



# **Complaint by a young person (under the age of 18) of an incident involving unacceptable behaviour at a Navy training establishment in mid-1996**

**ABRIDGED VERSION OF REPORT NO. 04/2004.  
THE FULL REPORT HAS NOT BEEN MADE PUBLICLY AVAILABLE  
TO PRESERVE THE PRIVACY OF THE COMPLAINANT**

October 2004

**Report into the investigation of a complaint by a young person  
(under the age of 18) of an incident involving unacceptable behaviour  
at a Navy training establishment in mid-1996**

*This is an abridged version of Report No. 04/2004 by the Commonwealth Ombudsman. The full report has not been made publicly available to preserve the privacy of the complainant.*

In early 2002 the Commonwealth Ombudsman, in the role of Defence Force Ombudsman (DFO), received a complaint from a young woman about the failure of the Royal Australian Navy (RAN) to adequately investigate and address issues arising from an incident at a training establishment in 1996. This incident allegedly involved a sexual assault of the young woman by other RAN members.

The complainant alleged that:

- the RAN had not taken seriously her claim that she was sexually assaulted
- the investigations conducted by the RAN into her complaint had not been conducted in accordance with RAN procedures
- the RAN investigations were inadequate, and
- information concerning the incident had been released to a third party without her permission.

The jurisdiction of the DFO did not extend to investigating whether the complainant had been sexually assaulted; this was more properly a matter for the courts. The DFO investigation focused instead on whether her allegation had been acted upon appropriately given its nature, her age and the circumstances; whether the Chief of Navy should consider taking further action; and whether RAN practices and procedures are sufficient to address any similar situation that should arise in the future.

After a detailed investigation of those matters the Ombudsman formed the view that the complaint had been substantiated. Recommendations made to the Chief of the Defence Force as a result of the investigation included that:

- the complainant be provided with an apology for the way the matter was handled
- the RAN Police Coxswains (NPCs) who handled the RAN investigation, and who are still serving, be advised that the Ombudsman was critical of the standard of investigations
- the RAN provide training to NPCs on investigative technique, and monitor their investigations, to ensure that interviews are tape recorded, records are complete, questioning is undertaken appropriately, and that young persons are treated in a manner that acknowledges their age, level of experience and need for support in such situations
- the RAN instructions in relation to the investigation of alleged sexual assault be revised to require that such cases be referred to the civilian police at an early stage
- the RAN take action to reinforce the importance of accurate record keeping (including of medical records) in relation to investigations of assault, and
- the RAN ensure that Divisional Officers are equipped to provide proper support in such situations to any person making an allegation of sexual assault.