



VICTIMS OF ABUSE IN THE AUSTRALIAN  
DEFENCE FORCE ASSOCIATION INC.  
A0059257W

## Submission

To

The Senate Inquiry Into

# Veterans' Affairs Legislation Amendment (Digital Readiness and Other Measures) Bill 2016 [provisions]

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Secretary And Public Officer

The Association For The Victims Of Abuse In The Australian Defence  
Force A0059257

### ABSTRACT

[This Bill is an ill conceived and ill considered bill that will result in suicide of Veterans and embarrassment to the Government and the Department Of Veterans Affairs. It is directly counter to good public policy and is instead, very bad public policy.

It should be rejected.]

## The Voice For The Voiceless

The Australian Defence Force And Abuse:-

"It was Hubris that made Angels into Devils.

It is obstinacy that keeps them in Hell"

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## **1.0 Management Summary**

### **1.1 What does the bill do?**

- Authorise the Department Of Veterans Affairs to use a computer programme / system to make decisions under the various Acts – (SRCA, VEA and MRCA) in lieu of a human Delegate.

These decisions include “compliance” decisions.

- Provide information on cases or an individual case to the Department Of Defence.
- Provide information on cases or an individual case to the Public.
- Replace references to dollar amounts to Penalty units – Uncontroversial.

### **1.2 What Is Wrong With These Amendments?**

#### **1.2.1 Computerised Decision Making**

These Acts are nuanced, in particular by the decisions of the Federal court.

So for example under Whiteman (**Paul Raymond Whiteman v Secretary, Department of Veterans Affairs** [1996] FCA 1786 (17 September 1996).

At this stage in the development of Artificial Intelligence, we cannot do this.

By the provision of this Bill, the Department Of Veterans Affairs in effect proposes to ignore the decisions of the Courts because the System would not be able to handle the nuances of Federal Court decisions

Furthermore, provisions of service pensions are Asset tested

It has been proposed by the Department Of Veterans Affairs to use the same system as recently used by Centrelink.

We have just seen the multiplicity of errors originating, especially when you remove human oversight of the final decision.

Finally:-

- DVA has many computer systems
- There are errors in those systems – See Annexures A and B
- There is a reverse onus of evidentiary proof – shades of the Larkin scam – see Annexure C.

It will create more cost to the taxpayer than it saves by requiring Veterans Review board to sort out the mess.

In the United States of America where they have used computer systems for Computerised Sentencing Decision Making, it has been found to get it gravely wrong.

### **1.2.2 Provide Information On Cases / Individual Case To Department Of Defence**

The bill provides provision for the Secretary to provide to the Department of Defence details of cases or a single case.

Defence does not want to track cost of claims.

This provision will:-

- Discourage members of the Australian Defence Force from speaking freely and frankly with the Department Of Veterans Affairs, and their doctors.
- Result in claims being rejected because the claim reached Department Of Veterans Affairs too late because of the Statement Of Principles

Simply put it:-

- Overturns good public policy and
- Replaces it with really, really bad public policy.

### **1.2.3 Provide Information On Cases / Individual Cases To Correct Public "Misinformation"**

This provision is truly objectionable.

It allows the Secretary of the Department Of Veterans Affairs to violate your right to privacy with:-

- No appeal
- No real safeguard – The fine for a breach by the Secretary is on 1.05% of his salary
- No real remedy for wrongful release.

It is a blatant violation of Article 12 of the International Convention Of Human Rights

It allows the victimisation of Department Of Veterans Affairs clients through the release of their Department Of Veterans Affairs file.

It allows the Department Of Veterans Affairs to intimidate and threaten members of Parliament such as those who are veterans like Jacquie Lambie.

## **2.0**

### **Legal References:-**

**Momcilovic v The Queen** [2011] HCA 34 (8 September 2011)

(Reverse Onus / Charter Of Rights)

**Paul Raymond Whiteman v Secretary, Department of Veterans Affairs** [1996] FCA 1786 (17 September 1996) (Looking Behind The Reason For Discharge)

**CPSU v Vodafone Network Pty Ltd** - PR911257 [2001] AIRC 1189 (14 November 2001) (What is genuine consultation)

## **3.0 Computer Decision Making**

### **3.1 Initial Eligibility Decision Making**

These Acts are nuanced, in particular by the decisions of the Federal court.

So for example under Whiteman (**Paul Raymond Whiteman v Secretary, Department of Veterans Affairs** [1996] FCA 1786 (17 September 1996) requires the Decision Maker to look behind the circumstances of discharge, and if they can impute a medical discharge and bring the person within ambit of the Act, they are required to do so.

