

## Navy dragged feet on bullying claims

31 October 2005 — 11:00am

Kellie Wiggins says she has seen the worst of a culture of harassment at the Australian Defence Force and its justice system.

It's hard to pick which is more appalling, the former naval officer says. "The lawyers or those who harassed me. Honestly, it's hard to tell who are the bigger bullies," she told the *Herald*.

It's a comment that is particularly damning for the military justice system, because Ms Wiggins's account of her sexual harassment is disturbing.

A navy lieutenant, Ms Wiggins says as a cadet she was groped by her instructor, who twice tried to break into her cabin.

On her first posting at sea on HMAS Newcastle, one superior demanded oral sex. The then commanding officer of HMAS Sydney, Tony Gale, accosted her and colleagues and was relieved of his post amid a swirl of bad publicity about his behaviour towards female sailors.

She was then threatened with violence by a superior at Perth's navy base, HMAS Stirling, and received repeated sexually explicit and sexist slurs, as did two other junior female officers.

The final incidents prompted her to lodge a complaint which, five years on, has not been investigated. Stonewalling by well-funded lawyers and a vindictive Defence establishment has forced Ms Wiggins to take the Defence Force to court this week to get an apology and compensation.

"It should have been investigated in the first place. It is actually a requirement under Defence regulations for that to happen," she said

The first injustice she had to contend with was the extraordinary argument from the navy that no complaint had been lodged, even though it was in the diary of the superior to whom Ms Wiggins complained and was mentioned in an official psychiatric report.

That was in 2000, when a powerful ally, HMAS Stirling's executive officer, Lieutenant Commander Robyn Fahy, took up the case. Ms Fahy was subsequently removed from her post on the basis of a medical report damning her mental health.

The report was later found to be bogus and the doctor who drafted it, Douglas McKenzie, was severely reprimanded and fined by a medical board.

While the navy spent about \$500,000 for Dr McKenzie's legal costs, Ms Fahy got no assistance.

Nor did Ms Wiggins, a "working class kid" who worked at three casual jobs throughout much of her fight for justice.

When the Defence Force refused to act, Ms Wiggins went to the Human Rights and Equal Opportunity Commission for mediation at her own expense. She was refused permission to contact other military personnel to get corroborating statements or use Defence Force time and resources to work on her case.

Defence offered \$20,000 - less than Ms Wiggins's legal costs - and no apology or undertaking to discipline the perpetrators of the harassment.

"They also told me that I could not comment on it. I certainly wasn't going to shut up," Ms Wiggins said. "Every mother and father should know how the system operates before letting their child join. It's a disgrace."

In taking the matter to the Federal Magistrates Court, Ms Wiggins said Defence had used its financial might and legalistic obstinacy to deny and frustrate her.

They called a hearing before the judge to demand that Ms Wiggins be liable for all costs, but then did not turn up. They also missed a second hearing.

She later discovered crucial documents relating to her harassment claims and mental state had gone missing from her file.

Following the Defence Force's failure to appear at the last hearing, the court ordered the navy to come to a mediation. Again they failed to turn up.

"I've been under enormous emotional and financial stress because of this, but I am not going to give up," Ms Wiggins said.

"This is a system that doesn't protect the victims, but does protect the bullies."

Defence declined to comment

Source: <https://www.smh.com.au/national/navy-dragged-feet-on-bullying-claims-20051031-gdmcmg.html>

## My years of abuse: navy officer

16 May 2006 — 10:00am

AUSTRALIA'S first female navy officer has alleged she suffered years of physical and mental abuse in the armed forces, saying she was "beaten up" daily.

Former Lieutenant-Commander Robyn Fahy also claims the navy intended to have her involuntarily committed to a psychiatric facility and that she subsequently lost her job.

Ms Fahy last night lashed out at the service she joined in 1986, when she was stationed at the Defence Force in Canberra. "On a daily basis I was beaten up ... I can't remember a day where I wasn't punched or kicked or spat on," she told ABC TV.

Despite this, Ms Fahy topped her year. "At the graduation parade I got punched, and in fact when I walked toward the governor-general to receive my award I got spat on so by the time I reached him I had saliva on my uniform," she said.

She said her time in the navy had been a hard for her family.

"They had seen the bruises over my body in the last two years and I think they knew that I would probably get beaten up."

In 2000 Ms Fahy was promoted to executive officer of HMAS Stirling in Perth - but there the abuse worsened, she said.

The base's commanding officer took an instant dislike to her. "[It was] mostly verbal abuse and threats," she said.

