

PRIME MINISTERIAL REPRESENTATION TO J HOWARD
BY EX-MAJOR ALLAN WARREN – March 2007

1. Prime Minister J Howard and a succession of his Ministers for Defence from 1995, namely Reith, McLachlan, Moore, Hill and now Nelson have protected Defence's definitive cover-up reports on the ex-Major Warren case, written by LTCOL Salmon QC in 1994/95. This is despite Warren's detailed Prime Ministerial representation to Howard in 1997 that the Salmon QC 1994 report was poor and improper. The evidence is that although the Army generals used the Salmon QC reports to lie to the responsible ministers, these ministers have acted with indifference and denial to this impropriety and dishonesty and have done their all to shut down this case. The more Howard's Government has acted to cover-up its improper decision-making at the expense of integrity and justice, the more lawless have become its omissions and denials.
2. It has been deliberate conduct by the portfolio responsible ministers that the case has never been properly investigated nor a proper redress granted to bring closure to 26 years of ministerial impropriety, deceit and bastardization. Portfolio responsible ministers, especially Bronwyn Bishop (Liberal) in her answers provided to the Senate to cover-up for BRIG J A Hooper, have lied to Parliament both in the Senate and House of Representatives in answers to Questions on this case. Howard's Government is now acting to ensure that its own, and the Army's generals', contempt of and indifference to the rule of law and "due process" are protected. The Warren case continues to exemplify ministerial concealment of grave and systemic failures in their responsibility, control and administration over their Defence portfolio.
3. The cruxes of this case are:
 - a. LTCOL Emmet's and COL Christopherson's corrupted confidential performance report writing in 1980 to improperly and maliciously damn MAJ Warren's professionalism and competency.
 - b. Military Secretary (Mil Sec) BRIG J A Hooper's 1980/81 use of these officer's confidential reports, to improperly orchestrate Warren's termination from Army on false charges of gross incompetency and unprofessionalism.
 - c. The Howard Government used Aldo Borgu, a Member of Parliament Staff (MOPS), to shut down the case. Howard's ministers are using the LTCOL B J Salmon QC 1994 investigation report to cover up for BRIG Hooper's corruption of the officer career management system. Contrary to the evidence, the Howard Government continues to argue that BRIG Hooper "misunderstood" the Emmet and Christopherson damning reports on MAJ Warren. The generals and responsible ministers have pretended BRIG Hooper made a 'technical error' in bringing Notice to Show Cause (NTSC)

charges against MAJ Warren so as to destroy his career, reputation and livelihood without due reason.

- d. the systemic and long-term efforts by the Liberal Party to cover-up the chronology of several corrupted ministerial investigations and decision-making on the case from then Minister for Defence, James Killen's corrupted 1982 investigation, culminating in the 2005 cover-up of Salmon QC's whitewash 1994/95 reports used by the Howard Government to keep this case unredressed and closed for the passed 11 years, and
- e. how systemic and chronic lying by the Army generals to the responsible Ministers and Prime Minister went out of control and continued under the guidance of the Director of Army Legal Services (DALs). Warren has repeatedly reported back to these responsible ministers and detailed how the generals have lied to them in advice for their decision-making. In response the generals are advising the Howard Government ministers not to examine the Salmon QC reports or the ex-MAJ Warren case and to have no further correspondence with Warren, but if necessary, get a MOPS to sign so as to distance the minister from responsibility for his/her decision-making. Prime Minister Howard and his ministers have complied with this advice so as to maintain the cover-ups and to protect years of improper ministerial decision-making by them to date.

4. Investigating Officer, LTCOL Salmon QC focused his 1994/95 reports on four salient parts of the case. These were critical to protect the cover-ups of corrupted ministerial "investigations" and decision-making that had preceded his own investigations. Salmon QC's investigations were cunning to avoid damaging evidence and to obfuscate other evidence of wrongdoing, namely:

- a. LTCOL P Emmet wrote two confidential report appraisal reports on Warren, one in June, and added onto by COL G J Christopherson, and the other in December 1980, to fabricate criticisms and make allegations, without any substantive evidence whatsoever, that Warren was grossly incompetent and unprofessional. **Salmon found that neither officer had done anything wrong in writing these reports even though they failed, when told to, to produce any evidence whatsoever in support of their damning allegations and fabrications of evidence against Warren.**
- b. Military Secretary T-Scores on Emmet's two 1980 reports on MAJ Warren's performance produced a statistically implausible cluster of a few alarming 'freak' T-Scores. This would have identified to LTCOL Salmon QC corruption in LTCOL Emmet's and COL Christopherson's writing of these reports wherein they had fabricated accusations that MAJ Warren's performance was incomprehensibly incompetent and unprofessional. **Instead, Salmon QC's in-depth T-Score audit found nothing unusual in these 'freak' 1980 T-Scores and that these two officers had done nothing wrong in generating these**

scores as part of their Commonwealth Law duty to write honest and proper reports on Warren.

- c. **Salmon QC found that then Minister for Defence, James Killen's investigation of Warren's case, done for him by (the alleged) Office of the Defence Force Ombudsman (DFO) in 1982 was proper and "exhaustive."** In fact there was no statutory DFO in existence at the time. Instead, it was a corrupt cover-up report generated by Killen (Liberal) and independent from the Army generals. The AAT described this Killen investigation as a 'cut and paste' of BRIG Hooper's and then DALs, BRIG Ewing's cover-up documents. The AAT also found that the case had not been objectively and comprehensively reviewed several times as claimed by the responsible ministers.
(for detail and reasoning see:<http://www.....>)

- d. **Salmon QC found that MAJ Warren's 1994 complaints to then Minister for Defence, R Ray that then Acting Chief of Army, MAJGEN Carter, had given false and misleading evidence under oath during cross-examination to a 1993 AAT hearing were totally baseless.** As exemplified below, evidence to the contrary is blatant.

5. At the Administrative Appeals Tribunal (AAT) hearing in 1993, then Acting Chief of the General Staff- Army, MAJGEN Carter, gave evidence under oath that:

- a. *In 1981 there was no need for Army to consider MAJ Warren's reply in defence to the charges of gross incompetency and unprofessionalism because he had clearly refused to admit to the charges and hence could not be rehabilitated.* Carter's evidence was a blatant lie that defiled the most basic notions of Military Law and the rule of law. This so embarrassed the AAT's sitting members that they were obliged to interrupt Carter and warn him that the matter at hand was a very serious legal one. The AAT also rejected several points in Carter's written evidence and initiated its own FofI Act annotations to Warren's Army records that had been used to force his termination. This precipitated the re-opening the case in 1994 with the appointment of LTCOL Salmon QC as Investigating Officer (IO).
- b. *MAJ Warren's 31 December 1977 Confidential Report, written by LTCOL J Gillespie, recommending promotion, was evidence of Warren's unprofessionalism and incompetency.* Gillespie wrote "Major Warren is an honest officer who performs well in his present appointment". Head of Corps wrote: "An average report on an average officer". Both AAT and LTCOL Salmon QC found everything about this report to be "average". Carter also failed to produce a Defence document to the Tribunal, that Warren was able to, after obtaining it under the FofI Act, that stated Mil Sec BRIG Hooper's office knew that LTCOL Gillespie wrote harsh reports on all of his officers.

- c. *MAJ Warren's June 1980 Confidential Report, written by LTCOL P Emmet was an average report.* The audited T-Score 22 on this report statistically confirmed that it was a bad report. It was then savagely added to by Emmet's Corps superior officer, COL J G Christopherson, to accuse Warren of been grossly incompetent. This downgraded the report to T-Score 10. This report was seized upon by then Mil Sec, BRIG J A Hooper, as proof of Warren's incompetence and unprofessionalism. Hooper wanted to use this report to instigated his charges against Warren so as to terminate him from Army.
- d. *MAJ Warren's TACTICS 3 Course report of June 1980 was evidence of his incompetency.* Again, the AAT dismissed outrightly Carter's evidence and stated the report was a good one. LTCOL Salmon QC himself reported that it was hard to fathom why an officer who received this good TACTICS 3 course report in June 1980 would be called upon to show cause why his appointment should be terminated in February 1981.
- e. *Director of Psychology Corps- Army (DPSYCH-A) T-Scores on MAJ Warren's reports 1970-1979 and the policy documents and methodology used to generate them were proper and sound.* Carter's evidence confused and mystified the AAT's sitting members. And in 1996 an independent university examination of Carter's evidence found it to be a mixture of hocus pocus and ignorance. It also found that Army's Confidential Officer Performance Appraisal System, if exemplified by the 1980 Emmet and Christopherson reports on Warren, to be punitive and of little value for anything. In addition it found DPSYCH-A, COL Hall's audited T-Scores on Warren's two 1980 reports to be an "arrant nonsense".

