



## CHIEF OF THE DEFENCE FORCE



MS21-002003

Senator the Hon Eric Abetz  
Senator for Tasmania  
Chair, Senate Foreign Affairs, Defence and Trade Legislation Committee  
Parliament House  
Canberra ACT 2600

Dear Senator

On 1 June, during the budget estimates hearings of the Senate Foreign Affairs, Defence and Trade Legislation Committee, questions arose about complaints made by Dr Narelle Dawson-Wells concerning two military justice officials, who were named. I write to inform the Committee of the outcome of the complaints, as far as the Department of Defence is concerned.

The Department of Defence received two complaints made by Dr Dawson-Wells (in February 2019 and February 2021) concerning the conduct of Brigadier the Honourable Judge Paul Smith (Deputy Judge Advocate – Army) and Brigadier Michael Cowen (Chief Judge Advocate). The complaints relate to conduct arising in the course of their civilian employment within the Queensland criminal justice system and not to the military service of either officer.

The Inspector-General of the Australian Defence Force examined those aspects of the complaints that concern the military justice system to determine if any conduct raised doubt about either officer's character or capacity to occupy their military justice roles. The Inspector-General's assessments found no evidence to cast doubt on the fitness of either officer for their military justice appointments. Those aspects of the complaints relating to the operation of the Queensland criminal justice system are a matter for Queensland authorities.

I respectfully request that you place this correspondence on the Committee's public records.

Yours sincerely

Angus J Campbell, AO, DSC  
General  
Chief of the Defence Force

10 Sep 2021

## Letter from Dr Narelle Dawson-Wells in response to correspondence received from General Angus Campbell AO DSC, Chief of the Defence Force

Senator the Hon Eric Abetz - (Chair, Senate Foreign Affairs, Defence and Trade legislation Committee)

Parliament House, Canberra ACT 2600

Dear Senator

On 10 September 2021, Angus Campbell, Chief of the Defence Force, wrote to you regarding my complaints to the Inspector-General Australian Defence Force (IGADF) concerning Chief Judge Advocate Michael Cowen and Deputy Judge Advocate Paul Smith.

Their alleged offences [REDACTED] occurred during the course of their civilian employment within the Queensland criminal justice system.

In writing to you, and having his letter to you published on the internet, Angus Campbell has breached an official, legally binding order which forbids the 'outcome' of the Inquiry that was held from being published. On 4.2 2020 the IGADF James Gaynor documented to me, "*I confirm [that the] direction prohibiting the further disclosure of inquiry information applies to any person*". That includes the Chief of Defence Angus Campbell.

On 2 February 2021, I signed a non-disclosure direction in accordance with section 21 of the *Inspector-General of the Australian Defence Force Regulation 2016*, that I would not disclose the 'Inquiry Outcome Report'. I have acted in accordance with that direction. Angus Campbell however, published the 'outcome' of the Inquiry.

Angus Campbell, not only breached an ADF order which carries penalties, but his letter implies that the conduct of Judge Cowen and Judge Smith was neither inappropriate nor illegal. Evidence challenges that!

My complaint against Michael Cowen was serious enough for Marise Payne, the IGADF and two former Supreme Court Judges to demand a formal Inquiry and the alleged breach of the Criminal Law (Sexual Offences) Act 1978 by Paul Smith is deemed serious enough to be taken before a civil court.

On 8 July 2021, in relation to Judge Paul Smith, the IGADF wrote to me documenting that, "*I am pleased the Qld Governor's Secretary has referred your concerns to the Qld authorities*". This year legal action will be initiated against Judge Smith for his alleged deliberate breach of the Sexual offences Act.

On 29 January 2020, in relation to Judge Michael Cowen, the IGADF wrote to me documenting that, "*It would be a mistake to apply [the] findings – on those aspects of your complaints that are within my jurisdiction as IGADF – to the totality of your experiences and your complaints about those experiences*".

I hold the IGADF in high esteem as leader amongst men in understanding and addressing the rights of sexually assaulted women in Australia. He was limited in that he could only address whether Cowen and Smith had the 'knowledge' and 'ability' to complete their ADF tasks. He could not initiate [REDACTED] litigation for the alleged offences [REDACTED] in Qld before they were appointed to the ADF.

This year legal action also will be initiated against Judge Michael Cowen.

I respectfully request that you place this correspondence on the Committee's public records.

Yours sincerely

Dr. Narelle Dawson-Wells - Former Deputy Director-Crime and Corruption Commission

14 February 2022