

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

**SUBMISSION COVER SHEET**

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**Inquiry Title:** Effectiveness of Australia's Military Justice System

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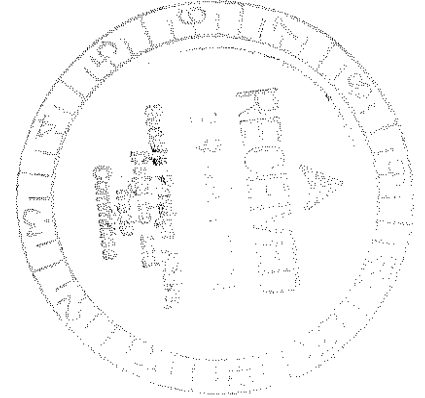
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**Date Authorised:**

28 January 2004

The Secretary  
Senate Foreign Affairs, Defence and Trade References Committee  
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**SUBMISSION TO INQUIRY INTO THE EFFECTIVENESS OF  
AUSTRALIA'S MILITARY JUSTICE SYSTEM  
... SPECIFICALLY IN RELATION TO  
GANG-RAPES AT THE AUSTRALIAN DEFENCE FORCE ACADEMY  
(ADFA) AND THE NEED TO RID THE ADF OF GANG-RAPISTS  
AND OTHER CRIMINALS AND CRIMINALITY GENERALLY**

Dear Maam/Sir,

1. I hereby offer a submission to your Inquiry into the Effectiveness of Australia's Military Justice System.
2. In this submission I will primarily address issues referred to in paragraph (1) – especially part (a) and sub-parts (i) and (ii) of part (b) of the terms of reference for this Inquiry, specifically in relation to gang-rapes at the Defence Force Academy, following reports of the same last year (2003), and the fact that Defence almost certainly still harbours gang-rapists and other criminals within its ranks.

3. The ABC's 7.30 Report ran a story on Wednesday 12 March 2003 titled 'Doubts cast on HMAS Kanimbla doctor'. This article is still available online, at <http://www.abc.net.au/7.30/content/2003/s805573.htm>, and is reproduced in full here at the Appendix along with an ABC radio transcript on similar subject matter. This main 7.30 Report article transcript includes the following (in which I have corrected the spelling, noting the lady referred to is Robyn Fahy):

MARK BANNERMAN: Tom Fahy has reason to be angry and surprised.

For well over 2.5 years, he and his daughter Lieutenant Commander Robyn Fahy have been involved in a bitter dispute with the navy over the professional conduct of Dr McKenzie while acting medical officer at the Stirling naval base in Western Australia.

As an officer in the navy, Robyn Fahy cannot speak to us, but her father can.

TOM FAHY: She really loved the navy.

She believed in the navy.

She always wanted to join the military.

MARK BANNERMAN: Does she feel betrayed, do you think?

TOM FAHY: I don't know that she would use the word 'betrayed'.

I think for her it's more sadness and anger.

MARK BANNERMAN: There's little doubt that Robyn Fahy loved the navy and for a long while it seemed the navy loved her.

That love affair began in the late '80s when she topped her year at officer training school.

TOM FAHY: I think it was Admiral Beaumont at the time saying to me on the day that 97 young men will never forgive her for this, or something, words to that effect.

MARK BANNERMAN: In light of what we're about to find out, those words have an ominous ring.

But for over a decade, Robyn Fahy seemed to go from strength to strength.

TOM FAHY: It could only be described, as a father, or anybody looking at it independently, as an outstanding career, a brilliant career.

4. On 5 August 2003 it was reported by the ABC (see transcript in Appendix as taken from ABC website) in Western Australia as follows:

Lawyer for Doctor McKenzie John Ley has been cross-examining the Lieutenant Commander about her relationships with men and asked her if she was generally distrustful of males.

Mr Ley also asked the Lieutenant commander if she had been gang raped by a group of male cadets in 1986. The naval officer replied yes.

The Lieutenant commander said she had made a formal complaint about the rape.

The inquiry continues.

5. On 6 August 2003, the following was reported in an article titled 'Naval officer alleges gang rape at academy', which appeared on page 4 of The Australian newspaper:

A SENIOR female naval officer was gang-raped by a group of cadets at the Australian Defence Force Academy, a medical board inquiry heard yesterday.

The officer, whose name has been suppressed, told the hearing in Perth she had filed a complaint after being gang-raped in 1986.

The board is investigating allegations naval doctor Douglas McKenzie disclosed the woman's sensitive medical details to her superiors in October 2000.

Dr McKenzie's lawyer, John Ley, suggested the officer had a deep distrust of men stemming from the alleged rape, two traumatic relationship break-ups and a belief the navy was a boys' club.

6. Paragraphs 4-6 indicate that an individual, publicly identifiable as Robyn Fahy, alleges that she was gang-raped at the Defence Force Academy in 1986. I was in the same year as Robyn at the Defence Force Academy and, whilst I never knew her well, I recall that she seemed a very nice girl, and she was obviously very able and, in my view as I expressed at the time, a worthy winner of the prizes she won at ADFA. Let me declare here that I find it hard to believe that Robyn would make up a story about something of this nature. If Robyn's allegations are true, there are presumably some people presently outside of a jail who apparently should be on the inside of a jail.

