

**Chadwick, Sanchia CAPT**

**From:** Morrison, David LTGEN  
**Sent:** Friday, 16 January 2015 6:24 PM  
**To:** Pearce, Cheryl BRIG  
**Subject:** Re: Channel 7 News - News story on CA and Jedi Council [SEC=UNCLASSIFIED]  
Classification: Unclassified

Thanks Cheryl. They can fill their boots.

DM

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**From:** Pearce, Cheryl BRIG  
**Sent:** Friday, January 16, 2015 06:01 PM  
**To:** Morrison, David LTGEN  
**Cc:** Constance, Rebecca MISS  
**Subject:** FW: Channel 7 News - News story on CA and Jedi Council [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Sir,

As detailed below Robert Ovadia has advised Defence this afternoon that Channel 7 News will be running an investigative story this Sunday on yourself in relation to the Jedi Council.

Bec spoke to Rob when he last went to air and he advised her that his story was a two-parter. The second part did not air as bigger news took priority at the time (aircraft shot down over the Ukraine). We suspect that unless he has something new, Sunday's story may be part two.

As you would recall, last time, he interviewed two of the main members (47F ) and the story went to their perceived mistreatment and unfairness in being terminated. Statements were made as to them having mental injuries from their service (suicidal intent) and their years of service in the Army being discounted and disregarded, and that this service should have been balanced against their 'mistake' in reading and sending emails (i.e., the punishment did not fit the crime). They also made statements suggesting the Jedi Council matter was the work of one individual (Frederickson), and they were caught up in a political witch-hunt.

Ovadia is likely to report you as "unwilling" to comment (as per below - you were unavailable for an interview and Defence provided a statement in response to his questions). He may also possibly speak to Fredrickson, who would now be free to do so as his sentencing has been finalised. It is assessed that popular sentiment endorses our actions in the Jedi matter, and combined with your profile, that the reporting will not be as explosive as we believe Ovadia would wish.

Our recommendation at this point is to see what is reported, and if necessary, release a statement addressing/correcting themes on Monday. Even if Sunday's story has new content, as per his email, it has already have been produced and any interview or comments from yourself on Monday would only feed the story and give Ovadia a third part.

Regards  
Cheryl

Brigadier Cheryl Pearce

Chief of Staff Army Headquarters  
R1-4-B029 | (02) 6265 1647 | 47F

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**From:** Walsh, Michaela MISS  
**Sent:** Friday, 16 January 2015 15:28  
**To:** Pearce, Cheryl BRIG; Stothart, Wade COL; Constance, Rebecca MISS; Duncan, Ana LTCOL  
**Cc:** AHQ-Media; AHQ-PBA  
**Subject:** Channel 7 News - News story on CA and Jedi Council [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Good Afternoon All,

MediaOps has had an email from Robert Ovadia advising that Channel 7 News will be running an investigative story this Sunday on CA in relation to the the Jedi Council.

Mr Ovadia has advised that he will be seeking comment from CA on Monday.

Kind regards,

**Michaela Walsh**

Communications Officer | Directorate of Communication | Army Headquarters  
Department of Defence  
R1-4-B042 | Canberra ACT 2600  
Ph: 02 626 55297

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**From:** MediaOps  
**Sent:** Friday, 16 January 2015 15:16  
**To:** AHQ-Media; Hegarty, Matt GPCAPT; Reis, Alison MS  
**Subject:** FW: Response to your Defence media enquiry [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Army and OCDF,

Please see below email from Robert Ovadia for your awareness.

Please let us know if you would like Media Ops to do anything further on this.

Regards,

**Sarah Allen**  
Public Affairs Officer  
Media Operations  
Department of Defence

Russell Offices | PO Box 7909 | Canberra BC | ACT 2610  
P: +61 2 6127 1999 | E: [mediaops@defence.gov.au](mailto:mediaops@defence.gov.au)

---

**From:** Ovadia, Robert [mailto:ROvadia@seven.com.au]  
**Sent:** Friday, 16 January 2015 15:06

**To:** MediaOps  
**Subject:** RE: Response to your Defence media enquiry [SEC=UNCLASSIFIED]

Good afternoon.

This Sunday, Seven News will be airing an investigative story on Lieutenant-General David Morrison in relation to the so-called "Jedi Council" scandal.

We will be seeking a response from the Chief of Army on Monday.

Regards,

Robert Ovidia

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**From:** MediaOps [mailto:mediaops@defence.gov.au]  
**Sent:** Wednesday, 23 July 2014 9:30 AM  
**To:** Ovidia, Robert  
**Subject:** RE: Response to your Defence media enquiry [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi Robert

Thank you for your enquiry. Defence has nothing further to add.

Regards,

**Media Operations** | Department of Defence

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Russell Offices | Canberra ACT 2600  
Phone: +61 2 6127 1999  
Email: [mediaops@defence.gov.au](mailto:mediaops@defence.gov.au)

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**From:** Ovidia, Robert [mailto:ROvidia@seven.com.au]  
**Sent:** Tuesday, 22 July 2014 17:54  
**To:** MediaOps  
**Subject:** Re: Response to your Defence media enquiry [SEC=UNCLASSIFIED]

Thank you.

Is Defence able to provide a reason Lieutenant General Morrison is not willing to answer our questions during an interview?

Regards,

RO

On 22 Jul 2014, at 16:51, "MediaOps" <[mediaops@defence.gov.au](mailto:mediaops@defence.gov.au)> wrote:

**UNCLASSIFIED**

Good afternoon Robert,

Please find a response to your Defence media enquiry below. Please attribute this to a Defence spokesperson, not a named individual.

**Question: I am seeking an on-camera interview with Lieutenant-General David Morrison, please, in relation to the so-called "Jedi Council" scandal.**

**The interview would be broad ranging but, specifically, I am seeking answers to the following question:**

**When did Lieutenant-General David Morrison first become aware that any serving officer or soldier was being interviewed by NSW Police in connection with investigations into Hastings Fredrickson?**

**Response:**

Thank you for your enquiry. The Chief of Army, Lieutenant General David Morrison, AO, is unavailable for an interview.

Defence instead offers the following written response to your question.

The Australian Defence Force Investigative Service (ADFIS) commenced an investigation into an allegation of unacceptable behaviour by a Defence contractor (also an Army Reservist) in 2010. This matter was referred to the Victorian Police and final jurisdiction and carriage of the investigation was established with the NSW Police Force in July 2012.

In early 2013, ADFIS became aware that the NSW Police Force was investigating two Regular Army members.

The Chief of Army was informed of the NSW Police investigation on 2 April 2013. At this time he was advised of the ongoing NSW Police Force investigation into potential civilian criminal offences.

