

# south east asian treaty organisation (seato)

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nurse update: 8

## Memorandum of Understanding between Comcare and the ANF re SEATO Nurses' claims

Several months ago the ANF met with Comcare representatives to discuss ongoing problems with the processing of claims under Comcare and the determination of claims in an overly technical and legalistic way. As reported in the June 2003 newsletter, we were hopeful that the commitments given by Comcare following that meeting would reduce the potential for adverse decisions and limit the need for litigation.

Certainly the process has improved with significant benefits resulting from the increased dialogue between the ANF, Greg Isolani (solicitor) and Comcare representatives. In view of this more favourable environment, it needs to be emphasised that SEATO nurses who have an illness or injury related to, (or aggravated by), their time in Vietnam, should contact the ANF Federal Office in Melbourne to discuss the options available.

## Reassessment of Normal Weekly Earnings

Several SEATO nurses receiving weekly incapacity payments have successfully applied for a reassessment of their normal weekly earnings, previously based on the Registered Nurse Level 1 Year 8 rate of pay. This has resulted in a significant amount of back pay and higher weekly payments which will increase in line with future wage increases for nurses until retirement at age 65.

## Successful outcome follows an initial reluctance to pursue rights

Like many SEATO nurses, this particular nurse was more than a little hesitant about making a claim under Comcare and doubtful that it would amount to anything anyway. But in the spirit of "giving it a go", she lodged a claim and after some ups and downs with the process, and with the support of the ANF and Greg Isolani, has now received back pay based on her normal weekly earnings from the time of ceasing work to her retirement at age 65.

For someone who had few if any expectations about the results it was a totally unexpected outcome. This and other examples suggest that even if you think there is not much point, at least contact the ANF for information in relation to your rights and entitlements under Comcare.

## Proposed New Military Rehabilitation and Compensation Scheme

An exposure draft of the Military Rehabilitation and Compensation Bill has been released for public comment. The new Bill provides rehabilitation, compensation and other entitlements for members and former members of the Australian Defence Force. Once the Bill passes through Parliament, the Act will apply to service performed on or after the commencement date.

The Veterans' Entitlement Act will continue to apply in relation to service performed prior to the operation of the new Scheme.

Initially it appeared that the draft Bill may have allowed more scope for the recognition of persons who were not members of the ADF but "performed acts for the benefit of the ADF", but this is not the case. The proposed Bill gives the Minister discretion to extend coverage to persons who have engaged in activities:

- at the request or direction of the ADF; or
- for the benefit of the ADF; or
- in relation to the ADF under a requirement made by or under a Commonwealth law.

We are advised that it is not the intention of the Bill to provide coverage for civilians unless they come "under the command of the ADF". This reflects the current situation that if SEATO team members can provide evidence that they did serve under military command they may be eligible for benefits under the VEA.

The ANF is currently seeking further information and clarification in relation to the new scheme and will report on the matter further in the next update.

