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Performance Audit

# **Delivery of Bereavement and Family Support Services through the Defence Community Organisation**

**Department of Defence  
Department of Veterans' Affairs**

Australian National Audit Office

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Canberra ACT  
1 November 2012

Dear Mr President  
Dear Madam Speaker

The Australian National Audit Office has undertaken an independent performance audit in the Department of Defence and the Department of Veterans' Affairs in accordance with the authority contained in the *Auditor-General Act 1997*. I present the report of this audit, and the accompanying brochure, to the Parliament. The report is titled *Delivery of Bereavement and Family Support Services through the Defence Community Organisation*.

Following its presentation and receipt, the report will be placed on the Australian National Audit Office's Homepage—<http://www.anao.gov.au>.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ian McPhee', written over a horizontal line.

Ian McPhee  
Auditor-General

The Honourable the President of the Senate  
The Honourable the Speaker of the House of Representatives  
Parliament House  
Canberra ACT

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# Abbreviations

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ADF	Australian Defence Force
APS	Australian Public Service
AUSDIL	Australians Dangerously Ill Scheme
BST	Bereavement Support Team
CDF	Chief of the Defence Force
COSC	Chiefs of Service Committee
DAP	Directorate of Administrative Policy
DCBSM	Defence Casualty and Bereavement Support Manual
DCO	Defence Community Organisation
DCO HQ	Defence Community Organisation Headquarters
DGDCO	Director General Defence Community Organisation
DI(G)	Defence Instructions (General)
DMPP	Directorate of Military Personnel Policy
DVA	Department of Veterans' Affairs
FSFP	Family Support Funding Program
JHC	Joint Health Command
MSO	Military Support Officer (DCO)
NWCC	National Welfare Coordination Centre
PACMAN	Australian Defence Force Pay and Conditions Manual
PMKeyS	Defence's Personnel Management Key Solution



PEC	Primary Emergency Contact
SITREP	Situation report
SODI	System of Defence Instructions
VVCS	Veterans and Veterans' Families Counselling Service

# Glossary

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ADF Family Support Policy	Defence Instructions (General) PERS 42–1 <i>Australian Defence Force Family Support Policy</i> , issued in 2000 and replaced by the Defence Family Support Manual in August 2012.
AUSDIL Scheme	A Defence program which supports very seriously or seriously injured or ill members by facilitating timely visits from an eligible visitor, usually a dependant or significant other.
Bereavement Support Team (BST)	A BST, comprising an MSO and a Defence Social Worker, is responsible for delivering DCO’s bereavement support services to the Next of Kin, executor and other family members of a deceased ADF member.
Commanding Officer	The person in command of the ADF unit to which an ADF member is attached. Commanding Officers for most ADF units are at the rank of Lieutenant Colonel (or equivalent).
Community Capacity Building	In DCO, community development is referred to as Community Capacity Building. This is a community services concept whereby collaborative actions are taken to develop and strengthen links between the agencies (government, community and private) which support clients; between members of the client community; and between clients and the external community. The aim is to strengthen and enhance individual and community wellbeing and relationships; as a result building capacity or human capital.

DCO Critical Incident Manual	A DCO internal manual (the DCO Critical Incident and Casualty Support Services [manual]) which sets out processes and procedures for DCO staff to follow when administering support services in critical incidents—bereavement, AUSDIL and Commission of Inquiry support.
DCO DI(G)	Defence Instructions (General) PERS 42–3 <i>Defence Community Organisation</i> , issued in 1996 and replaced by the Defence Family Support Manual in August 2012.
DCO Strategic Review	The most recent major review of DCO, which was conducted by Defence and reported in 2008.
DCBSM	Defence Instructions (General) PERS 20–8 <i>Defence Casualty and Bereavement Support Manual</i> , issued in 2011, and associated Defence Manual with same title authorised by the Defence Instruction.
Determination	Defence Determinations are signed by the Minister and determine benefits for ADF members and members’ families. They are issued pursuant to section 58B of the <i>Defence Act 1903</i> .
Entitlement	An entitlement is a benefit provided as a condition of service for all ADF members meeting relevant criteria.
Executor	A person appointed in a will to administer the estate of a person who has died.
Interdependent partner	De facto or same-sex partners are considered to be Defence dependants and ‘interdependent partners’ only where they are either: Defence-recognised under DI(G) PERS 53–1 <i>Recognition of interdependent partnerships</i> , or have been recognised by the CDF under PACMAN clause 1.3.79— <i>CDF recognised Dependants</i> .

Mass casualty incident	An incident in which more than 10 ADF members have been killed or injured.
Military Support Officer (MSO)	MSOs are experienced ADF officers, usually between the ranks of Captain to Major (or equivalent), or experienced non-commissioned officers at the rank of Warrant Officer (or equivalent), posted to DCO. MSOs provide support for critical incidents, including bereavement and AUSDIL visits.
Multidisciplinary team	A team in a health, mental health or helping field comprising professionals from several disciplines, and associated staff, who work as a team to support clients and contribute to the achievement of the organisation's outcomes.
Next of Kin	In Defence there are several differing definitions of Next of Kin. Generally, the member chooses a Next of Kin by nominating them in Defence's personnel database. The Next of Kin is notified by Defence in case of death or serious injury and generally becomes the focus of Defence's bereavement support.
Notification	The process whereby Defence informs the member's Primary Emergency Contact and Next of Kin of the death or serious injury/illness of the member.
PACMAN	PACMAN, or the ADF Pay and Conditions Manual, sets out the conditions of service for ADF members and provides guidance for the administration of ADF entitlements.
PMKeyS	Personnel Management Key Solution—Defence's primary HR Management Information System.

Primary Emergency  
Contact (PEC)

The person who was nominated by the member in PMKeyS as the person Defence is to contact first in case of death or serious illness or injury.

Service

This refers to the relevant Service (Navy, Army, or Air Force) to which an ADF member belongs.



# Summary and Recommendations





# Summary

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## Introduction

1. Serving in the Australian Defence Force (ADF) exposes ADF members to significant risks and personal pressures, which can also affect their families. Families may require support following the death, injury or illness of the ADF member; and while members are deployed, undergoing training or participating in exercises. The regular relocation within Australia of ADF members and their families can also affect their links to extended family and their integration into local communities.

2. All levels of command in the ADF share the responsibility for providing support to Service families. Accordingly, Defence has long recognised both the need for, and the benefits of, investing resources to ameliorate the adverse effects of service life on ADF members and their families. In 1996, Defence formed the Defence Community Organisation (DCO), as the key service delivery agency within the Department of Defence supporting ADF commanders to meet their formal responsibilities for the welfare and morale of ADF members and their families.<sup>1</sup> DCO and its services are a significant component of the broader support framework Defence has in place for ADF members and their families.<sup>2</sup>

3. Approximately 112 000 ADF members and dependants may potentially call upon the family support services administered by DCO.<sup>3</sup> While DCO's primary focus is on family support, it also provides services affecting single members at the request of commanders<sup>4</sup> or in situations involving serious

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<sup>1</sup> Department of Defence, Defence Community Organisation, *The Commanding Officers' Handbook*, 13 December 2010, p. 16.

<sup>2</sup> This broader framework includes: Unit Commanders, Unit Welfare Officers; ADF Chaplains; Joint Health Command; and several non-Defence organisations which provide support to ADF members and their families.

<sup>3</sup> According to the 2011 Defence Census. The figure includes the ADF members (and the percentage of Reserves on Continuous Full Time Service) with partners/spouses and children. There are also approximately 3500 dependants with Special Needs (45 per cent of whom are registered with Defence).

<sup>4</sup> For example, a commander may request DCO to provide an assessment of a single member's request for compassionate leave.

illness, serious injury or death. The ADF's increased operational tempo<sup>5</sup> since the deployment to East Timor in 1999, and the nature of recent operations (such as those in Afghanistan and Iraq) have increased the risk and incidence of injury or death among deployed members and the need for DCO's services.

4. The DCO budget for 2012–13 is \$38.5 million, and is in addition to other Defence support services provided through the ADF, such as Defence Chaplaincy services and those provided at the unit level. As at August 2012, DCO staffing consisted of 32 ADF members and 206 Australian Public Service employees. DCO operates from its headquarters in Canberra and 11 DCO Area Offices (some with multiple sites) across Australia.

5. The ANAO has not previously conducted a performance audit of DCO's delivery of support services to ADF members and families. It was considered timely to conduct such an audit, in light of the acknowledged effect that the ADF's operational requirements have had on ADF members and their families as a result of the increased operational tempo of the last decade.

## Audit objective and criteria

6. The objective of the audit was to assess the management and effectiveness of DCO's delivery and coordination of support services to ADF families, in particular support services provided when an ADF member is seriously injured or ill, or dies in service.<sup>6</sup>

7. The focus of the audit was on the following range of support services provided by DCO to help ADF members and their families:

- bereavement support for families of ADF members who die in service;
- support for seriously ill or injured ADF members to enable family visits;
- support for families when the ADF member is absent from home on training, deployment, or other ADF service;

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<sup>5</sup> 'Operational tempo' is defined as 'the rate at which the ADF is able to deliver its operations effects, for example, the rate at which forces are dispatched and the time in which they are turned around for their next task'. Defence Annual Report 2008–09, p. 372.

<sup>6</sup> Bereavement support is provided by Defence to the families of ADF members who die in service, whether or not the member died on operations.

- mobility support, including support for children changing schools, and members with dependants accessing different state services;
- the Defence Child Care Program;
- counselling services;
- community capacity building, intended to link the ADF community with local communities; and
- management and policy advice to the ADF.

8. DCO provides some additional services that were outside the scope of this audit. These were:

- the support DCO provides to the families of members involved in Commissions of Inquiry.<sup>7</sup> These are established primarily to inquire into the deaths of ADF members that appear to have arisen out of, or in the course of, their service; and
- DCO assistance to support ADF members in their transition to civilian life, in collaboration with the Department of Veterans' Affairs (DVA).<sup>8</sup>

## Overall conclusion

9. Defence invests significantly in the provision of support services to ADF members and their families through DCO, which has a budget of \$38.5 million for 2012–13. Recognising that the effective delivery of ADF family support services has the capacity to ameliorate the adverse effects of Service life on Defence members and their families, and so improve their wellbeing, Defence views its investment in DCO services as an important contribution to the operational effectiveness of the ADF.

10. DCO's services are often accessed and delivered in circumstances of stress and uncertainty for Defence families. These stresses can arise following the death or injury in service of an ADF member; in the context of regular relocations; and overseas deployments and training exercises.

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<sup>7</sup> A Commission of Inquiry is appointed by the Chief of the Defence Force and presided over by a civilian with judicial experience.

<sup>8</sup> In July 2010, the Directorate of Transition Support Services transferred from the former Personnel Support Services Branch of Defence Support Operations to DCO.

11. Overall, Defence's management and delivery of ADF family support services, through DCO, has substantial strengths and Defence is broadly successful in delivering assistance to ADF members and families. However, there are aspects of DCO's management and delivery of its services that could be improved, including DCO's management of client confidentiality when providing bereavement support and counselling services to ADF families, and DCO's administration of some bereavement entitlements. Some of the issues ANAO identified as requiring attention went beyond DCO as the service deliverer, such as the Ministerial Determinations and policies relating to the provision of Defence entitlements and family support to de facto partners<sup>9</sup> of ADF members who have not been administratively recognised as such by Defence, prior to an ADF member's death or serious illness or injury. During the course of the audit, Defence agreed that there would be benefit in using discretions already available to it to provide support in situations where administrative requirements have not been met beforehand and is also progressing new Ministerial Determinations affecting this issue.

12. DCO provides bereavement support to the families of ADF members who die while in service and also supports the chain of command so that the ADF can meet its family support obligations after the death of a member.<sup>10</sup> In doing so, DCO administers a range of related entitlements, including financial assistance for funeral expenses and a bereavement payment, which is an interim support payment for a person financially dependent upon the deceased member.<sup>11</sup> In the course of the audit, the ANAO observed Defence and ADF staff involved in supporting ADF members and/or their families affected by a death in service, serious illness or injury. Both the resources applied by Defence towards providing these support services, and the approach of the personnel involved, reflected a commitment to delivering high standards of assistance. However, there are aspects of DCO's management and delivery of its bereavement support services that could be improved.

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<sup>9</sup> Where this report refers to de facto partners, this includes same-sex partners.

<sup>10</sup> Between January 2002 and 11 November 2011, there were 341 deaths of ADF members in service. During this period, between 26 and 44 service deaths occurred each year, with an average of 34 deaths per year. From the commencement of Operation Slipper in Afghanistan in 2001 to the end of October 2012 there have been 39 operational deaths, with 10 in 2010, 11 in 2011, and 7 in 2012 (as at 24 October).

<sup>11</sup> The bereavement payment provides an income in the period before long-term compensation payments from DVA come into effect. The payment is equal to four times the deceased member's gross fortnightly pay plus allowances.

13. In providing bereavement support, Defence needs to better inform bereaved families and significant others of any limitations to client confidentiality which may result from their acceptance of assistance from DCO. This issue arises because Defence’s bereavement support arrangements have developed so that DCO now performs a risk management function for Defence while also providing bereavement support to ADF families. DCO has not consistently explained to bereaved families all of the purposes and uses for which it collects personal information from them—which can include the collection of information to inform Defence’s risk management activities—and/or their rights under the *Privacy Act 1988* (the Privacy Act). Further, Defence has not consistently obtained their informed consent to the collection of this information for all of these purposes and uses.<sup>12</sup> There remains scope for Defence to improve the information it provides to bereaved families and significant others, to enable them to make informed choices before accepting Defence bereavement support.

14. Further, the way in which Defence has structured its bereavement support arrangements, and DCO’s implementation of those arrangements, gives rise to a risk that bereaved de facto partners may not receive Defence and DCO bereavement support services if their relationship is not officially recognised before the member’s death. Official recognition relies on the member informing Defence, which is not always done as members may forget to do so, or may choose not to do so for a variety reasons.<sup>13, 14</sup>

15. DCO also plays a central role in providing family support to seriously ill or injured ADF members through the Australians Dangerously Ill (AUSDIL) Scheme. The AUSDIL Scheme benefits seriously or very seriously ill or injured ADF members by funding and assisting a close relative or dependant to travel to the member’s bedside to provide support. Overall, DCO has effectively managed the AUSDIL Scheme.

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<sup>12</sup> Informed consent is required under the Privacy Act and its associated Information Privacy Principles.

<sup>13</sup> The member may not be inclined to make an application for Defence to recognise their partner, or may be unaware of its importance, or the member may have been claiming benefits to which they were not entitled prior to their death.

<sup>14</sup> As discussed in paragraph 44, Defence had also relied on ADF members to provide permission for DCO to contact their families while deployed and it was not uncommon for families to miss out on these DCO support contacts when members have not provided the necessary permission.

16. Historically, providing counselling services to ADF members and their families has been a key component of DCO's work. Following the recommendations of a Strategic Review of DCO undertaken in 2008,<sup>15</sup> DCO has been changing its approach to the provision of counselling from what had, in practice, often been direct ongoing service provision to a brief intervention and referral model that seeks to either resolve issues quickly or refer clients to external community services wherever possible. DCO has developed criteria to guide its decisions relating to brief interventions and external referrals.<sup>16</sup> The criteria direct DCO staff to refer on to community service providers those clients requiring specialist counselling, including relationship counselling (a significant presenting issue).<sup>17</sup> However, the current guidance made available to ADF members and their families does not fully inform them of the counselling services they can expect to receive through DCO, and there would be merit in reviewing that guidance. There is also a risk, to be managed by DCO, that there will not always be adequate community services available where ADF members are posted. In the course of the audit, DCO informed ANAO that it was in the process of seeking funding from within Defence to pay, 'in exceptional circumstances', for counselling when community services are inadequate.

17. In addition to counselling services, DCO delivers a wide range of other programs to provide support to ADF families. Several of these programs provide support to ameliorate the effects of mobility on ADF families. The school and disability support programs, in particular, provide effective support for families transitioning between school systems and disability services in different States. DCO has also reviewed and redeveloped its employment skills program for partners of ADF members. This program has been very popular and the program funding was recently increased.<sup>18</sup> In

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<sup>15</sup> Defence commissioned the DCO Strategic Review in February 2007; it reported in May 2008 and made recommendations on DCO's strategic direction and focus.

<sup>16</sup> These are set out in its draft *Referral to Community Service Providers* practice manual completed in 2009. Notwithstanding that it is in draft, Defence informed the ANAO that it constitutes the relevant guidance for DCO staff.

<sup>17</sup> There is also a difference in the availability of services depending on whether or not a serving member is also a veteran. ADF members who are veterans, and their families, have access to free counselling, including relationship counselling, from DVA's Veterans and Veterans' Families Counselling Service (VVCS).

<sup>18</sup> The program budget was approximately \$1.1 million before a \$3 million funding increase was announced by the Minister for Defence Personnel in August 2011.

addition, DCO manages the Defence Child Care Program (DCCP), at a cost of \$2.75 million in 2011–12,<sup>19</sup> which Defence considers to be an important mobility support and retention measure.<sup>20</sup> Defence child care centres are managed by a contracted provider and in May 2012, Defence provided places for approximately 778 children of Defence employees.

**18.** DCO has been undergoing significant change since 2008. This is partly in response to the ongoing deployment of ADF personnel to Afghanistan, and partly in response to the 2008 DCO Strategic Review and a subsequent Workforce Review which gave rise to changes in DCO's structure. These changes have included the redistribution of DCO's staff to meet changes in the demand for DCO's services, a process which encountered significant delays. With the completion of the Workforce Review and the approval of a new Service Delivery Model for DCO in November 2011, work has now commenced on a number of delayed reforms, including the community capacity building initiative.

**19.** There has also been recent progress in finalising key policy documents, some four years after senior Defence decision makers had requested this occur. In August 2012, during the course of the audit, Defence finally approved new policy documents intended to implement decisions originally made in 2008 by the Chiefs of Service Committee (COSC) to refresh the governance of ADF family support policy and DCO's operation.<sup>21</sup> The process for developing these documents was protracted, resulted in some change to the articulation of the policy as compared to the draft approved by COSC. It also lacked clarity around the responsibility within Defence for policy ownership and development.

**20.** The ANAO has made four recommendations to assist Defence and DCO achieve improvements in the provision of ADF family support by:

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<sup>19</sup> A consultant examined the DCCP in 2010 and reported that it was an efficient and effective program. See also paragraph 42.

<sup>20</sup> The DCCP aims to provide Defence families with priority of access to child care centres by securing places for mobile Defence families, particularly in areas where community demand is high or near Defence bases in regional or remote areas where services are not sufficiently available. Defence does not guarantee the availability of child care as a condition of service. Defence families pay child care fees and are entitled to Australian Government financial support for child care costs, in common with other eligible users of child care services.

<sup>21</sup> COSC had approved a draft Defence Instruction to this effect in May 2008, to replace two Defence Instructions—Defence Instructions (General) PERS 42–1 *Australian Defence Force Family Support Policy*, 2000 and Defence Instructions (General) PERS 42–3 *Defence Community Organisation*, 1996.

reviewing the definition of Next of Kin and improving guidance to ADF members; improving the management of privacy, particularly in the context of the provision of support services for bereaved families and by engaging with the Office of the Australian Information Commissioner; and clarifying and communicating the eligibility criteria for DCO family counselling services.

## Key Findings

### **Governance and coordination of Defence support to bereaved ADF families (Chapter 2)**

21. There is an opportunity to better coordinate the support which unit Commanding Officers, Defence Chaplaincy and the DCO Bereavement Support Teams provide to bereaved ADF families. Defence's system of bereavement support reflects the key role and responsibility of the unit Commanding Officer and the supporting roles of Chaplaincy and DCO. The high-level Defence policy in the relevant Defence Instructions and the Defence Casualty and Bereavement Support Manual establish these Defence-wide roles and responsibilities and give DCO an important coordinating role.

22. DCO has recently developed an internal bereavement support manual which has not adequately incorporated these interdependent responsibilities and roles, and has instead restructured Defence support around delivery by the DCO Bereavement Support Team. In particular, DCO's internal manual does not adequately recognise the key roles and responsibilities of unit Commanding Officers and Defence Chaplaincy. Accordingly, there would be benefit in harmonising the policy and procedural guidance on bereavement support contained in DCO's internal manual with the higher level guidance contained in the relevant Defence Instructions, Defence Manuals and Ministerial Determinations.<sup>22</sup>

23. ADF members, including those on operational deployments, are at times not adequately recording their Primary Emergency Contact (PEC) and Next of Kin information. This presents a risk for Defence in completing timely and accurate notification of injury or death to ADF families. In this context, there are further steps Defence can take to support deploying members, so that they understand the nature of the decisions they make when nominating a

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<sup>22</sup> In particular, Determination 2005/15—*ADF Pay and Conditions Manual* or PACMAN.



Next of Kin or a PEC. The failure to nominate can have practical implications for family and affect the outcomes for individual family members or significant others at a sensitive time. For instance, in the Defence Manual determining policy for support at the time of a funeral, the Next of Kin is the focus of bereavement support, and a chapter recently added to that Manual links eligibility to visit the injured member to the member's nominated PEC.

### **Delivering bereavement support to bereaved ADF families (Chapter 3)**

24. Bereavement support, including helping ADF families with funeral arrangements, is an important function that occurs in emotional and often complex circumstances, especially following operational deaths. On occasion, most notably following operational deaths, DCO's role can occur in a situation of intense community interest and media scrutiny, with Defence supporting the family and also endeavouring to reasonably inform the Australian community through the media. DCO's staff are required to offer support to assist the grieving family through the bereavement stages, while also providing support to the ADF chain of command, including by identifying and managing potential risks to Defence's reputation.

25. In performing this risk management function, DCO's Bereavement Support Teams report through DCO Headquarters to Defence on any foreseeable risks to Defence's reputation arising during the provision of bereavement support. Defence needs to better inform bereaved families and significant others of any limitations, as a result of DCO's dual responsibilities, to the client confidentiality that DCO can provide to them if they choose to accept assistance from DCO.

26. DCO has not consistently explained to bereaved persons all of the purposes and uses for which it collects personal information and their rights under the Privacy Act. DCO has also not consistently obtained their consent to the collection of this personal information. Accordingly, there is scope for Defence to improve the information it provides to the bereaved to enable them to make informed choices before accepting Defence support.

27. Defence's support of bereaved de facto partners can be problematic at times. There is a risk that bereaved de facto partners—who have not officially been recognised as such by Defence before the member's death—may not receive Defence and DCO bereavement support. During the course of the audit, Defence advised the ANAO that it agreed that there would be benefit in

it utilising existing flexible discretionary clauses contained in the relevant determinations under the Defence Act, which underpin support for families, to provide bereavement support to an unrecognised de facto partner in these circumstances. Defence also agreed there would be benefit in ensuring that future determinations clearly contain such discretion so as to enable decision makers to provide support to the family of injured or deceased members and is in the latter stages of finalising such a determination on Defence dependants.

## **Administering financial entitlements for bereaved ADF families (Chapter 4)**

28. DCO's administration of Defence entitlements for bereaved ADF families does not fully reflect the ADF Pay and Conditions Manual (PACMAN), which sets out the criteria for the entitlements. This arises in two areas: funeral entitlements for travel and accommodation—where DCO's internal guidance may act to restrict families' access to ADF entitlements—and the DCO-administered bereavement payment, which provides interim financial support to a person who was financially dependent upon the deceased member.

29. In relation to funeral entitlements for travel and accommodation, the ANAO observed instances where the Defence Casualty and Bereavement Support Manual (DCBSM) and the DCO Critical Incident Manual<sup>23</sup> provide guidance for DCO staff which is inconsistent with PACMAN. The Personnel Policy and Employment Conditions Branch, the responsible area in the department, advised ANAO that the Ministerial Determination as expressed in PACMAN takes precedence over the DCO Critical Incident Manual and the DCBSM. Accordingly, there would be benefit in Defence aligning these manuals with PACMAN to reduce the potential for errors in the administration of bereavement entitlements.

30. Under the criteria set out in PACMAN, eligibility for the bereavement payment is based solely on a person's financial dependency on the deceased member. However, DCO practice and internal guidance apply narrower criteria for determining eligibility for a bereavement payment than that contained in PACMAN. For instance, PACMAN does not require a beneficiary to be a Defence dependant and recorded on PMKeyS, whereas DCO has

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<sup>23</sup> DCO Critical Incident and Casualty Support Services [manual].

applied these criteria in determining eligibility. As a consequence, the potential exists that DCO may have excluded some otherwise eligible recipients.

31. In response to the issues raised by ANAO during the course of the audit, DCO recognised that there may have been inconsistent application of the proper qualifying criteria in the decision-making process for the bereavement payment. DCO has agreed to revise its decision-making brief for the bereavement payment; record its reasons for decisions; write to a person considered for the payment to explain the decision and inform them of their rights of review. DCO has also decided to review all bereavement payment decisions where a bereavement payment was not granted in 2010 and 2011.

### **Family support for seriously ill or injured ADF members (Chapter 5)**

32. Defence established the AUDSIL Scheme to benefit seriously ill or injured ADF members by funding and assisting a close family member or dependant to travel to the member's bedside to provide support. Overall, the AUDSIL Scheme has functioned successfully and as intended.

33. DCO administers the AUDSIL Scheme and provides social work services and family assessments for AUDSIL visits, with the aim of minimising the stress to the member and family resulting from the member's hospitalisation. In doing so, DCO's delivery of AUDSIL support involves additional complexities and restrictions that go beyond the administrative intent of the Defence-wide guidance on the AUDSIL Scheme. In particular, DCO's approach involves assessment and case management by DCO Defence Social Workers which can require the collection of personal information.

### **Counselling services (Chapter 6)**

34. DCO is redesigning its counselling services to meet Defence's requirement that it refer families to existing community services wherever possible. Over the last several years, DCO has been changing its approach to the provision of counselling from direct ongoing service provision to a brief intervention and referral model that seeks to either resolve issues quickly or refer clients on to appropriate external services. To enable this, DCO has changed the criteria which regulate access to DCO counselling services and reduced the range of circumstances in which DCO will directly provide counselling.

35. There is a risk, to be managed by DCO, that there will not always be adequate community services available, particularly in some areas where ADF

members are posted. These risks are of potential concern to ADF members as they do not have access to an Employee Assistance Program (EAP) funded by their employer such as that available to other Defence employees.<sup>24</sup> To address the risk of a shortfall in community service providers, DCO informed the ANAO that it funds the purchase of specialist counselling services, including relationship counselling, for a number of families each year and is seeking funding within Defence to continue this practice. There would be benefit in Defence reviewing DCO's planned provision of counselling services, including the criteria for direct provision by DCO of counselling, and communicating to ADF members and families what their access to services will be.

### *Privacy and confidentiality in DCO*

36. DCO provides services to ADF families while also providing advice and support to Defence. In particular, Defence has a need to be kept informed about factors which may affect ADF members' preparedness for service, and DCO can encounter situations where its responsibilities to manage its clients' confidentiality can come into conflict with its role in advising Defence. The Privacy Act requires Australian Government entities to maintain a client's privacy unless they have the client's consent to release information, or unless safety or legal considerations override the right to privacy.<sup>25</sup> Confidentiality is an important consideration for clients when deciding whether to access a service, and Defence could resolve the potential for a conflict of roles by obtaining informed consent before providing counselling services to ADF families.

37. The audit found that Defence is unclear as to whether the relevant Defence Instruction<sup>26</sup>—which requires Defence personnel to report to Defence about information relating to a member's health which may affect preparedness for service—applies to DCO staff when providing family support. Further, DCO's internal guidance on client privacy does not inform its

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<sup>24</sup> EAPs provide employees and, usually, their immediate family with free access to general counselling. While the employer funds the provision of services, it is not entitled to receive specific information about which employees have used the service. The DCO Strategic Review recommended that Defence explore the option of extending the Defence EAP contract for its Australian Public Service employees to ADF members' families for relationship counselling. Defence advised the ANAO that DCO had considered this recommendation and had decided not to adopt it as Defence considers that DCO fulfils this role for the ADF.

<sup>25</sup> *Privacy Act 1988*, section 14, Information Privacy Principles.

<sup>26</sup> Defence Instructions (General) PERS 16–20 *Privacy of health information in Defence*.

staff of the effect the above Defence Instruction, and another Defence Instruction on reporting member behaviour,<sup>27</sup> can have in limiting the rights of a DCO client to confidentiality.<sup>28</sup> Nor has DCO informed its clients of these possible limitations.

38. There would be merit in Defence: determining whether DCO staff are bound by the limitations to client confidentiality in the two relevant Defence Instructions; aligning DCO's internal guidance and information for ADF families with the principles in the Privacy Act; and ensuring that any limitations on privacy applying to DCO services are disclosed at the outset of a client engagement so that, in accordance with the Privacy Act, DCO obtains informed consent before delivering services.

## **Mobility and deployment support and community capacity building initiatives (Chapter 7)**

### *Mobility support*

39. DCO effectively operates several programs which provide support for ADF families when they have been relocated due to service requirements.

40. School support programs are intended to assist ADF families transitioning between school systems in different states. The Defence School Transition Aide Program places Defence School Transition Aides (DSTA—primary school) and Defence Transition Mentors (DTM—high school) in selected schools which enroll high numbers of children from ADF families. The DSTAs and DTMs are not teachers but employees who help students integrate into new schools and different state education systems. DCO also supports ADF families through its nine Regional Education Liaison Officers—DCO staff who are professionally trained teachers—who provide advice for parents of children changing schools.

41. The Defence Special Needs Program (DSNP), which is delivered in cooperation with the Defence Special Needs Support Group (DSNSG), is for ADF families with a dependant who has special needs because they have a physical, intellectual, sensory, learning or behavioural disability or because

<sup>27</sup> Defence Instructions (General) PERS 35–3 *Management and reporting of unacceptable behaviour*. This includes behaviour off duty.

<sup>28</sup> Department of Defence, Defence Community Organisation, *Privacy and Confidentiality in DCO* (DCO Privacy Manual), May 2009.

they are gifted. When ADF families relocate in response to the member's postings, they can face differing eligibility criteria or a waiting period before they can access state or territory special needs assistance. The special needs assistance provided through the DSNP seeks to ameliorate these consequences of relocation.<sup>29</sup>

42. At a cost to Defence of \$2.75 million in 2011–12, the Defence Child Care Program (DCCP) aims to provide Defence families with priority of access to child care centres by securing places for mobile Defence families, particularly in areas where community demand is high or near Defence bases in regional or remote areas where services are not sufficiently available. Defence advised the Minister for Defence Science and Personnel in February 2011 that the provision of priority placement in child care centres operates as an effective retention measure for ADF personnel. At the time of that advice, most of the centres were operating at a financial loss primarily due to their location and their variable utilisation rates. Defence engaged a child care consultancy to review the DCCP in 2010. The consultant concluded that, given the unique constraints of providing childcare to ADF families, Defence's child care management model was the most efficient and effective arrangement. The consultant reported high levels of satisfaction with the program, some areas of unmet need, and also some locations where demand for DCCP places exceeded supply.

43. The Partner Education and Employment Program (PEEP) is a DCO-managed employment skills-development program for partners of ADF members. DCO has recently reviewed and redeveloped PEEP, a program which has been very popular, and which has recently received an increase in funding.

### *Deployment support*

44. In a 2009 Defence survey of family members, 47 per cent of the respondents commented upon Defence's deployment support. Respondents reported significant dissatisfaction with Defence support, stating it was common for them to not receive monthly DCO deployment contact phone

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<sup>29</sup> This assistance can include: a Defence funded pre-posting visit to assess and plan for local services; Defence funding for up to six months for respite care, personal care or therapy until the family is engaged with local services; financial assistance for equipment hire; assistance with accommodation and travel while moving to the new posting; and some assistance to obtain suitable housing, or to modify a house.

calls, which are intended to offer DCO support to families as needed. Defence had relied upon the ADF member providing their permission for DCO to contact their family. Two key stakeholder groups contacted by the ANAO during this audit, Defence Families Australia (DFA) and the DSNSG, expressed a preference for Defence to develop a system for DCO deployment-support contact which did not establish the member as the gatekeeper for access to support. Following discussions in late 2011 between Defence and DFA, Defence instituted a new approach which removed the requirement that the member provide permission for deployment support calls to be provided. This new approach involves an opt-in selection by families wishing to receive deployment support calls.

### *Community capacity building*

45. Following its consideration of the recommendations of the 2008 DCO Strategic Review, COSC<sup>30</sup> decided that DCO should undertake more concerted community development as a means of improving ADF families' connections with the wider community. DCO's Community Capacity Building program was initiated in October 2009 to achieve that aim. However, the rollout of the Community Capacity Building program has been delayed due to the delay in completing the DCO Workforce Review, which was not finalised until November 2011.<sup>31</sup>

46. The Family Support Funding Program (FSFP) administered by DCO provides grants of up to \$50 000 to ADF and community groups to undertake family support projects at a local level. With an annual budget of some \$1.3 million, the FSFP has historically been a major component of DCO's community support. In 2011, DCO redesigned the FSFP grants program 'to connect [ADF] families with one another and the wider community in which they live and operate'.<sup>32</sup> The repositioning of the FSFP was well timed to assist

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<sup>30</sup> The Chiefs of Service Committee (COSC) is a senior Defence committee that includes the CDF and the Secretary.

<sup>31</sup> As at August 2012, recruitment of staff as an outcome of the DCO Workforce Review was ongoing.

<sup>32</sup> The FSFP is predicated on the desire of ADF families to help themselves and to determine community needs in their local area. FSFP grants are provided on a demonstrated needs basis in a competitive process: applications are assessed on their individual merits, in competition with other applicants, to meet the needs of Defence. The Program funds activities such as playgroups and community or volunteer groups that integrate ADF families into the broader community. Department of Defence, Defence Community Organisation, *Defence Family Support Funding Program (FSFP) Guidelines*, Amendment January 2011, paragraphs 1 and 5.

with DCO's planned reinvigoration of its Community Capacity Building program. However, the delay in concluding the DCO Workforce Review continues to delay progress in employing the Community Development Officers needed to take this program forward.

## **Improving and reforming DCO (Chapter 8)**

### *COSC decisions following the 2008 DCO Strategic Review*

47. The 2008 DCO Strategic Review recommended a range of improvements and reforms to DCO's operations. In May 2008, the Strategic Review's initial findings were presented to COSC—one of the most senior Defence committees. COSC made six decisions based upon the Review's findings. DCO has completed implementation of two of COSC's decisions relating to DCO's priority tasking as a family support organisation, and DCO's support for families attending Commissions of Inquiry.<sup>33</sup> DCO has partly implemented two decisions relating to enhancing its community development activities and relocating its staff to match changes in demand for its services. A further COSC decision, relating to the promulgation of a draft Defence Instruction clarifying Defence and DCO's role in supporting families, was recently partially implemented with the approval in August 2012 of three chapters of the Defence Family Support Manual. One of COSC's decisions, regarding the relocation of individual DCO Area Offices to maximise their accessibility to ADF families, has not been implemented to date. However, Defence has advised that this cannot be implemented before the relocation of DCO staff is completed.

### *Renewal of the ADF family support policy and DCO governance*

48. In 2008, COSC also approved a draft Defence Instruction to replace both the then extant Defence Instruction covering DCO<sup>34</sup> and the Defence Instruction setting out the ADF's Family Support Policy.<sup>35</sup> COSC directed that

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<sup>33</sup> CDF Commissions of Inquiry inquire into the facts and circumstances surrounding the death of an ADF member in Service, or deaths with a service link or connection, or other matters as determined by the CDF.

<sup>34</sup> Defence Instructions (General) PERS 42–3 *Defence Community Organisation*, 1996.

<sup>35</sup> The ADF's Family Support Policy was set out in a Defence Instruction, DI(G) PERS 42–1 *Australian Defence Force Family Support Policy* (2000) which was cancelled when the relevant chapter of the new Defence Family Support Manual was promulgated in August 2012.



the draft Defence Instruction was to be implemented through Defence's System of Defence Instructions (SODI) process, but this did not occur.

49. The development of the ADF's updated family support policy has been protracted. There was some confusion early in the process, arising from a lack of clarity about who was responsible for the development of the draft Defence Instruction, and DCO did not commence updating the policy framework<sup>36</sup> until nearly three years later. The policy development process was also complicated by a change in how Defence managed its high-level SODI processes, and has proceeded without clear recognition of who within Defence had responsibility for the development and ownership of the policy.

50. Four years after the original COSC decision, Defence has recently approved the new ADF family support policy—the Defence Family Support Manual. The Defence Family Support Manual has replaced Defence Instructions (General) PERS 42–1 and 42–3 (the *ADF Family Support Policy*, and *Defence Community Organisation*, which established DCO's role), and will progressively replace other Defence Instructions, as Chapters are promulgated and the Defence Instructions are cancelled.

51. In the process of developing the new Defence Family Support Manual, the articulation of Defence's family support policy has been amended. Both the recently cancelled ADF Family Support Policy, and the Defence Family Support Manual released in August 2012, incorporate the principle that the ADF member bears primary responsibility for the wellbeing of their family. However, the previous ADF Family Support Policy, which was also consistent with the draft policy approved by COSC in 2008, stated 'the well-being of Service families is integral to the efficiency and effectiveness of the ADF and is a shared responsibility between the ADF and the member'.<sup>37</sup> The Defence Family Support Manual states the policy using different language, omitting the direct reference to a shared responsibility for the well-being of ADF families. However, Defence informed the ANAO that it does not consider that there has been any change to the policy intent. As it currently stands, there is wording in Chapter 6 of the Defence Family Support Manual that is not consistent with the

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<sup>36</sup> Encompassed in the DCO Defence Instruction and ADF Family Support Policy (DI(G) PERS 42–1).

<sup>37</sup> Defence Instructions (General) PERS 42–1 *Australian Defence Force Family Support Policy*, 2000, paragraph 5.

policy.<sup>38</sup> Defence advised the ANAO that this was a drafting error that it would seek to have remedied quickly.

52. Between May 2008 and August 2012, while Defence's approach to family support policy was undergoing a process of consultation, DCO developed internal policy and practice manuals in advance of Defence settling the necessary Defence Instructions (and Defence Manuals). This led to a situation where aspects of DCO policy and practice manuals did not align with the extant Defence Instructions. These internal policy manuals were developed in response to the Strategic Review's finding that DCO services were inconsistently delivered due, in part, to a lack of internal policy and guidance.<sup>39</sup> Defence addressed several of these alignment issues during the course of the audit, in particular when the Secretary and the Chief of the Defence Force (CDF) approved the Defence Family Support Manual in August 2012, and subsequently with the release of further Chapters of the Manual.

### *Management of complaints*

53. DCO complaints processes are set out in four separate documents which are not consistent in their description of how complaints are managed and in the guidance they provide for staff. There would be benefit in DCO reviewing these documents for consistency, and considering how best to maintain staff awareness of complaints handling procedures, including through training and induction processes.

## Agency responses

### Department of Defence

Defence welcomes the ANAO report on the Delivery of Bereavement and Family Support Services through the Defence Community Organisation and agrees with all four recommendations made by the ANAO.

