

**STAFF-IN-CONFIDENCE****BRIEF FOR CDR-AAFC****SEXUAL OFFENCE ALLEGATIONS - CWOFF [REDACTED] 07 DEC 12****BACKGROUND**

1. On 04 Dec 12, CO 207SQN was made aware of an incident which may constitute a sexual offence under Queensland law. Due to the nature of the allegations and the ages of the personnel involved, a number of additional actions were taken at several levels.
2. **Reason for brief.** This brief is written to provide CDR-AAFC with information on the events arising prior to and actions taken regarding the issue since first notification.
3. **Scope of brief.** This brief will describe:
  - a. Events leading to notification of the incident(s),
  - b. Interviews conducted following the notification,
  - c. Courses of action discussed and decided at all levels involved.

**NOTIFICATION OF THE ALLEGED INCIDENT(S)****Initial Notification to CO 207SQN**

4. **Initial Interview.** ACW(AAFC) Rutyna notified CO 207SQN she would be having an interview with CWOFF [REDACTED] and AC(AAFC) Lowes (who is the school chaplain at Nambour SHS) to discuss an incident on 03 Dec 12. CO 207SQN assumed this to concern CWOFF [REDACTED]'s attitude and resistance to follow *AAFC Interim POLMAN Jul 08* and *AAFC Uniform Instructions Version 3.3 Jul 11* throughout the year and gave permission. This assumption subsequently proved to be incorrect.
5. **Initial Rumour.** Several 207SQN senior cadets attended a private party at a senior cadet's house on 01/02 Dec 12. During this party several allegations were made regarding CWOFF [REDACTED]'s sexual preferences and his actions in the last few months. Much of this information was in the form of *Facebook* posts and involved some senior cadets not at the party, along with ACW(AAFC) Rutyna and AC(AAFC) Lowes, who were present (at the invitation of the senior cadet's mother). Both AC(AAFC) Lowes and ACW(AAFC) Rutyna have since been counselled as to their wisdom of their actions in attending this party.
6. **First CO's Brief.** ACW(AAFC) Rutyna organised a meeting with CO 207SQN on 03 Dec 12 to discuss the issues raised during the interview with CWOFF [REDACTED]. ACW(AAFC) Rutyna advised CO 207SQN that CWOFF [REDACTED] had had a sexual encounter with a 16 year old male cadet when dropping him home after Monday night parade. The victim was identified as a LCDT panelled for 2/12 CJNCOPROMCSE 14 -

**STAFF-IN-CONFIDENCE**

**STAFF-IN-CONFIDENCE**

22 Dec 12. A transcript of the *Facebook* conversation of 01/02 Dec 12 was presented at the meeting and ACW(AAFC) Rutyna was advised the record suggested a sexual offence had taken place between two cadets and that OC 2WG would be informed ASAP. A short time later CO 207SQN was advised independently by his children (both cadets and attendees at the party) of the same allegations.

**Initial Notification to OC 2WG**

7. **OC 2WG Email.** Shortly after learning of the allegations, CO 207SQN notified 2WG RXO(N) by telephone on the evening of 04 Dec 12. RXO(N) advised an email to OC 2WG to be the best course of action. An email was then sent and is enclosed as annex A.

**ACTIONS**

8. **CWOFF [REDACTED].** Following the interview in para 4, CWOFF [REDACTED] submitted his resignation from the AAFC. This was allegedly in response to a suggestion from ACW(AAFC) Rutyna and AC(AAFC) Lowes that this would give him a way out under his own terms. CWOFF [REDACTED] did not, at any time, deny or confirm the allegations, rather trying to find out what had started them. CWOFF [REDACTED] was keen to receive assurance that the matter would progress no further should he take this course of action. No such assurance has been given.

9. **CO 207SQN.** CWOFF [REDACTED]'s termination was not effected to enable access to his records should they be required. All cadets, staff and the parent at whose property the party had occurred were advised to cease public discussion of the incident immediately. Acknowledgment was obtained. On receipt of the e-mail at annexe A, OC 2WG contacted CDR-AAFC who advised that COO-AAFC should be consulted as to the appropriate course of action. Advice from COO-AAFC was obtained, as was advice from DCO. On 07 Dec 12 DCO advised:

- a. Contact the local sexual assault help centres before contacting the parents and have them come along to any face-to-face meetings (to ensure the parents have immediate counselling on-hand);
- b. Provide immediate support to victim and perpetrator through these services (ADF chaplains may be suitable);
- c. Remove the victim from the 2/12 CJNCOPROMCSE for his own protection and advise him of such; and
- d. Report the matter to the police (who may also be able to provide support services) as soon as practicable.

**FURTHER ISSUES**

10. **Allegations.** CO 207SQN received hearsay advice that the LCDT involved may have had another liaison with an 11 year old.

**STAFF-IN-CONFIDENCE**

**STAFF-IN-CONFIDENCE**

11. Another senior 207SQN cadet witnessed at least one of the allegations and is preparing to visit police with his parent(s) to present the allegations (CO 207SQN has offered to be present, if requested).
12. CWOFF [REDACTED] has provided a reference for his victim (attached as annex B). He has previously done this only once before, for LCDT [REDACTED] who is also believed to have been involved with CWOFF [REDACTED].
13. **Compliance.** CWOFF [REDACTED] has a Blue Card but has not completed the new AAFC Transition Program - Adult Age Cadets as he had this information presented as part of 1/11 CWOFFPROMCSE.
14. **Parental Permission.** It is not yet clear if CWOFF [REDACTED] had written permission from the victim's parent(s) to transport him home after parade.
15. **Lack of Training.** This type of incident is beyond the scope of training received by most AAFC staff and has the potential to bring the ADFC into disrepute or drive an already troubled young mind to believe suicide is the only exit from a messy situation. AAFC staff at CO level should not be expected to deal with incidents such as this.

**CONCLUSIONS**

16. **Actions.** The following actions are expected to take place in the next seven days:
  - a. Termination of CWOFF [REDACTED]. This termination is recommended to be recorded as being for a breach of the Code of Conduct;
  - b. Reporting of a sexual offence to police by the witnessing cadet; and
  - c. Possible media awareness of the act.

**RECOMMENDATIONS**

17. The following recommendations are presented for CDR-AAFC consideration:
  - a. CWOFF [REDACTED] be terminated ASAP for a breach of the Code of Conduct and his record be marked to prevent him ever re-entering the ADFC in any capacity;
  - b. 2WG PSYCH be made available for consultation to staff involved;
  - c. A report be made to QLD Police by a senior member of the AAFC;
  - d. The cadet witness to be offered support by 2WG PSYCH prior to seeing police;
  - e. PACIO be involved to assist with any media contact;
  - f. All cadets (victim, perpetrator and witness) be offered counselling through a sexual assault support group; and

**STAFF-IN-CONFIDENCE**

**STAFF-IN-CONFIDENCE**

- g. A definitive policy be developed to assist staff in cases such as these.

**R.J. NIEUWENHOVEN**

A/WOFF(AAFC)

T/CO

Tel: REDACTED

Mob

Email: REDACTED

**Authorities consulted:**

Defence Community Organisation Help Line

**Annexes:**

A. Email FW: RESIGNATION [SEC=UNCLASSIFIED] dated 04 Dec12 at 18:42

B. REDACTED Minute of Recommendation - CWOFF REDACTED dated Oct 12

C. Conversation Started Sunday (*transcript from Facebook*)**STAFF-IN-CONFIDENCE**