

AUSTRALIAN PEACEKEEPER & PEACEMAKER  
VETERANS' ASSOCIATION  
NATIONAL EXECUTIVE



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***“Commemorating the 30<sup>th</sup> Anniversary of the Deployment of  
Australian Engineers to The United Nations Transitional  
Administration Group in Namibia, South West Africa”***

**Mr Ian Harris AO,**  
Chairman, The Productivity Commission,  
Level 12, 530 Collins Street,  
MELBOURNE VIC 3000

*Dear Mr Harris:*

I write this covering letter to you in order to present the Australian Peacekeeper & Peacemaker Veterans' Association (APPVA) Response Submission to the Productivity Commission (PC) Inquiry into Veterans' Support Services.

The APPVA has been involved in representing a niche group of 80,000 veterans who are unique to the veteran spectrum. Primarily, our focus is on the issues that matter to Australian Defence Force (ADF) Peacekeeper Veterans and Police Peacekeeper Veterans. The APPVA has represented the interests of this group of veterans since 1997 to the present day.

The APPVA has written this submission with the benefit of over 22 years of Veteran experience, coupled with our corporate knowledge, skills and experience of Military Service and Police Peacekeeping Service. We have consulted widely with Ex-Service Organisations (ESO), the Veteran community, Young Veterans and their families during our 22-year existence and have conducted extensive consultations during the relatively short period that we were given to submit our Response Submission to you.

Due to the complexity of the Veterans' Support Service to Veterans and their Families, we have tabulated a document that has listed all PC Inquiry Draft Report Recommendations and Findings, so as to keep the main thrust of our submission in a readable 12-page document. There are several attachments to this document, including the submission papers sent to the PC Inquiry Secretariat by Mr Paul Copeland, of which he has kindly done so on my behalf.

Some of the Key Messages to the PC Inquiry that we highlight are very abstract, particularly toward the comparison that the PC Inquiry Panel has made to ADF Service personnel and Police Peacekeeper Veterans to that of Emergency Service First Responders. This list is as follows:

***The Veterans' Support System simply needs to be more end-user friendly and streamlined.***

*“Looking After Our Own”*

*No other occupation in Australia requires its workers to be placed into dangerous and malevolent environments, with the expectation to kill, or wound, and/or are active participants in causing trauma to their opponent in the course of their duty.*

*No other occupation in Australia holds an expectation and prediction of the deaths and casualties of their employees, as a result of executing their duties in extremely dangerous high risk and malevolent environments.*

*No other employer in Australia discriminates against their employees for work-related disabilities, except for the ADF, due to the high standard of physical and mental health required to serve Australia.*

*The ADF as an employer appears to be immune from the Disability Discrimination Act (DDA), 1992 (Cth).*

These five points highlight the Unique Nature of Service to serving members of the ADF, which cannot be compared with Emergency First Responders and fitting this special group of Veterans into a normal Australian Workers' Compensation Scheme. That is why the people of Australia hold such service as noble and unique in the protection of their nation and to Australia's role in International Peace and Security.

The APPVA thanks the Productivity Commission for the opportunity to lodge this submission, and we commend our Submission for consideration into the Final Report of the Inquiry into Veterans' Support Services.

*Yours Sincerely,*

Allan Thomas OAM JP  
National President.

27<sup>th</sup> February 2019

**Attached:**

The Australian Peacekeeper & Peacemaker Veterans' Association Response Submission to The Productivity Commission Inquiry into Veteran Support Services Draft Report.

**Australian Peacekeeper & Peacemaker Veterans' Association  
Response Submission to:  
The Productivity Commission Inquiry into Veteran Support Services  
Draft Report.**

**1. Introduction.**

1.1 Australian Veterans for over a century have rightfully enjoyed Veteran Entitlements that the Government has provided, as a result of their service, courage and sacrifice to Australia. The System today is unique to Military Service and retains the Beneficial approach to veterans and it is preferred that this remains the status quo. However, there is some fine tuning that is required to enable the Veteran Support System to be easier to navigate, along with fairness. This is the moral high ground and acceptable standard in veteran and family support.

1.2 The submissions sent to the recent Foreign Affairs Defence and Trade (FADT) Senate Inquiry into Veteran Suicide, Australian National Audit Office (ANAO) Report, and to the Productivity Commission (PC) Inquiry into Veterans' Support Services, have all demonstrated poor case management, poor change management and an archaic Information Communications Technology (ICT) systems that has been in place with DVA for at least a couple of decades.

***The Veterans' Support System simply needs to be more end-user friendly and streamlined.***

There are concerns toward the treatment of a number of mentally ill veterans in having their cases accepted for Commonwealth Liability in the past. However, a change has been noted in the approach by DVA to respect the veteran and Compensation cases are being handled better.

1.3 It is suggested that the matters that have been raised to the PC and the ANAO Inquiries of individual cases are referred to an impartial body to resolve. There have been noted indifferences from the Department of Veterans Affairs towards Veterans, which should be resolved, rather than driving a cut-down version of the current beneficial Veteran Support System, that has been recommended by the PC Inquiry.

1.4 Veterans do not want to go to Centrelink and queue for hours and be treated as Welfare recipients. This denigrates their service, courage and sacrifice to Australia. Rather, the Government approach has traditionally been to respect Veterans and their families with pride for serving Australia, dignity and special attention and care to their needs and medical treatment.

1.5 It has been noted, particularly during the period 2007-2017, that there was an oppressive approach toward Veterans in the Compensation space that has seen the loss of some entitlements, along with harsh legal decisions based on legal technicalities, rather than the merit of the case. Veterans and their families have been emotionally and mentally affected by such positioning by the Repatriation Commission (RC) and/or the Military Rehabilitation Compensation Commission (MRCC).

1.6 There are matters that have been identified within the PC Inquiry Draft Report into Veterans' Support Services to be improved. However, there is also a strong emphasis by the PC, to reduce the previous entitled benefits provided by the Government in recognition of the special and unique nature of service rendered by Veterans. There are areas of concern with the PC Inquiry emphasis toward burdening DVA with over-reporting and there have been no suggestions of how to scrutinise the Veterans Services System via data and Information Systems Reporting mechanisms.

1.7 Comparisons are made throughout the PC Draft Report of the current Veteran Support System to Australian Worker's Compensation Models, however it is noted that the current Veteran Services System is more generous, reflecting the recognition of the nation to the recipient for their sacrificial service to Australia. Notwithstanding, there are no particularly glaring differences with Australian Workers' Compensation Schemes.<sup>1</sup>

1.8 There are also a number of recommendations and findings that are of grave concern to Veterans and their families. These recommendations must be challenged by the wider ESO Community, Veterans, Practitioners, Advocates and Veteran's Families. The youth of today will not be willing participants to protect Australia, should they be placed onto a Compensation system that is equivalent to the Australian Worker, that provides no recognition to the unique nature of military service.

1.9 The APPVA is also deeply concerned that the PC Inquiry has suggested that Military Service in particular, is not dissimilar to that of Emergency Services First Responders. This perspective is contradictory and significantly at odds to the Government's recognition of the service rendered by Veterans,<sup>2</sup> through the Australian Veterans' Covenant, and *The Australian Veterans' Recognition (Putting Veterans and their Families First) Bill 2019*.

1.10 A Brief Overview of the Australian Peacekeeper & Peacemaker Veterans' (APPVA) is attached to this Paper.

## **2. ESO Consultation.**

2.1 For over the past two decades, representations have been made by the Australian Peacekeeper & Peacemaker Veterans' Association (APPVA), to the Federal Government, the Department of Veterans' Affairs (DVA) and the Department of Defence. Significantly researched and constructive submissions have been lodged by this Association, only to be overlooked, for what has been interpreted as financially driven constraints changes and/or Government directives.

2.2 Therefore, the costs of the Australian Veterans' Support System has had a negative impact, rather than providing a long-term gain for both the Government and the Veteran. Had the Government and DVA appropriately and interactively worked with ESOs, the system would have been end-user friendly and streamlined. The benefits of working with ESO is the

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<sup>1</sup> Safe Work Australia, Comparing Australia's Workers' Compensation Schemes, 26 October 2018. Link: <https://www.safeworkaustralia.gov.au/workers-compensation/comparing-australias-workers-compensation-schemes>

<sup>2</sup> The term Veteran in this paper refers to current and ex-serving ADF personnel and Police Peacekeeper Veterans.

key to making the Veterans' Support System better. The APPVA has been lobbying and representing our veterans from 2002 to the present day. Had the Government purposefully actioned the end-user feedback and recommendations made from such delegations of the APPVA and other ESO; it is doubtful that the situation would be as it is today.

2.3 The omission of Australian Police Peacekeeper Veterans by the PC Inquiry Panel, demonstrates a poor comprehension of the Australian Veteran demography. It also reflects poorly of an estimated 80,000 Peacekeeper Veterans who have served Australia's International interests and global security obligations, since 1947 to the present day – and well into the future – who continue to struggle for appropriate supported health care, and recognition of their service, courage and sacrifice to this day.

2.4 It is acknowledged that whilst this PC Inquiry is based on ADF members, within the Veteran Support System; Australian Police Peacekeeper Veterans have been engaged in a range of Peacekeeping, Capacity Building and other Overseas Operations since 1964 to the present Day and will continue well into the future. Many of these Operations are Joint Police and ADF, sharing the same conditions, including danger.

2.5 It is sought from the PC Inquiry to acknowledge the service, courage and sacrifice of thousands of Police Peacekeeper Veterans, who were eligible or hold entitlements of the VEA up until over 13 years ago. These Veterans are very much a part of the Veteran Community and deserve to be given due consideration. They have unfortunately been let down over the years by complacent Federal and State/Territory Police Associations, who have failed to act in maintaining a Police Peacekeeper presence within the Veteran Portfolio.

2.6 It is acknowledged however, that DVA is fixing a range of long-standing problems, particularly with the ICT Systems, data exchange and claim streamlining. There is much more work to do, so that the Veteran Support System under the Three Legislations (VEA, DRCA & MRCA) will be more end-user friendly and less complex. Such feedback from end-users, ESO Advocates and various SME is critically needed now, more than it has in the past.

2.7 In 2009, DVA conducted a Review into Military Compensation Arrangements, of which the APPVA lodged a significant submission based on member experience and feedback, identifying the many areas of complexity that should be resolved. These matters were not particularly acknowledged by DVA, nor any action undertaken to fix these identified areas.

**Attachment:** APPVA Paper on Military Compensation Arrangements (Submitted via email on 5<sup>th</sup> February 2019).

2.8 The APPVA supports the Government's Veteran Centric Reform (VCR) Program, PROJECT LIGHTHOUSE, DVA's Transformation Strategy and other Strategic Policies being actioned by DVA. The APPVA seeks that the PC Inquiry considers the effect of the VCR and other Strategic Reforms toward a "Better Way to Serve our Veterans", in their Final Report.

2.9 The APPVA is also concerned that the benefits of ESOs consultation and input were not placed into the submission. Whilst, there have been identified areas of difficulty within

DVA, the APPVA enjoys a consultative and healthy working relationship with DVA, its Senior Management Team, and State/Territory Deputy Commissioner Forums. This also includes the Regional Consultative Forums (RCF), with Open Arms.<sup>3</sup>

2.10 A pertinent example of such collaborative endeavour is the Viet Nam Veterans ESO working with the Federal Government in the late 1970s to bring about the creation in 1982 of the Viet Nam Veterans Counselling Service; later re-named to the Veterans and Veterans Families Counselling Service (VVCS), of which the name was gifted to various Committee members of the APPVA in March 2007. In October 2018, the VVCS name was changed for reasons of the changing client demography and for simplicity to 'Open Arms'. The beneficial and cost-effective outcome of this program has saved countless veterans' lives and improved the quality of life of the clientele of veterans and their families

2.11 The APPVA highlights the resourcefulness and purpose of ESOs and their valuable service to the ADF and Veteran community:

- Provide welfare support for veterans and families;
- Organise activities that promote well-being;
- Visit the sick in hospital;
- Care for the comrades who have a disability;
- Attend funerals of deceased comrades and in many cases coordinate them;
- Attend to the needs of widows and families of their fallen comrades;
- Mentor younger veterans when required;
- Assist with transition and employment;
- Assist their comrades who are dealing with a crisis;
- Assist with meeting accommodation needs for those who are struggling;
- Assist in advising and supporting other veterans who are struggling financially;
- Represent the interest of their members in veteran forums;
- Organise commemorative events and reunions;
- Maintain close links with current serving members in their Corps or Service;
- Often speak as a public voice on matters of concern to their members;
- Often the first point of call for those suffering with mental illness; and
- Provide an experienced and rational voice to Government and other policy makers on issues, queries or questions they raise about veterans, their families including children and those currently serving.

2.12 The above list is not restrictive, of which the APPVA has a comprehensive Objective List within our National Constitution, that further expands on our operations and commitment to our veterans and their families.

2.13 The APPVA also seeks that the PC Inquiry considers and acknowledges the recently announced Veteran Card system, The Australian Veterans' Covenant, and The Australian Veterans' Recognition (Putting Veterans and their Families First) Bill 2019.

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<sup>3</sup> Open Arms is the formerly known Veterans' and Veterans' Families Counselling Service, which the name was changed on 19 October 2019.

Link:

[https://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/Bills\\_Search\\_Results/Result?bId=r6268](https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r6268)

### **3. Transition Management System.**

3.1 The Transition Management System (TMS) from Defence to DVA or “Civilian Street” has been noted to be substantially lacking in timely advice to exiting ADF members, and indeed the information is too complex and overwhelming, when the time comes for a veteran to lodge a claim for Commonwealth Liability. An improved system is needed, rather than reinventing a new one, albeit there have been discussions and workshops that have involved the APPVA on Transition Management since 2004, yet the system needs significant improvement to enable a “Seamless” Transition, for ADF members, particularly those who are medically discharged.

3.2 The APPVA recommends that there are dedicated and specifically employed ADF Reservists who hold SME skills and experience in navigating the ADF Discharge system and have them utilised as in-service Advocates. The onerous task both collectively and individually, in applying for Commonwealth Liability for various conditions just prior to Discharge may be alleviated with early administrative intervention, with a dedicated in-service uniformed Reserve Advocate, in terms of claimed conditions within the Veteran Legislation.

3.3 Ideally the proposed “in-house” ADF Advocates would also be mentors for ADF members who are in a difficult period of their careers, to encourage Rehabilitation, Retraining, Retention and if the last resort is made advice and connections to effect a seamless Transition on Discharge. The use of RAAF Military Compensation Liaison Officers (MCLO) has been an identified successful area that should be expanded to both Permanent and Reserve Forces of the Royal Australian Navy (RAN) and the Australian Army.

**Attachment** – PROJECT AKESA, Chief of the Army “Hidden Wounded” APPVA Papers (Submitted 4 February 2019, via Email).

3.4 The aforementioned Transition Management approaches have been recommended by various ESO in a range of Inquiries and Reviews since 2004 to the present day. These recommendations have been made by those who have experienced the Medical Discharge process and who have experienced the difficulties of transition. These Advocates are also those who are continuing to assist ADF and Former ADF Members with negotiating the complex environment of Veteran Entitlement Law.

3.5 The APPVA recognises the dedication of Defence and DVA Staff who manage ADF Transitions. These Staff members work hard in the complex system that they must work within. We believe that our proposition for “in-service” Advocates, will alleviate such complexities within the system for both the veteran and Staff and reduce administrative burden on the Transition Management System.

#### 4. Veteran Health.

4.1 The Suicide of Veterans Independent Study was undertaken by Professor David Dunt during the 2008-2009 period. Much of what is at the fore of today was presented and found during that Study Period. Indeed, the Peacekeeper Mental Health Study also had the finding that 1 in 3 returning Peacekeeper Veterans reported Chronic Mental Illness in October 2014 (Hawthorne, Creamer, et al., 2014). The Phoenix Australian Centre for PTSD (ACPMH), also found that 1 in 4 returning UN Peacekeepers were likely to report Acute Mental Illness (Forbes, et al., 2016).

4.2 However, there has been no tangible improvements or strategies instigated to improve the systems for these veterans. The Studies have produced a trove of data that has yet to be mined. It is unfortunate that the recommendations and outcomes of these Studies and Reviews have not been utilised. DVA should be better resourced to enable improvements to Veterans' Health.

4.3 The APPVA invites the PC Inquiry to consider the Dunt Reviews of 2008-2009 and various Studies that have been conducted and completed.

Dunt Review: <https://www.dva.gov.au/health-and-wellbeing/research-and-development/health-studies/review-mental-health-care-australian>

**Attachment:** APPVA Synopsis to Dunt Review. (Submitted 4 February 2019, via Email).

Australian Peacekeeper Mental Health Study: <https://www.dva.gov.au/health-and-wellbeing/research-and-development/health-studies/peacekeepers-health-study>

4.4 Along with these Studies, the Families of Viet Nam Veterans Study was also conducted, again with a minimum impact from the perspective of actually recognising the problems of these Intergenerational issues and how the veteran system is better equipped to cater for these people.

Vietnam Veteran Family Study: <https://www.dva.gov.au/health-and-wellbeing/research-and-development/health-studies/vietnam-veterans-family-study>

4.5 These Health Studies present the opportunity for timely streamlining of conditions, so that veterans and their families are not negotiating with complex satisfaction of the Statements of Principles. The listed Health Studies are not restrictive, as there has been a number of Health Studies over the years, including The Gulf War Study (1990-1991); MILHOP Studies and East Timor Health Studies.

4.6 **ADF Exposures and Hazards.** We highlight to the PC Inquiry Panel that:

*No other occupation in Australia requires its workers to be placed into dangerous and malevolent environments, with the expectation to kill, or wound, and/or are active participants in causing trauma to their opponent in the course of their duty.*

Whether the ADF member is serving on Operations domestically or overseas, the prospect of an ADF service person or Police Peacekeeper being killed during the course of their duty is real. In terms of Peacekeeping and Humanitarian Operations, this prospect has been realised



for 43 ADF and Police Peacekeepers and their families and friends. There are unknown numbers of casualties from these Operations. However, it has been identified that 38% of returned ADF UN Peacekeepers suffer from a chronic mental illness as a result of their service.<sup>4</sup>

4.7 The deaths of ADF servicemen killed in action in Afghanistan have similarly totalled 43, with 261 wounded, being documented since October 2001. In the Iraq conflict, Australia lost 3 servicemen with an unknown number of casualties from April 2003 to date.<sup>5</sup> Australia continues to contribute troops to Iraq, Afghanistan and other Peacekeeping Operations around the globe. It is evident that such Operational Service, whether it is Warlike or Non-warlike in classification, is within a high risk and malevolent environment, of which our ADF personnel and Police Peacekeepers have rendered such service under dangerous, trying and difficult circumstances.

