

Pleading Positive Reform: An analysis of suicide risk, self-harm, and reputational peril impacting serving Australian Defence Force (ADF) members.

by

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Enclosure C: Case Study 2—Affected ADF Spouse

ENCLOSURE C: CASE STUDY 2—AFFECTED ADF SPOUSE

(Information provided by the Civilian)

This case study should be read in conjunction with Enclosure B: Case Study 1—Affected ADF member. This case study provides a unique example of how an Army Officer can put an ADF member's spouse at risk of reputational harm, suicide-risk and self-harm. In Australia, there are a number of federal and state laws that exist to protect Australian citizens (civilians) from discrimination, and treaties to protect citizens from breaches of human rights. ADF policies do not allow for spouses to be written into Performance Appraisal Reports (PARs) of ADF members.

THE BASIS OF MY COMPLAINT.

My spouse, being an ADF member, submitted a complaint through the Chain of Command under the Redress of Grievance system. That complaint is described at Case Study 1—Affected ADF member. During these matters, my husband and I learned of false allegations made about us both.

Whilst on an overseas representational posting, my husband travelled frequently to XXXX, a neighbouring country where we were located, to deliver Intensive English Language Testing to students of the XXXX Army. On one particular occasion, I had travelled with my husband. I had not travelled on Defence business. I had made my plans separate to his for my own recreational leave. I had paid for my own travel, accommodations and expenses from my own pocket. I was not subject to any travel restrictions and I did not require anyone's permission to travel to that country.

Upon learning that I was in-country, the Brigadier-General in charge of that country's military Language School invited me to give some insight into English to the students of that School. To refuse would have been impolite and could have resulted in creating unfavourable relations with the Army of that country and the ADF. My acceptance of the Brigadier-General's personal invitation was my decision alone, however, my husband did inform his superior Officer afterwards, who simply said it was typical of the XXXX Army's hospitality. Nothing more was said about the matter.

During a Redress of Grievance investigation of my husband's complaint (See Enclosure B: Cast Study 1—Affected ADF member), he had successfully argued that his superior Officer had failed in his duty to write his PARs, and this had caused a significant detriment to my husband's career.

After the Chief of Defence Force directed an Inquiry into the matters, the Chief of Army instructed the Army Officer to write the reports, despite they would be submitted FOUR years out of time and against Defence Policy.

My husband refused to sign and accept those reports because they misrepresented his service to the ADF, were in violation of Defence policy, denied him procedural fairness, and contained offending remarks written about me, also a violation of Defence policy. The Army Officer had referred to my visit to XXXX four years earlier. He wrote *'her presence reflected very poorly on the ADF...'* The following is a redacted extract of the PAR:

“Regrettably XXXXXXXXX displayed a serious lapse of judgement when he XXXXXX to XXXXX on an XXXX visit to the XXXXX School of Languages. While the XXX were very gallant in welcoming her, her presence reflected very poorly on the ADF. The problem was compounded when he subsequently visited XXX HQ and, when his counterparts realised XXXX was in the car, they displayed their traditional hospitality and invited her into the Headquarters. This scenario should never have arisen.”

To my further humiliation I learned that the Army Officer had discussed my visit to the XXXX School, negatively, with other Australian Embassy Officials of that country. I attempted to have those allegations expunged from those records, unsuccessfully.

The Army claimed the comments about me were not a criticism, but I felt that if they were communicated to third parties then any reasonable person reading that statement, without any prior knowledge of the events, would likely think less of me. For that reason, I repeatedly asked that the comments be expunged from my husband's military record.

I submitted evidence to reviewing Officers and Ministers to prove the comments were false. The following copy of an email from the Commandant of the XXXX School was submitted and ignored.

Greetings from [REDACTED]

[REDACTED] 29 August [REDACTED] at 15:41

To whom it may concern,

[REDACTED] visited the [REDACTED] armed forces Language Institute on one occasion in [REDACTED] at the time when I was assuming my position as head of the English language wing . She was invited , along with [REDACTED] to visit our language institute, upon arrangements made by the directorate of training at [REDACTED], to conduct test for a number of our officers attending military courses in Australia. [REDACTED] was kindly asked , by the commandant brgiadeir [REDACTED] to give some insight in English to our students who were attending an English language course at the time of her visit . The contribution [REDACTED] made that day was highly appreciated , by myself and other instructors at the wing , in the spirit of the friendship between [REDACTED] and Australia. During my work as head of the English Language Wing , I had the chance to work with [REDACTED] in several occasions, and I personally think [REDACTED] good representatives of Australia and our friends in the ADF.

