

Additional Submission

Of

The Association For The Victims Of Abuse In
The Australian Defence Force A0059257

To

The Senate Inquiry Into

The Australian Government's Response To
Abuse In The Australian Defence Force

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The Association For The Victims Of Abuse In The Australian Defence
Force A0059257

ABSTRACT

[As a result of the recent Four Corners Report on rapes at the Australian Defence Force Academy, it reinforces the needs for 1. More just Reparation Payments; 2 Amending the DVA Acts; 3. A Royal Commission and 4. Independent Statutory Authority. It also highlights the problems with Defence and the Defence Abuse Response Task Force in dealing with Abuse]

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1.0 Management Summary

If anything comes out of the Four Corners Report and submissions now posted on the Inquiries Web Page is and Eugene O’Neil said it best:-

“There is no present or future - only the past, happening over and over again - now.”

The abuse continues and far from learning from it and stopping it, Defence just keeps trying to ignore it in the hope that it will go away.

It will only go away temporarily as the abuse continues and gets worse.

It casts a shadow over all ours souls.

Defence is already trying to ignore the issues of abuse by only focusing solely; it would seem on the rape of Females at the Australian Defence Force Academy and ignore the whole gamut of unacceptable abuse identified in the DLA Piper Review.

It is clear that we need:-

- A Royal Commission into Abuse in the Australian Defence Force
- An ongoing Statutory Authority to investigate and prosecute all abuse and organise appropriate reparation payments.
- The Acts under which the Department Of Veterans Affairs Acts operates need to be amended to reflect the wilful destruction of evidence and cover-up by Defence.
- For the same reason the Compensation given to Victims should be increased to \$3 million for the same reasons.

2.0 Terms Of Reference

On 27 March 2014, the following matter was referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by **28 August 2014**:

With reference to the committee's earlier report into the review of allegations of sexual and other abuse in Defence, the accessibility and adequacy of current mechanisms and processes to provide support to victims of sexual and other abuse in Defence, taking into account:

- a. the Defence Abuse Response Taskforce (DART) process to date;
- b. Defence's response to the DLA Piper Review and the work of DART;
- c. successive governments' responses to the DLA Piper Review and the work of DART;
- d. the desirability of releasing a true reflection of volume two of the DLA Piper report in a redacted form or by way of a summary; and
- e. any related matters.

3.0 About The Association For The Victims Of Abuse In The Australian Defence Force

The Voice For The Voiceless
(www.adfabuse.com)
(Also on Facebook)

The Association for the Victims of Abuse in the Australian Defence Force A0059257W was incorporated on 29th April 2013.

It is the only National Association advocating on behalf of Victims Of Abuse in the Australian Defence Force.

Membership

Membership is open to:-

- ✓ Victims of Abuse in the Australian Defence Force
- ✓ Supporters and Carers of Victims of Abuse in the Australian Defence Force
- ✓ Those who oppose abuse in the Australian Defence Force.

It has members:-

- ✓ In every state of Australia and Overseas
- ✓ Ranging from civilian, recruit to Flag Rank.

Four of its members have received the full \$50,00 from the Defence Abuse Response Task Force.

One has received \$35,000.

It has the only three known Department Of Veterans' Affairs Gold Cards issued for the abuse the victims suffered in the Australian Defence Force.

“For evil to prosper, it merely requires that good men do nothing!”

Edmund Burke

4.0 Achievements Of The Association

Date	Problem	Result
3/4/13	DART wants to have Defence make final decision on Reparation Payment	As a result of our actions, Defence cut out of loop – final decision remains with the DART
19/6/13	We became aware of a rapist of star rank still serving in the Australian Defence Force.	Reported it for further action to ADFIS.
1/7/13	DVA will not pay travel expenses to Psychiatrist of best fit.	Initiated change of policy with the DVA so that they will pay Travel Expenses to Psychiatrist of best fit.
8/7/13	DART refuses to provide help to Victim on brink of suicide.	We are able to use our excellent relationship with the DVA to get the person the help they desperately needed.
September 2013	Victims need to make abuse and abuse compensation an election issue.	<p>Contacted all Federal Labor, Green, Coalition and other candidates seeking them to pledge support to the victims.</p> <p>Everyone except the coalition did so.</p>
1/10/13	Victims need public commitment from Political Leaders for support.	<p>At the public meeting at the Celtic Club, asked the public questions of Bill Shorten:-</p> <ol style="list-style-type: none"> 1. Would he support better compensation for Victims of Abuse in the Australian Defence Force? and 2. Would he commit to stamping out the abuse in the Australian Defence Force? <p>His response was: “Yes and Yes!”</p>

