

The situation regarding the rooms in the Kokoda Company barracks had existed for some time. Only about two thirds of the rooms had door keys and these rooms were occupied mostly by senior cadets. The remaining third of the rooms in ANZAC Block - all occupied by junior cadets - were unable to be locked due to poor carpentry associated with the door frames. A similar situation existed regarding keys for the wardrobe locks and small safes in each room. It was around three months after my arrival at RMC that keys for the wardrobe locks and safes were finally issued. In many cases the keys were useless because of faulty locks and poor workmanship which made the closure and locking of wardrobe doors impossible. This condition caused widespread anger and frustration amongst 3rd Class cadets due to the large amount of clothing, books and equipment that was either stolen or "borrowed" by senior cadets from our rooms. At the time I was discharged from RMC in early July 1987, this situation with locks and keys still existed.

Bastardization of Junior Cadets

The "bastardization" of selected junior cadets consisted of various practices that were applied on a continual basis throughout each day. Practices included:

- Repeated "show parades", where a cadet was required to repeatedly parade an article of clothing or an item of equipment at designated intervals before a senior cadet for his inspection, on occasion until the senior cadet went to bed: e.g. "Show parade your shirt to me in 10 minutes" repeated endlessly. The issuing of "show parades" could intentionally or otherwise clash with a cadet's other commitments (i.e. meal times or a Defaulters Check Parade). The cadet then bore the punishment for whichever commitment he chose to miss. No record was kept of these informal "show parades".
- Being shouted at or abused when travelling through the company barracks or around the college grounds, then being made to stop and stand to attention to receive a repeat of whatever was shouted after being abused for not initially stopping and standing to attention (* NB. *Junior cadets were required to stop and stand to attention whenever a senior cadet spoke to them*). The greater rush the junior cadet was obviously in, the greater risk he ran of being stopped and delayed for no reason other than to be abused.

- Being sent on errands at the behest of senior cadets, regardless of what the junior cadet was doing at the time (e.g. being sent to the local store to purchase cigarettes for a senior cadet).
- Being sent on errands for no purpose other than to occupy and vex the junior cadet. The most frustrating example of this practice was to be given a nonsensical message and told to deliver it to a non-existent cadet in a barracks on the other side of the college grounds. After a fruitless search the junior cadet would return and report that he could not locate the (non-existent) cadet in question, only to be abused for being incompetent and then sent off to attempt again to locate the named cadet. This process would be repeated until the senior cadets no longer found it amusing or tired of it (*see below*).
- Senior cadets “borrowing” (and sometimes outright stealing) junior cadets’ clothing, equipment, personal items, or even money, without asking. On one occasion I went without dinner for over a week because I could not find my cummerbund, which was required for the evening mess uniform (and I had to borrow the cummerbunds of fellow junior cadets to attend evening Defaulters Check Parades). I finally located it by chance: a 1st Class cadet in my section had “borrowed” it because he claimed his was dirty (*see below*). On another occasion I was late to a theory class because a 2nd Class cadet in my platoon had “borrowed” my peaked cap – I had left it momentarily on my bed whilst I went to the toilet in-between classes – because he needed to go on an errand outside the company barracks and he “couldn’t be bothered” retrieving his from his room nearby (*see below*). It needs to be pointed out that the above two examples (both described in detail below) are only select examples of what was a constant occurrence.
- Be awarded every unpopular, time consuming or tedious duty, even when it had originally been given to a senior cadet (e.g. substituting a junior cadet’s name for their own name on a company duty roster - which occurred to me when I returned from FEX “Samichon” – *see below*).
- Having one’s washing removed from the company washing machines or dryers in mid-cycle and tossed aside, when you weren’t present, so that a senior cadet could do

his own washing. This occurred on a regular basis. Having name tags universally attached to clothing made it easy to see whose washing was in the machine.