4.8 The APPVA highlights that despite the best preventative measures engaged by the ADF in Workplace Health & Safety (WHS), there will be work or service-related incidents that will cause the clinical onset, or material contribution toward the clinical worsening of a given medical condition. However, optimistic WHS practices will reduce service-related incidents, although data suggests that this has been evident in the past five years.

4.9 The worst case is of course a service person being killed in the performance of their duty either within Australia, or on Operational Deployments. The respect of the Australian Public remains strong in the fabric of its national society, that 102,867 Australians have died as a result of their service to Military Wars and Operations Overseas. This figure does not include the six Police Peacekeepers who have died whilst on Peacekeeping Operations.<sup>6</sup>

## **5. Veteran Grievances.**

5.1 There are some mis-guided and ill-conceived arguments being portrayed by some within the Veteran Community in this and other Inquiries, that do not necessarily resonate with the wider ESO Community. The arguments are obviously self-focussed and centred on the experience of the veteran, however it is evident that there is a lack of knowledge of the Veteran Support System that is in place, albeit there has been an adversarial approach with the Department from 2007-2017, where instances of questionable behaviour and decision-making has been undertaken with veterans' claims.

5.2 The APPVA has represented Veterans who have been unfairly treated by DVA, including questionable decision-making toward a matter involving the Research company of Writeway Pty Ltd who wrote Reports for a particular case, after being commissioned by the RC or MRCC. The matter was virtually dismissed by a DVA contracted law firm. All areas of Procedural Fairness, Natural Justice, the Right of Reply and the Right to be Heard, which is consistent with Australian Administrative Law (AAL), were not afforded to this particular matter.

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<sup>4</sup> Peacekeeper Mental Health Study (Hawthorne, Creamer, et al., 2014) Link: <https://www.dva.gov.au/health-and-wellbeing/research-and-development/health-studies/peacekeepers-health-study>

<sup>5</sup> Australian War Memorial casualty statistics: [https://www.awm.gov.au/articles/encyclopedia/war\\_casualties](https://www.awm.gov.au/articles/encyclopedia/war_casualties)

<sup>6</sup> AWM Peacekeeper Deaths: <https://www.awm.gov.au/articles/peacekeeping>

5.3 Within hours of a debrief to the matter in 5.2, DVA posted on its website the findings of the contracted Law Firm, denying any form of justice toward the plaintiff.<sup>7</sup> It supported the questionable approaches of Writeway Pty Ltd, along with questionable evidence from the Department of Defence. In short, there was identified alleged malfeasance toward a veteran who was suffering from Mental Illness. The veteran has since been accepted for the disability that she was fighting for Commonwealth Liability, as a result of the advocacy of the APPVA, after 11 years.

**Submission:** Complaint of Writeway Pty Ltd dated 29 January 2014. (Name of Veteran suppressed) Attached.

5.4 It has been more than evident that there are significant grievances with DVA that have been ongoing for at least over 15 years. In particular, inappropriate ownership of decision-making by some Delegates, along with some approaches toward cases by the Legal Branch of DVA, has seen catastrophic consequences for some veterans and their families. This was particularly noted of the approaches of the Reconsiderations Team of DVA, who administered the Safety, Rehabilitation and Compensation Act 1988 (SRCA), toward veterans at Administrative Appeals Tribunal (AAT) Hearings.

5.5 The APPVA firmly believes that such poor behaviour by Government Employees is not tolerated, nor condoned by Government, however there has been no call for accountability of poor or inconsistent decision-making by Delegates of the RC and/or the MRCC. The vast majority of veterans lodge claims, because it has been in their view service caused and they have evidence to suggest that it was contributed and arose out of their service. In most cases, the claimed condition has had a negative effect to their ongoing employment within the ADF, of which they are being Medically Discharged as a result.

These veterans have not only acquired a disability, they have lost their employment due to the high standards of physical and mental fitness required to serve in the ADF. These veterans have also lost a degree of their quality of life. By lodging a claim, the veteran is simplistically seeking Commonwealth Liability and compensation, as a result of a condition that is preventing them from continuing to serve in an honourable occupation that they have chosen.

***No other employer in Australia discriminates against their employees for work-related disabilities, except for the ADF.***

***The ADF as an employer appears to be immune from the Disability Discrimination Act (DDA), 1992 (Cth).***

5.6 To redress the obvious grievances that appear to have remained for some years between veterans and DVA, the APPVA suggests that an impartial body is established, working with advocates, to address these individual's concerns.

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<sup>7</sup> <https://www.dva.gov.au/consultation-and-grants/writeway-report>

***It is recommended that an impartial Panel investigates these Submissions, Grievances and Complaints made by Veterans and their families toward the actions of the Department of Veterans' Affairs in order to resolve these long-standing grievances with DVA.***

## **6. PC Inquiry Draft Recommendations.**

6.1 There are also a number of recommendations and findings that are of concern to veterans and their families. These recommendations appeared to have been challenged by the wider ESO Community, Veterans, Practitioners, Advocates and Veteran's Families; in a range of Public Hearings and Submissions.

6.2 In addition to the Tabulated PC Inquiry Recommendations Draft Report attached to this paper, the following is a very brief summary of the APPVA's views toward some of the PC Inquiry Draft Report Recommendations:

6.2.1 Retain DVA to manage Compensation, Rehabilitation, Treatment and Commemorations for Veterans.

6.2.2 Introduce a new Veteran Entitlement Dispute Resolution Commissioner, and/or introduce Legislation that allows for appeals on decisions by the Repatriation Commissioner (RC), and the Military Rehabilitation Compensation Commissioner (MRCC): toward adversarial decisions made toward a Veteran's treatment, Aids and Appliances, and The Repatriation Pharmaceutical Benefits Scheme (RPBS).

6.2.3 A separate Minister for Defence Personnel and Minister for Veterans' Affairs (The incumbent Minister (Mr Darren Chester, MP), holds both portfolios). This current Portfolio of both Defence Personnel and Veterans' Affairs being the responsibility of the one Minister is supported.

6.2.4 Cease the DRCA eligibility (post Dec 1988 to 30 June 2004) and replace with a scheme similar to MRCA in 2025 (Scheme 2).

6.2.5 Abolish the Special Rate Disability Pension, but retain the classification of TPI for veterans under MRCA, who satisfy the same requirements as the VEA s24 and GARP V. This is to ensure that the Concessions for TPI Veterans and their families are retained.

6.2.6 Maintain the VEA (Scheme 1), for older veterans at or above the age of 55 on the date of the proposed cut-over to Scheme 2.

6.2.7 Contrary to the PC Inquiry purview that Superannuation is a form of compensation, it is the view of the APPVA that Commonwealth Superannuation Corporation (CSC aka COMSUPER) Retirement and Invalidity Benefits are not within the spectrum of Veterans' Compensation. However, COMSUPER is a consideration in terms of an offset Income Stream for Means and Assets testing within the Income Supplements and Economic Loss, of War Service Pension (WSP), DFISA and Incapacity Payments (DRCA and MRCA)

6.2.8 In addition to 6.2.7, the COMSUPER system is assessed by a different eligibility criterion to that of Veterans' Compensation Legislation, in terms of

Invalidity Benefits. However, if a veteran has been accepted as being TPI, then COMSUPER periodical re-assessments are should not be required.

6.2.9 The APPVA recommends that a Formal Review into the TPI Rate of Pension is needed, as the matter has been a long-standing one for TPI Veterans for over two decades.

6.2.10 The APPVA does not support the transfer of responsibility to Commemorations to the AWM. DVA Commemorations Branch efficiently manages such Commemorations with a dedicated staff both domestically and internationally. To impose such a responsibility onto the AWM detracts from the very special nature of the AWM.

6.2.11 The APPVA rejects the PC Inquiry Recommendation to Remove the Gold Card. The Gold Card is recognition for veterans who have significant disabilities. It is compensation for a range of ailments that have been the result of service. It is also compensation for Orphans and War Widows (ers).

6.2.12 The APPVA rejects the PC Inquiry Recommendation to remove the other younger persons and/or orphan payments under VEA, DRCA and MRCA. Note: Australian Compensation Systems do have similar payments to a deceased's dependents (widows and orphans).

6.2.13 The APPVA rejects the PC Inquiry Recommendation to remove War Widows Pensions to be only eligible for the partner of a veteran who dies as a result of service caused conditions. This means that the TPI transfer to War Widows, who automatically receive War Widows(ers) pension on the death of the veteran will be extinguished. This means War Widows (ers), who have sacrificially cared for mentally and physically disabled veterans during their married or de facto life, along with raising children, are likely to be left in poverty on the death of their spouse. Surely as a country we can do better than to provide this predicament.

6.2.14 The APPVA rejects the PC Inquiry Recommendation to remove the Veterans' Children Education Scheme (VCES) and the Military Rehabilitation Children's Assistance for Education and Training Scheme (MRCAETS). The PC's view is to place children on AusStudy and New Start with Centrelink. This recommendation neglects to identify the special needs of Veterans' Families (as revealed in the Viet Nam Veterans' Family Study, October 2014), in particular the wellbeing, and educational opportunities of the Children of Australia's most significantly disabled veterans. These veterans have been prevented from increased salaries if they were otherwise gainfully employed and thereby affecting their children's educational opportunities.

The VCES and MRCAETS recognises the predicament of the Children of TPI Veterans, of which these Schemes are compensation accorded to the intended recipients, as a result of the difficulties experienced living with significantly disabled veterans. The cut-off age for these schemes needs to be raised to at least 30 years of age to recognise the developmental delays children can suffer in traumatised families.

6.2.15 The APPVA rejects the PC Inquiry recommendation to remove the Defence Force Income Support Allowance (DFISA) and the DFISA Bonus. There were no recommendations made by the PC Inquiry, for an alternative Economic Loss compensation stream for eligible Non-warlike or Peacetime Service Veterans under the VEA. The removal of DFISA will also penalise partners of TPI Veterans, as they will no longer receive the Support Payment, hence no longer eligible for the Pensioner Concession Card under the DFISA scheme.

6.2.16 The APPVA rejects the PC Inquiry's view to place Veterans and their families into the DHS arena or Welfare (Centrelink) for Income Support and other DHS Allowances. These people are not welfare recipients. These are carefully screened, selected and highly trained ADF members who have suffered an injury or several injuries in the service of their nation. When the member suffers the family suffers.

6.2.17 The APPVA rejects the PC inquiry's view for Veterans to utilise a Private Health Insurance, rather than the White (Specific Treatment Entitlement Card) or Gold (All Conditions within Australia); Card system.

The White and Gold Card System is widely recognised by Health Providers across Australia. The system has improved over recent times and the recipient enjoys the 'hassle-free' access to treatment.

This PC Inquiry recommendation goes against the Government's Strategic Plan to provide Cards to exiting ADF Members, within The Australian Veterans' Recognition (Putting Veterans and their Families First) Bill 2019.

6.2.18 The APPVA rejects the view of the PC Inquiry that Veterans should be only treated for the conditions that they have had accepted. The Gold Card provides for All Health Conditions within Australia, this is in their view too generous. Notwithstanding the recognition of the Veterans' service to Australia is afforded in this Card System. The Gold Card recognises service or war accepted conditions, but also the long-term developing debilitating health effects attached to military and operational service.

6.2.19 The APPVA is supportive of the scrutinization of Veteran Mental Health and make comparisons of the performance and outcomes of Open Arms with external Counselling Services. However, this comparative performance must be 'best practice' and consulted with the Royal Australian College of Psychiatrists, the Australian Psychological Society, the Staff of Open Arms and the Outreach Providers of Open Arms.

## **7. Conclusion.**

7.1 The APPVA grave concern of the Veteran Community, as to what the PC Inquiry Report is placing to Government. There are better ways to treat our deserving veterans and the Government needs to place Veterans into a "World Class" Veteran Entitlement System to ensure that these people who have given so much to Australia are accorded the well-used political phrase of *"...we owe these men and women a debt of gratitude..."* Veterans have rendered their service to Australia because they love their country, have a sense of duty, are proud of their country and because the ADF offers unique and noble careers.

7.2 DVA must remain generally in its present form as a stand-alone dedicated veteran centric Commonwealth Government Organisation following significant reformation and adjustment. DVA reform processes with ongoing ESO input must be given the opportunity to flourish. There is clearly much more to be done to improve veteran and family support, and DVA is the historical organisation with the veteran and family corporate knowledge best placed to achieve this.

7.3 The youth of today are watching the Government and how these veterans are treated, as they will be the ones that the Government will be hoping to recruit into the ADF to continue in the Defence of Australia, her interests, International Interests; and the inevitability of war. If the youth of today see that ADF members are placed onto a generalised "Worker's Compensation Scheme", it gives no incentive to serve and commit such needed courage and valour. The ranks will be empty or so much harder to fill. Veteran and their families are not welfare recipients. The APPVA is sure that the PC Inquiry Draft Report Recommendations are not what the Government desires, as do the tax-payers of Australia, who respect their veterans, servicemen and servicewomen.

## **8. Epilogue**

8.1 This Submission was written after extensive ESO and Veteran Consultation, particularly toward the Recommendations of the PC Inquiry Draft Report. Consultation also extended to the Partners and Children of Veterans, who gave their time to firstly understand the implications of the PC Inquiry Draft Review Recommendations; and to provide their feedback for inclusion into this paper.

### **Authored by:**

Paul Copeland OAM JP.  
Grad Dip Strategic Leadership, Adv Dip Government Mgt.  
Advocate Level 4,  
Australian Peacekeeper & Peacemaker Veterans' Association.

### **Attachments:**

1. Brief Overview of the Australian Peacekeeper & Peacemaker Veterans' Association, Inc.
2. APPVA Paper on Military Compensation Arrangements (Submitted via email on 5<sup>th</sup> February 2019).
3. PROJECT AKESA, Chief of the Army "Hidden Wounded" APPVA Papers (Submitted 4 February 2019, via Email).
4. APPVA Synopsis to Dunt Review. (Submitted 4 February 2019, via Email).
5. Complaint of Writeway Pty Ltd dated 29 January 2014.
6. Tabulated PC Inquiry Recommendations Draft Report.

AUSTRALIAN PEACEKEEPER & PEACEMAKER  
VETERANS' ASSOCIATION  
NATIONAL EXECUTIVE

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**Patron**

**Major General Ian Gordon AO (Ret'd)**

*Also assisting Veterans of Iraq, Afghanistan and Peacetime Service*

*Affiliated with the Soldiers of Peace  
International Association – SPIA  
<http://www.fname.info/aisp/eng/>*

***Commemorating the 30<sup>th</sup> Anniversary of the Deployment of  
Australian Army Engineers to the United Nations Transition  
Assistance Group, Namibia, South West Africa***

**Brief Overview of the  
Australian Peacekeeper & Peacemaker Veterans' Association Incorporated**

1. The Australian Peacekeeper & Peacemaker Veterans' Association (APPVA) was established at the Pine Rivers RSL Sub-Branch, north of Brisbane, Queensland on the 24<sup>th</sup> of October 1997 (United Nations Day). It's humble beginnings grew to a National organisation, specialising in current and ex-serving members of the ADF, ADF and Police Veterans of Peacekeeping Operations.
2. Since inception, the APPVA has been involved in the advocacy of veterans from all conflicts. It is estimated that the APPVA has assisted in several thousand claimed conditions from veterans and their families. The Advocacy Services of the APPVA range from Primary Claim levels in Military Compensation (All Acts), Veteran Review Board (VRB) Advocacy, and the Administrative Appeals Tribunal (AAT) Advocacy.
3. The APPVA has represented its members and Peacekeeping Veterans in a range of Federally Appointed Fora since 2003 to the present day. The APPVA has been actively involved in a range of Federal and State Level Consultative Fora and Committees, particularly in Queensland, New South Wales, Victoria, West Australia and Tasmania.
4. The APPVA is a niche Ex-Service Organisation (ESO), that particularly highlights the service, courage and sacrifice of Australian Military and Police Peacekeepers since the 14<sup>th</sup> of September 1947 to the present day and well into the future.
5. The APPVA also commemorates Peacekeeping Service through the United Nations International Day of United Nations Peacekeepers (29<sup>th</sup> May 1948); and Australian Peacekeeper Day (14<sup>th</sup> September 1947). The APPVA was primarily responsible for the improved recognition of Peacekeepers in the Australian War Memorial, instigated the Australian Peacekeeping Memorial in Canberra, retrospective Reclassification of Service for Veterans of Rwanda (1994-1995) from Non-warlike Service to Warlike Service and the Australian Training Support Team in East Timor from Peacetime Service to Warlike Service.
6. The APPVA continues to lobby on behalf of its members to the highest levels of

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Government; provide Compensation and Welfare Advocacy Services to a wide-range of veterans and is primarily Headquartered in Alstonville, New South Wales.





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Website: [www.peacekeepers.asn.au](http://www.peacekeepers.asn.au)

*Also assisting Veterans of Iraq, Afghanistan and Peacetime Service*

*Commemorating 20 Years of the Australian Defence Force  
Contingent to the Second UN Assistance Mission in Rwanda*

Wednesday, 29 January 2014

**Subject: Complaint of Writeway Research Pty Ltd Research Report into Service  
Claims by [REDACTED], 71 Signal Squadron dated 23<sup>rd</sup> May 2012.**

- References:**
- A. Veterans' Review Board Decisions and Reasons N10/0219 dated 15 September 2011.
  - B. Writeway Research Pty Ltd Research Report into Service Claims by [REDACTED] 71 Signal Squadron, dated 23<sup>rd</sup> May 2012.
  - C. Dr Stuart Wild Psychiatric Specialist Report of [REDACTED] dated 24 June 2012.
  - D. Departmental Instruction for Researchers, C11/2005 dated 12 April 2005.
  - E. DVA Policy on Right of Reply to Research Reports, C02/2004, dated 5 January 2004.
  - F. Veterans' Support and Advocacy Service Aust Inc, Standard of Historical Research provided to the Repatriation Commission by Writeway Research Pty Ltd, dated 9 March 2011.

