

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

SUBMISSION COVER SHEET

Inquiry Title: Effectiveness of Australia's Military Justice System

Submission No: P31

Date Received: 16.02.04

Submitter: Ms Screaton

Organisation:

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Name/Contact: Ms Janet Screaton

Date Authorised:

Dear Sir,

RE: Disagreement of Redress Of Greivance System

With reference to the above I would like to make a submission based on facts and evidence concluded from the investigation of my husbands redress of grievance on the Anthrax vaccination requirement for Australian Defence Force personnel deployed to the 2003 Gulf War. And recommend that the Redress of Grievance system, should be conducted by an independent body and not within the Defence Force.

On the 4th December 2002 my husband Leading Seaman Lorne Screamon was posted to HMAS Kanimbla. As with any new posting the medical section on board made sure my husband was up to date with all required vaccinations at the time of him posting in. This did not include anthrax or meningococcal vaccinations and no mention of these vaccinations were made.

HMAS Kanimbla sailed on the 19th January 2003 at this time the crews were advised that they were sailing to the Gulf. On the 21st January the ship returned back to Sydney and the crew were advised that the Government wanted to have an official send off to be held on the 23rd January 2003.

My husband sailed on the 23rd January and his family attended the official send off on board the ship. The Chief of Navy Vice Adm Ritchie advised the crew and families that there would be many challengers ahead. We thought this would be with the enemy and not with the Royal Australian Navy. The ship needed to pass OLOC status before she could proceed into the war zone. The crew worked hard 24 x 7 and achieved OLOC in 8 days never done before in the Australian Navy as it normally takes 6 weeks. After a weekend in Darwin the ship sailed onto the Gulf now being the 3rd February. On Tuesday the 4th February the crew were advised of voluntary anthrax vaccination requirement with the emphasis that it was voluntary. This was the first word of any vaccination requirement all NBCD training was completed before deployment in early January.

My husband contacted me as soon this was announced onboard the ship and for 4 days my husband and myself went on a roller costar ride with the continues changes of direction verbally and physically given by senior officers onboard the ship as well as shore based Defence departments. This created stress and anxiety to my self and disbelief in the Navy's actions for my husband.

On the 7th February after I held conversation with Rear Admiral Gates Maritime Commander Australia. The Navy advised that my husband would be returned back to Australia. 3 Personnel were returned on the 11th February, one of the personnel being Able Seaman Simon Bond went public on the 7-30 report and advised of harassment subjected to non-consenting Anthrax personnel on board HMAS Kanimbla.

On the 12th February my husband reported to his new holding Commanding officer and requested a few days leave due to myself being sick with anxiety. On the 13th February my husband advised is Commanding officer that he wished to lodge a complaint about the events that took place on board HMAS Kanimbla in regards to the Anthrax Vaccination program. He requested for legal advise on how to lodge the complaint. This was arranged with the Legal Department Defence Plaza Pitt Street for 0830 Friday 14th February.

My husband and myself attended the meeting; the only thing that was being addressed was for my husband to request for annual leave. We were given a Defence instruction manual DI(G) PERS 34-1 and advised that she had arranged

for us to see a barrister that day at 1100 being Matthew Vesper Sir Own Dixon Chambers.

Matthew Vesper took an overview of my husband chronology and told us to ring him when we had completed a redress of grievance.

My husband sort advice from the legal department at Garden Island, and presented an outline of his grievances. He was advised not to mention names in the report and the recommendations need to be readdressed. I was not allowed to be in attendance at these meetings as we were advised that it would be in conflict of interest.

We felt that the names and times of the events should be shown; also the redress was completed with 12 separate grievances in chronology order, not as one grievance as advised by the legal department.

Able Seaman Simon Bond was delayed in lodging any formal complaint with the Navy by way of the legal officer that the Navy appointed losing all his file notes.

On the 28th February my husband handed to his holding Commanding officer his Redress of Grievance, which consisted of 12 grievances in a 27-page report.

Wednesday 5th March the 7-30 report publicized that Redress of Grievance had been submitted by my husband.

On the 11th March my husband was given a letter by his new Commanding Officer confirming acceptance of the report dated 5th March, and a letter confirming the appointment of an investigating officer dated 11th March.

The investigating officer Commander Michael John Slattery QC RANR conducted interview's with my husband on Monday 17th March and Tuesday 18th March with myself and other returned personnel from HMAS Kanimbla. Other personnel requested to lodge redress of grievances and where advised there was no need to due to my husband having already lodge one. One crewmember was advised to lodge a report with equity and diversity department to which she did.

I myself being the spouse of a Defence force employee lodged a complaint on the 20th March with the Defence Force Ombudsman as mentioned on their web page.

9th April Commanding Officer advised investigating officers report should be finalized in early May.