At this stage in the development of Artificial Intelligence, we cannot do this.

By the provision of this Bill, the Department proposes to ignore the decisions of the Courts.

### **3.2 Assessment For White Card**

Again with this is nuanced requiring weightings to be given to medical reports.

It can not be simply automated by deciding only to accept “employer reports”.

### **3.3 Assessment For Gold Card**

Again with this it is nuanced requiring weightings to be given to medical reports, injury and lifestyle reports.

### **3.4 Compliance**

Provisions of service pensions are Asset tested

It has been proposed by the Department Of Veterans Affairs to use the same system as recently used by Centrelink.

We have just seen the multiplicity of errors originating, especially when you remove human oversight of the final decision.

### **3.5 Reliance On VRB To Clean Up Mess - Greater Expense For Taxpayers**

Ultimately computer decision making will cause more and more decisions to have to go through the Veterans' Review Board.

This will ultimately lead to:-

- Greater stress and distress for applicants
- Backlog of cases and Veterans Review Board and
- Ultimately, greater cost for the Tax Payer.

Far from reducing cost, computer decision making will increase cost!

### **3.6 Additional Key Things To Note**

#### **3.6.1 DVA Has Many Computer Systems**

The Department Of Veterans Affairs has many different computer systems outsourced to the Department of Human Services – the people who brought us the recent Centre Link Debacle. Trying to link them will be a nightmare.

#### **3.6.2 DVA Systems Already Have Fraudulent Entries**

There are fraudulent entries within the System – See **Annexure B** - Writeway Scandal.

The new computer system the Department Of Veterans Affairs (**See Annexure A**) are trialling does not allow address changes to be recorded. This creates the issue for compliance we will be sending letters to the wrong address.

#### **3.6.3 Reverse Evidentiary Onus Re Payments**

Also the provisions of the Act places a reverse evidentiary onus on the Department Of Veterans Affairs Benefit Recipient.

This is of course bizarre as it is reminiscent of the Fraudulent Scam performed by Steven Larkin who fraudulently claimed people owed him money – See Annexure C.

Also we normally only place a reverse evidentiary requirement on those people caught with commercial quantities of unlawful drugs – see **Momcilovic v The Queen** [2011] HCA 34 (8 September 2011)



### **3.6.4 Computerised Decision Making On Sentences Already In Disrepute In United States Of America**

In America, computers have been used in Decision Making regarding Sentencing and giving bail prior to trial.

What has been discovered is that the Computer got it wrong.

See:-

<https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing>.

### **3.7 Important Final Note Re Compliance**

Department Of Veterans Affairs Gold Pensions are Work Cover pure and simple.

They should be not be Asset Tested, yet they are.

This is an absurdity since they are compensation for injuries sustained in the service.

No other work cover system has assets test or income tests of their benefits.

Everywhere else, it is based upon the injury and adverse impact to you.

## **4.0 Reporting Cases Or Case To Defence**

The bill provides provision for the Secretary to provide to the Department of Defence details of cases or a single case.

Supposedly this is to be done to track cost.

But that is not the focus of the amendment it is about reporting cases or an original case.

### **4.1 Australian Defence Force Does Not Want Know Cost Of Claims**

The Australian Defence Force is not interested in tracking the cost of the injuries they cause.

In the recent MRCA Review, it was proposed to do this and the Australian Defence Force quickly quashed this.

### **4.2 Good Public Policy To Speak Frankly to DVA And Doctors**

It is good public policy for applicants to speak frankly to their doctors and to the Department Of Veterans Affairs.

### **4.3 This Will Discourage Australian Defence Force Members Making Claims With DVA**

In the Australian Defence Force, as can be seen, any hint of Mental Illness is the kiss of death for your career and continued service in the Australian Defence Force.

Furthermore, under the absurdity of the “Soldiers’ Contract With Australia” (See Annexure D) a soldier has to be physically and mentally tough.

It is bad enough in the current environment to encourage members of the Australian Defence Force to seek help, this will only make it worse.

### **4.4 This Will Rip Members Of The Australian Defence Force Off**

Furthermore, it will mean they will most likely not contact the Department Of Veterans Affairs until after they discharge.

This means their valid claim will most likely be rejected because of the Statement Of Principles which require the injury be reported within a given time frame.

#### **4.5 Really, Really Bad Public Policy**

This provision is really bad public policy.

## **5.0 Provide Information On Cases / Individual Cases To Correct Public “Misinformation”**

### **5.1 No Real Safeguards**

This provision permits the Secretary to release publicly, individual cases to correct public “*misinformation*” but there are no real safeguards.