6. Salmon QC's 1995 investigation report found that MAJGEN Carter had not attempted to mislead the AAT hearing, hence Warren's complaints to Minister for Defence R Ray were totally baseless - a finding that belied Carter's stupidity and malice under oath made more vile and alarming given his leadership position at the very top of the officer corps.

A successor to BRIG Hooper, Military Secretary BRIG R W Fisher (Ret'd), had a significant input in generating MAJGEN Carter's written evidence to the 1993 AAT hearing.

7. After the Minister for Defence, Science and Personnel, Gary Punch, received the LTCOL Salmon QC report, MAGJEN Carter then wrote to the Attorney General's Department demanding action against Warren for besmirching the office he held. Carter claimed "*Warren's allegations that I misled the AAT questions my integrity. Mr Warren resigned from the Army in 1981 – an act he now alleges was forced upon him.*" MAJGEN Carter's behaviour is reminiscent of the Dreyfus Affair wherein the perpetrators of lies and abuses of power demanded the protection of the state to cover-up their cowardice after they had gone to extraordinary lengths to fabricate evidence against CAPT Dreyfus.

8. As a consequence of MAJGEN Carter's T-Score evidence to the AAT in August 1993, in November 1994, COL Hall's DPSYCH-A's expert on the officer report T-Scores produced an audit on Warren's two 1980 confidential reports for LTCOL Salmon QC's investigation. Statistically "Corrected" and "Uncorrected" T-Scores 22, 10, 9, and 5, on a T-Score range 20-80 were established. A T-Score of 10 is statistically impossible to achieve other than as a 'freak' T-Score, called an "*outlier*" by psychologists. It is an alarm bell that something is extremely wrong with the data input to the report system. In MAJ Warren's case LTCOL Emmet and COL Christopherson had generated a cluster made up of few of these *outlying* T-Scores on Warren's 1980 reports. This was critical evidence of maladministration in data input into the Confidential Officer Performance Report writing that LTCOL Salmon QC discovered then buried. Instead, he found that Warren's T-Scores were statistically correct and that Warren's submission of 11 March 1994 to Minister of Defence, R Ray, wherein he alerted the minister to "error or fraud" in Mil Sec T-Score usage, was wrong. The independent university analysis of DSYCH-A's audited T-Scores on Warren's 1980 reports, used by Salmon QC in his investigation report, found them to be arrant nonsense and mischievous. This simply confirmed how blatantly obvious LTCOL Emmet and COL Christopherson had corrupted the officer performance report writing system for use by BRIG Hooper.

9. Salmon QC, despite his witnesses' statements describing MAJ Warren's 1979 and 1980 performance as "no better or worse than any other officer of his rank", pushed aside any investigation into the relationship between the outlying cluster of 'freak' T-Scores and how and why Emmet and Christopherpherson had fabricated evidence to produce them by writing their Confidential Reports on Warren to damn both his professionalism and competency. Instead, LTCOL Salmon QC found that neither of these officers had done anything wrong.

10. Several times from 1982 the relevant incumbent Minister for Defence had obliged Army to investigate and report on the ex-MAJ Warren case. Each time the generals had lied to him. A succession of investigations and decisions by Ministers for Defence, then the Prime Minister, then the Governor-General had insisted, in their decision-making, that MAJ Warren was guilty of unprofessionalism and gross incompetency. In 1993 the AAT gave decision that the case had not been properly examined for and by the responsible ministers as previously asserted, on numerous occasions, by them

11. Then, in response to Warren's ministerial representation of 11 March 1994, to then Minister for Defence, R Ray, Army was again directed to investigate the case. So, on 17 August 1994 then Chief of Personnel- Army, wrote to then Director of Army Legal Services (DALs), COL J A Harvey:

*"we need to do an independent investigation to rebut Warren's allegations.
Suggest QC and someone who understands T-Scores."*

DALS, COL J A Harvey, then appointed LTCOL B J Salmon QC to disprove Warren's ministerial representations involving the circumstances of his forced resignation, the then Mil

Sec, BRIG J A Hooper's improper role in it and MAJGEN Carter's misleading evidence to the 1993 AAT hearing. DPSYCH-A, COL Hall, was responsible for control of the T-Score audit as part of this investigation to discredit Warren's concerns about misuse of T-Scores.

