

Court caught out treating violent cases like a joke



DAVID PENBERTHY

It is hard to understand what is going through the minds of judges when they bring down soft sentences against demonstrably bad people who have admitted wrongdoing.

It is harder still to understand what is going through the mind of the disgraced AFL player manager Ricky Nixon. The short answer would be not much at all.

Nixon is a household name in Victoria, where he is now trying to reinvent himself as a stand-up comedian after being suspended for two years as a player manager. Readers elsewhere may recall him as the bloke who was caught on video in his jocks with a St Kilda schoolgirl. His attempt to dissemble his way out of that little tete-a-tete will stand forever as one of the more absurd entries in the "No, really, I can explain" files.

Nixon fronted court this week to answer charges of intentionally causing injury to his former fiancée Tegan Gould. He pleaded guilty.

Plenty of zany material here for a stand-up routine. All the usual nonsense was trotted out in his defence. Never hit a woman before. Was under a lot of personal pressure. Had just changed his medication.

You have to love how so many blokes play the mental illness card when they wind up in strife.

I am certainly not ridiculing the condition. I think that they are.

Nixon's litany of excuses and rationalisations did end up forming a handy get out of jail free card. Almost in the same breath the magistrate declared that his conduct was inexcusable and that it was the job of the courts to send a signal that there can never be any excuse for domestic violence, and then promptly gave him a two-year bond requiring a pathetic 200 hours of community service.

I spoke this week to Catherine Smith, the woman who was kept like a prisoner in her home for 27 years by an abusive husband. Over the course of three decades Kevin Smith choked his wife with power cables, attacked her with a cattle prod and a fire poker and sexually assaulted her at gunpoint.

In 2008 Catherine was charged with the attempted shooting murder of her husband. He treated the trial like a joke, even holding a sign outside court which read "God Bless the Missus who misses". The jury took just 25 minutes to acquit Catherine Smith of attempted murder. Prosecutors then turned their attention to her husband and, in 2011, Kevin Smith was found guilty of 17 charges, including three of attempted murder and numerous charges of assault, sex without consent and imprisonment. Mrs Smith told me she was appalled by the signal sent by judgments such as that in the Ricky Nixon case.

"Most cases of domestic violence do not get taken seriously anyway, be it by some of the police, the community, the courts themselves," she said. "Most of them don't even make it to court anyway and when they do court for something like this to happen... It's not that we need tough new laws or stronger penalties. We just need them to apply the existing penalties."

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It's a long way to Tarin Kowt if you wanna rock 'n' roll

Our entertainment writer and Silverchair's Ben Gillies develop a taste for fake beer on a Forces Entertainment tour of Afghanistan



JONATHON MORAN

It's not easy to get an all-male crowd of workmates dancing at a rock 'n' roll gig. Especially if they're drinking "near beer".

It's 7.30 at night in Tarin Kowt, or TK as the soldiers call it. The humming of Black Hawk helicopters taking off is incessant but hasn't stopped 400 troops heading down to the Camp Holland gym, an air hangar decked out with a make-shift stage for tonight's Forces Entertainment performance.

Six massive flags fly above the stage — Afghan, Australian, Singaporean, Slovak, US and NATO — representing the thousands of soldiers and civilian contractors on this base. Several thousand Americans are stationed at Camp Cole next door but the army couldn't advertise the gig too widely for fear of alerting Taliban insurgents. A large group of soldiers and entertainers would be an easy, and prized, target for an assault.

With this in mind, there's a contingent of more than 12 armed security surrounding the gym, including a pre-show run through of sniffer dogs. Troops file into the hangar in regimented fashion, most wearing army fatigues but some in gym gear. Most carry their rifles with them in case of a "situation".

Just before the show, an American soldier jogs past the gym in sneakers, khaki shorts and T-shirt, with a rifle hung over his shoulder. He's doing laps of the base for exercise.

It's an awkward look. The soldiers can't seem to help standing ramrod-straight as they get ready to watch the show. Most are men, aged anywhere from 17 to their 40s and 50s, eager to see Silverchair drummer Ben Gillies headline with his new band, Bento (Terapai Richmond, Adam Miller, James Haselwood and Lachlan Dole). Pop scientist Dr Karl Kruszelnicki is here, along with Melbourne comedian Justin Hamilton, who starts warming up the crowd with conservative family-friendly jokes but

quickly realises it's crass comedy that scores the laughs.

You get a sense this is a crowd desperate for some boundary-bending. Merely telling the soldiers to "I... off" gets Hamilton a massive cheer.

