

Submission to the Senate Inquiry into The report of the review of allegations of sexual and other abuse in Defence, conducted by DLA Piper, and the response of the Government to the report

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Executive Summary

The DLA Piper report is an incredibly significant document which represents a huge level of progress on the path to justice for victims of serious crimes within the Australian Defence Force (ADF), but it contains a slightly misleading emphasis on sexual assaults within just the Australian Defence Force Academy (ADFA) during just the mid to late 1990s, whereas victims of sexual assaults and other crimes within ADFA and the wider ADF in all locations and over all time periods should be treated equally seriously. It is misleading to claim that there was a particular spike in sexual assaults within ADFA in the 1990s. The situation has been more akin to a high plateau, as sexual assaults have occurred frequently at ADFA from its first year of operation in 1986 onward until well into the 1990s at least.

Grossly defective record keeping and highly inappropriate patterns of conduct by Defence Minister Robert Hill and others from February 2004 onward, in response to submissions to the Senate Inquiry into the Effectiveness of Australia's Military Justice System which raised extremely serious allegations of significant levels of serious crime within the ADF, have provided numerous lessons on what Government and Defence should *not* do in response to allegations of sexual assault and other serious crimes within the ADF. If Minister Hill and others responded appropriately to allegations they were well aware of in 2004, processes initiated by Defence Minister Stephen Smith in 2011 and 2012 could have commenced in 2004, all else being equal. Some victims of serious crimes within the ADF may have died between 2004 and now, and many must have experienced ongoing suffering that has been compounded by the way Government and Defence have swept so many serious crimes under the carpet so badly, for so long, and taken unacceptably long times to respond properly to allegations.

Introduction

1. My submission here focuses on the following elements of this inquiry's terms of reference:
 - the effectiveness and timeliness of the Government's processes for assessing, investigating and responding to allegations of sexual or other forms of abuse;
 - systemic and cultural issues in reporting and investigating sexual and other forms of abuse;
 - whether data and information collection and dissemination of data and information in relation to sexual and other forms of abuse in Defence is adequately maintained and appropriately acted upon and, if not, any alternative mechanisms that could be established;
 - the committee's overarching concern ... to develop recommendations for improving the way in which Defence and the Government manage and respond to such allegations; and
 - direct experience of any aspect of the way in which allegations of abuse in Defence (or similar organisations) are reported, investigated, managed and/or resolved.

2. My submission here seeks to focus on concerns with the DLA Piper Report's finding number 22 and issues numbered 3 and 4, in relation to some 24 rapes that allegedly occurred at the Australian Defence Force Academy (ADFA) in the mid to late 1990s.
3. My submission also seeks to put the spotlight on actions and statements by the Hon Robert Hill when he was Defence Minister from early 2004 onward, and others acting in concert with Minister Hill, in:
 - (a) criticising the Senate Committee inquiring into the Effectiveness of Australia's Military Justice System on 18 February 2004 for publishing on its website my first submission to this Senate Committee's inquiry;
 - (b) seeking to discredit my submission to this 2004 Senate Inquiry into the Effectiveness of Australia's Military Justice System; and
 - (c) making statements and carrying out actions and omissions, by virtue of (a) and (b) and otherwise, amounting to perverting the course of justice and obstructing justice, or something akin to these crimes.

Concerns with the DLA Piper Report's Finding Number 22 and Issues Numbered 3 and 4

4. The DLA Piper Report includes as follows:
 - (a) Finding 21 – It is likely that many people who have carried out abuse - including sexual and other assault in the ADF - have not been identified -or- if identified - have not had any significant action taken in relation to them and are still in the ADF (see pages xlvi and 121);
 - (b) Finding 22 – Lieutenant Colonel Northwood working in parallel with the Grey Review identified 24 cases of rape at ADFA in the late 1990s. It seems that none of the matters went to trial (see pages xlvi and 121);
 - (c) Issue 3 – It is possible that male cadets who raped female cadets at ADFA in the late 1990s and other cadets who witnessed such rape and did not intervene may now be in 'middle' to 'senior' management positions in the ADF. Those possibilities carry serious risks for the ADF (see pages xlvi and 121);
 - (d) Issue 4 – Phase 2 should consider the possibility of establishing a Royal Commission or similar process to clarify whether: any of the around 24 persons identified by Lieutenant Colonel Northwood in 1998 as being suspected of having committed rape are still in the ADF; whether any persons who witnessed and did not intervene to stop rape in 1998 are still in the ADF; if so, how to deal with that situation (see pages xlviii and 121); and
 - (e) A table on page 40 titled 'Time period when the incident occurred', which has a number of 36 for the 1970s, 20 for the period 1980-84, 32 for 1985-89, so a total of 64 for the 1980s, and also 32 for the 1990s and 49 for the 2000s, where these figures are based on DLA Piper's examinations of allegations made by 150 of the "847 people who raised matters within the scope of the Review" (page 38), so need to be viewed with caution.
5. According to Wikipedia, the current Chiefs of the Defence Force, Navy, Army and Air Force are as follows:

- (a) the Chief of the Defence Forces is General David Hurley who was born in 1953 and joined the Army in 1972;
- (b) the Chief of the Navy is Vice Admiral Ray Griggs who was born in 1961 and joined the Navy in 1978;
- (c) the Chief of the Army is Lieutenant General David Morrison who was born in 1956 and joined the Army in 1979; and
- (d) the Chief of the Air Force is Air Marshal Geoff Brown who was born in 1958 and joined the Air Force in 1980.

6. As indicated by the birth dates in paragraph 5 above, most of the senior leaders of the Australian Defence Forces today in 2012 were born in the 1950s and 1960s, and joined the ADF and attended one or more officer training establishments in the 1970s and 1980s. The four men listed in paragraph 5 all completed their initial stages of officer training before ADFA began operations in January 1986, and the same would still apply to a significant proportion of the very highest ranking ADF officers at Navy Commodore and higher rank levels, and equivalents in the Army (Brigadier and higher) and Air Force (Air Commodore and higher). The oldest graduates of ADFA are now in their mid to late 40s, having joined the ADF in the mid 1980s and graduated from ADFA in 1986, such that:

- (a) all or nearly all individuals who graduated from ADFA in its first four years of operation from 1986 to 1989 are now aged in their 40s, and those still in the ADF would now nearly all be senior ADF officers, holding high officer ranks between Navy Commander (and equivalent ranks of Lieutenant Colonel in the Army and Wing Commander in the Air Force) and flag ranks;
- (b) all or nearly all individuals who graduated from ADFA between 1990 and 1994 are now aged in their late 30s or early 40s, and those still in the ADF would now nearly all hold middle to high ranks between Navy Lieutenant Commander (and equivalent ranks of Major in the Army and Squadron Leader in the Air Force) and Commodore (and equivalent ranks of Brigadier in the Army and Air Commodore in the Air Force);
- (c) all or nearly all individuals who graduated from ADFA between 1995 and 1999 are now aged in their 30s, and those still in the ADF would now nearly all hold ranks between Navy Lieutenant (and equivalent ranks of Captain in the Army and Flight Lieutenant in the Air Force) and Captain (and equivalent ranks of Colonel in the Army and Group Captain in the Air Force).

