

# ABBREVIATIONS AND ACRONYMS

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AASM	Australian Active Service Medal
AAT	Administrative Appeals Tribunal
AATTV	Australian Army Training Team Vietnam
ABS	Australian Bureau of Statistics
ACBW	Average Collective Bargain Wage
ACPMH	Australian Centre for Posttraumatic Mental Health
ADF	Australian Defence Force
ADO	Australian Defence Organisation (the Australian Defence Force plus the Department of Defence)
ALD	Administrative Law Decisions
ALR	Administrative Law Reports
AM	Member of the Order of Australia
ANZUS	Australia, New Zealand and the United States (Pacific Security) Treaty
AO	Officer of the Order of Australia
ASC UNMCTT	Australian Service Contingent, United Nations Mine Clearance Training Team
ASM	Australian Service Medal
ATO	Australian Taxation Office
ATSIC	Aboriginal and Torres Strait Islander Commission
AVADSC	Australian Veterans and Defence Services Council
AWE	Average Weekly Earnings
AWLA	Australian Women's Land Army
AWOTE	Average Weekly Ordinary Time Earnings
BCAL	British, Commonwealth and allied
BCFK	British Commonwealth Forces Korea
BCOF	British Commonwealth Occupation Force (Japan)
CCC	Civil Constructional Corps
CFTS	continuous full-time service

CIDA	Committee of Inquiry into Defence and Related Awards
CMVH	Centre for Military and Veterans' Health (proposed)
CPI	Consumer Price Index
CRS	Commonwealth Rehabilitation Service; now CRS Australia
CSHC	Commonwealth Seniors Health Card
CT	counter-terrorist
CTSR	counter-terrorist and special recovery
DEST	Department of Education, Science and Training
DFRDB	<i>Defence Force Retirement and Death Benefits Act 1973</i>
DFRT	Defence Force Remuneration Tribunal
DHOS	Defence Home Owner Scheme
DISR	Department of Industry, Science and Resources
DMZ	demilitarised zone
DSH	Defence Service Homes
DVA	Department of Veterans' Affairs
EDA	extreme disablement adjustment
ESOs	ex-service organisations
FaCS	Department of Family and Community Services
FCA	Federal Court of Australia
FCR	Federal Court Reports
FESR	Far East Strategic Reserve
FESR Act	<i>Repatriation (Far East Strategic Reserve) Act 1956</i>
FMW	Federal Minimum Wage
FPDA	Five Power Defence Arrangement
GARP	Guide to the Assessment of Rates of Veterans' Pensions
GSM	General Service Medal
GST	Goods and Services Tax
HECS	Higher Education Contribution Scheme
HMAS	Her Majesty's Australian Ship
HMNZS	Her Majesty's New Zealand Ship
IEDD	improvised explosive device disposal
IRC	International Red Cross
ISS	income support supplement
KC	King's Counsel

MC	Military Cross
MCA	<i>Military Compensation Act 1994</i>
MCRS	Military Compensation and Rehabilitation Service
MCS	Military Compensation Scheme
MM	Military Medal
MP	Member of Parliament
MSBS	Military Superannuation and Benefits Scheme
MTAWE	Male Total Average Weekly Earnings
MV	motor vessel
MWI	Median Weekly Income
NAA	National Archives of Australia
NGSM	Naval General Service Medal
NRPB	National Radiological Protection Board (United Kingdom)
PBS	Pharmaceutical Benefits Scheme
PCC	Pensioner Concession Card
PIR	Pacific Islands Regiment
PNG	Papua New Guinea
POWs	prisoners of war
POWs (E), POWs (J), POWs (K)	prisoners of war in Europe, Japan, Korea
PTSD	posttraumatic stress disorder
QC	Queen's Counsel
RAAF	Royal Australian Air Force
RAF	Royal Air Force
RAN	Royal Australian Navy
RAR	Royal Australian Regiment
RAS	Returned from Active Service (badge)
RCB	Rifle Company Butterworth
RDA	<i>Racial Discrimination Act 1975</i>
RFD	Reserve Force Decoration
RMA	Repatriation Medical Authority
RN	Royal Navy
RPBS	Repatriation Pharmaceutical Benefits Scheme
RPPS	Repatriation Private Patient Scheme

RSL	Returned and Services League of Australia
RSSILA	Returned Sailors' and Soldiers' Imperial League of Australia
SASR	Special Air Service Regiment
SCA	Special Compensation Allowance
SEATO	South-East Asia Treaty Organisation
SMRC	Specialist Medical Review Council
SOPs	Statements of Principle (part of DVA's assessment system)
SOS Act	<i>Repatriation (Special Overseas Service) Act 1962</i>
SR	special recovery
SRCA	<i>Safety, Rehabilitation and Compensation Act 1988</i>
SRCC	Safety, Rehabilitation and Compensation Commission
SSA	<i>Social Security Act 1991</i>
TAG	Tactical Assault Group
TPI	totally and permanently incapacitated
TTI	temporarily totally incapacitated
UNCIVPOL	United Nations Civilian Police Association of Australia
UNMCTT	United Nations Mine Clearance Training Team
UNMOGIP	United Nations Military Observer Group India Pakistan 1965-66
UNTAG	United Nations Transition Assistance Group in Namibia
VCES	Veterans' Children Education Scheme
VEA	<i>Veterans' Entitlements Act 1986</i>
VEAMC	Veterans' Entitlements Act Monitoring Committee
VET	vocational education and training
VHC	Veterans' Home Care
VLSM	Vietnam Logistic Support Medal
VP	veteran partnering (hospitals)
VVAA	Vietnam Veterans Association of Australia
VVCS	Vietnam Veterans' Counselling Service
VVF	Vietnam Veterans' Federation
VVRS	Veterans' Vocational Rehabilitation Scheme

