

**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE
LEGISLATION COMMITTEE**

SUBMISSION

**Inquiry into aspects of the Veterans' Entitlement Act and
the Military Compensation Scheme (MCRS)**

Submission no	15
Organisation making submission	
Postal address	4 Brooker Street Woodford Qld 4514
Location (if required)	
Contact person	Mr Zev Ben-Avi
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e-mail address	
No of pages (including cover)	8 (not including attachments)
Attachments	56 pages (correspondence: available from the secretariat)

VIETNAM VETERANS
MOTORCYCLE CLUB



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MR BRENTON HOLMES

SECRETARY

FOREIGN AFFAIRS, DEFENCE + TRADE COMMITTEE

SUITE 51, 57

PARLIAMENT HOUSE

CANBERRA ACT 2600

G'day,

Please accept the enclosed file
for consideration in the Senate Inquiry
into Veterans' Compensation Offsetting.

The submission is a file numbered
1 to 56 by folios.

Sincerely

Zev Ben-Avi



Parliament of Australia
The Senate

MARK BISHOP

Shadow Minister for Veterans' Affairs
Senator for Western Australia



Ref: va.cons.comp/206-03

5th May, 2003

Mr. Z. Ben-Avi,
Advocate,
Vietnam Veterans' Motorcycle Club,
103 Montague Road,
WEST END, QLD., 4101

Dear Zev,

Thank you for your correspondence of 17th April, 2003 regarding the inquiry being conducted by the Senate Foreign Affairs, Defence and Trade Committee into the offsetting policy in the calculation of military compensation and veterans' compensation pensions.

As Peter Reece in my Canberra office has advised, your case is not as uncommon as you may think but it is an issue that certainly needs to be brought to the attention of the Committee as an important element in the inquiry.

If you forward to me a formal letter addressed to the Committee at the following address:

Mr. Brenton Holmes,
Secretary,
Foreign Affairs, Defence and Trade Committee,
Suite S1.57,
Parliament House,
CANBERRA, A.C.T., 2600

I would be happy to deliver it directly for detailed consideration.

I appreciate hearing from you and you can be assured that I will actively pursue this matter with the Committee during the inquiry over the coming months.

Yours sincerely,


SENATOR MARK BISHOP
SHADOW MINISTER FOR VETERANS' AFFAIRS

VIETNAM VETERANS
MOTORCYCLE CLUB



Advocate: Zev Ben-Avi
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(07) 5496 3444

4 BROOKER ST
WOODFORD
QLD 4514
Senator Mark Bishop
Parliament House
Canberra ACT 2600

17 April 2003

COMPENSATION OFFSETTING

G'day,

We spoke at a meeting in Brisbane some time back about the ongoing TPI Campaign.

I got your media release about the Senate Inquiry into Compensation Offsetting and have decided to present this case for that inquiry. This case is personal and has been in place since the early 1980's. My attempts to get any redress have been met with lies, obfuscation, patronizing responses (when there have been any at all) and generally being ignored.

I understand that the Inquiry will deal with Compensation Offsetting as it applies to veterans under the MCS. In my case Offsetting goes back further. DVA Qld tells me that I am the only case (in Qld) where Offsetting occurs prior to the MCS/MCRS provisions. They also tell me that my case may well be the only one of it's type in the country.

Rather than go into details here it is simpler to give you the whole file as it has been amassed over the last 3 years. To make it simpler and less tedious, I have green highlighted the important bits. Folio numbers referred to as --"See #" refer to the numbers on the bottom right of every page.

The accompanying letter (copy) is the latest in the litany and is #51 to 54 on the file and this letter will be #56.

Anything that is in this file is yours to do whatever you wish. Should you feel like giving a smack in the mouth (metaphorically speaking) to Scott, Vale, Brough, Hill, Downer and not forgetting Slipper, then be my guest.

Sincerely,

Zev Ben-Avi

Advocate, Life Member, Past President – Vietnam Veterans Motorcycle Club

COMPENSATION OFFSETTING

Hon Danna Vale
Minister for Veterans' Affairs
Parliament House
Canberra ACT 2600

Copies to –
Mal Brough
Senator Mark Bishop

10 April 2003

G'day,

I wrote to you about the problems that I have had with DVA, Bruce Scott and yourself on 21 January 2003. The recently released new (2003) Service Charter for your department again states, as in previous editions, that – "... we will: action or acknowledge your correspondence within 28 days."

As on many previous occasions both Scott and yourself have again not lived up to this fairly simple, self imposed standard. When the 28 days were well and truly up, allowing for post time, I went to Mal Brough's office and told them (once again) about your laxity. His staff contacted your staff and then sent me an e-mail stating – "Minister Vale's office has advised that a response is currently being drafted by the department and they would expect it to be completed very soon. They have indicated that they are aware of the urgency in getting a response to you and apologise for the delay." – e-mail dated 4 March 2003.

Despite this, there has still been NO RESPONSE or acknowledgment from you office to me since the original letter of 21 January 2003. Several day ago I again went to Mal Brough's office and complained again that once again a further 28 days had elapsed (with a post time factor generously allowed by me) and once again still no response or acknowledgement.

Last year on 19 December 2002 you phoned me to talk about this matter which has now dragged on for over three years. This discussion was due to the influence of Mal Brough who got you to talk to me. Despite that I gave you details of the problems, you wrote me a letter next day (20 Dec 02) which was once again, factually incorrect. Due to the "silly season" delays, I wrote to you AGAIN on 21 January 03 to correct those factual errors and enclosed another complete 50 page file with highlights. This is the letter that still has NOT been responded to or acknowledged.

