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To the Honourable Matt Keogh and the Military Rehabilitation and Compensation Working party.

Minister for Veterans Affairs; Minister for Defence Personnel. 24 04 2024

Dear Sir,

I felt compelled to write to you and your working party developing a ***one Military Rehabilitation & Compensation Act. – That FITS ALL. On the question of Compensation & Rehabilitation for Military Service Personnel.***

A friend of mine was a 'Conscript' - preferentially conscripted by birthdates, to do compulsory Military Service in the Australian Army for two years, full time. The Prime Minister at the time, right Honourable Menzies said "...no alternative...introduction of selective compulsory service. We know this presents a difficult ...circumstances.. ..."

A. N. A. paper: 4,200 young 20 yr. Old men were "compulsory Conscripted "every 6 months, twice a year per "Call – Up" from 1966 until Prime Minister Gough Whitlam abolished Conscription in February 1972.

Some 800,000 Men during this time were required by **D.L. & N.S.** to register for the 'Lottery of Life'. During this period, the Regular Army [1967 onwards] required 3 battalions of infantry, 2 on fighting alert, 1 on standby during the Vietnam War, fighting Communism in Sth. East Asia. Re: Aust. Nat. Archives; Australian War Memorial.

Commentary: Once "Called – Up" by the **D.L. & N.S.** [Dept. Labour & National Service], some 63,000 20 yr. old Men , who passed the rigorous Physical & Psychological medical tests, were "captured" by the regular Army System of bastardization & discipline for 2 yrs. Full time Army, Of the 63,000, approx. 15,500 [National Service Men] spent a year in the War Zone – Vietnam. The intention was to bolster up the Regular Army Ranks with Conscripts [National Servicemen]. These Men deservingly earned the use of the legislation V.E.A. – 1986 the Gold Card for their War Service.

On looking back on that era, [1966 to 1972] it is totally reprehensible that some 47,500 N.S. Men, who did not go to Vietnam, did not get any benefits from doing sometimes arduous physical duties in Australia, as they were always on 'Stand By', ready to go at 2 weeks notice to Vietnam. As soldiers, they carried out many tasks that civilians were not able to or refused to do in Civvy street, [at that time Trade Union pressure with employers was beginning in the 60's for O.H.S. & W.] many, many Men did their Military responsibilities from constructing air strips, bridging, helipads, communications, field defences, administration or logistics etc. without hesitation.

Instead, in many cases, un - known to them [they were issued with National Service Pocket hand books that had written nothing about Military law or Rehab. & Compo. If injured or killed within Australia they were deemed to be Commonwealth Employees – clerical officers, Storemen; municipal officers ...working for the Australian Government at that time.

Soldiering demanded many skills and attributed accomplished tasks that were quite frankly, dirty, dangerous and lonely – when taken away from family and friends for months and years on

end.

Statement of fact: So, the bottom line, non – combatant “Conscripts “were expendable [but their equipment was not]. They were cast into, without them knowing, the **Commonwealth Employees Compensation Act 1930** [please view attachment 1.]

This 1930 Act was in the main, without his knowledge, until later on in life when injuries he acquired in the A.D.F. began apparent and he asked for medical assistance and intervention from the D.V.A.

With the help of some R.S.L. advocates, my mate, through F.O.I. request from the Department of Defence, full medical and Army records he had not been aware they had on file – such as C.A.R.O.

If you take the time to read the **C.E.A. 1930 & C.E. Act 1930 - 1971** [assented to 25th. May 1971], *unlike DRCA. nothing in the text about “Soldiering” and Rehabilitation & Compensation.* [Please view Attachment 2.]

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It is only the more recent of the two C.E.A. 's that even refers to **“Soldiering” as: S7-[1]; [2]; [3] “A member of the Defence Force”**. C.E. compensation Act 1930 - 1971

Commentary: Both **C.E.A. Acts** have no relevant sections of Illnesses, injuries or exacerbations to previous injuries whilst in Military Service? They were developed for Commonwealth Employees, as I previously said who were e.g., were employees e.g. sent to New Guinea and Northern Australia as Teachers; Police Officers...etc. and contracted T.B. Then there was a stonemason who crushed his arm by a sawn block whilst working on a Government Building and needed to have it amputated. Or the technician who worked in a Government Hospital and contracted and died of mercury poisoning. Nothing to do with Soldiering! No Musculoskeletal or Psyche issues.

Statement of Facts: Please read **schedules 2 & 3** within the C.E.A. 1930 to evaluate whether these acts are; Fit for Military Service” then and now? [View Attachments 3,] pdf's

Further, if you then read the Text from **DRCA – 1988** [coincidentally the “Welcome Home Parade “ for Vietnam Veterans 20 yrs. on, it IS FIT FOR SERVICE.As it was developed with Soldiering in mind.[Attachment 4.]

It was then, in the mid 60's, and still is, a National Disgrace and totally reprehensible of the Commonwealth of Australia to still have these two [2] archaic acts on the Register of Legislation.

However I viewed where the **Commonwealth Employees Act 1930 assented to 25th. May 1971** is “no longer In Force” – ref: Federal Registration of Legislation [Acts & Instruments]. [5. View attachment]

Commentary: Furthermore, my friend has told me that he claimed for a back injury which he sustained whilst in Military service, as he acquired his full medical and Army files/papers due to F.O.I. in 2019. He then was told he did not qualify for a claim for said conditions as he was a “Preferential Conscript”, and due to **schedule 2. & 3.** - Injuries and illnesses within the **1930 C.E.A.** he could not claim exacerbations to existing injuries or new injuries.

This is a National Disgrace that this young Man, now 58 yrs. ago, was willing [a volunteer] or by birthday lottery, was “Conscripted “into the A.D.F. – Army [A.R.A. – N.S.] National Service or Army [A.R.A. – S] Very Prejudicial Conduct.

