

**Senate Foreign Affairs, Defence and Trade
References Committee**

SUBMISSION COVER SHEET

Inquiry Title: Effectiveness of Australia's Military Justice System

Submission No: P6

Date Received: 27.01.04

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Sent: Tuesday, 27 January 2004 11:25 AM

To: FADT, Committee (SEN)

Subject: Senate Inquiry into the Effectiveness of Australia's Military Justice System

From: **Robert Campbell Amos**, formerly 267929 Warrant Officer Class 2, Army Intelligence Corps (Retired) and **Patricia Kathleen Amos**, formerly F25376 Warrant Officer Class 2, Royal Australian Army Ordnance Corps (Retired).

As former regular army personnel who both have 20 years service, my wife and I still feel a great loyalty to the army however; in light of recent revelations we feel that it is necessary to make the following submission to the senate inquiry in relation to the Effectiveness of Australia's Military Justice System.

Background: In the period March to May 2000 our son was subjected to inappropriate treatment while undergoing Initial Employment Training (IET) at Dismounted Combat Division Singleton, more commonly known as the School of Infantry (SOI), Singleton. Telephone discussions with senior officers at SOI advising them of what was going on in their command was ignored and failed to bring about change in the treatment of soldiers, their rights to appropriate treatment or the right to normal soldier management procedures while in SOI's care, in this case the right to apply for corps transfer, a right both our son and other IET soldiers were denied.

It was at this point that we verbally contacted Minister of Defence's office to bring this problem to the attention of senior officers in Army Headquarters through the Minister of Defence in Canberra. Even with the ministers department involved our son was still billeted in the guardhouse and segregated from other IET's. It was for this continued inappropriate treatment that our son elected to discharge from the army in June 2000. Even though we had pointed out that numerous IET soldiers were being subjected to the same treatment, no formal or informal investigation into this type of soldier management was conducted by SOI at that time.

In August 2000 after hearing about the "Bastardisation" at 3 RAR we had further in-depth discussions with our son about events at SOI and realised that the problem was much more serious and wide spread than we had thought. We then wrote to the minister officially requesting an investigation into events at SOI. This insured that an official investigation would be conducted and the incident no longer swept under the table. At this point our concerns were that soldiers receiving this type of inappropriate treatment may not have had the close support our son did, this fear was later borne out.

From the time we contacted the minister's office it took 18 months to the time we received a copy of the investigation report. Of this a period of 13 months elapsed before the report was completed on 10 May 2001. One of the reasons for the time it took to produce the report was the fact that the first investigating officer's report was unacceptable, as "it did not address all the issues". This happened shortly after we refused to accept a watered down version of events at SOI and we complained to the minister's office that the matter was being white washed.

We were advised after repeated requests, that the reason it had taken from 10 May 2001 to late September 2001 to finally receive a copy which had numerous black text deletions, was the requirement to get official approval to release a copy, oddly enough it was released to our son and not to us, the people who had initiated the investigation.

We found a number of anomalies in our sons report; several interview reports compiled by the first investigating officer were either unsigned, undated or both, other interviewees pleaded loss of memory, some had been posted out. Even with this discrepancy that rendered them inadmissible in any legal hearing, the second investigating officer accepted these reports as legitimate and appropriate, and did not reinterview any of personnel involved.

It is felt that some of the decisions made by this officer were flawed in that he did not have a full picture of the situation at SOI. It is felt that had he followed through and reinterviewed some of these people he may have been made aware of a much greater problem and a more critical report may have ensued more appropriate action and reaction.

Senior-staff at SOI assured us that they had fixed the problem they even went as far as to invite me down to inspect the changes they had made, an invitation I now wish I had accepted. This was backed up by the investigation report covering letter that claimed that the reports recommendations had been implemented. We accepted their word in the firm belief that Orders and Instructions contained in reports are to be acted upon. Not to do so was considered a chargeable offence, no matter what the rank of the person involved. However it has since been admitted by the army that the recommendations had not implemented.

SOI had failed to implement the recommendations contained in our sons report and Training Command did not followed-up to ensure compliance with those recommendations. Had those in command at SOI acted as stated and implemented the recommendations made in our son's report there is a good possibility that the suicide of PTE Jeremy Williams which we first became aware of through the 7.30 Report on ABC TV, may not have occurred. The allegations made about injured soldier treatment and allegations of verbal abuse arising from this tragedy were almost identical to those we had raised in our ministerial about 2 years earlier and had been assured no longer existed at SOI.

Another investigation is currently underway to ascertain why the recommendations contained in my son's report were not implemented. We can only hope that either disciplinary and /or administrative action will this time form part of that report. It was stated that this report would be completed by December, but this time frame has been extended to January to allow time for the report to be sent for Australian Government Legal advice as; Quote "this could affect peoples careers" End Quote!

The behaviour that triggered this series of events is unacceptable in any organization whether military or civilian, past, present or future, because lives are being lost. Whether this is due to Man Management procedures and protocols breakdown or not

the army needs to redress these matters to prevent any more unnecessary loss of life or the mental distress that soldiers have experienced over recent years.

To let this inappropriate behaviour continue even in the most remote depot is to admit to a lack of care for the men and women who defend this country, both by the military and by the government. It also makes a farce of the millions of tax dollars spent on recruitment and training if soldiers are to be victimized simply at the whim of a soldier of superior rank.

There is a need for an organization such as the Director of Military Prosecutions. We are not aware of the make-up of this group or its charter. We can only hope that it has some autonomy and staff preferably from all three services, will contain suitably experienced/ranked personnel, where death is involved military police should be part of the team not an appendage who leaves the case after their initial incident scene checks are done. It is hoped that the men and women of this organization who are responsible for conducting interviews are appropriately trained in such things as questioning and observation techniques, analysis of information and if possible that they all have some legal training.

It is the investigators duty of care to be aware of their legal responsibilities in finding the truth, whether it be detrimental to the military or not, they, as well as the people they are interviewing could be held legally responsible for any form of accidental or deliberate corruption of the facts and for this reason they should NOT at any time be subject to the authority of the Senior Officer at any unit, regardless of rank, where they are conducting an investigation. Normal military courtesy accepted.

Regardless of who will conduct future investigations, it is also important that there is a formal system of base guidelines by which investigations are conduct. Individual case requirements then form a secondary portion of these guidelines. There should be enough freedom of control to follow up any line of inquiry that finds additional problems or irregularities, even to the extent of bringing in additional investigators to expand or to commence parallel investigations.