

EVIDENCE

The Committee received a large quantity of evidence in relation to its inquiry into sexual harassment in the Australian Defence Force. The written evidence included submissions, correspondence and a variety of background documents provided by 122 individuals and 16 organisations. The evidence gathered relates to both the specific circumstances of HMAS SWAN in 1992 and to the general question of sexual harassment in the armed forces.

The Committee gave careful consideration to the most appropriate approach to adopt in receiving, evaluating, assessing and publishing the material before it. As a basic principle, the Committee considered that its approach should take account of the rights of individuals to privacy and natural justice as well as the public interest. The Committee also considered it important that as much as possible of the evidence submitted should be publicly available. At the same time, the Committee was very conscious of the sensitivity of some of the material before it. In some instances, the evidence before the Committee contained information that could be regarded as protected under the Privacy Act. In other instances, the evidence included allegations and statements that could be construed as reflecting adversely on named individuals, and included specific claims that the Committee was not in a position to either substantiate or dismiss.

The Committee's approach to the evidence put before it was underpinned by the Standing Orders of the Senate and the Parliamentary Privilege resolutions agreed to by the Senate on 25 February 1988. In broad terms the Committee proceeded as follows:

- In the first instance, the Committee regarded all material submitted to it during the course of the inquiry as confidential to the Committee;
- The Committee made it clear when it advertised the inquiry, at the commencement of all its hearings, and in acknowledging the receipt of submissions that any evidence, including in camera evidence, may be made public at a later stage by the Senate, by the Committee or by an individual Committee member in a minority or dissenting report. The documentation being released publicly with the tabling of this Report is in List A at the end of this Annex.
- Following the receipt of written submissions, the Committee decided that several matters should be explored more fully at both public and in

camera hearings. Fifty seven witnesses appeared before the Committee at public hearings, in some cases, more than once. The witnesses are listed alphabetically, followed by the dates of appearance before the Committee in List B at the end of this Annex. The Hansard transcripts of these hearings are publicly available. The submissions incorporated in Hansard at the time of the public hearings are in List C at the end of this Annex.

- The Committee heard the following four witnesses at in camera hearings:

Ms S Connelly	7 June 1994	Canberra
Ms W Flannery	7 June 1994	Canberra
Captain D Mole	10 March 1994	Canberra
Dr C Wheat	22 March 1994	Canberra

The decision to hold these four hearings in camera reflected the Committee's view that media treatment of the initial allegations about HMAS SWAN distorted the situation and subjected many individuals to unnecessary stress. At the same time, the Committee considered it was important to hear at first hand the testimony of these witnesses. The Committee decided, at the conclusion of its inquiry, to release the evidence given at the in camera hearings, as well as correspondence and supplementary submissions from these witnesses. The Navy was given an opportunity to comment on the evidence given by Dr Wheat and Captain Mole and Navy's comments are included in the documentation released by the Committee.

- Several of the submissions relating to HMAS SWAN received by the Committee and evidence taken at one in camera hearing contained comment about individuals which could be construed as adverse. In accordance with the Senate Parliamentary Privilege Resolutions of 25 February 1988, all individuals referred to in this way were given an opportunity to respond to such comment. In releasing evidence containing comment which could be construed as adverse, the Committee is simultaneously releasing any responses that it received to such comment. These exchanges are included in List A at the end of this Annex.
- The Committee took the view that it was not appropriate for the Committee to become involved in commenting on or seeking to resolve

individual complaints, other than those relating to HMAS SWAN within its Terms of Reference. The Committee considered that it was appropriate that individual complaints not related to HMAS SWAN should be resolved through the Sex Discrimination Commissioner, the Ombudsman, or other appropriate administrative channels. In the case of submissions referring to such individual complaints, the Committee offered to refer the complaint to an appropriate authority and to monitor progress on the complaint. The Committee noted that individual complaints may also be dealt with through other normal legal channels.

- In the majority of cases where allegations were made about individuals other than those involved in HMAS SWAN, the Committee therefore received the submissions with those sections that would identify individuals in a possibly adverse manner deleted. This approach reflected the Committee's wish to strike a fair balance between receiving information to enable it to fulfil its terms of reference and receiving information that could prejudice the right of individuals to natural justice. It acknowledged the limitations on the capacity of a Parliamentary Committee to assess, within the time-frame for the inquiry and the resources available to the Committee, all the claims and counterclaims that are likely to be made in relation to individual complaints (other than those specified in the Terms of Reference) and removed any possibility of unsubstantiated allegations being protected by parliamentary privilege. They are regarded by the Committee not as proven cases, but as indicative of the kinds of concerns that exist amongst members of the armed forces. The majority of submissions treated in this way are included in the submissions being released publicly. In most of the instances where this approach was adopted it was necessary to delete the name of the originator of the submission, as well as the name of the individual against whom allegations were made. A number of submissions are therefore identified numerically rather than by the originator's name.
- Much of the material received by the Committee was originally prepared as Staff-in-Confidence or Confidential documentation. Several witnesses requested that their submissions and correspondence be treated as confidential to the Committee or that references to certain individuals be deleted. The Committee considered each of these documents and requests very carefully. In the majority of these cases the Committee concluded that, on balance, it is in the public interest to release the

documentation, notwithstanding the preferences of individuals and the considerations that led to the restrictions applying initially to the documentation.