Minutes before going on stage, Gillies, his band, Kruszelnicki and Hamilton are warned to keep an eye on an alert light at the back of the hangar.

"You won't hear a siren over the band so if you see the light flashing, hit the floor," said a military minder.

If something were to go wrong, we'd have to hit the floor for two minutes before rushing to the nearest bomb shelter, which, in this case, is only about 50m away.

Large Eskeys sit to the side of the hangar, filled with soft drinks and an array of near beer — non alcoholic beers, from Budweiser to Becks, Kronenberg, Lowenbrau and O'Douls. It tastes a bit like beer-flavoured fizzy drink, but there's decidedly no buzz. Incidentally when soldiers sit around off-duty, they'll smash a dozen near beers as if they're on a G-rated bender.

"We're just missing the wine and beer that might have perked the night up a bit," says Flight Sergeant Leanne Weaver after the performance, adding: "It's really good to have these guys do something different. It makes you feel a bit more loved and wanted. It brings a bit of realism back to life."

This crowd is totally silent. Gillies walks on stage and says: "I could kill a beer right now."

So could the soldiers. Gillies says later the show was a shocking insight into how much live music relies on alcohol to lift the mood.

On special occasions like Anzac Day, soldiers are allowed one or two beers each. Tonight, if caught drinking, they'd be sent home.

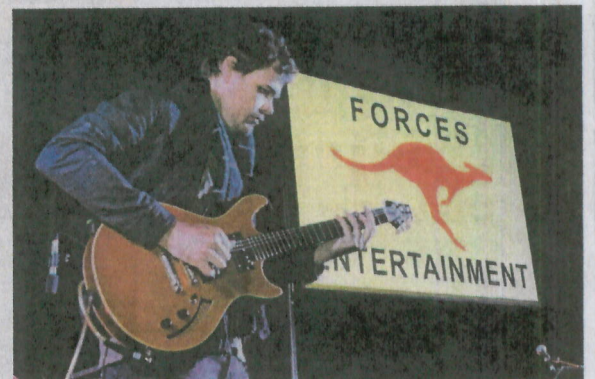
After each song, a dull golf-clap murmurs through the room. There's no whistling or moshing. It's deceptive. The soldiers keep reassuring me they're having fun.

Australian entertainers have been travelling to war zones for more than 45 years but this tour is particularly significant. After nearly 12 years in Afghanistan, Australia will pull out by the year's end.

Forces Entertainment, a division of the Australian Defence Force, is planning a final trip later this year.

"It is a huge honour to be here," says Gillies.

It's the second week of March and Tarin Kowt is quieter than normal. The base is being dismantled and



Acoustic guitarist Adam Miller entertains soldiers during the Forces Entertainment tour at Al Minhad Air Base, United Arab Emirates

troops aren't as busy out in the field as they have been in the past.

We are a long way from Sydney's skim chai latte lifestyle. Defence personnel, whatever rank, share four-to-a-room shipping containers.

Reassuringly, they are rocket-proof. Envisage a warzone and you conjure up images of soldiers trudging through muddy fields or battling vines in the jungle, sitting around a campfire sharpening their blades.

In TK, it is hand-sanitiser dispensers on every corner, and names being ticked off clipboards — like the one held by a senior officer outside the latrines. There's been a "rogue shitter" depositing surprises in the shower cubicles and the officer has been tasked with eliminating suspects. Here in TK, a mystery turd is a serious issue indeed, especially because there's a 10cm-deep pool of muddy brown water refusing to drain away from the shower recesses at all times.

"It's f... ing disgusting, that's what you get with new-age soldiers," one angry seasoned warrior says.

There's a special cubicle in each

toilet block for those with TK belly (gastro, like Bali belly, only worse).

They smell terribly, like a music festival Portaloos that hasn't been emptied for days, although these sheds are serviced regularly by LECs, locally employed Afghan contractors. Some military keep a wary distance from the LECs, more for fear of picking up a local disease like tuberculosis, they say, than an attack of any kind, but others have formed friendships with them.

"It doesn't get much further away from Australia than here," says flying officer Anna Frisina, 39, a mother of three from Victoria.

Tarin Kowt is so dusty it feels like you've constantly got a mouthful of dirt. Our lips crack in the dry wind. I notice hardened military blokes applying Blistex to their lips. There's not much to do on base, other than work or work out. Muscular blokes parade around the base. The men, and women, describe life as "monotonous", especially now with the scale-back of Australia's presence.

