



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**PROOF**

**ADJOURNMENT**

**Australian Defence Force**

**SPEECH**

**Tuesday, 8 November 2016**

BY AUTHORITY OF THE SENATE

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## SPEECH

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**Senator LAMBIE** (Tasmania) (20:44): Previously, in the 44th parliament, the Senate voted to support my motion to establish a special investigation. The investigation focused on alleged human rights abuses including torture, sexual assault, abuse and sexual denigration during the Australian Army's training of our special forces soldiers. I ask that all senators in the next couple of days once again support the re-establishment of this inquiry through a vote for the motion of which I have given notice.

Over the next 20 minutes I will detail new evidence from Defence whistleblowers and official written replies from the Army which strengthen the need for this independent inquiry.

In order to jog the memory of this chamber but especially for the new crossbench senators, who will hear these disclosures for the first time, I will begin by reading part of my previously successful notice of motion in the 44th Parliament. It concludes:

1.SAS member Trooper Evan Donaldson alleges that during Australian Military RTI training he was assaulted, bound, blindfolded, denied food, water, sleep, stripped naked, tortured with loud sounds, sexually assaulted and theses activities or their effects - were recorded on official Australian Defence video footage.

And therefore this Senate calls on the government to establish a select Senate committee to view and examine, under special circumstances ...

... which protect operational security and the wellbeing of our special forces –

... all Australian Government electronic recordings of Resistance to Interrogation Training activities—with the purpose of establishing whether crimes, misconduct, abuse of office and/or breaches of international conventions or human rights have been committed and covered up by members of Australia's defence or other government departments.

Before I present new facts which strengthen the need for my inquiry, I must make a brief comment about SAS member Trooper Evan Donaldson. Evan and his family have been treated appallingly by the Australian Army. They are going through hell right now. It is likely that senior members of the Australian Army have behaved in a criminal manner in order to deliberately cause harm to Trooper Donaldson and his family. I once again urge the PM and the Minister for Defence to fix this injustice immediately.

For most Australians, an Army training course which begins with a surprise, brutally violent capture of Australian Special Forces soldiers or others at work by a gang of unknown, balaclava clad assailants who then bind and blindfold them, strip them naked, deny them food, water and sleep and then subject them to sexual denigration by both men and women, which sometimes progresses to sexual assault and torture, is a plot for a Hollywood movie or belongs to a group who love conspiracy theories. However, the Australian Army's own replies to my questions on notice indicate that conduct-after-capture courses or resistance-to-interrogation training programs have existed in the Australian Army for decades. The Chief of the Army, Lieutenant General Campbell, has disclosed in writing that up to present day:

Army has conducted 33 Conduct After Capture 72-96 hour practical activities since 2001.

The management of and conduct on these courses must be independently examined by a Senate committee. At this point, it is important to note that a Senate committee will be able to see exactly what has happened because the Army admit to videotaping all of these courses.

In relation to the numbers of soldiers on these resistance-to-interrogation courses, Lieutenant General Campbell has disclosed in writing that:

The number of personnel varies for each activity. On average there are 34 individuals undertaking training per activity since 2001. There are approximately 65 training, medical and support staff per activity.

So, using Army's responses to my estimates questions in Feb 2016, in the last 15 years approximately 1,122 soldiers have been the subject of surprise attacks by large groups of balaclava-wearing men. They were tied up, blindfolded, stripped naked, denied food, water and sleep, and then subjected to sexual denigration by both men and women which sometimes progressed to sexual assault and torture. And this treatment of our finest soldiers happened partly under the oversight of retired Army Lieutenant General and Chief of Army David Morrison, who is currently Australian of the Year. While Lieutenant General Morrison was Chief of Army between 2011 and 2015—over four years—10 courses of resistance-to-interrogation training programs were conducted. Approximately 340 Army personnel were assaulted, tied up, blindfolded, stripped naked and denied food, water and sleep, and then subjected to sexual denigration.

Retired Army Lieutenant General David Morrison is also famous for his video speech in response to emails that were highly demeaning to women sent from Army accounts. He described the emails associated with what became known as the 'Knights of the Jedi Council scandal' as explicit, derogatory, demeaning and repugnant. Isn't it interesting to note that in 2015, the year when Lieutenant General Morrison made stirring, angry speeches in public about sexual denigration in Army emails, according to official Army replies to my questions he had responsibility for 136 Army personnel on four secret resistance-to-interrogation courses who were subjected to officially-sanctioned physical assaults and sexual denigration?

