

## ATTACHMENT C – SUMMARY OF RAPKE and OMBUDSMAN REVIEWS

### *The Rapke Report (in relation to HMAS Leeuwin) July 1971*

1. On 30 April 1970, following press radio and television publicity of actions perpetrated against Junior Recruit Connolly at HMAS *Leeuwin* and, on direction from the Minister of State for the Navy, Judge Trevor Rapke<sup>67</sup> commenced an investigation into allegations of initiation practices, physical violence, or bullying at HMAS *Leeuwin*.
2. The investigation, which took 14 months to complete and was broadened to include matters at HMA Ships *Nirimba*, *Cerberus* and HMAS *Sydney*, resulted in two reports, dated 6 May 1971 and 3 July 1971, referred to collectively as 'Records of an Inquiry into Events that Allegedly Occurred at HMAS *Leeuwin* and Onboard HMAS *Sydney*' and commonly referred to as the 'Rapke Report'.
3. The report indicated that, '... insensitive bullying and crude juvenile behaviour of the bully element that *Leeuwin* from time to time had in its population led to a number (regrettably not infrequent) of junior recruits of sheltered background and high principles who were sickened by this behaviour and found themselves unable to continue with their chosen career in the Navy'.<sup>68</sup>
4. The report also acknowledged behaviour of concern in which many Junior Recruits had taken part, and a finding that '*Leeuwin* had been the scene for unorganised and repetitive acts of bullying, violence, degradation and petty crime during most of the years of its existence'.<sup>69</sup> The report also suggested that staff at *Leeuwin* were aware of the abuse that was taking place and noted that some staff members held questionable attitudes towards the levels of violence that were acceptable as part of naval training. That said, Judge Rapke concluded that bullying and violence were not institutionalised, systemic or even particularly widespread at *Leeuwin*, and that the officers who staffed the establishment were by and large upstanding men who carried out their duty of care with diligence.
5. Despite the 14 month contemporaneous investigation by Judge Rapke into abuse at *Leeuwin*, child sexual abuse did not emerge as a matter of significance. Rapke reported '...although the charge of homosexuality being a vice among junior recruits at *Leeuwin*' was not made by Mrs Connolly alone, I did pursue in depth an inquiry into this subject and saw a number of witnesses including one who wrote to you. I am of the opinion the charges are not substantiated... the few cases of real homosexual behaviour at *Leeuwin* were exposed, reported and punished, usually by dismissal from the Naval Service. My view is that the incidence of homosexuality in the Navy at *Leeuwin*, *Nirimba* and onboard HMAS *Sydney* is negligible and vastly less than in peer groups in the community at large'.<sup>70</sup>

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<sup>67</sup> RADM Trevor George Rapke, AO, RANVR (1909-1978), joined RANVR as Paymaster SBLT 1941, LEUT 1941; served HMAS AUSTRALIA 1942-43; left RAN 1944; Judge Advocate-General Australian Naval Forces 1964-78 with honorary rank of Rear Admiral.

<sup>68</sup> Rapke Report (2) 3 Jul 71, pg 30, para 53 DEF.02.0001.002.0036.

<sup>69</sup> Rapke Report above p 41 at [74].

<sup>70</sup> Rapke Report above p 10 at [19].

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**Commonwealth and Defence Force Ombudsman Report – Australian Defence Force – Management of Service Personnel under the age of 18 years – 2005**

