

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

**Public Hearing - Case Study 40
(Day 192)**

Hearing Room 1, Level 17,
Governor Macquarie Tower
Farrer Place, Sydney Court

On Thursday, 23 June 2016 at 10.05am

Before:

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

Counsel Assisting: Mr Angus Stewart SC

1 THE CHAIR: Mr Stewart, have you finished?

2

3 MR STEWART: Yes, your Honour.

4

5 THE CHAIR: Does anyone else have any questions of
6 Mr Sinclair?

7

8 <PETER ROSS SINCLAIR, on former oath: [10.05am]

9

10 <EXAMINATION BY MR FEHRING:

11

12 MR FEHRING: Q. Mr Sinclair, my name is Ian Fehring and
13 I appear for a number of witnesses who are going to give
14 evidence in relation to the facility at Balcombe later in
15 this inquiry. Do you have your witness statement, please?
16 Do you have it there?

17 A. Yes.

18

19 Q. Can I take you to paragraph 17 of your witness
20 statement, please.

21 A. Yes.

22

23 Q. It relates to the use of the expression "grubs", "new
24 grubs", at the base when you were a senior officer at that
25 facility. Do you understand that?

26 A. Yes.

27

28 Q. Do you understand that?

29 A. Yes, yes.

30

31 Q. You say there that you had no difficulty with that
32 term - you saw no harm in that terminology being used about
33 16- and 17-year-old boys coming into Leeuwin; is that
34 correct?

35 A. Yes, I guess if I was to rewrite it I wouldn't have
36 said "no harm". I had concern for it. I was exposed to
37 it, if you like, when I joined Leeuwin. I wasn't aware of
38 this before I joined. It didn't surprise me, because
39 I found that was fairly typical of youngsters of that age,
40 that they would sort of give themselves nicknames and so
41 on.

42

43 I did consider, very early in the piece, should
44 I prevent this terminology from being used, and then
45 I looked at the practicalities of the matter and realised
46 that if I was to make it a disciplinary offence, for
47 example, to use the expression "grub", or "new grub", or

1 "top shit", or whatever, then I'd have a queue of junior
2 recruits outside my office every morning that would be very
3 difficult for me to sort of deal with, so I adopted a
4 different approach. Firstly, I made it clear to the staff
5 that I - that the terms were not to be used by anyone in an
6 official capacity or anyone who had supervisory or training
7 responsibilities for junior recruits, and I guess I'd I say
8 hoped that the expressions would eventually fade out when
9 the various initiatives that I wanted to put in place came
10 about.

11
12 Q. So is it your evidence that you now, at least with
13 hindsight, accept that the use of those terms, "new grub",
14 "top shit" - we've heard about them repeatedly - was in
15 fact harmful language for recruits to use to other
16 recruits?

17 A. I don't think I'd go that far. Indeed, I remember
18 thinking at the time if I was going to be called something,
19 I think I'd rather be called a new grub than a top shit.
20 In other words, it seemed to me as if the terminology was a
21 little bit illogical in the first place.

22
23 I don't think the junior recruits themselves saw it in
24 that way. Nevertheless, it wasn't to my - if I'd had a
25 magic wand I would have much preferred that those terms
26 were not used.

27
28 Q. Can I suggest to you that they were demeaning terms,
29 they were intended to demean, and it was a form of
30 hierarchy that the more senior recruits used over the
31 junior recruits to call them grubs?

32 A. No, I don't quite accept it in the way in which you've
33 said that and I don't think it was a serious problem at
34 Leeuwin. We had far more serious things to deal with than
35 those expressions that were used within the junior recruit
36 ranks.

37
38 Q. With hindsight, do you not now accept that perhaps
39 that was a mistake; that if you had moved more strenuously
40 to indicate to recruits that such language was
41 inappropriate and demeaning and not what a good seaman
42 would do, that it might have stopped?

43 A. No, I can't agree with that. I can't agree with that.
44 I think, as I said earlier, you could put more notices
45 around the place than you care to mention; you could issue
46 a broadcast every day saying that these terms are not to be
47 used, they would still be used and I don't think they had

1 the sort of demeaning intent that you suggest. I think it
2 merely - it was a way the junior recruits - the way the
3 junior recruits identified the first intake, the second
4 intake, the third intake, and the fourth intake, and
5 I don't think there was any demeaning intent, as such, in
6 the use of those expressions.

7
8 Q. Just to give you an opportunity to answer, the
9 individuals who have given evidence here did not see it in
10 that way. They saw it as, if you like, demeaning and a
11 challenge and that they were being treated like grubs?

12 A. Well, I --

13
14 MS McLEOD: I object to that. That's not the evidence.
15 If my learned friend wants to put something based on the
16 evidence he should put it on the evidence.

17
18 THE CHAIR: I'm not sure that we're now be helped by this
19 discussion. I understand Mr Sinclair's position. We
20 understand the evidence. I think we can leave it there.

21
22 MR FEHRING: Yes, your Honour.

23
24 Q. Could the DLA Piper report, page 119, be put on the
25 screen, please. It is page 119, it is table 15. Can you
26 just expand table 15 a little bit, please.

27
28 MR STEWART: I am sorry to interrupt my learned friend,
29 but, for the record, it is going to be helpful if we know
30 that that's the DART Report, not the DLA Piper report,
31 firstly; and, secondly, it is exhibit 40-008.

32
33 MR FEHRING: Yes, I'm sorry.

34
35 Q. Do you have that in front of you there, Mr Sinclair?

36 A. Yes, I have.

37
38 Q. Could I go to graph 15, the next one, a bit further
39 down?

40 A. What am I going to?

41
42 Q. Just a second. You will see this is a graph of all
43 allegations of abuse, including by sponsors - and we can
44 set that aside for one moment - but it is abuse by junior
45 recruits and staff by year. Do you see that?

46 A. Yes.

1 Q. You came to Leeuwin in mid-1972?

2 A. Yes.

3

4 Q. Some of the reports there would have been as matters
5 before you arrived; correct?

6 A. Yes, I was there from mid-'72 to almost the end of
7 1974.

8

9 Q. Yes. Those complaints that are referred to there in
10 1973 and 1974, during those two years, effectively, you
11 were at Leeuwin and in a very senior position and
12 implementing or having implemented the changes you told us
13 about yesterday in terms of the facility?

14 A. Yes. Yes.

15

16 Q. As you can see - and this was put to you yesterday -
17 there has been a significant decline from the mid-'60s and
18 even the '70s in terms of abuse occurring at this facility,
19 by 1973 and 1974?

20 A. Yes.

21

22 Q. Correct?

23 A. Yes.

24

25 Q. But there are still significant numbers of abuse
26 occurring while you were in charge and responsible for
27 these recruits; correct?

28 A. That's what the graph shows, yes.

29

30 Q. And it would appear, on what you say and what others
31 have said, that at no stage did these recruits feel able to
32 report that they had been abused to anyone in authority.
33 Do you accept that?

34 A. I find that very hard to accept. I find it very, very
35 hard to accept that none of the junior recruits that were
36 there during my time at Leeuwin were able to report either
37 in an informal or formal sense to people in authority or to
38 their parents or to the chaplains, or to their friends
39 amongst the junior recruits these allegations of abuse that
40 were carried out against them. I find that hard to accept
41 purely because I was there at the time and I know the
42 measures we put in place specifically to try to encourage
43 junior recruits not to withhold evidence of matters of this
44 nature.

45

46 Q. Isn't it the conclusion that the steps that you put in
47 place failed and recruits could not and did not make

1 complaints; that's the fact, isn't it?
2 A. There were no complaints of sexual abuse made by
3 junior recruits to anyone in authority or to me during my
4 time at Leeuwin. That's all I can say to you.
5
6 Q. Yes. What I'm putting to you is the measures that you
7 say you put in place to encourage and facilitate complaints
8 obviously failed, they were not successful?
9 A. I don't - I don't accept that.
10
11 Q. Why not?
12 A. Well, because you're assuming that initiatives were
13 either failures or successes, with nothing in between. We
14 went to great lengths to try to improve the, if you like,
15 communication within the establishment while I was there.
16 Both the direct supervision and the indirect observation of
17 junior recruits was stepped up to a high order during my
18 time there. We went to great lengths to encourage junior
19 recruits to be open and honest with not only their
20 divisional staff but informally with other members of
21 staff, including myself, throughout my time there, and for
22 you to say that all of these actions that I took were
23 unsuccessful, I find a little bit insulting.
24
25 Q. Your intentions are not what are being asked about --
26
27 THE CHAIR: Mr Fehring I think we've exhausted this topic
28 too.
29
30 MR FEHRING: Thank you, your Honour. I have no other
31 questions.
32
33 THE CHAIR: Thank you. Does anyone else have any
34 questions?
35
36 <EXAMINATION BY MR NUNAN:
37
38 MR NUNAN: Q. Thank you, your Honour. Admiral Sinclair,
39 good morning. Patrick Nunan is my name. I appear for some
40 of the abuse victims from Leeuwin.
41 A. Yes.
42
43 Q. Some of them were at the time of your time at Leeuwin,
44 some before. I want to take you this morning through the
45 chain of command arrangements that related to your time at
46 Leeuwin, between 1972 and 1974. Firstly, can I have up
47 your statement and, in particular, I want to take you to

1 paragraph 10.

2 A. Yes.

3

4 Q. You said in your evidence that your position was
5 commander executive officer?

6 A. Yes, it's either called the commander, that was my
7 official title was the commander, but that happened to be
8 the role of executive officer of HMAS Leeuwin.

9

10 Q. Thank you.

11 A. And also the deputy naval officer commanding, because
12 that was another task that I had that occupied my time.

13

14 Q. Admiral, you reported directly to Commodore Doyle?

15 A. Yes, I did.

16

17 Q. Did you report to anyone else?

18 A. Did I report to anyone else? No.

19

20 Q. Can you tell me who Commodore Doyle reported to?

21 A. Commodore Doyle reported through - well, I guess,
22 two-pronged: the next high authority was the flag officer
23 commanding east Australian area, I think it was called at
24 the time, and so if the place was to be inspected, for
25 example, the FOCEAA, as he was called, would come to do
26 that, and it happened during my time. But he reported
27 directly to the Navy Office, to the Naval Board, and so the
28 reports of proceedings that he wrote ended up at the
29 Naval Board where they were able to read, on a quarterly
30 basis, a summary of all of the activities that occurred
31 within Leeuwin and within the Western Australian area in
32 his capacity as an NOCWA.

33

34 Q. He had a dual requirement to report, is that what
35 you're saying?

36 A. I guess you could say that, yes.

37

38 Q. Both of those were located where?

39 A. The reporting places?

40

41 Q. Yes.

42 A. Well, the Navy Office was in Canberra.

43

44 Q. Yes.

45 A. And FOCEAA or the flag officer commanding east
46 Australian area was in Sydney. This was called a
47 geographic command in those days, but a few years later it

1 became a functional command and the system then changed.

2

3 Q. Was there any one person that was responsible for
4 HMAS Leeuwin in the hierarchy in Naval Board?

5 A. Well, ultimately, I suppose, the second naval member,
6 who was the Chief of Naval Personnel in those days. He
7 would have been responsible for training activities and
8 those types of activities that related to Leeuwin, but the
9 ultimate responsibility, of course, rested with the Chief
10 of Naval Staff.

11

12 Q. And the name of the person that was in charge of
13 training at the time, do you recall?

14 A. Are you talking about a Navy Office?

15

16 Q. Yes, on the Naval Board?

17 A. Look, I don't hold me to it because it was a long time
18 ago. I think it was Henry Burrell - I think. But don't
19 hold me to that, though. In other words, Rear Admiral
20 Burrell.

21

22 Q. Did anyone during your tenure at Leeuwin attend at
23 Leeuwin to see how the establishment was progressing as
24 against its objectives and its requirements?

25 A. Yes, I guess so, on a fairly regular basis, and all of
26 these were recorded, all of these visits and all of these
27 inspections were recorded in the reports of proceedings,
28 which I think are essential to this inquiry. So they're
29 all listed, and Mr Watson, who will be the next person on
30 the stand, was responsible in part for drafting the reports
31 of proceedings for Commodore Doyle, so he can verify this.
32 But there were visits by all manner of people from Navy
33 Office and from the flag officer commanding east Australian
34 area - all manner of people. The Director of Naval
35 Training would come to look at a specific matter.
36 Sometimes --

37

38 Q. Do you recall actually when that occurred?

39 A. Look, if I had the reports of proceedings here I could
40 give you the dates, the names of the people and their
41 purpose for visiting Leeuwin. I simply don't have that and
42 I couldn't possibly be expected to remember after 40-odd
43 years the names --

44

45 Q. That's okay, I appreciate that, that you can't
46 remember that?

47 A. What I'm saying is the information is available. It's

1 available and I'm sure the Royal Commission has access to
2 those records.
3
4 Q. Do you have specific memory of speaking personally to
5 somebody from the Naval Board during that period of time
6 1972-1974?
7 A. Well, yes. Specific?
8
9 Q. Yes.
10 A. The actual words spoken, no, I don't.
11
12 Q. No.
13 A. But you have to understand that every time the fleet
14 visited the fleet commander would come to Leeuwin and he
15 would perhaps inspect the divisions and walk around the
16 establishment and so on. Four times a year there were
17 passing out parades at which authorities that ranged from
18 the Chief of Naval Staff to the second naval member, the
19 member for personnel, would come and inspect the
20 passing out parade. On each of these occasions I would
21 speak with the senior officers concerned about a whole
22 manner of things.
23
24 Q. Thank you. What I'm specifically looking at here is a
25 visit specifically by Naval Board in charge of training as
26 to what was happening and how Leeuwin was progressing as
27 against its aims and objectives during your two-year
28 period. Do you recall specifically a visit for that
29 purpose?
30 A. No, I don't. If I sort of interpret your question,
31 are you saying --
32
33 Q. I'm just asking you your recollection, that's all I'm
34 asking. I think you have answered it.
35 A. I think I've answered the question, but if you're
36 suggesting did the Chief of Naval Personnel, for example,
37 come to Leeuwin because he was alarmed at things that were
38 happening at Leeuwin and wanted to see for himself what the
39 situation was, the answer is no, that never happened during
40 my time.
41
42 Q. Thank you. Can I just take you now to paragraph 11 of
43 your statement.
44 A. Yes.
45
46 Q. I'm curious as to what role the instructor captain had
47 to play at Leeuwin?

1 A. The Leeuwin curriculum for junior recruits - firstly,
2 can I say there was also the officer candidates, some of
3 whom were ex-junior recruits who were transferred from the
4 junior recruit divisions to the officer candidate course to
5 achieve their West Australian leaving certificate so that
6 they could then go to the Naval College or become
7 supplementary list naval officers. So the instructor
8 captain was involved in that, but he was also involved in
9 the academic curriculum for the junior recruits themselves.
10 They spent quite a lot - I guess the majority of the
11 working day - the working day, I'm talking about, sort of 8
12 until 4 - in classrooms being taught a whole manner of
13 academic subjects to further their academic abilities.

14
15 They came to Leeuwin, if I could use New South Wales -
16 from all States of Australia, but if I use New South Wales
17 as an example - having reached their intermediate
18 certificate, as it was called in those days, I think that
19 was year three in high school? And then they received at
20 Leeuwin, you might say, another year of selective academic
21 education that was geared to both lift their intellect, if
22 you like, but also improve their skills in certain nautical
23 subjects, such as navigation, which is largely sort of
24 academic and mathematics and so on.

25
26 Q. Thank you.

27 A. So he was in charge of that.

28
29 Q. But how did he fit within the chain of command?

30 A. What can I say? He was responsible for the school
31 activity that was a component of the overall junior recruit
32 training activity.

33
34 Q. He was higher rank than you?

35 A. He was a higher rank than me in that he was a captain,
36 yes, and I was a senior commander. But that had no bearing
37 on the subject.

38
39 Q. And he had no role to play in the supervision or
40 training outside of academic qualifications within Leeuwin
41 itself?

42 A. Supervision, yes, within the confines of the
43 classrooms and --

44
45 Q. Not outside the classroom?

46 A. -- the study activity and so on, and where a junior
47 recruit was back-classed or had to stay in and do extra

1 homework or something, he was overall - had overall
2 responsibility for that. But from my point of view as
3 commander, I was very conscious of the fact that much of
4 the working day was spent in the classroom. I, therefore,
5 got to know the instructor officers themselves on a
6 personal basis and expected them to do me a favour by
7 keeping an eye on the junior recruits during this time and
8 letting me know if there were any problems or issues that
9 might occur during their time under instruction.

10
11 Q. Did that captain take part in divisional meetings?

12 A. No.

13
14 Q. Why was that?

15 A. Because he wasn't involved in the divisional matters
16 at Leeuwin.

17
18 Q. But surely the academic area of Leeuwin was an
19 extremely important part, and what was happening in the
20 classroom was an extremely important part, of what was
21 happening at Leeuwin?

22 A. Yes. Yes, it was.

23
24 Q. But he wasn't involved in divisional meetings?

25 A. No. Nor would I expect him to be.

26
27 Q. I would like to take you to the investigation of
28 complaints. Complaints that were made through the system
29 at Leeuwin - who normally carried out the investigations?

30 A. This is complaints; you're not talking about
31 disciplinary matters, this is about complaints?

32
33 Q. Complaints, yes.

34 A. Well, it would go through the divisional system first.
35 It would - if I could take a typical sort of situation, if
36 a junior recruit felt that he was aggrieved for whatever
37 reason, he might either go directly to the divisional
38 officer or to one of the divisional senior sailors. In
39 either case, it would end up before the divisional officer
40 and he would hear that complaint and make a decision as to
41 whether he could satisfy it or not. If he couldn't satisfy
42 it, if he felt it went a bit beyond his area of
43 responsibility, he would pass it on to me. Well, it could
44 be passed on to the training officer, depending on the -
45 there was a lieutenant commander called a training officer
46 who had overall responsibility to me for the training
47 (non-academic) of junior recruits. So it could go to him

1 if it was that way - if the complaint was in that sort of
2 area. But usually it would come to me and I would hear the
3 complaint. If I could deal with it, I would. If I felt
4 that it went a bit beyond my limits of authority, or if
5 I felt that it had - it had a suggestion of inappropriate
6 behaviour by staff - and I'm not talking here about sexual;
7 I'm talking about staff, the professional standard of which
8 might not have been to my satisfaction - then I would pass
9 it to the commodore.

10
11 Q. Was it discouraged --

12 A. Could I just say this?

13
14 Q. Yes.

15 A. I made it abundantly clear to the junior recruits -
16 when they joined I spoke to every division, every new
17 intake, and I explained the business of stating complaints.
18 If they had a problem of any sort that they wanted resolved
19 then I went through the procedure for them as to what they
20 could do. I also emphasised the fact that if they did
21 not - if they weren't satisfied by the divisional officer's
22 statement, that, you know - if they weren't satisfied with
23 that they could require the divisional officer to pass them
24 on to me in any case. And that was also stipulated in the
25 standing orders that were displayed around the
26 accommodation blocks and in the - I think in the Junior
27 Recruit's Handbook.

28
29 Q. They were discouraged from bringing a complaint direct
30 to you?

31 A. No, no, that's completely the opposite of what I said.
32 They weren't discouraged from bringing the complaint to me
33 at all.

34
35 Q. In the first instance?

36 A. It wouldn't have entered the junior recruit's head,
37 I would think, if he had a problem with a kit master or
38 something, that he wanted to see the commander. I don't
39 think they set off to see me directly. They would go
40 through the divisional system. What I'm saying is the
41 divisional officer could either pass the thing on to me, if
42 he believed that it was something that warranted the
43 commander's attention --

44
45 Q. Can I just interrupt there.

46 A. Yes.

1 Q. I'll cut to the chase in this.
2 A. Yes.
3
4 Q. In the first instance, for a serious complaint, was it
5 possible for the recruit complainant to complain directly
6 to you?
7 A. Was it possible? It never happened, put it that way.
8
9 Q. I'm saying was it possible?
10 A. I can't think how it might be possible without - in
11 other words, to knock on my door and say, "Could I "--
12
13 Q. Yes. I think I might move on to the next area there.
14 A. Let me say this: if a junior recruit wanted to see
15 the commander, he was able to do that. He did not
16 necessarily have to tell the divisional officer why he
17 wanted to see the commander. He could say, "I request to
18 see the commander about a personal matter", and the
19 divisional officer would then pass that matter to me.
20
21 Q. Did that ever happen?
22 A. Did that ever happen? Oh, boy. I'm going back.
23 I think it did happen. I vaguely remember on a couple of
24 occasions that I had a junior recruit who came to me on a
25 personal matter, and it was a personal matter. It was
26 usually to do with family. "I've got a problem at home.
27 My mother's got" whatever, et cetera, et cetera, "and
28 I don't know what to do" and et cetera. And I would try to
29 deal with it and, in some instances - I can remember,
30 I think, two instances where this might have occurred, but
31 please don't hold me to that, but it was possible to do it,
32 I think, in answering your question.
33
34 Q. What role did the Naval Police take insofar as
35 investigation of complaints by recruits?
36 A. The Naval Police were there under the regulating
37 officer who was - if I could use a civilian term, he was a
38 sort of a superintendent of police. The Naval Police were
39 professional Naval policemen, and the regulating officer
40 was somebody who was trained in investigative activity and
41 in dealing with doing a formal investigation into whatever
42 it was that he was investigating. What role did they play?
43 They were involved in all of the activities involving the
44 ship's companies, in other words, the staff --
45
46 Q. But not the recruits?
47 A. No, they were involved with the recruits - if there

1 were serious matters they would become involved, because
2 they were the professional sort of police people and - yes,
3 I don't know if I can answer that any better.
4 Lieutenant Slattery, as he was in my time, was a very
5 efficient regulator --
6

7 Q. Could I just interrupt you there.

8 A. Yes.
9

10 Q. I would like to go to this last part. Is it fair to
11 say that back in the period between the mid-1960s and the
12 mid-1970s, the Navy had a zero tolerance for what was
13 called homosexual behaviour?