Date	Problem	Result
1/11/2013	The DART had imposed an artificial and improper filing date on one of our members of 20th September 2013 to file their personal account.	By agitating the matter, we had this improper date removed and an extension of time granted beyond 30th November 2013.
15/11/13	We became aware of a fraudulent claim being submitted to the DART.	Reported it to the DART to ensure that it was subjected to full and proper scrutiny as well as provided documentary evidence.
30/11/13	DART introduces a 30th November 2013 for Victims to file their Personal Account Form. DART offers no practical assistance to Victims.	We were able to help a number of Victims prepare their Personal Account and file on time. Also with the support of a number of Members Of Parliament we were able to get extensions for late filing for Victims finding hard to complete their personal accounts.
27/11/13	DART will not pay the Travel Expenses for Victims when seeking medical treatment from the DART provider.	We were able to get the DART to reverse its position and even wrote the draft travel expenses policy to speed things up.
4/12/13	One of our members had raised with the DART the complaint that we all have, we are Victims not complainants. The DART ignored him.	Sent an email to all members of the Parliament on this issue which resulted in the following:- 1. In future in all correspondence will pay him full marks of respect and call him a victim and 2. Major General Roberts-Smith RFD QC had to ring him and apologise to him.
11/12/13	DART requires Victims to pay for their own support person as part of the restorative justice programme.	We were able to get our member involved to have their money reimbursed and in future all victims will have the DART pay for their support person at Restorative Justice.

5.0 About The Author

The author served as a midshipman in the Royal Australian Navy in the 1980's.

The author was subjected to the most extreme abuse which was subsequently found proven by both the Defence Abuse Response Task Force and the Department Of Veterans' Affairs.

6.0 Defence Abuse Response Task Force

6.1 Allowing Only Female ADFA Rape Victims To Claim

On the Four Corners show, Major General Roberts-Smith said that he would allow female cadets who had been raped at the Australian Defence Force Academy who had not yet filed their reparation claim, despite the cut off date of 30th November 2013.

Whilst this is good for them, it excludes those who have not filed who:-

- Were males at the Australian Defence Force Academy or
- Males and Females who were raped elsewhere or
- Those who suffered abuse other than rape.

This is only fair to those other Victims.

6.2 Protecting The Abusers / Hiding The Abuse

In the Australian Federal Police Submission to the Committee it notes that cases of abuse have been referred as follows:-

- 39 State and Territory Police
- 5 to Australian Federal Police

Yet the Australian Federal Police has the primary jurisdictional nexus for Military bases and ships as they are Commonwealth Territory.

Furthermore, given the “ADFA 24”, 5 cases does seem a little low.

Surely all cases should have been referred to the Australian Federal Police as they have primary jurisdiction for incidents on Commonwealth Land?

It begs the question why has the Defence Abuse Response Task Force chosen to ignore this legal fact.

6.3 DART Not Circulating The DVA Pamphlet

From the submission of the Department Of Veterans Affairs, it states at page 3, third paragraph:-

Provision Of Fact Sheet to all DART Complainants

In February 2014, DVA obtained from the Chair of the DART, the Hon Len Roberts-Smith RFD QC, that all DART applicants will be provided with an explanatory factsheet outlining the key differences between claims which are assessed by DVA and the DART. This factsheet was developed jointly by both agencies.

Yet none of our victim members have received this nor have other victims who post to our Facebook Page.

6.4 Failure To Report To Three Strikes And You Are Out Database

Some time ago, it was discovered in DLA Piper Volume 1 that there was a three strikes and you are out database.

What happens is regardless of whether prosecution occurs or not, an alleged abuser's details are to be entered in this database.

If they come up or "flagged" three times, they are issued a notice to show case as to why they should not be terminated.

From the 4 Corners Report it is clear that this has not happened with any of the Chamber of Horror cases and it would seem from the Inspector General's Report, the Defence Abuse Response Task Force is not causing entries to be made there.