### Media Operations

Department of Defence

Russell Offices | PO Box 7909 | Canberra BC | ACT 2610

P: +61 2 6127 1999 | E: [mediaops@defence.gov.au](mailto:mediaops@defence.gov.au)

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**Chadwick, Sanchia CAPT**

**From:** Constance, Rebecca MISS  
**Sent:** Wednesday, 15 July 2015 11:33 AM  
**To:** AHQ-FOI Coord  
**Subject:** FW: Defence media responses to Robert Ovadia [SEC=UNCLASSIFIED]  
**Attachments:** Defence media responses to Rob Ovadia.doc; FW: Finalised media enquiry - 002620 - RESPONSE TO CH 7 STORY RE CA AND JEDI COUNCIL [SEC=UNCLASSIFIED]  
**UNCLASSIFIED**

**Rebecca Constance**

Director Army Communication | Directorate of Communication | Army Headquarters  
 Department of Defence  
 R1-4-B093 | Canberra ACT 2600  
 ph: 02 626 67352 47F

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**From:** Constance, Rebecca MISS  
**Sent:** Friday, 23 January 2015 09:12  
**To:** Morrison, David LTGEN  
**Subject:** Defence media responses to Robert Ovadia [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi David,

Please see attached for our responses to Robert Ovadia's media enquiries Jul 13 - Jul 14.

Robert has not officially approached Defence with an enquiry/questions since Jul 14.

On Fri 16 Jan he emailed media ops advising of the segment to air on Sun 18 Jan 15, and that he would be seeking comment from you Mon 19 Jan 15. The email attachment is the response we provided to him on Tues 20 Jan 15.

Thanks,

**Rebecca Constance**

Director Army Communication | Directorate of Communication | Army Headquarters  
 Department of Defence  
 R1-4-B093 | Canberra ACT 2600  
 ph: 02 626 67352 47F

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**Defence media enquiry 22 July 2014**

Question: I am seeking an on-camera interview with Lieutenant-General David Morrison, please, in relation to the so-called “Jedi Council” scandal.

The interview would be broad ranging but, specifically, I am seeking answers to the following question:

When did Lieutenant-General David Morrison first become aware that any serving officer or soldier was being interviewed by NSW Police in connection with investigations into Hastings Fredrickson?

Response to all:

Thank you for your enquiry. The Chief of Army, Lieutenant General David Morrison, AO, is unavailable for an interview.

Defence instead offers the following written response to your question.

The Australian Defence Force Investigative Service (ADFIS) commenced an investigation into an allegation of unacceptable behaviour by a Defence contractor (also an Army Reservist) in 2010. This matter was referred to the Victorian Police and final jurisdiction and carriage of the investigation was established with the NSW Police Force in July 2012.

In early 2013, ADFIS became aware that the NSW Police Force was investigating two Regular Army members.

The Chief of Army was informed of the NSW Police investigation on 2 April 2013. At this time he was advised of the ongoing NSW Police Force investigation into potential civilian criminal offences.

**Defence media enquiry 22 July 2013**

Question 1. How many of the seventeen officers under ADF investigation have been promoted since the initial investigation began in 2010?

Question 2: Why was the Army Reservist, whose alleged actions prompted the so-called “Jedi Council” investigation, promoted from Warrant Officer Second Class to Warrant Officer First Class after the investigation began?

Response to questions 1 and 2:

Defence wishes to confirm that as previously advised on 16 July 2013, the ADF Investigative Service (ADFIS) was assisting civil police in their investigation of alleged criminal offences in relation to one Army Reserve member.

An additional two Army members became the subject of a civil police investigation in early 2013 and the remaining 14 members became the subject of the ADFIS investigation in April 2013. Defence can confirm that none of the 17 Army members have been promoted whilst under investigation by ADFIS.



Question 3: I'm seeking an interview, please, with Lieutenant General David Morrison regarding his efforts to clean up alleged mistreatment of women in the Army.

Response to question 3:

The ADFIS investigation into these allegations remains ongoing. As such, Army has considered your request and politely declines the opportunity.

### **Defence media enquiry 23 July 2013**

1. Does the Minister think it appropriate that a number of the men identified as Persons of Interest in the ADF's initial "Jedi Council" investigation, were promoted by the Army in the period of September 2010 – March 2013?
2. Does the Minister think it appropriate that the Army Reservist whose alleged actions sparked the inquiry was promoted by the Army in the same time frame?
3. Should there be an inquiry into how the ADF's initial conclusions that no officer had a case to answer?

Response to all:

Of the 17 Army members currently under investigation in relation to allegations of unacceptable behaviour, none were promoted whilst under investigation. Six members were promoted in the period September 2010 to March 2013.

In relation to the above questions, Defence directs you to a media conference this morning (Tuesday, 23 July 2013), at which the Minister for Defence addressed these questions; <http://video.defence.gov.au/>

### **Defence media enquiry 23 July 2013**

Question: Including the army reservist, how many of the 17 men currently under investigation by the ADF had been promoted in the period between September, 2010 and March, 2013?

Response:

Of the 17 Army members currently under investigation in relation to allegations of unacceptable behaviour, none were promoted whilst under investigation. Six members were promoted in the period September 2010 to March 2013.

Question: Could you please clarify the rank of the Warrant Officer who was part of the initial three members suspended?

Response:

In relation to clarifying the rank of the Warrant Officer who is a person of interest in the NSW Police Force investigation and who has been suspended, the member's rank at the time of suspension was Warrant Officer Class Two.

### **Defence media enquiry 6 December 2013**

1. Why did lieutenant-General David Morrison choose June, 2013, to publicise the investigation?

The period of time between 12 April 2013, when the Chief of Army, Lieutenant General David Morrison, was made aware of the ADFIS Major Investigation, and the announcement on 13 June 2013, was primarily because there was a requirement for investigators to collect and analyse further evidence, and the need to balance the imperative to be open and transparent without prejudicing the civilian police and military investigations.

2. Why did ADFIS find none of the men now accused - nor any of those recently stood down by the Army - had a case to answer?

3. Why were none of these men interviewed by ADFIS before a conclusion was reached they had no case to answer?

The Inspector General of the Australian Defence Force (IGADF), Mr Geoff Earley, has completed a Professional Standards Review of the Australian Defence Force Investigative Service (ADFIS) investigation into the inappropriate use of the Defence computer network announced by the Chief of Army on 13 June 2013.

The Inspector General concluded that there were no breaches of the Service Police Code of Conduct and that initial ADFIS investigation in 2010 and 2011 was generally conducted in accordance with investigative practices and procedures at the time.

However the investigators' weight of effort was on probable criminal offences committed by a Reserve member in his civilian capacity rather than any potential service offences.

The Inspector General also identified ADFIS delayed referring possible civilian offences to the relevant civilian police as investigators attempted to identify other potential victims.

With respect to claims that ADFIS lied to police about the existence of crucial evidence, the Chief of the Defence Force, General David Hurley has previously sought advice from NSW Police Commissioner Andrew Scipione. Commissioner Scipione advised that the NSW Police Force was satisfied that investigators *“have been provided with all the relevant materials by ADF regarding this matter taking into account that Security Provisions may require screening/vetting of the information as of March 2013”*.

