

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

SUBMISSION COVER SHEET

Inquiry Title: Effectiveness of Australia's Military Justice System

Submission No: P17

Date Received: 13.02.04

Submitter: Mr and Mrs Williams

Organisation:

Address:

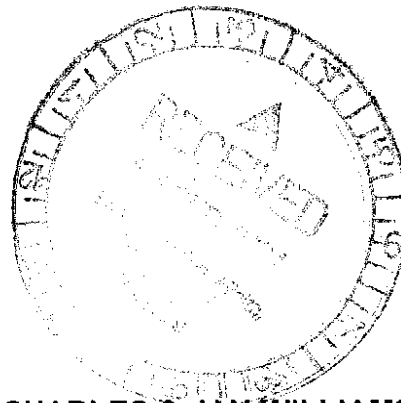
Phone:

Fax:

Email:

Name/Contact: Charles & Jan Williams

Date Authorised:



CHARLES & IAN WILLIAMS

The Secretary
Senate Foreign Affairs, Defence and Trade References Committee
Suite S1.57
Parliament House
CANBERRA ACT 2600

**RE: SUBMISSION TO THE SENATE FOREIGN AFFAIRS, DEFENCE AND
TRADE REFERENCES COMMITTEE – EFFECTIVENESS OF AUSTRALIA'S
MILITARY JUSTICE SYSTEM.**

We are the parents of Pte Jeremy Williams who tragically died at the Singleton Army base on 2nd February 2003. We submit the following for the Committees consideration:

1. Enquiries into peacetime deaths no matter what the cause should automatically be investigated.

1.1. In the week prior to Jeremy's death we became increasingly aware during our phone calls with him of his traumatized, distressed and anguished state, which was arising from the treatment he was getting whilst in the Recuperation and Discharge Platoon (R & D Platoon) at School of Infantry Singleton. Jeremy

informed us that he was made to feel worthless, useless, scum and shameful because he was injured and had been transferred to R & D Platoon. We communicated these concerns to the Regimental Aide Post (RAP) at the base on the morning of Wednesday 29th January 2003.

During the days immediately after Jeremy's death when we were at the Singleton Army Base our awareness, of what we could only describe as an appalling situation in the R & D Platoon was considerably heightened after lengthy discussions, particularly after hours, with the young soldiers in that platoon. More specifically some of, but not all, the more serious concerns included the lack of adequate medical care and facilities for injured soldiers; and a culture of abuse, denigration, harassment, bullying (including threats of physical violence) directed at these young R & D Platoon soldiers, by staff and other Initial Employment Trainees (IETs); plus the absence of efficient and effective support services or mechanisms where these young soldiers could seek redress beyond their NCOs for a wide range of problems they were encountering in the R & D Platoon. In addition a serious overcrowding and lack of direction was overwhelmingly evident within the platoon.

Shortly before our departure at a meeting with the Commanding Officer of School of Infantry (CO SOI) Singleton we outlined these concerns which he rejected and told us that our concerns were baseless and his base was professionally run. During that meeting we also presented the CO with a letter from our son Daniel outlining our initial concerns into the situation at Singleton.

(See Attached Appendix A and response Appendix B)

It is represented to this Committee that had we taken this officer at his word we would simply have walked away and nothing would have been done about the situation at Singleton or indeed within the Army; and how many more young men would have suffered the same fate, not including the two deaths (that we know about) subsequent to Jeremy.

1.2. After the death of our Jeremy both the military and civilian police carried out investigations to establish cause of death. But neither inquiries went beyond “cause of death by hanging with no suspicious circumstances”. No investigation took place into the **causes why Jeremy took his own life.**

1.3. On 23rd February 2003 we wrote to the then Minister Assisting the Minister for Defence and the Minister for Defence to investigate Jeremy’s death and the circumstances surrounding it. **(See Attached Appendix C and D)**

1.4. On 26th February 2003 we again wrote to the Minister Assisting the Minister for Defence requesting:

- a) What procedures were in place for an investigation of a death by a member of the Australian Defence Force (ADF).
- b) Under what circumstance did the Minister instigate an inquiry.
- c) Under what circumstance were investigations of an independent nature carried out.
- d) Where could we seek further assistance and information. **(See Attached Appendix E)**