- Storming into a junior cadet's room without warning and then abusing the cadet for not immediately standing to attention (* NB. *Junior cadets were required to immediately stand to attention whenever a senior cadet entered his room*). On one occasion a 2nd Class Cadet, Lance-Corporal Gavan REYNOLDS (CSC 4746), kicked open my door then abused me for not immediately standing to attention (*Lieutenant-General REYNOLDS is the only one of the 430 staff cadets who were at RMC Duntroon in the first half of 1987 that is still in the Army*).
- Continually awarding Defaulters Parades or Extra Drills for minor or non-existent "offences" (I was officially punished on 18 occasions with an award of extra training between 25 February 1987 and 20 May 1987, and I was awarded a total of 4 Check Parades, 9 Extra Drills and 10 Show Parades) (*see Attachment 14*).

It needs to be noted that many of the extra training that was awarded to me by ARA instructors resulted from earlier "bastardization" by senior cadets. For instance, I was punished on four occasions for being 'Late for instruction' and on three occasions for being 'Asleep in class.' In every instance this resulted from earlier interference by senior cadets (e.g. being delayed between classes and being given informal Show Parades or sent on errands until the early hours of the morning).

It has needs to be noted that I was given various awards of extra training for items of clothing or footwear being 'NUTS' (Not Up To Standard). My dress and bearing was never my strong point (see comment of Ares Recruit Course platoon commander above) and not all extra training was undeserved. My reputation of being slovenly was, however, undeserved. An examination of the photograph taken of me in February 1987 (*see Attachment 4*) shows that my dress is indistinguishable from the dress of the other staff cadet in the photo.

- Causing a junior cadet to be charged, or awarded other punishments, then absolving themselves of any responsibility (e.g. sending a junior cadet on an errand knowing

that the cadet is required somewhere else at that time, then when the junior cadet is subsequently charged with being "absent from duty" denying that he sent the cadet on the errand).

I was subjected to all of the above practices on a repeated and constant basis.

These practices were applied only to certain junior cadets, which resulted in them standing out from their classmates. Those junior cadets who hadn't been targeted - the vast majority - were generally left alone by the senior cadets. Rather than complain of the "bastardization" or individual instances that would explain the cadet's dirty uniform, late arrival for class, etc., junior cadets that were targeted - myself included - chose to "tough it out" and answer every request for an explanation by instructing staff with the standard response of "No excuse, Sir."

All of the junior cadets that I am aware of being subject to targeted "bastardization" eventually resigned from Duntroon. These included staff cadets Steven RIDD (CSC No 5303) (*see Attachment 35*) and Kim EXAUDI-LARSEN (CSC No 5245) - both of whom were in Kokoda Company - B.J. HILL (CSC No 5259), and S.S. MOODY (CSC No 5286).

On Wednesday 4 March 1987, I turned 19-years-old.

On Thursday 5 March 1987, I went before Major VERCOE to have my insecure bayonet charge heard. Cadets were required to get a senior cadet from their company to act as Prosecutor and another senior cadet to act as Defending Officer. Senior cadets were not averse to appearing as either counsel at charge hearings as it meant that they could be excused from other duties. I managed to obtain Staff Cadet Peter EDWARDS (CSC No 5045), a 22-year-old 1st Class cadet, as the Prosecutor and my section leader, Corporal Peter CRANE (CSC No 5037), as my Defending Officer. I plead guilty to the one count of Failure to Comply With a Lawful General Order in breach of s.29(1) of the *DFDA*. Corporal CRANE made a plea of mitigation on my behalf that Major VERCOE took into consideration before punishing me with a reprimand.

On the evening of Friday 6 March 1987, I went shopping in Canberra's Civic district with Staff Cadet EXAUDI-LARSEN. After we had been shopping, we decided to have a few quiet drinks at the nearby Ainslie Hotel before we returned to barracks. Both of us were on local leave and were dressed in neat civilian attire. When we arrived at the hotel Kim reserved a booth for us in the rear of the bistro section, while I went to the bar to buy drinks. As I left the bar I was halted by Staff Cadet Ashley "Ace" COLMER (CSC No 4716), a 2nd Class cadet in my section, who was seated with his girlfriend and a few other 2nd Class cadets. All of them, like me and EXAUDI-LARSEN, were on local leave and in civilian attire. COLMER stopped me and ordered me to take my woollen jumper off because, in COLMER's opinion, it "looked stupid." I hesitated because I was unsure as to what to do. I knew that the senior cadets' authority over junior cadets did not extend outside the college grounds whilst we were on local leave, but I was hesitant about disobeying COLMER anyway. COLMER kept repeating the 'order'. Treating it warily as a joke I refused, telling him that I liked it on. COLMER finally told me, "Remember who gives out the punishments back at the college" and that he could make my weekend "hell". I then took my jumper off. I did not want to get treated any harsher than I already was. I found it increasingly distressing that I was being harassed not only at the college but also whilst on leave in the local area. I feared disobeying senior cadets on leave because of the backlash it would have at the college. This fear is highlighted but the events of 29-31 May 1987 (described in detail below).

