

**ADDENDUM TO PAPER PRESENTED TO THE PRODUCTIVITY COMMISSION
ON
VEREANS SERVICES**

SUBMITTED BY

**LTCOL JOHN GEORGE, OBE (RETIRED)
ON 26 FEB 19**

INTRODUCTION

During my presentation to the Productivity Commission in Sydney on 26 Feb 19, and in my one-on-one informal discussions with the Commissioner immediately afterwards, it became apparent that the Commission was wrestling with some aspects of its report. It seemed to me that there was a general feeling, or at least the Commission felt, that many in the Service community and Government, that believed everyone had to be treated equally regardless of where and under what circumstances they served in the ADF. This I find concerning as clearly war and non-war service are two entirely different sets of circumstances.

In view of this situation I thought I would provide some additional comment herewith which may assist the Commission in its deliberations.

DIFFERENTIATING BETWEEN INJURIES SUSTAINED IN PEACE VERSUS WAR

Non-War Injuries

In peace-time the ADF should not be treated differently to any other workplace. Employers, in this case the ADF, have a responsibility to provide a safe working environment. Risk assessments are carried out and risk mitigation plans are developed and implemented. Every person in the workplace will have responsibility for adhering and contributing to keeping the workplace compliant with policies and procedures related to workplace safety, including identifying additional risks, reporting them and assisting in the risk mitigation process.

The ADF will be responsible for compliance with prevailing State and Federal Workplace Health and Safety legislation. This will include the management of risk, reporting, keeping records, rehabilitation, compensation, etc.

Arguably, under current arrangements, there should be no requirement for DVA involvement in this process.

Because it is a unique Federally-governed workplace, separate legislation might be required to define, regulate and manage this system but in the end it must be compatible with other legislation.

Except as discussed below, it is hard to think of one duty or task undertaken by Defence personnel in peace-time for which adequate HSE plans could not be developed and practiced.

The exception to the above is in the final stages of preparation for war, commonly referred to in the Military as 'pre-deployment training'. In this stage of training it is critical that those who are about to be deployed are exposed to conditions and situations as close to those that exist in war as possible. Hence additional risks are necessary and normal HSE requirements may need to be set aside.

War Injuries

When ADF personnel are deployed to a theatre of war or sent on war-like operations, they are sent at the direction of the elected Federal Government. Their primary role is to destroy (kill) the enemy. But the enemy has a similar task; he wants to kill our ADF personnel.

Military commanders worth their salt understand that ADF personnel will be killed or wounded; only a fool would think otherwise

Estimating casualties is a fundamental requirement of war planning. It is through this process that planners are able to determine the extent of and resources required for dealing with casualties; ie; casualty clearing stations, field ambulances, field hospitals, evacuation systems, equipment, materials, etc.

In these circumstances there are limits to the level, scope and application of HSE processes and disciplines. Some HSE disciplines, ingrained in individuals as part of their training, will continue to be applied and followed, but others will not because they are impractical. Take a simple thing like 'never point a loaded weapon at a colleague'; a basic requirement of training in peace. In war, however, this happens, especially in the heat of combat because in combat the environment is such that it must happen. You rely, however, on many other training disciplines to ensure people do not get killed or wounded accidentally (but sometimes it happens).

The 'battlefield', in simple terms, is a two-way shooting range and under these circumstances, someone is going to get hurt.

Again, it is important to remember that the Government sent people into these situations. It must, therefore accept responsibility for its actions. It is therefore up to Government to care for those who are wounded or injured in these unique circumstances. At the end of the day, the Government is the employer and the Government sent their employees into a situation where they were at considerable risk that, in the main, could not be mitigated.

Separate legislation is needed to cover these people. There is strong and valid argument that the level of care and benefits given people who have been to war or been deployed on war-like service, should be at the highest level, even if this is superior to others who have not been to war or served in war-like operations. An example of this is veterans with Gold cards having access to the private hospital sector. Veterans must not have to settle for second rate services; after all they have 'given' for the Nation and the nation needs to 'give' in return.

Another important issue that seems to be being glossed over when discussing 'injuries' is use of the word 'wounded'. Regrettably the term 'injury' now seems to be used to cover all situations regardless of the circumstances under which the 'injury' occurred. This devalues the importance and significance of being wounded in action where the trauma associated with the incident is usually far, far greater, as may be the long-term consequences.