Commissioner Scipione also stated that the NSW Police Force is *“satisfied that ADF has not failed to cooperate, taking into account that Security Provisions may require screening/vetting of information”*.

#### **4. Are ADFIS investigators sufficiently trained to deal with complex investigations?**

ADFIS Investigators are appropriately trained in the requirements for serious Service offences, under the *Defence Force Discipline Act*, and the conduct of complex investigations.

#### **5. Has the ADF treated the men now accused of criminal charges fairly?**

The Australian Army has terminated the service of six Officers and Non-Commissioned Officers in relation to the production or distribution of highly inappropriate material demeaning women, across both Defence computer systems and the public internet.

Three of these six individuals have been the subject of a New South Wales Police Force investigation into alleged criminal offences. Defence is aware that these three individuals have now separately been charged by the NSW Police, on 25 November, 29 November and 3 December 2013.

These criminal charges are separate to the administrative action taken by the Australian Defence Force which resulted in the termination of their service with the Australian Army.

A further 11 Australian Army Officers and Non-Commissioned Officers were identified in the investigation into these allegations of unacceptable behaviour. A decision on the termination of seven of these Army members is currently under consideration. The remaining four Army members have been the subject of, or are facing, administrative sanctions.

In accordance with procedural fairness and the principles of natural justice, all 17 individuals have been or will be provided an opportunity to demonstrate why they should not be subject to administrative sanctions.

*\* The Inspector General ADF is a statutory appointment outside the chain of command. IGADF independently monitors and assesses the health and effectiveness of the military justice system and provides an avenue where failures of military justice may be identified, examined and remedied.*

#### **Defence media enquiry 16 July 2013**

Question 1: Why did ADFIS not advise Chief of Army, Lieutenant-General David Morrison, of such serious allegations against up to 17 of his personnel until April, this year?

Response:

The ADF Investigative Service (ADFIS) was assisting civil police in their investigation of alleged criminal offences in relation to one Army Reserve member.

In early 2013 ADFIS became aware that the NSW Police Force investigation suspected two Regular Army members of alleged criminal offences. In March 2013 the NSW Police Force briefed ADFIS that military disciplinary offences may have occurred. As per Defence policy, ADFIS agreed that the criminal investigation would have priority over any potential military disciplinary offences, so as not to interfere with the civil criminal investigation.

In early April 2013 Provost Marshal ADF (PM ADF) confirmed the establishment of the joint NSW Police Force – ADFIS investigation in a brief to the Chief of the Defence Force (CDF), the Chief of Army (CA) and the Chief of Joint Operations.

NSW Police agreed to ADFIS concurrently investigating these military offences in April 2013, with the immediate establishment of an ADFIS major investigation team. That investigation remains ongoing.

Question 2: On what basis did ADFIS find no case to answer when it investigated this matter in 2010?

Response:

The Australian Defence Force Investigative Service (ADFIS) was engaged with civil police within three months from the start of an investigation into an allegation of unacceptable behaviour.

In September 2010, Defence became aware of an allegation of unacceptable behaviour by an employee of a Defence contractor (also an Army Reservist). The alleged offence had been committed against a civilian. ADFIS formally commenced an investigation into the matter in November 2010.

ADFIS enquiries indicated potential civilian offences and in February 2011 the Victoria Police were engaged by ADFIS as per Defence policy in order for them to take investigative action. Defence policy is that criminal investigations have priority over any potential military disciplinary offences, so as not to interfere with the civil criminal investigation.

Victoria Police referred the matter to the Australian Federal Police and final carriage of the investigation was established with the NSW Police Force in July 2012.

Question 3: In its initial investigation, did ADFIS identify the 17 men currently under investigation?

Response:

During the initial ADFIS investigation, 10 persons were identified as potential witnesses to the alleged criminal offences referred to the civil police. At the time, these individuals were not identified as persons of interest in criminal matters. It is alleged that these 10 individuals are part of the group presently under investigation.

**Defence media enquiry 12 July 2013**

1. Why were drug tests for three of the suspended “Jedi Council” members done through urine samples, which do not detect drugs in the system long-term, versus much more reliable “hair sample” testing?

Response:

Defence will not comment on the methods of current investigations as to do so may compromise future investigations and the integrity of investigative techniques.

2. What army sanctions, if any, have been imposed on the soldier from North Queensland who has been spoken to by police over alleged illicit drug supply and selling ADF body armour to a civilian?

Response:

Defence can confirm that on 17 June 2013, a Queensland-based Army member was arrested and charged by the Queensland Police Service with three serious offences. The member has been suspended in relation to the alleged offences. As this matter is before the courts, it would be inappropriate for Defence to comment further on the matter.

3. Will the Chief of Army go on camera to address drug use in the army?

Response:

Defence offers the following written response:

The use or involvement of prohibited substances by Australian Defence Force (ADF) personnel is not tolerated due to its incompatibility with an effective and efficient Defence Force and the capacity to undermine safety, discipline, morale, security and reputation.

Defence’s Prohibited Substance Testing Program aims to deter use or involvement with prohibited substances by ADF members.

The ADF has increased the minimum number of ADF personnel drug tested each year from 10 percent to 25 percent of the ADF population. The increasing number of tests along with increased awareness of the signs and symptoms of drug use are contributing to the detection and discouragement of drug use within the ADF.

**Chadwick, Sanchia CAPT**

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**From:** Walsh, Michaela MISS  
**Sent:** Tuesday, 20 January 2015 2:43 PM  
**To:** Constance, Rebecca MISS  
**Subject:** FW: Finalised media enquiry - 002620 - RESPONSE TO CH 7 STORY RE CA AND JEDI COUNCIL [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Bec,

Finalised response for your information.

Cheers,

**Michaela Walsh**

Communications Officer | Directorate of Communication | Army Headquarters  
Department of Defence  
R1-4-B042 | Canberra ACT 2600  
Ph: 02 626 55297

---

**From:** MediaOps  
**Sent:** Tuesday, 20 January 2015 14:39  
**To:** AHQ-Media  
**Cc:** COO-MECC-IMT; MediaOps; Jones, Karen MS 10; Banham, Mike MR; Briedis, Richard MR; Brightman, Aimee MRS; Curtin, Robert MR; Darcy, Brendan MR 2; Demiriz, Nick MR; DLO MINDEF; Elliott, Cristy MS; Fahey, Matthew CAPT - ARMY 1; Hanrahan, Jo MS; Le Maitre, Jan MS; Maher, Joshua LEUT; McKellar, Robert MR; Nordstrom, Brett MR; Peios, Stephen MR; Petch, Chloe MS; Ridd, Douglas MR  
**Subject:** Finalised media enquiry - 002620 - RESPONSE TO CH 7 STORY RE CA AND JEDI COUNCIL [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Army

Please note below media response provided to Robert Ovadia from CH7 this afternoon.

