

**Senate Foreign Affairs, Defence and Trade
References Committee**

SUBMISSION COVER SHEET

Inquiry Title: Effectiveness of Australia's Military Justice System

Submission No: P48

Date Received: 24.02.04

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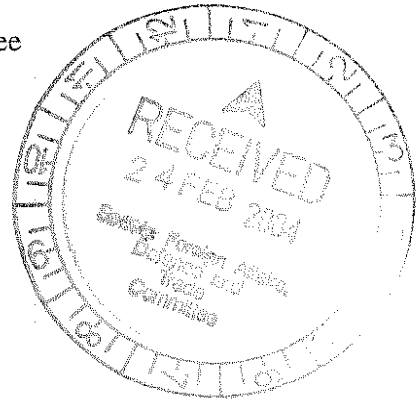
Date Authorised:

Susan M Campbell

The Secretariat
Senate Foreign Affairs, Defence and Trade Committee
Suite S1.57
Parliament House
CANBERRA ACT 2600
AUSTRALIA

21 February 2004

Attention: Mr Brenton Holmes



Dear Mr Holmes

RE: Committee Inquiry into Australia's Military Justice System

Altered Terms of Reference:

I wish to record my deep concern in respect of the altered terms of reference for this inquiry, specifically the need to remove Eleanore Tibble's "death" from the terms of reference, while maintaining the "death" of Private Jeremy Williams for scrutiny within the terms of reference.

It is contended that the Department of Defence elects to pursue administrative procedures in a fashion, which could possibly be interpreted as avoiding scrutiny over the nexus between their bungling administrative procedures and Eleanore's subsequent suicide.

The claim by the Department of Defence that Eleanore's death has already been the subject of an inquiry by the Coroner's office and therefore of no relevance to this inquiry, is yet another demonstration of the ability of a powerful monolithic organization to subvert due process by effectively applying the gag to the Senate inquiry achieved by being in a powerful position and being able to put forward motions of amendment altering the terms of reference after they became public.

It would seem that the adage of – "Democracy is all very well and good, but lets not give it to the people" may well be the prevailing policy of Defence Department.

It is respectfully suggested that the Department of Defence not be accorded any further scope to manipulate, obfuscate, or otherwise deny transparency of process while being subjected to scrutiny outside of Ministerial control.

Scope of Inquiry:

I respectfully submit that the Committee's terms of reference are sufficiently broad, and as such ought not be narrowed or constrained by the largest stakeholder, specifically the Department of Defence. Rather it behoves this inquiry to focus on the smaller stakeholders i.e. those defence members who cannot speak for themselves, and or their aggrieved families who have been denied any other course of redress save but this inquiry.

On behalf of Cadet Sergeant Eleanore Tibble- :

I submit this submission on behalf of my daughter, Cadet Sergeant Eleanore Tibble who took her own life on 27 November 2000.

The history of events leading up to and including the suicide of my daughter has been before the Department of Defence and the Government including the Prime Minister and Minister responsible, in one form or another since 2000. Yet to date there has not been a comprehensive, or impartial inquiry into the events and actions of the Air Training Corps, save but for the Stunden Inquiry actioned in reaction from myself in March 2001.

To state that the tragic loss of Eleanore has had ongoing effects upon myself, and my family is an understatement. Those effects have been more accurately quantified by Psychiatric and medical reports which do not need to be visited as part of this inquiry.

The process of fighting for administrative inquiry and redress through intransigent Defence officialdom over the past three years, leaves me with the belief that it is not necessary to generate a new submission for the purposes of this inquiry. Rather, it is requested that the inquiry consider the plethora of documentation that I have generated to various agencies over the past three years in an attempt to seek administrative redress. The following documents are submitted here for consideration by this Honourable Committee.

- Submission to the Military Justice Audit Team – 10 March 2001.
- Submission to Human Rights and Equal Opportunity Commission – 30 January 2002.
- Submission to the Tasmanian Anti-Discrimination Tribunal – 16 January 2003.
- A Chronology of Events - Eleanore Tibble and the Australian Defence Forces.

The Committee's attention is particularly drawn to the submission made by myself in March 2001, and provided to Mr Justice Burchett – Chairman of the Military Justice Audit Team. It was Mr Burchett's assessment that the submission on behalf of Cadet Sergeant Eleanore Tibble fell outside the terms of reference of that military audit, and could not be considered.

Since the terms of reference for this inquiry are not at variance with the previous terms of reference addressed in the Military Justice Audit, it would seem appropriate that my previous submission to the Military Justice Audit be now considered as a new submission in its own right for the purposes of this inquiry.

I am currently awaiting the handing down of the final report of the President of the Human Rights and Equal Opportunity Commission and, the Tasmanian Anti-Discrimination Commission. Both are due for release by the end of the month.

I seek leave to provide supplementary submissions or evidence to the Committee based on those decisions as soon as they are to hand.

I request the opportunity to present oral and supplementary evidence to the inquiry at the public hearing.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Susan Margaret Campbell". The signature is written in black ink and is positioned above the printed name.

Susan Margaret Campbell

SUBMISSION TO:

MILITARY JUSTICE AUDIT TEAM

ON BEHALF OF

CSGT ELEANORE TIBBLE G 1465

(ELLIE)

7/2/85 – 27/11/00

1 Flight AIRTC - Hobart

SUBMISSION PREPARED BY:
SUSAN CAMPBELL
10 MARCH 2001

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APPENDICES

1. Record of Conversation with CSGT Tibble 5 October 2000
2. Letter from CSGT Tibble to FLGOFF [REDACTED] dated
2 November 2000
3. Letter from Military Compensation & Rehabilitation Service to
WGCDR [REDACTED] dated 20 February 2001
4. Full copy of CSGT Tibble's eulogy for Ernest Miller
5. The service of the Mass of Christian Burial for CSGT Tibble

“REMEMBER THE CADET

A cadet is the **most** important person.

A cadet is not dependant on us - we are dependant on them.

A cadet is not an interruption to our work - they are the purpose for it.

A cadet is part of our business - not an outsider. They are human beings with feelings and deserve to be treated with respect.

A cadet is a person who comes to us with their needs and wants - it is our job to fill them.

A cadet deserves the most courteous attention we can give them. They are the life blood of this organisation. We would have to close our doors without them!”

The administrator of the Royal Canadian Air Cadets Website, Alexander MacDougall saw this on a desk blotter during one of Nova Scotia ACA's a few years ago and published it on the Canadian Website. It has been published here courtesy of Alexander MacDougall and the Royal Canadian Air Cadets.

EXCERPTS FROM ADMIRAL CHRIS BARRIE'S ADDRESS OF MONDAY, 5 FEBRUARY, 2001:

R "Our Defence Force must always act as a force for good in our community. This means that we have a high regard for the rule of the law, whatever impact that rule of law may have on our own personal beliefs, or behaviours.

Individual members of our armed forces must obey our laws. Indeed, on some occasions, and in particular circumstances, members of the ADF may be required to enforce our laws. There is no place for a double standard with respect to the law in our Defence Force.

R Each and every one of us, regardless of our rank, is bound through service in the ADF, to obey the rules and regulations of the ADF.

It is this respect for the rule of law which gives us the foundation of our professionalism in the ADF. Without it, we would likely be an ill-disciplined force without a strong sense of purpose and the cohesion to perform effectively.

As uniformed members of the Australian Defence Force, I expect the highest standards of behaviour from each and every one of you, whether you are on duty, or on standdown.

You have an absolute duty to do the right thing by others, and by yourselves.

22 When you are aware of an injustice or a breach of our rules, you have an obligation to correct it if it is within your power to do so, or to report it to an appropriate authority if it is not.

If inappropriate and unlawful behaviour by any personnel are allowed to go on unchecked, morale, and our effectiveness as an efficient force will be adversely affected.

We must get to the bottom of any inappropriate or unlawful behaviours which have been going on, but have not been properly dealt with. The audit is intended to do this for us."

PERSONAL IMPACT STATEMENT

This submission is made on behalf of:

- Susan Campbell (Mother – age 52)
- Clifton Campbell (Brother – age 32)
- Maria Campbell (Sister – age 23)

On Monday, 27 November 2000 I drove my daughter, Eleanore Tibble (Ellie), from [redacted] to the urban bus stop at Covehill, Bridgewater, Tasmania, some 27 kilometres away. We chatted about her Year 12 subjects. She alighted from the car at 0813. I kissed her goodbye and told her I loved her. I said I would see her again at home that evening. I did not see her again until 7:13 when I found her hanging by her neck in the woodshed of our beloved [redacted]. From that moment on my heart and soul collided with the reality of seeing my stunningly beautiful child swinging limply before my eyes. Dead because she was unable to fight the power of the rank structure.

I will now put forward Ellie's story.

Eleanore joined the AIRTC in Darwin in 1998 and her joining changed her life. She became defined by being a member of the AIRTC and saw herself as worthwhile and had a goal of contributing, in the long term, in the full-time Defence Forces.