7. Robyn was one of 50 or so female cadets admitted into the Defence Force Academy in its first year of operation in 1986. Robyn and another lady named Sue Sly were the only two females who, having already completed a year at a civilian university, were admitted as second year cadets in their first year of 1986. Prior to 1986, females were not admitted into the single service academies/colleges which ADFA replaced in 1986.

8. During my time in the Corps of Officer Cadets in 1986 and 1987, I, like most people at the Academy, had been the victim of several moderately serious crimes myself – including physical assault, several cases of break and enter, and false imprisonment. Some people thought this was all just fun and games, but to me it was unacceptable criminal behaviour which I never took part in myself, and so I didn't appreciate it when it was directed against me. As someone who had no religion, and who had attended non-selective co-educational public schools all my school life, it soon became clear to me that the core problem with ADFA was the fact that its core culture was that of a deviant "muscular Christian" exclusive/expensive boys boarding

school. I always resented the expectation to conform to such a deplorable culture, and did my best to avoid getting sucked in to it all. Where possible, I tried to reform the culture – with some success in later years when I was sufficiently empowered to have an impact – but the ADFA of 1986/87 was a miserable old place for “free thinkers” with strong, independent characters who were obviously unable to conform to the prevailing “bully-wimp-deviant” exclusive boys school culture.

9. Rear Admiral Peter Sinclair was the first Commandant at ADFA in 1986 and a Major General Peter Day took over in 1987. Both of these men seemed to host impressive qualities, but both had pathetically little to do with us and hence and otherwise seemed just so out of touch with the grassroots realities within the Academy. With respect, it appeared as though these gents had at most a half-hearted concern for the wellbeing of us all. Perhaps their many years within the Defence Forces simply rendered them “too far gone” in terms of chronic institutionalisation. I won about a thousand dollars worth of book prizes during my time at ADFA but never once received an invitation to dine with one of these gents – they obviously didn’t care much about what we thought nor about the truth of what we were experiencing. I look back at this time and consider that the leadership style of senior officers at ADFA was plainly negligent given the fact that it was compulsory for us to live at ADFA.

10. Females in the ADFA of 1986/87 were clearly considered to be intruders by some male cadets and even male staff – intruders who needed to be put in their place and dominated by power plays such as gang-rapes.

11. According to Tony Cuncliffe, in an Opinion piece in the Canberra Times dated 15 January 2002 (reproduced in full in the Appendix following at the end of this submission):

The bastardisation at Duntroon was legend for decades and created an honourable tradition out of behaviour that would have landed civilians in jail and even at one point, the gallows.

12. I'd urge the Committee here to take Tony Sutcliffe's article (in full in the Appendix) very seriously here. Another article I'd urge the Inquiry to take seriously is that titled 'The significance of sexual assault, sensationalised or not', by Alan Ramsey, which appeared in the Sydney morning Herald on 13 April 2002, and which is again reproduced here in the Appendix.

13. My tentative best estimation is that perhaps 5% of all ADFA cadets in 1986 and 1987 were serious criminals – that is, people who committed serious and/or frequent crimes, and perhaps 15% of all cadets were regularly deviant, but there were another 70% or so who could be classified as “generally well behaved but for their wimpy acquiescence” – people who didn't commit crimes or misbehave much themselves, but who didn't protest loudly enough when they witnessed or became aware of unacceptable behaviour. I should clarify that this 70% included people who were in many respects impressive people, but the fact remains that their cowardly acquiescence meant that people like Robyn were victims of crimes, and their attackers got away with such crimes. At times I fear that I shrunk into this “grey” 70%, though my intention was always to at least try hard to remain in the 15% or so who maintained the aim to graduate from ADFA as “unbrainwashed” and “uncorrupted” as possible.

14. I taught maths and/or studied at ADFA from 1992 to 1996 and it was clear to me that criminality within ADFA remained at significant levels until the reforms led by Bronwen Grey came into force around 1996, though the ADFA of 1993 seemed a significant improvement on the ADFA of 1986 – that was certainly very clear. In 1993, Rear Admiral Gerry Carwardine was in my view an excellent Commandant at ADFA – he was a very good listener and someone genuinely on the look out to help improve ADFA in terms of its culture and outcomes. The reforms led by Bronwen Grey were of great cultural and behavioural significance in that they removed coercive (and hence punitive) powers from senior year cadets over junior year cadets, but I note that sexual abuse cases have still occurred at ADFA since 1996 and I retain the view I've long held: the ADFA boarding school concept is fundamentally flawed and chronically predisposed to “pack mentality” behaviours. Tony Cutcliffe's article in the appendix refers to such destructive pack behaviour. Maximisation of national

security requires disciplined free thinkers with a touch of flair, not robotic conformists with more than just a touch of deviance and “pack mentality”.

