

**Hand Up Brief**  
**Of**  
**Victims Of Abuse**  
**In The**  
**Australian Defence Force Association Inc. A0059257W**  
**To**  
**The Productivity Commission Inquiry Into**  
**Veteran's Compensation Draft Report**

Jennifer Jacomb

Author

**ABSTRACT**

[The draft report has already caused great distress and concern to the Veteran Community through its flawed recommendations

Instead of going for quiet evolution it has gone for bloody radical revolution and like all bloody revolutions it is a failure.

The Commission should go back to the Treasurer and request more time so they can do the job right.

This Commission Draft report should be consigned to the most appropriate location, the nearest black hole.

The Commission has failed and continues to fail in genuine consultation

Far from helping the Veterans it actually, with its ill considered recommendations, it hurts them!

The authors and the Commission should apologise to the Veteran Community, the trees that have been producing oxygen for them and redo the report correctly!

**Ver. 1.0 @ 13/02/2019**

<b>1.0</b>	<b>About The Association.....</b>	<b>1</b>
<b>2.0</b>	<b>About The Secretary.....</b>	<b>2</b>
<b>3.0</b>	<b>Outline Of Submission.....</b>	<b>3</b>
3.1	General Comments.....	3
3.1.1	<i>What Is Consultation? And We Are Not Getting It!.....</i>	3
3.1.2	<i>First Point – Measure Twice, Cut Once.....</i>	4
3.1.2.2	Recommendation.....	4
3.1.3	<i>Second Point – Why Must Veterans Compensation Be Got Right?.....</i>	4
3.1.4	<i>Third Point – Commission Asks Others To Do What It Want Do For Itself.....</i>	5
3.1.5	<i>Fourth Point – Your Actions Actively Discriminate Against Smaller ESOs and Individual Veterans.....</i>	5
3.1.6	<i>Fifth Point – You Can’t Get The Basics Right.....</i>	6
3.1.6.1	Insulting The RAN And RAAF.....	6
3.1.6.2	Can’t Get Even Get Existing DVA Benefits Right!.....	8
3.1.7	<i>Sixth Point Failure To Properly Acknowledge That Members Of The ADF Members Are Servants Of The Crown.....</i>	9
3.1.7.1	Plagiarism By The Commission / Attempted Unauthorised Access.....	10
3.2	Brief Main Points.....	11
3.2.1	<i>DVA Are Like The Jews In Goshen.....</i>	11
3.2.2	<i>Transferring DVA to Defence.....</i>	11
3.2.2.1	Transferring To Defence Would Downgrade The Importance Of Veterans Compensation.....	12
3.2.2.2	Tanzer Report.....	12
3.2.2.3	Defence Does Not Really Care About Looking After Its People.....	13
3.2.3	<i>DVA Gold Not Wellness Card – Horse Puckey!.....</i>	13
3.2.4	<i>Status Symbol Of Gold Card - Educate, Don’t Destroy DVA.....</i>	14
3.2.5	<i>Send Offs Upon Discharge – For Captain Spankee?.....</i>	14
3.2.6	<i>Lump Sum Rather Than Pension.....</i>	15
3.2.7	<i>Problem not Properly Addressed - Can’t run for Parliament.....</i>	15
3.3	Important Points Not Even Considered By Commission.....	16
3.3.1	<i>Military Superannuation – Can’t Rollover.....</i>	16
3.3.2	<i>Poor Performance / Disobedience Of The Law By Military Superannuation.....</i>	16
3.3.3	<i>Military Superannuation Can’t Even Get Payments Right!.....</i>	17
3.3.4	<i>Need To Make All State Benefits Equal.....</i>	17
3.3.5	<i>Health Insurance.....</i>	18
3.3.6	<i>Other Issues.....</i>	18
<b>4.0</b>	<b>Conclusions.....</b>	<b>19</b>
4.1	The Authors Must Apologise To Veterans, The DVA And Trees.....	19
4.2	Current Best Description Of Draft Report.....	20
	<b>Annexure A – Death Of Private Challis – Article By Felicity James.....</b>	<b>22</b>
	<b>Annexure B – Death Of Private Challis – Article By Melissa Mackay.....</b>	<b>28</b>
	<b>Annexure C – Military Superannuation Disobeying Court Decisions.....</b>	<b>33</b>

## 1.0 About The Association

The Association was formed in April 2013.

Membership is open to:-

1. Individuals who are:-
  - a. Those who have been or are victims of abuse in the Australian Defence Force or
  - b. The Family members , carers and friends of those who have suffered torture and abuse in the Australian Defence Force or
  - c. All others opposed to torture and abuse in the Australian Defence Force.
2. Organisations who are / have:-
  - a. Similar goals to the Association

Currently it has:-

- a. Members in every state and territory in Australia
- b. Over 170 Members
- c. Victim members from every branch of service
- d. A committee made up of all ranks and services and people who have been the carers of the Victim Of Abuse in the Australian Defence Force.

It has appeared before numerous Senate Inquiries.

It regularly lobbies the members of Parliament, the Government on Victim and Veteran Issues.

We are well respected by the Parliament, the Government and the Department Of Veterans Affairs.

Our Website is:-

[www.adfabuse.com](http://www.adfabuse.com).

Our Facebook Page is:-

[www.facebook.com/Victims-Of-Abuse-In-The-Australian-Defence-Force-491111244289939/](https://www.facebook.com/Victims-Of-Abuse-In-The-Australian-Defence-Force-491111244289939/)

## **2.0 About The Secretary**

The Secretary served as a Midshipman in the Royal Australian Navy from 1983 to 1985.

During that time suffered severe damage to her lungs from abuse involving Beryllium and Asbestos. She also suffered extreme PTSD.

After leaving the Royal Australian Navy

She currently holds a Department Of Veterans Affairs Total And Permanent Incapacity Gold Card.

She has appeared on National Radio and Television on Abuse issues.

