



**30 June 2009**

## **Federal Court finds ADF breached safety laws**

Today, Justice North of the Federal Court declared that the Australian Defence Force (ADF) contravened the *Occupational Health and Safety Act 1991* in relation to the tragic death of an Australian Army Cadet. This judgment was the result of legal proceedings initiated by Comcare.

Cadet Francis was participating in a Scotch College Army Cadet Unit bivouac in the Wombat State Forest, Victoria, when he died as the result of a peanut allergy on 30 March 2007.

Justice North determined that the ADF failed to take all reasonably practicable steps to protect the health and safety of its cadets.

The ADF was ordered to pay a civil penalty of \$210,100 for the breach and to pay Comcare's legal costs.

In addition to the civil proceedings, Comcare has accepted an enforceable undertaking from the ADF, which requires the ADF to make mandatory improvements in its systems to protect cadet safety. Comcare welcomes the significant steps the ADF has already taken in response to the safety breach. Comcare will be closely monitoring the ADF's implementation of the enforceable undertaking to ensure that the objective of safety in cadet activities is met.

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