

Chapter 1

Introduction

Referral

1.1 On 1 September 2016, Senator Lambie, also on behalf of Senators Xenophon, Hinch and Culleton, moved that the Senate note that:

- (i) the number of veterans who have served overseas in war and warlike circumstances since 1999 is some 50 000 personnel over 75 000 deployments which is now approaching the number of Australian veterans who served in Vietnam – 60 000 between 1962 and 1972;
- (ii) some reports from ex-service organisations and former Australian Defence Force (ADF) members suggest that the number of veterans in our community who have committed suicide may be more than 280 veterans since 1999;
- (iii) the Turnbull Government must now take steps to acknowledge this crisis among so many ADF veterans, and undertake the necessary research so as to measure the scale of the suicide rate;
- (iv) some ex-service organisations and former ADF members believe that the complexity of Australia's military compensation schemes, together with administrative failures and slow decision-making by the Department of Veterans' Affairs (DVA), is a contributing factor to imposing financial hardship, stress on families, delays in medical treatment, and even homelessness and suicide; Australian Military Compensation Arrangements must be fair and provide former members of the Defence Force and their families who suffer a service injury or disease with a strong system of compensation and other benefits;
- (v) media reports and discussions with individual veterans, along with feedback from ex-service organisations have revealed a number of serious issues with the administration, governance and processes of DVA was over five years ago and is now outdated and the Turnbull Government must commit to undertaking a thorough review of DVA, addressing the issues above; and
- (vi) the RSL Tasmania State Executive supports the following motion by State President Robert Dick: 'As a society, we have an obligation to ensure that we care for those called upon to serve and defend our country. When there is a failure in the system that looks after and cares for these people, it is important to understand why that failure has occurred and to rectify it to ensure that it doesn't happen again. A Senate inquiry is the most appropriate vehicle to explore these failures and identify the best means to remedy this situation and hold those responsible for the failures to account'.¹

1 *Senate Hansard*, 1 September 2016, p. 374.

1.2 The Senate then referred the following matters to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 30 March 2017:

- a. the reasons why Australian veterans are committing suicide at such high rates;
- b. previous reviews of military compensation arrangements and their failings;
- c. the Repatriation Medical Authority's Statements of Principles, claims administration time limits, claims for detriment caused by defective administration, authorised medical treatment, level of compensation payments, including defence abuse, as contained in all military compensation arrangements;
- d. to investigate the progress of reforms within DVA;
- e. the administration of claims by DVA and the legislative or other constraints on effective rehabilitation and compensation for veterans; and
- f. any other related matters.²

1.3 On 27 March 2017, the Senate extended the reporting date of the inquiry to 20 June 2017.³ On 19 June 2017, the Senate agreed to further extend the reporting date to 15 August 2017.⁴

Conduct of inquiry

1.4 The committee requested that submissions to the inquiry be received by 7 October 2016, however the committee determined that it would continue to consider and accept submissions after this date. The committee also published the following statement regarding the inquiry on its website:

In terms of setting expectations, the committee emphasises that it is not in a position to address individual claims of rehabilitation or compensation for veterans and ex-service personnel. The committee's focus is on the broad issues raised in the terms of reference of the inquiry.

The committee recognises that this inquiry will deal with matters which could be distressing for some persons. Persons interested in the inquiry who are seeking support or information about suicide prevention are able to contact a number of organisations including:

- Lifeline on 13 11 14;
- the Veterans and Veterans Families Counselling Service on 1800 011 046; and
- MensLine on 1300 78 99 78.

2 *Journals of the Senate*, 1 September 2016, p. 101.

3 *Journals of the Senate*, 27 March 2017, p. 1170.

4 *Journals of the Senate*, 19 June 2017, p. 1472.

1.5 The inquiry received 458 submissions, with many accepted as name withheld or taken as confidential by the committee. Due to the complex and sensitive nature of material received of the inquiry there were delays between the receipt and the publication of some submissions. Public submissions are listed at [Appendix 1](#) and are available on the committee's website. Tabled documents, responses to questions on notice and additional information received are listed at [Appendix 2](#).

1.6 The committee held five public hearings for the inquiry and sought to speak to ranges of persons, experts and public officials. The dates and location of the public hearings were:

- 17 November 2016, Adelaide, South Australia;
- 18 November 2016, Canberra, ACT;
- 2 February 2017, Brisbane, Queensland;
- 6 February 2017, Canberra, ACT; and
- 5 May 2017, Perth, Western Australia.

1.7 The witnesses who appeared at these hearings are listed at [Appendix 3](#) and the programs and *Hansard* transcripts are published on the committee's website.