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<sup>38</sup> 'Defence members, families and Command have a shared responsibility towards the health, welfare, discipline, and morale of the Australian Defence Force'. Department of Defence, *Defence Family Support Manual*, Chapter 6, paragraph 6.1.

<sup>39</sup> In particular: aspects of DCO's internal bereavement support manual do not accord with the relevant Defence Instructions and the Defence Casualty and Bereavement Support Manual; and DCO has developed an internal privacy manual and client information brochure which have not addressed related Defence Instructions.

On behalf of Defence, the Defence Community Organisation delivers a wide range of programs and services which provide support to ADF families. The effective delivery of these programs and services helps to ameliorate the adverse affects of service life on Defence members and their families and so improve their well-being. Defence recognises the significant contribution that ADF families make to operational effectiveness and believes that this important report will assist Defence in its efforts to respond effectively to the emerging needs of ADF families.

Defence is pleased to note the overall assessment by the ANAO that Defence's management and delivery of ADF Family Support Services has substantial strengths and that Defence is broadly successful in delivering assistance to ADF members and their families. Defence acknowledges that there is scope to improve aspects of its support.

The report notes that during the course of the audit several key policy documents have been replaced. The report recommendations provide opportunities to build upon the progress made by the Defence Community Organisation in recent years in developing and aligning family support policies, procedures and practices.

Defence is committed to providing comprehensive and compassionate support to bereaved families and the report demonstrates the complexities that exist in bereavement situations. Defence notes the ANAO recognition that the resources applied by Defence, and the approach of the personnel involved in bereavement support, reflects a commitment to delivering a high standard of assistance. Defence commits to continually improving its bereavement administration. This includes better educating and informing ADF members and their families regarding information collection and client confidentiality matters, particularly in relation to bereavement support.

## **Department of Veterans' Affairs**

The ANAO report highlights that the Department of Defence invests significantly in the provision of support services to ADF members and their families through the Defence Community Organisation (DCO). The Department of Veterans' Affairs (DVA) will continue to work with Defence and DCO to help ameliorate the adverse effects of Service life on Defence members and their families.

# Recommendations

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*The ANAO considers that priority should be given to the implementation of Recommendation 1.*

**Recommendation No. 1**  
**Paragraph 2.65**

The ANAO recommends that, to improve the administration of bereavement arrangements, Defence:

- (a) review the agency-wide Next of Kin and family definitions, so as to provide clarity for the purposes of Defence guidance and information relating to bereavement support and entitlements; and
- (b) provide suitable education and guidance to ADF members explaining the significance and effects of their choices of a Next of Kin and a Primary Emergency Contact in Defence's personnel system.

**Defence response:** Agreed.

**Recommendation No. 2**  
**Paragraph 3.29**

The ANAO recommends that Defence engage with the Office of the Australian Information Commissioner to develop an approach to the administration of its support to bereaved ADF families that, while recognising the sensitivity of the circumstances in which this support is delivered, nonetheless meets the requirements of the Privacy Act and Information Privacy Principles.

**Defence response:** Agreed.

**Recommendation No. 3**  
**Paragraph 6.44**

The ANAO recommends that, to clarify the access arrangements applying to counselling services provided to ADF members and their families, Defence:

- (a) review the eligibility and exclusion criteria for DCO family counselling services; and
- (b) promulgate the eligibility criteria so that they are visible to all Defence stakeholders including ADF members and families.

**Defence response:** Agreed.

**Recommendation No. 4**  
**Paragraph 6.57**

The ANAO recommends that, consistent with DCO's joint responsibility to the ADF chain of command, and to its members and their families, Defence:

- (a) clarify the extent of limitations on clients' privacy when using DCO services; including determining whether or not DCO staff are bound by Defence Instructions (General) PERS 16–20 and 35–3; and
- (b) promulgate this advice to ADF members and families to inform their decisions about seeking assistance from DCO.

**Defence response:** Agreed.



# Audit Findings





# 1. Introduction

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*This chapter provides an overview of support services delivered to ADF members and families through the Defence Community Organisation. The chapter also discusses a 2008 strategic review of DCO, outlines the overarching legislative and policy framework applying to DCO, and sets out the audit objective and approach.*

## Background

**1.1** Serving in the Australian Defence Force (ADF) exposes ADF members to significant risks and personal pressures, which can also affect their families. Families may require support following the death, injury or illness of the ADF member; and while members are deployed, undergoing training or participating in exercises. The regular relocation within Australia of ADF members and their families can also affect their links to extended family and their integration into local communities.

**1.2** Defence has long recognised both the need for and the benefits of investing resources to ameliorate the adverse effects of service life on ADF members and their families. Accordingly, in 1996, it formed the Defence Community Organisation (DCO)—through the amalgamation of extant single-Service support organisations and the Australian Defence Families Information and Liaison Staff—as the key service delivery agency within the Department of Defence (Defence) supporting ADF commanders to meet their formal responsibilities in relation to the welfare and morale of ADF members and their families.<sup>40</sup> Its purpose is:

[to] assist Command to meet its responsibilities and obligations to Defence members and families through the delivery of targeted services and programs accompanied by policy and management advice.<sup>41</sup>

**1.3** Formed as part of the Australian Government's response to the 1994 *Report on the Review of ADF Personnel and Family Support Services* (the Pratt

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<sup>40</sup> Department of Defence, Defence Community Organisation, *The Commanding Officers' Handbook*, <<http://www.defence.gov.au/dco/documents/CO's%20Handbook%202010-2011.pdf>> [accessed 28 May 2012], p. 16.

<sup>41</sup> Department of Defence, *Defence Family Support Manual*, Chapter 6, Working with command, 2012, paragraph 6.4.

Review),<sup>42</sup> DCO aims to support members and their families to balance the demands of military service with their personal and family commitments.<sup>43</sup>

**1.4** Like other modern military forces, the ADF is staffed by relatively small active-duty volunteer forces, relying significantly on reserves. Periods of sustained operational demand will result in multiple deployments and increased stress for serving members and their families.<sup>44</sup> Since the 1999 deployment to East Timor, the ADF has been called upon to operate in more theatres and fill more operational roles than at any time since its formation in 1975.<sup>45</sup> Accordingly, DCO has experienced a corresponding increase in demand for its services. Currently, approximately 112 000 ADF members and dependants may potentially call upon the family support services administered by DCO.<sup>46</sup>

## Defence arrangements to support ADF members and their families

**1.5** The Service Chiefs, through the Chief of the Defence Force, are responsible for the provision of support to Defence families.<sup>47</sup> The focus of this audit is on the key services and functions delivered by DCO on behalf of command including: the provision of support services to families of ADF members who die in service, and the administration of bereavement entitlements; arranging family support for seriously ill or injured ADF members; and services to ameliorate the impact of service life on ADF families. Significantly, DCO and its services are one component of a broader support framework for ADF members and their families, which also comprises:

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<sup>42</sup> Ms Valerie Pratt reviewed the delivery of personnel and support functions provided by the single Services and Headquarters ADF. These services had been established after the findings of the 1986 Hamilton Report.

<sup>43</sup> Department of Defence, *About the Defence Community Organisation*, <<http://www.defence.gov.au/dco/default.htm#2>> [accessed 20 December 2010].

<sup>44</sup> Centre for Military and Veterans Health, 'Readjustment to 'Normal'', Literature Review, October 2010, p. vii.

<sup>45</sup> Australian National Audit Office, ANAO Audit Report No.1 2011–12 *The Australian Defence Force's Mechanisms for Learning from Operational Activities*, 2011, p. 13.

<sup>46</sup> According to the 2011 Defence Census. The figure includes the ADF members (and the percentage of Reserves on Continuous Full Time Service) with partners/spouses and children. There are also approximately 3500 dependants with Special Needs (45 per cent of whom are registered with Defence).

<sup>47</sup> Department of Defence, *Defence Family Support Manual*, Chapter 1, issued August 2012.

- **Unit commanders:** The *Defence Family Support Manual* states ‘the Service Chiefs are responsible to the Minister for Defence through the Chief of the Defence Force for the health, welfare, discipline and morale of Defence personnel. These responsibilities extend to the provision of support to Defence member families’.<sup>48</sup> This responsibility is also delegated to all ADF commanders. The 2009 ADF Family Survey found that families’ sense of feeling supported and acknowledged was dependent upon unit-level leadership and the attitude of the ADF member’s Commanding Officer.<sup>49, 50</sup>
- **Unit Welfare Officers:** Day-to-day responsibility for the unit commander’s role is often delegated to a Unit Welfare Officer (or equivalent). In the Army and Air Force, this role is often filled by a junior officer, for whom welfare support may comprise a significant workload. In the Navy, day-to-day welfare responsibilities often rest with the unit or ship’s Executive Officer, who may be supported in this function by other staff.
- **ADF Chaplains:** ADF Chaplains provide spiritual guidance and pastoral support to ADF members and their families. Chaplains provide support in the workplace, in the field and operational theatres, and at the homes of ADF families. They are trained professionals and are able to provide counselling and support in situations such as bereavement, separation due to military service, relationship problems and interpersonal conflict.<sup>51</sup> Chaplains are on call and available both during and after business hours. They are generally members of an ADF unit in a particular location, though their services are not restricted to members of their unit.
- **Joint Health Command:** Within Joint Health Command, the Mental Health, Psychology and Rehabilitation Branch provides psychology and counselling services for ADF members. The families of ADF

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<sup>48</sup> Department of Defence, *Defence Family Support Manual*, August 2012, Chapter 1, paragraph 1.12.

<sup>49</sup> Department of Defence, *A Picture of Australian Defence Force Families 2009: Results from the first survey of Australian Defence Force Families—General Report*, September 2009, p. 51.

<sup>50</sup> For further information on the ADF Family Survey, see Appendix 3.

<sup>51</sup> Department of Defence, People Strategies and Policy Group, ‘Chaplains’, <[http://www.defence.gov.au/dpe/dpe\\_site/miscellaneous/Chaplains.htm](http://www.defence.gov.au/dpe/dpe_site/miscellaneous/Chaplains.htm)> [accessed 25 August 2011].

members cannot access these services independently of the ADF member, but may be included in services such as counselling in relation to the ADF member.

**1.6** Several non-Defence organisations also provide support or advocacy to ADF members and their families.<sup>52</sup>

## **DCO services**

**1.7** At the local DCO Area Office level, the intention is for DCO to provide services in accordance with the needs of ADF commanders, personnel and their families consistent with the legislative and policy framework applying to DCO.<sup>53</sup> DCO provides a broad range of support services to help ADF members and their families cope with Service life. This includes support to families to ameliorate the impact of relocation due to posting cycles and assistance in linking up with support services available in the wider community. DCO also provides assistance to families when an ADF member is seriously injured, ill or dies. These services are the focus of this audit.

**1.8** In addition, DCO provides support to the families of members involved in Commissions of Inquiry,<sup>54</sup> which are established primarily to inquire into deaths of ADF members that appear to have arisen out of, or in the course of their service. Further, since July 2010, DCO has been responsible for providing assistance to support ADF members in their transition to civilian life, in collaboration with the Department of Veterans' Affairs (DVA).<sup>55</sup> DCO's services to families affected by Commissions of Inquiry and to ADF members transitioning to civilian life were generally outside the scope of this audit.

**1.9** Table 1.1 summarises the main support services provided by DCO that were considered in this audit.

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<sup>52</sup> Defence Families Australia (DFA) is a ministerially-appointed peak body representing Defence families, and it aims to inform government and Defence on the needs of Defence families. The Defence Special Needs Support Group is a 'non-profit benevolent volunteer organisation established to assist Navy, Army and Air Force families with a family member with special needs'. The Defence Lesbian, Gay, Bisexual, Transgender and Intersex Information Service (DEFGLIS) is a support service for ADF members that focuses on providing information on gay, lesbian, bi-sexual and transgender issues.

<sup>53</sup> Department of Defence, *Defence Family Support Manual*, Chapter 6, 2012, paragraph 8 (f), (g), (h).

<sup>54</sup> A COI can only be appointed by the Chief of the Defence Force and must be presided over by a civilian with judicial experience.

<sup>55</sup> The Directorate of Transition Support Services was transferred from the former Personnel Support Services Branch of Defence Support Operations to DCO.

Table 1.1

### DCO support services for ADF members and their families examined in this audit

Category of service	Services available
Bereavement support for the families of ADF members who die in service	<p>Bereavement support is provided by Defence to the families of ADF members, whether or not the member died on operations.</p> <p>When ADF members die in service, DCO is notified and then sets in train its procedures to provide assistance, including forming a Bereavement Support Team (BST).<sup>56</sup> Bereavement support provided through DCO can include assistance with funeral arrangements and funding for funerals, funding for the travel and accommodation of close family to attend a funeral, and interim financial assistance for a person who was financially dependent on a deceased ADF member.</p> <p>In addition, with the aim of providing consistent and timely support to the deceased member's dependants, the Director General DCO informs DVA of the death of an ADF member under a Memorandum of Understanding between DVA and Defence.<sup>57</sup></p>
Support for seriously ill and injured ADF members	<p>For ADF members hospitalised due to serious or very serious illness or injury, DCO administers the Australians Dangerously Ill Scheme (AUSDIL Scheme) which enables a close family member or other nominated eligible person to visit and support the ADF member at Commonwealth expense.</p>
Counselling services	<p>Since its inception in 1996, the direct provision of counselling services to ADF members and their families has been a key component of DCO's work.<sup>58</sup> Over the last several years, DCO has been working to transition its provision of counselling from direct ongoing service provision to a brief intervention and referral model that seeks to either resolve issues quickly or refer clients on to appropriate external service providers.</p>
Deployment and absence support	<p>DCO provides support to assist families directly affected by the absence from home of a member, including:</p> <ul style="list-style-type: none"> <li>• information brochures which explain to families the stages of adjustment to the member's absence and the process of</li> </ul>

<sup>56</sup> The ADF Pay and Conditions Manual (1.6.5) provides that a member who has died or is missing and presumed dead has ceased continuous full-time service for the purpose of the payment of salary or allowances. Also, the ADF Pay and Conditions Manual (11.4.2) specifies that permanent ADF members, and ADF Reserve Force members on continuous full-time service, undergoing training, or who were on an overseas operational deployment within 12 months before their death, or whose death was related to their service, are entitled to funeral benefits.

<sup>57</sup> Memorandum of Understanding, Schedule No 15, '*Transition of Bereaved Dependents and Families from the Defence Community Organisation to the Department of Veterans' Affairs*', 28 May 2012. The MOU coordinates the sharing of information between high-level contact officers in DCO and DVA to manage the transition of support for the deceased member's dependants and to manage media interest in high-profile service deaths.

<sup>58</sup> Department of Defence, Defence Community Organisation, Minute, *DCO Workforce Review Reform Proposal*, 12 November 2010, paragraphs 20, 22.

Category of service	Services available
	<p>reintegration into the family on the member's return;</p> <ul style="list-style-type: none"> <li>• access to social work assistance;</li> <li>• a program providing telephone contact from DCO to partners of deployed members to offer support;</li> <li>• targeted financial or social support in family emergencies;<sup>59</sup></li> <li>• conducting a family education program called FamilySMART which is designed to build families' resilience: and</li> <li>• the SAFE program: DCO provides access to crisis accommodation in circumstances such as family violence.</li> </ul>
Mobility support	<p>DCO provides assistance for ADF families as they are posted and relocate around Australia, including:</p> <ul style="list-style-type: none"> <li>• welcome packs providing information on the new locality;</li> <li>• Defence School Transition Aide Program—which provides support staff in schools attended by children of Defence families;</li> <li>• Regional Education Liaison Officers—who provide information and advice for parents of children changing schools;</li> <li>• funding for services and equipment for dependants with special needs;<sup>60</sup></li> <li>• Defence Child Care Program—which aims to facilitate priority of access to child care for Defence families; and</li> <li>• Partner Education and Employment Program—targeted funding for partners to improve their employment-related education and skills.</li> </ul>
Community development	<p>DCO has a community development role (called 'Community Capacity Building') linking the ADF community with local communities. This includes an annual grants program to support services and groups which integrate ADF families and their communities.</p>
Advice to ADF commanders	<p>DCO provides social work assessments of a member's family situation upon request from unit commanders; and provides advice to the Services on personnel-related matters.</p>

Source: ANAO analysis.

**1.10** DCO operates from its headquarters in Canberra and 11 DCO Area Offices across Australia (seven of which have two or more sites). DCO Area Offices are located on or near Defence facilities and employ professional civilian support staff (such as social workers) and uniformed Military Support

<sup>59</sup> The Emergency Support for Families Scheme may provide funding for services such as childcare or home help for a limited period during a crisis which occurs while the member is absent for service reasons, is required to perform duty outside their working hours with less than 48 hours notice, or is hospitalised or unable to provide care to their dependants for a medical reason.

<sup>60</sup> Special needs refers to an ADF dependant who has a physical, intellectual, sensory, learning or behavioural disability; a psychiatric illness/disorder; or a child who is gifted.

Officers (MSOs). As at July 2012, DCO staffing consisted of 32 ADF members and 206 Australian Public Service employees. The cost of delivering DCO services was \$34.2 million in 2009–10, \$35.9 million in 2010–11, \$36.0 million in 2011–12, and \$38.5 million is allocated for 2012–13.<sup>61</sup>

**1.11** From its formation in 1996 to 2012, DCO has been led by 16 different Directors General Defence Community Organisation (DGDCO). The current DGDCO was appointed in mid-2012.

## Factors affecting the demand for DCO family support services

**1.12** Over the last decade, DCO has experienced an increase in demand for its deployment and family-support services. As at April 2012, approximately 3300 ADF personnel were deployed on operations overseas.<sup>62</sup> In 2008–09, 2009–10 and 2010–11 approximately 12 000 ADF members were in the operational deployment cycle, either preparing for deployment, on deployment, or reconstituting following their return from deployment. Preliminary data from the 2010 Military Health Outcomes Program identified that 39 per cent of ADF personnel have deployed at least once, with 22 per cent of ADF members having deployed multiple times.<sup>63</sup> The risk and incidence of injury or death among deployed staff has increased<sup>64</sup> and there is greater need for DCO to be prepared to facilitate visits by family members to support injured ADF members<sup>65</sup> and provide support to families in the event of the death in service of an ADF member.

**1.13** The support needs of ADF members and their families extend beyond the immediate period of any deployment, as indicated by Defence's inaugural

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<sup>61</sup> The figures for 2010–11 and 2011–12 include the Directorate of Transition Support Services which transferred to DCO in July 2010.

<sup>62</sup> Department of Defence, 'Global Operations', <<http://www.defence.gov.au/op/index.htm>> [accessed 24 April 2012].

<sup>63</sup> The figures are based on a preliminary sample of 9232 members who deployed between 1997 and 2010. Department of Defence, Ministerial Submission, '*Multiple operational deployments—Effects on Australian Defence Force Members*', 13 October 2010.

<sup>64</sup> The increase can be attributed to the higher operational tempo and the character of deployments, which have included the deployments to Iraq and Afghanistan.

<sup>65</sup> This support is provided under the Australians Dangerously Ill Scheme—the AUSDIL Scheme.

2011 assessment of the overall mental health of the ADF's serving population.<sup>66</sup> This landmark Australian military study examined the prevalence of mental health disorders in the ADF population and found that 'almost one in five members of this group reported having sought help for a stress-related, emotional, mental health or family problem in the previous 12 months'<sup>67</sup> and that over half of ADF members had experienced an anxiety (commonly Post-Traumatic Stress Disorder), affective (depression) or alcohol disorder at some stage in their life.<sup>68</sup> This was a higher rate than for the Australian community and was related to occupational stressors.<sup>69</sup>

**1.14** Deployment and posting cycles mean that ADF families are significantly more mobile within Australia than most non-ADF families, with ADF members potentially moving to a new location within Australia at the end of each posting cycle.<sup>70</sup> The 2011 Defence Census found that 82 per cent of permanent ADF members had had at least one service-sponsored removal within a median length of service of seven years.<sup>71</sup> For those members who had experienced at least one removal, they were moved or relocated an average of 4.5 times during their service career.<sup>72</sup>

**1.15** In the last decade, the geographical focus of demand for DCO services has been in the northern parts of Australia, where many of the ADF units that frequently deploy to the Middle East are now based. While in previous decades many ADF families lived in on-base accommodation, the majority now live in the wider community in housing provided through Defence Housing Australia<sup>73</sup> or in private housing. These changes in housing patterns

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<sup>66</sup> S.E. Hodson, A.C. McFarlane, M.Van Hoof & C.Davies, 2011, *Mental Health in the Australian Defence Force—2010 ADF Mental Health Prevalence and Wellbeing Study—Executive Report*, Department of Defence, Canberra.

<sup>67</sup> Almost one in five, or 17.9 per cent, of a weighted sub-population of those surveyed; this sub-population comprised 30 848 ADF members who had not deployed to the Middle East Area of Operations. The total survey target population was all regular ADF personnel serving in 2010, 50 049 members.

<sup>68</sup> S.E. Hodson, A.C. McFarlane, M.Van Hoof & C.Davies, op. cit., pp. 5 and 20.

<sup>69</sup> *ibid.*, pp. 5 and 20.

<sup>70</sup> For example, the Army posting policy aims to achieve postings of three years' duration. See Department of Defence, Chief of Army, CA Directive 11/06, paragraph 3.

<sup>71</sup> Department of Defence, *Defence Census 2011—Public Report*, May 2012, pp. 13 and 21.

<sup>72</sup> *ibid.*

<sup>73</sup> Defence Housing Australia (DHA) was established in 1988 as a statutory authority under the *Defence Housing Australia Act 1987* to provide housing for members of the ADF and their families.



mean that providing DCO group services directly on-base is no longer a viable means of reaching many ADF families, and there is a corresponding demand for DCO services to be more flexible in their location and better integrated into the wider community.

## Legislative and policy framework

**1.16** DCO operates under Commonwealth law, most notably provisions of the *Defence Act 1903* (the Defence Act) and the *Privacy Act 1988* (the Privacy Act). For most of the duration of this audit, two Defence Instructions issued under the Defence Act established the framework for family support in the ADF, and defined and directed DCO's role and operations.<sup>74</sup> These were:

- Defence Instructions (General) PERS 42–3 *Defence Community Organisation* (the DCO DI(G)), issued in October 1996; and
- Defence Instructions (General) PERS 42–1 *Australian Defence Force Family Support Policy* (ADF Family Support Policy DI(G)), issued in August 2000.

**1.17** The DCO DI(G) detailed DCO's purpose, role and operations, while the ADF Family Support Policy DI(G) set out Defence's commitment to providing appropriate family support to ADF members. The ADF Family Support Policy contained a section on the 'Division of Responsibility',<sup>75</sup> which stated that 'the wellbeing of Service families is integral to the efficiency and effectiveness of the ADF and is a shared responsibility between the ADF and the member'.<sup>76</sup> It then required the ADF to not intrude upon the privacy and integrity of Service families. The policy also stipulated that ADF family support policies must be consistent with the principle that the member bears primary responsibility for the wellbeing of their family. The policy acknowledged that ADF families experience disruptions caused by service life, and stated that the ADF has a

<sup>74</sup> Defence Instructions are issued jointly by the Chief of the Defence Force (CDF) and by the Secretary of the Department of Defence (the Secretary) pursuant to section 9A of the Defence Act. The Secretary also issues the instructions pursuant to section 20 of the *Public Service Act 1999* to direct Defence APS employees. Defence Instructions can constitute military orders and are reasonable directions for administrative purposes, and are to be reviewed at least every three years. See, Department of Defence, Defence Instructions (General) ADMIN 0–0–001 *The System of Defence Instructions*, 26 March 2007, paragraphs 8 and 27.

<sup>75</sup> Defence Instructions (General) PERS 42–1 *Australian Defence Force Family Support Policy*, 2000, paragraphs 5–7.

<sup>76</sup> *ibid.*, paragraph 5.

responsibility to ‘nevertheless ... ameliorate, or if that is not possible, minimise the disruptions occasioned by the exigencies of the Services’.<sup>77</sup> In particular, while ADF families are expected to use existing community services wherever possible, the policy stated that Defence undertakes to ‘supplement or provide such services and resources where community arrangements are inadequate for ADF family needs’.<sup>78</sup> This approach was consistent with Defence’s higher-level *People in Defence* policy which states:

As your circumstances change, so does the support available to you and your family. This includes ... support for your family when things are tough such as when you move, when you are away, or just when they need it.<sup>79</sup>

**1.18** In August 2012, the Secretary of Defence and the CDF approved the first chapters of a new Defence Manual –the Defence Family Support Manual– and cancelled both the DCO DI(G)) and the ADF Family Support Policy DI(G)).

**1.19** The Defence Family Support Manual states, in its authorising chapter, that:

Service in the Australian Defence Force (ADF) places unique demands on Defence members and their families. The nature of Service life and the commitment required of Defence members may impose restrictions, pressures and difficulties on their families not generally encountered in the civilian community. The ADF acknowledges the positive contribution that families make to the morale, performance and retention of Defence members. Accordingly, the ADF accepts an obligation to assist in providing appropriate family support to Defence members.<sup>80</sup>

**1.20** While both the recently cancelled ADF Family Support Policy, and the Defence Family Support Manual, incorporate the principle that the ADF member bears primary responsibility for the wellbeing of their family, the Defence Family Support Manual omits the direct reference to a shared responsibility for the well-being of ADF families contained in the recently-cancelled ADF Family Support Policy DI(G). However, Defence informed the

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<sup>77</sup> *ibid.*, paragraph 6.

<sup>78</sup> *ibid.*, paragraph 7.

<sup>79</sup> Department of Defence, *People Strategies and Policy, People in Defence*, November 2009, p. 7.

<sup>80</sup> Department of Defence, *Defence Family Support Manual*, August 2012, Chapter 1, paragraphs 1.1, 1.2.

ANAO that it does not consider that there has been any change to the policy intent.<sup>81</sup>

**1.21** In addition, another 10 Defence Instructions prescribe important aspects of DCO's functions. These are listed in Appendix 1.<sup>82</sup> DCO also draws guidance from the *ADF Family Covenant*—a pledge to Defence families on behalf of the ADF, signed by the CDF in 2009 and re-signed by the current CDF in February 2012. The Covenant commits Defence to 'listening to ADF families and responding to their emerging needs'.<sup>83</sup>

## The Privacy Act

**1.22** Defence, in common with most Australian Government agencies, is required to comply with the Privacy Act which establishes Information Privacy Principles that regulate the way that agencies collect, record, and release personal information. Personal information is information, or an opinion, about an individual whose identity is apparent.

**1.23** In its interactions with members and members' families, DCO often collects and handles personal information. DCO staff, when conducting counselling sessions or performing assessments in response to requests from command, or when working with bereaved families, may also collect and handle health information. The Privacy Act classifies health information as sensitive information.<sup>84</sup>

**1.24** Information Privacy Principle 2 requires agencies to inform the person whose information is being collected of the purpose for which information is being collected, before or soon after collection. Many agencies develop a privacy statement or a privacy consent form which explains the purpose for

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<sup>81</sup> As it currently stands, there is wording in Chapter 6 of the Defence Family Support Manual that is not consistent with the policy. At paragraph 6.1, the Manual states 'Defence members, families and Command have a shared responsibility towards the health, welfare, discipline, and morale of the Australian Defence Force'. Defence advised the ANAO that this was a drafting error that it would seek to have remedied quickly. See paragraphs 8.10 to 8.26 for further information on the development of the Defence Family Support Manual.

<sup>82</sup> The sponsor for the Defence Instructions directly affecting DCO is the Deputy Secretary Defence Support, and the DGDCO is the sponsor contact. However, not all of the Defence Instructions listed in Appendix 1 are sponsored or managed by the Deputy Secretary Defence Support.

<sup>83</sup> Department of Defence, *Australian Defence Force Family Covenant*, 2012.

<sup>84</sup> The sensitive information referred to in the Privacy Act is contained in the National Privacy Principles. These do not apply to government, but they do give an indication that health information is especially sensitive.

which the information is being collected and records the person's consent to its collection and use. Consent under the Privacy Act may be implied or expressly provided. However, all consent must be informed—individuals need to be made aware of what they are consenting to. The effective management of clients' privacy and personal information is central to DCO performing its role in accordance with legal requirements.

## Reviews of DCO

**1.25** DCO has been subject to two substantial evaluations/reviews since it was formed in 1996. The Defence Inspector General undertook a program evaluation of DCO in 1999 which recommended actions to improve its structure, management, funding and communications.

**1.26** In February 2007, the then Head Personnel Executive (Defence) commissioned a review of DCO's strategic direction, service delivery, and business management. Reporting initially in May 2008 and then again in August 2008, the *Defence Community Organisation Strategic Review* found continuing deficiencies dating from the Inspector General's 1999 DCO evaluation, and observed that DCO continued to face a range of strategic issues, as well as internal cultural and management issues.<sup>85</sup>

**1.27** The initial findings of the DCO Strategic Review were presented to a senior Defence committee, the Chiefs of Service Committee (COSC),<sup>86</sup> in May 2008, when it was advised that:

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<sup>85</sup> These included: a lack of clarity as to DCO's role and its clients; poorly developed management arrangements; poor governance of social work practices, with an emphasis on professional supervision rather than the development of agreed guidelines; the steady marginalisation of the military voice within DCO headquarters, and the marginalisation of the other DCO support disciplines, in favour of a social-work approach; the need to move DCO resources to Australia's north and west where the operational tempo was higher and to match the changed distribution of ADF members; the lack of reliable data to measure the effect of DCO counselling services, or discern the major issues presented by the users of the service; the lack of an effective electronic case management system; and that record-keeping practices for cases were fragmented and poor. Source: Department of Defence, Richard Scott, *Defence Community Organisation Strategic Review*, August 2008, p. 3. and *Defence Community Organisation Strategic Review Report—Part 4, Leadership and Culture*, August 2008.

<sup>86</sup> The Chiefs of Service Committee (COSC) provides military advice to the Chief of the Defence Force (CDF) to assist him in discharging his responsibilities for the command of the Defence force and providing military advice to government. Membership comprises the CDF (chair), the Secretary of Defence, Vice Chief of the Defence Force, Chief of Navy, Chief of Army, and Chief of Air Force. Permanently invited members are the Deputy Secretary Strategy, Chief Joint Operations, Chief Capability Development, and Commander Joint Logistics. Department of Defence Intranet, *Chiefs of Service Committee*, available from <http://intranet.defence.gov.au/sencom/cosc/default.htm> [accessed 3 April 2012].

inconsistency of service delivery and advice is the biggest criticism of DCO from consumers and commanders—and from DCO staff. This has two root causes—inconsistency of resourcing between DCO offices, and a lack of national practice standards.<sup>87</sup>

**1.28** The 2008 DCO Strategic Review identified a need for high-level guidance on DCO's role and purpose,<sup>88</sup> since the review had concluded that it was not clear whether DCO was intended to provide a family support service to support command, or whether it was intended to fulfill a broader role of delivering social work therapy and services to all ADF members.<sup>89</sup>

**1.29** At its May 2008 meeting, COSC considered the high-level question of DCO's role in supporting ADF families, along with recommendations set out in the first tranche of the report of the 2008 DCO Strategic Review, and decided that:

- DCO was to support ADF members' immediate families, including for bereavement, casualty, and Commissions of Inquiry;
- the overarching Defence Instructions governing DCO and Defence Family Support policy were to be amalgamated and re-issued to reflect DCO's role and address other DCO Strategic Review findings; and
- that DCO was to structure its workforce and locate its premises to service the populations of greatest need.

**1.30** By August 2008, the DGDCO's advice to the Deputy Secretary Defence Support was that 'DCO is already well on the way to delivering most of the recommendations in the [DCO Strategic Review] report'.<sup>90</sup> Progress in implementing the COSC decisions and the recommendations of the 2008 Strategic Review is discussed in more detail in Chapter 8 of this report.

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<sup>87</sup> Department of Defence, Chiefs of Service Committee, *Agendum 38/08*, 'Defence Community Organisation Strategic Review', 15 May 2008, paragraph 12.

<sup>88</sup> Department of Defence, Richard Scott, *Defence Community Organisation Strategic Review*, August 2008, p. 3.

<sup>89</sup> *ibid.*, p. 3.

<sup>90</sup> Department of Defence, Defence Community Organisation, *Implementation of DCO Strategic Review Outcomes*, Minute, 22 July 2008, paragraph 16.

## Audit objective and approach

**1.31** The ANAO has not previously conducted a performance audit of DCO's delivery of support services to ADF members and families. It was considered timely to conduct such an audit, in light of the acknowledged pressures that the ADF's operational requirements have placed on members and their families as a result of the increased operational tempo of the last decade.

**1.32** The audit objective was to assess the management and effectiveness of DCO's delivery and coordination of support services to ADF families, in particular support services provided when an ADF member is seriously ill or injured or dies in service.<sup>91</sup> As discussed in paragraph 1.8, DCO's role in supporting families affected by Commissions of Inquiry and in relation to assisting ADF members' transition to civilian life (in collaboration with DVA) were generally excluded from the scope of this audit. The audit criteria were:

- DCO has effective arrangements to manage and deliver family support services to Defence members and their families; and
- DCO has effective arrangements for case management of incidents of service-related serious illness or injury and bereavement due to the death of an ADF member.

**1.33** Fieldwork for the audit was conducted at DCO Headquarters in Canberra, within other relevant parts of Defence and the Services, and also involved DVA, primarily in relation to the Veterans and Veterans' Families Counselling Service (VVCS).<sup>92</sup> Interstate fieldwork was also conducted at DCO and VVCS offices in Townsville, DCO offices in Sydney and Richmond, as well as selected Air Force, Army and Navy units at these locations. In addition, the ANAO met with representatives of ADF families' support and advocacy groups, interviewed some DCO staff by telephone, and examined some case records in detail.

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<sup>91</sup> As indicated in Table 1.1, bereavement support is provided by Defence to the families of ADF members, whether or not the member died on operations. The families of both permanent ADF members and, in certain circumstances, ADF Reserve members, are entitled to this support.

<sup>92</sup> In addition to services provided by DCO, ADF members who are veterans (for example, those who have deployed to Afghanistan or East Timor) and their families are entitled to access free counselling provided by DVA through VVCS.

**1.34** The audit was conducted in accordance with ANAO auditing standards at a cost to the ANAO of \$599 000.

## Report structure

**1.35** The remainder of this report is structured into seven chapters:

- Chapter 2 examines Defence's governance arrangements for bereavement support, the roles and responsibilities of the parties involved, and DCO's model of bereavement support. It also considers Defence's arrangements for contacting the families of casualties and DCO's preparations for a possible mass casualty event;
- Chapter 3 examines how DCO's Bereavement Support Teams engage with bereaved ADF families, the privacy issues that can arise in providing bereavement support, and eligibility for bereavement entitlements and broader bereavement support;
- Chapter 4 considers DCO's administration of financial entitlements for the bereaved following a death in service;
- Chapter 5 examines Defence's provision of family support to seriously ill and injured ADF members through the Australians Dangerously Ill Scheme;
- Chapter 6 examines DCO's provision of counselling services and related client confidentiality issues;
- Chapter 7 examines the delivery of mobility support, absence from home and deployment support programs for ADF families, before outlining DCO's related community capacity building initiatives; and
- Chapter 8 examines changes made by DCO in response to structural issues which the 2008 DCO Strategic Review identified as impeding DCO's service delivery. The chapter also examines DCO's management of complaints.

## 2. Governance and coordination of Defence support to bereaved ADF families

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*This chapter examines Defence's governance arrangements for bereavement support, the roles and responsibilities of the parties involved, and DCO's model of bereavement support. It also considers Defence's arrangements for contacting the families of casualties and DCO's preparations for a possible mass casualty event.*

### Introduction

**2.1** DCO, on behalf of the ADF, provides bereavement support to the families of ADF members who die while in service.<sup>93</sup> In addition to providing direct support to ADF families, DCO provides support to the chain of command so that the ADF can meet its family support obligations, and administers a range of entitlements relating to funeral expenses, related travel costs and a bereavement payment that may be payable to a dependent person.

**2.2** Between January 2002 and 11 November 2011, there were 341 deaths of ADF members in service.<sup>94</sup> During this period, between 26 and 44 service deaths occurred each year, with an average of 34 deaths per year.<sup>95</sup> From the commencement of Operation Slipper in Afghanistan in 2001 to October 2012 there have been 39 operational deaths, with 10 in 2010, 11 in 2011, and 7 in 2012 as at 24 October.

**2.3** Current Australian Government policy is that the bodies of all ADF members who die in Service overseas will be repatriated by the ADF to

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<sup>93</sup> As part of an ADF member's employment conditions, their families are entitled to various forms of support from Defence in the event that the member dies, for whatever reason, while in service. As discussed in Chapter 1, a death in service refers to the death of an ADF member from any cause while serving as an ADF member; it is not restricted to deaths caused by military service.

<sup>94</sup> Figures supplied by Defence on 15 December 2011. For the same period, of the total service deaths: 33.1 per cent were from natural causes, 30.2 per cent were accidental deaths, 17 per cent were suicide or suspected suicide, 9.4 per cent were operational deaths, 5.3 per cent were service-related accidental deaths, and 4.7 per cent were by other or unknown cause.

<sup>95</sup> Average for years 2002–10 inclusive.



Australia.<sup>96</sup> The Chief of Joint Operations is responsible for repatriation of deceased members from operations.<sup>97</sup>

**2.4** Members of the ADF or the ADF Reserve Forces who die while on continuous full-time service are entitled to a funeral at Commonwealth expense.<sup>98</sup> The deceased member's dependants, or the executor of their estate, are entitled to reimbursement for funeral expenses within a defined cap,<sup>99</sup> and the DGDCO has the delegation to approve funeral expenditure above this amount.<sup>100, 101</sup>

**2.5** The death of an ADF member may involve three separate commemorative services. These are:

- A ramp ceremony, for operational deaths, conducted before the member's body leaves the operational theatre, and on the return of the member's body to Australia. This is the Service's responsibility and provides an opportunity to pay respect to the member. The Services may invite the Next of Kin and close family to the ramp ceremony held in Australia.
- A unit memorial service, which is conducted by the unit and to which close family are invited.
- The funeral service, which is determined by the family and the executor. This may be a private service or it may include elements of a military funeral service.

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<sup>96</sup> Defence Instructions (General) PERS 20–6 *Death of Australian Defence Force Personnel*, May 2008, paragraph 3.

<sup>97</sup> Department of Defence, Defence Instructions (General) PERS 11–2 *Notification of Australian Defence Force and non-Australian Defence Force casualties*, 2008, paragraph 26.

<sup>98</sup> Defence Instructions (General) PERS 20–8 *Defence Casualty and Bereavement Support Manual*, paragraph 4.4. Some senior ADF officers on the Reserve or Retired list and Australian Public Service employees who die in theatre supporting the ADF in an Area of Operations are also entitled to a funeral at Commonwealth expense.

<sup>99</sup> *ADF Pay and Conditions Manual*, clause 11.4.5—*Funeral costs* defines this amount as \$12 500. This figure does not include the funeral expenses separately incurred by the Services for their deceased members.

<sup>100</sup> For example, the DGDCO may approve travel for additional persons in relation to a funeral. The DGDCO may approve additional funeral costs (above the cap) in exceptional circumstances. Source: *ADF Pay and Conditions Manual*, clause 11.4.5—*Funeral costs*.

