

I had only just entered my room and thrown my cap and rifle on my bed when I heard someone yell from the hallway, "Get out here, Knight!" I ventured out into the hallway and saw Staff Cadet HAMBURGER striding down the hallway towards me and we met halfway down the hallway. As we came face-to-face, HAMBURGER started abusing me for walking off on Lance-Corporal THORP and told me, "You're not going to push me around like you did little Thorp! I oughta' punch you in the head!" He then told me that I was going to be charged with insubordination. Whenever I attempted to speak HAMBURGER lent forward and shouted, "Shut your mouth!" On my third attempt to speak, HAMBURGER furiously shouted, "Shut your fuckin' mouth!" I then calmly replied, "If you're not going to listen to me, I'm not going to talk to you." As I turned to walk back to my room HAMBURGER grabbed me by the front of my shirt with both hands, then quickly and violently pushed me backwards up against the wall and held me there.

By this stage, there were about ten 1st and 2nd Class cadets standing around me, including 15 Platoon's platoon sergeant, Sergeant STONE and my section leader, Corporal CRANE. The 3rd Class cadets in the area (Staff Cadets Craig SMITH, Stuart "Sid" CHROME (CSC No 5240) and Adrian MANNERING) all remained in their rooms. HAMBURGER continued holding me up against the wall and kept repeating "I oughta' punch you in the head. I oughta' punch you in the fuckin' head." I believed that I was going to be attacked at any moment so I asked HAMBURGER to let go of me while gently trying to push his arms away. I noticed that the only 3rd Class cadet in the hallway, Staff Cadet CHROME, was standing a few metres away in the doorway of Staff Cadet MANNERING's room and was watching what was happening. I looked at him, raised my arms above my head and loudly asked CHROME, "Are you watching this?" CHROME stared back at me but remained silent as he walked into MANNERING's room out of sight. I was willing and able to fight the senior cadets in the hallway should I be attacked, but the fact that my classmates were not even prepared to bear witness to me being bashed, let alone come to my aid, was one of the most disheartening experiences I had at Duntroon.

As only senior cadets were huddled around me in the hallway, I feared that I was about to be bashed by them so I decided to strike first. I knocked HAMBURGER's arms away and angrily pushed him backwards. As I stepped forward to press home my attack a 2nd Class cadet, Staff Cadet DUNKLEY, quickly stepped in between us and held us apart. At this

point, Corporal THOMSON barged through the crowd on my right side and shouted at me, "I saw that! You're gone! You're getting charged with insubordination and assaulting a superior!" THOMSON concluded by confining me to my room and telling me to go there immediately. I glared back at THOMSON for a moment then turned and angrily strode back to my room. When I got there I turned and started talking to Sergeant STONE and Corporal CRANE in the doorway. STONE asked me what had caused the confrontation with HAMBURGER, and I was just starting to explain when Staff Cadet EVERINGHAM ran up on my right side shouting abuse at me. EVERINGHAM was so enraged and he was yelling so hard that he was unintelligible. Sergeant STONE stepped forward and told EVERINGHAM to calm down, then he told me to step back into my room. When I walked back into my room, Corporal THOMSON walked in behind me. When I turned around at the foot of my bed, THOMSON told me to take off my bayonet, which was still attached to my parade belt in a scabbard. I asked aggressively, "Why?" THOMSON, who was standing near the door, replied, "Just do it." I glared back at him for a few moments then, maintaining my stare at him, I unclipped my belt and tossed it onto the end of my bed. THOMSON watched the belt land on the bed then informed me, "You're going to be charged with insubordination and assaulting a superior." I snapped back, "Good! We'll settle it at the charge hearing." THOMSON stared back at me wide-eyed and then said, "You're a fool, Knight", as he backed out of the room. I flicked up my right hand as I angrily retorted, "Just get out! We'll settle it at the charge hearing."

After THOMSON walked out Sergeant STONE walked into the room and calmly asked me what had caused the earlier incident. After I recounted the whole story, STONE told me to stay in my room and "cool off." I asked him if I was confined to my room. STONE told me he I was not, but to stay there and relax. STONE then left.

A few minutes later Staff Cadet EXAUDI-LARSEN walked into my room and asked me what had happened earlier. I was flustered and quite angry by this stage. I lit up a cigarette and angrily paced up and down my room as I told Kim what had happened. Kim listened sympathetically and expressed his concern, but soon afterwards he had to leave as all the 3rd Class cadets in Kokoda Company had been ordered to clean-up the outside of the barracks.