7. When patterns of separation (resignation, retirement and so on) are taken into account alongside the estimates set out in paragraph 6 above, the DLA Piper Report's articulation of Issue 3, that "It is possible that male cadets who raped female cadets at ADFA in the late 1990s and other cadets who witnessed such rape and did not intervene may now be in 'middle' to 'senior' management positions in the ADF", can only be considered an extreme understatement. I appreciate that understating and conservative estimation generally can be a prudent approach in many matters, but best estimates are also of self-evident value. DLA Piper's articulation of Finding 21, that "It is likely that many people who have carried out abuse - including sexual and other assault in the ADF - have not been identified -or- if identified - have not had any significant action taken in relation to them and are still in the ADF", is much closer to the mark than the overly timid Issue 3 articulation.

8. I believe the information available to DLA Piper and many others supports the following articulation of the situation with ADFA rapists, as a refinement of the wording used for Issue 3:

Of the male cadets who raped female ADFA cadets from 1986 onward, and other cadets who witnessed such rape and did not intervene, it is highly probable that many would still be in the ADF in 'middle' to 'senior' management positions, and some of those no longer in the ADF would still be employed within Defence as civilians, and some again would now be employed in private companies within the Defence industry.

9. Extending beyond just ADFA, the wording as above can be expanded further, to:

Of the male ADF members who raped female ADF members from the 1980s or so onward, and other ADF members who witnessed such rape and did not intervene, it is highly probable that many would still be in the ADF in 'middle' to 'senior' management positions, and some of those no longer in the ADF would still be employed within Defence as civilians, and some again would now be employed in private companies within the Defence industry.

10. I'm concerned that the wording of Issue 3 in the DLA Piper Report and numerous subsequent media reports has inadvertently placed excessive and unjustified emphasis on just one narrow timeframe at one Defence base: just the late 1990s, or the mid to late 1990s, at ADFA. As I've stated directly over the phone to some people within DLA Piper and Defence Minister Smith's office, I'm concerned that victims of ADFA rapes from times other than the mid to late 1990s, and victims of rapes from Defence bases other than ADFA, are not going to have their cases considered as seriously as they should be if subsequent actions focus on just the ADFA rapes from the mid to late 1990s, to the detriment of other victims from other times and places.

11. The statements proposed in paragraphs 8 and 9 above are essentially self-evident and readily verifiable, and the truths they represent should not be narrowed and watered down by excessive understatement and unwarranted restrictions to a single location over an arbitrary timeframes, as is the case with the Issue 3 wording, in which an all but certain truth with wide application across the entire history of ADFA and the entire ADF is inappropriately reduced in status to a merely "possible finding" for just ADFA in the mid to late 1990s, noting also that the statistics in the table on page 40 of the DLA Piper report, as cited in paragraph 4(e) above, indicate that there were more serious incidents in the 1980s and 2000s than the 1990s.

Negligence, Covering Up, Interference and Intimidation by Minister Hill and Others in 2004 to Delay Investigative Progress and Justice by Seven or Eight Years or So All Else Being Equal

12. My 28 January 2004 submission to the 2004 Senate Inquiry into the Effectiveness of Australia's Military Justice System included as follows in paragraph 16:

My estimation is that there have been between 10 and 100 or so gang rape victims at ADFA alone since it began operations in 1986, and many more victims of physical and sexual abuse and intimidation that falls short of rape as such – in addition to numerous other crimes. I'd guess that many gang-rapists must still be serving within the ADF and believe these need to be identified and handed over to the police and courts without further delay.

13. When I look back at my 2004 submission, including the extract as above, I admit that I could have worded many parts of that submission better. As one example, I could have included estimates for all forms of sexual assault by ADFA cadets against other ADFA cadets, not just gang

rapes against female victims. Table 1 below contains my current estimates of the numbers of sexual assaults perpetrated against ADFA cadets by other ADFA cadets from 1986 to 2012, based on what I was already aware of in 2004 and information that has come to light since, including through the DLA Piper Report. My 2004 estimate only contained the 10 to 100 estimate shown in the female victim row and multiple perpetrator column in Table 1 below, but Table 1 now contains estimates broken down by victim gender and perpetrator numbers, where the widespread practice known as "woofing", in which a male cadet's genitals were sucked by a vacuum cleaner, accounts for the majority of the male victim cases in the estimates presented here.

Table 1: Estimated Numbers of ADFA Sexual Assaults from 1986 till 2012

		Number of Perpetrators		Totals
		single perpetrator	multiple perpetrators	
Gender of Victims	female victim	30 to 200	10 to 100	40 to 300
	male victim	10 to 100	30 to 600	40 to 700
Totals		40 to 300	40 to 700	80 to 1000

14. The woofing practice accounting for about half of the estimated number of ADFA sexual assaults in Table 1 above was deeply embedded within cadet culture from 1986 till the mid 1990s at least when I was present at ADFA (I was there 1986-88 and 1992-96). I'm confident that this practice was generally only carried out by ADFA cadets who were in the bottom half of the cadet population in terms of lawfulness, ethics, self control, psychological stability, discipline, strength of character, respect for others, ability to resist improper peer pressure, and personal qualities and "officer like qualities" generally. But I also believe that ADFA cadets who never carried out woofing or other forms of sexual assault remain significantly responsible for this woofing practice, and ADFA sexual assaults generally, by not exerting strong enough peer pressure to enforce laws and policies that obviously prohibited blatantly criminal acts such as rape and woofing, in order to stamp out these shocking practices.

15. Above all, ADFA's formal leadership (above the cadet level of leadership) at all levels, including successive Commandants, Defence Chiefs and responsible Ministers, must be held responsible for allowing sexual assaults to occur on their watches, and for failing to take stronger measures to prevent such offences, though I certainly recall that good Commandants such as Admiral Gerry Carwardine AO in the mid 1990s seemed to go out of their way to do all they could to improve the cadet culture. Admiral Carwardine was one of numerous "leadership is caring" style senior officers who I felt incredibly privileged to meet in my 14 years in the Navy and ADF. Even if significant numbers of sexual assaults were still occurring at ADFA in the mid 1990s, it was clear to me that the efforts of Admiral Carwardine and other good Commandants and ADFA leaders achieved significant progress and laid positive foundations which would have enhanced the effectiveness of reforms later undertaken following the major review of ADFA by Bronwen Grey and others in the late 1990s. I should add that I myself look back and wish I did more to help stamp out sexual assaults and other forms of deviant and criminal behaviour when I was present at ADFA for eight of its first 11 years of operation, and I'd hope that all goodies who passed through ADFA would feel similar in this regard.

