

Foreign Affairs, Defence and Trade Legislation Committee

QUESTIONS ON NOTICE - BUDGET ESTIMATES, 2 JUNE 2015

Defence Portfolio/Department of Veterans' Affairs/Australian War Memorial

No.	Program: Division or Agency	Senator	Broad topic	Question	Proof Hansard, page & hearing date <i>or</i> Written Q	Date Rec'd	Date Tabled
1	Outcome 1	Lambie	Overpayments	<p>Senator LAMBIE: Can you tell me how many overpayments right across the department you currently have and how many overpayments—and I do not care for what reason; administrative errors from Veterans' Affairs—have been made over the last five years? Can I have numbers on that please? You can take that on notice.</p> <p>Mr Lewis: That is a very broad question.</p> <p>Senator LAMBIE: Can you provide me with DVA's policy on recovery of an overpayment please?</p> <p>CHAIR: So that last question you are happy to have taken on notice, Senator Lambie?</p> <p>Senator LAMBIE: Yes.</p> <p>Mr Lewis: We can probably provide some response now, Chair, if that suits.</p> <p>Senator LAMBIE: I am happy for you to take on notice to supply those numbers, thanks.</p>	Proof Hansard 2 June 2015 p.89	17/07/15	13/08/15
2	Outcome 1	Lambie	Overpayments	<p>Senator LAMBIE : Can somebody explain the DVA policy on recovering an overpayment please?</p> <p>Ms Foreman : Do you want us to do that now?</p> <p>Mr Lewis : I am sure we can do that right now.</p> <p>CHAIR: Yes, do the latter question, if you would, on recovering overpayments.</p> <p>Ms Foreman : We recover all our overpayments of compensation in accordance with sections 30P and 79 and part XII of the Veterans' Entitlements Act, in accordance with sections 114 and 115 of the Safety, Rehabilitation and Compensation Act and chapter 11 part 3 of the Military Rehabilitation and Compensation Act. In other words, the legislation outlines how we are to recover overpayments.</p> <p>Mr Lewis : We can provide more detail on that now or, if you prefer, we could take it on notice.</p> <p>Senator LAMBIE: Yes, you can take it on notice.</p>	Proof Hansard 2 June 2015 p.89	17/07/15	13/08/15

3	Outcome 1	Lambie	Writeway	<p>Senator LAMBIE: That is great, but you would be able to provide me with the amount of money that has been spent on Writeway all these years. Could I be provided with that total please?</p> <p>Ms Foreman : Yes, we will take that on notice.</p>	Proof Hansard 2 June 2015 p.90	17/07/15	13/08/15
4	Outcome 1	Chair	DART	<p>Senator LAMBIE: When will DVA go through all of its claims for the last 40 years and work out what claims have not been approved because they were abuse claims?</p> <p>Mr Lewis : Senator, we do not have the resources to go through 40 years of claims. We make around about 50,000 decisions every year and all I would recommend is that, if there is someone you know who needs help, make sure they have a claim in with us so that we can deal it.</p> <p>Senator LAMBIE: No-one has asked for that information then obviously?</p> <p>Ms Foreman : We have an MOU with the DART where, if a client consents to the information being released by the DART to us, that can happen. That is in place with the DART. That was signed in 2013, when we entered into that arrangement, but it does require the client's consent.</p> <p>CHAIR: Is there any way of getting an indication of the number of clients, without breaking confidentiality, who have availed themselves of that opportunity?</p> <p>Mr Lewis : That is just a number; we can take it on notice.</p> <p>CHAIR: Thank you, if you would, it would help the committee.</p>	Proof Hansard 2 June 2015 p.91	17/07/15	13/08/15
5	DVA General	Whish-Wilson	ESOs	<p>Senator WHISH-WILSON: Could you outline some of those ex-service organisations that you have?</p> <p>Mr Lewis : Of course yes. Do you want me to run through them all? Obviously, in terms of the Ex-Service Organisation Round Table, we tend to get the heads of the organisation so the National President of the RSL, Ken Doolan, sits on the ex-service organisation round table; David Gray, the national chairman of Legacy; the National President of the War Widow's Guild, Meg Green; two from Vietnam Veterans Federation; the Naval Association; the RAAF Association. There are about a dozen and, maybe for completeness, I will give you—</p> <p>Senator WHISH-WILSON: If you could take them on notice.</p> <p>Mr Lewis : Suffice to say, the head individuals in the peak ex-service</p>	Proof Hansard 2 June 2015 p.93	17/07/15	13/08/15

