



**AUSTRALIAN PEACEKEEPER & PEACEMAKER  
VETERANS' ASSOCIATION  
NATIONAL EXECUTIVE**

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*Member of:*

*The Australian Veteran & Defence  
Service Council (AVADSC)*

*The National Younger Veteran  
Consultative Forum*

*The New Military Compensation ESO  
Working Group*

*Listed Ex-Service Organisation with the Department of Veterans' Affairs ESO Directory*

Wednesday, 7 April 2004

**Brigadier David Webster,**  
Director General Nature of Service Review,  
R5-SB-23,  
Russell Offices,  
CANBERRA ACT, 2600

**Subject: APPVA Feedback of the Proposed NOSR.**

Dear Sir:

I write this letter to firstly thank you for the opportunity for this association and its delegates to be given the opportunity to be provided a briefing by you and your team of the New Nature of Service Review (NOSR). The delegation was very interested in the NOSR and was impressed by the professionalism and presentation of the briefing.

As promised to you, the Australian Peacekeeper & Peacemaker Veterans' Association (APPVA), have drafted a feedback document for you and your teams perusal. It would be appreciated if our points were also made known to the Chief of Staffs Committee (COSC).

The APPVA holds some concerns of the NOSR, particularly in context with retrospective Operations that the ADF have conducted over the past 12 years. Notwithstanding, the APPVA appreciates the concept and the need for Network Centric Warfare tools to provide timely operational decision-making.

Please find attached a copy of the feedback paper for your perusal and possible action. Please do not hesitate in contacting me, should you wish to further discuss our feedback points.

Respectfully,

*(Signed)*

**P.A. Copeland,**

CBUS (USQ), Adv Dip Comms Mgt, Dip Proj Mgt (UNE), Dip FM (I), Cert Radio Freq Mgt, AHRI

**National President**

*"Looking After Our Own"*

**Points of Interest – Nature of Service Review  
APPVA Delegation 29<sup>th</sup> March 2004 to  
DGNOSR, Russell Offices, CANBERRA.**

**Background.**

1. The Australian Peacekeeper & Peacemaker Veterans' Association (APPVA) was made aware of the Nature of Service Review (NOSR) from attending a brief of the Government Response to the Clarke Review Committee recommendations on 4<sup>th</sup> March 2004. It was discovered that Peacekeepers had been consulted of the NOSR, although it was Police Peacekeepers and not returned ADF Peacekeeper/Peacemaker (Peace enforcement) veterans.
2. The above-mentioned situation was alleviated by the Director General (DGNOSR – Brigadier David Webster), contacting the APPVA, in which both parties agreed to a briefing to be conducted at the Department of Defence in Canberra for the 29<sup>th</sup> of March 2004.
3. Observation of past experiences with various operations has noted Conditions of Service for various operations requiring change to be upgraded, due to increased risk to the ADF members deployed. To date no ADF Operations from 1989-2004, have been reciprocally changed, with the exception of the Australian Active Service Medal (AASM) entitlement, replacing the Australian Service Medal (ASM) entitlement for Operations in Namibia (18 Feb 1989 – 10 Apr 1990) and Cambodia (20 Oct 1991- 3 Oct 1993).
4. The Australian Medical Support Force (MSF) to the Second United Nations Assistance Mission in Rwanda (UNAMIR II), during the period 6 Aug 1994 – 23 Aug 1995, is a contentious reciprocal case. Other areas that appear to have been overlooked on Official Recognition (Medals) have been the number of Overseas DACC Operations. Of an additional concern was the observance of the splitting of the East Timor Area of Operation (AO), to have ADF Units in Sector West placed as Warlike Service (WLS), and those in Sector East placed as Non-Warlike Service (NWL).
5. The aforementioned situation has caused concern to those ADF members of the Army Training Support Team – East Timor (ATST-EM), as to whether they should receive the same medal entitlements on equilibrium to those fellow ADF members serving in Sector West. ATST-EM was awarded the ASM, however the remainder of the Australian National Command Support Element (ANSCE) and AUSBATT Group units received the AASM. Comparisons can be made perhaps to the AO of South Vietnam (SVN) 1962-1975, where the Australian Force was located at Nui Dat, and the Logistics, RAN Docking facilities and No. 9 RAAF Squadron were located in Vung Tau. In addition No. 2 Squadron RAAF (Canberra Bombers), were located in Phan Rang, north east of Nui Dat, and the Australian Army Training Team Vietnam (AATTV) who were deployed throughout the SVN AO. This makes for debatable discussion, as it would be difficult to define the risks associated with these deployments comprehensively, without eyewitness accounts.