- In some instances, information has been deleted from the material being released and a small number of submissions and some background documentation is not being released. In most of these instances, the information pertains to cases that are known to be under active investigation by other bodies or agencies, or is judged to be information that would be protected under privacy legislation. In a few cases, the Committee has reason to be concerned about possibly damaging consequences for the individuals involved if the information were to be released. Any such consequences would be viewed very seriously by the Committee as involving a possible contempt, but the Committee has weighed the inherent difficulty of proving this type of contempt against possible harm to individuals and determined that the public interest is best served by keeping the information confidential. Some minor deletions were made for reasons of national security. The deletions do not affect any of the matters in the Committee's terms of reference.

LIST A - SUBMISSIONS AND DOCUMENTATION TABLED WITH THE REPORT

FLTLT M F Anderson	17 Nov 1993
Anonymous Female Lieutenant	8 Dec 1993
The Anti-Submarine Officers' Assoc. (In Hansard)	15 Nov 1993
Attorney-General's Department	15 June 1994
1 Background Briefing by Attorney General's Department to Senate Standing Committee on Foreign Affairs Defence and Trade inquiring into issues of sexual harassment in the Defence Force, 7 October 1993.	
Australian Federal Police (In Hansard)	22 Nov 1993
Mr C R Barling	17 Nov 1993
LEUT P Bartlett	
1 Letter dated 11 January 1994 from Committee Secretary to LEUT Bartlett	
2 Letter dated 27 January 1994 from LEUT Bartlett to Committee Secretary	
3 Letter dated 30 July 1993 from CNS to LEUT Bartlett (Censure)	
Mr John Beaumont	15 Nov 1993
1 Letter dated 13 July 1994 from Mr Beaumont to Committee Secretary	
2 Letter dated 3 August 1994 from Committee Secretary to Mr Beaumont	
CPOUC G R B Benham	31 Jan 1994
BHP Information Technology	8 Nov 1993
Mr Rollo Brett (see Returned Services League)	
CMDR (Rtd.) T E Brinkley	8 Nov 1993
CPO K Broad	
1 Letter dated 11 January 1994 from Committee Secretary to CPO Broad	
2 Letter dated 24 January 1994 from CPO Broad to Committee	
3 Letter dated 22 February 1994 from Committee Secretary to CPO Broad	
4 Fax dated 5 March 1994 from CPO Broad to Committee Secretary	

- 5 Letter dated 9 March 1994 from CPO Broad to Committee Secretary

Enclosures:

Telex dated 24 August 1992 from RANTEWSS to HMAS SWAN

Telex dated 25 August 1992 from HMAS SWAN to
RANTWESS

- 6 Letter dated 30 July 1993 from CNS to CPO Broad (Censure)

PO S Brown (In Hansard)	17 Nov 1993
Ms Maureen Cane (see Public Service Commission)	6 May 1994
Ms Anita Chambers	15 Nov 1993
Mrs Sandra Chandler (In Hansard)	12 Nov 1993
LEUT B Christensen (HMAS IPSWICH - In Hansard)	Sept 1993
PO J Clark (In Hansard)	17 Nov 1993
LS D Cleary (In Hansard)	16 Nov 1993
CMDR E Coles (In Hansard)	15 Nov 1993
Commonwealth Ombudsman	9 June 1994

Ms Sheena Connelly (Evidence in Hansard)

- 1 Letter dated 16 November 1993 from MacPhillamy, Cummins & Gibson to Committee Secretary
- 2 Letter dated 7 December 1993 from MacPhillamy, Cummins & Gibson to Committee Secretary
- 3 Letter dated 7 January 1994 from Committee Secretary to Ms Connelly
- 4 Letter dated 21 January 1994 from Committee Secretary to Ms Connelly
- 5 Letter dated 1 February 1994 from Committee Secretary to Ms Connelly
- 6 Letter dated 9 December 1993 from Ms Connelly to CNS
- 7 Letter dated 2 February 1994 from CNS to Ms Connelly
- 8 Letter dated 2 February 1994 from MacPhillamy, Cummins & Gibson to Committee Secretary
- 9 Letter dated 22 February 1994 from Committee Secretary to Ms Connelly
- 10 Letter dated 23 May 1994 from Ms Connelly to Committee Secretary

- 11 Letter dated 31 May 1994 from Committee Secretary to Ms Connelly
- 12 Letter dated 2 June 1994 from Committee Secretary to Ms Connelly
- 13 Statutory Declaration dated 6 June 1994 from Grant Dooley relating to the leg breaking incident in Hong Kong
- 14 Letter dated 9 June 1994 from Alison J. Roberts relating to the leg breaking incident in Hong Kong
- 15 Letter dated 4 June 1993 from Mr John Langmore, MP to the Minister for Defence Science and Personnel relating to the SWAN Board of Inquiry Report
- 16 Letter dated 4 June 1993 from Mr John Langmore, MP to Ms Connelly
- 17 Letter dated 5 June 1993 from Mrs Myra Connelly to the Commonwealth Ombudsman
- 18 Letter dated 29 January 1993 from Ms Connelly to Commanding Officer, HMAS HARMAN re her PERS1 Assessment Appeal
- 19 Letter dated 23 June 1994 from MacPhillamy, Cummins & Gibson to Committee Secretary

PO M D Connors	22 Nov 1993
Mr Ben Constable	16 Nov 1993
Ms Brenda Cooke	15 Nov 1993
Mr S Cornish	15 Nov 1993
CAPT (RANEM) D B Cotsell	15 Nov 1993
Ms Alison Crofts (incl. Ms Amanda Wolff & Mr Dominic Alecci)	25 Feb 1994
Ms Simone T Dalton	4 Nov 1993
Mr Max L Davis	18 Feb 1994
MAJGEN (Rtd) P J Day	3 Nov 1993
Department of Industrial Relations (In Hansard)	8 Dec 1993
LCDR V E B Di Pietro	15 Nov 1993
Mr Ian Downs	19 Oct 1993
LSRO L J Dunn	26 Nov 1993
CPO Keith Edwards	17 Nov 1993

