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*Attention is drawn to the penalty imposed by Section 79 of the Crimes Act for breach of official secrecy.*

CANO 35/66



# **CONFIDENTIAL AUSTRALIAN NAVY ORDER**

Navy Office, Canberra,  
6th July, 1966.

The enclosed order is promulgated for information, guidance and necessary action.

Unless otherwise indicated it contains classified information of Australian origin which has been cleared for the United Kingdom, Canada and New Zealand.

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When not in use this order is to be kept locked up in accordance with the instructions for the custody of CONFIDENTIAL documents. When disposal is necessary it is to be destroyed in accordance with the local arrangements for the disposal of CONFIDENTIAL waste.

By direction of the Naval Board,

*M. Handau.*

*The Flag Officer Commanding HMA Fleet,  
Flag Officer and Naval Officers in Charge, Captains  
and Commanding Officers of HMA Ships, Officers  
in Charge of HMA Naval Establishments, and others  
concerned.*

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**Section 2****PERSONNEL****35—Discipline—Unnatural Offences**

This order, which embodies guidance previously issued in Confidential Navy Orders about unnatural offences and voluntary confessions by sailors of homosexual practices, is in three parts: Part I—General; Part II—Legal; Part III—Medical. It should be particularly noted that the guidance covers cases in which incriminating information is disclosed voluntarily in the normal course of medical practice.

2. Where an officer or sailor has been convicted in a civil court of any offence described in Paragraph 19 of this order, the circumstances are to be reported in full to the Naval Board through the administrative authority as necessary.

**Part I—General**

3. The following instructions are issued by way of guidance in dealing with cases of immorality. Although moral insensibility of the nature of such offences is not general, it is sufficiently widespread to render it necessary to persevere in the effort to stamp out the evil. The Royal Australian Navy cannot afford, and does not want, to retain homosexuals in its ranks. The corrupting influence of such men is widespread, and their eradication from the Service is essential if the Navy is not to betray its trust towards the young men in its midst who may be perverted by them. Although no evidence has been detected to support the suggestion that there might be a direct connection between homosexuality and communism, the possibility of blackmail cannot be disregarded.

4. In considering how to deal with those suspected of homosexuality, a way out of a dilemma has to be found. On the one hand, justice requires that a man shall not remain under a cloud solely because of an uncorroborated accusation made by a person who has been found guilty of a homosexual offence. Such accusations are sometimes made falsely, either in a spirit of revenge against a man who has resisted advances or because of some exhibitionist streak or to bolster up the case for the accuser's own discharge. In any case, if a man is being retained in the Service, it is in general desirable, that he should start in his new ship with a clean sheet. On the other hand, extensive harm may be done by even a single pervert in a ship, where no reason is known for keeping a special eye on him. For that reason the Naval Board's duty to men who live in close proximity of naval life would not be discharged if only those who could be convicted in a court of law were removed from the Service. In that dilemma the Naval Board have laid down the following policy.

5. A man accused of being a homosexual should always be informed of the allegation against him and at least asked whether he admits or denies it. To prevent gossip, great discretion should be used, particularly when there is no other evidence than the word of a known homosexual. As a rule, in the early stages of investigation, it is wrong to place suspects under arrest. However, where there are substantial grounds for suspecting that a number of men have been involved in the same or related offences, it is sometimes necessary to hold them in close arrest to prevent collusion and to stop them from warning others who may be implicated. No man held in custody should be questioned or invited to make a statement until he has been specifically asked whether he wishes his Divisional Officer to be present and the man is cautioned in accordance with the Judges' Rules—see BR 11, Chapter 6, Paragraphs 83–86.

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6. Searching of kit, etc., is not to be regarded as a routine part of all investigations into suspected homosexuality. It is permissible only where other evidence is available (beyond the bare word of a confessed or convicted homosexual) and confirmation is required. Letters from men in the Service which show them to be homosexuals and which are found in the possession of other sailors during a search of kit, etc., may form the basis of further investigations.

