

Appendix Q

Referencing documents received from Defence Liaison Officers

Any information referenced as “provided to the Review by CMDR A Westwood”, “provided to the Review by SQNLDR F James”, “CMDR A Westwood, email to Review” or “SQNLDR F James, email to Review” was sent to the Review by the Defence Liaison Officers. In fulfilling the Review’s requests for information, we understand that the Defence Liaison Officers sourced information from the following:

- Office of the Secretary and CDF: Judge Advocate General, Director of Military Prosecutions, Strategic Reform Program, ADF Investigative Service, IGADF
- Vice Chief of the Defence Force Group: Cadet, Reserve and Employer Support Division, Joint Health Command, Australian Defence College
- Joint Operations Command: Headquarters Joint Operations Command
- Navy: Navy Strategic Command, Fleet Command, Director General Navy People, Director General Reserves – Navy, New Generation Navy Program
- Army: Forces Command, Army Headquarters, Career Management – Army, Director General Reserves – Army
- Air Force: Air Command, Director General Personnel –Air Force, Director General Reserves – Air Force, Director Personnel – Air Force
- Defence People Group: Workforce Planning Branch, Defence Force Recruiting, People Strategy and Culture Branch, People Policy and Employment Conditions Branch, Workplace Health and Safety Branch, Human Resources Shared Services Branch, Values, Behaviours & Resolutions Branch, People Systems Division
- Defence Support Group: Defence Community Organisation, Directorate of Relocations and Housing, Major Infrastructure Partnership Branch
- Chief Finance Officer Group: Resource Assurance and Analysis Branch
- Chief Information Officer Group: Corporate Information Systems Branch, Information and Communications Technology, Reform Division
- Defence Science and Technology Organisation
- Department of Veterans’ Affairs

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WGCDR Karen Ashworth, Dan Barwick, LTCOL Margie Beavan, Sylvana Bell, Bev Blyth, Amber Brentnall, Steve Briggs, Emily Chalker, CMDR Christine Clarke, Amanda Desalis, LCDR Donna Douglas, CMDR Russell Dowrick, LTCOL Ana Duncan, LTCOL Mona Goldsmith, WGCDR Bruce Graham, WGCDR Deb Greig, Anna Hackett, Michelle Hannaford, GPCAPT Geoff Harland, WGCDR Shane Hellman, CMDR Jenni Heymans, CDRE Vicki McConachie, CAPT Cameron McCracken, LTCOL David McGarry, LCDR Anne Mena, CMDR John Merton, Vanessa Murray, LCDR Kate Nash, GPCAPT Graeme Peel, Peter Redston, Jerome Reid, Silvana Salafia, Ellen Swavley, LTCOL Griff Thomas, Emma Turner and CAPT Nick Youseman.

- 1 JNCO (Junior Non-Commissioned Officers) includes all ranks from Recruit to Corporal (E); SNCO (Senior Non-Commissioned Officers) includes all ranks from Sergeant to Warrant Officer (E); Junior Officers are all ranks from Cadet to Major (E); Senior Officers are Lieutenant Colonel (E) and above.
- 2 The Survey was completed in this form by focus group participants. There were two differences for online survey respondents: 1) Online respondents were not asked for their age 2) Online respondents could only note their length of service for their current service type (ie Permanent or Reserves), not both.
- 3 United Nations, *Women and Armed Conflict*, Fact Sheet 5. At <http://www.un.org/womenwatch/daw/followup/session/presskit/fs5.htm> (viewed 27 June 2012).
- 4 See Department of Families, Housing, Community Services and Indigenous Affairs, *Australian National Action Plan on Women, Peace and Security 2012–2018*. At <http://www.fahcsia.gov.au/our-responsibilities/women/publications-articles/government-international/australian-national-action-plan-on-women-peace-and-security-2012-2018> (viewed 27 June 2012) ('*Australian National Action Plan*').
- 5 *Australian National Action Plan*, note 4, p 17.
- 6 *Australian National Action Plan*, note 4, pp 10-14.
- 7 The National Action Plan was developed by a 'Women, Peace and Security Inter-Departmental Working Group' consisting of the Office for Women, Defence, AusAID; DFAT, AFP, Department of the Prime Minister and Cabinet and Attorney General's Department and the Asia-Pacific Civil-Military Centre of Excellence. Non-government organisations have played an instrumental role in developing the National Action Plan and will have ongoing involvement in its implementation and monitoring.
- 8 *Australian National Action Plan*, note 4, p 15.
- 9 *Australian National Action Plan*, note 4, p 27.
- 10 *Australian National Action Plan*, note 4, pp 33-34.
- 11 *Australian National Action Plan*, note 4, p 39.
- 12 *Australian National Action Plan*, note 4, p 9. Additional Security Council Resolutions UNSCR 1820 (2008), UNSCR 1888 (2009), UNSCR 1889 (2009) and UNSCR 1960 (2010) are available at: <http://www.un.org/documents/scres.htm>.
- 13 UN INSTRAW, *Peace and Security – Programme Description* (2010). At <http://www.un-instraw.org/aid-effectiveness/general/programme-description.html> (viewed 19 June 2012).
- 14 *Australian National Action Plan*, note 4, pp 21-25, 28-29.
- 15 CMDR D Hardy, email to the Review, 14 March 2012.
- 16 Department of Defence, 'Action Plan for Improving Recruitment and Retention of Women', Chiefs of Service Committee, Agendum Paper 04/09 (21 July 2009) Attachment 3, Enclosure 1, para 14, provided to the Review by B Efrossynis, 19 May 2011.
- 17 'CDF Action Plan April 2011 Quarterly report', COSC Agendum 99-11, Annex B, provided to the Review by T WGCDR T Saunder, 2 May 2011.
- 18 Army reported that: 'From the [DFR Pre-enlistment Fitness Assessment] register and taken from the results from 1200 filtered records from all [Defence Force Recruiting Centres] (except Brisbane) the failure rate for female Army candidates is 30.34% compared to Army male candidates at 3.26%. The female average age who passed was 21.3 years and average age who failed was 22.6 years. Of the 30.34% failure group, the largest training gap is within the Beep test where the average achieved 5.8 however the standard required in 7.5': see 'Annex D (Army) input to CDF Action Plan April 2011 Quarterly report', COSC Agendum 99-11, provided to the Review by T WGCDR T Saunder, 2 May 2011.