FLTLT J Elkington 25 Nov 1993

Mr Tom Fahy 15 Nov 1993

Mr Trevor K Ferdinands 11 Oct 1993

Ms Wendy Flannery (Evidence in Hansard)

- 1 Letter dated 7 January 1994 from Committee Secretary to Ms Flannery
- 2 Letter dated 21 January 1994 from Committee Secretary to Ms Flannery
- 3 Letter dated 17 January 1994 from Ms Flannery to Committee Secretary
- 4 Letter dated 31 January 1994 from Ms Flannery to Committee Secretary
- 5 Letter dated 1 February 1994 from Committee Secretary to Ms Flannery
- 6 Letter dated 2 February 1994 from Ken Cush (MacPhillamy, Cummins and Gibson, Solicitors to Ms Flannery) to Committee Secretary
- 7 Letter dated 22 February 1994 from Committee Secretary to Ms Flannery
- 8 Letter dated 3 March 1994 from Ms Flannery to Committee Secretary
- 9 Letter dated 12 May 1994 from Ms Flannery to Committee Secretary
- 10 Letter dated 16 May 1994 from Ms Flannery to Committee Secretary
- 11 Letter dated 18 May 1994 from Committee Secretary to Ms Flannery
- 12 Letter dated 9 June 1994 from Alison J Roberts relating to the leg breaking incident in Hong Kong
- 13 Statutory declaration dated 6 June 1994 from Grant Dooley relating to the leg breaking incident in Hong Kong

SGNCAPT M Flynn RAN 18 Mar 1994

- 1 Letter dated 17 March 1994 from Mr Brian Loftus of Gallens, Crowley & Chamberlain Solicitors acting for Surgeon Captain M. Flynn to Committee Secretary
- 2 Letter dated 12 May 1994 from Committee secretary to CAPT Flynn
- 3 Letter dated 25 May 1994 from Mr Brian Loftus to Committee Secretary
- 4 Letter dated 27 May 1994 from Mr Brian Loftus to Committee Secretary

LCDR P Flynn (Naval Police)

- 1 Letter dated 7 January 1994 from Committee Secretary to LCDR P. Flynn
- 2 Minute dated 16 September 1992 from LCDR P. Flynn and CMDR J. Horobin to Maritime Commander Australia, "Allegation of Indecent or Sexual Assault"
- 3 Letter dated 22 November 1993 from LCDR P. Flynn to ACPERS-N
- 4 Letter dated 19 January 1994 from LCDR P. Flynn to Committee Secretary

CPO (Now SBLT) J Goedecke

- 1 Letter dated 11 January 1994 to CPO J. Goedecke
- 2 Letter dated 22 February 1994 to CPO Goedecke
- 3 Letter dated 17 March 1994 from Commander R. Crane to Committee Secretary
- 4 Submission from SBLT Goedecke

CAPT (RANR) P G Habersberger 15 Nov 1993

CMDR (Rtd.) G Halley 17 Nov 1993

Mr Trevor Hay 3 Nov 1993

Headquarters ADF (In Hansard) 15 Nov 1993

- 1 Letter dated 12 November 1993 from Chief of the Defence Force to Committee Chair
- 1a Letter dated 7 February 1994 from Major General Gower to Committee Secretary forwarding a submission from Chief Petty Officer Benham (Note: submission not released)
- 2 Letter dated 5 May 1994 from Committee Chair to Major General Gower requesting answers to a number of questions
- 3 Letter dated 11 May 1994 from Major General Gower to Committee Chair providing answers to questions from the Committee
- 4 Photocopies of RAAF Course badges requested by the Committee at 18 March public hearing
- 5 Letter dated 20 May 1994 from Major General Gower to Committee Chair
- 6 Letter dated 31 May 1994 from Major General Stevens to Committee Secretary
- 7 Letter dated 14 June 1994 from Commander Coles to the Committee Secretariat

- 8 Letter dated 28 June 1994 from CMDR H. Marks to Committee Chair
- 9 Copies of appraisal and performance report forms with relevant instructions for appraisers for Army, Navy and Air Force
- 10 Minute dated 22 July 1994 from Major General Gower to Committee Chair
- 11 Minute dated 16 August 1994 from Major General Gower to Committee Chair

Mr C B Hewitt	17 Feb 1994
CAPT (Rtd.) L M Hinchliffe	16 Nov 1993
Dr Joan-Mary Hinds	16 Nov 1993
LEUT A G Horder (In Hansard)	17 Nov 1993
HMAS Benalla Association	17 Nov 1993
HMAS IPSWICH (listed individually)	22 Nov 1993
HMAS IPSWICH Junior Sailors Mess	22 Nov 1993
HMAS Lismore Association	3 Nov 1993
Ms Sonia Humphrey (In Hansard)	12 Nov 1993
WO Lindsay Irwin	12 Nov 1993

LCDR R James

- 1 Letter dated 29 October 1993 from Mr John Rush, QC acting on behalf of LCDR James to Committee Secretary
- 2 Letter dated 2 December 1994 from Committee Secretary to Mr John Rush, QC
- 3 Letter dated 17 December 1993 from Committee Secretary to Mr John Rush, QC
- 4 Letter dated 17 December 1993 from Mr John Rush, QC to Committee Secretary
- 5 Letter dated 17 December 1993 from Committee Secretary to Mr John Rush, QC
- 6 Letter dated 6 January 1994 from Committee Secretary to LCDR James
- 7 Letter dated 23 February 1994 from Mr John Rush, QC to Committee Secretary including submission

