

Pleading Positive Reform: An analysis of suicide risk, self-harm, and reputational peril impacting serving Australian Defence Force (ADF) members.

by

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Introduction

In evaluating interventions for suicide prevention, numerous studies have undertaken extensive review and comparative analysis to understand suicide risk and self-harm among Veterans, to optimise the mental health and well-being of current ADF members and their families.¹ Combat-related mental illness occupies much of the focus of contemporary narratives, as do risk factors specific to non-combat-related conditions.² But new conversations are now drawing from the connection between moral trauma and an increased risk of suicide and self-harm—where a person feels their deepest and most closely held moral values and ethical beliefs are betrayed.³ This is increasingly being recognised as separate from Post-Traumatic Stress Disorder (PTSD) or anxiety and depression.⁴ In particular, the research increasingly acknowledges that Defence and Veterans are particularly prone to experiencing potentially morally injurious events. Moreover, moral trauma is another important risk factor for ADF suicidality.⁵

There is a significant challenge interweaving a broad and complex discussion on moral trauma and its impact in the ADF workplace into a single presentation or submission. So instead, this discussion focuses on two key areas from a *policy risk perspective*: to examine the perceived inequities of already established dispute resolution policies that are to provide ADF members access to a fair, just, and inclusive workplace; and to explore the potential for exposure to suicide risk, self-harm, and reputational peril for those who seek to redress a grievance through their Chain of Command.

Resetting our moral compass- to achieve best practice

Trust plays an essential role in ADF service. The research has found that perceptions of unit leaders as ‘trustworthy’ and ‘able to be confided in’ reduces the risk of suicidal behaviours.⁶ Former General Peter Cosgrove once said that: ‘Mateship can’t exist without trust and reliability, and we elevate mateship, but it must be built on the fundamental obligation felt by the individual to keep his or her word.’⁷ Adhering to sound Defence policy and lawful directives reassures ADF members access to procedurally fair decisions whenever disputes in the ADF workplace arise. Moreover, to reassure that complaints will be managed early, and well. The current discussion on policy inequities maintains that the *Defence (Inquiry)*

¹ Defence Health. ‘Defence Health & Well-Being “Fighting Fit”’. <https://www1.defence.gov.au/adf-members-families/health-well-being>.

² Jones, K., Varker, T., Stone, C., Agathos, J., O’Donnell, M., Forbes, D., Lawrence-Wood, E. & Sadler, N. (2020). Defence Force and Veteran suicides: Literature review. Report prepared for the Australian Commission on Safety and Quality in Health Care. Phoenix Australia – Centre for Posttraumatic Mental Health: Melbourne. <https://www.nationalcommissionerdvsp.gov.au/system/files/2020-11/Defence-and-Veteran-Suicides-Literature-Review.PDF>. (6)

³ Michael D. Matthews. ‘Moral Injury: Toxic leadership, maleficent organisations, and psychological distress.’ *Psychology Today*. March 10, 2018. <https://www.psychologytoday.com/us/blog/head-strong/201803/moral-injury>.

⁴ David Cooling, ‘Moral injury in the ADF Part 1: State morality and individual moral identity.’ *Australian Army Research Centre*. September 15, 2020. <https://researchcentre.army.gov.au/library/land-power-forum/moral-injury-adf-part-1-state-morality-and-individual-moral-identity>.

⁵ Jones, K., Varker, *et al.* (2020), 34.

⁶ *Ibid*, (41)

⁷ Lindsay, P., *The Spirit of the Digger*, Harper Collins, 2003, 16. ‘<http://theanzacall.com.au/anzacs/anzac-values.html>’.

Regulations 2018 has the potential to expose ADF Commanders to the risk of making procedurally unfair decisions (See Enclosure A: Defence Inquiry Inequities).⁸ That risk may cause irrevocable harm to ADF members, an argument that may well be sustained by the critical analysis of present case studies to this research (See Enclosure B: Case Study1 —Affected ADF Member Enclosure C: Case Study 2—Affected ADF Spouse). Moreover, putting ADF members at an increased risk of suicide, self-harm and reputational peril.

Former Chief of the Defence Force (CDF), now Governor General David Hurley, said in his 2013 address to the Gender in Defence and Security Leadership Conference that he wanted the ADF to set the benchmark for other employers.⁹ If we are to achieve that aim, then we must explore the inequities of the *Defence (Inquiry) Regulations* policy. In doing so, carefully consider contemporary narratives that evolve organisational ethics and codes of conduct, reset the moral compass, to connect the ADF member to a more holistic and empathetic level of care within their workplace. That is, to honestly explore the impact of moral trauma originating from policy inequities, and the potential this has, in creating irrevocable harm to ADF members outside of an operational environment.¹⁰

This discussion demands a fearless approach. ADF members repeatedly caution that submitting a complaint under the current dispute resolutions mechanisms is to do so at considerable reputational peril (See Enclosure B: Case Study1 —Affected ADF Member).¹¹ Typically because a complaint is likely to be about someone within that member's direct Chain of Command. There is evidence that a growing number of complainants have faced some form of retribution, despite the protections and immunities afforded by the Defence Act.¹² Repeatedly, ADF members have claimed to be the subject of administrative processes that set the conditions to justify an unexpected or premature termination. For example, an impromptu psychological assessment that diminishes the credibility of their complaint, and is seen as a way of justifying a medical or an involuntary discharge or a Management Initiated Early Retirement notification.¹³ But whatever the process of separating the complainant from service, the associated trauma can be devastating too. The feeling of 'being betrayed by the system' is repeated often in Defence and Veteran narratives.¹⁴ This can create long-term negative consequences for both the ADF member and their family *beyond service*. This is especially true if the transition process has been initiated due to the non-compliance of defence policy, or resulting from either a perceived or actual denial of procedural fairness. The overwhelming amounts of stress this causes an ADF member and their family can exceed their ability to cope, and lead to devastating consequences.¹⁵ ADF families can also be significantly impacted by decision-making within the ADF workplace (See Enclosure C: Case Study 2—Affected ADF Spouse).

⁸ Defence (Inquiry) Regulations 2018 (Cth).

⁹ Department of Defence, (2013) Gender in Defence and Security Leadership Conference. *Defence News*. <http://news.defence.gov.au/media/stories/gender-defence-and-security-leadership-conference>

¹⁰ Department of Defence. 'Pathway to Change: Evolving Defence Culture.' 2012. https://www.defence.gov.au/pathwaytochange/_Master/Docs/120410-Pathway-to-Change-Evolving-Defence-Culture-web-version.pdf

¹¹ Townsville Bulletin, 'Family torn apart by Defence Inquiry into Airman's Death.' January 19, 2021.

¹² Inspector-General ADF (IGADF), 'Afghanistan Inquiry Report.' (2020). <https://afghanstaninquiry.defence.gov.au/sites/default/files/2020-11/IGADF-Afghanistan-Inquiry-Public-Release-Version.pdf>.

¹³ John Hanscombe, 'Gerroa lawyer Glenn Kolomeitz blasts Defence culture in wake of war crimes report.' *The Newcastle Herald*. November 20, 2020. <https://www.newcastleherald.com.au/story/7021844/untrainable-dog-lawyer-blasts-defence-culture-in-wake-of-war-crimes-report/?cs=9676>.

¹⁴ Deborah Morris, 'The cycle of military and veteran suicidality.' National Commissioner for Defence and Veteran Suicide Prevention Bill 2020 [provisions] and the National Commissioner for Defence and Veteran Suicide Prevention (Consequential Amendments) Bill 2020 [provisions] Submission 16- Attachment 1.

¹⁵ Substance Abuse and Mental Health Services Administration. 'Trauma Definition.' August 5, 2014. <https://web.archive.org/web/20140805161505/http://www.samhsa.gov/traumajustice/traumadefinition/definition.aspx>.

ADF workplace reforms, that build a fair, just, and inclusive workplace and reassure ADF members that they will not be subjected to some form of retribution, for raising a complaint in the workplace, requires everyone at every level to recognise that better work practices will greatly benefit everyone. In recognising that, there is also a need to understand the immense frustration that ADF members feel when seeking to redress a grievance. Even when or if they succeed, there is no reparation policy, to undo the damage done to their professional reputation and mental health. Legal professionals who have assisted ADF members in formalising their complaints argue that it is *how* complaints are investigated, managed, and concluded that is of deep concern. This is especially true for those fighting perceived injustices from within the workplace alongside the perpetrator to whom their complaint relates.¹⁶ The Defence Inquiry process should not be part of the problem; it should be part of the solution—it should resolve issues, not create them. Unfortunately, this is not always the case.

It is commonly seen in practice that the ADF can utilise an abundance of human, legal and financial taxpayer resources to minimise liability to itself as an organisation. In contrast, an ADF member has far fewer resources, status and power to defend their complaint, even though it may be evidence-based and compelling. At least 40 inequities in the current *Defence (Inquiry) Regulations 2018* policy exist. This establishes the contention for policy reforms to preclude individuals from being complicit, turning a blind eye to, or conferring tacit approval for, professional harm against ADF members. Moreover, those who fail to prevent reprisals against members pursuing their complaint, before a Defence Inquiry, should be *personally liable* for the personal injury their actions inevitably cause. This includes where they may have forfeited procedural fairness principles, denying ADF members not only the right to know of an allegation or access the evidence supporting an allegation—but even to the extent that investigations were carried out without their knowledge.¹⁷ Sufficient evidence upholds that ADF members are rarely given full access to evidence that Defence Inquiry Officers have relied upon in concluding their findings, and the list goes on (See Enclosure A: Defence Inquiry Inequities).