1.5. **To date the Minister has not answered those questions.**

- 1.6. We wrote to Chief of Army LTGEN Leahy on 16th March 2003 requesting he ensure that the internal investigation (i.e. Military Police) into Jeremy's death "be a thorough and intensive search to discover why our son who loved the Army and who would have given life and limb in defence of our country, could in such a short amount of time feel he had no future in the Army". **(See Attached Appendix F)** This report by the Military Police covered one and a bit pages. **(See Attached Appendix G including covering letter from Chief of Army)**
- 1.7. In the meantime we made several telephone calls to the Ministers Office requesting answers to our questions. On 18th March 2003 we again requested the Minister Assisting the Minister for Defence to answer our letters and investigate the reasons for Jeremy's death. **(See Attached Appendix H and I).**
- 1.8. Finally on 7th April 2003 we wrote to the Chief of Army LTGEN Leahy complaining amongst other things of the situation in general in R & D Platoon who then acknowledged our concerns and agreed to conduct an inquiry. **(See Attached Appendix J K & L)**
- 1.9. The Minister Assisting the Minister for Defence did eventually respond to our letters but never answered any of our questions only informing us of events we already knew. We had no assistance what-so-ever from the Government. **(See Attached Appendix M)**
- 1.10. From the beginning of our representations for an inquiry we had stressed the need for participation of an independent person outside the Australian Defence Force (ADF). We were told by a high ranking officer in the Army that the inquiry would proceed without an independent person and with or without

our involvement/input anyway. (We have numerous copies of emails to and from an Army representative which we can forward if the Committee so desires).

- 1.11. We were invited by the Army to have some input into the Terms of Reference (TOR) for the inquiry. After receiving the first draft from the Army (which significantly fell short of the issues that concerned us) we forwarded our suggested draft, which was used to some extent but again fell short of our issues of concern, but ultimately that was the extent of our input. More specifically in this regard the **Terms of Reference were inadequate in relation to addressing the matter of “duty of care”**, which was withdrawn from our submitted draft of the Terms of Reference. Within R & D Platoon and RAP and School of Infantry at Singleton there is to some extent a lack of awareness in a common law sense in regard to the upholding of a “duty of care” and that that duty of care is binding on any officer or NCO into whose care these trainees, injured or otherwise, are entrusted. This is a gross failure on the part of some officers and NCOs at School of Infantry, R & D Platoon and RAP at Singleton and recruit training at Kapooka and warrants immediate correction. This observation is made based on what has been told to us by Jeremy and his peers and what we have observed.
- a) A factual example of this includes officers and NCOs of a training platoon in the SOI overtly placing a bet in front of the trainee members of that platoon and declaring openly that the winner of the bet i.e. either the officer or the NCO would be decided by whom failed the most trainees.
 - b) A further example is the mishandling of our phone call to the RAP of Jeremy’s distressed state. A further assertion made in a more general sense is

that the Army lacks far behind the way of the real world in a contemporary sense in relation to a duty of care to its trainees and this duty of care also encompasses severe shortcomings by the Army in the area of Occupational Health and Safety.

1.12. Without further consultation or input on our behalf the TOR was signed off by COMDT Training Command effectively denying us any further input regarding our original concerns raised over our initial submission for the TOR. We wrote a fax to the Chief of Army and handed a letter addressing our concerns over these matters to the Investigating Officer to which they both responded. (See **Attached Appendix N, O, P, and Q**)

1.13. Finally on 3rd May 2003 the investigation began with Charles and Jan attending on both 3rd and 4th May 2003. We issued a statement, and later answered supplementary questions to the IO and from this document he based the allegations of the report. (See **Attached Appendix R, S, T, U and V**) Ruth and Daniel were interviewed on 5th May 2003 (See **Attached Appendixes W, and X**)

2. **Investigations should be carried out by an independent and appropriately qualified body.**

2.1. Throughout all of the communications outlined in 1. above we were also agitating to have an independent body conduct or an independent person involved in the investigation.

