

National President's Newsletter No 2 of 2012

1. Federal Budget Outlook

Advice from the Secretary of the Department of Veterans' Affairs in a letter dated 30 March 2012 is that "the Department of Veterans' Affairs, like many other agencies is facing a tough budgetary environment in 2012-13 driven in large part by the Government's announcement that the Efficiency Dividend applying annually to most government agencies will increase from 1.5% to 4% of the Department's operating costs in 2012-13." It is understood the increase in the Efficiency Dividend amounts to a reduction of \$11.8M from funds needed to operate the Department of Veterans' Affairs during the financial year 2012/2013.

The Secretary Department of Veterans' Affairs went on to emphasise that this reduction in funding for the running of the Department will not impact on funding received from Government to pay for programs for veterans and their families. He stressed that funding for healthcare, compensation and income support programs for veterans and their families is not effected and that there will be no reduction in the services provided to the veteran community. Mr Campbell advised that the Department is considering its options including reviewing some functions that might be rationalised and streamlined to provide savings; and that "most of these measures will result in a reduction in functions across administrative processes and departmental activities." He further advised that he aimed to provide the ex-service community with an update of changes to these administrative measures by the end of April.

2. Indexation of Military Superannuation

On Monday 5 March 2012 the Leader of the Federal Opposition, the Hon. Tony Abbott chose the large RSL Sub-Branch at Bendigo, Victoria to formally launch the commitment of the Federal Coalition Parties to improve the indexation of DFRB and DFRDB superannuation payments. Mr Abbott was accompanied by the Shadow Minister for Veterans' Affairs, Senator the Hon Michael Ronaldson and Senator Bridget McKenzie. I was accompanied by the RSL Victorian Branch President, Major General David McLachlan and our host, the Bendigo Sub-Branch President Mr Cliff Richards.

Mr Abbott spoke about the determination of the Coalition on gaining government to legislate for an increase in the level of indexation of some military superannuation payments. He said the Coalition accepted the legitimacy of the need to make these increases. Mr Abbott then handed me a letter committing the Coalition to this policy. A copy of the letter is posted on the RSL national web site.

In responding to this welcome Coalition commitment made in front of a large audience at the Bendigo Sub-Branch and in the presence of TV and print news media representatives, I emphasised the validity of the RSL stance put forward in our detailed submission to Government of February 2010 about shortcomings in the method of indexing military superannuation payments. I said it was pleasing that this formal policy commitment by the Opposition acknowledges that for the purposes of indexation, military superannuation payments should be separate from indexation from other Commonwealth superannuation scheme payments. This is an important point of policy principle for which the RSL has long sought acceptance.

It is unfortunate that no such commitment is forthcoming from the Government. I have continued to raise the legitimate claims of military superannuants for an improvement in the level of indexation with the Minister for Veterans' Affairs, the Hon Warren Snowdon and others. The Minister states that the Government cannot fund any increase in the level of indexation for military superannuants – and that he and other members of the Government are well aware of the issue. Minister Snowdon acknowledges that this is a matter of great concern and angst for military superannuants; and understands that the RSL will continue to vigorously pursue the matter with all Senators and Members of the House of Representatives.

The palpable frustration of military superannuants about the lack of action on this legitimate and overdue reform is well understood by federal politicians of all political persuasions. So too are the consequences at the next federal election if nothing is done to rectify or ameliorate the situation before polling day. The apolitical stance of the RSL has not changed and will not waiver as we continue to make the case for an improvement to the indexation of military superannuation payments to all elected to the Commonwealth Parliament.

3. Nominal Rolls

These documents list the names of members of Australia's defence forces who have served during particular conflicts. They are prepared for the Commonwealth by the Department of Veterans' Affairs and are used to promote recognition of service and to support health studies and research. There are nominal roles for the Boer War, the First and Second World Wars, Korea and Vietnam and a preliminary nominal role for the first Gulf War but none, as yet, for Malaysia/Borneo or other conflicts. In pursuit of our ongoing quest to encourage the production of these important records, I forwarded a letter to the Secretary, Department of Veterans' Affairs in February 2012 on behalf of the RSL listing in an attachment a comprehensive list of those operations which should be considered in full for the production of nominal rolls. These include:

- the South East Asian area between 1970 and 1984;
- the South West Pacific area between 1978 and 1997;
- Asia between 1991 and 2005;
- Africa between 1960 and 2006
- Europe between 1948 and 1999
- Cambodia between 1989 and 1999
- Cyprus since 1964
- East Timor since 2000
- Iraq/Persian Gulf since 1986; and
- Others from 1949 to the present.

