



Australian Government
Department of Veterans' Affairs
OFFICE OF THE SECRETARY

Mr Terry Fogarty
16 Mann Avenue
NORTHGATE QLD 4013

Dear Mr Fogarty

Thank you for your letter of 21 November 2006 concerning the determination of compensation claims under the *Veterans' Entitlements Act 1986* (VEA).

I have noted your allegation that senior staff within the Repatriation Commission have directed subordinate staff to act contrary to the VEA and have breached the Criminal Code and the *Crimes Act 1914*. I can assure you that these allegations are untrue. All Australian Public Service (APS) employees are aware that when acting in the course of APS employment, they are required to comply with all applicable Australian laws. Otherwise they may be charged under the *Public Service Act 1999*. I would also point out that determining authorities are independent and are required to act with substantial justice and in accordance with the merits of each case.

Regarding your assertion that s 120 (1) of the VEA has been incorrectly applied in a number of cases, the High Court has handed down several decisions relating to this provision of the VEA. The Repatriation Commission has had proper regard to these decisions and has developed guidelines and procedures for the use of delegates based on these decisions.

You have also raised issues relating to the consent declaration on pension application forms. This declaration provides for the release of personal information to the Department under Information Privacy Principle No. 2 of the *Privacy Act 1988*. The release of information by the Department is made either under the provisions of the Privacy Act or by the consent of the relevant veteran. Departmental employees handling personal information receive privacy information training.

Again, concerning your contention that some determinations of the Repatriation Commission have been 'very harsh' or 'improperly made' I can assure you that the Department upholds the APS Values and delivers services fairly, effectively, impartially and courteously to the Australian public. I can assure you that all claims are considered carefully and fairly on their merits and according to the legislation. If a party considers otherwise, there are avenues for challenging such a decision.

Yours sincerely

Mark Sullivan
Secretary

12 December 2006

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