EX-MAJOR ALLAN K WARREN CASE
WHY AUSTRALIANS MUST HAVE A COMMONWEALTH INTEGRITY COMMISSION (CIC)

There is widespread and growing distrust in the integrity and accountability of Australia's elected representatives who, unless countered by an independent federal commission against corruption, are undermining both Australia's liberal democracy and its inherent system of checks and balances. These are fundamental to a civil society and on which the individual depends to be protected from abuse of power by the state. The ex-Major Warren case exemplifies how and why these alleged safeguards have been systematically corrupted by key officials from Governor-Generals down.

Despite taking an oath of office to the Crown, politicians' behaviour is at variance with community expectations of standards by those holding power in public office. The consequence is their continuing betray of the electorate and their wilful determination to avoid accountability for their abuses of power.

Worse still, the Australian Public Service at senior levels is of the same mindset as that of the politicians they report to. Their self audit boasts of 'nothing to see here' and claim that existing internal procedures are sufficient to check and balance any abuse of power within their senior ranks. And let us be clear from the beginning; grossly improper decision-making is corrupt conduct. This is especially so in administrative decision-making where corruption is easier to hide.

In my case, senior Defence Force officers have, over the past 40 years sung the same song; 'nothing to see here'. The consequence is a systemic pattern of multiple and ongoing intense abuses of power by portfolio responsible ministers and their army generals who have denied, obstructed and obfuscated due process to me. They have deliberately and unconscionably violated the rule of law and have relentlessly, by commission or omission, perpetrated cover ups of cover-ups of abuse of power by my former superior officers who were determined to have me terminated from Army. A former Governor-General, Michael Jeffrey is an example. In a display in a serious lack of integrity he abused power to deny procedural fairness to me.[1]

Since 1995 to date, portfolio responsible ministers have bunkered down in obstinate silence or refused to have the case properly investigated. Senator John Faulkner refused to allow then Governor-General Quentin to have the case reviewed. In 2015 then MAJGEN Richard Burr, Deputy Chief of Army refused to investigate the circumstances surrounding my constructive dismissal from Army because the Australian Government would not allow him

[1] Google search ex- Major Allan Warren case and scroll to Effectiveness of Australia's military justice system, submission P5D by Allan Warren, 2004. Documents showing abuses of FoI Act.

to do so. This was a complete reversal of then MAJGEN Burr's previous promise to me that he would investigate my case and 'get to the bottom of it'.

Key officials involved in my case have repeatedly skulked away from applying ethical and proper standards to their personal decision-making. A CIC would make transparent and accountable this systematic and virulent improbity and obmutescence that is being perpetrated by some of the most powerful people in Australia.

The current anti-corruption integrity arrangements provided by the Australia Government are inadequate. The Australian people need and deserve an anti-corruption agency that is fearless and forceful with autonomy and freedom from political manipulation and subterfuge by law officers of the Crown. This includes Defence legal officers who, in the past have spent countless millions of dollars covering up their own improper conduct. This article gives longitudinal case evidence and substantive reasons why an independent CIC needs to be established. Case studies are an important part of policy formulation and law making as they greatly assists in bringing knowledge and focus to the issues being considered.

I was a career army officer, rank Major, when under Section 16, Defence Act 1903, (false) charges were laid against me by the most senior officer in the officer career management system, Brigadier J A Hooper. He was aided by the most senior legal officer in army, Director of Army Legal Services (DALS), Brigadier M J Ewing. Using performance reports and warning letters as evidence, they charged me with unprofessionalism and gross incompetence and stopped my promotion. Using fabricated evidence, the charges were designed to bring about my dishonourable dismissal from Army by the Governor-General. Despite my accurate and strong defence statement against their charges, they pushed it aside without properly considering it. In 1994 then Acting Chief of Army, MAJGEN Carter gave evidence under oath to an Administrative Appeals Tribunal (AAT) hearing that Army didn't need to consider my defence statement because I had refused to admit to the charges. The AAT members were immediately repulsed by MAJGEN Carter's stance and reminded him that the Section 16 charges was a serious legal document. The AAT ruled that Army's decision-making against my defence statement was superficial and the case was tragic as it involved the destruction of a career.