15. Returning to the gang-rapes issue, in 1986 and/or 1987 I heard several rumours about situations where female cadets at ADFA had been filled with alcohol and gang-raped or something similar. I don't recall hearing that Robyn Fahy was gang-raped, but I had heard that there were some pretty sleazy senior cadets “operating” (and I use this word with great reservation and disgust) in the same Squadron – Delta Squadron – that Robyn Fahy was a part of. Still, let me admit here and now that I SHOULD have acted on the rumours of gang-rape type behaviours when I heard of them back in 1986/87. I don't know how it is that I didn't, but suspect that I was more badly brainwashed than I'd have wanted to be – brainwashed in a desensitised sense I mean. I recall coming to the conclusion that I could not report an incident that I didn't myself witness, but I now accept that this was an unacceptable position to take – especially for a crime as serious as gang-rape.

16. My estimation is that there have been between 10 and 100 or so gang rape victims at ADFA alone since it began operations in 1986, and many more victims of physical and sexual abuse and intimidation that falls short of rape as such – in addition to numerous other crimes. I'd guess that many gang-rapists must still be serving within the ADF and believe these need to be identified and handed over to the police and courts without further delay.

17. My advice to the committee here is to establish an independent body which can – with due sensitivity to crime victims – help to remove gang-rapists and other serious criminals from within the Defence Forces and have them dealt with by the police. It is unacceptable that Defence continues to harbour significant numbers of serious criminals within its ranks – especially when disproportionate numbers of these criminals are officers. It is important to note that most non-officers in the Defence Forces attended public or parish catholic schools, and hence have had less exposure to the real heavy-handed bullying cultures present in worst cases in expensive/exclusive boys schools. An excellent article by Rosemary Neill which appeared in The Australian on 4 October 2002 titled ‘Born to rule, or break them’ addresses this exclusive boys school connection in detail. This article refers to a still as yet



unpublished book titled 'Sacred Monsters: Money, Class and Masculinity', by University of Western Sydney Professor Scott Poynting and Mike Donaldson, which apparently describes, among other things, the criminality within exclusive boys schools such as that witnessed at Trinity Grammar a few years ago, and how such criminality adversely impacts upon the whole of society given the disproportionate power wielded by men who have attended exclusive boys schools. I've been advised by Pluto Press that it's (i.e. Pluto's) recent financial difficulties have delayed publication of this book, but I'd urge the Inquiry to obtain this book. Whilst there is no one simple solution to the problems examined in this present Inquiry, there is every indication that this book by Poynting and Donaldson holds the answers as well as anything that has ever been published in Australia and perhaps anywhere in the world. I'd also urge the Inquiry to obtain a copy of another publication by Poynting and Donaldson titled 'Snakes and Lads: What Does the Ruling Class Do When it Schools?' – which can be obtained via <http://scottpoynting.author-site.com/ProductShop/> for AU\$10. Rosemary Neill's 'Born to rule' article appears at the Appendix along with an ABC radio reference to the book which seems to refer to Scott Poynting as Scott Poynting for some reason. The worst offenders among these Trinity Grammar boys apparently only avoided jail because of their age and their parents' wealth and influence, but such behaviours would clearly have landed them in jail if they were over the age of 18 when they committed their crimes – in the absence of corruption. Most people at ADFA have been over the age of 18 and it is plainly the case that adult criminal laws are applicable within ADFA.

18. Notwithstanding the above, as many studies have shown, it is likely that some gang-rapists may well have been sexual and/or physical abuse victims themselves, so processes established to weed out Defence criminals need to be mindful of this. As with society at large, there may well be some people who are both victims and perpetrators of serious crimes.

19. The thing I remember most of my first day in the Navy was the immense number of times the word "f\*\*k" was used by 2<sup>nd</sup> year midshipmen when addressing myself and the other first day first year midshipmen. This is just something extra I wanted to include here.

20. In my first year in the Navy I learnt of the existence not only of obscene music and porno movies but also of snuff movies (i.e. porno movies in which ladies are murdered as well as raped in front of a camera). I accept that as one passes into adulthood it is inevitable that we'd become aware of such things, but within the military culture such things are viewed with a perverse reverence and acceptance – all this within a Defence culture which considers it would set a dangerous precedent if men were allowed to wear even discreet ear rings – on account of all the problems *that* could cause!!

22. As stated above, whilst there is no one simple solution to the problems examined in this present Inquiry, the following is bound to provide a very good approximation to the full solution here, acknowledging of course that it is unlikely that most exclusive boys schools have been anywhere near as deviant as Trinity Grammar has been in recent years:

**Bastardisation and crime in the Australian Defence Forces arises largely officers dominate the culture, and because a disproportionate fraction of officers come from exclusive boys schools where bastardisation and crime have effectively been encouraged as a prerequisite for manhood.** The Trinity Grammar wooden dildo abuse scandal a few years ago – referred to in the article by Rosemary Neill included in the Appendix here – provides just one recent case study supporting this link. And incidentally, in 2003 the annual tuition fees at Trinity Grammar were over \$14,000 for Year 12 students.

