



Submission No 13

Review of the Defence Annual Report 2010 - 2011

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From: Peter Goon [the.firm@internode.on.net]
Sent: 13 April 2012 00:59
To: 'Senator Mark Furner, Chair'; 'Faulkner, John (Senator)'; Dr Dennis Jensen MP; 'Fawcett, David (Senator)'
Cc: 'Little, Robert (REPS)'; APA_Peer_Review_Group
Subject: Are Unsupported Assertions Data or Facts, let alone Evidence, upon which to Rely?
Attachments: DAR-Review_2010-11_APA Sub5_Assertions & Lies_13Apr12.pdf

Dear Senator Furner, Senator the Hon John Faulkner, Dr Jensen and Senator Fawcett:


The following submission is provided to the JSCFADT in support of pursuit of the truth about the JSF Program and Australia's involvement in same.

WHO DO YOU TRUST WHEN WHO CAN YOU TRUST IS THE QUESTION?

OR, IN THE ALTERNATIVE,

WHO IS CREDIBLE WHEN WHAT IS CREDIBLE IS THE QUESTION?

“The decision to join the System Development and Demonstration phase of the JSF project was taken following analysis of the many aspects that contribute to the determination of suitable systems to fulfil Australia's defence requirements. Capability, affordability, availability and supportability are but some aspects that contribute to determining the overall best solution. These aspects were assessed for a broad range of fighter aircraft and capability solutions, including the F/A-22. While many available or prospective systems could do individual parts of the job well, the JSF was assessed to provide the most cost-effective solution overall.”



J.P. Harvey
Air Commodore
Director General
New Air Combat Capability

The above is cited, verbatim, from a letter to a concerned Australian citizen, signed by a senior member of Defence - the same organisation that rightly says it must earn the recognition of the Australian people to be *“trusted to defend, proven to deliver, respectful always”*.

The letter is dated 2005. However, these same words and similar may be found in other letters and documents, such as Defence Ministerial Submissions (MINSUBS), as well as in testimony before the Australian Parliament provided by this and other senior Defence Portfolio officials prior to 2005, dating back to 2000, as well as to the present day.

Interestingly, in 2005, the F-22A Raptor Air Dominance Fighter was being referred to as the F/A-22, the F/A signifying the aircraft has both air superiority and strike/ground attack capabilities, for both and more are prerequisites being known as an “Air Dominance Fighter”.

Yet, at the time, senior Defence officials such as CDF and CAF were stridently asserting the Raptor did not have strike or ground attack capabilities!

The F-22 has dropped more bombs, fired even more missiles and rounds of ammunition than all JSF test and training airplanes, combined.

In fact, some six (6) years after its first flight, the JSF aircraft has yet to drop a bomb or fire a missile, let alone fire one round out of its gun at a target in the air or even into the air, itself.

So, what does this all mean?

This situation is aberrant, being neither normal nor standard. Rather, it is extraordinary and unprecedented in the annals of fighter aircraft development.

This is one of the myriad of key indicators that point to the fact that there are more things that are wrong than are right with the JSF aircraft and the JSF Program, itself.

As in most things, the devil lies in the detail – even more so in the selection of new air combat capabilities for the defence and security of our sovereign nation, Australia.

In keeping with the public recognition Defence seeks, the public should be able to trust that the above cited:

“analysis of the many aspects that contribute to the determination of suitable systems to fulfil Australia's defence requirements”;

and assessments of:

“a broad range of fighter aircraft and capability solutions, including the F/A-22”

were actually done and done properly in an exemplary, professional and diligent manner by:

- (i) Recognised experts able to demonstrate skills and experience, at the highest levels, in the relevant technical, operational, commercial and managerial domains;
- (ii) In accordance with Defence Instructions, Defence Regulations, and the associated guidance material;
- (iii). Were independently verified and validated (i.e. *Red Teamed*); and,
- (iv) All this work was fully documented.

If that is also the expectation of the Committee, then we are confident and secure in the knowledge we have when stating:

- (a) Nothing could be further from the truth; and,
- (b) The Parliament's and, more importantly, the trust of the Australian people have been seriously and inextricably abused.