POWTR M Jeppesen	11 Oct 1993
SBLT S M Johnson	16 Nov 1993
LCDR P D Jones (In Hansard)	3 Nov 1993
PO N D Jones	22 Oct 1993
FLTLT L K Kardas	17 Nov 1993
Dr A T Kenos	20 Sept 1993
Prof. Kim Kirsner	8 Dec 1993
CAPT Wendy Knobel	9 Mar 1994
LCDR P Kraus (HMAS IPSWICH - In Hansard)	Sept 1993
POEWLSM G R Le Cerf	3 Nov 1993
Mr Mark Lewis	10 Dec 1993
Mr J Linton-Mann (see Humphrey, S.)	
SGT M L Livingstone	23 Jan 1994
LCDR J E Lloyd (In Hansard)	22 Oct 1993
Major P D McKay	17 Dec 1993
Mr T H McDonald	13 Nov 1993
Mr Clinton McKenzie	17 Nov 1993
CAPT A B Mackinnon (In Hansard)	9 Nov 1993
LCDR (Dr) Alison McLaren	18 May 1994
LS K A McMullen (In Hansard)	17 Nov 1993
LEUT W A Malcolm	16 Nov 1993
PO A J Malouf (In Hansard)	17 Nov 1993
AB M A Mathers	12 Nov 1993
Mr J Minson (see Smith, Alison)	

- 1 Letter dated 1 November 1993 from Henry Davis York, Solicitors, to Committee Secretary
- 2 Letter dated 11 January 1994 from Committee Secretary to A/CAPT Mole
- 3 Letter dated 21 January 1994 from Committee Secretary to A/CAPT Mole
- 4 Letter dated 31 January 1994 from Henry Davis York to Committee Secretary
- 5 Letter dated 2 February 1994 from Henry Davis York to Committee Secretary
- 6 Letter dated 8 February 1994 from Henry Davis York to Committee Secretary
- 7 Facsimile message dated 9 March 1994 from Henry Davis York
- 8 Letter dated 11 March 1994 from CAPT B. Robertson to Committee Secretary
- 9 Letter dated 16 March 1994 from Henry Davis York to Committee Secretary including supplementary submission from CAPT Mole

Dr Carmel Moore	24 May 1994
Mr Harold Murphy	29 Oct 1993
Ms Jennifer Neville	12 Nov 1993
NSW Police Service	4 May 1994
Mr Peter O'Hare	15 Nov 1993
PLTOFF Brian Patton	8 Nov 1993
Mr Bob Pease	17 Nov 1993
Mr Otto Pelczar	15 Nov 1993
LCDR D S Plummer	27 Oct 1993
WO F Pontarolo (In Hansard)	15 Nov 1993
LCDR R Prendergast	

- 1 Letter dated 30 May 1994 from LCDR R. C. Prendergast
- 2 Letter dated 21 June from Brigadier D'Hagé to Committee Secretary

Mr D L Price (see Anti-Submarine Officers Association)

Public Service Commission (In Hansard)

Major Kathryn Quinn (In Hansard)	12 Nov 1993
1 "Women in the Armed Services, Career and Family. Intentions and Expectations" by Major K. Quinn, Department of Defence, 1989.	
Royal Australian Navy (In Hansard) (See also separate entry at the end of this list)	16 Nov 1993
Revd. W D Reddin (In Hansard)	8 Dec 1993
Returned Services League (In Hansard)	16 Nov 1993
Ms Julie Roberts	15 Nov 1993
LEUT W K Russell (In Hansard)	Sept 1993
ABRO Cheryl Rutland (In Hansard)	15 Nov 1993
SBLT Margot Schelling	15 Nov 1993
LS Linda Schiel	22 Nov 1993
Ms S M Sellick	15 Nov 1993
Sex Discrimination Commissioner (In Hansard)	16 Nov 1993
CPO E H Sheather	15 Nov 1993
LEUT S J Sly (In Hansard)	Sept 1993
Ms Alison Smith (In Hansard)	15 Nov 1993
Dr Hugh Smith (In Hansard)	29 Nov 1993
Ms Philippa Smith (see Commonwealth Ombudsman)	
Mrs E V M Spruce	25 Oct 1993
Mr J Spruce	27 Oct 1993
LCDR M J Spruce	12 Nov 1993
1 Letter dated 7 January 1994 from Committee Secretary to LCDR M. Spruce	
2 Letter dated 24 January 1994 from LCDR M. Spruce to Committee Secretary	
Mr I M Swan	15 Nov 1993
1 Letter dated 22 February 1994 from Committee Secretary to Mr I. Swan	
2 Letter dated 3 March 1994 from Mr Swan to Committee Secretary	
3 Letter dated 14 July 1994 from Committee Secretary to Mr Swan	

CHAP D M Thiem RAN

12 Nov 1993

- 1 Letter dated 22 February 1994 from Committee Secretary to Chaplain Thiem, relating to adverse comments
- 2 Letter dated 24 February 1994 from Mr Brian Loftus of Gallens, Crowley & Chamberlain, Barristers and Solicitors acting for Chaplain Thiem
- 3 Letter dated 24 February 1994 from Committee Secretary to Mr Brian Loftus
- 4 Letter dated 25 February 1994 from Mr Brian Loftus to Committee Secretary
- 5 Letter dated 25 February 1994 from Committee Secretary to Mr Brian Loftus
- 6 Letter dated 11 November 1993 from Mr Brian Loftus to Committee Secretary including submission
- 7 Letter dated 3 March 1994 from Mr Brian Loftus to Committee Secretary

