



***PROCEDURE AND PRIVILEGES
COMMITTEE***

**REPORT ON A PERSON ADVERSELY
REFERRED TO IN THE
LEGISLATIVE ASSEMBLY**

MR DAVID EVERETT

REPORT NO. 12

2011

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Procedure and Privileges Committee

Report on a Person Adversely Referred to in the Legislative Assembly: Mr David Everett

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MR DAVID EVERETT

REPORT NO. 12

Presented by:
Mr Michael Sutherland, MLA
Deputy Speaker of the Legislative Assembly
Laid on the Table of the Legislative Assembly
16 June 2011

COMMITTEE MEMBERS

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COMMITTEE'S FUNCTIONS AND POWERS

Legislative Assembly Standing Order No. 284 provides the following functions, powers and terms of reference to the Procedure and Privileges Committee —

Procedure and Privileges Committee

- 284.** (1) A Procedure and Privileges Committee will be appointed at the beginning of each Parliament to —
- (a) examine and report on the procedures of the Assembly; and
 - (b) examine and report on issues of privilege; and
 - (c) wherever necessary, confer with a similar committee of the Council.
- (2) Membership of the committee will consist of the Speaker and four other members as the Assembly appoints.
- (3) Standing Order 278 will apply except that where possible any report of the committee will be presented by the Deputy Speaker.
- (4) When consideration of a report from the committee is set down as an order of the day it will be considered using the consideration in detail procedure.

REPORT

The Speaker of the Legislative Assembly referred to the Procedure and Privileges Committee a letter dated 3 June 2011 from Mr David Everett seeking to use Standing Order 114 to respond to comments made on 25 May 2011 by the Member for Mindarie, Mr John Quigley, MLA.

The Committee has agreed to the attached response proposed by Mr David Everett.

In accordance with Standing Order 114 the Committee has not considered or judged the truth of any statements made in the Legislative Assembly or in the submission.

Recommendation

Your Committee recommends —

That a response by Mr David Everett in the terms specified in the Appendix to this report, be incorporated in *Hansard*.



HON. GRANT WOODHAMS, MLA
CHAIRMAN TO THE COMMITTEE
16 June 2011

APPENDIX

RESPONSE BY MR DAVID EVERETT

AGREED TO BY MR DAVID EVERETT AND THE PROCEDURE AND PRIVILEGES COMMITTEE PURSUANT TO STANDING ORDER 114

I would like to respond to the personal attack on me, under parliamentary privilege, by the Member for Mindarie, Mr Quigley, on Wednesday 25 May 2011. By the highly defamatory and untrue comments Mr Quigley has made under that protection, I have been adversely affected in my reputation, in respect of my dealings and associations with others, and my privacy has been unreasonably invaded.

The particular comments and my responses are:

“Western Australia’s worst criminal, a man by the name of David Everett. David Everett puts David Hicks in the shade. I have a law report from the Australian criminal law reports 1994, which details his crimes. I seek leave to lay that on the table of the chamber.”

I do not resile from or try to minimise the seriousness of the crimes I committed 20 years ago, for which I have been punished. However, I do not accept Mr Quigley’s suggestion, by labelling me “Western Australia’s worst criminal”, that my crimes were worse than those of murderers, serial killers, paedophiles and rapists.

My deep remorse and regret for my actions of almost two decades ago is a matter of public record. After so many years of working towards making a positive contribution to the society I live in, it is deeply hurtful to have a long dead past dragged back up. I served my time. And I deserved it for what I did. To this day I work to, in some way, redeem myself in any way I can.

“This law report will reveal that David Everett was before the court on 25 counts of terrorism and bombing.”

Untrue. That is untrue and Mr Quigley had the law report in front of him and tabled it. I was never before the courts on terrorism charges. A reading of the document Mr Quigley tabled will reveal that.

I was not charged with “bombing”. I was convicted of one count of causing an explosion when I caused an explosives shed to blow up 20 years ago.

“He was an ex-Special Air Service regiment soldier—just an incredible person and a diagnosed psychopath.”

Untrue. I have never been diagnosed a psychopath. I have been diagnosed by a psychiatrist, on the request of the Department of Veterans Affairs, as having severe Post Traumatic Stress Disorder (PTSD) caused by a number of near-death experiences that happened to me during my time in the Special Air Service Regiment.

“The Director of Public Prosecutions was seeking to increase his sentence from 16 to 35 years. As the respondent, Everett, through his lawyer, put to the court that he was being held in solitary confinement in Casuarina Prison and that this was very cruel and unusual punishment. The court therefore limited his increase from 16 to 20 years.”

Untrue. I was originally sentenced to 18 years prison, which was reduced to 14 years and 9 months after discounts for time served and a guilty plea. The crown appealed and the sentence was increased to 20 years with 2 years taken off for time served and my guilty plea. This gave me a head sentence of 18 years not 20 years. I was not “held in solitary confinement”. I was held in the Special Handling Unit (SHU). The sentence was not reflective of me being held in the SHU as the majority of the appellant judges rejected that argument by my lawyer. They stated that the authorities could let me out of the SHU at any time, which they did in 1994. Therefore they would not discount any of my sentence.

