

Dr Kathleen Dermody  
Committee Secretary  
Senate Foreign Affairs, Defence and Trade References Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Dr Dermody,

**Ms Jacomb's Submission in relation to the Inquiry into DLA Piper's report of the review of allegations of sexual and other abuse in Defence, and the government's response to the report**

Thank you for the opportunity to respond to Ms Jacomb's comments concerning my submission to the Committee.

I wish to make it clear that I have never denied the existence of sexual and other abuse in Defence. Indeed, my office has prosecuted such matters on a regular basis since it was established in July 2006. The Committee might recall the trial by General Court Martial of Lieutenant Commander Jones in 2011 and his conviction and imprisonment for acts of indecency against a female sailor. Regrettably, his is not an isolated case and I currently hold Briefs of Evidence involving, amongst other matters, sexual assault.

Given my length of service as an Army legal officer, I have personal experience of abuse cases prior to the establishment of my office. Coincidentally, I am due to appear on behalf of the Chief of Army before the Defence Force Discipline Appeal Tribunal in relation to a matter tried before a Defence Force Magistrate in 1999. This matter concerned a male corporal convicted of assaulting a female private soldier at a training unit in Adelaide. Again, this was not an isolated incident at that time and there were other matters tried by Service tribunals.

I note Ms Jacomb's comment about recurring instances of abuse as evidence, I presume, that the system is not working. Respectfully, it would be naïve to expect that any legal system could eradicate criminal offending.

I do not resile from any part of my submission and would emphasise that it was never my intention to address all of the Committee's terms of reference. Nevertheless, I did wish to highlight the requirement for a simpler reporting process.

Further it is unfortunate that Ms Jacomb believes that it is appropriate to vilify people in her submissions. That of itself is a form of abuse and it is ironic that a person who claims they are victim of abuse should be the author of it.

I would be happy to appear before the Committee if necessary.

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