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SENATE

FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES
COMMITTEE

Reference: Effectiveness of Australia's military justice system

WEDNESDAY, 21 APRIL 2004

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SENATE
FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE

Wednesday, 21 April 2004

Members: Senator Hutchins (*Chair*), Senator Sandy Macdonald (*Deputy Chair*), Senators Hogg, Johnston, Marshall and Ridgeway

Substitute members: Senator Bartlett for Senator Ridgeway, Senator Chris Evans for Senator Marshall

Participating members: Senators Abetz, Boswell, Brandis, Brown, Carr, Chapman, Collins, Conroy, Coonan, Denman, Eggleston, Chris Evans, Faulkner, Ferguson, Ferris, Forshaw, Harradine, Harris, Knowles, Lees, Lightfoot, Mackay, Mason, McGauran, Murphy, Nettle, Payne, Santoro, Stott Despoja, Tchen, Tierney and Watson

Senators in attendance: Senators Bartlett, Chris Evans, Hutchins, Johnston, Sandy Macdonald and Payne

Terms of reference for the inquiry:

To inquire into and report on:

1. (a) the effectiveness of the Australian military justice system in providing impartial, rigorous and fair outcomes, and mechanisms to improve the transparency and public accountability of military justice procedures; and
(b) the handling by the Australian Defence Force (ADF) of:
 - (i) inquiries into the reasons for peacetime deaths in ADF (whether occurring by suicide or accident), including the quality of investigations, the process for their instigation, and implementation of findings,
 - (ii) allegations that ADF personnel, cadets, trainees, civilian employees or former personnel have been mistreated,
 - (iii) inquiries into whether administrative action or disciplinary action should be taken against any member of the ADF, and
 - (iv) allegations of drug abuse by ADF members.
2. Without limiting the scope of its inquiry, the committee shall consider the process and handling of the following investigations by the ADF into:
 - (a) the death of Private Jeremy Williams;
 - (b) the reasons for the fatal fire on the HMAS Westralia;
 - (c) the suspension of Air Cadet Eleanore Tibble;
 - (d) allegations about misconduct by members of the Special Air Service in East Timor; and
 - (e) the disappearance at sea of Acting Leading Seaman Gurr in 2002
3. The Committee shall also examine the impact of Government initiatives to improve the military justice system, including the Inspector General of the ADF and the proposed office of Director of Military Prosecutions.

WITNESSES

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Committee met at 9.08 a.m.

CHAIR—I declare open this meeting of the Senate Foreign Affairs, Defence and Trade References Committee. Today the committee will conduct its second public hearing into the effectiveness of Australia's military justice system. The terms of reference were referred to the committee on 30 October 2003 and the report is due to be tabled in the Senate on 5 August 2004. Copies of submissions from today's witnesses have been publishing by the committee and available from the secretariat.

The committee's terms of reference are very broad and relate to the effectiveness of the Australian military justice system in providing impartial, rigorous and fair outcomes and mechanisms to improve the transparency and public accountability of military justice procedures; the handling by the Australian Defence Force of inquiries into the reasons for peacetime deaths in the ADF, whether occurring by suicide or accident, including the quality of investigations, the process for their instigation and the implementation of findings; allegations that ADF personnel, cadets, trainees, civilian employees or former personnel have been mistreated; inquiries into whether administrative action or disciplinary action should have been taken against any member of the ADF; allegations of drug abuse by ADF members; and the impact of government initiatives to improve the military justice system, including the Inspector-General of the ADF and the proposed office of Director of Military Prosecutions.

The committee is also required to consider the process and handling of a number of investigations by the ADF into the death and/or suspension of individuals; and allegations of misconduct by members of the Special Air Service in East Timor. It is important for the committee to stress that, whilst it wishes to conduct its inquiry thoroughly and with fairness to all concerned, the committee does not intend to adjudicate on individual cases. Individual circumstances, however, as highlighted by the terms of reference, may be useful in assessing the broader issues which are the main focus of the inquiry.

Today's hearing is open to the public. However, I should warn the audience that the committee may ask for the room to be cleared to hear evidence in camera if a witness makes that request and the committee agrees. The committee prefers as far as possible to hear evidence in public. I should point out that the hearing of evidence in camera does not preclude its later publication by the Senate or by the committee, but witnesses should be advised of such action in advance. Witnesses are reminded that the evidence given to the committee is protected by parliamentary privilege. It is important for witnesses to be aware that the giving of false or misleading evidence to the committee may constitute contempt of the Senate.

With regard to the public hearing, if the committee has reason to believe that the evidence about to be given may reflect adversely on a person, the committee will immediately deliberate in private session and give consideration to the hearing of that evidence in private session. Examples of adverse reflection on a person would include allegations of incompetence, neglect, corruption, deception or prejudice. The committee is bound by the procedures laid down in the parliamentary resolutions of the Senate to provide an opportunity for response to such allegations of an adverse nature. It would be most unfair and contrary to the spirit of privilege resolution if specific allegations were discussed in a public forum.

Where a witness gives evidence reflecting adversely on a person, and the committee is not satisfied that the evidence is relevant to the committee's inquiry, the committee shall give consideration to expunging that evidence from the transcript and forbidding the publication of that evidence. The media should check with the committee as to whether any evidence given today has been expunged from the record, as the use of expunged words would not be covered by parliamentary privilege. If adverse evidence is given and not expunged, the committee will provide reasonable opportunity for that person to have access to the evidence and to respond to that evidence by written submission. A request to appear before the committee will also be considered. The committee wishes to strike a fair balance between receiving legitimate information that will enable it to fulfil its terms of reference and receiving information that may prejudice individuals. Witnesses will be invited to make a brief opening statement to the committee before the committee embarks on its questions.

I would like to note the assistance of the Defence Community Organisation and chaplains throughout the committee's inquiry. Officers of the DCO and chaplains are available for defence personnel and their families, should the need arise. I would also like to make a statement on behalf of the committee in relation to individuals who have made submissions to the inquiry. It has been drawn to the committee's attention that, since the announcement of the committee's inquiry, representatives of Defence have contacted a number of potential and actual submitters to the inquiry. Whilst Defence may have had good reason to contact these people, the committee has sensed some perplexity, even anxiety, from those approaches, some of which have occurred after long periods of little or no contact.

The committee is aware that, following the announcement of the committee's inquiry, the ADF established a Senate task force to facilitate the inquiry and assist those members of the defence forces that wished to make a submission. The committee understands that such assistance has extended to the ADF offering to cover the travelling expenses of members to meet with the committee, and the like. However, the communications that the committee is now aware of go beyond such contact to family members of former defence personnel and people who had not, at the time of contact, made a submission to the inquiry. The committee is concerned by such actions. They may give rise to claims that Defence is attempting to influence the level of engagement those people have with the inquiry. Such an attempt would be in breach of Senate rules and may be a contempt of the Senate. It would be unfortunate if Defence, even if unwittingly, was perceived to be seeking to influence the witnesses to this inquiry.

[9.14 a.m.]

CAMPBELL, Ms Maria Bernadette, (Private capacity)

CAMPBELL, Mrs Susan, (Private capacity)

CHAIR—Welcome. Mrs Campbell, we have received your submission as No. 48. Do you have any alterations to that submission?

Mrs S. Campbell—There are no alterations.

CHAIR—Thank you. Do you understand the remarks about parliamentary privilege and adverse comment?

Mrs S. Campbell—I do.

CHAIR—Do you have any questions?

Mrs S. Campbell—Not immediately.

CHAIR—I now invite you to make an opening statement, which will be followed by questions from the committee.

Mrs S. Campbell—I welcome the opportunity today to be able to access a degree of redress in respect of the events surrounding the loss of my daughter, which has been denied to me up to this time. As such, I thank all senators and all people concerned in organising this opportunity for an ordinary person to have the most extraordinary circumstances in their lives brought to public scrutiny. Thank you.

CHAIR—Would you like to say anything else in your opening statement?

Mrs S. Campbell—No.

CHAIR—Ms Campbell, would you like to say anything?

Ms M. Campbell—No, other than to thank you for the opportunity to have our say.

CHAIR—We will start off with some questions. Since the inquiry began, have you been contacted by anybody from the Defence Force?

Mrs S. Campbell—Yes, I have. I was contacted by Air Marshal Houston a few days ago.

CHAIR—Were you asked any questions about your submission or your appearance as a witness?

Mrs S. Campbell—Not at all. I received a very personal letter. It could be tabled if necessary but I believe it is a personal letter and I accept it as such. It is a personal letter regretting the circumstances of Eleanore's death and in no way alludes to any other processes.

CHAIR—Thank you.

Senator CHRIS EVANS—We appreciate your coming before the committee today. I understand that Air Marshal Houston has written to you. Are you aware of the evidence he gave on the first day of the committee hearing?

Mrs S. Campbell—I am.

Senator CHRIS EVANS—I wanted to make sure. I know you have pursued your concerns about the death of your daughter through a number of channels. I know that, for instance, there was a human rights commission inquiry. By way of update, could you tell us where those investigations and inquiries are at so we have a sense of the other processes?

Mrs S. Campbell—Yesterday I was at a directions hearing of the Anti-Discrimination Commission. A preliminary hearing date has been set down for 29 July in respect of jurisdictional issues. Other matters have been dealt with and that will be the first of the statutory processes to be put in process. The Human Rights and Equal Opportunity Commission have not provided me with the report which I was advised would be made available in January. It is now three years since I made that complaint to HREOC, and I have subsequently sent an email this week asking for an update.

Senator CHRIS EVANS—They made a preliminary report.

Mrs S. Campbell—They have come down with a preliminary finding.

Senator CHRIS EVANS—I have seen that. You are waiting on the final report, are you?

Mrs S. Campbell—I am waiting on the president's report to be tabled.

Senator CHRIS EVANS—They have been promising that for a while.

Mrs S. Campbell—Yes, most certainly.

Senator CHRIS EVANS—Let me ask you about your experiences of getting responses from the military and the minister's office in relation to this. I have read your submission closely but I just want to be clear. In terms of your involvement with Defence following your daughter's death and getting answers and feedback, could you just take us through the process of how you felt that system worked? You have expressed your frustrations about that, but could you take us through those issues from your perspective?

Mrs S. Campbell—Because I was not provided with any direct contact from Cadet Corps here, having to approach the defence department made my efforts to seek information harder

because I had to go through the process of freedom of information. Obviously I had time frames that had to be contended with then.

Senator CHRIS EVANS—So what did you formally get from the defence department following Eleanore's death?

Mrs S. Campbell—Nothing.

Senator CHRIS EVANS—So you then sought to make your own inquiries through freedom of information access?

Mrs S. Campbell—From the time of Eleanore's death my only contact with the defence forces was at her funeral. I received a letter from the wing commander of the Cadet Corps expressing condolences and then nothing until the end of January 2001 when I approached the wing commander to review Eleanore's file. I was never at any time given any access to information at a local level without my having to drag it out of them. I do not think that quite answers the question but perhaps if you could—

Senator CHRIS EVANS—Sure. After you started making inquiries about access to Cadet Corps records et cetera, and you pursued that under the Freedom of Information Act—

Mrs S. Campbell—Yes.

Senator CHRIS EVANS—I gather that at some stage you wrote to the Prime Minister and Minister Hill?

Mrs S. Campbell—I have written to the Prime Minister, Robert Hill, Brendan Nelson, the Attorney-General here in Hobart, the Commissioner for Children, the Commonwealth Ombudsman—and I cannot remember—

Senator CHRIS EVANS—What responses did you get from the ministers and/or from the defence department?

Mrs S. Campbell—It took six months. Brendan Nelson never acknowledged the letter. The Prime Minister sent the letter on to Senator Robert Hill and we never even got a response from Robert Hill until after media exposure.

Senator CHRIS EVANS—In terms of their responses, did you ever get a report from the defence department or from Senator Hill about Eleanore's case?

Mrs S. Campbell—No, never. The investigation that was conducted into the administrative processes surrounding Eleanore's death was as a result of the military justice audit. I had put a submission into with Mr Justice Burchett and he subsequently tabled that with ADF in Canberra and within three days of him going back to Canberra the terms of reference were drafted.

Senator CHRIS EVANS—So before that there had not been any official investigation?

Mrs S. Campbell—Nothing, absolutely zero.

Senator CHRIS EVANS—And when Mr Burchett then referred that for investigation, who did the investigation?

Mrs S. Campbell—Group Captain Stunden.

Senator CHRIS EVANS—Did you receive a copy of his report?

Mrs S. Campbell—I did.

Senator CHRIS EVANS—When did you get that? I do not need an exact date.

Mrs S. Campbell—I do not know the exact date, but it certainly was not withheld from me. It was very close to the time it was given to the ADF in Canberra.

Senator CHRIS EVANS—So you had reasonable access to that once it was finalised.

Mrs S. Campbell—Yes.

Senator CHRIS EVANS—What was your response to that report?

Mrs S. Campbell—I was not asked to respond in any way.

Senator CHRIS EVANS—What was your response in a more personal way? How did you feel about the report? Did you feel that it dealt adequately with the issues?

Mrs S. Campbell—I felt overwhelmed that the report contained things that I had not seen and had not known about, such as a letter which had apparently materialised in the final report but which had never been alluded to in any of my conversations with local people. The letter was purportedly written by a concerned parent. It was not signed or dated but it was sent to the appropriate person in the Cadet Corps. I would never have even known who that appropriate person was as a parent of a cadet. Somehow this letter turns up in the report. I have grave concerns about the veracity of that letter.

Senator CHRIS EVANS—Following the group captain's report, though, what did you resolve to do? You mentioned the letter and not having had access to that before, but did you feel that that dealt adequately with the issues?

Mrs S. Campbell—Not at all. There were certain findings, one of which was glaring: that Eleanore had been victimised. That sent quite a clear message to me that the issue must be pursued. The prime recommendation that came out of that was that the wing commander should be stood down with a view to terminating his services and for two other official people to be counselled.

Senator CHRIS EVANS—The thing that strikes me most about this is the fact that you were not invited to be present when Eleanore was being disciplined or spoken to in the Cadet Corps. You have expressed that concern. Is the heart of the issue the fact that there was no representation for a 15-year-old?