16. I now wish to return to my estimate "that there have been between 10 and 100 or so gang rape victims at ADFA alone since it began operations in 1986", as stated in paragraph 16 of my 28

January 2004 submission to the Senate Inquiry into the Effectiveness of Australia's Military Justice system, and responses by Defence Minister Hill which I believe were akin to perverting the course of justice and obstructing justice, and always likely to delay efforts to achieve justice for numerous victims of sexual assaults, as has certainly eventuated.

17. A search I've just carried out on the FACTIVA media database, via the Australian National Library website, shows that my estimate "that there have been between 10 and 100 or so gang rape victims at ADFA alone since it began operations in 1986" was reported in various different wordings in numerous newspapers across the country on and shortly after 12 February 2004.

18. Defence Minister Robert Hill obviously wasn't happy with my submission, or the publicity it received, or the Senate Committee which allowed my submission to be published on the Senate Inquiry website, where it has remained ever since, now at http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=fadt_ctte/completed_inquiries/2004-07/miljustice/submissions/sub08.pdf via http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=fadt_ctte/completed_inquiries/2004-07/miljustice/submissions/sublist.htm.

19. In a Senate Additional Estimates Hearing on Wednesday 18 February 2004, Minister Hill stated as follows, as copied just now from the official Defence website at <http://www.defence.gov.au/minister/22tpl.cfm?CurrentId=3541>:

... Mr Chairman, I am deeply concerned about the path the Committee appears to be taking.

Last week, the Committee decided to publish 15 of the submissions it had received – most focussing on the experiences of individual families. Whilst this is not an uncommon practice, this is an inquiry unlike most others undertaken by the Parliament.

The issues are highly emotive and extremely personal. Some of the accusations being levelled at individuals and institutions are of the worst kind – rape, bullying, neglect, incompetence.

Those that are based on substance and supported by evidence should certainly be treated with the utmost seriousness, rigorously tested by the Committee and the right lessons should be drawn from them.

But releasing submissions without testing the veracity of the information they contain fails to recognise the impact they will have on the men and women of the ADF.

The Committee, for example, agreed to publish a submission which claims that there have been anywhere between 10 and 100 victims of gang rape at ADFA and that the perpetrators of these crimes are still within the ranks of the ADF. The claim was completely unsubstantiated.

Even the author of the submission acknowledges his estimate is based solely on rumours he had heard almost 20 years ago. This of course would not be accepted in any court in this land. Yet in posting it on the website with the protection of Parliamentary privilege, the Committee has given these claims – and others in the same submission – wide public exposure and an unjustified degree of implied credibility. The media went into a feeding frenzy with the opportunity.

In fact, Mr Chairman, there have been no reported allegations I am advised of gang rapes in the 18 years of its existence.

20. As the author of the submission that Minister Hill had such a problem with, as above, I completely reject the Minister's absurd suggestion that my estimate was "based solely on rumours he had heard almost 20 years ago". At ADFA in 1986 and 1987 when I was a cadet midshipman I

heard five or so proximate and quite vivid and detailed accounts of horrible gang rapes, where I acknowledge the possibility that some of these accounts may have overlapped, such that I may have heard five different accounts of just three or four separate gang rapes. I have also kept a very detailed folder of newspaper clippings relating to military justice matters from the 1990s onwards, having read multiple newspapers on most days throughout the 1990s. I began a PhD at the University of Canberra in 1999, and to support my PhD research I thoroughly read *The Canberra Times* and *The Australian* newspapers nearly every day these papers were published from 1999 till 2004 when Minister Hill attacked my submission and credibility as he did on 18 February 2004.

21. I attended ADFA full time in its first three years of operation from 1986 to 1988, and again in 1993 and 1996. I also attended ADFA part time in 1992, 1994 and 1995, though my attendance in 1995 was close to full time. So by the end of ADFA's first 11 years of operation, at the end of 1996, few if any other ADFA graduates would have spent more actual working days at ADFA than I had.

22. By 28 January 2004, when I sent my submission in to the Senate Inquiry into Military Justice, my wife and I had also separately heard accounts of females being gang raped at ADFA in various work and social settings. We've since heard further accounts of ADFA gang rapes that occurred before 2004.

23. My 28 January 2004 Senate Inquiry submission which Senator Hill attacked in the 18 February 2004 Senate Estimates hearing, as in paragraph 19 above, began as follows on page 1:

1. I hereby offer a submission to your Inquiry into the Effectiveness of Australia's Military Justice System.

2. In this submission I will primarily address issues referred to in paragraph (1) – especially part (a) and sub-parts (i) and (ii) of part (b) of the terms of reference for this Inquiry, specifically in relation to gang-rapes at the Defence Force Academy, following reports of the same last year (2003), and the fact that Defence almost certainly still harbours gang-rapists and other criminals within its ranks.

24. Paragraphs 4 and 5 on pages 3-4 of my 28 January 2004 Senate Inquiry submission included as follows, where the ABC radio and Australian newspaper reports referred to here were online continuously from 5 and 6 August 2003 respectively, and were certainly able to be viewed online on 18 February 2004 when Minister Hill made his claim that "there have been no reported allegations I am advised of gang rapes in the 18 years of its [i.e. ADFA's] existence":

4. On 5 August 2003 it was reported by the ABC (see transcript in Appendix as taken from ABC website) in Western Australia as follows:

Lawyer for Doctor McKenzie John Ley has been cross-examining the Lieutenant Commander about her relationships with men and asked her if she was generally distrustful of males.

Mr Ley also asked the Lieutenant commander if she had been gang raped by a group of male cadets in 1986. The naval officer replied yes.

The Lieutenant commander said she had made a formal complaint about the rape.

The inquiry continues.

5. On 6 August 2003, the following was reported in an article titled 'Naval officer alleges gang rape at academy', which appeared on page 4 of *The Australian* newspaper:

A SENIOR female naval officer was gang-raped by a group of cadets at the Australian Defence Force Academy, a medical board inquiry heard yesterday.

The officer, whose name has been suppressed, told the hearing in Perth she had filed a complaint after being gang-raped in 1986.

The board is investigating allegations naval doctor Douglas McKenzie disclosed the woman's sensitive medical details to her superiors in October 2000.

Dr McKenzie's lawyer, John Ley, suggested the officer had a deep distrust of men stemming from the alleged rape, two traumatic relationship break-ups and a belief the navy was a boys' club.

