). Journalist Isaac McCarthy covers calls Robbie Katter made for the state government to formally request ADF assistance, as Queensland Police release video of flood-ravaged areas in the state’s west.
- On 16 March 2023, the Kimberley Echo published an article titled [Highway re-opening heralds fresh food returning to supermarkets](#). Journalist Sarah Crawford reports fresh food should be back in regular supply at East Kimberley supermarkets after the Victoria Highway reopened following almost a week when the region was unreachable by sealed road. The Department of Fire and Emergency Services organised the ADF to fly in 40 tonnes of groceries over two flights.
- On 14 March 2023, the Australian Associated Press published an article titled [ADF disaster response may be impacting recruitment](#). Journalist Andrew brown covers Air Vice Marshall Stephen Chappell’s responses to the Senate Select Committee on Australia's Disaster Resilience and the impact the ADF response to disasters is having on recruitment and primary duties of the ADF.
- On 08 March 2023, the Narrogin Observer published an article titled [Kimberley floods: Fresh food to be flown and barged into cut off Kununurra, east communities](#). Journalists Sarah Crawford and Josh Zimmerman reported fresh food was to be flown and barged into cut off Kununurra, east communities. The ADF would begin flying food into Kununurra to fill supermarket shelves left empty after the town was cut off by flooding.
- On 07 March 2023, the Kyabrim Free Press published an article titled [Nation's waterlogged north faces renewed flood threat](#). AAP Newswire reported on the ADF helping to deliver essential supplies to people in Kununurra, who were isolated because of heavy flooding.

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- On 05 March 2023, the Katherine Times published an article titled [Defence wraps up Kalk evac support, Vic River floods](#). Journalist Annie Hesse covers the conclusion of Defence support to evacuation of the Katherine region.
- On 03 March 2023, the NT News published an article titled [hercules to the rescue](#). The article covered the ADF deployed Hercules C-130 aircraft in Kalkarindji, 770km southwest of Darwin following severe flooding.
- On 02 March 2023, the New Daily published an article titled [Remote NT communities isolated by tropical low](#). The article reported the army deploying to help with urgent evacuations as heavy rain continued to batter the Northern Territory and people's homes became "uninhabitable".
- On 13 February 2023, Sky News and a number of other outlets reported on Opposition Leader Peter Dutton's tribute to the ADF for their support to Operation FLOOD ASSIST 23-1.

Division:	Vice Chief of the Defence Force Executive		
PDR No:	SB23-000442		
Prepared by: Commodore Don Dezentje Acting Head Military Strategic Commitments Mob: s22 Ph: s47E(d) Date: 4 April 2023	Cleared by Group / Service Head: Vice Admiral David Johnston Vice Chief of the Defence Force Mob: s22 Ph: s47E(d) Date: 6 April 2023		
Consultation: Joint Operations Command Group Captain Jason Pont, Acting Director General Operations and Plans	Date: 3 April 2023	Mob: s22	Ph: s47E(d)
Cleared by Deputy Secretary (or equivalent Band 3/3*): Vice Admiral David Johnston, Vice Chief of the Defence Force	Date: 5 April 2023		

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Key witnesses: Vice Admiral David Johnston; Air Vice-Marshal Stephen Chappell

Questions on notice referred to within the brief:

**Senate Select Committee on Australia's Disaster Resilience 14 March 2023
Costs of Deployment of the ADF to Domestic Disasters
Senator Perin Davey**

Written Question

Have you got any statistics on costs of deployment? When you're called out to a domestic disaster, what does that cost the Defence Force? Do you have those sorts of statistics?

Answer

Yet to be tabled

**Senate Select Committee on Australia's Disaster Resilience 14 March 2023
International Examples of non-defence mobilisation
Senator Karen Grogan and Senator Jacqui Lambie**

Spoken Question

Senator GROGAN: Are there any examples that you would be aware of overseas of mobilising non-defence personnel in the face of disasters?

Air Vice-Marshal Chappell: I'm aware of a number of international models that Home Affairs and NEMA are looking at and have looked at to inform their considerations and inform the thinking across governments at all levels of Australia. I'm aware of US models, Danish models and German models. I'm sure there are others as well. Again, Defence will provide a view and a position to Home Affairs and NEMA and the other stakeholders on how that might best fit for the Australian context, noting that we will support Commonwealth state and territory levels through that Australian government crisis management framework.