The following recommendations are offered in good faith to plead policy reforms to ensure ADF members have realistic opportunities to resolve their complaint in the workplace. In doing so, protect their professional reputation and mental health. Workplace reforms require:

1. For rules of evidence to form the basis of all Defence Inquiries, providing a fair and transparent process to ensure complainants can assert their rights, under equal opportunity law, and that the hearing of their complaint adheres to the principle of open justice and common law,
2. Defence Inquiry Officers be trained investigators with a thorough understanding of applicable civil and military law,
3. Witnesses shall be required to give evidence under oath or affirmation, and Inquiry Officers prevented from relying on evidence that has not been cross-examined, to ensure its authenticity. Those found to be acting negligibly or providing misleading or false information should forfeit any right to protections otherwise afforded to them under legal privilege,
4. Where any complaint is not resolved during service, there must be an independent appeal mechanism, to assess the fairness of the decision, *outside* of the Chain of Command and *entirely independent* from Defence influence. (Evidence upholds that the IGADF and Ombudsman invariably default to Defence decisions),

¹⁶ Anthony Galloway and Chris Masters, ‘SAS Soldiers given ‘show cause’ notices over war crimes allegations.’ *The Age Newspaper*. November 26, 2020. <https://www.theage.com.au/politics/federal/sas-soldiers-given-show-cause-notices-over-war-crimes-allegations-20201126-p56ibz.html>

¹⁷ Commonwealth of Australia, (2005). *The effectiveness of Australia’s military justice system*. 16 June 2005. administrative system—Investigations. [8] ISBN 0 642 71424 X.

5. To put in place access to genuine mediation and early resolution of complaints administratively by pursuing negotiated solutions for ADF members before a grievance is processed, and if necessary, establish *funding* to ensure ADF members have equal access to resources as required;
6. Introduce a corrective action policy to ensure procedural fairness, particularly where members have been nominated for key appointments but have been denied an appointment as a result of an administrative failing. In that case, the affected member should be entitled to a process of ‘arbitration’ in front of a neutral decision-maker who is able to consider the matters before any such key appointments are finalised. Thus, preventing a detriment from being imposed on the member’s career that cannot be reversed.
7. Implement a reparation policy in acknowledgement that violations were committed against the ADF member, to repair the damage done by these violations, and to identify the root causes of the violations—to prevent them from occurring again in the future.

Concluding remarks

To conclude, pleading positive reform in the ADF workplace must be considered earnestly in any Defence and Veteran suicide prevention discussions and should not be construed as criticism. Instead, reforms should be viewed as opportunities to review a particular procedure or policy that could benefit the ADF to improve best practice. There is wisdom in the ADF Command, as affirmed by the vision of former commanders espousing the ADF be recognised as a fair, just and inclusive organisation.¹⁸ Suppose we are intent on achieving that aim. In that case, we must explore the inequities in policies failing to evolve with contemporary narratives of how everyone should think about their work and behaviour towards others.¹⁹

Supposing we do not consider the impact these inequities have on our ADF members professional reputations and mental health? In that case, ADF members will likely continue to carry unresolved grievances into life beyond service, assuming they do not suicide. Failing to act impacts efforts to realistically reduce LEGAL redress claims, SUICIDE risk and SELF-HARM, currently plaguing the ADF Veteran community. It is, therefore, incumbent on all of us to embrace a new whole-of-life support system that focusses on minimising and preventing inequities that cause moral trauma in service. This includes addressing those policy inequities that encumber the administrative system from improving ADF best practice to advance towards a fairer, more just and mentally robust workplace.

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Enclosure A: Defence Inquiry Inequities
Enclosure B: Case Study1 —Affected ADF Member
Enclosure C: Case Study 2—Affected ADF Spouse

¹⁸ Department of Defence, (2013) Gender in Defence and Security Leadership Conference. *Defence News*. <http://news.defence.gov.au/media/stories/gender-defence-and-security-leadership-conference>

¹⁹Department of Defence. ‘Pathway to Change: Evolving Defence Culture.’ 2012.

https://www.defence.gov.au/pathwaytochange/_Master/Docs/120410-Pathway-to-Change-Evolving-Defence-Culture-web-version.pdf

ENCLOSURE A: DEFENCE INQUIRY INEQUITIES

Presently, Defence Inquiries:

1. **are not mandatory.** If a Defence member has a complaint, it is only heard at the Chain of Command's discretion.
2. **are not independent.** Officers conducting the inquiries are not independent as they are all under the same command.
3. **lack of transparency:** Freedom of Information can be obtained but is heavily redacted. Transcripts of evidence are contradictory as oral evidence does not match written transcripts.
4. **are conducted in secrecy.** ADF members who participate in a Defence Inquiry are not permitted to make public the outcome of their complaint or disclose the findings, (similarly witnesses). This may be seen to conflict with the principle of open justice, a fundamental rule of common law that binds to the concept that abuses flourish when undetected.
5. **involve evidence that is selective.** Witnesses are consulted on a specific condition where the terms of reference are decided by the service chiefs. The full extent of a complaint can never be heard. (*See Afghanistan Report*).²⁰
6. **involve exclusion of evidence.** Defence Inquiry Officers are not technically obliged to submit evidence provided by the ADF member.
7. **are founded upon permissible hearsay.** Evidence that is not taken under oath. By allowing Defence Inquiry Officers to consider circumstantial evidence and hearsay, without the rules of evidence being bound by legal technicalities, prevents ADF members from having access to a *fair or just hearing* of their complaint.
8. **allow witness collusion.** Some Defence Inquiry Officers have been known to consult witnesses on the terms of reference and give witnesses running updates over the course of the Inquiry.
9. **allow witness bias.** In some cases, witnesses are offered the promise of immunity. Therefore, they can say anything they like and are given guarantees that anything they say, or documents they provide to a Defence Inquiry Officer, are protected from possible prosecution or civil suit. (*See Afghanistan Report*).²¹
10. **permit false witness testimony.** Evidence from previous cases, including the findings of a 2019 Senate Committee investigation (Report on Military Justice Procedures in the ADF, Chapter 5, Administrative Action) into Defence administrative actions, have shown there have been incidents where witnesses have deliberately provided false information, false accusations and misleading statements to Defence Inquiry Officers.²²

²⁰ IGADF, 'Afghanistan Inquiry Report.' (2020). <https://afghanistandinquiry.defence.gov.au/sites/default/files/2020-11/IGADF-Afghanistan-Inquiry-Public-Release-Version.pdf>.

²¹ Ibid.

²² Senator D J MacGibbon, (2011). Chapter 5, Report on Military Justice Procedures in the Australian Defence Force. (Administrative Action) Inquiry into the Review of the Defence Annual Report 2011-2012. *Parliament of Australia*.

https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Completed_Inquiries/jfadt/military/MJ_ch_5.

11. **are undermined by unreliable witnesses.** Some Defence Inquiry Officers have been known to cherry-pick witnesses who will give testimony that best serves Defence interests, and discount credible witnesses who give testimony in support of the complainant.
12. **are not timely.** A Defence Inquiry is a long and painful drawn-out process, resulting in significant anxiety and emotional trauma for the ADF member and their family.
13. **are conducted with lack of governance.** Defence Inquiry Officers are protected from prosecution and other civil proceedings.
14. **are conducted by untrained Defence Inquiry Officers.** Defence Inquiry Officers are selected because they have: ‘appropriate management and/or research and analytical skills, communication and report writing skills.’ They may undertake four days of non-mandatory training. They are not legally trained. Reviews by the Commonwealth Ombudsman and other external organisations have found recurring problems that are not remedied despite recommendations.²³ Inquiry Officers were:
 - inadequate in planning investigations;
 - failed to interview all relevant witnesses and assumptions made about the credibility of witnesses interviewed;
 - pursued irrelevant questioning techniques and failed to put contradictory evidence to witnesses for a response;
 - failed to record evidence properly, and possibly, preparation of witnesses and unauthorised questioning of witnesses;
 - failed to analyse evidence objectively and to weigh evidence appropriately, thereby leading to flaws in the way conclusions were drawn and findings made; and
 - inadequate record keeping.
15. **allow Inquiry Officer bias.** The no bias rule requires the Defence Inquiry Officer to be neutral and act impartially, honestly and without prejudice, and be above suspicion that they are interested in the outcome of the matter or have prejudged it. On the contrary, several reviews of Inquiries suggest that military members can never properly investigate military members because of the intensely hierarchical nature of the ADF.²⁴ (See examples where two very experienced investigating Officers listened to hours of evidence and considered their findings carefully, only to have all their findings that were in the ADF member’s favour overturned by the Appointing Officer, whilst the same individual endorsed all their conclusions that protected either the office of the Chief of the Air Force or the Commonwealth’s interests.)²⁵
16. **are conducted by unskilled Defence Inquiry Officers.** IGADF is staffed by some career service police with no real police experience. Some rarely interview real offenders, rarely if ever give evidence in court or deal with serious crime, and are rarely held accountable for their actions or investigations (e.g., by an independent court, the media or experienced internal investigators), or career public service lawyers who have never been in a courtroom. The

²³ Parliament of Australia, (2007), Chapter 8 – The administrative system -investigations. https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Affairs_Defence_and_Trade/Completed%20Inquiries/2004-07/miljustice/report/c08.

²⁴ Parliament of Australia, (2007). Chapter 10- Adverse Action, appeal processes and external review of administrative procedures. https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Affairs_Defence_and_Trade/Completed%20Inquiries/2004-07/miljustice/report/c10.