#### APPENDIX FOLLOWS

Regards,



Mark Drummond (RAN 1985 to 1999)

BSc(hons,UNSW) DipEd (CSU) BA (Macq) BE(hons,UNSW) MBA (UC)

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## APPENDIX TO INQUIRY SUBMISSION DATED 28 JANUARY 2004

Articles to follow here are:

- 'Doubts cast on HMAS Kanimbla doctor', 7.30 Report, ABC, 12 March 2003
- 'Navy doctor under investigation on HMAS Kanimbla doctor', ABC News, 12 March 2003
- 'Naval officer tells medical inquiry of gang rape', ABC News (WA), 5 August 2003
- 'Naval officer alleges gang rape at academy', The Australian, 6 August 2003
- 'Stop naval gazing: order needed from top deck', Canberra Times, 15 January 2002
- 'The significance of sexual assault, sensationalised or not', Sydney Morning Herald, 13 April 2002
- 'Born to rule, or break them', The Australian, 4 October 2002
- 'Sacred Monsters', ABC radio, 2 October 2002

### **Doubts cast on HMAS Kanimbla doctor**

**ABC Online 7.30 Report**

[This is the print version of story

<http://www.abc.net.au/7.30/content/2003/s805573.htm>]

(Wed 12 March 2003)

KERRY O'BRIEN: Welcome to the program.

Ahead, we'll plug into the intensifying machinations consuming the UN Security Council over Iraq, with senior analysis out of the US.

But first, another potentially troubling development as Australian troops prepare for their role in and around the hostilities, should they come.

HMAS Kanimbla is a significant part of our contribution and we've reported extensively on the divisions on board concerning anthrax inoculations ... the dissident

seamen who were concerned about the health implications of the shots, including one who's formally asserted undue pressure from senior officers.

Tonight we can reveal the ship's doctor, a Reservist GP, is the subject of a civilian medical board inquiry involving serious allegations made against him by a senior naval officer.

Nevertheless, the navy decided to despatch him to a potential war zone with heavy medical responsibilities.

In presenting this report, we're very conscious that the navy doctor is unable to respond in person to the allegations, and those allegations are yet to be finally tested, but I will be speaking to the deputy head of the navy in a few moments.

First, this report from Mark Bannerman.

MARK BANNERMAN: It was a farewell fit for heroes, the navy's finest, our protectors.

MAJOR-GENERAL PETER COSGROVE, CHIEF OF THE DEFENCE FORCE:  
You're embarked with a ship of the finest navy in the world.

VICE-ADMIRAL CHRIS RITCHIE, CHIEF OF THE NAVY: I'm confident that each and every one of you in Kanimbla will do your country, your service and your friends and relatives proud.

MARK BANNERMAN: The message was clear enough, a top class ship and a top class crew selected to complete a dangerous mission.

But has the navy's judgment in relation to the Kanimbla and some of its crew been in the best interests of everyone?

In the days leading up to the ship's departure, a new doctor from the navy reserve had come aboard.

Seen here without a name tag, we can tell you he is Douglas W McKenzie.

The 7:30 Report can now reveal that Dr McKenzie is the subject of three separate investigations into his professional conduct.

TOM FAHY: I just find it incredible that they would do that.

MARK BANNERMAN: Incredible?

TOM FAHY: Incredible.

MARK BANNERMAN: Why?

TOM FAHY: Well, it's a man who is subject to certain very serious allegations against him for misconduct, and in the circumstances that the country is in, and the navy is in, I just find it very, very unusual that they would take a decision like that.

MARK BANNERMAN: Tom Fahey has reason to be angry and surprised.

For well over 2.5 years, he and his daughter Lieutenant Commander Robin Fahey have been involved in a bitter dispute with the navy over the professional conduct of Dr McKenzie while acting medical officer at the Stirling naval base in Western Australia.

As an officer in the navy, Robyn Fahy cannot speak to us, but her father can.

TOM FAHY: She really loved the navy.

She believed in the navy.

She always wanted to join the military.

MARK BANNERMAN: Does she feel betrayed, do you think?

TOM FAHY: I don't know that she would use the word 'betrayed'.

I think for her it's more sadness and anger.

MARK BANNERMAN: There's little doubt that Robyn Fahey loved the navy and for a long while it seemed the navy loved her.

That love affair began in the late '80s when she topped her year at officer training school.

TOM FAHY: I think it was Admiral Beaumont at the time saying to me on the day that 97 young men will never forgive her for this, or something, words to that effect.

MARK BANNERMAN: In light of what we're about to find out, those words have an ominous ring.

But for over a decade, Robyn Fahy seemed to go from strength to strength.

TOM FAHY: It could only be described, as a father, or anybody looking at it independently, as an outstanding career, a brilliant career.

MARK BANNERMAN: All that changed, though, on the day Robyn Fahy, while Base Commander at Stirling navy base in Western Australia, made an appointment to see Dr Douglas McKenzie.

It's now a matter of record that on 10th October Robyn Fahy went to see Dr McKenzie, complaining of a severe headache and pins and needles in her right arm.

In a consultation lasting just 10 minutes, the doctor told her she had symptoms consistent with a stroke victim, not unusual for a migraine sufferer, although she had no history of migraines.

There the issue may have ended, but according to documents obtained by the 7:30 Report, the Medical Board of Western Australia is now investigating allegations of infamous or improper professional conduct against Dr McKenzie.

Those documents allege that in the days following their meeting, Dr McKenzie, without his patient's knowledge, wrote a letter to a consulting psychiatrist that was inaccurate and expressed adverse and subjective opinions in relation to the patient's mental health.

How did this make you feel when you found this out?

TOM FAHY: I was shocked and somewhat appalled ... I think is probably the immediate feeling.

