

**ROYAL COMMISSION INTO INSTITUTIONAL
RESPONSES TO CHILD SEXUAL ABUSE**

**Public Hearing - Case Study 40
(Day 191)**

Level 17, Governor Macquarie Tower
1 Farrer Place, Sydney

On Wednesday, 22 June 2016 at 10am

Before:

The Chair: Justice Peter McClellan AM
Commissioners: Mr Robert Fitzgerald AM
Professor Helen Milroy

Counsel Assisting: Mr Angus Stewart SC

1 MR STEWART: Your Honour, before I call the first witness
2 for today, I would like to tender some documents in the
3 HMAS Leeuwin part of the case study. There is a tender
4 bundle, which is arranged in two volumes, and it runs to
5 117 tabs. I tender that now, subject to a do not publish
6 order, which I will hand up in a moment, in respect of just
7 three of the tab numbers. I draw these to the attention of
8 my friends at the Bar table. Those are tabs 33, 34 and 38.

9
10 The DNP that I seek is to restrict the publication of
11 those tabs only - 33, 34 and 38 - to the parties and their
12 legal advisers and obviously for the Commissioners and use
13 in the process of the hearing, but not to be published
14 publicly.

15
16 THE CHAIR: We will make the tender bundle exhibit 40-006.

17
18 **EXHIBIT #40-006 TENDER BUNDLE IN RELATION TO HMAS LEEUWIN**
19 **PORTION OF THE HEARING, COMPRISING TWO VOLUMES.**

20
21 THE CHAIR: I have made the direction not to publish as
22 you request.

23
24 MR STEWART: As your Honour pleases. I call Geoffrey
25 Edwin Curran

26
27 **<GEOFFREY EDWIN CURRAN, sworn: [10.08am]**

28
29 **<EXAMINATION BY MR STEWART:**

30
31 MR STEWART: Q. Mr Curran, will you state your full
32 names and occupation?

33 A. Yes. It is Geoffrey Edwin Curran. I'm retired.

34
35 Q. Do you have before you, Mr Curran, a copy of the
36 statement that you prepared for this Royal Commission?

37 A. I do.

38
39 Q. That is dated 16 June 2016; is that right?

40 A. Correct.

41
42 Q. I understand that there are two corrections to the
43 statement that you would like to make; is that right?

44 A. That's correct.

45
46 Q. The first one, I am told, is in paragraph 5. There
47 are two sentences in that paragraph. You would delete the

1 second sentence; is that right?

2 A. I would.

3

4 Q. The second is in paragraph 20, which will come up on
5 the screen in a moment. In the third line there is
6 a sentence that starts, "In 1970" - you would insert and
7 commence that sentence as follows, "When I arrived" --

8 A. That is correct.

9

10 Q. And then it would say "in 1970 the system", and then
11 you would insert the word "had", so "the system had changed
12 to whole divisions"; is that correct?

13 A. Correct.

14

15 Q. Subject to those corrections, do you confirm that
16 statement as true and correct?

17 A. I confirm.

18

19 THE CHAIR: It will be exhibit 40-007.

20

21 **EXHIBIT #40-007 STATEMENT OF GEOFFREY EDWIN CURRAN DATED**
22 **16/06/2016**

23

24 MR STEWART: Q. From 1956 to 1974 you served as a member
25 of the Royal Australian Navy; is that correct?

26 A. I did.

27

28 Q. In particular, you served in a number of roles at
29 HMAS Leeuwin; is that right?

30 A. Yes, yes, it was.

31

32 Q. I will just set them out. From 1964 to 1965, you
33 served as a supply officer and then as a junior recruit
34 divisional officer; is that right?

35 A. That is correct.

36

37 Q. From 1970 to 1972, you served as a divisional officer,
38 that's of the Stevenson Division; is that right?

39 A. Correct.

40

41 Q. You retired from the Navy in 1974 and then, as
42 I understand it, you studied and then you went teaching; is
43 that right?

44 A. That's correct.

45

46 Q. You retired from teaching in 1987?

47 A. Yes, that's correct.

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Q. Mr Curran, what age were you when you joined the Royal Australian Navy as a cadet in 1954?

A. 16 and a half years of age.

Q. Am I to understand, then, that when you returned to Leeuwin as a supply officer in 1964, you were about 26 years of age; would that be right?

A. That would be right.

Q. And when you returned to Leeuwin as a divisional officer in 1970, I suppose you were about 32; is that right?

A. 32; correct.

Q. You say in your statement that you knew very little about --

THE CHAIR: Q. Can I just understand - what is the responsibility or role of a divisional officer?

A. The divisional officer, your Honour, is to look after the welfare, supporting the junior recruit through studies, academic studies as well as naval training, and on the domestic side, with his parents, dealing with those matters.

Q. So, as it were, you are given particular responsibilities to care for the young men or boys who came into Leeuwin; is that right?

A. That is correct.

Q. So if things went wrong, in the way they were treated, they were matters that fell within your area of responsibility?

A. They would.

MR STEWART: Q. Mr Curran, you say in your statement that you knew very little about what physical and sexual abuse occurred at Leeuwin; is that right?

A. That is correct.

Q. What did you know, Mr Curran, at the time? What did you know about what physical and sexual abuse was taking place?

A. Well, I didn't know very much at all, really. For those particular or specific instances, there would have been "talk" - in inverted commas - about some incidents,

1 but I was never directly involved in any complaint or
2 investigation.
3
4 Q. If there was talk of incidents, I take it that that
5 means that you became aware at that time that people were
6 saying that there were incidents of physical and sexual
7 abuse?
8 A. In the context of - yes, sir, that's correct.
9
10 THE CHAIR: Q. What did you do about it?
11 A. The talk, your Honour --
12
13 Q. No, what did you do?
14 A. What did I do about it?
15
16 Q. Yes.
17 A. If they concerned someone in my division, I would have
18 called my divisional chief and we would have sought the
19 person involved and investigated the matter.
20
21 Q. How many times did you do that?
22 A. I don't think I ever did, your Honour.
23
24 MR STEWART: Q. Are we to understand you, Mr Curran,
25 that from the talk you referred to, you did learn that it
26 was being said, at least, that there were incidents of
27 physical and sexual abuse in your division and you did
28 nothing?
29 A. That wasn't always in my division, that talk could
30 have involved the whole of Leeuwin, and the abuse would
31 have been in the context of "Something happened in the
32 toilet the other night and someone was nuggeted", something
33 like that.
34
35 THE CHAIR: Q. What was nuggeting, as you understood it?
36 A. Nuggeting, your Honour, was using boot polish to
37 nugget the genitals area.
38
39 Q. And I take it you knew that was happening in Leeuwin,
40 did you?
41 A. Only through talk, sir.
42
43 Q. Well, talk, but it was widespread, was it, a lot of
44 nuggeting?
45 A. No, it wasn't widespread.
46
47 Q. How much talk was there about it?

1 A. Very little, sir.
2
3 Q. Was there? It's an expression that is known in Navy
4 circles, isn't it, nuggeting?
5 A. Yes, it would be, sir.
6
7 Q. I have never been a part of the Navy, but there would
8 be many people who wouldn't be surprised, would they, if
9 they heard that there was nuggeting happening in a place
10 like Leeuwin?
11 A. I wouldn't have thought so, sir.
12
13 Q. They wouldn't be surprised?
14 A. I don't think so. I went through recruit school and
15 there was nuggeting happening then, but it was infrequent
16 and so very few incidents, but you heard about it.
17
18 Q. Why does it happen in this sort of institution?
19 A. I would think it's probably part of the rites of
20 initiation.
21
22 Q. That suggests there is a legitimate purpose for it.
23 Do you see that?
24 A. I would see it was a behaviour, probably not an
25 accepted behaviour.
26
27 Q. But you suggest that it was what a naval recruit could
28 expect; was that right?
29 A. No, sir, no. I think the - the incidents were
30 infrequent, so there wasn't a high expectation that that
31 was going to happen to all individuals.
32
33 Q. What do you mean by "rite of passage"?
34 A. Initiation, I think, has been around since I was at
35 school, sir, and I just would regard that sort of
36 initiation as the rite of initiation.
37
38 Q. Do you suggest it is acceptable?
39 A. At that age I would have, sir.
40
41 MR STEWART: Q. Do you mean, Mr Curran, at the age of
42 the recruits, or do you mean in the 1960s, 1970s? What are
43 you referring to when you say "at that age"?
44 A. I probably took that first, when I was at that age,
45 and that it would have been regarded as part of initiation,
46 but I do stress that this initiation was very infrequent.
47

1 Q. Do you say it's infrequent or do you say that you only
2 came to know of it infrequently?
3 A. When I became a divisional officer, I only knew of it
4 happening as per talk. That was usually after the - well
5 after the incident.
6
7 THE CHAIR: Q. Did you take any steps to speak to your
8 other officers to say, "This shouldn't be happening and we
9 must stop it"?
10 A. We had regular discussions about these sorts of
11 incidents.
12
13 Q. And? To what effect?
14 A. It was mainly - we just reiterated the need for close
15 supervision of accommodation areas particularly.
16
17 Q. Did you gather people together and say, "Anyone who
18 has been abused in this way should come and report to
19 a particular officer"?
20 A. We had divisional meetings that would have included
21 those statements, sir.
22
23 MR STEWART: Q. Mr Curran, in your second term at
24 Leeuwin as a divisional officer, which was 1970 to 1972, it
25 was during that period, wasn't it, that Judge Rapke
26 investigated and then reported?
27 A. It was.
28
29 Q. So he did that in 1971.
30 A. Yes.
31
32 Q. And reported in June 1971 initially.
33 A. That's correct.
34
35 Q. Were the findings of Judge Rapke's report brought to
36 the attention of you and other staff at Leeuwin after he
37 had reported?
38 A. No, they weren't.
39
40 Q. Did you get access at that time to his report?
41 A. No, I didn't. In fact, I posted out just after
42 Judge Rapke's inquiry, and I think I read about it in my
43 next posting.
44
45 Q. You were still at Leeuwin in 1972; is that correct?
46 A. Yes, up until April 1972.
47

1 Q. Judge Rapke's second report to the minister is dated
2 3 July 1971. Are we to understand that in the period
3 between then, when it went to the minister, and when you
4 left in April 1972, what he had found had been occurring at
5 Leeuwin had not been conveyed to you?

6 A. That was correct.

7

8 Q. Is it the case then also that it had not been conveyed
9 to the other officers at your level - in other words,
10 divisional officers?

11 A. I can't recollect what actually happened in that
12 regard.

13

14 Q. Do you accept now, Mr Curran, that at the time that
15 you were a divisional officer at Leeuwin, in both your
16 stints in the 1960s and the 1970s, in fact, these practices
17 of you termed it "initiation" were widespread?

18 A. No, I don't think they were widespread.

19

20 Q. I would like to take you to some of what Judge Rapke
21 said. I refer you to tab 61. That's in volume 2 of the
22 tender bundle, which is exhibit 40-006 and in particular,
23 could we go to Ringtail page 0077. I will concede
24 immediately that is hard to read, so I will have to read it
25 out from a clearer version.

26

27 THE CHAIR: Maybe there is a hard copy that he can be
28 shown, is there?

29

30 MR STEWART: In any event, I'm looking for page 41 of the
31 report. I don't know which Ringtail page that is. It is
32 paragraph 74, page 41. The one that is on the screen is
33 page 37, so page 41 will be a couple of pages further
34 along; one more page.

35

36 Your Honour, some people seem to have different things
37 on their screens. Can I ask the Commission whether you
38 have a blue-coloured version on your screen or a clear
39 black-and-white version.

40

41 THE CHAIR: We have a blue one but it doesn't make any
42 difference, we can't read it on the screen. We are totally
43 dependent upon the hard copy.

44

45 MR STEWART: There are hard copies in the bundles.

46

47 THE CHAIR: Yes, that's what I mean, that's what we're

1 looking at, not the screen. I am afraid the screen doesn't
2 work.

3

4 MR STEWART: For the purpose of the witness, I will have
5 to read it.

6

7 Q. I will take you to paragraph 74. This is what
8 Judge Rapke said:

9

10 *In the light of the large body of evidence*
11 *which I accept of bullying and violence, it*
12 *is necessary to stress that LEEUWIN has*
13 *been the scene for unorganised and*
14 *repetitive acts of bullying, violence,*
15 *degradation and petty crime during most of*
16 *the years of its existence.*

17

18 Were you aware of that, Mr Curran?

19

A. Certainly not to that extent.

20

21 Q. That's what Judge Rapke found when he investigated
22 that in 1971. Do you say you were not aware of that?

23

24 A. Well, in my experience as divisional officer, we
25 certainly acted on anything that was reported, and would
26 have been aware, had that happened, in my case, and the
27 only other understandings I had were the infrequent talk,
as I put it, that happened after the event.

28

29 Q. If there was talk in respect of incidents that weren't
30 reported, that was telling you, was it not, that there was
31 a very serious problem in the reporting system, that
32 serious incidents were occurring that were not being
33 reported?

34

A. Well, the reporting in that case would have been with
35 the people who were being set upon and --

36

37 THE CHAIR: Q. Mr Curran, we have had evidence already
38 and it is no surprise that someone who is a very junior
39 recruit, who was abused in this way, would be very
40 reluctant to, as has been put in the evidence, do the
41 abuser in, wouldn't they?

42

A. I would agree, yes.

43

44 Q. And they would be very reluctant to tell a senior
45 officer, like yourself, that they had a problem, because it
46 may be a mark of a lack of strength that would go on their
47 record; correct?

1 A. In the drinking case, sir, yes.
2
3 Q. Even if they have been abused, the fact that they go
4 and complain about it might be seen by some as a sign of
5 weakness?
6 A. It could have been, yes.
7
8 Q. And if you say this was a rite of initiation, then
9 almost certainly the culture would be that to do it would be
10 a reflection of weakness, you weren't prepared to cope with
11 the initiation; correct?
12 A. It could have been, sir, yes.
13
14 Q. You told us you were in a position of responsibility
15 and care for these young boys, weren't you?
16 A. Yes, indeed.
17
18 Q. It was your job to find out what was going on and deal
19 with it, wasn't it?
20 A. Indeed.
21
22 Q. And you didn't do that?
23 A. Yes, I did, sir.
24
25 Q. You told us you never had a report to you?
26 A. No, it hadn't been reported to me, but when it was
27 brought to our attention as divisional officers, we then
28 went through all the supervision procedures and routines to
29 ensure the proper supervision was happening in the
30 accommodation blocks.
31
32 Q. But we've just discussed how anyone who was abused
33 would be very reluctant to report, haven't we?
34 A. Yes.
35
36 Q. You must have known that at the time, that there would
37 be a reluctance to report that the rite of initiation was
38 an abusive act?
39 A. Sir, I would have responded to any sort of report
40 about that sort of behaviour.
41
42 Q. What I'm suggesting to you is it wasn't good enough,
43 given your responsibilities for these young boys, for you
44 just to respond to reports that came to you. It was your
45 responsibility to be acting and ensuring that these things
46 never happened, wasn't it?
47 A. Yes, indeed, sir.

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Q. What did you do to ensure that?

A. We increased supervision.

Q. Increased supervision?

A. Including myself. I - because of the unsettling effect of the Connolly affair within my division, I took it upon myself, with some of my staff, to actually be in the blocks during the night, the early part of the night, in our office, with the light on, door open, to reinstate that we were an ear to hear anything that might be happening.

Q. Did you ever say that this rite of initiation, did you say to the cadets, was something that must not happen?

A. I would never have said "the rite of initiation" to the junior recruits, sir. It was just something I had in my own experience as a recruit.

MR STEWART: Q. I will come back to the question of supervision, Mr Curran, but just continuing to see what Judge Rapke found, in the next sentence in paragraph 74 he says:

1970 was the peak year as my statistical survey hereafter will show.

And then I will miss the next sentence. It's just referring back to something the minister had said to him. Then he says:

The disgraceful outbursts of rabid behaviour are pernicious in their deep effect on the young sailor at an early and impressionable time in his naval career. The physical and mental damage to the victims was and is deplorable. The intimidatory effect of potential victims who escaped physical violence by "going along with" the bullies was upsetting, and may have led these types to join even victims in their senior days in copying the antics of their former seniors and reviving the will to do surreptitious mischief when they reached the seniority to participate.

Do you accept all of that, Mr Curran? In other words, the pernicious impact that these initiation rites, as you refer

1 to them, caused?

2 A. Well, in my experience, as I've said before, it was
3 very limiting in number that I heard about. I can
4 understand what the judge is saying, is that it was within
5 the corporate view, what was happening.
6

7 Q. Was there not a concern, during your time, that there
8 was what was referred to as "significant wastage" - in
9 other words, a significant percentage of recruits didn't
10 see it through to the end of their training, they ended up
11 leaving in one way or another?

12 A. Well, that was an avenue for all junior recruits and
13 it certainly happened in my time there.
14

15 Q. But was that not a matter of some concern amongst the
16 officers and leadership at Leeuwin, that there was
17 significant wastage?

18 A. On reflection, I can see that, yes.
19

20 Q. You see, over the page, Judge Rapke goes on - this is
21 in the fourth line on the right-hand side - he says:

22
23 *The losses by discharge are greater than*
24 *normal because of bullying etc. and in some*
25 *cases the formal reason for discharge*
26 *reflects on the J.R. discharged --*
27

28 in other words, reflects badly on the junior recruit
29 discharged --

30
31 *... when the fault is not of his creation.*
32

33 That was happening, wasn't it?

34 A. Could you repeat that, please, sir.
35

36 Q. The judge said that:
37

38 *The losses by discharge are greater than*
39 *normal because of bullying etc. and in some*
40 *cases the formal reason for discharge*
41 *reflects on the J.R. discharged when the*
42 *fault is not of his creation.*
43

44 A. In my experience, sir, when interviewing junior
45 recruits about their early discharge, it was, from
46 recollection, mainly around homesickness where they found
47 it difficult just to adjust to being away from home.

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Q. Didn't it occur to you that that was a cover for something much more serious?

A. It might have been, sir; it might have been.

Q. I'm asking, did it not occur to you that that was the case?

A. Well, the early discharge scheme had been in effect for some years, and it wasn't just happening then, it was part of the whole Leeuwin scheme, that a new entrant could take an early discharge and that just - that was an ongoing thing that happened right through junior recruit training.

Q. If there was a strong culture not to do, as you say, then someone who is being severely picked upon might give as his reason for seeking discharge homesickness rather than that he was being regularly beaten up or abused in various ways?

A. That could have been the case.

Q. You see, if we look at paragraph 105, which is on page 56 of the report, Ringtail 0094 on mine, at the foot of the page, the judge said:

Leeuwin must have a tone and an esprit de corps.

And then he says:

The bullying tradition, its repetitive use and recurrence, and participation by some who most objected to the behaviour when the victims have become not so much a pattern as a tone or mores which unthinking J.R.'s have inherited and used.

That was the case, wasn't it, Mr Curran, that there was a bullying tradition that was repetitive and recurred?

A. I can't recollect that that was.

Q. Did you hear the testimonies of the five ex-Leeuwin junior recruits who gave their evidence yesterday?

A. Yes, I did.

Q. I take it that you accept what they say as to what happened to them and their experience at Leeuwin?

A. It was a gut-wrenching experience for me listening to

1 it.

2

3 Q. It was; it was devastating?

4 A. Yes, it was.

5

6 Q. And some of that happened when you were at Leeuwin?

7 A. Yes, indeed.

8

9 Q. You yourself told Judge Rapke, did you not, that there
10 was an ongoing problem at Leeuwin of the more senior junior
11 recruits standing over the newer junior recruits and
12 forcing them to hand over cigarettes or money or other
13 small valuables?

14 A. I can't remember saying that. I'm not denying that
15 something was said but I can't remember saying it.

16

17 Q. Do you remember that there was a problem of those
18 practices occurring?

19 A. Not a large problem, as I would have considered then.

20

21 Q. I would like to refer you to tab 59 of the tender
22 bundle, exhibit 40-006. This is a transcript of the
23 evidence that you gave to Judge Rapke. You will see that
24 on the first page there it says:

25

Upon resuming at 1.40pm.

26

Geoffrey Edwin Curran, Lieutenant R.A.N.R.

27

28

29 I take it that's you, is it, that's a reference to you?

30

A. Yes.

31

32 Q. Do you recall that you were interviewed by
33 Judge Rapke?

34

A. I was - I do recall.

35

36 Q. If we go to Ringtail 159, you will see in that last
37 substantive paragraph the judge says to you:

38

*There have been allegations made that the
39 senior junior recruits - I mean those who
40 came in in earlier entries - stand over
41 those who come in in the later ones and
42 say, "I want cigarettes, money, an earlier
43 place in the queue for food or goodies that
44 are distributed", and the juniors must give
45 way to those requests in danger of being
46 personally dealt with, forcibly dealt with,*

47

1 *brutally dealt with. What I have in mind*
2 *is, do you see any way in which that can be*
3 *retrieved and a new climate of opinion*
4 *developed to stop that sort of thing if it*
5 *is indeed going on?*
6

7 And your reply was to say:

8
9 *I would say it is going on.*

10
11 And then the judge said to you:

12
13 *You know it is going on?*
14

15 And your reply was to say, "Yes". Now, Mr Curran, what did
16 you do to stop those sorts of things going on?

17 A. Well, I reiterated the position I was in before. My
18 first reaction was to take my divisional staff and discuss
19 the situation, and the first recommendation was to tighten
20 up the whole supervision of the blocks and movement of
21 junior recruits in our care. I also stated that I can
22 remember, with other staff members, going to the blocks at
23 night-time and being around so that people, junior
24 recruits, could access their staff should they have any
25 problems. And staff could also keep an ear as to what
26 might be happening in that sort of behaviour.
27

28 There would be other instances around Leeuwin, if that
29 behaviour was happening, where that could have occurred,
30 but that was out of our jurisdiction.
31

32 On top of that, it was decided to increase the amount
33 of activities, the range of activities, that junior
34 recruits could embark on to keep them interested and busy
35 during their own hours, and this was in the form of music
36 clubs, drama clubs, aero clubs, Scalextric clubs, venture
37 training, so we were all very busy introducing this sort of
38 activity to keep them busy and to keep in contact with the
39 junior recruits.
40

41 Q. Mr Curran, those are some of the things that were
42 introduced following Judge Rapke's investigation and
43 report; is that right?

44 A. Yes.
45

46 Q. Following his report, am I to understand that there
47 was some level of shake-up; in other words, the leadership

1 at Leeuwin were told that they had better sort things out
2 to some degree; is that right?
3 A. That would have been the case.
4
5 Q. And you remember that?
6 A. I can remember reacting to it, yes.
7
8 Q. Do you remember what it is that you were told needed
9 to be sorted out?
10 A. I think - we're just going over steps of supervision,
11 how we were supervising in the blocks. That was certainly
12 an important one I can remember.
13
14 Q. Those were the corrective measures, as it were. Do
15 you recall what you were told as to what the problems were
16 that called for corrective measures?
17 A. No, I don't.
18
19 MR STEWART: Your Honour, I tender the DART - that is, the
20 Defence Abuse Response Taskforce - report of June 2014,
21 which is entitled "Report on abuse at HMAS Leeuwin".
22
23 THE CHAIR: That report will be exhibit 40-008.
24
25 **EXHIBIT #40-008 DART REPORT OF JUNE 2014 ENTITLED "REPORT**
26 **ON ABUSE AT HMAS LEEUWIN"**
27
28 MR STEWART: Q. In particular, I refer to page 90 of that
29 report. I am hoping that will come up on the screen for
30 you, Mr Curran. I'm told it is not available just yet.
31 I am going to read out the important parts of it. Have you
32 seen the DART report on Leeuwin previously, Mr Curran?
33 A. I haven't.
34
35 Q. Are you aware of what the Defence Abuse Response
36 Taskforce is?
37 A. Yes, I was.
38
39 Q. Yes. That taskforce investigated forms of abuse
40 across the Australian Defence Force - you are aware of
41 that?
42 A. Yes.
43
44 Q. And that obviously included HMAS Leeuwin?
45 A. Leeuwin, yes.
46
47 Q. They published a report specifically on Leeuwin?