She went on every bivouac, every parade, every extra-curricular activity in Darwin during that first year. She delivered telephone books, she washed cars and assisted with raffles to raise funds for the Flight. She made friends in the Flight and colleagues in the ranks. She loved being in 1 Flight. Eleanore felt she had a larger than life family.

When we arrived in Hobart in September 1998, she was keen to get back into AIRTC activities. She chose 1 Flight Hobart out of sentimental attachment to 1 Flight Darwin and vowed to make it to sergeant in 2 years, and drill sergeant in 3. She loved drill, she loved manoeuvres, she loved the precision and she loved to put that precision into practise, particularly on ANZAC Day parades.

I watched as she proudly wore her grandfather's medals and carried the nameplate for the INTERFET troops as they marched to the Cenotaph in Hobart last year. Unbeknown to us, her grandfather was watching on television and saw his granddaughter at her proudest AIRTC moment. He was dead one month to the day after that event.

Eleanore wrote and delivered the eulogy at her grandfather's Mass of Christian Burial and said:

"When I joined the Air Training Corps in 1998, or the Air Force Cadets as some say, I had no idea that it would have such a profound effect on the way my grandparents saw me. I think Poppy knew. That I would be the person who remembered; who in the years to come would wear his medals with pride on the 25th of April each year.

When my grandfather watched me on national television this year wearing my service dress and with his medals on my shirt while carrying the name plate 'Interfet Troops', in that moment he saw the pride on my face as I lead the troops that had come back from Timor to the Cenotaph. I believe it was the most powerful moment of my relationship with him.

I made a promise to Poppy before he died. It's a promise I will keep as long as I live.

I told him that even after he is gone, every year, he can look down and see me with my sprig of rosemary and his medals on my shirt, saluting the memory of a man, who is as special as he." - Eleanore Tibble, 1 June 2000

Little did I know that 25 April 2000 would be her last ANZAC Day parade.

Eleanore may not have always been the most conforming member of the AIRTC, but she was utterly committed and loved the AIRTC with a passion. When things needed changing, she wanted to be part of that change process, which is why she may at times have challenged the boundaries. Such challenge should have been considered a positive attribute and a powerful leadership tool, rather than an impediment requiring censure and ultimately constructive dismissal.

It is my contention that Eleanore's suicide is directly linked to the mental injury she suffered as she waited for a definitive statement from her commanding officers as to her status with the AIRTC. The corollary of events that surround this tragedy are nothing short of bungling ineptitude and do no credit to AIRTC Command, or monitoring by full time RAAF personnel, WGCDR [REDACTED]

From 5 October 2000 to 27 November 2000, the AIRTC Command had every opportunity to act according to prescribed procedures in relation to the allegations raised in the interview of 5 October. There is no evidence of any such action.

In respect to the events between 5 October and 27 November 2000, there are none which could be in accordance with any manual of management. For example, according to Defence Safety Management Agency Safety Bulletin of February 2001,

“They have less life experience and may not recognise inappropriate behaviour or foresee undesirable consequences of their actions. Some young people may also be less able to deal with stressful situations, cope with normal childhood fears, or deal with constructive criticism.”

Does this sound like CSGT G1465 Tibble, Eleanore?

Since Eleanore’s suicide my family have been advised that Eleanore was not dismissed from the AIRTC, that in fact, she was still a serving member. If she was still a member of AIRTC at her death, it was simply by default in that her resignation has not been procured.

Events prior to 27 November certainly were directed at achieving Eleanore’s resignation, or if not her resignation under the guise of misconduct, then certainly a directive preventing her from parading would give due cause for her to be terminated as per 2008 op cit.

If a letter home to parents to advise of a Cadet’s failure to parade for 3 consecutive parades is a usual form of communication advising of the possible termination of a child/cadet, how much more so is it reasonable to expect that in view of the seriousness of the allegations against Eleanore that I, as her mother, ought have been consulted and advised of an investigation and any possible disciplinary action.

In summary, I find the AIRTC liable for a breach of duty of care in respect to the mental anguish sustained by my daughter as she grappled with the crushing and overwhelming reality of “the worst possible scenario to be thrown out of the AIRTC” that had been thrust upon her.

My daughter went to her death believing she had no right of appeal, no grievance procedure available, and no way out. She felt humiliated, degraded and most of all not believed. She was found guilty on the basis of what she had denied and was never provided with an opportunity, legal or otherwise, to plead her case.

It is now my duty to do that on her behalf through this submission.

I seek leave to appear before Mr JCS Burchett QC in Hobart on 23 March 2001.

RESPONSE TO THE TERMS OF REFERENCE:

1a. *Whether or not there exists in the ADF an evidence of a culture of systemic avoidance of due disciplinary processes.* Heading

Whether or not what occurred in respect to CSGT Eleanore Tibble could be considered as systemic avoidance of due disciplinary process is problematic, but there is significant evidence to show that the Flight Command did not follow due disciplinary process as provided for by the manual The Service Knowledge Basic Australian Air Training Corps Cadet/Instructor Notes, 2nd Edition, March 1997; 1061, 1062 (Formal Counselling) and 1063 (AIRTC Policy and EEO and Discrimination).

The tragic and untimely suicide of my daughter is directly related to undue disciplinary process as evidenced by:

- her record of interview – conflict of interest/bias elements;
- lack of substantiation of any allegations of fraternisation by AIRTC;
- her letter requesting clarification - not acted upon – left on file unanswered.

Disciplinary process as provided for in the above cited Cadet/Instructor Notes was not followed as per:

- | | |
|---------|--|
| 2002 | Termination of enrolment not followed |
| 2002(h) | Being unsuitable by the CO for continued enrolment |
| 2003(f) | Unhealthy or unacceptable fraternisation with other members whilst on – no evidence provided |
| 2003(h) | Any matter which causes concern to the CO for the level of honesty, responsibility, reliability or integrity of the individual - no evidence provided, no record of formal counselling |

A culture of avoidance is demonstrated by phone calls made by FLGOFF [REDACTED] and [REDACTED] both of whom refused to put the alleged allegations or charges in writing, which Eleanore had previously denied through record of interview. Similarly, by these officers demanding Eleanore's resignation they denied her a grievance pathway which is part of the disciplinary process.

The actions of FLGOFF [REDACTED], [REDACTED] (and LAC [REDACTED]) I contend deliberately and systematically attempted to create in Eleanore's mind a belief that she had no option but to resign and thereby created a mental injury contravening 6065 (Duty of Care). The likely affect of the attempt to engineer a constructive dismissal must have been considered, discussed and calculated in advance, with the aim being to secure a written resignation under duress.

Systemic avoidance to avoid due disciplinary process is demonstrated by:

The interview process which was flawed. FLGOFF [REDACTED] was a personal friend of LAC [REDACTED] thus leaving himself open to allegations of bias. FLGOFF [REDACTED] ought to have discharged himself from the interview process. The use of the word "affair" to denote the alleged rumours implies a sexual connotation and a judgment rather than denoting a matter being investigated. Phone calls of duress to Eleanore. Phone calls were taken by myself (Mother) and I can attest to the tone and level of intransigence held by officers in respect to the matter, thereby refusing a grievance procedure or scope for mediation in respect to the non-specified charges.

Eleanore's letter dated 2/11/00 requesting clarification of phone calls made to her by FLGOFF [REDACTED] and [REDACTED] left unanswered – ignored.

Perhaps more than any other aspect of this matter, the fact that Eleanore's letter was left on file and not attended to demonstrates the systemic avoidance of due disciplinary process, and the Command stands indicted by their lack of action.

1b. Whether or not there are any irregularities in the administration of military justice within the ADF

Eleanore, aged 15yrs 10months, killed herself in the belief that she had been dishonourably discharged, or terminated, for allegedly bringing dishonour to 1 Flight through alleged breaches of discipline, specifically fraternisation. Rule 1037, 1038 of the Service Knowledge Basic Australian Air Training Corps Cadet/Instructor Notes, 2nd Edition, March 1997 refers.

There is evidence in relation to the death of CSGT Eleanore Tibble that there were significant irregularities in the administration of military justice;

- avoidance of due process
- abuse of authority
- denial of natural justice
- denial of grievance procedures

The litany of irregularities in the administration of military justice in respect to the overwhelming tragedy of the loss of a dedicated 15 year old cadet, must not be overlooked because the need to correct attitude and procedures within administrative ranks must prevail so to ensure a like tragedy does not recur.

1b.(1) Whether or not illegal punishments have been or are being used in the ADF for disciplinary purposes.

Eleanore's death is an illegal punishment meted out to her whole family by those who took it upon themselves to act illegally.

Her death was procured by virtue of systematic attempts by others to act in a humiliating and discriminatory manner towards her. They denied her a right of procedural fairness in a hearing; right of grievance or right of appeal; and most significantly, she was judged as being guilty in spite of her written denial in front of her accusers. The punishment was illegal and contrary to the Cadet Act 1991, The Safety Rehabilitation and Compensation Act of 1998, and The Human Rights and Equal Opportunity Acts.

The attempt to procure Eleanore's discharge from the AIRTC through illegal process is demonstrated through the lack of adherence to proper disciplinary procedures thereby making her death an illegal punishment.