²⁵ Ibid 10.40

training, skills and knowledge of some investigators in IGADF may be well below that of a civilian police force or prosecution service.

17. **are conducted by some Defence Inquiry Officers who ignore policy directives:** In legal terms, administrative inquiries *may not investigate criminal conduct*. Suppose an inquiry uncovers conduct which may be criminal. In that case, the regulations state that the Inquiry Officer must cease the Inquiry immediately and hand over to the lawful authorities. The Administration Inquiry Manual states at Annex 4B at paragraph 50: “If, at any time during an inquiry, you conclude that an offence may have been committed in breach of either civil criminal law or the Defence Force Discipline Act 1982 (DFDA), this aspect of the inquiry must be immediately suspended and the issue reported to the Appointing Officer or Authority in writing.” This rarely happens. Defence gatekeep information to protect itself from scrutiny.
18. **condone inaccurate interpretation.** Defence Inquiry Officers can *interpret events* according to their own *opinion* and not as events actually occurred. They have the freedom to use their own discretion to decide what information shall inform their proposed findings. This is true, regardless if it is focussed heavily on unsubstantiated hearsay and disregards credible witness testimony, as is often the case.
19. **allow defective investigation conduct.** Poor record-keeping and communication, lack of support, conflicts of interest, and privacy breaches can exacerbate the Inquiry of a complaint, and trigger mental health risk.
20. **encourage withholding of evidence.** Some Defence Inquiry Officers select only certain parts of a complainant’s evidence to inform the final findings. They prevent full disclosure from the complainant.
21. **are unethical.** Defence Inquiries are not independent or ethical because they allow complainants to be victimised and publicly humiliated (See David McBride Case²⁶ and Lawyer and former ADF soldier Mick Bainbridge’s story).²⁷
22. **lack procedural fairness.** Defence Inquiry Officers are not obliged to accept or report any written, adversarial evidence in their final findings. ADF members are rarely given full access to evidence that Inquiry Officers have relied upon in concluding their findings.
23. **rely on cogent evidence and lesser standard of proof.** Defence Inquiry Officers assume an investigator’s role to determine whether there is a sufficient amount of evidence to prove allegations. They are not trained investigators. The amount of proof required is known as the ‘standard of proof.’ In civil cases, the standard of proof is the balance of probabilities, a lesser standard than the proof required (beyond reasonable doubt) in criminal matters. The balance of probabilities is determined by whether an alleged event is ‘more probable than not’ or which’ version of an allegation is more probable.’ Inquiry Officers make recommendations that are not technically admissible as evidence in a court or tribunal. In most cases the findings are flawed because they are not always supported by evidence that establishes the truth of something.

²⁶ Nick Xenophon. ‘If moral courage matters, this whistle-blower needs defending.’ *The Age Newspaper*. November 17, 2020. [https:// www.theage.com.au/national/if-moral-courage-matters-this-whistleblower-needs-defending-20201116-p56ey4.html](https://www.theage.com.au/national/if-moral-courage-matters-this-whistleblower-needs-defending-20201116-p56ey4.html).

²⁷ Australian Broadcasting Commission. ‘When the war is over. *Australian Story*, 2018. [https:// www.abc.net.au/austory/mick-bainbridge/9619396](https://www.abc.net.au/austory/mick-bainbridge/9619396).

24. **force a waiver of Constitutional Rights.** The Defence Inquiry process forces ADF members to waive their Constitutional right to protections, as Australian citizens under Commonwealth Law, despite that they are not legally obliged to waive such protections. Expanding civilian police and courts' involvement in areas where they have the expertise and structures to better handle such matters and creating a court that reflects principles enshrined in the Commonwealth Constitution, ADF members could enjoy the same rights and have the same safeguards as all Australians. Thus, provide ADF members with a process that will provide impartial, rigorous and fair outcomes and one that is transparent and accountable.
25. **are immune to scrutiny by a system of self-protection.** ADF uses the full weight of its resources, human, legal and financial (taxpayer funds), to minimise liability and reputational harm to itself. Adverse comments are often left on the Inquiry findings even when proved to be false. This is to discredit the complaint to validate the flawed Inquiry findings.
26. **is a process presently concealing Commonwealth Law violations?** *Defence Force Discipline Act 1982 (DFDA 1982)* is an act of Parliament - A decree proclaiming the law passed by the legislature and given Royal Assent by the Crown. Defence Inquiry Officers must follow Defence policies, instructions and directives as a 'general order.' (DFDA 1982 Part 1 Sect 3 – "general order"). If they do not follow the policy or instruction (Defence (Inquiry) Regulations 2018, then they are failing to comply with a general order (DFDA 1982 Part 3, Division 3, Sect 29) and should be subjected to disciplinary action, as stated in the DFDA 1982. Defence Inquiry Officers have concluded findings based on comments not supported by facts or documents.
27. **often misleads Ministers in Defence findings.** Defence Ministers are not always fully informed with an accurate account of the complaint. Inquiry findings frequently and appear to deliberately omit key evidence. Inquiry findings have been known to contain false evidence.
28. **lack of corrective action:** Current policy inequities compound existing detriments because the ADF does not have any corrective action policy.
29. **creating financial detriments.** A Commanding Officer can issue an ADF member with a Notice To Show Cause.²⁸ The ADF member has only 14 days to represent why they should not be the subject of the proposed administrative action by way of a written reply. That representation is then submitted to the same individual who issued the Notice to Show Cause. The person who believes there is a problem is also the investigator and authorised decision maker! This allows for complete abuse of power in totality and misfeasance. This is a significant contributor to why there are so many young Veterans prematurely out of the ADF and being managed by DVA. This point is frequently overlooked. Some Veterans are too young to access their Superannuation which creates a financial detriment on top of existing administrative liability.
30. **allow unequal access to financial resources.** Past reviews have shown a distinctly unequal position to the party making the allegation.²⁹ The ADF member responding to a notice to show cause or preparing their appeal against a decision is pitted against the considerable resources of the ADF. Moreover, its authority, status, and influence of senior Officers often defend their own judgment.

²⁸ AustLII, 'Defence Regulation 2016 – REG 41 Manner of making a complaint.' *Commonwealth Consolidated Regulations*. [https:// austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_reg/dr2016147/s41.html](https://austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_reg/dr2016147/s41.html).

²⁹ Ibid 10.44.

31. **creates an unfair legal advantage.** The role of a legal Officer appointed to assist the member in the preparation of their complaint is to provide specialist advice concerning the grounds for complaint. The legal Officer is not there to conduct an inquiry or investigation into the complaint or make negotiations on behalf of the member, expressly without authorisation from the legal office, which will only be given in exceptional and complex cases.³⁰
32. **exclude external collaboration.** Independent decision-makers almost always invariably default to the ADF's decision (e.g., Commonwealth Ombudsman, IGADF, Defence Minister, Attorneys General, DVA). This is despite key evidence substantiating that Defence Inquiry Officers may not have adhered to Defence policy or common law. External decision-makers have no legal authority to enforce any of the recommendations they make as the ADF is governed by its own autonomy.
33. **lack independence.** The Australian Government established the IGADF as a statutory appointment outside the Chain of Command to independently monitor and assess the military justice system's health and effectiveness. Typically, IGADF are former Army Officers who hold a range of military justice roles. All appointed under the IGADF are also typically ADF Officers. Many are of the opinion that this casts serious doubts over the legitimacy of a Defence Inquiry being independent.
34. **have been subjected to policy reform over decades.** Past Senate inquiries into Australia's military justice system's effectiveness have continually recommended administrative reviews, to put policy in place that gives greater independence, transparency and accountability to ADF members.³¹ Recommendations are seldom implemented in their entirety.
35. **institutional abuse.** Institutional mismanagement, failure to provide due process, military suicide, self-harm, addictive behaviours, and ADF administrative failures go hand-in-hand.³² A petition was submitted to the House of Representatives in 2021 asking the House to support changes to the Defence (Inquiry) Regulations 2018 so that Defence Inquiries are subject to legal technicalities, rules of evidence, principles of open justice and common law; Defence Inquiry Officers undertake legal training; witness testimony taken under oath/affirmation; introduce an appeal process outside the Chain of Command and corrective action policy to ensure procedural fairness, and access to genuine mediation for ADF members to resolve workplace complaints. The Petition EN2256 - Apply ADF Policy Reforms to include corrective action collected 3015 signatures over four weeks.³³ The petition was passed to the Defence Minister for response on February 10, 2021.
36. **are conducted with intimidation.** Former Defence Legal Officer responsible for conducting Defence Inquiries, David McBride, is on the record upholding that ADF intimidates and prosecutes whistle-blowers. He has been threatened with long prison terms for exposing alleged ADF misconduct in Afghanistan. McBride is on the record, publicly expressing grave concerns about the impunity and cover-up culture set by defence leadership. For that exposure, he is ridiculed and victimised. It seems absurd to continue politically-motivated charges against the

³⁰ Ibid.10.45.

³¹ Parliament of Australia, (1999). Completed Inquiry: Military Justice in the Australian Defence Force. https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Completed_Inquiries/jfadt/military/reptindx.

³² Ben Wadham and Deborah Morris, (2019) Enough inquiries that go nowhere – it's time for a royal commission into veteran suicide. *The Conversation*. <http://theconversation.com/enough-inquiries-that-go-nowhere-its-time-for-a-royal-commission-into-veteran-suicide-119599>

³³ Kerry and Kay Danes, 'Petition EN2256 – Apply ADF Policy Reforms to include corrective action.' House of Representatives. January 14, 2021. https://www.aph.gov.au/petition_list?id=EN2256.

former Defence Legal Officer, notably since the IGADF has reported on those same allegations raised by McBride. Defence Inquiries are commonly known as adversarial proceedings where the ADF member becomes the focus of the complaint instead of the actual complaint.

