

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

SUBMISSION COVER SHEET

Inquiry Title: Effectiveness of Australia's Military Justice System

Submission No: P50

Date Received:

Submitter: Mr Le Plastrier

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Name/Contact: Mr Peter Le Plastrier

Date Authorised:

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

Dear Sir/Madam

I suggest there is adequate evidence within the community, our defence force's method in attending to issues they have created is for officers and military brass - Keep your mouth shut - Don't supply documents - Lie, cheat and deceive to the best of your ability - Don't seek solutions - The longer we string out this issue the better the chance of it going away.

I have had many, many ex sailors recently come to me for assistance who were forced by the RAN to perform duties above their rank and salary level, denied promotions, held on medical discharge notice for up to seven (7) years. They were then (documents verify) wrongfully discharged.

Mr [REDACTED] of the RAN Department of Enlistments and Discharges answer to my claims - "They must have slipped through the cracks in our system!"

FOI document enclosed dated 20 November 2003, reveals out of 16,285 sleep disorders alone, medical discharges in the past decade, the ADF can account for only 71 leaving 16,214 unaccounted for.

I suggest the crack in their system must be a hell of a big one.

FOI document enclosed dated 24 October 2003 'RAN claims' no documents exist recording how many RAN members have been medically discharged in the past decade with sleep disorders. **Give me a break, please.** Surely, they must be joking.

Military brass and Federal Ministers refuse requests for assistance. Documents verify the RAN have treated the Commonwealth Ombudsman's office in Canberra as a joke, refusing to co-operate and supply documents upon request. Navy brass, JAG lawyers, Ministers refuse to become involved with issues. Where else can a civilian go for assistance?

Yours sincerely



PETER LE PLASTRIER

MAIN SUMMARY AND SUMMARIES OF DOCUMENTS ENCLOSED

Re: EX ABBM WARREN ANTHONY LE PLASTRIER - R156820

The RAN vindictively destroyed this young man's life and have refused for five (5) years to rectify the problems they created.

This issue also destroyed his mother's health unable to cope with Navy lies, deception, etc. forcing her to resign from a ten year volunteer officer in the RAN Navy Reserve Cadet movement.

I am a retired Master Mariner, a professional with 50 years experience on the water.

The first lessons ever taught to my children were marine safety.

I suggest I am well qualified to speak on the subject, lack of accountability by the Royal Australian Navy military brass and its Federal Ministers.

I offer my services and expertise to the Senate Committee Enquiry for examination of my submission and enclosed documents.

In January 1999, I accused the RAN of allowing HMAS Warrnambool's Executive Officer Leut [REDACTED] to intimidate, torture, harass, victimize and discriminate against my, then, 20 year-old son, suggesting to the RAN to prove or disprove my allegations - read your own military documents including HMAS Warrnambool's Log Book.

My claims were dismissed without explanation and at that time, saw the commencement of the destruction of my son's career and ten (10) years of his life destroyed, pushed by the organisation he loved and trusted to the brink of being suicidal.

I believe it is important to understand this young man's dream and what he did in his endeavour to achieve that dream.

AGE SIX

A proficient 1200 cc jetski rider not the 'pussy' sit down model and the commencement of his dream to follow his Uncle Charlie as a Leut Commander in the RAN.

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AGE TWELVE

Could dismantle and rebuild (including engine) the entire jet ski plus Certified as a Junior Scuba Diver to 15 meters.

Operate 60mph inflatable craft towing, take off and landing a parasailer on 150 meters of rope. Operate completely 12 meter 3 ton water displacement twin hull twin engine (2 x250 hp) vessel valued \$400,000.

AGE FIFTEEN

A precision 17 metre three deck game fishing vessel with 6 metre high helmsman lookout tower powered by twin V10 800 hp a piece - valued at \$1.25 million.

A genuine 120 mph off shore racing hull powered by twin V12 turbo GM engines - valued at \$1 million.

Search and Rescue 9 metre ribbed inflatable craft (same as military) powered by 2 x 250 HP outboard engines - value \$200,000.