1 A. Yes.

2

3 Q. Which was the report I am referring to. Sir, have you
4 not read that report?

5 A. I haven't read it.

6

7 Q. Then this may be new to you. On page 90, in
8 Section 8.3, they give what they call their overarching
9 conclusions about the nature and extent of abuse at
10 Leeuwin. At the foot of the page, they set out the
11 following conclusions:

12

13 . More than 200 former Junior Recruits made
14 complaints of abuse at HMAS Leeuwin to the
15 Taskforce.

16 . The apparent widespread underreporting of
17 abuse suggests that the actual number of
18 Junior Recruits who experienced abuse at
19 Leeuwin was in fact higher than this.

20 . Most complainants experienced more than
21 one type of abuse and also experienced
22 abuse on more than one occasion.

23 . Abuse occurring at Leeuwin continued well
24 into the 1970s, following the release of
25 the Rapke Report, at which time Defence was
26 on notice that abuse was a concern within
27 the establishment.

28 . The abuse experienced by junior recruits
29 at Leeuwin included: ...

30

31 And then there are about eight matters set out, and they
32 are as follows:

33

34 - widespread bullying of Junior Recruits by
35 more senior Junior Recruits, perpetrated as
36 part of a well-established informal
37 hierarchy;

38 - bullying of Junior Recruits by staff
39 members through training or disciplinary
40 practices that went beyond what was
41 reasonable for 15 to 17 year old boys at
42 the time and would not be considered
43 acceptable by today's standards;

44 - a disturbing incidence of sexual abuse of
45 Junior Recruits by their peers, including
46 anal rape and other serious sexual assaults
47 as well as practices such as nuggeting or

1 *blackballing and vacuuming;*
2 *- particularly troubling cases of sexual*
3 *abuse of Junior Recruits by staff members*
4 *and Navy-approved sponsors, including anal*
5 *rape, forced oral sex and other serious*
6 *sexual assaults;*
7 *- some sexual harassment by both Junior*
8 *Recruits and staff members;*
9 *- a high incidence of physical assaults of*
10 *Junior Recruits by other Junior Recruits,*
11 *including common practices such as*
12 *beatings, gauntlets, scrubbings and blanket*
13 *bashings; and*
14 *- some serious physical assaults of Junior*
15 *Recruits by staff members, as well as other*
16 *physical abuse in the form of unreasonable*
17 *failure to provide access to medical*
18 *assistance, unreasonable imprisonment or*
19 *mistreatment while imprisoned, and forced*
20 *participation in fighting.*

21
22 Now, I understand, Mr Curran, that you say you knew little
23 about that, and I will come back to your knowledge in a
24 moment, but, first, do you accept these findings - in other
25 words, that after the work of the taskforce, this is what
26 they found actually was occurring at Leeuwin?

27 A. Well, I'm astounded that it was to that degree in
28 those terms, but I accept it.

29
30 Q. And, of course, it's reinforced by the evidence you
31 heard yesterday?

32 A. Yes.

33
34 THE CHAIR: Q. Tell me, you speak of this nuggeting as
35 being a rite of passage. Where did you enter the Navy?
36 Did you enter as a --

37 A. An adult recruit in HMAS Cerberus at 18 and a half
38 years of age, I think.

39
40 Q. Was there a rite of initiation given to recruits when
41 you joined?

42 A. No. Look, because it was so infrequent, sir, it
43 wasn't a rite of initiation that I understood as part of
44 Cerberus or part of my recruit entry into the Navy; it was
45 more like a life rite that - it was an initiation that
46 might happen, something that would go back to school camp
47 days, in my case.

1
2 Q. Were you ever given this rite, when you joined?
3 A. No. No.
4
5 Q. Did you ever participate in giving it to anyone else?
6 A. I did not, and in fact I wasn't aware any of my
7 immediate colleagues were neither.
8
9 Q. When did you come to think of this as being a rite of
10 passage?
11 A. I think it's a term I used going back to my early days
12 and it was purely in my mind, not as an established part of
13 the culture of Leeuwin. I didn't see it as such.
14
15 Q. It's hard to imagine, when you refer to it as "a rite
16 of passage", that it wasn't part of the culture?
17 A. Rite of initiation, sir. I certainly did not - I was
18 not aware that it was any rite in Leeuwin, within the
19 culture of Leeuwin.
20
21 Q. But it's hard to concede --
22 A. But I can understand from reports that it has
23 happened.
24
25 Q. But it is hard to conceive of you describing it as
26 a rite of initiation unless it was actually part of the
27 culture; do you understand?
28 A. Yes, I do, sir, but what I was referring to is pretty
29 elementary boy-boy stuff. It certainly didn't involve what
30 we heard yesterday.
31
32 Q. But you tell me it involved nuggeting?
33 A. Nuggeting, yes, sir.
34
35 Q. What else did it involve?
36 A. That's all I remember within my expression of
37 initiation, going back to my days.
38
39 Q. You mean your days when you came into the Navy?
40 A. Yes.
41
42 Q. But what about at Leeuwin?
43 A. As I said, sir, I don't believe, in my recollection,
44 that it was part of the culture of Leeuwin, but I'm not
45 going to deny it because --
46
47 Q. Judge Rapke's suggesting otherwise, isn't he?

1 A. I'm not going to deny it, sir.
2
3 Q. You were actually there in a position of
4 responsibility?
5 A. Yes.
6
7 Q. How could it be that you didn't know about it but
8 Judge Rapke came in and found it?
9 A. I don't know, sir. I responded in my duty as best
10 I could and, as I said, these occurrences weren't reported
11 to me or my divisional staff, as much as I can recollect.
12 I was never involved in a divisional investigation of those
13 acts. I certainly appeared at Commander's table when
14 junior recruits were reported as being involved in dubious
15 places during their leave in Perth City; I can remember
16 that.
17
18 Q. You see, if you didn't know, but you had a position of
19 responsibility, it suggests some significant management
20 failure, doesn't it?
21 A. Sir, we managed the day-to-day running as best we
22 could. It was a long day from 7am in the morning until
23 well into the night.
24
25 Q. I understand that, but I'm not talking about that.
26 Judge Rapke comes in, he finds these appalling practices
27 occurring, not just isolated --
28 A. No. No.
29
30 Q. -- but matters of practice. You are one of the
31 managers of this organisation?
32 A. Yes.
33
34 Q. And it seems that you tell us that you, as one of the
35 managers, didn't know what was happening?
36 A. I have to agree, sir, yes.
37
38 Q. That suggests a significant management failure in the
39 organisation, doesn't it?
40 A. Well, it - yes, sir.
41
42 MR STEWART: Q. Was it a case, Mr Curran, the approach
43 that was taken by you and others in the management was that
44 that which doesn't kill them will only make them stronger?
45 A. I'm just not aware of that statement at all.
46
47 Q. Dealing with the 1970 to 1972 period, in other words,

1 your second stint at Leeuwin as a divisional officer, it is
2 the case, as I understand it, that there were better leave
3 entitlements and other privileges enjoyed by the more
4 senior intakes compared with their juniors; is that right?
5 A. Could you repeat that again, please? I'm sorry.

6
7 Q. There were better leave entitlements and other
8 privileges enjoyed by the more senior recruits compared to
9 those who had come on more recent intakes?

10 A. My understanding of that would have been the leading
11 junior recruits would have had privileges, extra leave
12 privileges.

13
14 Q. And you say not the junior recruits who were not
15 leading junior recruits?

16 A. I don't remember specifically, but I would have
17 thought there would have been an early settling-in time
18 when the newest junior recruits didn't take leave for
19 a number of weeks. I just can't set an absolute about
20 that.

21
22 Q. So just to clarify, the leading junior recruits were
23 a small percentage of recruits who were selected from
24 amongst their peers, their cohort, and given certain
25 responsibilities and authority; is that right?

26 A. That's correct.

27
28 Q. So are you saying - and I will come back to that -
29 that the leading junior recruits had certain privileges
30 over the others in their cohort?

31 A. They did.

32
33 Q. And are you saying that from this distance in time,
34 you don't remember the more senior intakes having
35 privileges and entitlements over and above the more junior
36 intakes?

37 A. I don't, other than what I mentioned about the early
38 days of settling in.

39
40 Q. I refer you again to what you told Judge Rapke at
41 tab 59, page 0158. About a third of the way down, you will
42 see the sixth question. The judge says to you:

43
44 *You do not differentiate in the junior*
45 *recruit area from those who got an earlier*
46 *entry and those who got a later? They have*
47 *no official privileges?*

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Your answer was to say:

They have better leave time. There are privileges and leave is one of them.

I take it that you accept that what you told the judge was true?

A. I accept that as reported there.

Q. It was the tradition that the more senior recruits would make the new recruits remember that they were new and that they must wait their turn; that's correct, isn't it?

A. That's a paragraph further on, is it?

Q. It's two paragraphs further.

A. Yes.

Q. The judge said to you:

Do you sense that there is a tradition that the senior blokes have inherited from their own experiences which puts them in the position of being able to make the new lads just remember that they are only new boys and wait their turn?

And you answered:

Yes, that is a tradition.

Do you see that?

A. Look, such as it was, yes.

Q. And that's part of the rite of passage you were referring to, is it?

A. No, I don't use the "rite of passage", it was "right of initiation" I used.

Q. The leading junior recruits and the more senior recruits also enjoyed the privilege of, as it was put, jacking the queues; is that right?

A. Well, it wasn't my understanding the more senior cadets could jack the queue.

Q. Only the leading --

A. The leading junior recruit, yes.

1
2 Q. And acting leading junior recruits and leading junior
3 recruits had responsibilities over other junior recruits,
4 is that right, including being responsible for their
5 section?
6 A. Correct.
7
8 Q. And supervising in the accommodation blocks?
9 A. Correct.
10
11 Q. And they were able to give orders to the junior
12 recruits?
13 A. They could.
14
15 Q. Yes. They were given formal power under the standing
16 orders to be able to give those orders?
17 A. They were.
18
19 Q. And within the ranks of junior recruits they were
20 divided between new grubs, grubs, shits and top shits; is
21 that right?
22 A. Well, they - the leading junior recruit and acting
23 leading junior recruit program was part of all the
24 divisions within Leeuwin, of junior recruits.
25
26 Q. Yes, but the different cohorts or intakes were
27 referred to commonly by these phrases, which I will refer
28 to: "new grubs" as the most junior; "grubs" at the next;
29 "shits" as the next; "top shits" as the most senior - is
30 that right?
31 A. I would place that particular description within the
32 junior recruit hierarchy. It was not used at divisional
33 level, of staff.
34
35 Q. But you knew it was being used?
36 A. We knew it existed.
37
38 Q. Sir, would you agree that there was a substantial
39 hierarchy within one year's intake of junior recruits?
40 A. Only in the leading junior recruit to an ordinary
41 junior recruit, in one intake.
42
43 Q. Well, also, from one intake to the next?
44 A. Ah, yes, between the, yes, more senior intake and -
45 yes.
46
47 Q. And the system of supervision that was exercised

1 relied on that hierarchy, didn't it?
2 A. Yes, that was part of the supervision program.
3
4 Q. And it also enabled the staff to undertake less
5 supervision because they sought to rely on the leading
6 junior recruits to supervise?
7 A. Yes. Well, the staff - a duty staff member at
8 night-time would have - in our division had over 200 junior
9 recruits in the accommodation block and would be doing
10 fairly constant rounds to see whether the routine was being
11 followed, and part of that routine would have been the
12 leading junior recruits checking to see that recruits were
13 cleaning up their sleeping space, cubicles, passageways,
14 et cetera.
15
16 Q. Let's get into the question of supervision. The
17 junior recruits - and within the junior recruits we have
18 heard that there are hierarchies, but now, moving beyond
19 the junior recruits, the next most senior sailor was an
20 able seaman; is that right?
21 A. That's correct.
22
23 Q. And typically, how many years in the Navy would an
24 able seaman have been?
25 A. Four to six years.
26
27 Q. And so what age are we talking about?
28 A. Probably around 21, 22.
29
30 Q. Possibly even younger, I take it, if someone had come
31 in at age 15 or 16 - four years later, that puts them 19 or
32 20, not so?
33 A. Yes, that would be correct.
34
35 Q. And then next up, there would be a leading seaman
36 within the division; is that right?
37 A. That's right.
38
39 Q. And typically, what age would a leading seaman be?
40 A. Mid 20s to 30.
41
42 Q. And then still within the division, next up there
43 would be a petty officer or a chief petty officer; is that
44 right?
45 A. Yes.
46
47 Q. And typically, what age would they be?

1 A. The PO could be early 30s through to 40. The chief
2 would be more senior in that age group - 40 plus, I would
3 think.
4
5 Q. And then the divisional officer --
6 A. Yes.
7
8 Q. -- that's the position you occupied?
9 A. Yes.
10
11 Q. And typically, what rank would a divisional officer
12 be?
13 A. Typically, a lieutenant, some lieutenant commanders.
14
15 Q. We learnt earlier that on your return to Leeuwin in
16 1970 as a divisional officer, you were 32?
17 A. Right.
18
19 Q. Were you a lieutenant at that time?
20 A. Yes, I was.
21
22 Q. That is all there was in the divisional system; is
23 that right?
24 A. That's right, yes.
25
26 Q. So you were, as it were, the leading officer in the
27 division?
28 A. In a division, yes.
29
30 Q. And then, above you, there was a commander; is that
31 right?
32 A. Yes, with a training officer in assistance.
33
34 Q. And typically, what rank was a commander?
35 A. A commander in rank.
36
37 Q. A commander in rank.
38 A. Rank, yes.
39
40 Q. Who was the commander in your time?
41 A. Wilkinson - Commander Wilkinson.
42
43 Q. Was that when you were there in 1964 to 1965?
44 A. No, no, that - I think that was Commander Yuill,
45 from memory.
46
47 Q. From July 1972 - of course, I think you told us you

1 left in April 1972; is that right?
2 A. Yes, I did.
3
4 Q. Are you aware who it was who replaced Wilkinson?
5 A. No, I don't.
6
7 Q. The commanding officer in your time was
8 Commodore Ramsey; is that right?
9 A. That's correct.
10
11 Q. Was he replaced by Commodore Doyle when you were still
12 there?
13 A. That's right.
14
15 Q. Do you remember when that was?
16 A. It was late in my term in Leeuwin; possibly late in
17 '71. I'm not sure.
18
19 Q. That suggests it may have been as part of the outcome
20 of the Rapke Report that Commodore Ramsey was replaced by
21 Commodore Doyle. Do you have any view or understanding
22 about that?
23 A. Look, I wouldn't have considered that.
24
25 Q. There were about 800 junior recruits per year, about
26 200 per intake in the 1970-onwards period that you were
27 there; is that right?
28 A. That's correct.
29
30 Q. Each intake formed a division; is that right?
31 A. That's correct.
32
33 Q. So 200 per division?
34 A. The 200 was the maximum of that period, there were
35 lesser numbers, but, as I stated, in 1971, my division,
36 which I believe was the biggest, was about 209 recruits.
37
38 Q. You mention in your statement the Stevenson Division
39 was divided into two parts. Does that mean there were
40 approximately 200 in each part?
41 A. No. That occurred after the Connolly incident and
42 Judge Rapke. It was part of making supervision more
43 efficient, so the 209 were split in half, one becoming
44 Stevenson Port and the other one becoming
45 Stevenson Starboard. Each one had a new set of divisional
46 staff.
47

1 Q. About how many junior recruits were in each
2 accommodation block?
3 A. My block, there were the 209 initially.
4
5 Q. 209?
6 A. Yes.
7
8 Q. The leading junior recruits were responsible for
9 ensuring that the lights went out at the appropriate time
10 and that there was no noise; is that right?
11 A. That's correct.
12
13 Q. There was one divisional staff member on duty at night
14 per division; is that right?
15 A. Usually one divisional staff member, yes.
16
17 Q. And that was rostered between the able seaman, the
18 leading able seaman and the PO; is that right?
19 A. As part of the Leeuwin duty watch, so that watch
20 system could be supplemented by other personnel in Leeuwin.
21
22 Q. In answer to my question about there being one
23 divisional staff member on duty at night per division, you
24 said, "There was usually one divisional staff member"?
25 A. Yes.
26
27 Q. Does your use of the word "usually" suggest that
28 sometimes there was no divisional staff member on duty?
29 A. My recollection could have been in that instance where
30 someone had to take urgent leave and so he would be
31 supplemented, but it wasn't often.
32
33 Q. The staff members, the able seaman, leading seaman,
34 POs and so on, their actual accommodation was elsewhere at
35 the Leeuwin base; is that right?
36 A. Yes, it was. There were times, particularly at that
37 period, where the divisional staff represented on the duty
38 watch did sleep in the blocks.
39
40 Q. Where did they sleep in the blocks?
41 A. Within the office location.
42
43 Q. Because there was an office there for them to use
44 during the day; is that right?
45 A. There were two offices in the block, yes.
46
47 Q. And if they were on duty at night, they might use the

1 office as a base; is that right?

2 A. Yes.

3

4 Q. I have to say, Mr Curran, I've not seen it read or
5 said anywhere else that they ever slept in those offices.
6 Are you saying that they did on occasion?

7 A. I can remember after the unsettling period, as we have
8 described today, that that was one of the things that was
9 instituted within my block.

10

11 Q. The unsettling period being a reference to
12 Judge Rapke's findings?

13 A. More the Connolly incident.

14

15 Q. Which was what led to the appointment of Judge Rapke?

16 A. Yes. Yes.

17

18 Q. The Connolly incident, just to be clear, was an
19 incident where one of the junior recruits was set upon by
20 four others and severely beaten; is that right?

21 A. Yes.

22

23 Q. And that received widespread coverage in the press at
24 the time?

25 A. From memory, it did.

26

27 Q. I would like to refer you to again one of
28 Judge Rapke's findings. It is at tab 61, at Ringtail 84.
29 This is on page 47B of the report. It is on the screen
30 there, you may be able to see it, Mr Curran, and I will
31 read it out for you, in any event, because it is hard to
32 read. Judge Rapke said:

33

34 *On a visit to Leeuwin at night I observed*
35 *an able seaman who was (as he informed me)*
36 *supervising alone 400 Junior Recruits in*
37 *two blocks. I questioned him about the*
38 *assistance he had and he told me he had*
39 *none. He made no mention of the presence*
40 *of a Petty Officer nor was I able to see*
41 *one. I therefore feel that the*
42 *recommendations I make still require to be*
43 *looked at and implemented with the utmost*
44 *urgency.*

45

46 That level of supervision, if one can call it that, that
47 occurred, didn't it?

1 A. Well, that able seaman would have had other duty staff
2 members whom he would have been interacting with during his
3 watch.

4
5 THE CHAIR: Q. Judge Rapke says, "He was supervising
6 alone 400 recruits". That doesn't suggest there was anyone
7 else there, does it?

8 A. No. I would say, your Honour, that at probably an
9 instant during his watch he might have been in supervision
10 of two blocks, going from one to another.

11
12 Q. Judge Rapke doesn't say that either, does he? He just
13 said that he was supervising alone, not for an instant.

14 A. Well, it's a statement there, sir, that I can't offer
15 any more on.

16
17 MR STEWART: Q. Let's look at something else Judge Rapke
18 says about supervision, at page 87, page 49 of the report,
19 Ringtail 87. About a third of the way down, in
20 paragraph 89, 10 or so lines down in the middle of the
21 paragraph, he says:

22
23 *My observations detected a 200-Block of*
24 *3 storeys in which the invasion of*
25 *privacy --*

26
27 I will just clarify there - the invasion of privacy being
28 a reference to what Commodore Ramsey had said, that he
29 didn't want to swamp the junior recruits with too much
30 supervision because it would be an invasion of their
31 privacy. Carrying on with the judge's comments, he said:

32
33 *... the invasion of privacy consisted of*
34 *one 20-year old Able Seaman supervisor who*
35 *had himself been a Junior Recruit two or*
36 *three years earlier. This young man did*
37 *not want his draft to Leeuwin, had no*
38 *interest in his duties, was watching*
39 *television in a glass room on the ground*
40 *floor and had a lot to tell me of how he*
41 *tried to do a job and of the failure he*
42 *encountered at every level in attempting to*
43 *prevent bullying, ragging, hiding of liquor*
44 *and disciplining intoxicated short leave*
45 *recruits.*

46
47 Now, that was Judge Rapke's experience, and that was really

1 typical of the supervision that there was at Leeuwin,
2 wasn't it?
3 A. Well, I wouldn't say that, sir. I would believe that
4 he was speaking to one particular person in that instant.
5
6 Q. Well, that is true, of course, but it's the spot visit
7 and that's what he found.
8 A. Well, no, he's talking to one particular person. It
9 doesn't reflect the total duty watches over a number of
10 days and their experiences.
11
12 Q. Did you hear yesterday that the witness in these
13 proceedings referred to as [CJI], Mr Glen Greaves, who
14 previously had a pseudonym [CJI], said that there were no
15 staff in the barracks at night, there was no place for them
16 to sleep, there was only an office for day duties. Did you
17 hear him say that?
18 A. Yes, I did, yes.
19
20 Q. That was his experience.
21 A. Yes.
22
23 Q. That is right, isn't it?
24 A. No, no. I said in my division, I can remember we
25 erected a bed in the second - in the ground-floor office
26 space.
27
28 Q. That was after Judge Rapke reported?
29 A. Yes, in a temporary way, yes.
30
31 Q. And before that?
32 A. It wasn't.
33
34 Q. [CJT] said, in paragraph 55, that the staff rarely
35 supervised or patrolled the block on weekends. Did you
36 hear him say that?
37 A. Yes, I did hear him say that.
38
39 Q. That's also true, isn't it?
40 A. Well, it's not true in my knowledge, no.
41
42 Q. Because really the responsibility for supervision
43 after hours was left with the junior recruits, the leading
44 junior recruits were left to supervise and the staff did
45 very little?
46 A. Well, the staff had their duties to do, sir.
47

1 Q. Do you accept that most problems occurred during the
2 night, the problems of bullying and physical and sexual
3 abuse?

4 A. The incidents that came to my notice as divisional
5 officer mainly happened at night-time, but there were none
6 as far as bullying goes or those sexual incidents, sir.

7

8 Q. And Judge Rapke referred to them also occurring during
9 the dogs, and I understand that to mean in the period 1600
10 to 2000 hours; is that right?

11 A. That's correct.

12

13 Q. Was there a hiatus in supervision at that time,
14 between 1600 and 2000?

15 A. A very busy time in Leeuwin, in my experience. The
16 staff were on board supervising sports, duty staff would
17 have been in the block.