<sup>101</sup> In 2010–11, the DGDCO authorised \$931 000 for Service funeral expenses.

**2.6** This chapter begins by outlining the governance arrangements for bereavement support and the high-level policy documents that set out processes and requirements for Defence and DCO. It then considers how these arrangements function in practice, and outlines the roles and responsibilities of the parties involved. The chapter then considers DCO's model of bereavement support and how it integrates within the broader Defence arrangements. The chapter also outlines how Defence contacts the families of casualties, and considers the current risks facing Defence in this area. The chapter concludes by examining DCO's preparations for a mass-casualty event.

## Defence's coordination of bereavement support

### Guidance on bereavement support

**2.7** Various Defence Instructions and Defence Manuals, including DI(G) PERS 20–6 *Death of Australian Defence Force personnel*, the Defence Casualty and Bereavement Support Manual (DCBSM)<sup>102</sup> and the Defence Family Support Manual (DFSM), establish the arrangements for coordinating Defence's provision of support to bereaved ADF families.<sup>103</sup> The eligibility criteria for DCO's bereavement support services have now been set out in Chapter 2 of the DFSM—'Critical incident and casualty support'—which was issued in August 2012 by the Deputy Secretary Defence Support.<sup>104</sup> Placing the eligibility criteria and other bereavement policy in the new DFSM has effectively fragmented the policy guidance for bereavement support as the DCBSM is meant to be the primary Defence source of policy for critical incidents.

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<sup>102</sup> DI(G) PERS 20–8, *Defence Casualty and Bereavement Support Manual*, was issued on 19 September 2011. The purpose of DI(G) PERS 20–8 is to authorise a subordinate policy and procedural document, DCBSM, which is to be 'the primary source of policy relating to critical incidents involving deaths and casualties of Defence members and the related support to families': 'The purpose of the [DCBSM] is to provide policy and procedural direction applicable to all aspects of critical incidents involving casualty or death of Defence Members. The [DCBSM] also provides details for the management and administration of related support for affected Families'. Source: DI(G) PERS 20–8.

<sup>103</sup> In addition to Defence Instructions and Manuals, DCO also has an internal manual for DCO staff on critical incident support, and has published information documents for both Defence and ADF families. A table of key governance documents for bereavement support is contained in Appendix 1.

<sup>104</sup> During much of this audit, Defence Instructions (General) PERS 42–6 *Defence Community Organisation support for next of kin of deceased members of the Australian Defence Force and the Australian Defence Force Cadets* (DI(G) PERS 42–6) issued in 2002 remained extant, although dated in parts. This Defence Instruction, despite relating specifically to bereavement support, was not scheduled for incorporation into the DCBSM. Instead, aspects of it have been incorporated into Chapter 2 of the Defence Family Support Manual.

**2.8** When consultation occurred within Defence on the Defence Family Support Manual in 2011 and 2012, the Office of the Secretary and CDF (OSCDF) raised similar concerns and in consequence did not provide endorsement for the chapter relating to bereavement in the DFSM. The July 2012 briefing to the Secretary and CDF for approval to publish the DFSM noted that one of the concerns raised by OSCDF was 'the inclusion of information in the DFSM that OSCDF believe would be better placed in the *Defence Casualty and Bereavement Support Manual*'.<sup>105</sup> This issue, and another relating to the absence of guidance regarding deployed ADF civilians, is currently under consideration by the Directorate of Military Personnel Policy (DMPP) and the Directorate of Workplace Relations.

### **Defence's bereavement support arrangements**

**2.9** Three main parties support bereaved families—Commanding Officers of units, Chaplains, and DCO through DCO Bereavement Support Teams (BST).

**2.10** A DCO BST, comprised of a Defence Social Worker and an MSO, is formed following each death in service of an ADF member and delivers DCO's bereavement support services to affected ADF families. The DCBSM directs that:

the Commanding Officer of the deceased member's unit, with the assistance of the DCO Bereavement Support Team, in consultation with the Chaplain, is responsible for coordinating all arrangements for the burial or cremation on behalf of the [the member's] executor and/or Next of Kin.<sup>106</sup>

**2.11** Defence Instructions (General) PERS 20–6 states that:

DCO ... works strictly in consultation with the command chain, chaplains and other Defence agencies to effect a coordinated approach to requirements, particularly in the early stages of critical support.<sup>107</sup>

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<sup>105</sup> Department of Defence, Minute, *Request to Secretary and CDF for Approval to Publish Chapter One of the Defence Family Support Manual*, 16 July 2012.

<sup>106</sup> Defence Instructions (General) PERS 20–8 *Defence Casualty and Bereavement Support Manual*, September 2011, paragraph 4.18.

<sup>107</sup> Defence Instructions (General) PERS 20–6 *Death of Australian Defence Force Personnel*, May 2008, paragraph 103.

**2.12** Chapter 2 of the DFSM acknowledges that DCO is to operate in support of ADF command:

It is a command responsibility, assisted by the DCO, to provide bereavement support to families of deceased Defence members.<sup>108</sup>

**2.13** Chapter 2 of the DFSM<sup>109</sup> further defines Defence's bereavement support roles and sets out the flow of Defence's bereavement support arrangements throughout the period following notification until after the funeral (see also paragraph 3.34). The DFSM includes the bereavement support principle that DCO assists Command to provide support to families, and that DCO provides practical support in conjunction with Command.<sup>110</sup> The DFSM does not specifically acknowledge the unit Commanding Officer's responsibility for coordination in bereavement. There is no instruction, within Chapter 2, requiring the BST or DCO to contact the unit Commanding Officer to establish how they are going to assist him/her in discharging their responsibility.

**2.14** In summary, the policy guidance assigns responsibility generally to command and specifically to the unit Commanding Officer for the funeral period: it emphasises the importance of a coordinated approach with DCO acting as Defence's interface with the family. Chapter 6 of the DFSM states that DCO HQ staff are engaged in 'providing advice and working directly with senior and regional Command in relation to delivery of DCO services such as bereavements'.<sup>111</sup> However, although DCO Area Managers chair bereavement case-planning meetings with key stakeholders, much of DCO's attention had been on direct interaction between DCO HQ and ADF command at a high level.

## **Roles and responsibilities in bereavement**

**2.15** Figure 2.1 shows the designated interrelationships of the various Defence bereavement support stakeholders (as set out in the DCBSM)

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<sup>108</sup> Department of Defence, *Defence Family Support Manual*, Chapter 2, August 2012, paragraph 2.26.

<sup>109</sup> Department of Defence, *Defence Family Support Manual*, Chapter 2, August 2012, paragraphs 2.31-2.35, Bereavement support phases.

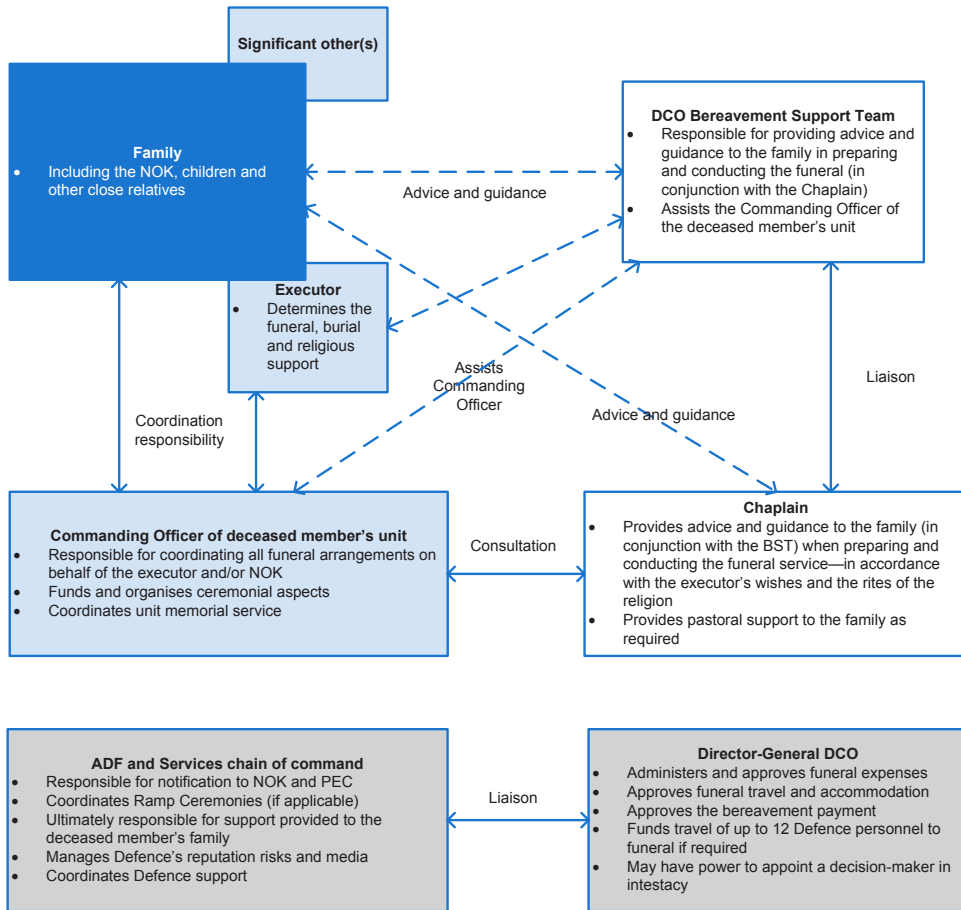
<sup>110</sup> Department of Defence, *Defence Family Support Manual*, Chapter 2, paragraph 2.26 and 2.27.

<sup>111</sup> Department of Defence, *Defence Family Support Manual*, Chapter 6, paragraph 6.8.

particularly with regard to funeral arrangements for ADF members who have died in service.<sup>112</sup>

**Figure 2.1**

**Funeral roles and responsibilities as described in the Defence Casualty and Bereavement Support Manual, Chapter 4**



Source: ANAO analysis of relevant Defence Instructions, including DI(G) PERS 20–6.

Note: PEC is the Primary Emergency Contact and NOK is the Next of Kin.

<sup>112</sup> Defence Instructions (General) PERS 20–8 *Defence Casualty and Bereavement Support Manual*, September 2011, paragraphs 4.18–4.21.

### *The Commanding Officer's role*

**2.16** Commanding Officers are ultimately responsible for the dignified and effective management of arrangements for deceased members and for ensuring that extant policy and procedures are followed.<sup>113</sup> In this process, the deceased member's family's religious and cultural beliefs and wishes, where reasonably practical, are to be respected.<sup>114</sup>

**2.17** Defence and ADF personnel involved in funeral arrangements are required to 'be respectful of and sensitive to family wishes' when dealing with the media.<sup>115</sup> Defence Public Affairs coordinates media support to commanders and DCO and, if the family requests, will also assist the deceased's Next of Kin.<sup>116</sup>

### *The Chaplain's role*

**2.18** The ADF Commander's Guide emphasises that 'the Chaplain is one of the more appropriate persons to support the bereaved ... with broad pastoral and spiritual care, and denominational faith support if appropriate'.<sup>117</sup>

**2.19** The ADF's initial engagement with the bereaved family occurs when a Chaplain and an officer from the deceased member's Service notify the Primary Emergency Contact (PEC) and Next of Kin of the member's death.<sup>118</sup> This may result in them establishing a close professional support relationship with the bereaved family. The executor of the member's will (and the bereaved family) then makes a decision about whether to involve a Chaplain in the funeral service.<sup>119</sup>

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<sup>113</sup> Defence Instructions (General) PERS 20-6, op. cit., paragraph 22.

<sup>114</sup> Defence Instructions (General) PERS 20-6, op. cit., paragraph 13.

<sup>115</sup> Defence Instructions (General) PERS 20-8 *Defence Casualty and Bereavement Support Manual*, September 2011, paragraph 4.27.

<sup>116</sup> Defence Instructions (General) PERS 20-6, op. cit., paragraph 108.

<sup>117</sup> Department of Defence, *ADF Commander's Guide: Looking after families following a Service death*, SQNLDR Kay Ellis, CSC, Canberra, 5 August 2008, p. 30.

<sup>118</sup> At times, a member of another Service, or the police and a local church official may perform the notification.

<sup>119</sup> If the executor decides to involve a Chaplain in the funeral service, the Chaplain who conducts the funeral service may not be the same Chaplain who notified the family.

### *DCO and the DCO Bereavement Support Team's roles*

**2.20** The BST is DCO's main point of contact with the bereaved family, and coordinates Defence's support arrangements. As indicated in paragraph 2.10, the BST comprises a social worker and an MSO. The role of the BST and its immediate supervisor is described in DI(G) PERS 20–6:

To provide families with appropriate support, DCO has a process of case management to supplement the professional services provided by the DCO social worker. [and] The servicing DCO [Area] office will maintain liaison with the deceased member's parent unit (if practicable) regarding ongoing support service requirements for family.<sup>120</sup>

**2.21** As previously discussed, the various Defence Manuals and Instructions give Commanding Officers responsibility for the coordination of the delivery of Defence's bereavement support, particularly at the time of the funeral, and also provide that an important role for DCO involves accepting direction from Commanding Officers of units and consulting with Chaplains and other Defence agencies to serve families. Paragraphs 2.32 to 2.35 further examine DCO's current model of bereavement support and identify that it is somewhat at variance with the relevant guidance on roles and responsibilities as set out in the DCBSM and DI(G) PERS 20–6.

### *The Director General DCO's role*

**2.22** The DGDCO's role includes responsibility for:

- authorising the release of a deceased member's personal effects to their Next of Kin;
- approving payments made upon a member's death, including the bereavement payment for a financially dependent person;
- administering the funeral payments Defence makes to the families of ADF members who die in service; and
- administering funds for travel and accommodation for up to 12 ADF personnel, and for the member's dependants, their parents, and other

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<sup>120</sup> Defence Instructions (General) PERS 20–6 *Death of Australian Defence Force personnel*, 2008, paragraphs 103 and 106.

people, to attend the deceased member's funeral. In certain circumstances, the DGDCO may approve additional expenses.<sup>121</sup>

**2.23** If a death certificate has not been provided under a relevant Commonwealth, State or Territory law, the DGDCO has the power to determine that a member has died on a certain date for the purpose of providing benefits under the Defence Determination 2005/15 (PACMAN).<sup>122</sup>

#### *The coroner's role*

**2.24** Non-operational deaths and other deaths that occur within Australia are subject to the coroner's legislation applicable in the State or Territory where the death occurs. In the case of operational deaths that occur overseas, once the deceased member is returned to Australia, they fall under the jurisdiction of the relevant State or Territory Coroner, who will release the deceased's body to the Next of Kin or family after positive identification has been confirmed.<sup>123</sup>

#### *The executor's role*

**2.25** The executor is the person appointed by the testator (the person making a will) to execute, administer, and dispose their will. This role is defined in State or Territory legislation.<sup>124</sup> The executor has the legal privilege of determining the funeral arrangements and the burial or cremation. The executor is not bound by the wishes of the deceased person with regard to funeral arrangements.<sup>125</sup> The executor is expected to consult with the Next of Kin and family, but is not obliged to do so.

**2.26** Defence guidance determines that the executor and/or the Next of Kin's wishes should determine the extent of ceremonial aspects at the funeral which

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<sup>121</sup> For example, the DGDCO may approve a funeral at Commonwealth expense for a former member of the ADF following a request from the relevant Service Chief (DCBSM, paragraph 4.5); the DGDCO may approve travel and accommodation for additional persons to identify the deceased member or to support one of the member's dependants (DCBSM, paragraph 4.13). The DGDCO may also approve funeral expenditure above the cap in PACMAN (Department of Defence, ADF Pay and Conditions Manual clause, 1.4.4—*Definitions*, Next of Kin, and 11.4.5 (1)—*Funeral costs*).

<sup>122</sup> Department of Defence, ADF Pay and Conditions Manual, clause 1.6.5—*Effect of death on eligibility for salary and allowance*.

<sup>123</sup> Defence Instructions (General) PERS 20–6 *Death of Australian Defence Force Personnel*, May 2008, paragraphs 63–68.

<sup>124</sup> See for example: *Administration and Probate Act 1929 (Australian Capital Territory)* and the *Wills Act 1968 (Australian Capital Territory)*.

<sup>125</sup> The Argyle Partnership, *The Deceased Body and the Grave: Property Rights or Not? Whose Responsibility?* Peter Robinson, 2001, Sydney.



are to accord with the relevant Service Manual. In short, ceremonial aspects are not to intrude on the family's wishes for the funeral.<sup>126</sup>

*Intestacy—when there is no executor*

**2.27** The executor has an important role in Defence's provision of bereavement support as DCO considers that the executor is the decision maker for funeral arrangements (see paragraph 2.25 above).

**2.28** When a member has died intestate—that is, without making a will and therefore has no executor—the DCBSM states that the DGDCO is responsible for nominating a person who can make decisions regarding the funeral arrangements, and that the DGDCO will seek the family's advice about who to nominate.<sup>127</sup> There would be benefit in DCO reviewing whether this instruction is consistent with relevant State laws. Additionally, the DCBSM provides conflicting guidance about how to proceed in a case of intestacy, stating that 'if a Defence member dies without a will, HQDCO will advise the Defence Member's PEC/NOK [Next of Kin] to obtain legal advice to apply for Letters of Administration' and then instructs that the administration of the member's estate will wait until an administrator is appointed by the court.<sup>128</sup>

**2.29** The DCBSM—in providing information about making a will—does not inform ADF members that it is the executor of their will rather than their Next of Kin and/or their partner who will have the power to determine the arrangements for their funeral.

**2.30** Accordingly, there would be benefit in Defence reviewing the DCBSM in order to:

- (in relation to cases of intestacy) reconcile the differing instructions about whether or not to proceed on matters that would normally be within the purview of the executor, including the funeral arrangements, until a court has appointed an administrator of the deceased member's estate; and

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<sup>126</sup> Defence Instructions (General) PERS 20–8 op. cit., paragraphs 4.22–4.23.

<sup>127</sup> Department of Defence, Defence Instructions (General) PERS 20–8 *Defence Casualty and Bereavement Support Manual*, September 2011, Chapter 4, paragraph 4.7.

<sup>128</sup> Department of Defence, Defence Instructions (General) PERS 20–8 *Defence Casualty and Bereavement Support Manual*, September 2011, Chapter 5, paragraph 5.18.

- better inform ADF members of the significance of the selection of an executor for their will by clearly explaining the implications of this, in particular that the executor has the authority to make all funeral arrangements rather than their Next of Kin and/or partner.

**2.31** DCO provides an information sheet for bereaved families on the role of the executor which acknowledges that, in a case of intestacy, a bereaved person may apply to the relevant State or Territory court which then appoints an administrator to administer the deceased person's estate. ANAO understands that the court will appoint 'the person with the highest right to take out administration' (most likely the Next of Kin as defined by civil law), who may claim the privilege of burying their relative.<sup>129</sup> DCO appropriately advises the bereaved family to obtain legal advice, and there is a particular need to do so in cases where family dependency relationships are not clear (for instance, where both a de facto partner and parents may be eligible to apply for administration).

## DCO's model of bereavement support

**2.32** To guide its staff in the delivery of bereavement support to families, in June 2011 DCO released an internal manual, the *DCO Critical Incident and Casualty Support Services* manual (DCO Critical Incident Manual), which includes the DCO Model of Bereavement Support. This manual was developed as part of DCO's efforts to improve the consistency of its service delivery.

**2.33** The DCO Critical Incident Manual defines roles and responsibilities for a DCO BST and distils the bereavement support practices which DCO has been developing since 2007. As it is an internal DCO policy document, the DCO Critical Incident Manual has not been subject to Defence-wide consultation.<sup>130</sup> In addition to the DCO Critical Incident Manual, DCO has developed a publication for bereaved families, *ADF Bereavement Support Resources* (the DCO bereavement booklet).

**2.34** The DCO Critical Incident Manual identifies two primary DCO roles in bereavement support: support to the family (the executor and the Next of Kin),

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<sup>129</sup> The Argyle Partnership, Peter Robinson, *The Deceased Body and the Grave: Property Rights or Not? Whose Responsibility?*, 2001, Sydney.

<sup>130</sup> In contrast, as it is a Defence Manual, Defence Groups and Services were consulted on Chapter 2 of the DFSM in 2011.

and support to the ADF chain of command. The discussion in the manual in relation to support to the ADF chain of command particularly identifies the risk to Defence and to Defence's reputation that these situations entail. This is a repeated theme in the DCO Critical Incident Manual and in the Situation Reports generated by BSTs in the course of their work.<sup>131</sup> BST Situation Reports form the basis of information on risks which are reported to ADF command. DCO may consider several risks such as the risk that the family may become distressed or unwell at the funeral and the risk to Defence's reputation.

**2.35** Figure 2.1, shown previously, outlines the interdependent roles of the unit Commanding Officer, the responsible ADF Chaplain and the DCO BST in supporting the family of an ADF member who has died in service as described in the DCBSM and DI(G) PERS 20–6. However, these interdependent roles and responsibilities are not clearly incorporated into the DCO Model of Bereavement Support, which has instead restructured Defence support to the bereaved family around the DCO BST as the central provider.<sup>132</sup> Both the DFSM and the DCO Critical Incident Manual set out a process for bereavement support which includes a DCO-convened case planning meeting, but this process does not acknowledge the authority of the unit Commanding Officer in the delivery of bereavement support.

**2.36** As previously noted, the ADF Commander's Guide states that Defence Chaplaincy is a key stakeholder in bereavement and family support.<sup>133</sup> While there is limited information available to evaluate Defence families' satisfaction levels with the bereavement support provided by Defence, the ADF Family Survey 2009 showed that Chaplaincy was the most used support service, and that families gave Chaplaincy the highest satisfaction rating of all Defence support services and the lowest dissatisfaction rating.<sup>134</sup>

**2.37** The ANAO found that DCO practice, also reflected in the DCO Critical Incident Manual, did not appropriately recognise the importance of Defence

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<sup>131</sup> Department of Defence, Defence Community Organisation, *DCO Critical Incident and Casualty Support Services* [manual], June 2011, section 3.3. This manual makes 20 references to risk and the risk to Defence's reputation.

<sup>132</sup> The ANAO raised this issue with DCO in June 2011.

<sup>133</sup> Department of Defence, *ADF Commander's Guide: Looking after families following a Service death*, SQNLDR Kay Ellis, CSC, Canberra, 5 August 2008, p. 30.

<sup>134</sup> Department of Defence, *A picture of Australian Defence Force families 2009*; Defence Directorate of Strategic Policy Research report, September 2009, pp. 47–49.

Chaplaincy in the provision of bereavement support. During the course of the audit, DCO published a new version of the DCO Critical Incident Manual in June 2011 which included an additional short statement about DCO consultation with Chaplaincy when developing the bereavement support case plan.<sup>135</sup>

**2.38** DCO obtained the sign-off of the Services when developing the DCBSM and DCO advised that a senior Chaplain provided some feedback on the draft version of that manual. However, notwithstanding that Defence Chaplaincy is a key stakeholder, DCO did not consult directly with Defence Chaplaincy in the development of the DCBSM, nor in the creation of the Model of DCO Bereavement Support within the DCO Critical Incident Manual.<sup>136</sup>

**2.39** DCO could improve the effectiveness of Defence's bereavement support services if DCO HQ developed more effective and direct collaboration with Chaplaincy and moved to consider Chaplains as key internal stakeholders. Some of the bereavement cases examined during the audit demonstrated effective local-level collaboration between a BST and a Chaplain. In those cases which DCO had cited to demonstrate differences in approach between itself and Chaplains, DCO was of the view that Chaplains had not understood the limitations on Defence's financial support for funeral services.<sup>137</sup> There is scope for DCO to improve the quality of this information in DCO bereavement client information publications, to better inform Chaplains and equip them to provide accurate information to bereaved families. This approach would also enable Chaplains to contribute to the management of family expectations around the level of support available.

**2.40** In conclusion, there is an opportunity to better coordinate the support which Commanding Officers, Defence Chaplaincy and the DCO BSTs provide to families. Defence's system of bereavement support has evolved over time to reflect the key role and responsibility of the unit Commanding Officer and the supporting roles of Chaplaincy and DCO (see paragraph 3.55).

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<sup>135</sup> *DCO Critical Incident and Casualty Support Services* [manual], op. cit., section 3.8.8.

<sup>136</sup> The ANAO also asked DCO what formal, routine, face-to-face communication occurred between DCO HQ and Chaplaincy on matters of family support and bereavement. DCO advised that informal meetings were held with senior Chaplains but that they were not minuted. Defence advised the ANAO that the DGDCO had also attended a meeting of the Religious Advisory Committee to the Services. Source: Defence response to ANAO, 12 January 2012, p. 22.

<sup>137</sup> DCO can only approve financial support for specific items authorised in the ADF Pay and Conditions Manual 11.4.5—*Funeral costs*.

**2.41** The utility of the DCO Critical Incident Manual (an internal DCO document) and the DCO Model of Bereavement Support included in it, is hampered by the fact that it is not entirely consistent with the DCBSM and DI(G) PERS 20–6 (both higher-level, Defence-wide documents), particularly with regard to the responsibilities for funeral arrangements and immediate bereavement support. As discussed previously, the DCBSM and DI(G) PERS 20–6 delegate responsibility to the Commanding Officer of the deceased member’s unit (with the assistance of the DCO BST and in consultation with the Chaplain) for coordinating Defence’s assistance to the executor and Next of Kin for arrangements for burial or cremation. This clear assignment of responsibility is not reflected in the responsibilities, roles and processes described in the DCO Critical Incident Manual for the immediate bereavement support period. In particular, DCO’s internal manual does not adequately recognise the coordination responsibility of unit Commanding Officers and the key role of Chaplaincy envisaged by ADF policy.<sup>138</sup>

**2.42** During this audit, the ANAO reviewed in detail the records for a number of individual bereavement support cases. The ANAO identified cases where effective delivery of bereavement support had been achieved through appropriate collaboration between DCO, Service units and chaplains. However, the ANAO also saw examples where coordination and outcomes were affected by a lack of clarity around who was responsible for directing Defence’s bereavement support.

**2.43** Over the course of this audit, Defence has made progress in updating and better aligning its governance framework for bereavement support. However, there remains scope for further improvement, in particular through harmonising the policy and procedural guidance on bereavement support contained in DCO’s internal guidance (the DCO Critical Incident Manual) with that contained in higher level documents such as DI(G) PERS 20–6, the DCBSM and PACMAN.<sup>139</sup> Complete and clear alignment across the range of relevant Defence guidance—including the relevant Defence Instructions, relevant Defence Manuals such as the DCBSM and DFSM, the DCO Critical Incident

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<sup>138</sup> It also does not fully recognise the role of DCO’s Military Support Officers. The recently-cancelled DI(G) PERS 42–6 gave MSOs equal responsibility with social workers for case management in bereavement, whereas DCO’s Critical Incident Manual only allows social workers to be case managers, with MSOs relegated to a supporting and administrative role (this is discussed in more detail at paragraph 8.43).

<sup>139</sup> See also paragraphs 4.4–4.7.

Manual, and PACMAN—would provide the opportunity to further improve coordination of the delivery of bereavement support to Defence families by improving the consistency and clarity of guidance on the roles and responsibilities of the various Defence players in this important and sensitive aspect of Defence administration.

## Definitions of Next of Kin

**2.44** An ADF member's choice of who they wish to nominate as their Next of Kin is important, as it determines who will be notified in the event of the member's death or injury, and who is entitled to be considered for bereavement support and other assistance from Defence. An ADF member's Next of Kin is nominated by that member in Defence's primary personnel records system—the Personnel Management Key Solution (PMKeyS).

**2.45** Once selected, the Next of Kin becomes the focus of Defence's bereavement support. It is therefore important that Defence's administrative framework consistently defines Next of Kin and that ADF members are appropriately informed of the significance of their nomination of a Next of Kin in PMKeyS. Currently, ADF members entering their notification details into PMKeyS are not adequately informed of the significance of the information they are providing, nor are they provided with assistance to understand important terms, such as Next of Kin,<sup>140</sup> which may bear on notification to their family and access to bereavement support and entitlements. There would be benefit in Defence providing suitable guidance through a variety of means, including on-line when the member is entering their particulars.

**2.46** Further, Defence does not currently include a consistent definition of Next of Kin in relevant key Defence documents. Rather, Defence has over time set out a range of different definitions of Next of Kin as shown in Table 2.1 below.<sup>141</sup> Significantly, the broadest definition is set out in the ministerial determination setting out ADF pay and conditions (PACMAN). Various Defence Instructions and Defence's central HR system, PMKeyS, have established definitions for Next of Kin that are narrower than that set out in

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<sup>140</sup> Nominating a PEC is also important as the Draft AUSDIL Determination makes the PEC an eligible person for ADF-supported visits to a seriously ill or injured ADF member: see Chapter 5.

<sup>141</sup> As it was extant for much of this audit, Table 2.1 includes the Next of Kin definition from the recently-cancelled DI(G) PERS 42–6.

PACMAN. This situation potentially complicates the delivery of bereavement support.

**Table 2.1**

**Next of Kin definitions**

Key document	Next of Kin definition
<p>Determination 2005/15—<i>ADF Pay and Conditions Manual</i> (PACMAN)</p>	<p>The member's dependant or another family member the member has nominated for this purpose.</p> <p>The Defence Act section 58A, defines a 'member of the family' which includes: in relation to a member—a member of the household of the member and a dependant of the member.</p>
<p>PMKeyS &amp; form <i>AD 159</i> (ADF Next of Kin and Emergency Contact Details) [As at 2 March 2012]</p>	<p>Next of Kin is defined as: spouse or interdependent partner, or closest legally recognised relative (e.g. parents, siblings, children). When nominating your Next of Kin for notification purposes, consider the following:</p> <ul style="list-style-type: none"> <li>• the nominated person is over the age of 18 years;</li> <li>• the person has the capacity to make decisions regarding further notification;</li> <li>• the person has knowledge of your family dynamics; and</li> <li>• the person is able to provide contact details of other family members.</li> </ul>
<p>DI(G) PERS 11–2 <i>Notification of Australian Defence Force and non-Australian Defence Force casualties</i></p>	<p>The individual nominated by the Defence member in PMKeyS, who for the purpose of this Instruction, is taken to be the closest relative and means:</p> <ol style="list-style-type: none"> <li>a. spouse or interdependent partner; or</li> <li>b. closest legally recognised relative (e.g. parents, siblings, children).</li> </ol> <p>The Defence member's [Next of Kin] may not necessarily be the [Primary Emergency Contact]. Nomination of a [Next of Kin] in PMKeyS does not necessarily bestow any rights on that person to manage or dispose of the estate of a casualty.</p>
<p>DI(G) PERS 20–6 <i>Death of Australian Defence Force personnel</i></p>	<p>The term Next of Kin was used but was not defined.</p>

Key document	Next of Kin definition
<p>DCBSM (authorised by DI(G) PERS 20–8) <i>Defence Casualty and Bereavement Support Manual</i></p>	<p>The Next of Kin is the individual nominated on PMKeyS, who for the purpose of this manual, is taken to be the closest relative and means:</p> <ol style="list-style-type: none"> <li>a. spouse or interdependent partner; or</li> <li>b. closest legally recognised relative, for example, parents, siblings, children.</li> </ol> <p>Note: The Next of Kin may be separate from the Primary Emergency Contact or the person nominated to act as an Executor/Executrix. The nomination of a Next of Kin on PMKeyS does not legally bestow any rights or obligation on that person to manage or dispose of the personal estate of the member.</p> <p>A de facto or Interdependent Partnership<sup>142</sup> does not need to have been recognised by Defence for support to be provided under the provisions of this manual.<sup>143</sup></p>
<p>DI(G) PERS 42–6 <i>Defence Community Organisation support for next of kin of deceased members of the Australian Defence Force and the Australian Defence Force Cadets</i> [cancelled August 2012]</p>	<p>For the purposes of this instruction the Next of Kin shall be determined at the absolute discretion of Director General Defence Community Organisation. The Next of Kin would normally be:</p> <ol style="list-style-type: none"> <li>a. in the case of a member with dependants—spouse and dependent children; or</li> <li>b. in the case of a recognised de facto relationship—the de facto spouse and dependent children; or</li> <li>c. in the case of a member without dependants—the father and mother or the specified Next of Kin but not additional Next of Kin.</li> </ol>

Source: ANAO analysis of Defence records.

**2.47** A feature common to all of the definitions in Table 2.1 is that a de facto partner, whose interdependent relationship has not been recognised by Defence, cannot be listed or recognised as a Next of Kin as they are not considered to be a Defence dependant. This includes the definition included in DI(G) PERS 11–2<sup>144</sup> which governs whom Defence will notify in the event of injury or death. By contrast, relevant State laws may consider a de facto

<sup>142</sup> The term ‘interdependent partner’ is a specific term for a Defence-recognised de facto or same-sex partner—recognised under DI(G) PERS 53–1. For a further discussion of interdependent partners, see paragraph 3.33.

<sup>143</sup> The DCBSM Next of Kin definition states that ‘a de facto or Interdependent Partnership does not need to have been recognised by Defence for support to be provided under the provisions of this manual’, yet DCO’s eligibility criteria explicitly exclude de facto partners whose interdependent relationship has not been recognised by Defence from DCO bereavement support unless ‘exceptional circumstances’ exist. However, the term ‘exceptional circumstances’ is not defined.

<sup>144</sup> *Notification of Australian Defence Force and non-Australian Defence Force casualties.*



partner, irrespective of whether they have been recognised as such by Defence, to be the closest legally-recognised relative.

**2.48** It is notable that no definition of Next of Kin appears in DI(G) PERS 20–6. The relevant section of the instruction refers to the State Coroner releasing the member’s remains to a Next of Kin<sup>145</sup> and also states that ‘the deceased are to be returned as soon as possible to the Next of Kin’. In both instances, the right to claim the member’s body is not determined by Defence’s definition of a Next of Kin but rather by State law.<sup>146</sup>

**2.49** DI(G) PERS 42–6 was cancelled in the latter stages of this audit in August 2012. The definition of Next of Kin in DI(G) PERS 42–6<sup>147</sup> relied on the DGDCO’s discretion and was markedly different from the other definitions. The Next of Kin definition in this instruction included a nuclear family, a single member’s parents, or the nominated Next of Kin. ANAO understands that in practice the DGDCO did not rely upon this definition.

**2.50** Defence informed the ANAO that it has taken some steps to remedy a number of the underlying definitional issues and, at the time of this audit, was drafting for the consideration of the Minister a proposed determination under section 58B of the Defence Act that would clarify a range of terms relevant to partners and dependants. The approach being taken by Defence is to more closely align its approach to that taken in the administration of other relevant Commonwealth legislation, such as the *Veterans’ Entitlements Act 1987* and the *Acts Interpretation Act 1901*. This approach has the potential to improve the consistency of the administration of Defence’s bereavement entitlements, especially when the surviving family may also be eligible for bereavement and other assistance from DVA. However, a more consistent approach to the definition of Next of Kin is yet to be implemented across Defence Instructions and the related guidance governing the administration of Defence’s bereavement processes.

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<sup>145</sup> Defence Instructions (General) PERS 20–6 *Death of Australian Defence Force Personnel*, paragraphs 63–68.

<sup>146</sup> Defence Instructions (General) PERS 20–6 *Death of Australian Defence Force Personnel*, paragraph 13.

<sup>147</sup> *Defence Community Organisation support for next of kin of deceased members of the Australian Defence Force and the Australian Defence Force Cadets*.

## Contacting the families of casualties—notification

**2.51** The initial step in Defence’s bereavement support is to contact Next of Kin and family and inform them of the member’s death. When ADF members or Defence employees are killed or seriously injured, Defence has a responsibility to notify their PEC and Next of Kin.<sup>148</sup> This responsibility rests with the CDF, the Service Chiefs, and Heads of Group. Once the incident has been reported to the Service Headquarters or to Headquarters Joint Operations Command,<sup>149</sup> the ADF member’s unit officer, along with DCO, the Chaplains and other support services are alerted.

**2.52** Defence’s notification of a service death<sup>150</sup> to the family is governed by Defence Instructions (General) PERS 11–2 *Notification of Australian Defence Force and non-Australian Defence Force casualties*.<sup>151</sup> Defence directs that notification will be performed accurately, with speed and compassion. As indicated in paragraph 2.19, notifications are generally performed in person by teams comprising an ADF officer and an ADF Chaplain.

**2.53** DI(G) PERS 11–2 nominates the DGDCO as the subject matter expert for Defence notification issues, responsible for providing practical support to commanders to assist them in meeting their notification responsibilities.<sup>152</sup> DCO has a role to assist the Services in notification and if there are multiple casualties may be required to coordinate the Services’ notification teams. DCO’s MSOs, in conjunction with ADF Chaplains, provide notification training to senior ADF officers. Demand from the Services for notification training, particularly within Army, has increased in recent years reflecting the higher level of operational activities. Unit commanders and ADF Chaplains

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<sup>148</sup> The PEC is the person the member has listed on PMKeyS as the Emergency Contact who is to be notified first. The member is to nominate the PEC or an alternate Emergency Contact as their Next of Kin, and may note any special instructions about each Emergency Contact for notification purposes.

<sup>149</sup> Defence Instructions (General) PERS 11–2 *Notification of Australian Defence Force and non-Australian Defence Force Casualties*, May 2008, paragraphs 9 and 10. While the title of this DI(G) is ‘notification’ and it refers to ‘casualties’, Defence is required to provide notification for all deaths of members in service.

<sup>150</sup> Casualty notification regarding deployed Department of Defence civilian employees is also undertaken by Service notification teams.

<sup>151</sup> Defence Instructions (General) PERS 11–2 *Notification of Australian Defence Force and non-Australian Defence Force casualties*, May 2008.

<sup>152</sup> *ibid.*, paragraph 24.

interviewed by the ANAO during fieldwork were positive about the notification training that has been conducted.

## **Analysis of Defence's emergency contact databases**

**2.54** Defence operates two databases that contain contact information for PEC, Next of Kin and secondary Emergency Contacts—they are PMKeyS and a second database maintained by the National Welfare Coordination Centre (NWCC) within Headquarters Joint Operations Command. Defence has determined that PMKeyS is the single source of PEC and Next of Kin details.<sup>153</sup> DI(G) PERS 11–2 requires ADF Units to oversight the member's completion of their PEC, Next of Kin and EC details in PMKeyS and directs that:

Members must nominate their Primary Emergency Contact, Next of Kin and additional Emergency Contacts as required ... at least once a year and before any operational deployment.<sup>154</sup>

**2.55** DI(G) PERS 11–2 provides that the purpose of Headquarters Joint Operations Command's NWCC database is to inform the NWCC and Commander Joint Operations of any special notification needs and considerations.<sup>155</sup> The NWCC database contains details that are derived from a family registration form that members deploying on operations and training exercises are required to complete. Deployed member's families can contact the NWCC 24-hour call centre in order to provide Defence with temporary contact details if, for example, they go on holiday.