25. My 28 January 2004 submission that Minister Hill attacked so strongly on 18 February 2004 was also made in the knowledge of a detailed report titled 'Ranks close on academy rape claims', as follows, which appeared on page 24 of the 14 October 1997 edition of *The Bulletin* magazine, as part of a broader Cover Story titled 'Rape, Loot & Pillage', where the word suicide, highlighting an utterly tragic situation, was bold in the original:

A female naval cadet's claims of pack rape and a subsequent cover-up could trigger a major shake-up at the prestigious Australian Defence Force Academy in Canberra. Internal RAN documents obtained by *The Bulletin* show senior officers are aware of the allegations but have failed to hold an inquiry. The documents focus on the case of a woman who claims to have been sexually assaulted in her room in the academy in 1991. The woman provided a statement to naval investigators in March 1996. Her statement says the rape was perpetrated by three senior army cadets. She claims she reported the attack to a senior officer at the time and was examined by a sergeant in the sick bay, but that no further action was taken. According to the statement, she then decided not to press her allegations because of an atmosphere of intimidation which prevailed at the academy, and which affected other female cadets as well as herself. **Suicide:** "This often happens to females at the academy but there is a code of silence inherent throughout ADFA," she claims, adding that she and "other victims" feared they could damage their careers by making formal complaints, or be branded as "sluts" if they tried to make trouble. She said she believes one of her friends who had committed suicide was "a victim of this behaviour". The cadet also gave investigators the names of four other female cadets she believed knew details of other assaults. Present while she made her statement were a number of senior officers, including a member of the Command Legal Office who is quoted in the documents held by *The Bulletin* as saying: "... she was aware of several such incidents at ADFA but would need details to establish if this incident was one she was aware of".

...

Bronwyn Bishop, the minister for defence science and personnel, has called for a full report into the allegations raised by *The Bulletin*.

26. I obtained a copy of the report in *The Bulletin* as above after reading the article 'Blokey forces still deter women', by Rachel Hawes, Michael Bachelard and Misha Schubert, which appeared in The Australian newspaper on 13 June 1998, on page 7. This report, which I have kept in my newspaper clippings folder since 1998, included as follows:

Late in 1996, three navy trainees aged between 17 and 21, some at the Australian Defence Force Academy, complained of sexual assault and harassment. PACK RAPE AT ADFA

A female navy cadet complained in 1996 of a rape she said happened at the Defence Force Academy in 1991, according to a story in *The Bulletin* late last year. The magazine quoted internal navy documents, which reported that the rape was perpetrated by three senior army cadets.

27. A Cover Story by Janine Perrett on Channel Nine's *Sunday Program* on Sunday 23 November 1997, titled 'Sexual Harassment in the Military', covered cases overlapping those referred to in Brett Martin's 14 October 1997 Cover Story as above, and the following summary transcript of this story, now available online at

http://sgp1.paddington.ninemsn.com.au/sunday/cover_stories/article_168.asp?s=1, has been available online at least since 2004 when I confirmed its existence online, so I'm sure this summary transcript would have been available online for Minister Hill to view on 18 February 2004 when he attacked my 28 January 2004 submission and claimed that that "there have been no reported allegations I am advised of gang rapes in the 18 years of [ADFA's] existence":

Following several disturbing claims and threatened lawsuits, the government last month ordered an inquiry into sexual harassment at the Australian Defence Force Academy in Canberra. This week, a number of women reveal what happened to them and talk about their cases, some of which prompted the inquiry. One reveals: "He raped me...in my room." Another says, "Two men came into my room and one put his hand on my thigh and then moved it up to my vagina." Two women who have never spoken out before also talk about their experiences. But the problem isn't just confined to the Academy. In the past the Defence Department has already commissioned three reports on the problem of sexual harassment in the military, two of which were released earlier this year. Sunday reporter Janine Perrett looks at whether the inquiry would have been necessary had the cases been thoroughly investigated in the first instance, and whether Australian Defence Force policies and procedures were enforced. One ADF general says, "If that occurred, then whoever made her do that and whoever was around condoning that, needs to get some screaming headlines - and that is they are not welcome in the ADF. And I can't make it clearer than that. They are the dregs and we don't want them in the defence forces."

(full transcript not available due to copyright and/or privacy restrictions)

28. I became aware of the 23 November 1997 Sunday Program Cover Story, as above, after reading about it in a Monday 24 November 1997 article by Matthew Horan in *The Daily Telegraph*, on page 18, that I've kept in my clippings collection since 1997, as follows:

ONE of Australia's top soldiers has admitted the Defence Force is harbouring rapists in its ranks. The admission from Brigadier-General Peter Dunn, the chief of defence personnel, comes as an ADF inquiry into sexual harassment places newspaper advertisements calling for victims to come forward. General Dunn described sex offenders in uniform as "dregs" not wanted by the ADF. But he admitted all three services suffered from sexual harassment and more serious sex crimes such as rape. "I am unfortunately of the view that we probably do," said General Dunn. "We have some (rapists) - no point denying that. "If you think that you have some right to behave in that way in the defence forces then the time has come to really consider your career options because I am telling you, they are very limited," he told Channel 9's Sunday program. "For those that think they are on some mission to ensure that this remains a male-dominated boys' club, I have got news for them," said General Dunn, who has responsibility for implementing anti-sexual harassment and misconduct policies in the Defence Force. Defence Science and Personnel Minister Bronwyn Bishop launched an investigation into claims of sexual harassment and abuse in the Defence Force after several harrowing complaints from servicewomen. One, from the elite Australian Defence Force Academy, said her claims that she was raped by cadets were ignored by senior officers.

29. The 1997 and 1998 media reports as above make it very clear that Minister Hill's parliamentary and Liberal Party colleague Bronwyn Bishop, as Defence Science and Personnel Minister, "launched an investigation into claims of sexual harassment and abuse in the Defence Force after several harrowing complaints from servicewomen", this being the investigation carried out by Bronwen Grey and others. It is also clear that these 1997 and 1998 media reports refer to ADFA gang rape cases in 1991, and possibly other years shortly before or after 1991 as well, so these cases couldn't have been any of the cases I heard accounts of at ADFA in 1986 and 1987, and therefore must represent additional cases over and above those I knew of from 1986 and 1987.

30. In addition to media reports from 2003, 1997 and 1998 as above, the *Sunday Program* did another Cover Story, on Sunday 2 April 2000, titled 'Military Secrets', which included as follows, as available online at http://sgp1.paddington.ninemsn.com.au/sunday/cover_stories/transcript_460.asp, where the victim of the alleged gang rape may have attended either ADFA or the neighbouring

Royal Military College at Duntroon, and the loud discussion referred to below is similar to some discussions I heard in 1986 and 1987:

REPORTER: The harassment reached a peak when a group of men in her hearing loudly discussed a rumoured gang rape in which the victim was vilely humiliated.

...: The thing was their reaction. The whole group of them laughed and thought it was the funniest thing they had ever heard.

REPORTER: ...'s mistake was to complain to another cadet. He claimed she'd accused the storyteller of rape. Her denials were ignored. Her isolation complete.