2.2. The investigation into Jeremy's death was carried out by a Brigadier from Transport Division who other than his officer training, to our knowledge, had no training in investigative procedures, interface with the judiciary or making valid and soundly based investigative judgments. We expressed these concerns and many others to the Minister Assisting the Minister for Defence on two occasions and her response fell far short of answering any of our concerns. **(See Attached Appendix Y, Z and AA)** In support of these claims we offer the following examples:

2.2.1. The questions to some witnesses were irrelevant, unfocused and inappropriate. The Social Worker, Padres etc were asked the same questions as Sergeants Corporals and trainees, yet they have completely different functions and opportunities to witness problems on base.

2.2.2. We are very concerned that the psychologist who assessed Jeremy's state of mind never met Jeremy, and further that her statement was changed by the Investigating Officer, and then cited to support his conclusions about what factors weighed most heavily on Jeremy's mind. To quote from the Psychologists report - "He moved into a state where his depressed mood would have been exacerbated by the alcohol," The Investigation Officer in his Decision Document quoted the psychologist - "He moved into a state where the alcohol would have exacerbated his depressed mood".

2.2.3. Why did the Investigating Officer interview trainees past and present selected at random and yet only interviewed present staff currently at School of Infantry Singleton? Only 7 staff interviewed were at Singleton prior to Jan 2003 and 9 were not, and yet all were interviewed about their experiences in May 03. This is after some changes had been made, hence their evidence related to the current environment for trainees, not the environment that existed when Jeremy was there.

2.2.4. Given the complexity of the factors involved in an investigation, and the importance of having a person qualified to weigh and balance evidence, and reach sound conclusions, it is necessary that this person have the necessary qualifications to carry it through. We are very concerned about the high risk of unsound conclusions being reached, if Investigating Officers with no legal qualification or without training in how to conduct complex, quasi-judicial investigations can be appointed. This can only be achieved with an independent body suitably trained and qualified.

2.3. A further and more specific criticism of this inquiry relates to the first component of the inquiry known as the Quick Assessment (QA). This involved a number of people including COMDT CATC who gathered the IETs behind closed doors and invited an airing of their grievances. One young soldier chose to tell how he had been threatened on two occasions with a beating from his Sergeant. Yet, nowhere in the report of the QA is there any reference made to this specific allegation and the issue therefore put before the Senate inquiry is the Army does not have the courage or the willingness to investigate itself with honesty and transparency

where there is behaviour of a highly controversial nature that has been exposed.

Apart from this particular senior officer investigating a base of his own command he goes on to report in a general sense that things were reasonably OK at Singleton. This is a clear example of a conflict of interest and a suppression of truth and in complaining to COMDT TC-A on 2nd December 2003 about this appalling omission we were visited with the excuse that the complaint made by this soldier were not within the TOR of the QA.

- 2.4. If it is common practice within the ADF and it certainly seems to be from our experiences of late and our time in the military, that in investigations of a controversial nature, where a loss of life has occurred, are conducted by high ranking and/or senior officers. This means that often lower ranked members must give their evidence in an environment that is uncomfortable and does not necessarily encourage the submission of evidence without fear or favour. This is particularly true if the perception is held that the evidence being given is of an adverse nature and could reflect badly on the peers or seniors.
- 2.5. The need for impartiality for any such investigation is immediately put into question where senior officers are in most cases investigating similarly ranked officers. The integrity and willingness of an investigating officer to find adversely without fear or favour against his or her peers, superiors and even subordinates is open to suspicion and questions.
- 2.6. Investigations carried out by the ADF cannot possibly be impartial. As can be seen from the Executive summary from the investigation into Jeremy's death, each of the serious and controversial allegations put forward by us in relation to

the issues previously outlined were reduced in degree of causal severity by the Army IO much to the concern of the young soldiers who chose to come forward and courageously give their evidence particularly where the evidence of violent behaviour was submitted.

2.7. The Investigating Officer accepted reasons and excuses provided by personnel who were questioned, especially the Commanding Officer of School of Infantry and Officer in Charge Depot Company, as being overloaded with training schedules and duties, for not providing a safe working environment, for not keeping the personnel safe from harassment and denigration, and for not having responsibilities of a duty of care. This is hardly fair or impartial when he the Investigating Officer, The Commanding Officer Training Command – Army and the Chief of Army all defend and accept these excuses – again lack of impartiality.

