



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

BILLS

**Veterans' Affairs Legislation Amendment
(Participants in British Nuclear Tests) Bill 2011**

Second Reading

SPEECH

Wednesday, 12 October 2011

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

<p>Date Wednesday, 12 October 2011 Page 11716 Questioner Speaker Mr ROBERT</p>	<p>Source House Proof No Responder Question No.</p>
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(Fadden) (NaN.NaN pm)

Mr ROBERT (Fadden) (10:58): What a distinct pleasure. The coalition supports the Veterans' Affairs Legislation Amendment (Participants in British Nuclear Tests) Bill 2011. The bill builds on earlier initiatives of the previous coalition government to ensure that both defence and civilian personnel associated with nuclear testing by the British government in the Australian outback in the 1950s and 1960s receive Commonwealth funded treatment for cancer through the passage of the Australian Participants in British Nuclear Tests (Treatment) Act 2006. The 2006 act, by way of history, provided non-liability white card treatment to all ex-service personnel and civilians associated with the testing. It was a great foundation. This bill seeks to build on that, to its credit.

In the intervening years, of course, in 2010, parliament passed new laws providing equivalent hazardous non-warlike or operational service to ex-defence personnel associated with those very tests. These amendments to the Veterans' Entitlements Act ensured that disability pensions and war widows pensions were available to ex-service personnel who were associated with those specific tests. By way of a note, where eligible, the ex-service person can receive a disability pension and may also be entitled to a gold card. Where the ex-service person's death is attributed to an accepted war-caused injury or disability, the widowed spouse may receive a war widow's pension.

In broad terms, the purpose of this legislation, which is uncontentious and widely supported, is to give additional powers to the Repatriation Commission to enable it, via a disallowable instrument, to broaden the definition of an eligible class of persons under the Veterans' Entitlements Act 1986 for the purposes of the British nuclear test defence service, as well as the eligible class of persons under the Australian Participants in British Nuclear Tests (Treatment) Act 2006. This bill reaches back to 2006 to pull them together. The Repatriation Commission's new powers will enable it to extend the eligible class of persons to include, for example, RAAF personnel who were not stationed at the nuclear testing site but whose work may have involved them in nuclear testing. These changes are anticipated to immediately affect about 10 people. It will give them the opportunity to apply for

compensation and/or coverage under the act, and that is entirely fair and entirely reasonable. These changes are fully supported by the coalition.

What is interesting, though, is that, during the Senate debate on the Veterans' Entitlements Amendment Bill 2011, Senator Xenophon moved an amendment, supported by the Greens, to automatically grant a gold card to those ex-service personnel involved in nuclear testing, regardless of the acceptance or rejection of their claim for compensation by the Repatriation Commission. Senator Xenophon argued that there are around 2,000 ex-service personnel still alive who may benefit from these changes and that the number is rapidly declining. The government opposed Senator Xenophon's amendment, a position supported by the coalition. The likely cost of extending gold cards to this group of ex-service personnel would be something like \$100 million over the forward estimates. Further, the automatic grant of a gold card is presently made to only those veterans who have qualifying service—that is, who have fought against an enemy in a war zone in warlike circumstances, are aged 70 and over, or are former prisoners of war. What is interesting about that move by Senator Xenophon and the Greens to seek to attach a gold card to all of the veterans involved in the Maralinga tests is that there were no cost offsets. The government has, to its credit, put forward a sensible, considered and thoughtful bill. Senator Xenophon and the Greens put a rider on a previous bill and certainly sought to do the same thing again. My understanding is that it is highly likely that they will seek to do the same thing with this bill. They sought to put a rider to grant a gold card to 2,000 veterans from the Maralinga testing, without any cost offsets.

What is particularly galling about the rider that Senator Xenophon and the Greens sought to include in the Veterans' Entitlements Amendment Bill, and that they may seek to do again, was the demand that there be no cost consideration. Yet I remember months and months of negotiating with these two parties, Senator Xenophon and the Greens, on the DFRDB indexation, and they demanded cost offsets for what had a \$98 million price tag over the forward estimates—the same price that giving the gold card to 2,000 veterans would cost. I delivered a 33 per cent reduction in the forward hiring of public servants for the Department of Defence, saving \$260-odd million, which, incidentally, was picked up by the minister six months later and then

became government policy—full credit to the minister. Copying is one of those great accolades in life, of course, with imitation the sincerest form of flattery.

Even after all this work for Senator Xenophon and the Greens, to demonstrate to them that cost savings could be made—even though they had both campaigned in 2010 to index defence pensions—they still voted against the coalition's bill in the Senate. And then they have the blatant hypocrisy to say there should be no cost offsets in attaching a rider about gold cards for those in the Maralinga tests. I say very clearly to the Greens and to Senator Xenophon: you must be consistent in your application of legislation. If you are looking for cost offsets to pay for a widening of indexation and benefits for the veteran community, you cannot demand from the coalition or the government that they produce these offsets and then stamp your foot petulantly and say, 'We won't give them when we want our own way.' There is a very clear message to the Greens and Senator Xenophon: be consistent. The veterans community is not a football you kick around for your own political ends. You had an opportunity with DFRDB indexation bill to stand up. Indeed, it was the Greens stated election policy. They went to an election stating they would index defence pensions, but when given the opportunity with the private member's bill they decided against it. It is rank hypocrisy in the extreme.

The opposition will stand with the government on this bill. The bill is sensible, it is considered and it is thoughtful. Some would argue that it only immediately affects 10 people, and that is correct. But they are 10 people of value and worth who served their country. If it were one person, the coalition would stand with the government to ensure a degree of justice were afforded to them. But only 10 people are immediately affected by this bill. The beauty of the bill is the power granted to the Repatriation Commission will enable them to extend the eligible class of people as they may arrive from time to time, with a disallowable instrument being the power needed to broaden the definition of the eligible class of persons. Knowing the Repatriation Commission's good work, I fully expect they will use the powers appropriately, sensibly and justly, as is the intent of the bill before the parliament.

I would seriously ask the Greens and Senator Xenophon to have a good hard look at this bill and not to seek to use it as another opportunity for populism by reattaching the rider they tried to attach, through their amendment, to the Veterans' Entitlements Amendment Bill. I caution them not to try to put that amendment back on this bill, to incur \$100 million extra across the forward estimates without any degree of offset. They demanded it from the coalition and I am sure they demanded it from the government. They somehow

seem to think they are above and beyond their own demands.

With that note of caution to the Greens and to Senator Xenophon I commend the government for its bill and for what it is doing. It certainly enjoys the wide support of the coalition.