18

19 Q. Judging on what the witnesses have told us, and
20 in particular at the time that you were there, I have
21 referred to the evidence of Mr Greaves and [CJT], and also
22 on what Judge Rapke found, do you accept, Mr Curran, that
23 the supervision was highly inadequate?

24 A. I accept that there were instances where it certainly
25 appeared inadequate, as Judge Rapke has reported, but my
26 understanding was there was a duty watch there, which were
27 expected to carry out frequent rounds.

28

29 Q. Isn't it the case, from what we know happened from the
30 DART report, for example, I took you to the conclusions,
31 from Judge Rapke's conclusions as to what was taking place,
32 from the evidence that was given here yesterday, isn't it
33 the case that one must inevitably draw the conclusion that
34 the supervision was inadequate?

35 A. I think it also must be included there in
36 consideration that a lot of the junior recruits would be
37 absent on weekends on leave, with sponsors. There would
38 have been the duty division. We also had expedition
39 training camps for other divisions, so the amount of junior
40 recruits in Leeuwin on weekend would be small.

41

42 Q. There is another alternative, isn't there, that it's
43 not that the supervision or supervisory structure was
44 inadequate, but it was that those who were supervising
45 turned a blind eye to what was going on or even at times
46 participated in what was going on?

47 A. Look, I can't account for that one. My duty would

1 have been most active, as I would have expected others.

2

3 Q. You speak in your statement about there being an
4 incident book where incidents had to be recorded; is that
5 right?

6 A. I encouraged that, yes.

7

8 Q. Do you have a recollection that there was actually an
9 incident book?

10 A. Yes.

11

12 Q. Do you have any knowledge as to what happened with an
13 incident book once it was, for example, full and a new one
14 had to be commenced?

15 A. No, I don't.

16

17 Q. You would accept that if the incident books are
18 destroyed or lost, then there would be no record of those
19 reports?

20 A. Look, I'm unsure as to what the disposal was.

21

22 Q. I would like to look at paragraphs 42 and 44 of your
23 statement, starting with paragraph 42. You will see you
24 say there:

25

26 *There was regular supervision to prevent*
27 *misbehaviour ...*

28

29 We have dealt with that. Then you say:

30

31 *I do not recall any complaints being made*
32 *about sexual offences, or homosexual*
33 *activities.*

34

35 Then if we look over the page, at paragraph 44, you say:

36

37 *Although I can no longer recall if any*
38 *complaints were made about sexual abuse,*
39 *I think they were rare through the*
40 *Divisional system. If that type of*
41 *complaint had been made, it would have been*
42 *handled 'in sensitive'.*

43

44 What does "in sensitive" mean?

45 A. That was purely my expression, meaning that I would
46 have taken into account the effect it had on the person who
47 the incident occurred with and his particular welfare and

1 duty to both the commander and the parents.

2

3 Q. I'm not sure that I'm understanding you, Mr Curran.
4 If there were complaints about sexual abuse, what would you
5 have done with respect to the alleged perpetrator?

6 A. You said "if", there?

7

8 Q. Yes. That's the hypothesis on which you wrote that
9 sentence?

10 A. Yes. Yes. I would have taken the junior recruit
11 aside at the first instance with the divisional chief petty
12 officer and tried to find out what happened.

13

14 Q. And what about the perpetrator?

15 A. If it got to the case where the evidence suggested it
16 did happen then we would have investigated it formally.

17

18 Q. And in the next paragraph you say:

19

20 *Divisional Officers would have been*
21 *sensitive to complaints about child sexual*
22 *abuse and handled as such.*

23

24 What do you mean, "handled as such"? Handled how?

25 A. Sorry, what paragraph is that again, please?

26

27 Q. The first sentence in paragraph 45.

28 A. "Handled as such" meaning "in sensitive", and the
29 approach that I would have used in my division at that
30 time, as I just described before.

31

32 Q. Some of these incidents that we heard evidence about
33 yesterday occurred during your time. I would like to take
34 you to the statement of [CJT], which is exhibit 40-003, and
35 in particular to paragraph 37 onwards. Do you recall this
36 evidence yesterday where, in brief, what the witness gave
37 evidence of was a circumstance in which he was punished for
38 reporting a sexual incident that he had observed? Do you
39 recall that from yesterday?

40 A. I recall it being said.

41

42 Q. If we look at paragraphs 43 and 44, you will see that
43 the evidence was that the witness felt absolute trepidation
44 standing before Commodore Ramsey "who was yelling and
45 accusing us of making the story up." And so it goes on in
46 those paragraphs. You served under Commodore Ramsey. What
47 kind of person was he?

1 A. Well, I certainly didn't experience that sort of
2 behaviour by the Commodore.

3

4 Q. What approach did he take to the recruits?

5 A. Well, I was never involved with Commodore Ramsey,
6 except as a divisional officer for Junior Recruit Connolly.
7 Junior Recruit Connolly didn't appear before me. The
8 incident happened at night-time, from memory, and the duty
9 staff, through the duty officer, made that initial
10 investigation and reported that through to the commander
11 who then passed it on to the Commodore; so I then came in
12 later representing the junior recruit.

13

14 Q. What do you say about the next paragraph,
15 paragraph 45? We'll just scroll it up for you. The
16 witness says:

17

18 *When I returned to the block and*
19 *subsequently to normal daily routines,*
20 *I perceived, rightly or wrongly, that the*
21 *other divisional staff including Lieutenant*
22 *Curran no longer had any confidence in me.*

23

24 Do you remember the witness who gave the evidence
25 yesterday? Do you remember him from the time he was
26 a junior recruit?

27 A. Yes, I do, but only vaguely. We had two [REDACTED] in
28 the division.

29

30 Q. We are trying, Mr Curran, not to mention the witness's
31 name; he has a pseudonym.

32 A. Sorry, my apologies.

33

34 Q. So you say you have a vague recollection of him?

35 A. Yes, I do.

36

37 Q. Are you able to respond to what he says here about
38 what he perceived?

39 A. Well, I don't remember that incident and I'm just -
40 I can't believe that I would have responded like that.

41

42 Q. The witness then went on to give evidence about
43 a second incident in which he was sexually assaulted in a
44 shower and then beaten up, and he did not report for fear
45 of the consequences, particularly following the previous
46 incident. Do you remember that from yesterday?

47 A. I remember it from yesterday, yes.

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Q. How do you respond to knowing, as you do now, that that occurred during your time as divisional officer?

A. Well, I am in doubt about that, because that I think happened when the division was split in two and given an additional divisional officer. I just feel, from memory, that that particular junior recruit was in the other division.

Q. The split occurred, at the earliest, in the second half of 1971; is that right? Judge Rapke reported on 3 July 1971 and the split followed his report; am I right?

A. That would be right.

Q. This junior recruit commenced in April 1971.

A. Yes.

Q. In paragraph 20 he says that he was in the Stevenson Division and he recalls that his divisional officer in charge was Lieutenant Curran. Indeed, in the paragraph we were looking at, paragraph 45, he refers to Lieutenant Curran as being in the divisional staff. That's obviously within his division, so what makes you think that this was in the other half --

A. Well, as I say, I'm vague in my recollection and certainly I wouldn't have dismissed his presence in that sort of reference about no confidence.

Q. And [CJI] - that's Glen Greaves - he gave evidence yesterday, exhibit 40-004, paragraphs 24 onwards. You will remember he was the gentleman wearing the Vietnam medals?

A. Yes, I do.

Q. He spoke about a broomstick being forcibly inserted into his anus on several occasions, do you remember that?

A. Yes, I do.

Q. Causing excruciating pain, and his mail being flushed down the toilet, and so on. Do you recall that?

A. Yes, I do.

Q. If you look at what he says at paragraph 33, he says:

The day after this incident --

that's after his mail was flushed in the toilet, along with his head --

1
2 *I was called to Divisional Officer*
3 *Lieutenant CURRAN'S office and was told*
4 *that I was going to be charged with*
5 *blocking the toilet ...*
6

7 We can read the rest of that paragraph. What's your
8 response to that, Mr Curran?

9 A. Well, I cannot remember saying, "I'm going to
10 charge" - there was nothing to charge. We did - I am vague
11 about the envelopes in the toilet and I'm - I just cannot
12 believe that I said that. There was no other reference or
13 evidence by the cadet to me personally that anything else
14 had happened.
15

16 Q. Finally, Mr Curran, I want to take you to the Junior
17 Recruit's Handbook. I will take you first to tab 62 of the
18 bundle. Do you recognise that as the Junior Recruit's
19 Handbook reprinted in 1966? Do you see that?

20 A. I do.
21

22 Q. I take it that you were aware of that handbook at that
23 time?

24 A. Yes, I was.
25

26 Q. On the third page, that is Ringtail 7216, you will see
27 there is a list of contents. You will see there, there is
28 nothing about fighting and quarrelling, nor is there
29 anything about violence and bullying. Do you see that?
30 You can go over the page, on the next page?

31 A. Is that page 8 of the booklet, is it?
32

33 Q. Pages 2 and 3 of the booklet.

34 A. Could I have the page again, please?
35

36 Q. Do you have the long reference number which starts
37 "DEF"?

38 A. Yes, I do.
39

40 Q. It is pages 7216 and 7217.

41 A. I don't appear to have that particular page.
42

43 Q. Mr Pender will assist you. Otherwise, both pages are
44 on the screen, Mr Curran, if that assists you?

45 A. I have the contents here, sir.
46

47 Q. Yes. Do you see there is nothing there in those

1 contents about fighting and quarrelling or about violence
2 and bullying?

3 A. No, there is none.

4

5 Q. Do you recall that those matters were subsequently
6 introduced in the later handbook?

7 A. I don't recall that.

8

9 Q. Perhaps this will help your memory. If we look at
10 tab 64, there is the 1971 Handbook. If we look at the
11 contents pages for that, which is pages 2 and 3 of the
12 handbook, Ringtail 7274 and 7275 --

13 A. Was that page 64?

14

15 Q. It is on the screen, Mr Curran. That may be the
16 easiest way of dealing with it.

17 A. Okay. I've got the contents here.

18

19 Q. You will see on the left-hand page an item has been
20 introduced, number 14, "Fighting and quarrelling". Do you
21 see that?

22 A. Right, I do.

23

24 Q. We will go to that in a minute. On the right-hand
25 page you will see number 41, "Violence and bullying"?

26 A. Yes.

27

28 Q. So if we look at fighting and quarrelling first, at
29 page 26, Ringtail 7298, you will see that it says that
30 junior recruits are warned that:

31

32 *Fighting and quarrelling or threatening,*
33 *abusive or insulting behaviour liable to*
34 *cause a disturbance is forbidden in the*
35 *Service at all times.*

36

37 Then in the next subparagraph it says:

38

39 *If, at any time, you feel that you have*
40 *been unjustly treated by any person you*
41 *must immediately report your grievance to*
42 *the Divisional Staff or Duty personnel.*

43

44 Do you know anything about the introduction of this section
45 and why it was introduced?

46 A. No, I don't.

47

1 Q. You don't recall that as being new at all?

2 A. No, I don't.

3

4 Q. Then if we look at the other one, item 41 at page 62,
5 Ringtail 7334, which will come up on the screen for you.
6 There it is.

7 A. Okay.

8

9 Q. It is said:

10

11 *There is no place in the Navy for*
12 *"bullies". Junior Recruits are to*
13 *understand fully that deliberate violence*
14 *and bullying will not be tolerated ...*

15

16 It goes on, including:

17

18 *Do not be misled - report any occurrence of*
19 *violence of bullying. Don't threaten - you*
20 *can be accused of being a bully.*

21

22 I take it you don't know anything about the introduction of
23 that either?

24 A. No, I don't.

25

26 Q. It does seem to suggest that at some stage in this
27 period between 1966 and 1971 there was an appreciation that
28 bullying and violence was a problem and something should be
29 introduced about it?

30 A. Yes, it does.

31

32 MR STEWART: I have no further questions.

33

34 THE CHAIR: We will take the morning adjournment.

35

36 **SHORT ADJOURNMENT**

37

38 THE CHAIR: Does anyone else have any questions for
39 Mr Curran?

40

41 MR O'BRIEN: Very briefly, your Honour.

42

43 THE CHAIR: Has anyone discussed who should go first?

44

45 MR FEHRING: With my friend I discussed that I would go
46 before her.

47

1 MS DAVID: I am happy with that, your Honour.

2

3 THE CHAIR: And you are happy with that?

4

5 MS O'BRIEN: Yes, of course.

6

7 MS McLEOD: I have some questions, your Honour.

8

9 THE CHAIR: Do you want to come at the end?

10

11 MS McLEOD: Yes, please, your Honour.

12

13 <EXAMINATION BY MR FEHRING:

14

15 MR FEHRING: Q. Mr Curran, Ian Fehring and I appear for
16 four of the witnesses who will come in the Balcombe
17 component, but I have some general questions which are
18 relevant, if you like, to Navy and, in that sense, the
19 military's structures and procedures, and also I would like
20 a couple of clarifications of what you did or didn't do at
21 Leeuwin in the relevant period. Do you have your statement
22 there, Mr Curran?

23

24

25 A. Yes, I have.
26 Q. First of all, would you go to paragraph 19. You have
27 been asked some questions about this but I just want
28 a matter of clarification. When you say there was no
29 hierarchy within junior recruits, can I take it that is
30 a reference to 1965, when you first arrived at Leeuwin, or
31 is it at all the time you were at Leeuwin?

32

33

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48

Q. And by the second period, in 1971/1972, would you say
there was no hierarchy within the junior recruits?

A. Certainly not an official one, except by time of
entry, when one intake became a sole division.

Q. That's really the point of my questioning. What you
are referring to there is that there was either no
hierarchy or certainly no significant hierarchy in any
formal sense for recruits coming in each year?

1 A. No, there wasn't.
2
3 Q. But if you go to paragraph 22 of your statement, you
4 say:
5
6 *I was aware that the Junior Recruits used*
7 *terms like "shits", "top shits" ...*
8
9 Et cetera, in reference to each other; correct?
10 A. Yes.
11
12 Q. And is that in 1965, in the first period, and in the
13 second period?
14 A. Look, I don't recall the 1965 experience for that
15 particular terminology.
16
17 Q. Certainly in the second period, 1971/1972, you were
18 aware that those terms were being applied by recruits to
19 one another?
20 A. Yes, I was aware of that.
21
22 Q. That's fairly strong language, wouldn't you agree?
23 A. Well, as I stated before, I discouraged the language
24 completely within divisional meetings, among staff, and we
25 certainly didn't use it as a reference point to either
26 staff or junior recruits.
27
28 Q. I am not suggesting that you might have used those
29 terms, but in that paragraph you accept that you were aware
30 that recruits were describing one another in what could
31 only be described as very strong language?
32 A. In a boy-to-boy thing, yes.
33
34 Q. To describe someone as a "grub" has to be demeaning of
35 that person, doesn't it?
36 A. Of that particular person?
37
38 Q. Yes.
39 A. No, I think it referred to a group of junior recruits.
40
41 Q. So you say it has no content that is demeaning of that
42 person, that they are lesser value than others, to call
43 someone a grub?
44 A. I think it's in the context of boys being boys.
45
46 THE CHAIR: Q. What do you mean by "boys being boys"?
47 A. Boyish behaviour in adolescence, your Honour.

1
2 Q. Yes, but are you suggesting that the behaviour that we
3 have been talking about here for the last two days should
4 be put down to boys being boys?
5 A. Certainly not what has been reported by witnesses, no,
6 sir.
7
8 Q. So what crosses the line? When does it cease being
9 boys being boys?
10 A. I think it is a very hard one, given that usage of
11 such language 40 years ago is a lot different from what the
12 acceptance of that sort of language is today.
13
14 Q. But when does the act stop being a boy being a boy act
15 and become something else?
16 A. I think the descriptions of what happened to the
17 witnesses, yesterday, to me, went above the line.
18
19 Q. And where do I draw the line?
20 A. Well, I think those acts were inhuman and, yes, not to
21 be tolerated.
22
23 Q. Was nuggeting in that category?
24 A. Look, the nuggeting that I experienced, earlier on in
25 my life, may have been different from what their
26 experiences were, but it was an act carried out and it
27 was - it happened in a matter of moments and that was it.
28
29 Q. Yes, but does it cross the line or is it just to be
30 put down to boys being boys?
31 A. Because it was so infrequent, I don't believe, in my
32 time, it was - crossed the line, but --
33
34 Q. What about the person who is nuggeted, should they
35 just accept that that is just boys being boys, or should
36 they see it as having crossed the line?
37 A. I would think just that particular occurrence of
38 nuggeting, sir, I wouldn't put it across the line.
39
40 Q. So you would say, therefore, it's acceptable as just
41 boys being boys, would you?
42 A. Back then, 50 years ago, it was, yes.
43
44 Q. So as far as you were concerned, any reports of
45 nuggeting, when you were in a position of responsibility,
46 you would just have put aside as being boys being boys?
47 A. If it was just purely in my memory of what nuggeting

1 was, I would have left it at that, not that it was reported
2 to me, but the associated incidents that are coupled with
3 what happened there, to me, were serious.

4
5 Q. What about boys being required to masturbate other
6 boys, is that boys being boys?

7 A. I don't believe so.

8
9 Q. Why has that crossed the line?

10 A. I just think it's abhorrent behaviour.

11
12 Q. So blackening one's genitals isn't but masturbating
13 them is?

14 A. In the way that the blackening or nuggeting happened
15 in my day, sir, it was over in a flash. There was nothing
16 else attached to it. What we heard yesterday seemed to be
17 more serious because it was coupled with other incidents
18 which were totally abhorrent.

19
20 Q. Nuggeting is a form of bullying, isn't it?

21 A. Today it may be regarded as such, sir.

22
23 Q. It has always been a form of bullying, hasn't it?

24 A. Well, in my experience, when I was a boy, no, and
25 I don't say that, that it happened frequently; it didn't.

26
27 MR FEHRING: Q. A couple of follow-up questions. In
28 paragraph 52 of your statement you say:

29
30 *I do recall one incident during the 35th*
31 *intake (in about 1971) ...*

32
33 Do you have that?

34 A. I'm coming to it. At paragraph 52?

35
36 Q. Paragraph 52.

37 A. Okay. Oh, yes, sir.

38
39 Q. In short, this is you saying that some time when you
40 were there as the divisional officer in 1971, a complaint
41 did come to you, or you heard about an incident of
42 nuggeting and scrubbing. Leaving aside what you might have
43 thought when you were a boy, in 1971, when you had this
44 information, did you not think that that was inappropriate
45 behaviour?

46 A. I did.

47

1 Q. What did you do about this incident when it came to
2 your attention in 1971?

3 A. Well, as I state there, it was talk. The incident
4 occurred not in my jurisdiction as divisional officer.

5
6 Q. So is the answer to say, "If it's not within my
7 jurisdiction, I do nothing about it", is that what
8 a responsible officer does?

9 A. No, I - no, that's not right. What I would have done
10 about that is satisfied my own mind that the incident had
11 been dealt with properly.

12
13 Q. What steps did you take to ensure that the incident
14 was investigated at the time by some appropriate --

15 A. Well, it wasn't in my jurisdiction. It was
16 investigated by the appropriate divisional officer at the
17 time, which wasn't me.

18
19 Q. Did you make that inquiry? Did you go to the person's
20 divisional officer and say, "Look, I've heard this gossip",
21 if you like, "Have you done something about this complaint
22 or this problem?"

23 A. The recollection is not absolutely clear, except I was
24 certain in my mind that proper investigation had occurred
25 and that people knew about it.

26
27 Q. In 1971, given that that was a fairly dramatic year,
28 do you have any recollections now, and I appreciate it is
29 a very long time, but any recollection of where officers,
30 divisional and higher officers, sat down or had
31 a discussion saying, "What practical steps should we take
32 to stop nuggeting, bullying, harassment, violence that
33 might be occurring on this base"?

34 A. Yes, I do remember where divisional staff did get
35 together under the divisional officer to discuss the very
36 thing you said about - what could we do to improve the
37 situation.

38
39 Q. Was that before or after the Rapke Report became
40 available?

41 A. It was after the Connolly incident of investigation,
42 which would have been before the Rapke Report.

43
44 Q. So after it has become knowledge that a recruit has
45 been very severely beaten, and before Rapke reported, some
46 discussion or meeting occurred as to what practical steps
47 should be taken about this problem?

1 A. Yes, as I explained, after the Connolly investigation
2 had happened.
3
4 Q. Do you have any recollection of what the practical
5 steps were?
6 A. Yes, I do. We increased the supervision of cadets, of
7 junior recruits by introducing a number of after-hour
8 activities, such as clubs and music, drama, as well as
9 adventure training exercise over the weekends.
10
11 Q. Quite. You gave those answers to my learned friend?
12 A. Yes.
13
14 Q. Was it ever considered at the meeting or by you that
15 perhaps the commanding officer might have a parade of all
16 recruits and say, flanked by all the officers, "If you have
17 been bullied, assaulted in any way, treated
18 inappropriately, I want you to report that to your
19 divisional officers within the next 24 hours"?
20 A. That did happen by the commander in Leeuwin.
21
22 Q. He went to a full parade?
23 A. To a full parade.
24
25 Q. Every recruit?
26 A. Every recruit who was in attendance would have been
27 there, yes.
28
29 Q. Was told that if they had been assaulted or in any way
30 treated badly, they were to report --
31 A. It was said. It was stated.
32
33 Q. You have heard the witnesses give evidence and none of
34 them have any recollection of this happening?
35 A. I heard that, yes.
36
37 MS McLEOD: That's not a fair question, your Honour, that
38 hasn't been put to any particular witness, that there was
39 a parade.
40
41 THE CHAIR: We will leave it where it is. We have heard
42 what he has had to say.
43
44 MR FEHRING: Q. Was it also said at this parade that not
45 only are people to come forward who have been assaulted or
46 abused, but anyone who has participated in an assault, in
47 inappropriate behaviour or abuse of any other recruit is

1 also to report their inappropriate behaviour to
2 a divisional officer within the next 24 hours?
3 A. I don't remember the exact words spoken, but the
4 statement was made by the commander to draw attention to
5 the practice and what should be done about it.

6
7 Q. Was there any parade, either of the entire base or the
8 various divisions, after it became the knowledge of
9 officers, the details of the Rapke Report?

10 A. I can't remember that other than what I spoke to you
11 about, or answered in response about what divisional
12 meetings occurred after the Connolly investigation to try
13 to overcome some of the supervision problems.

14
15 Q. I just want to be clear, though. The investigation
16 would have been conducted after the Connolly incident came
17 to officers' attention. Then there was the Rapke inquiry
18 and then there were, as has been read to you, parts of
19 that, comments by Judge Rapke about what he had found and
20 observed. Was there any parade taking up the issues after
21 the Rapke Report?

22 A. Yes, they carried on afterwards.

23
24 Q. Was there a parade in which the senior officer on the
25 base said, "This is to stop. It's not permitted and it
26 should be reported to appropriate officers immediately"?

27 A. Yes, to my recollection, the senior officer would have
28 been of commander rank.

29
30 Q. Sorry?

31 A. In my recollection, the senior officer would have been
32 of commander rank.

33
34 Q. Yes, but did he have a parade in which this was made
35 the topic of information given to all recruits, that's my
36 question?

37 A. It was.

38
39 Q. It was?

40 A. Yes.

41
42 Q. You say in paragraph 45 of your statement - do you
43 have that there?

44 A. Yes, I have.

45
46 Q.

