

SENATE ESTIMATES BRIEF

Group Brief
Army pack

FOREIGN MILITARY SERVICE – MAJGEN M HINDMARSH (RETD)

Key Facts

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| <ul style="list-style-type: none">• Major General Hindmarsh retired from the Australian Army on 1 October 2009.• He is currently the Commander of the United Arab Emirates Presidential Guard.• On retirement from the Australian Regular Army, Major General Hindmarsh (Retd) volunteered to be placed on the Standby Reserve list. The usual period for remaining on the Standby Reserve list is five years.• Major General Hindmarsh (Retd) completed five years on the Standby Reserve list on 1 October 2014. He was removed from the list on 27 January 2016. | <ul style="list-style-type: none">• Since completion of his Australian Regular Army service on 1 October 2009, Major General Hindmarsh (Retd) has not undertaken any active service. |
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Key Issues

- There has been recent media interest in the current employment of Major General Michael Hindmarsh (Retd) including online reporting in late December. The online reporting links the United Arab Emirates to allegations of war crimes in Yemen, but notes there is no evidence to implicate Major General Hindmarsh. The Minister for Defence received a related complaint from a member of the public on 28 December 2015.
- Army has been requested to provide information, via Headquarters Joint Operations Command, on former personnel working in the Middle East and the processes by which a former member may commence employment with a foreign military. International Policy Division has sought advice on related policy from Army.
- In June 2009, then Chief of Army (Lieutenant General Gillespie) supported Major General Hindmarsh's request to travel to the United Arab Emirates to explore employment opportunities.
- MAJGEN Hindmarsh retired from the ARA on 1 October 2009. In accordance with Defence (Pers) Regulations 2002, transfer to the Standby Reserve upon voluntary discharge from the Australian Regular Army is optional for personnel enlisted prior to 1 July 2003. Major General Hindmarsh (Retd) volunteered to be on the Standby Reserve list.
- The usual duration completed on the Standby Reserve list is five years, which Major General Hindmarsh (Retd) completed on 1 October 2014. Provisions exist in the Personnel Regulations to remove someone from the Standby Reserve prior to the full five year period if their retention is deemed not in the interest of the Army.
- Delays in administrative transition of Standby Reserve personnel at the completion of five years do occur due to the size of the Standby Reserve and available resources and IT systems to support the process. This is currently the subject of remediation work within Career Management Army.
- The schedule to transition Major General Hindmarsh (Retd) off the Standby Reserve list was signed on 27 January 2016.

- Personnel who retire or resign from active service, either Australian Regular Army or Army Reserve, are considered by Defence to be private citizens and are able to seek employment domestically or overseas. Defence does not monitor their post service employment. The appropriate time at which Defence would review the non-ADF employment of a person on the Standby Reserve list is when the former member is being considered for transfer back to an active mode of service, either the Australian Regular Army or Army Reserve.
- ADF personnel are debriefed on retirement and are still subject to Australian laws regarding disclosure of classified information.
- Whether a person is accepted into a foreign military is a matter for the country in question and their laws regarding military service. The ADF has targeted recruiting schemes to meet particular personnel capability requirements through recruitment of personnel with previous service in other foreign militaries. The employment of Major General Hindmarsh (Retd) by the United Arab Emirates military is alike in nature to the ADF employment of former United Kingdom and United States military personnel recruited as 'lateral transfers' in order to meet particular skill and experience capability requirements not available within the ADF (eg. medical officers, pilots, amphibious operations specialists).
- Under the current arrangements for the engagement of Major General Hindmarsh (Retd) by the United Arab Emirates military, it is not appropriate to consider him to be a mercenary. Major General Hindmarsh is a member of the national armed forces of the United Arab Emirates. The United Arab Emirates military is subject to the law of armed conflict under both customary international law and relevant international conventions to which the United Arab Emirates is a party. Under international law a mercenary, among other things, both:
 - takes a direct part in hostilities, and
 - is not a member of the armed forces of a party to a conflict.

Neither of these criteria are currently application to Major General Hindmarsh (Retd).