CHAIR: What is the timeline that you expect for them? When do you think Home Affairs or whoever is doing that model will arrive at that judgement? There are plenty of other countries around the world doing this. I just don't think we have a lot of time. Is there any idea on some sort of timeline for Defence, where they say, 'I think this the better model here, and this is what you should do'? Where are you guys up to with your opinion on that side to provide that?

Air Vice-Marshal Chappell: Again, we contribute to the Home Affairs and NEMA discussions. I'll need to take that question on notice, but I would probably refer in the main to Home Affairs and NEMA on the timelines, noting that each nation, its structure and its domestic, environmental and geographic context means that each model, I'm sure, will require specific fit-for-purpose, fit-for-nation models and dynamics. I would refer to Home Affairs, and I will take on notice whether we do have a view of the timeline there.

Answer

Yet to be tabled

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Key witness: Vice Admiral David Johnston

Operational Preparedness

Handling Note: Vice Admiral David Johnston, Vice Chief of the Defence Force, is to lead.

Key Messages

- The scale, duration and frequency of operations, activities and actions impact operational preparedness and have concurrency implications.
- Operational tempo (the rate at which Defence force elements are committed to operational activity) has broad implications for Defence, including preparedness.
- Concurrency is the capacity of the joint force-in-being to maintain preparedness requirements while simultaneously conducting other directed operations
- Substantial support to regional activities, disaster relief operations (domestic and international), and participation in high priority training activities also result in a high operational tempo.
- While the ADF is proactively postured to conduct operations, activities and actions, the scale, duration and frequency of domestic assistance support could be unsustainable without accepting significant impacts to ADF preparedness for its primary defence of Australia role.
- The creation of the National Emergency Management Agency greatly assists natural disaster monitoring and coordination.
- The Defence Strategic Review response has made a series of recommendations in relation to accelerated preparedness and preparedness posture. Further detail can be found in [SB23-000411](#).

Talking Points

Does Defence support to domestic operations impact preparedness?

- Defence continues to meet its operational commitments and requirements for higher priority activities. However, the cumulative effect of sustained domestic operational demands, training, and planned activities generate a risk to preparedness.
 - Elements of Defence's workforce are regularly under pressure.
- There is an increased likelihood of concurrency issues arising as forces are assigned to operations. Depending on the nature, scale, duration and frequency of the tasking, it may impact the operational preparedness of Defence.
- Defence has drafted a submission to the Senate Select Committee on Australia's Disaster Resilience. This addressed the Committee's inquiry into the:
 - role of the ADF in responding to natural disasters;

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- impact of more frequent and more intense natural disasters on the ongoing capacity and capability of the ADF; and
- impact on the ADF in responding to domestic natural disasters.
- Defence understands this report is due to be tabled in September 2023.
- A submission touching on similar themes was made to the Joint Standing Committee on Foreign Affairs, Defence and Trade's inquiry into the Defence Annual Report and support to national crisis.
- Increased frequency and duration of ADF commitment to domestic disaster relief is a significant contributor to increased operational tempo and concurrency. Depending on the scope, scale and duration of these operations, this may impact Defence's capacity to respond to emerging requirements within its primary role.
- The preparedness management system enables Defence to actively manage these risks and communicate them to Government to inform prioritisation.
- Through preparedness direction and assurance reporting the Chief of the Defence Force ensures the sustainable capacity of Defence to apply capabilities to accomplish Government-directed tasks.
- Defence provides a classified biannual report to the Deputy Prime Minister on concurrency and preparedness. This report highlights the deficiencies and risks to Defence's ability to respond to Government demands.
- The *National Defence* Defence Strategic Review response makes a number of recommendations concerning the use of the ADF in Domestic Operations. Defence is working through these recommendations.
- The development of a Defence Strategic Mobilisation Plan will identify options to strengthen Defence's ability to respond to a range of contingencies. These include large-scale domestic natural disasters and national emergencies.

How does Defence manage operational tempo and concurrency?

- Defence reviews preparedness settings biannually to identify risks and manage resources.
- Where appropriate, Defence manages concurrency pressures by:
 - outsourcing work (such as contracting commercial airlift);
 - cancelling or modifying training events;
 - limiting activity/deployments of ADF platforms and personnel; and
 - implementing leave management plans.
- Defence has also increased workforce flexibility options to relieve concurrency pressures for ADF personnel, for example:

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- increased remote training options to allow personnel to remain in their posted location; and
- increased use of the reserve workforce to augment the permanent force.

What are the impacts of concurrency pressures?