I finished my cigarette alone in my room then noticed my fellow 3rd Class cadets were outside working dressed in shorts, sneakers and tee-shirts. Not wanting to sit in my room while my classmates were working, I got changed and joined them outside. As I moved around the outside of the northern end of the barracks I asked the various 3rd Class cadets who had been in the vicinity when the incident with HAMBURGER had occurred earlier - CHROME, MANNERING and SMITH - why they hadn't come out of their rooms when they heard the commotion in the hallway. They all avoided looking at me and all of them said the same thing; they had stayed in their rooms because they did not want to get involved. This response depressed me even further.

Soon after I had finished talking with CHROME, MANNERING and SMITH, I was told by a 2nd Class cadet that I was to report immediately to CSM REED at his office in the south wing of the barracks. When I arrived at REED's office, REED was sitting behind his desk and he snarled at me to enter the room. I marched straight in and stood to attention in front of REED's desk. As REED adjusted himself in his chair, I turned my head slightly to the right and noticed that Staff Cadet EVERINGHAM was sitting atop a filing cabinet in the corner behind me. REED proceeded to reprimand me harshly for what had happened earlier that morning, then he informed me that the charges of insubordination and assaulting a superior were not going to be proceeded with (** charges that would have most likely resulted in time in the ADF's military prison and a dishonourable discharge or, at a minimum, a dishonourable discharge, but which would have required the pressing of formal charges and the holding of a court-martial*). REED said that instead of being charged, he was confining me to barracks for the weekend. He finished by sneering at me and muttering, "Now get out." I began the mandatory, "Excuse me, ple..." but was cut off by REED snapping, "Get out of my sight!"

REED has subsequently claimed that he knew that I was going to be asked to "Show Cause" the following morning. If so, then the question arises as to what was the point of confining me to barracks? It would, if REED is correct, appear to have been one last pointless indignity. If the decision had not, at that stage, been made to ask me to "show cause", then my stabbing of REED later that night *was* the crucial factor is the Board of Studies' decision (I note that the Board of Studies - *see below* - was not held until the 3 June 1987).

As I strolled back to my room I felt demoralized and a sense of injustice. I was angry because I felt that REED had taken the course of military law into his own hands and, as a result, the RMC authorities would not be informed about what had transpired that morning. I believed that REED had acted independently to cover for his fellow 1st Class cadets, who probably feared that an official hearing would call some of their own actions into question. I recognized that REED had saved me from yet another charge hearing where I would no doubt be found guilty of some misconduct, but I also realized that REED's motivation was to protect THORP, HAMBURGER, EVERINGHAM and THOMSON from any disciplinary action. I was also angered that REED had acted beyond his powers and had dispensed punishment as a self-established Summary Authority. I wanted my "day in court"; I wanted the matter to go before an official hearing even though I realized that I would also suffer from such a hearing.

I had only just returned to my room when Sergeant STONE told me to join him in his room at the end of the hallway. STONE was an even-tempered, fair, friendly and approachable 1st Class cadet who, unlike many senior cadets, never bastardized or victimized anyone in the company. He was well liked and he was one of the very few senior cadets that I actually liked. When STONE talked to me that morning it was in an informal and unofficial manner while we were both seated around STONE's desk. STONE told me that he was certain that I was going to be thrown out of the college. I had prepared myself for this possibility, but when I actually heard someone say that it was about to happen, I was stunned. I had thought that my increased effort and my improved performance over the previous two weeks had saved me from a dreaded "Show Cause" hearing. STONE's "off the record" revelation was a severe blow to me. I finally realized that my life-long ambition of a career as an officer in the Australian Regular Army was about to come to an abrupt end in the ignominy of what was essentially a dishonourable discharge. STONE advised me to write up my resignation over the weekend and hand it in on Monday morning. He further advised me to re-enlist in the ARA as a private soldier before re-applying for Duntroon in a couple of years. I told him that I would write up my resignation over the weekend and present it to Major VERCOE on Monday morning. I then got up and returned to my room where I sat resigned and dejected at my desk for the next half hour.