Following my numerous representations from 1981 to 1994 to relevant Ministers and after my 3 Administrative Appeals Tribunal hearings on FoI matters, Army investigated itself. The upshot 1994 LTCOL Salmon QC Investigating Officer's Report concluded there was no factual evidence on which to base the Section 16 charges against me but no one had done anything wrong and therefore no one was to blame for my constructive dismissal from Army. Hence, this Army Report cleared itself of any wrong-doing despite blatant evidence to the contrary.

The Director of Army Legal Services subsequently created the fictitious position that BRIGs Hooper and Ewing made two 'technical errors' in their use of the Section 16 Defence Act charges against me. Their first error was their evidence contained no facts or substance to support their charges. They then made their second error when they decided against my defence statement against their charges in which I had clearly established that there was no factual substance in their alleged evidence. In 1994 both the AAT and Salmon QC concurred with my statement in defence against BRIG Hooper's fabricated charges.

Army's legal officers have maintained this lie of a 'technical error' as the best attempt to cover up for their corrupt abuse of military law and administrative decision-making. Recently retired Labor Member of Parliament, Mike Kelly ought to be well aware of these malversations within DALS. As a former Army legal officer he once served as DALS himself and was probably responsible for dealing with one of my many Ministerial Representations seeking fairness and redress.

In the 1960s Lord Justice Salmon (UK) was worldly known and highly regarded for his various inquiries into corruption within government. Amongst his numerous findings is that effective anti-corruption success very much depends on the personal integrity of portfolio responsible ministers. Over many past years the Army Generals have repeatedly claimed it was these ministers who personally made the decisions to uphold the charges against me. This in part explains why these ministers will not allow any general to competently investigate my case nor properly redress it.

Sir Angus Houston, as Air Marshal, Chief of Defence, was reported in the Sydney Morning Herald in 2005 as stating that he would not embarrass former top officers in the Australian Defence Force (ADF) who were alleged to have acted improperly by investigating complaints against them.

The above positions go a long way in community understanding of why and how corruption has permeated our federal government institutions and why our current anti-corruption mechanisms and agencies repeatedly fail when abuses of power are involved and especially when perpetrated by key officials. When the scrutineers of the abuse of power themselves become weak and corrupt then the whole system collapses. Lord Justice saw this quite clearly.

Failed ministerial complaints mechanisms are key indicators of the lack of honesty and integrity of the responsible minister. If he/she fails than then the same applies to the Prime Minister (PM). The most powerful force of corruption within the Australian Government to-day is the failure of key officials to act against maladministration or to properly inquire into suspected abuses of power. Such deliberate omissions are the genesis of systematic malfeasances and give birth to cover-ups. Anti-corruption mechanisms and agencies must

have a priority capability of timely confronting these primary sources of corruption so as to identify and expunge them from our governing institutions. Tragically there are too many incidents where these anti-corruption agencies have themselves become agents of corruption and cover-ups of abuses of power.

The ability of an aggrieved person to make representation or report maladministration to the responsible minister is the most cost effective anti-corruption mechanism available to government. Unfortunately, this is also the most vulnerable mechanism to violation by corrupt and dishonest officials.

In the past, failure in complaints and reporting mechanisms brought about the creation of the Administrative Appeals Tribunal (AAT). The public ought to be concerned that Prime Minister Morrison has recently stacked the AAT with Liberal Party cronies ahead of other people more qualified and proven competency. Also, Justice Mason reasoned that neither the courts nor parliament can bring to account the abuses of power by Ministers of the Crown.

The problem with the courts has been their resistance to re-examine factual findings of primary decision-makers. It can also be argued that parliamentary committees of inquiry fail to get to the heart of corruption issues for similar reasons. They refuse to look at the detail. Yet such committees can be a significant and powerful agency against corruption and ought to be. But they can also be seats of deep rooted corruption and abuse of power perpetrated by political parties.

Lord Justice Salmon was alive to the lack of credibility of parliamentary committees of inquiries. His Royal Commission into Tribunals of Inquiry, 1966, raised serious matters of concern to their fitness to examine issues of corruption. His reasons included that they had no claim to impartiality; were prone to be actuated by party political motives; their findings are easily discredited where they attempt to cover up for the misconduct of ministers and other public servants; and they were bias in decisions and voted along party line splitting; and more.