- 19 In 2011 it was reported that there was 'feasibility and scoping work underway for establishment of a number of initiatives': 'CDF Action Plan April 2011 Quarterly report', note 17.
- 20 Department of Defence, 'Action Plan for Improving Recruitment and Retention of Women', note 16.
- 21 'CDF Action Plan Working Group Meeting Minutes', 10 November 2011, provided to the Review by SQNLDR F James, 7 December 2011.
- 22 The Navy Women's Strategic Adviser role was created to 'develop, manage and implement initiatives to further promote and improve the retention and participation of women in the Navy', in accordance with the Action Plan and Navy People Plan. The Adviser is intended to act as a Navy point of contact, liaising with the other Services and external community on any programs, initiatives and action plans relating to retention and employment of women. Particular priorities for the role are listed as: raising the Navy profile on female participation (eg through media and networking opportunities to promote visibility of female participation within and outside Navy); operationalising gender balance requirements in the workforce (providing creative and strategic advice and guidance to Navy command to increase female participation rates for maximum operational effectiveness); and driving an understanding of gender balance issues among senior leaders and managers (eg by linking female participation and associated initiatives with the Action Plan and Navy People Plan): see RADM Jones, Head Navy People and Reputation, *Commander's Intent for Navy Women's Strategic Adviser*, 22 October 2010, provided to the Review by SQNLDR F James, 11 January 2012.
- 23 Public submission 26 Heymans.
- 24 SQNLDR F James, email to the Review, 30 November 2012.
- 25 'CDF Action Plan Working Group Meeting Minutes', note 21.
- 26 SQNLDR F James, email to the Review, 23 January 2012: Defence advised that the administration of Defence is regulated by a series of policy and procedural documents (the 'System of Defence Instructions' (SoDI)). Defence advises that the SoDI framework organises administrative policy documents into a three-tiered hierarchy, determined by risk and authority, and includes:
 - Defence Instructions (General)
 - Single Service Defence Instructions
 - Chief Executive Instructions

- Defence Interim Instructions
 - Standing Instructions
 - Defence Manuals
 - Departmental Manuals and Instructions.
- 27 'CDF Action Plan Working Group Meeting Minutes', note 21.
- 28 'CDF Action Plan Working Group Meeting Minutes', note 21.
- 29 Under the *Defence Collective Agreement 2006-2009* (DeCA).
- 30 'CDF Action Plan Working Group Meeting Minutes', note 21.
- 31 SQNLDR F James, email to the Review, 11 January 2012.
- 32 SQNLDR F James, email to the Review 24 January 2012.
- 33 'CDF Action Plan April 2011 Quarterly report', note 17; Department of Defence, 'Action Plan for Improving Recruitment and Retention of Women', note 16.
- 34 Department of Defence, 'Action Plan for Improving Recruitment and Retention of Women', note 16.
- 35 'CDF Action Plan April 2011 Quarterly report', note 17; Department of Defence, 'Action Plan for Improving Recruitment and Retention of Women', note 16.
- 36 'CDF Action Plan Working Group Meeting Minutes', note 21.
- 37 'CDF Action Plan Working Group Meeting Minutes', note 21.
- 38 'CDF Action Plan Working Group Meeting Minutes', note 21.
- 39 CMDR A Westwood, email to the Review, 20 December 2011.
- 40 Department of Defence, 'Action Plan for Improving Recruitment and Retention of Women', note 16.
- 41 At the November 2011 Working Group meeting it was reported that the Values, Behaviour and Resolution Branch (formerly Fairness and Resolution Branch) were developing a diversity manual and information on flexible workplace policy will be included in this. The new Diversity manual was expected to be completed in 2012, however the Review has received no further update on this.
- 42 C McLoughlin, *Women's Participation in the Navy*, Report of the Participation of Women in New Generation Navy Review, 7 October 2009, provided to the Review (the CDF appointed McLoughlin to conduct a review into the participation of women in the Royal Australian Navy in response to a request by Senator the Hon J Faulkner, Minister for Defence).
- 43 'ADF Enlistments by Classification FY2003 to FY1011 v2.xls' provided to the Review by E Chalker, 15 November 2011; 'ADF Separations by Rank' provided to the Review by CMDR A Westwood, 4 December 2011.
- 44 'ADF Enlistments by Classification FY0203 to FY1011 v2.xls', above; Advice received from the ADF, 16 July 2012, 16 July 2012.
- 45 'ADF Enlistments by Classification FY0203 to FY1011 v2.xls', above; Advice received from the ADF, 16 July 2012, 16 July 2012.
- 46 'ADF Enlistments by Classification FY0203 to FY1011 v2.xls', above; Advice received from the ADF, 16 July 2012, 16 July 2012.
- 47 Financial Year 2011-12 is only up to 30 October 2011: Defence Force Recruiting, 'Response to Request for Information (RFI) Number 45 – RFI 45 – Detailed data from each Service about enquiries, recruitment, performance in physical tests by gender last 5 years' provided to the Review by CMDR A Westwood, 9 December 2011. Blank column indicates that at the time of enquiry, these candidates did not have a preferred Service selected. Note that prior to 2009/10 the online enquiry system did not collect gender information.
- 48 Defence Force Recruiting, 'Response to Request for Information (RFI) Number 45 – RFI 45 – Detailed data from each Service about enquiries, recruitment, performance in physical tests by gender last 5 years', above. Financial Year 2011-12 is only up to 30 October 2011 (annual target as at December 2011 was set at 6810). This Table shows data for all candidates managed by DFR and includes ab initio, reserves, previous Service and in Service (i.e General Entry applying for Officer). This does not include lateral and in-service recruiting activities, which are managed by the Services. The blank column indicates that at the time of assessment these candidates did not have a Service selected on their application. Defence have advised that data was not available prior to 2003.
- 49 Defence Force Recruiting, 'Background Brief: Defence Force Recruiting Expenditure and the Cost of ADF Recruiting, Attachment 2 to RFI 366' provided to the Review by CMDR A Westwood, 20 March 2012.
- 50 Defence Force Recruiting, 'Background Brief: Defence Force Recruiting Expenditure and the Cost of ADF Recruiting, Attachment 2 to RFI 366', above.
