



Royal Commission Melbourne Hearing Block – 04 September 2023 [Day 6]

RSL References:

Positive:

Negative:

RSL has large parts of its funding derived from gambling and alcohol consumption. This has led to me to question whether these venues that were built specifically for the traumatised in fact have exploited their mental frailties for financial gain.

General:

Something is required to ensure that the ESO space – the RSL – has a professional code of conduct, they are appropriately skilled, upskilled, and keep inline with KPIs. They need an approach to ensure that the services are delivered appropriately. The ESO's need to be harmonised in some way.

Opening Remarks by Counsel:

Punitive justice was seen to be used by the ADF where people did not attempt to uphold the status quo, and questioned whether they could attempt to further improve their skillsets, move to more appropriate specialisations and increase exposure to wider ranges of client bases.

There has been an improved understanding of psychosocial risks, however, there is a lack of resources to adequately address these concerns or mitigate risks associated with fatigue and burnout.

Timeline:

8:37am – Session commenced
 8:38am – Counsel Opening
 8:45am – Witness Affirmed
 8:55am – Muted to maintain privacy and confidentiality
 8:58am – Objection by the Commonwealth
 8:59am – Rejected by the Commissioners
 10:30am – Adjournment
 10:53am – Session resumed
 11:53am – Commonwealth objection
 12:00pm – Lunch adjournment
 1:40pm – Session resumed
 2:53pm – Muted to maintain privacy and confidentiality
 2:56pm – Session resumed
 3:45pm – Adjournment
 4:05pm – Session resumed
 4:56pm – Adjourned until 8:30am, 05 September 2023.

Witnesses	Witness	Description
8:30-10:30am	Dr. Daniel Mealey	Witness
10:30-10:45am	Short Adjournment	
10:45am-12:45pm	Dr. Daniel Mealey	Witness
12:45-1:45pm	Lunch Adjournment	
1:45-3:45pm	Royal Military College, Duntroon Panel Brigadier Jason Groat, CSC DSM Lieutenant Colonel Brian Hickey Major General Ana Duncan, AM CSC Lieutenant Colonel Tracy Allision, CSC Colonel Michelle Mason	Commonwealth Witnesses
3:45-4:00pm	Short Adjournment	
4:00-5:00pm	Panel Continued	

8:30-12:45pm – Dr. Daniel Mealey

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 Evidence may refer to material that may distressing for some viewers

Evidence Tendered

Type	Body / Comment
Statement by Dr. Mealey	[46]. I was sent to Kabul, alone, just two years out of medical school I was not qualified in any medical specialisation college, and furthermore, I had begun no training in any medical specialisation college.
Verbal	In the orientation into ADF, there were nine or ten doctors, and a Brigadier walked in – congratulated one of the members for a successful application programme into the ICU, but we were told as male doctors, we could not specialize and had to practice generally. There was inherent unfairness, and undertook periods of logistics training. The exposure on a military base, put a medical officer at a disadvantage due to the limited nature of the patients we dealt with and struggled to transition to civilian health care.
Statement by Dr. Mealey	[322]. During my time in Afghanistan, I was worried about the suicidal ideation of several personnel on base, I was aware of multiple soldiers who were pushed to the bring of suicidal ideation due to their own set of circumstances, which involved poor resources, long working days, a lack of sleep and poor roster management. [76]. I faced difficulties I faced whilst on deployment in Kabul. Predominately, this relates to the unclear nature of my Australian chain-of-command and the lack of leadership displayed by my chain-of-command, which had disastrous impacts on my day-to-day life in Kabul and on my mental health.
Verbal	There was moral injury, and considerable psychological injury from the deaths of other doctors caused by militants across Afghanistan.
Verbal	[120]. You cannot throw a junior doctor into the most stressful situation(s) imaginable, without the skillset, equipment, medications, personnel, medical supervision, military chain of command or training to undertake the tasks required of them.
Verbal	I was informed that Legal Officers of ADF were there to represent the ADF, and not individual members. I was referred to a Reservist barrister who specialised in military laws. There were no actual trained lawyers present, and from a legal perspective – there was no legal support. From a psychological perspective, I requested a psychologist whilst in Afghanistan, and one was brought into Kabul. I made an appointment to see him, I was brushed off and he left.
Statement by Dr. Mealey	Risk Factor 5: Adversarial Nature of ADF and its Lawyers in Post-Separation Legal Processes: Following my discharge from the ADF, I commenced legal proceedings against the ADF for the psychological injuries I suffered during my service. I also made complaints the the Ombudsman relating to the misrepresentation made to me regarding my opportunity to specialise in emergency surgery, false allegations leading to considered imprisonment and amongst other things.
Statement by Dr. Mealey	My experience exemplifies the systemic adversarial approach taken by the ADF and its external lawyers toward veterans suffering grave consequences as a result of the ADF's defective conduct. What should be a basic, timely and effective remediation and conciliatory process, is instead an experience that pushes veterans into a corner of shame and trauma. This adversarial and abusive posturing toward war-traumatised veterans, is a cause of veteran suicide, and it certainly contributed to my own incident of suicidality.
Verbal Evidence	We urgently need an Ethics committee from philosophers, theologians, lawyers, those in the veterans space – for matters that could possibly and foreseeably identify issues that may impact people locally and globally – giving advice on ethics about war strategy, SAS deployments, the ethics of using soldiers in drug trials. There is need for an ethical institution that gives broad ranging advice to leaders of this nation and to the ADF We have an untenable situation in ADF, with members struggling to find lawyers to deal with basic administrative issues, and Redress of Grievances. Not finding a lawyer, then having to sit before incompetent legal systems, with ADF Commanders having the best lawyers to them leads to an incredible power imbalance. What is missing is leaders who have morality and compassion to uphold protocols and to step outside a compassionate sense when required.
Statement	[93]. By referring to all deaths by suicide as “suicide”, society effectively overlooks the <i>underlying causes of the decision made by the individual to take their own life</i> . [94]. The necessary implication is that the individual suffered from some mental infirmity, meaning very little importance is placed on those circumstances which may have lead to the decision to suicide.
Verbal	There needs to be a national revolution of compassion – it is the primary mechanism to heal traumatised minds.
Statement	[248]. I accept that PTSD and the trauma of war form a large part of veteran suicide. However, in my view: a. The catalyst that drives our traumatised veterans to their deaths is the evaporation of compassion from leadership within the ADF, from the medical profession, and from every one of our government agencies and; b. The absence of compassion toward the vulnerabilities of our ADF members (with or without the trauma of war), has been replaced with a cynicism that fuels a dispensable, soldier-crunching machine resulting in 341,639 members now in receipt of DVA pensions and services.
Statement	Failure to Keep Adequate Statistics: [256]. Australia has for a long time failed to recognise the value and human rights of our veterans. This is exemplified by what I consider to be a failure to appropriately collect and maintain statistics of veteran existence, morbidity and mortality.
Statement	[283]. From my research, it is clear that Australia is a nation of gamblers, and I have fundamental doubts as to the ability for most venues to reliably separate those gambling with an addictive potency, from those who gamble without addiction, and traumatised patrons from non-traumatised ones.
Verbal	Addictions, such as on illicit drugs, should be treated as a health-care issue, and not a criminal one. It works in Portugal[...]