MARK BANNERMAN: According to the documents, he also communicated his views to her commanding officer.

As a result of this, Robyn Fahey was told by the Base Commander she would be relieved of her duties and over the last 2.5 years several attempts have been made to remove her from the navy.

Can I ask you this then, because I suppose most people would be sitting there saying, "Why would this doctor do that?"

TOM FAHY: I don't know.

MARK BANNERMAN: You must have asked yourself that, I guess?

TOM FAHY: 1,000 times.

I don't know.

I simply don't know the answer to that.

MARK BANNERMAN: The documents of course do not suggest a motive.

But they go on to say: " ... you, Dr McKenzie, formed an adverse and prejudicial view of the patient's mental health and character on the basis of information received from third parties."

Clearly we would like to have Dr McKenzie to talk to about these issues, but his deployment in the Gulf has made that impossible.

We also sought a written response from the navy on these matters for this story, but that statement did not arrive in time for inclusion.

And these matters go beyond the investigation by the medical board.

Although they are not criminal matters, we can tell you that Dr McKenzie is also being investigated by the Human Rights and Equal Opportunities Commission and the Defence Ombudsman.

ROGER PRICE, LABOR MP: Well, of course Dr McKenzie is innocent until found guilty.

But these are not charges about a lapsed bedside manner.

They go to the heart of professional conduct.

They're very serious charges, and they ought to, in Dr McKenzie's case, be dealt with expeditiously.

MARK BANNERMAN: Roger Price is a Labor MP and a long-serving member of the House of Representatives Standing Committee on Foreign Affairs, Defence and Trade.

ROGER PRICE: You would expect navy to take an attitude of what I call ... what's called "prudential avoidance".



That is, if a doctor, a reservist doctor on full-time duty is under some form of cloud, and clearly he is at the moment, then you would not put him in a situation where other navy personnel may be at risk, much less in the front line.

It's hard to believe that in trying to find a doctor, a GP, to serve overseas, pre-deployed, the only choice the navy had was Dr McKenzie.

MARK BANNERMAN: The decision to deploy Dr McKenzie, a naval reserve officer, has clear implications for Robyn Fahy's future.

The medical board was due to open its inquiry some time in the next few months.

Somehow that now seems less likely.

TOM FAHY: I think the navy have not met any deadline that's been imposed on them or asked of them by any of those bodies investigating at this stage.

I don't think they've actually met any deadline.

MARK BANNERMAN: What's been the impact of this long process on Robyn?

TOM FAHY: Well, it's been very difficult.

It's been a very trying time for her.

And it's been a very trying time for my wife and I as well.

MARK BANNERMAN: But there is more to this than expediting the legal process.

The navy has chosen to place this doctor in a key position on the Kanimbla, already the centre of controversy.

As this document shows, Dr McKenzie signed Able Seaman Simon Bond's medical papers after he refused an anthrax vaccination.

It may be that he will also be called to give evidence at the inquiry into claims of harassment against the commander and the engineer on the Kanimbla by Leading Seaman Lorne Screaton, and while the claims against Dr McKenzie have not been substantiated, Roger Price thinks this is not an ideal situation.

ROGER PRICE: Mums and dads out there will be concerned that some of the people who have been deployed will be being treated by this doctor.

I don't think it truly reflects the care, the pastoral care, the highest levels in the ADF feel towards the serving men and women, but we've got to get it right.

We need to do it quickly.

MARK BANNERMAN: And that, of course, is now the issue.

It seems that despite all the evidence and the desire by all concerned that this matter involving a serving doctor and one of the navy's top performing female officers be fairly handled, the navy has formed a judgment and acted on it:

Dr Douglas McKenzie is fit for duty.

**ABC Online News**

**First Posted: Wednesday, March 12, 2003. 21:06:11 (AEDT).**

**Navy doctor under investigation**

The Australian Navy has sent to a possible war in the Middle East a doctor who is being investigated for professional misconduct in Western Australia.

Dr Douglas Mackenzie is on board HMAS Kanimbla, which is preparing for war in the Gulf.

The Medical Board of WA is considering allegations of improper conduct in relation to one of his patients, naval officer Robyn Fahy.

Her father Tom Fahy says the Navy has tried unsuccessfully for the past two and a half years to get rid of her.

"I think the Navy have not met any deadline that's been imposed upon them or asked of them by any of those bodies investigating at this stage," he said.

There are also complaints against Dr Mackenzie with the Defence Ombudsman and the Human Rights and Equal Opportunity Commission.

The ABC has been unable to contact the doctor for comment.

The Deputy Chief of Navy Rear Admiral Rowan Moffitt says the matter has not yet been put to trial, so Dr Mackenzie is free to continue working.

"This is not set down for a hearing at any time in the near future and we're confident that the issues that these allegations relate to are not such as should cause us any concern for his employment in the Gulf," he said.

**Naval officer tells medical inquiry of gang rape****Tuesday, 5 August 2003****(ABC WA)**

A senior female naval officer has told the Western Australian medical board of inquiry she was gang raped by a group of male cadets in 1986.

The board is investigating allegations the naval officer's doctor shared his patient's medical history with other navy personnel.