Also relevant to this Inquiry is a quote from 'Parliament and Bureaucracy' edited by J R Nethercoate:

> *"The most potent weapon the present government has to deal with committees is simply to ignore them....such shabby treatment tends to lower the morale of those who work to produce the reports, and to dissuade them from further effort. Perhaps this is what the government has in mind."*

The very purpose of anti-corruption agencies and mechanisms is to detect and root out maladministration, abuses of power and corruption in all of its guises. Such infidelities to duty in high office are the most powerful weapons to threaten, with intent, to undermine our liberal democracy. If ministers and other decision-makers (e.g. the army generals) have been able to so openly and easily belittle, subvert and brazenly abuse due process in their improper decision-making, why pretend that the existing anti-corruption agencies and mechanisms are effective? Doesn't this signal alarms for the need of an independent CIC because such systemic behaviours are political/career motivated and are amongst the most dangerous threats to the security of our nation?

Lack of genuine accountability of the public service (including the military) to the portfolio responsible minister is perhaps the most extensive and most serious point of failure in containing the spread of corruption at the federal level of government. Primary decision makers are not going to investigate complaints so as not to embarrass other primary decision makers and this is the point that Sir Angus Houston made. But this behaviour destroys the rule of law.

After I was constructively terminated from army on false charges that destroyed my career, reputation and livelihood I made submission to the then Minister for Defence, Sir James Killen, QC. I addressed the issues of maladministration and made representation to him to have the circumstances of my forced resignation from army properly investigated. I informed him "there were significant breaches of Army's management practises" to bring about my constructive dismissal from Army.

The minister responded by personally and deliberately fabricating a mendacious Defence Force Ombudsman (DFO) investigation report into my case. There was no statutory DFO in existence at the time. Killen's fraudulent DFO report upheld BRIG Hooper's charges against me and gave high praise to the strength and veracity of army's treatment of me. It also asserted that in my case "army's administration was strictly according to the letter of the law". Eventually, the Administrative Appeals Tribunal (AAT), an internal Army Legal Corps investigation and the later statutory appointed DFO found the minister's decision and actions to be a lie.

Killen wrote to my parents and declared that the investigation was carried out by a statutory authority (i.e. the DFO) and was totally independent from Department of Defence. Then two sequential Liberal Party Ministers for Defence, R I Viner then Ian Sinclair upheld Killen's fake DFO report and hence they also so denied truth and fairness to me. These three personal ministerial decision-makings against me were made more putrid by the fact that Killen's fake 'DFO' report was nothing more than multiple plagiarisms, paragraph after paragraph, from improper writings of Brigadiers Hooper and Ewing. Together they had fabricated the original charges against me so as to constructively terminate me from Army.

Killen's fake DFO report had actually been contrived for him by a senior public servant within Defence; a Mr B C Campbell.

Later, I made representation to the Commonwealth Ombudsman. He refused to touch my case. Next, I was advised by the statutory DFO that he also would not investigate my case. He stated that the case was more than 12 months old, memories tend to fade and there would be difficulties in finding records, some getting lost. The consequence of the DFO's decision meant that Killen's report done by the senior public servant stood with unconscionable power and protected the corruption of power by senior officers within Defence.

Over a decade later, with the files and records intact, the AAT in Sydney examined them. Within minutes it discovered that Killen's report used by him as a statutory DFO report was a fraud. The AAT bluntly declared that there was no DFO in existence at the time; that the report was simply a 'cut and paste job' by Campbell from Brigadiers' Hooper and Ewing documents and the fake investigation report had been created by him in his capacity as a senior public servant within Defence.

Even with a change in government from Liberal to Labor, primary decision makers stuck to the Minister for Defence's cover up script. Defence refused to re-open the case because now it had been (allegedly) thoroughly examined by the statutory DFO and at least two Ministers for Defence had made decisions to uphold the charges against me. My constructive dismissal from army has never been examined or investigated by any ombudsman! Yet, portfolio responsible ministers and the army generals continue to this day to claim that it has.

On 26 July, 1983 Defence Minister Kim Beazley (LAB) wrote to me that he would not consider my reinstatement to army because the statutory DFO had previously investigate my case and found that army acted properly in terminating my services. Beazley found my complaints of unfairness were groundless. This was again another ministerial lie.

I made representation to then Prime Minister R Hawke I provided more than sufficient evidence to demonstrate the maladministration that was occurring within Defence, including mention of the fake DFO office within Defence. The PM would not touch my case and directed me to the Commonwealth Ombudsman. He would not touch my case and directed me to the Defence Force Ombudsman (the real one this time) who would not touch my case. Clearly the intent was to kick my case around and around until it got lost; then claim the case was too old to investigate.