Put another way, all of us have been misled – seriously and deliberately misled.

How can this be? . . . Why is this so? . . . Where's the proof?

Applying standard *Performance Assessment & Root Cause Analysis and Assessment (PARCAA)* and *Risk Analysis, Assessment & Management (RAAM)* methods and techniques to what transpired in Defence during the period 2000 to 2003, a number of salient facts

concerning the JSF dominate and totally disprove the assertions of senior Defence officials back then and today. Such facts include the following:

1. The AIR6000 Project was established for evaluating, determining and selecting the new air combat capability for Australia. Funding approval from Government for the Requirements Analysis and Force Mix Options Assessment Phases of the project was not expected till sometime after September 2002, yet the decision to join the SDD Phase of the JSF Program was announced in June 2002 – these are well documented facts;
2. The highly detailed and classified briefings and supporting material developed and put together by the US Air Force in response to the Request for Information (RFI) on the F-22 Raptor from Air6000 Project Office were never delivered to the Australian Department of Defence and, as such, could not have been reviewed let alone assessed by any Australian Defence official – expert, senior or otherwise - prior to the announcement of the decision to join the SDD Phase of the JSF Program in June 2002 – this is a well documented fact;
3. The JSF product you see today is but a shadow of what was promised back in 2002 – yet another well documented fact - itself the purposefully contrived centre piece of a Thana Marketing Strategy that was run against a customer base trained to believe “*perception is reality*” and that using “*a total indifference to what is real*” to baffle brains is, somehow, acceptable practice in a professional world; and,
4. Those experts in Defence and Industry who put forward countervailing views to the groupthink driven myopia that led to selection of the JSF were collectively and summarily ignored, many with extreme prejudice – this is also a well documented fact.

Put simply, unsupported assertions like those made by Air Commodore John Harvey in his letter to a concerned Australian citizen back in 2005 are neither data nor facts or any kind of evidence let alone evidence of the type that meets the standard rules of evidence and, as the legal professionals on the Committee can attest, would not be considered acceptable, let alone permitted, in any court of law in our fair land.

Unsupported and unprovable assertions of exactly this kind are to be found in the one and a half page Defence Submission to the JSCFADT dated 09 March 2012 and signed by the current Program Manager, New Air Combat Capability, AVM Kym Osley.

The following is a brief overview and independent assessment of that submission.

The AVM Kym Osley Submission

This submission, just like all the other written and oral Defence testimony on the JSF & NACC/BACC Projects to Parliamentary Oversight Governance Committees, comprises unsupported assertions, hearsay and flawed arguments based on popular logical fallacies, the bulk of which have been inherited by AVM Osley from his predecessors.

This submission is devoid of any facts or supporting data while replete with self indulgent claims that are not only self effacing but non-sequitur in the extreme.

For example, the claim that because we, the DMO, have not placed the JSF Program on the Projects of Concern List means the JSF Program is not and should not be a project of concern! The nature of this particular argument is brought into stark relief with even the most basic of logic; even more so when the performance of the JSF Program is measured against the severe (a.k.a. catastrophic) consequence ratings in the DMO's own Risk Management Manual.

The template for the following table is from the DMO Risk Management Guidelines Manual. As the data and facts listed in this completed Risk Assessment Template show, the JSF Program is severely if not catastrophically wanting and in extreme breach, several and many times over, in five (5) of the six (6) risk categories. The extreme levels of risk arising in the sixth category will result in somebody making the ultimate sacrifice. This should be avoided at all cost but standard risk analysis puts this outcome at “*highly likely*” if not “*almost certain*”.

RISK ASSESSMENT VIA DMO RISK MANAGEMENT GUIDELINES: JSF PROGRAM

The following Australian Defence/DMO Risk Management Guidelines define the metrics for ‘Severe’ (a.k.a. ‘Catastrophic’) consequence ratings for each of the six nominated risk categories. Appended to this table is an assessment, at the upper programmatic level, of the JSF Program’s performance, so far, measured against these consequence ratings.

