

Compensation and Rehabilitation for Veterans

Inquiry into Veterans' Affairs' Legislative Framework and Supporting Architecture for Compensation and Rehabilitation for Veterans (Serving and Ex-serving Australian Defence Force Members)

Submission by WO1 (Retired) Kerry Danes 19 Dec 18

References:

- A. Defence Act 1903, section 26.
- B. Australian Government (2018). 'A Better Way to Support Veterans.' Productivity Commission Draft Report (p688), December 2018.

In response to the recent findings of the productivity commission that calls for radical reform of the \$13.2 billion Veteran Affairs' system, I would like to offer my submission as it relates to the current legislative framework and supporting architecture that delivers ADF service transition and rehabilitative arrangements for members, and whether those arrangements are well orchestrated, efficient and veteran-centric. Further, I offer my personal reflections in accordance with Commissioner Robert Fitzgerald's assertions that "the Defence department take more responsibility for its former employees... assisting them on transition to civilian life."

In Oct 2018, I reached Compulsory Retirement Age (CRA) after 42 years of service within the ADF, namely the Australian Special Air Service Regiment (SASR) and Special Operations Command (SOCOMD). I am currently an active ADF Reservist. Throughout my military career and particularly when I served as a Regimental Sergeant Major (RSM), I had the pleasure of working with many outstanding service personnel across the ADF. Many suffered physical and mental incapacity in military service which resulted in them being prematurely, medically discharged from the ADF. In many cases, these ADF members were not able to return to service, as a result of their injuries, both physical and mental. Many however could have continued service as future ADF Reserves, post-rehabilitation, had the current legislation framework at Reference A permitted the ADF to re-engage them. This was a concept I presented to MAJGEN Mellick in 2006 after I identified failings in the early transitioning process that subjected ADF members to a feeling of complete disconnect from the uniform and

the ADF community. A disconnect from a sense of place and belonging but for their injuries they would have continued providing loyal service to the ADF. The emotional impact from this disconnect cannot be underestimated in terms of rehabilitative care.

The Australian government currently offers incentives for Australian businesses to celebrate the contribution of our veterans to the workplace, to harness their unique skills and experience and to help employers facing recruitment, retention and skills shortage challenges. Although the ADF claims to be an employer of choice it has not itself taken full advantage of those same opportunities which are important to supporting the member's well-being beyond service. Many Veterans who were medically discharged from ADF service have undergone successful rehabilitation and some have established their own private enterprises. They now tender for Defence contracts worth millions of dollars each year. Whilst this may have created a lucrative and competitive market for Veterans and allowed the ADF to harness their unique skills and experience, the method of engagement is not the best or most efficient use of Defence spending.

The Solution

The ADF agree that rehabilitation and attaining meaningful employment are fundamental to a successful life post- ADF service (Reference B. p212). Rehabilitation can mean that injured and ill people can recover more quickly and return to work sooner. Rehabilitation is also essential to the wellbeing or quality of life of veterans. Presently the current legislative framework (at Reference A) **prevents** ADF members transitioning from the ADF on **medical grounds** to be retained in an ADF Reserve capacity.

If this legislation were amended, then those Veterans could at a later date when they have recovered from their physical and mental injuries, apply for a suitable role in the ADF Reserves that is appropriate to their qualifications, experience, skills and abilities. As ADF Reserves, they could reconnect with the ADF community which would importantly restore their dignity and self-respect. They would also be able to access the many benefits and opportunities other ADF members transitioning from service are entitled to. For example, ADF Reserve tax free pay that would go straight into their pocket thereby, alleviating the financial strain that has likely resulted from them

having been discharged from service. ADF Reserves offer rehabilitation and meaningful employment to those ADF Veterans who have qualified for ADF Reserve service but as stated, this is not available to those ADF members who have transitioned from ADF on medical grounds.

Financial benefits

The cost to the Australian government and Defence budget would also be considerably reduced if Veterans currently prevented from being engaged as ADF Reserves could be re-engaged once they have completed a rehabilitation plan, to share their vast qualifications, experiences, skills and knowledge with the new generation of ADF service personnel. This retention strategy alone would have considerable cost-saving benefits for the Australian government as it could reduce the current reliance on engaging external civilian-defence contractors to facilitate training for ADF. Further, ADF Reserves who deliver training requiring a particular adherence to ADF's strict governance and safety policies, do not require additional uniformed support to oversee that specific training.

Veteran civilian-defence contractors on the other hand, who do not have ADF Reserve status, must have a uniformed ADF member to oversee specific training that requires a particular adherence to ADF's strict governance and safety policies. Even though the Veteran civilian-defence contractor may have all the requisite ADF qualifications, skills and experience to conduct the specific training of this nature, it is their 'civilian' status that disqualifies them from performing the full range of specific duties required by ADF. Whilst this may be financially beneficial to the Veteran civilian-contractor, it is not the best or most efficient use of Defence spending because this arrangement requires Defence to pay two people to do one job.

Summary

Now is the time for the Australian government to engage modern thinking and amend the legislation that prevents the ADF from harnessing the expertise of its members who may be transitioning from service as a result of a temporary loss of capacity, but who may in the future recover and be able to offer their expertise in a sector they were once

an integral part. As argued, the ADF has an opportunity to support its Veterans, their sense of belonging, dignity and self-respect, to retain an important human resource that the ADF has already heavily invested in. Thus, re-investing in its own people who have shown loyal and dedicated service would truly make the ADF an employer of choice and Veteran friendly.

Your consideration of this proposal is appreciated as I welcome an opportunity to provide any assistance to you as an ADF Veteran.

Mr Kerry Danes