



Australian War Widows Inc.

Veterans' Entitlements, Treatment and Support (Simplification and Harmonisation) Bill – April 2024 Submission

Thank you for the opportunity to contribute to the public consultation for the new Harmonisation and Simplification Bill 2024.

Australian War Widows Inc. (AWW) feels immense responsibility to ensure that the interests of the many thousands of war widows in Australia are preserved and protected as the Act changes.

We have consulted with our state-based organisations and note the following key points for your consideration.

1. In the present form of the MRCA legislation there is no mention of war widows/ers, instead the term “Wholly Dependent Partner” is used. The majority of war widows/ers across Australia are saddened and disappointed at being labelled with this term. Most war widows worked during their marriages and contributed to the family finances, not to mention keeping the family unit together during their husbands' absences. When their husbands became ill due to their war service the “widows” cared for them and in actual fact, it was the veteran who was “dependent”.
2. It is recommended that the new legislation should also include reference to “senior veterans” which the VEA does not.

Attached is a letter from a war widower in Queensland who is very passionate about the intention for war widows/ers being referred to as “Wholly Dependent Partner”. AWW echoes many of the sentiments contained in [REDACTED] letter.

AWW also considers that what has been overlooked, is the vital role that war widows/ers played, and are still playing, in assisting the Government with keeping Australia functioning at home. The proposed terminology “Wholly Dependent Partner” could relate to anyone, it makes no reference to veterans or their defence service. AWW believes that it is disrespectful to those who have served, and shows contempt and ignorance towards widows/ers who are left behind.

We would also like to acknowledge the improvements added as a result of the consultations already conducted on the Legislation Reform including:

1. work already carried out regarding the disparity in the provisions covering bereavement payments in the MRCA Act.
2. Increasing the funeral allowance from \$2,000 to \$3,000 for previous automatic grant categories under the VEA, and ensuring that a reimbursement for funeral expenses of up to \$14,062 is available in respect of all service related deaths.
3. Introducing “presumptive liability” allowing the Repatriation Commission to specify injuries and diseases that can be determined as “automatic unless proven otherwise” where they are known to have a common connection with military service.

AWW firmly believes that the new legislation needs to be fit for purpose now, in decades to come and protected by future Government policies. War widows/ers who currently fall under the VEA legislation need to be guaranteed that, under the Grandfathering Clause for VEA their entitlements will remain the same under the new legislation.

We also support the following items that have been provided by Families of Veterans Guild (formerly Australian War Widows NSW) in their submission.

1. We welcome the retention and protection of the entitlements of war widows and bereaved families under the proposed Bill. The grandparenting of entitlements is appreciated as is the continuation of the auto-grant arrangements from the *Veterans Entitlements Act* (VEA).
2. We welcome the removal of inequities within existing entitlements under the proposed legislative framework. Currently the three Acts effectively discriminate based on when and where a veteran served and the conditions that arose during different types. This creates not only systemic inequity but also social and emotional challenges for widows and bereaved families.
3. We note and appreciate the additional entitlements to be offered to widow/ers and bereaved families under the new legislation from 1 July 2026. Including those whose entitlement arises under the ‘auto-grant’ arrangements.
4. We welcome the simplification and consolidation of travel provisions under the VEA and the *Military Rehabilitation and Compensation Act* (MRCA). This again, increases the equity in the system which is fundamental to providing the best support to veterans and their families who need to access this support.

5. We welcome the protection of entitlements around gold card provisions for widow/ers. We do, however, believe that more can and needs to be done to examine the circumstances in which a Gold Card is issued to a veteran because they have qualifying service and have reached the entitlement age to support the needs of their widow/ers. The Guild would welcome discussions with the Government and its Departments about how to fill the gap this veteran-based entitlement creates within families when a veteran passes.
6. We welcome the retention of the Veteran Family Advocate Commissioner position within the proposed legislation; however, we note the differences in the way this position and the Repatriation Commissioner are appointed as noted in the Act. We encourage the Government to apply the same provisions to the Veteran Family Advocate Commissioner as well. Just as veterans and veteran groups get a say with who represents them at the heart of the veteran system, so too should the families of veterans. This would give the position more efficacy within the population of veteran families and organisations that represent them.

Further work

7. The Guild understands and supports that the harmonisation of the three Act's and the position of the Government that the 'enhanced' MRCA is the Act that is carried forward into the future. However, we note that the MRCA itself still has further work required to truly make it the pieces of legislation that simplifies the veteran system and remove inequity.
8. The Guild sees the harmonisation Bill and the 'enhanced' MRCA as the first step in a much larger project of system reform and simplification and would encourage both sides of politics, government, and its departments to not rest once this Bill is passed. Additional work required on the 'enhanced' MRCA include:
 - a) Removal of inequity in the provision of funeral entitlements.
 - b) Removal of inequity for bereaved families under the Acute Support Package.
 - c) Extension of entitlements for children of veterans who have passed in or because of their service for lifetime mental health care.
 - d) Adjust prescribed limits to domestic assistance provisions to allow greater flexibility in their application. Empowering veterans and families to be able to keep pace with the costs of services.
 - e) Recognising veteran families and their role in the new legislative framework.
 - f) Including veteran family engagement and a role for DVA in the provisions that govern Transition Support.
 - g) Adjustments to the attendant care entitlements to reflect community understanding, expectation and language.

- h) Adjustment to the “wholly dependent partner” provisions to reflect community understanding, expectation and language; and
- i) The changes we note above.

Australian War Widows Incorporated – National Council

27th April 2024

Attachment 1: War Widower, Mr McGowan Letter.

Questions regarding this submission can be directed to [REDACTED], National President, Australian War Widows Inc. [REDACTED]