

TO THE J.S.C, NORFOLK ISLAND 08 04 2010

I am the president of the Norfolk Island sub-branch of the returned and service's league of Australia, a job I do not take lightly. I would like to point out that the R.S.L IS NOT a political party and I also would like to draw your attention to an injustice on Norfolk Island that we have with the N.I social service act.

A small number of Norfolk Island residents and their families currently depend on disability pensions paid by the Australian department of veteran's affair (D.V.A). These pensions are paid as compensation for the effects of war or defence caused injury or disease and only after the resident concerned has been assessed as being incapacitated and unable to work because of that injury or disease.

The Norfolk Island Government (N.I.G) treats these as "income" under Norfolk Island's social services act 1980.this means that these pensioners are either:

- (i) Barred from assistance or benefits under the act 1980; or
- (ii) Only receive a reduced benefit

Governments overseas have recognised the injustice of treating DVA disability pensions as income when assessing eligibility for pensions and social services benefits. The Australian government has, for example, introduced a defence force income support allowance (D.F.I.S.A) to exempt the DVA disability pensions from income tests applied to veterans under Australian social services laws. The allowance tops up the social services benefit by the amount deducted for the disability pension.

The Australian minister of veterans Affair has advised that Norfolk Island's self governing arrangements prevent the Australian Government from extending the Defence Force Income Support Allowance directly to veterans on Norfolk Island.

The Australian minister therefore recommended that the N.I.G exempt the DVA disability pensions from the Norfolk Island Government's pension income test. The responsible Norfolk Island Minister can at any time determine that certain payments shall not be treated as "income" for the purposes of that act.

It is therefore open to the Norfolk Island Government follow the example set by other jurisdictions and exempt DVA disability pensions as "income" and allow a limited number of Norfolk island's veterans to access appropriate benefits and services under Norfolk Island's regime. As of late last year the Norfolk Island Government has given those eligible a small reduction in utilities, vehicle rego,

electricity,etc... a small win.....How ever the Norfolk Island government refuse to budge on this issue, we are now approaching 9yrs and 4 ministers later, of lobbying for DVA pensions “not” to be deemed as income.

This course of action will not cost the Norfolk Island Government and only a small number are affected, this small number will reduce with time. How ever we have to also prepare for the future as we currently have Norfolk islanders serving in the A.D.F, and are in harms way.

Norfolk Island has a proud history of military service that continues today with those young Norfolk Islanders who leave to take up opportunities with the Australian and New Zealand Defence forces. IT IS OUR RESPONSIBILITY to acknowledge and recognise their service, especially when they are injured or incapacitated as a result of their service.

Norfolk Island ministers have refused to take action on this issue



THE HON BRENDAN O'CONNOR MP
Minister for Home Affairs

10/260, MC10/1414

19 MAR 2010

Mr Warren Finch
President
Norfolk Island RSL Sub-Branch
RSL Memorial Club
NORFOLK ISLAND 2899

Dear Mr Finch

Thank you for your letter of 16 December 2009 (received by me on 29 January 2010) regarding the entitlements of veterans on Norfolk Island.

The lack of access to many Australian Government health and welfare programs (and the associated services and benefits) is a direct result of the degree of self-government sought by, and granted to, the Norfolk Island community in 1979. In the case of the veteran community, the Australian Government has publicly acknowledged that its ability to provide mainland-standard benefits and support services is restricted by a number of factors including the Island's governance regime. The Australian Government, however, continues to work within this framework to assist Norfolk Island veterans and minimise any disadvantages.

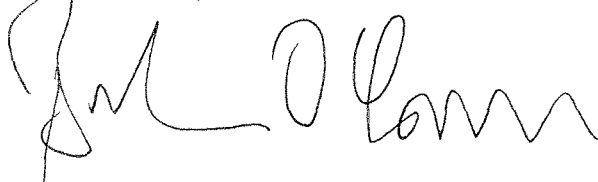
I also understand that a number of Norfolk Island residents and the previous Minister for Home Affairs approached the Minister for Veterans' Affairs, the Hon Alan Griffin MP, about the disadvantages experienced by the veterans living on Norfolk Island. In response to their concerns, Mr Griffin wrote to the Norfolk Island Government in February 2009. He advised the Chief Minister that the Australian Government supports amendment to the *Social Services Act 1980* (NI) to exempt veterans' disability pensions from that Act's income test. He asked the Norfolk Island Government to consider that proposal, but to date has not received a response.

This could be a matter for the next Legislative Assembly to consider after the Island's general election on 17 March 2010. I therefore encourage you to take advantage of the opportunity offered by a newly-elected Legislative Assembly to ask the Members of the Assembly to consider your unresolved concerns and recommendations.

From the Australian Government's perspective, the disadvantages experienced by the Norfolk Island veteran community will continue to be highlighted as evidence of the need for reform and improvement in the Territory's governance and services.

The officer responsible for this matter in the Attorney-General's Department is Alison Green who can be contacted on 61 2 6141 4106.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brendan O'Connor'. The signature is fluid and cursive, with the first name 'Brendan' written in a larger, more prominent script than the last name 'O'Connor'.

Brendan O'Connor