She has also appeared as a witness before Senate Inquiries.

She has worked as a superannuation fund administrator for both City Mutual Life Association and National Mutual Life Association. She has experience in the administration of company, personal, self employed and 23jaa (University Funds)

She has worked as an IT Specialist, first with Random Access and then as a Self Employed Person. She was cited in the New York Times and the Los Angeles Times for discovering the Y2K bug in Quicken.

She was cited in the Australian for discovering the bug in the initial end user software of the Australian Taxation Office for the GST.

She has made a number of landmark decisions in a number of areas. One of her cases is still regularly cited with approval by the High Court.

## 3.0 Outline Of Submission

### 3.1 General Comments

*“In time of trouble and of war, both God and the soldier all men adore.*

*When war is over and wrong is righted, God is forgotten and the Soldier Slighted”*

It pains me greatly to make the remarks that in good conscience I have to about the Commission's report.

I would rather praise Caesar rather than bury Caesar but the Commission has left me now choice.

#### **3.1.1 What Is Consultation? And We Are Not Getting It!**

Commissioner Smith said it best at paragraph 25 in **CPSU v Vodafone Network Pty Ltd** - PR911257 [2001] AIRC 1189 (14 November 2001):-

*“...Consultation is not perfunctory advice on what is about to happen. This is common misconception. Consultation is providing the individual, or other relevant persons, with a bona fide opportunity to influence the decision maker. ...*

The ESO's and individual veterans are not having genuine consultation because of the lack of time with regards the Draft Report and the lack of time here today.

You need to address this and give us all a fair suck of the sav!

### **3.1.2 First Point – Measure Twice, Cut Once**

There is an old rule of carpentry – measure twice, cut once.

It would seem that the Commission has forgotten that Cardinal Rule.

In its unholy haste to get the report out on “time”, the Commission:-

1. Has allowed insufficient time to get initial submissions
2. Allow informed discussion.
3. Allow a proper and well informed report to be written after the above and
4. Allowed insufficient time to allow informed and considered time to comment on the report.

As a result we have a flawed report with inadequate time to consider it and get it right.

#### **3.1.2.2 Recommendation**

Ask for the Treasurer For more time as Royal Commissions have done.

That way, if the Treasurer fails grant we can blame him rather than you.

And you never know, he may say yes.

### **3.1.3 Second Point – Why Must Veterans Compensation Be Got Right?**

*“Si vis pacem, para bellum”*

This was enshrined by Jackie Fisher when he became First Sea Lord at the Admiralty.

It is axiomatic we have a strong Defence Force, part of that is having proper and generous compensation.

This commission had the real opportunity to improve the safety and security of Australia by getting this right.

Also as a Nation we have a moral and ethical interest, and also enlightened self interest to, in the words of Abraham Lincoln’s 2nd “Inaugral Speech:-

**“to care for him who shall have borne the battle and for his widow, and his orphan,”**

The authors of this **lack lustre, fast-food, slick-ass, Persian Bazaar manner** report have got it wrong.

Part of the reason is because in their haste to complete they were writing it up before submissions had even been filed.

**Hand Up Brief Of Victims Of Abuse In The Australian Defence Force Association Inc.  
A0059257W To The Productivity Commission Inquiry Into Veteran’s Compensation Draft  
Report**

**3.1.4 Third Point – Commission Asks Others To Do What It Want Do For Itself**

By releasing the report the week before Christmas, it made people have to give up their holiday time whilst you took yours.

It shows a cavalier, arrogant and selfish attitude towards to the Veteran Community.

It was a 704 page report with detailed recommendations.

It is not a copy of the Sun Herald!

Thus you, yet again, ensure inadequate consideration and consultation.

I am aware of the contempt of a number of your staff for politicians and political agendas, but by your actions you appear to be pushing a political agenda of your own.

You are suppose to be non partisan.

Or is it that you're an equal opportunity hater and just hate all veterans and politicians?

**3.1.5 Fourth Point – Your Actions Actively Discriminate Against Smaller ESOs and Individual Veterans**

By your short time table and filing dates you have made it impossible for the smaller ESOs and individual veterans to respond.

We don't have the budgets that you do or the staff you have.

You have effectively gag us.

You imply that the only ones worth listening to or the large organisations that have such staff.

That is a gross and slanderous slur against the smaller ESOs and individual veterans.

I note with great interest your reliance on a quote from EML – Employers Mutual Limited, an employer group that would no doubt make money hand over fist from your report, if its recommendations were implemented.

**EML?**

In World War II, when we were scrabbling for every bullet and bandage for our brave sailors, soldiers and airmen, this mob was pushing an artificial artifice to avoid paying the taxes that were keeping our brave warriors alive – See **Employers' Mutual Indemnity Association Ltd v Federal Commissioner of Taxation [1943] HCA 36; (1943) 68 CLR 165 (1 December 1943)**

**Hand Up Brief Of Victims Of Abuse In The Australian Defence Force Association Inc.  
A0059257W To The Productivity Commission Inquiry Into Veteran's Compensation Draft  
Report**

On the issue of Veterans Compensation, you should show greater care on who you choose to associate with and place reliance on!

### **3.1.6 Fifth Point – You Can’t Get The Basics Right**

#### **3.1.6.1 Insulting The RAN And RAAF**

**“<sup>26</sup> But anyone who hears my teaching and doesn’t obey it is foolish, like a person who builds a house on sand. <sup>27</sup> When the rains and floods come and the winds beat against that house, it will collapse with a mighty crash”**

**Mathew 7, 26 – 27**

On Page 15 of the over view you have the following cartoon:-



The problems with this are:-

1. You now owe a personal letter of apology to the Royal Australian Navy for insulting the Royal Australian Navy because as senior service we are always on the right.
2. You owe an apology to both Royal Australian Navy and the Royal Australian Air Force as you imply only members of the Army are entitled to decorations and finally
3. The purported Female Air Force Officer is actually a cartoon of an American Police Woman.

