HARRASSMENT BRIEF

COMPLAINT AGAINST ADF INVOVLEMENT IN THE 2013 SYDNEY MARDI GRAS

INTRODUCTION

1. The ADF has traditionally never allowed its uniformed members to attend activities that:

    a. insult and offend specific religious institutions;

    b. are political in nature, with open hostility or support for certain politicians and political parties; or

    c. are overtly sexual in nature.

2. The reasons the ADF has never supported such activities are as follows:

    a. **Religious beliefs.** The ADF has never sought to attack, criticise or vilify any specific individual, group or religion by virtue of its trusted position as defender of all Australian people. On the contrary, it has always been conscious of the need to ensure the spiritual requirements of its members, particularly for those deployed and who face possible death on the battlefield. As such, it has always cultivated a close and respectful relationship with various religious groups, particularly Christian denominations, from which the majority of ADF members are drawn. It has also shown prudence and respect for the religious beliefs of cultures in the operational areas in which the ADF operates.

        (1) Failure to maintain respect for the religious beliefs of the Australian community and ADF members risks reducing the standing of the ADF in the public arena and the morale and spiritual wellbeing of its members.

        (2) Failure to protect the ADF's reputation and respect for the religious and cultural beliefs of the communities in which it operates on deployment risks its effectiveness and could potentially provoke attacks against ADF personnel.

    b. **Political activity.** It has always been anathema for the ADF and its members to openly identify with any political cause or pursuit while in uniform. The ADF must remain scrupulously apolitical at all times and in every situation, in order to remain detached and separate from the political issues and processes of the moment.

        (1) Failure to remain detached from political movements or events risks the ADF either becoming actually involved in politics, or seen to be involved, which is often just as serious.

        (2) One of the ADF's greatest assets is the complete trust of the entire Australian public. The ADF is highly regarded and trusted because of its reputation as a national institution that is there to protect, help and assist every Australian.

        (3) The invaluable asset of high public regard risks damage and degradation if ADF policies are seen to be politicised or supportive of radical agendas.

    c. **Public behaviour**. The ADF has always maintained a very conservative approach to the public behaviour of its members, in order to protect its reputation.

(1) The ADF has always insisted that its members maintain high personal standards of dress, bearing and behaviour – and the ADF has always reacted strongly when its members have publicly failed in this respect.

(2) Failure to ensure that ADF members maintain high standards of public behaviour, both within and outside of uniform, risks undermining public confidence in the ADF. ADF members have always been expected to refrain from publicly engaging in activity that is beyond the bounds of social decency.

3. The prohibitions concerning the behaviour and conduct of ADF members are clearly described in ADF instructions, such as those outlined below. As ADF policy is based upon Commonwealth statutes, it is noted that the ADF and its members are also subject to specific Commonwealth laws preventing discrimination and vilification arising from religious beliefs.

4. Despite these considerations, the CDF (GEN Hurley) specifically permitted ADF participation in the Mardi Gras, held in Sydney on 02 Mar 13. He did so even while freely acknowledging that formal ADF participation was the cause of considerable complaint.[1] I know from my own contacts, both within the ADF and the general community at large, that the CDF's decision has caused much anger and unrest. GEN Hurley should have understood his decision failed the 'reasonable person' test outlined in ADF policy.

5. As the 2013 Mardi Gras was similar to previous events, it is not surprising that the CDF's decision caused anger, dismay and disappointment. The standards of behaviour at every Sydney Mardi Gras are well publicised, well known and well understood – and are condemned by hundreds of thousands of Australian citizens as being completely disgusting, absolutely unacceptable and inappropriate in the extreme. Because of the permission granted by the CDF, uniformed ADF members who voluntarily chose to march in the 2013 Mardi Gras directly supported a range of activities that:

a. insulted, mocked and denigrated Christian beliefs, including by men mockingly dressed in religious clothing and carrying signs proclaiming that 'Jesus is gay';

b. campaigned for the political outcome of gay marriage (which is explicitly outlined as a goal of the event);

c. ridiculed and vilified politicians and political parties opposed to gay marriage;

d. constituted blatantly offensive, public, sexually-explicit activity, including near-nudity, pornographic exposure and the highlighting of breasts and genitalia, as well as offensive intimate embraces between almost nude same-sex couples;

e. promoted offensive sexual practices such as homosexual bondage, by men dressed in nothing but sexually-explicit clothing; and

f. scandalously exposed children to the offensive sexual behaviour outlined above.

6. I, therefore, lodge this formal complaint against the CDF, GEN Hurley, on the basis that his decision to allow ADF participation in the 2013 Mardi Gras constituted unacceptable behaviour of the worst order, providing as it did specific ADF approval of numerous acts at an

[1] http://news.defence.gov.au/2013/01/18/chief-of-the-defence-force-adf-personnel-marching-in-uniform-at-sydney-mardi-gras/

ADF workplace that any reasonable person would conclude as being religious, political and sexual harassment.

7. I also lodge this complaint against any identifiable ADF members who either supported or participated in the Mardi Gras. By doing so, they formally engaged, in uniform, in an event that constitutes unacceptable religious, political and sexual harassment; their judgment, character and fitness to serve within the ADF must be called into question. These participants include, but are not limited to:

a. [redacted][2],

b. [redacted][3],

c. [redacted][4],

d. [redacted][5]

e. [redacted][6],

f. [redacted][7],

g. [redacted][8],

h. [redacted][9],

i. [redacted][10], and

j. [redacted][11].

8. According to media reports, there were approximately 120 ADF personnel who marched in uniform at the 2013 Mardi Gras.

ADF POLICY APPLICABLE TO PARTICIPATION IN THE MARDI GRAS

Did the Mardi Gras constitute an ADF 'Workplace'?