And while members reflect on the irony—some may say 'hypocrisy'—of that situation, I give this warning. Shortly I will read into *Hansard* a sworn statement from Lieutenant Colonel Karel Dubsy, an Army commander who was sacked by Lieutenant General Morrison for receiving, but not opening, an email which depicted the sexual denigration of women. Tonight, while I build the case for a special Senate inquiry into these matters, retired Lieutenant Colonel Dubsy has also asked me to help him to correct the public record and obtain a public apology from the Australian of the Year, Lieutenant General Morrison, and the Australian Defence Force. Given that Retired Lieutenant Colonel Dubsy was cleared of involvement with the Knights of the Jedi Council but still had his and his family's lives ruined by an illegal leak of his name to the media while Lieutenant General Morrison was Chief of Army, it is a request I am happy to perform for a person who has given such distinguished service to the Australian people. I would like to acknowledge retired Lieutenant Colonel Dubsy's presence in the chamber tonight. I salute your service.

Another former member of the military who also gave distinguished service while in our military and whose voice needs to be heard tonight is Dr Stephen Scully, a New South Wales medical doctor. Dr Scully has told me that not only was he a participant in the Army's resistance-to-interrogation courses in the early 1990s but in the mid-2000s, then as an Army resident medical officer, he supervised these courses. Dr Scully made disturbing allegations. He said to me:

At least the SAS know what they are going through when they go through the activity, a lot of the regular troops don't know. I mean we took a classroom full of second fourteen guys in 2005 - and the take down can be quite brutal I mean they talk about no physical injuries - but when they take them down they actually smash them, I mean my troop Sargent dislocated his shoulder back in 92 when they were taken down.

A lot of these guys don't get over it. They're not really prepared for it, the med documents never made it back—and I know why.

Dr Scully also disclosed, after I asked him if he had seen sexual assaults on these courses:

I can't really say I saw any sexual assaults - but there was certainly a lot of sexual intimidation - I mean naked soldiers being ridiculed by female interrogators, they would put makeup on them, make up on their face and stuff like that.

Dr Scully has also lodged official Senate investigation submission No. 59, which states in part:

I wish to elucidate that not all harm occurs overseas. Indeed, I have seen significant trauma and morbidity occur in a barracks and field training environment, including training deaths, injury and suicides. I have witnessed gross mistreatment, verging on torture, and have been compelled to be complicit to it. I have witnessed the persecution of soldiers by sub-unit commanders who were previously the subject of a parliamentary inquiry into psychopathic

bullying, yet were nonetheless deemed fit to take command and further ruin young lives. I have been threatened with imprisonment for not changing my medical opinion to suit the wants of command. Operationally, I have been ordered to abandon dying indigenous personnel in mass casualty situations overseas.

I now turn to the statutory declaration by retired Lieutenant Colonel Dubsky, and once again I acknowledge his presence in the Senate public gallery this evening. The declaration said:

I, Karel Josef Dubsky

Unemployed Veteran

do solemnly and sincerely declare that:

David Morrison wrongly accused me, Karel Josef Dubsky of being a participant in the Jedi Council scandal. This occurred during a speech given to the Australian public on 13 June 2013. During the announcement, David Morrison stated '17 men were responsible for the production and distribution of highly offensive material and sending it across the Defence Restricted Network and public internet services'.

He included me despite the fact that I made a sworn statement under 'Record of Interview' to the Australian Defence Force Investigative Service (ADFIS) on 5 June 2013 that I was not a part of or did not know about the Jedi Council matter.

The means by which he wrongly accused and defamed me in the public domain was by advising the gathered press conference on 13 June 2013 that the highest ranked officer 'involved' in the Jedi Council matter was a Lieutenant Colonel.

Due to my high profile as a Commanding Officer and the observable nature of the ADFIS investigation conducted on 5 June 2013 the word quickly spread through Lavarack Barracks that I had been investigated. The 13 June 2013 press conference solidified an uninformed military community into believing I was a part of the Jedi Council. LTGEN Morrison should not have advised the media of Army ranks involved until the investigation was completed. This would have been natural justice and averted my public humiliation.

On 5 June 2013, ADFIS conducted an 'investigation' into my involvement into the Jedi Council matter. As a Commanding Officer I was humiliated as I was taken out of a meeting with my Unit to have my room and body searched.

I was later taken to the ADFIS headquarters to conduct a formal Record of Interview (ROI). As I knew I was innocent I waived my right to legal representation. As this was a formal service police interview I thought I would have been shown evidence related to the charges against me.

This did not occur and in fact I was shown no evidence to comment on at all. Instead I was asked only one question, "what do you know about the Jedi Council?" My answer was "Until I was advised by NSW Police of the Jedi Council on 28 Mar 13, I knew nothing about the Jedi Council."