**2.56** The 2008 DCO Strategic Review reported that some ADF members did not enter Next of Kin details in PMKeyS.<sup>156</sup> ANAO examined deployed members' records in PMKeyS and the NWCC databases as at May 2011 to gauge the accuracy and completeness of the information that would be used by Defence to notify family members in the event of an ADF casualty incident. The approach to testing adopted by the ANAO is outlined in Table 2.2.

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<sup>153</sup> *ibid.*, paragraphs 28 and 46.

<sup>154</sup> *ibid.*, paragraphs 46–49.

<sup>155</sup> *ibid.*, paragraph 26.

<sup>156</sup> Department of Defence, Richard Scott, *Defence Community Organisation Strategic Review August 2008*, p. 10.

**Table 2.2**

**Issues examined in analysis of the 30 May 2011 data extracts from the NWCC and PMKeyS databases**

Issues
The extent to which PMKeyS contained PEC, Next of Kin and Emergency Contact details for all deployed ADF members and Defence employees.
The extent of each member's compliance with recording a PEC and Next of Kin.
The extent of members' use of and recording of special notification needs and considerations in the NWCC database.
The extent to which the NWCC database accurately replicated the PMKeyS data on deployed members' PEC and Emergency Contact details.
Whether the NWCC database contained any additional notification-related information not captured within PMKeyS.
Whether the NWCC database delivered additional benefit to simply relying on PMKeyS.

Source: ANAO analysis.

**2.57** In examining PMKeyS records, the ANAO found that:

- almost 11 per cent of deployed members had not recorded details of their Next of Kin in PMKeyS;
- almost nine per cent of deployed members had not recorded details of their PEC in PMKeyS; and
- almost seven per cent of deployed members had not recorded a PEC, and also, had not recorded a Next of Kin in PMKeyS.

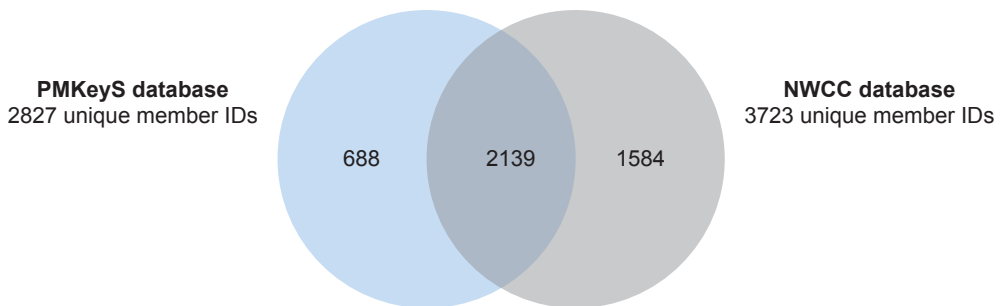
**2.58** The ANAO's findings indicate that Defence may not be able to retrieve reliable emergency contact information for a proportion of their members. Further, of those members on deployment as at May 2011, the majority of those who did not record a PEC or Next of Kin were under 30 years of age. This is a group more likely to be at risk of death or serious injury on operations, and therefore those for whom accurate notification information is very important. In the event of a mass casualty, for instance, the lack of accurate notification information could present Defence with acute difficulties in providing timely and accurate notification to families.

**2.59** In the absence of suitable notification data recorded on PMKeyS, Defence could turn to other sources of data, including the NWCC database.<sup>157</sup> However, after allowing for differences in the purposes of the two databases,<sup>158</sup> ANAO found that the two databases matched for only 2139 members, which indicates that almost a quarter of deployed members were not recorded on the NWCC database for the purposes of notification. In addition, the NWCC database does not record the member’s Next of Kin and contained records of ADF members who had returned from deployment or exercises but whose details had not been removed from the database.

**2.60** The results of ANAO data-matching between the two databases are shown in Figure 2.2, indicating that, of the 2827 ADF members and Defence civilians recorded in PMKeyS as deployed at May 2011, 688 were not recorded on the NWCC database.

**Figure 2.2**

**Data matching on deployed members in PMKeyS and the NWCC database**



Source: ANAO analysis of Defence data as at 30 May 2011.

**2.61** For the 2139 members common to both PMKeyS and the NWCC databases, the ANAO found that, for ADF members’ nominated PEC, less than eighty per cent had matching names and matching phone numbers in both

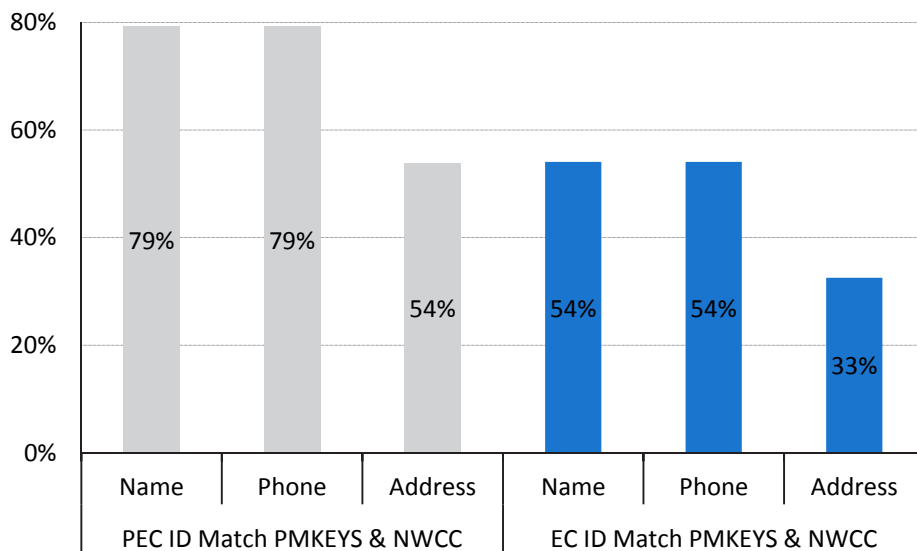
<sup>157</sup> If Defence had to resort to using notification data from the NWCC database, there is a real risk of confusion and error in the notification process, as found by a 2009 Commission of Inquiry into the death of an ADF member: ‘Nobody seemed to accord the NWCC database any standing and its use to record the wishes of members about to be deployed has obvious potential to create a situation conflicting with that recorded in PMKeyS. [I recommend that] the status of the two databases be clarified’. Source: Report on the Commission of Inquiry into the Death of [...], 12 June 2009.

<sup>158</sup> At May 2011, the NWCC database recorded 239 personnel on exercises—this information is not ordinarily required to be recorded in PMKeyS—which was not of itself sufficient to account for the 1584 personnel recorded as deployed in the NWCC database but not in PMKeyS.

databases, and less than 60 per cent of secondary Emergency Contact details could be reliably matched, as shown in Figure 2.3.

**Figure 2.3**

**Matching rates of emergency contact data for deployed personnel, PMKeyS and NWCC databases, May 2011**



Source: ANAO analysis of 2139 records for personnel common to both databases as at 30 May 2011.

Note: In this chart, PEC is the Primary Emergency Contact, and EC is a secondary Emergency Contact.

**2.62** In February 2012, Defence advised the ANAO that, as a matter of high priority it had commenced reviewing DI(G) PERS 11-2, and is developing a companion Defence Instruction to DI(G) PERS 11-2 regarding the mandatory requirements for recording PEC and up-to-date Next of Kin details in PMKeyS.

**2.63** While the intended purpose of the NWCC database is to record information for special consideration in the event of a notification, ANAO found that deployed members use the free text field in PMKeyS to provide this information at almost the same rate as they provide it for inclusion in the NWCC database.<sup>159</sup> Defence also informed ANAO that it would be possible to

<sup>159</sup> In the NWCC database, 12 per cent of PEC records and 5 per cent of alternate Emergency Contact records had a comment in the 'special considerations' field, compared to PMKeyS records showing equivalent comments against 10 per cent of deployed members' PEC records and 7.5 per cent of their Emergency Contact records.

create a 'special considerations' field within PMKeyS with appropriate access controls.<sup>160</sup>

**2.64** The ANAO asked Defence to consider the need for two separate databases recording the details of deployed personnel. Defence advised that:

PMKeyS is the authority for sourcing emergency contact information for the purpose of casualty notification in accordance with Defence Instruction (General) PERS 11–2, consequently in the event of a casualty notification, commanders draw emergency contact data from PMKeyS only.

The National Welfare Coordination Centre (NWCC) database is used for temporary data relevant to family members of those serving on deployment overseas or ADF exercises and supplements, but the database does not substitute for the PMKeyS data.<sup>161</sup>

## Recommendation No.1

**2.65** The ANAO recommends that, to improve the administration of bereavement arrangements, Defence:

- (a) review the agency-wide Next of Kin and family definitions, so as to provide clarity for the purposes of Defence guidance and information relating to bereavement support and entitlements; and
- (b) provide suitable education and guidance to ADF members explaining the significance and effects of their choices of a Next of Kin and a Primary Emergency Contact in Defence's personnel system.

**Defence response:** Agreed. Implementation of this Recommendation has commenced with the development of the draft Defence Instructions (General) *Nominating And Recording Emergency Contact Information in PMKeyS*.

## Mass casualty arrangements

**2.66** The nature of military operations, including training exercises to prepare ADF personnel for operations, means that there is always the potential for a multiple or mass-casualty event to occur, notwithstanding Defence's

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<sup>160</sup> In April 2010, Defence embarked on a 'PMKeyS Technical Refresh Project' which will, among other things, review the Emergency Contacts screen in PMKeyS.

<sup>161</sup> Defence response to ANAO, 9 October 2012.

ongoing efforts to mitigate this risk.<sup>162</sup> The ADF's increased level of operations in recent years increases the possibility that a mass casualty event may occur, and both DCO and Defence recognise the need to be prepared for such an event.

**2.67** It may not be possible to replicate all of the practices currently followed in response to Service deaths in the event of a mass casualty event.<sup>163</sup> The risks from some known problems, such as the availability of accurate Emergency Contact details for members, may also increase. Defence has therefore identified the need to plan for different arrangements that can be put into practice in the event of a mass casualty incident.

### **DCO's strategic planning for a mass casualty event**

**2.68** In late 2007, the DGDCO identified a mass casualty event support failure as one of the two major strategic risks facing DCO; this was subsequently supported by the 2008 DCO Strategic Review which made a recommendation that DCO and the Services establish arrangements to manage a mass casualty event.<sup>164</sup> One of the drivers behind DCO's decision to define and focus on its core business has been the need to make capacity available within DCO to respond to a mass casualty event,<sup>165</sup> and a mass casualty event support failure has remained one of the two major strategic risks in DCO's successive business plans since 2008–09.<sup>166</sup>

**2.69** DCO advised ANAO in June 2011 that it tests its Mass Casualty Plan at least three times a year when it participates in Defence-wide exercises, and that DCO HQ was preparing to conduct, for the first time, the yearly mass casualty simulation specified in the Mass Casualty Plan. DCO has participated in four

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<sup>162</sup> Defence Instructions (General) PERS 20–6 *Death of Australian Defence Force personnel* defines a mass fatality as one with five or more fatalities. DCO's Multi and Mass Casualty Plan defines a multiple casualty as an incident where up to ten members are killed or injured, and a mass casualty as an incident where more than 10 members are killed or injured.

<sup>163</sup> For example, the attendance of senior political leaders and ADF representatives at funerals following operational deaths may not be sustainable in the event of multiple funerals following a mass casualty event.

<sup>164</sup> Department of Defence, Richard Scott, *Defence Community Organisation Strategic Review*, August 2008, p. 19.

<sup>165</sup> Department of Defence, Defence Community Organisation, *DGDCO Directive 01/2009*, 27 February 2009.

<sup>166</sup> Department of Defence, Defence Community Organisation, *DCO Business Plan Financial Year 2010–2011*, 11 February 2011.



Defence-wide mass casualty exercises in 2010 and 2011, although the characteristics of these exercises do not fully meet DCO's Key Performance Indicator requirements for mass casualty exercises.<sup>167</sup>

**2.70** DCO has responded to two multiple or mass casualty events: in June 2010 and October 2011. In late October 2011, the ADF experienced a mass casualty event in Afghanistan which resulted in DCO coordinating bereavement and AUSDIL support for many ADF families.<sup>168</sup> DCO informed ANAO that the mass casualty event had tested its (then) draft Mass Casualty Plan and considered it was sound.

**2.71** A mass casualty event would make it more difficult to simultaneously deliver to a large number of families the kind of bespoke support service built around social worker led BSTs that it currently seeks to deliver. However, the approach set out in the DCBSM is relatively flexible and could accommodate other approaches.<sup>169</sup> For instance, DCO's coordination role leaves it open for it to make greater use of MSOs and others in the team leader/case manager role if there are insufficient numbers of social worker case managers available enabling it to simultaneously provide support to more bereaved families. Recent DCO After Action Reviews examined by ANAO evidenced the effectiveness of MSOs in a leading role similar to that of BST Case Managers (who are currently all social workers).<sup>170</sup>

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<sup>167</sup> A Key Performance Indicator in DCO's 2009–10 and 2010–11 business plans is the conduct of four mass casualty exercises: Army, Navy, Air Force, and tri-Service. The exercises conducted in 2010 and 2011 include an exercise involving the Defence Crisis Centre, two submarine search and rescue exercises, and a 'desktop' exercise with Army.

<sup>168</sup> On 29 October 2011, three Australian Soldiers were killed and seven were injured at a Forward Operating Base in Afghanistan; one Afghan interpreter was killed and two Afghan interpreters and an Afghan National Army soldier were wounded.

<sup>169</sup> See Figure 4.3.

<sup>170</sup> Department of Defence, *DCO Summary of Bereavement Support After Action Review Actions*, December 2011.

## 3. Delivering support to bereaved ADF families

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*This chapter examines how DCO's Bereavement Support Teams engage with bereaved ADF families, the privacy issues that can arise in providing bereavement support, and eligibility for bereavement entitlements and broader bereavement support.*

### Introduction

**3.1** Bereavement support, including helping families with funeral arrangements, is an important function that occurs in emotional and often complex circumstances, especially following operational deaths.<sup>171</sup> DCO's involvement usually includes personal communication with families to keep them informed of ADF plans for the return of their loved one to Australia and the coordination of official condolences and support.

**3.2** Family arrangements can be complex and, particularly for blended families, DCO must consider the needs of many parties. Families are understandably distressed and may express anger towards the ADF. Further sensitivities arise in the case of suicide or suspected suicide.

**3.3** A deceased member's unit and Service will also wish to support their member's family, with DCO seeking to coordinate the stakeholders and to moderate expectations as necessary—to provide support within established policy and resource limits. DCO must offer support and services to all bereaved families equally while also respecting individual wishes and circumstances. Each funeral preparation is treated by DCO as a personal, family occasion and is necessarily a bespoke process.

**3.4** In some circumstances, and most notably for operational deaths, all of this can occur in a situation of intense community interest and media scrutiny, with Defence supporting the family and also endeavouring to reasonably inform the Australian community through the media. DCO's staff, in offering support to the grieving family and in providing support to the ADF chain of command, are required to support the family through the bereavement stages while also identifying and managing potential risks to Defence's reputation:

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<sup>171</sup> As shown in paragraph 2.2, there was a rise in the incidence of operational deaths in 2010 and 2011.

Depending on the increased level of interest, this can have a range of implications for the family. DCO has a role in managing such situations to assist the family and minimise risks to Defence.<sup>172</sup>

**3.5** The provision of bereavement support is a priority for DCO and requires organisational agility. At the same time as it provides intensive bereavement support, DCO must continue to deliver its other services to ADF families.

**3.6** This chapter examines how DCO's Bereavement Support Teams (BSTs) engage with bereaved ADF families, the privacy issues that can arise in providing bereavement support, eligibility for bereavement entitlements and broader bereavement support and DCO's evaluation of its delivery of bereavement support services.

## The Bereavement Support Team's engagement with the family

**3.7** The BST, under DCO's Model of Bereavement Support, seeks to provide 'emotional and practical support to the family'. The BST does not provide grief counselling—DCO refers people who require such assistance to either VVCS,<sup>173</sup> or a community service provider, or it may pay for grief counselling from an external service provider in some circumstances.<sup>174</sup>

**3.8** Death, bereavement and funeral preparations are generally a private matter. Some bereaved families may choose to accept Defence's support in having a military funeral, while others may wish to have a private funeral. Operational deaths attract increased interest from the media and from Defence's senior leadership, adding further complexities if there is to be a military funeral.

### Initial DCO contact with the family

**3.9** After notification to the Next of Kin, the DCO Manager Deceased Estates contacts the executor to ask them if they will assume the duties of the

<sup>172</sup> Department of Defence, Defence Community Organisation, *DCO Critical Incident and Casualty Support Services* [manual], June 2011, p. 37.

<sup>173</sup> The Veterans and Veterans Families Counselling Service provides counselling and group programs to Australian veterans, peacekeepers and their families. It is a specialised, free and confidential Australia-wide service administered by DVA.

<sup>174</sup> *DCO Critical Incident and Casualty Support Services* [manual], op. cit., section 3.8.14.

executor, and to send them a copy of the member's will. The DGDCO then writes to the executor, or family member. In February 2011, Defence advised the Minister for Defence Science and Personnel that the DGDCO 'writes directly to the family providing information regarding the will, payments and entitlements and processes and procedures'.<sup>175</sup> The intention is that this letter advises the family of their rights and entitlements and establishes the arrangements between the bereaved family and Defence.

**3.10** ANAO examined 16 of these letters in 14 recent bereavement cases and found that there were deficiencies which limit this letter's effectiveness in establishing the basis of arrangements between Defence and the family. The letters examined by ANAO<sup>176</sup> did not indicate that Defence funeral entitlements, and DCO administrative support, were still available to the family regardless of whether the family wished to have the BST or Service support them in making the funeral arrangements.<sup>177</sup>

**3.11** Further, the letters did not contain information on Defence entitlements—DCO has until recently only provided that information orally through the BST once it meets with the family. There is scope to introduce greater clarity and consistency in this initial letter from the DGDCO, to better inform the family of their entitlements, Defence's role (including the limits on Defence's role), and the choices the family (and executor) may make.

**3.12** During the audit, Defence advised that in future, BSTs will personally provide a copy of the DGDCO's letter to the bereaved family, to ensure that the letter was available to families at the time of initial contact with DCO.

## **BST engagement with the family**

**3.13** ANAO examined a selection of recent BST case records. These records indicated that DCO and the BST, once engaged with the family, sought to

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<sup>175</sup> Department of Defence, *Summary of brief to Minister Snowden for a meeting with Head DSO [Defence Support Operations] and DGDCO on 3 February 2011*, Attachment A, Background information, 3 February 2011.

<sup>176</sup> The majority of letters examined by ANAO followed a standard format. However, a number of letters varied from the standard format.

<sup>177</sup> The standard form of the letter informs the executor (or family member) that DCO is responsible on behalf of the Service for providing support for matters relating to the deceased member's estate, and assisting with arrangements for the member's funeral, 'if you require such support'—implying a choice and decisions by the family. However in six of the letters examined by ANAO (37.5 per cent) there was no phrase stating 'if you require such support'.

reinforce and communicate to the unit and to the Service involved the wishes of the executor, the Next of Kin, and family members regarding the funeral arrangements.

**3.14** The DCO Critical Incident Manual directs that the first step in the process is for the BST to check with the notification team 'to ascertain confirmation that the family has agreed to and is expecting contact from DCO' and to 'make arrangements for further contact in accordance with the family's wishes'.<sup>178</sup> The DCO Critical Incident Manual's overriding concept, however, is that the family will require the BST's support.

**3.15** At the initial home visit, the DCO Critical Incident Manual directs the BST to 'explain the role of DCO, including the type and level of assistance provided'. The BST must also explain to the family the level of ADF support available based upon relevant policy and entitlements including those included in PACMAN. The DCO Critical Incident Manual states that, from then until the funeral, the BST 'assists the family to create space for itself and determine the level of ADF support required'.<sup>179</sup>

**3.16** The DCO bereavement booklet states that the BST will discuss with the family the funeral options that are available (which can be military or private), and the level of ADF support that the family requires. However, the DCO Critical Incident Manual directs that the BST is not to provide families with written information on specific entitlements which are detailed in the attachments to the manual.<sup>180</sup>

**3.17** The direction that such important information is only to be provided orally is inconsistent with good practice in the delivery of services to clients. The shock and intensity of bereavement can affect people's ability to absorb oral information. A discussion with the family that provides important information is valuable in terms of both allowing the approach to be adapted to the particular circumstances and in providing the opportunity for questions to be immediately asked and answered. However, it is also important that families are provided with specific written advice on costs and entitlements to allow them to reflect properly on this information before making a decision.

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<sup>178</sup> *DCO Critical Incident and Casualty Support Services* [manual], op. cit., section 3.8.17.

<sup>179</sup> *ibid.*, section 3.8.17.

<sup>180</sup> *ibid.*, sections 3.8.17 and 3.8.21.

Extended families may also take several days to assemble and a written guide enables the family to pass on and consider the information at different times if they wish. In the case of Defence, it cannot be certain that a family has received complete and accurate advice on entitlements if it does not have a record of the advice provided.

**3.18** One effect of the guidance provided by the DCO bereavement booklet and in the DCO Critical Incident Manual is that Defence has relied on the BST to adequately inform the family that they may choose to have a private or a military funeral. Defence Instructions (General) PERS 20–5 *Funerals, Graves and Associated Matters*, which was cancelled in April 2011 with commencement of the DCBSM,<sup>181</sup> contained a clear distinction between a private or a military funeral. It also stated that the MSO was responsible for advising the Next of Kin of the options available and that the Next of Kin ‘may elect to organise a private funeral’.<sup>182</sup>

**3.19** ANAO examined the BST records for 14 cases<sup>183</sup> and identified that often the only comment about the family’s consent to BST involvement was a statement that the BST role was explained to the family. The model of support outlined in the DCO Critical Incident Manual, and the DCO bereavement booklet BSTs provide to families, does not clearly communicate that families have a choice whether or not to involve DCO, and are eligible to receive financial assistance for funeral expenses regardless of DCO’s involvement. Rather, the manual and booklet imply that DCO has an automatic role in funeral planning. It was unclear from the documents examined by ANAO whether families were informed that they could accept these entitlements and receive DCO administrative support, without an obligation to accept the intrusion of the BST into their planning for private funeral arrangements. In the cases examined, ADF families were not provided with adequate information to make clear their specific entitlements to reimbursement of funeral costs and related travel and accommodation (up to approved limits), whether or not they choose to accept the BST’s involvement.

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<sup>181</sup> Defence Instructions (General) PERS 20–8 *Defence Casualty and Bereavement Support Manual*.

<sup>182</sup> Defence Instructions General PERS 20–5 *Funerals, Graves and Associated Matters*, September 2001, paragraphs 3, 28, annex A (1) (f).

<sup>183</sup> The ANAO examined a total of 23 bereavement cases for the audit. Of these 23 cases, the ANAO examined 14 bereavement case files in depth; 4 additional cases solely for the initial DGDCO letter; and DCO’s After Action Reviews for 9 bereavement cases, of which 5 cases were additional to the 14 examined in depth.

**3.20** By publishing more complete guidance to inform families of their entitlements and bereavement support options, DCO could limit reliance on the discretion of individual BSTs and improve the consistency of support services received by bereaved families.

**3.21** In response to the ANAO's analysis set out above, Defence informed the ANAO that DCO had developed an information sheet on funeral entitlements which will be provided to bereaved families. Defence acknowledged that DCO had resisted this in the past as DCO felt that it may be perceived as an impersonal approach. However, in the interests of transparency, DCO will now implement this approach and align its advice with PACMAN, and will also update the client information booklet on bereavement and the DCO Critical Incident Manual.

## Privacy

**3.22** As discussed previously, Defence is subject to the provisions of the Privacy Act. The Information Privacy Principles set out in the Privacy Act cover the collection of personal information for which there is a requirement to obtain informed consent or to limit unreasonable intrusion.<sup>184</sup> Information Privacy Principles Two and Ten require an organisation to not disclose information for a purpose other than the one for which it was collected unless the person consents, or serious safety or legal considerations override.

**3.23** The BST reports through DCO HQ to Defence on any foreseeable risks to Defence's reputation arising during the provision of bereavement support. The DCO Critical Incident Manual tasks the BST's Social Worker with conducting 'an ongoing assessment of the bereaved family's risks to Defence and its reputation' which is then referred to DCO HQ.<sup>185</sup> Under the Information Privacy Principles, this should require the specific consent of all family members and other relevant people for the collection of personal information for this purpose.

**3.24** In the past, Defence has appropriately recognised the need for care in relation to the privacy of the bereaved in this regard. The recently-cancelled DI(G) PERS 42-6 addressed the need to consider both privacy and

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<sup>184</sup> *Privacy Act 1988*, Section 14.

<sup>185</sup> *DCO Critical Incident and Casualty Support Services* [manual], op. cit., section 3.8.7.

organisational need. It stated that ‘one of the most difficult but essential elements in executing the DCO Case Manager’s [BST] role will be the need to make the fine judgment on the balance between the individual client and organisational needs’, particularly when providing information to the ADF chain of command.<sup>186</sup> DI(G) PERS 42–6 has now been cancelled and the replacement guidance appearing in the Defence Family Support Manual does not discuss the privacy of the bereaved—instead, it focuses on conducting assessments of the bereaved family, partly as a means of monitoring ‘risks to Defence’.<sup>187, 188</sup>

**3.25** The 2008 DCO Strategic Review commented on DCO’s bereavement training program and identified similar issues in the delivery of bereavement support to the issues identified in the course of this audit. The review had noted that a number of participants raised concerns about DCO’s bereavement support practices, in particular:

- the intrusive nature of DCO’s bereavement support;
- privacy issues; and
- that protecting Defence’s reputation seemed to take precedence over supporting the family.<sup>189</sup>

**3.26** Since May 2009, DCO staff have been required to provide a verbal privacy statement to all of the family members with whom they meet and to record the giving of that statement.<sup>190</sup> The latest guidance to staff is contained in the DCO Critical Incident Manual, which contains a ‘Privacy Statement—DCO Bereavement Support’ (Privacy Statement).<sup>191</sup> The central issue is that this

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<sup>186</sup> Department of Defence, Defence Instructions (General) PERS 42–6 *Defence Community Organisation support for next of kin of deceased members of the Australian Defence Force and the Australian Defence Force Cadets*, August 2002, paragraph 17.

<sup>187</sup> Department of Defence, *Defence Family Support Manual*, Chapter 2, August 2012, paragraph 2.42.

<sup>188</sup> The extant DI(G) PERS 20–6 states that ‘case management teams will assist families only to a level where the families are comfortable with the intrusion’ (paragraph 106). While recognising the potential for intrusion, it does not explicitly address the need for informed consent to respect privacy.

<sup>189</sup> Department of Defence, Richard Scott, *Defence Community Organisation Strategic Review August 2008*, pp. 17–18.

<sup>190</sup> Until the release of the June 2011 DCO Critical Incident Manual, the relevant DCO guidance required that this be set out in a Record of DCO Privacy Statement—which contains the client’s name and the staff person’s statement about the purpose for which the information was collected.

<sup>191</sup> *DCO Critical Incident and Casualty Support Services* [manual], op. cit., June 2011, section 3.8.23.



Privacy Statement provides only general advice to a person consenting to the release of their information, indicating that the DCO collects information for the following purposes: 'for Command' ... 'to facilitate administrative processes' and 'bereavement support'. This advice does not disclose the extent or full purpose of DCO's collection of information on family members and significant others in a BST-assisted bereavement.

**3.27** None of the bereavement case files examined by the ANAO (which related to cases before September 2011) included documentation which recorded that consent to collect personal information had been obtained. Although documents on the files for several cases stated 'BST role explained', this did not provide sufficient evidence of informed consent. DCO advised the ANAO that some Defence Social Workers do not like providing the Privacy Statement as it is seen as a barrier to engagement with the family.

**3.28** Notwithstanding the sensitivity of the situations in which BSTs need to do their job, it remains important that clear advice is provided to the bereaved about the purposes for which Defence is collecting personal information about them so as to allow them to give informed consent or choose to make other arrangements, as is their right. There would be benefit in Defence consulting with the Office of the Australian Information Commissioner to develop an approach that recognises the difficult circumstances in which BSTs interact with families while also ensuring that the requirements of the Information Privacy Principles are satisfied.

## Recommendation No.2

**3.29** The ANAO recommends that Defence engage with the Office of the Australian Information Commissioner to develop an approach to the administration of its support to bereaved ADF families that, while recognising the sensitivity of the circumstances in which this support is delivered, nonetheless meets the requirements of the Privacy Act and Information Privacy Principles.

**Defence response:** Agreed.

## Eligibility for Defence bereavement support

**3.30** As discussed at paragraph 2.7, Defence's policy and criteria determining the eligibility of a member's dependants and Next of Kin for bereavement support are not currently set out in any central overarching

document. Rather, these criteria are currently split across a number of documents and some of these are inconsistent with each another.

**3.31** Access to Defence's bereavement support involves access to both:

- *Entitlements*, which are regulated by Defence Determination 2005/15 as set out in the *ADF Pay and Conditions Manual* (PACMAN); and
- *DCO's bereavement support*, which is regulated by the DCBSM and the DCO Critical Incident Manual.

### **Access to bereavement entitlements**

**3.32** PACMAN establishes the definitions of Defence dependants who are entitled to certain funeral and bereavement benefits. Dependants are defined as persons who normally live with the ADF member and include:

- the spouse or interdependent partner;
- children; and
- a person who has an interdependency relationship with the member that has been recognised by the CDF.

**3.33** PACMAN allows for a de facto partner to be considered as a dependant only where they are a Defence-recognised interdependent partner.<sup>192</sup> Prior to 2005, Defence automatically accepted de facto partners as Defence dependants without the requirement for a recognition process; the recognition process was brought in when Defence extended benefits to same-sex relationships.

### **Access to bereavement support from DCO**

**3.34** In launching the *ADF Commanders Guide: Looking after families following a Service death* in August 2008, the then CDF instructed Commanders to be flexible when ensuring that bereavement support was provided. The CDF stated:

... we have an obligation to provide timely and compassionate assistance to our ADF family members. I require your personal supervision to ensure that this support is available and provided when and where needed. Such support

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<sup>192</sup> De facto or same-sex partners are considered to be Defence dependants and 'interdependent partners' only where they are either: Defence-recognised under DI(G) PERS 53-1 *Recognition of interdependent partnerships*, or have been recognised by the CDF under PACMAN clause 1.3.79—*CDF recognised Dependants*.

may also extend beyond the nominated next-of-kin, as other family members and workmates will undoubtedly be affected by the loss.<sup>193</sup>

**3.35** The DCBSM indicates that Defence bereavement support is provided to the Next of Kin and the executor. As discussed earlier, PACMAN defines the Next of Kin as either a dependant (which does not include an unrecognised partner), or another family member that the member has nominated (in PMKeyS) for this purpose.<sup>194</sup> Confusingly, and in contrast with this, the DCBSM states that ‘a De facto or Interdependent Partnership does not need to have been recognised by Defence for support to be provided under provisions of this manual’.<sup>195</sup>

**3.36** The subordinate DCO Critical Incident Manual states that persons eligible for DCO’s bereavement support are:

- the spouse or interdependent partner; or
- parents of a single member; or
- Defence-recognised dependants; or
- relatives for whom the deceased member had primary responsibility.<sup>196</sup>

**3.37** The DCO Critical Incident Manual states that ‘bereavement support is generally not provided to partners who are not recognised by Defence, extended family members and siblings’.<sup>197</sup> The manual does provide that ‘in exceptional circumstances, the DCO’s Director Professional Practice in consultation with DGDCO can approve bereavement support to additional persons’.<sup>198</sup> There have been instances where DCO has determined that bereavement support is required for an unrecognised partner.<sup>199</sup> ANAO examined recent bereavement cases where DCO, after consideration by the DGDCO or delegate, had extended support to a deceased member’s girlfriend

<sup>193</sup> Department of Defence, *ADF Commanders Guide: Looking after families following a Service death*, p. 2.

<sup>194</sup> Department of Defence, ADF Pay and Conditions Manual clause 11.4.4—*Definitions*.

<sup>195</sup> Defence Instructions (General) PERS 20–8 *Defence Casualty and Bereavement Support Manual*, September 2011, Glossary AL1, p. 3.

<sup>196</sup> *DCO Critical Incident and Casualty Support Services* [manual], op. cit., section 3.8.2.

<sup>197</sup> *ibid.*

<sup>198</sup> *ibid.*

<sup>199</sup> Unrecognised partner refers to a de facto and/or same-sex partner whom the ADF member has not declared through the DI(G) PERS 53–1 *Recognition of interdependent partnerships*, recognition process.

or de facto, notwithstanding that their partnership was not recognised by Defence.

**3.38** The DCO Critical Incident Manual does not define ‘exceptional circumstances’. As a result, DCO’s decisions on whether exceptional circumstances exist are made on a case-by-case basis at the discretion of the DGDCO or the Director of Public Prosecutions. In this circumstance, care needs to be taken to ensure that decisions are made on a consistent basis. In addition, there can be a lack of transparency for the family and other stakeholders<sup>200</sup> regarding the basis for these decisions and some potential for a perception to arise that an individual has been unfairly treated.

**3.39** Additionally, where a younger deceased ADF member has both a partner (Defence-recognised or unrecognised interdependent partner) and also grieving parents, the eligibility criteria introduce a risk that DCO may choose to not support either an unrecognised partner, or the deceased member’s parents. The eligibility criteria are exclusive, and may incline DCO toward choosing to support one over the other. In cases examined by the ANAO, DCO has addressed this problem by at times assigning separate BSTs to the partner and the parents—but this does not occur in all cases. In other cases, the unit commander has supported an unrecognised partner where DCO has decided not to provide support.

### **Support for de facto partners who are not Defence-recognised**

**3.40** The status of the unrecognised partner as described above reflects conflicting Defence policy decisions about access to bereavement support. The result is that an interdependent partner who has not been formally recognised as such by Defence prior to a member’s death:

- is not eligible to be considered as the Next of Kin, even if nominated by the member as their Next of Kin;
- may be eligible for bereavement support from Defence according to the DCBSM;<sup>201</sup>

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<sup>200</sup> Such as the deceased member’s comrades and ex-Service organisations.

<sup>201</sup> The Glossary for the DCBSM has a Next of Kin definition and a Note which states that a de facto or interdependent partnership does not need to be recognised by Defence for support to be provided under the provisions of the manual.

- is not eligible for bereavement support from DCO according to the DCO Critical Incident Manual unless ‘exceptional circumstances’ are accepted to exist by the relevant DCO delegate;
- will not be granted travel and accommodation assistance to attend the funeral, as Determination 2005/15 entitles only Defence-recognised interdependent partners to be dependants for the purposes of these benefits;<sup>202</sup> and
- does not appear to be eligible for payment by Defence of funeral costs as they are not a Defence dependant,<sup>203</sup> but may be eligible to claim for a funeral expenses payment from DVA.<sup>204</sup>

**3.41** Partners may be unrecognised for a number of reasons. The member may simply neglect to nominate a Next of Kin in PMKeyS and thus fail to assign a right to a partner living in an enduring relationship in a common household. In other cases, members may choose to not have a de facto partner recognised by Defence, or nominate them as Next of Kin, because they have chosen not to declare that they are living in a de facto relationship. This may occur where a member is accessing entitlements to assistance for rent and travel that are only available to single members. In the event of a member’s death, such omissions or decisions may have the effect of limiting Defence’s support to a person who the civil community would otherwise see as having been in a marriage-like relationship with the deceased member and therefore their Next of Kin.

**3.42** This situation can create problems and potential risks for Defence. Many of the members killed on operations in recent years have been in their early twenties, with grieving parents, siblings and a partner. As discussed in paragraph 3.36, DCO’s criteria generally confine eligibility for bereavement support to the spouse or Defence-recognised interdependent partner; or the

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<sup>202</sup> Department of Defence, ADF Pay and Conditions Manual clause 1.3.76—*Dependants* and clause 11.4.7—*Travel and accommodation*.

<sup>203</sup> See: Department of Defence, ADF Pay and Conditions Manual clause, 1.4.4—*Definitions*, Next of Kin, and 11.4.5 (1)—*Funeral costs*. This defines the ‘Next of kin’, for the purposes of Part 4, *Funeral costs, floral and other tributes*, as ‘The member’s dependant or another family member the member has nominated for this purpose’. The unrecognised de facto partner is not a Defence dependant but the definition is ambiguous.

<sup>204</sup> Department of Veterans’ Affairs, *DVA Fact Sheet MRC 17*, Funeral Expenses. Compensation of up to \$10 412.50 may be awarded for funeral costs.

parents of a single member; or Defence-recognised dependants; or relatives for whom the deceased member had primary responsibility.<sup>205</sup> However, in some cases, DCO has decided to provide support to non-dependant siblings and unrecognised partners as well as parents of members with partners.

**3.43** In instances where DCO does not provide support to an unrecognised partner, this may cause tension between DCO and the member's unit, as the unit may consider an unrecognised partner as deserving of bereavement support. Such a case was raised in a question on notice in the Senate in early 2011.<sup>206</sup>

**3.44** It is important that the eligibility criteria for Defence bereavement entitlements and support, including that delivered by DCO, are visible to all of the Defence bereavement support stakeholders, including unit Commanding Officers, Chaplains and ADF members and their families. Currently, relevant information is spread across multiple documents and PACMAN. In particular, there is ambiguity which can lead to inconsistent or inadequate support provided to the de facto partner of a member who is not officially recognised by Defence. The DGDCO noted this problem in January 2011 and stated it was 'a known ongoing issue which is being raised at a strategic level'.<sup>207</sup>

**3.45** Defence informed ANAO that it acknowledged that a uniform process is needed so that there is no discrimination between married and de facto couples in accessing benefits (including for bereavement). Defence is currently reviewing its approach to dependants, including the development of a draft Determination to amend Defence Determination 2005/15, and anticipates the new Determination will be made in late 2012.

## **The rationale for Defence requiring prior recognition of relationships**

**3.46** Defence has advised the ANAO of its intention to amend Defence Determination 2005/15 with a new determination, currently in development, that will define a partner—as a de facto—using similar criteria to that included in

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<sup>205</sup> DCO *Critical Incident and Casualty Support Services* [manual], op. cit., section 3.8.2.

<sup>206</sup> The Senate, *Hansard*, 23 February 2011, p.119.

<sup>207</sup> Department of Defence, DGDCO Minute, *After Action Reviews for bereavements in 2010*, p.1.

the Acts Interpretation Act.<sup>208</sup> However, Defence will still require the member to make (a prior) application to establish the partner's eligibility for benefits. Defence's approach will therefore continue to differ from that of other Australian Government agencies regarding the recognition of a marriage-like (de facto) relationship, particularly with regard to bereavement.

**3.47** Defence's view is that its approach vests responsibility in the member to declare the relationship and so avoid situations which have arisen in the past where members were claiming single benefits to which they were not entitled. However, in bereavement, this is the nub of the problem. The member may not be inclined to make an application for Defence to recognise their partner, or may be unaware of its importance, or the member may have been claiming benefits to which they were not entitled and subsequently dies in service. Although the unrecognised partner may be unaware of any omission by their partner or of any inappropriate claims, they will still be denied access to Defence bereavement support and benefits as the member had not informed Defence of their relationship. Accordingly, there would be merit in Defence considering alternative approaches to address both its concern over inappropriate claims and the issues relating to unrecognised partners.

