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Dear Madam/Sir

I write in response to the call for submissions on the *Inquiry into DLA Piper's report of the review of allegations of sexual and other abuse in Defence, and the government's response to the report.*

Background

My submission draws on research addressing:

- historical archives of military culture at Duntroon and ADFA since 1911, but predominantly from 1970 until 1995;
- cultural and organizational analysis of the ADF and military organisations more generally;
- around 140 received accounts of abuse and violence covering a 40 year period;
- in depth case studies with 8 victims of Defence abuse;
- assessment of major inquiries since 1970, and;
- assessment of the senate inquiry into the effectiveness of Australia's military justice system.

My expertise is as a sociologist with public policy experience, and equity and opportunity policy/service responses in the fields of gender and ethnicity, criminological engagement with domestic and public youth violence, and educational policy and curriculum as it relates to such matters.

The DLA Piper Review

As a preceding comment I would argue that the DLA Piper report is in parts a good analysis of matters pertaining to sexual and physical abuse in the ADF within its terms of reference. However, I would raise the following concerns about the DLA Piper review process:

- the terms of reference (TOR) were restrictive:

    - The terms of reference were difficult to locate, even after some agitation early on. When applied the TOR did not capture the broad forms of Defence Abuse.
- the choice of process discouraging for abuse victims:
    - general concern among those I spoke to, and others engaging with claimants, that calls were not returned, emails late etc.
- the process of receiving and managing claimants insensitive or indifferent:
    - given the DLA Piper (previously DLA Phillips Fox) has legally represented the DoD in the past in this domain, some victims felt they were reporting to the institution of complaint. I argue that claims were not submitted because of that relationship.

This has several implications:

1. My research has focused on systems of abuse within the ADF. The restrictive terms of reference have therefore missed other forms of abuse across the ADF. These include:

    a. bullying, bastardisation and harassment. For example, denial of natural justice, restriction of information, constraint of employment opportunities, rituals of degradation (ie woofering or blanket bashing), and verbal harassment.
    b. Discrimination and prejudice. For example, racism, sexism, exclusion, marginalisation, disproportionate reassertion of the in-group.
    c. Unfair dismissal, malfeaseance and malversation. For example, blacklisting, fraud, restriction of employment or contractual opportunities, lying and deceit, cover up and forgery of documents for the purposes of excluding personnel.

I am in the process of publishing these findings. The more pervasive character of defence abuse, in areas other than physical and sexual abuse will be a persistent matter of concern among some elements of the community. From my perspective it is the themes of fraternity, closed systems, failure to report, and closing of ranks, in general terms that characterise the full gamut of defence abuse.

Given this I argue that the DLA Piper Review cannot estimate the proportion of defence abuse victims it has captured. Moreover, the process has missed the opportunity to understand how various forms of abuse across the ADF share common cultural imperatives that cannot be managed in isolation. I am in the process of publishing this assessment in academic journals.

In short, I argue that reforming the culture of governance, to put in place independent mechanisms of scrutiny, independent services for victims of defence abuse, strengthening the military justice and policing/investigative services and building a stronger collaborative system of scrutiny with civil society are the broad tenor of reform needed to enhance civil military relations in Australia. The in depth studies I have undertaken with ex service personnel

and/or their families unpacks the depth of cultural relations within which defence abuse is located. These are not easy issues and understandably the ADF must begin somewhere. The Pathways to Change document has made significant headway in its discourse around such matters. These reviews in this sense have risen to the challenge, albeit with qualification.

Conclusion

In summary I argue that the DLA Piper investigation has not achieved a genuine picture of defence abuse. There is far more to this matter that is evident through an investigation into sexual and physical abuse. There is a foundational element to military culture that runs through these kinds of practice to many other forms of administrative violence. The principal attribute of defence abuse is the command and control organisational imperative, scaffolded by the highlight determining fraternal socialization.

Key strategies address this involves establishing mechanisms of independent scrutiny that demand the military become accountable to its personnel and to civil society more generally. Independent mechanisms take many forms and extend from a robust independent and professional military police force, military justice (or elements of) system and other forms of oversight. Similar principles must be installed around victim reports, supports and services.

Thank you for this opportunity to respond to your inquiry. This submission is of a general nature and I would be willing to provide more detail if needed. My timeframe is tight at this time of year when university students require feedback on their assessment, marks must be submitted among other things.

Yours sincerely

Ben Wadham