37. **are not accessible.** The complaint process should be easy to access and understand, and everyone should participate equally. For example, an ADF member may require a lawyer to help them prepare their complaint. Often Defence Inquiries are complex matters that require a fuller understanding of the law. In some circumstances, ADF members may be entitled to assistance from an ADF Legal Officer (paid for out of the Army reserve budget) when seeking to redress a grievance. Still, such are not permitted to prepare complex legal defences for ADF members.
38. **is a process not free from victimisation.** ADF members who raise a complaint are often fighting their perceived injustice from within the workplace, often alongside their abuser. Absent, incomplete or missing file notes resulted in all the responsibility being placed on the person who believed they were the victim rather than on the alleged aggressor/offender. (See *Committee Hansard*, 28 April 2004, pp. 29-30), and (*Submission P13A*, p. 2) which states medical information detailing a beating was not placed on a file (See *Submission P52*, pp. 2–3) refers to an event not reported but which left long-term effects on one of the witnesses. ADF members say they have suffered reprisals for complaining or providing evidence, leaving them feeling ostracised and without support. (See statement by Mr Southam: ‘These have caused me to be medically discharged as a result of psychological issues, and I have attempted suicide along the way after some three years of trying to find some resolutions in relation to these submissions’ - *Committee Hansard*, 09 June 2004, p. 64; *Submission P50*).
39. **fail to adequately provide duty of care to ensure well-being and mental health.** During an inquiry, many cases show that the ADF fails to meet its duty of care administratively, as reflected in the increased number of complaints and suicide and self-harm cases relating to ADF members and Veterans.
40. **have ramifications whereby adverse findings impact civilian identity.** ADF members who are qualified in a particular profession may incur additional professional ramifications. For example, medical Officers may incur reputational harm if Inquiry Officers or Commanders influence contact between Joint Health Command to the Australia Health Practitioner Regulation Agency. Similarly, legal Officers could be disbarred, pilots could have licences revoked.

Not an exhaustive list.

ENCLOSURE B: Case Study 1—ADF Affected Member

(Information submitted by the ADF affected member)

This case study provides a typical example of how individuals in the Chain of Command can utilise their status and power to create significant and unnecessary detriments to ADF members and their families. This abuse of power has the potential to put ADF members at increased risk of suicide and self-harm and reputational harm. All of the inequities outlined in Enclosure A—Defence Inquiry Failings were present in this case study.

A brief note on ADF Procedural Fairness

Procedural fairness is an administrative law principle that traditionally involves two requirements: the fair hearing rule and the rule against bias. The hearing rule requires a decision maker to afford a person an opportunity to be heard before making a decision affecting their interests. The rule against bias ensures that the decision maker can be objectively considered to be impartial and not to have pre-judged a decision. Australia is a party to seven core international human rights treaties. Fair trial and fair hearing rights are contained in article 14 of the International Covenant on Civil and Political Rights.³⁴

ADF decision-makers must provide ADF members a fair and equal opportunity to present their case in writing BEFORE any decision is made that will negatively affect the member, regardless of whether it is relied upon in the final decision-making process. That decision-maker must not be biased and must not be seen to be making a unfair or unprofessional decision based on something other than the rights of the member and the merits of the case (Bias Rule). The ADF has policy to correct common defects in procedural fairness.³⁵

ADF Performance Appraisal Report (PAR):

Relevant to this case study is the Performance Appraisal Report (PAR) and is a vital component of the Career Management System or Performance Management Framework in the ADF. The data from a PAR is used to develop career plans, identify potential for promotion, postings and courses, as well as manage underperformance where identified. Annual reporting is mandatory according to Defence Policy (DI (A) PERS 116-16).

ADF policies do not permit Commanders to included ADF spouses into PARs.

Privacy

Every effort has been made to de-identify persons mentioned in this case study, in accordance with the Privacy Act 1988 (Cth) (Privacy Act) and to minimise legal liability.

SUMMARY OF COMPLAINT

Beginning in 2012, I suffered significant damage to my career as a result of defective administration. Senior Army officers did not comply with mandatory administrative procedures which resulted in significant personal, mental and economic detriments to me.

³⁴ Australian Government, 1980. 'International Civil and Political Rights' August 13, 1980.

<https://www.info.dfat.gov.au/Info/Treaties/treaties.nsf/AllDocIDs/8B8C6AF11AFB4971CA256B6E0075FE1E>.

³⁵ Angus Houston, 'Guide to Administrative Decision-Making,' Executive Series. ADFP 06.1.3. January 25, 2010. <https://defence.gov.au/adfwc/Documents/DoctrineLibrary/ADFP/ADFP%2006.1.3.pdf>.

In 2012, I was appointed to undertake a highly competitive senior role at a diplomatic military posting overseas. Defence representational postings are considered to be prestigious and most, as in this case, require the member holds high security vetting clearance (Top Secret or Top Secret Positive Vetting). Throughout the majority of my career spanning over four decades, I have held Top Secret and Top Secret Positive Vetting Security Clearances.

In early 2014, while on posting overseas, I had cause to raise an 'Unacceptable Behaviour' complaint against a senior Army officer with whom I worked.³⁶ Among other things, I complained that the senior Army officer deliberately failed to complete and submit my Performance Appraisal Reports (PARs) for the 2012 and 2013 years, and this adversely impacted me.

As it is known, PARs are a vital component of the Career Management System in the ADF and critical for developing career plans, identifying potential for promotion, postings and courses. Annual reporting is mandatory according to Defence Policy (DI (A) PERS 116-16).

The senior Army officer knew that it was *mandatory* to write the PARs so that I could remain competitive in the workplace. He admitted to deliberately strategising to avoid writing my PARs, a claim substantiated by the findings of an official inquiry into the Redress of Grievance I submitted to Army. His actions caused me to be taken to a Senior Warrant Officer Personnel Advisory Committee (SWOPAC) without a complete reporting history. That action alone guaranteed that I would not be competitive among my peers for career progression.

After the SWOPAC met, I was relegated from the top 1/3 of my cohort to the bottom 1/3 and informed that I would be issued a notification of a Mandatory Initiated Early Retirement (MIER), which would result in my premature and involuntary discharge from the ADF.

To be clear:

BEFORE the SWOPAC assembled, I was deemed by the Directorate of Soldier Career Management-Army (DSCM-A) to be one of the most suitably qualified candidates for one of the most senior command positions in the entire Special Operations Command.

AFTER the SWOPAC assembled, I was told that I was no longer fit for service in the entire ADF!

This single example alone shows a complete failing of Defence policy and procedure!

The senior Army officer was absolutely at fault according to Defence policy. But DSCM-A was also at fault because they failed to investigate the matter when I first made them aware that the senior Army Officer had not written my PARs and that inaction would adversely affect my career.

In both instances, the senior Army officer and DSCM-A did not comply with mandatory administrative procedures which resulted in significant personal, mental and economic detriments to me.

I submitted a Redress of Grievance to the Chief of Army fully expecting a swift resolution of my matters, despite the fact that a ROG is a complex legal undertaking that requires a solid understanding of the Defence Regulation 2016 (Cth).

³⁶ Department of Defence, 2021. 'Unacceptable Behaviour.' <https://www1.defence.gov.au/about/complaints-incident-reporting/unacceptable-behaviour#what-is-unacceptable-behaviour>.

Instead, the Chief of Defence Force (CDF) appointed an Inquiry Officer to conduct a Defence Inquiry under *Defence (Inquiry) Regulations 2018*. This is where a relatively simple administrative matter that should have been dealt with at the lowest level transformed into a highly complex inquiry conducted across multiple Defence departments, involved numerous senior ranking officers, and was drawn out over a FIVE YEAR period. Moreover, due to the number of decision-makers involved, at varying stages, I was forced to submit subsequent ROGs in an attempt to counter some of those decisions that compounded new career detriments.

Judgements were made throughout the process that were based on inaccurate information, and as the inquiry unfolded it became known to me that seriously false information had been given to decision-makers that compounded existing detriments to me.

After it was found that the senior Army officer had admitted to having deliberately strategised to avoid writing my PARs, I should have received an apology and Defence should have made reparations to restore my career and reputation. Instead, the CDF ordered the senior Army officer to write the PARs four years 'out of time.' He did so without any communication with me (as is required), and nor did he provide any mandatory counselling (as is required) by Defence regulations, to counter any intended adverse comments that could create further detriment to me.

Defence policy maintains that if adverse comments are to be made on a soldier's employment record then it is <i>mandatory</i> that the member has an opportunity to defend themselves against any detriment those comments may result. I was not consulted at any time before, during or after, adverse comments were made on my PARs, and those adverse comments were false and unsubstantiated.

False comments were also made about **MY SPOUSE** (See Enclosure C: Case Study 2—Affected ADF Spouse) who submitted a complaint to the Chief of Army that did not succeed in having the false information retracted. My spouse, an Order of Australia recipient and upstanding member of the community, elevated her complaint to the Minister of Defence (See Enclosure C: Case Study 2—Affected ADF Spouse). Again, the response defaulted to Defence and the false information was not retracted.

The Inquiry Officer findings concluded with no adverse findings against the senior Army Officer despite him deliberately strategising to harm my career and making false claims against my spouse.

I managed to stave off the Notification of Management Initiated Early Retirement (MIER) but the harm inflicted on my career and reputation was irrevocable. I was downgraded to a non-designated position for three years, pending my reaching Compulsory Retirement Age in 2018.

