

# Richard Gration

Richard Gration's chambers are what one might expect from a corporate barrister. They are located in Sydney's Central Business District, a short stroll from the Supreme Court of NSW, State Parliament and Hyde Park. Lining his office walls are bookshelves full of meticulously ordered law journals and court reports dating as far back as the mid 1800s. Behind his desk are framed photographs of Richard from the 1980s, dressed in his RAAF pilot's uniform. Some of the photos are reminiscent of the movie *Top Gun* – a reference that Richard says is apt for the types of planes he was trained to fly. His story is significant not only for his many experiences, but also because he has so effectively saved old documents to reinforce his sharp memory of events that nearly cost him his RAAF career as a 19-year-old at the Air Force Academy.

Richard was born in Perth in September 1962. The oldest of two brothers, he was what is commonly referred to as an Army brat: the son of a career officer who moved quite a bit in his early childhood, when his father was posted all over Australia. The family generally spent about two to three years in any one location, whether that be Perth, Melbourne, Canungra (west of the Gold Coast), Canberra, or 12 months as a 14-year-old in Carlisle, Pennsylvania, while his father attended the US Army War College. Richard's mother was a school teacher, and his father Peter Gration was a commander in the Royal Australian Engineers. Peter did 12 months in Vietnam from 1969–1970, and Richard remembers writing and receiving letters from his father every week or two. Peter Gration would eventually rise to the highest level of the ADF: he served as Chief of the General Staff of the Australian Army from 1984–87, and as Chief of the Defence Force from 1987–1993.

Richard describes his upbringing as stable, and other than the one year stint in the United States, he remained settled in Canberra from the age of six. Richard spent three of his six high school years in Canberra as a boarder when his family was living interstate or overseas. It was within this semi-autonomous environment that Richard first had

opportunities to explore his sexuality. He had known since about age six that he was gay, but it was when he was a hormonal teenager that he first acted on those attractions. The boarding house was not the hotbed of same-sex activity that stereotypes might suggest, though sex among boarders did happen. Most of Richard's encounters were with non-boarders, and he even had a fling with an older student. Their association endured for a few years, even after Richard completed secondary school. Richard's friends in high school knew he was gay, and he remembers it being a non-issue in the late 1970s.

It was the family military background that made Richard interested in joining the Australian Defence Force (ADF). In addition to Richard's father, his uncle Barry Gratton was an officer in the RAAF whose career culminated in the position of Chief of the Air Staff from 1992–94. As Richard succinctly puts it, 'If you've got a father who's a general in the Army it's a disincentive to join the Army, so I thought I wanted to do something a little bit different.' Richard instead joined the RAAF, entering the Air Force Academy in Point Cook in Melbourne in 1981. The separate ~~Service-service~~ academies were precursors to the current Australian Defence Force Academy ([ADFA](#)); students would undergo officer training while concurrently studying for a tertiary academic qualification – in Richard's case a science degree majoring in physics. The Air Force Academy was primarily for those training to become pilots. The academy would receive approximately 1500 applications each year, and after rigorous medical and academic testing, only about 40 students would be selected. Given his boarding school experience and upbringing, Richard adapted well to the regimentation and discipline instilled from the moment he arrived. Though not as intense as Army officer training at the Royal Military College Duntroon, Richard still recalls: 'So you arrived at the Air Force Academy, and there was a little bit of yelling and running around in the first few weeks just to wake you up that you're in the military'.

Richard knew from the start that there were rules against homosexuality in the ADF. Defence Instruction (Air Force) PERS 4-13 summarised the reasoning against permitting gay or lesbian service members:

Homosexual activities are prejudicial to effective command relationships, high morale and discipline, without which the Services cannot function efficiently.

Furthermore, the Defence Force includes a number of young persons for whom the Services play a guardian role with respect to social behaviour, and many parents and citizens would be reluctant to authorize or encourage enlistment to an organization that condoned homosexual acts. Finally, the Services' public image would be degraded by any suggestion that homosexual behaviour is acceptable therein.

Homosexual acts, therefore, cannot be tolerated in the Defence Force.

