The Senate

Standing Committee on Foreign Affairs, Defence and Trade

Reforms to Australia's military justice system

Third progress report

September 2007

© Commonwealth of Australia 2007

ISBN 978-0-642-71868-6

Printed by the Senate Printing Unit, Parliament House, Canberra.

Members of the Committee

Core Members

Senator Marise Payne, LP, NSW
Senator Steve Hutchins, ALP, NSW (Deputy Chair)
Senator Mark Bishop, ALP, WA
Senator Mathias Cormann, LP, WA (appointed 17 August 2007)
Senator Alan Ferguson, LP, SA (discharged 14 August 2007)
Senator Michael Forshaw, ALP, NSW
Senator John Hogg, ALP, QLD
Senator Sandy Macdonald, NATS, NSW
Senator Russell Trood, LP, QLD

Secretariat

Dr Kathleen Dermody
Committee Secretary
Foreign Affairs, Defence and Trade Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Phone: + 61 2 6277 3535
Fax: + 61 2 6277 5818
Email: fadt.sen@aph.gov.au
Internet: www.aph.gov.au/Senate/committee/fadt_ctte/index.htm

Table of contents

Members of the Committee iii

REVIEW OF THE IMPLEMENTATION OF REFORMS TO AUSTRALIA'S MILITARY JUSTICE SYSTEM 1

Background 1

Government's response to the committee's recommendations 1

Defence's first progress report and the committee's review of Defence's progress 1

Defence's second progress report 2

Defence's third progress report 2

Final Report of the Learning Culture Inquiry 4

The independence and impartiality of an investigator—Trooper Angus Lawrence 5

Defence Force Ombudsman's report on management of complaints about unacceptable behaviour 6

Fear of reprisal 7

Record keeping 8

Acknowledgments 8

ADDITIONAL COMMENTS BY LABOR MEMBERS OF THE COMMITTEE 9

APPENDIX 1
DEPARTMENT OF DEFENCE:
PROGRESS OF REFORMS TO THE MILITARY JUSTICE SYSTEM **15**

APPENDIX 2
DEPARTMENT OF DEFENCE:
ANSWERS TO QUESTIONS TAKEN ON NOTICE – 26 FEBRUARY 2007 **29**

APPENDIX 3
RECOMMENDATIONS TAKEN FROM THE COMMONWEALTH OMBUDSMAN'S REPORT AUSTRALIAN DEFENCE FORCE: MANAGEMENT OF COMPLAINTS ABOUT UNACCEPTABLE BEHAVIOUR, JUNE 2007 **65**