6. In October 2005, following several serious complaints to his office, the Commonwealth and Defence Force Ombudsman, in his dual roles, undertook an own motion investigation in accordance with s 19C(2)(b) of the *Ombudsman Act 1976*, into matters of administration relating to Defence's dealing with people under the age of 18 years. The aim of the investigation was to examine whether the ADF had:
  - a. Policies and procedures in place to identify and deal with key issues that arise in relation to minors
  - b. Mechanisms to ensure these policies and procedures are understood by key staff and implemented and monitored consistently across the Navy, Army and Air Force
  - c. Appropriate arrangements in place to handle any problems or complaints young people may have, and to respond to them in a timely manner.
7. The administration of minors in the ADF Cadets was outside the scope of this investigation.
8. The recommendations made by the Ombudsman were:
  - a. That the ADF seek legal advice as a matter of priority on the extent of its duty of care to minors and how that should be interpreted in service and training establishments. The advice should address the interaction of Commonwealth and State/Territory laws, the implications of society's expectations about care owed to minors, and the ADF's liability if adequate levels of care are not provided.
  - b. That legal advice on care for minors be used to develop a Defence Instruction (General) that would define the ADF's responsibilities for the administration of minors. It should include examples of the risks associated with care of minors that must be covered in any service arrangements to give effect to the DI(G).
  - c. That, consistent with good administrative practice, each service develop its own instruction identifying how minors will be managed within service personnel management and training structures. The DI(G) should address risks specifically associated with that service. It should inform the development of procedures to manage those risks within individual training establishments.
  - d. That comprehensive and accurate information about the ADF's duty of care for minors (and what this means within each service and training establishment, where appropriate) be provided for all potential enlistees who are minors, and their parents/guardians. This information should include examples of how the duty of care will be delivered day-to-day, as well as the limits of the ADF's responsibilities.
  - e. That service Training Commands take a more active role in directing and supporting Commanding Officers, and their staff, in the delivery of care to minors. This could include the following:
    - i. *Issuing instructions for incoming COs in training establishments for management of minors. These instructions would be tied to the relevant service Instructions and specify expected outcomes and performance measures against which CO will be assessed annually.*

- ii. *Ensuring COs have the resources – time, staff and administrative support – necessary to deliver expected outcomes. This could include designation of a staff member with specific responsibility for assessing risks and monitoring/reporting on outcomes for minors.*
  - iii. *Facilitate exchange of information about best practice in managing minors within and between services. This could include regular meetings/exchanges of instructional and support staff, as well as Cos, across training establishments and services.*
- f. That the ADF consider developing a tri-service strategy for training and maintaining consistent, high quality instructional and support staff in training establishments. The strategy would recognise the critical role of recruitment and initial employment training to maintaining a strong ADF. It could include the following:
  - i. *Developing consistent selection procedures for instructional support staff in training establishments, which will ensure they have the capacity to communicate effectively with minors; and developing standard minimum training requirements to ensure all staff involved with minors have the necessary skills to provide an appropriate level of care.*
  - ii. *Reviewing the priority given to provision of support services, particularly health services, in training establishments to ensure resources available for minors who may be at risk of physical, psychological or emotional injury are sufficient.*
  - iii. *Establishing benchmarks for qualifications, experience and number of instructional and support staff, and timeliness of support services, in training establishments responsible for the management of minors.*
- g. That the ADF review accessibility of support arrangements for minors, including by the following:
  - i. *Conducting surveys of the opinions of minors on current arrangements. Surveys should be anonymous, include minors who do not complete their training, and provide the option for free comment on barriers to access. Given that many minors lack broad life experience, it would also be appropriate to suggest options for improvement, on which they can comment. Examples could include greater access to their families (such as more opportunity for telephone contact) and tighter confidentiality when a problem is raised.*
  - ii. *Analysing factors, which contribute to successful support arrangements for minors; and using these as a basis for developing a best practice model for application across the ADF.*
  - iii. *Regularly seeking feedback from minors to ensure high standards set by the best practice model are maintained. Results from feedback should be consolidated across all services and form the basis of an annual report to the Chief of the Defence Force on the effectiveness of support arrangements for minors.*

- h. That the ADF review administration of the Equity Adviser Network within training establishments to identify barriers to the use of the network by minors. This review should include the nature and timing of information about the network provided to minors and training for advisers in communicating effectively with younger people.
  - i. That the ADF review the collection of qualitative and quantitative data relating to delivery of care for minors with a view to improving consistency of collection across services and facilitating analysis of trends across the ADF. This data should be used as a basis for preparation of regular reports for Training Commands, Service Chiefs and the Chief of the Defence Force on outcomes for minors in training.
  - j. That the ADF review its accountability structures for the care of minors to ensure that Commanding Officers in training establishments receive adequate support in maintaining appropriate levels of care for minors. Clear lines of accountability should be established for implementation of any recommendations, policies or procedures relating to minors. Formal reporting structures should be established and key staff in training establishments, Training Commands and Service Chiefs be required to report regularly against performance standards for the management of minors.
  - k. That the ADF undertake an analysis of the costs and benefits of accepting minors for enlistment in the ADF with a view to determining whether the enlistment age should be raised to 18 years.'
9. The Chief of the Defence Force agreed broadly with all but one of the above recommendations and directed they be implemented. In relation to the recommendation to consider raising the enlistment age to 18 years, he believed this would severely restrict the quality and quantity of recruits, particularly from those States and Territories where students finish school at 17 years of age.