

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

SUBMISSION COVER SHEET

Inquiry Title: Effectiveness of Australia's Military Justice System

Submission No: P16C

Date Received: 21.04.04

Submitter: Lieutenant General Leahy

Organisation: Chief of Army
Department of Defence

Address: Army Headquarters
R1-4-B003
Russell Offices
Canberra ACT 2600

Phone:

Fax:

Email:

Name/Contact: Lieutenant General P F Leahy AO

Date Authorised: 13 May



Army Headquarters
R1-4-B003
Russell Offices
CANBERRA ACT 2600

Telephone: (02) 6265 4311
Facsimile: (02) 6265 5446

OCA/OUT/2004/578

Senator Hutchins

Chair

Reference Committee of

Senate Committee for Foreign Affairs Defence and Trade

S1-57

Parliament House

CANBERRA ACT 2600

1. It has been several months now since your Committee began its work into the effectiveness of Australia's military justice system, and I was provided the opportunity to speak to you on behalf of the Army. Since that time the Inquiry has publicly released a number of individual submissions that have ranged from concerns with the military justice system to appeals for closure in dealing with the grief that surrounds the death of a family member. The work of the Inquiry has been of great benefit for some of those families and individuals, assisting them to come to grips with tragic events. I am providing this submission at the request of the Committee in order to assist you with consideration of issues of concern to the Army that have been raised by various individuals.

2. A number of families who have have lodged submissions will give evidence to the Inquiry. Mrs Yvonne Sturgess will appear in Brisbane on 22 April 2004; Mr and Mrs Williams will appear in Melbourne on 28 April 2004; so too will Ms Rosa Satatas. Other parents to speak to the Inquiry will be Mr and Mrs Shiels and Ms Debra Knight, in Adelaide on 29 April 2004. I wish to raise some points of clarification in regard to some of their submissions.

3. In her submission Mrs Satatas lists a range of anomalies in the investigations into her son's death. The Committee might note that an investigation was conducted by the NSW Police and the NSW Coroner. The Committee might also note that the Army has worked closely with Mrs Satatas throughout our investigation in an effort to keep her informed of events. She was consulted about the Terms of Reference for the Inquiry and her views on a range of issues was canvassed. The report has been recently completed and will be shown to Mrs Satatas in the next week.

4. In Mr and Mrs Williams submission they have made a number of allegations. The Committee might note that I have accepted responsibility for those aspects of Private Williams suicide that I believe are our responsibility. In response we have addressed issues of inappropriate treatment of injured recruits, we have changed our management of soldiers who are injured in training, we have established procedures to ensure that changes that are implemented in units are institutionalised over time, and we have implemented measures to ensure that all personnel undergoing training are managed effectively. As a result of the investigations into Private Williams suicide the Army has made considerable changes in the way we manage incidents of sudden death.

5. With regard to Mr Shiels submission I would like to express my confidence in the Defence Health Services and their management of Defence Health and Post Traumatic Stress. In this case the Army did provide immediate counselling and longer term support for Nicholas Shiels whilst he continued to serve. The Committee might note that Nicholas Shiels continued to serve for almost three years after the incident involving the death of Private Cave on 26 May 1992. During that time he attended demanding promotion courses and attained the rank of Corporal. He transferred to the Army Reserve on 24 February 1995. His death 12 months later was a tragedy.

6. Mrs Sturgess has lodged a submission concerning the death of her son, Corporal Jason Sturgess. The Committee might note that the Board of Inquiry into Corporal Shiels' death found that the maintenance problems were not the primary causal factors, and that there was insufficient evidence to allow definite conclusions to be reached.

7. Overall the opportunity for families and interested individuals to make submissions to the Senate Inquiry has been of great benefit. The Army is keen to listen to and work with families to ensure we provide a safe and productive work and social environment for all our people.



P.F. LEAHY
Lieutenant General
Chief of Army

16 April 2004