Women Officers do not wear a male officers cap, they were a different cap:-



Now you might say this is small beer and doesn’t really affect the issue of Veterans Compensation.

And if this was the only error in your report, you would be right.

But it's not, is it.

### 3.1.6.2 Can't Get Even Get Existing DVA Benefits Right!

On page 10, Figure 4, you make reference to existing benefits under the current Acts

According to you, under the Veterans Entitlement Act, I don't get Home Care or Funeral Benefits.

Well I have news for you I do.





Our office has relocated  
and our details have changed.

NexttCare Pty Ltd  
ABN # 90 620 072 595  
Level 9, 417 St Kilda Road  
Melbourne VIC 3004  
ARcollection@nextt.com.au  
Phone 1300 090 970



025 892

**Tax Invoice**

\*S000892001\*



Claim No:  
Purchase Order No:  
Provider No:

Service Date	Service Description	Client Name	Rate Type	QTY	Unit Rate	Charge	GST	Total Inc GST
02/10/2018	Home Care		HOURS	1.50	3.33	5.00	0.00	5.00
31/10/2018	Home Care		HOURS	1.50	3.33	5.00	0.00	5.00
14/11/2018	Home Care		HOURS	1.50	3.33	5.00	0.00	5.00
27/11/2018	Home Care		HOURS	1.50	3.33	5.00	0.00	5.00
11/12/2018	Home Care		HOURS	1.50	3.33	5.00	0.00	5.00

Sub Total: 25.00  
Tax Total: 0.00  
Discount Total: 0.00  
**Total (AUD): 25.00**  
Balance Due 20.00

**Remittance Advice**  
Payment Options

Email Remittances to: ARcollection@nextt.com.au

Customer Name  
Customer Number  
Invoice Number  
Amount Due

By Direct Deposit/EFT

BSB  
Account No.  
Account Name  
Reference

By Credit Card

By Cheque

If your Credit Card details have been supplied, we will charge your nominated creditcard on or before the due date of this invoice.

Please call 1300 090 970  
Make cheque Payable to: Nextt Care Pty Ltd  
Post cheques to: Nextt Care Pty Ltd  
Level 9, 417 St Kilda Rd,  
Melbourne VIC 3004

Page: 1 of 1

You should have gone to the Department Of Veterans Affairs to get the Fact Sheets.

Or better yet Spec Savers.

There are other errors but time is limited.

So I will go back to Scripture:-

**“<sup>26</sup> But anyone who hears my teaching and doesn’t obey it is foolish, like a person who builds a house on sand. <sup>27</sup> When the rains and floods come and the winds beat against that house, it will collapse with a mighty crash”**

**Mathew 7, 26 – 27**

### **3.1.7 Sixth Point Failure To Properly Acknowledge That Members Of The ADF Members Are Servants Of The Crown**

I place reliance on our previous submissions.

This was in the original draft report overview on Page 81.

It isn’t there anymore.

Yet it is a crucial point when discussing Veterans Issues with Members of Parliament.

Remember they are the ones who are going to have to turn your report into legislation.

There is an old joke –

***“How many psychologists does it take to change a light bulb?***

***Only one, but the light bulb has to want to change!”***

The issue here is that in order for the public and Parliament to support improved benefits they have to understand that:-

- Members of the Australian Defence Force are not employees but Servants Of The Crown and
- What that means.

It has been our experience that when members of the public and the Parliament see us as only employees we get no where.

Once they understand that members of the Australian Defence Force are Servants Of the Crown and what that means.

This should be in the report and right at the top.

It forms part of the basis of justifying the generous benefits.

We have a short video presentation here for the Commissioners on Servants of The Crown, for hand up.

**3.1.7.1 Plagiarism By The Commission / Attempted Unauthorised Access**

Whilst imitation can be seen as a compliment, I do take great exception to intellectual plagiarism.

If you compare the downsides of service in the Australian Defence Force on Page 82, it seems to be taken from our additional initial submission which we made changes to at your request.

But there was no acknowledgment.

We were promised that this would be promptly fixed but this has not occurred.

Do you really feel threatened by us that much – just fix it.

Also, in future please refrain from attempted unauthorised access of our computer systems to send out your mail outs using our mailing lists.

It is rather naughty and a serious indictable offence!

## 3.2 Brief Main Points

### 3.2.1 DVA Are Like The Jews In Goshen

The Department Of Veterans Affairs and its staff are like the Jews in Goshen, commanded to make bricks without straw.

Whether the option is for proper respectable quiet evolution or your proposed bloody revolution to transfer the DVA to Defence the problem remains the same.

Without the \$300 Million to upgrade computer systems or removing the staffing caps, either way will fail.

You should have addressed this and made the recommendation.

You didn't.

You must.

### 3.2.2 Transferring DVA to Defence

I place reliance on our previous submissions.

It was taken away from Defence because they proved they could not be trusted.

When you look at recent senate questions, they show that Defence sees avoiding paying proper compensation as in the best interest of Defence. Where litigation was commenced the median payout was \$470,000 whereas where writs were not issued, it was \$145,000 – see **Question on notice no. 77 Portfolio question number: 81 2017-18 Additional estimates** and **Question on notice no. 132 Portfolio question number: 136 2017-18 Additional estimates**.

Furthermore another good example demonstrating Defence's absolute opposition to Veteran Compensation is as follows:-

1. One of our members served in the Air Cadets in the 1970's.
2. At the time in question they formed part of the order of Battle.
3. It paraded at a Queensland Government Public School Hall.
4. He was raped whilst on bivouac.
5. When he put in his claim to National Redress, Defence Responded by saying:-
  - a.** The Queensland Government should pay because they paraded at the School Hall
  - b.** Notwithstanding the fact that he was a minor under their care, for which they were fully responsible – See *Geyer v Downs* [1977] HCA 64; (1977)

**Hand Up Brief Of Victims Of Abuse In The Australian Defence Force Association Inc.  
A0059257W To The Productivity Commission Inquiry Into Veteran's Compensation Draft  
Report**

138 CLR 91 (9 December 1977).

- C. He was responsible for his own rape because he had attended the unit voluntarily!