7. It is desired to impress upon Commanding Officers who may be called upon to investigate complaints, the importance of paying attention to all details of time, position and conditions. Due warning should be given to those involved that what they say may be used in evidence at their trial, and a careful note made of all the circumstances, and especially as to the possibility of obtaining corroboration. A medical examination should be ordered whenever there is even a remote possibility of its throwing light on the question.

8. It is recognised that the nature of the offence renders proof difficult, and there is no doubt that unfounded accusations are occasionally brought. Whenever possible, however, i.e., whenever there appears to be a *prima facie* case, the person(s) concerned should be brought to trial by court-martial so that after hearing sworn evidence, the court may decide whether the allegations are true or not. In exceptional circumstances, provided that the issue appears to be fairly straightforward, a case may be dealt with summarily. Brief particulars of any such cases which do not result in the man's dismissal from HMA Service are to be reported at the time for the consideration of the Naval Board whether the man's name should be noted as in Paragraph 11 (c) below.

9. To remove the uncertainty as to what would constitute sufficient evidence to ensure a conviction, advice has been embodied in Part II of this order.

10. Although it is most desirable as a rule that the matter should be tried by court-martial if a *prima facie* case exists, the source and nature of the evidence may give rise to other considerations. For example, the use for disciplinary purposes of information voluntarily disclosed to a Medical Officer by a man who has reported sick in the ordinary course may tend to undermine the confidence which forms the basis of the normal relationship between doctor and patient. The Naval Board attach much importance to the preservation of this relationship, which is of great value to the Service. Where such a disclosure is an essential element of the case, or is the only original indication that an offence may have occurred, Commanding Officers should carefully consider whether disciplinary action should be taken or whether some other course, such as making application for the discharge of the man concerned, would be more suitable.

11. In considering how to proceed in such cases Commanding Officers should be guided by the following principles—

- (a) Where confession and medical evidence are not solely concerned with a particular and recent act, but with a history of misconduct, and it is clear that the person concerned is disordered mentally and physically so that his homosexuality can be regarded as inherent and virtually incurable, application should be made for discharge SNLR. Such men will normally receive benefits as for Discharge Unsuitable.
- (b) When there is substantial evidence of guilt but some technicality or special circumstance (e.g., the need to avoid having to compel a Medical Officer to give evidence of confessions made to him in confidence) makes a conviction unobtainable, application for discharge SNLR is appropriate.

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(c) In all other cases, the man's name and the circumstances should be reported for the consideration of the Naval Board who will decide whether to deal with the case by—

- (1) noting the man's name on a list held by the Naval Board, so that if he should again come to notice in this connection, discharge SNLR could be considered; or
- (2) in addition to taking action as in (1) above, warning the man that his actions have given rise to suspicion and that it is his responsibility to see that his future conduct is not such as to lay him open to further suspicion either on account of his own actions or on account of his associations with suspected persons (the man's next Commanding Officer would be informed that such a warning had been given, but not a subsequent Commanding Officer—unless the man was posted within twelve months).

Naval authorities should, of course, say in reporting the circumstances whether they recommended course (1) or course (2). They should not, however, pass information on to other commands except as the Naval Board may direct under (2).

If there is no evidence against a man beyond the word of a known homosexual concerning an act or acts not so recent as to justify immediate medical examination, no action should be taken (except to ask him whether he confirms or denies the allegation) without first asking whether his name appears on the Naval Board's list. If it does, this will normally be sufficient justification for further investigation.

12. In any case where a report is being made to the Naval Board with a recommendation for administrative action (such as compulsory retirement or discharge SNLR) or with a request for directions as to the course to be followed, no action should be taken locally which could be interpreted as prejudicing or anticipating the Naval Board's decision.