				organisations in Australia all sit on the Ex-Service Organisation Round Table. The Prime Minister's Advisory Council is of course appointments made by the Prime Minister in consultation with the Minister for Veterans' Affairs. Again, there is a public list I can provide you with of those members.			
6	Outcome 1	Whish-Wilson	SRCA	<p>Senator WHISH-WILSON: If claims are being rejected on that basis, and I have been given some examples of where they are, should it be repealed so that it does not apply to ex-ADF members?</p> <p>Mr Bayles : The 1938 legislation was repealed but the 1988 act preserved the rights of that act. So it still applies to some individuals who have injuries that are covered by that period. As to whether the act should be repealed, that would be a matter for government.</p> <p>Mr Lewis : I come back to the point that if there is some detail there that you would like us to address in a more substantive response on notice, just lodge the question and we will look at it then.</p> <p>Senator WHISH-WILSON: Right, I will put that on notice.</p>	Proof Hansard 2 June 2015 p.101	17/07/15	13/08/15
7	Outcome 1	Gallacher	Jet Fuel Exposure Syndrome Study	<p>Senator GALLACHER: That is even better—you have covered both answers. Is there any evidence that since the release of the JFES there has been an increase in the number of applications—evidence of applications for compensation relating to the exposure to jet fuel and other solvents?</p> <p>Mr Lewis : Not that I am aware of, but we can take that on notice if you like.</p> <p>Senator GALLACHER: If you want to take it on notice to be doubly sure.</p>	Proof Hansard 2 June 2015 p.103	17/07/15	13/08/15
8	Outcome 2	Gallacher	Dental and Allied Health	<p>Senator GALLACHER: On the dental and allied health provider fee, continuation of indexation: on average, how many rebates are paid by the department to dentists and dental health providers each year?</p> <p>Mr Lewis : I do not think we have that information to hand.</p> <p>Senator GALLACHER: Is that an unusual request? Is it a large figure, or is it just not contained—we have a number of people here.</p> <p>Ms Hope : I do not have that level of detail, sorry. I can take that on notice on dental specifically, but for dental specifically I do not have that level of detail with me tonight.</p> <p>Senator GALLACHER: Perhaps I will run through this series of questions and if</p>	Proof Hansard 2 June 2015 p.104	17/07/15	13/08/15

				<p>you cannot answer I will put them on notice. On average, how many rebates are paid by the department to dentists and dental health service providers each year? How many dentists and dental health providers does this represent each year? On average, how many DVA clients access dental services that attract provider fees each year? On average, how much does the provision of dental rebates cost each year? Are we able to answer any of those now?</p> <p>Ms Campion : Not now. We would have to take them on notice.</p>			
9	Outcome 2	Gallacher	Dental and Allied Health	<p>Senator GALLACHER: How many allied health providers does this represent each year? On average, how many DVA clients access health services that attract these provider fees each year? On average, how much does the provision of health rebates cost each year? It is a similar series of questions. Is there no-one here who has any information about that?</p> <p>Ms Campion : Not at that level of detail.</p> <p>Mr Lewis : We would probably need to compile information. I do not think we have it to hand.</p> <p>Senator GALLACHER: Have we asked an unusual subset of questions?</p> <p>Mr Lewis : No, but it is quite a detailed question. We do not come here with answers to every possible question that could be asked.</p> <p>Senator Ronaldson: I do not think it is surprising that the department does not have that level of detail to hand, quite frankly. As the secretary said, I suspect it will probably require a considerable amount of work to get it together.</p> <p>Senator GALLACHER: If we had known that, we would have provided it beforehand.</p> <p>Mr Lewis : If we are forewarned, sometimes we will have the answers to those questions.</p> <p>Ms Campion : Could you also give us a timeframe that you were wanting that information to cover? Over what period does the question relate?</p> <p>Senator Ronaldson: Hopefully only three months.</p> <p>Senator GALLACHER: Each year.</p> <p>Mr Lewis : When you say 'each year', you want this information compiled for each year for how long?</p> <p>Senator GALLACHER: Go back one year.</p> <p>Mr Lewis : So you want one year of information.</p> <p>Ms Campion : So for 2013-14.</p> <p>Mr Lewis : We can do that.</p>	Proof Hansard 2 June 2015 p.105	17/07/15	13/08/15