My mate does not qualify for reasonable Rehabilitation & Compensation which was coincidentally, afforded Construction Workers through the A.W.U. [Australian Workers Union

[now the C.F.M.E.U. – [Construction Mining Fireman’s Electrical Union] through hard won **O.H.S. & W.** Building & Construction on-site political policies at that time [mid 60’s onwards] !

*If I had the political power, Honourable Minister Keogh, I would have the two [2] C.E.A. 1930 / 1971 abolished forthwith by the Governor General, to provide good faith to the remaining 31,000 “Conscripts” [1965 – 1972]. National Servicemen.

Statement of Facts: *I would then give these Men the opportunity **through SRCA or DRCA – 1988** to sort out their illnesses and injuries they acquired by carrying out diligently, Australian Military National Service.

Further, if these men suffer from any official or psychological conditions due to their intensive military service, [F.O.I. – D. of D. files] 53 to 58 years ago, they should be given the dignity and the empathy by various Australian Commonwealth Departments, of being attended to by D.V.A.; D. of D. and the M.R. & C.C. **General Commentary: On another front,** If a Man was conscripted, but like my mate, was deferred by the **D.L. & N.S.** [Dept. of Labour & Nat. Service.] because of Building Studies he was undertaking to obtain his Builders Licence, then “Volunteered “to join the C. M.F. [Citizen Military Service] – now called ‘the Reserves’, he was not old enough to sign off his own volunteer in Peace and War official enlistment papers.

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His Father needed to do so! The Act which he was responsible for as a soldier was the “**Defence 1903**” Act [6. view Attachment] which when you read it in its context, had nothing to do with Rehabilitation & Compensation for C.M.F. volunteers at that time [1967 – 1969] but for the administration of officers appointed to Army, Air force and Naval Units ,the amalgamation of Rifle Clubs into the volunteer land forces, and ultimately the bulk of these men [and women ?] inducted into the Regular Military Forces if War broke out in that era[1903...] This clearly was an act that this Man’s Father signed off on, to little or no benefit of his Son, if my mate being injured or killed whilst on combined Corps. training drills and rifle target shoots etc. Like the **C.E.A. of 1930**, it was clearly and totally inadequate, **Not Fit For Service** e.g. for Rehabilitation and Compensation of Soldiers ‘doing hard time’ !

As a footnote to this part of my observation report: My friend tells me he heard from an Army Padre the next day because 6 men in his C.M.F. Unit had had a head-on collision between a semi trailer and two [2] light wheelbase land rovers of which 4 died out right and two [2] were seriously injured.

Based on the former statement of facts about Rehab. & Compo. Acts then, 1967 to 1971, would the widows and children of the dead Servicemen have received reasonable compensation for their loss – based on principles of both the C.E.A. – 1930 / 1930- 1971 ? and the C.M.F. “Defence [Citizen Military Forces] no 2 of 1943” ? [attachment]

Did the C.E.A. of 1930/ 1930 – 1971 adequately cover Military personnel during that era of the Vietnam War [1962 to 1975] where *the Australian Soldier was employed as a non-combatant?*

General Commentary: As an analogy scenario to my statement of Facts, thus far. If my mate was medically discharged earlier on whilst serving in the C.M.F. [1967 – 1969 because of medical problems he encountered, [a review passed down by an **Army Medical review Board [1968]** said he was downgraded from a P.1. [A.1. medical fitness] to a P.4. Medical fitness] * without his knowledge either in writing or verbally.] [7. please view Military Medical reclassification Board]] [also attachment 8.] The N.S. Act 1964 Med. Discharge S.14 – 35 B-[2] [a] & [b]

About this scenario 1, my mate, then on being medically discharged began re-employment with the Building Industry on high rise building construction. He then became ill because he contracted allergic Rhinitis and suffered lower back injuries [there were very few lifting machines in those days] – e.g. Fabco Cranes, Lebecker Systems of slip form Construction and old W.W.2. Blitz trucks to handle odd steel members, would he have been medically better off as an

Australian Workers Union paid up member [O.H.S. & W. policies], then remaining in the Military Forces, the Army ?.Or based on present D.V.A. procedures, what would be the difference ? [9. Please view A.N.U. 22 July 2022 Conference,] limiting Rehab. and Compensation to non-combatant "Conscripts "during the Vietnam War.

Scenario case 1. Would he have been better off having been injured and contracting illnesses on the Building Site – Adelaide Convention Centre or the Menzies Hotel, Papua New guinea? OR
Scenario Case 2.: Staying in the Army, being re-deployed from his C.M.F. Unit to the Regular Army for 2 years full time service as a "Conscript" ?

Dear Honourable Minister Keogh, Minister for Veteran Affairs; Minister for Defence personnel.

In closing, I put to you sir, that the way forward is not to relegate non – combatant "Conscripts" who did two [2] years full time service for their country, willingly, in most cases, as second class ex. Service members. But give them legally, the rights they should have had to meaningful Rehabilitation and Compensation as able bodied Men during their Military service.

If my mate was medically discharged in [REDACTED] and continued *in a civilian occupation e.g. Const. Worker, where during this time Unions demanded* and won reasonable care for their Union members, he would have been much better off, compared with being covered by the Archaic C.E.A. 1930 or C.E.A. 1930 to 1971. **n.b.** nowadays we openly have O.H.S. & W. for facets of society, e.g. C.B.U.S., N.D.I.A.S.; Com. Care; What about N.S. Men 1965 – 1971.

I would appreciate a reply from your Department as a return receipt as to received my submission and a reply by your Department in due course,

Thank you for the time in receiving this submission,

On behalf of my mate,

yours sincerely,

Andrew [REDACTED] [REDACTED]