# GLOSSARY OF TERMS

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The terms presented here and used in this Report have generally been developed from definitions included in the *Veterans' Entitlements Act 1986* (VEA). If necessary, readers should refer to the legislation for full and exact definitions. A number of new terms associated with the Committee's recommendations are also used in the Report. These terms are defined in the body of the Report as they arise.

**accepted disability** means an injury or disease that has been accepted as related to eligible service under the VEA. In the VEA, the term 'war or defence caused' is used – see also **service-related disability**.

**active service (1)** was a term used in the *Repatriation Act 1920* and is akin to the term 'operational service' used in the VEA – see **operational service**.

**active service (2)** is a term that has been used under the *Defence Act 1903*, the *Defence Force Discipline Act 1982* and the *Imperial Army Act 1881* to mean service rendered by a person subject to military law, when the person is attached to, or forms part of, a force that is engaged in operations against an enemy, or is engaged in military operations in a country or place wholly or partly occupied by an enemy, or in military occupation of a foreign country, or service rendered by a person during a period or in an area proclaimed by the Governor-General to be active service.

**allied country** is defined in s.5C(1) of the VEA and means any country (not being Australia or a Commonwealth country):

- (a) that was, at the relevant time, at war with the enemy; or

- (b) the forces of which were, at the relevant time, engaged in an operational area against forces against which the forces of the Commonwealth were engaged in that area.

**allied veteran** is defined in s.5C(1) of the VEA and means a person:

- (a) who has been appointed or enlisted as a member of the defence force established by an allied country; and
- (b) who has rendered continuous full-time service as such a member during the period of hostilities;

but does not include a person who has served at any time:

- (c) in the forces of a country that was, at the time, at war with Australia, or
- (d) in forces engaged in supporting or assisting the forces of such a country; or
- (e) in forces that were, at that time, engaged in war-like operations against the naval, military or air forces of Australia.

**allotted for duty** describes a person, or a unit of the Defence Force, that was allotted for duty in an operational area as described in Schedule 2 of the VEA by an instrument issued by the Defence Force or signed by the Minister for Defence or the Vice Chief of the Defence Force (as appropriate). Those persons allotted for duty or taken to have been allotted for duty in an operational area have operational service and, provided they actually served in the operational area during the time it was prescribed as an operational area, have qualifying service. The statutory definition of ‘allotted for duty’ is found in s.5B(1) and s.5B(2) of the VEA.

**asset** means property or money (including property or money outside Australia).

**Australia** includes the external territories.

**Australian armed services** means the naval, military or air forces of Australia – see also **Australian Defence Force**.

**Australian Defence Force** consists of three arms, the Australian Navy, the Australian Army and the Australian Air Force – see also **Australian armed services**.

**Australian Defence Organisation** consists of the Australian Defence Force and the Department of Defence.

**Australian mariner** is defined in s.5C(1) of the VEA and means a person who was, during the period of World War II from its commencement to and including 29 October 1945:

- (a) a master, officer or seaman employed under agreement, or an apprentice employed under indenture, in sea-going service on a ship registered in Australia that was engaged in trading between a port in a state or territory and any other port; or
- (b) a master, officer or seaman employed under agreement, or an apprentice employed under indenture, in sea-going service on a ship registered outside Australia who was, or whose dependants were, resident in Australia for at least 12 months immediately before he or she entered into the agreement or indenture; or
- (c) a master, officer, seaman or apprentice employed on a lighthouse tender or pilot ship of the Commonwealth or of a state; or
- (d) a pilot employed or licensed by Australia or a state or by an authority constituted by or under a law of the Commonwealth or of a state; or
- (e) a master, officer, seaman or apprentice employed in sea-going service on a ship owned in Australia and operating from an Australian port, being a hospital ship, troop transport, supply ship, tug, cable ship, salvage ship, dredge, fishing vessel or fisheries investigation vessel; or
- (f) a member or employee of the Commonwealth Salvage Board engaged in sea-going service under the direction of that Board; or
- (g) a master, officer, seaman or apprentice employed in sea-going service on a ship registered in New Zealand who the Repatriation Commission is satisfied was engaged in Australia and is not entitled to compensation under a law of a Commonwealth country providing for the payment of pensions and other payments to seamen who suffered death or disablement as a result of World War II.

**Australian resident** is defined in s.5G(1AA) of the VEA and means a person who resides in Australia and is an Australian citizen, the holder of a permanent visa, or the holder of a special category or special purpose visa who is likely to remain permanently in Australia.

**Average Collective Bargain Wage** is a wage indicator derived from the outcomes of industrial relations processes covering 14 awards classified by collective bargaining agreements. It is revised every two years.