14 A. Yes, I think that's fair to say that, yes. Yes.
15

16 Q. Could I take you to a bundle of exhibits --

17 A. Sorry?
18

19 Q. A bundle of documents.

20 A. Yes.
21

22 Q. I want you to read out something.

23 A. Yes.
24

25 Q. I want to go to tab 49.

26 A. Is that it? Tab 49, is that what - okay, right, yes.
27

28 Q. I want you to go to paragraph 3. Could you please
29 read out paragraph 3?

30 A. You want me to read it out aloud, do you mean?
31

32 Q. Yes, please.

33 A. Well, yes, I can.
34

35 Q. Thank you?

36 A.
37

38 *The most important decision which must be*
39 *made when a situation of this nature occurs*
40 *is whether the offender or suspect should*
41 *be discharged from or retained in the*
42 *Service. To arrive at a decision all*
43 *relevant factors must be considered - the*
44 *offence alleged or the behaviour suspected;*
45 *the person involved; their service records,*
46 *personalities, motives. Intoxication is a*
47 *frequent factor. While it does not excuse*

1 *unnatural conduct it must be considered in*
2 *determining the disposal of an offender or*
3 *suspect, particularly when a young sailor*
4 *is involved.*

5
6 Q. That particular order came in in 1969.

7 A. Yes.

8
9 Q. I want to now take you to tab 65.

10 A. 65?

11
12 Q. Yes, please.

13 A. I don't think I have 65.

14
15 Q. It should be on the screen. Go to paragraph 3?

16 A. Sorry, I don't have 65.

17
18 Q. It should be on the screen?

19 A. Wait until I get this out of the way.

20
21 Q. Could you read out paragraph 3?

22 A. The whole of it?

23
24 Q. Yes, please.

25 A. Right:

26
27 *The following instructions are issued by*
28 *way of guidance in dealing with cases of*
29 *immorality. Although moral insensibility*
30 *of the nature of such offences is not*
31 *general, it is sufficiently widespread to*
32 *render it necessary to persevere in the*
33 *effort to stamp out the evil. The Royal*
34 *Australian Navy cannot afford, and does not*
35 *want, to retain homosexuals in its ranks.*
36 *The corrupting influence of such men is*
37 *widespread, and their eradication from the*
38 *Service is essential if the Navy is not to*
39 *betray its trust towards the young men in*
40 *its midst who may be perverted by them.*
41 *Although no evidence has been detected to*
42 *support the suggestion that there might be*
43 *a direct connection between homosexuality*
44 *and communism, the possibility of blackmail*
45 *cannot be disregarded.*

46
47 Q. Could it be that one of the reasons why the complaints

1 of sexual abuse amongst the recruits were not made to the
2 authority was because of the fear of discharge because of
3 homosexual activity?

4 A. I guess that's probably correct. All I can say is
5 that there were no such events, if I can use that word,
6 reported to me or detected during my time at Leeuwin.
7 Having said that, did we make - did we make clear this sort
8 of - you know what I've just read out to the junior
9 recruits? I think the answer is no. These were
10 confidential naval orders, they were not displayed in a
11 sort of a public sense. Did we make an issue of
12 homosexuality being banned in the Navy? I don't think we
13 did. And I ask you to believe that it wasn't - how can I
14 put it? - it wasn't the issue then that it might be now,
15 and we had no reported incidents of this occurring during
16 my time. Having said that - can I just say this --

17
18 Q. I've finished with my question.

19 A. No, I think I should say this. Commodore Doyle and
20 myself did discuss these confidential naval orders which
21 were not made available to junior recruits and I can
22 remember discussing with him what would happen if we do -
23 you know, if something like this occurs, and I remember him
24 saying at one stage that we have to be - with junior
25 recruits, we have to be mindful of the sort of
26 experimentation factor and not - if it does occur, we
27 should not necessarily jump in and implement the strict
28 orders that are contained in these things; we should
29 endeavour to find out if experimentation and - I won't say
30 harmless experimentation, but you know what I mean --

31
32 Q. Yes.

33 A. -- it part of the issue.

34
35 Q. Finally, the '66 orders were marked "Confidential" but
36 the '69 weren't; would you agree with that?

37 A. If you say so. I haven't counted them.

38
39 MR NUNAN: Thank you, that's all I have, your Honour.

40
41 **<EXAMINATION BY MS DAVID:**

42
43 MS DAVID: Q. My name is David and I represent
44 Mr Glen Greaves and also [CJT] who were at Leeuwin. I just
45 have a couple of questions. Can you hear me?

46 A. Yes, I can, I can hear you.

1 Q. Thank you. Just a couple of questions. Yesterday, at
2 page 19448, line 19, I hope they might bring it up on the
3 screen just for clarity, you were asked some questions,
4 I'll read it out to you. Counsel Assisting suggested to
5 you that based upon the Rapke Report and what they'd heard
6 from DART, that there was a barbaric system of senior
7 junior recruits and perhaps some junior leading recruits
8 imposing their will in the absence of supervision. Your
9 answer was this:

10
11 *That certainly didn't happen during my time*
12 *and I wouldn't have permitted it.*
13

14 A. Yes.

15
16 Q. What I'm concerned with is that at paragraph 17 of
17 your statement, referring to the use of the terminology,
18 "new grubs" --

19 A. Yes.

20
21 Q. -- and also given some of your evidence this morning,
22 you've indicated that even if you had wanted to stamp it
23 out, you couldn't have. I'm just asking you, how can you
24 reconcile those two things? On the one hand, you're saying
25 with great confidence yesterday that you would not have
26 permitted that sort of behaviour; on the other, to use your
27 words, in your statement, "I recognised that the absolute
28 prevention would have been impossible to attain." I just
29 don't understand how you could reconcile those two
30 positions?

31 A. Well, I can only repeat what I said earlier. I was
32 first confronted with this when I joined Leeuwin. I had no
33 idea that they called themselves or identified themselves,
34 the hierarchy, by these terms, and my first reaction when
35 I heard it was - well, firstly, my first reaction was that
36 this is a little immature, and then I thought, well, should
37 we - should we try to stamp this out, to use your words,
38 and then I sort of reasoned, if I did that I would end up
39 with a disciplinary situation that would distort the whole
40 business of running the establishment at this crucial time,
41 when I'm trying to put into effect initiatives that will
42 make a difference. Banning the use of "new grub" and
43 "grub", with the inevitable result that hundreds of junior
44 recruits would be lined up before me for disciplinary
45 reasons for using the expression, would be totally
46 impracticable.
47

1 Q. I won't persist too much on this, but I just want to
2 make the point that if you had given the orders that, "From
3 this day forth no-one is to use that sort of language", do
4 you accept that you did have the power to stop it or don't
5 you? I'm not suggesting you didn't --

6 A. I have to say --

7
8 THE CHAIR: I'm sorry. There maybe a power but there's
9 also a practical world that you have to operate in.
10 I think we understand the point.

11
12 MS DAVID: Yes, your Honour.

13
14 Q. The other matter, yesterday you raised - I don't want
15 to go back through the detail, but just in relation to your
16 own initiation process that you were involved in, I want to
17 ask, you how did that stop, or you said that that didn't
18 occur the next year?

19 A. Yes.

20
21 Q. That was the last year. What was the process that was
22 put in place to ensure that that sort of behaviour didn't
23 continue --

24 A. Look, I simply don't know because I was a cadet
25 midshipman and I had no access whatsoever to the higher
26 command reasoning. I was sort of fairly happy that it did
27 happen, that they stopped it, but, at the same time, I've
28 got to say it didn't have a nasty effect on me. I had a
29 sort of a sense of pride at the end of it, I suppose.

30
31 Initiation - I mean, I've heard all the talk about
32 initiation, and the type of initiation we're addressing
33 here which involves bastardisation I think is totally and
34 utterly unacceptable, but initiation itself is not a nasty
35 word.

36
37 For example, I have been initiated probably half a
38 dozen times on board ships involving almost stripping
39 naked, being thrown into a pool, being covered in all sorts
40 of the foulest messes you could ever imagine, ever imagine,
41 smelly as all get-out, every time I crossed the line. For
42 centuries, sailors have been conducting initiation
43 ceremonies for "crossing the line" ceremonies. I don't see
44 that that is in any way and abhorrent. Indeed, my personal
45 view is we should continue to keep that tradition going,
46 and one of the sad things about being a captain of a ship
47 or an executive officer of a ship, usually when you're

1 initiated at sea - and I know, your Honour, this has no
2 relevance to anything - when you're initiated at sea you're
3 given a certificate and that usually excuses you from being
4 initiated again. But it doesn't for the executive officer
5 and captain. They get initiated every time you cross the
6 line.

7

8 THE CHAIR: Q. What's the value of initiation as you
9 describe it?

10 A. Of that sort of initiation?

11

12 Q. Yes.

13 A. Oh, just to say you've met King Neptune and you've
14 followed a tradition that has been going for centuries, in
15 this case, not only in the Navy, but in naval service - in
16 sea-going service. You go across in a --

17

18 Q. What's its value? What does the Navy achieve from it?

19 A. What does the Navy achieve from it? Absolutely
20 nothing. Absolutely nothing. But why would you want to -
21 why would you want to stop it? If you go on a cruise and
22 you cross the equator they hold an initiation ceremony and
23 usually they have about 20 passengers that will volunteer
24 to be initiated. I mean, I guess the point I'm making is
25 that initiation itself is not - it is not, by itself, a bad
26 thing.

27

28 If it is an initiation that involves bastardry and
29 abuse and physical abuse and denigration and that sort of
30 thing, of course that's not to be condoned, and it
31 certainly was not condoned at Leeuwin.

32

33 MS DAVID: Q. Just to be clear, you had no involvement,
34 clearly, in any complaint or stopping the initiations the
35 following year at Creswell; is that correct?

36 A. No, other than some of the bruisers might have
37 convinced people that it wasn't a good thing to have
38 happen.

39

40 Q. Clearly, there was a determination that it was
41 inappropriate through the system, but you're not sure how?

42 A. I'm sorry that came out yesterday, and I know that the
43 media have now made a big thing about it. But could I just
44 say that the initiation that I experienced was official.
45 There were staff officers there, there were doctors there,
46 it was run - it was a very well organised affair that ran
47 like clockwork. It lasted about an hour and a half,

1 I think.

2

3 THE CHAIR: Q. You asked me yesterday, Mr Sinclair what
4 was its significance to us. Do you remember that?

5 A. Yes.

6

7 Q. How it was relevant? You see, it may be said that if
8 you have a process which you describe as "an official
9 process", which involves inflicting, as you describe it, at
10 the very least physical harm upon a new recruit or a young
11 sailor, it may be said that that is the starting point for
12 a psychology in the Navy that allowed for or gave the space
13 for these young recruits to engage in the behaviour which
14 they seem to have engaged in before your time at Leeuwin.
15 Do you understand that?

16 A. Yes. I see where you're coming from. All I can say
17 is that at the Naval College it was phased out, if I can
18 use that expression. It should never have happened at
19 Leeuwin and I can't explain why it did or how long it had
20 been going on. All I know is that when I arrived there,
21 there was no question that initiation ceremonies were not
22 condoned and, if they were held, the people who carried out
23 the initiations would suffer the consequences.

24

25 Q. You see, when you have a process which you describe as
26 being virtually an official process, and that is an
27 accepted part of naval life, when the 15-, 16-year-olds,
28 who are young children or young boys, become part of that
29 culture, it is not very hard to see how things can get out
30 of control, is it?

31 A. No, when you put it like that. Bear in mind I'm
32 talking about January 1948 in my instance.

33

34 Q. Sure.

35 A. And we're - I have no - I have no knowledge, you
36 probably would know better than I, whether official
37 initiation seminars were held at Leeuwin in the 1960s.
38 I just don't know. I would be very surprised if they were;
39 and if they were unofficial, then they should have been
40 stopped, simple as that.

41

42 MS DAVID: Nothing further. Thank you.

43

44 <EXAMINATION BY MR O'BRIEN:

45

46 MR O'BRIEN: Q. My name is O'Brien and I represent a
47 fellow who has given evidence already, [CJB]. He was at

1 Leeuwin before and during the course of your tenure there.
2 A. Yes.
3
4 Q. I want to ask you about two things. The first of them
5 is the attrition rate. He says - he has given evidence -
6 that he came in with a cohort, he was in the 37th intake
7 called Rhoades?
8 A. Yes.
9
10 Q. Are you familiar with them?
11 A. Yes.
12
13 Q. In October --
14 A. I am familiar with the name. I wouldn't be familiar
15 with the individuals now.
16
17 Q. I understand that. He came in in October 1971 with
18 120 other lads; right?
19 A. Yes.
20
21 Q. When he came back from Christmas, after Christmas
22 holidays in 1971, he returned in January 1972.
23 A. Yes.
24
25 Q. He says 40 boys did not return to Leeuwin?
26 A. Yes.
27
28 Q. That would be what has been described as an "attrition
29 rate" or "wastage rate" or "drop-out rate", or whatever -
30 that's about 40 per cent - sorry, it is about a third,
31 isn't it?
32 A. Yes.
33
34 Q. About a third didn't return.
35 A. Yes.
36
37 Q. That was just months before you arrived.
38 A. Yes.
39
40 Q. It was after the Connolly report had been published.
41 A. Yes.
42
43 Q. You gave evidence yesterday that you were not aware of
44 the attrition rates and you didn't inquire about them?
45 A. In the '60s?
46
47 Q. Yes.

1 A. Before I joined?

2

3 Q. Before you joined?

4 A. I didn't inquire about the - I didn't do any sort of
5 research on the attrition rates during the '60s and 1971,
6 no.

7

8 Q. So you weren't familiar with that statistic?

9 A. No.

10

11 Q. Of the Rhoades intake, 37th intake at Leeuwin, there
12 was a one-third attrition rate?

13 A. Yes. There's something terribly wrong there.

14

15 Q. That was what you came in to rectify, all these
16 drop-outs, all these --

17 A. No, I didn't come in to rectify drop-outs. I came in
18 to - I came in. I didn't know that I had been selected to
19 go to Leeuwin for this particular purpose.

20

21 Q. One of the purposes --

22 A. It was Commodore Doyle that told me, when I joined,
23 that he had been sent to Leeuwin to sort the place out
24 after some problems that had occurred in previous years and
25 he had selected me as his executive officer because he was
26 given the opportunity to pick his deputy, and he told me
27 that, I guess, to make me feel a little better about going
28 from commander of a destroyer to a second in command of a
29 shore establishment.

30

31 Q. The question was too broad and I have strayed off
32 topic. I want to focus on this.

33 A. Yes, go on.

34

35 Q. When you were there as executive officer or commander,
36 did you then take note of what the attrition rates were for
37 that two-and-a-half-year period that you were in the
38 position?

39 A. Yes.

40

41 Q. How did they change?

42 A. I seem to recall they reduced slightly, but the
43 attrition rates when I was there were not, I believe,
44 unusually large. And let me just say this: I played a
45 part in this process. Junior recruits, as you know, had
46 the option to leave the establishment if they so chose,
47 after - and don't hold me to this --

1
2 Q. Three months?
3 A. Three months. Okay. After three months, and then
4 they could request through the divisional officer to leave
5 the Navy.
6
7 Q. Yes.
8 A. The junior recruits then appeared before me and
9 I questioned them, at length, over the reason why they
10 wanted to leave the Navy; not to try to --
11
12 Q. You personally did that?
13 A. Yes, me, yes.
14
15 Q. So you interviewed each person who had signalled an
16 intent to leave or be discharged?
17 A. Not who signalled an intent but the ones who actually
18 made the request, formal request.
19
20 Q. So, just going back to the questions of the numbers,
21 where would we find the numbers, for example --
22 A. In the reports of proceedings. Every quarter, part of
23 the report of proceedings is the disposal of the
24 passing out intake.
25
26 Q. And when people came to you and said, "Look, I would
27 like to be discharged", did you make a record of that
28 anywhere?
29 A. Personally, no.
30
31 Q. So there was no --
32 A. But a record was kept, and I think Mr Watson will be
33 able to corroborate that --
34
35 Q. He might be able to assist as to the reasons why
36 people were wanting to leave?
37 A. No, he probably wouldn't be able to do that; I'm
38 probably the better person to ask on that, because --
39
40 Q. I don't want to challenge your memory on this; I want
41 to find some contemporaneous records. Is it possible to do
42 so?
43 A. It is possible, through the reports of proceedings,
44 one of which I have with me, the first report of
45 proceedings covering my period at Leeuwin, and it contains,
46 it always contains, every quarter, a paragraph which shows
47 the disposal of that particular intake that passed out at

1 the end of the quarter, and it lists such things as,
2 "Transfer to the Officer Candidate Scheme".

3
4 Q. Yes.

5 A. "Transfer to the Nirimba Apprentice Training Scheme",
6 "Transfer to Naval Aviation", those that have been
7 medically discharged, those that have been declared as -
8 I've forgotten what the expression is - temperamentally
9 unfit for naval service, and it also contains those who had
10 requested to leave the Navy.

11
12 Q. We've got some details in tab 53, Ringtail 0013, but
13 what I'm interested in is a record of the notes you may
14 have taken, but it appears you haven't taken notes of the
15 conversations you had with those recruits.

16 A. No, I have to say I did not take notes.

17
18 Q. Okay.

19 A. My purpose was to try to understand the real reason
20 why these youngsters were leaving.

21
22 Q. One of the important features, I imagine, of your role
23 as commander is to understand why there is a high attrition
24 rate and reduce it; correct?

25 A. If there was a high attrition rate it would be my hope
26 that the measures that I put in place would reduce it, yes.

27
28 Q. Thank you. I want to ask you next, if I may, on this
29 last topic and that is staff turnover.

30 A. Staff turnover?

31
32 Q. Yes, staff turnover. Take, for example, my client's
33 situation. He returned to Leeuwin, as I said, in January
34 1972.

35 A. Sorry, January?

36
37 Q. January 1972?

38 A. As a junior recruit?

39
40 Q. He was still a junior recruit. He had been there, by
41 that stage, about six months.

42 A. Yes.

43
44 Q. He came to realise that all of the divisional
45 officers, including one whom he had attempted to complain
46 to about some abuse, had gone?

47 A. Yes.

1
2 Q. They had been transferred away from this base. What
3 was the staff turnover of the officers within Leeuwin; can
4 you tell us?

5 A. That's a difficult question.
6

7 Q. I'm only asking about your tenure there. You were
8 there for two and a half years?

9 A. Yes.
10

11 Q. Was that a common sort of turnover?

12 A. I guess if I was to attempt an answer to that I would
13 say with the divisional officers, if that's what you're
14 primarily concerned with, the turnover of the young
15 lieutenants - "young lieutenants" - lieutenants with two to
16 four years seniority was probably every two years;
17 18 months, two years, that sort of thing. In the Navy you
18 want, particularly with young officers, to give them as
19 much experience of naval activity, which covers a broad
20 scope, as possible, so you don't leave them there for four
21 years, because that would be detrimental to their career
22 progression, but there were also divisional officers there
23 who had been there for quite some time - in one instance,
24 probably too long; but in another instance that I can think
25 of - and I don't mind mentioning his name, he's no longer
26 with us - there was a Lieutenant Commander Johnno Johnson,
27 who was the gunnery officer, who had been there for quite a
28 number of years. I think he had been in the Navy for 50
29 years when retired.
30

31 Q. How long had he been at Leeuwin for?

32 A. Certainly through out my two and a half years, and
33 I think he'd been there - don't hold me to it but he'd been
34 there for a year to two years before that.
35

36 Q. Was his nickname "Guns"?

37 A. The gunnery officer is usually called "Guns", yes.
38

39 Q. Was his nickname "Guns Johnson"?

40 A. No, he was called Johnno. His name was John Johnson.
41

42 Q. Was he a lieutenant commander?

43 A. Lieutenant commander, yes.
44

45 Q. Are you saying that he was Lieutenant Commander
46 Johnson?

47 A. Yes.

1
2 Q. J-O-H-N-S-O-N?
3 A. Look, I think so. I think so.
4
5 Q. You say he was there during your tenure?
6 A. Yes, right throughout.
7
8 Q. Did you hear my client's evidence yesterday?
9 A. No.
10
11 Q. Mr [CJB]'s evidence?
12 A. No.
13
14 Q. He's given evidence that Lieutenant Commander Guns
15 Johnson refused to take --
16 A. Refused?
17
18 Q. Refused to take a complaint from him about the sexual
19 abuse of another staff member, more junior staff member.
20 You're not aware of that?
21 A. No. I would be staggered.
22
23 Q. That's his uncontested evidence, and I understand that
24 he is dead.
25 A. Yes, I appreciate that. Could I just say - I mean,
26 I don't know when that happened --
27
28 Q. 1971?
29 A. Well, I wasn't there then. But I think I must say
30 something in defence of Lieutenant Commander Johnson. He
31 was a legend at Leeuwin. He was the - he was seen by the
32 junior recruits to be a sort of a grandfather. He had
33 wonderful rapport with them and I used to --
34
35 Q. Let me stop you there. It looks like we may be at
36 cross-purposes. We may well be talking about a different
37 officer. My client's evidence was that he had gone by
38 January 1972. I'm not going to continue this line of
39 inquiry, your Honour, as it's come as a bit of a
40 surprise --
41 A. Johnno Johnson was awarded the MBE four months before
42 I arrived.
43
44 MR O'BRIEN: I say through you, your Honour, we may be
45 talking about a different man and it would be unfair to the
46 witness and to the deceased to continue with it.
47

1 THE WITNESS: Well, I hope the newspapers don't get this
2 wrong because he doesn't deserve it.

3
4 MR O'BRIEN: I won't continue with it. That's all I have
5 your Honour.

6
7 MS McLEOD: Your Honour, if it is of assistance, we can
8 provide some data about discharge figures for each year.
9 Of course they reflect different reasons for people
10 leaving, but if that's of assistance to the Commission, we
11 could provide just a short year-by-year discharge rate
12 summary.

13
14 MR STEWART: I accept that, thank you, your Honour.

15
16 MS McLEOD: I'll ask for that to happen.

17
18 <EXAMINATION BY MS McLEOD:

19
20 MS McLEOD: Q. Could I just ask you some short questions
21 Mr Sinclair. My name is McLeod, as you know, and I appear
22 for Defence. You were asked some questions about your role
23 in the discharge of junior recruits. Could I just ask you
24 to clarify for the Commissioners what was your role in the
25 discharge of junior recruits? Did you speak to them at the
26 time of discharge?

27 A. Yes, I spoke to them as their request was processed
28 and I did so primarily to find - to satisfy myself that
29 they were leaving for what I might say legitimate reasons.

30
31 Q. Yes.

32 A. What I was, I suppose, looking for was that were any
33 of them going to say to about me that they left because of
34 inappropriate treatment at Leeuwin.

35
36 Q. Did any of them say they left for those reasons?

