



The Families of Veterans Guild, formally known as War Widows Guild of NSW would like to thank the Australian Government for the work it is doing to harmonise and reform the legislative framework that governs veteran entitlements. The Families of Veterans Guild welcomes this work and initiative of the Government to take on this challenge with a view to producing better outcomes for veterans and their families.

VETERANS' LEGISLATION REFORM

1. The Families of Veterans Guild (“the Guild”) has developed this submission through consulting with veteran families from around Australia. This submission builds from the initial submission made in May 2023 and the views expressed by families and widows over the last 12 months.
2. Through the views and submissions expressed below, the Guild is also amplifying the voices of veteran families with whom it has engaged over the last 3 years.

Proposed legislation to harmonise entitlements

3. We welcome the retention and protection of the entitlements of war widows and bereaved families under the proposed Bill. The grandparenting of entitlements is appreciated as is the continuation of the auto-grant arrangements from the *Veterans Entitlements Act* (VEA).
4. We welcome the removal of inequities within existing entitlements under the proposed legislative framework. Currently the three Acts effectively discriminate based on when and where a veteran served and the conditions that arose during different types. This creates not only systemic inequity but also social and emotional challenges for widows and bereaved families.
5. We note and appreciate the additional entitlements to be offered to widow/ers and bereaved families under the new legislation from 1 July 2026. Including those whose entitlement arises under the ‘auto-grant’ arrangements.



6. We welcome the simplification and consolidation of travel provisions under the VEA and the *Military Rehabilitation and Compensation Act* (MRCA). This again, increases the equity in the system which is fundamental to providing the best support to veterans and their families who need to access this support.
7. We welcome the changes made to the test for liability coverage for the passing of a veteran relating to a medical event occurring while on duty. To further reduce inequity and ensure that the system better reflects the expectations of the Australian community, veterans and their families, we would like to see these changes go further and extend to the coverage of deaths in duty caused by disease which has been treated while the person is a member of the Australian Defence Force (ADF) and has passed as a result of that disease while in service. Like the point raised in paragraph 5, this would further reduce systemic inequities for bereaved families and the social and emotional challenges these families can face following the passing of their loved ones who while have passed away while in the ADF, seemingly have passed away the 'wrong' way for their families to be supported.
8. We welcome the changes which result in the posthumous permanent impairment (PI) claims to be made and for compensation to be payable. This change ensures that the families of veterans who are in the process of having claims determined still have an avenue to have those claims resolved and determined even when the veteran passes while the PI claim is under consideration. This closes an important gap between the way the current Acts operate.
9. We welcome the protection of entitlements around gold card provisions for widow/ers. We do, however, believe that more can and needs to be done to examine the circumstances in which a Gold Card is issued to a veteran because they have qualifying service and have reached the entitlement age to support the needs of their widow/ers. The Guild would welcome discussions with the Government and its Departments about how to fill the gap this veteran-based entitlement creates within families when a veteran passes.



10. We welcome the retention of the Veteran Family Advocate Commissioner positioner within the proposed legislation; however, we note the differences in the way this position and the Repatriation Commissioner are appointed as noted in the Act. We encourage the Government to apply the same provisions to the Veteran Family Advocate Commissioner as well. Just as veterans and veteran groups get a say with who represents them at the heart of the veteran system, so too should the families of veterans. This would give the position more efficacy within the population of veteran families and organisations that represent them.

Further work

11. The Guild understands and supports that the harmonisation of the three Act's and the position of the Government that the 'enhanced' MRCA is the Act that is carried forward into the future. However, we note that the MRCA itself still has further work required to truly make it the pieces of legislation that simplifies the veteran system and remove inequity.

12. The Guild sees the harmonisation Bill and the 'enhanced' MRCA as the first step in a much larger project of system reform and simplification and would encourage both sides of politics, government, and its departments to not rest once this Bill is passed. Additional work required on the 'enhanced' MRCA include:

- a) Removal of inequity in the provision of funeral entitlements.
- b) Removal of inequity for bereaved families under the Acute Support Package.
- c) Extension of entitlements for children of veterans who have passed in or because of their service for lifetime mental health care.
- d) Adjust prescribed limits to domestic assistance provisions to allow greater flexibility in their application. Empowering veterans and families to be able to keep pace with the costs of services.
- e) Recognising veteran families and their role in the new legislative framework.
- f) Including veteran family engagement and a role for DVA in the provisions that govern Transition Support.
- g) Adjustments to the attendant care entitlements to reflect community understanding, expectation and language.

- h) Adjustment to the wholly dependant partner provisions to reflect community understanding, expectation and language; and
- i) The changes we note in paragraph 7 and 9.

AUXILIARY MATTERS

Establishing a Ministerial Advisory Council

13. We reiterate our support for the establishment of this Council. We would like to see veteran families with different experiences represented on this Council this may include those bereaved by service, those whose veteran has been wounded/ injured and a parent of a veteran.
14. We reiterate the views with shared in our May 2023 submission, that the Council ought to contain leaders within the community who are recruited through a merit-based process to ensure transparency in appointment and offer all of those within the community the ability to apply. The ACT Government's Ministerial Advisory Council for Veterans and their Families provides a good model, which could be leveraged for this Council both in terms of recruitment of members, terms of reference, and function.