I made a second representation to the PM Hawke. Senator G Evans, as then Minister Assisting the Prime Minister, replied that my case had been thoroughly examined by the

(non-existent) DFO in 1982 and by previous Ministers for Defence and that these investigations and decisions stood. I again wrote to PM Hawke. He responded to assert that "the several investigations of your allegations have been thorough and objective". He upheld the charges against me based on improper decision making.

In effect, Prime Minister Hawke was claiming that one pseudo DFO investigation by Killen, plagiarised from Brigadiers Hooper's and Ewing's improper documents, by Campbell had morphed into becoming several alleged thorough and objective investigations of my case. I felt compelled to petition the Governor-General Bill Hayden to seek a reality check, some common sense, fair treatment and a proper and honest investigation. I made a very detailed submission to him. It ought to have been cause for concern to anyone holding such high office to bring sanity to government. The G-G immediately directed the responsible defence minister to investigate and report back to him. In turn, Minister Gordon Bilney directed Defence to investigate. Freedom of Information Act (FoI) documents I later obtained revealed that Army did nothing to respond to the G-G directive. It sat on my case for weeks. Instead of investigating it Army set upon an agenda to lose, destroy or feign loss and destruction of all of my army personal history records. This included destruction or loss of multiple file copies of case documents in army's separate files, especially those within the Directorate of Army Legal Services (Brigadier Ewing's) office. Also destroyed or missing were the documents relating to the PM Hawke's examination of my case. These were the files and records needed for the Governor-General's examination of my case. Army then continued to do nothing to report to the G-G Bill Hayden or the Defence minister.

I waited patiently for a reply from the G-G but nothing was forthcoming. I then rang his official secretary who apologised for the delay and undertook to hasten the report from the responsible minister. In turn, Bilney prompted army to respond. Army quickly wrote 4 x 3 line paragraphs to the minister stating that the case had already previously been investigated several times. The minister wrote his report to the G-G. He apologised for the time taken for the investigation but claimed the delay had been necessary to thoroughly re-examine all aspects of the case in detail. He advised the G-G that the charges against me were sound and Army's conduct was thorough and proper.

The relevance of my above case details is that nothing has changed to date since these events started nearly years 40 ago. The culture of abuse of power, the lying and deceit by primary decision makers and their public servants has been consistent to-date. The anti-corruption agencies and mechanism of parliamentary standards, ministerial oversight of his/her department, the Attorney-General's Department and the ultimate oversight of ministerial standards by the Governor-General are captive to the culture or mentality that primary decision makers can avoid exposure of abuse of power by refusing to examine them, or by feigning investigations. And this is exactly what several Ministers for Defence, a Prime Minister and a Governor-General did to me. It clearly demonstrates how systemic

malfeasances give birth to cover-ups and cover-ups inside entrenched systematic abuses of power. All this has occurred under the pretext that we have adequate checks and balances in place to detect and root out abuses of power by key officials in the administrative decision-making.

In the early 1990s I discovered evidence, under FoI Act, that the Governor-General had decided to stand by the corrupt ministerial advice given to him and that Defence was determined to destroy the history records of government to cover-up for Army's maladministration. I had to steel myself against this seemingly endless breakdown in the rule of law by primary decision makers and the Crown itself.

I made 3 sequential applications to the AAT in Sydney. Each was a FoI Act matter relating to my army personal history records. Then, Deputy Chief of Army (DCofA), MAJGEN M P Jeffery, certified under FoI Act law that he knew all of my history records had been lost or destroyed by Defence and hence Army could not release them to me. I assessed this to be a blatant lie and sought a review of Jeffery's decision by then Chief of Army LTGEN J Coates. He too certified that he also knew that my Army records had been destroyed or lost. However, the AAT process forced Defence to release my complete set of personal records. But the AAT failed to compel Army to release my personal records relating to the Prime Minister Hawke's investigation and decision on my case i.e. the decision made by Gareth Evans on behalf of PM Hawke.

My second AAT hearing latest perhaps 15 minutes. The AAT swiftly ruled and bluntly against MAJGEN Grey, then DCofA. He too had violated the law in his attempt to deny facts and reasons why he would not make annotations to my army records to show that certain information on them was misleading or inaccurate. Grey's successor MAJGEN Carter retaliated. He submitted to the AAT over 160 pages giving his reasons to prove that I was unprofessional and grossly incompetent. He presented himself to the AAT as an expert on army's 'T-Scores' system to prove the irrational 'T-Scores' on my annual performance reports demonstrated my gross incompetence warranting dishonourable termination from army.