6. It is understood by the APPVA Delegation, that the DGNOSR has been provided with Terms of Reference (TOR) as a guide to the application of the NOSR, issued by COSC. Therefore, there may be areas highlighted by the APPVA, which may not be within the bounds of the NOSR TOR.

**Aim.**

7. The aim of this document is to provide the DGNOSR, with feed-back to the proposed NOSR, and providing areas of concern, that may be taken into consideration by the DGNOSR and by the Chief of Staff Committee (COSC), for final approval by the Minister of Defence (MINDEF).

**Discussion.**

8. The DGNOSR and his staff provided the APPVA delegation a very professional and comprehensive brief of the NOSR. There were many questions and answers made within the time spent during the briefing. The Decision Support System, or the Decision Support Tool (DST) proposed to be used for the NOSR appears to be a very dynamic Information System, providing real-time decision making to commanders at the Strategic Level for future ADF Operations overseas.

9. It has been our experience that visits by Conditions of Service Staff to deployed units on Operational service in Cambodia and Somalia during 1992-1994 was very brief and perhaps did not fully appreciate the extent of operating in these environments, for long periods of time. In a number of cases, it was noted that a number of Conditions of Service Staff downgraded these operations, only to have been subject to acts of aggression toward the end of their evaluation tour, which in turn convinced them to change the downgrading of the conditions of service to retain the status quo.

10. The use of the UN Charter, Chapter VI and Chapter VII, should not be used as a guiding tool for the determination of service for ADF Operations in support of UN Operations. Chapter VI, in particular, does not provide a comprehensive description of military service, in particular Rules of Engagement (RoE). Chapter VII would perhaps be the more universal document to use, particularly for Operations in Somalia, East Timor, and Cambodia.

**Security Criteria.**

11. It is understood that the Security Criteria describes many situational circumstances, however the deployment of Defence Aid to Civil Community (DACC), is not given full consideration within the realm of Security Criteria. It is noted that on the number of occasions that the Australian Government has deployed ADF assets to assist neighbouring Pacific nations, has been at the request of those Pacific Governments. The Australian Government has complied with these requests. The security threat of not sending ADF assets to Overseas DACC could have consequential political and diplomatic effects to Australia and possibly providing instability of security within the Pacific region. Therefore, it would be the Australian Government's best interests to provide ADF assets in order to assist in Overseas

DACC requests. This consideration is suggested to be placed into the Security Operations Criteria.

### **Security Operations within Australia.**

12. The APPVA agrees with the COSC concept (from the Clarke Review<sup>1</sup>), that Geographic limitations be excluded so that the Minister can declare ADF operations in or outside Australia as WLS or NWL, where they meet the relevant criteria. It is understood that the NOSR Team will make similar recommendations.

### **Categories of Harm.**

13. The APPVA strongly agrees with the category of harm for “Social Harm.”

### **Sub-Matrix – Physical Harm (BCAS).**

14. It is noted that Sub-Matrix for physical Harm, or Battle Casualties (BCAS), that the Degree of Influence rates Low to High, giving a point score of 1 – 10 respectively. The measurement of these scores does not appear to be within a criterion listing the ratings of influence. It would appear that the Degree of Influence scale would be subjective, rather than objective.

### **Sub-Matrix – Physical Harm (Non-Battle Casualties (NBCAS)).**

15. This sub-matrix appears to be comprehensive of the environmental conditions, particularly considering the poor infrastructure of a country that has difficult climate and terrain to operate within. The Degree of Influence is noted as being subjective, with no supporting criteria.

### **Sub-Matrix – Psychological Harm.**

16. The consideration of psychological harm is viewed by the APPVA as a pertinent consideration to ADF Operations – particularly overseas where cultures and life are particularly different from that of Australia. Despite the psychological preparation in both training and pre-deployment, a number of ADF members between 15% to 30%<sup>2</sup> will suffer some form of psychological problem or trauma, as a result of their tour of duty.

17. As for the Sub-Matrix – BCAS, the measurement system appears to be subjected rather than objective, with no comprehensive criteria or guide to justify the scores provided for the Degree of Influence.