37 A. No. No, they didn't. The usual - the usual - there
38 were a variety of reasons. I mean, I can recall them
39 saying that their family circumstances had changed and, you
40 know, that their mother needs them at home and that sort of
41 thing. Some were offered jobs that they wished to take up.
42 There were some with peer pressure, their friends at home
43 say they should come. There were some, which always made
44 me a little sad, which had romantic reasons for wanting to
45 leave, and so on, but the majority just found that they
46 didn't like the thought of naval life and wanted to try
47 something else, and I was perfectly happy to accept that as

1 a reason.

2

3 Q. Did you also have an opportunity to speak to the
4 parents of the junior recruits?

5 A. Yes, I did. Parents would occasionally come,
6 particularly from interstate, they'd have to come a long
7 way to see their sons and, on occasions, the junior
8 recruits would bring them to me to introduce me to them,
9 but, in particular, there was a passing out parade that was
10 held every quarter, so there were four passing out parades
11 a year at Leeuwin, so I had 10 passing out parades during
12 my time at Leeuwin. They were splendid affairs. They
13 would rival Duntroon, I'd have to say for my Army
14 colleagues. They really, really turned on a wonderful show
15 and there were upwards of 1,000 to 2,500 visitors would
16 come to watch the passing out parades, and some of them, a
17 lot of them, were parents of junior recruits who were
18 watching their sons leave Leeuwin to go on to other things.

19

20 THE CHAIR: Q. Mr Sinclair, can I just ask you --

21 A. And I would meet with them after the passing out
22 parade.

23

24 MS McLEOD: Q. And you could talk to the parents at
25 those meetings?

26 A. Yes, not all of them.

27

28 THE CHAIR: Q. Mr Sinclair, I want to ask you a
29 question?

30 A. Yes.

31

32 Q. We've now spoken to thousands of people who have been
33 sexually abused as children. Do you understand?

34 A. Yes.

35

36 Q. A very common, almost universal, pattern is that they
37 felt unable to tell anyone that they'd been sexually abused
38 until 20 or more years after the events happened.

39 A. Yes.

40

41 Q. I don't know whether you've heard of what we've learnt
42 in that area or not before coming here, but did that cause
43 you to reflect upon whether or not, if the true reason for
44 a recruit leaving was that he had been sexually abused, he
45 probably wouldn't have told you?

46 A. No, I have to say, your Honour, that at the time, I'm
47 talking now about '72, '73, '74, that thought did not enter

1 my head.

2
3 Q. No.

4 A. In other words, I didn't - when I spoke to the junior
5 recruits I did not sort of consider whether they'd been
6 sexually abused during their time and that that might have
7 been the reason why they were leaving. I didn't ask them
8 that question and I would have been hugely surprised if any
9 of them had said, "Yes, that's why I'm going."

10
11 Q. Even if you'd asked them the question, what we have
12 learnt tells us that you probably wouldn't have got the
13 answer, or the true answer?

14 A. Probably not. I know --

15
16 Q. So we're left not knowing, in truth - when a lad says
17 to you there's a family reason or some other reason, we're
18 left not knowing, in truth, whether there was anything more
19 significant?

20 A. No, I agree with that. All I can say is that the
21 reasons that they gave me, particularly with family matters
22 and whatever, seemed plausible to me. And my whole purpose
23 in seeing them and talking with them was to try to
24 determine whether there was anything, any reason that would
25 require me to take action.

26
27 THE CHAIR: I understand.

28
29 MS McLEOD: Q. Mr Sinclair, you were asked about whether
30 there was a record of those discussions. There would, in
31 their personnel files, be a record of the time and reason
32 for a request for discharge, would there not, in each --

33 A. I think so. I think Mr Watson might be able to
34 answers that better than me, but I would think so, yes.

35
36 Q. I just want to ask you a question about discipline,
37 lest there be some lingering impression from the questions
38 you've been asked that discipline was somehow, itself, in
39 some part responsible for a culture of bullying or
40 misbehaviour. You said that your aim was to encourage
41 self-discipline, high morale and preparation for the
42 serious work in the Navy, including time at sea, and my
43 question is: did any part of that work involve turning a
44 blind eye, a deliberate blind eye, to bullying or ignoring
45 physical or sexual abuse between the junior recruits or
46 between staff and the junior recruits?

47 A. No, no. That would be totally and utterly abhorrent

1 to me that anyone would turn a blind eye to that. I mean,
2 that's appalling.

3
4 Q. What is, then, the intention of discipline?

5 A. I can only sort of repeat what I said. My approach to
6 discipline, which I tried to put across to both the staff
7 and the junior recruits, is to engender eventually in a
8 person a sense of self discipline so that you would then
9 become a fully functioning and effective member of a ship's
10 company. I mean, in my own career, for example, I was
11 subject to discipline, in the real sense of the word, for
12 probably six or seven years, but it eventually then phased
13 out. I can't remember being disciplined, as such, in the
14 last sort of 25 years of my time in the Navy, but I hope
15 that I had a little bit of self-discipline that enabled me
16 to meet challenges and go the extra mile when it was
17 necessary.

18
19 Q. You were asked some questions about the naval orders
20 from the 1960s and an allusion to at least the early 1970s.
21 While those naval orders are clearly in terms that are
22 unacceptable today, to your knowledge, did they reflect the
23 criminal law and the applicable Navy Discipline Act and
24 community attitudes at the time?

25 A. Yes.

26
27 Q. You were taken to some parts of the Rapke Report.
28 Could I invite you, please, to look at part of the report
29 at tab 60. Page 34 is the pinpoint reference,
30 paragraph 60.

31 A. Will that come up?

32
33 Q. I'll read it to you while it is coming up:

34
35 *I cannot part with the Connolly affair --*

36
37 so this is the first report --

38
39 *without observing that I found not only no*
40 *evidence of dereliction of duty in any of*
41 *the Naval authorities, but on the contrary*
42 *an impressive and humane concern for the*
43 *welfare of every youngster in the*
44 *establishment.*

45
46 Earlier on there were some findings as well about the
47 instructional and divisional officers being competent and

1 humane. I wanted to ask you this question: were there
2 some positives for you out of the Rapke Report at the start
3 of your time going into Leeuwin in the task that you
4 undertook?

5 A. Yes, yes, there were. There were positives and
6 I guess negatives. I think I made clear yesterday I hadn't
7 read this report before I came to Leeuwin. I had seen some
8 of the newspaper articles and so on about the Connolly
9 affair and I was shocked by what I read in the newspapers,
10 and so it was - one of the positives was the fact that
11 I thought Judge Rapke had taken a very balanced and fair
12 approach to the way in which he researched both the
13 Connolly affair and, indeed, the other subsequent matters
14 in his second - the second part of his report. I was
15 relieved to read what he said about the staff. I felt
16 particularly about Commodore Ramsey because I had a great
17 respect for him, and it didn't surprise me what he said
18 about the staff. I was also pleased to read in the
19 Rapke Report what I thought was a very fair portrayal of
20 the Connolly affair itself, which - you all know about it,
21 that there were other matters that had happened other than
22 those portrayed in the newspapers in a sensational way, but
23 I was also - and I was also pleased that his address of
24 some of the claims that he had uncovered, he was able to
25 bring some sort of balance in researching them and
26 reporting of them. But I was also - as I said yesterday,
27 I was absolutely dismayed to read his reports on some
28 matters, some disciplinary matters, where he, Judge Rapke,
29 clearly thought that there had been a gross dereliction of
30 duty and responsibility by people at Leeuwin allowing those
31 sorts of things to occur. So I was left with - I was
32 impressed with the Rapke Report, I guess I could say, and
33 the recommendations that he made seemed, in the main, to
34 me, to be sensible, and when I joined Leeuwin, bear in mind
35 the commander there had had five months, I think, to put
36 into effect some of Judge Rapke's recommendations, and
37 I know, knowing Commodore Doyle, that he would have
38 insisted that that action should be taken by the then
39 commander. So when I joined it was a case of continuing
40 that process of improvement and embellishing it where
41 I could with my own initiatives.

42
43 THE CHAIR: Q. Mr Sinclair, I would just like to know,
44 notwithstanding what Judge Rapke said and what've you said
45 about those who were in positions of command at Leeuwin
46 before you arrived, I have the impression that all of the
47 senior commanding personnel were replaced after the Rapke

1 Report; is that right?
2 A. If you're talking about the commodore and the
3 commander, yes.
4
5 Q. Yes.
6 A. I mean, that's the fact.
7
8 Q. Then you told us you introduced divisional commanders
9 into the establishment as well?
10 A. No, not divisional commanders. What I did, and tried
11 to put across yesterday, was that at the heart of any ship
12 or establishment is the divisional system. It is something
13 that is unique in the Navy.
14
15 Q. I understand that, but you brought in a number of
16 people that you believed, as I understand it, could
17 exercise management authority in an effective way?
18 A. Yes, I guess you could say that. When you say
19 I brought in, I didn't have the authority to tell Navy
20 Office --
21
22 Q. No, but there were people you wanted.
23 A. But in my consultations, which were regular, with
24 Commodore Doyle, he was able to go through to the second
25 naval member and to say, "We want" - I remember him
26 insisting with the naval authorities in Canberra that the
27 divisional staff in particular had to be good quality
28 officers who were going places in the Navy, or, you know,
29 who had prospects for success in the Navy, and the
30 divisional officers that we had were - to my way of
31 thinking, ended up being in that category.
32
33 MS McLEOD: Q. Mr Sinclair, for your part, did you leave
34 Leeuwin on good terms with the junior recruits?
35 A. I like to think that I did because my every endeavour
36 was to try to have a proper relationship with them.
37 I didn't want to be sort of one of the boys or anything
38 like that, but I wanted them to accept my position as
39 commander and to understand what I was trying to achieve
40 there. And if I could be slightly immodest, and I don't
41 mean it - I hope you take this in the right way - as an
42 example, the Marks Division that graduated and passed out
43 in 1974 and was one of the last of the passing out parades
44 during my time there, asked to see me the day before their
45 passing out parade and I went over to their accommodation
46 block to find that they were all fallen in very neatly, and
47 the junior recruit was taking charge and he called them all

1 to attention and then presented me with a cup, a fairly
2 cheap cup, and it had engraved on it, "to Peter Sinclair
3 from the Marks Division 1974" and on the back of that cup
4 were the words, "World's Greatest Commander", and
5 I remember saying to them, looking at this, and I remember
6 saying to them, "Please don't make a habit of giving your
7 senior officers a presentation like this during your
8 career." And I said, "I can't help pointing out to you
9 that I am the first commander you've ever experienced in
10 the Navy, and you'll probably find when you go out into the
11 Navy that there are a lot greater commanders than me out
12 there." But, nevertheless, my immediate impression on that
13 was, with the Marks Division at least, I think I've
14 achieved a rapport with them. I think they understand what
15 I was trying to do and we have mutual respect, and that was
16 all I was trying to achieve.

17
18 MS McLEOD: Thank you.

19
20 THE CHAIR: Mr Stewart?

21
22 MR STEWART: I have nothing further.

23
24 THE CHAIR: Thank you, sir. That concludes your evidence.

25
26 THE WITNESS: Thank you very much.

27
28 THE CHAIR: You are excused.

29
30 <THE WITNESS WITHDREW

31
32 THE CHAIR: We will take the morning adjournment.

33
34 **SHORT ADJOURNMENT**

35
36 MR STEWART: Your Honour, I call Laurence Watson.

37
38 <LAURENCE DAVID WATSON, sworn: [11.53am]

39
40 <EXAMINATION BY MR STEWART:

41
42 MR STEWART: Q. Mr Watson, would you state your full
43 names and occupation?

44 A. Yes. My name is Laurence David Watson and I'm
45 retired.

46
47 Q. Do you have before you a copy of your statement for

1 the Royal Commission dated 15 June 2016?

2 A. Yes, I do.

3

4 Q. Do you confirm that that statement is true and
5 correct?

6 A. That's correct.

7

8 MR STEWART: I tender the statement, your Honour.

9

10 THE CHAIR: That will be exhibit 40-010.

11

12 **EXHIBIT #40-010 STATEMENT OF LAURENCE DAVID WATSON DATED**
13 **15/06/2016**

14

15 MR STEWART: Q. Mr Watson, you entered the Royal
16 Australian Navy as a cadet midshipman in January 1961; is
17 that right?

18 A. Yes, that's right.

19

20 Q. You remained in the Navy until 1990?

21 A. Yes.

22

23 Q. In particular, insofar as we're concerned, you were
24 the secretary to the commanding officer HMAS Leeuwin and
25 the naval officer commanding Western Australia from
26 mid-December 1971 until early December 1973?

27 A. That's correct.

28

29 Q. Those two positions to which you were the secretary,
30 namely, the commanding officer of Leeuwin and the naval
31 officer commanding Western Australia, those two positions
32 were held by one person; is that right?

33 A. That's right.

34

35 Q. Prior to your posting at Leeuwin, you had been
36 secretary to the commander of the Australian Submarine
37 Squadron at HMAS Platypus in Sydney; is that right?

38 A. Yes.

39

40 Q. In paragraph 17 of your statement - it will come up on
41 the screen for you - you deal with the question of your
42 involvement in the day to day management of the junior
43 recruits at Leeuwin, and you say you had no direct
44 involvement in that. And you identify the times at which
45 you would have interaction with junior recruits and, in
46 particular, they were on the occasion when matters were
47 brought to the formal attention of the commodore; is that

1 right?

2 A. That's right.

3

4 Q. And the commodore was the person who held those dual
5 positions we identified earlier?

6 A. That's correct, I used the term "commodore", meaning
7 the commanding officer of HMAS Leeuwin and the naval
8 officer commanding Western Australia.

9

10 Q. During your time, that was Commodore Doyle; is that
11 right?

12 A. It was, yes.

13

14 Q. You then say in the next sentence - this is in respect
15 of matters that might come to the formal attention of the
16 commodore:

17

18 *This generally meant serious disciplinary*
19 *matters (such as alcohol in the*
20 *accommodation blocks, fighting and*
21 *quarrelling, and a number of sexual*
22 *encounters) ...*

23

24 And then you go on with regard to requests. I just want to
25 ask you about what you have said there, specifically, what
26 sexual encounters within a disciplinary context are you
27 recalling?

28 A. Well, I recall, and it appears further in my
29 statement, Mr Stewart, there was one case of rape that
30 I remember, homosexual rape in the blocks one night.
31 That's the particular case that was dealt with in a
32 disciplinary way.

33

34 Q. Do you remember any others?

35 A. I don't - I don't specifically. I'm sorry, having
36 said that, of course, this Royal Commission is looking at
37 sexual abuse in all of its forms, so, yes, there was
38 scrubbing, there was running the gauntlet, and there was,
39 I think, some cases of nuggeting or blackballing.

40

41 Q. And those came up to the commodore?

42 A. They did.

43

44 Q. Was that process, when they come to the commodore,
45 referred to as "the commodore's table"?

46 A. That's correct.

47

1 Q. Could you just explain, for us for those of us who
2 haven't been in the Navy, just what that means?

3 A. The commodore's table is a situation of a summary
4 trial, if you like, the commodore acts as judge and jury.
5 The offender is brought before him and the charges read out
6 by the person bringing the charge, which may be - which
7 generally a provo, or a coxswain, as we say in the Navy.
8 The offender can either represent himself or he can be
9 represented by somebody else, normally his divisional
10 officer, but he can have somebody else - anybody. There
11 was one case I encountered in another ship where a QC was
12 brought in as the defendant's spokesperson. It can be
13 anybody.

14
15 The commodore hears the evidence for and against the
16 charge, makes his judgment - guilty or not guilty. If
17 guilty, mitigating circumstances are then stated and then
18 the commodore makes the penalty, whatever the penalty
19 maybe.

20
21 Q. Would you bear with me for a second. I'm just
22 checking something. Presumably there was some level of
23 offences that could not be dealt with in that summary trial
24 and had to be dealt with at some other level; is that
25 right?

26 A. Yes. In the Naval Discipline Act as it stood then -
27 and it has changed now - there were three levels. The
28 first was a summary trial which could be carried out, for
29 very minor offences, by the duty officer, the officer of
30 the day, or, at sea, the officer of the watch; then it
31 would be more serious offences by the executive officer,
32 who would act as the judge and jury, if you like; and,
33 finally, the commanding officer.

34
35 If the offence was sufficiently serious, it could then
36 go to a warrant punishment, in which case the commanding
37 officer would hear the evidence, but instead of making
38 his - imposing the penalty then and there, he would prepare
39 a warrant to be sent off to the administrative authority.
40 In the case of Leeuwin, that was the flag officer
41 commanding east Australia area; in the case of the fleet it
42 would have been the fleet commander. So that the admiral,
43 who had higher delegations of punishment, would then impose
44 the punishment, the warrant would come back, it would be
45 read publicly in the establishment or the ship and the
46 offender would be taken away to serve his punishment, which
47 normally, with a warrant punishment, would be either

1 dismissal from the service or incarceration in the military
2 corrective establishment at Holsworthy, or it could be
3 cells on board the ship.
4

5 The third level was a court martial in which a proper
6 court is formed ashore, the public is admitted, the reserve
7 legal panel, lawyers like yourself, sir, who wear a uniform
8 from time to time, come in and act as prosecution and
9 defence.
10

11 Q. Yes, many of my colleagues do that. Nevertheless, are
12 you saying that even at the commodore's table there were
13 occasions where an outside lawyer might come and represent
14 someone?

15 A. There could have been, yes, of course, yes. I don't
16 recall it ever happening at Leeuwin. I've seen it
17 happening at other establishments I served in.
18

19 Q. Can I refer you to a document at tab 64, if we look at
20 the first page, firstly, so you can see what it is. You'll
21 see that that's the Junior Recruit's Handbook, the 1971
22 version?

23 A. Yes.
24

25 Q. Did you ever get to see these handbooks when you were
26 at Leeuwin?

27 A. Yes, I did, yes.
28

29 Q. You'll be then taken to Ringtail 7331 which is the
30 rule or item 38. You will see there is a rule here which
31 is called "Use of outside influence", it says:
32

33 *The use of outside influence to support*
34 *applications for personal advantages or to*
35 *represent complaints, is contrary to*
36 *accepted service practice, and the proper*
37 *course is to apply through the recognised*
38 *Service channel, i.e. your*
39 *Divisional Officer.*
40

41 Are we to understand that this rule didn't exclude
42 representation of someone who was on a charge?

43 A. No, that's right. This is grievances and complaints.
44

45 Q. Would the effect of this also be, then, if someone had
46 a complaint of the nature that, for example, they had been
47 physically or sexually abused by someone, there was a rule

1 against them getting any outside assistance to present that
2 complaint or take it forward?

3 A. Well, it's contrary to accepted service practice, it
4 says, not against the law or the regulations, so I would
5 have thought if a sailor wished to have somebody from
6 outside represent him in a complaint, then he could
7 probably do so. I've never known it to happen, but it's
8 not contrary to the regulations. In fact, I think if you
9 read regulations and instructions for the RAN it doesn't
10 preclude it.

11
12 Q. Of course those apply to the RAN across the board, the
13 regulations you refer to; would that be right?

14 A. Yes.

15
16 Q. This handbook is a set of rules, and I might say
17 guidance, for the junior recruits specifically at the
18 Leeuwin training establishment; is that right?

19 A. Yes. Yes.

20
21 Q. The distinction you draw is between accepted service
22 practice and the formal rules that have the force of law;
23 is that right?

24 A. Yes.

25
26 Q. You wouldn't expect a junior recruit to be drawing
27 that distinction?

28 A. No, I wouldn't, but I would expect his divisional
29 staff to be able to draw the distinction if the situation
30 arose and if the junior recruit asked the divisional staff
31 if somebody else could assist.

32
33 Q. You would accept, of course, that to have this
34 provision in the handbook for junior recruits would serve
35 as a significant barrier to a junior recruit getting some
36 assistance from outside?

37 A. You're probably correct, but it the doesn't preclude
38 it. If a junior recruit wanted to go to somebody else and
39 seek advice there's nothing to stop him from doing so -
40 advice whether he could have outside assistance.

41
42 Q. Nothing stopping him other than that it says here that
43 it is contrary to accepted service practice?

44 A. Yes.

45
46 Q. It would be a substantial obstacle to a 15-, 16-, or
47 17-year-old, in the lowest rung in the Navy, to go and seek

1 outside assistance?

2 A. Possibly.

3

4 Q. You'll appreciate, I'm sure, Mr Watson, that one of
5 the things we've experienced in the work that the
6 Royal Commission has done is that it is very difficult for
7 anyone, and young people in particular, to take forward and
8 make complaints or allegations about sexual abuse. Do you
9 accept that?

10 A. As I've said in another paragraph in my statement.

11

12 Q. This was there then - you would probably not be aware,
13 but I'm assuming there's nothing like this in training
14 establishments these days, or you just don't know?

15 A. I have no idea. I've been out of the Navy since 1990,
16 and I've lived overseas for most of the time since, so my
17 connection has been fairly limited.

18

19 Q. Also on the question of discipline, you say in
20 paragraph 32 of your statement - perhaps we can go back to
21 that - that although the process and procedures were in
22 place, you would not be surprised if a 16-year-old junior
23 recruit was too scared to, and you've put it in inverted
24 commas, "complain up". Of course, there has been evidence
25 in relation to that, but from your experience and
26 understanding, why would you say it would be difficult for
27 a 16-year-old junior recruit to complain up?

28 A. Well, as I say a little bit further on in the same
29 paragraph, Mr Stewart, that it was a hierarchical system,
30 probably far more hierarchical than it is now in the
31 Navy, and it was daunting. For somebody at the bottom of
32 the pile, and I'd been at the bottom of the pile myself,
33 there would be - it's just a daunting process to
34 contemplate.

35

36 Q. And, in addition to that, there was also a strong
37 culture of not dobbing?

38 A. Mmm. Your words, sir, not mine.

39

40 Q. Was that your experience at Leeuwin?

41 A. My experience at Leeuwin was not that. My experience
42 at Leeuwin was that people did complain, and of course
43 we're talking here about complaints to deal with a sexual
44 and a violent nature, but complaints range from not liking
45 the lunch that's been served, and they range up from that.
46 So a lot of those complaints were made and were dealt with
47 at a lower level.

1
2 Q. Not liking the lunch, of course, would not fall within
3 the category of not dobbing?

4 A. It does not, but it is a complaint nevertheless and it
5 falls under the same procedures. So there were obviously
6 cases where people who were complaining about violence or
7 sexual abuse were daunted by complaining about that.
8

9 Q. Could I take you back to paragraph 22 of your
10 statement. You say?

11
12 *The command at Leeuwin, particularly*
13 *Commodore Doyle ... were very aware of the*
14 *risk of child sexual abuse, and I believe*
15 *that they went to great lengths to try to*
16 *prevent it.*
17

18 On what basis, or with reference to what facts, are you
19 saying that they were very aware of the risk of child
20 sexual abuse?

