

- a referral for free counselling under the Defence Abuse Counselling Program;
- a Reparation Payment of up to \$50 000 under the Defence Abuse Reparation Scheme, with the amount of payment determined by the independent Reparation Payments Assessor;
- participation in the Defence Abuse Restorative Engagement Program, which gives complainants the opportunity to have their personal story of abuse heard, acknowledged and responded to by a senior Defence representative – including, in some cases, an apology;
- referral of appropriate matters to civilian police for their assessment and possible investigation and prosecution;
and/or
- referral to the CDF for administrative and/or disciplinary sanction or management action.

Complainants may receive one or any combination of these outcomes, depending on their circumstances. (page 31) (Ref also: pages x, 3, 10, 11-12 and 31-41)

On 13 January 2015, in an Assessment Note a DART Assessor found that my complaint: (a) contained an account of abuse that was plausible and (b) raised plausible mismanagement by Defence of a plausible report of abuse. These findings would have entitled me to a reparation payment of \$10,000, \$20,000, \$35,000 or \$50,000.

The Assessment Note noted that my allegations were corroborated by, *inter alia*, other complainants to the DART alleging ‘similar abuse at the same location during a similar timeframe’, the complaint lodged by another staff cadet, and by an ‘analysis of locational abuse’ which included RMC Duntroon.

The Assessment Note also noted that one of the parties in the applicant’s complaint, Staff Cadet Dale BURNSIDE, was involved in other complaints.

The Assessment Note also noted that the DART analysis of location abuse recorded that various other complaints had been made in relation to abuse and “bastardization” at RMC Duntroon.

My complaints were found by the DART to be plausible, for various reasons. The DARS Guidelines originally contained the following provision:

5.8 Certain Reparation Payments to be held on trust

5.8.1 Certain Reparation Payments may be held on trust for:

- (a) a person who is a prisoner incarcerated in any State or Territory of Australia or in a foreign jurisdiction (in which case a payment may be held until a prisoner is released, or may be forwarded to the Department of Corrective Services, or equivalent department in the relevant jurisdiction, to be held for the benefit of the person and paid subject to the responsible department's operational procedures).

Despite this provision and the fact that my complaints were found by DART to be plausible, I was not given a reparation payment after the Minister for Defence and the Minister for Justice issued a direction in mid-2015 that the DART should 'not make reparation payments to incarcerated complainants or persons currently on parole.' Of over 2,400 complainants to the DART, this direction only affected me and two other complainants.

On 15 September 2016, my application for a judicial review of the Ministers' direction was dismissed by the Federal Court of Australia (*Knight v Commonwealth of Australia* [2016] FCA 1160 (15 September 2016) Bromberg J).

A referral from the DART to the ACT Police in 2014 did not result in any charges being brought against any person involved in the injuries I received at RMC Duntroon as a result of criminal assaults. ACT Police declined to prosecute in spite of a signed statement by me in which I identified some of my assailants. I received no other outcome from the DART (e.g. an apology or counselling).

FOI Requests

On 14 August 2016, I submitted my first Freedom of Information (FOI) request to the Department of Defence in which I sought full access to the following documents created for or by the DART:

- (1) Letter from Director, Strategic Coordination to Kirsty Windeyer, Executive Director, DART dated 19 May 2016 re: Julian Knight - Eligibility for a Reparation Payment.
- (2) DART Assessment Note (CMS: 2013/1350, TRIM Record No: D13/7518).
- (3) DART analysis of locational abuse (TRIM Ref: D14#105067DOC).

- (4) DART document (TRIM Ref: D14#77340DOC).
- (5) DART document (TRIM Ref: D14#87081DOC).

On 21 August 2016, I submitted my second FOI request to the Department of Defence. I sought full access to the following documents created for or by the DART:

- (1) The written complaints of the Royal Military College staff cadets mentioned at pages 2 & 4 of the DART Assessment Note dated 13 January 2015 (CMS: 2013/1350, TRIM Record No: D13/7518).
- (2) The written complaints of any Royal Military College staff cadets concerning abuse at the Royal Military College during the period January-July 1987.
- (3) The DART Assessment Notes in relation to those written complaints.