I then provided a Witness Statement, which I did not have to do. Army cannot call this a proper investigation when only one question was asked under formal ROI.

On 22 July 2013, Channel 7 National News ran a story on the Jedi Council and my face and name were televised. The next day I had Channel 7 Townsville on my doorstep with a camera. The news article that night suggested that I was as much to blame as the ringleaders of the Jedi Council.

This placed significant stress on my family particularly in such a garrison town like Townsville. My wife and children were shunned and vilified. If LTGEN Morrison had not advised the country a LTCOL was involved it is unlikely that Channel 7 would have been able to identify me. It is also unclear who leaked my name to the media although I have been told 'off the record' "that is was a Defence member".

On 26 July 2013, LTGEN Morrison issued me a Notice to Show Cause (NTSC) as to why I should not be removed from Command. I was also issued a NTSC as to why I should not be discharged from the ADF. I successfully argued my case and LTGEN Morrison stated that I was not part of the Jedi Council.

He did however remove me from Command 'for failing to remain aware of issues that affect me, my Unit and Army'. In effect I was removed from Command and my career ruined because of LTGEN Morrison's standard that I should read every email I receive. This was an impossible expectation as I received over a hundred emails a day.

In my humble opinion LTGEN Morrison was biased before he made a decision on my NTSC. I attended a meeting on 4 July 2013 in Townsville held by LTGEN Morrison to promote the fourth Army Value of Respect.

I went to this meeting not only because all Commanding Officers were supposed to attend but also because I wanted to look him in the eye and tell him I had nothing to do with it.

I was amazed when he stood up in front of all Lavarack Barracks COs and RSMs and spoke about the Jedi Council Affair and said, 'These individuals, and I use the term alleged because I have to, I will have them removed from the Army.'

I have two witnesses who will attest to this statement from David Morrison. Colonel Michael Mee and LTCOL Steve Jenkins. This comment was completely unacceptable and indicated that he had already made up his mind about the matter before investigating the facts. For this action and comment LTGEN Morrison should be held to account.

Of great concern for the future of the ADF is that LTGEN Morrison allowed or condoned an abandonment of Military Justice in order to be seen to act. He did this by quickly moving from the DFDA justice system to Administrative Law but in doing so did not apply the mandated policy contained in ADFP 06.1.4 Administrative Inquiries Manual.

After what I assumed would have been a Quick Assessment, an ADFIS (discipline) Investigation was commenced. I participated in a Record of Interview (ROI) waiving my rights to silence and legal advice. I was not asked about any of the emails nor shown them. I then provided a Witness Statement to ADFIS but was not shown any emails. The system appears to have then tracked back to Administrative Law.

So far as I was aware, there was no Administrative Inquiry established. No Inquiry Officer approached me to conduct an interview in which I would have been able to answer questions regarding the emails. The first attempt to adduce my version of events/evidence regarding the specific Jedi Council emails was during the Show Cause process.

The appointment of an inquiry into the matter would have saved me life-altering stress and embarrassment because the Inquiry officer would have concluded that I was not involved with the Jedi Council. This would have been the same outcome that both LTGEN Morrison and GEN Hurley eventually concluded.

The greatest and lasting impact on me was the national humiliation on television and in print media due to LTGEN Morrison's handling of the matter. The final 'straw' was my removal from Command for 'failing to remain aware of issues affecting me, my unit and Army'.

The humiliation to my family and my sense of betrayal by Army when combined with my service caused PTSD led me to attempt suicide in March 2014. When David Morrison was named Australian of the Year I was so completely upset and betrayed that I attempted suicide again in January 2016.

I humbly submit that David Morrison's incorrect assumptions, bias, hasty actions, failure to follow ADF procedure and poor leadership through the Jedi Council matter has irrevocably damaged my health.

I have spent six months of the last two years in hospital, including seven separate admissions. I was cleared of involvement with the Jedi Council but while David Morrison was quick to denounce my involvement he has not apologised to me nationally. The ADF has a duty to correct the public record on this matter.

In summary, I request a formal apology from the ADF for the way I was treated throughout the Jedi Council matter. I also request a Public Relations statement acknowledging that I was not involved with the Jedi Council.

Mr Acting Deputy President, I want all those senior officers involved in the cover-up of assaults, human rights abuses and torture of troops brought to justice, and I would like all the victims properly cared for and compensated.

The Australian of the Year, Lieutenant General Morrison, owes a public apology to Lieutenant Colonel Dubsy and his family. He must disclose the name of the person who illegally leaked Lieutenant Colonel Dubsy's name to the media. Tomorrow Lieutenant Colonel Dubsy and I will meet with the Minister for Defence, and I invite the PM to please drop by.