## **1. Introduction.**

1.1 This document details identified contentious matters that relate to the content of the Report of Writeway Research Pty Ltd (Reference B), which was used by the Department of Veterans' Affairs (DVA) as the Respondent to an Administrative Appeals Tribunal [AAT] case of [REDACTED] v The Repatriation Commission [2012/0757], that was heard in Melbourne during the period 16-18 December 2013.

1.2 Before and during the AAT Hearing mentioned above, it was found that there were significant inconsistencies of the content from Ref B. In addition, this Complaint also reports fraudulent activity by Writeway Pty Ltd in obtaining a Report from the Defence Signals Directorate.

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## 2. Aim.

2.1 The aim of this Complaint is to provide the following:

- a. A formal submission for Departmental investigative action by the Department of Veterans' Affairs into the quality and adherence to DVA policy of Research Reports by Writeway Pty Ltd toward the [REDACTED] AAT Case;
- b. Report the Defrauding of the Commonwealth for the purposes of raising Commonwealth charges against Writeway Research Pty Ltd for fraudulently producing an unauthorised document in the [REDACTED] Report, along with coercion to produce the fraudulent document, for investigation by the Attorney General; and
- c. Report other instances of what appears to be a consistent failure by Writeway Research Pty Ltd and DVA Staff, to adhere to the Departmental Instructions for Researchers and the Right of Reply.

## 3. The [REDACTED] Case.

3.1 Utilising the content of Reference B [Writeway Research Pty Ltd dated 23 May 2012]:

- 3.1.1 The Writeway Researcher had access to the Applicant's Medical Records by being provided with the VRB Decision (Reference A), along with a full transcript of that VRB Hearing.

**Contention:** That Writeway Research Pty Ltd has accessed personal Medical Records through the provision of the VRB Decision at Reference A. We contend that this is a breach of Privacy, Confidentiality and is not consistent with DVA Policy. The Provision of Reference A to Writeway Research Pty Ltd has placed a pre-conceived and biased assumption toward [REDACTED] Claim and AAT Hearing.

- 3.1.2 Page 2, para 4, the Report states *"At p6 of the VRB 'Decisions and Reasons' provided under Reference B [REDACTED] stated that the last two incidents listed above were dreams. Therefore she did not hear any conversation in regard to men being bayoneted."*

**Contention:** We view the above point as a pre-conceived view toward [REDACTED] claims and have made the assumption and opinion that [REDACTED] was dreaming her stressors. The Writeway Report placed a prejudiced and subjective point of view, when the author was to only research the facts and not make such opinions. In addition, The Researcher should not have received the VRB Decision document and transcript.

We note that the author was given a series of questions in relation to her stated service. Not provide judgemental comments.

- 3.1.3 The author has failed to consult with qualified Royal Australian Corps of Signals (RASIGS) Operator Signals (Electronic Warfare), Special Skills (Indonesian, aka Spec Skills B). The Consultation with the majority of Officers are subjective as these people were never qualified Operator Signals Spec Skills B Army Personnel. The only qualified person that was consulted, who provided the only credible and informed Statement of the facts was Mr [REDACTED].

**Comment:** The author inappropriately utilised Wikipedia, which is a mostly uncited resource, of which in academic terms the resource is not verified by peer review and is therefore deemed as **not** scholarly or technically factual. The information of the Invasion, occupation and subsequent Counter Insurgency and Counter Revolutionary Warfare Operations conducted by Indonesian Forces may well be obtained within ADF archives, and definitely within official Government documents such as the Peters and/or the “Balibo Five” Coronial Inquest by NSW Magistrate Pinch in 2007.

3.1.4 The author notes his consultation of para 6.g. to page 3 of the Defence Signals Directorate (DSD) of the listed people, with the exception of Mr [REDACTED] questionable, as will be demonstrated later in this paper.

**Comment:** The author consulted with Officers of which three out of four of those appear to have been requested to place a comment or statement were not qualified as an RASIGS Operator Signals Spec Skills B. Therefore, the comments from LTCOL Bowen; Mr D. Warhurst and MAJ A. Cockburn MBE are subjective and not fact, in relation to the intricacies of the requirements, duties and operations of an RASIGS Operator Signals Spec Skills B.

LTCOL Bowen makes subjective comment, when his credentials are not provided. Whilst he may have worked in the Defence Intelligence Community, it would appear that he has not served in Signals Intelligence (SIGINT) and is not an RASIGS qualified Operator Signals Spec Skills B. Whilst it is noted that LTCOL Bowen and Mr David Warhurst were qualified as Indonesian Linguists, it is contentious that both men were competently trained in what duties performed by RASIGS Operator Signals Spec Skills B specialists operations consisted thereof.

Mr Warhurst claims that he conducted language training for RASIGS Operator Signals Spec Skills B courses, of which [REDACTED] claims that she was taught Indonesian language skills within the Spec Skills B course that Mr Warhurst states that he was an instructor, of which Mr Warhurst states within p.5, para 15-16 of Reference B, that he is quoted by the author as stating that “...the course was entirely devoted to language training.”

3.1.5 Within page 4, para 9 of Reference A, the author states that “...*The Researcher was provided with a letter from the Defence Signals Directorate (DSD), which set out guidelines for former and current Defence personnel interviewed in the course of preparing this report. The guidelines severely limit detailed responses to the DVA questions, see Attachment 1.*”

**Contention:** During the course of the AAT Hearing on the 18<sup>th</sup> of December, during Cross-Examination of the Applicant’s Advocate to the Deputy Director of the Australian Signals Directorate (ASD – formerly known from May 2013 as DSD), Mr Clive Lines, it was found that the Attachment 1 did not originate from the Director DSD and it was not the position of ASD.

3.1.6 On page 5, para 19, it is concluded by the Research author that as detailed within the DSD letter at Attachment 1, that [REDACTED] had no record or evidence to provide that she underwent any formal language training. However, on 13 September 2013, Mr Lines [Deputy Director DSD/ASD], provided the Respondent a Course Overview of the Operator Signals Special Skills Course, from ADF Archives, which in fact stated that such comprehensive language

training was provided to the veteran in 1978.

**Comment:** It appears that the author did not adequately research this matter in depth. Had the author applied through FOI or sought access to course documentation for that period, this would have provided the evidence of such language training for an RASIGS Operator Signals Special Skills specialist existed.

The degree of assumptions, personal opinions and subjective commentary from the consultations indicates the poor level of research on behalf of DVA to find the facts to the case. This particular statement by the author had a detrimental effect toward the veteran, when later, this comment by the author was used to guide a Departmental Psychiatric Specialist [Dr Stuart Wild – Report at Reference C.] in order to influence an incorrect psychiatric assessment of [REDACTED] that she was virtually inventing her dreams and therefore the matter was not service related.

This is a significant failure of Writeway Research Pty Ltd to adequately research the given subject, particularly when evidence was later produced by ASD that such Language Training was a major component of [REDACTED] qualification and duties at Shoal Bay Receiver Station near Darwin.

3.1.7 On page 5, to para 20, the question by the Respondent was “ *Whilst serving in Darwin what was her role in intercepting communications and translating information gathered?*” The author replied “... [REDACTED] *would not have been involved in translation.*”

**Comment:** It is contended that the author did not fully answer the question. In evidence and supporting statement by Mr [REDACTED] [Attachment 4], it was found that [REDACTED] did in fact intercept Indonesian Voice traffic and had the ability to translate and transcribe such traffic, including understanding Operator “Chatter.” The additional evidence that was available in ADF Archives of the Course Overview or Training Management Package was also not investigated by the author.

It is questioned why Mr [REDACTED] evidence, who was qualified as an RASIGS Operator Signals Special Skills B [Indonesian] and an Indonesian Linguist; was not given objective weighting toward the question. This indicates a highly subjective opinion by the author toward this matter.

3.1.8 On page 5, para 23, the question raised by the Respondent was “*Would she have been intercepting the type of messages listed above?*” The author responded that “*At p 6 of Reference B [REDACTED] stated that the last two ‘incidents’ listed at paragraph 3 above were dreams and she did not actually hear these conversations.*”

3.1.9 The author elaborates that DSD declined to respond [referring to the falsified Attachment 1]; Mr Warhurst’s comment that it was possible; MAJ Cockburn stating that it was possible, but he doubted her ability to translate; and lastly SGT [REDACTED] stated that these messages were common at the time.

3.1.10 On page 6, para 25, the author then provides comment from LTCOL Bowen, who has not been involved in SIGINT Operations, but indicated that he “...*would not have been able to follow an exchange between two locals speaking in their idiom...*”

3.1.11 On page 6, para 26, the author attempts to place a balanced perspective into these comments, however he places doubt into [REDACTED] *ability to understand and follow the conversations in the details that she describes.*” Then he places the evidence from Mr [REDACTED] after making this comment.

**Comment:** It is questioned as to why a contracted Researcher would have access to the VRB decisions document, particularly toward the medical assessment of [REDACTED] in this matter. The context provided by the author that [REDACTED] merely dreamed of these incidents, rather than intercepted them and understood the Indonesian Operator “Chatter” places a biased and subjective view.

The above is a significant breach of References D & E.

We contend that there are questionable qualifications of the author of the Writeway Research Pty Ltd Report. The author has not indicated if he is a qualified and licensed Private Investigator, provided any evidence of credentials to reflect as such, along with the apparent lack of professional qualifications in Military History, History or Investigative practise at the Diploma, Under graduate or post graduate levels. In addition, the author does not appear to be a Fellow of any particular University within the discipline of Military History, or History in General, or Investigative practise.

#### **4. Fraudulent document: Attachment 1 to Writeway Research Pty Ltd Report.**

4.1 It was disclosed under oath from Mr Lines, that Mr John Tillbrook, the owner of Writeway Pty Ltd, had contacted a mate who was a former LTCOL in the Australian Army Intelligence Corps (AUSTINT), for a favour to write the document known as Attachment 1.

4.2 Further evidence under oath from Mr Lines indicated that this former AUSTINT LTCOL had never served in DSD and was working within the Defence Intelligence Organisation (DIO) as a Defence Civilian. That initial internal questioning of DSD/ASD Staff toward the query of the document from [REDACTED] Advocate in writing prior to the AAT Hearing, found that this AUSTINT LTCOL had never consulted anyone from DSD and had written the document for Mr John Tillbrook of his own volition.

4.3 Under oath, Mr Lines also stated that there was an *“Internal Investigation currently underway into the matter...”*

4.4 It is contend that Mr Tillbrook has illegally obtained fraudulent evidence from Defence and used this false document to furnish his company’s Research Report, toward the [REDACTED] case.

4.5 It is also contend that this matter is fraud to the Commonwealth of Australia, as Mr Tillbrook is contracted by DVA to provide for Research reports that are to be accurate and factual. In this case, the former LTCOL of DIO as instructed by Mr Tillbrook, fraudulently wrote the Attachment 1, for the purposes of the Report at Reference A.

4.6 Consideration must also be given under *The Criminal Code 1995 Act, Part 7.3, Fraudulent Conduct, Division 133, and 135.1 General Dishonesty.* This is considered serious alleged breaches of not only *The Criminal Code 1995 Act*, but also as both Mr Tillbrook and the alleged ex-LTCOL AUSTINT offender are bound by the *Public Service Act 1999* and the *Defence Force Discipline Act 1982*. This matter must be referred to the Attorney General, the Inspector General of the Australian Defence for Investigation.

4.7 Attachment 1 is noted to have at the top of the page as the originating and receiving fax station numbers has been either omitted or erased, as the copy is noted to be a photocopy or retransmitted fax due to facsimile information at the bottom of the page. At the Top of the page, there is the page count on the document as “005/006” and “006/006” sequentially. The latter means that it was part of a 6 page fax to the receiver, of which Attachment 1 was 2 pages of 6. It is also noted that the fax has date and time stamped as “4-06-2012 16:32” [interpreted as 4:32 PM of the 4<sup>th</sup> of June 2012].

4.8 At the bottom of Attachment 1 to page one, it is noted that the document properties are upside down with the following information: “07/05/2012 19:50 61244739552 WRITEWAY RESEARCH Page 05/06” and for the second page “07/05/2012 19:50 61244739552 WRITEWAY RESEARCH Page 06/06.” This indicates that the fax has been sent twice from two different locations, however Writeway Research Pty Ltd was a recipient of the document at a given point in time.

4.9 In addition to the fax information is the fax number of “61244739552”. This is 61 – the International Code for Australia; 2 – meaning the (02) STD area code; and 4473 9552 being the local phone number of the fax machine. The Writeway Research Pty Ltd Fax number is noted on the letterhead of the Research Report as (02) 4473 9552. This matches with the fax numbering on Attachment 1.

4.10 Attachment 1 provides a falsified signature block of the Director DSD as “(approved for release) For *DIRECTOR Defence Signals Directorate* 4 May 2012.” Under oath, Mr Lines strenuously denied that the Director DSD approved the document and that it was false.

4.11 Aside from the falsification of Attachment 1, it is contended that the “favour of a mate” attitude by Mr John Tillbrook indicates the subjective and non-factual approach toward this case. The validity of such evidence and favours that have been used in Writeway Research Pty Ltd Researcher Reports on behalf of DVA in cases of veterans who have been identified by DVA for research and are suspicious in nature.

4.12 This practise places the highest degree of doubt behind the sincerity and integrity of Writeway Research Pty Ltd, to provide DVA with properly researched documentation that is objective, factual, correct and has not been falsified.

4.13 It is considered that this incident by Writeway Research Pty Ltd as a **very serious breach** of Commonwealth Law in terms of Fraud, Deception and Dishonesty.

4.14 There is also significant concern toward a noted **Conflict of Interest** of Mr Tillbrook who is a current-serving Major in the Army General Reserve and has been provided an age extension to age 70. Mr Tillbrook writes responses on behalf of the Office of the Chief of the Army for Ministerial queries, and is also a member of the Army History Unit. The conflict of interest is related to all of the aforementioned matters, as well as exploiting such positions, which appears to have occurred in this particular instance, along with other cases.

4.15 It is perceived that Mr Tillbrook is utilising his position within the Office of the Chief of the Army and the Army History Unit, for significant financial benefit and advantage to his company – Writeway Research Pty Ltd. This is considered an abuse of authority, position and process, along as a cover-up of a fraudulent document, with unfettered access to current or former ADF member’s personal records that are Private and Confidential.

**Comment:** It is clear that a serious breach of law has occurred by the false Director of DSD document from Writeway Research Pty Ltd. Coercion has been used to attempt to garnish a Research Report that was used by the Applicant (Repatriation Commission), to contest the abilities of [REDACTED].

There are clear significant consequences that must now be instigated as a result of this detected fraudulent document. *Section 12 of The Evidence Act 1995* relates to the competence and the compellability of people giving evidence. It is considered that Writeway Research Pty Ltd provides such evidence which is used in Review at the Veteran Review Board (VRB) and more so at the Administrative Appeals Tribunal (AAT).

Therefore, there is a lawful obligation of Writeway Research Pty Ltd to provide correct, accurate, objective and factual Reports that will be used in such a judicial setting. Such Reports must be credible and truthful, otherwise there is the potential to commit perjury and distort the course of justice for the veteran concerned.

In this case, the provision of a fraudulent document in a Research Report was used in a lawful judicial setting [AAT], is an unlawful act committed by Writeway Pty Ltd, particularly by Mr Tillbrook and the DIO Employee. *Part 3.7 (Credibility) of The Evidence Act 1995*, provides for such credibility of evidence. If the evidence is not credible, then it fails in terms of relevance toward the case on the part of the Respondent.

An Investigation into this matter by an impartial and Government empowered body such as the Attorney General must be utilised, because it is evident that a number of Commonwealth Offences have been committed, and it is strongly believed that the Rule of Law has been breached by Writeway Research Pty Ltd, Mr Tillbrook, and the DIO Employee.

## **5. Department Psychiatrist Report – Dr Stuart Wild.**

5.1 Page 3, para 5, Dr Wild comments on the Writeway Research Report dated 23 May 2012. Dr Wild notes *“I note the report’s qualified conclusion that ‘there appears to be some question as to [REDACTED] ability to understand and follow the conversations in the detail she describes,’ i.e. there is doubt that her language skills would have been sufficient for her to have understood so much radio chat.”*

5.2 Page 10, para 3, Dr Wild states *“Doubt has been cast in the historical research as to whether her language skills would have been sufficient to understand Indonesian chat in this detail.”*

5.3 Within page 10, last para, Dr Wild also places the comment of *“If one sets aside the doubts that have been raised about [REDACTED] language skills and ability to understand radio chat to the level she claims, she does not describe PTSD...”*

5.4 Page 11, para 2, Dr Wild places the context of [REDACTED] conditions as *“...imagined and dreamed scenes based upon the information she believes she heard, and in the course of recent therapy has imagined and dreamed novel scenes about a man killed by bayonet.”*

5.5 Page 11, para 3, Dr Wild comments *“...These experiences cannot be considered ‘re-experiencing’ symptoms, because she did not experience the original events.”* Within para 4 *“I cannot credit group C criteria [Criteria for PTSD], related to the avoidance of trauma-related reminders because of the absence of a credible criterion A experience.”*

5.6 Page 12, para 3, Dr Wild Concludes “ [REDACTED] *claims service stressors in the course of her work as a radio intercept operator but there is a question as to whether she could have been exposed to the stressors she claims due to her language skills...*” Last para “... *but on balance I regard this illness as unrelated to her army service.*”

**Comment:** It is quite clear that the Writeway Research Report had a significant influence toward the view and opinion of Dr Wild. The comments made by Dr Wild clearly indicate that his assessment toward [REDACTED] conditions had been prejudiced in terms of service causation and the date of clinical onset as a result of Dr Wild’s interpretation from the Research Report. The Writeway Research Report also placed doubt toward Dr Wild’s overall assessment of [REDACTED] conditions for the purposes of an accurate opinion.