9. DI(G) Pers 35-3 defines the ADF workplace as:

> *'Defence establishments, business workplaces, units, facilities, accommodation and any other location which Defence personnel attend for the purpose of carrying out their work.*

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[2] http://www.smh.com.au/nsw/after-35-years-mardi-gras-still-breaks-down-barriers-20130302-2fd2y.html#ixzz2PH4lfWKv
[3] http://www.starobserver.com.au/news/2013/02/27/defence-dolled-up-for-mardi-gras/98822
[4] http://www.smh.com.au/nsw/after-35-years-mardi-gras-still-breaks-down-barriers-20130302-2fd2y.html#ixzz2PH4lfWKv
[5] http://www.sbs.com.au/news/article/1742312/Defence-forces-gear-up-for-Mardi-Gras
[6] Ibid
[7] http://gaynewsnetwork.com.au/feature/ft-new-south-wales/10615-true-colours.html
[8] http://www.smh.com.au/nsw/after-35-years-mardi-gras-still-breaks-down-barriers-20130302-2fd2y.html#ixzz2PH4lfWKv
[9] Ibid
[10] http://gaynewsnetwork.com.au/feature/ft-new-south-wales/10615-true-colours.html
[11] Ibid

This definition includes deployments, military exercises and operational environments. ***It also applies to non-Defence establishments such as*** *training centres, accommodation, and* ***social function venues attended in the course of Defence sponsored work or activity. This Instruction also applies to unacceptable behaviour that occurs outside the workplace where the behaviour has a Defence nexus or affects the workplace.****'*

a. The CDF specifically and publicly approved and authorised the attendance of ADF members at the 2013 Mardi Gras, permitting those members who chose to attend to do so in uniform, on duty and marching as a formed ADF body under the control of ADF officers, warrant officers and non-commissioned officers. As such, the 2013 Sydney Gay Mardi Gras formed part of the ADF's workplace. Accordingly, ADF policy regarding unacceptable behaviour applies to the 2013 Mardi Gras.

b. It is noted that the website of the Defence Lesbian, Gay, Bisexual, Transgender, and Intersex Information Service (DEFGLIS) refers to an ADMININST for those ADF members participating in the 2013 Mardi Gras. [12]

(1) The ADMININST titled 'DEFGLIS ADMININST 01/2012' appears to be a formal ADF document and was sent to participating members on their official ADF email accounts.

(2) The existence of this document is additional confirmation that the 2013 Mardi Gras constituted an ADF workplace for the purposes of all relevant ADF policies that deal with unacceptable behaviour, harassment etc.

c. It appears that DEFGLIS was authorised to organise the ADF presence at the 2013 Mardi Gras in all respects. Such authority normally resides with an authorised ADF commander in an ADF unit or detachment. This raises a number of questions about the status of DEFGLIS and its authority within the ADF.

(1) What was the status and role of DEFGLIS in relation to the 2013 Mardi Gras?

(2) What is the actual status and role of DEFGLIS today?

(3) What authority does DEFGLIS have over ADF members?

10. It can therefore be concluded that the entire 2013 Mardi Gras parade, conducted on the evening of Saturday 2 Mar 2013, formed part of the ADF workplace for the purposes of all internal ADF instructions and polices pertaining to unacceptable behaviour.

a. This means that every aspect of the 2013 Mardi Gras, from the moment the parade commenced until the moment it concluded, can become the basis of complaints of unacceptable behaviour in accordance with relevant ADF instructions and policy.

b. It can also be argued, as the Mardi Gras parade was itself only one part of an entire series of related events organised by a single committee over the approximate period of one month, that the activities of all the related events could also be relevant for consideration as to whether ADF policy on unacceptable behaviour was also breached by its support of the Mardi Gras.

[12] http://www.defglis.com.au/index.php/en/news/news-3/229-mardi-gras-2013-parade-brief

Does ADF involvement constitute support for the Mardi Gras?

11. A reasonable person would conclude that the ADF's involvement, association and public participation in the Mardi Gras constitutes ADF approval of the Mardi Gras (including its aims and objectives) and its approved events and authorised participants (and their views). It is noted that:

a. the DEFGLIS Chairman, SQNLDR Vince Chong, stated that the Mardi Gras '*is an important cultural event*'[13];

b. every official ADF statement regarding the Mardi Gras has supported ADF involvement and implied ADF support for the Mardi Gras' aims and objectives; and

c. not once has any member of the ADF hierarchy ever expressed concern about activities within the Mardi Gras that denigrated Christianity, were overtly political, or that were explicitly sexual in nature.

UNACCEPTABLE BEHAVIOUR

12. ADF policy (DI(G) Pers 35-3) defines unacceptable behaviour as *'behaviour that, having regard to all of the circumstances, would be offensive, belittling, abusive or threatening to another person or adverse to morale, discipline or workplace cohesion, or otherwise not in the interests of Defence'.*

13. It further states that harassment, including sexual harassment, is unacceptable behaviour.

14. It is yet to be demonstrated anywhere that it is in the ADF's interest to participate in an event that denigrates Christianity, is overtly political and that supports blatant and public offensive sexual behaviour. In fact, having regard to all the circumstances, it is demonstrably clear that the ADF's involvement in the 2013 Mardi Gras:

a. offended Christians, both within the ADF and in the wider Australian community;

b. belittled politicians, Australians and ADF members who do not support gay marriage;

c. threatened children by exposing them to public sexual activities that reasonable adults would find inappropriate and unacceptable; and

d. reduced morale, discipline and workplace cohesion by promoting activities that are against ADF policy regarding unacceptable behaviour, and breach Commonwealth anti-discrimination law and public standards of decency and morality.

HARASSMENT

15. ADF policy (DI(G) Pers 35-3) defines harassment as *'unwanted or unwelcome behaviour that a reasonable person, having regard to all the circumstances, would consider offensive, insulting, humiliating, or intimidating. There does not have to be an intention to offend or harass for harassment to occur. Harassing behaviour can range from serious to less significant, and one-off incidents can still constitute harassment'.*

[13] http://www.defglis.com.au/index.php/en/news/news-3/228-australian-defence-force-to-march-in-uniform-in-mardi-gras-2013

16. It further states examples of harassment include insulting comments and offensive pictures directed against a number of attributes such as religion, political opinion and sexual orientation.