At the recent thanksgiving service in Canberra to acknowledge Vietnam service you stated – “Veterans’ Affairs Minister Danna Vale said the services, which had been held across Australia during the past two years, were an important step towards healing the emotional scars of those who served in the war.” Sunshine Coast Daily, 30 March 03.

We were lied to about the cause of that stupid war, lied to about our “invitation” to be there to assist the South Vietnamese government, we were lied to about damaging effects of Agent Orange and other many defoliants/chemicals, lied to by another conservative government when the infant VVAA (of which I was a founding member) claimed that Agent Orange was causal with our disabilities/birth defects, told that we were “malingerers, bludgers, whingers and victims of VD due to visits to Saigon bar girls,” the tale goes on. Yes, we have emotional scars and many if not most were caused by uncaring governments.

Now I am once again in the situation of having to fight an uncaring government minister (and pre-decessor) for over three years and I don’t even get an acknowledgement let alone an answer, let alone any action, let alone any justice.

It was reported in the Australian today that WW1 digger Marcel Caux had a go at you after being patronized. He commented about Iraq that –“...it’s deplorable...it’s terrible...the world has lost it’s senses...I can’t understand after what they’ve learned...they don’t seem to have learned much...” and that he didn’t believe we should be there (in Iraq).

Eric Abraham, an old WW1 digger died on the day that the Iraq war started, which was probably kind to that lovely old forthright man. He said when he was 103 with regard to Iraq –“It has nothing to do with Australia. The terrorist attacks were on America. We should only defend Australia. We made the same mistake nearly 100 years ago, and you should listen to old soldiers like us.”

You don’t even have old soldiers to listen to in your cabinet. Even worse you have two Vietnam draft dodgers in senior positions (Defence and Foreign Affairs) who are latter day “warriors” and “sabre rattlers”. Hill was born on 25 Sept 1946 and was at Adelaide Uni (Law) when he was called up for National Service on the ballot drawn on 9 Sept 1966. Did he have a deferment? Did he skip a deferment to go to the UK where he did a Masters (Law) at London Uni? Did he stay in the UK until he

was "saved" from National Service by (ironically) a Labor government?
Did he ever have and pass/fail any NS medical examination?

Then we have Alexander Downer who went with his father who had just retired from parliament, to the UK where he was appointed as the High Commissioner to the UK. Downer jnr then went to Radley College, Oxford (not a college of the university, but a public school –what we call a private school) and then on to complete a BA(Hons) at Newcastle Upon Tyne University. He was born on 9 Sept 1951 and on the NS ballot of 17 Sept 1971 the dates either side of his birthdate were called and on the ballot of 24 March 1972 which included his birthdate but for men who were overseas at the time of the Sept 1971 ballot the day after his birthdate was called. Was Alexander Downer actually registered whilst conveniently overseas ? Under the National Service Act 1951 Amended, any failure to register meant automatic call up for NS.

Peter Charlton, a former Lt Col, wrote in the Courier Mail on 15 August 2002 in an article headed –“Now Alexander, toddle off safely to bed” stated –“...Downer is safely over the age for military service and was at a public school and university in England during Vietnam. Robert Hill avoided conscription by going to London for postgraduate legal studies...”

Now we have Coalition war mongers who are more than willing to create more veterans that the country doesn't need and who will also get ignored, beating drums, rattling sabers and waving flags. We have a government who abhors peace protesters possibly having a go at diggers on ANZAC Day but prepared to have politicians milking the same day for all that it's worth, whilst forgetting to talk to old soldiers about the problems they raise. Marcel Caux and Eric Abrahams said it best that nobody listens to old soldiers.

At the founding of the Vietnam Veterans Motorcycle Club I stated
- “ Being a Vietnam veteran is like being a condom. When the politicians, generals and bureaucrats have a dirty piece of work to get done, you are a handy piece of kit to have. When the job is over they throw you away like a dirty disgusting object.” Stated at the flame in ANZAC Square in Brisbane on 18 August 1990 at foundation of the VVMC.

I handed my medals to Mal Brough's staff in December and stated that he was to give them to you and that I would not accept them back until I had justice in this case. I stated that medals are for winners and that

people who are patronized, ignored, told to use "honey not vinegar" and take over three years to get nowhere are being treated as losers, hence there is no need for medals. Mal Brough did NOT send them or the message on to you. I told his staff in February 03 that they should go instead to Hill the Draft Dodger if he wasn't going to give them to you. That didn't happen also. A couple of weeks ago I got them back from Brough's staff, where they had been at his electorate office in a draw.

I have reached ^a conclusion. You, your office and your government is never going to do the right thing in this case, as explained in detail (yet again, again, again) in the letter to you of 21 January 2003. Don't bother any more, forget it all, I have lost patience. I would rather have the personal satisfaction of holding you, your office, your government Brough, Hill and Downer in utter CONTEMPT. This won't resolve the matter but it will make me feel a whole lot better and will help toward healing the, as you put it, "emotional scars of those who served in the war."

Jesus once said – "What you do to the least among you, you do to me."

In that letter of 21 January 2003 I once again reminded you (at PS) that the Statement of Account and the Medal Impostors had still not been addressed. These issues are also unanswered, unresponded to and unacknowledged. Don't insult my intelligence or "emotions" by blathering on once again about your ANZAC "heritage" during the coming ANZAC Day services.

Zev Ben-Avi
Advocate, Past President, Life Member - VVMC

SEE www.awolbush.com for the extensive Vietnam draft dodging history of both Bush + Cheney