On the day of the RMC inter-company sports carnival I decided to wear trouser braces with my RMC Recreational Dress (RMC blazer, grey trousers, white shirt and RMC tie). Although braces were acceptable according to the RMC Dress Regulations, they were considered unacceptable by a 1st Class cadet in 45 Section, Staff Cadet (recently demoted from lance-corporal) James MUNTZ (CSC No 4876). MUNTZ claimed that braces were a sign of individualism and individualism was not permitted until 2nd Class. He then ordered me to remove the braces and borrow a belt, which I reluctantly consented to do. (** MUNTZ was eventually asked at the end of 1st Class to "Show Cause" and was dismissed from RMC.*)

According to the senior cadets in 15 Platoon, the decoration of cadets' rooms, with such items as posters or stereos, was also not permitted until 2nd Class. This was not an official regulation but merely a decision made by the senior cadets. Their stance, however, was

relaxed after the mid-term leave in April 1987 and they permitted junior cadets to have such items as posters, stereos and indoor plants in their rooms.

I became increasingly annoyed at these types of petty "commands" from senior cadets.

2nd Charge

On Sunday 15 March 1987, I was charged for the second time. On this occasion it was for Absence From Duty in breach of s.23(1) of the *DFDA*. Two days earlier, I had found a note taped to my door from Staff Cadet Matthew QUIN (CSC No 4743), a 2nd Class cadet in Alamein Company, informing me that I was required as an official for the 1st XVIII football team that Sunday afternoon. The following morning, I attended at QUIN's room but, finding him not there, left a note on his door informing him that I could not attend the football match because of 'family arrangements' and if a replacement could not be found, to ring me on the 15 Platoon telephone number. I had still not been contacted by QUIN by mid-day Sunday so I went on local leave with some young women I had recently befriended. A replacement had, in fact, been organized by QUIN but he also failed to attend the match. As it was my name on the match sheet, it was me who was charged by Major VERCOE with being absent from duty. This charge was heard at an OC's hearing on 10 April 1987.

"Bishing"

On the evening of Monday 16 March 1987, a spate of "bishing" broke out at the college. Bishing was a traditional form of unofficial inter-company rivalry which originated in the "old" Duntroon. It originally took the form of practical jokes but it developed into inter-company water and flour/cocoa bomb fights, playful brawling and the taking of "hostages" (e.g. the rival company's cadet CSM). Only cadets, of all three classes, were involved and although unofficial, the authorities were aware of the prevalence of "bishing". It was supposed to be taken all in fun but, at times, it became serious in its nature and got out of control. The "bishes" on 16 March 1987 resulted in a number of 3rd Class cadets being injured with a couple being hospitalised at 5 Camp Hospital. On the night of 16 March the Gallipoli Company barracks were "bished" and a number of cadets

had their rooms hosed out with fire hoses. This resulted in four cadets' stereos suffering water damage. Also during the "bish" on Gallipoli Company a female 3rd class cadet, Staff Cadet Kelly SMITH (CSC No 5316), was chased down a flight of stairs which had been covered in water from the fire hoses. She slipped and fell, seriously tearing ligaments in her hip. She was hospitalised at 5 Camp Hospital for a number of weeks and after her discharge from the hospital she was restricted in participating in training for many weeks (* Staff Cadet SMITH was one of the 31 cadets from Class I/87 that did not graduate. She obtained a medical discharge from the Army in 1st Class. She subsequently instituted civil proceedings in relation to her injuries – see **Smith v Department of Defence** (unreported, Supreme Court of NSW, Sperling J, 6 April 1998) *Butterworths Unreported Judgment BC9801079*). During the same night I witnessed some senior cadets lose their tempers during the playful brawling and became violent, hitting junior cadets in the head or stomach.