- 51 Defence Force Recruiting, 'Background Brief: Defence Force Recruiting Expenditure and the Cost of ADF Recruiting, Attachment 2 to RFI 366', above.
- 52 Defence Force Recruiting, 'Attachment 1 to Defence response to RFI 366' provided to the Review by CMDR A Westwood, 20 March 2012.
- 53 Australian National Audit Office, *Contracting for Defence Force Recruiting Services*, Audit Report No. 45 (2005), pp 47-8. At <http://www.anao.gov.au/Publications/Audit-Reports/2009-2010/Contracting-for-Defence-Force-Recruiting-Services> (viewed 31 May 2012).
- 54 Australian National Audit Office, *Contracting for Defence Force Recruiting Services*, above, p 48, 'Table 2.1: DFR Recruitment targets and actual achievement 2007-08 to 2009-10'.
- 55 Australian National Audit Office, *Contracting for Defence Force Recruiting Services*, above, pp 47-8.

- 56 Other DFR reforms included a 'Job Options Service' to encourage retention and reenlistment through access to independent remuneration and career advice about realistic opportunities for employment in the ADF and expectations for transitioning to the civilian world (note that implementation of this has been 'shelved' over the period 2008-09 to 2013-14, in order to provide SRP savings). A further initiative, also cancelled to provide SRP savings, was a Financial Advice Scheme: Department of Defence, People Strategies and Policy Group, *Review of the Australian Defence Force Retention and Recruitment (R2) Program* (2010) vol 2, p 5. At http://www.defence.gov.au/foi/docs/disclosures/234_110520_PSPG_Review_August_2010_V1andV2.pdf (viewed 27 October 2011).
- 57 Department of Defence, *Workforce Outlook* (25 July 2011), p 17, provided to the Review by CMDR A Westwood, 4 October 2011. Department of Defence, People Strategies and Policy Group, *Review of the Australian Defence Force Retention and Recruitment (R2) Program*, above, vol 2, p 2.
- 58 'DFR responses to RFls 301 & 302' provided to the Review by SQLDR F James, 7 March 2012. On the other hand, targeted branding and attraction strategies are increasingly being used by companies, such as Telstra's creation of a 'segmented employment brand for women': see Australian Human Rights Commission, 'Our experiences in elevating the representation of women in leadership. A letter from business leaders' (October 2011), pp 20-1. At http://www.humanrights.gov.au/sex_discrimination/publication/mcc/index.html (viewed 2 May 2012).
- 59 This includes a Defence Technical Scholarship for year 11 and 12 students undertaking technically-oriented subjects, and a Candidate Referral Program allowed specialist providers to source, screen and refer technical trade candidates to DFR.
- 60 Department of Defence, People Strategies and Policy Group, note 56, vol 1, p 26.
- 61 Open Mind Research Group, *Attracting Women to the Defence Forces*, Research report prepared on behalf of Defence Force Recruiting (21 November 2005), provided to the Review by DFR Representatives, 16 November 2011.
- 62 GfK Bluemoon, *Women and the ADF* (2010), provided to the Review by CMDR A Westwood, 15 November 2011.
- 63 Department of Defence, *Defence Personnel Environment Scan 2025* (2006), ch 3, p 37. At http://www.defence.gov.au/dpe/dpe_site/publications/DPES2025/index.htm (viewed 19 June 2012).
- 64 Meeting with Defence personnel on CDF Action Plan.
- 65 GfK Bluemoon, note 62.
- 66 A library of profiles has been developed; a women's microsite has been incorporated into the Defencejobs web site www.defencejobs.gov.au/womenintheadf/. Marketing materials have also been produced including a DVD which highlights the realities of life for women in the ADF. 'Women in the ADF' branded merchandise has also been developed and is being distributed nationally. A new marketing booklet is also being developed profiling currently serving women in the ADF aiming to show real life examples of successful ADF women. See for eg: 'CDF Action Plan April 2011 Quarterly report', note 17.
- 67 The fitness initiatives are directed towards providing resources and information to encourage a higher level of health and fitness for ADF entry. A key development is a 'Women in the ADF' interactive phone application, containing information on fitness and nutrition, increasing awareness of the ADF. Other initiatives include fitness merchandise, information on the Women in the ADF website and marketing and advertising for the fitness initiatives with RoWS branding.
- 68 The collaboration is defined by the terms of a Collaborative Contract for the Provision of Recruiting Services to the Australian Defence Force between the Commonwealth of Australia and Manpower Services (Australia) Pty Ltd dated 14 November 2002: Department of Defence, *Defence Instruction (General) PERS 29-1, 'Defence Force Recruiting'*, 6 August 2003, para 1 ('DI(G) PERS 29-1').
- 69 'Paying Attention to More Numbers', *Sunday Times Perth*, Sunday 13 May 2012, p 58.
- 70 'Defence Force Recruiting Branch Background' provided to the Review by CMDR A Westwood, 15 November 2011.
- 71 Australian National Audit Office, *Contracting for Defence Recruiting Services*, note 53, p 11.
- 72 'Defence Force Recruiting Branch Background', note 70.
- 73 DI(G) PERS 29-1, note 68.
- 74 Australian National Audit Office, *Contracting for Defence Recruiting Services*, note 53, p 11.
- 75 DI(G) PERS 29-1, note 68, para 9.
- 76 The Defence Alternative Educational Entry Scheme, launched in 2007, allows for aptitude testing of candidates where they may be lacking documentation or proof of their previous education. The scheme was established after discovering that around 250 applicants a year were lost because of lack of documentation. In its first year, 190 out of 307 applicants successfully enlisted through this scheme.
- 77 'Defence Force Recruiting – Service Delivery Model', Diagram 1, provided to the Review by Defence Force Recruiting representatives.
- 78 'Defence Force Recruiting – Service Delivery Model', above, p 2.
- 79 'Presentations from Defence Force Recruiting and CRMC' provided to the Review by CMDR A Westwood, 12 December 2011.
- 80 Department of Defence, *Defence Instruction (General) PERS 5-10, 'Australian Defence Force Gap Year'*, 27 May 2011, Annex B.
- 81 Noetic Solutions, *Evaluation of the Australian Defence Force Gap Year Program* (21 April 2010), p 23, provided to the Review by SQLDR F James, 30 January 2012.