LEUT J L Thomas

15 Nov 1993

Triulzi Collins Solutions Pty Ltd

23 Nov 1993

- 1 Letter dated 26 May 1994 from Ms Sandra Triulzi of Triulzi Collins Solutions to Committee Secretary

Enclosures:

HMAS SYDNEY - Impact Study

GWR Pilot Programs - Cumulative Evaluation Report

Leading Seamen Leadership School Evaluation

"Reasonable Women" Define Harassment

LEUT Kelvin Turner

15 Nov 1993

- 1 Letter dated 22 February 1994 from Committee Secretary to LEUT K. Turner
- 2 Letter dated 25 February 1994 from LEUT Turner to Committee Secretary

Mr Ben Wadham

21 February 1994

Mr G A Waldie

12 Nov 1993

COL J A Wallace, AM

9 Nov 1993

RADM R Walls (In Hansard)

- 1 Letter dated 18 March 1994 from Committee Secretary to RADM R. Walls

- 2 Letter dated 24 March 1994 from RADM Walls to Committee Secretary including **submission** and **Annexures A to X**
- 3 Statement by Rear Admiral R.A.K. Walls to Committee, 25 March 1994.
- 4 Letter dated 6 April 1994 from CAPT T. Stodulka to Committee Secretary
Enclosure K

Ms S Walpole (see Sex Discrimination Commissioner)

CMDR E G Walsh 10 Nov 1993

LCDR (Dr) N Westphalen (In Hansard) 17 Nov 1993

Dr C Wheat 17 Nov 1993

- 1 Letter dated 3 November 1993 to Committee Chairman from Minter Ellison Morris Fletcher, Solicitors
- 2 Letter dated 4 November 1993 from CAPT T Stodulka to Minter Ellison Morris Fletcher, Solicitors
- 3 2 Letters dated 10 November 1993 from Minter Ellison Morris Fletcher, Solicitors to CAPT Stodulka
- 4 Letter dated 15 November 1993 from Minter Ellison Morris Fletcher, Solicitors to Committee Chairman
- 5 Letter dated 2 December 1993 from Minter Ellison Morris Fletcher, Solicitors to Committee Secretary
- 6 Letter dated 14 December 1993 from Minter Ellison Morris Fletcher, Solicitors to Committee Secretary
- 6(a) Letter dated 17 December 1994 from Committee Secretary to Minter Ellison Morris Fletcher, Solicitors
- 7 Letter dated 6 January 1994 from Minter Ellison Morris Fletcher, Solicitors to Committee Secretary
- 8 Letter dated 6 January 1994 from Committee Secretary to Dr Wheat
- 9 Letter dated 21 January 1994 from Committee Secretary to Dr Wheat
- 10 Letter dated 21 January 1994 from Committee Secretary relating to releasing the Court Martial transcript
- 11 Letter dated 3 February 1994 from Minter Ellison Morris Fletcher, Solicitors
- 12 Letter dated 8 February 1994 from Minter Ellison Morris Fletcher, Solicitors to Committee Secretary
- 13 Letter dated 10 February 1994 from Dr Colin Moore to Minter Ellison Morris Fletcher, Solicitors

- 14 Letter dated 24 February 1994 from Committee Secretary to Minter Ellison Morris Fletcher, Solicitors
- 15 Letter dated 3 March 1994 from Minter Ellison Morris Fletcher, Solicitors to Committee Secretary
- 16 Letter dated 15 March 1994 from Minter Ellison Morris Fletcher, Solicitors to Committee Secretary
- 17 Letter dated 11 May 1994 from Minter Ellison Morris Fletcher, Solicitors to Committee Secretary
- 18 Letter from Committee Secretary to Minter Ellison Morris Fletcher, Solicitors concerning extension of reporting date
- 19 Letter dated 14 June 1994 from Minter Ellison Morris Fletcher, Solicitors to Committee Secretary
- 20 Letter dated 1 July 1994 from Committee Secretary to Dr Wheat
- 21 Letter dated 14 July 1994 from Minter Ellison Morris Fletcher, Solicitors to Committee Secretary

Further submissions from Dr Wheat

- 22 Further **submission** from Dr Wheat dated 11 March 1994 - Chronology of events
- 23 Final **submission** from Dr Wheat dated 26 May 1994

Mr G R Worledge 15 Nov 1993

Dr Peter Wurth 22 Nov 1993

LEUT G Zilko

- 1 Letter dated 11 January 1994 from Committee Secretary to LEUT Zilko
- 2 Letter dated 24 January 1994 from Mrs A. Zilko to Committee Secretary
- 3 Letter dated 10 February 1994 from LEUT Zilko to Committee Secretary

The Committee also received 8 submissions from persons whose names have been withheld. They are submissions Nos. 1 - 8.

COMMENTS - NO RESPONSE RECEIVED

The following persons chose not to respond to the comments about them which could be construed as adverse and which were forwarded to them by the Committee Secretary:

CMDR Donovan

CPO McKay

LEUT Walker

PO Wells

MINISTERIAL CORRESPONDENCE

- 1 Letter dated 17 March 1994 from Committee Chairman to Minister for Defence Science and Personnel
- 2 Letter dated 18 May 1994 from Minister for Defence Science and Personnel, the Hon. Gary Punch, MP to Committee Chairman

Attachments:

- . Letter dated 16 September 1993 from Minister for Defence Science and Personnel to Dr C Wheat
- . Letter dated 13 September 1993 from Dr C Wheat to Minister for Defence Science and Personnel
- . Letter dated 26 August 1993 from Dr C Wheat to Minister for Defence Science and Personnel
- . Letter dated 23 August 1993 from Minister for Defence Science and Personnel to Dr Wheat
- . Letter dated 29 July 1993 from Dr C Wheat to Minister for Defence Science and Personnel
- . Letter dated 25 November 1992 from Dr C Wheat to Minister for Defence Science and Personnel
- . Letter dated 19 November 1992 from Mr John Beaumont to Mr P. Reith, MP
- . Letter dated 11 November 1992 from Mr John Beaumont to Mr P. Reith, MP

DOCUMENTS RECEIVED FROM NAVY

(In addition to submission and other documents incorporated in Hansard)

- 1 Report of Board of Inquiry convened by the Maritime Commander on 21 December 1992
- 2 Transcript of evidence given by witnesses called before the Board of Inquiry
- 3 Transcript of evidence given by witnesses at the Court Martial of Lieutenant Commander R. James, 9-18 December 1992
- 4 "Accommodation of Women in HMAS SWAN", 24 April 1990
- 5 Employment of Women in the RAN - Various signals
- 6 "Mixed Gender Awareness - Sexual Harassment", Message to the Fleet, 4 June 1990
- 7 CNS Report to Minister (10 August 1993)
- 8 Extracts from "Women in the Military. The Tailhook Affair and the problem of Sexual Harassment"
- 9 Administrative Censure of Officers - DI(N) ADMIN 35-1
- 10 CNS Minute dated 18 January 1993, "Unacceptable Sexual Behaviour and Interpersonal Relationships by Members of the RAN - Directives and Guidelines"
- 11 Minute from Maritime Commander, Australia (MCAUST) to ACPERS-N, 25 June 1993

Enclosure: Privacy of facilities onboard HMA Ships
- 12 Minute re censures from MCAUST to CNS, 12 July 1993
- 13 Minute from Director of Naval Legal Services (DNLS) to ACPERS-N, 16 July 1993
- 14 Minute from ACPERS-N to CNS, 20 July 1993
- 15 Instructions to Commanding Officers (DI(N) 30-3)
- 16 CNS Minute 8 September 1993 - Sexual Harassment and Unacceptable Behaviour in the Workplace
- 17 CNS Message of 13 September 1993
- 18 Good Working Relationships Project's "Brief for the Minister for Defence", 15 September 1993: *"Modifications made to RAN ships to accommodate female crew members"*
- 19 Message of 27 September 1993 to Fleet re Operation LifeGuard

- 20 CNS Minute to Minister, 28 September 1993, "CNS endorsement of the strategy to engender Good Working Relationships in Navy"
- 21 Papers provided at Good Working Relations Seminar:
Management of Unacceptable Behaviour
Confidential Database
- 22 Divisional Handbook
- 23 Draft for DI(G) PERS 35-3 - "Unacceptable Sexual and Sexist Behaviour by Members of the Australian Defence Force". Letter dated 10 December 1993 from CAPT T. Stodulka to Committee Secretary
- 24 Fax dated 16 December 1993 to Committee Secretary, "Redirection of allegations of sexual harassment - Operation Lifeguard"
- 25 "Top Cover", Letter dated 21 December 1993 to Committee Secretary from CAPT B. Robertson
- 26 Information Pack: "Creating a better workplace for the Royal Australian Navy"
- 27 Letter dated 22 December 1993 to Committee Secretary from CAPT T. Stodulka (re Court Martial Transcript)
- 28 Letter dated 18 January 1994 to Committee Secretary from CAPT T. Stodulka
- 29 Letter dated 18 February 1994 from CAPT B. Robertson to Committee Secretary, "Update on progress of Good Working Relationships project"

Annex:

Protocols for Management of Confidential Databases

- 30 Fax dated 28 February 1994 from CAPT B. Robertson to Committee Secretary, DI(G) 35-1 (Nov. 86)
- 31 Letter dated 2 March 1994 from CAPT B. Robertson to Committee Secretary

Enclosures:

- . Syllabus for the Qualified Entry Officers Course
- . Project Mainstay Report (Extracts)
- . Employment of women (CNS Memo 15 Feb 1991)
- . DI(N) PERS 40-15 - Sexual Assault
- . Appeal by Petty Officer Anning
- . 008 Telephone Service - Update

32 Letter dated 4 March 1994 from CAPT B. Robertson to Committee Secretary

Enclosure:

. DI(N) 45-1 dated 31 January 1992

33 Letter dated 14 March 1994 from CAPT B. Robertson to Committee Secretary

Enclosures:

- . Consideration of Possible Charges against LCDR R.D. James, RAN - Legal Opinions
- . LEUT C Wheat RANR -Statements
- . LEUT C. Wheat, RANR - Transcripts & Audio Tapes of Interview
- . HMAS SWAN Disciplinary Records -1991-1993
- . Board of Inquiry - Correspondence with Witnesses (2 documents)
- . LEUT C. Wheat, RANR -Employment & Seniority Correspondence
- . Matters raised by LEUT Wheat 25 Nov.92 - Assistant Chief of Naval Staff (Personnel) Report
- . A/CAPT D. W. Mole, RAN -Chief of Naval Staff Censure
- . LEUT C. Wheat, RANR - Letter dated 10 Nov.92
- . Decision to prosecute to Court Martial - Chronology
- . Naval Police Coxswains - Complement
- . Boards of Inquiry
- . Board of Inquiry - Adverse Comment Warnings to Witnesses
- . Defence Instruction (Navy) - Promulgation Chronology (includes copy of DI(N) 16-5; DI(G) 35-3)
- . Board of Inquiry - Witnesses
- . HMAS SWAN Personnel - Comparative Annual Salaries
- . Australian Federal Police
- . Commanding officer Designate Course - A/CAPT D.W. Mole, RAN
- . Explanatory Notes - Defence Force Disciplinary Act & Prosecution Policy of the Commonwealth
- . LEUT C. Wheat, RANR - Officer Selection Board