- Increased levels of concurrency pressures on certain elements of Defence can lead to the following:
 - platform degradation due to high utilisation rates of Defence assets;
 - elevated separation rates from service;
 - systemic fatigue due to limited respite opportunities;
 - reduced individual training opportunities for personnel impacting career progression;
 - reduced collective training opportunities impacting unit preparedness; and
 - reduced scale of response from Defence.

How does Defence assess operational preparedness?

- Defence assesses operational tempo against Defence preparedness through a range of objective assessments, against performance targets and a variety of subjective means.
- These include:
 - formal deficiency and risk reports against Defence capability;
 - workforce surveys;
 - command chain reporting; and
 - workforce health indicators (such as leave balances, retention and recruiting).
- Operational tempo differs across the Defence workforce. An example of a critical capability that displayed operational tempo stress is our medical capabilities (who worked to deliver the Commonwealth Government's COVID-19 response when health reserves were already committed in civilian roles).

Is heightened operational tempo impacting members and their families?

- People are the key to Defence capability. High operational tempo is causing absences from home and long working hours are impacting on members and families of some elements of the ADF.
- Defence analyses a range of welfare indicators to assess the impact of high operational tempo to understand workforce risks to our people. Circumstances vary widely across the total workforce.
- The Defence Member and Family Helpline is the primary point of contact for ADF members and their families seeking support, information or connection with their

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community. The Helpline is available 24/7 and is staffed by qualified human services professionals including social workers and psychologists.

- Defence Member and Family Support, at the request of Command, undertakes family assessments and makes recommendations to assist in decision making. Examples include assessment of a family situation in relation to a compassionate return to Australia and compassionate postings.

Background

- While the ADF is proactively postured to support the response to emergency domestic crises, the provision of prolonged support in recent years – particularly in non-core roles – is impacting preparedness, operations, regional engagement, retention and modernisation.
- This coincides with a period of strategic uncertainty and increasing security-specific demands on the ADF, particularly in the Indo-Pacific.
- Elements of sustainment and operating budgets must be reprioritised as Defence focuses more acutely on the strategic threats.
- The scale, duration and frequency of Defence support to domestic crises, such as COVID-19, 2019/2020 Bushfires, is not sustainable without accepting significant impact for ADF preparedness.
- The ADF is not the primary responder in domestic disaster situations. The responsibility of emergency management rests with state and local authorities.
- During a natural disaster, states or territories can request Commonwealth assistance, including that of the ADF, through the National Emergency Management Agency. These requests are known as Defence Assistance to the Civil Community.
 - This assistance delivers an outcome or effect at a time when the recipient's own resources are not capable or have been overwhelmed.
- Further detail on Defence Assistance to the Civil Community can be found in [SB23-000442](#).
- Although states and territories have primary responsibility for domestic disaster responses within their jurisdiction, the provision of Defence support to civilian agencies in times of emergencies has been a consistent policy of Commonwealth Government assistance.
- Defence Strategic Review outlines increasing levels of preparedness. Options to achieve Government direction are under development.

Supporting Information

- For a summary on Defence Operations please refer to [SB23-000441](#).

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- For Defence's submission to the Senate Select Committee on Australia's Disaster Resilience please refer to [Select Committee on Australia's Disaster Resilience Submission 25](#).

Questions on Notice

Budget Estimates: 9 November 2022

- QoN 58, Civilian National Disaster or Emergency Response Force**, Senator Claire Chandler (Liberal, Tasmania) asked about Defence disaster and emergency response force and its impacts on Defence's capability.

Senate: 28 September 2022

- Q829, Civilian National Disaster or Emergency Response Force**, Senator the Hon Simon Birmingham (Liberal, South Australia) asked about the civilian national disaster or emergency response force and Government's plans.

Freedom of Information (FOI) Requests

- None.

Recent Ministerial Comments

- On 24 Apr, the Prime Minister released the *National Defence Defence Strategic Review*. He stated *"My Government commissioned the Defence Strategic Review to assess whether Australia had the necessary defence capability, posture and preparedness to best defence Australia and its interests in the strategic environment we now face"*
- On 14 November 2022, the [Deputy Prime Minister announced in an address to the Sydney Institute](#), *"right now we have a defence personnel crisis. That's why I'm driving the largest workforce transformation since the late 1990s to retain and grow the people we need. Defence must act differently. We must innovate to compete and attract new skills, not just for soldiers in the field, but in intelligence, space and cyber, and advanced networking."*