- 82 Australian Human Rights Commission, note 58, pp 23, 25.
- 83 'PTS by Gender 1 May 2012 – Full Breakdown.xls' provided to the Review by CMDR A Westwood, 1 June 2012.
- 84 'Response to Broderick Review Phase 2 Task 428' provided to the Review by CMDR A Westwood, 1 June 2012. Note, the sample size varies greatly by sex: male n=9,668; female n=1,704.
- 85 Sample size n=2.
- 86 'Response to Broderick Review Phase 2 Task 283' provided to the Review by SQLDR F James, 10 April 2012.
- 87 'Project LASER- Retention 2010 Cohort Results' provided to the Review by CMDR A Westwood, 16 March 2012.
- 88 'Project LASER- Retention 2010 Cohort Results', above.

- 89 Department of Defence, People Strategies and Policy Group, *Review of the Australian Defence Force Retention and Recruitment (R2) Program*, note 56, vol 1, p 26.
- 90 'Section 1 Executive Summary 111223', 'Section 2 Case for Change and Future Vision FINAL', 'Section 3 Change Overview FINAL' provided to the Review by CMDR A Westwood, 14 February 2012; Meeting with Plan SUAKIN Representatives.
- 91 'SC FEG crewing options paper final.DOC' and 'FIFO issues brief.DOC' provided to the Review by SQNLDR F James, 12 June 2012.
- 92 CMDR A Westwood, email to the Review, 12 March 2012.
- 93 Royal Australian Navy, *Sea Talk Spring 2007/Navy Sea Change Program*, http://www.navy.gov.au/Publication:Sea_Talk_Spring_2007/Navy_Sea_Change_Program (viewed 6 July 2012). See also CMDR A Westwood, email to the Review, 12 March 2012.
- 94 'Sea Talk Article – Harbour Watch Reform pdf; http://intranet-defence-gov-au_navyweb_sites_chkDoc-asp_S_9586_D_92808_URL_docs_FC_Personal_Memo_08-08-Minimum_Duty-Watch.pdf' provided to the Review by CMDR A Westwood, 29 May 2012.
- 95 CMDR A Westwood, email to the Review, 12 March 2012.
- 96 See for example, 'WAR FCT Exit Report' provided to the Review by SQNLDR F James, 12 June 2012.
- 97 Royal Australian Navy, *Navy's Response to the Submarine Workforce Sustainability Review* (Moffitt Report), 8 April 2009. At http://www.navy.gov.au/Publication:Submarine_Workforce_Sustainability_Review (viewed 15 June 2012). Also provided to the Review by CMDR A Westwood, 12 February 2012.
- 98 Royal Australian Navy, *Navy Action Plan Unveiled to Strengthen Submarine Fleet*, http://www.navy.gov.au/Navy_Action_Plan_Unveiled_to_Strengthen_Submarine_Fleet (viewed 15 June 2012).
- 99 See for example, 'NWPC FIFO Paper.DOC' and 'FIFO Issues brief.DOC' provided to the Review by SQNLDR F James, 12 June 2012.
- 100 '120411 – Decision Brief for CAF – Air Force Women Pilot Recruitment Strategy – Graduate Pilot Scheme (GPS).pdf' provided to the Review by SQNLDR F James, 30 May 2012; '120524 – Brief for CAF – Women in Non Traditional Employment Roles (Winter) Marketing Campaign.pdf', provided to Review by SQNLDR F James, 30 May 2012.
- 101 SQNLDR F James, email to the Review, 30 May 2012.
- 102 Recommended approach from DNPCMA, CAPT S Ottaviano, *Brief for 2012 QBB Members*, 19 March 2012, provided to the Review by CMDR A Westwood, 3 April 2012.
- 103 Recommended approach from DNPCMA, CAPT S Ottaviano, *Brief for 2012 QBB Members*, above.
- 104 RADM T N Jones, *2012 Promotion Board Guidance*, 29 March 2012, provided to the Review by CMDR A Westwood, 3 April 2012.
- 105 There were four ranking categories. Number 2 signified 'An officer who has satisfactorily demonstrated Navy signature behaviours and is rated among the majority of their peers'. Category 1 was for those ranked 'among the best' and category 3 for those 'below the majority'.
- 106 MAJ P O'Donnell, 'SO2 Selections, Appointments and Transitions', *Briefing to the Review*, 22 March 2012.
- 107 MAJ P O'Donnell, 'SO2 Selections, Appointments and Transitions', above.
- 108 'Broderick Review Phase 2 Tasks 378 and 380 – questions IRT Army Promotion Board visit' provided to the Review by SQNLDR F James, 4 April 2012.
- 109 COL G J Reynolds, CCM-A, *Army Officer Career Pathway Strategy – Foundation Career Management Group*, 23 Oct 2009, provided to the Review by SQNLDR F James, 4 April 2012.
- 110 'ADO High Level v1.xls' provided to the Review by SQNLDR F James, 30 January 2012.
- 111 'ADF Specialisation RFI 155.xls' provided to the Review by CMDR A Westwood, 24 January 2012. In 2011 there are no personnel in the following categories: Seaman NO, Marine Trade Operations, Psychology and Public Relations.
- 112 These graphs represent the distribution of ranks (of non-training personnel) up to the Captain (Navy), Colonel (Army) and Group Captain (Air Force): 'ADO High Level v1.xls', note 110.
- 113 Director General Personnel – Army, Minute, 'Trial of 12 months IMPS for selected ARA trades', 12 April 2012, provided to the Review by SQNLDR F James, 18 April 2012.
- 114 '120411 – Decision Brief for CAF – Air Force Women Pilot Recruitment Strategy – Graduate Pilot Scheme (GPS).pdf', note 100; '120524 – Brief for CAF – Women in Non Traditional Employment Roles (Winter) Marketing Campaign.pdf', note 100.
- 115 SQNLDR F James, email to the Review, 18 April 2012.
- 116 *Sex Discrimination Act 1984* (Cth), s 43.
- 117 *Sex Discrimination Regulations 1984* (Cth), reg 3.
- 118 Department of Defence, *Defence Instruction (General) PERS 32-1 'Employment of Women in the Australian Defence Force'*, 31 January 2004 ('DI(G) PERS 32-1').