17. It is submitted that the CDF's approval of ADF participation in the 2013 Mardi Gras constituted harassment of ADF members. The bases of harassment fall into three categories: religious harassment, political harassment and sexual harassment. Each category shall now be examined in turn and in detail.

Religious harassment

18. For many years, the Mardi Gras has consistently attacked, ridiculed and insulted Christian beliefs.

a. In 2009, a number of men dressed as bishops and then proceeded to conduct sexually-offensive activity, including exposing their underwear during the parade.[14]

b. In 2011, in an offensive and insulting attack on women who enter religious life, a number of men paraded as nuns in the Mardi Gras.[15] Some of these men posted videos of themselves forgiving sins,[16] denigrating the Catholic sacrament of Penance, and detailing sexually explicit names of themselves.[17]

c. The 2013 Mardi Gras, which involved the ADF, was consistently predictable when it came to denigrating and insulting Christianity. As depicted in the images below, authorised participants carried signs declaring that 'Jesus is gay' and mocked religious clergy.

d. Furthermore, there can be no doubt that this harassment was never accidental – it was entirely deliberate and intentional.

Photo 1: Authorised Mardi Gras participants at the 2013 Mardi Gras ridicule Jesus Christ, who is also a significant Islamic prophet.[18]

[14] http://www.youtube.com/watch?v=HyjHJ7jDSi4
[15] http://www.youtube.com/watch?v=R6K6h_fRv9k
[16] http://www.youtube.com/watch?v=R6K6h_fRv9k
[17] http://www.youtube.com/watch?v=4tA6RAsNk0s
[18] http://www.flickr.com/photos/simple_dog/8522093087/

Photo 2: Authorised 2013 Mardi Gras participants mock Christian clergy.[19]

19. Allowing uniformed ADF members to parade with authorised Mardi Gras floats and participants that mock Christianity, Christian clergy and Jesus Christ:

a. gives the impression that the ADF also holds similar views regarding Christianity and members of the Christian clergy;

b. offends ADF Christian members and the wider Christian community who are insulted by this annual attack on Christianity and its founder and the second person of the Blessed Trinity, Jesus Christ;

c. is particularly serious in the eyes of practising Christians, given it directly violates the Second Commandment, which states that God's name is not to be ridiculed;

d. also insults Muslims who revere Jesus Christ as a prophet; and

e. endangers ADF personnel serving in Islamic countries who may be subjected to an Islamic backlash, given the ADF's full participation in an activity which denigrates Islamic cultural and religious beliefs.

20. The CDF would never permit uniformed ADF attendance at a parade which vilifies Islam by including placards proclaiming that "Mohammed is gay". Yet the CDF has no difficulty in allowing uniformed ADF attendance at a parade where offensively-dressed homosexuals carry placards proclaiming that "Jesus is gay", specifically to harass Christians.

a. If the CDF allowed uniformed ADF attendance at a parade that mocked and insulted Islam, there would be furious demands from all levels of society for his immediate sacking. His resignation would indeed be swift and predictable.

[19] http://www.flickr.com/photos/simple_dog/8523224154/

b. The hypocrisy shown by the CDF is unacceptable: all religious insult and vilification should be offensive to all ADF members, particularly the CDF who is personally responsible for the public reputation and good standing of the entire ADF.

c. The CDF has allowed Christians to be gravely insulted by allowing the ADF to support the extremely offensive behaviour at the Mardi Gras: the CDF must seriously consider his position.

21. Due to their offensive nature, photographs of participants at the Mardi Gras carrying signs declaring that "Jesus is gay" could never be displayed in ADF workplaces. From this, it follows that the CDF should have prohibited ADF support for the Mardi Gras in the first place.

22. It is therefore clear that the CDF's decision to permit uniformed ADF members to march with those who insult, denigrate and mock Christianity constitutes specific approval of behaviour that is insulting and offensive to members of the ADF, including myself.

a. This, according to ADF policy, constitutes religious harassment.

b. In turn, religious harassment constitutes unacceptable conduct.

Political harassment

23. The Mardi Gras is an openly political event – there has never been any secret as to this well-known and fully understood fact.

a. The *2012 Annual Report of the Sydney Gay and Lesbian Mardi Gras* states that a key purpose of the Mardi Gras is to '*provide a platform for expression and support and engagement of the GLBTQI community, whether it is* ***about political messages*** *and protest, self expression or identity and gender or pure celebration*'.[20]

b. The report further states that gay marriage is a key focus of the Mardi Gras and that petitions have been established for that end.

c. Highly personal attacks on politicians opposed to gay political activism are a routine occurrence at Mardi Gras parades. Fred Nile, Tony Abbott and Julia Gillard are just some of the public figures that have been vilified and mocked at previous parades.

d. Certain political parties and candidates who support gay marriage marched in the 2013 Mardi Gras parade, including the Greens, Rainbow Labor, pro-gay elements of the Liberal Party and Julian Assange supporters who back his senate campaign and his public release of classified documents.

e. Certain political parties and politicians who oppose gay marriage were also mocked and vilified at the 2013 Mardi Gras, with Bob Katter being the focus of ridicule.

[20] http://www.mardigras.org.au/wp-content/uploads/2012/11/SMG_AR_2012_FULL_LRFINAL235.pdf

Photo 3: Prime Minister Julia Gillard and Opposition Leader Tony Abbott insulted at the 2011 Mardi Gras for their support for extant laws regarding marriage and opposition to gay marriage.[21]

Photo 4: Prime Minister Julia Gillard and Opposition Leader Tony Abbott insulted at the 2011 Mardi Gras for their support for extant laws regarding marriage and opposition to gay marriage.[22]

[21] http://www.theaustralian.com.au/news/nation/gay-marriage-theme-dominates-gay-and-lesbian-mardi-gras-parade/story-e6frg6nf-1226016479587

[22] http://www.theaustralian.com.au/news/nation/gay-marriage-theme-dominates-gay-and-lesbian-mardi-gras-parade/story-e6frg6nf-1226016479587