A Certified Master and Rescue Open International Scuba Diver. Marine Safety Equipment and Survival Technics Certified. Ship Board Safety and Marine Survival Certified. Marine Charts and Radar Certified. Ski Boat and Marine Radio Licensed Certified.

AGE EIGHTEEN

Dux of Marine Classes at St Augustine College and Navy Reserve Cadets. Certified Commercial Passenger and Fishing Coxswain, acknowledge by Queensland Marine Authority sufficient Qualifications for Master Class 5 Mariner's licence (passenger and fishing). First Mate Master Class 4 (unable by law to obtain these licences until attaining the ages of 20 and 23 years (respectively).

Certified Grade III Marine Engineer. 25 (USL Code) International Uniform Shipping Law proficiencies with international recognised Marine Log Book stamped as official - 2,050 days at sea. A self-taught rope splicer up to 10 plaits, 100 mm thick. Navy Reserve Cadet Chief Petty Officer. Drill Master of Rifle and marching squads. Sailed tall Ships - Young Endeavour (RAN vessel), South Passage, One and All and Golden Plover.

Race crew member on Maxi Yacht Siska IV.

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WRITTEN REFERENCES

Mr [REDACTED] - Marine Instructor.

Above average marine student in a class of his own. Winner of the Dick Fry Marine Memorial Award.

Leut Commander NRC [REDACTED] - Best first year cadet I have ever instructed. At 13 years of age, I predict a brilliant Navy career for this young adult.

Leut Commander NRC [REDACTED] (ex 20 years RAN - 10 years submariner). Most talented, capable, enthusiastic sixteen year old mariner I have ever met.

Leut Commander NRC [REDACTED] (20 years NRC instructor). The most talented Navy Cadet I have ever had the pleasure to instruct a first class mariner. A first class young man.

Leut Commander NRC [REDACTED] - outstanding Navy Cadet Leader. A brilliant young seaman.

You will shortly read Navy documents signed Leut [REDACTED] describing this *20 year old sailor as a poor quality seaman, unsuitable as a Navy sailor full stop. Not worthy of any position within the RAN. More interested in his onboard social life than his seaman responsibilities, even though no other officers agreed with this Lieutenant, they all closed rank and kept their mouths shut.*

Today, instead of being at sea in his chosen career, he drives a concrete truck because of what the RAN did to him.

Followed his childhood dream joining the RAN on 16 August 1996 aged 18 years. Encouraged by his parents now proven to be a career choice disaster of unbelievable proportions.

Aged 19, Injured while serving his country as a Peacekeeper in PNG conflict onboard HMAS Tobruk.

After rehabilitation 28 September 1998, posted to HMAS Warrnambool by Director of Sailors' Career Management Department as the vessel's (Qualified SE) Safety Equipment Survival Maintainer and (Qualified) member of that ship's Executive team.

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Later described by crew members, the Executive Officer was livered. DSCM had sent a 20 year old snotty nosed kid to be the SE on her ship, stating to crew members she would test him out and prove to DSCM the sailor was too young for this responsible position, depriving the sailor of sleep, adding extra duties, then demanding he carry out his watch duties selected as midnight to 0400 hours (known as the 'dogwatch').

Being deprived of sleep (he faulted) nodded off for 2 min and 3 mins. Respectively (timed by officers). Charged with derelict of duty, found guilty and disciplined. The 'kangaroo hearing' held saw Officer who charged him then acted as his defence counsel.

For five years, the RAN have denied that torture of my son took place.

Original document Divisional Officers' report leaked to me - 75/156820 - not in Sailor's normal Service records - dated 29 January 1999 signed XO Lt [REDACTED]

Patrol Boat crew are expected to work long hours including watch keeping at night every night whilst at sea. It is my recommendation this sailor be posted from Warrnambool, perhaps to a major fleet unit where resources exist to provide him the greater level of supervision which he obviously needs.

Document dated 1 February 1999, handwritten memo - This sailor is unsuitable for the Navy full stop I want Waterhen Commander to look at processing discharge procedures (origin) HMAS Waterhen to DSCM (unsigned).

