

# Digger routs DVA

## Commando wins sick-pay war

AN INJURED former commando has won the most gruelling fight of his life against the government organisation that is supposed to be looking after him.

The elite Digger won the right to keep his "danger money" allowance — to total about \$800,000 over 20 years — after the Department of Veterans' Affairs failed to have it removed from his entitlements.

The former commando was left with debilitating spinal injuries from a helicopter incident while on a tour of duty in Afghanistan.

During the six-day Administrative Appeals Tribunal fight, which stretched over three years, the ex-commando, who is known as "WFLT" because his name has been suppressed, was given psychiatric help twice because of suicidal thoughts.

He suffers post-traumatic stress disorder from an earlier deployment to Bougainville when two babies died as he attempted to resuscitate them.

If WFLT had lost his case, it is believed the DVA would have tried to strip away the danger money allowance from other commandos injured in the line of duty.

In her decision, AAT member Elizabeth Shanahan said the former commando was a "witness of credit, highly intelligent and who in no way exaggerated any of his ongoing serious physical and mental disabilities".

The AAT decision follows an investigation by the *Sunday Herald Sun* last year that revealed more veterans had taken their own lives in the first half of the year than servicemen killed in action in the entire 11 years of war in Afghanistan.

### RUTH LAMPERD

That investigation revealed an archaic and adversarial DVA system which high-profile veterans believed contributed to the devastating toll.

A Senate inquiry into the DVA and veteran suicides winds up public hearings tomorrow in Canberra.

Senator Jacqui Lambie, who pushed for the Senate inquiry on behalf of two advocates, said they would finally have a long-awaited chance to "drop a bombshell" on the DVA.

"We're running out of advocates. Most lawyers out there don't want to touch veteran cases because there's no money in it," Senator Lambie said.

"What the DVA are doing to outspoken advocates is suffocation at its best."

She said at least three DVA staff had contacted her confidentially, disaffected by the bullying of veterans, the poor IT and communications in the department and a high turnover of staff.

But she said they would only give evidence at a royal commission, which would afford them full whistleblower protection.

"We need a royal commission into this urgently," she said.

"While the government stuffs around, veterans are being treated like second-class citizens."

She criticised Veterans Affairs Minister Dan Tehan for trying to rush through new veteran entitlement laws without waiting for the Senate inquiry to report its findings at the end of March.

The DVA declined to comment.  
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**S** NOW falls as Commando "WFLT" climbs on board a US Black Hawk helicopter in Afghanistan. It is the start of the longest, saddest trip home.

When he went to war in 2008, his ill father back in Tasmania still had 12 months to live. The tour was only for five months. He thought he'd have returned well in time to say his goodbyes.

But cancer is a cheat. The flight, the last one before Christmas, is overfull. WFLT is loaded with his pack and combat rig and can't strap in.

Halfway through the flight to Kandahar, the chopper veers sharply. Four or five times. There is a crack of enemy gunfire. Unsecured, WFLT jolts sickeningly. His head snaps back and hits the fuselage.

The chopper isn't damaged, but WFLT is. Pain shoots through his neck and back. Tingling and numbness soon accompanies it. Spinal injuries are debilitating.

WFLT is two days late for his dad's funeral. It's distressing, but it's the lot of a soldier.

Doctors return him to Afghanistan, but within weeks he's medically evacuated back to Australia. For the next three years he tries in vain to return to his commando role — to complete his unfinished



**RUTH  
LAMPERD**

business back in Afghanistan. But WFLT's spinal problems worsen and in 2014 he leaves the army, unable to work and facing a life of rehabilitation.

Special forces commandos are among the best of the best-trained soldiers in the world. They are drilled to withstand interrogation and torture.

They sneak behind enemy lines. They fight fights we don't even know about. They kill so we don't have to. And they are more likely to be killed or wounded in action than soldiers in any other unit.

Commandos are paid what the rest of us might refer to as "danger money". For WFLT, this was about \$30,000 on top of his \$90,000 base salary.

When commandos can't work because of injuries in their service, they are given SFDA — the Special Forces Disability Allowance, which in each case is based on the money they were receiving when they were injured.

It is a cost the Department of Veterans Affairs — the organisation charged to care for our wounded, returned soldiers — must wear. It

comes from an uncapped DVA budget. As veterans contend, if you're going to prepare and send people to war, you have to be willing to fund them when they come back broken.

For WFLT, that "danger money" in his allowance would total about \$800,000 over the next 20 years.

The veteran community — including other those in other military trades such as paratroopers who also had an allowance — saw the DVA's attack on WFLT's portion of his salary allowance as the first attempt to deny it to the rest of them should they also come to grief at work.