Relevant Media Reporting

- There has been significant reporting on ADF Preparedness and support to domestic operations since the release of *National Defence Defence Strategic Review* response on 24 April 2023.
- On 24 April 2023, The Age published an article titled '[Defence Force strained by role in floods and bushfires](#)'. National security correspondent Matthew Knott quoted comments made by Head of Military Strategic Commitments and the Defence submission to the Senate Select Committee on Australia's natural disaster resilience.
- On 25 April 2023, The West Australian published an article titled '[ADF: Cost of sending Australian Defence Force into disaster zones revealed](#)'. Journalist Dan Jervis-Bardy

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stated the cost of sending troops into domestic emergencies exceeded \$200 million in the past three years, according to figures. Supporting the national COVID-19 response was the most expensive, costing almost \$120 million. The flood responses in NSW and Queensland cost \$25 million, while \$68.4 million was spent assisting the States and Territories in responding to the Black Summer fires in 2019-20.

- On 27 March 2023, The Australian published an article titled [Strategic reserves of fuel 'vulnerable'](#). Journalist Ben Packham stated our fuel reserves were in a poor state and the nation's over-reliance on refined fuel imports makes it highly vulnerable in a conflict. The report mentioned sensitives about the state of our fuel reserves and mentions ongoing mobilisation workshops.
- On 12 March 2023, The West Australian published an article titled [Emergency SOS from our Defence force](#). Journalist Daniel Jervis Bardy stated the Defence Department has warned the military risks of not being fully prepared for its main role of protecting the nation if there is continued reliance to respond to increasingly frequent natural disasters. This article was based on Defence's submission to the Senate Select Committee on Australia's Disaster Resilience.
- On 19 September 2022, the Guardian published an article titled ["Near persistent' natural disasters placing intense pressure on Australian Defence Force."](#) Journalists Josh Butler and Daniel Hurst discussed content from Defence's 2022 Incoming Government Brief relating to pressures on Defence preparedness caused by the need for assistance to civil communities during or after natural disasters.
- On 02 August 2022, ABC News published an article titled ["Australia's military structure, preparedness and investments to be reviewed for first time in a decade."](#) Journalist Andrew Greene stated that a comprehensive study will review the ADF's structure, preparedness and investments. It forms part of the Defence Strategic Review.

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Cleared By:

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Group/Service: Vice Chief of Defence Force Executive
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Key witness: Vice Admiral David Johnston

Division: Force Design Division	
PDR No: SB23-000443	
Prepared by: Air Commodore Nick Hogan Acting Head of Force Design Mob: s22 Ph: s47E(d) Date: 26 April 2023	Cleared by Group / Service Head: Vice Admiral David Johnston Vice Chief of the Defence Force Mob: s22 Ph: s47E(d) Date: 5 April 2023
Consultation: Military Strategic Commitments Commodore Don Dezentje Director-General Military Strategic Commitments	Date: 31 March 2023 Mob: s22 Ph: s47E(d)
Consultation: Headquarters Joint Operations Command JOC Group Governance	Date: 4 April 2023 Mob: N/A Ph: N/A
Cleared by CFO / DPG / DSR: Colonel Benjamin Cook Director, Strategic Workforce Plans and Analysis Defence People Group Date: 31 March 2023	
Cleared by Deputy Secretary (or equivalent Band 3/3*): Vice Admiral David Johnston, Vice Chief of the Defence Force Date: 5 April 2023	

Questions on notice referred to within the brief:

Budget Estimates on 18 November 2022
Civilian National Disaster or Emergency Response Force
Senator Claire Chandler
Question

1. What progress has been made toward creation of a civilian national disaster or emergency response force, and what funding commitments have been made?

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2. What briefings has the Department of Defence (Department) provided to the Government on the impact of disaster and emergency response and relief ensure that the Australian Defence Force (ADF) can focus on its primary national security and defence role?

3. What are the risks for the ADF and its warfighting and defence capability, and morale, if it is continues to be frequently deployed to respond to civilian national disaster and emergency events?

4. What impact are frequent and lengthy civilian response deployments having on ADF personnel, including in relation to morale, development, retention and departures from the ADF?

Answer

1. This is a policy question with the portfolio responsibility in the Department of Home Affairs and the Minister for Home Affairs.

2. Defence routinely briefs Ministers and Government on this matter.

3. Defence continues to meet its operational commitments and higher priority activities. The cumulative effect of sustained domestic operational demands and restrictions on training generate an ongoing risk to preparedness. These risks are actively managed.