### **3.2.2.1 Transferring To Defence Would Downgrade The Importance Of Veterans Compensation**

At the moment the Department Of Veterans Affairs is a separate department with its own Secretary and Minister. Thus giving a voice for Veterans in the Cabinet.

Transferring it to Defence would strip Veterans of that Cabinet Voice.

Veterans Issues would be lost in the turmoil of the issues that Defence deals with.

In many ways Veterans Compensation is at odds with Defence Goals and Priorities.

In their hierarchy of mission objectives and capital acquisitions, Veterans Welfare would come a very poor last.

Far from improving it, it would degrade it further.

### **3.2.2.2 Tanzer Report**

You use the Tanzer Report to justify to transfer the Department Of Veterans Affairs to Defence.

What you conveniently failed to note this very recommendation was, quite properly reject by the Government and Parliament.

It was rejected then.

It will be rejected now.

Just look at the remarks of the Prime Minister, Minister Chester and the Press Release of Opposition Spokeswoman Amanda Rishworth..

Stop wasting every ones time and just ditch it.

Its better to face facts than defeat and this dog just don't hunt.

Ditch it and stop wasting every ones time.

**Not very productive for the Productivity Commission is it?**

**3.2.2.3 Defence Does Not Really Care About Looking After Its People**

See Annexure A and B – Private Challis Inquest

They don't pay attention to Comcare, an organisation who is loath to prosecute Defence for blatant and stupid occupational health and safety issues –The only time they do take action in cases like Senator Minchin's son – see **Comcare v Commonwealth of Australia [2012] FCA 1419 (13 December 2012)**.

They destroy medical records and do nothing about it.

In 2011, very serious complaints had been made by the contract medical doctor and the Royal Military College hospital.

She took a fortnights leave back to where she came from and destroyed the medical records.

Did they recreate them – No!

Did they take effective action against the Doctor – No!

See <http://www.adfabuse.com/timelineofabuse.html>

Lets not give Dracula the keys to the Blood Bank!

**3.2.3 DVA Gold Not Wellness Card – Horse Puckey!**

You claim that the Gold Card is not a wellness Card.

Horse Puckey!

Amongst other things I am able to access physiotherapy for my back pain.

Without it, I would now be a morphine addict and most likely dead from an overdose.

Don't tell us that it is not wellness card.

Without it I would be dead.

If that it is not “wellness card”, what the hell is.

It makes me wonder whether you are suffering from Gold Card envy because you and your staff can never get one because you have never picked up a rifle and stood a post as Servants of the Crown.

### **3.2.4 Status Symbol Of Gold Card - Educate, Don't Destroy DVA**

You make remarks upon how the Gold Card is seen as a status symbol.

Speaking as one who has gone through the process of getting first my white and then Gold Card General Rate and then TPI I can tell you that:-

1. I would rather have my health back
2. The process for the pension review, because of one bad delegate, ignoring the law led me to the brink of suicide.

It's a DVA Gold Card for crying out loud, not an AMEX Gold Card.

The underlying issue is here is the misinformation circulating in the Australian Defence Force and Veteran Community.

We don't have to reduce Veteran Compensation and Health by getting rid of it.

We just have to educate!

### **3.2.5 Send Offs Upon Discharge – For Captain Spankee?**

You propose that there official be send offs for all Australian Defence Force personnel discharging.

Did you know that when you serve prison time in the Australian Defence Force followed by dismissal:-

1. You get paid your salary
2. Accrue Annual Leave and Long Service Leave
3. Continue to receive Superannuation Employer Contributions and Superannuation Guarantee.
4. Upon discharge retain all pay and allowances and superannuation.

These persons certainly deserve a send off but not the one you propose.

Fix it.

### **3.2.6 Lump Sum Rather Than Pension**

I may be wrong, but you seem to be agitating for Lump Sum rather than pension compensation.

Yet I know that the advice coming out of financial advisors, especially for those at your rank with Comsuper entitlements, is that you should take a pension and have security of income rather than lump sum or commute.

The same applies to veterans.

Lump Sums / Commutation may be better for the budget but not the Veteran.

What is sauce for the goose is sauce for the gander.

### **3.2.7 Problem not Properly Addressed - Can't run for Parliament**

Whilst it is hard to find, it is buried in the Minister's Second Reading Speech, the purpose of the Gold Card Special Rate is to:-

Provide for Veterans whose service related injuries have worsened such that they can no longer make provision for their retirement.

It has a restriction on the number of hours you can work each week which is fair and reasonable.

This is because in order to get it you have to be pretty incapacitated.

However, this restriction disenfranchises Veterans as citizens because it in effect means you cannot perform one of the privileges and responsibilities of citizenship running for Public Office such as Council or Parliament.

You have failed to address this disenfranchisement.

This needs to be properly addressed.

### **3.3 Important Points Not Even Considered By Commission**

#### **3.3.1 Military Superannuation – Can’t Rollover**

Government Policy is to not have Superannuation Accounts all over the place gathering administration fees but rather have them all consolidated into the one Account to maximise retirement return.

This concept was raised quite properly in your recent report on Superannuation Funds.

Fair Enough.

But under Military Superannuation, once you leave the ADF you cannot roll over your employer contributions over to your new Superannuation Fund.

This has issue has not been properly looked at by your report.

It should!

#### **3.3.2 Poor Performance / Disobedience Of The Law By Military Superannuation**

You have not looked at the issue of the poor returns of Military Superannuation.

I am a proud Australian Superannuation Member.

They no longer publish 5 year performance figures on their website.