**Average Weekly Earnings** means the amount estimated as the average gross weekly earnings, during a particular month, of all employees in Australia and last published by the Australian Statistician.

**Average Weekly Ordinary Time Earnings** is a wage indicator collected quarterly by the Australian Bureau of Statistics and comprises base pay and payment by measured result (i.e. earnings that vary according to the measured performance of the job holder). Overtime payments are not included.

**Basic Wage** is the wage set by the Commonwealth Conciliation and Arbitration Court from 1907 to 1967. Replaced in 1967 by the Minimum Wage.

**British, Commonwealth and allied mariner** means a mariner of a Commonwealth or allied country during World War II. In the VEA, such a person is referred to as an 'allied mariner', which is defined in s.5C(1) as a person who:

- (a) was during the period of World War II from its commencement to and including 29 October 1945:
  - (i) a master, officer or seaman employed under agreement, or an apprentice employed under indenture, in sea-going service on a ship that was engaged in training; or
  - (ii) a master, officer, seaman or apprentice employed in a lighthouse tender or pilot ship; or
  - (iii) employed as a pilot; or
  - (iv) a master, officer, seaman or apprentice employed in sea-going service on a ship (being a hospital ship, troop transport, supply ship, tug, cable ship, salvage ship, dredge, fishing vessel or fisheries investigation vessel) that was operated by, or on behalf of, a foreign country; and
- (b) was at any time during the course of that employment during the period referred to in paragraph (a) on a ship that was:
  - (i) operating from a port in Australia or from a port in a Commonwealth country or an allied country; or
  - (ii) engaged in trading with Australia or with a Commonwealth country or an allied country; or
  - (iii) engaged in providing assistance or support to the Defence Force, or to the forces, or any part of the forces, of a Commonwealth country or an allied country; or
  - (iv) engaged in providing assistance or support to Australia or to a Commonwealth country or an allied country;

but does not include:

- (c) an Australian mariner; or
- (d) a person who has, at any time, been employed by a foreign country that was, at that time, at war with Australia; or
- (e) a person who has, at any time, been employed:
  - (i) on a ship that operated to, or was operating from, a port in a country that was, at that time, at war with Australia; or
  - (ii) on a ship that was engaged in trading with a country that was, at that time, at war with Australia; or
  - (iii) on a ship that was engaged in providing assistance or support to the enemy or to a country that was, at that time, at war with Australia.

**British, Commonwealth and allied (BCAL) veteran** – see **Commonwealth veteran** and **allied veteran**.

**Child or dependent child** in this Report means a child as defined in s.5F(1) of the VEA and means:

- (a) a person who has not turned 16; or
- (b) a person who:
  - (i) has turned 16 but has not turned 25; and
  - (ii) is receiving full-time education at a school, college or university:

but does not include such a person if the person is receiving:

- (c) disability support pension; or
- (d) a wife pension; or
- (e) a carer payment; or
- (f) a pension PP (single); or
- (g) a widow B pension; or
- (h) a widowed person allowance; or
- (i) a rehabilitation allowance; or
- (j) a social security benefit (except youth allowance paid because the person is at least 16 but under 25 and is receiving full-time education at a school, college or university)

under the *Social Security Act 1991*.

**Commonwealth country** is defined in s.5C(1) of the VEA and means a country (other than Australia) that is, or was at the relevant time, a part of the Dominions of the Crown, and includes:

- (a) a state, province or other territory that is one of two or more territories that together form, or formed at the relevant time, a discrete part of such a country; and
- (b) a place that is, or was at the relevant time, a territory, dependency or colony (however described) of a part of such a country.

**Commonwealth Seniors Health Card** is issued by the Commonwealth Government to give concessions on prescription medicines to older persons not eligible for an income support pension who satisfy an income and assets test. Further information about this card can be found in Chapter 22.

**Commonwealth veteran** is defined in s.5C(1) of the VEA and means a person who rendered continuous full-time service as a member of:

- (a) the naval, military or air forces; or
- (b) the nursing or auxiliary services of the naval, military or air forces; or
- (c) the women's branch of the naval, military or air force; of a Commonwealth country during a period of hostilities.

**Consumer Price Index (CPI)** is a fixed weighted price index that relates to household expenditure on retail goods and services and other items such as housing, government charges and consumer credit charges. It is based on changes in the price of a fixed basket of goods and services characteristically bought by Australian households and shows how the price of this basket of goods and services varies over time. The Australian Bureau of Statistics measures the CPI quarterly.

**defence-caused injury, disease or death** means:

- (a) injury, disease or death resulting from an occurrence that happened whilst rendering peacekeeping service;
- (b) injury, disease or death that arose out of or was attributable to defence service (including hazardous service) or peacekeeping service;
- (c) injury, disease or death that resulted from an accident that occurred while the person was travelling while rendering defence service (including hazardous service) or peacekeeping service but otherwise than in the course of duty, on a journey to a place for the

- purpose of performing duty or away from a place of duty upon having ceased to perform duty (subject to certain conditions);
- (d) injury, disease or death that, in the opinion of the Repatriation Commission, was due to an accident that would not have occurred, or to a disease that would not have been contracted, but for the member's having rendered defence service (including hazardous service) or peacekeeping service or but for changes in the member's environment consequent upon having rendered such service;
  - (e) due to injury or disease that did not arise out of defence service (including hazardous service) or peacekeeping service or pre-existing injury or disease but which the Repatriation Commission considers was contributed to in a material degree or aggravated by such service; or
  - (f) death due to an injury or disease that had already been accepted as a defence-caused injury or disease under one of the provisions above.

