



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

PROOF

**VETERANS' AFFAIRS LEGISLATION
AMENDMENT (2010 BUDGET
MEASURES) BILL 2010**

Second Reading

SPEECH

Thursday, 3 June 2010

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

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Questioner
Speaker Robert, Stuart, MP

Source House
Proof Yes
Responder
Question No.

Mr ROBERT (Fadden) (11.42 am)—This bill implements Labor's 2007 election commitment to reconsider the unimplemented recommendations of the Clarke review of veterans' entitlements. The review was, of course, conducted by the Hon. John Clarke QC and was completed in 2003. I note that in 2004, the previous coalition government responded with a package of \$236 million over five years.

In Labor's plan for veterans affairs in the Kevin 07 election the Labor Party promised:

A Rudd Labor Government will give further consideration to recommendations of the Clarke Review of Veterans' Entitlements that were not acted upon by the Howard Government.

They said:

This process will also give early priority to recommendations relating to those Australian participants in the British Commonwealth Occupational Force in Japan—

BCOF—

and Defence participants in the atomic tests in Australia.

I do confess a conflict of interest: my uncle was part of the BCOF in Japan and would later volunteer and fight with the 3rd Battalion in Korea in 1951.

On 9 September 2008, the Minister for Veterans' Affairs issued a great press release: 'Government kicks off Clarke Review—nuclear veterans and BCOF a priority.' Submissions from veterans about unimplemented recommendations were due by 1 December 2008. The recommendations were delivered to Minister Griffin in February 2009. And then we waited. We waited some 30 months from the election of the government, and 15 months from the time the report was delivered, for any action at all on the recommendations.

And now we see in the budget, \$36 million. The previous government spent \$236 million. So another 15 per cent—\$36 million—was certainly welcome over four years to implement the re-reviewed recommendations.

The Rudd Labor government noted that three had already been accepted and acted upon; four have been

accepted and are the basis of this bill; four deferred for further consideration; 22 referred to the review of military compensation arrangements; and 12 rejected for a second time. Noting my declared conflict of interest, I am somewhat amazed that recommendations relating to BCOF veterans have been further delayed.

The government has stated it proposes to defer its response to these recommendations to allow further examination and discussion within the government and with the defence Nature of Service Review team. There appears to be no time line for the completion of this re-review of the re-review of the review, which is interesting because the minister's press release was titled 'Government kicks off Clarke review: nuclear veterans and BCOF a priority'. But apparently there is no time line for this 'priority'; it just seems to have disappeared into the ether.

There is lots of noise from the government about correcting the service of BCOF veterans under the re-review of the re-review of the re-review of the review. But, again, nothing happened—30 months and there is still nothing for the 2,700 aged BCOF aged veterans, including my uncle, who has since died, and their families. And no-one is any the wiser about the commitment Labor made to them at the last election. I can only surmise that when the minister said 'Government kicks off Clarke review' and 'BCOF a priority' that a 'priority' would not end up as a re-review of a re-review of a review. I can only assume that is another broken promise—I have to say that list must be exceptionally long by now.

In terms of the substance of the bill, it deals with within the four accepted recommendations in five schedules, and there is one new issue there that was not part of the Clarke review. Schedule 1 deals with recommendation 45 of the Clarke review. The Australian government will reclassify the service of British nuclear test defence service veterans to an equivalent 'hazardous, non-warlike' status—costing \$24.3 million over four years. Eligible ex-defence personnel will be able to access disability pensions, war widow pensions and, where applicable, a gold card. Of course, where I say 'war widow' I also refer to 'war widowers'. Eligible ex-defence personnel will be able to access those benefits. In 2006, the previous coalition government extended coverage of the white card to all ex-defence and civilian personnel who were involved

in the tests. White card coverage will remain for civilian personnel who are not ex-defence personnel. Under changes to the VEA Act, a new classification of service would be entered into the act.

Schedule 2 looks at the issue of submarine special operations—recommendation 31 of the Clarke review. The Australian government intends to reclassify the service of submarine special operations undertaken between 1 January 1978 and 31 December 1992 as ‘qualifying’ and ‘operational’ service. Considering that this service was on board the British Oberon class of submarines, I have absolutely and utterly no problem with this recommendation and where the government is going. I have not been or served on board an Oberon class submarine. I have been on board the Collins class submarine. But I know, from talking to my colleagues who served on the Oberon class, that it was like living completely wrapped in smelly, diesel-covered oily rags. I think anything we can provide for those men that served long periods in quite dangerous occupations in that sort of unknown environment is well and truly deserved. This change will entitle eligible people access to an asset- and means-tested service pension at age 60, to the disability pension, to the war widow pension and to the gold card at age 70. The Naval Association of Australia strongly supports the extended classification, as do I.

