

Dear Mark,

Thank you for your letter of ?

In a personal sense you don't seem to appreciate the gravity of the situation, ~~for you~~. There are governance issues here that affect you because you are the senior executive within the Repatriation Commission.

Your reply has not addressed the critical issue that I raised. Senior staff within the Commission have directed subordinate staff to act contrary to law and in breach of the VEA, ¹⁹⁸⁶ Criminal Code & Crimes Act 1914.

You ~~simply~~ cannot sit on the fence on this issue. If you believe ~~they~~ ^{your staff} have acted contrary to law you have a duty to remedy the wrongs. If you do not do this you are agreeing with them and consequently in breach of the law yourself.

A similar situation applies to other senior personnel within the Commission.

This situation is only one of a number.

The Repatriation Commission's understanding of these issues is epitomised by the fact that, since 1977, the Repatriation Commission has appeared before the High Court on five occasions and lost all five cases.

As an unwilling combat infantryman I'll fight these issues within the law but as much as I can

on my terms not yours. I won't be "springing the ambush" prematurely.

An ~~an~~ even bigger issue is the incorrect application of VEA Sec 120(1). The case law precedents are "High Court" and can only be overturned by Parliament (which tried + failed in 1992) or another High Court. Your internal instructions rely on Federal Court Precedents (~~and~~ they do a poor job in this regard) and are ~~therefore~~ utter rubbish.

Another issue is that the "consent" declaration on application forms only covers incoming information not outgoing. The Attorney General's (check this) website ~~shows the~~ describes such unauthorised release of private information as a breach of Sec 70 (s.50?) of the Crimes Act 1914.

My concern is that as many veterans as possible have their incorrectly made decisions rectified. Your annual report shows that there are approximately 110,000 ^{veterans} potentially in this category.

You have the authority to rectify these improperly made decisions now, and nobody has to go to jail.

If we have to go through the criminal conviction process the veterans will ultimately have their improperly made decisions rectified. The only difference is that you and many of your staff will be in jail.

I independently research for my former advocates (AFV - Bob + Peter) who have a number of cases at the VRB + AAT. The Commission's conduct in relation to these matters is similarly disgraceful.

My suggestion is that you come up to Brisbane and discuss how you intend to rectify these issues with myself and my former advocates ASAP.

If you don't want to come there's nothing I can do about it except proceed along the lines I've previously outlined to you.

YF

TF

Whilst individual cases are subject to privacy rules there are some 3,000 cases on the public record because they have been determined at the Administrative Appeals Tribunal. There is plenty of opportunity to provide examples of the flawed procedures referred to previously.