

From: Watson, Sean FLTLT 1
Sent: 28 Jun 2013 09:54:17 +1000
To: Green, Dennis AIRCDRE 1
Cc: oc.3wg@aaafc.org.au; Hatch, Jacqueline SQNLDR; Topp, Daryll WGCDR
Subject: RE: LETTER TO NSW POLICE [SEC=UNCLASSIFIED]
Attachments: Letter to NSW Police.doc

UNCLASSIFIED

G'day Sir,

As requested, please find attached draft letter to NSW Police for perusal.

FYI, Victorian law makes it an offence for teachers to have sex with 16- or 17-year-old children under their care, supervision or authority, regardless of how or whether consent was given. However, in Queensland, prosecutors would have to pursue a rape charge and prove beyond reasonable doubt that either the student did not consent or that the teacher actively exercised authority to improperly gain consent.

The following article provides some background:

<http://www.brisbanetimes.com.au/queensland/student-sex-laws-to-be-reviewed-20110531-1fek.html>

With regards to these allegations, NSW law may differ and without NSW Police clarification natural justice for all parties involved may not be able to proceed...

Regards,
 Sean
 Sean Watson
 Flight Lieutenant
 Staff Officer Support and Communications
 Cadet Branch - Air Force

<u>Physical Address;</u>	<u>Postal Address;</u>
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Mobile: REDACTED
 E-mail: sean.watson1@defence.gov.au

From: Ken Given [mailto:ken.given@REDACTED]
Sent: Thursday, 27 June 2013 19:34
To: Green, Dennis AIRCDRE 1; oc.3wg@aaafc.org.au
Cc: Hatch, Jacqueline SQNLDR; Watson, Sean FLTLT 1
Subject: RE: LETTER TO NSW POLICE [SEC=UNCLASSIFIED]

Sir,

Comments on the draft are shown below in red. I got a bit confused because I thought this was based on just one cadet (e.g. "The female cadet ..."), but the last couple of paragraphs appear to refer to more than one cadet (e.g. "made by the female cadets age 17 in the presence of their

parents") – I think we need consistency about this, either a single cadet or a multiple cadets. Have highlighted the inconsistent sections in yellow.

Otherwise OK by me.

Best Regards

Ken

From: Green, Dennis AIRCDRE 1 [mailto:dennis.green1@defence.gov.au]
Sent: Thursday, 27 June 2013 1:49 PM
To: 'oc.3wg@aafc.org.au'; 'Ken Given'
Cc: Hatch, Jacqueline SQNLDR; Watson, Sean FLTLT 1
Subject: RE: LETTER TO NSW POLICE [SEC=UNCLASSIFIED]

UNCLASSIFIED

Wayne or Ken

Did you have any comment on my draft below?

I intend to have this signed and to NSW Police on Monday with accompanying documents.

Dennis

From: Green, Dennis AIRCDRE 1
Sent: Tuesday, 25 June 2013 09:30
To: 'oc.3wg@aafc.org.au'
Cc: 'Ken Given'
Subject: LETTER TO NSW POLICE [SEC=UNCLASSIFIED]

UNCLASSIFIED

Wayne

Please focus on the response to MRS ^{CJO} first then turn your head to this document.

Dennis

I will formally write to NSW Police requesting their urgent action in regards to the allegations made against LAC (AAFC) Adams. I intend to provide as much relevant information to them so that they are convinced to take immediate action.

Could you send to me a copy of what you have formally provided to NSW Police so far.

Also could you provide me with a copy of the statements/report by Darren Banfield to date please. I presume he has a record of conversation of interviewing each of the cadets in the presence of a parent?

I will provide details of our Code of Conduct for staff, and any other relevant policy documents.

Could you also send me a copy of the Joining Instructions and any documentation relating to the duties of all staff members on the camp including their Cadet instructors.

Since discussing the matter with you and CDR last evening, I have developed the following logic for the request for action. Happy for you to insert some thoughts or corrections.

DRAFT THOUGHTS

The AAFC is a youth development organisation for cadets age 13 to 20. **The minimum age requirement for appointment as an officer of the AAFC is 20 years. The minimum age for appointment as an instructor is 18 years.**

As part of the youth development **philosophy** we give cadets training and development opportunities under the supervision of Officers of Cadets or Instructors of Cadets. This training and development takes place at weekly parades, camps at Defence bases, weekend activities, and promotion training camps.

As each cadet passes a milestone in their training and development they are rewarded by promotion to a higher cadet rank, starting with Leading Air Cadet then Cadet Corporal, Cadet Sergeant **and** Cadet Flight Sergeant. **Beyond that rank, senior cadets may seek to become either a Cadet Warrant Officer and Cadet Under Officer.** Promotion to Cadet Corporal, Cadet Sergeant, Cadet Warrant Officer or Cadet Under Officer follows after successful completion of a specific training course at a Defence base.

Completion of the promotion courses gives cadets opportunities to further develop their skills by delivering training to other cadets at their weekly parade. This delivery of training occurs under the management and supervision of the Officers of Cadets and Instructors of Cadets.

Cadet Warrant Officers and Cadet Under Officers are also given the opportunity to further develop their skills by working as instructors on the promotion courses. While delivering this instruction they are under the management and supervision of Officers of Cadets and Instructors of Cadets.

The Staff Code of Conduct for the AAFC is signed by every member of the AAFC staff. The AAFC Policy Manual is explicit in stating (insert Pt 2Ch 7 paras 15 to 16).

This Code of Conduct applies **to** all Officers of Cadets and all Instructors of Cadets at all times **when dealing with** all cadets regardless of their age 13 to 20.

In the case of cadets who are under **the age of 18**, we have a requirement for the parents to sign a permission slip for them to participate in camps and activities outside the weekly parade. **This permission slip acknowledges that** the AAFC staff (Officers of Cadets and Instructors of Cadets) **will** take responsibility for the safety, care training and development of the child for that activity.

The analogy here is that the Officers of Cadets and Instructors of Cadets have the same responsibility **as** a teacher at a school for the safety, care, training and development of the cadets who are in their care for a specific activity. These responsibilities **apply** regardless of the age of the cadet and regardless of the rank of the cadet, and regardless of the position a cadet may be given to develop their skills by instructing other cadets. At school, if a pupil is appointed to a position of responsibility such as prefect or school captain they remain under the care of the teachers. Likewise an Officer of Cadets and Instructor of Cadets has the enduring duty of care for the safety, training and development of cadets of all ages regardless of the rank or appointment **of the cadet** within the organisation.

In this specific case LAC (AAFC) Adams was an Instructor of Cadets age **23**, and **was** appointed Chief Instructor for the promotion camps held at RAAF Wagga Wagga over the period **6 to 27 January 2013**. As part of the camp, the Detachment Commander reminded all staff of their duty under the

Code of Conduct and Behaviour Policy on the first day of the camp. The female cadet, aged 17, was appointed to the camp to be a cadet instructor.. All cadets on the camps regardless of age or rank were under the responsibility of LAC (AAFC) Adams for safety, care, training and development. The parents/guardians of the cadets had signed written permission for their sons and daughters to attend the camp.

The allegations of inappropriate sexual conduct made by the female cadets age 17 in the presence of their parents to an independent executive Squadron Leader Darren Banfield if correct are serious breaches of the responsibility of an adult Instructor of Cadets for his duty of care, training and development of cadets in his care.

I request your urgent action to investigate these matters and take appropriate action as soon as possible.

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