- 34 Letter dated 16 March 1994 from CAPT B. Robertson to Committee Secretary, "Commanding Officer's Designate Course - A/Capt D. W. Mole, RAN"
- 35 Letter dated 16 March 1994 from CAPT B. ROBERTSON to Committee Secretary

Enclosures:

- . Extract from "The Queen's Regulations 1862"
 - . Quotation by Josef Konrad "Command at Sea"
 - . Extract from Wall Street Journal dated 14 May 1952
 - . DI(N) ADMIN 30-3, "Instructions to the Commanding Officer"
 - . Maritime Commander's " Notes to Commanding Officers" dated 1/1/93
- 36 Letter dated 18 March 1994 to CAPT B. Robertson from Committee Secretary
- 37 Letter dated 24 March 1994 to CAPT B. Robertson from Committee Secretary
- 38 "Boards of Inquiry" (Letter dated 24 March 1994 from CAPT B. Robertson to Committee Secretary)
- . **Submission** by the RAN in relation to some legal issues raised by A/c CAPT D. Mole, RAN
- 39 Senate Inquiry - A/CAPT Mole Aspects (Letter dated 24 March 1994 from CAPT T. Stodulka to Committee Secretary)
- 40 Letter dated 6 April 1994 from CAPT B. Robertson to Committee Secretary
- 41 Letter dated 7 April 1994 from CAPT B. Robertson to Committee Secretary

Enclosures:

- . Transcript of Vice Admiral MacDougall's Press Conference - 9 September 1994
- . CNS Letter offering formal apology to Dr Wheat (29 Oct. 93)
- . Dr Wheat's handwritten statement & typed statement of 22/8/92 describing events of 15 August 1992
- . Documentation advising Commander Willee that a Board of Inquiry had been established
- . Correspondence between Maritime Headquarters and HMAS SWAN re initial investigation venue and accommodation details of personnel
- . HMAS SWAN - Medical Log (not released)

- . Letters from Mr Beaumont to Mr P. Reith, MP
 - . Postings/ positions Acting CAPT Mole, LCDR Spruce, LEUT Bartlett, Chief Petty Officer Broad
 - . Transcript of Interview - LCDR James at Lumut
 - . Minute from Minister Faulkner to CNS, 29 July 1994
- 42 Letter dated 8 April 1994 from CAPT B. Robertson to Committee Secretary, "Senate Inquiry - Dr Wheat Aspects"
- Annex:**
- . Memorandum from LEUT Slattery to CAPT Robertson dated 7/4/1994
- Enclosures:**
- . Second Opinion provided by LCDR Hoyle dated 26 Oct. 92
 - . Claim for Payment to CMDR Willee dated 15 January 1993
 - . Record of (27/11/92) conversation b/w Fleet Legal Officer & Dr Wheat
 - . Claim for payment to Dr Wheat dated 21 Jan. 1993
 - . Record of conversation between FLO and DNLS dated 4 Dec. 1992
 - . Copy of Cabcharge vouchers used by Dr Wheat on 19 Dec. 1992
 - . Minute from FLO to HMAS KUTTABUL re accommodation dated 30 Nov.92
 - . Copy of facsimile to Olims Hotel on 2 December 1992
 - . Copy of facsimile to Woolloomooloo Waters on 3 Dec. 92
 - . Copy of correspondence relating to release of BOI report to Dr Wheat
 - . Letter from Minister Faulkner to Dr Wheat dated 26 August 1993
 - . Letter from ACPERS-N to Dr Wheat dated 17 Dec. 92
- 43 Senate Inquiry - Questions on Notice 25 March 94 (Letter dated 8 April 1994 to Committee Secretary)
- 44 Letter dated 5 May 1994 from Committee Chairman to CAPT B. Robertson

- 45 Letters dated 11 May and 12 May 1994 to Committee Secretary from CAPT B. Robertson, "Senate Inquiry - Sexual Harassment - Request for Answers to Specific Questions"

Answers to Questions

- . Paper by Commander C. Brand, "Assimilation of Women at sea"
 - . Calls to 008 number
- 46 Letters dated 9 June and 10 June 1994 from CAPT T. Stodulka to Committee Secretary, "Senate Inquiry - Dr Wheat Aspects" Legal fees.
- 47 US Navy's Conflict resolution Program, "Resolving Conflict ... Following the Light of personal Behaviour"
- 48 Letter dated 17 June 1994 from Commander M. Toohey, "Senate Inquiry - HMAS SWAN - RANTEWSS team - Male discharges"
- 49 Letter dated 22 June 1994 to Committee Chairman from Commander M. Toohey, "Censures issued by CNS"

Enclosures:

- . CNS Minute to LEUT Bartlett dated 30 July 1993
 - . CNS Minute to CPO Broad dated 30 July 1993
- 50 DIN (PERS) 52-2 "Reporting and Promotion System, Officers, Warrant Officers and Officer Candidates"
- 51 Letters of apology dated 5 November 1993 from the Chief of Naval Staff to Ms S Connelly and Ms W. Flannery
- 52 Minute dated 17 August 1994 from RADM C. Oxenbould to Committee Secretary

