



Independent Review of the New Zealand Defence Force's progress against its Action Plan for Operation Respect

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Gillian Warren
Deputy Secretary Independent Review
Ministry of Defence
Defence House
Wellington

23 June 2020

Dear Gillian,

Review of Operation Respect

Please find attached our final report on the review of the New Zealand Defence Force's progress against its Operation Respect Action Plan.

We understand you have commissioned us to carry out this review under section 24(2)(e) of the Defence Act 1990.

As discussed, and agreed, the review included reviewing international and domestic practices, New Zealand Defence Force supplied documentation and data, base and camp visits, meetings and focus groups, one-on-one interviews and written submissions.

Debbie Teale and Dr Carol MacDonald
Operation Respect Independent Review Team

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Abbreviations used throughout this document

- AHAs Anti-Harassment Advisors
- DHB Discrimination, harassment and bullying
- HRAs Human Resource Advisors
- NZDF New Zealand Defence Force (NZDF)
- SAPRAs Sexual Assault Prevention Response Advisors
- SART Sexual Assault Response Team
- SERR Sexual Ethics and Responsible Relationships

Opening remarks

In 2019, the Ministry of Defence commissioned us to assess the New Zealand Defence Force's (NZDF) progress against its Operation Respect Action Plan. This organisation-wide programme was initially introduced to eliminate harmful and inappropriate sexual behaviours in the NZDF and improve the culture of 'dignity and respect.'

The NZDF planned to first focus on creating a new system for responding to inappropriate sexual behaviour, before taking a proactive and systematic approach to changing its culture. Launched in March 2016 by the then Chief of Defence Force, Lieutenant-General Tim Keating, the programme was based upon the Canadian Armed Forces' approach to addressing the same issue. It is important to note that other Five Eyes nations, including Canada, continue to grapple with the complex and difficult challenge of eliminating inappropriate and harmful sexual behaviours in their armed forces. They are also inviting independent reviews and face ongoing scrutiny over their cultural reform efforts.

As required by our Terms of Reference, this is a report of both NZDF's progress against its own Action Plan and an assessment of whether the work is positioned for future success. We assessed the outcomes and impacts of the Operation Respect programme through a strong qualitative approach, given the lack of suitably robust quantitative data and baseline measures.

From August 2019 to February 2020, we conducted an extensive documentation and data review, made base and camp visits, conducted one-on-one interviews and focus groups, and received written submissions. We also sought the experiences and views of independent and external experts who have led previous and concurrently running reviews of the NZDF. We spoke to more than 400 past and present members of the NZDF who shared their personal stories and experiences of their lives and careers. NZDF's subject matter experts were consulted throughout the review process.

We heard that many enlist for the exciting and interesting careers, travel opportunities, professional and leadership development opportunities on offer. Many told us that they have never worked in any other workplace or profession, have had long and satisfying careers, and are proud to be in service to their country. Unfortunately, some also reported experiencing harmful and inappropriate behaviours including discrimination, harassment, bullying or sexual violence.

Early in our process it became substantively clear that while some progress is being made, we identified a number of recurring, problematic themes about the real challenges that stand in the way of Operation Respect's success. We identified three fundamental challenges:

1. There is a lack of transparency and accountability of the NZDF's progress in addressing and preventing the harm that continues to be experienced as a result of sexual violence and/or discrimination, bullying and harassment.
2. A 'code of silence' prevails and many personnel will not raise a complaint or report serious issues such as sexual violence because they fear the repercussions and do not trust the NZDF processes and systems.
3. The culture of military discipline and command makes it difficult for personnel to raise concerns or speak out against the behaviour or decisions made by their immediate manager or others more senior in the hierarchy.

This report reflects our assessment that unless these are addressed, Operation Respect is not well-positioned to succeed in enabling a 'culture of dignity and respect'.

It is clear that this work continues to be critical. The risk or costs of not acting are high for the individuals impacted, the teams in which they work, and to the organisation's effectiveness and reputation. It is imperative that the New Zealand public has trust in the NZDF and a measure of that may be that its people work in an internal environment free from unnecessary harm.

We commend the NZDF for taking the lead to tackle the problem. They have laid the foundations of a positive and ambitious programme of culture change. In 2016, the Sexual Assault Response Team (SART) was stood up along with a two-track disclosure process. This enabled a victim of sexual assault to confidentially access support services, and to do so without notification to command (which would initiate a formal investigation into the incident under the Armed Forces Discipline Act 1971 and the Manual of Armed Forces Law); or without notification to the NZ Police.

These were both significant steps forward, and along with the Sexual Ethics and Responsible Relationships (SERR) training, are the most effective elements of the Operation Respect Programme.

In looking for ways for leadership to build on these important foundations, and to tackle the cultural barriers, we came across the 2010 inquiry by Auditor General Lyn Provost into New Zealand Defence Force payments to officers seconded to the United Nations. It found many of the same cultural issues we evidenced in this report, albeit framed up in a different context (fraud/improperly claiming allowances). The issues around speaking up and its impact on culture was identified as a problem then, meaning this is a legacy issue for leadership.

Culture change within organisations is challenging and takes time. In this context, it is essential to hear the voices of the people, even if the messages are hard to hear. Using this knowledge will be vital to the future success of Operation Respect in achieving the kind of organisation to which the NZDF aspires to.

The NZDF itself told us that their traditions, training and lifestyle builds strong allegiances within tight teams. It also said that in no way does this excuse harmful behaviours. It also helps explain why their people may be unwilling to risk team allegiance by reporting harmful behaviours thereby placing the magnitude of the Operation Respect challenge in context. This also indicates a pressing need for safe independent channels for people to use that does not compromise this team allegiance.

We encourage leadership to take the opportunities presented in the recommendations to build greater trust and a stronger system to deal with complaints of harmful behaviours and in particular in dealing with sexual violence.

Our conclusions from this process are that the most significant changes the NZDF could make to build more trust in its organisation and its processes, and make a difference for its people and the victims of harmful behaviours, in particular in dealing with sexual violence are:

1. To be transparent and accountable by engaging independent oversight and monitoring of progress by a trusted body/entity such as the Auditor-General. (*See recommendation 1*)
2. Provide a trusted external and independent complaints channel (like that offered by the Defence Ombudsman in Australia) to receive, investigate and remedy cases of harmful behaviour and sexual violence. (*See recommendation 2*)

3. Actively promote the 'Safe to Talk' helpline as an external and independent support channel for victims of sexual harm. (See *recommendation 31*)
4. Create a comprehensive and integrated data management system to assess progress against clear outcomes measures and report on complaints and outcomes of incidents of harmful behaviour. (See *recommendation 17*)
5. Engage leaders at all levels to collectively own and lead the management of harmful behaviour, including sexual violence, discrimination, bullying and harassment in the NZDF. (See *recommendations 5 & 7*)

The full list of recommendations can be found on pages 51-53.

Our acknowledgments

We acknowledge the leaders who stood up Operation Respect in 2016. Many have since left the organisation but made themselves available to us for interviews.

We also acknowledge the dedication and intent of everyone who has played a role in implementing this work whether in a senior leadership position, at board level, on the external Steering Group, as a subject matter expert, or leading one of the streams of work. In particular we thank the Chief of Air Force and the Chief People Officer, who hold the responsibility and accountability for Operation Respect, for the genuine way they engaged with us seeking ways to drive performance improvement.

We are grateful for the assistance of Marnie Barber and Beccy Logan from the Ministry of Defence who travelled the country to assist with taking notes in the larger focus group sessions.

A review is nothing without the honest input from the many voices that played a significant contribution to the forming of our insights. Men and women from the three services described experiences, many of them extremely painful to retell. We thank you for being so open and for trusting us to formulate an honest and independent view. We deliver this work with the hope that our findings and recommendations create a safer, stronger and more cohesive force for the future.

Finally, we give our personal thanks to all past and current New Zealand Defence Force personnel who have given service to New Zealand.



Background to the review

What is Operation Respect?

Our Terms of Reference

Our approach to measuring progress

What your people told us

What is Operation Respect?

Operation Respect, described as an organisation-wide programme to eliminate harmful and inappropriate sexual behaviours in the New Zealand Defence Force (NZDF), was launched in March 2016 by the then Chief of Defence Force, who acknowledged that NZDF needed to address this issue.

A team of military and civilian personnel developed the Action Plan¹ which outlines the overarching strategy and framework, and the specific tasks and timeframes required to eliminate harmful and inappropriate sexual behaviour in the NZDF. The Action Plan describes key actions that reflect key recommendations from three significant reviews which led to the development of Operation Respect:

1. *Ministry of Defence, Maximising Opportunities for Military Women (2014)*²
2. *Ministry of Defence, Recruit Training (2015)*³
3. *Tiaki Consultants, Air Force Culture Review (2015)*.⁴

The latter was commissioned to address serious issues relating to sexual offending in the Air Force.

The key actions are included as 'key features of the Operation Respect Action Plan' in the Terms of Reference for this review (see Appendix 1).

The NZDF aimed first to focus on creating a new system for responding to inappropriate sexual behaviour before taking a proactive and systematic approach to changing its culture.¹

The intention within the Action Plan was to execute Operation Respect in four phases over two years (2016-2018). As understanding of the challenges to eliminating inappropriate and harmful sexual behaviours grew, the approach moved to the implementation of a change model based on the four pillars: **Understand** the problem and make informed decisions; **Respond** effectively to any inappropriate and harmful behaviour; **Support** victims of such behaviour; and **Prevent** future occurrences of inappropriate and harmful behaviour in the NZDF. Potential tasks and activities were identified under each pillar.

The Action Plan did not set baseline measures, or measures for success. Nor did it contain an evaluation framework. Some work was undertaken on this in 2016,⁵ but this was not progressed.

Our Terms of Reference

The following are the key elements of our Terms of Reference. The complete Terms of Reference may be found in Appendix 1.

Key Question

What progress has the NZDF made in creating a culture of dignity and respect in the Defence Force through implementation of its Operation Respect Action Plan?

In Scope

We were asked to assess progress against the key features of the Operation Respect Action Plan summarised as

1. Establish a strategy to change the NZDF's culture.
2. Increase training and education.
3. Provide an alternative way to report sexual assault.
4. Create a dedicated, professional sexual assault response team.
5. Address specific risk factors associated with facilities and alcohol.
6. Recruit more women into the armed forces and increase female representation in senior leadership roles.
7. Monitor and further reduce discrimination, harassment and bullying.

We were also asked to determine whether we believe the NZDF is well-placed to achieve the key actions and outcomes described in the Action Plan (by assessing whether resource allocation and organisational structures and processes) are appropriately configured to achieve success.

Out of Scope

We were not mandated to investigate or make factual findings about the substance or merit of any specific or individual incidents or allegations.

A recent review of the NZDF's military justice summary trial system⁶ assessed the performance of the system as a whole and covered sexual offending where appropriate (but not as a specific topic area). The reviews were intended to be complementary and do not overlap except where relevant or appropriate. We do make reference to that review and its findings.

Our approach to measuring progress

The methodology we applied

Protocols to guide and inform our process and our conduct were developed by Tū Aromatawai (Independent Review), a division of Ministry of Defence.

Our review methodology and approach to stakeholder engagement was consistent with those used in similar reviews in Canada, the United States and the United Kingdom.^{7,8,9} The methodology was approved by the Ministry of Defence in the establishment phase of the review. Please refer to Appendix 2 for full details.

To answer the questions set for us we sought to focus on outcomes by asking “How well has the NZDF achieved what they set out to achieve and what impact is occurring?” We deliberately avoided a ‘tick box’ or stocktake of the initiatives listed under the actions in the Action Plan to determine which have been initiated and/or completed. Such an approach solely records activity and therefore gives limited insight into the outcomes or effectiveness of that activity.

For example, rather than reporting the number and type of initiatives implemented to increase the recruitment of women, we have tried to focus on the impact of these initiatives by examining workforce data and, through qualitative interviews, exploring possible reasons for any issues identified.

Wherever possible we tried to identify quantitative evidence that change was being delivered against the aims of each area of activity. This was seldom possible, however, due to a lack of reliable and consistent data and the fact that not all data requested was supplied to us in time to be included in this report. We discuss specific issues related to data collection and management elsewhere in the report.

How we drew themes from the volume of perspectives

In the absence of clear objectives against each Action Plan item and relevant baseline measures, much of our assessment was necessarily based on the qualitative data generated by the review process, supplemented with quantitative data where possible.

More than 400 men and women of different ranks, trades and roles shared their opinions and experiences with us via focus groups, meetings and hui, in confidential interviews, or by making a written submission or comment. We also spoke with over twenty ex-service members and leaders.

NZDF’s subject matter experts were consulted throughout the review process.

We also sought the experiences and views of independent and external experts who have led previous and concurrently running reviews of the NZDF. This included the Chief Victims Advisor to Government, who conducted the Tiaki Consultants, Air Force Culture Review (2015).⁴ This was done as part of testing our findings and recommendations.

Notes were taken during and/or immediately following the interviews, meetings, focus groups and hui. These were treated with the strictest confidence and were stored securely. All sensitive information was destroyed after analysis was complete and insights confirmed. The interviewers ensured that anyone who made a disclosure had received appropriate advice/support, and that they had access to ongoing support should they want it.

Some readers may struggle with the lack of specific numbers and the use of terms such as ‘many’, ‘frequent’ and ‘repeatedly’ when we describe the qualitative evidence gathered during this review. Such

terms accurately reflect the results of a thorough methodology and each use of those terms was carefully considered.

Thematic analysis was used to identify dominant themes across the full data set (i.e. using all the notes taken during or immediately following interviews and focus groups). This is a common and well-regarded method in qualitative research whereby data is systematically coded, re-coded, cross-checked and grouped to identify repeated patterns of meaning.¹⁰

Individual accounts alone are insufficient to create a theme, that requires common, recurring patterns across all data. In other words, where we heard the same or similar thing from numerous sources, we identified it as a theme. We explored and tested the themes further with individual leaders, internal subject matter experts and in focus groups. We present the strongest and most pertinent themes in this report. We also shared some of the emerging themes with NZDF senior leadership as part of the stakeholder engagement process and invited feedback as the process progressed.

Because the sample was largely self-selected or NZDF directed it is not possible to state the degree to which the views expressed can be generalised to all NZDF personnel. However, most of our qualitative evidence came from the focus groups (around 75%). Arrangements for these were made by NZDF personnel at each base/camp who went to great efforts to ensure that the participants reflected a wide representation across each service. This evidence was supplemented with individual interviews and a range of other face-to-face meetings. We are in no doubt that the information from participants speaks to the experiences of a significant number of military and civilian personnel. Their views and perceptions go to the heart of the matters addressed in this report.

We are confident that, given the approach we have taken, and the large number of people included in the review process, the themes we identified and present in this report are a true reflection of the voices of many within the NZDF, not simply the views of a few.

Terminology we have used

Among the many documents and communication pieces shared with us there was mixed use of Op Respect, Operation RESPECT etc - for consistency in this review we have used 'Operation Respect.' All direct extracts from NZDF documents use the nomenclature as per that document.