The Department of Defence released a number of documents in part. Amongst the documents that were released with significant redactions were the Personal Accounts of two other complainants to the DART. I sought a review of these decisions by the Australian Information Commissioner.

On 31 August 2017, the Australian Information Commissioner affirmed the decision of the Department with respect to the first request (*Julian Knight and Attorney-General's Department (FOI)* [2017] AICmr 79).

On 4 October 2017, the Australian Information Commissioner affirmed the decision of the Department with respect to the second request (*Julian Knight and Commonwealth Ombudsman (FOI)* [2017] AICmr 94).

I filed appeals against both decisions of the Australian Information Commissioner with the Administrative Appeals Tribunal (AAT). They were listed as application numbers 2017/5456 and 2017/6279.

On 30 October 2019, AAT Deputy President FORGIE directed that both applications be heard together.

On 3 May 2021, my applications were heard before AAT Deputy President BRITTEN-JONES in Melbourne. I gave evidence at this hearing, as did former Staff Cadet Steven RIDD. Due to a supposed audio malfunction, neither the evidence of myself nor Mr RIDD was recorded.

On 26 July 2021, Deputy President BRITTEN-JONES handed down his decision in relation to both applications (*Knight and Commonwealth Ombudsman (FOI)* [2021] AATA 2504). The decision of the AAT was that both applications were dismissed.

On 23 December 2022, I filed an appeal against the decision of the AAT with the Federal Court of Australia (*Knight v Commonwealth Ombudsman* Case No VID783 of 2022). This appeal is currently awaiting a hearing date.

ACT Civil Proceedings

After making my submission to the DART and my application to the DARS, I prosecuted the following civil proceedings in the ACT:

- *In the Matter of Julian Knight* (ACT Magistrates Court Case No CI 44 of 2014)
- *In the Matter of Julian Knight* (ACT Supreme Court Case No SC 262 of 2014)
- *Knight v ACT* (ACT Court of Appeal Case No ACTCA 21 of 2015)
- *Knight v Commonwealth, Thorp & Reed* (ACT Supreme Court Case No SC 176 of 2014)

The first three proceedings concerned my unsuccessful application for crimes compensation in the ACT. The fourth proceeding was for leave to file a personal injuries claim out of time in the ACT. All of these proceedings concerned injuries I sustained as a result of the bastardization I was subjected to by senior staff cadets. All of these proceedings were unsuccessful. The final judgment in the personal injuries claim was reported as *Knight v Commonwealth* [2016] FCA 1160 (see also *Re Knight* (2014) 292 FLR 389).

In 2014, I lodged a claim for criminal injuries compensation in the ACT Magistrates Court in relation to the injuries I received at RMC Duntroon. On 19 December 2014, my claim for

criminal injuries compensation was refused as a result of legislative amendments that had been made to the criminal injuries compensation scheme in the ACT after 1987 (see *In the matter of an application by Julian Knight under the Criminal Injuries Compensation Act 1983 (ACT)* [2014] ACTSC 337). On 15 February 2016, an appeal against the refusal of my claim for criminal injuries compensation was dismissed in the ACT Court of Appeal (see *Knight v ACT* [2016] ACTCA 3).