My third AAT hearing was my request to have 13 annotations placed on my personal army records to show them to be incorrect or misleading. These included the records Brigadiers Hooper and Ewing used to bring formal charges against me. What was not told to me by the AAT at that time was that BRIG Hooper, who had retired from Army, was now an AAT-Sydney member and a colleague of the 3 AAT members who decided on my case. This meant the members were faced with decision-making involving one of their own without declaring to me that retired BRIG Hooper was their colleague. I failed to get any of the 13 annotations I sought. However, the AAT did put several of its own annotations on my records to reflect poorly on my commanding officers who wrote assessment appraisals on

my work performance to generate incomprehensibly bad T-Scores on them. The AAT criticised BRIG Ewing, (Legal Corps) for his improper superficial decision against my defence to BRIG Hooper's charges against me. It criticised MAJGEN Carter, then acting Chief of Army for his bias and bizarre assessments of my performance as an officer. They did not criticise BRIG Hooper who was the central character in formulating the charges against me.

Two things resulted from my third AAT hearing. The AAT had protected BRIG Hooper of any hint of wrongdoing by him. But it left open doubt as to improper decision making by my superior officers, the Director of Army Legal Services, BRIG Ewing and MAJGEN Carter, Acting Chief of Army. BRIG Hooper was at the centre of the maladministration against me. If he was exposed for what he had done to me and that was known publically, it would have created serious problems to the AAT's own credibility as an anti-corruption agency. Thus, the AAT had a strong motive to decide partially and unfairly against me. This was especially so in respect to its FoI Act deliberations on one of its own members, BRIG Hooper. And here again Sir Angus Houston's point about not wanting to embarrass key officials where their improper conduct may be involved resonates.

My case demonstrates that our existing anti-corruption agencies and mechanisms are ineffective because of their real lack of independence and impartiality when tested against primary sources of abuse of power. Only by the establishment of an independent CIC can we achieve a level of independence in anti-corruption scrutiny. A CIC would provide more freedom from the manipulations, cronyisms and abuses that degrade our current systems and agencies.

An Ombudsman cannot investigate a decision made by a Minister of the Crown, national security matters or international relations of Australia. This renders the Ombudsman powerless to scrutinise ministerial decisions. Thus, the restriction on an Ombudsman not to investigate the minister's decision against me is a major obstacle in corruption prevention and detection. These restrictions also gave the ministers a powerful means to cover up not only their own abuses of power but also that of the generals. This major weakness in anti-corruption agencies is made more putrid because of the numerous times and over the years that portfolio responsible ministers, a Prime Minister and other primary decision makers advised me to take my complaints to the DFO or the Commonwealth Ombudsman if I sought relief from previous ministerial decisions against me. They would have known or certainly ought to have known the dishonesty of their advice to me.

The current network of anti-corruption agencies are impotent and almost farcical once under the influence of Ministers of the Crown. The decision making by Ministers of the Crown, including several Prime Ministers, in my case, keep insisting that the circumstances of my forced termination from army were thoroughly and properly investigated by the DFO, the Commonwealth Ombudsman and the AAT in Sydney. The AAT made it quite clear to me

that it would not examine or review the circumstances of my termination from Army. The Department of Defence made it quite clear to the AAT that it refused to address my complaints and grievances relating to my termination from Army. It would only address the 13 FoI Act annotations that I had requested be placed on my army records. But it refused to make any of my 13 annotations that would have revealed BRIGs Hooper's and Ewing's maladministration. The 13 FoI Act annotations were the only matters decided by the AAT. But the Australian Government still continues to insist my case has been thoroughly and objectively investigated by the anti-corruption agencies; including the AAT and these found no one acted unfairly against me.

The army generals have remained insistent for years that Ministers of the Crown and not themselves were responsible for the decisions against me. Eventually a Defence minister formally decided there was no factual basis whatsoever in the evidence used by BRIGs Hooper and Ewing to charge me with unprofessionalism and gross incompetence. The minister expressed regret but denied that any officer had acted unfairly against me. The minister also deliberately left the case unredressed and unresolved so as to maintain the cover ups and not embarrass those involved in this ongoing corruption. This abuse of power by key officials only encourages their ongoing violations of the rule of law.