EVIDENCE OF DEFENCE FAILINGS

Not fully understanding how the Inquiry Officer could have concluded that no harm had been done to me, I submitted a request for information under *Freedom of Information Act* (FOI).

To my dismay, I discovered that my complaint against the senior Army officer was not the only issue that had a created a significant detriment to my career and reputation.

The FOI revealed that a Senior Non-Commissioned Officer (SNCO) who had been a member of the SWO PAC and held a prominent position in SOCOMD, had also corrupted the career selection process by making a number of his own false allegations about me (See EXAMPLES OF SNCO FALSE CLAIMS). He claimed that in the early 1990s several Commanding Officers collaborated to cover-up criminal activity

that I was alleged to have committed while being a member of the SASR. The SNCO claimed that I was secretly punished as a consequence (See EXAMPLES OF SNCO FALSE CLAIMS).

“The ADF member was reprimanded by a previous SOCAUST over raising money for a fledging SAS Resources Trust through direct approaches to industry and State Government officials that gave the impression this was a sanctioned approach. A significant amount of money was raised (in the order of \$7,000,000 to \$10,000,000) with limited oversight by the HQ. When this was realised, a constitution and appropriate funds management was commenced, and large discrepancies in accounting for the donated funds was found. Disciplinary action against the ADF member was not taken as it would have led to reputational damage to the SASR and hurt a number of the ADF member’s followers who assisted him in the fundraising. The ADF member was counselled and moved to Canungra.”

Not only was this statement entirely false and intended to harm my career progression, there was no evidence to substantiate the claim. Moreover;

- I had never been reprimanded at any time for any incidents throughout my entire service with the ADF. If it were otherwise, there would have been a disciplinary or counselling record to that effect. My service history throughout my entire career with the ADF was exemplary, and hence why I was competitive for promotions and representational postings,
- I was never "counselled and moved to Canungra" as my employment record shows. From 1993 to 1995 I was on a promotional posting to Canungra.
- The SASR Resources Trust was not established until after the Blackhawk accident in Townsville on 12 June 1996. I did not return from posting to SASR until 1996 and was promoted to a position in charge of a Squadron. In 1997, I was deployed on operations overseas,
- It is inconceivable that the SASR CO, the board of Trustees, the CDF, and the Australian Tax Office would cover up financial discrepancies of any amount, let alone \$7-10 million dollars. After my spouse read the false claims against me she wrote to the SASR Resources Trust. That response is provided below:



8th July 2019

Mrs [REDACTED]
[REDACTED]@gmail.com

Dear [REDACTED]

Your email came as a significant surprise to the SAS Resources Trust, because we have never heard anything at all about any of the matters to which you refer.

Further, the SAS Resources Trust has never lost any money that had been received by it, whether due to misappropriation or any other cause (let alone between AUD\$7-\$10 million dollars) since we were established in October 1996.

Additionally, since 1996 our accounts have been audited on an annual basis by Ernst & Young, and having been both the original Trust lawyer for 15 years and a Trustee since inception, I can say with confidence that no such issue has ever been raised in their annual audit.

As to whether or not any money that was intended to be donated to the SAS Resources Trust by any group or individual, was not paid to and received by us as intended, is concerned, we have similarly never heard of any such event and cannot comment on any such a matter.

Beyond that there is really nothing more I can add.

Yours sincerely

Greg Solomon,
Chairman of Trustees of the SAS Resources Trust

Peace of mind for our SAS and their families
PO Box 633 Nedlands WA 6909 P 08 9389 8857 E admin@sasresourcesfund.org.au
ABN 62 135 715 704

Clearly the statement provided by the ADF member to the Inquiry Officer was false, and yet it remained detailed within the final findings presented by the Inquiry Officer to create a false impression of my integrity and professional standing. In any court of law, such false and malicious allegations would constitute defamation proceedings. Incredulously, the Inquiry Officer did not ever see fit to inform me of these falsehoods which was surely a dereliction of their duty. As a result, I was denied any opportunity to defend my reputation against false and secretive allegations that remained within the Inquiry Officer's final findings.

- Up until my retirement from the ADF, I held a Top Secret Positive Vetting Security Clearance for the majority of my service. I would not have held such a high security clearance if there were any truth to the allegations,

In this case, the Inquiry Officer did not even bother to undertake a simple check of the evidence because the person who provided that evidence was deemed by the Inquiry Officer to be a ‘highly credible witness’ because of the position they held in SOCOMD. Their evidence was not only grossly inaccurate, it was deliberately and dishonestly provided to discredit me. A simple phone call or an email to the SASR Resources Trust could have easily shown that the evidence that the Inquiry Officer had relied upon was false, and could have prevented a significant detriment to my career and reputation.

Among other falsehoods, the SNCO also falsely claimed:

“A subsequent investigation found that the ADF member had told the soldiers he could get them qualified or get recognition of current competency that would allow them to deploy on operations, when he did not have the authority to do either of these things. Many of the soldiers dropped the issue after it was explained to them that the ADF member did not have the authority to assure them they could deploy, however one member was still pursuing compensation about this matter at the end of [date redacted], and the matter has been brought to the attention of CA and CDF.”

Again, this statement is entirely false AND unsubstantiated by any evidence. Moreover, it was intended to harm my career progression. Had the Inquiry Officer asked me if there was any substance to such accusation, I could have easily provided evidence to counter those false allegations. Again, the Inquiry Officer did not even bother to undertake a simple check of the evidence because the person who provided that evidence was deemed by the Inquiry Officer to be a ‘highly credible witness’ because of the position they held in SOCOMD. Their oral evidence was not only grossly inaccurate, it was deliberately and dishonestly provided to discredit me.

Of note:

- The Defence Inquiry Officer hid this information from me. I was never made aware of any ‘subsequent investigation’ which is contrary to Defence Policy that affords me the right to know of any proceedings that would involve me, as a member of the ADF, and that could result in adverse findings,
- Qualifications and trade recognition follow a strict process and are administered by the Directorate of Soldier Career Management Authority (DSCMA) and respective trade managers as the approving authorities, of which I had no role and nor was I part of that process,
- I have held both Top Secret and Top Secret with Positive Vetting security clearances for the majority of my career. Had the allegations been true, I would not have maintained those security clearances.

Another falsehood was presented during the SWO PAC by the SNCO:

“During a PAC when the ADF member was being considered for a position, one of the PAC members stated he did not believe the ADF member was appropriate for the particular appointment due to his previous interactions. The PAC member then described matters from the 1990s in which the ADF member used range refurbishment stores and funds, and then requested components from other Services or units, to make three-dimensional mock-ups for the [name redacted] Mess area at Canungra. The ADF member convinced other members to assist him in breaching governance rules to reallocate resources, make official requests for an unsanctioned project, and compile requests to appear as though the resources would be used for military training activities when the activity was more in support of his role as the supervisor/assistant to the Mess.”

- This was an outrageous accusation that could have easily been refuted had I known that it was being articulated to the career panel. I was never at any time a supervisor/assistant to this Mess or any other. I was not ever a member of the Mess committee or a member of the Mess. I was posted to Canungra as an instructor at the Jungle Warfare Centre at Battle Wing.
- In my off-duty hours, I used my own personal funds to transform the soldier’s Mess into a learning centre for soldiers. I was not reimbursed by Army and nor did I seek any reimbursement. I was awarded a Land Commander’s Commendation in 1994 for this project.
- Had I known that I was being accused of fraud and misconduct in secret, I would have easily been able to refute such scandalous LIES with supporting witness testimony.

DEFENCE INQUIRY OFFICER FAILINGS

What the above information demonstrates is that lies were told about me, at a critical time, when I was being considered for one of THE MOST senior positions in the Special Operations Command.

The Defence Inquiry Officer kept that critical information a secret from me.

Had the Defence Inquiry Officer believed the information to be true, that I had committed fraud, theft and/or embezzlement, then they should have reported this activity to the lawful authorities, in accordance with Defence Policy. At no time did they report the matter.

The Defence Administrative Inquiries Manual (2017) and the Defence Force Discipline Act 1982 advise that Inquiries conducted under the Defence (Inquiry) Regulations cannot make findings where a criminal offence may have been committed, and in such circumstances the Inquiry Officer must suspend the Inquiry and report the matter to the appropriate ADF Investigative Service, Service Police, or civilian police, as relevant.

Similarly, had the Defence Inquiry Officer thought the information to be untrue, they should not have allowed the claims to inform their findings. Such had been shared broadly with my superiors and other members of the ADF. Those falsehoods remain permanently affixed to my military employment record.

Unfortunately, by the time I discovered this the Defence Inquiry had been concluded.

EXTERNAL REVIEW

I submitted a complaint about these matters and my concerns to my Chain of Command. I also sought an external and independent review:

- Chief of Army,
- Chief of Defence Force,
- Inspector-General of the ADF,
- Australian Attorney-General, and
- Commonwealth Ombudsman.

Each of these departments concluded as follows:

Chief of Army and Chief of Defence Force both concluded that “the Inquiry Officer Inquiry was conducted in an appropriate and transparent manner and there was sufficient evidence to support the findings” which essentially found that my complaint was not upheld.

IGADF Response: “A thorough assessment has been undertaken of your submission and other relevant material, particularly the report of the XXXX inquiry. Having carefully considered the matter, the IGADF is satisfied the inquiry was comprehensive and the inquiry report legally reviewed and validated. Accordingly, he has determined not to inquire into the matters you have raised or to refer them for a Senate inquiry.”