2.8. ADF cannot be trusted to carry out investigations. Certain aspects of the investigation into Jeremy's death were changed in order to diminish the Army's responsibility for his mindset. The example of this is that the quote by the responsibility as shown in Para 2.2.2 above.

2.9. The investigating Officer we are informed by the Army could not change any aspect of the psychologist report. Yet he did and then used this unlawful change to the psychologist report to form his conclusions. We are now informed by Commandant Training Command – Army that the Investigating Officer is going to reverse the changes that he made. Therefore what about his associated conclusions? And an explanation for his behaviour?

- 2.10. The conclusions of the report into Jeremy's death were the IO,s opinion and his alone and many who would go through the report would come to far differing conclusions particularly in relation to the hosed down responsibilities of the Army in this tragic event. More than one person conducting an investigation of this serious nature would weigh and balance evidence far more effectively.
- 2.11. In the investigation and subsequent report of 2001 where similar occurrences and a culture of abuse and denigration and unacceptable behaviour were discovered and tabled in the findings but the directives for eradicating same were not followed. In this case the Army has demonstrated a culpable denigration of duty, and above all else a lack of trustworthiness in regard to stamping out bastardization.
- 2.12. Where was the ADF Inspector General? – On Wednesday 19th June 2002 the then Minister Assisting the Minister for Defence announced the appointment of Justice Peter Newman as ADF Inspector- General. At the time of Jeremy's death there was no such person in this position. It has recently been announced the first person to take up the position as being Geoff Earley. Although his powers do not allow him to conduct an investigation into a death at least he could have been an independent person attached to the inquiry.
- 2.13. If this Committees report, sees fit to expand the responsibilities of the ADF Inspector – General consideration should be given to the manner of his reporting procedures. At present he reports to the Chief of Defence. This again is not an impartial result. There should be a requirement for him to report also to a

Committee such as this in order that there is proper accountability, transparency and that it becomes a public document and open to scrutiny.

3. Accountability and disciplinary or administrative action taken.

3.1. To our knowledge thus far only 2 NCOs have been charged with offences in relation to the issues raised over the inquiry into Jeremy's death. Their identity and nature of the offence is unknown. Therefore given the widespread culture of abuse and denigration at Singleton that has now been outlined in two reports; 2001 and Jeremy's report of 2003; the Army has shown a remarkable reluctance to take punitive action over such offences as a means of emphasizing deterrent.

3.2. Throughout this investigation and subsequent to it, when we have questioned what action regarding any aspects pertaining to the investigation, would be taken against any individuals, we are given many excuses such as:

3.2.1. We have already outlined in Para 2.10. excuses of officer having too many duties in order for them to have regard for the care and wellbeing of their men.

3.2.2. On several occasions we have been reminded by several highly ranked officers within the Army, when questioned why no action to date has been taken against anyone, we are given the same answer – "We are talking about peoples careers". We put to this Committee – what about Jeremy's career, what about the career of 180 IET soldiers injured at Singleton in 2002. (A figure provided by the OC Depot Company within the report)? What about the careers, dreams aspirations and self esteem of all the other soldiers who

were either injured, denigrated, and rejected etc since the investigation of 2001.

3.2.3. Again from evidence given within the report into Jeremy's death many claim they "were not aware that anything was wrong on the base at Singleton". This is an amazing statement given to us by many at Singleton including the Commanding Officer. As a statement of fact the examples of the mistreatment of these soldiers 2001 and 2003 includes the following behaviour:

- a) Premeditated and systematic psychological denigration directed towards R & D Platoon soldiers; whereby NCOs took rotting garbage late at night into the soldiers sleeping quarters ordering them out of bed to clean it up. A Further example includes soldiers who are not medically fit to do so being forced to undertake physical training and stand on parade.
- b) Threats of beatings and violence directed at soldiers by these NCOs.
- c) Derogatory insulting and humiliating behaviour and remarks directed at these soldiers by NCOs one of whom held the highest NCO rank in the army that of Regimental Sergeant Major.
- d) A form of psychological punishment directed at soldiers by isolating them from their peers and placing them in solitary confinement without charge.
- e) Throwing their mail on the ground at their feet and making them pick it up and then confiscating gifts sent via mail once they opened it.

f) Unrestrained use of foul insulting language directed at IETs to the extent that many could not concentrate on the duty attempting to be performed.

