

Appendix 2

Selected findings taken from the Wark Inquiry

Paragraph 6.49 of the report listed the findings against the senior sailors. They are given in more detail below.¹

First sailor

Finding 9—On a day in 2009 prior to *Success* sailing from Sydney on about 21 Mar 09, [name redacted] had a conversation with [name redacted] whilst they were in a taxi in which he said words to the effect of 'You know, if you don't do the right thing or whatever then I'll put a bounty out on your head, then the boys won't leave you alone'...

Finding 23—On or about 20 April 2009, whilst ashore and at a public house in Qingdao, China, it was reported to [name redacted] that someone had called [name redacted and expression used] and [name redacted] erred by:

- (a) limiting his consequential action to speaking to [name redacted] and not inquiring as to whether she wished to pursue a complaint in respect of this matter; and
- (b) not suggesting to [name redacted] that she ought to consider making an Equity & Diversity complaint in respect of the matter.

Finding 28—On 6 May 2009 at about 1615 [name redacted] had a discussion with [name redacted] during which [name redacted] said to him that if he took a complaint to the Ship's Warrant Officer (SWO) about the apparent misconduct of [name redacted] 'I'll have to post you off' ...

Finding 29—On 6 May 2009 at about 1615 [name redacted] had a discussion with [name redacted] during which [name redacted] referred to [name redacted] threatening to have him posted from the ship to which [name redacted] responded with words to the effect of, 'If you ever f...ing say that again outside this room I'll put you through the bulkhead' ...

Second sailor

Finding 3—On or about 14 April 2009 whilst in Manila, the Philippines [name redacted] spent a night alone in a hotel room with an Able Seaman [name redacted] ...

Finding 12—During the evening of 25 April 2009 in a public house in Qingdao, China, [name redacted]

1 Commodore Niel Joseph Wark, Inquiry Officer, 'Inquiry Officer's Report into the Facts and Circumstances Surrounding Allegations of Equity and Diversity Issues in HMAS *Success*', 30 August 2009, The Wark report: summary, findings and recommendations, Gyles Report, Part Two, Appendix C.

- (a) witnessed [names redacted] engaging in sexual intercourse on a lounge;
- (b) held a traffic cone to his mouth as if it were a megaphone and, in the presence of at least one other *Success* sailor, [name redacted] yelled towards [names redacted] in a joking tone, 'get out of it, get out of it'
- (c) failed to order [names redacted] to cease having sexual intercourse, rather he encouraged others in the bar to observe the activity;
- (d) failed to direct [names redacted] that their behaviour was inappropriate, indecent and likely to diminish the reputation of the RAN; and
- (e) [name redacted] failed in his duty to correct and direct junior sailors who behaved inappropriately ashore.

Findings 16—On or about 28 March 2009, as *Success* was sailing from Darwin, [name redacted] was present at the base of the stairs leading to the Cargo Control Room (CCR) whilst Random Breath Testing was occurring in the CCR and said to crew members present words to the effect of, 'Look, if you're going to blow over, or you think that there's a risk, don't come up here'...

Finding 32—On or about 2 May 2009 in Hong Kong, in the company of other *Success* sailors, [names redacted] went to a public house where further *Success* sailors were present and while wearing a child's size school girls' costume which, due to its small size and body-hugging nature, effectively only covered the torso and thereby did not conform with the Executive Officer's directive 30/09 which provided at paragraph 19 that 'changing into unacceptable clothing once stepping ashore is not to occur' and that 'all Officers and Senior Sailors are to take appropriate action if they observe any member of *Success* inappropriately dressed'.

Third sailor

Finding 2— On or about 14 April 2009 in a hotel room in Manila, the Philippines [name redacted] slept on the same bed as a female junior sailor [name redacted] albeit while another female sailor was sleeping in another bed in the same room ...