We have used the commonly understood terms 'victim,' 'target,' 'complainant' and 'accused' throughout this report to refer to people who experience, report or are accused of inappropriate or harmful behaviour whether bullying, harassment, discrimination or some form of sexual violence.

Terms such as rape, sexual assault and sexual violence are frequently used interchangeably and are not intended to align with any legal definitions. In this report we generally use the all-encompassing term 'sexual violence' to describe not just physical violence, like sexual assault, but also acts of sexual intimidation that do not involve physical contact.¹¹

Direct references to other documents use terminology as used as in the original, such as the Operation Respect Action Plan that refers to both sexual assault and harmful and inappropriate sexual behaviour.

We generally use the term 'harmful behaviour' to refer to non-sexual forms of harmful and inappropriate behaviour, including discrimination, bullying and harassment, except where we believe the full description of these behaviours is warranted.

'Participants' are individuals who contributed to the review by expressing their views at focus groups, meetings and hui, in confidential interviews, or by making a written submission or comment.

What your people told us

Overall, participants shared a wide range of experiences and opinions with us. In this report we have tried to provide a balanced account of what we were told during the course of this review.

Many different situations and experiences were described to us. Not all were related to experiencing or witnessing harmful behaviour or sexual violence. But many of the experiences were painful and distressing in the retelling and involved personal cost to those who shared so frankly with us. Many explained they had chosen to share with us as we were independent and were providing them a safe and confidential place. Many thanked us for what they described as a cathartic experience.

We heard from individuals who have experienced verbal, mental, physical and sexual abuse or violence from colleagues. We also heard of domestic and family violence.

We heard about the serious impacts that such experiences have on individuals' health and wellbeing.

We also heard how the NZDF's failure to act or resolve situations in a timely way often compounded the original trauma and resulted in highly stressful situations for all of those concerned, including wider personnel and staff.

Personnel, past and present, including senior personnel who were directly involved in policy development, the initiatives that sit under the areas under review and the implementation of the same, shared openly their views on progress or the lack thereof.

To protect the anonymity of individual participants we cannot share the specific details of individuals or the information, opinions or experiences provided to us. One common refrain was that people do not feel like they can safely speak out within the NZDF.

It is important to understand we are not reflecting back the voices of just a few, but of many.

We received two very clear and consistent messages following most group sessions and individual interviews: People were surprised and grateful that we did not 'just present another Operation Respect briefing' but we asked for opinions and experiences; and they sought our reassurance that we would "tell it like it is" and make their voices heard. In this report we have endeavoured to do that.



Summary of our assessment

What progress has been made?

Fundamental challenges

Barriers to progress for Operation Respect

Findings on specific Action Plan items

What progress has been made?

The key question to address was: *What progress has the NZDF made creating a culture of dignity and respect in the Defence Force through the implementation of its Operation Respect Action Plan?*

The initial Operation Respect Action Plan and work was well resourced and commenced quickly, with energy. The successful implementation of the Sexual Assault Response Team (SART) and the two-track disclosure process is a significant step forward. These features, along with the Sexual Ethics and Responsible Relationships (SERR) training, have become the positive face of Operation Respect.

The NZDF laid the foundations of a positive programme of culture change, but it has not managed to maintain a consistent and thorough approach to its ongoing strategy or implementation. Momentum, visibility and focus have been lost.

Despite the positive efforts, overall there has been insufficient progress since the plan was launched, in 'creating a culture of dignity and respect' generally and in preventing or promptly addressing harmful behaviour, including sexual violence specifically.

We were also asked to assess: *Whether the NZDF is well-placed to achieve the key actions and outcomes described in the Action Plan (by assessing whether resource allocation and organisational structures and processes are appropriately configured to achieve success)?*

It is our view that at this time NZDF is not currently positioned to drive the change required given the capacity and capability challenges in strategy, planning, resourcing and budget, compounded by three fundamental challenges and a number of other barriers to progress.

Fundamental challenges

We set out below three key reasons why cultural change has been hard to achieve:

1. There is a lack of transparency and accountability of the NZDF's progress in addressing and preventing the harm that continues to be experienced as a result of sexual violence and/or discrimination, bullying and harassment.
2. A 'code of silence' prevails and many personnel will not raise a complaint or report serious issues such as sexual violence because they fear the repercussions and do not trust the NZDF processes and systems.
3. The culture of military discipline and command makes it difficult for personnel to raise concerns or speak out against the behaviour or decisions made by their immediate manager or others more senior in the hierarchy.

Barriers to progress for Operation Respect

We identified the following additional barriers to successful progress of the aims of Operation Respect:

1. The organisation's culture is changing slowly but it is difficult to break the 'code of silence.'
2. The strategy for culture change needs to foster collective ownership.
3. Operation Respect is driven from HQ NZDF with varying levels of buy-in at camps and bases.
4. The purpose and scope of the programme is too broad, has lost focus and is not well understood.
5. Communications are not well received and there are 'branding' challenges with the programme.

6. Leaders need more tools, support and incentives to own and drive the change.
7. Leadership structure and reporting lines for Operation Respect have become confused.
8. The budget for the programme is insufficient to drive significant change.
9. The roles and responsibilities of those who manage complaints are unclear.
10. The military justice system creates barriers to reporting harmful behaviour or sexual violence.
11. Without good data collection and management, it is not possible to understand the issues, assess and monitor change, or reduce risk.
12. Monitoring and reporting of progress are rudimentary.

Findings on specific Action Plan items

We have made the following findings in respect of specific Action Plan items:

1. Establish a strategy to change the NZDF's culture:
 - a. Change is not significant or fast enough.
 - b. The prevailing culture continues to be problematic.
2. Increase training and education:
 - a. The Sexual Ethics and Responsible Relationships (SERR) training is well received and opens a difficult dialogue but it needs to be embedded in all training.
 - b. The impact of SERR training needs to be measured.
 - c. Need to take care and resource the planned Bystander training sufficiently.
3. Provide an alternative way to report sexual assault
4. Create a dedicated Sexual Assault Response Team (findings 3 and 4 combined)
 - a. 'Two-track' response to sexual violence is an excellent initiative but the Sexual Assault Response Team (SART) is stretched and fragile.
 - b. Need an alternative avenue, independent of the NZDF, for reporting and seeking support for victims of sexual assault.
5. Address specific risk factors associated with facilities and alcohol:
 - a. Alcohol consumption may be decreasing but is still a major problem with issues to address.
 - b. Drug usage is an increasing concern.
 - c. Changes to unisex barracks and ablutions have started but are not a priority at all camps and bases.
 - d. Deployment is a higher risk for females for sexual violence increasing the need to improve support and access to an independent helpline.
 - e. Initiation and hazing continue.
6. Recruit more women into the armed forces, and increase female representation in senior leadership roles:
 - a. Progress is being made, albeit slowly.
7. Monitor and further reduce discrimination, harassment and bullying:
 - a. Slow progress. The issue is widespread and systemic without pathways or processes for support or resolution.



Fundamental challenges

Independent oversight required to monitor progress

Independent Ombudsman required to receive, investigate and remedy cases

As noted above, foundations have been put in place and there has been some progress with Operation Respect, but there are fundamental challenges to its successful implementation and achieving the desired culture change.

- There is a lack of transparency and accountability of the NZDF's progress in addressing and preventing the harm that continues to be experienced as a result of sexual violence and/or discrimination, bullying and harassment.
- A 'code of silence' prevails and many personnel will not raise a complaint or report serious issues such as sexual violence because they fear the repercussions and do not trust the NZDF processes and systems.
- The culture of military discipline and command makes it difficult for personnel to raise concerns or speak out against the behaviour or decisions made by their immediate manager or others more senior in the hierarchy.

These sorts of challenges have been described in previous reports, including the reviews by the Auditor General,¹² Frances Joychild QC,¹³ the Ministry of Defence Military Justice Review⁶ and NZDF Command review on Military Police sexual assault investigation.¹⁴ Our concern is that until these challenges are addressed, the existing culture will prevail and all other work from now is likely to deliver only incremental change or be seen as window dressing.

The NZDF's approach aimed first to focus on creating a new system for responding to inappropriate sexual behaviour before taking a proactive and systematic approach to changing its culture. As the new system is in place, which we provide some insights and recommendations on later in this report, the difficult part is the culture change. What good is a system if there are prevailing cultural issues that prevent, or discourage, people coming forward to complain?

We believe the two recommendations we make in this section will go a long way to help address the challenges listed above.

Independent oversight required to monitor progress

At present oversight of Operation Respect is largely internal. The New Zealand Police and other Five Eyes nations have used external monitoring and reporting mechanisms to ensure transparency, accountability and give priority to their change programmes. For example, the Canadian Auditor General undertook a performance audit to determine whether the Canadian Armed Forces adequately responded to inappropriate sexual behaviour and to examine the progress of Operation HONOUR.¹⁵

While the NZDF has a Steering Group of recognised leaders and subject matter experts that provides advice on Operation Respect, we do not believe, given its advisory mandate that this is the right mechanism to hold the NZDF accountable. A more rigorous and transparent approach is required.

We believe auditing by an external agency to monitor and report on the progress and impact of Operation Respect is necessary to provide a stronger incentive to change, deliver transparency and keep momentum in the long-term.

Recommendation:

- 1) That the Minister of Defence request the Auditor-General to carry out an audit every two years, for 20 years, of the NZDF's progress in regard to Operation Respect's specific outcomes, paying special attention to the elimination of harmful behaviour and sexual violence.

Independent Ombudsman required to receive, investigate and remedy cases

The findings of this review and the experiences of other Armed Forces highlights the importance of having an independent and confidential mechanism to report harmful behaviour and sexual violence for those who feel unable, for whatever reason, to access NZDF's internal systems.

We repeatedly heard that many personnel will not raise a complaint or report serious issues such as sexual violence because they do not trust that their complaint will be fairly dealt with or they believe that they will be disadvantaged if they complain. Many believe a 'code of silence' exists.

We were told of a number of instances where parts of the organisation did not properly handle complaints. We heard approximately 15 recent instances of failures in systems and processes (systemic failures), where more than one complaint was made about a person or situation. These complaints went either through the chain of command or multiple channels, but neither the harm to the victim nor the risk posed was promptly dealt with.

In respect of complaint handling across the organisation, the systemic failures described to us have involved avoiding or delaying taking action, not having the right skills, not referring matters to external bodies where that was clearly the appropriate course, and controlling or influencing the way the complainant and others engage in the complaint or military justice processes.

A consistent theme arising from personnel across all sites was that the handling of complaints is frequently kept 'in house' and problems are sometimes hidden. We heard repeatedly from personnel that matters can be 'covered up' or 'swept under the carpet' to protect the organisation's reputation; and that the organisation comes before the people. Given the number of disclosures of specific complaints not being followed through, these perceptions appear to be well-founded. We also heard that a number of complaints may be received on the same issue before action is taken, if at all.

We were told often that there is no way to question decisions taken by more senior leaders and that there is a fear of repercussion in terms of career or livelihood. A strong and often repeated view is that there is nowhere to go.

Amongst personnel, we observed a lack of knowledge of both the ability to make a protected disclosure, and where to go to do so, using an internal or external mechanism. We understand that work is underway to introduce a new process using an external provider to receive calls and capture anonymous information which will be passed to the NZDF for follow up. Combined with current work to create a dedicated website with more information on protected disclosures, this will be a positive step. While this is a positive and necessary advance, this will not likely be enough on its own. Until trust in the NZDF's processes is firmly part of the culture, increased promotion and knowledge of alternative independent paths is required.

We identified a lack of transparency in the processes and decisions made. We heard examples of cases without adequate or timely communication with all parties and instances where the accused was not fully informed of the process, including details of charges and their rights to legal representation. As we note elsewhere, there are also significant issues related to the lengthy duration of some investigations.

We also identified a lack of trust in complaint and investigation processes, primarily leading back to the fact that the NZDF polices itself. In our view, this is a fundamental flaw, particularly for the sensitive nature of sexual violence complaints.

Australia has addressed this issue by providing an independent, external and impartial mechanism for people to report and get assistance for historical and contemporary 'serious abuse' in the Australian Defence Force through the Commonwealth Defence Force Ombudsman.¹⁶

From the enquiries we have made, it appears that the function works well in Australia and is trusted and respected. It provides an independent channel for personnel to make complaints in a safe and confidential way, and it enables a more flexible approach to remedies. The model provides both the Defence Force and complainants with a sensitive and careful process that enables wrongs to be acknowledged and addressed.

The Ombudsman can also recommend the Australian Defence Force make a reparation payment in some cases, where the Defence Force has, through its actions or inactions, created the circumstances which allowed the abuse to occur.

We believe that the New Zealand Ombudsman could perform the same important role here, and that would result in considerable strengthening of the current system. Based on initial research, it appears the New Zealand Ombudsman could potentially exercise that role without amending legislation. But even if it were to require amendment, it would be worth the time and effort to do so.

Recommendation:

- 2) That the Minister of Defence directs the NZDF to consult with the Chief Ombudsman with a view to establishing processes and remedies similar to that of the Defence Ombudsman in Australia. Policy, and legislation if necessary, should be developed as appropriate.

Barriers to progress for Operation Respect

The organisation's culture is changing slowly but it is difficult to break the 'code of silence'

The strategy for culture change needs to foster collective ownership

Operation Respect is driven from HQ NZDF with varying levels of buy-in at camps and bases

The purpose and scope of the programme is too broad, has lost focus and is not well understood

Communications are not well received and there are 'branding' challenges with the programme

Leaders need more tools, support and incentives to own and drive the change

Leadership structure and reporting lines for Operation Respect have become confused

The budget for the programme is insufficient to drive significant change

The roles and responsibilities of those who manage complaints are unclear

The military justice system creates barriers to reporting harmful behaviour or sexual violence

Without good data collection and management, it is not possible to understand the issues, assess and monitor change, or reduce risk

Monitoring and reporting of progress are rudimentary

Help the Steering Group deliver more influence

The organisation's culture is changing slowly but it is difficult to break the 'code of silence'

Operation Respect was initially launched as a culture change programme with the purpose of eliminating harmful and inappropriate sexual behaviour. It was subsequently broadened to include all inappropriate behaviours.

Operation Respect is perceived by many as a largely positive initiative that has acknowledged some of the negative issues within the NZDF's culture.

The common view of long-serving military personnel is that the NZDF culture has changed in the past decade or two, mostly for the better. References were made to decreased sexism, racism and drinking.

However, the degree to which Operation Respect may have contributed to this over the past three years is unclear. Progress may be due to longer-term societal and generational changes, along with New Zealand-wide behavioural change strategies such as anti-drink driving and the White Ribbon anti-violence campaigns.

Harmful behaviours continue to impact military and civilian personnel. Numerous disclosures were made during the review including emotional and physical abuse, and sexual violence.

Forms of discrimination, harassment and bullying were shared with us that are unacceptable and do not reflect NZDF core values. These are not limited to any one area of the organisation and include military on military, military on civilian, and civilian on civilian.

These behaviours were frequently in stark contrast to the core values the NZDF expects of all personnel. As an illustration, people do not have the courage to speak out; harmful behaviour towards colleagues compromises commitment and comradeship; and there is no integrity in choosing to do the wrong thing. Others¹² have noted the importance of the NZDF being seen to be living by these values.