Restrictions on the Commonwealth's liability arise in certain circumstances where injury, disease or death or aggravation of a condition that resulted from the member's serious default or wilful act or arose from a serious breach of discipline. The VEA also limits liability for death or incapacity from use of tobacco products that commenced or increased after 31 December 1997. For further information see s.70 of the VEA.

**defence force established by a Commonwealth country** is defined in s.5C(1) of the VEA and means:

- (a) the naval, military or air forces of the country; or
- (b) the nursing and auxiliary services of the naval, military or air forces of the country; or
- (c) the women's branch of the naval, military or air forces of the country.

**defence force established by an allied country** is defined in s.5C(1) of the VEA and means:

- (a) the regular naval, military or air forces;
- (b) the nursing or auxiliary services of the regular naval, military or air forces;
- (c) the women's branch of the regular naval, military or air forces;

raised by an allied country and operated by the country with regular military-like lines of command, that is to say, raised and operated in such a manner that the members of those forces and services:

- (a) were formally appointed to, or enlisted in, those forces or services; and
- (b) were required to wear uniforms or insignia distinguishing them as members of those forces or services; and
- (c) were required to carry arms openly; and
- (d) were subject to the rules and conventions of warfare.

**defence service** means continuous full-time service rendered as a member of the Defence Force on or after 7 December 1972 and before 7 April 1994. Defence service after 7 April 1994 is only covered if the person commenced the defence service before the enactment of the VEA and served continuously until a time after 7 April 1994. The full definition is found in sections 68(1)(4)(5)(6) and (7) of the VEA and further information is also provided in Chapter 10 of this Report. Normally, access to disability compensation benefits under the VEA for defence service requires that the person's defence service be for a continuous period of three years or more. An exception to the three-year requirement is made for a person who was engaged for continuous full-time service of three years or more but the service was terminated prematurely because of the person's death, invalidity or physical or mental incapacity. Where the invalidity or incapacity causing termination of service was substantially due to a pre-existing condition not aggravated by that service, a minimum period of 12 months service is required for access to VEA benefits. Defence service also includes **hazardous service** on or after 7 December 1972. Further information is found in s.69 of the VEA.

**dependant** is defined in s.11 of the VEA in relation to a living or deceased veteran, member of the forces or member of a peacekeeping force and means:

- (a) the partner; or
- (b) spouse not separated by illness; or
- (c) a widow or widower (other than a widow or widower who marries or re-marries); or
- (ca) a person who lost her war widow's pension on marrying another person and has had the pension reinstated; or
- (d) a child.

**disability** means an injury or disease of a veteran.

**disability pension** means a compensation pension, not subject to tax or means test, payable under the VEA to veterans of the Australian armed services, members of the Australian armed services with defence service or hazardous service and members of a peacekeeping force for service-related incapacity. For further information see Chapter 5.

**disease** means

- (a) any physical or mental ailment, disorder, defect or morbid condition (whether of sudden onset or gradual development); or
- (b) the recurrence of such an ailment, disorder, defect or morbid condition

but does not include:

- (c) the aggravation of such an ailment, disorder, defect or morbid condition; or
- (d) a temporary departure from:
  - (i) the normal physiological state; or
  - (ii) the accepted ranges of physiological stress (e.g. the effect of exercise on blood pressure) or the temporary effects of extraneous agents (e.g. of alcohol on blood cholesterol levels).

**eligible civilian** means a person:

- (a) who was killed, or detained by the enemy, during World War II; and
- (b) who was, at the time the person was killed or first detained:
  - (i) a British subject; and
  - (ii) a resident, but not an indigenous inhabitant, of the Territory of Papua or the Territory of New Guinea; and
- (c) who was not, at that time:
  - (i) rendering service as a member of the Defence Force; or
  - (ii) employed by the Commonwealth on a special mission outside Australia.

**eligible war service**, for the purposes of the VEA, has the following meanings:

- (a) a person who has rendered **operational service** shall be taken to have been rendering eligible war service while the person was rendering operational service; and

- (b) a person who has rendered continuous full-time service (not being operational service) as a member of the Defence Force during World War I shall be taken to have been rendering eligible service while the person was rendering continuous full-time service; and
- (c) a person who has rendered continuous full-time service (not being operational service) as a member of the Defence Force during World War II, being service that commenced before 1 July 1947, shall be taken to have rendered eligible war service while the person was rendering continuous full-time service:
  - (i) if the person was appointed or enlisted for war service in any part of the Defence Force that was raised during World War II for war service in time of that war or during that time and a definite time thereafter – until 1 July 1951;
  - (ii) if the person was appointed or enlisted in the Citizen Forces and was called up for continuous full-time service for the duration of, or directly in connection with, World War II – until 1 July 1951; or
  - (iii) if the person was not appointed or enlisted as set out in (i) or (ii) – until 3 January 1949; and
- (d) a person who rendered continuous full-time service (not being operational service) as a member of the Interim Forces during World War II on or after 1 July 1947 shall be taken to have been rendering eligible war service while the person was rendering continuous full-time service; and
- (e) a person who was employed on a ship as an Australian mariner is taken to have been rendering eligible war service:
  - (i) if part of that employment was operational service – for the part of that employment was not operational service; or
  - (ii) in any other case – while the person was so employed.

