

Committee Secretary
Joint Standing Committee on Treaties
PO Box 6021
Parliament House
Canberra ACT 2600
4 April 2023

**INQUIRY INTO DEFENCE COOPERATION AND STATUS OF FORCES
AGREEMENT – TIMOR-LESTE**

Dear Secretary,

I have a brief submission to make in respect of this Agreement with Timor-Leste. It is based on events I encountered in Timor-Leste, when Australian troops deployed there as part of an International Stabilisation Force (ISF).

One feature of the ISF's presence was that the Status of Forces Agreement exempted Australian personnel from local laws and judicial systems. East Timorese citizens could not take effective action to resolve complaints against Australian personnel.

A second feature is the near-total lack of transparency in Australia too.

A mundane issue such as road safety and vehicle accidents will serve to illustrate the point.

One evening in July 2010, as I was driving from Los Palos to Iliomar, I was surprised to see an Australian military vehicle – a Landrover – speeding past me in the opposite direction. The road was simply not good enough for such a speed, and there were no flashing lights or other signs to indicate that the vehicle was responding to an emergency. When I commented on how dangerously the Australian soldiers were driving, my Timorese companions said that these troops usually sped and drove aggressively when they were in the countryside.

Later, when we stopped by the side of the road to buy fruit, I noticed that two men in the family that owned the fruit stand seemed ill. I asked how they were, and was told that they were restricted in their movements because they'd been seriously injured in a vehicle accident with Australian troops. They showed me their injuries. Aghast, I asked if I could photograph them and bring the details of their injuries to the attention of journalists and parliamentarians back home in Australia. Their story was covered in the Sydney Morning

Herald and The Age.¹ The photos I took then, with their permission, are part of my submission.



The facts are as follows: the men are Adelino Madeira, a 33-year-old father of two, and his 38-year-old brother Lourenco Madeira, a father of four. An Australian army vehicle collided with the motorcycle they were riding so hard that both needed hospitalization. Adelino had to be evacuated out of East Timor to Royal Darwin Hospital, where he received life-saving surgery and stayed for nearly two months. Lourenco still needs crutches to walk. They later received \$US1,500 each from the government of Timor-Leste but nothing from Australia. Their injuries were so severe that Adelino remained unable to resume his job as a school teacher. In a remote, poor community, that means there are many young children who will suffer because of a lack of education. Lourenco cannot work as a farmer – with obvious consequences for his children's well-being.

Until an Australian journalist asked questions about the accident, the Department of Defence had withheld all details of the accident from the Australian public. It continued to refuse to

¹ Lindsay Murdoch, 'Hurt Timorese left with no recourse', *The Age*, 6 August 2010.

say whether Adelino and Lourenco were given an apology or even provided with a formal report into what had happened.

The Department of Defence later admitted that between 2008 and mid-2010, Australian soldiers in Timor-Leste had been in nine vehicle crashes in which civilians were injured. It paid no compensation to the victims because under the Status of Forces Agreement it was Timor-Leste's responsibility to do so.

Your Committee might wish to consider what recourse ordinary East Timorese would have under the proposed Agreement.

Yours sincerely,

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