Kirshy Read, Ms Fahy's assistant officer at the time, backed her allegations: "It was very obvious they didn't get along and it was not uncommon to see the [commanding officer] putting her down or having a go at her."

Ms Fahy also claims she was threatened by her commander in July 2000, after she backed up harassment claims made by former Lieutenant Kellie Wiggins.

Three months later, following a severe headache, Ms Fahy visited the base's acting doctor. The doctor wrote a letter to a consulting psychiatrist that allegedly implied she had attempted suicide, was borderline depressed and had a personality disorder. "I couldn't even begin to speculate as to why someone would think it appropriate to write such malicious falsehoods about another officer," Ms Fahy said.

The psychiatrist diagnosed her as having bipolar disorder and suggested she be admitted to hospital and sedated. "I found this to be the most frightening concept to deal with and it has

taken me quite a lot of time to get over it. They intended to have me committed to a psychiatric facility against my will."

Two independent doctors subsequently found there was nothing wrong with the naval officer, but Ms Fahy lost her job regardless. "I felt I had to speak up and try and do something otherwise this would keep happening again and again," she said. "I don't believe that the Australian Defence Force is above the law."

An inquiry by the West Australian medical board into the conduct of the doctor found him guilty of medical misbehaviour.

Earlier this year, the chief of the Defence Force, Air Marshal Angus Houston, pledged to wipe bullying out. Responding to Ms Fahy's claims, the navy sent the ABC said: "The navy is committed to a mutually acceptable resolution of her case."

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Source: <https://www.smh.com.au/national/my-years-of-abuse-navy-officer-20060516-gdnjx7.html>

## Minister criticised for failure to redress balance in harassment case

19 May 2005 — 10:00am

She was the first woman to graduate from the Australian Defence Force Academy, was dux of her year, and Angus Houston, the country's incoming military chief, wrote her a glowing reference describing her as "highly intelligent" and ripe for promotion.

But the naval officer's 14-year career ended five years ago when she got her superiors offside by taking on the cause of a younger female officer who was being sexually harassed at HMAS Stirling naval base at Garden Island in Western Australia.

The events have been the subject of a medical board inquiry that vindicated the 38-year-old lieutenant-commander and found a navy reservist doctor guilty of professional misconduct, fining him \$10,000.

Yet the female officer - whose name has been suppressed by the Medical Board of Western Australia and who, although still a commissioned officer, has not been allowed to set foot on a naval base since June 2000 - is still fighting for compensation.

In answers to questions on notice from the Labor MP Arch Bevis, the Veterans' Affairs Minister, De-Anne Kelly, has admitted the Government paid all of the legal costs of the doctor, Douglas McKenzie (including the fees of a Queen's counsel, at least \$377,000) and refused to pay a cent in legal assistance for the victim.

Despite the findings of the medical board inquiry, Dr McKenzie was sent to the Persian Gulf on board HMAS Kanimbla to give anthrax inoculations to defence force personnel heading for Iraq. He has since been recommended for promotion.

Mr Bevis, the shadow minister for defence planning, procurement and personnel, described the case as a disgrace and "yet another example of bullying and harassment in the military".

The officer's nightmare began when, after confronting her commanding officer over his failure to investigate a harassment complaint made by a junior female officer, she saw Dr McKenzie about pains in her arm and head.

After the consultation, and without telling her, he wrote a referral letter to a psychiatrist, Zdenek Srna, in which he claimed she had made up stories about her illnesses to justify days off work. He said she only held her high rank because of her "high connections", accused her of being manipulative, of having a personality disorder, of destroying morale at her naval base and of being either a "consummate liar or just delusional".

He also told her commanding officer she had a psychological disability that was "incompatible with continued service as an officer". Days later she was relieved of her command and ordered to leave the naval base.

Despite the medical board's damning findings, the woman's career has been destroyed, and the minister has confirmed no disciplinary action has been taken against the doctor. Mr Bevis said Mrs Kelly should "either fix the problem or resign".

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Source: <https://www.smh.com.au/national/minister-criticised-for-failure-to-redress-balance-in-harassment-case-20050519-gdlcnv.html>

# Navy doctor escapes suspension

Posted 19 Aug 2004, 7:09pm

A senior Navy doctor convicted of gross carelessness and improper conduct has escaped suspension.

The Medical Board of Western Australia has issued its penalty against Victoria's principal Navy Reserve medical officer.

In October 2000, Dr Douglas McKenzie inappropriately shared a female Lieutenant Commander's medical history with other personnel and referred her to a psychiatrist without her consent.

The woman was later dismissed as second-in-command of her base.