Finding 13— During the evening of 25 April 2009 in a public house in Qingdao, China, [name redacted]

- (a) witnessed [names redacted] engaging in sexual intercourse on a lounge;
- (b) was present when [name redacted] held a traffic cone to his mouth as if it were a megaphone and, in the presence of at least one other *Success* sailor, [name redacted] yelled towards [names redacted] and [name redacted] in a joking tone, 'get out of it, get out of it';
- (c) failed to order [names redacted] to cease having sexual intercourse;
- (d) failed to direct [names redacted] that their behaviour was inappropriate, indecent and likely to diminish the reputation of the RAN;
- (e) failed to direct [name redacted] that he should not act in the way referred to in (b) above; and

- (f) failed in his duty to correct and direct the behaviour of [names redacted] by counselling them that their behaviour was inappropriate.

Finding 21—On two occasions during April 2009, after *Success* sailed from Manila, the Philippines, [name redacted] neighed like a horse towards [name redacted] as he passed her in a passageway...

Finding 27—On or about 2 May 2009 in a public house known as 'Amazonias' in Hong Kong, the following events occurred:

- (a) [name redacted] was in [redacted] 'party' that night in the sense that he and [names redacted] decided amongst themselves to wear fancy dress, [names redacted] travelled together to Amazonias and they are friends;
- (b) Late in the evening, [name redacted] walked over to [name redacted] and said words to the effect of, [redacted] is on the dance floor and has taken off his Snow White outfit so he's just in a pair of boxer shorts';
- (c) [name redacted] did not respond to [name redacted] other than by looking at him and shaking his head;
- (d) [name redacted] indicated to [name redacted] that they should go to a quiet part of the bar area in order to talk and [named redacted] walked to that area;
- (e) [name redacted] eventually walked over to where [name redacted] was;
- (f) [name redacted] said words to the effect of, 'Look, when you guys got here it was funny; if it was just the juniors it probably would still be funny but we're all in enough shit as it is, grab [name redacted] and take him home';
- (g) [name redacted] said, 'F...off, don't talk to me about this shit or I'll f...g kill you';
- (h) [name redacted] then turned around and walked off;
- (i) [name redacted] ought to have looked to see whether or not [name redacted] concerns about [name redacted] were well founded;
- (j) [name redacted] should have appreciated that [name redacted] was raising his concerns with him because he felt that [name redacted] was best placed, by reason of his friendship with [name redacted] to direct [name redacted] to at least put back on his fancy dress costume;
- (k) [name redacted] should have directed [name redacted] to put back on his fancy dress costume;
- (l) [name redacted] failed to correct and direct [name redacted] in respect of his inappropriate behaviour, (wearing only boxer shorts in a public house in a foreign country);
- (m) [name redacted] acted inappropriately by telling [name redacted] to 'F... Off' particularly given that he was doing no more than attempting to

regulate what he perceived as inappropriate behaviour of a junior sailor;
and

- (n) [name redacted] acted inappropriately by saying to [name redacted] 'don't talk to me about this shit or I'll f...ing kill you.'

Finding 31— On or about 30 April 2009 in Hong Kong, in the company of other *Success* sailors [names redacted] went to a public house where further *Success* sailors were present and while wearing a hotel dressing gown and slippers, being dress which did not conform with the Executive Officer's directive 30/09 which provided at paragraph 19 that 'changing into unacceptable clothing once stepping ashore is not to occur' and that 'all Officers and Senior Sailors are to take appropriate action if they observe any member of *Success* inappropriately dressed'.

Finding 32— On or about 2 May 2009 in Hong Kong, in the company of other *Success* sailors, [names redacted] went to a public house where further *Success* sailors were present and while wearing a child's size school girls' costume which, due to its small size and body-hugging nature, effectively only covered the torso and thereby did not conform with the Executive Officer's directive 30/09 which provided at paragraph 19 that 'changing into unacceptable clothing once stepping ashore is not to occur' and that 'all Officers and Senior Sailors are to take appropriate action if they observe any member of *Success* inappropriately dressed'.