



Review Panel

Review into the Treatment of Women in the Australian Defence Force
c/- AHRC
GPO Box 5218
SYDNEY NSW 2001

Civil Liberties Australia (CLA) offers the following comments in relation to the review, in particular the third dot point of the terms of reference:

- *Any other matters incidental to the terms of reference such as sexual harassment, sexual abuse and unacceptable behaviour.*

In 2005, CLA wrote to the Chief of the Defence Force, Air Chief Marshal Angus Houston, proposing that he approve establishing branches of CLA at the Australian Defence Force Academy and Duntroon to “...provide the opportunity at minimal cost to cause the cadets to think and re-think their attitudes to each other and to society.” ACM Houston rejected the suggestion, saying that:

Defence has appropriate policies, management practices, training and reporting processes in place to manage and minimise the occurrence of inappropriate behaviour. These initiatives have seen Defence make significant headway in ensuring appropriate behaviour and management practices are intrinsic to our everyday work practices. It is my intention to continue to build on the improvements made to date. (Letter to CLA, ACM Houston, 7 Sept 2005 – copy attached).

Clearly, ACM Houston was in error, in that the policies, practices and processes have been unsuccessful, as inappropriate behaviour has by no means been minimised to the satisfaction of Australian society.

In our reply to ACM Houston, on 14 November 2005, CLA said:

“...as a trained commander and very senior public sector manager, you will know better than anyone that you cannot ‘order’ cultural change in organisations. Cultural change can only come from information, education, discussion – and encouraging people at all levels in the ADF to think differently. We believe training in civil liberties/human rights should be a core element of all ‘duty/responsibility’ training, not only command and promotion courses and pre-deployment preparation as your letter says is currently the situation, but in basic training and throughout the careers of ADF members.

...

“We suggest that your confidence that this generally acknowledged major ADF problem is under control is courageous, to say the least. We do not share your confidence: we

believe that the ADF will ultimately have to address the underlying issues by a significant change in the ADF's culture."

CLA continues to believe in 2011 that the ADF must make significant, rather than merely symbolic, change to its culture. Most deployments of ADF people for decades have been into peace-keeping or monitoring roles, where civil liberties and human rights knowledge and training are required at least equally with military skills. However, training and acculturation within the ADF overwhelmingly focus on military skills and attitudes.

CLA believes that a greater focus on liberties and rights in general will go a long way towards addressing the liberties and rights of fellow service people, including females.

CLA proposes:

- All ab initio training in the ADF includes regular civil liberties and human rights education and discussion, at least weekly;
- Regular civil liberties and human rights education and discussion is made a core element of the ADFA and Duntroon processes, including formal education aspects, and of all subsequent further learning and command and promotion courses for officers;
- Regular civil liberties and human rights education and discussion is similarly included in all ongoing training, including Special Air Services and other specialist training, and the like; and
- A new awards system is incorporated into the ADF to acknowledge and reward uniformed and administrative people who demonstrate exceptional moral and ethical courage, and that such awards are established to rank highly with the physical courage acknowledged and rewarded by Victoria Cross, Military Medal and similar awards.

In these ways, from the beginning to the end, from the bottom to the top, the understanding of liberties and rights would become integral to how ADF personnel regularly learn, train, behave and operate in relation to Australian civil society, to people of other countries when deployed, and to each other inside and outside Australia.

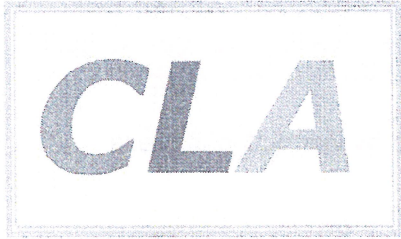
Yours sincerely,



Bill Rowlings, CEO

27 November 2011

Attached: copies of correspondence with ACM Houston



Civil Liberties Australia (ACT) Inc.
Assn No. A04043

ATTACHMENT 1

14 November 2005

A.G.Houston, AO, AFC
Air Chief Marshall-Chief of the Defence Force
Australian Defence Headquarters
Department of Defence
Canberra, ACT 2600

Dear CDF Houston

Thank you for your letter of September 7 2005 in response to our letter offering to work with you to establish branches of civil liberties in Defence establishments.

