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EX GRATIA CLAIMS RESOLVED OVER ARMY DEATHS

The families of four young soldiers who took their own lives after suffering intimidation, bullying, abuse and neglect have resolved their three-year campaign for compensation from the Federal Government on confidential terms.

Slater & Gordon lawyer Emma Hines says resolution of their application recognises the suffering of the families involved and the moral obligation of the Australian Defence Force.

“The four families have suffered greatly over the treatment their children endured while in the care of the Army – and for the aggravation caused by a deficient military justice system,” Ms Hines said.

Each of the four families provided submissions to the 2005 Senate Inquiry into the Effectiveness of the Australian Military Justice System regarding their experiences and in particular the behaviour of the Army towards them after the death of their sons.

Following the scathing findings of the Inquiry, Ms Hines wrote to the then Defence Minister, Robert Hill, in September 2005 seeking ex-gratia payments in recognition of the hurt suffered by the families.

Charles Williams, the father of one of the soldiers, said it has been a long wait and he is pleased the ordeal is over.

“This has never been about the money but about the Defence Force accepting their moral duty towards the young men and women who sign up and put their lives in the hands of the Defence Force and expecting that all their human rights will be respected, accepted, sanctioned, and endorsed by the ADF,” Mr Williams said.

“For years we have been trying to get justice for our sons and today we feel we have achieved that.

“This should be a lesson to the Army and the military services and I pray that the suffering of my son and others will put a stop to the bullying, intimidation and neglect that has gone on for too long in the Army.

“They cannot be allowed to continue to treat their young recruits as disposable,” Mr Williams said.

Lawyer Emma Hines has welcomed the result achieved for the four families but says there is still much work for the Government to do.

“Critically the Government must act to make Australia’s military courts and investigative processes fully independent – this was the key recommendation of the Senate Inquiry and has yet to be implemented,” Ms Hines said.

“Until then we can have no confidence that justice will be done for our service men and women and their families.”

- Private David Hayward, 20, of Cobram, Victoria, took his own life after being absent without leave for more than 2 months in March 2004. In breach of its own protocol, the Army took no action to advise his family that he was missing.
- Gunner John Satatas, 19, of Rye, Victoria, was found hanged at Holsworthy in April 2003. John had complained of mistreatment, including bullying and racial abuse. The Army described it as horseplay.

- Lance Corporal Nicholas Shiels, 27, of Adelaide, SA, took his own life in 1996 four years after a live fire accident in which he accidentally shot and killed a fellow soldier. The Army was found to have breached 24 occupational health and safety duties in regard to the accident.
- Private Jeremy Williams, 20, whose family now live in WA, took his life in February 2003 after suffering intimidation and abuse from servicemen and trainees at the Singleton School of Infantry.

For more information

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