

**ANNEXURE MAS-2**

**FEDERAL COURT OF AUSTRALIA  
DISTRICT REGISTRY: VICTORIA  
DIVISION: GENERAL**

**VID 364/2023**

**JULIAN KNIGHT**  
Applicant

**DEFENCE FORCE OMBUDSMAN**

Respondent

The following 4 pages is the annexure marked MAS-2 referred to in the affidavit of Madisen Anne Scott made 16 February 2024 before me:



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Arran Gerrard  
AGS Lawyer within the meaning of  
s 55I of the *Judiciary Act 1903* (Cth)

MAS-2

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## DEFENCE ABUSE RESPONSE TASKFORCE

28 May 2014

Senator the Hon David Johnston  
Minister for Defence  
PO Box 6100  
Senate  
Parliament House  
CANBERRA ACT 2600

Senator the Hon George Brandis QC MP  
Attorney-General  
PO Box 6100  
Senate  
Parliament House  
CANBERRA ACT 2600

### Incarcerated Complainants to the Taskforce

Dear Attorney-General and Minister

I am writing to you both as the Defence Abuse Response Taskforce (Taskforce) has become aware of particular complaints that raise unusual issues which may not previously have been contemplated by Government.

In light of the exceptional nature of these cases I consider it appropriate to draw them to your attention so that you have the opportunity (should you wish to take it) to give a direction about whether the Taskforce should deal with these complaints in the ordinary way, or refuse to consider or act upon them, on grounds of public interest.

The Taskforce has thus far received complaints from three people who were incarcerated at the time of lodging their complaint: Julian Knight, [REDACTED]

[REDACTED] have been assessed as having complaints that are plausible and within scope of the Taskforce Terms of Reference. Mr Knight's complaint has not yet been assessed but on the face of it also appears to be plausible and within scope. Therefore, all three are potentially eligible for a reparation payment and other Taskforce outcomes.

[REDACTED] who has now been released from prison, received a \$50,000 reparation payment following his release. However, Mr Knight and [REDACTED] remain in prison and are unlikely to be released in the near future. It is in respect of these people that your advice is sought as to whether you wish to consider making an 'in-principle' direction whether the

Taskforce should make a reparation payment or provide any further outcomes requested or not, to complainants who are serving prison sentences. To assist further with your decision making regarding this matter I provide the below information.

Julian Knight

Julian Knight was in the Australian Army Cadet Corps (1982-85), the Australian Army Reserve (85-87) and the Australian Regular Army attending the Royal Military College (RMC) (January to July 1987). He alleges that, during his time at RMC, he suffered ongoing low level abuse at the hands of his peers, senior cadets and staff. As a result of this ongoing abuse and the feelings of powerlessness that it engendered, he alleges that he "decided to go on the offensive", which resulted in him at approximately 0300hrs on 31 May 1987 stabbing Staff Cadet Reed twice in the head in the Private Bin nightclub. Following this incident Mr Knight immediately turned himself in to the police and was formally charged on the same day.

On 12 June 1987 Mr Knight appeared in the ACT Magistrates Court and was bailed to reappear on 10 November 1987. Following the court hearing Mr Knight returned to Duntroon to discuss options in relation to his military service. The Army offered him three options: to 'Show Cause' why he should not be discharged on 18 June 1987; to receive a 'Show Cause' why he should not be discharged following his court case in November 1987; or, to resign his appointment immediately and take six weeks convalescent leave on full pay and be honourably discharged from the Army. Mr Knight chose to resign and his service was terminated on 24 July 1987. He was subsequently arrested in Melbourne on 9 August 1987 for the Hoddle Street shootings which resulted in the death of seven people and injury of 19 other individuals.

Mr Knight was sentenced on 10 November 1988 in the Supreme Court of Victoria to life imprisonment with a minimum non-parole term of 27 years for seven counts of murder and 46 counts of attempted murder. As part of his plea agreement with the Crown in 1988, the Crown undertook not to contest the setting of a minimum non-parole term provided that Mr Knight did not raise the issue of bastardisation he was subjected to at RMC. However, given recent actions by the Adult Parole Board of Victoria together with the Victorian Government, Mr Knight no longer considers himself bound by the undertaking he gave in 1988. Mr Knight submitted a lengthy submission to the Taskforce on 20 November 2013 (Attachment A). Part of this submission and letters sent by Mr Knight in Jan 2014 to a number of recipients, including the Attorney-General, are available on a public website <http://www.julianknight-hoddlestreet.ca/julians-submission-to-dart.html> (Attachment B).

Mr Knight's earliest eligibility date for release on parole was 8 May 2014. The Adult Parole Board of Victoria had apparently already advised Mr Knight that he would not be released on that date and is unlikely to be released at any point in the foreseeable future. The Victorian Government has recently proposed legislation specifically to ensure that Mr Knight remains behind bars indefinitely and will only be released if he is in imminent danger of dying or is seriously incapacitated.

It appears as a result of these actions, Mr Knight is seeking an interstate transfer from Victoria to the Australian Capital Territory and wishes to have the charges of malicious wounding, assault and assault occasioning actual bodily harm re-instated in the ACT Magistrates Court for his actions against Staff Cadet Reed on 31 May 1987.



The Taskforce received a Personal Account Form (PAF) and an application for reparation payment from Mr Knight on 5 December 2013.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Other Incarcerated Individuals

The Taskforce is aware of one other currently incarcerated complainant. He is [REDACTED] who was a 13 year old RAAF cadet who suffered abuse at RAAF Base East Sale in 1987. The abuse included physical assaults, bastardisation, bullying, intimidation and degradation. The Taskforce has conducted an open-source search but has no information on the reason for or length of his incarceration. A Reparation Payment Brief has been prepared but it has not yet been cleared for the forwarding to the Reparation Payments Assessor. [REDACTED] is represented by solicitors Slater and Gordon.

The Taskforce is aware of one other complainant who has previously been incarcerated (but about which we have no details). This complainant has been awarded a reparation payment of \$35, 000, for abuse (workplace bullying and harassment) and Defence mismanagement at RMC Duntroon in 1968.

The Taskforce is unaware of any other individuals who have registered a complaint and are currently incarcerated. You may wish to consider whether you wish to give a general direction in relation to currently incarcerated individuals who may have registered a complaint with the Taskforce.

I would appreciate direction from you before I make a decision on how the Taskforce will action the complaints mentioned above, and or any other similar complaints that may arise in the future.

I advise that in the absence of any formal direction from you the Taskforce will, of course, act in accordance with its Terms of Reference (ToR). They impose no restriction on any individual or category of complainant whose complaints of abuse in Defence are assessed as

within scope of the ToR and are plausible, being unable to receive an appropriate reparation payment, or any other outcome from the Taskforce.

Please let me know if you require any further information, or if you wish to discuss this matter further. I look forward to receiving your response.

Yours sincerely

A handwritten signature in black ink that reads "Len Robert-Smith". The signature is written in a cursive style with a large initial 'L' and 'R'.

**The Honourable Len Robert-Smith RFD, QC**  
**Chair**  
**Defence Abuse Response Taskforce**