While some leaders told us that they do not believe that harmful sexual behaviours including harassment and violence, exist, we have heard a different story from many personnel.

Other leaders recognise the need for action and are asking for the solutions, tools and resources to help them enable change and drive this work forward.

We have referenced that the current culture has a 'code of silence' and many personnel will not raise a complaint or report serious issues such as sexual violence because they fear the repercussions and do not trust NZDF processes and systems.

The strategy for culture change needs to foster collective ownership

As a 'programme for cultural change' Operation Respect is not sufficiently visible, accessible or well understood. It is not perceived to be an organisational priority. There is not a consistently held view about the nature of the problem to address, nor a good understanding of the scale of it.

We heard that there are many different projects and priorities, but it is not clear how these fit together within the overarching Operation Respect programme. Some leaders reported that prior to being interviewed they went looking for a strategy and could not find it, and that when they did find any information on Operation Respect it was either buried deep on the intranet and/or out of date.

The Action Plan and phased implementation was designed around four pillars: Understand, Respond, Support and Prevent. The majority of work to date has been in 'Respond' and 'Support.' There are some initial prevention activities occurring, but these are often light-touch, un-tested (such as the 'Don't Guess the Yes' poster campaigns) and do not appear to be part of a deliberate strategy. We do note a hui was planned for February 2020 to address the lack of preventative action. This was scheduled for after the gathering of evidence for this review.

Work is also underway to explore how the NZDF can better 'Understand' its operating environment, its people and the issues they face and make better informed decisions based on data and knowledge¹⁷. We support these developments.

We could not find evidence of a clear change management approach or phased plan to support current and future work in the programme. Many spoken with said that they believe the approach is reactive or tick-box, more about making the NZDF 'look good' rather than changing the culture.

We note that over recent years there has been a number of internal or NZDF commissioned reviews and audits. These have generated extensive 'to do' lists which have perhaps become additional tasks to tick off, before prioritising, implementing and embedding core aspects of the programme.

We identified a strong perception that many projects, including those related to Operation Respect, are introduced but not fully embedded before another initiative is launched.

Operation Respect is driven from HQ NZDF with varying levels of buy-in at camps and bases

We identified a widely held view that HQ NZDF rolls strategies and initiatives out from the centre in a fixed manner with little flexibility for the different service cultures, or local base and camp needs.

A 'whole-of-organisation' strategy and approach is important. However, we found a disconnect occurring and varying levels of buy-in and appetite to lead the work at base and camp level.

NZDF would gain value from engaging these leaders to help develop the overall strategy and allowing them, to adapt and localise it to meet their different service requirements, culture, operating environments and readiness for change. All leaders need to own and lead culture change.

The purpose and scope of the programme is too broad, has lost focus and is not well understood

We identified a lack of shared understanding of the purpose and scope of Operation Respect. The scope has expanded to encompass all inappropriate behaviour, however that message has not been widely heard. Neither has the rationale for this expansion and the linking it to diversity and inclusion strategy been understood. There is a view that this widening of scope has allowed people to downplay the occurrence and impact of sexual violence — to essentially avoid the topic. Most review participants still view the work as only targeting sexual violence because the most visible aspects have been the establishment of SART, SAPRAs and SERR training.

For many participants in this review the link between Operation Respect and diversity and inclusion is tenuous. There appears to be some disconnect between the senior leaders who understand and believe in the need for diversity and inclusion and others who told us that it is ‘just another thing that they have to do’. In our assessment, an issue as serious as sexual violence does not naturally link with more generic diversity and inclusion messaging. Furthermore, we could not find substantive research to support making this link.

The focus of both the United States and Canadian programmes is solely on sexual violence. Making a distinction between this and other forms of harmful behaviour is in line with other reports.¹⁸ For instance, including the UK Parliament Working Group report which recognised that sexual harassment is different in a number of ways to other forms of unacceptable behaviour and therefore requires its own set of procedures and personnel.¹⁹

Many approaches to tackling sexual violence issues in New Zealand²⁰ and overseas extend to domestic and family violence. These issues are addressed primarily by camp and base Social Workers. There may be benefit in considering a closer collaboration between SAPRAs and Social Workers in the future, particularly in terms of prevention activities.

This review provides an opportunity for NZDF to reset and regain some energy and momentum in the programme. We suggest strengthening the foundations and building on them with a clear long-term strategy at its centre. Increasing the visibility and having a compelling articulation of the vision and need for Operation Respect will be vital to success.

For the programme to be well-positioned for success an appetite must be fostered for this work and collective ownership of the outcomes adopted throughout the NZDF.

Recommendations:

- 3) Limit the scope of Operation Respect to two distinct streams of work: 1) the elimination of sexual violence, and 2) the elimination of discrimination, harassment and bullying.
- 4) Reposition Operation Respect away from diversity and inclusion in strategic intent, communications and in the structure and dotted relationship reporting lines (covered also in the resourcing recommendations).
- 5) Build collective ownership of leadership by developing a long-term strategy in collaboration with base and camp commanding officers. Using a phased approach, the strategy should build on the current foundations of Operation Respect and allow for flexibility in implementation so that each service can tailor to their culture, state of change readiness and prioritised needs.

Communications are not well received and there are 'branding' challenges with the programme

Overall, communications about Operation Respect have been infrequent and not well received. The message many took from the initial launch of Operation Respect in 2016 (which they repeated to us) was that "all men are rapists." We heard from many men and women how that initial reaction continues to negatively impact their perception of what Operation Respect is about. This unintended consequence has created some backlash from which the NZDF is still trying to recover.

The limited reach and effectiveness of communications about the scope of Operation Respect and the muddying of the messages relating to diversity and inclusion are complicated further by inconsistencies in the language and messaging used by leadership. Further, as the communications are being driven out from HQ NZDF, there has not been room for the services to tailor these to their individual needs.

Messages from HQ NZDF on Operation Respect appeared to decrease for a period of time but increased again more recently. However, many personnel at camps and bases reported not seeing or hearing what is disseminated. Messages are frequently buried among other priorities and are readily replaced by the next communication issued.

A dedicated communications specialist for Operation Respect was appointed for 17 months in 2019 and resulted in a much-needed refreshed communications strategy being delivered.

Effective communications are key to driving this work and demonstrating that it is a priority for the NZDF. A more consistent yet nuanced approach is still required that targets the different environments, language and behaviours in each service using a variety of delivery mechanisms.

The name 'Operation Respect' given to this culture change programme may be doing it a disservice. While some see the use of the term Operation as a positive and strong statement about the importance of the programme, others argue that it is not an operation in the military sense, and therefore the term is at best unhelpful. It also suggests limited duration, but culture change occurs over a long timeframe.

Amongst personnel, it is sometimes renamed "Operation Optional" and we were made aware of a social media group that was created as a platform for anti-Operation Respect messaging. We were also provided with many examples of how "Op Respect" is used in a joking, if not derogatory manner. While this does not mean that Operation Respect is widely seen as a joke, there is clearly a 'branding' problem and it may be opportune to reconsider the naming and branding of Operation Respect. While the branding or name may not be the key lever to drive cultural change, it could prove helpful in building buy-in toward achieving the goals of the work and should be revisited at some time in the near future.

Recommendation:

- 6) Appoint a change communications specialist to work solely on this project in conjunction with a specialist in sexual violence (such as the head of the SART) to implement regular strategic and nuanced messaging.

Leaders need more tools, support and incentives to own and drive the change

Our findings in this section are not intended to cast aspersions on the NZDF's leadership generally. We had the privilege of meeting positive and dedicated leaders at different levels of the organisation who want to make a difference. They are leading by example, driving change where they can within their teams and units. Many leaders, however, did report that they are overloaded and simply do not have the capacity to drive change. They struggle to address the prevailing culture and they ask for more support and tools.

We believe that some leaders, through inadequate training and development, lack the skills or experience needed to manage the often complex and challenging issues around harmful behaviour, including sexual violence. Similar concerns have been raised in previous reports.^{6,21}

The Tiaki report⁴ recommended a hard-line approach to harmful sexist attitudes and behaviours be implemented at all levels throughout the organisation, including disciplinary consequences as a result of inappropriate sexual conduct. The Auditor-General's report¹² also noted the importance of taking wrongful conduct seriously and swiftly responding to it. We heard that this does not always happen. Rather there is a common perception that people get away with unacceptable behaviour, and the higher the rank, the less likely a person will face consequences for even seriously harmful behaviour, and they are likely to continue to be promoted.

Leaders at all levels have a pivotal role in taking a firmer line on harmful behaviour and sexual violence in particular. There must be strong consequences when anyone crosses the line, and this must be consistently communicated and acted upon. Unfortunately, we were told that there are still leaders ignoring such behaviour. The Military Justice Review⁶ also called for greater transparency and recommended reporting the outcomes of summary trials to help achieve this.

Intimate workplace relationships were reported as "commonplace" throughout the organisation, at all levels. Intimate relationships develop between colleagues, and we are not judging this. We also note that many military personnel have partners, or recognised relationships with someone else in service. Our concern is with intimate relationships which involve a serious power imbalance, such as when one person is of a significantly higher rank than the other, when both parties are not fully consenting, or one person is the partner of another NZDF member. While the NZDF actively tries to manage and mitigate the impact of intimate workplace relationships, we did receive a number of disclosures about such relationships and their negative impacts. We endorse ongoing efforts to address inappropriate relationships as they run counter to the core values of the NZDF and the objectives of Operation Respect.

Leaders have a high degree of authority and influence over their subordinates. Failure to exercise that authority with integrity is a serious failure of leadership. However, it is clear that the personal behaviour of some senior leaders at different levels in the organisation falls short of what is expected of them, of the core values of the NZDF and it impacts on the culture and levels of trust within the NZDF as a whole.

It is vital that all senior leadership are visibly and authentically engaged with Operation Respect, take ownership and are committed to driving the changes necessary to eliminate harmful behaviour and sexual violence in the NZDF. This should be a factor in the performance assessment and promotion of all Officers and Senior Non-commissioned Officers. In addition to the recommendations below, we endorse

those made by Frances Joychild QC¹³ with respect to leadership development and accountability and urge the NZDF to progress these with urgency.

To provide support and resources for leaders and personnel at all levels, we believe that the development of a tool such, as the “*Respect in the Canadian Armed Forces mobile app*” would be greatly beneficial. The app is a tool for anyone who is dealing with an incident of sexual violence, including those harmed and those who are supporting them. The app’s resources include downloadable checklists, procedures and interactive tools which are directly linked to the Operation HONOUR strategy and actions.²²

Recommendations:

- 7) Engage leaders at all levels to own the management of harmful behaviour, including sexual violence, discrimination, bullying and harassment in the NZDF.
- 8) Cascade all reporting on Operation Respect’s key measures, including sexual violence data, transparently through all levels of leadership from the top down to individual base and camp level.
- 9) Demonstrate that there is a consequence for poor behaviours through the transparent publishing of the outcomes of summary trials and court martials.
- 10) Invest in the development of a tool, to meet international standards, for all leaders and individual personnel that provides clarity of the processes and support services available should a situation of sexual violence arise.

Leadership structure and reporting lines for Operation Respect have become confused

Operation Respect has, for the most part, been resourced with a team of skilled and dedicated people with committed and engaged leaders who want to make a difference. However, high turnover in the leadership from 2016 to 2020 of Operation Respect, Diversity and Inclusion, Human Resources and the SART has impacted negatively on this work. The turnover has contributed to a loss of institutional knowledge, a disconnect between current and previous work and a failure to progress long-term vision and planning.

At the highest level, responsibility and accountability for Operation Respect is shared by the Chief of Airforce (military) and the Chief People Officer (civilian). The operational lead is a project management role sitting within Defence Human Resources.

It is our view that the programme is light on the right resourcing, in the right place, to deliver at the strategic and operational levels.

There has been significant turnover in the leadership of this work and periods with roles sitting vacant impacting on delivery and momentum.

We believe that current positioning and alignment of Operation Respect and SART within the NZDF structure is not placed high enough in the hierarchy and that there is not sufficient specialist culture/organisational change management skills and experience in the Operation Respect team.

When we refer to the Operation Respect Team and resourcing in this report, it covers the period from 2016 to February 2020. It is important to note that recently the lead changed to a dedicated project

manager who works with other teams in the organisation to deliver on programmes and outcomes. Our findings are in no way a reflection on that individual's leadership or performance. Recommendations made in this section are to complement and strengthen the ongoing delivery.

There is also a lack of resources required to drive change in the three services. We repeatedly heard that this work is a competing priority in an already budget and resource constrained workplace. It is therefore vital to focus on activities that will make a real difference. By trying to do too much with limited human resource and financial commitment, there is risk of losing further ground.

In our view the operational leadership role would also best have joint military and civilian leads for day-to-day delivery and implementation. Military leads understand their service people and the specific demands on them. They talk the same language and can tailor initiatives accordingly. The short-term nature of the military posting cycle, however, impacts the leadership and implementation of a successful change programme and therefore leads us to our conclusion that a joint lead is required. The military lead should be of a sufficiently high rank to be respected across the services. A civilian lead is potentially more likely to stay longer-term in the role (although this has not been the case in the last three years) and they can help tailor work to the civilian workforce.

When strategies and plans are developed, there must be authentic consultation with Commanding Officers and others in the chain of command to ensure buy-in and relevancy. This will also help address the varying levels of buy-in at base and camp level.

The organisation would significantly benefit from having formally appointed military leads in each of the services with the ability to tailor work and ensure effective implementation for their service. They would also be involved in the strategy development and working alongside SAPRAs.

With the current HQ NZDF structure review, it is an opportune time to review the structure, level of resourcing and positioning of Operation Respect to ensure to capacity and capability to drive the cultural change required.

Recommendations in relation to the SART are made on page 37.

Recommendations:

- 11) Move the day-to-day leadership and relationship reporting lines of Operation Respect away from diversity and inclusion.
- 12) Re-position all roles with Operation Respect responsibility together within Defence Human Resources.
- 13) Appoint a specialist in culture/organisational change management to strengthen the approach and delivery.
- 14) Consider the appointment of joint military and civilian leads for Operation Respect within the HQ NZDF review underway early 2020 and elevate the seniority of the roles.
- 15) Appoint senior military leads in each of the three services to own, lead and aid in buy-in and work alongside the SAPRAs to assist their work at base and camp level.

The budget for the programme is insufficient to drive significant change

We are aware that the issue of funding levels for Operation Respect work has been raised previously by other external parties including the Operation Respect Steering Group and Frances Joychild QC.¹³ During this process it was raised as a challenge by both senior and lower level leaders. It has been raised by the Operation Respect Steering Group in the past (including one meeting at which one of the reviewers was in attendance). The budget figures we were provided were operational (not including personnel costs) and were point in time figures and showed a reduction in operating budget.

From our experience in working with, and reviewing, other organisations in the private and public sectors, we believe the operational budget is low for driving a culture change programme for a large and geographically spread organisation. Additionally, with base and camp leaders asking for more tools, and our view that something like the Canadian Armed Forces mobile app²² would greatly help improve knowledge of systems and processes, a more significant budget would be required for its development than that we saw for the current financial year.