Mrs S. Campbell—That is one of the issues which come to mind now. I must say that we are dealing with this nearly 3½ years after Eleanore's death and there is probably a little bit more clarity in my approach than there was then. I see things that ought to have been addressed in various submissions that I made to various statutory authorities. I believe that what I should be really saying to this committee is that we are dealing with the judgment of a 15-year-old and with actions which were potentially criminal and were covered up.

Senator CHRIS EVANS—Are you aware if any action was ever taken against the person alleged to have had a relationship Eleanore?

Mrs S. Campbell—No. I have not been privy to anything.

Senator JOHNSTON—Ms Campbell, may I extend to you my sincere condolences and sympathy, and I am sure I speak on behalf of all the committee, on your very grave tragedy. Thank you for attending this hearing and for making your submission. I know it must be very difficult for you to go through the detail again. One of the things that worries me about this is that—and I am not sure that you know—in order to be a member of the Australian Defence Force there is a degree of psychological evaluation and also a degree to which the Defence Force keeps track of events in members' lives. They know what their members are going through in terms of turbulence in so many ways. We know that there was this so-called relationship with a fellow member of the corps. In the documents you have provided, Dr Sale adverts to some liability and causation with respect to Eleanore's death, over 50 per cent to the Cadet Corps administration matter that is before us. I am told that her grandfather died a short time prior to this, I think it was July 2000—correct me if I am wrong—and she attended the funeral in full dress uniform. So she was an extremely committed member of the defence corps. What else was there that was in her life at this time? Did she suffer from depression?

Ms M. Campbell—No, she did not suffer from depression. My mum had been in a previous relationship and there were some family issues being dealt with at that time.

Senator JOHNSTON—What time are we talking about—October-November 2000?

Mrs S. Campbell—No.

Ms M. Campbell—It had been ongoing for the 2½ years prior. It was around that time.

Mrs S. Campbell—I think we need to clarify that.

Senator JOHNSTON—I note that one media report—and I can tell you that I am certainly not one who believes media reports—suggested that she had previously attempted to take her life. Is that the case?

Mrs S. Campbell—There was a previous incident in June 1998 when Eleanore was being looked after by her father and I was in Sydney. I was advised that she had taken an overdose of voltaren tablets. Her brother took her to the hospital. I am not sure whether that constituted a suicide attempt. Bear in mind that I was not even in the house and do not know the circumstances. She was in the care of her father, who I subsequently separated from because of domestic violence.

Senator JOHNSTON—That opens up a whole new issue, but let us leave that for the moment. As a result of the hospitalisation—

Mrs S. Campbell—She was never actually hospitalised. She went to A&E and was released that evening.

Senator JOHNSTON—My understanding of what happens when you do that is that there is some psychiatric follow-up.

Mrs S. Campbell—She was treated or given counselling at the Tamarind Centre in Darwin, which was a youth facility.

Senator JOHNSTON—Over what period was that?

Mrs S. Campbell—From June-July for about three months.

Senator JOHNSTON—What year are we talking about? Are we talking about when she shifted to Tasmania?

Mrs S. Campbell—No.

Senator JOHNSTON—So she was still in Darwin?

Mrs S. Campbell—Yes, we were still in Darwin.

Ms M. Campbell—It was prior to the move to Tasmania in September 1998.

Senator JOHNSTON—So you moved to Hobart in September 1998 and it was prior to that in 1998. I take it that she saw a psychiatrist.

Mrs S. Campbell—She saw a psychiatrist and he made a diagnosis that she was not clinically ill but she was depressed.

Senator JOHNSTON—So she was depressed?

Mrs S. Campbell—She was depressed at that time. As I said, there was family violence.

Senator JOHNSTON—Were there any prescription drugs ordered?

Mrs S. Campbell—None at all, ever.

Senator JOHNSTON—Had there been any other events with respect to depression that you can look to that, were she to be questioned about her health, might have been something that the Defence Force would have taken some interest in? For instance, were there any other attempts on her life, any depression, any self-harm or anything like that?

Ms M. Campbell—With all due respect, she was a 15-year-old girl going through hormonal changes. She was moody.

Senator JOHNSTON—She was moody?

Ms M. Campbell—She was moody, but that happens when your hormones change. If that counts as depression—

Senator JOHNSTON—I accept that. What I am looking to understand is whether there were any signs or hints. Because this committee needs to look at the level of framework that the Cadet Corps in this instance has in terms of when cadets come to a military discipline environment and needs to look at how we handle children in those circumstances. I am interested to know if there was any more that could have been known about Eleanore.

Mrs S. Campbell—No, not at that time. At the time of Eleanore's enlisting here in Hobart, nothing at all stood out that differentiated her from any other adolescent cadet. She was full of passion and interest, and she was wanting to get back into cadets. I actually have a photo, probably the most recent photo—one of the last photos—of Eleanore. I will submit it now to the Senate. It is Eleanore receiving the trophy from the Lord Mayor of Hobart for singing at the eisteddfod in Hobart. That was two months prior to Eleanore's death. I think if anybody were to look at this photograph they would see a child who is so exuberant, so full of life and so proud. I will table that if I may.

Senator JOHNSTON—The reason I ask these questions is that it is quite extraordinary that a practitioner, asked to adjudicate a percentage on causation, as Dr Sale has—

Mrs S. Campbell—With respect, it is not.

Senator JOHNSTON—No, that is right. He uses the term '50 per cent', and I am interested to know—because I was not at the coronial hearing and I am not privy to all the evidence that was put before the coroner—what other matters there were that prompted the use of '50 per cent'.

Mrs S. Campbell—I am somewhat stunned that you keep on asking about a quantum. Medicolegal insurance is always asked about quantum. This was medicolegal.

Senator JOHNSTON—This was a psychiatrist's evaluation of causation in terms of the death, which—

Mrs S. Campbell—Yes, but he was providing a medicolegal report.

Senator JOHNSTON—Sure. For him to say 50 per cent implies that there were other matters in the child's life at the time.

Mrs S. Campbell—Yes, there were; there are matters in everybody's life. At any one time, some of those matters may converge and they may impinge and form quite a substantial amount of pressure, and that may give rise to a higher categorisation. However, Eleanore, at the time she was directed to bring her uniform in and was discharged, had just been promoted to sergeant and

there was nothing in her life. I know there is some mention of Eleanore having gone to Darwin to give evidence against her father in respect of the domestic violence issue.

Senator JOHNSTON—Can you tell me when that was?

Mrs S. Campbell—It was on 25 October, because it was Maria's birthday and it was the last time that Maria saw Eleanore alive. The fact she went to Darwin to give evidence against her father is immaterial in terms of the consequence, because she never did give evidence against her father. The hearing was adjourned and, by the time it came back in the papers, Eleanore's testimony was struck out because she was dead. So she never at any stage was asked to give evidence. She never took the stand.

Senator JOHNSTON—Did she travel to Darwin?

Mrs S. Campbell—She did travel to Darwin. She stayed with me at Mirambeena Resort and she saw her sister.

Senator CHRIS EVANS—I am certainly sure that Senator Johnston has a better understanding of these issues than I have, but I think it is important that we do not go into the family law dispute in the sense that we do not want to open up those issues.

Senator JOHNSTON—I do not want to open up those issues; I just have a couple questions.

Senator CHRIS EVANS—I mean in terms of any commentary about that.

Senator JOHNSTON—Certainly.

Senator CHRIS EVANS—We do not want to have to deal with a right of reply.

Mrs S. Campbell—I can take further questions in respect of that?

Senator CHRIS EVANS—I just mean that we do not want to have to deal with the issues about who said what about the family law issue. I am not talking about Eleanore. I do not want to go into that.

Mrs S. Campbell—Neither do I.

Senator CHRIS EVANS—That would open a whole range of issues for us that will not help.

Senator JOHNSTON—I do not want to go into those issues either, but I do want to get some sort context as to what was in the child's life at this time. She was in Darwin to give evidence against her father. Was it an assault matter?

Mrs S. Campbell—It was about a number of assault matters.

Senator JOHNSTON—What was the substance of the complaint? Was the assault upon you?

Mrs S. Campbell—It was only upon me.

Senator JOHNSTON—So she was giving evidence.

Mrs S. Campbell—By her choice.

Senator JOHNSTON—She was giving evidence by her choice in a criminal matter involving her mother and her father.

Mrs S. Campbell—Yes.

Senator JOHNSTON—Did you actually meet Group Captain Stunden to discuss these various matters?

Mrs S. Campbell—I met Group Captain Stunden, but I have no recollection of discussing or not discussing these matters with him.

Senator JOHNSTON—Did he not ask you about any of the substance of what we have just discussed in relation to the court case or the previous diagnosis of depression?

Mrs S. Campbell—I do not believe so. If he had asked, I would have told him. With respect, there was no intention on my part at any time to veil a domestic violence issue to cloud what you mentioned as liability. I have never, ever tried to do that.

Senator JOHNSTON—I have certainly made no allegation.

Mrs S. Campbell—If I could perhaps be heard in respect of this one matter: at the time of my separation from my husband because of the domestic violence I also had a workers compensation mental injury claim afoot. I disclosed my domestic violence situation totally. So if at any stage I had been asked I would have provided that information.

Senator JOHNSTON—I have no doubt that you would have done, but the part I am interested in is that you were not asked. It is a question of whether that is important and material and whether it provides a more complete picture.

Mrs S. Campbell—It may have. May I ask a question in respect of ADF process? You alluded to the fact that the psychological make-up of the members of the ADF is of interest to its commanders. I am not aware that any psychological profiling is done on cadets to determine their suitability for cadet life and a future career.

Senator JOHNSTON—That is the point I am making. Do you think there should be?

Mrs S. Campbell—No, I do not. I believe we need to take people as we find them.

Senator JOHNSTON—You received a copy of Group Captain Stunden's report.

Mrs S. Campbell—I did.

Senator JOHNSTON—You attended the coronial inquest into the matter. The coroner relied upon that report to some extent, did he not?

Mrs S. Campbell—I do not know. I think perhaps that I need to clarify the coronial process that went on, which was basically collecting the information through the coroner's clerk. At no stage did I meet with the coroner.

Senator JOHNSTON—No. Did anybody investigating on behalf of the coroner speak to you?

Mrs S. Campbell—The coroner's clerk provided the file to the coroner.

Senator JOHNSTON—Were you interviewed pursuant to any inquiry conducted by the coroner?

Mrs S. Campbell—I provided a statement to the coroner.

Senator JOHNSTON—May I ask whether in that statement you canvassed these other issues that we have been discussing?

Mrs S. Campbell—Yes, I did.

Senator JOHNSTON—Was there any follow-up to ask you any further questions about those issues?

Mrs S. Campbell—Yes, the coroner's clerk—not the coroner directly—approached me on a number of occasions. So that may have been procedure rather than inquiry.

Senator JOHNSTON—With respect to the events since the Chief of Air Force has been involved in this matter, have you personally been satisfied with the way he has handled the matter? Has he spoken to you personally?

Mrs S. Campbell—He has.

Senator JOHNSTON—On how many occasions?

Mrs S. Campbell—Today.

Senator JOHNSTON—On any other occasion?

Mrs S. Campbell—No.

Senator JOHNSTON—Has he written to you?

Mrs S. Campbell—Yes.

Senator JOHNSTON—What did he say to you?

Mrs S. Campbell—Would you like me to table the letter?

Senator JOHNSTON—It is entirely up to you.

Mrs S. Campbell—I will table the letter because I think that speaks for itself far more than my words.

Senator JOHNSTON—Briefly give us a snapshot of what you understand the letter to say.

Mrs S. Campbell—I understand the letter to be the sentiments of a sincere and humane person who is deeply aggrieved by the events.

Senator JOHNSTON—You had some support, I believe, from various Air Force people qualified in social welfare. March might have been the first time that you—

Mrs S. Campbell—Yes, I have met with and have been supported by two people here today. However, I put that in context: at no stage was I offered anything.

Senator JOHNSTON—What did you wish to be offered?

Mrs S. Campbell—I would have thought that, under the circumstances, at the very least the Air Cadet Corps or its chaplain would have come to see me after Eleanore's death. Everything has happened as a result of an action on my part.

Senator JOHNSTON—What was that action?

Mrs S. Campbell—Every reaction has been because of my action or reaction.

Senator JOHNSTON—So your complaint is that no initiative was disclosed on a compassionate basis by ADF to console you and consult with you without your initiation of it.

Mrs S. Campbell—That is one issue. The fact that it occurred is my primary issue.

Senator JOHNSTON—All right. Let us stay with this for the moment, if I may. You have mentioned the chaplain. Is there anything else you think would have been appropriate? We have to make some recommendations, and this is very valuable information to us as to what, in your grief, you would have perceived to have been responsive on the part of ADF.

Mrs S. Campbell—I really do not know that I can express any more. From where I sit, the fact that Eleanore took her life in utter despair because of directives given to her leaves me feeling that certainly at the time I just did not know what anybody could offer us.

Senator JOHNSTON—We are three years down the track, and you have mentioned your human rights application. Do you have any other matters currently on foot?

Mrs S. Campbell—There is the Anti-Discrimination Commission legislation in Tasmania, which is yet to be tested in respect of jurisdiction. However, I believe that I may be able to

resolve that quite satisfactorily. The Commissioner for Children has come down quite clearly in its criticism of Air Cadet Corps because at no stage was the Commissioner for Children, who has carriage of the International Convention on the Rights of the Child, provided with information upon request.

Senator JOHNSTON—But you have brought your matter to the forefront of their mind?

Mrs S. Campbell—Yes.

Senator JOHNSTON—What else have you done with respect to seeking some remedy? Correct me if I am wrong but I take it that money is not an issue here. From my limited experience I know that with Eleanore having no dependents means the liability issue is going to generate direct costs. What redress are you seeking with your actions? What are you seeking to achieve?

Mrs S. Campbell—I have only one level of compensation left and that is monetary. That is all I have left. However, I received \$4,445 from military compensation nine months after Eleanore's death. In order to get that, there had to be a ministerial decision made by the person acting for military compensation because that person was not given any information from Cadet Corps with which to make any other decision. That information was refused her. Therefore, she made a decision as the minister's agent.

Senator JOHNSTON—So it was virtually an ex gratia payment.

Mrs S. Campbell—No, it was not an ex gratia payment.

Senator JOHNSTON—But it was a payment that was not strictly in accord with the guidelines.

Mrs S. Campbell—It was strictly in accordance because she was the minister's delegate.

Senator JOHNSTON—And she has the authority to exercise discretion?