Regards,

**Alex Carter**  
Public Affairs Officer  
Media Operations  
Department of Defence

Russell Offices | PO Box 7909 | Canberra BC | ACT 2610  
P: +61 2 6127 1999 | E: [mediaops@defence.gov.au](mailto:mediaops@defence.gov.au)

---

**From:** MediaOps  
**Sent:** Tuesday, 20 January 2015 14:36  
**To:** 'Ovadia, Robert'  
**Subject:** RE: Response to your Defence media enquiry [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Robert

Please find below a response to your recent media enquiry. The response should be attributed to a Defence spokesperson, not a named individual.

**We will be seeking a response from the Chief of Army on Monday.**

Response:

The Chief of Army, Lieutenant General David Morrison, AO, has considered your request for interview and politely declines the opportunity.

Defence has no further statement to make regarding the so-called Jedi Council matter at this time.

Information regarding the conduct of the investigation has been provided in response to your previous enquiries and additional information is available on the public record. For your convenience, please refer to the following links:

Lieutenant General Morrison's announcement on 13 June 2013:

<http://video.defence.gov.au/#searchterm,0.unacceptable.All>

Lieutenant General Morrison's address to the Australian Army:

<http://army.gov.au/Our-work/Speeches-and-transcripts/Message-from-the-Chief-of-Army>

Media Releases:

<http://army.gov.au/Our-work/News-and-media/News-and-media-2013/News-and-media-July-2013/Australian-Army-suspends-five-more-members>

<http://army.gov.au/Our-work/News-and-media/News-and-media-2013/News-and-media-November-2013/Statement-on-the-termination-of-service-of-further-Army-members>

Regards,

**Media Operations  
Department of Defence**

Russell Offices | PO Box 7909 | Canberra BC | ACT 2610

P: +61 2 6127 1999 | E: [mediaops@defence.gov.au](mailto:mediaops@defence.gov.au)

---

**From:** Ovadia, Robert [mailto:ROvadia@seven.com.au]

**Sent:** Friday, 16 January 2015 15:06

**To:** MediaOps

**Subject:** RE: Response to your Defence media enquiry [SEC=UNCLASSIFIED]

Good afternoon.

This Sunday, Seven News will be airing an investigative story on Lieutenant-General David Morrison in relation to the so-called "Jedi Council" scandal.

We will be seeking a response from the Chief of Army on Monday.

Regards,

Robert Ovadia

---

**From:** MediaOps [mailto:mediaops@defence.gov.au]  
**Sent:** Wednesday, 23 July 2014 9:30 AM  
**To:** Ovadia, Robert  
**Subject:** RE: Response to your Defence media enquiry [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Robert

Thank you for your enquiry. Defence has nothing further to add.

Regards,

**Media Operations** | Department of Defence

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Russell Offices | Canberra ACT 2600  
Phone: +61 2 6127 1999  
Email: [mediaops@defence.gov.au](mailto:mediaops@defence.gov.au)

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**From:** Ovadia, Robert [mailto:ROvadia@seven.com.au]  
**Sent:** Tuesday, 22 July 2014 17:54  
**To:** MediaOps  
**Subject:** Re: Response to your Defence media enquiry [SEC=UNCLASSIFIED]

Thank you.

Is Defence able to provide a reason Lieutenant General Morrison is not willing to answer our questions during an interview?

Regards,

RO

On 22 Jul 2014, at 16:51, "MediaOps" <[mediaops@defence.gov.au](mailto:mediaops@defence.gov.au)> wrote:

UNCLASSIFIED

Good afternoon Robert,

Please find a response to your Defence media enquiry below. Please attribute this to a Defence spokesperson, not a named individual.

**Question:** I am seeking an on-camera interview with Lieutenant-General David Morrison, please, in relation to the so-called "Jedi Council" scandal.

**The interview would be broad ranging but, specifically, I am seeking answers to the following question:**

**When did Lieutenant-General David Morrison first become aware that any serving officer or soldier was being interviewed by NSW Police in connection with investigations into Hastings Fredrickson?**

**Response:**



Thank you for your enquiry. The Chief of Army, Lieutenant General David Morrison, AO, is unavailable for an interview.

Defence instead offers the following written response to your question.

The Australian Defence Force Investigative Service (ADFIS) commenced an investigation into an allegation of unacceptable behaviour by a Defence contractor (also an Army Reservist) in 2010. This matter was referred to the Victorian Police and final jurisdiction and carriage of the investigation was established with the NSW Police Force in July 2012.

In early 2013, ADFIS became aware that the NSW Police Force was investigating two Regular Army members.

The Chief of Army was informed of the NSW Police investigation on 2 April 2013. At this time he was advised of the ongoing NSW Police Force investigation into potential civilian criminal offences.

### Media Operations

Department of Defence

Russell Offices | PO Box 7909 | Canberra BC | ACT 2610

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**Chadwick, Sanchia CAPT**

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**From:** Constance, Rebecca MISS  
**Sent:** Wednesday, 15 July 2015 11:33 AM  
**To:** AHQ-FOI Coord  
**Subject:** FW: Defence media responses to Robert Ovadia [SEC=UNCLASSIFIED]  
**UNCLASSIFIED**

**Rebecca Constance**

Director Army Communication | Directorate of Communication | Army Headquarters

Department of Defence  
R1-4-B093 | Canberra ACT 2600  
ph: 02 626 67352 47F

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**From:** Constance, Rebecca MISS  
**Sent:** Friday, 23 January 2015 09:29  
**To:** Morrison, David LTGEN  
**Subject:** RE: Defence media responses to Robert Ovadia [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

Hi David,

Please see below for cut and pasted detail as requested.

Email to Robert Ovadia 20 Jan 15 (following Sun 18 Jan 15 reporting).

<starts>

Hi Robert

Please find below a response to your recent media enquiry. The response should be attributed to a Defence spokesperson, not a named individual.

**We will be seeking a response from the Chief of Army on Monday.**

Response:

The Chief of Army, Lieutenant General David Morrison, AO, has considered your request for interview and politely declines the opportunity.

Defence has no further statement to make regarding the so-called Jedi Council matter at this time.

Information regarding the conduct of the investigation has been provided in response to your previous enquiries and additional information is available on the public record. For your convenience, please refer to the following links:

Lieutenant General Morrison's announcement on 13 June 2013:

<http://video.defence.gov.au/#searchterm,0.unacceptable.All>

Lieutenant General Morrison's address to the Australian Army:

<http://army.gov.au/Our-work/Speeches-and-transcripts/Message-from-the-Chief-of-Army>

Media Releases:

<http://army.gov.au/Our-work/News-and-media/News-and-media-2013/News-and-media-July-2013/Australian-Army-suspends-five-more-members>

<http://army.gov.au/Our-work/News-and-media/News-and-media-2013/News-and-media-November-2013/Statement-on-the-termination-of-service-of-further-Army-members>

<ends>

### **Defence media enquiry responses to Robert Ovidia Jul 13 - Jul 14**

#### **Defence media enquiry 22 July 2014**

Question: I am seeking an on-camera interview with Lieutenant-General David Morrison, please, in relation to the so-called "Jedi Council" scandal.