Schedule 3 looks at service in Thailand. The Australian government will reclassify certain service between 31 May 1962 and 27 July 1962 in Ubon in north-east Thailand as ‘qualifying service’. Again, this will entitle eligible veterans access to service pensions at age 60 and the gold card at age 70, on top of existing entitlement to disability pensions, and will entitle eligible widows to war widow pensions. This is not in response to the Clarke review. Yet a quick note of the history I think explains where the government has gone, and again I think it is a relatively good move. Throughout the 1960s, Australian service personnel were stationed throughout South-East Asia—in fact, some of them were stationed there from 1948, when the Malayan Emergency began, in which I think 36 Australian servicemen lost their lives. Australians were involved in confrontation in Malaysia. After 1965, of course, personnel were involved in the Vietnam War, specifically with the Australian Army Training Team Vietnam and then other forces that went there. On a quick side note, my first exposure to the Training Team Vietnam was through our school sergeant Jim Geedrick, a great Australian who fought at a very young age in World War II, fought in the Malayan Emergency, fought in the Korean confrontation and then fought with the Australian Army Training Team Vietnam. He was a tremendous man, a great Australian and a great asset to my school, Rockhampton Grammar School.

In May 1962, 79 Squadron from the RAAF, the Royal Australian Air Force, was despatched to north-east Thailand to protect the territorial integrity of Thailand. At the time, suffice it to say there were few facilities at Ubon. It was pretty rugged. It was very, very tough going for two months before something more permanent began to be constructed. I have lived in some fairly tough, disgusting places in the north of Australia and other countries on operations. The situation in 1962 I think took tough to a whole new level. So, for the government to reclassify ‘potential risk from the activities of hostile forces and dissident elements’, considering the circumstances they were living in, is appropriate and just.

Moving on to schedule 4, which relates to recommendation 60 of the Clarke review, the Australian government will correct an anomaly in the VEA Act to enable certain British Commonwealth and allied veterans who were aged between 18 and 21 at the time of enlistment in a Commonwealth or allied defence force to access the Australian repatriation system. Under the VEA Act, British, Commonwealth and allied veterans may be eligible for pensions and other benefits if they have eligible service with a Commonwealth or allied defence force and if they had Australian domicile immediately prior to their enlistment in that defence force. Again, that makes a fair degree of sense to me.

Finally, schedule 5 deals with war widows entering into a de facto relationship. In line with recommendation 54 of the Clarke review, the Australian government will remove an entitlement from war widows who claim a war widow pension after entering a marriage-like—that is, a de facto—relationship. Consequently, the government will require eligible war widows to claim a war widow pension before they enter a new relationship in order to qualify for their pension. I note that, under current legislation, a war widow who applies for a war widow pension after marrying or remarrying is not entitled to that pension. However, a war widow who enters a marriage-like relationship could still apply for a war widow pension. There was a difference between de facto and married. I note the government is proposing a change. It is not retrospective, but it does make assumptions on the way people live. The government is looking to save \$1.4 million over four years, which in effect denies about 10 new applicants per year.

I think it is instructive to again look at history. In 1984, the Hawke government put back pensions to married or remarried war widows who, until then, had lost their pension upon remarriage. Again, this was a prospective, not retrospective, change. In 2001, the previous coalition government broadened the 1984 change to include any married or remarried war widow

who lost their pension as a result of their marriage or remarriage after applying for and being granted a pension.

Justice Clarke recommended, *inter alia*, that no change to the present arrangements be made, including the broadening of the base of the war widow pension to people who had applied after marriage. The war widow pension is a compensation payment and is not means tested. I think it is paid at a rate of \$703.90 a fortnight, and some eligible war widows may indeed receive an income support supplement. I note this change has the support of the veteran and ex-service community, including the War Widows Guild of Australia and Legacy. However, my view is that a war widow is still a war widow. Regardless of whether she remarries or moves into a *de facto* relationship, they have lost their partner—their husband and, in some cases, their wife—in combat operations overseas. I cannot imagine the horror and the pain of losing my wife or of someone losing their partner, but to lose them in the defence of the nation or in the national interest overseas in combat operations, in such difficult environments, is a whole new world of horror.

There is an incredibly brave Australian in my electorate, Nicole Pearce. She is the war widow of David ‘Poppy’ Pearce who died in combat operations in Afghanistan, fighting for all that we believe in and our way of life. I have recently got back from 10 days in the Middle East operations, including five days in Kandahar and in Tarin Kowt. In the middle of the base is an Australian memorial, to the young Australian—in this case—men who have paid the ultimate price, who have died on combat operations serving their nation. David ‘Poppy’ Pearce’s name is there. I took a photograph of the memorial and a close-up of his name, of his plaque, and sent it to Nicole. I gave her a call, because she is in my electorate, and she said, ‘You know what: today would have been our 15th wedding anniversary.’ You cannot imagine the horror. A war widow is a war widow—and we should never lose sight of that.