1b.(2) Whether or not there exists any evidence that persons holding positions of authority have failed to properly act upon reports or complaints of violence, avoidance of due process or abuse of authority.

Reviewing the complexities of this tragic situation it is clear that those in authority in 1 Flight from FLGOFF [REDACTED] and [REDACTED] up have failed to properly act upon Eleanore's complaint of threats against her made by LAC [REDACTED] when she terminated the relationship. There is no evidence that Eleanore's statement was viewed as deserving investigation even though she stated in response to the question as to why she had not advised her FLTCOR of the event:

".....it was in fear of threats from LAC [REDACTED] that she would be thrown out or demoted."

The command of AIRTC 1 Flight have avoided due process through their dereliction of authority by failing to properly monitor the actions of their subordinate staff, FLGOFF [REDACTED] and [REDACTED]. The lack of substantiation on file of phone calls, draft documents of interview or file notes between superiors and FLGOFF [REDACTED] and [REDACTED] all attest to the avoidance of due process and the abuse of authority.

The appalling paucity of due process preceded and procured Eleanore's subsequent suicide.

1b.(3) Whether or not acts of violence have been used to maintain discipline in lieu of due process under the Defence Force Discipline Act (DFDA).

If verbal threats constitute a violent act, then such violent acts were perpetrated against Eleanore.

1b.(4) Whether or not there is any evidence that persons who have made reports of possible offences, of harassment or complaints of unacceptable behaviour have been treated unfairly because of the report or complaint made.

There is significant evidence of harassment and unacceptable behaviour by superiors towards Eleanore in respect to the allegation of fraternisation.

There is no evidence of the substantiation or documentation in any way of anything other than an alleged rumour of fraternisation.

If fraternisation was the charge for Eleanore, why was LAC [REDACTED] not charged with fraternisation prior to his resignation, and why did he resign so opportunely?

It is a matter of conjecture that LAC [REDACTED] resigned in order to avoid the possible charges of fraternisation and/or possible criminal charges in relation to an alleged sexual relationship with a child under 16. Further I contend that LAC [REDACTED] resigned under instruction from FLGOFF [REDACTED] so as to avoid any internal investigation which may have left the AIRTC liable for a breach of duty of care.

In reviewing the definitions of "fraternisation" and "unacceptable sexual behaviour" from Service Knowledge Basic and the Defence Instructions (General), the following is offered:

Fraternisation:

1064: "No Cadet is permitted a relationship with an adult instructor or another cadet whilst on any approved AIRTC activity."

According to the above definition the alleged rumours did not arise out of, or in the course of any approved AIRTC activity.

In the light of the above how could an allegation of fraternisation be substantiated?

Unacceptable Sexual Behaviour:

The RAAF neither condones nor accepts unacceptable sexual behaviour, including sexual harassment. Incidents will normally warrant disciplinary and/or administrative action where such behaviour:

- takes advantage, or threatens the person or personal integrity of subordinate or underage persons;
- brings or is likely to bring discredit on the AIRTC, or
- is unlawful under civil or criminal or military law.

Sexual relations and displays of affection and private intimacy between students and staff, and between all students, regardless of their status, are prohibited in all Joint Service and Single Service initial training establishments. This prohibition shall extend to all AIRTC members.

In the light of 1065 (which is ambiguous to say the least), why was no disciplinary or administrative action taken against LAC [REDACTED] if allegations or rumours about his behaviour constituted fraternisation, or other unacceptable sexual behaviours, and further could be deemed to be in contravention of 1065 a, b and c.

According to Defence Instructions (General), Dept of Defence, Canberra, March 1999, Clause 24 Fraternisation: Fraternisation is prohibited in ADF workplaces. Prohibited fraternisation includes:

- voluntary sexual behaviour between members, including sexual behaviour not amounting to intercourse;
- a close and exclusive emotional relationship involving public displays of affection or private intimacy;
- a relationship which involves, or gives the appearance of involving, partiality, preferential treatment or improper use of rank; and
- the public expression of intimate relations between members.

Notwithstanding Clause 25, page 7, and Clause 24, no evidence has been presented to substantiate a fraternising relationship between LAC [REDACTED] and CSGT Eleanore Tibble.

The alleged record of interview taken on 5 October 2000 cites CSGT Tibble as saying she had a non-sexual relationship with LAC [REDACTED]. CSGT Tibble stated that

".....she had decided to end the relationship as it was beginning to get out of hand."

CSGT Tibble added she also valued her position with 1 Flight and did not wish to jeopardise it. When asked how she would know how such rumours came about CSGT TIBBLE replied:

"..... that she and LAC [REDACTED] had probably been seen in town together."

"In town together" does not constitute on an approved AIRTC activity or in any ADF workplace.

In light of the above why was Eleanore hounded with alleged rumours, culminating in duress by way of impending charges for fraternisation and alleged dishonour and discredit to the Flight?

If evidence of unacceptable sexual behaviours or evidence of fraternisation, according to the definitions, had been made available to Eleanore and to the Command, who should have investigated these allegations and what would have been the process?

In the record of interview dated 5 October 2000 CSGT Tibble was asked why she had not advised her FLTCDR or the alleged fraternisation. CSGT Tibble replied

"..... it was in fear of threats from LAC [REDACTED] that she would be thrown out or demoted."

From her statement it is clear that she was afraid of possible vindictive repercussions being brought to bear on her through FLGOFF [REDACTED] and, indirectly, his friendship with LAC [REDACTED] gave Eleanore a clear perception of bias and lack of procedural fairness.

Such bias is evident from the transcript of alleged conversation viza viz the word "affair" which appears three (3) times to denote the alleged rumour.

THE CHRONOLOGY OF EVENTS OF HARASSMENT ARE LISTED AS FOLLOWS:

1. **5 October 2000** Interview – alleged record – no draft notes exist
2. **12 November 2000** Signature obtained through abuse of Rank
3. **30 October 2000** Phone calls from FLGOFF [REDACTED] demanding resignation
4. **1 November 2000** Phone call from FLGOFF [REDACTED] demanding resignation and immediate return of uniform

5. **2 November 2000** Letter from Eleanore requesting clarification of status submitted to Command and ignored.

Harassed by silence – waiting for her to crack, which she did by the taking of her own life.

1b.(5) Whether or not there is any evidence that any ADF member who has been charged with an offence has been directed or ordered to plead guilty of the offence by a superior or a person acting for a superior.

Eleanore was ordered to plead guilty by way of phone calls on 30 October and 1 November 2000.

The purpose of the phone calls were clearly to instil in Eleanore sufficient sense of guilt in respect to the alleged fraternisation, that she would provide FLCD with her resignation, thus removing a potentially difficult situation for AIRTC Command to deal with.

“..... bring your resignation and uniform to parade on Thursday – you are not permitted to parade as you have brought discredit on the Flight.”

The above statement of demand was made by FLGOFF [REDACTED] in the full knowledge that it would have a demoralising affect upon Eleanore. This statement is clear evidence of the attempt to procure a constructive dismissal rather than have the AIRTC follow due process and investigate the alleged matter.

Why were only Eleanore’s alleged actions considered to have brought discredit on the Flight? Why were LAC [REDACTED] actions not considered dishonourable, criminal or unacceptable?

The use of higher legitimacy in order to influence Eleanore was an abuse of power. FLGOFF [REDACTED] and [REDACTED] knew that Eleanore must defer to their rank.

The question is posed as to why LAC [REDACTED], a personal friend of FLGOFF [REDACTED] opportunely resigned and left the state, returning to the Northern Territory, leaving CSGT TIBBLE, aged 15, to answer the alleged allegation alone. According to her record of interview dated 5 October 2000, CSGT makes it clear as to how much the AIRTC meant to her:

“FLGOFF [REDACTED] asked CSGT Tibble what she thought the worst outcome for this affair would be. CSGT Tibble replied

‘.... that to be thrown out of the AIRTC was the worst possible scenario for her’.”

Anybody who knew Eleanore and knew her commitment to the AIRTC and how she felt defined by being a member of the AIRTC, could understand how being thrown out would be the worst possible sentence.

By Eleanore's subsequent suicide as a result of being thrown out, she enacted the worst possible scenario.

1b.(6) Whether or not any ADF member has been ordered or directed by a superior or person acting for a superior not to make a formal complaint.

I contend that by not being permitted to air the alleged matter of fraternisation through investigation or through grievance procedure, Eleanore was thus directed, through undue process, not to make a formal complaint about the matter which constitutes an abuse of process and an abuse of power by rank.

Procedures for Redress of Agrievance for Cadets: Items 1042 to 1054 refers (The Service Knowledge Basic Australian Air Training Corps Cadet/Instructor Notes, 2nd Edition, March 1997).

Because there was no formal complaint, there was no grievance. Because there was no grievance, there was no right of redress provided to Eleanore. By being told that the matter was not negotiable, they denied her the right of redress, thereby securing Eleanore's resignation was the ultimate intent of her superiors.