Questions by Counsel

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Party	Question	Comments
Peter Singleton, Counsel Assisting		"There should be no reason for a witness to not be able to give praise to individuals, nor should there be any reason for that to be prevented from being released into the public domain."
Commissioner Brown	For that legal proceeding, was it a Court Marshall? Was that the norm – were your circumstance different?	They were reading scripts, so I'm assuming it was the norm to not have appropriately trained lawyers present.
Commissioner Brown	The meeting between the Treasurer and civilians in power, why was the Treasurer involved?	I'm unsure as to why they were involved in health care initiatives in the way in which they were.
Commissioner Douglas	Did you ever receive a response to your Redress of Grievance?	I wrote an email to Brigadier Spalding, and did not receive any response. I wasn't informed about the process with IGADF and what the process entailed.
Commissioner Douglas	You mentioned an Ethics Committee – do you believe that would alleviate the suicidality experienced by members?	Yes, I believe that hasty decisions result in poor planning – having ethical advice at that level is fundamentally important to protecting some of the most vulnerable people.
Commissioner Brown	What could or should defence do differently?	Every military has had a traumatised demographic, and without the military, these demographics would have become criminals or wayward. The military is to take the messiness of someone and trauma, and with compassion, turn them into something that is functional and noble. Compassion is where the solution lies.
Commissioner Brown	Do you have recommendations or models?	Proper management of defence force personnel – the HR Department would be a good place to start. Ethical committees would aid in making informed decisions, and allowing veterans to provide insights about their own plight. These are good places to start. I like the idea of a National Commissioner moving forward, but needs rebranding, and its scope needs to be defined with its objectives.
Commissioner Kaldas	How can we embed accountability? What should be introduced?	To be accountable to themselves, and soldiers. We've lost God in society, and has seen abandonment of absolute moral values. A lack of accountability is a loss of moral courage – I don't think it is something that can be taught. A great idea is to work toward an annual amnesty where individuals, leaders, identify their failures, and communicate resolutions.

1:45-5:00pm – Panel, Duntroon Panel.