12. On 28 October 1994, Warren wrote to then Minister for Defence, Science and Personnel, Gary Punch (Labor), to alert him that LTCOL Salmon QC would do a whitewash investigation and evade compliance with procedural fairness and propriety as required by a Legal Corps Investigation Officer. Warren requested Mr Punch insist, this time, that this new investigation, by LTCOL Salmon QC, comply with proper and competent standards in the report for him with Salmon QC abiding by the guidelines of the Administrative Decisions (Judicial Review) Act 1977 standards which Warren detailed to the minister.

13. Defence records show that Mr Punch forwarded a copy of Warren's letter to Defence for DALs, COL Harvey without any instructions by the minister. Defence records also reveal that Salmon QC then deliberately set about to avoid legal compliance in his investigation as required under these Commonwealth Law standards of propriety. The whitewash investigation went ahead for responsible ministers Senator R Ray and Gary Punch MP, via Chief of the General Staff, LTGEN Grey.

14. After LTCOL Salmon QC submitted his IO's report in December 1994, DALs, COL Harvey, then distorted it to lie in a ministerial brief that the 1980 June and December reports, written by LTCOL Emmet and COL Christopherson, did not (repeat NOT) accuse MAJ Warren of incompetence but **only** accused him of unprofessionalism. Harvey pushed aside Warren's sound reply in defence against their claims that he was grossly incompetent **and** unprofessional. **Harvey left open Christopherson and Emmet's unsubstantiated accusations of unprofessionalism so as to keep the case against Warren alive but removed these officers from any culpability in fabricating their damning accusations against Warren of both incompetency and unprofessionalism.** . COL Harvey's purpose was to justify these officer's corruption and maliciousness against MAJ Warren without their motives or conduct for their fabrications been properly investigated for and by the responsible minister. Yet, LTCOL Salmon QC had previously confirmed Warren's defence that there was no substantive evidence to their accusation of both incompetency and unprofessionalism

15. In contradiction to Harvey's argument above, and earlier in his same brief, COL Harvey, in giving legal opinion on the LTCOL Salmon QC Investigation Report, for Chief of General Staff, LTGEN Grey, had written :inter alia:

"The IO is not talking of "procedural fairness' required of administrative decisions makers, but rather fairness in its general sense. The evidence indicates that the NTSC was full of conclusions without specifying the actual evidence to support such conclusions. In 1994 such a NTSC would be struck out for lack of particularity. The unfairness arose because the documents referred to in the NTSC did not amount to evidence of the propositions that they were intended to support."

16. There are few fundamental and revealing faults in DALs, COL Harvey's positioning:

a. Defence regulations require that Legal Corps Investigating Officers investigate the propriety and fairness of Defence administration in line with standards laid down by the Administrative Decisions (Judicial Review) Act 1977. They do not provide for legal officers to whitewash an investigation by merely looking at general or moral aspects of decision-making, as did Salmon QC, to evade a proper examination of the official conduct of BRIGs Hooper and Ewing and LTCOL Emmet and COL Chistopherson. Salmon clearly understood this because he put a deliberate disclaimer on his December IO report that he had not investigated procedural fairness and decision-making in the legal or official sense. He falsely argued that his Terms of Reference did not require him to do so. But in fact they specifically required him to include examination of “improper Defence administration”. Warren’s advance warning letter to the responsible minister, Gary Punch that LTCOL Salmon QC would evade propriety in his investigation was not acted upon by the minister to ensure Commonwealth Law standards in Defence’s reporting to him.

