

# south east asian treaty organisation (seato)

march 2003 nurse update: 6

Clarke  
Report  
does  
not  
signal  
the  
end



The Clarke Review Report, released on Thursday 13th February 2003, basically reiterates the Government's view that the SEATO teams were part of the civilian aid effort in Vietnam, not the military effort. It concludes that the teams were not attached and under the command of the Australian armed services and therefore not eligible for benefits under the Veterans' Entitlements Act.

The argument as presented in Chapter 20 of the Report runs like this:

- The VEA was designed primarily to provide benefits for members of the Australian armed services who served in wars, warlike conflicts and so on.
- While the Minister has wide discretionary powers under s5R of the VEA to deem certain people to be members of the Australian armed services for purpose of access to benefits under the Act, the Committee considers it consistent with the intent of the VEA to restrict such benefits to those who were attached to the services during a war etc.
- Generally, attachment also brought those persons under the command and control of the commander of the unit etc to which they were attached.
- The only civilians who were not attached and to whom a determination should be made under s5R are those who worked with the Australian armed services and would have been attached had formal attachment arrangements been otherwise made. (The Committee comments later in the report that the work to the SEATO teams did not warrant such an attachment).
- Claims for access to VEA benefits from groups and individuals have been assessed in accordance with this principle.

While it is not surprising that the Committees' views correspond exactly with Government policy on this matter, it is disappointing they did not directly address the points raised in the various submissions, (other than to adopt the Minister's stance), particularly the finding by Justice Mohr that the teams were "integrated with the ADF and performed like functions".

The only reference to this point is contained in paragraph 20.50 where the Committee reinterprets the Mohr finding to suit its own argument and states that the teams "...were not integrated into the Australian armed services in the sense of being attached to it and under its command..."

And we find we are back at the beginning.

The ANF will continue working with the CN-ASTV group to represent the interests of SEATO nurses. The situation will be assessed over the forthcoming weeks and further information provided in the next SEATO Nurse update. Extracts of the Report are attached and a full version can be accessed through the ANF website: [www.anf.org.au/](http://www.anf.org.au/)