It is important that we restore the use of the term 'wounded in action' (WIA) as it means exactly what it says: caused by hostile fire or a hostile event.

DIFFERENTIATING BETWEEN BENEFITS ACCORDING TO TYPES OF SERVICE

There is a school of thought that all people who have served in the military be it in peace or war, must be treated equally. This is an invalid argument.

The conditions between war and war-like service, and peace-time service are totally different and in themselves dictate the need for different approaches.

It must be remembered that servicemen and women are deployed in war or on war-like service to kill the enemy. Unfortunately, this also means the enemy wants to kill those who are deployed. The Government makes this decision on behalf of the Nation and it must carry the responsibility for the consequences both during the deployment and forever after.

It must also be remembered that if deployed personnel suddenly decide they feel unsafe in, or don't agree with their deployment, there is little they can do about it. They cannot simply get up and leave. Thus, they must stay and bear the consequences of whatever is presented to them. In other words, the serviceman or woman is deprived of what most would regard as their democratic right. Again, the Government is responsible for this and must therefore accept the responsibility for whatever outcomes result.

Given the environmental conditions in peace and war are totally different, as are the likely outcomes, it follows that recognition, treatment, rehabilitation and compensation benefits and plans must also be different. Not to do so would be a failure to understand the circumstances of Military service and of war in particular.

The returned From Active Service Badge issued to those who have served in war and on war-like service, was clearly designed to recognise the difference between service in these situations and other service. Such recognition is not discriminatory and Government should not be afraid to stand up in defence of Veterans; indeed it should be honoured to do so.

THE NDIS VERSUS BENEFITS TO VETERANS

The NDIS is a scheme developed and implemented by Government to ensure citizens with disabilities are cared for compassionately and given the best quality of life their disability will allow. The same should apply to those disabled through Military service, be it in peace or war, however, war service imposes unique and to some extent, unnatural circumstances.

It must be remembered that disabilities incurred by people outside the Military are caused by a variety of circumstance, birth, accidents, life-style, self-harm, etc, etc.

Seldom will the Government have had a role in causing the disability.

In the Military environment, however, the circumstances are entirely different, both in peace and war.

When a person joins the ADF they are subjected to a unique environment; different rules, different expectations and different responsibilities. This environment becomes even more unique when employees are deployed on war or on war-like service.

But in both these situations the Government, as the employer has ultimate responsibility for what happens to all personnel in its employ because it sets down the rules and the outcomes.

The Government's ultimate decision is when it sends personnel to war or on war-like service. It is at this time the Government makes an informed decision to send men and women into harms way, knowing they may get killed or seriously wounded. There is no harder, more difficult or more serious decision. But that decision is taken on behalf of

the Australian people; people who elected the Government to make such decisions. Having made this decision, however, the Government must accept full responsibility for the death or injury of those who it deployed. Those deployed automatically become a 'special breed'; to be cared for differently both in recognition of their sacrifice and the impact this will have on them for the rest of their lives; some of this may not be evident for years after the 'injuries' (or wounds) were sustained.

There should be no embarrassment, no concern and no stepping away from the fact that those with war and war-like service are entitled to be treated differently, because they ARE different.

ADF TAKING OVER RESPONSIBILITY FOR VETERANS' SERVICES

The ADF is not equipped nor is it capable of managing Veteran services.

Apart from a very clear conflict of interest where the ADF is responsible for training and fighting wars, nor caring for Veterans, the ADF will always give priority to its existing role; and so it should. By tasking the ADF to look after Veterans, the following will likely occur:

- If there are budget cuts to be made (a frequent requirement in Government) the likely target will be the ADF's secondary role (Veterans Affairs).
- There will be a propensity to look to protect Defence as an organisation rather than lean towards providing support to Veterans, especially when there is an element of doubt re entitlement. Objectivity in decision making will likely be lost.
- The ADF in recent times has demonstrated it is more concerned with political correctness than it is about doing what is best for the people in the organisation and its role of preparing for war. Its approach to gender equity, gender realignment, etc is an example of this.
- The ADF senior executive positions change every three years thus continuity and consistency are at risk of being lost. Veterans require more by way of certainty and understanding in line with that currently offered by DVA.