1b.(7) Whether or not an ADF member who has been charged with an offence has been ordered or directed not to seek legal advice or otherwise been denied access to legal advice.

Eleanore was denied legal advice because her commanding officers refused to put the allegation or charge in writing which would have necessitated a formal process of:

- written charges;
- a hearing – representation, legal/social or otherwise;
- appeal;
- a grievance.

FLGOFF [REDACTED] was made aware on 30 October in his phone call with me, that

“..... if I find that you have not followed due process in this matter I will haul you all before the Administrative Appeals Tribunal.”

I did seek legal advice as to the situation as I knew it to be. I was referred to Clerk, Walker & Stops for legal opinion which I now have in writing.

1b.(8) Whether or not ADF members have served sentences that are different to or in excess of punishments awarded by service tribunals.

The sentence handed out to Eleanore goes beyond any prescription laid down in Manuals of Procedure.

The sentence meted out by FLGOFF ██████ and ██████ was the death sentence.

1b.(9) Whether or not administrative action has been conducted with respect to allegations of breaches of discipline where action under the DFDA would have been more appropriate.

From the information to hand it appears that CSGT Tibble to all intents and purposes, was treated as an adult serving member of the ADF, but was denied avenues of redress, legal representation or counselling in any form.

It would seem reasonable that had FLGCD followed a process of counselling with regard to the alleged charges of fraternisation, and followed all due process in respect to their Duty of Care, as per Defence Safety Management Agency Safety Bulletin dated 7 February 2001 and titled Managing Young People at Work, perhaps CSGT Tibble would be alive today, and I would have my daughter with me at this hearing to give evidence on her own behalf.

Eleanore Tibble and the Australian Defence Forces

HISTORY

1. On **16 February 1998** Eleanore joined 1 Flight Northern Territory Squadron Air Training Corps (NTAIRT) in Darwin. She was 13 years old.
2. LAC [REDACTED] was an instructor in Darwin NT AIRT at the same time. To date it is unclear what 'relationship', if any, there was between LAC [REDACTED] and Eleanore.
3. Eleanore, with her mother, shifted from Darwin to Tasmania in late 1998.
4. LAC [REDACTED] who previously lived in Tasmania, returned to live there late 1998 or 1999.
5. In **February 1999** Eleanore transferred to TAS AIRTC as a Cadet.
6. In 2000 LAC [REDACTED] joined TAS AIRTC as an Instructor.
7. Eleanore was 15 years old when she appears to have become involved in an 'inappropriate relationship' with her TAS AIRTC instructor, LAC [REDACTED]. LAC [REDACTED] was nearly 30 years old at the commencement of this 'relationship'; a 'relationship' which LAC [REDACTED] initiated and pursued.
8. The 'relationship' appears to have commenced in or about June 2000.
9. In **June 2000** Eleanore is promoted, at TAS AIRTC, to Cadet Sergeant.
10. In **June 2000** LAC [REDACTED] instigated a friendship with Eleanore's mother and her partner Mr Geoffrey Linke. LAC [REDACTED] visited the family home on at least two occasions, by way of invitation to dinner. Eleanore's mother and partner saw nothing nefarious in such invitations. [REDACTED] was invited in his capacity as Eleanore's instructor and as an ex Darwin resident.
11. When LAC [REDACTED] true intentions became clear, namely, that he was in love with Eleanore it was made quite clear to him by Eleanore's mother such a 'relationship' was inappropriate and out of the question. This was reinforced to LAC [REDACTED] by Eleanore herself.
12. Through **July 2000** LAC [REDACTED] persisted, pursuing Eleanore directly and indirectly through her mother and her friends. This was despite Eleanore's rejection of his advances and her mother's warnings such a 'relationship' was inappropriate, unacceptable and not to be fostered.

13. On or about **10 August 2000** LAC [REDACTED] rang Eleanore at home and indicated his intention to resign TAS AIRTC. Eleanore indicated her relief at his decision.

14. On **15 August 2000** LAC [REDACTED] visited the home of his superior officer FLGOFF (AIRTC) [REDACTED] and voluntarily resigned from TAS AIRTC. He cited his resignation was as the direct result of having become personally involved with a Cadet ('the relationship'). Whilst not naming Eleanore as the Cadet to whom he had "*succumbed*" [LAC [REDACTED] letter of resignation dated 15 August 2000], it is clear that he sought to blame the 'relationship' on the "*attentions*" of the Cadet [LAC [REDACTED] letter of resignation dated 15 August 2000], thereby abdicating his responsibility as her senior in years and rank.

14.1 FLGOFF (AIRTC) [REDACTED] on all accounts gave LAC [REDACTED] a sympathetic hearing. [REDACTED] had marked the resignation as "*effective immediately*", obviously bearing out LAC [REDACTED] own desire articulated in his letter, namely, "*to leave as quickly and quiet as possible*". From the papers FLGOFF (AIRTC) [REDACTED] formed the view, from their conversation, that the 'relationship' had been sexual. The resignation was accepted, by FLGOFF (AIRTC) [REDACTED] with clear regret.

14.2 LAC [REDACTED] would not provide the name of the Cadet and FLGOFF (AIRTC) [REDACTED] does not appear to have pressed too hard for it, in spite of the obvious implications of military, criminal or civil charges being made out against LAC [REDACTED]. No record of this meeting appears to have been made.

15. On **16 August 2000** FLGOFF (AIRTC) [REDACTED] met with WGCDR (AIRTC) [REDACTED] to discuss the 'relationship' between LAC [REDACTED] and the unknown Cadet. No record of that conversation appears to have been made or kept. Though it appears out of that conversation WGCDR (AIRTC) [REDACTED] requested FLGOFF (AIRTC) [REDACTED] to provide him with a formal written explanation of the details surrounding the events. Furthermore WGCDR (AIRTC) [REDACTED] directed FLGOFF (AIRTC) [REDACTED] to tell LAC [REDACTED] that he was not permitted to Parade, effective immediately. It appears FLGOFF (AIRTC) [REDACTED] did not act to correct WGCDR (AIRTC) [REDACTED] erroneous understanding of the situation by pointing out that LAC [REDACTED] had already provided him with a written resignation effective immediately. Finally, WGCDR (AIRTC) [REDACTED] directed FLGOFF (AIRTC) [REDACTED] to investigate the identify of the Cadet and to report to him the following week.

15.1 Notwithstanding the potential serious criminal and civil implications attaching themselves to LAC (AIRTC) [REDACTED] confessed conduct no effort was made to investigate him at

this point. Nor does it appear that [REDACTED], notwithstanding his resignation, was ever approached by Investigating Officer [REDACTED] in his subsequent Internal Investigation. A reasonable person might hold [REDACTED] to have been a person of interest who ought to have been interviewed.

16. On 16 August 2000 FLGOFF (AIRC) [REDACTED] again met with LAC [REDACTED]. The context of that meeting is not clear. The conversation between FLGOFF (AIRC) [REDACTED] and LAC [REDACTED] took place in the evening leaving it open to speculate it was again in the comfort of FLGOFF (AIRC) [REDACTED] home. No record appears to have been made of this meeting.
17. On 18 August 2000 WGCDR (AIRC) [REDACTED] appears to have contacted his superiors, namely WGCDR DBR [REDACTED] SECPOLO SAFOT/RLO and WGCDR [REDACTED] NURS DDRPC in regards to the 'relationship'. As a result of that meeting a *HOT ISSUES BRIEF* was issued on 18 August 2000 by WGCDR DBR [REDACTED] SECPOLO SAFOT/RLO. *Inter alia* that *Brief* stipulates that LAC [REDACTED] had been involved in a 'sexual relationship' with an unknown Cadet. All officers present recognised the implications should the Cadet be under the legal age of consent. The need to keep it out of the media is also noted within the *Brief*. Furthermore, the *HOT ISSUES BRIEF* incorrectly states LAC [REDACTED] had been suspended. LAC [REDACTED] had resigned before any formal suspension or investigation could be implemented. WGCDR DBR [REDACTED] SECPOLO SAFOT/RLO directed WGCDR (AIRC) [REDACTED] to identify the Cadet and to keep himself and WGCDR [REDACTED] NURS DDRPC informed.
18. On 20 August 2000 FLGOFF (AIRC) [REDACTED] forwarded to WGCDR (AIRC) [REDACTED] a written account of LAC [REDACTED] visit to his home on 15 August 2000. He also attached a copy of LAC [REDACTED] resignation, this appears to be the first time WGCDR (AIRC) [REDACTED] is made aware that LAC [REDACTED] has resigned. [REDACTED] report indicates the difficulties he is having in identifying the mystery Cadet, noting no one (staff or Cadets) seem to be aware of any unusual facts and the lack of "scuttlebutt" appears to support LAC [REDACTED] contention that they had been discreet. WGCDR (AIRC) [REDACTED] who was on holiday did not receive this report until 28 August 2000. It does not appear that WGCDR (AIRC) [REDACTED] queried FLGOFF (AIRC) [REDACTED] over the resignation letter which was dated 15 August 2000 (and previously received by FLGOFF (AIRC) [REDACTED]).
19. On 29 August 2000 WGCDR (AIRC) [REDACTED] became aware of who the Cadet was, namely Eleanore Tibble. [REDACTED] Report does not detail how this information was obtained.
20. On 31 August 2000 WGCDR (AIRC) [REDACTED] had a conversation with FLGOFF (AIRC) [REDACTED]. He did not mention to FLGOFF (AIRC) [REDACTED] his awareness of the identity of the Cadet. Though, again no

record was kept of this conversation, it is reasonable to infer that WGCDCR (AIRTC) [REDACTED] was aware that FLGOFF (AIRTC) [REDACTED] still had not managed to identify the Cadet.