## **6. Australian Signals Directorate Official Correspondence.**

6. A covering minute to a course outline was provided by ASD. The minute, written and signed by Mr Clive Lines, the Deputy Director of ASD, places comment in the first para as “*I wish to make clear that the document submitted by the advocate for [REDACTED] which purports to be on authority of the Director of the Australian Signals Directorate (formerly Defence Force Signals Directorate), does not emanate from the organisation and does not have sanction. The tribunal should be advised to this effect.*”

**Comment:** Mr Lines places immediate contention toward Attachment 1 of the Writeway Research Report. It is clear that the Attachment was not written by anyone from DSD at that time and is fraudulent with the intent to mis-lead in a legal process.

## **7. Operator Signals (Special Skills).**

7. The Course outline of the RASIGS Operator Signals (Special Skills), was attached to the ASD Covering Minute from Mr Lines. This document was retrieved within Defence resources and possibly obtained from either 7<sup>th</sup> Signal Regiment (Electronic Warfare); Joint Telecommunications School; or The Defence Force School of Signals – EW Wing.

**Comment:** It provides evidence that the Writeway Research did not attempt to locate the primary source of the course program, but relied upon opinions from unqualified Officers. This is viewed as a significant lack of research skills, of which had the author of the report obtained this Course Overview, it would have provided objective and factual evidence, rather than relying upon subjective opinion by unqualified Officers.

## **8. The Rules for Researchers accessing medical records of veterans.**

8.1 Utilising References D & E, it has been found that the Department did not provide the following:

8.1.1 Notification of intent to research the Appeal by [REDACTED]

8.1.2 Provide a copy of the Researcher’s Report for ‘The Right of Reply’ by the veteran;

8.2 The Researcher had access to the following:

8.2.1 The Veteran’s VRB Decision documents and transcript;



### 8.2.2 The Veterans's137 [VEA], which included Medical Reports.

8.3 It is therefore contended that the Department Liaison Officer did not observe the Departmental Instructions as detailed in Reference D & E, in the case of [REDACTED]

**Comment:** The author has taken the subjective and unqualified views and opinions from three Officers, rather than highlighting the evidence provided by [REDACTED], which was more credible and factual. The author took the opinions of unqualified officers who had no idea of what was required within the course, the level of the language skills required, and the capability that an RASIGS Operator Signals Spec Skills possessed after completing the course.

Additionally, it was not mentioned that ongoing 8-hour shifts for many months, to many years would have had the Operator Signals Spec Skills saturated in the target language, which would have undoubtedly provided significant exposure and knowledge to that targeted language.

It is evident that the RASIGS Operator Signals Special Skills Course Outline was available within Defence resources and had the author of the Report researched the matter correctly, it would have placed objective and official evidence that there was no doubt that [REDACTED] would have been able to understand the conversations that she heard from Indonesian Operator chatter.

The doubt cast by the author's conclusion in his report influenced Dr Wild's opinion when he assessed [REDACTED] to the detriment of her case. The Writeway Research Pty Ltd Report was highly flawed, fraudulent and subjective in content.

[REDACTED] competently completed an intensive Indonesian language course that related to SIGINT radio intercept operations on the target of East Timor and that she and others who held the same qualification were more than capable of understanding such transmissions. If the correct research for the available evidence within Defence by the author, this matter may well have not gone to the AAT and therefore not placed undue stress on the Applicant.

It is recommended that an investigation is launched into the fraudulent document, along with the inaccuracies of the Writeway Report pursuant to *Part 7.3, Fraudulent Conduct, s135.1-General Dishonesty*; in particular *s135.1(1) & (2) Obtaining a Gain; s135.1(3) Causing a Loss; s135.1(7) Influencing a Commonwealth Public Official*; within *Chapter 7 of the Criminal Code 1995 Act*.

In addition to the above is the matter of Mr Tillbrook influencing a Commonwealth Officer working within the Defence Intelligence Organisation (DIO); and the production of a fraudulent document to furnish a flawed Research Report; it is contended that Mr Tillbrook and the Commonwealth Officer have conspired to defraud the Commonwealth.

Lastly, the behaviour of the DIO Officer and Mr Tillbrook (who is a Major in the Army General Reserve with an age extension to 70, writes responses on behalf of the Office of the Chief of the Army for Ministerial queries, and is a member of the Army History Unit); have significantly and seriously breached their responsibilities under the *Public Service Act 1999* and the *Defence Force Discipline Act 1982* respectively.

Consideration of action toward the author who compiled the [REDACTED] Research Report must also be reviewed and decided in terms of aiding and abetting fraud to the Commonwealth in this matter and would also be subject to s208 of the VEA 1986.

## **9. Other ESO Practitioner Concerns toward Writeway Pty Ltd Research Reports.**

9.1 Ex-Service Organisation (ESO) practitioners in Queensland have mentioned Writeway Pty Ltd with grave concern. In Reference F, Mr Tony Alexander of the Veterans' Support and Advocacy Service Australia Inc., [VSASA] raised significant concerns toward the Writeway Report for the case of Mr Alan Parfit [QSS11142], which was registered with the VRB (Number Q03/671). In the case of Mr Alan Parfit it is reported that a number of errors with the Writeway Research Pty Ltd Report, of which the Board commented "...expresses concern with the level of inaccuracy in a report provided for a fee".

9.2 In the matter of Mr Dennis O'Kelly (DVA QSS 2648 and VRB Q03/1583), it was highlighted by the Advocate acting on behalf of Mr O'Kelly, that there were significant shortfalls in the Writeway Research Pty Ltd Report for that case. The VRB noted *"It seems to the Board that those conclusions are born of the researcher's personal experience and may or may not be correct."*

9.3 It is understood that the matter was reported to the Minister for Veterans' Affairs, with no reply. A second attempt received an inadequate response and it appears that no action was taken. The non-action is evident with the poor and fraudulent quality of the Writeway Research Pty Ltd Report for the [REDACTED] Case. The question must be asked: *"Is the Department of Veterans' Affairs going to act on these allegations?"*

9.4 The matter of the O'Kelly case highlighted that there were significant inaccuracies with the Writeway Research Pty Ltd Report, along with bias and it is alleged to have been fabricated.

9.5 On 26 Nov 2004, Mr Tony Alexander met with the Deputy Commissioner QLD; and the Repatriation Commissioner. Mr Gerry Lyall of VSASA was also present. The discussion outlined the concern by the VSASA organisation and its advocates as to the poor quality and level of accurate research had been placed into a range of Writeway Research Pty Ltd Reports on a number of VRB cases. It was suggested that Writeway Research Pty Ltd, or the author(s) of the Writeway Research Reports needed to be investigated pursuant to s208(1)(i) of the VEA.

9.6 Despite the best efforts of VSASA, it has been evident that no further action has been undertaken by the Repatriation Commission to investigate the quality of the Writeway Research Pty Ltd Reports. This is of a major concern, particularly with the recent fraudulent document included into the rather subjective and non-factual report for the [REDACTED] Case at the AAT during the period 16-18 December 2013.

9.7 Of recent occurrence, concern has again been raised at the VRB (Mr George Keleris DVA QSM17314 and VRB Q09/0758). In this case, the quality and content of the Writeway Research Pty Ltd Report is again placed under scrutiny for a wide range of inaccuracies and subjective comment, rather than sound objective and factual reporting.

**Comment:** It is evident with the four cases mentioned in this complaint, that Writeway Research Pty Ltd is not being compliant with Departmental Instructions within References D & E and/or have made contacts through various retired Officers for evidence that is "hearsay"

rather than factual. The importance of these Historical Reports for a veterans' claims cannot be underestimated, nor authored in such a belligerent manner against the Applicant or veteran.

## **10. Banned as Private Investigators – Queensland.**

10.1 [REDACTED], the State President of the Queensland RSL Branch, has informed the APPVA that Writeway Research Pty Ltd were found to be not be in compliance of the *Security Providers Act 1993*. Writeway Research Pty Ltd is banned by court order, from operating in the state of Queensland as a result of their failure to meet the QLD State Act for Private Investigators.

10.2 Within the Office of Fair Trading (Queensland), Private Investigators must meet a criterion with Private Investigator qualifications and licensing. The principles of Private Investigators are to also conduct their surveillance and information collection, without the target's (person's) knowledge. This practise will be in breach of the Rules that have been made by DVA for Military Historical Research, as per References D & E.

10.3 A person is also deemed to be a Private Investigator if they are operating for (on behalf) or employed by Insurance businesses; insurance adjustment agencies; Legal Practitioners; Accountants; independent investigators engaged to investigate and report on grievances lodged by Queensland public service employees.

**Comment:** Therefore, in the case of Writeway Research Pty Ltd investigating on behalf of DVA, it would be noted that these are investigations/research reports that are made for Legal Practitioners, being the DVA Legal Branch and/or contracted private Legal businesses and the Australian Government Solicitors for a given veteran's case. As previously noted, this is in serious breach to Reference D & E.

10.4 It would appear that such provisions for Private Investigators are generally the same for Queensland, in that States and Territories have their respective Security Acts that addresses the criteria for Private Investigators.

**Comment:** Therefore, there are legal questions into the operation of Writeway Research Pty Ltd, as the business does not appear to be registered as an Investigation service, the Researchers are not in the majority of cases, qualified Private Investigators; and are not, in the majority of cases qualified in the discipline of Arts – particularly Military History. The conduct of Research must be objective and factual, with firm evidence and scholarly referencing. However such conduct of research has been the opposite, with subjective comment by Writeway Research Pty Ltd Research Report Authors and relying on vague recollections from Officers who were not qualified in the trade at the time.

## **11. Conclusion.**

11.1 Concerns are held across a number of National ESO as to the objectivity and correctness of the Research Reports authored and provided as evidence by Writeway Research Pty Ltd. In this complaint we have only highlighted four cases, with the main case being of the most recent relevance ([REDACTED]), and evidence of fraud conducted by Mr Tillbrook and an employee of DIO.

11.2 The ESO community expect Research Reports to be consistent with the Rules that were provided by DVA DI's in 2004. These Rules and the Right of Reply have not been adhered to by the respective DVA Liaison Officer, nor complied by Writeway Research Pty Ltd.

11.3 The impact of an incorrect and subjective Research Report has been proven to have an adverse effect to a number of cases. In [REDACTED] case, it influenced the incorrect service caused link, date of clinical onset and opinion from a Departmental contracted Specialist [Dr Stuart Wild at Reference C.]. There must be objective and consistent factual content toward these Reports.

11.4 Other points of serious concerns are what appears to be the lack of the Departmental Liaison Officer complying with the Departmental Instructions in terms of the content, and not providing written notice of such Research Reports being conducted on the veteran, along with not providing a copy of the completed Research Report and offering the Right of Reply. Additionally, is the apparent non-compliance to the Departmental Instructions that pre-VRB and post-VRB Decisions, which include the Veteran's Contentions and Medical Reports are not to be provided to Researchers – however they have been provided to researchers. This is evidenced in the case of [REDACTED] as having occurred and was used within the content of the Research Report.

11.5 The evidence that Mr Tillbrook and an Associate working within DIO, has conspired to concoct a fraudulent document with the signature block of the Director DSD is very serious. This incident, along with the entire number of Research Reports that have been produced by Writeway Research Pty Ltd must be investigated for any further breaches of fraudulent activity, unsubstantiated opinions and subjectivity.

11.6 Writeway Research Pty Ltd is being paid by the Australian Tax-Payer to provide accurate, factual and objective research of Veterans' claimed service for the purposes of veteran entitlements. It has been demonstrated in this complaint that there has been a significant breach of trust, along with poor quality Research reports that the Department pays hundreds of thousands of dollars per year to Writeway Research Pty Ltd. It is viewed that this is defrauding the Commonwealth.

## **12. Recommendations.**

12.1 That the matters of poor research Reports, failures of DVA Staff to adhere to Departmental Instructions, and the serious matter of fraud be investigated at the level of the Attorney General's Office.

12.2 That pending the result of such investigation, an Inquiry is established to review all previous Veteran or Applicant cases that have failed at either the VRB, or the AAT, as a result of Writeway Research Pty Ltd Reports. That such an Inquiry also investigates the behaviour, conduct, use of ADF information sources, and access of ADF personal and ADF information by Writeway Research Pty Ltd, for the purposes of Research Reports on behalf of DVA.

Prepared By:

**Paul Copeland**, OAM, JP,  
National Advisor.

### **Attachment:**

1. Writeway Research Pty Ltd Research Report into Service Claims by [REDACTED]  
[REDACTED] 71 Signal Squadron, dated 23<sup>rd</sup> May 2012.

EXHIBIT 3



**WRITEWAY** Research Service Pty Ltd

John Tilbrook, CSM, RFD, JP  
PO Box 100  
TUROSS HEAD  
NSW 2537

Telephone: (02) 4473 9390  
Facsimile: (02) 4473 9552  
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ACN: 104 719 959

23 May 2012

Department of Veterans' Affairs (Melbourne Office)  
GPO Box 9998  
MELBOURNE VIC 3001  
Attention:

For Information:  
Department of Veterans' Affairs (National Office)  
Research Contact Liaison Officer  
PO Box 9998  
CANBERRA ACT 2601

**RESEARCH REPORT INTO SERVICE CLAIMS  
BY EX [REDACTED] 71 SIGNALS SQUADRON**

References:

- A. Veterans Review Board (VRB) Transcript of Proceedings N10/0219 dated 15 November 2011.
- B. VRB Decisions and Reasons N10/0219 dated 15 November 2011.
- C. Department of Veteran's Affairs (DVA) letter dated 11 April 2012.

**INTRODUCTION**

1. [REDACTED] is appealing a decision by the Repatriation Commission to deny her claim for anxiety, depression and hypertension (References A and B). At Reference C DVA instructed Writeway Research Service to undertake historical research into incidents [REDACTED] claims to have occurred during her service in Darwin with 71 Signals Squadron in 1978-79.

**SERVICE RECORD**

2. [REDACTED] Record of Service provided under Reference C is summarised as follows:

11 June 1976	Enlisted in Royal Australian Signals Corps, posted to 7 Sig Regt for Recruit and Corps training.
19 July 1976	Qualified as ECN 272 Op Radio 7 Sig Regt.
22 August 1977	Qualified as ECN 273 Op Sigs 7 Sig Regt.
30 November 1977	Posted to 71 Sig Sqn Darwin Detachment as ECN 273 Op Sigs.
27 October 1978	Certified as Proficient Op Sigs Special Skills.
7 June 1979	Discharged in Melbourne on expiration of period for which she was engaged to serve.



16 December 1988 Re-enlisted in Army Reserve (under her married name [REDACTED], posted to 7 Sig Regt as ECN 273 Op Sig.

9 July 1994 Discharged as having failed to render efficient service.

### STATED CONTENTIONS

3. At Reference C Writeway Research Service was been requested to conduct research and report on the following stressor incidents:

*"On the evening watch in Darwin (attached to 71 Sig Sqn.) in 1978 (during the invasion by Indonesia of Timor) I listened to 2 Indonesian operators (one of which was in Dili) discussing their soldiers finding and shooting a woman and baby after being found hiding under a timber crate. The job was IAMY10101 which was one of my regular jobs. The IA is Indonesia, the M is Military, and the Y is for Morse and voice combination and the number is the actual network of stations".*

*"I heard their chit chat before of other things the soldiers had done, but for some reason I kept visualising it after going home from work and often had nightmares and daytime remembrances of the incident afterwards. As part of our training we are made not to discuss our jobs with other workmates, friends, family, doctors, we were never to be hypnotised and we were never allowed to get ourselves in a position to be blackmailed. Complete isolation as far as normal conversation goes ..."*

In her statement dated 21 February 2012 she states:

*"Following the special skills training I had sufficient proficiency to interpret conversations between Indonesian speaking soldiers. There were a number of conversations between Indonesian soldiers and which caused me distress. They included:*

- Listening to two Indonesian soldiers discussing the murder of a woman and baby who had been found hiding under a timber crate;*
- Listening to accounts of the death, mutilation and torture of civilians;*
- Listening to men talk (and laughing whilst doing so) about how many times a person had to be stabbed by a bayonet before he died;*
- Listening to conversations describing a man hanging from a tree being bayoneted and laughing at the noises he made."*

4. At p 6 of the VRB "Decisions and Reasons" provided under Reference B [REDACTED] [REDACTED] stated that the last two incidents listed above were dreams. Therefore she did not hear any conversation in regard to men being bayoneted. ?

5. In Reference C DVA has requested that the following questions be addressed:

What were [REDACTED] duties when working in the Australian Army in Darwin from 30 November 1977 to 7 June 1979 and from 16 December 1988 to 9 July 1994 as an Army Reservist?

What courses/qualifications did she undertake in the Australian Army?

Was she a qualified Indonesian linguist?

Whilst serving in Darwin what was her role in intercepting communications and translating information gathered?

What were her unit reporting lines (identify her immediate superiors)?

Would she have been intercepting the type of messages listed above?

Is there any Defence record in archives of typed intercepted messages emanating from East Timor during the period under review (30 November 1977 to 7 June 1979) that confirms the nature of atrocities claimed to have been heard by (then)

██████████?

#### **OUTLINE OF CONSULTATION AND RESEARCH UNDERTAKEN**

6. In researching this case, consultation has been undertaken, or reference made to the following sources:

- a. A Wikipedia account of the Indonesian Military invasion and occupation of East Timor from 1975 to 1978<sup>1</sup>.
- b. Central Army Records Office (CARO) Melbourne, for personnel records of ██████████
- c. LTCOL I. Bowen, who has extensive experience in the Intelligence field, served as Assistant Defence Attache in Jakarta in 1978-82 and was a qualified Indonesian linguist.
- d. Mr D. Warhurst, who was responsible for basic Indonesian language training on Op Sigs Special Skills courses in Darwin in 1977-78.
- e. MAJ A. Cockburn MBE (Retd), who was Operations Officer and later Officer Commanding 71 Signals Squadron from June 1976 until November 1978. He was replaced by a RAN officer however he cannot remember his name.
- f. ██████████ who was an Op Sigs Special Skills based in Darwin 1967-68 and 1971-74 and in DSD 1978-79.
- g. Defence Signals Directorate, for guidance on security aspects.

