

SUBMISSION ON COMPENSATION ETC for VETERANS

Background

1. The writer is an accredited Veterans' Advocate 3 of 24 years' experience. During that period, and from 1986 on, there have been numerous changes to Veteran Legislation, few designed to improve support for those who have put their lives, and, at times, their families' welfare, at risk for Australia. Despite the cost to the taxpayer (\$15 Billion pa) being a fraction of that expended on general Social Security and Medicare, Veterans' Legislation has been subjected to unjust inquiries ,eg: the notorious misnamed Baume Report, and Auditor-General reviews conducted by persons with no understanding whatsoever of the unique nature of the Defence Services.

Legislation

2. Parliamentary documents reveal that VEA 1986 was introduced because the (Labor) government of the day sought to reduce what it saw as 'excessive expenditure' of (then) \$ 10 Billion pa, at a time when both Social Security and Medicare services were widely abused! Nevertheless, VEA continued to provide reasonable support. Even so, this support was resented to the extent that, circa 1994, the (then) Labor government, having had draconian amendments rejected in the Senate, inserted ' Statements of Principles', also the 'Service related disabilities alone' and 'post-65 year age eligibility 10 year in same employment' rules for Special Rate, within the context of its last budget, with a view to denying earned benefits to the Defence Community! Because these measures reduced expenditure, subsequent governments have ignored pleas to correct these injustices.
3. As a result of the Blackhawk helicopter night training disaster, MRCA 2004 replaced the VEA. MRCA is needlessly legalistic, and so complex that claims for more than a few disabilities regularly take over 6 months to settle! The writer is aware of one set of claims for a 26 year war service Veteran unresolved since 2015, and of another 36 year war service Veteran, with all his Army Medical History provided to DVA, unresolved after 10 months! MRCA does provide for lump sum payments, which some Veterans prefer, and for a modest lump sum for a spouse of a deceased Veteran.

Assessment

4. In 1974, the (then) government accepted the principle of 'benefit of doubt to favour the Veteran'. In the 1990's, the Federal Court decreed that 'the intent of Veteran Legislation was for beneficial interpretation favouring the Veteran'. Of recent times, some Delegates, and, sadly, certain VRB's have ignored these principles, requiring all claims to be supported by irrefutable evidence, thus creating a legalistic,adversarial, process, as the recent Senate Inquiry into the tragic crop of suicides revealed!

Statements of Principles

5. The very notion that all conditions arising from the unnatural stresses of war and family separation can be 'scientifically proven' is illogical, as demonstrated by the fact that EVERY SoP has been amended many times! Thus, hundreds of just claims have been rejected by the whim of the RMA of the time.

6. tNumerous experienced Medical Practitioners outside the RMA have commented on the inaccuracies within SoP's-some have been corrected, BUT Veterans claiming previously have been unjustly denied treatment for those conditions. All that should be required is a statement from a Registered Specialist that the disability claimed could reasonably be caused by the Veterans' Service!

Case Histories

7. Toward the end of 1 year in Vietnam, J reported sick with serious radiating pains in both arms. The MO's examining declared 'orthopaedic', failed to check by ECG. 3 months after return to Australia, J had massive infarction, resulting in quad CABG! DVA and VRB both denied any connection with his Service at Nui Dat in the centre of 1 ATF operations! DVA conceded day before his AAT hearing! No apology for the stress caused to Veteran and Family!
8. Prior to his 1 year with 1 ATF, including Patrol duties, R had a promising Army career-highly regarded by superiors, peers, and subordinates. On return, R could not settle back in the Army, secured a senior civilian position, but became withdrawn, unsettled, resigned and moved interstate, cutting off his erstwhile mates. He sought psychiatric help, diagnosed PTSD. R sadly suicided. But despite statements by his OC, peers, and his psychiatrist, DVA and VRB rejected his wife's claim! Again, DVA conceded the day prior to the AAT!
9. Prior to his posting to the AATTV, our most highly decorated Unit, where G himself was decorated by the ARVN, G had a promising career, and stable marriage. Within 2 years, he was assessed as alcoholic, his marriage dissolved. Despite PTSD diagnosis, DVA declined to accept, but, despite disagreement by one member of his VRB, his disability was finally accepted
10. Sadly, as revealed by the recent Senate Inquiry, the foregoing are typical examples. There are hundreds of hard working, well-meaning DVA, VRB, and Commission people, all of whom have rightly earned the respect, indeed, affection of the writer and Defence Community. But the essential 'Duty of Care' seems to have been lost in the bureaucracy?

VRB

11. Of recent times, some VRB have shown a tendency to be over legalistic. Further, there are 'Services Members' who have distinguished careers in, perhaps, one Arm of the Services, but no war service or little understanding of other Arms! It is only logical that the 'Services Member' of all VRB should have proven war service and show at least some understanding of other Arms?

AAT

12. An ex-AAT Member once stated: If only DVA had properly investigated most of the Claims reviewed, those claims would never have come before the AAT.

Conclusion

13. The sad results of the foregoing range from suicides to Veterans openly discouraging family and others from enlisting in the ADF! The \$ 15 Billion taxpayer cost (which includes treatment otherwise partly provided under Medicare anyway) is a modest sum when compared with the recently revealed long-term abuses in Centrelink.

Recommendations

14. It is therefore recommended that:

- a. The 1994 amendments to VEA be revoked;
- b. RMA and SoP's be abolished, thus saving approx \$ 1 million pa;
- c. MRCA be revised and simplified;
- d. The principles of 'DVA Duty of Care', 'benefit of doubt' and 'beneficial interpretation' be inserted in both the preamble and conclusion of ALL Veteran Legislation;
- e. VRB Services Member essential criteria include:
 - (1) War service of at least 6 months' duty; and
 - (2) Demonstrated understanding of other arms of Defence.
- f. The Government ratify a Defence Force Covenant, recognising the unique nature of ADF duties.

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