However, when they did, it was overall appalling. The only portfolio that even approached industry standards was their Cash Portfolio but as we both know it takes an extraordinarily bad manager to get that one wrong.

You can’t even find their fees and charges on their new website!

Last time I was able to check they were extremely high for the industry.

Furthermore they disobey decisions of the Courts when it comes to treating an invalidity pension as compensation – Despite decisions of the Family Court they treat it as income to be given in part to your former wife – See Annexure C.

Since they form a major part of veteran Compensation why have they not been properly put under the Microscope.

They should have been.

They must be as part of this review!

### **3.3.3 Military Superannuation Can't Even Get Payments Right!**

One of our members recently had their mode of superannuation changed to medical which meant that they were eligible to claim from Military Superannuation.

What Military Superannuation did was:-

1. Not multiply the current pension amount by the period of back day
2. Just added up the historical pension amounts, not pay interest, not convert to current dollars.
3. Calculated the tax wrongly and
4. The addition applied the Budget Defect levy to the whole amount even though it covered payments all the way back to 1973, way outside the scope of the Budget Deficit Repair Levy.

He was entitled to \$1.6M, he only got \$900,000 of which over half was wrongly taken out as tax.

Yet again by ensuring there is no genuine consultation, you have ensured this vital component of Veteran Compensation is not looked at.

### **3.3.4 Need To Make All State Benefits Equal**

The different states provide additional benefits for Veterans who are injured.

In Victoria, Gold Card holder get half price registration and TAC.

If you are a Gold Card TPI Holder you no longer pay registration, get half price TAC as well as free Public Transport.

The other states vary.

This has not been looked at.

It should have.

### **3.3.5 Health Insurance**

As members of the Australian Defence Force, they are exempt the medicare levy.

When they leave, if they choose to go through Defence Health, Navy Health, Army Health and Air Force Health, they have three years to take out cover without having to pay the loading for being over 30.

But they only get told if they talk fund not as part of the discharge sequence.

This has not been looked at.

It should have been and must be.

### **3.3.6 Other Issues**

There are so many other issues that are relevant to the issue of Veteran's Compensation that would properly affect the report but won't because of the failure by the Commission to engage in genuine consultation.

## 4.0 Conclusions

By failing to allow genuine consultation through the abbreviated time tables which are more about your convenience and meeting an arbitrary deadline, a extremely substandard and sloppy report has been produced and will remain substandard as a result of the lack of genuine consultation,

### 4.1 The Authors Must Apologise To Veterans, The DVA And Trees

The authors of this **lack lustre, fast-food, slick-ass, Persian Bazaar manner** report need to apologise to:-

- ✓ The Veteran Community
- ✓ The Department Of Veterans Affairs
- ✓ The staff of the Department Of Veterans Affairs
- ✓ The Government
- ✓ Trees – there are trees working very hard to produce oxygen for them. They should find those trees and apologise to them!

One of the recommendations is that the Australian Defence Force does not need more rigorous Occupational Health Inspection and supervision.

It needs to be redone and then released for genuine consultation.

## 4.2 Current Best Description Of Draft Report

### “The Plan

In the beginning was the Plan.

And then came the Assumptions.

And the Assumptions were without form.

And darkness was upon the face of the Workers.

And they spoke among themselves, saying, "It is a crock of sh\*\*, and it stinketh."

And the workers went unto their Supervisors and said, "It is a pail of dung, and none may abide the odour thereof."

And the Supervisors went unto their Managers, saying, "It is a container of excrement, and it is very strong, such that none may abide by it."

And the Managers went unto their Directors, saying, "It is a vessel of fertiliser, and none may abide its strength."

And the Directors spoke amongst themselves, saying one to another, "It contains that which aids plant growth, and it is very strong."

And the Directors then went onto the Vice Presidents, saying unto them, "It promotes growth and is very powerful."

And the Vice Presidents went unto the President, saying unto him, "This new plan will actively promote the growth and vigour of the company; with powerful effects."

And the President looked upon the Plan, and saw that it was good.

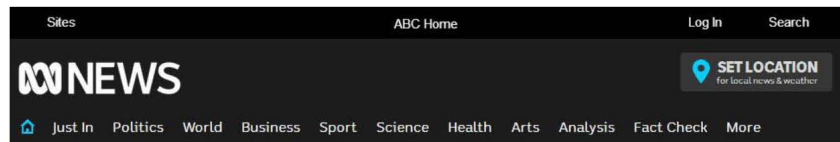
And the Plan became Policy.

This is How Sh\*\* Happens.”

[funnysh\\*\\*.com.au/the\\_plan.html](http://funnysh**.com.au/the_plan.html)

**QED**

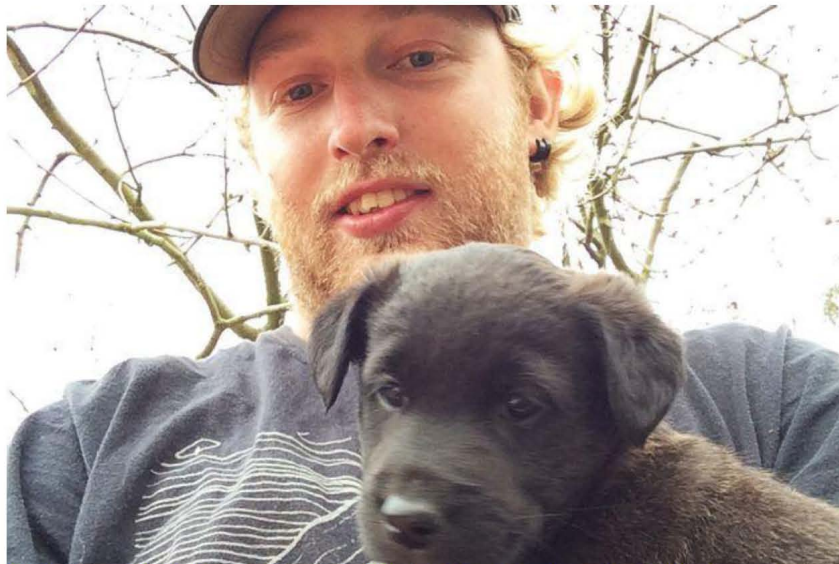
## Annexure A – Death Of Private Challis – Article By Felicity James