We do note that the establishment of the SART and also the roll out of the SERR training across the entire organisation has been a significant investment.

Recommendation:

16) Allocate a significant budget (beyond FTE costs) to develop key tools for leadership and all personnel such as the 'Respect in the Canadian Armed Forces mobile app.'²²

The roles and responsibilities of those who manage complaints are unclear

As noted in previous reviews,^{6,13} there is confusion around the roles and responsibilities of those involved in managing complaints and the process for reporting an incident is still unclear for victims and witnesses. Service members are normally required to report issues through their chain of command, but this is not always appropriate or desirable.

The SART was designed by the NZDF to be the primary point of contact and channel for 'victims' of sexual violence. Many see the introduction of SART as a significant step forward providing another valuable avenue for help-seeking, "another door to knock on."

In practice there are many 'doors' or possible points of contact for people to seek support or raise a complaint when they believe they have been harmed in some way by the actions of another, including 0800 reporting lines. However, we frequently heard that whatever door you choose to knock on, or who you confide in, there is little trust in the process that follows when it is owned by the organisation. There is also little trust in how the complaint will be handled. From the many disclosures made to us, it is clear that the way in which reports of harmful behaviour or sexual violence are recorded, responded to, and managed, varies enormously.

During the course of the review it became clear that, across the camps and bases, there is limited knowledge about and/or trust in the avenues for help-seeking support provided by the NZDF (such as the Employee Assistance Programme (EAP) and the NZDF4U helpline and support service). These should

be vital mechanisms for providing mental health and wellbeing support to members of the NZDF and their families, but we repeatedly heard that they were not seen as independent, confidential, or appropriate for issues related to sexual violence.

As noted in the Military Justice Review⁶ the application of rules, punishments and consequences in the military justice system has been inconsistent. Many also hold the view that there is a set of rules for those in higher ranks and another for personnel lower down who will face more severe punishments for minor offences. We also heard that some 'alleged offenders' continue to progress whereas the 'alleged victim' will be sidelined impacting their career.

It is also common in military situations for victims of sexual violence to be transferred away from the situation, even when deployed. We heard examples of this during the course of the review. This can have unintended negative consequences for victims, such as reducing their social support networks, disrupting their career progression, and questions being asked about the reason for the sudden move.²³ Women are likely to be disproportionately affected in this way because they are more likely to be the victims of sexual violence.

Those accused of serious offences, including sexual violence, are also affected by the inconsistent approach. At present the support needs of those accused are addressed in an ad hoc manner. The NZDF is trying to move toward a more human-centred rather than victim centred approach to the complaints process.²⁴ Formalising this would ensure that all parties involved in a reported incident are supported and advised appropriately.

A review of the processes for reporting and managing complaints of discrimination, harassment and bullying (DHB) was commissioned by the NZDF in late 2018. A business and process consultancy was engaged to facilitate the design, documentation and agreement of a single process. The project appeared to stall and completion was delayed by several months. We believe this has been picked up again and encourage the work to be progressed rapidly.

Following the process mapping exercise, a single NZDF-wide DHB process has been defined and apparently agreed upon. We are not sure what the plans are for rolling this process out and embedding it, but once implemented the 'three phased' approach should help clarify the boundaries and process for all parties involved in a DHB complaint. Similar clarification is needed for processes related to the disclosure of more serious issues. We believe this work commenced recently.

We have made recommendations elsewhere in this report that we believe will address many of the concerns raised in regard to the process and culture improvements that are required for discrimination, harassment and bullying issues.

The military justice system creates barriers to reporting harmful behaviour or sexual violence

We are acutely aware of the legal complexities surrounding the military justice system and appreciated the feedback, guidance and information provided by Defence Legal Services on this section in our draft report.

Section 74(4) of the Armed Forces Discipline Act 1971²⁵ outlines that NZDF cannot prosecute allegations of sexual violation that occur in New Zealand, unless the Attorney-General consents for the matter to be heard in the Court Martial of New Zealand. Accordingly, such allegations are required to be referred to the civil system. Currently there is no legal restriction on the offence of indecent assault, which can carry a 7 year maximum sentence of imprisonment, being heard at summary trial. The NZDF's practice at the organisational level, however, requires all allegations of indecent assault to be referred to the Director of Military Prosecutions and the Court Martial. As such, allegations of sexual violation and indecent assault should not come within the purview of the summary trial system.

Despite this, incidents were shared with us, some including serious allegations, that highlight aspects of the military justice system that we believe impact reporting of sexual violence.

We heard examples involving sexual offending at camps and bases that were not referred on. Questions were also raised with us about the capability of Military Police and Commanders in receiving complaints of sexual violence. We were told that both the processes and outcomes of initial investigations into such complaints are highly variable and that the summary trial process can be more damaging to victims than the original incident.

The consistent impression we were given was that the barriers to reporting are significant, and those who do report, find that the barriers and risks of repercussion far outweigh the benefits most of the time.

Military Police are stretched and investigations of cases can drag on for extended periods of time. Lengthy delays can impact the health and wellbeing of both complainant and accused, affect unit morale and discipline, and compromise the legal process.

Instead of making additional recommendations, we endorse the in-depth and extensive recommendations contained in the recently conducted Military Justice Review.⁶ We understand that NZDF is already implementing measures in response to some of these. As a consequence of the Military Justice Review⁶ and at the direction of the Armed Forces Discipline Committee, NZDF is updating its orders to make referrals of allegations of indecent assault to the Military Police mandatory. We also understand that the policy on civilian referral of matters is being examined.

Without good data collection and management, it is not possible to understand the issues, assess and monitor change, or reduce risk

We observed that data collection and management is inconsistent across the various 'first responders' within the NZDF. Most of the professionals dealing with complaints and disclosures (such as SAPRAs, Social Workers, Psychologists, Medical Officers and Nurses) use case management processes and documentation with limited, if any, connectivity and sharing of information.

Ideally the NZDF would have a centralised data system where it could go for all health and safety and wellness information and run reports to identify trends and hot spots. In reality information is held in a number of places, as noted above, if at all.

The siloed, individualised and victim-centric approach to data management presents a serious risk. Information remains buried in case management files with little information recorded about alleged perpetrators and no connectivity to other data. This means trends cannot be identified and recidivist behaviours and individuals can be easily missed. Examples were given of this having occurred.

The inability to consistently collect, collate and track the data from all sources also means that the NZDF is unable to reduce risk by learning from the data set as a whole. This approach is used in other professions, most notably medical, so that lessons are learned through the transparent reporting of issues.

Data about DHB incidents is only available for incidents that are reported to Human Resource Advisors (HRAs) and stored on a temporary site. Without reliable data it is not possible to estimate prevalence rates, but based on what we heard, we believe that current reporting for both DHB and sexual violence is only the tip of the iceberg.

The NZDF has seen an increase in disclosures since the introduction of the SART.²⁶ This is likely to be indicating an increase in reporting rather than an increase in offending. However, the lack of standardised and systematic data collection means that it is not possible to confirm this.

The collection and management of data is an essential requirement for this change programme. We understand that work is underway to create a temporary database and to scope requirements for a centralised system for DHB reporting using the Safety Event Management Tool (SEMT). However we believe the system may not be operational for some time.

As identified in previous reviews,^{1,2,13} there is an urgent need to improve data collection, reporting and monitoring systems to ensure that data is routinely and systematically collected and held in a single integrated and comprehensive database. This is needed to record and track sexual violence incidents (from report to closure), while respecting the privacy of those involved. Ideally data should be captured on serious behaviour as well as incidents of lower severity.

Only then will it be possible to reliably determine the scope of harmful behaviour; monitor data and performance; and regularly report trends to leaders/managers so that interventions are effectively targeted and evaluated.

Similar recommendations have been made to the NZDF previously^{13,27} and we emphasise that a comprehensive and integrated data management system is a priority to deliver on the aims of Operation Respect.

Recommendations:

- 17) Create a comprehensive and integrated data management system to routinely and systematically collect data and report on complaints and outcomes of incidents of harmful behaviour, including sexual violence and discrimination, harassment and bullying.
- 18) Ensure all NZDF and Service Dashboard and Monthly Reports to the external board, Executive Committee, Defence Business Committee and the Risk and Assurance Committee include Operation Respect data and trends, and programme milestone progress. Cascade reporting to all levels of leadership to increase awareness of the issues occurring across the services.

Monitoring and reporting of progress are rudimentary

The lack of reliable and consistent data in the NZDF means that reporting is fairly rudimentary and it is not possible to gauge the direction or extent of any change brought about by Operation Respect. The NZDF is not the only organisation to have this issue. Many organisations in both the private and public sectors launch into activity without clear metrics or an evaluation framework to assess progress.

To make informed decisions and to develop a learning organisation approach, the NZDF must be able to connect data from various sources and conduct more sophisticated analysis and reporting.

A strong evaluation framework with clear measures would enable effective monitoring and transparent reporting of progress to leaders. Societal and generational shifts will continue to run alongside this work and it will be vital to know what changes have resulted from the investment made. Investing in and implementing a strong evaluation framework will help identify actions that deliver the desired change, rather than actions that may not be making a real difference.

The Operation Respect Benefits Map²⁸ which we viewed during the review process could provide the foundations of an evaluation framework. We understand the NZDF is now in the process of determining relevant measures.

Additional details about measuring success based on the progress and experience of other Five Eyes nations are provided in Appendix 3.

Recommendation:

- 19) Build on the Operation Respect Benefits Map to create a comprehensive evaluation framework with clear outcomes measures to monitor and assess impact and progress for all Operation Respect activities.

Help the Steering Group deliver more influence

In the early stages of standing up Operation Respect, a Steering Group was established. This group comprises external specialists and is chaired by the current Chief of Air Force. They are experienced members engaged pro-bono to provide advice. Some represent key partner organisations in the area of sexual violence and others are there because they have other relevant experience.

Membership of the Steering Group has been relatively stable with changes primarily occurring when a member has changed roles within their own organisation.

NZDF personnel with relevant subject matter knowledge and responsibility should routinely attend the Steering Group meetings to present their work and engage in dialogue to test thinking. It would be beneficial to have the senior military leads as recommended previously attend the meetings to share their service progress and learnings.

As we have previously stated, however we do not believe this is the right mechanism to hold the NZDF accountable for the progress of Operation Respect. It does provide valuable external input and a useful sounding board.

During the course of this review the NZDF initiated a review of the Steering Group. We did not see the outcome of that review, but we offer a few suggestions to improve its focus and functioning:

- Regularly review its purpose and membership as progress continues to be made. Future members could include, for example, a male victims advocate.
- Consider a per diem payment offering to members and meet any travel costs.
- Ensure at least an annual meeting of the external Steering Group with the NZDF external Board to share learning and insights.
- Set a forward programme for agenda items including standing items that are set from the strategy and ensure regular reporting against key milestones.
- Ensure distribution of all papers at least five working days in advance of meetings to allow time for members to prepare and digest information.
- Create a template for papers, making it clear what is needed from them and whether the content is for noting, a decision etc.



Findings on specific Action Plan items

- 1) Establish a strategy to change NZDF's culture
- 2) Increase training and education
- 3) Provide an alternative way to report sexual assault
- 4) Create a dedicated, professional sexual assault response team
- 5) Address specific risk factors associated with facilities and alcohol
- 6) Recruit more women and increase female representation in senior leadership roles
- 7) Monitor and further reduce discrimination, harassment and bullying

The following are additional findings and insights against the key features of the Operation Respect Action Plan, as set out in the Terms of Reference. Note we have combined items 3 and 4.

1) Establish a strategy to change NZDF’s culture

Covered in full previously (see pages 20-21).

2) Increase training and education

The SERR training is well received and opens a difficult dialogue but it needs to be embedded in all training.

Since its introduction in 2017, Sexual Ethics and Responsible Relationships (SERR) training has been delivered to over 12,500 NZDF personnel. This is a significant achievement, and it is one of the most visible deliverables and successful aspects of Operation Respect. Indeed, people frequently said they had been to “Op Respect training” when they meant SERR training. The NZDF is to be commended for this success.

We believe it is time to incorporate Operation Respect into existing training at all levels as part of a learning culture. This should include training for leaders and other key support staff on how to receive and respond to disclosures of sexual violence, including advice about the SAPRAs’ scope of practice and responsibilities. We also endorse the recommendations in the NZDF commissioned review of the Sexual Assault Response Team (SART) in 2018²⁷ regarding training for leadership. As our evidence collection process closed we were made aware of some work being done on a learning strategy for diversity and inclusion which we have not seen.

We understand that seven additional command training modules were developed by the programme founding team (based on the Canadian Operation Honour training modules). No one could tell us what happened to these modules, but if found, could be reviewed for suitability for implementation to enable capability building on this topic. Alternatively, some content could be embedded into existing NZDF offerings.

Some leaders told us they have incorporated the “principles of Operation Respect” into existing training for different ranks and trades. We commend this development and work but note it cannot be left to the good intentions and capability of a committed few, it requires a consistent, organisation-wide approach.

Recommendations:

- 20) Develop an organisational learning strategy for Operation Respect to incorporate the principles and expectations into existing education/training at all levels, including training for leaders and key support staff in receiving and responding appropriately to disclosures of sexual violence and bullying, harassment and discrimination.
- 21) Develop and roll-out appropriate training modules and tools to support the implementation of the training/learning strategy from recommendation 20 or embed into existing offerings.

The impact of SERR training needs to be measured.

Well received by most, SERR training is held up as a key success for the NZDF. Importantly the SERR training enables a dialogue that is difficult to initiate. The red to green continuum of harmful behaviours (with green being appropriate, yellow/orange being inappropriate and red being illegal) has been well received and we hear that it is commonly used, although some prefer the 'above and below the line' model. In theory it provides for anyone of any rank to call out any poor behaviour they witness. In practice that can be difficult to do when speaking up the against someone who outranks you or is against the prevailing attitude of the group.

Initially designed and targeted to military personnel, the SERR training is now also provided to civilian personnel. Importantly, the NZDF also requires completion of SERR training (or equivalent) for deployment. We understand that learning outcomes for Operation Respect have been developed. We commend these positive steps and encourage the NZDF to ensure that all people engaged in work within the NZDF, including contractors and sub-contractors, such as bar and catering staff, receive SERR training.

While many believe SERR training to be valuable and useful, others claim it is ineffective, a waste of time, or demeaning. The difference in opinions may be related to the skill of the facilitator, the size and composition of the session and the different backgrounds of personnel. It seems that not all sessions are within the 30-person maximum and some younger personnel reported that they felt embarrassed and intimidated in mixed-rank sessions. Some report that they have done this training more than once which does not appear to have been the intention. We also heard about people who signed into workshops but then left the session without completing the training.

Three surveys have been administered since the start of SERR to 'examine the effectiveness of the training and identify any areas that may need to be developed for future trainings'.²⁹ Although approximately 2,000 people completed the brief online surveys, the response rate for all is very low (20%).²⁹

While the feedback from the surveys was largely positive, it does not provide adequate evaluation of the impact of the SERR training. The ultimate test of the effectiveness of the training would be evidence of positive changes in the attitude and behaviour of those who had attended. Unfortunately, incidents reflecting a lack of understanding of the basic concepts of respect continue and are widespread.