Despite knowing the risk, Richard early on found his way into Melbourne's burgeoning gay scene. A friend of a high school mate took Richard to bars and introduced him to a circle of gay friends. Richard was quite open about being a cadet at the Air Force Academy, and his openness during this early period risked his career and taught him a lesson about the importance of discretion.

Richard was not the only serviceman visiting gay bars, and in fact several LGB members from the 1970s–1980s mention recognising others in saunas or beats as well. Interviews with several ex-service members often describe fear when they saw others in bars. Yet, once the initial panic passed, they would realise that the other person was there as well – meaning they, too, were likely homosexual. This was very much the case when Richard saw a Mess steward when rollerskating (it was 1981) at Pokeys nightclub in the Prince of Wales, St Kilda. Somehow that leading aircraftman later came to the attention of the RAAF Police, and in what would foreshadow further experiences in Richard's career, the Mess steward named Richard as homosexual.

Two 'unpleasant' RAAF policemen hauled Richard into an interview because he had been seen 'rollerskating with some homosexuals'. He remembers being scared during the four or five-hour interview as the men grilled him to discern if he were gay. Though Richard admitted to having gay friends and rollerskating with them, he consistently denied being gay himself. The police accepted Richard's explanation for the time being, giving him a stern warning: 'Don't go down this path. Don't associate with those sort of people. You'll be judged by the people you associate with, so if that sort of thing happens, you'll be out.' It is intriguing that Richard only received a warning, because testimonies from other LGB personnel during this era indicate that being associated with homosexuals essentially meant that you must be one. Other ex-service personnel describe interviews that went on for days until the suspect cracked, confessed and named others.

Why, in this case, the police accepted Richard's explanation is unclear. He certainly was now on the RAAF Police's radar, and less than a year later he would confront a more severe investigation.

During Richard's first year he had come across a third-year cadet named Ryan (name changed), who had a reputation for being 'a bit of a poofter'. On three occasions Richard and Ryan performed sexual acts. An incident at the start of 1982 brought Ryan to the authorities' attention: one evening he climbed into the bed of a cadet with whom he previously had sexual relations, and performed oral sex while the cadet slept. The cadet awoke, shouted, 'What the fuck do you think you are doing?' and fought back. Ryan jumped out the cadet's ground floor window and ran naked across the courtyard. Other members of Ryan's course later trashed his room and vandalised his clothes in retribution, and then reported him to the RAAF Police. On 2 February 1982, the first day of Ryan's police interview that went for over nine hours, he detailed multiple sexual encounters with five other cadets, as well as unreciprocated advances he made on another four. The next day, Ryan identified Richard Gration and another first-year cadet as men with whom he had sexual relations. Ryan described three occasions when he had sexual relations with Richard.

February 1982 should have been the commencement of Richard's second year at the Air Force Academy, but it began with two RAAF policemen hauling him in to investigate Ryan's allegations. He had just returned from a six-day bivouac training exercise, and had slept only about one or two hours of the previous 36. According to a handwritten report Richard drafted two days after the interview, the first policeman would not tell him what the allegations were until the interview commenced. When Richard pushed him to reveal the allegations, the flight sergeant retorted: 'Don't tell me how to conduct a fucking interview – I have been interviewing people for 20 years and I don't want any fucking cadet telling me what to do.' The other sergeant then played good cop, stating 'for goodness sake, Richard, don't antagonize him. We're all very tired – we've been at it for a week and we'd all like to get a bit of sleep so if you're co-operative we'll be able to get it over & done quickly'. After further pressure from both police officers, Richard started to detail his encounters with Ryan. *Then* the formal interview commenced.

The official transcript of Richard Gratton's interview is straightforward. It begins with the officers advising Richard that under Defence Instruction (Air Force) PERS 4-13, he was entitled to have an officer present: No. He was under no obligation to say anything, but anything he said would be used as evidence: Understood. Did he understand that he was going to be asked further questions, and that he would be allowed to review the interview transcript? Yes. Richard then detailed three sexual experiences with Ryan. When asked why Richard let the encounters happen, he answered: 'The first time I was too drunk, the second time I was too tired and the third time I initially tried to stop him but succumbed to the physical situation.' When reading Ryan's allegations, Richard indicated that they were mostly accurate, but emphasised, 'Throughout the three incidents, I was a passive participant.' Richard's emphasis on not initiating the encounters suggests an effort to shield himself from the charges – perhaps hoping he could escape with a warning rather than be expelled. At least one other implicated cadet indicated that he was under the impression that his interview was meant to support a prosecution case against Ryan, rather than for himself or Ryan's other sexual partners.

