



# Australian Government

## Inspector-General of the Australian Defence Force

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IGADF/BO38868165

### DIRECTION (TERMS OF REFERENCE)

#### IGADF OWN-INITIATIVE INQUIRY 1/24

#### ‘WEAPONISATION’ OF THE MILITARY JUSTICE SYSTEM

#### Introduction

1. I have decided to inquire into allegations and perceptions that the military justice system has been, or has the potential to be, ‘weaponised’, such that it may cause harm.

#### Background

2. The military justice system comprises the following four elements:

- a. investigations, prosecutions and proceedings under the *Defence Force Discipline Act 1982* (Cth)
- b. administrative inquiries and fact finding
- c. administrative sanctions
- d. complaint handling.

3. The Royal Commission into Defence and Veteran Suicide questioned several witnesses about the perception that the military justice system has, or has the potential to be, ‘weaponised’. In its final report in September 2024, the Royal Commission also recommended this Inquiry be prioritised (Recommendation 30).

4. One of the Inspector-General’s roles is to oversee the quality and fairness of the military justice system. The Inquiry will examine allegations and perceptions that the military justice system has been ‘weaponised’ or abused, the extent of any such abuse, and any features of the military justice system that may allow for such abuse. It will also evaluate existing protective factors and recommend improvements for a more effective, trusted and fairer military justice system.

#### Scope of the Inquiry

5. The Inquiry is to consider and make recommendations about:

- a. what is meant by the term ‘weaponisation of the military justice system’
- b. to what extent military justice system processes appear to have been abused within the Australian Defence Force

- c. which military justice system processes are most susceptible to abuse
- d. what the key reasons and causes for such behaviour and actions are
- e. what mechanisms exist for identifying potential abuse of the military justice system and for holding commanders to account who are found to abuse military justice processes and whether these mechanisms are effective
- f. how any abuses might be minimised or eliminated.

**Consultations, submissions and Advisory Panel**

6. In order to ensure that a wide range of views, experiences and perspectives are available to inform this Inquiry, it will consult widely with key Defence stakeholders. It will also invite written submissions from current and former Australian Defence Force members, their families and other members of the public who may have an interest in the Defence and veteran community.

7. An Advisory Panel of 4 eminent Australians will assist the Inquiry through the provision of specialist advice, expertise and perspectives. They will be appointed as Assistant Inspectors-General of the Australian Defence Force for the duration of the Inquiry.



**JM Gaynor CSC**  
Inspector-General of the Australian Defence Force

7 March 2025