In 2014, I also lodged a civil claim for damages in the ACT Supreme Court in relation to the injuries and workplace harassment I received at RMC Duntroon. My application for leave to file my damages claim out of time was refused by the ACT Supreme Court (see *Knight v Commonwealth of Australia* [2014] ACTSC 403 (19 September 2014), *Knight v Commonwealth of Australia, Thorp & Reed* [2015] ACTSC 13 (9 February 2015), & *Knight v Commonwealth of Australia* [2017] ACTSC 3 (13 January 2017)). As part of this proceeding lawyers for the AGS obtained relevant files notes from my Legal Aid Commission of Victoria (now known as Victoria Legal Aid) file, and they sought relevant documents from the Victorian OPP (who claimed they had none). They also spoke to four of the lawyers from my plea and sentence in 1988 (Mssrs RICHTER, PIRRIE, O'BRIEN and LECKIE - Mr DICKSON is deceased). The AGS did not, however, seek documents from the DALs. Using my DART Personal Account as a guide, AGS lawyers also tracked down two former RMC staff members (Colonel EARLE and WO2 MOFFATT), four junior staff cadets (CROME, McQUEEN, RAPLEY and Craig SMITH), and 14 senior staff cadets (ALEXANDER, CRANE, DUNKLEY, EDWARDS, EVERINGHAM, FULHAM, HAMBURGER, NOBLE, REED, STONE, THORP, Matthew THOMSON, Michael THOMSON and YATES). Of these individuals, EARLE and EDWARDS declined to make statements and NOBLE was not asked to (an AGS lawyer simply recounted what he said to him).

On 16 April 2015, I provided the AGS lawyer with conduct of the proceeding a list of 31 relevant witnesses (nearly all of whom were named in my Personal Account). The AGS failed to track down 20 of them.

Key personnel that the AGS did *not* seek to track down were Staff Cadets RIDD, WHITTING, MUNTZ, GRACE, DARBY, MACKS and MANNERING, Major VERCOE,

Sergeant JORGENSON, Captain GOSS, WO2 REMIN, Lieutenant-Colonel KIBBEY, Major General BLAKE, or any of the civilian witnesses resident in the Canberra area. I cannot believe that with the resources the AGS has, and with their ability to access Commonwealth Government databases (e.g. the Australian electoral roll), they were unable to locate these individuals. A number of these individuals are still listed in the telephone directory, are listed on www.linkedin.com, are on Facebook (e.g. James Muntz at www.facebook.com/james.e.muntz) or otherwise have a social media presence or email address (e.g. Simon MACKS at macks@internode.on.net).

I also sought to re-open the criminal proceeding *ACT Police v Knight* (ACT Magistrates Court Case No CC 3792 of 1987), but the ACT DPP declined to reinstate the charges laid against me in 1987 but withdrawn at my request in the ACT Magistrates Court on 16 February 1995.

Conclusion

I do not consider my failure to graduate from RMC Duntroon as a case of “should have been” more so a case of “could have been”.

I believe that I was unfortunate in that an interconnection of a number of factors combined to ensure my dismissal from Duntroon. To use a popular phrase taken from a Hollywood movie, they created a “perfect storm”. These factors included:

- My immaturity and certain aspects of my character;
- The initial prejudice I encountered due to my Army Reserve background;
- Being assigned to Kokoda Company, whose barracks were located away from the central college area;
- Poor facilities in the Kokoda Company barracks, particularly the inability to lock my room and the need to use the showers at the other end of the barracks (which necessitated travelling through the hallway occupied by the senior cadets who subjected me to the worst bastardization);
- Becoming 45 Section’s only 3rd Class cadet out-of-hours; and

- Constant bastardization by senior cadets (the main factor) which included physical injuries that left me restricted in my training for 8 weeks out of the 18 weeks I was undergoing training.

This combination of emotional and physical factors not only had an adverse effect on my morale and a resulting detrimental effect on my performance, it also made me stand out as being below the standards achieved by my classmates. To take one example, by being the only cadet to fall asleep in class (because while my classmates were getting a good night's sleep I was running errands) it appeared that I was the only cadet unable to manage my time.

After reviewing the records that I have obtained through Freedom of Information requests and court processes, it is clear that the two incidents that contributed most to the decision that I be asked to "Show Cause" (aside from the stabbing of CSM REED) were the map marking incident and the trip to McDonald's. The map marking incident brought into question my integrity (despite it not being a calculated intention to cheat) and the false assumption that the trip to McDonald's was my idea led directly to a conclusion that I was a malign influence on my fellow cadets (It is ironic that it was decided that I had no leadership qualities but it was simultaneously concluded that I could influence two better performing cadets to go AWOL!)