31. Minister Hill's 18 February 2004 attack on my 28 January 2004 submission, and on the Senate Committee for publishing my submission, and his claim that "there have been no reported allegations I am advised of gang rapes in the 18 years of [ADFA's] existence", clearly relate to virtually all of the elements of the terms of reference for your inquiry as listed in paragraph 1 above here.

32. Ministers should see to it that they obtain accurate information to guide their actions and decisions, and that they get things right, especially about matters as serious as sexual assaults. But I as a private citizen clearly had vastly better knowledge and records of sexual assaults at ADFA than Minister Hill could gather together even with all of his Ministerial resources and powers. Minister Hill obviously wasn't aware of contents of files held within ADFA itself and also in Russell Offices on ADFA sexual assaults that I'd known about for years by 2004. Minister Hill didn't even seem to be aware of knowledge possessed by his Defence Ministerial predecessor Bronwyn Bishop as in paragraphs 25, 28 and 29 above. Ms Bishop has been a Liberal parliamentarian continuously from 1987 till the present date in 2012, including on 18 February 2004, so Minister Hill has no excuse for failing to consult with his parliamentary colleague Ms Bishop, or any of numerous others who could easily have confirmed that significant numbers of ADFA gang rapes and single perpetrator rapes and sexual assaults had been reported to Defence authorities and in some cases the police too by the start of 2004.

33. Minister Hill's error, in claiming on 18 February 2004 that "In fact, Mr Chairman, there have been no reported allegations I am advised of gang rapes in the 18 years of [ADFA's] existence", extends well beyond gross carelessness and negligence in relation to record keeping and failures to actually read my 28 January 2004 submission, though the deplorable record keeping standards were clearly a huge issue here, and it's hard to see how Minister Hill could possibly sustain his claim that "there have been no reported allegations I am advised of gang rapes in the 18 years of its existence" if he actually read my 28 January 2004 submission properly, and the 5 and 6 August 2003 media reports that my 28 January 2004 submission referred to.

34. Minister Hill's attack on my submission and his grossly inaccurate claim that "there have been no reported allegations I am advised of gang rapes in the 18 years of [ADFA's] existence" clearly indicated that Minister Hill was intentionally, and with reckless disregard for the actual truth, turning a blind eye to what my 28 January 2004 submission actually contained, and the public record generally, which included significant media reports from 1997, 1998, 2000 and 2003, as summarised in paragraphs 24 to 30 above, and the wealth of knowledge held by Bronwyn Bishop, Bronwen Grey, Peter Dunn (see paragraph 28 above) and others, not to mention numerous documents held on file within ADFA, the Defence Department at Russell, and the Australian Federal Police (AFP). Minister Hill could easily have and clearly should have ordered the Defence Department to collate together all documents held at ADFA, Russell and throughout the ADF which contained allegations of sexual results and other serious crimes, and he could have cooperated with the police to further enhance the accuracy and completeness of such records and information, but he

instead chose to display wilful blindness, and lead a significant cover-up which has had the disastrous effect of delaying justice for victims by seven or eight years or so, all else being equal. Minister Hill could have used my 28 January 2004 submission and other sources of the truth readily available to him to do all the things in 2004 that Minister Stephen Smith has done now in 2011 and 2012. Some victims have probably died over these intervening seven or eight years, through suicide or otherwise! Many must have suffered horrendously, in numerous ways.

35. Defence Minister Hill's response in 2004 didn't stop with his 18 February 2004 Senate Estimates efforts. Minister Hill was also involved in, and as Minister responsible for, a highly orchestrated propaganda campaign, in which the grossly inaccurate claim that "there have been no reported allegations I am advised of gang rapes in the 18 years of [ADFA's] existence" was widely notified throughout Defence, via the official Defence website, Minister Hill's own Defence Minister's webpages, and the three service newspapers for each of the Navy, Army and Air Force.

36. The following is part of a statement I prepared in October 2004 to record the way in which official Defence websites and the three service newspapers were being used to spread misinformation in ways that effectively denied the very existence of numerous victims of vicious sexual assaults at ADFA and elsewhere within the ADF, and please note that the links to the articles below in the Navy, Army and Air Force newspapers here have been continuously active from early 2004 till now in late 2012:

Several females who attended the Australian Defence Force Academy have claimed that they were gang raped at the Academy since it began operations in 1986. One such claim came out in a Medical Board of Inquiry in August of last year, as at <http://www.abc.net.au/news/newsitems/200308/s917785.htm> as follows:

Naval officer tells medical inquiry of gang rape

A senior female naval officer has told the Western Australian medical board of inquiry she was gang raped by a group of male cadets in 1986.

...

Mr Ley also asked the Lieutenant commander if she had been gang raped by a group of male cadets in 1986. The naval officer replied yes.

The Lieutenant commander said she had made a formal complaint about the rape.

The inquiry continues.

This same story was reported in The Australian newspaper of 6 August 2003. And several other ADFA gang rapes were reported in a 14 October 1997 Cover Story in *The Bulletin* magazine by Brett Martin titled 'Rape, Loot & Pillage' (see especially page 24).

Despite recent and longstanding knowledge of such gang rape claims, the Coalition's Defence Minister Robert Hill made the following false statement in Senate Estimates on 18 February 2004:

"In fact, Mr Chairman, there have been no reported allegations I am advised of gang rapes in the 18 years of its [i.e. the Australian Defence Force Academy's] existence" ...

Despite having gang rape claims drawn directly to his attention, the Defence Minister has allowed his careless false statement to remain on the public record on four separate pages via the official Defence website, as follows:

1. Feb 18, 2004, Senate Additional Estimates
(at <http://www.minister.defence.gov.au/HillTranscriptTpl.cfm?CurrentId=3541>)
2. ADF has been maligned - Defence Minister attacks Senate inquiry into military justice for releasing submissions
(at <http://www.defence.gov.au/news/armynews/editions/1091/personnel/story05.htm>)
3. Navy News - Issue 4702 :: 26 Feb 04

Just and fair system for all - In this edited version of the Minister for Defence's statement to Senate Additional Estimates on February 18, 2004, Senator Hill addresses the issues of gang rape, suicide and military justice.

(<http://www.defence.gov.au/news/navynews/editions/4702/FEATURE/feature02.htm>)

4. Air Force News - Issue 4602 :: 26 Feb 04

An issue of accountability - This is an edited version of Minister for Defence Senator Robert Hill's statement to Senate Additional Estimates on February 18 about the Senate References Committee inquiring into the effectiveness of the Military Justice System.