On the 22nd May the New Commanding officer gave his decision on the redress that had been submitted. We were advised in writing that we had seven days in which to request if we wanted to refer to Chief of Navy if we did not agree to his finds.

The Defence instructions read that you have 28 days, and I advised the Defence Force Ombudsman of this in writing.

On the 28th May my husband wrote to his Commanding Officer advising of the 28 day guide line and also requested a copy of the investigating officers report as per D(I)Rs requesting approval from the Minister of Defence for a copy. This request was confirmed by minute on the 29th May.

On the 24th June a copy of the report was given to my husband with a instrument of authorization regulation 63 of the Defence (Inquiry) regulations placed over my husband and my self. Which was that we could not disclose the report to any one but a lawyer. This was issued by Danna Vale assisting the Minister for Defence Upon research into this regulation, it was found that this did not apply to us or the report as there had not been a court of inquiry held. The Defence Force Ombudsman advised that they do not have any legal authority to investigate actions by Ministers.

On the 26th June my husband requested in writing to see copies of the classified materials as per the investigating officers recommendations.

This was granted on the 7th and 9th July but not all the classified materials were there.

The investigating officers report was like a one-way street and did not address all the grievances that had been given, even when extra evidence was submitted.

The investigating officer conducted his interviews with personnel and departments by way of email. This entailed asking them the questions that he wanted addressed and giving them time to think about it before interviewing them personally. Areas of the report contradicted his findings from one grievance to the next. The redress of grievance and the investigating officer was like a collection point for areas that the Navy needed to clean up: ie Navy's web page showing Anthrax vaccination requirement was amended after being advised that it was incorrect. The investigating officer concluded that the only way to know the truth was with cross-examination and this could not be done on the redress of grievance system.

The transcripts taken at the time of the investigating officers interview with my husband was requested. When we received them they had pages missing and we had to request that they be forwarded onto us.

My husband then wrote back in regards to the 28-day deadline for referral to Chief of Navy, advising that he had only just been granted access to the classified material and would submit his disagreement to CO's Decision with in the next 28days from that days date being 10th July.

This was confirmed and extension given until the 8th August by the Commanding Officer on the 17th July.

The Navy took from the 28th February until the 22nd May to conclude an investigation and give a decision. We were only given 28days in which to analysis what many departments had reported and cross reference the investigation report. This had to be completed and a disagreement report concluded while on deployment out at sea.

On the 6th August my husband submitted a 76-page disagreement to CO's decision report. This was based on the fact that the CO had taken extracts from the investigating officers report word for word, but did not really give the true conclusion or the recommendations given by the investigating officer. The investigating officers report contradicted it self and was not logical in places. In certain area's it related to other personnel's chronology that was written to read my husbands. The report contained copies of signals that the ship received on the 7th February, upon inspection of these copies the signals were not sent until the 18th February after the event. The report was flawed by human errors and these errors where listed in my husbands disagreement to CO's Decision.

On 3rd October the Complaint Resolution Agency confirmed that they received my husbands disagreement report, and expected it to be put before the Chief of Navy at the end of October.

On the 14th November my husbands Commanding Officer confirmed that a case officer had been appointed for review, and the complaint agency would advise at least every 60 days.

On the 2nd February my husband was contacted to attend a Captains Table held at HMAS Kuttabul on the 5th February and given the Chief of Navy's determination report.

The Chief of Navy determination report contradicts the investigating officers report by admitting that Anthrax vaccination recording was not completed due to the evidence being destroyed at the time of vaccination. It also admits to the Anthrax vaccination program which required informed consent being presented to the crew, as voluntary was in fact mandatory. Senior Officers onboard were briefed in advance about the vaccination program but told not to notify the crew until they received explicit orders. It admits that there was no policy in regards to non-consenting Anthrax personnel but as now implemented one that could result in a review of employment in the Defence force if you do not consent to vaccinations. It admits that what was seen, as harassment by non-consenting personnel was in fact a senior officer looking into the future.

It as taken one year and over 400 pages of reports to get just a few truths as to how and why non-consenting Anthrax personnel where treated the way they were on board HMAS Kanimbla.

On the 12th February 2004 The Minister for Defence contradicted the Chief of Navy's determination and instructed the Navy to correct what appears to have been an error in their advise to my husband through the Chief of Navy's determination report.

After 12months of taxpayer's money being spent within the Defence force trying to obtain the truth one does not know who to believe.

The only way to complain within the Defence force is through the Redress of Grievance system, we have seen how this system conducts its investigations and chooses its determinations. This system should not be held within the Defence force but held by an independent body that way the outcomes will be true and final.

I trust you will find this in order meanwhile I remain

Yours faithfully

Janet Screator,