The challenge now is to provide additional tools. Leaders, in particular, are asking what comes next, what other ways are there to keep the lessons of SERR training and principles of Operation Respect alive, relevant and embedded into the way the NZDF operates? This may be addressed through locating the seven command modules previously developed and referred to above, along with a number of other recommendations contained in this report including 10, 16, 20 and 21.

Recommendation:

22) Refresh the SERR training regularly and consider sub-contracting this to independent facilitators to reduce workload on SAPRAs. Ensure all topics covered and materials used are gender neutral.

Need to take care and resource the planned Bystander training sufficiently.

A Bystander training programme³⁰ was piloted in 2019 with 355 Army soldiers and officers to assess its potential for the NZDF context. We commend this effort.

The pilot did not assess participant knowledge and intent before and after training or include a control group or follow-up measures. Without this it is not possible to know if any perceived competence and/or willingness to assist as a bystander is related to the training or other factors, or if the training had any effect on actual behaviours. It is also important to assess individuals' ability to recognise high-risk situations that require intervention, as this impacts on willingness to act.³¹

We understand from organisation-wide communications issued by the Chief of the Defence Force that the Bystander programme will be rolled out over the next two years. It is crucial that a strong evaluation approach is implemented alongside any roll out. We suggest consulting with other Five Eyes nations, as they are generally more advanced in the implementation and evaluation of bystander programmes, and there are a number of challenges to doing it well.³²

Recommendations:

- 23) Develop a staged implementation plan, supported with committed resources, for the roll-out of the Bystander programme across the three services.
- 24) Contract the evaluation of the Bystander training programme to independent assessors.

3) Provide an alternative way to report sexual assault;

4) Create a dedicated, professional sexual assault response team

'Two-track' response to sexual violence is an excellent initiative but the SART is stretched and fragile.

The Sexual Assault Response Team (SART) and 'two-track' response to sexual assault was established in 2016 to provide victim-focussed care to Defence personnel who have been affected by sexual violence. This was a significant step that would not have occurred a decade ago.

The SART has become the most visible face, and in many ways, the flagship of Operation Respect. We acknowledge the significance of establishing the SART and the restricted disclosure system as a victim centric alternative to the unrestricted disclosure that requires particular actions in the military justice system (see Appendix 4 for detail). The SART is a valuable first contact point providing immediate assistance for individuals seeking advice and support. This has encouraged reporting and help-seeking. The team also helps leaders navigate their way through complex and difficult issues surrounding sexual violence.

Unfortunately, this relatively small team is over-stretched. It is primarily response focussed and not able to do prevention work. Additionally, there may be some inconsistencies in how members are operating and their processes. The independence of this team and its ability to provide safe and confidential navigational support was questioned by many we spoke with. The concerns raised being due to the fact they are employed by the NZDF and are therefore seen as part of the system. The lack of trust in the current systems and processes, rather than necessarily in the individual SAPRAs themselves, means that for many, this internal pathway for help-seeking is not one that they are comfortable using.

It is vital, therefore, that all personnel with sexual violence concerns have access to an alternative path and independent support that is clearly external to the NZDF. We are aware that information is provided about external providers, but we do not believe that this is easy to find or widely disseminated.

We observed that there was some confusion over the naming of the new restricted disclosure process due to its "similarity" to being able to make protected disclosure, or whistle blow on any issue, under the Protected Disclosures Act 2000.

There has been high turnover in the lead role of the SART which has impacted negatively on the individual SAPRAs, team morale, strategic oversight and momentum. This has been compounded by role scope creep with people approaching the SAPRAs for an expanding range of issues. This is important because the SART has in effect become Operation Respect. The SAPRAs are carrying the programme while experiencing a heavy and increasing workload. We believe there were times during this review where this important 'safety net at the bottom of the cliff' was looking fragile with a real risk of the entire team leaving the NZDF.

The turnover within this team has been too high and if it continues it places the most successful aspect of Operation Respect at risk. This cannot continue. At the commencement of this review the SART had four members, this has increased to eight (including the new manager) with an additional appointment pending as we finalise this report. This should provide a temporary reprieve, or easing of load, but the high turnover issue needs to be closely monitored. Because the specialised skills required for the SART lead and SAPRA roles are limited in New Zealand, the bench-strength for these roles needs to be identified, and the support around the current team must be strengthened.

In 2018, the NZDF conducted a review of the SART Model to evaluate its “relevance and appropriateness; effectiveness; and, potential improvements.”²⁷ It found that while participants were largely positive about the model, there were initial issues that needed to be addressed. We have not undertaken a stock-take of the recommendations made in that report, but from the information we gathered, a number of significant issues remain.

We endorse the recommendations made in that 2018 SART review²⁷ and expect the NZDF will progress and monitor these. In addition, we have raised with senior management our concern over the turnover in leadership of the SART and we believe actions are being taken to address this.

While carrying out their roles, members of the SART team have experienced what they perceived as threats to their personal safety and wellbeing, and in some cases, threats to the safety of their families. We encourage the NZDF to ensure safety plans, or other formal protection measures, are in place for each SAPRA due to the sensitive nature of the role and the potential risk they face.

Despite the challenges raised here, we strongly advocate for the continuation of the SART and the implementation of recommendations made here to strengthen their impact. In the next section we address the need to promote the independent channel to give more options for support.

Recommendations:

- 25) Consider the establishment of two SAPRA teams; one specialising in response; and the other in prevention and ensure there is at least one male member in the team at all times.
- 26) Utilise the SAPRAS’ subject matter expertise to work with base and camp leadership to build prevention strategies.
- 27) Empower the military lead of each individual service (see recommendation 15) to work alongside the SAPRAS to help with the three unique cultures and also to advocate for them and the work they do.
- 28) Ensure that the lead of the SART and all SAPRAS have access to and are receiving regular, appropriate clinical and professional supervision.
- 29) Ensure delivery of standard operating procedures across the SART to strengthen consistency and delivery.
- 30) Conduct annual audits of the SART to ensure that both the safety and wellbeing needs of the team are being met, alongside those utilising the service.

Need an alternative way to report sexual assault and seek support.

There were 190 disclosures of sexual violence incidents reported to the SART²⁶ between July 2016 and 31 January 2020. Of those, 59 were restricted disclosures and 131 were made under the unrestricted disclosure route.

The increase in disclosures since the introduction of the SART is consistent with other military forces.³³ While this is more likely to reflect an increase in reporting rather than an increase in offending,³³ the lack of standardised data collection and reporting means that it is not possible to confirm this.

The number of disclosures made to the SART are not an estimate of the prevalence of sexual violence in the NZDF. As there is currently there is no requirement for incidents such as sexual assaults to be reported to the Military Police that data set is also not an accurate reflection. We believe that many incidents are not reported to anyone within the NZDF.

Overseas estimates of under-reporting of military sexual assault vary, but rates may be as high as 80% not reporting, with males even less likely to report than females.³⁴ Any argument that this may be no higher than the underreporting of civilian sexual violence misses an important point. Although the reasons for not reporting are personal and individual, when taken as a whole, repeated patterns of behaviour highlight potential organisational barriers to prevention and response that must be identified and addressed.³⁴

The many reasons for not reporting include: not identifying the incident at the time as sexual assault; thinking that their report will not be believed or acted upon; believing that they will be shamed, harmed or retaliated against; or that the process or system will not protect their privacy or confidentiality. Women also fear being labelled a troublemaker, weak, or unfit for service, having their career limited or being charged themselves for collateral misconduct. We heard many of these examples in our interviews and are aware that the Military Justice Review⁶ also evidenced the same. We are also aware of incidents where victims or witnesses were threatened with being charged if they did not give a statement.

For men, the 'strong warrior' stereotype associated with military culture is a major deterrence to reporting, as is a belief that breaking the perceived 'code of silence' will be seen as a betrayal of your team or unit.³⁵ In feedback to our draft report, it was highlighted that Military personnel live and work together for extended periods of time, often under difficult conditions in order to deliver combat capability and operational outcomes. Their traditions, training and lifestyle builds strong allegiances within tight teams, and while NZDF acknowledge that this in no way excuses harmful behaviours, they believe that its strength is also its weakness and this may contribute to why people may be unwilling to risk team allegiance by reporting harmful behaviours. This aspect of NZDF culture, they believe, places the magnitude of the Operation Respect challenge in context.

The belief in false accusations is alive and well in the NZDF, when it is in fact rare in both military and civilian settings.³⁶ A number of accounts of "false accusations" were shared with us, and these frequently reflected other victim-blaming attitudes that compound the personal costs for those who do report and create barriers to future reporting.

Unfortunately, we interviewed some women who talked about the process of formally complaining being "more traumatising than the original assault." They said they would not raise an issue again or advise their peers to do so. On the other hand, other women felt compelled to report sexual violence because they hoped to prevent the perpetrators harming others.

While some believe that initiatives such as the SERR training and Bystander programmes have contributed to increased 'calling out' poor behaviour, the overall barriers and fears of negative consequences continue to deter victims from reporting. The consistent impression we gained was that the barriers to reporting are significant, and those who do report find that those barriers and the risks of repercussion far outweigh the benefits.

We urge the NZDF to implement recommendation 2 in this report and we also recommend that the 'Safe to Talk' helpline (<https://safetotalk.nz>) is actively promoted within the NZDF as an alternative mechanism for help-seeking. This independent 24/7 helpline provided by *Homecare Medical* under contract to the Ministry of Social Development is already listed on the SART website page along with other external agencies. It is important that this is positioned as an external option for people who do not wish to go to a SAPRA.

Recommendation:

31) Actively promote 'Safe to Talk' widely and consistently across the NZDF as an independent helpline and service for the NZDF personnel affected by sexual harm in any way. Provide it equal weighting as the 0800NZDF4U line in all promotion of support services.

5) Address specific risk factors associated with facilities and alcohol

Alcohol consumption may be decreasing but is still a major problem with issues to address.

We believe that while we are told that alcohol consumption is decreasing, it continues to be a serious factor contributing to incidents that involve the Military Police. However, the true extent of alcohol related offending is not known. There is no obligation to report disciplinary and/or criminal offending within the NZDF to the Military Police, and many incidents may occur off-site, therefore the data that is held is deficient.

The data made available to us from the Military Police indicates that almost half of the incidents that are reported to them involve alcohol and levels of offending do not appear to be decreasing. This is most concerning as the true rate may be much higher, and international research shows that alcohol and illicit substance use is commonly associated with sexual violence in the military.³⁷

We are unable to determine whether the apparent decrease in alcohol consumption is due to societal changes and national behaviour change campaigns, such as against drink driving, or the policies and actions of the NZDF. Improvements in data collection and monitoring going forward should track whether NZDF policy changes result in the desired outcomes.

In October 2018, NZDF introduced the STAND³⁸ (A Safer Stand on Substance Use) programme, reflecting a strong preventative approach to substance misuse. The considerable time needed to draft the minimisation policy on drugs and alcohol³⁹ has delayed the roll-out of the programme. Some base and camp Commanders, frustrated by this delay, have implemented their own measures rather than continue waiting.

For example, at Linton an alcohol management course is run in association with the local District Health Board. This involves individual personnel undertaking an assessment followed by the creation of a personal plan around managing alcohol. Over 1,000 people have participated, and although there is no evaluative data, anecdotal evidence indicates that personnel have been very open and positive about the approach.

The Woodbourne alcohol harm minimisation strategy was developed in consultation with recruits, staff and HQ NZDF. The base Commander introduced a ban on drinking in barracks, along with other measures including increasing alcohol-free social activities, resulting in a marked reduction in alcohol related incidents, despite the base having five bars. External drug and alcohol trainers were brought in and a non-punitive approach taken for individuals who proactively seek help for substance issues. This flexible approach is also now used by other camp and base Commanders. This is in line with an underlying principle of the STAND programme, that the consequences of substance misuse are predictable and proportionate, allowing for discretion in the 'grey areas' where a more nuanced response may be needed.

Woodbourne, Waiouru and Linton shared with us the steps they have taken to change bars from "just booze places" to venues with a focus on social connectedness and activities with mixed ranks. Vending machines selling alcohol have also been removed from some sites.

The new restrictions at some camps and bases are perceived by some as heavy-handed control that has resulted in a dramatic decline in the patronage of many bars and messes. Many believe this has “killed the social life” on the bases and camps and has driven the problems offsite.

We were told that the Navy’s ‘Dry Ship policy’ has backfired, with serious issues arising during overseas shore leave. After a long period of being alcohol free, personnel go ashore and “get hammered.” If they stay shore (often sharing a hotel room) to avoid returning to the ship after a “big night,” senior officers have no oversight or ability to intervene or respond effectively when things go wrong. The implementation of the ‘Buddy System’ during shore leave was not seen as being effective and may in fact cause further issues and tension.

Senior NZDF personnel have stated publicly, as recently as January 2020, that more needs to be done to tackle the excessive use of alcohol.⁴⁰ We agree with this position. The consumption of alcohol in the NZDF is driven, in part, by the access to cheap alcohol, a view that alcohol is as an acceptable way to decompress, and lack of alternative means of socialising and distraction. We heard that boredom can be an issue for those living on bases or camps, exacerbating the alcohol consumption issue.

The Sale and Supply of Alcohol Act 2012 covers the safe and responsible sale, supply and consumption of alcohol and the minimisation of harm caused by its excessive or inappropriate use.⁴¹ Although the NZDF is required to have a code of practice around the supply and consumption of alcohol, it is exempt from having a licence. A substance harm minimisation policy³⁹ was released in December 2019, including a code of practice that reflects the Act without tying the NZDF to it. We heard from leaders, support personnel and many others participating in this review that this policy will not go far enough, and they challenge the NZDF not to rely on the exemption.

Drug usage is an increasing concern.

During the course of our review we heard from reasonably senior, and generally older leaders, that there is increasing drug usage across the three services. Inquiries into allegations of misuse and supply of drugs undertaken in 2018 as part of the NZDF ‘Operation Waikato’ suggested that drug use is more of an issue with younger personnel. The Military Police records supplied to us indicated that the majority of the people under investigation were in the first five-seven years of service.

Drug related offending is of increasing concern to NZDF Military Police as they continue to record offending across all three services.⁴² We are advised that Military Police are conducting around 3,000 drug tests each year across the services. This places an additional pressure on their workload and uses significant budget and resources in units that test frequently. However, the current drug testing regime is clearly not a significant enough deterrent.

There are also significant health and safety elements and risks in this workplace. Individual members hold other people’s lives in their hands, so if they come to work under physical or emotional stress, or under the influence of any substances the consequences to the organisation, and human life could be significant.

There is an opportunity to reframe the alcohol/drug/substance issue away from a fear of being caught to a positive focus on the outcomes of:

- High-performing teams.
- Health and safety where substance abuse has no place.

Recommendations:

- 32) Give urgency to rolling out the STAND programme to provide base and camp Commanders with the tools and support they need to implement the Substance Harm Minimisation Instruction consistently and effectively.
- 33) Monitor the implementation of STAND to ensure it delivers on key aspects of alcohol harm minimisation; specifically, price controls, access and availability controls and restrictions on marketing and promotions.
- 34) Consider opting out of the alcohol licensing exemption to demonstrate a strong commitment to reducing alcohol related harm to personnel.
- 35) Establish a reporting system to collect, monitor and respond to alcohol and drug related data, including, but not limited to, all complaints, incidents and convictions involving alcohol and or drugs across all camps and bases. This should be connected to the integrated data management system (see recommendation 17).

