

The Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further 2008 Budget and Other Measures) Bill 2008

Schedule 2 of this Bill sought to cease eligibility, after 12 months, 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. The RSL opposed this amendment if the separation occurred because of a war or defence caused disability.

On 18 September 2008 the Senate, on the recommendation of the Selection of Bills Committee, referred the Bill to the Community Affairs Committee for inquiry and report by 10 November 2008. Reasons provided for referral of the Bill and the issues for consideration by the Committee related to amendments to child support legislation in Schedule 3 of the Bill. On 23 October 2008 the Committee decided that, in light of the correspondence it has received, it would also accept submissions relating to Schedule 2 of the Bill regarding the partner service pension.

The RSL produced a submission and was represented at the Senate Inquiry into the Bill by the National Veterans' Affairs Advisor (Mr John Hodges). Copies of the submission, public hearing and reports are available at:

http://www.aph.gov.au/senate/committee/clac_ctte/child_support_fahcsia_08/index.htm .

The RSL argued that if the spouse separates because of any form of abuse from an accepted disability then that spouse is entitled to continue to receive the Partner Service Pension. It was further argued that 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.

On Monday 1st December, following the tabling in the Senate of the Report, the Senate resumed debate. The Government moved an amendment to the Bill that stated in effect that:

- the eligibility of a spouse still ceases at the end of 12 months but
- the eligibility does not cease if circumstances exist as specified in a new Legislative Instrument to be produced by the Department of Veterans' Affairs.

In the Explanatory Memorandum to these new amendments, the Government has indicated that the circumstances specified will be that, at the date of separation:

- the person's veteran partner has a psychological or mental health condition that is:
 - an accepted war-caused injury or disease; or
 - an accepted defence-caused injury or disease; or
 - an accepted service injury or disease; or
 - a psychological or mental health condition that has been accepted for the purposes of non-liability health care; and
- the person is living separately and apart from the veteran and does not reside in the same residence as the veteran; and
- there is supporting information of an unsafe domestic environment in respect of the person and/or their children

This amendment encompasses the changes that the RSL sought in both its submission and at the Public Hearing. The amended Bill was then forwarded to the House of Representatives on Tuesday 2nd December and was supported by both sides. We now await Royal Assent.

The RSL commends the Minister for Veterans' Affairs and the Department for acting on the concerns that the RSL had expressed in relation to this Bill.