21 A. Well, the reference point, of course, was the
22 Rapke Report and Commodore Doyle arrived several months
23 after the Rapke Report was completed and he was quite
24 clearly there to sort things out so that the sorts of
25 things that were reported by Judge Rapke could be
26 eliminated as far as possible, as far as practicable.
27

28 Sexual abuse of minors and predatory behaviour was
29 always a concern for Commodore Doyle. He felt that the
30 boys were vulnerable to predation by people outside, and
31 clearly by staff members and even more so by each other,
32 and so he was very aware of the fact that he had to create
33 an environment where this could be ameliorated as far as
34 possible.
35

36 Q. We heard from Mr Sinclair, who was the commander in
37 much of the time that you were there, that when he went to
38 Leeuwin he got to read the Rapke Reports.

39 A. Yes.
40

41 Q. Did you get to read the Rapke Reports?

42 A. Yes, I did, yes.
43

44 Q. You speak about measures that were taken to prevent
45 child sexual abuse, or you say great lengths were taken.
46 What specifically was done?

47 A. I think in the first instance Commodore Doyle saw the

1 problem as being one of supervision and he went to lengths
2 to ensure that some of the older divisional officers, some
3 of whom had been trained in the Royal Navy before
4 World War II and came from a base called HMS Ganges, which
5 was the British equivalent - and you can go online and read
6 a lot about the abuse that happened on Ganges over a long
7 period of time - he felt that perhaps they were the wrong
8 role models for the junior recruits. So he took steps
9 fairly early in the piece to replace them as - not in the
10 sense of sacking them, but in the sense of as their
11 postings came up, rather than renewing them, as had
12 happened in the past sometimes, having them move out and
13 new, younger officers who had more contemporary naval
14 experience brought in.

15
16 He was also concerned about the quality of the staff,
17 the divisional staff. You will see that each division has
18 a divisional officer, who was generally a lieutenant, and a
19 chief petty officer and petty officer, a leading seaman or
20 able seaman or various combinations of those.

21
22 He made sure, as far as was possible - remember, in
23 those days there was no such thing as a Blue Card or police
24 check on people who had child sexual abuse tendencies - he
25 wanted recommendations from previous commanding officers;
26 he wanted their personal files reviewed by himself or by
27 one of the staff members, me in particular, to make sure
28 that these were likely to be people who would be suitable.
29 He preferred married men, where it was possible, to single
30 men, and he wanted people who had abilities and interests
31 in sports or activities, or something where they could be
32 with the junior recruits in their sporting fields, their
33 chess clubs, reading clubs, or whatever, whatever the case
34 maybe. So that was his philosophy in terms of staffing.
35 He felt communication and supervision were the most
36 important things.

37
38 Very soon after he arrived - and he arrived during the
39 Christmas leave period - he summoned all of the officers of
40 Leeuwin in the wardroom and laid down his policy on how
41 Leeuwin would be run. It would be a place where
42 communications within the division were to be improved so
43 that the divisional officers knew exactly what was going on
44 as far as possible - although that was not
45 Commodore Doyle's words; he was very much more a black and
46 white man and he said they have to be known - and that
47 the staff would be involved in the activities of the junior

1 recruits, that they would get involved in their
2 extra-curricular activities, and that they would - and that
3 people had to sleep in the blocks. I don't know whether
4 that happened straight away but it happened in the months
5 after.

6
7 Q. By "people" you are meaning the duty officer?

8 A. A duty officer or a duty somebody. Roving patrols
9 were introduced at night-time because, apart from all the
10 things we've heard about and the terrible testimony we've
11 heard, junior recruits were prone to slipping under the
12 cyclone wire fence at night-time and zooming out to
13 sly-grog shops and either getting drunk ashore or coming
14 back with alcohol, so that was stamped on as far as
15 possible.

16
17 Q. Mr Watson, was it your impression that Commodore Doyle
18 had been brought in to, to use Mr Sinclair's words, shake
19 it up at Leeuwin post Rapke?

20 A. Yes, I think straighten the place out.

21
22 Q. Straighten it out?

23 A. I think the previous several commodores who had been
24 there since Leeuwin was opened as a JR training
25 establishment - I think all of them had been on their
26 retirement postings. That's not to say that they let
27 things go, but perhaps they were at the end of their
28 careers and were not as focused on running the
29 establishment as perhaps they might have been.

30
31 They also had staff, divisional staff, who were sent
32 to them, who were not necessarily screened. As I said, a
33 number of the officers, particularly the older ones, had
34 come from the Royal Navy. Perth was full of ex-Royal Navy
35 people, people who had served and served with distinction
36 in places like the Arctic convoys in the Battle of the
37 Atlantic. But they were also at the end of their service
38 lives, if that's the right term. Many of them were on the
39 emergency reserve, so they had passed their naval
40 retirement age and were on two-year extensions, but they
41 had settled in Western Australia, it was convenient for the
42 Navy to leave them there rather than move them somewhere
43 else and then move them back when they retired.
44 Commodore Doyle saw all this and he was there to change it.

45
46 Q. Was it your impression that Commodore Ramsey had been
47 moved on, if I can use those words, in much the same way

1 that some of the divisional officers that you spoke about
2 were?
3 A. No, no, I knew Commodore Ramsey personally. He had
4 reached his retiring age, so --
5
6 Q. What about Commander Wilkinson?
7 A. Commander Wilkinson I think was also on the emergency
8 reserve. I think he had passed his retiring age, if I'm
9 not mistaken, but when he left he retired.
10
11 MR STEWART: Those are my questions, your Honour.
12
13 THE CHAIR: Does anyone else have any questions?
14
15 MS McLEOD: No questions, your Honour, thank you.
16
17 THE CHAIR: It seems not. That concludes your evidence.
18
19 THE WITNESS: Thank you, your Honour.
20
21 THE CHAIR: You're excused.
22
23 <THE WITNESS WITHDREW
24
25 MR STEWART: Your Honour, I call Peter Bradshaw Ball.
26
27 <PETER BRADSHAW BALL, sworn: [12.17pm]
28
29 <EXAMINATION BY MR STEWART:
30
31 THE WITNESS: Your Honour, with your permission, if I may
32 preface any of my responses by making this point, that,
33 one, in view of my 86 years and six months ago undergoing a
34 massive heart operation on the table for six hours, my
35 memory has deteriorated somewhat and, to the best of my
36 ability, I'll do what I can to recall my statement to make
37 some remarks about that factor.
38
39 THE CHAIR: Very well. You can sit down now.
40
41 THE WITNESS: Thank you, sir.
42
43 MR STEWART: Q. Thank you Mr Ball. My first question
44 shouldn't trouble you. Would you state your full names and
45 occupation?
46 A. Peter Bradshaw Ball, associate minister on the staff
47 of Saint Clements, Kingston, in Tasmania, in the Diocese of

1 Tasmania.

2

3 Q. Thank you, Mr Ball. Do you have a copy of your
4 statement that you furnished to the Royal Commission and
5 which you signed on 15 June 2016?

6 A. I do.

7

8 Q. Do you confirm that that statement is, to the best of
9 your knowledge and recollection, true and correct?

10 A. To the best of my knowledge, true and correct.

11

12 MR STEWART: I tender the statement, your Honour.

13

14 THE CHAIR: It will be exhibit 40-011.

15

16 **EXHIBIT #40-011 STATEMENT OF PETER BALL DATED 15/06/2016**

17

18 MR STEWART: Q. Mr Ball, you graduated from Moore
19 Theological College; is that right?

20 A. That's correct.

21

22 Q. Then you were appointed as chaplain at the Shore GPS
23 school?

24 A. Correct.

25

26 Q. For how long were you at Shore?

27 A. I was there for five years. I saw a complete - in
28 those days, it finished at fifth form.

29

30 Q. You joined the Royal Australian Navy in August of 1966
31 for a permanent commission as chaplain; is that right?

32 A. That is correct.

33

34 Q. You were posted at short notice to the position of
35 chaplain at HMAS Leeuwin in May of 1967; is that right?

36 A. That is correct.

37

38 Q. That was to replace the chaplain there, your
39 predecessor, Chaplain Batt; is that correct?

40 A. Correct.

41

42 Q. You were at Leeuwin, as I understand it, until the end
43 of 1969; is that right?

44 A. That is correct.

45

46 Q. So approximately two and a half years?

47 A. Correct.

1
2 Q. I want to deal first with the question of your
3 predecessor, Chaplain Batt, because you say some things
4 about him in your statement?

5 A. Correct.
6

7 Q. You say, in effect, that his service there was brought
8 to an abrupt end and he was moved on; is that right?

9 A. He was, yes.
10

11 Q. Your understanding of the reason for that is what?

12 A. Number one, having only just joined the Royal
13 Australian Navy in a matter of months, and to be posted to
14 Leeuwin at such short notice, the senior chaplain at the
15 time mentioned that Chaplain Batt had been dismissed from
16 his post summarily, short of the time that normally would
17 have taken place, because of his complaints about the abuse
18 of drinking in the wardroom. That was my understanding,
19 and --
20

21 Q. Just to clarify, sorry, in other words, it was being
22 suggested that the chaplain had been abusing alcohol in the
23 ward room?

24 A. Oh, no, certainly not.
25

26 Q. Let's be clear then.

27 A. I will. The chaplain complained about the culture of
28 heavy drinking in the wardroom and did not receive,
29 apparently, a satisfactory response to this, and that's all
30 I knew at that time. Since then I have discovered other
31 reasons.
32

33 Q. I'll come to those other reasons in a minute. Can you
34 just explain very briefly, so we all understand, what is
35 the wardroom?

36 A. The wardroom is a place where the officers would have
37 their mess, their drinking, their relaxation. Normally,
38 the commander of the establishment - that is, the executive
39 officer - is the president of the wardroom.
40

41 Q. At that time, was that Commander Wilkinson?

42 A. Not correct. Commander Yuill.
43

44 Q. I beg your pardon, yes. And Yuill preceded Wilkinson;
45 is that right?

46 A. Correct.
47

1 Q. Then you said you subsequently came to learn that
2 there were other reasons. Can you tell us what those other
3 reasons are? In other words, other reasons for
4 Chaplain Batt to have been moved on. I'm quite happy,
5 Mr Ball, for you just to put your statement down and tell
6 us what you can recollect.

7 A. Fine. In more recent years - in fact, it is probably
8 only now, perhaps, two years ago; I have to get my wife's
9 nod here.

10
11 Q. You're asking for confirmation from your wife, yes.

12 A. Right. About two years ago a book was written,
13 "Chaplains in the Navy", by a reserve officer who was in
14 Perth, and this particular book was very unfavourable
15 regarding the chaplains that served in my time. Most
16 unsatisfactory book --

17
18 Q. Is this specifically at Leeuwin or just generally
19 through the Navy?

20 A. Generally speaking through the Navy. This was a
21 history of the Royal Australian Navy. In one of those -
22 I didn't know of this book at the time but one of the
23 daughters of a former Chaplain Lovitt had been maligned in
24 the book and the truth of the matter was certainly not
25 brought to the surface properly, or the historian didn't
26 examine the evidence sufficiently to correct his view, and
27 that meant that this daughter wrote to the Chief of Navy
28 and to the General to the Forces concerning giving a
29 complaint about the book, asking for it to be removed from
30 public domain.

31
32 This seems to be a fairly lengthy answer to your
33 question, but it seems relevant, that in that - how this
34 came about is that the daughter of Chaplain Lovitt also
35 wrote a letter in which she actually suggests the real
36 reason why Chaplain Batt was dismissed from his office at
37 HMAS Leeuwin as chaplain.

38
39 Q. And what reason did she suggest?

40 A. That the real reason for his dismissal was his
41 complaint to the commanding officer, who I would assume was
42 Jock Yuill at that time, as we've already heard - he was
43 the executive officer in charge of the junior recruit
44 establishment, as opposed to the commodore who was navy
45 officer in charge of Western Australia. In that document
46 she says that she recalls several incidents where
47 Chaplain Batt had complained about the abuse of the junior

1 recruits, physically, and the rumours of sexual abuse that
2 were taking place.

3
4 He intervened not once but apparently a couple of
5 times, according to his daughter, who writes this letter,
6 which is on the - it's available because it's out in Navy,
7 the Navy would have records of this.

8
9 Q. To clarify, was it his daughter or --

10 A. His daughter.

11
12 Q. -- Chaplain Lovitt's daughter?

13 A. No this, now, is Chaplain Batt's daughter firsthand.
14 She said that her recollection of that dismissal was that
15 it was mainly the abuse that was taken place and the
16 rumours of sexual abuse that brought about his dismissal as
17 being an unsatisfactory chaplain for a junior recruit
18 establishment. Her understanding of this was that
19 Jock Yuill, who was the commander, had organised his
20 discharge from Leeuwin to another naval establishment.
21 I've only since learnt those facts from the correspondence
22 that emanated from the book that Strong wrote.

23
24 Q. We'll come to your experience personally at Leeuwin in
25 a moment, but just to close off this question of
26 Chaplain Batt, it has also come about that you've been in
27 correspondence with the late Chaplain Batt's son; is that
28 correct?

29 A. That is correct, yes.

30
31 Q. You have recently received an email from him, that's
32 the son, where he's said --

33 A. He actually witnessed - yes, he actually witnessed
34 physical abuse being meted out to a junior recruit 15 years
35 old.

36
37 MR STEWART: Yes. I have that email and I'll tender it.
38 For the record, it is an email from Dr John Batt to
39 Mr Peter Ball dated 11 June 2016.

40
41 THE CHAIR: I will make it exhibit 40-012.

42
43 **EXHIBIT #40-012 EMAIL FROM DR JOHN BATT TO MR PETER BALL**
44 **DATED 11/06/2016**

45
46 MR STEWART: Q. In short, you were communicating with
47 Dr John Batt, that's the late Chaplain Batt's son, because

1 you were preparing your testimony for this
2 Royal Commission; is that right?

3 A. That is correct. I didn't feel that I had the right
4 to do that publicly, because this is the public domain,
5 without his permission to do so.
6

7 Q. Yes. He wrote back to you in the second paragraph of
8 that email where he says:
9

10 *One memory I have is I being with dad --*
11

12 That's a reference to Chaplain Batt, I take it?

13 A. Correct.
14

15 Q.

16 *-- at Leeuwin one very hot summer afternoon*
17 *and they were disciplining a recruit by*
18 *making him run around the oval with his*
19 *rifle above his head. He kept on dropping*
20 *to the ground exhausted - finally dad went*
21 *over and spoke to the person in charge and*
22 *a heated argument ensued [sic]. The boy*
23 *was relieved of the punishment but he got a*
24 *very irate call from I presume the*
25 *commander who did not like him interfering.*
26 *It was probably out of place but abuse is*
27 *adduce - difficult to stand by and do*
28 *nothing.*
29

30 And then he goes on:
31

32 *I remember as a young boy of 10 overhearing*
33 *a very heated phone call between dad and*
34 *the commander about his transfer. Dad told*
35 *him that he should not be treating the*
36 *recruits the way that he did and told him*
37 *that these boys were only young and should*
38 *not be treated so harshly. I remember*
39 *other fragments of the conversation as*
40 *well. History has judged him correct.*
41

42 A. Yes, anyone who has lived in Western Australia during
43 the summer would know that it would be about 40 degrees
44 temperature.
45

46 Q. Thank you for this and for making that correspondence
47 available, Mr Ball. Could we now just address the time

1 that you arrived as chaplain at Leeuwin. I take it by then
2 Chaplain Batt had moved on?
3 A. I didn't even, at that stage, meet him.
4
5 Q. And you didn't come to learn about what you now regard
6 to be the real reasons for him having been moved --
7 A. Absolutely.
8
9 Q. -- until much later?
10 A. Absolutely.
11
12 Q. Did you get a sense yourself, when you were a chaplain
13 at Leeuwin, that if you raised matters which I'll refer to
14 as complaints or raised matters critical of what was being
15 done, that that would be frowned upon?
16 A. Not at that time, no.
17
18 Q. That suggests that subsequently you came to feel that
19 or learn that?
20 A. Say again?
21
22 Q. Your answer "not at that time" suggests that
23 subsequently, later in your time at Leeuwin, you came to
24 appreciate that it would be frowned on or there wouldn't be
25 space for you to raise matters on behalf of people who were
26 abused?
27 A. I'm glad you clarified that point because I don't
28 think at any time in my naval career that I felt that if
29 I raised a question I would receive the sort of thing that
30 Chaplain Batt received: "Don't interfere with the
31 discipline".
32
33 Q. Chaplain Batt's experience, as we have heard, was not
34 your experience at Leeuwin?
35 A. Not mine, no.
36
37 Q. Are you able to explain why that might be?
38 A. Well, first of all, as a chaplain in the
39 Royal Australian Navy I was due to go to Cerberus for
40 training, indoctrination, protocols and so forth, but
41 because of the sudden transfer from my posting, which was,
42 initially, at HMAS Watson for Nirimba, I didn't receive any
43 training as to what were the protocols, what were the
44 duties of a chaplain. There was no briefing. I didn't
45 have any handover and I was thrust into a situation that
46 was very demanding, 25 periods of religious instruction per
47 week; four character guidance - they were weekly character

1 guidance courses to be conducted quarterly; taking services
2 for the Protestants during the week for communion; services
3 on the weekend, on parades; identifying with the junior
4 recruits on the sporting field, walking around the blocks
5 from time to time, just getting to know the recruits; and
6 every night through the week, at the cost of my family,
7 I was down at the chaplain's hut where the recruits would
8 find a very different atmosphere than they would up in the
9 blocks.

10
11 Q. You referred to that as a refuge?

12 A. What I'm trying to say is my problem was I was so
13 involved and active that I didn't hear anything of the sort
14 of things that have come out since that day. For example,
15 several years ago Graeme Frazer approached me to mention
16 that he was going - he was looking for some evidence as
17 most of these young boys who had been interfered with and
18 abused, sexually and otherwise, found it very difficult to
19 find support and evidence that - I was absolutely amazed
20 when he shared his story with me and I could not recall him
21 personally at that time. I didn't remember him. I have an
22 idea he suggested he talked with me about some of the
23 problems. I have no recall whatever and certainly not of
24 any sexual abuse or of the nature of things that actually
25 have occurred and been expressed in the last few days of
26 this Royal Commission, so that it's - the kind of thing
27 that has occurred, if you'd asked me several years ago,
28 prior to Graeme Frazer's meeting, I would have said, "No,
29 there were no problems there at Leeuwin." I don't recall
30 anything other than it was a pretty harsh, strict
31 disciplinary service preparation.

32
33 I never observed the sort of things that Allan
34 obviously did and reported. I don't remember any occasion
35 where I had to step out and mention that to the divisional
36 officers, but had anything of this nature come to me, and
37 again, it is a problem of recall, I'm absolutely sure, I'm
38 a bit of an activist, that I would have gone straight to
39 the divisional officers for I had a good relationship with
40 most of the personnel on the base, a good rapport.

41
42 Q. Mr Ball, your reference a moment ago to "Allan", was
43 that a reference to Chaplain Batt?

44 A. Yes.

45
46 Q. I would like to just show you paragraph 7 of your
47 statement, it is on page 5, in the middle of the page.

1 A. Page 5.

2

3 Q. It will come up on the screen, if that assists you.

4 A. "Responses to Allegations"?

5

6 Q. Yes.

7 A. Right.

8

9 Q. There you have said that due to the passing of some
10 50 years and your present age, you do not have specific
11 knowledge of particular practices at the time, but you go
12 on to say:

13

14 *... except that I was aware that the*
15 *bullying in blocks took place in varying*
16 *forms. I presume this would have come*
17 *under the description of "the rites of*
18 *passage", or more strongly put*
19 *bastardisation.*

20

21 And you go on to say:

22

23 *As a result of this tough environment, my*
24 *Chapel Hut was packed every night with at*
25 *least some 100 [Junior Recruits] finding a*
26 *place of refuge.*

27

28 I just have a few questions of --

29 A. I'm not hearing you very well; I know where you are.

30

31 Q. I will try and do better, Mr Ball. I have a few
32 questions about that part of your statement, just to
33 clarify and supplement. Firstly, is this, in particular,
34 what kinds of acts of bullying, or, as you put it, also, as
35 you said, might be more strongly put as bastardisation,
36 what particular acts did you come to know of with these
37 hundreds of boys coming to you?

38 A. Absolutely no memory of anything at that time being
39 brought to me, just the general rough time that the boys
40 were having in the blocks and I never probed that. I can't
41 recall that it was shared with me, although apparently
42 Junior Recruit [CJA] mentions, and I've seen his document
43 and that's one of the reasons I'm here, that he had brought
44 this to my knowledge. Now, had it been brought to my
45 knowledge, knowing my proneness to act probably before
46 I should consider these things, I would have taken that to
47 his divisional officer. This one thing I did know was that

1 that was the procedure through which any complaints of any
2 sort went through the divisional officer.
3
4 Q. Even if something came to your attention then, it was
5 for you to take it to the divisional officer; is that
6 right?
7 A. Yes, and that's where I would have taken it no further
8 and I would have thought that they would have dealt with
9 it.
10
11 Q. Just before we go on, one person's name whom you just
12 mentioned a minute ago, he's under a pseudonym in these
13 proceedings, so we refer to him as [CJA]?
14 A. Yes.
15
16 Q. You and I have to try and remember that as we go
17 forward, in the event that we mention him again.
18 A. Right. I'm sorry.
19
20 Q. No, of course I understand that.
21 A. Apologies.
22
23 Q. What you say here is that you were aware at the time
24 that these boys were living and being trained in a
25 particularly, as you put it, harsh environment; is that
26 right?
27 A. It was tough, yes.
28
29 Q. And that included, you knew at the time, some forms of
30 bullying?
31 A. No, I haven't any specific examples that I can recall
32 having been mentioned. It didn't seem to me that the boys
33 came up and described in any detail what problems they were
34 facing.
35
36 Q. Are you saying it was more a question that you knew
37 that they were at some level unhappy and were seeking
38 refuge in your chaplain's hut --
39 A. Yes.
40
41 Q. -- but without them telling you what it was they were
42 unhappy about?
43 A. That's right. Now, if I could comment on this
44 paragraph 7, I had three days notice in which to prepare
45 this information and since then, of course, with my contact
46 with Graeme Frazer and his application for compensation for
47 what took place, I may have expressed and read back into

1 this situation terms like "rites of passage",
2 "bastardisation" and so forth. I wasn't particularly aware
3 of any of that taking place.
4

5 Q. Were you not aware of the notion of rites of passage
6 or rites of initiation?

7 A. No, not really, no. It must sound very strange to
8 your ears and to the public, the Commissioners and counsel,
9 that that's the case. I just put it down to the fact that
10 I was so flat out in making relationships with the junior
11 recruits that these things never came to my notice and had
12 they done so - and I can only just say this is from my
13 recollection - I would have taken that to the divisional
14 officer. That would have been the normal approach.
15

16 Q. You had spent five years previously in your first
17 posting to an all boys --

18 A. Yes, I've had a lot of experience with boys.
19

20 Q. -- educational establishment?

21 A. Yes.
22

23 Q. Are you able to say comparatively how harsh Leeuwin
24 was? Did you have an experience at the time as to how
25 harsh Leeuwin was compared to the educational establishment
26 you had been at previously?