I advise the Senate Committee as I have RAN Fleet Commander Admiral Geoff Smith, Fed. Min. Hon Danna Vale and ADF General Peter Cosgrove, the Officer responsible for the day to day running of a vessel is the XO. The XO was Leut [REDACTED]

JUST FOR THE RECORD

3rd Divisional Report dated 5 March 1999 (one month later) origin HMAS Waterhen Survival Equipment Section "Leaked Document"

AB Le Plastrier has proven himself to be a very sensible and capable young sailor with great enthusiasm and willingness to learn. He is considered a superior Able Seaman. He would have no difficulty carrying out any duties on board the Admiral's vessel with outstanding results

Signed RAN LT Commander [REDACTED]

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6th Divisional Report "another Leaked Document"

ABBM Le Plastrier has proven to be an outstanding sailor. I will be sorry to lose him should he be medically discharged

Signed Lt Commander [REDACTED]

All the way through this "leaked" military and service file, no officer agreed with Leut [REDACTED] appraisal of this sailor.

The RAN refused to hold an enquiry and so did ADF General Peter Cosgrove and Minister for Veteran Affairs Hon Danna Vale.

THAT WAS ONLY THE START

Unable to dismiss this sailor for claimed derelict of duty because the vessel's Log Book (a legal document in a court of law would verify the crew's claim - sleep depredation took place), the RAN packed him off to doctors to find a medical excuse for his well orchestrated dismissal.

February 1999 Sydney Neurologist Dr [REDACTED] reported back to the RAN. "I can find no medical condition wrong with this sailor. What I find is sleep fatigue". The specialist's recommendation was "give the young man some sleep and he will be fine".

The RAN Medical Board refused to accept the Specialist's report - (the umpire's decision).

Second specialist Dr [REDACTED] in summary based on initial tests "I do not believe that this sailor has a sleep disorder breathing within the pathological range".

Third test sailor has sleep apnoea and Grade III Narcolepsy, yet this specialist did not nor his Navy GP Leut [REDACTED] nor RAN Medical Board carry out HLA blood typing associated with narcolepsy. We have since found other sailors who they did blood type test.

Documents verify the RAN had no one with his qualification to replace him for 21/2 years. He was medically discharged 16 July 2001 as a narcoleptic.

Warren had spent three (3) years on 'Restricted Duties' - not obeyed by RAN. Two years unemployed. Denied his rights to go to sea for five (5) years by the RAN. It was then proven he has not got narcolepsy. Now, one year later, the RAN has refused to compensate Warren for their mistakes.

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The young man is almost 26 years old. Hasn't been allowed (by the RAN) to go to sea for five years. His chances of being employed as a Civilian Marine Captain without going back to sea as a deckie for two years is remote. By then he is 28 years old. He is then back to where he was at 18 years of age before joining the Navy.

Ten years of his life destroyed. Six months after his medical discharge his mother and I cried. He looked like an ex POW talking of committing suicide. The RAN refused to give us answers.

Leut [REDACTED] started his dismissal process whilst no other RAN Officer agreed with her appraisal, all of them stood by with their Navy Code of Silence and watched our son's career and life destroyed.

The RAN have endeavoured to cover up this mess ever since. They haven't apologised. Offered his career back, nor reimbursed his loss of income, expenses, etc., let alone, compensate him for destroying his life.

For five (5) years, we have had denials and run around from one Department to another. Refusal to supply documents. For the past 12 months, denied access to documents requested by the Commonwealth Ombudsman's office, Canberra.

Whilst I believe it was Leut [REDACTED] who did so, the RAN cannot deny an Officer wrote a memo condemning this outstanding young seaman claiming he is not suitable for the Navy, FULL STOP.

Whether this Senate Committee or a Court of Law demand the RAN produce the vessel's Log Book for scrutiny, to me is now irrelevant. The Log Book with leaked documents, now in my possession, will verify Leut [REDACTED] deprived my son and her crew of sleep. By her own admission (leaked document), Divisional Officer's Report 29 Jan. 1999 Para 2 and the vessels Log Book, will, I suggest verify Leut [REDACTED] is not fit to command.

