



Australian Government

DEFENCE ABUSE RESPONSE TASKFORCE

D13/7604, 2013/1424

29 May 2014

Air Vice-Marshal (Ret'd) Peter CRISS

*Reconsideration request sent
18 June 2014 by e-mail -
Express post Thursday 19 June 2014*

By email:

Dear Air Vice-Marshal (Ret'd) CRISS

*LTG
18/6*

Defence Abuse Response Taskforce

I am writing to you about your complaint to the Defence Abuse Response Taskforce.

I acknowledge that making a complaint may have been a significant and difficult step for you to take. Thank you for taking the time to provide the information, it will be used to by the Taskforce to identify systemic issues.

Unfortunately we cannot progress your complaint about your forced early retirement from the RAAF as it is not something in relation to which the Taskforce can take action. That is because your complaint relates to your treatment in a personnel matter. While it appears that you were treated unfairly and that Defence eventually accepted that, the treatment does not fall within our definition of abuse.

The scope of the work of the Taskforce is set out at the end of this letter together with the definitions of abuse the Taskforce uses to assess cases.

If you feel that this decision is not correct, you can request it be reconsidered. Details of how to do this are also enclosed.

Yours sincerely

Kate Wandmaker
Director
Legal and Strategic Coordination
Defence Abuse Response Taskforce

Scope

For an allegation to fall within the scope of the Taskforce, it must meet the following criteria:

- the abuse must fall within one of the following categories
 - (a) sexual abuse
 - (b) physical abuse
 - (c) sexual harassment, or
 - (d) workplace harassment and bullying.
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Definitions

The definitions below are provided for your information only and are not intended to be exhaustive or exclusive. They are included to provide general guidance on the types of conduct that may constitute abuse for the purposes of the Taskforce.

Abuse: The Government has defined "abuse", for the purposes of the Taskforce, as sexual abuse, physical abuse, sexual harassment, workplace harassment and bullying.

Workplace harassment and bullying: Workplace harassment includes offensive, demeaning, humiliating, intimidating or threatening behaviour that is unwelcome, unsolicited, usually unreciprocated and often repeated. Bullying is a form of harassment and is repeated behavior that does not show respect.

18 June 2014

Major General L. Roberts-Smith RFD QC (Retd)
Defence Abuse Response Taskforce
PO Box 6010
KINGSTON AT 2694

Dear Major General,

I am in receipt of a letter from Ms K. Wandmaker, Director, Legal and Strategic Coordination, Defence Abuse Response Taskforce, dated 29 May 2014, in which she advised that your Taskforce: “cannot progress your complaint about your forced early retirement from the RAAF as it is not something in relation to which the Taskforce can take action.” Ms Wandmaker went on to say; “This is because your complaint relates to your treatment in a personnel matter.”

I feel the decision of your Director is fundamentally flawed and I am requesting that my matter be reconsidered.

My treatment goes to the very heart of what is so terribly wrong with military justice and governance of the ADF at its very top. To simply turn a blind eye does nothing to protect the good men and women in the ADF who expect and deserve better from their leaders. To declare that nothing was wrong and it was simply an ‘administrative personnel matter’ perpetuates the high risk of continued abuse by those in absolute authority.

I acknowledge that my matter is a personnel matter, just as all other cases before your Taskforce are personnel matters – people’s lives have been adversely impacted by various forms of abuse. In my case the abuse took place in the workplace. I was subjected to demeaning and humiliating treatment, initially by my immediate superior officer, a Service Chief, it was unwelcomed and unsolicited and it was repeated over subsequent years by that superior officer, and by others of equal or superior rank to him, both military and civilian, and by others outside Defence. At paragraph 19, page 9 of 34, in my 18 October 2013 submission to the DART, I listed all people who allegedly acted inappropriately. I stand resolutely behind those allegations.

Please do not think for one minute that being unjustly removed from the most prestigious and highest operational command position in the Air Force can be summed up as a “personnel matter” and that there was no demeaning or humiliating feelings experienced by my family and me . To suggest so, as Ms Wandmaker clearly does, causes me considerable additional distress. Also, do not think for one minute that over the next six years of trying to obtain justice in this matter that the actions of those others named on Page 9 of my submission did not cause me humiliation or leave me feeling demeaned.

I would ask you and your staff, and particularly Ms Wandmaker, to try and put yourselves in my position; a difficult ask I acknowledge, but one nevertheless you must make to understand the abuse I have suffered and continue to suffer.

I was in command of all Australian Air Force operational assets and personnel and at the time we were involved in supporting the UN intervention in East Timor. Operational tempo was

high as were the stakes. CDF, Admiral Barrie subsequently declared: *“Both Air Vice-Marshal Treloar and I were most happy with your substantial and strong contribution to our successful operation in East Timor. In particular the performance of you and your people during Operation SPITFIRE and the initial deployment for the INTERFET build up were outstanding.”* See folio 331, Dated 13 December 2001, as shown at page 14 of 34 in my initial DART submission.

At pages 10 – 21 of my DART submission I listed all pertinent documents that I hold and provided a short summary of each document. I also offered those documents to your Taskforce. I received no requests. To now have your team draw the conclusion that I have not been abused brings me to only one possible conclusion and that is that no one bothered to read any of the relevant documentation. Had they done so it would be impossible to draw the conclusion that Ms Wandmaker has made.

There is no point in my retelling the case. You have before you irrefutable evidence that I was repeatedly abused in the workforce, initially by the Chief of Air Force, and then by others already named in an attempt to ‘protect’ the Chief of Air Force from adverse findings – ‘the club’ simply closed ranks around a three-star ‘mate’. This was despite the findings of a formal redress of grievance conducted by a retired Supreme Court judge and retired Rear Admiral, a report subsequently endorsed by an independent reviewer, a retired Deputy Commonwealth Ombudsman, who all found that: *“A Service Chief who bases a decision to remove a subordinate from a high profile command position on erroneous, incorrect or mistaken facts and that some of these had little or no substance”* See Report of Investigation into Redress of Grievance by Air Vice-Marshal P. J. Criss AM AFC, dated 29 June 2001 and a report by Mr Bill Blick, dated 11 May 2005.

I have not been permitted to copy or disclose content of the Redress of Grievance report by order of successive Ministers responsible over the subsequent six years of pursuing justice – what a convenient way of covering up the truth – it protected ‘the club’ and destroyed the individual in the process.

To assist you in your reconsideration of this matter I will attach a summary of where and how the system humiliated and abused me to protect one of its own – see: *“THE AUSTRALIAN DEFENCE FORCE MILITARY JUSTICE SYSTEM AT WORK”* (attached). This is not new material, I simply provide it in printed format in the hope that this time Ms Wandmaker will find the document has utility to help her correctly understand the magnitude of this particular abuse in the workplace.

Yours sincerely,

Peter Criss AM AFC
Air Vice-Marshal (ret’d)

Attachment

1. THE AUSTRALIAN DEFENCE FORCE MILITARY JUSTICE SYSTEM AT WORK