“He subsequently wrote a book called Shadow Warrior: From the SAS to Australia’s Most Wanted in which he detailed and boasted of his crimes.”

Untrue. Nowhere in my book *Shadow Warrior*, Penguin, 2008, have I boasted of my crimes. The message of my book is that crime does not pay and the catastrophic effect it has on the victims of crime. It is an anti-crime book and suggests people do not follow the path I did. That message is repeated on my public website.

“Nonetheless, he was so dangerous, as he was putting out in this book, that he had to be held in solitary confinement.”

Untrue. My book was published in 2008. I was released from prison in 2002. I was not being held in solitary confinement when my book was released; I was not in prison when my book was released; and I had been released from the SHU—which is not solitary confinement—in 1994, some 14 years before the book was published.

“My information is that that is not entirely the case. They had to hold him in solitary confinement because he was under threat from other prisoners because he had used his SAS training and shotguns and automatic weapons to kidnap Western Australian families, Western Australian pregnant women and children. Even the prisoners really get angry at prisoners who do that. He was also held in solitary confinement because it became known within the prison that as an ex-SAS trooper who had gone rogue, he was fissing to other custodial officers who were also from the SAS, so he had to be held in custody for his own protection, which was not entirely successful because he was beaten within the special handling unit for those matters.”

Untrue. Mr Quigley's informant is wrong. This is a complete fabrication.

Firstly, I was not held in solitary confinement. I was held in the SHU, the special security unit of the prison. There were a number of other prisoners in the SHU—about 8 at the time of the sentencing appeal.

Secondly, I was held in the SHU only because prison authorities feared I was an escape risk. That was stated by Ipp J in his judgment on my appeal as follows:

Prior to the commission of the crimes for which he was sentenced, the respondent was a member of the Special Air Services Regiment and received specialised military training. That training was utilised by the respondent in the commission of his crimes. The prison authorities believe, further, that that training would enable the respondent more readily to escape. For those reasons he has been placed in the special handling unit. He is not in that unit because of his conduct while in prison.

Thirdly, I was never held in protective custody for any of my prison term. I have never heard the term "fizzed" but if, by that, Mr Quigley means "informed", I have never "fizzed" on fellow inmates.

Fourthly, I was not bashed in prison for the crimes I had committed or for "fizzing" as Mr Quigley puts it. I was only ever assaulted once in ten and a half years behind bars. This was as a direct result of me complaining to the Ombudsman of Western Australia that a prisoner was bashed by a large group of prison officers from the Metropolitan Security Unit outside my cell window. I was called as a witness to this trial. A prisoner, hoping to curry favour with the prison officers who had been charged with this offence, came into my cell in the SHU. He struck me when I wasn't looking, rendering me unconscious, then proceeded to break my face whilst I was lying on the floor. I only became aware of who assaulted me and the facts of the matter when the prisoner who did it gave a statement to the prison authorities and accepted responsibility for it.

"Amazingly, Mr Adamov, the security officer for the AGS, told her to go home and to discuss it with David Everett, and to see what action David Everett would like to take, a person whom Mr Adamov knew to be a psychopathic terrorist."

There is nothing extraordinary in a highly distressed woman speaking to her partner about a seriously distressing situation like this, which concerned both of them. It is normal behaviour in a very close and loving relationship for this to happen. This is normal human behaviour. As I have repeated above, I am not a psychopath and I am not a terrorist.

"after refusing to report the matter to the AFP and to the ACT police, and after being advised by the AGS security officer to go home and to discuss her concerns with a known psychopathic terrorist who was sentenced to 20 years in prison in 1992 and who is still serving those 20 years, went home and saw Everett. Nothing more happened for a week. Everett and Ms Wookey then decided to travel to Perth on the way to Bali and Singapore on a holiday on 21 December."

Untrue. There are a number of untruths by Mr Quigley in the above paragraph.

I cannot deal with the first of them as it relates to Darryl Wookey's defamation litigation currently on foot against Mr Quigley.

Yet again, I must state that this falsehood of me being a psychopathic terrorist is untrue and not based on any evidence.

I am not a serving prisoner; that is untrue. I was released from prison in August 2002 on work release. I finished my parole in February 2005. Therefore I am a free man.

We did not decide to travel to Perth only after this incident occurred. Both myself and Darryl had planned to travel home to Perth for Christmas months before this horrible incident occurred.

“The real issue now is that one of our bomber terrorists was chaperoned into Indonesia and into Singapore, while still under a 20-year sentence...”

Untrue. I am not a convicted terrorist, nor a “bomber terrorist”. I was not chaperoned into Indonesia and Singapore; I travelled there with my partner, on holiday, as a free man who has served his time and paid his debt to society, totally in compliance with both the laws of Singapore and the laws of Indonesia. I am not a sentenced prisoner as I have outlined above.