7.0 Defence

7.1 Justifies Royal Commission / Independent Authority

The Four Corners Report makes it clear that Defence covered up these rapes through it's:-

- “Chamber Of Horrors”
- To report them to the three strikes and you are out database.
- To bring it to the public attention – how long would the file cabinet have remained secret were it not for the Four Corners Report?

This is along with the remarks of the victims just reinforces the need for:-

An independent and open Royal Commission on abuse in the Australian Defence Force and

An ongoing independent statutory authority with no connection to Defence through its personnel

Defence's focus now appears to be solely on female sexual abuse as witnessed by Lieutenant General Morrisson's recent speech overseas.

7.2 Male Rape Okay!

As can be seen from Annexure A, Navy proposes to discipline the eight sailors concerned for digital rape.

If any one else proposed to handle digital rape under their own internal rules, we would not tolerate it.

Yet here is Defence doing exactly that as if digital rape was only a minor disciplinary breach.

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From the 4 Corners Report it is clear that this has not happened with any of the "Chamber of Horror" cases and it would seem from the Inspector General's Report, the Defence Abuse Response Task Force is not causing entries to be made there.

7.4 Defence Engage In New Speak – Denying Abuse By Changing The Definition

Abuse encompasses all unlawful acts which abuse the individual.

This includes:-

- Abuse of power
- Verbal Abuse
- Mental Abuse
- Physical Abuse and
- Sexual Abuse.

Abuse knows no gender.

Yet the recent pronouncements of Defence and the Defence Abuse Response seem to imply that:-

- Only sexual abuse is abuse and
- Only female sexual abuse counts and
- It is all in the past.

Yet from our DLA Piper Volume 1 and our own members, the Senate knows otherwise.

Defence is clearly trying to engage in George Orwell's new speak.

It ignores objective realities such as Annexure A.

7.5 Defence Abuse Creates Julian Knights – Another Good Reason For A Royal Commission

Julian Knight is the mass murderer of Hoddle Street.

I am sure that we would all agree that one Julian Knight is one Julian Knight too many.

He was created by verbal, mental and physical abuse at the Royal Military College, Duntroon as can be seen from Annexure B.

During his Sentencing Hearings, Senior Army Personnel dressed in civilian clothes attended the hearing to ensure that he did not mention his abuse at Royal Military College Duntroon,

Defence Abuse creates the Julian Knights and unless we have a Royal Commission into Defence Abuse, it will continue and the odds are good that the Australian Defence Force will make more Julian Knights and inflict them onto the innocent Australian Public.

8.0 Four Corners Report Is Another Good Reason To Amend The DVA Acts

As could be seen from the 4 Corners Report, there was that white document on the screen that admitted that the records prior to 2009 were “patchy at best”.

The Department Of Veterans Affairs Act implicitly assume that:-

- Your military records are true and correct
- Your Military Medical Records are true and correct
- You can find witnesses.

But as was shown on the 4 Corners Report and elsewhere, the Australian Defence Force has persistently:-

- Hidden Records
- Altered records
- Destroyed records
- Taken all other actions necessary to cover up the abuse and deny that it ever took place.

This was done by the Australian Defence Force in defiance of :-

- Its own regulations and values
- Its obligations to the Victim and
- The Archive Act 1983

Unlike **McCabe v British American Tobacco Australia Services Limited [2002] VSC 73 (22 March 2002)**, it was irrelevant that there was no litigation afoot, it was still bound by Acts and Regulation to:-

- Keep records
- Ensure that they were accurate.

It did neither.

Why should the victims be disadvantaged by the Criminal Conduct of the Australian Defence Force.

There is no other way to describe Defence’s conduct as criminal behaviour to conceal crimes.

They should not.

The relevant Department Of Veterans Affairs Acts should have the threshold requirement for Victims of Abuse in the Australian Defence Force for that abuse reduced to plausibility as it is for the Defence abuse Response Task Force.

9.0 Four Corners Report Is Another Good Reason To Increase Compensation

As has been noted in the preceding section Defence has:-

- Hidden Records
- Altered records
- Destroyed records
- Taken all other actions necessary to cover up the abuse and deny that it ever took place.

This was criminal behaviour by the Australian Defence Force in defiance of :-

- Its own regulations, values
- Its obligations to the Victim and
- The Archive Act.