AUTHORISED BY:

Brigadier Jane Spalding
Chief of Staff, Army Headquarters
Date: 25 January 2016

CONTACT OFFICER:

LTCOL Jocelyn King
Pers Ops - Army
Date: 25 January 2016

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From: DPAWSNotificationService@drn.mil.au
Sent: Tuesday, 9 February 2016 10:40 AM
To: AHQ-PBA
Subject: EAS - DPAWS Notification - For Action - QB16-000042 [SEC=UNCLASSIFIED]
Importance: High

Dear Army GC

(QB16-000042) with subject **Mike Hindmarsh (*new*)** and due date **9/02/2016 10:45:00 AM** has been assigned to you by Opal Daniels (ExecutiveDelegate, GC, PC-MA, PC-MC, PC-QB, PC-QN, PC-SB, QualityController, SeniorExecutive).

The following processing instructions are appended for your information:

- 9/9/16 - Good morning Army, as stated in previous email to Army coord, OMINDEF has just requested this new QB. It only needs a very short holding line as requested: "Could we please get a short statement from Defence responding to this morning's article on Mike Hindmarsh. Would highlight that Hindmarsh is a private citizen and there is no ADF involvement in this. Cheers, Dean" Browyn Madge has asked for this to be tasked to Army. Please populate and return to PC-QB before 11am or let us/DLOs know about an ETD. So sorry about the short notice! Thanks, Aurora s22

Please access your [DPAWS Inbox](#) to action this request.

Thank you

DPAWS Notification Service

Note: Please do not reply to this message.



PARLIAMENTARY BUSINESS - ARMY
QUESTION ~~SECRET~~ BRIEF

PDR/ SUBJECT:		Foreign Military Source MAJGEN Hindmarsh.	
MINISTER	MINDEF		
DUE DATE:	PBA:	DMPLS: 9-2-16	
ACTION AREA / POC / SME			
ISSUES OR QUESTIONS TO BE ADDRESSED			
PREVIOUS TASKS			
CONSULTATION / CLEARANCE SEC/CDF	CLEARED BY:	DATE:	
	DAC	9-2-16	
COMMENTS:			
9-2-16	To COFS for clearance. s22		
09 FEB	Cleared with minor amendment. s22		

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Information valid as at: 9 February 2016

Mike Hindmarsh

Issue

There has been recent media interest in the current employment of Major General Michael Hindmarsh (Retd) including online reporting in late December. The online reporting links the United Arab Emirates to allegations of war crimes in Yemen, but notes there is no evidence to implicate Major General Hindmarsh.

Headline Statement

- ADF personnel are debriefed on retirement and are still subject to Australian laws regarding disclosure of classified information.

Key Points

- Major General Hindmarsh retired from the Australia Army on 1 October 2009 and followed all the appropriate procedures in his retirement from the Australian Army.
- It is not unusual for countries to accept personnel from other countries into their armed forces. The exact process is a matter for the receiving country and its laws on military service.
- Since completion of his Australian Regular Army service on 1 October 2009, Major General Hindmarsh (Retd) has not undertaken any active service.

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Information valid as at: 9 February 2016

Background (not for disclosure)

There has been recent media interest in the current employment of Major General Michael Hindmarsh (Retd) including online reporting in late December. The online reporting links the United Arab Emirates to allegations of war crimes in Yemen, but notes there is no evidence to implicate Major General Hindmarsh.

Major General Hindmarsh retired from the ARA on 1 October 2009. In accordance with *Defence (Personnel) Regulations 2002*, transfer to the Standby Reserve upon voluntary discharge from the Australian Regular Army is optional for personnel enlisted prior to 1 July 2003. Major General Hindmarsh (Retd) volunteered to be on the Standby Reserve list.

The usual duration completed on the Standby Reserve list is five years, which Major General Hindmarsh (Retd) completed on 1 October 2014. Major General Hindmarsh (Retd) is no longer in the Standby Reserve.

Personnel who retire or resign from active service, either Australian Regular Army or Army Reserve, are considered by Defence to be private citizens and are able to seek employment domestically or overseas. Defence does not monitor their post service employment. The appropriate time at which Defence would review the non-ADF employment of a person on the Standby Reserve list is when the former member is being considered for transfer back to an active mode of service, either the Australian Regular Army or Army Reserve.

ADF personnel are debriefed on retirement and are still subject to Australian laws regarding disclosure of classified information.

Whether a person is accepted into a foreign military is a matter for the country in question and their laws regarding military service.

Point of Contact

Brigadier Jane Spalding Chief of Staff – Army Headquarters (w) 6265 s22
Departmental information valid as at: 9 February 2016.

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