Music is the one escape for US Army Specialist Will Brint, of the 1039th

Main photo: William Smith, Jacob Gleeson and Tristan Barrett from 7th Battalion, Royal Australian Regiment Task Group with Bento's front man Ben Gilles (blue helmet) at Multi National Base - Tarin Kowt



Singer Ben Gilles fires an HK417 during a supervised weapons familiarisation



A hairdresser's window at the base featuring a picture of Keith Urban

I don't need a tribunal to tell me the right thing to do



CLAIRE HARVEY

I'm proud that the mainstream media in Australia has lagged several months behind social media in revealing the name of the elderly entertainer questioned by British police.

To name him at this point — before he has been charged — is, I think, totally unfair.

He is a globally famous man whose reputation will be completely wrecked by any suggestion of sexual impropriety.

I'm not saying this man is guilty or innocent. I have no idea.

And nor do any of the people who have rushed to name him on social media since he was first allegedly questioned by police in November.

So why do I think it's not fair to name him?

Not because I'm scared of any legal penalty for doing so, or because I'm worried about what the print media's self-regulator, the Australian Press Council, might do to me.

It's because I believe we have absolutely no right to jump past the legal process.

But people are named all the time as being questioned by police, you might argue. Sure — but they're not hugely famous international celebrities.

We have no confirmation — beyond gossip — of what this entertainer is supposed to have done.

The fact he was arrested by police from Operation Yewtree, who are also investigating child sex allegations against former BBC star Jimmy Savile, will make many think he is a paedophile.

That is a horrifically unfair assumption to make before his name has been confirmed by UK police or any charges are laid.

And I don't need a tribunal to tell me that. I certainly don't need a government-appointed regulatory panel.

That's the great, thumping absence in all the public carry-on about the supposed misdemeanours of the Australian media that's been raging for the past two years.

The Finkelstein review, the disastrously ill-conceived Stephen Conroy media "reforms" — none of them took the slightest effort to examine the self-regulation that goes on in Australian newsrooms every single day.

Decisions like this are made constantly in television stations, newspaper offices and radio bureaus.

We make editorial decisions to protect privacy and guarantee fairness all the time. It's just you never hear about the cases we don't report or the angles we don't pursue.

The social media are already buzzing with this entertainer's name. Most of you know — or think you know — who it is.

Of course, if this man has committed crimes he must be brought to trial.

A real trial, that is, where he gets the chance to defend himself and enjoys the protection of sub-judice laws that kick in once a legal process has begun.

Is it old-fashioned of us in newspapers to reject the Twitter trend and hold fast against the raging tide? I don't think so.

In this era, when everyone wants to have a crack at our ethics and nobody gives us the slightest credit for the good things we do, we have to take pride in the moral core of our trade.

Bin Laden on the other for about \$US140. Insurgents use the landscape to their advantage, launching rockets from the mountains surrounding the base. For this reason, whenever Hercules C130 transport planes fly into TK they land hard and fast to reduce the risk of an attack.

(Days after our visit, when we land back in Dubai, we're told an Aussie Hercules was once hit by gunfire while landing in TK.)

"It isn't fighting season though so you should be safe," says one officer.

What's fighting season?

"The Taliban get very protective of the poppy fields and they do anything to look after it. Fighting season starts next week."

It sounds a bit like a Wild West film, only with Taliban garb.

Before boarding our flight, Hamilton noted the length of the flight from Dubai to TK was like Sydney to Perth.

To that, a soldier scoffed with a laugh: "Yeah, but you're not gonna

soldiers, the performers pose happily for photographs with excited soldiers.

It is a happy occasion until an alarm sounds. Everyone jumps into action. We are ushered to our "rocket proof" sleeping quarters and told to put on our armour and helmets until further notice. There, we sit silent, thinking. For me, it is a feeling of being strapped into a roller-coaster seat and not being able to get out.

We go to bed, still not knowing what has happened. In the middle of the night, I don my armour and helmet (in my PJs) and am escorted to the toilet shed by an armed soldier.

The next day it is back to normal and we are taken by Bushmaster — an armoured infantry mobility vehicle — to a nearby shooting range, and allowed under supervision to fire a Maxim machine gun and an HK417 rifle. Soldiers from 7RAR company find us amusing as we give our macho best.

When local Afghanis outside the

are up because of the money they can earn. I'm told there's even a brothel and prostitutes on base. The soldiers' gossip is that the prostitutes wear fluoro pink belts for easy identification. I don't see any in my 24 hours here.