Lawyer for Doctor McKenzie John Ley has been cross-examining the Lieutenant Commander about her relationships with men and asked her if she was generally distrustful of males.

Mr Ley also asked the Lieutenant commander if she had been gang raped by a group of male cadets in 1986. The naval officer replied yes.

The Lieutenant commander said she had made a formal complaint about the rape.

The inquiry continues.

**The Australian****Edition 2 - All-round First WED 06 AUG 2003, Page 004****Naval officer alleges gang rape at academy, By Kathryn Shine**

A SENIOR female naval officer was gang-raped by a group of cadets at the Australian Defence Force Academy, a medical board inquiry heard yesterday.

The officer, whose name has been suppressed, told the hearing in Perth she had filed a complaint after being gang-raped in 1986.

The board is investigating allegations naval doctor Douglas McKenzie disclosed the woman's sensitive medical details to her superiors in October 2000.

Dr McKenzie's lawyer, John Ley, suggested the officer had a deep distrust of men stemming from the alleged rape, two traumatic relationship break-ups and a belief the navy was a boys' club.

The officer admitted she had complained about gender bias after being passed over for an international posting in 1997, but denied describing the navy as a male bastion. She consulted Dr McKenzie on October 10, 2000, when they were both stationed on HMAS Stirling, south of Perth. Three days later Dr McKenzie allegedly told the patient's commanding officer, Captain Vince Di Pietro, and other navy staff he believed she needed a psychiatric review.

He also referred the woman to a civilian psychiatrist without her knowledge or consent.

The officer was discharged later that month on the basis that she had bipolar disorder and was unfit for work.

She told the board the navy had since acknowledged there were no psychological grounds and it had instead based the dismissal on a back injury from 1991.

She is appealing the decision and retains her position and salary while the matter is before the Defence Force Ombudsman.

Counsel assisting, Paul Tottle, told the board Dr McKenzie's referral letter to the psychiatrist had incorrectly stated the officer had tried to commit suicide and was taking anti-depressants.

The hearing is due to resume later this month.

### **Stop naval gazing: order needed from top deck**

**By TONY CUTCLIFFE**

**(Canberra Times 15 January 2002)**

WHILE IT'S taken a few years to achieve, the Royal Australian Navy has finally run Gilbert and Sullivan's *Pirates of Penzance* into oblivion. When characterising the life on the waves, the HMAS Arunta crew members have delivered a far more realistic likeness to the characters in William Golding's *Lord of the Flies*. Australians should no longer doubt that the character of our Navy is despoiled and indelibly compromised by the defence chiefs and their criminal and negligent inability to control the sexual violence of the men they employ.

Mind you, no-one thinks that the other arms of the services are immune from this depraved and unconscionable conduct. The bastardisation at Duntroon was legend for decades and created an honourable tradition out of behaviour that would have landed civilians in jail and even at one point, the gallows.

However, the Navy really takes the cake with the brazen, blatant and unforgivable conduct of the crew members from the HMAS Arunta. It is yet another chapter in the Australian Navy's litany of sexual abuse, bastardisation and criminal behaviour. It's an ingrained, ignoble and ignominious trait of a group of people who have betrayed their trust and who continue to act like cowards.

Make no mistake. This continued outrage is a monument to inactivity at the most senior level of the defence forces. It is a living testament to their determination to turn a blind eye whenever the loutish behaviour of their troops stirs their memories and their loins and leaves them casting back for their own days of drinking and debauchery.

Mind you, it was different in those days. There were no women sailors and the first job after weighing anchor was to settle on a couple of the youngest and most defenceless crew members who would be forced into providing the sexual amenity during the following months at sea. These unfortunate receptacles of their colleagues' collective cowardice were thereafter branded as "sea bitches".

The Navy and defence forces generally rely on unquestioning conformity for good reason. They need their people to be prepared to head into the deathly theatres of war if it is decreed that this is necessary for our national security. However, this conformity is precisely the same ingredient that promotes the unquestioning pack behaviour that Navy personnel continue to demonstrate to their great shame.

This is the same trait that leads to mob violence by men who somehow think that their reprehensible behaviour is discounted because they are part of a mob. "Everyone else is doing it, so it can't be wrong."

Alex Bartsch is a consulting psychologist with Zenith Professional Development, and spends most of his waking hours advising employers on group dynamics. He likens the Arunta behaviour to the effectiveness of propaganda in Nazi Germany. "The bigger the lie, then generally the more effective it will be. Repeat the lie a hundred times and it becomes an incontrovertible truth."

So it is with the tolerance of sexual predators in the Navy. Step 1, desensitise the troops out of individual thinking mode and then perpetuate the myth of their heroic aspirations by tacitly encouraging behaviour which remains acceptable so long as the outside world never gets to hear of it.

The issue which magnifies the absurdity of this culture is that Navy troops rarely face conflict these days, and when they do it is from a distance with intelligent weapons. The Navy, however, has forgotten to reprogram its training culture, which remains deeply rooted in the mechanical, close-quarters combat of decades ago. The culture which accompanies that era continues to prevail as some sort of defence-force security blanket. The behaviour it breeds in a contemporary society continues to fuel the community's outrage and belittles that majority of men who behave responsibly and ethically.