Merging the Commissions

15. We reiterate our support for the merging of the Commissions and note the provisions within the draft Bill that give affect to this initiative. We reiterate the views with shared in our May 2023 submission, that the Government ought to consider making the following amendments to the section the Repatriation Commission ('the Commission'):
- a) Expanding the remit of the Commission to include veteran family needs and considerations.
 - b) Including the capacity for the Commission to consider submissions from the veteran community sector and advocacy bodies regarding the operation of the MRCA, claims consideration and policy development.



- c) Enhance the transparency, accountability, and responsiveness of the Commission. The Commission operates with unclear external accountability and transparency. Many veterans and their families don't understand what it is, its role and its responsibility. Many veterans and their families confuse the Commission with DVA.
- d) Improve how the Commission operates. As mentioned above, the opportunity for the community sector to engage with the Commissions, to make submissions and co-develop policy is limited. The Commissions do not adequately communicate with the community sector resulting in missed entitlements. A good example of this was the passing of the Military Rehabilitation and Compensation (Special Assistance) Instrument in February 2022. In this instance, the community sector was not made aware of the introduction of this instrument nor were the families of veterans and neither were the frontline DVA staff. As a result, Gold Cards were removed from children, who under this instrument ought to have retained them.

This caused, in one case, the disengagement from treatment for a child with a severe mental illness and an immeasurable amount of stress and pressure on the child's widowed mother. It took the Guild raising the case with DVA more than 12 months post the passing of this instrument for this critical error to be realised and corrected. The Guild understands that DVA has now developing a process to apply this instrument and it is reviewing cases where it may apply. This case however ought to never have occurred and highlights problems with the Commission's model.

Enhancing the role of the Veterans' Review Board (VRB)

16. We reiterate our support for the enhanced role of the VRB however also reiterate the views with shared in our May 2023 submission, specifically that there is a need to review the model of the VRB and enhanced alongside the reform work.
17. Families of veterans have told us about experiences of inconsistent implementation of VRB decisions, an inability for the VRB to consider applications/reviews holistically



resulting in the impact of its decision making further complicating other claims being considered by DVA and/or resulting in them being unnecessarily denied.

A good example of the above situation is the case of a widow whose veteran partner had multiple claims at different stages of review, reconsideration, and appeal. The claims were being considered by the VRB in isolation from each other at differing points in time. The Department inconsistently implemented determinations following VRB decisions; all of which has resulted in a death claim for the veteran being denied and the widow on the appeal 'train' with no outcome over 8 years since the veteran's passing.

Why formal recognition & engagement of veteran families matters

18. Meaningful support and engagement of veteran families commences with recognition. To date, difficulties in defining veteran families has led to their lack of inclusion and engagement. The Guild has used the Australian Bureau of Statistics definition of family. The Guild also includes a list of familial relationships which it considers part of the veteran family in its definition. These relationships include current and former spouses, biological and/or stepparents, siblings, children, and grandparents. The Guild encourages all other veteran organisations, including DVA and the Government to adopt a similar approach.
19. The failure to agree on a definition of family has for too long provided a barrier to their recognition and support. Not only would including a definition of family reduce the need to call widowed partners "wholly dependent partners" but it would also provide the means for policy to be developed and scoped. It would unite the various segments of the veteran family community and help them identify themselves as being part of a community of families.
20. It would provide the means for their engagement, needs to be considered and where possible provided for. It would give them visibility within a system that currently doesn't see or hear them.
21. A fundamental problem in the provision of transition support and services for example has been the lack of meaningful engagement of veterans' families in the process, resulting in poor communication and coordination of transition services and



entitlements. During transition, families are living with the significant uncertainty alongside their veteran. For families, their whole household dynamics and relationships change during this period which isn't necessarily time-bound.

22. Engaging families is more than just including them in information sessions and booklets. It is about understanding how the transition from the ADF will impact them and their veteran, the needs this period generates for the families and identifying avenues to address those. There is an unspoken expectation that ADF families will do what is required and that they too will fall in line with Defence's processes. The expectation exists, yet families are not properly engaged or supported and are not meaningfully considered or included in processes and support services.

Supporting the mental health of bereaved children further

23. Recognising that children of war veterans and bereaved children are at greater risk than their civilian counterparts of experiencing mental health challenges due to their parent's service, the nature of that service and the impacts of that service on the veteran and the household. Provision ought to be made for the meeting of their psychological needs.
24. Access to counselling through Open Arms is insufficient to meet what are often intense psychological needs to mitigate the impacts of adverse childhood experiences. Children of war veterans and deceased veterans have very little choice in the environments they grow up. Evidence collected throughout the Royal Commission and the Vietnam Veterans Families Study indicates the psychological needs of these children and the link to war and defence service are high. Yet there is limited support provided to them. The Guild would like to see the development and implementation of a model of care for the children of war veterans, like the model used to support the children of Vietnam veterans, but this model would focus on their mental health needs.
25. It is important that we are providing the means to mitigating the impacts of war and defence on these children as early as possible to reduce larger costs and social burdens, as these children grow up without the skills they need to manage their own wellbeing.