The *Sunday Herald Sun* is aware of at least one case where a lawyers' report to the DVA found in favour of a serviceman's pre-injury allowance being upheld in later calculations on his entitlements after becoming incapacitated.

Regardless, the DVA continues to fight having to pay. WFLT's battle made it to the Administrative Appeals Tribunal. Mick Quinn, an incapacitated veteran himself, fought and won WFLT's case against a costly DVA team — a barrister, a solicitor, and Stuart Marris, senior partner of DVA-contracted legal firm Sparke Helmore. This commando couldn't be named after the DVA successfully gained a

suppression order to prevent identification of witnesses in WFLT's case.

**T**HE hearing was stretched over three years — two days each year. In between there was mediation and unsuccessful attempts to resolve it.

And Mr Quinn now feels like he's also being persecuted because of his success with WFLT and 2000 other veterans he stood up for over the years. His house was raided by police early in January, over allegations he'd made a 76-minute call to a veteran helpline threatening to kill a DVA lawyer involved in the case he'd just won.

He says Victoria Police found nothing, and there were no phone records that he'd made any calls to the helpline.

He says police were warned he had incendiary devices at his house. They found nothing. When they opened a safe, they saw only his war medals laid neatly on the top shelf. They let him go after three hours of interrogation. No charges have been laid. It is believed the matter hasn't been closed only because a report was made to the Australian Federal Police.

At the end of that, Mr Quinn — a Cambodian veteran who was held for three months under house arrest by the Khmer Rouge — was

SUNDAY HS, 5 FEB 17 P24

badly rattled. He self-admitted to a psychiatric hospital for two days of treatment.

The DVA has sent him a letter telling him he can have no further contact with the department — meaning he cannot represent veterans — until the investigations into claims of “serious and specific threats to kill” are put to rest.

“I have my theories about this,” Mr Quinn says. “The DVA is trying to get rid of all the people who stand up strongly for veterans like WFLT. I’m not the only one who’s been stopped from doing the work veterans desperately need me to do.”

**T**HE AAT hearing was torture for WFLT. At the end of the second day, when his credibility had been intensely questioned by the DVA lawyer, he collapsed outside the Southbank tribunal hearing room. He was suicidal.

“Someone picked me up and asked me if I was OK. They sat me at a nearby bar and I made a few calls, trying to find a mate who could help me. I don’t even



**MICK QUINN**

remember how I got to the psych hospital,” he says. “But I was definitely really struggling. It was very hard to go through. It almost got me.”

There was more than the chopper incident and the tribunal that injured him.

It is a difficult subject. When he was 26 years old, WFLT was a soldier on a UN mission in Bougainville. In one village, for two days in a row, he performed CPR on two infants who it’s believed had cerebral malaria.

WFLT gestures how it looked as he worked on the babies. Two of his fingers enough to compress their tiny chests in heart massage. Half puffs into their little mouths to fill their lungs.

Nobody blames him. He knows he did his best. But both times they were gone. Yet, 19 years later, he still feels it.

It has affected his life. He was married for a while, but

wondered at the time why the idea of having kids of his own was so painful. He says he’s

OK to talk about it now. The interview with the *Sunday Herald Sun* knocked him

around so he slept most of the following day. Revisiting his story was distressing.

At first the DVA’s legal team argued in the tribunal that he wasn’t even in Afghanistan. It was laughable. Within a short time their argument was shot down, but it still wobbled him.

The next year, when the tribunal resumed, he was accused of being “dead wood”, which went against the evidence produced.

In fact, according to the written decision by AAT senior member Elizabeth Shanahan, a report from the Regimental Sergeant-Major two years after his injury says he was up for promotion and would be well suited to be an instructor at the Royal Military College of Defence.

He wasn’t dead wood. WFLT knows he should feel proud of his service as a commando. But accusations, however false, in a tribunal hearing can play games in the mind of an injured soldier.

“I am disgusted at how this was handled. The way the DVA treated me means I can’t wear my medals proudly. The mismanagement of my injury and case from start to finish is terrible,” WFLT says.

“I should be proud of what I did for my country, but instead the DVA trashed my service.

“So I sent my beret back.”  
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SUNDAY HERALD SUN. 5 FEB 17. P. 25

# HARDEST



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- Lifeline 13 11 14
- beyondblue 1300 224 636
- Defence All Hours Support Line 1800 628 036
- Defence Family Helpline 1800 624 608
- MensLine 1300 789 978
- Veterans and Veterans Families Counselling Service 1800 011 046

# BATTLE YET

Injured ex-commando 'WFLT' reveals his disgust over legal fight with DVA



Commando 'WFLT' in the early days of his army career (far left) and (main) a group of Aussie special forces soldiers board a Black Hawk chopper for a mission in Afghanistan.