It is not good enough for the top brass to tell Australian taxpayers that they are disappointed and that they will take swift action. It is not enough to sack a handful of sailors who were closest to the misdeeds which continue to grow the Navy's reputation as a floating ethical hulk.

It is time for the most senior ranks of the Navy to accept personal responsibility for the behaviour of their troops. If these so-called trained and disciplined troops continue to sense that they have even the most remote opportunity to get away with animal behaviour, then obviously they have a reason for thinking that. Or at least, they have not been dissuaded from thinking that. A fish by any other name will still rot from the head.

Bartsch likens this chain of responsibility to the crime of corporate manslaughter. If a death or serious injury occurs at the workplace, then it is not just the supervisor or the

forklift driver who ends up in court. The handcuffs extend all the way to the top. The managing director ends up in the dock, even though he or she may never have even seen the factory.

SO IT must be in the Navy. If the top dogs aren't getting the message across then it's time for some new dogs. It's also time for some independent methods of investigating these crimes within the armed forces. The forces can't be left to investigate and police their own ranks. There needs to be a new, powerful, independent authority which investigates errant behaviour and prosecutes those responsible in a civil jurisdiction.

The forces will argue that this task requires someone with a forces culture to fight their way to the truth. But this does not mean that they have to be serving force members. They can be members who are transitioned out of the forces and spend some time in the crime-busting role en route to another career. Plenty of precedents can be established.

If the Federal Government has serious intentions of re-establishing some public credibility for our incredibly expensive Navy, then it had better start doing something now. God knows, the Navy is never going to change itself.

The Government also needs to resolve that this is a responsibility for the top brass. If the brass can't deliver, then its time for them to be relieved of their pips, their limos and their super.

After all, if they can't control their troops in peacetime, then what hope have they got when the pressure's on?

Tony Cutcliffe is Chief Executive of the independent policy forum, The Eureka Project.



**The significance of sexual assault, sensationalised or not****By Alan Ramsey****April 13 2002****(SMH)**

What does the Australian Navy define as sexual assault? Well, when two drunken sailors "grab" a young woman by the "buttock area" and the "crotch area", wrestle her to the ground, one falling on her, then attempt to remove some of her clothing, the woman resisting so vigorously she injures herself punching one of the men, that is neither sexual assault nor attempted sexual assault. Just good ol' boyo horseplay, apparently.

The director-general of the Defence Department's legal office, Commodore Michael Smith, told Labor's Chris Evans at a Senate estimates hearing: "... The incident involving HMAS Arunta [sailors], as I recall, amounted to allegations of indecent behaviour, which is a lesser offence than sexual assault. Sexual assault of significance will automatically be referred, under agreement with civilian authorities, to the civil police to investigate. Indecent behaviour - minor touching or jostling, that sort of thing - would be dealt with as a disciplinary offence under the Defence Force Discipline Act."

Pardon? Sexual assault "of significance"?

Smith: "Sexual assaults of all kinds, in my recollection, will be referred under agreements through the DPP, initially to civil authorities. They will be automatically referred. They are the serious sexual offences as you would understand in the normal civil law."

Evans: "Let me clarify that. You moved from sexual assault to using the words 'serious sexual assault'. I think we have to be clear about this. My understanding of it is that sexual assault was sexual assault, and that any sexual assault had to be referred. The degree of sexual assault or the severity is something the courts decide. I'm probably the only non-lawyer at the table, but that's my understanding. You then slip into the term 'more serious sexual assault'."

Smith: "I did not mean to introduce gradations of sexual assault. I sought to differentiate indecent behaviour."

Evans: "The newspaper reports on the allegations used the term 'sexual assault'. That is why I asked whether or not the civil authorities had been notified. I wanted to be very clear about whether or not they had been notified, how the navy treated the allegation and what the allegation was."

Vice-Admiral David Shackleton, the Chief of Navy: "In this instance, the commanding officer [of HMAS Arunta] was able to treat the incident as unacceptable behaviour."

How convenient for the navy.

So was the suggestion by the Defence Minister, Robert Hill: "My preference would be to have this matter run its full course and then there can be an appropriate public debate if Senator Evans thinks that serves some worthwhile purpose. Because the matter is currently being investigated, it seems inappropriate to go into details of allegations."

And later Hill told Evans: "It is better to allow proper disciplinary process; then, if you are unhappy, to have the political debate. You and I both know this sort of stuff is sensationalised. It got huge coverage during the Christmas break, way out of proportion to what it deserved. Seeking to rediscover the allegations tonight will be similarly reported, which may be your wish. But I do not think it will constructively advance the process."

Evans: "I think at 20 to 10[pm], after two days of defence estimates, we are fairly safe ... Senator Hill, I am not going to push this. I would just refer you to the publicity over this issue, and the quotes attributed to Admiral Shackleton [in January] about his desire to clear the air, to make these things public ... I leave it as your call, minister."  
Not any longer.

## **Born to rule, or break them**

**By Rosemary Neill, October 04, 2002, The Australian**

TWO years ago, despite the efforts of high-paid lawyers to hush things up, a sex and bullying scandal erupted at one of the nation's most exclusive schools.

