

19 June 2014

Foreign Affairs, Defence and Trade References Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600
fadt.sen@aph.gov.au

Reference: Inquiry into the accessibility and adequacy of current mechanisms and processes to provide support to victims of sexual and other abuse in defence.

Dear Sir / Madam

I respectfully seek permission to make a late submission to the subject inquiry, specifically addressing point a. of the Terms of Reference, namely: “a. the Defence Abuse Response Taskforce (DART) process to date”

I apologise for the late submission and would like to advise that the delay was not of my making. A determination letter from DART in response to my submission of 18 October 2013 was only signed 29 May 2014. I received that DART communication on 9 June 2013 and was hospitalised 12 -14 June. Recovery from surgery delayed my response to the DART determination until yesterday. Today was the earliest I could have possibly provided you with my submission.

You will see from the attached DART letter that my submission has been rejected because the matter I raised was, in their opinion, a personnel matter. The DART communication went on to determine that I had not been abused.

My vehement objection to that determination is also attached, dated yesterday.

This late submission is made to simply draw your attention to this seriously flawed determination process being employed by DART. I have no idea how many other legitimate submissions have been treated in like manner, just simply cast aside as not relevant or not constituting abuse.

My initial communication to the then Minister for Defence, Minister Smith, in relation to his then recently announced DLA Piper review into abuse in the military advised him that I saw no point in communicating my experiences to the DLA Piper review as the law firm Phillips Fox, subsequently renamed DLA Piper, had been intimately involved in advising Defence to reject my case in 2005. To his credit the Minister urged me to make a submission. I did so, stressing that I wanted my communication to be used as a learning tool of how outcomes of complaints can be manipulated to protect reputations of those in high office.

My case was handed on by DLA Piper and my subsequent submission to DART conveyed a similar message; I am not seeking compensation, I am seeking understanding of how

individuals can be abused by the hierarchy within the Department of Defence to protect the privileged few at or near the top.

I need the References Committee to understand that abuse continues to be protected by those who have been charged with the responsibility of addressing the claims of the abused and the recent DART letter to me is a classic demonstration that 'the system' has learnt nothing.

Regrettably, the nation benefited nothing from the excellent work contained in the report of the Foreign Affairs, Defence and Trade References Committee inquiry into *The effectiveness of Australia's military justice system*, dated June 20015. I made multiple submissions to that inquiry. No national benefit resulted because the hierarchy of the ADF convinced government to only implement selected recommendations, rejecting Recommendation 29 outright.

I urge this new inquiry to look critically at the work of the DART. How can such flawed determinations be made as evidenced in their letter to me. Individuals in the ADF will never be protected whilst those in authority and with the responsibility to address wrongdoings are permitted to turn a blind eye or simply reclassify abuse as nothing more than simple 'personnel administration' matters.

Every claim placed on the DART books has been a personnel matter.

Yours sincerely,

Peter Criss

Peter Criss AM AFC

Air Vice-Marshal (Ret'd)

Attachments:

- 1 DART Letter dated 29 May 2014
- 2 Criss letter to DART dated 18 June 2014
- 3 Attachment to Criss letter titled: "*The Australian Defence Force Military Justice System at Work*"