27 A. Definitely harsher than you would expect to find in a
28 boarding establishment. I was a housemaster at one stage.
29 I've always been drawn to working with youth. I was a
30 youth chaplain as well and I currently of course hold a
31 certificate for working with vulnerable people, so since
32 then I've been much more aware and made aware of the nature
33 of people who have to work with young people. Getting back
34 to your question, I would say it's a harsher environment
35 than simply just a boys school, but the problem I find with
36 all this is that they're young men but they're young boys
37 and in the adolescent years it's very difficult to find the
38 best way, even as an adult - I've had four children - to
39 find the best way to ride through this period of the
40 difficult stages and the best way that I can see is to try
41 to do what the admiral mentioned, is to treat them as young
42 men, but to be aware and respectful of the fact that they
43 are still boys as well; so it's a very difficult zone.
44

45 Q. Am I to understand that your experience at Leeuwin was
46 that it was a harsh environment but particular aspects of
47 that harshness didn't come to your attention such as to

1 cause you to take --
2 A. Take any action, that's correct, and had it come to my
3 attention, I would not have hesitated to have done
4 something about that and the procedure would have been to
5 go straight to the divisional officer.
6
7 MR STEWART: Thank you, Mr Ball. Those are my questions,
8 your Honour.
9
10 THE CHAIR: Does anyone else have any questions?
11
12 MR NUNAN: I do, your Honour.
13
14 <EXAMINATION BY MR NUNAN:
15
16 MR NUNAN: Q. Thank you, your Honour. Chaplain Ball, my
17 name is Patrick Nunan and I represent two of the abused
18 recruits formerly from Leeuwin, one you've referred to as
19 Graeme Frazer and the other one we know as [CJA]?
20 A. [CJA].
21
22 Q. Yes. I want to refer you back to paragraph 7 of your
23 statement.
24 A. I'm here.
25
26 Q. Yes.
27 A. Yes.
28
29 Q. On your statement?
30 A. "Responses to Allegations"?
31
32 Q. Yes. In particular, you said that at least some 100
33 junior recruits finding a place of refuge at your chapel
34 each night. That was a lot, wasn't it?
35 A. It certainly was.
36
37 Q. So really what I'm saying is the dogs were barking?
38 A. Oh, correct.
39
40 Q. Who else knew about that?
41 A. Well, I'm not aware of anyone being particularly
42 conversant with that. For me, it was a wonderful
43 opportunity to get alongside these young men and I saw my
44 task primarily to the junior recruits and providing for
45 them all the sort of paternal comforts from home sort of
46 situation.
47

1 THE CHAIR: Q. Those in charge of the establishment must
2 have known that you were getting 100 or so recruits every
3 night.
4 A. I would say that would be right, yes.
5
6 Q. Did they ever talk to you about that fact?
7 A. No, not at all, only in a complimentary way.
8
9 Q. It is apparent from paragraph 7 of your statement that
10 you put it down to at least some of them being bullied,
11 didn't you?
12 A. Well, I think that's a bit of a reading back into the
13 situation, your Honour. As I say, three days in which to
14 respond to this, having heard of Graeme's story, it came to
15 me as a complete surprise and so reading back into that,
16 that paragraph 7 is a little bit tendentious. I'm trying
17 to --
18
19 Q. They're your words.
20 A. They are.
21
22 Q. Except that you say, "... I was aware that bullying in
23 blocks took place in varying forms"?
24 A. Oh, yes, yes.
25
26 Q. And you describe it as rites of passage, don't you?
27 A. Well, it's only a presumption, your Honour, on my
28 part.
29
30 Q. They're your words again. You presumed this would
31 have come under the description of "rites of passage"?
32 A. Yes.
33
34 Q. Or put more strongly, "bastardisation"; they're your
35 words.
36 A. It's a presumption on my part.
37
38 Q. What you're saying is the conduct of which you were
39 aware you would have put under that label; correct?
40 A. Yes. Yes.
41
42 Q. That suggests a really serious problem, doesn't it?
43 A. Well, sir, as I say, at the time all I really was
44 aware of is that the activities outside of my domain, it
45 was a rough and tough area.
46
47 Q. Rough and tough, but if you would describe it as

1 "bastardisation", that's a little more than rough and
2 tough, isn't it?
3 A. When you hear Graeme's story, as we have, that's how
4 I've read back into the situation as what it was, but at
5 the time I don't know that I would have used those terms or
6 have known of them. This is a terminology that I have
7 picked up as a result of this conversation with Graeme some
8 years ago. I've been - in other words, I've misled - the
9 truth of it is that I'm now able to look back and see,
10 in hindsight, that that's probably what the situation was,
11 probably, but generally, all I was aware of was it was what
12 you'd expect to find in a situation where there would be
13 some 800 recruits on an establishment where lads from
14 different backgrounds are suddenly thrust together, that
15 there would be what you would expect adolescent behaviour:
16 it's rough.

17
18 MR NUNAN: Thank you, your Honour. Thank you,
19 Chaplain Ball, I have no further questions of you.

20
21 THE CHAIR: Q. When you say adolescent behaviour is
22 rough, what do you mean?

23 A. When young men and young boys of this age are thrust
24 together, one would expect behaviour that's not acceptable
25 and if it came to anyone's knowledge, they would deal with
26 it.

27
28 Q. What sort of behaviour?

29 A. Well, I don't really know. What we've heard - what
30 we've heard from those who have given testimony is
31 absolutely just unbelievable, actually.

32
33 Q. You worked in boarding schools too?

34 A. I have.

35
36 Q. Presumably boys boarding schools?

37 A. Yes.

38
39 Q. Would you expect to find behaviour in those schools
40 which was unacceptable?

41 A. Oh, I've used the cane on boys when I was at Shore as
42 a housemaster for people who were larking about when lights
43 were out, but there would be nothing of the sort of nature
44 of what's taken place here ever came to my notice when
45 I was housemaster.

46
47 Q. So what was taking place here was a little more than

1 you would expect, was it?
2 A. Absolutely, oh, yes.
3
4 Q. So it's not really behaviour you would expect to find
5 in boys of this age, this went beyond the normal
6 expectation; is that right?
7 A. Would you rephrase that? I'm not sure I heard you
8 completely.
9
10 Q. You say you didn't find this sort of behaviour in the
11 boarding schools, but what you found in Leeuwin was more
12 significant?
13 A. Oh yes, absolutely, yes.
14
15 Q. So it's not what you would expect to find, is it?
16 A. No, I can't understand the question, your Honour.
17
18 Q. If you're getting behaviour that's worse than you find
19 in boarding schools - you understand?
20 A. I would expect to find that without what would be, in
21 my understanding, proper supervision. In a boarding house,
22 having someone of a rank of an able seaman looking after
23 100 recruits at night-time, who'd never had any training or
24 dealing with young boys, then it doesn't surprise me what
25 actually happened.
26
27 Q. From your experience the heart of the problem was a
28 failure in the management?
29 A. Oh, no question.
30
31 Q. And that failure you would attribute starting from the
32 top of the organisation?
33 A. Well, unfortunately, those who are at the top do cop
34 the flak in the long run, but my understanding of what the
35 problems were at Leeuwin go back to the commanding officer
36 of the base at that time.
37
38 Q. Who was?
39 A. Jock Yuill.
40
41 THE CHAIR: Yes, thank you.
42
43 MS McLEOD: Just one question, your Honour if I may.
44
45 <EXAMINATION BY MS McLEOD:
46
47 MS McLEOD: Q. Mr Ball, my name is McLeod and I appear

1 for Defence.
2 A. Yes, counsel.
3
4 Q. You mentioned the 100 or so junior recruits lining up
5 at the chapel hut each night?
6 A. Yes.
7
8 Q. As well as offering pastoral care of a night-time and
9 through the day, the junior recruits were attending for
10 activities at the hut each night, were they not?
11 A. Correct.
12
13 Q. Yes. And that included games, table tennis, things of
14 that nature?
15 A. Yes.
16
17 Q. Did it include homework as well, a place to do
18 homework in a quiet --
19 A. No, no. No, no. No, no, nothing of that sort.
20
21 MS McLEOD: Thank you, Mr Ball.
22
23 MR STEWART: I have nothing further.
24
25 THE CHAIR: Thank you, Mr Ball, that concludes your
26 evidence, you're excused.
27
28 **<THE WITNESS WITHDREW**
29
30 MR STEWART: Your Honour, Mr Ball was the last witness
31 dealing specifically with Leeuwin. We now move on to deal
32 with the Balcombe witnesses and, in particular, starting
33 with the survivor witnesses.
34
35 THE CHAIR: We might do that at 2 o'clock.
36
37 MR STEWART: As your Honour pleases.
38
39 THE CHAIR: Very well. We will adjourn.
40
41 **LUNCHEON ADJOURNMENT**
42
43 MR STEWART: Your Honour, Mr O'Brien has an appearance to
44 announce.
45
46 MR O'BRIEN: That is so, your Honour and Commissioners.
47 I seek leave to appear for [CJU] in respect of this tranche

1 of the inquiry.

2

3 THE CHAIR: You have that leave.

4

5 MR STEWART: I call Mr David Sparreboom.

6

7 <DAVID PHILLIP SPARREBOOM, sworn: [2.05pm]

8

9 <EXAMINATION BY MR STEWART:

10

11 MR STEWART: Q. Mr Sparreboom, will you state your names
12 and occupation for the record?

13 A. David Phillip Sparreboom. I am a disability support
14 pensioner.

15

16 Q. Mr Sparreboom, do you have in front of you a copy of
17 your statement for the Royal Commission dated 27 May 2016?

18 A. I do.

19

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

21 A. It is.

22

23 MR STEWART: I tender the statement, your Honour.

24

25 **EXHIBIT #40-013 STATEMENT OF DAVID PHILLIP SPARREBOOM**
26 **DATED 27/05/2016**

27

28 MR STEWART: Q. I invite you to read your statement,
29 commencing at the third paragraph?

30 A. Thank you. "My full name is David Sparreboom and I am
31 63 years old at the moment.

32

33 I was born in Nundah, Queensland, to a Dutch father
34 and an Australian mother. I have an older brother and
35 a younger sister. I have happy memories of my childhood
36 despite my father passing away at the age of 52.

37

38 During high school I joined the Army Cadets and
39 attained the rank of cadet sergeant. I enjoyed the
40 structure and the discipline of the cadets and I enjoyed
41 all things mechanical. The Army seemed like a good option
42 for me as I could develop a trade.

43

44 I left school in grade 10 and enlisted in the
45 Australian Army in January 1970. I joined the
46 Army Apprentice School, Balcombe Barracks, at Balcombe, as
47 a junior apprentice when I was about 16 years of age.

1
2 When I arrived at Balcombe I became an apprentice
3 motor vehicle mechanic. The apprentice program was overall
4 about four years with the first three years at Balcombe.
5

6 All the apprentices were about 15 or 16 when they
7 started and were from all over Australia. We were grouped
8 together in our respective trades. If your performance was
9 deemed good enough, you would be selected to become an
10 apprentice non-commissioned officer, an apprentice NCO.
11 Second-year apprentices were called apprentice corporals
12 and third-year apprentice NCOs were called
13 apprentice sergeants.
14

15 Each platoon of apprentices had three sections
16 containing about 10 apprentices. The apprentice corporal
17 was in charge of a section and an apprentice sergeant was
18 in charge of a platoon. A Regular Army sergeant was also
19 placed in control of the platoon.
20

21 When we first arrived at Balcombe we were assigned
22 a first-year barracks in which lived a section of about
23 10 apprentices. I do not remember which company or platoon
24 I was in except that we were all apprentice mechanics.
25

26 The apprentice corporals and the apprentice sergeants
27 slept in rooms attached to the barracks. These apprentice
28 NCOs were our immediate supervisors and we were answerable
29 to them when they were present.
30

31 We very rarely saw the Regular Army NCOs. The Regular
32 Army staff were only around from 9am to 4pm during
33 weekdays. There was no real supervision in the barracks by
34 the Regular Army staff other than the daily inspections.
35

36 Most of the training during the week was focused on
37 the mechanical trade in a classroom. We were trained in
38 soldiering skills, like the rifle range, bivouacs and sport
39 after hours during the week and on the weekends. Other
40 time was spent on physical training like climbing ropes and
41 jumping from moving trucks.
42

43 Mechanical training was conducted by both civilians
44 and Army training officers. We were supervised during
45 training by Regular Army and civilian trainers but after
46 training we were supervised by the senior ranking
47 apprentice sergeant or apprentice corporal.

1
2 Bullying and physical abuse by the senior apprentices
3 was a very common occurrence during my time at Balcombe.
4 It didn't happen very day, but it happened often. The
5 abuse would most likely occur on weekday nights when there
6 wasn't much supervision except maybe a duty officer who was
7 a regular non-commissioned officer.
8

9 On occasions, some of the senior apprentices and
10 apprentice NCOs drank alcohol. I remember seeing senior
11 apprentices coming back from leave on week nights with beer
12 cans. There was no security at the front gate so you could
13 walk in with anything and no one would know. The senior
14 apprentices would return drunk and go on rampages
15 throughout the dormitories.
16

17 It was very common while I was a junior apprentice for
18 the more senior apprentices to undertake a series of
19 'pranks' on the younger apprentices. While these acts were
20 identified as pranks, they could cause terror and a great
21 deal of distress. Some of these pranks included our beds
22 being upended while we were sleeping. We would wake in
23 fright lying on the floor with the bed on top of us.
24

25 Senior apprentices would also sometimes use hot or
26 cold irons on us, normally just before lights out. An
27 apprentice would be held down and his attention was brought
28 to a hot iron. After some time a cold iron would be placed
29 on a part of his body and the sensation was such that he
30 thought the hot iron was being used. This could be very
31 distressing.
32

33 A further prank by the senior apprentices was to put
34 junior apprentice in laundry bags at night - and they used
35 to call them cheese bags, I remember now - at night and
36 jiggle the bag around while talking about throwing the bag
37 over a cliff. This prank was particularly terrifying,
38 especially the first time it was done to you because you
39 would have no idea if they were serious.
40

41 I remember that I hadn't been at Balcombe for very
42 long when the apprentice corporal in my platoon, during my
43 first year, blamed me for something that had happened
44 during the day. He would occasionally smack me around the
45 head but this time my whole platoon was punished. That
46 night I was physically assaulted in the shower blocks by
47 another apprentice.

1
2 I never reported any of these incidents to anyone at
3 the time. If you wanted to stay at Balcombe, you just had
4 to shut your mouth and cop it.
5

6 I was promoted to an apprentice sergeant in my third
7 year. As a senior apprentice, the pack expected me to
8 treat the junior boys badly, which I wasn't prepared to do.
9 I successfully asked for a demotion so I didn't have to be
10 part of the bullying. However, I remember pranking the
11 junior apprentices because it was part of the norm but
12 I tried not to be as brutal as the others.
13

14 In my first year at Balcombe, when I was around 16,
15 I was attacked by other apprentices while asleep in my bed.
16 I smelt alcohol on the attackers' breath, so I guessed they
17 were senior apprentices. I am not sure how long the attack
18 lasted or how many were involved, but there would have been
19 at least two or three apprentices attacking me.
20

21 I fought back and after a fairly intense physical
22 struggle they left. During the attack, I was anally
23 penetrated by a broomstick. Because I struggled so hard
24 I had lumpy bruising around my anus and it hurt to expel
25 excrement for a week or so without bleeding. Even though
26 the lights were off, other apprentices woke up during the
27 attack so they would have known what was happening, but
28 nothing was ever said or done.
29

30 This was a traumatic and terrifying incident. I never
31 spoke to anyone about it. You didn't say anything, as it
32 was embarrassing for someone to have pooftered you. It was
33 just part of the accepted stresses and strains of being an
34 Army apprentice at Balcombe.
35

36 I had heard about the same thing happening to other
37 recruits but I never witnessed it personally. My
38 impression was that it had been done before and it would be
39 done again. It was like a ritual form of bastardisation.
40 To this day, the smell of men and alcohol on their breath
41 takes me back to that night and all the trauma comes
42 flooding back to me.
43

44 I decided not to officially report the abuse to anyone
45 at Balcombe because I was afraid the senior apprentices
46 would find out and things would just get worse for me.
47

1 Well after the incident occurred I tried to say
2 something to Captain Wemyss, who was one of the teachers at
3 the Army Education Corps. He was a friendly guy and
4 I didn't regard him as a Regular Army officer so he was
5 more approachable. Even so, I could not bring myself to
6 tell him what had happened to me. This was the 1970s and
7 the worst thing that could happen to a young man in that
8 environment was to be labelled a poofter. I said something
9 to Wemyss like, 'People are getting broomsticks up their
10 bum. I don't know what I can do about it.' Wemyss'
11 response was something like, 'You are all young fellers and
12 pranks will happen.'

13
14 The fear of complaining, of being a dobber and the
15 nature of the complaint made it impossible to speak out.
16 In any event, I didn't feel that there was anyone to
17 complain to. No-one officially ever asked me how I was
18 going, nor was I ever told who I could report matters to.
19 I quickly learned that the Army way was to shut up and get
20 on with things.

21
22 I left Balcombe in about 1972 after graduating as
23 a motor vehicle mechanic. I then went to the Army base at
24 Puckapunyal for another year, approximately, in the rank of
25 craftsman and worked on armoured vehicles.

26
27 In 1974 I left the Army. I told them it was because
28 my father died and I had to take over the business, but
29 really I had just had enough. I couldn't work with people
30 I couldn't trust.

31
32 At no time during my service with the Army did
33 I report the sexual abuse I experienced at Balcombe.

34
35 In November 1989 I made a claim for a disability
36 pension with the Department of Veterans' Affairs. I was
37 suffering badly from piles and my doctor explained to me
38 that this was a weakening of the blood vessels around my
39 anus and believed this could have been caused by the
40 broomstick incident. In my DVA claim I indicated that
41 I first noticed this condition whilst I was in the Army.

42
43 In April 1990 a delegate of the DVA Repatriation
44 Commission wrote to me denying that my piles were
45 a defence-caused disease.

46
47 In around 1997, I contact the DVA a second time in an

1 attempt to access medical treatment for my hearing loss and
2 sexual abuse. I was told to go away because I had not
3 served for long enough and the problems were not reported
4 at the time. When I received this initial response
5 I didn't bother submitting a claim.
6

7 In around 2013 I found out about the Defence Abuse
8 Repatriation Taskforce (DART) after watching a television
9 story about an officer at the Australian Defence Force
10 Academy who was abused but was not believed. This story
11 angered me because, similar to me, this officer was not
12 believed. I searched the internet and found the DART
13 website and submitted a claim. DART contacted me a few
14 times but I wasn't ready to deal with them. Luckily,
15 a woman from DART contacted me again just before the expiry
16 date and convinced me to complete my claim and submit it.
17

18 In November 2013 I made a claim to DART in relation to
19 the abuse I experienced at Balcombe. In 2014, I received
20 a number of phone calls from DART. After I completed the
21 DART claim, I just couldn't keep it together. I was in a
22 really bad way. I was at home for a month from my work at
23 the mines in North Queensland and took an overdose of
24 pills.
25

26 In April 2014 I received what I understood to be the
27 maximum DART payment of \$50,000. I did not get a formal
28 apology nor did I meet with anyone from Defence, although
29 this was an option that was offered to me. At the time, my
30 doctor thought it would be best if I just put it behind me
31 because of the effect that coming forward was having on me.
32

33 After my DART claim was accepted, I made a formal
34 claim for compensation for severe depression with DVA
35 in June 2014. I made this claim on the basis that my
36 severe depression was caused by the abuse, including the
37 sexual abuse I experienced at Balcombe. I later contacted
38 DVA wishing to also make a claim for compensation in
39 relation to post-traumatic stress disorder resulting from
40 my abuse at Balcombe.
41

42 I received a letter from DVA, dated 15 March 2016,
43 rejecting my claim for depression. Despite considering the
44 evidence of my sexual abuse and bastardisation in my DART
45 claim, DVA noted that because I had not reported the abuse
46 while I was at Balcombe, there was no contemporaneous
47 evidence to support my claim that my depression was caused

1 by my service. Accordingly, DVA rejected my claim."

2
3 It is not in the statement but I would just add that
4 at that stage I had seen a psychiatrist and he concurred
5 with what I had said and he did tell DVA that the PTSD was
6 caused by the Army.

7
8 "On 7 April 2016 my returned and services league
9 advocate wrote to DVA requesting that they reconsider my
10 claim as there may be additional supporting evidence. They
11 noted that at the time of the abuse I reported the
12 incidents to Captain Wemyss and a platoon sergeant.

13
14 I received a letter from DVA dated 21 April 2016
15 affirming their rejection of my claim for compensation.
16 The letter stated that there were no Defence records of any
17 reports from Captain Wemyss. As such, DVA was not
18 satisfied that my PTSD was service related.

19
20 I also made a second claim to DVA in June 2014 for
21 a pension for PTSD. In August 2014 DVA arranged for me to
22 see a psychiatrist. The psychiatrist reported that my PTSD
23 was attributable to my experiences in the Army.
24 Subsequently DVA made the decision in October 2014 to pay
25 for my medical treatment for PTSD, although they did not
26 make a finding that this condition was service related.
27 I have been given a white card for my hearing loss and PTSD
28 but not a pension from the DVA.

29
30 At the time I made these claims I was not concerned
31 about the money. I was earning a good wage at the mines
32 and I was doing okay financially. After the DART
33 experience I felt a bit better because it felt like I was
34 believed and being treated fairly. It felt like the root
35 of my troubles for so many years had been recognised. When
36 I received the DVA decision it was like it was back to
37 square one. They seemed to be suspicious and negative with
38 me and again I felt second rate. It was like they thought
39 I had the gall to report something that I could not prove.
40 I wanted to fight them but this took its toll so I just let
41 it go.