Later on Saturday 30 May 1987, I drove two other 3rd Class cadets to an oval in Manuka to attend a 2nd XVIII Australian Rules football match. On a return trip to the college one of my car's wheel nuts snapped off and I spent most of the rest of the afternoon in the barracks. I spent a lot of this time just brooding in my room. I was rostered on as the Kokoda Company Coy-Ord that day but one of my close civilian friends, Deanne METCALFE, was celebrating her 18th birthday at the Ainslie Hotel that evening. I decided that considering I was about to resign and that I would soon be back in Melbourne, I would disregard my Coy-Ord duties that night and attend Deanne's birthday celebrations instead. I was adamant that I was not going to miss her birthday celebrations and that I was not going to spend my last weekend in Canberra confined to barracks. I realized that when I did not report for duty I would be charged with Absence From Duty. Even so, I felt assured that these charges would be withdrawn the moment I submitted my resignation. Even if they were not, I did not care anyway.

Incident at Private Bin

At around 1900hrs that night, I got changed into civilian attire. The last thing I did was put the switchblade knife I had purchased the night before into the front right pocket of my jeans. I then took a taxi to the Ainslie Hotel and arrived there at 2000hrs. Among the group celebrating Deanne's birthday were Deanne, Deanne's parents, my girlfriend Meg RUMMERY, Liz GLOVER, Liz's older sister, Anne SIMPSON, and her sister's husband, Robert SIMPSON, and two other friends, Paula and Justine. Among the 3rd Class cadets who attended the celebrations were Craig SMITH, Simon MACKS, Matt CARRODUS (CSC No 5233), Sean RAPLEY (CSC No 5340) and Peter BUCKLEY (CSC No 5231). We all left the Ainslie Hotel at about 2230hrs, and most of us decided to continue the celebrations at the Private Bin nightclub in Civic. I knew that I was bound to run into senior cadets on local leave at the Bin, but I intended to ignore them, even if they harassed me. Due to the fact that I had decided to resign on the coming Monday, I intended to enjoy my last weekend in Canberra with my friends.

When we arrived at the Bin we congregated around the chest high benches near the ground floor entrance, directly opposite the end of the main bar. By this time, the core of the group consisted of me and Meg, Deanne, Paula, Liz and Liz's sister and brother-in-law. A few

minutes after we arrived we noticed that CSM REED and Lance-Corporal THORP were among a large group of Duntroon senior cadets gathered in front of the main bar. REED was the captain of the RMC Rugby team and his nickname "Mongo" derived from the character of the same name in the movie "*Blazing Saddles*". In order to avoid a confrontation with REED, THORP and the other senior cadets, I sat at a table in a dark corner around the end of the main bar. It was not long, however, before REED noticed, or was informed, that I was on the premises. It had only been about ten minutes after I arrived at the Bin that I noticed a silent, but scowling, "Mongo" REED standing next to me. REED was already very drunk and he was infuriated that I had disobeyed his order that I was confined to barracks. He repeatedly ordered me to return to the college but I calmly replied, "I'm celebrating a friend's birthday and I'm not leaving." REED returned to his friends but at frequent intervals, he returned to me and angrily ordered me to return to the barracks. I simply kept calmly refusing to leave.

At one point, REED, who was becoming increasingly drunk, strode up to me and grabbed me by the front of my jumper. As REED began pushing me backwards he yelled, "You disobeyed me and I fucking hate that!" I just grinned back at him. A few moments later one of the club's bouncers walked over and sternly told REED to, "Let go of him." REED maintained his drunken glare at me but reluctantly released his grip on my jacket. Liz's sister interjected at this point and asked REED to leave me alone. REED responded by slowly turning and glaring at her. Deanne moved behind REED and began to set fire to the seat of REED's trousers with a cigarette lighter. REED eventually felt the heat of the lighter's flame and slowly turned around before walking back to the other senior cadets. I thought that REED would now give up on attempting to force me to leave the club and return to the barracks.

At approximately 0130hrs on Sunday 31 May 1987, I was quietly drinking at the end of the main bar with Meg when REED strode up on my right side and once again ordered him to leave. I retorted, "I'm not going anywhere." REED repeated his order, "You're leaving right now!" I became irritated, and turned to face REED and shouted, "I'm resigning, alright! So why don't you fuck off and leave me alone!" REED looked stunned then slowly turned and walked meekly back to the other senior cadets. I thought that REED would now finally leave me alone. When I leaned back on the bar a civilian standing next to me asked me why REED

was hassling me. I did not know the man, who was heavily built and about 6'1" tall with brown shoulder-length hair and a brown moustache. I told him that I was a cadet at Duntroon and that REED was a senior cadet who wanted me to return to the barracks. The man nodded in reply then went back to drinking with his back to the bar next to me.