Unlike **McCabe v British American Tobacco Australia Services Limited [2002] VSC 73 (22 March 2002)**, it was irrelevant that there was no litigation afoot, it was still bound by Acts and Regulation to:-

- Keep records
- Ensure that they were accurate.

As a result the victims are prevented from pursuing civil litigation against the Department Of Defence because of that alteration / destruction of records which:-

- Defence was bound to keep.
- Defence criminally refused to keep and
- Would have proved the Victim's case.

As a result of that criminal behaviour by Defence, they have been yet again unlawfully deprived of Victims of their rights and their ability to seek redress.

Anywhere else, the other side would be punished for this, yet here Defence is being rewarded for its criminal conduct by having its liability limited to a maximum of \$50,000.

As a matter of public policy:-

- To motivate Defence to stop the abuse.
- Punish it for its criminal conduct and
- Social Justice

the current maximum compensation should be increased to \$3 million.

Annexure A - Digital Rape Not To Be Dealt With As Rape

Eight sailors from HMAS Ballarat to be disciplined for bizarre...
news.com.au

<http://www.news.com.au/national/eight-sailors-from-hmas-bal...>

news.com.au | national

Eight sailors from HMAS Ballarat to be disciplined for bizarre sexual hazing rituals

BY: BY IAN MCPHEDRAN NATIONAL DEFENCE WRITER

FROM: NEWS CORP AUSTRALIA

4 DAYS AGO JUNE 11, 2014 7:41PM



Ship of shame ... eight crew members on the frigate HMAS Ballarat will be disciplined. Source: News Limited

EIGHT sailors from the navy's newest 'ship of shame', the frigate HMAS Ballarat, will escape criminal charges but will be disciplined internally over bizarre sexual 'hazing' rituals.

Punishments will range from the sack to a formal warning for the eight who were at the centre of serious allegations that their shipmates were sexually assaulted with water bottles, carrots, bananas, pens and pencils.

An internal investigation failed to turn up adequate evidence to pursue criminal charges so Navy chief Vice-Admiral Ray Griggs will take so-called "administrative action" against the sailors.

Each of the eight, including a senior Petty Officer, has been asked to 'show cause' why they should not be punished for the strange behaviour that marked birthday celebrations on board the warship.

When the allegations were raised last year a former sailor known as 'Bridget' told Network Ten that birthdays boys and girls were set upon by a gang of sailors who sexually assaulted them with pens, pencils and water bottles, causing injuries to at least one.

"A whiteboard lid came off in his bum and that was the one who ran out screaming ... because his bum was bleeding," she said.

An investigation failed to find enough evidence to prosecute the sailors either under the [Defence Force Discipline Act](#) or the Criminal code.

At the time of the Ballarat incident Vice Admiral Griggs asked sailors to come forward with any other allegations of bad behaviour and as a result another investigation into a serious matter is underway.

Chief of Navy, Vice-Admiral Ray Griggs said the decision to commence administrative action demonstrated Navy's commitment to address unacceptable behaviour.

1 of 2

15/06/14 4:58 PM

"We have worked to clearly articulate what behaviour is appropriate in our workplace. Accountability is a feature of our cultural change program. All personnel are aware that Navy will not tolerate unacceptable behaviour," he said.

<http://www.news.com.au/national/eight-sailors-from-hmas-bal...>

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"While I am pleased the report has found no clear evidence of a pattern of systemic unacceptable behaviour, Navy takes all allegations of this nature very seriously."

The zero tolerance message still has not been heard by all sailors and officers, and according to defence sources some justified the behaviour because they had been subjected to similar treatment at footy clubs and saw nothing wrong with it.

Outgoing Defence Force Chief David Hurley vowed to achieve deep cultural reform across the organisation and defended the right of all members of the armed forces to serve in an environment free from abuse.

Australian Army chief Lieutenant-General David Morrison admitted there were "systemic problems with culture inside the army".

Annexure B - Defence Abuse Creates Julian Knights

RMC Duntroon officer training perpetuates a dangerous bully...