Previous parliamentary inquiries

1.8 Recent parliamentary inquiries have considered topics touching on aspects of the terms of reference and have informed the committee's consideration of this inquiry. These include:

- Senate Foreign Affairs Defence and Trade Legislation Committee, *Safety, Rehabilitation and Compensation Legislation Amendment (Defence Force) Bill 2016 [provisions]* (tabled February 2017);
- Senate Foreign Affairs Defence and Trade References Committee, *Mental health of Australian Defence Force members and veterans* (tabled March 2016);
- Senate Foreign Affairs Defence and Trade Legislation Committee, *Veterans' Affairs Legislation Amendment (2015 Budget Measures) Bill 2015— Schedule 2* (tabled September 2015);
- Senate Foreign Affairs Defence and Trade References Committee, *Processes to support victims of abuse in Defence* (tabled October 2014);
- Joint Standing Committee on Foreign Affairs, Defence and Trade, *Care of ADF Personnel Wounded and Injured on Operations* (tabled June 2013); and
- Senate Foreign Affairs Defence and Trade References Committee, *Report of the DLA Piper Review and the government's response* (tabled June 2013).

1.9 In particular, the Australian Government provided a response to the committee's inquiry on the *Mental health of Australian Defence Force members and veterans* in September 2016.

National Mental Health Commission report

1.10 A number of significant policy developments relevant to the terms of reference have occurred during the inquiry. In particular, on 11 August 2016, the Australian Government announced a review of suicide and self-harm prevention services available to veterans and ADF members. The review was undertaken by the National Mental Health Commission (NMHC), in conjunction with clinical experts and a reference group comprising current and former members of the ADF, the Chair of the Prime Ministerial Advisory Council on Veterans' Mental Health and the Deputy President of the Repatriation Commission.⁵

1.11 The NMHC released its final report and recommendations on 28 March 2017.⁶ The report made 23 recommendations including that the Minister 'within six months of receiving this report, and annually thereafter...table a report in the Parliament of Australia, addressing the actions taken in support of implementing the recommendations, and the progress achieved'.⁷

1.12 The Australian Government response to the NMHC report recommendations was released on 30 June 2017. The response included that the Minister would 'deliver an annual Ministerial statement on key issues for current and former serving ADF members and their families' with the first scheduled for August 2017.⁸

Structure of the report

1.13 Chapter 2 of the report provides a background to the inquiry, including an overview of some key entitlements under the three main legislative schemes. Reflecting the terms of reference and the evidence received, the next chapters of the report address three major topics. These are:

- Chapter 3 – suicide by veterans;
- Chapter 4 – the legislative framework; and
- Chapter 5 – administration issues.

1.14 The period when ADF members transition to civilian life was emphasised during the inquiry as a critical time for the provision of assistance. Issues in relation to transition are addressed in Chapter 6.

1.15 Chapter 7 contains discussion of a number of other related matters which were raised. These include:

5 DVA, *Submission 156*, p. 2.

6 NMHC, *Review into the Suicide and Self-Harm Prevention Services*, March 2017, available at https://www.dva.gov.au/sites/default/files/files/publications/health/Final_Report.pdf (accessed 10 April 2017) (NMHC report).

7 NMHC report, p. 55.

8 *Australian Government response to National Mental Health Commission Review into the Suicide and Self-Harm Prevention Services available to current and former serving ADF members and their families*, 30 June 2017, p. 72 (Government response to NMHC report).

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- access to alternative and complimentary therapies;
 - advocacy issues; and
 - appeals.

Definitions and language

1.16 The committee has tried to be careful not to inadvertently exclude any person or group in conducting this inquiry. However, while circumstances of currently serving ADF members are clearly relevant to parts of the inquiry, the inquiry's terms of reference are directed to the situation of ADF members following the conclusion of their service.

1.17 In particular, the committee acknowledges that the term 'veteran' can mean different things to different people.⁹ The *Veterans' Entitlement Act 1988* (VEA) defines a veteran as a person who is 'taken to have rendered eligible war service'; and the term is not specifically defined by the *Military Rehabilitation and Compensation Act 2004* (MRCA), rather it notes the kinds of service to which the MRCA applies, listing warlike service, non-warlike service, peacetime service and defence service.¹⁰ For convenience, the committee has decided to use the term 'veteran' inclusively in this report to describe all former members of the ADF.

1.18 Suicide is a topic that should be discussed carefully and sensitively. Inappropriate discussion and reporting of suicide can be distressing for people bereaved by suicide and can have a negative influence on those at risk. However, the committee has a responsibility to clearly and accurately examine on this significant issue for veterans and their families. While efforts have been made to use appropriate language in this report, evidence from submissions and witnesses have not been edited if potentially inappropriate language has been used.

Acknowledgements

1.19 The committee recognises that for some persons this inquiry has involved discussing difficult topics and revealing extremely personal information. The committee wishes to thank all those who contributed to the inquiry through preparing submissions, providing additional information, speaking to the committee and giving evidence at the public hearings.

9 For example, this issue was raised in submissions such as by the Defence Force Welfare Association (Queensland) (DFWA Qld), *Submission 148*, p. 2, Alliance of Defence Service Organisations (ADSO), *Submission 172*, p. 1 and Returned and Services League of Australia (RSL), *Submission 216*, p. 4.

10 *Veterans' Entitlement Act 1988*, subsection 5C(1); *Military Rehabilitation and Compensation Act 2004*, subsection 6(1).