(<http://www.defence.gov.au/news/raafnews/editions/4602/features/feature04.htm>)

These issues relate to serious crimes committed against women, and the Defence Minister had a clear obligation to correct the public record. It is outrageous that the official Defence website of all places could be allowed to maintain these false statements for nearly eight months since February. This examples shows that the Howard government is far too careless with facts, reckless, dishonest and dismissive of serious issues to remain in charge of our national security and government generally. And it is yet another example of how the Howard government is prepared to whitewash and neglect victims, shoot messengers and interfere with Parliamentary Inquiries in order to avoid uncomfortable truths. The Defence of Australia and the Women of this country deserve better.

37. The following is part of a statement I prepared in September 2004, titled and sent "To Women's Groups and Others":

I attended ADFA full time from 1986-88 and again throughout 1993 and 1996, and over the years have become aware that several gang rapes took place at the Defence Force Academy. I wish this were not true of course, but unfortunately it does definitely appear to be the case that a significant number of female cadets at ADFA have been gang raped, and others have been raped by single perpetrators and subject to other forms of sexual harassment and abuse. Several gang rapes were reported in a 14 October 1997 Cover Story in The Bulletin magazine by Brett Martin titled 'Rape, Loot & Pillage' (see especially page 24 – as attached) and another came out in the public press on 5 August 2003, as is still seen on the ABC website at <http://www.abc.net.au/news/newsitems/200308/s917785.htm>. There have also been several reviews and reports on this subject.

Yet if go to the official Defence website at <http://www.defence.gov.au/mjs/index.cfm> (the Defence Department's web page on the Senate Military justice Inquiry – this being linked to from the Defence homepage itself), one can discover that this links to four web pages all of which contain the following 100% totally false statement/denial/dismissal, as spoken by the Coalition Government's Defence Minister Robert Hill:

"In fact, Mr Chairman, there have been no reported allegations I am advised of gang rapes in the 18 years of its [i.e. the Australian Defence Force Academy's] existence" ...

These four pages are as follows.

Under the heading of 'Media Releases and Transcripts':

1. Feb 18, 2004, Senate Additional Estimates
(at <http://www.minister.defence.gov.au/HillTranscriptTpl.cfm?CurrentId=3541>)

Under the heading of 'Related Stories from Service Newspapers':

2. ADF has been maligned - Defence Minister attacks Senate inquiry into military justice for releasing submissions
(at <http://www.defence.gov.au/news/armynews/editions/1091/personnel/story05.htm>)

3. Navy News - Issue 4702 :: 26 Feb 04

Just and fair system for all - In this edited version of the Minister for Defence's statement to Senate Additional Estimates on February 18, 2004, Senator Hill addresses the issues of gang rape, suicide and military justice.

(<http://www.defence.gov.au/news/navynews/editions/4702/FEATURE/feature02.htm>)

4. Air Force News - Issue 4602 :: 26 Feb 04

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(<http://www.defence.gov.au/news/raafnews/editions/4602/features/feature04.htm>)

My submission to the Senate Inquiry is that which the Defence Minister so vigorously attempts to discredit as in the above four statements, but I am not emailing you here about my own grievance here. When I saw this 5 August 2003 ABC radio report mentioned above (at <http://www.abc.net.au/news/newsitems/200308/s917785.htm>) and a similar report in The Australian on 6 Aug 03 (see attached), that motivated me to make this Senate Inquiry submission based on my recollections of events that were consistent with these claims that have been coming out over recent years. I thought such a submission could at least help ensure that these claims were NOT swept under the carpet, noting how powerful organisations like the military are often so terrible in their handling of such crimes against women, but are so "good" at shifting blame on to victims and messengers and closing ranks, covering things up, sweeping things under the carpet etc. I just thought I should make a submission to make it clear that, YES, these terrible things DID happen, in the hope that volunteering such recollections might be helpful to ensure that females making the claims were not simply dismissed and disbelieved. But in the end that is exactly what has effectively happened.

I have fought a failed effort with Senator Robert Hill's office to have these four repeats of his false statements removed from the official Defence website. And I would be very grateful if you could please reflect on how a Defence gang rape victim (whether her claims have been officially acknowledged already or not) would feel if she entered the official defence website to see these statements which dismiss her claims and dismiss her as a person to the point of denying her very existence. If a victim was thinking of making a complaint or a submission to this Senate Inquiry into military justice, for example, this official Defence Justice Inquiry website is perhaps a web page where such a victim might go as a starting point – they may not, but the point is that a person could possibly at least look into this web site to see if this Senate Inquiry could provide any support for them. As the attachments show here, the authorities have admitted that these crimes have taken place in the past, so imagine how a victim would feel to read of the Defence minister's whitewash? ... keeping in mind that these four web page links have been up on this official Defence website continuously over the last seven months ... These statements by Senator Hill might as well say: "if you claim to have been gang raped at ADFA or elsewhere within Defence your claims will be rejected, denied and dismissed ... so make such claims at your own risk".

38. In September 2004 I also compiled or copied as follows from a Defence webpage, in an attempt to get my head around who was responsible for what in relation to Defence information and advice and so on:

Ministerial Services and Public Affairs

Ministerial Services and Public Affairs is a central policy advising and coordinating area which promotes the provision of quality advice and support to the Minister, the Minister Assisting, the Parliamentary Secretary and senior Defence executives. The Division is responsible for coordinating and managing Defence's ministerial and parliamentary support services, its public affairs functions, governance arrangements including senior Defence committees, improvement and renewal work and Results through People (RtP).

MSPA Division comprises four Branches:

Ministerial Services and Defence Governance;

Media & Community Relations;

Public Affairs - Operations & Planning; and
Defence Improvement & Renewal.

39. The following is part of a statement I prepared in April 2006 to again record the erroneous public record that Minister Hill and others had created:

Statement prepared on 2 April 2006 in relation to false statements (concerning serious crimes committed against volunteer servicewomen) maintained on official Defence and Defence Minister websites for more than two years

Please note as follows:

1. On Sunday 2 April 2006 I conducted an advanced search of the ABC's website at <http://search.abc.net.au/search/search.cgi?collection=abc&form=advanced>, entering "Navy" in the *All the words* box and "gang rape" in the *exact phrase* box, and the number 1 hit hence obtained was as follows:

1. Naval officer tells medical inquiry of gang rape. 05/08/2003. ABC News Online-->

Summary: ... inquiry she was **gang** raped by a group of male cadets in 1986. ... The board is investigating allegations the naval officer's doctor shared his patient's medical history with other **navy** personnel. ... Email Last Update: Tuesday, August 5, 2003. 3: 46pm AEDT
Naval officer tells medical inquiry of **gang rape** A senior female naval officer has told the Western Australian medical board of inquiry ...
<http://www.abc.net.au/news/newsitems/200308/s917785.htm> - 22k - [html] - Cached - 5 Aug 2003

The news item as above has been available online – accessible via the ABC's public internet search facility – continuously since August 2003, and was there available online for all to see throughout 2004, 2005 and thus far in 2006.