Even today Richard's recollections of his encounters with Ryan align with the interview contents. Richard never denied having gay friends, the police interview transcript saying: 'I think of homosexuals simply as people. I do not discriminate against them in the same sense that I do not discriminate against people of different religious or political views.' Yet, Richard's description of the police behaviour highlights the problems with accepting the interview transcript at face value. In a rebuttal statement drafted five days after the interview, Richard wrote about ways the RAAF Police manipulated him during the interview: 'He [flight sergeant] emphasised that the only reason I would want an Officer would be if I felt physically threatened. He also said that if I asked for an Officer I would have to wait until the Officer was brought in.' In regards to not being obliged to answer any questions, Richard said that the flight sergeant advised 'it was in my interest [sic] to answer all their questions as no answer would imply that I was guilty ... He also said that "this was my opportunity to put my side of the story across". This was not recorded on the record of interview. This was the first time I had received a caution'.

-Richard indicates other times when he gave short answers, and police pressured him to provide detailed statements. Under Defence rules regarding police investigations, after an interview the suspects needed to parade before an officer to confirm that nothing untoward had happened. Richard's statement indicated that before this procedure, the flight sergeant said: 'We didn't beat you up, did we. I said No, I guess you didn't. Flight Sergeant [sic] L\*\*\*\* asked me to write I had no complaints if I did not wish to make a formal complaint. I did so again to hurry things along. I was then given a copy of the interview and went straight to bed.'

Two days after his interview, Richard received notification that he was being recommended for discharge. He had the right to a rebuttal, and while preparing his statement his father advised him not to submit it without first receiving legal counsel. This significant piece of advice is what set Richard's story on a different trajectory from most others. Richard requested access to legal assistance, but the senior officer managing his case indicated that it was an administrative matter and he should prepare his statement. Richard did prepare his rebuttal statement and submitted it, but, according to Richard's diary notes, 'Dad said that was a stupid thing to do after his advice earlier. He had had legal advice and they recommended that I say nothing and write nothing without having it checked.' Richard withdrew and resubmitted his statement; the revised statement simply read: 'I do not wish to make a statement in rebuttal at this time as I have not had the chance to seek the advice of a legal aid officer.' Richard did receive advice from a legal officer and subsequently submitted the rebuttal statement. Even so, it still looked like Richard was on a path towards discharge.

Peter Gratton and his connections proved instrumental in what happened next. Peter directly asked Richard if he were gay, even telling his son, 'Well, look, there's been a few things while you were a teenager that have made me think that perhaps you are.' Richard denied being gay, saying that it had all just been experimentation. Peter believed that Richard's career was over and was seeking the smoothest way for Richard to discharge, so he arranged for Richard to meet with the Director of Army Legal Services – the one-star brigadier who was head lawyer for the Australian Army. Over several hours on a Saturday morning in Defence Headquarters in Canberra, Richard told Brigadier MJ Ewing about the incidents with Ryan and the police investigation. To Peter's surprise,

Ewing suggested they fight the dismissal. Ewing prepared a short legal opinion that described the admissibility of Richard's interview as 'open to very serious challenge'. He further expressed that Richard clearly was under duress when he made his statement and that, on evidence, he supported Richard's claim 'that he is not orientated towards homosexual behaviour'.

Ewing contacted the Defence Minister James Killen, advising him that the RAAF cadets had been mistreated and the RAAF Police behaved 'abysmally'. Peter Gration also wrote to Killen, and in a heartfelt letter expressed: 'I write as a father to make a plea to retain Richard in the RAAF. While some of what I include results from the conferences and discussions above, I only include what I accept as a father.' Peter also relayed Ewing's legal advice and explained Richard's actions thus: 'My own predominant impression of the affair is of a young man, fresh from school, raw in the Service, and exposed to a situation with which he was utterly unprepared to cope ... Richard has no previous or subsequent history of such acts, which were an aberration in his normal heterosexual lifestyle, including normal and continuing contact with girl friends'. Killen accepted Ewing's legal advice but was concerned that everyone at the Air Force Academy knew what Richard, Ryan and three other accused cadets had done, and they would be unlikely to tolerate Richard and the other three cadets' presence.