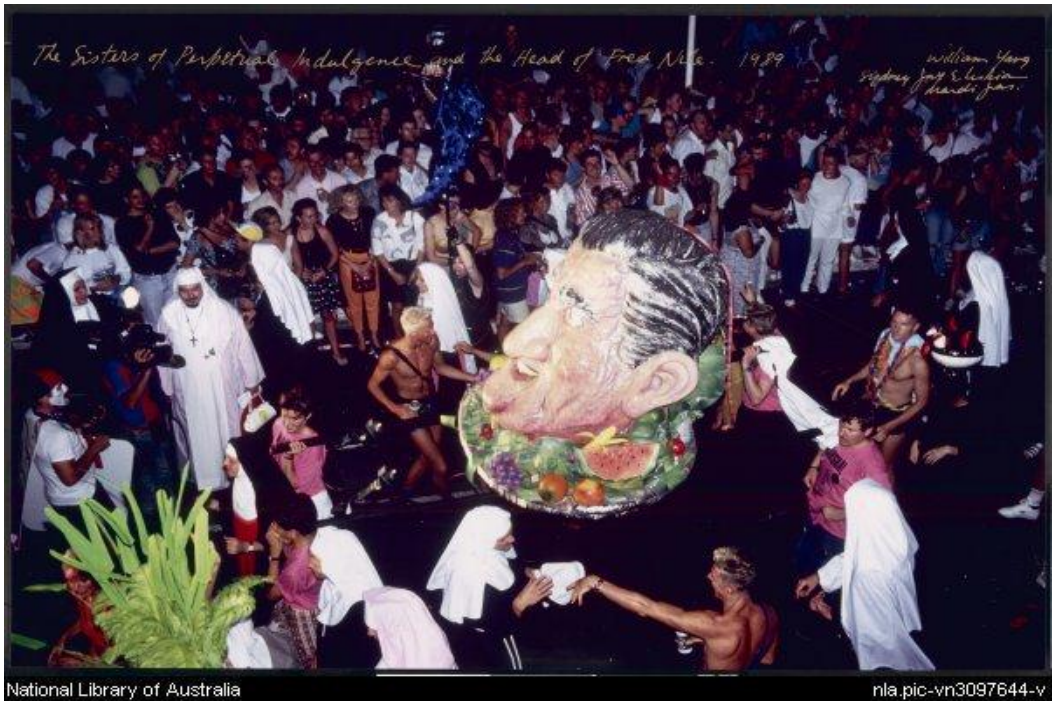

Photo 5: At the 1989 Mardi Gras, the Rev Fred Nile was vilified in this offensive float in which men dress as nuns paraded around a large figurine. It depicts Rev Nile's head on a plate – a reference to St John the Baptist whose own head was delivered on a plate to Herod. The caption reads *'The Sisters of Perpetual Indulgence and the Head of Fred Nile 1989.'* [23]

Photo 6: Authorised 2013 Mardi Gras denigration of Bob Katter because of his opposition to gay marriage. [24]

24. Allowing uniformed ADF members to parade in the unashamedly political Mardi Gras confirms the impression that the ADF supports gay activists and their political goals, including legalisation of same sex marriage.

a. This is clearly contrary to ADF tradition and practice in relation to uniformed involvement in political activity.

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[23] http://www.paulhagon.com/playground/nla/geo/pi/nla.pic-vn3097644

[24] http://www.abc.net.au/news/2013-03-03/bob-katter-makes-mardi-gras-appearance/4549846

b. It is also completely hypocritical because the ADF would never authorise its members to participate, in uniform, at any event that campaigned politically to maintain current laws regarding marriage.

c. The CDF has now provided ADF support to an activist political campaign to change extant laws regarding marriage. It is noted that neither the Prime Minister nor Opposition Leader have provided similar support. GEN Hurley has done something no previous CDF would ever do – he has rashly provided specific ADF support to a social-political agenda that divides the Australian community and major political parties alike.

d. This decision is intimidatory precisely because it gives the clear impression that ADF members are expected and required to publicly support anything to do with gay and lesbian relationships and lifestyles, regardless of their private political views and religious beliefs.

e. This constitutes political harassment of ADF members opposed to the current general LGBT agenda.

25. ADF members have never been allowed to display political posters or literature within an ADF workplace. The banning of offensive religiously-themed photographs taken at the Mardi Gras was discussed in para 21 above. The same fate would befall politically-themed photographs also taken at the Mardi Gras: they, too, would not be unacceptable in any ADF workplace.

Photo 7: An example of political imagery from the 2013 Mardi Gras that could not be displayed in ADF workplaces even though ADF members marched with this group.[25]

26. It is therefore clear that the CDF's decision to allow uniformed ADF members to march in a politically-motivated parade constitutes political harassment and breaches the political neutrality of the ADF.

[25] http://www.stephenleecelebrancy.com.au/wp-content/uploads/2013/03/MG-1-350x249.jpg

Sexual Harassment

27. ADF policy (DI(G) Pers 35-3) defines sexual harassment as *'discrimination and harassment on the grounds of sexual orientation or identity. Denial of promotions, termination of employment, breaches of confidentiality and refusal of overtime and higher duties on the grounds of sexual orientation or identity are also prohibited. Inappropriate advocacy of a particular sexual orientation is also unacceptable. Behaviour that may be acceptable in other contexts, such as between friends in a social setting, can be inappropriate in the workplace'.*

28. It further states that examples of sexual harassment include the display of sexually explicit images that depict naked or semi-naked bodies, the encouragement of open sexual activity and publications (formal or informal) with sexual connotations.

29. The 2013 Mardi Gras parade, in which uniformed ADF personnel marched, describes itself as an event in which pride is displayed in homosexual, lesbian and other forms of sexual orientation. Examples of groups and authorised participants that ADF members marched with at the 2013 Mardi Gras include:

a. Body Electric Inc., an organisation that advertises courses for men to explore 'erotic massage skills, self-pleasuring and other intimate body awareness',[26] 'explore full-body orgasm without ejaculation'[27] and 'spanking, bondage & flogging'.[28]

b. Perth Sisters of Perpetual Indulgence, an organisation that mocks the Catholic Church while campaigning for sexual licentiousness and whose website is crassly named http://theholybitchmotherdingo.org.

c. Miss Gay & Miss Transsexual Australia, an organisation that conducts sexualised beauty pageants for gay men, cross-dressers, drag queens and transsexuals.

d. Girlthing, an organisation that conducts public displays of nudity and that campaigns for sexual licentiousness.

