



MEDIA RELEASE: June 30, 2009

Federal Court orders Army to pay \$210,000 for school cadet camp death

The family of a young Scotch College student who died on a cadet camp in 2007 has not ruled out suing the Army and the school for their involvement in the death of their son.

Justice Tony North in the Federal Court has today ordered the Australian Army to pay \$210,010 to another government department following the death of 13-year old Nathan Francis on a cadet camp in March 2007 in Victoria's Wombat State Forest.

Nathan, who was in year nine at Scotch College in Melbourne at the time, died after eating a peanut satay meal from a ration pack provided by the Australian Army. Nathan, who was allergic to peanuts, suffered a major anaphylactic reaction.

As required by the school's cadet unit, Nathan's mother had written that Nathan suffered from a severe peanut allergy.

The Federal Government's work place safety agency, Comcare, prosecuted the Army for breaches of Federal Government occupational, health and safety laws.

Mr Barrie Woollacott, from national law firm Slater & Gordon who represents Nathan's parents Brian & Jessica Francis, said the result provides little comfort.

"While the Army has accepted responsibility, the penalty imposed by the Court will be paid back to the Federal Government," Mr Woollacott said.

"Nathan's death was tragic and avoidable but no one, other than a faceless Government agency, will be held accountable and the penalty will simply pass from one Federal Government department to another.

"This is not justice and provides no deterrent and no real punishment for failing to take care of a young boy," Mr Woollacott said.

Justice North said the whole prosecution was "Monty Pythonesque" with one government department paying another.

He was also very critical of a system that made the Court deal solely with the Army while Scotch College was left in the clear from prosecution. Nathan's family supports Justice North's call for Coronial Inquest to publicly examine the role of Scotch College.

Justice North was disappointed that Victorian WorkSafe declined to prosecute or assist in the process with Comcare.

For media comment

Barrie Woollacott, Slater & Gordon
Michael Salmon (media liaison)

0417 303 882
0417 495 018

Slater & Gordon (ASX: SGH) is a national law firm established in 1935 to give average Australians access to their legal rights. Melbourne, Sydney, Perth, Brisbane, Adelaide, Canberra, Parramatta, Newcastle, Wollongong, Erina, Coffs Harbour, Broken Hill, Morwell, Ballarat, Geelong, Footscray, Dandenong, Frankston, Werribee, Reservoir, Ringwood, Sunshine, Bunbury, Nowra, and Southport.
www.slatergordon.com.au