

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

SUBMISSION COVER SHEET

Inquiry Title: Effectiveness of Australia's Military Justice System

Submission No: P17A

Date Received: 25.08.04

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CHARLES & JAN WILLIAMS

24th August 2004

The Secretary
Senate Foreign Affairs, Defence and Trade References Committee
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CANBERRA ACT 2600



**SUPPLEMENTARY SUBMISSION TO THE SENATE FOREIGN AFFAIRS,
DEFENCE AND TRADE REFERENCES COMMITTEE – EFFECTIVENESS OF
AUSTRALIA’S MILITARY JUSTICE SYSTEM.**

We thank you for the opportunity of appearing before you and putting our case for the injustices of the Military Justice System.

We wish to direct this Committees attention to a number of facts which LT GEN Leahy failed to answer accurately or to confuse your knowledge of events during his interview with you on 5th August.

- A. We have no doubt whatsoever that the Army did not intend to hold an investigation into Jeremy’s death. The Military Police investigation was complete with a finding of “death by suicide with no suspicious circumstances” as shown in Appendix G or our original submission. Along with a letter from LT COL Roney CO of Singleton and a message he left on Charles mobile saying he was “closing the loop on this matter”, indicated to us that as far as the Army was concerned the matter **was finished**.
- B. We were advised that the only channel for an investigation to be carried out was through the Minister Assisting the Minister for Defence (at that time Danna Vale). You are already aware of the amount of unanswered letters, faxes and phone calls we addressed to her office pleading for something to be done.
- C. The only reason an investigation was instigated was because of our “allegations” of the abominable situation at Singleton put to the Chief of Army and if you look at the contents of the Army’s Investigation into the death of Private Jeremy Williams it was in answer to our “so-called” allegations made in our statement to

the investigating officer not Jeremy's death. These allegations formed the direction and framework of the investigation.

- D. If an investigation into Jeremy's death was professionally and independently carried out **we would know** what Jeremy was doing on the Thursday and Friday prior to his death – who he was with, what duties he was doing (if any), what unacceptable behaviour he had been subjected to, and to this day more than 18 months after his death we still do not know. The reasons into Jeremy's death have never been properly investigated by Army.
- E. Why did the Army not conduct a Quick Assessment following Jeremy's death and yet on 8th April 2003 following Charles conversation with LT GEN Leahy he immediately ordered a "Quick Assessment"? Once again allegations have to be made to get a reaction not a death. The dead seem not to matter only the verbal accusing reactions of the living relatives. Thankfully on face value it would appear that a system has been put in place through the "sudden death protocols". Although we do not know the contents of this administrative procedure at least some action will be taken in future following the death of a soldier. Too late though for John Satatas and David Hayward.
- F. We again had some comfort that changes had been made and formal procedures implemented following the investigation into why the recommendations of the 2002 inquiry were not instigated. Here in this extract from your questioning of LT GEN Leahy you ask:

"Senator JOHNSTON—Have they been implemented now?"

Lt Gen. Leahy—They have, and I think you are aware that there was also an investigation into why these changes were not made and the failings in the staff. That investigation has concluded, and administrative actions are currently being carried out against five Army officers.

Also, not only have the changes recommended in that particular investigation been included, but there have also been substantial additional recommendations and changes to operations, procedures and activities, particularly of training command.

Senator JOHNSTON—Are they in written form?"

Lt Gen. Leahy—Yes, and I believe that I provided them separately to Senator Hutchins as the chair before members of this committee visited the infantry centre at Singleton. They are in the form of the training command code of conduct, training command directions and activities, and the instructions and amendments in relation to courses conducted by NCOs and officers, and particularly by the instructors who attend the School of Infantry. They are very much in written form, and if you are not able to find them through the secretariat I can make them available.

Senator JOHNSTON—Is that what you mean by the formalisation in unit procedure?"

Lt Gen. Leahy—That is what I mean. I also mean activities such as: the restructuring of the depot company at the School of Infantry; new rehabilitation processes that have been

carried out; the opening of a new facility; the type and level of support provided to trainees; an extensive amount of work done to ensure that we reduce the injury rates of our trainees; medical and psychological support; instructor development; training standards; external audits of our training institutions; increased staff skills and levels in our training institutions; life skills training for our individuals, trainees and instructors; the way we select staff; and, as this committee is aware, many of the suicide protocols and training that we have introduced, both through the mental health strategy for the ADF and through Army's efforts."

- G. We draw your attention to the enclosed letter (Appendix A) we sent to MAJ GEN Gordon and LT GEN Leahy on 16th June 2004. This is self explanatory and addresses the above extract. To date we have not had a response although through our Army contact LT COL Chris Anderson, provided by LT GEN Leahy we have had this email in response to some of the queries:

Mr and Mrs Williams,

In response to your email of Monday, I am able to advise that:
Two CPLs were charged regarding several incidents of unacceptable behaviour. Their charges were heard by a CO (not CO School of Infantry) on 27 Jul 04. One CPL was found guilty of failure to comply with a general order and guilty of prejudicial conduct. He was awarded a reprimand and a fine of four days pay for each charge. He was found not guilty of assaulting a subordinate.
A second CPL was found guilty of failure to comply with a general order. He was awarded a reprimand and a fine of four days pay. He was found not guilty of assaulting a subordinate.
A third CPL will be charged when he is medically fit for disciplinary action. The Director of Military Prosecutions has advised there is insufficient evidence to charge a fourth CPL.

Regarding your second question, I am advised that the document is almost complete and I will provided it to you in the near future.

Regards,

Chris

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- H. When we receive a response to this letter we will forward it on to you.

- I. We have not changed our opinion that if the Army had acted correctly to the Amos investigation of 2001 **we would still have Jeremy today** – it is not in our opinion a hypothetical situation as LT GEN Leahy and Senator Johnston seem to think. We knew our son and brother and his death **could have and should have been avoided.**

Finally we thank the Committee for its thoroughness and action of this important issue. We hope that through your findings and recommendations changes may be made within the ADF to prevent, the deaths of any more young people, the grief and suffering of their families and allow us some closure, but until this is achieved we will not “rest our case”.

Yours faithfully,

Jan and Charles Williams.

PS: The enclosure to that letter was a ripped up copy of the “Fair Go Policy” and the “Code of Conduct” – They are not worth the paper they are written on.