LIST B - WITNESSES AT PUBLIC HEARINGS

Witness	Date of Hearing	Venue
Commodore C Barrie	4 February 1994	Canberra
	10 & 25 March 1994	Canberra
Mr J R Brett	16 February 1994	Canberra
Petty Officer S E Brown	11 February 1994	Sydney
Professor L J Bryson	18 March 1994	Canberra
Ms M R Cane	16 February 1994	Canberra
Rear Admiral D Chalmers Maritime Commander	4 February 1994	Canberra
Rear Admiral A Carwardine	10 March 1994	Canberra
Mrs S J Chandler	16 February 1994	Canberra
Lieutenant B Christensen	11 February 1994	Sydney
Mr B V Clark	4 February 1994	Canberra
Petty Officer J Clark	11 February 1994	Sydney
Leading Seaman D T Cleary	11 February 1994	Sydney
Commander E J Coles	16 February 1994	Canberra
Air Vice-Marshal F D Cox	18 March 1994	Canberra
Mr M A Frawley	4 February 1994	Canberra
Ms K A Freytag	4 February 1994	Canberra
Mr M Garrett	16 February 1994	Canberra
Major-General S N Gower	18 March 1994	Canberra
Mrs H J P Hammond	16 February 1994	Canberra
Rear Admiral D G Holthouse (RAN RTD)	16 February 1994	Canberra
Lieutenant A G Horder	11 February 1994	Sydney

Ms S D Humphrey	11 February 1994	Sydney
Mrs O J Ingle	16 February 1994	Canberra
Lieutenant-Commander P D Jones	11 February 1994	Sydney
Captain G Kennedy	4 February 1994 10 March 1994 25 March 1994	Canberra Canberra Canberra
Lieutenant-Commander P J Kraus	11 February 1994	Sydney
Captain A B MacKinnon	16 February 1994	Canberra
Mr J Linton-Mann	11 February 1994	Sydney
Lieutenant-Commander J E Lloyd	11 February 1994	Sydney
Vice-Admiral I MacDougall	4 February 1994 10 March 1994	Canberra Canberra
Petty Officer A J Malouf	11 February 1994	Sydney
Leading Seaman K McMullen	11 February 1994	Sydney
Rear Admiral C J Oxenbould	10 March 1994 25 March 1994	Canberra Canberra
Warrant Officer F Pontarolo	11 February 1994	Sydney
Mr D L Price	11 February 1994	Sydney
Major K E Quinn	11 February 1994	Sydney
Reverend W D Reddin	11 February 1994	Sydney
Captain Brian Robertson	4 February 1994 10 March 1994 25 March 1994	Canberra Canberra Canberra
Ms Chris Ronalds	4 February 1994	Canberra
Lieutenant W K Russell	11 February 1994	Sydney
Able Seaman C J Rutland	11 February 1994	Sydney
Commodore G V Sloper	18 March 1994	Canberra

Lieutenant S J Sly	11 February 1994	Sydney
Ms A J Smith	16 February 1994	Canberra
Dr H Smith	16 February 1994	Canberra
Major-General J P Stevens	18 March 1994	Canberra
Captain T Stodulka	10 March 1994 25 March 1994	Canberra Canberra
Ms Helen Taylor	4 February 1994	Canberra
Vice-Admiral R G Taylor	10 March 1994 25 March 1994	Canberra Canberra
Ms S R Triulzi	4 February 1994	Canberra
Rear Admiral R A K Walls	4 February 1994 10 March 1994 25 March 1994	Canberra Canberra Canberra
Ms Sue Walpole	4 February 1994	Canberra
Dr N Westphalen	16 February 1994	Canberra

LIST C - SUBMISSIONS INCORPORATED IN HANSARD

Originator	Hansard
Australian Defence Force (ADM A L Beaumont Chief of the Defence Force)	10 March 1994 18 March 1994
Australian Federal Police (Dr M Henderson, Assistant Secretary Government and Public Relations Division)	16 February 1994
Anti-Submarine Officers' Association (Mr David Price, President)	11 February 1994
Petty Officer S E Brown	11 February 1994
Mrs S J Chandler	16 February 1994
Lieutenant B Christensen	11 February 1994
Petty Officer J Clark	11 February 1994
Leading Seaman D T Cleary	11 February 1994
Commander E J Coles	16 February 1994
Department of Industrial Relations (Mr Bruce Clark, Acting First Assistant Secretary, Government Authorities and Defence Division)	4 February 1994
Lieutenant A G Horder	11 February 1994
Ms Sonia Humphrey/Mr Jeremy Linton-Mann	11 February 1994
Lieutenant-Commander P D Jones	11 February 1994
Lieutenant-Commander P J Kraus	11 February 1994
Captain A B MacKinnon	16 February 1994
Acting Captain D W Mole	10 March 1994
Lieutenant-Commander J E Lloyd	11 February 1994
Petty Officer A J Malouf	11 February 1994

Leading Seaman K McMullen	11 February 1994
Royal Australian Navy (RADM D.B. Chalmers, Assistant Chief of the Naval Staff - Personnel)	4 February 1994 10 March 1994 25 March 1994
Warrant Officer F Pontarolo	11 February 1994
Public Service Commission (Ms Maureen Cane, First Assistant Secretary)	16 February 1994
Major K E Quinn	11 February 1994
Reverend W D Reddin	11 February 1994
Returned Services League (Ms June Healy, National Secretary)	16 February 1994
Lieutenant W K Russell	11 February 1994
Able Seaman C J Rutland	11 February 1994
Sex Discrimination Commissioner (Ms Sue Walpole)	4 February 1994
Lieutenant S J Sly	11 February 1994
Ms A J Smith	16 February 1994
Dr Hugh Smith	16 February 1994
Triulzi Collins Solutions Pty Ltd (Ms Sandra Triulzi, Director)	4 February 1994
Dr N Westphalen	16 February 1994
Dr Carole Wheat	22 March 1994