There's a TGI Fridays fast-food joint, a Burger King and a KFC outlet. The KFC outlet is spotless. It was rebuilt after being hit by a rocket within a week of opening. "Wait till you get to Kandahar," I kept hearing at TK, "it's like the bar scene in Star Wars."

Before we even get off the Herc, we are warned of a stolen truck.

"If you see a large fuel tanker coming towards you, get out of the way and run," says an RAAF Air Load Team officer.

The whole base — including the 250-man Australian contingent at Camp Baker — smells overwhelmingly like fecal matter. The sewerage plant was built to handle waste from only a few thousand so doesn't handle the masses now here.

There's another Bento gig — a barbecue at Camp Baker — where the musos play a full set beside a birdcage full of budgies.

Next stop is Kabul, and another gig before a crowd of much more senior military decision-makers. The grunts are less noticeable, as is the smell. On arrival in Kabul, we're told a suicide bomber killed himself yesterday. Nobody seems particularly surprised.

"Sometimes over here you feel a bit forgotten," says Sergeant Glenn Kremmer, 39, from Townsville.

"It is monotonous here, same shit day in day out but you've got to have your wits about you all the time because anything could happen at any time."

At the Kabul show, Kruszelnicki was a surprise highlight for Sergeant Steven Cash, 54, from Darwin. "I just saw Dr Karl bopping and dancing at the back when the band was on, with his fluoro yellow pants and jacket. That was a wow moment for me," he laughed.

» Jonathon Moran travelled to Afghanistan as a guest of Forces Entertainment.

Wait till you get to Kandahar. It's like the bar scene in Star Wars

be shot at by a rocket launcher on a flight to Perth." Touche.

While in TK, we're told to keep body armour close at all times in case of a "situation". Driving around the base in our old bus, we're advised to keep our seatbelts off. Easier to get out in case of attack.

Defence speaks a different language. "Wait until you hear a whole sentence in acronyms," laughs one soldier.

I particularly like DG (dangerous goods), DPCU (disruptive pattern camouflage uniform), and ROCL (relief out of country leave).

The reality of war, and being in Afghanistan, really sinks in for our Forces Entertainment troupe about five minutes after the first show wraps up.

Standing around chatting to the

base deem it safe, generally 30 or so seconds after shooting stops, they zoom on to rusted old motorbikes from what seems like nowhere to collect the spent ammunition. It is a frightful and scary sight. Locals get about \$50 a kilogram for their efforts, and for risking their lives. That hits home for all of us. "It was the locals rushing out to get the ammunition that really shocked me and made this all feel real," comedian Hamilton says.

After TK, we fly to Kandahar, a massive military base of more than 30,000 people. It's the size of a city, but it feels like a holiday resort compared to TK — albeit a dusty resort.

We're told of up to 2000 illegal workers — Asians and Europeans, mainly — chose to stay on here after their cleaning and hospitality contracts

Sapper Company. He plays guitar every day, whiling away his downtime. It is that or smoking ciggies.

"I play as much as I can, it passes the time and I love music," he says, excited to hear Gilles is playing as he shows off his iPod's Silverchair tracks.

It is easy to be lulled into a false sense of security here.

As the only journalist on this trip, I feel relatively safe surrounded by military machinery and guys with guns.

Private Karl Slink, 24, from Adelaide, has been in TK since November. He's suitably brave when asked if he's felt scared during his time here.

"Nah, it hasn't been scary at all," Pte Slink says.

It doesn't take much to jolt you into reality. We are constantly on edge, although we don't realise that until we're out of Afghanistan and safely back in Dubai.

Lights at night are dimmed to reduce risk of IDF (indirect fire) attack. And at America's base, Camp Cole, a sign at the entry reads: "Use Of Deadly Force Is Authorised."

While we are "in country", a common military term for being in Afghanistan, two American soldiers are shot dead by ANA officers who have swapped teams.

A further five Americans are killed when their chopper crashes.

Camp Holland sits in a dusty geological bowl, surrounded by incredibly beautiful snow-capped mountains. Locals live in compounds, essentially mud-huts.

Most don't have electricity.

It's a cause for huge amusement when I announce I'm searching for an Afghanistan fridge magnet.

"Why would they have fridge magnets, they don't even have fridges?" laughs a soldier. "And if they had a magnet, they'd use it to build a bomb, not put it on the fridge."

The performers pay \$US2 for a made-in-China resin-enclosed Afghanistan scorpion keyring.

There's a chess board with former PM John Howard and Queen Elizabeth on one side and the Taliban and Osama