4. While the ADF is proactively postured to support the response to emergency domestic crises, the provision of prolonged domestic support in recent years has impacts to preparedness, operations, regional engagement, retention and modernisation.

Senate

28 September 2022

Senator Simon Birmingham

Question

What progress has been made toward creation of a civilian national disaster or emergency response force, and what funding commitments have been made?

What is the Government's plan to ensure that the ADF can focus on its primary national security and defence role?

What are the risks for the ADF and its warfighting and defence capability if it is instead deployed to respond to civilian national disaster and emergency events?

What briefings and reports have been provided to the Minister, and the Government, relating to these matters, since 22 May 2022, and please provide them.

Answer

The creation of a civilian national disaster or emergency response force is a matter for the Department of Home Affairs and the Minister for Home Affairs.

Defence continues to meet its operational commitments and higher priority activities. The cumulative effect of sustained domestic operational demands and restrictions on training generate an ongoing risk to preparedness.

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Key witness: Vice Admiral David Johnston

Through preparedness direction and assurance reporting, the Chief of the Defence Force ensures the sustainable capacity of Defence to accomplish government directed tasks.

The preparedness management system enables Defence to actively manage these risks and communicate them to government to inform prioritisation.

Defence formally reports any significant preparedness deficiency. The Government does not comment publicly on the specifics of Defence's state of preparedness.

Defence routinely briefs Ministers and Government on this matter. These briefings contain sensitive material and may adversely impact Defence if released publically.

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Key witness: Matt Yannopoulos

Enterprise Resource Planning

Handling Note: Matt Yannopoulos, Associate Secretary to lead.

Key Messages

- The Enterprise Resource Planning (ERP) Program is a key strategic capability.
- It is a major Defence transformation initiative that will modernise, integrate and transform Defence's delivery of corporate and military enabling services to maximise their efficiency and effectiveness.
- It will deliver secure and resilient enterprise business support for functions that directly enable Defence operations, such as logistics, finance, human resources, engineering, estate and materiel maintenance.
- The ERP Program is transforming and integrating these capabilities for interoperable, consistent, efficient and secure support to the Defence mission.
- It is a complex business program with high cost, schedule, workforce and implementation risk.
- Schedule risk has now been realised and a replanned delivery schedule is being developed to address this risk, with go-live scheduled for quarter 2 of 2024.

Talking Points

Capability Overview

- Over three tranches, the ERP Program will deliver solutions that will affect every Defence member and transform the way Defence does business. This is the most significant business transformation initiative ever undertaken by Defence.
- The ERP Program reinforces the Government's commitment to improving Defence enterprise business processes by implementing reform across Defence to maximise business commonality and effectiveness.
- It is simplifying, automating and integrating Defence business processes to better coordinate resources and activities within Defence.
- This continuous transformational reform is essential for building Defence's capacity to respond to an increasingly uncertain external environment.
- The ERP Program will progressively provide a trusted source of enterprise data, standardise processes and reduce the number of ageing and obsolete technology systems.
- A key principle and focus across all aspects of the ERP Program is to "*adopt* the system and *adapt* our work processes."

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Key witness: Matt Yannopoulos

- Through the Integrated Investment Program, the ERP Program is allocated \$5,787.8 million (including \$422.5 million in contingency) to acquire and sustain the ERP capability to 2040-41.
- To date, the Government has released \$1,643.6 million (including \$261.3 million in contingency) to acquire capability covering the scope of Tranche 1, Tranche 2 and Tranche 3A. In addition, \$692.1 million has been released to sustain this capability.

Risk

- Most recently, the ERP Program has encountered delays in executing System Integration Testing, entering the most recent test cycle nine weeks later than planned. This occurred due to test process deficiencies and data quality issues.
- Defence has worked with the SAP Global Escalation team in a detailed consultation process to address concerns about the ERP Program's progress. An Independent Assurance Reviewer is providing monthly reports on the ERP Program's progress.
- Defence is committed to working with SAP and the systems integrator, IBM, to deliver a viable solution for the Tranche 1 Release 1B and Tranche 2 scope.
- Defence assessed the schedule risk of Tranche 1 and Tranche 2 delivery as High.
- In consultation with the software vendor (SAP) and system integrator (IBM), Defence is engaged in detailed replanning of the delivery schedule to strengthen confidence in delivery dates for Tranche 1 and Tranche 2 initial operating capability and final operating capability dates.
- Defence is committed to ensuring the schedule is achievable, adequately resourced and addresses previous issues.
- Defence is prepared to transition to the ERP capability when go-live is achieved.