#### **BACKGROUND - THE INDONESIAN MILITARY INVASION OF EAST TIMOR**

7. On 7 December 1975 Indonesian airborne and seaborne troops landed in Dili, the capital of East Timor. After six hours of fighting they had taken the city. Massively outnumbered, FRETELIN (the Revolutionary Front for an Independent Timor) troops fled to the countryside and continued operations against the Indonesian occupation. By the end of 1976 some 10,000 Indonesian troops occupied Dili and another 20,000 had been deployed throughout East Timor. There were reports of indiscriminate mass killings, assassinations and rape<sup>2</sup> around the country. The Indonesian Foreign Minister later suggested that between 50,000 and 80,000 East

<sup>1</sup> [http://en.wikipedia.org/wiki/Indonesian\\_invasion\\_of\\_East\\_Timor](http://en.wikipedia.org/wiki/Indonesian_invasion_of_East_Timor)

<sup>2</sup> [http://en.wikipedia.org/wiki/Indonesian\\_invasion\\_of\\_East\\_Timor\\_Violence\\_against\\_women](http://en.wikipedia.org/wiki/Indonesian_invasion_of_East_Timor_Violence_against_women)



Timorese had been killed in the first two years of the occupation. The East Timorese authorities put the figure at between 60-100,000 during the entire period of the occupation up to 1999. The occupation of East Timor continued until 1999 when East Timor was granted Independence.

### RESPONSE TO CONTENTIONS/DVA QUESTIONS

8. [REDACTED] states that the incidents were in late 1978 "*during the invasion by Indonesia of Timor*". The initial invasion was on 7 December 1975, however in 1978 operations against FRETELIN were ongoing.

9. The Researcher was provided with a letter from the Defence Signals Directorate (DSD) which set out guidelines for former and current Defence personnel interviewed in the course of preparing this report. The guidelines severely limit detailed responses to the DVA questions, see Attachment 1.

**What were [REDACTED] duties when working in the Australian Army in Darwin from 30 November 1977 to 7 June 1979 and from 16 December 1988 to 9 July 1994 as an Army Reservist?**

10. As a Reservist from December 1988 to July 1994 [REDACTED] was with 7 Sig Regt based at Cabarlah near Toowoomba, not at Darwin. [REDACTED] service records held at CARO for give no indication of her actual duties while posted to 71 Sig Sqn Darwin or 7 Sig Regt Cabarlah.

11. [REDACTED] has stated that her duties with 71 Sig Sqn during 1977-79 initially entailed intercepting and monitoring Indonesian Army morse traffic in East Timor. After completing an Op Sigs Special Skills course on 27 October 1978, which involved Indonesian language training, her duties changed to intercepting and monitoring voice traffic. It is during the ensuing period from late October 1978 until her discharge on 7 June 1979 that she claims that the incidents occurred.

12. The DSD letter at Attachment 1 confirms that Op Sig Special Skills operators were trained in basic Indonesian language skills. At Attachment 2 Mr Warhurst confirms this.

13. MAJ Cockburn stated that her duties involved interception Indonesian military communications as directed by her supervisor, see Attachment 3.

**What courses/qualifications did she undertake in the Australian Army?**

14. An examination of [REDACTED] Record of Service and personnel file at CARO shows that she completed Recruit and Specialist Signal Corps training while at 7 Sig Regt Cabarlah from 11 June 1976 until 30 November 1977. During that period she qualified as an ECN 272 Op Radio and ECN 273 Op Sigs. These courses would have included morse training. On 30 November 1977 she was posted to 71 Sig Sqn in Darwin. While with 71 Sig Sqn she completed an Op Sigs Special Skills course from 21 August to 27 October 1978. This course was aimed at providing basic Indonesian language training which qualified her to monitor Indonesian voice traffic.

15. Mr D. Warhurst instructed in basic Indonesian language training on the Op Sigs Special Skills courses in Darwin in 1977-78. He stated that the Op Sig Special Skills



course that she completed included rudimentary Indonesian language skills, sufficient to understand numbers and certain words and phrases necessary to decide whether to record the messages that she was monitoring at the time, see Attachment 2. He subsequently advised the Researcher that the course was entirely devoted to language training.

16. MAJ Cockburn confirmed that having completed that the Op Sig Special Skills course she would have the ability to identify and record Indonesian military communications, see Attachment 3.

17. [REDACTED] stated that after some months an Op Sig Special Skills achieved a very high level of skills in understanding what they were hearing, see Attachment 4.

18. An examination of her personnel file at CARO shows that in 1993 when serving in the Army Reserve (then) [REDACTED] requalified as an ECN 273 Op Sigs and passed Morse Code receipt by hand and typewriter (25 words per minute) and touch typing. She had trained in these skills as an Op Radio and Op Sigs during her previous Regular Army service.

**Was she a qualified Indonesian linguist?**

19. The DSD letter at Attachment 1 states that a qualified linguist had to qualify as a B Grade linguist at the RAAF Point Cook School of Languages (a one year course) and that an Op Sig Special Skills course did not equate to being a qualified linguist. Both [REDACTED] Record of Service and personnel file contain no record of any formal language training.

**Whilst serving in Darwin what was her role in intercepting communications and translating information gathered?**

20. [REDACTED] role was as described at paragraphs 11-13 above. She would not have been involved in translation.

**What were her unit reporting lines (identify her immediate superiors)?**

21. At Attachment 2 Mr Warhurst stated that she would have reported to her Watch Supervisor. [REDACTED] was asked for the names of her supervisors. At the time of completing this report she had not responded.

22. An examination of her personnel file revealed the following as being in 71 Sig Sqn at some time during 1978-79:

MAJ A. Cockburn  
B.P. McDonnell  
H. Metcalf  
J.A. Fullelove

The Researcher was only able to locate MAJ Cockburn.

**Would she have been intercepting the type of messages listed above?**

23. At p 6 of Reference B [REDACTED] stated that the last two "incidents" listed at paragraph 3 above were dreams and she did not actually hear these conversations.

24. At Attachment 1 DSD declined to respond. At Attachment 2 Mr Warhurst advised that it was possible that such messages could have been intercepted. At Attachment 3 MAJ Cockburn stated that it was possible that she would have intercepted messages such as she has described, but he doubted her ability to translate the messages without the help of a qualified linguist, who would have been available. At Attachment 4 [REDACTED] stated that messages of the nature described by [REDACTED] were common at that time.

25. LTCOL Bowen stated as follows:

*"I was trained in Indonesian language for 12 months at Pt Cook in 1969 ... Even at the end of my training, I would not have been able to follow the discussions/subjects claimed - I am quite familiar with the type of transmission being mentioned. These operators were quite capable in a very narrow scope of activity. I subsequently spent three years in Jakarta and became much more fluent in day to day speech. Even then I would not have been able to follow an exchange between two locals speaking in their idiom ..."*

26. While it is possible that [REDACTED] may have monitored such transmissions, based on statements by Mr Warhurst, MAJ Cockburn and LTCOL Bowen, there appears to be some question as to her ability to understand and follow the [REDACTED] conversations in the detail that she describes. On the other hand [REDACTED] stated that after some months an Op Sig Special Skills achieved a very high level of skills in understanding what they were hearing.

**Is there any Defence record in archives of typed intercepted messages emanating from East Timor during the period under review (30 November 1977 to 7 June 1979) that confirms the nature of atrocities claimed to have been heard by (then) [REDACTED]**

27. At Attachment 1 DSD advised that the fact that Australia was monitoring Indonesian military communications during the invasion and occupation of East Timor was on the public record, but that copies of such records were not available. Such information would be highly classified and not able to be released for the purposes of this report. However, world media at the time and in subsequent years contains many reports of atrocities by the Indonesian military in the period. The NSW Coroners Report into the death of Brian Raymond PETERS at Balibo, one of the "Balibo Five" Australian Journalists killed in 1975, is a good example<sup>3</sup>.

## Conclusion

28. Any queries on the content of this Report, or any points that require further clarification or expansion should be directed to the Researcher.

COL P. J. Langford (Retd)  
Writeway Research Service

<sup>3</sup> <http://coroners.lawlink.nsw.gov.au...petersinquest2>

ATTACHMENTS:

1. DSD letter dated 4 May 2012
2. Undated statement by Mr D. Warhurst
3. Statement by MAJ Cockburn dated 12 May 2012
4. Statement by [REDACTED] dated 22 May 2012

**Report Writer**

This report was prepared by Colonel Peter Langford (Retd). His 28 year military career included service in PNG with 2 PIR (1966), operational service as an infantry platoon commander in South Vietnam with 2 RAR (1967-68), Singapore/Malaysia with 6 RAR (1971-73) and Commanding Officer 6 RAR (1982-83). He has held senior appointments at Army and Defence Headquarters. Since leaving Defence in 1990 he has managed a number of research centres on the ANU campus.



# Statement of Maj A. Corkburn MBE (R)

I was posted to 71 Sig Sqn as  
Ops OFR in Jun 1976. I took over  
as OC 71 Sig Sqn from previous OC  
Maj W H Hughes. I occupied the  
position until Nov 1978, I then  
returned to my Parent Unit 7 Signal  
Regt.

I can't recall Sig [REDACTED]  
my memory differs.

Her duties were Intercepting  
Indonesian communications (described  
Army / Navy / Air Force) as  
directed by her superiors.

As an OF Sig Spec skill she would  
have the ability to identify Indonesian  
Comm procedures, she would also  
have a tape recorder.

I doubt if she had the skill  
to translate messages received ~~without~~  
without the help of a qualified  
linguist, who would have been  
available. It is quite possible  
that she was intercepting  
conversations in messages as  
listed.

I hope this has been some help  
to you.

A. Cockburn  
12 May 12



22 May 2012

Mr Peter Langford  
Writeway Research Service

Re: Compensation Claim by [REDACTED]

You have asked me to provide comments on the claim lodged with the DVA by [REDACTED]. After carefully reading her comments in support of her claim I can provide the following:

[REDACTED] says that "on the evening watch .... In 1978 (during the invasion of by Indonesia of Timor)" I do not know what to make of this because it cannot possibly be true. The invasion of East Timor by Indonesia occurred in late 1975 not in 1978. The only expansion I could suggest is that [REDACTED] by the careless use of language confused the word "invasion" for "occupation."

I note that [REDACTED] was certified as an Operator Signals Special Skills - that automatically implies that she had a reasonable degree of language training - although not a graduated linguist this particular trade has a very high reputation for excellence extending over a very long period of time. She would have been required to accurately TRANSCRIBE what she was hearing. After a period of months Operator Signals ((SS)) achieve a very high level of skill in understanding what they are hearing.

[REDACTED] claims that she heard "a number of conversations between soldiers which caused me distress." It is difficult to understand how that could have happened. The target she is referring to has a long-standing reputation for very undisciplined use of operator chat. However, that is chat between RADIO OPERATORS. That type of atrocity was done by infantry and military intelligence personnel. It is possible that [REDACTED] heard accounts of atrocities from other linguist staff she was working with and has somehow extrapolated that into believing that she heard it herself. It is a fact, however, that some messages referring to extremely violent atrocities during the time that she worked as an Operator Signals (SS) were sent in plain language.

[REDACTED] refers to "listening to accounts of death, mutilation, and torture of civilians." I can only assume that what she means by this is that she was TRANSCRIBING messages which referred to such activities.

As a general comment, I can say that I was involved closely with this target from 1975 to the 1980s. During that time there were literally hundreds of messages which referred to the murder of civilians on a grand scale. Rape, torture, mutilation and ad hoc assassination were common place - even the use of napalm to eliminate entire villages. After East Timor was granted independence there was an inquiry into some of these claims. During that inquiry the use of napalm was flatly denied as never existing on the inventory of the Air Force concerned ... which is true because the napalm was borrowed from the Malaysians!

It is impossible to say with any degree of accuracy just how much of this [REDACTED] was exposed to but a reading of the open source material now available will show that the period 1977-79 were bad years for gross atrocities which were committed in East Timor in an attempt to wipe out the Fretilin organization.



PC Recommendation	Commentary	Response	Suggested Course of Action
<ul style="list-style-type: none"> <li>a single Ministry for Defence Personnel and Veterans.</li> </ul>	The current Minister for Defence Personnel is also the Minister for Veterans' Affairs.	<b>Supported.</b>	Incumbent and future Governments retains the dual portfolio of the Minister for Defence Personnel and Minister for Veterans' Affairs.
<ul style="list-style-type: none"> <li>an independent Veterans' Advisory Council to provide advice to the relevant Minister.</li> </ul>	A secondary Group that consists of Subject Matter Experts (SME), who are principally Veteran Advocates (not lawyers), who make recommendations to the ESO Round Table (ESORT).	<b>Supported in Principle</b> , however the Veterans' Advisory Council must consist of Veterans who are experienced in the Veteran Support System as Advocates.	Retain the Prime Minister's Advisory Council for Veterans. Due consideration given for an Independent Veterans' Advisory Council to the Minister for Defence Personnel and Veterans' Affairs.
<ul style="list-style-type: none"> <li>the Australian War Memorial take responsibility for all commemoration functions and the Office of War Graves.</li> </ul>	<p>The AWM is a separate entity, that is focussed on the Military History, which is kept in a Memorial. The AWM is not equipped to manage the significant commemorations overseas and across Australia, whereas DVA have such frameworks and capability.</p> <p>In addition, the AWM is not equipped to effectively manage the Graves of Australia's Dead from Wars in many countries overseas.</p> <p>The AWM is also not equipped to</p>	<b>Not supported.</b> The Commemoration of Australia's Military Sacrifice and Service to various Wars, Conflicts and Peacekeeping Operations. This is conducted in countries overseas and across Australia. In line with the Legislation of the AWM, the AWM only focusses on preserving the Military History and Exhibition of this service by Australians in a dedicated National Memorial to Australia's Servicemen and Servicewomen.	Retain the current Commemorations Branch within the Department of Veterans' Affairs.



PC Recommendation	Commentary	Response	Suggested Course of Action
	manage the grave plaques of eligible veterans.		
Disbanding of DVA and the Establishment of a Veterans' Services Commissioner.	DVA must conduct change management with the consultation of ESO Leaders, Veterans and SME in the field.	<b>Not Supported.</b> This recommendation is impractical as it states that Compensation should be handled by Defence. DVA are working toward improvements in the delivery of services and ICT systems.	DVA be retained and the Veteran Centric Reform (VCR) and Transformation Strategies be given the opportunity to continue to improve DVA Services.
A premium to provide additional incentive for Injury Prevention.		Reserved.	Reserved.
Improving Veterans' Transition experience.	<p>The APPVA has been actively engaged in the area of Transitions, including attending Defence and DVA Workshops to ratify a "seamless" transition.</p> <p>This matter has been problematic for a number of veterans over the past 15 years.</p>	<b>Supported.</b> The CDF needs to provide the opportunity for ESO to become partners in Transition.	<p>A suggested approach is to have uniformed Reserve members to be employed as Compensation Advocates, in order to ensure that transitioning ADF Members are adequately covered in terms Commonwealth Liability for conditions that are service related.</p> <p>Networks established with ADF Compensation Advocates, will provide a better transition experience.</p>
Better Health Outcomes for Veterans	There has been a "freeze" on the funding provided by DVA to Health Care Providers since 2013 to 2018. This adversely affected the ability of veterans to	<b>Supported.</b> This is particularly noted within the Legislation of DRCA and MRCA. IRT VEA, the Veterans' Vocational Rehabilitation Service (VVRS) is	Ongoing Health Support by DVA will provide better health and wellbeing outcomes for veterans. The Government needs to lift capping of Medical Fees of

PC Recommendation	Commentary	Response	Suggested Course of Action
	continue to consult with their previous specialists and GP.	highly recommended to be utilised.	Veterans and not have the situation of a limited Fee system, that is in line with DHS.
Improving Mental Health Care and Access of Services.	Access needs to be provided to Reservists, by removing the Eligibility constraints, to simply one day service, as opposed to one day CFTS.	Supported.	Inclusivity of all Reservists, regardless of service.
Data and evidence could be improved in every area of the System.	DVA is moving toward better ICT systems under the VCR and Transformation strategies.	Supported.	Continually fund the VCR and Transformation Strategies within DVA and Defence ICT data transfer and exchange systems.
A simpler System for Veterans and their families.	The VCR and Transformation is aiming at simplification of the System for Veterans and their families. Veteran want an 'end-user' friendly system and streamlined.	Supported.	Continually fund the VCR and Transformation Strategies within DVA
The Review process could be simpler and more efficient.	The current VRB system of Case Appraisals has proved to be successful from a trial in NSW. APPVA Advocates report that the Case Appraisal procedure has been successful in almost every case.	Supported in principle.	More emphasis on Case Appraisals to be considered by a VRB Case Manager, prior to Alternate Dispute Resolution (ADR).
Two Rehabilitation and Compensation Schemes.	Care must be taken in this approach, in order to determine that one scheme does not provide a disadvantage to the veteran, through offsetting	Supported in principle.	Considerable and measured consultation will be required with ESO Leaders and SME in Compensation Advocacy.

PC Recommendation	Commentary	Response	Suggested Course of Action
	provisions and deprived of other Veteran Entitlements that are currently available to veterans and their families.		
An Indicative timeline for reform.		Supported.	Requires a realistic timeframe for the VCR and Transformation processes. The VCR and Transformation must be given adequate funding to continue.