Mrs S. Campbell—She had the authority to make that payment so therefore it was not ex gratia.

Senator JOHNSTON—What about the flow of information concerning this matter? You were given the report, as we have said. Was it Air Commodore Cole who provided you with the report?

Mrs S. Campbell—Yes. He sent it but I never met with him. It arrived by mail.

Senator JOHNSTON—He sent it to you?

Mrs S. Campbell—Upon my request. I needed to request it first but, as I said, for every action there is a reaction.

Senator JOHNSTON—You had to request it?

Mrs S. Campbell—I had to request it.

Senator JOHNSTON—But when you did request it, he gave it to you.

Mrs S. Campbell—He did, in its entirety I believe.

Senator JOHNSTON—Are you aware of any other matters that are outstanding that you have not had any satisfaction on with respect to information, access to the files or anything like that?

Mrs S. Campbell—Yes, but I cannot recall them immediately. I would have to go back through my files, none of which I have here. As the committee knows, I have a common law action. I have filed a writ in the Supreme Court of Tasmania. But there were a number of requests under FOI for *Hot Issues Briefs*, which were not provided.

Senator JOHNSTON—Is the Supreme Court writ relevant to any of these matters?

Mrs S. Campbell—With respect, you did ask.

Senator JOHNSTON—I am sorry. I did ask and you did not mention it. Now I am interested to know what it is. What is that about?

Mrs S. Campbell—You asked what other issues there were.

Senator JOHNSTON—Sure.

Mrs S. Campbell—I have simply gone through the statutory processes—through the Anti-Discrimination Commission, the human rights commission, the Commissioner for Children and the Ombudsman. The Ombudsman provided their own motion. There is an own motion coming in in May. The only redress I have available to me is to file a writ against the ADF in the Supreme Court.

Senator JOHNSTON—And you have done that?

Mrs S. Campbell—I have done that.

Senator JOHNSTON—May I ask what the cause of action is?

Mrs S. Campbell—Could you be more specific?

Senator JOHNSTON—Are you seeking damages for the causation of the death of your daughter? I take it you are alleging negligence. You had a lawyer draw up that writ, obviously.

Mrs S. Campbell—I did. I probably could have done it myself, but I did have a lawyer do it. It is a tort of negligence. I am sure you understand.

Senator JOHNSTON—I do. So it is a negligence action in the Supreme Court of Tasmania?

Mrs S. Campbell—That is correct.

Senator JOHNSTON—And where is that up to at the moment?

Mrs S. Campbell—I have just filed my log of claim.

Senator JOHNSTON—Your statement of claim or log of claim?

Mrs S. Campbell—Statement of claim.

Senator JOHNSTON—So you have set out the factual matters.

Mrs S. Campbell—I have particularised, yes.

Senator JOHNSTON—And you have retained a solicitor to administer that court process?

Mrs S. Campbell—I have.

Senator JOHNSTON—Do you have any idea when that is likely to be heard—two years, three years?

Mrs S. Campbell—Possibly. It might be 40 years, like the *Voyager*.

Senator JOHNSTON—Do you have any other matters currently pending?

Mrs S. Campbell—I think I have covered most of them.

Senator JOHNSTON—Thank you. I have no further questions.

Senator BARTLETT—Thank you both for appearing today. I am sure it is not particularly easy. People have wanted to go into some of the forensic detail about the specifics. You have mentioned that you have an action before the court which will obviously make judgments about negligence or otherwise and make findings. That is not really the role of this committee in any case. What I see as the real value of people like you appearing today and making submissions is in trying to prevent other people going through what you have gone through. To me, it seems to break down into what could have been done differently to have prevented what happened and what could have been done differently afterwards. In simple terms and to reverse away from all the forensic detail, do you have a general view of what you think could have been done differently?

Mrs S. Campbell—Absolutely. I think the duty of care extends to the family. I think it is pivotal, whether you are dealing with a cadet or an enlisted person, that the duty of care nexus exists. Had Eleanore and I been brought together with commanding officers to review the allegations then I do not believe I would be sitting here today. So the inclusion of family in issues of minors is pivotal in any kind of justice.

Senator BARTLETT—In terms of some of the issues that have been mentioned in the previous line of questioning about possible other issues in her life—distress, depression or whatever—it seems to me it is a general statement that, whilst such things are obviously unpleasant and undesirable, they are not uncommon, sadly. I would also say that the Department of Defence would not be alone in being pretty poor in dealing with those sorts of issues that people are going through. Is there any broader statement you would like to make, perhaps because of some of the questions you have addressed this morning, about how things could be done better in working with any average 15-year-old who is going through the sorts of things that 15-year-olds go through?

Mrs S. Campbell—That is right. With respect, Senator, I think you have hit the nail on the head: typical children have what they see as atypical experiences at that moment. In order to better be able to cope with those, perhaps the same kinds of support mechanisms ought to be available to young people within the context of the Cadet Corps as would exist, for example, in the school that I teach at. I am with young people all the time, and I see students whom I refer to a social worker if I have a concern for their mental state. If that kind of connection were put in place for young people in the Cadet Corps then it would have to be something that that they were able to relate to and not simply some kind of counsellor. Maybe even a chaplain might be held in more regard than a counsellor or a social worker. I am really not certain what the entity would be called or how that would be constructed, but there is a very grave need for that vacuum to be filled.

Senator BARTLETT—Obviously it is everyone's desire and goal not to have situations like this happen but, even with the best will in the world, they can still happen. Is there any summarising comment you would like to make about how things could have been done better to deal with matters after your daughter's death?

Mrs S. Campbell—Do you mean summarising things because my time is up?

Senator BARTLETT—No. Do you have a general summary comment or an overview about how the situation, once it happened, could have been handled better?

Mrs S. Campbell—I believe that, if a human face had been put to the ADF, I may have separated in my mind earlier the Cadet Corps and its commanders from the ADF entity, which I had until this week considered in my own mind as one. It was not until last night when reading through General Cosgrove's submission again and reading through Air Vice Marshal Houston's submission that I saw more clearly a delineation.

Senator CHRIS EVANS—I have two questions. I am reading through your submission. You are firmly of the view that the Stunden report came about only as a result of your submission to the Burchett review. Had you asked for a report to be done before that?

Mrs S. Campbell—I had not asked for a report, but I had written letters to the wing commander here, to which there had been no response. I have my copies.

Senator CHRIS EVANS—So without the Burchett inquiry you do not think you would have got an inquiry into your daughter's death?

Mrs S. Campbell—Absolutely not.

Senator CHRIS EVANS—The time line, which you provide in your submission, refers to a letter from the Minister for Defence in March 2002. You may not be able to answer this now. If not, maybe you could take it on notice and get back to us. Was that the first time you had heard back formally from anyone in the ministry?

Mrs S. Campbell—I cannot be absolutely certain. I do not have a good filing system in my head. I am not trying to be facetious.

Senator CHRIS EVANS—I knew it was a difficult question.

Mrs S. Campbell—We did experience significant delays in getting information and that may well have been the case. I cannot be categorical about that. I am not trying to—

Senator CHRIS EVANS—I can ask the Minister for Defence.

Mrs S. Campbell—We wrote a number of letters. Maria is probably the better person to answer questions about administrative detail. She knows that I am not very good with paperwork.

Senator CHRIS EVANS—That has put the weights on you, Maria.

Ms M. Campbell—Several letters were written to various ministers. There were delays of anywhere between three to six months. I was following up at least every month for a response to our correspondence.

Senator CHRIS EVANS—The reason I ask is that the letter refers to the minister admitting:

To the extent that the actions surrounding the handling of Eleanore's suspension contributed to Eleanore's death is a matter of deep regret.

I was wondering whether that was the first acknowledgement or whether there had been an earlier acknowledgement.

Ms M. Campbell—That would have been the first acknowledgement.

CHAIR—One final question: had you been made aware of the anonymous letter from the parent, which formed part of the Stunden report?

Mrs S. Campbell—Not at all. It just materialised.

Ms M. Campbell—We had viewed Eleanore's file previously, back in February.

Mrs S. Campbell—Beginning of February.

Ms M. Campbell—February 2001. I saw the file, my Mum saw the file, Clifton saw the file and that letter never appeared when we viewed the file.

Mrs S. Campbell—It was not on the file. I find that letter most interesting. There is no date received on it. There is no attached envelope. There are no folds in the paper. There is nothing that would indicate that that letter has been through the system. If I were a concerned parent and I wanted an answer, I would be signing my name and I would be giving them a time line to respond in.

CHAIR—I think we all would. Thank you very much, ladies, for coming along today. It is very much appreciated.

[10.07 a.m.]

MUNDAY, Miss Melissa Ann, (Private capacity)

CHAIR—Welcome. Miss Munday, you are reminded that the evidence given to the committee is protected by parliamentary privilege. It is important for you to be aware that the giving of false or misleading evidence to the committee may constitute contempt of the Senate. With regard to the public hearing, if the committee has reason to believe that the evidence about to be given may reflect adversely on a person, the committee will immediately deliberate in private session and give consideration to the hearing of that evidence in private session. Examples of adverse reflection on a person would include allegations of incompetence, negligence, corruption, deception or prejudice. Where a witness gives evidence reflecting adversely on person and the committee is not satisfied the evidence is relevant to the committee's inquiry, the committee shall give consideration to expunging that evidence from the transcript and to forbidding the publication of the evidence. Miss Munday, your submission was received as No. 37. Do you have any alterations to make to that submission?

Miss Munday—No.

CHAIR—Do you understand the remarks about parliamentary privilege and adverse comment?

Miss Munday—Yes, I do.

CHAIR—Do you have any questions?

Miss Munday—No.

CHAIR—I now invite you to make an opening statement before the committee.

Miss Munday—Thanks very much for giving me the opportunity to come and speak to you all today. I joined the Royal Australian Navy in February 1995 as a marine technician. After 18 months of training at HMAS *Cerberus* I was posted aboard the HMAS *Westralia*, which was in refit in Newcastle, and that was in June 1996. I spent two continuous years aboard HMAS *Westralia* employed in the engine room. My main duties were maintaining machinery and working on diesel engines et cetera.

On 5 May 1998 a fatal fire broke out in the engine room where I was present. As a result four lives were lost. The fire happened on Tuesday. On the following Friday we had a memorial service for the four fatalities. I was approached on that day by some Navy lawyers and asked to come into the base the next day to give a statement for the purposes of the board of inquiry. I went in on the Saturday and gave my statement, which I have in my possession. It was subsequently changed several times before it was given to the board of inquiry, which is one of the main issues that I want to raise with the committee today.

In the days after the fire we were told by the senior hierarchy—pretty much the top brass—that anybody who was aboard the *Westralia* when the fire had broken out would not be made to remain on board the ship; we could get a posting off if we so desired. I put in numerous requests to be posted off *Westralia*. There are Navy signals that can prove that. After 18 months I was refused permission to leave the ship. I spent 18 months on the ship after being told that we could leave the ship. On the day of the fire my main duties were to hold a battle lantern over one of the fatalities, Bradley Meek. I was in the engine room performing duties for at least an hour and a half on that day, helping with the hose teams to fight the fire by holding a battle lantern over the deceased's bodies so that the hose teams could make their descent down the stairwell. Bradley Meek's body was found in the engine room and was relocated to a spot where the hose teams had to go down to make an entry into the engine room. Because his body was located at the bottom of the stairs the hose teams would have to walk around him to make their descent to fight the fire, so I was there to guide them and to shine a light on his body so that they would not step on him. As Bradley was lying there he was melting to the deck. After his body was removed there was an outline of body fat from his body, which was there for the 18 months I remained on the ship. The ship also smelt like burnt flesh. Putting up with that for 18 months was also quite hard.

In 2000 I was discharged from the Navy for disciplinary reasons. I tried to get discharged as having post traumatic stress disorder, which I had been diagnosed with by a psychiatrist that the Navy had sent me to after I had remained on board the ship for 18 months. He sent a recommendation straight away to the Navy to let me be discharged from the ship, which they did. They posted me to a different location. It was only six months later that I was discharged for disciplinary reasons. I was using illicit substances. When I went to see the psychiatrist in November 1999, before I was posted off HMAS *Westralia*, he had written a letter to the Navy to say that I had post traumatic stress disorder and that he would like to see me in two weeks to continue counselling. I was not told that by the Navy and I did not find out that I had to get counselling from that psychiatrist until I discharged from the Navy and I went through my medical file and found this letter.

In May last year I made a statement to the coroner of Western Australia, who was holding a coronial inquest into the four deaths on HMAS *Westralia*. I gave evidence that we were pressured by naval hierarchy to mislead the board of inquiry. From the statements made by one of the senior personnel, we were told that, if the civilian lawyers—the contractors—asked us that if we had worked on fuel systems on HMAS *Westralia* we should say no, because we were not qualified to do so, which was not correct. Also we were told that if we were asked whether we used certain tools, such as shifting spanners, on any systems, we should say no that we had not used those either, which was incorrect. There was not enough evidence to prove that at the time. Another witness came forward—it was on the *7.30 Report*—who also backed up my claims, and still there was not enough evidence to prove that we had been pressured by hierarchy to mislead the board of inquiry.

I am currently incapacitated from work 100 per cent. I am being paid incapacity payments by MCRS at the moment. I have been getting those since October 2001, and I am currently in the process of trying to get the payments backdated from the time I left the Navy to the time they began to pay me compensation, which is about 18 months. I have reports from psychiatrists who are all trying to show the Navy that I was incapacitated for that period, but I am not getting any joy at the moment, I am afraid. That is about the nub of it at the moment.

CHAIR—Thank you, Miss Munday. In parts of your submission you talk about being approached by naval lawyers—a female naval lawyer—in relation to your statement before the board of inquiry.

Miss Munday—Yes.

CHAIR—It is through her that you were communicated with that the hierarchy would not like you to say these things. Is that right?

Miss Munday—We had a meeting in the MCR. This was after I gave a statement to the board of inquiry.

CHAIR—What is the MCR?

Miss Munday—It is the machinery control room. It is a compartment within the engine room—a room within the engine room—which is away from all the noise. The petty officers can monitor the machinery—you have all the gauges and all the controls—and run everything without having to be in the engine room around all the noise. I did not actually bring that up with the lawyer. As I said, I gave the statement on the Saturday—four days after the fire occurred—and it was not until after I had given my statement that we were approached by hierarchy and told to say that when we went to the board of inquiry.