**3.48** In response to ANAO's identification of problems for unrecognised partners, Defence advised that PACMAN clause 1.3.79 enables a wide discretion for the CDF or delegate to recognise a de facto relationship and that recognition can be obtained after a member's death. However, notwithstanding this power, Defence also informed ANAO that the DGDCO, Defence Personnel and the Service Directors General Personnel were unaware of any bereavement case in the last few years where DCO or Defence have sought such CDF recognition to provide benefits and assistance to an unrecognised partner.

**3.49** In summary, in January 2011 the DGDCO identified this was a problem and was seeking strategic advice from Defence. In January 2012, Defence informed ANAO that there is a solution in PACMAN which would allow unrecognised partners to gain access to bereavement entitlements, but it has not been sought by DCO or employed by Defence in a bereavement case in the

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<sup>208</sup> The Acts Interpretation Act defines a 'de facto relationship' as a relationship where the two persons '(a) are not legally married to each other; and (b) are not related by family; and (c) have a relationship as a couple living together on a genuine domestic basis'. (Section 2F.)

last few years. In response to this issue, in August 2012 Defence informed the ANAO that the draft determination under development will enable Defence to examine the circumstances and make a decision, not restricted by the information previously supplied by the deceased member.

**3.50** This appears to be a mechanism for addressing the difficulties faced by de facto partners who have not received prior Defence recognition (or in complex family situations). During the course of the audit, Defence has recognised that there would be benefit in utilising the flexible discretionary clauses contained in the determinations which underpin support for families, and in ensuring that future determinations clearly contain such discretion as to enable decision makers to provide support to the family of injured or deceased members.

**3.51** Defence will need to promulgate this change in approach so that the mechanism is understood—unlike the current provision in PACMAN (1.3.79). In the case of bereavement and critical incidents, Defence will also need to be able to expedite the use of this clause for it to be effective.

## Bereavement support evaluation

**3.52** DCO has developed After Action Reviews (AARs) as a process for the continuous improvement of its delivery of bereavement support. Defence advised that Army also conducts AARs for operational deaths.

**3.53** DCO's AARs consider the Next of Kin's and the family's assessed or reported satisfaction with funeral and bereavement support. The review also considers what went well and the quality of interaction with external parties such as the deceased member's unit, the Service command and the Chaplain.<sup>209</sup> For the period from January 2010 to end March 2011, DCO completed AARs for 35 of the 51 bereavements supported. AARs were also completed for nine of the 12 operational deaths that occurred during that period.<sup>210</sup>

**3.54** DCO has begun to consolidate the learning from the AAR process by producing a six-monthly summary report of the AARs completed in the period. This AAR summary identifies themes, key issues and recommendations and brings them to the attention of DCO's senior

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<sup>209</sup> *DCO Critical Incident and Casualty Support Services* [manual], op. cit., section 3.8.1.

<sup>210</sup> Reviewed 7 June 2011.



management. The AAR process could be further improved by enlarging the review group for a sample of complex bereavement-support cases to include input from the Commanding Officer or unit representative, the involved Chaplains, and the relevant Service. This would encourage a deeper analysis of the coordination and delivery of Defence bereavement support.

**3.55** A recent six-month summary AAR report identified a range of problems that ANAO also observed during this audit. These included that:

- roles and responsibilities are not clearly understood between units, BSTs and Chaplains and that DCO is not maximising coordination between all three parties;
- families did require written information on bereavement support processes and entitlements;
- DCO's focus on the executor and Next of Kin can lead to problems and gaps in support for significant others and other family members; and
- MSOs can provide an effective coordinating and leading role in a BST but are not being tasked to do so.<sup>211</sup>

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<sup>211</sup> Department of Defence, Defence Community Organisation, *Summary of Bereavement Support After Action Review Actions*, December 2011.

## 4. Administering financial entitlements for bereaved ADF families

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*This chapter examines DCO's administration of financial entitlements for the bereaved following a death in service.*

### Introduction

**4.1** The entitlements of ADF members are regulated by Defence Determination 2005/15 as set out in the *ADF Pay and Conditions Manual* (PACMAN), which specifies the pay and conditions of ADF members, including in the event of death.<sup>212</sup> Under PACMAN, the DGDCO is authorised to: administer entitlements for travel and accommodation for family to attend a funeral, re-imburse funeral expenses, pay outstanding leave, make a bereavement payment,<sup>213</sup> and make a payment to dependants in certain circumstances to meet the cost of obtaining financial and legal advice.<sup>214</sup>

**4.2** The Defence Casualty and Bereavement Support Manual (DCBSM) was prepared by DCO, issued by Defence in April 2011 and revised in September 2011. As mentioned previously, the DCBSM is the primary source of policy on bereavement support provided by Defence.<sup>215</sup> In addition to the DCBSM, DCO has also established the DCO Critical Incident Manual to guide its staff in delivering bereavement support.<sup>216</sup>

**4.3** This chapter examines DCO's administration of Defence entitlements upon the death of an ADF member. In particular, it considers DCO's administration of the bereavement payment—an interim payment to a person

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<sup>212</sup> Department of Defence, *ADF Pay and Conditions Manual*, clause 3.2.9—*Death or presumed death of a member*, and clause 1.6.5—*Effect of death on eligibility for salary and allowances*. <<http://www.defence.gov.au/dpe/pac/>> [accessed 7 March 2012].

<sup>213</sup> The bereavement payment is an interim payment to a person financially dependent upon a deceased member to provide income over the period before long-term compensation payments from DVA come into effect.

<sup>214</sup> Department of Defence, *ADF Pay and Conditions Manual*, 2005/15, clause 11.4.5—*Funeral costs*. This clause also gives the DGDCO the discretion to authorise re-imbursments in excess of \$12 500 in exceptional circumstances.

<sup>215</sup> Defence Instructions (General) PERS 20–8 *Defence Casualty and Bereavement Support Manual*, Canberra, September 2011.

<sup>216</sup> Department of Defence, Defence Community Organisation, *DCO Critical Incident and Casualty Support Services* [manual], June 2011.

financially dependent upon a deceased member. The chapter also considers DCO's liaison arrangements with DVA for bereavement support.

## Financial assistance with funerals and associated travel

**4.4** The ANAO observed instances where the DCBSM and the DCO Critical Incident Manual provide guidance for DCO staff which is inconsistent with PACMAN. The following are two examples where this guidance for DCO staff may lead to incorrect administration of these entitlements.

**4.5** The first example of a difference between PACMAN, the DCBSM, and the DCO Critical Incident Manual concerns funeral arrangements. PACMAN establishes arrangements for the DGDCO to approve an application for costs, payable to the funeral director, the Next of Kin, or the executor, and requires the submission of invoices or receipts to support the payment of costs. In contrast, the DCBSM and DCO Critical Incident Manual require the MSO on the BST to confirm the funeral details with the family and to submit an itemised funeral invoice to DCO HQ for approval, 72 hours before the funeral.

**4.6** The second example relates to entitlements for costs of travel and accommodation for dependants to attend a funeral. PACMAN clause 11.4.7—*Travel and accommodation* allows the DGDCO to approve funeral travel and accommodation for the deceased member's dependants and for their parents. By contrast, the DCBSM (paragraph 4.13) and the DCO Critical Incident Manual (section 3.8.25) both state that travel and accommodation for a member's parents will normally only be approved where a deceased member had no dependants. However, PACMAN makes no such distinction and allows for the DGDCO to approve travel for both the deceased member's dependants and parents.

**4.7** Given the inconsistency between the policy manuals and PACMAN, ANAO sought advice from Defence on this matter. The Personnel Policy and Employment Conditions Branch, which is the responsible area in the department, informed ANAO that the decision-maker must consider any request from both dependants and parents and grant the request if it is reasonable to do so. In light of this and Defence's advice that the Ministerial Determination as expressed in PACMAN takes precedence over the DCO Critical Incident Manual and the DCBSM, there would be benefit in Defence aligning these manuals with PACMAN to reduce the potential for errors in the administration of bereavement entitlements.

## Immediate financial assistance for bereaved persons

**4.8** A number of assistance payments may be made to an eligible person following the death of an ADF member. These include:

- the bereavement payment—an interim payment to a person financially dependent upon a deceased member to provide income over the period before long-term compensation payments from DVA come into effect;
- a payment in lieu of leave that the deceased member would have been entitled to and compensation for the loss of, or damage to, their personal effects; and
- long-term compensation provided by DVA.

**4.9** As the CDF's delegate, the DGDCO authorises payment in lieu of the member's accrued leave. This is paid to the member's dependants or the member's legal personal representative (executor) if the member has no dependants. There is no application or claim process involved for this payment.

**4.10** A bereavement payment, equivalent to four gross fortnightly pays, is provided for in PACMAN. The bereavement payment is payable to a person who was financially dependent on the deceased member.<sup>217</sup> There is no formal application process for the bereavement payment and if no person is eligible, the amount is not paid. ANAO examined the administration of the bereavement payment in detail because it is a discretionary payment, is of significant value, is wholly administered by DCO, and is intended as immediate assistance to a bereaved person.

**4.11** When administering the bereavement payment, DCO's collection of evidence and decision-making takes place in a difficult and sensitive environment, dealing with people in varying stages of grief. DCO may at times deal with complex or complicated family arrangements—sometimes with multiple people who may have a claim of financial dependency on the deceased member. In this situation, DCO has to balance the need to obtain evidence of a relationship of financial dependency, while at the same time minimising the BST's intrusion into the personal affairs of the bereaved.

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<sup>217</sup> Department of Defence, ADF Pay and Conditions Manual, clause 11.3.3—*Bereavement payment*.

## Assessing financial dependency and eligibility for a bereavement payment

**4.12** The DGDCO is the authorised decision-maker for bereavement payments on behalf of the CDF. Under PACMAN, if a person is found by the decision-maker to have been financially dependent, the bereavement payment must be authorised. The payment is made to a ‘dependent person’ who PACMAN defines as ‘a person who was financially dependent on the deceased during the relevant pay period’. The relevant pay period is the fortnight prior to the member’s death.<sup>218, 219</sup>

**4.13** Defence People Strategies and Policy Group provided advice to DCO HQ in May 2011 about the history of the bereavement payment and other payments upon the death of a member.<sup>220</sup> According to that advice, Defence Determination 1998/9 created the bereavement payment and used the concept of ‘dependency’ similarly to relevant compensation legislation of that time. At the time the bereavement payment was introduced, de facto partners were eligible to receive the payment and were automatically considered by Defence to be ‘dependants’—without the requirement for a formal process of recognition. When Determination 1998/9 was amalgamated into Determination 2000/1 it ‘included an express definition of dependency which was based on economic dependency rather than recognised “dependant” status’. The advice stated:

This approach was retained as it ensured two things:

- that family members recognised by the member and community outside Defence continued to have an ability to claim assistance which could otherwise be denied by the action of a Defence decision-maker imposing a rigid administrative process to discriminate on the basis of personal views, marital status or sexual preference; [and]

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<sup>218</sup> See the Department of Defence, ADF Pay and Conditions Manual, clause 11.3.3—*Bereavement payment*.

<sup>219</sup> The ‘dependent person’ is a term which solely relates to the definition of a ‘financially dependent’ person and has no relationship to PACMAN’s definition of a ‘dependant’.

<sup>220</sup> Department of Defence, Email to Director General DCO from Director Conditions Information and Policy Services, 26 May 2011.

- it has also provided some flexibility to assist dependants where a Defence member has omitted to follow the process they should have.<sup>221</sup>

**4.14** Therefore, the definition of a financially-dependent person adopted by Defence for this payment makes the bereavement payment available to a wider range of people than is generally available under the current Determination 2005/15, PACMAN. Defence confirmed that this was an intentional decision—‘so as to ensure that in the event that a member had not gotten around to applying for benefits for a new dependant when the member died, the person could be given access to the immediate support that the payment provides’.<sup>222</sup>

**4.15** The similarity in the terms ‘dependent person’ and ‘dependant’ has led to some confusion within DCO when considering the eligibility of a person for the bereavement payment. PACMAN may add to this confusion as it directs that the bereavement payment is to be made under a separate clause of PACMAN.<sup>223</sup> This clause states that an amount payable on the death of a member is paid to the member’s ‘dependants’ and the member’s ‘legal personal representative’. However, Defence has confirmed that this clause does not require that the person is a ‘Defence dependant’ as otherwise defined by PACMAN to qualify for the bereavement payment and that the definition of financial dependency is the overriding consideration.

**4.16** In determining whether a bereavement payment should be made, DCO is required to establish if there was a person financially dependent on the deceased member. The principles in a relevant Defence policy on decision-making direct that decision-makers are to examine all relevant facts of each case, and are not to consider irrelevant matters when making their decision.<sup>224</sup> Decision making for the bereavement payment is therefore expected to focus

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<sup>221</sup> Department of Defence, Defence Support Group, Directorate of Conditions Information and Policy Services advice to DCO on 26 May 2011.

<sup>222</sup> Defence response to the ANAO, 15 December 2011.

<sup>223</sup> Department of Defence, ADF Pay and Conditions Manual clause 1.6.4—*Payment of amounts on death of a member*.

<sup>224</sup> Department of Defence, Personnel Policy and Employment Conditions Branch, *The Decision-maker's Handbook*, 2006, p. 22.

on financial dependency, and should not take into consideration whether a deceased member's dependent was recognised as a 'dependant' by Defence.<sup>225</sup>

**4.17** ANAO identified examples demonstrating confusion within DCO on this issue. ANAO examined decision briefs prepared within DCO advising the DGDCO on whether to authorise a bereavement payment in a particular case.<sup>226</sup> The briefs contained background information and available evidence of a person's financial dependency on the deceased member with a recommendation for the decision-maker based on that evidence. The DCO decision briefs referred to three sections of PACMAN—two of which were unrelated to the bereavement payment;<sup>227</sup> and Defence Instructions (General) PERS 53–1 *Recognition of interdependent partnerships* which is also unrelated to the bereavement payment criteria in PACMAN.

**4.18** Following ANAO discussions with DCO in July 2011 about the errors identified above, DCO developed a new Bereavement Payment Decision Brief format which removed the incorrect references. The brief now correctly refers to the clause in PACMAN which defines the bereavement payment (11.3.3—*Bereavement payment*). The brief also summarises the evidence DCO has gathered and provides a recommendation for consideration and approval by the decision-maker. Defence informed ANAO in December 2011 that the problems with DCO's administration of the bereavement payment had therefore been resolved.

**4.19** In December 2011, in response to an ANAO request for the current guidelines, the decision maker supplied written guidelines for determining financial dependency. These guidelines were prepared by the decision maker and stipulate that the qualifying criteria for the bereavement payment includes that 'the person is a Defence recognised dependent and is on PMKeyS or there has been approval in writing prior to the death but not yet inputted into

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<sup>225</sup> Department of Defence, ADF Pay and Conditions Manual, clause 11.3.3—*Bereavement payment* refers to clause 1.6.4 for the payment of the bereavement payment. Defence has acknowledged that as clause 1.6.4 only refers to 'dependants', it is not consistent with the Explanatory Statement in Defence Determination 1998/9 and should not be read down in this context.

<sup>226</sup> The DCO Critical Incident Manual states that a decision brief for the DGDCO is to be prepared, see *DCO Critical Incident and Casualty Support Services* [manual], op. cit., p. 57.

<sup>227</sup> Department of Defence, ADF Pay and Conditions Manual clause 11.3.2—*Entitlement for leave and other compensation*; ADF Pay and Conditions Manual clause 1.6.4—*Payment of amounts on death of a member*; and ADF Pay and Conditions Manual clause 1.3.76—*Dependants*.

PMKeyS'.<sup>228</sup> In this regard, the decision maker's guidelines were inconsistent with PACMAN clause 11.3.3—*Bereavement payment*, as they focus on recognition of the dependant rather than financial dependency. Similarly, during the course of the audit, the ANAO had noted several cases where the DCO decision making for the bereavement payment appeared to include an irrelevant consideration about the Defence dependant status of the person. DCO is now of the view that these guidelines were not the official published bereavement payment guidelines, and are not used by DCO.

## **Advising the beneficiary**

**4.20** DCO's practice is that when the DGDCO authorises a bereavement payment, the DGDCO notifies the beneficiary by letter. When the DGDCO does not authorise a bereavement payment, the BST informs the affected person orally of the decision. DCO advised that it is not required to notify the claimant in writing of the decision.<sup>229</sup> DVA also administers entitlements for bereaved dependants. In contrast to DCO's practice, those applying for compensation from DVA receive a letter of decision once DVA has considered their claim—explaining the reasons for decision and how to appeal a decision if the applicant is not satisfied that it is correct.<sup>230</sup>

**4.21** While acknowledging the benefit of personally informing bereaved clients, it is good administrative practice to also record decisions and to provide reasons for decisions in writing so that the affected person may seek review or redress if they disagree with a decision. It is also good practice, when informing clients of a decision, to include the relevant facts and the reasons for decision, particularly if the decision is adverse to the person's interests.<sup>231</sup>

**4.22** The ANAO examined several bereavement payment cases and found that DCO did not retain a record of the decision-maker's consideration, nor a

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<sup>228</sup> Department of Defence, Defence Community Organisation, *Financial Dependency*, received 12 January 2012.

<sup>229</sup> DCO advised ANAO of this on 9 June 2011. DCO indicated that while a letter had been provided to an unsuccessful claimant in one case, this was not normal practice and was not required.

<sup>230</sup> Department of Veterans' Affairs, *DVA Factsheet MRC27: Reconsideration and Review of Decisions*, 29 October 2010.

<sup>231</sup> This approach is adopted in Department of Defence, Personnel Policy and Employment Conditions Branch, *The Decision-maker's Handbook*, 2006, pp. 24 and 29.



weighing of the factors in their decision.<sup>232</sup> The ANAO considers that the evidence gathering and decision-making for bereavement payments would benefit from an improved process based upon the grounds for review contained in the *Administrative Decisions (Judicial Review) Act 1977*<sup>233</sup> and Defence's *The Decision-maker's Handbook*. In particular, there would be benefit in DCO:

- clearly identifying the test for financial dependency to be applied;
- identifying the potential beneficiary and providing them with brief written guidance about the evidence required;
- developing an application form and process; and
- writing to the potential beneficiary explaining the decision, offering a review if they are dissatisfied with the decision and informing the person of their rights of complaint to the Defence Force Ombudsman.

**4.23** In August 2012, in response to issues raised by the ANAO in the course of the audit, DCO recognised that there may have been inconsistent application of the proper qualifying criteria in the decision-making process for the bereavement payment. DCO agreed to revise its decision-making brief for the bereavement payment; record its reasons for decisions; write to the potential beneficiary to explain the decision and inform them of their rights for review. DCO also undertook to review all bereavement payment decisions where a bereavement payment was not granted in 2010 and 2011. Further, DCO is considering developing clearer guidance to define 'a person who was financially dependent on the deceased member during the relevant pay period'.<sup>234</sup>

## Communication between DCO and DVA

**4.24** DCO advises DVA of the death of a member and shares information between high-level contact officers in DCO and DVA with the aim of

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<sup>232</sup> Case records show that DCO retains the brief to DGDCO with the decision-maker's signature, date of decision, and whether the bereavement payment was approved or not approved.

<sup>233</sup> *Administrative Decisions (Judicial Review) Act 1977*, section 5 and section 6. While the AD(JR) Act may not apply to the bereavement payment, *ADFP 0.6.13—Guide to Administrative Decision-making* (25 January 2010) and *The Decision-maker's Handbook* convey the same principles and are intended to allow people to have a clear understanding of how a decision maker arrived at a decision.

<sup>234</sup> Department of Defence, ADF Pay and Conditions Manual, clause 11.3.3.

providing consistent and timely support to the deceased member's dependants and to manage media interest in high-profile service deaths. Initially, DCO informed the ANAO that an *Interdepartmental High Profile Case Protocol for ADF Entitlements Matters*—that was intended to regulate the bereavement or incident support arrangements between DCO, DVA and ComSuper—had been updated in May 2008.<sup>235</sup> However, further ANAO inquiries demonstrated that the protocol has not been updated since it was issued in 2006.<sup>236</sup> DVA had drafted an updated protocol in 2008, which DCO commented upon, though the updated protocol had not been signed and promulgated. Since the original protocol was created in 2006, there have also been changes in practice which until recently were not formalised and incorporated into the protocol. In May 2012, Defence and DVA signed an MOU (intended to replace the earlier protocol, in due course) on interagency coordination following a service death.<sup>237</sup> Defence and other agencies are also drafting a further MOU to facilitate coordination between Defence, DVA, Centrelink and ComSuper.

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<sup>235</sup> DCO contacts DVA and ComSuper, advises them of the death, and sends DVA details of the member's death, the Emergency Contact details, and advises that a BST has been formed. DVA administers compensation under the *Military Rehabilitation and Compensation Act 2004* to partners and dependent children of deceased members, where there is a link between the member's military service and their death.

<sup>236</sup> Department of Veterans' Affairs, *Protocol for Handling Joint Department of Defence and Veteran's Affairs Compensation Matters*, 2006—provided to the ANAO by DVA on 16 March 2011.

<sup>237</sup> Memorandum of Understanding, Schedule no 15, '*Transition of Bereaved Dependants and Families from the Defence Community Organisation to the Department of Veterans' Affairs*', 28 May 2012.

## 5. Family support for seriously ill and injured ADF members

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*This chapter examines Defence's provision of family support to seriously ill and injured ADF members through the Australians Dangerously Ill Scheme.*

### Introduction

**5.1** Members of the ADF are often posted or deployed to locations geographically distant from their Next of Kin or close family. Defence has recognised the difficulties that separation can cause when a member is hospitalised and has established the Australians Dangerously Ill (AUSDIL) Scheme as a means of sponsoring a family member or other nominated and eligible person to visit an ADF member hospitalised through serious or very serious illness or injury, at Commonwealth expense, for up to 7 days.<sup>238</sup> A key principle is that the scheme exists for the benefit of the member.<sup>239</sup>

**5.2** While AUSDIL visits are usually within Australia, Defence also sponsors overseas AUSDIL visits where necessary. Defence sponsored a total of 90 AUSDIL visits for ADF members in 2009–10, 47 visits in 2010–11, and 55 visits in 2011–12. Total AUSDIL expenditure in 2011–12 was \$231 740.

**5.3** ADF members seriously injured in Afghanistan are evacuated to Landstuhl Regional Medical Centre<sup>240</sup> in Germany for treatment. In recent years, Defence has sponsored several AUSDIL visits to Landstuhl Regional Medical Centre for the families of ADF members injured on operations in Afghanistan.<sup>241</sup> As of October 2012, 242 ADF members have been wounded in

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<sup>238</sup> Defence Determination 2012/18, *Australians dangerously ill scheme*, 4 April 2012, clause 9.5.53K and 17.3A.7. The duration may be extended up to 21 days or more.

<sup>239</sup> Department of Defence, *Defence Casualty and Bereavement Support Manual*, May 2012, Chapter 2, paragraph 2.4.

<sup>240</sup> Landstuhl is the largest American hospital outside the United States, and is the evacuation and treatment centre for all injured US service members and contractors as well as members of 44 coalition forces serving in Afghanistan, Iraq, US Africa Command, US Central Command, US European Command and US Pacific Command.

<sup>241</sup> Australian families visiting soldiers hospitalised at Landstuhl have previously been able to stay for free in Fisher Houses: costs are covered by the Fisher House Foundation. The Minister for Defence Science and Personnel announced on 7 June 2012 that Australia would provide \$225 000 to the Fisher House Foundation between June 2012 and 2015–16.

Afghanistan since 2001, with 48 Australians wounded in 2011 and 29 wounded as at 16 October 2012.<sup>242</sup>

**5.4** The ill or injured ADF member's Service funds an AUSDIL visit. DCO administers the AUSDIL Scheme and is responsible for approving requests for AUSDIL visits. DCO also provides social work services in relation to AUSDIL visits with the objective of minimising the stress to the member and family resulting from the member's hospitalisation.

**5.5** This chapter outlines the governance and policy arrangements for the AUSDIL Scheme, including the eligibility criteria and roles and responsibilities of the parties involved. It then examines DCO's administration of the AUSDIL Scheme, and considers DCO's new case management approach and related privacy considerations.

## **AUSDIL governance and policy**

**5.6** The AUSDIL Scheme was originally established by Defence Instructions (General) PERS 11-1 *Australians Dangerously Ill Scheme* (the AUSDIL DI(G)) which was issued in 2001.

**5.7** In December 2011, Defence advised the ANAO that it had decided that the AUSDIL Scheme should be supported by a Determination made by the Minister under section 58B of the Defence Act as the AUSDIL Scheme provides a benefit for ADF members. Defence Determination 2012/18 *Australians dangerously ill scheme* (the AUSDIL Determination) was issued on 4 April 2012. The AUSDIL Determination is delegated legislation and overrides a Defence Instruction or Defence Manual where there is any inconsistency. The AUSDIL Determination contains several changes that expand the criteria to qualify for

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<sup>242</sup> Department of Defence, 'Battle casualties in Afghanistan', <http://www.defence.gov.au/op/afghanistan/info/personnel.htm> [accessed 25 October 2012].

an AUDSIL visit and clarify additional details.<sup>243</sup> The AUDSIL DI(G) was cancelled when Chapter 2 of the DCBSM was promulgated on 10 May 2012.<sup>244</sup>

**5.8** Under the AUDSIL Scheme, an AUDSIL visit can be activated in situations where the member is categorised as 'Very Seriously Injured/III' and likely to remain so or may die within the following 72 hours, or where the medical authority has certified that a visit will substantially benefit the member's condition.<sup>245</sup> AUDSIL visits can also be authorised in cases where a member is 'Seriously Ill' or 'Seriously Injured', is undergoing specialist treatment outside their posting locality, is suffering from a long-term illness, a mental health condition, or is an ADF member under 18 years of age who requires medical treatment.

### **Eligibility criteria for visitors under the AUDSIL Scheme**

**5.9** In the context of access to entitlements and provision of Defence support, in most circumstances Defence does not recognise a member's de facto partner unless the member has complied with Defence's requirement to have their partner officially recognised. Accordingly, PACMAN has allowed a de facto partner to be considered as a dependant only where they are a Defence-recognised interdependent partner.<sup>246</sup>

**5.10** The original AUDSIL DI(G) included broad eligibility criteria which allowed a range of different people to be eligible to visit an ADF member under the AUDSIL Scheme. This included spouses or partners (including de

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<sup>243</sup> In particular: a member or cadet aged 18 years or less will now be eligible to receive AUDSIL support if they require medical treatment; a definition for a serious illness has been added; the CDF or their authorised decision maker is the sole approver for AUDSIL; for an overseas AUDSIL, Defence now provides overseas travel and medical insurance for the person travelling on the visit; and a person eligible to make a visit who has a medical condition must obtain written 'fitness to travel' certification from a medical practitioner.

<sup>244</sup> As discussed previously, Defence is currently seeking to improve the guidance provided to staff and also reduce the number of DI(G)s by updating the material contained in certain DI(G)s and then compiling them into relevant Defence Manuals. Accordingly, the AUDSIL DI(G) was revised and issued as Chapter 2 of the DCBSM, *Defence Force Sponsored Visits To Defence Members Suffering Serious Illness Or Injury—The Australians Dangerously Ill Scheme*.

<sup>245</sup> Department of Defence, *Defence Casualty and Bereavement Support Manual*, May 2012, Chapter 2, paragraph 2.5.

<sup>246</sup> De facto or same-sex partners are considered to be Defence dependants and 'interdependent partners' only where they are either: Defence-recognised under DI(G) PERS 53-1 *Recognition of interdependent partnerships*, or have been recognised by the CDF under PACMAN clause 1.3.79—*CDF recognised Dependants*. PACMAN clause 1.3.79 enables a wide discretion for the CDF or delegate to recognise a de facto relationship that has not previously been recognised under the relevant processes set out in the relevant DI(G). However, Defence informed the ANAO that it has not used this provision in recent years.

facto partners not officially recognised by Defence), parents, children, people listed as emergency contacts, Next of Kin, or any other person that an eligible person nominated instead of themselves. The ANAO confirmed with Defence that the intent of the new AUDSIL Determination was to reflect the intent of the previous AUDSIL DI(G), including its eligibility criteria.

**5.11** In April 2012, when the AUDSIL Determination was released, Defence had intended to also release another Determination amending the definitions of Defence dependants—it is now expected to be released in late 2012. This Determination will align the Defence definition of a de facto relationship with criteria for a marriage-like relationship drawn from the *Acts Interpretation Act 1901* and Defence will cancel the Defence Instruction on interdependent partnerships. However, Defence will still require a prior recognition process—whereby the member declares their partnership—so that their partner can access conditions of service such as the AUDSIL scheme. Notwithstanding this requirement, under the AUDSIL Determination de facto partners not recognised by Defence but who are listed as the ADF member’s Primary Emergency Contact (PEC) are eligible for AUDSIL visits—but ADF members are not informed of the potential significance of choosing to nominate a de facto partner as their PEC.

**5.12** As of April 2012, the AUDSIL provisions have also applied to Australian Public Service (APS) staff deployed overseas. However, Defence does not require APS staff to seek advance recognition of their de facto or same-sex relationship.

**5.13** As discussed in paragraphs 3.46 to 3.51 regarding bereavement, once the new Determination on dependants is issued, occasions may still arise where a member has not notified Defence of their current relationship status and a de facto or same-sex partner not identified as a dependant or a PEC seeks to be an AUDSIL eligible visitor. To deal with this possibility, Defence intends that the new Determination on dependants will include clauses allowing the CDF to recognise dependants where no prior application has been made by the member. Accordingly, after the release of the Determination on dependants, there would be benefit in Defence: updating the AUDSIL chapter of the DCBSM so that it reflects this aspect of the planned Determination on Dependants, informing DCO decision makers of the CDF-recognition process for such partners, and ensuring that the DCO process to obtain CDF recognition can be expedited in urgent AUDSIL cases.

## Roles and responsibilities

### Service Headquarters

**5.14** When Defence members are killed or seriously injured, Defence has a responsibility to notify their PEC and Next of Kin. In situations applicable to the AUSDIL Scheme—where the member has been classified as Seriously Ill/Injured or Very Seriously Ill/Injured—the member has the option to self-notify their PEC if they are able to do so. In certain circumstances, where the member has decided not to notify their PEC or is unable to do so, the ill/injured member's Service is responsible for notifying the member's PEC and Next of Kin on behalf of Defence.<sup>247</sup> For an injury which occurs on an operation, Defence will override a member's refusal to inform the PEC or Next of Kin and will notify the PEC or Next of Kin of the member's casualty classification only—i.e. Very Seriously Ill/Injured or Seriously Ill/Injured.<sup>248, 249</sup>

**5.15** In cases where Defence notifies Emergency Contacts, there are significant constraints on the process. Initial information about an injured member, which comes through to Headquarters Joint Operations Command and the relevant Service Headquarters, may contain no details about the nature of an injury or illness other than the casualty classification, in accordance with Defence Instructions (General) PERS 11–2 *Notification of Australian Defence Force and non-Australian Defence Force casualties* and the Privacy Act. While this may prevent the notifying officer from providing any information to the member's Emergency Contacts on the circumstances of the member's illness or injury, it is a necessary limitation so that Defence can protect the privacy rights of members who do not wish to release personal health information to third parties.<sup>250</sup>

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<sup>247</sup> Defence Instructions (General) PERS 11–2 *Notification of Australian Defence Force and non-Australian Defence Force casualties*, May 2008, paragraph 34.

<sup>248</sup> Defence Instructions (General) PERS 16–20 *Privacy of health information in Defence*, 30 July 2008, paragraphs 33. This determines that for operational injuries, Defence will inform the PEC and Next of Kin regardless of the member's wishes; and that members may refuse to allow Defence to notify if the injury/serious illness occurred outside a Defence operation.

<sup>249</sup> Casualty classifications include Satisfactory, Seriously Ill/Injured (SI), Very Seriously Ill/Injured (VSI). Defence will notify the PEC without consent if a member is classified as SI or VSI.

<sup>250</sup> Defence Instructions (General) PERS 11–2 *Notification of Australian Defence Force and non-Australian Defence Force casualties* considers the member's PEC and Defence agencies to be third parties.

## ADF units

5.16 The member's Commanding Officer is responsible for submitting a request to DCO for an AUSDIL visit to be approved for a nominated, eligible person, dependent on a recommendation from the medical authority.

## Defence Community Organisation

5.17 DCO administers the AUSDIL Scheme. This involves the DGDCO approving the AUSDIL request and DCO organising the travel arrangements and in some cases escorting the approved visitor.

## Administering the AUSDIL Scheme

5.18 AUSDIL requests are made to DCO HQ. Before an AUSDIL visit is approved, DCO may conduct a social worker assessment of the situation to determine whether the person(s) nominated for travel are eligible and whether they will be able to provide support to the ADF member. The DCO Critical Incident Manual introduces a requirement that Defence Social Workers assess the suitability of the person nominated to travel.<sup>251</sup> It is not unreasonable in the circumstances of an AUSDIL request that Defence considers that there is benefit in conducting a Defence Social Worker assessment, as it provides an opportunity for DCO to form a relationship with the potential visitor and offer appropriate support. However, it is important that this process, which is not an eligibility requirement under the AUSDIL Determination, does not preclude an otherwise-eligible person from undertaking an AUSDIL visit. There would be benefit in Defence ensuring that the subordinate DCO Critical Incident Manual accurately reflects the AUSDIL Determination.

5.19 Once a decision has been made to approve or not approve an AUSDIL visit, DCO will notify the requesting member's unit of the decision. Following approval, arrangements are made for the movement of the person(s) visiting. DCO appoints a Military Support Officer (MSO) to take responsibility for the administrative arrangements of the visit, including travel and accommodation. In cases where there is an MSO at both the origin and destination for the AUSDIL visit, the MSO in the losing locality will generally brief the MSO in the gaining locality who will then meet the visiting person(s) upon arrival.

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<sup>251</sup> Department of Defence, Defence Community Organisation, *DCO Critical Incident and Casualty Support Services*, June 2011, 3.7.3 DCO AUSDIL Support Flowchart and 3.7.6.AUSDIL Assessment.



Where there is no MSO at the destination—such as Landstuhl, Germany—the local MSO will accompany the visiting person(s) for the duration of the visit. Additional AUSDIL visits, or extensions of the 7-day duration, may be approved at the discretion of the DGDCO.<sup>252</sup>

## **AUSDIL case management and privacy considerations**

**5.20** DCO's stated intent for AUSDIL support, as set out in the DCO Critical Incident Manual, has now been expanded to include providing case management to eligible people to assist with minimising the stress on the member and family resulting from the illness or injury. The DCO Critical Incident Manual instructs DCO's Defence Social Workers to collect a significant amount of personal information from the ill/injured member's family. The purpose of collecting such information is said to include providing DCO HQ with an overview of 'any issues or risks identified and the applicable mitigation strategies'.<sup>253</sup>

**5.21** Information collected by Defence Social Workers and reported to DCO HQ includes what the DCO Critical Incident Manual describes as a 'genogram' (or chart) of the member's family structure and assessments focusing on the:

- coping strategies of the people approved to travel;
- willingness and ability of the approved people to continue to appropriately support the member;
- approved people's access to formal and informal support networks in their current location;
- immediate family's coping strategies and supports;
- immediate family's identified needs or issues and suggested mitigation strategies if required;
- short and medium term plans for the member and their family in relation to coping and managing with the illness/injury; and

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<sup>252</sup> Department of Defence, *Defence Casualty and Bereavement Support Manual*, May 2012, Chapter 2, paragraph 2.17.

<sup>253</sup> Department of Defence, Defence Community Organisation, *DCO Critical Incident and Casualty Support Services*, June 2011, section 3.7.7.

- involvement of the member's unit and where required, the unit's plans in relation to the member.<sup>254</sup>

**5.22** Information can be provided to the member's Service Headquarters and unit by DCO HQ for purposes of member welfare and, where applicable, for risk management.<sup>255</sup> The Defence Social Worker may also attend a Unit Welfare Board, if required by the Service.

**5.23** Although well intended, it is not clear that it is necessary for DCO to collect and disseminate the level of information on members and their families that it currently does in the context of the AUSDIL Scheme. Relevant considerations for DCO when collecting and disseminating personal and health information include the Privacy Act and Defence Instructions (General) PERS 16–20 *Management of health information in Defence*.<sup>256</sup>

**5.24** DCO's case management approach to the AUSDIL Scheme does not specify whether the member's consent, or the consent of the person eligible to travel, are required for DCO to provide these services—which are in addition to the administrative arrangements specified in the higher-level policies. According to DCO's Critical Incident Manual, the Defence Social Worker is required to provide 'the family with an accurate Privacy Statement'. A Privacy Statement signed by one family member does not provide consent for the collection and dissemination of personal information about other family members including the ADF member.

**5.25** For the purposes of DCO's approach to AUSDIL support, the Privacy Act requires each relevant party to be informed that DCO collects personal information for the purpose of risk management for Defence, in addition to client welfare purposes. DCO's standard Privacy Statement does

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<sup>254</sup> *ibid.*

<sup>255</sup> *DCO Critical Incident and Casualty Support Services* [manual], *op. cit.*, June 2011, section 3.7.8—case review includes identifying any risks that can be addressed by DCO or Defence; section 3.7.9—which identifies risks to Defence's reputation; and section 3.7.10—which states that DCO HQ 'provides information to Service HQ based on information received in SITREPs'.

<sup>256</sup> This Defence Instruction specifies that Defence collects health information to inform capability and operational readiness, in addition to the purpose of managing the health of members on an ongoing basis. Consequently, when DCO collects health information that relates to capability and a member's ability to meet operational requirements, DCO may be required to release this information to the ADF chain of command. This appears to limit DCO's ability to protect client confidentiality. See paragraph 6.47.

not make reference to the former purpose for information collection, and there would be benefit in reviewing the Privacy Statement to make it explicit.

## 6. Counselling services

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*This chapter examines DCO's provision of counselling services and related client confidentiality issues.*

### Introduction

**6.1** Historically, the direct provision of counselling services to ADF members and their families has been a key component of DCO's work. Over the last several years, DCO has been working to transition its service offer for counselling from direct ongoing service provision to a brief intervention and referral model that seeks to either resolve issues quickly or refer clients on to appropriate external service providers. This transition process and DCO's current approach are discussed in the first section below followed by a section on related client confidentiality issues.

### DCO's counselling services

**6.2** The 2008 DCO Strategic Review noted that, at the time, counselling services were being delivered inconsistently across DCO's Area Office network with some Area Offices performing an assessment, brief intervention and referral service, while other offices were engaged in long-term counselling. To address these issues, the DCO Strategic Review sought to focus DCO on providing brief counselling only—with a view to either resolving an issue through an in-house short-session model<sup>257</sup> or by referring the client to an external service provider.<sup>258</sup>

### Implementing the new Service Delivery Model

**6.3** As an outcome of the 2008 Strategic Review, DCO's approach to the delivery of counselling services has been gradually changing for some years, but not at the same pace across the DCO Area Office network. In a November 2010 minute to the Deputy Secretary Defence Support, the DGDCO noted that 'while some areas have used a brief intervention and referral model where clients are initially assessed and then referred to community resources for

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<sup>257</sup> Typically four sessions with an option to extend to six with approval.