Background

- The ERP Program commenced in 2015, achieving First Pass approval in 2016 and initial Second Pass approval in 2018.
- The initial Second Pass approval was to deliver capability to support logistics and to support maintenance of land equipment, as well as foundational financial and HR functions to support this capability.
- In 2021, approval was given to expand the scope for the ERP Program to include Case Management (Tranche 2) & HR (excluding payroll). In both instances, funding (approved and unapproved) was transferred to the ERP Program.
- The ERP solution will be implemented with a suite of SAP software (provided by SAP SE, a German multinational software corporation) as the core.

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- S/4HANA, SAP's current ERP software, augmented by SAP's Defence and Security industry solution, is the core of the solution.
- It provides both traditional ERP features (such as financial management and procurement) and a rich set of features that are Defence-specific.
- The ERP Program is currently scheduled to deliver the initial capability (Tranche 1 and Tranche 2) in quarter 2 of 2024 (following a schedule replan in March 2023), the Tranche 3A capability by late 2026, and full acquisition by 2030.

Supporting Information

Questions on Notice

- No QoNs asked.

Freedom of Information (FOI) Requests

- None.

Recent Ministerial Comments

- No recent comments.

Relevant Media Reporting

- None identified.

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Key witness: Matt Yannopoulos

Division: Data Division	
PDR No: SB23-000438	
Prepared by: s47E(d) ED DBIP, Enterprise Business and Data Programs Branch Mob: s22 Ph: s47E(d) Date: 03 April 2023	Cleared by Division Head: Maria Milosavljevic, CDIO, Data Division Mob: s22 Ph: s47E(d) Date: 04 April 2023
Consultation: Delivery Division, CIOG Major General Sue Graham, Head Business Transformation Air Commodore Damien Keddie, A/ Program Director ERP.	Date: 04 April 2023 Mob: s22 Ph: s47E(d) Mob: s22 Ph: s47E(d)
Cleared by CFO / DPG / DSR: Tracey Mackrow, AS Finance – Enabling Groups	Date: 04 April 2023
Cleared by Deputy Secretary (or equivalent Band 3/3*): Matt Yannopoulos, Associate Secretary, Associate Secretary Group	Date: 28 April 2023

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Key witness: Greg Moriarty

US Unauthorised Disclosure of Classified Information

Handling Note: Greg Moriarty, Secretary of Defence, to lead.

Key Messages

- We are, as are our United States partners, always concerned by apparent leaks of classified government information.
- We have been well-engaged with the United States on this reported unauthorised disclosure, and they have been forthright in keeping us apprised of their investigations.
- United States authorities have arrested a suspect as part of their criminal investigation.
- It would not be appropriate to discuss the specifics of potentially classified information that may have been disclosed, or the ongoing US criminal investigation.

Talking Points

- We are aware of the apparent unauthorised disclosure of United States classified intelligence and operational information, as reported through the media in early April this year.
- Note the US Government is treating this apparent unauthorised disclosure very seriously. US authorities have arrested an individual in connection with the leaks, which are the subject of an ongoing US Department of Justice criminal investigation.
- We have been, and continue to be, well engaged by our US partners as they examine the information disclosed and keep us apprised of their investigation.
 - This ongoing engagement has been across relevant policy s33(a)(i)
 - The US is particularly focussed, as are we, on identifying any information that has been disclosed and that may have national security implications for its allies and partners.
 - Through our engagement with the US, I am confident we are best placed to quickly address any specific concerns related to Australia's national interests as investigations proceed.

If pressed: details of information disclosed, including of any Australian-derived information

- I am not going to discuss the specifics of classified information that may have been disclosed.
- Classified information that has not been authorised for disclosure remains classified, regardless of whether it has been leaked in public forums.

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Key witness: Greg Moriarty

If pressed: details of US investigation

- It would be inappropriate to comment on an ongoing criminal investigation in the United States.

If pressed: when the US first formally advised Defence of the leak

- Once the US had developed an initial understanding of the apparent unauthorised disclosure, it formally advised us (Defence) through s33(a)(i) and policy channels on 11 April 2023.