“Someone said to me, ‘Boy, making this speech could leave you in real danger from one of the worst criminals in Australia who is still under a 20-year sentence, is a known terrorist and bomber, and is a psychopath.’ I invite people to read the Wikipedia definition of ‘psychopath’, which is someone who has no empathy with any other person and who is unrestrained by conscience and can be restrained only in a custodial setting.”

Untrue. I am not “still under a 20-year sentence”. I was not sentenced to 20 years. I am not still under sentence. I am not a serving prisoner; I am a free man. I have never been convicted of terrorist offences and I am not a psychopath, nor have I been diagnosed a psychopath. I am not a “known terrorist and bomber”.

While my crimes, 20 years ago, were undoubtedly very serious, I dispute that I was “one of Australia’s worst criminals” and I am not now a criminal. I have rehabilitated myself and now live a law-abiding life as a normal person. I have served my time for the crimes I have committed.

“He is a terrorist bomber...”

Untrue. Mr Quigley repeats the assertion that I am a terrorist bomber. I am not a terrorist and I am not a terrorist bomber. I have never been convicted of any terrorist charges.

I have been convicted of one offence of causing an explosion which was for blowing up an explosives shed 20 years ago.

Describing me repeatedly as a terrorist and a bomber in the current world climate of the “War on Terror” unjustifiably compares me to members of current terrorist organisations and suicide-bombers.

“It is a big box because there is a battery in it. The police explained to my wife that the big battery is there so that if Mr Everett comes in and cuts the electricity and the phone wires, she can still hit the distress button.”

I believe that this is another untruth by Mr Quigley. He has simply inserted my name, for dramatic effect, in what would have been a standard briefing on the operation of the panic device. The advice would have been on how to operate the device if *anyone* came into the room. By this statement the Shadow Attorney General falsely identifies me as a threat to his family, has publicly denied me the presumption of innocence and publicly accused and adjudged me on no evidence to be guilty of an offence with which I have not been charged, or even interviewed about.

“threat that the writer would attack Mr Cowan at home during the night. Given the timing of the email, 45 minutes after he had called Ms Wookey, he assumed that it was from Everett.”

Again, Mr Quigley accuses and publicly adjudges me guilty of offences I have never heard about, been interviewed in respect of, been charged with or been convicted of. The presumption of innocence is a hallmark of our society and laws.

“Here we have a terrorist, who puts David Hicks in the shade...”

Untrue. Yet again Mr Quigley refers to me as a terrorist and compares me to David Hicks who was convicted of terrorism charges. The offences I was convicted of bear no comparison to the offences Mr Hicks was convicted of. I have never been convicted of terrorist charges. I am not a terrorist.

“The wife of Australia’s most feared terrorist—a man who is still under a 20-year sentence.”

Untrue. I am not, nor ever have been convicted of terrorist activities, I am not Australia’s most feared terrorist and I am not a serving prisoner nor serving a prison sentence. I am a free man as Mr Quigley full well knows.

“I am bamboozled by how the AGS can escort a terrorist into Indonesia. ... No doubt it has told the Indonesian government that it is taking in a terrorist. No doubt it has told the Singaporean government that it is taking in a terrorist. This is just breathtaking in its reach.”

Untrue. I am not a terrorist. AGS did not escort me into Indonesia. I travelled there with my partner (in a private capacity) on a holiday. I entered both countries lawfully. This is a total misrepresentation and distortion of the facts and the truth by Mr Quigley.

“Until the Australian government comes out and tells our neighbours in Indonesia and Singapore what the heck it is doing taking a known terrorist, who is still under a 20-year sentence, into Indonesia and Singapore, the government has a problem. Everett has really done it this time.”

Again untrue. I am neither a terrorist nor a serving prisoner. I am not “still under a 20-year sentence” and never have been under a 20-year sentence. The Australian government did not take

me to Indonesia and Singapore. I travelled there lawfully as a free man on holiday with my partner.

“This is very serious and I worry for Ms Wookey. The penny will drop that her biggest danger is David Everett. I also worry that he has turned her mind. On a website is a research project called ‘The Psychopath—The Mask of Sanity’ about women who fall in love with and who are manipulated by psychopaths.”

I am a very easy target for Mr Quigley because of the crimes I committed 20 years ago and the fact that I am a pensioner. But to be deliberately attacked under parliamentary privilege with what are obviously blatant falsehoods is terrible. I have served my punishment for the crimes I have committed, I have been released from prison and am now a free man, leading a law abiding life with my beautiful wife Darryl, whom I love dearly and worship the ground she walks on.

For Mr Quigley to claim that I am involved in an extortion attempt against him is both preposterous and outrageous. His wife admitted outside of Parliament to the media that she had no idea who sent the extortion note.

A handwritten signature in blue ink, appearing to read "G. Woodhead". The signature is written in a cursive style with a large initial "G" and a long, sweeping underline.