10	Outcome 2	Gallacher	Indexation / Dental and Allied Health	<p>Senator GALLACHER: These are fairly detailed questions in relation to the dental and allied health providers. If you do not have the headline figures I do not think it worth asking the underlying questions, so we will put those on notice. Just on a more general question to the department: is the department currently undertaking or intending to undertake any modelling to determine the impact of this pause in indexation on the difference between mean fees and DVA rebates?</p> <p>Senator GALLACHER: What I am trying to understand is how this measure will impact on the ability of dental and allied health professionals to provide services to the veteran community, particularly if they cannot charge a rebate. This might even be bipartisan policy, but that does not stop us asking: how do those providers continue to provide services, particularly since they cannot charge a rebate?</p>	Proof Hansard 2 June 2015 p.105	17/07/15	13/08/15
11	Outcome 2	Gallacher	VVCS	<p>Senator GALLACHER: Do you receive many requests for assistance from dependants of ex-service personnel who are not eligible?</p> <p>Mr Penniall : We do get a small number, Senator. I do not have the numbers with me.</p> <p>Mr Lewis : We could probably take it on notice, Senator. It is something we actively monitor. The recent expansion in eligibility was deliberately focused on providing support to those that were seen to be most in need, and those categories included the submariners that Mr Penniall referred to. We do keep it under active monitoring.</p>	Proof Hansard 2 June 2015 p.110	17/07/15	13/08/15
12	Outcome 2	Gallacher	VVCS	<p>Senator GALLACHER: I asked this question earlier, but I will ask it again. Has the National Advisory Council or the minister considered expanding services to cover these dependants? Would that be possible and would it provide significant benefit to the ex-services community?</p> <p>Mr Penniall : The mechanism is that our eligibility to a large degree is defined by legislation. For example, the recent expansion needed some legislative change in terms of subordinate legislation. Any eligibility would actually need to be considered by government. Any submissions that come through to us we certainly look at. As the secretary said, those issues are monitored on an ongoing basis.</p>	Proof Hansard 2 June 2015 p.110	17/07/15	13/08/15

				<p>Senator GALLACHER: I understand your limitations.</p> <p>Mr Lewis : You have asked us a specific question, Senator, which I would like to give you a specific response to. We might need to take it on notice, because NAC does provide formal advice, and I would like to take on notice: has the NAC given us advice—</p> <p>Senator GALLACHER: That is perfectly fine. I suppose we are getting to the stage where we have got a situation where Vietnam Veterans do not have the age criteria.</p>			
13	Outcome 3	Gallacher	Sir John Monash Centre	<p>Senator GALLACHER: Okay. Now, with the indulgence of the Chair, I will move onto the last item on my agenda here—the Sir John Monash Centre in Villers-Bretonneux, in France. My first question is about the history. I understand that the proposed centre at Villers-Bretonneux was being considered by the Howard government but that that proposal was not proceeded with by the Labor government. But I understand that there was a facility development plan commissioned by DVA in 2006 into that proposal. Are you aware of that? Is it possible to have a copy of that?</p> <p>Major Gen. Chalmers : That was an old study. I have not seen it myself, but I am sure it is possible to get a copy of it.</p> <p>Senator GALLACHER: Perhaps you could provide a copy of that on notice?</p> <p>Major Gen. Chalmers : Sure.</p>	Proof Hansard 2 June 2015 p.111	17/07/15	13/08/15
14	Outcome 3	Gallacher	Sir John Monash Centre	<p>Senator GALLACHER: I will also request, perhaps on notice, a copy of the consultant's report into the proposed Monash centre that was prepared in February 2008. Are you aware of that?</p> <p>Brig. Appleton : They are publicly available documents and we will provide them to you as follow-up.</p>	Proof Hansard 2 June 2015 p.111	17/07/15	13/08/15
15	Outcome 1	Xenophon	Japan Occupation Forces – British Commonwealth Occupation Force (BCOF)	<p>Background – a group of veterans who served in the Japanese occupation force immediately after the surrender of Japan and up to June 30 1947 were promised by the Government of the day (PM Chifley and his Defence Minister) they would be eligible for the same repatriation benefits as WWII AIF Diggers.</p> <p>However, these benefits were not recognised in the Veterans Affairs Act of 1985 and since the emergence of a report by ANU legal academic Peter Sutherland – commissioned by the Department – in 2011 that found against the</p>	Written Q	17/07/15	13/08/15

