



Army Headquarters
R1-4-B028
Russell Offices
CANBERRA ACT 2600

Telephone: (02) 6265 4203
Facsimile: (02) 6265 5446

OCA/OUT/2007/R2101107

Dr Kathleen Dermody
Committee Secretary
Senate Standing Committee on Foreign Affairs, Defence and Trade
Parliament House
CANBERRA ACT 2600



Dear Dr. Dermody,

I refer to Senator Payne's letter of 17 August 2007, to the Minister for Defence, the Hon Dr Brendan Nelson MP concerning the invitation to the Department of Defence to make a written submission to your Committee's inquiry into the provisions of the *Defence Legislation Amendment Bill 2007* (the Bill). I take this opportunity to express Army's support of the Bill.

The Bill and its provisions are of direct relevance to the discharge of the Chief of Army's responsibilities. The provisions in the Bill are also important in ensuring that the Australian Army remains capable of conducting its mission in defence of Australia and its national interests. As you would appreciate this requires great discipline and often occurs in complex and dangerous circumstances.

One of the main areas of focus in the Bill is the revision of the summary trial system under the *Defence Force Discipline Act*. The summary system is the cornerstone of command authority and is the part of the ADF military discipline system which is most critical to the maintenance of discipline at the tactical and operational levels of the Army. It is used by commanders on a daily basis. A quick, efficient, easily understood and fair system of summary justice is absolutely critical to the Australian Army's ability to conduct military operations safely and effectively. As you would appreciate, the current high rate of operational tempo makes a fair and efficient summary trial system more important than ever before.

Army.

SERVING THE NATION

I believe that the improvements to the summary system that are proposed by the Bill will assist the Army to meet the challenges of the future while ensuring that the rights of individual Army members are preserved. In particular, the changes will serve to simplify the summary system of justice and ensure that the discharge of military discipline is both quick and fair. I believe that the changes will also promote increased confidence in the summary trial system and the wider military justice system. Importantly, the right of appeal from summary proceedings and the comprehensive system of elections and reviews provided for in the Bill ensure that Army member's rights are appropriately protected.

Yours sincerely,



J.P. CANTWELL, AO
Major General
Acting Chief of Army

Tel: (02) 6265 4258

24 August 2007