42
43 After I left the Army I joined the Queensland Police
44 force in 1977. I had a mistrust of authority and
45 colleagues ranked above me because of my experience at
46 Balcombe.

1 I first sought psychological treatment in the late
2 1970s and was diagnosed with irritable bowel caused by
3 stress. In the 1980s I suffered badly with piles and later
4 I was diagnosed with obsessive compulsive disorder. I was
5 hospitalised for psychiatric treatment in 1991 and I was
6 diagnosed with post-traumatic stress disorder and severe
7 depression in about 1992. I was discharged from the police
8 force in the mid 1990s because I was deemed medically
9 unfit.

10
11 After leaving the police force I tried running
12 a couple of businesses but I found trusting and working
13 with others really difficult.

14
15 From 2010 to 2014 I worked on mines in
16 North Queensland. In 2014, during the DART process, things
17 unraveled for me and I tried to commit suicide. I haven't
18 worked since. I have been admitted for inpatient stays at
19 psychiatric units since I was first diagnosed with
20 depression. I still see a psychiatrist and take
21 anti-depressant medication.

22
23 About a year ago my marriage of 14 years broke down
24 because I made life for my family so difficult. I am
25 constantly crook and lonely. I now stay home and watch TV.
26 There is no purpose or meaning in my life.

27
28 I would like the Royal Commission to look into the way
29 DVA treats complaints of sexual abuse. The nature of this
30 abuse is that it is difficult to prove. I am extremely
31 disappointed by the negative way I was treated by the DVA.
32 It would be useful to have someone in DVA whose primary
33 concern when a complaint is received is to, first, counsel
34 a person in a non-arbitrary way and, second, to do
35 a primary investigation into the person's claim on
36 a probability scale. It would also be good to be able to
37 speak to someone from DVA face to face and not just on the
38 phone.

39
40 I think Defence needs to find a better way of looking
41 after young recruits so that they can have someone who they
42 feel comfortable speaking to and raising complaints with in
43 a safe environment. For many young recruits it is the
44 first time that they have been away from home. The nature
45 of Army life, or indeed any team environment, is that you
46 don't want to dob in your mates, but if your mates are
47 hurting you, you need to have someone you can actually

1 tell." Thank you.

2

3 MR STEWART: Thank you, Mr Sparreboom. I have no further
4 questions for the witness.

5

6 THE CHAIR: Does anyone else have any questions?

7

8 MS McLEOD: I have no questions, thank you, your Honour.

9

10 MR O'BRIEN: I have simply one.

11

12 <EXAMINATION BY MR O'BRIEN:

13

14 MR O'BRIEN: Q. I have one question of you. My name is
15 O'Brien, sir, and I represent Mr [CJU] in this leg of the
16 proceedings.

17

A. Yes.

18

19 Q. I want to ask you about the way in which you feel you
20 have been dealt with by the DVA and, in particular, the way
21 in which you have been dealt with related to your PTSD
22 diagnosis. The question is this, firstly, it seems from
23 what you have said that it is important for you to have
24 your PTSD diagnosis connected with your service in the
25 Army; is that the case?

26

A. That is correct.

27

28 Q. The second question is the one I'm really wondering
29 about: why is that important to you?

30

31 A. It could be either the DVA or the Army. It's an
32 understanding that these are the - not so much the DVA, but
33 these are the people that ruined my entire life because of
34 something that happened when I was in their care at the age
35 of 16, just a boy. Those happenings made me distrust
36 anybody in authority, because that's the way they made you
37 feel. I don't deny - well, sorry, that's basically the
38 answer to that question. It needs to be a causal link
39 between what I've suffered and who caused it, and those
40 people need to be brought to account for what they have
41 done. It seems trivial to maybe somebody outside that
42 those things that happened in the spur of the moment for
43 maybe two minutes or 30 seconds, those happenings in my
44 sense, and no doubt the other people, from what I can
45 gather, those tiny little events do such big, big things to
46 your life, and people need to realise it, that that sort of
47 thing can ruin somebody's total life.

1 Q. Is it for you something of an official recognition?
2 A. Yes. Yes.
3
4 MR O'BRIEN: Thank you very much.
5
6 MR STEWART: I have no further questions for
7 Mr Sparreboom.
8
9 THE CHAIR: Thank you, Mr Sparreboom. That concludes your
10 evidence. Thank you for it. You are excused.
11
12 THE WITNESS: Thank you.
13
14 <THE WITNESS WITHDREW
15
16 MR STEWART: I call [CJC]
17
18 <[CJC], affirmed: [2.30pm]
19
20 <EXAMINATION BY MR STEWART:
21
22 MR STEWART: Q. Mr [CJC], your name and details are
23 known to the Royal Commission. I need to have you confirm
24 your statement. Do you have it before you, dated 27 May
25 2016?
26 A. Yes, it is on the screen here.
27
28 Q. Do you confirm that that statement is true and
29 correct?
30 A. I do, sir.
31
32 MR STEWART: I tender the statement, your Honour.
33
34 **EXHIBIT #40-014 STATEMENT OF [CJC] DATED 27/05/2016**
35
36 MR STEWART: Q. I understand your brother will read the
37 statement on your behalf; is that right?
38 A. That's right.
39
40 MR STEWART: Thank you. I will ask you then to read the
41 statement, commencing at the third paragraph.
42
43 BROTHER OF [CJC]:
44
45 *My full name is [CJC]. I was born in 1954*
46 *and I am 61 years old.*
47

1 I grew up in Gosford on the Central Coast
2 of New South Wales. I am the second oldest
3 of five biological and two adopted siblings
4 with a huge number of foster children
5 entering our family home over the years.
6

7 Growing up, I had a good relationship with
8 my parents and my siblings. My father
9 worked as a technician with
10 a telecommunications company and was
11 a member of a brass band.
12

13 From the age of five, following in the
14 footsteps of my father, I developed
15 a strong interest in music and began
16 learning to play a number of instruments.
17

18 When I was about 13 years old, I joined my
19 school cadets program. As part of the
20 program, I went on excursions with other
21 cadets at my school, paraded every week and
22 learned about drill, map reading,
23 bush craft, discipline and handling
24 (weapons). The cadets program was run by
25 schoolteachers who wore Army uniforms with
26 badges of rank and Cadet Corps insignia
27 attached. To my knowledge, they were not
28 commissioned officers of the
29 Australian Defence Force, ADF. I left the
30 cadets program when I was 14 years old.
31

32 In 1970, when I was about 15 or 16 years
33 old, I started to think about what I was
34 going to do once school finished. I had
35 made an informal application with
36 a neighbour who was an electrician, and he
37 agreed to employ me as an apprentice.
38

39 One day I was flicking through the
40 newspaper and saw an advertisement for the
41 apprentice musicians in the Army. I wrote
42 a letter to the Army in response to the
43 advertisement and received a reply with
44 interview details. I then completed
45 medical and aptitude tests before being
46 accepted into the Army Apprentice School at
47 Balcombe Barracks in Victoria (Balcombe)

1 in January 1971 when I was aged 16.

2
3 Balcombe had two-tiers of management.
4 Tier 1 was administration and training and
5 tier 2 was a rank structure within the
6 ranks of apprentices. Within this
7 structure, new junior apprentices were
8 assigned a platoon.

9
10 A platoon is a group comprising
11 approximately 30 soldiers. In most Army
12 platoons there are three sections which
13 have approximately 10 soldiers, but at the
14 time I was at Balcombe we didn't have any
15 defined sections. Each apprentice platoon
16 had three apprentice corporals and an
17 apprentice sergeant.

18
19 At that time, four platoons combined to
20 form a company. Each company had an
21 apprentice sergeant-major and an apprentice
22 company commander at the rank of
23 apprentice lieutenant. At that time, four
24 companies then combined to form
25 a battalion. Balcombe was battalion size.
26 The battalion was led by an apprentice
27 battalion commander with the rank of
28 apprentice major, with other apprentice
29 officers below him and an apprentice
30 battalion sergeant-major.

31
32 Balcombe also had a number of Regular Army
33 members to provide administration and
34 military training. They were supported by
35 civilian instructors for most trades
36 taught. Regular Army personnel included
37 a commanding officer of lieutenant-colonel
38 rank with support from many others, some of
39 whom were assigned to the apprentice
40 companies for administration and training
41 purposes. The rank structure of these
42 personnel ranged from major, being the most
43 senior, down to corporals. I knew them as
44 staff members.

45
46 The trade courses available at Balcombe
47 included vehicle mechanics,

1 radio technician, plumber, bricklayer,
2 carpenter, musician, et cetera. As
3 a musician apprentice, my course was three
4 years in duration with the first two years
5 at Balcombe and the third year within an
6 actual Army band. Musician apprentices had
7 two intakes per year, the second being
8 mid-year.

9
10 Within the Balcombe encampment was the
11 Australian Army School of Music, or SoM.
12 The SoM instructed apprentice musicians and
13 already serving musicians with further
14 music-related skills to qualify them for
15 various roles, usually requiring higher
16 rank, within Army bands. All instructors,
17 at the time, were sourced from Army bands.

18
19 When I enlisted, Balcombe had approximately
20 500 apprentices. The age of enlistment as
21 an apprentice was 15 to 18 years old. That
22 is to say, from a boy's 15th birthday to
23 the day before his 19th birthday.
24 Therefore, senior apprentices, who started
25 before their 19th birthday, could still be
26 at Balcombe by the age of 21.

27
28 The platoon I was assigned to my first year
29 consisted of all the apprentice musicians,
30 whose ages ranged from 15 to 19. On my
31 arrival I was told of the long-lived
32 rivalry at Balcombe between musicians and
33 trade apprentices. As musicians only spent
34 two years at Balcombe and their pay rate
35 was higher once graduated, trade
36 apprentices held this against the musician
37 apprentices. It also became apparent to me
38 that seniors thought they had the God-given
39 right to abuse juniors.

40
41 Sleeping arrangements for my company
42 consisted of a number of huts. A hut was
43 basically a long shed with a door centrally
44 located at each end. At one end of each
45 hut were two small rooms known as dongas,
46 located each side of the longitudinal
47 centre of the hut, which were reserved for

1 ranked apprentices. In my hut, those two
2 rooms accommodated an apprentice corporal
3 (hut corporal) in one, and the apprentice
4 platoon sergeant in the other.

5
6 The remainder of the hut had pre-arranged
7 furniture. Against the left side of the
8 hut, a single steel-framed bed with
9 a mattress, bed head against the wall;
10 a floor mat; a steel locker against the
11 wall with doors opening towards the bed;
12 a desk against the end of the locker and
13 a chair at the desk. The space between the
14 bed and locker was approximately one and a
15 half metres. The area of floor under the
16 furniture was called a bed space. The next
17 bed space had the bed against the previous
18 locker and the bed head against the wall.
19 I think there was about seven bed spaces
20 along the wall to the end of the hut. The
21 right side of the hut mirrored the left.
22 Floor spaces along the left and right bed
23 spaces were approximately two and a half
24 metres.

25
26 My arrival at Balcombe was at the end of an
27 almost non-stop coach ride from Sydney.
28 There were about 50 apprentices on my
29 coach. As we alighted the coach, we were
30 arranged into three ranks. The welcome
31 speech that followed from a Balcombe staff
32 member included words to the effect of,
33 'people with rank are to be obeyed without
34 question. Do as you're told when you're
35 told, no questions.'

36
37 It was made clear by staff members that we
38 had to follow orders, behave in a soldierly
39 manner and study hard and not do anything
40 stupid. Any contravention could result in
41 disciplinary action or discharge. It was
42 also impressed on me, by apprentices with
43 rank and/or seniority, that disobeying
44 them, dobbing on them or them not liking
45 you could and would result in some form of
46 abuse. Rumours of past abuse sessions were
47 plentiful and told as a further measure to

1 ensure obedience.

2
3 I personally witnessed a junior, of thin
4 build and muscularly weak, with a cord
5 around his neck and attached to a rafter.
6 He was made to complete chin-ups from the
7 rafter, knowing that if he didn't, he would
8 hang himself.

9
10 One night, on hearing footsteps entering my
11 hut after hours, I half stood up, startled,
12 to see who it was. I was king-hit in the
13 mouth. That's not a good thing for
14 a musician.

15
16 Even though it was open for us to discuss
17 any problems with staff members, reporting
18 on seniors was a sure way of getting
19 bashed, sexually assaulted or worse.
20 I heard of an apprentice who was placed in
21 a mattress cover and thrown off the cliff
22 of the rifle range. I don't know what
23 eventuated of him.

24
25 Most weekdays started with a noisy method
26 of waking us all up so that we could parade
27 at 06:30 hours for roll call. Sometimes
28 the apprentice sergeant or corporal just
29 yelled. Other times they clanged bin lids
30 together. Some mornings, they inverted the
31 bed of a slow-reacting junior, resulting in
32 the junior crashing to the floor.

33
34 The senior apprentices controlled the daily
35 activities and life in the barracks. Being
36 'arseholed' and forced to repeatedly polish
37 boots and scrub floors was common in my
38 first year at Balcombe. To me, this was
39 a form of physical and psychological abuse.
40 The Army staff and teaching staff saw this,
41 but did nothing to stop it from happening.

42
43 It very quickly became clear to me that
44 discipline and following orders were vital.
45 It was how the military worked and was used
46 to control and command daily life.

1 *Within my first six months at Balcombe,*
2 *I was sexually abused on at least two*
3 *occasions by a senior apprentice, who was*
4 *the hut corporal.*

5
6 *At the end of each abuse, the hut corporal*
7 *said, 'Keep your mouth shut and go to bed.'*
8 *I did what I was told because he was*
9 *a senior apprentice who carried rank at*
10 *Balcombe. I feared that if I did not do*
11 *what I was told, I would be punished and*
12 *most likely bashed or have further acts of*
13 *sexual abuse committed against me.*

14
15 *As this abuse occurred within the hut*
16 *corporal's donga, I don't think there were*
17 *any witnesses or if anyone heard the abuse*
18 *occurring. Nobody ever approached me about*
19 *this and honestly, given the environment,*
20 *I wouldn't have expected anyone to.*
21 *A staff member would do nightly patrols of*
22 *the area, but this was rarely noticed.*

23
24 *I did not report the abuse to anyone at the*
25 *time because I felt that I would suffer if*
26 *I told anyone. Although there were no*
27 *explicit rules telling me that I couldn't*
28 *report the abuse, but the environment of*
29 *control and discipline at Balcombe made me*
30 *fear that if I reported the abuse, I would*
31 *be punished. Even if I wanted to report*
32 *the abuse, I felt that I wouldn't be*
33 *believed as I didn't have any visible*
34 *injuries.*

35
36 *I also felt that I couldn't dob on a senior*
37 *apprentice. As a junior apprentice, I was*
38 *a sprog, the lowest of the low. Senior*
39 *apprentices were seen by the sprogs as*
40 *gods, who were to be obeyed without*
41 *question. To dob on him was a virtual*
42 *death wish.*

43
44 *It was also difficult to make a report to*
45 *Army staff or teaching staff as they were*
46 *only available for a few hours, usually*
47 *during school hours. Although staff were*

1 physically there to receive reports, it was
2 particularly difficult to report anything
3 to them in front of other apprentices and
4 especially since classes were run on
5 a tight schedule.
6

7 The abuse stopped when the hut corporal
8 completed the apprenticeship program and
9 was posted midway through my first year.
10 After he left, a new intake of musicians
11 joined Balcombe and I was no longer one of
12 the sprogs.
13

14 Despite the sexual abuse and the physical
15 and psychological trauma I experienced from
16 the senior apprentices, I was determined to
17 be a musician and made a promise to finish
18 the apprenticeship and remain in the Army
19 for 20 years.
20

21 During my time in the Army, the abuse
22 I suffered had a negative impact on me.
23 I often feared that I would run into the
24 hut corporal as there were many events
25 where the various Army bands would link up.
26 I was also unable to complete the training
27 necessary to rise through the Army ranks
28 and become a sergeant, as the training was
29 held at Balcombe and I couldn't face being
30 there.
31

32 Ultimately, I stuck to my promise and
33 remained in the Army for 20 years. I was
34 discharged as a corporal from the Army
35 in February 1991. At the time, I had
36 a young family to feed and a mortgage to
37 pay, but no real employment prospects. It
38 was a huge risk to take discharge, but
39 I had fulfilled my promise to myself to
40 remain for 20 years' service and I didn't
41 need the constant anxiety. I didn't want
42 to ever see the hut corporal again and the
43 opportunity to run into him at Army events
44 continued to cause me heightened levels of
45 anxiety.
46

47 I never disclosed my abuse to anyone during

1 my time in the Army. I did not think
2 I would be believed and I was embarrassed
3 by it. I just learned to live with it.
4

5 In 2013 I saw an advertisement in the
6 newspaper requesting people who were abused
7 in the Army to contact the DART.
8 I considered the advertisement for some
9 time and whether I should come forward to
10 the DART. As I rarely read the newspaper,
11 I felt like I was meant to see the
12 advertisement and so I decided that it was
13 my last chance to let people know that
14 I had been abused, so I contacted the DART
15 to report the sexual abuse I had
16 experienced.
17

18 I found the DART process to be emotionally
19 difficult. The process required me to give
20 explicit details of the sexual abuse in
21 written form. I recall there being
22 telephone conversations and questionnaires
23 to complete.
24

25 This was the first time I opened up about
26 the abuse and disclosed what had really
27 happened. At that stage, I had not told my
28 wife about the abuse, but as I was filling
29 out the paperwork I was getting anxious and
30 told her about what had happened to me.
31 I didn't tell her who abused me or the
32 nature of the abuse.
33

34 I was awarded reparation from DART for the
35 sexual abuse and because the Army failed to
36 protect me from the abuse.
37

38 The DART offered me a private meeting with
39 an Army colonel for the purpose of telling
40 the Army of my abuse and receiving an
41 apology. I didn't think an apology from
42 a person not directly involved would be
43 meaningful. I attended the meeting with my
44 wife. There was a facilitator there as
45 well as an Army colonel.
46

47 The Army colonel was also an ex-apprentice.

1 He knew how life was at Balcombe. As
2 I told my story, his eyes filled with
3 tears. He was clearly upset. His apology
4 was genuine, and I accepted it. At the
5 conclusion of the meeting, we hugged in a
6 brotherly kind of way. I was sorry to have
7 saddened him, but for some reason it felt
8 good to have unloaded my experience to the
9 Army. It was an emotionally tough meeting,
10 but the genuine, heartfelt apology worked.
11 I felt I was believed and that felt good.
12

13 I made a number of recommendations to the
14 Army colonel for improvement. I recall he
15 told me that although Balcombe is no longer
16 there, they have put in place procedures
17 within the Australian Defence Force Academy
18 similar to what I suggested. This made me
19 feel good.
20

21 The abuse I suffered has affected many
22 aspects of my life.
23

24 After I was discharged I found it very
25 difficult to find a stable job. I found
26 casual work, but kept moving from one job
27 to another.
28

29 I have trouble sleeping at night. Many
30 nights, the memories of the abuse keep
31 going through my head.
32

33 As a result of the abuse, I feel like I am
34 an overprotective parent, particularly in
35 relation to my son, who was bullied as
36 a child. Although I am not diagnosed,
37 I believe I have post-traumatic stress
38 disorder, which makes me unsociable. I do
39 not visit friends and cannot stand to be in
40 crowds.
41

42 I have come to rationalise the abuse by
43 believing my perpetrator was homosexual.
44 As a result, I have developed a dislike
45 towards homosexuals. I'm sure I would not
46 have become homophobic had my abuse not
47 happened.

1
2 I was offered counselling by the Defence
3 Abuse Response Taskforce (DART) when
4 I later disclosed the abuse. Because
5 I initially felt that I was handling it,
6 I felt at the time that to tell a stranger
7 my story would just be difficult and bring
8 on unnecessary anxiety. Thanks to the
9 Royal Commission, I am now in the early
10 stages of counselling. I now know that
11 I don't have to detail the actual abuse
12 unless I want to. This has made it a
13 little easier for me, though I still have
14 anxiety for a few days prior to each
15 session, which greatly reduces my
16 concentration and ability to function
17 properly.
18

19 As mentioned, in my meeting with the Army
20 colonel I made a number of recommendations
21 for improvement within the Defence Force
22 going forward. Firstly, I believe that
23 there should be more supervision of minors,
24 particularly after hours. Staff should
25 patrol the area during the day and night
26 and make sure nothing is happening that
27 shouldn't be.
28

29 Secondly, the trainee rank structure should
30 be abolished so as not to give seniors
31 extra powers which may become abusive
32 behaviour. If, however, a rank structure
33 is deemed necessary, rank should be
34 allocated on a one or two-week roster.
35 This would allow many more trainees to
36 experience the responsibilities, stresses
37 and qualities required of a leader.
38

39 Thirdly, there should be a mentoring system
40 for juniors. Mentors should be drawn from
41 intermediate or senior trainees possessing
42 a conducive personality. Most trainees in
43 a military establishment have travelled
44 hundreds or thousands of kilometres from
45 their family, friends and geological
46 comfort zone.
47

1 *Military life is usually totally different*
2 *from the lifestyle those trainees have left*
3 *behind. A walk to the shop with a friend*
4 *became a regimented march in formation.*
5 *A mistake would result in berating and*
6 *possibly extra training. Purchased items*
7 *had regulations on how to carry them back*
8 *to quarters. Simple things like hanging*
9 *your shirt had regulations attached on how*
10 *it had to be done. A mentor could be*
11 *utilised to explain everything in detail,*
12 *in a clear and friendly manner, and perhaps*
13 *answer any questions you were too fearful*
14 *to ask. This would reduce the culture*
15 *shock and anxiety of the trainee whilst*
16 *transitioning into the military lifestyle.*
17 *Any mentor found to be abusive in any*
18 *manner needs to be disciplined.*

19
20 *My sole purpose in providing this statement*
21 *is to hopefully help make training*
22 *establishments, schools and youth groups*
23 *safer for minors in the future.*

24
25 MR STEWART: Thank you, sir.

26
27 Q. Mr [CJC], I believe you have a short poem you would
28 like to read. Perhaps if you can draw a little nearer the
29 microphone or perhaps swap places with your brother.

30 A. "I was once a boy full of life and hope and plans for
31 my years ahead. But on several nights, my life was turned,
32 on the floor near my guardian's bed.

33
34 I now have a wife and a pair of great kids, grandkids
35 too, I must add, but I've failed them all and I know it's
36 because of the fun that my guardian had."

