

**Senate Foreign Affairs, Defence and Trade
References Committee**

SUBMISSION COVER SHEET

Inquiry Title: Effectiveness of Australia's Military Justice System

Submission No: P16A

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Submitter: Vice Admiral Ritchie

Organisation: Chief of Navy
Department of Defence

Address: R1-4-C001
Russell Offices
Canberra ACT 2600

Phone:

Fax:

Email:

Name/Contact: Vice Admiral Chris Ritchie AO

Date Authorised: 28 Apr

**Inquiry into the Effectiveness of Australia's Military Justice System:
Submission (P2) by Mrs Joan Gurr**

Mrs J. Gurr provided a submission (Submission No: P2) to the Senate Foreign Affairs, Defence and Trade References Committee Inquiry into the Effectiveness of Australia's Military Justice System. At the request of the Committee the following Additional Submission is provided with a view to assist the committee considerations of the issues raised by Mrs Gurr.

As outlined in the Defence Submission (Submission No. 16) to the Senate Inquiry and Chief of Navy's opening remarks on 1 March 2004, Navy has never condoned the illegal or irresponsible consumption of alcohol. Similarly, Navy has never condoned a culture of alcohol abuse.

Navy recognises the right of an individual member to use alcohol in a responsible manner. It is a normal part of Australian life and culture, and so long as operations and safety permit and individuals respect the trust placed in them to consume alcohol responsibly, Navy allows Commanding Officers to approve beer issues and for sailors to partake. At sea, beer issues are tightly controlled and ashore alcohol consumption in messes is moderated by supervision.

When reviewing the risks associated with beer issues, it was Navy's judgement the risks associated with the illicit consumption of alcohol far outweighed those from supervised and legal consumption. Accordingly, Navy's administrative and management processes for beer issues and alcohol access were overhauled, and compliance is closely monitored by Commands. The recent introduction of random breath testing, the authorisation of administrative random bag searches and the introduction of compulsory annual alcohol awareness training has further strengthened Navy's efforts to stamp out the illicit consumption of alcohol. Non compliance with Navy's well publicised strong policies on the consumption of alcohol can result in Disciplinary or administrative action.

Navy takes its duty of care responsibilities very seriously. Navy has many stringent policies relating to the provision of a safe working environment and these are regularly reviewed. Recent initiatives have included the *Serving in Australia's Navy* program, a values-based training, education and leadership program which is tackling the cultural and behavioural issues underpinning equity, diversity, drug, alcohol and disciplinary problems. Navy also now requires that any person found to have been irresponsible in their consumption of alcohol should be referred for alcohol counselling and assessment and, as required, professional treatment. These initiatives well illustrate Navy's commitment to its duty of care responsibilities.

The Chief of Staff at Maritime Command has maintained regular personal contact with Mrs Gurr since the loss of her son. During the search, arrangements were made for Mrs Gurr and a close friend to travel to Christmas Island and then be transferred to HMAS DARWIN. This gave her the opportunity to meet with her son's shipmates and to be briefed personally on the conduct and scale of the search operation being conducted.

The Chief of Staff travelled to Tasmania to attended a Memorial Service and on another occasion to brief Mrs Gurr on the Board of Inquiry Report. The contents of the report were discussed and she was given the opportunity to ask any questions. A copy of the report was

provided to her prior to its public release. The Chief of Staff was also in regular contact with her in relation to plans for a memorial to be erected on Christmas Island. He accompanied Mrs Gurr to Christmas Island for the memorial unveiling in Flying Fish Cove on 9 September 2003.

The Chief of Staff has also spoken with Mrs Gurr about the Terms of Reference for the current Senate Inquiry, noting that the circumstances of Acting Leading Seaman Gurr's disappearance are specifically identified in the Terms of Reference. Additionally, Mrs Gurr enquired about how to make a personal submission to the Senate Inquiry and every assistance was offered to her.

Navy shares Mrs Gurr's grief at the loss of her son and continues to maintain contact with her.

**Inquiry into the Effectiveness of Australia's Military Justice System:
Submission (P37) by Ms Munday**

Ms Munday has provided a submission (Submission No: P37) to the Senate Foreign Affairs, Defence and Trade References Committee Inquiry into the Effectiveness of Australia's Military Justice System. At the request of the committee the following Additional Submission is provided with a view to assist the committee considerations of the issues raised by Ms Munday.

Ms Munday indicated Navy had altered her written statement on three separate occasions prior to it being presented to the Naval Board of Inquiry. In her submission Ms Munday also noted that, at that time, she agreed with the changes. Indeed during Board of Inquiry questioning Ms Munday (then Able Seaman) confirmed to the Board Members she did not wish to make any changes to her statement. Transcripts of the Board of Inquiry record these affirmations.

As Committee members would be aware, in December 2003 the West Australian Coroner publicly announced his findings from the inquiry into the circumstances surrounding the tragic fire in HMAS WESTRALIA. It is also on the public record that Navy encouraged anyone with legitimate allegations against Navy or with information that may be relevant to issues before the Inquest, to present it to the Coroner. Claims were made in the early days of the Inquest of an attempt by Navy to mislead the original Board of Inquiry. Subsequent cross-examination of witnesses has shown these allegations to be without foundation. The Coroner found there was no attempt to lie to or mislead the Board of Inquiry or the Inquest and there was no finding that any witnesses had been pressured at any stage. He stated "*....the board was not in fact misled as to any issue of substanceI am satisfied that there was no deliberate attempt to apply pressure to witnesses*".

Ms Munday also suggested she was "*kept working in the engine room on HMAS WESTRALIA against my will for 18 months after the fire*" and "*made to stay on the ship*". Navy records indicate Ms Munday was insistent that she remain on HMAS WESTRALIA and she stated these wishes on a number of separate occasions (13 July 1998, 3 August 1998, 16 October 1998, 11 November 1998 and 8 February 1999).

Ms Munday, like all personnel involved in the WESTRALIA fire, was immediately recognised as a possible Post Traumatic Stress Disorder (PTSD) candidate and provided with initial group counselling. A psychiatric assessment in November 1999 indicated "*her presentation is compatible with PTSD*". Medical records indicate Ms Munday was informed of this diagnosis at the time of the assessment and she was posted from HMAS WESTRALIA to HMAS STIRLING (FIMA-W) shortly afterwards. Ms Munday received counselling until her discharge in September 2000.