Richard had an inkling that the other cadets would not be overly concerned if he and the three other cadets (but not Ryan) were permitted to stay. One evening, the four accused summoned approximately 120 Academy cadets across the three year levels to a meeting. As Richard recalls:

And we explained the situation of 'Look, the Minister considers that it would be problematic that none of you would accept us ... We can't discuss with you the details about what's alleged and what's happened, but if you are happy for us to stay on in these circumstances we'd be very grateful if you'd write a statutory declaration saying that you're aware that something is being investigated but you're more than happy for us to stay on'. And so we got 120 stat decs; we got the whole Academy to do it.

It is intriguing that such a significant majority of Air Force Academy cadets were willing to continue serving alongside the four men all but proven to have participated in

homosexual acts. This suggests that sentiments within the ADF could have been more tolerant than the officials, who consistently argued that gays and lesbians would hurt troop morale, had presumed. There are a few possible reasons for this. One is that, as they were all still in training, they had not been fully indoctrinated into the ADF group think about homosexuality. Another possibility is that their youth meant they had more tolerant attitudes than older servicemen. As officers-in-training, the cadets were essentially university students who, while not necessarily as left-wing as students at other institutions, still were more intellectual about issues including homosexuality. Finally, there is of course the matter of loyalty and cohesion. They clearly felt a strong sense of allegiance to their fellow cadets, whom they considered wronged by both Ryan and the RAAF Police.

What happened next was unprecedented. The family of one of the other accused cadets was friends with their local member of parliament. The family gave the statutory declarations to that member, who forwarded them to the Defence Minister and then, as Richard puts it, 'the shit absolutely hit the proverbial fan'. Questions went flying down the RAAF hierarchy demanding to know what was happening at the Air Force Academy, how the command had lost control, letting these young cadets organise 120 statutory declarations on such short notice, going around the chain of command, and essentially politicising a sex scandal. Minister Killen decided to set up a Court of Inquiry and, at Brigadier Ewing's urging, set the terms of reference to examine the police investigation rather than the sexual incidents. The Court of Inquiry sat in April 1982. The reserve legal officer representing Richard and the cadets argued that the conditions of the interview were essentially unreasonable and constituted collecting evidence under duress. The ADF's lead counsel argued that what was most important was the substance of the evidence collected: 'The fact of the matter is that there is no denial that some incidents took place and indeed, that the number of incidents referred to in the interrogations, took place.'

Richard Gratton did not see the final report of the Court of Inquiry until September 2017, when the National Archives released it at our request. The Court of Inquiry's final report simultaneously vindicated and criticised the RAAF Police. It found that generally the findings of fact were accurate, albeit incomplete, and 'concludes that



the interviews were generally conducted properly and in accordance with the relevant rules and the required procedures contained in RAAF publications'. The Court of Inquiry also determined that there had been small procedural misjudgements around matters such as cautioning the cadets about how their interviews would be used, the timing and rushed nature of interviews, the specificity and accuracy of the transcripts and unclear direction over the presence of an officer. Taken collectively, these minor procedural actions disadvantaged the cadets and would not be admissible as evidence in a court martial. Therefore, they should not be accepted for administrative proceedings either. In relation to Richard, ~~in particular,~~ the Court of Inquiry did shine some doubt on his version of events, but also stated: 'he impressed the Court as being clearly the most articulate, composed and controlled of all the cadets interviewed and in the Court's opinion unless affected by tiredness would have been better able than most cadets to ensure that the answers recorded were in accordance with his recollection'.<sup>1</sup>