Changes to unisex barracks and ablutions have started but are not a priority at all camps and bases.

We are aware that the NZDF conducted a Crime Prevention through Environmental Design (CPTED) audit which resulted in the development of CPTED guidelines developed by and for the Estate and Infrastructure area.

During 2018 and 2019, the NZDF conducted independent audits of environmental/cultural artefacts at three sites: the RNZAF Auckland Base;⁴³ 2nd 1st Battalion buildings at Burnham Army Camp;⁴⁴ and RNZN Devonport Base, HMNZS PHILOMEL.⁴⁵ This work provides valuable insight into the risks and protective factors for creating respectful, safe and inclusive environments within the NZDF. These audit findings are consistent with much of what we saw and heard during the process of this review and we strongly support the 'Guidelines for Future Action' provided in each report.

From our base and camp visits we were able to see firsthand that there has been progress in reducing risk related to physical structures and facilities. The focus of the work has been on improving privacy (e.g. installing floor to ceiling doors and walls in unisex toilets) and security (e.g. installing security cameras and locks on bathroom and barrack room doors) in shared, unisex barracks and ablution/toilet facilities. However, there does not appear to be a sense of urgency around the completion of this work.

The establishment of mixed barracks and unisex bathroom facilities may have exacerbated the amount of remedial work that is required. While many spoken to believe that personnel should be treated as adults and be able to live in mixed barracks, but it may be contributing to the risk of harmful behaviour.⁴⁶

During the course of this review women told us about a range of situations in which they felt uncomfortable, vulnerable or at serious risk because of unisex facilities. We heard from women who had delayed showering until the early hours of the morning to increase their chance of privacy and reduce the risk of becoming the target of inappropriate behaviour when using unisex bathrooms, both in barracks and when deployed. Some people might argue that such arrangements are acceptable and simply replicating what happens "in the field." We do not accept that this view holds when at home in New Zealand living and working together.

We encourage the NZDF to continue to progress and monitor the work required to provide facilities that support the personal security and privacy of all personnel across all sites. This should include addressing the 'Guidelines for Future Action' provided in the three environmental/cultural audit reports from 2018 and 2019.^{43,44,45}

Recommendation:

36) Prioritise work to increase the individual personal safety factors of barracks, ablutions and toilet facilities for all users.

Deployment is a higher risk for females for sexual violence increasing the need to improve support and access to an independent helpline.

Deployments, where individuals may be socially and geographically isolated for long periods in high stress, hyper-masculine environments, are high-risk situations where sexual violence may be more likely to occur.⁴⁷

Approximately 12% of the disclosures of sexual violence made to the SART since it was established relate to incidents that happened while on deployment.²⁶ This is not the full picture, because international research shows that sexual violence during deployment is less likely to be reported and it is more difficult for deployed personnel to access services and support. Deployment has been shown to be a particular risk factor in male-on-male sexual assault in other militaries.⁴⁸ The lack of males in the SART data should not be taken as confirming an absence of male assault in the NZDF.

We commend the NZDF for providing SERR training to personnel prior to operational deployments. It was reassuring to hear from personnel who had been deployed, that in their experience, the attitudes and behaviours of members of the NZDF about harmful sexual behaviours are better than those of personnel from other forces. Keeping the NZDF's personnel safe while on multi-force deployments, and supporting them effectively when something does go wrong, presents a particular challenge and is dependent on the nature of the deployment.

A compounding factor is that personnel who deploy remain subject to New Zealand military jurisdiction and often the local jurisdiction as well. In these circumstances, undertaking investigations and arranging for appropriate forensic examination and storage/transfer of evidence can be complex and difficult. We understand that the New Zealand Police cannot be involved in these investigations but that the NZDF Military Police rely on them for advice and guidance.

NZDF acknowledged that deployment creates a particular challenge for the maintenance of Military Police capability as some skills (e.g. scene examination and exhibit management) can be maintained while not on deployment, while others (e.g. interviewing victims of sexual violence) are more difficult to maintain when domestic responsibility for investigation is passed to civil authorities.

Recommendation:

37) Ensure that all support personnel who are deployed, such as AHAs, Padres and Medics, receive appropriate ongoing specialised training and support on how to receive and respond to disclosures of sexual violence.

Initiation and hazing continue

Consistent with the findings of the three environmental/cultural scans in 2018 and 2019^{43,44,45} we heard specific disclosures that clearly demonstrated to us that although banned, incidents of hazing and initiation continue. While this does not reflect an NZDF-wide culture, and such rituals may have been “toned down” over the years, the concern is that pockets of behaviour continue that do not reflect NZDF core values. Furthermore, as noted in the environmental/cultural scan reports, some of these rituals still involve high-risk factors for sexual violence, such as the excessive use of alcohol, risky and sexually inappropriate activities, coercion and problematic consent.^{43,44,45}

Navy has a specific anti-hazing policy but some personnel lament the changes as a loss of a vital aspect of the culture and team cohesion. We heard this most strongly from Navy personnel. Many see the ‘crossing the line’ activities to mark the crossing of the equator as a fundamental part of becoming ‘a proper sailor’ and a harmless bit of fun. That is clearly not the experience of others who have felt coerced by their peers to participate in what they describe as a “humiliating” activity. Other examples were shared from across the services that we have chosen not to publish.

Recommendations:

- 38) Ensure consistent and regular communication to clarify what is and is not appropriate behaviour including hazing and initiation rituals to improve consent culture and reduce coercion and peer pressure.
- 39) Continue to ensure that hazing/initiation rituals do not involve coercion, humiliation, problematic consent and alcohol.

6) Recruit more women and increase female representation in senior leadership roles

Progress is being made, albeit slowly.

Although many women are proud of being in the NZDF and “love their roles,” the culture remains tough for women to survive.

Workforce data shows that little progress has been made on increasing the total percentage of women overall or in senior leadership roles in the NZDF despite efforts being made. The Ministry of Defence (2016) report on recruitment barriers and opportunities noted that, “NZDF has not moved substantially forward on increasing the total percentage of women in Service over the past ten years.”⁴⁹ Little has changed since this report was published.

As at 30 June 2019, the total number of NZDF members (Regular Force plus civilian personnel) was 12,297, of this 24% were females. When Reservists are included, the total number of NZDF members and staff is 14,886, of this just 17% are female.⁵⁰ This reflects a very small (2%) increase in the percentage of women in the NZDF since 2016, with variation between the services (RNZN, 2.0%; NZ ARMY, 0.8%; RNZAF, 2.2%).

Over the same period there has been no real change in the percentage of women in middle and senior ranks (Increase by rank: Junior NCO, 0.90%; Senior NCO, 0.20%; Junior Officer, 0.20%; Senior Officer, 0.10%).⁵¹ The Military Women Review Stocktake (2018)²¹ noted that more tangible action is needed to improve pathways for women to attain senior leadership.

Male and female attrition rates have equalised and are better for women than men in some areas. Women continue to attest (enter service) at lower rates (9.5%) than men (13%) and they continue to enlist into traditional gender-based roles (i.e. medics, logistics) and not technical or combat trades.⁵⁰ This is problematic given the belief of many that that combat experience is crucial to success and achieving high ranking leadership roles in the NZDF. The Military Women Review Stocktake also noted that more support was needed to expand systems to increase retention.

There have been a few service-specific initiatives, such as the RNZAF’s ‘Schools to Skies’ to attract and recruit women. Effort has also been put into ensuring that more women are depicted in recruitment material and other publications, although many people spoke about this as “tokenism” and a “misrepresentation” of reality as “the same faces are always being used.”

Senior leadership have acknowledged the challenges⁵¹ and some gender targets have been set.⁵⁰ We were advised that Defence Recruitment already struggle to fill workforce demands, primarily for Army, without a gender target. To achieve this, a targeted recruitment strategy will be needed along with more budget, resources, time and effort.

Increasing the proportion of women in the NZDF is an admirable goal, but international research shows it is not enough to simply recruit more diverse members, that simply gets more ‘difference’ in the door.⁵² Work is underway to better understand the reasons women are leaving⁵³ and to address the issue of attrition. We believe this work will be vital to the long-term success of targeted recruitment efforts.

Resistance to recruitment targets should be both expected and addressed. There is already a widely held belief that there are quotas and that standards have been “lowered to accommodate ‘diverse’ applicants and recruits.” While the organisation’s 2019 PULSE survey shows that the majority of respondents (88.9%) ‘understand why increased diversity will make the NZDF better on military operation’⁵⁴ we have mentioned elsewhere our conclusion that the diversity message is not universally supported and the rationale for it needs better articulation.

Both men and women complained about the unintended consequences of the drive for ‘More Military Women.’ Women feel that they must repeatedly prove themselves worthy of their place in the organisation and some men believe that they are disadvantaged in promotion, training and deployment opportunities for “being the wrong gender or ethnicity.” Transparent, validated selection and advancement processes are essential to demonstrate that people have earned their place or rank on merit.

The reasoning behind the use of targets and the drive for diversity must be effectively communicated across the organisation supported by processes to ensure they are administered fairly and transparently without compromising performance standards. Diversity recruitment initiatives and testing processes must be continually measured and monitored to evaluate their impact, to understand barriers to success, and to support ongoing recruitment efforts.

Some work has begun through Wāhine Toa (formally More Military Women), a positive programme of work encompassing a number of strands, the ultimate goal of which is to help create an organisation that women want to join and remain in. The NZDF recognises that this will require a sustained, coordinated effort supported by effective communications and good data measurement and reporting.⁵³

The NZDF recognises that having a workplace that is both physically and psychologically safe for all of its people is vital if more women are to be recruited and retained.⁵³ The NZDF intends⁵³ to adopt the United Nations Women’s Empowerment Principles.⁵⁶ This is a positive step which will involve measuring and reporting publicly on progress to achieve gender equality.

However, our finding is that a number of factors raised in this report mean the NZDF will continue to struggle to meet the challenge of recruiting and retaining more women.

This problem is not unique to the military but a particular challenge for NZDF is balancing the desire to increase the number of women in senior leadership roles and in currently under-represented trades, with an apparent view in the NZDF that a masculine culture may in fact be an important factor in combat-related careers.

We have deliberately not made recommendations on recruiting more women and increasing female representation in senior leadership, as we believe that the NZDF has sufficient work underway which will continue to make small and incremental shifts. Our view is that implementing the key recommendations we have made elsewhere in this report will help the NZDF achieve these goals.

7) Monitor and further reduce discrimination, harassment and bullying

Slow progress: The issue is widespread and systemic without pathways or processes for support or resolution.

As noted elsewhere, NZDF's data on DHB complaints is hard to find, is recorded inconsistently and held in a number of places. The source and process by which data has been collected is not always clear. As a consequence, it is not possible to accurately assess the scale of the issue, although the results of NZDF conducted surveys provide some insight.

Results from the 2019 PULSE survey indicate that the majority of personnel who responded feel able to perform their duties free from inappropriate and harmful behaviour (83.1%), feel respected by their colleagues (84.4%); understand how to raise issues of inappropriate behaviour in the workplace (88.8%) and trust that a complaint about inappropriate behaviour will be handled effectively by the NZDF (68.4%).⁵⁴

Taken in conjunction with 2016 Census data and the 2018 Pulse Survey, these results are presented by the NZDF as evidence of an improvement in the experience of harmful behaviour in the workplace, although they also acknowledge that there still work to do increasing trust that action will be taken, and in measuring and monitoring DHB.⁵⁴

Results of the most recent Recruit survey⁵⁷ indicate that most recruits feel safe and that they experience virtually no DHB. However, feedback about the surveys suggest that the results do not give a complete or accurate picture. The surveys are completed online under the supervision and guidance of a Senior Officer. Some recruits felt that this was like having someone "looking over their shoulder" and they also felt pressured to complete the survey as quickly as possible. The reliance on multiple choice questions and the way in which questions are worded also meant that some recruits felt unable or unwilling to give full and honest responses.

We heard of bullying of recruits by other recruits that was at times ignored, if not condoned, by individuals of rank. In some cases, attempts to "call-out" or otherwise address such behaviour only made the situation worse, leading to some recruits learning to "just keep quiet" and preserve the 'code of silence.' Such incidents are very concerning as they reinforce a problematic aspect of the culture at the very beginning of the careers of these young and sometimes vulnerable people.

The 2016 Health and Wellbeing Survey⁵⁷ also included questions relevant to DHB. Although the survey had a low response rate (40%) and was under-represented in junior rank groups, a comparison with the 2019 results may provide some insight into trends over that time period. The 2019 results were not made available to us in time to be included in this report.

Regular surveys, such as those discussed above, are a useful source of information about organisational culture and the health and wellbeing of personnel. However, as highlighted by the strength of the qualitative data gathered, it is unwise to rely solely on these as the primary metrics for monitoring progress. Issues such as low response rates, possible non-response bias, survey fatigue and participant coercion are common and must be better understood and addressed. We also urge the NZDF to supplement its engagement survey with qualitative data, for example, through conducting regular and independently run, focus groups of service members.

During this review it became overwhelmingly clear that discrimination, harassment and, in particular bullying is more widespread than the survey data indicates. We believe that the issue is substantially under reported. Bullying is experienced and perpetrated by both military and civilian personnel, with the most common appearing to be military on military and civilian on civilian.

Exit surveys and interviews indicate that DHB is an issue, with 18% of respondents to the 2018 survey citing this as a reason for leaving.⁵⁵ This percentage may in fact be higher as we repeatedly heard that those people who have lost trust in the organisation and its systems often leave without completing an exit survey or interview.

We heard many examples of behaviours that typify discrimination, harassment and bullying. Some of these include: excessive teasing, practical jokes, sarcasm or malicious gossip; deliberate humiliation and ridicule; being belittled, excluded, ignored, or frozen out; verbal abuse or degrading language or gestures; and threats of physical or sexual violence.

We also heard how the line between bullying, discipline and practical jokes often seems blurred, making it difficult to decide if what is being experienced is bullying or not. This confusion is compounded when targets of bullying are told that they “can’t take a joke” or that any offence taken is an over-reaction to “banter” or “reasonable discipline”.

We repeatedly heard from women that some of the misogynistic and overly sexualised behaviours they tolerated on first joining, they would not tolerate today. However, they also wondered about the behaviours that have become normalised for them along the way and believed that it affected the way they have responded to complaints they have received from others. The phenomenon of ‘normalisation’ has been noted previously.⁴⁵

What is clear is that when a person is deliberately made to feel humiliated, demeaned, uncomfortable or afraid, then they are being bullied. When a person’s sex, race, religion or sexual orientation is used against them, or used as a reason to treat them differently to their colleagues, they are being discriminated against.

The hierarchical nature of the command structure creates a significant challenge — who do you go to when the bully is your Manager or Commanding Officer? It is not sufficiently clear where someone can safely go without negative consequence.