The interview would be broad ranging but, specifically, I am seeking answers to the following question:

When did Lieutenant-General David Morrison first become aware that any serving officer or soldier was being interviewed by NSW Police in connection with investigations into Hastings Fredrickson?

Response to all:

Thank you for your enquiry. The Chief of Army, Lieutenant General David Morrison, AO, is unavailable for an interview.

Defence instead offers the following written response to your question.

The Australian Defence Force Investigative Service (ADFIS) commenced an investigation into an allegation of unacceptable behaviour by a Defence contractor (also an Army Reservist) in 2010. This matter was referred to the Victorian Police and final jurisdiction and carriage of the investigation was established with the NSW Police Force in July 2012.

In early 2013, ADFIS became aware that the NSW Police Force was investigating two Regular Army members.

The Chief of Army was informed of the NSW Police investigation on 2 April 2013. At this time he was advised of the ongoing NSW Police Force investigation into potential civilian criminal offences.

#### **Defence media enquiry 22 July 2013**

Question 1. How many of the seventeen officers under ADF investigation have been promoted since the initial investigation began in 2010?

Question 2: Why was the Army Reservist, whose alleged actions prompted the so-called "Jedi Council" investigation, promoted from Warrant Officer Second Class to Warrant Officer First Class after the investigation began?

Response to questions 1 and 2:

Defence wishes to confirm that as previously advised on 16 July 2013, the ADF Investigative Service (ADFIS) was assisting civil police in their investigation of alleged criminal offences in relation to one Army Reserve member.

An additional two Army members became the subject of a civil police investigation in early 2013 and the remaining 14 members became the subject of the ADFIS investigation in April 2013. Defence can confirm that none of the 17 Army members have been promoted whilst under investigation by ADFIS.

Question 3: I'm seeking an interview, please, with Lieutenant General David Morrison regarding his efforts to clean up alleged mistreatment of women in the Army.

Response to question 3:

The ADFIS investigation into these allegations remains ongoing. As such, Army has considered your request and politely declines the opportunity.

### **Defence media enquiry 23 July 2013**

1. Does the Minister think it appropriate that a number of the men identified as Persons of Interest in the ADF's initial "Jedi Council" investigation, were promoted by the Army in the period of September 2010 – March 2013?
2. Does the Minister think it appropriate that the Army Reservist whose alleged actions sparked the inquiry was promoted by the Army in the same time frame?
3. Should there be an inquiry into how the ADF's initial conclusions that no officer had a case to answer?

Response to all:

Of the 17 Army members currently under investigation in relation to allegations of unacceptable behaviour, none were promoted whilst under investigation. Six members were promoted in the period September 2010 to March 2013.

In relation to the above questions, Defence directs you to a media conference this morning (Tuesday, 23 July 2013), at which the Minister for Defence addressed these questions; <http://video.defence.gov.au/>

### **Defence media enquiry 23 July 2013**

Question: Including the army reservist, how many of the 17 men currently under investigation by the ADF had been promoted in the period between September, 2010 and March, 2013?

Response:

Of the 17 Army members currently under investigation in relation to allegations of unacceptable behaviour, none were promoted whilst under investigation. Six members were promoted in the period September 2010 to March 2013.

Question: Could you please clarify the rank of the Warrant Officer who was part of the initial three members suspended?

Response:

In relation to clarifying the rank of the Warrant Officer who is a person of interest in the NSW Police Force investigation and who has been suspended, the member's rank at the time of suspension was Warrant Officer Class Two.

### **Defence media enquiry 6 December 2013**

1. Why did lieutenant-General David Morrison choose June, 2013, to publicise the investigation?

The period of time between 12 April 2013, when the Chief of Army, Lieutenant General David Morrison, was made aware of the ADFIS Major Investigation, and the announcement on 13 June 2013, was primarily because there was a requirement for investigators to collect and analyse further evidence, and the need to balance the imperative to be open and transparent without prejudicing the civilian police and military investigations.

2. Why did ADFIS find none of the men now accused - nor any of those recently stood down by the Army - had a case to answer?

3. Why were none of these men interviewed by ADFIS before a conclusion was reached they had no case to answer?

The Inspector General of the Australian Defence Force (IGADF), Mr Geoff Earley, has completed a Professional Standards Review of the Australian Defence Force Investigative Service (ADFIS) investigation into the inappropriate use of the Defence computer network announced by the Chief of Army on 13 June 2013.

The Inspector General concluded that there were no breaches of the Service Police Code of Conduct and that initial ADFIS investigation in 2010 and 2011 was generally conducted in accordance with investigative practices and procedures at the time.

However the investigators' weight of effort was on probable criminal offences committed by a Reserve member in his civilian capacity rather than any potential service offences.

The Inspector General also identified ADFIS delayed referring possible civilian offences to the relevant civilian police as investigators attempted to identify other potential victims.

With respect to claims that ADFIS lied to police about the existence of crucial evidence, the Chief of the Defence Force, General David Hurley has previously sought advice from NSW Police Commissioner Andrew Scipione. Commissioner Scipione advised that the NSW Police Force was satisfied that investigators *"have been provided with all the relevant materials by ADF regarding this matter taking into account that Security Provisions may require screening/vetting of the information as of March 2013"*.

Commissioner Scipione also stated that the NSW Police Force is "satisfied that ADF has not failed to cooperate, taking into account that Security Provisions may require screening/vetting of information".

### **4. Are ADFIS investigators sufficiently trained to deal with complex investigations?**

ADFIS Investigators are appropriately trained in the requirements for serious Service offences, under the *Defence Force Discipline Act*, and the conduct of complex investigations.

### **5. Has the ADF treated the men now accused of criminal charges fairly?**

The Australian Army has terminated the service of six Officers and Non-Commissioned Officers in

relation to the production or distribution of highly inappropriate material demeaning women, across both Defence computer systems and the public internet.

Three of these six individuals have been the subject of a New South Wales Police Force investigation into alleged criminal offences. Defence is aware that these three individuals have now separately been charged by the NSW Police, on 25 November, 29 November and 3 December 2013.

These criminal charges are separate to the administrative action taken by the Australian Defence Force which resulted in the termination of their service with the Australian Army.

A further 11 Australian Army Officers and Non-Commissioned Officers were identified in the investigation into these allegations of unacceptable behaviour. A decision on the termination of seven of these Army members is currently under consideration. The remaining four Army members have been the subject of, or are facing, administrative sanctions.

In accordance with procedural fairness and the principles of natural justice, all 17 individuals have been or will be provided an opportunity to demonstrate why they should not be subject to administrative sanctions.

*\* The Inspector General ADF is a statutory appointment outside the chain of command. IGADF independently monitors and assesses the health and effectiveness of the military justice system and provides an avenue where failures of military justice may be identified, examined and remedied.*

### **Defence media enquiry 16 July 2013**

Question 1: Why did ADFIS not advise Chief of Army, Lieutenant-General David Morrison, of such serious allegations against up to 17 of his personnel until April, this year?

