

**Department of Veterans' Affairs – Budget Estimates 2022-23**

Portfolio Q No	Senator	BroadTopic	QuestionText	Written Hansard	Proof Hansard Page	Due Date
1	Penny WONG	Enhanced Family Support Package	<p>Senator WONG: I want to ask about the Veterans' Affairs Legislation Amendment (Enhanced Family Support) Bill. This improves existing family support by extending eligibility to war veteran families and widowed partners in crisis and expanding services available. Correct?</p> <p>Ms Cosson: That's correct.</p> <p>Senator WONG: Can you confirm to me that this was actually a 2021-22 budget measure? It was a budget measure from last year?</p> <p>Ms Cosson: That's correct.</p> <p>Senator WONG: But no legislation was presented until February?</p> <p>Ms Cosson: The previous budget measure was about giving them choice with the family support package that already existed. So it was to allow them to choose how they use the funding available to them.</p> <p>Senator WONG: I'm asking about process.</p> <p>Ms Cosson: We took forward in this budget an enhanced family support package that did actually require legislation.</p> <p>Senator WONG: Right. That is why it was presented in February 2022?</p> <p>Ms Cosson: That's correct.</p> <p>Senator WONG: But its start date is 1 July this year?</p> <p>Ms Cosson: That's correct.</p> <p>Senator WONG: Can someone explain to me why the government didn't make this a priority measure for passage in this sitting of the parliament?</p> <p>Ms Cosson: I'm sorry I can't answer that.</p> <p>Senator Duniam: I would have to take that on notice. I will seek some advice and come back to you.</p> <p>Senator WONG: Let me put this to you. This wasn't even going to get to the House. To his credit, Minister Gee approached the shadow minister, who approached the whips in the House and got it passed through the House. Which day was that? Tuesday?</p> <p>Ms Cosson: It was earlier this week, yes.</p> <p>Senator WONG: Monday or Tuesday. It wasn't ever on the list of bills that the government provided the opposition and the Senate as a priority bill. It was never on it, as far as I can recall. Minister Gee, again to his credit—he is an advocate for his constituency and for veterans and their families—approached, and I don't think this is any secret, the opposition</p>	Hansard	51-52	20/5/22

			<p>and crossbenchers to try to get it added to the final list of bills, which we were open to. Obviously, there wasn't broad agreement across the chamber, notwithstanding his efforts. I am a little mystified, given the 1 July start date and the importance to veterans and their families, why this was not a priority for the government.</p> <p>Senator Duniam: Yes. As I mentioned, Senator Wong, I will need to take some advice on that. I will provide that to you as soon as I can. Obviously, there are a range of things, as you appreciate, that go into those decision-making processes around legislative agendas. I will get you what I can during this period of time.</p> <p>Senator WONG: We were asked to pass urgent bills. Obviously, urgency in great part, not entirely, is driven by start dates. If legislation is required for things to be implemented soon or retrospectively or whatever—this is assistance to families of veterans often in really tragic circumstances—I don't understand why we end up with the minister himself having to come over to the Senate and work with the opposition and the cross bench to try to get it up when it's not a priority for his own team.</p> <p>Senator Duniam: Look, as I say, Senator Wong, I will endeavour to provide you what I can. Obviously there are a range of priorities to deal with.</p>			
2	Jordon STEELE-JOHN	National Servicemen	<p>Senator STEELE-JOHN: Thanks very much, Chair. I will be going now to the questions that I have provided ahead of time in relation to numbers and the department's knowledge of the number of individuals who served between the period of 1965 and 1972 who were conscripted in relation to Vietnam. How many of them are still, to the department's knowledge, alive? We provided those questions ahead of time. I'm hoping we can get an answer, first of all.</p> <p>Ms Cosson: Sorry, Senator. I don't have the questions you provided ahead of time. I'm just trying to find out if I can get the answer for you.</p> <p>Senator STEELE-JOHN: I can read the question, if that's useful.</p> <p>Ms Cosson: I am being advised that we cannot get the data that you are seeking. I will need to take some advice on that. I might be able to give you some idea. We couldn't get the numbers in time for your questions. I apologise that I haven't seen the questions that you did provide to us. We will follow it up for you and get you answers as soon as we can.</p> <p>Senator STEELE-JOHN: Just so that you are aware, the question was: of the 63,375 20-year-old men who were conscripted between the years of 1965 and 1972, does DVA know how many of these national service persons are still alive? What you have said to me is that you haven't been able to obtain that number?</p> <p>Ms Cosson: That's my understanding. We haven't been able to find it in time to be able to provide you that response today. But we will follow it up to see what we can provide you.</p>	Hansard	52-53	20/5/22