Following the medical board's recent finding against Dr McKenzie, counsel assisting the board recommended a term of suspension.

However, board members opted instead to impose a formal reprimand, a \$10,000 fine and an order to pay 75 per cent of legal costs.

**Topics:** [courts-and-trials](#), [navy](#), [doctors-and-medical-professionals](#), [vic](#), [wa](#)

Source:

<http://www.abc.net.au/news/2004-08-19/navy-doctor-escapes-suspension/2028640>

MX402

MEDICAL ACT 1894  
The Medical Board of Western Australia  
Orders of the Board

Inquiry No.: 1501-7

Hearing Dates: 24 July 2003; 4, 5, 22, 25, 26 and 27 August 2003; 18 September 2003

Decision Delivered: 20 July 2004

In the matter Dr Douglas McKenzie and in the matter of an inquiry to be conducted by the Medical Board of Western Australia pursuant to Section 13 of the Medical Act 1894 as amended.

Before: Professor C. A. Michael AO, MD, FRCOG, FRACOG, DDU; Mr N. J. Mullany LLB (Hons), BCL; Professor B. A. R. Stokes AM, MB BS, FRACS, FRCS; Associate Professor G. J. Riley MB BS, MRC Psych, FRACGP, FRANZCP; Mr P. Walker FIMM, FAIM; Ms F. Vernon, assisting the Board; Mr J. R. B. Ley, for Dr McKenzie.

Orders of the Board made the 19th day of August 2004.

Upon hearing Ms F. Vernon, Counsel Assisting the Medical Board, and Mr J. Ley, Counsel for the Practitioner, Dr McKenzie, the Board orders that—

1. The Practitioner is hereby reprimanded;
2. The Practitioner be fined \$10,000, and the fine is to be paid within 30 days of the date of this order;
3. The Practitioner is to pay 75% of the reasonable costs of the Inquiry to be agreed or, if not agreed, to be determined by the Board following the receipt of written submissions to be filed by the parties within 30 days of this order.

Dated the 31st day of August 2004.

(Sgd) Registrar Medical Board.

## **Review of Health Information Practices in Defence – Review Report December 2013**

### **External Proceedings**

There is also a significant case involving Dr Douglas McKenzie (CMDR, RANR) heard by the Western Australian Medical Board in 2003/2004. The complaint that led to CMDR McKenzie's appearance before his Medical Board by way of disciplinary proceedings included the disclosure of medical information about a patient to the Commanding Officer HMAS STIRLING. The Medical Board found that Dr McKenzie had breached his obligations of confidentiality, as well as failing to fulfill his duties of informing the patient fully of his diagnosis and opinion, and failing to conduct his medical duties as required. The Board applied a moderate penalty in this instance.

**MIX402**

**MEDICAL ACT 1894**  
**Inquiry of the Medical Board of Western Australia**  
INQUIRY No. 1620-23: Dr ZDENEK SRNA

We confirm that on 14 August 2003 the Medical Board made the following orders in relation to the above inquiry—

1. The registration of Dr Zdenek Srna be suspended for a period of three months.
2. The period of suspension referred to in paragraph 1 is to commence from 19 September 2003.
3. Dr Srna pay two-thirds of the reasonable costs of the Inquiry.

On 19 September 2003 the Supreme Court of Western Australia made an order suspending the Medical Board's orders pending the determination of an appeal by Dr Srna against the Medical Board's decision.

Consequently, at present Dr Srna is a medical practitioner whose registration under the Medical Act 1894 is current.

SIMON M. HOOD, Registrar.

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**MIX404**

**MEDICAL ACT 1894**  
**Inquiry**

Dr Zdenek Srna

On 27 August 2004, the Supreme Court of Western Australia dismissed an appeal by Dr Zdenek Srna, a consultant psychiatrist who was found by the Medical Board of Western Australia to have been guilty of gross carelessness in his care, treatment and management of a psychotic teenager.

Justice Pullin agreed with the assessment made by the Board of the conduct of Dr Srna and that it warranted significant disciplinary sanction.

His Honour substituted the three month suspension of registration imposed by the Board with the maximum fine of \$10,000 allowable under the *Medical Act 1894* (WA). Dr Srna was ordered to pay 75% of the costs of the appeal.

SIMON M. HOOD, Registrar.