- Yes, he has to write to the affected person
- No he is not bound to respect any objections.

### **5.2 No Evidence Presented That It Is Needed**

No evidence has been presented that it is needed nor is there a definition as to what constitutes disinformation.

### **5.3 Supposed Penalty Is No Penalty At All**

The only penalty, is if he fails to consult and that is only worth \$10,000 and given that the Secretary was on \$665,000 as of 2014, this is only 1.5% of the Secretary’s Salary – not much of a disincentive.

Furthermore at the time of writing, it would appear that the jurisdictional nexus for this fine would be Department Of Veterans Affairs Legal.

*What Department Of Veterans Affairs Legal employee is going to issue an infringement notice to the Secretary?*

*Quis custodiet ipsos custodes? – Who guards the guardians?*

### **5.4 No Appeal Mechanism**

Should the Secretary choose to ignore the person’s submission, there is no independent appeals mechanism as there is with Freedom Of Information.

### **5.5 Alternative Mechanisms Already Exist**

There is nothing preventing the Secretary under the current regime for writing to an individual applicant or recipient to release the information – no proof has been offered that they have tried this and failed.

There is no proof that they have even tried this.

## **5.6 Breach Of Good Public Policy**

It is good public policy for applicants to speak frankly to their doctors and to the Department Of Veterans Affairs.

Once you know that your private Department Of Veterans Affairs file can be publicly disseminated by the Secretary, it will discourage speaking frankly and forthrightly.

## **5.7 No Definition Of Misinformation – Use To Discredit Legitimate Complainants**

There is no definition of misinformation.

Consider this when people first complained about Writeway, they were labelled as disseminating public misinformation.

Yet as subsequent events proved they were telling the truth.

Under the proposed legislation, there files could be released to discredit them, especially if they have a history of mental illness.

## **5.8 Clear Violation Of Article 12 Of International Convention On Human Rights**

Article 12 clearly states:-

*“No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.”*

Yet since the Secretary is not bound by the individual’s objections, it renders that right null and void.

## **5.9 No Redactions**

It might be reasonable to release an individual’s case details if the information was redacted and de identified to protect their privacy but the bill does not do this.

Instead it proposes to allow the Secretary, at their unfettered discretion, to release all or part of a file.

### **5.10 No Appeal Mechanism**

If the Secretary goes to go ahead and publish part or all of your file, there is no independent appeals mechanism as there is with a Freedom Of Information Request.

### **5.11 Can Be Used To Embarrass Members Of Parliament / Members Of Public**

Under the current regime, it is bad enough, but you can seek redress – See **Annexure E**.

We are familiar with the breach of Privacy with regards Senator Lambie.

A released of information through this mechanism would allow no right of redress as was recently exercised by Senator Lambie.

### **5.12 This Is Really Bad Legislation!**

Even the Minister would not tolerate the release of his details as anticipated by these provisions.

If the Minister wouldn't tolerate it, why should Veterans be forced to do it?

## **Annexure A – Letter From Slater And Gordon To Various People At The Department Of Veterans Affairs**



Level 3, 192 Ann Street

DX 213 BRISBANE QLD

Dear Sir/Madam

I am writing to raise with you an ongoing issue that we continually face in our dealings with your Department and a more recent problem that has arisen due to a “new system” being trialled by DVA.

### **Permanent impairment matters – DVA directly contacting clients**

I note that we have attempted to resolve this issue on numerous occasions through various manners of communication.

Unfortunately, despite our repeated efforts, staff within your office continue to directly contact our clients, instead of us, as their nominated representatives. This causes many of our clients great distress.

Most recently, in an email dated 14 October 2016 these issues and examples of the difficulties were again outlined to Alison (Acting Team Leader) of the Brisbane Permanent Impairment team.

Disappointingly, our attempts to stop the practice have been in vain. No satisfactory resolution has been reached nor any satisfactory explanation provided. I query if DVA has introduced a new policy to deliberately do this or whether we are simply dealing with an age old problem continually resurfacing.

I further note that your Department’s insistence on contacting our clients results in permanent impairment determinations or medical appointment details frequently being forwarded to clients without reference to us. In some cases, we are fortunate to receive copies of these letters, in others, we are not. In either case, it is entirely inappropriate for your Department to make any direct contact with our clients. We firmly reiterate our request that any and all correspondence be sent to our office when dealing with the liability and permanent impairment claims under SRCA and MRCA.

The ongoing nature of this problem has caused and continues to cause confusion, frustration, anger and worry for many of our clients – many of whom are very vulnerable. It also leads to unnecessary duplication of documentation and significant time spent on administrative follow ups. It further renders us unable to properly monitor the progress of our clients’ claims leading to delays in the finalisation of same.

