

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

**SUBMISSION COVER SHEET**

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**Inquiry Title:** Effectiveness of Australia's Military Justice System

**Submission No:** P11

**Date Received:** 04.02.04

**Submitter:** Mr Danson

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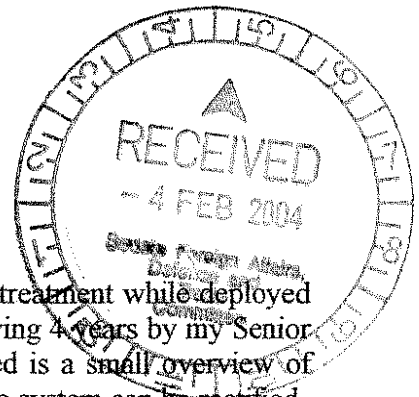
**Name/Contact:** Mr Nigel Danson

**Date Authorised:**

Senate Inquiry into the Australian military justice system

As per your terms of reference,

I am submitting this document and attachments to highlight my treatment while deployed to East Timor in 1999 and various investigations over the following 4 years by my Senior Chain of Command that lead to my medical discharge. Included is a small overview of how I personally feel some problems in the Defence Force justice system can be rectified.



From September 1999 I was deployed to East Timor to support aircraft movements with other members of No.1 Air Terminal Squadron. During my deployment and for a long period of time afterwards I was subject to unacceptable treatment from various supervisors and Senior Officers that breached DI (G) PERS 35-3 and the DFDA.

I submitted one initial complaint with two redresses after that all returning vague unacceptable responses that breached the current zero tolerance associated with equity matters. I have included copies of documents in this submission that highlight, treatment I received after making the complaints, the investigation and the various officers responses including "*the operational environment mitigates all events*" and the final response from Deputy Chief of Air Force stating after medical discharge for adjustment disorder "*I hope you enjoy civilian life*".

The initial complaint included,

- Belittlement and harassment by section commander and Supervising Officer,
- The continual harassment even after members being counselled by my NCO,
- Defamation of my character in front of other members of my unit which continued for 12 months after deployment,
- Made to preform tasks that inflamed a diagnosed injury including driving a Land Rover and staggered guard duty from 0500 to 0001,
- Staling of personal items and issued items by section commander and Supervising Officer,
- All above statements and those contained in documentation are verified with statutory declarations by 3 serving members including a Warrant Officer.

The final response of the initial complaint by SQNLDR Collie included statements like,

- They concluded that occasional behaviour of both Respondents may have made me uncomfortable,
- He believed that both respondents misjudged the fact that some people are more sensitive than others,
- The operation environment mitigates these events,

The initial redresses highlighted breaches of DI (G) PERS 35-3 and the DFDA including.

- No counselling or support during or after the investigation,
- Legal support not advised or encouraged,
- No case manager appointed,
- My wishes where not taken into account for final outcome.

The redress questioned various reasons given to excuse actions of Senior Officers including.

- The operational environment mitigates any event,
- Occasional behaviour of both respondents may have made me uncomfortable
- He only believes that both respondents misjudged the fact that some people are more sensitive than others are and in my case failed to take this into account,
- In operational environments the normal pleasantries associated with a normal workplace might be omitted.

With the final response just a brief over view of the previous redress and investigation, and I only ever had one interview just after my initial complaint and never allowed to make comment to the respondents statements.

During the four year period I was only helped by 3 Senior Officers, they were also continually disgusted by the way the matter had been handled by other Officers, as it was in breach of many Defence and Civil laws.

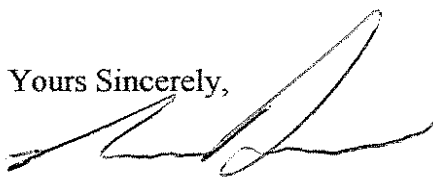
I was never vindictive during the whole investigation, and only ever wanted the members to be held responsible for their actions. It was highlighted to me justice will never happen due to the rank of who the complaints where against and the current procedures for these investigations. I was supported through the whole experience by my SQNLDR even after pressure was placed upon her by the presiding XO and CO of TFLM.

The only way I can see the problem of Officers investigating other Officers of the same mustering and rank, but returning a fair and legal decision is to totally remove the investigation process from the same branch of each Defence Force.

Another point of view is to have a civilian representative in the investigation chain of command that could report direct to the Defence Minister's Dept to have an objective point of view and show accountability.

I will appear at the Senate enquiry if required.

Yours Sincerely,



Nigel Danson.