On the morning of Tuesday 17 March 1987, the cadets of Kokoda Company formed up in three ranks on the road outside their barracks to move down to the college's sports oval for the inter-company tug-o-war competition. As we were forming up the Kapyong Company tug-o-war teams ran past in formation. As they did so, two senior cadets from Kokoda Company sprayed them with water from a fire hose on a second storey balcony. The Kapyong teams ran on but then they rushed into the Kokoda Company barracks' middle foyer and began hosing it down with a fire hose. I and a handful of other Kokoda Company cadets ran to the foyer to stop them. Most of the cadets involved in the skirmish were laughing as it was taken in fun by both sides. I ran around the outside of the building and tackled the Kapyong Company senior cadet using the fire hose. I grabbed him in a bear hug from behind and pulled the cadet away from the doorway of the foyer. As I did so someone behind me shouted angrily, "Fucking Fourthie!" and pushed me from behind into the nearby rose bushes. I let go of the Kapyong cadet with the fire hose and fell backwards into the thorny bushes. I disentangled myself from the bushes and stepped back onto the concrete footpath. I was immediately set upon by five senior cadets from Kapyong Company. They repeatedly punched me about the head and body, mostly to the back of the head, and kicked and kneed me as they pushed and dragged me to the ground. Here the punches and kicks continued until a Kokoda Company 3rd Class cadet, Staff Cadet John "Steve" McQUEEN (CSC No 5281), broke from the ranks of the Kokoda Company junior cadets watching the assault from the foyer doorway, shouted, "Leave him alone!" and

started running at them. They immediately stopped their attack and quickly fled before McQUEEN could get to them. As McQUEEN helped me to my feet I noticed that a trickle of blood was running down my left hand. I also noticed the severe swelling and reddening of the back of my left hand and wrist, in addition to the mild paralysis I was feeling in my left hand. I thought I may have broken my wrist. I angrily strode back to the forming-up point at the front of the barracks cradling my left arm in my right hand. When I walked towards CSM REED I bitterly remarked, "How do you press assault charges?" REED simply laughed and asked why. In response, I held my left arm forward and displayed the obvious damage to my left hand and wrist. REED instantly stopped laughing and a look of shock came over his face. He turned around and detailed Staff Cadet Peter EDWARDS, to escort me across the road to 5 Camp Hospital for treatment. After x-rays and an examination, I was diagnosed by Army doctor Captain Sue STONES as having severe ligament damage in the dorsum of the left wrist. As a result, I had a back slab cast put on my left forearm, and my left hand and wrist remained in a sling during the period 17-24 March 1987. On that day, the cast was removed and replaced with a restrictive bandage that remained until 10 April 1987. Needless to say, I was severely restricted in participating in physical or practical training during this period. I effectively could not participate in any training activity that required the use of both arms. I was prevented from participating fully in FEX "Buna" in the Mogo State Forest during 25 March - 1 April 1987 (*see photograph 2 in Attachment 5*). During this field exercise I acted as a platoon and company HQ signaller. When Captain STONES examined me, I told her that he had fallen over in the foyer of the barracks. I lied due to a mixture of loyalty towards fellow cadets and a fear of retribution from senior cadets if the actual cause of my injuries was reported. I was later told by a 2nd Class cadet in Kokoda Company, the company's Administration NCO, Lance-Corporal Roger NOBLE (CSC No 4731), that the Kapyong Company cadets involved in the incident had been "spoken to" by the Kapyong Company cadet CSM, Under Officer Michael FULHAM (CSC No 5050). (* *In 2015, by then Brigadier NOBLE was questioned by an Australian Government Solicitor (AGS) lawyer during civil proceedings brought by me - see below - and claimed that he could not recall this incident. He did not, however, swear an affidavit to this effect*). No further action was taken by me or anyone else in response to what happened.