I note that proven incidences of dishonesty were not necessarily fatal to a cadet's chances of graduating, as evidenced by the examples of ANGELATOS and HAMBURGER (*see above*).

One aspect of the training that became ingrained in me was the notion of "command responsibility". In line with this notion, I consider that the ultimate responsibility for my failure at Duntroon rests with me. I am not blind to my own character defects and other personal failings that contributed to my failure to succeed at the college.

After many years' reflection, and attempting to be as objective as possible, I believe that if left alone I would have graduated with the rest of my Class in June 1988. I believe that had I survived a further 16 days (until the 1st Class had graduated and I progressed to 2nd Class), my main tormentors would have left the college and I would have settled into life at the

college, and there would have been a concurrent improvement in both my morale and my performance. I think this is especially so given that I had made the decision in mid-May 1987 to make a concerted effort to change around what had been until then poor or average performance. Without being subject to constant bastardization I would have, at least, been better organized, had a better dress and bearing, turned up to classes on time, not fallen asleep during classes, and had a generally better mood, level of morale and attitude.

I also think that, as recognized by my Guidance Officer (*see above*), my maturity would most likely have developed significantly and quickly with age and the increase in responsibility.

It is stating the obvious to say that a prediction based on what "might have been" is speculative at best. My best guess is that I would have graduated towards the bottom third of the Class (even if I had the potential to be "the best in the group"). Given my lack of ambition, I also expect that I would not have risen beyond the rank of major (I did not aspire to be in command of a unit where I did not know each member personally - a major in command of a tank squadron (my goal) would normally be in command of around 60 officers and men).

Reviewing my service history as far back as the Boy Scouts, it is apparent that my performance tended to fall at either end of the spectrum: I either performed at the top of the class or failed miserably (often combined with disciplinary action). A case of "He will either win a medal or get court-martialled" (* *A good historical example of this contradiction is Robert "Paddy" MAYNE (1915-1955), one of the original officers of the British SAS. When recruited by the founder of the SAS, Captain David STIRLING, Lieutenant MAYNE was in a military prison in Egypt for assaulting his CO. In the modern Australian Army, this behaviour would have resulted in an immediate discharge. MAYNE went on to be the last wartime CO of the SAS and ended the Second World War as a Lieutenant-Colonel with a DSO. It should also be remembered that the ANZAC diggers in the First World War were considered to have the best fighting reputation of all the Allied armies on the Western Front, but they also had the worst discipline record. I am not suggesting that I am the calibre of either; I simply point to these examples of where poor discipline does not preclude future commendable service. I also point to the comment of Sword of Honour recipient Major-General Paul B. SYMON (RMC Class of 1982, CSC No 4014) in Jason HEDGES' book (at page 149): "My class was referred to as the "charge of 82" for good reason. Despite the continuous trouble we found*

ourselves in, our subsequent success in many walks of life speak to a potential new truism that "imperfect cadets make the most interesting officers."").

Neuropsychological testing and academic results since my imprisonment have shown that the Selection Board assessments of my intellectual and academic potential were underrated. It could be said that by "playing the fool" people tended to think I was one.

In February 1988, after neuropsychological testing with the Wechsler Adult Intelligence Scale - Revised (WAIS-R) in November 1987, I was assessed as having a full scale IQ of 132 (placing me in the top 2.2% of the population).

During 1988-1995, I studied a Bachelor of Arts degree course part-time and off-campus via Deakin University. In May 1996, I was awarded a Bachelor of Arts degree with a major in Strategic and Defence Studies. The fact that I obtained a Bachelor's degree immediately after leaving the Army, especially with a major that was relevant to my chosen profession, would appear to cast doubt on the assessments of my academic ability.

In 2009, I commenced a Bachelor of Liberal studies degree course part-time and off-campus via Curtin University of Technology.

In 2010, I transferred to the Bachelor of Criminology and Criminal Justice degree course part-time and off-campus via Griffith University.