**enemy** means:

- (a) in relation to World War I or World War II – the naval, military or air forces, or any part of the naval, military or air forces, of a state at war with the Crown during that war; and
- (b) in relation to service in, or a period of hostilities in respect of, an operational area – the naval, military or air forces against which the naval, military or air forces of the Commonwealth were engaged in that operational area; and
- (c) persons assisting any of those forces.

**ex-service organisation** means:

- (a) an organisation:
  - (i) whose members include veterans throughout the Commonwealth; and
  - (ii) whose objects include that of representing veterans throughout the Commonwealth; or
- (b) an organisation:
  - (i) whose members include persons throughout the Commonwealth who are receiving or eligible to receive pensions under Part II of the VEA as dependants of veterans; and
  - (ii) whose objects include that of representing those persons throughout the Commonwealth.

**extreme disablement adjustment (EDA)** is an adjustment, equal to 50 per cent of the general rate disability pension paid to compensate a veteran, member of the forces, member of a peacekeeping force or Australian mariner who is in receipt of disability pension at 100 per cent of the general rate but whose accepted disabilities have worsened significantly after 65 years of age.

**family tax benefit** is a payment provided under the *A New Tax System (Family Assistance Act) 1999*, designed to help with costs of raising dependent children.

**Federal Minimum Wage** provides a wage level below which no federal award employees should fall. It is set and reviewed annually by the Australian Industrial Relations Commission.

**general rate** means the maximum rate of pension payable per fortnight specified in s.22(3) of the VEA.

**Gold Card** means the Repatriation Health Card – For all Conditions, which provides health care benefits for eligible persons. A list of those who currently qualify for the Gold Card is found in Chapter 22.

**Guide to the Assessment of Rates of Veterans' Pensions (GARP)** means:

- (a) the document, prepared by the Repatriation Commission and approved by the Minister for Veterans' Affairs, and for the time being in force, that sets out:
  - (i) criteria by reference to which the extent of the incapacity of a veteran resulting from war-caused injury or war-caused disease, or both, shall be assessed; and

- (ii) methods by which the extent of that incapacity, as assessed in accordance with those criteria, shall be expressed as a percentage of incapacity from that injury or disease, or both, being a percentage not exceeding 100 per cent; or
- (b) if an instrument varying that document has been approved by the Minister, that document as so varied.

**hazardous service**, in relation to a member of the forces, has the same meaning as in s.120(7)(b) of the VEA. A reference to hazardous service shall be read as a reference to service in the Defence Force of a kind determined by the Minister for Defence, by instrument in writing, to be hazardous service for the purposes of that section. Hazardous service provides disability compensation benefits and applies only to service on or after 7 December 1972 that is considered more hazardous than peacetime defence service.

**ibid** means in the same book, chapter, page etc.

**income** means:

- (a) an income amount earned, derived or received by the person for the person's own use or benefit; or
- (b) a periodical payment by way of gift or allowance; or
- (c) a periodical benefit by way of gift or allowance.

**income support pension** means an income and assets-tested pension payable under the VEA, such as the service pension, or under the *Social Security Act 1991*, such as the age or disability support pension. This includes such pensions when they are paid free of the income and assets tests to persons who are blind.

**income support supplement** means a means-tested payment available to certain war or defence widow/ers on the ground of age or permanent incapacity for work. For further information see Chapter 5.

**injury** means any physical or mental injury (including the recurrence of a physical or mental injury) but does not include:

- (a) a disease; or
- (b) the aggravation of a physical or mental injury.

**liability provisions** means the circumstances under which injury, disease or death may be accepted as war-caused or defence-caused for the purpose of the provision of disability pension and associated allowances, war or defence widow/er's pension and associated allowances and/or health care benefits under the VEA – see also **defence-caused injury, disease or death** and **war-caused injury, disease or death**.

**Male Total Average Weekly Earnings (MTAWE)** is the average of remuneration paid to male employees per week, including overtime and penalty rates. It is used as a benchmark for income support payments made under the VEA and the *Social Security Act 1991*.

**member of the Defence Force** includes a person appointed for continuous full-time service with a unit of the Defence Force.

**member of a unit of the Defence Force** means:

- (a) a member of the Defence Force; or
- (b) another person who is:
  - (i) a member of the unit; or
  - (ii) attached to the unit; or
  - (iii) appointed for continuous full-time service with the unit.

**member of the forces** means a person to whom Part IV of the VEA applies by virtue of s.69 or s.69A. The term covers those rendering defence service or hazardous service — see **defence service** and **hazardous service**.

**member of the interim forces** means a person who:

- (a) enlisted or re-engaged in, or was appointed or re-appointed to, the Defence Force for continuous full-time service for a term of not more than two years; or
- (b) was appointed for continuous full-time service with a unit of the Defence Force for a term of not more than two years

on or after 1 July 1947 and before 1 July 1949.