### **Basic Matrix (No Weighting).**

18. Looking at the scores made for East Timor, it would appear that the division

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<sup>1</sup> The Veterans' Entitlement Review Committee 2002-2003

<sup>2</sup> Mal Hopwood, Chief Medical Registrar at the Veterans' Psychiatric Unit, Repat General Hospital, Heidelberg, Victoria.

of 10 is made to provide the average of the three sub-matrixes of BCAS, NBCAS and Psychological Harm degrees of influence.

### **Illustrative Weighting System.**

19. The Illustrative Weighting System is difficult to understand as the Weighting (Wtg) in the shaded column of the slide has a number brought down from 62 to 1.5; 65 to 1.35 and 50 to 1.0. The totals provided of BCAS Degree of Influence of 6 to 62 to Wtg of 1.5 then to total of 9.3 is difficult to comprehend.

### **Harm Levels.**

20. The rating of Category is disagreed with, particularly with the remarks suggesting that Rwanda would fit the description of Category 3 (NWL). It is well documented that veterans of the ADF MSF UNAMIR II, experienced severe psychological trauma, high incidence of belligerent actions, fired at, along with several members of that contingent being awarded for the Medal of Gallantry (MG), which is a WLS award. Lobbying has been consistently conducted since the return of the MSF Contingent to have the status of NWL upgraded to WLS, along with the awarding of the AASM.

21. In addition, the PNG Tsunami Wave disaster, which thousands of people were killed by a tidal wave caused by an Earth Quake in the Coral Sea in early 1999. The total area where the ADF DACC team worked within was contaminated with disease and death, with horrific scenes. The surgical teams also worked around the clock to save people's lives, often losing them on the operating table. Indeed, it is recalled the LTCOL Surgeon crying on National Television after having to amputate a little boy's shattered leg. The psychological impact on those who deployed to the Disaster is suggested to also be significant. Lastly, the Prime Minister, John Howard, who welcomed the troops home from that particular operation promised to award a medal to those who deployed. This medal has never been awarded.

22. ADF members serving with the ATST-EM were unarmed and were subjected to a high-risk environment for BCAS, NBCAS and psychological Harm.<sup>3</sup> This appears not to have been accepted by the ADF, in which the ATST-EM was classified as NWL, although the countries that served shoulder to shoulder with this Team were awarded their country's respective active service conditions and awards. Members of ATST-EM have been attempting to have their case considered, only to be apparently not acted upon at the higher levels of command.<sup>4</sup> The contention here is that whilst the ATST-EM were unarmed and placed into high levels of risk, the Australian UN Military Liaison Officers (UNMLO), or UN Military Observers (UNMO), were also unarmed, operated throughout East Timor, however they were classified as WLS.<sup>5</sup> Whilst the ATST-EM was a Defence Cooperative Program (DCP) initiative to help build the East Timorese Defence Force (ETDF), the mechanics of the harm levels would be suggested by the APPVA to be on equilibrium to those other Australians (AUSBATT, ASNCE, UNMLO, and UNMO etc). The ATST-EM was registered

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<sup>3</sup> WO2 D. Allam email dated 22 March 2004.

<sup>4</sup> Former WO2 W. McInnes email dated 25 March 2004.

<sup>5</sup> WO2 D. Allam email dated 22 March 2004.

with UNTAET/UNISMET in 2002, and was obliged to follow the UN Mandate and Code of Conduct.

23. It is using the above past retrospective operations, that the Category for Harm Levels would appear to be inconsistent to the Degree of Influence and overall total weighting portrayed in the Sub-Matrixes and Harm Levels. It would appear that Rwanda and ATST-EM would be classified as NWL (Peacekeeping) at Category 2, under this proposed system, as opposed to WLS. It would also appear that the various Overseas DACC Operations would not also be inclusive of Harm Category Levels of 2 or NWL (Hazardous Service).

24. It is also noted that Category 5 highlights World War 2 (WW2). Statistically, soldiers who fought in South Vietnam saw more active service and combat in 12 months, than those who served in WW2 in a 6-year period. It would appear that South Vietnam, and Korea, would be best suited as low Category 5, rather than Category 4 High. Although this is a *subjective* view and not an objective view, reciprocal historical facts outline the possibility of the Matrix system not being an accurate measurement tool at the time of decision.