The web of lies, wilful ignorance, obfuscations, omissions and the abuses of power that primary decision-makers have weaved to cover up for BRIGs Hooper and Ewing and my former commanding officers is staggering. This web has been intensely corrupted by responsible ministers and primary decision makers alike. Existing anti-corruption agencies, officials and mechanisms cannot or will not identify, examine or hold to account the perpetrators of the systemic abuses of power that had kept my case covered and unredressed to date.

As an anti-corruption mechanism in 2013 then Minister for Defence, Steven Smith (LAB), having lost trust and confidence in the service chiefs to report honestly and competently to him, stood them aside and contracted international law firm DLA Piper to do what the generals lacked the integrity and courage to do. DLA Piper examined cases like mine that the generals were obsessed with covering up. DLA Piper reported the abuses that I had endured by superior officers had stopped my promotion and destroyed my reputation and career. The 1994 army legal corps investigation by LTCOL Salmon QC asserted these abuses never happened. It also reported that the T-scores used to grade my performance were valid and correct. The following year, an independent university examination of my T-Scores revealed them to be a mixture of "hocus-pocus", "arrant nonsense", "ignorance" and "definitely punitive". DLA Piper found that I had been abused by my superiors. Together, the university report on T- scores and the DLA Piper report on abuse revealed the army's 1994 legal corps investigation report by LTCOL Salmon QC on my case to be poor and

improper. Yet, that report remains to date, the Australian government's definitive cover up of its abuses of power.

Following DLA Piper's findings that I had incurred abuse, the DCofA, MAJGEN R Burr, agreed to meet with me in 2015 for 'reconciliation purposes' under the Attorney General's Defence Abuse Response Task Force (DART) programme. MAJGEN Burr described what happened to me as 'disturbing' and 'compelling'. He gave his word to me as DCofA that he would investigate my case. This time, he declared it would be an honest and proper investigation. He said he was not responsible for past investigations but he would get to the bottom of my case. His commitment to investigate my case came after the international law firm DLA Piper found I had been abused by my superior officers to bring about my termination from Army. This is the core issue of my case and still denied by the generals and the Australian Government to date.

Weeks later, on the 28 August 2015 the MAJGEN Burr wrote to me that the Australian Government would not let him fulfil his undertaking to investigate because the 1994 LTCOL Salmon QC's Army investigation of itself still stands as the government's current position. This was consistent with Prime Minister J Howard's decision of the 1st June 2007 that the Australia Government will not review the case or assist me further. Nor would MAJGEN Burr apologise for the abuses I had suffered at the hands of my superior officers. Instead, he apologised "unreservedly for any pain or suffering you have endured as a result of your service with army". Surely this is a meaningless apology by any standard. He then recommended I take my concerns to the Commonwealth Ombudsman. In 2007 Commonwealth Ombudsman had refused to investigate my case and refused again in 2016. This was consistent with the Commonwealth Ombudsman's and DFO's 1980s-1990s refusals to investigate my case. MAJGEN Burr has effectively pushed aside then Defence Minister Smith's instigated DLA Piper Report, which was unfavourable to Army, and reactivated the 1994 LTCOL Salmon QC Army Report on itself that covered up for the abuses of power as being the only investigation that counts to-date. This behaviour puts the Australian Government, the Prime Minister and the DCofA above any attempt by a Minister of the Crown to check and balance corruption at the Federal level. This contempt takes Army back to the same level of cover-ups and corruption that existed 40 years ago.

Corruption, abuse of power and improbity dominates over the rule of law within the Australian Government as exemplified by my case. Two primary reasons for this are easy to identify. They are the very observations made by Lord Justice Salmon and Sir Angus Houston. The causes are the lack of personal integrity and courage in Ministers of the Crown and their refusal to properly and competently investigate cases of improper conduct involving decisions/actions by primary decision makers. Defence Minister Steven Smith, is the stand out exception. But his efforts were easily wiped out by the Australian

Government's refusal to allow MAJGEN Burr to properly investigate my case as promised by him in 2015.