**member of a Peacekeeping Force** means a person who is serving, or has served, with a peacekeeping force outside Australia as an Australian member, or as a member of the Australian contingent, of that peacekeeping force.

**non-warlike service** means service in the Defence Force of a kind determined in writing by the Minister for Defence to be non-warlike service.

**onus of proof** means the burden of providing evidence in relation to a claim, for consideration by the decision maker.

**operational area** means an area described in the VEA in column 1 of Schedule 2 during the period specified in column 2 of Schedule 2 opposite the description of the area in column 1.

**operational service** has the meaning given by sections 6A to 6F of the VEA. This includes operational service by Defence Force members in the two world wars; service by Australian mariners during World War II until 29 October 1945; post-World War II service in operational areas; other

post-World War II service (Singapore from 29 June 1950 to 31 August 1957, Japan from 28 April 1952 to 19 April 1956, north-east Thailand from 31 May 1962 to 24 June 1965 and Singapore/the country then known as the Federation of Malaya from 1 August 1960 to 27 May 1963); service in the Korean demilitarised zone after 18 April 1956; and service on HMAS Vampire and Quickmatch in Vietnam from 25 to 29 January 1962; and warlike and non-warlike service). For further information see Chapter 10.

**Orange Card** means the Repatriation Pharmaceutical Benefits Card provided to BCAL veterans and mariners with qualifying service in World War I or II who are 70 or over and have been resident in Australia for 10 years or more.

**partner**, in relation to a person who is a member of a couple, means the other member of the couple.

**peacekeeping service** has the same meaning as in Part IV, s.68 of the VEA. In relation to a person, it means service, whether before or after the commencement of that Act, with a peacekeeping force outside Australia, and includes:

- (a) any period after the person's appointment or allocation to the peacekeeping force during which the person was travelling outside Australia for the purpose of joining the peacekeeping force; and
- (b) any period (not exceeding 28 days) of authorised travel by the person outside Australia after the person ceased to serve with the peacekeeping force.

**pension age for veterans**

- (a) A man reaches pension age when he turns 60 years.
- (b) A woman born before 1 July 1940 reaches pension age when she turns 55.
- (c) A woman born within the period specified in column 1 of the following table reaches pension age when she turns the age specified in column 2:

Period within which woman was born (both dates inclusive)	Pension age
From 1 July 1940 to 31 December 1941	55 years and 6 months
From 1 January 1942 to 30 June 1943	56 years
From 1 July 1943 to 31 December 1944	56 years and 6 months
From 1 January 1945 to 30 June 1946	57 years
From 1 July 1946 to 31 December 1947	57 years and 6 months
From 1 January 1948 to 30 June 1949	58 years
From 1 July 1949 to 31 December 1950	58 years and 6 months
From 1 January 1951 to 30 June 1952	59 years
From 1 July 1952 to 31 December 1953	59 years and 6 months

- (d) A woman born on or after 1 January 1954 reaches pension age when she turns 60.

**pension age for persons other than veterans**

- (a) A man reaches pension age when he turns 65 years.
- (b) A woman born before 1 July 1935 reaches pension age when she turns 60 years.
- (c) A woman born within the period specified in column 1 of the following table reaches pension age when she turns the age specified in column 2:

Period within which woman was born (both dates inclusive)	Pension age
From 1 July 1935 to 31 December 1936	60 years and 6 months
From 1 January 1937 to 30 June 1938	61 years
From 1 July 1938 to 31 December 1939	61 years and 6 months
From 1 January 1940 to 30 June 1941	62 years
From 1 July 1941 to 31 December 1942	62 years and 6 months
From 1 January 1943 to 30 June 1944	63 years
From 1 July 1944 to 31 December 1945	63 years and 6 months
From 1 January 1946 to 30 June 1947	64 years
From 1 July 1947 to 31 December 1948	64 years and 6 months

- (d) A woman born on or after 1 January 1949 reaches pension age when she turns 65 years.

**period of hostilities** means:

- (a) World War I from, and including, 4 August 1914 to 11 November 1918; or
- (b) World War II from, and including, 3 September 1939 to 29 October 1945; or
- (c) the period of hostilities in respect of Korea from, and including, 27 June 1950 to 19 April 1956; or
- (d) the period of hostilities in respect of Malaya from, and including, 29 June 1950 to 31 August 1957; or
- (e) the period of hostilities in respect of war-like operations in operational areas from, and including, 31 July 1962 to 11 January 1973.

**pharmaceutical allowance** is payable if

- (a) the person is receiving:

- (i) a service pension;
  - (ii) an income support supplement; or
  - (iii) a war or defence widow/er's pension or orphan's pension.
- (b) a child would have been paid an orphan's pension, but has attained the age of 16 years and is receiving a living allowance under the Veterans' Children Education Scheme, ABSTUDY scheme, Assistance for Isolated Children Scheme or a youth allowance; or
- (c) the person is eligible for pharmaceutical benefits under the scheme known as the Repatriation Pharmaceutical Benefits Scheme – i.e. Gold, White or Orange Card holders.