Assessment of Consequence Ratings against Risk Categories						
Consequence	Risk Categories					
	Safety	Performance	Supportability	Reputation	Schedule	Cost
Severe (Catastrophic) Major AS/NZS/RSO 31000:2009 (formerly AS/NZS 4360:2004) Risk Management Standard	<i>Would cause loss of life.</i> <i>Would cause serious casualties resulting in the long-term physical impairment of personnel.</i>	<i>Would cause the supplies to be functionally unfit for their intended purpose (i.e. unable to perform core missions or essential tasks).</i>	<i>Would cause the supplies to be unsupported under normal peacetime operations due to deficiencies in one or more fundamental inputs to capability. There are no known workarounds.</i>	<i>Defence attracts adverse media attention or a commission or inquiry is launched</i>	<i>Would cause the specified in service date to be missed by more than 12 months. Would cause the date for full operational capability to be missed by two or more years.</i>	<i>Would cause the total actual contract costs, taking into account liabilities incurred by the Commonwealth, to exceed currently approved cost provisions by > 10%.</i>
Assessment JSF Program Performance Against These Consequence Ratings						
JSF Program Marketing Claims 2002	“The JSF will be the safest, most affordable, survivable, lethal and supportable fighter, ever built.”	“The JSF is a truly Fifth Generation fighter aircraft”. “The four pillars of the JSF Program are: Affordability, Survivability, Lethality, and, Supportability” “The CV variant is outward to 700-plus nautical miles, the Air Force I think about 590, oh almost 700 as well, I’m sorry. So very significant range.” - Colonel Dwyer Dennis, US JSF Joint Program Office, Aug 2002	“So that allows us to project that the O&S costs for this airplane will be 50 per cent less than the legacy airplanes, such as the F-16.” – David Scott, Lockheed Martin, Aug 2002	“America and all the other nations would not be buying the JSF if it wasn’t the best aircraft”. AVM Ray Conroy, August 2001 to 2004 CAF Angus Houston, 2002 - 2010 Senator A. Ferguson, 2006 AVM John Harvey, 2001 - 2011	“You’ll see first flight, which is 48 months into the program, so it’s a little, about three years away right now. And then we have IOC - for the US Marine Corps in 2010, Air Force in 2011 and the Navy in 2012.” - Colonel Dwyer Dennis, US JSF Joint Program Office, Aug 2002 JSF SDD Phase finishes in 2010, after completion of Configuration Block 3 DT&E and IOT&E	“Affordability is the cornerstone of the JSF Program” “The F-35A JSF will cost around 40 million dollars per aircraft.” - CAF Angus Houston, June 2002
Present Day Situation/Metrics Five of the Six Categories of Risk have materialised – No longer ‘Risks’ but real issues and real problems Sixth category of risk materialising will result in somebody making the ultimate sacrifice for the JSF Program.	NAVAIR Assessment identified HIGH levels of risk in doing Pilot Training prior to completion of testing & certification of JSF Air Systems. Aero & Structural issues impeding envelope expansion. Non-compliance issues with handling qualities impeding envelope expansion. (MIL-F-8785) “JSF not on track to meet Operational Effectiveness and Operational Suitability Requirements.” DOT&E, Jan 2011	See: Mr. Secretary - Why Does the Pentagon Say the JSF is a 5th Generation Fighter, Really? and Summary of Upper Level Programmatic Risk Assessment – F-35 JSF Program: Assessment of Top Level Programmatic Risks	Current estimates put the F-35A JSF O&S costs at around 1.5 times the unit O&S costs of F-16C/D fleet, though likely more. To think a much larger aircraft, with over twice the fuel load, ~10 times the systems – many untested, with the maintenance needs of LOVL/O technologies; a big, heavy, hot and fuel hungry engine; and, around 1,000 times the software burden would have lower O&S costs than the F-16C defies belief, let alone common sense.	SWAT JET Mk I & II Multiple Nunn-McCurdy & APB Breaches TBR - Technical Baseline Review Standard Engineering & Management measures show JSF Program is a ‘failed project’. “Sham ‘Air Combat Review’ was political ploy.” - Wikileaks Cables ‘Qui Tam’ – False Claims Actions pending.	Current estimate has JSF SDD Phase around 8 years behind schedule. USAF IOC now expected in 2018, though most likely later.	JSF Program Budget blowout from Oct 2001 to Oct 2011 against approved program baseline (APB) for the production of 2,443 units, including economy of scale benefits from partner nation buys: >US\$200 Bn
How Much JSF Program Performance (so far) Exceeds Severe (Catastrophic) Consequence Rating	Various/ Multiple Yet to materialise but even a ‘Likely’ probability of arising results in Extreme Levels of Risk	Multiple F-35A & C JSF variants will not be competitive. F-35B STOVL JSF is not tactically nor strategically viable	1.9 to 3.0 times ‘Affordable Support’ was defined as 80% of legacy, therefore JSF is not affordably supportable - QED	Multiple Avoidance versus Management of Reputation Risk has been the cornerstone of the JSF Program	7 times Less than 50% confidence level that this won’t increase further <small>CAPE Assessment 2010</small>	9 times With less than 50% confidence level that this won’t increase further <small>CAPE Assessment 2010</small>