47 *Divisional Officers would have been*

1 *sensitive to complaints about child sexual*
2 *abuse and handled as such.*

3
4 And you were asked some questions about that, as to what
5 you meant by that. Do you differentiate, or was this just
6 the language that has been used, between sexual abuse and
7 physical abuse, such as a beating like Connolly got?

8 A. Well, I think it's abuse, both are abuse.

9
10 Q. So we can take it that if there was an allegation of
11 physical abuse as opposed to sexual abuse, it would have
12 been sensitively handled?

13 A. The physical abuse?

14
15 Q. Yes.

16 A. It would have been handled in the normal investigated
17 routines set down.

18
19 Q. You have given evidence that you were here yesterday
20 when witnesses were called. Could the statement of [CJT]
21 be put on the screen, please. Could you go to paragraph 41
22 of that statement? Do you remember the evidence about this
23 person?

24 A. I'm just reading it.

25
26 Q. Sorry.

27 A. Your question, sir?

28
29 Q. The question is this: [CJT had been involved in
30 bringing to the attention of the relevant officers abuse on
31 the base. That is what he has described in the previous
32 paragraphs.

33 A. Yes.

34
35 Q. You understand that?

36 A. Yes.

37
38 Q. Then a complaint is made, in fact, not by him, but he
39 is mentioned in the complaint as someone who might be
40 a witness to what had occurred. Then he is taken up and
41 there is an investigation and he is told that he is under
42 open arrest.

43 A. Unbelievable, sir.

44
45 Q. My next question was going to be do you regard that as
46 some sensitive handling of obviously a difficult matter?

47 A. Well, that didn't happen in my presence.

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Q. I'm not asking you whether it happened in your presence. I'm asking you to comment on the fact that when this recruit does what he is supposed to do and, if you like, encourages the reporting of abusive behaviour, what he gets, and in the following paragraphs it gets worse, he gets put under open arrest, which is clearly, one would have to say, some penalty has been paid by him; correct?

A. Yes.

Q. When he participates in the formal complaint structure, he is penalised.

A. That would appear so.

Q. If we go to paragraphs 43 and 44 and 45, it would appear that things got worse for this recruit because he complied with the orders and encouraged a complaint to be made. Do you agree with that?

A. I just - I don't accept that statement.

Q. What, you don't accept what he is describing?

A. Well, I have no recollection of that behaviour being made at any investigation I was at.

Q. It is not suggested by this witness that you were present. It is suggested that Commodore Ramsey was yelling. Do you see that in paragraph 43?

A. Yes, I do.

Q. "I'm considering dishonourably discharging you." That's a pretty serious --

A. Yes, it is.

Q. -- criticism to make of this very young man who has done the right thing?

A. That's as reported by the witness, yes.

Q. Yes. Again, would you regard that as sensitively handling the complaint?

A. It certainly wouldn't have been done in my way, sir, no.

Q. You have been asked about paragraph 45. Would you not understand that this recruit having been put through what he has told this Commission happened to him, that he would not be concerned that senior officers would not have confidence in him or trust him?

1 A. I have no recollection of that, sir.
2
3 Q. My question isn't whether you have a recollection, but
4 my question is if these factual matters were correct and
5 someone, a junior recruit, was treated in the way that is
6 described here, would it not be a fair conclusion that
7 "Officers will no longer trust me because of what just
8 happened to me"?
9 A. Well, I don't know what the recruit did that was
10 incorrect. The divisional officer should have supported
11 the recruit.
12
13 Q. You might like to comment on this. This is a broader
14 question and one of the things that this Commission is
15 looking at. If recruits go through this sort of
16 experience, wouldn't it be fair to say they would not go
17 back and make complaints because they will have no trust
18 and confidence in the procedures being applied fairly?
19 A. I can understand that.
20
21 Q. And if other recruits see and hear this story, they
22 will draw the same conclusion?
23 A. I can accept that.
24
25 Q. So people will not make complaints because if you do,
26 you will be treated like this or in similar ways?
27 A. In that circumstance, I would accept that.
28
29 Q. And it has been put to you that there was a culture at
30 Leeuwin that people were not to dob in or there would be
31 consequences one way or another.
32 A. Yes. Well, my understanding of that is don't dob
33 a mate in.
34
35 Q. Yes, and that that culture well and truly existed at
36 Leeuwin in these years?
37 A. Leeuwin and other places, I would suggest.
38
39 Q. Too true, but it existed at Leeuwin?
40 A. It was part of the culture, the Australian culture.
41
42 Q. Yes, and the officers, including yourself, took no
43 steps to undermine or break that culture of no dobbing?
44 You just accepted it and let it go on?
45 A. I accepted it because it was part of the Australian
46 culture at that time.
47

1 THE CHAIR: Q. Is it part of the Australian culture to
2 accept that you don't complain if someone bashes you?
3 A. I think today, your Honour, young people are more
4 aware of what they can do and how they can be represented
5 and what they should do about those incidents. I think
6 back then, the acceptance of "don't dob in" was part of the
7 Australian culture. Where it then led to violent
8 behaviour, I'm sure that crossed the line.
9
10 Q. It might have crossed the line, but do you think it
11 was part of the Australian culture back then that you
12 didn't complain if someone bashed you?
13 A. I would think the person would certainly have to
14 consider that situation then, sir, in that time.
15
16 Q. Was it part of the Australian culture to not complain,
17 back then, if someone attacked your anus with an implement?
18 A. No, I would have thought the person that was inflicted
19 that particular crime would have represented that to his
20 parents, but, as we have heard, people didn't want to
21 disclose these issues to their parents.
22
23 Q. Why only their parents? Why not to the officer in
24 charge of their welfare in the Navy?
25 A. Well, that - as we heard yesterday, sir, we were there
26 to do something about it. That could only happen after it
27 had been reported and investigated.
28
29 Q. Was it part of the Australian culture, do you think,
30 to accept that you wouldn't complain if someone put your
31 head into the toilet and flushed it?
32 A. I think that's going over the line, sir.
33
34 Q. So you would expect, even back then, someone would
35 complain about it?
36 A. It could - the mechanics were there for that to
37 happen, yes.
38
39 Q. Before they could complain, or would complain,
40 effectively, you, as one of the leaders of the
41 organisation, had to make sure that the environment in
42 which they would complain would be safe, didn't you?
43 A. We would.
44
45 MR FEHRING: Q. Just finally, Mr Curran, in
46 paragraphs 57 and 58, could you just clarify, you were
47 recruit Connolly's divisional officer, so he was under your

1 direct responsibility in that sense?
2 A. Yes.
3
4 Q. He was in your division. He wasn't in another --
5 A. No, no, he wasn't.
6
7 Q. Not like, perhaps, some of the other witnesses. He
8 was under your command?
9 A. Yes.
10
11 Q. He was your responsibility?
12 A. Yes.
13
14 Q. And you weren't there, but the next day you found out
15 that he had been bashed by four other recruits?
16 A. Correct.
17
18 Q. Did you participate in the initial inquiry to find out
19 what went on?
20 A. No, it was carried out by the duty officer during the
21 night that it happened, and then passed on to the
22 commander, because of the serious nature of it.
23
24 Q. So there was an inquiry, like almost at the time, or
25 certainly in the early hours, as to what happened, and then
26 that was then communicated to the senior officer on the
27 base?
28 A. To the commander, yes.
29
30 Q. The commander. And was that the sum total of the
31 investigation, a few hours?
32 A. Well, I wasn't there for it. I don't know how long it
33 was. I can't remember that.
34
35 Q. But when you arrived at work on the following day and
36 you were told about it, do you take any steps to find out,
37 "Well, this person, this recruit, my responsibility, I need
38 to be fully informed and understand what happened to him"?
39 A. Yes, and I got a telephone call relating the incident
40 as it happened, as reported by the officer of the day.
41
42 Q. Right. Anything else?
43 A. From him?
44
45 Q. As to the circumstances? You got a telephone call
46 saying someone under your responsibility has been bashed?
47 A. Yes. Then I was assured that the matter would go

1 directly to the commander first thing in the morning, which
2 it did.
3
4 Q. Yes, but you are given details, "He was assaulted by
5 X, Y and Z. They hit him with a piece of lead pipe", or
6 whatever?
7 A. Yes, we heard the details of what happened.
8
9 Q. Did you make any inquiries to ensure that the full
10 story was told by Connolly as to what happened to him?
11 A. At the commander's desk, yes.
12
13 Q. I'm sorry?
14 A. When the commander investigated, in the morning,
15 I did.
16
17 Q. Were you present at any time when Connolly told his
18 story?
19 A. At the commander's investigation, yes.
20
21 Q. And when the perpetrators who were presumably asked to
22 attend and explain?
23 A. They were.
24
25 Q. And were you there?
26 A. Yes.
27
28 Q. Did you ask them questions?
29 A. Yes, I did.
30
31 Q. Were you satisfied at the end of that process that you
32 fully understood what had happened to Connolly?
33 A. Yes, I did.
34
35 Q. And did you have a discussion with the senior officer
36 about what steps should be taken then to prevent that
37 happening again?
38 A. I can't remember that.
39
40 Q. When the Rapke inquiry occurred, given that the
41 Connolly matter was, what, if you like, provoked the
42 inquiry, what response did you give to Judge Rapke as to
43 what you knew about the events involving Recruit Connolly?
44 A. Well, as I've just explained, as the divisional
45 officer I was informed of the incident during the night,
46 I then followed that up at the commander's investigation
47 the next morning.

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Q. But my question is what did you tell Judge Rapke about your knowledge of the events?

MS McLEOD: I invite my learned friend to look to the transcript. There is a transcript of this officer's attendance before Judge Rapke in company, in relation to the Connolly incident, which counsel assisting has taken the witness to.

MR FEHRING: I am asking him a question about --

THE CHAIR: It's all right, you can ask him the question.

MR FEHRING: Thank you.

Q. When the inquiry was conducted by Judge Rapke, are you able to say what information you gave Judge Rapke as to your investigation and your knowledge of the Connolly assault?

A. I would have passed on to the judge everything that I was involved with, yes.

Q. Were you involved, or was the transfer away from Leeuwin such a short period of time - were you involved in any discussions about the response to the Rapke Report?

A. I can't remember being involved.

MR FEHRING: Thank you, Mr Curran.

<EXAMINATION BY MS DAVID:

MS DAVID: Q. Thank you, Mr Curran. My name is David and I represent [CJT] and also Glen Greaves who gave evidence yesterday.

A. Right.

Q. Just a couple of questions - it's quite clear that there were failures of discipline or supervision by people, the lower ranks than even yourself, would you agree, that they had an incapacity to carry out any discipline?

A. Well, my understanding from this inquiry is that there were instances reported to people like Judge Rapke from those individuals, but they were very individual.

Q. I just want to come back to that. Perhaps if we could bring up document 61, please, at Ringtail 0087. That's

1 part of the Rapke Report. That is page 49, at
2 paragraph 89, and it is a little bit hard to read, so
3 I will read out a little bit to you, Mr Curran. You may
4 recall that counsel assisting took you to the parts where
5 there was evidence of this young able seaman who found it
6 completely beyond his capacity to discipline or to do
7 anything about stopping the bullying and the difficult
8 behaviour. It goes on, though, and it says that:

9
10 *At 20 years of age --*

11
12 and this is about line 10 from the bottom:

13
14 *At 20 years of age this supervisor --*

15
16 this is the 20-year-old able seaman --

17
18 *was frustrated, without ideas other than*
19 *the fixed one that it does not pay to be an*
20 *idealist or a stirrer or a constructive*
21 *disciplinarian.*

22
23 That was what Judge Rapke took obviously from his meeting
24 with this young able seaman. My question is what training
25 did any of those young people that were placed in those
26 supervisory roles - that is, those non-commissioned
27 officers - were they given?

28 A. If that able seaman had belonged to a division, there
29 would have been frequent discussions about supervision, how
30 it was to be done. Any new able seaman would accompany the
31 leading seaman or the petty officer so that he was
32 accustomed to what the expectation was.

33
34 Q. But it wasn't a formalised process, was it?

35 A. That happened in the divisional system. As I said
36 before, some of the duty watch was supplemented by other
37 Leeuwin staff, and we don't really know, in this report,
38 when it actually was.

39
40 Q. But would you agree that in many respects what it was
41 left to - perhaps a chief petty officer or a petty officer
42 might have been teaching the leading seaman or the able
43 seaman. It was really left to whatever their position was
44 on how to enforce discipline; would you agree with that?
45 It was dependent on the personality or the belief system of
46 that particular officer as opposed to any clear defined
47 rule or regulation about what expected behaviour should be?

1 A. I would have thought that the petty officer or senior
2 staff member would have been well informed about the
3 Naval Discipline Act and how it applied and what the
4 individuals could do in response.

5

6 Q. But clearly this person felt completely deficient in
7 any skill to cope with the large task he had, which was the
8 supervision of a large number of boys?

9 A. Well, that person reports that in the judge's report.

10

11 Q. But isn't it reflected that no-one seemed to - it
12 certainly wasn't a culture that encouraged disclosure, as
13 has been pointed out, and I won't repeat aspects of that,
14 but, for example, they clearly weren't trained to listen to
15 whingeing or complaints, were they?

16 A. I don't think we can take one person's remarks in that
17 context.

18

19 Q. All right. Well, Mr Curran, I'm not just referring to
20 one person's remarks. I will perhaps refer you to a few
21 other examples. Firstly, Mr Glen Greaves, who gave
22 evidence yesterday, he had been, as you would have heard,
23 brutally raped anally?

24 A. Yes.

25

26 Q. He made the very difficult decision to go and report
27 it. He approached the leading seaman, but his evidence was
28 that before he could say anything, he was told, "If you've
29 come here to fuckin' whinge, piss off now and harden up".
30 There was no capacity at all for him to make a complaint.
31 That's another person. So we've got two people that we
32 know about that clearly were totally lacking in ability to
33 receive or understand complaints.

34 A. On the evidence given I would agree.

35

36 Q. On the evidence given - it is quite clear, isn't it,
37 that the failure to disclose was very much to do with the
38 fact that it was actively discouraged?

39 A. Well, by an individual, in that case, that was the
40 response.

41

42 Q. I will just take you to another example. This one,
43 Mr Curran, involved yourself. This is an incident
44 involving, again, Mr Greaves. This is the incident whereby
45 the - and you have indicated earlier today, I appreciate,
46 that you don't have a great recollection of this, but do
47 you have a recollection of the incident whereby the letters

1 were located in the toilet, flushed down the toilet?
2 A. I don't have a clear recollection of that incident.
3
4 Q. Do you have any recollection?
5 A. I'm certainly not saying it didn't happen, but I --
6
7 Q. I think it's just important to understand that this is
8 the experience, again, of Mr Greaves, that he was pulled up
9 because it was recognised that the letters belonged to or
10 were directed to him; he was called up and ultimately, his
11 evidence was, he had discussions with you about it. You
12 would recognise, clearly, that homesickness was a big issue
13 with these young fellows? Do you agree with me? You are
14 nodding?
15 A. Are you saying about homesickness?
16
17 Q. Well, I think they are related but I will just ask
18 you - I have asked you simply this question and I think you
19 have said it before, that young people that come to Leeuwin
20 were obviously suffering from homesickness.
21 A. Yes.
22
23 Q. Do you agree with that?
24 A. Yes.
25
26 Q. They are young boys. You have given evidence about
27 that being a reason that some of them left Leeuwin - your
28 belief was that some of the left --
29 A. They were the reasons given, yes.
30
31 Q. Yes, the reasons given. So it is a big thing, isn't
32 it. Homesickness was a big thing?
33 A. Yes.
34
35 Q. You would also agree that letters from family were
36 a very big thing for --
37 A. Yes, indeed.
38
39 Q. -- a very important part - very excited, people were
40 very excited to get letters, the young recruits - from
41 home?
42 A. I would have thought so, yes.
43
44 Q. And clearly, in those days, no email?
45 A. No.
46
47 Q. And telephone - it was very expensive to make calls

1 across States, wasn't it?
2 A. That's right.
3
4 Q. So it would be very surprising, wouldn't it, that
5 a person would stuff his own family's mail down the toilet,
6 wouldn't it?
7 A. Yes, yes.
8
9 Q. I appreciate that you don't have a clear recollection,
10 but just by way of example, do you agree that it would be
11 a real surprise that a person would stuff his own mail down
12 that toilet? His own mail from the family down the toilet?
13 A. I would have thought so, yes.
14
15 Q. So wouldn't the person who is hearing or learning
16 about that, a person in your position --
17 A. Yes.
18
19 Q. -- wouldn't you think that they would take the view
20 that there's something else going on here? He clearly
21 stated that he didn't do it, didn't he, this person?
22 A. Yes.
23
24 Q. Wouldn't that be an indicator that somebody has done
25 this to this young fellow?
26 A. Yes, it's an indication. It might have been
27 something - just frivolous disagreement within, you know,
28 their own cubicles.
29
30 Q. Well, frivolous disagreement and stuffing someone's
31 family mail down the toilet so it was covered in faeces is
32 not particularly a frivolous disagreement, is it?
33 A. I would still - I still believe that it could have been
34 a frivolous incident in the beginning.
35
36 Q. But you would have recognised, wouldn't you, when
37 Mr Greaves raised it, or when you discussed it - or, sorry,
38 that a person in your position, given that you don't have
39 that specific recollection, that a person receiving that
40 complaint would have clearly acknowledged and recognised
41 the pain of the person whose mail had been left in that
42 situation?
43 A. Yes.
44
45 Q. And it would be indicative that they were perhaps
46 a subject of bullying or abuse?
47 A. I don't think so.

1
2 Q. You don't think that that constitutes bullying or
3 abuse?
4 A. The investigation - I don't recollect the
5 investigation itself, but normally an investigation in that
6 circumstance would have been looking for reasons.
7
8 Q. Well, in this case - and I'm not suggesting that you
9 did anything; you didn't charge the man, he said that he
10 was given some extra duties. But it was clear that that -
11 that sort of example is a real indication, isn't it, of
12 a very bad culture amongst the recruits - isn't it?
13 A. No, I didn't establish that.
14
15 Q. Given, again, what you know about the absolute
16 importance of the contact with home for these young
17 recruits, the mail contact?
18 A. Well, that was encouraged by the divisional staff.
19
20 Q. The contact, I'm saying, to communicate with their
21 loved ones --
22 A. Yes.
23
24 Q. -- was so important?
25 A. Yes, divisional staff in the early days of their
26 training would encourage and exactly expect the junior
27 recruits to account for letters being written home.
28
29 Q. That's right. So, you know, in an incident like that,
30 would it not have been prudent, or would you think that it
31 would be good, when incidents like that occurred, to bring
32 it to the attention at the various assemblies of the
33 recruits, to make these points that this behaviour is
34 unacceptable?
35 A. Well, as I said, I don't recollect the specific
36 investigation, but I can account that the routine for that
37 sort of investigation would have been trying to find out
38 any extenuating circumstances.
39
40 Q. But what about a general statement to the whole
41 HMAS Leeuwin that that sort of behaviour is absolutely
42 unacceptable?
43 A. I think that was couched in the commander's general
44 parades where he did bring up matters of discipline to the
45 parade.
46
47 Q. Just in terms of - I know you have been asked

1 questions, and I will just keep it brief, but just on the
2 issue of these references to the terms of using terms
3 calling the recruits "shits" and "top shits" and various
4 other names - to allow that to go on - why - I don't
5 understand. Why wasn't that prevented? Why wasn't it made
6 clear that that was unacceptable for that sort of
7 terminology to be used?
8 A. Well, it was absolutely discouraged in my division.
9
10 Q. Why wasn't discipline taken for those people who did
11 use it?
12 A. I think it's just part of the junior recruit culture
13 at the time.
14
15 Q. Because - and as this --
16 A. That was the terminology. It fitted the hierarchy.
17
18 Q. Because as this young able seaman has - what he said
19 and what Judge Rapke has picked up is that really there was
20 no room for constructive discipline. Would you not agree
21 that the use of the words such as "shits", as has been
22 indicated, is demeaning but it is also a very destructive
23 form of discipline in a position of hierarchy?
24 A. Well, certainly not from the senior ranks of the
25 division, or the adult ranks.
26
27 Q. I appreciate what you are saying, Mr Curran, is that
28 you didn't use it, but did you not see that by the use of
29 recruits to other recruits that that was a very --
30 A. No, we didn't - it wasn't openly used in front of the
31 staff, otherwise it would have become obnoxious and I would
32 have done something about it.
33
34 Q. You said in your statement at paragraph 22:
35
36 *Nonetheless, you would definitely hear this*
37 *terminology from time to time.*
38
39 So you obviously heard it yourself?
40 A. Heard it spoken, yes.
41
42 Q. Was discipline imposed upon hearing that sort of --
43 A. Look, it was loose - loose-type conversations that
44 I probably picked up or was reported to me.
45
46 Q. But, again, no suggestion that it should stop and some
47 more constructive language should be --

1 A. I think it was accepted as just part of those things
2 that junior recruits did among themselves.
3
4 Q. Just coming back to the example in relation to the
5 matter about which you were aware, the indication of the
6 letters down the toilet incident, would you agree that
7 there needs to be, or there should have been at the time
8 and there certainly needs to be in the future, training to
9 ensure that people are vigilant to see signs of something
10 more in that - that that is an indication of not - I would
11 dismiss what you have said about it being frivolous; that
12 it is very serious conduct, but it also is an indication of
13 something much deeper?
14 A. Well, that's why we have these investigations, to try
15 to ascertain --
16
17 Q. Which investigations?
18 A. -- what the incident was about.
19
20 Q. But you are not aware of any investigation about that
21 particular incident?
22 A. I can't recollect that exact incident, no, I don't.
23
24 Q. So you don't recall that in your time. It would have
25 been an incident, wouldn't it, that would have stood in
26 your mind, something like that? It's a pretty --
27 A. Not really, it's 46 years ago.
28
29 Q. But, still, it's not an incident of some significance?
30 A. No.
31
32 Q. Again, the perception again by this young able seaman,
33 that he was bereft of ideas - that is, no ideas were given
34 to him about how to go about his duties, that's how he
35 felt - and that to say anything would be to risk being seen
36 as some kind of a stirrer --
37 A. Well, as I wasn't there and that was purely one
38 person's report, if that able seaman was in my division and
39 felt like that, and honestly wanted to find out how to do
40 his duty better, or to be versed about particular aspects
41 of his duty, he would have had the opportunity to bring
42 that to notice.
43
44 Q. But isn't it really, with respect, Mr Curran, your
45 obligation, as an officer in that position? The divisional
46 officer holds a very important position in
47 standard-setting, don't they?

