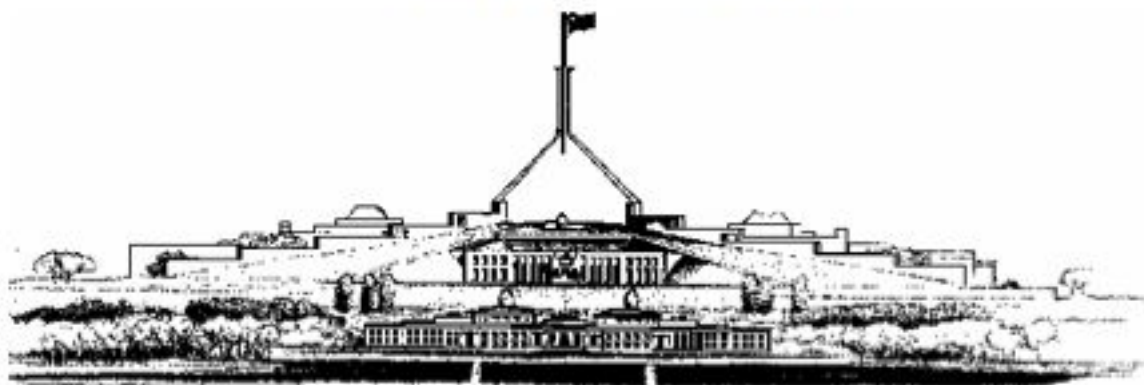




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

Main Committee

**DEFENCE LEGISLATION
AMENDMENT BILL (NO. 1) 2009**

Second Reading

SPEECH

Monday, 15 June 2009

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

Date Monday, 15 June 2009
Page 5989
Questioner
Speaker Robert, Stuart, MP

Source House
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Question No.

Mr ROBERT (Fadden) (4.06 pm)—I rise to make some brief comments on the Defence Legislation Amendment Bill (No. 1) 2009, notwithstanding some amendments we will seek to move with respect to parliamentary oversight. It is an important move forward for Defence to provide the standing military with an opportunity to provide ex gratia payments in the event of death or property and the destruction thereof. It is important to understand that defence, in combat operations, is operating in an ambiguous environment across land, sea and air, in conditions generally not of our choosing, on ground we did not select and operating more and more frequently in urban environments with highly technical gear. Whilst with a greater degree of precision in munitions and firepower, inevitably in all wars unfortunate civilian casualties occur. Whilst our Defence Force has made, and will continue to make, every effort to ensure that non-battle casualties are at best zero or at worst extremely minor, the harsh and brutal reality of combat operations is that fighting in difficult conditions, in difficult terrain, in unseasonable weather and against an enemy that at times is unidentifiable makes it extremely difficult. In such an environment, for a bill to come forward that provides a quick and easy manner for a battlefield commander to approve an ex gratia payment on the ground is most welcome. Whilst the death or, indeed, the destruction of property is unfortunate, for a commander to quickly and simply negotiate the issue, to achieve an agreed solution with communities and to exact payment on the ground within days or, indeed, hours will go a great way to ensuring strong relationships are built between Defence Force personnel and those in whose country we serve.

Presently the situation in the event of a civilian death, a non-battle casualty or the destruction of property may require an appropriation to Defence Force headquarters or perhaps even to parliament that can take weeks and, indeed, months, and during that intervening period the ability to build a relationship with the people of that community or that nation is substantially and, in many cases, irreparably damaged while the waiting process goes on. If a field commander of appropriate rank could approve a payment on the spot that allows reparations to be made at whatever the going rate in the community is, it will allow our Defence Force to build those bridges, to acknowledge wrong, to compensate at the appropriate rate and level as is culturally applicable, and to move on. In that respect the bill is strongly supported. What is needed of course is a strong accountability process and an ability to understand exactly what is occurring on the field; hence, the amendments to be moved by the coalition on reporting to an appropriate committee such as the Parliamentary Joint Committee on Intelligence and Security or the Defence Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade.

There is also room, and I acknowledge the Parliamentary Secretary for Defence Support, to widen the legislation at some particular time. It is important that we look to the areas of intelligence and security and look at exactly how we can widen the ability for payments to be made by field commanders on the ground to achieve a whole range of outcomes—not just in the ex gratia component of a compensatory nature, but also in other areas where intelligence and security works. With that, considering the parliamentary secretary and I both served operationally overseas, and we both know exactly where dollars and cents could be used by field commanders on the ground, I will leave it stated.