<sup>258</sup> Department of Defence, *Defence Community Organisation Strategic Review*, August 2008, p. 29 and also Recommendation 39.

counselling and therapeutic services, this has not been a nationally consistent and coordinated approach'.<sup>259</sup>

**6.4** A key element of DCO's approach to implementing the recommendations of the 2008 Strategic Review was a Workforce Review it commenced in March 2009. This resulted in the development of a Workforce Review Reform Proposal, which included a proposal for a new DCO Service Delivery Model. The DGDCO first outlined this proposal in the November 2010 minute to the Deputy Secretary Defence Support which stated that (the then current) DCO service delivery was focused on a small percentage of ADF families who were receiving long-term or therapeutic counselling services from DCO social workers utilising:

- a. A decentralised intake system where families contact Area Offices directly (a variety of processes are applied throughout the organisation).
- b. A decentralised service delivery model using a mix of national and local programs.<sup>260</sup>

**6.5** In addition, the minute noted that:

DCO's structure was historically predicated on DCO providing counselling services to ADF Members and their families. Continuance of this approach is not consistent with the Department's family support policy and this means that there is a disparity in the level of service provided to families depending on their location.<sup>261</sup>

**6.6** DCO's new Service Delivery Model involves the implementation of a national centralised intake system with decentralised service delivery using a mix of national and local programs focussing on psycho-social educational programs, brief interventions and primacy given to the use of community resources.<sup>262</sup> DCO has developed three administrative controls to regulate the provision of DCO's counselling services, namely:

- the DCO Portfolio Management System (a database for case allocation and management);

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<sup>259</sup> Department of Defence, Defence Community Organisation, Minute, *DCO Workforce Review Reform Proposal*, 12 November 2010, paragraph 28.

<sup>260</sup> *ibid.*, paragraph 27.

<sup>261</sup> *ibid.*, paragraph 20.

<sup>262</sup> *ibid.*, paragraphs 28, 32.

- the associated national intake centre, known as the Defence Family Helpline, which provides a central intake function and performs a gatekeeper<sup>263</sup> role for all referrals to DCO staff for services; and
- the draft DCO *Referral to Community Service Providers* practice manual (DCO Referral Manual), which is used by DCO staff.

**6.7** The new Service Delivery Model is aimed at ‘reinforcing the preventative nature of DCO services, rather than focussing on family-initiated contact in response to problems’.<sup>264</sup> Under the new DCO Service Delivery Model, which is now operating across DCO, DCO’s approach to counselling is based on a brief intervention model ‘where clients are initially assessed and then referred to community resources’.<sup>265</sup> DCO informed the ANAO that in general up to four counselling sessions are allowed per client, with the Area Manager able to authorise an additional two sessions as necessary. In the course of this audit, Defence acknowledged that the 1999 Inspector General’s report, the DCO Strategic Review and the DCO Workforce Review all identified inconsistent application of the brief intervention approach as problematic, but Defence considers that actions to address non-conformance with this approach do not constitute a change in policy.

**6.8** Through the new Service Delivery Model, DCO intends to shift its emphasis from the provision of individual counselling services to ADF members and their families to Community Capacity Building efforts and programs.<sup>266</sup> However, ADF members and families have not been advised of the change in DCO’s approach to the delivery of counselling services, including the brief intervention model. Common communication channels,

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<sup>263</sup> The following is an example of a gatekeeper definition. Gatekeeper: a health care professional, usually a primary care physician or a physician extender, who is the patient's first contact with the health care system and triages the patient's further access to the system. Source: *Mosby's Medical Dictionary*, 8th edition, 2009, Elsevier.

<sup>264</sup> *DCO Workforce Review Reform Proposal*, op. cit., paragraph 31.

<sup>265</sup> *ibid.* See also Department of Defence, *DCO Workforce Review Reform Proposal—Detailed Business Case*, 24 November 2011, paragraph 7—this defines a brief intervention model as ‘where clients are initially assessed and then referred to community resources’.

<sup>266</sup> In DCO, community development is referred to as Community Capacity Building. This is a community services concept whereby collaborative actions are taken to develop and strengthen links between the agencies (government, community and private) which support clients; between members of the client community; and between clients and the external community. The aim is to strengthen and enhance individual and community wellbeing and relationships; as a result building capacity or human capital.

such as the Partners in Defence website<sup>267</sup> and the page of DCO's website advising ADF commanders, members and families about the Defence Family Helpline (DCO's new national intake centre), do not include this information. There would be merit in Defence reviewing its public information material relating to counselling to ensure that it accurately reflects the services being provided under DCO's new Service Delivery Model.

## The Self Reliance Strategy

**6.9** While introducing this new Service Delivery Model, DCO has also begun to reorganise its services around a Self Reliance Strategy—intended to encourage greater self reliance by ADF members and families. The strategy directs DCO towards a preventative model of service delivery emphasising Community Capacity Building that includes improving linkages among ADF families and strengthening of ADF families' linkages with the external community.<sup>268</sup> Improved external community linkages are expected to facilitate the use by ADF members and their families of external services wherever possible.<sup>269</sup>

**6.10** This approach seeks to target Defence resources and ensure they are not used to replicate services available in the wider Australian community. In developing the Self Reliance Strategy, and in its related documentation and guidance, DCO had not consistently and clearly reflected the intent of the then key ADF policy, which recognised that the well-being of ADF families was a shared responsibility between the ADF and the member. The recently-

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<sup>267</sup> The Partners in Defence website is maintained by Defence as a resource summarising key information about military service, conditions and benefits, services and programs for ADF members and their families. The opening page of the Partners in Defence online resource states: 'Members of the Australian Defence Force perform complex, challenging, and at times dangerous missions to defend Australia and its national interests. Defence understands that the requirements of Service life impact as much on the member's family as they do on the member. This website summarises key information about military service, conditions and benefits, services and programs that all in the Defence Community are entitled to access that members and their families may find useful'. Source: <<http://www.defence.gov.au/dco/partners/index.html>> [accessed 29 May 2012].

<sup>268</sup> The November 2010 Workforce Review Reform Proposal outlined a shift in DCO's approach under the Self Reliance strategy; 'this will shift the focus from social workers delivering services, to community development officers who will focus on connecting ADF families to existing community resources and building self-reliance, thereby ultimately reducing the reliance on social workers'. *DCO Workforce Review Reform Proposal*, 12 November 2010, paragraph 18. op.cit.

<sup>269</sup> As noted in paragraph 6.3, the then current DCO service model was considered to focus on 'a small percentage of ADF families' and the Workforce Review Reform Proposal indicated that DCO 'should seek to use external resources for longer term counselling and therapeutic services wherever possible'. *DCO Workforce Review Reform Proposal*, op. cit., paragraphs 27, 29.

cancelled ADF Family Support Policy DI(G)<sup>270</sup> stated that ‘the wellbeing of Service families is integral to the efficiency and effectiveness of the ADF and is a shared responsibility between the ADF and the member’.<sup>271</sup>

**6.11** In this respect, Defence also took the view that the take-home message from the 2009 ADF Family Survey was that a shared responsibility between Defence and the ADF member was important for preparedness and that, while it acknowledged that ADF members are best placed to help their families adjust to the various impacts of service life, it was essential for ADF commanders and Defence to be effective enablers of this.<sup>272</sup>

**6.12** As discussed further in Chapter 8 (see paragraph 8.8), a draft DI(G) (*ADF Family Support and the Defence Community Organisation*) approved by COSC in May 2008 set out the ADF’s intended arrangements. The policy stated that ‘responsibility for promoting the well-being of ADF members and their families rests with the CDF and Service Chiefs [and] ... ADF members also have a responsibility for their own well-being, and that of their families’.<sup>273</sup> The policy concluded, ‘the promotion of well-being is, therefore, a shared responsibility between the ADF member, ADF families and Defence at all levels’.<sup>274</sup> The draft policy then stated the principle of Shared Responsibility— ‘DCO programs and services are designed to assist members, their families and the ADF chain of command to meet their shared responsibilities for the promotion of well-being, primarily through the use of community support services and integration into the wider community’.<sup>275</sup>

**6.13** This draft policy was developed as an outcome of the DCO Strategic Review, which also made a recommendation that ‘DCO policy should explicitly state that DCO family support programs and services are designed to assist members, their families and the ADF chain of command to meet their

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<sup>270</sup> This has been replaced by the DFSM issued in August 2012.

<sup>271</sup> See ‘Division of Responsibility’, Department of Defence, Defence Instructions (General) PERS 42–1 *Australian Defence Force Family Support Policy*, 2000, paragraph 5.

<sup>272</sup> Department of Defence, Directorate of Strategic Personnel Policy Research, Samantha Atkins, ‘*The first survey of Australian Defence Force families*’, presentation to the 11<sup>th</sup> Australian Institute of Families Studies Conference, 7–9 July 2010.

<sup>273</sup> Draft Defence Instructions (General) PERS 42–3 *ADF Family Support and the Defence Community Organisation*, 2008, paragraph 7.

<sup>274</sup> *ibid.*, paragraph 8.

<sup>275</sup> *ibid.*, paragraph 9c.



shared responsibilities for the promotion of well-being, primarily through the use of community support services and integration into the wider community'.<sup>276</sup> In July 2008, when responding to the Strategic Review, the DGDCO did not agree with the recommendation. However, in December 2008 the DGDCO then agreed with the same recommendation, and stated it was implemented through virtue of DI(G) PERS 42-1—the DI(G) that was to be replaced.

**6.14** The 2010 DCO Workforce Review Reform Proposal, the DCO Strategic Direction 2009–2015, and other DCO documents which defined DCO's Self Reliance Strategy and strategic direction, differed in their treatment of this aspect of the then ADF Family Support Policy DI(G). While some documents stated that there is a shared responsibility between the member and Defence for the well-being of ADF families, others state solely that the member has primary responsibility for the well-being of their family.<sup>277</sup> The DCO Strategic Direction 2009–2015 misstated the principle of shared responsibility between the ADF and the member, stating that the shared responsibility exists between all levels of ADF command.<sup>278</sup>

**6.15** To the extent that it stressed the member's primary responsibility, the DCO Self Reliance Strategy and strategic policy did not appear to be fully consistent with the spirit and intent of the then ADF Family Support Policy (in DI(G) PERS 42-1) and COSC's expressed intention in the draft DI(G)—that there was a 'shared responsibility'. In regard to the alignment of the DCO Self Reliance Strategy with broader ADF policy on family support, Defence advised the ANAO that the Self Reliance Strategy was consistent with the spirit and intent of DI(G) PERS 42-1 in that it identifies mutual responsibility, and

<sup>276</sup> Department of Defence, Defence Community Organisation Strategic Review, August 2008, p. 24 and also Recommendation 13.

<sup>277</sup> Documents stating that it is Defence policy that the member has primary responsibility for the well being of their family include: Department of Defence, Defence Community Organisation, Directive 03/2009, *Strategic Direction 2009–2015*; Defence Community Organisation, Directive 01/2010 *Communication in DCO*, p. 3 and the draft *Defence Family Support Manual*. The *Defence Family Support Manual*, which DCO developed as replacement for both the ADF Family Support Policy DI(G) and the DCO DI(G), states that ADF policy is that the member bears primary responsibility for the family. By contrast, other extant guidance sets out a doctrine of 'mutual responsibility', including in Defence Community Organisation, *Referral to Community Service Providers*, November 2009; Defence Community Organisation, Directive [Draft] xx/2011, *Community Capacity Building*, p. 1. Shared responsibility is mentioned in the DCO *Commanding Officers' Handbook*.

<sup>278</sup> Department of Defence, Defence Community Organisation, Directive 03/2009, *Strategic Direction 2009–2015*.

referred to paragraph 6 which outlines the principle that the ADF member bears primary responsibility for the wellbeing of their family, and that the ADF Family Covenant also reflected the spirit and intent of shared responsibility. However, the introductory paragraph of DI(G) PERS 42–1 stated that ‘the ADF accepts an obligation to assist in providing appropriate family support to members’,<sup>279</sup> and the Covenant refers to Defence working ‘in partnership’ with ADF families to enhance their self reliance.<sup>280</sup> Further, the decision brief for the CDF which recommended that the ADF Family Covenant be approved was silent on the concept of shared responsibility.<sup>281</sup>

**6.16** In the course of the audit, in July 2012, Defence agreed that, in the context of the DCO Self Reliance Strategy, the concept of shared responsibility could be indicated more clearly and that both shared responsibility between Defence and the ADF member, and the ADF member’s primary responsibility, are required to be stated.

### **Current DCO approach to counselling**

**6.17** The new Service Delivery Model<sup>282</sup> and the Self Reliance Strategy are components of DCO’s approach to addressing some of the issues identified by the 2008 Strategic Review, which had identified a need for high-level guidance on DCO’s role and purpose. For instance, before the review, it was not clear whether it was intended that DCO provide a family support service to support command or to fulfil a broader role of delivering social work support and services to all ADF members.<sup>283</sup> The issue was resolved in May 2008, when the CDF directed that the priority for the DCO was to be the immediate families (spouse and children) of serving members.

**6.18** In February 2012, the Defence Family Helpline commenced operation. This is DCO’s new National Intake Centre that operates 24 hours a day, seven days a week. This provides a central intake function and acts as a gatekeeper

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<sup>279</sup> Defence Instructions (General) PERS 42–1, op. cit., paragraph 1.

<sup>280</sup> Department of Defence, *ADF Family Covenant*, July 2008.

<sup>281</sup> Department of Defence, *Brief for CDF: ADF Long Term Strategy for Support to Defence Families*, 2 July 2008.

<sup>282</sup> Including the DCO Portfolio Management System (a database for case allocation and management) and the associated national intake centre (the Defence Family Helpline), and the draft DCO Referral Manual.

<sup>283</sup> Department of Defence, Richard Scott, *Defence Community Organisation Strategic Review*, August 2008, p. 3.

for all referrals to DCO staff for services. The Helpline makes DCO more accessible to Defence families, regardless of their location. When an ADF family member contacts DCO with a problem, which now generally occurs through the Defence Family Helpline, the DCO human services professional (either a social worker or psychologist) is expected to assess the problem to see if it fits into DCO's core business and DCO's criteria for counselling. The DCO human services professional also estimates if the problem can be addressed within DCO by counselling (or client education) in four sessions or less. If the problem is outside DCO's core business, or if it is excluded by DCO's eligibility criteria, then the DCO professional refers the client to a community or specialist counselling or support service and/or provides relevant information or advice. In July 2012, Defence informed ANAO that, at present, half of the Helpline positions were filled. As at August 2012, not all calls were being answered by a psychologist or a social worker (see paragraph 8.33).

**6.19** DCO Core Business is described in the February 2009 *Director General Defence Community Organisation Directive 01/2009—Core Business*. In this directive core activities are identified in connection with five output streams: critical incident and casualty support; mobility support; absence from home support; self reliance; and command management and policy advice. Under each of these output streams the directive indicates that DCO will provide some social work services, generally brief targeted interventions and/or case management services.

**6.20** As part of the process to change DCO's approach to counselling, including ensuring that external counselling services are used wherever possible and to regain managerial control over the counselling services provided, DCO proceeded to develop the draft *Referral to Community Service Providers* practice manual (DCO Referral Manual). The draft manual was completed in November 2009, a year ahead of the completion of the Workforce Review Reform Proposal and remains in draft. However, DCO informed the ANAO in June 2011 that, since its completion in November 2009, the draft DCO Referral Manual has been the guidance used by staff to determine eligibility for counselling services delivered by DCO staff.

**6.21** The DCO Referral Manual states that ADF members are generally expected to use community services to meet the needs of themselves and their families, but there may be circumstances where DCO assesses that the impact of service life (such as from mobility, operations or service requirements) requires DCO to provide a service. It also states that 'as a part of DCO core

business, DCO provides brief targeted social work interventions and referral where required but does not provide specialist counselling'.<sup>284</sup>

**6.22** The draft manual sets out an extensive list of matters that an ADF member or family may present with, but which DCO considers require specialist counselling/services and so are to be referred on to appropriate community service providers (or, in some cases, if they are an ADF member to an appropriate Defence service). This list includes: relationship issues that require counselling,<sup>285</sup> domestic violence, child protection issues, financial issues, drug and alcohol abuse, grief reactions requiring therapeutic interventions and children requiring counselling services.<sup>286</sup>

**6.23** Accordingly, current practice means that ADF members and their families approaching DCO in connection with a range of matters for which DCO previously provided counselling services are now expected to be referred on to other service providers. In December 2009, the then Head of Defence Support Operations (HDSO)—to whom DCO then reported—noted ADF families could contact DCO for assistance with parenting or family issues, relationship issues, concerns with social isolation, and work issues.<sup>287</sup>

**6.24** The HDSO also stated that 'the agreed [DCO] approach which has been in place for about twelve months is [to provide] 4–6 sessions [per client] and we've observed that it has been well received by clients with the flexibility built into the system of allowing extensions has worked well'. The HDSO noted that 'DCO offers 4–6 sessions of counselling, however, clients can then be referred to appropriate community resources if required'.<sup>288</sup> This contrasts with the current approach under DCO's new Service Delivery Model that, as noted in paragraph 6.7, aims at 'reinforcing the preventative nature of DCO

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<sup>284</sup> Department of Defence, Defence Community Organisation, Draft *Referral to Community Service Providers* manual, November 2009, section 8.10, p. 11.

<sup>285</sup> During the audit, the ANAO identified that some brief relationship counselling continues to be provided by DCO.

<sup>286</sup> The other matters on the list are a mental health problem or a mental disorder of a member or family member, trauma, sexual assault, long standing Family of Origin issues, Defence Housing issues, gambling and legal issues. Source: Draft *Referral to Community Service Providers* manual, November 2009, section 8.10.1, p. 11.

<sup>287</sup> The HDSO quoted from the DCO *Commanding Officers Handbook 2009* current at December 2009; Department of Defence, Defence Support Group, email, 7 December 2009.

<sup>288</sup> Department of Defence, Defence Support Group, email, 7 December 2009.

services, rather than focussing on family-initiated contact in response to problems'.<sup>289</sup>

**6.25** In addition to establishing the eligibility criteria for DCO's counselling services, the draft DCO Referral Manual sets out the processes to be used by DCO when referring clients to other Defence support services or to external community services. The draft manual advises that members, or their families, who approach DCO for assistance should be referred to an appropriate community service where:

- '... the identified need is not within core business or cannot be met within the limitations of DCO generalist social work delivery; and
- there is a reasonable expectation that the identified client need can be met through ... the community service'.<sup>290</sup>

**6.26** As noted in paragraph 6.22, DCO's draft Referral Manual sets out a range of presenting issues that are considered to require specialist counselling. In these cases, the expectation is that such clients are to be referred to an appropriate community service provider.<sup>291</sup> One of the services identified as a specialist service for which the client should be referred to a community service provider is relationship counselling. Defence Chaplaincy, DVA's Veterans and Veterans' Families Counselling Service (VVCS) and DCO all report relationship counselling as a significant presenting issue.<sup>292</sup> ADF members who are veterans, and their families, have access to relationship counselling from VVCS.

**6.27** During the audit, Joint Health Command's (JHC) Mental Health, Psychology and Rehabilitation Branch (MHPRB) informed the ANAO that one of the top presenting issues for its service was relationship issues. The MHPRB,

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<sup>289</sup> Department of Defence, Defence Community Organisation, Minute, *DCO Workforce Review Reform Proposal*, 12 November 2010, paragraph 31.

<sup>290</sup> Department of Defence, Defence Community Organisation, *Referral to Community Service Providers*, November 2009, section 8.4.

<sup>291</sup> The exclusion list comprises: mental health problems or mental disorders of a member or family member, trauma, relationship issues that require counselling, sexual assault, domestic violence, child protection issues, long standing family of origin issues, financial issues, Defence Housing issues, gambling, drug and alcohol abuse, legal issues, grief reactions requiring therapeutic interventions, and children requiring counselling services.

<sup>292</sup> For further information on demand for relationship counselling in Defence, see Appendix 2: Data collection for DCO services, paragraph 2.

which is in the process of redesigning the delivery of Defence's mental health services following the 2009 *Review of Mental Health Care in the ADF and Transition through Discharge* (the Dunt Review)<sup>293</sup> intends to expand its practice model to include partners in the treatment of ADF members. In May 2011, JHC reconfirmed with DCO that if through its treatment of ADF members and inclusion of partners it became apparent that family support was required then JHC would refer those families to DCO.

**6.28** While the DCO Referral Manual was released in November 2009, DCO has not finalised or fully implemented it. DCO informed the ANAO that the manual met resistance from DCO social work staff, who expressed concerns about its effects upon the future level of counselling services to be provided by DCO to ADF families. In December 2011, Defence informed the ANAO that DCO intends to release a new DCO internal practice manual in 2012, the *DCO Service Delivery Procedural Manual*, with the DCO Referral Manual as a chapter in that manual.

**6.29** The ANAO identified that the draft DCO Referral Manual could be improved by:

- more clearly defining and stating the eligibility criteria for DCO brief intervention (counselling) and by providing some examples of the types of cases that DCO will provide counselling for;
- including a definition of brief intervention; and
- setting out the four-to-six sessions model, and the criteria and process for granting any extensions.

**6.30** In addition, as discussed in paragraph 6.8, the change in DCO's approach to the delivery of counselling services, including adhering to the brief intervention model across DCO and changing the criteria for counselling, has not been made transparent to ADF members and families. ANAO identified that there would be benefit in Defence remedying this, including through updating the information provided to ADF members and their families on the Partners in Defence website and the DCO website.

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<sup>293</sup> In 2009, the Government commissioned Professor David Dunt to conduct an independent review in order to benchmark current ADF mental health support services against best practice, including the transition process to the Department of Veterans' Affairs, and to determine the extent to which mental health services met the needs of serving and transitioning ADF members.

**6.31** During the course of the audit, Defence informed ANAO that, when the new DCO Service Delivery Procedural Manual is implemented, Defence will publish the eligibility information on the DCO website so that it is visible to ADF families and other Defence stakeholders. Defence also advised that a definition of brief intervention will be included in the DCO Service Delivery Procedural Manual.

### **Employee assistance programs**

**6.32** Many members of the Australian community, including Defence's civilian employees, have access to an employee assistance program (EAP) funded by their employer. These EAPs provide employees and, usually, their immediate family with free access to general counselling. While the employer funds the provision of services, it is not entitled to receive specific information about which employees have used the service.

**6.33** Defence provides an EAP service for its APS staff but not for ADF members and their families. The DCO Strategic Review recommended that Defence explore the option of extending the Defence EAP contract for its APS employees to ADF members' families for relationship counselling.<sup>294</sup> Defence advised the ANAO that DCO had considered this recommendation and had decided not to adopt it because:

- 'an EAP provides for limited counselling services only while DCO provides a broader range of preventative as well as responsive measures to the ADF;
- there are community resources which are locally based which provide the same response; and
- use of an EAP could lead to a lack of visibility of cases'.<sup>295</sup>

**6.34** Defence advised that DCO provides an EAP-like service for Defence families and expects that, under the new Service Delivery Model, non-veteran

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<sup>294</sup> Recommendation 39: 'DCO should seek to use external resources for therapeutic counselling wherever possible, including establishing national arrangements for ADF families to access relationship counselling—possibly by extending the contract arrangements for the civilian EAP when it is rendered'. Department of Defence, Defence Community Organisation Strategic Review, August 2008.

<sup>295</sup> Defence response to ANAO 23 December 2011, p. 10.

families will retain the same level of support through local (non-DCO) community resources.<sup>296</sup>

**6.35** Defence also has a responsibility to be confident that members are fit and safe for deployment and training. Information could arise during the course of counselling that could have a bearing upon a member's fitness for service. Consequently, Defence's policy position is to not employ an external EAP as this could lead to a lack of visibility of cases. However, Defence's visibility of these cases is already limited, as a significant proportion of serving ADF members (who are veterans) and their families, are entitled to access free counselling via VVCS, a confidential counselling service administered by DVA. DVA treats all VVCS counselling in confidence, and VVCS fills the role of a de facto external EAP for the ADF veterans' community in these circumstances.

### **Managing implementation risk**

**6.36** Implementation of the new Service Delivery Model, Self Reliance Strategy and revised approach to counselling<sup>297</sup> required changes to DCO practices and culture.<sup>298</sup> A November 2010 risk analysis identified two implementation risks. These were that:

- ADF families will be disadvantaged due to a shortage of community resources and services to which DCO can refer its clients (moderate risk); and
- DCO staff will not support or will actively resist the proposed changes (high risk).<sup>299</sup>

**6.37** In terms of the first of these risks, a consultant engaged by DCO concluded that the Commonwealth, State, Local Government and community

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<sup>296</sup> Unlike their colleagues, non-veteran ADF members and their families are not entitled to access such assistance through DVA's VVCS and appropriate access to community service providers for relationship counselling services is not always available.

<sup>297</sup> As noted in paragraph 6.2, the 2008 Strategic Review recommended that DCO provide brief counselling only—with a view to either resolving an issue through an in-house short-session model or by referring the client to an external service provider.

<sup>298</sup> Department of Defence, *Defence Community Organisation Strategic Review*, August 2008, p. 29 and also Recommendation 39.

<sup>299</sup> Department of Defence, Director General Defence Community Organisation, Minute, *DCO Workforce Review Reform Proposal*, 12 November 2010, p. 12.



organisations to which DCO planned to refer clients 'appear to be overloaded and are reluctant to accept referrals from Defence as these organisations believe Defence will provide the equivalent service'.<sup>300</sup> The consultant's report also noted that at some Defence locations there were no local community organisations and no access to equivalent government services.

**6.38** Notwithstanding the consultant's report, as part of the November 2010 *DCO Workforce Review Reform Proposal* recommending the new Service Delivery Model, DCO stated that it had researched and determined that sufficient community resources were available.<sup>301</sup> However, the risk analysis DCO conducted to underpin this position was only informed by a 2009 scoping exercise it had conducted. The findings of the scoping exercise did not support DCO's view that the risk that ADF families would be disadvantaged under the new Service Delivery Model, due to a shortage of community resources and services to which DCO can refer its clients, had been adequately mitigated. The 2009 scoping exercise identified that 'some services were free, but it was noted that a range of services was targeted [had exclusionary criteria based upon need] and that means testing was applied by some providers' and 'the need to provide some form of a safety net for ADF families in critical situations was identified'.<sup>302</sup>

**6.39** DCO has subsequently undertaken further work in this area. Defence informed ANAO in December 2011 that DCO had recently developed a national database of available community resources, which is a list of external services to guide staff operating DCO's 24-hour intake centre (the Defence Family Helpline).<sup>303</sup>

**6.40** As DCO, under the current Service Delivery Model, steps further back from the direct provision of counselling and refers greater numbers of members and their families to community counselling services, there is a risk, to be managed by DCO, that a gap may emerge in the timely provision of

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<sup>300</sup> A 2009 report commissioned for the DCO Workforce Review by Jakeman Business Solutions Pty Ltd, *DCO Workforce Review: Part A Organisational Design Report*, May 2009, p. 14.

<sup>301</sup> *DCO Workforce Review Reform Proposal*, op. cit., p. 12.

<sup>302</sup> DCO advice to the ANAO, 30 June 2011.

<sup>303</sup> *DCO Workforce Review Reform Proposal*, op. cit., p. 12. In the context of the November 2010 *DCO Workforce Review Reform Proposal*, DCO also argued that the work it was undertaking in relation to Community Capacity Building will assist to reduce members' dependence upon Defence and their need for DCO counselling services. However, this is yet to be demonstrated.

direct counselling services for non-veteran ADF members and their families. In particular, where local services are inadequate, queues are long, or services use eligibility criteria which are based upon socio-economic status and need. There is a further risk that should ADF deployments to war zones significantly decrease in future, such as Australia's planned withdrawal from the Afghanistan conflict, then a lower proportion of ADF members and families in future may qualify for access to VVCS's free services. This could increase the referral burden on DCO and on available community services.

**6.41** In light of this, DCO has established a benchmark to determine the reasonable expectation for services. The draft DCO Referral Manual provides a test—the 'community standard' which states that 'Defence families are part of the community and are subject to the same standards for accessing community services as the rest of the community'. DCO defines the community standard as 'the level of service provided [and] available to the general community in the relevant region'.<sup>304</sup> The 'community standard' test will apply where there may be long waiting lists, a lack of eligibility, a lack of a particular service in the location, or where the member has to pay for a service.

**6.42** Notwithstanding the 'community standard' test and DCO's determination that its staff should refer on to other services those clients requiring specialist counselling services, DCO informed ANAO that there are circumstances in which it will fund access for up to four sessions of relationship counselling from a private provider for ADF families in need. DCO funded such services for 63 clients in the 2010–11 financial year, and is now developing a proposal for additional brokerage funds to be included in its budget to allow for the purchase specialist counselling services 'in exceptional circumstances' to make up any shortfall in these services in the community. The cost of implementing a brokerage model across DCO to regulate and pay for external counselling services to address any potential service gaps is currently unknown and presents a financial risk for Defence.

**6.43** Where community services are absent or inadequate, the DCO eligibility criteria for access to brief intervention are used to determine access to the safety net of DCO services. As services to ADF members and their families are delivered by a range of Defence stakeholders, there would be

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<sup>304</sup> Department of Defence, Defence Community Organisation, *Referral to Community Service Providers*, November 2009, section 8.7.4.

benefit in Defence examining DCO's plans in a whole-of-Defence context and in relation to boundaries and eligibility criteria for other Defence services. Eligibility criteria for support and treatment services, once defined, should be available to all Defence stakeholders—including to ADF families. During the course of the audit, Defence informed the ANAO that it may be timely to review the DCO counselling eligibility criteria.

## Recommendation No.3

**6.44** The ANAO recommends that, to clarify the access arrangements applying to counselling services provided to ADF members and their families, Defence:

- (a) review the eligibility and exclusion criteria for DCO family counselling services; and
- (b) promulgate the eligibility criteria so that they are visible to all Defence stakeholders including ADF members and families.

**Defence response:** Agreed.

## DCO's management of client confidentiality

**6.45** The context in which DCO delivers services to clients differs from that generally applying to the clients of other Australian Government agencies. DCO recognises that, at the same time as it provides services for ADF members and their families, it also supports and provides advice for Defence, particularly ADF commanders.<sup>305</sup> These arrangements have implications for DCO in complying with the requirements of the Privacy Act.<sup>306</sup>

**6.46** As well as complying with the Privacy Act, DCO staff are required to comply with limitations to client privacy set out in Defence Instructions (General) PERS 35–3 *Management and reporting of unacceptable behaviour*. DI(G) PERS 35–3 instructs all ADF members and Defence Australian Public Service staff to 'promptly report to their supervisor, commander or manager

<sup>305</sup> Director General Defence Community Organisation, Directive 1/2009 *Core Business*, February 2009, paragraphs 6, 27.

<sup>306</sup> The Privacy Act requires Australian Government entities to maintain a client's privacy unless they have the client's consent to release information, or unless safety or legal considerations override the right to privacy. *Privacy Act 1988*, section 14, Information Privacy Principles.

(as appropriate), incidents of unacceptable behaviour that are beyond their ability or authority to manage'.<sup>307</sup> The DI(G) covers unacceptable behaviour which occurs both on and off duty.<sup>308</sup>

**6.47** DCO staff may also be required to comply with Defence Instructions (General) PERS 16–20 *Privacy of health information in Defence*. DI(G) PERS 16–20 states that health information is collected in Defence for the purpose of providing health services 'and to provide documentary evidence of the preparedness of an individual, from a health perspective, for operations (military)'.<sup>309</sup> Defence, by stating in DI(G) PERS 16–20 its purpose when collecting health information, is consistent with Information Privacy Principle 2.<sup>310</sup>

**6.48** DCO has developed policy guidance and client information which cover privacy matters. These are:

- the policy manual for DCO's staff, *Privacy and Confidentiality in DCO* (DCO Privacy Manual);
- the *DCO Privacy Statement* and the *DCO Bereavement Support Privacy Statement* which staff are expected to use to inform DCO's clients in accordance with the Privacy Act; and
- the *DCO Privacy Policy*, which is DCO's client information brochure on privacy.

**6.49** The DCO Privacy Policy and the DCO Bereavement Support Privacy Statement both state that DCO staff collect and handle health information about ADF family members as well as members. DCO staff handle health information in their roles in family support assessment and counselling, in

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<sup>307</sup> Unacceptable behaviour is defined by DI(G) PERS 35–3 (Annex B) as: 'behaviour that, having regard to all of the circumstances, would be offensive, belittling, abusive or threatening to another person or adverse to morale, discipline or workplace cohesion, or otherwise not in the interests of Defence'.

<sup>308</sup> Defence Instructions (General) PERS 35–3 *Management and reporting of unacceptable behaviour*, 28 June 2009, Annex B, paragraph 2.

<sup>309</sup> Department of Defence, Defence Instructions (General) PERS 16–20 *Privacy of health information in Defence*, July 2008, paragraph 7.

<sup>310</sup> Information Privacy Principle 2 provides that: an agency must take steps to tell individuals why they are collecting personal information, what laws give it authority to collect the information, and to whom it usually discloses the information. This is often done by what is called an IPP 2 notice. Source: Office of the Australian Information Commissioner, 'IPPs – Plain English Summary', <<http://www.privacy.gov.au/materials/types/law/view/6892>> [accessed 3 November 2011].

responding to requests from the Service command for reports on the circumstances of members and their families and in supporting bereaved ADF families.<sup>311</sup>

**6.50** In the course of the audit, DCO sought legal advice on whether DI(G) PERS 16–20 applied to DCO staff. Defence Legal, based upon the information supplied by DCO, was uncertain whether DCO collected health information, but advised that if DCO did collect health information it would be prudent to refer to this in the client consent form and to state that health information will be managed in accordance with DI(G) PERS 16–20. Defence Legal also observed that the question of whether DCO was a ‘health service’ or handled ‘health information’ (as defined in DI(G) PERS 16–20) was a policy issue rather than a legal issue.

**6.51** In January 2012, Defence informed the ANAO that its administrative policy area had met with the sponsor area for DI(G) 16–20 ‘to discuss options for the earliest review of this document’.<sup>312</sup> In July 2012, the Directorate of Administrative Policy was advised by the SODI<sup>313</sup> Legal Officer that a Health Directive needs to be issued before the review of DI(G) PERS 16–20 can be finalised. Defence expected that the Health Directive would be issued by August 2012, and the formal SODI review process would commence soon after.

**6.52** The DCO Privacy Manual refers to DI(G) PERS 16–20 in relation to DCO preparing reports for command—such as in response to a member’s request for a compassionate posting. The DCO Privacy Manual does not inform DCO staff of the potentially more pervasive effect of DI(G) PERS 16–20 in limiting the right of a DCO client to confidentiality, and does not acknowledge the limitations imposed by the reporting requirement in DI(G) PERS 35–3.

**6.53** In not recognising the potential effect of DI(G) PERS 16–20, and in not advising its staff and clients of the potential effects of DI(G) PERS 16–20 and 35–3, DCO has not adequately informed its clients—through the DCO client

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<sup>311</sup> See the DCO Privacy Policy brochure and the DCO Bereavement Support Privacy Statement in the DCO Critical Incident Manual.

<sup>312</sup> Defence advice to the ANAO, Freedom of Information and Information Management Branch, 30 January 2012, p. 4.

<sup>313</sup> System of Defence Instructions.

information publications and in the oral privacy statements provided by DCO staff to clients—of these additional limitations to client confidentiality. For instance, Defence, on the Partners in Defence Resource Package Website, states that '[Defence] social workers are able to provide confidential services to assist you to understand and address personal, family and work-related problems' and 'no information is disclosed unless the client is at risk of endangering themselves or another person'.<sup>314</sup> However, it does not mention the possibility that DCO staff may be required to pass certain personal information to Defence for the other reasons outlined above. The DCO *Commanding Officer's Handbook* provided a similar undertaking of confidentiality—without referring to the potential limits to client confidentiality—advising Commanders that unless Defence has referred the member to DCO, and the member has given their consent, no information will be passed to Commanders.<sup>315</sup>

**6.54** There would be merit in clarifying issues of client confidentiality relating to the provision of DCO services. Previous Defence reviews have observed that client confidentiality is a matter that Defence clients consider when deciding whether or not to access a service, and DCO's clients should be in a position to make an informed decision before engaging further with DCO. The 2009 Dunt Review of mental health services, for instance, found that ADF members were concerned that their mental health conditions would be revealed to their Commanding Officers, with potential implications for their careers.<sup>316</sup> These concerns also acted as a barrier to their accessing Defence support services and influenced their decision to seek external services so that they did not have to disclose their conditions.<sup>317</sup> Similarly, a 1999 program evaluation of DCO by the Inspector General recognised the 'potential conflict between protecting confidentiality and being responsive to the ADF'.<sup>318</sup> The Inspector General advised that 'the issue of trust and confidentiality needs

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<sup>314</sup> Department of Defence, *Partners in Defence; Resource Package Website*, <[http://www.defence.gov.au/dco/partners/c2\\_8.html](http://www.defence.gov.au/dco/partners/c2_8.html)> [accessed 27 July 2011].

<sup>315</sup> Defence Community Organisation, *Commanding Officer's Handbook*, <<http://www.defence.gov.au/dco/documents/CO's%20Handbook%202010-2011.pdf>> [accessed 28 June 2011], p. 18.

<sup>316</sup> Department of Defence, Prof. David Dunt, *Review of Mental Health Care in the ADF and Transition through Discharge*, January 2009.

<sup>317</sup> *ibid.*, p. 168.

<sup>318</sup> Department of Defence, Inspector General, *Defence Community Organisation: Program Evaluation Report*, July 1999, Defence Publishing and Visual Communications, Canberra, paragraph 10.7.

resolution if the DCO is to have effective working relationships with the military stakeholders and to be considered a true ADF asset'.<sup>319</sup>

**6.55** Confidentiality is important to clients when deciding whether to access a service. DCO provides advice and support to Defence and at the same time provides services to ADF families—including counselling. Challenges can also arise for DCO staff in complying with both the Privacy Act and with Defence's requirement to maintain visibility of a member's fitness for service and to report unacceptable behaviour. Defence is also unclear as to whether DCO staff are required to report to Defence about information relating to a member's preparedness for service. Consequently, DCO encounters situations where its responsibilities to manage its clients' confidentiality and to advise Defence can conflict and the maintenance of client confidentiality presents some unique complexities for Defence and DCO.