				<p>claims of the BCOF veterans, Governments of both persuasions have refused to recognise these claims, which I believe have merit.</p> <p>Questions:</p> <ol style="list-style-type: none"> 1. What is the Department's estimate of the number of Australian BCOF veterans that served before June 30 1945 remaining alive today? 2. Is it, as estimated by my constituent and President of the Australian BCOF Association Max Burgess, about 470 veterans and 25 eligible widows? 3. What is the Department's estimate of the quantum of the total cost if eligible BCOF veteran's repatriation benefits were paid today (given it amounts to loss of pension income for about five years from age 60 – 65 plus possible Gold Card use in future)? 4. How does that compare to the quantum of the cost to the Government if the benefits were paid out back in the 1980s to all the eligible BCOF veterans, who numbered in their thousands across all three services? 			
16	Outcome 1	Xenophon	Peter Sutherland	<ol style="list-style-type: none"> 1. In relation to the Department's engagement of Dr Peter Sutherland, is it the case the Department funded the writing of his latest scholarly book to the tune of some \$44,000? 2. What is the total of the amounts paid to Dr Sutherland to date, in relation to his work as a consultant for the Department? Is it about \$197,000 since 2007 or more? 3. Is Dr Sutherland currently engaged by the Department as a consultant? If so for what? 4. What are Dr Sutherland's relevant qualifications for this consultancy? 	Written Q	17/07/15	13/08/15

17	Outcome 1	Xenophob n	DART	<p>In response to Questions on Notice from Additional Estimates 2015 DVA advised it has: "received four location profiles from the Defence Abuse Response Taskforce (DART). Location profiles provide aggregated, de-identified data about 'cluster' of abuse reports to the DART involving particular military establishments."</p> <p>DVA also advised that it has requested DART provide a total of 14 location profiles.</p> <ol style="list-style-type: none"> 1. How many other location profiles been provided to DVA by the DART that reveal other clusters of abuse involving military establishments? 2. How did DVA identify these 14 locations about which it has requested profiles? 3. Have any other locations previously not identified by DVA or the DART been the subject of requests for profiles? 4. Have any preliminary findings been made about the location profiles currently being assessed by DVA? 5. Has any information contained in these location profiles been used by DVA when assessing DVA claims that relate to abuse? 	Written Q	17/07/15	13/08/15
18	All	Ludwig	Non-Australian Citizens Employed by the Department/Agency	<ol style="list-style-type: none"> 1. What is the Department/Agency's policy with regard to hiring non-Australian citizens? 2. Does the agency have a Culturally and Linguistically Diverse (CALD) policy? If yes, please provide a summary. 3. How does the Department/Agency determine whether a person is a non-Australian citizen? 4. How many staff who were not Australian Citizens have been hired by 	Written Q	17/07/15	13/08/15

				<p>the Department/Agency since the Federal Election in September, 2013? Please break the numbers down by:</p> <ul style="list-style-type: none"> a. Levels at which they are employed b. Immigration Status (Visa) c. Cultural Background d. Linguistic Background e. How many were hired to satisfy CALD targets? 			
19	All	Ludwig	Departmental Dispute Resolution	<ol style="list-style-type: none"> 1. How are disputes between departmental and/or agency staff mediated? 2. Are any outside firms contracted to assist with this process? If yes: please list them, please include: <ul style="list-style-type: none"> a. The structure of payments made to each firm (e.g. retainers, fees for each consultation etc). b. Amount paid to each firm since the last budget. c. When the contract with the firm commenced. d. When the contract with the firm will expire. e. Why the firm was selected to provide the service. f. Please provide a list of disputes referred to the firm, including a brief description of the dispute. 	Written Q	17/07/15	13/08/15
20	All	Ludwig	Departmental Dispute Resolution	<ol style="list-style-type: none"> 1. How are code of conduct violations by departmental and/or agency staff mediated? 2. Are any outside firms contracted to assist with this process? If yes: please list them, please include: <ul style="list-style-type: none"> a. The structure of payments made to each firm (e.g. retainers, fees for each consultation etc). b. Amount paid to each firm since the last budget. c. When the contract with the firm commenced. d. When the contract with the firm will expire. e. Why the firm was selected to provide the service. 	Written Q	17/07/15	13/08/15

