

Subject: SEC: UNCLASSIFIED:- THE SSCFADT INQUIRY AND THE PROPOSED DEFENCE LEGISLATION AMENDMENT BILL 2006

Good morning FADT,

I just read the advertisement in yesterday's Australian about Senate Committee Activities and was particularly interested to read that there is further action to be taken on the Military Justice front.

I am very interested in the subject and wish to make a submission to the Senate Standing Committee on Foreign Affairs, Defence and Trade; however I doubt that it would be ready in two days. It will bring to the attention of the Committee a range of issues about the existing system which may not be fully understood, and certainly are in need of change. Aspects of it which will probably support the changes proposed by the Defence Legislation Amendment Bill 2006 include:

- * the unfairness of the Court Martial system where inexperienced junior officers are appointed to the Court and then expected to deliver justice when they, and the President of the Court Martial have not been trained;
- * the Summary Procedures where again untrained officers are appointed as Summary Authorities, are required to conduct legal proceedings and deliver justice to a Defendant all under the "Staff-In-Confidence" privacy caveat and behind closed doors;
- * the inability of the Defendant to object to the Summary Authority on the grounds of bias, particularly when all aspects of the case are well known to that particular officer; and
- * the practice of charging an Other Rank for an offence for which an Officer is either 'spoken to', given some extra training or no action taken at all so that the career remains unaffected by an offence under the Defence Force Defence Act.

My submission will not be a list of complaints but will contain both issues which are clearly unfair or inappropriate and suggestions on how they may best be addressed. I think the present Military Justice system under the Defence Force Defence Act is very good, however there is a real need for improvement in some areas. Unfortunately, Defence has an entire Defence Legal Service of Legal professionals which appears unwilling or unable to address these issues. If a Senate Committee is the only way that changes can be made, then I am happy to put my argument to that forum.

Could I please have an extension to COB Fri 29 Sep 06 for my submission? In return I promise to read The Australian on a regular basis so that I see your advertisement when it is first published rather than the last time.

PARATUS
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