

Submission to the Productivity Commission Inquiry into the Compensation and Rehabilitation of Veterans

By way of introduction, I served 36 years in the RAAF, I am a DVA client and for the past decade, I have been working in the Australian Defence Community supporting veterans.

The Unique Nature of Military Service and Culture

The Unique Nature of Military Service (See Enclosure 1) must shape every recommendation made by the Commission. Members of the ADF may, at any time, be required to put their lives on the line for their country and they are not covered by the industrial laws applicable to the wider Australian Community. This is why it is appropriate for veterans to receive targeted support not normally available in the wider community and inappropriate to consider normalising veteran support to that available in the wider Australian community. No one else in the community has made this commitment to their country and veteran entitlements must never be considered 'welfare'. Even police and emergency services have the right to withdraw their services if they think their lives are at risk.

To suggest that members of the ADF do not need special treatment as they are volunteers and knew what they were getting themselves in for, is fallacious. There has been conscription in the past and will be again if Australia is threatened and the volunteer force needs to be augmented.

Those the Government broke during their service need to be supported both in service and beyond.

Defence Force Covenant. Parliament should provide a formal recognition of the Unique Nature of Military Service via a Defence Force Covenant to ensure serving personnel and veterans are recognised as a unique employment group in Australia and thus deserving of special treatment and they are not disadvantaged due to government decisions.

Commonwealth Superannuation Corporation (CSC)

CSC provide the 'insurance' component of superannuation for people who are being medically discharged. CSC are currently being taken to court by veterans to justify why they are treating invalidity payments in a way that is to the detriment to their members.

There are many issues associated with military superannuation pensions that disadvantage military superannuants yet as the fund managers, CSC, appear to be unwilling to take any actions for the benefit of its members.

The Productivity Commission Issues Paper barely addresses the invalidity payments made by CSC and issues associated with them that disadvantage veterans. This is an area that needs detailed examination.

Veteran Statistics

Before one can fix a problem, one has to be able to quantify the problem. There is no database that gives valid statistics for veterans. The major issue is that most of the services provided to veterans, whilst they may be indirectly funded federally, the delivery of the service/s is the responsibility of each State, e.g: Health, Education and Training, Homelessness, Incarceration, and Coroner.

The understanding that there is already a checkbox on most State and Federal Government forms asking if a person is an Aboriginal or Torres Strait Islander. **The recommendation** is that all states place a similar box on their documentation asking if a person has served in the ADF to allow the collection of statistics and to be able to target support to veterans in the areas of greatest need. Currently the support seems to be tailored to the latest outcry in the media or social media, particularly in relation to veteran suicide and veteran homelessness.

The commission may also **recommend** that questions on veterans be included in the next census

The Future of the Department of Veterans' Affairs (DVA)

Due to DVA's aging client base it is likely the organisation providing veteran support, and the way this support is provided, will change over the next decade however, for the veterans to get appropriate support the organisation that provides that support must:

- be a single stand alone entity,
- be under the Minister of Defence, as Defence will understand the Unique Nature of Military Service,
- have its own Minister, to ensure veteran representation in cabinet, and
- Ensure support and services to veterans are never be less than what is available to the wider community through agencies such as Human Services/NDIS.

An appropriate solution could be for a *stand-alone* Veteran Support Organisation to be formed within the Department of Defence similar to the Defence Materiel Organisation if a Veteran Affairs Department became unsustainable. For efficiency the Commission may also consider recommending that CSC be incorporated into this organisation. This would not be a unique situation as the superannuation for judges and politicians is already managed outside CSC by the Department of Finance.

Recommendations.

All recommendations by the Inquiry must be made acknowledging the Unique Nature of Military Service.

CSC role in compensating injured veterans must be examined in detail.

Statistics need to be maintained to ensure targeted help for veterans.

A future structure of a veterans support organisation must be examined taking into account recommendation one.

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Enclosure:

1. FACT SHEET Unique Nature of Military Service

Courtesy of the Defence Force Welfare Association.

FACT SHEET

The Unique Nature of Military Service

Australia is a signatory of the Universal Declaration of Human Rights (United Nations – 1948), Article 3 states: “**Everyone has the right to life, liberty and security of person.**”

But ADF men and women do not. Their ‘life, liberty and security of person’ is in the hands of the State. That’s unique. No other calling, occupation or profession – including police and emergency services – is required to surrender these rights, although some do so voluntarily.

Uniquely, **Military law** may require an ADF member to kill other human beings, to order another ADF member to kill, to order other ADF members to take an action with a high probability they may be severely wounded or killed and may themselves be ordered to take an action with a high probability of being killed or wounded. Severe custodial penalties apply for non-compliance.

In day to day ADF life, minor infringements such as using insulting language or unauthorised absence may result in up to 12 months incarceration. ADF people have no right by trial by jury. A unique military justice system applies, including Defence magistrates and military courts.

Industrial law does not apply to ADF men and women. Legally, ADF people are **members**. They are not **employees**. ADF members surrender ‘employee’ rights including pay and conditions negotiations. They have no union. Remuneration is an **arrangement**, not an **agreement**.

Consequently, the ADF’s culture is unique. Team needs take priority over individual needs and rights. Total trust in other team members is essential because the consequences are so dire. A person who only looks after themselves, inconsiderate of other team members, is an anathema.

Pride in achieving individual skills that are valuable to the team is rewarding in itself. And the team, the ADF, reciprocates by providing subsidised sustenance, shelter and health care – as well as most administration – even though the member has little choice over what is provided.

This military culture becomes ingrained. That is partly why some veterans refuse to seek support, not wanting to give up or to be a burden to others. Pride is important but it can be misplaced. And ‘welfare’ is a pejorative word, no matter how many experts claim otherwise. Needing ‘welfare’ is seen as an indication of failure or weakness, so self-harm rates for those discharged are higher than for those still serving. No longer part of the ‘team’, no longer valued, no mutual support.

Support for serving and former ADF men and women must be as unique as their service is unique. It is inappropriate, indeed dangerous, to attempt ‘normalising’ support to community standards. Military Service is fundamentally unique. The reciprocal obligation this places on the State is as inescapable as it is enduring.

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