Evidence Tendered	
Type	Body / Comment
OFFICIAL: Sensitive Personal Privacy	DEF.1256.0001.0002 Significant Recommendations: The Enclosure includes recommendations for RMC-D to consider changes to support arrangements for cadets undergoing performance management.
Select Strategic Issue Implementation (SSIP) -	LGU.9999.0001.0012 Directorate of Select Strategic Issues Management.
Colonel Michelle Mason	We implement self-imposed time frames to ensure that we are accountable to something, we try to ensure that everything is dealt with expeditiously.
Select Strategic Issue Implementation Plan 2019	Recommendation [5]: RMC-D ensure critique, marking and assessment of exercises; and the manner of issue of any adverse administrative sanctions is conducted in a fair and respectful way consistent with Defence and Army values, policies and procedures. RMC-D assessment practices as detailed in RMC-D SOP 701 are conducted in a fair, equitable and supportive manner. Mandatory staff pre-assessment briefs as per Annex E to RMC-D SOP 701 in conjunction with moderation processes prior to the release of results as detailed in Annex F to RMC-D SOP 701.
Ibid	Recommendation [2]: RMC-D consider implementing a mentoring program involving First Class staff cadets who may help guide more junior staff cadets through their training at RMC-D.
Maj.Gen Duncan AM CSC	There's considerable staff shortage enterprise-wide leading to issues of fatigue and welfare. It is a work, health and safety risk – now considered a psychosocial risk. We now look at staffing levels. During my three year period, we dealt with Covid deployments, unprecedented discharge rates, floods, fires and maintain war-fighting capability.
Lieutenant Colonel Allison CSC	Due to ongoing staffing concerns and constraints organisation-wide, it was concerning that we could not easily resolve the staffing issues and resource shortages we were facing.
Colonel Mason	There is a Directive being published Army to attempt to best prepare for military justice audits and acknowledge the hollowness in some of our staffing.
Major Duncan	We need to harness different technology, construct virtual and physical environments, investment is being made into improving training and outcomes. Layers of expertise permeate all areas of the defence force and increased initiatives are something front-of-mind for leadership, and there's acknowledgment that our members are being asked to do more with less.

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Lieutenant Colonel Alison	There's considerable rates of burnout, stewardship though, is incredibly important at RMC-D. We offset key positions to ensure that we can attempt to monitor workforce shortages and other issues faced by the institution.
Lieutenant Colonel Hickey	One of the topics of discussion, is psychosocial risks, and reports undertaken by Work, Health and Safety. They've looked at the risks in relation to deficiencies in defence such as fatigue and hazards for staff. More prominence is given to understanding and researching psychosocial studies, and will be included in future handover documents.
Lieutenant Colonel Hickey	Army has been productive by attempting to preemptively undertake actions to correct deficiencies that have been consistently identified by IGADF and leadership teams through defence.
Lieutenant Colonel Hickey	RMC-D was found to be materially deficient with a reaudit occurring in November 2023.
Lieutenant Mason	There has been a \$250,000 investment to identify and monitor longitudinal trends; to identify the ability to look at how we can implement recommendations; and intertwine Genis with our Microsoft systems to analyse trends and follow up on recommendations. We need to make sure that we can monitor progress and better understand why these outcomes are occurring, and it's a project that has great potential.
Lieutenant Duncan	The Capability Framework Review is to see how we can streamline communication and logistical processes across all seven units at Duntroon, and minimise the resource shortages that we currently face; especially staffing shortages. We are looking at what we can adjust, to ensure we overcome any issues appropriately and promptly – especially with the geo-strategic issues that we face.

Questions by Counsel		
Party	Question	Comments
Erin Longbottom KC, Counsel Assisting	Given the fact of the reports and findings, to consider the effectiveness of those policies and procedures (preventing suicide)?	It was, Army was undergoing a cultural transformation of its training system, which was concurrent to this report landing. It began in 2016, and we aimed to improve processes.
Commissioner Brown	There's significant responsibilities for Commandant's and other Officers, with insufficient resources to undertake these roles optimally. What adjustments are to be made?	Prima facie, the Australian government, as a system, was seeking a learning system – which saw the introduction of under-training. At the most senior levels, accepted by Chief of Army, that at RMC-D, there were insufficient avenues to provide adequate education. Insufficient resources saw us question what we could stop doing without impacting the function of the ADF. It was a complicated time for our Command team, with our Minister demanding that we were to continue training through Covid lockdowns. Over 7,000 people were trained at Kapooka and Duntroon. Often, there were places where contractors were used to alleviate strain on APS and ADF members.
Commissioner Brown	Work force shortages, wanting to give trainees better support, with the context we have been given today, it does not seem like what I've heard today as being a good advertisement for training, enlistment and retention.	Our focus is always on cadets, and is often observed into staff systems – how to better facilitate learning systems, training people better, improving policies.
Commissioner Brown	Is there any particular change for spot audits, with your views whether this would be feasible, being on the receiving end of the audit?	Any new initiative is worth looking at – the preparation required for the military justice audit – at Duntroon, based on analysis of that Audit saw in excess of 60 hours currently, with an estimated 160+ hours at the time of the audit. We need to minimise the time spent on audits to ensure that Units have the ability to maintain strong focus on their main priorities.
Commissioner Kaldas	How much thought was given to the families when considering three-year postings instead of two? What consideration, if any, was given to the impact that families could face?	I believe that consideration was given to families, as well as the individual health and wellbeing of commanders, too. Duntroon has not been a three-year Command tenure, and remained to be a two-year tenure, because of the unique demands at Duntroon. At the top of everybody's mind at the moment, is the maintenance of family units.

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