### **qualifying service**

A person has rendered qualifying service:

- (a) if the person has, as a member of the Defence Force:
  - (i) rendered service, during a period of hostilities specified for World War I or World War II, at sea, in the field or in the air in naval, military or aerial operations against the enemy in an area, or on an aircraft or ship of war, at a time when the person incurred danger from hostile forces of the enemy in that area or on that aircraft or ship; or
  - (ii) rendered service after 29 October 1945 in respect of which the person has been awarded, or has become eligible to be awarded, the Naval General Service Medal or the General Service Medal (Army and Royal Air Force) with the Minesweeping 1945–51 Clasp, the Bomb–Mine Clearance 1945–53 Clasp, the Bomb and Mine Clearance 1945–49 Clasp or the Bomb and Mine Clearance 1945–56 Clasp; or
  - (iii) rendered post-World War II service outside Australia in an operational area described in column 1 of Schedule 2 during the period specified in column 2 of that Schedule, whilst allotted for duty in that area; or
  - (iv) rendered warlike service; or
- (b) during a period of hostilities, as a member of the defence force established by a Commonwealth country, has rendered, in connection with war or war-like operations in which the naval, military or air forces of Australia were engaged:

- (i) service, in an area outside that country, at a time when the person incurred danger from hostile forces of the enemy in that area; or
- (ii) service within that country, being service in respect of which the person has been awarded, or has become eligible to be awarded, a campaign medal; or
- (c) if the person is an allied veteran who, during a period of hostilities, has, as a member of the defence force established by an allied country, rendered, in connection with a war or war-like operations in which the naval, military or air forces of Australia were engaged, service in an area within or outside the country in which the person enlisted in those forces, being service in respect of which the person incurred danger from hostile forces of the enemy; or
- (d) if the person was, during a period of hostilities of World War I or World War II employed by the Commonwealth on a special mission outside Australia, and, in the course of carrying out that mission, incurred danger from hostile forces of the enemy; or
- (e) if the person was an eligible civilian within the meaning of s.5C(1) of the VEA who was, during a period of hostilities of World War II, detained by the enemy; or
- (f) if the person is a person in respect of whom a pension is payable in pursuance of s.13(6) of the VEA; or
- (g) if the person was an Australian mariner during the period of hostilities in World War II who incurred danger from hostile forces of the enemy.
- (h) if the person was an allied mariner during the period of hostilities in World War II who:
  - (i) was detained by the enemy; or
  - (ii) was in an area, service in which would, if the person had been a member of the Defence Force, have entitled the person to the award of a campaign medal, and incurred danger from hostile forces of the enemy whilst in that area.

**Repatriation Medical Authority** comprises five eminent persons experienced in medicine or epidemiological research appointed by the Minister for Veterans' Affairs and supported by a secretariat of clerical, medical and research staff to formulate Statements of Principles for use in determining issues of medical causation for claims lodged under the VEA — see also **Statements of Principles**.

**remote area** means:

- (a) those parts of Australia referred to in Part I of Schedule 2 to the *Income Tax Assessment Act 1936*; and
- (b) those parts of Australia referred to in Part II of that Schedule that are further than 250 kilometres by the shortest practicable surface route from the nearest urban centre with a census population (within the meaning of that Act) of 2500 or more; and
- (c) those places in Australia that, for the purposes of that Act, are treated as if they were in a part of Australia referred to in (a) or (b).

**retirement age**

- (a) in relation to a person who is a war widow or war widower but is not a veteran — means the age that would be the pension age for that person if he or she were a veteran; or
- (b) in relation to any other person — means the pension age for that person.

**service pension** means an income support payment made to veterans and World War II mariners (including BCAL veterans and mariners) with qualifying service who meet certain criteria in relation to age (age service pension) or permanent incapacity for work (invalidity service pension). The pension may also be available to the partners of these veterans and mariners (partner service pension). For further information see Chapter 5.

**sic** means that the preceding word or phrase has been copied exactly from the original document or source.

**social security benefit** means:

- (a) widow allowance; or
- (b) youth allowance; or
- (c) Austudy payment; or
- (d) Newstart allowance; or
- (e) sickness allowance; or
- (f) special benefit; or
- (g) partner allowance; or
- (h) a mature age allowance under Part 2.12B of the *Social Security Act 1991* (SSA); or
- (i) a benefit PP (partnered); or
- (j) parenting allowance (other than non-benefit allowance).

**social security payment** means:

- (a) a social security pension; or

- (b) a social security benefit; or
- (c) an allowance under the SSA; or
- (d) any other kind of payment under Chapter 2 of the SSA; or
- (e) pension, benefit or allowance under the 1947 Act.

**social security pension** means:

- (a) an age pension; or
- (b) a disability support pension; or
- (c) a wife pension; or
- (d) a carer payment; or
- (e) a pension PP (single); or
- (f) a sole parent pension; or
- (g) a bereavement allowance; or
- (h) a widow B pension; or
- (i) a disability wage supplement; or
- (j) a mature age partner allowance; or
- (k) a special needs pension.

**standard of proof** means the level of evidence required in order to accept a claim as meeting the provisions of the VEA. There are two standards of proof: the reverse criminal standard, which is more generous, and the civil standard.