3.2.4. Notwithstanding the investigation of 2001 how is that these people who live and work day in and day out on that base in positions of responsibility, do not know that these events occur and yet we were there for only a little over two days and saw and heard what was going on. The Army is investigating why Senior NCOs and officers were not aware of incidences of unacceptable behaviour at SOI Singleton. As of end January 2004 this investigation is still not complete.

3.3. On 1st December 2003 (one year since Jeremy passed out of Kapooka a proud, happy confident young man) we met with MAJGEN Gordon. During this meeting not only did he support the excuses given by officers at Singleton but also implied that if he were to take any disciplinary action against the officers they in turn could take action not only against him but the Army. So they only get a warning and counseling on how to better officers. Once again this is a disgusting example of irresponsibility and self imposed leniency by the senior command towards those officers who are deserving of punitive action. This also further illustrates a lack of willingness on the part of the Army Command to address sincerely and eradicate the root causes of these problems.

3.4. To gain promotion within the ADF you need to show such qualities as leadership, man management, organizational skills, and have the ability to delegate duties. Where in 2002 – 2003 did the officers of Singleton show any of these qualities?

The Army had an opportunity going begging in 2001 to fix the problems on that base and clean up the behaviour of the NCOs in relation to the culture of bastardization. We are told that the first report of 2001 was lost in the course of one posting cycle when two officers left the base and were replaced by two incoming. We were told by a senior ranking officer in the Army that the failure to implement this first report and the loss of it is to be **put down to a weakness in their system.**

3.5. Another excuse given is that it was a systemic problem - Individuals carry through a culture or allow it to be carried through, therefore individuals need to be accountable not a system. There should be far more individuals being brought to account and until this occurs there will be a re-emergence of this culture.

When individuals get away with it there is no deterrent to others.

4. Cannot be trusted to follow through on recommendations and policies and should be monitored, made transparent and accountable.

4.1. From the recommendations of the investigation of 2001 the *"COMDT CATC was directed to institute a formal system of monitoring the management and treatment of IET soldiers within his command."* His failure to instigate a system not only attributed to the events and subsequent death of Jeremy but the ruination of hundreds of other young men's lives in the period since. This amounts to a gross dereliction of duty and disobedience of orders. Yet as far as we know no action has been taken against the offending officers. Yet once again from the recommendations of the investigation of 2001 the *"HQ TC-A should direct all*

commanders within the Command to institute a formal system of monitoring the treatment of IETs soldiers under their command". Our comments are the same as above. **But we add; why did not the then Chief of Army ensure that these directives were implemented and followed through? Ultimately he was responsible for what went on in his Army.**

4.2. Time and time again the Army has put forward policies, strategies, recommendations that if they have been implemented and clearly from the events at Singleton from 2001 – 2003 they weren't, then they are not being monitored or followed through in their usage. The following are examples.

- a) Fair go policy – In November 2000 the then Chief of Army LTGEN Peter Cosgrove announced the institution of the Fair Go Policy. Quote from Chief of Army *"Army's 'Plan for a Fair Go' outlines both short and long term initiatives to improve equity and deal with unacceptable behaviour. These initiatives relate to leadership, equity training and reporting."* **(See Attached Appendix BB) Every one of those rules were broken at Singleton – why is nobody accountable.**
- b) Early 2001 the then Chief of Defence Admiral Barrie brought the whole ADF to a standstill to watch a video to eradicate bullying and harassment in the ADF. **This did not work.**
- c) December 2002 MAJGEN Gordon introduces a "Code of Conduct" **(See Attached Appendix CC) Again you would be hard pressed to find a rule that was not broken at Singleton.**

4.3. LTGEN Leahy stated in a media release *“With other senior Army Commanders I will work to ensure that these types of behaviour, conduct or attitudes no longer have any place within the Australian Army. The Army is committed to ensuring that it treats all of its trainees fairly and with respect, providing them with the opportunity to excel”*. **Army had already in place a set of procedures and protocols. Clearly these were not enough and we must now further our efforts.” How can we possibly believe him?**

4.4. Who is going to monitor the above? Given the recommendations of the report of 2001 (see 4.1 and 4.2) clearly the Army cannot be trusted to do so.