13. Apart from the effect of the infliction of severe punishment wherever possible, the Naval Board also wish to impress upon Commanding Officers that much may be done by unremitting attention to the moral well-being of the ships' companies under their command. They in no way under-rate the aid afforded by the various religious agencies in this matter, but they think that, apart from such influence, there is room for the creation of a healthier public opinion amongst the men, which may be fostered by taking suitable measures to point out the horrible character of unnatural vice and its evil effects in sapping the moral fibre of those who indulge in it. As ships' companies change frequently, the matter should be brought to their notice from time to time as may be necessary. On commissioning and on other suitable occasions the Commanding Officer should remind his ship's company (in two groups, junior sailors and Chief and Petty Officers) that unnatural vice is an offence against the law and that it is the legal and moral duty of every sailor to help stamp it out. Divisional Officers should be on the alert, particularly as regards men known to have an unstable or unhappy background. These would include those who nominate friends or unusual relatives as next of kin, those who have been brought up in homes or orphanages and those who spend their leaves at clubs, etc. Such men, often lonely, are frequently the chosen prey of the homosexual and they require encouragement if they are not to fall.

14. The help of the steadier and more reliable men on the lower deck in resisting the tendency which is too often displayed to treat these matters with levity should also be enlisted. It should be impressed upon the younger members of the ship's company they if they have real cause of complaint as to the conduct of other men

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towards them they may be assured that their complaint will be fully investigated, that it is their duty to resist any approaches of this nature, and that unless they wish to be considered as participating in the crime they must make complaint at the earliest moment.

15. Means should also be devised to prevent opportunities for the commission of such offences in the out-of-the-way parts of the ship.

16. The disposal of a sailor who confesses voluntarily that he indulges in homosexual practices must be decided on evidence of his general behaviour and marital history, and on medical evidence. It should be remembered that medical evidence may be completely negative even in a well established case, and also that the sailor who voluntarily confesses may not be a confirmed addict and therefore abnormal physical signs are unlikely to be met. In all such cases a medical examination is to be carried out on the lines laid down in Part III of this order. The report of the examining Medical Officers is invariably to accompany any application for the discharge of a sailor who has voluntarily confessed to homosexual practices.

17. It is important that the Medical Officers serving on board HMA ships should be made aware of the information contained in this order, and their attention should be particularly called to the instructions in Part III, which have been prepared for their information and guidance when dealing with such cases. All officers in medical charge are to obtain written evidence from their subordinate Medical Officers and from the senior sailors of their sick berth staff to the effect that they have read and understood Part III of this order.

18. Correspondence on this subject should be forwarded to the Naval Board.

**Part II—Legal****OFFENCES OF IMMORALITY AND THEIR INVESTIGATION**

19. The offences of sexual immorality between males which naval officers may be called upon to investigate are—

- (a) Buggery.
- (b) Assault with intent to commit buggery.
- (c) Indecent assault.
- (d) Act of gross indecency with a male person.
- (e) Procuring the commission of an act of gross indecency with another male person.
- (f) Attempts to commit offences (a), (d) and (e) above.
- (g) Inciting to commit either (a), (c), (d) or (e).
- (h) Disgraceful conduct of an indecent kind.

20. The first seven are offences against the ordinary law and therefore, if committed on shore in Australia, could be tried under the Naval Discipline Act (either summarily or by court-martial) only in accordance with RI, Art. 1803A. The eighth offence is against the Naval Discipline Act only and cannot be tried under the ordinary law.

21. It is not necessary to detail the facts which must be proved to support a charge of either of the first four offences. With regard to the fifth, it would be established if (merely as an example) it was proved that A induced B by threats or otherwise to pull his (A's) private parts about.

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22. A man cannot be convicted of charges comprised under the sixth head unless it is proved to the satisfaction of the Court that an act was done with intent to commit the offence, forming part of a series of acts which would have constituted the offence if such series of acts had not been interrupted either by the voluntary determination of the offender not to complete the offence or by some other cause. The act must, of course, not be too remote in the series of acts.