We had been content to accept, despite media evidence to the contrary, your assurances that: "Defence has appropriate policies, management practices, training and reporting procedures in place to manage and minimise the occurrence of inappropriate behaviour."

However, we are alarmed at the findings of the committee which reported Government's response to the Senate Foreign Affairs, Defence and Trade References Committee Report into the Effectiveness of Australia's Military Justice System. We also note the government's move to strengthen the military justice system (press release 5 October 2005).

Further, we agree with the comments of former Defence Department senior official Allan Behm (*Canberra Times* 8 Oct 2005) that a cultural change is needed in the ADF to address and eliminate these problems.

We congratulate you on your public statements to date of how committed you are to eliminating harassment, bullying and inappropriate thinking and behaviour in the ADF. However, as a trained commander and very senior public sector manager, you will know better than anyone that you cannot 'order' cultural change in organisations.

Cultural change can only come from information, education, discussion – and encouraging people at all levels in the ADF to think differently. We believe training in civil liberties/human rights should be a core element of all 'duty/responsibility' training, not only command and promotion courses, and pre-deployment preparation, as your letter says is currently the situation, but in also in basic training and throughout the career of ADF members.

A cultural change in the Defence forces could be assisted by instruction at grass roots level in human rights and civil liberties.

We note that:

- á allegations of mistreatment not dissimilar to Abu Ghraib have been levelled at Australian troops in East Timor;
- á young Australian ADF personnel have died from over-exertion on training exercises, and by suicide apparently under ADF-caused stress; and
- á outside observers have commented that the concept, and the personal memory, of systemic bastardisation and/or bullying is entrenched in officers of the ADF because of the ADF's history of 'looking the other way'.

We suggest that your confidence that this generally acknowledged major ADF problem is under control is courageous, to say the least. We do not share your confidence: we believe that the ADF will ultimately have to address the underlying issues by a significant change in the ADF's culture. We have proposed to you a way forward for starting, at absolutely minimum cost to the ADF's budget, the required change in thinking.

We think your summary dismissal of our approach was hasty and short-sighted. We ask you, politely, to reconsider your position now, before the next major ADF calamity occurs from the list outlined above.

We were originally suggesting merely the availability of chapters of our organisation on Defence campuses. However, from your reply, it is obvious that more deep-seated remedial work is needed in the ADF.

To this end, could we suggest some consultative meetings on possible curriculum content with relevant staff members, with the aim of developing segments on civil liberties and human rights which integrate with current courses at all levels? We await an approach by a staff member you nominate.

Thank you for your consideration of our suggestion. We would be very happy to meet with you to discuss this concept further.

Yours sincerely

Dr Kris Klugman OAM

Mr Bill Rowlings



HERALD OF
DEFENCE FORCE

AUSTRALIAN DEFENCE HEADQUARTERS
DEPARTMENT OF DEFENCE
CANBERRA, A.C.T. 2600

ATTACHMENT 2

CDF/OUT/2005/1365

Dr K. Klugman, OAM and Mr B. Rowlings
Civil Liberties Australia
Box 7438 Fisher ACT 2611

Dear Dr Klugman and Mr Rowlings,

Thank you for your offer to form branches of Civil Liberties Australia (CLA) at the Australian Defence Force Academy and Duntroon. I recognise that CLA does important work in the community educating Australians about the importance of civil liberties and human rights. However, in order to maintain the non-political status of Defence I have decided to decline your offer to promote CLA or support the formation of CLA branches in any Defence establishment.

Defence has appropriate policies, management practices, training and reporting procedures in place to manage and minimise the occurrence of inappropriate behaviour. These initiatives have seen Defence make significant headway in ensuring appropriate behaviour and management practices are intrinsic to our everyday work practices. It is my intention to continue to build on the improvements made to date.