1 A. Yes, and as I said before, an able seaman in that
2 situation, coming in to my division, would have been given
3 mentoring by the senior staff in the duties he had to
4 perform.
5
6 Q. But it would be the role of yourself and other
7 divisional officers to ensure that that was occurring?
8 A. That that happened, correct.
9
10 Q. And to proactively seek to ensure that it was
11 occurring?
12 A. To? Could you --
13
14 Q. To proactively ensure, with the relevant officers,
15 non-commissioned officers, that they were carrying out
16 their duties in the proper way?
17 A. Well, that would have been the detail from the
18 divisional officer to the senior officer, senior petty
19 officer, and a Navy order like, that or a Navy direction,
20 should be carried out.
21
22 Q. But what I'm suggesting to you is isn't it important
23 that, as a divisional officer, you should have ensured that
24 those who were answering to you should have been adhering
25 to the standards that you set?
26 A. I think they would have been and I can only - I can't
27 recollect exactly what would have happened, but in that
28 case there would have been observations of that particular
29 young sailor to see that he was performing his duties
30 correctly.
31
32 Q. But you don't know. What I'm saying is the obligation
33 is really on you - it is top-down, isn't it --
34 A. Exactly.
35
36 Q. -- to ensure that standards are set?
37 A. And I would have ensured that that awareness - and it
38 would have been with the senior staff, because they did the
39 mentoring, and I would have been confident it would have
40 been carried out.
41
42 Q. Well, with respect to you, Mr Curran, it does appear
43 that there were considerable failures in these people down
44 the line, such as the leading seaman to whom Mr Greaves
45 made a complaint who told him to "piss off", effectively -
46 they didn't have any understanding?
47 A. Well, that's two occurrences of --

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Q. Well, can you account for those failures?

A. -- a big number. Pardon?

Q. Can you give some explanation as to how those failures have occurred?

A. Those two, no.

Q. You're just saying that they are isolated incidents?

A. Well, they are isolated incidents, because the staff numbers within a two-year period would have been many.

Q. Notwithstanding the Rapke Report? I've just referred to two incidents, but notwithstanding the whole Rapke Report, you just say that it was still isolated; is that correct?

A. Yes, and I'm confident that the staff, generally speaking, would have been quite conversant with how they were to engage in their duties, the standards, et cetera.

MS DAVID: Nothing further, thank you.

<EXAMINATION BY MR O'BRIEN:

MR O'BRIEN: Q. Mr Curran, my name is O'Brien and I appear for one of the witnesses who has given evidence already, Mr [CJB]. I simply rise to ask you a series of questions challenging your notion that nuggeting was something that happened infrequently. Do you understand that?

A. Infrequently, yes.

Q. You have said in your evidence not less than several times that nuggeting was something that happened infrequently at Leeuwin in the years that you were divisional officer?

A. I did refer to that initially in my experience and then --

Q. Is your evidence that it happened irregularly or infrequently or are you saying that you only heard about it irregularly or infrequently?

A. In my estimation, it only happened infrequently, because it was never reported within the system of reporting.

Q. So your evidence is, "It may have happened frequently,

1 but I heard about it only infrequently"; is that the case?
2 A. I termed "infrequently" because I only heard about it
3 infrequently. It certainly wasn't reported at all.

4
5 Q. You have given evidence already that it was reported
6 to you, and you have said in your statement that you are
7 aware of the term "nuggeting" - that's the case, isn't it?

8 A. No, I did not give evidence about it being reported to
9 me.

10
11 Q. Well, you have in your statement, in fact, given
12 evidence about it being reported to others and your coming
13 across it and hearing about it; correct?

14 A. Correct.

15
16 Q. So you heard about it, it happened so far as you were
17 aware around the place, you say infrequently; is that
18 right?

19 A. As my knowledge of it was, yes.

20
21 Q. And you said from time to time these matters were
22 discussed at a divisional level; is that right?

23 A. Within our own division - if it was an incident that
24 happened within our division, yes.

25
26 Q. I want to take you to the evidence that you did give
27 so we're precise about it. You said - and this is at
28 page 19359, and this is in answer to his Honour's question,
29 which was:

30
31 *Did you take any steps to speak to your*
32 *other officers to say, "This shouldn't be*
33 *happening and we must stop it".*

34
35 Do you remember being asked that? You were asked that, and
36 your answer was:

37
38 *We had regular discussions about these*
39 *sorts of incidents.*

40
41 Do you remember saying that?

42 A. Yes.

43
44 Q. Well, you see, sir, I'm suggesting to you that
45 nuggeting was something that happened regularly at Leeuwin
46 and that you were aware that it was happening regularly,
47 and your evidence there suggests as much?

1 A. No, I - I wouldn't agree with that.
2
3 Q. What is scrubbing? What is scrubbing?
4 A. Scrubbing, as I understand, is with a brush or broom.
5
6 Q. After one has been nuggeted, one is then scrubbed?
7 A. It could happen then, I suppose, yes. I never
8 witnessed it.
9
10 Q. You were aware of it in the 1970s when you were there
11 at Leeuwin, weren't you?
12 A. I was aware of an incident, yes.
13
14 Q. You were aware of the term "scrubbing"?
15 A. Yes.
16
17 Q. And you were aware of the term "nuggeting"?
18 A. Yes.
19
20 Q. And you knew that one followed the other?
21 A. That was in that particular case, yes.
22
23 Q. Well, there was no other use of the term "scrubbing",
24 as a form of abuse, was there?
25 A. Only in the context that you suggest.
26
27 Q. When you use it in the context of paragraph 50 of your
28 statement, "I had heard of things like blackballing,
29 nuggeting, the royal flush, running the gauntlet, scrubbing
30 and being filled in" - the terms "nuggeting" and
31 "scrubbing" were used in a sense of a person's genitals,
32 a boy's genitals, being rubbed with black shoe polish and
33 then scrubbed with a shoe brush; correct?
34 A. That could have been the --
35
36 Q. And blackballing was the process by which a child's
37 scrotum was rubbed with shoe polish; correct?
38 A. Yes.
39
40 Q. Is it embarrassing for you now, all these years later,
41 to reveal your true knowledge of the prevalence of that
42 type of activity?
43 A. No, because most of what I've reported has happened
44 since Leeuwin. I attend reunions of junior recruits and it
45 is talked about, those incidents that you refer to.
46
47 Q. Well, I would imagine that a man such as yourself, of

1 senior years, who served the country in this particular way
2 and in the training of recruits, you would be very proud of
3 your service; is that the case?

4 A. Yes.

5

6 Q. Is it therefore embarrassing to give evidence today
7 about instances of what has to be described, even now, but
8 probably also back then - certainly now - as child sexual
9 abuse within your ranks and within those for whom you were
10 responsible for their care?

11 A. No, well, that's where I think we need to separate
12 that, because my report about knowing about has happened
13 since Leeuwin, in the meetings I've had with junior
14 recruits at reunions. Whereas before --

15

16 THE CHAIR: Q. Are you saying that you have been told
17 since about incidents that happened while you were there?

18 A. Yes.

19

20 Q. I take it you have been told about many incidents that
21 happened while you were there?

22 A. No, not many, sir.

23

24 Q. Well, at least all of these categories that you have
25 referred to in your statement?

26 A. Yes.

27

28 Q. That's multiple things?

29 A. Yes.

30

31 Q. You are saying that you were told about these after,
32 but not while you were there?

33 A. They came up in just conversation, yes.

34

35 Q. Well, it's a picture, then, consistent with what
36 Judge Rapke found, isn't it?

37 A. Yes, it is.

38

39 Q. I put to you again, it suggests a significant failure
40 in the management of the organisation, doesn't it?

41 A. Yes, but in my day as divisional officer, it was
42 infrequent, as I've used before, because it was never
43 reported for something to be investigated and actioned
44 upon.

45

46 Q. When you say it was infrequent, what you are saying is
47 you didn't hear about it then?

1 A. No.
2
3 Q. But you have heard about it since?
4 A. Yes.
5
6 Q. I put to you again: that rather suggests that, given
7 you had responsibility for 15- and 16-year-old boys,
8 removed from their homes voluntarily but placed into an
9 entirely foreign environment, where the propensity for
10 bullying and sexual misbehaviour was known to you, doesn't
11 it suggest that if it was happening then there was
12 a failure in the management of the organisation?
13 A. I'd accept that.
14
15 Q. And you were part of that management?
16 A. Yes, I was.
17
18 MR O'BRIEN: I have nothing further, thank you.
19
20 MS McLEOD: Would your Honour like me to proceed? I'm
21 just noticing the time.
22
23 THE CHAIR: You have more than one question, I assume?
24
25 MS McLEOD: I have indeed, sir.
26
27 THE CHAIR: We will take the luncheon adjournment.
28
29 **LUNCHEON ADJOURNMENT**
30
31 **<EXAMINATION BY MS McLEOD:**
32
33 MS McLEOD: Q. Thank you Mr Curran. As you know my name
34 is McLeod and I appear for the ADF.
35 A. Yes.
36
37 Q. I have some questions for you to clarify the evidence
38 you've given so far. First, it is important to get the
39 timeline correct in terms of your time at Leeuwin, and I'll
40 just ask you to confirm: you left HMAS Leeuwin in April of
41 1972; is that correct?
42 A. Correct.
43
44 Q. That was several months after the commander's inquiry
45 into the Connolly incident?
46 A. Yes, it was.
47

1 Q. And it was also after a change in the commodore, with
2 Commodore Doyle starting at Leeuwin in February 1972; does
3 that accord with your recollection?
4 A. Correct.
5
6 Q. But before the Rapke Reports came to your attention?
7 A. Yes, that would be right.
8
9 Q. Yes. In fact, the reports of Judge Rapke did not come
10 to your attention until after you left Leeuwin?
11 A. Correct.
12
13 Q. You noted that you assisted Junior Recruit Connolly
14 with respect to the assault on him?
15 A. Yes.
16
17 Q. I would just like you to explain, with reference to
18 your statement, paragraph 23 onwards, if you wouldn't mind
19 turning it up, what your role was as divisional officer.
20 His Honour asked you a question about your role as
21 divisional officer and you started to respond, but in your
22 statement you set out some more detail about that. So
23 could you tell the Commission, please, what was your role
24 as divisional officer in terms of the care and
25 responsibility for the recruits?
26 A. Well, I had the ultimate responsibility within the
27 division for their welfare and progress whilst they were at
28 Leeuwin.
29
30 Q. In terms of the specific duties and oversight of their
31 day to day activities, who had that role?
32 A. That was split. I had the overall responsibility; the
33 chief petty officer or petty officer would have mentored
34 the younger sailors in his command, and that would be it.
35
36 Q. In terms of the hierarchy, were you the junior most
37 officer level with responsibility for this division?
38 A. Yes.
39
40 Q. Beneath you, in terms of the chain of command, were
41 non-commissioned officers?
42 A. That's correct.
43
44 Q. And they might have included a chief petty officer?
45 A. Yes.
46
47 Q. That would have been the second in command of the

1 division?
2 A. Yes.
3
4 Q. There may have been a petty officer or a leading
5 seaman as well?
6 A. Yes.
7
8 Q. And then there were able seamen or perhaps other NCOs
9 in that role?
10 A. Able seamen, yes.
11
12 Q. Who had the direct contact with the junior recruits in
13 your time as a divisional officer?
14 A. If things had to be carried out from within the
15 division, it would have been the able seaman that would
16 have done the supervising around the accommodation block.
17
18 Q. In paragraph 23 of your statement you note that the
19 able seaman's role in the accommodation blocks was to
20 ensure events happened within the junior recruits' routine.
21 A. Yes.
22
23 Q. Was the able seaman responsible for making sure they
24 were out of bed and into classes on time at time, at
25 functions and events on time?
26 A. He was part of that.
27
28 Q. Yes. Who else had that responsibility?
29 A. The leader seaman and petty officer - when the sailors
30 turned out first thing in the morning, they would have all
31 combined.
32
33 Q. Just a point of clarification - you have been asked
34 about some terminology about the description of the base
35 itself. Was Leeuwin described in terms of positions on a
36 ship, even though it was a land base?
37 A. Yes, indeed.
38
39 Q. So talking about the gangway - the gang - that was the
40 gateway, for example?
41 A. Yes.
42
43 Q. Messes were referred to as galleys, I presume?
44 A. Yes.
45
46 Q. And there was generally ship's nomenclature used to
47 describe various positions around the base?

1 A. Very much.
2
3 Q. We've described the officers or personnel below you.
4 In terms of going up the line in the chain of command for
5 complaints, above you was the commander?
6 A. Commander; that's correct.
7
8 Q. Or the executive officer?
9 A. The same person.
10
11 Q. Sorry, yes, that was the executive officer?
12 A. Yes.
13
14 Q. And then there was the commodore?
15 A. Correct.
16
17 Q. In terms of complaints and discipline, did each level
18 in that hierarchy have a capacity to deal with incidents
19 and complaints themselves?
20 A. Yes, they did.
21
22 Q. At what level, for example, were you authorised to
23 deal with complaints?
24 A. Most complaints that came to me would have been passed
25 on because they would have come up to commander's level of
26 attention.
27
28 Q. So those beneath you, what was their authority to deal
29 with complaints without sending them up the line? What
30 sorts of things could they deal with?
31 A. They would report all incidents to the divisional
32 officer.
33
34 Q. All incidents of discipline of any nature?
35 A. Except, probably, some frivolous stuff that could be
36 checked or altered on the spot. Anything else would have
37 come to me.
38
39 Q. So not keeping the room in order, not wearing your
40 uniform properly - were they things you dealt with or were
41 they dealt with beneath you?
42 A. If it was a first instance type thing, the staff could
43 deal with that. If it was someone who kept or had a
44 problem in keeping good uniform, it would come to my
45 attention.
46
47 Q. Did you have authority to impose discipline?

1 A. I did.
2
3 Q. Did that include extra chores, confinement to
4 barracks, things of that nature?
5 A. In a minor way, yes.
6
7 Q. Can you tell the Commission, please, at what level of
8 seriousness you were required to report things up the line?
9 A. Well, my responsibilities and jurisdiction were quite
10 limited. If any of the things that have been presented
11 during this inquiry came to me, they would be automatically
12 passed up to a higher authority.
13
14 Q. Taking the Connolly incident as an example, before
15 Connolly was assaulted and that came to your attention,
16 were you aware of a previous incident involving that junior
17 recruit and an assault on other people?
18 A. No, I can't recollect that.
19
20 Q. In terms of the assault that you learnt of from the
21 duty officer, what was your obligation in terms of
22 reporting that up the line?
23 A. To ensure that it had actually been put on the
24 commander's table for investigation.
25
26 Q. Yes.
27 A. And then to represent the junior recruit at that table
28 or investigation.
29
30 Q. That was obviously a very serious incident. Can I ask
31 you from your memory - and I know it's some 45 years ago -
32 was that an isolated incident of a report to you of that
33 seriousness or were there a number of those types of
34 reports to you?
35 A. Isolated.
36
37 Q. Just while I'm on that, what did you understand to be
38 an open arrest? Was that some sort of punishment or was
39 that a form of isolation for protective purposes?
40 A. Within junior recruits it was mainly to isolate them
41 should there be a more serious investigation that needed
42 further --
43
44 Q. Was Junior Recruit Connolly isolated after he made his
45 complaint?
46 A. My memory says yes.
47

1 Q. The Commissioner and others asked you some questions
2 about initiation and you reported about some things you'd
3 experienced as a boy. I just want you to distinguish now
4 between things you experienced as a child and things you
5 heard about second- or third-hand. Were you talking, in
6 your personal experience, about pranks and standover
7 tactics, things of that nature, or something worse?
8 A. No, personally experiencing.
9
10 Q. You'd personally experienced --
11
12 THE CHAIR: Ms McLeod, I'm not sure pranks and standover
13 tactics are in the same basket.
14
15 MS McLEOD: I was meaning to distinguish them, yes, sir.
16 I'll ask the question again to clarify.
17
18 THE CHAIR: You ran them together.
19
20 MS McLEOD: Sorry, sir.
21
22 Q. The sorts of standover tactics that you said you were
23 aware of at Leeuwin - for example, jumping the queue or
24 jacking the queue; the leading junior recruits asserting
25 authority, demanding cigarettes and things of that nature -
26 were they the nature of things you personally experienced
27 yourself, as a boy?
28 A. Yes, jumping the queue, I would have - I did observe
29 on one occasion it happening, and it was common knowledge
30 that it did happen. With the - it wasn't the leading
31 junior recruits who tried to elicit cigarettes or money, of
32 that sort.
33
34 Q. At Leeuwin it wasn't?
35 A. To my knowledge.
36
37 Q. The things you heard about second- or third-hand that
38 might have been worse than the standover of demanding
39 favours and jumping the queue, those sort of things, were
40 they commonly spoken about in your youth?
41 A. In my youth?
42
43 Q. Yes, as a young man.
44 A. No.
45
46 Q. Just while we're on the leading recruits, can I just
47 confirm the structure with you: when you were first at

1 Leeuwin in 1965 there were two intakes a year; is that
2 right?
3 A. Yes, that's correct.
4
5 Q. And then, later, it went to four intakes a year?
6 A. That's correct.
7
8 Q. And the four intakes came fairly regularly spaced
9 through the year?
10 A. They were, indeed, from January.
11
12 Q. And the first two, or the junior-most recruits in each
13 12-month cycle, were called "junior recruits second class"?
14 A. Correct.
15
16 Q. And the senior in that year were called, once they had
17 progressed through six months, called "junior recruits
18 first class"?
19 A. Yes.
20
21 Q. Who were the leading recruits?
22 A. The leading recruits were selected by the divisional
23 staff and then recommended to the commander through the
24 training officer.
25
26 Q. What was their role?
27 A. Their role was confined to class movement around the
28 base - they took charge of where that class marched or
29 double marched. In the accommodation block they had
30 responsibility for checking that lights out actually
31 occurred on time, that the duties of cleaning up the
32 accommodation were being observed and carried out.
33
34 Q. Yes. Was that something akin to a class prefect?
35 A. Yes.
36
37 Q. What was the intention behind appointing these leading
38 recruits?
39 A. I think that very thing, that because the class moved
40 as an identity, throughout the base, that someone who had
41 some responsibility could take charge to avoid accidents
42 with motor vehicles, things like that.
43
44 Q. There was some discussion about something you called
45 rites of initiation that you had experienced yourself. At
46 what point would rites of initiation be tolerated in your
47 time at Leeuwin by Navy senior command?

1 A. The rites of initiation that have been given evidence
2 of at this inquiry would have been investigated and placed
3 before the commander as serious.

4
5 Q. They would have been placed before the commander?
6 A. Yes.

7
8 Q. If they came to your attention as a divisional
9 officer, were they always reported up the line or did you
10 have some discretion there?

11 A. None at all. None at all. They would be reported up
12 the line.

13
14 Q. I know that there are many things you don't remember,
15 but do you recall ever having an instance where you did not
16 report something up the line?

17 A. Never.

18
19 Q. You were asked about the Rapke Report and your
20 appearance before his Honour and the evidence you gave
21 there. Could I ask that the witness be shown the
22 transcript behind tab 59. The reference is
23 DEF.02.0001.002.0160, at page 64 of the transcript. It
24 starts with a question:

25
26 *Did they know it was going on before some*
27 *of this trouble?*

28
29 Counsel Assisting asked you some questions, which are on
30 the previous page, about bullying, and your response was:

31
32 *It led to isolated cases.*

33
34 Then his Honour asked you at the top of page 64 of the
35 document:

36
37 *Did you regard it as deleterious to*
38 *efficiency?*

39
40 And your answer was:

41
42 *We always punished it when we found it.*

43
44 Just stopping there. Is that the case?

45 A. That is the case.

46
47 Q. Do you have any specific recollection of anything that

1 required your involvement in terms of punishment - that is,
2 bullying, particularly?

3 A. Not in bullying, no.

4
5 Q. The judge asked you:

6
7 *Has any general instruction gone out to the*
8 *recruits to say that dobbing in in the Navy*
9 *is a duty and that failure to dob in is an*
10 *offence and should not be regarded as a*
11 *matter that should not be avoided.*

12
13 You said:

14
15 *There have been no instructions to at that*
16 *effect.*

17
18 He asked:

19
20 *Did you think that such an instruction*
21 *would make the incident come to the notice*
22 *of authority much more speedily?*

23
24 Your answer was:

25
26 *The instruction has gone through the*
27 *division set-up who have encouraged*
28 *recruits to follow them and they consider*
29 *it as a duty to report but it has also gone*
30 *out to those who were the aggressors in*
31 *this blackmailing and standover tactics to*
32 *the effect that if they tried to stop*
33 *junior recruits reporting such an incident*
34 *in which they were involved they would be*
35 *strictly dealt with. I think it has, sir.*

36
37 Is that something you recall now as being a policy or a
38 practice of yours at the time at Leeuwin?

39 A. I would recall that as the practice in my time.

40
41 Q. Do you recall any specific examples where you have
42 encouraged recruits to follow the reporting processes and
43 taken steps as you described in that answer, strictly
44 dealing with people?

45 A. In that case, divisional officers had the
46 responsibility of drawing attention to what the Navy
47 expected of the junior recruits and any such misbehaviour

1 would be dealt with in certain ways. More serious
2 occurrences listed in Navy orders and regulations and
3 instructions and Ship's Standing Orders were posted up
4 around the base.

5
6 Q. A little further down that page you mentioned to his
7 on that you were engaged or indulged in surprise checking.
8 Do you remember being involved in checking, surprise
9 checking of the dormitories or other areas where the
10 recruits were?

11 A. I did that after the Connolly investigation, purely to
12 let the junior recruits know that I was there. I would
13 turn the light on in my office and leave the door open and
14 I would walk through the block without going into any of
15 the cubicles.

16
17 Q. That was something that was implemented after the
18 Connolly incident, was it?

19 A. Within my own command, yes.

20
21 Q. Further down the page, the second-last answer, you
22 answer to him:

23
24 *During these times in the evenings when we*
25 *have an incident in the block and the duty*
26 *able seaman is in charge, he is required to*
27 *lodge any skirmish or incident in the book*
28 *and it is investigated formally by me the*
29 *next morning.*

30
31 A. That is correct.

32
33 Q. Was that the practice that was, in fact, implemented
34 by you?

35 A. Yes. Well, I expect other divisions did it as well.

36
37 Q. And then you were asked over the page, the next page
38 of the document, page 65 whether the able seaman or the
39 duty officer were able to leave their post at any time
40 during the watch to go to the wets. Now, the wets was one
41 of the messes, was it?

42 A. It was the mess where they could have a drink.

43
44 Q. As opposed to a dry mess?

45 A. That's correct.

46
47 Q. And you said:

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He is able to get his evening meal and his breakfast.

But not otherwise leave?

A. That's correct.

Q. And the judge asked:

If any of these able seamen who are entrusted with supervisory tasks were to leave their job and go to the wets, that would be an offence?

You said:

It has been an offence and we dealt with it.

He asked:

So although it is personal security there is supervision that should be maintained during all the nights apart from the gangway.

And you said "Yes".

A. Correct.

Q. So that certainly was the case after the Connolly incident?

A. Yes.

Q. You were asked specifically about the nuggeting. I invite you to turn to your paragraph 51. You have explained to the Commission that you had heard of those terms described in paragraph 50 but had little knowledge of such acts. So you knew what they were?

A. Yes.

Q. In paragraph 51 you make clear you don't recall many of those types of incidents being reported to you and then in 52 you specify that you do recall one incident?

A. Yes.

Q. Yes?

A. That's correct.

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Q. You make the point that that was in a different part of your division, because the division had been divided into two, and you make the point it was reported?

A. Yes, it was.

Q. If you heard a complaint, Mr Curran, of an incident of nudging back in your time as divisional officer, if a report was made to you, what would you have done?

A. It would have been formally investigated.

Q. By you or up the line?

A. By me initially with the chief petty officer or petty officer, and then it would have been placed before the commander.

Q. Just so I understand the process, the initial investigation by you is a quick or preliminary review to see what happened?

A. Yes.

Q. And then, when you escalate it up the line, do you prepare statements or some sort of report for the commander to consider?