Table 5: Severe Consequence Ratings for Each Identified Risk Category
(Page 8 of DMO Liability Risk Assessment Guidelines)
http://www.defence.gov.au/dmo/gc/Contracting/lrmp/LRA_Template.doc

Clearly, when it comes to the NACC Project of the DMO and, at the very least, the JSF Program, itself, senior Defence officials demonstrate they are either incapable of following or have decided not to follow their own Risk Management Guidelines, let alone the Australian Risk Management Standards & Guidelines, which are World’s Best Practice.

If this was not the case, then Defence should not and, moreover, would not have stridently asserted and recommended Australia join the SDD Phase of the JSF Program which, by 2003, was already in serious trouble. For to do so, is a total dereliction of duty and a clear demonstration that Defence has lost its way by showing it and its departmental executives do not understand their *raison d'être*; that being "to do what is right and what is best for the defence and security of Australia in order to maintain and sustain peace in our region".

As early as 2003, the JSF program was obviously going to incur schedule delays, budgetary blowouts and increases in costs, in both the acquisition and O&S lifecycle cost areas, that would exceed and likely be many times more than the severe consequence ratings stipulated in the Defence/DMO Risk Management Guidelines.

Even more important are the shortfalls in the JSF aircraft's performance and those capabilities required for Australia to maintain and sustain regional air superiority.

This latest Defence submission fails to mention let alone consider or even attempt to answer the questions provided in the APA submissions to the Committee. These are the same questions provided to senior Defence officials previously, including AVM Osley, and as many times as the number of times they have ignored and failed to answer them. Meanwhile, according to the spirit and stated intent of the oft cited *Defence Values Statement, Defence Service Charter* and the claim of Defence being "respectful always", a one-time failure is one time too many.

What is the Source of these Unsupported Assertions and Obvious Untruths?

If the Committee were to take real evidence, such as affidavits, from personnel who formed the AIR6000 Project Team over the period 2000 to 2002 as well as call to have the relevant Defence files for that period independently audited, there is an extremely high probability such evidence would verify and validate what has been provided in this submission.

Doing so would put your Committee well on the way to finding the source of these unsupported assertions and the untruths from which they originate.

However, the latter - the source - was demonstrated and in spades, before the Committee on the evening of the 20th of March, last.

As always in such matters and, again, as the Legal Professionals on the Committee will be able to attest, the devil is in the detail as is also the case in the answers to questions about what motivates individuals to mislead and deceive the Australian people, and why?

We stand ready to provide answers to these questions and any others the Committee members are prepared to ask.

Yours Sincerely,

Peter Goon

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"Scientists discover the world that exists; Engineers create the world that never was."

Theodore Von Karman, Aerospace Engineer