CHAIR—Hierarchy is the commanding officer of the ship or those officers on the ship?

Miss Munday—Officers of the ship. At the time I said I was pretty certain it was Lieutenant Commander Doug Crouch, who was the Marine Engineering Officer. He was the highest person in the engineering department.

CHAIR—Who held the meeting in the MCR and how many people were at that meeting?

Miss Munday—There were about eight people. As I said, when I went to the coronial inquest last year I could not say I was 100 per cent certain who the actual person was. I was 80 per cent sure it was Lieutenant Commander Crouch, but I was not 100 per cent sure. I thought, since it is a coronial inquest I want to make sure that I have it absolutely 100 per cent right before I say a name. As I said to them, I could not say 100 per cent who it was, but I was fairly sure it was him. There were a couple of other hierarchy there as well, like petty officers.

Senator SANDY MACDONALD—Has this information been conveyed to you by the legal officer who was taking your statement?

Miss Munday—No, I gave the statement to the legal officer on the Saturday, and it was the following week or the week after, when we got back from the funerals, that we were approached by the hierarchy. So I had already made my statement. It did not have anything in there about—

Senator SANDY MACDONALD—In your submission you said that there were parts of your statement about which you were advised, at the time you were making your statement, that they were perhaps inadvisable and should not be included. Secondly, you said that when you received your statement back parts had been left out.

Miss Munday—That is totally different. That was not the part about being approached about what we worked on et cetera. There is a little bit in there about that, actually, where she added that I was not allowed to work on the machinery and stuff. She left out a part about one of the people who got an award—she went into hysterics. When I was holding the torch on Bradley, she came down and saw him and went into hysterics and ran out. There was a lot of bad media about female sailors not being able to handle the situation very well. For days afterwards the press were quite critical about the females. I think they must have heard that there were a couple of females that had not coped with the situation very well. I believe that was why, when I told her, that she left that out of my statement. Then she removed parts about Bradley Meek.

Senator SANDY MACDONALD—Clearly other people gave submissions to the board of inquiry. There was only one interview that you had with respect to the board of inquiry. Is that right?

Miss Munday—Yes.

Senator SANDY MACDONALD—Clearly your colleagues, people of similar rank to you, gave submissions or were interviewed for the board of inquiry.

Miss Munday—Yes.

Senator SANDY MACDONALD—Did you discuss amongst yourselves what you had said to the naval legal officers?

Miss Munday—No.

Senator SANDY MACDONALD—Did they have a similar belief that what they said was tailored and that what was actually written was different from what had been said?

Miss Munday—We were not allowed to speak to anybody about our statements, and I did not speak to any other sailors about my statements. It has not been until the last two years that I have actually heard from other people that their statements were also altered. It has only been recently that I have found out that other people had had their statements altered as well.

Senator SANDY MACDONALD—You are alleging that your treatment was mirrored by that of those of similar rank.

Miss Munday—From what I have been told by other people, yes.

Senator SANDY MACDONALD—For the committee's information, what was the influence of hierarchy? You said you made your submission. At what time was the hierarchy influence brought?

Miss Munday—I gave my submission to the board of inquiry. The board of inquiry had not even started then. I went in and gave my statement, they had my statement in hand and we went away to the funerals and came back. It was then that we were told by our bosses. There was nothing in my statement about them asking us to mislead the board of inquiry. I did not say in my submission that we had been told by hierarchy to say that we had not worked on this

equipment. It was at a meeting we had had just before I gave evidence to the board of inquiry when they said to tell them, if we were asked, that we had not worked on any of the machinery.

Senator SANDY MACDONALD—This committee is looking at administrative faults and the ways we can improve things in the future. What is the core problem that you have with the way that you were treated over *Westralia*?

Miss Munday—Are we talking just about the board of inquiry or my own treatment generally?

CHAIR—More generally. You might wish to expand also—if Senator Macdonald does not mind me interposing there—about your request to be removed, how it did not occur and how it may have contributed to other aspects of what developed for you.

Miss Munday—Like I said, I put in several requests to be removed from the *Westralia* because I was kept on there to work in the engine room. We had to help the contractors to fix it up, clean up and everything. Ninety-nine per cent of the engineering personnel were posted off the *Westralia*, and there were maybe only three or four people left to stay there who had actually been there at the time of the fire, having to walk past the deck plates where you could actually see the outline of a person. I knew what it was and I was not actually allowed to tell anybody. We were told that all the new people that were posted on did not want to hear it—'Just get over it. Don't talk to them about it'—because a lot of people were not happy to be posted on board a ship that had had people die on it. We were basically told to keep it to ourselves.

I said at one stage that, if I were going to be kept on the ship, I really did not want to be in the engine room on the day they started the engine that blew up. I said I did not want to be in the engine room when they went to start that engine for the first time after it had been fixed. I said I did not feel very comfortable about that. That was noted but, on the day they came round to start that engine, I actually had to stand on top of the engine. After my requesting to not even be in the engine room on the day, they actually made me stand directly on top of the spot where the fire ignited. I was standing on it. That was another thing that really spun me out. I was really freaking out, having to do that.

I suffered from flashbacks when I was working in the engine room. I had a major panic attack once when a friend came out of a compartment and all I saw was just this charred body, which was the appearance of Brad when I was with him. That was when they finally decided to send me to a psychiatrist. This was 18 months after. I went to see the psychiatrist and he said, 'You've got PTSD.' He wrote a letter to the Navy saying, 'She has PTSD and she needs counselling. She needs to come to see me in two weeks. She needs to start on medication.' None of that happened. I began self-medicating with illicit drugs.

Senator JOHNSTON—Would you mind telling us what those illicit drugs were? You have been so candid; I am tempted to ask what sort of drugs they were.

Miss Munday—Marihuana and amphetamines. As a result of that I was discharged. I went and saw the same psychiatrist that the Navy had sent me to see.

Senator JOHNSTON—The military justice system worked very effectively with respect to the administration of justice to you on illicit drugs.

Miss Munday—Yes.

Senator JOHNSTON—But in terms of your justice it was very lethargic. Is that what you are saying?

Miss Munday—Absolutely. I went to see the same psychiatrist who I had seen before and who had written the letter to the Navy stating that I needed counselling. This was after I found out about the letter. I took the letter to him and he said, ‘Why haven’t you been to see me? This is why this has all snowballed.’ He made a decision that I had self-medicated and that if I had received the counselling and the medication that he had written to the Navy and said that I needed then most likely I would not have commenced using illegal substances and I would possibly not have been discharged from the Navy. In that letter to the Navy he also wrote that, for reasons unknown to him, I had elected not to go and see him after he had written to the Navy to say I needed counselling and that something needed to be done about me. I went back and saw a naval doctor and asked him why no follow-up appointment was made with the psychiatrist and why no appointment was made with me to say that they had received a letter from the psychiatrist and that I needed to go to see him in two weeks et cetera. That never happened. When I went and saw the doctors at HMAS *Stirling* they said, ‘There has been a stuff-up on our behalf.’ That was it. You cannot sue the Navy for negligence. I have been seeing a psychiatrist here in Launceston every month. He is separate from the one I saw in Western Australia. He has also written a statement to say that he believes I self-medicated as well. He also believes that the doctor at HMAS *Stirling* was directly negligent for not making a follow-up appointment and not telling me what the psychiatrist’s recommendations were at that time.

Senator JOHNSTON—Miss Munday, you were three years in when this fire broke out. You are a marine technician. Tell us about your qualifications. What is a marine technician?

Miss Munday—A marine technician works on the main machinery and the auxiliary machinery, which is the diesel generators and all the machinery and systems that go with that. Your role as an able seaman is to monitor the machinery. You go into the spaces and make sure that everything is topped up with oil and water and running at correct temperatures and pressures. You do four-hour watches—you have four hours on, eight hours off. If anything breaks down in between, which in the case of HMAS *Westralia* was all the time, you would work out of hours.

Senator JOHNSTON—Excuse my ignorance but what is the insignia that a marine technician has on his or her shoulder?

Miss Munday—It is a propeller.

Senator JOHNSTON—I have seen plenty of those. How many other women were on board with you?

Miss Munday—In the engine room?

Senator JOHNSTON—On the ship in total.

Miss Munday—It would have been about 25 per cent of the crew.

Senator JOHNSTON—I do not want you to relive this in too much detail, but I want to ask you about one aspect of this that concerns me. I take it you are standing at the bottom of that gangway, that access ladder, with your fearnought suit, your gloves and your flash protection on?

Miss Munday—Yes.

Senator JOHNSTON—How many other people were on this charged hose?

Miss Munday—I was not actually on the hose team itself, but I believe a hose team consists of four or five people. I actually made my entry into the engine room before the hose teams.

Senator JOHNSTON—Why did you do that?

Miss Munday—Because they had located Bradley Meek and they had moved him. They located him at the forward end of the top plates and they moved him to the aft end to try to get him out of the ladder into the engine room. There is only one entrance when you have a fire, so you go through these big doors and there is a ladder that goes down. It is about three metres long.

Senator JOHNSTON—Had the hoisting equipment, the block and tackle stuff, been installed at any stage here?

Miss Munday—No, not for that purpose.

Senator JOHNSTON—So there are some people in there, you are coming in to assist, the hose team has not arrived and you are in your fire prevention suit?

Miss Munday—Yes.

Senator JOHNSTON—Is the fire in that compartment or is it below?

Miss Munday—It is below.

Senator JOHNSTON—So the heat is on the floor?

Miss Munday—Yes, melting my boots.

Senator JOHNSTON—Hence the graphic description you have given us.

Miss Munday—That is right.

Senator JOHNSTON—For how long were you in that environment?

Miss Munday—I went through three OCCABA bottles. They are like scuba tanks—breathing apparatus. How long they last depends on how hard you are working, how hard you are breathing. I think I was in there for about 20 to 30 minutes each time.

Senator JOHNSTON—Each bottle?

Miss Munday—Yes, each bottle.

Senator JOHNSTON—So we are talking about an hour and a half?

Miss Munday—Yes.

Senator JOHNSTON—You say that all of the personnel, or most of the personnel, received a commendation for the work that they did in those circumstances?

Miss Munday—Yes, they did.

Senator JOHNSTON—I believe your visibility is down to virtually zero?

Miss Munday—Yes, it was.

Senator JOHNSTON—The only thing is that you are trying to put some light through the smoke so that people can see where they are going and what have you?

Miss Munday—Yes, that was my duty.

Senator JOHNSTON—No other women in this environment, I take it—you are the only one?

Miss Munday—The only one down there, until the lady from the hose team came down. She was the one who went into hysterics.

Senator JOHNSTON—She freaked out and left?

Miss Munday—Yes, and she subsequently got an award.

Senator JOHNSTON—Yes. When were the awards handed out?

Miss Munday—It was a fair bit afterwards. I cannot remember the actual date.

Senator JOHNSTON—Was it after you had given your evidence?

Miss Munday—Yes.

Senator JOHNSTON—So, in a nutshell, you say that there is a clear inference that you were punished because of your evidence and the way that you gave your evidence and did not play the game on what your seniors had directed you to do?

Miss Munday—I believe that the way the Navy had changed my statements to make it sound not quite so gory had a direct influence on the bearing of the awards in my case. A lot of the people who got awards were going to refuse to take theirs because they thought that I should be getting mine, and the other people who were not actually in the engine room at the time did not even know that I had anything to do on that day. So that was how much they had actually changed my statements. I actually have those here, if you would like a copy of them.

Senator JOHNSTON—I take it that is the first time, notwithstanding all of your training—and I believe you do a lot of training; I have seen a lot of it myself—that you have actually had a proper fire to fight?

Miss Munday—A big fire, yes. We have probably had several small fires aboard HMAS *Westralia* when I was—

Senator JOHNSTON—Where you have had breathing apparatus?

Miss Munday—Yes.

Senator JOHNSTON—Had you seen a dead body before that?

Miss Munday—No.

Senator JOHNSTON—Was there any counselling for you—and I know what happens to police officers out there in the community when they go to a traffic event—or discussion of your wellbeing after what you have described?

Miss Munday—The very next day—we got into port at about nine o'clock; it was dark when we pulled in—

Senator JOHNSTON—You were lucky to get in, I believe?

Miss Munday—Yes. We were told to come into work the very next day, which we thought was a little bit rough. We thought maybe they would have given us a day off to calm down after everything that had happened. We had to come in straightaway the next morning—I believe we had to start at nine o'clock—and the first thing we had to do was to empty the freezers that had held the dead bodies. They still had the blankets that had been covering the dead bodies in those freezers.

Senator JOHNSTON—What was the atmosphere with respect to that order?

Miss Munday—Disgust. Then they handed out ice-creams for people to eat that had been in that room.

Senator JOHNSTON—Did anybody voice their disgust about this order?

Miss Munday—I think we did amongst ourselves. It was all the junior sailors, being leading seamen and below, who emptied them out. We pretty much did not see any of the senior sailors.

Senator JOHNSTON—Who were giving the orders—petty officers?

Miss Munday—I do not know who actually gave the orders. It was not engineering's part of the ship so it was just an order that came down to everybody to assist with emptying them out. We formed a big chain which went from the ship to shore to remove the contents.

Senator JOHNSTON—You said that you wanted, I think quite justifiably, to transfer out because of this event and the fact that there were constant reminders of it for you. How many applications to transfer out did you make?

Miss Munday—Several.

Senator JOHNSTON—And you were told that it was perfectly legitimate to do that?

Miss Munday—Absolutely.

Senator JOHNSTON—What was the explanation given to you for why you were not transferred out? Are you such a good marine technician that you were so badly needed?

Miss Munday—Apparently so.

Senator JOHNSTON—Did they say that to you?

Miss Munday—We were told that there were no trained personnel left. Because everyone else had been posted off, there were only, as I say, half-a-dozen people left over. I was told: 'We have no trained personnel left. You have to stay here to train your relief.' A couple of times I broke down. I said, 'Look, I have to get off here.' I was told that evening: 'Yep, we've got you a posting. You're going to be going to Cairns.' I would go home and celebrate. I would come back to work and find the decision had been changed. I was actually told by the ex DMO, who is the second in charge in the engineering department, that a posting to a new ship had come up for me. He said, 'Well, when are you going to join?' I said, 'I haven't heard anything about it.' He apparently had been told that I was going to be posted to this ship. I do not know if he had seen a signal to say that I was going to be posted off, but that was also squashed before I even got to hear about it.