A. Yes.

Q. If you had seen anyone with obvious injuries, such as Junior Recruit Connolly, what would you have done?

A. I would have taken Junior Recruit Connolly aside as soon as I could to find out more about what had happened. If it led me to believe that something serious had happened, I would formally investigate it and it would have been placed before the commander.

Q. Did you ever see anything obvious in terms of physical injuries on parade?

A. No, I didn't, and we paraded every day and we inspected junior recruits on parade, and if there was anything that looked like a serious injury, other than a football knock or something like that, we would follow it up.

Q. Yes. In terms of how you handled the complaints, you were asked some questions about what you meant by "in sensitive" - that's not one word, that's two words, "in" and then "sensitive" - you refer to that in paragraph 44 of your statement?

1 A. Yes.
2
3 Q. What sort of matters would have been dealt with
4 sensitively in that about manner?
5 A. Especially those of a sexual nature.
6
7 Q. Yes. You set out in those paragraphs 45, 46 and 47
8 how you would have dealt with matters sensitively, or
9 others would have?
10 A. Yes.
11
12 Q. That included with complaints about child sex abuse,
13 they would have been handled as such, referring the
14 complaint to the commander, and although you don't recall
15 any complaints being made, they would have been treated as
16 very sensitive to the junior recruit involved?
17 A. Yes. Well, it involved that junior recruit and it was
18 in respect of his position and what he'd gone through that
19 that was done.
20
21 Q. Yes. Was somebody making a complaint about abuse or
22 sexual abuse provided with some sort of support?
23 A. Well, because - yes, it would have been investigated
24 by the divisional officer in the first instant. He would
25 have accompanied that junior recruit to support that person
26 through the commander's investigation.
27
28 Q. Did you provide that role for Junior Recruit Connolly?
29 A. I did.
30
31 Q. Are you there effectively representing that junior
32 recruit in the inquiry process?
33 A. Yes.
34
35 Q. Including questioning witnesses if need be?
36 A. Yes.
37
38 Q. Making sure they have a break if they need to?
39 A. Yes.
40
41 Q. That sort of thing?
42 A. Yes, indeed.
43
44 Q. You also said you don't recall the incident of
45 flushing the mail and the person's head in the toilet. If
46 that had come to your attention is that something you would
47 have ignored?

1 A. Ignored?
2
3 Q. Yes.
4 A. No, I wouldn't have ignored it.
5
6 Q. What would you have done?
7 A. I would have had an investigation with the chief of
8 the division to ascertain what were the circumstances and
9 who else might have been involved.
10
11 Q. After the Connolly incident was investigated, there
12 have been a number of changes that various people have
13 asked you about. One of them was the change or the
14 introduction of the night-time supervision by a duty watch
15 officer. Did that happen across all divisions?
16 A. I would believe so.
17
18 Q. What were the instructions to the duty watch officer
19 going in after the Connolly incident?
20 A. He would have carried out formal rounds of each
21 accommodation block.
22
23 Q. Yes.
24 A. He would have dealt with any complaints or reports
25 made on that occasion.
26
27 Q. So "formal rounds", does that mean at a fixed time
28 walking in and checking everybody's in bed, or does that
29 mean making random rounds through the night or what was
30 involved?
31 A. That happened before they went to bed. Just mainly
32 that all the junior recruits were there, they had clean
33 sleeping accommodation, and that - it would happen before
34 lights out.
35
36 Q. You also mentioned the commander's parade and
37 instructions by the commander to the parade?
38 A. Yes.
39
40 Q. That's the whole base, is it?
41 A. Yes.
42
43 Q. Did you also do that division by division?
44 A. I did it in my division, yes.
45
46 Q. Did you speak to the junior recruits in your division
47 about the Connolly incident or incidents of that nature

1 generally?
2 A. I think I didn't because that would have been dealt
3 fairly clearly by the commander.
4
5 Q. You also mentioned the increase in activities, extra
6 night-time activities. What was the aim of that?
7 A. The aim of was that was to have better contact with
8 the junior recruits, to allow them to pursue other
9 interests, keep them busy, but they were a positive step,
10 I believed, and it varied a lot to cater for all tastes.
11
12 Q. In terms of the range of activities available?
13 A. Yes.
14
15 Q. Another thing I wanted to ask you about, it might have
16 come in after your time, and potentially it was the end of
17 1972 - did you have any input into the changes in the
18 Junior Recruit's Handbook at any time after the Connolly
19 incident?
20 A. No, I didn't.
21
22 Q. You have been taken to some new provisions or
23 provisions that came in after your time?
24 A. Yes.
25
26 Q. Did you have any discussion about those amongst the
27 officers?
28 A. I don't recall that.
29
30 Q. We have heard some accounts of former junior recruits,
31 some terrible accounts. At the time, did you ever think
32 there was an issue about the junior recruits reporting
33 concerns to you?
34 A. No, I wasn't aware of it.
35
36 Q. I know it is more than 40 years ago, but had you been
37 aware of any accounts of the nature of the matters
38 described to us yesterday, are you in any doubt that you
39 would have acted on those complaints?
40 A. I have no doubt whatsoever I would have acted on them.
41
42 Q. You left in April 1972, as you've told us. One of the
43 survivors yesterday, [CJB], remarked that after January
44 1972 life was completely different, the divisional officers
45 were much nicer and his last months were much better.
46 Could you comment generally on the spirit of your division
47 in your time at Leeuwin in the 1970s?

1 A. I believe that we were in high morale. There was a
2 lot of good spirit and I think, you know, we need to
3 consider the majority of junior recruits in Leeuwin who
4 were going about their business as best they could and were
5 happy about it.
6
7 THE CHAIR: Q. But you had a very high drop-out rate,
8 didn't you?
9 A. There was a high drop out-rate.
10
11 Q. That doesn't suggest high morale and everybody
12 enjoying themselves, does it?
13 A. It may not suggest that, sir.
14
15 MS McLEOD: Q. So there was some issue with people
16 wanting to leave. Did that change over the years or was
17 that a constant?
18 A. It's hard to put your finger on the reason. My role
19 was to interview each junior recruit who wanted to leave so
20 that we could build up a case, and it may be --
21
22 Q. A case to seek permission for them to leave?
23 A. Yes, through - that's right.
24
25 Q. Yes.
26 A. I'm losing track. Would you refresh me?
27
28 Q. Yes, sure. I was asking you some questions about the
29 process why people could leave, and his Honour was
30 interested why there was a difficulty with retention, a
31 large number of recruits wanting to leave. Your role as
32 divisional officer was to interview all of those in your
33 division who wanted to leave?
34 A. Yes, indeed.
35
36 Q. And what sort of complaints or reasons were given to
37 you at the time about the reasons for leaving?
38 A. I think it's something that junior recruits made a
39 decision about in their own mind that the Navy wasn't for
40 them. There was certainly a lot of homesickness that was
41 still evident, and that's as much as I could comment on.
42
43 THE CHAIR: Q. You see, what is being said to us is
44 that they didn't tell people like you the whole story
45 because they were too embarrassed, ashamed or troubled to
46 do so, so they would say, "Yes, I'm homesick", when the
47 reality was they just couldn't accept any more abuse?

1 A. And that could have been the case, your Honour.

2

3 Q. That could have been the case?

4 A. Yes.

5

6 Q. In fact, given the evidence we have, it seems very
7 likely, doesn't it?

8 A. Yes.

9

10 MS McLEOD: Q. If you had heard, even at the point of
11 that exit interview, if I can call it that, a complaint
12 about abuse, what step would you have taken at that point?

13 A. It still would have been investigated and passed to
14 higher authority.

15

16 MS McLEOD: Thank you Mr Curran, I have no further
17 questions.

18

19 THE WITNESS: Thank you.

20

21 MR STEWART: There are two matters I wish to take up, your
22 Honour.

23

24 <EXAMINATION BY MR STEWART:

25

26 MR STEWART: Q. Mr Curran, I will ask that you are shown
27 the document at tab 59, that's your evidence to
28 Judge Rapke, at page Ringtail 160. We will just scroll up
29 a little bit more. Do you see in the third question that's
30 recorded on the screen there the judge says to you:

31

32 *A kid would have to be pretty brave to buck*
33 *a system that has been traditional?*

34

35 Do you see that's in the context of reporting? Perhaps we
36 could scroll down the other way to see higher up, a little
37 bit further. You will see you were taken to this:

38

39 *Has any general instruction gone out to the*
40 *recruits to say that dobbing in in the Navy*
41 *is a duty ...*

42

43 Do you recall that? Ms McLeod took you to that and the
44 next question and answer a little while ago?

45 A. That's correct.

46

47 Q. Do you see in the context of that dobbing the judge

1 says to you:

2

3 *A kid would have to be pretty brave to buck*
4 *a system that has been traditional?*

5

6 In other words, to actually dob someone in. Then your
7 answer was to say:

8

9 *If he wanted to. I think most of them*
10 *accept that as being part of being a junior*
11 *recruit.*

12

13 Are we to understand you there to be saying that they
14 accept what's being done to them and not dobbing in on it
15 as being part of being a junior recruit?

16 A. The dobbing-in process obviously commanded their whole
17 response, and whether it was a threatened thing I don't
18 know, but in that context then, yes.

19

20 Q. You accept, Mr Curran, that there was a strong culture
21 of not dobbing in amongst the junior recruits?

22 A. As far as I knew, yes.

23

24 Q. Yes. You knew that at that time?

25 A. Yes.

26

27 Q. Yes. Then I don't understand your answer a few
28 minutes ago to Ms McLeod where you were asked whether at
29 any time you had a concern about reports not being made and
30 you said you had no concern. Surely if you knew there was
31 a strong culture of not dobbing then would you have a
32 concern that people were not reporting things that they
33 should report?

34 A. I would have been concerned about things they should
35 have been reporting, as different from the other.

36

37 Q. As different from what other?

38 A. That the behaviour, the non-dobbing in, that if that
39 incurred the serious offences, as I understand, then
40 I would have taken that up.

41

42 Q. Yes, but where you know there's a strong culture not
43 to dob, you would then know that there's a likelihood that
44 there are things going on that should be reported that are
45 not being reported; is that right?

46 A. If they come to my attention, yes.

47

1 Q. No, leaving aside your attention, the whole point is
2 they're not coming to your attention, so I'll ask the
3 question again. Where you know there's a strong culture
4 not to do, would you then know that there's a likelihood
5 that there are things going on that would be reported that
6 are not being reported?
7 A. I wouldn't know what was going on.
8
9 Q. Except for the talk that you heard?
10 A. From here?
11
12 Q. Yes.
13 A. But that came later. I'm sure I stated that that came
14 after the event, or the events.
15
16 Q. So is your evidence that at the time you spoke to
17 Judge Rapke - I'm sure that it has a date - 3 May 1971, you
18 did not know that there were unreported incidents of
19 disciplinary infractions going on?
20 A. I was unaware of that.
21
22 Q. I suggest to you that's not consistent with the
23 evidence you gave to the judge where you said you were
24 aware that, for example, standover tactics were being
25 employed. You dealt with them when they were reported but
26 you knew that there was a strong culture to not do?
27 A. In that context, my response then would have been on
28 the things that I observed personally in my duty, and that
29 could have been jumping the queue in the cafeteria when I
30 was there. Those things could be corrected on the spot, so
31 I don't see it in the same context as knowing that other
32 serious things were happening within the culture.
33
34 Q. The reality is, Mr Curran, isn't it, that you knew
35 there was a lot going on by way of ill-discipline and
36 physical abuse that was not being reported?
37 A. Could we look at that particular reference about "a
38 lot going on"?
39
40 Q. The reference point now is your memory. I'm asking
41 you to give your evidence. I am suggesting to you that you
42 knew that there was a lot going on that wasn't being
43 reported?
44 A. No, I didn't.
45
46 Q. The second point I wanted to deal with is the question
47 of nuggeting. You said earlier to his Honour that you

1 regarded nuggeting, as you knew it, to be, as it was put,
2 below the line and boys being boys; do you recall that?

3 A. Yes, I do.
4

5 Q. Yet, you said in answer to my learned friend Ms McLeod
6 that if a report of nuggeting had ever come to you, you
7 would have passed it on to be dealt with as a disciplinary
8 matter at the commander's table, and I suggest to you that
9 those two answers are entirely inconsistent?

10 A. Conflicting. I think the first reference there would
11 have been to my previous service and experience. The
12 second one, as I see it, would have been if nuggeting was
13 reported formally I would have investigated as part of my
14 duty.
15

16 Q. You're drawing a distinction between a formal report
17 and some other form of report. I take it the other form,
18 the informal, is if you heard that it had occurred but the
19 victim of it hadn't formally reported it; is that right?

20 A. I've never heard of particular incidents like that in
21 that category.
22

23 Q. You are the one who draws a distinction between a
24 formal report and another report. Had you heard that
25 nuggeting had occurred but a formal complaint had not been
26 made by the victim --

27 A. No, I hadn't.
28

29 Q. Had you heard, you wouldn't have done anything about
30 it, would you?

31 A. I would have done something about it.
32

33 Q. In the context of you saying it was just boys being
34 boys, why would you have possibly done anything about it?

35 A. I was referring to earlier times in my service and --
36

37 Q. So are you suggesting that the nuggeting at the time
38 of your service as a divisional officer was a different
39 kind of nuggeting?

40 A. Before that, actually, before I was a divisional
41 officer.
42

43 Q. So you knew it was different?

44 A. Pardon?
45

46 Q. When you were a divisional officer, you knew the
47 nuggeting that was referred to was different from that

1 which you knew about when you had trained? It was more
2 severe?
3 A. Yes.
4
5 Q. How did you know that?
6 A. Through conversation, other incidents - one in
7 particular, as I've reported, I do remember.
8
9 Q. Yes. Because it is not acceptable, boys being boys,
10 at all, is it?
11 A. I think in those times, sir, it was practice.
12 Certainly, today, no.
13
14 Q. Let's deal with those times. It was certainly
15 practice, we have had lots of witnesses who say that it
16 happened, but let's deal with your attitude to it. Did you
17 regard it as within the line of what's acceptable behaviour
18 of boys being boys?
19 A. I tried to make a distinction before based on my
20 knowledge of nuggeting, and particularly nuggeting and
21 nothing else, and, from my memory, it did happen, although
22 infrequently. At the junior recruit stage, had it been
23 reported formally, I would have investigated it, treating
24 it as serious.
25
26 Q. Had it been reported to you informally, you would have
27 done nothing, that's the implication?
28 A. I'm not following how it could have been reported to
29 me informally.
30
31 Q. Someone other than the victim saying to you - perhaps
32 one of the petty officers saying to you - "There was there
33 was an incident of nuggeting last night, but no-one has
34 brought forward a formal complaint"?
35 A. Yes, there was only one incident that I recall, as
36 I've included in my evidence, that I was aware that there
37 was a nuggeting in the other division. That came after the
38 event and, as far as I can see, I must have been assured
39 that it was dealt with.
40
41 MR STEWART: Nothing further, your Honour.
42
43 THE CHAIR: Thank you. That concludes your evidence.
44 You're excused.
45
46 THE WITNESS: Thank you.
47

1 <THE WITNESS WITHDREW

2

3 MR STEWART: I call Peter Sinclair.

4

5 <PETER ROSS SINCLAIR, sworn: [2.43pm]

6

7 <EXAMINATION BY MR STEWART:

8

9 MR STEWART: Q. Mr Sinclair, will you state your full
10 names and occupation?

11 A. Peter Ross Sinclair, farmer.

12

13 Q. Mr Sinclair, do you have a copy of your statement to
14 the Royal Commission dated 13 June 2016?

15 A. I do.

16

17 Q. Do you confirm that it is true and correct?

18 A. I confirm that. To the best of my recollection,
19 I confirm that.

20

21 THE CHAIR: That will become exhibit 40-009.

22

23 **EXHIBIT #40-009 STATEMENT OF PETER ROSS SINCLAIR DATED**
24 **13/06/2016**

25

26 MR STEWART: Q. Mr Sinclair, between 1948 and 1989 you
27 served as a member of the Royal Australian Navy; is that
28 right?

29 A. That's correct.

30

31 Q. In particular, between July 1972 and December 1974 you
32 were the executive officer at HMAS Leeuwin?

33 A. I was and also the deputy naval officer commanding.

34

35 Q. When did you retire from the Navy? Was that 1989?

36 A. Correct.

37

38 Q. You served as Governor of New South Wales for
39 approximately six years in the period 1990 to 1996, is that
40 right?

41 A. Correct.

42

43 Q. As commander or executive officer at Leeuwin, who did
44 you take over from?

45 A. Commander Wilkinson.

46

47 Q. You reported, I understand, to the commanding officer

1 who was Commodore Doyle; is that right?
2 A. That's correct.
3
4 Q. As I understand it, you commenced at Leeuwin after the
5 term of Commodore Ramsey had ended; is that right?
6 A. That's correct.
7
8 Q. As I understand it, you did not serve under
9 Commodore Ramsey at Leeuwin?
10 A. I didn't serve under him at Leeuwin, no, but I did at
11 Navy Office at one stage and I knew him reasonably well.
12
13 Q. In paragraph 12 of your statement you mention that you
14 and your wife lived in small quarters inside Leeuwin.
15 I refer you to tab 55 of the bundle, that's exhibit 40-006.
16 I will give you a hard copy of that photograph. I would
17 like you to mark with a pen, which you will also be given,
18 where your accommodation was in that aerial photograph of
19 the Leeuwin base. Do you recognise --
20 A. I recognise the photograph, yes.
21
22 Q. Yes.
23 A. I don't recognise the house because it's not on it.
24
25 Q. Is it off the photograph?
26 A. Off the photograph, slightly to the left. Perhaps on
27 the left margin.
28
29 Q. Perhaps could you mark it, in any event, on the copy
30 you've been given.
31 A. (Witness does as requested).
32
33 Q. Would you mark that with a capital "A" and then
34 I would also like you to mark where the staff accommodation
35 was, by which I mean the able seamen, petty officers and
36 divisional officers. You can circle it, if you like.
37 A. I don't think I can do that. It's the first time I've
38 seen this, but I think this was before my time. I think
39 there was a lot of construction at Leeuwin in between the
40 time this photograph was taken and when I joined.
41
42 Q. This says on it, it is HMAS Leeuwin in the mid-1960s.
43 A. Yes.
44
45 Q. Was there construction between that period and when
46 you started in 1972?
47 A. Yes. These look like Nissan huts to me.

1
2 Q. Those are the ones that are within the circle labelled
3 "Accommodation"?
4 A. Yes.
5
6 Q. And those changed, do you say?
7 A. Yes.
8
9 Q. To a different form of hut or to a different location?
10 A. I think that's the location of the accommodation - if
11 you're talking about the ship's company, that is, not the
12 junior recruits.
13
14 Q. Yes.
15 A. Yes.
16
17 Q. I understand that. That's the ship's company?
18 A. Yes.
19
20 Q. Where were the junior recruits housed?
21 A. The junior recruits were in the - well, there are only
22 three of them shown here. I think there were five - five
23 large accommodation blocks.
24
25 Q. Just to recap, I asked you to mark with an "A" where
26 your quarters were. You've indicated that the circle there
27 where it says "Accommodation" is the ship's company. I'll
28 ask you to circle and mark with a "B" where the junior
29 recruits' accommodation was at your time.
30 A. Right. Well, I would have thought it was close to
31 where the classrooms are shown, but I'll put "B" there, if
32 that helps.
33
34 Q. Could I ask to be shown what you've marked. (Shown to
35 Counsel Assisting and shown to counsel). That is being
36 shown around. In the meantime, we can move on. Thank you
37 for that, Mr Sinclair. In paragraph 19 of your statement
38 you say that Commodore Doyle - this was on you joining
39 Leeuwin - told you that he had been sent to Leeuwin to
40 shake it up after various shortcomings had been reported in
41 earlier years. You say that knowing his fierce reputation
42 you believed he was the right man for the job. Now,
43 firstly, what shortcomings did Commodore Doyle explain to
44 you had come to the attention or to the concern of the
45 management at Leeuwin?
46 A. At that time he did not attempt to explain to me what
47 the shortcomings were. He said to me that he had been sent

1 to shake up the establishment, or words to that effect, and
2 that he had been given the choice of his executive officer
3 and he had chosen me, which made me feel perhaps a little
4 relieved over why I had been sent there.

5
6 He then told me to go back to the office, to read the
7 Rapke Report, which I had not read at that stage, and after
8 I had had a day or two to look around the establishment and
9 to understand its layout, to come back and see him so that
10 we could discuss the way ahead. This was my first - the
11 first time I'd ever been to Leeuwin.

12
13 Q. When you refer there to reading the Rapke Report, are
14 you referring to both reports, the first one dealing
15 specifically with the Junior Recruit Connolly incident and
16 the second one dealing with issues more broadly at Leeuwin?

17 A. Yes, that's correct.

18
19 Q. So, really, from the get-go of your responsibility at
20 Leeuwin, you knew what Judge Rapke had said were some of
21 the shortcomings there?

22 A. Yes, I did.

23
24 Q. You describe Commodore Doyle as having a fierce
25 reputation. What do you mean by that?

26 A. He probably would never forgive me for saying that.
27 Commodore Doyle was a very efficient, very impressive
28 officer who didn't suffer fools gladly. He had a fierce
29 reputation for coming down like a tonne of bricks on his
30 subordinates if they did not meet his very high standards,
31 and I was aware of that. He was particularly severe on his
32 deputies and I have a good friend who experienced that.

33
34 When I went to Leeuwin, I was conscious of the fact
35 that I was going to serve under an officer that was so
36 inclined and that I knew that I was going to have to be at
37 the top of my game to satisfy his needs.

38
39 Q. Was it your understanding that Commodore Doyle had
40 been posted to Leeuwin to replace Commodore Ramsey, to sort
41 things out?

42 A. To replace Commodore Ramsey - Commodore Ramsey retired
43 from the Navy when he left Leeuwin.

44
45 Q. Was that a scheduled retirement?

46 A. I couldn't say that.

47

1 Q. So you didn't have an impression of whether
2 Commodore Ramsey's term had been brought to an end because
3 of the problems that Judge Rapke had uncovered?

4 A. No, I didn't, but I would be very surprised if that
5 had been the case. Commodore Ramsey had also a very good
6 reputation in the Navy. He was known as "Gentleman Jim".
7 He was a very good officer and a very compassionate
8 officer, a very efficient officer, but he was, I have to
9 say, different to Commodore Doyle.

10

11 Q. Would you agree that the environment at Leeuwin that
12 Judge Rapke reported was a particularly harsh environment
13 for the junior recruits?

14 A. I don't think the formal routine at Leeuwin was a
15 harsh environment or any more harsh than it subsequently
16 became. The Rapke Report reported that there were
17 incidents at Leeuwin, and clearly that had had some cause
18 and needed to be rectified.

19

20 Q. You'll understand I didn't restrict my question in any
21 way to the formal routine. It is much broader than that.
22 The environment that junior recruits lived and worked and
23 were trained in at Leeuwin, as Judge Rapke found, was a
24 harsh environment; would you agree with that?

25 A. A tough environment, challenging environment, I'm not
26 sure what you mean by "harsh".

27

28 Q. So tough and challenging - you use those two
29 adjectives?

30 A. Yes.

31

32 Q. Were you here in this hearing this morning when I read
33 extracts from Judge Rapke's report out to Mr Curran?

34 A. Yes.

35

36 Q. So you heard what Judge Rapke had to say, for example,
37 about there being a tradition of bullying?

38 A. I heard that, yes.

39

40 Q. And that was obviously one of the, to use your words,
41 shortcomings that Commander Doyle had been appointed to
42 shake up?

