Senator STERLE (Western Australia) (13:18): I rise to speak on Veterans’ Affairs Legislation Amendment (Partner Service Pension and Other Measures) Bill 2019. I’m grateful for the opportunity to speak on this bill which, importantly, has bipartisan support. The bill is designed to improve the outcomes for former partners of veterans, as well as extending the benefits available to ADF members who served on submarine special operations. Labor recognises that it is within community expectation for veterans and their families to be looked after. This includes the high-quality care and support that this bill will ensure. This has, of course, bipartisan recognition in this place.

To summarise, schedule 1 of this bill will improve financial outcomes for the former partners of veterans. Schedule 2 of this bill extends benefits available to ADF members who served on submarine special operations, as I said earlier. 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.

Allow me to go through each schedule in slightly more detail. Schedule 1 proposes amendments to the Veterans’ Entitlements Act 1986 to align the eligibility for the partner service pension by removing inequalities 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 for a regular income for people with modest means. It is subject to an income and asset test. Under this, a former partner would include former de facto partners of a veteran, persons who were formally in a registered relationship with a veteran, and persons divorced from or separated but still married to a veteran.

There is also a current inequity that is remedied by this amendment. It gives effect to a 2019-20 budget measure related to married and de facto partners by extending the service pension for 12 months post separation. In doing this, we recognise the difference in contemporary relationship types by removing any discrimination. Furthermore, in relation to special circumstances, which may include domestic and family violence or abuse, the amendment allows for former partners to remain eligible to receive a partner service pension after the 12-month period. The amendments 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—again, until they enter into a new relationship where special domestic circumstances exist or where the veteran dies within 12 months of separation.

This is an important measure that brings the system in line with the contemporary reality of relationships. It 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. This is an important step as, time and time again, we are told by the experts of the financial and logistical barriers to women leaving violent relationships. So having a measure like this developed in response to a range of evidence, stakeholder consultation and feedback is, of course, pleasing.

Allow me to go through some of the background here. This is based on findings from Flinders University research into families of veterans 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 of the 2016 Senate inquiry into suicide by veterans and ex-service personnel, which Labor helped push to establish. The research related to this was consulted on by the Female Veterans and Veterans’ Families Policy Forum as well as the Ex-Service Organisation Round Table, which is also known as ESORT, one of the key forums for the veteran community.

In February 2018 a Senate estimates hearing canvassed the issue of former partners, with particular reference to those who have experienced domestic violence and cease to be eligible for the partner service pension on divorce. It was in response to this that the government decided to include divorced couples in this measure, which is
fair and sensible. Groups such as Partners of Veterans Association of Australia have also raised concerns about non-married partners ceasing to be eligible for the partner service pension upon separating from a veteran. This association, including the ex-service community more generally, has signalled its approval of the measure since its announcement.

At this point I should note that Labor has always been the champion of policies that support women. This, of course, extends to partners and families of current and ex-service personnel as well as measures that address domestic violence. Labor supports policy and legislation of this nature, especially when veterans and the ex-service community have often said that they feel as if military and veterans' families are ignored when it comes to discussions of support and assistance.

We know the critical role families and partners play in supporting and caring for ex-service members and veterans, and it is important to note that military life is unique, and families are also deeply affected by military service. This is why at the last election we prosecuted a policy for a national family engagement and support strategy that would better engage and support families who experience suicide or suicidal ideation, PTSD and other issues pre and post military service. As this measure is broadly consistent with Labor's approach to supporting veterans and their families, we support it. I note that this measure will begin on 20 September 2019, pending passage of the legislation.

In schedule 2, the proposed amendments 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. Doing this will provide access to the disability pension as well as provide eligibility for the service pension at age 60 and the gold card at age 70, covering medical treatment for all conditions. Furthermore, the period between 13 May 1997 and 30 June 2006 will not require legislative change and will be subject to future determinations of non-warlike service, providing further support to eligible ADF members involved in submarine special operations.

This all comes following a review by the Department of Defence on the nature of service on submarine special operations. This is also 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. This will give a new generation of submariners better 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 will be eligible for treatment of 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 is in agreement on the need to recognise the unique nature of submarine special operations service. This reflects our country's debt to the service and sacrifice of all our veterans.

Schedule 3 involves technical amendments that arose in relation to changes to the definition of marriage made by the Marriage Amendment (Definition and Religious Freedoms) Act 2017. By amending the definitions of 'widow' and 'widower' in the Defence Service Homes Act 1918 and the Veterans' Entitlements Act, we ensure consistency. The marriage amendment act amended the Marriage Act 1961—Commonwealth legislation—to remove gendered language within these definitions and restrictions that limit marriage in Australia to the union of a man and a woman. This meant that, in Australia, two people now have the freedom to marry each other, regardless of their sex or gender. This amendment expands eligibility for subsidised housing loans and subsidies under the Defence Service Homes Act, as well as for pensions under the Veterans' Entitlements Act. This creates a tangible way in which we can improve support for same-sex partners of veterans.

Finally, a technical amendment under schedule 3 replaces a reference to a direction under subsection 5R(5) of the Veterans' Entitlements Act and replaces this with the term 'determination'. In doing so, we make both acts align with current Australian marriage law. Labor supports modern relationships and the need to remove discrimination surrounding them. These amendments will commence the day after royal assent.

In closing, it is important to stress that Labor wants to work in a constructive and bipartisan way with the government in relation to how we treat our veterans and their families. Labor believes that this bill is in line with that aspiration. On that note, I commend the bill.