Slater & Gordon Ltd. ABN 93 097 297 400

On numerous occasions we have been advised by your Department that you did not have us listed as the client's representative, despite the fact that we had been acting and in contact with the Department since the first stage of the claim, being its initial filing. In most cases we have also submitted the Needs Assessment document, which initiates the permanent impairment assessment. For reasons unknown, your systems appear to be unable to recognise our involvement in the claim process.

The correspondence of 14 October 2016 identified several examples of these problems. Unfortunately, since that time we have noted a further **NINE** instances of direct contact being made with our clients in relation to permanent impairment medical appointments. Further, one of our clients received a permanent impairment determination direct from your Department. With respect, this is unprofessional conduct on the part of the Department and its delegates.

**Initial liability matters – Recent change in “systems”**

Of concern is that it has now come to my attention that a similar situation may be developing in relation to initial liability matters.

On 30 November 2016, we submitted an initial liability claim for a client, by post and facsimile to your Melbourne office.

This claim was accompanied by our submissions on letterhead, and we were identified in the claim form as the acting representative.

Evidently, this was not clear enough to alert your staff to the fact that we were the nominated representatives, as on 1 December 2016 our client received the initial acknowledgement letter direct from your Department. Naturally, our client contacted us duly concerned why letters were being sent to him.

A member of my team contacted your Department to query why the letter was sent to our client, rather than coming via our office after we submitted the claim.

We were informed that a “new system” is currently being trialled, whereby the initial liability letters are automatically generated and populated. We were advised that the letter automatically generates the contact details, and the Delegates/DVA staff are not permitted to amend them. It appears that contact details or addresses cannot be altered, which in my opinion is bizarre. What if a client has changed address after he submitted a claim without notifying DVA? This new practice does not permit a delegate to enter correct information on your records.

We were further advised that if the client had previously claimed, and their details were in the DVA system, the initial liability letter would populate with their details and the letter would go straight to the client. DVA staff will be unable to override this so that we, the representatives, would receive the letter or would at least be copied into the correspondence.

The DVA staff member stated during the conversation that the Department has a lot of “new staff”, and that on occasion delegates are unaware that they should correspond with us, instead of the claimant. This suggests, with the greatest respect, that very little training of new staff is occurring.



This response was concerning on a number of levels. First, it highlighted that despite us raising the issue of communicating directly with clients on multiple occasions, the practice is well and truly embedded. Secondly, the "new system" provides no mechanism by which staff can correct automated errors. This is perplexing and surely cannot be considered acceptable. Given that this is a trial, we would like to lodge our strongest objection to its operation in this current form. I would recommend that your IT team review its operation as a priority.

Finally, and perhaps most worrying, is the suggestion that staff are not adequately trained so as to appropriately process and handle claims, the very basis of their work. This would, however, explain the persistence of this problem despite our numerous complaints.

Regardless of whether this issue is as a result of administrative or technical error, substandard training or yet something else, the one thing that is clear is that these issues reflect poorly on your Department. The persistence of such problems is damaging your Department's reputation and creating significant doubts as to its capacity for efficient service delivery. This is not only in our eyes, but in those of many of our clients – the very people the DVA is supposed to be assisting.

We note that issues such as this do not appear to be isolated, given the numerous submissions and reports lamenting DVA's institutional capacity and practices, and the resulting lack of claimant satisfaction evident from the submissions to the current Senate Inquiry.

Failing a satisfactory response and steps towards a resolution to these issues in a timely manner, I will not hesitate to pursue the matter further with the Minister. I also reserve our clients' rights in all respects including highlighting the problem to the Senate Committee, to the wider Australian public, and to the Defence community.

We trust that you will take steps to rectify the problems on a priority basis.

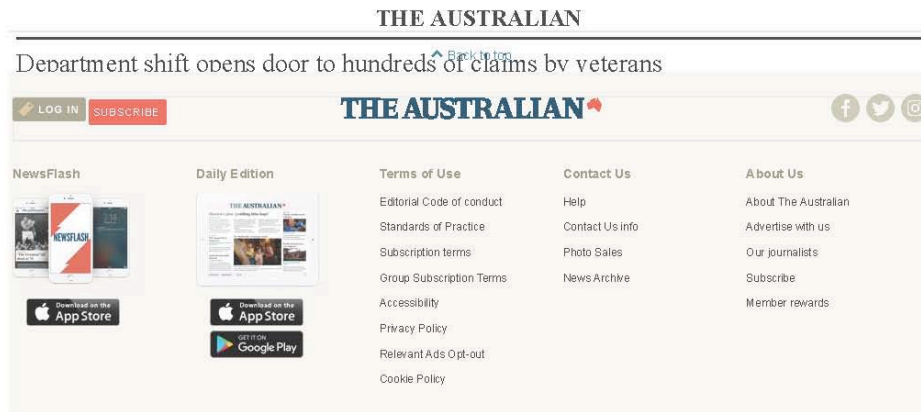
I await your reply.

