

Graham Sapwell/AUS/SArmy
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To Craig Campbell/AUS/SArmy@AUS
cc
bcc
Subject CONFIDENTIAL.

Dear Craig,

- re: 1. Policy and Procedure for the Handling of Allegations of Inappropriate Behaviour
2. Claim of Abuse : **REDACTED**

I am responding jointly to your memoranda on these matters, as there are some common elements.

1. Policy and Procedure.

The letter to you dated 3 October from the Divisional Commander Western Australia raises matters of procedure, as distinct from the underlying principles which have been approved. As you know, the question of the development of national procedures is still to be further explored with AUE, and Colonel's Durston's suggestions could be absorbed into that process. It is interesting though, that one of the aspects of the AUE current protocols that Colonel Merv Rowland has said on more than one occasion that he would like to change, is their current practice of referring complainants to an external contact person. Colonel Durston's suggestion resembles such a process.

As you also are aware, I am particularly anxious in the interests of national policies and procedures, not to be at all defensive or protective about how we have handled these matters, in this Territory.

Having said that, the cases arising out of Western Australia this year have each involved allegations of criminal behaviour, where the offenders have ultimately found themselves before the courts. This has of necessity, brought into play the use of legal advisers in interactions with the complainants, in circumstances which are comprehended under paragraph 4 of the Statement of Current Principles, an extract of which states:

".....We are not equipped to investigate allegations of criminal behaviour, nor do we need to be. Therefore we will use the assistance of the Army's legal advisors, where considered desirable, in cases alleging criminal assault, and where the complainant does not wish the police to be involved, so that these matters are handled in a legally safe environment."

There is always present in matters of this kind, a constant tension between pastoral responsibility, organisational responsibility, and the rights of the respondent.

Where expectations held by complainants (and those supporting them) are not fully able to be met for a whole range of legitimate reasons, no matter who the individuals are who are acting on behalf of the Army, they are inevitably prone to be criticised, as are the protocols themselves.

The Army's legal advisers in Western Australia are fully conversant with our wish to be sympathetic and understanding in all interactions with complainants, and are at all times subject to instructions from THQ.

2. Claim of Abuse : **REDACTED**

As I recall it, this matter came to you direct because of "suspicion of previous protocols".

I rather doubt that there were any protocols in place when this matter first appears to have been raised with THQ in 1994.

This is also another sad example where expectations are difficult to fully meet, because of a range of legitimate reasons - in this case a total lack of clarity as to the nature of the alleged offences.

Paradoxically, it is the potential use of the Army's legal advisers in this case that could have assisted Mrs **RED** in articulating her suspicions/complaints, and subsequently assisted the Army in investigating her concerns "...in a legally safe environment..." - the very process Colonel Durston seems uncomfortable with.

I suspect it is now probably too late to expect that process to reasonably work, in the current circumstances - but you may wish to consider it as an option, nonetheless.

In the meantime, I'll give further thought to what might usefully be said in response to Major Pearce's latest letter.

Graham.