Photo 8: Image of the authorised Girlthing float at the 2013 Mardi Gras.

[26] http://www.bodyelectricoz.org/dloc.html
[27] http://www.bodyelectricoz.org/celebratingthebodyelectric.html
[28] http://www.bodyelectricoz.org/psi.html

a. Harbour City Bears, an organisation that promotes sexual activity between hairy, gay men.

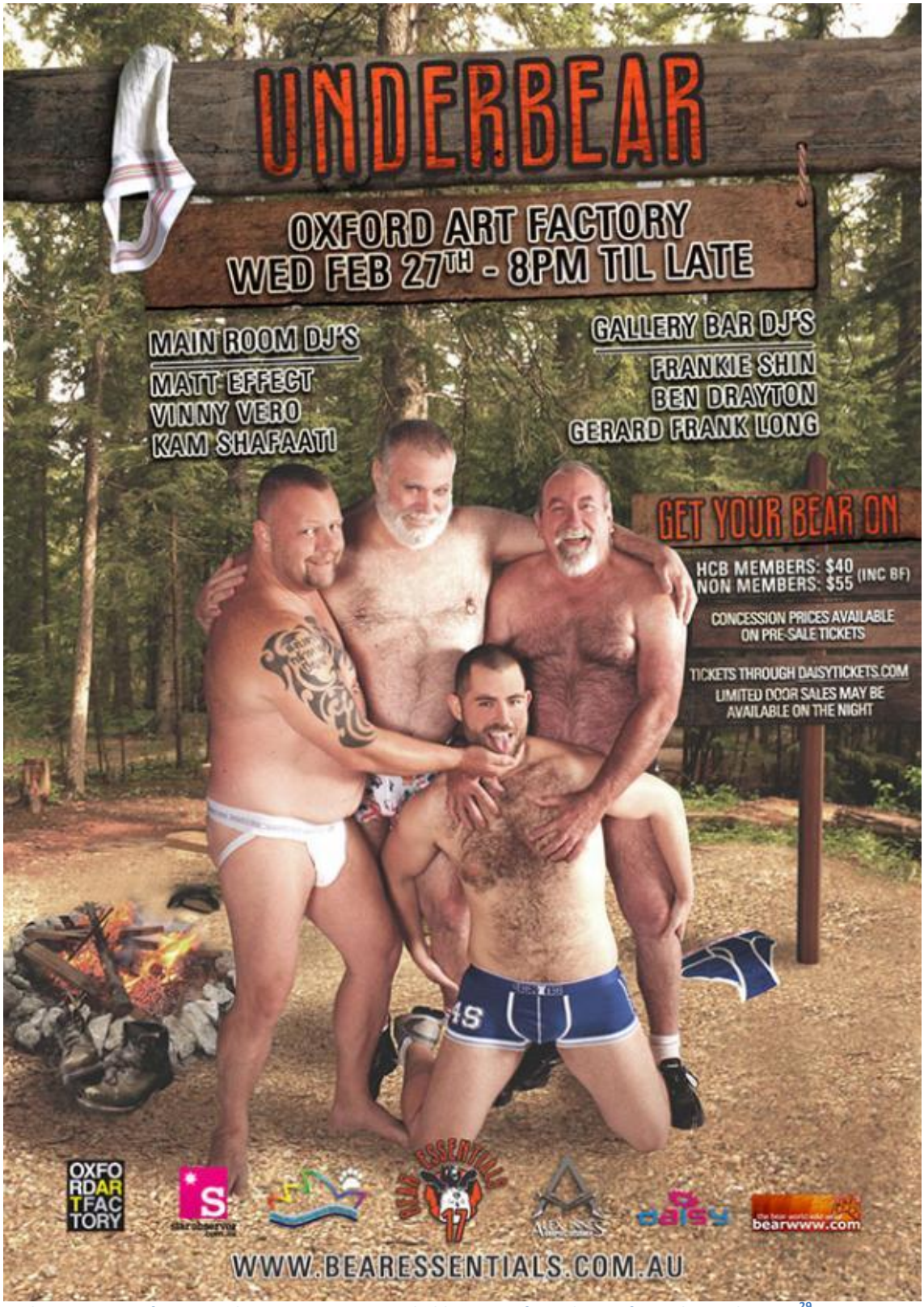

Photo 9: Poster from a Harbour City Bears event held as part of Mardi Gras festival in early 2013.[29]

[29] http://bearessentials.com.au/V2/images/underbear.jpg

b. Sydney Leather Pride Assoc. Inc., an organisation that promotes 'fetish or esoteric sexual practices' and that runs courses and interactive workshops in sexual bondage with leather, chains and ropes.[30] Its own Mardi Gras description helpfully informed the public that it was an organisation for 'perverts'.[31]

Photo 10: Authorised Mardi Gras participants from the Sydney Leather Pride Assoc Inc.[32]

30. The ADF does not support any events in which heterosexual sexuality is specifically celebrated. However, by virtue of the support provided by the CDF to the 2013 Mardi Gras, it is highly apparent that the ADF now celebrates LGBT sexuality. This newly-instituted bias to certain types of sexual orientation over others reflects the similar newly-instituted bias to LGBT politics over others. This would certainly appear to constitute inappropriate advocacy of a particular sexual orientation.

31. As previously described, the 2013 Mardi Gras was an inappropriate workplace for ADF personnel. The conduct, dress, attitudes and behaviour of hundreds of non-ADF participants reflected workplace settings more commonly found in brothels and strip clubs. It is inappropriate for uniformed ADF personnel to conduct their work in such a setting. Furthermore, as not one single comment has been found to indicate any view to the contrary, it can be concluded that all ADF participants at the 2013 Mardi Gras fully approved of the conduct, dress, attitudes and behaviour of all the Mardi Gras participants they paraded with, as did the CDF and other members of the ADF hierarchy who approved this workplace and ADF support of the activities that occurred within it.