2. On Sunday 2 April 2006 I clicked on the Australian Defence homepage at www.defence.gov.au and noticed, near the bottom of this front homepage, the heading '**Government to strengthen Military Justice System**'. I then clicked on the "visit the website" link which accompanied this heading and arrived at the Defence Department's homepage for the *Senate Inquiry into the Military Justice System*.

I noticed that this homepage displays the following links:

Army News - Issue 1091 :: 26 Feb 04

...

ADF has been maligned - Defence Minister attacks Senate inquiry into military justice for releasing submissions

[at <http://www.defence.gov.au/news/armynews/editions/1091/personnel/story05.htm>, which says that "*This is an edited version of the Minister for Defence Robert Hill's statement to Senate Additional Estimates on February 18*"; Minister Hill's statement includes: " In fact, there have been no reported allegations, I am advised, of gang rapes in the 18 years of its [i.e. the Australian Defence Force Academy's] existence."]

Navy News - Issue 4702 :: 26 Feb 04

Just and fair system for all - In this edited version of the Minister for Defence's statement to Senate Additional Estimates on February 18, 2004, Senator Hill addresses the issues of gang rape, suicide and military justice.

[at <http://www.defence.gov.au/news/navynews/editions/4702/FEATURE/feature02.htm>, which says that "In this edited version of the Minister for Defence's statement to Senate Additional Estimates on February 18, 2004, Senator Hill addresses the issues of gang rape, suicide and military justice"; Minister Hill's statement includes: "In fact, there have been no reported allegations I am advised of gang rapes in the 18 years of its [i.e. the Australian Defence Force Academy's] existence."]

Air Force News - Issue 4602 :: 26 Feb 04

An issue of accountability - This is an edited version of Minister for Defence Senator Robert Hill's statement to Senate Additional Estimates on February 18 about the Senate References Committee inquiring into the effectiveness of the Military Justice System.

[at <http://www.defence.gov.au/news/raafnews/editions/4602/features/feature04.htm>, which says that "This is an edited version of Minister for Defence Senator Robert Hill's statement to Senate Additional Estimates on February 18 about the Senate References Committee inquiring into the effectiveness of the Military Justice System"; Minister Hill's statement includes: "In fact, there have been no reported allegations, I am advised, of gang rapes in the 18 years of its [ADFA's] existence."]

The Defence Department page at <http://www.defence.gov.au/mjs/index.cfm> also contains a link to "more" *Media Releases and Transcripts* at a webpage at <http://www.defence.gov.au/mjs/relmedrel.cfm>. This page at <http://www.defence.gov.au/mjs/relmedrel.cfm> contains as follows:

Feb 18, 2004

Senate Additional Estimates

[at <http://www.minister.defence.gov.au/HillTranscriptTpl.cfm?CurrentId=3541>, which is the transcript of the statement by Minister Hill at Senate Additional Estimates on Wednesday February 18, including: "In fact, Mr Chairman, there have been no reported allegations I am advised of gang rapes in the 18 years of its [i.e. the Australian Defence Force Academy's] existence."]

3. In view of item 1 as above, it is a matter of plain fact that the four webpages described in item 2 above contain a serious falsehood from Senator Hill in his statement that: "In fact, there have been no reported allegations I am advised of gang rapes in the 18 years of its [i.e. the Australian Defence Force Academy's] existence."

4. It is also a matter of plain fact that at least one ADFA gang rape case was subject to an ongoing Commonwealth government (federal police) criminal investigation at the time of Senator Hill's 18 February statements.

... [paragraphs 5 to 7 deleted as content repeated elsewhere within this 2012 submission]

8. It appears as though the Commonwealth Government has been happy to allow this serious falsehood, on a matter of serious criminal gravity which has seriously affected a significant number of ladies who **volunteered** to join the Australian Defence Force, to remain uncorrected on the so-called "public record" – on official Defence and Defence Minister websites – for a period which has now already exceeded two years, hence raising questions such as: How long are Senator Hill's false denials going to be allowed to taint and corrupt the public record generally and the official Defence and Defence minister websites in particular? Does the government care about the truth on serious criminal matters generally, and these still unresolved ADFA gang rapes in particular? Does the parliament care? Does the federal police care? Who actually cares?

40. I wrote numerous emails to the Defence Minister, and the Defence Media and Public Affairs people drawing attention to the damaging falsehoods on display on so many official Defence websites, but I only ever received dismissive responses.

41. On 17 September 2004 I received an email as follows from the Defence Department's Deputy Director General Public Affairs:

Subject: SEC: UNCLASSIFIED - Mr Mark Drummond - Request removal of false statements relating to a Senate Inquiry submission by me from official defence website

Mr Drummond,

Your correspondence has been received and considered. Defence stands by the statement made by the Minister on 18 February 2004. As such the related material published on the Defence Internet site will remain available to readers.

42. The above letter responded to an email which included:

Before I emailed you as below, I spoke with the police and they advised that I contact your area. Though I should add that I have contacted your area previously, and nothing has ever been done about this matter.

Several ADFA gang rapes have been subjects of police investigations and it is grossly deviant of Defence to continue to keep these web pages active given the truth of the matter here.

43. On 29 June 2004 I received an undated letter from the Defence Minister's Chief of Staff, on a piece of paper with "MINISTER FOR DEFENCE" across the top, containing as follows:

I refer to your numerous e-mails to the Minister for Defence regarding your submission to the Senate inquiry into the Military Justice system.

I have reviewed your submission to that inquiry in which you state:

"My estimation is that there have been between 10 and 100 or so gang rape victims at ADFA alone since it began operations in 1986, and many more victims of physical and sexual abuse and intimidation that falls short of rape as such – in addition to numerous other crimes. I'd guess that many gang-rapists must still be serving within the ADF and believe these need to be identified and handed over to the police and courts without further delay."

You would be aware that these claims received significant media coverage.

Upon reviewing your submission, it is clear that you have no evidence whatsoever to support these claims. They are estimates based on guesswork based on rumours.

They represent a slur on the men and women who passed through ADFA.

The Minister was correct to reject them in his statement to the Senate Estimates hearings.

44. On 27 January 2005 I received a letter from the Hon De-Anne Kelly, as Minister Assisting the Minister for Defence, which was infinitely more polite than the incredibly rude letter Minister Hill's Chief of Staff sent me in June 2004 as above. This 27 January 2005 letter included as follows:

Thank you for your e-mail message of 25 August 2004 to the Prime Minister concerning allegations of gang rapes at the Australian Defence Force Academy (ADFA). As this matter falls within my portfolio responsibilities, your correspondence has been passed on to me for response.

The delay in responding is regretted.

Please be assured that I, and Defence, take any allegation of sexual offences very seriously. I agree there have been claims of rape at ADFA and one such claim was repeated in the newspaper articles to which you referred in your correspondence. However, if a claim is not reported to the Australian Defence Force (ADF) or the Australian Federal Police (AFP), it is difficult to substantiate the merits of those claims. Also, it is not possible to get an indication on the number of rapes that have allegedly occurred at ADFA.

