



AUSTRALIAN DEFENCE HEADQUARTERS

VICE CHIEF OF THE DEFENCE FORCE

Russell Offices, CANBERRA ACT 2600, AUSTRALIA

VCDF/OUT/2007/252

Dr Kathleen Dermody

Committee Secretary

Senate Standing Committee on Foreign Affairs, Defence and Trade

Parliament House

CANBERRA ACT 2600



Dear *Dr Dermody,*

As Acting Chief of the Defence Force, I am responding to Senator Payne's letter of 17 August 2007 to the Minister for Defence, the Hon Dr Brendan Nelson MP, which invited the Department of Defence to make a written submission in relation to the provisions of the *Defence Legislation Amendment Bill 2007* (the Bill).

The Bill has been thoroughly canvassed through the Chiefs of Service Committee and it reflects the views of the Service Chiefs who are responsible for the maintenance of discipline and operational effectiveness within their respective Services.

Advice was also sought from the Judge Advocate General of the Defence Force, the Chief Military Judge (Designate), the Director of Military Prosecutions, the Inspector General Australian Defence Force, Defence Legal, the Registrar of Military Justice and the Provost Marshal Australian Defence Force. They have provided their input to the Bill where it was relevant to their statutory or appointed functions.

The Australian Defence Force summary discipline system is regularly used by Australian Defence Force Commanders who are responsible for the welfare and safety of their people and is vital to the successful conduct of operations and to facilitate activities in peace time. The Bill as it is proposed achieves these criteria which are fundamental to a professional armed force.

The summary discipline system must provide a fair hearing and fair sentence, and safeguard the rights of the individual. It is also important that it be able to be applied expeditiously and as consistently as possible across the Australian Defence Force. It must be capable of proper and correct operation by people who have no formal legal qualifications, and may have to be applied whilst also conducting complex and hazardous operations.

The Bill as it is framed, provides for the recommendations of the Senate Committee, whilst still enabling the Australian Defence Force to maintain discipline effectively, efficiently and fairly, thereby facilitating the operational effectiveness of the Australian Defence Force.
I therefore strongly support it.

Yours sincerely,



K.J. GILLESPIE, AO, DSC, CSM
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