Senator JOHNSTON—Do you think it was legitimate that there were no other trained personnel such that you could be readily replaced? Is there some credence in that?

Miss Munday—I do not think so, because the ship was in refit. It was totally broken and burnt out. Most of the machinery had to be replaced. It had to be totally stripped down and overhauled. You could not actually teach people to work the machinery anyway because it was not running; it was all broken. So I could not see the justification of keeping us there to train people on machinery that you could not even use.

Senator JOHNSTON—So you were given no plausible explanation, to your understanding, as to why your request to transfer out had been delayed, lost or denied?

Miss Munday—Just two: the lack of trained personnel and no posting being available anywhere else. I do not have them with me, but I do have signals that say: ‘She requests leave. After counselling she has agreed to stay,’ and things like that.

Senator JOHNSTON—And you had not agreed to stay?

Miss Munday—No. Also, you should not have to be counselled if you want to leave after something like that has happened, especially after the top brass have said that you can go. It was counselling as in: ‘We don’t have any trained personnel. You’ve got to stay.’ That was my counselling.

Senator JOHNSTON—So you did not believe the reasoning they were giving you. Tell me if I am putting words into your mouth—I do not want to do that—but I take it that you did not believe or accept that you were so vitally necessary to the future of that vessel. What do you think was the motive in denying your application?

Miss Munday—I think they wanted to break me so hard that I would just—

Senator JOHNSTON—Why would they want to do that.

Miss Munday—I do not know. I was described as being a ‘smoking cannon’ by one of the top—I do not know if it was the Chief of Navy or somebody high up like that, at one stage.

Senator JOHNSTON—Were you making these requests in the face of, first of all, your statement? Do you think that had anything to do with it? Was it your response? Was it your attitude? Was it something arising from the fire that put everybody offside?

Miss Munday—I think it was my attitude. I was severely depressed too. We had a whole new crew of bosses who I was not getting along well with.

Senator JOHNSTON—So there was a compounding event. You were unhappy, and you were letting everybody know.

Miss Munday—Yes.

Senator JOHNSTON—You suffered from post-traumatic stress disorder, and these things were piling up on themselves such that nobody was giving you a fair go, in your view.

Miss Munday—That is right.

Senator JOHNSTON—And they were becoming annoyed and agitated with you?

Miss Munday—Yes, I think so.

Senator JOHNSTON—Were the four remaining engineering personnel, like you, being broken down—as you say—or did they actually want to stay? You must have discussed this with them. Tell us what their attitude was.

Miss Munday—I admit that in the first month I did want to stay. I actually went to do some submarine training straight after the fire, to join submarines. I canned that because of the way the Navy teaches you that you are a unit, you form this one tight little group and you do not divert from that through any outside influences.

Senator JOHNSTON—So for two months afterwards you actually wanted to stay?

Miss Munday—Yes, because it was my ship and it was my mates who died. I did not want to take the easy way out; I wanted to help fix it because our friends had died.

Senator JOHNSTON—Were you consulting the MO at that stage?

Miss Munday—No.

Senator JOHNSTON—The onset of these symptoms and things developed about two or three months down the track?

Miss Munday—Yes.

Senator JOHNSTON—Without being too personal, how did they manifest themselves? You had a panic attack—was that about that time?

Miss Munday—Yes.

Senator JOHNSTON—And you were dwelling over the outline of your deceased colleague on the floor of the engine room?

Miss Munday—Yes.

Senator SANDY MACDONALD—Ms Munday, do you want to answer that question further?

Miss Munday—I just want to make one comment. After I had been diagnosed with post-traumatic stress disorder I went to see the Navy psychologist on board. Just before I was discharged I went and did an advanced firefighting course on board HMAS *Westralia*. During that time we were asked to tell the teachers if we had any problems. I went and said to them: ‘I was on the HMAS *Westralia*, so if you see me starting to panic while I’m down there fighting the fires this is why. If that happens, pull me out because I don’t want to put anybody else in jeopardy if I start to have any reactions.’ I was told, ‘You’ll be all right; no problems.’ When I was performing one of the exercises, fighting a fire, one of the girls who was on the course with me started to scream. It brought back memories of the girl who had come down when I was holding the torch on Brad who screamed and went out—it sounded exactly the same. So after we had finished the exercise I said to the instructor: ‘I want to sit back for a bit. I don’t want to go straight into the next exercise; just give me 10 minutes to try to compose myself, because I’m spinning out.’ I was told, ‘If you don’t get your effing arse back in here now you’ll be discharged.’ I was threatened. Then I said, ‘I just can’t do this.’ I left the ground and went and called the Navy psychologist who I was getting counselling from. She came up to the fire ground

but before she got there I was physically dragged into a smoking compartment which had a simulated fire.

Senator JOHNSTON—They had set a smokebomb off in the compartment?

Miss Munday—Yes, and it had fire and everything. The instructor gave me a mask and said, ‘Put it on.’ I said, ‘I’m not going to go in there,’ and he said, ‘Put the fucking thing on.’ His boss came over, who was a chief—this was a PO—and said, ‘Stop it right now.’ He said, ‘Fuck off,’ and dragged me into this compartment. There were witnesses there. He held me there with the smoke and the flames.

Senator JOHNSTON—For how long?

Miss Munday—About five minutes. It was only a short period of time.

Senator JOHNSTON—What were you doing whilst you were in there?

Miss Munday—I was crying. He was saying to me, ‘It’s only a bit of smoke, a bit of disco lights, a bit of party smoke; it won’t hurt you.’

Senator JOHNSTON—So they thought they were actually doing you a favour?

Miss Munday—Yes. I said to him when I was in there, ‘It’s not this; it’s what in my head.’ The psychologist was there when I came out, and I was in tears and everything like that. She said to me: ‘You’re obviously not coping very well. You need to go to see the medical officer and say, “That’s it,” and be discharged. Get a medical discharge. You’re just not coping. You’re so depressed.’ I went and saw her, and she said to me that they could not give me a medical discharge because I had been posted off HMAS *Westralia* for disciplinary reasons. That was a lie, because I had been posted off HMAS *Westralia* because of my post-traumatic stress disorder, on the recommendation of a civilian psychiatrist. I said to her, ‘I don’t know where this story is coming from.’ It was on her file that I had been posted off for disciplinary reasons when it was actually through post-traumatic stress disorder. It was not until after that that I got caught for using drugs and everything, so I could not understand it.

Senator JOHNSTON—Let me bring this to some sort of culmination. What do you think is a fair thing? I do not want to speak on behalf of other senators, but I am very interested in your case. I think your situation is quite glaring. What do you think should have happened and what do you think should now happen?

Miss Munday—With regard to me?

Senator JOHNSTON—Yes.

Miss Munday—I believe I should have been posted off the HMAS *Westralia* on my first request to leave.

Senator JOHNSTON—I take it you think you should have been counselled?

Miss Munday—Definitely.

CHAIR—Miss Munday, when did you make that first request to go? After the fire—

Miss Munday—It would have been a couple of months afterwards. I can go back, request my personal file and send you all the signals that are on it.

Senator JOHNSTON—Was it when your symptoms began?

Miss Munday—It was not until at least 12 months afterwards that I actually received any sort of counselling, and that was when I was on a leading seaman course because I was getting promoted. The Navy psychologist came in to explain what their services were and I stood up and went berserk at them.

Senator SANDY MACDONALD—Is there anything that happened in your career before the fire that we should be aware of?

Miss Munday—I have nothing legal—

Senator SANDY MACDONALD—There were no disciplinary problems?

Miss Munday—Absolutely not.

Senator SANDY MACDONALD—All your problems flowed from the fire on *Westralia*?

Miss Munday—Absolutely. I was promoted to leading seaman in the very minimum amount of time. I had sat all my task books in a minimum amount of time. You get competency logs, and I completed my competency logs even before people who had been on board for three years longer than I had. I have a stack of character references that thick from my bosses on the *Westralia* to say: ‘She has excelled herself. She is a top worker and she is totally honest and totally reliable and has been promoted in a short amount of time. She’s going to go places.’ I believe I had a very bright future as a naval sailor ahead of me before this happened, and I believe that if they had posted me off the HMAS *Westralia* when I asked instead of keeping me there for 18 months I would have continued to further my career.

Senator JOHNSTON—We will come back to this, because I want you to continue this. How many people were transferred off? You said there were four left behind. How many engineering personnel were transferred off?

Miss Munday—Twenty-five.

Senator JOHNSTON—I think we have a fair idea of what should have happened and, indeed, of what should have caused the alarm bells to ring. What do you think would be a fair and reasonable outcome for you as of now if we were to say that your substance abuse was predictable and a direct result of this mismanagement? What do you think would be a fair outcome?

Miss Munday—I would like to be compensated—that would be nice—for the negligence of the doctor in not saying that I should go and get the follow-up treatment, but you cannot get any money out of the government for accident related injuries. You can only get payments for incapacity or permanent impairment.

Senator JOHNSTON—Which is what you have.

Miss Munday—Yes.

Senator JOHNSTON—But I would have thought the commendation would be something.

Miss Munday—Definitely. I do not want to stand here and say, ‘I deserve this—

Senator JOHNSTON—Everybody else around you got one.

Miss Munday—because everyone else got one.’ I would like my statements as they were and the evidence as it happened to be passed on to the appropriate people and for them to make a decision. If they say, ‘No, she didn’t deserve one,’ that is fine. I am not standing here and saying, ‘I want mine and I’m not going to stop until I get it.’

Senator JOHNSTON—You want a fair assessment, an unbiased assessment and an objective assessment of your role and of the role that the others around you played and were commended for, and you want a fair and accurate comparison made—

Miss Munday—That is right.

Senator JOHNSTON—which you believe would see you commended.

Miss Munday—Yes. That would probably be the ultimate thing to get out of this. I could pass it on to my family. I feel that I actually do deserve it and that it is something that has been taken from me.

Senator PAYNE—Miss Munday, what age were you at the time of the *Westralia* fire?

Miss Munday—I would have been 23.

Senator PAYNE—You made remarks in your submission about the statement that you made to the naval lawyer in relation to the BOI. You obviously signed a document at the end of that process, which was submitted in your name with those changes made.

Miss Munday—Yes.

Senator PAYNE—Why did you sign that?

Miss Munday—When they were taking out the statements they told me that it was for the benefit of the families, for the benefit of Bradley Meek’s family. In the statements were all the details about him melting, about fluid coming out of his eyes and out of his nose and things like

that. She said, ‘For the sake of the families, we don’t think that needs to be in there.’ I thought that was more than fair. Brad was one of my best friends, so I wanted to protect his family as much as I wanted to protect him.

Senator PAYNE—Were you led to believe that the document would be a public document then?

Miss Munday—Yes. They said that the press was going to be present at the board of inquiry, that they were going to be reporting back and that the families would hear everything that was in the statement. That is why I agreed to have those parts taken out.

Senator PAYNE—Why did you agree to change your document in relation to how some of your female colleagues handled the situation?

Miss Munday—I did not actually notice that until just recently. I remember telling her about it. When I went to give evidence to the coronial inquest last year was when I actually picked up that I had told her and she had not actually written it in there. As I was giving my statement she wrote it out but she did not actually write that part in there; she just left that out.

Senator PAYNE—I understand from your submission that the statement was added to—that is, in relation to your working on particular sorts of machinery and your qualifications. Was that part added with or without your input?

Miss Munday—Without. She went back and typed it up—I do not know whether she conversed with other people as well. She came back and said, ‘You’re a marine technician,’ and they added these other parts, which are in here, to say that although I worked in the engine room I was not allowed to touch this and I was not allowed to touch that. That was in there when she came back and then I thought, ‘That’s fair enough; that’s detailing what my duties are.’

Senator PAYNE—What rank is the naval lawyer that you were dealing with?

Miss Munday—She was a reservist. I cannot remember—she might have been a lieutenant.

Senator PAYNE—Had you had any experience previously with the military legal process—any other military justice process—or any other legal process?

Miss Munday—No, I have never had anything to do with anything like that before.

Senator PAYNE—Were you advised of your rights, if any, in relation to the operation of the board of inquiry, the giving of your statement, the provision of evidence or anything like that?

Miss Munday—I believe I would have done; I do not remember, at this stage. I believe they most likely would have said something like that.

Senator PAYNE—Did you feel at the time as though you were fully aware of the implications of what you were doing in signing a statement that you apparently did not support—or parts of which you did not support—and where that would end up?

Miss Munday—At the time I did support it. I did not see the repercussions, the meanings of why things were changed. I just thought that the part about my qualifications was put in there to explain our duties, which I thought was quite reasonable. I thought that taking the parts out about the details about Bradley Meek was quite justified because of Bradley's family.

Senator PAYNE—What is your view now on both of those points?

Miss Munday—I feel that because they changed it so much it put a different outlook on it when it got to the board of inquiry. But I still have respect for Bradley Meek's family to the extent that I still do not really want Brad's parents to know in detail of him melting et cetera. I do not think they really need to know that. I feel that they should not have changed my statement, and I would have preferred that it was not changed. But, if I had a choice now, I would still prefer that they had not heard the details about their son.

Senator PAYNE—In relation to the situation you find yourself in now—that is, suffering from post-traumatic stress disorder and the mental health challenges that you obviously were trying to deal with during a continuing period on the *Westralia* and post that—what is your view of how the Navy, but the Defence Force broadly, handles issues such as PTSD and mental health issues generally?

Miss Munday—There is a lot of pressure to get on with the job, and you have to be a tough person. If you show any sign of weakness, it is looked down on. Able Seaman Matt Liddell, if I may mention his name, who committed suicide last year, was suffering really badly after the fire because he had seen the bodies himself. I think he was taken off by helicopter when we were still at sea because he was spinning out really badly. There was a lot of 'He's as weak as piss' and that sort of talk amongst the whole ship, because he had shown that he was weak. If it showed that it affected you it was definitely looked down upon and people thought, 'They're not coping' and you were ousted.

Senator PAYNE—Does that have any impact on people's willingness or otherwise to seek treatment or help for those issues?