21. **Early October 2000** WGCDCR (AIRTC) [REDACTED] became aware of an anonymous letter allegedly sent to XO TASAIRTC SQNLDR [REDACTED]. The letter, which is undated and not received dated or folio numbered, is allegedly written by a parent of a Cadet within No. 1 Flight. It complains of "*some incidents*" which threaten respect for the AIRTC and its discipline. Curiously it then goes on to only mention one incident, namely, a 'relationship' between a senior Cadet and a staff member. Remarkably, in view of FLGOFF (AIRTC) [REDACTED] unsuccessful investigations of both Cadet and staff, the letter states that this 'relationship' is well known within Cadet ranks. The letter then provides the sort of detail which is designed to narrow down the identity of the Cadet. Oddly, the parent's concern appears directed at the conduct of the Cadet without any apparent thought to the presumably potentially far more serious implication, namely an adult ranking staff member having a 'relationship' with a 15 year old minor of junior rank. The letter is peculiarly timed given the alleged "relationship" (presuming it was referring to LAC [REDACTED]/Eleanore) had ceased, on all accounts, at least 7 weeks prior. XO TASAIRTC SQNLDR [REDACTED] was never interviewed by IO [REDACTED] during the subsequent Internal Investigation.

22. On **5 October 2000** WGCDCR (AIRTC) [REDACTED] visited 1 Flight and directed FLGOFF (AIRTC) [REDACTED] to interview Eleanore that evening when she attended for parade at Anglesea Barracks. It is unclear whether WGCDCR (AIRTC) [REDACTED] showed the anonymous letter to FLGOFF (AIRTC) [REDACTED] or whether he told FLGOFF (AIRTC) [REDACTED] that he had known since 29 August 2000 that Eleanore was the Cadet. The subject of interview was apparently to be whether Eleanore was aware that LAC [REDACTED] had resigned. It appears up until this meeting FLGOFF (AIRTC) [REDACTED] was unaware Eleanore was the unidentified Cadet in question. No record appears to have been made of [REDACTED] and [REDACTED] meeting.

22.1 FLGOFF (AIRTC) [REDACTED] interviewed Eleanore in the presence of LACW (AIRTC) [REDACTED]. [REDACTED] was allegedly there in her capacity as a responsible adult female and also to provide the Record of Interview. In the 'Stunden Report' [REDACTED] states she was well briefed by FLGOFF (AIRTC) [REDACTED] prior to the meeting. From the record of interview written up by [REDACTED] it would appear that in briefing [REDACTED], FLGOFF (AIRTC) [REDACTED] was disingenuous in providing [REDACTED] with the real reasons as to why the meeting was being undertaken.

22.2 Eleanore attended parade that evening at the usual time of 6.30. Without being given prior notice as to the intention of

the meeting, Eleanore was called in to meet with FLGOFF (AIRTIC) [REDACTED] and [REDACTED] at 8.05pm. She was neither given the opportunity to consider an agenda of issues nor was she given the right to contact her mother, or take in a nominated support person.

- 22.3 No where within the Record of Interview (or elsewhere) does it appear that the formal charge of 'Fraternisation' was ever put to Eleanore.
- 22.4 FLGOFF (AIRTIC) [REDACTED] appears to have placed considerable emphasises on the fact that the interview was being called as a result of rumours surrounding LAC [REDACTED] resignation and Eleanore's knowledge of that resignation. FLGOFF (AIRTIC) [REDACTED] even asks Eleanore if she might know how the rumours came about. FLGOFF (AIRTIC) [REDACTED] conduct is curious given that he himself had been unable to identify, either via rumour or 'discreet inquiry', the identity of the Cadet, notwithstanding his best efforts. On the face of it, it seems FLGOFF (AIRTIC) [REDACTED] himself had only just found out that same day/evening from WGCDR (AIRTIC) [REDACTED] the Cadet was Eleanore.
- 22.5 What is clear from the Record of Interview is that Eleanore was direct and honest in her answers. She indicates fear of threats made by LAC [REDACTED] that she would be demoted or thrown out, had prevented her from previously mentioning the 'relationship'. Eleanore reinforces this by stating that "*now LAC [REDACTED] is out of the State she feels safe to give a real account of the affair*". FLGOFF (AIRTIC) [REDACTED] dismisses this reminding her she is only giving her [original emphasis] account of the 'affair'. FLGOFF (AIRTIC) [REDACTED] ignores the possibility that a senior rank had threatened a junior rank into silence. Eleanore, unlike LAC [REDACTED], accepts responsibility and apologises for her actions.
- 22.6 FLGOFF (AIRTIC) [REDACTED] asks Eleanore what would be the worst outcome of the 'affair' for her. Eleanore is unequivocal in her answer; "*to be thrown out of the AIRTIC would be the worst possible scenario*". FLGOFF (AIRTIC) [REDACTED] tells Eleanore that he was obliged to share the information provided by Eleanore with Commanding Officer WGCDR (AIRTIC) [REDACTED]. Implicit in this is FLGOFF (AIRTIC) [REDACTED] had not explained to Eleanore that this interview was taking place at the direction of the Commanding Officer, WGCDR (AIRTIC) [REDACTED].

- 22.7 There is no suggestion FLGOFF (AIRTIC) [REDACTED] indicated to Eleanore, his earlier conversations with LAC [REDACTED] about the 'relationship' or [REDACTED] resignation. Further, there is no indication that FLGOFF (AIRTIC) [REDACTED] sought to further pursue the considerable disparity between factual events surrounding the 'relationship' as previously given by LAC [REDACTED], and now being given by Eleanore.
- 22.8 That meeting ended at 8.20pm and concluded with FLGOFF (AIRTIC) [REDACTED] giving an undertaking to Eleanore that he would speak to her at a further date after he had consulted with the CO WGCDCR (AIRTIC) [REDACTED].
- 22.9 The brevity of the meeting supports the view that Eleanore was only allowed to respond to questions put to her and not to forward her version of events.
23. On **9 October 2000** WGCDCR DBR [REDACTED] SECPULO SAFOT/RLO attended a 'camp wash-up' also attended by WGCDCR (AIRTIC) [REDACTED]. Despite [REDACTED] previous specific directive to WGCDCR (AIRTIC) [REDACTED], WGCDCR (AIRTIC) [REDACTED] did not tell WGCDCR DBR [REDACTED] SECPULO SAFOT/RLO that he had identified the Cadet in relation to the LAC [REDACTED] matter. Nor did [REDACTED] tell WGCDCR DBR [REDACTED] SECPULO SAFOT/RLO that Eleanore had been 'interviewed' by FLGOFF (AIRTIC) [REDACTED] four days previously. It does not appear that 'the unidentified Cadet' or the directed investigation was discussed at all. Curious given it was now seven (7) weeks since WGCDCR DBR [REDACTED] SECPULO SAFOT/RLO had given his first directive to WGCDCR (AIRTIC) [REDACTED] to investigate the matter and report back.
24. On **12 October 2000**, Eleanore was instructed by FLGOFF (AIRTIC) [REDACTED] to sign the alleged record of interview of 5 October 2000. It was impressed on her that failure to sign would not prevent it being forwarded to WGCDCR (AIRTIC) [REDACTED]. Again, Eleanore was given no opportunity to discuss the Record of Interview with a support adult or given time to reflect on the contents, or the possible implications of this Record of Interview. The Record of Interview is two and a half pages long. There is no record of when it was written up, nor are there draft notes which formed the basis for the typed copy.
25. Five days later on **17 October 2000** the signed Record of Interview was given to WGCDCR (AIRTIC) [REDACTED].
26. On **18 October 2000** WGCDCR (AIRTIC) [REDACTED] contacted the staff in the Directorate of Reserves for advice.
- 26.1 In the Internal Investigation, the Stunden Report, 'WGCDCR (AIRTIC) [REDACTED] indicates that he had several conversations with staff of the Directorate of Reserves. Allegedly he was advised that he was entitled to take

discharge action in respect of Eleanore but she should be given the opportunity to resign before discharge action was taken. There appears to be no records of these conversations nor of the advice given. Further it appears that IO Stunden did not seek to interview any of the staff of the Directorate of Reserves in regard to alleged advice sought or given.