It was alleged that two pupils at Sydney's Trinity Grammar school had been subjected to 75 sexual assaults by other boarders at the school. Some of the attacks, which involved dildos made in the woodwork room, allegedly occurred in front of cheering onlookers.

The scandal ignited debate about school bullying. Opinion cleaved between those who felt it was isolated and those who said it was endemic. Now, in a soon-to-be-released book, *Sacred Monsters*, University of Western Sydney academic Scott Poynting, and Mike Donaldson, from the National Tertiary Education Union, argue that bullying in elite boarding schools is not an aberration but "organic to their production of ruling-class masculinity".

Poynting and Donaldson paint a grim picture of privileged yet brutalising environments in which humiliation and sexual violence are normalised; bullies are admired – even by their victims; dobbing and close male friendships are taboo; student hierarchies are sacrosanct; and differences (sexual and ethnic) are picked on.

They suggest that parents collude in this, seeing the sending away of young boys to boarding schools as intrinsic to the "toughening process necessary to produce the ruthlessness and resilience required of ruling-class men".

So pervasive is bullying in elite schools, even royalty isn't spared. As Poynting notes, Jonathan Dimbleby's biography of Prince Charles recounts how the future monarch dreaded going to bed at school as he was hit "all night long".

So are boater boys really bovver boys in disguise? Is bullying a vocational skill for those destined to go from the boarding dorm to the boardroom? Are elite schools, as Henry Fielding once wrote, "the nurseries of all vice and immorality?"

Poynting and Donaldson are on to something when they say that the model of masculinity incubated in upper-crust schools is defined by competitiveness, aggression and conformity, and "defined against the otherness of femaleness, colour and homosexuality". The stunning lack of diversity, coupled with the over-representation of private school old boys among our political and business elites, bears this out.

Before the last election, the Opposition estimated that more than half the Howard cabinet had attended "category one" elite schools, which account for only 2 per cent of schools. Yet in more than 100 years, the House of Representatives hasn't accommodated a single indigenous MP.

It's also interesting that the hard men of the Howard era are the products of posh private schools: rhetorical roughneck Tony Abbott went to Sydney's Riverview; Peter Reith – one of those who ganged up on asylum-seekers over the false child-throwing claims – went to Melbourne's Brighton Grammar; Philip Ruddock – whose daughter is ashamed of his lack of compassion for asylum-seekers – attended Barker College in Sydney's north.

Of course, political toughs are not confined to the Coalition. Paul Keating was an inspired bully who traded on his working-class roots, while Joh Bjelke-Petersen, the man who gave Queensland its Deep North status, lists his educational influences as "Taabinga Village School" and "private studies".

I know a former student of a state selective school who was bashed up most days by his fellow pupils because he was uninterested in sport, and thought about killing himself. One of my close friends was ostracised by peroxided pubescents at a state girls school for being a child actor.

Witness, too, how 70 boys from Sydney's Waverley College – whose fees are relatively modest – rampaged through Bondi last week, terrorising an elderly woman and causing thousands of dollars of property damage.

Full marks to the principal, Brother Robert Wallace, who said any students charged over this thuggery wouldn't be allowed to sit for the Higher School Certificate at the school. Compare this with how barristers for the accused Trinity boys pushed for a reporting ban on the court case, arguing that media coverage would make it hard for the defendants (who pleaded guilty to indecent assault) to find places at other private schools. Poor lambs.

A similar, misplaced sense of entitlement is endemic in the upper echelons of business, suggesting that the elite are often reared from a tender age to consider themselves unaccountable to the rules that apply to the rest.

David Murray, Commonwealth Bank director and former private schoolboy, has just snapped up a cash payment of \$4.65 million on top of his bloated salary, care of a 10-year-old contractual perk only just revealed to shareholders.

Jodee Rich, a Cranbrook, Sydney, old boy, notoriously awarded himself a multimillion-dollar bonus just months before One.Tel went bust. Rodney Adler, another Cranbrook alumnus, has said the \$5.3 billion collapse of HIH had "nothing to do with me" even though he resigned as a board member just three weeks before the insurer imploded.

It's simplistic to assume that bullying is exclusive to exclusive schools. But it's also pretty clear that those who are groomed to consider themselves a cut above are adept at getting their cut.

**From <http://www.abc.net.au/rn/talks/brkfast/stories/s691001.htm>**

**Monday to Friday from 6am to 8.30am**

**Sacred Monsters**

**8:05am - Wednesday 2 October 2002**

When the Queen arrived back from a tour of the Commonwealth, she infamously greeted her small son with a handshake after an absence of months. When Rupert Murdoch was young, his mother made him sleep outdoors in a tree house for most of the year.

These aren't just signs of eccentricity or thoughtlessness but rather a part of a deliberate and brutalising strategy to turn tender children into "toughened, hardened, disciplined, strengthened and stiffened" men. At least, that's the claim of a new and as yet unpublished book, *Sacred Monsters: Money, Class and Masculinity*, written by two sociologists Ross Poynting and Mike Donaldson.

We speak to Mike Donaldson, who was an academic when he started the book ten years ago and is now NSW State Secretary of the National Tertiary Education Union.

Publications: *Sacred Monsters: Money, Class and Masculinity*

Author: Ross Poynting & Mike Donaldson

Publisher: Pluto Press