4.5. The Army has provided us with updates indicating training improvements and methods. Given that it was recommended in the report of 2001 (see 4.1 and 4.2 above) who is going to monitor the improvements and will they last. Even statements within the investigation into Jeremy’s death have indicated that if there was a situation similar to that of Timor and the tempo of training was increased, the senior officers could not guarantee that the changes made now would endure. Although Commandant Training Command has issued a directive that if the changes implemented thus far with the staff now in place and indeed there is a need to up the tempo of training then all training is to cease. Will this happen?

4.6. The root cause of most of the problems associated with the abominable situation at SOI Singleton was the number of injuries occurring during training. Jeremy and all those other young men should not have been injured in the first place and

then treated in such a manner afterwards. This is total negligence on the part of the Army to follow through on recommendations and strategies.

- a) The Infantry Training Course has been extended to incorporate two refit weeks into the training schedule. But a Corporal states (in May 2003) in the report - "There is also the fear that over time the refit week will become a standard week of training. I can see signs of that already". We are very concerned that there is nothing to stop his fear becoming reality.
- b) In 1997/98 a "Defence Force Health Status Report was conducted. Amongst its findings were that "physical training was by far the leading casualty producing activity" and of these "Sprains and strains was the injury nature associated with the most casualties..." "Fractures were the next highest category...." - "31.5% of these injuries were to lower limbs". The cause of these injuries was "that the most severe individual mechanism was repetitive movement with low muscle loading..." "Sprains and strains of joints and adjacent muscles accounts for nearly half of all PT injuries..." Recommendation of this report "In order to minimise sport and PT injuries the ADF must address the following issues: adopting world class techniques for physical training and sport training; providing qualified personnel to supervise conditioning and training activities; educating commanders and ADF personnel at all levels on the benefits, risks and risk minimisation strategies associated with sport and PT; and aggressively managing injuries when they occur.

- c) July 2000 – Joint Chiefs of Staff of the ADF signed a document to implement the Injury Prevention Program.
- d) The Australian Defence Force Health Services Follow Up Audit conducted in 2001 clearly states: ***develop both short and long-term strategies aimed at reducing the level of injuries and illnesses in the ADF***

In support of the ANAO recommendation, the Joint Committee of Public Accounts and Audit, in its 1998 review of the ANAO report, recommended that 'Defence develop and implement as a matter of urgency, short-term strategies aimed at reducing the current level of injuries based on the findings arising from existing studies. The ADF Health Status Report comments as follows: ... the purpose of epidemiological research into injuries and illness is to prevent them or minimise their impact. For the most part it does not appear that the ADF is using data on injuries and illness to develop short and long-term strategies for injury prevention. Short-term strategies aimed at reducing injuries in the ADF since the original audit had been limited to reducing injuries amongst recruits. The ANAO commends the work carried out in relation to injuries among ADF recruits and notes that savings in both personnel and costs that have been achieved. Nevertheless the ANAO considers that there is scope for short-term strategies to be developed and implemented with application to the wider ADF population, based on the findings of studies completed at the time of the original audit. For example, it has been known, from as early as 1991, that sport and physical training are the two main causes of injuries in the ADF. Implementation of short-term

strategies in these areas would have led to earlier personnel and monetary savings. A priority identified by the ADF Health Status Report was to develop an ADF Health Promotion Program. The program, which has been endorsed by the Chiefs of Staff Committee (COSC), has two components: the development of an individual health promotion program (designed to identify risk factors in a person's lifestyle) and the development of population health programs (designed to improve the health of the ADF community at large). As part of the population health component, three priority areas have been chosen for the development of long-term strategies: injury prevention; mental health; and cardiovascular health. At the time of the follow-up audit the injury prevention strategy had been developed and endorsed by COSC; work on the cardiovascular health strategy was nearing completion; and the mental health strategy was in the early stages of development. The ANAO supports the development of these strategies and considers that they should enhance the general health of the ADF population and result in cost savings for Defence through reduced injury and illness.

- e) Clearly with the results of failure rates at Singleton and the number of injuries occurring, show that either the injury prevention strategies have not been implemented or they are not working! The Investigating Officer's conclusion on PT Regimes was:

The PT regimes at Army Recruit Training Centre and the School of Infantry conform with current defence policy.