25. There is certainly no argument for the classification of World War 1 (WW1).

### **Decision Support Tool.**

26. Some fallbacks have been identified by the DST. These are the following:

- a. Would this system detract commanders on the ground of their ability to command and control a particular operation without Strategic decision maker real-time input? Would there be adjustments to the RoE, potentially to cause confusion and possible deaths of ADF members not being fully conversant under the perceived or changed RoE under this system? It is acknowledged however, that Network Centric Warfare is the way ahead for a technology based Force.
- b. Given the dynamic changes in various operations in the past, and most certainly the increase of risk or decrease of risk, the system may disadvantage troops on the ground in a potential hostile environment. It is believed that the system could measure the amount of incidents occurring to various ADF elements, particular hostile incidents. However, there will be opportunities for ADF elements, deployed on Operations to not necessarily fulfil the role of an infantry unit. Indeed the risk associated with deployment to a hostile environment has high psychological and environmental stress, no matter the occupation. Past experiences have noted that not all incidents have been reported, or logged. Personnel deployed to hostile environments may get accustomed to being shot at, have weapons pointed at them, attempted hostile acts by belligerents etc, therefore an accurate capture of this risk or incidental data may not be effective for the particular operation when initialising the NOS or the Review of such NOS.

- c. Although the APPVA appreciates the timely adjustment of overseas conditions of service, it **may** exacerbate matters by changing the status of deployment from WLS to NWL, only to return to WLS, after hostility or action is spontaneously conducted within the given AO. Additionally, would the DST support reciprocal decisions in the future for past operations? Confusion may be manifested at the lower levels of command, because of continual change of NOS.
- d. The NOSR Decision Support System Prototype demonstrator appears to be a very efficient means of capturing and maintaining Operational data.

### **Third Country Deployments.**

27. The APPVA agrees with the Third Country Deployments of ADF personnel attached, or posted, to allied military forces who deploy on operations with those forces, including deployments into their country, should, in relation to Conditions of service, be treated in the same way as ADF personnel who deploy on operations conducted by the ADF.

28. An example of this is the Gulf War 1991, where ADF personnel were deployed with Allied forces, whilst attached to that force in the allied country. Other situations are those who participate in EXERCISE LONG LOOK, to the UK, have had opportunities to serve with NATO forces in the Balkans and Kosovo.

### **Taxation Tiering.**

29. The APPVA rejects the Taxation tiering proposal. Currently under Section 23AG of the Income Tax Assessment Act (*ITA Act*), various operations, particularly those under the classification of NWL have been granted Tax Exemption. WLS (Operational Service) was always tax exempt and has been since SVN. It should be noted that in line with s23AG *ITA Act*, that ADF personnel are exempt from tax, dependant upon the host country's taxation arrangements. In most cases, particularly recently, the Defence Taxation Management Office (DTMO), has acknowledged these circumstances and retrospective changes to the taxable income of thousands of ADF members has since been implemented, to the benefit of serving members. This is viewed by APPVA, as positive recognition for service Overseas, in which the ADF member temporarily resides in another country other than Australia, therefore taxation, should be exempted, no matter the type of service rendered.

30. The APPVA asks why the proposed change to the existing taxation arrangements under the NOSR? The APPVA believes that to place the constraint of Tiered Taxation system would confuse issues not only with the ADF members, but the DTMO and the Australian Taxation Office (ATO), particularly as s23AG and Overseas Forces Rebates are concerned.

31. High levels of exposure to harm in situations other than armed combat (warlike situations)<sup>6</sup>, is deemed by the APPVA to be remunerated appropriately with the Difficult Post Allowance (DPA) for the subject Operation. Therefore the argument for increased benefits of 100% tax exemption for Category 5 (WLS), in context of the proposed NOSR Tiered Taxation exemptions is inappropriate, as the service rendered is already tax exempt and also paid the DPA according to the operation. In addition, the Veterans' Entitlements under the *Veterans' Entitlement Act 1986* (VEA), and the *Military Rehabilitation & Compensation Bill 2003* (MRCB – yet to be Legislated), provides increased benefits and a beneficial approach for WLS. Therefore the current Extrinsic Compensation (monetary terms) is deemed to be suitable for ADF members.

32. The APPVA therefore believes that the proposed Tiered Taxation Exemptions for Category 4 down to Category 1 Operations will be disadvantageous to ADF members, in contrast to the current status quo of Operation (WLS) tax exemptions and tax exemptions under *s23AG ITA Act* for service of 91 days or more in the host country, regardless of the category of Harm.