Response:

The ADF Investigative Service (ADFIS) was assisting civil police in their investigation of alleged criminal offences in relation to one Army Reserve member. In early 2013 ADFIS became aware that the NSW Police Force investigation suspected two Regular Army members of alleged criminal offences. In March 2013 the NSW Police Force briefed ADFIS that military disciplinary offences may have occurred. As per Defence policy, ADFIS agreed that the criminal investigation would have priority over any potential military disciplinary offences, so as not to interfere with the civil criminal investigation.

In early April 2013 Provost Marshal ADF (PM ADF) confirmed the establishment of the joint NSW Police Force – ADFIS investigation in a brief to the Chief of the Defence Force (CDF), the Chief of Army (CA) and the Chief of Joint Operations.

NSW Police agreed to ADFIS concurrently investigating these military offences in April 2013, with the immediate establishment of an ADFIS major investigation team. That investigation remains ongoing.

Question 2: On what basis did ADFIS find no case to answer when it investigated this matter in 2010?

Response:

The Australian Defence Force Investigative Service (ADFIS) was engaged with civil police within three months from the start of an investigation into an allegation of unacceptable behaviour.

In September 2010, Defence became aware of an allegation of unacceptable behaviour by an

employee of a Defence contractor (also an Army Reservist). The alleged offence had been committed against a civilian. ADFIS formally commenced an investigation into the matter in November 2010.

ADFIS enquiries indicated potential civilian offences and in February 2011 the Victoria Police were engaged by ADFIS as per Defence policy in order for them to take investigative action. Defence policy is that criminal investigations have priority over any potential military disciplinary offences, so as not to interfere with the civil criminal investigation.

Victoria Police referred the matter to the Australian Federal Police and final carriage of the investigation was established with the NSW Police Force in July 2012.

Question 3: In its initial investigation, did ADFIS identify the 17 men currently under investigation?

Response:

During the initial ADFIS investigation, 10 persons were identified as potential witnesses to the alleged criminal offences referred to the civil police. At the time, these individuals were not identified as persons of interest in criminal matters. It is alleged that these 10 individuals are part of the group presently under investigation.

### **Defence media enquiry 12 July 2013**

1. Why were drug tests for three of the suspended “Jedi Council” members done through urine samples, which do not detect drugs in the system long-term, versus much more reliable “hair sample” testing?

Response:

Defence will not comment on the methods of current investigations as to do so may compromise future investigations and the integrity of investigative techniques.

2. What army sanctions, if any, have been imposed on the soldier from North Queensland who has been spoken to by police over alleged illicit drug supply and selling ADF body armour to a civilian?

Response:

Defence can confirm that on 17 June 2013, a Queensland-based Army member was arrested and charged by the Queensland Police Service with three serious offences. The member has been suspended in relation to the alleged offences. As this matter is before the courts, it would be inappropriate for Defence to comment further on the matter.

3. Will the Chief of Army go on camera to address drug use in the army?

Response:

Defence offers the following written response:

The use or involvement of prohibited substances by Australian Defence Force (ADF) personnel is not tolerated due to its incompatibility with an effective and efficient Defence Force and the capacity to undermine safety, discipline, morale, security and reputation.

Defence’s Prohibited Substance Testing Program aims to deter use or involvement with prohibited substances by ADF members.



The ADF has increased the minimum number of ADF personnel drug tested each year from 10 percent to 25 percent of the ADF population. The increasing number of tests along with increased awareness of the signs and symptoms of drug use are contributing to the detection and discouragement of drug use within the ADF.

## Rebecca Constance

Director Army Communication | Directorate of Communication | Army Headquarters

Department of Defence

R1-4-B093 | Canberra ACT 2600

ph: 02 626 67352 47F

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**From:** Morrison, David LTGEN  
**Sent:** Friday, 23 January 2015 09:25  
**To:** Constance, Rebecca MISS  
**Subject:** Re: Defence media responses to Robert Ovidia [SEC=UNCLASSIFIED]

Classification: Unclassified

Bec,

Can't read them on a blackberry. Please cut into an email.

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**From:** Constance, Rebecca MISS  
**Sent:** Friday, January 23, 2015 09:11 AM  
**To:** Morrison, David LTGEN  
**Subject:** Defence media responses to Robert Ovidia [SEC=UNCLASSIFIED]

## UNCLASSIFIED

Hi David,

Please see attached for our responses to Robert Ovidia's media enquiries Jul 13 - Jul 14.

Robert has not officially approached Defence with an enquiry/questions since Jul 14.

On Fri 16 Jan he emailed media ops advising of the segment to air on Sun 18 Jan 15, and that he would be seeking comment from you Mon 19 Jan 15. The email attachment is the response we provided to him on Tues 20 Jan 15.

Thanks,

**Rebecca Constance**

Director Army Communication | Directorate of Communication | Army Headquarters  
Department of Defence  
R1-4-B093 | Canberra ACT 2600  
ph: 02 626 6735247F

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**Chadwick, Sanchia CAPT**

**From:** Constance, Rebecca MISS  
**Sent:** Wednesday, 15 July 2015 11:33 AM  
**To:** AHQ-FOI Coord  
**Subject:** FW: Doorstop with MINDEF on so-called Jedi council matter [SEC=UNCLASSIFIED]

UNCLASSIFIED

Rebecca Constance

Director Army Communication | Directorate of Communication | Army Headquarters  
Department of Defence  
R1-4-B093 | Canberra ACT 2600  
ph: 02 626 67352 47F

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-----Original Message-----

**From:** Constance, Rebecca MISS  
**Sent:** Thursday, 22 January 2015 21:50  
**To:** Morrison, David LTGEN  
**Subject:** Re: Doorstop with MINDEF on so-called Jedi council matter [SEC=UNCLASSIFIED]

Classification: Unclassified

Hi David,

Ack. Wilco.

Thanks,  
Bec  
Sent from BlackBerry

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----- Original Message -----

**From:** Morrison, David LTGEN  
**Sent:** Thursday, January 22, 2015 09:37 PM  
**To:** Constance, Rebecca MISS  
**Subject:** Re: Doorstop with MINDEF on so-called Jedi council matter [SEC=UNCLASSIFIED]

Classification: Unclassified

Bec,

Yes ok but I want a very well crafted press release to go out by midday before I am interviewed as a doorstep. Give the timeline to the handling of the whole matter and a statement in line with what we discussed today. Treat 7 with respect. I will want to clear it by 11.30. We need to give real emphasis to the fact that the initial contact was a heads up about a contractor. I did not get told of it but that is to be expected. Many issues come into my outer office every day. I don't need a quote from anyone to verify it but quote me as saying there was no delay except to allow due investigative process by police and ADFIS to ensure fairness. Give emphasis to the complexity of the following investigation. I know that when I was told it was very close hold because that investigation was still in its final stages. The push from me was then on to get it out as soon as possible because I saw this as my duty to the

country as its Army Chief. I don't want to rely on 7 editing any interview.