If pressed: appropriateness of security clearance procedures

- Australia and United States have in place rigorous security clearance processes for those staff that have access to our most sensitive national security information.

s33(a)(i)

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Background

- On 6 April 2023 international media began reporting on what appeared to be classified US Government documents – including operational and intelligence briefs – that were circulating on the Internet and social media platforms.
- The material covered a range of geographic and thematic issues. The documents remain classified – unauthorised public disclosure does not serve as a declassification mechanism.
- On 11 April 2023 United States Secretary of Defense Lloyd Austin stated he was advised of the apparent unauthorised disclosure on 6 April, and publicly indicated the US would do all in its power to identify the source.
- On 11 April 2023, after developing an initial understanding of the potential compromise of information, the United States formally advised us (Defence) of the unauthorised disclosure through s33(a)(i) and policy channels. s33(a)(i)
- s33(a)(i)
- On 13 April 2023 United States Air National Guardsman, 21-year old Jack Teixeira was arrested by US authorities in connection to the unauthorised disclosure. It is alleged Mr Teixeira, who was cleared to access sensitive intelligence and operational information,

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photographed documents and shared them through an instant messaging platform from at least March this year.

- The unauthorised disclosure is now the subject of a US Department of Justice criminal investigation and the US Department of Defense is continuing to assess the contents and implications of documents that have been disclosed.
- Relevant Australian and US senior officials are engaging regularly as the investigation proceeds, particularly in respect to any implications for Australia's national interests.

Supporting Information

Questions on Notice

- No QoNs asked.

Freedom of Information (FOI) Requests

- None.

Recent Ministerial Comments

- No recent comments.

Relevant Media Reporting

- 13 April 2023: [Fit, armed and God-loving, mid-20s: US secret leaker identified](#), Sydney Morning Herald.
- 11 April 2023: [Defence Force Chief warning over leaked US intelligence reports on Ukraine war](#), News.com.au
- 11 April 2023: [US Defense Secretary Lloyd Austin says leaked classified documents were 'somewhere in the web'](#), Fox News
- 8 April 2023: [DOJ opens investigation into leaks of apparent classified US military documents](#), CNN.

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Key witness: Greg Moriarty

Division: Defence Intelligence Group	
PDR No: SB23-000661	
Prepared by: s47E(d) Chief of Staff, Office of Chief of Defence Intelligence Mob: s22 Ph: s47E(d) Date: 17 May 2023	Cleared by Division Head: Lieutenant General Gavan Reynolds, Chief of Defence Intelligence Mob: s22 Ph: s47E(d) Date: 17 May 2023
Consultation: Date: 17 May 2023 s33(a)(i)	
Tom Menadue, Acting First Assistant Secretary International Policy Division	Mob: 0434 651 747 Ph: s47E(d)
Cleared by CFO / DPG / DSR: N/A	
Cleared by Deputy Secretary (or equivalent Band 3/3*): Date: 17 May 2023 Lieutenant General Gavan Reynolds, Chief of Defence Intelligence	

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Key witnesses: Matt Yannopoulos; Adrian D'Amico

Reforming Defence Legislation

Handling Note:

- Matt Yannopoulos, Associate Secretary; and
- Adrian D'Amico, Chief Counsel to jointly lead on Reforming Defence Legislation.

Key Messages

- The Government has agreed that Defence develop legislation to reform the *Defence Act 1903* and related legislation to better position Defence as an agile, integrated, war-fighting enterprise.
- The intention is to introduce a Bill in Parliament by the end of 2023, following a call for public submissions and a program of targeted stakeholder engagement.

Talking Points

- Australia is facing a more uncertain and complex strategic environment that has not been seen since the end of the Second World War.
- The Government is committed to reforming Defence legislation to ensure we can meet the challenges of a changing strategic environment and the realities of modern conflict.
- The *Defence Act 1903* is one of the oldest pieces of legislation in the Commonwealth and has not been comprehensively reviewed against modern needs in its 120-year history. Australia must transition from a legislative era of 'bullocks and mules' to 'cyber and space', to better equip our war-fighters with the enhanced capabilities they require across all modern operational domains.
- The reforms seek to provide an agile, fit-for-purpose and future-focussed domestic legal framework that will better serve Australia's strategic needs and enable the robust defence of Australia's national interests.

If pressed: Why do we need to reform now?

- We require an operationally effective, agile, scalable and future-focussed legal framework to meet Australia's strategic needs and better position Defence as a modern, integrated war-fighting enterprise.
- The reforms will provide a more robust domestic legal foundation for Australia's defence and security, and support greater interoperability with our allies and partners.
- Existing defence legislation presumes a binary state: war or peace. This premise does not effectively cater for the 'cooperation-competition-conflict' spectrum that

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Key witnesses: Matt Yannopoulos; Adrian D'Amico

characterises the current and predicted strategic environments, including our involvement in special warfare, grey-zone, cyber or space activities.