b. COL Harvey’s position that the integrity and competency of the generals and their senior legal officers in decision-making in military justice cases had substantially improved by 1994 is more of his arrant nonsense. In 1895 the false charges against Captain Alfred Dreyfus would have been “struck out for lack of particularity” but for the fabrication of evidence by the Minister for War (Defence) and by Army headquarters in Paris. Likewise, the charges against MAJ Warren would have been “struck out” in say 1911, 1947 or 1960 or in reality in 1981, had they not been corruptly framed on fabricated evidence by Army headquarters in Canberra and corruptly “investigated” by then Minister for Defence, James Killen for use in decision-making by his successor Ian Sinclair (Liberal).

c. For DALs, COL Harvey, to argue that by 1994 Defence’s legal officers’ honesty and propriety had risen above the improper standards of BRIGs Ewing and Hooper in 1980/81, then surely Harvey himself, in 1995, would not have created his own falsehoods to re-write, in bizarre fashion, the history of Warren’s case so as to protect the maladministration of a concert of wrongdoers. Nor would Salmon QC have side-stepped his Terms of Reference, in December 1994, to conclude in his IO cover-up report, “it is impossible to reach any conclusion that there was unfairness in Defence administration in compilation of Confidential Reports on MAJ Warren” - that was evidenced by punitive ‘freak’ T-Scores 10, 9, and 5. Nor, after Warren’s warning to Minister Punch, would Salmon QC have been able to circumvent examination of legal procedural fairness and propriety in decision-making by DALs, BRIG Ewing and Mil Sec, BRIG J A Hooper to corruptly destroy Warren’s career, reputation and livelihood.

d. Nor would COL Harvey have prepared deceitful advice to Ministers Robert Ray and Gary Punch that all previous ministerial decisions to uphold the charges against Warren were based on “information available at the time”. This served to conceal the systemic lies that the generals had given to the ministers year after year for them to make their repetitive egregious decisions against Warren. Nor would Harvey have argued that no-one had forced MAJ Warren to resign.

e. And, nor would the Military Justice System have collapsed from the top down to its unfixable state by 2005.

17. If there was any integrity left in DALs by 1994, the ex-MAJ Warren case would have been resolved and properly redressed by fair and proper ministerial decision-making then. Instead, since 1995, under Howard's Government, the cover-ups of the corruption of the Administrative Law component of the Military Justice System by senior officers has been consolidated by a solid wall of Liberal Party ministerial evasions and denials in subservience to advice being given to them by the Army generals, based on corrupted information generated by DALs, COL J A Harvey.

18. On 1 August 1997 ex MAJ Warren petitioned scores of Members of Parliament and Senators. In part he wrote:

*"The case details reveal how public officials have cognitively and unconscionable perverted and subverted their professional expertise, probity and duty.....
When and where the improbity of any internal government culture violates public duty, decency and legitimacy, Members of Parliament ought to be the first to act and be seen to act against it."*

19. Many parliamentarians responded to Warren's concerns and wrote to then Minister for Defence, Science and Personnel, Bronwyn Bishop (Lib). She had previously used the LTCOL Salmon QC report to shut down Warren's case but under this parliamentary scrutiny had it re-opened and yet again called upon Defence to account. In effect the generals told her to shut down the case and not question the Salmon QC report. MOPS, Aldo Borgu did this on her behalf, so as to distance Bishop from her decision-making. Bishop was a weak minister who did what the generals told her to do, as has the Howard Government since then.

20. DALs COL J A Harvey was responsible for preparing Army's advice to Bishop. By 1996 he had already prepared a brief to be used to lie to the responsible minister. It strengthen the cover-up of COL Christopherpherson's and LTCOL Emmet's vicious abuse of the officer performance report system. Contrary to the facts, COL Harvey deceitfully argued that in 1980 neither Christopherson nor Emmet had criticized Warren's competency. Instead, Harvey argued that in 1981 Mil Sec, BRIG Hooper, had mistakenly believed that Christopherson and Emmet had written in their reports that Warren was grossly incompetent. COL Harvey, by sleight of hand, called Hooper's abuse of power a 'technical error', claiming he had made an error in perception of what Christopherson and Emmet had written on Warren but had then used his faulty perception of the reports' contents as evidence to bring charges against him. COL Harvey, using his own corrupted decision-making process, covered for BRIG Hooper and also for then DALs, BRIG Ewing, who facilitated Hooper's agenda, by arguing that they had "technically" erred. By pretending that Hooper was stupid rather than dishonest, Harvey has attempted to put both himself and Hooper above accountability and the rule of law. Harvey also protected Christopherson and Emmet by denying that they had criticized Warren's competency. In reality, Christopherson and Emmet had fabricated allegations to make it appear that Warren was incomprehensibly

incompetent and unprofessional. LTCOL Salmon QC's audit of T-Scores 22,10,9 and 5 had confirmed what these officers had done.