Miss Munday—Definitely. When I was told by the psychologist to see the medical officers and get a discharge I went back home and said to my friends in the Navy that I did not want to take the easy way out, that I did not want to take money, because my friends had died and those sorts of things. That stems from the way the Navy trains you to be this one unit. If things were different and I were offered that now, I would have gone straight there and I would have been arguing the point and there would have been none of this trying to look good in front of my friends sort of thing, which is what I was trying to do. As soon as I started to get compensation from MCRS I lost heaps of friends who were like, 'What's she getting that for?' There is a lot of jealousy as well—over money, I guess. I copped a lot of shit for getting compensation.

Senator PAYNE—Finally, so that I can understand the chronology, can you set out for me when you saw the civilian psychiatrist that you were sent to by Navy, who made a recommendation that you continue to see him, that you receive medication and that at that stage you had PTSD—was that what he diagnosed?

Miss Munday—Yes, that is right.

Senator PAYNE—When did that happen?

Miss Munday—November 1999, which was 18 months after the fire.

Senator PAYNE—In that 18 months had you had any treatment?

Miss Munday—I went to see a psychologist.

Senator PAYNE—A Navy psychologist?

Miss Munday—Yes. The very day after the fire, after we had emptied the freezers, we were sent to see a team called CISM—critical incident stress management—who are a bunch of civilians who come and say, ‘Right, you’ve got to tell us what happened.’ Most of us were very reluctant to talk about it because we were thinking, ‘Who are these people? This is our family that’s died.’ We are a family, being Navy, and we did not want to talk to these civilians who were saying to us, ‘Tell us exactly what you did on that day.’

Senator PAYNE—So that was immediately after?

Miss Munday—The next day, after we had emptied out the freezers. I think it is standard procedure these days to have a critical incident stress management team come in, but at the time we were very angry that we were made to go and see those people. It may have been beneficial to us, we didn’t know; but to be made to tell people we had never met before—

Senator PAYNE—Were you angry because of the timing or because they were civilians?

Miss Munday—Angry because of the timing: it was straight after. They asked, ‘What did you do?’ and we had to sit there and speak in front of groups—we were put in groups.

Senator PAYNE—It was group therapy, not individual?

Miss Munday—Yes. It was based on how involved you were on the day because I was involved extensively—I was in there with the hose teams.

Senator PAYNE—I am coming to the view that it was kind of a cleft stick for you. If they were Navy personnel then the issues that you raised before about willingness to seek treatment would have arisen.

Miss Munday—Yes, and of course you do not want to break down in tears and all that when you have 15 or 20 of your fellow sailors there as well. You do not want to start telling them what happened and then break down and show that. They got Matthew Liddell out of hospital and he was there with us. He was shaking and everyone afterwards was like, ‘Get a load of him. What was his caper? Wasn’t he carrying on a little bit?’ and stuff like that.

Senator PAYNE—So this was immediately after the end of 1998?

Miss Munday—Yes.

Senator PAYNE—What happened in terms of your medical treatment and support from then to November 1999?

Miss Munday—It wasn't until I was on a course in October 1999—

Senator PAYNE—That is the course you were talking to Senator Johnston about?

Miss Munday—Yes. When the naval psychologist came in to say what their services were, I stood up and said what I thought about the schism and how it was inappropriate. I asked, 'Why do you feel it is appropriate to make people talk about it straight afterwards to people we don't know?' She actually said, 'I've been waiting for you to come and see me.'

Senator PAYNE—Why had she been waiting?

Miss Munday—I do not know. She should have come and got me and said, 'Do you think you need some counselling?' It was only after I stood up and blew up in front of the whole class that she said, 'I have been waiting for you to come and see me.'

Senator PAYNE—She had been waiting about a year?

Miss Munday—Yes.

Senator PAYNE—In November 1999, you saw the psychiatrist.

Miss Munday—Yes. When I did the course I was still posted aboard HMAS *Westralia*. I went to *Stirling* for a one-week or two-week course. When I went back to the ship, I had a major flashback. A friend came out of a compartment and I thought it was Brad Meek. I fell to the ground, had a major panic attack where I could not breathe and all I could see was a charred body. After that they thought, 'We'd better send her to see a psychiatrist.' Two days after that I was posted off HMAS *Westralia*. He could not believe that I was still aboard there.

Senator PAYNE—You have been taking treatment since you were posted off *Westralia*.

Miss Munday—No. He wrote the report to the Navy and there was no follow-up.

Senator PAYNE—What was the gap between your visit to that psychiatrist in November 1999, your posting off and when you then were able to get treatment?

Miss Munday—Ten months. He wrote the report. I was posted off straightaway because I came back and saw the psychologist who said, 'I think we should get you off.' I saw her a few times.

Senator PAYNE—She did not suggest follow-up counselling at the time?

Miss Munday—I saw her but there was no follow-up from him. I did not get any treatment until I was discharged.

Senator PAYNE—Which was when?

Miss Munday—September 2000. When I was being discharged, I went through my medical file and found a letter from the psychiatrist saying, ‘She needs to see me.’

Senator PAYNE—So you took yourself back then?

Miss Munday—Yes. I went back to see him and produced the letter for him to see. He said, ‘Why haven’t you been to see me?’ I said, ‘Because I didn’t know.’ He said, ‘You should’ve made an appointment.’ I said, ‘You can’t actually make an appointment yourself anyway.’ The Navy has to make an appointment to see a specialist. You cannot just say, ‘I want to go and get my legs lengthened,’ and make an appointment. There is a process. You have to go through the HMAS *Stirling* Medical Centre. They had that document and did not make that appointment.

When I saw him—this was when I was being discharged for drugs—I told him that I was in trouble for taking amphetamines. He said, ‘You’re medicated. People take amphetamines to treat depression. I believe that you self-medicated because you didn’t get the treatment you were supposed to get.’ I have also seen another psychiatrist over here, and he said the same thing.

Senator CHRIS EVANS—Senator Payne has asked most of the questions I wanted to follow up with you. You had some documentation you were looking to give us. This related to your evidence before the board of inquiry.

Miss Munday—Copies of the documentation—my original statement and the amendments. We can see she has handwritten my verbal statement, gone back and typed it up and crossed things out.

Senator CHRIS EVANS—Would you like to table those?

Miss Munday—Yes, I can.

Senator CHRIS EVANS—You said you made a couple of applications for transfer off *Westralia*. Briefly, how do you apply for transfer? Do you have access to those records or would you have to get your personal file to follow that up?

Miss Munday—No, I would have to get my personal file. I do not have them in my possession—my lawyer has got them; I gave them to him when I went to the coronial inquest in Western Australia last year—but I have two documents that say I requested to leave and that, ‘After counselling, she has agreed to stay or when a posting comes up we will post her off,’ and that sort of thing. There are definitely documents that I can produce.

Senator CHRIS EVANS—Would you mind seeing if your lawyer would make those available to the committee?

Miss Munday—Sure. I am quite happy to get hold of my personal file because there are more documents that I do not have in my possession.

Senator CHRIS EVANS—I think we would just be interested in the exact detail of when you made those applications. That would be helpful. In your submission you quote the naval brass, as they are called, as saying that anyone who wanted to get off the ship could do so. Was that a formal signal or was it an informal thing?

Miss Munday—No. That was at a meeting we had. It was not in the engine room; it was actually on board the ship. I cannot remember now what it is called.

Senator CHRIS EVANS—It was a full crew sort of thing, was it?

Miss Munday—Yes. I think it was the whole ship's company. It was only days after the fire. I cannot remember whether it was before we went to the funerals or after we went to the funerals, but it was definitely somebody with a lot of gold on their shoulder standing there who said, 'This is a terrible thing that's happened and no-one will be made to stay on the ship.' I have at home a reference from Warrant Officer Bottomley, who was the DMEO, the second in charge, who wrote: 'She has suffered for being kept on the ship for 18 months after being told by naval brass that no-one would be made to remain on the ship.' So I can certainly back that up with other statements from people who were present at the time.

Senator CHRIS EVANS—I would appreciate that and, as I have said, we would like to follow up those requests for transfers.

Miss Munday—Yes. Would you like to see the psychiatrist's reports as well?

Senator SANDY MACDONALD—Was this the one that you saw only after you left the Navy?

Miss Munday—Yes. I do not have them with me but I do have copies of all the other letters as well from the psychiatrists in Western Australia.

Senator CHRIS EVANS—Perhaps we might take advice on the question of whether we want those private medical records. We appreciate your being very frank, but we are also conscious of not making that a public issue.

Miss Munday—Yes. It is just his saying that he believes the doctor was negligent and also that the self-medicating was a result of not getting counselling.

Senator CHRIS EVANS—I will have a chat to my colleagues afterwards about that and we might get back to you.

Miss Munday—Yes, no problems.

CHAIR—When you were pulled into the area with the smokebomb, how long after the accident was that? Was it three months, four months, 12 months?

Miss Munday—No. It was just before I was discharged, just before I was caught for the marijuana. It would have been only a couple of months before that. It would have been about

two years after the fire because I had been posted off the HMAS *Westralia* and posted to HMAS *Stirling* when I did the course. So it was definitely at least 18 months after that.

CHAIR—Where was that; where the smokebomb went off?

Miss Munday—It is called the SSSS. It was aboard HMAS *Stirling*, which is the naval base.

CHAIR—So it happened at the naval base.

Miss Munday—Yes.

CHAIR—You also said that you had a new crew of officers on the HMAS *Westralia*. How long after the accident was that?

Miss Munday—We got a new marine engineering officer, Lieutenant Commander Church, pretty much straight after. It was a few months after, because I remember he came on board and his opening statement to us was, ‘All right, you pricks, you’ve had a holiday for the last’—it was actually six months after the fire—‘six months; it’s time to get over it, get back to work and fix this ship up.’ They were pretty much his exact words.

CHAIR—So there was a new crew of officers in the engineering area?

Miss Munday—Yes.

CHAIR—How long after was that?

Miss Munday—About six months after. I could probably get stat decs from people who were present then that would say the same thing.

CHAIR—How many officers are we talking about? Are we talking about commissioned officers, warrant officers or what?

Miss Munday—He was a lieutenant commander.

CHAIR—So him and how many others? Three, two, one?

Miss Munday—The DMEO changed as well, from Colonel Bottomley to Warrant Officer Gray. I cannot remember how long afterwards that was. He left after six months; he might have left eight or 10 months afterwards. But pretty much everybody changed.

CHAIR—Except you.

Miss Munday—Yes. There was really only a handful of people that were there. Really, 95 per cent of the crew were posted off, and that’s why they said, ‘There’s no trained personnel left—you’ve got to stay. You’ve got no choice.’ Another thing that had tied my hands was that I sat the marine machinery watch certificate—an MWC—which you sit when you get promoted. I was an able seaman and I was being promoted to a leading seaman, and you can sit this ticket as a

leading seaman. Because I had progressed so well in my career, I made an application to sit this ticket early. It consists of a theory and a practical, which is quite extensive in terms of how all the machinery runs in the engine room. I sat the theory and passed it and then was supposed to sit my practical. The person who gave my theory was posted off the ship and said, 'You make sure they let you sit your practical,' and then they would not let me sit it. It was like, 'You've got to stay here and wait till the ship's fixed before we let you sit your practical. There was not any reason for me to not be able to sit my practical; it was just like, 'If you want it, you've got to stay here and wait till the ship's fixed.'

CHAIR—Thank you very much, Miss Munday, for coming along today. We will take a short break.

Committee suspended from at 11.11 a.m. to 11.32 p.m.

GURR, Miss Joan Rosemary, (Private capacity)

CHAIR—The committee is now back in session. We welcome Miss Joan Gurr to the hearing. Miss Gurr, you are reminded that the evidence given to the committee is protected by parliamentary privilege. It is important for you to be aware that the giving of false or misleading evidence to the committee may constitute a contempt of the Senate. With regard to the public hearing, if the committee has reason to believe that the evidence about to be given may reflect adversely on a person, the committee will immediately deliberate in private session and give consideration to the hearing of that evidence in private session.

Examples of adverse reflection on a person would include allegations of incompetence, negligence, corruption, deception or prejudice. Where a witness gives evidence reflecting adversely on a person and the committee is not satisfied that the evidence is relevant to the committee's inquiry, the committee shall give consideration to expunging that evidence from the transcript and forbidding the publication of the evidence. Miss Gurr, your submission was received as No. 2. Do you have any alterations to make to that submission?

Miss Gurr—No.

CHAIR—Do you understand the remarks I have made about parliamentary privilege and adverse comment?

Miss Gurr—Yes.

CHAIR—Do you have any questions on that?

Miss Gurr—No.

CHAIR—I would like to invite you now to make an opening statement, to be followed by questions from the committee.

Miss Gurr—I do not quite know where to start, so I am just going to speak from the heart. In my submission I made a statement that I felt I had not been adequately informed of the outcomes of the inquiry. I do not want to change that, but I feel that what I meant by that has been misunderstood. I would like to clarify what I did mean by that. What I meant was that the Navy had kept me thoroughly informed all along the way of what had been happening and of all the new rules that have been put in place since my son disappeared. I have been totally informed of all of those. What I meant by saying that I did not feel that I was informed enough was that I felt like Cam got lost in the inquiry. The whole board of inquiry to me seemed to be about the rule breaking and the alcohol issues, but Cam got lost. The issues I was told about—like who was punished and what rules have changed in order to see that it does not happen again—were not important to me.

I did not want to see anyone punished out of this because in my heart I truly believe that what those young men were doing the night that my son was lost was no more than most young men of their age were doing. They were just trying to fill in their time. They would have known they

were breaking the rules, and I accept that, but in my heart I believe they were breaking the rules because they knew they were going to get away with it. It would have happened time and time again and it would not have been just those boys. It would have been a thing that just happened; I believe it would have been a culture. They would not have believed they were going to be caught or that, if they were caught, there would have been a great deal of retribution coming their way for breaking minor rules like drinking a bit of excess booze.

I do not know what else to say. I think they were just doing what kids do, what young men do, when they are in a situation like the one those young men were in. They were out at sea, there was nowhere to go and there was no entertainment. If my son had been at home just after he had been given a promotion and he wanted to celebrate, he would have gone out on the town and he probably would have drunk too much. But hopefully his life would not have been at risk. He should not have been allowed to do that on board that ship. He should never have found himself in a situation where he could have thought, 'Let's go and have a few drinks, even though it's against the rules, because who's watching and who's caring? We can just go and do it.' That is where I come from.

