
The Parliament of the Commonwealth of Australia

**ROUGH JUSTICE?
AN INVESTIGATION INTO ALLEGATIONS OF
BRUTALITY IN THE ARMY'S PARACHUTE
BATTALION**

**Joint Standing Committee on
Foreign Affairs, Defence and Trade**

April 2001
Canberra

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ISBN 0 642 36640 3

Printed by CanPrint Communications Pty Limited, Canberra

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Foreword

This report has been written within the context of an examination of the Annual Report of the Department of Defence. The reporting of military justice and equity issues was one of several areas of the annual report that the committee wished to examine. However, concurrent with the committee's plan to begin this general examination, disturbing public allegations arose of brutality and 'rough justice' within the army's parachute battalion – the 3rd Battalion, the Royal Australian Regiment (3 RAR).

The committee decided that its generalised examination of the Department of Defence's reporting on military justice could not ignore the allegations relating to 3 RAR. The committee's greatest concern was that the 3 RAR allegations served to highlight to the committee an apparent lack of transparency in military justice proceedings within the department. This has been evidenced by:

- The failure of the Department of Defence to bring to the committee's attention the issues being investigated in 3 RAR, despite these investigations running almost concurrent with the committee's previous or 1999 inquiry into military justice. Awareness of the serious allegations of 'rough justice' within 3 RAR may have altered the committee's considerations and recommendations made in their report, *Military Justice Procedures in the ADF*, tabled June 1999.
- The absence from the Defence Annual Report of any mention of delays to inquiry or legal process, such as was occurring within 3 RAR.

These apparent lapses in transparency suggested that the 3 RAR allegations would provide a suitable case study for the committee's examination on justice and equity issues. As a consequence, this report into the allegations of brutality in 3 RAR is intended to serve two objectives. These objectives are:

- To provide a suitable case study in which the implementation and reporting of justice and equity procedures within the Department of Defence can be evaluated.

- To provide a rapid examination by the Parliament of allegations which, if true, represent a disturbing breakdown or inadequacy in justice and equity procedures within one element of the ADF.

The committee's approach has been vindicated by a number of initiatives announced by the Chief of the Defence Force, Admiral Barrie and the Chief of Army, Lieutenant General Cosgrove. These initiatives, some of which were first announced during a public hearing of the committee, include:

- The establishment of an audit team, under Mr Burchett QC, to determine whether allegations, such as have arisen within 3 RAR, are more widely spread within the ADF.
- The establishment of an Inspector General to allow complaints, like those within 3 RAR, to be investigated without the encumbrance of the normal military hierarchical processes.
- An investigation by a retired senior officer into the collective events in 3 RAR at the time of the incidents, including the issue of command responsibility.
- The first ADF Stand-down day, during which all members of the ADF were briefed on military justice and equity issues.

These initiatives will go a long way to addressing the issues that were raised with the committee in its examination into military justice within 3 RAR.

D P M Hawker, MP
Chair Defence Sub-Committee

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Committee Secretariat

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Membership of the Defence Sub-Committee - 39th Parliament

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Deputy Chair	Hon L R S Price, MP
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Terms of reference

A decision to examine the Department of Defence Annual Report was made by the Joint Standing Committee on Foreign Affairs, Defence and Trade. The decision, made on 28 August 2000, was:

that the committee examine the 1998-1999, and, on its release, the 1999-2000 Annual Reports of the Department of Defence and refer this matter to the Defence Sub-Committee.

Following this referral the Defence Sub-Committee agreed:

that the Defence Sub-Committee continue its examination of the Annual Reports of the Department of Defence 1998-99, and when tabled, 1999-00 with specific reference to:

- **the conduct of military justice and the alleged events in 3RAR;**
- **equipment fleet management and life cycle costing of equipment;**
- **personnel issues including Mutual Obligation Agreements upon both the unemployed and Army recruiting, changes to service conditions and superannuation;**
- **the use of military exercises as a means of assessing military outputs.**



List of abbreviations

ADF	Australian Defence Force
ARA	Australian Regular Army
Bde	Brigade
DLM	Defence Law Manual
CA	Chief of Army (or, depending on the context a Convening Authority)
CDF	Chief of Defence Force
CO	Commanding Officer
Coy	Company
CPL	Corporal
CSM	Company Sergeant Major
DFDA	Defence Force Discipline Act
DLO	Defence Legal Office
DMP	Director of Military Prosecutions
JNCO	Junior Non-Commissioned Officers
JSCFADT	Joint Standing Committee on Foreign Affairs, Defence and Trade
MP	Military Police
OC	Officer Commanding

OR	Other Rank
Pte	Private
RAR	The Royal Australian Regiment
RAAF	Royal Australian Air Force
RAN	Royal Australian Navy
ROG	Redress of Grievance
RSM	Regimental Sergeant Major
SNCO	Senior Non-Commissioned Officers