23. Though it is conceivable that circumstances might arise in which a charge of inciting to commit offences (c) or (e) could be made, they are not likely to occur. The offence of inciting to commit either (a) or (d) is unfortunately not uncommon. A charge of inciting would be proper in cases in which a man is alleged to have attempted either orally or in writing to persuade another to commit either of these offences. Such a charge is preferable to a charge for an attempt when the only evidence available is of words used, and there is, consequently, no evidence obtainable of an act done with intent to commit the full offence.

24. The eighth offence is described above in the actual words of the Naval Discipline Act; it covers any immoral and dirty act contrary to nature, but should not be used to cover acts which can properly be charged as specific offences under the ordinary law (e.g., the previous seven in the above list). Self-abuse might, for instance, come under Section 37. If committed privately it should not normally be charged as an offence, either against this section or at all; if committed publicly so as to involve wilful indecent exposure to more than one other person there might possibly be ground for a charge of indecent public exposure of the naked person; but such a case, or a case involving indecent exposure in the presence of one person, might justify a charge under Section 37 according to the particular circumstance. A charge might be framed under this section where a person is found to be suffering from *primary* syphilis in ano. If the results of the investigation do not afford sufficient grounds for bringing the case to trial by court-martial on this charge or on another of the charges mentioned above, the Naval Board are prepared to consider an application for the discharge of the infected person "services no longer required", as they consider it most undesirable that any one so affected should remain in the Service unless there is clear proof that the disease was not due to unnatural vice.

25. The following notes may prove useful—

(a) *Consent*.—This is no defence to a charge of buggery or of the attempt to commit it. Both actor and patient are guilty. Nor is it a defence to charges (d), (e) or (g), or attempts to commit (d) or (e). It does not arise in the case of (h). It is a defence to (b) and (c) unless the person assaulted is under 16. In cases in which it is doubtful whether there has been consent or not, it would be well to add to charges for offences (b) and (c) an alternative charge for (d).

(b) *Corroboration*.—As a matter of pure law, corroboration is not required in any of these cases. But it is now established practice to look for corroboration of the evidence of an accomplice by independent evidence in some material particular going to the offence itself and implicating the accused. The same principle applies with regard to evidence of the other party in any sexual offence. In the absence of corroboration, it is the practice of the Court of Criminal Appeal not to uphold a conviction in any sexual case unless, as an absolute minimum, the Jury has had a serious and strong warning of the very grave danger of convicting without corroboration. It therefore follows that the Naval Board might feel it impossible to uphold a conviction unless they were fully satisfied that the Court had clearly appreciated how strong an action it is to convict in such a case without some corroboration. It

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is important that it should be recorded that this fact was brought to the notice of the Court, as unless the Court is clearly aware of this and unless the evidence is strong, a conviction might have to be quashed. The Court should realise that a conviction for any of these offences may wreck a man's career and reputation, both inside and outside the the Service as well as expose him to punishment, and should therefore act only with the greatest care. If, with its eyes open to these considerations the Court is fully satisfied that the case is proved, then it has the power to convict of these offences and it would be a proper course to do so. There appears to be some misapprehension as to what is necessary in the way of corroboration. Corroboration has been said to be evidence confirmatory of at least some of the leading circumstances of the witness's story indicating that an offence has taken place and that the accused was involved in it from which the Jury (or the Court, in case of a Court-Martial) may be able to infer that he has told the truth as to the rest. From this it will be seen that it is not necessary to have confirmatory evidence of the actual commission of the offence. It might be sufficient, for instance, if, on a charge of buggery, supported by the evidence of the patient, evidence were given that the two persons were seen together at or about the time in question in some secluded part of the ship. Of course, it would be much stronger, though not necessary for the proof of the offence, if they were seen in a compromising position, or if, after the alleged commission of the offence, one or both of them was seen buttoning up his trousers. A statement by, or the actions of, the accused himself may afford corroboration.

