

Ashauer, Matthew MR

From: Harvey, Nina GPCAPT
Sent: Thursday, 15 February 2018 4:05 PM
To: Justice Slattery; Cowen, Michael BRIG 1
Cc: Registrar of Military Justice; Swanson, David CMDR; Neal, Patience LCDR
Subject: FW: Alert: External Review - Paul Farrell - (FOI 112/17/18) Court Martial Proceedings since September 2014 [SEC=UNCLASSIFIED]
Attachments: Unredacted (amended).doc; Redacted (amended).pdf; 180215 - CT-003608 - Military justice proceedings - Farrell - Proposed R... (3).doc; Trial Results.pdf
Importance: High

UNCLASSIFIED

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Sirs,

For your information.

This is obviously very relevant to our current discussions wrt publication.

Regards,


Nina L. Harvey

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From: Harvey, Nina GPCAPT

Sent: Thursday, 15 February 2018 4:02 PM

To: FOIReview; Navy FOI; AHQ-FOI Coord; RAAF FOI

Cc: Wolski, Brett RADM; Head Defence Legal; D'Amico, Adrian MR 1; DGADFLS Incoming outgoing mail; Mullins, Darryn CAPT - RAN; Taylor, Christopher GPCAPT; Lewis, Angeline WGCDR; Cawte, Catherine CMDR; Saultry, Penelope COL; Brick, Maria WGCDR; ODMP; Defence Counsel Services; Budd, Wayne BRIG; Mathews, Nick CAPT - RAN; Cram, Nick MR; Adams, Jules GPCAPT

Subject: RE: Alert: External Review - Paul Farrell - (FOI 112/17/18) Court Martial Proceedings since September 2014 [SEC=UNCLASSIFIED]

Importance: High

UNCLASSIFIED

Hi Joanne,

Thank you for your e-mail advising me of this external review (below).

s22



(11)Based on the current legal interpretation of the DFDA (see para 8), consideration is currently being given to broadening the publication of outcomes. For these purposes, research is being conducted into what other militaries do and what comparable criminal courts do (i.e. Magistrates Court level). While these do not provide direct comparisons, they do provide useful points of comparison. The factors being taken into consideration include: what the law requires, what the law allows, transparency, confidence, deterrence and legal obligations to serving members (for example: workplace health and safety obligations and personal privacy). There are significant personal welfare considerations that need to be taken into consideration. These intersect with additional obligations with respect to veterans and persons with mental illness (including post-traumatic stress disorder), particularly where these are service related. A significant portion of persons on trial suffer from mental illness (such as post-traumatic stress disorder) related to their service and, further, this has been a significant factor in the proceedings.

Please do not hesitate to contact me should you require any further information.

Regards,

Nina L. Harvey

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