If pressed: How do these reforms relate to other Government priorities and reform initiatives?

- These reforms are focused on enabling Defence as a fully integrated war-fighting enterprise, to ensure Defence is better positioned to defend our national interests in a more complex and dynamic strategic environment.
- The reforms will complement and empower key Australian Government defence priorities and the ongoing development and integration of new and emerging technologies and advanced capabilities.
- Implementing the reforms will provide a more robust domestic legal foundation for Australia's defence and security, supporting greater interoperability between Defence and its domestic and international partners.

If pressed: Will the reforms include a parliamentary decision-making power to commit Australia to war?

- No. The Joint Standing Committee on Foreign Affairs, Defence and Trade (Committee) recently completed an inquiry into how Australia makes decisions to send service personnel into international armed conflict. The Committee's report was tabled on 31 March 2023 and is currently being considered by Government.
- It would not be appropriate to make further comment while that subject remains under Government consideration; however, it is not intended that these particular reforms will include a parliamentary war power.

If pressed: Will there be any impacts on defence industry?

- The aim of the reforms is to recognise defence industry as an important and integral part of the defence workforce. We want to make it easier for defence industry to provide important support services to Defence.

If pressed: Will the reforms affect ADF members and veterans?

- ADF members will be able to train more effectively (more closely in line with how they will fight), exercise with international counterparts more effectively, and will have and use more advanced equipment and technologies within a robust legal framework. This will impart greater confidence in the conduct and upskilling of our war-fighters and Australia's military capabilities.
- Veteran's compensation and entitlements are not within the scope of these reforms. Defence continues to participate in the Royal Commission into Defence and Veteran Suicide and will consider any recommendations in due course.

If pressed: How will Defence progress the reforms?

- A dedicated team, led by Major General Gavin Duncan, DSC, AM, has been established within Defence to drive the reforms.

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Key witnesses: Matt Yannopoulos; Adrian D'Amico

- The team consists of APS staff, Permanent and Reserve ADF personnel and contractors working in a variety of full and part-time capacities.
- The number of people working on the project will fluctuate over the development and delivery of the reforms, to meet project work demands.

Background

- The Government has agreed that Defence develop legislation to reform the *Defence Act 1903* and related legislation, s47C, to better position Defence as an agile, integrated war-fighting enterprise.
- On 9 March 2023, the Government announced the reforms through the release of a Public Consultation Paper and request for public submissions.
- The proposed reforms will:
 - provide appropriate authority and accountability for a range of effects and activities integral to modern defence capabilities and operations;
 - address electronic and cyber effects, training and technology development, and information collection, use and sharing for Defence purposes;
 - enable greater defence security, covering both tangible and intangible forms (e.g. beyond defence of premises to security of Australia's military capabilities);
 - support greater interoperability with key allies and partners. This will ensure that our capabilities can integrate and operate for mutual strategic benefit;
 - address real-time threats to Australia's national interests and the global rules-based order; and
 - complement other Government priorities and commitments.
- The Bill's development will be informed by a program of targeted engagement and the review of public submissions that closed on 21 April 2023.

Supporting Information

Questions on Notice

- No QoNs asked.

Freedom of Information (FOI) Requests

- None.

Recent Ministerial Comments

- On 9 March 2023, the Assistant Minister for Defence responded to questions following the release of the Public Consultation Paper in an interview with ABC Afternoon Briefing. A [copy of the transcript](#) is available on the Defence Ministers webpage.

Relevant Media Reporting

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- Australian media has reported on the release of the Public Consultation Paper. A [Media Release](#) was published on the Defence Ministers webpage following the announcement of the Public Consultation paper.
- An article in The Guardian by Damien Hurst speaking to the reforms and public consultation process was published on 3 May 2023. [Australian defence law plan sparks warning of 'disturbing' overreach](#)

Division:	Defence Legal
PDR No:	SB23-000444
Prepared by: Anna Rudziejewski, General Counsel – Defence, General Counsel Defence Mob: s22 Ph: s47E(d) Date: 5 April 2023	Cleared by Division Head: Adrian D'Amico, Chief Counsel, Defence Legal Mob: s22 Ph: s47E(d) Date: 24 May 2023
Consultation: N/A.	
Cleared by CFO / DPG / DSR: N/A.	
Cleared by Deputy Secretary (or equivalent Band 3/3*): Date: 24 May 2023 Matt Yannopoulos, Associate Secretary, Associate Secretary Group	

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