27. On **19 October 2000** Eleanore parades as usual. Nothing is said to her about the administrative process initiated by [REDACTED] and [REDACTED] on 5 October 2000.
28. From **21 October 2000** until 5 November 2000 WGCDR DBR [REDACTED] SECPOLO SAFOT/RLO is on leave. It appears WGCDR (AIRC) [REDACTED] had not given him any details of the actions being considered or undertaken in respect of Eleanore, despite [REDACTED] and [REDACTED] direction to do so. Oddly, given WGCDR DBR [REDACTED] SECPOLO SAFOT/RLO immediate recognition of possible, and potentially serious criminal and civil issues involved, he does not appear to have pursued WGCDR (AIRC) [REDACTED] following his first directive to him to investigate the matter. That directive had been given on 18 August 2000.
29. On **27 October 2000** WGCDR (AIRC) [REDACTED] left a message on FLGOFF (AIRC) [REDACTED] answer phone updating him on advice allegedly received from the Directorate of Reserves. FLGOFF (AIRC) [REDACTED] appears to have been on a leave of absence at this point. The Stunden report states it is unclear as to whether WGCDR (AIRC) [REDACTED] gave FLGOFF (AIRC) [REDACTED] any clear direction as to what to do next.
30. On **28 October 2000** WGCDR (AIRC) [REDACTED] directed FLGOFF (AIRC) [REDACTED] temporary replacement, FLGOFF (AIRC) [REDACTED] to call Eleanore at home and advise her that she had the choice of putting in her notice or being terminated. The extent of FLGOFF (AIRC) [REDACTED] knowledge surrounding the events leading up to the issuing of this instruction is not explained. Again no record appears to have been kept of this conversation.
31. On **30 October 2000** FLGOFF (AIRC) [REDACTED] rang Eleanore at home. He spoke to both Eleanore and her mother. In conversation to Eleanore he states he told her she had the choice of either giving her notice, or being terminated. According to FLGOFF (AIRC) [REDACTED] Eleanore indicated that she understood and that she would write to them. FLGOFF (AIRC) [REDACTED] states that he further told Eleanore that she could attend Thursday (2.11.00) but she would not be permitted to Parade in uniform, instead she was expected to return her kit etc.
 - 31.1 FLGOFF (AIRC) [REDACTED] states he also spoke to Eleanore's mother, Susan Campbell, who stated she would be taking

the matter further. [REDACTED] does not appear to have made a record of the above conversations. FLGOFF (AIRTIC) [REDACTED] could not recall whether he called WGCDR (AIRTIC) [REDACTED] that evening or the next morning.

31.2 Eleanore's mother's recollections of these phone conversations is somewhat more fulsome. She reports in the Stunden Report that she challenged FLGOFF (AIRTIC) [REDACTED] as to the reasons why her daughter should resign. He refused to provide any such detail. Nor, he stated, would anything be put in writing.

31.3 Eleanore's mother also reports in her submissions before the Anti-Discrimination Commission that Eleanore had told her FLGOFF (AIRTIC) [REDACTED] had informed her that Canberra had already found her guilty of fraternisation.

32. On 1 November 2000 FLGOFF (AIRTIC) [REDACTED] (now returned from his leave of absence) acts on the message left on his answer machine by WGCDR (AIRTIC) [REDACTED] back on 27 October 2000. Contrary to the Stunden's Report that it had been unclear whether WGCDR (AIRTIC) [REDACTED] had left directions telling FLGOFF (AIRTIC) [REDACTED] what to do next, FLGOFF (AIRTIC) [REDACTED] states he called Eleanore as a direct result of [REDACTED] message. He repeats to her that she is not to parade on 2.11.00 but instead is to return her kit. FLGOFF (AIRTIC) [REDACTED] appears surprised that Eleanore already knew that she was not permitted to parade. He recognises that she is not happy. FLGOFF (AIRTIC) [REDACTED] later reports to WGCDR (AIRTIC) [REDACTED] that Eleanore stated she had not been given natural justice and she intended to take the matter further. In the Stunden Report FLGOFF (AIRTIC) [REDACTED] concedes, for the first time Eleanore was emotional. Again no record of the conversation between FLGOFF (AIRTIC) [REDACTED] and Eleanore is made, nor it would seem of the follow up conversation between FLGOFF (AIRTIC) [REDACTED] and WGCDR (AIRTIC) [REDACTED]. It should be noted, that notwithstanding [REDACTED] undertaking previously given to Eleanore on 5 October 2000, that he would consult with her once he had reported back to WGCDR (AIRTIC) [REDACTED] the 1st of November 2000 was the first time since then FLGOFF (AIRTIC) [REDACTED] had any contact with Eleanore.

32.1 In the submissions before the Anti-Discrimination Tribunal Eleanore's mother records Eleanore as having been told by FLGOFF (AIRTIC) [REDACTED] that she (Eleanore) had brought dishonour on 1 Flight and resignation was Eleanore's only honourable option since failure to resign would result in dishonourable discharge. This conversation left Eleanore so distraught she was initially unable to discuss it with her mother.

33. The Stunden Report, at paragraph 64, indicates that following his resignation LAC [REDACTED] approached FLGOFF [REDACTED] asking him, on

███████ behalf, to "fight his case". FLGOFF ██████ advised ██████ that it was too late for ██████ to fight his case as he had resigned.

- 33.1 The above clearly indicates that ██████ was being kept informed of the investigation/discipline of the Cadet referred to in his resignation. It appears to be an acknowledgement that ██████ believed there was 'a case to fight'. Further, it indicates that senior rank were aware of ██████ whereabouts and his willingness to talk. What is not clear is when ██████ approached ██████ for his assistance.
34. On 1 November 2000 Eleanore's mother rang Anglesea Barracks and asked to speak to FLGOFF ██████ believing him to be in charge. ██████ was not available so Eleanore's mother asked to speak to the person in charge of Cadets. Interestingly, in the ██████ Report at paragraph 44, Stunden quotes WGCDR (AIRC) ██████ as saying that Eleanore's mother had rung XO TASAIRC SGNLDR ██████ to tell her she did not accept the situation as it stood and putting XO TASAIRC SGNLDR ██████ On Notice she would be seeking legal advice. While Eleanore's mother is not clear as to whom she spoke, she is clear that she spoke to a man. XO TASAIRC SGNLDR ██████ appears to be a woman. WGCDR (AIRC) ██████ himself is in charge of Cadets. It does not appear that XO TASAIRC SGNLDR ██████ was interviewed as part of the internal investigation; The ██████ Report. It does not appear that a record of the conversation between Eleanore's mother and the man to whom she spoke (the person in charge of Cadets) was made.
35. On 2 November 2000 Eleanore hand delivered a letter to Anglesea Barracks addressed to FLGOFF (AIRC) ██████ requesting clarification that verbal instructions given her by FLGOFF (AIRC) ██████ and FLGOFF (AIRC) ██████ himself over the previous 3 days, be put to her in writing. Further, she requested a suitable time to be arranged for her to come in to review her Cadet file. Eleanore did not attend Parade that evening, nor did she hand in her kit.
36. From the events arising out of 30 October 2000 and the 1st and 2nd of November 2000 the AIRTC and its Commanding Officers, were On Notice that neither Eleanore, nor her mother, accepted the direction of resignation or termination. It is equally clear that an urgent response was required to the requests put to the AIRTC Command by Eleanore yet none were forthcoming.
37. It is not clear when FLGOFF (AIRC) ██████ brought to WGCDR (AIRC) ██████ attention Eleanore's letter dated 2 November 2000. WGCDR (AIRC) ██████ says when he did become aware of it he directed FLGOFF (AIRC) ██████ to conform with her request for a written response. No record of this alleged conversation between WGCDR (AIRC) ██████ and FLGOFF (AIRC) ██████ was kept.

38. There is no evidence FLGOFF (AIRTIC) ██████ acted, in any form, in response to Eleanore's letter of 2 November 2000 or in accordance with ██████ directive that ██████ respond. Nor is there any evidence that WGCDR (AIRTIC) ██████ sought to check whether his directive, to this effect, had been carried out by ██████.

39. There is no evidence WGCDR (AIRTIC) ██████ sought to confirm FLGOFF (AIRTIC) ██████ progress in respect of responding to Eleanore's letter yet he approved leave for FLGOFF (AIRTIC) ██████ for the period 6-30 November 2000.

40. On **10 November 2000** WGCDR (AIRTIC) ██████ discussed 'the unidentified' Cadet with WGCDR DBR ██████ SECPOLO SAFOT/RLO. From the papers this appears to be the first time in nearly three months that WGCDR (AIRTIC) ██████ and WGCDR DBR ██████ SECPOLO SAFOT/RLO revisit the issue of the unidentified Cadet.

40.1 WGCDR DBR ██████ SECPOLO SAFOT/RLO does not appear to have commented on the delays, nor to have scrutinised the story as given by WGCDR (AIRTIC) ██████.

40.2 Despite him still being of the belief that the 'relationship' had been sexual, WGCDR DBR ██████ SECPOLO SAFOT/RLO was of the view that fraternisation could not be made out.

40.3 The issue of greatest concern in this conversation appears to be how best WGCDR (AIRTIC) ██████ might face his "awkward situation", namely, set about reversing the discharge process which had been initiated since 5 October 2000. There appears to have been no record made of this meeting.

