



AUSTRALIAN SENATE

## FOREIGN AFFAIRS, DEFENCE AND TRADE

REFERENCES COMMITTEE  
LEGISLATION COMMITTEE

PARLIAMENT HOUSE  
CANBERRA ACT 2600  
Telephone: 02 6277 3535  
Facsimile: 02 6277 5818  
Email: fadt.sen@aph.gov.au

8 September 2004

Senator the Hon Paul Calvert  
President of the Senate

### INQUIRY INTO THE EFFECTIVENESS OF AUSTRALIA'S MILITARY JUSTICE SYSTEM

#### INTERIM REPORT

Pursuant to Senate Standing Order 38(7), I present to you an interim report of the Senate Foreign Affairs, Defence and Trade Reference Committee on the effectiveness of Australia's military justice system.

On 30 October 2003, the Senate referred the following terms of reference to the Senate Foreign Affairs, Defence and Trade References Committee for inquiry and report by 12 May 2004:

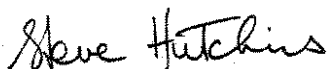
- (1) The following matters be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 12 May 2004:
  - (a) the effectiveness of the Australian military justice system in providing impartial, rigorous and fair outcomes, and mechanisms to improve the transparency and public accountability of military justice procedures; and
  - (b) the handling by the Australian Defence Force (ADF) of:
    - (i) inquiries into the reasons for peacetime deaths in the ADF (whether occurring by suicide or accident), including the quality of investigations, the process for their instigation, and implementation of findings,
    - (ii) allegations that ADF personnel, cadets, trainees, civilian employees or former personnel have been mistreated,
    - (iii) inquiries into whether administrative action or disciplinary action should be taken against any member of the ADF, and

- (iv) allegations of drug abuse by ADF members.
- (2) Without limiting the scope of its inquiry, the committee shall consider the process and handling of the following investigations by the ADF into:
- (a) the death of Private Jeremy Williams;
  - (b) the reasons for the fatal fire on the HMAS *Westralia*;
  - (c) the suspension of Cadet Sergeant Eleanore Tibble;
  - (d) allegations about misconduct by members of the Special Air Service in East Timor; and
  - (e) the disappearance at sea of Acting Leading Seaman Gurr in 2002.
- (3) The Committee shall also examine the impact of Government initiatives to improve the military justice system, including the Inspector General of the ADF and the proposed office of Director of Military Prosecutions.

On 1 April 2004, the Committee sought and was granted an extension of time to report on 5 August 2004. However, given the nature, complexity and volume of information received, the Committee sought and was granted on 23 June 2004, an extension of time to present an interim report to 9 September 2004.

The Committee has received submissions from 129 organisations and individuals and has held eleven public hearings in Canberra, Hobart, Brisbane, Melbourne and Adelaide. In undertaking this task, the Committee has been overwhelmed by the volume of information received and often, the very personal accounts of grief contained in that information.

Due to the prorogation of parliament and the need to thoroughly consider the evidence it has received in order to finalise its recommendations on a wide range of issues, the Committee intends to table its final report as soon as practicable.



**Senator Steve Hutchins**  
**Chair**