



DEFENCE ABUSE RESPONSE TASKFORCE

D16/66870

Mr Julian Knight
 Port Phillip Prison
 PO Box 376
 Laverton VIC 3028

Sent by post and by facsimile to: (03) 9296 2218

Dear Mr Knight

Minister's decision regarding the eligibility of incarcerated persons for reparations payments

Background

The Commonwealth of Australia established the Defence Abuse Response Taskforce (the Taskforce), which administers the Defence Abuse Reparation Scheme (the Scheme). The purpose of the Scheme is to make payments of up to \$50,000 to persons who may have, plausibly, suffered abuse whilst employed in Defence, and who satisfy other eligibility requirements.

Following applications from a number of people (including you) the Minister for Justice and Minister for Defence, being Ministers responsible for the Taskforce, considered the policy question whether the Scheme should be open to persons who were incarcerated or on parole. They decided that it should not. The Ministers advised the Taskforce that such persons were no longer eligible to be considered as applicants for reparation payments.

Subsequently, the Ministers decided to reconsider the parameters for eligibility to apply under the Scheme.

On 16 February 2016, the Commonwealth wrote to you and set out the matters that it considered would be relevant to the new decision. You provided a submission about the proposed decision dated 1 March 2016, which was included in the brief provided to the Ministers about the proposed new decision.

Outcome of new policy decision

On 5 May 2016, the Minister for Defence and Minister for Justice made a new decision.

The effect of this decision was to:

- Set aside the previous direction to the Taskforce that it not make reparation payments to persons who are incarcerated on parole.

- Direct the Taskforce that no reparation payment should be made where a person has been convicted of a serious crime.
- Direct the Taskforce that in determining whether a crime is a serious crime, it should adopt a starting proposition that a serious crime is one attracting a maximum sentence of over 10 years.

Effect of the new decision on you

Following the Ministers' decisions, the Taskforce is required to consider your application for a reparation payment in light of the directions given to the Taskforce. I have made a preliminary decision that you are a person who has been convicted of a serious crime, and that you are therefore not eligible for a reparation payment.

The information available to the Taskforce is that you have been convicted of 7 counts of murder and 46 counts of attempted murder. The maximum sentence for the crimes of murder and attempted murder is greater than 10 years. There does not appear to be any basis for concluding that you have not been convicted of a serious crime.

If you disagree with this assessment, then you have until **3 June 2016** to make a submission setting out the reasons why you disagree. There is no particular form that needs to be used, but your submission should be in writing.

If you wish to make a submission, you should send it to the below address by 3 June 2016:

Ms Kirsty Windeyer

Post: Robert Garran Offices, 3-5 National Circuit, Barton ACT 2600

Fax: 02 6141 5477; Email: Kirsty.Windeyer@ag.gov.au

If no submission is received from you by 3 June 2016, the Commonwealth may proceed to make a final decision on your eligibility for a reparation payment without further notice to you.

Federal Court proceeding ACD109/2015

The Commonwealth has instructed the Australian Government Solicitor to write to you regarding the effect of this decision on Federal Court proceeding ACD109/2015 which you commenced in relation to the previous decision.

Yours sincerely



Kirsty Windeyer

Executive Director

Defence Abuse Response Taskforce

20 May 2016