PC Recommendation	Commentary	Response	Suggested Course of Action
DRAFT FINDING 5.1			
<p>There are no compelling grounds to change the current arrangements where Australian Defence Force (ADF) members are subject to Commonwealth work health and safety legislation. In fact, the introduction of the <i>Work Health and Safety Act 2011</i> has been instrumental in helping to improve work health and safety outcomes in the ADF.</p>	<p>Workplace and Occupational exposures and hazards are the key toward the causation or material contribution toward the clinical onset or clinical worsening of a given medical condition.</p> <p>Within Unit Medical Records (UMR), there is provision for this on the front cover. To date, such notations have not been detected by compensation advocates. By providing a list of given hazards and exposures, beginning at the level of Recruit, through to Employment Training, maintained throughout the service life of the ADF member.</p>	<p><b>Noted.</b> APPVA recommends that the Workplace and Occupational exposures and hazards are listed on ADF Member's Unit Medical Records (UMR) and their Central Medical Record (CMR).</p>	<p>Current serving ADF Members should have their Occupational exposures and hazards listed on their UMR and CMR (Medical Records).</p> <p>This undertaking will accelerate the process times, improve the provision of evidence and reduce the Time Taken to Process.</p>
DRAFT FINDING 5.2			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>Since Defence introduced Sentinel (a work health and safety incident reporting system) in 2014, it has expanded its coverage (there is now service-wide access), improved the ease of use of the system for serving personnel and put in place processes to ensure that reported incidents are acted on.</p> <p>However, despite these efforts, underreporting of work health and safety incidents on Sentinel (other than for serious, defined events that must be notified to Comcare) continues to be an issue.</p>	As for Draft Finding 5.2.	Noted.	<p>Data must need to also include Occupational Hazards and exposures of the ADF member in their respective vocation and/or trade. This would aid in the streamlining of the claims process.</p> <p>We also understand that ADF members are reluctant to report injury, due to the potential consequential effect that it may have on their respective career.</p>
DRAFT RECOMMENDATION 5.1			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>Defence should investigate the feasibility and cost of augmenting the Sentinel database with information from the Defence eHealth System. In the longer term, when Defence commissions the next generation of the Defence eHealth System, it should include in the system requirements ways to facilitate the capture of work health and safety data.</p> <p>The Departments of Defence and Veterans' Affairs should investigate the feasibility and cost of augmenting the Sentinel database with information from the Department of Veterans' Affairs' datasets, which would provide insights into the cost of particular injuries and illnesses.</p>		<p>Noted.</p> <p>Noted.</p>	<p>It is important to have data of member's work health exposures and hazards in order to aid in a streamlined system toward acceptance for Commonwealth Liability.</p>
DRAFT RECOMMENDATION 5.2			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>Defence should use the injury prevention programs being trialled at Lavarack and Holsworthy Barracks as pilots to test the merit of a new approach to injury prevention to apply across the Australian Defence Force (ADF).</p> <p>Defence should adequately fund and support these programs, and ensure that there is a comprehensive and robust cost–benefit assessment of their outcomes.</p> <p>If the cost–benefit assessments are substantially positive, injury prevention programs based on the new approach should be rolled out across the ADF by Defence.</p>		<p>Noted.</p>          <p>Noted.</p>          <p>Noted.</p>	
DRAFT RECOMMENDATION 5.3			

PC Recommendation	Commentary	Response	Suggested Course of Action
Beginning in 2019, the Australian Government should publish the full annual actuarial report that estimates notional workers' compensation premiums for Australian Defence Force members (currently produced by the Australian Government Actuary).		Noted.	Data of Worker's Compensation is published annually by WorkSafe Australia.
DRAFT FINDING 6.1			
Defence has a strong incentive to provide rehabilitation services to Australian Defence Force (ADF) members who have a high probability of redeployment or return to duty, but a weaker incentive to rehabilitate members who are likely to be transitioning out of the ADF. This is because ex-serving members become the responsibility of the Department of Veterans' Affairs (DVA) and Defence does not pay a premium to cover liabilities. Access to rehabilitation supports can also be disrupted during the transition period.	The Legislation within DRCA and MRCA particularly emphasises a Return to Work approach. Such Rehabilitation management is normally taken by Defence in the first instance and after Transition by DVA.	<b>Noted.</b>	



PC Recommendation	Commentary	Response	Suggested Course of Action
DVA pays limited attention to the long-term sustainability of the veteran support system (in part because the system is demand driven) and this reduces its focus on the lifetime costs of support, early intervention and effective rehabilitation.			
<p>DRAFT RECOMMENDATION 6.1</p> <p>The Australian Defence Force Joint Health Command should report more extensively on outcomes from the Australian Defence Force Rehabilitation Program in its Annual Review publication.</p>		Supported.	This approach is highly recommended, along with tangible goal-setting for serving ADF Members by Defence Rehabilitation Specialists. It is highly recommended that Defence look at a Rehabilitation Management System that has a command structure.
DRAFT RECOMMENDATION 6.2			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>The Department of Veterans' Affairs should make greater use of the rehabilitation data that it collects and of its reporting and evaluation framework for rehabilitation services. It should:</p> <ul style="list-style-type: none"> <li>• evaluate the efficacy of its rehabilitation and medical services in improving client outcomes</li> <li>• compare its rehabilitation service outcomes with other workers' compensation schemes (adjusting for variables such as degree of impairment, age, gender and difference in time between point of injury and commencement of rehabilitation) and other international military schemes.</li> </ul>	<p>There are some unique features to the ADFRP and Veteran Compensation Schemes that provide such improvement strategies.</p> <p>It is suggested that working in line with entities such as the Soldier Recovery Centre (SRC) in a given Army Barracks, that a Cell operates from within the SRC that provides ADF Reservists to effectively manage the data required and to provide an Advocacy Service for Early Intervention and Reporting; inclusive of assisting with Claims for Commonwealth Liability.</p>	<p><b>Supported in Principle.</b></p>	<p>The use of a Joint Transition Command as proposed by the PC Report has merit. It is preferable to have Rehabilitation Specialists employed within Defence and DVA who manage such Rehabilitation Processes.</p> <p>Within DVA Management the Schedule of Fees dictates the quality of services provided. The same can be said for Garrison Health through Joint Health Command.</p> <p>The comparative Data is reflected in the WorkSafe Comparison of Worker's Compensation Arrangements in Australia and New Zealand.</p>
DRAFT RECOMMENDATION 6.3			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>Defence and the Department of Veterans' Affairs need to engage more with rehabilitation providers, including requiring them to provide evidence-based approaches to rehabilitation, and to monitor and report on treatment costs and client outcomes.</p> <p>Changes are also required to the arrangements for providing and coordinating rehabilitation immediately prior to, and immediately post, discharge from the Australian Defence Force (ADF). Rehabilitation services for transitioning personnel across this interval should be coordinated by Joint Transition Command (draft recommendation 7.1).</p> <p>Consideration should also be given to providing rehabilitation on a non-liability basis across the interval from ADF service to determination of claims post-service.</p>	<p>There are some unique features to the ADFRP and Veteran Compensation Schemes that provide such improvement strategies.</p> <p>It is suggested that working in line with entities such as the Soldier Recovery Centre (SRC) in a given Army Barracks, that a Cell operates from within the SRC that provides ADF Reservists to effectively manage the data required and to provide an Advocacy Service for Early Intervention and Reporting; inclusive of assisting with Claims for Commonwealth Liability.</p>	<p><b>Supported in Principle.</b> As for Recommendation 6.2.</p>	
DRAFT FINDING 7.1			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>The Departments of Defence and Veterans' Affairs offer a range of programs and services to support veterans with their transition to civilian life. Despite some improvements in recent years, these efforts remain fragmented and poorly targeted, with few demonstrated results. While many discharging members require only modest assistance, some require extensive support especially those who are younger, served in lower ranks, are being involuntarily discharged for medical or other reasons or who have skills that are not easily transferable to the civilian labour market.</p>	<p>Defence does provide Career Transition Assistance Scheme (CTAS), where it is understood that this Scheme is not properly utilised by Transitioning members.</p> <p>Within Legislation, DRCA and MRCA do provide for such transitions and management of Transitioning Members, it is not particularly mentioned as transition management but return to work.</p> <p>Within Legislation of VEA, the Veterans' Vocational Rehabilitation Scheme (VVRS) is available to transitioning or ex-members seeking remunerative employment.</p>	<p>Noted.</p>	<p>It is noted however, that those transitioning ADF Members who don't necessarily possess skill-sets for civilian employment are normally categorised into jobs that they would otherwise be unable to fulfil within Defence.</p> <p>The skillsets of ADF Members are highly marketable due to the work ethic of the individual and the ethos of service is often extant after separation from the ADF.</p>

PC Recommendation	Commentary	Response	Suggested Course of Action
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DRAFT RECOMMENDATION 7.1			
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PC Recommendation	Commentary	Response	Suggested Course of Action
<p>The Australian Government should recognise that Defence has primary responsibility for the wellbeing of discharging Australian Defence Force members, and this responsibility may extend beyond the date of discharge. It should formalise this recognition by creating a 'Joint Transition Command' within Defence. Joint Transition Command would consolidate existing transition services in one body, with responsibility for preparing members for, and assisting them with, their transition to civilian life. Functions of Joint Transition Command should include:</p> <ul style="list-style-type: none"> <li>• preparing serving members and their families for the transition from military to civilian life</li> <li>• providing individual support and advice to veterans as they approach transition</li> <li>• ensuring that transitioning veterans receive holistic services that meet their individual needs, including</li> </ul>	<p>Rehabilitation within the ADF is normally adequate for the serving member. However, it is noted that when a member transitions from the ADF, there is another process that the member has to negotiate in terms of seeking the support from a given Legislation – mainly DRCA and MRCA.</p> <p>Veterans have experienced a “doubling” of effort of rehabilitation when transitioning, which has caused undue stress to the member and their family.</p> <p>A process is required to prevent such “doubling” of effort, which in turn will be cost effective.</p>	<p><b>Supported in Principle.</b></p> <p>Discharge (Transition) Cells at various Defence Centres undertake the processes mentioned in this recommendation.</p> <p>ESO would ideally be included into the process as the transitioning member resettles in their chosen location at discharge.</p> <p>A briefing of the case of the ADF Member, with his/her agreement would ideally be presented to the ESO Advocate(s) at the separation location, by the Transition Cell.</p> <p>The cut-over from Defence and DVA is an area that has required open minded work and to date remains a difficult area to manage.</p> <p>Access after discharge offers CTAS up to 12 months from Discharge.</p>	<p>It is recommended that Compensation and Wellbeing Advocacy is provided by Defence in the first instance. Within the gambit of the Joint Transition Command, a Branch that oversees such needed services should include uniformed Compensation and Well-being Advocates. Much on the same approach as the RAAF Military Compensation Liaison Officers (MCLO).</p> <p>It is proposed that such Advocates are located within SRCs and other Defence Rehabilitation Hubs, to provide such information and oversight of the transitioning members.</p>

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>information about, and access to, Department of Veterans' Affairs' processes and services, and maintaining continuity of rehabilitation supports</p> <ul style="list-style-type: none"> <li>• remaining an accessible source of support for a defined period after discharge</li> <li>• reporting on transition outcomes to drive further improvement.</li> </ul>			

PC Recommendation	Commentary	Response	Suggested Course of Action
DRAFT RECOMMENDATION 7.2			
<p>Defence, through Joint Transition Command (draft recommendation 7.1), should:</p> <ul style="list-style-type: none"> <li>require Australian Defence Force members to prepare a career plan that covers both their service and post-service career, and to update that plan at least every two years</li> <li>prepare members for other aspects of civilian life, including the social and psychological aspects of transition</li> <li>reach out to families, so that they can engage more actively in the process of transition.</li> </ul>	<p>Career planning can be a feature of CTAS, which Defence sponsored.</p> <p>Such schemes exist within the Legislation (DRCA &amp; MRCA). Within VEA it is the VVRS.</p> <p>Psychological aspects of transition is ideally the gambit of Open Arms. There are Non-Liability Health Cover (NLHC) access points in Mental health services. For example, Open Arms (funded by DVA).</p> <p>Open Arms offers services to current, ex-serving ADF Members and their families.</p> <p>Open Arms offer a range or programs to veterans and their families, particularly the “Stepping Out” Program, which assists transitioning ADF Members and Veterans.</p>	Supported in Principle.	The use of Open Arms of serving members offers such counselling services to veterans who are either serving or who have separated from the ADF.
DRAFT RECOMMENDATION 7.3			



PC Recommendation	Commentary	Response	Suggested Course of Action
<p>The Department of Veterans' Affairs should support veterans to participate in education and vocational training once they leave the Australian Defence Force. It should trial a veteran education allowance for veterans undertaking full-time education or training.</p>	<p>It is noted that there are limits to the provision of Vocational Training and Education through the various Defence and DVA Entitlements.</p> <p>The concept of a Veterans' Education Scheme has merit and requires further consultation.</p>	<p>Supported.</p>	<p>Vocational Training and Education is available through CTAS, DRCA, MRCA and VEA.</p>
DRAFT RECOMMENDATION 8.1			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>The Australian Government should harmonise the initial liability process across the three veteran support Acts. The amendments should include:</p> <ul style="list-style-type: none"> <li>making the heads of liability and the broader liability provisions identical under the <i>Veterans' Entitlements Act 1986</i> (VEA), the <i>Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988</i> (DRCA) and the <i>Military Rehabilitation and Compensation Act 2004</i> (MRCA)</li> <li>applying the Statements of Principles to all DRCA claims and making them binding, as under the MRCA and VEA</li> <li>adopting a single standard of proof for determining causality between a veteran's condition and their service under the VEA, DRCA and MRCA.</li> </ul>		<p>Point 1. <b>Supported.</b></p> <p>Point 2. <b>Supported.</b> However, notation is made that DRCA has been identified in the PC Draft Report as being absorbed into MRCA in 2023. This replicates an increased administrative burden, which is not viewed as cost effective.</p> <p>Point 3. <b>Not Supported.</b> However, consultation is needed for the third dot point referencing the adoption of a single standard of proof, with Subject Matter Experts (SME).</p> <p>SME is ideally ESO Senior Advocates and the DVA Legal.</p>	<p>Point 1. A harmonised approach with the Repatriation Commission (RC) and the Military Rehabilitation Compensation Commission (MRCC) is ideal and reduces the administrative burden.</p> <p>Point 2. It must be noted that the combining of the SOPs needs to be reflective on the standard of the VEA GARP 2016. Consultation with SME, ESO Senior Advocates and DVA is needed to ensure a smooth and equitable transition to this proposition.</p> <p>Within MRCA, the extinguishing of Tables 23.1 and 23.2 is highly recommended to remove the service bias and replaced by the VEA GARP 2016.</p> <p>The extinguishing of service, gender and age bias is necessary to effect simplistic application of the Legislation.</p> <p>There must be no diminishing of</p>

PC Recommendation	Commentary	Response	Suggested Course of Action
			<p>the value of entitlements to veterans under either Acts.</p> <p>By moving all Legislations to the VEA GARP 2016, it will extinguish the nuanced administrative and legal complexities that are involved in the determination process.</p> <p>Point 3. The Single standard of proof is not agreed. The matter of proving the causality of a given medical condition to a veteran needs to be flexible in its approach within the ambit of warlike and non-warlike service classifications. The reasons for the Reasonable Hypothesis (RH) are to provide the returned veteran a beneficial Standard of Proof, which is the Onus of Proof to DVA.</p> <p>Medical documentation during Operations have not been updated to any given condition suffered by the veteran during this service.</p>

PC Recommendation	Commentary	Response	Suggested Course of Action
			<p>Of particular note is a veteran who serves with a Multi-National Force, of which the Medical Service is provided by a foreign nation. There are numerous unique applications of service toward this matter that justify the RH process.</p> <p>The SOPs need to be streamlined to enable simplicity of acceptance of liability. The ICT Systems would enable the rapid determination times for Commonwealth Liability. DVA is encouraged to continue with improving PROJECT LIGHTHOUSE process to provide equity to all types of service and all Compensation Acts.</p>

PC Recommendation	Commentary	Response	Suggested Course of Action
DRAFT RECOMMENDATION 8.2			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>The Australian Government should amend the <i>Veterans' Entitlements Act 1986</i> (VEA) to allow the Repatriation Medical Authority (RMA) the legal and financial capacity to fund and guide medical and epidemiological research into unique veteran health issues, such as through a research trust fund.</p> <p>Following any investigation, the RMA should be required to publish the list of peer-reviewed literature or other sound medical-scientific evidence used, as well as outline how different pieces of evidence were assessed and weighed against each other. This may require legislative amendments to the VEA.</p> <p>Additional resources should also be given to the RMA, so that the time taken to conduct reviews and investigations can be reduced to around six months.</p>	<p>Further information of the function of the RMA is located at:  <a href="http://www.rma.gov.au/what-we-do/">http://www.rma.gov.au/what-we-do/</a></p> <p>The Specialist Medical Review Council (SMRC) is appointed to provide a service to individuals who are eligible to make a claim under the VEA and MRCA. They are independent and make recommendations to the RMA.</p> <p>It is also noted that the Specialist Medical Review Council (SMRC), is appointed by the Minister of Veterans' Affairs.</p> <p>Further information of the SMRC is available at:  <a href="http://www.smrc.gov.au/">http://www.smrc.gov.au/</a></p> <p>There has been plentiful research Projects that have been instigated by DVA over many decades, after consultation with Veteran Groups.</p>	<p><b>Not Supported.</b></p> <p>However, it is noted that the RMA is governed by the VEA. The RMA is capable of research; however, the epidemiological practitioners are not necessarily located within the RMA. As a result, DVA publicises Tenders to the Australian Public, which is normally the ambit of Research Fellows and Specialist Epidemiological practitioners within well-established Universities in Australia.</p>	<p>It is proposed that the RMA remains in its current form.</p> <p>It is proposed that the SMRC remains in its current form.</p> <p>The system with the RMA and the SMRC is consistent with the Beneficial Legislation.</p> <p>It is recommended that the CAMVH is re-established as an independent epidemiology research institute to conduct such research projects on behalf of Defence and DVA.</p> <p>It should also be noted that it is necessary to establish an Epidemiological Data exchange program with International Veteran Departments, such as Veterans Affairs Canada and the United States Veterans Affairs (VA).</p> <p>This proposed International epidemiology Program is suggested to glean data from research studies of past and</p>

PC Recommendation	Commentary	Response	Suggested Course of Action
	<p>The Centre of Australian Military and Veteran Health (CAMVH) was an initiative of the Howard Government.</p> <p>The mission of the CAMVH was to optimise the health of Australian Defence Force personnel, veterans and their families through research and education. It was closed by the Government on 24 December 2014.</p> <p>The CAMVH would be the ideal entity to conduct such future epidemiological research on behalf of DVA.</p>		<p>recent Military Operations that are Combined in nature with the Australian Defence Force.</p>

PC Recommendation	Commentary	Response	Suggested Course of Action
DRAFT RECOMMENDATION 9.1			



PC Recommendation	Commentary	Response	Suggested Course of Action
<p>The Department of Veterans' Affairs should report publicly on its progress in implementing recommendations from recent reviews (including the 2018 reports by the Australian National Audit Office and the Commonwealth Ombudsman) by December 2019.</p>	<p>Such public awareness of Reviews, ensures that DVA is committed to the undertakings that have been made.</p>	<p>Supported.</p>	<p>This is a problematic area for DVA. A number of Inquiries and Reviews have been undertaken, particularly in the past 10-12 years that have not been progressed.</p> <p>Such Inquiries and Reviews are: The Defence, Foreign Affairs and Trade (DFAT) Senate Inquiries, ANAO Reviews, the Review of Military Compensation Arrangements (2009-2011); The Dunt Review (2008); Cornall (2018), etc.</p> <p>Within the Military Compensation Arrangements Review the APPVA submitted an extensive document, of which it is noted that the PC Inquiry has found.</p> <p>It is most unfortunate, that DVA did not undertake to accept the recommendations made within the APPVA Submission, of which had DVA taken the undertaking, the necessity for scrutiny in a range of Inquiries and Reviews</p>

PC Recommendation	Commentary	Response	Suggested Course of Action
			since the suicide of Jesse Bird would have been unnecessary.  Please contact the APPVA for a copy of the Submission.

