



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

PROOF

QUESTIONS WITHOUT NOTICE

Australian Defence Force

QUESTION

Tuesday, 22 November 2016

BY AUTHORITY OF THE SENATE

QUESTION

Date Tuesday, 22 November 2016
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Questioner Lambie, Sen Jacqui
Speaker

Source Senate
Proof Yes
Responder Brandis, Sen George
Question No.

Australian Defence Force

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Senator LAMBIE (Tasmania) (14:43): My question is directed to the Attorney-General, who is representing the Minister for Defence today. Retired Lieutenant Colonel Dubsy is in the public gallery today. He was used as a scapegoat by the Australian Army in the so-called 'Jedi Council' scandal. Lieutenant Colonel Dubsy and his family's lives were destroyed when he was falsely accused of being a member of the Jedi Council. Lieutenant Colonel Dubsy had his name illegally leaked by the Army to the media. Because of unfair attacks on his reputation by his superiors, Lieutenant Colonel Dubsy suffered a complete mental health breakdown. He has survived two suicide attempts and endured many years of psychiatric ward admissions and electroconvulsive shock therapy. His wife and children have also been grievously harmed and forced to suffer significant physical, mental and financial injury. Will the Turnbull government compensate the Dubsy family through a special mediation process or will they be forced into a lengthy legal battle in the courts?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:44): Thank you very much, Senator Lambie. I know that you have taken a close interest in this issue, and I want to welcome Mr Dubsy and his family to the Senate today. You will understand, Senator Lambie, that it is not appropriate to comment on individual cases, and I am not proposing to do that. But I can give you some information about the mental health care and rehabilitation services that the ADF provides to ADF personnel and ex-servicemen.

Since 2009, Defence has invested approximately \$201 million in providing a range of education and awareness, treatment and rehabilitation programs for all Defence members irrespective of the cause of their mental health problems. Defence works closely with the Department of Veterans' Affairs on programs and initiatives to strengthen mental health resilience, increase awareness, improve access to care and encourage members and families to seek help early. Defence members and their families are also able to access the Veterans and Veterans Families Counselling Service throughout Australia.

A 2016 budget measure extended non-liability health care to all current and former ADF members for post-traumatic stress disorder, anxiety disorder, depressive disorder, alcohol use disorder or substance abuse disorder. Under this arrangement, treatment can be provided through the Department of Veterans' Affairs, for those conditions, without having to establish a link to military service. The measure is being implemented by the Department of Veterans' Affairs and is currently being passed through the parliament. Injured or wounded Defence members are encouraged and supported to submit claims for compensation to the Department of Veterans' Affairs through their on-base advisory services. (*Time expired*)

The PRESIDENT: Senator Lambie, a supplementary question.

Senator LAMBIE (Tasmania) (14:46): In relation to the so-called Jedi Council scandal the government has been made aware of a secret New South Wales police report from Strike Force Civet that alleges, firstly, that a number of Australian Defence Force investigative staff deliberately lie, withhold evidence and fabricate information; and, secondly, New South Wales police conduct of future investigations into, and with, the ADF must be viewed with caution and concern. When did the Attorney-General first learn of this report?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:47): I have not read the report of Strike Force Civet. It is not something that would ordinarily come to my attention as the Attorney-General. If it is, as you describe it, a report into alleged behaviours or conduct within the Department of Defence, it is a matter that would be dealt with by Defence

legal. I will make an inquiry of the defence minister and provide what further information I am at liberty to provide to you.

The PRESIDENT: Senator Lambie, a final supplementary question.

Senator LAMBIE (Tasmania) (14:47): Just in relation to that, I was going to raise a point of order, if I may?

The PRESIDENT: I will allow you to have a point of order.

Senator LAMBIE: Attorney-General, are you telling me that you did not know the New South Wales police wanted to raid Defence headquarters?

The PRESIDENT: Order, Senator Lambie. That is not a point of order. That is debating the issue and there are other avenues in this chamber for that kind of debate. Do you have a final supplementary question?

Senator LAMBIE (Tasmania) (14:48): I refer to further New South Wales police action in relation to decorated commando and veteran Mick Bainbridge, who is in the public gallery also. Mr Bainbridge and his family were victims of a vexatious report by his commanding officer, who caused a New South Wales police raid on Mr Bainbridge's family home. The raid, by 12 heavily armed officers, caused significant harm. Will the Bainbridge family be compensated through a special mediation process or will they be forced into a lengthy legal battle?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:48): Once again, Senator Lambie, it would be quite inappropriate for me to comment on proceedings that have not run their course and which may or may not result in compensation orders. But I can provide you with a little more information in relation to the Jedi Council matter. It has been extensively investigated by the ADF's investigative service and its handling of the matter was reviewed by the Inspector General of the Australian Defence Force. The investigative service led to the termination of service of 11 former ADF members. Defence, including—

The PRESIDENT: Order. Pause the clock. A point of order, Senator Lambie?

Senator Lambie: My point of order is this, and I have made it quite clear, that when it comes to ADFIS they deliberately lie, withhold evidence and fabricate information.

The PRESIDENT: No, Senator Lambie, that is not a point of order; that is a debating point. There are other avenues within the Senate for you to debate that. Attorney-General, you have the call.

Senator BRANDIS: I can tell you, Senator, that Defence cooperated fully with the New South Wales police forces' criminal investigation into the matter and complied with a search warrant issued by the New South Wales police. You referred to Private Michael Bainbridge. I am advised that Senator Payne, the Minister for Defence—since you raised your concerns with her—has personally committed to ensuring that Private Bainbridge is provided with the best possible support. (*Time expired*)