In 2012, I was offered a Commonwealth Supported Place with respect to my Griffith University studies as a result of the high results I had obtained.

In March 1995, I contracted Crohn's disease, a chronic and incurable inflammation of the digestive tract. During 1995-2010, I suffered from various acute periods of the disease flaring up. My condition was not stabilized until March 2010. If I had been still serving in March 1995, I suspect that I would probably have been medically discharged and/or relegated to the Reserve List of Officers or been transferred to the Active Army Reserve.

In spite of imprisonment and my medical condition, I have managed to otherwise maintain a high level of fitness.

In September 2005 (age 37), I attained a score of 13.4 on the 20m "Beep Test" (Multi-Stage Fitness Test - "Beep" Test - 20m Shuttle Run Test) (* Note that the minimum score for a male recruit in the Australian Army is 7.5).

In March 2006 (age 38), I completed a 5km run in 24:08 minutes (i.e. well within the time allotted in the PTT).

In August 2012 (age 44), I attained a score of 12.1 on the 20m "Beep Test", and I completed a 5km run in 23:15 minutes (again, well within the time allotted in the PTT).

In February 2013 (age 44), my body weight was recorded as 69.4kg (compared to 69kg at the time of my discharge from RMC in July 1987), and my Body Fat Content was 7.5%.

In May 2021 (age 53), I attained a score of 8.6 on the 20m "Beep Test" (still well above the minimum entry score for a recruit in the Australian Army).

Aside from my own situation, I have also continued to think about those other staff cadets, like Kim EXAUDI-LARSEN, who had their dreams of being an army officer shattered by what they were subjected to at Duntroon.

To anyone who seeks to justify the "bastardization" of junior cadets at RMC Duntroon as being necessary to "weed-out" those unsuitable to being army officers, I ask them to answer the question as to why this was not considered necessary at OCS Portsea during its 33-year history?

In the period 1911-1985, RMC Duntroon produced 3,009 graduates but was beset by repeated bastardization scandals. During the same period, OCS Portsea produced 3,544 graduates (1952-1985), the Officer Training Unit (OTU) Scheyville produced 1,803 graduates (1965-1973), and the WRAAC OCS Georges Heights produced 462 graduates (1952-1984) - a total of 5,809 Army officers - without a single bastardization scandal.

In the period 1986-2000, RMC Duntroon produced a further 3,276 graduates. I do not know what the failure rate of the "old" and "new" Duntroon is compared with that of OCS Portsea (or with that of the RAN College Jervis Bay (1913-1985) or the RAAF Academy Point Cook (1947-1985)).

To anyone who questions the assertion that without bastardization at Duntroon there would have been no mass shooting at Hoddle Street, I ask them to answer the question of whether I was a psychopath who got through inadequate Army selection procedures or I was broken by the what happened to me at Duntroon?

I note that I am not the only person who raises this question (*see the report of Tim WATSON-MUNRO - Attachment 19 - and the Affidavit of Steven RIDD - Attachment 35 - at page 35*).

Put simply, if there had been no bastardization at Duntroon, there would be no massacre in Hoddle Street.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the Statutory Declarations Act 1959 (Cwlth), and I believe that the statements in this declaration are true in every particular.

Declared at Port Phillip Prison in the State of Victoria on 16 March of 2023.

Signature of person making the declaration:

JULIAN KNIGHT

Before me:

ATTACHMENTS:

