

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

SUBMISSION COVER SHEET

Inquiry Title: Effectiveness of Australia's Military Justice System

Submission No: P52A

Date Received: 06.07.04

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SUPPLEMENTARY SUBMISSION TO SUBMISSION NUMBER 52

I am writing to take issue with some evidence presented by Mr Neil James Executive Director of the Australian Defence Association (ADA) during the public hearing held in Canberra on 9 June 2004. On page 31-second paragraph of the transcript, Mr James states that the ADA believes some of the authors of submissions to this inquiry are cranks. As an author I take offence and I am sure other authors would be offended.

While most of ADA's evidence to the inquiry in my opinion is reasonably balanced, it is presumptuous of Mr James to use the offensive term crank, as it seems he is judging military incidents which do not involve him or the ADA personally. I also doubt that he or the ADA would have total inside knowledge of all submissions or evidence before this inquiry.

Mr James might be representing an honest view held by the ADA in referring to some authors as cranks, but it has taken courage for all witnesses and submitters to participate in this inquiry and their efforts deserve more than being written off by an association's interpretation of their mental status.

Mr James was a career army officer for some decades and while I have never met him, his use of the term crank sums up perfectly the attitude that many aggrieved service men and women face while battling to get their complaints through the military system. I believe Mr James may have inadvertently helped submission authors by showing the senate committee an attitude towards complainants that I observed many times in his peers during my 20 year army career.

During the progression of a complaint through the military system, officers with similar prior rank and experience to Mr James are the ones who are appointed to make decisions concerning a complaint's merits. Some complainants are suffering from recognised Post Traumatic Stress Disorder (PTSD) and having counseling as an adjunct to the huge administrative effort involved with their complaints. The stress is enormous.

If some aggrieved military people do seem obsessive and preoccupied with their complaints, I suggest the reason is mostly because of a long history of military complaint inertia, lack of feedback, perceived lack of compassion, and attitudes similar to that expressed by the ADA that complainants are cranks. The resulting stress causes many complainants to drop their complaint in despair, and/or suffer nervous disorders. The matters then remain unresolved while the complainant's career evaporates.

Some complaints are life changing events in the lives of otherwise excellent service people, who because of their principles are determined to seek justice for valid grievances. In my own case, prior to my complaint I had always received excellent annual reports, but my reporting standard declined on submission of my complaint into the military system. I perceived that some viewed me as a crank for taking on the system rather than "going with the flow", and Mr James has reinforced that perception, not only in my mind but most likely in the mind of any other submission author who reads his evidence.

Yours Sincerely
David Hartshorn