### **Retrospective Treatment of Anomalies.**

33. Extract from TORs. After consideration of the Extract from the TORs presented to the APPVA, it is believed that the anomalies in the NOS relating to operations initiated before the introduction of the current policy (pre-1993 Cabinet decision)<sup>7</sup>, is believed not to have been effected. Therefore the anomalies for DACC (Overseas) operations have not been given appropriate consideration, along with the strategic national interest of conducting these operations to our Pacific Neighbours. The major anomaly seen by the APPVA is the lack of non-financial recognition to these operations in the form of service Medals.<sup>8</sup> It should be noted that the CIDA 1994, stated that medals should be presented to ADF personnel who have served overseas, "clearly and markedly more demanding than normal peacetime service".<sup>9</sup> The APPVA consideration that Overseas Operations would satisfy this finding by CIDA, particularly in an objective assessment under the NOSR Matrix system were to be implemented.

34. Another Extract of the TOR for NOSR was to consider and make recommendations on anomalies in the nature of service arising from the application of current policy (i.e. post 1993 Cabinet decision). Again, the APPVA views that the anomalies toward service in Rwanda, Overseas DACC Operations and the ATST-EM, have perhaps been overlooked in the context of fully investigating these anomalies with considered recommendations. The Conjecture is that Rwanda Service is upgraded to WLS, ATST-EM be upgraded to WLS, and DACC Operations be considered as NWL, with the appropriate VEA or MRCB coverage and recognition in the awarding of respective medals to the upgrading of service.

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<sup>6</sup> Slide 42 to the NOSR presentation to the APPVA 29 March 2004.

<sup>7</sup> Slide 45 to the NOSR presentation to the APPVA 29 March 2004.

<sup>8</sup> Either the Australian Service Medal (ASM), or the Humanitarian Overseas Service Medal (HOSM).

<sup>9</sup> Committee of Inquiry into Defence and Defence Related Awards (CIDA), conducted in 1993/94 under the previous Government.

### **Retrospectivity.**

35. The APPVA agrees with the NOSR Recommendations for Administrative anomaly, and suggests a review panel or committee for retrospective issues, along with policy on retrospective service issues. The inclusion of input from veterans, either currently or ex-serving, in order to be given the opportunity to present their case is also suggested by APPVA to be considered in a Retrospective Committee in relation to service issues of past Operations.

### **Conclusion.**

36. In conclusion, the APPVA views the NOSR as perhaps a major step forward in assisting Strategic decision makers in making informed decisions for future operations conducted by the ADF. The Harm Matrix needs to be *objective* as opposed to subjective, in order to capture an informed and logical decision-making process for determination of service type, however the calculations would appear to be difficult to comprehend. The APPVA rejects the proposed Taxation Tiering of Operations, in which the status quo is satisfactory and does not disadvantage the service person. The anomalies that have been identified by the APPVA appear to have been overlooked in the NOSR, although perhaps, not intentionally so. The APPVA views that retrospective anomalies should be given the opportunity for consideration in the form of a NOS Retrospective Committee, in order to allow a fair process to service conditions grievance claims.

### **APPVA Recommendations.**

37. The APPVA recommends the following:
- a. That the APPVA be included in future consultation of Nature of Service, in order to place a veterans' perspective to past operations;
  - b. That the Security Matrix is inclusive of political and diplomatic Regional impact to neighbouring countries;
  - c. That the Matrix system is *Objective* with defined criterion, inclusive of RoE considerations, with simple mathematical formulae to calculate the outcome rating of Harm;
  - d. That the service anomalies with ASC MSF UNAMIR II (Rwanda), be given consideration as a post 1993 anomaly and consideration made by COSC to change the NWL of Rwanda to WLS;
  - e. That the service anomaly with Overseas DACC Operations, be given consideration as pre-1993 and post 1993 anomalies and consideration made by COSC to change the Peacetime Service of such operations to NWL;
  - f. That the service anomalies with the ATST-EM (East Timor), be given consideration as a post 1993 anomaly and consideration made by

COSC to change the NWL of ATST-EM to the equilibrium of WLS, as was for the AUSBATT and ASNCE;

- g. That the category of Harm (1-5), is reviewed in an *objective* manner, in which the APPVA believes that the Categories for various operations full short of their full potential;
- h. That the DST not be used for continual re-assessment of a given AO that ADF members are serving, in order to prevent confusion, and provide continuity of service, particularly with consideration toward the operation RoE;
- i. That the proposed Taxation Tiering is rejected, and ADF members remain on the current Tax Free Exemptions under WLS and s23AG of the ITA Act; and
- j. Retrospective Treatment of anomalies is facilitated through a Committee, with policy processes to enable grievances to be addressed in relation to service determinations.