<http://candobetter.net/node/2813>



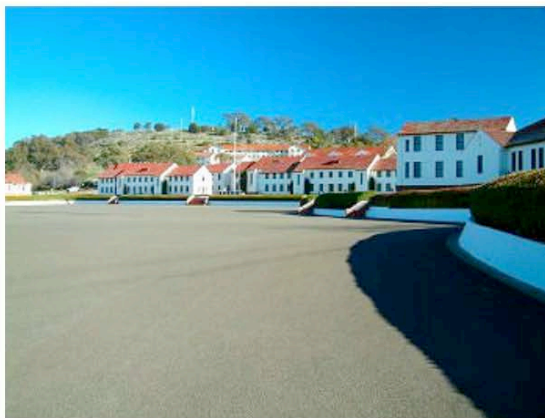
(We) can do better

Home > Blogs > Tigerquill's blog

RMC Duntroon officer training perpetuates a dangerous bullying culture

Wed, 2012-03-07 20:08 — Tigerquill

In 1987, I attended Duntroon as an Australian Army Officer Cadet.



Despite being a career goal, the experience quickly proved to be a total let down - expectations, standards, training, trust, propriety. I resigned in disgust five months in after being betrayed by my assigned mentor, a serving Captain, for some off the cuff criticism I had made.

After the five months I was more qualified to starch and iron greens and to polish boots than to fire a bloody SLR. I could iron a shirt faster than my mum - enemy look out!

I questioned field tactical decisions in training led by another captain in charge - (who was Duntroon qualified plus with a few years Infantry Corps experience - so he should have been a shining example). I recall after a training 'engagement' personally walking up to the mock enemy 'Majura Force' and asking their opinion of the engagement. They told me that their machine gunners would have easily mown most of us down even as soon as the captain's tactics had commenced. Great! School cadets

had been more co-ordinated than this.

I recall a simulated combat wound training where we were demonstrated CPR. The Army trainers were crap. I had previously completed 8 years in Surf Life Saving to Advanced Resuscitation certification and had to show the trainers how CPR was done. Class theory training was rushed and superficial and many cadets fell asleep because they were only getting 5 hours sleep a night due to ironing and polishing their kit ready to shine for next morning parade. But ask most of them about the effective range of an SLR - no friggen idea!

What was the bloody point? I felt that if I had continued I would be eventually be a dead duck in combat. I resigned in disgust. I dismissed it as a 5 month camp and moved on. That was twenty five years ago.

I had an aviation cadetship on entry to Duntroon so I was in a rare training stream of 1 in 300 of the intake of January 1987 to enter the Army's Aviation Corp and to fly Blackhawks. I did not think this was special since I had previously invested \$30,000 on helicopter training, so obviously my so-called 'aptitude' for flying was going to be half reasonable. If others had done similar, then they would have been too. But the crap at Duntroon was not worth it. I lost respect for the training, the NCO's, the officers, the commanders, the Army.

It was not the noble army that my father had served in as a NASHO.

One of the cadets in Kakoda Company that was assigned to my section was Julian Knight.

While I was slightly older (23) than the mean age and so slightly more mature, Julian was slightly younger (18) than the mean age and so slightly less mature, naturally. We were assigned into the same section - luck of the draw. There were just three of us in the section. I don't recall the third cadet's name (Chris?) but he was slightly older than me and married. Julian and I shared bush navigation exercises and on one particular field exercise the two of us shared a 'hoochie' (Army issue tent fly). As a team we were becoming quite proficient on exercise in our First Term. On 'Move Out', he would pack our sleeping bags, while I packed the hoochie and from being asleep to being mobile took us under 2 minutes. Julian was an excellent shot on the rifle range. I think I was barely adequate. In fact I recall two illegal discharges one involving a blank, and another when I fired a last round on the target range after not hearing the 'cease firing' command.

Back at Duntroon, we respectively had a score of boots and greens presentation 'show parade' penalties stacked against us - basically as punishment for not being up to scratch on substandard uniform presentation - for unrelated reasons. At the time I left, he and I shared the highest number of these 'show parades' for all Duntroon - I recall I had 21, he had amassed 26. It seemed par for the course.

Julian was a keen soldier, coming in with a background in the Reserves as a trooper. He displayed no fear when an assault was on. He was up the front. Perhaps he was an Albert Jacka VC in the making. Albert Jacka VC became a legend from Gallipoli and the Somme with a record of killing over 200 enemy - doing what he was trained for. [Read about [Albert Jacka](#)]

But Julian was abused from his early training. I believe because his immaturity and then misreading his keenness made him a target of the bullying culture at Duntroon. More than most cadets, he was ridiculed, harassed, persecuted, tormented and ostracised by the more senior cadets, and especially by the big and bulky Kakoda Company head cadet sergeant. This man took a personal dislike to Julian. One 2am occasion Julian had his room burst into and

RMC Duntroon officer training perpetuates a dangerous bully...

