

**TO THE HONOURABLE THE SPEAKER AND MEMBERS OF
THE HOUSE OF REPRESENTATIVES**

This petition of the undersigned former officers of the Australian Defence Force (ADF) draws the attention of the House to:

1. the comprehensive Senate FAD&T Committee Report on military justice of June 2005 (particularly paragraph 8.122, page lv and Recommendations 29 and 30);
2. **principles of service in the ADF**; and
3. the Constitutional obligation to have an effective military justice system.

We submit that self-regulation by the CDF and Service Chiefs, reviewed by the Ombudsman, remains an unreliable basis for ensuring the probity of military justice.

We, therefore, request the House to safeguard the effectiveness of military justice by instituting changes which will require CDF and his commanders to uphold Australian law and adhere to the statutes of military justice and which will ensure that:

1. Parliament and CDF receive impartial judicial advice that is truly independent as recommended in the Senate report so there may be confidence in the advice of a CDF;
2. the personal interests of a CDF and his commanders are quarantined so that adjudicators can be truly impartial and all ADF personnel can receive justice equally;
3. all complainants are mandatorily furnished with a natural justice hearing as a prerequisite to and a basis for any adverse treatment, punishment or process of "alternative dispute resolution" or restorative justice;
4. except in actual combat, the rules and principles of Australian administrative law are adhered to so that discretionary powers are not abused;
5. still outstanding grievances are reported correctly and finalised fairly as the Australian people were led to expect.