- 119 *Sex Discrimination Regulations 1984* (Cth), reg 3.
- 120 DI(G) PERS 32-1, note 118.
- 121 CMDR A Westwood, email to the Review, 7 November 2011.
- 122 SQNLDR F James, email to the Review, 1 February 2012: Defence also advised that there are restrictions currently in place on the women working in the Military Working Dog Handler mustering. Women, who comprise 22.5% of the MWDH mustering have been employed in this role since 1985, but have been unable to fulfil the Direct Combat Duties aspects of their role (specifically offensive or close combat operations). Defence stated that the removal of gender restrictions 'means those women will be able to fulfil the entire compliment of their roles. This will almost instantly provide an enhanced capability to Air Force. The majority of MWDH women involved in research and focus ... were very excited by the opportunity to perform this aspect of their role, having already proven themselves in this field'.

- 123 Female soldiers and officers may serve in the Royal Australian Artillery (RAA) Corps within Surveillance Aircraft Operator, Operator Weapon Locating Radar, Artillery – Air Defender or related RAA officer employments currently only within Surveillance, Targeting and Acquisition. Full Time Combat Engineers (Combat Engineers are defined as those employed in Combat Engineer Regiments and does not include Construction Units, Engineer Design Units and Facilities Management Units, Geomatic Engineers and Illustrators).
- 124 S D Blake-Beard, 'Taking a hard look at formal mentoring programs' (2001) 20(4) *The Journal of Management Development* 331, p 333.
- 125 S D Blake-Beard, above, p 333.
- 126 C A Schipani, T M Dworkin, A Kwolek-Folland and V G Maurer, 'Pathways for women to obtain positions of organizational leadership: the significance of mentoring and networking' (2009) 89 (16) *Duke Journal of Gender Law and Policy* 123, pp 123-4.
- 127 Australian Human Rights Commission, note 58, p 19. At http://www.humanrights.gov.au/sex_discrimination/publication/mcc/index.html (viewed 2 May 2012).
- 128 Australian Human Rights Commission, note 58, p 19. At http://www.humanrights.gov.au/sex_discrimination/publication/mcc/index.html (viewed 2 May 2012).
- 129 S Wadia-Fascetti and PG Leventman, 'E-mentoring: A longitudinal approach to mentoring relationships for women pursuing technical careers' (2000) *Journal of Engineering Education* 295-300.
- 130 Headlam-Wells, et al, above.
- 131 Headlam-Wells, et al, above.
- 132 Headlam-Wells, et al, above, p 456.
- 133 Meeting with ADM M Ferguson, Vice Chief of Naval Operations, USA. The pilot program was sunset in September 2011, however given its success, consideration was being given to developing a new program 'to align resources to benefit a larger population': LTCOL G Cassperson, email to the Review, 14 June 2012.
- 134 This includes the Women and Leadership Australia Australian Women's Leadership Symposium (15 positions), Women's Leadership Journey workshop (ten), Australian Applied Management Colloquium (four) and three half-day Forum Sessions (60). In addition, the Program will fund one position on the Avril Henry Executive 'Great Leaders are Made' (GLAM) women's leadership program in Sydney (for CMDR/CAPT), and 12 positions in Darwin and Cairns on the SkillPath 'Conference for Women' (all ranks): Department of Defence, Information DEFGRAM No 741/2011 '2012 Navy Women's Leadership and Mentoring Program', 10 November 2011, provided to the Review by SQNLDR F James, 1 December 2011.
- 135 Department of Defence, Information DEFGRAM No 741/2011 '2012 Navy Women's Leadership and Mentoring Program', above.
- 136 'Broderick Review Phase 2 Task 73 – women's mentoring and coaching programs' provided to the Review by SQNLDR F James, 1 December 2011.
- 137 SQNLDR F James, email to the Review, 1 December 2011.
- 138 SQNLDR F James, email to the Review, 1 December 2011. The Army Women's online forum is available through the Defence intranet.
- 139 'My Mentor Trial Program–Air Force: Interim Report' provided to the Review by SQNLDR F James, 1 December 2011.
- 140 SQNLDR F James, email to the Review, 1 December 2011.
- 141 SQNLDR F James, email to the Review, 1 December 2011.
- 142 SQNLDR F James, email to the Review, 1 December 2011.
- 143 'Brief for DGPERS-AF – Developing Senior Air Force Women', 7 August 2011, provided to the Review by SQNLDR F James, 16 February 2011.
- 144 People Strategies and Policy, *Pay and Conditions Manual*, Department of Defence. At <http://www.defence.gov.au/dpe/pac/> (viewed 12 June 2012), Division 5.4.6.
- 145 People Strategies and Policy, *Pay and Conditions Manual*, above, Divisions 5.4.3,5.4.13, 5.4.14 and 5.4.18.
- 146 People Strategies and Policy, *Pay and Conditions Manual*, above, Division 5.4.15.
- 147 People Strategies and Policy, *Pay and Conditions Manual*, above, Division 5.4.21.
- 148 People Strategies and Policy, *Pay and Conditions Manual*, above, Division 5.4.12.
- 149 SQNLDR F James, email to the Review, 16 March 2012.
- 150 People Strategies and Policy, *Pay and Conditions Manual*, above, Division 5.5.3 and 5.5.4.
- 151 People Strategies and Policy, *Pay and Conditions Manual*, above, Divisions 5.5.3 and 5.5.4. It is noted that a total of only 52 weeks' maternity leave (including four weeks' paid leave) is available to eligible members compared to a total of 66 weeks' parental leave (including two weeks' paid leave). The ADF has explained that this is due to legislation and industrial relations cases related to entitlement to maternity and parental leave. As explained by the ADF, 'The Maternity Leave (Commonwealth Employees) Act 1973 provides for 52 weeks of unpaid leave. The ADF has adopted this level of assistance in the PACMAN. In line with DECA, 14 weeks of this period can be paid leave. The 66 weeks of unpaid parental leave was put in place by the Australian Industrial Relations Commission (now Fair Work Australia) in about 1990 through a negotiation process as a result of a parental leave test case. This 66 week period was placed into the General Employment Conditions Award and subsequently into the Australian Public Service Award. This 66 week period was adopted as the appropriate level of assistance for ADF members through the PACMAN. Two weeks of this period of leave can be paid': SQNLDR F James, email to the Review, 16 March 2012.