32. In order to confirm the pornographic and sexualised nature of the Mardi Gras, a number of other images are presented below. These images were not cherry picked but are similar to the many thousands of images widely available on the official Mardi Gras website and on social media feeds such as Flickr, and on a multitude of other websites. Unfortunately, images of ADF personnel marching in uniform are now in the same galleries.

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[30] http://www.sydneyleatherpride.org/education/index.shtml
[31] http://www.mardigras.org.au/wp-content/uploads/2013/03/Parade-release.pdf
[32] http://www.queerty.com/photos-sydney-mardi-gras-parade-20130306/

Photo 11: Montage of images mostly from the 2013 Mardi Gras parade, highlighting that ADF participation is now intimately linked with public displays of offensive sexual behaviour.

Photo 12: ADF members prepare for 2013 Mardi Gras by posing with semi-naked gay man.[33]

Photo 13: Women expose and fondle breasts - it is likely the ADF contingent marched behind this float. This image was taken from the official 2013 Mardi Gras photo gallery – it also has images of ADF personnel marching in uniform.[34]

[33] http://aviewfromthebend.files.wordpress.com/2013/03/defence-forces.jpg
[34] http://farm9.staticflickr.com/8250/8532403379_17e7e56bff_b.jpg

Photo 14: The lead Mardi Gras float 'Dykes on Bikes' showing women exposing themselves and behind which the ADF contingent marched.[35]

Photo 15: 2013 Mardi Gras parade and event images showing public exposure of breasts and highlighting of genitalia. Images of ADF personnel marching in uniform are available on the same webpages and public image galleries.[36] [37] [38]

[35] http://www.flickr.com/photos/simple_dog/8522024895/
[36] http://farm9.staticflickr.com/8101/8533564980_9f72b66a86_b.jpg
[37] http://farm9.staticflickr.com/8529/8533323606_341cd9f229_b.jpg
[38] http://farm9.staticflickr.com/8228/8532213347_46989450e3_b.jpg

Photo 16: Image from the 2013 Mardi Gras showing two men embracing dressed in sexually-explicit clothing which highlights their genitalia.[39]

Photo 17: Figure taken from forum complaining about police orders for participants to cease exposing themselves in public. It shows two almost completely naked men fondling each other in a sexually-explicit embrace at the 2013 Mardi Gras.[40]

[39] http://www.queerty.com/photos-sydney-mardi-gras-parade-20130306/
[40] http://m.samesame.com.au/forum/showthread.php?t=30635

Photo 18: This image also highlights that children were exposed to offensive sexual behaviour at the 2013 Mardi Gras. There are many similar photos available on the official Mardi Gras webpage and on other pages that show this was a common occurrence and that the LGBT community have no qualms about such questionable ethics. ADF members paraded past these same children and with the same groups depicted above.[41]

33. The images above clearly demonstrate the range of sexually-explicit behaviour that is commonplace at every Sydney Mardi Gras, including the 2013 Mardi Gras, attended voluntarily by uniformed ADF members with the blessing of the CDF.

a. The fact that that such behaviour occurs at every Mardi Gras is well known.

b. The CDF knew of the behaviour that is integral to every Mardi Gras when he made his decision to approve uniformed ADF attendance at the 2013 Mardi Gras. He cannot possibly claim that, at the time he made his decision, he was unaware of the conduct, behaviour and attitudes of Mardi Gras participants.

c. I am not aware of any senior ADF officer at one star rank or above from any of the three Services who said anything in protest concerning the CDF's decision. This means that the vast majority of senior ADF officers – if not all – also approve of the conduct, behaviour and attitudes of Mardi Gras participants.

d. This means the ADF has radically changed its view on matters involving sexual behaviour and propriety: the ADF now fully and unreservedly supports public displays of nudity, sexually explicit activity and shameful sexual conduct – even in front of children.

e. This fact may have substantial ramifications where future charges against ADF members in respect of sexual misconduct are to be determined. A common defence in future may become the Mardi Gras Defence: '*What I did is considered acceptable within ADF workplaces and is celebrated by the ADF each year at the Mardi Gras.'*

[41] http://www.flickr.com/photos/68143502@N04/8533040027/

f. It would be an understatement to say that none of this has covered the ADF in glory.

34. In fact, media reporting naturally highlighted this dramatic change in ADF attitudes. One report of the Mardi Gras began with '*Drag queens and scantily-dressed dancers joined with politicians and military personnel for Sydney's colourful gay and lesbian Mardi Gras'.*[42] Other reports stated that the ADF's participation highlighted its diversity and acceptance.

a. One can only imagine this means acceptance of public nudity, sexually-explicit activity in front of children and morally questionable behaviour. ADF participation also certainly means it is now not so accepting of those who hold the view that such behaviour is unacceptable, putting to shame its 'diversity' credentials.

35. It is beyond belief that the CDF would permit ADF participation in a parade that is pornographic and consists of numerous participants who openly highlight and display their genitalia, breasts etc.

a. Should such activity occur at any other time at any other ADF workplace – e.g. at a Mess function or within the lines - it would be immediately condemned and shut down as unacceptable behaviour and sexual harassment of the worst order. Charges would probably be preferred against all involved.

b. It is noted that no ADF member can display sexually explicit photographs from magazines or the internet within their ADF workplace as this would also be classified as sexual harassment and unacceptable behaviour. Any ADF member doing so would also probably face disciplinary action.

(1) This includes display of any of the above graphic and explicit photographs from the 2013 Mardi Gras in which ADF personnel marched and which are widely available in galleries which contain images of uniformed ADF personnel.

(2) Even though all photos taken at the Sydney 2013 Mardi Gras were taken at an approved ADF workplace, most could not be displayed openly in any ADF workplace.

(a) Or has that changed?