				f. Please provide a list of disputes referred to the firm, including a brief description of the dispute.			
21	Outcome 2	Ludwig	Early Intervention for Injured Veterans	<p>In a letter published in the Colac Herald, on the 20th of May, 2015 (p4) Brian Briggs, a military compensation lawyer with Slater and Gordon wrote that Minister Ronaldson had pointed out that early intervention is key to better long-term health outcomes for injured veterans.</p> <ol style="list-style-type: none"> 1. Is this an accurate summary of the Minister's position on the issue? If not, what is the minister's position? 2. What is Mr Briggs view with regard to DVA claims having legislated time frames for decision making? Does the Minister share this view? If not, what is the Minister's view with regard to legislating time frames for DVA claims to be decided? <ol style="list-style-type: none"> a. If yes, what steps have been taken towards this goal? If no, why not? b. Has the Minister discussed this issue with Mr Briggs? If yes, when was this discussion and how did it take place? c. Has any research been conducted to study the effects on veterans having to wait for their DVA claims to be assessed and decided on? If yes, please detail. Include the findings, the date the research was concluded, who did the research and how much it cost. 	Written Q	17/07/15	13/08/15
22	Outcome 1	Ludwig	Staff Cuts / Processing Delays	<ol style="list-style-type: none"> 1. Does Mr Briggs have concerns that staff cuts at DVA by this government over the last budget cycle have increased processing delays? Does the Minister share the share this view? If not, what is the Minister's position with regard to the effects of staff cuts at DVA? <ol style="list-style-type: none"> a. Are these effects a concern for the Minister? If no, why not? 	Written Q	17/07/15	13/08/15

				<ul style="list-style-type: none"> b. Has the Minister discussed this issue with Mr Briggs? If yes, when was this discussion and how did it take place? c. Has any research been conducted to study how much longer veterans would need to wait for payments as a result of these cuts? If yes, please detail. Include the findings, the date the research was concluded, who did the research and how much it cost. 			
23	Outcome 1	Ludwig	Claims Officers	<ul style="list-style-type: none"> 1. Does Mr Briggs have concerns that the \$10 million the government has put towards the number of claims officers won't be enough? Does the Minister share this view? If not, what is the Minister's view regarding the adequacy of the amount provided for claims officers? <ul style="list-style-type: none"> a. What steps have been taken towards ensuring that adequate funding will be provided? b. If none, why not? 	Written Q	17/07/15	13/08/15
24	Outcome 2	Ludwig	Early Intervention	<ul style="list-style-type: none"> 1. What other steps have the government taken towards early intervention for veterans? <ul style="list-style-type: none"> a. If none, why? b. Has any research been conducted to study other options for early intervention for veterans? If yes, please detail. Include the findings, the date the research was concluded, who did the research and how much it cost. 	Written Q	17/07/15	13/08/15
25	Outcome 1	Lambie	Gold cards	<p>Senator LAMBIE: So somebody who is injured and puts in a claim can have a gold card within three months? I would like the statistics on that? Could you break that down to the statistics of—</p> <p>Ms Hope: That is under the Veterans' Entitlement Act. Under the Military Rehabilitation and Compensation Act, the average time taken to process is 144 days. They would have their gold card several days after that.</p> <p>...</p> <p>Senator Ronaldson: That is a really important issue that we addressed from 1</p>	Proof Hansard 2 June 2015 pp 85–86	17/07/15	13/08/15