PTI staff at both Army Recruit Training Centre and School of Infantry are adequately trained to monitor and control PT regimes.”

PT staff in their statements state that there is no structured PT policy at School of Infantry. If the staff are adequately trained to monitor and control PT regimes why does COL XXXX Director Preventative Health give evidence that “In this program, having a 7km route march follow a Basic Fitness Assessment within 13 hours does not allow for adequate recovery and significantly increases the risk of injury”. He goes on “This highlights the lack of professional oversight of physical training programs both in Training Command-Army and Army overall.” Jeremy should not have been injured in the first place, let alone all that happened after.

5. Public are never aware.

5.1. Following Jeremy’s death our dealings with the soldiers heightened our concerns to such an extent over the situation at Singleton that we decided that it was in the best interest of the community and those aspiring to be soldiers to be made aware of what was really happening in the Army and at Singleton. Subsequent to the media coverage of Jeremy’s story we have been approached by a steady trickle of distraught families whose husbands, sons and brothers have gone through of what Jeremy went through (some with a similar outcome) and some who have been emotionally scarred and are struggling to cope with their trauma and recover their lives. (Some have also submitted their story to this inquiry – others find it too

distressing to relive theirs and their sons' circumstances and wish to put it behind them and move on.) What is particularly disturbing is the behaviour of the Army and the Minister which has been directed at these families and this behaviour involves extracting a written commitment by having to sign a non-disclosure agreement in order to get access to the report over the demise of their loved ones. From the outset we made it known to the Army that we would not sign any such agreement and that we would obtain the results of the inquiry by other means. (i.e. Freedom of Information regulations) This treatment of next of kin is simply an attempt to cover up this behaviour. Surely the Army and the minister cannot expect to have it both ways. We have been given a **Directive** from the Minister **“that the Investigating Officer’s Report and the Appointing Authority’s decision document disclosed to Charles, Jan, Daniel and Ruth Williams, under this Instrument of Authorisation, shall not be further disclosed by them to any person other than to a legal or medical practitioner for the purpose of providing advice. (See Attached Appendix DD)** As we are not serving members of the Defence Force and therefore not obliged under any Defence Act or regulation including Regulations 63 and 78 (whatever they may be), we cannot comprehend such a directive. Under what authority does the Minister consider that she has the authority to police such a directive?

5.2. If the army sees fit to behave in this appalling manner then these young men and the community at large have a right to know what they are getting into.

6. Conclusions

- The army is not capable of and does not have the experience, expertise or suitably trained and qualified persons to conduct enquiries where incidents of a serious nature occur that result in serious injury or loss of life.
- The army has demonstrated that it cannot be trusted to act responsibly with information from even its own investigations as questionable as they are.
- The army has demonstrated that it is prepared to take a lenient and forgiving attitude to those officers who are negligent over their command duties and choose to disobey orders in relation to implementing directives from its own enquiries.
- The army has demonstrated in its investigations that it does not have the willingness to tell the truth in regard to controversial issues that are uncovered and repeatedly succumbs to the temptation to hose down the truth in relation to the same.
- Some of the offenders at Singleton in 2001 are still in the Army and have gone unpunished for their behavior then, as are a number who were at Singleton in 2003.
- At Singleton and in the Army in 2001 and 2003 the behaviour, lack of action and/or irresponsible negligent attitude on the part of some senior and junior officers, and some NCOs, would merit prosecution under common law and Occupational Health and Safety Regulations of which the ADF is a respondent to the Commonwealth Act.

- A grieving family should not have to agitate in this matter to even have an investigation carried out; and around the first anniversary of the death of their son have to relive it all in order to forward a submission to this committee.
- If investigations were an automatic occurrence it would not take three months for one to commence and the agitating of a grieving family; causing further stress, grief, pain and distress.

This submission is forwarded to the Committee by both Jan and Charles Williams, and Ruth and Daniel Williams (sister and brother to Jeremy respectively). Ruth and Daniel felt that one submission forwarded to the Committee would cover all aspects of concern to us as a family and they echo the points herein.