Brían Briggs  
National Military Compensation Expert  
**SLATER AND GORDON**

## Annexure B – Writeway Scandal

Department shift opens door to hundreds of claims by veterans

<http://www.theaustralian.com.au/national-affairs/defence/depar...>



Tribunal, challenging the DVA's decision to deny his claim for post-traumatic stress disorder. Citing the fact that the company was no longer used by the department, his case directly challenges the credibility of a Writeway report drawn up two years before that decision was made.

Last August, the tribunal overturned a DVA decision to deny another veteran, Grant Martin, an incapacity pension after the department's lawyer admitted it was no longer using Writeway. After being challenged about the company's report into Mr Martin's service on board HMAS Canberra in the Middle East during 1993, the DVA lawyer asked not to use it in the case.

"The investigation that was requested for the department of the Writeway services is still ongoing," DVA lawyer Bruce Williams told the tribunal. "Until such time as that's resolved, the instructions of advocacy ... is not to rely upon their services."

Mr Martin, a former navy radar plotter who subsequently served as a detective with the NSW Police Force, said the sudden climb-down came after the department had fought "tooth and nail", repeatedly rejecting his claim for more than two years.

He developed PTSD and depression after being warned the ship he was serving on was under Scud missile attack from Iraq, Mr Martin said, and approached the DVA at his doctor's suggestion after being repeatedly hospitalised. He now suffers "night terrors".

"I have to sleep in a separate bed from my wife because of violent fits and throwing punches all the time," he said. "You're on a knife edge all the time. You can't sleep, you can't relax, you can't concentrate, it feels like your head's going to fall off."

The initial Writeway report found there was "no evidence" to support Mr Martin's claim the Canberra took evasive action after the missile threat was announced. In contrast, the tribunal's final decision found "there was a missile alert ... (Mr Martin) perceived a very real threat from the announced missile attack".

His subsequent illness was "war-caused", the tribunal found, and he was "entitled to receive a pension in respect of incapacity associated with those conditions".

In the last full financial year during which Writeway was employed, the DVA commissioned 99 "military research reports" into 78 veterans, most of them conducted by the company. In half of these cases, the subsequent compensation decision went against the veteran.

John Tilbrook, an army reserve officer who founded Writeway and also works in the Army History Unit, said the DVA was still not employing the company today. He had been instructed by a departmental director "not to discuss any relationship with DVA and Writeway with the media".

Department shift opens door to hundreds of claims by veterans

<http://www.theaustralian.com.au/national-affairs/defence/depar...>

“They’ve actually got an investigation going,” Mr Tilbrook said. “We’ve provided information and not had any feedback.

“The grain machine takes a long time to make any decisions, as you know.”

The ongoing investigation centres on allegations a 2012 Writeway report into an unrelated veteran’s claim relied on a forged letter claiming to have been approved by the head of the powerful Australian Signals Directorate.

Initial investigations by the Department of Defence found the letter, which challenged some of the veteran’s claims, had not been produced by the intelligence agency, nor with its sanction. The letter’s author, a former army lieutenant colonel, personally provided it to the Writeway researcher, himself a former colonel, who the company said had taken the document “on face value”.

Rod Thompson, a veterans’ advocate leading the new legal challenge to the DVA’s use of a Writeway report, said: “There’s literally hundreds if not thousands of Writeway reports that have impacted on the way decisions are made. I think if it’s found Writeway have been fraudulent ... there has to be some sort of compensation. You can’t use these reports and if they are found to be flawed, you can’t just get away with saying sorry.”

The DVA declined to answer questions, instead releasing a written statement saying: “The recent issues ... are currently under investigation. Due to privacy reasons, it will not be possible to release the findings.”



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## **Annexure C - Steven Larkin Fraud**

<http://www.smh.com.au/nsw/stephen-larkin-bankrupted-banned-and-jail-the-convicted-fraudster-is-back-in-action-20160429-goi7yp.html>

# **Stephen Larkin: Bankrupted, banned and jailed, the convicted fraudster is back in action**

He's been bankrupted, banned and jailed but now convicted fraudster Stephen Larkin has hit upon the jackpot - a court-sanctioned fraud which has enabled him to "legally" plunder the bank accounts of his victims.