- (c) In all cases where an offence of this nature is alleged to have been committed, and is reported as having occurred within a short time, the Medical Officer should be directed to examine certainly the patient, and possibly, also the actor. Evidence may often be thus obtained that an offence has been committed, but the Court must be careful to observe that evidence as to what is found on the examination of one party is not necessarily corroboration that the offence has been committed by the other. In civilian cases it is not permissible to examine a man unless he consents, and evidence obtained from an examination carried out without consent is not admissible in court. The position in naval cases is different. The naval service is a disciplined service in which men have to obey lawful orders given to them by their superiors and to comply with regulations issued for the proper governance of the service (including ANO's and CANO's). This CANO, having been issued for the maintenance of the physical health, moral well-being and morale of a disciplined service is one that must be obeyed like other orders and regulations. Evidence obtained from such examinations is therefore admissible in Court, and there is no need to ask the man whether he consents or not. If the man refuses to be examined, force should not be used but a direct order should be given and, if he still refuses, an appropriate charge should be made. The fact that he has disobeyed this order and any reason given for his disobedience are factors which may be considered by the Court with regard to the charge of a sexual offence. The Medical Officer should render a report of the result of his examination, and this should always be disclosed to the accused's friend if anyone is charged in connection with the incident. The prosecutor and the accused's friend must consider, each from his own standpoint, the admissibility of any answer to a question, or confession or other statement made by the accused. Such admissibility is governed

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by the normal rules, but it should be borne in mind that as the examination takes place and questions are answered, under the compulsion of discipline, there is a presumption that any answers, or even extrinsic statements, are inadmissible against the accused. The presumption is rebuttable by evidence which establishes that the answer or statement was completely voluntary: such evidence in the case of a direct answer to a question would have to be very strong indeed.

(d) There are no charges—as is often said—more easily made or more difficult to refute than charges of sexual misconduct. Because there are seldom witnesses to all that occurs, such charges are not infrequently made by blackmailers, and by persons who wish to be revenged on those at whose hands they have suffered real or imaginary wrong. On the other hand, the conditions of life in a disciplined force are such that frequently the older and more experienced men have means by which they can bring pressure on their inferiors to submit themselves to their desires. The greatest care, therefore, is required in the investigation of such charges.

(e) A very important point to consider in the first place is the conduct of the person said to have been assaulted, immediately after the alleged offence. Did he complain? If not, or even if he did, did he continue to associate with the accused or treat him in a manner different from that in which he treated him before? If he complained at the first reasonable opportunity after the alleged offence it is competent for the Court to receive evidence not merely of the fact of the complaint, but also of its terms, not as evidence of the fact stated, or as corroboration, but as showing the consistency of the complainant's conduct and as negating the fact that he was a willing accomplice.

(f) A charge made long after the occurrence should always be regarded with great suspicion. Whether a charge is made soon or long after the occurrence, care should be taken to note at once the exact story of the complainant, the exact details of time and place, and of the occurrence itself. Probably from a natural disgust, these details are not always obtained, and though it may seem unnecessary to insist strongly on this last point, experience shows the necessity of pressing that the exact details should be obtained at the earliest possible moment, not in order to make a case against the accused, but in fairness to him. Slight deviations at later stages from the language used in the first instance may be disregarded. No one, probably, could twice recount the most ordinary occurrence in the same language unless he had learnt his story by heart; indeed, it may be said that the exact verbal repetition of a story is very often strong evidence of its falsity. But differences of importance, such as any relating to what actually happened, or the place or date on which the offence is said to have been committed, should make the tribunal suspicious. Differences of time are often insisted on by those who defend, but they are not important, as a rule, if the witness can fix the time as having some relation to a well-known event, such as the day of a boat race, or leaving a certain place or evening quarters on a particular day.