- (a) The reverse criminal standard applies to claims for the acceptance of disability or death in respect of operational service, peacekeeping service and hazardous service. In these claims, the VEA requires determining authorities to grant the claim unless they are satisfied beyond reasonable doubt that there is no sufficient ground for so doing. Issues of medical causation must be determined by reference to the relevant Statement of Principles, if one exists for the particular injury or disease. Where there is no Statement of Principles for a particular injury or disease, a hypothesis can still be found to be reasonable if it is not contrary to proved scientific facts or is not obviously fanciful, incredible, untenable etc.
- (b) The civil standard of proof applies to claims for the acceptance of disability or death in respect of eligible war service that is not operational service and also to defence service that is not hazardous service. Additionally, this standard of proof applies to consideration of all other matters under the VEA or its regulations. This standard of proof requires decision makers to decide the

matter to their reasonable satisfaction. In deciding a claim for acceptance of injury, disease or death as related to the relevant service, the decision makers must determine whether a causal relationship with service is more probable than not. Issues of medical causation must be determined by reference to the relevant Statement of Principles, if one exists for the particular injury or disease.

**Statements of Principles (SoPs)** are statements formulated by the Repatriation Medical Authority (RMA), which outline factors considered to be the causes of certain diseases, illnesses and injuries. SOPs are used to determine issues of causation in relation to claims for the acceptance of injury, disease or death as service related. They are based on sound scientific evidence derived from the medical literature and other research findings. They identify the factors that are causally related to a particular medical condition. Decision makers must decide if any of the factors in the SOPs for the condition being investigated apply to the claim and, if so, whether that factor is connected to the service of the person. There are two SOPs for each condition. One is for claims determined using the reverse criminal standard of proof; the other is for claims determined using the civil standard of proof. The SOPs are disallowable instruments that are binding on decision makers. They are reviewed by the RMA to ensure that they are based on the most recent medicoscientific opinions.

**temporarily totally incapacitated (TTI) and totally and permanently incapacitated (TPI)** are terms generally used to describe a veteran, member of the forces, member of a peacekeeping force or Australian mariner who, because of either:

- (a) temporary total incapacity; or
- (b) total and permanent incapacity

resulting from eligible service, is unable to resume or to continue in remunerative work for periods aggregating to more than eight hours per week.

**unit of the Defence Force** means a body, contingent or detachment of the Defence Force.

**veteran** means a person (including a deceased person):

- (i) who is, because of s.7 of the VEA, taken to have rendered eligible war service; or
- (ii) in respect of whom a pension is, or pensions are, payable under s.13(6) of the VEA.

**war-caused injury, disease or death** means:

- (a) injury, disease or death that resulted from an occurrence that happened while the veteran was rendering **operational service**;
- (b) injury, disease or death that arose out of, or was attributable to, any **eligible war service** rendered by the veteran;
- (c) injury, disease or death that resulted from an accident that occurred while the veteran was travelling, while rendering eligible war service but otherwise than in the course of duty, on a journey to a place for the purpose of performing duty or away from a place of duty upon having ceased to perform duty;
- (d) injury, disease or death that, in the opinion of the Repatriation Commission, was due to an accident that would not have occurred, or to a disease that would not have been contracted, but for the veteran having rendered eligible war service or but for changes in the veteran's environment consequent upon his or her having rendered war service; or
- (e) due to injury or disease that did not arise out of eligible war service or was a pre-existing injury or disease which the Repatriation Commission considers was contributed to in a material degree or aggravated by such service; or
- (f) death due to an injury or disease that had already been accepted as a war-caused injury or disease under one of the provisions above.

Restrictions on the Commonwealth's liability arise in certain circumstances where injury, disease or death or aggravation of a condition resulted from the member's serious default or wilful act or arose from a serious breach of discipline. The VEA also limits liability for death or incapacity from use of tobacco products that commenced or increased after 31 December 1997. For further information see sections 8, 9 and 70 of the VEA.

**warlike service** means service in the Defence Force of a kind determined in writing by the Minister for Defence to be warlike service.

**war widow, war widower, defence widow, defence widower** means a person who receives a war widow's or war widow/er's pension for the death of a veteran with eligible war service or a defence widow's or defence widower's pension for the death of a member of the forces who rendered eligible defence service or hazardous service or a member of a peacekeeping force who rendered peacekeeping service.

**White Card** means the Repatriation Health Card – For Specific Conditions, providing health care benefits for certain conditions to veterans of the

Australian armed services, members of the Australian armed services with defence service or hazardous service and members of a peacekeeping force. Further information is provided in Chapter 22.

**World War I** means the war that commenced on 4 August 1914; and any other war in which the Crown became engaged after 4 August 1914 and before 11 November 1918.

**World War II** means the war that commenced on 3 September 1939; and any other war in which the Crown became engaged after 3 September 1939 and before 3 September 1945.

**World Wars I and II (end)**

World War I is taken to have ended on 1 September 1921 (the date fixed by proclamation under the *Termination of the Present War (Definition) Act 1919*).

World War II is taken to have ended on 28 April 1952.

**widow** means:

- (a) a woman who was the partner of a man immediately before he died; or
- (b) a woman who was legally married to a man, but living separately and apart from him on a permanent basis, immediately before he died.

**widower** means:

- (a) a man who was the partner of a woman immediately before she died; or
- (b) a man who was legally married to a woman, but living separately and apart from her on a permanent basis, immediately before she died.

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