- 152 SQNLDR F James, email to the Review, 16 March 2012.
- 153 People Strategies and Policy, *Pay and Conditions Manual*, note 144, Division 5.4.12; SQNLDR F James, email to the Review, 16 March 2012.
- 154 People Strategies and Policy, *Pay and Conditions Manual*, note 144, Division 5.4.7.
- 155 People Strategies and Policy, *Pay and Conditions Manual*, note 144, Division 5.4.4.
- 156 People Strategies and Policy, *Pay and Conditions Manual*, note 144, Division 5.4.14.

- 157 People Strategies and Policy, *Pay and Conditions Manual*, note 144, Division 5.4.16.
- 158 People Strategies and Policy, *Pay and Conditions Manual*, note 144, Division 5.5.3.
- 159 People Strategies and Policy, *Pay and Conditions Manual*, note 144, Divisions 5.5.4, 5.5.6.
- 160 People Strategies and Policy, *Pay and Conditions Manual*, note 144, Divisions 5.5.3 and 5.5.5.
- 161 People Strategies and Policy, *Pay and Conditions Manual*, note 144, Division 5.4.19.
- 162 People Strategies and Policy, *Pay and Conditions Manual*, note 144, Division 5.4.10.
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- 164 People Strategies and Policy, *Pay and Conditions Manual*, note 144, Division 5.4.25.
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- 166 SQNLDR F James, email to the Review, 2 March 2012.
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- 179 DI(G) PERS 49-4, note 172, pp 3-5.
- 180 DI(G) PERS 49-4, note 172, Annex F.
- 181 DI(G) PERS 49-4, note 172, Annex F.
- 182 DI(G) PERS 49-4, note 172, Annex F.
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- 186 DI(G) PERS 49-4, note 172, p 6.
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- 189 DI(G) PERS 49-4, note 172, p 7.
- 190 DI(G) PERS 49-4, note 172, p 7.
- 191 DI(G) PERS 49-4, note 172, p 7.
- 192 DI(G) PERS 49-4, note 172, p 10.
- 193 DI(G) PERS 49-4, note 172, p 10.
- 194 DI(G) PERS 49-4, note 172, p 10.
- 195 DI(G) PERS 49-4, note 172, p 7.
- 196 DI(G) PERS 49-4, note 172, p 7. Commanding Officers/supervisors are to provide clear direction to any member on a flexible working arrangement to ensure that the member understands what is expected of them, and are also expected to include the member on other workplace communications (whether formal or informal), such as briefings, orders and notices. A member on a flexible working arrangement is expected to seek regular information from their workplace and to regularly provide reports to their supervisor on the work they are undertaking. This is to ensure that 'an accurate and comprehensive performance evaluation can be undertaken'.
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- 204 People Strategies and Policy, *Pay and Conditions Manual*, note 144, Division 3.2.8.
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- 222 The same recommendation was made in the report on the Review into the Treatment of Women at the Australian Defence Force Academy.
- 223 DI(G) PERS 35-3, note 217, Annexure B, para 22.
- 224 On 21 June 2011 by the *Sex and Age Discrimination Legislation Amendment Act 2011* (Cth).
- 225 Australian Human Rights Commission, *Federal Discrimination Law* (2011), p 53. At <http://www.hreoc.gov.au/legal/FDL/index.html> (viewed 13 June 2012).
- 226 DI(G) PERS 35-3, note 217, Annexure B, para 26.
- 227 Department of Defence, *Defence Instruction (General) ADMIN 67-2, 'Quick Assessment'*, 7 August 2007.
- 228 Inspector General Australian Defence Force, *Review of the Management of Incidents and Complaints in Defence including Civil and Military Jurisdiction* (2011), p 9.
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- 230 The 2007 Ombudsman Report noted that in its focus group consultations, a claim was made that on occasions one unit had discouraged members raising complaints outside the immediate chain of command regardless of the circumstances. The Ombudsman recommended that Defence promote awareness of the Whistleblower scheme in *Defence Instruction (General) PERS 35-3, 'Management and Reporting of Unacceptable Behaviour'*. This was done in the 2009 review of the Instruction.
- 231 *Racial Discrimination Act 1975* (Cth), *Sex Discrimination Act 1984* (Cth), *Disability Discrimination Act 1992* (Cth) and *Age Discrimination Act 2004* (Cth).
- 232 *Sex Discrimination Act 1984* (Cth), s 106(2).
- 233 *Cooke v Plauen Holdings Pty Ltd* [2001] FMCA 91, [35].
- 234 [2007] FMCA 59.
- 235 [2007] FMCA 59, [158]. The Court accepted that the matter involved very significant pain, suffering, hurt and humiliation for the applicant and awarded \$100,000 in unspecified damages to be paid jointly by the four respondents that included Smith and the Department of Defence. In *Lee v Smith (No 2)* [2007] FMCA 1092, further orders were made regarding the damages to be awarded to the applicant. In relation to past economic loss, the Court awarded Ms Lee the sum of \$232,163 together with interest. In addition to awards made for past and future medical expenses, the Court awarded the sum of \$30,000 for future loss of income.
- 236 *Work Health and Safety Act 2011* (Cth), ss 19(1), (3)(a).
- 237 Department of Defence, *Defence Instruction (General) PERS 35-4, 'Management and Reporting of Sexual Offences'*, 22 November 2011.
- 238 Department of Defence, *Defence Instruction (General) ADMIN 45-2, 'The Reporting and Management of Notifiable Incidents'*, 26 March 2010.
- 239 The current Instruction incorporates DEFGRAM No.35/2009, an interim amendment to the Instruction made on 30 January 2009. This amendment required that all alleged sexual offences are to be immediately reported to ADFIS, that ADFIS is to take into account the range of jurisdictional and operational considerations and, where appropriate, report the alleged offence to civilian police regardless of the wishes of the complainant. At the time that the Review into the Treatment of Women at the Australian Defence Force Academy was provided to the Minister, the consolidation of *Defence Instruction (General) PERS 35-4, 'Management and Reporting of Sexual Offences'* had not occurred. The Review was critical in its report of a number of aspects of the 2004 version of *Defence Instruction (General) PERS 35-4, 'Management and Reporting of Sexual Offences'* and the significant period of time that had elapsed since the important changes brought about by the DEFGRAM interim amendment were introduced. This created the potential for confusion on the part of commanders and managers in the correct application of policy concerning reports of sexual misconduct.