David

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----- Original Message -----

From: Constance, Rebecca MISS

Sent: Thursday, January 22, 2015 08:29 PM

To: Morrison, David LTGEN

Subject: Re: Doorstop with MINDEF on so-called Jedi council matter [SEC=UNCLASSIFIED]

Classification: Unclassified

Hi David,

47E must admit the same thought crossed my mind! I will have a crack at orchestrating an 'impromptu' intercept.

What you have to say as discussed today is the best, most genuine and honest way to tell our story. With you delivering the msg as an unscripted and unplanned interaction I think we can tell our side of the story (and kill theirs) most effectively.

Thanks,

Bec

Sent from BlackBerry

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----- Original Message -----

From: Morrison, David LTGEN

Sent: Thursday, January 22, 2015 08:11 PM

To: Constance, Rebecca MISS

Subject: Re: Doorstop with MINDEF on so-called Jedi council matter [SEC=UNCLASSIFIED]

Classification: Unclassified

Wow! Channel 7 is gunning for me. Oh well. Perhaps you should tell them that I will be at the lunch tomorrow.

David

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----- Original Message -----

From: Constance, Rebecca MISS

Sent: Thursday, January 22, 2015 07:31 PM

To: Morrison, David LTGEN

Cc: Stothart, Wade COL; Duncan, Ana LTCOL

Subject: Doorstop with MINDEF on so-called Jedi council matter [SEC=UNCLASSIFIED]

Classification: Unclassified

Hi David,

FYSA - pls see below for a transcript extract from a doorstep with MINDEF today. I will track down which outlet posed the questions first thing tomorrow. Wade and/or I will also touch base with OMINDEF tomorrow to determine if they need any additional information for MINDEF's SA.

(starts)

QUESTION:Robert Ovadia from Channel 7 has been covering this story over the last few weeks, and basically it implicates the Chief of Army in some knowledge that he had to do with the Jedi Council. Are you aware of that, and do you stand by his actions in relation to that matter?

KEVIN ANDREWS:Look, that's a story I'm not aware of at this stage. So I'm not going to comment on something I don't know about.

QUESTION:Will you be looking into it? Because it is rather a- rather damning of the Chief of Army?

KEVIN ANDREWS:As I said, I don't know anything about the story, so I won't make any comment because it would be simply a hypothetical comment, and that would be inappropriate. I must go, so, I must-

QUESTION:Do you have confidence in the Chief of Army?

KEVIN ANDREWS:I must go. I have confidence in all the military. [Indistinct] Australia we have one of the finest, if not the finest, defence forces in the world. I'm very proud of them all the way from the private right through to the senior ranks of the Australian military. And I think Australians can take great pride in the military of Australia.

Thanks very much. I must go. Sorry.

(Ends)

Thanks,  
Bec  
Sent from BlackBerry

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Australian Government  
Department of Defence

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Andrews: MA15-000308  
Ref: OCA-AHQ/OUT/2015/41

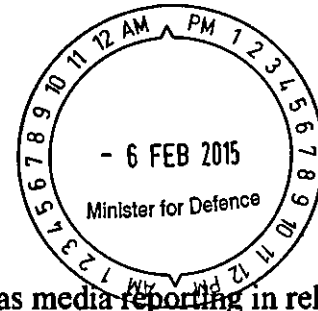
**MINISTERIAL ADVICE**

<b>Date for action by:</b> 6 February 2015	<b>Reason:</b> Prior to Mr Hastings Fredrickson's intended press conference on 9 February 2015.
---	--

**For Action: Minister for Defence**

For Info: Assistant Minister for Defence

Copies to: Secretary, CDF, VCDF, CA, DPG, FASMECC, HDL



**Update on actions against 'Jedi Council' Members**

**Purpose:**

To update you on Army and civilian police action to date, as well as media reporting in relation to the so-called Jedi Council.

**Background:**

- In September 2010, the Security Director of the Defence Contractor, Thales Australia, advised the Defence Security Authority (DSA) that they had dismissed an employee, Mr Hastings Fredrickson (at the time also a Warrant Officer Class Two in the Army Reserve and former member of the Regular Army) for improper use of their ICT system. Thales reported that Mr Fredrickson had used corporate ICT to store and distribute, via email, video of consensual sexual intercourse between himself and an unidentified civilian woman in a hotel room. DSA referred the matter to the Australian Defence Force Investigative Service (ADFIS) for investigation.

**Investigation:**

- After an initial investigation, ADFIS referred the matter to Victoria Police in February 2011. The matter was referred to the civilian authorities because Mr Fredrickson's actions occurred during his civilian employment and he therefore was not subject to the *Defence Force Discipline Act 1982*. In addition, ADFIS considered Mr Fredrickson's actions to constitute an offence under Victorian law.
- In August 2011, Victoria Police confirmed to ADFIS that a civilian woman had made a complaint in relation to Mr Fredrickson. The ADFIS investigation files were transferred to Victoria Police in October 2011. Victoria Police subsequently referred the matter to the Australian Federal Police, with final jurisdiction and carriage of the investigation being established with the NSW Police Force in July 2012.
- In early 2013, ADFIS became aware that NSW Police were investigating two Regular Army members for related offences. In March 2013, NSW Police alerted ADFIS to possible service offences identified in the course of their investigation. ADFIS and NSW Police agreed to a joint investigation, with ADFIS to investigate possible service offences, while NSW Police investigated any civilian criminal offences. As per Defence policy, priority was given to the civilian police investigation.

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Andrews: MA15-000308  
Ref: OCA-AHQ/OUT/2015/41

5. The joint investigation significantly broadened the scope of the matter. The investigation identified 17 Army members who had received, commented and shared emails of a sexually explicit nature, or demonstrated attitudes demeaning of, or offensive to women. These members ranged in rank from Lance Corporal to Lieutenant Colonel and were from both Regular and Reserve units of the Australian Army. The investigations also identified:
  - a) five potential victims (including the original civilian complainant)
  - b) Defence members outside the core group of 17, who had distributed unrelated but inappropriate material on the Defence Restricted Network (DRN).
6. On 2 April 2013, the Chief of Army was informed by the Provost Marshal ADF of the joint ADFIS and NSW Police Force investigation into potential civilian criminal and service offences. This is confirmed by the Inspector General ADF (IGADF) Inquiry report dated 1 July 2013.
7. On 13 June 2013, following consultation with ADFIS and civilian police, the Chief of Army publicly announced the investigation. The Chief of Army stated that the behaviour demonstrated symptoms of a systemic cultural problem that Army would continue to address in a comprehensive manner, through Defence's Pathway to Change strategy.