ATTITUDE AND EXPECTATIONS OF CONTEMPORARY VETERANS

The Draft Report appears to have been heavily influenced by so-called 'contemporary Veterans'. This is a major concern for several reasons:

- Since the Vietnam War, our engagement in war and in war-like operations has been exceptionally limited. With the exception of Afghanistan, contact with the enemy has been infrequent and casualties almost non-existent. The Afghanistan campaign was more intense but it was, in the main, conducted by exceptionally highly skilled special forces soldiers (SAS and Commando). Sub units, rather than regimental size units were deployed and did the fighting.
- The Navy and RAAF, while undertaking critical work, were not exposed to hostile fire of any note, except in the case of helicopter operations where they were often in the thick of it. Mind you Vietnam was little different for these two Service entities.

The danger in being overly guided by the experiences of limited scale 'anti-terror' operations is that the real effects of war, indeed the meaning of war, will be lost. There is no doubt that contemporary veterans have different, perhaps even more complex needs, than those who fought in Vietnam, Korea and other places since the end of WW11, and these must be taken into account. But let us not forget the impact of larger scale operations., lest we face this situation in the future. It should also be remembered that today's Military is a volunteer one; not so Vietnam. The contribution and longer term needs of National Servicemen must not be lost. Remember, these were young men hauled away from their careers and families to go to a war in which some did not even believe. In summary we must not be simplistic in applying a 'one fits all' solution to a much more complex situation.

RE-DEFINING 'VETERAN'

The Government's new definition of 'Veteran' to be that of 'anyone who has worn a uniform for a day', took the Veteran community by surprise; many are angry about it. This action, that appears to have been taken with very little, if any, consultation, is an insult to those who have ben to war or participated in war-like operations. It is the sort of decision that people make when they have not been exposed to the circumstances or situations about which they make their decisions. What the new definition has done is remove the importance and unique, critical nature of war service. It pays no regard to our war dead and those who have died since the various wars as a result of their associated wounds, both mental and physical. Serving in peace is commendable; service in war is exceptional. Those who have fought in war or on war-like service have an entitlement to be singled out for recognition; not with medals but with care, empathy and support. We, as a community, should not be afraid to do this. Indeed, if we don't do this, we should hang our heads in shame.

SUMMARY

It appears right now there is a reluctance of Government and the bureaucracy to differentiate between those who have served in uniform in a peace-time environment and those who have served in war or on war-like operations. This reflects current attitudes amongst certain groups who believe everyone must be equal and receive identical recognition regardless of circumstances. This is a false and potentially harmful paradigm.

Military service in peace-time is entirely different to service in war or in war-like situations. This not only needs to be recognised, it needs to be openly stated by government. If this doesn't happen then those Veterans who have served in war or on war-like service stand to be considerably disadvantaged and the Government will have abrogated its fundamental responsibilities to veterans.

The Government must start this recognition by again re-defining the term 'Veteran' to mean 'one who has served in war or on war-like service. Others who have served in the Military but who have not served in a theatre of war or on war-like service are simply 'ex-servicemen and women'. This is not disrespectful of any group; it is simply a

statement of fact. It will be noted the Returned from Active Service Badge supports the notion that those who have served in war or on war-like service should be set apart and be recognised accordingly.

The government must accept responsibility for having deployed servicemen and women into theatres of war and to war-like operations. This responsibility extends well beyond Service life; it is a life-long obligation.

The term 'injury' should be replaced with the word 'wounded' for those injuries sustained under enemy fire or by hostile action. Unfortunately, this word appears to have been lost and 'injury' is being used as a generic word covering all situations. This is disrespectful of those Veterans who are so affected.

There should be no confusion as to the difference between those who are disabled either in their civilian capacity or when serving in peace-time, and those who are disabled in war. In the latter situation, the Government is ultimately responsible; not in the former.

Care must be taken not to let the limited war situations in which Australia has been involved over the past two decades, to be used to formulate Veterans policy. If this happens the true meaning and effects of war and war-like operations will be lost and Veterans will be disadvantaged.

The ADF must not assume responsibility for Veterans services. If this is allowed happen Veterans stand to be disadvantaged. Defence is not equipped to manage Veterans issues and if they were asked to do so it would be a significant conflict of interest.