On top of this, the 76-year-old former veterinary surgeon and one time BRW rich-lister is facing more than 100 criminal charges of knowingly making a false statement by nominating another person as being responsible for dozens of traffic offences while driving his unregistered and uninsured car.

According to court documents, there is almost no road rule that Larkin has not broken. He disobeyed no stopping signs, sped through red lights, was caught on speed cameras, drove in bus lanes, roared through school zones and failed to pay tolls.

To avoid paying the multitude of fines, Larkin signed statutory declarations claiming that the habitual offender was Michael Geoffrey Oliver.

A Fairfax investigation has found that Mr Oliver, 75, a former boxer and Kings Cross debt collector, suffers severe cognitive impairment. He is under the care of the Brown Nurses Ministry which, according to its website, is committed to "caring for the disadvantaged and the marginalised of our society."

Meanwhile, Larkin has been busy using a serious flaw in the legal system to empty the bank accounts of at least four victims.

He has presented an invoice to his victims, claiming they owe him money. He then signed an affidavit which fraudulently claimed that he has personally served them with a court order. He then obtained a default judgement against these victims. The first thing they knew about the fraud was when their money had gone and it was too late.

By law the financial institutions are not allowed to advise their clients that their accounts will be depleted under the order of the courts.

In February this year Colleen and Colin Vickers were shocked to discover \$15,234 had gone from the bank account of their auction house Vickers and Hoad.

When they contacted their bank, NAB, they were told the bank had to comply with a garnishee order from the Local Court of NSW.

**Submission Of The Association For The Victims Of Abuse In The Australian Defence Force  
A0059257 To The Senate Inquiry Into Suicide By Veterans And Ex -Service Personnel**

Months earlier Larkin served a letter of demand on the Vickers alleging they owed him \$15,000 for not returning three statues he claimed to have left with them to sell. "We thought the letter was a hoax," said Mr Vickers who had banned Larkin from doing business with their auction house in 2004 for buying goods at auction and then refusing to pay.

Larkin's letter of demand provided no receipts to prove that the auctioneers had his goods. His only evidence was a photocopy of three statues, one of which was St Michael the Archangel which Mr Vickers said was "taken at an unknown location and not on our premises".

On December 30 Larkin returned to court to register his statement of claim, demanding \$15,000 plus a \$234 court filing fee.

He swore an affidavit claiming he personally "served" the defendants at their business address in Young Street, Waterloo.

But the auction house was closed over the Christmas period with a sign attached to the locked gate to that effect.

On February 9 Larkin obtained a default judgment against the Vickers and a week later the money was gone.

Larkin has repeated this pattern with at least three other victims. In December property developer Tony Merhi received a letter from Westpac advising that Larkin had been given a bank cheque for \$59,234 following a garnishee order signed by the Waverley Local Court.

Larkin told the court he had personally served Mr Merhi at his home in Castle Hill but Mr Merhi had moved house four months earlier.

Giovanna Fragomeli and her partner Avdo Tabakovic, from OzBid Auctions in Lilyfield, are also victims. Last year Larkin got a judgment against them for \$19,000 but only managed to empty their account of \$1495. Earlier this year he had another go – this time for \$30,000. Luckily, the account was empty.

He falsely alleged he personally served Ms Fragomeli at a property which has been a construction zone for the last 18 months.

Another victim is fellow vet Dr Ron Lloyd who also had his bank account garnisheed. The pair had known each other for 30 years. "I thought he was a friend and look what he did to me," said Dr Lloyd.

Larkin's victims are furious and frustrated. The police have declined to pursue their complaints, their credit ratings have been affected, and more money has been outlayed having the judgments reversed.

Mr Merhi has spent a further \$80,000 attempting to bring Larkin to justice. A fortnight ago Magistrate Lisa Stapleton issued a bench warrant for Larkin's arrest for contempt of court. He was given bail and the matter will return to court at on May 20.

Mr Merhi acknowledged he had "no hope" of getting his money back. "This guy is a dangerous character who manipulates the legal system. Morally and ethically I cannot stand back and let him steal from other people."

His victims are agitating for the law to be changed. The Vickers' solicitor Warren Wells, has written to the Attorney-General suggesting that the law should be changed to give account holders five business days to challenge a garnishee order.

In 2007 Larkin was sentenced to 16 months' weekend detention after pleading guilty to defrauding the former Macquarie Bank director Bill Moss of \$38,050. He was also convicted of giving false evidence under oath.

