

Appendix B Notification to [REDACTED]

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ANNEX A1 TO
HMAS SUCCESS IOI 2009/1048748
20 AUG 09

ROYAL AUSTRALIAN NAVY MINUTE



S1804843

[REDACTED]
HMAS SUCCESS

NOTIFICATION OF PROPOSED INQUIRY FINDINGS

References:

- A. Instrument of Appointment of 15 May 09
- B. Terms of Reference of 15 May 09
- C. ADFP 06.1.4 Administrative Inquiries Manual - Chap 06

1. At Ref A, I was appointed by the Chief of the Combat Support Group, Commodore D.W. Bates RAN, as an Inquiry Officer for the purpose of inquiring into the facts and circumstances of allegations of equity and diversity issues in HMAS SUCCESS raised as a result of the Equity and Diversity Health Check that was undertaken in SUCCESS during the period 04-09 May 09. The Terms of Reference provided to me, as relevant to your involvement in the inquiry, are attached at Enclosure 1.

2. I have gathered information relevant to the inquiry and have commenced analysing that information with a view to making findings as required by the Terms of Reference. The purpose of this Minute is to inform you that, based on the information available, I am inclined to make findings and recommendations which you may regard as adverse to your interests. Attached at Enclosure 2, is a list of those proposed findings.

3. In order to provide you with procedural fairness, you are invited to make any statement and/or provide material in relation to the proposed findings contained in Enclosure 2. Such statement and/or further material will be considered when I make my final report. Any statement and/or material are to be sent to me and must arrive no later than close of business on 20 Jul 09.

4. I will consider the following material when considering the proposed findings set out in Enclosure 2:

- a. any statement and/or material you provide in response to this Notice;
- b. the following parts of the transcripts of interviews, which are contained in Enclosure 3:
 - i. [REDACTED] Q19 and Q66
 - ii. [REDACTED] Q167-182

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- iii. [REDACTED] (2) Q12
 - iv. [REDACTED] (1), Q115-135; Q150-160; Q208-213 and Q288-295
 - v. [REDACTED] Q177-183;
 - vi. [REDACTED] (all of interview);
 - vii. [REDACTED] Q30-37 ;
 - viii. [REDACTED] (2nd Interview) Q1-20; and
 - ix. the transcript of your interview on 18 Jun 09.
- c. any change in circumstances since this Notice.

5. If, after considering this material, I consider that your performance of duty as [REDACTED] in SUCCESS was deficient because of any of the findings set out in Enclosure 2, such is likely to be a finding I make in my report to CDRE Bates and may cause me to recommend that you be the subject of administrative action.

6. You are required to acknowledge receipt of this Minute to me by signing Enclosure 4 and then emailing it to niel.wark@defence.gov.au or faxing (02) 9359 4712.

7. Should you regard the enclosed information as insufficient to enable you to effectively respond to this Minute, please contact me as soon as possible.


N.J. WARK CSC
CMDR, RAN
Inquiry Officer

10 Jul 09

Tel: (02) 9359 3545
Fax: (02) 9359 4712
Email: niel.wark@defence.gov.au

Enclosures:

- 1. Inquiry Officer Inquiry Terms of Reference - CMDR N.J. Wark 15 May 09
- 2. Notification of Proposed Inquiry Findings - Extract draft Inquiry Officers' Report- Findings and Recommendations.
- 3. Extracts of the transcripts of interviews referred to in paragraph 4 (b)
- 4. Acknowledgement of Receipt of Minute of 'Notification of Proposed Inquiry Findings

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