

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

**SUBMISSION COVER SHEET**

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**Inquiry Title:** Effectiveness of Australia's Military Justice System

**Submission No:** P67

**Date Received:** 28 July 2004

**Submitter:** Major Neuhaus

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**Date Authorised:**



STEVE & CATHY NEUHAUS

**Isaiah 40:31**

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

Dear Secretary,

I am writing in response to certain evidence given by Mr Clark to the Committee on 9 June 2004.

At page 85 of the transcript, Mr Clark spoke about the Everest Board of Inquiry. There are a number of statements made by him which are untrue.


First, my sister-in-law is the assistant to the Chief Judge Advocate not as he stated the "personal assistant to the Chief military judge in the Defence Force legal service". Also I was at the time posted to the Reserve Staff Group and I was required to apply through my unit and chain of command for me to be able to undertake any Army based work. My appointment to the Board was made by the then Deputy Chief of Army Major General Peter Leahy and my sister-in-law had no input whatsoever.

Second, I was appointed to the Board of inquiry for both my military skills and my civilian skills which included at that stage 17 years in the Australian Federal Police and of those six years had been spent with the Search & Rescue Squad in both a part-time and fulltime capacity. I had assisted in the Thredbo Rescue, the four missing snowboarders search and was trained, qualified and experienced in cold weather survival and rescue by both the NSW Police and Australian Federal Police. I was a recognised instructor in General Rescue and Vertical Rescue with the NSW State Emergency Service and the Police Force. Originally, I had applied to assist on the Big Wall Board of enquiry but this had been postponed and the Everest Inquiry had replaced it at that stage. I had a window of up to six weeks available from the AFP to assist with this. When the Inquiry was envisaged to take up to six months due to delays caused by lawyers such as Grant Clarke, I was required to withdraw.

Third, we never trekked to 15,000 feet, reaching a maximum height of 10,000 feet at Bagar. The conversation that Mr Clarke refers to was when we were walking down from Deurali to Dabang and reducing in height all the way to enable extraction by helicopter. I was the Chief Safety Officer on this expedition and had a number of personnel who were either sick or carrying injuries. Mr Clarke and another reserve lawyer had deployed with injuries which had they undertaken the required pre deployment medical would have precluded them from the activity. From my recollection I was required to walk with Mr Clarke for a period of time alone due to his injury. This was between Hinko Cave which is 3048m (approx. 9,000 feet) elevation and Dabang (elevation 2,900m) If it is true that Mr Clarke discussed matters relating to issues of the Board of Inquiry (BOI) with me at this time, which I do not recollect, this is an inditement on his integrity. He was well aware that members of the Board and members of the 'defence counsel' could not engage in discussion of matters that could relate to issues concerning the BOI. My own recollection is we discussed his injury, other Boards he had worked on, his career in the Army and a Christian youth outreach ministry (called Project Saul) that I ran which involved taking disadvantaged youth out into the Australian Wilderness and providing them with challenges to assist them to achieve better. My main concern at this time was ensuring that all the party were extracted safely, which was achieved.

I find the innuendo and untruths made by Mr Clarke offensive and request that the committee accept this submission and place it on the public record.

Please note that I am no longer a Lieutenant Colonel having taken a reduction in rank on transfer to the Regular Army to undertake fulltime study to become an Army Chaplain. Upon ordination, I will undergo a further reduction in rank to Captain equivalent.



S.P.G. Neuhaus

Major

Army Chaplaincy Theological Student

20 July 2004