It is understood that the Department of Veterans' Affairs will consider producing outstanding nominal roles when/if resources allow.

4. Military Court of Australia Bill 2010

I met with the Attorney General the Hon Nicola Roxon on 14 March 2012 at Parliament House to discuss RSL reservations and concerns about the *Military Court of Australia Bill 2010* identified in our substantial submission of September 2010. The circumstances from which this arose were:

- Passage through both houses of the Commonwealth Parliament of the *Defence Legislation Amendment Act 2006* resulting in the establishment of the Australian Military Court in 2007.
- The High Court ruling on 26 August 2009 that the Australian Military Court was unconstitutional.
- The passage of interim measures put in place by legislation in 2009 re-establishing the pre-2007 system of Courts Martial and hearings before Defence Force Magistrates.
- A Government announcement on 24 May 2010 stating the intention to introduce into Parliament the *Military Court of Australia Bill 2010* designed to overcome the problems which resulted in the High Court's decision of August 2009.
- The introduction of relevant legislation into the House of Representatives on 24 June 2010 only to have it lapse when the 42nd Parliament was dissolved on 19 July 2010.

My meeting with the Attorney General was arranged to ascertain the Government's intentions about the *Military Court of Australia Bill 2010*; and to inquire as to whether the RSL concerns about this legislation would be taken into account in any revision of the Bill.

Our primary concern is that the legislation denies members of the Australian Defence Force accused of serious service offences with the right of trial by jury. We contend that members of the nation's armed forces should have the same entitlement to trial by jury as other citizens. We acknowledge that trial by Court Martial is not in legal terms a jury trial – but point out that a General Court Martial consists of a President and at least 4 other members and a Restricted Court Martial a President plus at least 2 other

members. In other words, trials by Courts Martial are not trials by one person acting alone as is envisaged in the *Military Court of Australia Bill*.

We also point out that as currently drafted the Explanatory Memorandum to the *Military Court of Australia Bill 2010* allows that "if it is not necessary or appropriate for the Military Court to sit overseas, a Court Martial or Defence Force Magistrate will provide a backup system of justice."

Attorney General Roxon gave me to understand that the Government intends reintroducing the legislation but in an amended form. It appears some of our concerns may be taken into account in the redraft.

I am hopeful that our legitimate interest in this prospective legislation with its likely impact on current and future RSL members will be respected by involving us in further consultation.

5. Ex-Service Organisations Round Table Meeting 22 March 2012

Because of a family funeral I was unable to be present at this important meeting – but was ably represented by Mr Mickey Michaelis. Issues discussed included:

- Compensation Offsetting.
Feedback was sought on resources such as that the existing DVA Factsheets on VEA offsetting have been reviewed and expanded to ensure consistent and accessible messages. A new Factsheet has also been created (DP85) which provides all current Australian Government Actuary tables and how to apply them, in the one source.
- DVA Research Projects.
Dr Eileen Wilson provided details of active or recently completed DVA research. This lengthy list included Project 0927 *An Analysis of the long-term costs of disability arising from the Vietnam war* the draft final report of which is under consideration; and Project 1023 *A Literature Review of Mild Traumatic Brain Injury in the context of the Middle East Area of Operations (MEAO) Operational Area* completed in September 2011 and used as the basis for the 2011 CMVH Think Tank held in October 2011.
- BEST Funding.
There was further development of the issues progressed at the special Round Table BEST Funding meetings held in December 2011 and January 2012. The RSL response to these rounds is under consideration by DVA.
- Understanding Military Culture. DVA has delivered 30 workshops to approximately 700 staff across Australia aimed at assisting staff in understanding the unique experiences of serving personnel and their families. The content of these workshops includes an overview of Australian military conflicts; and outline of the veteran community, their experiences and the impact upon families; insights into military training and culture; a range of veteran experiences and the potential impacts on mental health and wellbeing; and examples and anecdotes designed to raise awareness of DVA mental health resources.
- An update on DVA Strategic Initiatives.
These included advice about a neuromonics tinnitus trial (in which the clinical progress of 6500 veterans enrolled in the study was monitored using instruments to measure improvement in tinnitus-related disturbance/quality of life impact); a Telemonitoring trial (in which 300 veterans are participating); and Assistance to Younger Widows who have special needs including help with such things as child minding.