(b) Does the fact that the CDF specifically permitted uniformed ADF attendance at the 2013 Sydney Mardi Gras mean that the rules pertaining to sexually explicit activity and the display of sexually explicit material are now different?

(c) Can any ADF member now display sexually explicit photos in any ADF workplace on the basis that they are no different to anything that was on public display at any Sydney Mardi Gras and supported by ADF participation?

(3) The CDF's approval of ADF involvement in the Mardi Gras highlights the hypocritical state of ADF policy, of which the CDF has oversight:

[42] http://www.google.com/hostednews/afp/article/ALeqM5jyvolcR6qw07nwV0z1_NXkLus7sA?docId=CNG.ac25b934e07dab13f136588829b3e559.1f1

(a) On the one hand, this policy states that a photograph taken from a pornographic magazine or webpage cannot be displayed at an ADF workplace because it constitutes unacceptable behaviour based upon sexual harassment.

(b) On the other hand, the CDF permits uniformed ADF attendance at an event that is full of participants looking like they are dressed for a photo shoot for a pornographic magazine or webpage.

36. It is even more offensive that this type of sexual activity and perversion was promoted in front of children. Through ADF involvement and support of the Mardi Gras, it has become complicit in the sexualisation of children and the public advertisement of offensive sexual behaviour to them. Therefore, ADF participation in the Mardi Gras and association with offensive, pornographic and sexually perverted groups clearly constitutes sexual harassment of its members who are rightfully distressed by such activity.

HAS THE ADF ABANDONED ADF CHRISTIANS AND THEIR BELIEFS IN A MAD RUSH TO EMBRACE 'DIVERSITY'?

37. All of this raises an obvious question: has the ADF adopted a new set of beliefs that is completely inimical to Christianity during the tenure of the current CDF? Has the CDF overseen a fundamental and far-reaching change whereby ADF members holding anti-Christian beliefs are to be given special support and encouragement (also known as 'positive discrimination'), while ADF members who are Christian are to be discriminated against in the full sense of that term and disadvantaged because of their religious convictions?

a. This is not merely idle conjecture. On 7 March 2013, LTCOL Paul Morgan appeared on the ABC TV program *7:30* without any ADF permission to do so and dressed in uniform. Against the backdrop of ADF (and his) involvement in the Mardi Gras, he proceeded to mount a scathing attack against ADF senior officers for their handling of abuse claims, particularly with regards to abuse he had received as a homosexual. He also complained about the way LGBT members of the ADF were treated. [43]

b. His allegations against all levels of command within the Army were most serious and I condemn any abuse against him. But it was just as serious that he had disobeyed all relevant ADF instructions by appearing on TV without permission and in uniform to campaign for LGBT goals.

c. When asked if LTCOL Morgan would be punished for these most serious breaches of ADF policy, GEN Hurley replied that LTCOL Morgan would not sacked or disciplined for speaking out. The CDF is quoted in *The Australian* newspaper as saying 'Of course he won't be.' The CDF also stated that the ADF had been very supportive of LTCOL Morgan and that it had allowed participation in the Mardi Gras as a means of promoting diversity and acceptance. [44]

d. It appeared to the Australian public that LTCOL Morgan could say and do whatever he liked in breach of ADF policy and procedure – he would not be punished in any way.

[43] http://www.abc.net.au/7.30/content/2013/s3710615.htm
[44] http://www.theaustralian.com.au/news/breaking-news/gay-colonel-condemns-adf-abuse-neglect/story-fn3dxiwe-1226592783083

e. LTCOL Morgan is a self-proclaimed homosexual who is very active in ADF gay and lesbian circles. He led the Army contingent at the Sydney 2013 Mardi Gras. His treatment by the ADF hierarchy has differed vastly from mine.

f. In response to the precedent set above, I took the opportunity to also state my views in the public arena on a variety of ADF matters that I also believe are serious and worthy of comment, including its offensive support of the anti-Christian Mardi Gras. In contrast to LTCOL Morgan, I did not do so while in uniform or on duty.

g. While LTCOL Morgan was provided with tolerant understanding and patience, I received prompt, abrupt and hostile attention from my chain of command that culminated in a letter from the Deputy Chief of Army (DCA), MAJGEN A.J. Campbell dated 22 Mar 2013.

h. Certain sentences within the DCA's letter establish clearly that ADF senior officers are now implacably opposed to any ADF member with Christian beliefs and will discriminate against those members. These sentences were written in a context whereby MAJGEN Campbell knew full well that I am a practising Catholic and that I take my faith very seriously. The sentences of concern written by MAJGEN Campbell are as follows:

(1) *"In short, Army does not share your views, which are both offensive and divisive, and not in the interests of Army or our people".*

(2) *"… your personal values are not in line with those of Army, or the wider ADF".*

(3) *"It is not my intention to prevent you from having an opinion, but when that opinion is linked to your military service* ***and is fundamentally inconsistent with Defence policy and values,*** *you should reconsider your employment options. I offer to you that, under these circumstances, the appropriate course of action may be for you to tender your resignation".*

i. MAJGEN Campbell has therefore decreed that my personal views, being views based on my Catholic faith, *"are not in line with those of Army".* He has made it crystal clear that *"Army does not share my views".* My Catholic views are "*offensive and divisive".* In addition, my Catholic principles *"are not in the interests of Army or our people".*

(1) Where a homosexual is moved by conscience to disobey orders and speak to the media, he is showered with sympathy and understanding.

(2) Where a Catholic is moved by conscience and speaks to the media while not on duty or in uniform, he is subject to the full weight of ADF administrative process and told to resign.

j. MAJGEN Campbell's letter confirms without doubt that Christian beliefs are no longer tolerated, let alone encouraged, within the ADF.

k. Furthermore, I have been informed by CO DIntTC that due to my views and activities, I will not be permitted to parade as a Reservist posted to DintTC.

l. It is clear the ADF now values the rights of LGBT ADF members to participate in a parade that denigrates Christianity over the rights of Christian ADF members to work in an organisation that respects their religious beliefs and right to practice it publicly.