Response from Australian Attorney -General: “The matters you raise do not fall within the Attorney-General’s portfolio responsibilities so your correspondence has been referred to the Commonwealth Ombudsman for their information and response as appropriate.”

Response from the Commonwealth Ombudsman: “I am of the opinion that no investigation is warranted in all circumstances in relation to this. I note that the IGADF assessment stated that it would be open for you to approach the Directorate of Special Financial Claims in relation to a claim for compensation in relation to any financial detriment that may have been suffered by you or your wife. Your best option is to lodge a claim via the Scheme for Compensation for Detriment caused by Defective Administration (CDDA).”

I did not pursue a CDDA claim because by this stage I was too traumatised.

In all my endeavours to engage a fair hearing of my matters, the actions of the Inquiry Officer did not adhere to Defence Policy. Specifically, that policy instructs Inquiry Officers to ensure they do not “*make an administrative decision without first affording the affected member(s) procedural fairness*” (ADFP 06.1.3 Guide for Administrative Decision-Making Chapter 2).

Throughout what was a long-running dispute with Defence, I was:

- denied natural justice in the absence of good governance and accountability,
- subjected to having Army Regulations misused against me,
- maliciously portrayed by false statements alleging I mishandled many millions of dollars,
- refused the opportunity to correct misinformation about me,
- suffered the consequences of a flawed legal system in Defence,
- subjected to a psychological assessment at the instruction of my superior Officer who sought to use that to justify my removal from my current location (a representational overseas posting),
- issued a Mandatory Initiated Early Retirement Notification Letter to prematurely end my career,

- ignored by those in superior positions, all the way up to Ministerial level,
- deprived the opportunity for well-established legal principles to operate in my favour,
- subjected to slanderous comments about my spouse, included in my employment record. (*See* Enclosure C: Case Study 2—Affected ADF Spouse).

ASSESSMENT BY A FORMER STATE POLICE INVESTIGATOR

The circumstances, process and outcome for a Defence grievance often involve a denial of natural justice, a sloppy, unprofessional (or deliberate maladministration/official misconduct) Inquiry that is allegedly independent but clearly not.

The complainant suffers various forms of detriment, including career and financial, reputational damage and worst of all, mental health stresses that then flow to the family.

As a former police officer who responded to thousands of grievances, I can say that every complainant needs to be:

1. Heard (through some form of mechanism to complain),
2. The complaint to be independently reviewed (Independence needs to be real and perceived),
3. The review needs to be transparent and provide natural justice for all parties. Noting that not all disputes/complaints will be resolved to the satisfaction of all parties but transparency, professionalism and natural justice can do wonders for expectation management, and
4. Redress the wrongs. Noting that not all complainants actually want to go this far. For many people, being heard and receiving sincere acknowledgement of wrong doing is all they want.

What is underestimated is the dedication, commitment and trust that serving members (and families) put in to the ADF. When they are wronged, they need a genuine mechanism for independent review, and that should result in reparation, to acknowledge and repair the harm caused to the person, and to identify the root causes of that harm—to prevent them from occurring again in the future.

The mental trauma that is caused by the organisation, by failing to put in place a genuine mechanism for independent review, cannot be underestimated.

ONGOING DEFECTIVE ADMINISTRATION

The Inquiries into the matters failed to provide me any opportunity to challenge false allegations about me, particularly in the final Inquiry report BEFORE it was released to third parties. This constitutes breaches of procedural fairness. I was DENIED my common law rights to;

- receive all relevant information before preparing my reply to support my complaint,
- an opportunity to reply to any proposed findings, in a way that would be appropriate for the circumstances,
- to be notified of any negative information about me and to disclose that to me in order to raise a defence, BEFORE any decisions were made.

No adverse findings were made against any ADF members, despite the fact their actions caused significant detriments to my career and were harmful to my emotional well-being, my reputation and the reputation of my spouse.

Evidence of detriments are contained in the following statements made by senior commanders:

1. “On 24 September 2015, MAJGEN [name redacted] found that [my name redacted] career was adversely affected by the failure to receive PARs for the 2012 and 2013 period. To redress this grievance, [my name redacted] would be presented to the 2016 SWO PAC for consideration for promotion”;
2. “On 16 December 2016, it was found that at the 2016 SWO PAC, [my name redacted] was “excluded from consideration for this appointment due to comments that were made by individuals that were not supported by any factors or documented evidence.” To redress this grievance, BRIG S sought to remove adverse comments from [my name redacted] record.” He wrote: “While ROG decisions have been found in [my name redacted] favour, it is apparent that he has not been provided with any real redress, rather recommendations were made to improve the administrative processes for future. Those recommendations are of no benefit to [my name redacted] as the damage has already been done.”
3. In his response to me on 23 November 2016, the Chief of Defence Force wrote: “I note that one of the primary reasons underlying your grievance is that you did not receive and performance reports for the period 2012-13. It is unfortunate that the failure to provide you with performance reports for the period 2012-13 has led to this chain of events. I apologise for these reporting deficiencies and the effect it has had on your subsequent career management.”

My grievance was not simply a matter of not receiving PARs for two consecutive years as the CDF stated in his letter to me on 23 November 2016. Moreover, his apology trivialised the injustice I had experienced. The CDF’s apology offered no corrective action or reparation to restore my career and reputation as he and other commanders had acknowledged had been harmed. His apology did nothing to heal the moral trauma inflicted on me having felt betrayed by the system I had given over four decades of service to. Least of all the realisation that the detriment to my career had also resulted in significant financial losses (\$1.5 million in salary/pension calculated over my life expectancy (rate determined by DVA). Neither did the CDF apology extend to my spouse who continues to suffer significant emotional trauma and continued anxiety as a result of these events.

My complaint was solid and straight forward. I had articulated my complaint according to the advice from eminent Defence Legal Officer (DLO Barrister) and Commander, [name redacted], whom I consulted when preparing my complaint. The DLO Barrister insights are compelling:

There were, as you referred to in the documents, significant adverse allegations made as to you to the Inquiry Officer (IO), which were not put to you in any way and as to which you did not have an opportunity to respond. Those significant adverse allegations were then included within the evidence before the IO and were included with the IO report in the evidence. Those allegations appear from the IO report to have been material to findings made by the IO, having regard to statements by the IO in the report. That significant adverse evidence was not within your knowledge at all until after you received it by an FOI request. Those specific circumstances are a denial of procedural fairness to you.

Further to your email below, attached is a draft of a minute to IGADF and a draft submission to be enclosed with that minute, for your careful consideration.

DLO Barrister
CMDR, RANR

This statement alone should have caused someone in Defence to question the validity of the Defence Inquiry.

Sadly, it did not.

MINISTERIAL JUSTICE DENIED

The only remaining option available to me as a serving member was to elevate my complaint to the Minister of Defence. I particularly drew his attention to the false allegations concerning the SAS Resources Trust.

The Minister's response, however, confirmed that no action would be taken against the ADF because the allegations were not within the "*Terms of Reference of the Inquiry Officer Inquiry*" and "*The Inquiry Officer was not required to seek [my] comment on alleged past matters or the witness statement about the SAS Resources Trust, and they had no impact on the outcome of the Inquiry Officer Inquiry.*"

AND the Minister said of me

"He [My name redacted] was unable to provide any evidence that substantiated his claim that his superior officer had adversely impacted the considerations of his suitability for career advancement."

The Minister's statements were entirely false on the basis that Defence policy stipulates that if adverse comments are to be made against any ADF member that they are to be informed before those comments are formalised in any employment documentation (ADFP 06.1.3 Guide for Administrative Decision-Making Chapter 2).

I was not consulted at any time before, during or after, adverse comments were made on my PARs or to the SWO PACs, and those adverse comments that were false and unsubstantiated remain as a permanent stain on my otherwise exemplary, military employment record.

Moreover, the Minister failed to address the fact that not only was I not informed that adverse comments were made against me but they were deliberately kept secret and I only learned of them through a FOI request. Had I known what had been falsely reported to the Defence Inquiry Officer I would have been able to submit a counter response to protect my reputation and that of my spouse. On that basis, the Minister failed to consider the evidence before him that substantiated the fact that my spouse and I were both clearly denied procedural fairness.

CIVIL REDRESS

Having failed to engage any support from the Minister of Defence, I instructed my lawyer to write to the Chief of Defence Force. Having reviewed the redacted Inquiry Officer's report, my lawyer wrote that I had been denied natural justice/procedural fairness, combined with some errors actionable as a matter of administrative law. My lawyer articulated that the redacted Inquiry Officer's report contained numerous false allegations about me (both in respect of bias and the absence of procedural fairness.) Those false allegations had an adverse impact on my reputation and career. My lawyer further described that the actions of the SWO PAC had not only been affected by bias but by a lack of procedural fairness, and that the outcome for me was predetermined. He determined that process was "*misconceived and perpetuated the defective administration of your career*" and that it had caused significant damage to my career "*as a result of a series of inappropriate conduct by other Army personnel*" and "*that damage has only been exacerbated as a result of defence administration where those internal processes have miscarried, by infection of error, mishandling and/or bias (ostensible or actual).*"

The Australian Government solicitor responded on behalf of the Chief of Defence Force, stating that they had:

reviewed the material relating to your client and have been unable to identify any basis for a cause of action that your client might have against the Commonwealth in respect of the issues you address in your xxxx letter. However, against the possibility that you are able to identify a cause of action, we have instructions to meet the cost of the preparation by you of a statement of claim to be filed in the Federal Court, identifying in the form of a pleading the:

- a. factual matters relied on by XXXX*
- b. cause of action asserted to exist; and*
- c. any damage said to have suffered.*

The Commonwealth will meet the reasonable cost of the preparation of the proposed Statement of Claim, such costs to be assessed (in the absence of agreement) by reference to Schedule 3 of the Federal Court Rules 2011 and up to a maximum of \$5,000.