### Army didn't follow safety rules in 'shambolic' deadly exercise, inquest hears

By [Felicity James](#)

Updated yesterday at 10:06pm



**Photo:** [Jason Challis from Victoria was killed at Mount Bundery in the NT during an Army live-firing exercise. \(Supplied: Australian Defence Force\)](#)

**Related Story:** [Army admits death of soldier during live-fire exercise was preventable](#)

**Related Story:** [Soldier who died in NT training accident remembered as 'life of the party'](#)

**Related Story:** [Soldier killed in live-fire exercise remembered as 'happiest person on Earth'](#)

A failure to follow Army safety requirements, as well as time pressures and inexperience, all contributed to a "shambolic" live-fire exercise that killed a soldier, an inquest has heard.

#### Key points:

- Exercise Tigers Run did not follow Army safety doctrine, inquest hears

- Officer in charge of exercise was junior and faced time pressures
- Army blames commander's assessment of staff competency for failures

The inquest has been examining the fatal shooting of Geelong man Jason Challis, 25, during an urban live-fire exercise known as Exercise Tigers Run at Mount Bundey Station about 130 kilometres south-east of Darwin on 10 May, 2017.

Private Challis was behind a plywood building directly in line with a "dummy" target on the other side of the wall when he was shot in the head and leg.

Lieutenant Steven Cross was the officer in charge of designing and supervising the exercise, and gave evidence on Wednesday that he was a "junior lieutenant" with little supervision at the time.

"I do feel like there wasn't any influence or assistance, I guess, from anyone above me," he said.

Lieutenant Cross said his commanding officer Lieutenant Colonel Paul Shields made it clear that blank ammunition would not be available for a required blank run-through.

"The [commanding officer] was sick and tired of hearing people say they can't do anything," he said.

"I did everything in my power... but I was directed by my chain of command that it wasn't going to occur."



[Photo: The family of Private Jason Challis arrive at court in Darwin for the inquest into his death. \(ABC News: Jason Matthews\)](#)

## **Range preparation time halved**

At the time of the incident it was mandatory to conduct "dry-run" rehearsals and a run-through with blank ammunition before an urban live-fire exercise, said counsel assisting the coroner Kelvin Currie in closing submissions.

There was no blank ammunition available for the exercise, and the section Private Challis was in did not have a dry rehearsal, the inquest heard.

"If even a dry rehearsal had been conducted, it is almost inconceivable that Private Challis would have been in the danger zone behind a target," Mr Currie said.

"What is clear is that it was not a lack of appropriate doctrine that was the issue. It was a failure to follow the doctrine."

Mr Currie told the inquest it had been "a shambolic start" to the exercise, after an initial pause in the training because of safety concerns and soldiers missing their target.

Lieutenant Cross also gave evidence about time pressures on the exercise, which preceded Exercise Southern Jackaroo with US and Japanese forces.

"I was initially given two days to conduct the range, and the morning of I was told I had one," he said.

"I don't know why I was cut down by one day, but I was annoyed about it."

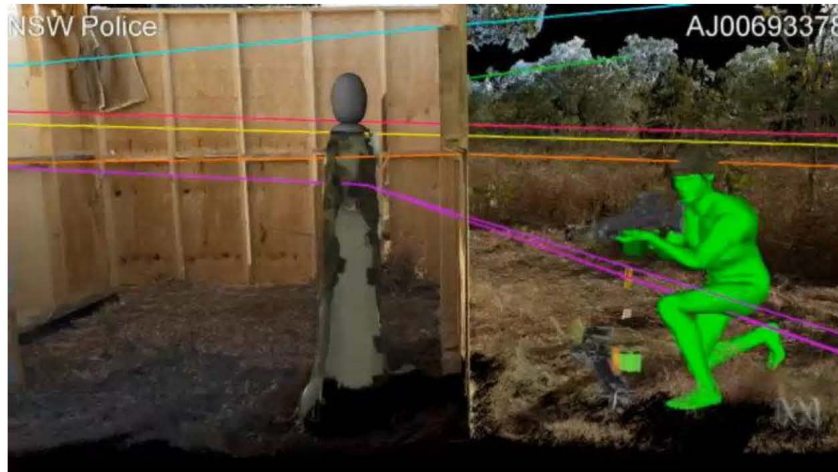
The inquest heard it was Lieutenant Cross's first time designing and supervising a so-called Category C urban live-fire range, but he believed it was a "great opportunity".

Consistent with evidence from other witnesses during the inquest, Lieutenant Cross said a live-fire range training course he attended did not focus on urban live-fire safety procedures contained in Army doctrine, known as "Annex K".

"Annex K isn't really stressed on the course," he said.



**Hand Up Brief Of Victims Of Abuse In The Australian Defence Force Association Inc.  
A0059257W To The Productivity Commission Inquiry Into Veteran's Compensation Draft  
Report**



[Video: A reconstruction of the shooting incident during Exercise Tigers Run \(ABC News\)](#)

### **Commander's ability to assess staff 'deficient'**

According to a statement from Lieutenant Colonel Paul Shields which was read aloud during the inquest, a "default mindset" existed within the Army not to disclose the tactical setting of live-fire practices to participants.

"It is common practice to predominantly seek to exercise our commanders and soldiers in a dynamic setting — having teams conduct activities on the objective live without having seen or rehearsed their actions on the actual range," he said.

"This default mindset runs counter to the risk mitigation measures outlined in Annex K, which require dry walk-throughs followed by blank rehearsals on the buildings utilised for the practice."

