

south east asian treaty organisation (seato)

june 2003

nurse update: 7

Good news!

A number of SEATO nurses have benefited from some positive decisions and developments on the determination of nurses' claims under Comcare.

Media Interest

Two articles have recently appeared in the daily press. One in the "Age" Sat. 31 May 2003 titled "Nurses fight for cover". It raised the question of coverage for nurses going into war zones, highlighting the problems with Comcare and the Governments refusal to provide benefits under the VEA. Jill Iliffe and Dot Angell are quoted throughout the article.

The other featured in "The Weekend Australian" on 7-8 June 2003 titled "Vietnam nurses take on a sick system". This included a large photo of Helen Banff and focused on the ongoing trauma of her experiences in Vietnam and the Government's refusal to allow access to veterans' entitlements.



Normal Weekly Earnings

As reported in the December 2002 Update, Greg Isolani, the Solicitor acting for a number of nurses, successfully appealed a Comcare determination to designate all nurses RN Level 1 Year 8 for purposes of calculating Normal Weekly Earnings. Since then several nurses with accepted claims and in receipt of weekly payments have been reassessed and are now receiving significantly higher weekly payments and have been back paid to the time their employment ceased.

We are currently going through the same process for many others and are hopeful we shall achieve similar outcomes. All SEATO members with or without claims should contact Debbie Richards at the ANF Federal Office for further information and assistance with making a claim.

Permanent Impairment Claims

Following recent discussions between the ANF, CN-ASTV, Greg Isolani and Comcare, Comcare have agreed to change its approach to the determination of lump sum payments for permanent injuries "deemed" to have become "permanent" prior to December 1988. So far this has resulted in the reversal of at least one decision to deny a lump sum payment for permanent impairment, pain and suffering.

We are now optimistic that it will pave the way for more nurses to make successful claims under this provision.

Facilitation of Claims through Comcare

Following the discussions with Comcare referred to above, agreement was reached on a number of issues concerning the management and determination of claims by SEATO members. Arrangements have been put in place to ensure that claims will be dealt with fairly, without recourse to technical legislative provisions. There will be increased dialogue between ANF, Greg Isolani and Comcare concerning medical and other evidence before final decisions are made. We are hopeful this will reduce the potential for adverse decisions and limit recourse to litigation.

In view of this more favourable environment, we would encourage SEATO members with an illness or injury related to their time in Vietnam, who have not made a claim to contact Debbie Richards at the Federal Office to discuss the options available. Email debbie@anf.org.au or telephone 03 9639 5211.

Veterans' Entitlements Act (VEA)

Following the disappointing outcome of the Clarke Review, the ANF will continue to examine the options available to pursue rights and entitlements under the VEA. We are currently seeking legal advice on the feasibility of pursuing a claim under VEA which would ultimately come before the Federal Administrative Appeals Tribunal.