41. On **12 November 2000** WGCDR (AIRTIC) ██████ and WGCDR DBR ██████ SECPOLO SAFOT/RLO met to confer with WGCDR ██████ NURS DDRPC over the latest developments. WGCDR ██████ NURS DDRPC agreed with WGCDR DBR ██████ SECPOLO SAFOT/RLO, namely, no charge of fraternisation could be made out. For the first time, ██████ reported to WGCDR DBR ██████ SECPOLO SAFOT/RLO and ██████ that the 'relationship' between LAC ██████ and Eleanore had not been sexual. This information appears to be based on Eleanore's interview back on 5 October 2000. To this point, ██████ and ██████ had been of the belief that the relationship was sexual. LAC ██████ appears to have led ██████ to believe the relationship was sexual, Eleanore told him it was not. Seemingly without further investigation Eleanore's version is accepted by all relevant parties. Again, the thrust of the meeting of 12 November 2000 appears about assisting WGCDR (AIRTIC) ██████ in 'saving face'.

WGCDR ██████ NURS DDRPC directed WGCDR (AIRTC) ██████ to reinstate Eleanore and to discontinue the discharge action. No record appears to have been kept of this meeting.

42. Notwithstanding the unequivocal directive from his superior officer, WGCDR (AIRTC) ██████ sought to get further advice from the Equity Officer at Anglesea Barracks, the Victoria/Tasmania Equity Co-ordinator and the Defence Equity Organisation 1 800 number. From the 1 800 number he was directed to the Staff officer Cadet Policy in the Assistant Chief reserves (ACRES). WGCDR (AIRTC) ██████ was advised by a ██████ the Staff Officer Cadet Policy to counsel the Cadet. Of all these bodies the only person interviewed for the Internal Investigation was ██████ ██████ admits to being a personal friend of WGCDR (AIRTC) ██████ and prior to Stunden's questioning he had been advised by ██████ of the current internal investigation. ██████ who was interviewed 5 months later, remembers the conversation with, as stated in the Stunden Report, "great clarity". ██████ states that his conversation with WGCDR (AIRTC) ██████ took place on 20 November 2000. This sort of clarity suggests that ██████ kept a record of this conversation. ██████ recollection of the conversation clearly indicates that WGCDR (AIRTC) ██████ despite directives to the contrary, was still trying to justify discharging Eleanore. It is not clear why ██████ was interviewed and not the other parties from whom WGCDR (AIRTC) ██████ had sought further advice.

43. By 26 November 2000 Eleanore had not received the requested written response to her letter dated 2 November 2000. No one from Anglesea Barracks had contacted her to arrange for her to go and see her file as requested in her letter in 2 November 2000. No one had contacted her to tell her of her current or future status. No one from Anglesea Barracks had contacted Eleanore's mother to discuss the matter.

44. On 27 November 2000 Eleanore committed suicide by hanging, in the woodshed at the family home. Eleanore was found by her mother.

45. On 28 November 2000 WGCDR (AIRTC) ██████ allegedly met with WGCDR DBR ██████ SECPOLO SAFOT/RLO. Allegedly at this meeting neither knew at that time that Eleanore was dead. WGCDR DBR ██████ SECPOLO SAFOT/RLO was apparently not happy to find out that WGCDR (AIRTC) ██████ had not, as yet, acted on his and ██████ expressed directions to WGCDR (AIRTC) ██████ back on 12 November 2000.

45.1 The IO notes in his report at paragraph 54, *WGCDR DBR ██████ SECPOLO SAFOT/RLO then became firm and forceful and reminded WGCDR (AIRTC) ██████ of the direction from WGCDR ██████ NURS DDRPC to reinstate and the expectation that action would now be complete.*

Again there do not appear to have been any records kept of the conversation between [REDACTED] and [REDACTED].

46. WGCDCR (AIRTIC) [REDACTED] explains his procrastination to the IO, Stunden, as [his] *needing to get his head around what needed to be done*. A clear indication that WGCDCR (AIRTIC) [REDACTED] chief concern had always been WGCDCR (AIRTIC) [REDACTED] never Eleanore. X
47. WGCDCR (AIRTIC) [REDACTED] claims that it was not until later on 28 November 2000 that he heard Eleanore had committed suicide. He advises WGCDCR DBR [REDACTED] SECPOLO SAFOT/RLO immediately. No record is made of this advice.
48. On **29 November 2000** WGCDCR DBR [REDACTED] SECPOLO SAFOT/RLO issued a *HOT ISSUES BRIEF*. This Brief details the history of the matter, though it incorrectly notes the LAC TASAIRTIC Instructor [REDACTED] was 22 rather than his nearly 30 years.
49. On **30 November 2000** the TAS AIRTIC wrote to Eleanore's mother. The letter expressed deepest sympathy at the tragic loss Mrs Campbell has suffered. The letter is signed by Commanding Officer WGCDCR (AIRTIC) [REDACTED] [REDACTED] had never met Eleanore.
50. On **4 December 2000** Eleanore's funeral was held. Without any consultation or prior contact with the family TAS AIRTIC attended the funeral and provided a Cadet Guard of Honour. Commanding Officer WGCDCR (AIRTIC) [REDACTED] attended, with other officers, in full dress uniform. [REDACTED] approached Eleanore's mother to offer condolences. He had not introduced himself, so Eleanore's mother asked him who he was. Eleanore's mother informed him, as the person in charge he was the person whom she would be calling on in order to see Eleanore's file.
- 50.1 No offers of assistance to the family were forthcoming from TAS AIRTIC. No explanation regarding Eleanore's last two months at Cadets was forthcoming.
51. On **20 December 2000** Eleanore's mother, as a result of the investigation be undertaken by the Coroner's Office, become aware that at the time of her death Eleanore was regarded by senior staff at Anglesea Barracks as still being a serving Cadet. Eleanore's mother was also made aware that WGCDCR (AIRTIC) [REDACTED] had sat on that decision and his indecision had still been in play at the time of Eleanore's death on 27 November 2000.
52. In **January 2001** Eleanore's mother attempted to contact WGCDCR (AIRTIC) [REDACTED] in order to arrange to go in and see Eleanore's file. Eleanore's mother was informed that he was away on leave.

53. On **17 January 2001** Eleanore's mother approached the Department of Defence Military Justice Audit to find out the terms of reference for their upcoming review.
54. On **18 January 2001** Eleanore's mother instructed solicitors to do a search pursuant to the *Freedom of Information Act*. This search was for a copy of Eleanore's file.
55. On **7 February 2001** (Eleanore's 16th birthday) Eleanore's mother rang COMCARE to inquire into compensation for Eleanore's death. As a result of that conversation Eleanore's mother was contacted by the Department of Veteran Affairs to consider an application for compensation pursuant to the *Safety, Rehabilitation & Compensation Act 1988* (SRCA).
56. On or about **9 February 2001** the woman from the Department of Veteran Affairs visited Eleanore's mother, she brought with her the Defence Community Organisation Social Worker Paula Karydis. This was the first contact Eleanore's mother had from anyone from the Defence Force.
57. In or about **February 2001** Eleanore's mother, ~~brother, sister and~~ Eleanore's mother's partner meet with WGCDR (AIRC) [REDACTED]. Also present at this meeting was a TAS ATIRC personnel who took a record of the conversation. It was an unsatisfactory meeting. WGCDR (AIRC) [REDACTED] provided the file he stated was Eleanore's file. It contained minimal documentation. WGCDR (AIRC) [REDACTED] insisted that 'the relationship' was sexual and that they had proof to that effect. No proof was provided or appeared on Eleanore's file. [REDACTED] further stated that in the circumstances he was satisfied that his actions had been correct. The meeting resulted in a forwarding to the family of a CD containing the Royal Australian Air Force Cadets Policy Manual arising out of the meeting. The family were never forwarded a copy of the Record made of this meeting.
58. On **13 February 2001** Eleanore's mother sought to instigate proceedings, on behalf of Eleanore, in the Human Rights and Equal Opportunities Commission (HREOC).
59. On **20 February 2001** the CTH Department of Veteran Affairs wrote to Eleanore's mother asking her to confirm the enclosed chronology of events leading up to Eleanore's death.
60. On **20 February 2001** the CTH Department of Veteran Affairs wrote to WGCDR DBR [REDACTED] SECPOLO SAFOT/RLO asking for records or documentation laying out the sequence of events and copies of instructions which outline the manner in which disciplinary action against the Cadets should be managed.