- 240 DI(G) PERS 35-4, note 237, para 2.
- 241 Namely, *Form AC 875-4 and Annexure B – Flowchart for Managing Complaints of Sexual Offences and the Sexual Offence Management Guide*.

- 242 The relevant forms for reporting unacceptable behaviour or sexual offences are *Form AC 875-1 Initial Complaint Report – Unacceptable Behaviour or Sexual Offence*; *Form AC 875-2 Progress Report – Unacceptable Behaviour or Sexual Offence*; and *Form AC 875-3 Final Outcome Report – Unacceptable Behaviour or Sexual Offence*. These Forms are only annexed to *Defence Instruction (General) PERS 35-4, 'Management and Reporting of Sexual Offences'* – not *Defence Instruction (General) PERS 35-3, 'Management and Reporting of Unacceptable Behaviour'* – although the *Flow Chart to Management and Reporting of Unacceptable Behaviour Complaints* makes reference to these Forms.
- 243 This structure has been in place since the decision in *Lane v Morrison & Anor* (2009) 239 CLR 230 that struck down as unconstitutional that part of the DFDA that purported to create the former Australian Military Court. The Review notes that legislation has been introduced into the Parliament to establish a new military court under Chapter III of the Constitution: B Nicholson, 'New military court ready to advance', *The Australian*, 22 June 2012. At <http://www.theaustralian.com.au/national-affairs/defence/new-military-court-ready-to-advance/story-e6frg8yo-1226404825620> (viewed 27 June 2012).
- 244 A general court martial comprises a President who is not below the rank of Colonel or equivalent, and not less than four other members.
- 245 A restricted court martial comprises a president, who is not below the rank of Lieutenant Colonel, and not less than two other members. Only military officers can be members of either general or restricted courts martial. Such courts always include a legal officer acting as Judge Advocate.
- 246 Appeals from decisions made by Defence Force Magistrates and Courts Martial may be made to the Defence Force Appeal Tribunal, the Federal Court or the High Court of Australia.
- 247 Section 60(1) of the DFDA provides that 'A defence member is guilty of an offence if the member does an act that is likely to prejudice the discipline of, or bring discredit on, the Defence Force.'
- 248 *Crimes Act 1900* (ACT), s 58.
- 249 *Crimes Act 1900* (ACT), s 59.
- 250 *Crimes Act 1900* (ACT), s 60.
- 251 *Defence Force Discipline Act 1982* (Cth), s 61.
- 252 In respect of service offences committed overseas, a potential conflict of jurisdiction may arise between the DFDA and the foreign nation's criminal law. In most cases, jurisdictional disputes between foreign nations and the ADF will be resolved by reference to foreign visiting forces legislation or Status of Forces Agreements: Director of Military Prosecutions, *Director of Military Prosecutions Directive 02/2009 – Prosecution and Disclosure Policy*, 1 October 2009, para 30. At <http://www.defence.gov.au/legal/pdf/ddcs/dmp-2-2009.pdf> (viewed 6 July 2012).
- 253 Further guidance is provided in relation to resolving jurisdictional conflicts between the civil, criminal and military discipline systems in the Director of Military Prosecutions memorandum of understanding with the Commonwealth, State and Territory Directors of Public Prosecutions dated 22 May 2007: Director of Military Prosecutions, *Director of Military Prosecutions Directive 02/2009 – Prosecution and Disclosure Policy*, above, para 6.
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- 256 *Defence Force Discipline Act 1982* (Cth), s 63(1).
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- 259 Described in s 51(1) of the *Crimes Act 1900* (ACT) as the infliction of 'grievous bodily harm on another person with intent to engage in sexual intercourse with that other person, or with a third person who is present or nearby' and 'acting in company' to do the same (s 51(2)).
- 260 Described in s 52(1) of the *Crimes Act 1900* (ACT) as the infliction of 'actual bodily harm on another person with intent to engage in sexual intercourse with that other person, or with a third person who is present or nearby' and 'acting in company' to do the same' (s 52(2)).
- 261 Described in s 53(1) of the *Crimes Act 1900* (ACT) as a person who 'unlawfully assaults, or threatens to inflict grievous or actual bodily harm on, another person with intent to engage in sexual intercourse with that other person, or with a third person who is present or nearby' and 'acting in company' to do the same (s 53(2)).
- 262 *Crimes Act 1900* (ACT), s 54.
- 263 *Crimes Act 1900* (ACT), s 55.
- 264 DI(G) PERS 35-4, note 237, para 29.
- 265 Inspector General Australian Defence Force, note, p 37, [150].
- 266 DI(G) PERS 35-4, note 237, para 29. These offences are set out in the *Crimes Act 1900* (ACT) as follows: act of indecency in the first degree (s57), acts of indecency with young person (s61), incest and similar offences (s62), abduction (s63), use of young persons for pornographic purposes (s64), possession of child pornography (s65), using the Internet etc to deprave young people (s66).
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- 373 Meeting with Canadian Commanders.
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- 410 A Daniel, 'Aviators Network, Mentor at the 2012 Women in Aviation International Conference', *America's Navy*, 15 March 2012. At http://www.navy.mil/submit/display.asp?story_id=65891 (viewed 26 June 2012).
- 411 Academy Women, *E-mentor Leadership Program*, <http://academywomen.org/e-mentorprogram.php> (viewed 30 March 2012).
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- 414 Service Women's Action Network, 'Department of Defense Appoints General to Head Sexual Assault Office' (Media Release, 12 September 2011). At http://Servicewomen.org/wp-content/uploads/2011/01/SAPRO-Press-Release-9_12_11.pdf (viewed 3 February 2012). The Review's discussions with the Sexual Assault Prevention and Response Office further confirmed that not only was this authority important, but that the position enabled the office greater access to the Services: Meeting with Sexual Assault and Prevention Office.
- 415 Meeting with Sexual Assault and Prevention Office.