43 A. I believe that to be true, yes.

44

45 Q. Would you agree, then, that the environment at Leeuwin
46 at that time was one where there was little sympathy for
47 the junior recruits?

1 A. No, absolutely not. Totally the opposite. Sympathy?
2 That there was no sympathy for the junior recruits you
3 said?
4

5 Q. Yes. Little sympathy or understanding for the
6 position of the junior recruits? I'm talking about at the
7 time you arrived or shortly before then, at the time that
8 Judge Rapke spoke of, it was a, you say, tough and
9 challenging environment. I'm asking you was it not also an
10 environment where junior recruits, as a consequence, were
11 shown - or that there was little sympathy for their
12 position?

13 A. No, I think that's totally incorrect.
14

15 Q. Where there were tough challenges they were expected
16 to toughen up and grin and bear it. Wouldn't that be a
17 fair description?

18 A. I think you're exaggerating the situation completely.
19 We were preparing young men for a life at sea, and my whole
20 aim, particularly when I first joined, was to make clear to
21 the junior recruits the purpose for their training, the
22 purpose of the discipline, which was to engender a sense of
23 self-discipline for when they went to sea. I just do not
24 agree with you that there was a lack of sympathy. I don't
25 even understand what you mean.
26

27 Q. I think partly the way in which Judge Rapke framed it
28 was to say that there was an unfortunately high level of
29 discharge, recruits seeking discharge from the Navy, and
30 that the people who were leaving were actually people that
31 a modern Navy wanted and should work to retain.

32 A. I think he used the word "wastage". The departures
33 from each intake, each division, when it graduated from
34 Leeuwin included the numbers that were transferred from the
35 junior recruit training to the officer candidate training;
36 the numbers that went to Nirimba for their mechanics
37 training; the number that went into the fleet air arm, as
38 well as the number that opted to leave the Navy at Leeuwin
39 for their own personal reasons.
40

41 Q. Was it part of your view that in preparing junior
42 recruits for the Navy a certain amount of bullying should
43 be tolerated to keep them tough?

44 A. No, absolutely not.
45

46 Q. Do you accept, though, that it was the view of some
47 others, perhaps who preceded you immediately before your

1 term - their view at Leeuwin on how it should be run?
2 A. I simply can't speak for them, but I'll reiterate that
3 the whole purpose of the training at Leeuwin was to prepare
4 young men for life at sea. At sea you did not tolerate
5 bullying. It wasn't part of the culture and the ship
6 wouldn't work properly if there had been bullying, and so
7 we tried to prepare the young men at Leeuwin for the life
8 at sea, and that meant sort of submitting them to the
9 discipline that would engender the self-discipline that I
10 mentioned earlier, but there was certainly no question of -
11 well, I think I've said enough.

12
13 THE CHAIR: Q. Mr Sinclair, Judge Rapke found there was
14 bullying, didn't he?

15 A. Yes, your Honour, he did. I can't speak of the time
16 at Leeuwin before I was there. When I came to Leeuwin, my
17 intention from the outset was to help to restore morale at
18 Leeuwin and the standard of discipline and training, and
19 I used the Rapke Report as a means of at least introducing
20 me to the problems that had occurred before.

21
22 Q. You have heard the evidence of Mr Curran this
23 afternoon, too.

24 A. Yes.

25
26 Q. Was it your understanding that what I referred to as
27 the "drop-out rate" was very high before your time?

28 A. I'm not sure what it was before my time. I felt that
29 during my time there the drop-out rate, as you call it - if
30 you mean drop out to officer candidate, drop out to
31 engineering degrees and that sort of thing --

32
33 Q. No, just drop out of Leeuwin - people who decided they
34 didn't wanted to --

35 A. No, I thought it was quite reasonable.

36
37 Q. In your time?

38 A. Yes.

39
40 Q. But before you?

41 A. I can't really judge that. I mean, I have no
42 knowledge of Leeuwin before I went there.

43
44 Q. Didn't you ask, though?

45 A. Ask what?

46
47 Q. About those sorts of things when you were given the

1 job? Didn't you try to find out what environment you'd
2 come into?
3 A. Of course I did.
4
5 Q. Didn't you find out about the drop-out rate?
6 A. No, I don't think I inquired about the drop-out rate.
7
8 Q. Didn't you?
9 A. It was something in the past. I wanted to set Leeuwin
10 up as an efficient, happy establishment that was meeting
11 its objectives, and that's what I devoted my entire efforts
12 at doing.
13
14 Q. You were told there were problems with morale which
15 you set out to fix; correct?
16 A. I wasn't told there were problems with morale. I was
17 told that there were - "problems in the past" was how
18 Commodore Doyle explained it to me. When I read the Rapke
19 Report it began to acquaint me as to the nature of those
20 problems.
21
22 Q. Which included problems with morale?
23 A. One of my objectives was to raise morale in the
24 establishment. That sort of goes almost without saying.
25
26 Q. I understand that, but when you came into your job,
27 you realised there were problems with morale?
28 A. I had no way of judging that, but I assume that might
29 be the case.
30
31 MR STEWART: Q. I refer you to Judge Rapke's second
32 report. It is at tab 61 of the exhibit, and, in
33 particular, to Ringtail page 78.
34 A. Sorry, to what?
35
36 Q. Firstly, just in that top paragraph you'll see in that
37 the fourth line starting on the right-hand side Judge Rapke
38 said:
39
40 *The losses by discharge are greater than*
41 *normal because of bullying etc ...*
42
43 Do you see that?
44 A. Yes.
45
46 Q. You obviously read that at the time?
47 A. I'm sure I did.

1
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47

Q. I accept you might have forgotten now the details of what you read, but at the time you knew that one of the problems was that there was a, as it is put there, greater than normal discharge rate?

A. I didn't inquire about the actual rate of discharge. I accepted the fact that the rate of discharge was considered to be higher than what might otherwise be expected. All of my efforts were devoted at trying to restore Leeuwin to an efficient, happy establishment in which morale was high. That's what I had experienced throughout my naval life. I don't think I ever served in a ship that had poor morale and I didn't want to start my first shore establishment in the same way. So I did everything I could from the day I joined to lift the morale of the establishment, to improve the procedures and routines within the establishment, and to solicit the support of all of the members of the divisional staffs especially and the ship's company in general towards that aim.

Q. Mr Sinclair, you must understand I'm going to get in a minute to what you did once you were there in order to improve things. What I'm trying to focus on right now is on your arrival and your orientation, which included reading Judge Rapke's reports, what your understanding was of what conditions were at Leeuwin before you arrived and what it was that you had to fix. Do you understand?

A. Well, I accepted the Rapke Report. I thought it was a very balanced report. I think it had positives and negatives. The negatives are the ones that I focused on in order to try to overcome them.

Q. Yes. So what I'm focusing on now is just what your understanding was as to what had to be fixed at Leeuwin. I'll come in a moment to what you did to fix it and the success or otherwise of your initiatives?

A. All right, yes.

Q. On that same page, paragraph 76, you will see in the sixth line where his Honour said:

I was surprised to hear so many experienced officers, petty officers and coxswains telling me that they believed that bullying should not be stamped out entirely but merely controlled so that it did not go too

1 *far. Two of my informants even advocated*
2 *the lash or the birch. Whatever homespun*
3 *man-management notions these witnesses had*
4 *had their thinking calcified by, their*
5 *views are directly opposed to everything*
6 *you --*

7
8 that is the minister --

9
10 *have said on the subject and everything*
11 *I would urge.*

12
13 That comes back to the question I asked earlier. There
14 were those at Leeuwin who thought that a certain amount of
15 bullying should be allowed, I infer, because it toughened
16 the junior recruits up and prepared them for naval life.
17 Do you accept that?

18 A. Well, that may have been the case before I joined, but
19 I was determined that no-one that held those views would
20 stay at Leeuwin very long after I arrived.

21
22 Q. Yes. Mr Sinclair, as I've said before, I'm focusing
23 now on your understanding of the problem. We'll get to how
24 to solve it in a minute.

25 A. Yes. I think I understood the problem.

26
27 Q. Yes. From that, by way of example, but also many of
28 the other things that Judge Rapke found, perhaps I'll show
29 you one of them in the immediately preceding paragraph, 75.
30 You will see that he said there:

31
32 *There is also a reservoir of undetermined*
33 *cases. The long list of minor and in a few*
34 *cases serious and lasting injuries of*
35 *traumatic origin and the unexplained causes*
36 *or untruthfully explained causes of these*
37 *Sick Bay cases leads me to conclude that*
38 *the iceberg is not all above water. The*
39 *intimidation by bullies was so powerful*
40 *that the most disillusioned, the most*
41 *upset, the most saddened and angered*
42 *victims regarded themselves as bound to*
43 *preserve a wall of stubborn silence as to*
44 *the cause of their misery and the identity*
45 *of their assailants.*

46
47 I again suggest to you, was it not a harsh environment that

1 junior recruits found themselves in in Leeuwin before the
2 post Rapke shake-up?

3 A. Well, I can only go by what the history shows, and if
4 your definition of harsh covers such incidents, then so be
5 it. But I wasn't there at the time and I really was not
6 that concerned with what had happened in the past.

7 I wanted to correct things for the future and that's where
8 all of my energies were devoted, all of them.

9

10 Q. My question following on --

11 A. I didn't sit in my office and start to mope about what
12 had happened in the past. I wanted to get on with it to
13 turn that establishment into place of which I could be
14 proud.

15

16 Q. Mr Sinclair, I've said several times that I'll give
17 you the opportunity in a minute to give your evidence as to
18 what you did to fix things. It is going to be a lot easier
19 if you just focus on the questions, and the questions right
20 now are on what the conditions were that pre-existed the
21 shakeup. In that context, then, I'll ask you was, in your
22 perception, the appointment of someone like
23 Commodore Doyle, with his fierce reputation, indeed the
24 right appointment? Was Leeuwin in fact not lacking a
25 sympathetic and understanding ear to the needs of the
26 junior recruits?

27 A. I'm sorry if I'm having trouble with your questions,
28 but was Commodore Doyle the right person to send there if
29 there had been problems? The answer is yes, I believe that
30 that is the case. What the status was before I arrived
31 there - I accepted the Rapke Report in everything that it
32 said and my efforts were to correct that situation and turn
33 Leeuwin into an establishment of which we could be proud.

34

35 Q. Looking forward then from what you perceived had to be
36 done and what you sought to do, you will see at the end of
37 your paragraph 19 - perhaps we can have it back on the
38 screen - your last sentence in that paragraph says:

39

40 *My actions thereafter were shaped to*
41 *achieve Commodore Doyle's requirements,*
42 *which were to improve discipline and morale*
43 *generally.*

44

45 A. Yes.

46

47 Q. Dealing first with the question of improving

1 discipline, what is it that had to be done in your
2 understanding to improve discipline?

3 A. Well, I've already answered part of that, I think. It
4 required - discipline has to be administered in a firm and
5 fair manner. It also has to be understandable to the
6 people who are having that discipline administered.
7 I tried to make it clear to the junior recruits that the
8 discipline wasn't just a case of going around and punishing
9 people; it was an attempt to or it was directed at
10 engendering a sense of self-discipline that is so necessary
11 for shipboard life.

12
13 As for morale, every establishment - not
14 "establishment", because I haven't served in too many -
15 every ship that I have served in, one of your objectives is
16 to keep morale at a high level and that's - that goes with
17 the job.

18
19 Q. You also say in your statement that it was stressed to
20 leading junior recruits that it was important to maintain
21 order. That was the case, was it?

22 A. Sorry, with leading --

23
24 Q. It was stressed to leading junior recruits that it was
25 important to maintain order?

26 A. Yes.

27
28 Q. Yes. But was one of the problems at Leeuwin not that
29 there was too much order - too much order, I grant you, of
30 course, in the imposition of bullying tactics, and so on,
31 by leading junior recruits and senior junior recruits - in
32 other words, a barbaric form of order?

33 A. I'm sorry, I don't know where that came from. Are you
34 saying that leading junior recruits were barbaric?

35
36 Q. I'm suggesting that's one of the things we learned
37 from Rapke and from the evidence that has been given here
38 from DART, and so on, that there was, in a sense, a
39 barbaric system of senior junior recruits and perhaps some
40 leading junior recruits imposing their will in the absence
41 of supervision?

42 A. That certainly didn't happen during my time and
43 I wouldn't have permitted it.

44
45 Q. How did you see the role of leading junior recruits to
46 fix that difficulty, the difficulty of senior boys imposing
47 themselves on more junior boys?

1 A. I didn't see the solution to Leeuwin's problems in the
2 role of the leading junior recruit. It was a far, far, far
3 more complicated matter than that.
4

5 Q. Well, of course, but you saw the leading junior
6 recruits playing a role within a complex solution?

7 A. Yes.
8

9 Q. So what role did you see for leading junior recruits
10 within that complex situation?

11 A. The role that is specified in the Junior Recruit's
12 Handbook and in the orders that pertained at Leeuwin at the
13 time. I saw the leading junior - in fact, I was the person
14 who promoted them, if you want to use that term, because it
15 was an unofficial rank, it had no bearing outside Leeuwin
16 or in the Navy, it was something that was put in place to
17 assist with the administration and running of Leeuwin
18 itself. I promoted them all on the recommendation of the
19 divisional officers and I explained to them at great length
20 at the moment of promotion what was expected of them. Yes.
21

22 Q. In your paragraph 21 you say:

23
24 *... it was apparent that supervision of*
25 *Junior Recruits out of hours needed to be*
26 *reinforced.*
27

28 A. Yes.
29

30 Q. In fact, it was woeful.

31 A. Was it? I mean, I wasn't there before, but - I have
32 no practical experience of what happened at Leeuwin before
33 I arrived. I can only go on the Rapke Report, and I think
34 I'm right in saying the Rapke Report actually said that
35 there needs to be an improvement in the supervision of the
36 junior recruits at night. I accepted that.
37

38 THE CHAIR: Q. Mr Sinclair, we might be able to
39 accelerate this discussion. I'm only a lawyer, I'm not a
40 military person, but it would be usual when you're asked to
41 come in and solve a problem, provide a solution, that you
42 find out what the nature of the problem was and what caused
43 it.

44 A. Yes.
45

46 Q. I take it you did that?

47 A. Well, I had - I had, I think, a day and a half with

1 Commander Wilkinson going over the situation as he saw it.
2 I had the Rapke Report which I read, and particularly the
3 recommendations that Judge Rapke made and how he thought
4 the situation at Leeuwin could be improved, and I guess
5 I took it from there. But it isn't a case of just coming
6 in and on day one saying "These are the 21 or 40
7 initiatives that I'm going to implement". I have to get to
8 know that establishment first.

9
10 Q. I understand, and you had to understand where the
11 problems were, didn't you?

12 A. Which I think I knew.

13
14 Q. Well, yes, but you had to find out what the problems
15 were before you could solve them?

16 A. And the Rapke Report gave me a pretty good
17 introduction to that, and my discussions with
18 Commander Wilkinson also helped, but I wanted to make my
19 own judgment at the same time.

20
21 Q. Those problems manifested in lack of morale and a high
22 drop-out rate, as I've called it; correct?

23 A. Look, I can't make a judgment on that. I had no idea
24 of the drop-out rate when I arrived at Leeuwin. I had no
25 idea.

26
27 Q. That's what Judge Rapke said, it was a higher than
28 usual drop-out rate?

29 A. Right. I accepted that.

30
31 Q. So you knew that, and you identified there was a lack
32 of morale; correct?

33 A. I could see morale needed to be improved.

34
35 Q. No doubt you saw, underneath that, that there was a
36 lack of discipline and a lack of effective relationships
37 between the recruits and those who were commanding them;
38 correct?

39 A. Well, only to a point.

40
41 Q. Maybe to a point, but did you not identify that?

42 A. I could see a lot of good building blocks on which to
43 build at Leeuwin.

44
45 Q. I'm asking you at the moment what were the problems
46 you saw?

47 A. The problems in the first few days --

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Q. The problems that you needed to address in order to achieve what you sought to achieve, to lift morale, keep the recruits in their training program and so on?

A. Well, if you want me to start saying what I did - is that what you mean?

Q. No. What did you identify as the source of the problems? What was wrong with the place?

A. What was wrong with the place? Well, I guess I could say that it appeared to me, from the Rapke Report and from what I discussed with Commander Wilkinson, that the supervision of junior recruits was not of a standard that would you expect; I had the feeling that the purpose behind the whole training activity had not been explained properly to the junior recruits. I mean, there were a whole host of other things that I found were lacking at Leeuwin when I first arrived - the standard of the accommodation blocks, that sort of thing. Is that what you mean me to --

Q. I do, because I'm trying to find out what you thought you had to fix. Now, you say there were problems with the supervision of the recruits?

A. Yes.

Q. How did those problems manifest themselves? What was the consequence of that lack of supervision?

A. Well, I guess everything that was reported in the Rapke Report.

Q. Which included bullying and abuse of recruits; is that right?

A. Yes.

Q. I assume - I'm not sure whether you were here yesterday but I assume you are aware of yesterday's evidence? Are you aware of the evidence given yesterday?

A. Not in detail, no. All I know is that the evidence that was given yesterday was before my time at Leeuwin. I think one of the cases overlapped with my arrival by about three months.

Q. That may well be so, but you know that the evidence that was given was of extraordinary levels of abuse of recruits?

A. Yes.

1 Q. I take it from what you're telling me that when you
2 identified that one of the problems was the lack of
3 supervision, on learning, as you may have done today or
4 yesterday, of the scale of the abuse that was meted out to
5 some recruits, that didn't surprise you?
6 A. It horrified me.
7
8 Q. But it didn't surprise you, I assume?
9 A. Didn't surprise me? Yes, it surprised me. I hadn't
10 read the Rapke Report at this stage.
11
12 Q. No, no, no, no, when you heard it yesterday or today?
13 A. Well, I didn't hear it.
14
15 Q. When you were told about it?
16 A. It appalled me. When I read about it in the Rapke
17 Report that appalled me.
18
19 Q. I understand that, but given that you'd identified the
20 problems with the supervision of cadets, I take it learning
21 of the terrible things that happened to some of them, that
22 didn't surprise you?
23 A. I find it hard to answer that. It did surprise me
24 because it was totally foreign to anything that I had
25 experienced in my then, what, 24 years in the Navy and it
26 surprised me and it horrified me.
27
28 Q. Well can you help me as to, then, how the lack of
29 supervision of cadets that you identified manifested itself
30 to you?
31 A. I saw the increase in supervision of the accommodation
32 blocks at night as one of the very important practices that
33 I had to implement.
34
35 Q. I understand that --
36 A. And it is merely one. I mean the problems that
37 occurred --
38
39 Q. No, we're at cross-purposes. I understand what you
40 did. I want to know what it was that you observed as the
41 consequence of the previous lack of adequate supervision.
42 What problems did that cause for the recruits?
43 A. I suspect you're not going to like my answer.
44 I didn't see any of these sort of issues in my first few
45 days at Leeuwin. I had to learn them by going around, for
46 example, at night into the accommodation blocks to see what
47 was happening. I had to do that in order to build up a

1 picture in the first few weeks of the situation at Leeuwin.

2

3 Q. When you did that, what did you find out?

4 A. That there were inadequacies.

5

6 Q. And how were those inadequacies reflected? What was
7 happening because the supervision was inadequate?

8 A. Well, I guess nothing happened during the time I was
9 there, but I could see that it would happen if I didn't do
10 something about it.

11

12 Q. And what did you think might happen?

13 A. What did I think might happen? The sorts of issues
14 that Judge Rapke had identified.

15

16 Q. Abuse of the cadets?

17 A. Yes.

18

19 THE CHAIR: Thank you.

20

21 MR STEWART: Q. At paragraph 22 of your statement you
22 talk about initiatives that you undertook and you mentioned
23 various things there - various clubs and a welfare
24 committee, initiatives to promote wellbeing, recreational
25 activities, canteen items, periodicals and so on. Towards
26 the end of the paragraph, the last sentence, indeed, you
27 say:

28

29 *I believe these initiatives were successful*
30 *in achieving their aims ...*

31

32 Perhaps you could identify, first, what were the aims of
33 the initiatives?

34 A. To raise morale, to improve efficiency, to increase
35 the training effectiveness of the establishment, to produce
36 an end product that would provide the backbone to the fleet
37 and of which we could all be proud.

38

39 Q. And also to fix the problems or prevent the abuses
40 that Judge Rapke had identified and you accepted as having
41 arisen as a consequence of the poor supervision?

42 A. Yes.

43

44 Q. So you felt that the initiatives succeeded in
45 achieving those aims?

46 A. Yes, I do. When I say "succeeded", you can't just
47 turn the switch on and off in a place as complicated as

1 Leeuwin. When you introduce reforms and new practices, it
2 will take some time for those to take effect, but I was
3 satisfied that the steps that I had taken were going to
4 achieve that aim, and I kept Commodore Doyle very closely
5 informed of all these matters - indeed, as he would have
6 insisted.

7

8 Q. I appreciate that you left the Navy in 1989. When the
9 Defence Abuse Response Taskforce reported on Leeuwin in
10 June 2014, or subsequently, did you read their report?

11 A. I think I read parts of it, yes. I think I managed to
12 bring it up on the computer on one occasion.

13

14 Q. When, approximately? Soon after it was published or
15 more recently?

16 A. Oh, obviously after it was published.

17

18 Q. Yes. I said "soon after it was published or more
19 recently"?

20 A. Soon after it was published.

21

22 Q. And have you had cause to look at it again much more
23 recently in preparing to give evidence here?

24 A. Yes, I did - I did glance through it and, in
25 particular, at the annexes to see whether there was any
26 example of incidents that might have occurred during my
27 time.

28

29 Q. You would have seen, then, that, indeed, cases of
30 physical and sexual abuse continued at Leeuwin, albeit on a
31 much lesser scale, it would appear - I'll take you to the
32 figures in a minute - from your time and thereafter?

33 A. Are you saying whether I saw that in the Piper Report?

34

35 Q. I'm talking about the DART Report?

36 A. I'm talking about the Piper Report, sorry.

37

38 Q. Then let me go back. My questions were about the DART
39 Report which was published in June 2014. Have you read
40 that report?

41 A. No.

42

43 Q. Have you not looked at it at all?

44 A. I've looked at it in the last few days, I think. It
45 was sent to me. It's very hard to read because the
46 reproduction of it made it almost impossible, but I looked
47 at all the annexes to try to gauge the dates at which the

1 various claims had been made, or at least the claimants'
2 time at Leeuwin, to see whether there was any incidence of
3 these activities during my time there.
4

5 Q. You would have seen that there were victims, albeit in
6 lesser numbers, who made allegations, including what DART
7 accepted as plausible allegations, even in your time and
8 thereafter?

9 A. I saw that but I have no understanding of what those
10 allegations are. I was only looking at the annex.
11

12 Q. Perhaps we can show you a copy that you can read
13 clearly. Might it be brought up on the screen and in
14 particular at page 87 of the report. I presume that's
15 Ringtail 87. You will see this is in a section of the
16 report headed "Conclusions regarding abuse at
17 HMAS Leeuwin"?

