

south east asian treaty organisation (seato)

march 2004 nurse update: 9

Comcare claims

A number of Comcare claims still in dispute are making steady progress towards a positive outcome. Most of those in dispute relate to a claim for a lump sum for permanent impairment. While liability for a claim can be accepted, the question of whether any benefit arises from that depends on whether you qualify for one or more of the following:

- payment of medical and like expenses; and/or
- incapacity payments relating to normal weekly earnings; and/or
- permanent impairment ie. lump sum payments in respect of loss of function; and/or
- other entitlements such as home help.

With the assistance of Greg Isolani, the Solicitor acting on behalf of most of the claimants, the majority of claims so far have resulted in payments relating to one or more of the above categories depending on the particular circumstances concerned.

Again, we urge anyone with an illness or injury that may be related to, (or aggravated by), their time in Vietnam to contact Debbie Richards at the Federal office in Melbourne on 03 9639 5211 or email Debbie at: debbie@anf.org.au to discuss the possibility of making a claim.



Inquiry into the Military Rehabilitation and Compensation Bill 2003

The ANF, with the assistance of Greg Isolani, has made a submission to the Senate Inquiry into the Military Rehabilitation and Compensation Bill 2003 in relation to provisions covering access to benefits by non ADF members.

As reported in Update 8, the Bill gives the Minister discretion to extend coverage to persons who have engaged in activities:

- at the request or direction of the ADF; or
- for the benefit of the ADF; or
- in relation to the ADF under a requirement by or under a Commonwealth law.

While this Bill does not apply to SEATO members, we are concerned that the proposed legislation will perpetuate the existing anomalies in relation to civilian nurses who may volunteer their services in the future.

The legislation provides an avenue for civilians to gain access to benefits under the MRC legislation in the above circumstances, however the experience of SEATO nurses suggests that whether one meets the criteria is open to interpretation and ultimately becomes a political decision subject to the vagaries of the political process.

The ANF is also concerned that a Ministerial Determination is not reviewable under any provisions of the MRC Bill or under any other legislation. We argued that such a determination should be subject to review by an independent tribunal and be determined on the merits of the particular case in question.

In conclusion we asked the Committee to recommend changes to the legislation to ensure that the current anomalies experienced by SEATO nurses are not perpetuated in the future and that civilians can have a degree of legal certainty and access to proper legal processes to pursue their rights and entitlements.

The Senate Foreign Affairs, Defence and Trade Legislation Committee is due to report to Parliament on the 19th March 2004.

Further Action

The ANF will be writing to MPs in both the House of Representatives and the Senate to draw their attention to the problems with the legislation as it relates to civilians and will seek their support for a fairer process for civilian nurses who may volunteer their services in areas of conflict in the future.

Contact your local Member and write to the Minister for Veterans' Affairs, Danna Vale; Shadow Minister, Senator Mark Bishop and Democrat spokesperson Senator Andrew Bartlett to voice your concerns.

Authorised by Jill Illiffe, Federal Secretary, Australian Nursing Federation