I have attached photocopies of three photographs that were taken of me during the time my arm was in a restrictive bandage (*see Attachment 5*). These photographs were taken in March

1987. The first photograph was taken outside the northern entrance to the ANZAC Block barracks. The second photograph was taken during FEX "Buna". The third photograph was taken in my room in the Kokoda Company barracks.

1st Guidance Interview

On the evening of Tuesday 17 March 1987, I was seen by my RMC Guidance Officer, Captain Ian P. GOSS, for the first time. Captain GOSS's official Record of Interview (CDT AMDT 1 - RMC Form 8) for that meeting read as follows: 'During this interview I discussed in detail how the member was settling in at RMC and how his maturity was developing. He is only 18 years of age and as a result he's had some difficulty in relating to his peers. He was advised to think before he speaks and to listen and learn.'

I think it needs to be recognized that I was immature but I was only 18-years-old. Given that maturity often comes with responsibility, I submit that my maturity would have improved quickly as I became a 2nd then a 1st Class cadet (*see Captain GOSS's report below*). A light-hearted character can also be mistaken for immaturity, as can effusive enthusiasm (*see Affidavit of Steven RIDD - Attachment 35 - at page 14*).

I also feel compelled to note that having heard some of the comments of my classmates and seen their drunken antics whilst on leave, I was not alone in being somewhat immature (For my part, I behaved the same drunk as I did when sober). My classmates at least had the sense not to behave this way in front of our instructors.

Trip to Private Bin

During the evening of Thursday 19 March 1987, myself and a fellow 3rd Class cadet in my platoon, Staff Cadet Craig SMITH (CSC No 5318), a 19-year-old ex-Rifleman from 1 RAR, decided to visit the Private Bin nightclub in Canberra. I cannot remember whose idea it was. Third Class cadets did not have local leave on this night and we were spotted at the nightclub by the Kokoda Company cadet CSM, Under Officer (UO) REED, who told us to return to barracks. We immediately did so and the following morning instead of being formally charged, we were "counselled" by UO REED.

3rd Charge

On Friday 20 March 1987, I was charged again with Absence From Duty in breach of s.23(1) of the *DFDA*. On this occasion it was for failing to attend a programmed retraining lesson held by Captain M.G. BROWN for those cadets who had failed the navigation theory exam. I was one of those cadets. I thought that the retraining lesson was voluntary but I did not bother to find out whether it was voluntary or not. The retraining was, in fact, compulsory for those who had failed the exam and Captain BROWN subsequently charged me for being absent. This charge was, therefore, entirely my own fault. The charge was heard at an OC's hearing held on 7 April 1987.

Captain BROWN had made me the regular butt of his jokes as early as our ICT at Majura Range. For example, during one classroom lecture on personal development he said, "We all have goals we wish to achieve in life. For Staff Cadet KNIGHT, this would be one day losing his virginity." I originally thought that these comments were the result of affection but I have since come to suspect that they were made out of contempt, especially after reading his reported comments in the *Brief for CO CSC on Ex-SCDT J. KNIGHT* (see Attachment 16 - paragraph 13 at page 3). His comments are also an example of how an 18-year-old who cracks jokes is considered immature but a 28-year-old who does the same thing is considered a wit.

Beginning in early March 1987, many of the senior cadets began to harass and victimize those 3rd Class Cadets that *they* did not believe were officer material. By late March 1987, this "assimilation" of these junior cadets by senior cadets had continued unabated. The majority of senior cadets seem to have decided that it was their responsibility to determine which 3rd Class cadets were not suited to being Army officers. They bestowed upon themselves the right to harass these chosen 3rd Class cadets out of the college if the college authorities, the "Putsch", failed to do so (see Bruce Moore at page 288 for a description of the term "Putsch/Push"). If the RMC Board of Studies did not ask the cadet in question to "Show Cause" (why his appointment as a staff cadet should be terminated, a final step before inevitable discharge from the college) or the cadet would not voluntarily resign, then many senior cadets harassed, victimized and persecuted the cadet until he did resign or his performance became so bad that he was asked to "Show Cause" anyway. In nearly all cases