

VETERANS LEGISLATION REFORM

- [1] My submission is in respect of the proposed Veterans' Legislation Reform. I am a War Veteran who served in the Royal Australian Navy at sea and ashore in various operations and deployments. [REDACTED] I remain a serving Reservist.
- [2] I wish at the outset to commend, strongly, the Government on undertaking this review. It is well overdue. It remains unsatisfactory that prior governments did not undertake this review. It should have been clear to any government, from, at least, the 1990s deployments in the Persian Gulf, Kuwait, Cambodia, Somalia, Rwanda, Timor area of operations, and the Balkans, that Australia's modern Veterans' cohort would be different from that of the prior World War II, Korea, Malaya, and Vietnam, cohorts of Veterans. The clarity of these differences should have been made even more stark by the needs of the much larger cohorts of returning Veterans from the Middle East and Afghanistan areas of operations.
- [3] In saying the above, I do not allege that any elected government minister(s) intended this dismal result, but the Department of Veterans Affairs (*DVA*) was already notorious, going back decades, for its lack of sympathy to Veteran claims, with a common result to most applications being a brief "No" (or worse). It is thus apt for the demands of this time that any reform be comprehensive and far-reaching in nature, with the aim of making it that much easier for Veterans to gain access to ongoing support as well as any services and compensation schemes.
- [4] I would urge the Government to use this opportunity to address, broadly, the remediation of a range of consistent issues faced by Veterans, not only around compensation itself, but in terms of what can be done to assist Veterans to have complete records of their service and be able to evidence it to others, as I set out below. It would be a mistake to only look here at the narrow issue of compensation when equally important issues loom large in respect of contemporary Veterans who are serving or who have completed their service.

Transition from service in the Australian Defence Force

- [5] A crucial legislative challenge/problem is ensuring that ADF personnel can transition from service in the ADF to civilian life in a manner that is as smooth and comprehensive – and gap free – as possible. This involves the closest cooperation between the Department of Defence (*Defence*) and DVA. These two matters should be urgent DVA reform priorities in 2024:
- (A) Portable ADF Service Records: a first modest suggestion would be that DVA inherits or copies the service records in Defence of a discharging service member so that there is portability and so there

are no gaps in responsibility. It is unfathomable in 2024 that a discharging member's service history – especially their medical history and wounds/injuries sustained while serving – could go adrift as a member leaves the ADF and seeks assistance from DVA. This is not a complex problem and, while it may be quite expensive to fix as a matter of archives and data storage, it must be fixed as a first priority.

- (B) Evidencing ADF Service: a second modest suggestion would be to devise a common certificate/*testamur* of service that is or should be issued to members (especially for members who have served in more than one service in their naval and military careers) on completion of their career, or as necessary for Reservists. Other allied nations issue a uniform evidence of service document (of however many pages) to discharging sailors/soldiers/airmen that sets out all of the particulars of an individual's service and which can then be relied upon by Veterans as evidence of their honourable service and qualifications/medals earned when dealing with Federal, State, and Local, government bodies as well as employers and educational institutions. It remains very difficult for many veterans, especially for junior sailors/soldiers/airmen who are newly discharging, to substantiate all of their service – and it should not be up to them to do this when clearly the details of all of their service is knowledge that the ADF and DVA hold (or should hold). I am aware of instances where former serving members applying for civilian positions in the Commonwealth Government are asked to substantiate the most basic aspects of their service that, quite obviously, must be known to the Commonwealth itself. In respect of this discharge certificate, it could also have a '*living document*' format that can be produced from time to time, say, for example, for Reservists who have not left the ADF and who may not do so until their compulsory retiring age but who require substantiation of their service.

Both of these reforms should be accompanied by a review to ensure that our transition assistance to discharging ADF personnel is serving the needs and interests of departing service members and their families. At the same time, every opportunity should be taken to attract discharging regular personnel to serve as Reservists.

The Proposed Legislative Reform

- [6] The prospect of a single and comprehensive uniform Veterans law is supported and commendable. In comments that follow, I do sympathise with the drafters of these bills as the whole area of Veterans legislation is remarkably complex and has pitfalls and traps within it. However, these very features are why this reform is so needed – and should really have been done, as I say above, some 20 to 30 years ago.

[7] To be accessible by the Veterans that the single and comprehensive uniform Veterans law is intended to assist, the law must be drafted, wherever possible, in plain English and with a minimal amount of the inane cross-referencing and double negatives that disfigure other legislation. A person of reasonable education should never have to guess at what law applies to them, particularly in these matters. Upon such a cardinal point may the success or failure of this Veterans legislative reform hinge in the run-up to it taking effect in 2026.

[8] In terms of the particulars of the legislation:

(A) Schedule 2, part 1 – I would urge caution and consultation with affected families/ex-service organisations in respect of:

- funeral compensation
- acute support packages
- compensation for household services/carers
- children’s education assistance
- additional payment for persons with severe impairment in respect of their children

I would also urge that, to avoid unfairness in any particular case, a general and broadly worded provision be included whereby the Minister may (at any time) exercise a discretion to intervene or vary the benefits/assistance in any particular case consistent with the legislation, for reasons that the Minister must publish and lay before the Parliament. These instances may be rare but, for example, no child receiving educational assistance should have to wait for months and years for any aid application process to resolve itself.

(B) Schedule 2, part 3 – the streamlining of claims processing by allowing for presumptive acceptance of liability is supported.

(C) Schedule 4 – I support, very strongly, merging all of the administration of Veterans compensation to the Repatriation Commission.

(D) Schedule 6 – I would encourage government to ensure that the disability compensation cessation date is not just uniform but is done in a manner that is least likely to cause traumas and hardships for the deceased Veteran’s family (and unnecessary complexity for any executors)

[9] The single and comprehensive uniform Veterans law should have a provision that requires a review to be done on the performance and efficacy of the law, with the report of the review laid before the Parliament by a date that is seven years after Royal Assent is given to the enacted statute. This would mean that the review would be commissioned around the fifth year of the law’s operation, which is sufficient time to see if the new law is meeting the

Parliament's objectives. It would be crucial to any such review that it be led and staffed by persons with relevant experience and understanding of Veterans issues.

- [10] One is taught in naval and military service writing, as I was at the Royal Australian Naval College, that the ABC of good prose and staff work is "*Accuracy, Brevity, Clarity*". With this philosophy in mind, I stress, again, the need for legislative reforms and accompanying materials to be expressed in the most clear and plain English. Even if this is not possible in other legislative areas, the texts of Veterans legislation and explanatory materials should be readily comprehensible by lay people seeking to understand their entitlements and options.

Some Additional Comments

- [11] There is an enormous opportunity here for the Parliament to legislate for the cohorts of Veterans that we do have in 2024. Please do not rush this reform, or fail to address knotty problems because it seems '*all too hard*', or balk at reforms because certain vested interests are being threatened or faced with justifying their existence.
- [12] Finally, the use of "*grandparenting*" (an activity involving grandchildren) in the explanatory materials instead of "*grandfathering*" (a well-known legal shorthand to explain in simple terms what is a complex legislative concept) is, given DVA's reputational problems, yet another perverse manifestation of Canberran political correctness – and hardly encouraging of mission focus. Please cease such silliness forthwith especially given that imprecision only causes confusion.

Conclusion

- [13] I appreciate the opportunity to make a submission on this legislation.
- [14] I am prepared to speak further to this submission if I am invited to do so.



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