Lieutenant Colonel Shields also said Mount Bunday was not accessible for "reconnaissance activities and detailed planning" prior to Exercise Tigers Run because of "heavy wet season environmental impacts".

The inquest heard Lieutenant Colonel Shields was no longer with the Army.

### **'It's a clusterf\*\*\*'**

Defence Force counsel Fiona McLeod SC told the inquest the Army accepted Private Challis's section did not complete either a dry-run or a blank rehearsal, as required.

"The live question is whether the members in the activity were competent and qualified," she said.

Ms McLeod said the "accepted failures" reflected deficiencies in the commander's ability to assess the competency of staff, including the officer in charge.

"The Army does not accept the characterisation that this exercise was shambolic or that there was chaos on the ground," she said.

She said Army had put in place a new range safety team and an annual qualification requirement to demonstrate understanding of Army doctrine.

Counsel assisting the coroner recommended "proper dissemination and training" related to all Army safety documentation.

Coroner Greg Cavanagh said "shambolic" wasn't the only word that could be used to describe Exercise Tigers Run.

He referred to a scene in the movie Heartbreak Ridge, where Clint Eastwood's character is asked to describe a marine operation: "It's a clusterf\*\*\*," he said.

The coroner expressed his sympathy to Private Challis's family.

"I'm glad it's not my son," he said.

**Topics:** [defence-forces](#), [defence-industry](#), [law-crime-and-justice](#), [darwin-0800](#), [nt](#)

First posted yesterday at 8:09pm

[Terms of Use](#) | [Privacy Policy](#) | [Accessibility](#) | [Contact the ABC](#) | © 2018 ABC

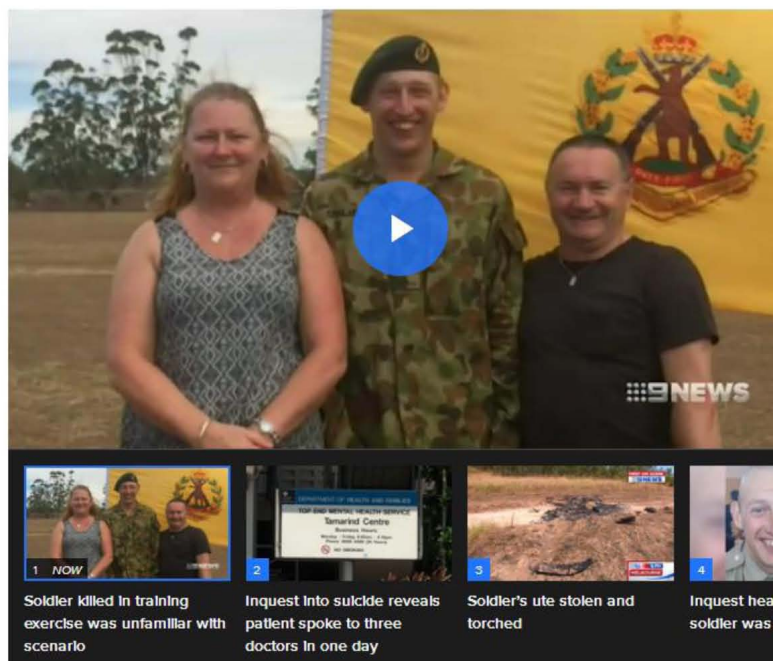
<https://www.abc.net.au/news/2018-11-21/army-shambolic-exercise-killed-soldier-safety-procedures/10520294?fbclid=IwAR1KnIh69Ny-mJK2WpSXy7AGC936I0bHyac1d0wSbPF1uhzxiObbu9nYyb4>

## Annexure B – Death Of Private Challis – Article By Melissa Mackay



### Jason Challis inquest: Parents of soldier killed in training don't want him blamed for his death

[By Melissa Mackay • Journalist](#)  
10:10pm Nov 21, 2018



The parents of a soldier killed in training in the Northern Territory last year say they are "now waiting to see what will happen" to those involved, as an inquest into their son's death wraps up.

Helen and Mirko Brandich spoke exclusively with 9News, remembering their son, Private Jason Challis, as a "cheeky" young man.

"He was a fun-loving partying kid and his life was cut too short," Private Challis' mother Mrs Brandich said.

"He didn't get to finish having fun."

"It should never have happened to Jason," his stepfather Mirko said.

"It should never happen to anybody."



The soldier's family want him absolved of blame for his death. (Supplied)

Sitting down with 9News after the court proceedings, Mr and Mrs Brandich described the 18 months since Private Challis' death as "too long" to wait for answers.

They wanted the inquest to show it wasn't their son's fault he was in the wrong position at the time he was shot in the head.

"The way the defence barrister (for Army) summed up her case, that's the way it sounded to me," Mr Brandich told 9News.

"She was blaming him for not being trained. And that's not the case at all."



Jason Challis' parents say his "life was cut too short". (Supplied)

The inquest heard today Private Challis' group didn't have a mandatory "blank" run of the exercise, before live firing began.

The group was limited on time and not given the blank ammunition needed for a practice run, despite this being part of the training safety guidelines.

Harrowing bodycam vision played to the court showed the young soldier and his team moved into the wrong positions during live fire.

They were quickly called back.

But Private Challis wasn't accounted for, before the group were told to "carry on."

"It's their job to train him, he'd only been out of initial training for 10 months. They should have been watching his back and making sure he was where he should have been," Mrs Brandich said.

"And they had procedures in place and they should have followed them," Mr Brandich added.

"But they didn't follow them."



Private

Challis was killed in a training exercise. (AAP)

The family said they just hoped in the future no one takes any "shortcuts" and training is done by the book.

Following the death of Mason Edwards in South Australia in 2009, a number of changes were made to the safety guidelines for urban exercises.

But Counsel Assisting the Coroner, Kelvin Currie told the court today "it wasn't the lack of appropriate doctrine that was the issue, it was the failure to follow the doctrine."