38. A new era has begun for the ADF under the current CDF: the ADF is now officially hostile to any of its members who hold and espouse Christian beliefs and values. At the same time it is officially sympathetic to those who are homosexual or lesbian. Gays and lesbians can do no wrong – Catholics should resign.

a. Under the current CDF, the ADF has become an organisation that allows LGBT members to publicly agitate for their desired outcomes while non LGBT members cannot.

b. Under the current CDF, the ADF will continue to support LGBT members through participation in an event that is offensive, sexually explicit, overtly political and denigrating of religious beliefs, while other ADF members who hold different views will have no right to campaign for their own beliefs – even as private citizens.

c. Under the current CDF, the ADF will enforce a culture in which members can only practice their Christian faith privately, while LGBT members are able to publicly proclaim and insist upon their version of morality while conducting public attacks on Christianity.

d. Under the current CDF, the ADF will compel members to publicly accept a version of morality which is not in accordance with their personal conscience or religious beliefs, however much they may disagree with it, or otherwise suffer discrimination and expulsion from service.

e. Under the current CDF, Catholic members of the ADF will not be allowed to publicly state their faith or its official teaching that it proclaims in its catechism that:

> *Basing itself on Sacred Scripture, which presents homosexual acts as acts of grave depravity, tradition has always declared that "homosexual acts are intrinsically disordered." They are contrary to the natural law. They close the sexual act to the gift of life. They do not proceed from a genuine affective and sexual complementarity. Under no circumstances can they be approved.*[45]

f. For the record, I do not support any actions that denigrate or insult homosexual persons. However, stating your adherence to Catholic teaching that homosexual acts are not to be approved is not denigration. Furthermore, stating that you do not wish your children to be taught by people who teach that homosexuality is acceptable they are acceptable is not denigration either. It is simply exercising my right as a parent to ensure my children are brought up with an understanding of morality.

g. I will be submitting further unacceptable behaviour complaints against MAJGEN Campbell and CO DIntTC for their actions which have consisted of harassing statements against my religious beliefs, bullying and denial of opportunities to parade as a member for the Army Reserve.

[45] http://www.vatican.va/archive/ccc_css/archive/catechism/p3s2c2a6.htm

CONCLUSION

39. It is clear that the CDF's decision to permit uniformed ADF participation in the 2013 Sydney Mardi Gras resulted in religious, political and sexual harassment occurring within an ADF workplace, namely the 2013 Sydney Mardi Gras.

40. It therefore follows that the CDF is guilty of gross and condemnable unacceptable behaviour.

DESIRED OUTCOMES

41. Given the truly appalling extent of the CDF's unacceptable behaviour, the only acceptable course of action is for GEN Hurley to resign immediately.

42. In addition, in order to restore the reputation of the ADF in the eyes of the Australian public and to remedy the religious, political and sexual harassment experienced by myself and other ADF Christian members, the following additional outcomes are sought:

a. The ADF should publicly announce that it will not participate in any future Mardi Gras events due to:

(1) its anti-Christian character,

(2) the inappropriateness of the ADF to support pro-gay marriage political activity, and

(3) its overtly sexual nature which is offensive to many ADF members and the wider community.

b. The CDF should publicly apologise for approving an event that he knew would cause offence and that constitutes religious, political and sexual harassment.

c. The CDF should publicly acknowledge that by allowing ADF involvement in an event which was overtly sexual and offensive, he has undermined the capacity of commanders at all levels to effectively deal with sexual harassment in the ADF.

d. If the ADF is not going to cease its involvement with the Mardi Gras, it should publicly state that:

(1) ADF involvement does not constitute endorsement of participants that denigrate and insult Christianity and that under ADF policy such activity is unacceptable;

(2) ADF involvement does not constitute support for gay marriage and that it is inappropriate for the ADF to engage in or support political campaigns;

(3) ADF involvement does not constitute support for public exposure, nudity, or sexually-explicit activity in public places and in front of children and that such activity constitutes sexual harassment under ADF policy;

(4) ADF involvement does not constitute support for organisations that promote sexually explicit activity that is offensive and outside the bounds of societal decency;

(5) ADF members are also free to oppose its involvement in the Mardi Gras due to the fact that they are offended by its attacks on Christianity, political activism for gay marriage and offensive sexual nature; and

(6) ADF members are also free to participate in other events, in uniform, such as rallies for traditional marriage and Christian events, such as Catholic processions for the Feast of Christ the King. I also request to be authorised to attend such events in uniform.

e. The ADF should disband DEFGLIS if it is part of the ADF; otherwise, it should cease providing any public support through funding, websites, information, material support or by any other means due to its:

(1) advocacy for inappropriate ADF involvement in the Mardi Gras;

(2) political campaigning for gay marriage; and

(3) advocacy of the removal of rights for religious organisations.

f. The ADF should also make it publicly known that political statements made by DEFGLIS are not Defence policy.

g. Failing this, the ADF should establish a Defence Catholic Information Service, with the same levels of support as DEFGLIS, to ensure that Catholic members of the ADF can lobby for their religious diversity requirements, in the same manner as DEFGLIS. This is particularly important as chaplains are not the only Catholic members of the ADF and are unable to lobby freely for Catholic requirements due to their position within the ADF hierarchy.

h. The ADF must immediately cease the conduct of any training that states or implies that ADF members must accept the morality or legitimacy of sexual practices that are not in conformity with their religious beliefs. The ADF should not enforce members to accept sexual practices that do not conform with their personal religious or ethical beliefs and members should not face adverse action because they practise their faith publicly, including their right to publicly state their opinion and religious belief on these matters.

i. Furthermore, given that the ADF does not provide any training to assist members to accept heterosexual practices, but it does for LGBT practices, this is inappropriate advocacy of a particular sexual orientation. Unless the ADF is going to ensure all members are given training on acceptance of all forms of sexual practices (including polygamous and other forms of sexual expression, as well as traditional concepts of monogamous, heterosexual marriage) it is inappropriate to continue with LGBT acceptance training.

43. I look forward to your receipt of this complaint and timely response.

Bernard Gaynor
MAJ
DIntTC

Apr 13