The Court of Inquiry went to the Attorney-General's Department as well as the Defence Minister. The Crown Solicitor cautioned against discharging Richard and the other cadets because, given the manner in which evidence was collected, they could challenge any dismissal in the Federal Court and likely would win. The Chief of Air Staff accepted the advice and Richard and the other cadets were not discharged. Instead, they received formal warnings which read: 'should I again come to notice adversely in the future for any further scandalous homosexual behaviour, Air Force Office will: a. whilst I am an air cadet, take action to effect my discharge from the Service; or b. should I be serving as a commissioned officer, seek termination of my appointment.' Richard had no further difficulties during his time at the Air Force Academy; ~~he graduated at the end of 1984.~~

This was a favourable outcome for Richard Gratton, but it was also, in the wider history of LGB Defence experiences, an outlier. There is no doubt that Richard's father's connections provided him with legal and political interference generally out of reach for others suspected of homosexual acts. Yet, this case is important because it shows the very real disconnect between Defence policy on homosexuality versus Defence practice. For starters, the policies adopted since 1974 indicated that suspected homosexuals would be dealt with 'sympathetically' and 'with discretion'. There was nothing discreet about

**Commented [NR1]:** I think I am getting years confused because there are three years at the academy then one year of flight training. Just to be safe, let's take this out – in two pages I address the years.

Richard's case, and the only sympathetic treatment he received was from his allies. The policy also made an interesting, albeit problematic, distinction between those who were gay or lesbian and those who were generally heterosexual but participated in isolated homosexual acts. The latter cases could be retained in the ADF. To determine if someone were a genuine homosexual, the policy stated that investigators should take into account:

- a. the isolation of the incident,
- b. the incident being ascribed to adolescent experimentation,
- c. a psychological or psychiatric assessment that the incident was non-typical and unlikely to be repeated, and
- d. the extent of any common knowledge of the incident.

Richard and his legal representatives went to great lengths to argue that his encounters with Ryan were isolated and ascribed to experimentation. In one letter to the Air Force Academy Commandant, Richard wrote: 'I am convinced that I will never again engage in such activity. Now that I fully realise the nature of the acts which took place, I feel repulsion and horror.' Brigadier Ewing similarly wrote to the new Defence Minister Ian Sinclair in June 1982: 'It is our submission that the cadets come fairly and squarely within that policy and that as they are not confirmed homosexuals they should be retained.'

Richard claims that 'I'm told, and I kind of observed, afterwards that there was a huge shake up to the RAAF Police and the way they conducted themselves.' This does not appear to be the case [in the RAAF or other services](#). Of all the people interviewed for this project who served during the ban, only one other person who admitted to performing homosexual acts was retained. That sailor had something in common with Richard: an influential officer as an ally, who happened to have a legal background and understood how to make an effective argument that they were not confirmed homosexuals. The vast majority of cases did not have access to such legal advice (or any for that matter), let alone have the support to fight their cases to the highest levels of government. More importantly, the prosecutions and intimidation tactics that Richard experienced did not cease, instead accelerated as the 1980s rolled on.

Richard's career survived, though the rumours of his homosexuality would follow. Richard finished the academic portion of study in 1983, and in 1984 commenced flight training. Part of it was at Point Cook, and the duration was at RAAF Base Pearce in Western Australia. The intensive training entailed constantly learning new flying techniques and almost daily exercises, such as forced landings after engine failure, doing aerobatics, or particular flight and landing sequences. Every flight was rated on a scale of zero to five; three zeros during the year meant that the person failed and was 'scrubbed' from the course; it did have a high fail rate of about 50 per cent. Richard passed the course at the end of 1984 and was officially a RAAF pilot. In the years that followed he was based at Williamstown (Newcastle), Richmond (Sydney) then Fairbairn (Canberra). His first job was being a practice target for Navy exercises, then he flew Caribous, and in the Canberra posting Richard flew VIP transport flights for politicians. Interestingly, on one of those flights was **National Party MP Ian Sinclair, who had been Defence Minister when the Court of Inquiry concluded. Richard remembers: 'He came and looked me in the eye and said, "Don't you worry. I've been following your career closely" in a really quite threatening way.'**

Notwithstanding the written warning, and Richard's sheer terror of being caught again, within a year he did resume his secret, double life as a gay serviceman. Richard visited bars and saunas in his free time, especially when he was in major centres such as Melbourne or Sydney, and built a social network of gay friends. When stationed at Richmond, Richard used to travel into Sydney almost every weekend, meeting even more people through an organisation for under 26-year-olds called the Sydney Gay Youth Group. Over time, a significant portion of his social circle became other gay Defence members. As he put it: 'As soon as people know you're in the Defence Force, they say "I know so and so. Have you met so and so?" ... So there was quite a network of the secret society of gays that then didn't have to be quite so secret after 1992.' When Richard moved off base in Sydney he even lived with a gay Army officer, and a lesbian who was a RAAF air traffic controller dating a Navy air traffic controller.