(g) Sometimes the Court will be asked to disbelieve a witness because he computed the duration of certain acts as having lasted five minutes or more or less when it is evident that they cannot have occupied many moments. Such criticism may be completely misleading. Time may seem to pass very slowly in some new and perhaps terrifying experience, or in similar circumstances events which took some time may appear

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to pass very rapidly; and many people find it extremely difficult to estimate either time or distance accurately, even when not under stress. The Court must judge for itself whether what the witness means is not a long or a short time, as the case may be, without reference to the hands of the clock.

(h) But, above all, the demeanour of the witness should be most carefully observed; his manner of giving evidence, even the way he stands and his movements, will often afford some indication to an experienced judge whether he is a credible witness or not. But even here a word of caution is required, for sometimes a witness giving evidence produces an impression unfavourable to himself, though his story is perfectly true, owing to his finding himself in an unusual position or to his shyness in giving unpleasant details in public. A sympathetic hearing will often elicit the truth better than questions asked in a hostile manner, and every allowance must be made for the difficulty of the witness's position, especially if he is giving evidence against a superior, before the tribunal forms an opinion adverse to him.

(i) Upon the Court alone rests the responsibility of deciding whether a witness is telling the truth. Statements which appear distinct in the shorthand notes may have been made by the witness in such a way as to produce exactly the opposite effect to that which is produced by the written language. Those who have seen and heard the witness can best form a reliable opinion of the effect of any individual statement. But as a general rule it must be laid down that it is not safe to convict in those cases where the only evidence as to the actual offence is that of one witness who affirms and the accused who denies, both on oath, the facts necessary to support the charge. Indeed the Court would usually consider it wrong to call on the defence in the absence of any corroboration. Once, however, there is sufficient evidence for the defence to be called on, the situation may arise where the accused himself is not called to give evidence. Two points must be borne in mind; an accused is always entitled simply to say "the prosecution has not proved my guilt with the required degree of certainty" and failure of the accused to give evidence is neither an admission of guilt nor corroboration of the prosecution's case. A Court may, however, bear in mind, indeed it is their duty to bear in mind, that evidence of fact from prosecution witnesses will, unless there is a valid reason consistent with innocence for the accused refraining from testifying, remain completely unanswered. Once there is evidence on which the Court would *prima facie* be prepared to convict, the fact that no attempt has been made to answer it may be of significance.

**Part III—Medical****INSTRUCTIONS FOR THE GUIDANCE OF MEDICAL OFFICERS IN DEALING WITH SUSPECTED OR SELF-CONFESSED CASES OF UNNATURAL VICE**

26. (a) The attention of Medical Officers is called to the necessity for the most thorough investigation when suspected cases of unnatural offences are brought to notice. The medical examination should be carried out by two Medical Officers, or by one Medical Officer in the presence of a senior sick berth sailor if a second Medical Officer is unobtainable, in order that corroboration of facts may be available, and should be conducted so that a clear and definite opinion can be reached if possible. With this object all symptoms and signs, whether direct or indirect,

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should be investigated from the angle of both active and passive participation, and the findings, both positive and negative, recorded in writing at the time. Where two persons are suspected of guilty relationship, each is to be separately examined from both the active and the passive angle. They are to be kept well apart from each other in the sick bay and given no opportunity to communicate with each other.