In 2004 the NSW Supreme Court banned Larkin and his son Jordan from operating a finance broking business for 20 years and 10 years respectively. The Larkins had offered to find loans for desperate people but instead had pocketed their establishment fees.

Larkin, who did not return Fairfax Media's calls, will be in court next week over the traffic offences.

# Annexure D – The Soldiers’ Contract With Australia

Our contract with Australia - Australian Army

<http://www.army.gov.au/Our-people/Our-contract-with-Australia>

The screenshot shows the Australian Army website's 'Our contract with Australia' page. At the top, there is a navigation bar with links for Department, Ministers, Navy, Army, and Air Force, along with a search bar. The main header features the Army logo and a navigation menu with links for Home, Our people, Our work, Our history, Our future, Our stories, and Army life. The page content includes a sidebar with a 'Our people' menu, a main heading 'Our contract with Australia', a large image of the Australian flag, and a quote: 'Army has a solemn obligation to our nation. This is our contract.' Below this is a list of values and a 'News and media' section with several article teasers. At the bottom, there is a footer with a grid of links for various sections: Our people, Our work, Our history, Our future, Our stories, and Army life.

## Annexure E – Breach Of Privacy By Department Of Veterans Affairs

Private information leaked to veterans

http://www.news.com.au/national/politics/personal-medical-and-...

The screenshot shows a news article on the news.com.au website. The article is titled "Personal medical and financial documents leaked by Vets Affairs" and is dated September 20, 2015, at 11:34 PM. The article features a photo of a soldier and a grid of dog t-shirts. The text of the article is as follows:

**EXCLUSIVE**

THE personal documents of war veterans including medical, psychological and compensation payment details, have been leaked to other veterans by the federal government.

*News Corp Australia* has identified four cases of serious privacy breaches after documents were leaked to two veterans who received material from the Department of Veterans Affairs (DVA).

In one case a veteran received another vet's personal correspondence as well as a so-called "tip-off" document concerning his own DVA file.

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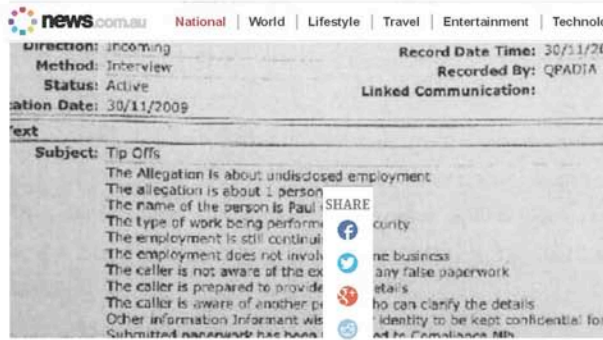
**NATIONAL BREAKING NEWS**

- 11:58 Sydney Harbour Tunnel reopens



Private information leaked to veterans

http://www.news.com.au/national/politics/personal-medical-and-...

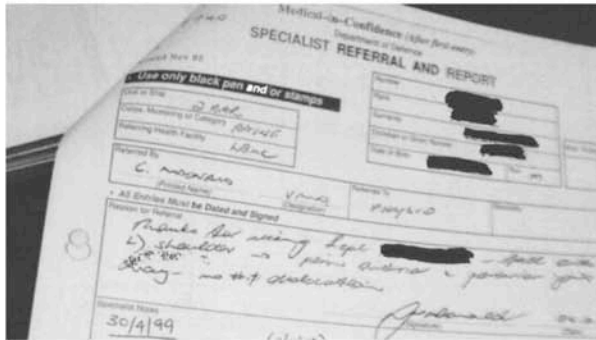


Leaked ... The confidential "tip-off" document received by veteran Paul Golle. Picture: Supplied Source/Supplied

The "tip-off" was clearly marked "confidential" and should never have been seen by Army Veteran Paul Golle.

The document identified the person providing the tip-off who is a compliance officer with the Department of Immigration.

A second veteran received a variety of typed and hand written documents including "medical in confidence" details of assessments of veterans who were clearly identified but whose names have been redacted by News Corp.



Confidential ... A selection of the private documents of veterans received by another in an FOI response from the Department of Veterans Affairs (redacted for privacy reasons). Picture: Supplied Source/Supplied

Mr Golle joined the army in 1987 — served in Africa and East Timor — and was medically discharged 17 years later in 2004.



Private information leaked to veterans

http://www.news.com.au/national/politics/personal-medical-and-...



When he received correspondence from the DVA recently he was shocked to find another veteran's private correspondence attached to the file.