Almost all of these friends were officers, reflecting the continuing importance of rank even among LGB social circles. It is not that they were discriminating against other ranks, but rather that the social groups did not mix in work life, so the people they met in

private life also tended to reflect this separation. Interestingly, among gay other ranks of the 1980s, few interviewees reported having a social network of other servicemen. This suggests that there was something about officers and the ways they networked which made them more prone to meet and form close friendships with other gay servicemen. As some of the other stories outline, though, among the women's ranks there were plenty of subcultures and networks where people could safely and discreetly connect.

Another interesting pattern that sets the gay officers of the 1980s apart from other ranks is the personal effects of leading a double life. While other ranks often talk about the double life having adverse effects on their mental health, Richard and other officers talk more about an ability to compartmentalise their work and gay lives. Richard says of his attitude: 'I guess I was probably a little bit less concerned that if you're going to throw me out you're going to throw me out.' Perhaps his brush with the military police in 1982 numbed him to the possibility, or maybe his knowledge of his father's connections provided a veneer of protection.

Where matters did become complicated was in forming relationships. Richard did have some short-term relationships lasting a month or two while he was based at Richmond, one of them with an Army officer. It was difficult for relationships to endure, partly because of the secrecy and partly because of the very nature of RAAF life and its extensive commitments. One night in Canberra, though, Richard was dining with two mates when the waiter came over with three glasses of port 'courtesy of the two gentlemen who just left'. About six weeks later, when Richard was at Canberra's gay-friendly Meridian Club, a gentleman named Roger approached and said, 'Did you enjoy the port?' They chatted that night, and a few weeks later they chatted again at the Meridian Club. This time Richard went back to Roger's place. Thirty years later they are still together.

The first few years of their relationship were not always so smooth, given the importance of secrecy for Richard, and the increasing possibility of surveillance. For instance, when Richard was posted to Sale in eastern Victoria in 1990, the long distance and the secrecy seriously challenged their relationship. Richard tried to visit Canberra most weekends, which was a six-hour drive each way. Fortunately, Richard had an

excuse to explain his trips: his family lived in Canberra. Even with his parents Richard had to maintain a fiction – and they knew it was fiction – that Roger was just Richard's housemate.

Richard's coming out to his father is another interesting story. Clearly, Peter Gratton had his suspicions, but he always accepted his son's word when he said that he was not gay and it was just experimentation. That he never judged his son and offered support during the 1982 incident attests to Peter's love for Richard. The real coming out was in 1987. Peter had just become Chief of the Defence Force Staff, and several RAAF senior officers advised him there was a perception that Richard was gay. Peter called Richard home one weekend, told Richard about these discussions and asked what Richard had to say in response. Richard describes what happened next:

I still remember to this day I paused for two or three seconds and then said, 'Are you sure that's a question you want to ask?' which was then followed by another three or four seconds of pause, and he said, 'Well, I'll take it from that answer that yes you are,' and then it was fine. He said, 'It's okay. We still love you ... It just means you can't continue to be in the Air Force. You have to get out of the Defence Force'.

Peter wanted Richard to resign quietly, but Richard pointed out that this would not be possible. Because he had trained as a pilot, he had a return of service obligation to the RAAF of ten years, meaning he could only leave by outing himself. Peter accepted this and said that Richard would have to resign quietly when he completed the return of service obligation.