21. COL Harvey next lied to argue that it was MAJ Warren's 1981 reply in defence to BRIGs Hooper's and Ewing's charges that identified that COL Christopherson and LTCOL Emmet had not criticize his work competency but had only criticized his unprofessionalism. Warren's defence reply did no such thing. In fact, Warren defence reply had properly identified and addressed that Christopherson and Emmet had used allegations without substance to accuse him of BOTH gross incompetency and unprofessionalism. It was COL Harvey's sleight of hand, 14 years after the event, that perversely twisted the truth of Warren's 1981 defence reply so that he could falsely claim that Christopherson and Emmet had not accused MAJ Warren of professional incompetency but only of unprofessional attitude. Harvey's perversion was further duplicity by him to cover for Christopherson and Emmet who had **fabricated** accusations of BOTH incompetency and unprofessional attitude to be used by BRIG Hooper to bring Notice to Show Cause (NTSC) charges against Warren.

22. COL Harvey then fraudulently argued that BRIGs Hooper and Ewing had made a second "technical error" in not accepting Warren's reply in defence that Christopherson and Emmet had not (repeat NOT) accused him of incompetency in the June and December reports. In reality they both had accused him of incompetency. In 1995 COL Harvey, in effect, re-wrote the original 1981 BRIG Hooper charges to delete reference to Christopherson's and Emmet's unsubstantiated accusations of gross incompetency but left in doubt their unsubstantiated accusations of unprofessionalism. This was in violation of LTCOL Salmon's QC's 1994 finding that there was no evidence to support either of BRIG Hooper's two charges against MAJ Warren.

23. DALs, COL Harvey, injected his lies into the general's reports to the minister on the case so as to protect COL Christopherson's, LTCOL Emmet's, BRIGs Hooper's and Ewing's participation in the corruption of the officer career management system. Their corruption was vicious and blatant and many ministerial investigations and decisions have been used to maintain and preserve this insidious state violence and abuse of power. The ex-MAJ Warren case has always been about and, defined by, the integrity and honesty of ministerial and Governor-General decisions 1982 to date.

24. The process of ministerial lying began in 1982 with then Minister for Defence, James Killen. Separate from the generals, he used a senior Defence public servant as a pretend Defence Force Ombudsman to allegedly independently investigate the circumstances of Warren's forced termination. Killen's successor, Ian Sinclair, used this corrupted report to extinguish the truth and prevent ex-MAJ Warren's right to be treated fairly and honestly by the responsible minister. The AAT described this Killen investigation as a 'cut and paste' of BRIGs Hooper's and Ewing's original documents. They had used these documents to conceal their own corruption in framing Warren on false charges. Salmon QC subsequently covered up for Killen's report. He claimed it was an "exhaustive" investigation i.e. it was a proper and objective investigation. (for reasoning see: <http://www.....>)

25. Despite Warren's warning that they would be lied to by the generals, the ministers failed to get proper and honest advice from the Department of Defence. Instead, Gary Punch (Labor) and Bronwyn Bishop (Liberal) used the Salmon QC report to shut down the case. Immediately after the ex-MAJ Warren case was summarised in the Sun Herald on 25 June 1995, Gary Punch (Labor), in answers to Questions in Parliament, was opportunistic in claiming credit for instigating the LTCOL Salmon QC investigation that found Warren had been treated unfairly by Defence but that no one was to blame for the destruction of his career, reputation and livelihood. Defence records hold a copy of his answers. Punch had not instigated the Salmon QC investigation. That was done by Minister for Defence R Ray in response to Warren's ministerial representation and by concerns of the adverse effects of the AAT's FofI Act amendments on Defence's records that Army's previous advice to several portfolio responsible ministers against Warren was inaccurate and misleading. Next, Bronwyn Bishop lied in answers to Questions on Notice in the Senate to say that there had been no investigation into BRIG Hooper's role in MAJ Warren's termination from Army. She used the Salmon QC 1994 report to shut down the Warren case. Yet in it, Salmon QC had inquired into Hooper's conduct in terminating Warren and then set about to cover-up for his impropriety and opined that Hooper had done nothing wrong. In 1994 ex-BRIG Hooper was an AAT non-Presidential member –his second career after leaving Army.