			<p>Senator STEELE-JOHN: Can I just confirm that you can't even go to the extent of how many Vietnam veterans are still alive? That isn't a figure you have?</p> <p>Ms Cosson: We can do that. In our annual report, we provide a breakdown of veterans who are still alive from each of the conflicts. I can't give you the actual page reference at the moment. One of my colleagues may be able to find it. It does give you a breakdown, as I said, by conflict and the number of veterans who are still alive.</p> <p>Senator STEELE-JOHN: Can you tell me how many national servicemen who didn't serve in war zones are still alive?</p> <p>Ms Cosson: I will have to follow that one up for you. I don't believe we publish that, but I will have a look to see whether we can provide that to you.</p> <p>Senator STEELE-JOHN: There is a secondary question that I think you will have to maybe take on notice as well. Has DVA made an attempt to ascertain these numbers? What I'm not clear on now is whether you don't have them because they do exist somewhere in your records but you haven't been able to recall them or whether you actually haven't collected that or kept that data in the first place. Do you know whether you actually have collected that information and can't give it to me at this point?</p> <p>Ms Cosson: It could be a bit of both, to be honest. One of the things I'm very conscious of is the estimate of 640,000 who may have served in our Australian Defence Force. We only know approximately 244,000 of those veterans. So if they haven't contacted us and lodged a claim before 2016, we probably don't know them. Some of our data holdings will be reliant on the individual coming forward and being known to us. So it's probably a bit of both in response to your question. But I will see what we can find out for you.</p> <p>Senator STEELE-JOHN: Could you give us an answer to that? I know that there is an election coming up. The question that I have here is just a basic data gathering information question. If it isn't information you have, that is also for me to know. If you would be able to provide it to the committee, even before the end of the day, do you think your officials could tell me? You can tell me if it doesn't exist. Could we know at the end of the day?</p> <p>Ms Cosson: My colleagues are saying that it might be a bit challenging, to be honest, by the end of the day. But we'll certainly do our best to get you something. At this stage, we plan to be back here on Wednesday night, so we'll do our best to have something for you on Wednesday night.</p> <p>Senator STEELE-JOHN: Even if you could provide it to the committee on Wednesday night, that would be really useful. Additionally, there was another question we circulated to you but which you won't be able to answer, which was in relation to how many DVA gold cards have been issued to national service personnel who served in Vietnam between 1965 and 1972. How much do these gold cards cost the department per annum? I don't suppose you</p>			
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			<p>have that information.</p> <p>Ms Cosson: No, sorry. But we will follow it up.</p> <p>Senator STEELE-JOHN: If you can do the same in terms of taking it on notice, that would be really appreciated.</p> <p>Ms Cosson: Will do. I will take that on notice.</p> <p>Senator STEELE-JOHN: Thank you.</p>			
3	Jordon STEELE-JOHN	Gold Cards - Nuclear testing	<p>Senator STEELE-JOHN: Again, that is a bit concerning. I will move on. It's deeply frustrating, actually, to a lot of people who will be watching this exchange. Minister, are you aware that the department currently grants the DVA gold card to men who served and were affected by the nuclear testing at the Maralinga site?</p> <p>Ms Cosson: I think Ms Hancock will be able to talk a bit more about some of the gold card eligibility, if that is helpful, Senator.</p> <p>Senator STEELE-JOHN: Yes. Thank you.</p> <p>Ms Hancock: I understand your question is whether we are aware that there are gold cards granted to some of the people who were involved in the British nuclear testing. Yes, that's correct.</p> <p>Senator STEELE-JOHN: I absolutely know you would be aware as it is a program that the department runs. I am disappointed that the minister representing the minister wasn't aware of that program. In relation to the details of that program as it currently exists, how many DVA gold cards have been issued to those who served and were impacted by the Maralinga testing?</p> <p>Senator Duniam: While Ms Hancock is getting that information, at no point did I outline that I'm not aware of the gold card program you've asked questions about. Obviously, Ms Hancock can provide you with information specifically in response to your questions.</p> <p>Ms Hancock: I apologise, Senator. I don't think I have the specific number with me. I would be happy to get that for you on notice. I think we could probably do that today.</p> <p>Senator STEELE-JOHN: Thank you.</p>	Hansard	54	20/5/22
4	Jordon STEELE-JOHN	Gold Card Eligibility - Decisions by Government	<p>Senator STEELE-JOHN: Minister, finally, this is the nub of bringing it up today: we have a precedent set and endorsed by both sides of politics that should veterans have been impacted by their service to a certain extent, regardless of whether they have been required to fight in a war zone, they may be given access to gold card level supports. That was the precedent set by the nuclear test program. There is a cohort of individuals where your government's department can't tell me how many are still alive. You will be getting that data, but you don't have it. There is a significant portion of folks whose lives were</p>	Hansard	55	20/5/22