The correct processes and channels for DHB complaints are not widely understood and there is a lack of consensus across the services, at all levels, about what behaviours constitute discrimination, harassment or bullying.

There are mixed views about the existing system of Anti-harassment Advisers (AHAs). Their use appears to be inconsistent across the services, with dwindling numbers in Army and Airforce. We heard of difficulties releasing people for AHA training due to workforce demands, despite reports that training is very beneficial. We also heard that not all AHAs are trusted, that some are themselves bullies. If the AHA role is to continue, the service must be adequately resourced and underpinned with a professional standard of conduct and a standardised approach. AHAs must be carefully selected, trained and supported in their role.

It should be made clear to all types of contractors working with military and civilian staff that they are also expected to behave in a manner to meet Operation Respect's intent. Equally there needs to be clear processes and pathways for them if any incident occurs.

Some participants expressed concern that the military culture and hierarchical nature of the NZDF may actually encourage DHB behaviours, a view also recorded in the 2018 Exit Survey.⁵⁷ Some participants thought that Operation Respect may have driven some bullying behaviours underground, with physical and verbal abuse being replaced by more covert forms of bullying, such as the deliberate withholding of information and denying access to resources and training.

People are leaving because of bullying by their colleagues and a belief that there is nothing that they can do about it. We interviewed a number of personnel who chose to leave rather than speak up about being bullied, and others who were subject to ongoing and unaddressed issues including racism.

DHB can negatively impact individual's health and wellbeing, as well as team morale and performance. The well documented negative psychological effects of bullying include the development of anxiety disorders, depression, suicidal thoughts and suicide attempts.⁵⁸ It is a serious issue with serious consequences.

In recognition of the importance of an individual's mental, spiritual, and social wellbeing, in addition to their physical health⁵⁹ the NZDF follows a holistic approach to the health of its members. But it also acknowledges that increasing mental health issues across the NZDF will continue to pose challenges for Defence Health.⁵⁹

We commend the NZDF for establishing its Mental Health Strategy⁶⁰ and an array of associated initiatives such as the confidential 0800NZDF4U helpline service for NZDF members and their families and the resilience coach mobile app, ResCo. We encourage further developments in this area including ensuring that personnel are given all options available for help seeking including internal and external services. An external service being key for many personnel, who believe that any mental health and wellbeing issues recorded will impact their future career in the organisation.

Recommendations:

- 40) Define what harmful behaviour, including discrimination, harassment and bullying, means in the NZDF modern context including cyber bullying and the sharing of objectionable material. Clearly prescribe expected behaviours for all and align these to NZDF's values.
- 41) Embed the values and expected behaviours in relation to Operation Respect in all relevant policies, procedures, processes and frameworks so that each individual is made fully accountable for their personal behaviour.
- 42) Review the work delivered as part of the DHB process mapping and identify what is required to move this work forward with increased pace.
- 43) Deliver a discrimination, harassment and bullying strategy using the four pillars of Understand, Respond, Support and Prevent, along with a phased implementation plan and resourcing requirements.
- 44) Ensure the scope of the discrimination, harassment and bullying strategy includes all people that come into the NZDF's workplaces, bases, camps and messes.



Our recommendations

Fundamental challenges

Barriers to progress for Operation Respect

Findings on specific Action Plan items

Fundamental Challenges

- 1) That the Minister of Defence request the Auditor-General to carry out an audit every two years, for 20 years, of the NZDF's progress in regard to Operation Respect's specific outcomes, paying special attention to the elimination of harmful behaviour and sexual violence.
- 2) That the Minister of Defence directs the NZDF to consult with the Chief Ombudsman with a view to establishing processes and remedies similar to that of the Defence Ombudsman in Australia. Policy, and legislation if necessary, should be developed as appropriate.

Barriers to progress for Operation Respect

- 3) Limit the scope of Operation Respect to two distinct streams of work: 1) The elimination of sexual violence, and 2) The elimination of discrimination, harassment and bullying.
- 4) Re-position Operation Respect away from diversity and inclusion in strategic intent, communications and in the structure and dotted relationship reporting lines (covered also in the resourcing recommendations).
- 5) Build collective ownership of leadership by developing a long-term strategy in collaboration with base and camp commanding officers. Using a phased approach, the strategy should build on the current foundations of Operation Respect and allow for flexibility in implementation so that each service can tailor to their culture, state of change readiness and prioritised needs.
- 6) Appoint a change communications specialist to work solely on this project in conjunction with a specialist in sexual violence (such as the head of the SART) to implement regular strategic, and nuanced messaging.
- 7) Engage leaders at all levels to own the management of harmful behaviour, including sexual violence, discrimination, bullying and harassment in the NZDF.
- 8) Cascade all reporting on Operation Respect's key measures, including sexual violence data, transparently through all levels of leadership from the top down to individual base and camp level.
- 9) Clearly demonstrate that there is a consequence for poor behaviours through the transparent publishing of the outcomes of summary trials and court martials.
- 10) Invest in the development of a tool, to meet international standards, for all leaders and individual personnel that provides clarity of the processes and support services available should a situation of sexual violence arise.
- 11) Move the day-to-day leadership and relationship reporting lines of Operation Respect away from diversity and inclusion.
- 12) Reposition all roles with Operation Respect responsibility together within Defence Human Resources.
- 13) Appoint a specialist in culture/organisational change management to strengthen the approach and delivery.
- 14) Consider the appointment of joint military and civilian leads for Operation Respect within the HQ NZDF review underway early 2020 and elevate the seniority of the roles.
- 15) Appoint senior military leads in each of the three services to own, lead and aid in buy-in and work alongside the SAPRAs to assist their work at base and camp level.
- 16) Allocate a significant budget (beyond FTE costs) to develop key tools for leadership and all personnel such as the 'Respect in the Canadian Armed Forces mobile app.'²²
- 17) Create a comprehensive and integrated data management system to routinely and systematically collect data and report on complaints and outcomes of incidents of harmful behaviour, including sexual violence and discrimination, harassment and bullying.
- 18) Ensure all NZDF and Service Dashboard and Monthly Reports to the external board, Executive Committee, Defence Business Committee and the Risk and Assurance Committee include Operation Respect data and trends, and programme milestone progress. Cascade reporting to all levels of leadership to increase awareness of the issues occurring across the services.
- 19) Build on the Operation Respect Benefits Map to create a comprehensive evaluation framework with clear outcomes measures to monitor and assess impact and progress for all Operation Respect activities.

Findings on specific Action Plan items

- 20) Develop an organisational learning strategy for Operation Respect to incorporate the principles and expectations into existing education/training at all levels, including training for leaders and key support staff in receiving and responding appropriately to disclosures of sexual violence and bullying, harassment and discrimination.
- 21) Develop and roll-out appropriate training modules and tools to support the implementation of the training/learning strategy from recommendation 20 or embed into existing offerings.
- 22) Refresh the SERR training regularly and consider sub-contracting this to independent facilitators to reduce workload on SAPRAs. Ensure all topics covered and materials used are gender neutral.
- 23) Develop a staged implementation plan, supported with committed resources, for the roll-out of the Bystander programme across the three services.
- 24) Contract the evaluation of the Bystander training programme to independent assessors.
- 25) Consider the establishment of two SAPRA teams; one specialising in response; and the other in prevention and ensure there is at least one male member in the team at all times.
- 26) Utilise the SAPRAs' subject matter expertise to work with base and camp leadership to build prevention strategies.
- 27) Empower the military lead of each individual service (see recommendation 15) to work alongside the SAPRAs to help with the three unique cultures and also to advocate for them and the work they do.
- 28) Ensure that the lead of the SART and all SAPRAs have access to and are receiving regular, appropriate clinical and professional supervision.
- 29) Ensure delivery of standard operating procedures across the SART to strengthen consistency and delivery.
- 30) Conduct annual audits of the SART to ensure that both the safety and wellbeing needs of the team are being met, alongside those utilising the service.
- 31) Actively promote 'Safe to Talk' widely and consistently across the NZDF as an independent helpline and service for the NZDF personnel affected by sexual harm in any way. Provide it equal weighting as the 0800NZDF4U line in all promotion of support services.
- 32) Give urgency to rolling out the STAND programme to provide base and camp Commanders with the tools and support they need to implement the Substance Harm Minimisation Instruction consistently and effectively.
- 33) Monitor the implementation of STAND to ensure it delivers on key aspects of alcohol harm minimisation; specifically, price controls, access and availability controls and restrictions on marketing and promotions.
- 34) Consider opting out of the alcohol licensing exemption to demonstrate a strong commitment to reducing alcohol related harm to personnel.
- 35) Establish a reporting system to collect, monitor and respond to alcohol and drug related data, including, but not limited to, all complaints, incidents and convictions involving alcohol and or drugs across all camps and bases. This should be connected to the integrated data management system (see recommendation 17).
- 36) Prioritise the work to increase the individual personal safety factors of barracks, ablutions and toilet facilities for all users.
- 37) Ensure that all support personnel who are deployed, such as AHAs, Padres and Medics, receive ongoing specialised training on how to receive and respond to disclosures of sexual violence.
- 38) Ensure consistent and regular communication to clarify what is and isn't appropriate behaviour including hazing and initiation rituals to improve consent culture and reduce coercion and peer pressure.
- 39) Continue to ensure that hazing/initiation rituals do not involve coercion, humiliation, problematic consent and alcohol.

- 40) Define what harmful behaviour, including discrimination, harassment and bullying, means in the NZDF modern context including cyber bullying and the sharing of objectionable material. Clearly prescribe expected behaviours for all and align these to NZDF's values.
- 41) Embed the values and expected behaviours in relation to Operation Respect in all relevant policies, procedures, processes and frameworks so that each individual is made fully accountable for their personal behaviour.
- 42) Review the work delivered as part of the DHB process mapping and identify what is required to move this work forward with increased pace.
- 43) Deliver a discrimination, harassment and bullying strategy using the four pillars of Understand, Respond, Support and Prevent, along with a phased implementation plan and resourcing requirements.
- 44) Ensure the scope of the discrimination, harassment and bullying strategy includes all people that come into the NZDF's workplaces, bases, camps and messes.

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Appendices

Appendix 1: Operation Respect Review Terms of Reference

Appendix 2: Our Methodology

Appendix 3: Measuring success

Appendix 4: The SART model and disclosure process

Appendix 5: Additional references

Appendix 1: Operation Respect Review Terms of Reference



TŪ AROMATAWAI INDEPENDENT REVIEW

Terms of Reference

OPERATION RESPECT

PURPOSE

1. To understand what progress the NZ Defence Force has made in creating a culture of dignity and respect in the Defence Force through its “Operation Respect Action Plan” in 2016.

CONTEXT

2. NZDF is a large organisation comprising approximately 14,500 personnel. As described in the Operation Respect Action Plan (July 2016), “the foundation of any military is the ability to respond swiftly to challenging situations. The readiness of personnel is a function of many factors and includes a high degree of physical and mental fitness and team cohesion”.
3. The NZDF identified that harmful, inappropriate sexual behaviour destroys the trust and cohesion amongst personnel that is at the heart of an effective fighting force, which in turn impacts on the ability of the NZDF to achieve its mission. [Action Plan, p 3,5]
4. Operation Respect, described as a campaign to tackle inappropriate and harmful sexual behaviours in the New Zealand Defence Force, was launched in March 2016. An Action Plan was formulated in July 2016. It identified three reviews as having led to the development of Operation Respect:
 - Ministry of Defence, Maximising Opportunities for Military Women (2014)
 - Ministry of Defence, Recruit Training (2015)
 - Tiaki Consultants, Air Force Culture Review (2015).
5. The latter report was commissioned to address serious issues relating to sexual offending in the Air Force.
6. The broad intent of Operation Respect, as described in the Action Plan, is to improve the culture of “dignity and respect” for all personnel. The key action areas (summarised) are:
 - Establish a strategy to change NZDF’s culture
 - Increase training and education
 - Provide an alternative way to report sexual assault
 - Create a dedicated, professional sexual assault response team
 - Address specific risk factors associated with facilities and alcohol
 - Recruit more women into the armed forces, and increase female representation in senior leadership roles
 - Monitor and further reduce discrimination, harassment and bullying.
7. NZDF aimed first to focus on creating a new system for responding to inappropriate sexual behaviour. It would then take a proactive and systematic approach to changing its culture. [Action Plan, p3].
8. NZDF has since broadened the aims of Operation Respect to encompass all inappropriate behaviours (not just sexually offensive behaviour).

KEY QUESTION

9. The key question to be answered by the review is: What progress has the NZDF made creating a culture of dignity and respect in the Defence Force through the implementation of its Operation Respect Action Plan?

IN SCOPE

10. The review will assess NZDF's progress against the key features of the Operation Respect Action Plan:
 - Establish a strategy to change NZDF's culture
 - Increase training and education
 - Provide an alternative way to report sexual assault
 - Create a dedicated, professional sexual assault response team
 - Address specific risk factors associated with facilities and alcohol
 - Recruit more women into the armed forces, and increase female representation in senior leadership roles
 - Monitor and further reduce discrimination, harassment and bullying.
11. The review will also assess whether NZDF is well-placed to achieve the key actions and outcomes described in the Action Plan (by assessing whether resource allocation and organisational structures and processes are appropriately configured to achieve success).

OUT OF SCOPE

12. The review will not investigate or make factual findings about the substance or merit of any specific or individual incidents or allegations.
13. The Ministry of Defence is currently conducting a review of the NZDF's military justice system. That review is assessing the performance of the military justice system as a whole and will cover sexual offending where appropriate (but not as a specific topic area). The reviews will be complementary and will not overlap except where relevant or appropriate.

KEY DELIVERABLE

14. The key deliverable is a report providing an assessment of progress and, if appropriate, suggesting further steps to be taken.

PROTOCOLS AND PROCESS

15. Tū Aromatawai *Independent Review* will establish protocols for conducting the review, including addressing matters of privacy and confidentiality.
16. NZDF commits to make any relevant information available as requested and in a manner that safeguards privacy and confidentiality.
17. NZDF's current senior leadership have expressed interest in gaining an independent view of progress against the Action Plan given the public interest in this topic. As such, an external Lead Reviewer may be appointed by the Ministry of Defence to conduct this review.

CONSULTATION

18. Regular consultation will occur between the reviewer and the Secretary of Defence (Ministry of Defence), and the Chief of Defence Force, Chief of Air Force, and Chief People Officer (NZDF) as well as other senior Defence leaders as appropriate.

TIMEFRAME

19. The review will commence within two months of an external Lead Reviewer being appointed with a draft report to be completed within six months of commencement, unless otherwise agreed.

Appendix 2: Our Methodology

We reviewed comparable international and domestic practices, and that of the NZDF

Document review - What is currently being done; what is planned?

- Current policies/procedures and their application (identified and reviewed relevant policies and procedures).
- Actions already taken and planned initiatives.
- Evidence of how processes currently work (other audits and reviews).

Quantitative data analysis - What does the data tell us?

- Evidence from existing organisational surveys and climate assessments.
- Evidence from existing program/training evaluations and feedback.
- Management information/data on incidences/actions/outcomes of harmful behaviour and sexual violence.
- Workforce data.

Leading practice knowledge and experience

- Literature review (other relevant reports/reviews and recent academic research).
- Engagement with external professionals.