I did not pursue their offer because I could not afford to be embroiled in a protracted legal debate which is what would have resulted, since Defence were unwilling to even acknowledge the cause of the detriments were as a result of Defence members failing to comply with mandatory administrative procedures which resulted in significant personal, mental and economic detriments to me. Moreover, that Defence has unlimited financial resources, whereas I do not.

At the conclusion of these matters, I was so traumatised that I could not even attend my own farewell. The decision not to attend was supported by an Army psychiatrist. In response to his advice, the Headquarters sent correspondence to me that the Commander was disappointed and that I was “making a big mistake.” Days later, they also wrote to my wife instructing her to attend my farewell. This was after I requested they not contact my wife. When neither of us attended their function, the Commander stripped me of a Commendation that I was told would be presented to me at my farewell for my outstanding commitment to Operations and Training over the course of my career, and particularly for my service in Afghanistan.

EXAMPLES OF SNCO FALSE CLAIMS

Army Officer's Vexatious Allegation (1)	Counter Claim by ADF member (1)
The Inquiry officer argued that I had been 'counselled' and 'reprimanded' for a number of 'misdemeanours' throughout my career by commanders.	False and vexatious. Defence policy states that “Commanders must maintain complete and accurate records on the member under their command. These records should contain, but are not limited to, information on personnel profiles, lapses in professional conduct, potential disciplinary issues, records of conversation, unacceptable behaviour issues, career courses and other information the Commander deems necessary.” My Performance Appraisal Report (PAR) history and Defence Conduct Record evidence that I served with distinction and prior to these events recommended for promotion. No reprimands, no misdemeanours, no charges, no unbecoming conduct of any kind, and no record of counselling for an offence has ever been recorded on my file since joining the ADF (1976).
Army Officer's Vexatious Allegation (2):	Counter Claim by ADF member (2)
The accumulation of misdemeanours has 'led to many commanders (and peers) not trusting his judgment.'	Outrageous slander. I have consistently scored the highest categories in all PARS provided from 2006 to present. My service history is exemplary. I have been recognised by Honours and Awards. I have a Medal for Conspicuous Service, combined with other Meritorious Commendations, accumulating in an overseas Representational (hardship) posting which is highly competitive. I have held both Top Secret and Top Secret with Positive Vetting security clearances for the majority of my career.
Army Officer's Vexatious Allegation (3):	Counter Claim by ADF member (3)
“These events have come to light in the years after the member left the role, and therefore they have not been reflected in his annual performance reporting.”	FALSE. As above (1-3). I have held both Top Secret and Top Secret with Positive Vetting security clearances for the majority of my career. I was never made aware of these allegations at any time throughout any Inquiry or my career. The Army Officer appears to suggest that the ADF reporting system is deliberately manipulated to reflect a particular narrative.
Army Officer's Vexatious Allegation (4):	Counter Claim by ADF member (4)
“Many of these events have led to formal investigation or administrative inquiry and some are still ongoing.”	Throughout my career, I have had cause to utilise informal and formal complaint mechanisms available to me, to address grievances. This is not uncommon for ADF members who have over four decades of service. As a member of the ADF I have the right to access Defence Policy to seek a resolution of a complaint. As the records show, each of my complaints have been upheld, however, the ADF does not have a reparation policy so in those situations it has been necessary to escalate my complaint. By his own admission, the Army Officer

	is implying that to have matters under investigation or administrative inquiry implies guilt. This mindset is at the core of the failings of the redress process, where complaints are met with an adversarial response.
Army Officer's Vexatious Allegation (5):	Counter Claim by ADF member (5)
<p>“A subsequent investigation found that the ADF member had told the soldiers he could get them qualified or get recognition of current competency that would allow them to deploy on operations, when he did not have the authority to do either of these things. Many of the soldiers dropped the issue after it was explained to them that the ADF member did not have the authority to assure them they could deploy, however one member was still pursuing compensation about this matter at the end of xxxx, and the matter has been brought to the attention of CA and CDF.”</p>	<p>SLANDER. Not only did the Inquiry Officer keep this information hidden from me, no evidence exists to substantiate the claims.</p> <p>I have never been provided with any documentation that evidences any investigation into my service, other than my own requests to access informal and formal complaint mechanisms available to me to address grievances. The Army Officer is suggesting a secret investigation took place that found I acted inappropriately in my management of others. If that was the case, why was I never informed?</p>
Army Officer's Vexatious Allegation (6):	Counter Claim by ADF member (6)
<p>“The ADF member was reprimanded by a previous XXXX over raising money for a fledging XXX trust through direct approaches to industry and State Government officials that gave the impression this was a sanctioned approach. A significant amount of money was raised (in the order of \$7,000,000 to \$10,000,000) with limited oversight by the HQ. When this was realised, a constitution and appropriate funds management was commenced, and large discrepancies in accounting for the donated funds was found. Disciplinary action against the ADF member was not taken as it would have led to reputational damage to XXX and hurt a number of the ADF member’s followers who assisted him in the</p>	<p>False and vexatious. I first learnt of these slanderous allegations AFTER I had applied under <i>Freedom of Information Act</i> for a copy of the Inquiry findings. I immediately wrote to the Trustee of the Trust (which is far from ‘fledging’) and was given a letter that proved the allegations were entirely false. I was unable to submit that evidence to the Inquiry Officer because the matters had been closed.</p> <p>Why did the Senior ADF Leadership accept what were clearly vexatious claims that had not only misinformed a Defence Inquiry, but had deliberately misled the Defence Minister, the Defence Ombudsman and Inspector General of the ADF into accepting those fabricated findings? It is inconceivable that the Unit CO and the CDF would cover up suspected fraud and misconduct, both reportable offences. This seriousness of these allegations alone should have resulted in the Army Inquiry officer bringing these matters to my attention to ensure procedural fairness, and beyond that an investigation by lawful authorities. There was never any "discrepancies in accounting for the donated funds" as alleged by the Army officer. The Australian Taxation Office (ATO) kept meticulous auditing records, as did the entities involved in managing donations. Those records were provided to the Unit CO as Minutes to provide him with an accurate recorded all meetings, including business activity.</p>

<p>fundraising. The ADF member was counselled and moved to XXX [interstate].”</p>	<p>I was never "counselled and moved to XXX." [Interstate]. From 1993 to 1995 I was on a promotional posting to XXX. I did not return to my Unit until 1996 when the alleged offence was supposed to have occurred which resulted in my posting out of my Unit as punishment.</p> <p>In 1997, I assumed a higher status XXX in my Unit and was subsequently deployed on operations.</p> <p>No action has been taken against the Army Officer who made these vexatious claims and the Minister argued that they did not inform the ‘Terms of Reference’ of the Inquiry, therefore, were not relevant. (See MINISTERIAL JUSTICE DENIED).</p>
<p>Army Officer's Vexatious Allegation (7):</p>	<p>Counter Claim by ADF member (7)</p>
<p>In the Inquiry report it was claimed that: “During a PAC when the ADF member was being considered for a position, one of the PAC members stated he did not believe the ADF member was appropriate for the particular appointment due to his previous interactions. The PAC member then described an incident from the 1990s in which the ADF member used range refurbishment stores and funds, and then requested components from other Services or units, to make three-dimensional mock-ups for the XXXX Mess area at XXX. The ADF member convinced other members to assist him in breaching governance rules to reallocate resources, make official requests for an unsanctioned project, and compile requests to appear as though the resources would be used for military training activities when the activity was more in support of his role as the supervisor/assistant to the Mess.”</p>	<p>False and vexatious. The Army Officer misrepresented me entirely.</p> <p>The PAC were obliged to follow strict administrative processes, in accordance with Defence Policy.³⁷ They and the Inquiry officer denied me procedural fairness when they kept the allegations of fraud and misconduct hidden from me. The Inquiry officer accepted hearsay as contemporaneous documentary evidence which was outside the Inquiry officer’s own Terms of Reference. Had I known that I was going to be accused of fraud and misconduct, I could have called on witnesses who were involved in these projects, and who could have refuted the allegations.</p> <p>The Army Officer misrepresented me entirely. As the records would reflect, I was never at any time a supervisor/assistant to any Mess, and never have been in my entire career. I was not even a member of the Mess committee. I was posted to the Unit as an instructor.</p> <p>I used my personal funds to transform the Mess into a learning centre for ADF members. I was not reimbursed by Army and nor did I seek any reimbursement. I could easily have provided a copy of my bank records had I known that I had been accused of financial fraud. I was awarded a Commendation from the ADF for my contribution to this project.</p> <p>I am certain that I would not have retained Top Secret Positive Vetting (TSPV) clearance that I held then if there was any substance to these allegations.</p>

³⁷ Jai Wright, ‘Writing your PAC statement- A Warrant Officer’s Perspective.’ *The Cove*. May 16, 2019. <https://cove.army.gov.au/article/writing-your-pac-statement-warrant-officers-perspective>.