- (1) Certificate of Service, Officer Cadet Julian KNIGHT, 3204059.
- (2) Personnel List, RMC Duntroon, January-July 1987.
- (3) *Journal of the Royal Military College Duntroon*, June 1987, pages 31-32.
- (4) Photograph taken of Staff Cadet Julian KNIGHT and Staff Cadet Peter BUCKLEY (CSC No 5231) at RMC in February 1987.
- (5) Photocopies of 3x photographs taken of Staff Cadet Julian KNIGHT in March 1987.
- (6) Examination Results Summary (as at 06 Apr 1987 & 11 Aug 1987).
- (7) Leadership Assessment/Observation Report (8 May 1987) Nav.
- (8) Leadership Assessment/Observation Report (20 May 1987) Barracks Area.
- (9) Leadership Assessment/Observation Report (20 May 1987) BOS - RP 2.
- (10) Leadership Assessment/Observation Report (25 May 1987) Simulation Exercise.
- (11) Sworn statement to AGS by Stephen G. ALEXANDER on 10 April 2015.
- (12) Newspaper article: 'Nurse says she watched military abandon Hoddle Street killer before massacre', Christopher KNAUS, *The Canberra Times*, 18 January 2015.
- (13) Report on SCDT J. KNIGHT and Incidents at the 'Private Bin' 30/31 May 87 by Major T.W. VERCOE, OC Kokoda Company, May 1987.
- (14) Report on the CSC Management and Performance of SCDT J. KNIGHT by Major T.W. VERCOE, OC Kokoda Company, 2 June 1987.
- (15) DMA BOS Brief - RP2 - 3 JUN 87.
- (16) Brief for CO CSC on Ex-SCDT J. KNIGHT.
- (17) List of documents in Legal Aid Commission of Victoria Correspondence Files A & B (Re: *R -v- Knight* Supreme Court of Victoria Case No T577 of 1988).
- (18) Report on Julian Knight by Dr Allen BARTHOLOMEW, Forensic Psychiatrist, dated 27 August 1987.
- (19) Report on Julian Knight by Mr Tim WATSON-MUNRO dated 29th February 1988.
- (20) Report on Julian Knight by Dr David SIME dated 26th October 1988.

- (21) Instructions to Legal Aid Commission from Julian KNIGHT dated 4 September 1988.
- (22) Letter dated 18 May 1988 from Brigadier J.C. GREY to Brigadier P. DAVIES.
- (23) *R -v- Knight*, Supreme Court of Victoria, *transcript*, Friday 28 October 1988, pages 1 & 20-23.
- (24) Newspaper article: 'The Julian Knight Story: How rejection turned Knight into a murderer', by Keith MOOR, *The Herald*, Friday 4 November 1988, page 1.
- (25) Newspaper article: 'An obsession with firearms, a short course in rejection, a sniper stalks', by Paul CONROY, *The Age*, Friday 11 November 1988, page 21.
- (26) Newspaper article: "'Bastardisation' under fire", David McKNIGHT, *The Sydney Morning Herald*, Monday 14 November 1988, page 10.
- (27) ABC TV Documentary "Hoddle Street" (Broadcast Wednesday 14 December 1988): Extracts of appearances by Major-General Murray P. BLAKE, Commandant RMC Duntroon.
- (28) Extracts from Darren C. MOORE, '*Duntroon: The Royal Military College of Australia 1911-2001*', Royal Military College of Australia, Canberra, 2001.
- (29) Original Wikipedia entry www.en.wikipedia.org/wiki/Julian_Knight.
- (30) Online article: 'The ADF and Julian Knight: a lesson on defence's culture reform', by Ben WADHAM, *The Conversation* (www.theconversation.com), 1 March 2014.
- (31) Statement dated 11 December 2014 by Julian KNIGHT to Australian Federal Police.
- (32) Newspaper article: 'Hoddle Street killer Julian Knight denied bid to cross-examine Australian Army brigadier general', Michael IMMAN, Courts reporter, *The Canberra Times*, 19 December 2014.
- (33) Newspaper article: 'Dark trail of brutality that led to Hoddle St', Andrew RULE, *Sunday Herald Sun*, 25 January 2015, page 24.
- (34) Online article: 'RMC Duntroon officer training perpetuates a dangerous bullying culture', by Tigerquoll (Steven J. RIDD), (We) Can Do Better (www.candobetter.net), 7 March 2012.
- (35) Affidavit sworn by Steven John RIDD on 26 March 2021.
- (36) Signed Statement by Mrs Judith HARDING (mother of Steven John RIDD) on 11 January 2022.