We accessed previous reviews and audits commissioned by NZDF and Ministry of Defence and liaised with those authors/researchers as relevant to understand insights and recommendations.

A bibliography of documents used in the review, additional to those included in the References, is provided in Appendix 5.

We went out to learn what is happening in daily practice

Base and camp visits enabled the us to meet with relevant groups and individuals; to undertake or make arrangements for individual interviews; and assess facility arrangements with respect to the reduction of risk.

Visits were scheduled from 28th of October 2019 to the of end-January 2020. We were at the following sites between one to three days:

- Devonport Naval Base
- RNZAF, Whenuapai
- RNZAF, Ohakea
- RNZAF, Woodbourne
- Papakura Military Camp
- Waiouru Military Camp
- Linton Military Camp
- Burnham Military Camp
- Trentham Military Camp

Other visits were made to bases and camps as required to conduct individual interviews and a formal visit of Woodbourne base was conducted before the command changed during the review process.

We used meetings and focus groups to hear many voices simultaneously

At each base and camp we conducted a range of focus groups and one-on-one meetings. Arrangements for these were made by NZDF personnel at each base. We appreciate their efforts in ensuring that we had input from a range of personnel across ranks, trades and roles, including wherever possible, representatives of the following groupings:

- Base leadership/command
- Chaplains/Padres
- Social Workers
- Psychologists
- Sexual Assault Response Advisors (SAPRAs)
- Anti-harassment Advisors (AHAs)
- Health and medical staff
- Military Police
- Instructors/trainers
- Recruits/cadets
- Members of one or two units (or equivalent)
- Those involved in policy, initiatives and implementation locally, and
- Cultural and special interest groups.

Focus groups usually began with a discussion about what Operation Respect meant to participants and what they saw as their major outcomes. The conversation was allowed to flow naturally covering topics raised by participants. Facilitators used a list of simple prompts to ensure that key topics were covered but these were not usually needed as most groups were very open and engaged. In the later part of the review the focus groups were also used to test the reviewers' thinking and the veracity of key themes they had identified. The duration of most focus groups was between 60 and 90 minutes.

Some people chose to talk with us in one-on-one confidential interviews

Confidential face-to-face and telephone interviews were conducted by either Debbie or Carol with 105 current and some recent ex-personnel. Because the interview sample was largely self-selected, there may be an inherent bias but it is not possible to quantify this. In order to protect those who were interviewed, details of this sample are not provided. However, these individuals represented the three services, Joint Forces, HQ NZDF, were across ranks, trades and roles. Just over half of these interviews were with women. While both men and women shared negative personal experiences, the topics covered were wide ranging.

Given the sensitive nature of the topic under consideration a 'guided conversation' approach was used. Individuals were encouraged to start what could be a difficult conversation wherever they were comfortable, sharing as little or as much as they chose. Questions were not asked about the specifics of any incident other than for reasons of clarification, especially about process. The duration for most interviews was between 45 and 90 minutes. To protect the privacy of individuals we have not referred to specific incidents whether or not they have been in the public domain.

The interviewers ensured that people had received appropriate advice/support, and that it was still available should they want it as a result of the discussion. We also made it clear that they could not act as advocates or provide psychosocial support themselves or investigate or make factual findings about the substance or merit of individual incidents or allegations. When setting the timing of individual discussions, the interviewers also offered for support people to be present if required.

Some personnel used email to communicate with us

A dedicated email address was established by the Ministry of Defence to enable military and civilian personnel to contact us in confidence. Some used this to make written submissions, others used it to arrange interviews.

Two NZDF surveys were scheduled during the review

Initially, we planned to conduct an independent organisation-wide survey but learnt that two NZDF-wide surveys, containing relevant questions, were occurring during the review period. We requested that the NZDF supply anonymised results for us to use in our own analysis and to inform our findings. We believed an additional survey was duplicating effort and risked over surveying personnel. We also anticipated that, with multiple surveys occurring, the response rate would be low. To compensate for the lack of an independent survey, we increased the number of site visits to include all of the main camps and bases and increased the number of focus groups and meetings.

No surprises approach taken in our senior stakeholder engagement

During this process we conducted extensive engagement with primary stakeholders, including (not exclusively) the Minister of Defence, Secretary for Defence, Chief of Defence Force (CDF), Chief of Air Force (CAF) and Chief People Officer (CPO). These stakeholders provided important insights, information and access to service personnel. At pivotal points in the process we shared with them initial findings and shared our thoughts on emergent recommendations. We also met with Chief of Navy and Chief of Army at the commencement of the process to understand their unique leadership insights.

Appendix 3: Measuring success

Progress in other Five Eyes nations

All other Five Eyes nations continue to grapple with the complex and difficult challenge of eliminating inappropriate and harmful behaviour in their armed forces and face ongoing media scrutiny over what is seen as a lack of progress in respect of their cultural reform efforts.

The 2014 Australian Human Rights Commission review of the treatment of Women in the ADF⁶¹ marked the beginning of a collaborative partnership between the organisations to embed cultural reform across the ADF. Efforts have focused on the creation of the Sexual Misconduct Prevention and Response Office (SeMPRO) and ensuring that victims of sexual misconduct and bystanders feel safe to report and seek support⁶². The ADF has made progress towards cultural reform and the participation of women,⁶³ however sexual assault and misconduct continues to be a significant issue capturing media attention.⁶⁴

Similarly, the Canadian Armed Forces acknowledge that while progress has been made on the issue of sexual harassment and violence since it launched Operation HONOUR in 2015, there is much still to be done to eliminate this serious problem.⁶⁵

The 2018 Report⁶⁶ on Sexual Assault in the United States Military shows that the problem remains a persistent challenge across all services. In response to the report, the DoD established the Sexual Assault Accountability and Investigation Task Force (SAAITF) to make recommendations for improvements to the military justice system in the areas of accountability, support to victims, and protection of rights for both the victim and the accused.⁶⁷ Recognising that it was time to revise their strategic approach, DoD simultaneously released the Prevention Plan of Action (PPoA) which outlines a comprehensive approach to preventing sexual assault.⁶⁸

The U.K. Ministry of Defence looked to its Five Eye partners when developing a series of measures to address issues highlighted in a 2019 report⁶⁹ on inappropriate behaviour in the British military. A 'Defence Authority' is to be created to deal with delivering recommendations, investigating allegations and to offer alternative routes for anonymously reporting inappropriate behaviour.⁷⁰

Measurement in other Five Eyes nations

Evaluations of specific military change initiatives is a significant gap worldwide. There is a tendency to only report what is implemented or provided and participants' reactions to these, rather than assessing outcomes. A move to an assessment of learning, behaviour change and outcomes is needed and is acknowledged by other forces.

In our view the leading practice for programme evaluation in comparable organisations can be found with the Canadian Armed Forces and the United States Department of Defense (DoD).

The 2019 Canadian Operation HONOUR progress report⁶⁵ identified the lack of a plan to assess performance as 'an area of significant lack of success.' A significant amount of work was put into developing a Performance Measurement Framework (PMF). The Directorate of Professional Military Conduct - Operation HONOUR (DPMC-OpH) have shared preliminary documentation with us but will require additional authority before sharing the PMF once finalised.

Evaluation efforts are further advanced in the United States. The Sexual Assault Prevention and Response Office (SAPRO) launched a comprehensive Preventive Plan of Action (PPOA) in April 2019. Recently work was completed on a Prevention Evaluation Framework to operationalise the concepts

outlined in the DoD's Plan of Action. Documents were shared with us 'In Confidence', as they are yet to be cleared for public release. The Framework includes evidence-based 'best practice' criteria to inform the design, implementation and evaluation of sexual assault and sexual harassment prevention activities. The criteria include:

- *Leadership*: Base decisions on the evidence.
- *Prevention workforce*: Emphasise training and teamwork.
- *Data*: Evaluate outcomes using accurate information.
- *Resources*: Budget accurately and for the long-term.
- *Comprehensive approach*: Consider skills, risk factors, and audience.
- *Quality implementation*: Regularly monitor new and existing efforts.
- *Continuous evaluation*: Assess and improve in a virtuous cycle.

These criteria reflect many of the key elements identified by this Review as being critical to the success of change activities related to not only sexual violence, but all forms of inappropriate and harmful behaviour.

Both SAPRO and DPMC-OpH expressed a willingness to continue to share with the NZDF in a mutual exchange of information, especially in terms of factors impacting on success of culture/behaviour change programmes. We strongly encourage the NZDF to do so.

Appendix 4: The SART model and disclosure process

The figure below depicts the documented process for reporting sexual violence within the NZDF under the SART model.⁵³ The key feature of the model is the distinction between the processes for restricted and unrestricted disclosures:

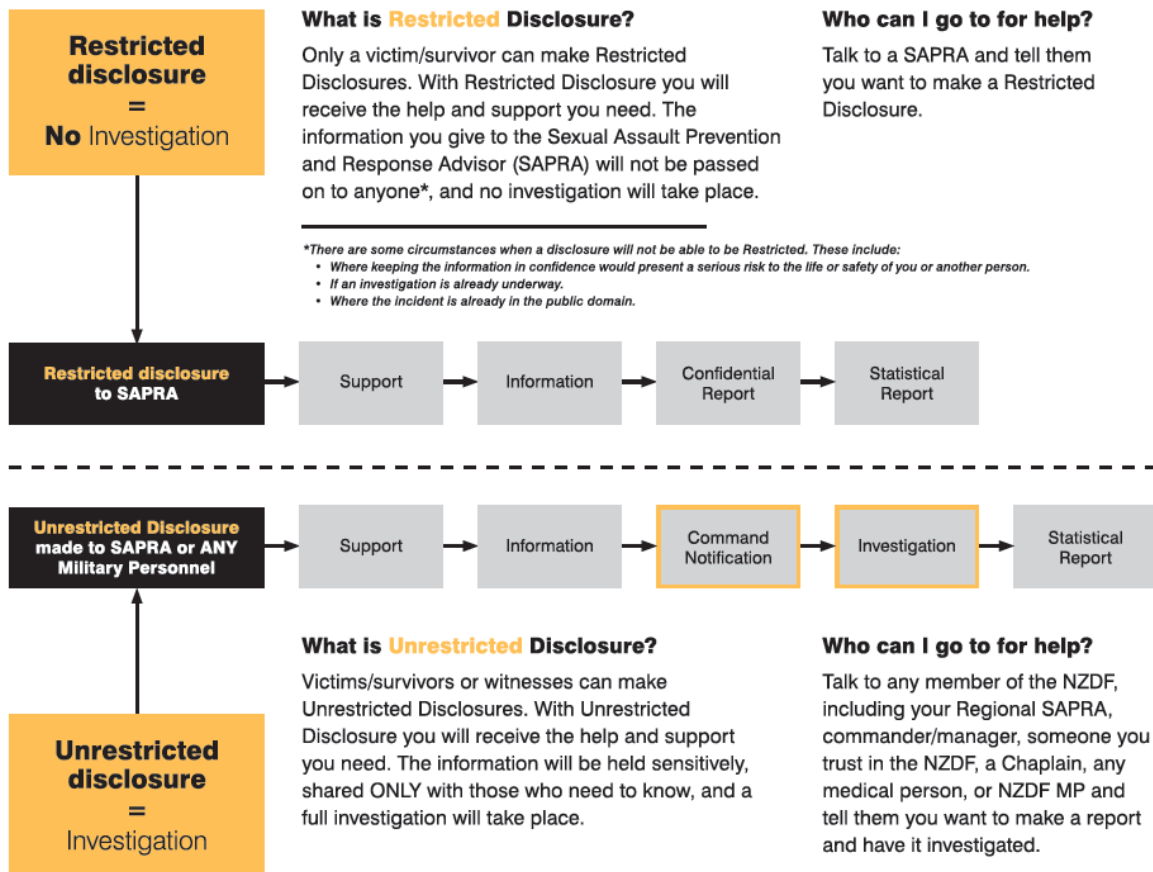
A restricted disclosure:

- Can only be made to a SAPRA - no notification to command or formal investigation into the incident.
- Cannot be made anonymously. The identity of the victim must be disclosed and recorded.
- The identity of the alleged perpetrator is not disclosed or recorded
- Maybe converted to an unrestricted disclosure by the victim at any time.

An unrestricted disclosure:

- The incident is reported to NZDF command and other relevant personnel, and a formal investigation is conducted (by either the NZDF Military Police or the NZ Police, depending on the type of incident or the wishes of the victim/survivor).
- Can be made to a range of staff, including SAPRAs, Commanders and Managers, NZDF Military Police, NZDF Health personnel, NZDF Psychologists and Chaplains, and the NZ Police.
- The identity of the victim and alleged perpetrator must be disclosed and recorded.
- Cannot be converted to a restricted disclosure.

Defence Force Orders (DFO) set out criteria that specify under which circumstances incidents must be made unrestricted (including where knowledge of the incident is in the public domain, or where there is immediate risk to safety).



Appendix 5: Additional references

The desk-top part of this review involved accessing a large array of documents and data from within the NZDF and external sources, both in New Zealand and overseas. It is not practical to provide a full list of all documents we referred to; the following list some relevant documents additional to those listed under the numbered references.

NZDF and Ministry of Defence documents

We were provided with a comprehensive selection of documents and data including (but not limited to):

- Foundation and background documents for Operation Respect.
- Initial and subsequent press releases, internal communications.
- Update reports and presentations to the NZDF Board and Operation Respect Steering Group.
- Steering Group Minutes and associated documents.
- Relevant policies and procedures.
- Workforce and other data.

Other NZDF and external agency reports

Bazley, M. (2018). *Independent Review of Russell McVeagh, March-June 2018*.

<https://www.russellmcveagh.com/getmedia/cc682d64-46a1-40e3-987b-cd82223bea24/Independent-Review-of-Russell-McVeagh-2018.pdf/>.

Geddis, E. (2019). *Supporting survivors of historic sexual violence: A Preliminary Options Paper for the NZDF*.

Ministry of Justice. (2019). *Attrition and progression: Reported sexual violence victimisations in the criminal justice system*. New Zealand Government.

<https://www.justice.govt.nz/assets/Documents/Publications/sf79dq-Sexual-violence-victimisations-attrition-and-progression-report-v1.0.pdf>.

Nelson, E. J. (2019). *The social well-being of women officers who have left the New Zealand Army*. A thesis presented in partial fulfilment of the requirements for the degree of Doctor of Philosophy School of Management, Massey Business School, Massey University, Palmerston North, New Zealand.

Shaw, C. (2018). *Independent Review of Fire and Emergency New Zealand's workplace policies, procedures and practices to address bullying and harassment*.

<https://fireandemergency.nz/assets/Documents/Research-and-reports/workplace-review/Positive-Workplace-Culture-Review-Report.pdf>.

Thompson, K. (2019). *Bullying in the New Zealand Defence Force*. United States Army War College Class of 2019.

Werder, M. V. (2018). *New Zealand Defence Force Operation Respect and the Sexual Assault Response Team – victim-centredness from inception to implementation*. Paper presented as partial fulfilment of the requirements for a Special Topic, Auckland University of Technology, Auckland, New Zealand.