37
38 BROTHER OF [CJC]:

39
40 *I beg of you all, whatever you do, protect*
41 *all kids from now on. Because 45 years of*
42 *living with shame has certainly turned out*
43 *wrong.*

44
45 *If you're a victim and sought no help, go*
46 *and do it for you and for me. I didn't,*
47 *I should have, but what I've found, it will*

help form the best you can be.

MR STEWART: Thank you, sir. I have no further questions for the witness.

THE CHAIR: I assume no-one else has anyone questions; is that right? Yes, thank you, Mr [CJC]. Thank you for your evidence. You are excused.

<THE WITNESS WITHDREW

MR STEWART: Q. I call Daryl James.

<DARYL WILLIAM JAMES, sworn: [2.55pm]

<EXAMINATION BY MR STEWART:

MR STEWART: Q. Thank you, Mr James. Will you state your full names and occupation for the record?

A. My full name is Daryl William James, retired member Australian Army.

Q. Mr James, do you have before you a statement of yours dated 21 June 2016, prepared for the Royal Commission?

A. I do, sir.

Q. And do you confirm that it is true and correct?

A. Yes, sir.

MR STEWART: I tender the statement, your Honour.

EXHIBIT #40-015 STATEMENT OF DARYL WILLIAM JAMES
DATED 21 JUNE 2016

MR STEWART: Q. Mr James, I invite you to read your statement, commencing at the third paragraph.

A. Yes.

"My full name is Daryl William James. I was born in 1956 and I am 59 years old.

I grew up in Ascot Park, south-west of Adelaide. Mum and dad ran a construction and engineering firm. My dad was a devout Christian. He never smoked, swore or consumed alcohol. Dad was my best friend growing up. I looked up to dad immensely for character guidance. I have two younger sisters. One lives close by and one looks after

1 mum interstate.

2
3 Growing up, family, engineering, science and music was
4 my life. I started playing music in school bands when
5 I was seven years old. When I was about 10 years old,
6 I won a scholarship at the Adelaide College of Music, and
7 by age 14 I was the School Symphony Orchestra's percussion
8 principal and soloist and captain of the 120-strong
9 Adelaide College of Music Marching Band.

10
11 Around March 1972, I applied to join the Army
12 Apprentices School at Balcombe in Victoria as an apprentice
13 musician. I had recently turned 15. My parents and
14 mentors supported my decision to pursue a career as an Army
15 musician.

16
17 On 21 June 1972 I received a telegram stating that my
18 application had been successful and that I was accepted
19 into Balcombe. On 28 June 1972, I was formally enlisted
20 into the Australian Regular Army with the rank of
21 apprentice musician.

22
23 I became part of intake class 27A at Balcombe. There
24 were initially 13 lads in my intake. We were all 14 and
25 15-year-old apprentice musicians. About 250 apprentices of
26 all trades had started at Balcombe in January 1972 as the
27 27th class. Our small intake was billeted within this
28 class, however, by June, the large 27th class had settled
29 into a well-defined sprog pecking order behind the 25th and
30 26th classes. It was made crystal clear to me that we lads
31 of class 27A were relegated to the lowest rung of the
32 pecking order, and we were called super sprogs, meaning
33 lower than sprogs. Sprog was a derogatory term used to
34 refer to juniors. It was also a directive, and a word of
35 command, when used by senior apprentices to order juniors.

36
37 On our first day at Balcombe, we 27As were shown
38 around the camp by Sergeant Chris Carter. We were assigned
39 to huts in C Company. I was assigned to hut P3 South which
40 was a section of 11 Platoon. I slept and studied in that
41 hut with nine other apprentices which included me, one
42 other from class 27A and eight class 27 apprentice
43 tradesmen. We were overseen by 25th and 26th class
44 non-commissioned officers (NCOs) who lived in dongas.
45 Dongas were built into the hut with a single bed and a door
46 for privacy. These huts were referred to as guts huts.

1 The moment I entered hut P3 South I was challenged by
2 a young apprentice who wanted to know why I was entering
3 his hut. I introduced myself as a member of the new 27A
4 intake. I told him I was from Adelaide and an apprentice
5 musician. At this point, the young soldier went into
6 a strange tirade saying, 'You fucking homo sprog muso!
7 South Australia's a fucking poofteer state.' I tried to
8 placate him. I lit two smokes and I offered him one. As
9 I passed him the smoke, a big burly hut corporal came up
10 from behind me and tried to snatch away my cigarettes. The
11 corporal spoke to me saying, 'I've got your number, sprog.
12 You're the lowest of low here. Nothing you ever do under
13 my watch will ever be good enough. You're a marked man
14 now.' I felt scared.

15
16 I didn't understand why this hut corporal was so
17 threatening. I didn't know what I'd done wrong. I soon
18 learned that senior apprentices were not our friends, and
19 that as a junior junior apprentice, you were the most
20 inferior, and you had to do whatever you were told to do by
21 your superiors. If you didn't, there were severe
22 consequences.

23
24 Early in class 27A's basic training, Sergeant Carter
25 warned us that the senior intakes were having their crab
26 night. Crab night was a Balcombe tradition that occurred
27 about 100 days before the graduation of the senior
28 apprentice intakes. It was like a school muck-up day on
29 steroids.

30
31 Prior to Sergeant Carter going off duty, he warned us
32 that tonight was crab night and to adopt a very low profile
33 after mess, instructing us to lock our doors, close our
34 windows, draw the curtains, turn lights out early and
35 anything else so as not to attract attention. At the time
36 I didn't know what this meant but our hut certainly
37 complied.

38
39 Physical abuse at Balcombe 1972 was systemic,
40 traditional and commonplace. In my first six months in
41 particular, I was subject to many forms of abuse with names
42 like running the gauntlet, arseholing, crocodiles and
43 alligators, the royal flush and many, many others.

44
45 Running the gauntlet involved two bully apprentices
46 standing by either side of a hallway while sprogs were made
47 to march at a regimental pace passed them. The apprentices

1 then punched us in the stomach, karate chopped us to the
2 back of the neck and kicked us in the arse as we were
3 falling over. When we fell down, we were ordered to march
4 back the other way. I also witnessed another type of
5 running the gauntlet, where many seniors and juniors,
6 directed by apprentice NCOs, were armed with pillow-cases
7 filled with hard objects, like Army boots, telephone books,
8 metal irons, and would flail them at the juniors running
9 through.

10
11 On at least 20 occasions I was also subject to
12 arseholing, where my bed was vertically upended while I was
13 asleep by our apprentice sergeant and hut apprentice
14 corporals' drinking buddies after hours. I soon fashioned
15 my Army issue toggle rope into a safety belt system under
16 my counterpane to slip my feet under to mitigate body
17 trauma.

18
19 The bastardisation called crocodiles and alligators
20 was a tool used to reinforce the code of silence. The
21 senior apprentice would yell at you to answer the
22 directive, 'Sprog! Am I a crocodile or am I an alligator!?'
23 Whichever answer you gave, the senior would gut punch you
24 retorting, 'Wrong answer sprog'. He would then order you
25 back to the attention position and then re-challenge you.
26 This continued until you were finally too fearful to
27 answer. The senior only then dismissed you, aware that the
28 right answer was not to answer, even under duress.

29
30 In the closing days of 1973, I was physically
31 assaulted in full view of the assembled 27th class
32 graduating senior apprentice musicians. A few minutes
33 earlier, I had told one of the adult musician trainees that
34 I was the only apprentice percussionist left in training,
35 and would probably be in charge of the percussion hut keys
36 in 1974. The trainee relayed what I'd said to some of the
37 27th class NCOs, who stopped me, saying, 'What's this about
38 you being boss of the percussion hut next year! You have no
39 power over Corps trainees! You're just a fucking sprog and
40 you'll always be just a fucking sprog.' Then one of the
41 apprentice NCOs ordered the trainee to punish me saying,
42 'Kick his arse till his nose bleeds!' I was then ordered to
43 quick march ahead of the trainee, the adult trainee, while
44 he kicked me in the rear about a dozen times, with each
45 kick lifting me off the ground. It hurt like hell.
46 I blacked out and fell to the ground. Nobody came to my
47 aid. It was during training hours when the staff were on

1 duty.

2

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47

After I got to my feet, I limped down to the nearby Army apprentices school hospital and was treated informally by the medical sister on duty. I covered up the real reason for the injury for fear of further reprisals when she asked. I told her that I had sustained the injury jumping over a fence. As a result of that incident, I believe I sustained testicular damage and anal injuries. Subsequently, my duties as a ceremonial bandsman, which required me to lift my leg up and drive it into the ground on a regular basis to effect the command 'Attention' aggravated the pain I was already experiencing. Over time, I required ongoing treatment and corrective surgery.

Sexual abuse by the senior apprentices.

Early in my class 27A basic training, following Sergeant Carter's warning about crab night, we secured ourselves in our hut and put lockers, desks and chairs on our side of the entry points to barricade ourselves in. I heard screams and cries for help. I looked out my window and saw a semi-naked sprog cleated to the top of our flagpole. After some time, senior apprentices breached our barricades and ordered us to attention by our beds. They interrogated us, punched us for answers and then upended our beds and threw our kit and belongings everywhere before leaving. We restored our hut to inspection order, with more barricading. This routine continued past the bugle call for lights out, but by 11pm our company seemed quiet.

At around midnight, while I was asleep, I was woken up by about eight senior apprentices. They identified me as the 'gay sprog muso' they were after. Once identified, I was forced on to my stomach. One stated, 'You fucking homo sprog, don't make this any worse by struggling.' I heard, then caught a glimpse in the shadows of a self-loading rifle bayonet being unsheathed from its scabbard. I then felt the scabbard of the bayonet probing the opening of my anus. I feared for my life, aware that the drawn bayonet was being held over my back. The ringleader then directed that I be stripped from the waist down. I felt the pain of a blunt wooden instrument being forcefully inserted into my anus whilst somebody said, 'Tonight ya gonna have ya first period sprog.' I was absolutely mortified. I feared for my life.

1 As they left, they warned me that a noisy sprog is
2 a dead sprog, then they forcefully flipped the bed sideways
3 and I fell on to the floor with the bed falling on to me.
4 I reckon I was in shock but then I felt agonising pain and
5 blood in my groin. I took stock of myself, feeling all
6 over for other puncture wounds. I then managed to get to
7 the toilet and found I was bleeding from my anus. I kept
8 cleaning myself up until finally the bleeding stopped.
9 I went back to my bed space, made my bed best I could in
10 the dark and went back to sleep, frozen and very homesick.

11
12 As draining as the crab night had been on us, I am
13 sure that the other apprentices in my hut heard what
14 happened to me, but nobody came to my aid. I recall the
15 intruders warning the other apprentices in my hut not to
16 interfere while they were there. I did not report this
17 incident to anyone. I was too scared that it would lead to
18 worse abuse and even discharge from the Army. I regressed
19 to bed wetting, causing me greater complications.

20
21 One evening a few weeks later, we were all studying in
22 our hut bed spaces when two senior apprentices came up
23 behind me and pulled my uniform shirt and jumper over my
24 head as they lifted me off my chair. I was quite small
25 back then. They dragged me down to the bathroom and the
26 ringleader then warned me, 'Don't struggle sprog. You'll
27 only make this harder.' He then told me to say my prayers
28 because I had been sentenced to death for being a noisy
29 sprog. My head was then pushed into a toilet bowl as it
30 was flushed. This was sometimes called a 'royal flush' but
31 this seemed more serious to me as they were not making the
32 usual noises. I held my breath but the senior apprentices
33 continued to flush the toilet and I started to breathe in
34 water. I had prepared myself to die. I lost consciousness
35 and when I came to I was lying on the floor in the coma
36 position near the toilet cubicle. Still unable to move or
37 see, I heard two voices discussing whether I was breathing
38 on my own yet. They were scared that the seniors would
39 come back and they fled before I came to my senses.

40
41 As soon as I could see and stand again, I went
42 straight to the base hospital with stomach cramps and chest
43 pain. I didn't tell the treating NCO what had actually
44 transpired. While I was in the hospital, I feigned
45 symptoms of appendicitis and was transferred to a hospital
46 off base so that I wouldn't have to return to that hut.
47 Eventually, the doctors determined that I didn't have

1 appendicitis and a week later I was discharged back to my
2 hut. When I entered my bed space, it was exactly as I had
3 left it. The hut members looked at me as though I was
4 a ghost. I survived other similar incidents, which were
5 commonplace, and I was raped by other apprentices.
6

7 Sexual abuse by the laundry manager at Balcombe.
8

9 Not long after crab night, I was designated as the
10 laundry orderly for our hut. This meant I was responsible
11 for collecting my hut's laundry every Tuesday and taking it
12 to the regimental laundry. The first time I took the
13 laundry down, one of the apprentices in my hut chanted,
14 'Bert's gonna have a new boyfriend.' At the time, I didn't
15 know what this meant.
16

17 The civilian 'regimental' laundry operator was a man
18 called Bert, or Uncle Albert. He was over 40 years old.
19 He seemed kind and very interested in me. Bert encouraged
20 me to talk about my life in the hut. I told him that
21 I didn't like it because I was bullied for being a junior
22 musician. While we were talking, I noticed that Bert
23 appeared to be masturbating underneath his clothes.
24 I didn't know what to do. Bert told me that he would
25 protect me and give me extra sheets for my bed-wetting
26 problem, which he was not aware of at that time. He asked
27 me what I liked doing. I told Albert that I liked cars and
28 motorbikes. He said he would give me driving lessons in
29 return for extra bed sheets. It appeared to be a win-win
30 situation.
31

32 The next week Bert asked me how things were going with
33 the other boys. I opened up a bit more about the incident
34 on crab night. He asked me if I'd received any treatment.
35 When I said that I had not, he told me that I should show
36 him the injuries in case they were infected. I said that
37 I didn't want to, but he said it could be serious and to
38 trust him. He took me to the back of the laundry, pulled
39 my trousers and underwear down and bent me over. He spread
40 my butt-cheeks with his hands and started touching my
41 buttocks and scrotum. When I looked back, he had removed
42 his penis from his pants and was masturbating. I was
43 terrified because he had started to penetrate me. I recall
44 protesting noisily and pulled my pants back up. Bert told
45 me to calm down and not be so noisy, reminding me of the
46 extra sheets. He also said the laundry might go missing
47 and I would be in trouble with the boys in my hut if that

1 happened.

2

3 Over the next few weeks, Bert insisted on taking me
4 for driving lessons. We used to go at least once a week
5 after training, and he would give me a can of beer.
6 I initially enjoyed driving the car around camp and after
7 some time Bert directed me to drive off base. Bert then
8 started exposing and masturbating himself while I was
9 driving. He put his other hand on my leg and inner thigh,
10 touching my penis through the outside of my clothing.
11 I protested and pleaded for him to stop, but he reminded me
12 that I was now AWOL and could be charged or even
13 dishonourably discharged.

14

15 I felt further compromised. I hated what Bert did
16 during these driving lessons but he warned me if I stopped
17 or told anyone, he could get me into trouble with the
18 regimental staff or the senior apprentices back in my hut.
19 I think I feared the consequences more than I feared Bert
20 at that point.

21

22 In June 1974 I graduated from Balcombe. I remained
23 with the military as a musician until I was medically
24 discharged from the Army on May Day 2012. When I was in
25 the Army Band Corps, I was required to work alongside
26 individuals who had been responsible for abusing me while
27 I was at Balcombe.

28

29 Reporting the abuse and disclosure to Australian
30 Defence Force Investigative Service (ADFIS)

31

32 In 2008, I was tasked to take part in a parade to
33 celebrate the 60th anniversary of Balcombe, which entailed
34 overnight accommodation at the Latchfield Barracks.
35 I hadn't been near Balcombe since about 1976. That night
36 I told a close member of my Army unit things that I had
37 never told anyone before, not even mum, dad or my wife.
38 The fear, shame and trauma associated with what I'd
39 survived had been locked away, but being part of the
40 Balcombe celebration brought them all flooding back.

41

42 On 31 July 2009, I reported the abuse I suffered at
43 Balcombe to the Diamond Creek Sexual Offences and Child
44 Abuse Investigation Team, Victoria Police. To my
45 knowledge, while my report was investigated, it was put on
46 hold as the prosecution had insufficient evidence to secure
47 successful convictions at that point in time.

1
2 On 15 September 2009 I reported the physical and
3 sexual abuse I experienced at Balcombe to ADFIS, and on
4 30 October 2009 I made a statement to ADFIS investigators.
5

6 On 28 June 2010, ADFIS investigators closed their
7 investigations. Their report stated that, due to my delay
8 in reporting and the historical nature of my claim, they
9 were unable to establish the existence of corroborating
10 evidence to support my allegations. Key witnesses were
11 deceased. They did not interview all relevant witnesses,
12 including Mr Jack Ellard, who is still alive.
13

14 Shortly after the ADFIS investigations, a warrant
15 officer in my unit, Vaughan Grant, summoned me to his
16 office. Among other things, Grant told me that he had
17 heard that I had made a complaint to ADFIS regarding one of
18 the ex-apprentices who was responsible for the abuse at
19 Balcombe. That individual was also in our same unit
20 location. Grant demanded I tell him if I was going to
21 press charges against this individual, to which I replied
22 under duress, 'No, sir, I think such a senior member of the
23 ADF should be allowed to retire with the dignity afforded
24 to his rank.' Grant then said, 'I don't know whether to
25 kick you out of this office, punch you or hug you. Get the
26 fuck out of here.' I was shocked that years after my
27 abuse, this was still the sort of treatment I was getting
28 from my own immediate supervisors.
29

30 Claim for compensation through Department of Veterans'
31 Affairs (DVA)
32

33 On March 2010, a retired colleague was allocated to me
34 as my DVA advocate. He told me I had post-traumatic stress
35 disorder because of the way I'd reacted to specific
36 comments he made. On 19 March 2010, with his help,
37 I completed an application for a psychiatric condition
38 caused by the sexual abuse I suffered as an Army
39 apprentice. I sought permanent impairment compensation,
40 incapacity payments, treatment and rehabilitation from the
41 Australian Defence Force under the Military Rehabilitation
42 and Compensation Act 2004.
43

44 As a serving member, the ADF sent me on a 12-week
45 veteran's PTSD treatment course at a hospital.
46

47 On 12 August 2010, the Military Rehabilitation and

1 Compensation Group sent me a letter noting that the
2 appropriate diagnosis for my medical condition was
3 bipolar 1 disorder, and then rejected that this claim was
4 service related. The letter also indicated that, under
5 this legislation, they were only able to investigate claims
6 that occurred as a result of military service undertaken
7 after 1 July 2004.
8

9 Shortly after receiving this letter, I formally
10 requested that the decision of the Military Rehabilitation
11 and Compensation Group be reviewed by the Veterans' Review
12 Board (VRB). On 14 and 15 April 2015, the VRB had
13 a hearing in relation to my matter. The VRB determined to
14 change my diagnosis from bipolar 1 disorder to PTSD and
15 adjourned the hearing for my psychiatrist to prepare
16 a further report. On 18 August 2015, my psychiatrist,
17 Dr Hickey, sent a comprehensive report to DVA stating that
18 my PTSD was the result of the assaults I received at
19 Balcombe and that the PTSD was clearly diagnosable
20 in May 1976.
21

22 In late 2015, the hearing resumed. At that time,
23 I was too unwell to attend the hearing, but I was informed
24 by my DVA advocate that despite the psychiatrist's report,
25 the VRB determined that the PTSD was not service related.
26

27 I made two further claims for PTSD under the Safety,
28 Rehabilitation and Compensation Act 1988, and the Veterans'
29 Entitlements Act 1986. However, both of these claims were
30 rejected also.
31

32 After medical separation from the ADF, I received
33 correspondence from DVA dated 27 June 2012 advising that
34 I was eligible for hospital and medical treatment for PTSD
35 under the Veterans' Entitlements Act but that the DVA did
36 not accept the condition as being service related.
37

38 Disclosure of abuse to Defence Abuse Response
39 Taskforce (DART)
40

41 In December 2012, a colleague told me about DART.
42 Shortly after, I contacted DART and made a complaint
43 regarding the physical and sexual abuse that I suffered at
44 Balcombe. On 18 October 2013, I received a reply from DART
45 advising me that my complaints were 'plausible' and
46 received a \$50,000 reparation payment from DART, which was
47 the maximum amount of reparation payment available.

1
2 As part of the reparation provided by DART, I also
3 sought and received a formal apology from Major General
4 Fergus McLachlan, a senior serving member of the Army, for
5 the experiences that I had suffered at Balcombe. This was
6 very respectful. It afforded me a formal apology, some
7 form of closure, some belated dignity and an opportunity
8 for input.
9

10 Since 2010, I have seen a non-military psychiatrist on
11 a fortnightly basis. I have been more appropriately
12 diagnosed as suffering from anxiety, depression, PTSD,
13 alcohol dependence, concentration impairment, disturbed
14 sleep and avoidance and isolation behaviours. In 2000,
15 2002 and 2008 I was admitted to hospital after experiencing
16 suicidal ideation.
17

18 I suffer numerous ongoing detrimental issues relating
19 to the abuse, including back and joint injuries I sustained
20 from arseholing, which are chronic and debilitating. The
21 injuries I sustained from being kicked in the testicles
22 have, I believe, contributed to chronic and debilitating
23 pain. The piles that flare up remind me of the crab night
24 torture. Playing percussion instruments is too painful to
25 consider, and teaching triggers flashbacks. I had to treat
26 the pain with trusses and medication and in February 1982
27 I had corrective surgery to treat the testicular and anal
28 injuries that I suffered. I need ongoing treatment and
29 further surgery on my groin, back and joints.
30

31 Throughout my career I have unavoidably come into
32 contact with people who abused me at Balcombe. I believe
33 it has prevented me from realising many promotion
34 opportunities. Most recently, I served in the same unit as
35 two of the ex-apprentice NCOs who were responsible for the
36 incident in which I was kicked in the arse. This was
37 a very traumatic and extremely complicated time for me.
38 One of these ex-apprentices still referred to me as 'sprog'
39 right up until I was discharged.
40

41 ADF members who serve for 40 years are awarded the
42 Federation Star. This award replaces all other
43 long-service clasps worn on the medal and is widely
44 recognised and respected among ADF members. I am extremely
45 disappointed that the ADF saw fit to medically discharge me
46 after 39 years 11 months of service and, as a result, I did
47 not qualify for the Federation Star. I do not believe that

1 it was appropriate for the ADF to have discharged me on
2 that date, because I had an outstanding claim for PTSD
3 caused by my sexual abuse and I was recovering from
4 injuries still requiring treatment from an assault
5 I received.