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Dr Srna brings to Cairns a wealth of knowledge and broad experience from his positions held in both Western Australia and abroad. Dr Srna practiced clinical and medico-legal psychiatry in the metropolitan area of Perth from 1997 after holding the post of Principal Forensic Psychiatrist at Frankland Centre, Graylands Hospital. He also acquired significant experience at the Perth Clinic, a private psychiatric facility. Dr Srna obtained his medical degree in his homeland of the Czech Republic before training in psychiatry in South Africa. The move to Australia followed. Dr Srna's Clinical Interests are:

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 **wattlesong** → barney eh 29 Jun 2017 5:36 45 ↑

Medical professionals are not always the best communicators. Norman Swan and Jim Leavesley are notable exceptions.

But JG would've had her lecture checked before delivering it so magnificently last night. In addition, there are psychiatrists with very poor clinical knowledge and no empathy, who choose the lucrative work with the Insurance Industry (Compensation)—notably the infamous Zdenek (Sid) Srna (now in Qld).

The other aspect is that through her father's work, JG has had first hand contact with people with chronic mental illness since her childhood.

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 **proudrobert** → barney eh 29 Jun 2017 6:50 40 ↑

Seems like a thoroughly appropriate analysis by the head of Beyond Blue. Particularly given the pressure JG was under during the Murdoch funded Abbott onslaught. Wake up on the wrong side of the bed did we?

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# Navy admits female officer's abuse claim not investigated

Updated 1 Jun 2006, 1:36pm



**Photo:** [Lieutenant Commander Robyn Fahey has outlined bullying and harassment directed at her during her naval career. \(ABC TV\)](#)

The Royal Australian Navy says it has not formally investigated claims by a female officer that she was bashed everyday at the Defence Force Academy and spat on by fellow cadets when she graduated.

The allegations were made by Lieutenant Commander Robyn Fahey on the ABC TV's *7.30 Report* last month.

Labor Senator Mark Bishop has told a Senate Estimates hearing the military should establish whether the allegations are true or not.

Vice-Admiral Russ Shalders says there has been a police investigation and mediation with the officer is ongoing.

"There has been no formal inquiry as a result of Lieutenant Commander Fahey's allegations on the *7.30 Report*," he said.

"There has been a number of informal inquiries that I have made, that my staff have made and as I mention before the criminal allegations, that are part of the same allegations, have been subject to Australian Federal Police investigation since April, 2001."

**Topics:** [navy](#), [australia](#)

First posted 1 Jun 2006, 10:30am

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Source:

<http://www.abc.net.au/news/2006-06-01/navy-admits-female-officers-abuse-claim-not/1767626>

[National](#)

## Labor criticises legal fees in navy case

2 June 2006 — 12:14am

Labor has criticised the defence force for spending more than \$400,000 defending a military doctor who was fined by a medical board over misconduct.

The acting doctor at the HMAS Stirling base in Western Australia, Douglas McKenzie, was fined \$10,000 by the WA medical board after being found guilty of medical misbehaviour on 22 counts related to his dealings with Lieutenant Commander Robyn Fahy.

Commander Fahy is seeking compensation for the physical and mental abuse she says she suffered over years since she became the first woman to attend the Australian Defence Force Academy in 1986.

In early 2000, she took up the cause of a female colleague who had complained of being physically and sexually harassed by two men working at Stirling.

But she was allegedly told by a senior officer if she pushed the matter she would regret it.

On October 10, 2000, she went to see Dr McKenzie, saying she was suffering from a blinding headache.

Dr McKenzie wrote a letter, which he did not reveal to Commander Fahy, to a consulting psychiatrist Dr Sid Srna.

The letter damned Commander Fahy, falsely claiming she had attempted suicide and saying she was a "borderline depressed woman, with a personality disorder".

Dr Srna then wrote a letter diagnosing Commander Fahy as bipolar.

But two independent doctors immediately examined her and found no sign of any psychological illness whatsoever.

Two days later, she was summoned to her commanding officer's room and told she was suffering from a serious mental disorder and was being stood down.

Labor senator Mark Bishop used a Senate estimates hearing to read from the medical board's report.

"Of significant concern is that the proven wrongdoing of the practitioner is not confined to a single aspect of his care treatment and management of his patient," the report said.

"It encompasses a diverse range of failures and multiple infractions.

"He acted with a gross want of due care and engaged in conduct of a character reasonably to be regarded as improper."

The navy told the hearing it had spent \$385,000 on Dr McKenzie's legal fees and covered the medical board's \$60,000 costs.

Labor senator Mark Bishop asked defence officials why it had paid the costs, given the serious findings of the board and defence legal rules which said taxpayers money should not be used on cases where a person engaged in serious misconduct.