PC Recommendation	Commentary	Response	Suggested Course of Action
DRAFT FINDING 9.1			
<p>MyService, in combination with a completed Early Engagement Model, has the potential to radically simplify the way Australian Defence Force members, veterans and their families interact with the Department of Veterans' Affairs (DVA), particularly by automating the claims process.</p> <p>But achieving such an outcome will be a complex, multi-year process. To maximise the probability of success, Defence, DVA and the Department of Human Services will need to:</p> <ul style="list-style-type: none"> <li>• continue to work closely in a collegiate and coordinated fashion</li> <li>• retain experienced personnel</li> <li>• allocate sufficient funding commensurate with the potential long-term benefits.</li> </ul>		Supported.	<p>Extensive consultation with Key Stakeholders is necessary.</p> <p>ESO Senior Advocates are highly recommended to be involved in this process.</p>
DRAFT RECOMMENDATION 9.2			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>The Department of Veterans' Affairs should ensure that staff, who are required to interact with veterans and their families, undertake specific training to deal with vulnerable people and in particular those experiencing the impacts of trauma.</p>		<p>Supported.</p>	

PC Recommendation	Commentary	Response	Suggested Course of Action
DRAFT FINDING 9.2			
<p>The Department of Veterans' Affairs needs to negotiate a sustainable and predictable funding model with the Department of Finance based on expected claims and existing clients.</p> <p>This should incorporate the likely efficiency savings from the Veteran Centric Reform program via initiatives such as MyService.</p>		Supported in Principle.	
DRAFT FINDING 9.3			
<p>The Commission does not support deeming initial liability claims at this stage. Progress on the Veteran Centric Reform program in the Department of Veterans' Affairs should continue to significantly improve the efficiency of claims processing and management. Should these reforms fail to deliver further significant improvements in the timely handling of claims, then the need for statutory time limits should be reconsidered.</p>		Noted.	
DRAFT RECOMMENDATION 9.3			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>If the Department of Veterans' Affairs' quality assurance process identifies excessive error rates (for example, greater than the Department's internal targets), all claims in the batch from which the sample was obtained should be recalled for reassessment.</p>			

PC Recommendation	Commentary	Response	Suggested Course of Action
DRAFT FINDING 9.4			
<p>External medical assessors provide useful diagnostic information about veterans' conditions and are a necessary part of the claims process for the veteran support system. However, they should only be called upon when strictly necessary and staff should be provided with clear guidance to that effect.</p> <p>The Department of Veterans' Affairs needs to ensure that the current review into external medical assessors fully considers all aspects of Recommendation 10 of the Senate committee inquiry into veteran suicide.</p>		Noted.	
DRAFT FINDING 9.5			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>Under the Department of Veterans' Affairs' (DVA's) stewardship, the Veteran Centric Reform (VCR) program has produced a number of early successes. However, given DVA's poor history of change management, close supervision and guidance will be required to ensure VCR continues to be successfully rolled out. Regular progress reporting and ongoing assurance reviews will facilitate this outcome.</p>		Supported.	It is necessary to involve ESO Stakeholder engagement.
DRAFT FINDING 9.6			



PC Recommendation	Commentary	Response	Suggested Course of Action
<p>Ex-service organisations (ESO) play an important role in the veteran support system. However, the lack of coordination among them may be diluting their effectiveness.</p>	<p>It is noted that the ATDP is providing some degree of central coordination.</p>	<p>Supported.</p>	<p>There are concerns of the ATDP, particularly in the retention and recruiting of Compensation Advocates.</p> <p>The current practice is to only allow for Multiple Eligibility, for example a Statement of Attainment in MILADC002 is awarded to successful students.</p> <p>There is no flexibility for long Practitioners (Advocates) who are very experienced and well-skilled in VEA Advocacy, in order to be awarded a Statement of Attainment (SOA).</p> <p>The Stand Alone Legislation (particularly VEA) Advocates have been disillusioned with the ATDP system, where they find MRCA, DRCA (SRCA) Compensation Advocacy as highly complex.</p> <p>The matter is that with the complexities of MRCA, DRCA (SRCA) and working to interact these Acts with VEA, has been a</p>

PC Recommendation	Commentary	Response	Suggested Course of Action
			<p>declining service by these experienced VEA Advocates.</p> <p>Flexibility must be provided by ATDP to recognise the skills and experience of many knowledgeable VEA Advocates and to retain them within the Compensation Advocacy arena.</p>

PC Recommendation	Commentary	Response	Suggested Course of Action
DRAFT FINDING 10.1			
Current review processes are ensuring that many veterans receive the compensation or support that they are entitled to under the law, albeit sometimes with significant delays. The majority of cases that are reviewed externally result in a change to the original decision made by the Department of Veterans' Affairs.	There have been a range of cases that have caused undue stress and financial hardship to veterans undergoing the process of claiming for Commonwealth Liability in these instances.	Supported.	
DRAFT FINDING 10.2			
The Veterans' Review Board and Administrative Appeals Tribunal are not providing sufficient feedback from their review processes to the Department of Veterans' Affairs to better inform decision-making practice. Further, the Department is not incorporating the limited available feedback into its decision-making processes. This means that opportunities for process improvement are being missed.		Noted.	
DRAFT RECOMMENDATION 10.1			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>The Department of Veterans' Affairs (DVA) should ensure that successful reviews of veteran support decisions are brought to the attention of senior management for compensation and rehabilitation claims assessors, and that accuracy of decision making is a focus for senior management in reviewing the performance of staff.</p> <p>Where the Veterans' Review Board (VRB) identifies an error in the original decision of DVA, it should clearly state that error in its reasons for varying or setting aside the decision on review.</p>	<p>The VRB do provide details of the decision for varying or setting aside the decision on review.</p> <p>The system ascribed by the Commission is the current process.</p>	<p>Noted.</p>	

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>The Australian Government should amend the <i>Veterans' Entitlements Act 1986</i> to require the VRB to report aggregated statistical and thematic information on claims where DVA's decisions are varied through hearings or alternative dispute resolution processes. This reporting should cover decisions of the Board, as well as variations made with the consent of the parties through an alternative dispute resolution process. This should be collected and provided to DVA on a quarterly basis and published in the VRB's annual report.</p> <p>DVA should consider this reporting and respond by making appropriate changes to its decision-making processes.</p>			

PC Recommendation	Commentary	Response	Suggested Course of Action
DRAFT FINDING 10.3			
While many veterans are managing to negotiate the current pathways for reviews of decisions made under the various veteran support Acts, there are unjustified differences and complexities in the rights of review available to claimants under each Act.		Noted.	
DRAFT FINDING 10.4			
The Veterans' Review Board, while highly regarded by veterans, has functions that overlap with those of the Administrative Appeals Tribunal. Rather than being used occasionally to resolve difficult or exceptionally difficult cases, the Department of Veterans' Affairs is relying on the Board's external merits review as a standard part of the process for addressing many claims.		Noted.	The ADR process needs to be rolled out nationally.
DRAFT RECOMMENDATION 10.2			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>The Australian Government should introduce a single review pathway for all veterans compensation and rehabilitation decisions. The pathway should include:</p> <ul style="list-style-type: none"> <li>• internal reconsideration by the Department of Veterans' Affairs. In this process, a different and more senior officer would clarify the reasons why a claim was not accepted (partially or fully); request any further information the applicant could provide to fix deficiencies in the claim, then make a new decision with all of the available information</li> <li>• review and resolution by the Veterans' Review Board, in a modified role providing alternative dispute resolution services only (draft recommendation 10.3)</li> <li>• merits review by the Administrative Appeals Tribunal</li> </ul>		Noted.	The Review process recommended by the Commission is the current Review Process that is extant.



PC Recommendation	Commentary	Response	Suggested Course of Action
<ul style="list-style-type: none"> <li>judicial review in the Federal Court of Australia and High Court of Australia.</li> </ul>			

PC Recommendation	Commentary	Response	Suggested Course of Action
DRAFT RECOMMENDATION 10.3			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>The Australian Government should amend the role and procedures of the Veterans' Review Board (VRB).</p> <p>Rather than making decisions under the legislation, it would serve as a review and resolution body to resolve claims for veterans. All current VRB alternative dispute resolution processes would be available (including party conferencing, case appraisal, neutral evaluation and information-gathering processes) together with other mediation and conciliation processes. A single board member could recommend the correct and preferable decision to be made under the legislation, and the Department of Veterans' Affairs and the claimant could consent to that decision being applied in law.</p> <p>Cases that would require a full board hearing under the current process, or where parties fail to agree on an appropriate alternative dispute resolution process or its outcomes, could be</p>	<p>The VRB is obliged to make decisions under the current Legislation.</p>	<p>Not Supported.</p>	<p>Retain the functions of the VRB.</p>

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>referred to the Administrative Appeals Tribunal.</p> <p>Parties to the VRB resolution processes should be required to act in good faith.</p>			
DRAFT RECOMMENDATION 10.4			
<p>The Australian Government should conduct a further review in 2025 on the value of the continuing role of the Veterans' Review Board, once significant reforms to the initial claim process for veterans are established. In particular, the review should consider whether reforms have reduced the rate at which initial decisions in the veteran support system are varied on review. If the review finds that the Board is no longer playing a substantial role in the claims process, the Australian Government should bring the alternative dispute resolution functions of the Board into the Department of Veterans' Affairs or its successor agency.</p>		Supported in Principle.	
DRAFT RECOMMENDATION 11.1			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>A new 'Veteran Policy Group', headed by a Deputy Secretary, should be created in Defence with responsibility for veteran support policies and strategic planning.</p> <p>Ministerial responsibility for veterans' affairs should be vested in a single Minister for Defence Personnel and Veterans within the Defence portfolio.</p>	<p>The current Minister for Veterans' Affairs is the current Minister for Defence Personnel.</p>	<p>Not Supported.</p>	<p>The shift of responsibility to Defence is not supported as Defence have a dedicated mission to Defend the Nation.</p> <p>The Compensation portfolio is appropriately placed with the Department of Veterans' Affairs.</p> <p>The initiatives of VCR need to be given the opportunity to improve the Veteran Support System and any replication or transfer of responsibility only serves to complicate the landscape of Veterans' Affairs.</p>
DRAFT RECOMMENDATION 11.2			
<p>The Australian Government should establish a new independent Commonwealth statutory authority, the Veteran Services Commission (VSC), to administer the veteran support system. It should report to the Minister for Defence Personnel and Veterans and sit within the Defence portfolio (but not within the Department of Defence).</p>		<p>Not Supported.</p>	<p>As for Recommendation 11.1.</p>

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>An independent board should oversee the VSC. The board should be made up of part-time Commissioners appointed by the Minister who have a mixture of skills in relevant civilian fields, such as insurance, civilian workers' compensation and project management, as well as some with an understanding of military life and veteran issues. The board should have the power to appoint the Chief Executive Officer (responsible for the day-to-day administration).</p> <p>The functions of the VSC should be to:</p> <ul style="list-style-type: none"> <li>• achieve the objectives of the veteran support system (draft recommendation 4.1) through the efficient and effective administration of all aspects of that system</li> <li>• manage, advise and report on outcomes and the financial sustainability of the system, in particular, the compensation and rehabilitation schemes</li> </ul>			

PC Recommendation	Commentary	Response	Suggested Course of Action
<ul style="list-style-type: none"> <li>• make claims determinations under all veteran support legislation</li> <li>• enable opportunities for social integration</li> <li>• fund, commission or provide services to veterans and their families.</li> </ul> <p>The Australian Government should amend the <i>Veterans' Entitlements Act 1986</i> and the <i>Military Rehabilitation and Compensation Act 2004</i> to abolish the Repatriation Commission and Military Rehabilitation and Compensation Commission upon the commencement of the VSC.</p>			



PC Recommendation	Commentary	Response	Suggested Course of Action
DRAFT RECOMMENDATION 11.3			
<p>The Australian Government should establish a Veterans' Advisory Council to advise the Minister for Defence Personnel and Veterans on veteran issues, including the veteran support system.</p> <p>The Council should consist of part-time members from a diverse range of experiences, including civilians and veterans with experience in insurance, workers' compensation, public policy and legal fields.</p>	<p>A forum is currently in place, which is the Secretary of DVA Ex-Service Organisation Round Table (ESORT).</p> <p>The Prime Minister's Advisory Council on Veterans' Mental Health (PMAC) is also active.</p>	Noted.	<p>Effectiveness of the ESORT is needed to be improved to enable interactive consultation that is required for DVA to action a Strategic Outlook of the functions of DVA.</p> <p>It is highly recommended that the Secretary of DVA utilises the ESORT in an interactive role for the Strategic Guidance of DVA.</p> <p>Guidance is needed to maintain relevance to veteran issues, particularly for Younger Veterans and current-serving and/or recently serving Defence Force Members.</p>
DRAFT RECOMMENDATION 11.4			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>The Australian War Memorial (AWM) already plays a significant and successful role in commemoration activities. As a consequence of the proposed governance and administrative reforms, the Australian Government should transfer primary responsibility for all commemoration functions to the AWM, including responsibility for the Office of Australian War Graves.</p>	<p>DVA maintains a Commemoration Division, which has been adequately managing the Commemorations of the service, courage and sacrifice of Australian Military personnel since the Boer War to currently or recent conflicts.</p> <p>The AWM is bound by a stand-alone Legislation, which is fit for purpose toward the ongoing maintenance and development of the AWM.</p> <p>The Office of the Australian War Graves (OAWG) is also fit for purpose and is Legislated to a particular niche function of maintaining the War Graves of thousands of Australians killed in Wars/Conflicts since World War 1.</p>	<p>Not Supported.</p>	<p>It is inappropriate to transfer the responsibility of Commemorations onto the AWM. The AWM is not equipped to manage the Commemorations of Australia's Service Personnel in a large number of Overseas Countries and within Australia.</p> <p>The view to transfer responsibility of the OAWG is also highly inappropriate, as the OAWG maintains War Graves and Entitlements for Deceased veterans around the world and throughout Australia.</p> <p>Both the AWM and OAWG are answerable to Senate Estimates within the DVA Portfolio.</p>
DRAFT RECOMMENDATION 11.5			

PC Recommendation	Commentary	Response	Suggested Course of Action
Once the new governance arrangements in draft recommendations 11.1 and 11.2 have commenced, the Australian Government should make the veteran support system a fully-funded compensation system going forward. This would involve levying an annual premium on Defence to enable the Veteran Services Commission to fund the expected future costs of the veteran support system due to service-related injuries and illnesses incurred during the year.		Not Supported.	
DRAFT RECOMMENDATION 12.1			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>The Australian Government should harmonise the compensation available through the <i>Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988</i> (DRCA) with that available through the <i>Military Rehabilitation and Compensation Act 2004</i>. This would include harmonising the processes for assessing permanent impairment, incapacity and dependant benefits, as well as the range of allowances and supplements.</p> <p>Existing recipients of DRCA permanent impairment compensation and dependant benefits should not have their permanent impairment entitlements recalculated. Access to the Gold Card should not be extended to those eligible for benefits under the DRCA.</p>	<p>As disclosed in commentary to Recommendations throughout the responses.</p>	<p>Supported.</p>	
DRAFT FINDING 12.1			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>The principle of not providing two sources of income replacement to the same veteran is sound. There is no case for changing the current offsetting arrangements between government-funded superannuation payments and incapacity payments.</p>	<p>Superannuation is not compensation. The finite version of Superannuation is explained within information provided by ASIC and the ATO.</p> <p>Legislation provides specific Superannuation Rules which are required to be adhered by Employers. The Australian Government is an Employer.</p> <p>The Australian Government is also responsible for the Compensation of its employees. Whilst the term employees are not particularly stereotypical of veterans, the Veteran Support system is created for the care and well-being of Australia's veterans.</p>	<p>Noted.</p>	<p>Entitlements benefits in New South Wales, Western Australia, Victoria, Tasmania, Queensland, Northern Territory, Australian Capital Territory and New Zealand <b>do not</b> include superannuation contributions. Source: WorkSafe Australia, Comparison of Worker's Compensation Arrangements in Australia &amp; New Zealand, 26<sup>th</sup> Edition, 2018, pp33-34.</p>
DRAFT RECOMMENDATION 12.2			
<p>The Department of Veterans' Affairs (DVA) and the Commonwealth Superannuation Corporation (CSC) should work together to streamline the administration of superannuation invalidity pensions and veteran compensation, including by:</p>		<p>Point 1. <b>Supported in Principle</b>, however there will be problematic areas for transitioning ADF Members, particularly if voluntarily retiring or leaving the ADF.</p> <p>Point 2. <b>Supported</b>. It is</p>	

PC Recommendation	Commentary	Response	Suggested Course of Action
<ul style="list-style-type: none"> <li>• moving to a single ‘front door’ for invalidity pensions and veteran compensation</li> <li>• moving to a single medical assessment process for invalidity pensions and veteran compensation</li> <li>• developing information technology systems to facilitate more automatic sharing of information between DVA and CSC.</li> </ul> <p>With the establishment of the proposed Veteran Services Commission (draft recommendation 11.2), consideration should be given to whether it should administer the CSC invalidity pensions.</p>		<p>understood that this single medical assessment process for invalidity pensions and compensation is underway.</p> <p>Point 3. <b>Supported.</b></p> <p>The matter of the proposed Veteran Services Commission to administer CSC Invalidity Pensions is <b>not Supported.</b></p>	

PC Recommendation	Commentary	Response	Suggested Course of Action
DRAFT RECOMMENDATION 13.1			
<p>The Australian Government should amend the <i>Military Rehabilitation and Compensation Act 2004</i> to remove the requirement that veterans with impairments relating to warlike and non-warlike service receive different rates of permanent impairment compensation from those with peacetime service.</p> <p>The Department of Veterans' Affairs should amend tables 23.1 and 23.2 of the Guide to Determining Impairment and Compensation to specify one rate of compensation to apply to veterans with warlike, non-warlike and peacetime service.</p>	<p>The current system is cumbersome and administratively burdens the Department, Practitioners, Advocates and Veterans.</p> <p>Service, Age and Gender bias in compensation should be removed from the MRCA.</p> <p>VEA GARP 2016 does not have such bias in calculations for Permanent Impairment (PI) compensation.</p>	Supported.	<p>The removal of Tables 23.1 and 23.2 is necessary to allow for a less complex assessment of Permanent Impairment.</p> <p>The use of VEA GARP 2016, is recommended to be the foundation document for such Permanent Impairment assessments for MRCA.</p>
DRAFT FINDING 13.1			

PC Recommendation	Commentary	Response	Suggested Course of Action
The requirements that a condition be permanent and stable before final permanent impairment compensation is granted, under the <i>Military Rehabilitation and Compensation Act 2004</i> , are needed to prevent veterans from being overcompensated for impairments that are likely to improve.		Noted.	
DRAFT RECOMMENDATION 13.2			
The Australian Government should amend the <i>Military Rehabilitation and Compensation Act 2004</i> to remove the option of taking interim permanent impairment compensation as a lump-sum payment. The Act should be amended to allow interim compensation to be adjusted if the impairment stabilises at a lower or higher level of impairment than what is expected within the determination period.	The current arrangement is sufficient to enable a transiting ADF member access to a Lump Sum payment in order to re-establish themselves outside of the ADF.	Not Supported.	



