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# THE RETURNED & SERVICES LEAGUE OF AUSTRALIA LIMITED

NATIONAL HEADQUARTERS

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R2-24-1  
30 October 2008

Senator Claire Moore  
Chair, Senate Standing Committee on Community Affairs  
Department of the Senate  
PO Box 6100  
Parliament House  
Canberra ACT 2600

By Email: [community.affairs.sen@aph.gov.au](mailto:community.affairs.sen@aph.gov.au)

## **Inquiry into Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further 2008 Budget and Other Measures) Bill 2008**

Dear Senator,

The Returned & Services League of Australia (RSL) welcomes the opportunity to forward a submission in relation to the Senate's Community Affairs Committee inquiry into Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further 2008 Budget and Other Measures) Bill 2008. This submission relates to Schedule 2 of the Bill regarding the Partner Service Pension.

It is the strong belief of the RSL, that the passage of the section of the Bill that relates to the cessation of eligibility for Partner Service Pension for those partners who are separated but not divorced from their Veteran spouse and who have not reached age pension age would cause undue hardship and distress to the separated spouse. It should be noted that the separated spouse is still legally married to the Veteran.

In the Government's plan for Veterans' Affairs released at the last election, the statement was made *'To care for the families of veterans, in recognition that it is not just veterans themselves who make personal sacrifices to defend our country'*. This section of the Bill would effectively remove the still legally married spouse from the security of the Department of Veterans' Affairs and place them as a welfare recipient under Centrelink for an Income Support payment.

LEST WE FORGET

The RSL strongly believes that if a separation occurs because of an accepted War or Defence caused Disability then the Partner Service Pension should continue to be paid to the legally married separated spouse. This pension would be the illness separated Partner Service Pension.

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The Veterans' Entitlement Act (VEA) Section 5R(5) covers Illness separated couple determination:

- (5) If the Commission is satisfied that:
- (a) 2 people are members of a couple; and
  - (b) they are unable to live together in a matrimonial home as a result of the Illness or infirmity of either or both of them; and
  - (c) because of that inability to live together, their living expenses are, or likely to be greater than they would otherwise be; and
  - (d) that inability is likely to continue indefinitely;

the commission may make a written determination that the 2 people are members of an illness separated couple for the purposes of this Act.

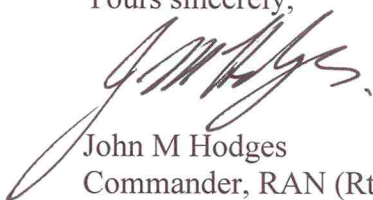
Currently if the spouse of a Veteran separates from the Veteran because of any form of abuse either caused by an accepted War or Defence Disability or not, that spouse continues to receive the Partner Service Pension until they enter into another marriage-like relationship.

The RSL would argue that if the spouse separates because of any form of abuse from an accepted War or Defence caused disability then that Spouse is entitled to illness separated Partner Service Pension unless they enter into another marriage like relationship. This is to say that the Veteran's illness caused the separation and Section 5R(5) of the VEA is satisfied.

The decision that the separation was caused by an accepted disability could be made by the spouse's GP or qualified and registered Social Worker and accepted by the Repatriation Commission as evidence for the entitlement for the illness separated Partner Service Pension.

The RSL urges the Committee to recommend to the Senate that all reference to the 12 month eligibility for the Partner Service Pension be removed from this Bill and that the separated spouses, referred to in the proceeding paragraphs, be entitled to the illness separated Partner Service Pension

Yours sincerely,



John M Hodges  
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NATIONAL VETERANS' AFFAIRS ADVISOR