As it so happened, changes afoot in 1990 gave Richard another excuse to delay resigning. Defence was in the process of transitioning from the superannuation Defence Force Retirement and Death Benefits scheme (DFRDB), to a new scheme called the Military Superannuation and Benefits Scheme (MSBS). Under DFRDB, if someone resigned before 20 years' service, they would receive back just the amount of their contributions, without any earnings or interest, minus a 'handling fee'. Under the new MSBS, anyone leaving the ADF would receive their superannuation contributions plus earnings, regardless of length of service. Therefore, if Richard were to resign in 1991, he would have been about \$100,000 worse off than if he were to wait for the new scheme.

Peter agreed that Richard could stay until the transition to MSBS was completed. By the time that happened in 1992, the lifting of the LGB ban was imminent.

It must have been difficult for Peter Gration, being Chief of the Defence Force, to protect the secret of his gay son even though this contradicted the very rules he was obliged to uphold. In a 1989 letter to the Defence Force Ombudsman, Peter meticulously outlined the arguments the ADF regularly espoused to justify the ban. He argued that the policy was 'not meant to be judgemental or anti-homosexual, [but] it seeks to accommodate the real attitudinal and practical problems posed by homosexuals in a Service environment'. It seems likely that Peter was not prejudiced himself, evidenced by his affirmations and ongoing love and support for Richard, but he did believe the discourse about openly LGB service personnel not meshing well in the ADF.

Even so, Peter's experience with Richard and his behaviour during the 1992 debates over permitting LGB service suggest that he was not a passionate advocate for the ban. For instance, the minutes of ADF Chiefs of Staff Committee meetings from March 1992 suggest that Peter was deferring to the opinions of the Chiefs of Army, Navy and Air Force (his brother), who all advocated to retain the ban. As the Keating Labor Government debated LGB service, Peter Gration testified before the ALP Caucus Joint Working Group on Homosexual Policy in the Australian Defence Force. Its chair, Senator Terry Aulich, recalled in 2014 that while Peter Gration and the other service chiefs defended the ban, they were more concerned about there being a clear policy decision either way so that the ADF had clarity. Former Attorney-General Michael Duffy similarly recalled in 2014 that Peter and the other chiefs 'played a very, a straight down the centre role on it; it was a matter for government'.

Just as Peter knew his son was in a complicated situation, so, too, did Richard recognise that his father was in a difficult position. Richard generally respected this, but he did on one occasion exploit his father's awkward circumstance. A friend of Richard's in the RAAF Police warned him that there were undercover officers infiltrating gay bars in Canberra as part of a witch-hunt. After a friend was the victim of one of these undercover agents, an incensed Richard contacted the editor of gay magazine, *Outrage*. A March 1991 feature article exposed RAAF Police practices which Richard's mate had

leaked to him. The article described the investigation process: ‘A man or woman is targeted by the RAAF Directorate of Security Services ... after being told that the person is suspected of being gay. No proof is required, and the complainants are never required to come forward publicly or to stand by their evidence in court’. The article detailed surveillance, entrapment in gay bars or beats, and the intimidating interviews such as that Richard had experienced in 1982. The article drew heavily on an interview with informant ‘John’, with an opening tag saying: ‘John was told, months later by a friend of a friend, about the investigation – and that it had been broken off. There is one reason, obvious to those who know him, why his pursuers might have given up the chase; but that cannot be revealed without identifying him.’<sup>2</sup> ‘John’ was, of course, Richard Gratton.

This article caused a ruckus at Defence Headquarters, not just because of the bad press, but also because it specifically named three undercover officers and their service numbers – a serious security breach. Peter Gratton easily knew that ‘John’ was his son because of the article contents, including two paragraphs outlining what happened in 1982 at the Air Force Academy and the Court of Inquiry. A cheeky line in the article also would have caught Peter’s attention: ‘commissioned officers, like John, could appeal to the Chief of the Australian Defence Force, General Peter Gratton’. The article prompted Democrats Senator Janet Powell to take up the LGB ban as an issue and contributed to Labor pushes to lift the ban. Within the ADF, the article did have an impact. Richard recalls: ‘Then there was an edict that came down from the Chief of the Defence Force that the RAAF Police were not to behave in that way and then it really formalised the position that it’s “If you get a complaint you can investigate it but you are not to engage in entrapment”’. When the Keating Government lifted the ban the next year on 23 November 1992, Richard invited about 20 friends to celebrate with champagne.