**6.56** DCO's internal guidance on privacy does not inform its staff of the effect that certain Defence Instructions may have in limiting the rights of a DCO client to confidentiality. Nor has DCO informed its clients of these possible limitations. To provide clarity for DCO's clients, there would be merit in Defence determining whether or not DCO staff are bound by the limitations to client confidentiality in the relevant Defence Instructions, and ensuring that any limitations on privacy applying to services provided by DCO staff are disclosed to clients when they are considering engaging with DCO.<sup>320</sup>

## Recommendation No.4

**6.57** The ANAO recommends that, consistent with DCO's joint responsibility to the ADF chain of command, and to its members and their families, Defence:

- (a) clarify the extent of limitations on clients' privacy when using DCO services; including determining whether or not DCO staff are bound by Defence Instructions (General) PERS 16–20 and 35–3; and

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<sup>319</sup> *ibid.*, paragraph 10.9.

<sup>320</sup> On 19 July 2012, a DCO privacy breach was reported in the media. In that case, a DCO staff member reportedly disclosed personnel details by accidentally attaching a spreadsheet to an emailed survey. This incident does not relate to the privacy concerns raised by the ANAO in this report. See *The Canberra Times*, 'Diggers' personal details email 'a breach of trust', 19 July 2012, <[www.canberratimes.com.au/act-news/diggers-personal-details-email-a-breach-of-trust-20120718-22ava.html](http://www.canberratimes.com.au/act-news/diggers-personal-details-email-a-breach-of-trust-20120718-22ava.html)> [accessed 19 July 2012].

- (b) promulgate this advice to ADF members and families to inform their decisions about seeking assistance from DCO.

**Defence response:** Agreed.



## 7. Mobility and deployment support and community capacity building initiatives

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*This chapter examines the delivery of mobility support, absence from home and deployment support programs for ADF families, before outlining DCO's related community capacity building initiatives.*

### Introduction

7.1 DCO has program initiatives underway to support Defence families when they are relocated and need to settle in another community, or are separated due to the member's absence (including on deployment). These programs are examined in this chapter along with DCO's related community capacity building initiatives.

### DCO's mobility support programs

7.2 The Commanding Officers' Handbook introduces DCO's mobility support programs by stating 'as relocation is an inherent part of military life, mobility support is a crucial component of assistance to Defence families'.<sup>321</sup> The 2008 DCO Strategic Review reported that DCO's mobility support programs, whereby DCO provides assistance for ADF families as they are posted and relocate around Australia, were DCO's best developed programs.<sup>322</sup> The following sections examine DCO's major mobility support programs.

### The Defence School Transition Aide Program

7.3 DCO manages and delivers the Defence School Transition Aide Program (DSTA Program) which places Defence School Transition Aides (DSTA—primary school) and Defence Transition Mentors (DTM—high school) in selected schools which enrol high numbers of children from ADF families.

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<sup>321</sup> Department of Defence, Defence Community Organisation, *The Commanding Officers' Handbook*, <[www.defence.gov.au/dco/documents/CO's%20Handbook%202010-2011.pdf](http://www.defence.gov.au/dco/documents/CO's%20Handbook%202010-2011.pdf)> [accessed 28 May 2012], p. 24.

<sup>322</sup> Department of Defence, Richard Scott, *Defence Community Organisation Strategic Review*, August 2008, p. 19.

The DSTAs and DTMs are not teachers but employees<sup>323</sup> who help students integrate into new schools. The budget for the DSTA Program was \$4.59 million in 2010–11.

**7.4** The DSTA Program focuses on supporting the children of Defence members and assisting their transition between schools and education systems in different States. The program is intended to improve educational outcomes through school-based, direct and flexible assistance to children, parents and schools.<sup>324</sup> Defence implemented the program in 2001, following collaborative research between Defence and the Australian Government Department of Education, Employment and Workplace Relations. This research indicated that the key to supporting the education of ADF children was to help them develop personal and supportive relationships with other children and their schools.

**7.5** The DSTA Program was independently evaluated in 2007. The key findings included:

- school principals stated that students benefit from the DSTA program academically, emotionally and socially;
- fifty-nine per cent of commanders surveyed said the DSTA Program had a positive effect on the speed with which ADF staff integrate into their new positions (following postings), with commanders indicating that the DSTA program helps to alleviate some of the biggest concerns that ADF members have when posted to a new location;
- seventy-three per cent of ADF families surveyed stated they were satisfied with the DSTA Program; and
- the evaluation concluded that 'where the program was available, ADF families described an overwhelming positive interaction with DSTAs and DSTMs'.<sup>325</sup>

**7.6** The program has produced many high quality publications including ADF-specific story books for young children, booklets, multi-media guides, in-

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<sup>323</sup> DSTAs and DTMs are employed by the relevant Department of Education (for public schools) or the school itself (for private schools).

<sup>324</sup> Department of Defence, Defence Community Organisation, *Defence School Transition Aide Program Evaluation*, October 2007, p. 2.

<sup>325</sup> *ibid.*, p. 3.

school programs for adolescents, guides for parents, and targeted bereavement support for schools with ADF children.

7.7 This is a flagship program for DCO, which demonstrates the social and relational benefits that can be achieved through the Community Capacity Building approach which DCO is developing. DCO produced evidence of positive feedback from the families involved in the program. There was evidence of strategic planning and DCO also regularly collects and uses data on the distribution of ADF families' children to inform planning and the subsequent resource allocation for the program.

### **DCO's Regional Education Liaison Officers**

7.8 DCO also supports ADF families through its nine REDLOs—DCO staff who are professionally trained teachers. DCO's Commanding Officers' Handbook describes REDLOs as staff 'who understand both the different State and Territory education systems and the Defence lifestyle. They can advise Defence families and children on education issues and can assist with changing schools between the various State and Territory education systems. REDLOs provide the key link for families to access the type of support that meets the needs of their particular child'.<sup>326</sup>

### **The Defence Special Needs Program**

7.9 DCO manages and delivers the Defence Special Needs Program (DSNP) in cooperation with the Defence Special Needs Support Group (DSNSG). Special needs refers to an ADF dependant who has a physical, intellectual, sensory, learning or behavioural disability; a psychiatric illness/disorder; or a child who is gifted. The DSNP arose from a support group which ADF members commenced in 1994 to assist each other. When ADF families relocate in response to the members' postings, they can face differing eligibility criteria or waiting periods before they can access state or territory special needs assistance. The DSNP manages access to specific Defence-funded assistance for special needs families. As this assistance is a benefit, it is provided for in Defence Determination 2007/36, *Dependants with Special Needs*.

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<sup>326</sup> Department of Defence, *The Commanding Officers' Handbook*, Defence Community Organisation, December 2011, p. 24.

**7.10** Defence requires families to register and obtain approval for special needs assistance. Once registered, assistance is provided the next time the family is posted. Assistance can include:

- a Defence funded pre-posting visit to assess and plan for local services;
- Defence funding for up to six months for respite care, personal care, or therapy until the family is engaged with local services;
- financial assistance for equipment hire; and
- assistance with accommodation and travel while moving to the new posting and some assistance to obtain suitable housing, or to modify a house.

**7.11** The DSNSG has an active National Coordinator and senior representative group. The DSNSG also provides a volunteer respite program, 'The Circle of Friends', and administers some Defence funds to purchase additional short-term respite for members. In 2010–11, Defence's budget for the DSNSG's administration and conference costs was approximately \$38 000, and the DSNSG managed \$300 000 for the Circle of Friends Respite Program. The ANAO interviewed senior representatives of the DSNSG who suggested that DCO could improve some aspects of its communication with, and promotion of, the DSNSG.

**7.12** In 2010, DCO reviewed the process for obtaining approval to receive special needs support. Following feedback from the DSNSG, DCO streamlined the approval process, including by dispensing with the previously required social work assessment that feedback had indicated was resented by families.

**7.13** This is another example of a generally well developed and managed DCO program that is valued by participating ADF families.<sup>327</sup> The DCO Manager Education Policy and Special Needs maintains an effective and collaborative arrangement with the DSNSG. Importantly, Defence leverages the disability support it provides by fostering and part-funding a program of committed volunteers.

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<sup>327</sup> This conclusion is based upon interviews and discussions with senior representatives of the Defence Special Needs Support Group and with DCO.

## Defence Child Care Program

7.14 The Defence Child Care Program (DCCP) is managed by DCO as a Defence mobility support and retention measure. The DCCP aims to provide Defence families with priority of access to child care centres by securing places for mobile Defence families, particularly in areas where community demand is high or near Defence bases in regional or remote areas where services are not sufficiently available. Defence does not guarantee the availability of child care as a condition of service. Defence families pay child care fees and are entitled to Australian Government financial support for child care costs, which is available to all eligible users of child care services.

7.15 A number of factors make the provision of child care complex for Defence. Defence families are posted regularly and so need to secure new places in centres regularly. The posting cycle also causes a seasonal variation in demand which makes occupancy rates fluctuate, lowers occupancy rates and increases service costs.

7.16 Under the DCCP, Defence provides:

- 19 long-day-care centres and three out-of-school-hours care centres; and
- DCO contracts local councils and community organisations to provide places for Defence children particularly for Family Day Care and occasional care, and DCO provides assistance with establishment costs to Defence families who establish a Family Day Care business.

7.17 All of the 22 child care centres owned by Defence are managed by a single service provider under a Defence contract. DCO informed the ANAO that the DCCP has the largest corporate child care program in Australia. Places in Defence child care centres are managed through a priority and waiting list system, weighted towards families that are relocating and families that have dual Defence members. As at May 2012, the DCCP provided places for approximately 778 children of Defence personnel with an average occupancy rate of approximately 70 per cent.<sup>328</sup>

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<sup>328</sup> Department of Defence, Ministerial Submission for the Minister for Defence Science and Personnel, the Hon. Warren Snowdon MP, *Update on the status of Defence's Child Care Program*, 14 February 2011, Attachment C. Since 2009, Defence has had to cover operational losses of approximately \$1.3 to \$2 million per year.

**7.18** The DCCP costs Defence approximately \$3 million per annum (expenditure in 2011–12 was approximately \$2.75 million).<sup>329</sup> Defence determined in February 2011 that:

While the provision of priority placement in Child Care centre operates as an effective retention measure for ADF personnel, the majority of centres operate at a financial loss primarily due to their location, configuration or low utilisation.<sup>330</sup>

**7.19** A child care consultancy reviewed the DCCP. The review concluded that Defence's current management model, which provides for a central management function that then supports the Directors of individual child care centres, was 'the most efficient and effective considering the uniqueness of the Defence program'.<sup>331</sup> The review stated that:

The current management contract with B4Kids has greatly improved the quality of child care provided, and has largely restored confidence in the Defence centres among Defence families. Evidence of restored confidence is shown in the steadily improving utilisation rates and high levels of satisfaction by respondents in the survey.<sup>332</sup>

**7.20** Further, the review concluded that 60.6 per cent (2009 data) of relevant Defence families surveyed said their current child care arrangements met their needs and 39.4 per cent did not feel their current arrangements met their needs. Additionally, 82 per cent of respondents were either satisfied or very satisfied with their current child care arrangements. The review identified three aspects of Defence child care where there were unmet needs. These were: locations where it was difficult to secure child care (the ACT, Williamstown, Amberley, Enoggera, and to a lesser extent Darwin and Townsville); lack of access to occasional care; and a need for Before and After School Care across most regions.<sup>333</sup> Following a competitive tender process, on 2 July 2012,

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<sup>329</sup> The 2011–12 costs comprised: a payment of approximately \$2.26 million per annum to support the losses entailed by the contractor in providing priority places for Defence families; \$252 000 for the Extended Child Care Program; and \$237 000 for DCO to manage the contract.

<sup>330</sup> Department of Defence, Ministerial Submission for the Minister for Defence Science and Personnel, the Hon. Warren Snowdon MP, *Update on the status of Defence's Child Care Program*, 2011, 14 February 2011, p. 1.

<sup>331</sup> Weewunz Corporate Child Care Solutions, *Child Care Report: Department of Defence*, Weewunz P/L, 29 March 2010, p. 8.

<sup>332</sup> *ibid.*, p. 15.

<sup>333</sup> *ibid.*, p. 13.

another not-for-profit organisation, Mission Australia Early Learning Services, commenced operating the Defence Childcare Centres under contract to Defence.

**7.21** While Defence has been active in addressing child care issues in recent years, the relevant policy, Defence Instructions (General) PERS 42–2 *Defence Child-care Policy*, sponsored by the Defence Support Group, has not been updated since 1992. Given the continual evolution of Defence child care policy, and the need to develop different arrangements to adapt the DCCP to changing circumstances, the Defence Instructions no longer relate to current policy or practices and there would be benefit in revising them. Defence informed ANAO that DI(G) PERS 42–2 would be cancelled when a future chapter of the Defence Family Support Manual is issued.<sup>334</sup>

### **The Partner Education and Employment Program**

**7.22** The Partner Education and Employment Program (PEEP) is a Defence-funded program administered by DCO which provides funding to assist partners of ADF members to access education and improve their ‘job readiness’ when posted. PEEP was launched in July 2010 as a replacement for an earlier employment-support program, the Service Workforce Access Program for Partners (SWAPP).<sup>335</sup>

**7.23** PEEP, as currently structured, is divided into two Tiers:

- Tier 1 provides an education and employment allowance of \$12 000 allocated for a period of ten years to assist partners to self manage all of the initiatives available under Tier1. The funding is capped at \$6000 per posting locality for approved training courses.
- Tier 2, introduced in August 2011, provides an in-financial year ‘one off’ payment of up to \$3000 for course costs only. Tier 2 is for partners

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<sup>334</sup> Department of Defence, ‘Request to Secretary and CDF for Approval to Publish Chapter One of the Defence Family Support Manual’, *Policy Background Brief—Defence Family Support Manual*, 16 July 2012.

<sup>335</sup> Department of Defence, Defence Community Organisation, *Service Workforce Access Program—Select, Evaluation Report*, 2009. SWAPP contained limitations as it was limited to \$2500 assistance and training had to be completed within 12 months. As a result, the program was under-subscribed and the program budget was under-spent.

of junior enlisted ranks from Private (E) to Sergeant (E) and junior officers with the worn rank of Lieutenant (E) to Captain (E).<sup>336</sup>

**7.24** An applicant for PEEP must be entered on Defence's primary HR management information system, the Personnel Management Key Solution (PMKeyS), for a partner of an ADF member or reservist on Continuous Full Time Service (with four years service). Priority is given to partners posted to remote locations. Approved courses include all vocational training up to and including undergraduate degrees.

**7.25** Within six weeks of PEEP's launch, DCO closed the applications as they exceeded the available funds. By December 2010, DCO had approved 515 partners for PEEP. Due to the popularity of the program, DCO refined the PEEP criteria and launched a second round of PEEP in July 2011. PEEP was again over-subscribed and DCO received communication and complaints from partners who wished to access the program. Subsequently, in August 2011, the Minister announced a \$3 million increase in funding for the PEEP, including the new Tier 2 program which is aimed at partners of ADF members at lower ranks.<sup>337</sup> Defence Families Australia advised the ANAO that the PEEP gave important and appropriate recognition to the needs of partners.

## **DCO's absence from home and deployment support**

**7.26** DCO's support to families affected by deployments includes:

- information brochures which explain to families the stages of adjustment to the member's absence and the process of reintegration into the family on the member's return;
- a program providing telephone contact from DCO to partners of deployed members to offer support;
- access to social work assistance;
- the Emergency Support for Families Scheme which provides services such as child care and home help for a limited period during a crisis which occurs while the member is absent for service reasons;

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<sup>336</sup> Department of Defence, Defence Community Organisation, *Partner Education and Employment program*, <<http://www.defence.gov.au/dco/peep.htm#1>> [accessed 22 May 2012].

<sup>337</sup> The Hon. Warren Snowdon MP, Media Release, 'Increased education and employment support for Defence families', 11 August 2011.



- the SAFE program, where DCO provides access to accommodation in circumstances such as a crisis involving family violence; and
- a family education program, FamilySMART, which is designed to build family members' resilience.

## Telephone contact arrangements

7.27 DCO has made arrangements for regularly telephoning and contacting deployed members' families in order to offer DCO support services. Until July 2011, Defence relied upon the member giving permission for DCO to contact their partner or family and if this permission was not received then deployment support calls were not made. DCO informed the ANAO that many partners missed out on deployment support calls because the necessary permission was not given and the partners were disappointed as a result. In 2009, Defence surveyed family members and 47 per cent of the respondents commented upon Defence's deployment support. Respondents reported significant dissatisfaction with Defence support, stating it was common for them to not receive the monthly DCO deployment contact phone calls.<sup>338</sup>

7.28 The ANAO analysed the relevant Defence database<sup>339</sup> in April and May 2011 to determine how often members had provided this permission. The ANAO found that, in respect to the samples analysed, nearly 40 per cent of deployed members had not given their permission.

7.29 Two key stakeholder groups to whom the ANAO spoke during this audit, Defence Families Australia and the Defence Special Needs Support Group, expressed a preference for Defence to develop a system for DCO deployment-support contact which did not establish the member as the gatekeeper for access to that support. Similarly, the 1994 Pratt Review of ADF family support noted that 'traditionally the ADF has attempted to pass information to families through the serving members with mixed results' and

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<sup>338</sup> Department of Defence, Directorate of Strategic Personnel Policy Research, Report 31/2009, *A picture of Australian Defence Force families 2009* (the Family Survey), p. 55.

<sup>339</sup> Defence used a pre-deployment form to seek the member's permission to contact the member's PEC. The National Welfare Coordination Centre (NWCC), within Headquarters Joint Operations Command, maintains the database which stores information obtained from these pre-deployment forms. The NWCC informed DCO which deployed members had given DCO permission to contact their families.

that Defence should 'get the information to the spouses, don't rely on the digger'.<sup>340</sup>

**7.30** The requirement for the member to provide permission for DCO to offer deployment support to the member's PEC was changed following discussions in late 2011 between Defence Families Australia and Defence. Defence informed the ANAO that, as of December 2011, DCO will annually deliver a deployment pack to all Defence members via the magazine *Defence Families Matters*. The pack will invite families to contact DCO to register for regular deployment-support calls. To enable this, DCO will develop a dedicated deployment-support email address, and families will also be able to call the 24-hour Defence Family Helpline which commenced service on 27 February 2012.<sup>341</sup>

### **Resilience building in the context of absences from home and deployments**

**7.31** In line with DCO's role in providing absence-from-home and deployment support, Defence recently launched the FamilySMART initiative which aims to foster resilience among Defence families. FamilySMART involves five face-to-face small group programs delivered by DCO staff for the ADF member and their partner which focus on the difficulties caused by deployments, absences, and postings. It is described as 'part of a wider Defence strategy to support the mental and physical wellbeing of ADF members and their families through prevention-based training'.<sup>342</sup>

**7.32** Defence's investment in initiatives to improve family resilience is supported by research. In a 2010 review, the Centre for Military and Veterans' Health found that 'family readiness' for deployment also contributed significantly to the ADF member's readiness for deployment. The review highlighted the importance of family readiness and resilience in helping to overcome the uncertainties involved with deployment, and noted that the

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<sup>340</sup> Department of Defence, *Report on the Review of ADF Personnel and Family Support Services*, 1994, p. 9.

<sup>341</sup> As an interim measure, DCO was to refer all requests for deployment support to the relevant DCO Area Office.

<sup>342</sup> The Hon. Warren Snowdon MP, Media Release, 'New program to strengthen Defence families', 23 August 2011.

relevant literature recommended family support groups and a 'buddy' system for families as effective support strategies.<sup>343</sup>

**7.33** Before the commencement of FamilySMART, the Defence Families Australia website showed that respondents to a DFA survey found that other Defence families were the best source of support while the ADF member was absent from home, and that DCO workshops were rated the least useful.<sup>344</sup> Initiatives such as FamilySMART, which focus on the capacity of Defence families to support each other, offer one means to address such concerns.

## Community capacity building

**7.34** Since its formation, DCO has performed a community development role as a means of supporting ADF families. The effectiveness of these efforts has depended on the skills of individual DCO social workers, their interests and their case load pressures. In response to COSC's May 2008 decision that DCO should undertake more concerted community development, the DGDCO advised the then Head of Personnel Services Division that DCO Family Liaison Officers had limited time available to undertake the additional work required by COSC. DCO took the view that such work would be better carried out by dedicated Community Development Officers as part of implementing DCO's proposed self-reliance strategy.

**7.35** DCO's Community Capacity Building program was initiated in October 2009, with the aim of building resilience and self reliance in ADF families through collaboration and consultation. The objectives of the program are to:

- build sustainable relationships and linkages into the community at a local, state and federal level;
- identify any gaps in resources and work collaboratively to build initiatives to cover any identified gaps; and
- provide ongoing communication to:

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<sup>343</sup> Centre for Military and Veterans' Health, *'Readjustment to 'Normal'*, Literature Review, October 2010, p. ix.

<sup>344</sup> Defence Families Australia, 'Home | Defence Families of Australia', <<http://www.dfa.org.au/>> [accessed 27 September 2011]. Not all DCO services or contacts were rated the same in this survey report. DCO social events were rated third.

- ADF families on available community resources and actively encourage families to utilise them; and
- the wider community to encourage engagement with ADF families'.<sup>345</sup>

**7.36** During audit fieldwork, ANAO observed that DCO conducts specific Community Capacity Building initiatives in some DCO Area Offices, including Townsville, where DCO is working to establish links with the community. In addition, DCO participated in National Families Week during May 2011, through a range of activities in 19 locations around Australia involving 8206 participants from ADF families.<sup>346</sup>

**7.37** DCO has undertaken other significant work on Community Capacity Building including training staff, developing policy and reviewing the Family Support Funding Program. However, the delay in completing the DCO Workforce Review has delayed its implementation. The Workforce Review was finalised in November 2011 when the DCO Staff Transition Plan was signed. DCO is now able to move to engage all of the required Community Development Officers and expand its Community Capacity Building program.

**7.38** During 2012–16, DCO also aims to: develop tools to measure the baseline of resilience and self reliance in ADF families, map existing community resources and linkages at the region and Area Office level, increase ADF families' participation in their communities, evaluate outcomes by measuring families' increase in participation and use of support networks, and measure ADF families' social connectedness—via future ADF Family Surveys.<sup>347, 348</sup>

## **Family Support Funding Program**

**7.39** The Family Support Funding Program (FSFP), administered by DCO, provides grants of up to approximately \$50 0000 to ADF and community groups to undertake family support projects at the local level. With an annual

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<sup>345</sup> Department of Defence, Director General Defence Community Organisation, [Draft] *Directive xx/2011, Community Capacity Building*, March 2011, paragraph 7.

<sup>346</sup> DCO has participated in National Families Week since 2006.

<sup>347</sup> Department of Defence, Director General Defence Community Organisation, [Draft] *Directive xx/2011, Community Capacity Building*, March 2011. Annex A.

<sup>348</sup> For further information, see Appendix 3: The ADF Family Survey.

budget of \$1.43 million, the FSFP has historically been a major component of DCO's community support, and has existed for over ten years.

**7.40** Following a recommendation from the 2008 DCO Strategic Review,<sup>349</sup> DCO commissioned a discussion paper in 2009 to provide suggestions and ideas to modify and develop the FSFP, with the goal of providing a FSFP more consistent with changes to DCO's structure, service delivery and approach to family support.<sup>350</sup>

**7.41** Following the review of the program, new FSFP guidelines were issued in 2011. The current aim of the FSFP is 'to connect [ADF] families with one another and the wider community in which they live and operate'.<sup>351</sup> The new FSFP process is designed to align with and invigorate DCO's Self Reliance Strategy and Community Capacity Building initiatives and was to be supported by Community Development Officers and Family Liaison Officers from the DCO Area Offices. The repositioning of the FSFP was well timed to assist with DCO's planned reinvigoration of its Community Capacity Building program. However, the rollout of the Community Capacity Building program has been delayed due to the delay in finalising the DCO Workforce Review, which did not occur until November 2011. As noted above, this has particularly affected progress in employing the Community Development Officers needed to take this program forward. The resultant loss of momentum has led to a delay in DCO achieving the full benefits of the new FSFP program for ADF families and communities.

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<sup>349</sup> Department of Defence, *Defence Community Organisation Strategic Review*, August 2008 Recommendation 38.

<sup>350</sup> Social Investment Solutions, *Contributing to a self reliant Defence Community through a revitalised Family Support Funding Program*, 21 May 2009, p. 1.

<sup>351</sup> FSFP is predicated on the desire of ADF families to help themselves and to determine community needs in their local area. FSFP grants are provided on a demonstrated needs basis through a competitive process. The Program funds activities such as playgroups and community or volunteer groups that integrate ADF families into the broader community. Department of Defence, Defence Community Organisation, *Defence Family Support Funding Program (FSFP) Guidelines*, Amendment January 2011, paragraphs 1 and 5.

## 8. Improving and reforming DCO

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*This chapter examines changes made by DCO in response to structural issues which the 2008 DCO Strategic Review identified as impeding DCO's service delivery. The chapter also examines DCO's management of complaints.*

### Introduction

**8.1** Since 2008 DCO has been undergoing significant change, in part in response to the pressure resulting from the ongoing deployment of ADF members to Afghanistan and in response to structural and strategic changes flowing from the 2008 DCO Strategic Review. Changes involving the redistribution of DCO's staff, for instance, have been particularly protracted.

**8.2** As raised in Chapter 1, the Strategic Review reported that the major criticism of DCO was its inconsistent approach to delivery of services across Australia. It attributed this to an inconsistent allocation of resources around the country and inadequate development and implementation of internal policies and guidelines.<sup>352</sup> The Strategic Review report observed that DCO faced a range of strategic issues, as well as internal cultural and management issues,<sup>353</sup> including:

- a lack of clarity as to DCO's role and its clients;
- poor governance of social work practices, with an emphasis on professional supervision rather than the development of agreed guidelines;
- the steady marginalisation of the military voice within DCO headquarters, and the marginalisation of the other DCO support disciplines, in favour of a social-work approach;
- the need to move DCO resources to Australia's north and west where the operational tempo was higher and to match the changed distribution of ADF members;

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<sup>352</sup> In particular, Recommendations 10 and 43 of the Strategic Review addressed inconsistency in service delivery and set out requirements for more uniform services and the implementation of consistent business practices in each DCO office.

<sup>353</sup> Department of Defence, Richard Scott, *Defence Community Organisation Strategic Review*, August 2008, p. 3. and *Defence Community Organisation Strategic Review Report—Part 4, Leadership and Culture*, August 2008.

- the lack of reliable data to measure the effect of DCO counselling services, or discern the major issues presented by the users of the service;
- the lack of an effective electronic case management system;
- that record-keeping practices for cases were fragmented and poor; and
- a highly directive top-down management approach that needed to adapt to a more strategic support function, with operational decision-making decentralised to DCO Area Offices or Regional Directors.<sup>354</sup>

**8.3** This chapter focuses on aspects of DCO's services where it has begun processes for improvement in response to the DCO Strategic Review. It commences by examining DCO's response to decisions of a senior Defence committee, the Chiefs of Service Committee (COSC), arising from the Review. One of these decisions is particularly important for this audit as it related to establishing a new overarching governance policy for DCO.<sup>355</sup> The second section of the chapter examines measures aimed at improving the consistency of DCO's services by addressing the policies and procedures which guide DCO staff.

**8.4** The third section examines DCO's efforts in building and sustaining its multidisciplinary teams. The multidisciplinary approach is important as DCO employs experienced military officers to assist it to integrate DCO social services with the ADF. Finally, this chapter examines DCO's arrangements for the management of complaints from its clients.

## **COSC decisions following the 2008 DCO Strategic Review**

**8.5** In May 2008, COSC made six decisions on outcomes that it sought based upon the initial findings of the DCO Strategic Review. These decisions were aimed at strategically reorganising DCO's delivery of services.

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<sup>354</sup> *ibid.*, particularly pp. 6 and 34, and *DCO Strategic Review*, *op. cit.*, pp. 9, 12, and 35.

<sup>355</sup> Through a new DI(G) which would update and combine two existing Defence Instructions: Defence Instructions (General) PERS 42–3 *Defence Community Organisation* and Defence Instructions (General) PERS 42–1 *Australian Defence Force Family Support Policy*.

### Outcomes directed by COSC following its consideration of the DCO Strategic Review

**Outcome 1** CDF directed that the priority for the Defence Community Organisation (DCO) will be the immediate families (spouse and children) of serving members.

**Outcome 2** COSC agreed that the draft replacement DI(G) it had considered, DI(G) PERS 42–3 *ADF Family Support and the Defence Community Organisation* was to be submitted through the System of Defence Instructions (General) approval process.

**Outcome 3** COSC agreed that DCO should improve its work on capacity building and community development through its Family Liaison Officers (FLOs) and foster the development of online communities.

**Outcome 4** COSC agreed that DCO support to Commissions of Inquiry (COI) should be aimed at supporting families and, on occasion, this support may also need to be extended to serving members.

**Outcome 5** COSC agreed that DCO should balance its resource allocation to enable consistent service delivery, based on the geographical distribution of the Primary Emergency Contacts of ADF members.

**Outcome 6** COSC agreed that DCO, in consultation with the Services, should determine the location of individual DCO Area Offices based primarily on accessibility (by Defence families).

8.6 Outcomes 1 and 4 were achieved in 2008.<sup>356</sup> However, as at August 2012, Outcomes 2, 3 and 5 had been partially achieved, and Outcome 6 was yet to be achieved.<sup>357</sup>

8.7 As discussed in Chapter 7, DCO has done significant work on Community Capacity Building required to achieve Outcome 3 including training staff, developing policy and reviewing the Family Support Funding Program. However, the delay in completing the DCO Workforce Review has delayed its implementation. The Workforce Review was finalised in November 2011 when the DCO Staff Transition Plan was signed. DCO is now able to move to engage all of the required Community Development Officers and expand its Community Capacity Building program.

<sup>356</sup> To implement Outcome 4, in 2008 DCO implemented a streamlined Commissions of Inquiry support team for each family affected by a COI.

<sup>357</sup> The Achievement of Outcome 6 is tied to the achievement of Outcome 5. See also Appendix 4: Implementation of the outcomes directed by COSC following its consideration of the DCO Strategic Review.



## Updating the Defence Instructions for DCO and the ADF Family Support Policy—COSC outcome 2

8.8 This section covers Defence’s administration of the implementation of the draft family support policy that was approved by COSC as an outcome of the DCO Strategic Review in 2008.

8.9 At the commencement of the audit and during most of its course, two Defence Instructions formed the overarching framework for ADF family support and defined DCO’s role and operations. These were: Defence Instructions (General) PERS 42–3 *Defence Community Organisation* and Defence Instructions (General) PERS 42–1 *Australian Defence Force Family Support Policy*.<sup>358</sup> Defence Instructions are issued jointly by the CDF and the Secretary of the Department of Defence (the Secretary) pursuant to section 9A of the *Defence Act 1903* (Defence Act).<sup>359</sup> Defence Instructions can constitute military orders and are reasonable directions for administrative purposes, and are expected to be reviewed at least every three years.<sup>360</sup>

### *The process of renewal of the ADF’s family support policy*

8.10 An important outcome of the DCO Strategic Review was COSC’s decision that the draft of a revised DCO DI(G) it had considered and approved was to be submitted into Defence’s system for instructions related to administration—the System of Defence Instructions (SODI) process.<sup>361</sup> The draft DCO DI(G) combined the existing DCO DI(G) and the ADF Family Support Policy (DI(G) PERS 42–1) into one document which emphasised that family support was a shared responsibility between ‘the ADF member, ADF families and Defence at all levels’ (see paragraph 6.12).<sup>362</sup> It was intended that once the amalgamated draft was consulted on and approved through the SODI

<sup>358</sup> The ADF Family Policy DI(G) was released in 2001 and was overdue for review.

<sup>359</sup> The Secretary also issues the instructions pursuant to section 20 of the *Public Service Act 1999* to direct Defence APS employees.

<sup>360</sup> Department of Defence, Defence Instructions (General) ADMIN 0–0–001 *The System of Defence Instructions*, 26 March 2007, paragraphs 8 and 27.

<sup>361</sup> Department of Defence, Richard Scott, *Defence Community Organisation Strategic Review*, August 2008, p. 42. Draft Defence Instructions (General) PERS 42–3 *ADF Family Support and the Defence Community Organisation*, May 2008. See also *Bromet v Oddie* [2003] FCAFC 213 (29 August 2003), at 16–17.

<sup>362</sup> Department of Defence, draft Defence Instructions (General) PERS 42–3 *ADF Family Support and the Defence Community Organisation*, May 2008.

process the then existing DCO DI(G) and the ADF Family Support Policy DI(G) would be cancelled.<sup>363</sup>

**8.11** The SODI Policy Sponsor from May 2008 to the present for DI(G) PERS 42-1, DI(G) PERS 42-3, and COSC's draft DI(G) PERS 42-3 was the Deputy Secretary Defence Support. Sponsor officers are responsible for 'developing and managing instructions in their respective series, including ensuring that they remain relevant and current'.<sup>364</sup> In April 2008 the Deputy Secretary Defence Support wrote to the DGDCO and said:

the [draft DCO DI(G)] also incorporates much of [the ADF Family Support Policy], including statements about shared responsibilities and guiding principles for DCO service delivery ... [and] broadly reflects the current views of the Service Chiefs and CDF, as well as other senior stakeholders.<sup>365</sup>

**8.12** However, before the draft DCO DI(G) that COSC had approved entered into the SODI process, significant changes were made to it. The modified version then entered the SODI process in January 2009, and was reviewed by Defence's Directorate of Administrative Policy (DAP).<sup>366</sup> DAP is responsible for ensuring that draft Defence Instructions meet their policy intent, are consistent with existing laws (and other Defence Instructions) and that all relevant Defence stakeholders have been consulted. DAP were not informed about the original draft DCO DI(G)<sup>367</sup> that COSC had considered and approved, or that the version provided to DAP had significant differences to the version approved by COSC. DAP noted that the draft DCO DI(G) it had received referred to the ADF Family Support Policy and DAP recommended that the Deputy Secretary Defence Support amalgamate the DCO DI(G) and ADF Family Support Policy DI(G)—which had already been done in the original version that COSC approved. In the event, the revised draft DCO DI(G) submitted to DAP in January 2009 was not finalised and so the extant

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<sup>363</sup> Department of Defence, Chiefs of Service Committee, *Agendum 38/08*, 15 May 2008, paragraph 3.

<sup>364</sup> Defence Instructions (General) ADMIN 0-0-001 *The System of Defence Instructions*, March 2007, paragraph 40.

<sup>365</sup> Department of Defence, Defence Support Group, Minute, *DCO Strategic Review*, 24 April 2008.

<sup>366</sup> The Defence Directorate of Administrative Policy sits within the Freedom of Information and Information Management Branch of the Office of the Secretary and Chief of the Defence Force Group.

<sup>367</sup> Department of Defence, Directorate of Administrative Policy, *Defence Instruction General DI(G) Feedback Sheet*, 19 February 2009. This feedback sheet refers to paragraphs that are not contained in the original COSC-approved DI(G).

1996 DCO DI(G) and 2000 ADF Family Support Policy DI(G) remained in force.

**8.13** Progress to implement the COSC-approved draft DI(G), which was intended to become the new ADF family support policy, ceased around this time—February 2009. In January 2012, DAP informed the ANAO that it agreed with the ANAO’s assessment that the implementation of the DCO DI(G) had been abandoned in mid-2009, and was not proceeding through the SODI process.<sup>368</sup> A minute to the Head Personnel Services Division in February 2009 stated that the COSC-approved DI(G) had been circulated to the Service Chiefs for consultation but had been held up: ‘unfortunately, this has hit a snag as both Army and Navy are seeking adjustments to the definition of “family”’.<sup>369</sup> The minute also indicated that original draft DI(G) had been split into two separate DI(G)s, and that the Policy Contact, the DGDCO, differed from the Head Personnel Services Division as to how the COSC-approved draft DI(G) was to be managed through the SODI process.<sup>370</sup>

**8.14** DCO informed the ANAO that it acknowledged problems with the entry of the draft DI(G) into the SODI process, but that DCO had not had control of the management of the DI(G)—as management of the DI(G) had rested with Personnel Services Division until March 2009.

**8.15** In June 2009, in the wake of a Defence review of SODI, DAP advised the DGDCO that Defence intended to introduce a new SODI process and, reduce the number of Defence Instructions and support them with new Defence Manuals. DCO responded, advising DAP that the DGDCO was the sponsor for DI(G) PERS 42–1 and 42–3. No mention was made of the COSC-approved draft DI(G). A new process to renew ADF family support policy commenced at this time without apparent consultation with COSC.

**8.16** It was in this context that DAP agreed in June 2009 to a DCO proposal to pilot two new Defence Manuals: a Defence Family Support Manual amalgamating the DCO DI(G) and the ADF Family Support Policy; and the Defence Casualty and Bereavement Support Manual (DCBSM) amalgamating many Defence Instructions related to these matters. The consultation and

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<sup>368</sup> Defence advice to ANAO, 30 January 2012.

<sup>369</sup> Defence Support Group, Minute, *DCO Strategic Review Handover*, 24 February 2009, received 7 August 2012.

<sup>370</sup> *ibid.*

approval process was further complicated by a change in the SODI process, in July 2011, when Defence decided that the Defence Family Support Manual was not to be supported by an authorising Defence Instruction as initially planned, but would be a Defence Manual only (a level below that of a Defence Instruction).

**8.17** DCO commenced a review of the DCO DI(G) and the ADF Family Support Policy in March 2011—nearly three years after COSC directed a replacement for these instructions was to be entered into the SODI process. In February 2011, DCO informed DAP that consultation for both the draft DI(G) PERS 42–3 and extant DI(G) PERS 42–1 would commence in May 2011.

**8.18** DCO undertook consultation with, and clearance by, the Services and Defence Groups between June and September 2011 for the draft Defence Family Support Manual, although Defence Support Group was not originally included in the working-level consultation process as DCO considered that it was the Group’s subject matter expert. DCO was later directed by DAP to obtain clearance from the Deputy Secretary Defence Support or the Defence Family Support Manual would not be progressed through the SODI process. On 17 January 2012, DCO obtained clearance from the Head Defence Support Operations (one level below the Deputy Secretary).

**8.19** There was some confusion about what was being consulted on; for instance, as late as January 2012, DAP stated that it had not seen any evidence of Defence consultation on either DI(G) PERS 42–1 or 42–3 and noted that Directorate of Military Personnel Policy (DMPP) should be consulted.<sup>371</sup> DCO provided evidence to the ANAO showing some consultation with DMPP regarding two initial chapters of the DFSM.

**8.20** Defence advised the ANAO that, as of 30 January 2012, Chapter 1 of the Defence Family Support Manual was being prepared for publication<sup>372</sup> and two of its draft chapters (Chapters 2 and 6—which were intended to replace the

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<sup>371</sup> Department of Defence, Directorate of Administrative Policy, letter to the ANAO, 14 February 2012, p. 2, stated: ‘It should be noted that DI(G) PERS 42–3 [the DCO DI(G)] and any other DI(G) relating to personnel, should be identified as requiring DMPP input as a major stakeholder for any review/development. As a significant stakeholder in the development of Defence-wide personnel policy, the DMPP deals with a broad range of personnel matters applying to both military and civilian staff’.

<sup>372</sup> Chapter 1 is an authorising chapter which contains broad principles, roles and responsibilities and outcomes. Once issued, the way is open for other chapters or manuals containing specific policies or procedures to be developed and issued.