#### Resulting actions:

8. Actions by Defence against the individuals identified in the NSW Police and ADFIS investigations occurred in two phases, executed in April, June and October 2013. The decision to proceed by phases was necessitated by the requirement to wait for the completion of the ADFIS investigation, as well as the increasing number of respondents identified through analysis of email accounts.
9. By the completion of phases one and two in mid 2014, 174 administrative or disciplinary actions were taken against 172 individuals, including:
  - a) nine of the core group of 17 were terminated from service (by mid 2014);
  - b) a further two members (identified in phase two) were terminated from service (total terminations 11);
  - c) 145 members received administrative action including censures, formal warnings, counselling or other administrative sanction; and
  - d) 18 members were subject to disciplinary action.
10. All members were afforded the principle of natural justice and provided with an opportunity to demonstrate why they should not be subject to such sanctions. Of the 17 members of the core group who were terminated or received administrative sanctions, one redress of grievance against a censure remains outstanding. Two other members (from the group of 145) who received formal warnings have outstanding redresses of grievance.

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Andrews: MA15-000308  
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11. Separate to the Defence action, three individuals were charged as a result of the NSW Police investigation. Charges against two of the three individuals were withdrawn by the Commonwealth Director of Public Prosecution (CDPP) for 'public interest reasons' on 13 June 2014. The third individual, Mr Fredrickson, was charged with six counts of using a carriage service to cause offence and he pleaded guilty to three of those charges on 5 August 2014. The remaining three charges were withdrawn. Mr Fredrickson is due to be sentenced on 9 February 2015.

12. <sup>47F</sup>

**Inspector General of the ADF reviews:**

13. IGADF reviewed the initial ADFIS investigation into the unacceptable behaviour and separately, Defence's management of the progress of the investigation and found:
- a) No breaches of the Service Police code of conduct;
  - b) The initial ADFIS investigation was generally conducted in accordance with investigative practices and procedures at the time;
  - c) The investigators' weight of effort was on civilian criminal offences, committed rather than any potential service offences;
  - d) ADFIS delayed referring possible civilian offences to police as investigators tried to identify other potential victims; and
  - e) The Chief of Army was informed of the joint ADFIS and NSW Police investigation into civilian criminal and service offences by Defence members on 2 April 2013. At this time, the Chief of Army was also advised the individuals under investigation were referring to themselves as the 'Jedi Council'.
14. The NSW Police Commissioner Andrew Scipione has said police were "provided with all the relevant materials by ADF".

**Claims for compensation:**

15. In September 2014, Defence received a letter from solicitors acting for a plaintiff <sup>47F</sup> in current proceedings in the Victorian County Court. <sup>47F</sup>  
<sup>47F</sup>  
<sup>47F</sup>  
The County Court proceedings are subject to a suppression order prohibiting publication of the names of both the plaintiff and defendant. Defence has been advised that the proceedings involve the transmission of naked photographs and videos taken and subsequently shared without the plaintiff's consent.
16. The solicitors for the plaintiff in the Victorian County Court have indicated that they may seek to join the Commonwealth to the proceedings and have submitted a draft statement of claim against the Commonwealth (Defence) seeking compensation. The claim for compensation against the Commonwealth has been referred to Comcover. Comcover is managing the matter on behalf of Defence, in close consultation with Defence Legal. Proceedings have not been commenced against Defence and no formal step has been taken to seek to join the Commonwealth as a party to the Victorian County Court proceedings.



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Andrews: MA15-000308  
Ref: OCA-AHQ/OUT/2015/41

17. Additionally, in early November 2014, a letter was received from a <sup>47F</sup> law firm seeking compensation <sup>47F</sup>

<sup>47F</sup>  
<sup>47F</sup> <sup>47F</sup>  
<sup>47F</sup>

Comcover is also managing this claim on behalf of Defence, in close consultation with Defence Legal.

#### Media reporting:

18. Recent media reporting has suggested that the Chief of Army knew of the scope of the so-called 'Jedi Council' and its activities nine months before the media conference in June 2013. Defence has publicly stated and repeatedly confirmed that the Chief of Army became aware of the joint ADFIS and NSW Police investigation in April 2013. The IGADF Inquiry report dated 1 July 2013 also confirms that the Chief of Army was made aware of the investigations and their significance on 2 April 2013.
19. A number of the 17 members of the core group remain disaffected with the outcomes of the investigations and have attempted to use the media to support their position. Specifically, that they were inappropriately dealt with by Defence either during the ADFIS investigations or in the resulting administrative action taken against them. Media interest in this position to date has been limited to one commercial outlet (Channel 7).
20. On 3 February 2015, the Chief of Army was participating in a public signing of a Partnership Memorandum between Army and the NSW Department of Education and Communities (DEC) on a NSW program called the "Opportunity Hubs Program". The NSW DEC had arranged for Channel 7 to have exclusive coverage of the event. After the signing, the Chief of Army was questioned on film by the Channel 7 reporter. After addressing the Partnership Memorandum between Army and the NSW DEC, the reporter moved onto the so-called Jedi Council matter and questioned when the Chief of Army first learnt of the investigations. The interview was consistent with recent interest by Channel 7 in the matter and did not identify any new information or lines of enquiry.

21. <sup>47F</sup>

#### Recommendations:

That you:


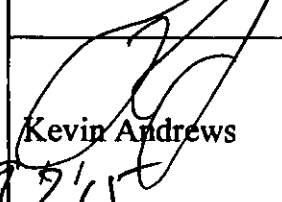
- i. Note the investigation of the allegations surrounding the incident was protracted and complex involving three civilian police jurisdictions and ADFIS.

Noted / Please Discuss

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- ii. Note the Chief of Army became aware of the investigation into the so-called 'Jedi Council' on 2 April 2013. ~~Noted / Please Discuss~~
- iii. Note 174 administrative or disciplinary actions have been taken against 172 individuals, including the termination of 11 members. ~~Noted / Please Discuss~~
- iv. Note civil proceedings have been commenced in the County Court of Victoria by an unknown plaintiff against an unknown defendant in relation to the circumstances surrounding the so-called 'Jedi Council' and the plaintiff's lawyer is seeking to join Defence in those proceedings. ~~Noted / Please Discuss~~
- v. Note a claim for compensation has been received on behalf of another person alleging a breach of privacy arising out of 'Jedi Council' activities. ~~Noted / Please Discuss~~
- vi. Note Mr Hastings Fredrickson is due to be sentenced in relation to three counts of using a carriage service to cause offence on 9 February 2015. ~~Noted / Please Discuss~~
- vii. Note <sup>47F</sup> [REDACTED] ~~Noted / Please Discuss~~

Approved By  <b>C.A. PEARCE</b> Brigadier Chief of Staff Army Headquarters  6 February 2015	
<b>Contact Officer:</b> COL Wade Stothart	<b>Phone:</b> 02 6265 4377
 Kevin Andrews <b>Comments / Supplementary tasking:</b>	

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**For Information**

Stuart Robert  
/ /

**Resources:**

22. N/A.

**Consultation:**

- 23. Mr Adrian D'Amico, Defence General Counsel.
- 24. BRIG James Gaynor, D/IGADF.