



## DEFENCE FORCE WELFARE ASSOCIATION

### MONTHLY UPDATE #240 – 2 June 2009

**UPDATE** is a monthly newsheet produced by the Defence Force Welfare Association containing items of interest to the Service and ex-Service community. It is widely distributed to politicians, media outlets, senior Service and Public Service officers and DFWA Branches.

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#### **“DOMICILE OF CHOICE”**

In Issue #238 (April 2009) readers of UPDATE were advised that the Government’s response to the Clarke Review did not recognize the situation facing young Australians, away from their families and studying or working in the UK on the outbreak of World War II and who joined the UK Armed Forces as their contribution to the defence of the British Empire and, through that, Australia.

The Association has received a response from the Minister for Veterans’ Affairs that alerted him to a related AAT decision. The Minister’s letter rejects DFWA’s arguments that DVA’s response to that particular case represents a change in policy. Nevertheless it is hoped that DVA will now take advantage of the current review of Clarke recommendations to correct its policy on Domicile of Choice. Until/unless there is a general DVA policy change, advocates may wish to focus applicants’ arguments in any further similar cases on the final sentence of the Minister’s letter which stated: ....“... establishing domicile turns on the consideration of the individual circumstances involved.” That suggests an invitation by DVA to address each case individually. Clearly time is of the essence and the DFWA has an advocate that is willing to handle any claims or appeals that are forthcoming on this matter.

#### **AMALGAMATION OF THE COMSUPER BOARDS**

The MSBS Board has responded to the Association’s letter regarding the amalgamation of the ComSuper Boards by ignoring the main issue of the roles and responsibilities of Senator Sherry’s proposed committee to handle specifically military issues, and assuring the Association of the MSBS Board’s confidence that the amalgamated Board will be able to act in the best interests of all [their underlining] members, presumably irrespective of any possible conflicts of interest between the very different sorts of members of the very different sorts of schemes. Time will tell.

#### **THE BUDGET – THE GOOD AND THE BAD**

Veterans will welcome the pension reforms which will also benefit many former service personnel who qualify for the Service pension, War Widows’ pension and those on disability pensions for war-caused injuries. The Association is particularly pleased that the Government continues to recognize the effects of operational service by maintaining the eligibility age for the Service pension at 60 years.

However, although the Government has recognized in this Budget the inadequacy of previous indexation measures for Age Pensioners, the Association again asks how much more inadequate is the CPI indexation of military superannuation pensions, now? The Age pension had increased by 110% since 1990, whereas military superannuation pensions had increased by only 70%. The Budget’s essential increase takes the single Age pension increase up by another 10%, which only re-emphasizes the problems faced by military retirees.

## **MSBS MBLs**

The Association advised in its UPDATE 236 (February 2009) problems regarding the current Maximum Benefit Limit (MBL) arrangements for the Military Superannuation Benefits Scheme (MSBS) and Defence's decision to raise the compulsory retirement age of ADF personnel to 60 years. That increase in years of service meant that an increasing number of long serving ADF personnel exceed their personal MBLs and lose part of the benefits of their increased service.

Whilst the Association noted the Minister's response that the matter would be considered in the Review of Military Superannuation (RMSA), the continuing delay in responding to RMSA only prolongs the injustice being imposed on longer serving ADF members.

Isn't it therefore time the MBL issue was de-coupled from the RMSA and a decision be made NOW to right this wrong ? After all, the same matter was resolved for public servants under the PSS when their MBL was raised on 1 January 2008! The Government's rhetoric about valuing its servicemen and women would have some substance if this was done.

## **STATEMENTS OF PRINCIPLES FOR GULF WAR SYNDROME**

The Association has welcomed the opportunity to comment to the Repatriation Medical Authority on the development of Statement of Principles (SoPs) on Gulf War Syndrome. We pointed out the trend in more recent medical research to identify the syndrome, which could not be identified in earlier (and often smaller) health studies.

## **ADF MEDICAL RECORDS**

Some recent AAT cases have rejected claims for compensation due to "*no contemporaneous medical notation*", in the words of the AAT. For ADF members, this would mean there is no mention of the event in their ADF medical records.

The Association cautions all ADF members that, although sometimes they may be concerned for their careers, they should report all injuries (even if they initially appear minor). There can be serious adverse consequences later if compensation is being sought unless the injury has been recorded.

## **THE UNIQUE NATURE OF MILITARY SERVICE**

Readers are advised that to mark the 50<sup>th</sup> Anniversary of the formation of the Association, a forum is planned to be held on 22 October 2009 in Canberra. The theme of the Forum will be *The Unique Nature of Military Service* and presentations from interested parties would be welcome. Further advice on the Forum will soon be released, in the meantime mark the date in your diaries.

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