

CONTACT: Patrick Nunan  
 CONTACT EMAIL: REDACTED  
 BRANCH MANAGER: AD&T DCS&D  
 OUR REF: KKAA: M:01:9337629  
 YOUR REF: QSM08016



Mr Frank White  
 A/g Director  
 Information Law  
 Legal Services, Assurance & Deregulation  
 Department of Veterans Affairs  
 GPO Box 9998  
 CANBERRA ACT 2601

BY EMAIL TO: REDACTED

30 November 2015

Dear Mr White

OUR CLIENT: CJA  
 YOUR REF: QSM08016

We act for CJA (the claimant) in relation to a common law claim that our client is bringing against the Commonwealth of Australia (the Commonwealth) relating to the sexual and physical abuse (the abuse) that the claimant suffered while serving in Royal Australian Navy (RAN) at HMAS Leeuwin between 7 July 1967 and 17 June 1968.

We also refer to emails that have passed between our Lisa Kinder and you and your colleagues relating generally to HMAS Leeuwin cases that we are handling on behalf of this claimant and other claimants relating to refunds to DVA in respect to compensation that the claimants may receive from the Commonwealth specifically relating the after effects suffered by the claimants as a direct consequence of the abuse.

The claimant is receiving a DVA disability pension and it seems to us from the material supplied by DVA and other material available to us that the conditions/incapacities that have been accepted by DVA in calculating the disability pension currently being paid to the claimant have no relationship to the sequelae suffered by the claimant as a result on the abuse suffered by the claimant at HMAS Leeuwin. In other words, the compensation expected from the abuse claims is in relation to different conditions/incapacities than the incapacities/conditions accepted by DVA for the payment of the DVA disability pension.

In that regard, we attach:

1. DVA printout of the claimant's DVA details and accepted and non-accepted conditions;
2. Report by Dr Michael Leong dated 25 September 2015.

Shine Lawyers Pty Ltd  
 ABN 66134702757  
 PO Box 3476  
 TOOWOOMBA QLD 4350  
 Toowoomba Village Fair  
 Ground Floor  
 125 Russell Street  
 TOOWOOMBA QLD 4350  
 Phone: 07 4659 9277  
 Fax: 07 4659 9377  
 13 11 99 SHINE.COM.AU



The claimant's claim is currently the subject of negotiations with Henry Davis York, solicitors for the Commonwealth.

**Please note:**

- The claim for compensation does not include any component for past or future economic loss;
- The claim for compensation does include the sum of \$7,200.00 for future counselling and medication recommended by Dr Leong;
- The claim for compensation does not come within the provisions of the *Safety, Rehabilitation and Compensation Act 1988* (SRCA) or the *Military Rehabilitation and Compensation Act 2004* (MRCA);
- Other than the abovementioned claim for future counselling and medication recommended by Dr Leong, the claim is for general damages (non-economic loss) only;
- The possible range of compensation to be paid is, in our estimate, between \$150,000.00 and \$250,000.00.

We refer to DVA Factsheet DP82 – Disability Pension and Compensation Offsetting and in particular to the statement:

*"If you have been told that you are likely to receive an award, payment or settlement of a compensation claim you should find out how this payment will affect your pension. DVA can advise you of the likely impact, which may be subject to final adjustments depending on the actual date of payment."*

We would greatly appreciate your confirmation/answer as to the following:

1. That any compensation paid to the claimant by the Commonwealth in respect to the abuse will not be the subject of any lump sum repayment to DVA;
2. That any compensation paid to the claimant by the Commonwealth in respect to the abuse will not be considered by way of an offset under section 30C or section 74 of the VEA;
3. Is any compensation paid to the claimant by the Commonwealth in respect to the abuse likely to impact on medical treatment that the claimant has received in relation to non-abuse conditions/incapacities?
4. Is any compensation paid to the claimant by the Commonwealth in respect to the abuse likely to impact on the claimant's health card other than for future treatment in relation to the abuse conditions/incapacities?

Should you have any queries please contact Patrick Nunan or REDACTED

Yours faithfully  
SHINE LAWYERS

*P. T. Nunan*