

Answer to question 12:

DP: One's got to remember from the Defence Review, people did get a formal apology from the Minister and the Chief of the Defence Force which is all a lot of people wanted. And a compensation scheme has been set up. So, so it's not as though nothing happened. Ah, and there's a further inquiry that's looking into the matter

MM: mmm resolving individual matters and increased access to counselling and now that body has funds to provide counselling

MM: can I address [VoC's] question. Um probably the biggest lesson learnt in the Defence review, and that we can do differently because of the timing and the numbers is with this we want to spend a lot more time talking to people. People complained that the Defence Review was too difficult. They got sent a very long form and um people weren't answering the phone and things like that and so we've tried to make the form quite simple, um there's a checklist there with the sort of information we are hoping people will include because that's what we need. But we're available. We have a long period to take submissions- about 3 months, we've got the phonenumber open 6 hours a day, and if that doesn't suit people they can make an arrangement to call another time, but we want to be, ideally, talking to everyone who is making a submission, not just relying on emails and letters but if people want to operate in that way, and many do because it can be difficult to talk about it then that's fine, but if people want to talk we want to hear the stories so we want to handle that process, and establish rapport with people; the numbers of people coming in the Defence Review and the distribution of our team was such that no one person dealt with the same complainant all the time, and this we've tried to set it up. So if you call the phonenumber and I answer it and I take the original submission then I'll carry that through. As long as there is some rapport there, if there were any problem then we might need to change it back. So we're really conscious that this is very difficult um process for people, it's um, it's hard to put down in words the whole scope and feeling of the thing. Bullying of course is a pattern of behaviour in the time and it might be a whole lot of little things that if it happens once in isolation it's not a problem but conveying about that whole picture so we want to give people that opportunity. And give feedback

VoC: So I guess one of the allegations, or at least that I read, was that, that the whole DLA Piper was conflicted in the fact that it was a major supplier of legal services to the, ah to the Defence Department, and so it was a massive conflict of interest and so, you know, we mention here all these conflicts of interest that we see in this investigation or in this inquiry and...

DP: The presentation of DLA Piper as, as you know, being conflicted: conflict works on the basis that you'll treat the organisation with whom you have been working more kindly ah,

than if you were coming without previous contact. Now, if you went to Defence ah, you would find them saying this is the nastiest review we have ever had in our history and my god they made (inaudible) and...

VoC: But it hasn't been so nasty that it's changed their [Defense's] culture

DP: It's starting

Woman: it's starting

DP: It's starting. Um there have been elements, none of the other 30 or so reports that have gone before have managed to change anything. We hope this one might. Goodness only knows with Defence what you can do to change culture. I mean it's just one of those things. But the point at issue is, people who talk about conflict of interest are seeing it from the wrong way around. Ah this, the report that DLA Piper with which we were involved, did for Defence would never be described as a soft report that came through because of, of wanting to curry favour with Defence.

VoC: So [we were] contacted by a lawyer Dare Donaldson, I don't know if you have heard of him? Shine Lawyers? We wondered if you would be willing to respond to you know his allegations?

MM: He, his concern was, appearing before the Senate Inquiry was, fundamentally, you need an outcome for the victims. Um, and, what frustrated me about what he was saying was that he sort of expected Defence to go straight to an outcome for victims and he, and he sort of hasn't allowed that there had to be the review, and a very comprehensive review including of a review since the 1950's, say OK well, yes there has historically been a problem, there has been plenty of reviews that have tried to fix things for the future but never has Defence ever gone back and picked up the victims. That's what's set up now. So there is the cap compensation scheme coming in that doesn't um substitute for people's other entitlements, ah, there's been the apology and things like that. One of the concerns that we had coming out of the Defence Review is getting better liaison between Defence and DVA about, and in this situation it would be similar with CSIRO and Comcare (inaudible) if there's a problem, getting that ongoing support that people need. It's all very well to give them a cap compensation payment, it's all very well to say well you can bring up a civil claim, knowing what difficulties are involved in that, but often what people need is an accepted workers compensation claim. So I think...

DP: I think what he's what he's complaining about is that DLA Piper took a view about what information they could release to the new task force. And that's back to our privacy problem again. See the people that come to DLA Piper and well on one flank have said yes we agree to you guys looking at this, but here we've got another body removed, and DLA Piper, rightly or wrongly I'm not going to I don't want to comment on whether they took the right view, have said we have to now go back to all these people who have come into us and

ask us, uh, and ask them whether they're happy for what they've told us to be conveyed to the phase 2, the new ah inquiry. That's just simply an exercise of, it's overlay of privacy.

MM: And with respect to him, he's not someone that, that raised these concerns with the DLA Piper review at the time, and he's making assumptions and again as Dennis has said, if people make assumptions, they should actually read the report, or if they knew what was in the individual assessments that they wouldn't have a basis for saying that. Dennis and Gary Rumble and I who led that, were tough, fair, but tough, we didn't shy away from hard (inaudible)

MM: Just just if I can go back to one point, um, HWL Ebsworth um has not been on CSIRO's legal panel (inaudible) was that DLA Piper had been on Defence's legal panel and had received fees, from memory they were initially 20 million a year that was (inaudible) by the cost of this review but certainly they had been on the legal panel of 5 or 6 firms or maybe it's more in recent times (inaudible) provided advice to Defence. Ebsworth hasn't been on CSIRO's legal panel.