Where allegations of sexual assault have been notified to authorities, they have been investigated, either by the ADF or the AFP as appropriate. ... any complaint made to the ADF about allegations of rape, no matter when the incident is alleged to have occurred, is dealt with appropriately and referred to the AFP for proper action.

The ADF has a demonstrably strong culture of caring for its people and there are many support networks available for personnel who have been the victims of crime. Conversely, the ADF is serious about using legal channels to properly prosecute the perpetrators of such crimes and will go to great lengths to ensure that justice is done.

45. I received further letters as follows, all of which seemed to be in a complete state of denial of the simple fact that at least one AFP ADFA gang rape cases was the subject of a police investigation at the very time these letters were being written:

- (a) a further letter from Minister De-Anne Kelly dated 3 June 2005 which claims that her 27 January 2005 letter "adequately addressed [my] concerns";
- (b) a letter of 19 May 2006 from the Hon Bruce Billson, as Minister Assisting the Minister for Defence at this time, which largely repeats word for word the letter from Minister Kelly as in paragraph 44 above, except that it also includes as follows, where I accept the "historical purposes" argument and see value in continued publication when this helps to identify a clear example of longstanding systemic covering up as is clearly the case here:

As you have correctly stated in your correspondence, there have been a number of media articles that refer to alleged gang rapes at ADFA. However, the statement to the Senate Inquiry by the former Minister for Defence, Senator the Hon Robert Hill, remains correct. There have been no reported allegations of gang rape at ADFA.

If a claim is not reported to the Australian Defence Force (AFP), it is difficult to substantiate the merits of those claims.

...

In addition, Defence is unable to meet your request to remove the statement made by the former Minister for Defence from the Defence website. This information will remain published for historical purposes.

46. One of the many problems with these letters I was receiving was that gang rape allegations *had* been reported to the AFP well before these times from 2004 to 2006, something that the Hon Chris Ellison, then Minister for Justice and Customs, did thankfully at last acknowledge in a 23 June 2006 letter in which he acknowledges that an ADFA gang rape case was "the subject of an ongoing police investigation" at this time, as was the case in 2004 as well.

47. The DLA Piper report and other sources of truths flushed out in recent times expose the letters quoted in paragraphs 41 and 43 to 45 above as grossly inaccurate, though I obviously felt that I'd already provided ample evidence of the true scale of sexual assaults at ADFA to the Defence Minister, Prime Minister and others back in 2004, to a sound level of approximation, such that everything that has happened now in 2011 and 2012 could and should have been initiated back in

2004. Virtually everything in paragraphs 24 to 30 of this submission here had been passed on to the Defence Minister well before I received the June 2004 letter quoted in paragraph 43 above.

48. The 1 June 2006 ABC news report titled 'Navy admits female officer's abuse claim not investigated', available online at <http://www.abc.net.au/news/2006-06-01/navy-admits-female-officers-abuse-claim-not/1767626>, includes the statement by Vice Admiral Russ Shalders, then Chief of Navy, that "There has been a number of informal inquiries that I have made, that my staff have made and as I mention before the criminal allegations, that are part of the same allegations, have been subject to Australian Federal Police investigation since April, 2001". If Minister Hill and others carried out thorough checks in 2004, they'd have been able to verify that the individual who stated that "she had made a formal complaint about the rape" as reported by the ABC on 5 August 2003, and "filed a complaint after being gang-raped in 1986" as reported by *The Australian* newspaper on 6 August 2003, as in paragraph 24 above, is the same individual referred to in this 1 June 2006 ABC news report, and that the police investigation which began in 2001, according to Admiral Shalders here, further confirms that Minister Hill was entirely in error when he claimed on 18 February 2004, and stubbornly stuck to the position thereafter, that "there have been no reported allegations I am advised of gang rapes in the 18 years of [ADFA's] existence".

Summary

49. The main points this submission seeks to make, in relation to the way Defence and the Government manage and respond to allegations of serious criminal behaviour within the ADF, are:

- (a) There have been many victims of sexual assault at ADFA and within the ADF generally, in addition to ADFA victims in the mid to late 1990s that the DLA Piper Report has chosen to emphasise, such that it can be said with a high degree of certainty that:

Of the male ADF members who raped female ADF members from the 1980s or so onward, and other ADF members who witnessed such rape and did not intervene, it is highly probable that many would still be in the ADF in 'middle' to 'senior' management positions, and some of those no longer in the ADF would still be employed within Defence as civilians, and some again would now be employed in private companies within the Defence industry.

- (b) Victims of sexual assaults and other crimes which took place within the ADF before the mid 1990s should have their cases looked at just as seriously by the Government and Defence as those from the mid 1990s onward. Nobody should pre-emptively presume that any particular crime took place too long ago to properly investigate.
- (c) Defence Minister Robert Hill and others within the Defence establishment from early 2004 onward took part in a tightly controlled and orchestrated effort to interfere with a Senate Inquiry into Military Justice, turn blind eyes, spin over the truth, spread false claims, shoot messengers like myself who passed on uncomfortable truths, intimidate and discourage witnesses and complainants, deny the very existence of numerous victims of extremely serious crimes and documents recording their allegations, and provide no end of comfort and cover for perpetrators of serious crimes, as documented in paragraphs 12-48 in this submission, in what clearly amounted to something akin to obstructing justice and perverting the course of justice, such that proper responses to countless cases of rape and other serious crimes at ADFA and the ADF as a whole have been delayed by seven or eight years or so, all else being equal, noting that Minister Hill and others could have and should

have initiated formal investigative processes in 2004 that current Defence Minister Stephen Smith and others have initiated in 2011 and 2012.

- (d) Steps should be taken to ensure that all allegations of sexual assault and other serious allegations of a criminal nature are passed on to and securely stored by a single responsible person within Defence, such that we never again see a situation like we did in 2004 where Defence Minister Hill seemed blissfully unaware of numerous alleged sexual assaults at ADFA and the wider ADF, or knew of the scale of these crimes and chose to and was able to try and cover it all up, at a time when numerous documents stored within ADFA, Russell Offices, the wider ADF and the Australian Federal Police referred to sexual assault allegations from ADFA and the ADF as a whole.
- (e) Ministers and others should never interfere with parliamentary inquiries and other investigations by the police and others in relation to serious criminal allegations within the ADF, and should never attempt to distort the truth, treat victims of serious crime with contempt, and provide unwarranted comfort and cover for perpetrators of serious crimes, as Minister Hill and others did in 2004. Ministers should be dedicated to the truth and to justice, and should never resort to excessive spin, propaganda and cover-ups as Minister Hill and others did from 2004 onward in response to uncomfortable truths.