Army Officer's Vexatious Allegation (8):	Counter Claim by ADF member (8)
<p>The Army officer "says he is aware of the consolidated list of incidents involving the ADF member because of his roles over the past six years."</p>	<p>False and vexatious. If this were true then there would be a record of misconduct on my Defence Conduct of Duty record or at least a notation on my military record. Immediately when I learned of these scandalous allegations, I put in a request under the <i>Freedom Of Information Act</i>. I was informed that no such list existed.</p> <p>The Army Officer is implying that the ADF keeps secret lists on its members.</p> <p>The Inquiry Officer accepted the allegations as they remained in the final findings of the Inquiry and hid those allegations from me during the conduct of the Inquiry. It was only AFTER the Inquiry concluded and AFTER I obtained information under <i>Freedom of Information Act</i> that I then learned of the allegations.</p> <p>The Army Officer made the claims without documented evidence.</p> <p>At no time was I given an opportunity to respond to the allegations.</p> <p>I was denied natural justice/procedural fairness, combined with some errors actionable as a matter of administrative law. Further, the publication of those false allegations had an adverse impact on my reputation and, therefore, my career.</p>

ENCLOSURE C: CASE STUDY 2—AFFECTED ADF SPOUSE

(Information provided by the Civilian)

This case study should be read in conjunction with Enclosure B: Case Study 1—Affected ADF member. This case study provides a unique example of how an Army Officer can put an ADF member's spouse at risk of reputational harm, suicide-risk and self-harm. In Australia, there are a number of federal and state laws that exist to protect Australian citizens (civilians) from discrimination, and treaties to protect citizens from breaches of human rights. ADF policies do not allow for spouses to be written into Performance Appraisal Reports (PARs) of ADF members.

THE BASIS OF MY COMPLAINT.

My spouse, being an ADF member, submitted a complaint through the Chain of Command under the Redress of Grievance system. That complaint is described at Case Study 1—Affected ADF member. During these matters, my husband and I learned of false allegations made about us both.

Whilst on an overseas representational posting, my husband travelled frequently to XXXX, a neighbouring country where we were located, to deliver Intensive English Language Testing to students of the XXXX Army. On one particular occasion, I had travelled with my husband. I had not travelled on Defence business. I had made my plans separate to his for my own recreational leave. I had paid for my own travel, accommodations and expenses from my own pocket. I was not subject to any travel restrictions and I did not require anyone's permission to travel to that country.

Upon learning that I was in-country, the Brigadier-General in charge of that country's military Language School invited me to give some insight into English to the students of that School. To refuse would have been impolite and could have resulted in creating unfavourable relations with the Army of that country and the ADF. My acceptance of the Brigadier-General's personal invitation was my decision alone, however, my husband did inform his superior Officer afterwards, who simply said it was typical of the XXXX Army's hospitality. Nothing more was said about the matter.

During a Redress of Grievance investigation of my husband's complaint (See Enclosure B: Cast Study 1—Affected ADF member), he had successfully argued that his superior Officer had failed in his duty to write his PARs, and this had caused a significant detriment to my husband's career.

After the Chief of Defence Force directed an Inquiry into the matters, the Chief of Army instructed the Army Officer to write the reports, despite they would be submitted FOUR years out of time and against Defence Policy.

My husband refused to sign and accept those reports because they misrepresented his service to the ADF, were in violation of Defence policy, denied him procedural fairness, and contained offending remarks written about me, also a violation of Defence policy. The Army Officer had referred to my visit to XXXX four years earlier. He wrote *'her presence reflected very poorly on the ADF...'* The following is a redacted extract of the PAR:

“Regrettably XXXXXXXXX displayed a serious lapse of judgement when he XXXXXX to XXXXX on an XXXX visit to the XXXXX School of Languages. While the XXX were very gallant in welcoming her, her presence reflected very poorly on the ADF. The problem was compounded when he subsequently visited XXX HQ and, when his counterparts realised XXXX was in the car, they displayed their traditional hospitality and invited her into the Headquarters. This scenario should never have arisen.”

To my further humiliation I learned that the Army Officer had discussed my visit to the XXXX School, negatively, with other Australian Embassy Officials of that country. I attempted to have those allegations expunged from those records, unsuccessfully.

The Army claimed the comments about me were not a criticism, but I felt that if they were communicated to third parties then any reasonable person reading that statement, without any prior knowledge of the events, would likely think less of me. For that reason, I repeatedly asked that the comments be expunged from my husband's military record.

I submitted evidence to reviewing Officers and Ministers to prove the comments were false. The following copy of an email from the Commandant of the XXXX School was submitted and ignored.

Greetings from [REDACTED]

[REDACTED] 29 August [REDACTED] at 15:41

To whom it may concern,

[REDACTED] visited the [REDACTED] armed forces Language Institute on one occasion in [REDACTED] at the time when I was assuming my position as head of the English language wing . She was invited , along with [REDACTED] to visit our language institute, upon arrangements made by the directorate of training at [REDACTED], to conduct test for a number of our officers attending military courses in Australia. [REDACTED] was kindly asked , by the commandant brgiadeir [REDACTED] to give some insight in English to our students who were attending an English language course at the time of her visit . The contribution [REDACTED] made that day was highly appreciated , by myself and other instructors at the wing , in the spirit of the friendship between [REDACTED] and Australia. During my work as head of the English Language Wing , I had the chance to work with [REDACTED] in several occasions, and I personally think [REDACTED] good representatives of Australia and our friends in the ADF.

Regards,

COL. (R)
[REDACTED]

I continued to seek assurances that all erroneous comments relating to me were expunged from official military records. *This was denied.*

I sought access to the documents that referred to me under *Freedom of Information Act*. I was given 1041 pages relating to me which 98-99% were entirely blacked out/redacted.

In my repeated appeals to the respective service Chiefs, I was informed that '*the Inquiry Officer Inquiry was conducted in an appropriate and transparent manner and that there is sufficient evidence to support the findings made by the Inquiry Officer.*'

Arguably this statement is false as the allegations about me were *inappropriate* and in violation of Defence reporting processes.

I felt incredibly betrayed by the ADF. The moral trauma resulting from this event caused me considerable distress which I required counselling to prevent me from suffering anxiety, depression, and feelings of being violated. I wanted to self-harm and I expressed feeling like that to others as a cry for help.

Distressed, I sought that these matters be referred to a Senate Inquiry. I wrote to the Minister for Defence appealing for his support.

Senator the Honourable Christopher Pyne
PO Box 6100
Senate
Parliament House
Canberra ACT 2600

22 August 2018

Re: Letter to Minister of Defence — SASR Spouse Complaint 1 Sept 2018

Recently I received correspondence (MB18-001193) 22 August 2018, from Mr. Robert Curtin, Chief of Staff for the Hon Darren Chester in response to a complaint I submitted to the Senator the Hon Marise Payne, former Minister for Defence regarding a flawed Army Inquiry. My complaint was that false allegations were made about me in my husband's Performance Appraisal Report, and this was used as evidence in an Inquiry report of March 2018 raised by my husband. Allegations by 8249266 WO1 K.A. Danes of unacceptable behaviour by [an Officer] during 2012-2014.

In light of your recent appointment, I wish to bring these matters to your attention as it is my opinion that Defence has acted inappropriately towards me as an Australian citizen and civilian.

False and unsubstantiated allegations were made about me by an Army SASR officer in my husband's Performance Appraisal Report 2012. Defence has not provided any justification that would reasonably support their claim that the allegation about me were in any way accurate or appropriate. The Inquiry officer ignored counter evidence I provided to the false allegation contained in the PAR. The fact that allegations were made about me and used by the Army SASR officer in an attempt to discredit my husband in his Performance Appraisal Report is not only extraordinarily wrong, but it is in violation of Defence Policy.

It was upheld by the Inquiry Officer that the Army officer deliberately strategised to avoid writing my husband's Performance Appraisal Report 2012 and 2013. This evidences that correct procedures were not followed in accordance to Defence Policy as it was claimed by Chief of Army and Chief of the Defence Force. Refusing to follow mandatory Defence procedures is unacceptable behaviour and yet no corrective action was taken to remedy the detriment to me or to my husband.

As you are aware, the law requires that all persons are equal before the law and are entitled without any discrimination to equal protection of the law. Scandalous and false allegations were made to the Inquiry officer which we were not given an opportunity to respond to or present arguments against, and that demonstrates that we were denied procedural unfairness and natural justice.

I contend that both Offices of the Commonwealth Ombudsman and the Defence Minister have taken Army's version of events without considering all the matters in totality. The Army Inquiry was not only flawed but unlawful. Given the seriousness of these matters and the overwhelming evidence we are able to present to ensure an honest and accurate account of the matters, I respectfully request that they be elevated to a Senate Inquiry.

I look forward to your response.

Regards,

Kay Danes, OAM

The Minister's letter defended the position of Defence, despite evidence contrary to their findings. These matters are now historical in the eyes of the ADF and do not matter. But to me, my husband and my family, they matter a great deal. They are representative of a wrong that has never been made right.

To this day, these events leave me feeling very emotional and diminish my ability to fully celebrate my husband's long and exemplary service to the ADF.

THE HON CHRISTOPHER PYNE MP
MINISTER FOR DEFENCE
LEADER OF THE HOUSE
MEMBER FOR STURT

MC18-002559



16 OCT 2018

Dear [REDACTED]

Thank you for your emails of [REDACTED] regarding what you consider to be false allegations about you that were used in a recent Army Inquiry. I apologise for the delay in responding.

I understand that you have previously raised your concerns with the former Minister for Defence, the Minister for Defence Personnel, the Chief of Defence Force and the Chief of Army, and that you are not satisfied with the response to date.

I have reviewed your concerns and have considered all matters raised in their totality. While I regret the impact this situation has had on you [REDACTED] I am satisfied that the Inquiry was conducted appropriately and there was sufficient evidence to support its findings. Consequently, I do not intend to elevate your concerns to a Senate Inquiry.

I wish you all the best for the future.

Yours sincerely



Christopher Pyne MP