- 416 A Ballard, *Report on Sexual Assault Prevention and Intervention in a Military Environment* (2009), pp 29, 56. At http://www.churchilltrust.com.au/site_media/fellows/2009_Ballard_Angela.pdf (viewed 27 June 2012) recognises US Navy programs as particularly effective. See also T J Rau, L L Merrill, S K McWhorter, V A Stander, C J Thomsen, C W Dyslin, M M Rabenhorst and J S Milner, 'Evaluation of A Sexual Assault Education/Prevention Program for Male US Navy Personnel' (2010) 175(6) *Military Medicine* 429.
- 417 USA Department of Defense, *Report of the Defense Task Force on Sexual Assault in the Military Services* (2009). At www.quantico.usmc.mil/download.aspx?Path=:/Uploads/Files/SAPR_DTFSAMS_Report_Dec_09.pdf (viewed 21 June 2011).
- 418 Meeting with ADM M Ferguson, Vice Chief of Naval Operations, USA.
- 419 USA Department of Defense, *Report of the Defense Task Force on Sexual Assault in the Military Services*, note 417.
- 420 DACOWITS, *Annual Report* (2011), note 347, p 14.
- 421 All such information should be in aggregate form, as necessary to conform to any applicable privacy or other legal requirements, taking into account the needs of the victim as appropriate: DACOWITS, *Annual Report* (2011), note 347, p i.
- 422 Van den Heuvel and Meijer, note 334, p 2-1. The US DOD is in the process of establishing a similar hotline and developing a comprehensive advertisement campaign to establish awareness. US Department of Defense, *Annual Report on Sexual Assault in the Military, Fiscal Year 2010* (March 2011). At http://www.sapr.mil/media/pdf/reports/DoD_Fiscal_Year_2010_Annual_Report_on_Sexual_Assault_in_the_Military.pdf (viewed 23 August 2011).
- 423 Ballard, note 416p 35. At http://www.churchilltrust.com.au/site_media/fellows/2009_Ballard_Angela.pdf (viewed 27 June 2012). See also Canadian Forces, *Canadian Forces Provost Marshal Annual Report 2000*. At <http://dsp-psd.pwgsc.gc.ca/Collection/D3-13-2000E.pdf> (viewed 7 June 2011).
- 424 Ballard also notes the Military Family Resource Centre (MFRC) social worker who works with police and hospital staff as part of provincial Sexual Assault Response Teams as well as the use of Sexual Assault Nurse Examiners (SANE) to ensure the chain of custody of evidence is preserved when law enforcement agencies are not involved). The report recommended the ADF adopt a similar multiagency response: Ballard, note 416, p 55.
- 425 Meeting with Sexual Assault and Prevention Office.
- 426 Meeting with Manpower Plans and Policy, United States Marine Corps.
- 427 US Department of Defense, *Department of Defense Annual Report on Sexual Assault in the Military*, note 422 .

- 428 Meeting with Sexual Assault and Prevention Office.
- 429 It is important to distinguish between the perceived success of this mechanism and confidential reporting available at the USAFA during the 1990s which, rather than encouraging reports, tended to mask offence rates and absolve command of responsibility. See T K Fowler, J Bunting III, M J Nardotti Jr., A M Carpenter, J W Ripley, *Final Report of the Panel to Review Sexual Misconduct Allegations at the United States Air Force Academy* (2003). At www.defense.gov/news/Sep2003/d20030922usafareport.pdf (viewed 3 July 2011). See also Office of the Inspector General of the Department of Defense, *Evaluation of Sexual Assault, Reprisal, and Related Leadership Challenges at the United States Air Force Academy*, Report No. IPO2004C003, (2004). At www.defense.gov/news/Dec2004/d20041207igsummary.pdf (viewed 16 June 2011).
- 430 Meeting with Sexual Assault and Prevention Office.
- 431 Meeting with Sexual Assault Prevention and Response Office.
- 432 Meeting with Veterans Affairs USA.
- 433 Angela Ballard, in particular, notes the value of multi-agency support, in which defence partners with external or civilian agencies to provide the most comprehensive response: Ballard, note 416, pp 34-35.
- 434 In fact, the CF Harassment Adviser Reference Manual identifies what it calls a new emphasis on prevention and early resolution, including what is labelled 'self-help', being an attempt by the complainant to resolve the matter as the first port of call: Canadian Forces, *CF/DND Harassment Prevention and Resolution Guidelines*, A-PM-007-000/FP-001 (2004); and *DND Harassment Advisor Reference Manual*, 15 March 2005, provided to the Review by Royal Military College, Kingston. Information regarding ADR mechanisms is also accessible via the CF/DND homepage, National Defence and the Canadian Forces, *Alternative Dispute Resolution*, <http://www.cmp-cpm.forces.gc.ca/adr-marc/index-eng.asp> (viewed 27 June 2012).
- 435 UK Ministry of Defence, *Redress of Individual Grievance: Service Complaints* (2010). At http://www.mod.uk/NR/rdonlyres/88E9A07C-9864-43FF-AF62-C8AFA6A01BB4/0/jsp831_v22.pdf (viewed 23 August 2011).
- 436 The UK Armed Services and CF purchase civilian training in sexual assault and second staff to specialist civilian organisations to develop expertise. See Ballard, note 416, pp 34-37, 54.
- 437 Office of the Inspector General of the Department of Defense, note 429, p 8.
- 438 CAPT M N Schmid, 'Comment: Combating a Different Enemy – Proposals to Change the Culture of Sexual Assault in the Military' (2010) 55(2) *Villanova Law Review* 495. See also D M Hollywood, 'Creating a True Army of One: Four Proposals to Combat Sexual Harassment in Today's Army' (2007) 30 *Harvard Journal of Law and Gender* 151, p 164.
- 439 Meeting with Sexual Assault and Prevention Office.
- 440 Meeting with Manpower Plans and Policy, United States Marine Corps.
- 441 See S Rutherford, R Schneider and A Walmsley, 'Quantitative and Qualitative Research into Sexual Harassment in the Armed Forces' (2006). At <http://www.mod.uk/NR/rdonlyres/538E55EE-9CA4-4177-9A0B-6853A431B283/0/20060522SRRReport.pdf> (viewed 26 June 2012).
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- 443 CMDR A Westwood, email to the Review, 4 March 2012.
- 444 Meeting with Sexual Assault and Prevention Office; Meeting with Manpower Plans and Policy, United States Marine Corps.