- (b) Since unnatural practices may lead to the spread of venereal disease, the history and examination of the man should be directed not only to those physical signs and symptoms related to unnatural practices but also the possibility of venereal disease.
- (c) The examination should be conducted at the earliest possible occasion after the suggestion of unnatural practice has been made. After all examinations have been completed a full descriptive account, based on the notes taken at the time, should be made in writing and, further, not only positive signs present should be recorded, but also the absence of signs that might be expected to be present should also be included in the report. It may be necessary for the Medical Officer to ask questions of the man in order properly to conduct his examination: on the other hand it is most undesirable that a man, who is in fact compelled by discipline to submit himself to a medical examination, should be led to make statements which may incriminate him. It is, therefore, essential that the questions should be as few as possible and restricted to those necessary for the medical examination: care should be taken to avoid questions likely to produce a confession (e.g., "What happened?" or "Did you achieve penetration?" or "Were you the active or passive partner?"). If in the course of the examination the man starts to say things (whether in addition to the answer to a question or otherwise) which will incriminate him, the Medical Officer should warn him not to do so. Any statements that the man may make, whether in answer to a question or not, should be included, as nearly verbatim as can be recollected, in the Medical Officer's report. The Medical Officer, if he is called upon to give evidence, should be guided by the Prosecutor as to which of these statements he may disclose in evidence in chief (*see also* Part II of this order, Paragraph 25 (b)).
- (d) The examination, in cases where unnatural practices have been alleged, should be planned to discover all possible physical signs which may tend to show—

- (1) Whether any indecent or unnatural act has taken place, and if so, when.

(*Note.*—If the Medical Officer has been informed what act is alleged to have taken place, he should check particularly for evidence bearing on that alleged act: but as the information given to him may be inaccurate, he should always examine for any signs of any indecent or unnatural act.)

- (2) Whether any indecent or unnatural act, which may have been committed by or upon the person examined, has occurred on one occasion only, or on several occasions.

27. The examination should, for the reasons given above, cover the possibility that the man has played either the active or the passive role, or both, and should include the following points—

- (a) For evidence whether the man may have played the passive role—
- (1) Note the general appearances. Look for feminine gestures, nature of clothing and use of cosmetics, etc.

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## (2) Visual external examination of the anus for—

Appearance of bruising or inflammation.

Whether redundancy or thickening of the skin is present.

Evidence of irritation, inflammation or presence of thread worms—

Recent tears, lacerations, fissures and piles, old scars due to previous ulceration, or any other physical sign that might be present and might cause dilation or relaxation of the anal sphincter.

(Note.—It cannot be too much stressed that the “classical” appearances described in many books are most uncommon. The “conical” anus occurs only in the confirmed practitioner.)

## (3) Examine the anus for size and elasticity (it is useful to measure the size of the opening by some standard measure such as the number of fingers) and note any discomfort or otherwise during the examination. A speculum may be used.

## (4) A swab must be taken from inside the anus with the aid of a protoscope or speculum for demonstration of spermatozoa, and another from surrounding parts for identification of lubricant and spermatozoa.

## (5) The man should be examined most carefully for the presence of VD. The presence of any discharge from either the anus or urethra should be noted and slides and swabs taken for the identification of gonococci. It should, however, be remembered that the GC cannot be identified for certain except by culture. The presence of a suspected chancre and its position should be noted and samples of serum exudate from the sore should be collected in capillary glass tubes for the identification of treponema pallidum. These samples should, if possible, be examined immediately after being collected, but further samples should also be sent for examination by a specialist in pathology. When possible all cases in whom VD is suspected, should be sent to a venereologist for examination at the earliest opportunity; this especially applies in those cases where GC infection is suspected, since the organism in this case can only be identified with certainty after culture.

## (6) If it alleged that the practice has been carried out recently, the under pants and shirt should be examined for the presence of stains which may still be damp. Any suspected stained articles should be wrapped in cellophane or brown paper and sealed for transmission to a laboratory. If it is possible to collect a specimen of liquid semen from an article of clothing, it is desirable to send this in a suitable container. In some cases the blood group of the donor can be determined.

## (7) Other suspicious objects such as tins of lubricants, should be sent to a laboratory for examination for the presence of spermatozoa or pubic hair.

*N.B.*—All specimens should, when possible, be collected in duplicate and sent to a laboratory for examination as soon as possible. They should be labelled in the case of glass with a glass marking pencil and also have a tie-on label. They must be sealed in a container.

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(b) For evidence whether the man may have played the active role—

The examination should be planned to establish whether the penis, has, in fact, been subjected to friction and is contaminated with faeces. It is obvious that the presence of a mixture of faeces, lubricant and spermatozoa will constitute strong evidence.

