

# Investigating “rough justice” in the Army

Allegations of brutality and “rough justice” within the Army’s parachute battalion have been investigated by Parliament’s Joint Standing Committee on Foreign Affairs, Defence and Trade. A special public hearing on the issue of military justice was held on 6 October 2000. This followed an earlier appearance before the Committee by the Chief of the Army, Lieutenant-General Peter Cosgrove.

The allegations were first raised in the national media in August. *Time* magazine reported claims that soldiers were being beaten and subjected to other acts of punishment for perceived infractions.

Having completed an inquiry into military justice procedures within the Australian Defence Force just 12 months ago, members of the Foreign Affairs, Defence and Trade Committee were keen to get to the bottom of the latest claims about brutality in the Army.

*‘These latest claims suggest a disturbing system of illegal punishment and brutality.’*

“This is an issue that we simply cannot ignore,” said David Hawker, Chair of the Defence Sub-Committee that undertook the 1999 investigation of the military justice system. “We would have hoped that, after all the Committee’s efforts in investigating military justice in 1999, we would not have had to revisit this issue.”

In its June 1999 report, *Military Justice Procedures in the Australian Defence Force*, the Foreign Affairs, Defence and Trade Committee made 50 recommendations covering all aspects of military investigative and legal procedures. As part of that inquiry, the Committee examined a range of controversial issues, including the investigations that followed in the wake of the tragic fire on the *HMAS Westralia* and the Black Hawk disaster of 1996.

“These latest claims that surfaced in August this year suggest that there is a disturbing system of illegal punishment and brutality operating within the 3rd Battalion of the Royal Australian Regiment,” said David Hawker. “The Committee is determined to get to the bottom of what has gone wrong and will report to Parliament on how such a situation, if found to be true, can be prevented from occurring again.”

The 6 October hearing involved 26 witnesses, including service personnel recalled from the Middle East and East Timor. During the hearing Admiral Barrie, the Chief of the Defence Force, announced to the Committee that he would establish a high level audit team to determine if the 3rd Battalion allegations were reflected in other parts of the Defence Force. The audit team is to be headed by Justice Burchett and is likely to complete its report in March 2001.

Following Admiral Barrie’s testimony, Lieutenant-General Cosgrove assured the Committee that the Army would encourage anyone who had experienced “condoned violence” to come forward. Lieutenant-General Cosgrove also informed the Committee of an Army initiative, to be called ‘A Fair Go’, that would more clearly enunciate the Army’s policy on unacceptable behaviour in the Service.

The Committee welcomed the initiatives outlined by Admiral Barrie and Lieutenant-General Cosgrove and is hopeful that these initiatives will go a long way towards allaying community concerns.

This latest investigation by the Foreign Affairs, Defence and Trade Committee has kept the public spotlight on the Army. The investigation follows on from the Committee’s detailed report on the Army, *From Phantom to Force: Towards a More Efficient and Effective Army*, released in September. That report proposed a model for the radical reform of the Army’s organisation and personnel management system.

In an interesting move, the Committee is analysing the feedback it has received on the report and will conduct a limited number of public hearings on the report’s recommendations in November.

#### For more information

Visit: [www.aph.gov.au/house/committee/jfadt](http://www.aph.gov.au/house/committee/jfadt)

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Lieutenant-General Peter Cosgrove, Chief of the Army, informed the Joint Committee on Foreign Affairs, Defence and Trade about the Army’s ‘Fair Go’ initiative to help prevent unacceptable conduct. Photo: Newspix.