26. Mr Warren was compelled to make representation to Prime Minister Howard. He and his ministers have refused to investigate the impropriety of the LTCOL Salmon QC's cover-up investigation report. Defence has told the Howard ministers to keep the Warren case closed and not review the Salmon QC report. Consequently Minister for Defence, R Hill, than B Nelson have simply ignored Warren's representations to them. As at October 2006 Howard's minister, Bruce Billson provokingly claims that the Salmon QC report is now lost despite Defence holding separate copies of it. His claim comes after DALs, COL J A Harvey, made the aforementioned distortions to the Salmon QC investigation report that protected BRIG Hooper.

27. In 1998 in response to Warren's ministerial representation to then Minister for Defence, Mr John Moore, the generals advised the minister not to respond to him. On 22 January 1999, in response to yet another ministerial representation, the then Minister for Defence, Science and Personnel, Bruce Scott (Liberal), putting aside the fact that the ambit of the FofI Act case before the 1993 AAT hearing has no jurisdiction to "investigate", advised Warren:

"the case has been fully investigated by the AAT."

28. As Liberal Party ministers have progressively become aware of their predecessors incompetency and venality in their decision-making against Warren, they have become even more entrenched in accepting the advice of the generals not to examine the Salmon QC report, the circumstances of MAJ Warren's dishonourable termination from Army, and BRIG Hooper's conduct in it. These ministerial evasions and omissions serve to protect the ministers and preserve their regime of arbitrary abuse of power in public administration and ministerial decision-making. By shutting down this case without an honest and proper

ministerial investigation Howard's Government have been able to disown its portfolio responsibilities for control and administration of Defence.

29. The Howard Government's mentality, using the December 1994 Salmon QC's IO report, is evocative of the fabrications and cover-up investigations used by ministers, generals and their senior officers in the infamous Dreyfus Affair. In the MAJ Warren case, the Liberal Party, from decision-making by Ministers for Defence, Ian Sinclair through to Brendon Nelson and his junior minister, Bruce Billson, culminating in the use of the LTCOL Salmon QC report and DALs, COL J A Harvey's briefs, have found that no officers had committed any wrongdoing in fabricating confidential reports and charges against MAJ Warren. LTCOL Emmet's and COL Christopherson's used corrupt confidential report writing with deadly effect to destroy MAJ Warren. The ministers now claim that given there was no serious detrimental information in these confidential reports therefore LTCOL Emmet and COL Christopherson could not have done anything wrong.

30. On 2-3 March 2007, the Sydney Morning Herald reported that the former Chief of Defence Force, LTGEN Peter Cosgrove's June 2004 evidence to the Senate Inquiry that the "military justice system is effective and serves the interests of the nation and of the Defence force and its people", was nonsense. But this system is now being reformed, particularly at the top, under Air Chief Marshall Houston's leadership, but these improvements have not filtered down to the "middle ranks." The ex-MAJ Warren case is about the continuing corruption of the Administrative Law component of the Military Justice System (MJS) by the generals and their legal officers. But the generals' hypocrisy remains that of blaming middle and junior officers and senior NCOs for failures the MJS.

31. MAJGEN Carter argued in written evidence to the 1993 AAT hearing that it was it was the responsible minister and Prime Minister who were responsible for upholding the decisions that MAJ Warren was grossly incompetent and unprofessional and that no officer had acted unfairly against him.

32. It is only with Prime Ministerial integrity and intervention can the rule of law be respected and upheld within Defence and its MJS. Accordingly, it is requested that Prime Minister J Howard demonstrates the honesty and character befitting his high office to have this case properly investigated and fairly resolved expeditiously so as to clear the Liberal Party of its acquiescence in this history of this case. The Labor Party Shadow Minister for Defence, Science and Personnel, Mr Allan Griffin, shielded by his MOPS staff has refused to get involved to undo his Labor Party predecessor, Gary Punch's failures to bring Defence to account.

Yours sincerely,

Allan Warren