I honestly feel that the board of inquiry itself was so terribly focused on the rules and the regulations and the breaking of them that it forgot about Cam and what happened to Cam. They forgot. How can somebody be missing from a ship for possibly eight-plus hours without anybody noticing that he has gone? What was happening so that you could find yourself in a situation where somebody was missing for such a long time and nobody noticed? I do not understand that. I feel that the inquiry itself should have been more focused on what happened to Cam. I do not know. I truly do not know. I feel like my family and I paid the ultimate price because rules that obviously were in place were being broken time and again. Nothing was happening about the rules being broken, so they continued to do it. They had no fear. We need to have rules, but it does not matter how many rules you have, how often you change them or what you do. If there is nobody policing them there is no point having them. They must be policed. These are kids—these are young men. They need to know that somebody is watching them all the time to make sure that they are not breaking the rules, because if the opportunity is there to do it they are going to do it.

CHAIR—Is there anything else you would like to say, Miss Gurr?

Miss Gurr—No, except that I do feel that I would like to retract what I said in my submission as far as not being informed adequately by the Navy goes. I would like to retract that in that sense because it is not what I meant. The Navy have kept me informed every inch of the way—all down the line. But it has resolved nothing for us. Knowing that people have been punished certainly does not do anything for me. I did not want to see anybody punished. For me it always appears that I knew from the word go that any punishment that was dished out would be for the guys breaking the rules who were in the stern the night my son disappeared. That is fair enough, but, as I said, they were doing what they were doing because they were getting away with it and they knew they were going to get away with it. If we need to take a look at anybody we need to take a look up the chain, because somebody needs to make sure the rules are enforced on these younger people.

CHAIR—Do you mind answering some questions, Miss Gurr?

Miss Gurr—No, that is OK.

CHAIR—Thank you.

Senator CHRIS EVANS—Miss Gurr, there is no need to apologise. You have put your position very articulately, so I think we clearly understand what you are saying. I would like to start by asking you what Cameron told you about drinking on board. What did you know about it before all this happened? Did you have any sense of what happened on the ship? Was he involved in what you thought was excessive drinking while on the ship or did you think he was actually on the two beers a night rule?

Miss Gurr—Cam never ever told me that there was anything other than the two-can issue. On an occasion a long time ago we had a discussion about the two-can issue because I felt it was not necessary. I said to him, ‘Do you take it? Every day do you take your two cans of beer or your two bottles or whatever it is?’ He said, ‘Not always,’ and I said: ‘Choose the times that you take it, because it is not necessary. You do not need to drink two bottles or two cans of beer a day.’

That was basically the only alcohol discussion we had, other than that I was always afraid of the alcohol issues when Cam was on shore leave—when he was in big cities like Sydney or Melbourne and not actually on the ship. I was always afraid that with a bunch of guys they would go out and drink, and that leads to trouble of one form or another. I always had fears about that and I expressed those fears to Cam and told him often, ‘Be careful about what you do when you are out. You do not just represent the Navy; you are a target because you are in the Navy.’

Senator CHRIS EVANS—But they were just a normal mother’s fears?

Miss Gurr—Yes, I think they were a normal mother’s fears. But I never had any idea—I swear I never had any idea—that they had access to anything more than their two-can issue. We discussed that because I did not think he needed them every day.

Senator CHRIS EVANS—Was Cameron happy in the Navy, in your view?

Miss Gurr—Basically, yes. He was happy going to Christmas Island but he often said to me after he went to Perth, ‘It is really boring when you go to sea, mum. It is really boring.’ I remember him once saying to me, ‘Sometimes I feel like wrecking something just so I have to fix it, so I will have something to do.’

Senator CHRIS EVANS—As a Western Australian senator, I am glad you did not say Perth was boring!

Miss Gurr—I do not mean Perth. That is where he was based; I mean when he was at sea.

Senator CHRIS EVANS—I appreciate that. Is that particularly because he was doing Operation Relex near Christmas Island, where they just patrolled back and forth?

Miss Gurr—I think it was about the time of Relex, yes.

Senator CHRIS EVANS—A lot of sailors have said that was pretty dull duty.

Miss Gurr—Yes, it was really boring.

Senator CHRIS EVANS—As you mentioned earlier, you think that was a contributing factor to the drinking—that in fact they were probably a bit bored and not very busy or motivated at the time.

Miss Gurr—Until Cam disappeared, I had no idea that they even drank on board, apart from their issue. I had no idea that the drinking went on. Then, obviously, they had just had this night of celebrations because he had just been promoted to leading seaman, and alcohol materialised from wherever it materialised. People had it stashed, obviously. Cameron, as well as his friends, had access to this alcohol and they used it. That is surprising enough, but I have a huge issue with Anzac Day ceremonies.

The week before they were all told the rules; they were all laid down by the captain to those who went ashore, Cam being one of them. From things that I have been told and that I have heard since, they drank ashore. They drank more than the amount allowed—not just the young men but senior staff from the ship as well—at the bar on the island and wherever else on the island. They were all drinking in excess of what they were allowed to have. That is what I have been told. They went back to the ship on Anzac Day—I have only just realised this because I have just started to reread the board of inquiry report. I found those things very difficult in the beginning and I am only starting to go through those things now. They kicked on after that in the stern, as they did on the night Cam disappeared. People knew they were kicking on in the stern that night. It breaks my heart to think that if somebody had stopped them that night, the events of the following week would not have occurred and I would still have my son—with his backside kicked no doubt, but I would still have him. I find that really hard: that so many people knew and nobody did anything.

Senator CHRIS EVANS—So you think it is established that there was a culture of drinking, that the celebration was not just a one-night occurrence?

Miss Gurr—I do believe that. I do not know about a culture—that is the word I used—but I do believe it was happening on a regular basis, not just with my son; it was just a happening thing. They drank because they had no fear.

Senator CHRIS EVANS—You obviously saw the board of inquiry report soon after it was released?

Miss Gurr—I got a copy.

Senator CHRIS EVANS—You got a copy at the time?

Miss Gurr—Yes, I do not think I got the whole thing but I got a copy.

Senator CHRIS EVANS—I want to ask you three questions arising out of that. Do you accept the finding that Cameron's death was accidental—that he met with an accident?

Miss Gurr—Yes.

Senator CHRIS EVANS—Do you accept the finding that there was a sort of breakdown in middle management, in terms of the supervision of the young sailors, that allowed the drinking to occur?

Miss Gurr—Yes.

Senator CHRIS EVANS—What is your view? Do you think it is just middle management or do you think it is the captain? What is your perception about all this?

Miss Gurr—An issue was raised in the board of inquiry, and I talked to that same man when I was in Perth. He was a sailor onboard *Darwin* when they were in the Solomons. He was not at Christmas Island; he had left the Navy. That man told me that he had been considerably under the influence of alcohol on the way back from the Solomons and that he had got right in the face of the captain of *Darwin*, making cracks like, ‘I think I should be made sailor of the week’—or the year or whatever. He said: ‘I was very obviously drunk. He had to have known I was drunk. Yet he denied that he knew that I had been drinking.’ I wonder about that. The board of inquiry says that the outcome is that the captain of the ship had no idea what was going on on his ship. I cannot say that I believe or disbelieve that. I only know what I have been told. This guy swears that he got right in the captain’s face, and others say, ‘Yes, he was definitely drunk, and there was no way you would not be able to tell he was drunk.’ He was just being a smart Alec, obviously. He was saying: ‘Look at me, I’m drunk. What are you going to do about it?’ I do not know whether that is true or not, but I think about that a lot.

Senator CHRIS EVANS—Miss Gurr, you have talked about punishment and who would be made accountable for what might have occurred. What is your understanding? What has Navy told you about punishment, who accepts responsibility or who has been charged or disciplined about this?

Miss Gurr—I was informed that seven sailors had been sentenced. I believe there was one pending possible prosecution. There is one other person who may face prosecution. There had been some changes, like the introduction of random breathalyser testing. Offhand, I cannot really remember.

Senator CHRIS EVANS—Were you reassured, though, about the changes—that they were going to change the situation? Do you have confidence that the situation will change?

Miss Gurr—I cannot answer that. I feel that you can make rules and you can keep changing those rules, but you have to enforce them. You have to make sure they are enforced. My feeling is that, five months, 12 months or two years down the track, all the new rules will be in place and all the new signs will be up but, again, nobody will be making sure that they are policed.

There was an incident, when I first went to Darwin when Cam disappeared, when I was taken out to the ship during the search. There was a contingent of soldiers onboard the ship, and something came up about the hatch—the door that led to outside—that was open. It was supposed to be closed and nobody was allowed through that door after dark, and there were notices posted that nobody went outside that door after dark without the appropriate clothing,

permission et cetera. But I was told while I was on that ship that that door had been propped open and left open because of the soldier contingent on the ship for Anzac Day ceremonies. A lot of them were going in and out because they did not have their sea legs and, I guess, because of the heat. I do not know. But that has also bothered me for a long time, because there was nothing clarified for me about that door.

I do not know whether what I was told there was true. I do not know whether that door was left open and people were free to come and go as they pleased when, in fact, I have learned that the rule is that no-one is free to come and go between sunset and sunrise. That is an issue that bothers me a great deal. Was the door propped open? Were they free to come and go, or was the door shut, so Cameron did open that door when he went out if he went out, wherever he went out? Obviously he did; he is gone. Did he open that door, or was it propped open?

Senator CHRIS EVANS—You say the board of inquiry report does not deal with that issue. I do not remember reading it.

Miss Gurr—I do not know whether the subject of the door was even raised in it, but it was raised with me. Unfortunately I do not remember who by, but it is something that has stuck in my mind. It is something that my family keeps reminding me of: ‘Joan, find out about the door.’ But how do you find out about the door? Because, if the rule is that the door had to be shut, nobody is going to tell me that it was propped open if it was against regulations to prop it open and leave it open for people to come and go.

Another issue for me was Cam’s doona jacket, which was raised at the board of inquiry. These are the sorts of things that I needed answers to, not who was punished or what has been put in place since to prevent anything like this ever happening again. For me, it is the personal issues that involved Cam. They are the answers that I needed. That is why I believe that, in my submission, I have been misunderstood as far as not being informed goes, because I needed to know the answers to the questions about the doona jacket. I need to know about the email that came from one of the other ships that was being queried. The personal things—I needed answers and I did not get them.

Senator CHRIS EVANS—Thanks, Ms Gurr. That is very helpful.

CHAIR—Are there further questions?

Senator JOHNSTON—Ms Gurr, thanks very much for coming along and giving us your valuable time in these very difficult circumstances. Please accept my condolences for this very unfortunate tragedy. I hope something positive comes from your attendance here today, and I think that a number of things you have already said have been very helpful, so thank you for that. What I wanted to know was, without having you relive too much of it—but we cannot avoid all of these things—who informed you that Cameron was missing, how did that happen and what was your considered view as to the manner in which you were informed of this most unfortunate event?

Miss Gurr—I had a minister from the church knock on my front door and introduce himself. I do not remember—

Senator JOHNSTON—Was it a person you knew?

Miss Gurr—No, he was a total stranger. He knocked at my door. I looked at him, and I thought he might have been selling something, to be honest. He was very fortunate that I actually answered the door. I do not normally answer knocks to the front door because friends and family use my back door and I do not often open the front door. I rarely ever go to my front door. But I did because I had been outside cleaning my car, and I had just come inside. This man knocked on the door and I still had the keys to my car, which had my front door keys on it, and I thought, ‘I’ll open it,’ and I did.

Senator JOHNSTON—Was he from a local church?

Miss Gurr—St John’s Church in Launceston, yes.

Senator JOHNSTON—He was a military person, was he?

Miss Gurr—No, he was a minister of the church.

Senator SANDY MACDONALD—Very quickly, may I just ask if he was wearing a clerical collar?

Miss Gurr—No, he was dressed like a civilian.

Senator JOHNSTON—Please continue.

Miss Gurr—The man knocked at my door. I opened the door and he asked me if I was Joan Gurr. I said yes. From memory, I think he said something like, ‘You have a son, Cameron Gurr.’ I said yes. He said, ‘Your son is in the Navy.’ I said yes. He said, ‘May I come in?’ I just looked at him and I thought, ‘Who are you?’ He said, ‘I’m really sorry, Mrs Gurr, but your son is missing,’ and then he stepped inside. I do not remember much of what he said after that. He just said that Cam did not front for muster on the ship that morning at eight o’clock and that he had last been seen at about 11.30 p.m., I think he said. I do not remember. But he had not been seen since the night before, and he did not turn up. They had done ship’s—I cannot remember the term. They had done something about making everybody come to a certain point—

Senator JOHNSTON—Muster.

Miss Gurr—A muster, and Cam still did not turn up. They had searched the ship twice and they could not find him.

Senator JOHNSTON—Did this person assist you to contact any relatives? Did he give you any other assistance?

Miss Gurr—He asked me if I had somebody that I could call. He offered to make the call for me because I—

Senator JOHNSTON—You were distressed.

Miss Gurr—Yes, I had blundered it. I had picked up the phone to ring my sister and I could not dial the number—I could not press the buttons. But I did do it myself, eventually. I am fairly independent, I think. I took control of it, I guess.

Senator JOHNSTON—Your sister came over?

Miss Gurr—I rang my sister. She lives about 15 kilometres away. I had been cleaning my car with a good friend—my best friend. We had been doing both cars on my front lawn. She had just left, so I rang her place. Her little girl answered the phone, and I said, ‘Ask Mum to please come back,’ and she did. So she stayed with me for a while until my sister got there. Then she had to track her husband down, who is Cam’s mentor and best friend. Cam’s Uncle Terry was more than a dad to him, so we had to find him because he had just left to go to the bush.

Senator JOHNSTON—Do you have any other children, may I ask?

Miss Gurr—No.

Senator JOHNSTON—I take it from what you had been told by the reverend—I think the man who gave you the news was a reverend, wasn’t he?

Miss Gurr—Probably, yes.

Senator JOHNSTON—I take it from that that you would have had an enormous number of questions, wanting to clarify what the situation was beyond what you had been told. I think that is perfectly natural. Do you recall that or not?

Miss Gurr—Really, no. I can remember saying, ‘What do you mean ‘missing’? How can he be missing? It’s a ship. How can he be missing on a ship? Why can’t they find him?’ I do not recall whether the man actually said that they believed Cam had been lost overboard or whether I that inference in my own mind. I do not know. I just knew that I could not work it out in my mind. I distinctly remember thinking, ‘That’s not possible. You can’t lose somebody on a ship. He’s got to be there somewhere.’