Only a few minutes later REED, who was a similar size to the civilian standing next to me, returned and shouted at me, "You disobeyed me. I fuckin' hate that! You're leaving right now!" The civilian standing next to me calmly told REED, "Why don't you leave him alone?" REED stepped towards the man and snarled, "Mind your own business", as he slowly grabbed the man by the front of his shirt. A scuffle broke out and THORP, who had been sitting on a bar stool near the entrance a few metres away, ran over with his right hand raised and clenched in a fist. He was aiming for the civilian who had stuck up for me. I spotted THORP and thought that the least I could do for the civilian who had stuck up for me was to protect him. I swiftly stepped forward and pushed THORP back towards the door. THORP retaliated by punching me in the face. As I wrestled with THORP, I noticed that my nose had started to bleed. At this point, I was jumped from behind by another 1st Class cadet, who pinned my arms to my sides in a "bear hug". I was swung around by the cadet who had hold of me. I still had my arms pinned to my sides so I used my back to push myself and the cadet holding onto me backwards into the crowd at the end of the bar. I finally managed to break loose from the cadet's hold. As I did so I saw THORP raise his right fist to hit me again so I quickly threw a punch at THORP's face. Our punches connected simultaneously. Before I could throw another punch, I was again grabbed from behind. I leant forward and was just about to break loose from the cadet's grip when I was hit squarely in the centre of the face. I did not see who threw the punch but it had come from my right side where REED had been standing (* REED testified in the ACT Supreme Court on 4 May 2015 in the matter of Knight -v- Commonwealth (Case No SC 176 of 2014) that he was not the one who assaulted me). The force of the blow split the bridge of my nose. I put my hands up to my face and when I took them away, I saw that they were covered in blood. I was bleeding heavily from both nostrils and from where the break in the bridge of my nose had split the skin. Blood covered the lower half of my face and flowed onto the front of my jacket. A bouncer grabbed me and the cadet who had been holding onto me by the back of our collars, then walked us down the short flight of stairs and pushed us out the front door onto the sidewalk. The other cadet hesitated while the bouncer went back upstairs then re-

entered the club. I remained outside on the sidewalk wiping the blood off my face. I was bleeding profusely from a broken nose and I angrily flicked the blood off my hands onto the pavement. Meg, Liz's sister and her husband came out of the club moments later to see how I was. As they gathered around me, Staff Cadets Craig SMITH and Simon MACKS arrived on the scene from another nightclub. I was enraged and as I pulled my switchblade knife out of my jeans pocket I yelled, "I'll be ready for the bastards next time!" SMITH looked down at my right hand and cried out, "He's got a knife!" In an attempt to calm me down, Liz's sister persuaded me to cross the street onto Northbourne Avenue's dividing nature strip and walkway.

While we were on the nature strip Meg, Liz's sister and her husband discussed where we were going to go. Liz's sister suggested that we all go back to her house. I eventually calmed down so Liz's brother-in-law attempted to persuade me to relinquish my knife. I was adamant that I was going to retain possession of it because, I said, "I might need it." After about ten minutes, Meg said that she was going back to the Bin and she crossed back over the street. I was intent on staying with Meg and began to walk after her. Liz's sister and her husband tried to dissuade me but as I was intent on staying with Meg, they relented and agreed to return to the Bin with me. I told them that first I needed to go to the nearby public toilets to clean myself up. My face and hands were covered in blood so I went with Liz's brother-in-law to the public toilets at the Civic bus terminal to clean myself up. Liz's brother-in-law accompanied me into the male toilets. When he went into a cubicle to relieve himself, I took out my knife, quietly opened the blade and positioned it diagonally down the front of my jeans, then covered the exposed handle with the front of my jacket. I thought to myself that if I was going to be attacked again, I wanted to be prepared to defend myself. Liz's brother-in-law was oblivious to what I had covertly done with the knife.

When we returned to the Bin I saw Meg sitting over in a corner near the end of the main bar, so I walked straight over and joined her. As I bought another can of beer, Staff Cadet Daryl ENTRIKEN (CSC No 5047) a 20-year-old 1st Class cadet from Kokoda Company, walked up to me looking anxious and worried. ENTRIKEN told me that I should leave because "Mongo" and THORP were after me, and there were another seven senior cadets and an ARA instructor who were going to join them in bashing me. ENTRIKEN told me that, "You had a fight with 'Mongo' and Thorp before, now there's ten of them." ENTRIKEN

also warned me that, "they're going to do a proper job this time. They've got a 'Drillie' [Drill Sergeant] with them. They're all going to lay the boot in when you go down." ENTRIKEN added that, "They're going to get you here or back at the college. They intend to hospitalize you this time."