<http://candobetter.net/node/2813>

hosed down completely with a fire hose, then was inspected at 5am as part of drill. Kakoda Company had a reputation then as particularly more parochial and uncouth. It was ignored as being part of the training 'in this man's army'. Julian Knight probably copped more abuse than anyone else in that intake. In my book he was a victim of Defence Force abuse and bastardisation.

After I left in May 1987 and ultimately resigned from the Army in disgust in July 1987, I recall the next month in the national newspapers, Julian Knight was on the front page.

He had become the Hoddle Street mass murderer. The shootings resulted in the deaths of seven people, and serious injury to 19 others.

What had happened in the months May, June, July 1987 had obviously got worse for Julian, but I was not there. In some ways I had been his only true support but I should have done more. I had once spoken up in front of the entire complement of Kakoda Company after the CO had tokenly asked if any staff cadet had any concerns. It was dead silent, with everyone playing the obedient wall flower. But I spoke up. I complained to the CO in front of them all that in daytime theory classes many cadets were falling asleep because of the late night spit polishing and I asked what is the point? I got ostracised after that one. But it was the sought of standing up against the bastards that Julian and I celebrated.

Media reports tell of how he was expelled after a bar brawl in which he stabbed his key tormentor - the third term head cadet sergeant of Kakoda Company.

At the time I expected the media to be pursuing me for a story, since I automatically connected the massacre with his Duntroon persecution. But no-one ever contacted me. No-one ever connected his actions with his Duntroon torment.

It has taken me 25 years to be public about this.

I make no judgment about Julian. Each of us is capable of killing, killing animals, killing another human being. Rifles are very efficient at killing, that is what they are made for, to make the task easy. Armies exist to train those interested to kill. Duntroon is one such training establishment. The psychological tests to gain entry ask if one is prepared to kill and if one says no, then one is rejected as unsuitable. Controlled, just killing is sanctioned by governments in their armies and governments represent the will of their societies. What happens when a keen, capable soldier is abused by the Army, when this abuse involves repeatedly consistent ridicule, torment, intimidation and psychological torture? Well, like the reinforced intense training of a soldier to kill makes for a good soldier, the reinforced intense abuse of a soldier to kill makes for a bad soldier. When frustration boils over into extreme anger mixed with depression and presented with an opportunity to get pay back (easy access to weapons), do you get 9th August 1987?

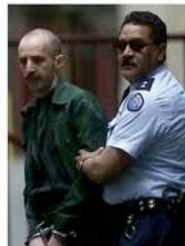
I do make a judgment about Duntroon. Incessant bullying of Julian was a key contributing factor that led to the Hoddle Street massacre. I regret not having come forward before. What happened on Hoddle Street in August 1987 could have been avoided if Duntroon had not been a cultural incubator of bully boys in its officer training. I hold Duntroon culpable for the psychological state that it created in Julian. I only know Julian from my time with him doing basic training. He was someone you could trust in battle when the shit hit the fan. That attribute was never respected by the Duntroon establishment. They just kept picking on him and putting him down.

The place is a depraved throw back to the 19th Century. Duntroon breeds old school bully boys not deserving of officer status. It would be an excellent outsourced training ground for the Syrian Army. Is that what standard Australians expect of its Army leadership?

I read about ADFA today and I see that Australian Defence Force training culture has not changed.

Pity anyone not a bully boy enrolling, women especially.

Defence Minister Stephen Smith was right to take a moral stance against the injustice of the Army establishment, and haven't the old boys come out in closed ranks fighting!



Useful Reading:

[Hoddle Street Massacre, 9th August 1987](#)

[ABC Radio National - Life Matters Programme: 'Lethality in Combat'> aired 5th March 2012.](#)

['Lethality in Combat' by Military historian and formal naval officer Tom Lewis.](#)

Attachment	Size
873660-julian-knight.jpg	27.41 KB
Royal Military College Duntroon - parade ground.jpg	20.11 KB

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