



LEGACY CO-ORDINATING COUNCIL Incorporated

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The Honorable Alan Griffin, MP
Minister for Veterans' Affairs
Parliament House
CANBERRA ACT 2600

Dear Minister *Alan*

LEGACY 2010 WISH LIST

INTRODUCTION

1. As you are aware, Legacy is an independent, voluntary organisation dedicated to assisting widows and children of deceased veterans of war and peacekeeping operations, and members of the Australian Defence Force, whose deaths are accepted by Clubs as being service deaths as defined in the MRCA.
2. I wish to emphasise that Legacy exists to support those who are less able to provide for themselves, the partners and children of deceased members of the Defence Force and eligible mariners. Sadly, with the passing of many World War 2 veterans, this sector now comprises a very large proportion of the ex-service community.
3. We are grateful for the Government's commitment to implement its election promises in its first term in office. In particular, the increase in the pension paid to single age and service pensioners and war widows and the decision to pay war widow's pensions directly into overseas accounts announced in the Federal Budget will be greatly appreciated by Legacy widows. We also appreciate the opportunity to raise our long-standing concern about the definition of a 'dependant' in the MRCA in the Review of Military Compensation Arrangements.
4. However, there remain a number of issues that affect the most needy in the ex-service community that are included for your favourable consideration. In some cases, they involve perceived anomalies and discrimination which were favourably supported by the Clarke Review. These issues are addressed in detail in the following paragraphs and summarised in a list at Annex A. No priority has been assigned to items on the List.

PRIORITY ITEMS FOR BUDGET CONSIDERATION

5. **Conduct a review of support provided to the families of deceased veterans with qualifying service that do not qualify for the War Widow's Pension**

The Clarke Committee recognised that 'some widows of veterans, particularly WW2 veterans, are now elderly, reliant on social security pensions and in need of health services not covered by Medicare'. However, the Committee considered that the provision of the Gold Card, where there is no relationship between the veteran's service and the veteran's death, is not in keeping with the philosophy that underpins the VEA. Nevertheless, Legacy is also conscious of the hurt felt by the many widows who do not qualify for the War Widow's

Pension. They feel that the meritorious service of their husband/partner is not recognised and that their contribution is not appreciated. This is because, unless the cause of death of the veteran is service-related, the widow receives no recognition, despite providing many years of dedicated care to the veteran, who may often have suffered from other service-related illnesses. The hurt is compounded by the misconception held by some widows that the Gold Card issued to their partner would transfer to them on his death.

Politicians of all persuasions will be well aware of claims of discrimination by affected widows and attempts by Legacy to redress this major concern. The obvious solution is to provide all widows of veterans with qualifying service a Gold Card, but it is appreciated that the prohibitive cost precludes this for the present.

The purpose of this initiative is to seek Government recognition of this issue. It is requested that Government accept that the existing processes are unfair to those who are unable to qualify for a War Widow's Pension and agree to Legacy meeting with the Department of Veterans' Affairs to investigate possible means of providing tangible recognition of the part played by the widows of veterans with qualifying service in serving the nation.

6. Eligibility for funeral benefit under the VEA be expanded to include funeral expenses for all Australian veterans with qualifying service, regardless of the place of death.

Funeral benefit is payable under the VEA to the estate of a deceased veteran who was receiving payment as a TPI, EDA or multiple amputee; or was a POW or whose death has been accepted as service-related. A benefit is also payable to a veteran or former member of the Forces:

- who died in needy circumstances; or
- whose treatment was provided under DVA health care arrangements through the Veterans' Entitlements Act 1986 (VEA) or the Military Rehabilitation and Compensation Act 2004 (MRCA) and who died:
 - in an institution; or
 - travelling to or from an institution; or
 - after discharge from an institution in which the veteran was being treated for a terminal illness; or
 - while being treated for a terminal illness at home

An 'institution' includes a hospital, a nursing home or hostel, a medical centre, an outpatient clinic or a rehabilitation or training establishment.

These eligibility criteria cover most holders of Gold Cards or White Cards who died of accepted disabilities. However, there are some exceptions where the cause of death is unexpected, and the death occurs other than in an institution, usually at home. To avoid discrimination against the very few in this category, it is recommended that the Act be amended to include those who would be eligible for treatment for the terminal illness, irrespective of location.

7. Increase pensions for eligible dependant children of veterans under the VEA to the same level as eligible children under the MRCA, where the veteran's death is service-related.

Improved pensions have been provided for the children of veterans whose death is service-related under the MRCA. The number of children receiving benefits under the VEA and SRCA is extremely small – 200 as at June 2009. It would cost very little to bring the benefits under these Acts into line with benefits agreed to be necessary under the new legislation.

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Legacy feels that anomalies in this area, based purely on the date of introduction of legislation, cannot be tolerated.

The Clarke Review was not privy to proposals affecting children in the MRCA but the need to improve benefits for children was agreed in general terms. Legacy notes that the MRCA recognises the inadequacy of the VEA in respect to children's benefits and increased them accordingly. That is the point of this proposal. The cost of increasing benefits to the small number of children currently entitled to assistance under the VEA would be very small. The need to remove this unfair anomaly, affecting a declining number of children who have lost at least one parent, is surely justified.

8. Access to the Veterans' and Veterans' Families Counselling Service (VVCS) by adult disabled dependants of veterans of all conflicts; not just Vietnam veterans.

The VVCS provides an outstanding service helping veterans and their families address problems in their lives with the aim of finding effective solutions for an improved quality of life. However, with the exception of the sons and daughters of Vietnam veterans, access to the services of the VVCS by adult dependants is restricted to those under 26 years of age.

You will be aware that prior to the introduction of the VEA in 1986, disabled dependants of veterans remained classified as dependants, irrespective of age, and were entitled to full medical treatment benefits provided under the Gold Card. Unfortunately, that benefit was lost with the VEA. Since then, no specific benefit for this special category of dependant has been provided under the VEA or MRCA. You will appreciate that because of their mental and/or physical disabilities, these sons and daughters continue to be dependant on their parents for the remainder of their lives. This is particularly onerous for widow(er)s who are left to care for disabled dependants after the death of their partners. It is contended that the retention of age limits in determining the dependency status of disabled dependants is inappropriate. It is understood that Defence has removed age discrimination in respect to adult disabled dependants of serving members, demonstrating a lack of coordination between the Departments.

It is requested that the decision to extend eligibility for counselling and/or psychiatric assessment through VVCS for the older former children of Vietnam veterans be extended to adult disabled dependants. The number of dependants in this category is estimated to be about 2000, but few would need access to VVCS services. You will appreciate that disabled dependants comprise some of the most disadvantaged in the Veteran Community. The demands on their carers are also very stressful, generating the need for counselling of their parent(s). It is sensible that both the parent and dependant be counseled together by the same organisation. Access to the VVCS would provide direct benefit to adult disabled dependants and valuable reassurance to their veteran parent or the veteran's widow.

The National Mental Health and Wellbeing Forum supports this extension.

9. Provision of health services (eg. By the provision of a Gold Card) to all disabled dependants of deceased veterans with operational service.

Disabled dependants of deceased veterans were provided with a Gold Card prior to the introduction of the Veterans' Entitlements Act 1986. This disadvantaged group was excluded from the latter legislation, although some remain covered under continuation provisions. Only about 2000 dependants are affected but they are a particularly deserving class of dependant.

