HOUSE OF REPRESENTATIVES

BILLS

Veterans' Affairs Legislation Amendment (Partner Service Pension and Other Measures) Bill 2019

Second Reading

SPEECH

Thursday, 12 September 2019

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES
Mr KEOGH (Burt) (12:03): I'm pleased to speak on the Veterans' Affairs Legislation Amendment (Partner Service Pension and Other Measures) Bill 2019. The bill is designed to improve outcomes for former partners of veterans and, separately, to extend benefits available to Australian Defence Force members who served on submarine special operations. Like the government, Labor recognises that the Australian community expects that veterans and their families will be looked after and will get the best possible care and support. This bill fulfils these expectations.

In short, schedule 1 of the bill will improve financial outcomes for the former partners of veterans, schedule 2 of the bill extends benefits available to ADF members who served on submarine special operations and schedule 3 is a technical amendment to align marriage related definitions in veterans' legislation with the definition of marriage made by the Marriage Amendment (Definition and Religious Freedoms) Act 2017, or the Marriage Amendment Act.

To go through each of these in more detail, schedule 1 of the bill proposes amendments to the Veterans' Entitlements Act 1986 to align eligibility for the partner service pension by removing inequities that currently exist between married and unmarried former partners of veterans. The service pension is the payment made to eligible partners, former partners and widows or widowers of veterans. It provides regular income for people with limited means and is subject to the income and assets test. In this context, former partners include former de facto partners of a veteran; persons who formerly were in a registered relationship with a veteran; and persons divorced from, or separated but still married to, a veteran.

The amendments give effect to the 2019-20 budget measure removing the current inequity between married and de facto partners by extending the service pension for 12 months post separation to all former partners. This is a positive legislative provision that recognises the differences in contemporary relationship types and removes any discrimination. Additionally, where special circumstances apply, including domestic and family violence or abuse, legislative instrument amendments will allow all former partners to remain eligible to receive the partner service pension after the 12-month period. The amendments will ensure that all former partners can continue to receive the service pension for 12 months after separating from the veteran, or until they enter into a new relationship, and beyond this period indefinitely, or until they enter into a new relationship, where special domestic circumstances exist or where the veteran dies within 12 months of separation.

This important practical and preventive measure comes out of the Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children and will assist partners to leave a violent relationship by providing them with financial support. I understand this measure has also been developed in response to a range of evidence and stakeholder consultation and feedback, which is pleasing. Firstly, I understand it is based on findings from Flinders University research into families conducted in 2017, which highlighted the potential link between post-traumatic stress disorder and domestic violence, and the government's family assistance package. This package was part of the response to the 2016 Senate inquiry into suicide by veterans and ex-service personnel, which Labor helped push to establish. At the time, the research and families package was workshopped with the Female Veterans and Veterans' Families Forum. It was also discussed with the Ex-Service Organisation Round Table, one of the key consultation forums for the veterans community, on a number of occasions, including as part of the legislative workshop held in 2017-18.

In addition, a Senate estimates hearing in February 2018 raised the issue of former partners, particularly those who'd experienced domestic violence, ceasing to be eligible for the partner service pension on divorce. In response to this feedback, the government has decided to include divorced couples in this measure, which is fair and sensible. Concern about non-married partners ceasing to be eligible for the partner service pension upon separating from a veteran also was raised by ex-service organisations, including the Partners of Veterans Association of Australia. I'm advised that the association has expressed its approval for the measure since its announcement and that the measure has been widely supported by the ex-service community more generally.
Of course, Labor has always backed policies that support women, including partners and families of current and ex-service personnel, as well as measures that address domestic violence. This kind of input to policy and legislation is reassuring, because veterans and the ex-service community have often said that military and veterans' families are not always being heard when it comes to discussions of support and assistance. We know the critical role families play in supporting and caring for their service or veteran partner. But we also know the nature of military life is unique and families can also be deeply affected by military service. That is why Labor took to the last election a policy of funding for a national family engagement and support strategy to better engage with and support families who experience suicide, suicidal ideation, PTSD and other issues pre and post military service. To the extent that this measure is broadly consistent with Labor's approach to supporting veterans' families, we support it. I note the measure will commence on 20 September 2019, pending the passage of this legislation.

The amendments that are proposed under schedule 2 would amend the Veterans' Entitlements Act to reclassify service by ADF members on submarine special operations during the period 1 January 1993 to 12 May 1997 as operational and qualifying service. This will provide access to the disability pension as well as eligibility for the service pension at age 60 and the gold card at age 70, covering medical treatment for all conditions. Further, the period between 13 May 1997 and 30 June 2006 will not require legislative changes and will be the subject of further determinations of non-warlike service, providing further support to eligible ADF members involved in submarine special operations.

These changes follow a review by the Department of Defence into the nature of service on submarine special operations. This is an extension of the current eligibility period under the act, which only covers service on special operations between 1 January 1978 and 31 December 1992. It will provide a new cohort of submariners with greater access to treatment benefits, compensation and income support. Any claims arising from this service will be assessed under the more generous reasonable hypothesis standard of proof and be eligible for treatment and compensation for injuries and disease that can be attributed to their service. If passed, these amendments will commence the day after royal assent and eligibility will be backdated to 1 July 2019. Labor agrees that these measures recognise the unique nature of submarine special operation service and reflect our country's gratitude for the service and sacrifice of all veterans, so should be supported.

Finally, schedule 3 of the bill involves technical amendments arising from the changes to the definition of marriage made by the Marriage Amendment (Definition and Religious Freedoms) Act 2017. These would amend the definition of widow and widower in the Defence Service Homes Act 1918 and the Veterans' Entitlements Act to ensure consistency with changes to the definition of marriage made by the marriage amendment act. The marriage amendment act amended the Marriage Act 1961 to remove gendered language within these definitions and restrictions that limit marriage in Australia to the union of a man and a woman and allowed two people the freedom to marry in Australia regardless of their sex or gender. The amendment would expand eligibility for subsidised housing loans and subsidies under the Defence Service Homes Act as well as pensions under the Veterans' Entitlements Act. This will improve support for same-sex partners of veterans in a tangible way.

The remaining amendment under this schedule is a technical one that replaces a reference to a 'direction' made under subsection 5R(5) of the Veterans' Entitlements Act with a reference to the more appropriate term 'determination'. This is a positive measure that aligns both of these acts with current Australian marriage law. Labor previously supported changes to the definition of marriage made under the marriage amendment act, and we support modern legislative provisions such as this that recognise contemporary relationship types and remove discrimination. These amendments would also commence the day after royal assent.

In summary, Labor wants to work in a constructive and bipartisan way with the government to improve the system for our veterans and their families. To that end, we are supportive of these beneficial amendments which will mean better outcomes for veterans and their families. I commend the bill.