

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

SUBMISSION COVER SHEET

Inquiry Title: Effectiveness of Australia's Military Justice System

Submission No: **P44**

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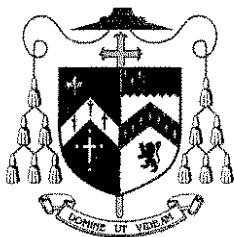
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BISHOP M. DAVIS A.M., D.D.
CATHOLIC MILITARY ORDINARY

5 March 2004

The Secretary
Senate Foreign Affairs, Defence and Trade References Committee
Suite 51.57
Parliament House
Canberra ACT 2600

Dear Secretary,

EFFECTIVENESS OF AUSTRALIA'S MILITARY JUSTICE SYSTEM

Having read in the media some of the released submissions to the Inquiry into the Effectiveness of Australia's Military Justice System, I am moved to make a submission about matters which the honourable Senators may find useful in their deliberations.

Allow me to preface my submission by an observation. The administration of justice is of paramount importance in caring for all the members of the society who are involved in the ministry of defence of the nation. It does not operate in a vacuum, and while it provides an objective administrative platform, it can not be isolated from a subjective effect.

I was a chaplain who served in the Royal Australian Navy for twenty four years, completing that service in 1998. While I am sure the Chaplains in the Australian Army and Royal Australian Air Force have similar experience, I can only speak with certainty about the Navy.

The Inquiry has already received submissions concerning some incidents of suicide. It saddens me to acknowledge that incidents of suicide are not a new phenomenon neither in society generally nor in the Australian Defence Force. I know that the RAN was concerned about suicide incidents in 1976 because I was part of a concerted effort to address the situation. Chaplains were at the forefront of developing a Suicide Awareness Programme designed to raise awareness of the situation, identify people at risk and the indicators that may be displayed, and educate about strategies and processes that can be employed to assist in prevention of suicide. A multi-skilled approach was used and, in conjunction with other health service professionals, a training package was developed for all levels of leadership/supervision training. I am delighted to note that the programme has been further developed over time and is now incorporated into Defence's Mental

Health Strategy. Several points can be drawn from the acknowledgement of this ongoing process and include an acceptance and concern for the value of human life, a focus on the preservation of the basic dignity of each person, the determination to assist members at times of extreme stress, and an expression of the commanders' commitment to the health and security of those for whom they accept responsibility.

The second matter I submit concerns the role of the uniformed Chaplain in the administration of the military justice system. Chaplains have a unique place in the defence forces. As they are uniformed, they are immediately identifiable as sharing in the whole complexity of uniformed service. Chaplains can easily relate across all barriers of rank and status while, at the same time, being immersed in that particular environment. With regard to incidents of suicide – whether the attempts are successful or not – Chaplains will identify three categories of victims. The obvious category includes the member at the centre of the incident and that member's immediate connections (family, workmates, immediate supervisors and those who are involved in the immediate response). Those in command are also victims. There may sometimes be a perception that commanders are not personally affected by the tragedy of loss of life or concerned for members in extreme stress. In my experience commanders are always deeply affected. The third category of victim includes those who knowingly or in ignorance contribute to the development of a climate in which a member feels so worthless, desperate or disempowered as to be driven to taking their own life as a solution. Each category must be considered separately and managed differently. Precisely because of the training, professional development and motivation, the Chaplain provides a professional resource that is immediately available to the defence community wherever they may be serving. The demand for chaplains is constant and is yet another reflection of the sincerity of the defence community to care for those who serve.

To attempt to respond to the terms of reference of this Inquiry about the effectiveness of a whole system of justice without giving serious consideration to the sincere and constant efforts made to address the subjective dimension would, in my view, be unbalanced and unworthy of the high trust the people of this nation place in the institution and members of the Senate. I acknowledge that it is precisely this subjective dimension which is the most difficult to access and adjudicate and yet it is probably the most important element in determining effectiveness.

Through you I would like to assure the members of the Committee of my hopes and prayers for a successful and effective outcome from the current Inquiry.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Bishop', written in a cursive style.

Bishop