It is the failure in Parliamentary Standards that continues to inflict insidious corruption upon Australians. Most federal politicians have bluntly refused to formally commit to conduct themselves properly in office. When Questions on Notice were asked in Parliament about my case the responsible minister simply answered with lies to cover up for BRIG Hooper. She was never held to account. I have reported my case details to parliamentarians many times. I have made multiple submissions to a range of parliamentary committees of inquiry. Politicians only want to keep the maladministration of my case covered up principally because it is they, the politicians who have been the personal decision makers that have kept these abuses of power covered up albeit on the advice of the generals.

Gone from Parliamentary Standards is the anti-corruption safeguard that Ministers take responsibility for the maladministration of their departments. Nor does it seem are they accountable to the Prime Minister or the Governor-General. This collapse in Parliamentary Standards is precisely what has happened in my case. It is systematic. Ministers are supposed to have direct responsibility for the administrative failures of their departments, especially when they have made personal decisions in the matters themselves and where cover-ups and lies abound.

MAJGEN Burr had no hesitation in putting the responsibility for the decision-making involved in ex-Major Warren case into the hands of the responsible ministers. In turn they have been relentless in their determination to keep the case closed and to ratify army's legal corps' LTCOL Salmon QC's 1994 cover- up investigation. It claims no officers acted unfairly against me.

The 40 years of Australian Government impropriety and cover-ups would not have happened if my case had gone directly to a CIC for independent and competent examination. Often it is what parliamentarians fail to do that reveals the most damaging evidence of their abuse of power. And this level of ministerial abuse of power has become the norm and existing anti-corruption agencies won't change this status quo.

There is a compelling need for an independent CIC in Australia. Perhaps the biggest obstacle to that been established is the resistance by politicians who would not want their power in decision making examined or investigated or being accountable to an overarching commission. As it stands, there is power in having existing ineffective anti-corruption agencies manipulated by them, especially when their administrative decision-making comes into question.

Over time this has weakened our rule of law and allowed for the growth of arbitrary power to be abused by responsible ministers who lack the ethics, courage or competency in the policy formulation and decision making. In 1981 Sir James Killen QC, should have held Defence accountable to him. Instead he acquiesced in Army's abuse of power and perpetrated his own deceit and improbity. Since then a conga line of Ministers of Defence and Prime Ministers have fared no better. All now hide behind the improper LTCOL Salmon QC report that no one acted unfairly against me to stop my substantive promotion and instead constructively dismissed me from Army.

Lord Justice Salmon's 1960s fact finding statement that effective anti-corruption success very much depends on the integrity of portfolio responsible ministers resonances as a universal truth. Yet, it is the abuse of power and improper decision making by ministers and their key officials that have made my case putrid and unredressed to date. It reveals that our politicians are too self serving and amoral. Their only defence is 'nothing to see here'.

It is the same politicians who abuse the law who also make the laws. Laws made by weak and or corrupt politicians are no laws at all. The issues exposed in my case go a long way in explain why Federal politicians have resisted making laws to provide Australians with the protection of a strong and fearless Commonwealth Integrity Commission.

Director of Army Legal Services spends $m's per annum covering up their own corruptions of the rule of law. Portfolio responsible ministers acquiesce in this and cower from holding such officers from account. In my case DALS instigated such a corruption and have spent the last 40 years covering it up. At every DALS failed to do due diligence and has been incapable of rectifying maladministration. On all counts this is the complete opposite of DALS' reason to be. The C18 French philosopher, Rousseau irreplaceably warned that laws would always be abused by those who controlled them so as to gain advantage over those that don't. By this process they destroy the integrity of the institutions of state behind which they hide.

MAJGEN/Justice Paul Brereton headed a four year inquiry into war crimes by Australian Special Forces. His November 2020 report decided that senior officers had no responsibility or accountability for the conduct of their subordinate troops. A not unsurprising opinion given the majority (all but two) of the inquiry's staff are current members of the Australian Defence Force. The report merely gave senior officers a mild reprimand for their 'abandoned curiosity' – this is not a legal term but 'wilful ignorance' is.

In my case the official abuses of power and subsequent cover-ups have been perpetrated by the generals down the chain of command. Hence DALS' efforts to write reports on itself – disguised as independent – that any accidental unfair Defence administration to dishonourably terminate me from Army was merely 'superficial' and insignificant 'technical errors' by the generals and no one was to blame.

The public well understands that the fish rots from the head down. They also know why Federal politicians don't want an effective CIC and why one is essential to safeguard the integrity of our institutions of state from abuses of power by key officials.

Ex Major Allan K Warren
15 January 2021