DCO DI(G) and the ADF Family Support Policy—had been granted legal clearance and were being finalised by DCO.

**8.21** The ANAO examined the Policy Background Brief for Chapter 1 of the Defence Family Support Manual which was provided as the key consultation brief to the Secretary and the CDF in July 2012. It noted that the overall risk rating for this policy was ‘Very High’.<sup>373</sup> The brief advised the Secretary and CDF that the Deputy Secretary Defence Support, the policy sponsor, had endorsed the policy. The ANAO confirmed that at the time of this advice, the Deputy Secretary Defence Support had not endorsed the policy.<sup>374</sup>

**8.22** The Secretary and CDF approved the publication of Chapter 1 of the Defence Family Support Manual in August 2012. Subsequent to this, Defence realised that the Deputy Secretary Defence Support—the policy sponsor—had not endorsed the Defence Family Support Manual despite the advice to the Secretary and CDF to the contrary.<sup>375</sup> On 15 August 2012, the acting Deputy Secretary Defence Support was briefed on the Defence Family Support Manual and approved Chapters 1, 2 and 6, which has since led to the cancellation of DI(G) PERS 42–1, 42–3 and 42–6.

**8.23** In summary, the history of implementing the COSC-approved draft DCO DI(G) and the protracted development of the Defence Family Support Manual illustrates a lack of clarity about the respective roles of the Deputy Secretary Defence Support as the Defence Instruction Sponsor, and DGDCO as a contributing author of the Defence Family Support Manual.<sup>376</sup> DCO informed ANAO that the SODI process had made the updating of the relevant DI(G)s slow and difficult. DAP responded to this view and informed the ANAO that ‘the process requirements are not a reason for allowing high-level documents such as these to languish’ and ‘regardless of how out of date a DI(G) is, it will

<sup>373</sup> Department of Defence, *Policy Background Brief—Defence Family Support Manual*, June 2011.

<sup>374</sup> The brief also provided a summary intended to describe the key issues in the Manual under consideration. However, while the brief for this Manual listed the headings contained in the authorising Chapter 1, it did not address the substantive policy changes. (By contrast, a similar brief for the Defence Casualty and Bereavement Support Manual developed at the same time provided a summary of points where bereavement policies were intended to change.)

<sup>375</sup> DAP informed the ANAO that there had been a misunderstanding; endorsement by the Head Defence Support Operations had been misunderstood as being equivalent to endorsement by the Deputy Secretary Defence Support, the policy sponsor. DAP undertook to take ‘immediate steps to ensure that procedures are reviewed as a priority’. Defence advice to ANAO, 15 August 2012.

<sup>376</sup> Department of Defence, DGDCO Minute to Directorate of Administrative Policy, 9 June 2009, Attachment A.

remain in force if formal cancellation action is not followed through by the Sponsor area'.<sup>377</sup>

**8.24** The development of the ADF's family support policy has been protracted—taking more than four years. It was complicated by a change in how Defence managed its high-level SODI processes, and has proceeded without clear recognition of who was responsible for the development and ownership of the policy.<sup>378</sup>

**8.25** In the process of developing the new Defence Family Support Manual, the articulation of Defence's family support policy has been amended. Both the recently cancelled ADF Family Support Policy, and the Defence Family Support Manual released in August 2012, incorporate the principle that the ADF member bears primary responsibility for the wellbeing of their family. However, the previous ADF Family Support Policy, which was also consistent with the draft policy approved by COSC in 2008, stated 'the well-being of Service families is integral to the efficiency and effectiveness of the ADF and is a shared responsibility between the ADF and the member'.<sup>379</sup> The Defence Family Support Manual states the policy using different language, omitting the direct reference to a shared responsibility for the well-being of ADF families, but setting out the ADF's acceptance of an obligation to assist in providing appropriate Family support to Defence members and stating that Service Chiefs are responsible for the provision of support to Defence member families in accordance with the manual and relevant policy and procedures. Defence informed the ANAO that, while the expression of the policy had changed, there has not been any change to the policy intent.

**8.26** As it currently stands, Chapter 6 of the Defence Family Support Manual states 'Defence members, families and Command have a shared responsibility towards the health, welfare, discipline, and morale of the Australian Defence

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<sup>377</sup> Defence advice to ANAO, 30 January 2012.

<sup>378</sup> During the intervening period, DCO continued to develop internal policy and practice manuals in advance of settling the necessary Defence Instructions (and Defence Manuals), leading to a situation where aspects of DCO policy and practice manuals did not align with the extant Defence Instructions. Some of this alignment was corrected when the Secretary and CDF approved the Defence Family Support Manual in August 2012. For instance, with the approval of the Manual, DCO's Self Reliance Strategy is now aligned with Defence's high-level policy.

<sup>379</sup> Defence Instructions (General) PERS 42-1 *Australian Defence Force Family Support Policy*, 2000, paragraph 5.

Force'.<sup>380</sup> Defence advised the ANAO that this was a drafting error that it would seek to have remedied quickly.

## **Redistributing DCO staff resources to reflect the distribution of DCO clients—COSC outcomes 5 and 6**

**8.27** By mid-2008, it was clear that the distribution of Defence families around Australia had changed significantly,<sup>381</sup> though the distribution of DCO social workers had remained largely unchanged since DCO was formed in 1996.<sup>382</sup> In considering the DCO Strategic Review's finding that DCO offices were inconsistently resourced, in May 2008 COSC decided that DCO staff should be allocated to the areas of greatest need.<sup>383</sup>

**8.28** This approach was based on the DCO Strategic Review's analysis of the combined 2007 Defence Census data and March 2008 PEC data from Defence's PMKeyS personnel management system. The analysis showed a high correlation between the PEC data and the distribution of ADF members and their dependants as indicated in the Census data. A staffing formula for DCO offices was proposed, based on the available PEC administrative data, including:

a weighting factor that reflected the priority on immediate families...[and] the effects of absence (as a measure of operational and training demands on the ADF population in the area).<sup>384</sup>

**8.29** Under the formula proposed by the DCO Strategic Review and accepted by COSC, DCO staffing would increase in Adelaide, Brisbane, Perth, Canberra, Sydney, Townsville and the Hunter region, and decrease in Albury, the Darling Downs, Liverpool, Frankston and Wagga Wagga. As the then CDF put it in his column in the *Defence Magazine* of July 2008:

I am very pleased that as a result of this review, DCO resources will be reallocated to where they are most needed. ... This reallocation will happen

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<sup>380</sup> Department of Defence, *Defence Family Support Manual*, Chapter 6, paragraph 6.1.

<sup>381</sup> Department of Defence, Looking After Defence Families, *Defence Magazine*, Issue 1, 2008–09, p. 9.

<sup>382</sup> Department of Defence, DCO Brief for DGDCO, *Formula Development for Staff Planning Purposes*, 21 December 2009.

<sup>383</sup> The geographical concentration of the PECs nominated by ADF personnel was prescribed as the basis for establishing demand for DCO's services.

<sup>384</sup> Department of Defence, *Defence Community Organisation Strategic Review*, August 2008, p. 43.

incrementally as positions become vacant, and will enable DCO to better assist ADF members in balancing their family responsibilities with career demands. I thank all members of DCO for their support during this period of rebalancing.<sup>385</sup>

**8.30** As previously indicated, in March 2009, DCO also commenced a DCO Workforce Review to consider options on how best to restructure DCO to improve service delivery, with the intention of adjusting DCO's workforce structure and location to:

- increase DCO's responsiveness and flexibility and respond to the increased operational tempo within the ADF;
- create a greater capacity for mass casualty support and Community Capacity Building; and
- address the identified inconsistent service delivery.<sup>386</sup>

**8.31** In September 2009, almost 18 months after the original COSC decision, Defence commenced a further consultation with DCO staff which prompted DCO staff to invoke the formal consultative provisions of the Defence Enterprise Collective Agreement. In October 2009, DCO started to develop its own model for the allocation of DCO social workers—on the basis that COSC's endorsed approach of allocating staff based on PEC was not sufficient to capture the complexities in demographics that affect staff workload.<sup>387</sup> As a consequence, the COSC-endorsed model was not implemented. By December 2009, DCO had developed an alternative model, assigning a weighting of 75 per cent to the presence of ADF members with dependants, and a weighting of 10 percent to PEC data.<sup>388</sup>

**8.32** DCO advised the ANAO that it was on a basis similar to this that ADF member data and PEC data from 2009 were used to develop the detailed

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<sup>385</sup> Department of Defence, Looking After Defence Families, *Defence Magazine*, Issue 1, 2008–09, p. 9.

<sup>386</sup> Department of Defence, Director General Defence Community Organisation, Minute, *DCO Workforce Review Reform Proposal*, 12 November 2010.

<sup>387</sup> Department of Defence, Defence Community Organisation, *Brief for DGDCO: Formula development for staff planning purposes*, 21 December 2009, p.1.

<sup>388</sup> The other relevant weightings assigned by DCO were for situations where the ADF member would be absent for more than 13 weeks (eight per cent), the relative remoteness of the ADF member's home location (five per cent), duration of service, with durations under four years weighted at one per cent, and age, with ADF members under 30 years of age receiving a weighting of one per cent. See DCO Brief for DGDCO, *Formula Development for Staff Planning Purposes*, 21 December 2009.



business case for DCO's November 2011 Workforce Review Proposed Staffing Model.<sup>389</sup> The alternative model results in fewer staff being allocated to urban areas and more staff allocated to certain regional areas than anticipated by the arrangements put to COSC. It does aim to relocate staff to improve the consistency of service delivery and families' access to DCO.<sup>390</sup>

**8.33** The Deputy Secretary Defence Support signed the resulting *DCO Workforce Review Business Case* and the *Staff Transition Plan* on 24 November 2011, and Defence commenced implementation of the changes to the Service Delivery Model and the staffing structure in December 2011. DCO established the Defence Family Helpline in February 2012, and has so far filled six of the 12 permanent positions associated with the Defence Family Helpline with the remaining six still underway. DCO identified 19 positions as no longer required, and the affected staff have either been reassigned, or have taken a voluntary redundancy or resigned.

**8.34** In summary, a plan to implement COSC's May 2008 decisions on how DCO staff resources were to be geographically distributed was not resolved until November 2011, three and a half years after the original decision. DCO has now begun a process to relocate its staff with the aim of achieving greater consistency of service delivery by redistributing staff to match the changes in the geographical distribution of ADF families. However, the changes made by DCO to the staffing model—as decided by COSC in May 2008—do not appear to have been referred to COSC for review or approval.

## Regulation of service delivery through practice manuals

**8.35** DCO has put significant effort into developing internal policy and procedural manuals for staff in response to the Strategic Review's finding that DCO services were inconsistently delivered due, in part, to a lack of internal policy and guidance. Since the 2008 Review, DCO has developed and promulgated practice manuals to regulate its services and address the inconsistency in its service delivery.

**8.36** Manuals developed to date include:

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<sup>389</sup> Department of Defence, Defence Community Organisation, *DCO Workforce Review: DCO Proposed Staffing Model and Structure Diagrams*, November 2011.

<sup>390</sup> Department of Defence, Defence Community Organisation, *Defence Community Organisation Workforce Review: Staff Transition Plan*, 23 November 2011, p. 3.

- *DCO Client Rights and Responsibilities* (April 2009);
- *Privacy and Confidentiality in DCO* (May 2009);
- *Working with Command* (March 2010);
- *Report Writing* (July 2010);
- *Records Management in DCO* (September 2010);
- *DCO Critical Incident and Casualty Support Services* (June 2011); and
- Defence Instructions (General) PERS 20–8 *Defence Casualty and Bereavement Support Manual*<sup>391</sup> and its associated policy guidance, set out in the subordinate Manual with the same name.

**8.37** At the time of this audit, DCO had begun drafting a *Mobility Support Program and Services* manual and also developed the Defence Family Support Manual which has replaced the DCO DI(G) and the ADF Family Support Policy.

**8.38** In developing common practice manuals for its staff, DCO has taken important steps toward establishing the expected standards and methods to which DCO staff are to adhere, although the development and implementation of the practice manuals has been contested within DCO and their implementation has been variously delayed.<sup>392</sup> In this context, DCO informed the ANAO that some of its professional staff did not understand that DCO had an ‘agency mandate’ or authority to manage the organisation and to govern its staff and their professional outputs through guidance documents such as the practice manuals.

**8.39** Currently, the guidance contained in some of these internal policy manuals does not fully align with higher governance in Defence Instructions, Defence Manuals, and a Defence Determination.<sup>393</sup> It will be important for DCO to review these manuals to ensure that the guidance they contain aligns

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<sup>391</sup> First issued in April 2011 and amended in September 2011.

<sup>392</sup> The anticipated improvements are yet to be substantially realised, due to delays in delivering the Workforce Review discussed earlier in this chapter.

<sup>393</sup> A Defence Manual is a Tier Two SODI document which contains Defence policy and procedures. It is issued after being authorised by the CDF and Secretary, and can be subsequently amended by a Group Head or Service Chief.

with the relevant Defence Instructions, Defence Manuals, and Defence Determination.<sup>394</sup>

## DCO's multidisciplinary teams

**8.40** The Strategic Review's final report included 68 recommendations relating to DCO's strategic direction, its services and program delivery, its business management; and its leadership and culture. The broad thrust of the DCO Strategic Review's recommendations was to reshape DCO's culture. The DCO Strategic Review recommended that DCO should also 'begin operating from a truly multi-disciplinary basis'.<sup>395</sup> An earlier Defence Inspector General's evaluation of DCO undertaken in 1999 had also identified problems in establishing, maintaining, and effectively managing multidisciplinary teams within DCO.

**8.41** Multidisciplinary teams, comprising professionals from a range of disciplines working together, are common in the health services sector. DCO's multidisciplinary teams can bring together a range of skills—including those of Defence Social Workers, MSOs, Family Liaison Officers, Regional Education Liaison Officers, Community Development Officers, and administrative support staff. However, DCO's multidisciplinary teams are primarily composed of social workers.

**8.42** As at November 2011, DCO had 75 Full Time Equivalent (FTE) dedicated social work positions (not including Area Manager positions), rising to 78 FTE with the finalisation of the Workforce Review, of whom 12 were to staff the Defence Family Helpline.<sup>396</sup> This represents almost half of all DCO staff. Staff with social work qualifications currently fill most DCO management

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<sup>394</sup> Examples are: in bereavement where the DCO Critical Incident Manual conflicts with the DCBSM, DI(G) PERS 20–6, and PACMAN; in DCO's guidance on privacy where the manual *Privacy and Confidentiality in DCO* does not incorporate relevant aspects of two Defence Instructions which appear to regulate aspects of ADF members' privacy.

<sup>395</sup> Department of Defence, Richard Scott, *Defence Community Organisation Strategic Review*, August 2008, p. 7. Recommendation 66 proposed a revised, program-based DCO organisational structure, incorporating separate professional heads for each of the social worker and MSO staff groups, and an effective line and professional head for the emerging Community Development Officers. It also set out a better balanced and more effective distribution of responsibilities between the social work and MSO disciplines.

<sup>396</sup> Department of Defence, *DCO Workforce Review Reform Proposal—Detailed Business Case*, 24 November 2011, p. 3.

positions, are mandated to fill all Area Manager positions,<sup>397</sup> and are the only officers authorised by DCO to act as case managers in bereavement.<sup>398</sup>

**8.43** In common with the 1999 Inspector General's evaluation, the 2008 DCO Strategic Review found that, relative to social work positions, other disciplines within DCO have been marginalised. In particular:

- MSOs have been relegated from having full and equal responsibility for funerals and bereavement support to acting in a support or advisory capacity subordinate to Defence Social Workers. Control of all bereavement-related tasks has been transferred from the military workforce in DCO to the Director of Professional Practice; and
- the role of the senior DCO military officer was reviewed and, in February 2011, changed from Director of Military Support to Deputy Director of Military Policy. The responsibility as Senior Assessor for performance appraisal of MSOs has been transferred from the DCO senior military officer to the DCO Regional Director, a social work position.<sup>399, 400</sup>

**8.44** The DCO Strategic Review found that DCO's social work culture was 'unusually resistant to change' and this had limited the implementation of organisational changes or reforms to that point.<sup>401</sup> In particular, DCO social workers had resisted changes to professional social work practice already in

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<sup>397</sup> Department of Defence, *DCO Workforce Review Staff Transition Plan*, 24 November 2011, p. 25.

<sup>398</sup> Previously, Defence Instructions (General) PERS 42–6 *Defence Community Organisation support for next of kin of deceased members of the Australian Defence Force and the Australian Defence Force Cadets* (2002) specified that MSOs were also case managers in bereavement.

<sup>399</sup> Under the previous DCO Procedure Number 012—'Performance Appraisal Reporting for Military Support Officers (MSO)', the senior military officer in DCO would usually assume the role of Senior Assessor for all MSO Performance Appraisal Reports. The involvement of the senior military officer as a Senior Assessor is no longer a DCO practice and Procedure Number 12 was subsequently updated in May 2012 to reflect the changes in the senior military officer's role in DCO. The Purpose of Performance Appraisal relates to promotion, courses and postings and will assist in future career management and employability—see DI(G) PERS 10–8 *Performance Appraisal Reporting in the Australian Defence Force*, November 2005, paragraph 3.

<sup>400</sup> The senior military officer in DCO previously reported directly to the DGDCO. The DCO Strategic Review proposed an organisational structure in which the senior military position was the professional head for MSO's and reported directly to the DGDCO. Department of Defence, Richard Scott, *Defence Community Organisation Strategic Review—Part 4: Leadership and Culture*, August 2008, pp. 6, 9, 10.

<sup>401</sup> Department of Defence, Richard Scott, *Defence Community Organisation Strategic Review—Part 4: Leadership and Culture*, August 2008, p. 2.

place in the wider community, and had resisted both management and oversight within DCO.

**8.45** The development and staffing of Defence Family Helpline in February 2012 has led to an expansion of the professions forming DCO's multidisciplinary teams. DCO has also employed psychologists as DCO human services professionals to staff the helpline, along with social workers.<sup>402</sup>

## **Military Support Officers**

**8.46** MSOs are uniformed members of the Air Force, Army or Navy who are posted to DCO for the duration of a normal posting (generally 3 years). They work out of DCO's Area Offices and report to the DCO Area Manager. They are usually experienced ADF officers between the ranks of Captain to Major (or equivalent), or senior non-commissioned officers at the rank of Warrant Officer Class 1 or 2 (or equivalent). MSOs are either experienced officers or senior non-commissioned officers to ensure that they have the necessary authority and experience to deal effectively with other parts of Defence, and to link local ADF units to DCO Area Offices.<sup>403</sup> MSOs are usually involved in critical incidents, including bereavements and casualties.

**8.47** In practice, MSOs have limited scope to liaise independently with ADF units and require the approval of Area Managers to do so.<sup>404</sup> Changes to Bereavement Support Team procedures introduced in mid-2007 mean that MSOs are no longer equal case managers with the social worker team member—even when they are the most experienced member of a Bereavement Support Team.

**8.48** MSOs interviewed by the ANAO in the course of this audit reported a low average workload interspersed with periods of intense activity when they are involved in a bereavement or casualty. Others reported that opportunities for undertaking training courses—relevant to their DCO role or for future Service promotion—were restricted. There also appear to be varying levels of integration of MSOs into Area Office multidisciplinary teams. Only some Area

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<sup>402</sup> Prior to February 2012, DCO had employed one other psychologist in the support team for families involved in Commissions of Inquiry.

<sup>403</sup> Department of Defence, *MSO Review Project Final Report*, 2009, paragraph 42.

<sup>404</sup> Department of Defence, Defence Community Organisation, *Working with Command*, March 2010, pp. 8, 9.

Office multidisciplinary teams involve MSOs in case-intake or case-discussion meetings. Some MSOs interviewed by the ANAO reported that, except for critical incident support, their role in a DCO Area Office was peripheral. The inclusion of MSOs in multidisciplinary teams and the extent of their professional freedom and responsibility appeared to depend upon the overall workload of the Area Office, the attitude of the Area Manager, and MSOs' personal initiative and length of service in DCO.

**8.49** DCO reviewed the role of MSOs in 2009, and found that while it was necessary to have MSOs at the rank of Major (or equivalent) or Warrant Officer Class 1 or 2 (or equivalent) for specific critical-incident related tasks, 'current MSO tasking does not support the requirement for a professional at that level'.<sup>405</sup>

When MSOs were not engaged in crisis work, the supplementary work provided to MSOs had contributed to a perception that the role is not nationally consistent, suggesting that additional appropriate tasking for MSOs is needed.<sup>406</sup>

**8.50** The MSO review also identified that a posting into an MSO role could have a negative impact on an officer's ADF career. The MSO role was not well understood by ADF career agencies, was perceived to be outside mainstream ADF careers, and restricted MSOs' opportunities for attending the courses required for promotion in the ADF.<sup>407</sup>

**8.51** The MSO Review made 17 recommendations, a key theme of which was strengthening the role of MSOs and aligning their workload with that of other ADF postings of comparable rank. In response, DCO continued annual MSO induction training and increased the length of MSO postings. However, progress to implement all the recommendations of the MSO Review has been slow, and the then senior MSO role, the Director of Military Support, was significantly downgraded in February 2011.<sup>408</sup> Subsequently, in December

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<sup>405</sup> Department of Defence, *MSO Review Project Final Report*, 2009, paragraph 20.

<sup>406</sup> *ibid.*, paragraph 14.

<sup>407</sup> See also paragraph 8.43 and its footnote for information on Performance Appraisal in DCO which relates to MSOs' promotion.

<sup>408</sup> This position had: previously provided a professional head role (as recommended by the MSO review) to support, oversight and guide MSOs; been responsible for the management of critical incidents; been responsible for reviewing performance assessments to ensure compliance with ADF standards; and reported directly to the DGDCO.

2011, Defence informed ANAO that DCO had reviewed and redefined the role as Deputy Director Military Policy and re-expanded it to mentor MSOs and to liaise with the single Services' Career Management Agencies.

## Community Development Officers and Family Liaison Officers

**8.52** The 2009 Defence White Paper provided for additional DCO Community Development Officers to extend Community Capacity Building.<sup>409</sup> DCO intends the new Community Development Officers and existing Family Liaison Officers to be central to the delivery of DCO's Community Capacity Building effort.

**8.53** However, as at December 2011 only two of the 11 proposed<sup>410</sup> Community Development Officer positions had been filled. Defence planned to start the process of filling these positions (under the November 2011 DCO Staff Transition Plan of November 2011) from March 2012.<sup>411</sup> Defence subsequently advised that as of July 2012, two Community Development Officer positions were substantively filled in Darwin and Melbourne, and one position was filled in Townsville on a non-ongoing basis. Additional positions could not be filled due to a Defence-wide recruitment pause related to government budget constraints.

## DCO's management of complaints

**8.54** Complaints management is another important aspect of service delivery. The effective management of complaints received by DCO can contribute to improvements in service delivery, increase client and customer satisfaction, and serve to strengthen Defence's reputation.

**8.55** The Commonwealth Ombudsman has observed that:

Complaints are a valuable source of information that agencies can use to improve their performance. Keeping accurate records, analysing and reporting on complaints and their outcomes helps agencies to learn from their mistakes,

<sup>409</sup> Department of Defence, *Defending Australia in the Asia Pacific Century: Force 2030*, 2 May 2009, p. 115.

<sup>410</sup> Another position is to be a joint Community Development Officer/Defence Social Worker position.

<sup>411</sup> Department of Defence, *Defence Community Organisation Workforce Review, Staff Transition Plan*, 23 November 2011, p. 10.

improve their standards and refine their delivery of services. Taking those steps also builds trust within the community.<sup>412</sup>

**8.56** DCO's approach to the reporting and management of complaints is set out in four key documents:

- the *DCO Client Rights and Responsibilities* manual (the Manual) which was released in April 2009;
- DCO's complaint-handling procedures are also covered in the *DCO Procedure Number 4: Managing Complaints* (the Complaints Procedure), dated December 2010;
- the DCO client complaint brochure which is available in hard copy to clients at DCO's Area Offices;<sup>413</sup> and
- additional complaint-handling information is presented in the *DCO Client Service Charter*, which is available on the DCO website and advises clients on how to make a complaint.

**8.57** The key documents outline three complaints procedures which provide different and at times conflicting guidance. Firstly, the Manual refers to the Complaints Procedure in the DCO guidance *DCO Procedure Number 4: Managing Complaints*. The Manual recommends that clients are to be directed to raise complaints in the first instance with the DCO staff member who is providing the service, so that their complaint can be dealt with at the lowest level possible.<sup>414</sup> It also specifies that, as a Quality Indicator, 'an accurate and up to date register for complaints is kept in each office and [DCO headquarters]'.<sup>415</sup> The Manual directs that 'the receipt of a complaint must be acknowledged in writing ... within two working days of receipt' and the Area

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<sup>412</sup> Commonwealth Ombudsman, Fact Sheet 3, *Providing remedies*, November 2008, <<http://www.ombudsman.gov.au/pages/publications-and-media/fact-sheets/>> [accessed, 30 August 2011].

<sup>413</sup> Department of Defence, Defence Community Organisation, *If you have a complaint about the Defence Community Organisation*, undated.

<sup>414</sup> The Ombudsman notes that care is required to ensure that a staff member does not handle a complaint about themselves. Commonwealth Ombudsman, *Better Practice Guide to Complaint Handling*, Better Practice Guide 1, Commonwealth Ombudsman, Canberra, 2009, p. 10.

<sup>415</sup> Department of Defence, Defence Community Organisation, *DCO Client Rights and Responsibilities*, April 2009, section 5.8.



Manager is to advise the Director Corporate Development of the complaint received and action taken.<sup>416</sup>

**8.58** A second and different process is described in the Complaints Procedure. The Complaints Procedure states that only one central DCO Complaints and Compliments Register will be maintained for all DCO complaints and it will be kept on the electronic Document and Records Management System.<sup>417</sup> Under the Complaints Procedure, DCO Area Office staff are to place all complaint documentation on the client's file and email a copy to their Regional Director, who is responsible for recording the complaint on the Complaints and Compliments Register.

**8.59** DCO established a central Complaints and Compliments Register in June 2010 and the Complaints Procedure was to be updated to reflect this in December 2010. However, the *DCO Clients Rights and Responsibilities* manual also requires updating to align it with this change to the Complaints Procedure.

**8.60** Finally, the DCO client complaint brochure outlines a third and different complaints process.<sup>418</sup> It outlines a three-step process for escalation of complaints by the complainant, if dissatisfied with DCO's previous lower-level attempts to resolve their complaint. If the complainant is dissatisfied with DCO's response to the initial verbal complaint made to the DCO staff member, and with a subsequent escalated verbal or written complaint to the DCO Area Manager, it is possible to complain to the Regional Director. Only complaints made in writing to a Regional Director are considered 'formal' complaints. DCO clients are advised that [only] formal complaints are acknowledged by DCO in writing and are registered with the 'Complaints Officer'. This contrasts with the guidance provided in the Manual which states that all complaints are to be acknowledged in writing within two days of receipt.

**8.61** ANAO also examined how complaints are managed by DCO in practice. DCO HQ informed ANAO that few complaints were made, and DCO staff interviewed by the ANAO during visits to selected Area Offices indicated

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<sup>416</sup> Department of Defence, Defence Community Organisation, *DCO Client Rights and Responsibilities*, April 2009, section 5.7.2.

<sup>417</sup> DCO commenced using the Document Records Management System in July 2010.

<sup>418</sup> Department of Defence, Defence Community Organisation, *If you have a complaint about the Defence Community Organisation*, undated.

that any complaint received was placed on the relevant client file.<sup>419</sup> However, in response to a request by ANAO for a copy of all complaints on the DCO Complaints and Compliments Register, DCO advised in February 2011 that there were no complaints registered on the register. In May 2011, ANAO again requested a copy of all complaints on the register and was advised that one complaint had been registered. Subsequently, DCO searched Defence's Documents and Records Management System (DRMS) to identify complaints entered on that system and arranged for those complaints to be recorded in DCO's Complaints and Compliments Register. In light of these experiences, DCO advised ANAO that it had reminded all supervisory staff of their responsibilities regarding complaints.

**8.62** As set out above, DCO complaints processes are set out in four separate documents which are not consistent in their description of how complaints are managed and in the guidance they provide to staff. Accordingly, there would be benefit in DCO reviewing these documents for consistency. There would also be benefit in DCO considering how best to maintain staff awareness of complaints handling procedures, including through training and induction processes.

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Ian McPhee  
Auditor-General

Canberra ACT  
1 November 2012

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<sup>419</sup> The ANAO undertook fieldwork at three DCO Area Offices: Townsville, Sydney and Richmond.

# Appendices



## Appendix 1: Defence Instructions and Defence Manuals directly relevant to DCO's operations

Name	Issue date
Defence Instructions (General) PERS 42–2 <i>Defence Child-care Policy</i> [scheduled for cancellation]	1992
Defence Instructions (General) PERS 20–2 <i>Deceased Dependants—Funeral/Transportation Arrangements</i>	1994
Defence Instructions (General) PERS 53–1 <i>Recognition of interdependent partnerships</i>	2005
Defence Instructions (General) PERS 20–6 <i>Death of Australian Defence Force personnel</i>	2008
Defence Instructions (General) PERS 11–2 <i>Notification of Australian Defence Force and non-Australian Defence Force casualties</i>	2008
Defence Instructions (General) PERS 16–20 <i>Privacy of health information in Defence</i>	2008
Defence Instructions (General) PERS 35–3 <i>Management and reporting of unacceptable behavior</i>	2009
Defence Instructions (General) PERS 20–8 <i>Defence Casualty and Bereavement Support Manual</i>	2011
Defence Family Support Manual (Chapter 1) <sup>420</sup>	2012
<b>Defence Instructions cancelled during the audit</b>	
Defence Instructions (General) PERS 42–3 <i>Defence Community Organisation</i> [cancelled in August 2012]	1996
Defence Instructions (General) PERS 42–1 <i>Australian Defence Force Family Support Policy</i> [cancelled in August 2012]	2000
Defence Instructions (General) PERS 11–1 <i>Defence Force sponsored visits to service members suffering serious illness or injury—The Australians Dangerously Ill Scheme</i> <sup>421</sup> [cancelled in May 2012]	2001
Defence Instructions (General) PERS 42–6 <i>Defence Community Organisation support for next of kin of deceased members of the Australian Defence Force and the Australian Defence Force Cadets</i> [cancelled in August 2012]	2002

Source: ANAO analysis.

<sup>420</sup> The authorising chapter of the Defence Family Support Manual (Chapter 1) was signed by the Secretary and CDF in August 2012. Chapters 2 and 6 have now replaced some of the Defence Instructions in the table above (42–1, 42–3, 42–6), and further Defence Instructions will be cancelled as the remaining Chapters are progressively developed and promulgated.

<sup>421</sup> This Defence Instruction was integrated into the Defence Casualty and Bereavement Support Manual in mid-2012 and subsequently cancelled.

## Key governance documents for bereavement support

Document	Issue Date
Determination 2005/15— <i>ADF Pay and Conditions Manual (PACMAN)</i> <sup>422</sup>	2005, as amended
Defence Instructions (General) PERS 11–2 <i>Notification of Australian Defence Force and non-Australian Defence Force Casualties</i>	May 2008
Defence Instructions (General) PERS 20–6 <i>Death of Australian Defence Force personnel</i>	May 2008
Defence Instructions (General) PERS 20–8 <i>Defence Casualty and Bereavement Support Manual</i>	September 2011
<i>Defence Casualty and Bereavement Support Manual (DCBSM)</i>	September 2011
<i>ADF Commander's Guide: Looking after families following a Service death</i>	August 2008
<i>ADF Bereavement Support Resources</i> (a client booklet)	Current
DCO Critical Incident and Casualty Support Services [manual]	June 2011
Defence Family Support Manual (Chapter 2)	August 2012
<b>Governance documents cancelled during audit</b>	
Defence Instructions (General) PERS 42–6 <i>Defence Community Organisation support for next of kin of deceased members of the Australian Defence Force and Australian Defence Force Cadets</i> [cancelled in August 2012]	August 2002

Source: ANAO analysis of Defence records.

<sup>422</sup> This determination is made by the Minister for Defence under section 58B of the *Defence Act 1903*.

## Appendix 2: Data collection for DCO services

1. The need for accurate data on DCO's target population was first identified in the 1999 Defence Inspector General's evaluation of the DCO program.<sup>423</sup> The evaluation found that there was a lack of available data on DCO's target population, issues with the quality and reliability of available data, and the requirement for a needs analysis. The terms of reference for the 2008 DCO Strategic Review included a needs analysis of DCO's target population but the review did not meet this objective.
2. The 2007 Defence Census found that about 9 per cent of ADF members had experienced a relationship breakdown. The 2011 Defence Census increased its focus on relationship issues in Defence; it reported that 17 per cent of permanent ADF members had experienced a divorce and/or breakdown of a Defence-recognised relationship during their service in the ADF. Figures were not provided for the breakdown of de facto relationships which had not been Defence-recognised.<sup>424</sup> Other service providers to ADF members such as Chaplaincy, Defence Psychology and the Veterans and Veterans' Families Counselling Service (VVCS) have all identified relationship problems as one of the most common presenting issues for counselling.
3. For its mobility support services, specifically education assistance and childcare, DCO collects data on the demand for its services. DCO has recently completed a review of the provision of childcare, a review of its education assistance program, a review of special needs support, and a review of its Family Support Funding Program. DCO has to date only conducted limited evaluation of its other services.<sup>425</sup>
4. In 2008, DCO introduced the Statistical Reporting System (SRS) to provide management information on services provided to DCO's clients as an interim solution. This system provided limited information

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<sup>423</sup> Department of Defence, Inspector General, *Defence Community Organisation: Program Evaluation Report*, 1999.

<sup>424</sup> Department of Defence, Defence Census 2011 Fact Sheet, *Family Support*, 2012.

<sup>425</sup> For critical incident and casualty support (particularly bereavement and serious illness or injury), evaluation comprises internal After Action Reviews.

on the issues that led clients to present for counselling and the frequency of client contacts. The SRS was developed by DCO as an interim solution so that it had a capability in place while a more comprehensive solution was developed.

5. DCO introduced the Portfolio Management System (PMS) in 2011. The DCO PMS is used to manage the intake and provision of DCO services: it allows DCO to track caseloads, manage the number of counselling sessions delivered in each case, and ensures that clients that attend DCO for assessment are eligible for further brief intervention counselling services. This has allowed DCO to begin to gather accurate data on the demand for DCO services.



## Appendix 3: The ADF Family Survey

1. The ADF Family Survey was conducted in 2008–09, and was the first time that Defence sought information directly from the families of ADF members.<sup>426</sup> It aimed to address the lack of available attitudinal data on Defence families to allow for the consideration of family factors in future ADF retention initiatives. It also attempted to evaluate family and member support programs, and understand what members, commanders, Defence and families can do to improve quality of life for ADF families. The survey had a response rate of approximately 20 per cent (5749) from a population of 28 700.
2. The survey identified the following issues in relation to DCO:
  - 96 per cent of respondents from ADF families reported that they were aware of DCO, but 43 per cent were unsure of its role;<sup>427</sup>
  - there was inadequate communication with families about what support services were available;
  - DCO social work services were the fifth most valued services and also the service most frequently rated as ‘not useful’; and
  - while families valued deployment support telephone calls from DCO, they frequently did not receive contact from DCO during deployments, and this was a significant source of dissatisfaction.<sup>428</sup>
3. The survey also showed that ADF families’ needs for communication, education, and support from Defence was most important at several peak times. These were: at entry into the ADF, and then again at the time of a member’s first deployment, or when a member undertook a

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<sup>426</sup> Department of Defence, *A Picture of Australian Defence Force Families 2009: Results from the first survey of Australian Defence Force Families—General Report*, September 2009, p. 7. The response rate was 20.6 per cent and the results are subject to the limitation that the convenience sample over-represented partners and spouses of officers, people with a university education, and those with 20 years or more service in the ADF.

<sup>427</sup> This issue was also identified ten years earlier in the 1999 Inspector General’s evaluation.

<sup>428</sup> Department of Defence, *A Picture of Australian Defence Force Families 2009: Results from the first survey of Australian Defence Force Families—General Report*, September 2009.

posting and was not accompanied by their family, or when a family experienced a major stressful event.<sup>429</sup>

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<sup>429</sup> Department of Defence, Samantha Atkins, 'The first survey of Australian Defence Force families', presentation to the 11<sup>th</sup> Australian Institute of Families Studies Conference, 7–9 July 2010.

## Appendix 4: Implementation of the outcomes directed by COSC following its consideration of the DCO Strategic Review

Chiefs of Service Committee outcomes	ANAO comment
<p><b>Outcome 1</b> CDF directed that the priority for the Defence Community Organisation (DCO) will be the immediate families (spouse and children) of serving members.</p>	<p><b>Achieved 2008</b> Implemented by DCO.</p>
<p><b>Outcome 2</b> COSC agreed that the draft [replacement] DI(G) PERS 42–3 [ADF Family Support and the Defence Community Organisation] was to be submitted through the System of Defence Instructions (General) (SODI) approval process.</p>	<p><b>Partially achieved 2012</b> The COSC-approved draft DCO DI(G) did not proceed into and through the SODI system for approval. However, Defence has developed a Manual which replaced DI(G) PERS 42–1 and 42–3. Chapter 1 of the Defence Family Support Manual was signed by the Secretary and CDF in August 2012. On this basis, the ANAO considers this outcome partially achieved.</p>
<p><b>Outcome 3</b> COSC agreed that DCO should improve its work on capacity building and community development through its Family Liaison Officers (FLOs) and foster the development of online communities.</p>	<p><b>Partially achieved</b> DCO has done significant work on Community Capacity Building including training staff, developing policy and reviewing the Family Support Funding Program. However, implementation has been delayed.</p>
<p><b>Outcome 4</b> COSC agreed that DCO support to Commissions of Inquiry (COI) should be aimed at supporting families and, on occasion, this support may also need to be extended to serving members.</p>	<p><b>Achieved 2008</b> DCO has implemented a streamlined Commissions of Inquiry support team for each family affected by a COI.</p>
<p><b>Outcome 5</b> COSC agreed that DCO should balance its resource allocation to enable consistent service delivery, based on [the geographical] distribution of the Primary Emergency Contacts of ADF members.</p>	<p><b>Partially achieved</b> DCO's current plan to distribute its staff is not based upon the distribution of the Primary Emergency Contacts of ADF members. DCO has developed an alternative model aimed at relocating staff to improve the consistency of service delivery and families' access to DCO. As at January 2012 it had not relocated staff.</p>
<p><b>Outcome 6</b> COSC agreed that DCO, in consultation with the Services, should determine the location of individual DCO Area Offices based primarily on accessibility (by Defence families).</p>	<p><b>Not achieved</b> The implementation of Outcome 6 is tied to the achievement of Outcome 5. DCO has yet to consult with Services or assess the accessibility of its Area Office locations.</p>

Source: ANAO analysis of Defence records.

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*Australian Government Coordination Arrangements for Indigenous Programs*

Department of Families, Housing, Community Services and Indigenous Affairs

## Current Better Practice Guides

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The following Better Practice Guides are available on the ANAO website.

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