18 A. Yes.
19

20 Q. Could I draw your attention to the first sentence:
21

22 *This report provides a disturbing account*
23 *of widespread and serious abuse experienced*
24 *by more than 200 Junior Recruits who*
25 *trained at HMAS Leeuwin from the 1960s to*
26 *the early 1980s.*
27

28 Then I'll take you to some of the figures themselves.
29 Perhaps we can start at page 117. You will see that that
30 top graph reflects - that's graph 9 - the number of
31 complaints by time period, and the period 1965 to 1969 has
32 the most, it has 90; but then the following period, 1970 to
33 1974, still a considerable number, 56; and then the next
34 period, 25. Do you see that?

35 A. Yes.
36

37 Q. The graph below divides the abuse up into different
38 types, including one which is the dark blue, sexual abuse,
39 and you'll see how that came down over time as well, but in
40 your time 1970 to 1974, still quite considerable. Do you
41 see that?

42 A. I was there from July 72 to the end of 74, so the
43 first part of 70, 71 and half of 72 was not during my time
44 there.
45

46 Q. Yes, I understand that. If you want it broken down
47 further, we can do that too. On page 119, graph 13,

1 perhaps we can have it increased on the screen for you. Do
2 you see that captures it by year.

3

4 THE CHAIR: We need to be careful, Mr Stewart. The
5 earlier graph is complaints and this is allegations.

6

7 MR STEWART: Yes, your Honour.

8

9 THE WITNESS: And we're talking about all abuse, not just
10 sexual abuse. The Royal Commission is looking at all
11 abuse; is that correct?

12

13 THE CHAIR: Q. No, our requirement is to look at the
14 sexual abuse of children, but these graphs inevitably pick
15 up all of the abuse that's alleged, and you would
16 understand that it is very common for sexual abuse of a
17 child to be accompanied by physical abuse?

18

A. Yes, I would understand that.

19

20 Q. It is very common.

21

A. Yes.

22

23 MR STEWART: Your Honour, I'm not sure what the difference
24 is between number of complaints and allegations of abuse,
25 but --

26

27 THE CHAIR: I wonder whether one is a complaint made at
28 the time and the other is an allegation that they received.
29 I don't know, but I wondered.

30

31 MR STEWART: I don't think so.

32

33 THE CHAIR: At any rate, they've used different words.

34

35 THE WITNESS: Your Honour, could I just say this, looking
36 at this, I accept the fact that, for example, one of the
37 lowest incidences is 1974, my last year there, when all the
38 initiatives that we had put in place would have been taking
39 some effect, but I'm still appalled that there were two -
40 what is it, plausible? - two plausible incidents of abuse
41 that occurred in that year. I am appalled by that. I had
42 no knowledge of it and I am surprised and disappointed that
43 the checks and balances we put in place would still allow
44 two such incidents to occur.

45

46 THE CHAIR: Q. So just looking at these graphs, what we
47 can see, going back to about what I asked you earlier about

1 the consequence of lack of supervision - what you would say
2 to the Commission, as I understand it, is you can see the
3 consequence of that lack of supervision previously
4 reflected in these graphs?

5 A. Yes. I didn't have these graphs, of course, at the
6 time I joined.

7

8 Q. I understand that, but now that we have the graphs,
9 would you accept that we can see that, before you, the lack
10 of supervision had resulted in this level of wrong being
11 done?

12 A. Yes, I suspect it wasn't just lack of supervision. It
13 would have been a whole lot of other factors, but lack of
14 supervision would have been one of the major ones.

15

16 Q. Would you tell me what some of the other factors might
17 have been?

18 A. Inappropriate application of discipline, shortcomings
19 in divisional activity especially. I think that has to lie
20 at the heart of this, because from that comes the incidence
21 of abuse, if that occurred, in the accommodation blocks at
22 night. There are a whole range of things like that that we
23 tried to correct during my time there, particularly the
24 divisional activity. I heard you ask the question what
25 was - and I may have it wrong, but what is this divisional
26 activity --

27

28 Q. I was waiting for you to stop, I was going to ask you.

29 A. Well, that's good, because divisional activity lies at
30 the heart of naval social, welfare, personnel efficiency.
31 It's the heart and soul of how you run a ship's company in
32 a ship at sea. For example, my first year in command,
33 354 people. They were divided into various divisions, with
34 a divisional officer supervising the activities and the
35 welfare of the members in his division. If you've got a
36 good divisional system you've got a happy ship in the main.
37 When I arrived at Leeuwin, one of the things that I wanted
38 to do, the very highest priority thing, was to improve the
39 divisional system and to give it the substance that I knew
40 was so necessary for an efficient ship's company. I'd been
41 a divisional officer for probably - in various ships that
42 I'd served in, for probably 15 years and I knew - I knew
43 the difference that it makes to a ship and its happiness
44 and efficiency. So I put huge effort into this.

45

46 Firstly, the divisional officers we ensured were
47 hand-picked. Commodore Doyle used his weight to ensure

1 that the Naval Board or Navy Office gave us the right sort
2 of divisional officers. In the main, after our divisional
3 system settled, we had I think it was about seven, seven or
4 eight divisional officers who had been hand-picked. They
5 came - the young lieutenants in the main came from very
6 good previous postings, some of them captains of minor war
7 vessels; there were frontline pilots of the fleet air arm,
8 that sort of thing.

9
10 We went through the composition of the divisional
11 staff to ensure that the senior sailors and, as best we
12 could, the able seamen that were assigned to divisions were
13 of a high order. We replaced those that weren't.

14
15 I met with all of the divisional officers on a
16 regular, regular basis and I also met with them
17 individually at their divisions.

18
19 I tried to instill in them the purpose of the
20 divisional system, even though I knew some of them had been
21 divisional officers before. I required them to get to know
22 their divisions as individuals. They had to meet with each
23 individual in their division on a regular basis and discuss
24 such matters as the individual training, how they were
25 responding to it, whether they had any particular issues
26 that were worrying them, their home situation, this sort of
27 thing.

28
29 They had to - if I met a divisional officer and
30 I said, "What's your opinion of Junior Recruit Smith?",
31 I expected him to be able to give me a proper answer to it.
32 I also met with the divisional officers on a regular basis
33 as a group and we discussed matters such as, "Have there
34 been any issues in the divisions? Are there any concerns
35 that you have? Have your staff been reporting any sort of
36 feedback from division on" - whatever. This was the heart
37 and soul of Leeuwin and I knew that if I got a divisional
38 system in place and working, then a lot of other problems
39 were going to go away.

40
41 But on top of that was, clearly, from the Rapke
42 Report, the need to increase the supervision at night of
43 the accommodation blocks. I did that. I can't remember
44 the details of how we did it, but we did do it so that
45 every accommodation block had duty staff. I recall that
46 one of the issues of that was that some of the sailors
47 started to - not complain in a formal sense, but I knew

1 that there were concerns that they were now keeping watches
2 in the accommodation block on a one in four basis, which is
3 pretty tough for a shore establishment. You're used to
4 that on a ship but when you come to shore you expect to
5 have a bit more spare time.
6

7 The senior sailors - a ship is only as good as its
8 senior sailors. I knew that and I went to great lengths to
9 get to know the senior sailors, including in their mess.
10 We established a very good rapport. I made it clear to
11 them that I felt that the junior sailors, regardless of
12 whether they were part of the divisional structure, but if
13 had some other duty within the establishment, that they
14 could provide meaningful observation of the junior recruit
15 activities and could report back to me if there were any
16 sort of issues that they felt warranted attention.
17

18 Q. You've heard the discussion earlier today about rites
19 of initiation?

20 A. Yes.
21

22 Q. Is that a concept that you were familiar with in your
23 Navy days?

24 A. When I joined the Navy, yes, but there was no
25 initiation ceremony condoned in any shape or form at
26 Leeuwin when I was there.
27

28 Q. What did you understand the rite of initiation to be
29 in your early Navy days?

30 A. Oh, I joined the Navy in January 1948. It was just a
31 couple of years after World War II. All of the officers
32 and senior sailors were World War II veterans. They made
33 it very clear to us that the Navy was a tough service and
34 the Navy didn't want people who couldn't take it and we
35 were initiated at one stage. It was a very formal
36 initiation. There were two doctors that checked our
37 physical status, as it proceeded. The divisional officers
38 and senior sailors were there. We went through a
39 ritualised initiation ceremony and at the end of it we were
40 sort of greeted by the senior cadet midshipman as being one
41 of them. I have to tell you it was a very uncomfortable
42 experience, but I felt enormously pleased and proud at the
43 end of it.
44

45 Q. I'm not sure I understand. What happened to you?

46 A. What, do you want to know the details of this?
47

1 Q. Yes.
2 A. This is 1948 we're talking about.
3
4 Q. Indeed.
5 A. I mean it was a different world then.
6
7 Q. Maybe, but what was happening to a young sailor then?
8 A. I was a cadet midshipman.
9
10 Q. Very well, yes.
11 A. I hesitate to tell you because I don't think this has
12 any bearing whatsoever on HMAS Leeuwin.
13
14 Q. Let me be the judge of that.
15 A. All right, okay. What happened? After studies on -
16 after - we used to have evening studies where we had to do
17 our homework and all the rest of it and coming back from
18 studies one evening, we were set upon by the fourth year.
19 We were taken into the communal bathroom, stripped down,
20 put on Vs, which were sort of a male bikini, which didn't
21 work very well, covered in honey and treacle and sawdust,
22 the inevitable boot polish number on the chest and back,
23 and then we went through a ritual of being sort of hit with
24 a lot of towels and gym shoes and whatever and going
25 through a series of organised routines, such as trying to
26 find your name on the bumf, which is the toilet paper in
27 the Navy, of which there were thousands of pieces of bumf,
28 and if you could find your name, you were excused the
29 initiation and so on because your name was never there, and
30 that sort of thing. It was a very uncomfortable, not
31 terribly exciting experience.
32
33 After our initiation it was stopped the next year and
34 the effect on me was not to go around and start abusing
35 other people. The effect on me was to ensure that this
36 sort of thing never happened again in my watch.
37
38 Q. You've heard the evidence as to what was still
39 happening later on after 1948?
40 A. Yes.
41
42 Q. At least in Leeuwin. You've heard the discussion
43 about the rite of initiation. Is it right for us to
44 understand that there was an acceptance, at least in some
45 parts of the Navy?
46 A. No. I think you would be quite wrong to understand
47 that. If it did exist at Leeuwin before my time there,

1 I can't comment on that. I would be very surprised if the
2 hierarchy there accepted it. Jim Ramsey certainly would
3 not have - would not have accepted it.
4

5 Q. The hierarchy may not have accepted it but --

6 A. The junior recruits might have?
7

8 Q. Yes.

9 A. Possibly.
10

11 Q. It sounds quite likely, doesn't it?

12 A. Possibly. All I can say is it did not happen on my
13 watch and I went to great lengths to ensure that it didn't.
14

15 Q. I understand that and I wasn't suggesting it did.
16 What about this concept of boys being boys?

17 A. I didn't see them as boys ever.
18

19 Q. No, but is that a concept you were familiar with in
20 your Navy days?

21 A. No. No. I mean "Boys" in the Navy were "Boys", that
22 was a rank. We didn't have "Boys", or at least we did, you
23 know, a long while ago.
24

25 Q. You had them at Leeuwin, though, didn't you?

26 A. Well, no, they were junior recruits.
27

28 Q. Yes.

29 A. I mean there were boy seamen is what I'm saying.
30 These weren't boy seamen. They were much younger than the
31 junior recruits. I didn't see the junior recruits as
32 children. I have to say I did not; I still don't. I had -
33 when we lived at Leeuwin, two of my children, and with
34 Shirley, were living with us in that tiny little poky
35 house. Our eldest daughter was at boarding school in
36 Canberra. She was the same age as the junior recruits.
37 I saw them as young men. If I called my 17-year-old,
38 16-year-old daughter a child, I think she would have had me
39 for breakfast. I didn't see them as children. I saw them
40 as young men that we were going to turn into slightly older
41 men by the time they reached their first ship and they had
42 to be turned into sailors that could perform a useful
43 function in the ship, even though they weren't at that
44 stage properly trained, and that's what we were all about,
45 and I tried to instill in the junior recruits and in the
46 rest of the staff but particularly the junior recruits,
47 "That's why you're here. You're not here to be abused or

1 made to feel uncomfortable. You're here to prepare
2 yourself for a life at sea as a fully trained sailor and in
3 order to do that, you have to have certain attributes,
4 certain skills developed within you", and that included,
5 and I put huge on reliance on this, self-discipline. That
6 was the purpose of the whole thing.

7
8 You don't have - when people go to sea they're not
9 disciplined in the real sense of the word. You expect
10 every member of the ship's company to be a part of that
11 ship's company, to be part of the team, and the weakest
12 link in the ship is the level of efficiency of the ship.
13 Any person who doesn't perform and is not well disciplined,
14 and so on, is going to let the ship down and I tried to
15 instill into them, "You cannot go to sea and be the weakest
16 link."

17
18 THE CHAIR: Mr Stewart?

19
20 MR STEWART: Thank you, your Honour.

21
22 Q. I would just like to clear up this question of the
23 figures. Can I ask that you be taken to page 113 in the
24 DART Report. Right at the top of the page you'll see it
25 says:

26
27 *This statistical analysis is based on the*
28 *207 complaints assessed as at 6 May 2014 as*
29 *falling within the scope of the Taskforce*
30 *Terms of Reference and as raising one or*
31 *more plausible allegations of abuse of*
32 *Junior Recruits.*

33
34 I am suggesting that is to be understood, is that 207
35 people made complaints, some of whom may have raised more
36 than one allegation of abuse. If one then goes to the
37 graphs, one can see the distinction. I think the one to go
38 to is at page 119. You will see the top graph, graph 13,
39 is the number of allegations of abuse perpetrated by junior
40 recruits by year?

41 A. Yes.

42
43 Q. It comes down from 1970 down to 1974 and then plateaus
44 for a while and starts going up again.

45 A. Yes.

46
47 Q. The graph below is the number of allegations of abuse

1 perpetrated by staff members by year and one sees a similar
2 sort of trend but not nearly as steep. Do you see that?
3 A. Yes, I can see it. Again, I'm appalled. This is
4 allegations of abuse - this is allegations by ex-junior
5 recruits on staff members.
6
7 Q. Saying that staff members have abused them --
8 A. Have abused them.
9
10 Q. -- as junior recruits. If one then goes to the next
11 graph, graph 15, what DART did is they adopted a test of
12 plausible allegations, so they discounted some of the
13 allegations and they have what they regarded to be
14 plausible allegations of abuse perpetrated by junior
15 recruits, staff members or sponsors by year. You will see
16 there the allegations go down in 1973-1974. The only point
17 I wish to make out of that, in showing you that, is that
18 you introduced initiatives along with Commodore Doyle. If
19 these figures are anything to go by, they certainly had an
20 impact, you accept that, the initiatives you introduced?
21 A. Yes.
22
23 Q. Yes, but it remained the case that there were,
24 nevertheless, as you put it, appalling incidents or levels
25 at least of abuse; is that right?
26 A. Well, let me just make this point. We didn't have
27 these graphs in 1973-74. These complaints were received
28 when, in the last 10 years or something?
29
30 Q. They were received up to 6 May 2014.
31 A. But you're not suggesting that in 1972, 1973, 1974
32 there were complaints made during my time on watch --
33
34 Q. No, Mr Sinclair --
35 A. -- that were not dealt with. I hope you're not
36 suggesting that.
37
38 THE CHAIR: No, that's not being suggested.
39
40 MR STEWART: I'm most obviously not suggesting that,
41 Mr Sinclair.
42
43 THE CHAIR: Q. What you should understand is these are
44 allegations that the DART inquiry received.
45 A. Yes.
46
47 Q. It would not be, given the lapse of time now, all of

1 the events which may have happened. Do you understand
2 that?

3 A. Yes.

4
5 Q. Some will have died, others won't have reported to
6 DART, there would be lots of reasons why there would be
7 some missing.

8 A. Yes.

9
10 Q. But that's what it is.

11 A. But your question is what? Did I know this was
12 happening or --

13
14 MR STEWART: Q. No, that's not my question. You know
15 now that it continued to happen, albeit in substantially
16 reduced numbers. You are appalled by that, even that it
17 continued to happen, aren't you?

18 A. Yes, I am, and hugely disappointed, hugely. If I had
19 known any of these - I mean I don't know what the
20 allegations are, but if I had known that there were serious
21 allegations being made by junior recruits during my time,
22 if I'd known that, they would have been dealt with very
23 quickly and very efficiently and if I couldn't do it,
24 Commodore Doyle would, I can promise you that.

25
26 What I can't understand is, with all the checks and
27 balances that we had in place, how a small number of these
28 incidents, we're talking about five or 10 or something,
29 could have occurred without people knowing about it.
30 I went to huge lengths to establish a rapport with the
31 junior recruits so that I could effectively speak with them
32 as individuals and ask them how they were getting on and
33 whether there were any problems, et cetera, et cetera,
34 because that was my leadership style. That's what I did in
35 ships and I certainly did that at Leeuwin and I insisted
36 that the divisional staff do likewise. It wasn't just a
37 case of supervising the training, it was a case of getting
38 to know their individual charges and acting as
39 loco parentis to them. Loco parentis.

40
41 Commodore Doyle was absolutely besotted by that
42 requirement. How many times did we sit and discuss what
43 was happening to the junior recruits and whether we're
44 going to do this or that, and he would always say, "If we
45 were their parents what would we say to this?" It was part
46 and parcel of our management of Leeuwin and the junior
47 recruits themselves.

1
2 I don't understand - and the same went for the
3 chaplains. I make no apology for the fact that I tried to
4 use the chaplains as a means of getting to know the junior
5 recruits and to try to understand if there were any
6 undertones or any problems that occurred either within a
7 division or within individuals. I used to spend a lot of
8 my time, the same at sea, walking around the ship
9 unannounced and stopping and talking with these young men,
10 when I came across them on purpose by accident, to ask them
11 questions that would gain their confidence. I wanted them
12 to feel that they could speak with me.
13

14 Every intake, when it came, I addressed them, told
15 them about the complaint procedure and made clear to them
16 that if they weren't happy with the response by the
17 divisional staff, they had a right to see me and I would
18 want to see them to hear what the problem might be, but
19 I also tried to do that informally. I went around -
20 for example, sports activities, I would go to their various
21 sports, not only at Leeuwin but when they were playing at
22 Scots College, or something in town, and I would use that
23 opportunity, and I make no apologies for it, to try to gain
24 the junior recruits' confidence so that they would see me
25 as somebody on their side. That's why I tried to point out
26 to them the whole purpose of Leeuwin training was to
27 prepare them for their ultimate vocation of being a good
28 sailor at sea. I think, by and large, I managed to do
29 that. I have some I guess evidence to that effect.
30

31 Q. Mr Sinclair, you would agree, I take it, that one
32 incident of physical or sexual abuse on a junior recruit is
33 too many?

34 A. Absolutely. Absolutely.
35

36 Q. And one unreported incident is even worse?

37 A. If I knew it was unreported, if I knew an incident had
38 occurred and was unreported, the person who didn't report
39 it wouldn't be at Leeuwin very long. Let me just say
40 this - in my discussions with the divisional staff I made
41 that abundantly clear, abundantly clear. They had to
42 perform. They had to meet my expectations, just as I had
43 to meet Commodore Doyle's expectations.
44

45 Q. Mr Sinclair, notwithstanding all those efforts, the
46 reality is that some incidents of abuse continued and they
47 were unreported?

1 A. If that graph is correct, that would be the case and
2 I'm appalled by it. I simply don't understand how it could
3 happen that they weren't reported.
4

5 Q. Isn't this the explanation, that there continued at
6 some level, apparently at a far reduced level but there
7 continued, nevertheless, a fear or a difficulty that the
8 junior recruits had, or some of them had, in reporting what
9 happened to them?

10 A. I would be very disappointed if that's the case. I
11 was aware of this, what could you call it, phenomenon that
12 apparently existed before I arrived there and I went to all
13 sorts of lengths to try to instil in the junior recruits
14 that they had a duty to report any sort of activity that
15 was inconsistent with being a good sailor at sea and that
16 included condoning acts that were to the detriment of the
17 effectiveness and happiness of the establishment itself.
18

19 Q. Mr Sinclair, perhaps you can help me on this. I'm
20 struggling to reconcile two of your answers, one being that
21 you never saw the junior recruits as children, they were
22 always young men.

23 A. Yes.
24

25 Q. Yet, also your very significant emphasis on you and
26 the other officers being in a position of in loco parentis?

27 A. I don't see anything inconsistent with that.
28

29 Q. Would you explain that?

30 A. These young men were leaving school usually at about -
31 in the New South Wales equivalent at the Intermediate level
32 and they were going away from home for the first time.
33 They came to the establishment as young men. You'd have to
34 see them when they arrived at the beginning of their year
35 and then compare them with the senior year that graduated
36 12 months later and the difference was quite extraordinary.
37 These were young men who were going through the adolescent
38 situations that my children were going through, at least my
39 eldest daughter was, and I saw the need for us to act in a
40 loco parentis as being the right thing, not the wrong
41 thing. It was how we looked at their training and
42 upbringing, if you like.
43

44 Their parents weren't there. A lot of them were -
45 I heard somebody suggest that homesickness was just an
46 excuse to cover up sexual abuse. I found that quite
47 extraordinary. A lot of these kids were homesick, they

1 were. Shirley, my wife, used to help me a lot with this.
2 She also has, throughout my naval career she has been a
3 good judge of morale in whatever ship or establishment I've
4 been in. There were homesick young men who needed
5 counselling and needed a little bit of sympathetic support,
6 loco parentis, if you want to call it that, and we tried to
7 keep a very close contact with parents, particularly
8 Commodore Doyle, which wasn't often - you wouldn't often
9 identify that with him but he did do that. He had a lot of
10 contact with the parents and the families of junior
11 recruits and he was always conscious of the need to keep
12 them informed of any problems or issues that existed and he
13 had numerous letters from families that thanked him for
14 that particular attribute.

15
16 Q. Mr Sinclair, I am glad you used the word "sympathetic"
17 because I think that's the word that you wouldn't accept,
18 at the beginning your testimony, when I suggested what was
19 needed was a sympathetic leader at Leeuwin and you said
20 that you were sympathetic.

21 A. (No response).

22
23 MR STEWART: Your Honour, I note the time.

24
25 THE CHAIR: Have you finished? I assume you have.

26
27 MR STEWART: Yes.

28
29 THE CHAIR: Yes. Does anyone else have any questions?

30
31 MR FEHRING: I do, your Honour, I have two questions.

32
33 THE CHAIR: Has anybody else got any questions?

34
35 MR NUNAN: Yes, your Honour, I do have some.

36
37 MR O'BRIEN: I will be a short time as well, your Honour.

38
39 MS McLEOD: I will wait and see what comes, your Honour.
40 I only have two at the moment.

41
42 THE CHAIR: How long do we think all together? Would it
43 be inconvenient for you to come back tomorrow, Mr Sinclair?

44
45 THE WITNESS: I just cancelled my accommodation, but I can
46 do that, yes.

47

1 THE CHAIR: I think it might be best if we adjourn now
2 until 10 o'clock in the morning. Yes, we will adjourn.
3

4 **AT 4.00PM THE COMMISSION WAS ADJOURNED TO**
5 **THURSDAY, 23 JUNE 2016 AT 10.00AM**
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