"How can it be argued that he at any time acted reasonably and responsibly and how can it be argued ... there is not a capacity when you became aware of those findings to seek contribution or indemnity from Dr McKenzie?" Senator Bishop said.

Defence legal head Mark Cunliffe said the decision to pay Dr McKenzie's costs had been taken before the medical board met.

Mr Cunliffe said the medical board's report made a number of conflicting comments and could be read in different ways.

"It's notable that the penalty that the board finally determined was, I would have to say, one of the more minor that potentially that was open to it," he told the hearing.

"As I understand it the board had the capacity to remove the person as a medical practitioner ... or suspend him from medical practice - it chose to do neither. It chose to impose a fine of \$10,000."

Source:

<https://www.smh.com.au/national/labor-criticises-legal-fees-in-navy-case-20060602-gdnzj.html>

[National](#)

## First female navy officer to get compensation

29 July 2006 — 4:19am

The defence department has agreed to pay compensation to a female navy officer who claims to have been physically and mentally abused.

Lieutenant-Commander Robyn Fahy was Australia's first female navy officer.

She says she suffered years of physical and mental abuse in the armed forces, claiming to have been "beaten up" on a daily basis.

She also says the navy tried to have her involuntarily committed to a psychiatric facility.

The department said in a statement it had agreed to a compensation package with Lt Commander Fahy, but that the terms of the agreement would not be released.

The department also said it would help Lt Commander Fahy - who is still an officer - find civilian employment.

She has been on paid leave since her grievances were aired during a report on ABC television in May this year.

In the program, Lt Commander Fahy lashed out at the service she joined as a young woman in 1986.

She said the abuse began when she was stationed at the Australian Defence Force Academy (ADFA) in Canberra.

"On a daily basis I was beaten up ... I can't remember a day where I wasn't punched or kicked or spat on," she said.

Despite this, she topped her year.

"At the graduation parade I got punched, and in fact when I walked toward the governor-general to receive my award I got spat on so by the time I reached him I had saliva on my uniform," she said, adding that it had also been a hard time for her family.

"They had seen the bruises over my body in the last two years and I think they knew that I would probably get beaten up."

Defence admitted in the statement that problems had existed at academy.

"Defence recognises that aspects of the environment at ADFA during its early formative years were less than desirable," the statement read.

Lt Commander Fahy was promoted in 2000 to executive officer of HMAS Stirling in Perth - but claimed that the abuse there only worsened.

The base's commanding officer took an instant dislike to her, she alleged.

"(It was) mostly verbal abuse and threats," Lt Commander Fahy told the ABC.

Following a severe headache, she visited the base's acting doctor.

The doctor wrote a letter to a consulting psychiatrist that allegedly implied she had attempted suicide, was borderline depressed and had a personality disorder.

The psychiatrist diagnosed her as having bipolar disorder and suggested she be hospitalised and sedated.

Defence admitted medical procedures had not been followed.

"Defence acknowledges that while Lt Commander Fahy was serving as executive officer HMAS Stirling there was a failure to comply with appropriate medical protocols, as found by the West Australian Medical Board," the department statement said.

"In bringing this matter to a mutually agreed resolution, both the Chief of the Defence Force and Chief of the Navy regret the distress that this has caused to Lt Commander Fahy and her family."

Source: <https://www.smh.com.au/national/first-female-navy-officer-to-get-compensation-20060729-gdo2aw.html>

# Demoted Navy officer wins compensation

Posted 9 Jun 2006, 7:08pm

A former Navy lieutenant who took the Australian Defence Force to court over discrimination allegations has been awarded \$25,000.

Kellie Wiggins, 30, filed two claims in the federal Magistrates Court, saying she had been a victim of both sexual and disability discrimination during her posting at Perth's naval base, HMAS *Stirling*.

Ms Wiggins says she was suffering from depression, and after her return from sick leave she was demoted to menial duties.

Magistrate Murray McInnis found this claim proven and said her posting officer should have warned her supervisor about her condition.

He awarded her \$25,000 in compensation.

However, Mr McInnis said Ms Wiggins failed to prove her sexual discrimination claims, which were vague and lacking in particulars.

Nonetheless, Ms Wiggins' solicitor Chris Bunnett says his client is delighted with today's result.

"She's absolutely delighted, it's wonderful for her to be vindicated, it's been very hard fought by the Defence Department," he said.

"They've made no reasonable offers whatsoever, so she's very, very happy."

**Topics:** [courts-and-trials](#), [navy](#), [perth-6000](#), [melbourne-3000](#)

Source:

<http://www.abc.net.au/news/2006-06-09/demoted-navy-officer-wins-compensation/1774142>