Senator JOHNSTON—Did you have it in your mind that they were still looking for him?

Miss Gurr—The man did tell me that they had been searching. The reverend did not come to my home until late afternoon—it must have been five or after, from memory. He said, ‘They have been searching for your son since eight o’clock this morning.’

Senator JOHNSTON—When was the next occasion that you had any contact from anybody from the defence department or from the Australian Defence Force? Do you recall?

Miss Gurr—The same day.

Senator JOHNSTON—Tell us what happened.

Miss Gurr—I got a phone call from somebody in the Navy. I truly do not remember who, but I think it may have been Ian Dunbabin from Hobart.

Senator JOHNSTON—He is an officer in the Navy, is he?

Miss Gurr—Yes.

Senator JOHNSTON—He called you?

Miss Gurr—Yes.

Senator JOHNSTON—What did he say?

Miss Gurr—He asked me whether the minister had been to my home and whether I had been informed. Then he gave me his details and said that he would keep in touch—he would ring me throughout the evening and keep me informed as best he could.

Senator JOHNSTON—Did anything else happen apart from that contact with him? Did he ring you back?

Miss Gurr—He rang constantly throughout the evening.

Senator JOHNSTON—Good. Do you recall what other presentations or assistance Navy gave you in the following couple of days?

Miss Gurr—On the Sunday—the day after—we were receiving phone calls throughout the night from Ian Dunbabin, I think it was. From memory, I believe he was the one making all the calls, and they were coming—

Senator JOHNSTON—You had some people with you at that stage?

Miss Gurr—I had family staying in the house all night. Nobody that had come actually left. By early evening all my family were at my home, and nobody left—other than my best friend, who had to go home to her own children. But she was coming and going anyway. The phone calls were very regular. We were kept very well informed. There was nothing to tell us, but the phone calls kept coming. They came all day Sunday. I think it was Sunday night that we said: ‘We know this is pointless. You keep ringing to say, “I’m sorry, but nothing’s happened in the last hour or two.”’ ‘We said, ‘Please just call if you have something to tell us.’

Senator JOHNSTON—Were you informed that the vessel had turned around and was looking in the ocean for your son?

Miss Gurr—Yes. I believe, from memory, that I was also informed that planes had been sent.

Senator JOHNSTON—So you were kept informed as to what search and rescue endeavours were being undertaken?

Miss Gurr—Yes.

Senator JOHNSTON—Was there any other assistance provided to you as it became clear that Cameron was not going to be found?

Miss Gurr—The most important thing for me was that I reached a stage by Sunday where I was beside myself. I did not know what to do. I could not think. I just knew that I needed to be where Cam had been. I kept telling my family, ‘I need to be there. I want to go to the ship.’ The Navy took me there. It was very quick. I was out of Launceston on Monday morning and they flew me to the ship.

Senator JOHNSTON—How did you get there? Did you get on a commercial flight? Tell me what happened.

Miss Gurr—They sent a Lear jet that picked me up in Launceston.

Senator JOHNSTON—Did you take anyone with you?

Miss Gurr—Yes, I took my best friend. They flew us to Christmas Island with a couple of short stops on the way for refuelling. They accommodated us on Christmas Island. The day after we arrived—on the Tuesday morning, I think—they sent the ship’s helicopter to get us from the island and take us out to the ship. The ship was moving. It was searching when we got there.

Senator JOHNSTON—Did that help you?

Miss Gurr—Emotionally I think it did. When we were crossing the ocean to go to the ship from the island I looked at the vastness of the ocean and I thought, ‘My baby’s there somewhere.’ I can remember thinking, ‘They can’t find him in this.’

Senator JOHNSTON—How long were you away for and on the ship? Can you take us through what happened?

Miss Gurr—On the ship I was taken to a room and shown maps—it was all very irrelevant to me; I cannot read a map. I was shown where they had searched, what tracks they had been on and how the search was being conducted.

Senator JOHNSTON—They showed you that no stone was being left unturned, so to speak.

Miss Gurr—Absolutely. They were definitely leaving nothing to chance.

Senator JOHNSTON—How long were you on board for?

Miss Gurr—I do not really remember. It was a few hours, probably. I remember that we had lunch on board the ship and I got sick. I think it was probably a few hours, I cannot really remember. It was a while.

Senator JOHNSTON—And you came back to Hobart after that in the same aircraft?

Miss Gurr—No, I believe the aircraft was a Medivac aircraft. That left Christmas Island after it dropped us off—I think the next day or something it was sent to Darwin. The plane came back and took us from the island to Darwin and we caught a commercial aircraft from Darwin home.

Senator JOHNSTON—Was there anything else that the Navy did with respect to when you got home? This was all within a week or so after you had been informed. What happened thereafter? Can you take us through that?

Miss Gurr—I do not really remember. I know that I was contacted by a defence community officer from Hobart and had lots of contact with her.

Senator JOHNSTON—Was she of assistance to you?

Miss Gurr—Very much so. In the beginning I did not want to know about her. She was like a counsellor so I did not want to know. But I got to know Paula well and found her invaluable to me.

Senator JOHNSTON—Why do you say that? I am interested to hear you say that. That is an important value judgment. I would like you to expand on that, if you would. Why was she valuable and what did she do that helped you?

Miss Gurr—If I needed something—that is, if I needed to know something or if I needed to contact somebody—I would ring Paula and she would get the ball rolling for me. She would find out what I needed to know, she would get information for me if I needed information and she would put me in contact with the people I needed to be in contact with. More importantly, she was an ear for me.

Senator JOHNSTON—So she was doing things for you, she was listening to you and she was of assistance to you in that regard?

Miss Gurr—Yes.

Senator JOHNSTON—You did not have a feeling that anything was being kept from you?

Miss Gurr—No.

Senator JOHNSTON—So everything was transparent and you were confident that everything that could be done was being done?

Miss Gurr—Yes.

Senator JOHNSTON—I take it that the hardest part about Cameron being lost at sea, as we presume is the case, is that there is no closure for you?

Miss Gurr—No. The question is asked often, and it usually goes along the lines of: ‘How are you, Joan? Are you moving on? How are you coping?’ It is a difficult question to answer, because in my head I know where Cam is but in my heart I cannot accept it. It is like we do not know how he got there. I know where he is. My head tells me how he got there—that is, he just

fell in the water for whatever reason—but my heart asks: ‘Why was he out there? Why would he take such risks?’ I do not believe he was a risk taker. Why would he have gone out on the deck if he had known there was the slightest risk to him, and why would he have gone alone?

Senator JOHNSTON—Questions.

Miss Gurr—Nobody can answer those questions, and I accept that.

Senator JOHNSTON—After you were informed that he had gone missing, is there anything you think Navy could have done to assist you that it did not do?

Miss Gurr—No, not really. I have always had an issue with the minister of the church coming to my home, because I am not greatly religious. If there is anything that I would change, it is that somebody from the Navy would have knocked on my door.

Senator JOHNSTON—For instance, would it have been helpful if the lady you mentioned previously who was helping you, Paula, had come to see you?

Miss Gurr—Yes, or Ian Dunbabin or even somebody from Launceston. It would not have mattered so long as it was somebody who belonged to the Navy.

Senator JOHNSTON—A naval personnel person, yes.

Miss Gurr—I would have much preferred it to have been done that way, not that the minister who came did not do it well—if you can do that well. As I said, I am not a terribly religious person; I am not a great believer. The minister wanted to pray for Cam and he wanted to pray for me and I said yes, but it meant absolutely nothing to me because I do not believe. It was difficult for me to sit there and be polite—well, it was not difficult to be polite because it went over my head anyway. I would rather have not been put in that position. I would rather have not had to deal with this man’s beliefs, because they were obviously very different from mine.

Senator JOHNSTON—The board of inquiry was held in Perth. Is that correct?

Miss Gurr—Several different places. It began on Christmas Island, I believe, then it went to Darwin, I think.

Senator JOHNSTON—Did you attend any of those hearings?

Miss Gurr—One, in Perth.

Senator JOHNSTON—Did you wish to attend any others? Were you unhappy about not attending the whole of the board of inquiry?

Miss Gurr—No, I was asked if I wished to attend right from the word go. I look back now, and I wish I had attended every one of them—but I had no idea of the concept of a board of inquiry. I did not understand the whole thing and, at that stage, I was too emotionally—I could not have dealt with it.

Senator JOHNSTON—Did you have assistance to travel to Perth from the Navy? Did you have to pay for your own fare, or were you taken there? Do you remember what happened in that regard?

Miss Gurr—The Navy assisted me everywhere I went—me and my family.

Senator JOHNSTON—So how many of you went to Perth?

Miss Gurr—Two.

Senator JOHNSTON—As for your accommodation, where did you stay?

Miss Gurr—In a hotel in Fremantle. I cannot remember the name of it.

Senator JOHNSTON—The Esplanade?

Miss Gurr—Sounds familiar.

Senator JOHNSTON—Good. How long were you in Perth?

Miss Gurr—I cannot remember.

Senator JOHNSTON—Three or four days?

Miss Gurr—Two or three days.

Senator JOHNSTON—Was the board of inquiry held in Fremantle or down at HMAS *Stirling*?

Miss Gurr—*Stirling*.

Senator JOHNSTON—Were you given transport to and from *Stirling*?

Miss Gurr—Yes.

Senator JOHNSTON—Was someone at your disposal to assist you with the proceedings?

Miss Gurr—The whole time.

Senator JOHNSTON—That is good. I do not think I have any further questions, but, Miss Gurr, thank you very much for the matters you have raised. They have been most helpful. I am sure that we all do appreciate very much the frank way that you have assisted the committee. Thank you very much.

Senator PAYNE—I have some very brief questions. Miss Gurr, thank you very much for coming to talk to us today. How old was your son when he disappeared?

Miss Gurr—He was two months short of his 21st birthday.

Senator PAYNE—And how long had he been in the Navy?

Miss Gurr—He joined the Navy just after he turned 17.

Senator PAYNE—So straight from school.

Miss Gurr—Yes.

Senator PAYNE—I think you said that in many ways the personal things which you have mentioned today that still press on your mind and concern you are questions you cannot get answers to—the why and the how. Is that a fair assessment of what you were saying to Senator Johnstone before?

Miss Gurr—Yes. I would like to believe that nobody knows what happened, what type of accident it was. I do believe it was an accident, whatever his reasons were—whether it was, as some feel, that he went up to dispose of an empty bottle, to toss it over the side or whatever. I do not understand why he went outside, and we will never know what happened when he got outside—whether he tripped, whether the ship moved and he lost his balance because he had been drinking. The board of inquiry found that Cam was not drunk, but you have extremely hot conditions up there. He had come from inside a very cool ship—I found it to be very cool inside—and gone outside into stifling heat. Even if he had been stone cold sober, when that heat hit him when he got outside that may well have caused him to stagger or whatever. I do not believe we will ever know more than that something happened that caused him to go over the side.

Senator PAYNE—You said earlier that you had talked to your son about alcohol consumption generally, as a parent does and would. Did he raise with you any issues of peer pressure to be part of that?

Miss Gurr—No. Cam was very much his own person.

Senator PAYNE—Much like his mother, I suspect.

Miss Gurr—I guess. I do not really think that he would have been influenced to do something he did not want to do. I really think that if somebody had said to him, ‘Do this; the rest of us are doing it,’ and he did not want to do it he would not have done it. As far as the drinking is concerned I think that it was, plain and simple, just a way to pass the time—and because they could.

Senator PAYNE—One of the questions that you ask us in your submission is about the condoning of that behaviour. You describe it as perhaps an accepted culture fostered in some way. From all of your discussions with Navy during the board of inquiry and since, are you satisfied that the changes they have put in place that you have referred to today, which I understand are removed from your personal circumstances—I know that you have expressed that very clearly to us—mean that what happened to Cam will not happen again?

Miss Gurr—There is a slight question in my mind. I honestly feel that the random breathalysing is a really good thing. Certainly it should stop a lot of people, because now they have something to fear—'I could be the next guy that gets put on that thing.' They have something to fear, particularly if it is done when they are at sea or when they have come back from shore leave or something when they are posted. If it is done, at least they now have something to fear. When the alcohol became an issue for me, one of the very first questions I asked the captain of HMAS *Darwin* was, 'Why aren't they searched when they come aboard when they've been on leave?' He said at the time that he did not have the power to search them—he did not have the right to search. I found it really hard to accept that in those sorts of circumstances, when you are dealing with very young men and you need to keep an eye on them—they are all learning and growing on the job—nobody had the right to say to them, 'Open your bag; I want to have a look in it.'

Senator PAYNE—You had an expectation that the Navy would protect your son?

Miss Gurr—On board ship, yes, I did.

Senator PAYNE—Since this happened, and from your discussions with Navy, are you satisfied that there is a willingness to exercise the discipline that is necessary to implement these changes to make it work for people like your son—that that leadership is there at the level where it needs to be?

Miss Gurr—I was not at the time. I do not feel that it was there.

Senator PAYNE—But now?

Miss Gurr—Hopefully it will be there now, yes. Hopefully the changes will ensure that right down the line, from the top to the very bottom, somebody will be watching somebody else, that the rules will be enforced because there will be so many people making sure they are enforced. You get a whole bunch of guys on a ship—and Cameron's situation is classic for me: a young man with a whole bunch of mates, doing his job and doing it well; I do not think anybody can dispute that Cam gave 100 per cent to his job.

Senator PAYNE—He had just been promoted, indeed.

Miss Gurr—Yes, he had just been promoted, but I wonder about that promotion. At the time I was really happy about his promotion. I did not know about it, unfortunately, until after he was gone. But I gave it some thought later on. He had just been promoted to a situation where he would have to have been ensuring that certain rules were enforced among his friends. Would he have been able to do that? Who would have been making sure he was doing what he was supposed to do and not turning a blind eye because they were his mates? That bothered me. I thought, 'How do you get past that when somebody is promoted in a group of friends; how do you ensure that that person doesn't put his friendships first?'

Senator PAYNE—I guess they identified him as someone who would do the right job.

Miss Gurr—I guess so.

CHAIR—Miss Gurr, thank you very much for coming along today and sharing that with us. It is very much appreciated.

Evidence was then taken in camera—

Committee adjourned at 3.44 p.m.