6
7 These are just some of the detrimental impacts that
8 I have experienced from my abuse.

9
10 My recommendations to the Royal Commission.

11
12 I recommend the ADF implement victimisation awareness
13 training. I recommend equity and diversity training,
14 currently signed off on annually, be carried out at least
15 six monthly for a serving member to remain compliant.
16 I recommend ADFIS investigate and maintain a current
17 register containing the internal risk assessments of sex
18 offenders known to be serving within the ADF. I recommend
19 all unit commanders be determined and regularly assessed by
20 ADFIS as competent or otherwise regarding their suitability
21 to risk assess ADF members that they command. I recommend
22 ADFIS be overseen by an independent integrity body
23 responsible for investigating complaints within the ADF.
24 This body should preclude ex-service members from its
25 executive who may have a conflict of interest. Serious
26 charges should not be dealt with within the ADF; the ADF
27 protect its own. I recommend any such integrity body also
28 review the manner in which commanders and uniformed ADF
29 psych officers communicate to manage the mental health of
30 personnel under their charge.

31
32 I have found the whole DVA process somewhat farcical.
33 I am of the opinion that the DVA is not set up effectively
34 enough to cope justly with claims like mine. I believe
35 there should be a Royal Commission into the discrepancies
36 and inefficiencies that appear to exist within the DVA and
37 its legislation.

38
39 When I enlisted in the Army, recruits under the
40 guardianship of our commanding officers were directed to
41 follow the orders of our superiors without question or
42 complaint and to seek redress via that same immediate chain
43 of command if we considered the orders were not lawful or
44 in accordance with beliefs. I believe that this cultivated
45 an environment of abuse and bullying, with those committing
46 the abuse protecting each other or instilling a code of
47 silence into their subordinates. When a child commences

1 with an institution of any kind, the person in charge of
2 that institution should, at the outset, verbally attest and
3 affirm their responsibilities to those children and provide
4 them with information about how to make a complaint. This
5 should be done in the presence of the children's parents
6 and there should be some form of signed transcript of this
7 pledge for the record. The safety and wellbeing of all
8 children must be in the forefront of the minds of those in
9 charge of institutions." Thank you.

10
11 MR STEWART: Thank you, Mr James. I have no further
12 questions, your Honour.

13
14 THE CHAIR: Does anyone else have any questions?

15
16 MR O'BRIEN: Yes, briefly, if I may.

17
18 THE CHAIR: Anyone else? Very well, yes, Mr O'Brien.

19
20 **<EXAMINATION BY MR O'BRIEN:**

21
22 MR O'BRIEN: Q. Mr James, my name is O'Brien and
23 I represent Mr [CJU], who also, but later than you, was at
24 Balcombe. I want to be quick, if I can, and just address
25 two issues. First of all, I want to ask you about the
26 incident with the laundry manager, if I may. That is in
27 your statement from paragraphs 26 through to 30 or
28 thereabouts. That was after the crab night. Was that
29 1972?

30 A. Yes, indeed.

31
32 Q. You have set out there that when you were told to go
33 down to the regimental laundry, someone, one of the other
34 apprentices, chanted, 'Bert's gonna have a new boyfriend'.
35 I take it from that that there seemed to be some sort of
36 common knowledge, maybe not with you, but amongst the other
37 apprentices, that Bert had a particular reputation; is that
38 the case?

39 A. Yes.

40
41 Q. Whilst you were working in the laundry, did it become
42 more and more apparent that Bert's reputation was fairly
43 well pronounced within the regiment?

44 A. I never actually worked in the laundry. It was simply
45 a matter of carting my bedroom - my bed cheese bag with all
46 of the laundry down there, identifying myself, identifying
47 that it was hut P3 South's laundry, and to wait at a sort

1 of stable-style counter until an attendant came and
2 attended to you. So you didn't actually have to work doing
3 the laundry.

4
5 Q. So whilst you weren't working there, your involvement
6 with him and, it appears, the understanding of his
7 reputation - I am asking you about the reputation?

8 A. Mmm.

9
10 Q. Was he reputed to have a bit of a reputation as
11 someone who --

12 A. I found out in a very short period of time that he had
13 a number of names like Dirty Bertie, "Cheesy Bert", "Hermie
14 Bert".

15
16 Q. That was common widespread knowledge amongst the
17 apprentices?

18 A. Yes, it appeared to be.

19
20 Q. What about amongst the staff?

21 A. There was never any cause to interface with the staff
22 with respect to that, because it was a menial chore that
23 was posted on our routine orders roster board, and that was
24 promulgated by apprentice NCOs. They made the decision on
25 who did the menial orderly day-to-day tasks prior to
26 inspection of huts.

27
28 Q. The reason I'm asking you about Bert is because over
29 half a decade later, he appears to have still been working
30 and he had opportunities to abuse my client.

31 A. Mmm.

32
33 Q. Does that surprise you in any way, given his, it
34 appears, reputable - well, let's withdraw that. His
35 reputation within the place?

36 A. It astounded me, over years asking unanswered
37 questions, that he seemed to have worked there since
38 perhaps the mid-late '60s through to the mid-late '70s - at
39 least a decade. Again, to answer a little bit about the
40 apparent set-up of his laundry, when I was directed to move
41 inside of his laundry, I noticed that he had a cruddy old
42 three-piece lounge suite and a couple of chairs and
43 a coffee table, and there were "Playboy" and "Man"
44 magazines and all sorts of things strewn all over that
45 little area that appeared to be his little bastion.

46
47 Q. Can you give the Commission any sort of perspective

1 that you might have as to why this man, with that type of
2 reputation, so widespread as it was, was allowed to work in
3 a place like this with children for so long?

4 A. No.

5
6 Q. It's astounding, isn't it?

7 A. Mmm, yes. He looked like a military member to us. He
8 always wore military bib and brace and the military tank
9 tops that the craftsmen wore. So he appeared to us, at
10 least to me, to actually be military, not military
11 civilian. At 15 I didn't know what a military civilian
12 was, of course; I just thought he was one of these KP duty
13 type --

14
15 Q. Was there anything about the structure of the
16 institution itself at Balcombe which enabled a person to
17 work so long, with a reputation like that, amongst the
18 apprentices?

19 A. I have no idea. I was too young to consider things
20 like Certificate IV in Working With Children or whatever
21 has evolved over the years. It just appeared to me that he
22 was somebody that was placed in a position of trust and was
23 assumed to be a trustworthy person, or I wouldn't have
24 certainly trusted him to - you know, "Trust me, I want to
25 have a look at the splinters in your anus."

26
27 Q. Thank you for that. Just one further area, very
28 briefly. Your dealings with the DVA - it was important for
29 you to have your PTSD recognised by the DVA as related to
30 your service?

31 A. Indeed.

32
33 Q. And that was obviously important because it formed an
34 official recognition of what had happened to you and why
35 you were suffering for so long afterwards?

36 A. But it hasn't happened. They haven't admitted any
37 liability.

38
39 Q. And how does that make you feel about how the DVA have
40 treated you?

41 A. As I say, I consider DVA not able to cope with complex
42 issues that they can easily deflect as not, you know,
43 contemporaneous or being able to be corroborated in any
44 manner.

45
46 Q. Was there any psychological or psychiatric report
47 contrary to the one that your psychiatrist had produced?

1 A. Absolutely. Absolutely.
2
3 Q. There was?
4 A. Yes.
5
6 Q. And so they weighed that over yours - over your own
7 report?
8 A. At the time I wanted to soldier on and it was
9 suggested to me that I simply put in a claim for
10 a psychiatric condition. They then called it "bipolar 1",
11 which incensed me further. I would have thought if I'd had
12 bipolar 1, that would have been sorted out in one of the
13 initial psychiatric streaming military processes as
14 a prepubescent or in my later teens or 20s or 30s or 40s.
15
16 MR O'BRIEN: Thank you very much for your time.
17
18 THE WITNESS: Thank you, sir.
19
20 THE CHAIR: Does anyone else have any questions? No?
21 Mr Stewart?
22
23 MR STEWART: No, I don't, your Honour.
24
25 THE CHAIR: Thank you, Mr James, you are excused.
26
27 THE WITNESS: Thank you, your Honour.
28
29 <THE WITNESS WITHDREW
30
31 MR STEWART: I call [CJV], your Honour.
32
33 <[CJV], sworn: [3.40pm]
34
35 <EXAMINATION BY MR STEWART:
36
37 MR STEWART: Q. Mr [CJV] your names and details are
38 known to the Royal Commission. Can I ask, do you have
39 before you a statement of yours dated 24 May 2016, prepared
40 for the Royal Commission?
41 A. Sorry?
42
43 Q. Do you have in front of you --
44 A. Yes, yes, I do, yes.
45
46 Q. -- your statement dated 24 May?
47 A. Correct.

1
2 Q. Do you confirm that it is true and correct?

3 A. Correct.

4
5 MR STEWART: I tender the statement.

6
7 **EXHIBIT #40-016 STATEMENT OF WITNESS [CJV] DATED 24/05/2016**

8
9 MR STEWART: Q. I invite you, sir, to read the
10 statement, commencing at the third paragraph.

11 A. "My full name is [CJV]. I was born in 1957 and I am
12 58 years old.

13
14 I was born in Fremantle and raised on a farm in
15 Western Australia. I am the eldest of five siblings.

16
17 In May 1972, when I was 14 years old, I decided to
18 apply to join the Army apprentice school to study a trade
19 in electronics as my parents couldn't afford to send me to
20 university. At the time, joining the Army seemed like
21 a perfect way to finish my education and establish
22 a career.

23
24 In October 1972, I travelled to Perth to sit the
25 entrance exam for the Army. In addition to a written
26 academic exam, I undertook a physical and psychological
27 test. Part of the psychological exam focused on whether or
28 not I was attracted to women. I understood that this was
29 because the Army did not accept homosexuals at the time.

30
31 Later that year, I received a letter informing me that
32 I had been accepted into the electronic apprenticeship at
33 the Army Apprentice School, Balcombe, in Victoria. I was
34 part of Balcombe's 28th intake of apprentices.

35
36 On 17 January 1973, at the age of 15 years, I was
37 formally enlisted in the Army.

38
39 When I arrived at Balcombe, I was assigned to my
40 company. There were five companies at Balcombe. Companies
41 A, B, C and D each contained a mix of first- and
42 second-year apprentices. E Company contained the
43 third-year apprentices. I was assigned to B Company.

44
45 B Company contained apprentices from the 27th and 28th
46 intakes. The apprentices from the 27th intake were in the
47 second year of their apprenticeships. We referred to them

1 as the seniors.

2
3 Each company was divided into three platoons, each
4 comprising around 50 apprentices. B Company was made up of
5 4, 5 and 6 platoons. I was placed in 5 platoon.

6
7 My platoon sergeant was a man named Sergeant Chris
8 Carter. Sergeant Carter was a veteran of the Vietnam War.
9 He was responsible for instructing us on military drills
10 during the day. He was tough but fair. I respected
11 Sergeant Carter a lot and was grateful that he was our
12 platoon sergeant.

13
14 The barracks for A, C and D Companies were essentially
15 large open dormitories with rows of about 10 to 12 beds
16 down each wall with no partitions between the beds. We
17 referred to these barracks as 'guts huts'.

18
19 The barracks for B Company were different to the guts
20 huts. B Company stayed in small rooms connected by a wide
21 verandah along the front. Each room could sleep two
22 apprentices. We referred to these rooms as 'dongas'.

23
24 When I first arrived at Balcombe, I shared a donga
25 with an apprentice from Tasmania who was discharged after
26 a couple of weeks. I can't recall why he was discharged,
27 however, the result was that I slept alone in my donga for
28 the remainder of my first year at Balcombe. I believe
29 being alone in my donga at night made me an easy target for
30 the abuse that I later suffered at Balcombe.

31
32 Staff members never stayed in the barracks with the
33 apprentices during the night. They slept in their own
34 officer barracks or off base with their partners if they
35 were married. The only time I saw a staff member in the
36 barracks was at around 9pm when a duty sergeant would walk
37 around and order 'Lights out'. The physical and sexual
38 abuse that I experienced at Balcombe almost always occurred
39 in the evening after lights out when there were no staff
40 around.

41
42 A senior apprentice slept in the donga next to mine.
43 He was the hut corporal of our barracks. 'Hut corporal'
44 was not an official Army rank. It was an unofficial title
45 given to a senior apprentice who was responsible for any
46 issues in the barracks when the staff were not around.

1 There was a well-entrenched hierarchy between the
2 apprentices at Balcombe. I quickly learned that as junior
3 apprentices we had to do whatever the senior apprentices
4 told us. Senior apprentices used to make us polish their
5 boots, do their laundry and fetch their food from canteen
6 or mess. I didn't mind this as I understood it was part of
7 testing us out as soldiers. However, what I didn't like
8 was the physical beatings we received if we didn't do what
9 we were told.

10
11 The senior apprentices were often drunk at night-time.
12 There was a second-year apprentices' bar at Balcombe which
13 served beer to senior apprentices over the age of 16. The
14 senior apprentices would often spend their evenings at the
15 bar and return drunk to our barracks just before lights
16 out.

17
18 On one occasion during my first year at Balcombe, my
19 hut corporal called me over to him and punched me hard in
20 the chest. The force knocked me to the ground. I said to
21 him, 'What did you do that for?', to which he replied 'No
22 reason.' I was shocked and in pain.

23
24 On another occasion, I was held down by six senior
25 apprentices while the other senior apprentices beat the
26 shit out of me. My hut corporal was one of the senior
27 apprentices that beat me on that occasion.

28
29 I didn't report these incidents to anyone. The normal
30 chain of command would require me to report the incident to
31 my hut corporal first, but I couldn't, because he was one
32 of the apprentices that had assaulted me. I didn't report
33 the incidents to a member of staff because I knew that if
34 the senior apprentices had found out that I had dobbed,
35 I would have been subjected to worse beatings. I didn't
36 want to create further trouble for myself. I just wanted
37 to get through my first year.

38
39 The Army was aware of the physical assaults by senior
40 apprentices on junior apprentices at Balcombe at the time.
41 There was an incident at Balcombe in early 1973 involving
42 a junior apprentice who was badly beaten by four senior
43 apprentices. The incident made it into the newspapers and
44 the senior apprentices were disciplined and discharged.

45
46 Not long after starting at Balcombe, I woke up one
47 night to find two senior apprentices in my donga. They

1 were standing at the end of my bed and playing a game which
2 they called 'Gotcha'. This involved them grabbing my
3 genitals and saying 'gotcha'. As a naive 15-year-old boy,
4 I didn't know what to do. I tried to fight them off but
5 they were older and bigger than me. I was scared. They
6 then tipped my bed over so that I fell out on to the floor.
7 This was a practice that I came to know as 'arseholing'.
8 They then upended my locker so that my clothes went
9 everywhere, and then they left the room.

10
11 The next day, the senior apprentices who had sexually
12 assaulted me did not say anything to me about what
13 happened. I didn't report the incident to anyone. I was
14 too scared that it would lead to further abuse. For the
15 remainder of the first year at Balcombe, I was woken almost
16 every week night by the same senior apprentices grabbing or
17 pulling at my genitals. Once I woke up on the floor with
18 the bed tipped up on top of me.

19
20 Often I woke up to see one of the senior apprentices
21 sitting on the end of my bed leering at me. I believe that
22 more happened to me on those occasions but my memory has
23 perhaps deliberately blocked them out.

24
25 I grew to hate night-times at Balcombe. I would lay
26 awake at night-time with my hands over my genitals to
27 protect myself. I could hear the voices of the seniors as
28 they walked back from the senior apprentices' bar. I heard
29 their footsteps coming towards my donga and outside my
30 door. I would lay there terrified, waiting for them to
31 come in. I knew I couldn't do anything to stop them and
32 no-one was there to protect me.

33
34 I never reported the sexual abuse to any of the staff
35 members at Balcombe. I was scared that if I reported, the
36 abuse from senior apprentices would get worse. I didn't
37 want to appear weak and I felt humiliated about what the
38 senior apprentices were doing to me.

39
40 Despite the fact that he slept in the room next to
41 mine, my hut corporal never intervened to protect me from
42 the other seniors. He must have heard what was happening
43 to me.

44
45 Life after Balcombe

46
47 I never experienced any physical or sexual abuse after

1 my first year at Balcombe.

2
3 In 1974, I moved into the second year of my
4 apprenticeship. That year, I had access to the senior
5 apprentices' bar and started drinking heavily. Looking
6 back, I think that was my way of coping with life at
7 Balcombe after what had happened to me. I never
8 participated in physical assaults on other junior
9 apprentices during my second year at Balcombe.

10
11 In 1975, I moved to E Company, which was for
12 third-year apprentices only. The E Company barracks were
13 separate from the first- and second-year apprentice
14 barracks. I didn't experience any physical or sexual abuse
15 during this time.

16
17 In December 1975 I graduated from Balcombe as an
18 electronics technician.

19
20 I remained in the Army for another six years. In late
21 1981 I did not opt to reenlist in the Army at the end of my
22 nine-year term. I was officially discharged on 16 January
23 1982.

24
25 Around 1977, while I was posted to an Army base in
26 Queensland, I started to reflect on what happened to me at
27 Balcombe. I was still ashamed and developed low
28 self-esteem and trust issues with other men. I became
29 reclusive, unmotivated and depressed. As a result, I was
30 referred to an Army psychologist. I visited the
31 psychologist a number of times but I didn't feel I could
32 tell him about the sexual abuse at Balcombe. As a result,
33 he diagnosed me as having some personal issues relating to
34 my family. I knew that my depression was related to the
35 sexual abuse that I suffered, not issues with my family.

36
37 I didn't know who to talk to about the abuse, or how
38 to talk about it. Instead, I drank heavily and managed as
39 best I could, despite continuing anxieties around sleeping
40 and trust issues with men.

41
42 Around June 2014 I saw a program on TV about the
43 sexual abuse of women within the Australian Defence Force
44 Academy. This was a turning point for me. It made me
45 really angry that sexual abuse was still happening in the
46 Defence Force and I thought, 'It's time that people knew
47 exactly what happened at Balcombe, and if these women are

1 brave enough to come forward, then I can, too.'

2
3 Around that time, a friend told me about the Defence
4 Abuse Response Taskforce (DART), but by the time
5 I contacted DART I was told that they were no longer
6 accepting complaints from survivors.

7
8 In August 2014, I went to see my psychiatrist and was
9 diagnosed as suffering from post-traumatic stress disorder
10 as a result of the sexual abuse at Balcombe.

11
12 In January 2016 I sought legal advice to initiate
13 a civil claim for compensation against the Department of
14 Defence for physical and sexual abuse that I suffered at
15 Balcombe. That claim is still ongoing.

16
17 I know that compensation can't make up for what
18 happened to me at Balcombe. However, I want to make
19 Defence take notice that this sort of thing is unacceptable
20 now and was unacceptable back then. I feel that if Defence
21 is faced with compensation claims then they have
22 a financial imperative to ensure that sexual and physical
23 abuse no longer occurs in the Australian Defence Force.

24
25 To this day, I am still anxious at night-time. I have
26 had trouble with my sleeping habits for many years. For
27 many years, I slept with my hands over my genitals. I am
28 still very sensitive to noise in my room at night-time. My
29 wife has told me that I would often wake up in the middle
30 of the night yelling, 'Get out!' Or 'Who's there?!' This
31 occurred as late as last year.

32
33 I've always been uncomfortable with male bosses
34 throughout my career. I am generally more comfortable with
35 female superiors than with male superiors in the workplace.

36
37 I have been diagnosed with depression and PTSD and
38 I continue to see a psychologist every few weeks.

39
40 Ever since my second year at Balcombe, when I was
41 16 years old, I started to drink heavily. Drinking has
42 helped me cope with the effects. I still drink heavily
43 today.

44
45 Recommendations for the Royal Commission

46
47 I believe that the Army knew about the physical abuse

1 that was going on at Balcombe. They knew full well about
2 the incident which led to the newspaper articles concerning
3 the four senior apprentices that beat up juniors at
4 Balcombe in 1973. I believe the Army also knew that those
5 who reported were subject to further physical abuse for
6 dobbing.

7
8 I think that there should have been an education
9 program in place to inform staff and apprentices about
10 acceptable behaviour in the barracks. I also think that
11 there should be a reporting mechanism that enables soldiers
12 to report physical or sexual abuse without feeling like
13 they will only make themselves a target for future further
14 abuse.

15
16 I am angry when I hear that abuse still occurs within
17 the Australian Defence Force. If the Army had taken things
18 seriously back in 1973, it would have been stamped out by
19 now."

20
21 MR STEWART: I have no further questions for the witness.

22
23 THE CHAIR: Q. Mr [CJV], how many trainee musicians
24 would there have been in Balcombe when you were there?

25 A. I don't know, your Honour, I was electronics
26 technician, so --

27
28 Q. Well, then, how many electronics technicians were
29 there?

30 A. There were four classrooms - 60 or 80, I'm guessing.
31 I'm only guessing.

32
33 Q. Right. And did you mix across --

34 A. In each company, we were made up of different trades,
35 so we had mechanics, fitters and turners, musicians,
36 plumbers, carpenters. So our companies were arranged
37 almost alphabetical. So those surnames from A to C were in
38 A Company. Then --

39
40 Q. So you weren't grouped in terms of your
41 apprenticeship?

42 A. Not in 1973, no.

43
44 Q. And so you would be mixing with people from all types
45 of training?

46 A. Correct. And my main protagonist was a plumber.
47

1 THE CHAIR: Thank you. Does anyone else have any
2 questions? No? Thank you, Mr [CJV]. Thank you for your
3 evidence. You are excused.
4

5 <THE WITNESS WITHDREW
6

7 MR STEWART: Your Honour, I had rather depended on getting
8 to one extra witness today. I note the time. I inquire
9 whether it is possible to perhaps start at 9.30 tomorrow,
10 or sit a little longer this afternoon.
11

12 THE CHAIR: We can sit at 9.30, I think, in the morning.
13 How are we going for time overall?
14

15 MR STEWART: Well, we will certainly be pressed to finish
16 the Balcombe and Leeuwin section by the end of tomorrow,
17 which is what the aim had been. That means we will have to
18 look at some catch-up next week.
19

20 THE CHAIR: All right. We will adjourn now until 9.30 in
21 the morning.
22

23 **AT 4.03PM THE COMMISSION WAS ADJOURNED TO**
24 **FRIDAY, 24 JUNE 2016 AT 9.30AM**
25
26
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