For [REDACTED]'s benefit and the Minister for Defence Senator Robert Hill, as a former vessel's commander myself, no matter how hard I worked my crew, or how long the hours they performed, not in a million years would any crew member fall asleep on my vessel endangering the vessel and its crew. I would take steps to never ever allow it to take place.

Should Senator Robert Hill request to know how my vessels are safer than the RANs, all he has to do is ask.

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Leut [REDACTED] or Leut Commander, I claimed deprived her crew of sleep whilst others fell asleep on duty also, she discriminated against the youngest on board, only charging him with derelict of duty. She then went on to ridicule this outstanding seaman in her open and hidden military reports in order to prove DSCM wrong in appointing someone so young as her vessel's SE.

Today, five years later, I again challenge the RAN to produce HMAS Warrnambool's Log Book for that period and produce one other officer who agreed with her appraisal of this junior sailor in his five years of service.

ADF Officers have military legislated rules, regulations and laws to obey. I have military documents verifying Navy Officers failed to obey the above on a daily basis between January 1999 and May 2001 - covered up by the RAN.

I don't have to imply or suggest, it has taken place. The RAN has spent 10s of 1,000s of Taxpayers money fighting my claims, when in fact, they are fighting the accountability of their own Navy documents and Navy officers' incompetency's.

LEAKED DOCUMENTS

On 12 December 2003, I received (in the mail - an ominously) a brown paper bag of 'original' documents. Document copies not in my son's military personal or medical files.

In April and May 2002, I requested a copy of my son's military files (as in plural). August 2003, I signed consent forms for law firm acting on behalf of the RAN Phillips Fox to receive military files (plural). Neither Philips Fox or myself received copies of the original documents in this file. I am advised Philips Fox would have received this file if and when litigation commenced.

ISSUE DEADLY VIRUS COVER-UP

Contained in this leaked file, Leut Commander Dr [REDACTED] (Navy Environmental Services) 19 sailors exposed to deadly virus. Marine Health direct information be made available to each sailor. My son was informed of nothing nor is there any mention of this virus in his military medical file. I have since discovered the number of sailors is 90 not 19.

DEFECTIVE ADMINISTRATION CLAIM DENIED

In April 1999 all my son's possessions went missing. The RAN claim it was a 'civil court' matter. However, military documents reveal, the RAN approved the removal of his possessions without his consent. An inventory verified where the possessions went and the Commonwealth Government illegally became involved as it paid for the possessions to be stolen (documents obtained FOI).

The RAN have denied any wrong doing. The claim for Defective Administration denied.

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Upon Appeal process, It is my understanding the RAN have failed to co-operate with the Commonwealth Ombudsman's Office for a year, refusing to supply documents upon request. The same copies of documents they refused to supply me upon my request in January 2002.

As I am now in possession of this original document file, the documents are in there. I also verify three original documents were removed on 8 December 2003 by NIS PO [REDACTED] replaced with signed certified as true copies.

NIS have been investigating this Defective Administration claim for three years. Navy Lawyers and NIS have refused to explain how two documents have gone missing from the sailor's Service File.

Document A -Inventory of Possessions taken into relationship

Document C -Military recorded date defacto relationship ceased

Documents B and D cannot be recorded correctly without *documents A and C*. Yet *A and C* have gone missing.

MILITARY LEGISLATION

Former RAN Medical Board President Leut Commander Dr [REDACTED] has claimed the following takes place all the time.

Documented military orders by RAN Medical Board placed on this sailor were never obeyed.

Documented Workplace Health and Safety Regulation restrictions were never obeyed.

EXAMPLE: The medical definition of narcolepsy is a person with uncontrollable sleep desires they have been known to fall asleep 20/40/60/80/100 times per day. The medical profession agree they are a danger to themselves and others, if not on medication control.

Military documents reveal March 2000 three months after my son was deemed by the RAN Medical Board to be a narcoleptic, the RAN issued my son with a sixty (60) ton Crane Licence (log book entries) loading/unloading mines, bombs, torpedoes, live ammunition, fuel, etc. Driving this massive crane around streets of Sydney. Driving military passenger buses also around streets of Sydney. Trucks, trailers, semi trailers, interstate - all unsupervised without narcolepsy medication.

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