PC Recommendation	Commentary	Response	Suggested Course of Action
DRAFT RECOMMENDATION 13.3			
<p>The Australian Government should amend the <i>Military Rehabilitation and Compensation Act 2004</i> to allow the Department of Veterans' Affairs the discretion to offer veterans final permanent impairment compensation if two years have passed since the date of the permanent impairment claim, but the impairment is expected to lead to a permanent effect, even if the impairment is considered unstable at that time. This should be subject to the veteran undertaking all reasonable rehabilitation and treatment for the impairment.</p>		<p>Not Supported. It is within the MRCA.</p>	

PC Recommendation	Commentary	Response	Suggested Course of Action
DRAFT FINDING 13.2			
There is little rationale for providing additional non-economic loss compensation to veterans for having children, and the current payment leads to inequities and complexities. This payment is unique to the veteran compensation system.	The compensation is for the Dependents of a Veteran, who would have otherwise provided for their Dependents had they not died as a result of their service caused illness, disease or injury.	Not Supported.	The proposition of the Commission is in conflict with Australian Worker's Compensation Schemes.
DRAFT RECOMMENDATION 13.4			
The Australian Government should amend the <i>Military Rehabilitation and Compensation Act 2004</i> to remove the permanent impairment lump-sum payments to the veteran for dependent children and other eligible young persons.	The compensation is for the Dependents of a Veteran, who would have otherwise provided for their Dependents had they not died as a result of their service caused death, or death from a service-related illness, disease or injury.	Not Supported.	The proposition of the Commission is in conflict with Australian Worker's Compensation Schemes.
DRAFT RECOMMENDATION 13.5			
The Department of Veterans' Affairs should review its administration of lifestyle ratings in the <i>Military Rehabilitation and Compensation Act 2004</i> (MRCA), to assess whether the use of lifestyle ratings could be improved.	<p>The provision is within the VEA GARP 2016, of which this is the preferred single established document recommended for use with VEA, MRCA and DRCA.</p> <p>Refer to Chapter 18 of the VEA GARP 2016.</p>	Not Supported.	

PC Recommendation	Commentary	Response	Suggested Course of Action
If the use of lifestyle ratings cannot be improved, the Australian Government should amend the MRCA and the Guide to Determining Impairment and Compensation to remove the use of lifestyle ratings and provide veterans permanent impairment compensation consistent with the lifestyle ratings that are currently usually assigned for a given level of impairment. Existing recipients of permanent impairment compensation should not have their compensation reassessed.			
DRAFT RECOMMENDATION 13.6			
The Australian Government should amend the <i>Military Rehabilitation and Compensation Act 2004</i> to remove the option of taking the special rate disability pension. Veterans that have already elected to receive the special rate disability pension should continue to receive the payment.	The matter of the SRDP has been a long-term vexed issue and should be removed from the MRCA.	Supported.	The SRDP is not a beneficial provision within the MRCA Part 6, Choice to receive Special Rate of Disability Pension, s194.  Removal of Part 6 in whole is supported.
DRAFT FINDING 13.3			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>Changes to eligibility for the service pension and other welfare payments means that the package of compensation received by veterans on the special rate of disability pension is reasonable. Despite strong veterans' representation on this issue, there is no compelling case for increasing the rate of the pension.</p>		<p>Noted.</p>	

PC Recommendation	Commentary	Response	Suggested Course of Action
DRAFT RECOMMENDATION 13.7			
The Australian Government should amend the <i>Military Rehabilitation and Compensation Act 2004</i> (MRCA) to remove automatic eligibility for benefits for those dependants whose partner died while they had permanent impairments of more than 80 points or who were eligible for the MRCA Special Rate Disability Pension.		Not Supported.  As per Commentary to Draft Recommendation of 13.4	As per Commentary to Draft Recommendation of 13.4
DRAFT RECOMMENDATION 13.8			
The Australian Government should amend the <i>Military Rehabilitation and Compensation Act 2004</i> to remove the additional lump sum payable to wholly dependent partners of veterans who died as a result of their service. The Australian Government should increase the wholly dependent partner compensation by the equivalent value of the lump-sum payment (currently about \$115 per week) for partners of veterans where the Department of Veterans' Affairs has accepted liability for the veteran's death.		Not Supported.  The option should be provided in this case.	

PC Recommendation	Commentary	Response	Suggested Course of Action
DRAFT RECOMMENDATION 14.1			
<p>The Australian Government should amend the <i>Social Security Act 1991</i> and relevant arrangements to exempt Department of Veterans' Affairs adjusted disability pensions from income tests for income-support payments that are currently covered by the Defence Force Income Support Allowance (DFISA), DFISA Bonus and DFISA-like payments. The Australian Government should remove the DFISA, DFISA Bonus and DFISA-like payments from the <i>Veterans' Entitlements Act 1986</i>.</p>	<p>The extant provisions within the Social Security Act 1991 and VEA for DFISA and DFISA Bonus, are to provide Economic Loss to Totally and Permanently Incapacitated (TPI) Veterans, who are not entitled to War Service Pension.</p> <p>The provision of DFISA also interplays with the Pensioner Concession Card (PCC), which is an added level of Concessions for these TPI Pensioners and their Partners.</p>	Not Supported.	<p>The arrangement with DFISA is highly recommended to remain extant and not removed. It is beneficial to a TPI Veteran and his/her partner, in that additional Economic Loss support provides for financial hardships for a veteran.</p> <p>DFISA is also Income Tested, therefore it is recognition that the Veteran and their partner are low income earners.</p>
DRAFT RECOMMENDATION 14.2			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>To align education payments across the veteran support system, the Australian Government should amend the <i>Veterans' Entitlements Act 1986</i> and the <i>Military Rehabilitation and Compensation Act 2004</i> to remove education payments for those older than 16 years of age. Those who pass a means test will still be eligible for the same payment rates under the Youth Allowance.</p> <p>To extend education payments for those under 16 years of age, the Australian Government should amend the <i>Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988</i> to adopt the Military Rehabilitation and Compensation Act Education and Training Scheme.</p>	<p>The provision of VEA VCES and MRCA MRCAETS provides for veteran's dependents, who if it had not been for the severity of their condition, would have otherwise provided for their dependents with adequate financial funding for Education.</p> <p>It should be noted that the Family Tax Benefit B (FTB), was a previously enjoyed benefit of TPI or severely incapacitated veterans. However, the Government viewed this as "double dipping" of which FTB is now a choice that the veteran now must take between VCES/MRCAETS.</p> <p>FTB only - is not as beneficial as VCES/MRCAETS, of which it is against the beneficial approach of veteran compensation.</p>	Not Supported.	<p>The VCES and MRCAETS recognises the severity of a Veterans' capacity to wealth create. It is designed to compensate the veteran and his/her family with a beneficial education Funding Scheme to provide a better education for the families of veterans.</p>
DRAFT RECOMMENDATION 14.3			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>To help simplify the system, smaller payments should be consolidated where possible or removed where there is no clear rationale.</p> <p>The Australian Government should remove the DRCA Supplement, MRCA Supplement and Veteran Supplement, and increase clients' payments by the equivalent amount of the supplement.</p> <p>The Australian Government should remove the Energy Supplement attached to Department of Veterans' Affairs' impairment compensation, but other payments should remain consistent with broader Energy Supplement eligibility.</p>	<p>The Supplements mentioned are provided for a particular reason and compensates low income veterans in cost of living expenses.</p>	<p>Not Supported.</p>	
DRAFT RECOMMENDATION 14.4			



PC Recommendation	Commentary	Response	Suggested Course of Action
<p>To streamline and simplify outdated payments made to only a few clients, they should be paid out and removed. The Australian Government should amend the <i>Veterans' Entitlements Act 1986</i> to remove the recreation transport allowance, the clothing allowance and the decoration allowance and pay out those currently on the allowances with an age-adjusted lump sum.</p>	<p>These allowances are recognition for an veterans' severe incapacity, particularly those with amputations of limbs.</p> <p>Decoration Allowance is the recognition of a veteran who has served with gallantry and valour in high risk environments, which they recipients would have otherwise potentially been killed or maimed.</p>	<p>Not Supported.</p>	
<p>DRAFT RECOMMENDATION 14.5</p>			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>The Australian Government should amend the <i>Veterans' Entitlements Act 1986</i> (VEA) to remove the attendant allowance and provide the same household and attendant services that are available under the <i>Military Rehabilitation and Compensation Act 2004</i> (MRCA).</p> <p>Current recipients of the VEA allowance should be automatically put on the same rate under the new attendant services program. Any further changes or claims would follow the same needs-based assessment and review as under the MRCA.</p>	<p>The current provisions within the VEA are outdated and not reflective of today's lifestyle.</p> <p>The MRCA adequately compensates veterans who are unable to otherwise conduct household services, gardening and mowing as a result of their service-related conditions.</p>	Supported.	VEA Veterans and their families would greatly benefit from this approach.
DRAFT RECOMMENDATION 14.6			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>The Australian Government should amend the <i>Veterans' Entitlements Act 1986</i> Vehicle Assistance Scheme and section 39(1)(d) (the relevant vehicle modification section) in the <i>Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988</i> so that they reflect the <i>Military Rehabilitation and Compensation Act 2004</i> Motor Vehicle Compensation Scheme.</p>		Supported.	Further consultation with ESO SME is required.

PC Recommendation	Commentary	Response	Suggested Course of Action
DRAFT FINDING 15.1			
<p>Funding the treatment of service-related conditions, as is done through the White Card, is well-justified — it appropriately targets veterans with health needs and is similar to workers' compensation healthcare entitlements.</p> <p>The Gold Card, however, runs counter to a number of the key principles that should underlie a future scheme — it is <i>not</i> needs based (because it is not targeted to service-related health needs), wellness focused (there can be an incentive to remain unwell), or efficient (by potentially encouraging over-servicing).</p>		Not Supported.	
DRAFT RECOMMENDATION 15.1			
<p>Eligibility for the Gold Card should not be extended to any new categories of veterans or dependants that are not currently eligible for such a card. No current Gold Card holder or person who is entitled to a Gold Card under current legislation would be affected.</p>	<p>The Gold Card is not a prize per se, but recognition for the incapacity of a veteran.</p> <p>Concessions are also available in various States and Territories, where they also recognise such sacrifice of Gold Card Veterans who have selflessly served the Nation.</p>	Not Supported.	Retain the status quo.

PC Recommendation	Commentary	Response	Suggested Course of Action
DRAFT RECOMMENDATION 15.2			
<p>The Department of Veterans' Affairs should amend the payments for the Coordinated Veterans' Care program so that they reflect the risk rating of the patient that they are paid for — higher payments for higher risk patients and lower payments for lower risk patients. Doctors should be able to request a review of a patient's risk rating, based on clinical evidence.</p>		Supported.	

PC Recommendation	Commentary	Response	Suggested Course of Action
DRAFT RECOMMENDATION 15.3			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>The current (2013–2023) Veteran Mental Health Strategy has not been very effective and should be updated in light of recent policy changes (such as non-liability access) and research findings on emerging needs.</p> <p>The Department of Veterans' Affairs (DVA) (in consultation with the Departments of Health and Defence) should urgently update the Veteran Mental Health Strategy, so that it guides policy development and implementation over the medium term. It should:</p> <ul style="list-style-type: none"> <li>• be evidence-based, including outcomes from policy trials and other research on veterans' mental health needs</li> <li>• set out clear priorities, actions and ways to measure progress</li> <li>• commit DVA to publicly report on its progress.</li> </ul> <p>The Strategy should include ways to promote access to high-quality mental health care, and to facilitate coordinated care for veterans with complex needs. It should also have suicide</p>		Supported in Principle.	<p>The recommended approach to have CAMVH lead this matter is encouraged. Inclusion of the Phoenix Australian Centre of Posttraumatic Mental Health (ACPMH) is also encouraged.</p>

PC Recommendation	Commentary	Response	Suggested Course of Action
prevention as a focus area and explicitly take into account the mental health impacts of military life on veterans' families.			
DRAFT RECOMMENDATION 15.4			
<p>The Department of Veterans' Affairs (DVA) should monitor and routinely report on Open Arms' outcomes and develop outcome measures that can be compared with other mental health services.</p> <p>Once outcome measures are established, DVA should review Open Arms' performance, including whether it is providing adequate, accessible and high-quality services to families of veterans.</p>	<p>The National Advisory Committee (NAC) oversees the Operations and functions of Open Arms.</p>	<p>Supported in Principle.</p>	<p>In terms of reporting, the NAC is the overarching body that reports directly to the Minister for Veterans' Affairs as to the effectiveness of Open Arms.</p>



PC Recommendation	Commentary	Response	Suggested Course of Action
DRAFT FINDING 16.1			
There is a lack of robust data and evidence on many crucial aspects of the veteran support system. This impedes the design and delivery of effective supports for veterans and their families.			
DRAFT RECOMMENDATION 16.1			
<p>The Department of Veterans' Affairs should develop outcomes and performance frameworks that provide robust measures of the effectiveness of services. This should include:</p> <ul style="list-style-type: none"> <li>• identifying data needs and gaps</li> <li>• setting up processes to collect data where not already in place (while also seeking to minimise the costs of data collection)</li> <li>• using data dictionaries to improve the consistency and reliability of data</li> <li>• analysing the data and using this analysis to improve service performance.</li> </ul>	Notation is made of the ICT improvements and ongoing work within the VCR.	Supported in Principle.	Key Stakeholder Working Group is recommended.
DRAFT RECOMMENDATION 16.2			

PC Recommendation	Commentary	Response	Suggested Course of Action
<p>The Department of Veterans' Affairs should conduct more high-quality trials and reviews of its services and policies for veterans and their families by:</p> <ul style="list-style-type: none"> <li>• evaluating services and programs (in ways that are commensurate with their size and complexity)</li> <li>• publishing reviews, evaluations and policy trials, or lessons learned</li> <li>• incorporating findings into future service design and delivery.</li> </ul>	<p>Notation is made of the improvements within the VCR.</p>	<p>Supported in Principle.</p>	
DRAFT RECOMMENDATION 16.3			
<p>The Department of Veterans' Affairs should set research priorities, publish the priorities in a research plan and update the research plan annually.</p>		<p>Supported in Principle.</p>	<p>Consultation with ESO and SME of particular veteran groups.</p>

PC Recommendation	Commentary	Response	Suggested Course of Action
DRAFT RECOMMENDATION 17.1			
<p>By 2025, the Australian Government should create two schemes for veteran support — the current <i>Veterans' Entitlements Act 1986</i> (VEA) with some modifications ('scheme 1') and a modified <i>Military Rehabilitation and Compensation Act 2004</i> (MRCA) that incorporates the <i>Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988</i> (DRCA) ('scheme 2').</p> <p>Eligibility for the schemes should be modified so that:</p>	<p>The DRCA is an added complication to an otherwise highly complex Legislative environment for Veterans, Practitioners, Advocates and Delegates.</p> <p>The move will reduce a cumbersome and burdened Administrative system.</p>	Supported.	The points listed will require extensive ESO and SME consultation.

PC Recommendation	Commentary	Response	Suggested Course of Action
<ul style="list-style-type: none"> <li>• veterans who only have a current or accepted VEA claim for liability at the implementation date will have all their future claims processed under scheme 1. Veterans on the VEA Special Rate of Disability Pension would also have their future claims covered by scheme 1. Veterans under 55 years of age as at the implementation date should be given the option to switch their current benefits and future claims to scheme 2</li> <li>• veterans who only have a current or accepted MRCA and/or DRCA claim, (or who do not have a current or accepted liability claim under VEA) as at the implementation date will have their future claims covered under scheme 2. Other veterans on MRCA or DRCA incapacity payments would have their future claims covered by scheme 2</li> </ul>			

PC Recommendation	Commentary	Response	Suggested Course of Action
<ul style="list-style-type: none"> <li>remaining veterans with benefits under the VEA and one (or two) of the other Acts would have their coverage determined by the scheme which is the predominant source of their current benefits, or their age, at the implementation date.</li> </ul> <p>Dependants of deceased veterans would receive benefits under the scheme in which the relevant veteran was covered by. If the veteran did not have an existing or successful claim under VEA as at the implementation date, the dependants would be covered by scheme 2.</p> <p>Veterans who would currently have their claims covered by the pre-1988 Commonwealth workers' compensation schemes should remain covered by those arrangements through the modified MRCA legislation.</p>			