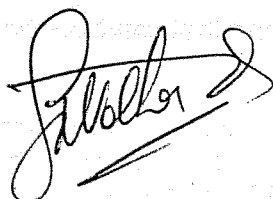


**SUMMARY OF SUBMISSIONS AS TO WHY THE DECISION MADE WAS WRONG
AND NOT PROPERLY MADE**

It is submitted that the decision was wrong and not properly made.

The following points summarise why this is so :

- (1) The Commissioner's conclusion that this was an exceptional case so as to not issue a positive notice under s.102 was contrary to the materials and the weight of the materials;
- (2) The Commissioner failed to provide natural justice to the Applicant by, after having been asked on behalf of the Applicant what further particular information was required, making findings adverse to the Applicant upon the basis of non-provision of such information;
- (3) The Commissioner gave undue weight to untested and unsubstantiated allegations from some 22 years ago; and
- (4) The Commissioner relied upon inaccurate and/or incomplete facts.

 25/06/09

VOL-003