Defence also adheres to international human rights law. The Australian Defence Force conducts training in human rights and humanitarian law in command and promotion courses, and pre-deployment training.

I wish you well with your endeavours.

Yours sincerely

A.G. HOUSTON, AO, AFC
Air Chief Marshal
Chief of the Defence Force

7 September 2005

PS: We must correct your inference that CLA is a political organisation. The philosophy of defending human rights and civil liberties is entirely non-party political. Our constitution specifically states:

2. Independence

2.1 Civil Liberties Australia (ACT) Inc may not affiliate with, and is independent of, all government authorities, political parties, professional, industrial, cultural, social, religious or ethnic groups.

PPS: In the US, recognition of the vital importance of civilised treatment of prisoners of conflict has been apparent recently, through decisions made by the US Senate. The Senate has voted to ban "cruel, inhuman or degrading" treatment of prisoners held by the military. Developments such as these are important concepts for soldiers of the ADF to be introduced to and to understand.

While the US Senate is sending the correct type of signals, the establishment in Australia of a new military court is, in our view, exactly the wrong thinking: it is sending exactly the wrong signals, like trying to combat enemy air attack by sending up fighters after the bombs have dropped instead of before they bombers get over the target.

ATTACHMENT 3.

Civil Liberties Australia
Box 7438 Fisher ACT 2611

Air Chief Marshal Angus Houston, AO, AFC
Chief of the Defence Force
R1-5-B CDF Suite
Department of Defence
Canberra ACT 2600

Dear CDF

We are very encouraged by your making a personal commitment to tackling some inappropriate cultural practices in the Australian Defence Force (ADF). We think your actions are an excellent first step to improving the situation.

In that vein, we would like to suggest an effective but inexpensive way to help change attitudes among ADF people, particularly in the trainee officer ranks of Australian Defence Force Academy (ADFA) and Duntroon personnel.

We propose that, under your patronage, branches of Civil Liberties Australia (CLA) be formed at ADFA and at Duntroon (and possibly also but separately at Russell Offices, should you wish to extend your campaign for change into more senior ranks).

The branches would each operate as a 'chapter' of CLA, running their own branch but being linked to CLA for advice and assistance from experienced CLA people, including lawyers and judges and managers and executives of community organizations.

There is a model for an arrangement similar to this, in that a chapter of the Council for Civil Liberties NSW operates very effectively at the University of NSW.

CL organizations exist to ensure that the rights and liberties of Australians are safeguarded. They tend to discuss and debate and make submissions to governments and agencies on areas such as:

- human rights bills, or charters, and rights of individuals and minorities,
- due process/procedure re judicial/investigative/criminal procedures and natural justice
- same sex marriages
- mandatory sentencing, and
- protection of people's privacy, and data privacy.

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Within CL organizations, there is usually an entire spectrum of views on each and all of these issues, with discussion and debate helping to reach a consensus viewpoint.

Because their focus is on these types of issues, CL organisations tend to produce people who are attuned to the rights of others and aware that such rights need reasonably constant attention to ensure they aren't overlooked.

In the climate of ADFA and Duntroon, such an approach would provide the opportunity at minimal cost to cause the cadets to think and re-think their attitudes to each other and to society.

Some people might think that the idea of a CL-type organisation within the ADF environment is counter-intuitive. However, the very reason for the ADF's existence is to protect Australia and the rights of individual Australians to enjoy freedom and a considerate, co-existent way of life.

We think that trained and educated officers in the ADF should be most able, of all Australians, to articulate the principles and philosophies that underpin Australian society. That is what belonging to a CL-type organisation could give them.

Should the raw concept contained here interest you, we suggest a meeting to explore further how an arrangement like this might operate. We would be happy to draw up a 2-4 page proposal for discussion as an operational guide.

Yours sincerely

Dr Kristine Klugman OAM
President

Bill Rowlings
Secretary

Wednesday 03 August 2005