Regards,

COL. (R)
[REDACTED]

I continued to seek assurances that all erroneous comments relating to me were expunged from official military records. *This was denied.*

I sought access to the documents that referred to me under *Freedom of Information Act*. I was given 1041 pages relating to me which 98-99% were entirely blacked out/redacted.

In my repeated appeals to the respective service Chiefs, I was informed that '*the Inquiry Officer Inquiry was conducted in an appropriate and transparent manner and that there is sufficient evidence to support the findings made by the Inquiry Officer.*'

Arguably this statement is false as the allegations about me were *inappropriate* and in violation of Defence reporting processes.

I felt incredibly betrayed by the ADF. The moral trauma resulting from this event caused me considerable distress which I required counselling to prevent me from suffering anxiety, depression, and feelings of being violated. I wanted to self-harm and I expressed feeling like that to others as a cry for help.

Distressed, I sought that these matters be referred to a Senate Inquiry. I wrote to the Minister for Defence appealing for his support.

Senator the Honourable Christopher Pyne
PO Box 6100
Senate
Parliament House
Canberra ACT 2600

22 August 2018

Re: Letter to Minister of Defence — SASR Spouse Complaint 1 Sept 2018

Recently I received correspondence (MB18-001193) 22 August 2018, from Mr. Robert Curtin, Chief of Staff for the Hon Darren Chester in response to a complaint I submitted to the Senator the Hon Marise Payne, former Minister for Defence regarding a flawed Army Inquiry. My complaint was that false allegations were made about me in my husband's Performance Appraisal Report, and this was used as evidence in an Inquiry report of March 2018 raised by my husband. Allegations by 8249266 WO1 K.A. Danes of unacceptable behaviour by [an Officer] during 2012-2014.

In light of your recent appointment, I wish to bring these matters to your attention as it is my opinion that Defence has acted inappropriately towards me as an Australian citizen and civilian.

False and unsubstantiated allegations were made about me by an Army SASR officer in my husband's Performance Appraisal Report 2012. Defence has not provided any justification that would reasonably support their claim that the allegation about me were in any way accurate or appropriate. The Inquiry officer ignored counter evidence I provided to the false allegation contained in the PAR. The fact that allegations were made about me and used by the Army SASR officer in an attempt to discredit my husband in his Performance Appraisal Report is not only extraordinarily wrong, but it is in violation of Defence Policy.

It was upheld by the Inquiry Officer that the Army officer deliberately strategised to avoid writing my husband's Performance Appraisal Report 2012 and 2013. This evidences that correct procedures were not followed in accordance to Defence Policy as it was claimed by Chief of Army and Chief of the Defence Force. Refusing to follow mandatory Defence procedures is unacceptable behaviour and yet no corrective action was taken to remedy the detriment to me or to my husband.

As you are aware, the law requires that all persons are equal before the law and are entitled without any discrimination to equal protection of the law. Scandalous and false allegations were made to the Inquiry officer which we were not given an opportunity to respond to or present arguments against, and that demonstrates that we were denied procedural unfairness and natural justice.

I contend that both Offices of the Commonwealth Ombudsman and the Defence Minister have taken Army's version of events without considering all the matters in totality. The Army Inquiry was not only flawed but unlawful. Given the seriousness of these matters and the overwhelming evidence we are able to present to ensure an honest and accurate account of the matters, I respectfully request that they be elevated to a Senate Inquiry.

I look forward to your response.

Regards,

Kay Danes, OAM

The Minister's letter defended the position of Defence, despite evidence contrary to their findings. These matters are now historical in the eyes of the ADF and do not matter. But to me, my husband and my family, they matter a great deal. They are representative of a wrong that has never been made right.

To this day, these events leave me feeling very emotional and diminish my ability to fully celebrate my husband's long and exemplary service to the ADF.

THE HON CHRISTOPHER PYNE MP
MINISTER FOR DEFENCE
LEADER OF THE HOUSE
MEMBER FOR STURT

MC18-002559



16 OCT 2018

Dear [REDACTED]

Thank you for your emails of [REDACTED] regarding what you consider to be false allegations about you that were used in a recent Army Inquiry. I apologise for the delay in responding.

I understand that you have previously raised your concerns with the former Minister for Defence, the Minister for Defence Personnel, the Chief of Defence Force and the Chief of Army, and that you are not satisfied with the response to date.

I have reviewed your concerns and have considered all matters raised in their totality. While I regret the impact this situation has had on you [REDACTED] I am satisfied that the Inquiry was conducted appropriately and there was sufficient evidence to support its findings. Consequently, I do not intend to elevate your concerns to a Senate Inquiry.

I wish you all the best for the future.

Yours sincerely



Christopher Pyne MP