

02 4473 9552


WRITE WAY
Research Service
Specialising in research of Defence war records

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RELEASED

7th February 2001

 The Deputy Commissioner
 Department of Veterans' Affairs (National Office)
 PO Box 21
 WODEN ACT 2606

 Attention: **Mr Ivan Cahill**, Director Legal Services

For Information

 Mr Anthony Staunton
 Disability Compensation Policy Branch
 DVA National Office

 Dear *Ivan*

RULING BY THE QUEENSLAND GOVERNMENT OMBUDSMAN THAT PERSONS INVOLVED IN THE RESEARCH OF VETERANS' WAR SERVICE (FOR REWARD) MUST BE LICENSED AS PRIVATE INVESTIGATORS

You will be aware that Writeway Research Service, along with a number of other contracted military researchers, are providing research services to the Department of Veteran's Affairs (DVA) under a standing offer Commonwealth contract. The research reports generated by the supplier under the respective Commonwealth contract are in accordance with the standard 'General Conditions for Contracts for Research Services', and in the main are provided to assist the disability compensation claims assessors and advocates in progressing Veterans' claims.

I wish to bring to the attention of the Legal Services office of a ruling that has just been advised by the Department of Fair Trading in Queensland (Mr Joe Camilleri on telephone 07 3239 0123) that the Queensland Government Ombudsman has ruled that the nature of work carried out by military researchers who are not in possession of a Private Investigators license are in breach of Section 6 of the Security Providers Act 1993 for any enquiries that are conducted in the state of Queensland in regard to the military service of individual persons.

I have taken the liberty of enclosing a copy of all correspondence generated with the Department of Fair Trading in Brisbane arising from a complaint from a Vietnam veteran (a PTE cook and former Queensland police officer) who has objected to his alleged combat related stressors having being researched against official Army records, with former unit personnel and first hand witnesses, none of which were substantiated.

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The most recent correspondence from the Department of Fair Trading dated 30 January 2001 describes the very same research process that is followed military historians or researchers in establishing the facts and evidence in relation to incidents cited by individual Veteran's in claims submitted to DVA in seeking entitlement to disability compensation benefits.

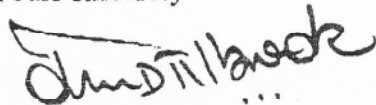
By way of example WRITEWAY prepares more than 250 reports on Veteran's cited operational service claims each year, drawing the official records held by Department of Defence (including the Navy, Army and Air Force records offices and history directorates), the Australian War Memorial, as well as published histories and consultation with former unit members (such as unit OCs, PI Comds, SNCOs etc).

In light of the ruling now advised by the Department of Fair Trading in Queensland that any enquiries about the prior military service of individual persons can only be conducted by licensed Private Investigators in that state, the interpretation of DVA Legal Services is now sought on the situation in Queensland, as it may also apply to all other states in relation to military research conducted into individual veterans' claims.

The underlying question in relation to the enclosed correspondence from the Department of Fair Trading in Queensland is whether or not all other researchers around Australia now under contract to DVA should be informed of the need to hold a Private Investigators (PI) license, and whether or not PI licenses are required to be taken out in every state and territory (due to the Australia wide nature of enquiries undertaken in DVA cases), and finally whether or not the terms and conditions of Commonwealth contracts for all contracted research service providers are now in need of amendment.

In regard to the above matter your Legal Services branch may wish to consult with the Australian Government Solicitors Office in Canberra on the impact of the ruling of Department of Fair Trading (Queensland) on all extant Commonwealth contracts for research services that are connected with the day-to-day core business of the Department of Veterans' Affairs.

Yours sincerely



JOHN TILBROOK
WRITEWAY RESEARCH SERVICE

Enclosures:

Correspondences between Dept of Fair Trading and WRITEWAY (total 20 pages).