How some small amendments today can help families tomorrow

26. Within the MRCA, multiple provisions deal with providing services to veterans and their families, such as Household Services and Family Support, prescribe limits and service lists which result in limited flexibility to respond to new and emerging needs of veterans and their families.

27. Dealing first with prescribed limits, caps on funding available to deliver support services to veterans and their families ought not be placed in legislation but in policy. Placing the limits in legislation mean that shifts in the economy reduce a veteran's capacity to access the (for example) in home help and support they require. Currently there is a prescribed cap within the MRCA for Household Services of \$330. In the current economic environment this pool of funds results in less hours of service than in more favourable times. If the intent is to ensure equitable distribution, then a needs-based model is the more favourable alternative. If there are needs to place funding caps on service provision, doing so through policy instruments enables the Government and its departments to respond as circumstances change in a much more cost-effective manner than amending legislation.

28. The impacts of prescribing service lists within the family support section of the MRCA also need to be considered. While the legislation references that the prescription does not limit the services that could be provided, the reality is that in implementing the services it does limit what is available. In lieu of listing support available, an assessment of need undertaken by suitably qualified persons, including social workers, ought to be undertaken.

29. If the appetite for this change is limited, then amendments to the current list ought to be considered. Amending 'counselling' to mental health support opens the types of support which would more meaningfully meet the needs of veteran families. Provision for home and dwelling maintenance should also be included to ensure that veterans and their families are living in premises that are safe and they have access to maintenance support when needed to prevent crisis situations.



30. Privacy is a significant barrier to family engagement, communication and service provision. The barrier is well known but limited work has been done to remove it or reduce its impact. Debates on family inclusion and engagement end with the barrier being identified and using the barrier to reason why veteran families cannot be included in the system. Privacy is an issue but not one that is insurmountable.
31. In the Guild's view privacy is used to reason why things cannot happen as opposed to looking at how to work within the limits it provides and find other ways to overcome it. The simplest way to overcome privacy is through consent. Interestingly, many of the veteran families we talk to think that has already been provided. They are expecting to be contacted by Defence, DVA and the community sector. They are waiting for information, engagement and support, and they are left wanting.
32. Privacy concerns ought to not limit the recognition and inclusion of veteran families within this legislation, reform work or the support system. Instead, the barrier needs to be addressed and system improvements made to ensure that proactive contact can be made with all those families that seek it and are waiting for it.

CONCLUSION

33. The Guild commends the Government and its departments on taking the bold step to harmonise Veterans' Legislation in Australia. The Guild is grateful for the consultation opportunity and also notes the significant amount of work, communication materials and consultation activity undertaken by DVA. It has been very helpful and inclusive for all in the community to access and understand. Thank you.
34. The Guild is firmly of the view that looking after and supporting veterans' families and caregivers makes good policy sense for the Government and its agencies. Veteran families are at the centre of the solution that the veteran system is looking for and are certainly not a by-line in the pursuit of inclusivity. The Guild believes that the duty of care owed to



veterans must also be extended to their families and caregivers. As Prime Minister Curtin noted in 1944 when visiting Australian soldiers during the war he stated:

“Our first task the day this struggle ends will be to do justice to the valour and devotion of you lads. This will not be a matter of politics. I feel able to give the pledge on behalf of any post-war Australian Government whatever its party, that our responsibilities to you and your dependants will not be forgotten.” – John Curtin, 1944.

35. In 2021, the interim National Commissioner for Defence and Veteran Suicide Prevention, Dr Bernadette Boss articulated this commitment but in more modern terms through referenced *social contract theory*, specifically *“The social contract between the Australian Government and veterans obliges the Australian Government to ensure veterans’ lifetime health and wellbeing as repayment for the abrogation of their absolute right to life during their service defending the country and the lives of its people.”* (Attorney Generals Department, 2021). We believe that this contract also extends to the families of veterans who are impacted by the unique nature of military service and are themselves fundamental inputs to ADF capability.
36. The Guild asks that this reform work be considered and implemented strategically. Doing so opens the door to the meaningful inclusion and recognition of the families of veterans, it further reduces the politisation of veterans matters protecting it from ending up with the excessive complexity we have in the system today. This reform work needs to be a long-term commitment to continuously evolving this system to ensure veterans and their families are supported during and beyond their service.
37. Recalibrating the veteran system to be future focused and adaptable to meeting current and potential needs is the best way to ensuring that we uphold our responsible to our veterans and their families.

***Questions on this submission can be directed to Ms Renee Wilson,
Chief Executive Officer, Families of Veterans Guild, ceo@fov.org.au***