The examination should be conducted as follows—

- (1) *Examination of the penis* for evidence of friction, for the tearing of phrenum and presence of faeces especially beneath the prepuce if uncircumcised. Also for the presence of lubricant which should be collected on a swab as well as any suspicious material and treated in the same way as other samples. Examination of the base of the penis should be made for contamination with faeces and spermatozoa.
- (2) *Examination of the clothing*, in this case the front of the pants, trousers and shirt, for fresh stains and again for a mixture of semen and faeces, the clothing being treated as mentioned previously.
- (3) *Examination of objects* in the possession of the suspected person such as handkerchiefs, rags, etc., and also of tins of lubricant, in a similar manner to that already described.

It should be kept in mind that the suspected person may act both as the active and passive agent. Evidence as to whether he has been drinking may also be very relevant. At the end of the examination, a report should be framed following the line of the examination and containing the appropriate conclusions, bearing in mind the fact that the only certain medical evidence of the commission of the offence of buggery is the presence of semen in the anal canal. Opinion should always be guarded as to the cause of any dilation of the anus. It should be remembered that dilation of the anus by itself is not a specific sign of the homosexual and that this sign can be due to other causes, e.g., old standing piles, or it may follow operations on the rectum, or it may be due to some disease of the nervous system, etc. The report should include a list of the material collected and the name of the person to whom it was sent. It is important that the report should indicate if there is any physical or mental disease present that would contribute to the man's behaviour.

28. The examination of self-confessed homosexuals should be carried out on the general lines already indicated as far as this is appropriate, but should be modified to exclude those procedures applicable only to a recent act. The examining Medical Officers should consist of a venereologist and a psychiatrist. Negative as well as positive findings are to be recorded in the medical report and supporting reasons are to be given for any conclusions reached at any stage in the examination. The psychiatrist should state in his report that he considers that the man is telling the truth, or that the man is lying, or that he cannot give an opinion on this point. Medical evidence may be completely negative even in a well established case; and as the sailor who voluntarily confesses may not be a confirmed addict, abnormal physical signs are unlikely to be met.

29. If in the course of a normal consultation or an examination submitted to voluntarily a man who has not previously been suspected of unnatural practices discloses in confidence information likely to incriminate him, the Medical Officer should be guided by the principle behind Paragraph 26 (c), i.e., that no one should

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be encouraged to incriminate himself; on the other hand it is important that a Medical Officer should obtain any information relevant to the man's own health and condition or that of the ship's company. Any information received in these circumstances should be passed to the Commanding Officer if in the opinion of the Medical Officer that would be for the benefit of the ship's company or of the Service. It is for the Commanding Officer to decide what use, if any, should be made of such information, bearing in mind the importance of safeguarding the doctor-patient relationship between the Medical Officer and those who consult him.

(DNLS 321/251/1)

**CONFIDENTIAL**  
**AUSTRALIAN**  
**NAVY ORDER**

Navy Office, Canberra.

6th July 1964.

The enclosed order is promulgated for information, guidance, and necessary action.

Orders emanating from the United Kingdom which have been cleared for the United Kingdom, Canada and New Zealand.

Orders containing classified information of United Kingdom origin are indicated as follows—

UK Origin—Classified for

Instructions on the disclosure or release of classified information to other countries are contained in ACB 8537 "Instructions on Physical Security".

When not in use this order is to be kept locked up in accordance with the instructions for the custody of CONFIDENTIAL documents. When disposed is necessary it is to be destroyed in accordance with the local arrangements for the disposal of CONFIDENTIAL waste.

By direction of the Naval Board,



The Flag Officer Commanding RMA Fleet,  
Flag Officer and Naval Officer in Charge, Canberra  
and Commanding Officer of RMA Ships, Officers  
in Charge of RMA Naval Establishments, and others

By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra