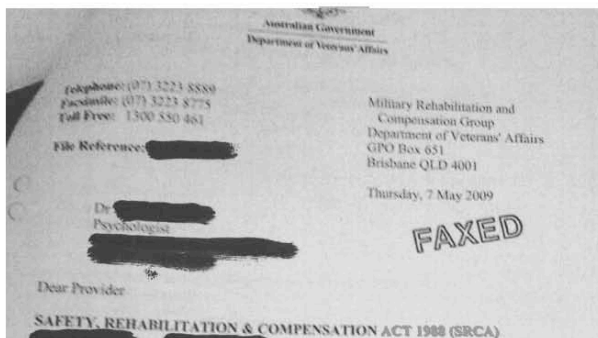
He promptly returned it and contacted the department and the Privacy Commissioner.

"They didn't believe me," he said.

"There were no questions, no instructions and I just treated me as if I was making it up."

He also contacted Immigration regarding the f' but it also didn't want to know.

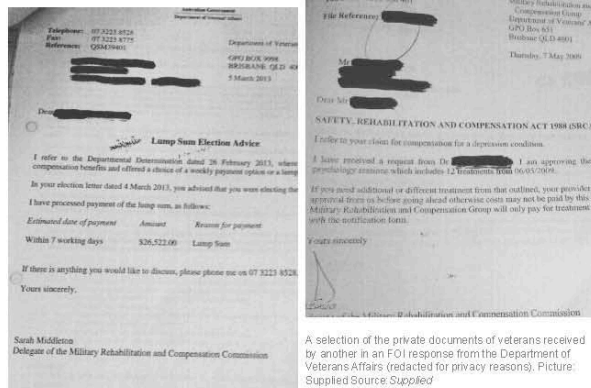
Mr Golle said the DVA made veterans jump through hoops over claims, but then treated them with contempt when they pointed out departmental breaches and mistakes.



Private ... One of the personal documents received by a veteran with an FOI file. Pic supplied. Source: Supplied

Another veteran (who cannot be identified) received the private correspondence of two others in a package of documents obtained under Freedom of Information laws and was shocked by the discovery.

The documents included personal medical and psychological assessments and compensation payment details.



A leaked private document detailing a veterans' compensation claim. Picture: Supplied Source: Supplied

Private information leaked to veterans

<http://www.news.com.au/national/politics/personal-medical-and-...>

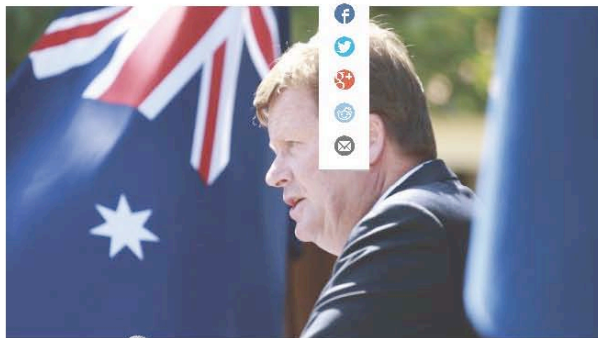
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"If this has happened with my file then my documents could be attached to other people's files.

"I don't want to return the documents to the DVA for fear of retribution."

Both Mr Golle and the other veteran said the DVA was out of control and judging by the number of people who responded to a veterans' Facebook site many other private files have been leaked by the department.

SHARE



Questions ... Minister for Veterans Affairs Michael Ronaldson. Picture: Valeriu Campan Source: *News Corp Australia*

Mr Golle also contacted the offices of Minister Michael Ronaldson's and Tasmanian Senator Jacqui Lambie but said he was fobbed off by both of them.



Fobbed off ... Tasmanian Senator Jacqui Lambie. Picture: Peter Lorimer Source: *News Corp Australia*

The DVA refused to answer specific questions about the matter unless *News Corp Australia* identified the veteran who had received the documents.

This directly contradicts its own policy of refusing to answer questions about specific cases due to the Privacy Act.


The second veteran who provided the leaked documents to *News Corp* declined to be identified.

A DVA spokesperson said that during 2014-15 it had received no reports of privacy breaches resulting from releases of information under the Freedom of Information Act 1982.

"On the rare occasions when a breach of privacy is reported as a result of a release under FOI, the Department follows the guidance of the Office of the Australian Information Commissioner (OAIC)," the spokesperson said.

Private information leaked to veterans

http://www.news.com.au/national/politics/personal-medical-and-...

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Any veteran who has received another's private documents can contact [ian.mphedran@news.com.au](mailto:ian.mphedran@news.com.au).

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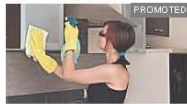
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