61. On **10 March 2001** Eleanore's mother forwarded a submission to the Military Justice Audit Team.
62. On **22 March 2001** Eleanore's mother met in Hobart with the Military Justice Audit Team, namely Mr Burchett QC and Commodore Erle.
63. On **27 March 2001** The Military Justice audit team referred Eleanore's mother's submissions to Air Force Headquarters, Canberra.
64. On **30 March 2001** Air Commander Cole, Director General Personnel – Air Force appointed an Investigating Officer (IO); Group Captain Stunden to conduct an Internal Investigation into the events leading up to and surrounding Eleanore's death.
65. On **9 April 2001** Stunden wrote to Eleanore's mother explaining his position as Investigating Officer and asking her to ring him if she wished to meet with him.
66. On **26 April 2001** Group Captain Stunden met with Eleanore's mother.
67. On **3 May 2001** Stunden handed up his report and recommendations. This report has become known as the Stunden Report.
68. On **30 May 2001** Eleanore's mother wrote to Air Commander Cole (Director General Personnel – Air Force) requesting a copy of Stunden's report.
69. On **31 May 2001** the Defence Legal Service handed down its Legal Review of the Stunden Report.
70. On **21 June 2001** DPER handed down its Specialist Administrative Review of the Stunden Report. This appears to finalise the acceptance, or otherwise, of the recommendations made in the Stunden Report. Notably, an alternative recommendation of counselling was accepted over Stunden's recommendation WGCDR (AIRTC) [REDACTED] be suspended with a view to termination.
71. On **1 July 2001** Eleanore's mother wrote to WGCDR DBR Watson SECPOLO SAFOT/RLO identifying 24 questions she would like answered in response to Eleanore's death. Notably, the last question reads; *Why is she dead?*
72. In **July 2001** the Australian Air Force implements organisational changes to the Australian Air Force Cadet.
73. On **5 July 2001** Air Commodore Cole, Director General Personnel – Air Force Canberra accepts the recommendations of the Specialist Administrative Review of the Stunden report. Notably, he is satisfied the alternative recommendation of counselling rather than termination for WGCDR (AIRTC) [REDACTED] should be accepted. Anecdotal evidence

suggests [REDACTED] threatened legal action in the event he be suspended or dismissed.

74. On **9 July 2001** Air Commander Cole forwards a copy of the Stunden Report to Eleanore's mother.
75. On **22 July 2001** Eleanore's mother lodges a complaint to the Tasmanian Anti-Discrimination Commission.
76. On **30 July 2001** the CTH Department of Veteran Affairs wrote to psychiatrist Dr. Ian Sale asking for a report of the events surrounding the death of Eleanore. Further, it asks the doctor to specifically respond to 4 questions in relation to the extent of contribution by the Cadet Corp in relation to Eleanore's death.
77. On **2 August 2001** Eleanore's mother lodged a complaint with the Tasmanian Office of the Commissioner for Children.
78. On **3 August 2001** Cole forwards a copy of The Legal Review and The Specialist Administrative Review of IO Stunden's report to Eleanore's mother.
79. On **6 August 2001** Dr. Ian Sale forwards his response CTH Department of Veteran Affairs request. Notably he states, in part, that it was the manner in which the disciplinary matter regarding Eleanore Tibble was managed that contributed to her suicide; that contribution was greater than 50%; and that the contribution was the principal and major reason.
80. On **9 August 2001** Eleanore's mother raised with the Defence Community Organisation Social Worker Ms Paula Karydis, the fact that WGC DR [REDACTED] SECPOLO SAFOT/RLO had not responded to her letter dated 1 July 2001; Eleanore's mother forwarded through to Ms Karydis a copy of same.
81. On **14 August 2001** WGC DR [REDACTED] SECPOLO SAFOT/RLO responds to Eleanore's mothers letter of 6 weeks prior and says that he is not in a position to answer the questions asked of him and the letter has been forwarded to Air Commander Cole.
82. On **30 August 2001** Air Commander Cole wrote to Eleanore's mother responding to the above letter forwarded to him by WGC DR [REDACTED] SECPOLO SAFOT/RLO and received by him on 20 August 2001. Cole hopes the Stunden Report addresses the issues raised in Eleanore's mothers questions. Further, he states that as the Coronial Finding/Inquiry is pending he is not in a position to address any further specifics at this time.
83. On **6 September 2001** the CTH Department of Veteran Affairs wrote to Eleanore's mother accepting the Commonwealth's liability pursuant to

section 17 of the *Safety, Rehabilitation & Compensation Act 1988* in respect of the death of Eleanore Tibble. Because Eleanore had no dependents compensation was confined to funeral and medical expenses, which was capped at \$4,033.45. This decision appears to have been made in absence of input from the Defence Force because the Department of Veteran Affairs gave up trying to get a response from them.

84. On **1 October 2001** the Tasmanian Anti-Discrimination Commission accepted the complaint for investigation of possible breaches of various sections of the *Anti-Discrimination Act*.
85. On **3 October 2001** Eleanore's mother complained to the Commonwealth Ombudsman.
86. **27 November 2001, first anniversary of Eleanore's death.**
87. On **11 December 2001** Eleanore's mother wrote to the Honourable Brendan Nelson, Parliamentary Secretary to the Minister for Defence, requesting answers to the changes within Cadets arising out of Eleanore's death and the Stunden Report.
88. On **20 December 2001** the Federal Member for Denison, The Honourable Duncan Kerr wrote to the Minister for Defence seeking recognition/acknowledgement by the Defence Force of their role in the death of Eleanore, and an assurance steps were being taken to ensure it never happen again.
89. On **18 January 2002** the Anti-Discrimination Commissioner writes to Eleanore's mother stating all the Respondents had failed to forward any information or written comments despite requests from her Office to do so. Hence she will progress the investigation without their input.
90. On **13 February 2002** Eleanore's mother writes to the FOI Coordinator – Air Force seeking documentation pertaining to 28 identified incidents.
91. On **15 February 2002** the Coronial Inquiry is handed down. The Coroner accepted that TAS ATC contributed more than 50% to Eleanore's suicide.
92. On **21 February 2002** Eleanore's mother writes to Admiral Chris Barrie requesting answers that had previously been denied on the basis the Coronial Inquiry was pending.
93. On **25 March 2002** The Minister for Defence wrote to Eleanore's mother. The Minister states, in part, 'To the extent that the actions surrounding the handling of Eleanore's suspension contributed to Eleanore's death is a matter of deep regret.' Eleanore had never been informed that she was suspended.

94. On **9 April 2002** Eleanore's mother receives the response to her request under FOI for numerous documentation. The request was partially responded to, but significant documentation was withheld.
95. On **10 April 2002**, Eleanore's mother receives a facsimile from Air Marshal Houghston Chief of Air Force outlining a projected meeting to take place between members of his staff and Eleanore's family.
96. On **11 April 2002** Group Captain Grant McDonald and Wing Commander Robyne Green of Air Marshal Houghston Chief of Air Force staff met with Eleanore's mother, grandmother, sister and brother at Anglesea Barracks. At this meeting Eleanore's mother was given copies of Draft changes to Defence Procedure & Policies Manuals.
97. On **24 April 2002**, at the direction of Wing Commander Peter McKay, Director of Military Support, the Defence Community Organisation, Social Worker Paula Karydis met with Eleanore's mother, sister and brother. The purpose of the meeting was, *inter alia*, to determine what the Air Force could do assist the family, eg: counselling and otherwise. A substantial document was forthcoming from that meeting. It identified 11 substantive issues the family wanted to see addressed. This was the first time the family had been asked by the Defence Forces to identify what assistance they needed. No further action appears to have been taken in relation to the issues listed by the family as being important to address their capacity to 'move on'.
98. On **20 June 2002** the Commonwealth Ombudsman handed down his findings. It also flagged the prospect of an "own Motion" Investigation into the Defence Forces treatment of children and young persons.
99. In approximately **August 2002** Group Captain Grant McDonald returned to Hobart. He visited Eleanore's mother. He asked her if there were any deficiencies regarding the Draft Copies of New Policies provided to her back in April 2002. Eleanore's mother made some suggestions about counselling and conflict resolution. Eleanore's mother is unclear whether those suggestions have been picked up.
100. On **24 August 2002** the Commissioner for the Tasmanian Anti Discrimination Commission handed down a Referral Report.
101. On **28 August 2002** the above Referral Report is filed with the Anti Discrimination Tribunal in Hobart.
102. **27 November 2001, second anniversary of Eleanore's death.**
103. In **January 2003** Phillips Fox are instructed by the Directorate of Litigation Department of Defence to represent the Cth of Australia in the HEROC claim lodged by Eleanore's mother on behalf of Eleanore.

104. On **23 January 2003** the Anti-Discrimination Tribunal heard the parties on the preliminary issues, namely, jurisdiction, discrimination, respondent/vicarious liability. Phillip Fox represented all Respondents. Eleanore's mother represented herself and Eleanore.
105. On **18 March 2003**, Eleanore's mother is notified of The Report of Preliminary Findings, by the President of HREOC, under the *Human Rights and Equal Opportunities Commission Act 1986*.
106. On **27 March 2003**, The Tasmanian Minister for Health and Human Services forwarded to Eleanore's mother the Memorandum of Advice to the Minister of Health and Human Services provided to him by the Officer of the Commissioner for Children. The Minister undertakes to forward a copy of the report to the Tasmanian ATC for comment and to forward a copy to the Minister for Defence for confirmation on action taken.
- 1?? **27 November 2003, third anniversary of Eleanore's death.**

- Nothing new - no further forward.
- 27 November 2004 - fourth anniversary