"I can't say it's not going to happen again, because it's happened on a number of occasions prior to this," Mr Brandich said.

"And Army keep saying 'yep it won't happen again' and somehow, it seems to keep happening."

"Four things they should have done, but they didn't and it's now wrecked about 20 people's lives," Mrs Brandich said.

Coroner Greg Cavanah is expected to hand down his findings in the new year.

"I do not expect to be making specific criticisms of particular individuals," he told the court today.

"That may be something for the Army after this process and consequences may follow."

© Nine Digital Pty Ltd 2018

[Careers](#) [Advertise with us](#) [Help](#) [Terms of use](#) [Privacy](#)

© 2018 Nine Digital Pty Ltd

Source: <https://www.9news.com.au/2018/11/21/21/28/darwin-inquest-soldier-jason-challis-family-speak>

## Annexure C – Military Superannuation Disobeying Court Decisions

Injured veterans don't have to split invalidity payment

<http://www.news.com.au/national/courts-law/injured-veteran-...>



JETSTAR will fly Aussie tourists back from Bali on Sunday but Virgin has grounded all flights and will reviews the situation on Monday.

**Gold Coast teen dies from stab wound**



DETECTIVES believe a 16-year-old boy who died from a stab wound was attacked on the street and then sought help from nearby residents.

**Latest In national**

### Injured veteran fights and wins court case against invalidity payment splitting

November 14, 2015 6:05pm



Intimidated ... Veterans say they are often bullied by lawyers into splitting their invalidity payments to their ex-spouses. Picture: Doreen England.

Ian McPhedranNews Corp Australia Network  
**EXCLUSIVE**

IN a major victory for injured defence veterans, a Family Court judge has ruled that invalidity payments are immune from divorce settlements.

The judgement means that thousands of veterans have been wrongly advised by the [Commonwealth Superannuation Corporation](#) (CSC formerly CommSuper) that the payment was "splittable".

It could involve hundreds of millions of dollars in incorrect payments and unnecessary court action.

2 of 5

17/11/2015, 6:05 AM

Injured veterans don't have to split invalidity payment

<http://www.news.com.au/national/courts-law/injured-veteran-...>

The ruling was made by Justice Michael Kent in Queensland after a Family Court battle by a 44-year-old army veteran who ran his own case against the might of the Commonwealth.

Justice Kent ruled that the CSC's argument that invalidity entitlements under the Military Superannuation and Benefits Scheme (MSBS) were "superannuation" was wrong.

The ruling was not contested by the veteran's former spouse.

#### **EARLIER: Bravery Trust fills the gap for battling veterans and their families**

Despite the judgement, the CSC still regards invalidity benefits as "a form of superannuation payable as income support for the pensioner for the extent to which the person has been incapacitated for civilian employment by their ADF service."

Justice Kent ruled that the CSC's argument was incorrect and that the benefit was insurance and therefore not "splittable".

The judgement has been ignored by the CSC, but supported by the legal fraternity who say it could have major consequences for veterans receiving invalidity payments and their ex-spouses.

The CSC refused to comment on the matter, but in correspondence obtained by News Corp it attacked the judgement.

"The Judgement in the Family Court proceedings did not expressly address any of the relevant statutory provisions within the complex framework governing family law superannuation splitting and should not be regarded as a conclusive determination of this issue," it said in a letter to the Commonwealth Information Commissioner.



Court win ... A judge has ruled that invalidity payments are immune from divorce settlements. Source: ThinkStock

Injured veterans don't have to split invalidity payment

<http://www.news.com.au/national/courts-law/injured-veteran-...>

Principal lawyer with Slater and Gordon, Annemarie Gambera, said that invalidity benefits under the MSBS were clearly not deemed "superannuation interests" under Family Law.

"Noting that the pension was not in fact a superannuation entitlement/interest, it is impossible to split it under superannuation splitting," she said.

"This is consistent with the purpose of these benefits as expressed in the Cole Report."

That 1990 report said the payment would "provide insurance against invalidity and death with the amount of benefit payable providing compensation for the retirement benefit foregone because of premature termination of service."

The veteran who cannot be identified said it appeared that he was the only person to have audited information provided by the CSC.

"It didn't sit right with me on principal," the eight-year army veteran said.

He was medically discharged with serious back injuries and receives a Totally and Permanently Incapacitated (TPI) pension and is unable to work.

"I urge veterans to get into the Family Court and to not take what the CSC or its expert witnesses say as gospel. Invalidity payments are insurance not superannuation and because they are not defined benefits they are not splittable."

He said he could see why the CSC was reluctant to admit its error because there could be thousands of cases like his and hundreds of millions of dollars at stake.



Scathing ... A veteran has urged others not to take the CSC's claims as gospel. Picture: Darren England. Source: News Corp Australia

"It took two years of arguing against nine different lawyers and three barristers in two federal courts in front of two registrars and three judges to get the message across," he said.

"Although I won I still find it a national embarrassment that people who have fought for their country have to go through this due to incorrect information provided by their Super fund."

#### CASE STUDY

A veteran who became a paraplegic following two parachuting accidents while serving with the army's 3rd

Injured veterans don't have to split invalidity payment

<http://www.news.com.au/national/courts-law/injured-veteran-...>

(parachute) Battalion has vowed to fight to save his invalidity pension.

The former soldier, who cannot be identified, was medically discharged in 1995 and fought for two years for a TPI pension.

He has been in court battling his ex-wife who is seeking to 'split' his invalidity payment by seeking half of the \$1200-a-fortnight 'insurance' benefit.

"Many veterans are sick and just hand over the money after being bullied by lawyers," he said.

"I can think clearly and will fight this to my last breath."

The veteran, who has competed in wheelchair triathlon championships, said he would always look after his dependent children, but he would not hand over the invalidity payment he received for serving his country.

He welcomed the judgement in the Burns matter.

"I look forward to going to trial."

---