Richard continued to serve until 1995. During those final years, Richard was able to relax and stop living a double life. He did not advertise his sexuality, but if people asked he had no qualms telling them. While Richard found the RAAF to be generally accepting, he did notice a difference in cultures across the services. Richard was studying a Masters degree in computer science at ~~ADFA~~ the Australian Defence Force Academy (ADFA) when the ban was lifted, and he remembers attitudes among Army members such as ‘You have to put up with all the bloody poofters now’ and ‘What a terrible thing this is’.

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Richard finished the Masters course in mid 1993 and then worked as a lecturer in computer studies at the Staff College at Canberra's RAAF Base Fairbairn. In 1995, he received word that he would be posted to Richmond again to fly C130s. Richard had to make a decision: accept the four to six-year posting, or leave the RAAF. Richard elected to leave. On the Friday, he discharged from the ADF, and on the following Monday, he commenced a new role as head of IT support in the Commonwealth Department of Administrative Services. He continued in public service roles until accepting a redundancy amid a restructure in 1999.

Meanwhile, in 1997, Richard commenced a part-time Law degree at Australian National University. What sparked his interest was an intensive contracts course he took for his public service employment. He switched to full-time studies after the redundancy and completed the Law degree at the end of 1999. Richard then moved to Sydney and commenced employment at a Sydney law firm, working in their intellectual property and technology section. He left the firm in 2009 to join the bar and become a barrister. Since then, Richard has enjoyed technology and intellectual property matters but also does more general commercial litigation.

In 2011, Richard's career went full circle when he signed up for the RAAF Reserve as a lawyer. Because Richard had dropped off the Reserve list for more than five years, he had to start the enlistment process from scratch, including all of the entry interviews. By the time he finished the process, he was re-enlisted in July 2013. Ironically, Richard had to go through basic training again despite having 15 years' service as an officer. For reservists entering with a skilled profession (for example, lawyers, chaplains and doctors) this was just a one-week intensive at Officer Training School in Sale, ~~Victoria~~. While those courses normally have about 30 participants, Richard's only had two: himself and a chaplain. It was certainly a cruisy week for him. After completing that basic training, Richard undertook three Legal Training Modules to learn about military criminal law, international humanitarian law and military administrative law.

The standard amount of time RAAF Reserve lawyers commit is 20 days per year, though the minimum is seven, and when big cases arise they can commit more time.



Reserve lawyer responsibilities can include advising on when international humanitarian law would permit bombing a particular site, or, more commonly, defending ADF members charged under military law. Reserve lawyers from the three services can be appointed to defend any accused across the ADF, and Richard jokes about the typical kinds of discipline offences in each service: ‘The sort of offences that Army lawyers have to deal with is soldiers getting drunk and beating each other up. The Navy, they get drunk and start having sex with each other. And in the Air Force they commit lots of white-collar fraud, so they go off and misuse their government credit cards and so on. It’s a bit of a stereotype, but it’s indicative of the culture.’

Richard’s intellect, sharp memory and sense of humour have served him well across his RAAF and non-RAAF careers. His political connections within the ADF and the Australian Public Service set his career apart from other gays, lesbians and bisexuals, but those very distinctions within his career are revealing about the way policies disconnected from practices when investigating suspected homosexuals. When asked how he would like Australians to remember the role of LGBT military service, Richard answers with:

As having silently served and done great things, despite being fearful that if they were ever found out that they would be thrown out of the military, despite that doing wonderful things for the country and serving the country unknown as being LGBTI through all of those years, and only now since 1992 able to serve openly.

Richard has seen the significant changes in the ADF from a bastion of conservative masculinity in the 1980s, to the more inclusive organisation of today. As he effectively summarises: ‘They genuinely embrace and recognise that it adds to Force capability by having diversity in the Defence Force. It’s not just a “We have to do it because we have to do it.”’

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<sup>1</sup> The Court of Inquiry document is available from NAA, B4586, item 704/1572/P1 PART 1. All other documents are courtesy of Richard Gration.

<sup>2</sup> “In defence of the realm?” *Outrage* (March 1991): 16.