			<p>irreparably disrupted by forced national service under the threat of imprisonment. They were not deployed to a war zone. However, they were vital to the Australian presence in Vietnam. Whatever you think of that presence, they were critical to it. They have been denied access to the recognition and financial supports made available to those who did serve in that combat place. That, to me, seems very unfair and unjust. That is why I have brought it to the attention of the committee today.</p> <p>Senator Duniam: Thank you, Senator Steele-John.</p> <p>CHAIR: Thank you, Senator Steele-John. I think that now completes the questioning.</p> <p>Senator STEELE-JOHN: Minister, will you consider the extension of those supports to that veteran cohort?</p> <p>Senator Duniam: Noting the seriousness of the issues you raise and, of course, the evidence that has been provided to you around certain circumstances and noting the complexity of individual cases, I think it's important to look at these things in complete detail. Certainly I will take on notice the question you ask and make sure you have a fulsome response to what might be forthcoming with regard to any further application of that policy.</p> <p>Senator STEELE-JOHN: Thank you.</p>			
5	Malcolm ROBERTS	Douglas Decision	<p>Senator ROBERTS: I will give an introduction, and then the questions will be straightforward. Wayne Douglas was a highly qualified SAS soldier. He departed military service and after 20 years received a retrospective payout in 2012. The payout was for physical and mental injuries sustained in active service doing work that our government sent him to do, some of which they would not want to be associated with. He received a lump sum payment in 2012, and the ATO decided to tax this as an income stream as opposed to a lump sum payout. He took the ATO to court and won, and the ATO appealed the case, which was heard by the full bench of the Federal Court. The court sided with Mr Douglas and ruled that the lump sum TPI payment should have been taxed as a superannuation disability lump sum. The question is: is the government planning to introduce legislation to reverse the effect of the Douglas versus Commissioner of Taxation decision on Defence Force retirement and death benefits and military super Class A and B invalidity benefits which commenced after 20 September 2007?</p> <p>Ms Cosson: I'm not too sure what the government will be doing, but I'm certainly across the case. One of the objectives, I know from the discussions we've been having with ComSuper and ATO et cetera, is to make sure no veteran will be worse off as a result of the Douglas decision. We've been doing a lot of work around that, but I certainly don't think I could speak on behalf of what the government might be doing.</p>	Hansard	58	20/5/22

			<p>Senator Duniam: Senator Roberts, I have no information with me about any intention to do that. I'm happy to take it on notice, but I'm not aware of any intention.</p> <p>Senator ROBERTS: Minister, thank you. Many vets are concerned that there are planned legislative changes to remove the tax benefit flowing from the Douglas decision, or they claw back consequential benefits such as the family tax benefit. Again, you have no awareness of that?</p> <p>Senator Duniam: No. Again, I will take that on notice and provide you any information I can as soon as possible.</p> <p>Senator ROBERTS: Is the Australian Taxation Office reviewing how lump sum payments in arrears are taxed for those veterans who have been retrospectively medically discharged since September 2007?</p> <p>Senator Duniam: That may well be a matter for the ATO, but we can take it on notice.</p> <p>Senator ROBERTS: Thank you. Are you able to confirm or deny any legislative action that may or may not be in the pipeline that would negatively affect veterans' lump sum superannuation disability payments, effectively reversing the court's decision? You've already answered that, really.</p> <p>Senator Duniam: I have. But, given the nature of the questions you're asking, we will take them on notice. You're obviously asking on behalf of a group of people who would be anxious about those sorts of things. Noting that, I'm sure the minister's officers are listening, and I would urge them to provide me, so I can provide you—perhaps not during the sitting of this committee—for those you are asking on behalf of, answers so that you can provide them some clarity.</p>			
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