

From: Wallis, Catherine WGCDR
Sent: 17 Jun 2013 11:19:26 +1000
To: Topp, Daryll WGCDR
Cc: Oslear, Peter FLTLT
Subject: RE: Adams Inquiry SE=STAFF IN CONFIDENCE [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Daryll,

I agree with GPCAPT Given - I recommend that the matter is referred to NSW police.

It is not entirely clear from the information that you have provided whether the Cadet would be considered to be under "special care" as defined in s73(3)(c) Crimes Act(NSW). However, in my view, the information is sufficient for a referral, and NSW police will advise. There are no disadvantages in making a referral.

Kind regards

Cath

C.M. Wallis

Wing Commander
Staff Officer - Legal
Air Force Headquarters

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Email: catherine.wallis@defence.gov.au

From: Topp, Daryll WGCDR
Sent: Monday, 17 June 2013 09:46
To: Wallis, Catherine WGCDR
Cc: Oslear, Peter FLTLT
Subject: FW: Adams Inquiry SE=STAFF IN CONFIDENCE [SEC=UNCLASSIFIED]

UNCLASSIFIED

Good morning Cath, Peter,

Apologies for bothering you again.

Please see the email trail below, a QA has been conducted into unacceptable behaviour whilst attending a Promotion course in January at Wagga. The incident involves a LAC (AAFC) Staff member and a Cadet who is underage (17 Years old). The Staff member is also a LAC in the Reserves.

My question is, now that the QA has been conducted and found that an incident did occur, do we now need to forward this information to the civil police as the Cadet is underage?

Again my apologies for bothering.

Kind regards

Daryll

Daryll Topp

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Email: daryll.topp@defence.gov.au

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From: Green, Dennis AIRCDRE 1
Sent: Monday, 17 June 2013 09:32
To: Topp, Daryll WGCDR
Subject: FW: Adams Inquiry SE=STAFF IN CONFIDENCE [SEC=UNCLASSIFIED]

UNCLASSIFIED

Daryll

Please seek AFHQ legal advice for my telecon 1400 hour today.

Dennis

From: Ken Given [mailto:REDACTED]
Sent: Monday, 17 June 2013 08:55
To: 'Wayne Laycock'

Cc: Green, Dennis AIRCDRE 1
Subject: RE: Adams Inquiry SE=STAFF IN CONFIDENCE

Wayne,

Thank you for this update. My inclination is to err on the side of caution and to report the allegations to the police and let them decide if the cadets were under "special care" (IAW SECT 73 para 3 of the Crimes Act)akin to the teacher student relationship even though I understand that both female cadets were acting as cadet staff for the activity.

I will be speaking to the DG later today and will discuss the issue with him and let you know.

Best Regards

Ken

From: Wayne Laycock [mailto:REDACTED]
Sent: Sunday, 16 June 2013 9:56 PM
To: Ken Given
Subject: Adams Inquiry

Sir

After speaking with you I checked the age of the 2nd girl. Both girls are 17 old. In doing so it jogged my memory of an offence under NSW Law where a teacher cannot have sexual intercourse with their student who is under 18 years of age. There are other circumstances where this will apply such as where the offender has a personal relationship with the victim with the provision of, amongst other things, 'instruction to the victim.'

I have checked the legislation and I am not sure whether this will apply or not. If it does we are then bound to report this matter to the Police.

The only thing I can think of is to request a legal opinion through CB as to whether we are required to report this matter to the authorities.

I have attached the relevant section of the NSW Crimes Act for your information.

Wayne Laycock
Wing Commander (AAFC)
Officer Commanding 3 Wing
Australian Air Force Cadets

Tel: REDACTED
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