				<p>July last year. The non-liability health care means that while we are going through these processes, for things like PTSD, depression and alcohol abuse the person can get the treatment irrespective of whether their claim has been determined. So it is literally non-liability health care, and I think this has been a very significant advance.</p> <p>We might get Ms Foreman to give you something more substantial on notice, but I will get Mr Carmody to finish this off because I am mindful of the time. Are you happy for us to take the rest of that on notice, Senator?</p> <p>Senator LAMBIE: Yes, that would be great, thank you.</p>			
26	Outcome 1	Lambie	Case Loads	<p>Senator LAMBIE: While you are there, maybe you could find out for me, with regard to your DVA case officers, how many people are on their case loads? How many files do they have per person?</p> <p>Mr Lewis: It will vary every day of the week, and that is one of the issues—</p> <p>Senator LAMBIE: On average.</p> <p>Mr Lewis: We might be able to provide some information for you.</p> <p>Senator LAMBIE: That would be wonderful.</p>	Proof Hansard 2 June 2015 p. 86	17/07/15	13/08/15
27	Outcome 3	Gallacher	Sir John Monash Centre	<p>Senator GALLACHER: Thank you. Were there any other reports commissioned that relate to this proposal, or have I covered them?</p> <p>Brig. Appleton: The two you have referred to are the two relevant reports.</p> <p>Senator GALLACHER: I am certain that someone can do this: can someone describe the proposed Sir John Monash Centre in terms of layout and costs? I will just give you the (a), (b) and (c): in particular, how much will the total cost be on a yearly basis during the construction? What will the actual area in square metres be that is dedicated to interpretive commemorative display? And what are the estimated annual costs subsequent to completion? Could you break that down?</p> <p>Mr Lewis: We are happy to provide those details. I could mention that there will be a Public Works Committee hearing in relation to this very project happening this month.</p>	Proof Hansard 2 June 2015 p.112	17/07/15	13/08/15
28	Australian War Memorial	Xenophon	Official histories – recent conflicts	<p>Senator XENOPHON: I am very grateful for your answer. I raised it not in any judgemental way but because my understanding is that it has been taught at ADFA to cadets and referred to by Professor Jeffrey Grey and Lieutenant General (retired) John Coates. That was the context, and I am grateful for that broader context. Finally, the framework study that you referred to in relation to the official history of the Iraq conflict and our peacekeeping work in East Timor—is that something that could be tabled?</p>	Proof Hansard 2 June 2015 p.120	17/07/15	13/08/15

				<p>Ms Bennie : It is something we are certainly considering and making available to the official historians as they apply through the process.</p> <p>Senator XENOPHON: So it could be tabled to this committee if I ask for that?</p> <p>Ms Bennie : Yes.</p>			
29	Australian War Memorial	Ludwig	Non-Australian Citizens Employed by the Department/Agency	<ol style="list-style-type: none"> 1. What is the Department/Agency's policy with regard to hiring non-Australian citizens? 2. Does the agency have a Culturally and Linguistically Diverse (CALD) policy? If yes, please provide a summary. 3. How does the Department/Agency determine whether a person is a non-Australian citizen? 4. How many staff who were not Australian Citizens have been hired by the Department/Agency since the Federal Election in September, 2013? Please break the numbers down by: <ol style="list-style-type: none"> a. Levels at which they are employed b. Immigration Status (Visa) c. Cultural Background d. Linguistic Background e. How many were hired to satisfy CALD targets? 	Written Q	17/07/15	13/08/15
30	Australian War Memorial	Ludwig	Departmental Dispute Resolution	<ol style="list-style-type: none"> 1. How are disputes between departmental and/or agency staff mediated? 2. Are any outside firms contracted to assist with this process? If yes: please list them, please include: <ol style="list-style-type: none"> a. The structure of payments made to each firm (e.g. retainers, fees for each consultation etc). b. Amount paid to each firm since the last budget. c. When the contract with the firm commenced. d. When the contract with the firm will expire. e. Why the firm was selected to provide the service. f. Please provide a list of disputes referred to the firm, including a 	Written Q	17/07/15	13/08/15

				brief description of the dispute.			
31	Australian War Memorial	Ludwig	Departmental Dispute Resolution	<ol style="list-style-type: none"> 1. How are code of conduct violations by departmental and/or agency staff mediated? 2. Are any outside firms contracted to assist with this process? If yes: please list them, please include: <ol style="list-style-type: none"> a. The structure of payments made to each firm (e.g. retainers, fees for each consultation etc). b. Amount paid to each firm since the last budget. c. When the contract with the firm commenced. d. When the contract with the firm will expire. e. Why the firm was selected to provide the service. f. Please provide a list of disputes referred to the firm, including a brief description of the dispute. 	Written Q	17/07/15	13/08/15