



HPC(PSP)/OUT/2012/AB8126055

## **Ex Service Organisations**

### **PARTICIPATION AT ESO DEFENCE INFORMATION DAY**

1. Thank you for your attendance and participation in the Ex Service Organisations Defence Briefing Day on the 23<sup>rd</sup> of March 2012. I found that the discussions provided some very useful information and perspectives for all participants to consider. At the briefing day a number of issues were raised which I undertook to provide you with further information and clarification on.

2. **Non-Liability health care.** All serving members receive health care commensurate with their operational responsibilities. The issue of non-liability health care for ex-serving members is being addressed through the MRCA review.

3. **Improving communication on superannuation and remuneration.** Defence is working to educate current members on salary sacrificing, leases and insurance. We are currently preparing a Fact Sheet (electronic and paper) for distribution on this subject and will cover it in a forthcoming cameo interview we are recording for Consumer Council TV (a new segment on our website-[www.adfconsumer.gov.au](http://www.adfconsumer.gov.au)).

4. **DNA Database.** Blood tests for DNA samples are conducted on a voluntary basis for ADF members prior to deployment. The DNA samples are to improve accuracy, significantly reduce the time required to establish identity, and eliminate the need for forensic investigators to intrude on grieving families to obtain DNA reference samples in the event of a single or multiple deaths.

5. The participation rate of members providing DNA samples prior to deployment is not high with a total of 981 samples currently held in the repository, since inception in 2008, and only 82 samples added to the repository since March 2011.

6. **Support services for children of ADF families residing with the ex partner.** Defence Community Organisation operates the Defence Family Helpline, a telephone service operating 24/7. The Helpline provides information and advice, assessment, brief intervention and referral. This service is available for anyone who makes contact with the Helpline (including children of ADF members that are residing with the ex-partner). In principle, these children would also still have access to support from the Defence School Transition Aides and Defence Transition Mentors if there was one at the school the children were attending.

7. **Removal entitlements of non-serving spouse on relationship breakdown.** The issue here is about the 'joint' property of the two parties. The Commonwealth cannot remove property following a breakdown of marriage or Interdependent partnership until it is clear what the agreed or directed division of property is. To protect all parties, the policy states that the Commonwealth will remove a non-service spouse or non service interdependent partner's items only if one of the following conditions has been met:

- a. Consent orders have been made and filed with the Family Court of Australia.
- b. The Family Court of Australia has issued a property settlement ruling.
- c. A property order has been made under relevant State or Territory legislation.
- d. The member has given their written consent.

8. **Tenant References.** Defence Housing Australia (DHA) already provide references for non-service spouses, typically where a reference has been requested by the spouse - it should be noted that this is not currently an automatic or consistent event. There are limitations to what information can be included in the reference for the spouse. DHA is happy to establish a standard letter to be used for this purpose. Defence is now working with DHA to develop this.

9. **Release of medical records from DVA to Defence on form AD807.** A number of medals have criteria which allow them to be awarded due to service brought to an end as a result of service related injury or illness. If application is made under any of these criteria and the applicant does not provide sufficient details to allow an assessment to be made, the authorisation allows Defence Honours and Awards to access medical information to complete the assessment. Medical consent is only required for use where eligibility for a particular award is not met because of a service related medical condition. If this is not required, no access is made to an applicant's medical record.

10. Assessments are only done by a person within Defence Honours and Awards authorised by the Surgeon General of the Australian Defence Force. The authorised person is bound by government privacy provisions and as such, matters will always remain 'medical-in-confidence' and handled with due discretion. There is no disclosure of medical information to a third party such as a Service Chief.

11. **Options for military members under the Archives Act to suppress or destroy the release of their personnel records 30 years after their separation date.** The National Archives, in consultation with Defence, is currently exploring options to resolve this issue. The majority of service personnel records are retained by the National Archives permanently because they may be required for compensation and litigation purposes. However, the National Archives is now considering taking a more conservative approach in the application of its policy on access to those records. This could include options such as consulting with Defence and former personnel on personnel-related records and treating applications by third parties for access to in-confidence ADF personnel records as "unreasonable disclosure" in line with contemporary community expectations about personal privacy.

12. I trust that these responses to issues raised at the Defence information day will be useful for you. I wish you all the best and look forward to our discussions in the future.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G.P. Fogarty', written in a cursive style.

**G.P. FOGARTY**  
Major General  
Head People Capability

2.7 April 2012