

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

SUBMISSION COVER SHEET

Inquiry Title: Effectiveness of Australia's Military Justice System

Submission No: P66

Date Received: 25 July 2004

Submitter: Mr and Mrs A Hayward

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Date Authorised:

**FOR THE ATTENTION OF THE CHAIRMAN OF FOREIGN AFFAIRS, DEFENCE
& TRADE AND PARLIAMENTARY INQUIRY INTO THE EFFECTIVENESS INTO
AUSTRALIA'S MILITARY JUSTICE SYSTEM.**

25/7/04

Dear Sir.

Please accept our late submission into the senate inquiry regarding the military justice system. Our names are Wendy & Adrian Hayward and we reside at the above address.

Our dear son Private David James Hayward, army identification number 8296670 was recruited by the army as a rifleman on the 9/7/02 he completed the initial 6 weeks of training at Kapooka, before being transferred to the Singleton School of infantry late August 2002.

Whilst David was at Singleton and at the end of his 10 week training course he sustained a injury to his back, he slipped 3 metres from a rope onto the butt of his rifle, and was unable to complete the final 20 meters of the course, and at the beginning of November he was transferred the Holding Platoon.

David was in holding at the same time as Private Jeremy Williams. I can vividly recall him telling us about Jeremy's suicide and how Holding Platoon for the soldiers was a very negative place to be, drug and alcohol were wide spread, moral was very low and the men in holding were looked down upon by their fellow soldiers and those of a higher authority, We can also recall David telling us that stolen ammunition had also been found in Holding and that medical help was limited too.

We advised David to see a Chiropractor for help with his back injury, as we were concerned about the environment he was in, we were keen to see him fit again, David travelled to Newcastle to get this kind of care as little was available on base. The platoon was often under supervised.

However after such a huge set back, David did recover and began the course again from week one day one, on the 3/3/03 in Bin Bah Platoon, he finally completed the course and marched out from Singleton on the 6th June 2003 picking up the Most Outstanding Soldier award. Our son was then posted to 5/7 RAR Palmerston Barracks, Darwin. NT.



Christmas 2003, David came home on leave, he spent the first 2 weeks of his leave with us, then on the 1/1/04 decided to go to Perth and catch up with a fellow soldier PTE Trent Robert's. Both soldiers so we believe flew back to Darwin on the 14/1/04 to begin work.

However on the 19/1/04 for some unknown reason our son left Palmerston barracks and went back to Perth. David went AWOL. We did not have any knowledge of what had happened until on the 20/3/04 around 2.30 PM in the afternoon a local civilian policeman by the name of Constable Greg Peart came to our home and inform us of the shocking news that our son David had been found deceased in Perth, David had committed suicide.

The Policeman was shocked and astounded that we had not been advised by the Australian Army, regarding our son being AWOL for 2 months, in all that time no effort whatsoever had been made by the defence force to contact us. When a military member goes AWOL, we have been told in writing by Major General Frank Robert's Acting Chief of Army, that we should have been contacted (not 2 months) and that the army do have procedures but these were never followed and an oversight occurred. David was 20 years and 4 days old when he died and we strongly feel that this would not have happened if only the correct military procedures had taken place, (this tragedy could have been so easily avoided.)

The army have employed a Colonel Paul Appleton to conduct an investigation on their behalf, there is also an investigation taking place by the Coroners Office in Perth, W.A. We were told that we could see a completed copy of the report by the 1/6/04. But because of a stand off between the Coroners Office and the military investigator over information which was required by the Coroner from the army, the army would not disclose the required information because of privacy laws. Colonel Paul Appleton had to seek permission from the Defence Minister to allow Coroner access to some of the army's evidence, which the Coroner needed, there is now a delay and the report we have been informed will be finished sometime towards the end of July.

These are some of the questions we need the answers to and help us with the terrible loss that has happened in our lives .

1)-Why we were never informed that our son had left Palmerston barracks over a period of 2 months prior to his death, During which time his belongings were retained in his room on lines, his mail was arriving, his wages were stopped and he was also recorded as being AWOL but only on base. ??????

2)-Why did the army not try to locate David. When he came home at Christmas the army organized his travel itinerary, it appears quite logical to us that one of the first things that should have taken place was to check the records of travel arrangements. It therefore would have soon become apparent that his last movements were to visit his parents.?????

3)-What were the circumstances to David going absent, he obviously intended to go back to work because he and Private Trent Robert's travelled back up to Darwin ??????

4)-Were the army fulfilling their duty of care to David, it appears to us they have let him and ourselves down badly ??????

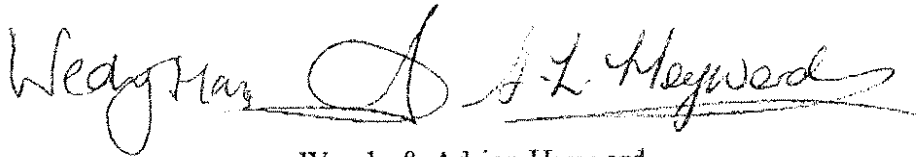
5)- Whether there was sufficient and accessible support services available to David before he went AWOL ??????.

6)- We ask ourselves why is the army allowed to investigate it 's own military failings surely it should be an unbiased independent body that carry out this task ??????.

We as parents are left with the grief and misery of the militarys incompetence the fact we were never notified that David was AWOL is downright diabolical. What kind of organization loses an employee and then neglects to find him ??? We were denied an opportunity to help our son because we were never made aware he was AWOL. We believe with out doubt that David's suicide could of been prevented if only we had the opportunity to help him, one 50 cent phone call from the army would have saved thousands of dollars and the grief that we are being put through now and for the rest of our lives.

We would like it to be recorded that we are both prepared to stand at any of the committee meetings and give evidence if the chairman feels our case is relevant to the Committees investigations into the above.

Yours Sincerely

A handwritten signature in cursive script that reads "Wendy & Adrian Hayward". The signature is written in dark ink and is positioned above the printed name.

Wendy & Adrian Hayward