We wish to appear before the Committee to expand on our submission and any other matters about which the Committee deems to inquiry. Ruth and Daniel are also available upon request. (They live in Western Australia and could attend in that state should the committee desire). We appreciate the importance of, and welcome the opportunity to attend upon the Committee, however as we are involved in the wine industry (Charles and Daniel in particular), and this time of year is of paramount importance to our livelihoods being vintage, and to alleviate the pressure of peers within our respective companies to carry us as they did last year, we request that should the Committee grant us an appearance that this occur later (i.e. after April when hopefully vintage will be all but over) rather than sooner.

There are still several outstanding, relevant and important issues associated with the report into Jeremy's death, that remain unanswered at this time. The main being:

1. The investigation into why the investigation of 2001 was not implemented and followed through.
2. Military investigation and subsequent charges against two NCOs.
3. Investigation into why the senior NCOs and officers on the base at Singleton did not know what was going on at that base i.e. incidents of unacceptable behaviour.
4. Investigation into allegations that staff targeted trainees for failure.
5. Investigation into whether there were other Investigations (similar to that at Singleton in 2001) that have been ignored and ensure that actions have been implemented.

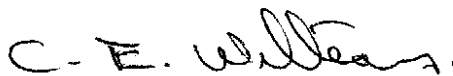
We would like to provide the Committee with as much information as possible and answers to these issues would give much greater information to this inquiry, therefore our appearance later in proceedings could bring much more to light.

Yours faithfully,



Jan Williams

12th February 2004



Charles Williams

12th February 2004.

List of Appendix

- A. Letter to Commanding Officer Singleton from Daniel Williams dated 2nd February 2003.
- B. Letter of response to Jan and Charles Williams from CO School of Infantry dated 14th February 2003.
- C. Letter to Minister Assisting Minister for Defence from Jan and Charles Williams dated 23rd February 2003.
- D. Letter to Minister for Defence from Jan and Charles Williams dated 23rd February 2003.
- E. Letter to Minister Assisting Minister for Defence (Although addressed to Minister for Defence Personnel as we understood the title to be at that time) from Jan and Charles Williams dated 26th February 2003.
- F. Letter to Chief of Army from Jan and Charles Williams dated 16th March 2003.
- G. Military Service Police Report dated 19th March 2003 including covering letter from Chief of Army.
- H. Letter to Minister Assisting Minister for Defence from Jan and Charles Williams dated 18th March 2003.
- I. Fax to Minister Assisting Minister for Defence from Charles Williams dated 14th April 2003.
- J. Letter to Chief of Army from Jan and Charles Williams dated 7th April 2003.
- K. Letter to Chief of Army from Jan and Charles Williams dated 8th April 2003.
- L. Letter from Chief of Army to Jan and Charles Williams dated 8th April 2003.
- M. Letter from Minister Assisting Minister for Defence dated 10th April 2003 (received by us 15th April 2003).
- N. Letter to Investigating Officer from Jan and Charles Williams dated 3rd May 2003.
- O. Fax to Chief of Army from Charles Williams dated 2nd May 2003.

- P. Responsive letter from Investigating Officer to Jan and Charles Williams dated 3rd May 2003.
- Q. Letter from Chief of Army to Jan and Charles Williams dated 8th May 2003.
- R. Statement to the Investigating Officer from Charles Jan Ruth and Daniel Williams dated 3rd May 2003.
- S. Questions of clarification relating to our statement dated 4th May 2003.
- T. Additional Questions asked of Jan and Charles Williams – 4th May 2003.
- U. Further questions of Jan and Charles Williams dated Jun 03.
- V. Letter to Investigating Officer from Jan Williams dated 2nd July 2003.
- W. Interview with Ruth Williams dated 5th May 2003
- X. Interview with Daniel Williams dated 5th May 2003.
- Y. Letter to Minister Assisting Minister of Defence from Jan and Charles Williams dated 5th September 2003
- Z. Letter to Minister Assisting Minister for Defence from Jan and Charles Williams dated 21st September 2003.
- AA. Letter from Minister Assisting Minister for Defence to Jan and Charles Williams dated 6th October 2003.
- BB. Rules of Fair Go Policy.
- CC. Code of Conduct.
- DD. Instrument of Authorisation from Minister Assisting Minister for Defence
Danna Vale.