ENTRIKEN's advice did not give me many options. I knew that I was heavily outnumbered, and at the time I thought that my knife was the only chance of fending off such a large group. I also felt that I could not return to the barracks because I could not lock the door to my room, and I did not want to be bashed by "Mongo" and the others when they returned to the barracks. I also considered that because one of the group was an instructor it would be pointless going to the RMC authorities, and besides which, the RMC authorities were about to throw me out of the college. After what transpired in the hallway the previous morning, I also felt that my classmates would not come to my aid or even bear witness to what would happen. I felt I was very much on my own. In hindsight, I should have accepted Liz's sister's offer and stayed with her and her husband, then reported directly to Major VERCOE early on Monday morning. I, however, thought at the time that the only "solution" to my predicament was to strike first.

REED, THORP and numerous other senior cadets were gathered around the entrance and the main bar, and they continued to stare and scowl at me. Amongst them was Kokoda Company ARA's Drill Sergeant, Sergeant JORGENSON, who was off-duty and in civilian attire. JORGENSON walked over to me and suggested that I leave. When I replied that I wanted to stay with my girlfriend, JORGENSON warned me that that, "I can't be held responsible for anything that happens after I leave." I responded by glaring back at him and shrugging my shoulders, so JORGENSON walked back to drink with the senior cadets.

Staff Cadet ENTRIKEN and a 1st Class cadet, Corporal Leo MAPMANI (CSC No 5086), a 23-year-old Papua New Guinea Defence Force officer cadet being trained at RMC, remained talking with me as I sat calmly in the corner of the bar. ENTRIKEN continued to try to persuade me to leave the club but I was adamant that I was going to stay. I told ENTRIKEN that I was not going to start any trouble and that I was unconcerned about "Mongo" and his gang. I had, however, already formulated a plan to launch a knife attack on REED and THORP and any other senior cadet who entered the fray. I planned to wait until REED and

THORP were standing next to each other, then stab them both and make a break for it. At this stage there were about 15 senior cadets gathered at various points around the end of the main bar, and at benches between myself and the main door. I was sitting with my back against the far wall where the main bar met the wall. I, therefore, did not think that I would make it to the exit without being attacked. I viewed the planned stabbing attack as a payback for the months of abuse and persecution that I had endured at the college, and revenge for the beating I had received earlier that night. I also viewed it as a "pre-emptive strike" given what ENTRIKEN had told me. I was adamant that my predicament required the adherence to the old military adage that "the best form of defence is offence." I believed that by stabbing REED and THORP I would be able to break out of the nightclub. My only regret at that time was that THOMSON and EVERINGHAM were not also in the club so I would not have the opportunity to stab them as well.

At around 0230hrs, THORP, who had been sitting near the exit in front of me and had been taunting me by pulling faces, left the Bin with another senior cadet. It did not appear that THORP was going to return to the club so I amended my plan to only stab REED as soon as a good opportunity presented itself. At this stage, I could probably have left the Bin without further incident, but I knew that REED and the others would have caught up with me in the street or back in the barracks. I also remembered that my encounter with EVERINGHAM in the Bin the previous Friday night had resulted in the confrontations with THORP and HAMBURGER the next morning. I decided that after I had stabbed REED I would run out of the club, stabbing any senior cadet who tried to stop me, then hand myself in at the nearest police station. I believed that if I stabbed REED then returned to the college, the senior cadets would hunt me down and "kick the shit out of" me before handing me over to the Military Police. I thought that I would eventually be presented before a court martial where I would be found guilty of assaulting a superior and sentenced to the maximum two years in the Military Corrective Establishment (the tri-service military prison at Ingleburn in NSW). I believed that if I handed myself in to the Australian Federal Police (AFP), the civilian police responsible for policing in the ACT, I would at least be given a fair trial in a civilian court and a normal discharge from the Army. I remembered from the military law classes at the college that the *Defence Force Discipline Act 1982* (Cth) had removed the previous "double jeopardy" with respect to criminal charges; you could no longer be charged by *both* the military *and* the civil police for the same offence.